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SENATE—*Tuesday, July 31, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the true light of life, whose power no earthly force can challenge and whose reign no alien god can shake, open our hearts to what You have done for us, what You are doing even now, and what You promise for us in the future. May the gifts of each sunrise and sunset remind us of Your goodness and make us more determined to please You with our words and deeds.

Draw near to our lawmakers as they work. Let the consciousness of Your presence fill their minds with peace. Use them today to defend those who are helpless and have lost all hope. Quicken their memories to recall the many times You have intervened to keep our Nation safe. Let the warmth of Your divine solace scatter the shadows of perplexity and doubt, as You encircle them with the wonder of Your love.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 31, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business for 1 hour, with the time divided equally between the majority and the minority. The minority will control the first half of the time and the majority will control the second half.

Following morning business, the Senate will proceed to the consideration of H.R. 976, and I expect the majority manager, Senator BAUCUS, to call up his amendment at the desk, which will be the text of the SCHIP legislation reported overwhelmingly by the Senate Finance Committee last week.

Today the Senate will recess at 12:30 for its respective policy work periods.

UNANIMOUS CONSENT REQUEST—S. 849

Mr. REID. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may at any time proceed to the consideration of Calendar No. 127, S. 849, the Openness Promotes Effectiveness of Our National Government Act of 2007, sponsored by Senators LEAHY and CORNYN, and that the bill be considered under the following limitations: that there be a time limit of 2 hours of general debate on the bill, with the time equally divided and controlled between the chair and ranking member of the Judiciary Committee or their designees; that the only amendment in order be a Leahy-Cornyn technical amendment, which is at the desk; that upon the use or yielding back of the time, the amendment be agreed to, the bill, as amended, be read the third time, and the Senate vote on passage of the bill, with the above occurring without further intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, and I will object, I believe it will be possible, with the sponsors of the bill, to reach an agreement that will obviate the necessity for a great deal of floor time or amendments on the floor. I have met with the sponsors of the bill and have presented ideas about ameliorating some of the deficiencies the Department of Justice brought out about the legislation. Last week, I had a long conversation with Senator CORNYN, who is here. I believe if we can continue those discussions, in a very brief period of time—perhaps by the end of this week—it would not be necessary to devote a great deal of time to the consideration of the bill. Because of that, at this time, I will object to that particular procedure, but I hope we can report back to the majority leader that we have reached an agreement on the bill in the near future.

Mr. REID. I would be satisfied if the junior Senator from Arizona could work on this. I hope there can be an agreement reached that we can take this bill up maybe when we get back, with a limited amount of time and amendments. It is very popular legislation—the Freedom of Information Act—which our friends in the press love, and other organizations around the country. It is very important. I hope we can move forward on this bipartisan piece of legislation.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. I thank the Chair.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes, with the time equally controlled between the two leaders, and Republicans controlling the first half of the time, and the majority controlling the second half of the time.

The Senator from Texas is recognized.

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, I ask unanimous consent to speak during our allocation of morning business for up to 20 minutes, with the Senator from New Hampshire, Senator GREGG, being reserved the last 10 minutes of that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INFORMED CONSENT

Mr. CORNYN. Mr. President, before I talk about the topic that brings me to the floor, I express my gratitude to the majority leader, Senator REID, for bringing up the freedom of information reform bill that Senator LEAHY, the Senator from Vermont, and I have been working on for a number of years. When I was attorney general of Texas, it was my responsibility to enforce our open Government laws, and I became a big advocate of greater transparency, more openness in Government, because I believe that only a public that is truly informed can give their consent. It has to be informed consent. That is, after all, the very fundamental basis for the legitimacy of all of our laws.

When I came to the Senate, I was pleased to see that Senator LEAHY, chairman of the Senate Judiciary Committee, had been very active in this area. We joined efforts in a bipartisan way to work on these reforms. I know Senator KYL has some concerns. He expressed those this morning. He has been good about working with us to try to work our way through that. I share his hope and aspiration that we can work through the differences and perhaps complete our work on those Freedom of Information Act reforms this week before we break for August. I think that would be a very positive development and one that is certainly worthy of the Senate.

QUALITY HEALTH CARE

Mr. CORNYN. Mr. President, I want to turn to the topic that will engage us for perhaps most of the remainder of the week, and that is ensuring that quality health care is available to the next generation. This is, and should be, a top public policy priority for the Congress. Certainly, it is one of mine.

I think there will be a lot of attention paid to the reauthorization of the State Children's Health Insurance Program that will be on the floor shortly. It is noteworthy that SCHIP, so called, was created by Congress in 1997 to fill a gap in our health insurance system. It was targeted at working poor families who had too much income to qualify for Medicaid but could not afford regular health insurance. This program has been enormously successful nationwide, lowering the uninsured rate by nearly 25 percent, and especially in my State of Texas, where we have about 25 percent of our total population currently uninsured. So this has gone a long way to make sure people got access to quality health care. Interacting with Medicaid, insurance coverage has been extended under this program to more than 1 million Texas children who would have otherwise not been covered. So SCHIP deserves reauthorization and renewal.

Unfortunately, the Senate Finance bill that will come to the floor seems to take us on a path toward a major step that failed in 1994, and that is a federally funded takeover of national health care. The Senate Finance Committee is proposing a near quadrupling—that is four times—of SCHIP funding that would increase taxes, weaken private insurance coverage, and create a new de facto entitlement program for middle-class families, all courtesy of the beleaguered American taxpayer. A close analysis demonstrates that, if enacted, the Senate bill would actually have the unintended impact of degrading health care for many children and will not be as nearly beneficial to Texas as a more modest alternative, which I intend to support.

The original SCHIP program—again, it is worth spelling out the acronym—State Children's Health Insurance Program—was limited to those families at up to 200 percent of the official poverty level or $40,000 for a family of four. But some States have found a way to expand coverage from first children, then to parents, then to childless adults, and then to families with much higher incomes. Some States, such as New Jersey, now use SCHIP funds to cover families with income of up to 400 percent of the poverty level—up to $82,600 a year for a four-person family. So that is what I mean when I say that SCHIP is now being transmogrified, transformed into a middle-class entitlement, if this finance bill were to pass.

Minnesota, instead of using the State Children's Health Insurance Program to target relatively low-income children, as Congress intended, spends 61 percent of SCHIP funding on adults; and Wisconsin spends 75 percent of their SCHIP funding on adults. If this were the U.S. military, we would call this "mission creep." The Senate bill would encourage these distortions further. Nearly a third of the newly covered, some 2 million children, already have private insurance.

So let me be clear. What this bill, if enacted, would do would take some people who currently have private insurance and substitute taxpayer-paid-for insurance under this program because, of course, why would anybody pay for something that the Government starts giving away for free? They will drop their private insurance and many of the parents will decide to drop theirs as well, transferring these expenses to the American taxpayer.

But many SCHIP programs pay physicians at Medicaid rates; that is, the reimbursement for physicians—a reimbursement rate that is so low that many doctors simply cannot afford to take patients based on those Medicaid rates and, thus, they are refusing new patients. Ironically, the switch to Government-paid SCHIP could mean reduced health care for those recipients who decide to give up private insurance to get free insurance. But where reimbursement is at the Medicaid rate, where there are so few doctors who can afford to treat patients at those rates, children will end up with actually less care in some instances and not more.

Many supporters are happy because funding for this expanded program will be paid by tobacco users, through a 61-cent per pack cigarette tax increase. But the accounting is fundamentally flawed. To make it balance, the Senate bill pretends spending on this accelerating program will go from $8.4 billion in 2012 to only $400 million in 2013.

As our Republican leader notes, "Does anyone seriously think Congress will decide to cut SCHIP by $8 billion in one year, so that millions who rely on it will lose their health insurance?" Of course not. This is phony accounting. No business in America could run its operations this way, and the Federal Government should not try.

Supporters of the finance bill claim a badge of fiscal responsibility because this bill only uses $35 billion of the $50 billion budget authority it was given during this year's budget reconciliation. But the finance bill gets that additional $15 billion in budget authority by setting aside billions of dollars for a so-called incentive fund. The SCHIP program was designed as one huge incentive already for the States. The creation of this program says to the States: Go cover children; Congress will give you more money for doing that than we will for covering anyone else.

So why are we creating an incentive on top of another incentive? And these incentive payments, of course, will be used to go beyond covering children, which is, of course, Congress's original stated intent.

This goes from what I would call mission creep to another incremental step toward a federally controlled, Washington-dictated health care system, paid for by huge tax increases on the American taxpayer. Perhaps the answer is that this fund exists to provide expanded coverage for nontargeted populations; that is, populations Congress did not intend—adults, for example. After all, States, under the Finance Committee bill that is coming to the floor, will have relative freedom to use these funds as they see fit. Where, I ask, is the accountability? Where is the responsibility?

The finance bill also puts aside at least $2 billion in a so-called contingency fund. First an incentive fund, then a contingency fund—both slush funds. But this contingency fund will only be drawn down by $400 million total over 5 years. This represents less than 1 percent of overall spending. I think this blatantly shows the level at which this bill is overfunded. So while the bill is only claiming to spend part of the budgetary authority it is given, it is still creating two budgetary slush funds. I think it is there for another purpose. I think this is another attempt, as I said, to incrementally federalize health care.

There will be some of us who will join together, with our leader and Senator LOTT, Senator KYL, and others, to offer a scaled-down alternative called Kids First, which refocuses SCHIP on its intended purpose. It concentrates on outreach—locating and enrolling eligible children. Some 75 percent of uninsured children already qualify for either Medicaid or SCHIP. Kids First aims to sign them up. It also subsidizes eligible families to keep their private coverage and doesn't provide an incentive for them to drop their private coverage to get free coverage courtesy of the American taxpayer.

The Senate bill increases spending by $35 billion over 5 years—I should say so far because I know there are amendments that will be offered, and I think I have read Senator KERRY and others will offer amendments to bump that figure to $50 billion, and we have seen even larger figures suggested on the House side. So no telling what a conference committee will ultimately come back with. But Kids First, the alternative which will be offered by this side of the aisle, will cost only $10 billion more than the current SCHIP program.

Ironically, under Kids First, the children in my State, Texas, would come out far ahead over the Senate Finance Committee version. SCHIP, as we know, is a joint Federal-State effort involving matching Federal funds. After cutbacks for budget reasons a few years ago, Texas is now ramping up its SCHIP program, enrolling additional eligible children. However, the Senate Finance Committee bill would confiscate about $660 million that Texas has so far left unspent from prior years because we have been responsible, because we haven't used the money that was designated for children to cover adults, as 14 other States have. Under Kids First, we would keep access to all unspent funds for 2 more years so we can locate and recruit and sign up more children—the designated target for this Children's Health Insurance Program.

But here is the bottom line: Texas would have $1.6 billion in SCHIP Federal matching funds available next year under Kids First and only $1.06 billion under the Senate bill. In other words, we would be better off under the alternative rather than the Senate Finance Committee bill, and so would the children, who would be the beneficiaries of those funds. Additionally, any matching funds left unspent after that would go back to the U.S. Treasury, and that would not be used to subsidize other States that game the system and distort the program beyond Congress's original intent.

One alternative provides the prospect of better health care for Texas children, plus lower taxes, a fiscally responsible government, and more money and more control for my State. For this and other reasons I have stated, I will vote for the Kids First Act, the alternative we will offer, and not the Senate Finance Committee bill.

Mr. President, I yield the floor and reserve the remainder of our time for the Senator from New Hampshire.

Mr. GREGG. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Sixteen minutes and twenty seconds.

Mr. GREGG. Mr. President, I wanted to rise to carry on the discussion which the Senator from Texas has so eloquently begun relative to the proposal that is coming forward to the Senate today called SCHIP. Under the cloak of trying to address the issue of health care for children, we are seeing an explosion in cost, the purpose of which is not necessarily to cover children who need coverage because many of the children who are going to be covered here are already covered under private plans, but the purpose is actually to dramatically expand the role of government in the area of limited health care in this country, and it is openly acknowledged as being an effort to move down the road toward universal health care.

Independent of the substantive policy of how we approach insuring and making sure children get health insurance in this country, there is the ancillary policy of fiscal discipline. This Congress, so far, under its Democratic leadership has abandoned the concept of fiscal discipline. They are spending money on all sorts of initiatives around here that go well beyond even the extraordinarily high numbers which were put in the budget under this Democratic Congress. We have returned, without question, to the days of tax and spend. In fact, it was interesting today that there was an article in the Wall Street Journal, an editorial that listed I think it was ten different areas where there have been proposals to dramatically increase the tax burden on the American people, to gather up funds by the Democratic Party so they can then be spent on other initiatives.

This proposal, this SCHIP proposal as it comes forward to us under the auspices of the liberal leadership of the Senate, is a classic example of spending which can't be afforded and spending which uses gimmicks in order to mask its real costs.

This chart reflects the fact that the spending in this proposal jumps $35 billion—$35 billion—over a 5-year period, taking a program that could be fully funded today for about a third of that but adding an additional two-thirds on top of that in order to take care of initiatives which basically fund two things: No. 1, they fund adults under a children's health insurance program, and No. 2, they fund bringing children off of private insurance and putting them on the public insurance system so that taxpayers generally have to pay for something which is now being paid for in the private sector.

So the cost of this program jumps radically over the next 5 years, and then, in the ultimate act of fiscal cynicism and fraud, they claim the program will drop back down to being a $3.5 billion program after it has reached a peak of $16 billion in 2012. Are they going to abolish the program in 2013? Of course not. But in order to avoid their own rules of how you have to pay for things around here or are supposed to pay for things around here when you put a new program on the books, in an act, as I said, of fraud and cynicism, the liberal leadership of this Senate has decided to claim that this program, which we will be spending $16 billion on in 2012, we will suddenly only spend $3.5 billion in 2013. Ironically, that number, $3.5 billion, is even less than what the program costs today, which is about $5 billion.

So this whole area in here, this white area, is totally unfunded, unless you assume this program now being put on the books is going to suddenly end 5 years from now—which is, of course, absurd. We don't end programs in the Federal Government. We certainly don't end a program that is focused on trying to fund health care for children. So what happens is that $40 billion over the next 5 years which will be spent on this program, no doubt about it—in fact, a lot more than that if the House bill passes—is treated as if it is a virtual number, as if it doesn't exist, as if it is some sort of nonspending event by an accounting mechanism which claims that actually we are not going to spend that $40 billion, we are just going to spend this $3.5 billion on that program on an annual basis.

The disingenuousness of this reaches a new level of misrepresentation to the American taxpayer as to what the burden is that is going to be put on them as a result of this proposal. Now, why do they do this? Why do they deny there is $40 billion of spending, which they know is going to occur, which my colleagues on the other side of the aisle absolutely know is going to occur? Why do they deny it is going to happen? Why do they use this gimmick where they claim we are going back to a cost of a program which is less than it is today after we put a cost on the books that is three times what it is today? Because they want to avoid something called pay-go—pay-go—which is their representation of how they discipline the Federal budget.

Every time you listen to a colleague from the other side of the aisle talk about disciplining the Federal budget, you will hear those words: I am for pay-go; I am for pay-go. We hear it from the budget chairman incessantly. We hear it from other members of the other side of the aisle. Pay-go is the way we will discipline the Federal budget.

Well, let's see what they have done to pay-go since they have been in charge of the Congress. There is no more pay-go. It should be fraud-go. It is actually Swiss cheese-go since this Congress has been dominated by the Democratic Party.

I will bet you that everybody who ran for election from the Democratic side of the aisle to this Congress said they were going to discipline the Federal deficit using pay-go. Since they have been in office, since they have been running this Congress, they have either waived or gotten around pay-go on about 12 different occasions, representing billions of dollars of cost to the American taxpayer, of which this $40 billion item we are doing today is one of the biggest. With minimum wage, they went around pay-go; with the Water Resources Development Act, they went around pay-go; with PDUFA, they went around pay-go; with immigration reform, they went around pay-go; with the Energy bill, they went around pay-go; with the MILC bill, they went around pay-go; with the county payments or payments in lieu of taxes, at $4 billion, they went around pay-go; with the new mandatory Pell grants, $6 billion, they went around pay-go; and now here, with SCHIP, they are going around pay-go to the tune of $40 billion. Almost $90 billion has been proposed to be spent by the other side of the aisle since they took control of this Congress which should have been subject to pay-go but where they have either waived, ignored, or gimmicked pay-go out of existence. So where is the fiscal discipline? It doesn't exist. It doesn't exist.

The only thing they intend to use pay-go for is to force taxes to go up on American workers. They will use it for that, there is no question about that. When we get to the point where some of these tax issues are raised by expiring, they will say pay-go applies to that and we have to pay for that, so taxes will go up on the American workers and on the American economy. But when it comes to spending money, there is no discipline of pay-go from the other side of the aisle.

Anyone who stands on the other side of the aisle and claims that pay-go is a viable vehicle for disciplining the Federal deficit, well, the next thing they are going to tell you is they have a bridge to sell you in Brooklyn or that the check is in the mail.

The simple fact is, it is a fraud on the American taxpayer when that statement is made. This bill pretty much completes the thought that there is no more pay-go.

Then, on top of that—they are not comfortable enough in this bill to spend $40 billion and claim they are not spending it, which is exactly what they do in the second 5 years—that is not enough for the other side of the aisle. In the House, they put in language repealing one of the most important enforcement mechanisms to discipline the cost of Medicare, which is, if for 2 years the payment for the cost of Medicare from the general fund exceeds 45 percent of the overall cost of Medicare—as we all know Medicare is supposed to be an insurance program that is paid for by the HI insurance, but it also gets support by the general fund—if that cost exceeds 45 percent for 2 years in a row, then we, as a Congress, are supposed to take another look and say that is not the way Medicare is supposed to be funded. It is supposed to be funded through the HI insurance. We go back to look at disciplining Medicare spending and making it more affordable.

No. Not any longer. The House of Representatives not only spends $40 billion they claim they are not spending and don't pay for, they also, in their bill, repeal the 45-percent rule, one of the few disciplines around here which allows this body to stand up and say we are profligate. Let's get this under control.

I think the American consumer needs to know that they get what they pay for. In the last election they got a Congress which has a philosophical viewpoint which has not changed a whole lot in the last 50 years. I was here the last time Congress was dominated by the Democratic Party. I was here when Tip O'Neil ran the House of Representatives. Wow, did we spend money back then. Let me tell you, we are back to that style of governance. Only this time it is being done with the representation that there is discipline because we are using pay-go. Unfortunately, however, pay-go doesn't exist when it comes to spending. It is "fraud-go," it is "Swiss cheese-go," and the American people get stuck with the bill.

Our children and our children's children get stuck with the bill because, in order to address certain political constituencies, the other side of the aisle believes it needs to spend the money, and it does not have the courage to stand up for its own rules, the rules they put forward.

I have always said pay-go was a fraud, but the other side of the aisle marches behind that banner in budget after budget, claiming that pay-go gives us fiscal discipline. Here is $90 billion of spending in just 6 months. They have only been in charge for 6 months—$90 billion. That is a lot of money in 6 months that should have been subject to pay-go, which has been gamed, ignored, or claimed an emergency so that pay-go would not apply.

As a practical matter, let's have no more talk of pay-go in this body. Let's talk about what we are really doing on this SCHIP bill. We are going to spend $40 billion, and we do not pay for it. That is just in the next 5 years. If you extrapolated this, it actually works out to be somewhere in the $2 trillion to $3 trillion range over the life expectancy of the program, the 75-year life expectancy, which is the way we calculate things around here that deal with entitlements.

This is not fiscally responsible, and it is clear, if we continue down this path, we are going to set up a train wreck for those who come after us and have to pay the costs of this type of profligate spending which has no discipline attached to it.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, how much time is remaining on the Republican side?

The ACTING PRESIDENT pro tempore. About 1 minute.

Mr. DURBIN. I ask unanimous consent to preserve that minute, and if one of the Republican Senators wishes, they be given that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. I speak now in the 30 minutes I understand is reserved for the majority in morning business.

GENOCIDE

Mr. DURBIN. Mr. President, today is a day which can be historic. Important items will be discussed on the floor of the Senate, including health insurance for literally millions of American kids. At the same time, there is a debate that has been started in New York at the United Nations Security Council. It is a debate about a genocide.

It is, thank goodness, rare that we have to address the issue of genocide in this world, but today we must. We are talking of a genocide today, in New York, at the Security Council, that has caused untold human misery, mass murder, dislocation, torture, rape, and the torching of entire villages. For 4 years the world has watched this tragedy. That's right, for 4 years.

Haven't we learned our lesson when it comes to letting genocide continue without taking action?

There is a great Senate story involving former Wisconsin Senator Bill Proxmire. In 1967, Senator Proxmire began a streak in the Senate that has never been broken. Mr. President, 18 years earlier, in 1949, President Truman had sent the United Nations Genocide Convention to the Senate for advice and consent. In 1967, it was still languishing, held up by a small band of Senators who opposed it. Many Senators just shook their head because of this opposition. Bill Proxmire rose to his feet.

Starting in 1967, Senator Proxmire made a speech every day the Senate was in session, for 19 years, imploring the Senate to adopt the Genocide Convention. All together, he gave 3,211 speeches—each one of them different. In 1986 the Senate gave its consent to the treaty.

Why did Senator Proxmire continue to give all those speeches, day after day, year after year? It wasn't just stubbornness. It was a moral obligation, and because he understood genocide was happening again. At that time it was happening in Cambodia.

Between 1975 and 1979 the Khmer Rouge murdered 2 million people. The United States wisely and bravely led the international effort to hold the Nazi co-conspirators to account at Nuremberg. We and the rest of the world failed to act while Cambodia was being turned into killing fields.

In 1994 we failed to act again when between 800,000 and 1 million people were murdered in Rwanda in 1 month.

Sadly, we have failed to take the necessary action to stop the genocide in Darfur. More than 2½ years have passed since the U.N. commission of inquiry concluded that:

> Crimes against humanity and war crimes have been committed in Darfur and may be no less serious and heinous than genocide.

Earlier this year, President Bush declared:

> For too long, the people of Darfur have suffered at the hands of a government that is complicit in the bombing, murder and rape of innocent civilians. My administration has called these actions by their rightful name: genocide. The world has a responsibility to put an end to it.

Yesterday, the new British Prime Minister, Gordon Brown, said in a joint press conference with President Bush that:

> Darfur is the greatest humanitarian crisis the world faces today.

Yet it is not simply enough to acknowledge genocide. We need to follow Senator Proxmire's example in having the courage, in real time, to act against it.

The crisis in Darfur has been repeated over and over. Paul Salopek, a Chicago Tribune reporter, was captured and jailed by the Khartoum government for 34 days last year. He wrote a haunting description of what one sees when you fly over the villages of Darfur. This is what he wrote:

> Their torched huts seen from the air, look like cigarette burns on a torture victim's skin.

Most recently, Refugees International released a report documenting that:

> Rape on a mass scale is one of the hallmarks of the conflict in the Darfur region of Sudan. An estimated 300,000 people in Darfur have been killed during this genocide; 300,000 people in a country of 40 million. In the United States that would be the equivalent of over 2 million people killed.

Incredibly, the Sudanese Government claims the atrocities are part of their war on terror. At a press conference in Washington earlier this summer, Sudan's Ambassador to the United States compared the slaughter to a family quarrel, and he said:

> Just you and your cousin fighting with you.

Just this last week, Sudanese President Bashir visited Darfur and said:

> Most of Darfur is now secure and enjoying real peace.

People there are "living normal lives."

These are lies. This is genocide. It is calculated. It is happening on our watch, in our time.

This week, the global community has a chance to finally make a difference. I am going to join today with Senators FEINGOLD and MENENDEZ in calling for a decisive vote at the United Nations on an expanded peacekeeping force and renewed diplomatic effort in Darfur. The U.N. Security Council will vote this week, maybe even today, on a new United Nations-African Union peacekeeping force that can make a dramatic difference in stemming the violence in Darfur. It also provides an equally important opportunity for peace negotiations.

After years of duplicity in the genocide, Sudanese President Bashir agreed last month to the significant expanded joint United Nations-African Union peacekeeping force. Yet a series of his recent comments contradict that commitment, and a history of involvement in violence makes immediate action all the more important.

The need is simple—rapid deployment of the new peacekeeping force and a renewed diplomatic effort at a long-term political settlement.

I have tried in some small way to urge the members of the United Nations Security Council to act swiftly. I discussed urgency of these matters with U.N. Secretary General Ban Ki-Moon and the Ambassadors of China, Ghana, Republic of Congo, Russia, and South Africa. All were current or permanent members of the Security Council. It is the first time I have ever picked up the phone to call Ambassadors from other countries about a vote in the United Nations Security Council, but I think it is that important. It is my hope that our U.N. Ambassador, Zalmay Khalilzad, will work closely with these nations and Secretary General Ban to make these steps a reality.

I stressed to the Secretary General and to the Ambassadors that the Security Council should be firm in its mandate. We need a force with sufficient resources and numbers; a strong mandate to protect civilians, peacekeepers, and humanitarian workers; a clear U.N. command and control structure, and benchmarks with the threat of sanctions that hold the Sudanese Government accountable; no room for further stalling or delay by the Sudanese Government; a renewed diplomatic effort to bring about a long-term political settlement, including naming a Special Representative of the Secretary General to monitor implementation of a comprehensive peace agreement; and the force must be deployed as quickly as possible.

Congress, the administration, and the private sector—we all need to take action to end the genocide in Darfur. In Congress we have passed the Genocide Accountability Act, which allows the prosecution of genocide committed by anyone currently in the United States, regardless of where the genocide occurred. We have passed language in the Iraq supplemental bill that requires the Treasury Department to submit to Congress a report that lists the companies operating in the Sudanese natural resources industry, and requires the General Services Administration to report to Congress on whether the U.S. Government has an active contract with any of those companies.

Later today the House is expected to pass a bill that would support State and local divestment efforts, require companies to disclose Sudanese-related business activities, investigate whether the Federal Retirement Thrift Investment Board has invested funds in any of these companies operated in Sudan, and bar the U.S. Government from operating with any companies operating to benefit the Sudanese regime.

A few weeks ago, the Senate passed the International Emergency Economic Powers Enhancement Act, which increases civil and criminal penalties associated with violating American economic sanctions such as those against Sudan. I encourage our House counterparts to pass this bill as well.

I have introduced legislation similar to the bill the House is expected to pass today that would support State governments that decide to encourage public funds to divest from Sudan-related investments. That bill has strong bipartisan support, nearly a third of the Senate.

We tried to pass it, but someone in the Senate has put a hold on that bill. They have decided we should not move quickly to try to divest and discourage genocide. I urge whatever Republican colleague on that side has put a hold on this bill to seriously stop and consider the impact of this political move. We need to make sure the House and the Senate are on record on a bipartisan basis, clearly, unequivocally.

I have also included in the Senate Financial Services and General Government Appropriations Act language requiring the administration to report on the effectiveness of the current sanctions regime and recommended steps Congress can take.

Personally, some of us have decided to divest from Sudan-related investments in our own portfolios as a gesture of solidarity. The administration has taken some important steps. In April of this year, at the Holocaust Museum, President Bush declared rightly that the United States has a moral obligation to stop the genocide in Darfur. Recently the President took the first step toward meeting that obligation by ordering the U.S. sanctions against Sudan be tightened.

The Treasury Department is adding 30 companies that are owned or controlled by the Government of Sudan to a list of firms that are barred from U.S. financial assistance. The Office of Foreign Assets Control within the Treasury Department, working with other agencies, has worked hard to tighten economic and political sanctions.

Although these are important steps, I wish the U.S. Government, the Congress, and the President, had taken these steps sooner. Ultimately, we and the private sector must do all we can to ensure the genocide in Darfur once and for all is brought to an end.

I am going to end today with a quote from Nobel laureate and Holocaust survivor Eli Weisel:

> Take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.

I see on the floor my colleagues from Wisconsin and New Jersey who join me today in this floor effort, this message to the United Nations. I wish to thank Senator MENENDEZ for his continuing interest in this Darfur genocide. He has carried on in the Senate a tradition started when I first came here by his predecessor, Senator Corzine.

I also wish to thank Senator FEINGOLD, who is chairman of the African Subcommittee of Foreign Relations. He has a special interest in that continent and a special dedication to ending the genocide in Darfur.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I wish to thank my distinguished colleague, Senator DURBIN, for bringing us together today to talk about the ongoing genocide in Darfur and, more specifically, the upcoming U.N. Security Council resolution and for his continuing efforts in the Senate.

I am also honored and pleased to be with Senator FEINGOLD, who has been such an incredibly powerful voice on this issue, both in his position as the chairman of the African Subcommittee on Foreign Relations and in his principle position itself. I am honored to join with them in this effort.

Today, as we speak on the Senate floor, the U.N. Security Council is negotiating a new Darfur resolution. So today we are on the Senate floor to send a loud and clear message to the United Nations. The people of Darfur need a strong and meaningful resolution that puts into action the end of the genocide and ensures that a United Nations-African Union troop force gets into Darfur.

Today, we are here to add our voices to those who call for a U.N. resolution with strong authority, for a robust hybrid United Nations-African Union force, and a full mandate and speedy deployment. It has long been clear that the overstretched and underfunded African Union troops cannot end the genocide. If this new force is not allowed in, the carnage and the destruction we have witnessed now for over 4 years will continue.

We have known that a U.N. force is the key to ending the violence in Darfur, and we have tried in the past to put it into place. Over a year ago, when I first came to the Senate, I got the Senate to pass an amendment for $60 million to fund the U.N. peacekeeping force in Darfur. I was joined by my colleagues in that effort.

Almost 1 year ago, the U.N. Security Council passed Resolution 1706, which called for 22,500 U.N. troops and police officers to support the African Union force in Sudan. Yet we still see no hybrid force on the ground. We still hear of attacks on humanitarian workers, we still learn of atrocities against civilians.

The lives of these millions of displaced persons now hang in a delicate balance between life and death. If we were in the refugee camps being attacked, who among us would be content with the counsels of: patience, patience, and delay. Who?

Let's be frank; it has been the Government of Sudan that has kept this force from entering. Now they recently have agreed to allow a force in. Yet we have heard these words before. Words mean little without real action. That is why I am pleased this new U.N. Security Council will likely include the transfer of authority to a hybrid United Nations-African Union mission that will allow the use of force to ensure the security and movement of the mission's personnel and humanitarian workers.

But to be meaningful, this force must be deployed, and it must be deployed as quickly as humanly possible. I am disappointed, however, that after rounds of negotiations, the resolution was ultimately watered down. From what I understand, there will be no reference to sanctions, there will be no right to seize and dispose of illegal arms, there will be no reference to the jingaweit, the brutal pro-Khartoum militia force responsible for many of the atrocities.

While I understand the need to negotiate a resolution that will pass, ultimately, we cannot let this manipulation continue. We cannot let Sudan's Ambassador have veto power over these lives. We cannot let nations with permanent seats and veto power on the Council continue to act irresponsibly. That is where I wish to close.

China says they generally approve, generally approve of the new resolution. They have been working, however, behind the scenes to weaken it. They reportedly helped remove references to sanctions. They reportedly objected to its "controversial tone" about genocide. Simply put, they continue to act in their own economic interest. We have seen them take some positive steps in the past, and it is positive that they are reportedly not going to block this resolution and that they may even support it.

But such a small step when China is under public international pressure is simply not enough. That is why I am pleased my resolution on China and Darfur passed the Senate last night. This resolution, which my colleagues on the floor supported, calls on China to use its unique influence and economic leverage to stop the genocide and violence in Darfur.

China has longstanding economic and military ties with Sudan, and they must use their economic leverage to do more than fill their wallet. As China prepares to host the 2008 Olympic Summer Games, we must hold the Chinese Government accountable to act consistently with the Olympic standard of preserving human dignity around the world, including in Darfur.

Once again, the international community finds itself with another opportunity to bring about real change in Darfur. The resolution being passed by the U.N. Security Council will only be meaningful if measures with teeth are included.

As John Prendergast, senior adviser to the International Crisis Group, said recently in testimony before Congress:

> Barking without biting is the diplomatic equivalent of giving comfort to the enemy.

Time has run out for negotiations. Time has run out for the Khartoum Government to balk. Time has run out for watered down U.N. Security Council resolutions. We must get that hybrid force on the ground. We must end the genocide.

If "never again" is to have real meaning, if those words we use are to have real meaning, it has to have strong action to stop the genocide, strong action that history will judge as among the righteous, anything less will lend to our collective condemnation, and to the ever-nagging conscience that will not rest as others die.

That is the choice before the U.N. Security Council. I am glad those of us here are making our voices felt so, hopefully, the Council will act and we can have meaningful action to "never again."

Mr. FEINGOLD. Mr. President, I am pleased to join my colleagues on the floor today to raise the critical and timely issue of the U.N. Security Council's authorization of an expanded peacekeeping mission for the Darfur region of Sudan. Senator DURBIN has been a stalwart advocate for the people of Darfur for years and I admire and appreciate his dedication to keeping their plight at the top of Congress's agenda and to making sure we finally take strong action to help the more than 2 million displaced Darfuris who are languishing in squalid camps and punish those who continue to be responsible for their plight.

The United Nations Security Council is currently considering a resolution expected to authorize a robust peacekeeping mission to protect the innocent people of Darfur. This is of course a welcome, and overdue, effort. By now, there is little disagreement anywhere in the world that the current force of just over 7,000 courageous but underequipped and beleaguered African Union peacekeepers is not adequately protecting civilians or aid workers from attacks by rebels and government-sponsored militias, nor are they able to sufficiently safeguard humanitarian access to the tens of thousands whose survival now depends upon outside assistance. The AU force in Darfur has repeatedly been deprived of adequate resources and equipment, and yet despite this inconsistent support they have remained committed to the job. Support from the United Nations has been in theory forthcoming, for quite some time. In principle, the roadblocks have been many and the unfortunate result of this hobbled mission transition has been more violence, more displacement, and more death throughout Darfur.

The recent acceptance to expedite the transition of this mission to a more robust U.N.-AU mission is a step in the right direction, but we must bear in mind the number of agreements that have long since been overlooked, ignored, or flat-out rejected by the Sudanese Government.

And while a draft resolution being circulated indicates that the international community is actively moving forward to deploy this hybrid force, I am very disappointed that the resolution's cosponsors have succumbed to pressure from the Sudanese and deleted language which condemned the government for violations of past U.N. resolutions and peace agreements and removed the threat of sanctions in the event of continued noncompliance. The United States Ambassador to the United Nations, Mr. Zalmay Khalilzad suggests that the United States has been "flexible" and "open minded in terms of non-core issues" when negotiating this resolution, and I can only hope the administration will not show flexibility when firmness is required. I certainly understand the necessity of diplomatic compromise; however, I feel strongly that the draft resolution being circulated in New York has been unacceptably weakened.

The amended resolution begins by "Recalling all its previous resolutions and presidential statements concerning the situation in Sudan." In fact, however, this new proposal steps back from nearly a dozen Security Council resolutions, dating back to July 2004. Those resolutions were not just addressing the "situation in Sudan"—they were expressing concern over the rising violence in Darfur and the role of the Sudanese Government in perpetuating the conflict. The distinction here is an important one and should not be overlooked.

The preamble goes on to detail the development and endorsement of the so-called Addis Ababa Agreement, which laid out the three-phased approach to an unprecedented joint United Nations-African Union "hybrid" peacekeeping mission. At that time—8 months ago—then-Secretary-General Kofi Annan seemed confident that troops would be mobilizing soon, and the U.S. administration promptly welcomed what it called "the successful outcome of this historic meeting."

What appears to have been forgotten in November, and again in the current U.N. debate, is that in August of 2006—just about a year ago—the Security Council passed Resolution 1706, which authorized up to 22,500 U.N. troops and police officers for a robust United Nations peacekeeping force with the power to use all necessary means to protect humanitarian aid workers and civilian populations, as well as to seize and dispose of illegal weapons. The new resolution currently being considered in New York does not reference Resolution 1706 or the Sudanese Government's defiant refusal to comply with its provisions. Nor does it draw the appropriate lessons from the failed attempt to deploy U.N. peacekeepers in Darfur almost a year ago.

Rather than include stronger monitoring and enforcement mechanisms to ensure that the Sudanese Government and other parties to the conflict abide by existing agreements and cooperate with the new peacekeeping mission, the resolution's cosponsors appear to have backed down to Sudanese pressure. Their weakened resolution omits a condemnation of Sudan for failing to ensure humanitarian aid reaches those in need, deletes reference to evidence of violations of the UNSC-mandated arms embargo—which many outside experts have noted has been repeatedly violated with little consequence—drops a request that the Secretary General immediately report any breach of this or previous resolutions and agreements, and removes a threat that the U.N. would take "further measures"—in other words, sanctions—in the event of noncompliance. How can we believe that individuals will be held accountable for their actions when we have seen such entrenched impunity?

In terms of the peacekeeping mission envisioned for Darfur,this new resolution is much less ambitious than Resolution 1706. The new "UNAMID" mission is referred to as an "operation," rather than a "force," and rather than giving peacekeepers the authority to "use all necessary means" to protect civilians and aid workers, the new resolution allows them only to "take all necessary action." These semantic distinctions reveal a worrisome retreat from the robust, capable mission authorized in Resolution 1706. And yet, the Sudanese Government has criticized even this diluted resolution. As I said before, diplomatic compromise is important, but not as important as making sure we finally have the tools to punish and put a stop to atrocities.

Sudan's obstruction of this most recent international effort to end the genocide in Darfur should not surprise anyone. After all, this is the same regime we saw attack its own citizens in indiscriminate bombing raids and obstruct humanitarian access during 2 decades of bloody civil war with southern Sudan. These same tactics are being used today in Darfur.

Last week, in its first overall review of Sudan's record for more than a decade, the U.N.'s independent Human Rights Committee said that "widespread and systematic serious human rights violations—including murder, rape, forced displacement and attacks against the civil population—have been and continue to be committed with total impunity throughout Sudan and particularly in Darfur." The only thing more disturbing than the Sudanese Government's practice of organized atrocities as a method of governance is the inability of the international community so far to put a stop to these crimes and secure justice for the victims.

How many more families must be displaced? How many more innocent lives lost? How many more U.N. resolutions, presidential statements, political speeches, and public rallies will be needed? How much evidence of calculated persecution will it take before the international community stands up to the Sudanese Government and the rebels, brings them to the negotiating table, and deploys an expanded peacekeeping mission to protect civilians and ultimately, help secure the peace, in a region that for too long has received much attention but little action?

Although the revised resolution omits the original reference to Chad and the Central African Republic, it does express "concern that the ongoing violence in Darfur might further negatively affect the rest of Sudan as well as the region." The short- and long-term impacts of the crisis in Darfur are real, far-reaching, and very troubling. The humanitarian consequences will require massive logical coordination and rehabilitation assistance. Economically, the rebuilding of infrastructure and livelihoods will demand additional resources and technical support. And this will be required not just for Darfur but for the whole of Sudan, as well as the broader region.

If this U.N. resolution is passed as it currently stands, we can expect the Sudanese Government to try to evade its requirements and agreements without a single consequence. Should that happen, the toll of the genocide in Darfur will continue to mount—in lives lost, in persons displaced, and in fundamental human values that the international community has failed to uphold.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. How much time remains in morning business?

The ACTING PRESIDENT pro tempore. One minute on the Democratic side and 1 minute on the Republican side.

Mr. DURBIN. I yield back the remaining time on our side and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SMALL BUSINESS TAX RELIEF ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to consideration of H.R. 976, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

AMENDMENT NO. 2530

Mr. BAUCUS. I call up my amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH, proposes an amendment numbered 2530.

Mr. BAUCUS. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Mr. President, the Senate now has before it the reauthorization of the Children's Health Insurance Program, otherwise known as CHIP. Pending is a substitute amendment that reflects the bill reported by the Finance Committee by a vote of 17 to 4, a strong bipartisan vote.

The bipartisan package Finance Committee colleagues and I crafted will give millions more American children the healthy start they need to lead a long, productive life.

Behind me is a photo of Abigale. Who is Abigale? Abigale is from Missoula, MT. At the time the photo was taken she was 4 years old. Abigale has two siblings, and they live with their mother and father. All three of the children participate in the Montana Children's Health Insurance Program. When Abigale was 2½ years old, she fell down, split her head open and had to have nine stitches. Her medical care was covered by the Children's Health Insurance Program. That same year her 6-year-old brother broke his arm twice and CHIP paid for the surgery, the hospital stay, and all of the medical care he received.

Fawn, Abigale's mother, is thankful to have CHIP not only for the emergency care it provides but also it helps immunize children against childhood diseases and allows them to get the checkups they need for school each year.

Not having health insurance clearly affects a child's life. Uninsured kids do not go to the doctor. They do not have checkups. They remain undiagnosed for serious childhood conditions such as asthma and diabetes. They do not have vaccinations, and they put themselves and their schoolmates at risk for serious illnesses. Kids without health insurance do not have eye exams and are less likely to get glasses, and often cannot see the chalkboard at school. They are not diagnosed with learning disabilities, and they struggle through their classes. Kids who do not have insurance do not see the dentist. They do not get their cavities filled. They do not get braces, and they risk serious illness due to poor dental health. Adequate health care creates a critical foundation for a healthy life.

No one wants innocent children to suffer. Investing in children's health is the compassionate choice, but it is more than that. Insuring our children is a smart economic investment in our Nation's future. Why? Because it is the only choice, if we wish to imbue future generations with strong minds and healthy bodies. It is quite simple. Health insurance has a direct effect on a child's performance at school. Healthy children are more likely to go to school, and they are more likely to do well in school. Then they are more likely to become productive members of the workforce.

Children with health insurance are less likely to receive expensive emergency room care. Parents of children with health insurance are less likely to miss days at work to care for their sick children. When America insures our children, we are all better off, we all benefit.

Health insurance is especially important to the success of minority populations. African-American, Hispanic, and Native American children are all less likely to have health insurance. They are more likely to be poor. Providing affordable coverage is one of the best ways to reduce the gap for these kids.

CHIP has already helped to narrow racial and ethnic disparities in access to care among low-income children. But we can do better. We can continue to narrow that gap.

Health insurance is also a key ingredient to alleviating child poverty. Low-income families without insurance often get stuck in a bitter cycle of medical debt. Parents struggling to make ends meet should not have to choose between buying asthma inhalers for their children and putting dinner on the table.

So I hope my fellow Senators will make the right choice, the only choice. I hope they will join me in making our children's future, and America's future, a brighter one.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Mr. President, this debate is not just about extending health care to our children. It is about our national priorities. It is about who we are as a nation. It is about which side we are on.

For the last 6 years, we have had a President who has insisted, as one of his major priorities, on more and more tax breaks for the very wealthiest people in our country. People who are worth millions of dollars and people who are worth billions of dollars have, collectively, received hundreds and hundreds of billions of dollars in tax breaks. But when it comes to those people most in need, those people who are most vulnerable, including the children of our country—the kids who are 2 or 3 years of age—who have health care needs, this President, tragically and embarrassingly, has not been there. If you are wealthy and powerful, he is there. If you are a child and vulnerable, AWOL—he is not listening. In fact, he has been in opposition.

It is no secret to the American people that our current health care system is disintegrating. Today, 46 million Americans, including over 9 million children, have no health insurance whatsoever, and tens of millions more are underinsured, with high premiums and copayments. Costs are soaring every single year, and small businesses in my State of Vermont and throughout this country are no longer, in many cases, able to offer any health insurance. Throughout the country today workers are being asked to pay a higher and higher percentage of the cost of their health insurance, and many of them cannot afford to do that because health insurance premiums have been rising four times faster than workers' earnings since the year 2000.

In the midst of all of that—more and more uninsured, costs soaring—we end up spending twice as much per capita on health care as any other country and remain—we remain—the only Nation in the industrialized world that does not guarantee health care to all our people as a right of citizenship. Today, we are debating about whether we should expand the SCHIP program to 3 million more children. But all over the industrialized world, every child in those countries has health care as a right of citizenship.

Despite the over $2 trillion—$2 trillion—we now spend on health care—money which, to a significant degree, goes to enrich the insurance companies and the drug companies—our health status measures, including infant mortality and life expectancy, rank among the lowest of developed countries. We spend twice as much as other countries per person on health care—with over 9 million children who have no health insurance—and yet health status measures are lower than many of our allies around the world.

There is no question but that in the face of rising costs and a broken health care system, we need to make fundamental changes in the way we do health care in this country. We need to develop a cost-effective national health care program which guarantees health care to all our people, and study after study suggests we can do that without spending any more than we currently spend on our wasteful and bureaucratic nonsystem. That is what we have to do, and that is what I will fight for as long as I am in the Senate.

Today, we are discussing, despite what some may say, what is, in fact, a modest proposal—a modest proposal. We are discussing an expansion of the SCHIP program, which would expand health care to some 3 million more children. Over 9 million American children today are uninsured, and all we are doing today is saying: Let's expand health insurance to one-third of those children. If this bill were passed in 5 minutes, two-thirds of the uninsured children would remain uninsured, and in the United States of America we can do a lot better than that.

As Chairman BAUCUS has said, as Senator OLYMPIA SNOWE said last night, investing in the health insurance of our children is a good investment. It is cost effective. Today throughout this country there are children who are unseen by medical professionals. They are developing illnesses which are undetected. Those illnesses become worse as they get older. They end up in the hospital. It costs significant sums of money to treat these young people, as they age, in hospitals, when we could have eased their suffering and saved money by getting to their illnesses when they were young, if they had the opportunity to see a doctor.

As Chairman BAUCUS also mentioned, there is the issue of dental care in this country. In my own State of Vermont and throughout this country, there are millions and millions of young people who simply cannot gain access to a dentist who have teeth rotting in their mouths in the United States of America, in the year 2007. That is not acceptable to me, and I hope it is not acceptable to my colleagues in the Senate.

Given this sorry state of affairs regarding health care in this country in general, and the needs of our kids in particular, I find it ironic we are having any debate about increasing health insurance coverage for children under the SCHIP program.

Let me be very clear, in terms of providing health insurance to our kids, I would go—and will go—a lot further than this legislation. I have, in fact, recently introduced S. 1564, the All Healthy Children Act of 2007, which would provide health insurance to every child in America. That is where I think we should be going.

Some people, including the President of the United States, are saying: My goodness, this bill will cost $35 billion over a 5-year period; we can't afford that.

But I find it ironic that many of those same people, including the President of the United States, believe, among other things—among many other things—that we can afford to repeal entirely the estate tax, which would benefit only the top three-tenths of 1 percent of the American people. The very richest people in this country would, if the President had his way, receive $1 trillion in tax breaks over 20 years. That is $1 trillion in tax breaks over 20 years going to the wealthiest three-tenths of 1 percent of the American people. That we can afford. But when it comes to spending $35 billion over a 5-year period for the children of our country, we do not have the money.

I find it ironic, if we repealed the inheritance tax, one family, the Walton family who owns Wal-Mart, would receive $32 billion in tax breaks. Yet we are trying to insure 3 million children today for $35 billion. So $32 billion for one family; $35 billion for 3 million children.

To my mind, what this debate is about is getting our priorities right as a nation. I am getting a little bit tired of hearing many of my colleagues, and hearing this President, talk about family values, when we have almost 10 million children in this country uninsured. If you are interested in family values, you are interested in the future of this country, you are interested in the children of this country.

This is a modest proposal. It is a first-step proposal, and it should be passed and passed immediately.

Thank you very much.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I might ask how much time the Senator from New Jersey would like to consume. I very much appreciate and admire him and thank the Senator from New Jersey for speaking on this amendment. It would be helpful to know how long he would be speaking. He can have whatever time he wishes.

Mr. MENENDEZ. Mr. President, I would say between 15 and 20 minutes.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from New Jersey be recognized to speak for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I thank my colleague, the distinguished chairman of the Finance Committee, not only for making the time available but, more importantly, for his leadership on this critical issue of insuring the Nation's children. There is no stronger voice in the Senate on this issue. I am incredibly proud to have worked with Senator BAUCUS, someone who is keenly interested in this program. I appreciate what he has done in bringing a solid bill to the floor.

I rise today on behalf of our Nation's children and working families. I am reminded every day when I come to the

Senate that it is my privilege—privilege—to represent these individuals in the Senate, and with every vote I cast in this great Chamber, I try to always ensure I am protecting and serving our hard-working families.

This week, we are considering a bill to reauthorize our children's health program—a program that affects millions of families across the country. This week, every vote—every vote—we cast will have a direct impact on the health and well-being of our Nation's children and their families.

I cannot overstate how important and how successful this program has been. It currently provides health care to 6.6 million children. Sometimes I think it is important to remember exactly what it means to provide health care for children. It is the immunization shot before school begins. It is a well-child doctor visit that catches early signs of cancer. It is the emergency care coverage after a car accident. It is the new eyeglass prescription to finally see the blackboard. It is an x ray for a broken ankle and a prescription medication for a strep throat. It is about ensuring the well-being of that child so they can fulfill their God-given potential.

Proper coverage can be the difference between life and death, between health and sickness, and between compassion and heartlessness.

In the next few days, we have choices to make, and I hope each of my colleagues ask themselves one question before they cast their vote: Is this good for our Nation's children? Because that should be the only question and the only goal.

I am proud of my home State of New Jersey for always keeping this goal in its mind. Our program, New Jersey FamilyCare, currently covers over 126,000 children and 80,000 parents. These are working families who don't qualify for Medicaid but can't afford private coverage, and they don't get health care at their job. They work at some of the toughest jobs our State has to offer. They get up every day, 5 days a week—sometimes more—to try to make ends meet for their families, but they don't have health insurance. These are families who, without the children's health program, would yet be another American family cast into the ocean of the uninsured. This program saves them from that fate.

Let me take a moment to humanize what we are talking about, because we talk about these programs in the abstract. They are about lives; they are about people. Elizabeth Geronikos relied on the children's health program for her necessary allergy and asthma medication when her father suddenly lost his job. Jonathan Hale, who discovered a cyst in his brain, was able to get medical attention that his family would not otherwise have been able to afford because of the children's health insurance program. The Cannon family no longer has to worry about their son Jason, who now has a constant supply of asthma medication and has suffered no serious asthma attacks since being on the Children's Health Insurance Program. This is truly a life-changing, if not a lifesaving, program.

But there are also stories of children who were not so lucky. Devante Johnson, who depended on Medicaid for his cancer treatment, died, not for failed chemotherapy, but because his paperwork was never processed. He was 14 years old. Deamonte Driver died because he did not receive treatment for an abscessed tooth—something that, if treated early, would clearly not have been fatal. He was 12 years old. These stories are heartbreaking not only because a child's life was lost but also because it could have been prevented.

We must ensure that no more children go without treatment they need and that no more lives are lost. Our job as Senators is to protect these children. What greater honor and responsibility do we have but protecting our children? As a father, I can't imagine the anguish I would feel if I could not provide health care for my son and daughter. Thus, as a Senator, I feel it is our obligation to provide health care for every single child. I strongly believe we have a responsibility to ensure that no child in America goes to bed at night without proper health care and treatment, and that is why this reauthorization is so crucial.

Under this bill, over the next 5 years we would be able to continue covering the 6.6 million children currently enrolled, and we would be able to reach out and cover an additional 3.2 million children. So the answer to the question, Is this good for the Nation's children, is clearly yes, especially for those 3.2 million children waiting to receive care. That answer is a resounding "yes." There are even more whom we must work to cover.

I want to ask my colleagues who say they may not support this bill, Where are the values we talk about in this institution? Where are the family values voices that so often are heard in this Chamber? Now is not the time to be silent. Now is when families need you most. Now is the time to stand by your values and stand up to protect our future generation.

To these colleagues, I wish to take a moment to answer some questions about New Jersey's effort to reach out and enroll more children. Over the past few weeks, New Jersey has received a lot of attention for covering children up to 350 percent of the Federal poverty level. In our regard, we think we are doing the right thing, and the statistics prove we are right. I can understand that some might think these families have enough money to afford private insurance, but for New Jersey families, that is simply not the case. New Jersey families face higher living costs, and they get less return on their Federal dollar, so we cannot set a policy that suggests that one size fits all.

I did some of the math which I want to share with my colleagues. At the top end, a working New Jersey family, their family budget, shows they have about $4,428 in income. Housing in New Jersey is incredibly expensive, about $1,500 a month. Food for that family is $547; transportation to get to work, or if they happen to have a car to pay for their commutes back and forth, with the high gas prices, $820; child care, if they are not in school, and health insurance. I looked up under the Bureau of Banking and Insurance what is the average health insurance coverage for a family a month—a month. The statistic on the Web site is $2,065. So that puts this family, if they have to be forced to purchase health insurance, in the negative $1,200 a month. That means they can't make ends meet. This doesn't take into account any unforeseen circumstance on the family budget. So it doesn't end up adding up. That is why this program is so important.

That is why, when New Jersey enrolls children up to 350 percent of the Federal poverty level, they do it because without this coverage, we would have thousands more children more without health insurance. Purchasing a private plan, no matter what tax incentives you give—I hear some of our colleagues talk about giving a $5,000 maximum credit per family. Well, that is great. That buys us 2½ months of insurance. What do we do for the rest of the year for that family? Do we roll the dice on their health care? I don't think so—not when we as an institution have some of the best health care in the Nation.

I am grateful to the Finance Committee for recognizing what we already knew on a bipartisan basis: The one-size-fits-all approach doesn't work. Remember, our objective is to cover more children, not less. I can't believe I even need to mention what I am about to say, but in light of some of the comments I have heard over the past few weeks about the President saying: Well, let them go to the emergency room, I think it might be necessary to look at what happens to children without health insurance and how they suffer serious consequences.

Research has shown that uninsured children not only miss regular checkups and visits to the doctors for less serious conditions that ultimately become far more serious in their personal health and far more consequential and far more expensive, but they also receive less than lower quality care. In fact, uninsured children admitted to a hospital due to injuries were twice—twice—as likely to die while in the hospital as their insured counterparts, and that is simply unacceptable.

There is no morality if upon hearing this, every Member of this Chamber does not do everything in his or her power to cover more children. It is, I believe, a moral obligation. I often hear about the value of life and I cherish it as well. Now is the time to honor the value of the lives of these children.

Another way New Jersey has been successful in covering more children is because we also cover low-income and working parents. In New Jersey, we have found a strong correlation between enrollment of parents and enrollment of children. After the State implemented its parent expansion in 2000, not only did it experience rapid enrollment of parents, but it also saw a significant increase in the enrollment of children, which is our goal. In 2002, the State stopped enrolling parents, and what happened? As parent enrollment began to fall, children's enrollment began to level off. Once the State began reenrolling parents in 2005, children's coverage began to rise again. There is clear evidence that by allowing those States that choose to do so to cover parents, you increase the number of children who have health coverage, achieving our ultimate goal of covering more children and, by the way, we end up covering more Americans.

To further prove this point, former Congressional Budget Office Director Peter Orszag recently stated that:

> Restricting eligibility to parents does have an effect on take up among children, in part because when you pick up the parent you are more likely to pick up the child.

Thus, if we stop covering parents under the Children's Health Insurance Program, as some in the Congress and the White House want to do, you end up covering fewer children.

In fact, Peter Orszag said:

> For every 3 of 4 parents you lose, you lose 1 or 2 kids.

Based on this, in New Jersey, if we were forced to disenroll all of our parents, over 40,000 children would lose their coverage. This doesn't help us achieve our goal of covering more children.

So again, we have to ask: Is covering parents of eligible children good for our Nation's children? The answer is clearly yes.

As I said at the beginning of my statement, I fully support the legislation we are considering today. Senator BAUCUS has done an excellent job. I appreciate the bipartisan vote of the committee. I am proud of the reauthorization bill because of what it prioritizes, but also because I know how hard it was to reach this compromise. This is a bipartisan bill that Members of both sides of the aisle support. I know it has taken long nights and serious conversation and many difficult decisions to reach where we are today. I appreciate again Senator BAUCUS's incredible efforts, the members of the committee, as well as Majority Leader REID, for their efforts on behalf of the program.

That being said, I simply want to say that if I had my druthers, I would have sought to achieve a greater height. I understand that so would many of the Members who actually created the compromise. I would have liked to have seen, as I did as a member of the Senate Budget Committee, $50 billion provided. I worked hard to make sure we had that in the budget resolution. I know that is the funding that will be necessary to reach out to the 6 million eligible but uninsured children in America, and it is the funding these children deserve.

Another area of major concern is the lack of language to provide health care for legal immigrant children and pregnant women in the Children's Health Insurance Program. I am a proud cosponsor of the bipartisan Legal Immigrant Children's Health Improvement Act, also known as ICHIA, which would have repealed the morally objectionable law that prohibits new legal immigrants from accessing Medicaid and CHIP until they have lived in the United States for 5 years. I think we should have the flexibility for States to make that decision.

I am proud that in my home State of New Jersey, they have taken it upon themselves to use 100 percent of State funds to cover over 8,000 legal immigrant pregnant women and children at a cost of over $22 million. The State has temporarily fixed the problem, but I had hoped Congress would do the same. How can you tell a 7-year-old child with an ear infection he has to wait 5 years to see the doctor? How can you tell a child who may have the incipiency of some incredibly terrible disease you have to wait 5 years to go see the doctor? It seems to me we can't bar these families from accessing our health care supply simply because they haven't lived here long enough. During the immigration debate, our colleagues emphasized the difference between those who are here legally and those who are not. So it is appalling to me that a legal immigrant child—one whose family waited their time to come to this country, came here legally, obeyed the law, are working, paying taxes—is still subject to the lash of those people who, even for a child who is here legally, seem to punish. It seems to me that is simply wrong.

Let me close by addressing the President's veto threat. He is basically opposed to this bill because he says it covers too many children and families. I don't know how more outrageous and unacceptable a statement can be. I find it embarrassing that some in Washington—those who have the best health care coverage in the world—would propose to cut America's neediest families—neediest families who work hard every day, because if you are poor, you are on Medicaid. These are families who get up and work hard, don't have enough to pay insurance, don't have coverage through work, and can't afford it. Yet the President of the United States, who has the best coverage in the world, and the Vice President of the United States, whom we saw recently in the hospital—happy that everything went well for him—have no worries. They have no worries every night—and for them to say these children are less worthy than them. If the President had his way, over 110,000 New Jerseyans would lose their coverage, and tens of thousands more across the Nation would lose their coverage. I find that morally reprehensible.

I find it ironic that the President doesn't want to cover parents with this program, considering the fact that since 2001, it was his administration that granted 24 waivers for adult coverage in 15 States, including my home State of New Jersey. In fact, when a waiver was issued in 2003 to New Jersey, the administrator of CMS, the Federal agency that supervises the program, said:

> New Jersey is setting an example of how Federal waivers can help them cut into the numbers of citizens with no health coverage.

Tom Scully, Administrator of CMS, the Federal agency overseeing this program, said we are setting an example.

In 2004, President Bush made a promise to insure all of the Nation's children, but his latest proposal would only serve to cut children and increase the number of uninsured. Rather than adding to the ranks of the uninsured, we should be working together to expand access to even more children and families. Mr. President, it is time to make good on your word.

It is time to make good on your promise. It is time to cover all children. At the end of the day, this bill is about low-income and working families getting much needed care. This is about our Nation's children having access to a doctor for preventive care and receiving treatments for more serious conditions. This is about the health and safety of current and future generations.

There is only one question left to be asked: Is this good for our Nation's children? The answer is yes.

Let me close with a great Republican I admire, Abraham Lincoln. He said:

> A child is a person who is going to carry on what you have started. He [and I add she] is going to sit where you are sitting, and when you are gone, attend to those things which you think are important. You may adopt all the policies you please, but how they are carried out depends on him. He will assume control of your cities, states, and nations. All your books are going to be judged, praised, or condemned by him. The fate of humanity is in his hands. So it might be well to pay him some attention.

I ask my colleagues to now pay attention to our children and support this important bill. It is important our children. It is for our families. It is in pursuit of our values, and it is for the well-being of our country.

I yield the floor and yield back the remainder of my time.

(Ms. KLOBUCHAR assumed the Chair.)

Mr. BAUCUS. Madam President, I highly compliment the Senator from New Jersey. He is a tireless advocate to make this legislation even better than it was, especially on behalf of parents. There are other groups in his State that are very deserving. I thank him publicly. He has talked to me many times very earnestly, with a real desire to make sure the people in his State are adequately taken care of. I thank the Senator for his tireless advocacy.

I inquire of the Senator from Arkansas, roughly how much time does she wish to consume?

Mrs. LINCOLN. I hope I can have somewhere between 15 and 20 minutes.

Mr. BAUCUS. I ask unanimous consent that the Senator from Arkansas be recognized to speak for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I thank Chairman BAUCUS for his tireless effort here in really portraying what I think is a tremendous priority for so many of us in the Senate and certainly in the Finance Committee.

As a mother of twin boys—and I know our Presiding Officer is a mother of a daughter who is a year older than my boys—I know all too well of the importance of reliable health insurance coverage for children. My husband and I have experienced the sleepless nights looking after a sick child. But we also have the comfort of knowing that when dawn comes, we have the opportunity, through health insurance, to seek out health care through a pediatrician or, if it should be worse, to be able to go to the emergency room and know we are covered, to know we can seek that health care for our children when they need it the most, with the confidence that with that health insurance we can continue to care for their needs.

In situations such as these, health insurance coverage is critical not only to the lifelong health of a child but also to a family's peace of mind. I think that is what we are about here today—our ability as Senators to be able to step outside the box of being a Senator and really think about what it means to be a hard-working American, to be a parent, and to not just think of what it means to us and our families as Federal employees and what we have access to in health care but translating that to the needs of all hard-working Americans and to understand how important it is to them and to their children too.

We have to, in this debate, step outside and put ourselves in the shoes of the hard-working Americans who need health insurance for their children. That peace of mind should not only belong to those families who can afford private health insurance; it should also belong to working families who are struggling to make ends meet in today's world, who are the strength of the fabric of this Nation, those hard-working families who are going to jobs day in and day out—and sometimes more than one job—to keep the needs of their families, as was listed by the Senator from New Jersey, to make sure their families stay whole.

Coming to the bottom of that list and recognizing how expensive health care costs are for their children, we need to make sure the fabric of this Nation stays strong. We do so by not only supporting those working families and their children but by establishing priorities in this country. That is why I rise to speak on behalf of the State Children's Health Insurance Program, or SCHIP, a Federal-State partnership which today provides much needed health care coverage for more than 6 million children across this great country.

In conjunction with Medicaid, CHIP has been tremendously successful in reducing the number of uninsured children in my State and across our country. Since the program's inception 10 years ago, the number of children without health care coverage has dropped by one-third. That is something we can be proud of and that we can build on.

During that time, I am proud that Arkansas has become a national leader in reducing its number of uninsured children from over 20 percent in 1997 to 10 percent today. Now, nearly 65,000 of Arkansas' children currently receive coverage through CHIP or, as we know it in Arkansas, ARKids First.

Despite this success, an estimated 9 million children remain uninsured, nearly two-thirds of whom are already eligible for CHIP or for Medicaid nationwide—9 million children, Madam President. Those children belong to parents just like us. Their parents care for them just as we try to care for our children—yet not having the comfort of knowing their health care needs could be and should be covered.

I am certainly proud that the Senate Finance Committee has recently taken steps to reach more of these children, and I do wish to commend Chairman BAUCUS and Senators GRASSLEY, ROCKEFELLER, and HATCH, as well as their staffs, for their incredible dedication, the vision and leadership they have shown on this issue, their tireless energy in sticking with coming together to bring about a compromise—a much needed compromise—and the extraordinary effort they have put forth particularly over the past few months, which has made renewal of CHIP much more of a reality for America's families.

The CHIP reauthorization package that was overwhelmingly approved in our Finance Committee—by a vote of 17 to 4—applies the lessons of the past 10 years and builds upon the success of the program by giving States more of the tools they need while preserving their flexibility to strengthen their program and ultimately cover more children. In doing so, it would provide an additional $35 billion over 5 years that will allow States to preserve coverage for the children who are currently enrolled, while reaching an additional 3.2 million uninsured low-income children.

This proposal would also provide much needed funding to States for outreach and enrollment efforts to reach many of those who are currently uninsured and yet eligible. It also takes steps to ensure that they get a healthy start by providing care for pregnant women and establishing pediatric quality measures to improve the level and efficiency of the care they do receive. How important that is as we have begun in this country to look at the quality measures of health care, particularly for our elderly. Why is it not equally important to look at the quality measures for the pediatric care that goes to our children?

I have long supported improving access to health care coverage for pregnant women, not only because it is vital to the health of mothers and infants, but it also often reduces future health care costs. What an incredible return on our money—to see expectant mothers going full-term to deliver a child that has a much greater opportunity to perform, to be healthy, and to be less costly later in life due to health care needs. In fact, it was reported in 2005 that the socioeconomic costs—medical, educational, and lost productivity—associated with preterm birth in the United States was at least $26.2 billion. Every year, more than 500,000 infants are born prematurely, an increasing number that now affects nearly one out of every eight babies.

This is of particular concern to me because, in recent reports, more than 13 percent of births in our State of Arkansas were premature, ranking it among the States with the highest incidence of preterm babies. So many of us have been faced with those choices. I know when I served in the House of Representatives and my husband and I were so excited to receive the news that we were expecting twins, I also received the news that at my age, and certainly the work environment I was in and all of the pressures, I was also at risk for a premature delivery. I had the wonderful opportunity to make a decision that I would not run for reelection and that I could minimize my job in order to do everything within my power to bring those children into this world in a safe manner.

I look across this great country, and not all working mothers have that opportunity. They don't have those choices to be able to step aside and do everything they possibly can with the health care they receive to bring their babies into this world in the healthiest fashion. One thing we can do is to provide them the prenatal care they need and the advice and consultation to be able to do what they can to ensure those babies are delivered after a full term.

By taking needed steps to improve access to care for pregnant women, I am confident we can make strides to improve health outcomes for them and for their children. If, in fact, we don't want to do it for the sake of bringing healthy babies into this world, who are going to be future leaders of this country, we should do it as an investment. The long-term investment of a healthier child being born makes so much more sense than the long-term cost of a premature delivery and the health care needs that child would have for the rest of his or her life.

The Finance Committee proposal would also provide the Federal authority and resources to invest in the development and testing of quality measures for children's health care. Of the 146 medical schools in this country, every one of them has a department in pediatrics. We can make an incredible investment in quality measures that would give us not only the outcome we want but also the cost savings in overall health care we so much desire.

This provision would help ensure that States and other payers, providers, and consumers have the clinical quality measures they need to assess and improve the quality and performance of children's health care services.

Additionally, the bill would allow some States to use income-eligibility information from other Federal programs, such as school lunch programs, to speed up the enrollment of eligible children into CHIP or Medicaid. The Senator from New Mexico has done so much hard work on making good common sense out of the mounds and mounds of paperwork people already have to fill out, using the knowledge we already have and those mounds of paperwork to get those children enrolled in the program for which they already qualify. It would simplify the administrative process for States and certainly reduce the paperwork burdens on our families.

The bill would also provide greater access to much needed dental care for lower income children and would ensure that children enrolled in CHIP would have access to mental health care that is on par with the level of medical and surgical care they are currently provided.

As we look at our children and their growth, understanding the unbelievable essentials in dental care, not only so our children can get the nutrition they need but they can pay attention in school, they can get the education they need, which allows them to grow and be a part of this incredible Nation in a productive way, the success of CHIP over the past 10 years is itself a great example of the things we can accomplish when we reach out across the aisle, when we work in a bipartisan way, when we come together on our priorities and put aside the partisan differences.

This bipartisan proposal we are considering today is another. We should all agree that providing health care for our children is certainly one area where partisan politics should be placed aside. There is no room for partisan politics as we address our children. After all, it is a moral issue, an investment in our Nation's most precious resource—our children; an investment in a future of our country, its leadership, and its productivity. Who can disagree with that?

As we move forward together to reauthorize this successful program, I am hopeful we can do so in the same bipartisan spirit that was demonstrated in the creation of this program, the 10-year implementation of this program, and in the recent reauthorization of this program in the Finance Committee.

It is unfortunate the President and the Secretary of Health and Human Services feel differently. In fact, their proposal to increase the CHIP funding by only $5 billion over the next 5 years falls so short of the funding needed to simply maintain coverage of those currently enrolled in the program. To justify their proposal, the administration actually claimed the number of uninsured children in our Nation was only 20 percent of the estimates calculated by the nonpartisan CBO.

Instead of forcing over a million children—a million children—to be dropped from their current health insurance provider, shouldn't we all agree that at the very least absolutely no child should lose coverage as a result of reauthorization?

The President has been adamant about leaving no child behind when it comes to their education, but shouldn't we apply this to their health care as well? Shouldn't we recognize the reason, or a part of the reason, our No Child Left Behind in education has been less productive is because we failed to provide the resources—the much needed resources—to implement good policies, basic policies? It is fine to talk about these things, but if we don't put our money where our mouth is, the health care doesn't get to the children who need it.

Moreover, shouldn't we all move forward in covering as many of the 9 million uninsured children we possibly can; finding the middle ground, as we have done in the Finance Committee? I wholeheartedly believe so, and that is why I rise in strong support of this legislation.

Some of my colleagues have raised concerns about our efforts to expand this successful program. They have argued the $35 billion compromise that was reached in the Finance Committee is too much money. You know what. It is going to cost us something to cover more children. Let us take a step back and get some perspective on how much money we are actually talking about.

Our current proposal to reauthorize CHIP provides a total of $60 billion over 5 years—$25 billion in the baseline, with an increase of $35 billion. In contrast, our operations in Iraq are now estimated to cost taxpayers $10 billion per month. So for the amount of money, nonbudgeted money, we now spend in Iraq every 6 months, we can cover an estimated 10 million lower-income children with much needed health care for 5 years—5 years. We are talking about money that is completely offset—a program that is completely paid for.

How you spend your money—and this goes for families and for Government—tends to reflect your values and your priorities. We all have to look at where our priorities are in our own family, and we as Senators and stewards of this land and this great country and its resources have to set priorities as well, and they should reflect our values—our values and our priorities. So I ask my colleagues today: What could be a bigger priority than the well-being of our Nation's most precious resource, our children?

Look at our families, the families who are the fabric of this country. One of the things they need the most is time—time to be a family, to sit down to dinner with their children, to be able to go to a PTA meeting or a parent-teacher conference, to take a small vacation, to care for an aging parent. They need time to do that. It is not easy to find that time. If you are a single parent, perhaps a single mom, but even if you are a working family, a lower income working family, working two or three jobs to be able to hit that budget the Senator from New Jersey talks about, to make sure you can hit all those issues you have to deal with, whether it is rent or groceries or certainly any type of health care you could access, it takes time—time away from our families, the time needed to build strong families, to keep their children whole and focused on the good values we want our children to have.

Minimum wage was a great example. Minimum wage was much needed, with over 10 years of not having seen that increase. What an important role it plays in providing our families greater time to be a family. At a time when more and more Americans are struggling to find affordable health care, CHIP has allowed us to make coverage more accessible for millions of children, coverage that is critical to the lifelong health of a child and to a family's peace of mind. I urge each and every one of my colleagues to explore your own conscience, not just thinking about your family but thinking about the millions of American families out there today who want nothing less for their children than what we want for ours.

Let's set aside partisan influences and support this critical effort to invest in the health care of our children, not only for the future of our Nation but for the well-being of millions of American children in working-class, lower income families. They are depending on us, the stewards of this body, the stewards of this country, and it is time we fulfill our commitment to them. I urge my colleagues to join me in supporting legislation to expand health care coverage for children.

I have been proud to work with Chairman BAUCUS and Senator GRASSLEY and others in this effort, and I certainly commend them for their leadership and good work. I look to this body to stand up and to show who it is we are and what it is we are made of on behalf of America's children.

I yield the floor.

Mr. WYDEN. Madam President, before she leaves the floor, let me thank my seatmate on the Senate Finance Committee for a passionate and eloquent address on behalf of this country's children. I commend her for it.

Madam President, I ask unanimous consent that the time between now and 12:30 be divided equally between the Senator from New Mexico, Mr. BINGAMAN, and the Senator from New Jersey, Mr. LAUTENBERG.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, would the Chair please advise me when half the time allotted to me has been used?

The PRESIDING OFFICER. Yes.

Mr. BINGAMAN. Madam President, I wish to congratulate the majority leader for taking this time to bring the reauthorization of the Children's Health Insurance Program to the Senate floor. Since this program was created, through a bipartisan effort in 1997, the number of uninsured Americans has grown by millions. At the same time, the percentage of low-income children in the United States without health care coverage has fallen by a third. So this is a remarkable achievement, and this program is a large share of the reason for that achievement.

The program is critically important to my home State of New Mexico. It currently permits the State to cover over 14,000 low-income New Mexicans and will play a critical role in ensuring that all low-income New Mexicans have access to meaningful health care coverage. I strongly support the reauthorization we have reported from the Finance Committee. Of the many issues before the Senate, I believe reauthorizing this legislation needs to be at the top of our list.

Unfortunately, there seems to be a huge gap between what the administration would like to see done on this subject and what in fact is needed. The President has proposed such a small sum of new funding over the next 5 years, $1 billion per year of additional funding, that if we were to accept that proposal, we would have a significant reduction in the size of the program and the number of children covered by the program.

Instead of reaching a larger percentage of the 9 million uninsured children in our Nation, the President's proposal would not add to the number of children covered. In fact, it would result in hundreds of thousands, if not millions, of low-income children losing their coverage.

I also wish to commend Senator BAUCUS, Senator GRASSLEY, Senator ROCKEFELLER, and Senator HATCH, all four of these individuals, who worked in a selfless and bipartisan way to come up with a proposal they could embrace and they could bring to the full Senate. The Congressional Budget Office estimates the $35 billion over 5 years authorized in this legislation will fill in the shortfalls in funding that have plagued the program for many years. It will allow us to expand coverage to nearly 4 million additional low-income children.

Although I strongly support this bipartisan compromise, there are several aspects of the legislation I hope we can still strengthen as we move forward. First, of course, I would like to see greater funding than the $35 billion over the next 5 years that is called for in this legislation. If we could go to the full $50 billion we provided for in the budget resolution, and that I believe the House is trying to enact, we could expand coverage to an additional 5 million children who would remain uninsured at the bill's current funding levels. So there are ways we can improve this bill.

I am also disappointed in changes that were made to coverage for adult populations in this program. I will not oppose the compromises that were reached on the issue, but I firmly believe the reauthorization program should not result in the narrowing of the flexibility States have had through this program to cover uninsured populations, including adults. In particular, let me discuss a little of the rhetoric that has circulated around this subject.

Coverage of adults is very important to the efforts of my State and other States in our efforts to cover low-income parents and childless adults, but in fact, this program is overwhelmingly a program that is focused on providing coverage to children. Less than 10 percent of the coverage under the SCHIP program currently goes to adults. I believe that has been somewhat taken out of context by many who have discussed the issue.

We should also note States are relying on waivers in covering the adults who are covered under the program. States are relying on waivers, most of which were approved and authorized in this Bush administration, to cover these populations. These are not Democratic-proposed waivers, these are waivers a Republican administration has approved. Tommy Thompson, our former Secretary of Health and Human Services under President Bush, in his first term stated in 2005, upon approving New Mexico's ability to cover adult populations:

> This approval means health coverage for tens of thousands of uninsured New Mexico residents—including many uninsured parents whose children are already covered. By giving States like New Mexico greater flexibility in the way they provide health care to low-income citizens, we are helping millions of people across the country to gain access to quality health care.

Madam President, how much time remains for my half?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. BINGAMAN. Madam President, let me also go to one other issue which I think is important to deal with, another shortfall in this legislation, and that is the failure of the program to provide dental coverage.

According to the Children's Dental Health Project, of the 4 million children born each year in the United States, more than a quarter of them will have cavities by the time they are toddlers, and more than half will have cavities by the time they reach second grade. This is concentrated in low-income rural children who suffer disproportionately from these problems.

I believe strongly the Children's Health Insurance Program should be expanded to cover dental care for children across this country, low-income children. This is something we are not able to do as part of this legislation, but I hope we can revisit this issue before final action is taken.

A final issue I wanted to discuss relates to important improvements in legislation I hope we can make for legal immigrant children and legal pregnant women. Under current law, these individuals are prohibited from receiving most CHIP or Medicaid coverage for the first 5 years they are resident in the United States on a legal basis. Very often these children and these legal pregnant women, U.S. citizen children I point out, will become eligible for CHIP and Medicaid. It is counterproductive to prevent these legal immigrants from accessing services at the time they become legal residents of our country.

Today there is a 5-year bar in place to them receiving Medicaid and CHIP coverage. It exists even though the vast majority of these immigrants are working or are in families with working parents and are therefore paying

Federal and State taxes. They contribute significantly to the system, but they are barred from receiving the services they are subsidizing. I highlight that legislation to remove this 5-year bar. I want to highlight that this proposal to remove the 5-year bar has bipartisan support. It has passed the Senate as part of the 2003 Medicare Modernization Act. I hope very much that before we complete action and send the bill to the President, we can deal with this issue here.

I urge each Member of the Senate to focus on what is the important work that we can accomplish in the Senate, how we can help the lives of children growing up in this country, and how we can make them more productive citizens in the future. Expanding this health care coverage to cover more children is obviously the first and best thing we can do. I hope very much we can pass this bill, go to conference with the House, and come up with a bill the President can be persuaded to sign.

Again, I congratulate the Finance Committee for the good work they have done bringing the legislation to the full Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Madam President, I also extend my commendations and thanks to Senators BAUCUS and GRASSLEY for producing this bill. This bill is a long step forward. Although I think it is quite apparent that we need even more than this generous attempt to meet our needs, the fact is, it is a very good bill. But it is surprising to me that we even have to debate this bill.

As we stand here, there are 9 million kids in the United States without health insurance; 250,000 of them live in my State of New Jersey. Every day that we wait to reauthorize and expand the Children's Health Insurance Program we risk more children's illnesses and even permit them to die because they have no health care.

In 2010 there are going to be more than 83 million children, from newborns to 19-year-olds, growing up in America. We have an obligation to make sure those boys and girls have health insurance so they can see their doctor, get a prescription, or visit the hospital if they need to. That is exactly what the CHIP, Children's Health Insurance Program, helps them do. It will ensure that kids have insurance to get regular checkups, to pay for emergencies, or to fight illnesses such as diabetes and other illnesses that afflict children terribly in their lives.

Children without insurance are twice as likely to die from injuries while they stay in the hospital than children who have insurance, and 12 percent of children either delay getting care or do not get any care at all because their families cannot pay for it. It is simply not right. It is those children who need this program the most, but this vital children's health program is set to expire on September 30, just 2 months from now.

The Children's Health Insurance Program is the only way that 6 million of America's children can afford health insurance. Their parents are typically hard-working people, but they simply cannot afford expensive private insurance, and they make too much money to qualify for Medicaid.

For example, in New Jersey, our State program helps to keep 126,000 low-income children in good health. Considering how many kids the program is keeping healthy in New Jersey and across the Nation, we would expect that President Bush would keep this program healthy, but he has not, and the long-term health of this program hangs in the balance. The President's proposed budget for fiscal year 2008 is $10 billion short of what we need to keep our children healthy. Without more money, we cannot cover the young people who currently get children's health insurance, and we cannot add any new children, no matter how much they need it, to the ranks of the insured.

By 2009, States will be facing more financial shortfalls. They will be forced to cut coverage for our kids. It is unacceptable, so the Senate is offering a better bipartisan plan. I am proud to support the Children's Health Insurance Program Reauthorization Act, which Senators BAUCUS and GRASSLEY introduced and the Finance Committee approved. This bipartisan bill will provide $35 billion in new funding. Most of us would have preferred even higher levels of funding—$50 billion—and I plan to support amendments to increase the funding amount. But there cannot be any doubt that this bipartisan compromise that we have before us is a crucial step forward in improving children's health. It would maintain insurance for the 67 million children who are currently covered, and it would insure more than 3 million new kids who do not have any health insurance at all now.

It would also continue giving States flexibility in covering these youngsters. We know the cost of living and the cost of health care varies from State to State, and that must be a consideration in coverage.

President Bush ran on a campaign pledge to get millions more kids on health insurance. Instead of pledging to sign the bipartisan Senate bill—it is incredible but true—President Bush is threatening to veto it. A veto means putting millions of children at risk for illness and disease. It means going back on the President's pledge, and it shows, by his action more than his words, that the President's priorities are not the same as America's.

President Bush's lopsided tax cuts are projected to cost $252 billion in 2008 alone. We spend $3 billion a week on this war, and we have supplementals in between there. We have already spent more than a half trillion dollars on this war. When you think about it, this bill asks for only $35 billion over 5 years, $7 billion a year, to provide for children's health. It is roughly 2 months of keeping this war going.

In those 5 years we could keep millions of kids healthy and help them become productive members of our American society.

Martin Luther King said:

> Of all forms of injustice, inequality in health care is the most shocking and inhumane.

To let millions of children go without health insurance is an absolute injustice. To stand by while they get sick and cannot afford care is both shocking and inhumane. We are the wealthiest country in the world. We also should be the healthiest country in the world. But we do not seem to be able to tie in these domestic needs with the opportunity that faces us, despite the shortage of revenues because we have become so generous with people who are billionaires, in terms of their taxes. Those who make $1 million a year get tax cuts that are substantial, so it does cut into our revenues. So, as I mentioned before, does the war.

I hope all my colleagues will support this bipartisan Baucus-Grassley bill.

Last, we plead with the President to keep his promise, not to veto it but sign it, to do the best we can for our children and our country.

I yield the remainder of my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I ask unanimous consent now we recess for the caucuses.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

SMALL BUSINESS TAX RELIEF ACT OF 2007—Continued

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think we are awaiting the arrival of Senator GRASSLEY. While he is getting ready, I could not be more pleased to have a better partner than Senator GRASSLEY. He and I worked very closely together.

and he and I and Senators HATCH and ROCKEFELLER worked very hard to put this current legislation together. I thank the Senator from Iowa for his dedication and public service. He does a good job.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I appreciate those kind remarks. I obviously have commented many times on this floor in the last 6 years about the close working relationship I have had with him and his efforts, because most everything that came out of our committee in the last 6 or 7 years has been bipartisan.

As we all know, nothing gets through the Senate that is not bipartisan, and so you might as well start at the committee level if you are going to get anything done. I think we have gotten a lot done. I thank the Senator for his kind comments.

Obviously everybody knows we are just beginning, yesterday and today and probably this week, and hopefully completing work this week, on the State Children's Health Insurance Program. So we are going to continually refer to the acronym known as SCHIP.

This, as I said yesterday, is a product back from 1997, now sunsetting 10 years later, by a Republican-led Congress. It is a very targeted program, because too often some people giving speeches on the floor of this body want to leave the impression, or maybe they think it actually is, an entitlement program. This is not an entitlement program. An entitlement program is when a program goes on forever, and if you qualify, there is automatic access to the program, and withdrawal from the Federal Treasury. This program is not an entitlement program because it is based upon a specific amount of money appropriated for the program. That money has got to be divided up among all of the States and among all of the participants. So it is not an entitlement.

I think you are going to hear a lot of debate this week that people want you to think this is an entitlement. This program, targeted as it is, is designed to provide affordable health coverage for low-income children in working families. These families make too much to qualify for Medicaid, which is one of those entitlement programs—and legitimately an entitlement program—but these are families who earn too much to qualify for Medicaid but struggle to afford private insurance.

It is important that we reauthorize this very important program targeted for children. The Finance Committee's bill proposes a reasonable approach for reauthorizing SCHIP that is the product of months of bipartisan work in the committee. I emphasize the word "bipartisan." As I have said so often, this Finance bill is a compromise. I think it is the best of what is possible. Clearly folks on the left wanted to do more, and if you did what they wanted to do, you would have a Democratic bill. My colleagues on the right wanted to do less, and if you did and even go in a different direction, if you did what they wanted to do, you would have a Republican-only bill. So one way or the other, you have got 51 to 49, and nothing is going to get done. You have got to have bipartisanship, because it takes 60 votes around here to shut off debate, to go to finality.

Neither side got what they wanted. I would suggest to you this is the essence of compromise. This compromise bill maintains the focus on low-income, uninsured children and adds coverage for an additional 3.2 million low-income children, children who could presently qualify but not enough money is available or States were not doing their job of outreach to bring these people in.

I have heard some harping from different quarters about the role Senator HATCH and I have played in developing this important piece of legislation. Some on my side, meaning the Republican side, have suggested our efforts at finding compromise have been inconsistent with advancing the Senate Republican agenda. For a person like me who has been chairman of a committee for the last 6 years, getting a lot of Republican programs through, I take exception to someone who says I am not concerned about Republican principles and getting a Republican program, so I want to put this harping in context. I wish to remind the critics that we would not have made tax relief law if we had not found a way to compromise with Democrats who shared some of our tax reduction goals. The bipartisan tax relief plans of 2001, 2003, 2004, and 2006 could not have passed the Senate on Republican votes only.

During the 4½ years of my chairmanship, we were able to enact almost $2 trillion in broad-based tax relief that was not tax relief as an end in itself but was meant to stimulate the economy, and did stimulate the economy to a point where we have had $750 billion more coming into the Federal Treasury than anticipated as a result, as Chairman Greenspan said, of these tax bills expanding the economy and producing 8.2 million new jobs in recent years.

None of that would have happened if Republicans were working by ourselves, just by ourselves. It took bipartisanship to get that done. So while the temptation is always there for some Members on both sides of the aisle to not engage the other side, rarely if ever will that policy result in sustaining itself.

When it comes to the Republican agenda here, I have not heard any Republicans say to me in the 5 months we have been talking about reauthorizing SCHIP that we should not provide coverage to low-income children. I have not heard anyone say we should not reauthorize this specific bill. Quite to the contrary.

First, the President himself made a commitment to covering more children. I wish to refer to the Republican National Committee in New York City in 2004, and President Bush was very firm in making a point on covering children. Let me tell you what he said.

> America's children must also have a healthy start in life. In a new term [meaning when he was reelected] we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the Government's health insurance program. We will not allow a lack of attention or information to stand between these children and the health care that they need.

That was back in New York City, early September, 2004. Three months later the President is reelected, with a mandate. It seems to me the President was very clear in his conviction then. Let me repeat his words because I think they are important. He said he would lead an aggressive effort to enroll millions of poor children in Government health insurance programs.

President Bush, this is your friend CHUCK GRASSLEY, helping you keep the promise you made in New York City, and helping you keep your mandate that you had as a result of the last election. But somewhere the priorities of this administration seem to have shifted. The Congressional Budget Office reports that the proposal for SCHIP included in the President's fiscal year 2008 budget would result in the loss of coverage, not an increase of coverage as the administration had been advocating for in the year 2004; and that loss of coverage would add up to 1.4 million children and pregnant women.

Secretary of Health and Human Services Mike Leavitt has also supported expanding SCHIP. Secretary Leavitt is the President's Cabinet member for health care. When Secretary Leavitt was Governor of Utah, he favored expanding SCHIP during a public media availability on SCHIP following a meeting with the President.

Here is what he, now Secretary Leavitt, but then Governor, had to say about that meeting:

> There was a discussion on children's health care. A lot of celebration among governors and the President on the successes that we have had in implementing the Children's Health Insurance Program. Over the course of the last couple of years, it has been a very successful partnership. And we discussed [I assume that "we" means the President and the Governors] ways in which that could be expanded.

That is Michael Leavitt.

Also there was a Governor Glendenning at that time representing the Democratic Governors, holding a roundtable with the President.

Now, however, Secretary Leavitt wrote the Finance Committee to say that the President would veto the Finance Committee's SCHIP bill. But even in that letter, he does not call for ending SCHIP. He does not suggest we should not cover kids through SCHIP, not at all. Here is what he said about SCHIP:

> The President and I are committed to reauthorizing a program that has made a significant difference in the health of lower-income children. Through 10 years of experience and bipartisan support the State Children's Health Insurance Program serves as a valuable safety net for children and families who do not have the means to purchase affordable health care. We are committed to its continuation.

I appreciate this support in the past for expanding SCHIP from both the President and Secretary Leavitt. Now, however, some around here say we should not update the SCHIP program regardless of what the President said in the past in New York City, regardless of what Secretary Leavitt said. These people are basically saying the program is fine as it is right now. They want a simple continuation of the current program and current funding.

I will soon say what is wrong with that. But the current program does not work, and the current levels of funding will not do the job everybody says they want to do. Under current law, the current program is authorized to spend $25 billion over the next 5 years. That is if this program were not sunsetting, just continuing on as is. That is what we call a baseline amount. But the Congressional Budget Office says the $25 billion baseline amount will not fully fund the program.

CBO says that without more funding, 800,000 kids would lose coverage. To the chagrin of many Republican Senators and even some Democratic Senators, the administration in the last 6 years—in fact, in one case in Wisconsin, in the last 3 months—has allowed adults to get covered under a program for children. That is not what we intended with the Children's Health Insurance Program. SCHIP is for kids, not for adults. There is no letter "A" in the acronym "SCHIP." A simple extension of current law, however, means that adults, about whom everybody is complaining for being on a program only for children, would stay on the program. A simple extension would also mean more adults would be added. Of course, the reason for that is that States will continue in the future to ask for waivers and, be those waivers granted, they would be free to get approval for more childless adults and parents to be on a program that was not intended for anything but children. Covering adults drains scarce resources away from what we consider a priority—children's coverage first.

We may end up having to pass a short-term extension of the current law for a few months before work is finished on this reauthorization. I hope not, but that is a possibility. This is something we have to live with while Congress finishes work on a final version of the reauthorization. If that happens, so be it. But hopefully we can avoid a long-term extension of current law.

The SCHIP formula funding in current law doesn't work either. It actually gives less money to States that get their kids covered. That doesn't make sense. An extension of current law won't fix the formula.

The current formula also penalizes small rural States. That is because uninsured kids are not counted accurately in small rural States. That has resulted in funding shortfalls in those States. An extension of current law means this inaccurate funding formula would continue. That means more shortfalls for these States.

Another problem with current law is that there isn't enough funding. Under a straight extension of current law, there are going to be additional State shortfalls. We dealt with that earlier this year. I believe 14, 15, 16 States had shortfalls. The Congressional Budget Office says those shortfalls would cause 800,000 kids to lose coverage.

When Congress has faced these shortfalls in the past, what have we done? We just handed out more money to the States. Congress did that on three separate occasions. So that would keep those 800,000 kids from losing coverage, but this wouldn't fix any of the other problems. In fact, it would perpetuate the problems about which everybody is complaining—the funding coverage of adults, No. 1; and No. 2, a fundamentally flawed formula that our legislation takes care of.

That is why an extension of current law won't work. More adults? Think of all the Senators who have been complaining to me because there is no "A" in "SCHIP." It wasn't meant to cover adults. It just leaves things as they are—more adults. We have a broken funding formula. We have some States coming up short. So you have to appropriate more money. And most importantly, you have 800,000 kids losing coverage. So what other options are there?

Well, there is the President's proposal. I am not here to bad-mouth the President's proposal or any of my colleagues on this side of the aisle who are working on proposals. I am not going to, obviously, bad-mouth anything Senator WYDEN is doing in the same respect on the Democratic side of the aisle. These policies are good. But I am going to tell the President: Now is not the time.

Going back to the President's program on SCHIP, the President's plan is in his budget. It proposes a $4.8 billion increase in SCHIP, but it does not work either. What many have overlooked is that the President's plan assumes a massive redistribution of about $4 billion in SCHIP funds that States have in reserve. So the President assumes States will willingly relinquish all of those SCHIP reserves. It assumes the Secretary will redistribute those funds to States that currently have SCHIP shortfalls. As someone who was worried about State SCHIP shortfalls before, worrying about SCHIP shortfalls was cool, I tell my colleagues: That dog won't hunt. It is robbing Peter to pay Paul. There is no way a proposal that sucks $4 billion out of State coffers will ever fly around this Senate.

That is not all. Under the President's plan, 1.4 million children and pregnant women would be cut off of the program between now and 2012; 1.4 million would lose coverage, to emphasize. That is the end result of the President's plan: Rob Peter to pay Paul; 1.4 million children losing coverage.

Then we are going to hear about a more comprehensive plan. This is the one I was referring to when I referred to Senator WYDEN and when I was referring to the President having a proposal and some well-meaning people on my side of the aisle. Most of the news is from either Senator WYDEN or from Republican colleagues of mine, a well-meaning approach, a proposal to use the Tax Code to cover many millions of uninsured children and adults through private health insurance. Again, I don't disagree with that policy, but now is not the time for it.

I said during Finance Committee consideration of this bill that I would have liked the debate about SCHIP to focus on a larger effort to address the millions of Americans who are uninsured. I think we are missing an opportunity by only focusing this debate on SCHIP reauthorization. Too many Americans don't have health insurance, and we need to address rising health care costs. That approach will help that as well. I agree that we should be doing more, and I want to see Congress consider proposals to reform the tax treatment of health care to increase coverage for tens of millions of the 46 million people who don't have insurance today. But in terms of this bill and the whole issue of SCHIP reauthorization, that is not realistic.

I continue to be disappointed by the fact that there isn't bipartisan support for trying to do more as part of SCHIP. I urged the administration months ago to get bipartisan support—I emphasize bipartisan support because that is the only way we get things done in the Senate—if they want the President's initiative to be successful. I never saw any effort beyond maybe talking to Senator WYDEN. It just didn't happen. I looked far and wide. I can't find a single Democratic Senator who will support a tax reform alternative to the SCHIP bill. Even though it won't happen with this bill, we still need to work for a broader package to address the more fundamental problems of rising health costs and the uninsured.

Until then, I see SCHIP as a stopgap measure—5 years in duration, 5 years to do something bigger. The $35 billion we are investing in children's health coverage over the next 5 years is a drop in the bucket. When I say $35 billion is a drop in the bucket, somebody will say: You have been in Washington too long. Let me explain. That is one-quarter of 1 percent of the $14 trillion that will be spent on health care in this entire country, public and private expenditures, between now and the end of this authorization, 2012. Economists generally agree that if a condition cannot persist, then it won't persist. The current spending on health care cannot persist.

Members on both sides of the aisle have worked on proposals to address the broader issues of the uninsured and health reform overall. I have already referred to Senator WYDEN as a leader among Democrats on this issue. He has Senator BENNETT of Utah as a Republican working with him. They have been championing a more comprehensive approach to cover the uninsured. Many Republican Senators want to make changes in the Tax Code to help cover tens of millions of Americans of all ages instead of the few million kids whom we do with this legislation. I am looking forward to a fruitful debate on this issue of health reform and the uninsured through the Senate Finance Committee but not until we complete action on this bill. SCHIP must be passed.

Turning back to the Finance Committee bill, meaning the SCHIP bill before us, I am rather surprised at the overheated rhetoric that has emerged from both sides of the aisle. It has really been pretty unbelievable. On one side, I hear that nothing less than $50 billion will do the job, and if that number is not reached, children are at risk of dying. On the other side, I hear maintaining coverage for kids currently on this program and covering about half the kids eligible for Medicaid or SCHIP represents a slippery slope that leads us to the Government takeover of the entire health care system. Both sides need to call time-out to cool down, stop the hysteria, and take a look at what we actually have before the Senate in this Finance Committee compromise.

In 1997, SCHIP was conceived as a capped block grant program, not an entitlement. That was very important to Republicans. It is our model for how a safety net should work. It is not an open-ended entitlement. The Finance Committee bill maintains the block grant. It does not create an entitlement. I warn my colleagues, they are going to hear this too much, and they are going to hear me wake them up that this is not an entitlement. I believe they know better, but we know the game that is played around here.

In 1997, SCHIP was intended to encourage public-private partnerships. The Finance bill improves and strengthens private coverage options. In 1997, SCHIP gave States the tools they needed to control costs. These tools included allowing waiting lists, adding reasonable cost sharing, and limiting enrollment. The Finance bill maintains the flexibility which was in that 1997 act.

In 1997, SCHIP gave States the flexibility to address geographical differences in health care costs. States determine eligibility for benefits and tailor the benefits to their needs. The Finance bill affirms the States' role in managing this program.

SCHIP is also a humble program when compared to Medicaid. Medicaid is the bigger and more expansive entitlement program. Medicaid is a program for low-income individuals, pregnant women, and families. The bill before us today represents a modest update of the SCHIP program created by the 1997 act.

So what does the bill before the Senate actually accomplish? The bill before the Senate extends the program and fixes problems with current law, first, by extending the program that would otherwise expire September 30, doing away with the sunset or extending the sunset 5 years; No. 2, eliminating shortfalls that have plagued the program; No. 3, eliminating enhanced match for coverage of parents and childless adults—in other words, saving money so you spend more on kids; and No. 4, preserving the original SCHIP mission, coverage of low-income children.

The bill before the Senate continues and focuses coverage on low-income children by doing the following: No. 1, it provides additional resources targeted toward covering low-income children. No. 2, it extends coverage for the 6.6 million children currently enrolled in SCHIP. I want to emphasize, 91 percent of these families have incomes below 200 percent of poverty. No. 3, it covers an additional 2.7 million children already eligible for Medicaid or SCHIP under current law. No. 4, it provides coverage for an additional 600,000 uninsured low-income children.

The Finance Committee bill provides targeted incentives to precisely and, more importantly, efficiently cover the lowest income children. It does this by doing two things: one, by providing precisely targeted incentives that use an incentive fund to encourage enrollment of the lowest income children—in other words, go after those with the most need—and, two, by encouraging States to increase outreach and enrollment.

The Director of the Congressional Budget Office, Dr. Peter Orszag, characterized the incentive fund "as efficient as you can possibly get per new dollar spent."

The Finance Committee bipartisan bill also removes childless adults and limits payments for parents. It eliminates coverage under SCHIP for childless adults within 2 years. Those are the people who are already on the program. It eliminates the enhanced match for parents covered under SCHIP. It prohibits new State waivers to expand coverage for parents.

Now, again, I wish to emphasize this point. It does away with State waivers. You get back to every complaint I hear about this bill. You do not hear complaints about covering kids under 200 percent of poverty from Republicans or Democrats. But you hear an awful lot from both Republicans and Democrats about covering adults because there is no letter "A" in the acronym SCHIP, and those adults are covered because the law allows waivers. So this bill does away with waivers, so you do not get the adults on the program the way they have gotten there in the past.

Next, it reduces spending on adults by $1.1 billion.

Finally, the Finance Committee bill spends less than the $50 billion authorized in the budget. Now, once again, let me emphasize, there are people around here who say $5 billion in addition to what we are spending now is enough. Then, you have people who say only $50 billion more than what we are spending now is enough. Somewhere in the middle is where you end with compromise.

Now, for Republicans who are irritated because I am here with a bipartisan compromise, along with 16 other members of the Finance Committee—17 to 4 this bill was voted out—we are $15 billion under what a lot of people in this body would like to spend. I think for some people maybe $50 billion would not have been enough.

Continuing SCHIP with static enrollment would cost $14 billion over 5 years over the baseline anyway. At $35 billion, the SCHIP Reauthorization Act will cost $15 billion less than what was included in our budget. This additional funding goes toward coverage of lowest income children.

This bill does not include everything on everybody's wish list. I worked hard for a responsible, bipartisan agreement because I wish to see this bill pass. I think we have done a good job. But I also wish to make one more point very clear. My support for this legislation, in the end, will depend upon the outcome of the floor debate and the conference. I am not going to be able to support a bill that changes significantly from what we have in this proposal.

I appreciate very much the leadership Chairman BAUCUS has provided. I thank him and Senator ROCKEFELLER for what they did to reach a bipartisan agreement.

I also extend my sincere thanks to Senator HATCH for the hours and hours he has put into this effort. Senator HATCH was the main Republican sponsor of the bill that created the SCHIP program 10 years ago. His commitment to the ideals and fundamentals of the program is steadfast, and the program is better for it.

I also have to say I am disappointed by the way the Democratic leadership is handling the process of bringing this bill up for consideration on the floor. It does not bode well for the outcome of the bill. In the Senate, process matters as much as policy, and this process has not been managed in a bipartisan or responsible manner. However, the Finance Committee SCHIP bill is still one I can support. It is a compromise. It is based upon reality. This bill is for kids.

So I will end with an analogy from a child's bedtime story. This bill is not too big, it is not too small. It is not too hard, it is not too soft. It is not too hot, it is not too cold. It is just right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, since the Senator from Iowa has been talking about the efforts of Senator BENNETT and I and how it relates to the children's health program, I wish to take a few minutes to discuss that relationship.

First, I think Senator BAUCUS, Senator ROCKEFELLER, Senator GRASSLEY, and Senator HATCH—through the hours and hours of effort they have put into making the children's health proposal ready for floor action—have done a great service. They have done a great service, first and foremost, to the country's kids.

It seems to me every single Member of the Senate can say today we cannot afford, in a country as good and strong and rich as ours, to have so many kids go to bed at night without decent health care. As a result of the bipartisan work of four Members of the Senate—two Democrats and two Republicans—we have laid the foundation to take steps immediately to help youngsters who are falling between the cracks.

I have long felt the challenge with respect to health care today is twofold. First, you act immediately to help those who are the most vulnerable in our society. That is, in fact, what four members of the Senate Finance Committee have helped the Senate to promote today. Second, we ought to be taking steps on a broader basis to fix health care in our country.

We are spending enough money on health care today. We are not spending it in the right places. We are spending enough money today on American health care to be able to go out and hire a doctor for every seven families in the United States. That doctor would do nothing except take care of seven families. Pay the doctor $200,000 a year, and my guess is, the distinguished Presiding Officer would probably have physicians in the State of Delaware come to him and say, "Where do you go to get your seven families?" because they would all like to be practicing physicians again. So we are spending enough money on health care today. We are not spending it in the right places.

At a time when our population is growing so rapidly, when costs are skyrocketing out of control, we need to fix American health care. But in order to get to the broader health reform effort—an effort that is bipartisan, with Senator BENNETT joining me in the first bipartisan health reform bill in 13 years—you have to take steps to meet the needs of youngsters today.

The Senate has already said that on multiple occasions. We said it first by passing the children's health program, and now, through the reauthorization effort, we say kids will come first. We also said it, in fact, through the budget resolution, where there was an effort to look at the relationship between broader health reform and care for kids, and the Senate, again, said children will come first.

So I am very hopeful. I believe consideration of the children's health program is, essentially, the opening bell of round one in the fight to fix health care. If we can tackle the issue of children's health in a bipartisan way—the way the Senate Finance Committee has done—it ought to be possible, even in this session of Congress, to move on to broader health reform.

Now, I am very hopeful the Administration will join in this bipartisan effort. We have all read about discussions about a possible veto message. I am very hopeful the Administration will join discussions in the Senate, join discussions in the other body, and help us to move quickly on the issue of children's health.

If we do that, it ought to be possible, as the distinguished Senator from Iowa has indicated, to move on to something the Administration feels strongly about, where I happen to think, by and large, they are correct. The Federal tax rules, as it relates to health care, are a mess. Essentially, they reward inefficiency. They disproportionately favor the most affluent. If you are a "high flier" in our country, you can go out and get every manner of deluxe kind of health service and write it off on your taxes; but if you are a hard-working woman in Delaware or Oregon or around the country and your company does not have a health plan, you get virtually nothing.

So I come to the floor today to say what Democratic economists have said, what Republican economists have said, what the administration officials have said: There ought to be an effort to fix the Tax Code as it relates to health care, and I and Senator BENNETT and others want to; and we want to fix it in this session of the Congress. But to get at that issue you are going to, first, have to meet the needs of children.

I was asked today what the implications of the children's health program are for bipartisanship. I think if this body can pick up on the bipartisan work of the Senate Finance Committee, there are extraordinary opportunities for broader health reform in this session of Congress. I do not think the country wants to wait 3 or 4 or 5 more years to fix American health care.

I have heard the discussion about how there is a Presidential campaign coming up, and let's wait another 2, 3, 4 years to talk about a more comprehensive effort to fix American health care. I do not think any of us got sent here to tell businesses that are trying to compete in tough global markets, to tell those who cannot afford the skyrocketing premiums: Well, we are not going to work on broader health care reform for another 3 or 4 years. I think they want to hear how we are going to deal, in a bipartisan way, with the premier domestic issue of our time. Senators BAUCUS and GRASSLEY and HATCH and ROCKEFELLER have given us an initial dose of bipartisanship, an initial dose of bipartisanship in an area the country cares about, and cares about strongly, and that is meeting the needs of our children. But in the spirit that Senate Finance Committee quartet has worked, I and Senator BENNETT and others would like to pick up on that kind of bipartisan theme and move aggressively to looking at the health care system as a whole and taking steps to transform it.

I will say, I am struck again by how every single day it seems to me opportunities for bipartisanship on health care abound. I was very pleased that the nominee to head CMS, the agency that deals with Medicare and Medicaid, reacted very positively to our ideas on preventive health care. The fact is, in this country, we really don't have health care at all. We have sick care. We wait until somebody is flat on their back in a hospital—and the Medicare Program shows this clearly by paying those bills under Part A of Medicare. Part B of Medicare, on the other hand, the outpatient part of Medicare, pays virtually nothing for prevention, virtually nothing to keep people well.

We have known about the value of prevention for quite some time. The distinguished Senator from Iowa, Mr. HARKIN, has been talking about the value of health care prevention for years and years. What I and Senator BENNETT have proposed for the first time under Federal law is that Medicare would be given the legal authority to go out and lower premiums for seniors who reduce their blood pressure and reduce their cholesterol and take the kind of preventive steps that everyone understands makes sense and helps to prolong an individual's good health and also saves money for the Medicare Program. We were very pleased that the nominee to head the agency that deals with Medicare and Medicaid was supportive of those changes and indicated he wanted to work, if confirmed, in a bipartisan way.

So the fact is, there are great opportunities for bipartisanship on health care in this Congress if we can get past this initial effort at addressing American health care. The Senate has indicated, through the initial authorization of the children's health program and through the budget resolution, that this is the program with which it wants to begin the debate on health care.

In the discussions in the Finance Committee, I followed very closely all of the different alternatives. It was a big bipartisan lift to get a 17-to-4 vote in the Senate Finance Committee. A lot of colleagues wanted to spend more. A lot of colleagues thought the program ought to be available to other groups of citizens. Some felt there wasn't much of a role for Government at all and that even the existing children's health program was too expansive. But the committee came together on a 17-to-4 basis.

I see the distinguished Senator from Iowa has returned. If we can pass this legislation with the kind of bipartisan support that was initially demonstrated in the Senate Finance Committee, I think it is very possible, in spite of all of the popular wisdom to the contrary, this Senate can achieve broader health care reform in this session of Congress. I see one poll after another which indicates that health care is the premier domestic issue of our time; that it is the most important issue to our citizens—in many polls by something like a 2-to-1 margin. So I think in addressing this issue today—health care for children—the Senate can lay a bipartisan foundation for broader reforms.

I think Senator BENNETT and I have provided some direction for the Senate to go from here, but we would be the first to acknowledge there are many Senators with ideas on these issues, and many of them are good. I have already indicated I think the Administration has a valid point with respect to these tax rules on health care. The distinguished chairman of the Finance Committee is back, and he and I have listened to one economist after another testify before the Finance Committee—Democrats and Republicans—talking about how the Tax Code on health care makes no sense and largely comes out of the 1940s.

So we have Senators of both political parties who would like to work on broader health care reform, but first we have to pass this legislation. I hope we will pass it with a resounding bipartisan majority vote so that we could truly lay the foundation for significant and comprehensive health reform to be considered by this body.

I yield the floor.

AMENDMENT NO. 2538 TO AMENDMENT NO. 2530

Mr. GRASSLEY. Madam President, for Senator ENSIGN, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. ENSIGN, proposes an amendment numbered 2538 to amendment No. 2530.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to create a Disease Prevention and Treatment Research Trust Fund)

At the appropriate place, insert the following:

SEC. _. DISEASE PREVENTION AND TREATMENT RESEARCH TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following new section:

"SEC. 9511. DISEASE PREVENTION AND TREATMENT RESEARCH TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Disease Prevention and Treatment Research Trust Fund', consisting of such amounts as may be appropriated or credited to the Disease Prevention and Treatment Research Trust Fund.

"(b) TRANSFER TO DISEASE PREVENTION AND TREATMENT RESEARCH TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—There are hereby appropriated to the Disease Prevention and Treatment Research Trust Fund amounts equivalent to the taxes received in the Treasury attributable to the amendments made by section 701 of the Children's Health Insurance Program Reauthorization Act of 2007.

"(c) EXPENDITURES FROM TRUST FUND.—

"(1) IN GENERAL.—Amounts in the Disease Prevention and Treatment Research Trust Fund shall be available, as provided by appropriation Acts, for the purposes of funding the disease prevention and treatment research activities of the National Institutes of Health. Amounts appropriated from the Disease Prevention and Treatment Research Trust Fund shall be in addition to any other funds provided by appropriation Acts for the National Institutes of Health.

"(2) DISEASE PREVENTION AND TREATMENT RESEARCH ACTIVITIES.—Disease prevention and treatment research activities shall include activities relating to:

"(A) CANCER.—Disease prevention and treatment research in this category shall include activities relating to pediatric, lung, breast, ovarian, uterine, prostate, colon, rectal, oral, skin, bone, kidney, liver, stomach, bladder, thyroid, pancreatic, brain and nervous system, and blood-related cancers, including leukemia and lymphoma. Priority in this category shall be given to disease prevention and treatment research into pediatric cancers.

"(B) RESPIRATORY DISEASES.—Disease prevention and treatment research in this category shall include activities relating to chronic obstructive pulmonary disease, tuberculosis, bronchitis, asthma, and emphysema.

"(C) CARDIOVASCULAR DISEASES.—Disease prevention and treatment research in this category shall include activities relating to peripheral arterial disease, heart disease, valve disease, stroke, and hypertension.

"(D) OTHER DISEASES, CONDITIONS, AND DISORDERS.—Disease prevention and treatment research in this category shall include activities relating to autism, diabetes (including type I diabetes, also known as juvenile diabetes, and type II diabetes), muscular dystrophy, Alzheimer's disease, Parkinson's disease, multiple sclerosis, amyotrophic lateral sclerosis, cerebral palsy, cystic fibrosis, spinal muscular atrophy, osteoporosis, human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), depression and other mental health disorders, infertility, arthritis, anaphylaxis, lymphedema, psoriasis, eczema, lupus, cleft lip and palate, fibromyalgia, chronic fatigue and immune dysfunction syndrome, alopecia areata, and sepsis.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 9511. Disease Prevention and Treatment Research Trust Fund.".

Mr. GRASSLEY. Madam President, I yield the floor.

Mr. BAUCUS. Madam President, the Senator from Kentucky, Mr. BUNNING, is going to be offering an amendment. So I ask unanimous consent that the pending amendment be temporarily laid aside so the Senator from Kentucky can offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I also ask unanimous consent that Senator SALAZAR be allowed to speak following Senator BUNNING.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

AMENDMENT NO. 2547 TO AMENDMENT NO. 2530

Mr. BUNNING. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 2547 to amendment No. 2530.

Mr. BUNNING. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the exception for certain States to cover children under SCHIP whose income exceeds 300 percent of the Federal poverty level)

Beginning on page 79, strike line 21 and all that follows through page 81, line 6, and insert the following:

(a) FMAP APPLIED TO EXPENDITURES.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) LIMITATION ON MATCHING RATE FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE

PROVIDED TO CHILDREN WHOSE EFFECTIVE FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.—For fiscal years beginning with fiscal year 2008, the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose effective family income would exceed 300 percent of the poverty line but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income.".

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting "or subsection (c)(8)" after "subparagraph (B)".

(c) APPLICATION OF SAVINGS TO GRANTS FOR OUTREACH AND ENROLLMENT.—

(1) IN GENERAL.—Notwithstanding the dollar amount specified in section 2113(g) of the Social Security Act, as added by section 201(a), the dollar amount specified in such section shall be increased by the amount appropriated under paragraph (2).

(2) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated such amount as the Secretary determines is equal to the amount of additional Federal expenditures for the period of fiscal years 2008 through 2012 that would have been made if the enhanced FMAP (as defined in section 2105(b) of the Social Security Act) applied to expenditures for providing child health assistance to targeted low-income children residing in a State that, on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, has an approved State plan amendment or waiver to provide, or has enacted a State law to submit a State plan amendment to provide, expenditures described in section 2105(c)(8) of such Act (as added by subsection (a)). The preceding sentence constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of such amount to States awarded grants under section 2113 of the Social Security Act.

Mr. BUNNING. Madam President, I offer this amendment to the SCHIP bill. This is the same amendment I offered during the Finance Committee's consideration of this legislation.

I have heard a lot of talk about how the Baucus bill puts the focus for SCHIP back on low-income children—so much talk, in fact, that one would hardly know that the Baucus bill allows certain States to provide families making up to $70,000 or $80,000 a year in income with Government-run health care.

Let's start from the beginning. The way the SCHIP and Medicaid Program work is States get Federal matching dollars to help fund their programs. The SCHIP match from the Federal Government is higher than a State's Medicaid match. This means for my State, the Federal Government's match for Medicaid is about 70 percent, while the State pays the remaining 30 percent. For SCHIP, the Federal match is 80 percent, while the State match makes up the remaining 20 percent.

SCHIP was intended to help States provide health care coverage to children and families whose incomes were below 200 percent of the Federal poverty line. These families were likely working but making too much money to qualify for Medicaid and couldn't afford private health insurance. I would like to note that 200 percent of the Federal poverty level is about $41,000 a year in income for a family of four.

The Baucus bill allows States to expand their SCHIP programs and receive the higher SCHIP matching rate for families with incomes up to 300 percent of the poverty level, or almost $62,000 for a family of four. Personally, I think that in and of itself is too high, especially when the national median income in this country was about $46,000 a year in 2005. In the Baucus bill, States that choose to go above 300 percent of poverty would receive their Medicare matching rate for those families which, remember, is the lower reimbursement rate.

However, the Baucus bill thinks families in New Jersey and New York deserve special treatment under SCHIP. The bill provides an exemption for States that have already gone above or are currently trying to go above 300 percent of poverty for SCHIP coverage. New Jersey already provides coverage for families up to 350 percent of poverty. New York is working to get approval to extend coverage up to 400 percent of poverty. I want to make sure everyone understands, 400 percent of poverty is $82,600 a year for a family of four; 350 percent of poverty is $72,275 per year. Are we really going to be providing Government health care for families making $70,000 to $80,000 a year?

My amendment is fairly simple. It strikes the exemption the Baucus bill has given to just New York and New Jersey so they have to play by the same rules as every other State. If these two States want to provide health care coverage to families above 300 percent of the poverty level, they can do so—they just cannot get a higher SCHIP matching rate. They would get their Medicaid matching rate. That at least leaves the playing field level.

There will be obviously some small savings from this if my amendment passes. My amendment would take these savings and provide additional money to outreach and enrollment grants.

Some people will try to say it is more expensive to live in these two States than it is in other States, and that is probably true in certain areas. However, SCHIP is a Federal program, and all States should play by the same rules. Also, these two States can still cover these higher income families if they choose. They just have to get the lower Medicaid matching rate to do so.

If New York and New Jersey feel so strongly about letting families making $70,000 or $80,000 a year have Government health care, then the States should be willing to pay a little more from their own tax revenue. The last time I checked, money doesn't grow on trees around here—or at least it very rarely does. The Baucus bill is requiring people in other States such as Kentucky, New Mexico, Florida, and Maine to pay more so New York and New Jersey can cover families at these higher income levels. To me, that is grossly unfair.

Some people may also try to argue that New York is only thinking about going to 400 percent of the poverty level, and they would have to get a waiver or a plan approved by the Department of Health and Human Services for this increase. OK. So then why give them this special protection in the Baucus bill? Why create special rules for New York when they haven't even gotten approval yet? To me, it is outrageous that a program designed for lower income kids is being expanded to include families at 350 percent or 400 percent of the poverty level. That is too high, and it is unfair to ask people in other States to pay for these types of expenses.

So with my amendment, you have two options: more money for outreach and enrollment efforts and requiring all States to play by the same rules or covering kids and families most of us probably don't consider low income—those making up to $72,000 or $82,000 a year for a family of four.

Madam President, I reserve the remainder of my time, and I ask for the yeas and nays on my amendment when it is appropriate.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. BUNNING. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, the Senator from Colorado is to be recognized next. I say to my friend from Kentucky, I think the Senators from the two States that will be directly affected by the amendment will be coming to the floor to speak in opposition. When they do, those Senators will be recognized. In the meantime, I urge the Chair to recognize the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, I rise to support the effort we have on the floor to address a national health care imperative, which is providing health insurance to 10 million young people in our country today.

For me, when I come to this Senate every day and speak on behalf of the millions of people in my State of Colorado and around the country, I think about the biggest issues we are faced with, the biggest challenges of our time, the imperatives of the 21st century, and there are three in my mind.

First is the questions we face in terms of foreign affairs and how we protect America and homeland security. We will have other occasions where we will deal with the fundamental issue of protecting America and making sure our homeland is secure. We took significant steps last week in that direction when we adopted the 9/11 Commission recommendations.

The second issue is how we move forward and embrace a clean energy economy for the 21st century. With the committees that have reported legislation, including the Energy Committee, which adopted bipartisan legislation here, we took a step forward with that international imperative.

The third issue that I think is an imperative of the 21st century is how we take the health care crisis we have—a system which is not working for the people today—and fix it. Today and this week is an opportunity for us, the Senate, to take a very major step toward making sure we are moving toward addressing the complex issue of health care and providing health care insurance to the 10 million children of America who, without this program, would wake up after September without the health insurance that provides them with an opportunity to live a healthy American life. So this legislation is very important for us to move through this body.

I say also at the outset that we would not be here today had it not been for the bipartisan efforts of Senators BAUCUS and GRASSLEY, in the leadership in the Finance Committee, joined by Senators ROCKEFELLER and HATCH. The four of them moved this legislation forward today in the framework that gives us the great possibility of receiving an overwhelming bipartisan vote as we move this legislation out of the Senate.

By all measures, we know our health care system is in crisis. We have 47 million Americans without health insurance today, and 9 million of them are kids. In Colorado, 20 percent of our population—1 in 5, or 780,000—lacks health coverage; 180,000 of those people in my State of Colorado are children.

These are middle class citizens who are getting squeezed by the ballooning costs of health care. Two-thirds of Americans and 70 percent of Coloradans without health insurance work full time. They play by the rules, but still find coverage out of reach.

For those who are able to afford health insurance, the picture is also grim. Health insurance premiums for family coverage have risen by over 70 percent since 2000. An employer-sponsored family coverage plan now costs nearly $10,000 a year. This is a huge chunk of a working family's income.

Our health care system is in dire need of triage. We must start with those who are most vulnerable, our children, and see to it that they have the health care coverage they deserve.

Covering our kids, providing them preventive care from doctors and nurses, ensuring that they grow up healthy and strong—this has been the focus of our health care work over the last several months in the Senate Finance Committee. This week we bring the bill to the floor with the hope that we will pass it swiftly and with broad, bipartisan support, so that we can give 10 million more kids the opportunity they deserve to live up to their potential.

The reason we focus our first reforms of the health care system on our children is simple: every American child deserves the opportunities that come from a healthy start in life.

The fact that 9 million of our kids—180,000 in Colorado—have no coverage is simply unacceptable. It is a massive liability not just for the health of our kids, but for their education and for our future economic security.

The impacts of a lack of health coverage are clear: uninsured children are 6 times more likely to have unmet medical needs; uninsured children are two and a half times more likely to have unmet dental needs; one-third of all uninsured children go without any medical care for an entire year; uninsured children are less likely to do well in school due to absences from unmet health needs; and uninsured children are more likely to seek care from hospital emergency rooms, which are often the provider of last resort, the most costly venue for care, and the least equipped to provide the type of preventive and comprehensive follow-up care children need.

As sobering as these statistics are, the stories of families and health care providers are even more compelling. Earlier this year, at Senator Baucus' suggestion, I traveled to Greeley, Fort Morgan, Fort Collins, Steamboat, Silverthorne, Grand Junction, Durango, Alamosa, Pueblo, Colorado Springs, and Denver to meet with health care providers, State officials, children's advocacy groups and families interested in the reauthorization of the Children's Health Plan.

I heard harrowing tales about delayed health care that caused children's health to worsen. One school nurse told me of a boy who injured his leg during a school football game. Because his family could not afford to take him to a doctor, they applied ice to his leg and prayed it would get better.

Unfortunately, the boy's leg, which was fractured, grew progressively worse, swelling to two times its normal size. The school nurse told me of the pain and anguish the child endured because his parents could not afford an expensive doctor's visit.

I heard countless other stories of colds that turned into pneumonia, of ear aches that developed into ear infections, and of other illnesses that grew worse because parents could not afford to seek medical care for their kids. These families eventually had to take their kids to the emergency room for treatment, the most expensive venue for care, and one which typically doesn't provide the type of preventative or comprehensive follow-up care that our kids need.

For millions of children and their families, for our hospitals, clinics and health care providers who can no longer shoulder the burden of uncompensated care, the time has come to provide health insurance to children in need.

I am proud of the work that we have done on this bill in the Finance Committee. It will cover 10 million uninsured children. It is a huge step toward providing coverage for every uninsured child in America, and we have done it with overwhelming bipartisan support in committee.

Unfortunately, the President seems to have a different perspective. He has already issued a veto threat. I believe he is wrong. For the sake of our children we must reauthorize the Children's Health Insurance Program, and we ask the President to help get it done. CHIP has become a critical resource to us in Colorado and nationwide, providing health care coverage to children who would otherwise go uninsured.

I believe that it is our moral and economic obligation in Washington to invest in our children's healthcare, as our investment today, will pay off tomorrow. The President should embrace this proposal for children across the country, and I strongly urge the President to help us get it done.

I want to take a moment to talk about what the bill does, because the veto threat implies a deep misunderstanding about its benefits.

On the broadest scale, the bill before us provides insurance coverage to 3.3 million children who are currently uninsured, while maintaining coverage for all 6.6 million low-income children currently enrolled in the Children's Health Insurance Program.

The bill includes significant incentives for States to enroll more children onto CHIP, particularly children in rural communities where geographic distances and the lack of health infrastructure create barriers to enrollment. Twenty percent of all low-income children live in rural areas, and a significant percentage of them are uninsured. We can do better.

The CHIP reauthorization also allows States to cover pregnant women. Children who are born healthy have a far greater chance of a healthy life. Healthy children save Medicaid and CHIP significant resources in reduced health care costs. It is sensible that they can receive this coverage under our program.

The bill also provides grants to States to improve dental benefits and helps improve coverage for mental health. In order to receive the Federal match, States that offer mental health services will be required to provide coverage on par with medical and surgical benefits under CHIP. Finally, the bill reduces bureaucratic hurdles and improves the program's efficiency by setting quality standards, by allowing States to verify citizenship through the Social Security Administration, and by establishing a pilot program to allow States to implement express lane enrollment.

These are only a few of the key provisions in a bill that dramatically increases coverage for uninsured children across America.

I look forward to a lively week of debate on this bill with the hope that we can further strengthen the package.

Finally, I want to briefly talk about an amendment that I intend to offer, which will help States create and expand home visitation programs. In a home visitation program a nurse, social workers, volunteer, or other professional works with families in their homes to provide prenatal care, parenting education, social support, and links with public and private community services. Home visitation programs have existed in the United States since the 19th century and have a long and solid track record in improving children's health.

My amendment is straightforward. It would create a $100 million grant program to fund cost-effective home visitation programs. It would also require a study of the cost-effectiveness of adding home visitation programs to coverage under CHIP.

From my experience with these programs in Colorado, I think we will find that expanded investment in home visitation programs is a logical step toward improving children's health care.

Nurse Family Partnership, one of our home visitation programs in Colorado, is a great example. It operates in 150 sites in 22 States, providing 20,000 low-income pregnant women with help from trained registered nurses. These nurses work closely with the families to increase access to prenatal care, foster child health and development and promote parental economic self-sufficiency.

The statistics prove the success of the program. Nurse Family Partnership has been shown to reduce child abuse and neglect by 48 percent; reduce child arrests by 59 percent; reduce arrests of the mother by 61 percent; reduce criminal convictions for the mother by 72 percent; increase father presence in household by 42 percent; reduce subsequent pregnancies by 32 percent; reduce language delays in 21-month-old children by 50 percent; and reduce behavioral/intellectual problems of children at age 6 by 67 percent.

A report recently released by the Brookings Institute praised Nurse Family Partnership as one of the most effective returns on investment in the healthy development of the next generation.

Our amendment builds on the great promise that home visitation programs offer and strengthens CHIP's investment in the healthy development of our children. I urge my colleagues to support our amendment when we offer it.

I want to again thank Chairman BAUCUS, Ranking Member GRASSLEY, and Senators ROCKEFELLER and HATCH for their bipartisan leadership on this bill. This is a giant step forward in our Nation's steady march toward providing every child in America the chance to chase their dreams.

Mr. President, I yield the floor.

Mr. BAUCUS. Madam President, the amendments are starting to come before the Senate and that is good. The other news is that all Senators who have lined up to speak at certain specified times are going to have to be very accommodating to other Senators and squeeze down the amount of time they want to speak. Perhaps they can consult with the floor staff to see when they might be able to speak.

I now ask unanimous consent that the Senator from Oregon, Senator SMITH, be recognized to speak next and, immediately following him, that the Senator from Pennsylvania, Mr. CASEY, be recognized to speak. I urge both Senators to limit their remarks as much as possible. Please try to use a little more brevity so we can get to the next speakers. Senator MENENDEZ is also here and he wishes to speak on the amendment offered by the Senator from Kentucky.

I yield the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CASEY. Madam President, parliamentary inquiry: When the Senator said "limit the time," I am not sure what the Senator meant by that.

Mr. BAUCUS. Well, I have a list of Senators who wish to speak. I have times next to the Senators as to when they are going to speak. I also have time allocated on how much time they think they are going to speak. I am asking all Senators to basically speak for fewer minutes so that all Senators can speak at their allotted times.

Mr. CASEY. My colleague from Montana has been generous with his time and has shown great leadership. I want to make sure I have the time I want on this, so I will wait. I will play it by ear, depending on my colleague from Oregon.

Mr. BAUCUS. Thank you very much.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Madam President, I wish to assure the manager of the bill that I will be as brief as I can on this big issue.

All of us who are parents know that the health of a child is critically important in ensuring they have the opportunity to reach their full potential. Yet today in America there are approximately 6 million children who are eligible for either Medicaid or SCHIP who are going without health care nevertheless. In Oregon alone, there are approximately 60,000 kids eligible for assistance who are not getting the help they need. Therefore, the debate before us is about whether we as a country will invest in our young people by providing access to health coverage or whether we will leave these children without the essential building blocks of health care upon which they can build successful lives.

I believe in the promise that SCHIP represented in 1997. It was one of the first bills I worked on, with an amendment in the Budget Committee. I urge my colleagues to support the bill the Finance Committee has now produced which sees this whole promise of CHIP one step closer to fulfillment. This bill will allow States to cover an additional 3.3 million children, and in Oregon that would allow an additional 100,000 children to receive health care coverage.

When thinking about our response to the children, I often like to quote one of our Nation's health care leaders, the former Surgeon General, Dr. C. Everett Koop, who said:

> Life affords no greater responsibility, no greater privilege than the raising of the next generation.

The reauthorization of the Children's Health Insurance Program fulfills the Government's responsibility to take care of our Nation's children. It also lives up to the expectations of the American public—we the people—who want Congress to pass this bill and extend health care coverage to America's underprivileged children.

This bill is also a testament to a bipartisan legacy of the Finance Committee. It contains less money and benefits than some desire, while more than others have indicated they will support. Yet when you look at the actual policy, I believe you will find that it deserves the full support of the Senate.

My colleagues and the American public should know that this bill is not, as some have claimed, an expansion, and it is not the federalization of health care. In fact, it simply takes a step, a reasonable step, toward achieving the original objective, the original vision for SCHIP. It will provide adequate funding and make some programmatic enhancements to help an additional 3.3 million children currently eligible to enroll in the program. I wish to emphasize that these children are currently eligible. This just makes the program available to them.

This package which many of us have worked to craft does not create a new

Government-run health care system. In fact, 48 States, including my State of Oregon, utilize private health insurers to deliver the SCHIP benefit package. Like Medicare Part D, it is a highly successful melding of Government and private sector care.

I also believe it important to note that SCHIP is an efficient and cost-effective health care program. Its overhead ranges from about 5 percent, compared to the commercial market, which is over 10 percent. Perhaps most importantly, this bill returns the focus of the State Children's Health Insurance Program to children.

Many on both sides of the political aisle were amazed and disappointed to learn that the administration has allowed States to extend coverage under SCHIP to adults. This proposal puts the brakes on that practice and says: Enough is enough. Upon enactment of the bill, the administration no longer will be able to extend waivers to States to cover any adult. Further, by the end of 2009, those States which currently cover childless adults will be required to move those people into Medicaid, and any parent currently covered will be moved into a separate block grant starting in 2010. This represents a bipartisan agreement.

For those of us who have battled over the years to ensure mental health parity, I am pleased to report that the committee accepted an amendment from me and Senator KERRY, and this bill now delivers a victory to those who advocate for mental health parity. It requires States that offer access to mental health care to provide coverage that is on par with coverage for physical illnesses. As a parent whose child battled a mental illness, I know how important it is for our young people to have timely access to mental health care treatments.

Each year in the United States, 30,000 people die by suicide. That is more deaths than by drunk driving and homicides combined. Yet, with proper treatment, these deaths are preventable. Our Nation and our Government simply cannot continue to ignore this problem. That is why this amendment was included, so that we will now begin to reverse this Federal discrimination as it relates to mental health care. I believe that by ensuring equity among mental and physical illnesses, this bill takes the first step toward eliminating the discrimination against persons with mental illnesses that has existed in our Federal and State health care programs for generations. It is an important first step and fulfills the promise of SCHIP for all children, including those children with a mental illness.

For those who believe SCHIP will erode health care coverage through employers, do not believe it. This bill takes a significant step toward offering access to privately delivered options and helps small businesses gain access to affordable health care coverage for all of their employees.

I authored a provision that allows States to create an employer purchasing pool under the premium assistance section of SCHIP. My provision will allow small businesses with less than 250 employees to buy health insurance coverage through a State-sponsored employer purchasing pool. Employers that participate will have access to a choice of privately delivered, quality health insurance products for all of their employees and will receive reimbursement for those employees or their children who are eligible for SCHIP. It is a win-win arrangement that I hope will lead to more extensive coverage among employees and small- and medium-sized businesses.

Finally, this package rightly utilizes the 61-cent increase in the tobacco products excise tax, which I proposed during the Senate's budget debate, to pay for the cost of reauthorizing SCHIP. Increasing the cost of tobacco products not only puts real dollars on the table to pay for SCHIP, but over time it will lower the cost of tobacco-related illnesses for all Federal and State health care programs and will deter young people from smoking.

Why is this important? My State of Oregon was the first in the Nation in 1987 to begin tracking the number of deaths that were related to the use of tobacco. In 2005, the most recent year for which data is available, there were a total of nearly 7,000 deaths in Oregon due to tobacco. This means that tobacco contributed to 22 percent of all deaths in the State of Oregon. In fact, from 1996 to 2005, tobacco use has consistently contributed to more than one-fifth of all Oregon deaths, ranging from 21 percent to 23 percent of the total deaths per year.

Officials in my State explain to me that to determine the death rate in the State, they often look at it in terms of the number of deaths per 100,000 Oregonians. In 2005, the death rate due to tobacco was about 13 times the rate of death from the following causes: alcohol-induced deaths, drug-induced deaths, motor vehicle accidents, and deaths from an infection or parasitic disease. What is more, the State estimates that an additional 800 deaths were attributable to secondhand smoke in 2005. That means in 1 year, 7,721 Oregonians needlessly died because of the use of tobacco.

So for those who question raising the rate of the Federal tobacco excise tax, I say: Look at these numbers. Look at the 7,000 deaths from tobacco in the State of Oregon in 2005 alone and understand that this Federal rate increase could dramatically lower the death rate from tobacco. That is why this bill rightly includes a 61-cent increase in the excise tax.

In closing, Chairman BAUCUS and Ranking Member GRASSLEY have a long working tradition of tackling challenging issues and developing bipartisan solutions. The development of the Children's Health Improvement Program Reauthorization Act of 2007 is no different. Many hurdles were encountered, and many are yet to come, but if the Senate can follow the example set by Chairman BAUCUS and Ranking Member GRASSLEY, I am confident we will see SCHIP reauthorized by the end of September. Therefore, I urge my colleagues to support this bill.

I thank the Chair for the time, and I yield the floor.

Mr. BAUCUS. Madam President, Senator CASEY has been seeking recognition, and I assured him earlier today that he would be able to speak at about this time.

I ask unanimous consent that Senator CASEY be able to speak and that following Senator CASEY, the Senator from Colorado, Mr. ALLARD, be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. CASEY. Madam President, I thank the Chair, and I thank Chairman BAUCUS for his leadership and for the way he has conducted the debate on this bill.

I wish to make a couple of points that probably haven't been made yet—some have, in different ways—and the first thing I wish to say is that this bill, overall, provides what a lot of Americans expect us to provide in a bill such as this: It lowers the rates of uninsured children in America, just as the original Children's Health Insurance Program did some 10 years ago now; it strengthens the program by increasing and targeting funding for our children; and it also gives States the tools they need to do the outreach that is required to get our children enrolled and to do that in a way that spends money wisely.

One of the things that has been missed in this debate is that this is really about all of America. This isn't simply about one State or one community. One of the population sectors that I think has been ignored often in this discussion by some people who have talked about this is rural children. You can see on this chart to my right what children's health insurance—this program—means to rural children.

Rural children are far less likely to have access to employer-based health care plans because most of these families that have had to struggle are not getting jobs that offer affordable health insurance. That number has gone far too high in terms of the number of rural families that have lost jobs or are seeking jobs with health insurance.

Secondly, rural children are difficult to enroll in children's health insurance even when they are clearly eligible. Outreach and enrollment efforts are critically important to those communities. That is why the features of this bill that deal with outreach—television advertising and other kinds of advertising—are critically important.

The second point about children who live in rural communities across America—and I have to say in Pennsylvania we have literally millions of Pennsylvanians who live in communities that are defined demographically as rural—is that they are more likely to be poor. Nearly half of rural children live in low-income families at or below 200 percent of the poverty level. So you are talking about a doubling of the number, just a little more than $40,000 of family income.

Additionally, rural children increasingly rely upon children's health insurance, this program. In rural America, more than one-third of all children—one-third of all rural children—rely upon the Children's Health Insurance Program or Medicaid.

Another point on benefits, if we can go to the next chart. There has been a lot of talk about what this program means and how much it costs. It is interesting to debate that, but let us get back to what this program means to families. It means immunizations, routine checkups, prescription drugs, dental care, maternity care, mental health benefits, and down the list. You can see what this means to the life of a family and to the health of a nation. I think it bears repeating just how important those benefits are.

In the next chart, we focus on an example from Pennsylvania. There has been a lot of talk on this floor already, some of it inaccurate talk, so let's get back to the facts. This is what the children's health insurance income levels mean in Pennsylvania. What we are talking about here is $41,300 of income and below, under 200 percent of the FPL, the federal poverty level. Care is free for those families, and the average premium is, of course, zero. But the next category, $41,301 to $61,950, above 200 percent of poverty, up to 300 percent, care is provided at a low cost but a cost nonetheless. They pay a premium—a range of a premium.

Finally, looking at the higher income groups and some people, it is very misleading. For those with incomes of $61,951 and above, at that income level care is provided at cost, and the average premium is $150. We should stop misleading people, talking about wealthier families making $80,500. Others will discuss this later. We have already had a lot of misleading—and I hope it is not deliberate, but there has been misleading rhetoric on the Senate floor already about those families.

Just for the record, not only are there no families at $80,000 in the Children's Health Insurance Program, there are only about 3,000 kids enrolled in the health care program today out of 6.6 million who have a family income of 300 percent of poverty or more. Let's speak the truth and adhere to the facts instead of what we have heard already: misleading statements on this floor about these income levels.

One more point about minority children in America. We have heard a lot about what this means and whether it is working. We have lots of proof already that minority children have already been helped. Since the inception of this program 10 years ago, the percent of uninsured Hispanic children has decreased by nearly one-third; for African-American children by almost one-half. So don't tell us this is not working. Some people on the other side have made that point. This is working for rural kids, and it is working for minority children all across the country, not to mention what I have seen in Pennsylvania.

This will be our last chart. We have heard a lot about what this means for the broad spectrum of America. Here is the fact again: 78 percent of the kids covered by the Children's Health Insurance Program are from working families. I think that is an important point to make when we talk about who is helped by this program.

If we want to go the way the President has taken us and cut off kids from children's health insurance—1.4 million kids will lose their coverage under the President's plan—here is what happens when a child doesn't get dental care. We heard this story a couple of months ago. It bears repeating again—12-year-old Deamonte Driver, from Prince George's County here in Maryland, died because he didn't have coverage for a routine $80 dental procedure for his infected tooth. Without that simple treatment, the infection spread to Deamonte Driver's brain and killed him.

Let's put aside some of the mythology about what we have heard from some people—not everyone but some people in this Chamber—about what this means. If that child had received an $80 dental procedure he might be alive today. But, of course, we hear political rhetoric in here to back up the President. I think it is important to remember why we are here.

I have two more points to make, to keep within my time. John DiIulio, Jr., a distinguished Ph.D., worked for President Bush to lead his faith-based initiatives in the early part of the administration. He wrote an op-ed in the Philadelphia Inquirer a few months ago.

I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer]

BUSH'S STAND ON INSURANCE PLAN CONTRADICTS WORDS OF COMPASSION

(By John J. DiIulio Jr.)

Eight years ago this week, on July 22, 1999, George W. Bush delivered his first presidential campaign speech, titled "The Duty of Hope." Speaking in Indianapolis, he rejected as "destructive" the idea that "if only government would get out of the way, all our problems would be solved." Rather, "from North Central Philadelphia to South Central Los Angeles," government "must act in the common good, and that good is not common until it is shared by those in need." There are "some things the government should be doing, like Medicaid for poor children."

I helped draft the speech and served in 2001 as an adviser to Bush. He has made good on some compassion pledges. For instance, he has increased funding for public schools that serve low-income children. His $150 million program for mentoring 100,000 children of prisoners has made progress. In May, he pledged an additional $30 billion in U.S. aid to combat the global HIV/AIDS epidemic and save Africa's affected children.

On the other hand, poverty rates have risen in many cities. In 2005, Washington fiddled while New Orleans flooded, and the White House has vacillated in its support for the region's recovery and rebuilding process. Most urban religious nonprofit organizations that provide social services in low-income communities still get no public support whatsoever. Several recent administration positions on social policy contradict the compassion vision Bush articulated in 1999.

In May, Bush rejected a bipartisan House bill that increased funding for Head Start, a program that benefits millions of low-income preschoolers. His spokesmen claimed the bill was bad because it did not include a provision giving faith-based preschool programs an absolute right to discriminate on religious grounds in hiring.

That reason reverses a principle Bush proclaimed in his 1999 speech: "We will keep a commitment to pluralism, not discriminating for or against Methodists or Mormons or Muslims, or good people of no faith at all." As many studies show, most urban faith-based nonprofits that serve their own needy neighbors do not discriminate against beneficiaries, volunteers or staff on religious grounds. These inner-city churches and grass roots groups would love to expand Head Start in their communities.

Last week, Bush threatened to veto a bipartisan Senate plan that would add $35 billion over five years to the State Children's Health Insurance Program (SCHIP). The decade-old program insures children in families that are not poor enough to qualify for Medicaid but are too poor to afford private insurance. The extra $7 billion a year offered by the Senate would cover a few million more children. New money for the purpose would come from raising the federal excise tax on cigarettes.

Several former Bush advisers have urged the White House to accept some such SCHIP plan. So have many governors in both parties and Republican leaders in the Senate. In 2003, Bush supported a Medicare bill that increased government spending on prescription drugs for elderly middle-income citizens by hundreds of billions of dollars. But he has pledged only $1 billion a year more for low-income children's health insurance. His spokesmen say doing any more for the "government-subsidized program" would encourage families to drop private insurance.

But the health-insurance market has already priced out working-poor families by the millions. With a growing population of low-income children, $1 billion a year more would be insufficient even to maintain current per capita child coverage levels. Some speculate that SCHIP is now hostage to negotiations over the president's broader plan to expand health coverage via tax cuts and credits. But his plan has no chance in this Congress; besides, treating health insurance for needy children as a political bargaining chip would be wrong.

Bush should return to Indianapolis. There, SCHIP covers children in families with incomes as high as three times the federal poverty line The Republican governor who signed that program into law is Mitch Daniels, Bush's first budget office director. For compassion's sake, the president should compromise on SCHIP—say, $5 billion a year more—and work to leave no child uninsured.

Mr. CASEY. I will not read it, but I want to highlight some of what he said. He talked about the President and what has been happening with this debate on children's health insurance. He made this point in the second to the last paragraph:

> Treating health insurance for needy children as a political bargaining chip—

And he's referring to the President's other health care ideas——

> would be wrong.

He talks about the fact that Mitch Daniels, who worked in a Republican administration—he is the Governor now, Governor of Indiana, also a great supporter of this program. Mr. DiIulio concludes this way. He says:

> For compassion's sake, the President should compromise on SCHIP . . .

And allow this to move forward.

I have to say, some of what we heard in the last couple of days has been misleading. In the end it is about this: It is about whether we are going to be fair to families across America, not whether the Senate likes a program or doesn't like it. This is about whether we are going to be fair to families.

Anyone who has had the experience of being a parent knows when their child is born, that parent, whoever they are, falls in love again. My wife and I have four daughters, and we know that feeling. So many others here do as well. As a parent, you always want to love your children and protect them. When a child is injured or gets sick, the first instinct of any parent, but especially a mother, is to hug that child, to dry their tears, and to soothe their pain immediately—not months later, not days later, but immediately. Of course if it is more serious you want to get them to a doctor or a hospital.

But for millions of parents—that is why this bill is so important to get done—for millions of parents that hug that they give their son or daughter, that warm embrace and the comfort that a hug can bring to a child—that will often be all that they have at the end of the road because their son or daughter has no health insurance, like the millions of children we have talked about in the last couple of days. If that child cries in the dark of night from pain or if they endure the slow ache of disease or sickness, the mother cannot bring the full measure of her love to that child. In essence, the mother is rendered powerless because of that. Just think of what that does to a mother and to a family.

When we have debates on this floor about this bill, none of it matters—none of the debate in the last couple of days will have mattered if it does not result in a total commitment to the children of America. Unfortunately, if the President gets his way, we will have failed that basic test about a full commitment to our children.

I will conclude with one line. When my father served as Governor of Pennsylvania, it was one of the first States to have a children's health insurance program. He knew the benefits of it. His test for every public official in every difficult fight was very simple, but it is a very tough test: What did you do when you had the power?

This Senate has the power this week to tell the President that he is wrong about children's health insurance, but more important to tell America that we have made a full commitment to the children of America. If we pass that test we will have done our job. If this body does not, it will have failed that test when we had the power to positively impact millions of children, to have exercised that power on behalf of that child, his or her family, and all of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I ask unanimous consent that following the remarks of Senator ALLARD, during which he will offer an amendment, then the Senator from New Jersey, Mr. MENENDEZ, be recognized; following Senator MENENDEZ, Senator LOTT be recognized; and following Senator LOTT, Senator OBAMA.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

AMENDMENT NO. 2536 TO AMENDMENT NO. 2530

Mr. ALLARD. Madam President, I ask the pending amendment be set aside, and we call up Allard amendment No. 2536.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

> The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 2536 to amendment No. 2530.

Mr. ALLARD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To standardize the determination of income for purposes of eligibility for SCHIP)

At the end of title I, add the following:

SEC. ___. STANDARDIZATION OF DETERMINATION OF FAMILY INCOME.

(a) ELIGIBILITY BASED ON GROSS INCOME.—

(1) IN GENERAL.—Section 2110 (42 U.S.C. 1397jj) is amended by adding at the end the following new subsection:

"(d) STANDARDIZATION OF DETERMINATION OF FAMILY INCOME.—A State shall determine family income for purposes of determining income eligibility for child health assistance or other health benefits coverage under the State child health plan (or under a waiver of such plan under section 1115) solely on the basis of the gross income (as defined by the Secretary) of the family.".

(2) PROHIBITION ON WAIVER OF REQUIREMENTS.—Section 2107(f) (42 U.S.C. 1397gg(f)), as amended by section 106(a)(2)(A), is amended by adding at the end the following new paragraph:

"(3) The Secretary may not approve a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2110(d) (relating to determining income eligibility on the basis of gross income) and regulations promulgated to carry out such requirements.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall promulgate interim final regulations defining gross income for purposes of section 2110(d) of the Social Security Act, as added by subsection (a)(1).

(c) APPLICATION TO CURRENT ENROLLEES.—The interim final regulations promulgated under subsection (b) shall not be used to determine the income eligibility of any individual enrolled in a State child health plan under title XXI of the Social Security Act on the date of enactment of this Act before the date on which such eligibility of the individual is required to be redetermined under the plan as in effect on such date. In the case of any individual enrolled in such plan on such date who, solely as a result of the application of subsection (d) of section 2110 of the Social Security Act (as added by subsection (a)(1))) and the regulations promulgated under subsection (b), is determined to be ineligible for child health assistance under the State child health plan, a State may elect, subject to substitution of the Federal medical assistance percentage for the enhanced FMAP under section 2105(a)(1) of the Social Security Act, to continue to provide the individual with such assistance for so long as the individual otherwise would be eligible for such assistance and the individual's family income, if determined under the income and resource standards and methodologies applicable under the State child health plan on September 30, 2007, would not exceed the income eligibility level applicable to the individual under the State child health plan.

Mr. ALLARD. Madam President, today I come to the floor to offer an amendment for the purpose of upholding the original intent of the State Children's Health Insurance Program, which is commonly known as SCHIP. In 1997, a Republican-led Congress passed SCHIP to help States provide health coverage to low-income children. Current law defines a targeted low-income child as one who is under the age of 19 years, uninsured, and who would not have been eligible for Medicaid in 1997.

States may set the upper income eligibility level at 200 percent of the Federal poverty level or 50 percentage points above the State's Medicaid income level. But that is not what is happening today.

In my State of Colorado, we had a health care summit meeting early on in the year. It was very popular, well attended by representatives of health providers all over the State of Colorado. They had this to say: We think the SCHIP program is successful, and we think it ought to provide care to needy children, those who are uninsured. They further stated that there needs to be some equity among the various States and the money they get for SCHIP.

Today, anywhere between 12 and 15 States have income thresholds above 200 percent of the Federal poverty level or 50 percent above the State's Medicare income level, which was provided for in the original legislation. So we have 12 or 15 States that have figured out how to get around that provision. States such as California, Maryland, Massachusetts, New York, New Jersey, Pennsylvania, and Vermont use income disregards to expand their income thresholds beyond the intent of the SCHIP program.

As of July 2006, just a year ago, New Jersey topped the list at 350 percent of the Federal poverty level, at $72,275 for a family of four, I am told.

In fiscal year 2005, nearly half of all children in the United States were covered by Medicaid or SCHIP. SCHIP was never intended to cover all 77 million children in the United States. It was never intended to make all children, regardless of income, dependent on Government for access to health insurance.

In April, New York passed its budget which expanded SCHIP to 400 percent of the Federal poverty level or $82,600 for a family of four. By disregarding specific types of incomes, States can ignore earnings between 200 percent of Federal poverty level and their upper limit, as if that income did not even exist. States should not be disregarding large portions of income to avoid SCHIP eligibility levels. Rather than returning SCHIP to its true intent, the pending legislation makes a deliberate choice to drive up eligibility levels.

My amendment brings the language back to the original intent of SCHIP. My amendment would require that a family's gross income be used to determine eligibility for SCHIP, and that the Secretary of Health and Human Services would determine new regulations for eligibility for SCHIP by establishing what is referred to as "gross income" and having that defined at a certain level.

States would still have the opportunity to cover any child who was determined to be ineligible for SCHIP based on the changes made by this amendment. They would remain eligible for the program, but the State would be reimbursed according to the Federal medical assistance percentage rate rather than the enhanced Federal medical assistance percentage rate.

So I ask my fellow Senators to support me and fellow Republicans in supporting the SCHIP reauthorization. My amendment tracks current law that upholds SCHIP's original intent, and that is for low-income children. Supporting this alternative is a step toward renewing our commitment to America's most vulnerable population; that is, our children.

I will yield the floor.

Mr. LOTT. Madam President, if the distinguished Senator would withhold so I could just address a couple of questions to him on his amendment? The amendment would say that the States have to take into consideration the gross income of the family, not including certain so-called income disregards.

That is the way we talk in Washington, but to the average man and woman, what are we talking about? Are we saying, even though we think they may have other sources of income—I don't know what that might be, and I was going to ask you, are you talking about rental income? Are you talking about some part-time income? I wonder, what types of things are used by these various States to reduce the gross level of income so they can get under this, whatever it is, 350 percent of poverty or—400 percent of poverty is the newest application, I understand, from New York. Do you have any information on that?

Mr. ALLARD. I thank the Senator from Mississippi for his question. Here is what my amendment does. It directs the Secretary of Health and Human Services to establish rules and regulations to set a uniform gross income among the States. He has 90 days, once the bill becomes law, to do that. This will give the States further opportunity to give their input to the Secretary, and it gives him some flexibility to listen to what their concerns are, but says then these States all have to operate under the same rules.

Some States, for example, when they looked at total gross income, have not included income benefits from other programs. Some States have. So this amounted to a considerable amount of discrepancy, particularly in high-income States where the benefits are running much higher.

So we see some States that are getting a much higher rate of benefit through SCHIP than perhaps the more responsible States, such as your State of Mississippi, my State of Colorado, for example.

So this is an important amendment to bring some integrity to the program.

Mr. LOTT. I thank the Senator for his explanation and for his amendment because it is clear that through these waivers or through moves by various States, without questioning their motives, they have been able to develop a system which is very unequal among the States.

I found, for instance, the reimbursement rate to the States—by the States—as required by the States for Medicaid, for instance, varies greatly from as low as 50 percent to as high as 80 percent. That is not fair, and we need to do something about it. I thank the Senator for yielding.

Mr. ALLARD. I thank the Senator from Mississippi for his question.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise in strong opposition to, first, the Bunning amendment, which is the one I particularly wish to talk about because it is a direct attack on children in New Jersey. I did not think I would come to the Senate and see such a refined focus on the children of anyone's State. But that is what the Bunning amendment does.

I am sure I could draft amendments that would hone in on the interests of any given State, but I do not think that is where we want to go as a Congress, as a Senate. I do not think that is particularly good public policy. So right now I am fuming.

Let me start off by saying I thought this was one country. One country. There are a lot of things I have voted for in the Senate and in my 15 years in the Congress, in the other body before I came here, that clearly did not specifically benefit my State, from crop disaster, to ethanol. I cannot get an E-85 pump in New Jersey; a whole host of things for farmers and the list goes on and on.

I looked at it, I always looked at it as one country. Sometimes in the allocation of resources there are certain needs that get taken care of in one part of the country, where in another part there are different needs. Those amendments are an attack directly upon that notion that this is one country.

I also think it is very easy to talk about income but never talk about costs, as if living in one part of the country automatically means that those costs are the same in another part of the country. Well, they are not. We recognize that in a variety of laws in which we give differentials to a whole host of different elements, from Federal employees to differentials for the military to a whole host of people based upon where they are stationed, because we recognize that, in fact, there are different costs of living in this country.

So it is interesting to talk about income but not talk about costs. You know what I am for? Let's make sure anyone in the Senate—I am sure everybody here makes in excess of 350 percent of the Federal poverty level. Let's eliminate health care for all of those that you ultimately get by virtue of the taxpayers' dollars.

Do you deserve health care more than children who happen to fall into that category? These are the children of working families. They are not poor, as in not working, because if they were, they would get Medicaid. But they are the children of those individuals who are working, and work at some of the toughest jobs, and yet make an income that does not allow them to purchase health insurance and their job does not seem to offer health insurance.

There is a great universe of Americans whom we are trying to cover under the Children's Health Insurance Program. I agree. What is the goal? The goal is to cover children, children who do not have coverage otherwise. Well, this is exactly what we seek to do.

Now, you know, in New Jersey, we do cover 126,000 children. And, yes, we cover children up to 350 percent of the Federal poverty level. That means there are 3,000 New Jersey children who happen to fall in this category who are in the direct aim of the Bunning amendment, 3,000 children who today get health care who would be knocked out by virtue of the Bunning amendment, and there may be one or two other States that focus on children as well.

My question is: Why are you targeting these children? What did they do to you? What did they do to you? You know, the difference is, maybe if I lived in Kentucky, I could afford to get health care based upon the incomes, but first of all, we have heard a lot of numbers bantered around here, some of which are clearly not true.

Three hundred fifty percent of the Federal poverty level is $60,095 for a family of three. So it is not $82,000, as some suggest, for starters. In fact, there is no child in this country, no child in this country covered up to that dollar amount—in the entire country. That is a scare tactic. It is shameful. We need to cover children up to 350 percent because New Jersey families face higher living costs.

They get less of their return on the Federal dollar, so again we cannot have a policy that doesn't take all of that into account. But let my lay it out for you. At the top of New Jersey's current eligibility level, a family might make somewhere around this $4,428.

Well, when you deduct housing costs in New Jersey, when you deduct food costs, when you deduct transportation to get to work, and I think a byproduct is that we want to, in our values, make sure we value the welfare of these children we are talking about and their health care, we also want to value work. One of the things these parents are doing is they are working. Now, they could not be working and be on welfare and ultimately be eligible for Medicaid. But we want to value work as well. They are working.

So they have to get to work. They have child care costs. Here is what the Department of Insurance in New Jersey says is the cost monthly—monthly—for family care in New Jersey, for family health insurance: $2,065. Now, this does not have utility costs, this does not have clothing, this does not have any emergency expenses for the family. This is no buffer. No buffer. What is the consequence of that to this family if they were trying to have health insurance? They would be in the red each month by $1,200, which means that they simply will not have health insurance, they simply will not have health insurance, and these kids would not have health insurance.

Now, that is the goal of the program, to provide health insurance for children who are not so poor that they would get it under Medicaid, but, in fact, are in a set of circumstances where because their parents work, and not getting insurance at work, they find themselves in that category for which there is no coverage and no money to be covered by virtue of their family income.

So it simply does not do it. It simply does not do it. It is basic math. That is why New Jersey enrolls children up to 350 percent of the Federal poverty level, because if you live in New Jersey with that income, without this coverage, children would not have health insurance. Purchasing a private plan—no matter the tax incentives, I have heard some of the tax incentives that are being offered. There is some suggestion of a $5,000 tax credit. Great. Well, that is 2½ months of health care coverage in New Jersey.

What do we do for the rest of the time? Do we roll the dice? Are we supposed to hope for the other 10 months they do not get sick, they do not get preventative care? That is what our public policy is all about? That is what our values are as a Senate, as a country? I do not think so.

Now, the fact of the matter is, I urge my colleagues to think about this, because in New Jersey, you need to have $43,060 to purchase the same goods in Kentucky for $32,669. That is about $11,000 more to do the same thing as if you are living in Kentucky.

Now, the realty is, that is why one-size-fits-all does not work. I have heard many times on the debates here: States know best, let's have flexibility.

Well, this is a perfect example of how that flexibility has given us the wherewithal to cover children. I must say, I wish to warn my colleagues that supporting the Bunning amendment is about dumping children off the Child Health Insurance Program. It is the beginning of a slippery slope. So now we begin to eradicate those who are at 350 percent, we take them off; so then somebody comes up with another amendment, let's do 300 percent, let's eliminate that; then let's bring someone else who brings in 275 percent, and then the list goes on and on.

Before you know it, instead of having a program that covers more children in our country, we have less children covered. Less children covered in our country. I believe that, in fact, what we want to do is quite different. That is why I respect what the Senate Finance Committee did on a bipartisan basis. They looked at all the issues, all the costs, they looked at the goal of achieving, insuring more children in our country, keeping those who are in the 6.6 million, adding another 3.2 to 3.4 million, trying to reach the goal of insuring all our kids and doing it within a fiscal context that would allow it to happen. That is what this is about. That is what this is supposed to be about.

So I hope my colleagues do not join on the slippery slope that begins to cut back and cut back and cut back, that takes children off health care coverage because it would set a precedent that I think none of us would want to do at the end of the day, not only on children's health but on other issues that may be critical to our States.

I think this is about a set of values in the Senate. What are our values? We hear so much about children are our future. Yet our values speak to, if we pass this amendment, cutting children off health care, even though clearly there is a far greater cost to living in a State such as New Jersey than there is to living in a State such as Kentucky.

Now, there are a lot of things that go on in the Senate on different issues that clearly there is an appeal because of the nature of the unique challenges that States face. Well, we face a unique challenge. We want to make sure our children who are already on—by the way, these are children who already have coverage, who will lose coverage as a result of the Bunning amendment.

I am simply baffled. I thought we were about family values here. I thought we were about protecting children. I thought we were about increasing opportunity for children to ultimately be covered. I thought we were about enhancing the quality of life and protecting life. Obviously, it is the lives of children whom we are talking about, whom we put at risk by knocking off their coverage.

So I find it embarrassing that some in Washington, some in the very Senate who have about the best health care coverage in the world can come and offer amendments that they cannot live under, that they could not live under if, in fact, they had to.

What Member of the Senate does not make more than 350 percent of the Federal poverty level? Do you not deserve to have the Government subsidizing your health care? You should be out then. Let's have the amendment make that happen too before you take 3,000 kids off the Child Health Insurance Program. It is just incredible in my mind.

So I urge my colleagues, when the time comes, and I hope there will be a timeframe when that amendment is to be pursued because I will be vigorous in pursuing it on the floor, that we do not head down the slope of pitting one part of our Nation against another, pitting the realities of the difficulties of living in one part of our Nation versus the other, pitting children in one part of the Nation versus the other, pitting the very essence of preserving children and their health against some simple formula number that ultimately Members of this body could not live under themselves.

I think if it is good enough for us, it is good enough for these children. I would not want to see a vote that ultimately undermines the ability of thousands of children who presently get health care under this program to be eliminated. That would be a dark day in the Senate's history.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, notwithstanding an earlier agreement, I ask unanimous consent that Senator OBAMA be recognized to speak next and, following Senator OBAMA, Senator LOTT be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. OBAMA. Madam President, let me begin by thanking the Senator from Mississippi for allowing me to speak first. I appreciate his courtesy.

I also congratulate the Senator from New Jersey for his outstanding statement, sentiments which I fully share.

I will be brief.

As I have traveled across the country during these past several months, there are few issues that show a greater disconnect between what the American people want and the way Washington works than health care. Every single year people put it at the very top of the list of their concerns. Every year more people lose their insurance or watch their premiums skyrocket or open up medical bills they can't pay. Yet whenever the issue actually comes up in Washington, they watch health care debates play out that are filled with half truths and scare tactics. They see insurance companies run ads telling folks they will lose their doctor or wait forever if universal health care is passed. They watch the industry spend billions on lobbyists who use undue influence to block much needed reform. At the end of the day, nothing gets done, and we move on to fight about something else.

To most Americans, we seem completely disconnected from the reality they are living every single day, especially when we have a President who has actually said, and I quote:

> I mean, people have access to health care in America. After all, you just go to an emergency room.

That is what passes for universal health care in the greatest, wealthiest country on earth—overcrowded, understaffed emergency rooms that raise everyone's premiums and cost taxpayers more money. It is shameful. What is even more shameful is that 9 million of the Americans who are forced to wait in emergency rooms when they get sick, who have no health insurance at all, are children—children who did not choose where they were born or how much money their parents have, children whose development depends on the care and nourishment they receive in those early years, children whom any parent anywhere should want to protect at any cost.

We can shade the truth and pretend there are only 1 million uninsured, as the President says. We can make excuses for this neglect, we can start getting into an ideological argument, or we can just ignore the problem altogether. But as long as there are 9 million children in the United States with no health insurance, it is a betrayal of the ideals we hold as Americans. It is not who we are, and today is our chance to prove it.

We know CHIP works. Because of CHIP, 6 million children who would otherwise be uninsured have health care today. Because of CHIP, millions of children are protected when their parents lose their health care. Because of CHIP, individual States such as my home State of Illinois are building on its success to expand health coverage even further. And because of CHIP, millions of children with asthma, traumatic injuries, and mental health conditions are able to see a doctor and get the treatment they need.

Even though the uninsured rate among low-income children fell by more than one-third in the years after CHIP was enacted, the trend reversed 2 years ago. Since then, we have seen growing numbers of uninsured children. That is why I am always puzzled when we start getting into these debates that are ideologically driven about whether Government should provide coverage. If market-based solutions provided affordable coverage options for these children, then it wouldn't be necessary for the Government to help provide coverage, because these children wouldn't be uninsured. The reason they are uninsured is because their parents can't afford private coverage.

Uninsured children are twice as likely as insured children to miss out on much needed medical care, including doctor visits and checkups. One-quarter of uninsured children don't get any medical care at all. Those who do get lower quality care. Even with the same illness and conditions, whether it is an ear infection or appendicitis, studies have found that uninsured children get different treatment and often suffer more as a result. One study even found that uninsured children who are admitted to a hospital with injuries are twice as likely to die as children who are admitted with health insurance.

To put this problem in the larger context, we know that when a child gets sick and can't get treated or receives inadequate treatment, he misses more days of school. When he misses more days of school, he begins to do worse relative to his peers. That can have long-term consequences on his chances in life. That is not something I want for either of my two young daughters or for any American child. This body should not want it for any child either.

Let's get serious and solve this problem. Let's reauthorize CHIP. Let's make sure that the 6 million children who are now covered through the program continue to be covered. Let's extend coverage to an additional 3.2 million uninsured children.

We also know the question of children's health care is tied to the larger question of universal care in this country. Because we know that when we cover parents, we also cover children. That is something we have seen in Illinois. When I was a State senator, I was able to help extend health care coverage to an additional 150,000 parents and their children. So if we are serious about covering every child, at some point we are going to have to cover every parent as well.

The American people have been waiting for us to act on health care for far too long. Starting by covering more children should not be a difficult issue to agree on. I urge every Senator to vote for this bill. I know the President has threatened to use his veto, which he has so sparingly used, to deny health insurance to America's children. I urge my colleagues to stand and fight that veto every which way we can. There is not a single person here who, if their child were sick and they couldn't afford health insurance, wouldn't be begging the Government to give them some help. We wouldn't be having these arguments. Let's show some empathy for the families out there, many of whom are working every single day, sometimes working two jobs and still don't have health insurance. Let's make sure they have what every parent wants, which is some assurance that if their child gets ill, they are going to receive the kind of care they deserve.

Let's cover our children and remind the American people who we are and why they sent us here in the first place.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, we were alternating back and forth on both sides, but the Senator from Illinois had a need to go forward. I agreed that he would go first and then I would follow.

Let me say on the bill we have here, again, it is very easy to get up and talk about children and the need to help children. That affects us all. I am a parent. I am a grandparent. There is nothing that excites me more in the world than going to see my four little grandchildren. I can't stand the thought of children anywhere, regardless of income level, not getting the kind of health care they need. That is why I voted for SCHIP in 1997. I remember Senator KENNEDY was in the debate. Senator Phil Gramm of Texas had a little different point of view. Senator HATCH was involved. We came to a conclusion. We got a good program to help children who did not have health care. I thought we had done a good thing.

The problem here is, we are exploding the program in terms of costs, tax increases, or cuts in the House. They are not doing the tobacco tax increase. They are cutting Medicare Advantage which affects people at the other end of the age schedule, people who need Medicare Advantage to get health care in rural areas in States such as mine.

There is a balance here. Why can't we agree on a reasonable increase to make sure we continue to cover children who would not be covered otherwise. Also what is happening here is a steady march toward higher and higher and higher income level children. You heard Senator ALLARD talk about the fact, now we are up in the range of $73,000 income for a family of four. The ultimate goal is for all children to be covered by "Mother Washington," Washington bureaucracy health care. Why should any family have to worry, regardless of income, or any State have to worry about children being covered of all ages, forever, for everything, including dental care?

I agree, dental needs can be as damaging healthwise as any other illness. I am connected to a family of dentists, dental hygienists, and dental technicians. But the question is, how much can the Government pay for? Why can't we keep some limits? Why do we want to force people off of private insurance? We are going to have children now covered by private insurance going into SCHIP or Medicaid. Why are we trying to force everybody on to SCHIP?

This chart shows what is happening. When we started this program in 1997, the next year, 1998, the children enrollment in Medicaid and SCHIP, the children's health program, was 27 percent covered by Medicaid, 1 percent was covered by the Children's Health Insurance Program, and 72 percent by other programs including private insurance. By 2005, it had grown to 37 percent covered by Medicaid, 8 percent by the CHIP program, and 55 percent other. With this bill, the underlying bill going into effect the way it is now, it will jump to 71 percent of all children will be covered by Medicaid and SCHIP, and only 29 percent other. You see the steady march toward every child being covered by this particular program.

The problem with this bill can be described with A, B, C. Not only have you had the steady march of higher and higher income level children being covered, adults are being covered. Where is the "A" in SCHIP? Again, it is a creeping thing. First, gee whiz, yes, it is supposed to be for children, but pregnant mothers should be covered and what about parents of children. There are some other adults that maybe need some extra consideration, too. So it is not only higher and higher income children, it is adults and more adults and even more adults. So the first appropriate problem is adults, A.

B, we are talking billions here. The underlying program is $25 billion. The Finance Committee adds 35 at a minimum on top of that. And in the outyears it expands tremendously, up to, I think in the year 2012, the number is maybe 37 billion in that single year. Remember, if we pass the Finance Committee bill, that 60 billion—25 plus 35, it will be 60 billion—the House is going to pass a bill at what, 80, 90, 100 billion, paid for by taking money away from Medicare beneficiaries and we go to conference, if we go to conference. What will happen? What always happens, you split the difference. We are at 60; they are at 90. How about 75, $75 billion? How is that going to be paid for? It is going to be paid for by cutting benefits for the elderly and/or raising taxes for all kinds of people.

We can fix this, though. It gets back to the A, B, C. Keep to the core mission, children who are low-income families. We need to get back to that. We have some good amendments pending. We should pass the Bunning amendment which would eliminate the high income eligibility above 300 percent, the Allard amendment which would stop the income disregards which drives the income level up steadily, and I understand that Senator GREGG will have one that will strike the adult coverage.

We can fix this. We could get together on a bill that would be bipartisan and would help the children who do need it, the ones we started out to help before we got the bright idea we will cover everybody by the Children's Health Insurance Program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I was wondering if the Senator would yield for a question.

Mr. LOTT. Madam President, I am glad to yield.

Mr. KENNEDY. Madam President, I see the Senator from Wyoming. I want to address the Senate for a minute, but I want to inquire of the good Senator from Mississippi if I could engage him in a question or two.

I listened with great interest to the Senator from Mississippi talking about the cost of this program and the paying of this program. Does the Senator agree with me that every Member of the Senate has a health insurance program that is funded and financed 72 percent by the Federal taxpayer? Does the Senator agree with me on that?

Mr. LOTT. Madam President, we do have a program that has input from the Treasury, yes.

Mr. KENNEDY. Well, the input is 72 percent for every Member in our health insurance program. Every Member's program, Republican and Democrat, is paid for by the American taxpayer, No. 1. Secondly——

Mr. LOTT. Well, if I can respond, I have a solution. Let's cut that. Maybe we are not entitled to that.

Mr. KENNEDY. If the Senator wants to offer that amendment, fine. I hear him talk about children, but I do not hear him talk about that.

Secondly, would the Senator not agree with me that Members of the Senate have access to Bethesda Naval Hospital and Walter Reed Hospital and virtually free care at those places, which the children of America do not have? Would the Senator not agree with me that we are treating Members of Congress one way and the children another way?

Mr. LOTT. Well, now, Madam President, I might say, the Senator has been here much longer than I have, and I presume he would know the origin of how these programs were created and voted for or against them. But I want to correct something he said right at the beginning. I have not advocated cutting children. I advocate covering the children who are now covered and making sure we cover the children we have committed to. What I am opposed to is the ever increasing income level and number of children and adults.

What about adults who are being covered by this program? If it is going to be "ACHIP," adults-children health insurance program, that is one thing. But I would like to keep the focus on covering the children who really need it and would not be able to get it perhaps through a private insurance program or in Medicaid.

But if the Senator wants to propose we cut the Senator's benefits, I will be glad to join him in that.

Mr. KENNEDY. I am for having a universal——

Mr. LOTT. Everything we are doing to ourselves, we might as well do that too. That would be fine with me. If we could control the growth of this program, I would be more than glad to help pay for it.

Mr. KENNEDY. If the Senator will yield for one more question. He was talking about coverage. We have 9 million children who are not covered. All of our children are covered. We have $160,000 in income, and every one of our children is covered. Why is the Senator so concerned about trying to cover the remaining children who are not covered in this country? Under this program, we cover 4 million more. All of our children are covered. We have $160,000 in income.

Mr. LOTT. I am perfectly delighted to do that. Of course, my children are grown, and they are not covered at all by this, but I would be glad, to control that, to do anything the Senator wants to do to the Senate. I suspect it richly deserves it.

And another thing, what I am saying is, one State is only covering children up to 200 percent, other States now have 350 percent, or even one of them is now wanting 400 percent of poverty for children and adults.

All I am saying is, stick with the program we intended. Let's not turn this into just a Washington bureaucratic health-run program. That is what this is all about. This is about moving us toward a system we could not get any other way, where the Government will pay for and control everything in terms of health coverage in America. I do not believe the American people want it.

I worry about my children and grandchildren in this respect. What kind of burden are we putting on their backs in terms of what they will have to pay for in the future? Does nobody ever think about that anymore? Every program is growing exponentially; every one of them. So I worry about my grandchildren having to pay for all the things we are coming up with here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, the Senate has been very gracious in working out times. Two Democratic Senators spoke, and Senator LOTT had the floor. So I ask consent now that the Senator from Wyoming, Mr. BARRASSO, be able to speak—that would be two Republicans in a row—and following him, if he wishes, that Senator KENNEDY be recognized to give a statement on the bill for about 15 minutes. I thank the Senator.

So I ask consent that Senator BARRASSO be recognized, and following Senator BARRASSO that Senator KENNEDY be recognized.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Thank you, Madam President.

Today, I rise to speak about health care for children. We are talking about the SCHIP program, and I come to the floor with great interest because the "S" in SCHIP stands for State, and the "C" stands for children.

For the last 5 years, I spent time in the Wyoming Legislature on the Labor, Health, and Social Services Committee, where we worked closely on the issue of children's health, and specifically worked closely with SCHIP.

I have been a fan and a supporter of children's health, and specifically of SCHIP. In Wyoming, SCHIP has been a very successful program. In Wyoming, right now, there are over 5,000 young people who are in this program. Madam President, 5,642 was our count in July. We call the program Kid Care. That is because kids can be born with club feet. Kids can fall at the playground. Kids can have problems with measles or mumps.

Nationwide, this very successful program has covered over 6 million children. It is a good program. Some folks confuse SCHIP with Medicaid. They are very different. Medicaid is designed for people below the poverty level. SCHIP is for people above the poverty level, but in that income range of up to 200 percent of the Federal poverty level. For us, that is an income of about $40,000 a year for a family of four.

In Wyoming, if you talk to anyone in the legislature, from both parties, they will tell you this program has been cost effective. It is not an entitlement. It is done through a combined partnership with Blue Cross-Blue Shield, a public-private partnership. It covers the people in Wyoming who are intended to be covered.

Many Government programs do not work well or produce results. Yet SCHIP very successfully achieved what it set out to do about 10 years ago when the program began. We have significantly reduced the number of uninsured children in America. It has worked. That is why I want to be clear from the outset, as we go into this debate, I am 100 percent committed to reauthorizing this very important safety net program for kids. I strongly supported the program as a State senator. I will continue to do so in my capacity as a U.S. Senator.

Madam President, 5,642 Wyoming children depend on SCHIP right now to stay healthy. There are additional young people in our State who are eligible for SCHIP but who are not yet enrolled. So I want to do more in terms of outreach, working on outreach and enrollment efforts to find these people, to target these low-income children, and get them enrolled in the program.

I want to support and enhance public-private collaborations to make sure we are doing the most cost-effective, efficient, and quality health care possible for these young people, but mostly I want to make sure this Senate and this Congress produces a reasonable, commonsense piece of legislation that we can send to the President and that he will sign.

I have concerns with the bill that is in front of us. This bill, this piece of legislation, reported out of the Finance Committee, takes a successful spending program and uses it as a vehicle to create a new entitlement. The bill that I look at today covers high-income people, covers people who already have insurance, and covers adults. To me, this bill should be all about children.

Well, let's look at those three concerns.

High-income people: This bill allows families at 400 percent of the poverty level to be covered. In New York State, that is an income of $82,600 a year. In New Jersey, 350 percent of the poverty level is an income of over $72,000 a year. At home in Wyoming, we play by the rules. It is 200 percent of the poverty level. That is what we need. That is what works.

Are there kids in New York and New Jersey who need to be covered? Of course. There are kids everywhere who need to be covered. But why the different rules for different States? And why so many high-income people as part of the program?

So that is No. 1.

No. 2, people who already have health insurance: When you start to cover children in families above that 200 percent of the poverty level, many of those children are in families where they already have insurance. Madam President, 77 percent of the children in families between 200 and 300 percent of the poverty level have private health insurance. When you go above that, above the 300 percent level, between 300 and 400 percent of the Federal poverty level, 89 percent of those children are in families where they have private health insurance.

When you do the math and look at the numbers, people in those categories will be financially compelled to take their children off of the private, usually employer-sponsored health care plans, and put them on the taxpayer-supported plans.

The Congressional Budget Office looked at this, and they think, with this plan, 2.1 million people will move from private coverage to Government dependency, if this legislation is enacted.

This is supposed to be a program to help children, children who do not have health insurance. It seems as if some in this body may be trying to use this plan to nationalize health insurance.

The third thing I see that is a concern with this plan is in some places it covers adults, not just children. It covers the parents of children. Nowhere—nowhere—in the word "SCHIP" is there the letter "A" for adults. The "C" stands for children.

This country does need to have a serious debate on health care, and it should not be on the backs of these children covered under SCHIP. In the future, we need to debate health care in America, how we pay for health care, how we encourage people to better care for themselves, to take more responsibility for their own health, what incentives we can have for people to stay well, how insurance is used in this Nation. Should it be deductible for all, instead of just in businesses and not by individuals? Should there be tax credits? Is there a way we can set up small business health plans to help people who need insurance?

I find that people are very thoughtful when it comes to how they spend their own money. So often, in the medical world, very few people spend the same kind of time making those financial decisions as they do when they are spending money out of their own pocket, when it is a third-party payer who is doing the spending.

In the future, we need to have a debate and discussion about how we handle medical errors in this country: No. 1, how to prevent them from ever happening; and, No. 2, how to deal with the fact that when they occur, we want to make sure people are taken care of quickly, and that anything that goes to them goes more to the injured party than it does to the system.

We need to find ways to lower the significant cost in America of defensive medicine.

These are all very serious issues. They all deserve a serious national debate, and that day will come. But the bill today wrongly attempts to massively expand a successful program under excessive spending for many people who do not need it, and it avoids a debate we need to have on health care in America.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I believe I have 15 minutes. Am I correct?

The PRESIDING OFFICER. The Senator is not limited.

Mr. KENNEDY. Well, Madam President, I think the floor manager intended to yield me 15 minutes, for which I am very grateful.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I ask my friend, how long does he wish to speak, 15, 20 minutes?

Mr. KENNEDY. Fifteen minutes.

I see the Senator from Connecticut on the floor. I know we had accommodated the Senator from Illinois a short while ago. I do not mind accommodating him. I see, then, the Senator from Kentucky on the floor.

Could I ask my friend from Kentucky, if we do not exceed 15 minutes, would he mind if I yielded a few minutes to the Senator from Connecticut? We basically are going from one side to the other.

Mr. BUNNING. To the Senator from Connecticut? That would be perfectly all right, just so long as I get the time that was allotted to me.

Mr. KENNEDY. Madam President, if it is agreeable with the floor manager, I would take 11 minutes and yield the Senator 4 minutes, if that is OK. Would the Chair remind me when I have used 10 minutes and I have 1 minute left?

The PRESIDING OFFICER. The Senator will be notified.

Mr. KENNEDY. Madam President, many of the best ideas in public policy are the simplest.

The Children's Health Insurance Program is based on one simple and powerful idea—that all children deserve a healthy start in life, and that no parents should have to worry about whether they can afford to take their child to the doctor when the child is sick. CHIP can make the difference between a child starting life burdened with disease, or a child who is healthy and ready to learn and grow.

This need not be a partisan issue. My good friend Senator HATCH and I worked together in 1997 to create this program that was our shared vision for a healthier future for American children. This year we have once again worked together to find common ground on covering the children who deserve decent, quality health care.

In Massachusetts in the 1990s we agreed that health care coverage for children is a necessity and that action needed to be taken. In 1993, the Massachusetts Legislature passed the Children's Medical Security Plan, which guaranteed quality health care to children in families ineligible for Medicaid and unable to afford health insurance.

A year later, Massachusetts expanded eligibility for Medicaid and financed the expansion through a tobacco tax—the same approach we used successfully a few years later for CHIP and he same approach that is proposed in the bill before us now.

Rhode Island followed and other States took similar action and helped create a nationwide demand for action by Congress to address the unmet needs of vast numbers of children for good health care.

In 1997, Congress acted on that call, and the result was CHIP. Senator HATCH and I worked together then—as we have this year—to focus on guaranteeing health care to children who need it. Now, in every State in America and in Puerto Rico, CHIP covers the services that give children a healthier start in life—well child care, vaccinations, doctor visits, emergency services, and many others.

We know that CHIP works. Children across America depend on it for their health care, but there are still too many children that are left uninsured.

In its first year 1997, CHIP enrolled nearly a million children, and enrollment has grown ever since. An average of 4 million are now covered each month, and 6 million are enrolled each year. In every State in America and in Puerto Rico, CHIP covers the services that give children a healthier start in life—well child care, vaccinations, doctor visits, emergency services, and many others.

As a result, in the past decade, the percentage of uninsured children has dropped from almost 23 percent in 1997 to 14 percent today. That reduction is significant, but it is obviously far from enough.

Children on CHIP are more likely to have a regular source of care than uninsured children. Ninety-seven percent of CHIP children can see a doctor regularly compared to only 62 percent of uninsured children.

What does this mean for these children? It means that their overall quality of life is improved because they can get the care they need when they need it. Their parents are more confident that they can get the health care they need, they are more likely to have a real doctor and a real place to obtain care, and their parents don't delay seeking care when their child needs it. Children on CHIP also have significantly more access to preventive care.

Studies also show that CHIP helps to improve children's school performance. After just 1 year on CHIP, children pay better attention in class and are more likely to keep up with all school activities. When children are receiving the health care they need, they do better academically, emotionally, physically and socially. CHIP helps create children who will be better prepared to contribute to America.

CHIP has perhaps had the greatest impact on minority communities. Sadly, we still have persistent racial and ethnic health disparities in America. African Americans have a lower life expectancy than Whites. Many Americans want to believe such disparities don't exist, but ignoring them only contributes more to the widening gap between the haves and have-nots. Minority children are much more likely to suffer from asthma, diabetes, HIV/AIDS and other diseases than their White counterparts.

Minorities are more likely to be uninsured than Whites. More than half of all children who receive public health insurance belong to a racial and ethnic minority group. The good news is that since the beginning of CHIP, the number of uninsured Latino children has decreased by nearly one-third and the number of uninsured African-American children has decreased by almost half.

Having CHIP works for minority children. CHIP all but eliminates the distressing racial and ethnic health disparities for the minority children who disproportionately depend on it for their coverage. Minority children are more likely to have their health care needs met. In other word, they can see the doctor when they need to, go to the hospital and get the medicines they need, just like other children, when they are on CHIP.

They are also more likely to have a real doctor—not just sporadic visits to the emergency room—when they are covered by CHIP.

For specific diseases like asthma, children on CHIP have much better outcomes than when they were uninsured.

CHIP's success is even more impressive and important when we realize that more and more adults are losing their own insurance coverage, because employers reduce it or drop it entirely.

That is why organizations representing children, or the health care professionals who serve them, agree that preserving and strengthening CHIP is essential to children's health. The American Academy of Pediatrics, First Focus, the American Medical Association, the National Association of Children's Hospitals and countless other organizations dedicated to children all strongly support CHIP.

A statement by the American Academy of Pediatrics puts it this way:

> Ennrollment in SCHIP is associated with improved access, continuity, and quality of care, and a reduction in racial/ethnic disparities. As pediatricians, we see what happens when children don't receive necessary health care services such as immunizations and well-child visits. Their overall health suffers and expensive emergency room visits increase.

Today, we are here to dedicate ourselves to carrying on the job begun by Congress 10 years ago, and to make sure that the lifeline of CHIP is strengthened and extended to many more children.

Millions of children now eligible for CHIP or Medicaid are not enrolled in these programs. Of the 9 million uninsured children, over two-thirds—more than 6 million—are already eligible for Medicaid or CHIP. These programs are there to help them, but these children are not receiving that help either because their parents don't know about the programs, or because of needless barriers to enrollment.

Think about that number—9 million children in the wealthiest and most powerful nation on Earth. Nine million children whose only family doctor is the hospital emergency room. Nine million children at risk of blighted lives and early death because of illnesses that could easily be treated if they have a regular source of medical care.

Nine million uninsured children in America isn't just wrong—it is outrageous, and we need to change it as soon as possible.

We know where the Bush administration stands. The President's proposal for CHIP doesn't provide what is needed to cover children who are eligible but unenrolled. In fact, the President's proposal is $8 billion less than what is needed simply to keep children now enrolled in CHIP from losing their current coverage—$8 billion short. To make matters worse, the President has threatened to veto the Senate bill which does the job that needs to be done if we are serious about guaranteeing decent health care to children of working families across America.

We cannot rely on the administration to do what is needed. We in Congress have to step up to the plate and renew our commitment to CHIP.

The Senate bill is a genuine bipartisan compromise.

It provides coverage to 4 million children who would otherwise be uninsured.

It adjusts the financing structure of CHIP so that States that are covering their children aren't forced to scramble for additional funds from year to year and so that Congress doesn't have to pass a new band-aid every year to stop the persistent bleeding under the current program.

Importantly, this bill will not allow States to keep their CHIP funds if they aren't doing something to actually cover children.

Equally important, this bill allows each State to cover children at income levels that make sense for their State.

The bill also supports quality improvement and better outreach and enrollment efforts for the program. It is a scandal that 6 million children today who are eligible for the program are not enrolled in it.

In sum, this bill moves us forward together, Republicans and Democrats alike, to guarantee the children of America the health care they need and deserve.

Our priority should be not merely to hold on to the gains of the past, but to see that all children have an access to decent coverage. Families with greater means should pay a fair share of the coverage. But every parent in America should have the opportunity to meet the health care needs of their children.

In Massachusetts, I met a woman named Dedre Lewis. Her daughter Alexsiana developed an eye disease that if left untreated would make her go blind. Because of our State CHIP program, Masshealth, Dedre is able to get the medicine and doctors visits need to prevent Alexsiana's blindness. Dedre said this:

> If I miss a single appointment, I know she could lose her eyesight. If I can't buy her medication, I know she could lose her eyesight. If I didn't have Masshealth, my daughter would be blind.

This is the impact CHIP has on families across America.

Let me say that quality health for children isn't just an interesting option or a nice idea. It is not just something we wish we could do. It is an obligation. It is something we have to do. And it is something we can do today. I look forward to working with my colleagues to make sure this very important legislation is enacted.

I want to pick up on a theme I mentioned just a few minutes ago, and I stand to be corrected. I would say there is not a single Member of the Senate who doesn't take, effectively, the Federal employees insurance program, and in our situation, the Federal Government pays for 72 percent of it. We have one Member, and I admire him—I have just learned of his name, and I will not mention it here; I will ask whether I can include it as part of the RECORD rather than embarrass him—but it is a noble act on his part when he said that until we get universal coverage, he wasn't going to take this.

But the idea that all Americans ought to understand now is what we are standing for—and I again commend the Senator from Montana and the Senator from Iowa and my friend, Senator HATCH, when we worked together years ago, and Senator ROCKEFELLER on this program—is a rather simple and fundamental concept, and that is this: Every child in America ought to have a healthy start.

Here in the Senate, we are about expressing priorities. Those of us on this side of the aisle and a group on the other side—a small group on the other side, a courageous group on the other side—have stated that same concept, that every child in America should have a healthy start, No. 1; and No. 2, that every parent in America should be relieved of the anxiety of worrying about whether they have sufficient resources to be able to make sure their child is going to receive decent quality health care. Those are revolutionary thoughts, are they not? Those are surprising concepts; isn't that right?

Evidently, our friends on the other side of the aisle get all worked up about those two concepts—that all children in this country should have a healthy start and that mothers and fathers should be relieved of the anxiety that when their child has an earache or their child has a soar throat or their child has a headache, they have to wonder whether their child is 150 dollars or 175 dollars sick because that is what it costs to take them to the emergency room. So they wait overnight. They let the child get a little sicker. They have a sleepless night. They worry. They hope and they pray that their child gets better. Well, we in this body say that America can do better.

I listened to my friend—and he is my friend—from Mississippi talking about the cost of this program: $60 billion over 5 years. That is what we are spending in 5 months in Iraq—5 months in Iraq. What would the American people rather have—coverage for their children or a continued conflict in Iraq where we are losing the blood of our young men and women? This is the issue. Let's not complicate it. Let's not make it difficult. Let's not make it unreasonable. That is what this is about.

Sure, we have listened to the arguments: Oh, someone is going to have to pay for it. Yes, it is going to be those who are smoking. What is the result of increasing the tobacco tax? What is the direct result? Tobacco—cigarettes—when used as advertised increases deaths in America. Among whom? Among children. Every day, 2,800 children become addicted. Every year, 500,000 people die because of the use of tobacco. So what happens if we raise the tax 61 cents on cigarettes? You know what happens. Children stop smoking. Oh, they do? Yes, they do. Who says so? Who says so? Just look at the history of what has happened when we have increased the tax on cigarettes.

So I commend those on the Finance Committee for finding a revenue measure that will ensure—not that all children will stop smoking and end it but that this will be a major disincentive for young people to smoke. On the other hand, it gives children a healthy start and relieves the anxiety for parents.

So this is a measure which speaks for action. It speaks for justice. It speaks for fairness. It speaks for our values. I, for one, strongly believe in the concept of comprehensive health care, and we will have that debate at another place and at another time.

I know my children were covered. They are grown now, as others have been here, but I know when they needed health care, they were able to receive it. I remember very clearly that when my child lost his leg to cancer, we saw families in that chamber who were absolutely driven into poverty because they couldn't afford the same kind of health care we had.

This is a statement that we in the Senate find children to be a priority and find their parents to be a priority and find it to be in the interest of children to increase the tobacco tax.

This legislation makes a great deal of sense, and I again commend the sponsors for it.

Whatever time remains I yield to my friend and colleague from Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I wish to begin my comments by thanking our colleague from Massachusetts once again for giving heart to an argument that sometimes gets lost in statistics and numbers.

As all of us know, every one of us has watched either fellow Members or others—our staffs or constituents—who have gone through the dreaded situation of watching a child in need of health care. We know how fortunate we are to be Members of Congress, as we receive a tremendous amount of support for health care services. The fact that we are living in a day and age in the 21st century when so many of our children, growing numbers in our society, are without any kind of health care coverage at all. It is shameful, to put it mildly. I commend the distinguished Senator from Montana, the chair of the Finance Committee, and once again the Senator from Massachusetts for his tremendous support of this effort.

I wish to offer an amendment at the appropriate time. As many of my colleagues know, over a period of 7 years, three Presidents, and two Presidential vetoes, I worked toward passage of the Family Medical Leave Act. It finally became law in 1993. Today, more than 50 million Americans have been able to take advantage of the protections of that law. It is related to the subject matter of the bill at hand, a little bit off center, but it's about caring for our families.

Last week, Senator Dole along with Donna Shalala and others, offered recommendations from the President's Commission on Care for America's Returning Wounded Warriors. They urged Congress to draft legislation to allow up to 6 months of family and medical leave for family members of troops who have sustained combat-related injuries and meet the other eligibility requirements of the law. We believe this is a worthwhile proposal, so I introduced the Support for Injured Servicemembers Act last week with several of my colleagues.

I am very grateful to Senator DOLE, a former colleague of ours, and the entire Commission for their thoughtful work on this crucial issue.

For 20 years, we have worked on legislation to extend family and medical leave to families in this country. So I hope that at the appropriate time, my amendment on this matter will be considered and unanimously adopted. There may be an argument on germaneness, but we can't wait to help the men and women who are injured in service to our country. I can't think of a more appropriate step for us to take than to allow these veterans who are recovering from their wounds to have a loved one with them during that period of recovery.

I wanted to lay out for my colleagues the value of this amendment, how valuable the protections of family and medical leave have been for families. In fact, we have introduced legislation to provide paid family and medical leave. I won't be offering that at this juncture, but now offer an extended unpaid leave program. My amendment would simply extend the period of job protection for up to six months for those who care for our returning heroes as they recover from their injuries. The reasons are obvious.

In the Wounded Warriors Commission survey, 33 percent of Active-Duty and 22 percent of Reserve components and 37 percent of retired/separated servicemembers report that family members or close friends relocated for extended periods of time to be with them while they were in the hospital. Twenty-one percent of Active-Duty, 15 percent of Reserve components, and 24 percent of retired/separated servicemembers say friends or family gave up a job to be with them or act as their caregiver.

It seems to me they shouldn't have to give up a job in order to be with a recuperating servicemember coming back from Iraq or Afghanistan. The Commission's findings indicate the critical role that family and friends play in the recovery of our wounded servicemembers. Currently FMLA provides for 3 months of job-protected unpaid leave to a spouse, parent or child acting as a caregiver for a person with a serious illness. The report indicates that many servicemembers rely on other family members or friends to care for them. My amendment allows these other caregivers—siblings, cousins, friends or significant others to take leave for up to six months, when our returning heroes need them the most, without fear of losing their jobs. My amendment goes beyond some other proposals in other ways as well. It covers caregivers staying with the recovering servicemember in a military hospital as well as those providing care at home. This proposal would apply to all individuals currently covered by FMLA, including federal civil servants, who might find themselves caring for a wounded warrior.

My amendment only addresses servicemembers with combat-related injuries. This is a narrow universe of individuals who experience extraordinary circumstances. Taking care of our soldiers, sailors, airman and Marines returning from Iraq and Afghanistan was the point of the Commission and the Wounded Warriors Act that we recently passed. I can't think of anything more important that we could do this week before August break than to pass a proposal that would provide these service men and women the opportunity to have a loved one with them as they recover.

I send my amendment to the desk. I thank my colleague from Massachusetts for his tireless work, the Senator from Montana, of course, and the Senator from Iowa, who have worked hard on children's issues, and ask them to consider this amendment at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, I would like to talk about the State Children's Health Insurance Program, also known as SCHIP.

A few weeks ago, the Finance Committee passed the Baucus bill to reauthorize this program. I did not support this bill in committee and I will not be supporting it on the floor. Today, I would like to take a few minutes to explain my concerns with the Baucus bill. I would also like to talk about the SCHIP reauthorization bill I will be supporting this week and have helped to craft over the past couple of months—the Kids First Act.

This bill is a good piece of legislation that reauthorizes this important program in a fiscally sound way and keeps the focus of the program on what it was originally for, which is low-income children.

I have significant concerns with the budget gimmicks used, the SCHIP provisions, and the tax increases in the Baucus bill. The budget gimmick used to fund the Baucus bill is irresponsible, jeopardizes coverage under the program, and basically guarantees another tax increase 5 years from now. Under the bill, SCHIP spending in 2012 reaches $16 billion; however, the very next year, spending drops to $3.5 billion. While this strategy helps the drafters hide an additional $40 billion in spending, does any Member of the Senate really think that SCHIP spending in 2013 will be $3.5 billion? That is below the current spending level of $5 billion a year. Does any Member really think we will kick millions of kids off this program in 2013 to accommodate this lowered spending? Of course, the answer is no. That means Congress will have to come up with a significant amount of money to pay for the increased spending, which will likely mean reaching into the wallets of hard-working Americans again.

I also believe SCHIP should be a program for low-income children. When Congress created the program in 1997, it was intended for children without health insurance who lived in families making less than 200 percent of the Federal poverty limit. For 2007, 200 percent of poverty is about $41,000 in income for a family of four.

Not many people realize adults are now covered under SCHIP. Most people rightly think this is a program only for children since it is the State Children's Health Insurance Program. That is its name. Over the years, the Department of Health and Human Services has approved expansions to the program to allow States to cover these adults. These expansions should not have been approved in the first place, and it is Congress's responsibility in the reauthorization to rein in these abuses.

While the Baucus bill at least ends coverage for childless adults currently on SCHIP, it still allows other adults—specifically, parents—to stay on the program in certain States, and any State that currently covers parents can keep adding new parents to their programs.

The Kids First Act, which I am supporting, responsibly reauthorizes the SCHIP program and keeps the focus on low-income children. This bill reauthorizes the program for 5 years at a cost of about $39 billion. This would still be a significant but responsible increase over spending in the first 10 years of the program.

The bill would require States that want to cover children and pregnant women above 200 percent of the poverty level, or $41,000 for a family of four, to pay more from their State coffers than they do now to do so.

The bill also takes steps to limit the number of adults on the SCHIP program. While we would not require States to remove any adults currently on the program from their rolls, we would reimburse States at a lower amount for the childless adults and parents they currently have on their programs.

Also, States could not add any new childless adults or parents to their SCHIP rolls. If they want to cover these individuals, then they need to do it under their State Medicaid programs.

The Kids First Act also stops the Department of Health and Human Services from approving any more waivers or demonstration projects for States that want to cover parents or childless adults.

The Kids First Act is a good proposal that I hope will get full consideration on the Senate floor. It keeps SCHIP focused on low-income children, curtails States' ability to add new parents or childless adults to the program, and makes sense from a fiscal standpoint. Unfortunately, the Baucus bill falls short on these key points.

Also, the tobacco tax in the Baucus bill is fundamentally unfair to my State and the surrounding States. I want to show you a chart I have here, which shows the 50 States. This illustrates the real problem. It is compiled from data drawn from a CDC database on tobacco consumption and projections by Families USA concerning SCHIP spending. You will see here that there are big winners in this program, and they are in dark green on the chart. You can see Texas, California, Arizona, New Mexico, New York, and California, which is $2.564 billion. New York is $1.684 billion. It shows Kentucky, Tennessee, South Carolina, North Carolina, Virginia, Ohio, Indiana, Missouri, Iowa, Wisconsin, and particularly Florida; it shows those States as dead net losers—$703 million in Florida; $602 million in Kentucky; $517 million in Indiana; $536 million in North Carolina, and so on. It also shows States that are neutral, such as Oregon, Idaho, Nebraska, and some other States that are kind of in the middle, such as West Virginia, Georgia, Alabama, Mississippi, and so on. You can see from the chart that we pick big winners and big losers, some neutral and some lower losers, not big such as the ones in dark brown. It is very important that you realize that is a completely unfair reason and method of funding SCHIP.

The problem with the tax is that the money comes from low-income smokers in my State and all of the dark brown States on this chart, and it is going to pay for an extravagant expansion of SCHIP in California, New York, Texas, and the States depicted in green.

This bill will also, without any doubt, add an enormous boost to black-market tobacco smuggling and counterfeiting. The plan would be a tremendous gift to organized crime and the black-market kingpins, who will profit handsomely from it in future years. There is plenty of past evidence of this. In 2002, for example, New York City increased its tobacco tax from 8 cents per pack to $1.50 per pack. The city's revenue estimators predicted an additional $107 million in revenue. Do you know what they got? It brought in $43 million. What is more, the tax increase on cigarettes cost the State over $600 million in tax revenue due to lower sales at convenience stores throughout New York State. An economist found that most of the reduction was due to smuggling, cross border sales, Internet sales, and sales on Indian reservations.

Even supporters of this bill acknowledge that the higher tax will have an impact on demand. It will reduce legal consumption of cigarettes. It is not likely to reduce total consumption, as the supporters of the bill say it will, because it will also increase smuggling. But legal consumption is what matters to the United States because that is the only part that is taxed.

The revenue estimate provided by the Joint Committee on Taxation shows this. Revenue is projected to decline by $700 million per year by the last year of the estimating window. That is right. Understand this now. Revenue is expected to go down over time as the number of legal sales of tobacco products declines.

Whatever its other problems, the tobacco tax is a poor foundation for SCHIP. We are matching a declining source of revenue with a growing Federal problem. This does not make any fiscal sense.

If we were honest and we truly wanted to fully fund SCHIP spending with a tobacco tax, the Federal Government would have to encourage people to smoke.

That is what this next chart shows: additional smokers. The Federal Government would need an additional 22.4 million smokers by the year 2017. Of course, I don't support such an effort, but this highlights the budget gap, as you can see, from 2010 up to 2017. The revenue for this program is going to have to come from more tax increases down the road.

We all say we oppose regressive taxes, but what we are considering today is a highly regressive tax. In fact, this tax is among the most regressive type of tax we could consider.

In my State of Kentucky, the impact on low-income taxpayers will be compounded. It will hit low-income Kentuckians, Kentucky tobacco farmers, and every citizen in the Commonwealth of Kentucky. Although there has been a dramatic decrease in the amount of tobacco farmers in my State due to the tobacco buyout, tobacco continues to play an important role in Kentucky's agricultural landscape. Tobacco barns and small plots of tobacco still dot the Kentucky landscape. Cash receipts for tobacco are projected to contribute between $300 million and $350 million to Kentucky's economy this year.

An increase in the excise tax on tobacco will drive down demand for consumption, which will result in less tobacco being purchased from Kentucky tobacco farmers by manufacturers—both cigarette and non-cigarette. It will likely force the specialty growers in my State—Kentucky burley leaf and Kentucky-Wisconsin leaf—completely out of business. These are small family farms in rural Kentucky that rely on these revenues for their crops. The money they get from the tobacco pays for their mortgages, puts their kids through school, and allows them to keep farming.

The CBO has estimated that the SCHIP proposal will result in a 5 to 6 percent reduction in demand for tobacco during its first year in existence. This will likely cause a $5.4 million reduction in payments to rural farmers in my State under the master settlement agreement we signed a few years ago.

Some people will say there is nothing wrong with all of this because it will force some people to quit smoking and we are using the money to help poor children. But who gets credit for this supposed act of charity? This plan would take money from one group of poor people and give it to another.

I urge my colleagues to oppose the Baucus SCHIP bill and support the Kids First Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I have two requests. First, I ask unanimous consent that at 5:20 today, the Senate vote in relation to the Allard amendment No. 2536, with the time from 5:15 to 5:20 p.m. equally divided between Senator ALLARD and myself or our designees; that no second degree amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I also ask unanimous consent that following the vote on the Allard amendment, Senator DORGAN then be recognized.

Mr. BURR. Madam President, can I ask the Senator to change the unanimous consent request to add myself after Senator DORGAN.

Mr. BAUCUS. Madam President, I so change my request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. ALLARD. Madam President, what is the pending amendment?

The PRESIDING OFFICER. The Allard amendment.

Mr. ALLARD. Thank you.

Madam President, I plan on going ahead and, if I understand what we have agreed to, I have 2½ minutes to speak. I plan on spending a minute or minute and a half to talk about my amendment, and then I will yield and wrap it up later. I would appreciate it if the Chair will alert me when I have spoken for about 1½ minutes.

Mr. BAUCUS. Madam President, the normal order is that the sponsor of the amendment speaks first and those opposed second. If we can maintain that, it would be 2½ and 2½.

Mr. ALLARD. That is fine.

Madam President, I rise to encourage my colleagues in the Senate to vote with me on this important amendment. What we see happening now is that there is a discrepancy between the calculation of gross income between the various States. Because of the way the various States are calculating their gross income, some States are getting more benefit under SCHIP than others. The State of Colorado, for example, is not one of those States. There are 12 to 15 States that have made some adjustments in the way they figure gross income, and that entitles them to more Federal dollars as far as SCHIP is concerned.

So what my amendment does, if it is adopted, it will direct the Secretary of Health and Human Services to put in regulations the definition of gross income. This is going to have a 90-day period in order to establish this value, and this will then allow the States an opportunity to come and give their input as to what they think the calculation of gross income should be. Then, when that rule and regulation is enacted, all the States are going to be acting under the same rules so they will all be figuring their gross income in the same way.

I think this is an important amendment. I think when we are talking about equity of benefits to the various States, it is extremely important we make sure they are operating under the same rules. Right now we have some of the States that disregarded the original intent of SCHIP and, as a result of that, they are receiving considerably more benefit as far as SCHIP is concerned than some of the other States.

My hope is my language will be adopted, and then we can move forward with this program. It has been working. We have to create some equity among the States.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Colorado has 12 seconds; the Senator from Montana has 2 minutes 30 seconds.

Mr. BAUCUS. I don't want to belabor the issue, so I will use all my time.

Mr. President, the hallmark of the CHIP program, the Children's Health Insurance Program, is block grants, not entitlements. That is first. Second, it gives the States flexibility. States design their own program. This is a State Children's Health Insurance Program. Different States are different. Different States have different needs. Different States have different costs of living. Different States are different.

Many States find themselves in a situation where a law might restrict them. If the States did not have flexibility, many people who earn a little too much might find they cannot get health insurance, and so they quit their jobs. The goal is to get people to work. People want to work. The goal is to make sure people have health insurance. People need health insurance. But in many States, people are just above the level here, and if they can't find health insurance, they quit their jobs so they can be in the Children's Health Insurance Program.

I think States should have the right to make some adjustment to keep people working so they get health insurance. Now, if this amendment passes, 30 States will be adversely affected. Children in 30 States will be adversely affected. I don't think we want to do that. States need flexibility. Many Senators in this body have said many times, we shouldn't have one size fits all. We need flexibility.

There are very definite Federal limits on how much States can make an adjustment—that is, not include a certain amount of income—so those people don't have to quit their jobs and can keep their private health insurance.

So I would say I understand the basic theory, but we can't let perfection be the enemy of the good. We cannot. We cannot take away health insurance coverage from kids in 30 States. I do think the goal is for people to work. We want people to work. We should not adopt policies, which this amendment in effect would do, and say: OK, people, sorry, you can't work. You can't work so you can qualify for children's health insurance. I think we want people to work in States so they can get health insurance.

I strongly urge Members to not agree to this amendment. It has surface appeal but only surface appeal. If you dig down and find out what is happening in many States, I think Senators will realize this is not the right thing to do and will oppose the amendment.

Mr. ALLARD. Mr. President, this is a matter of fairness among the States. Any child determined to be ineligible for SCHIP would remain in the State program, but the State would be reimbursed according to the FMAP rate rather than the enhanced EFMAP reimbursement rate.

I think this is an important issue as far as equity among the various States. I ask Members to join me in voting for this particular amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 59, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—37

Alexander
Allard
Barrasso
Bennett
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—59

Akaka
Baucus
Bayh
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Webb
Whitehouse
Wyden

NOT VOTING—4

Biden
Brownback
Johnson
McCain

The amendment (No. 2536) was rejected.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the regular order?

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is to be recognized, followed by the Senator from North Carolina.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that following those two Senators receiving recognition, Senator McCASKILL then be recognized; that following Senator McCASKILL, Senator GREGG be recognized for an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I yield to the Senator from Ohio for a unanimous consent request.

Mr. BROWN. Mr. President, I ask unanimous consent that amendment 2551 be modified with the changes at the desk, notwithstanding the fact that the amendment is not pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I think the regular order is to recognize the Senator from North Dakota.

The PRESIDING OFFICER. The Senator is correct. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, first of all, let me thank my colleagues, Senator BAUCUS and Senator GRASSLEY, the chairman and ranking member of the Finance Committee, for bringing to the floor the piece of legislation called the Children's Health Insurance Program. It is a very important bill. It will add several million more children to the health insurance rolls and provide important health insurance for kids who otherwise would not have it. I believe all of us in this Chamber would believe that children's health care should not be a function of how much money their parents may have in their pocketbook or their checkbook. A sick child needs health care. This legislation moves in that direction. I am pleased to support it. I thank my colleagues for the work they have done on it.

I do wish to offer an amendment at this point, and I wish to talk a bit about a very important issue that also relates to health care.

My amendment deals with the Indian Health Care Improvement Act. It is true that we will now improve the lives of 3 million children with the underlying bill. I fully support that and compliment my colleagues for doing that. It is also true that there are at least 2 million American Indians in this country living on Indian reservations who are seeing health rationing virtually every day of their lives. It is unbelievable that that condition continues to exist.

We have a trust responsibility for those people. The American Indians are a group of people in our midst with whom we made treaties, we made agreements, and we have the trust responsibility for Indian health care. We have not nearly met those responsibilities.

I would observe that we have a responsibility for the health care of those who are incarcerated in Federal prisons. Guess what. We spend twice as much per person on health care for Federal prisoners as we do in meeting our health care responsibility for American Indians on a per capita basis.

AMENDMENT NO. 2534

(Purpose: To revise and extend the Indian Health Care Improvement Act)

Let me say that I have filed amendment No. 2534. Let me call up that amendment, which is at the desk. I offer this on behalf of myself, Senator JOHNSON, Senator MURKOWSKI, Senator BINGAMAN, and Senator STEVENS.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, reserving the right to object, I was wondering if I could ask the Senator from North Dakota how long he expects to debate this amendment.

Mr. DORGAN. I intend to speak about 25 minutes.

Mr. GREGG. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. JOHNSON, Ms. MURKOWSKI, Mr. BINGAMAN, and Mr. STEVENS, proposes an amendment numbered 2534.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DORGAN. Mr. President, let me describe now, if I might, the issue of health care for American Indians, which I believe is an urgent national need. We have a trust responsibility for their health care. We have a piece of legislation that exists in law called the Indian Health Care Improvement Act, but it needs to be reauthorized. It has not been reauthorized for 15 years. It expired 7 years ago. We need to do this. Year after year after year, this Congress postpones it. We have passed legislation out of the committee; it does not get to the floor; it does not get done.

Let me show my colleagues a picture of a young 14-year-old girl. This precious child—her name is Avis

Littlewind. Her relatives gave me permission to use her picture. Avis is dead. Avis committed suicide. I want to tell you the story about Avis because I went to talk to the school officials, the tribal officials, the mental health officials, and those who were in the extended family.

This 14-year-old girl took her own life. It probably should not have been a surprise to anyone because for 90 days this little girl lay in bed in a fetal position, missed school. Something was very wrong. This little girl had a sister who, 2 years previous, had committed suicide. This little girl had a father who took his own life. This little girl had another parent who was a very serious drug abuser. She laid in bed 90 days before she took her life.

Now, one might ask the question: Why does this 14-year-old girl just fall through the cracks? She thinks she is in a situation that is hopeless. She feels helpless and she takes her own life. But this little girl had a full life in front of her.

You know something? On that Indian reservation where Avis Littlewind lived, there were no mental health treatment facilities for someone to take this young lady, this young girl. One might ask and certainly should ask: Why is it in this country that mental health treatment is not available to a young child like this? Why is it that the person responsible for trying to give this young lady some help did not even have a car or any transportation? Even if you could find a mental health professional to treat this person, there is no transportation to get the person to treatment. Why is it that for 90 days this young lady lay in bed, and nobody from the school, nobody from the area, said: All right, there must be a big problem here; let's find out what is going on.

The fact is, this is one precious child who took her life. We have had clusters of teen suicides on Indian reservations. This is but one aspect of the Indian Health Care Improvement Act, but it is not just mental health. The bill covers virtually every aspect of Indian health.

We are told that about 60 percent of Indian health care needs are met. That means 40 percent of the health care needs are unmet. There is full-scale health care rationing on Indian reservations. If we were to debate that on the floor of the Senate, people would be appalled. You can't ration health care. Yet, that is what is happening.

We have a trust responsibility, and yet health care is being rationed with respect to Native Americans. American Indians die at higher rates with respect to tuberculosis, 6 times the national average; alcoholism, 5 times the national average; diabetes, 180 percent higher than the national average. In Alaska, Native communities in Alaska have fewer than 90 doctors for every 100,000 Alaska Natives. That compares to 229 doctors for every 100,000 Americans. Heart disease, diabetes, blood pressure, stroke—you name it. The incidence of most diseases affecting our Native Americans are at much higher rates than for non-Indians. Cervical cancer for American Indians and Alaska Natives is nearly four times higher than cervical cancer for other women in this country.

I mentioned before that Federal prisoners, for whom we have a responsibility for health care, receive twice as much funding per person on their health care needs than do American Indians for whom we have a trust responsibility. Stated another way, we spend twice as much per person on Federal prisoners than we do with respect to American Indians, and we have a trust responsibility in law to deal with American Indian health issues.

I want to show a photograph to describe health care rationing. This is a photograph of Ardel Hill Baker. She has also allowed me to use her photograph. Ardel Hill Baker was having a heart attack. As she was having a heart attack, she was taken from the Indian reservation by ambulance to a hospital. When they offloaded her from the ambulance onto a gurney to take her in the hospital, this woman, at the emergency room entrance, having a heart attack, had a piece of paper taped to her thigh. The hospital dutifully looked at that piece of paper. The piece of paper that was taped to her thigh said that the Indian Health Service contract health care is not an entitlement program, meaning there are no funds to pay for this service because it is not a life-or-limb medical condition.

Let me say that again. Someone is having a heart attack. When they are brought to the hospital, they have a big piece of paper taped to their leg. It says to the hospital: By the way, if you admit this person, you are on your own because our contract health care money is gone. In fact, this is the piece of paper which was taped to the leg of an Indian patient coming into a hospital, having a heart attack. What would anybody in this Chamber think if this were taped to the leg of their spouse or their son or their daughter? They are having a heart attack, but the hospital is told: You know what, we do not have any money for this person; if you admit this person, you are on your own. Contract health care. It is called health care rationing.

Tribal chairmen tell me that the refrain on their reservation is: Don't get sick after June because if you get sick after June, there is no money in contract health care. By the way, you can get a little help still, but it has to be life or limb. You must be threatened with the loss of a limb or the loss of your life; if not, tough luck.

We would be outraged, outraged, every single one of us, if this were our relative. But it was not. It was Ardel Hill Baker. She survived, but there are plenty who do not.

This is Lida Bearstail. Lida Bearstail had a serious problem with her leg. The bones in her knee were rubbing against each other; cartilage was worn away. She was in great pain, in great discomfort.

The normal treatment for perhaps someone in this Chamber or perhaps for a relative of someone in this Chamber would be to get a knee replacement, but in Lida Bearstail's case, Lida Bearstail was not given the option of getting a knee replacement.

Despite the great pain, it was not determined to be priority one, life or limb. She wasn't going to lose her limb or her life. She could just live with the pain. So because it wasn't priority one, life or limb, this woman whose bones were rubbing together in the knee in unbelievable pain was told: There is no health care available for you.

We have hearings to talk about all these issues. A doctor comes to our hearing and says: I had a patient come to me with a very serious problem with a knee. It was a ligament problem, very serious, very painful. That patient went to the Indian Health Service and they said: Wrap that knee in cabbage leaves for 4 days and you will be OK.

It is pretty unbelievable. Yet we can't get a bill on the floor of the Senate to deal with Indian health care. That is unbelievable. We have a responsibility to pass this legislation. I passed it out of the Indian Affairs Committee. Now we need to move it through the Senate and then the House so we can say to these people who need health care—the first Americans, Native Americans that this country understands its obligation, understands its trust responsibility, and we are going to do what we need to do to pass the legislation.

It is almost unbelievable that with all the priorities we discuss, we can't somehow make this a priority. In my State, we have some wonderful Indian tribes. The Three Affiliated Tribes is a wonderful tribe. It includes the Mandan, the Hidatsa, and the Arikara Nations. If you get sick on that reservation in Twin Buttes, ND, your nearest health facility is a little old building with a couple of tiny examination rooms. If you are lucky enough to get sick on one of the right days when a nurse is there and one of the few days when a doctor might be there, you might do OK. But this is a 1-million acre reservation. It is a big place. We had testimony from law enforcement the other day on that reservation. The first you would expect to be able to get someone to come to deal with a law enforcement call, no matter how serious, would be about an hour and a quarter to an hour and a half. So call while a crime is being committed and, perhaps an hour and a quarter later, if you are lucky, someone from law enforcement will show up. You might understand then that if you need a prescription or if you have a health care emergency, the dilemma Indians face on reservations.

A mother who has a feverish child who needs an antibiotic, or a diabetic who needs insulin—who don't have ready access to health care facilities, in circumstances such as that, we must find ways to meet these health care needs.

There are some who say—and I agree—we need substantial change. My colleague from Oklahoma is here. He talked about the prospect of saying: All right, let's have dramatic change. I am perfectly willing to work on dramatic change, to say that if we have a trust responsibility for someone for health care, let's let them show up at a hospital someplace and let's pay the bill so they can go to the providers who have the capability. We have the responsibility to do that. The problem is, we can't get a bill such as that through this Senate. I have offered time and again on the floor to add funding. The last time I tried to add $1 billion. It went down on a partisan vote. You can't get money added in this Senate to meet the responsibility we ought to meet with respect to Indian health care.

We have worked in a bipartisan way on this legislation in the Indian Affairs Committee. The vice chairman of the committee, Senator MURKOWSKI of Alaska, is a cosponsor as well. The Indian Health Care Improvement Act is legislation that begins to answer and advance the interests of providing health care to American Indians and meeting our trust responsibility to do so. We would authorize additional tools to deal with the issue of teen suicide on Indian reservations.

I began by talking about Avis Littlewind, but I could have talked about many others. I have had several hearings on this subject. The bill also includes new provisions to address lack of health care services. We have begun trying to find a different construct of convenient care for American Indians on reservations. It includes several Medicaid provisions that are in the jurisdiction of the Finance Committee. The Finance Committee is going to be holding a markup. We will talk with the chairman and ranking member about including this bill in that markup.

My point today is very simple. I understand the need to provide additional health care opportunities for 3 million American children is very important. It is no more important than providing the health care we promised we would provide to 2 million American Indians who live on reservations for whom we have trust responsibilities. We have broken far too many promises to American Indians. We have done it for far too many decades. It is time for this Congress and the country to keep its word and meet its promise. We don't have a choice, and it is not going to break the bank to do that.

I encourage all my colleagues, go to the Indian reservations. See for yourself. See a dentist practicing in an old trailer house for 5,000 patients, operating out of an old trailer. Go see that. Then ask yourself: Is this the kind of health care we promised? Are we delivering what we promised? The answer is a resounding no.

I understand in this Chamber there are priorities. With respect to the priorities all of us have, we all have different things we are passionate about. We have now on the floor a health care bill. This legislation is important. The reason I offer this amendment is, when we talk about health care, I think we have a responsibility to address Indian health as well. If we can, we need to, either tonight or tomorrow, get a commitment on dates to mark up and bring to the floor of the Senate the Indian Health Care Improvement Act, which is 7 years overdue and 15 years since it was last reauthorized. If we can get that commitment, I will know we are going to get this through the Senate. That is the goal.

I am going to visit with Senator BAUCUS. Let me also make the point, Senator BAUCUS has been a very strong supporter of Indian issues. I have been happy to work with him. The Indian Health Care Improvement Act was sent to the Indian Affairs Committee. We have moved this out of committee. I think we have written it in a way that substantially improves Indian health care. Now it waits, as it waited last year, the year before and the year before that and the year before that. Every single year it is the same thing. I am flat out tired of it. I will not let it happen this time. One way or another, this needs to get done by this Senate because this Senate has a responsibility to do it. We have not met this responsibility for too many years. This year I insist we do so. The fact is, kids are dying. Elders are dying because the health care doesn't exist that we had previously promised. We have a responsibility to do something about it.

I say to the chairman of the committee, I will visit with Senator REID, and I know Senator BAUCUS is a strong supporter of Indian issues. I hope if I can get a commitment that we can get from the Finance Committee a markup—and I know the Senator wants to do that—if I can then get a commitment from Senator REID to bring this to the floor, I don't intend to interrupt the children's health insurance bill, but if I can't get that commitment, I fully intend to interrupt this bill as long as I can interrupt it because it is that important.

To my colleague from Montana, let me say thank you for allowing me to at least at this moment offer this amendment, and let me ask my colleague if I can get some hope that the two of us, working with others, can move together to get this through the Senate in a reasonable time. I am going to ask the same of the majority leader, who I know also is very supportive of Indian issues and very much wants to get this done.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Montana.

Mr. BAUCUS. Mr. President, I commend the Senator from North Dakota. If our colleagues could see the conditions of health care on the reservations of this country, they would be appalled, absolutely appalled. It is as bad as a Third World country. It is disgusting the low quality of health care on the reservations. The Senator from North Dakota earlier mentioned the life-and-limb provision. Basically, the Indian Health Service does not take people unless it is for life and limb, unless you have lost a limb or your life is in jeopardy, nothing less. That is not entirely true because it depends upon the allocation of the various Indian Health Service hospitals around the country. But very quickly, those hospitals get to the point where they are at the life-and-limb threshold. They have used up what few paltry dollars they have. So on the Blackfeet Reservation of Montana, someone is ill, a child is ill. If they have reached that reservation and reached the life-and-limb limit—which happens, I am told, midway through the year—that is it. They don't get any health care. It is an absolute outrage.

We all know the health conditions on Indian reservations are much worse. Statistics show it is much worse than the national average. About 27 percent of Indian kids don't have any health insurance whatsoever. I might also say the tuberculosis rate on the Indian reservations is about 7½ times that of the general population. The same is true of the suicide rate and so on. I say to my good friend from North Dakota, absolutely, I am committed. We passed this bill out of committee. It passed last year. It passed by unanimous vote in committee. I am very committed to having a markup. Indeed, I think we scheduled September 12 to get this out of committee so we can find a way to get this bill enacted this year. I share the conviction. We have to find a way to get this done this year. It is an outrage, a total outrage in the United States of America to let these conditions continue. Frankly, this legislation is only the beginning to bring the level totally all the way up to what it should be.

I thank the Senator for offering this amendment tonight. I am committed to find a way to get this enacted into law this year.

Mr. DORGAN. Mr. President, let me say thank you. If we can get a markup in the Senate Finance Committee on September 12, that allows the bill to move to the floor of the Senate. I am going to talk to Senator REID, who I know is a strong supporter of Indian issues and feels very strongly about this. If I can get a commitment, I know he wants to provide that commitment to get to the floor of the Senate, then I will seek to withdraw the amendment from this bill. But I do want to visit, and perhaps in the morning on the floor, with Senator REID on that subject.

I wished to make two more points, and then I know my colleague from North Carolina seeks recognition.

This chart shows the expenditures per capita relative to other Federal health expenditure benchmarks. This deals with Indians versus all others—Indians get far less. Here is the expenditure per capita for Medicare, the Veterans' Administration, Medicaid, Federal prisoners, the Federal Employees Health benefits. Here is Indian Health Service. It is unbelievable to me how much less it is. In many ways, all of this is intertwined—social services, health care, law enforcement, housing, education, it is all intertwined. What got me interested and involved in Indian issues—and I am privileged to serve as chairman of the Indian Affairs Committee and feel a deep responsibility to force us to do the right thing—what got me involved one day was a young girl named Tamara.

Tamara was a young 3-year-old American Indian girl who was put in a foster home. But the person who was handling the social services cases was handling 150 cases, so they did not bother to check the home this little girl was going to be put into. It was not long before, at a drunken party, that little girl had her nose broken, her arm broken, and her hair pulled out at the roots. It will scar that little girl for life. I met her. I met her granddad. I talked to the social worker. I fixed that social worker problem by getting additional workers in, so that it does not happen again.

The fact is that should never happen. These incidences should not happen. We do not have the resources to do what is necessary, to do what needs to be done. Nowhere is that more true than in health care. Health care is not a luxury. When there is a sick kid someplace, or a sick elder, when somebody has a health problem, we have a responsibility to find a way to help.

For those who might listen to this and say that Indian health care is not our responsibility, oh, yes, it is. We signed treaties. We made promises, and we broke them every chance we got. Maybe in the year 2007 we can begin keeping a promise or two. These are promises we have a responsibility to keep. It is our trust responsibility.

There is a lot to do in health care, but there is nothing more important than meeting our obligation to provide health care for Native Americans because we made that agreement with them, and we need to keep that agreement.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I rise to speak on the SCHIP bill. I have an amendment to the SCHIP bill, but I do not intend to call it up at this time. I wish to speak on SCHIP, as well as on my amendment.

I also take this opportunity to ask unanimous consent to add Senator DOLE as a cosponsor to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BURR. Mr. President, I think it is safe to say that health care is probably one of the most important things this body can debate. I think you have to look at our overall health care system today to understand why it is so important. It is because we have the best health care delivery system in the world, bar none.

We have seen other countries try to develop a system that fit within a budget framework that, over time, as the dollars got tight, constricted the level of care delivered, creating waiting lines for individuals who had certain health conditions. But the United States has always been considered the innovative health care delivery system of the world. It was accessible for most, regardless of region. I think it is safe to say for a long period of time it was very affordable. But that has all changed.

The U.S. system still provides a level of security if, in fact, you are insured. If you are not insured, I am not sure the sense of security—just knowing there is a hospital or doctors—necessarily provides you with a tremendous amount of security.

With every day that continues on, the level of choice that exists within the United States health care system begins to get less and less. Most of us have been here for the debates of the creation of HMOs and PPOs, and all the products that employers, insurers, and individuals desperately try to create to address this rising cost of health care, while maintaining some degree of benefit for the individual and for their family. But over time, we have continued to see changes to those products, to where there is very little difference between the products now except for what we call them. Clearly, that has eliminated many of the choices.

What has happened to the U.S. system, over a very slow period of time, maybe the last two decades? Over 50 percent of the American people are now on a Government health care plan. It is no longer private-sector driven. We are here with this big question mark about why market conditions do not affect the cost of health care or the cost of premiums or that they do not create choice. In fact, over half of the American people are now in a Government-run system, one that mirrors more what others in the country have tried, only to find out that unless you have an unlimited pool of money, they do not work.

Well, what do Government systems eventually create? They create a system that has less doctors, less nurses, less hospitals, which means less care for those in the country.

I know the ranking member represents a State that is considered to be rural. North Carolina is a State considered to be rural. If you have a contraction of doctors, if you have a contraction of specialists, if you have less nurses in the pool, it means there is not enough to go around all the facilities. There are many regional areas of my State today where we cannot find OB/GYNs to deliver babies.

Now, sure, I can look at a pregnant woman and say: Within a 30 or 45-mile radius, you will be able to get delivery care. But try to explain to a mother, when her water breaks and she goes into labor, that the person who is going to deliver that baby is 45 miles away. In fact, the prenatal care, for that individual who needs it, is now 45 miles away because that is where her OB/GYN is, and we are not going to be able to get the level of prenatal care in rural America that we want.

What has the Government controlling more of health care produced? Less choices, fewer providers, and less services, and especially for those limited amounts of services that are preventive.

Let me state from the beginning of this debate, I am for reauthorizing the SCHIP bill. I will support the substitute that Senator McCONNELL will offer which provides $38.9 billion over 5 years, which is an increase of $13.9 billion.

I also was in the House, on the Energy and Commerce Committee, in 1997, when we enacted the first SCHIP bill, which was a $40 billion Federal commitment over 10 years to those children at 200 percent of poverty or less. Many States expanded that SCHIP program to cover parents of SCHIP kids and childless adults.

The McConnell reauthorization protects the original SCHIP program by making sure that low-income children are the focus of our effort.

Now, I will say, North Carolina has one of the best SCHIP programs in the United States. I am pleased that Senator McCONNELL's reauthorization will give North Carolina the additional funds it needs to continue serving low-income children. But I am, sadly, here today to tell you I am not for expanding the rolls of SCHIP. The Finance

Committee bill adds more than $30 billion to the current SCHIP base budget—$25 billion—to, roughly, cover 3.3 million additional children.

Now, CBO scored what the State and Federal Government spending will be per child. Let me put that up for everybody: $3,930 per child. Yet, today, the average private health care plan in the private sector is $1,130. My question is, if we are going to spend $3,900 per child in a Government plan, but we can insure them fully in the private sector today for $1,130, where is the choice? As a colleague of ours in the House used to say: Beam me up, Scotty. Something is wrong here. This seems like a no-brainer. This is not an investment that one can make on the part of American taxpayers and feel good about.

In 1997, we spent $40 billion. It was an honorable goal. Quite frankly, the program has been very popular. The Baucus reauthorization plan, though, would spend $60 billion over the next 5 years.

Now, people will talk about budget gimmicks. I am not here to talk about that. I think they are here. I think it hides millions of dollars that I think are extra spending—and maybe they are going to insure this 3.3 million, and $3,900 per child is incorrect, or maybe there are more people who are going to be covered, and many of them outside of the ranks of low-income children—but there is no question the Baucus-Grassley bill expands SCHIP so much that I feel children who need it the most will get lost in a new, larger Government-run program.

As a matter of fact, if SCHIP works as well as I think it does, why would we change it? I think some would tell us we are not here changing the SCHIP program. But I would only point to section 606 of the Grassley-Baucus bill, where they remove the word "State" from the name of SCHIP. See, SCHIP is the State Children's Health Insurance Program. It was always designed as us being an enhanced share for the States, and the States running the program. Now, SCHIP is going to be called the Children's Health Insurance Program. It sounds like a big, one-size-fits-all Government program to me.

The solution to our health care crisis is not to put every child in America in a Government program. Today, one out of every two children in America is in a Government program. They are either enrolled in Medicaid or SCHIP.

The Baucus plan puts more children into Government health care. A recent CBO analysis concluded that for every 1 million additional children covered under SCHIP, an estimated 250,000 to 500,000 will be switched from private insurance to the new public SCHIP coverage.

Now, let me say that again. CBO estimates—this is not me—CBO estimates that for every 1 million new kids we put into SCHIP, somewhere between 250,000 to 500,000 will switch from their parents' insurance to the new Government plan.

Now, that is 3.3 million kids, which means 1.65 million could be switched from private insurance to Government insurance, at 3,900 and some dollars, estimated by CBO. Again, where is the sanity and the obligation and fiduciary responsibility we have to the taxpayers? Why in the world would we create an avenue for people to go off their family's plan and come on a Government plan, where we are committed, as CBO said, to spend $3,900, roughly, per child?

Now, before people think we are all insane—they know I am now—what should we be discussing? I believe we should be discussing how do we reform the health care system? I do not think I would find much opposition except on how we do that because there are 45 million uninsured Americans today. If they are sitting at home listening to this debate about covering 3 million low-income children, or wherever they are on the income scale, for a person sitting at home, who is an adult today, they are saying: What about me? What about the fact that I do not have insurance?

If they have no job, and they have no income, we know they are on Medicaid. If they have a job, and they do not qualify financially for Medicaid, then where do they go? Well, there are 45 million of them out there somewhere who are in this classification. Some of them are kids and some of them are adults. Every time they access health care, and they cannot pay for it, an incredibly predictable thing happens: The cost that is unrecovered is shifted to everybody else in the system.

In North Carolina, there are 1.3 million who are uninsured. Seventeen percent of the North Carolina population is uninsured, and 16 percent of the American population is uninsured. Yet our debate is limited to 3.3 million children.

It is not about how we insure America. It is not about the rising cost of health care. It is not about the fact that health care premiums have, in fact, doubled in the country since the year 2000. If compared with the growth of inflation since 2000—at 18 percent—and the growth of wages—at 20 percent—health insurance premiums for family coverage have increased 73 percent over the last 5 years. Health care costs are rising three times the rate of inflation, and with no corresponding rise in quality.

Now, there is the red flag. We have seen a 73-percent increase in the premium. If you could turn to something tangible in the system to say that quality has gotten that much better, then one could maybe rationalize this increase. But the fact is, there has been no corresponding rise in quality. As a matter of fact, today there are no health care plans that are focused primarily on wellness and prevention.

I remember when we tried to get mammographies and PSAs covered in Medicare, and we tried to get an array of preventive health care, it was the hardest thing I have ever worked on in health care to try to get added to a system. I guess it is because Medicare beneficiaries are old to start with, and why would we do anything preventive. Yet if we look at the research that goes on every day, and that we pay for, we find the earlier we can detect cancer, the earlier we can detect diabetes, the more we can monitor disease management, the better the outcome is but, more importantly, from a taxpayer's standpoint, the less it costs the system.

We know that happens in the Government system. We don't implement wellness and prevention like we should. If we did, we would require it in Medicaid. But we have an opportunity—as we talk about redesigning the American health care system, we have an opportunity to build wellness and prevention as the main piece of this broken system.

Today we have a system that only triggers when you get sick. It doesn't trigger when you want to stay well. It triggers when you get sick. But if you look at companies that have said: There is no way I will ever be competitive if, in fact, the health care system doesn't change in America—they made a decision that they are going to go outside of the insurance products that are available today, and they are going to do things that are creative out of the box. And they are self-insured and they have gone out and partnered with somebody to administer their plan. What do you find? It is Dell Computers, which now has about 4 years of experience with disease management and how to bring down the overall costs of health care for their employees—not just corporately but for their individual costs to their employees—all the way to Safeway, that has a model that I know every Member on the Hill has probably been briefed on—what Safeway is doing, which is giving people control of their care but, more importantly, stressing to them that prevention and wellness is something for which they will actually receive an incentive.

People without access to employer-sponsored coverage are severely disadvantaged under the current system. I know both of the Senators who are in charge of the tax committee probably would agree that we have inequities. Ninety-one percent of workers in large firms have health insurance. Sixty-six percent of workers in small firms—10 employees or less—have health insurance. Twenty-nine percent of the uninsured work in small business. The percentage of employers offering coverage has dropped 8 percent since the year 2000.

Whoa. Global economy. That is what has happened since 2000. There is a global economy where it doesn't matter where you manufacture. All that matters is where are your customers. Most U.S. businesses have changed from a model that was predominantly for domestic consumption to a model today where 60 or 70 percent of their business is international, and 30 or 40 percent of it is domestic—in the United States. We ought to look at some of the decisions they have made and wonder: why didn't we have this challenge before this point with those employers, looking at their business model and saying: How can I continue to pay a health care cost that rises in double-digit ways each year with inflation and remain competitive with my global competition which doesn't have that cost?

Well, I am going to put the Senate on notice: This is happening at an alarming rate. If U.S. businesses determine that they are not competitive in the marketplace they are selling to, which is global, and health care cost is the No. 1 issue that makes them noncompetitive, in the absence of us reforming the system and creating a way for them to provide health care—not that seeks double-digit inflation every year but begins a downward pressure on the cost of health care—I will assure you they have two choices: they eliminate the benefit or they leave the country, and both of them are devastating to the United States.

If we don't reform health care, what happens? Health care becomes unaffordable for people. U.S. businesses become uncompetitive. Government will have its normal reaction. It will ratchet down the reimbursements that we pay through Medicare and Medicaid and the effect of that is that private insurance sees that as an opportunity to ratchet down the provider reimbursements. Doctors and nurses get paid less. More people go on Government health care. Doctors and nurses will become Government employees. Hospitals will become Government property. Insurance companies will become paper pushers. We must all agree that the outcome has to be better for us.

By the way, taxes will rise too. I am not sure whether it is individual or corporate, but let me assure my colleagues, though some believe that health care is free, somebody pays for it. Look at the systems around the world where the government is in control of their health care, and the beneficiaries may think it is free, but one of the problems—one of the reasons they are ratcheting back the scope of coverage they have is the fact that as the government runs out of money and can't find ways to raise revenues, they have a choice. They can tax individuals, they can tax corporations, or they can reduce benefits. When you look at the prevailing tax rate they have now, you understand why their only choice is to cut benefits. The likelihood is that we will be faced with the same thing as socialized medicine is just around the corner, and I think time is actually running out.

The current tax structure for health care benefits exists for employer-focused plans. Employers get a tax deduction for the amount of the health care benefit provided for their employees, but the deduction unfortunately doesn't exist for individuals who shop in the marketplace. We spend 50 percent more of our GDP—16 percent—on health care than the next three spenders—Germany, Japan, and France—but we aren't any healthier. It is time we begin to focus on how our system becomes more efficient, healthier, and more affordable.

One out of every four dollars in health care spent in this country does nothing to help patients. It is actually wasted on defensive medicine, unnecessary paperwork, and outright fraud. When you put individuals in charge of their health care—not just constructing it or negotiating it, but responsible for whether the system is efficient and effective—you would be amazed at how you wring out that 25 percent, that one out of four. The source of the problem is runaway health care costs which is caused by a lack of choice and a lack of government control.

Now, let me assure you that in Sweden today, heart patients wait 25 weeks to be seen. In England today, Heritage said cancer patients sometimes wait a year between their diagnosis and their chemotherapy treatment. Canada's Supreme Court Justice, Beverly McLachlin, said it best in a 2005 ruling:

> Access to a waiting list is not access to health care.

We have a roadmap as to where we are going, and we have an opportunity to change that today.

What happens if the Senate, if the Congress of the United States, becomes the visionary body that it needs to be and the reform body that it has to be if, in fact, you want to protect the delivery system in this country? Americans have to have three things: They have to have choice, they have to have ownership, and they have to have control. They have to have the ability to construct their insurance policies to meet their age, their income, and their health condition. Health care needs to be portable, just like a 401(k).

When you give an individual ownership of a 401(k), they are no longer strapped to an employer about their pension or retirement; they have the ability to take that money with them to the next job. Well, we have reached the point now that health care should be the same thing. It should be ownership, and we should have the ability to take that health care from employer to employer where we are not locked in, and for the first time Americans would have the freedom to make decisions about their future and about the future of their families.

Innovation works. We all know it. A year ago, a 46-inch plasma TV cost as much as $11,000, but today you can buy the same TV for $2,839. In 1908, Henry Ford made a car for $850. Eight years later, Henry Ford produced the same car for $360.

Innovation also works in health care—don't fool yourself. Between 1999 and 2004, the cost of LASIK surgery, which is set by the market forces and outside the current system, went down 20 percent while health care expenditures per person increased by more than 44 percent. LASIK surgery is this new surgery that individuals have on their eyes. If they have a certain condition, they can have LASIK and throw their glasses away. A controversial thing, and innovation brought it. It went through and FDA approved it. The cost was very high to begin with, and as more people have sought LASIK surgery, the price has come down and down and down and down and down. I am sure Dr. Coburn will talk more about it as we go through this debate.

Duke University set up a program to manage congestive heart failure. Half of all of the congestive heart failure patients typically have a 5-year life expectancy, and costs are a total of $22.5 billion for congestive heart failure annually in the United States. Duke developed a program that integrated the care to develop best practice models for congestive heart failure patients. The approach resulted in better patient outcomes, increased patient compliance with their doctor's recommendations and, most importantly, a 32-percent drop in the cost per patient of treating congestive heart failure. Innovation allows incredible things to happen but only when we have a marketplace that rewards innovation.

I said when I stood up I had an amendment that I didn't intend to call up, and I am not going to call it up. That amendment is the Every American Insured Health Act. I want to just briefly talk about it.

Hopefully, this accomplishes everything I have spent the last 20 minutes talking about. It provides the resources for every American not on a government plan to access the coverage they need. Let me say that again. It provides the resources for all the uninsured in America to negotiate the coverage they need in the private marketplace.

No. 2, it eliminates cost shifting. It eliminates that bill we get through our premium costs or through the cost of a service delivered that we can't figure out who used it, but somebody didn't pay because they weren't insured and it got shifted to everybody else. We eliminate that by providing the resources for every American to negotiate coverage. We estimate that it may be $200 billion a year that we eliminate in cost shifting.

Now, how do we accomplish it? Because one might say: I know how expensive SCHIP expansion for 3.3 million children is going to be. Can we afford what it is going to cost us to insure everybody who is uninsured in America? Well, here is what we do. We address the tax inequity. Through that we treat those who get insurance provided by an employer the same way we do individuals. Then we turn around to every American who is not on a government plan and we do this: We give them a refundable, advanced, flat tax credit. For an individual, it is $2,160 a year. If it is a family, it is $5,400 a year.

Now, if, in fact, you had tax consequences from this new equality in treating individuals and employer plans the same, the likelihood is that if your health benefit from your employer doesn't exceed $15,000 from the employer on a family plan, then $5,400 is more than enough to cover the tax consequences.

If, in fact, you are an individual who is uninsured and you get a refundable tax credit on an annual basis of $2,160, then you can go out and negotiate in the private sector for health care coverage that on average today is between $1,500 and $1,700 nationally for an individual plan and about $4,500 to $4,600 for a family plan. You could insure yourself as an individual or as a family, and you could do that all within the confines of the refundable tax credit we have allowed.

Now, people have questioned whether there is a little bit of a shift in wealth. Yes, there is. We are taking people who have rich health care plans, more health care than they need, plans that are priced because there are no out-of-pocket costs—there are a lot of things that we know we need to do from the standpoint of making sure Americans know they have skin in the game every time they go to the doctor's office for the facts of utilization—and we are shifting it down to where we give people refundable tax credits that are barely over the Medicaid qualifications, and we are going to give them a soup-to-nuts plan—$2,160 for an individual or $5,400 for a family annually, a refundable tax credit that is only good for health care.

When they sign up with an insurer, the money will go directly from the U.S. Government to the insurer. If money is left over, it would automatically transfer over into a health savings account for that individual to use for other health care benefits, whether it be for copayments, deductibles, whatever the structure of the plan is, and they are allowed to design a plan that meets their age, their income, and their health conditions.

We give States incentives to make sure that in every marketplace there is an affordable plan. It is absolutely crucial that you begin to have insurance reform at the same time you are creating a marketplace that is driven by individuals.

Our goals are to give Americans the resources and the right to purchase health care in the private marketplace, to end the tax discrimination, to encourage individuals to take control, to eliminate the current cost shift, so that every American's health care begins to come down because of this new benefit, and to ensure the accessibility and affordability of high-quality health care.

By the way, this plan I have just described that did this for the first time—insured everybody who is uninsured, provided annually a $2,160 refundable tax credit for individuals and $5,400 for a family—I still didn't tell you how much it costs. I am like the guy on the infomercials who waits until the end to spring on you how great of a bargain it is.

Well, this is budget neutral. It doesn't cost the American taxpayer one new dollar. That doesn't take into account that there may be $200 billion worth of cost-shifting going on in the system. We get no scoring for the fact that we could potentially drive $200 billion of costs out of the health care for everyone else in the system by making sure everybody is insured. We get absolutely no credit for being able to put together plans that promote prevention and wellness, that begin to drive down utilization and make Americans healthier, that begin to create data for us so we know exactly what the right reimbursements are for doctors, nurses, hospitals, and community health centers. We pull that out of the sky today, and they complain. And they should because there is no relation to that in reality.

This, by creating a real marketplace, real competition from the insurer all the way through to the service delivered will begin to build the database of information we need to know what reimbursements the marketplace says are fair to the people who provide it. Then they can make a decision. I believe we will find that every doctor, nurse, hospital, and community health center will receive this in a warm way because now they believe that this is a system which will evaluate what they deliver and what cost they are reimbursed for.

Mr. President, I am sure the chairman of the committee and the ranking member would have preferred to have this solely focused on SCHIP tonight. I know that. I think it is also rational to understand that when you are talking about expanding the rolls of Government insurance coverage to 3.3 million kids, somebody ought to stand up and ask: What about the other 45 million Americans? If, in fact, Members find there is value to the reform for the entire system, then why would we put the 3.3 million kids in a program that CBO already told us would cost $3,930 per child, which we can buy in the private marketplace for $1,130 worth of coverage today? Why don't we integrate them into the last system, which is reform our health care system.

Let's bring equity to the tax side and provide every American who is uninsured with the resources they need to go out and negotiate their coverage, whether they are individuals or families. Let's give the health care delivery system the confidence of knowing we are willing to create a market. This is not an unusual thing for us. We did it with Part D Medicare. The chairman of the committee was very instrumental in its passage. Today, 1 year after enactment of Part D Medicare, we created transparency and competition on what was one of the most price-sensitive areas: prescription drugs. What has the net result been? Premiums reduced 28 percent the first year, and drugs were reduced 33 percent. It was because we created competition and transparency. We made people show their prices and made sure there were multiple plans that people could choose from. The net result of that is exactly what we are trying to mirror here, but do it in a way that treats health care in its entirety. You cannot do that without prevention and wellness being the main pieces of it.

I thank the chairman for the fact that he listened. I appreciate that. I plan to be on the floor probably several times this week. I will try to do it when it doesn't interrupt the SCHIP debate. I think it is an important time to begin to educate our Members, to begin to educate America about the need for health care reform and how health care reform can actually enhance the future of the very special delivery system we have in this country.

I yield the floor.

Mr. BAUCUS. Mr. President, many Senators are waiting very patiently this evening. I see the Senator from Missouri, who has been extremely patient. We have done our best to protect Senators' places in line. Many Senators want to come to the floor and speak on this bill.

I ask unanimous consent that the following Senators be recognized in this order after Senator McCASKILL and Senator GREGG: Senators WHITEHOUSE, COBURN, BROWN, CORKER, DURBIN, MARTINEZ, KLOBUCHAR, DOLE, and TESTER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mrs. McCASKILL. Mr. President, I don't know that anybody could argue that the Children's Health Insurance Program hasn't been a success. Of course it has been a success. Frankly, successes have not come easily in the area of health care availability in this country over the last decade. So we have to protect it, we have to make sure it continues, and we need to make sure we expand it to as many children as possible.

I think this strong piece of bipartisanship we are debating today, in fact, does those things. The interesting thing is, I think back to a debate in this Chamber that occurred in November of 2003. In November of 2003, there was a piece of legislation concerning prescription drugs. Now, children's health insurance and prescription drugs are both noble and good causes to the Senate—to try to lower the cost of prescription drugs, to try to provide more insurance for children. What are the differences between the two debates? It is really interesting to look, because that is when that ugly head of politics begins to rear and people begin to see that sometimes, unfortunately, in this building it is about politics instead of public policy. Both goals of public policy, prescription drugs with lower costs and children's health insurance—everybody has to be for those goals. But how you get there and what complaints you have on the way is where politics come in.

Medicare Part D was a $400 billion program. Interestingly enough, it was passed in November of 2003 as we were approaching a Presidential election and a cycle of election. Interestingly enough, the President was running for reelection. Not a whisper of a veto threat was heard even though it was $400 billion that had no way to be paid for. There was no cigarette tax in Medicare Part D. It was guaranteeing a profit to the pharmaceutical industry. In fact, it went so far as to make sure you could not negotiate for lower prices—a bold thing, for a country where the free market is supposed to be something we relish. Negotiating for lower prices? That is pretty all-American. But, oh, no, we made sure there was no negotiation for lower prices on the part of the Government in Medicare Part D. There was no mechanism to pay for it.

Yet I hear Senators today speaking against this bill with righteous indignation, saying: Well, the tobacco tax in here is not going to be enough. The vast majority of the Republican party voted for Medicare Part D. I will note that the Senator who will follow me on the floor was one of the brave souls who voted no, and I am willing to bet it was because he was trying to be responsible relating to the budget. Most of his colleagues didn't agree with him, and certainly the President of the United States didn't agree. Not only did he sign the bill, he signed it with relish and he campaigned on it, even though the way the program is going to be implemented was not going to hit home for seniors for years in advance.

I think we can all be proud that there are some savings with Medicare Part D. We have to be honest that the Government is paying a price for it, just like we are going to pay a price for enhancing and protecting the Children's Health Insurance Program in this country. Other than Medicare Part D, we have not lifted a pinky finger in the area of health care during this administration.

Most Americans are now scared. They are scared about getting care for their children, getting care for their parents, and they are scared about whether they are going to be able to afford health care, knowing that any minute their employer may drop their coverage. The expansion of this program has more to do with the unavailability of health care from an employer than it has to do with some effort on the part of the Government to insure every person.

This is a public-private effort that has been a success. It is a block grant, not an entitlement. It allows the States flexibility. It is everything a Government program should be. It is getting to a very important need. There are so many reasons to be for this bill. I will not take the time tonight to go into them all because my colleagues will and they have today. I listened for a couple of hours when I was sitting in the chair. I am sure this will go on tomorrow with many people talking about important things.

I want to mention one part of the bill that I think is very important, which has not been talked about—mental health parity. We have spent a lot of time talking about our children being at risk for drugs and alcohol. We have talked a lot about how we have to teach them the dangers of drugs and alcohol. Truth be known, one of the biggest failures in our health care system in this country is the complete unavailability of mental health services for children.

Right now, in America, if you have health insurance and you know people and you are educated, it is difficult to find a mental health professional that specializes in children. If you are a poor working family and your child has gotten involved with drugs or alcohol and you want to get them mental health assistance, a treatment program, forget about it. It is literally almost impossible to access programs that can help adolescents and teens get off drugs and alcohol if they turn down that path at a young age.

This will allow those programs to get the parity they need in the States. Speaking from experience, in terms of watching the expensive price tag on what happens to these young people if they get addicted to drugs or alcohol at a young age, the costs to the Government are huge because of what it means down the line in terms of wasted productivity, criminal conduct, the prison systems, and other health care costs down the line.

There are very few kids who are addicted to drugs and alcohol who can get help when they are young, and a vast majority of them who do not end up charging us a heftier pricetag down the line, in terms of Government programs and assistance.

This is a very wise investment of the public dollar, to get not only the physical health care but the mental health care to the children of this country who desperately need it. We have talked about dental care and emergency rooms and broken arms, but I think it is time we realized we are abandoning our children when it comes to important mental health care services. This bill will go a long way toward fixing it.

I hope my friends on the other side of the aisle will not be situationally worried about the budget. When this was a program that was passed in 2003, $400 billion with no offsets, no way to pay for it, they lined up to vote for it, and the President signed it gleefully. It will be a bitter pill for America's children to swallow if, in a responsible way, we move forward to protect this program and this President decides to veto it. But if he does, he should know there are many of us here who will stand and fight with all the might we can muster on behalf of the kids of this country who deserve a chance at health care, deserve a chance for peace of mind for their parents.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, first, I appreciate the acknowledgment of the Senator from Missouri of my views on the Part D proposal. She is correct, I did not vote for that proposal because it was not paid for. I don't think one expensive program deserves another expensive program, especially when the second expensive program is backed with very poor policy.

What I wish to talk about tonight is the policy. The issue, of course, should be how we get more children insured and how we get fewer people uninsured in this country. There are a variety of ways to do that. I have had a number of proposals of my own in this arena. However, it is not a good idea to approach this issue of how we get more children insured by suggesting that the best way to do it is to take a lot of kids off private insurance and move them on to public insurance or to, under the nomenclature of protecting children, which is, of course, very popular—and we have had lots of pictures on this floor already of children who have gone through very serious health concerns who need to have the support of the health community, of using children and pictures of children and anecdotal stories about children for the purposes of using a Federal program which is entitled children—to cover adults, some adults who, in fact, do not even have children. There are a lot of serious policy problems with this initiative.

The irony, of course, is this initiative is not about insuring more children, although that is a stated goal. The purpose of this initiative is to essentially take another large step down the road toward Federal control and delivery of health care in this country, universal health care, as it is popularly referred to. That is not me phrasing that. The chairman of the Finance Committee, who is always very forthright, always very honest about what he is doing around here, said exactly that: SCHIP is a major step on the road to a universal, one-payer, Federal health care system. There are a lot of folks on the other side of the aisle who especially believe that should be the proper way to insure people in this country or take care of health care needs in this country, and I respect that viewpoint.

However, I do not think it accomplishes what the goal is, which is to deliver high-quality health care to the most people in this country, to make health care affordable to most people in this country, and to give people in this country the opportunity to get good health care. What it does is what was described earlier in one of the starkest and most effective attacks on universal health care I have heard on this floor, when the Senator from North Dakota essentially explained the Indian health care program and what a disaster it is.

What is the Indian health care program? The Indian health care program is single-payer Federal health care. He was talking about kids not being able to see dentists, kids not being able to get broken arms fixed, kids put in serious situations and adults in equally serious situations and no resources, no capability to take care of these people who are having serious health care problems. Interestingly enough, he used the word which is most often associated with those studies which have looked at universal health care or federally mandated health care or single-payer health care. He used the word "rationing." He said rationing was occurring on the Indian reservations. He is right. He is right because that is what happens when you go to a single-payer system and the Federal Government becomes the payer. That is what they have in England, they have rationing. If you have certain situations, if you have a hip replacement, you are going to be rationed, depending on your age. If you have cancer and you are under a certain age, you are going to get hit with rationing. If you have to have some sort of invasive procedure which is optional, you are going to get hit with rationing.

The same thing happens in Canada. Why do you think Canadians come to America for health care? In New Hampshire, we see it fairly regularly, Canadians coming over the border to get their health care at Boston, at one of the many extraordinary medical facilities in Boston or at Dartmouth-Hitchcock, one of the best, most extraordinary facilities in New England, in the country quite obviously. Why? Because there is quality there, because things are being done there that are not being done in Canada, and you can get served. You don't have to wait in lines 2, 3, 4, 5 years for some sort of elective surgery, or if you have to have something done that is a major, complicated issue, you don't have to worry that the people doing it maybe do not have the expertise you need because the Government hasn't paid for the science behind the necessary research to produce that service.

This SCHIP fight is as much a debate about whether we are going to move to a single-payer system with the Federal Government taking complete control over health care as it is about how we pick up coverage of children in this country who don't have coverage.

Coverage for children in this country is affordable. We can do it without going to a single-payer system. We don't need to take 2.2 million kids off one system and put them on the SCHIP system. We don't need to take, I believe it is 1.7 million kids off private insurance and put them on public insurance.

The total amount of children who are going to be covered by this $35 billion in new program over the next 5 years—do you know how much? Mr. President, 4.5 million children. But of that number, 2.2 million already have coverage. So actually there are only 2.3 million children you are picking up, and it is costing you $35 billion to do that. That works out to something akin to $3,200 per child.

You can go on the Internet today and buy an insurance policy for a child for about $1,300. So in the classic way that the Federal Government works, we are going to spend twice as much of your tax dollars to pay for insurance for children, and we are going to take people who are already covered and move them from having the private sector bear the cost of that coverage over to the public sector so the public sector bears the cost of that coverage. Does that make sense? Is that common sense? Is that a good use of resources? Of course, it isn't.

The practical effect is also that under this proposal, the program is not paid for. In the second 5 years, in order to avoid the pay-go discipline which is allegedly on the other side of the aisle, the Holy Grail that is supposed to be followed in every instance—of course, they have waived it now nine times on domestic spending they like—they take the cost of this program and project that in year 6 of this program, a program which will have been built up to $16 billion in spending annually will suddenly drop back to $3.5 billion in spending. Now that doesn't pass the smell test. That is the laugh test. That is absurd on its face. No Federal program ever disappears around here, and you don't take one that supposedly is benefiting children and cut it by almost $12.35 billion. That is not going to happen, but that is the assumption that is made in this bill in order to avoid having to pay for this bill.

So this big white area, which is all the area that isn't covered of the projected costs—and this is actually a conservative number, by the way, this projected cost, that represents $40 billion, $40 billion that is unpaid for—is a cost we pass on to our children, by the way.

Ironically, we say we are going to insure our children by paying twice as much as it costs to insure them and by taking a bunch of kids off private insurance and move them to the public sector, and then at the same time we are going to create a $40 billion debt which our children will have to pay for. I am not sure our children are getting all that good a deal, to be very honest with you, in this exercise.

Plus, the ultimate goal of the exercise—I believe the ultimate goal has been stated by the chairman of the committee—the ultimate goal is to move toward a universal, single-payer system, where the Federal Government pays for health care. Here is the goal: You have all these folks on Medicare on one end, the elderly folks—that is me. I shouldn't call them too elderly—and then you have all these people on SCHIP, taken off private sector and being put in the public sector, such as this bill does, you have compressed the number of people available in the private insurance market, you are going to crowd out the private market. That is the game plan, crowd out the private market so you end up with a single-payer plan.

As I have already gone through, single-payer plans make very little sense from a standpoint of quality and rationing. I don't think this country will be very comfortable with a single-payer plan, any more comfortable than, for example, the Indian population appears to be on the Indian reservations, as was explained to us by the Senator from North Dakota, who was describing a single-payer plan, otherwise known as Indian health care.

So within this proposal, not only does it have this $40 billion gap in funds in spending, which it doesn't pay for in order to avoid the pay-go rule, not only does it take a bunch of kids who already have private insurance and move them to the public side, 1.7 million kids, and then end up paying twice as much to insure them as it is probably costing the private sector and sticking themselves with that bill because they don't pay for the program in the outyears, not only does it do all that, which is terrible policy, but it compounds this by taking a program which is supposed to insure children and using it to insure adults.

Both the predecessor program, State Children's Health Insurance Program, and the present program as proposed under this legislation, Children's Health Insurance Program, do not say anything in their title about insuring adults. They are supposed to be insuring children. That is the idea. But some of our States, in a very creative exercise, have decided to expand this program to insure adults. That makes some people in this body quite happy because it fulfills this exercise of moving toward universal health care. You can use the SCHIP program or the CHIP program, which is supposed to be for children, to pick up adults, and then we will even narrow further the population of people who would be available for private sector insurance and, thus, move even more aggressively toward public, single-payer insurance, public single-payer plans, universal health care, rationing, reduction in quality. It makes no sense that this should be allowed to continue.

Now, actually, the committee knows this. In fact, they sort of tacitly recognized it, because they put in place language which attempts to partially phase out this coverage of adults. They say over 3 years these waivers will end that cover adults, but adults will be insured, instead of at the rate of Medicaid, which is what the States have a right to reimbursement for when they insure adults who qualify, they will get some new blended rate that is higher than Medicaid but less than what you pay for children. So in a tacit way the committee has sort of acknowledged that they shouldn't be insuring adults with a program called Children's Health Insurance.

The only adults who could possibly and appropriately—and I have no problem with this—be covered under that would be pregnant women. Obviously, there is a clear issue of insuring a child if a woman is pregnant. She has a child. She is with child and, therefore, clearly that coverage is reasonable. But adults are supposed to be covered, if they qualify for Federal coverage, under Medicaid, not under the children's health insurance system.

So the amendment I am offering essentially completes the thought of the committee on this point by saying: No, we are not going to reimburse States. This isn't about insuring so much as about what the reimbursement rate is to the State—what sort of windfall a State gets when they move adults on to the SCHIP program.

There are a lot of State Governors who have figured out, I can get more money for my State, which I can use to help me balance my budget, if I put more adults under SCHIP because my reimbursement rate from the Federal Government is significantly higher. So that is why this happens.

Well, it is not right. It is gaming the Federal system to do that. Waivers shouldn't be granted to allow that to happen, and this administration bears many of the problems when it comes to that. They do not come to this issue with clean hands, that is for sure, because they have given a lot of these waivers. But the committee at least recognized this was not good policy and has tried to mute it a little bit so that States, when they do game this, will only be able to game it for another 3 years and then reduce it to about half of what gaming goes on in the outyears.

But there shouldn't be any of this. There is no reason to give States a breathing spell here on this issue. There is no reason to encourage States to put more adults into the system in the interim or to put more adults in the system in the future because you are reimbursing at a higher rate than Medicaid reimburses at. No reason at all. There is no good policy reason. The States have certainly had a good run of money coming in to them that they didn't deserve, because the Children's Health Insurance Program was not supposed to insure adults, it was supposed to insure children. So we are not doing them a disservice and we are not treating them unfairly by saying: All right, that policy ends. The SCHIP program, the new CHIP program, will be for children, not for adults.

So my amendment essentially does this. It says: Adults will not be covered under this program at the SCHIP rate. They can still be covered under the Medicaid rate but not under the SCHIP rate, which seems to be a very reasonable approach to a program entitled children's health insurance.

AMENDMENT NO. 2587 TO AMENDMENT NO. 2530

Mr. President, I send an amendment to the desk, and I ask unanimous consent that the pending amendment be set aside and my amendment be reported.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2587.

Mr. GREGG. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the matching rate for coverage other than for low-income children or pregnant women covered through a waiver and to prohibit any new waivers for coverage of adults other than pregnant women)

Beginning on page 42, strike line 4 and all that follows through page 66, line 25, and insert the following:

SEC. 106. LIMITATIONS ON MATCHING RATES FOR POPULATIONS OTHER THAN LOW-INCOME CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER.

(a) LIMITATION ON PAYMENTS.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) LIMITATIONS ON MATCHING RATE FOR POPULATIONS OTHER THAN TARGETED LOW-INCOME CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER.—For child health assistance or health benefits coverage furnished in any fiscal year beginning with fiscal year 2008:

"(A) FMAP APPLIED TO PAYMENTS ONLY FOR NONPREGNANT CHILDLESS ADULTS AND PARENTS AND CARETAKER RELATIVES ENROLLED UNDER A SECTION 1115 WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—The Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to payments for child health assistance or health benefits coverage provided under the State child health plan for any of the following:

"(i) PARENTS OR CARETAKER RELATIVES ENROLLED UNDER A WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—A nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child who is enrolled in the State child health plan under a waiver, experimental, pilot, or demonstration project on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 and whose family income does not exceed the income eligibility applied under such waiver with respect to that population on such date.

"(ii) NONPREGNANT CHILDLESS ADULTS ENROLLED UNDER A WAIVER ON SUCH DATE.—A nonpregnant childless adult enrolled in the State child health plan under a waiver, experimental, pilot, or demonstration project described in section 6102(c)(3) of the Deficit Reduction Act of 2005 (42 U.S.C. 1397gg note) on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 and whose family income does not exceed the income eligibility applied under such waiver with respect to that population on such date.

"(iii) NO REPLACEMENT ENROLLEES.—Nothing in clauses (i) or (ii) shall be construed as authorizing a State to provide child health assistance or health benefits coverage under a waiver described in either such clause to a nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child, or a nonpregnant childless adult, who is not enrolled under the waiver on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

"(B) NO FEDERAL PAYMENT FOR ANY NEW NONPREGNANT ADULT ENROLLEES OR FOR SUCH ENROLLEES WHO NO LONGER SATISFY INCOME ELIGIBILITY REQUIREMENTS.—Payment shall not be made under this section for child health assistance or other health benefits coverage provided under the State child health plan or under a waiver under section 1115 for any of the following:

"(i) PARENTS OR CARETAKER RELATIVES UNDER A SECTION 1115 WAIVER APPROVED AFTER THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—A nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child under a waiver, experimental, pilot, or demonstration project that is approved on or after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

"(ii) PARENTS, CARETAKER RELATIVES, AND NONPREGNANT CHILDLESS ADULTS WHOSE FAMILY INCOME EXCEEDS THE INCOME ELIGIBILITY

LEVEL SPECIFIED UNDER A SECTION 1115 WAIVER APPROVED PRIOR TO THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—Any nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child whose family income exceeds the income eligibility level referred to in subparagraph (B)(i), and any nonpregnant childless adult whose family income exceeds the income eligibility level referred to in subparagraph (B)(ii).

"(iii) NONPREGNANT CHILDLESS ADULTS, PARENTS, OR CARETAKER RELATIVES NOT ENROLLED UNDER A SECTION 1115 WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—Any nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child who is not enrolled in the State child health plan under a section 1115 waiver, experimental, pilot, or demonstration project referred to in subparagraph (B)(i) on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, and any nonpregnant childless adult who is not enrolled in the State child health plan under a section 1115 waiver, experimental, pilot, or demonstration project referred to in subparagraph (B)(ii)(I) on such date.

"(C) DEFINITION OF CARETAKER RELATIVE.—In this subparagraph, the term 'caretaker relative' has the meaning given that term for purposes of carrying out section 1931.

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as implying that payments for coverage of populations for which the Federal medical assistance percentage (as so determined) is to be substituted for the enhanced FMAP under subsection (a)(1) in accordance with this paragraph are to be made from funds other than the allotments determined for a State under section 2104.".

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting "or subsection (c)(8)" after "subparagraph (B)".

(c) NONAPPLICATION OF CERTAIN REFERENCES.—Subsections (e), (i), (j), and (k) of section 2104 (42 U.S.C. 1397dd), as added by this Act, shall be applied without regard to any reference to section 2111.

SEC. 107. PROHIBITION ON NEW SECTION 1115 WAIVERS FOR COVERAGE OF ADULTS OTHER THAN PREGNANT WOMEN.

(a) IN GENERAL.—Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(1) by striking ", the Secretary" and inserting ":

"(1) The Secretary"; and

(2) by adding at the end the following new paragraphs:

"(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage for any other adult other than a pregnant woman whose family income does not exceed the income eligibility level specified for a targeted low-income child in that State under a waiver or project approved as of such date.

"(3) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2105(c)(8).".

(b) CLARIFICATION OF AUTHORITY FOR COVERAGE OF PREGNANT WOMEN.—Section 2106 (42 U.S.C. 1397ff) is amended by adding at the end the following new subsection:

"(f) NO AUTHORITY TO COVER PREGNANT WOMEN THROUGH STATE PLAN.—For purposes of this title, a State may provide assistance to a pregnant woman under the State child health plan only—

"(1) by virtue of a waiver under section 1115; or

"(2) through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.".

(c) ASSURANCE OF NOTICE TO AFFECTED ENROLLEES.—The Secretary of Health and Human Services shall establish procedures to ensure that States provide adequate public notice for parents, caretaker relatives, and nonpregnant childless adults whose eligibility for child health assistance or health benefits coverage under a waiver under section 1115 of the Social Security Act will be terminated as a result of the amendments made by subsection (a), and that States otherwise adhere to regulations of the Secretary relating to procedures for terminating waivers under section 1115 of the Social Security Act.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to be allowed to take the time already allocated to the Senator from Rhode Island, Mr. WHITEHOUSE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, what an interesting debate this has been. If you want to know how Congress is likely to react to the fact that we have 47 million uninsured Americans and millions more with health insurance that is almost worthless, if you want to know what Congress is likely to say about the plight of families who struggle each year with premiums rising and coverage falling, you should listen to this debate. Because my friends on the Republican side of the aisle—not all of them, but a number of them—want to argue for the proposition that we ought to be careful we don't insure too many people in America.

It is an easy thing for a Member of the Senate to argue. We are some of the luckiest people in America. We are covered by the Federal Employees Health Benefit Program. That may be the sweetest deal in terms of health insurance anyone can dream of. It covers 8 million Federal employees, including Congressmen, Senators, and their families, and it allows us—if you can believe it, those watching this debate across America—it allows us once each year to decide if we want to change companies. If we don't like the way we were treated last year, if a particular company didn't cover something important to our family, we can say: That is it, we are buying a new product. It is like shopping for a car and we are in the driver's seat because we have options.

In my State of Illinois, my wife and I can choose from nine different health insurance plans. If we want to get more coverage, we can have more taken out of my check; less coverage, a lower amount. Our choice. Real consumers. Boy, there aren't very many Americans who can say that, are there? How few Americans can stand up and say: If I don't like my health insurance company, I will buy another. But we can do it. The Senators coming to the floor today arguing against children's health insurance being extended to too many people have that luxury. They are part of the Federal Employees Health Benefit Program.

Most of us here in the Senate bring our life experience to the floor. In this bill, there are two life experiences I have been through that come to mind. The first relates to the way we pay for children's health insurance, and that is with the tobacco tax. Well, tobacco has been a big issue in my congressional career. It was 20 years ago that I decided to introduce a bill to ban smoking on airplanes. It was considered a radical idea, that we would have no smoking on airplanes. Back in those days, they split the plane up, smoking and nonsmoking, and argued if you sat in the nonsmoking section that you were protected. Everybody knew better, but nobody questioned it. So I introduced a bill to take smoking off airplanes. My interest in that went beyond the fact that I was a frequent flyer, as most Members of Congress are. It even went beyond the fact that I had read the statistics about secondhand smoke and the damage it had caused to so many innocent people. It went to a personal life experience. My father smoked two packs of Camels a day. He was an addicted smoker for as long as I knew him, and I didn't know him very long. When I was 14, he died. He was 53 years old, and he died of lung cancer. I stood by his bed and watched as he took his last breath on November 13, 1959, at noon. I didn't swear then and there that I would get even with tobacco companies. But looking back, and as a young boy, I never got it out of my mind that that product, that tobacco product, had taken his life and taken him from me.

I remembered it whenever I would fight the tobacco companies, and I have quite a few times. I would think about all the other young people, men and women across America whose lives had been touched by tobacco disease.

My dad started smoking when he was a kid—most people do. So how do we stop kids from making that terrible choice in their lives? There is a simple way—raise the cost of the product. The more expensive a pack of cigarettes is, the less likely a younger child will start smoking and the less likely they will be addicted. That is simple economics. We have proven that over and over again.

We have these charts here that show U.S. cigarette prices versus consumption. As the price goes up, the consumption goes down. It is that basic. So we pay for this bill for children's health insurance across America by imposing a higher tax on tobacco products and cigarettes. It is no surprise that my Senate colleagues from tobacco-producing States don't like the idea at all. For years, they have come to the floor of the House and Senate and argued against tobacco taxes for a variety of different reasons, but they can't argue against this reality. The higher the cost, the lower the consumption. Certainly among children it is even more dramatic.

So for many who have come to argue against our approach to expanding children's health insurance, saying it is not fiscally responsible, it is as responsible as you can ask for. We are going to pay for it, and we pay for it with a tax on a product that claims over half a million American lives each year. Tobacco is still the No. 1 preventable cause of death and disease in America. Sparing a child from addiction to tobacco is sparing them the 1-in-3 likelihood that they will die from that addiction.

The second life experience that brings me to this issue goes back to my time in law school here in Washington at Georgetown Law Center. My wife and I were married after my first year in law school, and a baby came along rather quickly. Our daughter was born at the end of my second year, and I didn't have health insurance. I was a law student. We were happy to have our little girl, but a little surprised and unprepared. So we had to save up the money to pay for her delivery. Luckily, in those days, it wasn't as expensive as today, but for a law student it was still a lot of money. My wife worked during the pregnancy, I tried to save a few dollars, and we had enough money to pay the obstetrician and pay the hospital for my daughter's delivery while I was still in law school. But something happened 30 days after that which made a big difference. My daughter was diagnosed with a serious illness. Still, we had no health insurance. I found out what it was like to be the parent of a child and to have no health insurance. It was a humbling experience. I used to leave law school and drive over to Children's Hospital here in Washington, DC, pick up my wife and baby, drive over there and sit in the clinic. The clinic was, I guess, the place for those of us who didn't have health insurance, and we would wait our turns. There were a lot of people in that clinic, and it meant waiting a long time. I was glad to wait, because I wanted some doctor, some competent physician, to come see my daughter.

Well, we usually ended up with a resident who took the history, which we gave over and over and over again. But that is the price you pay when you don't have a regular doctor and a regular appointment. So the chart of my daughter's background grew and grew, and I sat there with my wife time after time waiting for a doctor to examine my baby. It wasn't a reassuring feeling for a father, because you want to believe that the doctor who is going to be there for your baby is the best. If you don't have health insurance, you may be tossing the dice. I learned what it was like. It was a humbling experience. I have never forgotten it, and I never will.

We are talking about children across America now who have no health insurance. Of the 47 million who are uninsured in America, about 9 million are children. We decided about 10 years ago to create a special program to provide uninsured kids with healthcare coverage. It worked. It worked very well. Over 6 million kids across America today have health insurance because of this program, and it is a program that people like because Governors and others can work to make it fit into their State, to fit their needs. There are Government guidelines, but there is flexibility through waivers that are offered. So a lot of States are trying different ways to bring more children in and cover more uninsured people. I think that is a good thing. I hope that whoever the next President of the United States may be—and we all have our favorites in this Chamber—whoever it may be, they will start their administration by saying they are going to challenge America to eliminate the uninsured over a specific period of time. And wouldn't they start with the kids?

The bill that came out of the Finance Committee is a bipartisan bill. I want to salute not only Senator BAUCUS of Montana, the chairman, but Senator GRASSLEY of Iowa, the ranking minority member, and others, Senator HATCH of Utah, Senator ROCKEFELLER of West Virginia, and Senator SNOWE of Maine, who have all made a real bipartisan effort. What we are trying to do is to take this bill and reauthorize this Children's Health Insurance Program so that we cover even more children. In fact, we have the opportunity to add another 3.2 million to the 6.6 currently covered. That is almost 10 million kids who will have health insurance, if we are successful. It will still leave almost 6 million uninsured. That is still too many, as far as I am concerned. But we are moving forward. We are dealing with political realities and budget realities and doing the best we can under these circumstances.

But Senator McCONNELL, the Republican leader, is going to come to the floor and suggest spending dramatically less money on this program. The net result of it is that Senator McCONNELL and others are going to argue let's not increase the number of uninsured kids covered by this program. At the end of the day it is going to mean that just about 9 million kids in America will be uninsured instead of the 6 million that will remain if we pass this proposal. Senator McCONNELL has made a calculation that he is willing to leave millions of uninsured kids behind.

He doesn't like the tobacco tax. Being from Kentucky, I am not surprised. But for many of us it is a small price to pay, increasing the cost of tobacco products so that kids have more health insurance. The important thing about this debate is it is a precursor of a much bigger debate that is to come over whether America is going to get serious about the shortcomings when it comes to health insurance.

I know there are a lot of people with a lot of different theories. I see my friend from Oklahoma, a medical doctor. He and I have talked about this. He has a much different view about this issue than I do. I hope his approach, if it is ever tested, works. But I believe this approach will work because what we are doing is taking those who have been unfortunate enough not to have health insurance and giving them a chance for coverage.

We know the poorest kids in America are eligible for Medicaid, a program that we share with the States all across the Nation. We know that the kids from wealthier families usually have health insurance through some worker in the household. But what about the kids caught in the middle? What about the kids where the parents do go to work but don't make enough money? What about the kids from families who, because of an existing medical condition or some other complication, can't afford health insurance, can't buy health insurance? That is what this program is all about.

There has been a lot of criticism of this program—I have heard it on the Senate floor today repeatedly—that it just covers too many children. We really ought to cut back on the number of kids covered. That really betrays an approach to this issue which I think we will hear more of. There are some people who, for a variety of reasons, philosophical and economic, would leave a lot of kids and a lot of uninsured Americans behind and say: That's life.

I don't accept that. I don't think that should be life in America. We live in a much better nation than that. Our values are stronger than that. We exalt family in America. We say that is the strength of our Nation. How can you exalt families and say that you want to make them stronger and not provide one of the basics in life—health insurance?

I know what it is like sitting in that waiting room, worrying about my own daughter's care, with no health insurance. I try to think of millions of other families who face that every single day. We were lucky. We got through it. My daughter is 39 years old now and has her own family. We were blessed in many ways.

But it was a tough experience I wouldn't wish on anybody. Those who vote against this proposal are wishing it on millions of Americans. In fact, they know millions of Americans will continue to have no health insurance and they accept it.

There is a young teenager in Naperville, IL, I am honored to represent. His name is Michael, and he is 17 years old. When he was in the fourth grade, he was friends with a young boy named Joey. He used to talk about Joey as his friend with the megawatt smile. They shared lunch together and kept their secrets safe for one another. But, unfortunately, Joey complained a lot about just not feeling right. He missed a lot of school. He was tired, his knees hurt, he bruised easily.

It came as a shock one day when Michael was told that Joey had been diagnosed with acute lymphocytic leukemia, a devastating, life-threatening disease. Then they learned another piece of alarming news: Joey's dad, who was a house painter, was self-employed and like millions of other self-employed Americans, was uninsured.

In the 4 years that followed, Joey with leukemia, would come to school when he could. He lost his hair with the treatment he received. He was frail, and he wore his Cubs cap to cover his bald head. Sometimes he only stayed for a couple of hours, but all the kids remember they were good hours. They were happy to see him.

Then, on January 8, 2003, the school counselor came in and told Michael and his class that Joey was not going to return. That is not an unusual story in America—but it should be.

What does this say about America, that 9 million children do not have the most basic health protection in our country? We are so proud of so many achievements that we have registered in the course of our history. We are so proud of the opportunities in our country. But how would we explain to future generations that we would just walk away from those kids and this opportunity to provide them with coverage? If Senator McCONNELL's alternative prevails, we will walk away from 9 million uninsured children. If the committee proposal prevails, we at least will take care of about 3.2 million of those kids. I wish we would take care of more.

We also know that if kids don't receive basic health care, a lot of simple things can become complicated; a lot of things that can be treated successfully will be ignored and unfortunately become worse. As Michael puts it, how many Joeys could be saved if only affordable health insurance was available to all children?

What do Americans think about this general concept of helping States cover more uninsured children? In a country that is sharply divided along political lines on so many issues, this is one that is overwhelmingly popular. Ninety-one percent of the American people get it. They think this is the right thing to do, to cover more children. Eighty-four percent specifically support covering all uninsured children with the Children's Health Insurance Program. It is hard to believe that number exists, when you hear some of the speeches against this program from the other side of the aisle. With this program we have reduced the number of uninsured children in America by a third.

States have worked to design programs that work best for them. My State is one of them. Illinois now provides coverage to over 130,000 parents under CHIP, and because of the increased outreach and enrollment, 250,000 more parents than it did prior to receiving a waiver from our Government to offer that coverage.

You say to yourself, if this is a children's program, why are you covering parents? They found the vast majority of parents had no health insurance or couldn't afford the health insurance they had, and by offering them insurance, it brought their children into coverage as well. Some will say it is not what the program is about; it is the children's health insurance program. But for these people, they consider it somehow a violation of trust that we would expand the program to bring in uninsured parents. To me, it is striving to reach a national goal, where every American, regardless of their economic situation, has health insurance. That is something I support and most Americans support, and something this program tries to achieve.

We give the States such as New Jersey and Illinois and many others the option to cover more parents. What is striking is, during the same time period that the state covered these parents, Illinois has added more than 360,00 children to Medicaid and CHIP coverage, so this program has worked. It has become an outreach program to let parents know they have an option. They may qualify for Medicaid. They may qualify for the Children's Health Insurance Program. It is a 38-percent increase in the number of kids covered by health insurance in my State. Is that working, a 38-percent increase? I think, frankly, the figures are obvious.

Just last week, Illinois State officials hosted delegations from around the country, briefing them on how our program works and maybe exchanging some ideas on how to make it better in their States and ours as well. Illinois was telling other states how to do it because Illinois has a successful model.

This is not a perfect piece of legislation. I wish it were larger. I would spend more than $35 billion. I would raise the tobacco taxes higher, if necessary. I would find other ways to offset the cost because I think we should be striving for full coverage of all uninsured children in America. What a great day that would be. What a celebration it would be for us to be able to say, on a bipartisan basis, Republicans and Democrats have reached that goal.

This bill doesn't quite reach the goal. But let's celebrate what it does. It moves us forward. It preserves a program which would expire on September 30, and it expands it. With these new funds and an accurate formula, combined with the incentive bonuses proposed, Illinois could cover as many as 123,400 children who are uninsured today over the next 5 years. That is a dramatic expansion. It is one which I would be happy to vote for and will vote for.

The Finance Committee bill increases eligibility levels for children covered under this Children's Health Insurance Program to 300 percent of Federal poverty. Some people on the floor have talked about 300 percent of Federal poverty level as a higher income. Do you know what it means to have a family of four and be at 300 percent of poverty? It means an income of $62,000 a year. That is a little over $1,000 a week. That is maybe a little more than $5,000 a month. It is hard to imagine people are living in the lap of luxury, after they pay their taxes and their basic expenses, paying for the higher price of gasoline and utility bills, paying for whatever it takes to have a safe and sound place to live in.

I think most of us who are blessed with a lot more income should reflect on a family of four struggling with $62,000 a year. I don't think there are many vacations or trips to the movies with that kind of income. For the State of Illinois, this change in eligibility level would bring in an additional $26.5 million to cover thousands of additional kids, which is certainly a positive step forward.

I can tell you that Senator McCONNELL, who is offering a Republican alternative—as I mentioned earlier, is not offering an alternative embraced by all Republicans. Many support the bipartisan bill that came out of the committee and see it as strengthening a successful bipartisan program. Senator McCONNELL sees it as a slippery slope to universal coverage.

The Republican leader yesterday invoked all the right words when he described his Republican alternative:

low-income children, fiscally responsible, providing a safety net. He criticized the bill from the committee as a "dramatic departure from current SCHIP law."

What he failed to mention is his alternative is the dramatic departure. It includes a bare reauthorization of the program and adds in small business health plans and health savings account reform. Incidentally, the health savings account is the refuge for all of my friends on the Republican side of the aisle. When they can't think of anything to say about covering more people with health insurance, they come in with these health savings accounts—an idea once waltzed out by Speaker Gingrich that has gone around the track many times and has not shown the success that they promised.

Here it is again—no surprise. The Republican proposal by Senator MCCONNELL would likely cause hundreds of thousands of people to lose coverage.

I am encouraged that the reauthorization bill before us has sparked a national conversation, not only about the kids who are uninsured but others as well. My counterparts on the other side of the aisle have not always been open to that conversation, but that is not what is before us. The bill we are considering will reauthorize the Children's Health Insurance Program before it expires on September 30.

This is not the time or vehicle to try to add all kinds of health care proposals, but that day should come. This is the time to take care of our nation's children and we will pay for it as we go. As I said earlier, this new tobacco tax is a smart thing from a health point of view. In a poll conducted by the Campaign for Tobacco Free Kids, two-thirds, 67 percent, of those interviewed favored such a tax increase. Only 28 percent opposed it. Moreover nearly half, 49 percent, strongly favored it. Only 20 percent strongly opposed it. It is the right thing to do. We know what tobacco does to the health of America. Discouraging its use is a move in the right direction.

This is an historic debate, one that is long overdue. We know health care is the most important issue to Americans next to the war in Iraq, and very rarely if ever do we seriously address it. We know the business community is begging us to move forward and expand health insurance coverage in this country to help them find a way to move to universal coverage which will not be at the expense of competitiveness. We know that working families, those in labor unions and those who are not, all understand the cost of health insurance and its value to every family, and we know from our own personal experiences and the people we meet in our States that this is long overdue. It is about time we opened up this discussion.

I am heartened by the work of the Finance Committee. The fact they brought this bill to us with strong bipartisan support on the floor of the Senate is an indication that there is some promise to this debate. I thank my colleagues who worked so hard on the committee to bring this bill forward. I hope we can build on it, cover more uninsured children, and move to the day that every single American, regardless of their income, has basic health insurance coverage so that every American has peace of mind when it comes to their health and the health of their family, so that no American, whether a law student or someone who has a low-income job, has to wait and pray that there will be good professional health care for their children.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The junior Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I am going to spend a little bit of time first discussing health care in America. I have a little bit of experience, having practiced for 24 years. The children the majority whip talked about, I delivered 4,000 of them. I cared for well over a third of those through their infancy and into childhood.

Let's be clear about what this debate is. There is no difference. I agree with Senator DURBIN. I want every person in this country to have health insurance. Actually, every problem that Senator DURBIN mentioned could be solved by equalizing the tax treatment under the Tax Code so that everybody is treated the same under the Tax Code in this country.

Let's talk about where we are in health care in America today, then let's talk about what the possible solutions are.

What we have today is the best health care in the world. It is very expensive, there is no question about it. Eighty percent of all of the innovation in health care in the world comes out of our health care system. We have survival rates on prostate cancer, breast cancer, and colon cancer that far exceed anywhere else in the world. Our treatments for coronary artery disease are better than anywhere else in the world. If you have a heart attack in this country, you are more likely to live 5 years than anywhere else in the world. But we have a system that is designed to treat chronic disease instead of designed to prevent disease.

I know that the President this evening is supportive of prevention in terms of how do we change the focus in this country. You see, what we have coming to us is a storm. It is not going to be a storm that affects myself or the Senator from Ohio; it is going to affect our kids and our grandchildren. Here is what the storm is. If you are born today, born today, you are born owing $500,000 for the health care of everybody who was born before you under Medicare. Think of that. Listen to me—$500,000 is the cost we are laying on the next generation for the health care system we have under Medicare. That is not talking about Medicaid, that is not about SCHIP, that is about Medicare only. If you are born today, that is what you are going to bear over and above what our present tax rate is. That is called stealing opportunity from the next generation.

We also have a health care system under which 7 percent of the costs of health care comes about from tests that are ordered for you that you do not need. There is no reason you need them, but the tests get ordered because your doctor needs them or your hospital needs them. It is a full $170 billion a year we spend on tests that nobody needs except the doctors to protect themselves in the case of "what if." And this body refuses to look at tort changes that will make us order tests based on what you need rather than on the threat of a malpractice suit.

So we have liability costs, we have unfunded costs from Medicare, we do not have prevention. We spend tens of billions of dollars a year on disease prevention in this country, $7.1 billion at the NIH, $8.4 billion at the CDC, and then billions more that we can't quantify across many Federal agencies where you cannot measure that we did anything on prevention.

The average American does not know that at age 50, they should have a colonoscopy; they do not know that at age 35, they should have a mammogram; they do not know that if they have a family history of breast cancer, they should have that mammogram sooner; they do not know that every month, they should be doing a self breast exam; they do not know the symptoms of prostate disease in older men; they do not know what they need to know about prevention. We are totally inept in the programs we have today to communicate that to America.

So that is where we find ourselves today—the best health care system in the world, with the most innovation, but also 50 percent more expensive than anywhere else in the world.

Now, when you match up those two statistics I talked about, in terms of greater life expectancy, in terms of all of the cancers, in terms of heart disease, against the cost, what is the difference in all the countries that have universal, single-payor, government-run, bureaucratic-controlled health care? They let you die. That is the difference. If you need a knee replacement, like the Senator from North Dakota talked about, you do not get it because there is no money. Let's talk about some statistics. Average waiting time in Sweden: 25 months for heart surgery. How many people do you think live 25 months? How about an average of 10 months before the onset of chemotherapy for breast cancer in England. The reason their costs are down is because they are not caring for people at the end of life.

We can get all of that back if we emphasize prevention. Prevention. For every dollar we spend on prevention in this country, we are going to get 100 back. Yet we do not have effective prevention programs. So what is this debate really about?

There is not anybody in this Chamber who does not want to see kids have great access to health care, preventative or otherwise. There is not anybody in this Chamber who wants anybody not to have available health care. What is the real debate? Well, there are actually three.

The first debate is: Do we want the Government that cannot get you a passport, that cannot control the border, that cannot take care of the problems associated with a hurricane when we have a major emergency, do you want them running your health care? A government that is failing so many fronts because the bureaucracy is so big, the oversight is so poor from this body, the oversight is so poor, we do not do our jobs. We can find lots of ways to spend new money, but we cannot spend the effort to find out if money we are spending is working. The oversight is so poor that we have ineffective programs all over the place.

There is a columnist by the name of P.J. O'Rourke. He said, if you think health care is expensive now, wait until it is free. And there is a lot of truth to that. When it becomes free, it is going to be tremendously expensive.

So the debate is not about whether we should cover children and whether children ought to have great health care. They should. We have the resources to do it. What the debate is about is whether we are going to put into the hands of an incompetent government in many other areas your health care. And this is the first step in moving it all in that direction.

Now, the Senator from Illinois talked about the young child with acute lymphoblastic leukemia. We have moved to where we have about an 80-percent cure rate with that right now. We did not do that through the Government; we did that through the private sector. But he also noted that he did get this care. He did get chemotherapy. He did get it. So the other point that needs to be made about—the system we have now is shifting a quarter of a trillion dollars a year into a system because we are absorbing costs rather than giving individuals their care based on freedom.

The second point is, if we do this expansion of SCHIP, are we getting good value for what we are paying? There is a chart I want to put up that shows—these are CBO numbers. The reference to the private care comes from data about the individual health insurance market. The $1,532 comes from average of a $500 deductible added to the average premium for a private children's policy: $1,032. One in three will pay a $1,500 deductible, two will pay no deductible. So for $1,532, you can buy private coverage, but with this bill we are talking about spending $3,950 for government care for the same thing. That expense will be charged to your children and your grandchildren. I think it is probably not a great deal, not great value, for us to do it this way.

The other thing the Senator from Illinois recognized is that he wanted everybody to have insurance. All he has to do is cosponsor the Burr-Corker bill because that gives everybody in this country, if you are an individual, a $2,160 tax credit, refundable flat tax credit. If you are a family, it gives a $5,400 refundable tax credit.

Now, what does that mean? If you are earning $61,950, a bureaucrat is going to decide what your health care is and who your doctor is going to be and whether or not you have care versus you deciding. It is about freedom to choose.

So the Senator from Illinois can have every one of the desires he listed and meet every one of the goals by us equalizing the benefit under the Tax Code for all of us. That means it does not matter if you are rich or poor; you get the same treatment under the Tax Code. In other words, we are going to guarantee 100 percent universal access for everybody in this country, and it is not going to cost a penny.

The other thing this debate is about is, Do we really want to have a debate in this country on health care? If we do, let's have a total debate.

Mr. President, so this debate is about whether we get value, this debate is about whether we really are going to fix health care, and finally, this debate is about the dishonesty in this bill about how it is paid for. And what we are doing—you saw Senator GREGG with the chart out here. We are going to assume that in year 6, the cost of this is $3.5 billion, but the new program is 12. There has never been a program that is going to go down from that. So rather than violate their own rules, they cut it down and said it does not exist at the same level for the second 5 years of this authorization. That is exactly what America has come to expect of us—being intellectually dishonest with them about the true costs of programs.

So, as Senator GREGG said, the debate really is about the starting of the debate, about what we are going to do in health care. We have good health care. We have 43.6 million Americans who do not have it. This bill purports to put 3.3 million of them on SCHIP. The only problem with that is 1.1 million of them have insurance now, so there is a double cost. So we got back to the $3,900, which is what the American taxpayer, one way or the other, is going to pay for $1,532 worth of care. How does that make sense? It makes sense only if you are moving in a direction to have the Government run it all.

So if you want the personal freedom to be able to choose what your health care should be and you want the Government to equalize the tax basis under which we all receive care so that everybody gets the same benefit—not the wealthy, one, and the poor, a different one; the difference is $2,700 if you are well off and $102 if you are not—that is how the Tax Code discriminates against you now. What we do and what we suggest is everybody gets the same treatment. And what happens is, under this bill, CBO scores that it will add maybe 3.3 million kids. Under the Burr-Corker, we add 24 million people in coverage over the first 10 years of that program, according to JCT.

So if this is about covering all of the children and about covering those who do not have health care, we ought to be addressing it in a totally different way. We ought to be saying we want a universal flat tax credit that is refundable to everyone in this country so they can all have access.

Senator WYDEN has proposed that on the other side with some minor differences in what we are suggesting through the Burr-Corker bill. But the fact is, you cannot have it both ways. Which way is better? Do you want the freedom to choose or do you want an organization that right now has proven to be terribly incompetent?

Some statistics about the incompetence: the doctor shortage in this country 15 years from now is going to be 200,000 doctors. Why is that? Why are the best and brightest not going into medicine today?

Why is that? It is the same reason that you see all the European single-payer systems moving toward what we have, as we try to move toward them. We are going in exactly the opposite direction. The reason is, by the time you finish 12 years of college and graduate and postgraduate and post-postgraduate education, you can't earn enough under Medicare or Medicaid to even repay your loans. So what is happening is, our best and brightest, instead of going into medicine, are going into other areas where they can be remunerated for their investment in education. This drives us further that away.

What is the statistic behind it? Fifty percent of the doctors don't see Medicare or Medicaid patients now. If you move to a new city and you are on Medicare, good luck on finding a new Medicare doctor. Why? Because the reimbursement is about 50 percent of what they can earn seeing somebody who is not on Medicare. So we will have a shrinking number of doctors, a government-run program that is going to control cost by saying, as the Senator from North Dakota said: Here is the amount of money. Guess what. We are not paying for it. It is going to get rationed. That is exactly what is going to happen to us. Consequently, we are going to take the best health care system in the world, with all its defects, and we are going to turn it on its ear. We are going to take the system that develops 80 percent of all new innovations in health care and run it away.

Example: M.D. Anderson Clinic spends more on research in health care than all of Canada. Think about that. One private outfit in this country spends more than the whole nation of Canada on health research. Why? Because we have a system that rewards innovation. We are going to kill that system. We are going to destroy it. The question is not whether children ought to be covered. Sure, they should. But so should their parents and everybody else but not in a way that destroys the system. The system will work if we create access for everyone. The system will work without raising a tax dollar to anybody. We will give everyone free choice to have what is best for them.

The numbers don't lie. If you doubt what I am saying about this being a step toward national health care, here is what they say. Question: Is this the first step toward a government-run, bureaucratic-controlled single-payer health care system? Senate Finance Committee: Absolutely not.

Now let's hear what the chairman said:

> We're the only country in the industrialized world that does not have universal coverage. I think the Children's Health Insurance Program is another step to move toward universal coverage.

AKA government-run health care in this country. So the system that gives us great innovation, that creates 80 percent of the new drugs, new techniques, new technologies, we are going to poke our finger in its eye because of what it has done.

We heard the Senator from Illinois say all the big businesses want to solve this. They have made commitments to health care. They now want to dump on the American public rather than on their shareholders. General Motors, Ford, Chrysler, they want us to pay for it. They had an obligation for it. They took plenty of bonuses when the profits were good. Now they want you as taxpayers to pay for it. That is why all the Governors want the SCHIP program, because it is going to expand their ability to solve their other budget problems. But what we are charged with is doing what is best for the country in the long run. I will promise you, a government-run, bureaucratic-controlled health care system is not the best thing for this country. And that is what we will get. What we to have do is go back and use a little common sense and look at what is happening.

In my State of Oklahoma, we have 117,000 kids on SCHIP. Oklahoma chose to make it a Medicaid expansion. The problem is, Medicaid doesn't pay enough so kids can't get access in Oklahoma under the rates which they pay. So have we given children access? We have a SCHIP program. Can they get care on a timely basis, can they get the same thing somebody through a private insurance firm can get? No. Is that the kind of care we want? I want everybody to have the same access. I don't want a Medicaid stamp on anybody's forehead. I want them to be treated equally under the Tax Code so they have exactly the same opportunity for access to care that the richest or the best union member or the best business offers. We can do that, but we can't do it by going in this direction.

We heard from the majority whip that we don't like kids. I don't care how much tobacco is taxed. The problem is their numbers are foolish, because we know as we raise the tax, the amount of volume goes down or it goes to the black market or it goes through Indian tribes who don't pay the Federal excise tax even though they owe it.

So what we know is the way we are going to fund this isn't going to work, but we are going to be on the hook anyhow. Except it is not us on the hook. It is your kids. The very kids we are going to insure, we are going to come back and say: By the way, you have to pay for your insurance through increased tax rates.

We should be very careful about what we are doing. I care dearly about children. I have four grandchildren, 10 and under. I look at them, and I see all the kids I have delivered through the last 20-some years. I see all the kids I have cared for, diagnosed major diseases on, treated broken bones, taken their appendix out. I look at all those, and not once were they ever turned down. The vast majority of physicians don't turn somebody down in need, but we are coming to a screeching halt. No longer can we continue to cut the incentive to have people going into the medical field. Take 200,000 doctors and see what would happen if, in fact, we had them there in the future.

The biggest problem facing hospitals today, they can't find a nurse. Why? Because the reimbursement rates are so low we can't incentivize enough people to go into nursing because they can't pay the costs to do it and the hours are terrible. You work four 12-hour shifts. You are off for 3 days, and you come back and work four 12-hour shifts. It is not a great life. So the people in medicine today, the vast majority, care deeply about kids, but they also care deeply about having some rest, having access to a normal life outside of that. My nurse added it up. During my 20 years, my average time in practicing medicine was over 80 hours a week. That is not uncommon in this country. It is not uncommon for doctors to spend 80 hours a week taking care of folks. But we are going to be short 200,000 because we are going to see less dedication because there is not the financial reward for people to invest that much time and their assets to get the education they need.

Let's talk about who is going to get on the system and who is not. Under the old system with this expansion, we are going to add 4.1 million kids. But we are going to take 2.1 million off private insurance. So in Oklahoma, I don't know what the exact numbers will be, but we are going to take kids off private insurance and then put them on a Medicaid system they can't get access to. We will feel good. We gave them insurance. We give them coverage, but they don't have access. Unless you are getting seen, it is not access.

Also under the new system, the newly eligible, they will add 600,000 kids, but there is a 1-for-1 trade. We will take 600,000 off private insurance. So tell me what we are doing? We are shrinking the pie so that the cost for everybody in private insurance is going to go up. That is what is going to happen. We are going to move it over to a government-run system that doesn't reimburse at a rate to give you access. Why would we do that? Why would we pay 2.5 times what it costs to get it in the private sector?

There are a lot of changes that need to happen in health care. We need to complete transparency as far as price and quality so you as a consumer can make a decision. I am for that. We need true insurance market reform so that instead of big health insurance companies taking 40 percent of the premium dollars you pay and keeping it through administration of profits, we actually put it into health care.

We need a change in the insurance industry, where a bureaucrat sitting at a computer, either at Medicaid, Medicare or an insurance firm, isn't denying your care because they have never put their hands on you to say you need this or not.

What we are talking about is giving individuals the freedom to handle their own health care, the freedom to choose, the security to know that through this tax credit, everyone will have access in this country, no matter who you are, no matter what you make. You are equal footing with everybody else.

When the majority whip comes out and says that is what he wants, my challenge to him is, sign on to the Burr-Corker bill. That is exactly what it does. It gives equal access to everyone. Instead of an additional 130,000 kids in Illinois, he will have all the kids covered. Instead of the adults who are not covered in Illinois, he will have them all covered. He would not raise taxes on a soul. Will it shift some? Sure.

The question is, are our kids worth it? That is the question that has been raised by the Finance Committee and Senator DURBIN and those who have spoken. I say they are. But if you go back to the numbers, which is $3,950, and you apply that and you take the 4.2 million children, we could cover all of the uninsured children if we did it at the cost of the private sector right now. If we said we will take the same amount of money we are going to spend under the SCHIP program and we will buy them all a private policy, we can cover every kid who is not covered today because we spend 2.5 times more doing a government program than the same thing you can do on your own in the private sector. Why wouldn't we do that?

We wouldn't do that because this is the first step in moving toward universal, government-run, bureaucratic-controlled health care.

One other point I wish to make. We have a Medicaid program today. We have a SCHIP program today. There are 680,000 kids right now who are not covered who are eligible for those programs. Tell me how effective we are at covering those 680,000 kids. They are eligible, but we don't have them? That is because of the failure of the Government bureaucracy to fully get a benefit out to those who are deserving of the benefit. So what do we do? We are going to go in the opposite direction.

The other important point is, what SCHIP does is separate you from your family. If you make $60,900 in this country—that is higher than the average family income in 21 of our States—your child is going to be eligible for SCHIP. So your child is going to go on SCHIP. They will have a different insurance plan than you. They will have different doctors. There is not going to be a family doctor who cares for the whole family. The child will have one, and the parents will have a different one. We will separate them and divide them. We are going to totally separate them. Then guess what is going to happen. Parents are saying: I could put my kid on SCHIP, and I will get a decline in my premium. But it would not decline because we would not have done any insurance market reform. We will not have created a competitive market where they have to bid for your care. We will not have done what we need to do to fix health care.

So I welcome this debate. This is a debate we ought to have in this country. Health care is important, and it is one of the things that is limiting our competition. But the reason it is limiting competition is because we aren't investing in prevention and nearly $1 out of every $3 spent in health care does not go toward helping anybody get well. The reason it is that way is because we have the Government in the middle of the market. We are about to make that worse.

What we do know in this country is markets work. Individuals in this country figure out how to buy a car that is good for them. They figure out how to buy auto insurance. They figure out how to buy homeowners insurance. But we assume if we give everybody a level playing field, they are not capable. How arrogant of us. Markets work.

What we will see is this $250 billion—this quarter of a trillion dollars in transfer payments, cost shifting—go completely out. The $250 billion will drop everybody's insurance cost in this country by $1,000 per person. So not only will we insure everybody who is not insured, we will lower their cost of insurance by $1,000, by eliminating the cost shifting, and we are paying for that already. So we will have great benefits if, in fact, we move to a true competitive market.

The last thing I will say is, if we do a tax credit—a flat tax credit, a refundable tax credit—it keeps families together. It keeps mama and papa and brothers and sisters going to the same clinic, with the same doctors, with constancy of care, knowledge of their history, knowledge that is important in terms of giving great care.

I look forward to this debate. I plan on being on the floor. I plan on asking questions. The fact is, this is the issue this country is dealing with both in terms of how hard it is to get health care in this country and how expensive it is. There are two ways of solving it. One says the Government is going to run it and the bureaucrats are going to control it and we are going to control the costs by rationing the care. The other way says we are going to let vibrant markets create transparent information and competition that lowers the cost and increases the quality for everybody. On the way, we are not going to be inefficient in the way we spend money, spending $3,950 for $1,500 worth of product. That is what we typically do up here. There is no reason we should do that again.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

Mr. REID. I ask that the Chair lay before the Senate the message from the House on S. 1, the lobbying reform bill.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved that the bill from the Senate (S. 1) entitled "An Act to Provide Greater Transparency in the Legislative Process" do pass with an amendment:

S. 1

Resolved, That the bill from the Senate (S. 1) entitled "An Act to provide greater transparency in the legislative process", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Honest Leadership and Open Government Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—CLOSING THE REVOLVING DOOR

Sec. 101. Amendments to restrictions on former officers, employees, and elected officials of the executive and legislative branches.
Sec. 102. Wrongfully influencing a private entity's employment decisions or practices.
Sec. 103. Notification of post-employment restrictions.
Sec. 104. Exception to restrictions on former officers, employees, and elected officials of the executive and legislative branch.
Sec. 105. Effective date.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

Sec. 201. Quarterly filing of lobbying disclosure reports.
Sec. 202. Additional disclosure.
Sec. 203. Semiannual reports on certain contributions.
Sec. 204. Disclosure of bundled contributions.
Sec. 205. Electronic filing of lobbying disclosure reports.
Sec. 206. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to congressional employees.
Sec. 207. Disclosure of lobbying activities by certain coalitions and associations.
Sec. 208. Disclosure by registered lobbyists of past executive branch and congressional employment.
Sec. 209. Public availability of lobbying disclosure information; maintenance of information.
Sec. 210. Disclosure of enforcement for noncompliance.
Sec. 211. Increased civil and criminal penalties for failure to comply with lobbying disclosure requirements.
Sec. 212. Electronic filing and public database for lobbyists for foreign governments.
Sec. 213. Comptroller General audit and annual report.
Sec. 214. Sense of Congress.
Sec. 215. Effective date.

TITLE III—MATTERS RELATING TO THE HOUSE OF REPRESENTATIVES

Sec. 301. Disclosure by Members and staff of employment negotiations.
Sec. 302. Prohibition on lobbying contacts with spouse of Member who is a registered lobbyist.
Sec. 303. Treatment of firms and other businesses whose members serve as House committee consultants.
Sec. 304. Posting of travel and financial disclosure reports on public website of Clerk of the House of Representatives.
Sec. 305. Prohibiting participation in lobbyist-sponsored events during political conventions.
Sec. 306. Exercise of rulemaking Authority.

TITLE IV—CONGRESSIONAL PENSION ACCOUNTABILITY

Sec. 401. Loss of pensions accrued during service as a Member of Congress for abusing the public trust.

TITLE V—SENATE LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY

Subtitle A—Procedural Reform

Sec. 511. Amendments to rule XXVIII.
Sec. 512. Notice of objecting to proceeding.

Sec. 513. Public availability of Senate committee and subcommittee meetings.
Sec. 514. Amendments and motions to recommit.
Sec. 515. Sense of the Senate on conference committee protocols.

Subtitle B—Earmark Reform

Sec. 521. Congressionally directed spending.

Subtitle C—Revolving Door Reform

Sec. 531. Post-employment restrictions.
Sec. 532. Disclosure by Members of Congress and staff of employment negotiations.
Sec. 533. Elimination of floor privileges for former Members, Senate officers, and Speakers of the House who are registered lobbyists or seek financial gain.
Sec. 534. Influencing hiring decisions.
Sec. 535. Notification of post-employment restrictions.

Subtitle D—Gift and Travel Reform

Sec. 541. Ban on gifts from registered lobbyists and entities that hire registered lobbyists.
Sec. 542. National party conventions.
Sec. 543. Proper valuation of tickets to entertainment and sporting events.
Sec. 544. Restrictions on registered lobbyist participation in travel and disclosure.
Sec. 545. Free attendance at a constituent event.
Sec. 546. Senate privately paid travel public website.

Subtitle E—Other Reforms

Sec. 551. Compliance with lobbying disclosure.
Sec. 552. Prohibit official contact with spouse or immediate family member of Member who is a registered lobbyist.
Sec. 553. Mandatory Senate ethics training for Members and staff.
Sec. 554. Annual report by Select Committee on Ethics.
Sec. 555. Exercise of rulemaking powers.
Sec. 555. Effective date and general provisions.

TITLE VI—PROHIBITED USE OF PRIVATE AIRCRAFT

Sec. 601. Restrictions on Use of Campaign Funds for Flights on Noncommercial Aircraft.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Sense of the Congress that any applicable restrictions on congressional officials and employees should apply to the executive and judicial branches.
Sec. 702. Knowing and willful falsification or failure to report.
Sec. 703. Rule of construction.

TITLE I—CLOSING THE REVOLVING DOOR

SEC. 101. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.

(a) VERY SENIOR EXECUTIVE PERSONNEL.—The matter after subparagraph (C) in section 207(d)(1) of title 18, United States Code, is amended by striking "within 1 year" and inserting "within 2 years".

(b) RESTRICTIONS ON LOBBYING BY MEMBERS OF CONGRESS AND EMPLOYEES OF CONGRESS.—Subsection (e) of section 207 of title 18, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (9);

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(3) by striking paragraph (1) and inserting the following:

"(1) MEMBERS OF CONGRESS AND ELECTED OFFICERS OF THE HOUSE.—

"(A) SENATORS.—Any person who is a Senator and who, within 2 years after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any Member, officer, or employee of either House of Congress or any employee of any other legislative office of the Congress, on behalf of any other person (except the United States) in connection with any matter on which such former Senator seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES.—(i) Any person who is a Member of the House of Representatives or an elected officer of the House of Representatives and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in clause (ii) or (iii), on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(ii) The persons referred to in clause (i) with respect to appearances or communications by a former Member of the House of Representatives are any Member, officer, or employee of either House of Congress and any employee of any other legislative office of the Congress.

"(iii) The persons referred to in clause (i) with respect to appearances or communications by a former elected officer are any Member, officer, or employee of the House of Representatives.

"(2) OFFICERS AND STAFF OF THE SENATE.—Any person who is an elected officer of the Senate, or an employee of the Senate to whom paragraph (7)(A) applies, and who, within 1 year after that person leaves office or employment, knowingly makes, with the intent to influence, any communication to or appearance before any Senator or any officer or employee of the Senate, on behalf of any other person (except the United States) in connection with any matter on which such former elected officer or former employee seeks action by a Senator or an officer or employee of the Senate, in his or her official capacity, shall be punished as provided in section 216 of this title.";

(4) in paragraph (3) (as redesignated by paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking "of a Senator or an employee of a Member of the House of Representatives" and inserting "of a Member of the House of Representatives to whom paragraph (7)(A) applies"; and

(B) in subparagraph (B)—

(i) in clause (i), by striking "Senator or"; and

(ii) in clause (ii), by striking "Senator or";

(5) in paragraph (4) (as redesignated by paragraph (2) of this subsection)—

(A) by striking "committee of Congress" and inserting "committee of the House of Representatives, or an employee of a joint committee of the Congress whose pay is disbursed by the Clerk of the House of Representatives, to whom paragraph (7)(A) applies"; and

(B) by inserting "or joint committee (as the case may be)" after "committee" each subsequent place that term appears;

(6) in paragraph (5) (as redesignated by paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking "or an employee on the leadership staff of the Senate" and inserting "to whom paragraph (7)(A) applies" ; and

(B) in subparagraph (B), by striking "the following:" and all that follows through the end of clause (ii) and inserting "any Member of the leadership of the House of Representatives and any employee on the leadership staff of the House of Representatives.";

(7) in paragraph (6)(A) (as redesignated by paragraph (2) of this subsection), by inserting "to whom paragraph (7)(B) applies" after "office of the Congress";

(8) in paragraph (7) (as redesignated by paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking "and (4)" and inserting "(4), and (5)"; and

(B) in subparagraph (B)—

(i) by striking "(5)" and inserting "(6)";

(ii) in subparagraph (B), by striking "(or any comparable adjustment pursuant to interim authority of the President)"; and

(iii) by striking "level 5 of the Senior Executive Service" and inserting "level IV of the Executive Schedule";

(9) by inserting after paragraph (7) (as redesignated by paragraph (2) of this subsection) the following:

"(8) EXCEPTION.—This subsection shall not apply to contacts with the staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995." ; and

(10) in paragraph (9)(G) (as redesignated by paragraph (1) of this subsection)—

(A) by striking "the Copyright Royalty Tribunal,"; and

(B) by striking "or (4)" and inserting "(4), or (5)".

SEC. 102. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"§227. Wrongfully influencing a private entity's employment decisions by a Member of Congress

"Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence, solely on the basis of partisan political affiliation, an employment decision or employment practice of any private entity—

"(1) takes or withholds, or offers or threatens to take or withhold, an official act, or

"(2) influences, or offers or threatens to influence, the official act of another,

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.".

(b) NO INFERENCE.—Nothing in section 227 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 227 of title 18, United States Code, was a criminal or civil offense before the enactment of this Act, including under section 201(b), 201(c), any of sections 203 through 209, or section 872, of title 18, United States Code.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"227. Wrongfully influencing a private entity's employment decisions by a Member of Congress.".

SEC. 103. NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.

(a) NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.—After a Member of Congress or an elected officer of either House of Congress leaves office, or after the termination of employment with the House of Representatives or the Senate of an employee who is covered under paragraph (2), (3), (4), or (5) of section 207(e) of title 18, United States Code, the Clerk of the House of Representatives, after consultation with the

Committee on Standards of Official Conduct, or the Secretary of the Senate, as the case may be, shall notify the Member, officer, or employee of the beginning and ending date of the prohibitions that apply to the Member, officer, or employee under section 207(e) of that title.

(b) POSTING ON INTERNET.—The Clerk of the House of Representatives, with respect to notifications under subsection (a) relating to Members, officers, and employees of the House, and the Secretary of the Senate, with respect to such notifications relating to Members, officers, and employees of the Senate, shall post the information contained in such notifications on the public Internet site of the Office of the Clerk or the Secretary of the Senate, as the case may be, in a format that, to the extent technically practicable, is searchable, sortable, and downloadable.

SEC. 104. EXCEPTION TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCH.

(a) IN GENERAL.—Section 207(j)(1) of title 18, United States Code, is amended—

(1) by striking "The restrictions" and inserting the following:

"(A) IN GENERAL.—The restrictions";

(2) by moving the remaining text 2 ems to the right; and

(3) by adding at the end the following:

"(B) TRIBAL ORGANIZATIONS AND INTER-TRIBAL CONSORTIUMS.—The restrictions contained in this section shall not apply to acts authorized by section 104(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i(j)).".

(b) CONFORMING AMENDMENT.—Section 104(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i(j)) is amended to read as follows:

"(j) Anything in sections 205 and 207 of title 18, United States Code, to the contrary notwithstanding—

"(1) an officer or employee of the United States assigned to a tribal organization (as defined in section 4(l)) or an inter-tribal consortium (as defined in section 501), as authorized under section 3372 of title 5, United States Code, or section 2072 of the Revised Statutes (25 U.S.C. 48) may act as agent or attorney for, and appear on behalf of, such tribal organization or inter-tribal consortium in connection with any matter related to a tribal governmental activity or Federal Indian program or service pending before any department, agency,.court, or commission, including any matter in which the United States is a party or has a direct and substantial interest: Provided, That such officer or employee must advise in writing the head of the department, agency, court, or commission with which the officer or employee is dealing or appearing on behalf of the tribal organization or inter-tribal consortium of any personal and substantial involvement with the matter involved; and

"(2) a former officer or employee of the United States who is carrying out official duties as an employee or as an elected or appointed official of a tribal organization (as defined in section 4(l)) or inter-tribal consortium (as defined in section 501) may act as agent or attorney for, and appear on behalf of, such tribal organization or intra-tribal consortium in connection with any matter related to a tribal governmental activity or Federal Indian program or service pending before any department, agency, court, or commission, including any matter in which the United States is a party or has a direct and substantial interest: Provided, That such former officer or employee must advise in writing the head of the department, agency, court, or commission with which the former officer or employee is dealing or appearing on behalf of the tribal organization or inter-tribal consortium of any personal and substantial involvement the he or she may have had as an officer or employee of the United States in connection with the matter involved.".

(c) EFFECT OF SECTION.—Except as expressly identified in this section and in the amendments made by this section, nothing in this section or the amendments made by this section affects any other provision of law.

SEC. 105. EFFECTIVE DATE.

(a) SECTION 101.—The amendments made by section 101 shall apply to individuals who leave Federal office or employment to which such amendments apply on or after the date of adjournment of the first session of the 110th Congress sine die or December 31, 2007, whichever date is earlier.

(b) SECTION 102.—The amendments made by section 102 shall take effect on the date of the enactment of this Act.

(c) SECTION 103.—

(1) NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.—Subsection (a) of section 103 shall take effect on the 60th day after the date of the enactment of this Act.

(2) POSTING OF INFORMATION.—Subsection (b) of section 103 shall take effect January 1, 2008, except that the Secretary of the Senate and the Clerk of the House of Representatives shall post the information contained in notifications required by that subsection that are made on or after the effective date provided under paragraph (1) of this subsection.

(d) SECTION 104.—The amendments made by section 104 shall take effect on the date of the enactment of this Act, except that section 104(j)(2) of the Indian Self-Determination and Education Assistance Act (as amended by section 104(b)) shall apply to individuals who leave Federal office or employment to which such amendments apply on or after the 60th day after the date of the enactment of this Act.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

SEC. 201. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) by striking "SEMIANNUAL" and inserting "QUARTERLY";

(B) by striking "45 days" and all that follows through "section 4," and inserting "20 days after the end of the quarterly period beginning on the first day of January, April, July, and October of each year in which a registrant is registered under section 4, or on the first business day after such 20th day if the 20th day is not a business day,"; and

(C) by striking "such semiannual period" and inserting "such quarterly period"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "semiannual report" and inserting "quarterly report";

(B) in paragraph (2), by striking "semiannual filing period" and inserting "quarterly period";

(C) in paragraph (3), by striking "semiannual period" and inserting "quarterly period"; and

(D) in paragraph (4), by striking "semiannual filing period" and inserting "quarterly period".

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended by striking "six month period" and inserting "3-month period".

(2) REGISTRATION.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(A) in subsection (a)(1), by inserting after "earlier," the following: "or on the first business day after such 45th day if the 45th day is not a business day,"; and

(B) in subsection (a)(3)(A), by striking "semiannual period" and inserting "quarterly period".

(3) ENFORCEMENT.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended in paragraph (6) by striking "semiannual period" and inserting "quarterly period".

(4) ESTIMATES.—Section 15 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(1), by striking "semiannual period" and inserting "quarterly period".

(5) DOLLAR AMOUNTS.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is further amended—

(A) in subsection (a)(3)(A)(i), by striking "$5,000" and inserting "$2,500";

(B) in subsection (a)(3)(A)(ii), by striking "$20,000" and inserting "$10,000";

(C) in subsection (b)(3)(A), by striking "$10,000" and inserting "$5,000"; and

(D) in subsection (b)(4), by striking "$10,000" and inserting "$5,000".

(6) REPORTS.—Section 5(c) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(c)) is further amended—

(A) in paragraph (1), by striking "$10,000" and "$20,000" and inserting "$5,000" and "$10,000", respectively; and

(B) in paragraph (2), by striking "$10,000" both places such term appears and inserting "$5,000".

SEC. 202. ADDITIONAL DISCLOSURE.

Section 5(b) of The Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end of the following:

"(5) for each client, immediately after listing the client, an identification of whether the client is a State or local government or a department, agency, special purpose district, or other instrumentality controlled by one or more State or local governments.".

SEC. 203. SEMIANNUAL REPORTS ON CERTAIN CONTRIBUTIONS.

(a) OTHER CONTRIBUTIONS.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended by adding at the end the following:

"(d) SEMIANNUAL REPORTS ON CERTAIN CONTRIBUTIONS.—

"(1) IN GENERAL.—Not later than 30 days after the end of the semiannual period beginning on the first day of January and July of each year, or on the first business day after such 30th day if the 30th day is not a business day, each person or organization who is registered or is required to register under paragraph (1) or (2) of section 4(a), and each employee who is or is required to be listed as a lobbyist under section 4(b)(6) or subsection (b)(2)(C) of this section, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(A) the name of the person or organization;

"(B) in the case of an employee, his or her employer;

"(C) the names of all political committees established or controlled by the person or organization;

"(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the person or organization, or a political committee established or controlled by the person or organization within the semiannual period, and the

date and amount of each such contribution made within the semiannual period;

"(E) the date, recipient, and amount of funds contributed or disbursed during the semiannual period by the person or organization or a political committee established or controlled by the person or organization—

"(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

"(ii) to an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

"(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or in the name of, 1 or more covered legislative branch officials or covered executive branch officials,

except that this subparagraph shall not apply if the funds are provided to a person who is required to report the receipt of the funds under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

"(F) the name of each Presidential library foundation, and each Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the person or organization, or a political committee established or controlled by the person or organization, within the semiannual period, and the date and amount of each such contribution within the semiannual period; and

"(G) a certification by the person or organization filing the report that the person or organization—

"(i) has read and is familiar with those provisions of the Standing Rules of the Senate and the Rules of the House of Representatives relating to the provision of gifts and travel; and

"(ii) has not provided, requested, or directed a gift, including travel, to a Member of Congress or an officer or employee of either House of Congress with knowledge that receipt of the gift would violate rule XXXV of the Standing Rules of the Senate or rule XXV of the Rules of the House of Representatives.

"(2) Definition.—In this subsection, the term 'leadership PAC' has the meaning given such term in section 304(i)(8)(B) of the Federal Election Campaign Act of 1971.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to the first semiannual period described in section 5(d)(1) of the Lobbying Disclosure Act of 1995 (as added by this section) that begins after the date of the enactment of this Act and each succeeding semiannual period.

(c) Report on Requiring Quarterly Reports.—The Clerk of the House of Representatives and the Secretary of the Senate shall submit a report to the Congress, not later than 1 year after the date on which the first reports are required to be made under section 5(d) of the Lobbying Disclosure Act of 1995 (as added by this section), on the feasibility of requiring the reports under such section 5(d) to be made on a quarterly, rather than a semiannual, basis.

(d) Sense of Congress.—It is the sense of the Congress that after the end of the 2-year period beginning on the day on which the amendment made by subsection (a) of this section first applies, the reports required under section 5(d) of the Lobbying Disclosure Act of 1995 (as added by this section) should be made on a quarterly basis if it is practicably feasible to do so.

SEC. 204. DISCLOSURE OF BUNDLED CONTRIBUTIONS.

(a) Disclosure.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(i) Disclosure of Bundled Contributions.—

"(1) Required Disclosure.—Each committee described in paragraph (6) shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person reasonably known by the committee to be a person described in paragraph (7) who provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the covered period, and the aggregate amount of the bundled contributions provided by each such person during the covered period.

"(2) Covered Period.—In this subsection, a 'covered period' means, with respect to a committee—

"(A) the period beginning January 1 and ending June 30 of each year;

"(B) the period beginning July 1 and ending December 31 of each year; and

"(C) any reporting period applicable to the committee under this section during which any person described in paragraph (7) provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold.

"(3) Applicable Threshold.—

"(A) In General.—In this subsection, the 'applicable threshold' is $15,000, except that in determining whether the amount of bundled contributions provided to a committee by a person described in paragraph (7) exceeds the applicable threshold, there shall be excluded any contribution made to the committee by the person or the person's spouse.

"(B) Indexing.—In any calendar year after 2007, section 315(c)(1)(B) shall apply to the amount applicable under subparagraph (A) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amount applicable under subparagraph (A), the 'base period' shall be 2006.

"(4) Public Availability.—The Commission shall ensure that, to the greatest extent practicable—

"(A) information required to be disclosed under this subsection is publicly available through the Commission website in a manner that is searchable, sortable, and downloadable; and

"(B) the Commission's public database containing information disclosed under this subsection is linked electronically to the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995.

"(5) Regulations.—Not later than 6 months after the date of enactment of the Honest Leadership and Open Government Act of 2007, the Commission shall promulgate regulations to implement this subsection. Under such regulations, the Commission—

"(A) may, notwithstanding paragraphs (1) and (2), provide for quarterly filing of the schedule described in paragraph (1) by a committee which files reports under this section more frequently than on a quarterly basis;

"(B) shall provide guidance to committees with respect to whether a person is reasonably known by a committee to be a person described in paragraph (7), which shall include a requirement that committees consult the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995;

"(C) may not exempt the activity of a person described in paragraph (7) from disclosure under this subsection on the grounds that the person is authorized to engage in fundraising for the committee or any other similar grounds; and

"(D) shall provide for the broadest possible disclosure of activities described in this subsection by persons described in paragraph (7) that is consistent with this subsection.

"(6) Committees Described.—A committee described in this paragraph is an authorized committee of a candidate, a leadership PAC, or a political party committee.

"(7) Persons Described.—A person described in this paragraph is any person, who, at the time a contribution is forwarded to a committee as described in paragraph (8)(A)(i) or is received by a committee as described in paragraph (8)(A)(ii), is—

"(A) a current registrant under section 4(a) of the Lobbying Disclosure Act of 1995;

"(B) an individual who is listed on a current registration filed under section 4(b)(6) of such Act or a current report under section 5(b)(2)(C) of such Act; or

"(C) a political committee established or controlled by such a registrant or individual.

"(8) Definitions.—For purposes of this subsection, the following definitions apply:

"(A) Bundled Contribution.—The term 'bundled contribution' means, with respect to a committee described in paragraph (6) and a person described in paragraph (7), a contribution (subject to the applicable threshold) which is—

"(i) forwarded from the contributor or contributors to the committee by the person; or

"(ii) received by the committee from a contributor or contributors, but credited by the committee or candidate involved (or, in the case of a leadership PAC, by the individual referred to in subparagraph (B) involved) to the person through records, designations, or other means of recognizing that a certain amount of money has been raised by the person.

"(B) Leadership PAC.—The term 'leadership PAC' means, with respect to a candidate for election to Federal office or an individual holding Federal office, a political committee that is directly or indirectly established, financed, maintained or controlled by the candidate or the individual but which is not an authorized committee of the candidate or individual and which is not affiliated with an authorized committee of the candidate or individual, except that such term does not include a political committee of a political party.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to reports filed under section 304 of the Federal Election Campaign Act after the expiration of the 3-month period which begins on the date that the regulations required to be promulgated by the Federal Election Commission under section 304(i)(5) of such Act (as added by subsection (a)) become final.

SEC. 205. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended by adding at the end the following:

"(e) Electronic Filing Required.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form that the Secretary of the Senate or the Clerk of the House of Representatives may require or allow. The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this Act.".

SEC. 206. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

(a) Prohibition.—The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended by adding at the end the following:

"SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

"(a) PROHIBITION.—Any person described in subsection (b) may not make a gift or provide travel to a covered legislative branch official if the person has knowledge that the gift or travel may not be accepted by that covered legislative branch official under the Rules of the House of Representatives or the Standing Rules of the Senate (as the case may be).

"(b) PERSONS SUBJECT TO PROHIBITION.—The persons subject to the prohibition under subsection (a) are any lobbyist that is registered or is required to register under section 4(a)(1), any organization that employs 1 or more lobbyists and is registered or is required to register under section 4(a)(2), and any employee listed or required to be listed as a lobbyist by a registrant under section 4(b)(6) or 5(b)(2)(C).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 207. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—

(1) DISCLOSURE.—Section 4(b)(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)(3)) is amended—

(A) by amending subparagraph (A) to read as follows:

"(A) contributes more than $5,000 to the registrant or the client in the quarterly period to fund the lobbying activities of the registrant; and"; and

(B) by amending subparagraph (B) to read as follows:

"(B) actively participates in the planning, supervision, or control of such lobbying activities;".

(2) UPDATING OF INFORMATION.—Section 5(b)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)(1)) is amended by inserting ", including information under section 4(b)(3)" after "initial registration".

(b) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—Section 4(b) of The Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)) is amended by adding at the end the following:

"No disclosure is required under paragraph (3)(B) if the organization that would be identified as affiliated with the client is listed on the client's publicly accessible Internet website as being a member of or contributor to the client, unless the organization in whole or in major part plans, supervises, or controls such lobbying activities. If a registrant relies upon the preceding sentence, the registrant must disclose the specific Internet address of the web page containing the information relied upon. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under that paragraph.".

SEC. 208. DISCLOSURE BY REGISTERED LOBBYISTS OF PAST EXECUTIVE BRANCH AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)(6)) is amended by striking "in the 2 years" and all that follows through "Act)" and inserting "in the 20 years before the date on which the employee first acted".

SEC. 209. PUBLIC AVAILABILITY OF LOBBYING DISCLOSURE INFORMATION; MAINTENANCE OF INFORMATION.

(a) PUBLIC AVAILABILITY.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is further amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(9) maintain all registrations and reports filed under this Act, and make them available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, to the extent technically practicable, that—

"(A) includes the information contained in the registrations and reports;

"(B) is searchable and sortable to the maximum extent practicable, including searchable and sortable by each of the categories of information described in section 4(b) or 5(b); and

"(C) provides electronic links or other appropriate mechanisms to allow users to obtain relevant information in the database of the Federal Election Commission; and

"(10) retain the information contained in a registration or report filed under this Act for a period of 6 years after the registration or report (as the case may be) is filed.".

(b) AVAILABILITY OF REPORTS.—Section 6(4) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended by inserting before the semicolon at the end the following: "and, in the case of a report filed in electronic form under section 5(e), make such report available for public inspection over the Internet as soon as technically practicable after the report is so filed".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605), as added by subsection (a) of this section.

SEC. 210. DISCLOSURE OF ENFORCEMENT FOR NONCOMPLIANCE.

Section 6 of The Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is further amended—

(1) by striking "The Secretary" and inserting "(a) IN GENERAL.—The Secretary"; ;

(2) in paragraph (9), by striking "and" at the end;

(3) in paragraph (10), by striking the period and inserting "; and";

(4) by adding after paragraph (10) the following:

"(11) make publicly available, on a semiannual basis, the aggregate number of registrants referred to the United States Attorney for the District of Columbia for noncompliance as required by paragraph (8)."; and

(5) by adding at the end the following:

"(b) ENFORCEMENT REPORT.—

"(1) REPORT.—The Attorney General shall report to the congressional committees referred to in paragraph (2), after the end of each semiannual period beginning on January 1 and July 1, the aggregate number of enforcement actions taken by the Department of Justice under this Act during that semiannual period and, by case, any sentences imposed, except that such report shall not include the names of individuals, or personally identifiable information, that is not already a matter of public record.

"(2) COMMITTEES.—The congressional committees referred to in paragraph (1) are the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.".

SEC. 211. INCREASED CIVIL AND CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

(a) IN GENERAL.—Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended—

(1) by striking "Whoever" and inserting "(a) CIVIL PENALTY.—Whoever";

(2) by striking "$50,000" and inserting "$200,000"; and

(3) by adding at the end the following:

"(b) CRIMINAL PENALTY.—Whoever knowingly and corruptly fails to comply with any provision of this Act shall be imprisoned for not more than 5 years or fined under title 18, United States Code, or both.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any violation committed on or after the date of the enactment of this Act.

SEC. 212. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.

(a) ELECTRONIC FILING.—Section 2 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 612), is amended by adding at the end the following new subsection:

"(g) ELECTRONIC FILING OF REGISTRATION STATEMENTS AND SUPPLEMENTS.—A registration statement or supplement required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.".

(b) PUBLIC DATABASE.—Section 6 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 616). is amended by adding at the end the following new subsection:

"(d) PUBLIC DATABASE OF REGISTRATION STATEMENTS AND UPDATES.—

"(1) IN GENERAL.—The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, to the extent technically practicable, an electronic database that—

"(A) includes the information contained in registration statements and updates filed under this Act; and

"(B) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

"(2) ACCOUNTABILITY.—The Attorney General shall make each registration statement and update filed in electronic form pursuant to section 2(g) available for public inspection over the Internet as soon as technically practicable after the registration statement or update is filed.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 90th day after the date of the enactment of this Act.

SEC. 213. COMPTROLLER GENERAL AUDIT AND ANNUAL REPORT.

(a) ANNUAL AUDITS AND REPORTS.—The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is further amended by adding at the end the following:

"SEC. 26. ANNUAL AUDITS AND REPORTS BY COMPTROLLER GENERAL.

"(a) AUDIT.—On an annual basis, the Comptroller General shall audit the extent of compliance or noncompliance with the requirements of this Act by lobbyists, lobbying firms, and registrants through a random sampling of publicly available lobbying registrations and reports filed under this Act during each calendar year.

"(b) REPORTS TO CONGRESS.—

"(1) ANNUAL REPORTS.—Not later than April 1 of each year, the Comptroller General shall submit to the Congress a report on the review required by subsection (a) for the preceding calendar year. The report shall include the Comptroller General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

"(A) improve the compliance by lobbyists, lobbying firms, and registrants with the requirements of this Act; and

"(B) provide the Department of Justice with the resources and authorities needed for the effective enforcement of this Act.

"(2) ASSESSMENT OF COMPLIANCE.—The annual report under paragraph (1) shall include an assessment of compliance by registrants with the requirements of section 4(b)(3).

"(c) ACCESS TO INFORMATION.—The Comptroller General may, in carrying out this section, request information from and access to any relevant documents from any person registered under paragraph (1) or (2) of section 4(a) and each employee who is listed as a lobbyist under section 4(b)(6) or section 5(b)(2)(C) if the material requested relates to the purposes of this section. The Comptroller General may request such person to submit in writing such information as the Comptroller General may prescribe. The Comptroller General may notify the Congress in writing if a person from whom information has been requested under this subsection refuses to comply with the request within 45 days after the request is made.".

(b) INITIAL AUDIT AND REPORT.—The initial audit under subsection (a) of section 26 of the Lobbying Disclosure Act of 1995 (as added by subsection (a) of this section) shall be made with respect to lobbying registrations and reports filed during the first calendar quarter of 2008, and the initial report under subsection (b) of such section shall be filed, with respect to those registrations and reports, not later than 6 months after the end of that calendar quarter.

SEC. 214. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the use of a family relationship by a lobbyist who is an immediate family member of a Member of Congress to gain special advantages over other lobbyists is inappropriate; and

(2) the lobbying community should develop proposals for multiple self-regulatory organizations which could—

(A) provide for the creation of standards for the organizations appropriate to the type of lobbying and individuals to be served;

(B) provide training for the lobbying community on law, ethics, reporting requirements, and disclosure requirements;

(C) provide for the development of educational materials for the public on how to responsibly hire a lobbyist or lobby firm;

(D) provide standards regarding reasonable fees charged to clients;

(E) provide for the creation of a third-party certification program that includes ethics training; and

(F) provide for disclosure of requirements to clients regarding fee schedules and conflict of interest rules.

SEC. 215. EFFECTIVE DATE.

Except as otherwise provided in sections 203, 204, 206, 211, 212, and 213, the amendments made by this title shall apply with respect to registrations under the Lobbying Disclosure Act of 1995 having an effective date of January 1, 2008, or later and with respect to quarterly reports under that Act covering calendar quarters beginning on or after January 1, 2008.

TITLE III—MATTERS RELATING TO THE HOUSE OF REPRESENTATIVES

SEC. 301. DISCLOSURE BY MEMBERS AND STAFF OF EMPLOYMENT NEGOTIATIONS.

(a) IN GENERAL.—The Rules of the House of Representatives are amended by redesignating rules XXVII and XXVIII as rules XXVIII and XXIX, respectively, and by inserting after rule XXVI the following new rule:

"RULE XXVII

"DISCLOSURE BY MEMBERS AND STAFF OF EMPLOYMENT NEGOTIATIONS

"1. A Member, Delegate, or Resident Commissioner shall not directly negotiate or have any agreement of future employment or compensation until after his or her successor has been elected, unless such Member, Delegate, or Resident Commissioner, within 3 business days after the commencement of such negotiation or agreement of future employment or compensation, files with the Committee on Standards of Official Conduct a statement, which must be signed by the Member, Delegate, or Resident Commissioner, regarding such negotiations or agreement, including the name of the private entity or entities involved in such negotiations or agreement, and the date such negotiations or agreement commenced.

"2. An officer or an employee of the House earning in excess of 75 percent of the salary paid to a Member shall notify the Committee on Standards of Official Conduct that he or she is negotiating or has any agreement of future employment or compensation.

"3. The disclosure and notification under this rule shall be made within 3 business days after the commencement of such negotiation or agreement of future employment or compensation.

"4. A Member, Delegate, or Resident Commissioner, and an officer or employee to whom this rule applies, shall recuse himself or herself from any matter in which there is a conflict of interest or an appearance of a conflict for that Member, Delegate, Resident Commissioner, officer, or employee under this rule and shall notify the Committee on Standards of Official Conduct of such recusal. A Member, Delegate, or Resident Commissioner making such recusal shall, upon such recusal, submit to the Clerk for public disclosure the statement of disclosure under clause 1 with respect to which the recusal was made.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to negotiations commenced, and agreements entered into, on or after that date.

SEC. 302. PROHIBITION ON LOBBYING CONTACTS WITH SPOUSE OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXV of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"7. A Member, Delegate, or Resident Commissioner shall prohibit all staff employed by that Member, Delegate, or Resident Commissioner (including staff in personal, committee, and leadership offices) from making any lobbying contact (as defined in section 3 of the Lobbying Disclosure Act of 1995) with that individual's spouse if that spouse is a lobbyist under the Lobbying Disclosure Act of 1995 or is employed or retained by such a lobbyist for the purpose of influencing legislation.".

SEC. 303. TREATMENT OF FIRMS AND OTHER BUSINESSES WHOSE MEMBERS SERVE AS HOUSE COMMITTEE CONSULTANTS.

Clause 18(b) of rule XXIII of the Rules of the House of Representatives is amended by adding at the end the following: "In the case of such an individual who is a member or employee of a firm, partnership, or other business organization, the other members and employees of the firm, partnership, or other business organization shall be subject to the same restrictions on lobbying that apply to the individual under this paragraph.".

SEC. 304. POSTING OF TRAVEL AND FINANCIAL DISCLOSURE REPORTS ON PUBLIC WEBSITE OF CLERK OF THE HOUSE OF REPRESENTATIVES.

(a) REQUIRING POSTING ON INTERNET.—The Clerk of the House of Representatives shall post on the public Internet site of the Office of the Clerk, in a format that is searchable, sortable, and downloadable, to the extent technically practicable, each of the following:

(1) The advance authorizations, certifications, and disclosures filed with respect to transportation, lodging, and related expenses for travel under clause 5(b) of rule XXV of the Rules of the House of Representatives by Members (including Delegates and Resident Commissioners to the Congress), officers, and employees of the House.

(2) The reports filed under section 103(h)(1) of the Ethics in Government Act of 1978 by Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress).

(b) APPLICABILITY AND TIMING.—

(1) APPLICABILITY.—Subject to paragraph (2), subsection (a) shall apply with respect to information received by the Clerk of the House of Representatives on or after the date of the enactment of this Act.

(2) TIMING.—The Clerk of the House of Representatives shall—

(A) not later than August 1, 2008, post the information required by subsection (a) that the Clerk receives by June 1, 2008; and

(B) not later than the end of each 45-day period occurring after information is required to be posted under subparagraph (A), post the information required by subsection (a) that the Clerk has received since the last posting under this subsection.

(3) OMISSION OF PERSONALLY IDENTIFIABLE INFORMATION.—Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress) shall be permitted to omit personally identifiable information not required to be disclosed on the reports posted on the public Internet site under this section (such as home address, Social Security numbers, personal bank account numbers, home telephone, and names of children) prior to the posting of such reports on such public Internet site.

(4) ASSISTANCE IN PROTECTING PERSONAL INFORMATION.—The Clerk of the House of Representatives, in consultation with the Committee on Standards of Official Conduct, shall include in any informational materials concerning any disclosure that will be posted on the public Internet site under this section an explanation of the procedures for protecting personally identifiable information as described in this section.

(c) RETENTION.—The Clerk shall maintain the information posted on the public Internet site of the Office of the Clerk under this section for a period of 6 years after receiving the information.

SEC. 305. PROHIBITING PARTICIPATION IN LOBBYIST-SPONSORED EVENTS DURING POLITICAL CONVENTIONS.

Rule XXV of the Rules of the House of Representatives, as amended by section 302, is amended by adding at the end the following new clause:

"8. During the dates on which the national political party to which a Member (including a Delegate or Resident Commissioner) belongs holds its convention to nominate a candidate for the office of President or Vice President, the Member may not participate in an event honoring that Member, other than in his or her capacity as a candidate for such office, if such event is directly paid for by a registered lobbyist under the Lobbying Disclosure Act of 1995 or a private entity that retains or employs such a registered lobbyist.".

SEC. 306. EXERCISE OF RULEMAKING AUTHORITY.

The provisions of this title are adopted by the House of Representatives—

(1) as an exercise of the rulemaking power of the House; and

(2) with full recognition of the constitutional right of the House to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House.

TITLE IV—CONGRESSIONAL PENSION ACCOUNTABILITY

SEC. 401. LOSS OF PENSIONS ACCRUED DURING SERVICE AS A MEMBER OF CONGRESS FOR ABUSING THE PUBLIC TRUST.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

"(o)(1) Notwithstanding any other provision of this subchapter, the service of an individual

finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this subchapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8342(c), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

"(2)(A) An offense described in this paragraph is any offense described in subparagraph (B) for which the following apply:

"(i) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

"(ii) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

"(iii) The offense is committed after the date of enactment of this subsection.

"(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony:

"(i) An offense under section 201 of title 18 (relating to bribery of public officials and witnesses).

"(ii) An offense under section 219 of title 18 (relating to officers and employees acting as agents of foreign principals).

"(iii) An offense under section 1343 of title 18 (relating to fraud by wire, radio, or television, including as part of a scheme to deprive citizens of honest services thereby).

"(iv) An offense under section 104(a) of the Foreign Corrupt Practices Act of 1977 (relating to prohibited foreign trade practices by domestic concerns).

"(v) An offense under section 1957 of title 18 (relating to engaging in monetary transactions in property derived from specified unlawful activity).

"(vi) An offense under section 1512 of title 18 (relating to tampering with a witness, victim, or an informant).

"(vii) An offense under chapter 96 of title 18 (relating to racketeer influenced and corrupt organizations).

"(viii) An offense under section 371 of title 18 (relating to conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes—

"(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

"(II) an offense under section 207 of title 18 (relating to restrictions on former officers, employees, and elected officials of the executive and legislative branches).

"(ix) Perjury committed under section 1621 of title 18 in falsely denying the commission of an act which constitutes—

"(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

"(II) an offense under clause (viii), to the extent provided in such clause.

"(x) Subornation of perjury committed under section 1622 of title 18 in connection with the false denial or false testimony of another individual as specified in clause (ix).

"(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the final conviction, be eligible to participate in the retirement system under this subchapter or chapter 84 while serving as a Member.

"(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

"(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

"(B) provisions under which the Office may provide for—

"(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, subject to paragraph (5); and

"(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

"(5) Regulations to carry out clause (i) of paragraph (4)(B) shall include provisions to ensure that the authority to make any payment to the spouse or children of an individual under such clause shall be available only to the extent that the application of such clause is considered necessary and appropriate taking into account the totality of the circumstances, including the financial needs of the spouse or children, whether the spouse or children participated in an offense described in paragraph (2) of which such individual was finally convicted, and what measures, if any, may be necessary to ensure that the convicted individual does not benefit from any such payment.

"(6) For purposes of this subsection—

"(A) the terms 'finally convicted' and 'final conviction' refer to a conviction (i) which has not been appealed and is no longer appealable because the time for taking an appeal has expired, or (ii) which has been appealed and the appeals process for which is completed;

"(B) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8331(2); and

"(C) the term 'child' has the meaning given such term by section 8341.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(l)(1) Notwithstanding any other provision of this chapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this chapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8424(d), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

"(2) An offense described in this paragraph is any offense described in section 8332(o)(2)(B) for which the following apply:

"(A) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

"(B) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

"(C) The offense is committed after the date of enactment of this subsection.

"(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the final conviction, be eligible to participate in the retirement system under this chapter while serving as a Member.

"(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

"(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

"(B) provisions under which the Office may provide for—

"(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, subject to paragraph (5); and

"(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

"(5) Regulations to carry out clause (i) of paragraph (4)(B) shall include provisions to ensure that the authority to make any payment under such clause to the spouse or children of an individual shall be available only to the extent that the application of such clause is considered necessary and appropriate taking into account the totality of the circumstances, including the financial needs of the spouse or children, whether the spouse or children participated in an offense described in paragraph (2) of which such individual was finally convicted, and what measures, if any, may be necessary to ensure that the convicted individual does not benefit from any such payment.

"(6) For purposes of this subsection—

"(A) the terms 'finally convicted' and 'final conviction' refer to a conviction (i) which has not been appealed and is no longer appealable because the time for taking an appeal has expired, or (ii) which has been appealed and the appeals process for which is completed;

"(B) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8401(20); and

"(C) the term 'child' has the meaning given such term by section 8441.".

TITLE V—SENATE LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY

Subtitle A—Procedural Reform

SEC. 511. AMENDMENTS TO RULE XXVIII.

(a) OUT OF SCOPE MATERIAL AMENDMENT.—Rule XXVIII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 4 through 6 as paragraphs 6 through 8, respectively; and

(2) striking paragraphs 2 and 3 and inserting the following:

"2. (a) Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses.

"(b) If matter which was agreed to by both Houses is stricken from the bill a point of order may be made against the report, and if the point of order is sustained, the report is rejected or shall be recommitted to the committee of conference if the House of Representatives has not already acted thereon.

"(c) If new matter is inserted in the report, a point of order may be made against the conference report and it shall be disposed of as provided under paragraph 4.

"3. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees—

"(1) it shall be in order for the conferees to report a substitute on the same subject matter;

"(2) the conferees may not include in the report matter not committed to them by either House; and

"(3) the conferees may include in their report in any such case matter which is a germane modification of subjects in disagreement.

"(b) In any case in which the conferees violate subparagraph (a), a point of order may be made against the conference report and it shall be disposed of as provided under paragraph 4.

"4. (a) A Senator may raise a point of order that one or more provisions of a conference report violates paragraph 2 or paragraph 3, as the case may be. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order.

"(b) If the Presiding Officer sustains the point of order as to any of the provisions against

which the Senator raised the point of order, then those provisions against which the Presiding Officer sustains the point of order shall be stricken. After all other points of order under this paragraph have been disposed of—

"(1) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken;

"(2) the question in clause (1) shall be decided under the same debate limitation as the conference report; and

"(3) no further amendment shall be in order.

"5. (a) Any Senator may move to waive any or all points of order under paragraph 2 or 3 with respect to the pending conference report by an affirmative vote of three-fifths of the Members, duly chosen and sworn. All motions to waive under this paragraph shall be debatable collectively for not to exceed 1 hour equally divided between the Majority Leader and the Minority Leader or their designees. A motion to waive all points of order under this paragraph shall not be amendable.

"(b) All appeals from rulings of the Chair under paragraph 4 shall be debatable collectively for not to exceed 1 hour, equally divided between the Majority and the Minority Leader or their designees. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair under paragraph 4.".

(b) PUBLIC AVAILABILITY AMENDMENT.—

(1) IN GENERAL.—Rule XXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

"9. (a)(1) It shall not be in order to vote on the adoption of a report of a committee of conference unless such report has been available to Members and to the general public for at least 48 hours before such vote. If a point of order is sustained under this paragraph, then the conference report shall be set aside.

"(2) For purposes of this paragraph, a report of a committee of conference is made available to the general public as of the time it is posted on a publicly accessible website controlled by a Member, committee, Library of Congress, or other office of Congress, or the Government Printing Office, as reported to the Presiding Officer by the Secretary of the Senate.

"(b)(1) This paragraph may be waived in the Senate with respect to the pending conference report by an affirmative vote of three-fifths of the Members, duly chosen and sworn. A motion to waive this paragraph shall be debatable for not to exceed 1 hour equally divided between the Majority Leader and the Minority Leader or their designees.

"(2) An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph. An appeal of the ruling of the Chair shall be debatable for not to exceed 1 hour equally divided between the Majority and the Minority Leader or their designees

"(c) This paragraph may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate, upon their certification that such waiver is necessary as a result of a significant disruption to Senate facilities or to the availability of the Internet.".

(2) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this section, the Committee on Rules and Administration, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, and the Government Printing Office shall promulgate regulations for the implementation of the requirements of paragraph 9 of rule XXVIII of the Standing Rules of the Senate, as added by this section.

SEC. 512. NOTICE OF OBJECTING TO PROCEEDING.

(a) IN GENERAL.—The Majority and Minority Leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) following the objection to a unanimous consent to proceeding to, and, or passage of, a measure or matter on their behalf, submits the notice of intent in writing to the appropriate leader or their designee; and

(2) not later than 6 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:

"I, Senator _______, intend to object to proceedings to _______, dated _______ for the following reasons _______.".

(b) CALENDAR.—

(1) IN GENERAL.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled "Notice of Intent to Object to Proceeding".

(2) CONTENT.—The section required by paragraph (1) shall include—

(A) the name of each Senator filing a notice under subsection (a)(2);

(B) the measure or matter covered by the calendar that the Senator objects to; and

(C) the date the objection was filed.

(3) NOTICE.—A Senator who has notified their respective leader and who has withdrawn their objection within the 6 session day period is not required to submit a notification under subsection (a)(2).

(c) REMOVAL.—A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

"I, Senator _______, do not object to proceed to _______, dated _______.".

SEC. 513. PUBLIC AVAILABILITY OF SENATE COMMITTEE AND SUBCOMMITTEE MEETINGS.

(a) IN GENERAL.—Paragraph 5(e) of rule XXVI of the Standing Rules of the Senate is amended by—

(1) inserting after "(e)" the following: "(1)"; and

(2) adding at the end the following:

"(2)(A) Except with respect to meetings closed in accordance with this rule, each committee and subcommittee shall make publicly available through the Internet a video recording, audio recording, or transcript of any meeting not later than 21 business days after the meeting occurs.

"(B) Information required by subclause (A) shall be available until the end of the Congress following the date of the meeting.

"(C) The Committee on Rules and Administration may waive this clause upon request based on the inability of a committee or subcommittee to comply with this clause due to technical or logistical reasons.".

(b) EFFECTIVE DATE.—This section shall take effect 90 days after the date of enactment of this Act.

SEC. 514. AMENDMENTS AND MOTIONS TO RECOMMIT.

Paragraph 1 of rule XV of the Standing Rules of the Senate is amended to read as follows:

"1. (a) An amendment and any instruction accompanying a motion to recommit shall be reduced to writing and read and identical copies shall be provided by the Senator offering the amendment or instruction to the desks of the Majority Leader and the Minority Leader before being debated.

"(b) A motion shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before being debated.".

SEC. 515. SENSE OF THE SENATE ON CONFERENCE COMMITTEE PROTOCOLS.

It is the sense of the Senate that—

(1) conference committees should hold regular, formal meetings of all conferees that are open to the public;

(2) all conferees should be given adequate notice of the time and place of all such meetings;

(3) all conferees should be afforded an opportunity to participate in full and complete debates of the matters that such conference committees may recommend to their respective Houses; and

(4) the text of a report of a committee of conference shall not be changed after the Senate signature sheets have been signed by a majority of the Senate conferees.

Subtitle B—Earmark Reform

SEC. 521. CONGRESSIONALLY DIRECTED SPENDING.

The Standing Rules of the Senate are amended by adding at the end the following:

"RULE XLIV

"CONGRESSIONALLY DIRECTED SPENDING AND RELATED ITEMS

"1. (a) It shall not be in order to vote on a motion to proceed to consider a bill or joint resolution reported by any committee unless the chairman of the committee of jurisdiction or the Majority Leader or his or her designee certifies—

"(1) that each congressionally directed spending item, limited tax benefit, and limited tariff benefit, if any, in the bill or joint resolution, or in the committee report accompanying the bill or joint resolution, has been identified through lists, charts, or other similar means including the name of each Senator who submitted a request to the committee for each item so identified; and

"(2) that the information in clause (1) has been available on a publicly accessible congressional website in a searchable format at least 48 hours before such vote.

"(b) If a point of order is sustained under this paragraph, the motion to proceed shall be suspended until the sponsor of the motion or his or her designee has requested resumption and compliance with this paragraph has been achieved.

"2. (a) It shall not be in order to vote on a motion to proceed to consider a Senate bill or joint resolution not reported by committee unless the chairman of the committee of jurisdiction or the Majority Leader or his or her designee certifies—

"(1) that each congressionally directed spending item, limited tax benefit, and limited tariff benefit, if any, in the bill or joint resolution, has been identified through lists, charts, or other similar means, including the name of each Senator who submitted a request to the sponsor of the bill or joint resolution for each item so identified; and

"(2) that the information in clause (1) has been available on a publicly accessible congressional website in a searchable format at least 48 hours before such vote.

"(b) If a point of order is sustained under this paragraph, the motion to proceed shall be suspended until the sponsor of the motion or his or her designee has requested resumption and compliance with this paragraph has been achieved.

"3. (a) It shall not be in order to vote on the adoption of a report of a committee of conference unless the chairman of the committee of jurisdiction or the Majority Leader or his or her designee certifies—

"(1) that each congressionally directed spending item, limited tax benefit, and limited tariff *benefit, if any, in the conference report, or in the joint statement of managers accompanying the conference report, has been identified through lists, charts, or other means, including the name of each Senator who submitted a request to the committee of jurisdiction for each item so identified; and*

"(2) that the information in clause (1) has been available on a publicly accessible congressional website at least 48 hours before such vote.

"(b) If a point of order is sustained under this paragraph, then the conference report shall be set aside.

"4. (a) If during consideration of a bill or joint resolution, a Senator proposes an amendment containing a congressionally directed spending item, limited tax benefit, or limited tariff benefit which was not included in the bill or joint resolution as placed on the calendar or as reported by any committee, in a committee report on such bill or joint resolution, or a committee report of the Senate on a companion measure, then as soon as practicable, the Senator shall ensure that a list of such items (and the name of any Senator who submitted a request to the Senator for each respective item included in the list) is printed in the Congressional Record.

"(b) If a committee reports a bill or joint resolution that includes congressionally directed spending items, limited tax benefits, or limited tariff benefits in the bill or joint resolution, or in the committee report accompanying the bill or joint resolution, the committee shall as soon as practicable identify on a publicly accessible congressional website each such item through lists, charts, or other similar means, including the name of each Senator who submitted a request to the committee for each item so identified. Availability on the Internet of a committee report that contains the information described in this subparagraph shall satisfy the requirements of this subparagraph.

"(c) To the extent technically feasible, information made available on publicly accessible congressional websites under paragraphs 3 and 4 shall be provided in a searchable format.

"5. For the purpose of this rule—

"(a) the term 'congressionally directed spending item' means a provision or report language included primarily at the request of a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

"(b) the term 'limited tax benefit' means—

"(1) any revenue provision that—

"(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

"(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

"(c) the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities; and

"(d) except as used in subparagraph 8(e), the term 'item' when not preceded by 'congressionally directed spending' means any provision that is a congressionally directed spending item, a limited tax benefit, or a limited tariff benefit.

"6. (a) A Senator who requests a congressionally directed spending item, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

"(1) the name of the Senator;

"(2) in the case of a congressionally directed spending item, the name and location of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

"(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Senator;

"(4) the purpose of such congressionally directed spending item or limited tax or tariff benefit; and

"(5) a certification that neither the Senator nor the Senator's immediate family has a pecuniary interest in the item, consistent with the requirements of paragraph 9.

"(b) With respect to each item included in a Senate bill or joint resolution (or accompanying report) reported by committee or considered by the Senate, or included in a conference report (or joint statement of managers accompanying the conference report) considered by the Senate, each committee of jurisdiction shall make available for public inspection on the Internet the certifications under subparagraph (a)(5) as soon as practicable.

"7. In the case of a bill, joint resolution, or conference report that contains congressionally directed spending items in any classified portion of a report accompanying the measure, the committee of jurisdiction shall, to the greatest extent practicable, consistent with the need to protect national security (including intelligence sources and methods), include on the list required by paragraph 1, 2, or 3 as the case may be, a general program description in unclassified language, funding level, and the name of the sponsor of that congressionally directed spending item.

"8. (a) A Senator may raise a point of order against one or more provisions of a conference report if they constitute new directed spending provisions. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order.

"(b) If the Presiding Officer sustains the point of order as to any of the provisions against which the Senator raised the point of order, then those provisions against which the Presiding Officer sustains the point of order shall be stricken. After all other points of order under this paragraph have been disposed of—

"(1) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken; and

"(2) the question in clause (1) shall be decided under the same debate limitation as the conference report and no further amendment shall be in order.

"(c) Any Senator may move to waive any or all points of order under this paragraph with respect to the pending conference report by an affirmative vote of three-fifths of the Members, duly chosen and sworn. All motions to waive under this paragraph shall be debatable collectively for not to exceed 1 hour equally divided between the Majority Leader and the Minority Leader or their designees. A motion to waive all points of order under this paragraph shall not be amendable.

"(d) All appeals from rulings of the Chair under this paragraph shall be debatable collectively for not to exceed 1 hour, equally divided between the Majority and the Minority Leader or their designees. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair under this paragraph.

"(e) The term 'new directed spending provision' as used in this paragraph means any item that consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

"9. No Member, officer, or employee of the Senate shall knowingly use his official position to introduce, request, or otherwise aid the progress or passage of congressionally directed spending items, limited tax benefits, or limited tariff benefits a principal purpose of which is to further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he or his immediate family, or enterprises controlled by them, are members of the affected class.

"10. Any Senator may move to waive application of paragraph 1, 2, or 3 with respect to a measure by an affirmative vote of three-fifths of the Members, duly chosen and sworn. A motion to waive under this paragraph with respect to a measure shall be debatable for not to exceed 1 hour equally divided between the Majority Leader and the Minority Leader or their designees. With respect to points of order raised under paragraphs 1, 2, or 3, only one appeal from a ruling of the Chair shall be in order, and debate on such an appeal from a ruling of the Chair on such point of order shall be limited to one hour.

"11. Any Senator may move to waive all points of order under this rule with respect to the pending measure or motion by an affirmative vote of three-fifths of the Members, duly chosen and sworn. All motions to waive all points of order with respect to a measure or motion as provided by this paragraph shall be debatable collectively for not to exceed 1 hour equally divided between the Majority Leader and the Minority Leader or their designees. A motion to waive all points of order with respect to a measure or motion as provided by this paragraph shall not be amendable.

"12. Paragraph 1, 2, or 3 of this rule may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate upon their certification that such waiver is necessary as a result of a significant disruption to Senate facilities or to the availability of the Internet.".

Subtitle C—Revolving Door Reform

SEC. 531. POST-EMPLOYMENT RESTRICTIONS.

(a) APPLICATION TO ENTITY.—Paragraph 8 of rule XXXVII of the Standing Rules of the Senate is amended by—

(1) inserting after "by such a registered lobbyist" the following "or an entity that employs or retains a registered lobbyist"; and

(2) striking "one year" and inserting "2 years".

(b) PROHIBITION.—Paragraph 9 of rule XXXVII of the Standing Rules of the Senate is amended—

(1) in the first sentence, by inserting after "by such a registered lobbyist" the following: "or an entity that employs or retains a registered lobbyist";

(2) in the second sentence, by inserting after "by such a registered lobbyist" the following: "or an entity that employs or retains a registered lobbyist";

(3) by designating the first and second sentences as subparagraphs (a) and (b), respectively; and

(4) by adding at the end the following:

"(c) If an officer of the Senate or an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist, or is employed or retained by such a registered lobbyist or an entity that employs or retains a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any Member, officer, or employee of the Senate for a period of 1 year after leaving that position.".

(c) EFFECTIVE DATE.—Paragraph 9(c) of rule XXXVII of the Standing Rules of the Senate shall apply to individuals who leave office or employment to which such paragraph applies on or after the date of adjournment of the first session of the 110th Congress sine die or December 31, 2007, whichever date is earlier.

SEC. 532. DISCLOSURE BY MEMBERS OF CONGRESS AND STAFF OF EMPLOYMENT NEGOTIATIONS.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraph 12 as paragraph 13; and

(2) adding after paragraph 11 the following:

"12. (a) A Member shall not negotiate or have any arrangement concerning prospective private employment until after his or her successor has been elected, unless such Member files a signed statement with the Secretary of the Senate, for public disclosure, regarding such negotiations or arrangements not later than 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, and the date such negotiations or arrangements commenced.

"(b) A Member shall not negotiate or have any arrangement concerning prospective employment for a job involving lobbying activities as defined by the Lobbying Disclosure Act of 1995 until after his or her successor has been elected.

"(c)(1) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall notify the Select Committee on Ethics that he or she is negotiating or has any arrangement concerning prospective private employment.

"(2) The notification under this subparagraph shall be made not later than 3 business days after the commencement of such negotiation or arrangement.

"(3) An employee to whom this subparagraph applies shall—

"(A) recuse himself or herself from—

"(i) any contact or communication with the prospective employer on issues of legislative interest to the prospective employer; and

"(ii) any legislative matter in which there is a conflict of interest or an appearance of a conflict for that employee under this subparagraph; and

"(B) notify the Select Committee on Ethics of such recusal.".

SEC. 533. ELIMINATION OF FLOOR PRIVILEGES FOR FORMER MEMBERS, SENATE OFFICERS, AND SPEAKERS OF THE HOUSE WHO ARE REGISTERED LOBBYISTS OR SEEK FINANCIAL GAIN.

Rule XXIII of the Standing Rules of the Senate is amended by—

(1) inserting "1." before "Other";

(2) inserting after "Ex-Senators and Senators-elect" the following: ", except as provided in paragraph 2";

(3) inserting after "Ex-Secretaries and ex-Sergeants at Arms of the Senate" the following: ", except as provided in paragraph 2";

(4) inserting after "Ex-Speakers of the House of Representatives" the following: ", except as provided in paragraph 2"; and

(5) adding at the end the following:

"2. (a) The floor privilege provided in paragraph 1 shall not apply, when the Senate is in session, to an individual covered by this paragraph who is—

"(1) a registered lobbyist or agent of a foreign principal; or

"(2) in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any Federal legislative proposal.

"(b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.

"3. A former Member of the Senate may not exercise privileges to use Senate athletic facilities or Member-only parking spaces if such Member is—

"(a) a registered lobbyist or agent of a foreign principal; or

"(b) in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any Federal legislative proposal.".

SEC. 534. INFLUENCING HIRING DECISIONS.

Rule XLIII of the Standing Rules of the Senate is amended by adding at the end the following:

"6. No Member, with the intent to influence solely on the basis of partisan political affiliation an employment decision or employment practice of any private entity, shall—

"(a) take or withhold, or offer or threaten to take or withhold, an official act; or

"(b) influence, or offer or threaten to influence the official act of another.".

SEC. 535. NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—After a Senator or an elected officer of the Senate leaves office or after the termination of employment with the Senate of an employee of the Senate, the Secretary of the Senate shall notify the Member, officer, or employee of the beginning and ending date of the prohibitions that apply to the Member, officer, or employee under rule XXXVII of the Standing Rules of the Senate.

(b) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this Act.

Subtitle D—Gift and Travel Reform

SEC. 541. BAN ON GIFTS FROM REGISTERED LOBBYISTS AND ENTITIES THAT HIRE REGISTERED LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting "(A)" after "(2)"; and

(2) adding at the end the following:

"(B) A Member, officer, or employee may not knowingly accept a gift from a registered lobbyist, an agent of a foreign principal, or a private entity that retains or employs a registered lobbyist or an agent of a foreign principal, except as provided in subparagraphs (c) and (d).".

SEC. 542. NATIONAL PARTY CONVENTIONS.

Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(5) During the dates of the national party convention for the political party to which a Member belongs, a Member may not participate in an event honoring that Member, other than in his or her capacity as the party's presidential or vice presidential nominee or presumptive nominee, if such event is directly paid for by a registered lobbyist or a private entity that retains or employs a registered lobbyist.".

SEC. 543. PROPER VALUATION OF TICKETS TO ENTERTAINMENT AND SPORTING EVENTS.

Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting "(A)" before "Anything"; and

(2) adding at the end the following:

"(B) The market value of a ticket to an entertainment or sporting event shall be the face value of the ticket or, in the case of a ticket without a face value, the value of the ticket with the highest face value for the event, except that if a ticket holder can establish in advance of the event to the Select Committee on Ethics that the ticket at issue is equivalent to another ticket with a face value, then the market value shall be set at the face value of the equivalent ticket. In establishing equivalency, the ticket holder shall provide written and independently verifiable information related to the primary features of the ticket, including, at a minimum, the seat location, access to parking, availability of food and refreshments, and access to venue areas not open to the public. The Select Committee on Ethics may make a determination of equivalency only if such information is provided in advance of the event.".

SEC. 544. RESTRICTIONS ON REGISTERED LOBBYIST PARTICIPATION IN TRAVEL AND DISCLOSURE.

(a) PROHIBITION.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended—

(1) in subparagraph (a)(1), by—

(A) adding after "foreign principal" the following: "or a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal";

(B) striking the dash and inserting "complies with the requirements of this paragraph."; and

(C) striking clauses (A) and (B);

(2) by redesignating subparagraph (a)(2) as subparagraph (a)(3) and adding after subparagraph (a)(1) the following:

"(2)(A) Notwithstanding clause (1), a reimbursement (including payment in kind) to a Member, officer, or employee of the Senate from an individual, other than a registered lobbyist or agent of a foreign principal, that is a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal shall be deemed to be a reimbursement to the Senate under clause (1) if—

"(i) the reimbursement is for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip, or similar event described in clause (1) in connection with the duties of the Member, officer, or employee and the reimbursement is provided only for attendance at or participation for 1-day (exclusive of travel time and an overnight stay) at an event described in clause (1); or

"(ii) the reimbursement is for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip, or similar event described in clause (1) in connection with the duties of the Member, officer, or employee and the reimbursement is from an organization designated under section 501(c)(3) of the Internal Revenue Code of 1986.

"(B) When deciding whether to preapprove a trip under this clause, the Select Committee on Ethics shall make a determination consistent with regulations issued pursuant to section 544(b) of the Honest Leadership and Open Government Act of 2007. The committee through regulations to implement subclause (A)(i) may permit a longer stay when determined by the committee to be practically required to participate in the event, but in no event may the stay exceed 2 nights.";

(3) in subparagraph (a)(3), as redesignated, by striking "clause (1)" and inserting "clauses (1) and (2)";

(4) in subparagraph (b), by inserting before "Each" the following: "Before an employee may accept reimbursement pursuant to subparagraph (a), the employee shall receive advance written

authorization from the Member or officer under whose direct supervision the employee works.";

(5) in subparagraph (c)—

(A) by inserting before "Each" the following: "Each Member, officer, or employee that receives reimbursement under this paragraph shall disclose the expenses reimbursed or to be reimbursed, the authorization under subparagraph (b) (for an employee), and a copy of the certification in subparagraph (e)(1) to the Secretary of the Senate not later than 30 days after the travel is completed.";

(B) by striking "subparagraph (a)(1)" and inserting "this subparagraph";

(C) in clause (5), by striking "and" after the semicolon;

(D) by redesignating clause (6) as clause (7); and

(E) by inserting after clause (5) the following:

"(6) a description of meetings and events attended; and";

(6) by redesignating subparagraphs (d) and (e) as subparagraphs (f) and (g), respectively;

(7) by adding after subparagraph (c) the following:

"(d)(1) A Member, officer, or employee of the Senate may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under subparagraph (a) for a trip that was—

"(A) planned, organized, or arranged by or at the request of a registered lobbyist or agent of a foreign principal; or

"(B)(i) for trips described under subparagraph (a)(2)(A)(i) on which a registered lobbyist accompanies the Member, officer, or employee on any segment of the trip; or

"(ii) for all other trips allowed under this paragraph, on which a registered lobbyist accompanies the Member, officer, or employee at any point throughout the trip.

"(2) The Select Committee on Ethics shall issue regulations identifying de minimis activities by registered lobbyists or foreign agents that would not violate this subparagraph.

"(e) A Member, officer, or employee shall, before accepting travel otherwise permissible under this paragraph from any source—

"(1) provide to the Select Committee on Ethics a written certification from such source that—

"(A) the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

"(B) the source either—

"(i) does not retain or employ registered lobbyists or agents of a foreign principal and is not itself a registered lobbyist or agent of a foreign principal; or

"(ii) certifies that the trip meets the requirements of subclause (i) or (ii) of subparagraph (a)(2)(A);

"(C) the source will not accept from a registered lobbyist or agent of a foreign principal or a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal, funds earmarked directly or indirectly for the purpose of financing the specific trip; and

"(D) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal and the traveler will not be accompanied on the trip consistent with the applicable requirements of subparagraph (d)(1)(B) by a registered lobbyist or agent of a foreign principal, except as permitted by regulations issued under subparagraph (d)(2); and

"(2) after the Select Committee on Ethics has promulgated regulations pursuant to section 544(b) of the Honest Leadership and Open Government Act of 2007, obtain the prior approval of the committee for such reimbursement."; and

(8) by striking subparagraph (g), as redesignated, and inserting the following:

"(g) The Secretary of the Senate shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public inspection as soon as possible after they are received, but in no event prior to the completion of the relevant travel.".

(b) GUIDELINES.—

(1) IN GENERAL.—Except as provided in paragraph (4) and not later than 60 days after the date of enactment of this Act and at annual intervals thereafter, the Select Committee on Ethics shall develop and revise, as necessary—

(A) guidelines, for purposes of implementing the amendments made by subsection (a), on evaluating a trip proposal and judging the reasonableness of an expense or expenditure, including guidelines related to evaluating—

(i) the stated mission of the organization sponsoring the trip;

(ii) the organization's prior history of sponsoring congressional trips, if any;

(iii) other educational activities performed by the organization besides sponsoring congressional trips;

(iv) whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics;

(v) whether the length of the trip and the itinerary is consistent with the official purpose of the trip;

(vi) whether there is an adequate connection between a trip and official duties;

(vii) the reasonableness of an amount spent by a sponsor of the trip;

(viii) whether there is a direct and immediate relationship between a source of funding and an event; and

(ix) any other factor deemed relevant by the Select Committee on Ethics; and

(B) regulations describing the information it will require individuals subject to the requirements of the amendments made by subsection (a) to submit to the committee in order to obtain the prior approval of the committee for travel under paragraph 2 of rule XXXV of the Standing Rules of the Senate, including any required certifications.

(2) CONSIDERATION.—In developing and revising guidelines under paragraph (1)(A), the committee shall take into account the maximum per diem rates for official Federal Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.

(3) UNREASONABLE EXPENSE.—For purposes of this subsection, travel on a flight described in paragraph 1(c)(1)(C)(ii) of rule XXXV of the Standing Rules of the Senate shall not be considered to be a reasonable expense.

(4) EXTENSION.—The deadline for the initial guidelines required by paragraph (1) may be extended for 30 days by the Committee on Rules and Administration.

(c) REIMBURSEMENT FOR NONCOMMERCIAL AIR TRAVEL.—

(1) CHARTER RATES.—Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(C)(i) Fair market value for a flight on an aircraft described in item (ii) shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size, as determined by dividing such cost by the number of Members, officers, or employees of Congress on the flight.

"(ii) A flight on an aircraft described in this item is any flight on an aircraft that is not—

"(I) operated or paid for by an air carrier or commercial operator certificated by the Federal Aviation Administration and required to be conducted under air carrier safety rules; or

"(II) in the case of travel which is abroad, an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules.

"(iii) This subclause shall not apply to an aircraft owned or leased by a governmental entity or by a Member of Congress or a Member's immediate family member (including an aircraft owned by an entity that is not a public corporation in which the Member or Member's immediate family member has an ownership interest), provided that the Member does not use the aircraft anymore than the Member's or immediate family member's proportionate share of ownership allows.".

(2) UNOFFICIAL OFFICE ACCOUNTS.—Paragraph 1 of rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

"(c) For purposes of reimbursement under this rule, fair market value of a flight on an aircraft shall be determined as provided in paragraph 1(c)(1)(C) of rule XXXV.".

(d) REVIEW OF TRAVEL ALLOWANCES.—Not later than 90 days after the date of enactment of this Act, the Subcommittee on the Legislative Branch of the Senate Committee on Appropriations, in consultation with the Committee on Rules and Administration of the Senate, shall consider and propose, as necessary in the discretion of the subcommittee, any adjustment to the Senator's Official Personnel and Office Expense Account needed in light of the enactment of this section, and any modifications of Federal statutes or appropriations measures needed to accomplish such adjustments.

(e) SEPARATELY REGULATED EXPENSES.—Nothing in this section or section 541 is meant to alter treatment under law or Senate rules of expenses that are governed by the Foreign Gifts and Decorations Act or the Mutual Educational and Cultural Exchange Act.

(f) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 60 days after the date of enactment of this Act or the date the Select Committee on Ethics issues new guidelines as required by subsection (b), whichever is later. Subsection (c) shall take effect on the date of enactment of this Act.

SEC. 545. FREE ATTENDANCE AT A CONSTITUENT EVENT.

(a) IN GENERAL.—Paragraph 1(c) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(24) Subject to the restrictions in subparagraph (a)(2)(A), free attendance at a constituent event permitted pursuant to subparagraph (g).".

(b) IN GENERAL.—Paragraph 1 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(g)(1) A Member, officer, or employee may accept an offer of free attendance in the Member's home State at a conference, symposium, forum, panel discussion, dinner event, site visit, viewing, reception, or similar event, provided by a sponsor of the event, if—

"(A) the cost of meals provided the Member, officer, or employee is less than $50;

"(B)(i) the event is sponsored by constituents of, or a group that consists primarily of constituents of, the Member (or the Member by whom the officer or employee is employed); and

"(ii) the event will be attended primarily by a group of at least 5 constituents of the Member (or the Member by whom the officer or employee is employed) provided that a registered lobbyist shall not attend the event; and

"(C)(i) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(ii) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) For purposes of this subparagraph, the term 'free attendance' has the same meaning given such term in subparagraph (d).".

SEC. 546. SENATE PRIVATELY PAID TRAVEL PUBLIC WEBSITE.

(a) TRAVEL DISCLOSURE.—Not later than January 1, 2008, the Secretary of the Senate shall establish a publicly available website without fee or without access charge, that contains information on travel that is subject to disclosure under paragraph 2 of rule XXXV of the Standing Rules of the Senate, that includes, with respect to travel occurring on or after January 1, 2008—

(1) a search engine;

(2) uniform categorization by Member, dates of travel, and any other common categories associated with congressional travel; and

(3) forms filed in the Senate relating to officially related travel.

(b) RETENTION.—The Secretary of the Senate shall maintain the information posted on the public Internet site of the Office of the Secretary under this section for a period not longer than 4 years after receiving the information.

(c) EXTENSION OF AUTHORITY.—If the Secretary of the Senate is unable to meet the deadline established under subsection (a), the Committee on Rules and Administration of the Senate may grant an extension of the Secretary of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle E—Other Reforms

SEC. 551. COMPLIANCE WITH LOBBYING DISCLOSURE.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 10 through 13 as paragraphs 11 through 14, respectively; and

(2) inserting after paragraph 9, the following:

"10. Paragraphs 8 and 9 shall not apply to contacts with the staff of the Secretary of the Senate regarding compliance with the lobbying disclosure requirements of the Lobbying Disclosure Act of 1995.".

SEC. 552. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR IMMEDIATE FAMILY MEMBER OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 11 through 14 as paragraphs 12 through 15, respectively; and

(2) inserting after paragraph 10, the following:

"11. (a) If a Member's spouse or immediate family member is a registered lobbyist, or is employed or retained by such a registered lobbyist or an entity that hires or retains a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed or supervised by that Member (including staff in personal, committee, and leadership offices) from having any contact with the Member's spouse or immediate family member that constitutes a lobbying contact as defined by section 3 of the Lobbying Disclosure Act of 1995 by such person.

"(b) Members and employees on the staff of a Member (including staff in personal, committee, and leadership offices) shall be prohibited from having any contact that constitutes a lobbying contact as defined by section 3 of the Lobbying Disclosure Act of 1995 by any spouse of a Member who is a registered lobbyist, or is employed or retained by such a registered lobbyist.

"(c) The prohibition in subparagraph (b) shall not apply to the spouse of a Member who was serving as a registered lobbyist at least 1 year prior to the most recent election of that Member to office or at least 1 year prior to his or her marriage to that Member.".

SEC. 553. MANDATORY SENATE ETHICS TRAINING FOR MEMBERS AND STAFF.

(a) TRAINING PROGRAM.—The Select Committee on Ethics shall conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff.

(b) REQUIREMENTS.—The ethics training program conducted by the Select Committee on Ethics shall be completed by—

(1) new Senators or staff not later than 60 days after commencing service or employment; and

(2) Senators and Senate staff serving or employed on the date of enactment of this Act not later than 165 days after the date of enactment of this Act.

SEC. 554. ANNUAL REPORT BY SELECT COMMITTEE ON ETHICS.

The Select Committee on Ethics of the Senate shall issue an annual report due no later than January 31, describing the following:

(1) The number of alleged violations of Senate rules received from any source, including the number raised by a Senator or staff of the committee.

(2) A list of the number of alleged violations that were dismissed—

(A) for lack of subject matter jurisdiction or, in which, even if the allegations in the complaint are true, no violation of Senate rules would exist; or

(B) because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion.

(3) The number of alleged violations in which the committee staff conducted a preliminary inquiry.

(4) The number of alleged violations that resulted in an adjudicatory review.

(5) The number of alleged violations that the committee dismissed for lack of substantial merit.

(6) The number of private letters of admonition or public letters of admonition issued.

(7) The number of matters resulting in a disciplinary sanction.

(8) Any other information deemed by the committee to be appropriate to describe its activities in the preceding year.

SEC. 555. EXERCISE OF RULEMAKING POWERS.

The Senate adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

SEC. 555. EFFECTIVE DATE AND GENERAL PROVISIONS.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this title.

TITLE VI—PROHIBITED USE OF PRIVATE AIRCRAFT

SEC. 601. RESTRICTIONS ON USE OF CAMPAIGN FUNDS FOR FLIGHTS ON NONCOMMERCIAL AIRCRAFT.

(a) RESTRICTIONS.—Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended by adding at the end the following new subsection:

"(c) RESTRICTIONS ON USE OF CAMPAIGN FUNDS FOR FLIGHTS ON NONCOMMERCIAL AIRCRAFT.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, a candidate for election for Federal office (other than a candidate who is subject to paragraph (2)), or any authorized committee of such a candidate, may not make any expenditure for a flight on an aircraft unless—

"(A) the aircraft is operated by an air carrier or commercial operator certificated by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules; or

"(B) the candidate, the authorized committee, or other political committee pays to the owner, lessee, or other person who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size by the number of candidates on the flight) within a commercially reasonable time frame after the date on which the flight is taken.

"(2) HOUSE CANDIDATES.—Notwithstanding any other provision of this Act, in the case of a candidate for election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, an authorized committee and a leadership PAC of the candidate may not make any expenditure for a flight on an aircraft unless—

"(A) the aircraft is operated by an air carrier or commercial operator certificated by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules; or

"(B) the aircraft is operated by an entity of the Federal government or the government of any State.

"(3) EXCEPTION FOR AIRCRAFT OWNED OR LEASED BY CANDIDATE.—

"(A) IN GENERAL.—Paragraphs (1) and (2) do not apply to a flight on an aircraft owned or leased by the candidate involved or an immediate family member of the candidate (including an aircraft owned by an entity that is not a public corporation in which the candidate or an immediate family member of the candidate has an ownership interest), so long as the candidate does not use the aircraft more than the candidate's or immediate family member's proportionate share of ownership allows.

"(B) IMMEDIATE FAMILY MEMBER DEFINED.—In this subparagraph (A), the term 'immediate family member' means, with respect to a candidate, a father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law.

"(4) LEADERSHIP PAC DEFINED.—In this subsection, the term 'leadership PAC' has the meaning given such term in section 304(i)(8)(B).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to flights taken on or after the date of the enactment of this Act.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. SENSE OF THE CONGRESS THAT ANY APPLICABLE RESTRICTIONS ON CONGRESSIONAL OFFICIALS AND EMPLOYEES SHOULD APPLY TO THE EXECUTIVE AND JUDICIAL BRANCHES.

It is the sense of the Congress that any applicable restrictions on congressional officials and *employees in this Act should apply to the executive and judicial branches.*

SEC. 702. KNOWING AND WILLFUL FALSIFICATION OR FAILURE TO REPORT.

Section 104(a) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting "(1)" after "(a)";

(2) in paragraph (1), as so designated, by striking "$10,000" and inserting "$50,000"; and

(3) by adding at the end the following:

"(2)(A) It shall be unlawful for any person to knowingly and willfully—

"(i) falsify any information that such person is required to report under section 102; and

"(ii) fail to file or report any information that such person is required to report under section 102.

"(B) Any person who—

"(i) violates subparagraph (A)(i) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both; and

"(ii) violates subparagraph (A)(ii) shall be fined under title 18, United States Code.".

SEC. 703. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech, free exercise, or free association clauses of, the First Amendment to the Constitution.

CLOTURE MOTION

Mr. REID. Mr. President, I move that the Senate concur in the amendment of the House, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment on S. 1, the Ethics Reform bill.

Joe Lieberman, Harry Reid, Byron L. Dorgan, Patty Murray, Mark Pryor, Jeff Bingaman, Jack Reed, Dick Durbin, Jon Tester, Tom Carper, Pat Leahy, Benjamin L. Cardin, Debbie Stabenow, John Kerry, Barbara Boxer, Ted Kennedy, Ken Salazar.

AMENDMENT NO. 2589

Mr. REID. Mr. President, I move to concur in the House amendment with the following amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to S. 1 with an amendment numbered 2589.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect 3 days after date of enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2590 TO AMENDMENT NO. 2589

Mr. REID. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2590 to amendment No. 2589.

The amendment is as follows:

In the amendment strike 3 and insert 1.

Mr. REID. Mr. President, I ask unanimous consent that the Senate continue consideration of H.R. 976.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, the majority leader asked unanimous consent to bring the ethics bill to the floor. He filled the tree, limiting amendments. I wish to spend a minute talking about that.

I honestly believe we are never going to have the problems fixed in Washington until we have absolute and complete transparency on earmarks. Senator DEMINT and I have both, numerous times, asked for unanimous consent that what we voted on 96 to 0 in the Senate be the order of the day when it comes to transparency on earmarks. That was rejected. We had a Democratic conference, and what we actually did—and I am not saying this partisanly at all; this is not a partisan issue—but what we did is gutted the transparency portion of the earmark reform. If you think the problems are going to stop with the ethics bill that is going to be coming up, we have another thought coming.

What the leadership has done, the majority leader along with those in the other body, they have cleaned the outside of the cup to what looks like is a good deal for the American public, but when you look over the edge of the cup, what you see is filth, what you see is a lack of integrity, what you see is a planned method to skirt transparency. The only thing Americans should believe is the only way they are going to know everything is on the up and up in this body is with 100 percent transparency. Anything less than that will not get you the accountability, will not solve the ethical problems that are out there. We need to be about that.

I am going to work hard to talk about that more. I think it is uncompromising what we are seeing done at this time to pull the wool over the eyes of the American people when it comes to earmarks. That is not a partisan issue. I am against earmarks, especially if they are not 100 percent transparent. But if you look at every ethical lapse that has happened in this body, it always goes back to earmarks. When they are transparent, and fully transparent to where the American people can see it, you are going to start getting good Government again. Until then, you are not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Thank you, Mr. President.

I am here today to talk about the State Children's Health Insurance Program. I, first, do wish to say I am very pleased we are advancing an ethics bill in the Senate. I am very pleased with the work the majority leader has done on this bill. As a freshman class, we came in with some energy, and we came in with a commitment that we cannot do business as usual in Washington.

This ethics bill, as many outside groups have stated, is the most sweeping ethics reform we have seen since Watergate. It is about banning gifts and free meals. It is about not allowing people to take advantage of corporate jets. It is about bringing transparency to the earmark process.

I am very glad this advanced. I did not agree with a few of our Members who tried to block this from going to conference committee. I am glad we found a way procedurally to bring this legislation to the Senate. I am very hopeful it will pass the Senate, as it passed the House today.

SMALL BUSINESS TAX RELIEF ACT OF 2007—Continued

Ms. KLOBUCHAR. Mr. President, I am here today to talk about health care. Today, 45 million Americans are living without access to affordable health care. In a nation of such tremendous wealth and opportunity, with such a strong belief in science and research and medical advancement—we certainly have that in our State, the State of Minnesota—one wonders how so many of our fellow citizens can be burdened with the daily worry of what to do should a health disaster strike themselves or a loved one.

Health insurance premiums have skyrocketed into orbits unreachable by an increasing number of middle-class families. We have seen this in our State, where we actually have a fairly high level of people covered. But health care premiums for the middle class are so many times out of reach. We have seen nearly a 100-percent increase in the last few years in our State.

The foundations of employer-based health insurance are buckling under enormous cost pressures. The result is that ever more Americans are squeezed by health care costs and face awful decisions about delaying or forgoing needed medical treatment and care.

I, in fact, woke up this morning trying to decide when my daughter would get her braces because of the health insurance policy we got that makes you wait 2 years to get that kind of care. Well, we are lucky to be able to even have that insurance because so many kids in this country do not have it.

In fact, nearly 9 million of the uninsured in America are children. Kids without access to health care are at an enormous disadvantage as they grow up and start to make their life in this world. Children without health coverage are less likely to get basic preventive care, less likely to see a doctor regularly, and less likely to perform well in school. Children without health coverage are also more likely to show up at the hospital sicker and more likely to develop costly chronic diseases.

Currently covering 6 million children, the Children's Health Insurance Program succeeded in improving their lives by giving them access to the health care services they need. It is a successful program that deserves to reach even more children. This is important because, first of all, it is the decent thing to do for America's children who, through no fault of their own, are growing up in families that cannot otherwise get affordable health insurance. But this is also important because it is something that is good for all of us.

That is because insuring our children is a smart investment. It is a smart investment to make sure America's children get preventive medical care. It is a smart investment to help America's children grow up as healthy as they can be. It is a smart investment to have America's children in school focused on learning rather than distracted by a sickness or an injury that has gone untreated. It is a smart investment to have America's children get medical care through a sensible system of health insurance rather than having them end up in a hospital emergency room as their health care provider of last resort, increasing the bill for the rest of us.

I have seen the direct impact at the local level. For 8 years, I was the county attorney. As county attorney, my office represented the largest safety net hospital in Minnesota. That is the Hennepin County Medical Center in Minneapolis. It is one of the Nation's premier public teaching and research hospitals. It has a nationally recognized level 1 trauma center with the largest emergency room in our State.

The hospital serves patients regardless of their ability to pay. As a result, in 2006, the Hennepin County Medical Center's level of uncompensated care added up to $38 million—almost double what it was in the year 2000. That is because the emergency room was these people's doctor. People say: Well, they do not have insurance. They cannot get a doctor. Well, they have a doctor. It is the emergency room. The taxpayers are paying for it, and it is the most expensive place to get health care. It is the clinic of last resort for the uninsured, whether it is for minor illnesses or for more serious conditions that went untreated or could have been prevented.

Both in the short run and over the long term, expanding health insurance coverage offers a better deal for our Nation's health and for our continued prosperity. The people of my State have recognized this for a long time. Back in 1992, the leaders in my State voted to establish MinnesotaCare to provide children and their families with a new opportunity to secure health coverage.

The initiative was created with bipartisan support in our State legislature, and it was signed into law by Republican Governor Arne Carlson.

Within a decade—and thanks to the Children's Health Insurance Program—MinnesotaCare had grown to cover more than 150,000 Minnesotans and helped to make my State No. 1 in the Nation for the percentage of residents with health coverage.

But we are now losing the high ground we worked so hard to gain, as a growing number of Minnesotans, especially children, go without health coverage. Uncompensated health care costs for Minnesota's urban and rural hospitals have jumped substantially in recent years. Much of this increase in uncompensated care is due to a decline in health care coverage in our State.

For example, between 2001 and 2004, the proportion of Minnesotans who had health coverage through their employers declined from more than 68 percent to less than 63 percent. During the same period, the proportion of Minnesota children covered through their parents' employer also declined from roughly 77 percent to 69 percent.

Not surprisingly, the number of Minnesota children lacking health coverage increased significantly. Today, an estimated 82,000 Minnesota children are without health coverage.

At the time when thousands of Minnesotans are losing coverage from their employers, or they are being priced out of the insurance market by ever-higher premiums, MinnesotaCare's funding has also been scaled back.

In Congress, we have the opportunity to do something about this—starting with the reauthorization of the Children's Health Insurance Program.

Recently, the Senate Finance Committee approved bipartisan legislation to reauthorize the Children's Health Insurance Program. Although I believe it could be even stronger, this compromise legislation authorizes $35 billion over 5 years to expand the Children's Health Insurance Program and extend quality health insurance to an additional 3.2 million children who currently lack coverage.

This legislation provides much needed funding for States to maintain and expand their programs and ensure that States that have suffered Federal funding shortfalls, including Minnesota, will now experience a stable level of Federal dollars.

As a State-Federal partnership, Children's Health Insurance Program has granted States the ability to tailor their programs to meet the needs of their residents. Some States increased eligibility levels for children. Other States allowed pregnant women to be covered under the program.

With MinnesotaCare, my State was an early leader in covering children from working families who had incomes above the Federal poverty level but still could not afford health insurance. In 2001, Minnesota was granted a waiver to extend the coverage to parents with incomes up to twice the Federal poverty line.

I would like to make one point clear. In no way is Minnesota covering parents at the expense of children. When the Children's Health Insurance Program was established in 1997, Minnesota already had one of the highest levels of covering children. So why did Minnesota include low-income working parents? The reason is simple. Ample research shows that when parents have coverage, children also get coverage, and they are more likely to actually receive medical care.

I have to point out the Bush administration agrees—or at least at one time it did. Here is a quote from Health and Human Services Secretary Tommy Thompson in June of 2001, when his Department approved Minnesota's waiver. He said:

> I am thrilled today to extend the promise of health care insurance to parents. We know there is a greater likelihood that kids will stay insured if their parents also have coverage.

Agreeing with Secretary Thompson was Mark McClellan, the Administrator for the Centers for Medicare and Medicaid Services. Testifying in 2006 before the Finance Committee about the virtues of parent coverage, he said:

> Extending coverage to parents and caregivers may also increase the likelihood that their children remain enrolled in SCHIP.

So as recently as last year, top officials in the Bush administration were on record affirming the strong evidence of the role of parental coverage in the health care and well-being of children. Now the President and his allies have backtracked and would prefer to take coverage away from American families, including 34,000 parents in Minnesota alone.

I will tell my colleagues what seems odd to me. Both the President and the Vice President were recently in hospitals, and they were covered. That is good. But why would they want to deny millions of kids in this country the same right? Why would they want to deny 34,000 parents in Minnesota the same right?

As Congressional Budget Office Director Peter Orszag stated during a Finance Committee markup of this bill:

> When you remove parents from health coverage, you end up removing kids too.

It doesn't make sense. Our goal must be to secure health care access for more—not fewer—Americans.

The White House is living in the past instead of looking to the future. Leaders at the State level, including many Republican Governors, have already moved well beyond the President's constricted position and are committed to trying to expand health coverage to their residents.

Minnesota's Republican Governor, Gov. Tim Pawlenty, currently the chair of the National Governors Association, recently signed a letter to congressional leadership asking them to reauthorize the Children's Health Insurance Program. I have this letter in front of me and I wish to quote from it:

> The Nation's governors call on Congress and the administration to reauthorize the State Children's Health Insurance Program prior to September 30, 2007.

They talk about how the authorization is critical for the safety net.

Then they go on to say:

> While we have not taken a position on the actual overall funding amount or the sources of revenue used as offsets, we are encouraged by the Senate Finance Committee's efforts to move a bipartisan reauthorization bill that provides increased funding and reflects the general philosophy that State flexibility and options and incentives for States are preferable to mandates.

Not only did Gov. Tim Pawlenty sign this, I know the Governor of the Presiding Officer's home State of Ohio signed it. I also see that Governor Schwarzenegger of California signed this. There are dozens and dozens of signatures of the Nation's Governors.

I ask unanimous consent to have printed in the RECORD this letter from the National Governors Association, Gov. Tim Pawlenty, Chair.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Washington, DC, July 24, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.
Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives, Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, U.S. House of Representatives, Washington, DC.

DEAR SENATOR REID, SENATOR MCCONNELL, SPEAKER PELOSI AND REPRESENTATIVE BOEHNER: The nation's governors call on Congress and the Administration to reauthorize the State Children's Health Insurance Program (SCHIP) prior to September 30, 2007. The authorization for this critical safety net program will soon expire and urgent action is needed to ensure its continued success for the next five years. For many reasons, defaulting to a series of temporary extensions of the program would be untenable for states and the millions of children who rely upon the program.

While we have not taken a position on the actual overall funding amount or the sources of revenue used as offsets, we are encouraged by the Senate Finance Committee's efforts to move a bipartisan reauthorization bill that provides increased funding and reflects the general philosophy that state flexibility and options and incentives for states are preferable to mandates. Our recently enacted policy on SCHIP and a series of letters we have sent since February outline our positions on these issues in more detail.

We look forward to working with all of you to ensure that a sensible bipartisan SCHIP reauthorization can be signed into law in a timely and certain manner.

Sincerely,

Governor Tim Pawlenty; Governor James H. Douglas, Chair, Health and Human Services Committee; Governor Edward G. Rendell; Governor Jon S. Corzine, Vice Chair, Health and Human Services Committee; Governor Janet Napolitano, Arizona; Governor Ruth Ann Minner, Delaware; Governor M. Jodi Rell, Connecticut; Governor Mike Beebe, Arkansas; Governor M. Michael Rounds, South Dakota; Governor John Baldacci, Maine; Governor Martin O'Malley, Maryland; Governor Rod Blagojevich, Illinois; Governor Christine O. Gregoire, Washington; Governor Deval Patrick, Massachusetts; Governor Jennifer M. Granholm, Michigan; Governor Brian Schweitzer, Montana; Governor Kathleen Babineaux Blanco, Louisiana; Governor Bill Ritter, Colorado; Governor Brad Henry, Oklahoma; Governor Benigno Fitial, Northern Mariana Islands; Governor Felix Perez Camacho, Guam; Governor Eliot Spitzer, New York; Governor Jim Doyle, Wisconsin; Governor Chester J. Culver, Iowa; Governor Jon M. Huntsman, Jr., Utah; Governor Kathleen Sebelius, Kansas; Governor Timothy M. Kaine, Virginia; Governor Ted Strickland, Ohio; Governor Don Carcieri, Rhode Island; Governor John Lynch. New Hamsphire; Governor Ernie Fletcher, Kentucky; Governor Sony Perdue, Georgia; Governor Bill Richardson, New Mexico; Governor Arnold Schwarzenegger, California; Governor Dave Heineman, Nebraska; Governor Michael F. Easley, North Carolina; Governor Jim Gibbons, Nevada; Governor Linda Lingle, Hawaii; Governor Theodore Kulongoski, Oregon; Governor Phil Bredesen, Tennessee; Governor Sarah Palin, Alaska; Governor Dave Freudenthal, Wyoming; Governor John Hoeven, North Dakota.

Ms. KLOBUCHAR. Mr. President, here is one more indicator of broad-based support for this insurance. A few days ago, a group of law enforcement leaders in my State came together to express their support for expanding the Children's Health Insurance Program. They included Minneapolis Police Chief Tim Dolan, my former colleague Dakota County Attorney Jim Backstrom, and Hennepin County Sheriff Rich Stanek, who also happens to be a former Republican State legislator. They believe that investing in health insurance for kids and their families is one of the best things we can do to fight crime and ensure safe, prosperous communities.

The time to act is now. In a few months, the Children's Health Insurance Program will expire. If that happens, our children will suffer. The President should reconsider his threat to veto. My Senate colleagues who say they are against this bipartisan compromise legislation should reconsider their opposition.

I thank the Finance Committee for its efforts to bring this bill to the floor and to expand this important and successful initiative. It is not only good for American kids, it is good for our families and for our local communities, and it is good for all of us, because it improves our Nation's health and prosperity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The junior Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I rise this evening at this late hour to again talk about the SCHIP bill before us, but even talk a little further about health care for all Americans. I don't think there is anybody in this body who believes that at some point we are not going to extend children's health care coverage. I think everybody in this body realizes what we are doing right now is talking about how, in fact, that is going to be done. Even if the President were to veto this bill, I think all of us realize that again, in some form or fashion, we are going to come back together and we are going to make sure the children of America benefit from the SCHIP program that has been in place now since 1997. I think as we look at the issues we are dealing with on this SCHIP bill, as we look at the many issues we are dealing with involving Medicaid and Medicare, I know of no other moment for us to more fully be able to debate the future of health care in our country in general.

I think all of us know, as the Senator from Minnesota said and many Senators before her have said, there are 45 million Americans today who at some point in time during the year did not have health insurance. In my own State of Tennessee, we have 800,000 people in the State who do not have health insurance. The toll is enormous. I think all of us can tell a story about a friend or a neighbor or somebody we have seen in our cities as we go back into the States who does not have health care coverage and the insecurities they feel. We are having one of the most dynamic growths in markets in U.S. history, and yet so many people in America feel insecure. I am convinced one of the main reasons is because so many people feel insecure about their health care coverage.

I know that throughout the campaign, in the 95 counties of our State that I visited, I met so many Tennesseans who were concerned about the financial health of their family because they did not have health insurance, and about whether their husbands who might have had seizures would be able to get the proper care they might need. So I believe it is a moral obligation for us here in the Senate and for those in the Congress to deal with this issue in a much broader way even than as we are talking about during this SCHIP debate. I also believe as this Presidential race unfolds, almost every

Presidential candidate will have to face Americans and talk about how they plan to deal with the fact that Americans today do not have the health insurance coverage they need.

That is why today I rise to join the Senator from North Carolina, Senator BURR, with Senate bill 1886, which is the Every American Insured Health Act. Americans want to control their own destiny. They don't like the fact that an employer might decide what kind of coverage they have, or if they have coverage at all. They don't like the fact that some bureaucrat in Washington may decide that they have coverage or not. Americans like to know they have their destiny in their own hands. There is something about American psyches that is grounded in that particular issue.

So what we propose through the Every American Insured Health Act is that every individual in America—every individual in America—who is not now covered by some existing governmental program would receive a $2,160 tax credit, and every family would receive $5,400. This is very different than many proposals in the past where we talked about a tax deduction. One of the things I think we all know we can talk about which are niceties—things that are decent—are health savings accounts. We can talk about other things that sort of nibble at the edges, if you will, as they relate to health care, but the only thing that allows people to own their own health insurance is the money to pay for it. So we, through what is called a refundable tax credit in this bill, caused that to be the case.

Unlike the other bills that are being discussed today, and unlike so many other health care acts we discussed, this actually is revenue neutral. This is one of those things that allows every American to be covered with health insurance, yet does not pile on a deficit, if you will, for the children of our future to have to deal with. It is absolutely revenue neutral.

Let me tell my colleagues how it works. A lot of people, such as we here in the Senate, receive our health insurance through our employer—the Federal Government. A lot of people receive health insurance through the employer they work for back in our home States. Let me give a little example. For an individual in Tennessee who might make $40,000 and receive a $5,000 health benefit, whereas now that is not taxable, in the future, if this bill were to be enacted, they would have to actually pay tax on that and their tax bill would be about $1,250. Under the provisions of this act, what we would propose is that every individual would receive $2,160, so they could pay their tax bill, and then have money left over to deal with whatever other health issues they might have.

The most important aspect of this, though, is it means that so many Americans today—Tennesseans, Ohioans, Minnesotans—who don't have health insurance, through this proposal would actually have the money, the money timed in a fashion to actually allow them to purchase health insurance. This would mean that virtually everybody in America, through this plan, would have the opportunity to own their own health insurance plan and they themselves would decide who the carrier would be. This would do something that was discussed by Dr. Coburn from Oklahoma. It would do away with what we call cost shifting.

Obviously, the 45 million citizens, as the Senator from Minnesota mentioned, get health care; they just happen to get it at the emergency room. Who pays for that? Well, all of those people who go out and buy private health plans or employers who buy those, actually pay for that, because all of those costs are shifted to the other plans. What the Every American Insured Health Act would do is do away totally with cost shifting, because everybody in America would own their own plan and those plans would be paying for their health coverage.

This obviously includes a few other attributes. It includes reforms for States so that States can set up pools, so that individuals today who don't have access to other pools of insurance at lesser expensive rates, it allows the States to set up pools so that individuals can buy their insurance through those pools. It also incentivizes States to set up high-risk pools. There are obviously many people, by the grace of God, by the genes they are created from, who have health issues that some of us don't have to deal with, so their health care costs are higher, if you will, than other Americans. This would provide incentives for States to set up high-risk pools so that those people could benefit from the opportunity of being grouped with others.

One other attribute and incentive of this is it causes States to actually set up a plan—a plan in their State—that has of the cost 6 percent of the median income of the population of that State, so that you create a basic plan that certainly almost everyone—everyone in their State certainly, by virtue of the plan we are laying out, would obviously be able to afford. This obviously, as I mentioned, would reduce the cost to people around our country who are trying to do the right thing by their employees. It obviously gives people the opportunity—every American—to determine their own destiny as it relates to health care.

I know this bill is not perfect; no bill is. I want to say in closing that the reason I have joined Senator BURR and others to offer this bill is I do believe this country continues and continues and continues to have a debate about the fringes, if you will. We talk about children. We talk about other populations. We offer in many ways what I think is empty rhetoric around the issue of health care. This is a solution. It may not be a perfect solution. But I ask my colleagues to please join the debate about health care in a way that ensures that every American has access to health care.

We are very fortunate in this body. We have health care. All of us know of people who truly are concerned about the next day and the next day and the next day, about how they are going to survive because a loved one in their family has health care issues that are not covered. So I ask my colleagues, please, don't turn away from this plan. Join the debate and let's make sure that this body puts forth an act, a bill, a solution, if you will, to make sure that every American—every American—has the same benefit we here in the Senate have.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, the Children's Health Insurance Program is a success story. It was created in 1996 during my second term in the House of Representatives under a Republican-controlled Congress and signed into law by President Clinton. It was exactly what voters sent people to Washington to do. It was bipartisan, with a Democratic President working with a Republican Congress, with wide support within Congress from large numbers of both Democrats and Republicans.

Since then, the program has reduced the number of uninsured children in working families by one-third; 6.6 million children are covered nationally. More than 218,000 children are covered in my State of Ohio, from Galion to Gallipolis, from Mansfield to Middletown, from Xenia to Zanesville. These children now get care in their doctors' offices but not, as the President suggests, in the emergency rooms. Their care is delivered when it is needed, not when it is too late. They go to their family physician with an ear infection, and they get an antibiotic that may cost $50 or $75 or $100. The child gets sent home with his or her mother or father, and the child is cured instead of the ear ache getting so bad for a child whose parent has no insurance, and the parent waiting and hoping it gets better. The child goes to the emergency room at the cost of several hundred dollars, and the child may have a permanent hearing loss as a result, with what that does to the child's future in school and to the child's future later in getting a job.

These children under the CHIP program have good, reliable health coverage. The Children's Health Insurance Program, in short, works. It works for our Ohio children, our Ohio parents, and for Ohio communities. But it does not work as well as it could.

Today we have the opportunity to make the Children's Health Insurance Program what it should be. Sadly, we all know millions of American children—far too many children in Dayton and Columbus and Toledo and Cleveland and Akron and Canton and Youngstown and Cincinnati—remain without health insurance, even though the law states they are eligible for it.

Eleven years ago, in 1996, Congress made a promise to America's children. Right now, today, this week, in the Senate and in the House, we have the opportunity to live up to that promise. We can pass this bill to provide health insurance to 3.2 million more children, children who have missed out on our promise—not their fault, ours—so far.

This is a bipartisan effort and bill, just like the original was a decade ago. That is because this legislation is about children, not politics. This bill is about helping children.

Let me tell a story about how the Children's Health Insurance Program has helped one family in Ohio. Seth Novak is a 3-year-old boy who lives in Lebanon, OH, in Warren County, outside Cincinnati, the southwestern part of the State. This is a picture of Seth. His dad is self-employed. He helps churches with their construction projects.

The family buys private health insurance for $444 a month that covers the parents and Seth's two older siblings. But Seth has Down Syndrome and other health problems. In addition, in an attempt to get health insurance for her son, Seth's mom checked with six different insurance companies. She was quoted rates from $1,200 to $1,800 per month for private insurance—just for Seth, not for Mr. and Mrs. Novak or the two older children.

The Novaks are a hard-working family, but they simply cannot afford $14,400 a year for a policy covering only one of their children, not to mention their own insurance, another $444. They cannot afford a policy of $14,000 a year for one of their children, which would cover only part of the cost, frankly, for only some of the care Seth needs.

Just this week, the Novak family learned that Seth's eligibility for Medicaid/SCHIP has been denied effective August 31. That is why we have work to do. Where will Seth go for medical care? What if something happens?

There is hope for Seth, though. In Ohio, Governor Strickland and legislative leadership—again, in Ohio, it is a bipartisan effort—by increasing eligibility for the Children's Health Insurance Program to children up to 300 percent of the Federal poverty level. As Assistant Majority Leader Durbin pointed out about an hour and a half ago, these are not people living in the lap of luxury when you say 300 percent of the poverty level. These are middle-class families with significant health problems, who simply cannot afford, on their middle-class salaries and wages, their health insurance.

In January, the legislature and the Governor, understanding the plight that families like Seth's find themselves in, when the new eligibility for the program goes into effect, the Novaks of Lebanon, OH, will be able to restore his health insurance and still pay their bills and take care of their family.

Ohio's leaders have taken care of Seth and thousands like him. They need Congress and the President this week to do the same.

I have a picture of another Ohio family—a success story—who can attest to how the Children's Health Insurance Program helped them. This is Latonya Shoulders of Kent, OH, and her son Phillip Grant, Jr.

In 1996, Latonya was a pregnant, full-time student at Kent State University, my wife's alma mater. She didn't have health insurance or the resources to afford medical care. She enrolled in Ohio's Medicaid Program about halfway through her pregnancy. Her son had Medicaid/SCHIP coverage until he was 5 years old. That is when she finished her bachelor's degree and got a job as a nurse with insurance benefits.

The Children's Health Insurance Program was there for Phillip in the first years of his life. The program provided for him in several medical emergencies. At 2 years old, he was bitten by another child at daycare and developed acute cellulitis. He spent 2 days in the hospital. When he was about 4, he cut his arm and had a recurrence of cellulitis. This required two surgeries, both inpatient and outpatient treatment.

As any parent knows, raising children means all too many visits to the hospital. These hospital stays could have devastated this family's finances and so much that went with it, right when Latonya was working so hard to get her nursing degree and to get ahead. Latonya is proud that she no longer needs Medicaid/Children's Health Insurance Program coverage for her son.

As I said, she is now a nurse and has health insurance. The program helped Latonya when she and Phillip needed it. Today she is a productive taxpaying citizen, and he is a healthy boy. The goal now is to let other families experience the same benefit.

President Bush came to Cleveland recently—about 25, 20 miles from my home—and told an audience of Ohioans:

> People have access to health care in America. After all, you just go to an emergency room.

The President doesn't seem to realize that is exactly the problem. We all know emergency care is much more expensive than a scheduled visit to a doctor or a clinic. When people go to emergency rooms and hospitals, they end up with large costs which insurance companies bear and then raise their premiums, or the hospital eats the cost. It is a huge burden on hospitals, especially hospitals in places such as rural Appalachia, in southeast Ohio, and places such as Zanesville and Morgan County and Athens and Gallia County and Lawrence County. It is a burden on hospitals such as Metro in Cleveland, which serves our community so well, or Akron General or the Summa or Lorain's community health center. These hard-working families cannot afford health insurance for children, much less if the child has a serious health issue.

I want to make sure children like Seth Novak and Phillip Grant receive the care they need. This is a picture of Seth playing on a slide. I want him to be strong and healthy so he can continue playing and getting his exercise and enjoying his childhood, with health insurance; or this picture of Phillip with his mother at her graduation. I want him to grow up healthy so he can pursue a bachelor's degree just like his mom did. I want every child in Ohio to thrive and develop to his or her full potential.

Ohio families should be able to take care of their bills without worrying about whether they will get their most basic health care needs met. Every eligible child should be able to benefit from the Children's Health Insurance Program—every eligible child in this country. That requires the additional $35 billion that this bill authorizes. That is about how many weeks in Iraq? We spend $2.5 billion a week in Iraq, and here we are asking for $35 billion over 5 years. That requires that additional $35 billion.

I want our President to see past relying on emergency rooms, thinking that is the best option to provide the basic medical care that our low-income families need, and instead, to provide it through an insurance program so a mother can take her child to a family practitioner and get the kind of preventive care that my friend from Oklahoma, Senator COBURN, talked about. Even though he doesn't agree with this legislation, he talked about getting the care that these children need that only health insurance—not emergency room treatment—will get them.

This bill is about children, not about politics. It needs to pass.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. BROWN assumed the Chair.)

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I speak today in support of the Children's Health Insurance Program. I want to first applaud the Finance Committee for its bipartisan 17-to-4 vote to approve this bill. I thank Senators BAUCUS, ROCKEFELLER, GRASSLEY, and HATCH, Majority Leader REID, and also the staff of the Finance Committee for all their hard work through the very difficult negotiations that made it possible to bring this critical measure so strongly to the floor.

I also recognize Rhode Island's role in this piece of legislation, going all the way back to the distinguished Senator John Chafee, one of the early bipartisan sponsors of the bill. Now on the floor today, my senior Senator, JACK REED, has been one of the most powerful and outstanding advocates for this program in this institution. I am proud to join him in supporting this bill and in this fight.

I am proud also to represent a State with one of the lowest rates of uninsured adults and children in the Nation. There is a reason. Rhode Island has worked over the past 15 years to achieve this success, beginning with the RIteCare program in 1993. In 2001, the creation of this Children's Health Insurance Program allowed Rhode Island to further reduce the number of uninsured children in the State. I am proud to have been part of Gov. Bruce Sundlun's team when he started the original RIteCare program in 1993.

As health care costs skyrocket, and the number of people in this country who lack health insurance approaches the staggering number of 50 million, we in Congress have an obligation to strengthen initiatives like RIteCare that make health care more accessible.

For years, the Children's Health Insurance Program has given millions of uninsured American families access to health care for their kids. And pretty much everyone has thought this was a good thing. But now, setting aside reason, and driven by ideology, President Bush has threatened to lift his veto pen for only the fourth time in his Presidency to take that security and peace of mind away from these children and from their worried moms and dads, from families similar to the ones the Senator from Ohio highlighted in his eloquent remarks a moment ago.

The President claims the $35 billion improvement over 5 years is too expensive. The President would prefer only the $5 billion he included in his budget. But that funding level would result in 1 million American children losing their health insurance. We certainly cannot look to President Bush for leadership.

How ironic, after all we have heard from this administration praising the State Children's Health Insurance Program and even taking credit for expanding coverage, for encouraging State flexibility, and for spurring innovation at the State level.

Listen to what they used to say. In the administration's plan outlining the President's second term, their fact sheet boasted:

> The year before President Bush took office, some 3.3 million low-income children were enrolled in SCHIP. By 2003, that number had risen to 5.8 million, a 75 percent increase. Over that same period, by working cooperatively with State Governors, the Department of Health and Human Services increased the number of low-income adults on Medicaid by 6.8 million.

That was then, this is now.

After that, the administration went on to lament the fact that "millions of children who are eligible for SCHIP or Medicaid coverage are not yet enrolled. Billions in Federal dollars available to the States to insure these children remain unspent because these children haven't been signed up."

Then, at the 2004 Republican National Convention, President Bush promised this:

> In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the Government's health insurance programs. We will not allow a lack of attention or information to stand between these children and the health care they need.

But now the same Bush administration, the same President, is aggressively planning to deny health insurance to poor children. How does this make any sense?

The President's rationale for this new parsimony was revealed before an audience in Cleveland on July 10. Here is the President's approach to health insurance for America. You just pointed this out, Mr. President:

> I mean, people have access to health care in America; after all, you just go to an emergency room.

Well, that is a thoughtful approach. Once again, we cannot look to our President for any leadership on this issue.

The administration has also expressed its opposition to the cigarette tax that will fund the increases in children's health insurance, calling it—get this—among the most regressive revenue-raising measures one could propose. That is from a letter from Secretary Leavitt to Chairman BAUCUS and Senator GRASSLEY.

The irony department is open late in the Bush administration. In evaluating their crocodile tears about regressive tax measures, consider that this Nation will spend $233 billion in 2008 on the Bush tax cuts, 30 percent of which will go to the top 1 percent of income earners. From 2008 through 2011, the period we are talking about for children's health care, those tax cuts will cost Americans, in lost revenue and interest on the debt, nearly $1 trillion, 22 percent of which will go to people who earn more than $1 million a year.

This chart illustrates just how the cost of tax cuts for the top 1 percent of Americans compares to the cost of expanding health care for children in this country. We are spending vastly more each year on tax cuts for the Nation's highest income earners than we are fighting for in children's health care.

Here it is, $2.1 billion for children's health care in 2008, $70 billion for the richest 1 percent; $5 billion in fiscal year 2009 for children's health care, $72 billion for the richest 1 percent; and in 2010, gosh, we go all the way to $7.9 billion for children's health care with only $82 billion for the richest 1 percent.

The Congressional Budget Office estimates that in just this year alone—just this year alone—we are paying an extra $46 billion in interest, not paying back the debt, just in interest, on the Bush tax cuts—$46 billion just in 1 year. And the whole thing we are arguing about here is $35 billion over 5 years for children's health care. It is truly mind-boggling.

But it doesn't end there. The President has also threatened to veto the bill based on its coverage of adults. This is a policy that the administration has previously, explicitly, repeatedly approved. This is a sudden ideological U-turn of stunning and deeply hypocritical proportions.

As recently as last summer at a Finance Committee hearing on children's health insurance, then CMS Administrator Mark McClellan said the following:

> Extending coverage to parents and caretaker relatives not only serves to cover additional insured individuals, but it may also increase the likelihood that they will take the steps necessary to enroll their children. Extending coverage to parents and caretakers may also increase the likelihood that their children remain enrolled in SCHIP.

That was then, this is now.

This administration has approved waivers to cover parents in New Mexico, Illinois, Oregon, New Jersey, Michigan, and Wisconsin. Fewer than 2 months ago, on May 30 of this year, Leslie Norwalk, who was then Acting Administrator of CMS, was "pleased to inform" Wisconsin that its extension request for what they call BadgerCare—it is equivalent to RIteCare in Rhode Island—had been approved through March 31, 2010. BadgerCare covers roughly 67,000 parents. Again, this waiver was approved by the Bush administration 8 weeks ago, and now he is threatening a veto for care that covers adults.

Here is a copy of the letter that CMS Administrator Mark McClellan sent to my home State of Rhode Island on January 13, 2006. It reads:

> We are pleased to inform you that your amendment to the RIteCare section 1115 demonstration, as modified by the Special Terms and Conditions accompanying this award letter, has been approved.

It also notes:

> Rhode Island's request to renew title XXI, section 1115, demonstration project, dated July 15, 2005, with additional information . . . has also been approved.

Finally, it notes:

> Individuals who, at the time of initial application, are custodial parents or relative caretakers of children who are eligible under the title XIX State plan or the title XXI State plan . . .

Are in the demonstration population and, of course, "we look forward to continuing to work with you and your staff." Signed Mark B. McClellan, M.D., Ph.D., the Administrator of CMS. This was January of 2006. This is the Bush administration. This is them signing off on adults, custodial parents, or relative caretakers of children being in the plan.

Yet now the President is shocked—shocked—that this program may cover some adults. Who didn't send him the memo?

At the end of May, I spoke on the Senate floor about some of the major problems facing health care in this country. I talked about the lack of investment in quality improvements, the lack of a national information technology infrastructure, and a reimbursement system that pays doctors to perform procedures rather than to help patients get well. I took these issues to the Senate floor because the structure of our system is unsound, its underlying mechanism is broken, its signals are misaligned.

But there are a few shining lights in the American health care system, and the Children's Health Insurance Program is among the brightest. This program respects State flexibility, it encourages responsiveness to local needs, it fertilizes structural creativity in the health care arena, it safeguards the vulnerable, it unites families, and it invests in the future of our Nation.

The Children's Health Insurance Program means that children are more likely to receive medical care for common conditions such as asthma or ear infections. It means that children have higher school attendance rates. It means that children have higher academic achievement. It means that children have more contact with medical professionals and receive more preventive care. It means that children stay out of expensive urgent care settings, such as the emergency room.

We choose now in this bill and in this debate between providing our Nation's children with health insurance and not providing our Nation's children with health insurance. It is as simple as that. We choose now whether every individual in this Nation, regardless of age, gender, race, income, or health status deserves the stability and the safety that health insurance provides. We choose for millions of American families how much they have to worry, how much moms and dads have to worry about the health care of their children.

It is my duty as a representative of the people of Rhode Island, and it is our collective duty as representatives of a great Nation to stick up for the most vulnerable members of our society and for programs that protect those who cannot protect themselves. We must certainly not give up in the face of an administration that willingly violates its own principles in order to create an issue on which the President can deliver a veto as a desperate political stunt in the last bleak chapters of his collapsed Presidency—not at the cost of health care for children. That would be truly pathetic.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Mr. President, I rise in strong support of the reauthorization of the Children's Health Insurance Program. The reauthorization of this highly successful 10-year-old program would provide an additional $35 billion over the next 5 years to make sure that more of America's neediest children have access to one of their most basic needs—health care.

In fact, 6.6 million of our most vulnerable children—that is an increase of 3.2 million children—will be covered by this bill. I applaud the efforts of my senior Senator, MAX BAUCUS, for leading the charge to cover more children.

Reauthorizing the Children's Health Insurance Program is the right thing to do. Because of MAX BAUCUS and the good work of the Finance Committee, almost 12,000 more children in Montana will have coverage this year. Montanans know just how well this program works. As president of the Montana Senate, I worked to increase the number of children eligible for the Children's Health Insurance Program and pushed through full State funding of the Children's Health Insurance Program for Montana's children, expanding the enrollment from 10,900 to 13,900 children annually. As of this July, Montana's Children's Health Insurance Program is providing insurance for 14,304 children per month in the State of Montana.

It just makes sense. Only children who do not have private insurance are eligible. I am going to repeat that because I have heard contrary stuff on the floor. Only children who do not have private insurance are eligible for this program. No one is double-dipping, no one who has insurance can receive this coverage.

With this reauthorization of the Children's Health Insurance Program, we as a country are investing in our most valuable resource—our children. If children have regular checkups and receive the preventive care they need, they are sick less and in school more, and they grow up to be healthy, productive members of our society with less problems in middle age and healthier in their elderly years.

Mr. President, it is tough out there. Millions of children lack health insurance despite their parents' hard work and efforts to keep their heads above water. Many families cannot afford health insurance despite the fact that they have jobs. When it comes time for parents to pay the bills, health insurance comes after rent, food, clothing, utility bills, and gas for their car. Health insurance shouldn't be treated as a luxury, and access to health care shouldn't be a fantasy.

We must be focused on improving the overall quality of health care for low-income children. We know there are more children eligible for benefits than are currently enrolled. In order to find and provide coverage for those children, States should be able to use the information from food stamp programs, free and reduced lunches, and other initiatives in place for low-income families. Up to now, these programs could not share information, so those with the greatest need would have to apply for each program separately.

This Children's Health Insurance Program before us increases funding and outreach and enrollment efforts to find these uninsured kids. This is especially critical in rural States—rural States such as Montana. Rural children are more likely to be poor and less likely to have access to employer-based health plans even though most of their parents are employed. Nearly one-third of the kids in rural America rely upon CHIP and Medicare. The need is clear: Without children's health insurance, they would be uninsured.

There have been a lot of stories shared today on the floor. I want to share another one, of a fellow Montanan. Duran "Junior" Caferro from Helena, MT, is a boxer and has been fighting for 10 years. He is ranked in the 125-pound weight class and will compete in the Olympic trials next month in Houston, TX. Duran is also an enrolled member of the Northern Cheyenne tribe. His father, who works with at-risk youth, does not have health insurance and can't afford coverage for himself or his son. Helena has an urban Indian health clinic but not an Indian Health Service hospital, so Duran doesn't have access to emergency and hospital services with his IHS health benefits.

CHIP has allowed him to have a choice in where he receives medical care, and he recognizes the value of this coverage. When asked about CHIP, he said the following:

> It is important that I have Children's Health Insurance Program because I don't have to be afraid to push myself when I'm training or fighting. It gives me one less thing to worry about.

If Duran wins this tournament in Houston this summer, he will be a member of the U.S. Olympic boxing team. He will turn 19 soon and will age-out of CHIP. He expects to become uninsured because he and his dad are still struggling and can't afford to buy private health insurance.

Some may doubt the cost-effectiveness of this program, but this bill not only helps low-income children, it also helps middle America. Why is that the case? Because the coverage made available to low-income kids lowers the number of emergency room visits of uninsured children. Emergency room doctors no longer serve as primary care physicians for the uninsured, and that lowers the cost of health care for the rest of America—the middle class—who currently cover the cost of the uninsured emergency room visits.

We all know that the middle class is feeling the pinch too. If we can lower health costs for them and provide health care to more of our kids, it is a win-win.

The way to ensure the continued strength of our country for future generations is to improve the future of our most valuable asset—our young people—and this bill which reauthorizes the Children's Health Insurance Program does just that.

Once again, I thank the senior Senator from Montana, MAX BAUCUS, and the Finance Committee for championing this bill. They did some outstanding work. Hopefully, we will continue that work on the floor here tomorrow. We must pass this bill, and I urge my colleagues and the President to support it.

Mrs. BOXER. Mr. President, I rise today to support the reauthorization of the Children's Health Insurance Program—an essential effort to ensure the health of our Nation's children.

For the past 10 years, the Children's Health Insurance Program has helped provide health care for millions of children from working families that do not qualify for Medicaid but can't afford private insurance. These are the children of working families whose companies do not offer health insurance to their employees.

As the cost of health insurance rises and an increasing number of employers are unable or unwilling to provide health insurance to their employees and their families, the number of families who do not have health insurance has continued to rise.

While the number of the uninsured continues to rise, the percentage of low-income children without health insurance has dropped more than one-third since the creation of the Children's Health Insurance Program.

Currently the Children's Health Insurance Program provides coverage for 6.6 million children nationwide. This reauthorization would provide health care coverage for an additional 3.2 million children who are uninsured today. In California, an estimated 250,000 children will be added.

The Children's Health Insurance Program has always enjoyed the bipartisan support of our Congress, our Governors, and our President—which is why I am shocked by the inadequacy of this administration's plan to insure the children of our Nation's working families.

The President is spending $10 billion each month in Iraq but has threatened to veto a bill that will provide 10 million children with access to health care. Under the President's proposal, he is willing to fund the Children's Health Insurance Program with an increase of $1 billion a year—the cost of 3 days in Iraq.

Under the administration's proposal, we end up counting how many children will lose health insurance instead of how many we can enroll. In the first year, the President's plan would eliminate health care insurance for 200,000 children in California alone—and the number of uninsured children would continue to climb.

This shortfall in funding would result in 800,000 children who are currently enrolled to lose their coverage. I ask the President, what does he propose these children do when they are sick?

If we fail to renew this program or if the President vetoes this bill as he has threatened to do, it is the children who will pay the price.

There is not a man or woman in this Chamber who wouldn't do everything within their power to ensure the health of their own children—we should do no less for the children of our Nation.

The Members of this Congress have overwhelmingly expressed a commitment to children's health. Earlier this year, we passed a budget resolution which set aside $50 billion for the Children's Health Insurance Program, reaffirming our commitment to the continued success of this program.

We can still do more and we will, but this bill is a step forward in the right direction.

I would like to thank Senators BAUCUS and ROCKEFELLER, Senators GRASSLEY and HATCH and the members of the Finance Committee who worked so tirelessly to bring this legislation forward in a bipartisan way, and keep the focus of this bill where it should be—on the children.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. TESTER. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE LIFE OF DR. JOHN A. STROSNIDER

Mr. MCCONNELL. Mr. President, I rise today to honor the life of John A. Strosnider, D.O., a respected Kentuckian who passed away on July 1, 2007, of cancer. Dr. Strosnider was the founding dean of the Pikeville College School of Osteopathic Medicine and also served as president of the American Osteopathic Association, AOA.

Dr. Strosnider accepted the challenge to create the Pikeville College School of Osteopathic Medicine in 1996. The school, located in eastern Kentucky, opened in 1997 with 60 students and has since produced more than 400 physicians. In keeping with the school's mission, many of them have stayed in the region to practice medicine. In fact, according to Pikeville College officials, 55 of the new physicians have opened offices within a 2-hour drive of the city.

Throughout his career, Dr. Strosnider was honored by several organizations for his dedication to the profession. At the time of his death, he was serving as president of the AOA, and, in 2005, he was named Kentucky Osteopathic Medical Association Physician of the Year.

After being named AOA president, Dr. Strosnider said, "I hope to raise students' awareness and remind osteopathic physicians of the history and philosophy of osteopathic medicine. The osteopathic medical profession was built on a primary care philosophy, and we need to get back to those basics so that our patients in these areas have access to the distinctive health care promised by osteopathic medicine."

When Dr. Strosnider was diagnosed with pancreatic cancer earlier this year, he gathered his students and faculty together to inform them of his illness. He told the assembly he wanted to be open with them and remain optimistic. Shortly after his passing, Pikeville College President Hal Smith wrote a letter to colleagues and friends. In it, he wrote, "John's vision and work will continue to impact the lives of thousands of individuals he never knew."

I got to know Dr. Strosnider several years ago. Every year, he would bring a group of his students to Washington, DC, and I had the privilege of meeting with him and his students on several occasions. I was always impressed with how Dr. Strosnider encouraged the future doctors to remain close to home and provide critical health care to the underserved people of eastern Kentucky.

Mr. President, I ask you to join me in remembering this outstanding Kentuckian. He is survived by his wife Jo Ann and three children, John Adam, Alisha, and Paul. He will be missed.

DARFUR

Mr. DODD. Mr. President, I rise today to talk about the ongoing genocide in Darfur. As my colleagues know, the United Nations Security Council is currently hammering out the final text of a new resolution related to the expanded United Nations African Union hybrid force to protect civilians who have been victims of genocide in Darfur. This resolution represents the best hope for the international community to finally come together to put an end to the violence in that country.

This new U.N. resolution reportedly calls for a large increase in military and police personnel to be deployed to Darfur. It calls on member states to make commitments to contribute troops to the hybrid force, and for this bolstered hybrid force UNAMID to take command of the region by the end of the year. Importantly, it also calls on the Sudanese Government and all rebel groups to enter into peace negotiations to reach a political settlement which will ultimately end the conflict in Darfur.

If these reports are accurate, then we may be one step closer to ending the violence in Darfur. But in order to actually stop the violence, we must ensure that the hybrid force is large enough to effectively carry out its mission, and deployed quickly to stop the violence immediately. These increased forces are desperately needed to replace the currently under-funded and under- equipped paltry AU force of 7,000 soldiers presently in Darfur.

We simply cannot wait any longer to protect the hundreds of thousands of innocent civilians whose villages have been burned, who have been driven into refugee camps, and who have been raped and murdered.

I welcome the calls of British Prime Minister Gordon Brown and French President Nicholas Sarkozy for the United Nations to quickly adopt this new draft resolution, and I appreciate the leadership they have demonstrated in personally committing to ensure that the peace process moves forward, once the U.N. resolution has passed. Prime Minister Brown recently declared that "this is one of the great humanitarian disasters of our generation. It is incumbent on the whole world to act." I wholeheartedly agree and I urge President Bush to join with Prime Minister Brown and President Sarkozy in personally committing to ending the conflict in Darfur.

Recent reports have also indicated that the text of the resolution relating to implementing multilateral sanctions has been softened due to the objections of some African member states, as well as China.

While I strongly believe that robust targeted sanctions should be implemented against members of rebel groups and the Sudanese Government, that we should curb the Sudanese Government's access to oil revenues, increase penalties on private companies operating in Sudan, and allow for the divestment of funds in Sudan, the sad truth is that what is most needed now from the international community is a legitimate U.N. mandate for a strengthened hybrid peacekeeping force.

But there is no reason why the United States can't move forward to implement unilateral sanctions against Sudan, even if the international community and the Bush administration refuse to do so. As chairman of the Banking Committee I have asked the majority leader to expedite Senate consideration and passage of S.831, The Sudan Divestment Authorization Act of 2007. The majority leader was prepared to do so, but the minority objected. I have also asked that the majority leader to hold H.R. 180, the Darfur Accountability and Divestment Act of 2007, at the desk and attempt to pass this bill prior to the August recess. I am also planning to ask the majority leader to expedite consideration of S. 1563, the Sudan Disclosure and Enforcement Act of 2007. These three bills represent a good step towards applying targeted economic pressure against the Sudanese Government.

The implementation of robust and targeted sanctions is long overdue. In fact, the time to implement the sanctions was 4 years ago, and it should have been among the first components of the administration's Plan A, instead of the last resort of its Plan B—a plan which it has still failed to implement, despite Special Envoy Andrew Natsios's assurances over 7 months ago, back in January of 2007, that action was imminent.

Sudan's U.N. ambassador recently asserted that the text of the new U.N. Security Council resolution is "hostile" and full of "insinuations." He further declared that the language is "ugly" and "awful." Ugly and awful? Ugly and awful is the murder of 450,000 people in Darfur and the displacement of 2.5 million civilians. Ugly and awful is the Sudanese President, Omar al-Bashir, after his recent visit to Darfur, declaring "that most of Darfur is now secure and enjoying real peace. People are living normal lives," he said. Ugly and awful is the United States and the international community waiting one day longer to protect these innocent civilians.

The time for action is now. We must not allow the Sudanese Government to engage in anymore prevarication regarding its acceptance of a hybrid peacekeeping force. And we must ensure that this new U.N. Security Council resolution marks the beginning of the end of genocide in Darfur, by mandating the immediate deployment of a robust multinational peacekeeping force.

DOGFIGHTING

Mr. KERRY. Mr. President, on July 26, I introduced critical legislation to stem the rising tide of dogfighting in our country. Dogfighting is one of society's most barbaric and inhumane activities. The dogs are mistreated, starved and conditioned for aggression, and then allowed to literally destroy one another in the ring. As we have read in the recent indictment of Atlanta Falcon's quarterback Michael Vick on dogfighting charges, poor-performing dogs are tortured, maimed, and killed. This illegal and despicable activity has no place in a civilized society.

However, dogfighting has expanded its hold in recent years. The Humane Society of the United States estimates that 40,000 people in the United States are involved in professional dogfighting, and fight purses reach as high as $100,000. As many as 100,000 additional people are involved in "streetfighting," informal dogfighting that often involves young people in gangs.

This legislation would place a Federal ban on all aspects of dogfighting activity from owning to transporting to training dogs for the purpose of fighting, to participating as a spectator at dogfighting ventures. I hope this legislation will end the practice of dogfighting in our country, once and for all.

This Congress's authority to make the lucrative commercial aspects of dogfighting a crime cannot be doubted. Just 2 years ago, the Supreme Court made clear in Gonzales v. Raich that Congress's authority under the commerce clause extends to local activities that are an integral component of interstate criminal activities.

This bill is well within that standard. As demonstrated in the Vick indictment and by the many law enforcement records, animal welfare reports, and economic studies that will be entered into the RECORD on this bill the—dogfighting industry has become nationwide in scope, and Congress is well within its authority to address both the nationwide framework and localized branches that are a critical part of that extensive criminal venture. We are dealing with a criminal industry has developed into a multifaceted, national and international commercial market that depends heavily upon illegal trafficking between States. Dogfighting is an inherently commercial and economic activity that has a substantial effect upon interstate commerce.

Dogfighting is an interconnected, nationwide, lucrative commercial industry. In addition to high-stakes gambling, dogfighters exchange tens if not hundreds of millions of dollars annually on the purchase and sale of fighting dogs. Dog fighters also make top dollar by breeding or selling "stud" privileges for fighting dogs, and can make top dollar by breeding dogs that have proven themselves in the ring by killing multiple other dogs.

This extensive commercial venture also requires trafficking in the specialized equipment necessary to train and house fighting dogs. There are even underground transport services to courier these dogs from one match to the next—assuming they survive. Dog fighters also make a living handling and training fighting dogs for well-funded sponsors—as we saw in the Vick indictment.

It could not be clearer that the overwhelming majority of dog fights—if not every single dog fight—are truly economic endeavors that involve some element of interstate commerce, such as animals, equipment, breeders, or spectators having traveled across State lines. Many dog fights are conducted for the purposes of illegal gambling, and some gambling on the sidelines is almost always present at these fights. Dogfighting also burdens interstate commerce by increasing the risk of injury or disease to both animals and humans, including dog bites, rabies, and heartworms.

What's more, small, localized dogfighting ventures, when viewed in the aggregate, have a substantial impact upon interstate commerce. As the allegations I mentioned earlier against Michael Vick and his codefendants demonstrate, large amounts of money are at stake in dogfighting matches, and winners often take home all or some portion of entry fees paid by other participants. The individual dogs used in fighting can have a commercial value of between hundreds of dollars and tens of thousands of dollars per animal. All of the activities associated with dogfighting, including gambling and other illegal activities, equipment outlays, breeding expenses, and promotion costs are not only inherently commercial in nature but transcend State boundaries.

By way of example, there are dozens of Federal criminal prohibitions on the local creation, possession, and sale of narcotics and narcotic-making equipment. Congress recognized that the illicit drug industry had become nationwide in scope, and chose to exercise its constitutional power to address the localized branches of that extensive criminal venture. Likewise, this bill responds to the proliferation of dog fighting into a nationwide criminal network of local ventures, which Congress is similarly authorized to address. Just look at the Endangered Species Act, which broadly restricts the killing, taking, or breeding of certain wild animals, in order to effectuate Congress's goal of preventing the extinction of imperiled species. The ESA has been upheld as a valid exercise of Congress's authority by every federal appeals court to address the issue, and the Supreme Court has repeatedly declined to upset those judgments.

The effects of dogfighting on interstate commerce are neither indirect, remote, nor attenuated. Regulation of dogfighting is necessary to prevent and eliminate burdens upon interstate commerce. In addition, the regulation of dogfighting is an essential part of a larger regulatory scheme, the Animal Welfare Act, which mandates the humane treatment of animals in our society.

PRESTICIDE REGISTRATION IMPROVEMENT RENEWAL ACT

Mr. HARKIN. Mr. President, I ask unanimous consent that the following chart be printed in the RECORD. It is a chart related to the Pesticide Registration Improvement Renewal Act, a bill that Senator CHAMBLISS and I plan to introduce shortly.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EPA No.	New No.	Action	Decision time (months), PRIA II:			Registration Service Fee ($)
			FY #1	FY #2	FY #3	
		TABLE 1.—REGISTRATION DIVISION—NEW ACTIVE INGREDIENTS				
R1	1	Food use (1)	24	24	24	516,300
R2	2	Food use; reduced risk (1)	18	18	18	516,300
R3	3	Food use; Experimental Use Permit application submitted simultaneously with application for registration; decision time for Experimental Use Permit and temporary tolerance same as #R4 (1).	24	24	24	570,700
R4	4	Food use; Experimental Use Permit application; establish temporary tolerance; submitted before application for registration; credit $326,025 toward new active ingredient application that follows.	18	18	18	380,500
R5	5	Food use; application submitted after Experimental Use Permit application; decision time begins after Experimental Use Permit and temporary tolerance are granted (1).	14	14	14	190,300
R6	6	Non-food use; outdoor (1)	21	21	21	358,700
R7	7	Non-food use; outdoor; reduced risk (1)	16	16	16	358,700
R8	8	Non-food use; outdoor; Experimental Use Permit application submitted simultaneously with application for registration; decision time for Experimental Use Permit same as #R9 (1).	21	21	21	396,800
R9	9	Non-food use; outdoor; Experimental Use Permit application submitted before application for registration; credit $228,225 toward new active ingredient application that follows.	16	16	16	266,300
R10	10	Non-food use; outdoor, submitted after Experimental Use Permit application; decision time begins after Experimental Use Permit is granted (1)	12	12	12	130,500
R11	11	Non-food use; indoor (1)	20	20	20	199,500
R12	12	Non-food use; indoor; reduced risk (1)	14	14	14	199,500
new	13	Non-food use; indoor; Experimental Use Permit application submitted before application for registration; credit $100,000 toward new active ingredient application that follows.	18	18	18	150,000
R36	14	Enriched isomer(s) of registered mixed-isomer active ingredient (1)	18	18	18	260,900
new	15	Seed treatment only; includes non-food and food uses; limited uptake into Raw Agricultural Commodities (1)	18	18	18	388,200
new	16	Conditional Ruling on Preapplication Study Waivers; applicant-initiated	6	6	6	2,080
		TABLE 2.—REGISTRATION DIVISION—NEW USES				
R13	17	First food use; indoor; food/food handling (1)	21	21	21	157,500
R14	18	Additional food use, indoor; food/food handling	15	15	15	36,750
R15	19	First food use (1)	21	21	21	217,400
R16	20	First food use; reduced risk (1)	16	16	16	217,400
R17	21	Additional food use	15	15	15	54,400
R18	22	Additional food use, reduced risk	10	10	10	54,400
R19	23	Additional food uses; 6 or more submitted in one application	15	15	15	326,400
R20	24	Additional food uses; 6 or more submitted in one application; reduced risk	10	10	10	326,400
R21	25	Additional food use; Experimental Use Permit application; establish temporary tolerance; no credit toward new use registration	12	12	12	40,300
R22	26	Additional food use; Experimental Use Permit application; crop destruct basis; no credit toward new use registration	6	6	6	16,320
R23	27	Additional use; non-food; outdoor	15	15	15	21,740
R24	28	Additional use; non-food; outdoor; reduced risk	10	10	10	21,740
R25	29	Additional use; non-food; outdoor; Experimental Use Permit application; no credit toward new use registration	6	6	6	16,320
R26	30	New use, non-food; indoor	12	12	12	10,500
R27	31	New use, non-food; indoor; reduced risk	9	9	9	10,500
new	32	New use, non-food; indoor, Experimental Use Permit application, no credit toward new use registration	6	6	6	8,000
new	33	Review of Study Protocol, applicant-initiated, excludes DART, pre-registration conferences, Rapid Response review, DNT protocol review, protocols needing HSRB review.	3	3	3	2,080
new	34	Additional use; seed treatment; limited uptake into Raw Agricultural Commodities; includes crops with established tolerances (e.g., for soil or foliar application); includes food or non-food uses.	12	12	12	41,500
new	35	Additional uses; seed treatment only; 6 or more submitted in one application; limited uptake into Raw Agricultural Commodities; includes crops with established tolerances (e.g., for soil or foliar application); includes food and/or non-food uses.	12	12	12	249,000
		TABLE 3.—REGISTRATION DIVISION—IMPORT AND OTHER TOLERANCES				
R28	36	Establish import tolerance; new active ingredient or first food use[1]	21	21	21	262,500
R29	37	Establish import tolerance; additional food use	15	15	15	52,500
new	38	Establish import tolerances; additional food uses; 6 or more crops submitted in one petition	15	15	15	315,000

EPA No.	New No.	Action	Decision time (months), PRIA II:			Registration Service Fee ($)
			FY #1	FY #2	FY #3	
new	39	Amend an established tolerance (e.g., decrease or increase); domestic or import; applicant-initiated	10	10	10	37,300
new	40	Establish tolerance(s) for inadvertent residues in one crop; applicant-initiated	12	12	12	44,000
new	41	Establish tolerances for inadvertent residues; 6 or more crops submitted in one application; applicant-initiated	12	12	12	264,000
new	42	Establish tolerance(s) for residues in one rotational crop in response to a specific rotational crop application; applicant-initiated	15	15	15	54,400
new	43	Establish tolerances for residues in rotational crops in response to a specific rotational crop petition; 6 or more crops submitted in one application; applicant-initiated.	15	15	15	326,400
		TABLE 4.—REGISTRATION DIVISION—NEW PRODUCTS				
R30	44	New product; identical or substantially similar in composition and use to a registered product; no data review or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data, or applicant submits specific authorization letter from data owner. Category also includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission nor data matrix.	3	3	3	1,300
new	45	New product; identical or substantially similar in composition and use to a registered product; registered source of active ingredient; selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy, where applicant does not own all required data and does not have a specific authorization letter from data owner.	4	4	4	1,560
R31	46	New end-use or manufacturing-use product; requires review of data package within RD; includes reviews and/or waivers of data for only: product chemistry and/or acute toxicity and/or public health pest efficacy	6	6	6	4,360
R32	47	New product; new physical form; requires data review in science divisions	12	12		10,880
R33	48	New manufacturing-use product; registered active ingredient; selective data citation	12	12	12	16,320
new	49	New product; requires approval of new food-use inert; applicant-initiated, excludes approval of safeners	12	12	12	15,540
new	50	New product; requires approval of new non-food-use inert; applicant-initiated	6	6	6	8,300
new	51	New product; requires amendment to existing inert tolerance exemption (e.g., adding post-harvest use); applicant-initiated	10	10	10	11,420
new	52	New product; repack of identical registered end-use product as a manufacturing-use product; same registered uses only	3	3	3	2,080
new	53	New manufacturing-use product; registered active ingredient; unregistered source of active ingredient; submission of completely new generic data package; registered uses only.	24	24	24	233,000
		TABLE 5.—REGISTRATION DIVISION—AMENDMENTS TO REGISTRATION				
R34	54	Amendment requiring data review within RD (e.g., changes to precautionary label statements, or source changes to an unregistered source of active ingredient) [2].	4	4	4	3,280
R35	55	Amendment requiring data review in science divisions (e.g., changes to REI, or PPE, or PHI, or use rate, or number of applications; or add aerial application; or modify GW/SW advisory statement) [2].	8	8	8	10,880
R37	56	Cancer reassessment; applicant-initiated	18	18	18	163,100
new	57	Amendment to Experimental Use Permit; requires data review/risk assessment	6	6	6	8,300
new	58	Refined ecological and/or endangered species assessment; applicant-initiated	18	18	12	155,300
		TABLE 6.—ANTIMICROBIALS DIVISION—NEW ACTIVE INGREDIENTS				
A38	59	Food use; establish tolerance exemption [1]	24	24	24	94,500
A39	60	Food use; establish tolerance [1]	24	24	24	157,500
A40	61	§ 2(mm) uses [1]	18	18	18	78,750
A41	62	Non-food use; outdoor; uses other than FIFRA § 2(mm) [1]	21	21	21	157,500
A42	63	Non-food use; indoor; FIFRA § 2(mm) uses (1)	18	18	18	52,500
A43	64	Non-food use; indoor; uses other than FIFRA § 2(mm) (1)	20	20	20	78,750
new	65	Non-food use; indoor; low-risk and low-toxicity foodgrade active ingredient(s); efficacy testing for public health claims required under GLP and following DIS/TSS or AD-approved study protocol.	12	12	12	55,000
		TABLE 7.—ANTIMICROBIALS DIVISION—NEW USES				
A44	66	First food use; establish tolerance exemption [1]	21	21	21	26,250
A45	67	First food use; establish tolerance [1]	21	21	21	78,750
A46	68	Additional food use; establish tolerance exemption	15	15	15	10,500
A47	69	Additional food use; establish tolerance	15	15	15	26,250
A48	70	Additional use; non-food; outdoor; FIFRA § 2(mm) uses	9	9	9	15,750
A49	71	Additional use; non-food; outdoor; uses other than FIFRA § 2(mm)	15	15	15	26,250
A50	72	Additional use; non-food; indoor; FIFRA § 2(mm) uses	9	9	9	10,500
A51	73	Additional use; non-food; indoor; uses other than FIFRA § 2(mm)	12	12	12	10,500
A52	74	Experimental Use Permit application	9	9	9	5,250
new	75	Review of public health efficacy study protocol within AD, per AD Internal Guidance for the Efficacy Protocol Review Process; applicant-initiated; Tier 1	6	4	3	2,000
new	76	Review of public health efficacy study protocol outside AD by members of AD Efficacy Protocol Review Expert Panel; applicant-initiated; Tier 2	18	15	12	10,000
		TABLE 8.—ANTIMICROBIALS DIVISION—NEW PRODUCTS & AMENDMENTS				
A53	77	New product; identical or substantially similar in composition and use to a registered product; no data review or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data, or applicant submits specific authorization letter from data owner. Category also includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission nor data matrix.	3	3	3	1,050
new	78	New product; identical or substantially similar in composition and use to a registered product; registered source of active ingredient; selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy, where applicant does not own all required data and does not have a specific authorization letter from data owner.	4	4	4	1,500
A54	79	New end use product; FIFRA § 2(mm) uses only	4	4	4	4,200
A55	80	New end-use product; uses other than FIFRA § 2(mm); non-FQPA product	6	6	6	4,200
A56	81	New manufacturing-use product; registered active ingredient; selective data citation	12	12	12	15,750
A57	82	Label amendment requiring data submission (2)	4	4	4	3,150
New	83	Cancer reassessment; applicant-initiated	18	18	18	78,750
New	84	Refined ecological risk and/or endangered species assessment; applicant-initiated	18	18	12	75,000
New	85	New product; identical or substantially similar in composition and use to a registered product; registered active ingredient; unregistered source of active ingredient; cite-all data citation except for product chemistry; product chemistry data submitted.	4	4	4	4,200
		TABLE 9.—BIOPESTICIDE & POLLUTION PREVENTION DIVISION—MICROBIAL & BIOCHEMICAL PESTICIDES; NEW PRODUCTIONS & AMENDMENTS				
B58	86	New active ingredient; food use; establish tolerance [1]	18	18	18	42,000
B59	87	New active ingredient; food use; establish tolerance exemption [1]	16	16	16	26,250
B60	88	New active ingredient; non-food use [1]	12	12	12	15,750
B61	89	Food use; Experimental Use Permit application; establish temporary tolerance exemption	9	9	9	10,500
B62	90	Non-food use; Experimental Use Permit application	6	6	6	5,250
new	91	Extend or amend Experimental Use Permit	6	6	6	4,200
B63	92	First food use; establish tolerance exemption	12	12	12	10,500
new	93	Amend established tolerance exemption	9	9	9	10,500
B64	94	First food use; establish tolerance (1)	18	18	18	15,750
new	95	Amend established tolerance (e.g., decrease or increase)	12	12	12	10,500
B65	96	New use; non-food	6	6	6	5,250
B66	97	New product; identical or substantially similar in composition and use to a registered product; no data review or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data, or applicant submits specific authorization letter from data owner. Category also includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission nor data matrix.	3	3	3	1,050
B67	98	New product; registered source of active ingredient; all Tier I data for product chemistry, toxicology, non-target organisms, and product performance must be addressed with product specific data or with request for data waivers supported by scientific rationales.	6	6	6	4,200
new	99	New product; food use; unregistered source of active ingredient; requires amendment of established tolerance or tolerance exemption; all Tier I data requirements for product chemistry, toxicology, nontarget organisms, and product performance must be addressed with product-specific data or with request for data waivers supported by scientific rationales.	16	16	16	10,500
new	100	New product; non-food use or food use having established tolerance or tolerance exemption, unregistered source of active ingredient, no data compensation issues; all Tier I data requirements for product chemistry, toxicology, non-target organisms, and product performance must be addressed with product-specific data or with request for data waivers supported by scientific rationales.	12	12	12	7,500
B68	101	Label amendment requiring data submission (2)	4	4	4	4,200
new	102	Label amendment; unregistered source of active ingredient; supporting data require scientific review	6	6	6	5,000
new	103	Protocol review; applicant-initiated; excludes time for HSRB review (pre application)	3	3	3	2,000

EPA No.	New No.	Action	Decision time (months), PRIA II:			Registration Service Fee ($)
			FY #1	FY #2	FY #3	
		TABLE 10.—BIOPESTICIDE & POLLUTION PREVENTION DIVISION—STRAIGHT CHAIN LEPIDOPTERAN PHEROMONES (SCLPs)				
B69	104	New active ingredient; food or non-food use (1)	6	6	6	2,100
B70	105	Experimental Use Permit application; new active ingredient or new use	6	6	6	1,050
new	106	Extend or amend Experimental Use Permit	3	3	3	1,050
B71	107	New product; identical or substantially similar in composition and use to a registered product; no data review or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data, or applicant submits specific authorization letter from data owner. Category also includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission nor data matrix.	3	3	3	1,050
B72	108	New product; registered source of active ingredient; all Tier I data for product chemistry, toxicology, non-target organisms, and product performance must be addressed with product specific data or with request for data waivers supported by scientific rationales.	4	4	4	1,050
new	109	New product; unregistered source of active ingredient	6	6	6	2,200
new	110	New use and/or amendment to tolerance or tolerance exemption	6	6	6	2,200
B73	111	Label amendment requiring data submission (2)	4	4	4	1,050
		TABLE 11.—BIOPESTICIDE & POLLUTION PREVENTION DIVISION—PLANT INCORPORATED PROTECTANTS (PIPs)				
B74	112	Experimental Use Permit application; registered active ingredient; non-food/feed or crop destruct basis; no SAP review required (3)	6	6	6	78,750
B75	113	Experimental Use Permit application; registered active ingredient; establish temporary tolerance or tolerance exemption; no SAP review required (3)	9	9	9	105,000
B76	114	Experimental Use Permit application; new active ingredient; non-food/feed or crop destruct basis; SAP review required; credit $78,750 toward new active ingredient application that follows.	12	12	12	131,250
new	115	Experimental Use Permit application; new active ingredient; non-food/feed or crop destruct; no SAP review required; credit $78,750 toward new active ingredient application that follows.	7	7	7	78,750
B77	116	Experimental Use Permit application; new active ingredient; establish temporary tolerance or tolerance exemption; SAP review required; credit $105,000 toward new active ingredient application that follows.	15	15	15	157,500
new	117	Experimental Use Permit application; new active ingredient, establish temporary tolerance or tolerance exemption; no SAP review required, credit $105,000 toward new active ingredient application that follows.	10	10	10	105,000
new	118	Amend or extend Experimental Use Permit; minor changes to experimental design; established temporary tolerance or tolerance exemption is unaffected	3	3	3	10,500
new	119	Amend or extend existing Experimental Use Permit; minor changes to experimental design; extend established temporary tolerance or tolerance exemption	5	5	5	26,250
B86	120	Amend Experimental Use Permit; first food use or major revision of experimental design	6	6	6	10,500
B78	121	New active ingredient; non-food/feed; no SAP review required (4)	12	12	12	131,250
B79	122	New active ingredient; Non-food/feed; SAP review required (4)	18	18	18	183,750
B80	123	New active ingredient; establish permanent tolerance or tolerance exemption based on temporary tolerance or tolerance exemption; no SAP review required (4).	12	12	12	210,000
B81	124	New active ingredient; establish permanent tolerance or tolerance exemption based on temporary tolerance or tolerance exemption; SAP review required (4)	18	18	18	262,500
B82	125	New active ingredient; establish tolerance or tolerance exemption; no SAP review required (4)	15	15	15	262,500
B84	126	New active ingredient; establish tolerance or tolerance exemption, SAP review required (4)	21	21	21	315,000
B83	127	New active ingredient; Experimental Use Permit application submitted simultaneously; establish tolerance or tolerance exemption; no SAP review required (4).	15	15	15	315,000
B85	128	New active ingredient; Experimental Use Permit requested simultaneously, establish tolerance or tolerance exemption; SAP review required (4)	21	21	21	367,500
new	129	New active ingredient; different genetic event of a previously approved active ingredient; same crop; no tolerance action required; no SAP review required	9	9	9	105,000
new	130	New active ingredient; different genetic event of a previously approved active ingredient; same crop; no tolerance action required; SAP review required	9	9	9	157,500
B87	131	New use (3)	9	9	9	31,500
B88	132	New product; no SAP review required (5)	9	9	9	26,250
new	133	New product; SAP review required (5)	15	15	15	278,250
B89	134	Amendment; seed production to commercial registration; no SAP review required	9	9	9	52,500
new	135	Amendment; seed production to commercial registration; SAP review required	15	15	15	105,000
B90	136	Amendment (except #B89); No SAP review required; (e.g., new IRM requirements that are applicant initiated; or amending a conditional registration to extend the registration expiration date with additional data submitted) (2)	6	6	6	10,500
new	137	Amendment (except #B89); SAP review required (2)	12	12	12	63,000
new	138	PIP Protocol review	3	3	3	5,250
new	139	Inert ingredient tolerance exemption; e.g., a marker such as NPT II; reviewed in BPPD	6	6	6	52,500
new	140	Import tolerance or tolerance exemption; processed commodities/food only	9	9	9	105,000

[1] All uses (food and/or non-food) included in any original application or petition for a new active ingredient or a first food use that otherwise satisfy the conditions for the category are covered by the base fee for that application.

[2] EPA-initiated amendments shall not be charged fees. Fast-track amendments handled by the Antimicrobials Division are to be completed within the FIFRA stated timelines listed in Section 3(h) and are not subject to PRIA fees. Label amendments submitted by notification under PR Notices, such as PR Notice 95–2 and PR Notice 98–10, continue under PR Notice timelines and are not subject to PRIA fees.

[3] Example: Transfer existing PIP trait by traditional breeding, such as from field corn to sweet corn.

[4] May be either a registration for seed increase or a full commercial registration. If a seed increase registration is granted first, full commercial registration is obtained using B89 or New 134.

[5] Example: Stacking PIP traits within a crop using traditional breeding techniques.

ADDITIONAL STATEMENTS

HONORING THE 100TH ANNIVERSARY OF THE MARIN HUMANE SOCIETY

• Mrs. BOXER. Mr. President, I ask my colleagues to join me today in honoring the 100th anniversary of a wonderful organization in my home State of California, the Marin Humane Society.

The Marin County Humane Society was founded on December 14, 1907, by Ethel H. Tompkins and a group of concerned citizens who wanted to find a solution to the plight of lost and abused animals. From its first animal shelter in the San Rafael stables in 1912, the organization has expanded its facilities to a four-building complex on a 7-acre campus. Today, the Marin Humane Society, which shortened its name in 1980, serves the community with 95 staff members and 800 volunteers.

Through the dedicated work of the Marin Humane Society, 8,000 animals each year find refuge, rehabilitation, and loving homes. This has included efforts to rescue animals lost and injured in disasters, such as the Oakland firestorm of 1991.

It is particularly noteworthy that in 2005, the organization brought over 2,500 Hurricane Katrina animal victims to bay area shelters and out of harm's way through its rescue effort, "Orphans of the Storm." In partnership with commercial airlines, these pet airlifts were a first for the Nation and protected the lives of thousands of animals. Funded solely from private benefactors and coordinated by the Marin Humane Society, nine flights of lost animals arrived in the bay area in the 2 months following the disaster. Additional flights carried animals to southern California, Oregon, and Washington, where other animal shelters and rescue groups agreed to offer refuge.

The Marin Humane Society's admirable milestones continued in 2006, when it adopted its 250,000th animal to a loving home.

When in 1997 the Marin Humane Society staff felt they had made significant progress on controlling the pet overpopulation problem in Marin County, they decided to expand their services to neighboring counties through their Pet Partnership program. Volunteers brought thousands of dogs and cats from congested shelters in other communities to Marin to give them a second chance.

I am so pleased to acknowledge the Marin Humane Society's long and distinguished record of community service. Over the past century, the organization has educated children and adults on the importance of humane treatment of animals; provided comprehensive veterinary care and rehabilitation for neglected and abused animals; provided pet adoption services and dog training programs; and advocated for animal welfare policy on the local, State and Federal level.

I commend the Marin Humane Society staff and volunteers for their compassion and commitment to protecting and caring for our society's lost, neglected, and abused animals. They do a tremendous service to the greater community and are deserving of the highest recognition for their large hearts and generous ways. Please join me in celebrating the 100th Anniversary of the Marin Humane Society.•

HONORING DR. W. RON DEHAVEN

• Mr. HARKIN. Mr. President, today I would like to take a moment to honor Dr. W. Ron DeHaven, Administrator of the Department of Agriculture's Animal and Plant Health Inspection Service, APHIS, and to congratulate him on his retirement from public service. Dr. DeHaven has served the agency for 28 years during which he has contributed greatly to the agency's mission of promoting and protecting U.S. agriculture.

Dr. DeHaven began his APHIS career working in a field office for the veterinary services program in 1979. He later joined the agency's animal care program, rising to the top position in 1996. From 2001 to 2002 he served as the APHIS acting associate administrator, and in 2002, became head of the agency's veterinary services program.

As the Nation's chief veterinarian, he played a leading role as the agency faced the first U.S. detection of bovine spongiform encephalopathy, BSE, in 2003. His handling of this situation—as well as other animal health emergencies—showcased his trademark straightforward leadership style and calm demeanor. These challenges prepared him well for the role of APHIS Administrator, which he assumed in 2004.

As Administrator, he has skillfully guided his agency and communicated with the public, Congress, and USDA's many stakeholders. He worked conscientiously to position APHIS to prevent and respond to such threats as highly pathogenic avian influenza, exotic Newcastle disease, sudden oak death, Asian longhorned beetle and citrus diseases.

Dr. DeHaven's dedication, work ethic, and personal commitment to excellence have served U.S. agriculture well and ensured a healthy and abundant food supply for U.S consumers.•

TRIBUTE TO MICHAEL J. DONOGHUE

• Mr. KENNEDY. Mr. President, I welcome this opportunity to extend my warmest congratulations to Michael J. Donoghue on his retirement from the Worcester Regional Retirement System. I commend him for his impressive service to the people of Worcester for the past 30 years, and I know he will be deeply missed by all those he helped and supported.

Mike's impressive career extends well beyond his time at Worcester Regional Retirement System. He served two terms on the Worcester City Council before being elected Worcester County treasurer in 1978, and his outstanding experience and knowledge of the issues made him a valuable member of many charitable organizations in our city.

Mike also has served on the board of directors of the Worcester Regional Chamber of Commerce and the Massachusetts Biomedical Initiatives, and he had an invaluable role over the years in establishing Worcester as a center for medical research.

All of us in our State owe Mike our gratitude for his skillful efforts on behalf of the less fortunate. Over the years, he has given his skills and impressive leadership to the board of directors for the Visiting Nurses Association Network Foundation, the Worcester Area Mental Health Association, the Worcester Area United Way, and Special Olympics of Massachusetts.

It has been an honor to call Mike a friend, and I am especially grateful for his decades of kindness to the Kennedy family. I have relied often on Mike over the years for his advice and wise counsel, and I commend him for his service and dedication. It is a special privilege to join his wife Maureen, their children and grandchildren in congratulating him for all he has achieved in his many years of outstanding service to our Commonwealth, and I wish him well in the years ahead.•

ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

• Mr. REED. Mr. President, today, on behalf of the Greek Cypriot population of Rhode Island and Greek Cypriots around the world, I recognize the 33rd anniversary of the Turkish invasion of Cyprus.

At 5:30 a.m. 33 years ago today, heavily armed Turkish troops landed on a narrow northern beachhead in Cyprus 5 days after Greek Cypriot nationalists ousted then-President Archbishop Makarios. The invasion and subsequent occupation was described by Turkey as a "peace operation" to protect the minority Turkish population living in Cyprus from being victimized in the aftermath of the coup.

However, during the next 2 months, over 200,000 Greek Cypriots fled south or were expelled by Turkish forces. The Turkish Cypriots took over 37 percent of the island and then called a ceasefire, leaving the Greek Cypriots, 82 percent of the population, with under two-thirds of Cyprus. In 1983, the Turkish Republic of Northern Cyprus declared itself a country. Currently, Turkey is the only nation that recognizes this self-declaration of statehood.

Despite international efforts over the last 30 years to reunify the island, Cyprus has remained divided with more than 40,000 Turkish troops occupying its northern third. The United Nations Security Council and General Assembly have worked to determine an equally agreeable solution, but talks between the Greek Cypriot south and the Turkish Cypriot north consistently end in a stalemate.

A survey completed in February 2007 by the United Nations Peacekeeping Force in Cyprus found that a majority of both Greek and Turkish Cypriot communities view the United Nations' presence on the island as a positive. Both see any withdrawal scenario involving the U.N. departing before restoration of normal conditions and a settlement being reached as a negative. We must applaud the continued efforts of the United Nations and the focus of Cypriot leaders to reunite a divided Cyprus and remain, ourselves, committed to ushering the settlement process forward. Cypriot, Mediterranean, and United States interests will benefit from a settlement that addresses all legitimate concerns of both sides and promotes the stability of a hostile region.

Sirens wailed across the southern half of Cyprus today, in memory of the day known as "black anniversary" among the Greek Cypriots. Cypriot leaders, on both sides of the divide, must take forward steps to wash away the darkness of this day and replace it with peace and tolerance.•

REMEMBERING GENERAL WAYNE A. DOWNING

• Mr. REED. Mr. President, today, with a heavy heart, I recognize an American patriot and public servant who passed away on July 17, 2007: GEN Wayne A. Downing, U.S. Army, Retired.

Born on May 10, 1940, in Peoria, IL, General Downing graduated from the Spalding Institute in 1958 and was then appointed to the U.S. Military Academy. Following his graduation from West Point in 1962, General Downing served two combat tours in Vietnam as a junior infantry officer.

General Downing served his country for 34 years in a variety of command assignments in infantry, armored, special operations, and joint units, culminating in his appointment as the commander-in-chief of the U.S. Special Operations Command. As a general officer, he commanded the special operations of all services during the 1989 invasion of Panama and commanded a joint special operations task force operating deep behind the Iraqi lines during Operation Desert Storm.

General Downing's reputation was that of a smart, decisive, forceful, and caring leader, known in particular for his unwavering determination to accomplish any mission assigned and provide his soldiers the best possible support. His personal courage and leadership by example inspired fierce loyalty from all the soldiers who worked for him.

Following his retirement from the U.S. Army in 1996, General Downing had repeatedly answered the call of public service. After the terrorist attack on the U.S. base at Khobar Towers in Saudi Arabia, he was appointed by President Clinton to assess the attack and to make recommendations on how to protect Americans and U.S. facilities worldwide from future attacks.

From 1999-2000, General Downing was a member of the congressionally mandated National Commission on Terrorism charged with examining the terrorist threat to the U.S., evaluating America's laws, policies, and practices for preventing and punishing terrorism directed at U.S. citizens, and recommending corrective actions.

In the wake of 9/11, General Downing served for almost a year in the White House as national director and deputy national security advisor for combating terrorism. As the President's principal adviser on matters related to combating terrorism, he was responsible for coordinating the military, diplomatic, intelligence, law enforcement, information, and financial operations of our war on terror, and for developing and executing a strategy that integrated all elements of national power.

Following his assignment at the White House, General Downing returned to the U.S. Military Academy at West Point when he assumed the position of "Distinguished Chair" of the Combating Terrorism Center, CTC. Under his leadership, the center sought to better understand foreign and domestic terrorism threats, to educate future leaders, and to provide political analysis and advice to counter future terrorist activities.

In addition to his duties at the CTC, General Downing was a visiting faculty member at the University of Michigan Business School conducting seminars on leadership and transformation management and was military and terrorism analyst for NBC News.

General Downing's career has epitomized the phrase "lifetime of service to the Nation" and exemplified ideals inherent in duty, honor, and country. He was a true warrior who always spoke the truth, insisted on complete honesty from all he worked with, and was the epitome of honorable behavior. As a combat leader, educator, global strategist, and national security expert, General Downing's contributions to our national defense and security are immeasurable.

Our thoughts and prayers are with his wife Kathryn, his daughters Laura and Elizabeth, and the entire Downing family in this time of sorrow. He will be missed dearly by his many friends, colleagues, and an extremely grateful Nation.●

TRIBUTE TO JULIE SITTASON

● Mr. SHELBY. Mr. President, today I pay tribute to Julie Sittason, who has dedicated over 20 years of her life to caring for others. On August 16, 2007, when Julie steps down as the executive director of Hospice of West Alabama, she will leave behind a legacy of service to others.

Julie and I have been friends for many years. She graduated from my alma mater, the University of Alabama, with an undergraduate degree in sociology and a master's degree in counseling and guidance from the University of Alabama. Soon after, Julie decided to pursue a rewarding career of serving and caring for others.

For 7 years, Julie worked as a counselor at the Alabama State Department of Industrial Relations, providing guidance to the blind, the hearing impaired and recipients of Aid to Families with Dependent Children. Later, Julie returned to the University of Alabama to work as the program administrator for the West Alabama Comprehensive Services program.

In 1986, Julie was named executive director of Hospice of West Alabama. When she was hired, the Agency only employed three full-time staffers, operating on an annual budget of $86,000. Today, the budget has grown to $5 million a year and Hospice of West Alabama has 70 employees, serving 600 patients a year in Tuscaloosa, Greene, Hale, Bibb and Pickens Counties.

Over the past two decades, Julie has overseen many changes at Hospice of West Alabama. It was under her direction in 1997 when the Agency became the first community-based hospice in the State of Alabama to be officially recognized by the Joint Commission on Accreditation of Healthcare Organizations. In 2004, it was Julie's vision that led to the construction of the $5 million facility that includes the State's first community-based inpatient hospice facility.

While many people think that the service Julie contributes each day through her work at Hospice of West Alabama is enough, she thinks otherwise. As an avid volunteer, Julie continues to serve with organizations such as the March of Dimes, the MS Walkathon and Soup Bowl. She has served as an adviser for Alpha Omicron Pi Sorority, is on the administrative board for First United Methodist Church, and the board of directors for United Cerebral Palsy, Castle Hill Clinic and the Maude Whatley Clinic. Julie has also held several leadership positions in the Alabama Hospice Organization.

Julie is married to Chuck Sittason. She has two daughters, Katherine Cramer, who served with distinction as my first Senate page in 1995, and Meredith Cramer.

As Julie embarks on another phase in her life, she will remain an inspiration to many and will be remembered for her dedication and many contributions to Hospice of West Alabama. I wish her much luck in her future endeavors, and I ask this entire Senate to join me in recognizing and honoring the life and career of my good friend Julie Sittason.●

RECOGNIZING THE 114TH FIGHTER WING

● Mr. THUNE. Mr. President, today I recognize the 114th Fighter Wing of the South Dakota Air National Guard for being awarded the 2007 Outstanding Air National Guard Flying Unit Award.

Since 1956, the 114th Fighter Wing has been an outstanding unit and has played an important role in the South Dakota National Guard. The unit has a proud history of accomplishment and this award is in keeping with that tradition. Over the years, the 114th has received numerous unit citations such as the Air Force Outstanding Unit Award and the Armed Forces Expeditionary Streamer for combat duty as a part of Operation Just Cause in Panama. The 114th Fighter Wing has trained with the Navy, Marines, and the Air Force during Operation Provide Comfort II in Turkey, Commando Sling in Singapore, Operation Southern Watch in Al Jaber, Kuwait, and numerous others. Today, the unit is continuing to uphold its standard of excellence by providing significant contributions in support of Operation Iraqi Freedom and the War on Terror. Their courageous efforts in protecting America should make both South Dakota and the Nation proud.

It gives me great pleasure to represent the men and women who make up the 114th Fighter Wing and congratulate them on their award.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:53 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 31. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects.

H.R. 673. An act to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes.

H.R. 735. An act to designate the Federal building under construction at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building".

H.R. 1315. An act to amend title 38, United States Code, to make certain improvements in the benefits provided to veterans under laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 1384. An act to designate the facility of the United States Postal Service located at 118 Minner Street in Bakersfield, California, as the "Buck Owens Post Office".

H.R. 1696. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo tribe to determine blood quantum requirement for membership in that Tribe.

H.R. 2107. An act to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes.

H.R. 2120. An act to direct the Secretary of the Interior to proclaim as reservation for the benefit of the Sault Ste. Marie Tribe of Chippewa Indians a parcel of land now held in trust by the United States for that Indian tribe.

H.R. 2309. An act to designate the facility of the United States Postal Service located at 3916 Milgen Road in Columbus, Georgia, as the "Frank G. Lumpkin, Jr. Post Office Building".

H.R. 2623. An act to amend title 38, United States Code, to prohibit the collection of copayments for all hospice care furnished by the Department of Veterans Affairs.

H.R. 2688. An act to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the "Dolph S. Briscoe, Jr. Post Office Building".

H.R. 2707. An act to reauthorize the Underground Railroad Educational and Cultural Program.

H.R. 2750. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

H.R. 2765. An act to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the "Master Sergeant Sean Michael Thomas Post Office".

H.R. 2863. An act to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe.

H.R. 2874. An act to amend title 38, United States Code, to make certain improvements in the provision of health care to veterans, and for other purposes.

H.R. 2952. An act to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe.

H.R. 2963. An act to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes.

H.R. 3006. An act to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes.

H.R. 3034. An act to designate the facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, as the "Private First Class Shane R. Austin Post Office".

H.R. 3067. An act to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan.

H.R. 3123. An act to extend the designation of Liberia under section 244 of the Immigration and Nationality Act so that Liberians can continue to be eligible for temporary protected status under that section.

H.R. 3184. An act to authorize the Secretary of Agriculture to carry out a competitive grant program for the Puget Sound area to provide comprehensive conservation planning to address water quality.

H.R. 3206. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 15, 2007, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 49. Concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courage and sacrifice on behalf of the United States.

H. Con. Res. 136. Concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically-elected officials of Taiwan.

H. Con. Res. 143. Concurrent resolution honoring National Historic Landmarks.

H. Con. Res. 188. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes.

The message further announced that the House passed the following acts, without amendment:

S. 375. An act to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes.

S. 975. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 1099. An act to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance.

S. 1716. An act to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

The message also announced that the House passed the act (S. 1) to provide greater transparency in the legislative process; with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House agreed to the concurrent resolution (S. Con. Res. 27) supporting the goals and ideals of 'National Purple Heart Recognition Day'; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2272) to invest in innovation through research and development, and to improve the competitiveness of the United States; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Science and Technology, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. GORDON, LIPINSKI, BAIRD, WU, LAMPSON, UDALL of Colorado, Ms. GIFFORDS, Messrs. MCNERNEY, HALL of Texas, SENSENBRENNER, EHLERS, Mrs. BIGGERT, Messrs. FEENEY, and GINGREY.

From the Committee on Education and Labor, for consideration of Division C of the Senate amendment, and modifications committed to conference: Messrs. GEORGE MILLER of California, HOLT, and MCKEON.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 31, 2007, she had presented to the President of the United States the following enrolled bill:

S. 1868. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2713. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the funding of the support costs associated with the MH–60R helicopter mission avionics multi-year procurement program by the Future Years Defense Program; to the Committee on Armed Services.

EC–2714. A communication from the Director of Defense and Research Engineering, Department of Defense, transmitting, pursuant to law, a report relative to the Department's intent to fund three additional Foreign Comparative Testing Program projects during fiscal year 2007; to the Committee on Armed Services.

EC–2715. A communication from the Secretary of Agriculture and the Secretary of Energy, transmitting, pursuant to law, a report entitled, "Annual Report to Congress on the Biomass Research and Development Initiative for Fiscal Year 2006"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2716. A communication from the Congressional Review Coordinator, Animal and

Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Gypsy Moth Generally Infested Areas; Addition of Counties in Ohio and West Virginia" (Docket No. APHIS–2006–0116) received on July 26, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2717. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 37115) received on July 27, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2718. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 35938) received on July 27, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2719. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 35937) received on July 27, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2720. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 35932) received on July 27, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2721. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 35934) received on July 27, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2722. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Community Planning and Development, received on July 27, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2723. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Shareholder Choice Regarding Proxy Materials" (RIN3235–AJ79) received on July 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2724. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Limit the Daily Harvest of Halibut in the Guided Sport Charter Vessel Fishery for Halibut in Regulatory Area 2C" (RIN0648–AV47) received on July 27, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2725. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2007 Summer Flounder, Scup, and Black Sea Bass Recreational Fishery Management Measures" (RIN0648–AU60) received on July 27, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2726. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Catcher Processor Rockfish Cooperatives in the Gulf of Alaska" (RIN0648–XB12) received on July 27, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2727. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Nantucket Lightship Scallop Access Area Closure for General Category Scallop Vessels" (RIN0648–AU47) received on July 27, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2728. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648–XB33) received on July 27, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2729. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Adjustments to Groundfish Management Measures" (RIN0648–AV69) received on July 27, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2730. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the development of a training course for newly appointed Regional Fishery Management Council members; to the Committee on Commerce, Science, and Transportation.

EC–2731. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce , transmitting, pursuant to law, the report of a rule entitled "Export Licensing Jurisdiction for Microelectronic Circuits" (RIN0694–AE02) received on July 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2732. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Attainment Determination, Redesignation of the Franklin County Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory" (FRL No. 8445–6) received on July 27, 2007; to the Committee on Environment and Public Works.

EC–2733. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa" (FRL No. 8448–5) received on July 27, 2007; to the Committee on Environment and Public Works.

EC–2734. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bromoxynil, Diclofop-methyl, Dicofol, Diquat, Etridiazole, et al.; Tolerance Actions" (FRL No. 8139–5) received on July 27, 2007; to the Committee on Environment and Public Works.

EC–2735. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Quillaja Saponaria Extract; Exemption from the Requirement of a Tolerance" (FRL No. 8136–6) received on July 27, 2007; to the Committee on Environment and Public Works.

EC–2736. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana" (FRL No. 8442–9) received on July 27, 2007; to the Committee on Environment and Public Works.

EC–2737. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Altoona's 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory" (FRL No. 8446–9) received on July 26, 2007; to the Committee on Environment and Public Works.

EC–2738. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Johnstown Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory" (FRL No. 8442–7) received on July 26, 2007; to the Committee on Environment and Public Works.

EC–2739. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Clean Air Interstate Rule Nitrogen Oxides Annual Trading Program" (FRL No. 8446–3) received on July 26, 2007; to the Committee on Environment and Public Works.

EC–2740. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorthalonil; Pesticide Tolerance" (FRL No. 8127–9) received on July 26, 2007; to the Committee on Environment and Public Works.

EC–2741. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District and San Joaquin Valley Air Pollution Control District" (FRL No . 8442–4) received on July 26, 2007; to the Committee on Environment and Public Works.

EC–2742. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rimsulfuron; Pesticide Tolerance" (FRL No. 8139–1) received on July 26, 2007; to the Committee on Environment and Public Works.

EC–2743. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Implementation Plan Revision; State of New Jersey" (FRL No. 8444–9) received on July 25, 2007; to the Committee on Environment and Public Works.

EC–2744. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Clarification of Visible Emissions Exceptions" (FRL No. 8447–6) received on July 25, 2007; to the Committee on Environment and Public Works.

EC–2745. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; States of Arizona and Nevada; Interstate Transport of Pollution" (FRL No. 8443–5) received on July 25, 2007; to the Committee on Environment and Public Works.

EC–2746. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Withdrawal of Direct Final Rule Revising the California State Implementation Plan, San Joaquin Valley Air Pollution Control District" (FRL No. 8444–3) received on July 25, 2007; to the Committee on Environment and Public Works.

EC–2747. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of New Jersey's Title V Operating Permit Program Revision" (FRL No. 8446–4) received on July 25, 2007; to the Committee on Environment and Public Works.

EC–2748. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Interim Final Regulation for Mental Health Parity" (RIN0938–AO83) received on July 27, 2007; to the Committee on Finance.

EC–2749. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "High Risk Pools" (RIN0938–AO46) received on July 27, 2007; to the Committee on Finance.

EC–2750. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2007–61) received on July 27, 2007; to the Committee on Finance.

EC–2751. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to restrictions on assistance to the central government of Serbia; to the Committee on Foreign Relations.

EC–2752. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Veterans' Preference" (RIN3206–AL33) received on July 26, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2753. A communication from the Deputy White House Liaison, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, transmitting, pursuant to law, (31) reports relative to vacancy announcements within the Department, received on July 27, 2007; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–173. A resolution adopted by the City Council of the City of Miami Gardens, Florida, urging Congress to appropriate the funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Appropriations.

POM–174. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to create a federal catastrophe fund; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 17

Whereas, the hurricane seasons of 2004 and 2005 were startling reminders of both the human and economic devastation that hurricanes, flooding, and other natural disasters can cause; and

Whereas, creation of a federal catastrophe fund is a comprehensive, integrated approach to help better prepare and protect the Nation from natural catastrophes, such as hurricanes, tornadoes, wildfires, snowstorms, and earthquakes; and

Whereas, the current system of response to catastrophes leaves many people and businesses at risk of being unable to replace what they lost, wastes tax dollars, raises insurance premiums, and leads to shortages of insurance needed to sustain our economy; and

Whereas, creation of a federal catastrophe fund would help stabilize insurance markets following a catastrophe and help steady insurance costs for consumers while making it possible for private insurers to offer more insurance in catastrophe-prone areas; and

Whereas, a portion of the premiums collected by insurance companies could be deposited into such a fund which could be administered by the United States Treasury and grow tax free; and

Whereas, a portion of the interest earnings of the fund could be dedicated to emergency responder efforts and public education and mitigation programs; and

Whereas, the federal catastrophe fund would operate as a "backstop" and could only be accessed when private insurers and state catastrophe funds have paid losses in excess of a defined threshold; and

Whereas, utilizing the capacity of the Federal Government would help smooth out fluctuations consumers currently experience in insurance prices and availability because of exposure to large catastrophic losses and would provide better protection at a lower price; and

Whereas, when there is a gap between the insurance protection consumers buy and the damage caused by a major catastrophe, taxpayers across the country pay much of the difference, as congressional appropriations of billions of dollars for after-the-fact disaster relief in the aftermath of Hurricane Katrina demonstrated; and

Whereas, there are a number of legislative instruments pending in the current One Hundred Tenth Congress which address the need for a federal catastrophe fund, including the Homeowners Protection Act of 2007 (H.R. 91) and the Commission on Catastrophic Disaster Risk an Insurance Act of 2007 (H.R. 537 and S. 292). Therefore, be it

Resolved, that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to create a federal catastrophe fund. Be it further

Resolved, that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–175. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to either extend the Terrorism Risk Insurance Act to include insurance coverage for natural disasters such as earthquakes and hurricanes or, alternatively, to establish a tax incentive program for insurance companies that provide insurance coverage for such disasters; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 50

Whereas, as a result of the devastation caused by Hurricane Katrina and Hurricane Rita to personal residential property, commercial residential property, and commercial property, Louisiana insureds, especially those located in the greater New Orleans area, are at risk with regard to the availability and affordability of personal residential property, commercial residential property, and commercial property insurance; and

Whereas, Hurricane Katrina and Hurricane Rita have created a real threat to the public health, safety, and welfare of the citizens of Louisiana, as well as to the rebuilding efforts of Louisiana citizens in the post-Katrina and Rita era; and

Whereas, Louisiana, as a state located on the coast of the Gulf of Mexico, will continue to be at risk from the threat of hurricanes, further jeopardizing the availability and affordability of personal residential property, commercial residential property, and commercial property insurance. Therefore, be it

Resolved, that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to either extend the Terrorism Risk Insurance Act (TRIA) to include insurance coverage for natural disasters such as earthquakes and hurricanes or, alternatively, to establish a tax incentive program for insurance companies that provide insurance coverage for natural disasters such as earthquakes and hurricanes. Be it further

Resolved, that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–176. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to revise the National Flood Insurance Program to extend coverage for other natural disasters; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 212

Whereas, the National Flood Insurance Act of 1968 established the National Flood Insurance Program as a means of mitigating flood damages by making flood insurance available in communities that adopt and enforce measures to reduce flood losses; and

Whereas, the National Flood Insurance Program is a federal program that allows property owners to purchase insurance protection against losses due to flooding; and

Whereas, Louisiana as well as other states have significant vulnerability to natural disasters, and when coupled with the lack of appropriate insurance coverage, this may result in a catastrophic impact on the economic, human, and physical environment of the United States; and

Whereas, Hurricanes Katrina and Rita caused unprecedented property damage, loss of life, and the upheaval of societal norms in the state of Louisiana; and

Whereas, the availability and affordability of property insurance has become an issue of paramount importance in a post-Katrina environment that has seen a significant drop in property coverages offered in the private market, unprecedented rate increases, and total risk avoidance in hurricane-prone areas; and

Whereas, revising the National Flood Insurance Program to extend multi-peril insurance coverage for damage resulting from earthquakes, volcanos, tsunamis, and hurricanes would reduce the economic consequences of future natural disasters; and

Whereas, the accessibility of multi-peril insurance coverage through a federally offered program may increase participation in the National Flood Insurance Program, thereby reducing rates due to the aggregate risk pooling of natural disasters; and

Whereas, this goal may be accomplished by generating sufficient premium income to provide insurance protection against disasters and to reduce the government's expenditures for future disaster relief; and

Whereas, the incorporation of a multi-peril mitigation program within the National Flood Insurance Program would afford consumers the protection of a residential insurance program with multi-peril protection. Therefore, be it

Resolved, that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to allow the National Flood Insurance Program to extend coverage for other natural disasters. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–177. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to ensure that all all-terrain vehicles sold in the United States meet mechanical equipment standards of the Consumer, Product Safety Commission and that safety information and training are being provided to all purchasers of all-terrain vehicles; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 274

Whereas, the United States Consumer Product Safety Commission (CPSC) is charged with protecting the public from unreasonable risks of serious injury or death from more than fifteen thousand types of consumer products under the agency's jurisdiction, and the commission is committed to protecting consumers and families from products that pose a fire, electrical, chemical, or mechanical hazard or can injure children; and

Whereas, despite success in general, injuries and deaths resulting from the use of all-terrain vehicles (ATVs), particularly involving children, are on the rise; and

Whereas, a CPSC staff report from 2005 includes the following ATV-related injury and death data:

In 2003, there were an estimated seven hundred forty deaths associated with ATVs.

In 2001, the most recent year for which death data collection is complete, twenty-six percent of the reported deaths were of children under sixteen years old.

The estimated risk of death was 1.1 deaths per ten thousand four-wheeled ATVs in use in 2003.

The estimated number of A TV-related emergency-room-treated injuries for all ages in 2004 was one hundred thirty-six thousand one hundred, an increase of ten thousand six hundred from 2003. This increase was statistically significant.

Children under sixteen years of age accounted for forty-four thousand seven hundred, or thirty-three percent, of the total estimated number of injuries in 2004.

There were about one hundred eighty-eight emergency-room-treated injuries per ten thousand four-wheeled ATVs in use in 2004; and

Whereas, currently ATVs are subject only to voluntary standards and Letters of Undertaking entered into by the CPSC and the major manufacturers; and

Whereas, there are gaps in the current, voluntary system of regulating the industry; primary among them is the fact that the regulations do not apply to "new entrants", that is, those manufacturers who have not agreed to participate in the standards; and

Whereas, despite a recommendation from its own staff that equipment standards and safety measures should be applied to all manufacturers and distributors, the CPSC has failed to adopt final mandatory regulations applicable to ATVs; and

Whereas, in the interest of saving lives and preventing injury, it is appropriate that Congress get involved in this issue: Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to do all of the following:

(1) Require the Consumer Product Safety Commission to promulgate a consumer product safety standard for all-terrain vehicles. The standard shall be the same as the American National Standard for Four Wheel All-Terrain Vehicles-Equipment, Configuration, and Performance Requirements ANSI/SVIA–1–2001 or its successor standard.

(2) Require each manufacturer or importer of an all-terrain vehicle to which the ATV standard applies to submit an action plan to the commission for its approval. Such plan shall include the offer of free rider training, dissemination of safety information, age recommendations, the monitoring of such sales, and other safety-related measures.

(3) Prohibit a manufacturer or importer of all-terrain vehicles from distributing an all-terrain vehicle in commerce unless the manufacturer or importer has complied with its obligations under its action plan that has been approved by the commission.

(4) Require each all-terrain vehicle to which the ATV standard applies to bear a permanent label certifying that the all-terrain vehicle complies with the consumer product safety standard and is subject to an action plan accepted by the commission; identifies the manufacturer or importer issuing the certification; and contains sufficient information to enable the commission to identify the particular action plan that applies to that all-terrain vehicle; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–178. A resolution adopted by the General Assembly of the State of New Jersey urging Congress to reinstate its offshore water quality testing program along the New Jersey coastline; to the Committee on Environment and Public Works.

ASSEMBLY RESOLUTION NO. 270

Whereas, The United States Environmental Protection Agency has conducted a seasonal offshore monitoring program by helicopter for the last 30 years along the New Jersey coastline that searched for and tested the presence of dissolved oxygen and enterococci (i.e., fecal) bacteria in ocean waters; and

Whereas, The existence of certain levels of dissolved oxygen and enterococci bacteria are precursors or indicators of potential fish kills and harmful algal blooms or "brown tide"; and

Whereas, The United States Environmental Protection Agency has announced that it is terminating this offshore water testing program in favor of alternative methods of testing for these environmental indicators; and

Whereas, A massive algal bloom appeared in Raritan and Sandy Hook Bays in late May 2007, turning coastal ocean waters brown from Sandy Hook to Manasquan, thereby re-emphasizing the need for the continuation of the federal ocean water testing program; and

Whereas, The State, counties and municipalities affected by the termination of the federal ocean water testing program do not have the logistical or financial capability to continue or replace this program in time for the 2007 summer shore season; and

Whereas, New Jersey has a coastline of beautiful beaches which is not only one of the State's greatest natural resources but also is vital to the State's economy through the billions of dollars generated from shore-related tourism; and

Whereas, The United States Environmental Protection Agency is continuing the use of its coastal monitoring helicopter to conduct surveillance of floatable objects in the ocean off the coast of New Jersey and therefore could reinstate the ocean water testing program in an expeditious manner without undue financial or logistical hardships; Now, therefore, be it

Resolved, by the General Assembly of the State of New Jersey:

(1) This House opposes the decision by the United States Environmental Protection Agency to terminate the offshore ocean water quality testing program along the coast of New Jersey and urges that it be reinstated immediately.

(2) Duly authenticated copies of this resolution, signed by the Speaker of the Assembly and attested by the Clerk thereof, shall be transmitted to the President and Vice-President of the United States, the Administrator of the United States Environmental Protection Agency, the Region II Administrator of that agency, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, each member of the Congress of the United States elected from this State, and the Commissioner of the New Jersey Department of Environmental protection.

POM–179. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to vote in favor of H.R. 1229, the Non-Market Economy Trade Remedy Act of 2007; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 115

Whereas, H.R. 1229, the "Non-Market Economy Trade Remedy Act of 2007," will ensure that the United States countervailing duty law applies to imports from non-market economies; and

Whereas, the purpose of the countervailing duty law is to offset any unfair competitive advantage that foreign manufacturers or exporters have as a result of subsidies; and

Whereas, manufacturing is a vital part of the American economy; and

Whereas, each American manufacturing job results in the creation of approximately four additional jobs; and

Whereas, since 1997, Louisiana has lost over thirty-nine thousand manufacturing jobs due to unfair trade practices; and

Whereas, Louisiana's coastal area is home to some of the Nation's premiere commercial fisheries, accounting for 30 percent of the commercial fisheries production of the lower 48 States; and

Whereas, the Louisiana seafood industry provides an annual economic impact of approximately two billion eight hundred million dollars and over thirty-one thousand jobs; and

Whereas, the Louisiana seafood industry has lost over eleven thousand jobs and millions of dollars due to illegally subsidized seafood imports and dumping from foreign nations; and

Whereas, industries that once were the pride of their communities and employed generations of the same family have been shut down resulting from jobs being shifted to foreign nations where labor is cheap and environmental standards are not enforced; and

Whereas, billions of dollars in wages and millions of jobs are expected to move from the United States to low-cost nations by 2015; and

Whereas, H.R. 1229, the "Non-Market Economy Trade Remedy Act of 2007," is being considered in Congress to correct the long-standing inequity of trade law, and requires the Department of Commerce to take action in countervailing duty cases in support of American businesses: Now, therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to vote in favor of H.R. 1229, the "Non-Market Economy Trade Remedy Act of 2007"; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–180. A resolution adopted by the Senate of the State of Wisconsin urging Congress to create a system that ensures that trade agreements are developed and implemented using a democratic, inclusive mechanism that enshrines the principles of federalism and state sovereignty; to the Committee on Finance.

SENATE RESOLUTION NO. 8

Whereas, democratic, accountable governance in the States, generally, and the authority granted by the Wisconsin constitution to the legislative branch, specifically, are being undermined by international commercial and trade rules enforced by the World Trade Organization (WTO) and established by the North American Free Trade Agreement (NAFTA) and are further threatened by similar provisions in an array of pending trade agreements; and

Whereas, today's "trade" agreements have impacts that extend significantly beyond the bounds of traditional trade matters, such as tariffs and quotas, and instead grant foreign investors and service providers certain rights and privileges regarding acquisition of land and facilities and regarding operations within a State's territory, subject State laws to challenge as "nontariff barriers to trade" in the binding dispute resolution bodies that accompany the pacts, and place limits on the future policy options of State legislatures; and

Whereas, NAFTA and other U.S. free trade agreements grant foreign firms new rights and privileges for operating within a State that exceed those rights and privileges granted to U.S. businesses under State and Federal law; and

Whereas, NAFTA already has generated "regulatory takings" cases against State and local land-use decisions, State environmental and public health policies, adverse State court rulings, and State and local contracts that would not have been possible in U.S. courts; and

Whereas, when States are bound to comply with government procurement provisions contained in trade agreements, common economic development and environmental policies, such as buy-local laws, prevailing wage laws, and policies to prevent offshoring of State jobs, as well as recycled content laws, could be subject to challenge as violating the obligations in the trade agreements; and

Whereas, recent trade agreements curtail State regulatory authority by placing constraints on future policy options; and

Whereas, the WTO general agreement on trade in services (GATS) could undermine State efforts to expand health care coverage and rein in health care costs and places constraints on State and local land-use planning and gambling policy; and

Whereas, new GATS negotiations could impose additional constraints on State regulation of energy, higher education, professional licensing, and other areas; and

Whereas, despite the indisputable fact that international trade agreements have a far-reaching impact on State and local laws, Federal Government trade negotiators have failed to respect States' rights to prior informed consent before binding States to conform State law and authority to trade agreement requirements and have refused even to inform State legislatures of key correspondence; and

Whereas, the current encroachment on State regulatory authority by international commercial and trade agreements has occurred in no small part because U.S. trade policy is being formulated and implemented under the Fast Track Trade Authority procedure; and

Whereas, Fast Track eliminates vital checks and balances established in the U.S. Constitution by broadly delegating to the executive branch Congress's exclusive constitutional authority to set the terms of trade, such that the executive branch is empowered to negotiate broad-ranging trade agreements and to sign them prior to Congress voting on the agreements; and

Whereas, the ability of the executive branch to sign trade agreements prior to Congress's vote of approval means that executive branch negotiators can ignore congressional negotiating objectives or States' demands, and neither Congress nor the States have any means to enforce any decision regarding what provisions must be contained in every U.S. trade agreement or what provisions may not be included in any U.S. trade agreement; and

Whereas, Federal trade negotiators have ignored and disrespected States' demands regarding whether States agree to be bound to certain nontariff trade agreement provisions; and

Whereas, Fast Track also circumvents normal congressional review and amendment committee procedures, limits debate to 20 hours, and forbids any floor amendments to the implementing legislation that is presented to Congress to conform hundreds of U.S. laws to trade agreement obligations and to incorporate the actual trade agreement itself into U.S. Federal law that preempts State law; and

Whereas, Fast Track is not necessary for negotiating trade agreements as demonstrated by the existence of scores of trade agreements, including major pacts, implemented in the past 30 years without use of Fast Track; and

Whereas, Fast Track, which was established in 1974 by President Richard Nixon when trade agreements were limited to traditional matters, such as tariffs and quotas, is now woefully outdated and inappropriate given the diverse range of nontrade issues now included in "trade" agreements that broadly affect State and Federal nontrade regulatory authority; and

Whereas, the current grant of Fast Track expires in June 2007: Now, therefore, be it

Resolved, by the Senate, That:

(1) The U.S. Congress be urged to create a replacement for the outdated Fast Track system so that U.S. trade agreements are developed and implemented using a more democratic, inclusive mechanism that enshrines the principles of federalism and State sovereignty.

(2) This new process for developing and implementing trade agreements include an explicit mechanism for ensuring the prior informed consent of State legislatures before States are bound to the nontariff terms of any trade agreement that affects State regulatory authority to ensure that the United States trade representative respects the decisions made by States.

(3) Copies of this resolution be sent to President George W. Bush, Ambassador Susan Schwab, U.S. Trade Representative, the President of the U.S. Senate, the Speaker of the House of Representatives, and the Wisconsin Congressional Delegation.

POM–181. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to examine the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide prenatal care to immigrants; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 258

Whereas, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104–193, (PRWORA) significantly changed the eligibility of noncitizens for federal means-tested public benefits, including Medicaid and the State Children's Health Insurance Program; and

Whereas, as a general rule, only "qualified aliens" as defined in §431 of PRWORA maybe eligible for coverage; and

Whereas, some immigrants cannot be eligible for coverage for five years from the date they enter the country as a qualified alien; and

Whereas, the five-year bar only applies to qualified aliens who entered the United States on or after August 22, 1996, unless they meet one of the exceptions in PRWORA; and

Whereas, the five-year bar never applies to immigrants who are applying for treatment of an emergency medical condition only; and

Whereas, under PRWORA all immigrants, both qualified and non-qualified aliens as well as those who are residing in the country in an undocumented status, may be eligible for treatment of an emergency medical condition only, provided that they otherwise meet the eligibility criteria for the state's Medicaid program; and

Whereas, if prenatal care was provided for immigrants who are currently not eligible, there would likely be a great return on the money because once the baby is born in the United States, it becomes a citizen and may possibly receive Medicaid benefits; and

Whereas, it would be beneficial to our citizens if the Federal Government would study the costs of providing prenatal care versus the costs for caring for a preterm baby; and

Whereas, changes in the PRWORA may save the lives of many preterm babies born to immigrants in this country; and

Whereas, this Resolution is executed in memory of baby Jui: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to examine the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide prenatal care to immigrants; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–182. A communication from the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to provide the same tax breaks and federal financial assistance to Louisiana residents affected by Hurricane Rita as those afforded to Louisiana residents affected by Hurricane Katrina; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 223.

Whereas, in August and September 2005, Louisiana was decimated by multiple hurricanes striking the state, resulting in a combination of natural disasters of unprecedented proportions in American history; and

Whereas, these disasters caused a burden no state has ever had to bear, including the loss of life, livelihoods, and homes, destruction and damage to public buildings and public works, and damage to its coastal wetlands and coastline; and

Whereas, the citizens, businesses, communities, schools, and state and local governments of Louisiana have suffered tremendous loss; and

Whereas, the ramifications of these events continue to affect every citizen of the state as we continue to struggle to rebuild our lives, homes, businesses, and communities; and

Whereas, because of the mass devastation and loss of life suffered by the citizens of New Orleans and southeast Louisiana as a result of Hurricane Katrina, congress acted quickly in granting victims and survivors of Hurricane Katrina various tax breaks and federal financial assistance aimed at long-term recovery; and

Whereas, although the devastation realized as a result of Hurricane Rita was not as large-scale as the devastation of Hurricane Katrina, the victims and survivors of Hurricane Rita who lost their homes, businesses, livelihoods, and entire communities are suffering every bit as much as the citizens affected by Hurricane Katrina; and

Whereas, the citizens of southwest Louisiana are in need for congress to act quickly in granting them the same tax breaks and federal financial assistance as was granted to the victims and survivors of Hurricane Katrina in order to sustain long-term recovery: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to provide the same tax breaks and federal financial assistance to Louisiana residents affected by Hurricane Rita as those afforded to Louisiana residents affected by Hurricane Katrina; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–183. A resolution adopted by the House of Representatives of the State of Illinois establishing May 2007 as Amyotrophic Lateral Sclerosis Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT RESOLUTION NO. 58

Whereas, Amyotrophic lateral sclerosis or ALS is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, The initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, As ALS progresses the patient experiences difficulty in swallowing, talking, and breathing; and

Whereas, ALS eventually causes muscles to atrophy and the patient becomes a functional quadriplegic; and

Whereas, ALS does not affect a patient's mental capacity, so that the patient remains alert and aware of his or her loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, On average, patients diagnosed with ALS only survive two to five years from the time of diagnosis; and

Whereas, research indicates that military veterans are at a 50% or greater risk of developing ALS than those who have not served in the military; and

Whereas, ALS has no known cause, means of prevention, or cure; and

Whereas, Amyotrophic Lateral Sclerosis Awareness Month increases the public's awareness of ALS patients' circumstances and acknowledges the terrible impact this disease has not only on the patient but on his or her family and the community and recognizes the research being done to eradicate this horrible disease: Now, therefore, be it

Resolved, by the House of Representatives of the Ninety-Fifth General Assembly of the State of Illinois, The Senate concurring herein, that we proclaim the month of May 2007 as Amyotrophic Lateral Sclerosis Awareness Month in the State of Illinois; and be it further

Resolved, That we memorialize the President and Congress of the United States to enact legislation to provide additional funding for research in order to find a treatment and eventually a cure for amyotrophic lateral sclerosis; and be it further

Resolved, That suitable copies of this resolution be presented to the President of the United States and each member of the Illinois congressional delegation.

POM–184. A resolution adopted by the House of Representatives of the State of Illinois urging Congress to address certain concerns relative to the reauthorization of the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 396

Whereas, The federal No Child Left Behind Act of 2001 (NCLB) requires reauthorization in 2007; Now therefore, be it

Resolved, by the House of Representatives of the Ninety-Fifth General Assembly of the State of Illinois, That we urge the United States Congress to address the following concerns when considering the reauthorization of NCLB:

(1) allow states the flexibility to use growth model assessment models to enhance existing measures of student progress;

(2) provide flexibility in program implementation with respect to varying student and teacher needs related to diversity of geography, wealth, and background;

(3) revise assessment guidelines for special needs students so that such students are more fairly assessed considering their specific individualized education programs and, therefore, better served;

(4) resolve other contradictions between NCLB and the Individuals with Disabilities Education Act (IDEA);

(5) address issues arising from students who are counted in multiple groups when determining adequate yearly progress;

(6) allow schools to offer, and provide full funding for, important supplemental education services before schools are forced to offer choice;

(7) provide greater flexibility when determining the sizes of groups regarding assessment subgroups;

(8) school improvement grants must be funded so that the sanctions placed on schools will result in improved student achievement and the reversal of negative trends;

(9) seek greater consistency in state certification criteria and the federal "highly qualified" designation;

(10) the highly qualified teacher provisions of NCLB require clarification, greater flexibility regarding alignment with state certification, and appropriate, specific, technical assistance in order to ensure compliance; and

(11) resident school districts of special needs students attending private schools must pay for IDEA services delivered at a private school; and be it further

Resolved, That suitable copies of this resolution be delivered to President of the

United States George W. Bush, United States Secretary of Education Margaret Spellings, and each member of the Illinois congressional delegation.

POM–185. A resolution adopted by the Senate of the State of Michigan urging Congress to enact the Education Begins at Home Act; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 61

Whereas, each year, an estimated 2.7 million children in America are abused or neglected, including 900,000 cases that are actually investigated and verified by overburdened state child protection systems. Nationally, more than 1,400 children die from abuse or neglect each year. Over half of them were previously unknown to child protective services. In Michigan during 2005, 147,628 families were investigated for suspected child maltreatment. In those families investigated, 28,154 children were confirmed to be victims of child abuse and neglect. Of all confirmed cases of abuse and neglect, more than a third involved children three years old or younger. Another 19,265 children were in out-of-home placement as the result of child abuse and neglect and delinquency; and

Whereas, children who survive abuse or neglect likely carry the emotional scars for life, while studies also show that being abused or neglected multiplies the risk that a child will grow up to be violent. The best available research indicates that, based on confirmed cases of child abuse and neglect in just one year, of these children, there will be an additional 35,000 adult violent criminals and more than 250 murderers who would never have become violent criminals if not for the abuse or neglect they endured as children. Fortunately, evidence-based in-home parent coaching programs can prevent child abuse and neglect and reduce later crime and violence. In general, these programs provide voluntary coaching to parents of children up to five years old in home settings for some period of time; and

Whereas, a number of programs exist to help parents. The Nurse Family Partnership randomly assigned interested at-risk pregnant women to receive in-home visits by nurses starting before the birth of the first child and continuing until the child was two years old. The program cut abuse and neglect among at-risk children in half according to research published in a leading medical journal. In addition, children of mothers who received this coaching had 59 percent fewer arrests by age 15 than the children of mothers who were not coached. Yet this program reaches only a tiny fraction of eligible parents. Other major home-visiting programs include Parents as Teachers, Healthy Families America, Early Head Start, Home Instruction for Parents of Preschool Youngsters, and the Parent-Child Home Program. However, hundreds of thousands of at-risk mothers across the country receive no in-home parent coaching. The impacts of child abuse and neglect cost Americans $94 billion a year. In 2005, the direct cost of child abuse and neglect in Michigan was an estimated $531,744,598. Prevention efforts such as Michigan's 0–3 Secondary Prevention Initiative, which reflects the use of a variety of program models, saved an estimated $41,268,095 in direct costs associated with child abuse and neglect; and

Whereas, in the 109th Congress, Senator Bond and Representatives Davis and Platts, together with many of their colleagues, cosponsored the bipartisan Education Begins at Home Act in the Senate and House (S. 503/H.R. 3628) to provide grants to help states establish or expand voluntary in-home parent-coaching programs for families with young children. The Education Begins at Home Act would have authorized $400 million over three years in grants from the United States Department of Health and Human Services for voluntary in-home parent-coaching programs. The Education Begins at Home Act would also have authorized $100 million over three years in grants for voluntary in-home parent-coaching programs for English language learners and military families. These programs would strengthen Early Head Start, which includes center-based and in-home parent coaching components. Each of the major home-visiting programs operates in Michigan, and the Education Begins at Home Act would allow program flexibility so that states would not be tied to one particular model. These voluntary programs would help new parents learn skills to promote healthy child development and be better parents; Now: therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to reintroduce an expanded Education Begins at Home Act. We encourage sponsors of the new bill to include separate funding authorization levels for each of the next five years, to target funding first toward jurisdictions with the greatest need, and to ensure that funding priority be given to evidence-based approaches that deliver effective results in improving outcomes for children and families; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–186. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to take a proactive role in assisting the communities of New Orleans East in protecting their health and safety and in promoting economic development; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 134

Whereas, the health, safety, welfare, and economic recovery of the residents and businesses of New Orleans East are dependent upon the continued assistance and encouragement from our federal partners; and

Whereas, the Legislature of Louisiana created the New Orleans Regional Business Park as a special municipal district for the primary purpose of engaging industrial, manufacturing, processing, assembling, distribution, and wholesale businesses; and

Whereas, as of early May 2006, approximately forty companies out of one hundred four pre-Katrina were back in business and the future of the others is largely uncertain; and

Whereas, New Orleans East has become the illegal burial grounds for homes and businesses washed out by hurricanes Katrina and Rita; and

Whereas, illegal dumping makes it extremely hard to attract businesses to New Orleans East and to the business park; and

Whereas, in the business park alone there are twenty-three known illegal dumping sites and thirteen illegal automobile dumping sites; and

Whereas, the U.S. Environmental Protection Agency awarded the business park $400.000 in grants to catalogue contamination, but none of the federal funds will be used for cleanup; and

Whereas, the Louisiana Department of Environmental Quality Enforcement Division, Surveillance Division and Criminal Investigations Section of the Legal Affairs Division have inspected over one hundred seventy-five sites and found potential environmental violations on one hundred fifty of these sites in the Almonaster/Gentilly area alone; and

Whereas, on one of these sites, sixty-five thousand cubic yards of debris or approximately an eleven foot tall mound of debris was found to have been illegally dumped on this one site in New Orleans East; and

Whereas, the illegal piles of debris do not have protective barriers to keep whatever poisons are in the piles contained and from leaking out into the wetlands surrounding this area; and

Whereas, numerous federal agencies have roles and responsibilities in the health, safety, and economic development after hurricanes Katrina and Rita which range from debris removal, oversight of regulations, and recovery funding; and

Whereas, the removal of all dump sites within the New Orleans Regional Business Park will improve the health, safety, and economic development: Now Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to urge and request the respective executive branch departments to take a proactive role in assisting the communities of New Orleans East in protecting their health and safety and in promoting economic development: and be it further

Resolved, That the Legislature of Louisiana does hereby request the Congress ofthe United States and the appropriate federal agencies, in coordination with appropriate Louisiana state agencies, to immediately take the following actions: (a) cease funding any waste disposal activities within the New Orleans Regional Business Park, except for the city of New Orleans' landfill known as the Gentilly Landfill which is legally permitted and should continue working with all state and federal agencies; (b) develop and implement procedures for expeditious environmental sampling, analysis, and reporting; (c) resolve the blurring of debris management responsibilities between the Federal Emergency Management Agency and Environmental Protection Agency, and state environmental and public health agencies; (d) review and enhance the Environmental Protection Agency's oversight role of illegal and improper debris disposal; and (e) provide guidance and mechanisms for the development of public/private partnerships in restoring and redeveloping the New Orleans Regional Business Park and the New Orleans East community; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–187. A concurrent resolution adopted by the Senate of the State of New Hampshire urging Congress to fully fund the federal government's share of special education services under the Individuals with Disabilities Education Act; to the Committee on Health, Education, Labor, and Pensions.

Whereas, since its enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has helped millions of children with special needs to receive a quality education and to develop to their full capacities; and

Whereas, IDEA has moved children with disabilities out of institutions and into public school classrooms with their peers; and

Whereas, IDEA has helped break down stereotypes and ignorance about people with disabilities, improving the quality of life and economic opportunity for millions of Americans; and

Whereas, when the federal government enacted IDEA, it promised to fund up to 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the federal government currently funds, on average, less than 17 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas, the federal government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; and

Whereas, the general court is currently challenged with the responsibility of defining and funding an adequate education for all children in this state; and

Whereas, these legislative efforts are significantly burdened and constrained by the costs incurred by the federal government's failure to meet its full financial promise under IDEA: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the New Hampshire general court urges the President and the Congress, prior to spending any surplus in the federal budget, to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under IDEA to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and be it further

Resolved, That copies of this resolution be forwarded by the senate clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

POM–188. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to forgive student loans of college graduates who move to Louisiana to support activities to rebuild and revitalize communities damaged by Hurricane Katrina or Rita; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 15

Whereas, there are currently student loan forgiveness programs administered by the United States Department of Education for Stafford Loan recipients who serve as teachers serving low-income students and some childcare providers serving in low-income areas; and

Whereas, there are currently student loan forgiveness programs administered by the United States Department of Education for Perkins Loan recipients who serve as teachers serving low-income students, Head Start staff, special education teachers or providers, members of the armed forces in an area of hostilities, Vista or Peace Corps volunteers, full-time law enforcement and corrections officers, full-time teachers in shortage areas, full-time nurses and medical technicians, and service providers to high-risk children and families in low-income communities; and

Whereas, the United States Military and federal agencies may pay all or a portion of an individual's student loans based on years of service; and

Whereas, these loan forgiveness and repayment programs, by decreasing the financial demands on recent college graduates, provide incentive for individuals to work in professions and for pay that would otherwise not be economically feasible; and

Whereas, the needs and demands for assistance in the areas damaged by Hurricanes Katrina and Rita to children and families exceed the services provided by education to low-income schools, the federal government, Vista, law enforcement, or the medical community: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to expand the student loan forgiveness programs currently provided by the United States Department of Education to provide for loan forgiveness of Stafford Loan and Perkins Loan recipients for college graduates who relocate to Louisiana to support efforts to rebuild and revitalize communities damaged by Hurricane Katrina or Rita; and be it further

Resolved, That such efforts shall include but not be limited to partial or total forgiveness of loans for individuals employed by public and nonprofit agencies and providing services to communities damaged by Hurricane Katrina or Rita; and be it futher

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–189. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to fulfill the commitment to the citizens of Louisiana to fully fund recovery from damages resulting from Hurricanes Katrina and Rita; to the Committee on Homeland Security and Governmental Affairs.

HOUSE RESOLUTION NO. 68

Whereas, in August and September 2005, the state of Louisiana experienced two of the most damaging natural disasters to occur in the United States with Hurricanes Katrina and Rita; and

Whereas, as a result of these devastating events, the President's Office of Gulf Coast Rebuilding estimated that over one hundred twenty-seven thousand owner-occupied homes received major or severe damage based on the criteria used by the Federal Emergency Management Agency; and

Whereas, in the aftermath of Hurricane Katrina, President George W. Bush made a commitment to the people of Louisiana, in a nationally covered statement, that the federal government would do what was necessary to provide for the recovery of the state and its citizens; and

Whereas, the state of Louisiana has always proposed that The Road Home Program pay for owner-occupied uninsured or underinsured wind damage as well as flood damage within the parameters of the program; and

Whereas, in Action Plan Amendment No.1 proposed by the Louisiana Recovery Authority, captioned Action Plan Amendment for Disaster Recovery Funds for The Road Home Housing Program, which, according to news releases, was approved by the United States Department of Housing and Urban Affairs in May 2006, it was clearly stated in the program proposed to provide "the full proposed assistance to all of the Louisiana homeowners who suffered major or severe damage" and stated, "It is the State's policy that participants in the Homeowner Assistance Program deserve a fair and independent estimate or projection of damages from the storm, regardless of the cause of the damage"; and

Whereas, according to federal sources, 43,298 homeowners experienced no major flooding but major or severe wind damage; and

Whereas, since the adoption of the Action Plan Amendment No.1, the state has experienced increased costs in the program, resulting in a current three billion dollar shortfall, duly from a combination of factors, including an increase in the number of eligible claimants from the original estimates by approximately eleven thousand, more homes severely damaged than originally estimated, increased costs per eligible claimant than originally estimated, lower than anticipated homeowner property insurance claim benefits received from private insurers, and higher than estimated costs of repair and construction: Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana memorializes the Congress of the United States and urges and requests the federal administration to fulfill the commitment to the citizens of Louisiana to fully fund recovery from damages resulting from Hurricanes Katrina and Rita; and be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress, and to the president of the United States.

POM–190. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to grant an extension to Louisiana with regard to the deadlines for implementing the provisions of the Adam Walsh Child Protection and Safety Act of 2006; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 251

Whereas, the United States Congress enacted the Adam Walsh Child Protection and Safety Act of 2006 to provide for a comprehensive national system for the registration of sex offenders and child predators; and

Whereas, the Act provides for a set of minimum standards governing the sex offender registration and notification programs in each state to provide for a more effective method of tracking offenders nationwide; and

Whereas, the federal legislation made significant changes in the manner in which sex offenders and child predators register with law enforcement agencies, including but not limited to requiring offenders to provide additional information to law enforcement at the time of registration, increasing the length of time in which an offender must maintain registration, and requiring offenders to register in the jurisdiction of residence, employment, or enrollment; and

Whereas, Section 126 of the Adam Walsh Child Protection and Safety Act of 2006 authorizes bonus payments for states or other jurisdictions that substantially implement the federal provisions not later than two years after the enactment date; and

Whereas, although the federal legislation created incentive grant programs for those states who implement the new requirements within the first two years after the enactment of the Adam Walsh Act, the United

States Department of Justice only recently issued the proposed National Guidelines for Sex Offender Registration and Notification, which were intended to provide further guidance to states in implementing the provisions of the Adam Walsh Act; and

Whereas, the proposed National Guidelines for Sex Offender Registration and Notification were issued in May of this year, over a month after the 2007 Regular Session of the Louisiana Legislature began; and

Whereas, these guidelines, although issued in May, will not become finalized prior to the end of the 2007 Regular Session and are subject to change until that time; and

Whereas, legislation was introduced in the Louisiana Legislature by Representative Cazayoux (House Bill No. 970) to amend Louisiana's sex offender registration and notification provisions to comply with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2007; and

Whereas, once the National Guidelines for Sex Offender Registration and Notification are finalized, it will be necessary to review and analyze Louisiana's laws on sex offender registration and notification to determine if additional changes are necessary: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to grant an extension to Louisiana with regard to the deadlines for implementing the provisions of the Adam Walsh Child Protection and Safety Act of 2006, and federal guidelines adopted pursuant thereto, regarding Louisiana's eligibility to receive incentive grants created by the Adam Walsh Act; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-191. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to ensure the passage of the Online Pharmacy Consumer Protection Act of 2007; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 106

Whereas, a great number of rogue online pharmacy web sites offer controlled substances for sale based simply on the results of a cursory online questionnaire and without the need for a valid prescription; and

Whereas, Senators Dianne Feinstein of California and Jeff Sessions of Alabama have introduced Senate Bill No. 980 in the first session of the One Hundred Tenth Congress, the Online Pharmacy Consumer Protection Act of 2007, to combat abuse by rogue online pharmacy web sites; and

Whereas, the Act requires a valid prescription and physician-patient relationship in order for a controlled substance to be dispensed through an online pharmacy; and

Whereas, the Act requires an online pharmacy to file a registration statement with the attorney general as well as report controlled substances dispensed under such registration; and

Whereas, the Act mandates that an online pharmacy comply with state law licensure requirements for both the state from which it delivers a controlled substance and the state to which it delivers a controlled substance; and

Whereas, the Act requires that the web site of an online pharmacy prominently display identifying information about the business, a list of states in which the pharmacy is licensed, all applicable licenses and certifications, and identifying information about the practitioners who provide medical consultations through the web site; and

Whereas, the Act provides criminal penalties for any individual or entity who unlawfully dispenses controlled substances online, gives state attorneys general the right to file a civil action against an individual or entity who violates the Act if the violation has affected residents of the state, and allows the federal government to seize any tangible or intangible property which has been used illegally by an online pharmacy. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to ensure the passage of the Online Pharmacy Consumer Protection Act of 2007. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-192. A resolution adopted by the Senate of the State of Texas urging Congress to support legislation for veterans' health care budget reform to allow assured funding; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 594

Whereas, Military veterans who have served their country honorably and who were promised and have earned health care and benefits from the federal government through the Department of Veterans Affairs are now in need of these benefits; and

Whereas, Federal discretionary funding is controlled by the executive branch and the United States Congress through the budget and appropriations process; and

Whereas, Direct funding provides the Department of Veterans Affairs with a reliable, predictable, and consistent source of funding to provide timely, efficient, and high-quality health care for our veterans; and

Whereas, Currently almost 90 percent of federal health care spending is direct rather than discretionary, and only the funding for health care for active duty military, Native Americans, and veterans is subject to the discretion of the United States Congress; and

Whereas, Discretionary funding for health care lags behind both medical inflation and the increased demand for services; for example, the enrollment for veterans' health care increased 134 percent between fiscal years 1996 and 2004 yet funding increased only 34 percent during the same period when adjusted to 1996 dollars; and

Whereas, The Department of Veterans Affairs is the largest integrated health care system in the United States and has four critical health care missions: to provide health care to veterans, to educate and train health care personnel, to conduct medical research, and to serve as a backup to the United States Department of Defense and support communities in times of crisis; and

Whereas, The Department of Veterans Affairs operates 157 hospitals, with at least one in each of the contiguous states, Puerto Rico, and the District of Columbia; and

Whereas, The Department of Veterans Affairs operates more than 850 ambulatory care and community-based outpatient clinics, 132 nursing homes, 42 residential rehabilitation treatment programs, and 88 home care programs; and

Whereas, The Department of Veterans Affairs provides a wide range of specialized services to meet the unique needs of veterans, including spinal cord injury and dysfunction care and rehabilitation, blind rehabilitation, traumatic brain injury care, post-traumatic stress disorder treatment, amputee care and prosthetics programs, mental health and substance abuse programs, and long-term care programs; and

Whereas, The Department of Veterans Affairs health care system is severely underfunded, and had funding for the department's medical programs been allowed to grow proportionately as the system sought to admit newly eligible veterans following the eligibility reform legislation in 1996, the current veterans' health care budget would be approximately $10 billion more; and

Whereas, In a spirit of bipartisan accommodation, members of the United States Congress should collectively resolve the problem of discretionary funding and jointly fashion an acceptable formula for funding the medical programs of the Department of Veterans Affairs; now, therefore, be it

Resolved, That the Senate of the State of Texas, 80th Legislature, hereby express its profound gratitude the for sacrifices made by veterans, including those who suffer from medical or mental health problems resulting from injuries that occurred while serving in the United States Armed Forces at home or abroad; and, be it further

Resolved, That the Senate hereby respectfully urge the Congress of the United States to support legislation for veterans' health care budget reform to allow assured funding; and, be it further

Resolved, That the Secretary of the Senate forward official copies of this Resolution to the Secretary of Veterans Affairs, to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this Resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 675. A bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes (Rept. No. 110–138).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 1565. A bill to provide for the transfer of naval vessels to certain foreign recipients (Rept. No. 110–139).

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 1607. A bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Daniel J. Darnell, 0600, to be Lieutenant General.

Air Force nomination of Col. Lyn D. Sherlock, 8452, to be Brigadier General.

Air Force nomination of Maj. Gen. Donald C. Wurster, 1815, to be Lieutenant General.

Air Force nomination of Gen. Duncan J. McNabb, 2295, to be General.

Air Force nomination of Lt. Gen. Arthur J. Lichte, 5483, to be General.

Air Force nomination of Gen. John D. W. Corley, 9553, to be General.

Air Force nomination of Lt. Gen. Frank G. Klotz, 6089, to be Lieutenant General.

Air Force nominations beginning with Brigadier General Robert R. Allardice and ending with Brigadier General Robert M. Worley II, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2007.

Army nomination of Col. Bradly S. MacNealy, 4551, to be Brigadier General.

Army nomination of Col. Michael J. Trombetta, 2104, to be Brigadier General.

Army nominations beginning with Brigadier General Charles A. Anderson and ending with Brigadier General Dennis L. Via, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2007.

Navy nomination of Rear Adm. (lh) Victor G. Guillory, 1980, to be Rear Admiral.

Navy nomination of Capt. David J. Mercer, 7160, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. David Architzel, 0741, to be Vice Admiral.

Navy nomination of Vice Adm. John D. Stufflebeem, 4012, to be Vice Admiral.

Navy nomination of Rear Adm. (Selectee) Adam M. Robinson, Jr., 9660, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Maria M. Alsina and ending with Le Thi Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Air Force nomination of Jonathan L. Huggins, 8049, to be Lieutenant Colonel.

Air Force nomination of Nelson L. Reynolds, 6465, to be Lieutenant Colonel.

Air Force nomination of Bryan M. Boyles, 7840, to be Lieutenant Colonel.

Air Force nomination of Michael S. Agabegi, 3057, to be Major.

Air Force nomination of Freddie M. Goldwire, 9686, to be Major.

Air Force nominations beginning with Val C. Hagans and ending with Rujing Han, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2007.

Air Force nominations beginning with Kent S. Thompson and ending with Javier Santiago, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2007.

Air Force nominations beginning with Thomas S. Butler and ending with Adam W. Schnicker, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2007.

Army nominations beginning with James E. Caraway, Jr. and ending with William S. Weichl, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Army nomination of Stephen T. Sauter, 3267, to be Colonel.

Army nomination of Terry D. Bonner, 7657, to be Colonel.

Army nomination of Mark Trawinski, 3185, to be Lieutenant Colonel.

Army nomination of Francisco C. Dominicci, 5062, to be Major.

Army nomination of Joseph E. Jones, 2493, to be Major.

Army nomination of Colin S. McKenzie, 0759, to be Major.

Army nominations beginning with Lozay Foots and ending with Joseph L. Karhan, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2007.

Army nominations beginning with Louis R. Kubala and ending with Thomas K. Spears, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2007.

Army nominations beginning with William A. McNaughton and ending with Michael B. Vitt, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2007.

Army nominations beginning with James E. Cole and ending with Michael F. Traver, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2007.

Army nominations beginning with Daniel L. Duecker and ending with Douglas L. Weeks, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2007.

Army nominations beginning with Joseph A. Bernierrodriguez and ending with Edward M. Wise, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2007.

Army nominations beginning with Mazen Abbas and ending with Tamatha F. Zemzars, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2007.

Navy nominations beginning with Nicholas J. Alaga, Jr. and ending with Mark H. Zuhone, which nominations were received by the Senate and appeared in the Congressional Record on May 15, 2007.

Navy nomination of Peter J. Oldmixon, 3125, to be Lieutenant Commander.

Navy nominations beginning with Dan L. Ammons and ending with Robert D. Woods, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2007.

Navy nominations beginning with Gilbert Ayan and ending with Colin D. Xander, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2007.

Navy nominations beginning with Simonia R. Blassingame and ending with Jason L. Webb, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2007.

Navy nominations beginning with Jeffrey A. Bayless and ending with Warren Yu, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2007.

Navy nominations beginning with Chris D. Agar and ending with Tyrone L. Ward, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2007.

Navy nominations beginning with Paul B. Anderson and ending with Darren S. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2007.

Navy nominations beginning with Christina S. Hagen and ending with Ron A. Steiner, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2007.

Navy nominations beginning with Christopher J. Arends and ending with Keith E. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2007.

Navy nominations beginning with Sarah A. Dachos and ending with Clay G. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2007.

Navy nominations beginning with Benito E. Baylosis and ending with Jon E. Withee, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2007.

Navy nominations beginning with Douglas S. Belvin and ending with Kyle T. Turco, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2007.

Navy nominations beginning with Fitzgerald Britton and ending with John F. Zrembski, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2007.

Navy nominations beginning with William L. Abbott and ending with Allen W. Wooten, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2007.

Navy nominations beginning with Kevin T. Aanestad and ending with William A. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2007.

Navy nomination of Bruce S. Lavin, 5081, to be Captain.

Navy nominations beginning with Christopher R. Davis and ending with Alan J. Ferguson, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2007.

Navy nominations beginning with Robert D. Clery and ending with Garfield M. Sicard, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2007.

Navy nominations beginning with Michael J. Allanson and ending with Janine Y. Wood, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2007.

Navy nominations beginning with Maria L. Aguayo and ending with Steven T. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2007.

Navy nominations beginning with Antony Berchmanz and ending with Glen Wood, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2007.

Navy nominations beginning with Eric J. Bach and ending with William B. Zabicki, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2007.

Navy nominations beginning with Elizabeth M. Adriano and ending with Scot A. Youngblood, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2007.

By Mrs. BOXER for the Committee on Environment and Public Works.

*R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife.

*Robert Boldrey, of Michigan, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring May 26, 2013.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED (for himself, Mr. LEAHY, Mr. WHITEHOUSE, and Ms. KLOBUCHAR):

S. 1903. A bill to extend the temporary protected status designation of Liberia under section 244 of the Immigration and Nationality Act so that Liberians can continue to be eligible for such status through September 30, 2008; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself and Mr. NELSON of Nebraska):

S. 1904. A bill to amend the Farm Security and Rural Investment Act of 2002 to ensure that only producers receive commodity program payments; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. KLOBUCHAR (for herself, Mr. ALEXANDER, and Mr. LIEBERMAN):

S. 1905. A bill to provide for a rotating schedule for regional selection of delegates to a national Presidential nominating convention, and for other purposes; to the Committee on Rules and Administration.

By Mr. BAUCUS (for himself and Mr. COLEMAN):

S. 1906. A bill to understand and comprehensively address the oral health problems associated with methamphetamine use; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. COLEMAN):

S. 1907. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to understand and comprehensively address the inmate oral health problems associated with methamphetamine use, and for other purposes; to the Committee on the Judiciary.

By Mr. VITTER:

S. 1908. A bill to amend the procedures regarding military recruiter access to secondary school student recruiting information; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON:

S. 1909. A bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of home needle removal, decontamination, and disposal devices and the disposal of needles and syringes through a sharps-by-mail or similar program under part D of the Medicare program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MURKOWSKI (for herself, Mr. JOHNSON, Mr. COLEMAN, Mr. SPECTER, Mr. STEVENS, Mr. DURBIN, Mr. DODD, Mrs. MURRAY, and Mr. HATCH):

S. Res. 285. A resolution designating September 9, 2007, as "National Fetal Alcohol Spectrum Disorders Awareness Day"; considered and agreed to.

By Mr. HATCH (for himself, Mr. ENSIGN, Mr. DOMENICI, Mr. WYDEN, Mr. KYL, Mr. BARRASSO, Mr. SALAZAR, Mr. CRAIG, Ms. CANTWELL, Mr. BENNETT, Mr. STEVENS, Mr. TESTER, and Mr. REID):

S. Res. 286. A resolution recognizing the heroic efforts of firefighters to contain numerous wildfires throughout the Western United States; considered and agreed to.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. Res. 287. A resolution honoring and expressing gratitude to the 1st Battalion of the 133rd Infantry ("Ironman Battalion") of the Iowa National Guard; considered and agreed to.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. INOUYE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 59, a bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program.

S. 60

At the request of Mr. INOUYE, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 60, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 65

At the request of Mr. INHOFE, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 65, a bill to modify the age-60 standard for certain pilots, and for other purposes.

S. 459

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 459, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 548

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 558

At the request of Mr. KENNEDY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 582

At the request of Mr. SMITH, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Maine (Ms. COLLINS) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 588

At the request of Mr. NELSON of Florida, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 588, a bill to amend title XVIII of the Social Security Act to increase the Medicare caps on graduate medical education positions for States with a shortage of residents.

S. 626

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 651

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 656

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 771

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Colorado

(Mr. SALAZAR) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1010

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1143

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 1143, a bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes.

S. 1161

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1287

At the request of Mr. SMITH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1287, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due.

S. 1386

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1386, a bill to amend the Housing and Urban Development Act of 1968, to provide better assistance to low- and moderate-income families, and for other purposes.

S. 1460

At the request of Mr. HARKIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1460, a bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes.

S. 1556

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1577

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1677

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 1677, a bill to amend the Exchange Rates and International Economic Coordination Act of 1988 and for other purposes.

S. 1678

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1678, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1730

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1730, a bill to amend part A of title IV of the Social Security Act, to reward States for engaging individuals with disabilities in work activities, and for other purposes.

S. 1755

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State.

S. 1793

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1793, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards.

S. 1817

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1817, a bill to ensure proper administration of the discharge of members of the Armed Forces for personality disorder, and for other purposes.

S. 1825

At the request of Mr. WEBB, the names of the Senator from New York (Mrs. CLINTON) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 1825, a bill to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 1885

At the request of Mr. OBAMA, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1885, a bill to provide certain employment protections for family members who are caring for members of the Armed Forces recovering from illnesses and injuries incurred on active duty.

S. 1894

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1894, a bill to amend the Family and Medical Leave Act of 1993 to provide family and medical leave to primary caregivers of servicemembers with combat-related injuries.

S. RES. 104

At the request of Mrs. HUTCHISON, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Res. 104, a resolution commending the national explosives detection canine team program for 35 years of service to the safety and security of the transportation systems within the United States.

S. RES. 252

At the request of Mr. BOND, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

S. RES. 276

At the request of Mr. BIDEN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 276, a resolution calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership, and mandate to protect civilians in Darfur, Sudan, and for efforts to strengthen the renewal of a just and inclusive peace process.

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. Res. 276, supra.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. Res. 276, supra.

S. RES. 278

At the request of Mr. CASEY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 278, a resolution expressing the sense of the Senate regarding the announcement of the Russian Federation of its suspension of implementation of the Conventional Armed Forces in Europe Treaty.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. KLOBUCHAR (for herself, Mr. ALEXANDER, and Mr. LIEBERMAN):

S. 1905. A bill to provide for a rotating schedule for regional selection of delegates to a national Presidential nominating convention, and for other purposes; to the Committee on Rules and Administration.

Mr. ALEXANDER. Mr. President, today I joined Senators KLOBUCHAR and LIEBERMAN in introducing the Regional Presidential Primary and Caucus Act. Our legislation would establish a rotating schedule of regional presidential primaries and caucuses.

We introduced this legislation because we agree that the Presidential nomination system is broken. The American dream that "any boy or girl can grow up to be President" has become a nightmare.

Crowded schedules and government restraints on contributions close primaries to worthy competitors. States racing to schedule early contests have made the nomination process too long and expensive. As a result, media and money make decisions voters should make.

The National Football League schedules 16 contests over 5 months to determine its champions. The Presidential nominating process uses the equivalent of two preseason contests in Iowa and New Hampshire to narrow the field to two or three and sometimes pick the winner.

If professional football were Presidential politics, SportsCenter would pick the Super Bowl teams after two preseason games.

The problem is not Iowa and New Hampshire. The problem is what comes after Iowa and New Hampshire. At least 18 States will choose delegates in a 1-day traffic jam on February 5 next year.

The legislation we introduced today requires States to spread out the primaries and caucuses into a series of regional contests over four months. Beginning in 2012, States could only schedule primaries and caucuses during the first weeks of March, April, May, and June of Presidential years.

The traditional warm up contests in Iowa and New Hampshire would still come first, but they would return to their proper role as "off-Broadway" opportunities for lesser known candidates to become well-enough known to compete on the 4-month-long big stage.

In addition, at the appropriate time I will offer an amendment to this legislation that would allow Presidential candidates to raise up to $20 million in individual contribution amounts of up to $10,000, indexed for inflation. The current limit of $2,300 makes it too hard for many worthy but unknown candidates to raise enough early money to be taken seriously—leaving the field to the rich—who constitutionally can spend their own funds—and famous.

Together, these two reforms—spreading out the primaries and allowing a "start-up" fund for candidates—will increase the pool of good candidates willing to run for the White House and give more Americans the opportunity to hear their ideas and to cast a meaningful vote.

Mr. President, I ask unanimous consent to have the following documents printed in the CONGRESSIONAL RECORD: a David Broder column, "No Way to Choose a President," that ran in the May 10, 2007 issue of The Washington Post; Remarks that I delivered on the floor of the Senate on February 2, 2004 titled "Two Super Bowls"; and a lecture I delivered at the Heritage Foundation on May 23, 1996 titled "Off With the Limits: What I Learned About Money and Politics When I Ran for President."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From washingtonpost.com, May 10, 2007]

No Way To Choose A President

(By David S. Broder)

The true insanity of the altered presidential primary schedule does not become apparent until you actually lay out the proposed dates on a 2008 calendar.

The mad rush of states to advance their nominating contests in hopes of gaining more influence has produced something so contrary to the national interest that it cries out for action.

The process is not over. Just last week, Florida jumped the line by moving its primary up to Jan. 29, a week ahead of the Feb. 5 date when—unbelievably—22 states may hold delegate selection contests, either primaries or caucuses.

Florida's move crowds the traditional lead-off primary in New Hampshire, which had been set for Jan. 22. And New Hampshire is unhappy about the competition from two caucuses planned even earlier in January, in Iowa and Nevada. So its secretary of state, William M. Gardner, who has unilateral authority to set the New Hampshire voting date, is threatening to jump the rivals, even if it means voting before New Year's Day.

This way lies madness.

Instead of there being a steady progression of contests, challenging and whittling the field of contenders in the wide-open races to select a successor to George W. Bush, it is going to be a herky-jerky, feast-or-famine exercise that looks more like Russian roulette than anything that tests who can best fill the most powerful secular office on Earth.

As things stand, the earliest contests in Iowa, Nevada, New Hampshire, South Carolina and Florida will be followed by that indigestible glut of races on Feb. 5.

On that day, voters in the mega-states of California, Illinois, Michigan, New Jersey, New York, Pennsylvania and Texas will all be called upon to judge the fields of contenders. And so will voters of 17 smaller states, ranging from Alabama to Oregon and from Delaware to Utah.

Most of those voters will never have had an opportunity to get even a glance at the candidates. All they will know is what the ads tell them—and what the media can supply, when reporters are exhausting themselves dashing after the race from state to state.

Assuming everyone is not burned out, the survivors of this ordeal will find things slowing to a crawl—and then screeching to a halt.

Maryland and Virginia hold primaries on Feb. 12, and Wisconsin a week later. Then there's a two-week gap, with only the Hawaii and Idaho caucuses, until Massachusetts, Minnesota, Ohio and Vermont vote on March 4.

At that point, presidential politics effectively stops for more than two months. Between March 4 and the May 6 contests in Indiana and North Carolina, the only scheduled events are a primary in Mississippi and the Maine Republican caucuses.

This crazy calendar sets up one of two scenarios—both scary. If one candidate in each party wraps up the nomination by gaining momentum in the January contests and amassing delegates on Feb. 5, we will be looking at the longest, most-dragged-out general election ever. The conventions are late in 2008; the Democrats' the last week in August, the Republicans' the first week in September. The time from February to Labor Day will be boring beyond belief.

But if nothing is decided by the night of Feb. 5, the chance of a quirky result from the oddity of the political geography of the remaining states will be greatly increased. Democrats will have to compete in Indiana and North Carolina, where they rarely win in November. Republicans will be judged in Massachusetts and Vermont, where their party membership is minuscule.

None of this helps the country get the best-qualified candidates, and none of it helps either party put forward its best candidate.

The situation screams for repair. In my view, the parties would be well advised to make the necessary fixes themselves, rather than wait for Congress to devise remedial legislation.

The mandate for the next pair of national party chairmen should be to agree on a sensible national agenda for the primaries—either a rotating regional system that gives all states a turn at being early or a plan that allows a random mix of states to vote, but only on dates fixed in advance by the parties, and separated at intervals that allow voters to consider seriously their choices.

It would be close to criminal to allow a repeat of this coming year's folly in 2012.

Two Super Bowls

Mr. ALEXANDER. Mr. President, I rise to propose that we turn the Presidential nominating process over to the National Football League, except for Super Bowl half-time shows. Then maybe we can have a second Super Bowl, where anything is possible and everyone can participate.

Take the example of our colleague Senator Kerry's team—I am sure the Senator from Vermont will be quick to point out it is the team of many Senators from New England—the New England Patriots. Last night, they became the Super Bowl champions.

On September 12, in the season's first game, the Buffalo Bills trounced the Patriots 31 to 0. If this had been the first-in-the-Nation Presidential nominating caucus, the Patriots would have been toast. You know the pundits' rule: Only three tickets out of Iowa. The Patriots certainly didn't look like one of the three best professional football teams. Then, the Washington Redskins defeated the Patriots, as unlikely as it would have been for Dennis Kucinich to upend Senator Kerry in New Hampshire. But in the National Football League, upsets don't end the season. The Patriots played 14 more games. They won them all. Yesterday, they beat the Carolina Panthers in the Super Bowl for their 15th consecutive win.

The National Football League schedules 20 weeks of contests over 5 months to determine its champion. The Presidential nominating process, on the other hand, uses the equivalent of two preseason games in Iowa and New Hampshire to narrow the field to two or three—and sometimes they effectively I pick the winner.

The NFL wasn't always so wise. In the 1930s, league owners rearranged schedules after the first few games so that teams that were doing well could play one another. This was good for the Chicago Bears, for example, but not for the league. Fans in other cities quit going to the games—just as voters in most States have quit voting in Presidential primaries.

Bears owner George Halas and others created today's competitive system in which almost any one of 32 teams can hope to make the playoffs. Green Bay can make it because the league makes sure that even smalltown teams have enough revenue. Prime-time television opportunities are rotated. Each Monday, senior officials in the league's New York office grade every call and no call to second-guess even the instant replays.

Professional football has become America's game because it symbolizes the most important aspect of the American character: If you work hard and play by the rules, anything is possible. As a result, 8 of 10 of the most watched network television shows have been Super Bowls; 98 of the 100 best watched cable television games have been NFL games.

Every September, the NFL fields 32 teams, almost all with a shot at the playoffs. Every 4 years, the Presidential nominating process does well to attract a half dozen credible candidates for the biggest job in the world. All but half are effectively eliminated after two contests. If professional football were Presidential politics, Sportscenter would pick the Super Bowl teams after 3 or 4 preseason games.

These two steps would fix the Presidential nominating process:

No. 1, spread out the primaries. Twenty-eight primaries are crammed into 5 weeks after New Hampshire. Congress should assume the role of Paul Tagliabue. Create a window between February and May during which primaries may be held every 2 weeks. Iowa and New Hampshire could still come first, but they would become off-Broadway warmups and not the whole show.

The second step that would fix the process would be to allow more money—to raise their first $10 million, let candidates collect individual "start-up contributions" of up to $10,000. Today's $2,000 limit makes it impossible for most potential candidates to imagine how to raise, say, $40 million. During 1995, when I was a candidate and the individual limit on contributions was $1,000, I fattened 250 fundraisers in that 1 year to collect $10 million. The combination of the new $2,000 limit, the increased coverage of new cable channels, and the growth of the Internet have made it easier to raise money.

Still all but Senator Kerry was short of cash after New Hampshire. Put it this way: The Packers would never make it to the playoffs under the revenue rules of Presidential primaries.

Mr. President, 45,000 Iowans voted for John Kerry in the first caucus. About 83,000 New Hampshirites voted for him in the first primary. More Americans actually attended last night's Super Bowl game in Houston, TX, than voted in either Iowa or New Hampshire. Ninety million others watched the Super Bowl game on television.

Perhaps we should learn something from America's game about how to pick a President. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

[Heritage Lecture #568, May 23, 1996.]

Off With the Limits: What I Learned About Money and Politics When I Ran for President

(By Lamar Alexander)

On March 3, one day after the disastrous—for me—South Carolina primary and three days before I withdrew from the presidential race, I attended Sunday services at the Peachtree Presbyterian Church in Atlanta. The Rev. Frank Harrington preached about how Joshua, after a great victory at the Battle of Jericho, had been surprised and humiliated in the battle of A'i—so humiliated that Joshua renamed A'i the "Valley of Calamity." He wanted his warriors always to remember the lessons of what had happened there.

Walking out after the service, I asked Rev. Harrington, "Was the point that I should rename South Carolina the 'Valley of Calamity?'"

"No," he said, "the point is, you must learn lessons from your defeat—and then pick yourself up and go on."

The voters, in their wisdom, have given me a defeat, and now several weeks to reflect upon its lessons. The Heritage Foundation has invited me today to talk about one of those lessons: the influence of money on the race for the presidency. While my wounds are fresh, here is my view: The so-called campaign reformers are selling the American people a real bill of goods on this one. They are saying that limits on what individuals can give to presidential campaigns and on what candidates can spend will reduce the influence of money and create a better democracy.

In fact, such limits do precisely the reverse. We now have 22 years of experience with them. Limits have increased the influence of money and are dangerous to democracy. It is the law of unintended consequences operating in all of its glory. Instead of adding more limits, we should take the limits off and rely on full disclosure to discourage corruption.

The limits on giving and spending for a presidential campaign were well-intentioned, placed into federal law after Watergate. Corporations can't give at all; political action committees may give up to $5,000; and individuals may give up to $1,000 during the primaries (the government pays for the general election). In addition, there are limits on what a candidate may spend in each state primary and a ceiling on spending for the entire primary. The Federal Election Commission enforces all of this.

The limits were designed to make things better for you, the average voter, so let's look at what they have done. As a result of these limits:

You are more likely to see a comet than meet a presidential candidate, unless you have $1,000—or live in Iowa or New Hampshire;

You have fewer choices of candidates;

The primary campaigns start before you care and end before you have a chance to vote;

You are less likely to hear the candidates' messages;

Your nominee is more likely to be someone already holding office, rather than an insurgent;

More of your choices are among candidates who are rich enough to spend their own money; and

Washington, DC., has more to say about who the nominee is and you have less. In short, the federal limits on giving and spending during elections are turning presidential races into playgrounds for the rich, the already famous, and the Washington-based, and are helping to deprive most Americans of the opportunity to cast a meaningful vote.

When we create a system for picking Presidents, I believe our objectives should be these:

We should want the largest number of good candidates.

We should want a good opportunity to hear what they have to say.

All of us, if possible, want the opportunity to cast a meaningful vote. If this is also your set of objectives, then here is my remedy: Off with the limits. Off with the limits on individual contributions. Off with the spending limits. Require maximum disclosure. Open up the system. Let the candidates speak. Let us vote.

Three Disclaimers—Before you think it, let me say it:

First, I am not here to wallow in gloom. In fact, I come away from the campaign more optimistic, not less. I would do it again in a minute. I believe even more that there is very little wrong with our country that more jobs, better schools, and stronger families won't fix.

Second, I believe I can make these remarks in the spirit of a gracious loser. That is made easier because our process produced a nominee whom I respect, who is my friend, and who I will be proud to call my President. Under any process, Bob Dole was our party's most likely nominee this year. (I will confess that my determination to be a gracious loser is tested about once a week when I remember what another defeated Tennessean, Davy Crockett, once said. Congressman Crockett strode to the courthouse steps, faced the voters who had just turned him out of office, and said what every defeated candidate has always wanted to say to such voters: "I'm going to Texas and you can go to hell")

Finally, I am not here to complain because Steve Forbes spent $33 million of his own wealth on his presidential campaign. I believe the First Amendment to our Constitution gives Mr. Forbes the right to spend his money to advance his views. The Rockefellers and Perots and Forbeses and du Ponts all have made valuable contributions to our public life. I hope they continue to do so. What I object to, as I will discuss, is letting them spend all they want and then putting limits on the rest of us. What I am arguing—that it is wrong to put limits on giving and spending—runs smack in the face of what we have been hearing ever since Watergate. So let me take my points one by one. What I have to contribute is a view from the inside. I will stick to my impressions and stories from the road and let scholars here at Heritage and elsewhere compile the statistics and perform the analysis.

Because of the limits, you're more likely to see a comet than meet a presidential candidate, unless you have $1,000—or live in Iowa and New Hampshire.

Of course, not everybody wants to meet a presidential candidate. Walking across New Hampshire, I met a woman taking a work break outside a shoe factory in Manchester. I stuck out my hand and said, "I'm Lamar Alexander. I'd like to be your next President." She looked at me, and at my red and black shirt, and said with disgust, "That's all we need. Another President!" Congressman Mo Udall used to tell about walking into a barber shop. "I'm Mo Udall, running for President," he said. "Yeah, I know," the barber replied. "We were just laughing about that yesterday."

But if you are one of those persons who would actually like to meet and size up someone who might be your President, get your wallet ready because the $1,000 limit on giving forces candidates to spend most of their time with people who can give $1,000. As with many federal laws, these limits have done just exactly the opposite of what they were intended to do. Limits have increased the influence of money on the candidates.

For example, to raise $10 million in 1995 for the Alexander for President campaign, I traveled to 250 fund-raising events. Now, think about this. This is about one event per campaign day. This took 70 percent of all my time. As a result, I became unusually well acquainted with a great many good Americans capable of giving $1,000 (who probably represent a cross section of about one percent of all the people in the country). Wouldn't I have been a better candidate, and the country better off had I been elected, if I had spent more time traveling around America and visiting allies abroad? (I actually did this during 1994, driving 8,800 miles across America and spending two months overseas. This was when I was not spending most of my time meeting nice people who could give me $1,000.)

Because of the limits, you have fewer choices for President.

This is because, in the real world, a $1,000 limit on gifts makes fund-raising so difficult that it discourages most candidates. I will now wave my own red flag: It is important not to get carried away with this argument. The difficulty of raising money is sometimes just an excuse. There are other more compelling reasons not to run for President.

For example, I recall in November of 1995, when Colin Powell was on the cover of the news magazines and his approval rating in the polls was, literally, higher than the Pope's—and I was struggling to secure a paragraph in the Keokuk, Iowa, daily—I was driving to the airport after a New York fund-raiser with a former associate of General Powell's. The unavoidable question arose, "Will Colin run?" The former associate answered, "I don't know. But I can tell you two things about General Powell. One is, he makes rational decisions. Two is, he doesn't like uncertainty." I knew from that moment that, if that were true, there was no chance whatsoever Colin would be a candidate. Running for President is not a rational decision. It is instinctive. It is a passion with a purpose. And it is most surely a symphony in uncertainty. That is why I am so surprised that so many have such a hard time taking Colin Powell at his word, that he simply doesn't want to do it. Most people don't. They don't want the job, or they are afraid they can't win, or more and more they are unwilling to expose themselves and their families to the scrutiny that comes with the candidacy.

Having said all of that, it is still true that the prospect of trying to raise $20 million from contributions of $1,000 or less makes the race much less attractive and often impossible for many good candidates. In 1995, Bill Bennett told me he didn't know how to raise that kind of money. Jack Kemp said he knew how but didn't want to. Dan Quayle and Dick Cheney discovered it would have been very hard even for a former Vice President and a former Defense Secretary; they both decided not to become candidates.

You might have wondered this year, where have all the governors gone? I don't think I have ever met a governor who didn't think he or she would make an excellent President. Seventeen of our Presidents have been governors. There are today 32 Republican governors. One might argue (and I will confess that I tried out this argument a few hundred times during 1995) that the natural presidential partner for our strong Republican congressional leaders would have been the best of our Republican governors.

But at the end of 1995, not one sitting Republican governor was in the race. Carroll Campbell, Tommy Thompson, and Bill Weld, perhaps others, had considered it and drawn back, privately saying, "I can't raise the money." Even the governor of California, Pete Wilson, who by my calculation is governor of 5 percent of all the money in the world, could not raise enough money. So, for Republicans, 1995 turned out to be the year of the "money primary."

This is how it worked. There were, in the end, only four of us who could find a way to raise enough money to run for President. We all had certain advantages. For example, a contribution to Bob Dole was also a contribution to the respected Senate majority leader. Phil Gramm had worked relentlessly for six years as chairman of the Senate Republican Campaign Committee to build a list of 83,000 names and a $5 million campaign kitty, which he then transferred to his presidential account—a perfectly legal loophole, but one which was unavailable to the governors or others not holding office. Pat Buchanan was able to depend on direct mail for smaller contributions because it was his second race, he had been on network television for 15 years, and he took, shall we say, especially noisy positions.

The Alexander campaign had some advantages, too: exceptional national leadership and strong support at home. Six of the last seven Republican national finance chairs chaired our fund-raising. We began with a $2 million dinner in Nashville on March 6, 1995, and raised $5.2 million in 21 events during the next six weeks. At the end of 1995, the three zip codes in America which had contributed the most to presidential campaigns were all in Nashville. By the time I withdrew, we had raised nearly $13 million from 26,000 contributors, 8,800 of whom had given $1,000. (We received another $4 million from federal matching funds.)

But after the initial $5.2 million spurt, it became much harder for us. I was traveling to 20 events per month to raise $500,000. This created logistical adventures of Desert Storm proportions. On one day, I flew from Nashville to Colorado Springs to Denver for fundraisers and then on to Phoenix to be ready for an early morning breakfast. To collect $20,000 during the crucial week before the Iowa caucus, I "dropped by" Knoxville, Tennessee, on the way from New Hampshire to Iowa. To raise another $30,000, I flew from Sioux City, Iowa, to San Juan, Puerto Rico, one Sunday in December. By the last four days of the New Hampshire primary, we were running on empty except for the money set aside for debts, audit, and winding down.

Then, when I placed a strong third in the Iowa caucus on February 12, the money dam broke. Beginning three days after Iowa, five days before the New Hampshire primary, contributions started rolling in to our Nashville headquarters at the rate of $1,000,000 a day without events. This continued for every day except Sunday, until I withdrew on March 6. Our once-a-week telephone conference calls sometimes included more than 200 volunteer fund-raisers. But it came too late, for New Hampshire ads had to be purchased the Friday before the primary on Tuesday. I failed (by 7,000 votes) to overtake Senator Dole. The Republican nomination was decided in the first primary.

Partly because of the limits, the campaign starts before you care and ends before you have a chance to vote.

Not only did the campaign end early; it started ridiculously early because, it seemed at the time, starting early was the only way to raise the necessary amount of money. In early 1995, Senator Gramm of Texas, flush with his 83,000 names and $5 million kitty, declared that it would take $20 million to run for President, that he could raise it and that he doubted many others could, and then sponsored a $4 million kick-off dinner in Dallas and announced, "Ready cash is a candidate's best friend."

None of the rest of us were about to be left behind. I held my $2 million dinner in Nashville. Senator Dole jumped in, as did others. Off we went, pounding the streets in 1995 trying to raise money for a race in 1996. It was like trying to stir up a conversation about football in the middle of the NBA playoffs. For me, by mid-summer 1995, it was going something like this interview:

From Washington, D.C., "Inside Politics," Wolf Blitzer (already bored with the long "money primary"): "Governor Alexander, why do the polls show Senator Dole ahead of you 54 to 4 in Iowa?"

From Vermont, in my red and black shirt, Me (already tired of being asked the same question for the 50th time): "Wolf, that's the dumbest question I've ever heard. The reason Senator Dole is ahead of me is that everyone knows him and nobody knows me."

Now, add to the cost of creating such a long campaign the usual costs of fund-raising. A rule of thumb is that it costs 30 cents to raise a dollar. That meant that of the $10 million we raised in 1995, about $3.5 million went for fund-raising. Then there is the cost of complying with federal regulations. Another $1 million of the $10 million we raised during 1995 went for that. We set aside still another $500,000 for the campaign audit, which usually takes years. I think you can see where I am heading.

Add the costs of the long campaign to the usual costs of fund-raising and complying with federal rules and, by the time the 1995 money primary was over and the real primary in 1996 was here, the handful of us still standing (except for Mr. Forbes) were running out of money. The Alexander campaign spent $10 million during 1995, everything we raised, which left us about $3 million in the bank (counting federal matching funds) at the beginning of 1996. And, by comparison, we were running a bare-bones effort. Senator Gramm had spent $28 million when he dropped out just before the first primary in midFebruary. Senator Dole had spent more than $30 million by March 1 and, with 39 primaries yet to go, was coming uncomfortably close to the federally imposed primary spending ceiling. Steve Forbes spent $33 million before he dropped out. I'm not sure whether my friend Pat has dropped out yet or not!

The reason why the Republican nomination was decided in the first primary is not only because limits on giving and spending forced the campaigns to start early. It is also because so many states moved their primaries to an earlier date in an attempt to give their citizens the same privilege Iowa and New Hampshire citizens have: the opportunity to cast a meaningful vote to pick the first President of the new century. This bunching of primaries created a wild roller coaster ride through 38 states in the 25 days after New Hampshire. Ironically, this made New Hampshire even more important. Here was the law of unintended consequences mischievously at work once again. The money primary became so long and expensive that we all arrived financially exhausted at the real starting line: New Hampshire, which turned out to be the finish line as well. About the time the voters had returned from the refrigerator to settle in and watch the presidential campaign unfold and perhaps even to vote in it the campaign had ended.

Because of the limits, you are less likely to hear the candidates' message.

This is because limits on giving and spending prevent most candidates from raising enough money to get across their messages, especially if the candidate is relatively unknown at the beginning. Let me offer an example. Yesterday's Newsweek contains a column by Meg Greenfield which says this: "The doomed Presidential campaign of Lamar Alexander should tell the Republicans something. It was the quintessential antigovernment pitch—complete with an implicit—and often explicit—denial and disavowal of Alexander's career as a government guy. He bombed."

Well, now, this is the stuff of a pretty good debate. Of course, I disagree with Ms. Greenfield. I think my campaign nearly succeeded because I understand that the next President must lead us to expect less from Washington and ask more of ourselves, including our local governmental institutions. Ms. Greenfield's and President Clinton's solution is more from Washington. So let the debate begin.

Ms. Greenfield has her page in Newsweek. She is also editorial director for the Washington Post. President Clinton has the best forum of all. Their "more from Washington" side of the argument will get plenty of exposure. But what about my "more from us" argument? I made my case in Iowa during 80 visits and walked 100 miles across New Hampshire. I found that in those small meetings I could be persuasive. I also found that nothing much happened in the public opinion polls until I was on television. "Free TV"—the network news—was not of much help (although some local stations were very aggressive). To begin with, the national networks didn't arrive until mid-January when the campaign was nearly over.

The Center for Media and Public Affairs watched all the network newscasts in January and February, ten-and-one-half hours of campaign coverage. The Center found that we nine Republican candidates were allotted 79 minutes total. We were allowed to present our views in seven-second sound bites. The journalists covering us received five times as many minutes of coverage on those same newscasts. What the journalists said about us and our campaigns was more negative than what we candidates said about each other. And more than half the journalists' comments were about the horse race, not the issues. The Freedom Forum, in a remarkable survey of the journalists covering the presidential campaign, found that in 1992, 89 percent had voted for Bill Clinton. A candidate cannot rely on "Free TV" to get his message across. That is why, in our media-drenched society, where things are not important unless they are on TV, a candidate must have money for television to get a message across, and the limits on giving and spending make it difficult for candidates to do that.

This is not just one candidate's lament. Limits on giving and spending are an affront to the First Amendment to the U.S. Constitution. The whole idea of the framers of the Bill of Rights was to keep the government from attempting to limit political debate and criticism: "Congress shall make no law abridging the freedom of speech." In Buckley v. Valeo, the Supreme Court acknowledged this and struck down most congressional limits of this sort, but left standing the current provisions because of its worry about "corruption." I believe the better antidote to corruption is disclosure. To correct something bad, we have created something worse.

Because of limits, your nominee is more likely to be an incumbent than an insurgent.

In the real world, insurgents not only need more money than incumbents; they need it early. The New York Times reported that two-thirds of voters in New Hampshire made their minds up during the last week before the primary, after the Iowa caucuses. Among those voters, I won with 31 percent. Among the one-third who voted before Iowa, I received six percent. More money, earlier, might have helped get my message across to those early deciders.

Candidates for President who already hold public office have government-paid staffs of policy advisers, PR people, and political administrators. They have name recognition and franking privileges. They have a fund-raising advantage because of their positions of power. If they are in Washington, they have a huge media advantage because that is where the media are. So putting a limit on what all candidates can raise and spend turns out to be a protection policy for some candidates: the ones who already enjoy the perquisites of public office.

This is not just true in federal races. My home state, Tennessee, has just limited contributions to governors' races to $500. This is an enormous advantage for our incumbent Republican governor, Don Sundquist. And it virtually guarantees that the only effective candidate against Governor Sundquist when he runs for re-election will be someone who is so rich that he can spend his or her own money—which brings us to the most important point.

Because of the limits, more of your choices are likely to be rich candidates willing to spend their own money.

This brings us to the major problem with limits on campaign giving and spending: The limits apply to some candidates but not to others. This is because the U.S. Supreme Court has said that the First Amendment to the U.S. Constitution prohibits Congress from preventing anyone from spending his or her own money on our own campaigns. So the limits apply only to people who aren't rich enough to spend money on their own campaign.

This creates an absurd advantage for wealthy candidates and a distorted contest for the voter. The first advantage is the obvious: The wealthy candidate has more money to spend. For example, Mr. Forbes spent $33 million of (mostly) his own money; I spent, with matching funds, about $16 million of other peoples' money.

There are two other less obvious advantages. The candidate with his own money spends no time raising it. On the other hand, the candidate raising it is careening from event to event, repeating speeches, meeting nice people who can give $1,000, wearing himself ragged, and using up 70 percent of his time. By the time you reach the finals the week between Iowa and New Hampshire, you are a candidate for a fitness center, not the presidency.

Finally, there are the state-by-state spending limits, which also help the rich. The federal government has decreed, for example, that a campaign may not spend more than $1 million in Iowa and $618,000 in New Hampshire during the presidential primaries. Mr. Forbes, unaffected by these limits, spent $5 million in Iowa on television. The Alexander campaign spent $930,000. The AP reported that on the third week before the New Hampshire primary, Mr. Forbes bought 700 ads on one Boston television station (which covers southern New Hampshire). That week, Senator Dole bought 200 ads on that station. The Alexander campaign: None. Mr. Forbes must have spent $5 million in Arizona, by my estimates. Local newspapers said it was more than any advertiser had ever spent on local television to introduce a new product. (It must be pointed out that having your own money doesn't automatically mean you win. Mr. Perot is not President. Mr. Forbes came in fourth in both Iowa and New Hampshire. I recall my race for governor in 1978 against a candidate who must have spent $8 million. I spent $2 million, enough to win, although I could never have raised $2 million if there had been limits of $500 or $1,000 per contribution.)

What kind of contest is this, having different rules for different contestants? This is like watching the Magic play the Bulls with one team wearing handcuffs. It is certainly not the game the voters paid to see. Think of it this way: Say the fifth grade teacher organizes a contest for class president with water pistols as the weapon of choice; then some kid arrives with a garden hose. Either take away the new kid's garden hose (Bill Bradley suggests a constitutional amendment to limit what individuals can spend on their own campaigns) or give the rest of the fifth graders the freedom to raise and spend enough money to buy their own garden hoses. And if the New Hampshire primary is most of the ball game in presidential primaries, why should state-by-state spending limits keep candidates from defending themselves, even if they use up all their money?

Because of the limits, Washington has more to say about who the nominee is and you have less.

Talking about Washington these days has gotten to be a sticky business. The rest of the country is tired of Washington, and Washington is tired of hearing about Washington. The rest of the country is becoming more offensive about its feelings, and Washington is becoming more defensive. "Cut their pay and send them home" still makes sense in Sioux City, but they call it nonsense here. One of Washington's most senior journalists told me sadly last year that "This town has grown too big for its britches." I have been coming and going from Washington off and on for 30 years and I believe that is true as well; but to come from outside Washington and say it, and to really believe it, is asking for trouble.

I believe our President must lead us to expect less from Washington and to ask more of ourselves. That is a message less frequently heard in Washington and more difficult to launch from outside Washington. For one thing, this is a media-drenched society, and the message-launchers—the media—are increasingly concentrated here. That will be more true in 2000 and 2004 than it was in 1996. The party fund-raising apparatus is here. The party leadership is here. The think tanks, if you will excuse me, are here. To receive maximum attention to my speech today, I am here. There are all sorts of good people here in Washington, but we of necessity, when we are here, talk mostly with each other.

REFORMING THE PROCESS

Limits on giving and spending make it less likely that a candidate based outside Washington can succeed. Such candidates, by their experience and skills, may be able to help make Washington more like the rest of America, rather than the rest of America more like Washington. I believe Washington will always be a better place if it is constantly refreshed by the strength of the country outside Washington. The way we pick Presidents today makes that more difficult. Limits are not all that is wrong.

The process should be deregulated. We should sunset the existing regulations and start over. Fewer rules and full disclosure should be the byword.

Spread out the primaries. Let Iowa and New Hampshire go first, in February or March, and then arrange all the other primaries on the second Tuesday of the next three months. This would give winners a chance to capitalize on success, voters a chance to digest new faces, and candidates a chance to actually meet voters.

The candidates should be given the opportunity to speak on television more often for themselves. My even mentioning this runs the same risks Dennis Rodman would take if he suggested some rule changes to a convention of NBA officials. So let me begin with some praise. Some print reporters sat through New Hampshire Lincoln Day dinners in the early stages of the money primary, in 1994 and 1995. C–SPAN and CNN labored valiantly and early. In January and February of 1996, the New York Times began printing some long excerpts of the candidates' speeches, and the networks began showing unedited stump speeches. But most of the coverage came late, or was about the horse race, or about candidates who were never going to run. Seventy-nine minutes of network exposure in seven-second sound bites for nine Republican candidates is pathetically little.

There are dangers to early voting. In a growing number of states, voters may vote a month or two before the election day. According to the Edison exit poll of 1996 New Hampshire primary voters, 40 percent of the voters made their minds up during the last three days before the primary. Those who cast their votes a month earlier were voting in quite a different race.

OTHER OPTIONS FOR REFORM

The first option is suggested by Senator Bill Bradley, whose sporting background must make him especially allergic to contests with one rule for some participants and another rule for others. Senator Bradley would try to create a level playing field by putting limits on everyone, in effect making Mr. Forbes live by the same rules I do.

This takes care of Mr. Forbes and me. But the AFL–CIO will still be able to run $35 million worth of TV ads attacking particular Republican candidates. The National Association of Wholesaler-Distributors will still be able to run ads slamming President Clinton's product liability veto. The National Restaurant Association will advertise that President Clinton is wrong about the minimum wage. The National Education Association will say I am wrong about school choice. The national political parties will raise tens of millions in "soft money." The President is the one person in America who is able to advocate the best interests of the country as a whole. Why should we limit the speech only of those who seek to speak for the country as a whole?

Senator Bradley should leave the First Amendment alone. The First Amendment is correct. It stands in the way of preventing ill-advised efforts by the government to limit a candidate's right to speak. And if there cannot be limits on most of us, why should there be limits on any of us?

A second option is public financing which we now have with the presidential general elections. But such taxpayer-funded campaigns still leave Mr. Perot and the AFL–CIO and other committees free to spend millions creating an unlevel playing field. Also, public financing leaves the media with more horsepower than the candidates themselves have. And I cannot fathom how public financing would work in a primary situation. Would the government have funded everyone who showed up at the Republican debates this season? If so, such funding would have produced countless more candidates. I am opposed to public financing. It is incestuous. It is an unnecessary use of taxpayers' money. It invites government regulations. It creates an unlevel playing field by favoring incumbents.

Finally, there are various proposals to require the media to give away TV time. (Such proposals would never work in a primary for the same reasons public financing could not work: How would you choose to whom to give it?) The lack of an opportunity for voters to consider the messages of candidates—especially insurgent candidates—is at the heart of the problem with our presidential process. But I am afraid these well-meaning proposals will drown in their own complexity and the law of unintended consequences will somehow rear its head again. Isn't the best solution for the media simply to cover the races and present the serious candidates on network news and in the newspapers more often on appropriate occasions, speaking for themselves?

FIND THE GOOD AND PRAISE IT

I mentioned at the beginning of my remarks that I came away from the campaign with a good feeling, not a bad feeling. My friend Alex Haley used to say, "Find the good and praise it," and I can easily do that about this process, even with its flaws. During the last year, I walked across New Hampshire, meeting several hundred people a day, spent 80 days in Iowa in maybe 200 meetings that ranged from 20 to 300 people, and had at least 50 meetings in Florida with the delegates to the Presidency III straw poll. During most of these meetings I was little known and unencumbered by the news media, so there was no disruption to the flow of the session.

I remember wishing time after time that anybody who had any sense of cynicism about our presidential selection process could be with me, like a fly on the wall, because they could not be cynical after hearing and seeing and feeling what I saw. The groups with whom I met always listened carefully. Most often, they wanted to talk about our jobs, our schools and our neighborhoods, and our families. In meeting after meeting, I came away certain that this is a nation hungry for a vision contest, not one willing to tolerate a trivial presidential election. I believe there is a great market in the American electorate for a full-fledged discussion about what kind of country we can have in the year 2000 and beyond.

As the song says, it is a long, long time from May 'til September when the presidential race really begins. One way to help fill this time usefully would be to review the way we pick Presidents and make certain that next time, in the new century, we have a process that attracts the largest number of good candidates, that gives them an opportunity to say and us to hear their messages, and gives as many of us as possible a chance to cast a meaningful vote.

One lesson I learned when I ran for President is that step one toward those objectives would be these four words: Off with the limits.

Mr. LIEBERMAN. Mr. President, I rise to state my support for the legislation Senators KLOBUCHAR, ALEXANDER, and I are introducing today to create a regional Presidential primary system effective in 2012.

The goal of this legislation is to transform what has become a tired, arbitrary, and exclusive presidential primary system that simply does not give enough voters the opportunity to weigh the ideas of candidates and choose the one they think would best represent their future.

Given the significance of choosing the most powerful officeholder in the world, our Presidential selection process must be a fair and deliberate one that tests the strength of the ideas and character of all the candidates and exposes them to the maximum number of voters.

Instead, what we have now is a confusing process that, with each passing Presidential election season, becomes more and more compressed, forcing States to move their primaries up earlier in the calendar year in order to give their citizens a chance to participate, and granting disproportionate influence to the early States.

Where 50 States once scattered their primaries throughout the first half of the election year—from January through June—this year, we have a system in which 39 caucuses or primaries will be held in January and February alone, up from 19 in 2004, with enough delegates at stake potentially to decide the nominee. Almost half the States of the Union will be excluded from that process.

There is another insidious effect of this increasingly condensed schedule: The more compressed the primary schedule is the more reliant candidates become on large campaign donations and the people who give them. The fundraising primary this year has already eliminated candidates who simply could not raise sufficient funds quickly enough to be competitive in the first 2 months of the Presidential year.

This is no way for the world's greatest democracy to choose its President.

Our legislation offers a commonsense alternative that would transform the primary season into what it should be: a contest between candidates who take their cases to the broadest possible slice of the electorate.

I was honored to cosponsor proposals to bring reason to the Presidential primary system twice in the past—in 1996 and 1999—with former Senator Slade Gorton. What we are introducing today is very similar in that it calls for a regional, rotating primary system that divides the 50 States into four regions that would take turns holding primaries in the months of March, April, May, and June of the Presidential election year.

Specifically, the bill would asign all States to one of four regions—corresponding roughly to the Northeast, South, Midwest, and Western regions of the country. A lottery would determine which region goes first, and the regions would rotate in subsequent election years. Each State within a region must hold its primary or caucus during the period assigned to that region.

New Hampshire and Iowa would be permitted to continue holding the first primary and caucus, respectively, before any of the regional primaries would take place. I personally would have preferred to omit this provision in the bill. If we are going to change to a regional system, there should be no exceptions, and I am concerned that these two States will continue to have a disproportionate impact on the outcome of the nominating process. But Iowa and New Hampshire hold iconic status in the Presidential primary system and so they remain the first caucus and primary States in this bill.

The new system would take effect for the 2012 Presidential election.

By creating a series of regional primaries, we will make it more likely that all areas of the country have input into the nominee selection process, and that the candidates and their treasuries will not be stretched so thin by primaries all over the country on the same day. By spreading out the primaries over a 4-month period, we would provide the electorate with a better opportunity to evaluate the candidates over time. And with our bill, we hope that voters—not just financial contributors—will have the lion's share of influence over who the parties' nominees will be.

The guiding principle of our democracy is that every citizen has the opportunity to choose his or her leaders. But the sad truth is this principle no longer bears a resemblance to the reality of an increasingly squashed and arbitrary primary system.

We need to change our presidential primary system to make it more reasonable, more inclusive, and better structured so that it properly reflects the significance it holds—not only every 4 years but as a founding principle of our great Nation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 285—DESIGNATING SEPTEMBER 9, 2007, AS "NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY"

Ms. MURKOWSKI (for herself, Mr. JOHNSON, Mr. COLEMAN, Mr. SPECTER, Mr. STEVENS, Mr. DURBIN, Mr. DODD, Mrs. MURRAY, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 285

Whereas the term "fetal alcohol spectrum disorders" includes a broader range of conditions and therefore has replaced the term "fetal alcohol syndrome" as the umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas, although the economic costs of fetal alcohol spectrum disorders are difficult to estimate, the cost of fetal alcohol syndrome alone in the United States was $5,400,000,000 in 2003 and it is estimated that each individual with fetal alcohol syndrome will cost taxpayers of the United States between $1,500,000 and $3,000,000 in his or her lifetime;

Whereas, in February 1999, a small group of parents of children who suffer from fetal alcohol spectrum disorders came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked "What if . . . a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol . . . would the rest of the world listen?"; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 9, 2007, as "National Fetal Alcohol Spectrum Disorders Awareness Day"; and

(2) calls upon the people of the United States—

(A) to observe National Fetal Alcohol Spectrum Disorders Awareness Day with appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize further effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) to observe a moment of reflection on the ninth hour of September 9, 2007, to remember that during the 9 months of pregnancy a woman should not consume alcohol.

SENATE RESOLUTION 286—RECOGNIZING THE HEROIC EFFORTS OF FIREFIGHTERS TO CONTAIN NUMEROUS WILDFIRES THROUGHOUT THE WESTERN UNITED STATES

Mr. HATCH (for himself, Mr. ENSIGN, Mr. DOMENICI, Mr. WYDEN, Mr. KYL, Mr. BARRASSO, Mr. SALAZAR, Mr. CRAIG, Ms. CANTWELL, Mr. BENNETT, Mr. STEVENS, Mr. TESTER, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 286

Whereas the annual peak of the Western wildfire season occurs during July and August;

Whereas the 2007 Western wildfire season has been characterized by continued drought, record-setting temperatures, extreme fuel conditions, and widespread dry lightning storms;

Whereas firefighters have had to contend with extreme fire behavior and rapid rates of fire spread;

Whereas, as of July 23, 2007, more than 55,000 wildfires have burned more than 4,000,000 acres of land, which is more than 8,000 fires and 1,000,000 acres higher than the average reported fire rate over the last 10 years;

Whereas, from July 6 through July 8, 2007, more than 1,200 fires were ignited in the Western United States, most of which were caused by dry lightning storms that swept across California, Nevada, Idaho, and Utah;

Whereas, as of July 23, 2007—

(1) the State of Idaho has reported more than 760 fires that have burned more than 800,000 acres;

(2) the State of Utah has reported more than 670 fires that have burned more than 660,000 acres;

(3) the State of Nevada has reported more than 560 fires that have burned more than 510,000 acres;

(4) the State of Oregon has reported more than 1,200 fires that have burned nearly 212,000 acres;

(5) the State of California has reported more than 4,600 fires that have burned more than 117,000 acres;

(6) the State of Arizona has reported more than 1,600 fires that have burned more than 88,000 acres;

(7) the State of Washington has reported more than 680 fires that have burned more than 64,000 acres;

(8) the State of New Mexico has reported more than 870 fires that have burned nearly 35,000 acres;

(9) the State of Montana has reported more than 960 fires that have burned more than 19,000 acres;

(10) the State of Wyoming has reported more than 200 fires that have burned more than 18,000 acres; and

(11) the State of Colorado has reported more than 740 fires that have burned more than 7,400 acres;

Whereas, at any given time during the Western wildfire season, as many as 14,000 firefighters are assigned to large, uncontained fires throughout the Western United States; and

Whereas, despite tremendously volatile weather and terrain conditions, Federal, State, and local firefighting units have contained between 95 and 98 percent of all wildfires during initial attack: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the heroic efforts of firefighters to contain wildfires and protect lives, homes, and rural economies throughout the Western United States; and

(2) encourages the people and government officials of the United States to express their appreciation to the brave men and women serving in the firefighting services.

SENATE RESOLUTION 287—HONORING AND EXPRESSING GRATITUDE TO THE 1ST BATTALION OF THE 133RD INFANTRY ("IRONMAN BATTALION") OF THE IOWA NATIONAL GUARD

Mr. HARKIN (for himself and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 287

Whereas 476 members of the 1st Battalion, 133rd Infantry of the Iowa National Guard were mobilized for active duty in September and October of 2005;

Whereas 80 members of the 1st Battalion, 133rd Infantry have been providing essential support to the Battalion from Iowa National Guard installations in Waterloo, Iowa, and Dubuque, Iowa, and at least 490 members of the 1st Battalion, 133rd Infantry were deployed to Iraq in April and May of 2006;

Whereas the members of the 1st Battalion, 133rd Infantry have been serving bravely and honorably since April and May of 2006 in the al-Anbar Province of Iraq, one of the most dangerous parts of Iraq;

Whereas the 1st Battalion, 133rd Infantry deployed as part of the 1st Brigade Combat Team of the 34th Infantry Division, which has completed the longest continuous deployment of any National Guard unit during Operation Iraqi Freedom;

Whereas the 1st Battalion, 133rd Infantry is the longest-serving Iowa Army National Guard unit since World War II;

Whereas the CBS program "60 Minutes" devoted an entire hour to telling the story of the 1st Battalion, 133rd Infantry on May 27, 2007;

Whereas the members of the 1st Battalion, 133rd Infantry have completed over 500 missions, providing security for convoys operating in al-Anbar Province;

Whereas the members of the 1st Battalion, 133rd Infantry have logged over 4,000,000 mission miles, and have delivered over ⅓ of the fuel needed to sustain coalition forces in Iraq;

Whereas the members of the 1st Battalion, 133rd Infantry have detained over 60 insurgents;

Whereas the members of the 1st Battalion, 133rd Infantry were scheduled to return home in April 2007, but had their tours of duty extended until July 2007;

Whereas the members of the 1st Battalion, 133rd Infantry left behind civilian jobs, friends, and families in order to serve the United States;

Whereas 1st Battalion, 133rd Infantry members Sergeant 1st Class Scott E. Nisely and Sergeant Kampha B. Sourivong gave the ultimate sacrifice for their country when they were tragically killed during combat operations near Al Asad, Iraq, on September 30, 2006; and

Whereas the United States will be forever indebted to the soldiers and families of the 1st Battalion, 133rd Infantry for their sacrifices and their contributions to the mission of the United States in Iraq: Now, therefore, be it

Resolved, That the Senate honors and expresses gratitude for the service and sacrifices of the members and families of the 1st Battalion of the 133rd Infantry of the Iowa National Guard upon the return home of the Battalion from its deployment in Iraq.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2529. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table.

SA 2530. Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) proposed an amendment to the bill H.R. 976, supra.

SA 2531. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2532. Mr. MARTINEZ (for himself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2533. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2534. Mr. DORGAN (for himself, Mr. JOHNSON, Ms. MURKOWSKI, Mr. STEVENS, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2535. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2536. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2537. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2538. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2539. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2540. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2541. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2542. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2543. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2544. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2545. Mr. ENSIGN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2546. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2547. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2548. Mr. BURR (for himself, Mr. CORKER, Mr. COBURN, Mr. MARTINEZ, and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2549. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2550. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2551. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2552. Mr. SMITH (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2553. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2554. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2555. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2556. Mrs. CLINTON (for herself, Mrs. DOLE, Ms. MIKULSKI, Mr. GRAHAM, Mr. BROWN, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2557. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2558. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2559. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2560. Mr. DODD submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2561. Mr. SMITH (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2562. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2563. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2564. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2565. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2566. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2567. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2568. Mr. AKAKA (for himself, Mr. ALEXANDER, Mr. INOUYE, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2569. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2547 submitted by Mr. BUNNING to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2570. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2571. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2572. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2573. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2574. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2575. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2576. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2577. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2578. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2579. Mr. THUNE (for himself, Mr. LOTT, Mr. CORNYN, and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2580. Mr. BINGAMAN (for himself, Mr. LEVIN, Ms. STABENOW, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2581. Mr. BINGAMAN (for himself, Mr. KERRY, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2582. Mr. BINGAMAN (for himself, Mr. KERRY, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2583. Mr. BINGAMAN (for himself and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2584. Mr. BINGAMAN (for himself, Mr. KERRY, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2585. Mr. BINGAMAN (for himself, Mr. LEVIN, Mr. KERRY, Mr. FEINGOLD, Mr. DURBIN, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2586. Mr. BINGAMAN (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2587. Mr. GREGG proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2588. Mr. OBAMA (for himself, Mrs. MCCASKILL, Mr. HARKIN, Mr. KERRY, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr.

HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2589. Mr. REID proposed an amendment to the bill S. 1, to provide greater transparency in the legislative process.

SA 2590. Mr. REID proposed an amendment to amendment SA 2589 proposed by Mr. REID to the bill S. 1, supra.

SA 2591. Mr. TESTER (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 276, calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership, and mandate to protect civilians in Darfur, Sudan, and for efforts to strengthen the renewal of a just and inclusive peace process.

SA 2592. Mr. TESTER (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 276, supra.

TEXT OF AMENDMENTS

SA 2529. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OUTREACH REGARDING HEALTH INSURANCE OPTIONS AVAILABLE TO CHILDREN.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" means the Small Business Administration and the Administrator thereof, respectively;

(2) the term "certified development company" means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term "Medicaid program" means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term "State" has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term "State Children's Health Insurance Program" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term "task force" means the task force established under subsection (b)(1); and

(10) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(2) MEMBERSHIP.—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(3) RESPONSIBILITIES.—The campaign conducted under this subsection shall include—

(A) efforts to educate the owners of small business concerns about the value of health coverage for children;

(B) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(C) efforts to educate the owners of small business concerns about assistance available through public programs; and

(D) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(4) IMPLEMENTATION.—In carrying out this subsection, the task force may—

(A) use any business partner of the Administration, including—

(i) a small business development center;

(ii) a certified development company;

(iii) a women's business center; and

(iv) the Service Corps of Retired Executives;

(B) enter into—

(i) a memorandum of understanding with a chamber of commerce; and

(ii) a partnership with any appropriate small business concern or health advocacy group; and

(C) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(5) WEBSITE.—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(6) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

SA 2530. Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) proposed an amendment to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; as follows:

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Health Insurance Program Reauthorization Act of 2007".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) REFERENCES TO MEDICAID; CHIP; SECRETARY.—In this Act:

(1) CHIP.—The term "CHIP" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(2) MEDICAID.—The term "Medicaid" means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(d) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references; table of contents.

TITLE I—FINANCING OF CHIP

Sec. 101. Extension of CHIP.
Sec. 102. Allotments for the 50 States and the District of Columbia.
Sec. 103. One-time appropriation.
Sec. 104. Improving funding for the territories under CHIP and Medicaid.
Sec. 105. Incentive bonuses for States.
Sec. 106. Phase-out of coverage for nonpregnant childless adults under CHIP; conditions for coverage of parents.
Sec. 107. State option to cover low-income pregnant women under CHIP through a State plan amendment.
Sec. 108. CHIP Contingency fund.
Sec. 109. Two-year availability of allotments; expenditures counted against oldest allotments.
Sec. 110. Limitation on matching rate for States that propose to cover children with effective family income that exceeds 300 percent of the poverty line.
Sec. 111. Option for qualifying States to receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children.

TITLE II—OUTREACH AND ENROLLMENT

Sec. 201. Grants for outreach and enrollment.
Sec. 202. Increased outreach and enrollment of Indians.
Sec. 203. Demonstration project to permit States to rely on findings by an Express Lane agency to determine components of a child's eligibility for Medicaid or CHIP.
Sec. 204. Authorization of certain information disclosures to simplify health coverage determinations.

TITLE III—REDUCING BARRIERS TO ENROLLMENT

Sec. 301. Verification of declaration of citizenship or nationality for purposes of eligibility for Medicaid and CHIP.
Sec. 302. Reducing administrative barriers to enrollment.

TITLE IV—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

Sec. 401. Additional State option for providing premium assistance.
Sec. 402. Outreach, education, and enrollment assistance.

Subtitle B—Coordinating Premium Assistance With Private Coverage

Sec. 411. Special enrollment period under group health plans in case of termination of Medicaid or CHIP coverage or eligibility for assistance in purchase of employment-based coverage; coordination of coverage.

TITLE V—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES OF CHILDREN

Sec. 501. Child health quality improvement activities for children enrolled in Medicaid or CHIP.
Sec. 502. Improved information regarding access to coverage under CHIP.
Sec. 503. Application of certain managed care quality safeguards to CHIP.

TITLE VI—MISCELLANEOUS

Sec. 601. Technical correction regarding current State authority under Medicaid.
Sec. 602. Payment error rate measurement ("PERM").
Sec. 603. Elimination of counting medicaid child presumptive eligibility costs against title XXI allotment.
Sec. 604. Improving data collection.
Sec. 605. Deficit Reduction Act technical corrections.
Sec. 606. Elimination of confusing program references.
Sec. 607. Mental health parity in CHIP plans.
Sec. 608. Dental health grants.
Sec. 609. Application of prospective payment system for services provided by Federally-qualified health centers and rural health clinics.

TITLE VII—REVENUE PROVISIONS

Sec. 701. Increase in excise tax rate on tobacco products.
Sec. 702. Administrative improvements.
Sec. 703. Time for payment of corporate estimated taxes.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective date.

TITLE I—FINANCING OF CHIP

SEC. 101. EXTENSION OF CHIP.

Section 2104(a) (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(11) for fiscal year 2008, $9,125,000,000;

"(12) for fiscal year 2009, $10,675,000,000;

"(13) for fiscal year 2010, $11,850,000,000;

"(14) for fiscal year 2011, $13,750,000,000; and

"(15) for fiscal year 2012, for purposes of making 2 semi-annual allotments—

"(A) $1,750,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012, and

"(B) $1,750,000,000 for the period beginning on April 1, 2012, and ending on September 30, 2012.".

SEC. 102. ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA.

(a) In General.—Section 2104 (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

"(i) Determination of Allotments for the 50 States and the District of Columbia for Fiscal Years 2008 Through 2012.—

"(1) Computation of allotment.—

"(A) In general.—Subject to the succeeding paragraphs of this subsection, the Secretary shall for each of fiscal years 2008 through 2012 allot to each subsection (b) State from the available national allotment an amount equal to 110 percent of—

"(i) in the case of fiscal year 2008, the highest of the amounts determined under paragraph (2);

"(ii) in the case of each of fiscal years 2009 through 2011, the Federal share of the expenditures determined under subparagraph (B) for the fiscal year; and

"(iii) beginning with fiscal year 2012, subject to subparagraph (E), each semi-annual allotment determined under subparagraph (D).

"(B) Projected State expenditures for the fiscal year.—For purposes of subparagraphs (A)(ii) and (D), the expenditures determined under this subparagraph for a fiscal year are the projected expenditures under the State child health plan for the fiscal year (as certified by the State and submitted to the Secretary by not later than August 31 of the preceding fiscal year).

"(C) Available national allotment.—For purposes of this subsection, the term 'available national allotment' means, with respect to any fiscal year, the amount available for allotment under subsection (a) for the fiscal year, reduced by the amount of the allotments made for the fiscal year under subsection (c). Subject to paragraph (3)(B), the available national allotment with respect to the amount available under subsection (a)(15)(A) for fiscal year 2012 shall be increased by the amount of the appropriation for the period beginning on October 1 and ending on March 31 of such fiscal year under section 103 of the Children's Health Insurance Program Reauthorization Act of 2007.

"(D) Semi-annual allotments.—For purposes of subparagraph (A)(iii), the semi-annual allotments determined under this paragraph with respect to a fiscal year are as follows:

"(i) For the period beginning on October 1 and ending on March 31 of the fiscal year, the Federal share of the portion of the expenditures determined under subparagraph (B) for the fiscal year which are allocable to such period.

"(ii) For the period beginning on April 1 and ending on September 30 of the fiscal year, the Federal share of the portion of the expenditures determined under subparagraph (B) for the fiscal year which are allocable to such period.

"(E) Availability.—Each semi-annual allotment made under subparagraph (A)(iii) shall remain available for expenditure under this title for periods after the period specified in subparagraph (D) for purposes of determining the allotment in the same manner as the allotment would have been available for expenditure if made for an entire fiscal year.

"(2) Special rule for fiscal year 2008.—

"(A) In general.—For purposes of paragraph (1)(A)(i), the amounts determined under this paragraph for fiscal year 2008 are as follows:

"(i) The total Federal payments to the State under this title for fiscal year 2007, multiplied by the annual adjustment determined under subparagraph (B) for fiscal year 2008.

"(ii) The Federal share of the amount allotted to the State for fiscal year 2007 under subsection (b), multiplied by the annual adjustment determined under subparagraph (B) for fiscal year 2008.

"(iii) Only in the case of—

"(I) a State that received a payment, redistribution, or allotment under any of paragraphs (1), (2), or (4) of subsection (h), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary;

"(II) a State whose projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the May 2006 estimates certified by the State to the Secretary, were at least $95,000,000 but not more than $96,000,000 higher than the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the November 2006 estimates, the amount of the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the May 2006 estimates; or

"(III) a State whose projected total Federal payments under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary, exceeded all amounts available to the State for expenditure for fiscal year 2007 (including any amounts paid, allotted, or redistributed to the State in prior fiscal years), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary,

multiplied by the annual adjustment determined under subparagraph (B) for fiscal year 2008.

"(iv) The projected total Federal payments to the State under this title for fiscal year 2008, as determined on the basis of the August 2007 projections certified by the State to the Secretary by not later than September 30, 2007.

"(B) Annual adjustment for health care cost growth and child population growth.—The annual adjustment determined under this subparagraph for a fiscal year with respect to a State is equal to the product of the amounts determined under clauses (i) and (ii):

"(i) Per capita health care growth.—1 plus the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year that begins during the fiscal year involved over the preceding calendar year, as most recently published by the Secretary.

"(ii) Child population growth.—1.01 plus the percentage change in the population of children under 19 years of age in the State from July 1 of the fiscal year preceding the fiscal year involved to July 1 of the fiscal year involved, as determined by the Secretary based on the most timely and accurate published estimates of the Bureau of the Census.

"(C) Definition.—For purposes of subparagraph (B), the term 'fiscal year involved' means the fiscal year for which an allotment under this subsection is being determined.

"(D) Proration rule.—If, after the application of this paragraph without regard to this subparagraph, the sum of the State allotments determined under this paragraph for fiscal year 2008 exceeds the available national allotment for fiscal year 2008, the Secretary shall reduce each such allotment on a proportional basis.

"(3) ALTERNATIVE ALLOTMENTS FOR FISCAL YEARS 2009 THROUGH 2012.—

"(A) IN GENERAL.—If the sum of the State allotments determined under paragraph (1)(A)(ii) for any of fiscal years 2009 through 2011 exceeds the available national allotment for the fiscal year, the Secretary shall allot to each subsection (b) State from the available national allotment for the fiscal year an amount equal to the product of—

"(i) the available national allotment for the fiscal year; and

"(ii) the percentage equal to the sum of the State allotment factors for the fiscal year determined under paragraph (4) with respect to the State.

"(B) SPECIAL RULES BEGINNING IN FISCAL YEAR 2012.—Beginning in fiscal year 2012—

"(i) this paragraph shall be applied separately with respect to each of the periods described in clauses (i) and (ii) of paragraph (1)(D) and the available national allotment for each such period shall be the amount appropriated for such period (rather than the amount appropriated for the entire fiscal year), reduced by the amount of the allotments made for the fiscal year under subsection (c) for each such period, and

"(ii) if—

"(I) the sum of the State allotments determined under paragraph (1)(A)(iii) for either such period exceeds the amount of such available national allotment for such period, the Secretary shall make the allotment for each State for such period in the same manner as under subparagraph (A), and

"(II) the amount of such available national allotment for either such period exceeds the sum of the State allotments determined under paragraph (1)(A)(iii) for such period, the Secretary shall increase the allotment for each State for such period by the amount that bears the same ratio to such excess as the State's allotment determined under paragraph (1)(A)(iii) for such period (without regard to this subparagraph) bears to the sum of such allotments for all States.

"(4) WEIGHTED FACTORS.—

"(A) FACTORS DESCRIBED.—For purposes of paragraph (3), the factors described in this subparagraph are the following:

"(i) PROJECTED STATE EXPENDITURES FOR THE FISCAL YEAR.—The ratio of the projected expenditures under the State child health plan for the fiscal year (as certified by the State to the Secretary by not later than August 31 of the preceding fiscal year) to the sum of the projected expenditures under all such plans for all subsection (b) States for the fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(ii) NUMBER OF LOW-INCOME CHILDREN IN THE STATE.—The ratio of the number of low-income children in the State, as determined on the basis of the most timely and accurate published estimates of the Bureau of the Census, to the sum of the number of low-income children so determined for all subsection (b) States for such fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(iii) PROJECTED STATE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.—The ratio of the projected expenditures under the State child health plan for the preceding fiscal year (as determined on the basis of the projections certified by the State to the Secretary for November of the fiscal year), to the sum of the projected expenditures under all such plans for all subsection (b) States for such preceding fiscal year (as so determined), multiplied by the applicable percentage weight assigned under subparagraph (B).

"(iv) ACTUAL STATE EXPENDITURES FOR THE SECOND PRECEDING FISCAL YEAR.—The ratio of the actual expenditures under the State child health plan for the second preceding fiscal year, as determined by the Secretary on the basis of expenditure data reported by States on CMS Form 64 or CMS Form 21, to such sum of the actual expenditures under all such plans for all subsection (b) States for such second preceding fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(B) ASSIGNMENT OF WEIGHTS.—For each of fiscal years 2009 through 2012, the applicable weights assigned under this subparagraph are the following:

"(i) With respect to the factor described in subparagraph (A)(i), a weight of 75 percent for each such fiscal year.

"(ii) With respect to the factor described in subparagraph (A)(ii), a weight of 12½ percent for each such fiscal year.

"(iii) With respect to the factor described in subparagraph (A)(iii), a weight of 7½ percent for each such fiscal year.

"(iv) With respect to the factor described in subparagraph (A)(iv), a weight of 5 percent for each such fiscal year.

"(5) DEMONSTRATION OF NEED FOR INCREASED ALLOTMENT BASED ON PROJECTED STATE EXPENDITURES EXCEEDING 10 PERCENT OF THE PRECEDING FISCAL YEAR ALLOTMENT.—

"(A) IN GENERAL.—If the projected expenditures under the State child health plan described in paragraph (1)(B) for any of fiscal years 2009 through 2012 are at least 10 percent more than the allotment determined for the State for the preceding fiscal year (determined without regard to paragraph (2)(D) or paragraph (3)), and, during the preceding fiscal year, the State did not receive approval for a State plan amendment or waiver to expand coverage under the State child health plan or did not receive a CHIP contingency fund payment under subsection (k)—

"(i) the State shall submit to the Secretary, by not later than August 31 of the preceding fiscal year, information relating to the factors that contributed to the need for the increase in the State's allotment for the fiscal year, as well as any other additional information that the Secretary may require for the State to demonstrate the need for the increase in the State's allotment for the fiscal year;

"(ii) the Secretary shall—

"(I) review the information submitted under clause (i);

"(II) notify the State in writing within 60 days after receipt of the information that—

"(aa) the projected expenditures under the State child health plan are approved or disapproved (and if disapproved, the reasons for disapproval); or

"(bb) specified additional information is needed; and

"(III) if the Secretary disapproved the projected expenditures or determined additional information is needed, provide the State with a reasonable opportunity to submit additional information to demonstrate the need for the increase in the State's allotment for the fiscal year.

"(B) PROVISIONAL AND FINAL ALLOTMENT.—In the case of a State described in subparagraph (A) for which the Secretary has not determined by September 30 of a fiscal year whether the State has demonstrated the need for the increase in the State's allotment for the succeeding fiscal year, the Secretary shall provide the State with a provisional allotment for the fiscal year equal to 110 percent of the allotment determined for the State under this subsection for the preceding fiscal year (determined without regard to paragraph (2)(D) or paragraph (3)), and may, not later than November 30 of the fiscal year, adjust the State's allotment (and the allotments of other subsection (b) States), as necessary (and, if applicable, subject to paragraph (3)), on the basis of information submitted by the State in accordance with subparagraph (A).

"(6) SPECIAL RULES.—

"(A) DEADLINE AND DATA FOR DETERMINING FISCAL YEAR 2008 ALLOTMENTS.—In computing the amounts under paragraph (2)(A) and subsection (c)(5)(A) that determine the allotments to subsection (b) States and territories for fiscal year 2008, the Secretary shall use the most recent data available to the Secretary before the start of that fiscal year. The Secretary may adjust such amounts and allotments, as necessary, on the basis of the expenditure data for the prior year reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2007, but in no case shall the Secretary adjust the allotments provided under paragraph (2)(A) or subsection (c)(5)(A) for fiscal year 2008 after December 31, 2007.

"(B) INCLUSION OF CERTAIN EXPENDITURES.—

"(i) PROJECTED EXPENDITURES OF QUALIFYING STATES.—Payments made or projected to be made to a qualifying State described in paragraph (2) of section 2105(g) for expenditures described in paragraph (1)(B)(ii) or (4)(B) of that section shall be included for purposes of determining the projected expenditures described in paragraph (1)(B) with respect to the allotments determined for each of fiscal years 2009 through 2012 and for purposes of determining the amounts described in clauses (i) and (iv) of paragraph (2)(A) with respect to the allotments determined for fiscal year 2008.

"(ii) PROJECTED EXPENDITURES UNDER BLOCK GRANT SET-ASIDES FOR NONPREGNANT CHILDLESS ADULTS AND PARENTS.—Payments projected to be made to a State under subsection (a) or (b) of section 2111 shall be included for purposes of determining the projected expenditures described in paragraph (1)(B) with respect to the allotments determined for each of fiscal years 2009 through 2012 (to the extent such payments are permitted under such section), including for purposes of allocating such expenditures for purposes of clauses (i) and (ii) of paragraph (1)(D).

"(7) SUBSECTION (b) STATE.—In this paragraph, the term 'subsection (b) State' means 1 of the 50 States or the District of Columbia.".

(b) CONFORMING AMENDMENTS.—Section 2104 (42 U.S.C. 1397dd) is amended—

(1) in subsection (a), by striking "subsection (d)" and inserting "subsections (d), (h), and (i)";

(2) in subsection (b)(1), by striking "subsection (d)" and inserting "subsections (d), (h), and (i)"; and

(3) in subsection (c)(1), by striking "subsection (d)" and inserting "subsections (d), (h), and (i)".

SEC. 103. ONE-TIME APPROPRIATION.

There is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $12,500,000,000 to accompany the allotment made for the period beginning on October 1, 2011, and ending on March 31, 2012, under section 2104(a)(15)(A) of the Social Security Act (42 U.S.C. 1397dd(a)(15)(A)) (as added by section 101), to remain available until expended. Such amount shall be used to provide allotments to States under subsections (c)(5) and (i) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for the first 6 months of fiscal year 2012 in the same manner as allotments are provided under subsection (a)(15)(A) of such section and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(15)(A).

SEC. 104. IMPROVING FUNDING FOR THE TERRITORIES UNDER CHIP AND MEDICAID.

(a) UPDATE OF CHIP ALLOTMENTS.—Section 2104(c) (42 U.S.C. 1397dd(c)) is amended—

(1) in paragraph (1), by inserting "and paragraphs (5) and (6)" after "and (i)"; and

(2) by adding at the end the following new paragraphs:

"(5) ANNUAL ALLOTMENTS FOR TERRITORIES BEGINNING WITH FISCAL YEAR 2008.—Of the total allotment amount appropriated under subsection (a) for a fiscal year beginning with fiscal year 2008, the Secretary shall allot to each of the commonwealths and territories described in paragraph (3) the following:

"(A) FISCAL YEAR 2008.—For fiscal year 2008, the highest amount of Federal payments to the commonwealth or territory under this title for any fiscal year occurring during the period of fiscal years 1998 through 2007, multiplied by the annual adjustment determined under subsection (i)(2)(B) for fiscal year 2008, except that clause (ii) thereof shall be applied by substituting 'the United States' for 'the State'.

"(B) FISCAL YEARS 2009 THROUGH 2012.—

"(i) IN GENERAL.—For each of fiscal years 2009 through 2012, except as provided in clause (ii), the amount determined under this paragraph for the preceding fiscal year multiplied by the annual adjustment determined under subsection (i)(2)(B) for the fiscal year, except that clause (ii) thereof shall be applied by substituting 'the United States' for 'the State'.

"(ii) SPECIAL RULE FOR FISCAL YEAR 2012.—In the case of fiscal year 2012—

"(I) 89 percent of the amount allocated to the commonwealth or territory for such fiscal year (without regard to this subclause) shall be allocated for the period beginning on October 1, 2011, and ending on March 31, 2012, and

"(II) 11 percent of such amount shall be allocated for the period beginning on April 1, 2012, and ending on September 30, 2012.".

(b) REMOVAL OF FEDERAL MATCHING PAYMENTS FOR DATA REPORTING SYSTEMS FROM THE OVERALL LIMIT ON PAYMENTS TO TERRITORIES UNDER TITLE XIX.—Section 1108(g) (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

"(4) EXCLUSION OF CERTAIN EXPENDITURES FROM PAYMENT LIMITS.—With respect to fiscal years beginning with fiscal year 2008, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for a payment under subparagraph (A)(i), (B), or (F) of section 1903(a)(3) for a calendar quarter of such fiscal year, the payment shall not be taken into account in applying subsection (f) (as increased in accordance with paragraphs (1), (2), and (3) of this subsection) to such commonwealth or territory for such fiscal year.".

(c) GAO STUDY AND REPORT.—Not later than September 30, 2009, the Comptroller General of the United States shall submit a report to the appropriate committees of Congress regarding Federal funding under Medicaid and CHIP for Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. The report shall include the following:

(1) An analysis of all relevant factors with respect to—

(A) eligible Medicaid and CHIP populations in such commonwealths and territories;

(B) historical and projected spending needs of such commonwealths and territories and the ability of capped funding streams to respond to those spending needs;

(C) the extent to which Federal poverty guidelines are used by such commonwealths and territories to determine Medicaid and CHIP eligibility; and

(D) the extent to which such commonwealths and territories participate in data collection and reporting related to Medicaid and CHIP, including an analysis of territory participation in the Current Population Survey versus the American Community Survey.

(2) Recommendations for improving Federal funding under Medicaid and CHIP for such commonwealths and territories.

SEC. 105. INCENTIVE BONUSES FOR STATES.

(a) IN GENERAL.—Section 2104 (42 U.S.C. 1397dd), as amended by section 102, is amended by adding at the end the following new subsection:

"(j) INCENTIVE BONUSES.—

"(1) ESTABLISHMENT OF INCENTIVE POOL FROM UNOBLIGATED NATIONAL ALLOTMENT AND UNEXPENDED STATE ALLOTMENTS.—

"(A) IN GENERAL.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'CHIP Incentive Bonuses Pool' (in this subsection referred to as the 'Incentive Pool'). Amounts in the Incentive Pool are authorized to be appropriated for payments under this subsection and shall remain available until expended.

"(B) DEPOSITS THROUGH INITIAL APPROPRIATION AND TRANSFERS OF FUNDS.—

"(i) INITIAL APPROPRIATION.—There is appropriated to the Incentive Pool, out of any money in the Treasury not otherwise appropriated, $3,000,000,000 for fiscal year 2008.

"(ii) TRANSFERS.—Notwithstanding any other provision of law, the following amounts are hereby appropriated or transferred to, deposited in, and made available for expenditure from the Incentive Pool on the following dates:

"(I) UNEXPENDED FISCAL YEAR 2006 AND 2007 ALLOTMENTS.—On December 31, 2007, the sum for all States of the excess (if any) for each State of—

"(aa) the aggregate allotments provided for the State under subsection (b) or (c) for fiscal years 2006 and 2007 that are not expended by September 30, 2007, over

"(bb) an amount equal to 50 percent of the allotment provided for the State under subsection (c) or (i) for fiscal year 2008 (as determined in accordance with subsection (i)(6)).

"(II) UNOBLIGATED NATIONAL ALLOTMENT.—

"(aa) FISCAL YEARS 2008 THROUGH 2011.—On December 31 of fiscal year 2008, and on December 31 of each succeeding fiscal year through fiscal year 2011, the portion, if any, of the amount appropriated under subsection (a) for such fiscal year that is unobligated for allotment to a State under subsection (c) or (i) for such fiscal year or set aside under subsection (a)(3) or (b)(2) of section 2111 for such fiscal year.

"(bb) FIRST HALF OF FISCAL YEAR 2012.—On December 31 of fiscal year 2012, the portion, if any, of the sum of the amounts appropriated under subsection (a)(15)(A) and under section 103 of the Children's Health Insurance Program Reauthorization Act of 2007 for the period beginning on October 1, 2011, and ending on March 31, 2012, that is unobligated for allotment to a State under subsection (c) or (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

"(cc) SECOND HALF OF FISCAL YEAR 2012.—On June 30 of fiscal year 2012, the portion, if any, of the amount appropriated under subsection (a)(15)(B) for the period beginning on April 1, 2012, and ending on September 30, 2012, that is unobligated for allotment to a State under subsection (c) or (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

"(III) PERCENTAGE OF STATE ALLOTMENTS THAT ARE UNEXPENDED BY THE END OF THE FIRST YEAR OF AVAILABILITY BEGINNING WITH THE FISCAL YEAR 2009 ALLOTMENTS.—On October 1 of each of fiscal years 2009 through 2012, the sum for all States for such fiscal year (the 'current fiscal year') of the excess (if any) for each State of—

"(aa) the allotment made for the State under subsection (b), (c), or (i) for the fiscal year preceding the current fiscal year (reduced by any amounts set aside under section 2111(a)(3)) that is not expended by the end of such preceding fiscal year, over

"(bb) an amount equal to the applicable percentage (for the fiscal year) of the allotment made for the State under subsection (b), (c), or (i) (as so reduced) for such preceding fiscal year.

For purposes of item (bb), the applicable percentage is 20 percent for fiscal year 2009, and 10 percent for each of fiscal years 2010, 2011, and 2012.

"(IV) REMAINDER OF STATE ALLOTMENTS THAT ARE UNEXPENDED BY THE END OF THE PERIOD OF AVAILABILITY BEGINNING WITH THE FISCAL YEAR 2006 ALLOTMENTS.—On October 1 of each of fiscal years 2009 through 2012, the total amount of allotments made to States under subsection (b), (c), or (i) for the second preceding fiscal year (third preceding fiscal year in the case of the fiscal year 2006 allotments) and remaining after the application of subclause (III) that are not expended by September 30 of the preceding fiscal year.

"(V) UNEXPENDED TRANSITIONAL COVERAGE BLOCK GRANT FOR NONPREGNANT CHILDLESS ADULTS.—On October 1, 2009, any amounts set aside under section 2111(a)(3) that are not expended by September 30, 2009.

"(VI) EXCESS CHIP CONTINGENCY FUNDS.—

"(aa) AMOUNTS IN EXCESS OF THE AGGREGATE CAP.—On October 1 of each of fiscal years 2010 through 2012, any amount in excess of the aggregate cap applicable to the CHIP Contingency Fund for the fiscal year under subsection (k)(2)(B).

"(bb) UNEXPENDED CHIP CONTINGENCY FUND PAYMENTS.—On October 1 of each of fiscal years 2010 through 2012, any portion of a CHIP Contingency Fund payment made to a State that remains unexpended at the end of the period for which the payment is available for expenditure under subsection (e)(3).

"(VII) EXTENSION OF AVAILABILITY FOR PORTION OF UNEXPENDED STATE ALLOTMENTS.—The portion of the allotment made to a State for a fiscal year that is not transferred to the Incentive Pool under subclause (I) or (III) shall remain available for expenditure by the State only during the fiscal year in which such transfer occurs, in accordance with subclause (IV) and subsection (e)(4).

"(C) INVESTMENT OF FUND.—The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Incentive Pool as are not immediately required for payments from the Pool. The income derived from these investments constitutes a part of the Incentive Pool.

"(2) PAYMENTS TO STATES INCREASING ENROLLMENT.—

"(A) IN GENERAL.—Subject to paragraph (3)(D), with respect to each of fiscal years 2009 through 2012, the Secretary shall make payments to States from the Incentive Pool determined under subparagraph (B).

"(B) DETERMINATION OF PAYMENTS.—If, for any coverage period ending in a fiscal year ending after September 30, 2008, the average monthly enrollment of children in the State plan under title XIX exceeds the baseline monthly average for such period, the payment made for the fiscal year shall be equal to the applicable amount determined under subparagraph (C).

"(C) APPLICABLE AMOUNT.—For purposes of subparagraph (B), the applicable amount is the product determined in accordance with the following:

"(i) If such excess with respect to the number of individuals who are enrolled in the State plan under title XIX does not exceed 2 percent, the product of $75 and the number of such individuals included in such excess.

"(ii) If such excess with respect to the number of individuals who are enrolled in the State plan under title XIX exceeds 2, but does not exceed 5 percent, the product of $300 and the number of such individuals included in such excess, less the amount of such excess calculated in clause (i).

"(iii) If such excess with respect to the number of individuals who are enrolled in the State plan under title XIX exceeds 5 percent, the product of $625 and the number of such individuals included in such excess, less the sum of the amount of such excess calculated in clauses (i) and (ii).

"(D) INDEXING OF DOLLAR AMOUNTS.—For each coverage period ending in a fiscal year ending after September 30, 2009, the dollar amounts specified in subparagraph (C) shall be increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year beginning on January 1 of the coverage period over the preceding coverage period, as most recently published by the Secretary before the beginning of the coverage period involved.

"(3) RULES RELATING TO ENROLLMENT INCREASES.—For purposes of paragraph (2)(B)—

"(A) BASELINE MONTHLY AVERAGE.—Except as provided in subparagraph (C), the baseline monthly average for any fiscal year for a State is equal to—

"(i) the baseline monthly average for the preceding fiscal year; multiplied by

"(ii) the sum of 1 plus the sum of—

"(I) 0.01; and

"(II) the percentage increase in the population of low-income children in the State from the preceding fiscal year to the fiscal year involved, as determined by the Secretary based on the most timely and accurate published estimates of the Bureau of the Census before the beginning of the fiscal year involved.

"(B) COVERAGE PERIOD.—Except as provided in subparagraph (C), the coverage period for any fiscal year consists of the last 2 quarters of the preceding fiscal year and the first 2 quarters of the fiscal year.

"(C) SPECIAL RULES FOR FISCAL YEAR 2009.—With respect to fiscal year 2009—

"(i) the coverage period for that fiscal year shall be based on the first 2 quarters of fiscal year 2009; and

"(ii) the baseline monthly average shall be—

"(I) the average monthly enrollment of low-income children enrolled in the State's plan under title XIX for the first 2 quarters of fiscal year 2007 (as determined over a 6-month period on the basis of the most recent information reported through the Medicaid Statistical Information System (MSIS)); multiplied by

"(II) the sum of 1 plus the sum of—

"(aa) 0.02; and

"(bb) the percentage increase in the population of low-income children in the State from fiscal year 2007 to fiscal year 2009, as determined by the Secretary based on the most timely and accurate published estimates of the Bureau of the Census before the beginning of the fiscal year involved.

"(D) ADDITIONAL REQUIREMENT FOR ELIGIBILITY FOR PAYMENT.—For purposes of subparagraphs (B) and (C), the average monthly enrollment shall be determined without regard to children who do not meet the income eligibility criteria in effect on July 19, 2007, for enrollment under the State plan under title XIX or under a waiver of such plan.

"(4) TIME OF PAYMENT.—Payments under paragraph (2) for any fiscal year shall be made during the last quarter of such year.

"(5) USE OF PAYMENTS.—Payments made to a State from the Incentive Pool shall be used for any purpose that the State determines is likely to reduce the percentage of low-income children in the State without health insurance.

"(6) PRORATION RULE.—If the amount available for payment from the Incentive Pool is less than the total amount of payments to be made for such fiscal year, the Secretary shall reduce the payments described in paragraph (2) on a proportional basis.

"(7) REFERENCES.—With respect to a State plan under title XIX, any references to a child in this subsection shall include a reference to any individual provided medical assistance under the plan who has not attained age 19 (or, if a State has so elected under such State plan, age 20 or 21).".

(b) REDISTRIBUTION OF UNEXPENDED FISCAL YEAR 2005 ALLOTMENTS.—Notwithstanding section 2104(f) of the Social Security Act (42 U.S.C. 1397dd(f)), with respect to fiscal year 2008, the Secretary shall provide for a redistribution under such section from the allotments for fiscal year 2005 under subsection (b) and (c) of such section that are not expended by the end of fiscal year 2007, to each State described in clause (iii) of section 2104(i)(2)(A) of the Social Security Act, as added by section 102(a), of an amount that bears the same ratio to such unexpended fiscal year 2005 allotments as the ratio of the fiscal year 2007 allotment determined for each such State under subsection (b) of section 2104 of such Act for fiscal year 2007 (without regard to any amounts paid, allotted, or redistributed to the State under section 2104 for any preceding fiscal year) bears to the total amount of the fiscal year 2007 allotments for all such States (as so determined).

(c) CONFORMING AMENDMENT ELIMINATING RULES FOR REDISTRIBUTION OF UNEXPENDED ALLOTMENTS FOR FISCAL YEARS AFTER 2005.—Effective January 1, 2008, section 2104(f) (42 U.S.C. 1397dd(f)) is amended to read as follows:

"(f) UNALLOCATED PORTION OF NATIONAL ALLOTMENT AND UNUSED ALLOTMENTS.—For provisions relating to the distribution of portions of the unallocated national allotment under subsection (a) for fiscal years beginning with fiscal year 2008, and unexpended allotments for fiscal years beginning with fiscal year 2006, see subsection (j).".

(d) ADDITIONAL FUNDING FOR THE SECRETARY TO IMPROVE TIMELINESS OF DATA REPORTING AND ANALYSIS FOR PURPOSES OF DETERMINING ENROLLMENT INCREASES UNDER MEDICAID AND CHIP.—

(1) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 to the Secretary for fiscal year 2008 for the purpose of improving the timeliness of the data reported and analyzed from the Medicaid Statistical Information System (MSIS) for purposes of carrying out section 2104(j)(2)(B) of the Social Security Act (as added by subsection (a)) and to provide guidance to States with respect to any new reporting requirements related to such improvements. Amounts appropriated under this paragraph shall remain available until expended.

(2) REQUIREMENTS.—The improvements made by the Secretary under paragraph (1) shall be designed and implemented (including with respect to any necessary guidance for States) so that, beginning no later than October 1, 2008, data regarding the enrollment of low-income children (as defined in section 2110(c)(4) of the Social Security Act (42 U.S.C. 1397jj(c)(4)) of a State enrolled in the State plan under Medicaid or the State child health plan under CHIP with respect to a fiscal year shall be collected and analyzed by the Secretary within 6 months of submission.

SEC. 106. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS UNDER CHIP; CONDITIONS FOR COVERAGE OF PARENTS.

(a) PHASE-OUT RULES.—

(1) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

"SEC. 2111. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS; CONDITIONS FOR COVERAGE OF PARENTS.

"(a) TERMINATION OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

"(1) NO NEW CHIP WAIVERS; AUTOMATIC EXTENSIONS AT STATE OPTION THROUGH FISCAL YEAR 2008.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

"(A) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult; and

"(B) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2008, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

"(2) TERMINATION OF CHIP COVERAGE UNDER APPLICABLE EXISTING WAIVERS AT THE END OF FISCAL YEAR 2008.—

"(A) IN GENERAL.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided to a nonpregnant childless adult under an applicable existing waiver after September 30, 2008.

"(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2008, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only through September 30, 2008.

“(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a nonpregnant childless adult during fiscal year 2008.

“(3) OPTIONAL 1-YEAR TRANSITIONAL COVERAGE BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Subject to paragraph (4)(B), each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may elect to provide nonpregnant childless adults who were provided child health assistance or health benefits coverage under the applicable existing waiver at any time during fiscal year 2008 with such assistance or coverage during fiscal year 2009, as if the authority to provide such assistance or coverage under an applicable existing waiver was extended through that fiscal year, but subject to the following terms and conditions:

“(A) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—The Secretary shall set aside for the State an amount equal to the Federal share of the State's projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all nonpregnant childless adults under such waiver for fiscal year 2008 (as certified by the State and submitted to the Secretary by not later than August 31, 2008, and without regard to whether any such individual lost coverage during fiscal year 2008 and was later provided child health assistance or other health benefits coverage under the waiver in that fiscal year), increased by the annual adjustment for fiscal year 2009 determined under section 2104(i)(2)(B)(i). The Secretary may adjust the amount set aside under the preceding sentence, as necessary, on the basis of the expenditure data for fiscal year 2008 reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2008, but in no case shall the Secretary adjust such amount after December 31, 2008.

“(B) NO COVERAGE FOR NONPREGNANT CHILDLESS ADULTS WHO WERE NOT COVERED DURING FISCAL YEAR 2008.—

“(i) FMAP APPLIED TO EXPENDITURES.—The Secretary shall pay the State for each quarter of fiscal year 2009, from the amount set aside under subparagraph (A), an amount equal to the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) of expenditures in the quarter for providing child health assistance or other health benefits coverage to a nonpregnant childless adult but only if such adult was enrolled in the State program under this title during fiscal year 2008 (without regard to whether the individual lost coverage during fiscal year 2008 and was reenrolled in that fiscal year or in fiscal year 2009).

“(ii) FEDERAL PAYMENTS LIMITED TO AMOUNT OF BLOCK GRANT SET-ASIDE.—No payments shall be made to a State for expenditures described in this subparagraph after the total amount set aside under subparagraph (A) for fiscal year 2009 has been paid to the State.

“(4) STATE OPTION TO APPLY FOR MEDICAID WAIVER TO CONTINUE COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

“(A) IN GENERAL.—Each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may submit, not later than June 30, 2009, an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a nonpregnant childless adult whose coverage is so terminated (in this subsection referred to as a ‘Medicaid nonpregnant childless adults waiver’).

“(B) 'DEADLINE FOR APPROVAL.—The Secretary shall make a decision to approve or deny an application for a Medicaid nonpregnant childless adults waiver submitted under subparagraph (A) within 90 days of the date of the submission of the application. If no decision has been made by the Secretary as of September 30, 2009, on the application of a State for a Medicaid nonpregnant childless adults waiver that was submitted to the Secretary by June 30, 2009, the application shall be deemed approved.

“(C) STANDARD FOR BUDGET NEUTRALITY.—The budget neutrality requirement applicable with respect to expenditures for medical assistance under a Medicaid nonpregnant childless adults waiver shall—

“(i) in the case of fiscal year 2010, allow expenditures for medical assistance under title XIX for all such adults to not exceed the total amount of payments made to the State under paragraph (3)(B) for fiscal year 2009, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for calendar year 2010 over calendar year 2009, as most recently published by the Secretary; and

“(ii) in the case of any succeeding fiscal year, allow such expenditures to not exceed the amount in effect under this subparagraph for the preceding fiscal year, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year that begins during the fiscal year involved over the preceding calendar year, as most recently published by the Secretary.

“(b) RULES AND CONDITIONS FOR COVERAGE OF PARENTS OF TARGETED LOW-INCOME CHILDREN.—

“(1) TWO-YEAR TRANSITION PERIOD; AUTOMATIC EXTENSION AT STATE OPTION THROUGH FISCAL YEAR 2009.—

“(A) NO NEW CHIP WAIVERS.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

“(i) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007 approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a parent of a targeted low-income child; and

“(ii) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2009, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

“(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2009, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only, subject to paragraph (2)(A), through September 30, 2009.

“(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a parent of a targeted low-income child during fiscal years 2008 and 2009.

“(2) RULES FOR FISCAL YEARS 2010 THROUGH 2012.—

“(A) PAYMENTS FOR COVERAGE LIMITED TO BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Any State that provides child health assistance or health benefits coverage under an applicable existing waiver for a parent of a targeted low-income child may elect to continue to provide such assistance or coverage through fiscal year 2010, 2011, or 2012, subject to the same terms and conditions that applied under the applicable existing waiver, unless otherwise modified in subparagraph (B).

“(B) TERMS AND CONDITIONS.—

“(i) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—If the State makes an election under subparagraph (A), the Secretary shall set aside for the State for each such fiscal year an amount equal to the Federal share of 110 percent of the State's projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all parents of targeted low-income children enrolled under such waiver for the fiscal year (as certified by the State and submitted to the Secretary by not later than August 31 of the preceding fiscal year). In the case of fiscal year 2012, the set aside for any State shall be computed separately for each period described in clauses (i) and (ii) of subsection (i)(1)(D) and any increase or reduction in the allotment for either such period under subsection (i)(3)(B)(ii) shall be allocated on a pro rata basis to such set aside.

“(ii) PAYMENTS FROM BLOCK GRANT.—The Secretary shall pay the State from the amount set aside under clause (i) for the fiscal year, an amount for each quarter of such fiscal year equal to the applicable percentage determined under clause (iii) or (iv) for expenditures in the quarter for providing child health assistance or other health benefits coverage to a parent of a targeted low-income child.

“(iii) ENHANCED FMAP ONLY IN FISCAL YEAR 2010 FOR STATES WITH SIGNIFICANT CHILD OUTREACH OR THAT ACHIEVE CHILD COVERAGE BENCHMARKS; FMAP FOR ANY OTHER STATES.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2010 is equal to—

“(I) the enhanced FMAP determined under section 2105(b) in the case of a State that meets the outreach or coverage benchmarks described in any of subparagraphs (A), (B), or (C) of paragraph (3) for fiscal year 2009; or

“(II) the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) in the case of any other State.

“(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2011 OR 2012.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2011 or 2012 is equal to—

“(I) the REMAP percentage if the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for the preceding fiscal year; or

“(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply.

For purposes of subclause (I), the REMAP percentage is the percentage which is the sum of such Federal medical assistance percentage and a number of percentage points equal to one-half of the difference between such Federal medical assistance percentage and such enhanced FMAP.

“(v) NO FEDERAL PAYMENTS OTHER THAN FROM BLOCK GRANT SET ASIDE.—No payments shall be made to a State for expenditures described in clause (ii) after the total amount set aside under clause (i) for a fiscal year has been paid to the State.

"(vi) NO INCREASE IN INCOME ELIGIBILITY LEVEL FOR PARENTS.—No payments shall be made to a State from the amount set aside under clause (i) for a fiscal year for expenditures for providing child health assistance or health benefits coverage to a parent of a targeted low-income child whose family income exceeds the income eligibility level applied under the applicable existing waiver to parents of targeted low-income children on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

"(3) OUTREACH OR COVERAGE BENCHMARKS.—For purposes of paragraph (2), the outreach or coverage benchmarks described in this paragraph are as follows:

"(A) SIGNIFICANT CHILD OUTREACH CAMPAIGN.—The State—

"(i) was awarded a grant under section 2113 for fiscal year 2009;

"(ii) implemented 1 or more of the process measures described in section 2104(j)(3)(A)(i) for such fiscal year; or

"(iii) has submitted a specific plan for outreach for such fiscal year.

"(B) HIGH-PERFORMING STATE.—The State, on the basis of the most timely and accurate published estimates of the Bureau of the Census, ranks in the lowest ⅓ of States in terms of the State's percentage of low-income children without health insurance.

"(C) STATE INCREASING ENROLLMENT OF LOW-INCOME CHILDREN.—The State qualified for a payment from the Incentive Fund under paragraph (2)(C) of section 2104(j) for the most recent coverage period applicable under such section.

"(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a State from submitting an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a parent of a targeted low-income child that was provided child health assistance or health benefits coverage under an applicable existing waiver.

"(c) APPLICABLE EXISTING WAIVER.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable existing waiver' means a waiver, experimental, pilot, or demonstration project under section 1115, grandfathered under section 6102(c)(3) of the Deficit Reduction Act of 2005, or otherwise conducted under authority that—

"(A) would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to—

"(i) a parent of a targeted low-income child;

"(ii) a nonpregnant childless adult; or

"(iii) individuals described in both clauses (i) and (ii); and

"(B) was in effect during fiscal year 2007.

"(2) DEFINITIONS.—

"(A) PARENT.—The term 'parent' includes a caretaker relative (as such term is used in carrying out section 1931) and a legal guardian.

"(B) NONPREGNANT CHILDLESS ADULT.—The term 'nonpregnant childless adult' has the meaning given such term by section 2107(f).".

(2) CONFORMING AMENDMENTS.—

(A) Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(i) by striking ", the Secretary" and inserting ":

"(1) The Secretary";

(ii) in the first sentence, by inserting "or a parent (as defined in section 2111(c)(2)(A)), who is not pregnant, of a targeted low-income child" before the period;

(iii) by striking the second sentence; and

(iv) by adding at the end the following new paragraph:

"(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2111.".

(B) Section 6102(c) of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 131) is amended by striking "Nothing" and inserting "Subject to section 2111 of the Social Security Act, as added by section 106(a)(1) of the Children's Health Insurance Program Reauthorization Act of 2007, nothing".

(b) GAO STUDY AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of whether—

(A) the coverage of a parent, a caretaker relative (as such term is used in carrying out section 1931), or a legal guardian of a targeted low-income child under a State health plan under title XXI of the Social Security Act increases the enrollment of, or the quality of care for, children, and

(B) such parents, relatives, and legal guardians who enroll in such a plan are more likely to enroll their children in such a plan or in a State plan under title XIX of such Act.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall report the results of the study to the appropriate committees of Congress, including recommendations (if any) for changes in legislation.

SEC. 107. STATE OPTION TO COVER LOW-INCOME PREGNANT WOMEN UNDER CHIP THROUGH A STATE PLAN AMENDMENT.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 106(a), is amended by adding at the end the following new section:

"SEC. 2112. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN THROUGH A STATE PLAN AMENDMENT.

"(a) IN GENERAL.—Subject to the succeeding provisions of this section, a State may elect through an amendment to its State child health plan under section 2102 to provide pregnancy-related assistance under such plan for targeted low-income pregnant women.

"(b) CONDITIONS.—A State may only elect the option under subsection (a) if the following conditions are satisfied:

"(1) MEDICAID INCOME ELIGIBILITY LEVEL FOR PREGNANT WOMEN OF AT LEAST 185 PERCENT OF POVERTY.—The State has established an income eligibility level for pregnant women under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902 that is at least 185 percent of the income official poverty line.

"(2) NO CHIP INCOME ELIGIBILITY LEVEL FOR PREGNANT WOMEN LOWER THAN THE STATE'S MEDICAID LEVEL.—The State does not apply an effective income level for pregnant women under the State plan amendment that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902, on the date of enactment of this paragraph to be eligible for medical assistance as a pregnant woman.

"(3) NO COVERAGE FOR HIGHER INCOME PREGNANT WOMEN WITHOUT COVERING LOWER INCOME PREGNANT WOMEN.—The State does not provide coverage for pregnant women with higher family income without covering pregnant women with a lower family income.

"(4) APPLICATION OF REQUIREMENTS FOR COVERAGE OF TARGETED LOW-INCOME CHILDREN.—The State provides pregnancy-related assistance for targeted low-income pregnant women in the same manner, and subject to the same requirements, as the State provides child health assistance for targeted low-income children under the State child health plan, and in addition to providing child health assistance for such women.

"(5) NO PREEXISTING CONDITION EXCLUSION OR WAITING PERIOD.—The State does not apply any exclusion of benefits for pregnancy-related assistance based on any preexisting condition or any waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) for receipt of such assistance.

"(6) APPLICATION OF COST-SHARING PROTECTION.—The State provides pregnancy-related assistance to a targeted low-income woman consistent with the cost-sharing protections under section 2103(e) and applies the limitation on total annual aggregate cost sharing imposed under paragraph (3)(B) of such section to the family of such a woman.

"(c) OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.—A State that elects the option under subsection (a) and satisfies the conditions described in subsection (b) may elect to apply section 1920 (relating to presumptive eligibility for pregnant women) to the State child health plan in the same manner as such section applies to the State plan under title XIX.

"(d) DEFINITIONS.—For purposes of this section:

"(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term 'child health assistance' in section 2110(a) and includes any medical assistance that the State would provide for a pregnant woman under the State plan under title XIX during pregnancy and the period described in paragraph (2)(A).

"(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

"(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

"(B) whose family income does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

"(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b) in the same manner as a child applying for child health assistance would have to satisfy such requirements.

"(e) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).

"(f) STATES PROVIDING ASSISTANCE THROUGH OTHER OPTIONS.—

"(1) CONTINUATION OF OTHER OPTIONS FOR PROVIDING ASSISTANCE.—The option to provide assistance in accordance with the preceding subsections of this section shall not limit any other option for a State to provide—

"(A) child health assistance through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect after the final rule adopted by the Secretary and set forth at 67 Fed. Reg. 61956-61974 (October 2, 2002)), or

"(B) pregnancy-related services through the application of any waiver authority (as in effect on June 1, 2007).

"(2) CLARIFICATION OF AUTHORITY TO PROVIDE POSTPARTUM SERVICES.—Any State that provides child health assistance under any authority described in paragraph (1) may continue to provide such assistance, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of the pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.

"(3) NO INFERENCE.—Nothing in this subsection shall be construed—

"(A) to infer congressional intent regarding the legality or illegality of the content of the sections specified in paragraph (1)(A); or

"(B) to modify the authority to provide pregnancy-related services under a waiver specified in paragraph (1)(B).".

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) NO COST SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the heading, by inserting "OR PREGNANCY-RELATED ASSISTANCE" after "PREVENTIVE SERVICES"; and

(B) by inserting before the period at the end the following: "or for pregnancy-related assistance".

(2) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) in clause (i), by striking ", and" at the end and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman provided pregnancy-related assistance under section 2112.".

SEC. 108. CHIP CONTINGENCY FUND.

Section 2104 (42 U.S.C. 1397dd), as amended by section 105, is amended by adding at the end the following new subsection:

"(k) CHIP CONTINGENCY FUND.—

"(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'CHIP Contingency Fund' (in this subsection referred to as the 'Fund'). Amounts in the Fund are authorized to be appropriated for paymehts under this subsection.

"(2) DEPOSITS INTO FUND.—

"(A) INITIAL AND SUBSEQUENT APPROPRIATIONS.—Subject to subparagraphs (B) and (E), out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Fund—

"(i) for fiscal year 2009, an amount equal to 12.5 percent of the available national allotment under subsection (i)(1)(C) for the fiscal year; and

"(ii) for each of fiscal years 2010 through 2012, such sums as are necessary for making payments to eligible States for such fiscal year, but not in excess of the aggregate cap described in subparagraph (B).

"(B) AGGREGATE CAP.—Subject to subparagraph (E), the total amount available for payment from the Fund for each of fiscal years 2009 through 2012 (taking into account deposits made under subparagraph (C)), shall not exceed 12.5 percent of the available national allotment under subsection (i)(1)(C) for the fiscal year.

"(C) INVESTMENT OF FUND.—The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

"(D) TRANSFER OF EXCESS FUNDS TO THE INCENTIVE FUND.—The Secretary of the Treasury shall transfer to, and deposit in, the CHIP Incentive Bonuses Pool established under subsection (j) any amounts in excess of the aggregate cap described in subparagraph (B) for a fiscal year.

"(E) SPECIAL RULES FOR AMOUNTS SET ASIDE FOR PARENTS AND CHILDLESS ADULTS.—For purposes of subparagraphs (A) and (B)—

"(i) the available national allotment under subsection (i)(1)(C) shall be reduced by any amount set aside under section 2111(a)(3) for block grant payments for transitional coverage for childless adults; and

"(ii) the Secretary shall establish a separate account in the Fund for the portion of any amount appropriated to the Fund for any fiscal year which is allocable to the portion of the available national allotment under subsection (i)(1)(C) which is set aside for the fiscal year under section 2111(b)(2)(B)(i) for coverage of parents of low-income children.

The Secretary shall include in the account established under clause (ii) any income derived under subparagraph (C) which is allocable to amounts in such account.

"(3) CHIP CONTINGENCY FUND PAYMENTS.—

"(A) PAYMENTS.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii) and the succeeding subparagraphs of this paragraph, the Secretary shall pay from the Fund to a State that is an eligible State for a month of a fiscal year a CHIP contingency fund payment equal to the Federal share of the shortfall determined under subparagraph (D). In the case of an eligible State under subparagraph (D)(i), the Secretary shall not make the payment under this subparagraph until the State makes, and submits to the Secretary, a projection of the amount of the shortfall.

"(ii) SEPARATE DETERMINATIONS OF SHORTFALLS.—The Secretary shall separately compute the shortfall under subparagraph (D) for expenditures for eligible individuals other than nonpregnant childless adults and parents with respect to whom amounts are set aside under section 2111, for expenditures for such childless adults, and for expenditures for such parents.

"(iii) PAYMENTS.—

"(I) NONPREGNANT CHILDLESS ADULTS.—No payments shall be made from the Fund for nonpregnant childless adults with respect to whom amounts are set aside under section 2111(a)(3).

"(II) PARENTS.—Any payments with respect to any shortfall for parents who are paid from amounts set aside under section 2111(b)(2)(B)(i) shall be made only from the account established under paragraph (2)(E)(ii) and not from any other amounts in the Fund. No other payments may be made from such account.

"(iv) SPECIAL RULES.—Subparagraphs (B) and (C) shall be applied separately with respect to shortfalls described in clause (ii).

"(B) USE OF FUNDS.—Amounts paid to an eligible State from the Fund shall be used only to eliminate the Federal share of a shortfall in the State's allotment under subsection (i) for a fiscal year.

"(C) PRORATION RULE.—If the amounts available for payment from the Fund for a fiscal year are less than the total amount of payments determined under subparagraph (A) for the fiscal year, the amount to be paid under such subparagraph to each eligible State shall be reduced proportionally.

"(D) ELIGIBLE STATE.—

"(i) IN GENERAL.—A State is an eligible State for a month if the State is a subsection (b) State (as defined in subsection (i)(7)), the State requests access to the Fund for the month, and it is described in clause (ii) or (iii).

"(ii) SHORTFALL OF FEDERAL ALLOTMENT FUNDING OF NOT MORE THAN 5 PERCENT.—The Secretary estimates, on the basis of the most recent data available to the Secretary or requested from the State by the Secretary, that the State's allotment for the fiscal year is at least 95 percent, but less than 100 percent, of the projected expenditures under the State child health plan for the State for the fiscal year determined under subsection (i) (without regard to incentive bonuses or payments for which the State is eligible for under subsection (j)(2) for the fiscal year).

"(iii) SHORTFALL OF FEDERAL ALLOTMENT FUNDING OF MORE THAN 5 PERCENT CAUSED BY SPECIFIC EVENTS.—The Secretary estimates, on the basis of the most recent data available to the Secretary or requested from the State by the Secretary, that the State's allotment for the fiscal year is less than 95 percent of the projected expenditures under the State child health plan for the State for the fiscal year determined under subsection (i) (without regard to incentive bonuses or payments for which the State is eligible for under subsection (j)(2) for the fiscal year) and that such shortfall is attributable to 1 or more of the following events:

"(I) STAFFORD ACT OR PUBLIC HEALTH EMERGENCY.—The State has—

"(aa) 1 or more parishes or counties for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) and which the President has determined warrants individual and public assistance from the Federal Government under such Act; or

"(bb) a public health emergency declared by the Secretary under section 319 of the Public Health Service Act.

"(II) STATE ECONOMIC DOWNTURN.—The State unemployment rate is at least 5.5 percent during any 13-consecutive week period during the fiscal year and such rate is at least 120 percent of the State unemployment rate for the same period as averaged over the last 3 fiscal years.

"(III) EVENT RESULTING IN RISE IN PERCENTAGE OF LOW-INCOME CHILDREN WITHOUT HEALTH INSURANCE.—The State experienced a recent event that resulted in an increase in the percentage of low-income children in the State without health insurance (as determined on the basis of the most timely and accurate published estimates of the Bureau of the Census) that was outside the control of the State and warrants granting the State access to the Fund (as determined by the Secretary).

"(E) PAYMENTS MADE TO ALL ELIGIBLE STATES ON A MONTHLY BASIS; AUTHORITY FOR PRO RATA PAYMENTS.—The Secretary shall make monthly payments from the Fund to all States that are determined to be eligible States with respect to a month. If the sum of the payments to be made from the Fund for a month exceed the amount in the Fund, the Secretary shall reduce each such payment on a proportional basis.

"(F) PAYMENTS LIMITED TO FISCAL YEAR OF ELIGIBILITY DETERMINATION UNLESS NEW ELIGIBILITY BASIS DETERMINED.—No State shall receive a CHIP contingency fund payment under this section for a month beginning after September 30 of the fiscal year in which the State is determined to be an eligible State under this subsection, except that in the case of an event described in subclause (I) or (III) of subparagraph (D)(iii) that occurred after July 1 of the fiscal year, any such payment with respect to such event shall remain available until September 30 of the subsequent fiscal year. Nothing in the preceding sentence shall be construed as prohibiting a State from being determined to be an eligible State under this subsection for any fiscal year occurring after a fiscal year in which such a determination is made.

"(G) EXEMPTION FROM DETERMINATION OF PERCENTAGE OF ALLOTMENT RETAINED AFTER FIRST YEAR OF AVAILABILITY.—In no event shall payments made to a State under this subsection be treated as part of the allotment determined for a State for a fiscal year under subsection (i) for purposes of subsection (j)(1)(B)(ii)(III).

"(H) APPLICATION OF ALLOTMENT REPORTING RULES.—Rules applicable to States for purposes of receiving payments from an allotment determined under subsection (c) or (i) shall apply in the same manner to an eligible State for purposes of receiving a CHIP contingency fund payment under this subsection.

"(4) ANNUAL REPORTS.—The Secretary shall annually report to the Congress on the amounts in the Fund, the specific events that caused States to apply for payments from the Fund, and the payments made from the Fund.".

SEC. 109. TWO-YEAR AVAILABILITY OF ALLOTMENTS; EXPENDITURES COUNTED AGAINST OLDEST ALLOTMENTS.

Section 2104(e) (42 U.S.C. 1397dd(e)) is amended to read as follows:

"(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

"(1) IN GENERAL.—Except as provided in subsection (j)(1)(B)(ii)(III), amounts allotted to a State pursuant to this section—

"(A) for each of fiscal years 1998 through 2006, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

"(B) for each of fiscal years 2007 through 2012, shall remain available for expenditure by the State only through the end of the succeeding fiscal year for which such amounts are allotted.

"(2) INCENTIVE BONUSES.—Incentive bonuses paid to a State under subsection (j)(2) for a fiscal year shall remain available for expenditure by the State without limitation.

"(3) CHIP CONTINGENCY FUND PAYMENTS.—Except as provided in paragraph (3)(F) of subsection (k), CHIP Contingency Fund payments made to a State under such subsection for a month of a fiscal year shall remain available for expenditure by the State through the end of the fiscal year.

"(4) RULE FOR COUNTING EXPENDITURES AGAINST CHIP CONTINGENCY FUND PAYMENTS, FISCAL YEAR ALLOTMENTS, AND INCENTIVE BONUSES.—

"(A) IN GENERAL.—Expenditures under the State child health plan made on or after October 1, 2007, shall be counted against—

"(i) first, any CHIP Contingency Fund payment made to the State under subsection (k) for the earliest month of the earliest fiscal year for which the payment remains available for expenditure; and

"(ii) second, amounts allotted to the State for the earliest fiscal year for which amounts remain available for expenditure.

"(B) INCENTIVE BONUSES.—A State may elect, but is not required, to count expenditures under the State child health plan against any incentive bonuses paid to the State under subsection (j)(2) for a fiscal year.

"(C) BLOCK GRANT SET-ASIDES.—Expenditures for coverage of—

"(i) nonpregnant childless adults for fiscal year 2009 shall be counted only against the amount set aside for such coverage under section 2111(a)(3); and

"(ii) parents of targeted low-income children for each of fiscal years 2010 through 2012, shall be counted only against the amount set aside for such coverage under section 2111(b)(2)(B)(i).".

SEC. 110. LIMITATION ON MATCHING RATE FOR STATES THAT PROPOSE TO COVER CHILDREN WITH EFFECTIVE FAMILY INCOME THAT EXCEEDS 300 PERCENT OF THE POVERTY LINE.

(a) FMAP APPLIED TO EXPENDITURES.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) LIMITATION ON MATCHING RATE FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE PROVIDED TO CHILDREN WHOSE EFFECTIVE FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.—

"(A) FMAP APPLIED TO EXPENDITURES.—Except as provided in subparagraph (B), for fiscal years beginning with fiscal year 2008, the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose effective family income would exceed 300 percent of the poverty line but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any State that, on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, has an approved State plan amendment or waiver to provide, or has enacted a State law to submit a State plan amendment to provide, expenditures described in such subparagraph under the State child health plan.".

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting "or subsection (c)(8)" after "subparagraph (B)".

SEC. 111. OPTION FOR QUALIFYING STATES TO RECEIVE THE ENHANCED PORTION OF THE CHIP MATCHING RATE FOR MEDICAID COVERAGE OF CERTAIN CHILDREN.

Section 2105(g) (42 U.S.C. 1397ee(g)) is amended—

(1) in paragraph (1)(A), by inserting "subject to paragraph (4)," after "Notwithstanding any other provision of law,"; and

(2) by adding at the end the following new paragraph:

"(4) OPTION FOR ALLOTMENTS FOR FISCAL YEARS 2008 THROUGH 2012.—

"(A) PAYMENT OF ENHANCED PORTION OF MATCHING RATE FOR CERTAIN EXPENDITURES.—In the case of expenditures described in subparagraph (B), a qualifying State (as defined in paragraph (2)) may elect to be paid from the State's allotment made under section 2104 for any of fiscal years 2008 through 2012 (insofar as the allotment is available to the State under subsections (e) and (i) of such section) an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to such expenditures if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

"(B) EXPENDITURES DESCRIBED.—For purposes of subparagraph (A), the expenditures described in this subparagraph are expenditures made after the date of the enactment of this paragraph and during the period in which funds are available to the qualifying State for use under subparagraph (A), for the provision of medical assistance to individuals residing in the State who are eligible for medical assistance under the State plan under title XIX or under a waiver of such plan and who have not attained age 19 (or, if a State has so elected under the State plan under title XIX, age 20 or 21), and whose family income equals or exceeds 133 percent of the poverty line but does not exceed the Medicaid applicable income level.".

TITLE II—OUTREACH AND ENROLLMENT

SEC. 201. GRANTS FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 107, is amended by adding at the end the following:

"SEC. 2113. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.

"(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

"(1) IN GENERAL.—From the amounts appropriated under subsection (g), subject to paragraph (2), the Secretary shall award grants to eligible entities during the period of fiscal years 2008 through 2012 to conduct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

"(2) TEN PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts shall be used by the Secretary for expenditures during such period to carry out a national enrollment campaign in accordance with subsection (h).

"(b) PRIORITY FOR AWARD OF GRANTS.—

"(1) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

"(A) propose to target geographic areas with high rates of—

"(i) eligible but unenrolled children, including such children who reside in rural areas; or

"(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

"(B) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

"(2) TEN PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (g) shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

"(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

"(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

"(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

"(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

"(4) an assurance that the eligible entity shall—

"(A) conduct an assessment of the effectiveness of such activities against the performance measures;

"(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments; and

"(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

"(d) DISSEMINATION OF ENROLLMENT DATA AND INFORMATION DETERMINED FROM EFFECTIVENESS ASSESSMENTS; ANNUAL REPORT.—The Secretary shall—

"(1) make publicly available the enrollment data and information collected and reported in accordance with subsection (c)(4)(B); and

"(2) submit an annual report to Congress on the outreach and enrollment activities conducted with funds appropriated under this section.

"(e) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

"(1) the State share of funds expended for outreach and enrollment activities under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

"(2) no State matching funds shall be required for the State to receive a grant under this section.

"(f) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

"(A) A State with an approved child health plan under this title.

"(B) A local government.

"(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

"(D) A Federal health safety net organization.

"(E) A national, State, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

"(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x–65) relating to a grant award to nongovernmental entities.

"(G) An elementary or secondary school.

"(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

"(A) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

"(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

"(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

"(D) any other entity or consortium that serves children under a federally funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

"(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(4) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

"(A) by serving as a liaison between communities and health care agencies;

"(B) by providing guidance and social assistance to community residents;

"(C) by enhancing community residents' ability to effectively communicate with health care providers;

"(D) by providing culturally and linguistically appropriate health or nutrition education;

"(E) by advocating for individual and community health or nutrition needs; and

"(F) by providing referral and followup services.

"(g) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $100,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended, for the purpose of awarding grants under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

"(h) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2), the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

"(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

"(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

"(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

"(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

"(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

"(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.".

(b) ENHANCED ADMINISTRATIVE FUNDING FOR TRANSLATION OR INTERPRETATION SERVICES UNDER CHIP.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)), as amended by section 603, is amended—

(1) in the matter preceding subparagraph (A), by inserting "(or, in the case of expenditures described in subparagraph (D)(iv), the higher of 75 percent or the sum of the enhanced FMAP plus 5 percentage points)" after "enhanced FMAP"; and

(2) in subparagraph (D)—

(A) in clause (iii), by striking "and" at the end;

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following new clause:

"(iv) for translation or interpretation services in connection with the enrollment and use of services under this title by individuals for whom English is not their primary language (as found necessary by the Secretary for the proper and efficient administration of the State plan); and".

(c) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2) (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

"(C) NONAPPLICATION TO CERTAIN EXPENDITURES.—The limitation under subparagraph (A) shall not apply with respect to the following expenditures:

"(i) EXPENDITURES FUNDED UNDER SECTION 2113.—Expenditures for outreach and enrollment activities funded under a grant awarded to the State under section 2113.".

SEC. 202. INCREASED OUTREACH AND ENROLLMENT OF INDIANS.

(a) IN GENERAL.—Section 1139 (42 U.S.C. 1320b–9) is amended to read as follows:

"SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XIX AND XXI.

"(a) AGREEMENTS WITH STATES FOR MEDICAID AND CHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

"(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

"(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

"(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XIX or XXI.

"(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as added by section 201(c), is amended by adding at the end the following new clause:

"(ii) EXPENDITURES TO INCREASE OUTREACH TO, AND THE ENROLLMENT OF, INDIAN CHILDREN UNDER THIS TITLE AND TITLE XIX.—Expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).".

SEC. 203. DEMONSTRATION PROGRAM TO PERMIT STATES TO RELY ON FINDINGS BY AN EXPRESS LANE AGENCY TO DETERMINE COMPONENTS OF A CHILD'S ELIGIBILITY FOR MEDICAID OR CHIP.

(a) REQUIREMENT TO CONDUCT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a 3-year demonstration program under which up to 10 States shall be authorized to rely on a finding made within the preceding 12 months by an Express Lane agency to determine whether a child has met 1 or more of the eligibility requirements, such as income, assets or resources, citizenship status, or other criteria, necessary to determine the child's initial eligibility, eligibility redetermination, or renewal of eligibility, for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan. A State selected to participate in the demonstration program—

(A) shall not be required to direct a child (or a child's family) to submit information or documentation previously submitted by the child or family to an Express Lane agency that the State relies on for its Medicaid or CHIP eligibility determination; and

(B) may rely on information from an Express Lane agency when evaluating a child's eligibility for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan without a separate, independent confirmation of the information at the time of enrollment, redetermination, or renewal.

(2) PAYMENTS TO STATES.—From the amount appropriated under paragraph (1) of subsection (f), after the application of paragraph (2) of that subsection, the Secretary shall pay the States selected to participate in the demonstration program such sums as the Secretary shall determine for expenditures made by the State for systems upgrades and implementation of the demonstration program. In no event shall a payment be made to a State from the amount appropriated under subsection (f) for any expenditures incurred for providing medical assistance or child health assistance to a child enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency.

(b) REQUIREMENTS; OPTIONS FOR APPLICATION.—

(1) STATE REQUIREMENTS.—A State selected to participate in the demonstration program established under this section may rely on a finding of an Express Lane agency only if the following conditions are met:

(A) REQUIREMENT TO DETERMINE ELIGIBILITY USING REGULAR PROCEDURES IF CHILD IS FIRST FOUND INELIGIBLE.—If reliance on a finding from an Express Lane agency results in a child not being found eligible for the State Medicaid plan or the State CHIP plan, the State would be required to determine eligibility under such plan using its regular procedures.

(B) NOTICE.—The State shall inform the families (especially those whose children are enrolled in the State CHIP plan) that they may qualify for lower premium payments or more comprehensive health coverage under the State Medicaid plan if the family's income were directly evaluated for an eligibility determination by the State Medicaid agency, and that, at the family's option, the family may seek an eligibility determination by the State Medicaid agency.

(C) COMPLIANCE WITH DEPARTMENT OF HOMELAND SECURITY PROCEDURES.—The State may rely on an Express Lane agency finding that a child is a qualified alien as long as the Express Lane agency complies with guidance and regulatory procedures issued by the Secretary of Homeland Security for eligibility determinations of qualified aliens (as defined in subsections (b) and (c) of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641)).

(D) VERIFICATION OF CITIZENSHIP OR NATIONALITY STATUS.—The State shall satisfy the requirements of section 1902(a)(46)(B) or 2105(c)(9) of the Social Security Act, as applicable (and as added by section 301 of this Act) for verifications of citizenship or nationality status.

(E) CODING; APPLICATION TO ENROLLMENT ERROR RATES.—

(i) IN GENERAL.—The State agrees to—

(I) assign such codes as the Secretary shall require to the children who are enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency for the duration of the State's participation in the demonstration program;

(II) annually provide the Secretary with a statistically valid sample (that is approved by Secretary) of the children enrolled in such plans through reliance on such a finding by conducting a full Medicaid eligibility review of the children identified for such sample for purposes of determining an eligibility error rate with respect to the enrollment of such children;

(III) submit the error rate determined under subclause (II) to the Secretary;

(IV) if such error rate exceeds 3 percent for either of the first 2 fiscal years in which the State participates in the demonstration program, demonstrate to the satisfaction of the Secretary the specific corrective actions implemented by the State to improve upon such error rate; and

(V) if such error rate exceeds 3 percent for any fiscal year in which the State participates in the demonstration program, a reduction in the amount otherwise payable to the State under section 1903(a) of the Social Security Act (42 Secretary 1396b(a)) for quarters for that fiscal year, equal to the total amount of erroneous excess payments determined for the fiscal year only with respect to the children included in the sample for the fiscal year that are in excess of a 3 percent error rate with respect to such children.

(ii) NO PUNITIVE ACTION BASED ON ERROR RATE.—The Secretary shall not apply the error rate derived from the sample under clause (i) to the entire population of children enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency, or to the population of children enrolled in such plans on the basis of the State's regular procedures for determining eligibility, or penalize the State on the basis of such error rate in any manner other than the reduction of payments provided for under clause (i)(V).

(iii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as relieving a State that participates in the demonstration program established under this section from being subject to a penalty under section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) for payments made under the State Medicaid plan with respect to ineligible individuals and families that are determined to exceed the error rate permitted under that section (as determined without regard to the error rate determined under clause (i)(II)).

(2) STATE OPTIONS FOR APPLICATION.—A State selected to participate in the demonstration program may elect to apply any of the following:

(A) SATISFACTION OF CHIP SCREEN AND ENROLL REQUIREMENTS.—If the State relies on a finding of an Express Lane agency for purposes of determining eligibility under the State CHIP plan, the State may meet the screen and enroll requirements imposed under subparagraphs (A) and (B) of section 2102(b)(3) of the Social Security Act (42 U.S.C. 1397bb(b) (3)) by using any of the following:

(i) Establishing a threshold percentage of the poverty line that is 30 percentage points (or such other higher number of percentage points) as the State determines reflects the income methodologies of the program administered by the Express Lane Agency and the State Medicaid plan.

(ii) Providing that a child satisfies all income requirements for eligibility under the State Medicaid plan.

(iii) Providing that a child has a family income that exceeds the Medicaid applicable income level.

(B) PRESUMPTIVE ELIGIBILITY.—The State may provide for presumptive eligibility under the State CHIP plan for a child who, based on an eligibility determination of an income finding from an Express Lane agency, would qualify for child health assistance under the State CHIP plan. During the period of presumptive eligibility, the State may determine the child's eligibility for child health assistance under the State CHIP plan based on telephone contact with family members, access to data available in electronic or paper format, or other means that minimize to the maximum extent feasible the burden on the family.

(C) AUTOMATIC ENROLLMENT.—

(i) IN GENERAL.—The State may initiate and determine eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan without a program application from, or on behalf of, the child based on data obtained from sources other than the child (or the child's family), but a child can only be automatically enrolled in the State Medicaid plan or the State CHIP plan if the child or the family affirmatively consents to being enrolled through affirmation and signature on an Express Lane agency application.

(ii) INFORMATION REQUIREMENT.—A State that elects the option under clause (i) shall have procedures in place to inform the child or the child's family of the services that will be covered under the State Medicaid plan or the State CHIP plan (as applicable), appropriate methods for using such services, premium or other cost sharing charges (if any) that apply, medical support obligations created by the enrollment (if applicable), and the actions the child or the child's family must take to maintain enrollment and renew coverage.

(iii) OPTION TO WAIVE SIGNATURES.—The State may waive any signature requirements for enrollment for a child who consents to, or on whose behalf consent is provided for, enrollment in the State Medicaid plan or the State CHIP plan.

(3) SIGNATURE REQUIREMENTS.—In the case of a State selected to participate in the demonstration program—

(A) no signature under penalty of perjury shall be required on an application form for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan to attest to any element of the application for which eligibility is based on information received from an Express Lane agency or a source other than an applicant; and

(B) any signature requirement for determination of an application for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan may be satisfied through an electronic signature.

(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) relieve a State of the obligation under section 1902(a)(5) of the Social Security Act (42 U.S.C. 1396a(a)(5)) to determine eligibility for medical assistance under the State Medicaid plan; or

(B) prohibit any State options otherwise permitted under Federal law (without regard to this paragraph or the demonstration program established under this section) that are intended to increase the enrollment of eligible children for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan, including options related to outreach, enrollment, applications, or the determination or redetermination of eligibility.

(c) LIMITED WAIVER OF OTHER APPLICABLE REQUIREMENTS.—

(1) SOCIAL SECURITY ACT.—The Secretary shall waive only such requirements of the Social Security Act as the Secretary determines are necessary to carry out the demonstration program established under this section.

(2) AUTHORIZATION FOR PARTICIPATING STATES TO RECEIVE CERTAIN DATA DIRECTLY RELEVANT TO DETERMINING ELIGIBILITY AND CORRECT AMOUNT OF ASSISTANCE.—For provisions relating to the authority of States participating in the demonstration program to receive certain data directly, see section 204(c).

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct, by grant, contract, or interagency agreement, a comprehensive, independent evaluation of the demonstration program established under this section. Such evaluation shall include an analysis of the effectiveness of the program, and shall include—

(A) obtaining a statistically valid sample of the children who were enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency and determining the percentage of children who were erroneously enrolled in such plans;

(B) determining whether enrolling children in such plans through reliance on a finding made by an Express Lane agency improves the ability of a State to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans;

(C) evaluating the administrative costs or savings related to identifying and enrolling children in such plans through reliance on such findings, and the extent to which such costs differ from the costs that the State otherwise would have incurred to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans; and

(D) any recommendations for legislative or administrative changes that would improve the effectiveness of enrolling children in such plans through reliance on such findings.

(2) REPORT TO CONGRESS.—Not later than September 30, 2012, the Secretary shall submit a report to Congress on the results of the evaluation of the demonstration program established under this section.

(e) DEFINITIONS.—In this section:

(1) CHILD; CHILDREN.—With respect to a State selected to participate in the demonstration program established under this section, the terms "child" and "children" have the meanings given such terms for purposes of the State plans under titles XIX and XXI of the Social Security Act.

(2) EXPRESS LANE AGENCY.—

(A) IN GENERAL.—The term "Express Lane agency" means a public agency that—

(i) is determined by the State Medicaid agency or the State CHIP agency (as applicable) to be capable of making the determinations of 1 or more eligibility requirements described in subsection (a)(1);

(ii) is identified in the State Medicaid plan or the State CHIP plan; and

(iii) notifies the child's family—

(I) of the information which shall be disclosed in accordance with this section;

(II) that the information disclosed will be used solely for purposes of determining eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan; and

(III) that the family may elect to not have the information disclosed for such purposes; and

(iv) enters into, or is subject to, an interagency agreement to limit the disclosure and use of the information disclosed.

(B) INCLUSION OF SPECIFIC PUBLIC AGENCIES.—Such term includes the following:

(i) A public agency that determines eligibility for assistance under any of the following:

(I) The temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(II) A State program funded under part D of title IV of such Act (42 U.S.C. 651 et seq.).

(III) The State Medicaid plan.

(IV) The State CHIP plan.

(V) The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(VI) The Head Start Act (42 U.S.C. 9801 et seq.).

(VII) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(VIII) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(IX) The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

(X) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

(XI) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

(XII) The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

(ii) A State-specified governmental agency that has fiscal liability or legal responsibility for the accuracy of the eligibility determination findings relied on by the State.

(iii) A public agency that is subject to an interagency agreement limiting the disclosure and use of the information disclosed for purposes of determining eligibility under the State Medicaid plan or the State CHIP plan.

(C) EXCLUSIONS.—Such term does not include an agency that determines eligibility for a program established under the Social Services Block Grant established under title XX of the Social Security Act (42 U.S.C. 1397 et seq.) or a private, for-profit organization.

(D) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

(i) affecting the authority of a State Medicaid agency to enter into contracts with nonprofit and for-profit agencies to administer the Medicaid application process;

(ii) exempting a State Medicaid agency from complying with the requirements of section 1902(a)(4) of the Social Security Act (relating to merit-based personnel standards for employees of the State Medicaid agency and safeguards against conflicts of interest); or

(iii) authorizing a State Medicaid agency that participates in the demonstration program established under this section to use the Express Lane option to avoid complying with such requirements for purposes of making eligibility determinations under the State Medicaid plan.

(3) MEDICAID APPLICABLE INCOME LEVEL.—With respect to a State, the term "Medicaid applicable income level" has the meaning given that term for purposes of such State under section 2110(b)(4) of the Social Security Act (42 U.S.C. 1397jj(4)).

(4) POVERTY LINE.—The term "poverty line" has the meaning given that term in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)).

(5) STATE.—The term "State" means 1 of the 50 States or the District of Columbia.

(6) STATE CHIP AGENCY.—The term "State CHIP agency" means the State agency responsible for administering the State CHIP plan.

(7) STATE CHIP PLAN.—The term "State CHIP plan" means the State child health plan established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), and includes any waiver of such plan.

(8) STATE MEDICAID AGENCY.—The term "State Medicaid agency" means the State agency responsible for administering the State Medicaid plan.

(9) STATE MEDICAID PLAN.—The term "State Medicaid plan" means the State plan established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and includes any waiver of such plan.

(f) APPROPRIATION.—

(1) OPERATIONAL FUNDS.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out the demonstration program established under this section, $49,000,000 for the period of fiscal years 2008 through 2012.

(2) EVALUATION FUNDS.—$5,000,000 of the funds appropriated under paragraph (1) shall be used to conduct the evaluation required under subsection (d).

(3) BUDGET AUTHORITY.—Paragraph (1) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment to States selected to participate in the demonstration program established under this section of the amounts provided under such paragraph (after the application of paragraph (2)).

SEC. 204. AUTHORIZATION OF CERTAIN INFORMATION DISCLOSURES TO SIMPLIFY HEALTH COVERAGE DETERMINATIONS.

(a) AUTHORIZATION OF INFORMATION DISCLOSURE.—Title XIX (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1939 as section 1940; and

(2) by inserting after section 1938 the following new section:

"AUTHORIZATION TO RECEIVE PERTINENT INFORMATION

"SEC. 1939. (a) IN GENERAL.—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data directly relevant to eligibility determinations under this title (including eligibility files, information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to the State agency administering the State plan under this title, but only if such conveyance meets the requirements of subsection (b).

"(b) REQUIREMENTS FOR CONVEYANCE.—Data or information may be conveyed pursuant to this section only if the following requirements are met:

"(1) The child whose circumstances are described in the data or information (or such child's parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

"(2) Such data or information are used solely for the purposes of—

"(A) identifying children who are eligible or potentially eligible for medical assistance under this title and enrolling (or attempting to enroll) such children in the State plan; and

"(B) verifying the eligibility of children for medical assistance under the State plan.

"(3) An interagency or other agreement, consistent with standards developed by the Secretary—

"(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements for safeguarding privacy and data security; and

"(B) requires the State agency administering the State plan to use the data and information obtained under this section to seek to enroll children in the plan.

"(c) CRIMINAL PENALTY.—A person described in subsection (a) who publishes, divulges, discloses, or makes known in any manner, or to any extent, not authorized by Federal law, any information obtained under this section shall be fined not more than $1,000 or imprisoned not more than 1 year, or both, for each such unauthorized activity.

"(d) RULE OF CONSTRUCTION.—The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).".

(b) CONFORMING AMENDMENT TO TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following new subparagraph:

"(E) Section 1939 (relating to authorization to receive data directly relevant to eligibility determinations).".

(c) AUTHORIZATION FOR STATES PARTICIPATING IN THE EXPRESS LANE DEMONSTRATION PROGRAM TO RECEIVE CERTAIN DATA DIRECTLY RELEVANT TO DETERMINING ELIGIBILITY AND CORRECT AMOUNT OF ASSISTANCE.—Only in the case of a State selected to participate in the Express Lane demonstration program established under section 203, the Secretary shall enter into such agreements as are necessary to permit such a State to receive data directly relevant to eligibility determinations and determining the correct amount of benefits under the State CHIP plan or the State Medicaid plan (as such terms are defined in paragraphs (7) and (9) section 203(e)) from the following:

(1) The National Directory of New Hires established under section 453(i) of the Social Security Act (42 U.S.C. 653(i)).

(2) The National Income Data collected by the Commissioner of Social Security from information described in subparagraphs (A) and (B) of section 6103(l)(7) of the Internal Revenue Code of 1986, in accordance with the requirements of that section.

(3) Data regarding enrollment in insurance that may help to facilitate outreach and enrollment under the State Medicaid plan, the State CHIP plan, and such other programs as the Secretary may specify.

TITLE III—REDUCING BARRIERS TO ENROLLMENT

SEC. 301. VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID AND CHIP.

(a) STATE OPTION TO VERIFY DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID THROUGH VERIFICATION OF NAME AND SOCIAL SECURITY NUMBER.—

(1) ALTERNATIVE TO DOCUMENTATION REQUIREMENT.—

(A) IN GENERAL.—Section 1902 (42 U.S.C. 1396a) is amended—

(i) in subsection (a)(46)—

(I) by inserting "(A)" after "(46)";

(II) by adding "and" after the semicolon; and

(III) by adding at the end the following new subparagraph:

"(B) provide, with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, that the State shall satisfy the requirements of—

"(i) section 1903(x); or

"(ii) subsection (dd);"; and

(ii) by adding at the end the following new subsection:

"(dd)(1) For purposes of section 1902(a)(46)(B)(ii), the requirements of this subsection with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, are, in lieu of requiring the individual to present satisfactory documentary evidence of citizenship or nationality under section 1903(x) (if the individual is not described in paragraph (2) of that section), as follows:

"(A) The State submits the name and social security number of the individual to the Commissioner of Social Security as part of the plan established under paragraph (2).

"(B) If the State receives notice from the Commissioner of Social Security that the name or social security number of the individual is invalid, the State—

"(i) notifies the individual of such fact;

"(ii) provides the individual with an opportunity to cure the invalid determination with the Commissioner of Social Security, followed by a period of 90 days from the date on which the notice required under clause (i) is received by the individual to present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)); and

"(iii) disenrolls the individual from the State plan under this title within 30 days after the end of such 90-day period if no such documentary evidence is presented.

"(2)(A) Each State electing to satisfy the requirements of this subsection for purposes of section 1902(a)(46)(B) shall establish a program under which the State submits each month to the Commissioner of Social Security for verification the name and social security number of each individual enrolled in the State plan under this title that month who has attained the age of 1 before the date of the enrollment.

"(B) In establishing the State program under this paragraph, the State may enter into an agreement with the Commissioner of Social Security to provide for the electronic submission and verification of the name and social security number of an individual before the individual is enrolled in the State plan.

"(3)(A) The State agency implementing the plan approved under this title shall, at such times and in such form as the Secretary may specify, provide information on the percentage each month that the invalid names and numbers submitted bears to the total submitted for verification.

"(B) If, for any fiscal year, the average monthly percentage determined under subparagraph (A) is greater than 7 percent—

"(i) the State shall develop and adopt a corrective plan to review its procedures for verifying the identities of individuals seeking to enroll in the State plan under this title and to identify and implement changes in such procedures to improve their accuracy; and

"(ii) pay to the Secretary an amount equal to the amount which bears the same ratio to the total payments under the State plan for the fiscal year for providing medical assistance to individuals who provided invalid information as the number of individuals with invalid information in excess of 7 percent of such total submitted bears to the total number of individuals with invalid information.

"(C) The Secretary may waive, in certain limited cases, all or part of the payment under subparagraph (B)(ii) if the State is unable to reach the allowable error rate despite a good faith effort by such State.

"(D) This paragraph shall not apply to a State for a fiscal year if there is an agreement described in paragraph (2)(B) in effect as of the close of the fiscal year.

"(4) Nothing in this subsection shall affect the rights of any individual under this title to appeal any disenrollment from a State plan.".

(B) COSTS OF IMPLEMENTING AND MAINTAINING SYSTEM.—Section 1903(a)(3) (42 U.S.C. 1396b(a)(3)) is amended—

(i) by striking "plus" at the end of subparagraph (E) and inserting "and", and

(ii) by adding at the end the following new subparagraph:

"(F)(i) 90 percent of the sums expended during the quarter as are attributable to the design, development, or installation of such mechanized verification and information retrieval systems as the Secretary determines are necessary to implement section 1902(dd) (including a system described in paragraph (2)(B) thereof), and

"(ii) 75 percent of the sums expended during the quarter as are attributable to the operation of systems to which clause (i) applies, plus".

(2) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(3) CONFORMING AMENDMENTS.—Section 1903 (42 U.S.C. 1396b) is amended—

(A) in subsection (i)(22), by striking "subsection (x)" and inserting "section 1902(a)(46)(B)"; and

(B) in subsection (x)(1), by striking "subsection (i)(22)" and inserting "section 1902(a)(46)(B)(i)".

(b) CLARIFICATION OF REQUIREMENTS RELATING TO PRESENTATION OF SATISFACTORY DOCUMENTARY EVIDENCE OF CITIZENSHIP OR NATIONALITY.—

(1) ACCEPTANCE OF DOCUMENTARY EVIDENCE ISSUED BY A FEDERALLY RECOGNIZED INDIAN TRIBE.—Section 1903(x)(3)(B) (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

"(v)(I) Except as provided in subclause (II), a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

"(II) With respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.".

(2) REQUIREMENT TO PROVIDE REASONABLE OPPORTUNITY TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE.—Section 1903(x) (42 U.S.C. 1396b(x)) is amended by adding at the end the following new paragraph:

"(4) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B)(i), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.".

(3) CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.—

(A) CLARIFICATION OF RULES.—Section 1903(x) (42 U.S.C. 1396b(x)), as amended by paragraph (2), is amended—

(i) in paragraph (2)—

(I) in subparagraph (C), by striking "or" at the end;

(II) by redesignating subparagraph (D) as subparagraph (E); and

(III) by inserting after subparagraph (C) the following new subparagraph:

"(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or"; and

(ii) by adding at the end the following new paragraph:

"(5) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.".

(B) STATE REQUIREMENT TO ISSUE SEPARATE IDENTIFICATION NUMBER.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, in the case of a child who is born in the United States to an alien mother for whom medical assistance for the delivery of the child is made available pursuant to section 1903(v), the State immediately shall issue a separate identification number for the child upon notification by the facility at which such delivery occurred of the child's birth.".

(4) TECHNICAL AMENDMENTS.—Section 1903(x)(2) (42 U.S.C. 1396b(x)) is amended—

(A) in subparagraph (B)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left; and

(B) in subparagraph (C)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left.

(c) APPLICATION OF DOCUMENTATION SYSTEM TO CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 110(a), is amended by adding at the end the following new paragraph:

"(9) CITIZENSHIP DOCUMENTATION REQUIREMENTS.—

"(A) IN GENERAL.—No payment may be made under this section with respect to an individual who has, or is, declared to be a citizen or national of the United States for purposes of establishing eligibility under this title unless the State meets the requirements of section 1902(a)(46)(B) with respect to the individual.

"(B) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures described in clause (i) or (ii) of section 1903(a)(3)(F) necessary to comply with subparagraph (A) shall in no event be less than 90 percent and 75 percent, respectively.".

(2) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 202(b), is amended by adding at the end the following:

"(iii) EXPENDITURES TO COMPLY WITH CITIZENSHIP OR NATIONALITY VERIFICATION REQUIREMENTS.—Expenditures necessary for the State to comply with paragraph (9)(A).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2008.

(2) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on October 1, 2008, was determined to be ineligible for medical assistance under a State Medicaid plan, including any waiver of such plan, solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by subsection (b), had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

(3) SPECIAL TRANSITION RULE FOR INDIANS.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by subsection (b)(1)(B)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

SEC. 302. REDUCING ADMINISTRATIVE BARRIERS TO ENROLLMENT.

Section 2102(b) (42 U.S.C. 1397bb(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) REDUCTION OF ADMINISTRATIVE BARRIERS TO ENROLLMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the plan shall include a description of the procedures used to reduce administrative barriers to the enrollment of children and pregnant women who are eligible for medical assistance under title XIX or for child health assistance or health benefits coverage under this title. Such procedures shall be established and revised as often as the State determines appropriate to take into account the most recent information available to the State identifying such barriers.

"(B) DEEMED COMPLIANCE IF JOINT APPLICATION AND RENEWAL PROCESS THAT PERMITS APPLICATION OTHER THAN IN PERSON.—A State shall be deemed to comply with subparagraph (A) if the State's application and renewal forms and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children and pregnant women for medical assistance under title XIX and child health assistance under this title, and such process does not require an application to be made in person or a face-to-face interview.".

TITLE IV—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

SEC. 401. ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(c), is amended by adding at the end the following:

"(10) STATE OPTION TO OFFER PREMIUM ASSISTANCE.—

"(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph, a State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer-sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph.

"(B) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), in this paragraph, the term 'qualified employer-sponsored coverage' means a group health plan or health insurance coverage offered through an employer—

"(I) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

"(II) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

"(III) to all individuals in a manner that would be considered a nondiscriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

"(ii) EXCEPTION.—Such term does not include coverage consisting of—

"(I) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

"(II) a high deductible health plan (as defined in section 223(c)(2) of such Code) purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

"(iii) COST-EFFECTIVENESS ALTERNATIVE TO REQUIRED EMPLOYER CONTRIBUTION.—A group health plan or health insurance coverage offered through an employer that would be considered qualified employer-sponsored coverage but for the application of clause (i)(II) may be deemed to satisfy the requirement of such clause if either of the following applies:

"(I) APPLICATION OF CHILD-BASED OR FAMILY-BASED TEST.—The State establishes to the satisfaction of the Secretary that the cost of such coverage is less than the expenditures that the State would have made to enroll the child or the family (as applicable) in the State child health plan.

"(II) AGGREGATE PROGRAM OPERATIONAL COSTS DO NOT EXCEED THE COST OF PROVIDING COVERAGE UNDER THE STATE CHILD HEALTH PLAN.—If subclause (I) does not apply, the State establishes to the satisfaction of the Secretary that the aggregate amount of expenditures by the State for the purchase of all such coverage for targeted low-income children under the State child health plan (including administrative expenditures) does not exceed the aggregate amount of expenditures that the State would have made for providing coverage under the State child health plan for all such children.

"(C) PREMIUM ASSISTANCE SUBSIDY.—

"(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer-sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan (subject to the limitations imposed under section 2103(e), including the requirement to count the total amount of the employee contribution required for enrollment of the employee and the child in such coverage toward the annual aggregate cost-sharing limit applied under paragraph (3)(B) of such section).

"(ii) STATE PAYMENT OPTION.—A State may provide a premium assistance subsidy either as reimbursement to an employee for out-of-pocket expenditures or, subject to clause (iii), directly to the employee's employer.

"(iii) EMPLOYER OPT-OUT.—An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee. In the event of such a notification, an employer shall withhold the total amount of the employee contribution required for enrollment of the employee and the child in the qualified employer-sponsored coverage and the State shall pay the premium assistance subsidy directly to the employee.

"(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

"(D) APPLICATION OF SECONDARY PAYOR RULES.—The State shall be a secondary payor for any items or services provided under the qualified employer-sponsored coverage for which the State provides child health assistance under the State child health plan.

"(E) REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

"(i) IN GENERAL.—Notwithstanding section 2110(b)(1)(C), the State shall provide for each targeted low-income child enrolled in qualified employer-sponsored coverage, supplemental coverage consisting of—

"(I) items or services that are not covered, or are only partially covered, under the qualified employer-sponsored coverage; and

"(II) cost-sharing protection consistent with section 2103(e).

"(ii) RECORD KEEPING REQUIREMENTS.—For purposes of carrying out clause (i), a State may elect to directly pay out-of-pocket expenditures for cost-sharing imposed under the qualified employer-sponsored coverage and collect or not collect all or any portion of such expenditures from the parent of the child.

"(F) APPLICATION OF WAITING PERIOD IMPOSED UNDER THE STATE.—Any waiting period imposed under the State child health plan prior to the provision of child health assistance to a targeted low-income child under the State plan shall apply to the same extent to the provision of a premium assistance subsidy for the child under this paragraph.

"(G) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of a targeted low-income child receiving a premium assistance subsidy to disenroll the child from the qualified employer-sponsored coverage and enroll the child in, and receive child health assistance under, the State child health plan, effective on the first day of any month for which the child is eligible for such assistance and in a manner that ensures continuity of coverage for the child.

"(H) APPLICATION TO PARENTS.—If a State provides child health assistance or health benefits coverage to parents of a targeted low-income child in accordance with section 2111(b), the State may elect to offer a premium assistance subsidy to a parent of a targeted low-income child who is eligible for such a subsidy under this paragraph in the same manner as the State offers such a subsidy for the enrollment of the child in qualified employer-sponsored coverage, except that—

"(i) the amount of the premium assistance subsidy shall be increased to take into account the cost of the enrollment of the parent in the qualified employer-sponsored coverage or, at the option of the State if the State determines it cost-effective, the cost of the enrollment of the child's family in such coverage; and

"(ii) any reference in this paragraph to a child is deemed to include a reference to the parent or, if applicable under clause (i), the family of the child.

"(I) ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.—

"(i) IN GENERAL.—A State may establish an employer-family premium assistance purchasing pool for employers with less than 250 employees who have at least 1 employee who is a pregnant woman eligible for assistance under the State child health plan (including through the application of an option described in section 2112(f)) or a member of a family with at least 1 targeted low-income child and to provide a premium assistance subsidy under this paragraph for enrollment in coverage made available through such pool.

"(ii) ACCESS TO CHOICE OF COVERAGE.—A State that elects the option under clause (i) shall identify and offer access to not less than 2 private health plans that are health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2) for employees described in clause (i).

"(J) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect prior to the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

"(K) NOTICE OF AVAILABILITY.—If a State elects to provide premium assistance subsidies in accordance with this paragraph, the State shall—

"(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer-sponsored coverage;

"(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

"(iii) establish such other procedures as the State determines necessary to ensure that parents are fully informed of the choices for receiving child health assistance under the State child health plan or through the receipt of premium assistance subsidies.

"(L) APPLICATION TO QUALIFIED EMPLOYER-SPONSORED BENCHMARK COVERAGE.—If a group health plan or health insurance coverage offered through an employer is certified by an actuary as health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2), the State may provide premium assistance subsidies for enrollment of targeted low-income children in such group health plan or health insurance coverage in the same manner as such subsidies are provided under this paragraph for enrollment in qualified employer-sponsored coverage, but without regard to the requirement to provide supplemental coverage for benefits and cost-sharing protection provided under the State child health plan under subparagraph (E).".

(b) APPLICATION TO MEDICAID.—Section 1906 (42 U.S.C. 1396e) is amended by inserting after subsection (c) the following:

"(d) A State may elect to offer a premium assistance subsidy (as defined in section 2105(c)(10)(C)) for qualified employer-sponsored coverage (as defined in section 2105(c)(10)(B)) to a child who is eligible for medical assistance under the State plan under this title, to the parent of such a child, and to a pregnant woman, in the same manner as such a subsidy for such coverage may be offered under a State child health plan under title XXI in accordance with section 2105(c)(10) (except that subparagraph (E)(i)(II) of such section shall be applied by substituting '1916 or, if applicable, 1916A' for '2103(e)').".

(c) GAO STUDY AND REPORT.—Not later than January 1, 2009, the Comptroller General of the United States shall study cost and coverage issues relating to any State premium assistance programs for which Federal matching payments are made under title XIX or XXI of the Social Security Act, including under waiver authority, and shall submit a report to the appropriate committees of Congress on the results of such study.

SEC. 402. OUTREACH, EDUCATION, AND ENROLLMENT ASSISTANCE.

(a) REQUIREMENT TO INCLUDE DESCRIPTION OF OUTREACH, EDUCATION, AND ENROLLMENT EFFORTS RELATED TO PREMIUM ASSISTANCE SUBSIDIES IN STATE CHILD HEALTH PLAN.—Section 2102(c) (42 U.S.C. 1397bb(c)) is amended by adding at the end the following new paragraph:

"(3) PREMIUM ASSISTANCE SUBSIDIES.—Outreach, education, and enrollment assistance for families of children likely to be eligible for premium assistance subsidies under the State child health plan in accordance with paragraphs (2)(B), (3), or (10) of section 2105(c), or a waiver approved under section 1115, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and for employers likely to provide coverage that is eligible for such subsidies, including the specific, significant resources the State intends to apply to educate employers about the availability of premium assistance subsidies under the State child health plan.".

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 301(c)(2), is amended by adding at the end the following new clause:

"(iv) EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF CHILDREN UNDER THIS TITLE AND TITLE XIX THROUGH PREMIUM ASSISTANCE SUBSIDIES.—Expenditures for outreach activities to families of children likely to be eligible for premium assistance subsidies in accordance with paragraphs (2)(B), (3), or (10), or a waiver approved under section 1115, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and to employers likely to provide qualified employer-sponsored coverage (as defined in subparagraph (B) of such paragraph).".

Subtitle B—Coordinating Premium Assistance With Private Coverage

SEC. 411. SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF TERMINATION OF MEDICAID OR CHIP COVERAGE OR ELIGIBILITY FOR ASSISTANCE IN PURCHASE OF EMPLOYMENT-BASED COVERAGE; COORDINATION OF COVERAGE.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—Section 9801(f) of the Internal Revenue Code of 1986 (relating to special enrollment periods) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES RELATING TO MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) EMPLOYEE OUTREACH AND DISCLOSURE.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this clause, the employer may use any State-specific model notice issued by the Secretary of Labor or the Secretary of Health and Human Services in accordance with section 701(f)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)).

"(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024).

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(2)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT.—

(A) IN GENERAL.—Section 701(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.".

"(B) COORDINATION WITH MEDICAID AND CHIP.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents.

"(II) MODEL NOTICE.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary and the Secretary of Health and Human Services, in consultation with Directors of State Medicaid agencies under title XIX of the Social Security Act and Directors of State CHIP agencies under title XXI of such Act, shall jointly develop national and State-specific model notices for purposes of subparagraph (A). The Secretary shall provide employers with such model notices so as to enable employers to timely comply with the requirements of subparagraph (A). Such model notices shall include information regarding how an employee may contact the State in which the employee resides for additional information regarding potential opportunities for such premium assistance, including how to apply for such assistance.

"(III) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b).

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(2)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

(B) CONFORMING AMENDMENT.—Section 102(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1022(b)) is amended—

(i) by striking "and the remedies" and inserting ", the remedies"; and

(ii) by inserting before the period the following: ", and if the employer so elects for purposes of complying with section 701(f)(3)(B)(i), the model notice applicable to the State in which the participants and beneficiaries reside".

(C) WORKING GROUP TO DEVELOP MODEL COVERAGE COORDINATION DISCLOSURE FORM.—

(i) MEDICAID, CHIP, AND EMPLOYER-SPONSORED COVERAGE COORDINATION WORKING GROUP.—

(I) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly establish a Medicaid, CHIP, and Employer-Sponsored Coverage Coordination Working Group (in this subparagraph referred to as the "Working Group"). The purpose of the Working Group shall be to develop the model coverage coordination disclosure form described in subclause (II) and to identify the impediments to the effective coordination of coverage available to families that include employees of employers that maintain group health plans and members who are eligible for medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(II) MODEL COVERAGE COORDINATION DISCLOSURE FORM DESCRIBED.—The model form described in this subclause is a form for plan administrators of group health plans to complete for purposes of permitting a State to determine the availability and cost-effectiveness of the coverage available under such plans to employees who have family members who are eligible for premium assistance offered under a State plan under title XIX or XXI of such Act and to allow for coordination of coverage for enrollees of such plans. Such form shall provide the following information in addition to such other information as the Working Group determines appropriate:

(aa) A determination of whether the employee is eligible for coverage under the group health plan.

(bb) The name and contract information of the plan administrator of the group health plan.

(cc) The benefits offered under the plan.

(dd) The premiums and cost-sharing required under the plan.

(ee) Any other information relevant to coverage under the plan.

(ii) MEMBERSHIP.—The Working Group shall consist of not more than 30 members and shall be composed of representatives of—

(I) the Department of Labor;

(II) the Department of Health and Human Services;

(III) State directors of the Medicaid program under title XIX of the Social Security Act;

(IV) State directors of the State Children's Health Insurance Program under title XXI of the Social Security Act;

(V) employers, including owners of small businesses and their trade or industry representatives and certified human resource and payroll professionals;

(VI) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974); and

(VII) children and other beneficiaries of medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(iii) COMPENSATION.—The members of the Working Group shall serve without compensation.

(iv) ADMINISTRATIVE SUPPORT.—The Department of Health and Human Services and the Department of Labor shall jointly provide appropriate administrative support to the Working Group, including technical assistance. The Working Group may use the services and facilities of either such Department, with or without reimbursement, as jointly determined by such Departments.

(v) REPORT.—

(I) REPORT BY WORKING GROUP TO THE SECRETARIES.—Not later than 18 months after the date of the enactment of this Act, the Working Group shall submit to the Secretary of Labor and the Secretary of Health and Human Services the model form described in clause (i)(II) along with a report containing recommendations for appropriate measures to address the impediments to the effective coordination of coverage between group health plans and the State plans under titles XIX and XXI of the Social Security Act.

(II) REPORT BY SECRETARIES TO THE CONGRESS.—Not later than 2 months after receipt of the report pursuant to subclause (I), the Secretaries shall jointly submit a report to each House of the Congress regarding the recommendations contained in the report under such subclause.

(vi) TERMINATION.—The Working Group shall terminate 30 days after the date of the issuance of its report under clause (v).

(D) EFFECTIVE DATES.—The Secretary of Labor and the Secretary of Health and Human Services shall develop the initial model notices under section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974, and the Secretary of Labor shall provide such notices to employers, not later than the date that is 1 year after the date of enactment of this Act, and each employer shall provide the initial annual notices to such employer's employees beginning with the first plan year that begins after the date on which such initial model notices are first issued. The model coverage coordination disclosure form developed under subparagraph (C) shall apply with respect to requests made by States beginning with the first plan year that begins after the date on which such model coverage coordination disclosure form is first issued.

(E) ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(i) in subsection (a)(6), by striking "or (8)" and inserting "(8), or (9)"; and

(ii) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following:

"(9)(A) The Secretary may assess a civil penalty against any employer of up to $100 a day from the date of the employer's failure to meet the notice requirement of section

701(f)(3)(B)(i)(I). For purposes of this subparagraph, each violation with respect to any single employee shall be treated as a separate violation.

"(B) The Secretary may assess a civil penalty against any plan administrator of up to $100 a day from the date of the plan administrator's failure to timely provide to any State the information required to be disclosed under section 701(f)(3)(B)(ii). For purposes of this subparagraph, each violation with respect to any single participant or beneficiary shall be treated as a separate violation.".

TITLE V—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES OF CHILDREN

SEC. 501. CHILD HEALTH QUALITY IMPROVEMENT ACTIVITIES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.

(a) DEVELOPMENT OF CHILD HEALTH QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1139 the following new section:

"SEC. 1139A. CHILD HEALTH QUALITY MEASURES.

"(a) DEVELOPMENT OF AN INITIAL CORE SET OF HEALTH CARE QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

"(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall identify and publish for general comment an initial, recommended core set of child health quality measures for use by State programs administered under titles XIX and XXI, health insurance issuers and managed care entities that enter into contracts with such programs, and providers of items and services under such programs.

"(2) IDENTIFICATION OF INITIAL CORE MEASURES.—In consultation with the individuals and entities described in subsection (b)(3), the Secretary shall identify existing quality of care measures for children that are in use under public and privately sponsored health care coverage arrangements, or that are part of reporting systems that measure both the presence and duration of health insurance coverage over time.

"(3) RECOMMENDATIONS AND DISSEMINATION.—Based on such existing and identified measures, the Secretary shall publish an initial core set of child health quality measures that includes (but is not limited to) the following:

"(A) The duration of children's health insurance coverage over a 12-month time period.

"(B) The availability of a full range of—

"(i) preventive services, treatments, and services for acute conditions, including services to promote healthy birth and prevent and treat premature birth; and

"(ii) treatments to correct or ameliorate the effects of chronic physical and mental conditions in infants, young children, school-age children, and adolescents.

"(C) The availability of care in a range of ambulatory and inpatient health care settings in which such care is furnished.

"(D) The types of measures that, taken together, can be used to estimate the overall national quality of health care for children and to perform comparative analyses of pediatric health care quality and racial, ethnic, and socioeconomic disparities in child health and health care for children.

"(4) ENCOURAGE VOLUNTARY AND STANDARDIZED REPORTING.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary, in consultation with States, shall develop a standardized format for reporting information and procedures and approaches that encourage States to use the initial core measurement set to voluntarily report information regarding the quality of pediatric health care under titles XIX and XXI.

"(5) ADOPTION OF BEST PRACTICES IN IMPLEMENTING QUALITY PROGRAMS.—The Secretary shall disseminate information to States regarding best practices among States with respect to measuring and reporting on the quality of health care for children, and shall facilitate the adoption of such best practices. In developing best practices approaches, the Secretary shall give particular attention to State measurement techniques that ensure the timeliness and accuracy of provider reporting, encourage provider reporting compliance, encourage successful quality improvement strategies, and improve efficiency in data collection using health information technology.

"(6) REPORTS TO CONGRESS.—Not later than January 1, 2010, and every 3 years thereafter, the Secretary shall report to Congress on—

"(A) the status of the Secretary's efforts to improve—

"(i) quality related to the duration and stability of health insurance coverage for children under titles XIX and XXI;

"(ii) the quality of children's health care under such titles, including preventive health services, health care for acute conditions, chronic health care, and health services to ameliorate the effects of physical and mental conditions and to aid in growth and development of infants, young children, school-age children, and adolescents with special health care needs; and

"(iii) the quality of children's health care under such titles across the domains of quality, including clinical quality, health care safety, family experience with health care, health care in the most integrated setting, and elimination of racial, ethnic, and socioeconomic disparities in health and health care;

"(B) the status of voluntary reporting by States under titles XIX and XXI, utilizing the initial core quality measurement set; and

"(C) any recommendations for legislative changes needed to improve the quality of care provided to children under titles XIX and XXI, including recommendations for quality reporting by States.

"(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States to assist them in adopting and utilizing core child health quality measures in administering the State plans under titles XIX and XXI.

"(8) DEFINITION OF CORE SET.—In this section, the term 'core set' means a group of valid, reliable, and evidence-based quality measures that, taken together—

"(A) provide information regarding the quality of health coverage and health care for children;

"(B) address the needs of children throughout the developmental age span; and

"(C) allow purchasers, families, and health care providers to understand the quality of care in relation to the preventive needs of children, treatments aimed at managing and resolving acute conditions, and diagnostic and treatment services whose purpose is to correct or ameliorate physical, mental, or developmental conditions that could, if untreated or poorly treated, become chronic.

"(b) ADVANCING AND IMPROVING PEDIATRIC QUALITY MEASURES.—

"(1) ESTABLISHMENT OF PEDIATRIC QUALITY MEASURES PROGRAM.—Not later than January 1, 2010, the Secretary shall establish a pediatric quality measures program to—

"(A) improve and strengthen the initial core child health care quality measures established by the Secretary under subsection (a);

"(B) expand on existing pediatric quality measures used by public and private health care purchasers and advance the development of such new and emerging quality measures; and

"(C) increase the portfolio of evidence-based, consensus pediatric quality measures available to public and private purchasers of children's health care services, providers, and consumers.

"(2) EVIDENCE-BASED MEASURES.—The measures developed under the pediatric quality measures program shall, at a minimum, be—

"(A) evidence-based and, where appropriate, risk adjusted;

"(B) designed to identify and eliminate racial and ethnic disparities in child health and the provision of health care;

"(C) designed to ensure that the data required for such measures is collected and reported in a standard format that permits comparison of quality and data at a State, plan, and provider level;

"(D) periodically updated; and

"(E) responsive to the child health needs, services, and domains of health care quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A).

"(3) PROCESS FOR PEDIATRIC QUALITY MEASURES PROGRAM.—In identifying gaps in existing pediatric quality measures and establishing priorities for development and advancement of such measures, the Secretary shall consult with—

"(A) States;

"(B) pediatricians, children's hospitals, and other primary and specialized pediatric health care professionals (including members of the allied health professions) who specialize in the care and treatment of children, particularly children with special physical, mental, and developmental health care needs;

"(C) dental professionals, including pediatric dental professionals;

"(D) health care providers that furnish primary health care to children and families who live in urban and rural medically underserved communities or who are members of distinct population sub-groups at heightened risk for poor health outcomes;

"(E) national organizations representing consumers and purchasers of children's health care;

"(F) national organizations and individuals with expertise in pediatric health quality measurement; and

"(G) voluntary consensus standards setting organizations and other organizations involved in the advancement of evidence-based measures of health care.

"(4) DEVELOPING, VALIDATING, AND TESTING A PORTFOLIO OF PEDIATRIC QUALITY MEASURES.—As part of the program to advance pediatric quality measures, the Secretary shall—

"(A) award grants and contracts for the development, testing, and validation of new, emerging, and innovative evidence-based measures for children's health care services across the domains of quality described in clauses (i),(ii), and (iii) of subsection (a)(6)(A); and

"(B) award grants and contracts for—

"(i) the development of consensus on evidence-based measures for children's health care services;

"(ii) the dissemination of such measures to public and private purchasers of health care for children; and "(iii) the updating of such measures as necessary.

"(5) REVISING, STRENGTHENING, AND IMPROVING INITIAL CORE MEASURES.—Beginning no later than January 1, 2012, and annually thereafter, the Secretary shall publish recommended changes to the core measures described in subsection (a) that shall reflect the testing, validation, and consensus process for the development of pediatric quality measures described in subsection paragraphs (1) through (4).

"(6) DEFINITION OF PEDIATRIC QUALITY MEASURE.—In this subsection, the term 'pediatric quality measure' means a measurement of clinical care that is capable of being examined through the collection and analysis of relevant information, that is developed in order to assess 1 or more aspects of pediatric health care quality in various institutional and ambulatory health care settings, including the structure of the clinical care system, the process of care, the outcome of care, or patient experiences in care.

"(c) ANNUAL STATE REPORTS REGARDING STATE-SPECIFIC QUALITY OF CARE MEASURES APPLIED UNDER MEDICAID OR CHIP.—

"(1) ANNUAL STATE REPORTS.—Each State with a State plan approved under title XIX or a State child health plan approved under title XXI shall annually report to the Secretary on the—

"(A) State-specific child health quality measures applied by the States under such plans, including measures described in subparagraphs (A) and (B) of subsection (a)(6); and

"(B) State-specific information on the quality of health care furnished to children under such plans, including information collected through external quality reviews of managed care organizations under section 1932 of the Social Security Act (42 U.S.C. 1396u-4) and benchmark plans under sections 1937 and 2103 of such Act (42 U.S.C. 1396u-7, 1397cc).

"(2) PUBLICATION.—Not later than September 30, 2009, and annually thereafter, the Secretary shall collect, analyze, and make publicly available the information reported by States under paragraph (1).

"(d) DEMONSTRATION PROJECTS FOR IMPROVING THE QUALITY OF CHILDREN'S HEALTH CARE AND THE USE OF HEALTH INFORMATION TECHNOLOGY.—

"(1) IN GENERAL.—During the period of fiscal years 2008 through 2012, the Secretary shall award not more than 10 grants to States and child health providers to conduct demonstration projects to evaluate promising ideas for improving the quality of children's health care provided under title XIX or XXI, including projects to—

"(A) experiment with, and evaluate the use of, new measures of the quality of children's health care under such titles (including testing the validity and suitability for reporting of such measures);

"(B) promote the use of health information technology in care delivery for children under such titles;

"(C) evaluate provider-based models which improve the delivery of children's health care services under such titles, including care management for children with chronic conditions and the use of evidence-based approaches to improve the effectiveness, safety, and efficiency of health care services for children; or

"(D) demonstrate the impact of the model electronic health record format for children developed and disseminated under subsection (f) on improving pediatric health, including the effects of chronic childhood health conditions, and pediatric health care quality as well as reducing health care costs.

"(2) REQUIREMENTS.—In awarding grants under this subsection, the Secretary shall ensure that—

"(A) only 1 demonstration project funded under a grant awarded under this subsection shall be conducted in a State; and

"(B) demonstration projects funded under grants awarded under this subsection shall be conducted evenly between States with large urban areas and States with large rural areas.

"(3) AUTHORITY FOR MULTISTATE PROJECTS.—A demonstration project conducted with a grant awarded under this subsection may be conducted on a multistate basis, as needed.

"(4) FUNDING.—$20,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(e) CHILDHOOD OBESITY DEMONSTRATION PROJECT.—

"(1) AUTHORITY TO CONDUCT DEMONSTRATION.—The Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for reducing childhood obesity by awarding grants to eligible entities to carry out such project. Such model shall—

"(A) identify, through self-assessment, behavioral risk factors for obesity among children;

"(B) identify, through self-assessment, needed clinical preventive and screening benefits among those children identified as target individuals on the basis of such risk factors;

"(C) provide ongoing support to such target individuals and their families to reduce risk factors and promote the appropriate use of preventive and screening benefits; and

"(D) be designed to improve health outcomes, satisfaction, quality of life, and appropriate use of items and services for which medical assistance is available under title XIX or child health assistance is available under title XXI among such target individuals.

"(2) ELIGIBILITY ENTITIES.—For purposes of this subsection, an eligible entity is any of the following:

"(A) A city, county, or Indian tribe.

"(B) A local or tribal educational agency.

"(C) An accredited university, college, or community college.

"(D) A Federally-qualified health center.

"(E) A local health department.

"(F) A health care provider.

"(G) A community-based organization.

"(H) Any other entity determined appropriate by the Secretary, including a consortia or partnership of entities described in any of subparagraphs (A) through (G).

"(3) USE OF FUNDS.—An eligible entity awarded a grant under this subsection shall use the funds made available under the grant to—

"(A) carry out community-based activities related to reducing childhood obesity, including by—

"(i) forming partnerships with entities, including schools and other facilities providing recreational services, to establish programs for after school and weekend community activities that are designed to reduce childhood obesity;

"(ii) forming partnerships with daycare facilities to establish programs that promote healthy eating behaviors and physical activity; and

"(iii) developing and evaluating community educational activities targeting good nutrition and promoting healthy eating behaviors;

"(B) carry out age-appropriate school-based activities that are designed to reduce childhood obesity, including by—

"(i) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

"(I) after hours physical activity programs; and

"(II) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problemsolving and decisionmaking skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

"(ii) providing education and training to educational professionals regarding how to promote a healthy lifestyle and a healthy school environment for children;

"(iii) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

"(iv) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity for children;

"(C) carry out educational, counseling, promotional, and training activities through the local health care delivery systems including by—

"(i) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

"(ii) providing patient education and counseling to increase physical activity and promote healthy eating behaviors;

"(iii) training health professionals on how to identify and treat obese and overweight individuals which may include nutrition and physical activity counseling; and

"(iv) providing community education by a health professional on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; and

"(D) provide, through qualified health professionals, training and supervision for community health workers to—

"(i) educate families regarding the relationship between nutrition, eating habits, physical activity, and obesity;

"(ii) educate families about effective strategies to improve nutrition, establish healthy eating patterns, and establish appropriate levels of physical activity; and

"(iii) educate and guide parents regarding the ability to model and communicate positive health behaviors.

"(4) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to awarding grants to eligible entities—

"(A) that demonstrate that they have previously applied successfully for funds to carry out activities that seek to promote individual and community health and to prevent the incidence of chronic disease and that can cite published and peer-reviewed research demonstrating that the activities that the entities propose to carry out with funds made available under the grant are effective;

"(B) that will carry out programs or activities that seek to accomplish a goal or goals set by the State in the Healthy People 2010 plan of the State;

"(C) that provide non-Federal contributions, either in cash or in-kind, to the costs of funding activities under the grants;

"(D) that develop comprehensive plans that include a strategy for extending program activities developed under grants in the years following the fiscal years for which they receive grants under this subsection;

"(E) located in communities that are medically underserved, as determined by the Secretary;

"(F) located in areas in which the average poverty rate is at least 150 percent or higher of the average poverty rate in the State involved, as determined by the Secretary; and

"(G) that submit plans that exhibit multisectoral, cooperative conduct that includes the involvement of a broad range of stakeholders, including—

"(i) community-based organizations;

"(ii) local governments;

"(iii) local educational agencies;

"(iv) the private sector;

"(v) State or local departments of health;

"(vi) accredited colleges, universities, and community colleges;

"(vii) health care providers;

"(viii) State and local departments of transportation and city planning; and

"(ix) other entities determined appropriate by the Secretary.

"(5) PROGRAM DESIGN.—

"(A) INITIAL DESIGN.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall design the demonstration project. The demonstration should draw upon promising, innovative models and incentives to reduce behavioral risk factors. The Administrator of the Centers for Medicare & Medicaid Services shall consult with the Director of the Centers for Disease Control and Prevention, the Director of the Office of Minority Health, the heads of other agencies in the Department of Health and Human Services, and such professional organizations, as the Secretary determines to be appropriate, on the design, conduct, and evaluation of the demonstration.

"(B) NUMBER AND PROJECT AREAS.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall award 1 grant that is specifically designed to determine whether programs similar to programs to be conducted by other grantees under this subsection should be implemented with respect to the general population of children who are eligible for child health assistance under State child health plans under title XXI in order to reduce the incidence of childhood obesity among such population.

"(6) REPORT TO CONGRESS.—Not later than 3 years after the date the Secretary implements the demonstration project under this subsection, the Secretary shall submit to Congress a report that describes the project, evaluates the effectiveness and cost effectiveness of the project, evaluates the beneficiary satisfaction under the project, and includes any such other information as the Secretary determines to be appropriate.

"(7) DEFINITIONS.—In this subsection:

"(A) FEDERALLY-QUALIFIED HEALTH CENTER.—The term 'Federally-qualified health center' has the meaning given that term in section 1905(l)(2)(B).

"(B) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(C) SELF-ASSESSMENT.—The term 'self-assessment' means a form that—

"(i) includes questions regarding—

"(I) behavioral risk factors;

"(II) needed preventive and screening services; and

"(III) target individuals' preferences for receiving follow-up information;

"(ii) is assessed using such computer generated assessment programs; and

"(iii) allows for the provision of such ongoing support to the individual as the Secretary determines appropriate.

"(D) ONGOING SUPPORT.—The term 'ongoing support' means—

"(i) to provide any target individual with information, feedback, health coaching, and recommendations regarding—

"(I) the results of a self-assessment given to the individual;

"(II) behavior modification based on the self-assessment; and

"(III) any need for clinical preventive and screening services or treatment including medical nutrition therapy;

"(ii) to provide any target individual with referrals to community resources and programs available to assist the target individual in reducing health risks; and

"(iii) to provide the information described in clause (i) to a health care provider, if designated by the target individual to receive such information.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for the period of fiscal years 2008 through 2012.

"(f) DEVELOPMENT OF MODEL ELECTRONIC HEALTH RECORD FORMAT FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

"(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall establish a program to encourage the development and dissemination of a model electronic health record format for children enrolled in the State plan under title XIX or the State child health plan under title XXI that is—

"(A) subject to State laws, accessible to parents, caregivers, and other consumers for the sole purpose of demonstrating compliance with school or leisure activity requirements, such as appropriate immunizations or physicals;

"(B) designed to allow interoperable exchanges that conform with Federal and State privacy and security requirements;

"(C) structured in a manner that permits parents and caregivers to view and understand the extent to which the care their children receive is clinically appropriate and of high quality; and

"(D) capable of being incorporated into, and otherwise compatible with, other standards developed for electronic health records.

"(2) FUNDING.—$5,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(g) STUDY OF PEDIATRIC HEALTH AND HEALTH CARE QUALITY MEASURES.—

"(1) IN GENERAL.—Not later than July 1, 2009, the Institute of Medicine shall study and report to Congress on the extent and quality of efforts to measure child health status and the quality of health care for children across the age span and in relation to preventive care, treatments for acute conditions, and treatments aimed at ameliorating or correcting physical, mental, and developmental conditions in children. In conducting such study and preparing such report, the Institute of Medicine shall—

"(A) consider all of the major national population-based reporting systems sponsored by the Federal Government that are currently in place, including reporting requirements under Federal grant programs and national population surveys and estimates conducted directly by the Federal Government;

"(B) identify the information regarding child health and health care quality that each system is designed to capture and generate, the study and reporting periods covered by each system, and the extent to which the information so generated is made widely available through publication;

"(C) identify gaps in knowledge related to children's health status, health disparities among subgroups of children, the effects of social conditions on children's health status and use and effectiveness of health care, and the relationship between child health status and family income, family stability and preservation, and children's school readiness and educational achievement and attainment; and

"(D) make recommendations regarding improving and strengthening the timeliness, quality, and public transparency and accessibility of information about child health and health care quality.

"(2) FUNDING.—Up to $1,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(h) RULE OF CONSTRUCTION.—Notwithstanding any other provision in this section, no evidence based quality measure developed, published, or used as a basis of measurement or reporting under this section may be used to establish an irrebuttable presumption regarding either the medical necessity of care or the maximum permissible coverage for any individual child who is eligible for and receiving medical assistance under title XIX or child health assistance under title XXI .

"(i) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for each of fiscal years 2008 through 2012, $45,000,000 for the purpose of carrying out this section (other than subsection (e)). Funds appropriated under this subsection shall remain available until expended.".

(b) INCREASED MATCHING RATE FOR COLLECTING AND REPORTING ON CHILD HEALTH MEASURES.—Section 1903(a)(3)(A) (42 U.S.C. 1396b(a)(3)(A)), is amended—

(1) by striking "and" at the end of clause (i); and

(2) by adding at the end the following new clause:

"(iii) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to such developments or modifications of systems of the type described in clause (i) as are necessary for the efficient collection and reporting on child health measures; and".

SEC. 502. IMPROVED INFORMATION REGARDING ACCESS TO COVERAGE UNDER CHIP.

(a) INCLUSION OF PROCESS AND ACCESS MEASURES IN ANNUAL STATE REPORTS.—Section 2108 (42 U.S.C. 1397hh) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "The State" and inserting "Subject to subsection (e), the State"; and

(2) by adding at the end the following new subsection:

"(e) INFORMATION REQUIRED FOR INCLUSION IN STATE ANNUAL REPORT.—The State shall include the following information in the annual report required under subsection (a):

"(1) Eligibility criteria, enrollment, and retention data (including data with respect to continuity of coverage or duration of benefits).

"(2) Data regarding the extent to which the State uses process measures with respect to determining the eligibility of children under the State child health plan, including measures such as 12-month continuous eligibility, self-declaration of income for applications or renewals, or presumptive eligibility.

"(3) Data regarding denials of eligibility and redeterminations of eligibility.

"(4) Data regarding access to primary and specialty services, access to networks of care, and care coordination provided under the State child health plan, using quality care and consumer satisfaction measures included in the Consumer Assessment of Healthcare Providers and Systems (CAHPS) survey.

"(5) If the State provides child health assistance in the form of premium assistance for the purchase of coverage under a group health plan, data regarding the provision of such assistance, including the extent to which employer-sponsored health insurance coverage is available for children eligible for child health assistance under the State child health plan, the range of the monthly amount of such assistance provided on behalf of a child or family, the number of children or families provided such assistance on a monthly basis, the income of the children or families provided such assistance, the benefits and cost-sharing protection provided under the State child health plan to supplement the coverage purchased with such premium assistance, the effective strategies the State engages in to reduce any administrative barriers to the provision of such assistance, and, the effects, if any, of the provision of such assistance on preventing the coverage provided under the State child health plan from substituting for coverage provided under employer-sponsored health insurance offered in the State.

"(6) To the extent applicable, a description of any State activities that are designed to reduce the number of uncovered children in the State, including through a State health insurance connector program or support for innovative private health coverage initiatives.".

(b) GAO STUDY AND REPORT ON ACCESS TO PRIMARY AND SPECIALITY SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children's access to primary and specialty services under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of primary and specialty services under such programs;

(D) the extent to which care coordination is provided for children's care under Medicaid and CHIP; and

(E) as appropriate, information on the degree of availability of services for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the appropriate committees of Congress on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to children's care under Medicaid and CHIP that may exist.

SEC. 503. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP.

Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by section 204(b), is amended by redesignating subparagraph (E) (as added by such section) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

"(E) Subsections (a)(4), (a)(5), (b), (c), (d), and (e) of section 1932 (relating to requirements for managed care).".

TITLE VI—MISCELLANEOUS

SEC. 601. TECHNICAL CORRECTION REGARDING CURRENT STATE AUTHORITY UNDER MEDICAID.

(a) IN GENERAL.—Only with respect to expenditures for medical assistance under a State Medicaid plan, including any waiver of such plan, for fiscal years 2007 and 2008, a State may elect, notwithstanding the fourth sentence of subsection (b) of section 1905 of the Social Security Act (42 U.S.C. 1396d) or subsection (u) of such section—

(1) to cover individuals described in section 1902(a)(10)(A)(ii)(IX) of the Social Security Act and, at its option, to apply less restrictive methodologies to such individuals under section 1902(r)(2) of such Act or 1931(b)(2)(C) of such Act and thereby receive Federal financial participation for medical assistance for such individuals under title XIX of the Social Security Act; or

(2) to receive Federal financial participation for expenditures for medical assistance under title XIX of such Act for children described in paragraph (2)(B) or (3) of section 1905(u) of such Act based on the Federal medical assistance percentage, as otherwise determined based on the first and third sentences of subsection (b) of section 1905 of the Social Security Act, rather than on the basis of an enhanced FMAP (as defined in section 2105(b) of such Act).

(b) REPEAL.—Effective October 1, 2008, subsection (a) is repealed.

(c) HOLD HARMLESS.—No State that elects the option described in subsection (a) shall be treated as not having been authorized to make such election and to receive Federal financial participation for expenditures for medical assistance described in that subsection for fiscal years 2007 and 2008 as a result of the repeal of the subsection under subsection (b).

SEC. 602. PAYMENT ERROR RATE MEASUREMENT ("PERM").

(a) EXPENDITURES RELATED TO COMPLIANCE WITH REQUIREMENTS.—

(1) ENHANCED PAYMENTS.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 401(a), is amended by adding at the end the following new paragraph:

"(11) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations) shall in no event be less than 90 percent.".

(2) EXCLUSION OF FROM CAP ON ADMINISTRATIVE EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)C)), as amended by section 402(b), is amended by adding at the end the following:

"(v) PAYMENT ERROR RATE MEASUREMENT (PERM) EXPENDITURES.—Expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations).".

(b) FINAL RULE REQUIRED TO BE IN EFFECT FOR ALL STATES.—Notwithstanding parts 431 and 457 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this Act), the Secretary shall not calculate or publish any national or State-specific error rate based on the application of the payment error rate measurement (in this section referred to as "PERM") requirements to CHIP until after the date that is 6 months after the date on which a final rule implementing such requirements in accordance with the requirements of subsection (c) is in effect for all States. Any calculation of a national error rate or a State specific error rate after such final rule in effect for all States may only be inclusive of errors, as defined in such final rule or in guidance issued within a reasonable time frame after the effective date for such final rule that includes detailed guidance for the specific methodology for error determinations.

(c) REQUIREMENTS FOR FINAL RULE.—For purposes of subsection (b), the requirements of this subsection are that the final rule implementing the PERM requirements shall include—

(1) clearly defined criteria for errors for both States and providers;

(2) a clearly defined process for appealing error determinations by review contractors; and

(3) clearly defined responsibilities and deadlines for States in implementing any corrective action plans.

(d) OPTION FOR APPLICATION OF DATA FOR CERTAIN STATES UNDER THE INTERIM FINAL RULE.—

(1) OPTION FOR STATES IN FIRST APPLICATION CYCLE.—After the final rule implementing the PERM requirements in accordance with the requirements of subsection (c) is in effect for all States, a State for which the PERM requirements were first in effect under an interim final rule for fiscal year 2007 may elect to accept any payment error rate determined in whole or in part for the State on the basis of data for that fiscal year or may elect to not have any payment error rate determined on the basis of such data and, instead, shall be treated as if fiscal year 2010 were the first fiscal year for which the PERM requirements apply to the State.

(2) OPTION FOR STATES IN SECOND APPLICATION CYCLE.—If such final rule is not in effect for all States by July 1, 2008, a State for which the PERM requirements were first in effect under an interim final rule for fiscal year 2008 may elect to accept any payment error rate determined in whole or in part for the State on the basis of data for that fiscal year or may elect to not have any payment error rate determined on the basis of such data and, instead, shall be treated as if fiscal year 2011 were the first fiscal year for which the PERM requirements apply to the State.

(e) HARMONIZATION OF MEQC AND PERM.—

(1) REDUCTION OF REDUNDANCIES.—The Secretary shall review the Medicaid Eligibility Quality Control (in this subsection referred to as the "MEQC") requirements with the PERM requirements and coordinate consistent implementation of both sets of requirements, while reducing redundancies.

(2) STATE OPTION TO APPLY PERM DATA.—A State may elect, for purposes of determining

the erroneous excess payments for medical assistance ratio applicable to the State for a fiscal year under section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) to substitute data resulting from the application of the PERM requirements to the State after the final rule implementing such requirements is in effect for all States for data obtained from the application of the MEQC requirements to the State with respect to a fiscal year.

(f) IDENTIFICATION OF IMPROVED STATE-SPECIFIC SAMPLE SIZES.—The Secretary shall establish State-specific sample sizes for application of the PERM requirements with respect to State child health plans for fiscal years beginning with fiscal year 2009, on the basis of such information as the Secretary determines appropriate. In establishing such sample sizes, the Secretary shall, to the greatest extent practicable—

(1) minimize the administrative cost burden on States under Medicaid and CHIP; and

(2) maintain State flexibility to manage such programs.

SEC. 603. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.

Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))"; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) [reserved]".

SEC. 604. IMPROVING DATA COLLECTION.

(a) INCREASED APPROPRIATION.—Section 2109(b)(2) (42 U.S.C. 1397ii(b)(2)) is amended by striking "$10,000,000 for fiscal year 2000" and inserting "$20,000,000 for fiscal year 2008".

(b) USE OF ADDITIONAL FUNDS.—Section 2109(b) (42 U.S.C. 1397ii(b)), as amended by subsection (a), is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1), the following new paragraphs:

"(2) ADDITIONAL REQUIREMENTS.—In addition to making the adjustments required to produce the data described in paragraph (1), with respect to data collection occurring for fiscal years beginning with fiscal year 2008, in appropriate consultation with the Secretary of Health and Human Services, the Secretary of Commerce shall do the following:

"(A) Make appropriate adjustments to the Current Population Survey to develop more accurate State-specific estimates of the number of children enrolled in health coverage under title XIX or this title.

"(B) Make appropriate adjustments to the Current Population Survey to improve the survey estimates used to compile the State-specific and national number of low-income children without health insurance for purposes of determining allotments under subsections (c) and (i) of section 2104 and making payments to States from the CHIP Incentive Bonuses Pool established under subsection (j) of such section, the CHIP Contingency Fund established under subsection (k) of such section, and, to the extent applicable to a State, from the block grant set aside under section 2112(b)(2)(A)(i) for each of fiscal years 2010 through 2012.

"(C) Include health insurance survey information in the American Community Survey related to children.

"(D) Assess whether American Community Survey estimates, once such survey data are first available, produce more reliable estimates than the Current Population Survey with respect to the purposes described in subparagraph (B).

"(E) On the basis of the assessment required under subparagraph (D), recommend to the Secretary of Health and Human Services whether American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in subparagraph (B).

"(F) Continue making the adjustments described in the last sentence of paragraph (1) with respect to expansion of the sample size used in State sampling units, the number of sampling units in a State, and using an appropriate verification element.

"(3) AUTHORITY FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TRANSITION TO THE USE OF ALL, OR SOME COMBINATION OF, ACS ESTIMATES UPON RECOMMENDATION OF THE SECRETARY OF COMMERCE.—If, on the basis of the assessment required under paragraph (2)(D), the Secretary of Commerce recommends to the Secretary of Health and Human Services that American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in paragraph (2)(B), the Secretary of Health and Human Services may provide for a period during which the Secretary may transition from carrying out such purposes through the use of Current Population Survey estimates to the use of American Community Survey estimates (in lieu of, or in combination with the Current Population Survey estimates, as recommended), provided that any such transition is implemented in a manner that is designed to avoid adverse impacts upon States with approved State child health plans under this title.".

SEC. 605. DEFICIT REDUCTION ACT TECHNICAL CORRECTIONS.

(a) STATE FLEXIBILITY IN BENEFIT PACKAGES.—

(1) CLARIFICATION OF REQUIREMENT TO PROVIDE EPSDT SERVICES FOR ALL CHILDREN IN BENCHMARK BENEFIT PACKAGES.—Section 1937(a)(1) (42 U.S.C. 1396u–7(a)(1)), as inserted by section 6044(a) of the Deficit Reduction Act of 2005 (Public Law 109–171, 120 Stat. 88), is amended—

(A) in subparagraph (A)—

(i) in the matter before clause (i), by striking "enrollment in coverage that provides" and inserting "coverage that";

(ii) in clause (i), by inserting "provides" after "(i)"; and

(iii) by striking clause (ii) and inserting the following:

"(ii) for any individual described in section 1905(a)(4)(B) who is eligible under the State plan in accordance with paragraphs (10) and (17) of section 1902(a), consists of the items and services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with the requirements of section 1902(a)(43).";

(B) in subparagraph (C)—

(i) in the heading, by striking "WRAP-AROUND" and inserting "ADDITIONAL"; and

(ii) by striking "wrap-around or"; and

(C) by adding at the end the following new subparagraph:

"(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

"(i) requiring a State to offer all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2); or

"(ii) preventing a State from offering all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2).".

(2) CORRECTION OF REFERENCE TO CHILDREN IN FOSTER CARE RECEIVING CHILD WELFARE SERVICES.—Section 1937(a)(2)(B)(viii) (42 U.S.C. 1396u–7(a)(2)(B)(viii)), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by striking "aid or assistance is made available under part B of title IV to children in foster care and individuals" and inserting "child welfare services are made available under part B of title IV on the basis of being a child in foster care or".

(3) TRANSPARENCY.—Section 1937 (42 U.S.C. 1396u–7), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by adding at the end the following:

"(c) PUBLICATION OF PROVISIONS AFFECTED.—Not later than 30 days after the date the Secretary approves a State plan amendment to provide benchmark benefits in accordance with subsections (a) and (b), the Secretary shall publish in the Federal Register and on the Internet website of the Centers for Medicare & Medicaid Services, a list of the provisions of this title that the Secretary has determined do not apply in order to enable the State to carry out such plan amendment and the reason for each such determination.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6044(a) of the Deficit Reduction Act of 2005.

SEC. 606. ELIMINATION OF CONFUSING PROGRAM REFERENCES.

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by division B of Public Law 106–113 (113 Stat. 1501A–402) is repealed.

SEC. 607. MENTAL HEALTH PARITY IN CHIP PLANS.

(a) ASSURANCE OF PARITY.—Section 2103(c) (42 U.S.C. 1397cc(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4), the following:

"(5) MENTAL HEALTH SERVICES PARITY.—

"(A) IN GENERAL.—In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance abuse benefits, such plan shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance abuse benefits are no more restrictive than the financial requirements and treatment limitations applied to substantially all medical and surgical benefits covered by the plan.

"(B) DEEMED COMPLIANCE.—To the extent that a State child health plan includes coverage with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with section 1902(a)(43), such plan shall be deemed to satisfy the requirements of subparagraph (A).".

(b) CONFORMING AMENDMENTS.—Section 2103 (42 U.S.C. 1397cc) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "subsection (c)(5)" and inserting "paragraphs (5) and (6) of subsection (c)"; and

(2) in subsection (c)(2), by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

SEC. 608. DENTAL HEALTH GRANTS.

Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 201, is amended by adding at the end the following:

"SEC. 2114. DENTAL HEALTH GRANTS.

"(a) AUTHORITY TO AWARD GRANTS.—

"(1) IN GENERAL.—From the amount appropriated under subsection (e), the Secretary shall award grants from amounts to eligible States for the purpose of carrying out programs and activities that are designed to improve the availability of dental services and strengthen dental coverage for targeted low-income children enrolled in State child health plans.

"(2) ELIGIBLE STATE.—In this section, the term 'eligible State' means a State with an approved State child health plan under this title that submits an application under subsection (b) that is approved by Secretary.

"(b) APPLICATION.—An eligible State that desires to receive a grant under this paragraph shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may require. Such application shall include—

"(1) a detailed description of the programs and activities proposed to be conducted with funds awarded under the grant;

"(2) quality and outcomes performance measures to evaluate the effectiveness of such activities; and

"(3) an assurance that the State shall—

"(A) conduct an assessment of the effectiveness of such activities against such performance measures; and

"(B) cooperate with the collection and reporting of data and other information determined as a result of conducting such assessments to the Secretary, in such form and manner as the Secretary shall require.

"(c) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

"(1) the State share of funds expended for dental services under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

"(2) no State matching funds shall be required for the State to receive a grant under this section.

"(d) ANNUAL REPORT.—The Secretary shall submit an annual report to the appropriate committees of Congress regarding the grants awarded under this section that includes—

"(1) State specific descriptions of the programs and activities conducted with funds awarded under such grants; and

"(2) information regarding the assessments required of States under subsection (b)(3).

"(e) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated, $200,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended, for the purpose of awarding grants to States under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105.".

SEC. 609. APPLICATION OF PROSPECTIVE PAYMENT SYSTEM FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) APPLICATION OF PROSPECTIVE PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by sections 204(b) and 503, is amended by inserting after subparagraph (A) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

"(B) Section 1902(bb) (relating to payment for services provided by Federally-qualified health centers and rural health clinics).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services provided on or after October 1, 2008.

(b) TRANSITION GRANTS.—

(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary for fiscal year 2008, $5,000,000, to remain available until expended, for the purpose of awarding grants to States with State child health plans under CHIP that are operated separately from the State Medicaid plan under title XIX of the Social Security Act (including any waiver of such plan), or in combination with the State Medicaid plan, for expenditures related to transitioning to compliance with the requirement of section 2107(e)(1)(B) of the Social Security Act (as added by subsection (a)) to apply the prospective payment system established under section 1902(bb) of the such Act (42 U.S.C. 1396a(bb)) to services provided by Federally-qualified health centers and rural health clinics.

(2) MONITORING AND REPORT.—The Secretary shall monitor the impact of the application of such prospective payment system on the States described in paragraph (1) and, not later than October 1, 2010, shall report to Congress on any effect on access to benefits, provider payment rates, or scope of benefits offered by such States as a result of the application of such payment system.

TITLE VII—REVENUE PROVISIONS

SEC. 701. INCREASE IN EXCISE TAX RATE ON TOBACCO PRODUCTS.

(a) CIGARS.—Section 5701(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$1.828 cents per thousand ($1.594 cents per thousand on cigars removed during 2000 or 2001)" in paragraph (1) and inserting "$50.00 per thousand",

(2) by striking "20.719 percent (18.063 percent on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "53.13 percent", and

(3) by striking "$48.75 per thousand ($42.50 per thousand on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "$10.00 per cigar".

(b) CIGARETTES.—Section 5701(b) of such Code is amended—

(1) by striking "$19.50 per thousand ($17 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (1) and inserting "$50.00 per thousand", and

(2) by striking "$40.95 per thousand ($35.70 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (2) and inserting "$104.9999 cents per thousand".

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking "1.22 cents (1.06 cents on cigarette papers removed during 2000 or 2001)" and inserting "3.13 cents".

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking "2.44 cents (2.13 cents on cigarette tubes removed during 2000 or 2001)" and inserting "6.26 cents".

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking "58.5 cents (51 cents on snuff removed during 2000 or 2001)" in paragraph (1) and inserting "$1.50", and

(2) by striking "19.5 cents (17 cents on chewing tobacco removed during 2000 or 2001)" in paragraph (2) and inserting "50 cents".

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking "$1.0969 cents (95.67 cents on pipe tobacco removed during 2000 or 2001)" and inserting "$2.8126 cents".

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking "$1.0969 cents (95.67 cents on roll-your-own tobacco removed during 2000 or 2001)" and inserting "$8.8889 cents".

(h) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products and cigarette papers and tubes manufactured in or imported into the United States which are removed before January 1, 2008, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on January 1, 2008, for which such person is liable.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding tobacco products, cigarette papers, or cigarette tubes on January 1, 2008, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before April 1, 2008.

(4) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.) or any other provision of law, any article which is located in a foreign trade zone on January 1, 2008, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).

(5) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Any term used in this subsection which is also used in section 5702 of the Internal Revenue Code of 1986 shall have the same meaning as such term has in such section.

(B) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(6) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

SEC. 702. ADMINISTRATIVE IMPROVEMENTS.

(a) PERMIT, REPORT, AND RECORD REQUIREMENTS FOR MANUFACTURERS AND IMPORTERS OF PROCESSED TOBACCO.—

(1) PERMITS.—

(A) APPLICATION.—Section 5712 of the Internal Revenue Code of 1986 is amended by inserting "or processed tobacco" after "tobacco products".

(B) ISSUANCE.—Section 5713(a) of such Code is amended by inserting "or processed tobacco" after "tobacco products".

(2) INVENTORIES AND REPORTS.—

(A) INVENTORIES.—Section 5721 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

(B) REPORTS.—Section 5722 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

(3) RECORDS.—Section 5741 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

(4) MANUFACTURER OF PROCESSED TOBACCO.—Section 5702 of such Code is amended by adding at the end the following new subsection:

"(p) MANUFACTURER OF PROCESSED TOBACCO.—

"(1) IN GENERAL.—The term 'manufacturer of processed tobacco' means any person who processes any tobacco other than tobacco products.

"(2) PROCESSED TOBACCO.—The processing of tobacco shall not include the farming or growing of tobacco or the handling of tobacco solely for sale, shipment, or delivery to a manufacturer of tobacco products or processed tobacco.".

(5) CONFORMING AMENDMENT.—Section 5702(k) of such Code is amended by inserting ", or any processed tobacco," after "nontaxpaid tobacco products or cigarette papers or tubes".

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

(b) BASIS FOR DENIAL, SUSPENSION, OR REVOCATION OF PERMITS.—

(1) DENIAL.—Paragraph (3) of section 5712 of such Code is amended to read as follows:

"(3) Such person (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner)—

"(A) Is, by reason of his business experience, financial standing, or trade connections or by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter,

"(B) Has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes, or

"(C) Has failed to disclose any material information required or made any material false statement in the application therefor.".

(2) SUSPENSION OR REVOCATION.—Subsection (b) of section 5713 of such Code is amended to read as follows:

"(b) SUSPENSION OR REVOCATION.—

"(1) SHOW CAUSE HEARING.—If the Secretary has reason to believe that any person holding a permit—

"(A) has not in good faith complied with this chapter, or with any other provision of this title involving intent to defraud,

"(B) has violated the conditions of such permit,

"(C) has failed to disclose any material information required or made any material false statement in the application for such permit,

"(D) has failed to maintain his premises in such manner as to protect the revenue,

"(E) is, by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter, or

"(F) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes,

the Secretary shall issue an order, stating the facts charged, citing such person to show cause why his permit should not be suspended or revoked.

"(2) ACTION FOLLOWING HEARING.—If, after hearing, the Secretary finds that such person has not shown cause why his permit should not be suspended or revoked, such permit shall be suspended for such period as the Secretary deems proper or shall be revoked.".

(c) APPLICATION OF INTERNAL REVENUE CODE STATUTE OF LIMITATIONS FOR ALCOHOL AND TOBACCO EXCISE TAXES.—Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking "and section 520 (relating to refunds)" and inserting "section 520 (relating to refunds), and section 6501 of the Internal Revenue Code of 1986 (but only with respect to taxes imposed under chapters 51 and 52 of such Code)".

(d) EXPANSION OF DEFINITION OF ROLL-YOUR-OWN TOBACCO.—

(1) IN GENERAL.—Section 5702(o) of the Internal Revenue Code of 1986 is amended by inserting "or cigars, or for use as wrappers thereof" before the period at the end.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

(e) TIME OF TAX FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—Section 5703(b)(2) of such Code is amended by adding at the end the following new subparagraph:

"(F) SPECIAL RULE FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—In the case of any tobacco products, cigarette paper, or cigarette tubes produced in the United States at any place other than the premises of a manufacturer of tobacco products, cigarette paper, or cigarette tubes that has filed the bond and obtained the permit required under this chapter, tax shall be due and payable immediately upon manufacture.".

SEC. 703. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "114.50 percent" and inserting "113.25 percent".

TITLE VIII—EFFECTIVE DATE

SEC. 801. EFFECTIVE DATE.

(a) IN GENERAL.—Unless otherwise provided in this Act, subject to subsection (b), the amendments made by this Act shall take effect on October 1, 2007, and shall apply to child health assistance and medical assistance provided on or after that date without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or XXI of the Social Security Act, which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by an amendment made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

SA 2531. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other puuposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. _. CREDITS FOR HURRICANE AND TORNADO MITIGATION EXPENDITURES.

(a) NONREFUNDABLE PERSONAL CREDIT FOR HURRICANE AND TORNADO MITIGATION PROPERTY.—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

"SEC. 25E. HURRICANE AND TORNADO MITIGATION PROPERTY.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 percent of the qualified hurricane and tornado mitigation property expenditures made by the taxpayer during such taxable year.

"(b) MAXIMUM CREDIT.—The credit allowed under subsection (a) for any taxable year shall not exceed $5,000.

"(c) QUALIFIED HURRICANE AND TORNADO MITIGATION EXPENDITURE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified hurricane and tornado mitigation property expenditure' means an expenditure for property—

"(A) to improve the strength of a roof deck attachment,

"(B) to create a secondary water barrier to prevent water intrusion,

"(C) to improve the durability of a roof covering,

"(D) to brace gable-end walls,

"(E) to reinforce the connection between a roof and supporting wall,

"(F) to protect openings from penetration by windborne debris, or

"(G) to protect exterior doors and garages, in a qualified dwelling unit owned by the taxpayer.

"(2) QUALIFIED DWELLING UNIT.—The term 'qualified dwelling unit' means a dwelling unit that is assessed at a value that is less than $1,000,000 by the locality in which such dwelling unit is located and with respect to the taxable year for which the credit described in subsection (a) is allowed.

"(d) LIMITATION.—An expenditure shall be taken into account in determining the qualified hurricane and tornado mitigation property expenditures made by the taxpayer during the taxable year only if the onsite preparation, assembly, or original installation of the property with respect to which such expenditure is made has been completed in a manner that is deemed to be adequate by a State-certified inspector.

"(e) LABOR COSTS.—For purposes of this section, expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property described in subsection (c) shall be taken into account in determining the qualified hurricane and tornado mitigation property expenditures made by the taxpayer during the taxable year.

"(f) INSPECTION COSTS.—For purposes of this section, expenditures for inspection costs properly allocable to the inspection of the preparation, assembly, or installation of the property described in subsection (c) shall be taken into account in determining the qualified hurricane and tornado mitigation property expenditures made by the taxpayer during the taxable year.".

(2) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Hurricane and tornado mitigation property.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2007.

(b) BUSINESS RELATED CREDIT FOR HURRICANE AND TORNADO MITIGATION.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 45N the following new section:

"SEC. 45O. HURRICANE AND TORNADO MITIGATION CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the hurricane and tornado mitigation credit determined under this section for any taxable year is an amount equal to 25 percent of the qualified hurricane and tornado mitigation property expenditures made by the taxpayer during the taxable year.

"(b) MAXIMUM CREDIT.—The amount of the credit determined under subsection (a) for any taxable year shall not exceed $5,000.

"(c) QUALIFIED HURRICANE AND TORNADO MITIGATION EXPENDITURE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified hurricane and tornado mitigation property expenditure' means an expenditure for property—

"(A) to improve the strength of a roof deck attachment,

"(B) to create a secondary water barrier to prevent water intrusion,

"(C) to improve the durability of a roof covering,

"(D) to brace gable-end walls,

"(E) to reinforce the connection between a roof and supporting wall,

"(F) to protect openings from penetration by windborne debris, or

"(G) to protect exterior doors and garages, in a qualified place of business owned by the taxpayer.

"(2) QUALIFIED PLACE OF BUSINESS.—The term 'qualified place of business' means a place of business that is assessed at a value that is less than $5,000,000 by the locality in which such business is located and with respect to the taxable year for which the credit described in subsection (a) is allowed.

"(d) LIMITATION.—An expenditure shall be taken into account in determining the qualified hurricane and tornado mitigation property expenditures made by the taxpayer during the taxable year only if the onsite preparation, assembly, or original installation of the property with respect to which such expenditure is made has been completed in a manner that is deemed to be adequate by a State-certified inspector.

"(e) LABOR COSTS.—For purposes of this section, expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property described in subsection (c) shall be taken into account in determining the qualified hurricane and tornado mitigation property expenditures made by the taxpayer during the taxable year.

"(f) INSPECTION COSTS.—For purposes of this section, expenditures for inspection costs properly allocable to the inspection of the preparation, assembly, or installation of the property described in subsection (c) shall be taken into account in determining the qualified hurricane and tornado mitigation property expenditures made by the taxpayer during the taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Section 38(b) of such Code is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end the following new paragraph:

"(32) the hurricane and tornado mitigation credit determined under section 45O(a).".

(B) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45N the following new item:

"Sec. 45O. Hurricane and tornado mitigation credit.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2007.

SA 2532. Mr. MARTINEZ (for himself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. 61_. CREDIT FOR QUALIFIED ELEMENTARY AND SECONDARY EDUCATION TUITION.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

"SEC. 25E. QUALIFIED ELEMENTARY AND SECONDARY EDUCATION TUITION.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for a taxable year an amount equal to the qualified elementary and secondary education tuition paid or incurred by the taxpayer during the taxable year.

"(b) DOLLAR LIMITATION.—The amount allowed as a credit under subsection (a) with respect to the taxpayer for any taxable year shall not exceed—

"(1) $4,500 in the case of a joint return,

"(2) $4.500 in the case of an individual who is not married, and

"(3) $2,250 in the case of a married individual filing a separate return.

"(c) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION TUITION.—

"(1) IN GENERAL.—The term 'qualified elementary and secondary education tuition' means expenses for tuition which are incurred in connection with the enrollment or attendance of any dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151 as an elementary or secondary school student at a private or religious school.

"(2) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Qualified elementary and secondary education tuition.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SA 2533. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. 61_. SPACEPORTS TREATED LIKE AIRPORTS UNDER EXEMPT FACILITY BOND RULES.

(a) IN GENERAL.—Paragraph (1) of section 142(a) of the Internal Revenue Code of 1986 (relating to exempt facility bonds) is amended to read as follows:

"(1) airports and spaceports,".

(b) TREATMENT OF GROUND LEASES.—Paragraph (1) of section 142(b) of the Internal Revenue Code of 1986 (relating to certain facilities must be governmentally owned) is amended by adding at the end the following new subparagraph:

"(C) SPECIAL RULE FOR SPACEPORT GROUND LEASES.—For purposes of subparagraph (A), spaceport property which is located on land owned by the United States and which is used by a governmental unit pursuant to a lease (as defined in section 168(h)(7)) from the United States shall be treated as owned by such unit if—

"(i) the lease term (within the meaning of section 168(i)(3)) is at least 15 years, and

"(ii) such unit would be treated as owning such property if such lease term were equal to the useful life of such property.".

(c) DEFINITION OF SPACEPORT.—Section 142 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(n) SPACEPORT.—

“(1) IN GENERAL.—For purposes of subsection (a)(1), the term ‘spaceport’ means—

“(A) any facility directly related and essential to servicing spacecraft, enabling spacecraft to launch or reenter, or transferring passengers or space cargo to or from spacecraft, but only if such facility is located at, or in close proximity to, the launch site or reentry site, and

“(B) any other functionally related and subordinate facility at or adjacent to the launch site or reentry site at which launch services or reentry services are provided, including a launch control center, repair shop, maintenance or overhaul facility, and rocket assembly facility.

“(2) ADDITIONAL TERMS.—For purposes of paragraph (1)—

“(A) SPACE CARGO.—The term ‘space cargo’ includes satellites, scientific experiments, other property transported into space, and any other type of payload, whether or not such property returns from space.

“(B) SPACECRAFT.—The term ‘spacecraft’ means a launch vehicle or a reentry vehicle.

“(C) OTHER TERMS.—The terms ‘launch’, ‘launch site’, ‘launch services’, ‘launch vehicle’, ‘payload’, ‘reenter’, ‘reentry services’, ‘reentry site’, and ‘reentry vehicle’ shall have the respective meanings given to such terms by section 70102 of title 49, United States Code (as in effect on the date of enactment of this subsection).”.

(d) EXCEPTION FROM FEDERALLY GUARANTEED BOND PROHIBITION.—Paragraph (3) of section 149(b) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by adding at the end the following new subparagraph:

“(E) EXCEPTION FOR SPACEPORTS.—Paragraph (1) shall not apply to any exempt facility bond issued as part of an issue described in paragraph (1) of section 142(a) to provide a spaceport in situations where—

“(i) the guarantee of the United States (or an agency or instrumentality thereof) is the result of payment of rent, user fees, or other charges by the United States (or any agency or instrumentality thereof), and

“(ii) the payment of the rent, user fees, or other charges is for, and conditioned upon, the use of the spaceport by the United States (or any agency or instrumentality thereof).”.

(e) CONFORMING AMENDMENT.—The heading for section 142(c) of the Internal Revenue Code of 1986 is amended by inserting “SPACEPORTS,” after “AIRPORTS,”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SA 2534. Mr. DORGAN (for himself, Mr. JOHNSON, Ms. MURKOWSKI, Mr. STEVENS, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; as follows:

At the end, add the following:

TITLE ___—INDIAN HEALTH CARE IMPROVEMENT

SEC. _01. SHORT TITLE.

This title may be cited as the “Indian Health Care Improvement Act Amendments of 2007”.

Subtitle A—Amendments to Indian Laws

SEC. _11. INDIAN HEALTH CARE IMPROVEMENT ACT AMENDED.

(a) IN GENERAL.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended to read as follows:

“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

“(a) SHORT TITLE.—This Act may be cited as the ‘Indian Health Care Improvement Act’.

“(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

“Sec. 1. Short title; table of contents.
“Sec. 2. Findings.
“Sec. 3. Declaration of national Indian health policy.
“Sec. 4. Definitions.

“TITLE I—INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

“Sec. 101. Purpose.
“Sec. 102. Health professions recruitment program for Indians.
“Sec. 103. Health professions preparatory scholarship program for Indians.
“Sec. 104. Indian health professions scholarships.
“Sec. 105. American Indians Into Psychology Program.
“Sec. 106. Scholarship programs for Indian Tribes.
“Sec. 107. Indian Health Service extern programs.
“Sec. 108. Continuing education allowances.
“Sec. 109. Community Health Representative Program.
“Sec. 110. Indian Health Service Loan Repayment Program.
“Sec. 111. Scholarship and Loan Repayment Recovery Fund.
“Sec. 112. Recruitment activities.
“Sec. 113. Indian recruitment and retention program.
“Sec. 114. Advanced training and research.
“Sec. 115. Quentin N. Burdick American Indians Into Nursing Program.
“Sec. 116. Tribal cultural orientation.
“Sec. 117. INMED Program.
“Sec. 118. Health training programs of community colleges.
“Sec. 119. Retention bonus.
“Sec. 120. Nursing residency program.
“Sec. 121. Community Health Aide Program.
“Sec. 122. Tribal Health Program administration.
“Sec. 123. Health professional chronic shortage demonstration programs.
“Sec. 124. National Health Service Corps.
“Sec. 125. Substance abuse counselor educational curricula demonstration programs.
“Sec. 126. Behavioral health training and community education programs.
“Sec. 127. Authorization of appropriations.

“TITLE II—HEALTH SERVICES

“Sec. 201. Indian Health Care Improvement Fund.
“Sec. 202. Catastrophic Health Emergency Fund.
“Sec. 203. Health promotion and disease prevention services.
“Sec. 204. Diabetes prevention, treatment, and control.
“Sec. 205. Shared services for long-term care.
“Sec. 206. Health services research.
“Sec. 207. Mammography and other cancer screening.
“Sec. 208. Patient travel costs.
“Sec. 209. Epidemiology centers.
“Sec. 210. Comprehensive school health education programs.
“Sec. 211. Indian youth program.
“Sec. 212. Prevention, control, and elimination of communicable and infectious diseases.
“Sec. 213. Other authority for provision of services.
“Sec. 214. Indian women's health care.
“Sec. 215. Environmental and nuclear health hazards.
“Sec. 216. Arizona as a contract health service delivery area.
“Sec. 216A. North Dakota and South Dakota as contract health service delivery area.
“Sec. 217. California contract health services program.
“Sec. 218. California as a contract health service delivery area.
“Sec. 219. Contract health services for the Trenton service area.
“Sec. 220. Programs operated by Indian Tribes and Tribal Organizations.
“Sec. 221. Licensing.
“Sec. 222. Notification of provision of emergency contract health services.
“Sec. 223. Prompt action on payment of claims.
“Sec. 224. Liability for payment.
“Sec. 225. Office of Indian Men's Health.
“Sec. 226. Authorization of appropriations.

“TITLE III—FACILITIES

“Sec. 301. Consultation; construction and renovation of facilities; reports.
“Sec. 302. Sanitation facilities.
“Sec. 303. Preference to Indians and Indian firms.
“Sec. 304. Expenditure of non-Service funds for renovation.
“Sec. 305. Funding for the construction, expansion, and modernization of small ambulatory care facilities.
“Sec. 306. Indian health care delivery demonstration projects.
“Sec. 307. Land transfer.
“Sec. 308. Leases, contracts, and other agreements.
“Sec. 309. Study on loans, loan guarantees, and loan repayment.
“Sec. 310. Tribal leasing.
“Sec. 311. Indian Health Service/tribal facilities joint venture program.
“Sec. 312. Location of facilities.
“Sec. 313. Maintenance and improvement of health care facilities.
“Sec. 314. Tribal management of Federally-owned quarters.
“Sec. 315. Applicability of Buy American Act requirement.
“Sec. 316. Other funding for facilities.
“Sec. 317. Authorization of appropriations.

“TITLE IV—ACCESS TO HEALTH SERVICES

“Sec. 401. Treatment of payments under Social Security Act health benefits programs.
“Sec. 402. Grants to and contracts with the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to facilitate outreach, enrollment, and coverage of Indians under Social Security Act health benefit programs and other health benefits programs.
“Sec. 403. Reimbursement from certain third parties of costs of health services.
“Sec. 404. Crediting of reimbursements.
“Sec. 405. Purchasing health care coverage.
“Sec. 406. Sharing arrangements with Federal agencies.

"Sec. 407. Payor of last resort.
"Sec. 408. Nondiscrimination under Federal health care programs in qualifications for reimbursement for services.
"Sec. 409. Consultation.
"Sec. 410. State Children's Health Insurance Program (SCHIP).
"Sec. 411. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
"Sec. 412. Premium and cost sharing protections and eligibility determinations under Medicaid and SCHIP and protection of certain Indian property from Medicaid estate recovery.
"Sec. 413. Treatment under Medicaid and SCHIP managed care.
"Sec. 414. Navajo Nation Medicaid Agency feasibility study.
"Sec. 415. General exceptions.
"Sec. 416. Authorization of appropriations.

"TITLE V—HEALTH SERVICES FOR URBAN INDIANS

"Sec. 501. Purpose.
"Sec. 502. Contracts with, and grants to, Urban Indian Organizations.
"Sec. 503. Contracts and grants for the provision of health care and referral services.
"Sec. 504. Contracts and grants for the determination of unmet health care needs.
"Sec. 505. Evaluations; renewals.
"Sec. 506. Other contract and grant requirements.
"Sec. 507. Reports and records.
"Sec. 508. Limitation on contract authority.
"Sec. 509. Facilities.
"Sec. 510. Division of Urban Indian Health.
"Sec. 511. Grants for alcohol and substance abuse-related services.
"Sec. 512. Treatment of certain demonstration projects.
"Sec. 513. Urban NIAAA transferred programs.
"Sec. 514. Conferring with Urban Indian Organizations.
"Sec. 515. Urban youth treatment center demonstration.
"Sec. 516. Grants for diabetes prevention, treatment, and control.
"Sec. 517. Community Health Representatives.
"Sec. 518. Effective date.
"Sec. 519. Eligibility for services.
"Sec. 520. Further authorizations.
"Sec. 521. Authorization of appropriations.

"TITLE VI—ORGANIZATIONAL IMPROVEMENTS

"Sec. 601. Establishment of the Indian Health Service as an agency of the Public Health Service.
"Sec. 602. Automated management information system.
"Sec. 603. Authorization of appropriations.

"TITLE VII—BEHAVIORAL HEALTH PROGRAMS

"Sec. 701. Behavioral health prevention and treatment services.
"Sec. 702. Memoranda of agreement with the Department of the Interior.
"Sec. 703. Comprehensive behavioral health prevention and treatment program.
"Sec. 704. Mental health technician program.
"Sec. 705. Licensing requirement for mental health care workers.
"Sec. 706. Indian women treatment programs.
"Sec. 707. Indian youth program.
"Sec. 708. Indian youth telemental health demonstration project.
"Sec. 709. Inpatient and community-based mental health facilities design, construction, and staffing.
"Sec. 710. Training and community education.
"Sec. 711. Behavioral health program.
"Sec. 712. Fetal alcohol spectrum disorders programs.
"Sec. 713. Child sexual abuse and prevention treatment programs.
"Sec. 714. Domestic and sexual violence prevention and treatment.
"Sec. 715. Behavioral health research.
"Sec. 716. Definitions.
"Sec. 717. Authorization of appropriations.

"TITLE VIII—MISCELLANEOUS

"Sec. 801. Reports.
"Sec. 802. Regulations.
"Sec. 803. Plan of implementation.
"Sec. 804. Availability of funds.
"Sec. 805. Limitation on use of funds appropriated to Indian Health Service.
"Sec. 806. Eligibility of California Indians.
"Sec. 807. Health services for ineligible persons.
"Sec. 808. Reallocation of base resources.
"Sec. 809. Results of demonstration projects.
"Sec. 810. Provision of services in Montana.
"Sec. 811. Moratorium.
"Sec. 812. Tribal employment.
"Sec. 813. Severability provisions.
"Sec. 814. Establishment of National Bipartisan Commission on Indian Health Care.
"Sec. 815. Confidentiality of medical quality assurance records; qualified immunity for participants.
"Sec. 816. Appropriations; availability.
"Sec. 817. Authorization of appropriations.

"SEC. 2. FINDINGS.

"Congress makes the following findings:

"(1) Federal health services to maintain and improve the health of the Indians are consonant with and required by the Federal Government's historical and unique legal relationship with, and resulting responsibility to, the American Indian people.

"(2) A major national goal of the United States is to provide the resources, processes, and structure that will enable Indian Tribes and tribal members to obtain the quantity and quality of health care services and opportunities that will eradicate the health disparities between Indians and the general population of the United States.

"(3) A major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians to be raised to the highest possible level and to encourage the maximum participation of Indians in the planning and management of those services.

"(4) Federal health services to Indians have resulted in a reduction in the prevalence and incidence of preventable illnesses among, and unnecessary and premature deaths of, Indians.

"(5) Despite such services, the unmet health needs of the American Indian people are severe and the health status of the Indians is far below that of the general population of the United States.

"SEC. 3. DECLARATION OF NATIONAL INDIAN HEALTH POLICY.

"Congress declares that it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians—

"(1) to assure the highest possible health status for Indians and Urban Indians and to provide all resources necessary to effect that policy;

"(2) to raise the health status of Indians and Urban Indians to at least the levels set forth in the goals contained within the Healthy People 2010 or successor objectives;

"(3) to ensure maximum Indian participation in the direction of health care services so as to render the persons administering such services and the services themselves more responsive to the needs and desires of Indian communities;

"(4) to increase the proportion of all degrees in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each Service Area is raised to at least the level of that of the general population;

"(5) to require that all actions under this Act shall be carried out with active and meaningful consultation with Indian Tribes and Tribal Organizations, and conference with Urban Indian Organizations, to implement this Act and the national policy of Indian self-determination;

"(6) to ensure that the United States and Indian Tribes work in a government-to-government relationship to ensure quality health care for all tribal members; and

"(7) to provide funding for programs and facilities operated by Indian Tribes and Tribal Organizations in amounts that are not less than the amounts provided to programs and facilities operated directly by the Service.

"SEC. 4. DEFINITIONS.

"For purposes of this Act:

"(1) The term 'accredited and accessible' means on or near a reservation and accredited by a national or regional organization with accrediting authority.

"(2) The term 'Area Office' means an administrative entity, including a program office, within the Service through which services and funds are provided to the Service Units within a defined geographic area.

"(3) The term 'Assistant Secretary' means the Assistant Secretary for Indian Health.

"(4)(A) The term 'behavioral health' means the blending of substance (alcohol, drugs, inhalants, and tobacco) abuse and mental health prevention and treatment, for the purpose of providing comprehensive services.

"(B) The term 'behavioral health' includes the joint development of substance abuse and mental health treatment planning and coordinated case management using a multidisciplinary approach.

"(5) The term 'California Indians' means those Indians who are eligible for health services of the Service pursuant to section 806.

"(6) The term 'community college' means—

"(A) a tribal college or university, or

"(B) a junior or community college.

"(7) The term 'contract health service' means health services provided at the expense of the Service or a Tribal Health Program by public or private medical providers or hospitals, other than the Service Unit or the Tribal Health Program at whose expense the services are provided.

"(8) The term 'Department' means, unless otherwise designated, the Department of Health and Human Services.

"(9) The term 'disease prevention' means the reduction, limitation, and prevention of disease and its complications and reduction in the consequences of disease, including—

"(A) controlling—

"(i) the development of diabetes;

"(ii) high blood pressure;

"(iii) infectious agents;

"(iv) injuries;

"(v) occupational hazards and disabilities;

"(vi) sexually transmittable diseases; and

"(vii) toxic agents; and

"(B) providing—

"(i) fluoridation of water; and

"(ii) immunizations.

"(10) The term 'health profession' means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, allied health professions, and any other health profession.

"(11) The term 'health promotion' means—

"(A) fostering social, economic, environmental, and personal factors conducive to health, including raising public awareness about health matters and enabling the people to cope with health problems by increasing their knowledge and providing them with valid information;

"(B) encouraging adequate and appropriate diet, exercise, and sleep;

"(C) promoting education and work in conformity with physical and mental capacity;

"(D) making available safe water and sanitary facilities;

"(E) improving the physical, economic, cultural, psychological, and social environment;

"(F) promoting culturally competent care; and

"(G) providing adequate and appropriate programs, which may include—

"(i) abuse prevention (mental and physical);

"(ii) community health;

"(iii) community safety;

"(iv) consumer health education;

"(v) diet and nutrition;

"(vi) immunization and other prevention of communicable diseases, including HIV/AIDS;

"(vii) environmental health;

"(viii) exercise and physical fitness;

"(ix) avoidance of fetal alcohol spectrum disorders;

"(x) first aid and CPR education;

"(xi) human growth and development;

"(xii) injury prevention and personal safety;

"(xiii) behavioral health;

"(xiv) monitoring of disease indicators between health care provider visits, through appropriate means, including Internet-based health care management systems;

"(xv) personal health and wellness practices;

"(xvi) personal capacity building;

"(xvii) prenatal, pregnancy, and infant care;

"(xviii) psychological well-being;

"(xix) reproductive health and family planning;

"(xx) safe and adequate water;

"(xxi) healthy work environments;

"(xxii) elimination, reduction, and prevention of contaminants that create unhealthy household conditions (including mold and other allergens);

"(xxiii) stress control;

"(xxiv) substance abuse;

"(xxv) sanitary facilities;

"(xxvi) sudden infant death syndrome prevention;

"(xxvii) tobacco use cessation and reduction;

"(xxviii) violence prevention; and

"(xxix) such other activities identified by the Service, a Tribal Health Program, or an Urban Indian Organization, to promote achievement of any of the objectives described in section 3(2).

"(12) The term 'Indian', unless otherwise designated, means any person who is a member of an Indian Tribe or is eligible for health services under section 806, except that, for the purpose of sections 102 and 103, the term also means any individual who—

"(A)(i) irrespective of whether the individual lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside; or

"(ii) is a descendant, in the first or second degree, of any such member;

"(B) is an Eskimo or Aleut or other Alaska Native;

"(C) is considered by the Secretary of the Interior to be an Indian for any purpose; or

"(D) is determined to be an Indian under regulations promulgated by the Secretary.

"(13) The term 'Indian Health Program' means—

"(A) any health program administered directly by the Service;

"(B) any Tribal Health Program; or

"(C) any Indian Tribe or Tribal Organization to which the Secretary provides funding pursuant to section 23 of the Act of June 25, 1910 (25 U.S.C. 47) (commonly known as the 'Buy Indian Act').

"(14) The term 'Indian Tribe' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(15) The term 'junior or community college' has the meaning given the term by section 312(e) of the Higher Education Act of 1965 (20 U.S.C. 1058(e)).

"(16) The term 'reservation' means any federally recognized Indian Tribe's reservation, Pueblo, or colony, including former reservations in Oklahoma, Indian allotments, and Alaska Native Regions established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

"(17) The term 'Secretary', unless otherwise designated, means the Secretary of Health and Human Services.

"(18) The term 'Service' means the Indian Health Service.

"(19) The term 'Service Area' means the geographical area served by each Area Office.

"(20) The term 'Service Unit' means an administrative entity of the Service, or a Tribal Health Program through which services are provided, directly or by contract, to eligible Indians within a defined geographic area.

"(21) The term 'telehealth' has the meaning given the term in section 330K(a) of the Public Health Service Act (42 U.S.C. 254c-16(a)).

"(22) The term 'telemedicine' means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care services.

"(23) The term 'tribal college or university' has the meaning given the term in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

"(24) The term 'Tribal Health Program' means an Indian Tribe or Tribal Organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the Service through, or provided for in, a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(25) The term 'Tribal Organization' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(26) The term 'Urban Center' means any community which has a sufficient Urban Indian population with unmet health needs to warrant assistance under title V of this Act, as determined by the Secretary.

"(27) The term 'Urban Indian' means any individual who resides in an Urban Center and who meets 1 or more of the following criteria:

"(A) Irrespective of whether the individual lives on or near a reservation, the individual is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those tribes, bands, or groups that are recognized by the States in which they reside, or who is a descendant in the first or second degree of any such member.

"(B) The individual is an Eskimo, Aleut, or other Alaska Native.

"(C) The individual is considered by the Secretary of the Interior to be an Indian for any purpose.

"(D) The individual is determined to be an Indian under regulations promulgated by the Secretary.

"(28) The term 'Urban Indian Organization' means a nonprofit corporate body that (A) is situated in an Urban Center; (B) is governed by an Urban Indian-controlled board of directors; (C) provides for the participation of all interested Indian groups and individuals; and (D) is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a).

"TITLE I—INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

"SEC. 101. PURPOSE.

"The purpose of this title is to increase, to the maximum extent feasible, the number of Indians entering the health professions and providing health services, and to assure an optimum supply of health professionals to the Indian Health Programs and Urban Indian Organizations involved in the provision of health services to Indians.

"SEC. 102. HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall make grants to public or nonprofit private health or educational entities, Tribal Health Programs, or Urban Indian Organizations to assist such entities in meeting the costs of—

"(1) identifying Indians with a potential for education or training in the health professions and encouraging and assisting them—

"(A) to enroll in courses of study in such health professions; or

"(B) if they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;

"(2) publicizing existing sources of financial aid available to Indians enrolled in any course of study referred to in paragraph (1) or who are undertaking training necessary to qualify them to enroll in any such course of study; or

"(3) establishing other programs which the Secretary determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of, courses of study referred to in paragraph (1).

"(b) GRANTS.—

"(1) APPLICATION.—The Secretary shall not make a grant under this section unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe pursuant to this Act. The Secretary shall give a preference to applications submitted by Tribal Health Programs or Urban Indian Organizations.

"(2) AMOUNT OF GRANTS; PAYMENT.—The amount of a grant under this section shall be determined by the Secretary. Payments pursuant to this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions as provided for in regulations issued pursuant to this Act. To the extent not otherwise prohibited by law, grants shall be for 3 years, as provided in regulations issued pursuant to this Act.

"SEC. 103. HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM FOR INDIANS.

"(a) SCHOLARSHIPS AUTHORIZED.—The Secretary, acting through the Service, shall provide scholarship grants to Indians who—

"(1) have successfully completed their high school education or high school equivalency; and

"(2) have demonstrated the potential to successfully complete courses of study in the health professions.

"(b) PURPOSES.—Scholarship grants provided pursuant to this section shall be for the following purposes:

"(1) Compensatory preprofessional education of any recipient, such scholarship not to exceed 2 years on a full-time basis (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued under this Act).

"(2) Pregraduate education of any recipient leading to a baccalaureate degree in an approved course of study preparatory to a field of study in a health profession, such scholarship not to exceed 4 years. An extension of up to 2 years (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued pursuant to this Act) may be approved.

"(c) OTHER CONDITIONS.—Scholarships under this section—

"(1) may cover costs of tuition, books, transportation, board, and other necessary related expenses of a recipient while attending school;

"(2) shall not be denied solely on the basis of the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution; and

"(3) shall not be denied solely by reason of such applicant's eligibility for assistance or benefits under any other Federal program.

"SEC. 104. INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.

"(a) IN GENERAL.—

"(1) AUTHORITY.—The Secretary, acting through the Service, shall make scholarship grants to Indians who are enrolled full or part time in accredited schools pursuing courses of study in the health professions. Such scholarships shall be designated Indian Health Scholarships and shall be made in accordance with section 338A of the Public Health Services Act (42 U.S.C. 254*l*), except as provided in subsection (b) of this section.

"(2) DETERMINATIONS BY SECRETARY.—The Secretary, acting through the Service, shall determine—

"(A) who shall receive scholarship grants under subsection (a); and

"(B) the distribution of the scholarships among health professions on the basis of the relative needs of Indians for additional service in the health professions.

"(3) CERTAIN DELEGATION NOT ALLOWED.—The administration of this section shall be a responsibility of the Assistant Secretary and shall not be delegated in a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(b) ACTIVE DUTY SERVICE OBLIGATION.—

"(1) OBLIGATION MET.—The active duty service obligation under a written contract with the Secretary under this section that an Indian has entered into shall. if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice equal to 1 year for each school year for which the participant receives a scholarship award under this part, or 2 years, whichever is greater, by service in 1 or more of the following:

"(A) In an Indian Health Program.

"(B) In a program assisted under title V of this Act.

"(C) In the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

"(D) In a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, the health service provided to Indians would not decrease.

"(2) OBLIGATION DEFERRED.—At the request of any individual who has entered into a contract referred to in paragraph (1) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

"(A) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service under this subsection.

"(B) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

"(C) The active duty service obligation will be served in the health profession of that individual in a manner consistent with paragraph (1).

"(D) A recipient of a scholarship under this section may, at the election of the recipient, meet the active duty service obligation described in paragraph (1) by service in a program specified under that paragraph that—

"(i) is located on the reservation of the Indian Tribe in which the recipient is enrolled; or

"(ii) serves the Indian Tribe in which the recipient is enrolled.

"(3) PRIORITY WHEN MAKING ASSIGNMENTS.—Subject to paragraph (2), the Secretary, in making assignments of Indian Health Scholarship recipients required to meet the active duty service obligation described in paragraph (1), shall give priority to assigning individuals to service in those programs specified in paragraph (1) that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

"(c) PART-TIME STUDENTS.—In the case of an individual receiving a scholarship under this section who is enrolled part time in an approved course of study—

"(1) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

"(2) the period of obligated service described in subsection (b)(1) shall be equal to the greater of—

"(A) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship (as determined by the Secretary); or

"(B) 2 years; and

"(3) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254*l*(g)(1)(B)) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled.

"(d) BREACH OF CONTRACT.—

"(1) SPECIFIED BREACHES.—An individual shall be liable to the United States for the amount which has been paid to the individual, or on behalf of the individual, under a contract entered into with the Secretary under this section on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 if that individual—

"(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

"(B) is dismissed from such educational institution for disciplinary reasons;

"(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

"(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

"(2) OTHER BREACHES.—If for any reason not specified in paragraph (1) an individual breaches a written contract by failing either to begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

"(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

"(4) WAIVERS AND SUSPENSIONS.—

"(A) IN GENERAL.—The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

"(i) it is not possible for the recipient to meet that obligation or make that payment;

"(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or "(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

"(B) FACTORS FOR CONSIDERATION.—Before waiving or suspending an obligation of service or payment under subparagraph (A), the Secretary shall consult with the affected Area Office, Indian Tribes, or Tribal Organizations, or confer with the affected Urban Indian Organizations, and may take into consideration whether the obligation may be satisfied in a teaching capacity at a tribal college or university nursing program under subsection (b)(1)(D).

"(5) EXTREME HARDSHIP.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

"(6) BANKRUPTCY.—Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

"SEC. 105. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.

"(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants of not more than $300,000 to each of 9 colleges and universities for the purpose of developing and maintaining Indian psychology career recruitment programs as a means of encouraging Indians to enter the behavioral health field. These programs shall be located at various locations throughout the country to maximize their availability to Indian students and new programs shall be established in different locations from time to time.

"(b) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide a grant authorized under subsection (a) to develop and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Psychology Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs authorized under section 117(b), the Quentin N. Burdick American Indians Into Nursing Program authorized under section 115(e), and existing university research and communications networks.

"(c) REGULATIONS.—The Secretary shall issue regulations pursuant to this Act for the competitive awarding of grants provided under this section.

"(d) CONDITIONS OF GRANT.—Applicants under this section shall agree to provide a program which, at a minimum—

"(1) provides outreach and recruitment for health professions to Indian communities including elementary, secondary, and accredited and accessible community colleges that will be served by the program;

"(2) incorporates a program advisory board comprised of representatives from the tribes and communities that will be served by the program;

"(3) provides summer enrichment programs to expose Indian students to the various fields of psychology through research, clinical, and experimental activities;

"(4) provides stipends to undergraduate and graduate students to pursue a career in psychology;

"(5) develops affiliation agreements with tribal colleges and universities, the Service, university affiliated programs, and other appropriate accredited and accessible entities to enhance the education of Indian students;

"(6) to the maximum extent feasible, uses existing university tutoring, counseling, and student support services; and

"(7) to the maximum extent feasible, employs qualified Indians in the program.

"(e) ACTIVE DUTY SERVICE REQUIREMENT.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each graduate who receives a stipend described in subsection (d)(4) that is funded under this section. Such obligation shall be met by service—

"(1) in an Indian Health Program;

"(2) in a program assisted under title V of this Act; or

"(3) in the private practice of psychology if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,700,000 for each of fiscal years 2008 through 2017.

"SEC. 106. SCHOLARSHIP PROGRAMS FOR INDIAN TRIBES.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants to Tribal Health Programs for the purpose of providing scholarships for Indians to serve as health professionals in Indian communities.

"(2) AMOUNT.—Amounts available under paragraph (1) for any fiscal year shall not exceed 5 percent of the amounts available for each fiscal year for Indian Health Scholarships under section 104.

"(3) APPLICATION.—An application for a grant under paragraph (1) shall be in such form and contain such agreements, assurances, and information as consistent with this section.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—A Tribal Health Program receiving a grant under subsection (a) shall provide scholarships to Indians in accordance with the requirements of this section.

"(2) COSTS.—With respect to costs of providing any scholarship pursuant to subsection (a)—

"(A) 80 percent of the costs of the scholarship shall be paid from the funds made available pursuant to subsection (a)(1) provided to the Tribal Health Program; and

"(B) 20 percent of such costs may be paid from any other source of funds.

"(c) COURSE OF STUDY.—A Tribal Health Program shall provide scholarships under this section only to Indians enrolled or accepted for enrollment in a course of study (approved by the Secretary) in 1 of the health professions contemplated by this Act.

"(d) CONTRACT.—

"(1) IN GENERAL.—In providing scholarships under subsection (b), the Secretary and the Tribal Health Program shall enter into a written contract with each recipient of such scholarship.

"(2) REQUIREMENTS.—Such contract shall—

"(A) obligate such recipient to provide service in an Indian Health Program or Urban Indian Organization, in the same Service Area where the Tribal Health Program providing the scholarship is located, for—

"(i) a number of years for which the scholarship is provided (or the part-time equivalent thereof, as determined by the Secretary), or for a period of 2 years, whichever period is greater; or

"(ii) such greater period of time as the recipient and the Tribal Health Program may agree;

"(B) provide that the amount of the scholarship—

"(i) may only be expended for—

"(I) tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attendance at the educational institution; and

"(II) payment to the recipient of a monthly stipend of not more than the amount authorized by section 338(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B)), with such amount to be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled, and not to exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in this clause; and

"(ii) may not exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in clause (i);

"(C) require the recipient of such scholarship to maintain an acceptable level of academic standing as determined by the educational institution in accordance with regulations issued pursuant to this Act; and

"(D) require the recipient of such scholarship to meet the educational and licensure requirements appropriate to each health profession.

"(3) SERVICE IN OTHER SERVICE AREAS.—The contract may allow the recipient to serve in another Service Area, provided the Tribal Health Program and Secretary approve and services are not diminished to Indians in the Service Area where the Tribal Health Program providing the scholarship is located.

"(e) BREACH OF CONTRACT.—

"(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary and a Tribal Health Program under subsection (d) shall be liable to the United States for the Federal share of the amount which has been paid to him or her, or on his or her behalf, under the contract if that individual—

"(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level as determined by the educational institution under regulations of the Secretary);

"(B) is dismissed from such educational institution for disciplinary reasons;

"(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

"(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

"(2) OTHER BREACHES.—If for any reason not specified in paragraph (1), an individual breaches a written contract by failing to either begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

"(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

"(4) INFORMATION.—The Secretary may carry out this subsection on the basis of information received from Tribal Health Programs involved or on the basis of information collected through such other means as the Secretary deems appropriate.

"(f) RELATION TO SOCIAL SECURITY ACT.—The recipient of a scholarship under this section shall agree, in providing health care pursuant to the requirements herein—

"(1) not to discriminate against an individual seeking care on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to a program established in title XVIII of the Social Security Act or pursuant to the programs established in title XIX or title XXI of such Act; and

"(2) to accept assignment under section 1842(b)(3)(B)(ii) of the Social Security Act for all services for which payment may be made under part B of title XVIII of such Act, and to enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under title XIX, or the State child health plan under title XXI, of such Act to provide service to individuals entitled to medical assistance or child health assistance, respectively, under the plan.

"(g) CONTINUANCE OF FUNDING.—The Secretary shall make payments under this section to a Tribal Health Program for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the Tribal Health Program has not complied with the requirements of this section.

"SEC. 107. INDIAN HEALTH SERVICE EXTERN PROGRAMS.

"(a) EMPLOYMENT PREFERENCE.—Any individual who receives a scholarship pursuant to section 104 or 106 shall be given preference for employment in the Service, or may be employed by a Tribal Health Program or an Urban Indian Organization, or other agencies of the Department as available, during any nonacademic period of the year.

"(b) NOT COUNTED TOWARD ACTIVE DUTY SERVICE OBLIGATION.—Periods of employment pursuant to this subsection shall not be counted in determining fulfillment of the service obligation incurred as a condition of the scholarship.

"(c) TIMING; LENGTH OF EMPLOYMENT.—Any individual enrolled in a program, including a high school program, authorized under section 102(a) may be employed by the Service or by a Tribal Health Program or an Urban Indian Organization during any nonacademic period of the year. Any such employment shall not exceed 120 days during any calendar year.

"(d) NONAPPLICABILITY OF COMPETITIVE PERSONNEL SYSTEM.—Any employment pursuant to this section shall be made without regard to any competitive personnel system or agency personnel limitation and to a position which will enable the individual so employed to receive practical experience in the health profession in which he or she is engaged in study. Any individual so employed shall receive payment for his or her services comparable to the salary he or she would receive if he or she were employed in the competitive system. Any individual so employed shall not be counted against any employment ceiling affecting the Service or the Department.

"SEC. 108. CONTINUING EDUCATION ALLOWANCES.

"In order to encourage scholarship and stipend recipients under sections 104, 105, 106, and 115 and health professionals, including community health representatives and emergency medical technicians, to join or continue in an Indian Health Program and to provide their services in the rural and remote areas where a significant portion of Indians reside, the Secretary, acting through the Service, may—

"(1) provide programs or allowances to transition into an Indian Health Program, including licensing, board or certification examination assistance, and technical assistance in fulfilling service obligations under sections 104, 105, 106, and 115; and

"(2) provide programs or allowances to health professionals employed in an Indian Health Program to enable them for a period of time each year prescribed by regulation of the Secretary to take leave of their duty stations for professional consultation, management, leadership, and refresher training courses.

"SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PROGRAM.

"(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall maintain a Community Health Representative Program under which Indian Health Programs—

"(1) provide for the training of Indians as community health representatives; and

"(2) use such community health representatives in the provision of health care, health promotion, and disease prevention services to Indian communities.

"(b) DUTIES.—The Community Health Representative Program of the Service, shall—

"(1) provide a high standard of training for community health representatives to ensure that the community health representatives provide quality health care, health promotion, and disease prevention services to the Indian communities served by the Program;

"(2) in order to provide such training, develop and maintain a curriculum that—

"(A) combines education in the theory of health care with supervised practical experience in the provision of health care; and

"(B) provides instruction and practical experience in health promotion and disease prevention activities, with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty;

"(3) maintain a system which identifies the needs of community health representatives for continuing education in health care, health promotion, and disease prevention and develop programs that meet the needs for continuing education;

"(4) maintain a system that provides close supervision of Community Health Representatives;

"(5) maintain a system under which the work of Community Health Representatives is reviewed and evaluated; and

"(6) promote traditional health care practices of the Indian Tribes served consistent with the Service standards for the provision of health care, health promotion, and disease prevention.

"SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish and administer a program to be known as the Service Loan Repayment Program (hereinafter referred to as the 'Loan Repayment Program') in order to ensure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian Health Programs and Urban Indian Organizations.

"(b) ELIGIBLE INDIVIDUALS.—To be eligible to participate in the Loan Repayment Program, an individual must—

"(1)(A) be enrolled—

"(i) in a course of study or program in an accredited educational institution (as determined by the Secretary under section 338B(b)(1)(c)(i) of the Public Health Service Act (42 U.S.C. 254l–1(b)(1)(c)(i))) and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

"(ii) in an approved graduate training program in a health profession; or

"(B) have—

"(i) a degree in a health profession; and

"(ii) a license to practice a health profession;

"(2)(A) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Public Health Service;

"(B) be eligible for selection for civilian service in the Regular or Reserve Corps of the Public Health Service;

"(C) meet the professional standards for civil service employment in the Service; or

"(D) be employed in an Indian Health Program or Urban Indian Organization without a service obligation; and

"(3) submit to the Secretary an application for a contract described in subsection (e).

"(c) APPLICATION.—

"(1) INFORMATION TO BE INCLUDED WITH FORMS.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under subsection (l) in the case of the individual's breach of contract. The Secretary shall provide such individuals with sufficient information regarding the advantages and disadvantages of service as a commissioned officer in the Regular or Reserve Corps of the Public Health Service or a civilian employee of the Service to enable the individual to make a decision on an informed basis.

"(2) CLEAR LANGUAGE.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

"(3) TIMELY AVAILABILITY OF FORMS.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(d) PRIORITIES.—

"(1) LIST.—Consistent with subsection (k), the Secretary shall annually—

"(A) identify the positions in each Indian Health Program or Urban Indian Organization for which there is a need or a vacancy; and

"(B) rank those positions in order of priority.

"(2) APPROVALS.—Notwithstanding the priority determined under paragraph (1), the Secretary, in determining which applications under the Loan Repayment Program to approve (and which contracts to accept), shall—

"(A) give first priority to applications made by individual Indians; and

"(B) after making determinations on all applications submitted by individual Indians as required under subparagraph (A), give priority to—

"(i) individuals recruited through the efforts of an Indian Health Program or Urban Indian Organization; and

"(ii) other individuals based on the priority rankings under paragraph (1).

"(e) RECIPIENT CONTRACTS.—

"(1) CONTRACT REQUIRED.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in paragraph (2).

"(2) CONTENTS OF CONTRACT.—The written contract referred to in this section between the Secretary and an individual shall contain—

"(A) an agreement under which—

"(i) subject to subparagraph (C), the Secretary agrees—

"(I) to pay loans on behalf of the individual in accordance with the provisions of this section; and

"(II) to accept (subject to the availability of appropriated funds for carrying out this section) the individual into the Service or place the individual with a Tribal Health Program or Urban Indian Organization as provided in clause (ii)(III); and

"(ii) subject to subparagraph (C), the individual agrees—

"(I) to accept loan payments on behalf of the individual;

"(II) in the case of an individual described in subsection (b)(1)—

"(aa) to maintain enrollment in a course of study or training described in subsection (b)(1)(A) until the individual completes the course of study or training; and

"(bb) while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

"(III) to serve for a time period (hereinafter in this section referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to serve in the full-time clinical practice of such individual's profession in an Indian Health Program or Urban Indian Organization to which the individual may be assigned by the Secretary;

"(B) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under subparagraph (A)(ii)(III);

"(C) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual which is conditioned thereon is contingent upon funds being appropriated for loan repayments under this section;

"(D) a statement of the damages to which the United States is entitled under subsection (l) for the individual's breach of the contract; and

"(E) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

"(f) DEADLINE FOR DECISION ON APPLICATION.—The Secretary shall provide written notice to an individual within 21 days on—

"(1) the Secretary's approving, under subsection (e)(1), of the individual's participation in the Loan Repayment Program, including extensions resulting in an aggregate period of obligated service in excess of 4 years; or

"(2) the Secretary's disapproving an individual's participation in such Program.

"(g) PAYMENTS.—

"(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; and

"(C) reasonable living expenses as determined by the Secretary.

"(2) AMOUNT.—For each year of obligated service that an individual contracts to serve under subsection (e), the Secretary may pay up to $35,000 or an amount equal to the amount specified in section 338B(g)(2)(A) of the Public Health Service Act, whichever is more, on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

"(A) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

"(B) provides an incentive to serve in Indian Health Programs and Urban Indian Organizations with the greatest shortages of health professionals; and

"(C) provides an incentive with respect to the health professional involved remaining in an Indian Health Program or Urban Indian Organization with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the Loan Repayment Program.

"(3) TIMING.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

"(4) REIMBURSEMENTS FOR TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from a payment under paragraph (2) on behalf of an individual, the Secretary—

"(A) in addition to such payments, may make payments to the individual in an amount equal to not less than 20 percent and not more than 39 percent of the total amount of loan repayments made for the taxable year involved; and

"(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

"(5) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments.

"(h) EMPLOYMENT CEILING.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section shall not be counted against any employment ceiling affecting the Department while those individuals are undergoing academic training.

"(i) RECRUITMENT.—The Secretary shall conduct recruiting programs for the Loan Repayment Program and other manpower programs of the Service at educational institutions training health professionals or specialists identified in subsection (a).

"(j) APPLICABILITY OF LAW.—Section 214 of the Public Health Service Act (42 U.S.C. 215) shall not apply to individuals during their period of obligated service under the Loan Repayment Program.

"(k) ASSIGNMENT OF INDIVIDUALS.—The Secretary, in assigning individuals to serve in Indian Health Programs or Urban Indian Organizations pursuant to contracts entered into under this section, shall—

"(1) ensure that the staffing needs of Tribal Health Programs and Urban Indian Organizations receive consideration on an equal basis with programs that are administered directly by the Service; and

"(2) give priority to assigning individuals to Indian Health Programs and Urban Indian Organizations that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

"(l) BREACH OF CONTRACT.—

"(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary under this section and has not received a waiver under subsection (m) shall be liable, in lieu of any service obligation arising under such contract, to the United States for the amount which has been paid on such individual's behalf under the contract if that individual—

"(A) is enrolled in the final year of a course of study and—

"(i) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

"(ii) voluntarily terminates such enrollment; or

"(iii) is dismissed from such educational institution before completion of such course of study; or

"(B) is enrolled in a graduate training program and fails to complete such training program.

"(2) OTHER BREACHES; FORMULA FOR AMOUNT OWED.—If, for any reason not specified in paragraph (1), an individual breaches his or her written contract under this section by failing either to begin, or complete, such individual's period of obligated service in accordance with subsection (e)(2), the United States shall be entitled to recover from such individual an amount to be determined in accordance with the following formula: $A=3Z(t-s/t)$ in which—

"(A) 'A' is the amount the United States is entitled to recover;

"(B) 'Z' is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Secretary of the Treasury;

"(C) 't' is the total number of months in the individual's period of obligated service in accordance with subsection (f); and

"(D) 's' is the number of months of such period served by such individual in accordance with this section.

"(3) DEDUCTIONS IN MEDICARE PAYMENTS.—Amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to section 1892 of the Social Security Act.

"(4) TIME PERIOD FOR REPAYMENT.—Any amount of damages which the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach or such longer period beginning on such date as shall be specified by the Secretary.

"(5) RECOVERY OF DELINQUENCY.—

"(A) IN GENERAL.—If damages described in paragraph (4) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

"(i) use collection agencies contracted with by the Administrator of General Services; or

"(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

"(B) REPORT.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent not inconsistent with this subsection.

"(m) WAIVER OR SUSPENSION OF OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under the Loan Repayment Program whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

"(2) CANCELED UPON DEATH.—Any obligation of an individual under the Loan Repayment Program for service or payment of damages shall be canceled upon the death of the individual.

"(3) HARDSHIP WAIVER.—The Secretary may waive, in whole or in part, the rights of the United States to recover amounts under this section in any case of extreme hardship or other good cause shown, as determined by the Secretary.

"(4) BANKRUPTCY.—Any obligation of an individual under the Loan Repayment Program for payment of damages may be released by a discharge in bankruptcy under title 11 of the United States Code only if such discharge is granted after the expiration of the 5-year period beginning on the first date that payment of such damages is required, and only if the bankruptcy court finds that nondischarge of the obligation would be unconscionable.

"(n) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be submitted to Congress under section 801, a report concerning the previous fiscal year which sets forth by Service Area the following:

"(1) A list of the health professional positions maintained by Indian Health Programs and Urban Indian Organizations for which recruitment or retention is difficult.

"(2) The number of Loan Repayment Program applications filed with respect to each type of health profession.

"(3) The number of contracts described in subsection (e) that are entered into with respect to each health profession.

"(4) The amount of loan payments made under this section, in total and by health profession.

"(5) The number of scholarships that are provided under sections 104 and 106 with respect to each health profession.

"(6) The amount of scholarship grants provided under section 104 and 106, in total and by health profession.

"(7) The number of providers of health care that will be needed by Indian Health Programs and Urban Indian Organizations, by location and profession, during the 3 fiscal years beginning after the date the report is filed.

"(8) The measures the Secretary plans to take to fill the health professional positions maintained by Indian Health Programs or Urban Indian Organizations for which recruitment or retention is difficult.

"SEC. 111. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (hereafter in this section referred to as the 'LRRF'). The LRRF shall consist of such amounts as may be collected from individuals under section 104(d), section 106(e), and section 110(l) for breach of contract, such funds as may be appropriated to the LRRF, and interest earned on amounts in the LRRF. All amounts collected, appropriated, or earned relative to the LRRF shall remain available until expended.

"(b) USE OF FUNDS.—

"(1) BY SECRETARY.—Amounts in the LRRF may be expended by the Secretary, acting through the Service, to make payments to an Indian Health Program—

"(A) to which a scholarship recipient under section 104 and 106 or a loan repayment program participant under section 110 has been assigned to meet the obligated service requirements pursuant to such sections; and

"(B) that has a need for a health professional to provide health care services as a result of such recipient or participant having breached the contract entered into under section 104, 106, or section 110.

"(2) BY TRIBAL HEALTH PROGRAMS.—A Tribal Health Program receiving payments pursuant to paragraph (1) may expend the payments to provide scholarships or recruit and employ, directly or by contract, health professionals to provide health care services.

"(c) INVESTMENT OF FUNDS.—The Secretary of the Treasury shall invest such amounts of the LRRF as the Secretary of Health and Human Services determines are not required to meet current withdrawals from the LRRF. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

"(d) SALE OF OBLIGATIONS.—Any obligation acquired by the LRRF may be sold by the Secretary of the Treasury at the market price.

"SEC. 112. RECRUITMENT ACTIVITIES.

"(a) REIMBURSEMENT FOR TRAVEL.—The Secretary, acting through the Service, may reimburse health professionals seeking positions with Indian Health Programs or Urban Indian Organizations, including individuals considering entering into a contract under section 110 and their spouses, for actual and reasonable expenses incurred in traveling to and from their places of residence to an area in which they may be assigned for the purpose of evaluating such area with respect to such assignment.

"(b) RECRUITMENT PERSONNEL.—The Secretary, acting through the Service, shall assign 1 individual in each Area Office to be responsible on a full-time basis for recruitment activities.

"SEC. 113. INDIAN RECRUITMENT AND RETENTION PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall fund, on a competitive basis, innovative demonstration projects for a period not to exceed 3 years to enable Tribal Health Programs and Urban Indian Organizations to recruit, place, and retain health professionals to meet their staffing needs.

"(b) ELIGIBLE ENTITIES; APPLICATION.—Any Tribal Health Program or Urban Indian Organization may submit an application for funding of a project pursuant to this section.

"SEC. 114. ADVANCED TRAINING AND RESEARCH.

"(a) DEMONSTRATION PROGRAM.—The Secretary, acting through the Service, shall establish a demonstration project to enable health professionals who have worked in an Indian Health Program or Urban Indian Organization for a substantial period of time to pursue advanced training or research areas of study for which the Secretary determines a need exists.

"(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to at least the period of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the individual shall be liable to the United States for the period of service remaining. In such event, with respect to individuals entering the program after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

"(c) EQUAL OPPORTUNITY FOR PARTICIPATION.—Health professionals from Tribal Health Programs and Urban Indian Organizations shall be given an equal opportunity to participate in the program under subsection (a).

"SEC. 115. QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.

"(a) GRANTS AUTHORIZED.—For the purpose of increasing the number of nurses, nurse midwives, and nurse practitioners who deliver health care services to Indians, the Secretary, acting through the Service, shall provide grants to the following:

"(1) Public or private schools of nursing.

"(2) Tribal colleges or universities.

"(3) Nurse midwife programs and advanced practice nurse programs that are provided by any tribal college or university accredited nursing program, or in the absence of such, any other public or private institutions.

"(b) USE OF GRANTS.—Grants provided under subsection (a) may be used for 1 or more of the following:

"(1) To recruit individuals for programs which train individuals to be nurses, nurse midwives, or advanced practice nurses.

"(2) To provide scholarships to Indians enrolled in such programs that may pay the tuition charged for such program and other expenses incurred in connection with such program, including books, fees, room and board, and stipends for living expenses.

"(3) To provide a program that encourages nurses, nurse midwives, and advanced practice nurses to provide, or continue to provide, health care services to Indians.

"(4) To provide a program that increases the skills of, and provides continuing education to, nurses, nurse midwives, and advanced practice nurses.

"(5) To provide any program that is designed to achieve the purpose described in subsection (a).

"(c) Applications.—Each application for a grant under subsection (a) shall include such information as the Secretary may require to establish the connection between the program of the applicant and a health care facility that primarily serves Indians.

"(d) Preferences for Grant Recipients.—In providing grants under subsection (a), the Secretary shall extend a preference to the following:

"(1) Programs that provide a preference to Indians.

"(2) Programs that train nurse midwives or advanced practice nurses.

"(3) Programs that are interdisciplinary.

"(4) Programs that are conducted in cooperation with a program for gifted and talented Indian students.

"(5) Programs conducted by tribal colleges and universities.

"(e) Quentin N. Burdick Program Grant.—The Secretary shall provide 1 of the grants authorized under subsection (a) to establish and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Nursing Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs established under section 117(b) and the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b).

"(f) Active Duty Service Obligation.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each individual who receives training or assistance described in paragraph (1) or (2) of subsection (b) that is funded by a grant provided under subsection (a). Such obligation shall be met by service—

"(1) in the Service;

"(2) in a program of an Indian Tribe or Tribal Organization conducted under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) (including programs under agreements with the Bureau of Indian Affairs);

"(3) in a program assisted under title V of this Act;

"(4) in the private practice of nursing if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health shortage area and addresses the health care needs of a substantial number of Indians; or

"(5) in a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, health services provided to Indians would not decrease.

"SEC. 116. TRIBAL CULTURAL ORIENTATION.

"(a) Cultural Education of Employees.—The Secretary, acting through the Service, shall require that appropriate employees of the Service who serve Indian Tribes in each Service Area receive educational instruction in the history and culture of such Indian Tribes and their relationship to the Service.

"(b) Program.—In carrying out subsection (a), the Secretary shall establish a program which shall, to the extent feasible—

"(1) be developed in consultation with the affected Indian Tribes, Tribal Organizations, and Urban Indian Organizations;

"(2) be carried out through tribal colleges or universities;

"(3) include instruction in American Indian studies; and

"(4) describe the use and place of traditional health care practices of the Indian Tribes in the Service Area.

"SEC. 117. INMED PROGRAM.

"(a) Grants Authorized.—The Secretary, acting through the Service, is authorized to provide grants to colleges and universities for the purpose of maintaining and expanding the Indian health careers recruitment program known as the 'Indians Into Medicine Program' (hereinafter in this section referred to as 'INMED') as a means of encouraging Indians to enter the health professions.

"(b) Quentin N. Burdick Grant.—The Secretary shall provide 1 of the grants authorized under subsection (a) to maintain the INMED program at the University of North Dakota, to be known as the 'Quentin N. Burdick Indian Health Programs', unless the Secretary makes a determination, based upon program reviews, that the program is not meeting the purposes of this section. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b) and the Quentin N. Burdick American Indians Into Nursing Program established under section 115.

"(c) Regulations.—The Secretary, pursuant to this Act, shall develop regulations to govern grants pursuant to this section.

"(d) Requirements.—Applicants for grants provided under this section shall agree to provide a program which—

"(1) provides outreach and recruitment for health professions to Indian communities including elementary and secondary schools and community colleges located on reservations which will be served by the program;

"(2) incorporates a program advisory board comprised of representatives from the Indian Tribes and Indian communities which will be served by the program;

"(3) provides summer preparatory programs for Indian students who need enrichment in the subjects of math and science in order to pursue training in the health professions;

"(4) provides tutoring, counseling, and support to students who are enrolled in a health career program of study at the respective college or university; and

"(5) to the maximum extent feasible, employs qualified Indians in the program.

"SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY COLLEGES.

"(a) Grants to Establish Programs.—

"(1) In general.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges for the purpose of assisting such community colleges in the establishment of programs which provide education in a health profession leading to a degree or diploma in a health profession for individuals who desire to practice such profession on or near a reservation or in an Indian Health Program.

"(2) Amount of grants.—The amount of any grant awarded to a community college under paragraph (1) for the first year in which such a grant is provided to the community college shall not exceed $250,000.

"(b) Grants for Maintenance and Recruiting.—

"(1) In general.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges that have established a program described in subsection (a)(1) for the purpose of maintaining the program and recruiting students for the program.

"(2) Requirements.—Grants may only be made under this section to a community college which—

"(A) is accredited;

"(B) has a relationship with a hospital facility, Service facility, or hospital that could provide training of nurses or health professionals;

"(C) has entered into an agreement with an accredited college or university medical school, the terms of which—

"(i) provide a program that enhances the transition and recruitment of students into advanced baccalaureate or graduate programs that train health professionals; and

"(ii) stipulate certifications necessary to approve internship and field placement opportunities at Indian Health Programs;

"(D) has a qualified staff which has the appropriate certifications;

"(E) is capable of obtaining State or regional accreditation of the program described in subsection (a)(1); and

"(F) agrees to provide for Indian preference for applicants for programs under this section.

"(c) Technical Assistance.—The Secretary shall encourage community colleges described in subsection (b)(2) to establish and maintain programs described in subsection (a)(1) by—

"(1) entering into agreements with such colleges for the provision of qualified personnel of the Service to teach courses of study in such programs; and

"(2) providing technical assistance and support to such colleges.

"(d) Advanced Training.—

"(1) Required.—Any program receiving assistance under this section that is conducted with respect to a health profession shall also offer courses of study which provide advanced training for any health professional who—

"(A) has already received a degree or diploma in such health profession; and

"(B) provides clinical services on or near a reservation or for an Indian Health Program.

"(2) May be offered at alternate site.—Such courses of study may be offered in conjunction with the college or university with which the community college has entered into the agreement required under subsection (b)(2)(C).

"(e) Priority.—Where the requirements of subsection (b) are met, grant award priority shall be provided to tribal colleges and universities in Service Areas where they exist.

"SEC. 119. RETENTION BONUS.

"(a) Bonus Authorized.—The Secretary may pay a retention bonus to any health professional employed by, or assigned to, and serving in, an Indian Health Program or Urban Indian Organization either as a civilian employee or as a commissioned officer in the Regular or Reserve Corps of the Public Health Service who—

"(1) is assigned to, and serving in, a position for which recruitment or retention of personnel is difficult;

"(2) the Secretary determines is needed by Indian Health Programs and Urban Indian Organizations;

"(3) has—

“(A) completed 2 years of employment with an Indian Health Program or Urban Indian Organization; or

“(B) completed any service obligations incurred as a requirement of—

“(i) any Federal scholarship program; or

“(ii) any Federal education loan repayment program; and

“(4) enters into an agreement with an Indian Health Program or Urban Indian Organization for continued employment for a period of not less than 1 year.

“(b) RATES.—The Secretary may establish rates for the retention bonus which shall provide for a higher annual rate for multiyear agreements than for single year agreements referred to in subsection (a)(4), but in no event shall the annual rate be more than $25,000 per annum.

“(c) DEFAULT OF RETENTION AGREEMENT.—Any health professional failing to complete the agreed upon term of service, except where such failure is through no fault of the individual, shall be obligated to refund to the Government the full amount of the retention bonus for the period covered by the agreement, plus interest as determined by the Secretary in accordance with section 110(l)(2)(B).

“(d) OTHER RETENTION BONUS.—The Secretary may pay a retention bonus to any health professional employed by a Tribal Health Program if such health professional is serving in a position which the Secretary determines is—

“(1) a position for which recruitment or retention is difficult; and

“(2) necessary for providing health care services to Indians.

“SEC. 120. NURSING RESIDENCY PROGRAM.

“(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Service, shall establish a program to enable Indians who are licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian Health Program or Urban Indian Organization, and have done so for a period of not less than 1 year, to pursue advanced training. Such program shall include a combination of education and work study in an Indian Health Program or Urban Indian Organization leading to an associate or bachelor’s degree (in the case of a licensed practical nurse or licensed vocational nurse), a bachelor’s degree (in the case of a registered nurse), or advanced degrees or certifications in nursing and public health.

“(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are paid by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to 1 year for every year that nonprofessional employee (licensed practical nurses, licensed vocational nurses, nursing assistants, and various health care technicals), or 2 years for every year that professional nurse (associate degree and bachelor-prepared registered nurses), participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

“SEC. 121. COMMUNITY HEALTH AIDE PROGRAM.

“(a) GENERAL PURPOSES OF PROGRAM.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), the Secretary, acting through the Service, shall develop and operate a Community Health Aide Program in Alaska under which the Service—

“(1) provides for the training of Alaska Natives as health aides or community health practitioners;

“(2) uses such aides or practitioners in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

“(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides or community health practitioners.

“(b) SPECIFIC PROGRAM REQUIREMENTS.—The Secretary, acting through the Community Health Aide Program of the Service, shall—

“(1) using trainers accredited by the Program, provide a high standard of training to community health aides and community health practitioners to ensure that such aides and practitioners provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

“(2) in order to provide such training, develop a curriculum that—

“(A) combines education in the theory of health care with supervised practical experience in the provision of health care;

“(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

“(C) promotes the achievement of the health status objectives specified in section 3(2);

“(3) establish and maintain a Community Health Aide Certification Board to certify as community health aides or community health practitioners individuals who have successfully completed the training described in paragraph (1) or can demonstrate equivalent experience;

“(4) develop and maintain a system which identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;

“(5) develop and maintain a system that provides close supervision of community health aides and community health practitioners;

“(6) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services; and

“(7) ensure that pulpal therapy (not including pulpotomies on deciduous teeth) or extraction of adult teeth can be performed by a dental health aide therapist only after consultation with a licensed dentist who determines that the procedure is a medical emergency that cannot be resolved with palliative treatment, and further that dental health aide therapists are strictly prohibited from performing all other oral or jaw surgeries, provided that uncomplicated extractions shall not be considered oral surgery under this section.

“(c) PROGRAM REVIEW.—

“(1) NEUTRAL PANEL.—

“(A) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish a neutral panel to carry out the study under paragraph (2).

“(B) MEMBERSHIP.—Members of the neutral panel shall be appointed by the Secretary from among clinicians, economists, community practitioners, oral epidemiologists, and Alaska Natives.

“(2) STUDY.—

“(A) IN GENERAL.—The neutral panel established under paragraph (1) shall conduct a study of the dental health aide therapist services provided by the Community Health Aide Program under this section to ensure that the quality of care provided through those services is adequate and appropriate.

“(B) PARAMETERS OF STUDY.—The Secretary, in consultation with interested parties, including professional dental organizations, shall develop the parameters of the study.

“(C) INCLUSIONS.—The study shall include a determination by the neutral panel with respect to—

“(i) the ability of the dental health aide therapist services under this section to address the dental care needs of Alaska Natives;

“(ii) the quality of care provided through those services, including any training, improvement, or additional oversight required to improve the quality of care; and

“(iii) whether safer and less costly alternatives to the dental health aide therapist services exist.

“(D) CONSULTATION.—In carrying out the study under this paragraph, the neutral panel shall consult with Alaska Tribal Organizations with respect to the adequacy and accuracy of the study.

“(3) REPORT.—The neutral panel shall submit to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives a report describing the results of the study under paragraph (2), including a description of—

“(A) any determination of the neutral panel under paragraph (2)(C); and

“(B) any comments received from an Alaska Tribal Organization under paragraph (2)(D).

“(d) NATIONALIZATION OF PROGRAM.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Service, may establish a national Community Health Aide Program in accordance with the program under this section, as the Secretary determines to be appropriate.

“(2) EXCEPTION.—The national Community Health Aide Program under paragraph (1) shall not include dental health aide therapist services.

“(3) REQUIREMENT.—In establishing a national program under paragraph (1), the Secretary shall not reduce the amount of funds provided for the Community Health Aide Program described in subsections (a) and (b).

“SEC. 122. TRIBAL HEALTH PROGRAM ADMINISTRATION.

“The Secretary, acting through the Service, shall, by contract or otherwise, provide training for Indians in the administration and planning of Tribal Health Programs.

“SEC. 123. HEALTH PROFESSIONAL CHRONIC SHORTAGE DEMONSTRATION PROGRAMS.

“(a) DEMONSTRATION PROGRAMS AUTHORIZED.—The Secretary, acting through the Service, may fund demonstration programs for Tribal Health Programs to address the chronic shortages of health professionals.

“(b) PURPOSES OF PROGRAMS.—The purposes of demonstration programs funded under subsection (a) shall be—

“(1) to provide direct clinical and practical experience at a Service Unit to health profession students and residents from medical schools;

"(2) to improve the quality of health care for Indians by assuring access to qualified health care professionals; and

"(3) to provide academic and scholarly opportunities for health professionals serving Indians by identifying all academic and scholarly resources of the region.

"(c) ADVISORY BOARD.—The demonstration programs established pursuant to subsection (a) shall incorporate a program advisory board composed of representatives from the Indian Tribes and Indian communities in the area which will be served by the program.

"SEC. 124. NATIONAL HEALTH SERVICE CORPS.

"(a) NO REDUCTION IN SERVICES.—The Secretary shall not—

"(1) remove a member of the National Health Service Corps from an Indian Health Program or Urban Indian Organization; or

"(2) withdraw funding used to support such member, unless the Secretary, acting through the Service, has ensured that the Indians receiving services from such member will experience no reduction in services.

"(b) EXEMPTION FROM LIMITATIONS.—National Health Service Corps scholars qualifying for the Commissioned Corps in the Public Health Service shall be exempt from the full-time equivalent limitations of the National Health Service Corps and the Service when serving as a commissioned corps officer in a Tribal Health Program or an Urban Indian Organization.

"SEC. 125. SUBSTANCE ABUSE COUNSELOR EDUCATIONAL CURRICULA DEMONSTRATION PROGRAMS.

"(a) CONTRACTS AND GRANTS.—The Secretary, acting through the Service, may enter into contracts with, or make grants to, accredited tribal colleges and universities and eligible accredited and accessible community colleges to establish demonstration programs to develop educational curricula for substance abuse counseling.

"(b) USE OF FUNDS.—Funds provided under this section shall be used only for developing and providing educational curriculum for substance abuse counseling (including paying salaries for instructors). Such curricula may be provided through satellite campus programs.

"(c) TIME PERIOD OF ASSISTANCE; RENEWAL.—A contract entered into or a grant provided under this section shall be for a period of 3 years. Such contract or grant may be renewed for an additional 2-year period upon the approval of the Secretary.

"(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—Not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, after consultation with Indian Tribes and administrators of tribal colleges and universities and eligible accredited and accessible community colleges, shall develop and issue criteria for the review and approval of applications for funding (including applications for renewals of funding) under this section. Such criteria shall ensure that demonstration programs established under this section promote the development of the capacity of such entities to educate substance abuse counselors.

"(e) ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.

"(f) REPORT.—Each fiscal year, the Secretary shall submit to the President, for inclusion in the report which is required to be submitted under section 801 for that fiscal year, a report on the findings and conclusions derived from the demonstration programs conducted under this section during that fiscal year.

"(g) DEFINITION.—For the purposes of this section, the term 'educational curriculum' means 1 or more of the following:

"(1) Classroom education.

"(2) Clinical work experience.

"(3) Continuing education workshops.

"SEC. 126. BEHAVIORAL HEALTH TRAINING AND COMMUNITY EDUCATION PROGRAMS.

"(a) STUDY; LIST.—The Secretary, acting through the Service, and the Secretary of the Interior, in consultation with Indian Tribes and Tribal Organizations, shall conduct a study and compile a list of the types of staff positions specified in subsection (b) whose qualifications include, or should include, training in the identification, prevention, education, referral, or treatment of mental illness, or dysfunctional and self destructive behavior.

"(b) POSITIONS.—The positions referred to in subsection (a) are—

"(1) staff positions within the Bureau of Indian Affairs, including existing positions, in the fields of—

"(A) elementary and secondary education;

"(B) social services and family and child welfare;

"(C) law enforcement and judicial services; and

"(D) alcohol and substance abuse;

"(2) staff positions within the Service; and

"(3) staff positions similar to those identified in paragraphs (1) and (2) established and maintained by Indian Tribes and Tribal Organizations (without regard to the funding source).

"(c) TRAINING CRITERIA.—

"(1) IN GENERAL.—The appropriate Secretary shall provide training criteria appropriate to each type of position identified in subsection (b)(1) and (b)(2) and ensure that appropriate training has been, or shall be provided to any individual in any such position. With respect to any such individual in a position identified pursuant to subsection (b)(3), the respective Secretaries shall provide appropriate training to, or provide funds to, an Indian Tribe or Tribal Organization for training of appropriate individuals. In the case of positions funded under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the appropriate Secretary shall ensure that such training costs are included in the contract or compact, as the Secretary determines necessary.

"(2) POSITION SPECIFIC TRAINING CRITERIA.—Position specific training criteria shall be culturally relevant to Indians and Indian Tribes and shall ensure that appropriate information regarding traditional health care practices is provided.

"(d) COMMUNITY EDUCATION ON MENTAL ILLNESS.—The Service shall develop and implement, on request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, or assist the Indian Tribe, Tribal Organization, or Urban Indian Organization to develop and implement, a program of community education on mental illness. In carrying out this subsection, the Service shall, upon request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance to the Indian Tribe, Tribal Organization, or Urban Indian Organization to obtain and develop community educational materials on the identification, prevention, referral, and treatment of mental illness and dysfunctional and self-destructive behavior.

"(e) PLAN.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall develop a plan under which the Service will increase the health care staff providing behavioral health services by at least 500 positions within 5 years after the date of enactment of this section, with at least 200 of such positions devoted to child, adolescent, and family services. The plan developed under this subsection shall be implemented under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act').

"SEC. 127. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE II—HEALTH SERVICES

"SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.

"(a) USE OF FUNDS.—The Secretary, acting through the Service, is authorized to expend funds, directly or under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), which are appropriated under the authority of this section, for the purposes of—

"(1) eliminating the deficiencies in health status and health resources of all Indian Tribes;

"(2) eliminating backlogs in the provision of health care services to Indians;

"(3) meeting the health needs of Indians in an efficient and equitable manner, including the use of telehealth and telemedicine when appropriate;

"(4) eliminating inequities in funding for both direct care and contract health service programs; and

"(5) augmenting the ability of the Service to meet the following health service responsibilities with respect to those Indian Tribes with the highest levels of health status deficiencies and resource deficiencies:

"(A) Clinical care, including inpatient care, outpatient care (including audiology, clinical eye, and vision care), primary care, secondary and tertiary care, and long-term care.

"(B) Preventive health, including mammography and other cancer screening in accordance with section 207.

"(C) Dental care.

"(D) Mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional health care practitioners.

"(E) Emergency medical services.

"(F) Treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol spectrum disorders) among Indians.

"(G) Injury prevention programs, including data collection and evaluation, demonstration projects, training, and capacity building.

"(H) Home health care.

"(I) Community health representatives.

"(J) Maintenance and improvement.

"(b) NO OFFSET OR LIMITATION.—Any funds appropriated under the authority of this section shall not be used to offset or limit any other appropriations made to the Service under this Act or the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other provision of law.

"(c) ALLOCATION; USE.—

"(1) IN GENERAL.—Funds appropriated under the authority of this section shall be allocated to Service Units, Indian Tribes, or Tribal Organizations. The funds allocated to each Indian Tribe, Tribal Organization, or

Service Unit under this paragraph shall be used by the Indian Tribe, Tribal Organization, or Service Unit under this paragraph to improve the health status and reduce the resource deficiency of each Indian Tribe served by such Service Unit, Indian Tribe, or Tribal Organization.

“(2) APPORTIONMENT OF ALLOCATED FUNDS.—The apportionment of funds allocated to a Service Unit, Indian Tribe, or Tribal Organization under paragraph (1) among the health service responsibilities described in subsection (a)(5) shall be determined by the Service in consultation with, and with the active participation of, the affected Indian Tribes and Tribal Organizations.

“(d) PROVISIONS RELATING TO HEALTH STATUS AND RESOURCE DEFICIENCIES.—For the purposes of this section, the following definitions apply:

“(1) DEFINITION.—The term ‘health status and resource deficiency’ means the extent to which—

“(A) the health status objectives set forth in section 3(2) are not being achieved; and

“(B) the Indian Tribe or Tribal Organization does not have available to it the health resources it needs, taking into account the actual cost of providing health care services given local geographic, climatic, rural, or other circumstances.

“(2) AVAILABLE RESOURCES.—The health resources available to an Indian Tribe or Tribal Organization include health resources provided by the Service as well as health resources used by the Indian Tribe or Tribal Organization, including services and financing systems provided by any Federal programs, private insurance, and programs of State or local governments.

“(3) PROCESS FOR REVIEW OF DETERMINATIONS.—The Secretary shall establish procedures which allow any Indian Tribe or Tribal Organization to petition the Secretary for a review of any determination of the extent of the health status and resource deficiency of such Indian Tribe or Tribal Organization.

“(e) ELIGIBILITY FOR FUNDS.—Tribal Health Programs shall be eligible for funds appropriated under the authority of this section on an equal basis with programs that are administered directly by the Service.

“(f) REPORT.—By no later than the date that is 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall submit to Congress the current health status and resource deficiency report of the Service for each Service Unit, including newly recognized or acknowledged Indian Tribes. Such report shall set out—

“(1) the methodology then in use by the Service for determining Tribal health status and resource deficiencies, as well as the most recent application of that methodology;

“(2) the extent of the health status and resource deficiency of each Indian Tribe served by the Service or a Tribal Health Program;

“(3) the amount of funds necessary to eliminate the health status and resource deficiencies of all Indian Tribes served by the Service or a Tribal Health Program; and

“(4) an estimate of—

“(A) the amount of health service funds appropriated under the authority of this Act, or any other Act, including the amount of any funds transferred to the Service for the preceding fiscal year which is allocated to each Service Unit, Indian Tribe, or Tribal Organization;

“(B) the number of Indians eligible for health services in each Service Unit or Indian Tribe or Tribal Organization; and

“(C) the number of Indians using the Service resources made available to each Service Unit, Indian Tribe or Tribal Organization, and, to the extent available, information on the waiting lists and number of Indians turned away for services due to lack of resources.

“(g) INCLUSION IN BASE BUDGET.—Funds appropriated under this section for any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

“(h) CLARIFICATION.—Nothing in this section is intended to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs, nor are the provisions of this section intended to discourage the Service from undertaking additional efforts to achieve equity among Indian Tribes and Tribal Organizations.

“(i) FUNDING DESIGNATION.—Any funds appropriated under the authority of this section shall be designated as the ‘Indian Health Care Improvement Fund’.

“SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.

“(a) ESTABLISHMENT.—There is established an Indian Catastrophic Health Emergency Fund (hereafter in this section referred to as the ‘CHEF’) consisting of—

“(1) the amounts deposited under subsection (f); and

“(2) the amounts appropriated to CHEF under this section.

“(b) ADMINISTRATION.—CHEF shall be administered by the Secretary, acting through the headquarters of the Service, solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses who are within the responsibility of the Service.

“(c) CONDITIONS ON USE OF FUND.—No part of CHEF or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), nor shall CHEF funds be allocated, apportioned, or delegated on an Area Office, Service Unit, or other similar basis.

“(d) REGULATIONS.—The Secretary shall promulgate regulations consistent with the provisions of this section to—

“(1) establish a definition of disasters and catastrophic illnesses for which the cost of the treatment provided under contract would qualify for payment from CHEF;

“(2) provide that a Service Unit shall not be eligible for reimbursement for the cost of treatment from CHEF until its cost of treating any victim of such catastrophic illness or disaster has reached a certain threshold cost which the Secretary shall establish at—

“(A) the 2000 level of $19,000; and

“(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;

“(3) establish a procedure for the reimbursement of the portion of the costs that exceeds such threshold cost incurred by—

“(A) Service Units; or

“(B) whenever otherwise authorized by the Service, non-Service facilities or providers;

“(4) establish a procedure for payment from CHEF in cases in which the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

“(5) establish a procedure that will ensure that no payment shall be made from CHEF to any provider of treatment to the extent that such provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible.

“(e) NO OFFSET OR LIMITATION.—Amounts appropriated to CHEF under this section shall not be used to offset or limit appropriations made to the Service under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), or any other law.

“(f) DEPOSIT OF REIMBURSEMENT FUNDS.—There shall be deposited into CHEF all reimbursements to which the Service is entitled from any Federal, State, local, or private source (including third party insurance) by reason of treatment rendered to any victim of a disaster or catastrophic illness the cost of which was paid from CHEF.

“SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION SERVICES.

“(a) FINDINGS.—Congress finds that health promotion and disease prevention activities—

“(1) improve the health and well-being of Indians; and

“(2) reduce the expenses for health care of Indians.

“(b) PROVISION OF SERVICES.—The Secretary, acting through the Service and Tribal Health Programs, shall provide health promotion and disease prevention services to Indians to achieve the health status objectives set forth in section 3(2).

“(c) EVALUATION.—The Secretary, after obtaining input from the affected Tribal Health Programs, shall submit to the President for inclusion in the report which is required to be submitted to Congress under section 801 an evaluation of—

“(1) the health promotion and disease prevention needs of Indians;

“(2) the health promotion and disease prevention activities which would best meet such needs;

“(3) the internal capacity of the Service and Tribal Health Programs to meet such needs; and

“(4) the resources which would be required to enable the Service and Tribal Health Programs to undertake the health promotion and disease prevention activities necessary to meet such needs.

“SEC. 204. DIABETES PREVENTION, TREATMENT, AND CONTROL.

“(a) DETERMINATIONS REGARDING DIABETES.—The Secretary, acting through the Service, and in consultation with Indian Tribes and Tribal Organizations, shall determine—

“(1) by Indian Tribe and by Service Unit, the incidence of, and the types of complications resulting from, diabetes among Indians; and

“(2) based on the determinations made pursuant to paragraph (1), the measures (including patient education and effective ongoing monitoring of disease indicators) each Service Unit should take to reduce the incidence of, and prevent, treat, and control the complications resulting from, diabetes among Indian Tribes within that Service Unit.

“(b) DIABETES SCREENING.—To the extent medically indicated and with informed consent, the Secretary shall screen each Indian who receives services from the Service for diabetes and for conditions which indicate a high risk that the individual will become diabetic and establish a cost-effective approach to ensure ongoing monitoring of disease indicators. Such screening and monitoring may be conducted by a Tribal Health

Program and may be conducted through appropriate Internet-based health care management programs.

"(c) DIABETES PROJECTS.—The Secretary shall continue to maintain each model diabetes project in existence on the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, any such other diabetes programs operated by the Service or Tribal Health Programs, and any additional diabetes projects, such as the Medical Vanguard program provided for in title IV of Public Law 108-87, as implemented to serve Indian Tribes. Tribal Health Programs shall receive recurring funding for the diabetes projects that they operate pursuant to this section, both at the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 and for projects which are added and funded thereafter.

"(d) DIALYSIS PROGRAMS.—The Secretary is authorized to provide, through the Service, Indian Tribes, and Tribal Organizations, dialysis programs, including the purchase of dialysis equipment and the provision of necessary staffing.

"(e) OTHER DUTIES OF THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall, to the extent funding is available—

"(A) in each Area Office, consult with Indian Tribes and Tribal Organizations regarding programs for the prevention, treatment, and control of diabetes;

"(B) establish in each Area Office a registry of patients with diabetes to track the incidence of diabetes and the complications from diabetes in that area; and

"(C) ensure that data collected in each Area Office regarding diabetes and related complications among Indians are disseminated to all other Area Offices, subject to applicable patient privacy laws.

"(2) DIABETES CONTROL OFFICERS.—

"(A) IN GENERAL.—The Secretary may establish and maintain in each Area Office a position of diabetes control officer to coordinate and manage any activity of that Area Office relating to the prevention, treatment, or control of diabetes to assist the Secretary in carrying out a program under this section or section 330C of the Public Health Service Act (42 U.S.C. 254c–3).

"(B) CERTAIN ACTIVITIES.—Any activity carried out by a diabetes control officer under subparagraph (A) that is the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and any funds made available to carry out such an activity, shall not be divisible for purposes of that Act.

"SEC. 205. SHARED SERVICES FOR LONG-TERM CARE.

"(a) LONG-TERM CARE.—Notwithstanding any other provision of law, the Secretary, acting through the Service, is authorized to provide directly, or enter into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations for, the delivery of long-term care (including health care services associated with long-term care) provided in a facility to Indians. Such agreements shall provide for the sharing of staff or other services between the Service or a Tribal Health Program and a long-term care or related facility owned and operated (directly or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) by such Indian Tribe or Tribal Organization.

"(b) CONTENTS OF AGREEMENTS.—An agreement entered into pursuant to subsection (a)—

"(1) may, at the request of the Indian Tribe or Tribal Organization, delegate to such Indian Tribe or Tribal Organization such powers of supervision and control over Service employees as the Secretary deems necessary to carry out the purposes of this section;

"(2) shall provide that expenses (including salaries) relating to services that are shared between the Service and the Tribal Health Program be allocated proportionately between the Service and the Indian Tribe or Tribal Organization; and

"(3) may authorize such Indian Tribe or Tribal Organization to construct, renovate, or expand a long-term care or other similar facility (including the construction of a facility attached to a Service facility).

"(c) MINIMUM REQUIREMENT.—Any nursing facility provided for under this section shall meet the requirements for nursing facilities under section 1919 of the Social Security Act.

"(d) OTHER ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

"(e) USE OF EXISTING OR UNDERUSED FACILITIES.—The Secretary shall encourage the use of existing facilities that are underused or allow the use of swing beds for long-term or similar care.

"SEC. 206. HEALTH SERVICES RESEARCH.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall make funding available for research to further the performance of the health service responsibilities of Indian Health Programs.

"(b) COORDINATION OF RESOURCES AND ACTIVITIES.—The Secretary shall also, to the maximum extent practicable, coordinate departmental research resources and activities to address relevant Indian Health Program research needs.

"(c) AVAILABILITY.—Tribal Health Programs shall be given an equal opportunity to compete for, and receive, research funds under this section.

"(d) USE OF FUNDS.—This funding may be used for both clinical and nonclinical research.

"(e) EVALUATION AND DISSEMINATION.—The Secretary shall periodically—

"(1) evaluate the impact of research conducted under this section; and

"(2) disseminate to Tribal Health Programs information regarding that research as the Secretary determines to be appropriate.

"SEC. 207. MAMMOGRAPHY AND OTHER CANCER SCREENING.

"The Secretary, acting through the Service or Tribal Health Programs, shall provide for screening as follows:

"(1) Screening mammography (as defined in section 1861(jj) of the Social Security Act) for Indian women at a frequency appropriate to such women under accepted and appropriate national standards, and under such terms and conditions as are consistent with standards established by the Secretary to ensure the safety and accuracy of screening mammography under part B of title XVIII of such Act.

"(2) Other cancer screening that receives an A or B rating as recommended by the United States Preventive Services Task Force established under section 915(a)(1) of the Public Health Service Act (42 U.S.C. 299b–4(a)(1)). The Secretary shall ensure that screening provided for under this paragraph complies with the recommendations of the Task Force with respect to—

"(A) frequency;

"(B) the population to be served;

"(C) the procedure or technology to be used;

"(D) evidence of effectiveness; and

"(E) other matters that the Secretary determines appropriate.

"SEC. 208. PATIENT TRAVEL COSTS.

"(a) DEFINITION OF QUALIFIED ESCORT.—In this section, the term 'qualified escort' means—

"(1) an adult escort (including a parent, guardian, or other family member) who is required because of the physical or mental condition, or age, of the applicable patient;

"(2) a health professional for the purpose of providing necessary medical care during travel by the applicable patient; or

"(3) other escorts, as the Secretary or applicable Indian Health Program determines to be appropriate.

"(b) PROVISION OF FUNDS.—The Secretary, acting through the Service and Tribal Health Programs, is authorized to provide funds for the following patient travel costs, including qualified escorts, associated with receiving health care services provided (either through direct or contract care or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) under this Act—

"(1) emergency air transportation and non-emergency air transportation where ground transportation is infeasible;

"(2) transportation by private vehicle (where no other means of transportation is available), specially equipped vehicle, and ambulance; and

"(3) transportation by such other means as may be available and required when air or motor vehicle transportation is not available.

"SEC. 209. EPIDEMIOLOGY CENTERS.

"(a) ESTABLISHMENT OF CENTERS.—The Secretary shall establish an epidemiology center in each Service Area to carry out the functions described in subsection (b). Any new center established after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 may be operated under a grant authorized by subsection (d), but funding under such a grant shall not be divisible.

"(b) FUNCTIONS OF CENTERS.—In consultation with and upon the request of Indian Tribes, Tribal Organizations, and Urban Indian communities, each Service Area epidemiology center established under this section shall, with respect to such Service Area—

"(1) collect data relating to, and monitor progress made toward meeting, each of the health status objectives of the Service, the Indian Tribes, Tribal Organizations, and Urban Indian communities in the Service Area;

"(2) evaluate existing delivery systems, data systems, and other systems that impact the improvement of Indian health;

"(3) assist Indian Tribes, Tribal Organizations, and Urban Indian Organizations in identifying their highest priority health status objectives and the services needed to achieve such objectives, based on epidemiological data;

"(4) make recommendations for the targeting of services needed by the populations served;

"(5) make recommendations to improve health care delivery systems for Indians and Urban Indians;

"(6) provide requested technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community; and

"(7) provide disease surveillance and assist Indian Tribes, Tribal Organizations, and Urban Indian communities to promote public health.

"(c) TECHNICAL ASSISTANCE.—The Director of the Centers for Disease Control and Prevention shall provide technical assistance to the centers in carrying out the requirements of this section.

"(d) GRANTS FOR STUDIES.—

"(1) IN GENERAL.—The Secretary may make grants to Indian Tribes, Tribal Organizations, Indian organizations, and eligible intertribal consortia to conduct epidemiological studies of Indian communities.

"(2) ELIGIBLE INTERTRIBAL CONSORTIA.—An intertribal consortium or Indian organization is eligible to receive a grant under this subsection if—

"(A) the intertribal consortium is incorporated for the primary purpose of improving Indian health; and

"(B) the intertribal consortium is representative of the Indian Tribes or urban Indian communities in which the intertribal consortium is located.

"(3) APPLICATIONS.—An application for a grant under this subsection shall be submitted in such manner and at such time as the Secretary shall prescribe.

"(4) REQUIREMENTS.—An applicant for a grant under this subsection shall—

"(A) demonstrate the technical, administrative, and financial expertise necessary to carry out the functions described in paragraph (5);

"(B) consult and cooperate with providers of related health and social services in order to avoid duplication of existing services; and

"(C) demonstrate cooperation from Indian Tribes or Urban Indian Organizations in the area to be served.

"(5) USE OF FUNDS.—A grant awarded under paragraph (1) may be used—

"(A) to carry out the functions described in subsection (b);

"(B) to provide information to and consult with tribal leaders, urban Indian community leaders, and related health staff on health care and health service management issues; and

"(C) in collaboration with Indian Tribes, Tribal Organizations, and urban Indian communities, to provide the Service with information regarding ways to improve the health status of Indians.

"(e) ACCESS TO INFORMATION.—An epidemiology center operated by a grantee pursuant to a grant awarded under subsection (d) shall be treated as a public health authority for purposes of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 2033), as such entities are defined in part 164.501 of title 45, Code of Federal Regulations (or a successor regulation). The Secretary shall grant such grantees access to and use of data, data sets, monitoring systems, delivery systems, and other protected health information in the possession of the Secretary.

"SEC. 210. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

"(a) FUNDING FOR DEVELOPMENT OF PROGRAMS.—In addition to carrying out any other program for health promotion or disease prevention, the Secretary, acting through the Service, is authorized to award grants to Indian Tribes and Tribal Organizations to develop comprehensive school health education programs for children from pre-school through grade 12 in schools for the benefit of Indian and Urban Indian children.

"(b) USE OF GRANT FUNDS.—A grant awarded under this section may be used for purposes which may include, but are not limited to, the following:

"(1) Developing health education materials both for regular school programs and afterschool programs.

"(2) Training teachers in comprehensive school health education materials.

"(3) Integrating school-based, community-based, and other public and private health promotion efforts.

"(4) Encouraging healthy, tobacco-free school environments.

"(5) Coordinating school-based health programs with existing services and programs available in the community.

"(6) Developing school programs on nutrition education, personal health, oral health, and fitness.

"(7) Developing behavioral health wellness programs.

"(8) Developing chronic disease prevention programs.

"(9) Developing substance abuse prevention programs.

"(10) Developing injury prevention and safety education programs.

"(11) Developing activities for the prevention and control of communicable diseases.

"(12) Developing community and environmental health education programs that include traditional health care practitioners.

"(13) Violence prevention.

"(14) Such other health issues as are appropriate.

"(c) TECHNICAL ASSISTANCE.—Upon request, the Secretary, acting through the Service, shall provide technical assistance to Indian Tribes and Tribal Organizations in the development of comprehensive health education plans and the dissemination of comprehensive health education materials and information on existing health programs and resources.

"(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—The Secretary, acting through the Service, and in consultation with Indian Tribes and Tribal Organizations, shall establish criteria for the review and approval of applications for grants awarded under this section.

"(e) DEVELOPMENT OF PROGRAM FOR BIA-FUNDED SCHOOLS.—

"(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary, acting through the Service, and affected Indian Tribes and Tribal Organizations, shall develop a comprehensive school health education program for children from preschool through grade 12 in schools for which support is provided by the Bureau of Indian Affairs.

"(2) REQUIREMENTS FOR PROGRAMS.—Such programs shall include—

"(A) school programs on nutrition education, personal health, oral health, and fitness;

"(B) behavioral health wellness programs;

"(C) chronic disease prevention programs;

"(D) substance abuse prevention programs;

"(E) injury prevention and safety education programs; and

"(F) activities for the prevention and control of communicable diseases.

"(3) DUTIES OF THE SECRETARY.—The Secretary of the Interior shall—

"(A) provide training to teachers in comprehensive school health education materials;

"(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

"(C) encourage healthy, tobacco-free school environments.

"SEC. 211. INDIAN YOUTH PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Service, is authorized to establish and administer a program to provide grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for innovative mental and physical disease prevention and health promotion and treatment programs for Indian preadolescent and adolescent youths.

"(b) USE OF FUNDS.—

"(1) ALLOWABLE USES.—Funds made available under this section may be used to—

"(A) develop prevention and treatment programs for Indian youth which promote mental and physical health and incorporate cultural values, community and family involvement, and traditional health care practitioners; and

"(B) develop and provide community training and education.

"(2) PROHIBITED USE.—Funds made available under this section may not be used to provide services described in section 707(c).

"(c) DUTIES OF THE SECRETARY.—The Secretary shall—

"(1) disseminate to Indian Tribes and Tribal Organizations information regarding models for the delivery of comprehensive health care services to Indian and Urban Indian adolescents;

"(2) encourage the implementation of such models; and

"(3) at the request of an Indian Tribe or Tribal Organization, provide technical assistance in the implementation of such models.

"(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall establish criteria for the review and approval of applications or proposals under this section.

"SEC. 212. PREVENTION, CONTROL, AND ELIMINATION OF COMMUNICABLE AND INFECTIOUS DISEASES.

"(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, and after consultation with the Centers for Disease Control and Prevention, may make grants available to Indian Tribes and Tribal Organizations for the following:

"(1) Projects for the prevention, control, and elimination of communicable and infectious diseases, including tuberculosis, hepatitis, HIV, respiratory syncytial virus, hanta virus, sexually transmitted diseases, and H. Pylori.

"(2) Public information and education programs for the prevention, control, and elimination of communicable and infectious diseases.

"(3) Education, training, and clinical skills improvement activities in the prevention, control, and elimination of communicable and infectious diseases for health professionals, including allied health professionals.

"(4) Demonstration projects for the screening, treatment, and prevention of hepatitis C virus (HCV).

"(b) APPLICATION REQUIRED.—The Secretary may provide funding under subsection (a) only if an application or proposal for funding is submitted to the Secretary.

"(c) COORDINATION WITH HEALTH AGENCIES.—Indian Tribes and Tribal Organizations receiving funding under this section are encouraged to coordinate their activities with the Centers for Disease Control and Prevention and State and local health agencies.

"(d) TECHNICAL ASSISTANCE; REPORT.—In carrying out this section, the Secretary—

"(1) may, at the request of an Indian Tribe or Tribal Organization, provide technical assistance; and

"(2) shall prepare and submit a report to Congress biennially on the use of funds under this section and on the progress made toward the prevention, control, and elimination of communicable and infectious diseases among Indians and Urban Indians.

"SEC. 213. OTHER AUTHORITY FOR PROVISION OF SERVICES.

"(a) FUNDING AUTHORIZED.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide funding under this Act to meet the objectives set forth in section 3 of this Act through health care-related services and programs not otherwise described in this Act, including—

"(1) hospice care;

"(2) assisted living;

"(3) long-term care; and

"(4) home- and community-based services.

"(b) TERMS AND CONDITIONS.—

"(1) IN GENERAL.—Any service provided under this section shall be in accordance with such terms and conditions as are consistent with accepted and appropriate standards relating to the service, including any licensing term or condition under this Act.

"(2) STANDARDS.—

"(A) STATE STANDARDS.—Any service authorized under this section provided by the Service, an Indian Tribe, or a Tribal Organization shall be in accordance with the standards for such service established by the State in which such service is or will be provided.

"(B) SECRETARIAL STANDARDS.—In the absence of State standards for provision of a service authorized under this section as described in paragraph (1), the Secretary may, by regulation, establish standards for the provision of such service.

"(C) TRIBAL STANDARDS.—In the absence of State standards as described in subparagraph (A) and Secretarial standards as described in subparagraph (B) for provision of a service authorized under this section, an Indian Tribe or Tribal Organization, pursuant to the fourth sentence of section 102(a)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f(a)(2)), shall propose standards under which the Indian Tribe or Tribal Organization will provide such service, which shall be the standards applicable to such service on approval of the agreement of the Indian Tribe or Tribal Organization pursuant to that Act (25 U.S.C. 450 et seq.).

"(D) VERIFICATION.—If a service authorized under this section is provided by an Indian Tribe or Tribal Organization pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the verification by the Secretary that the service meets the State standards described in subparagraph (A) shall be considered to meet the terms and conditions required under this subsection.

"(3) ELIGIBILITY.—The following individuals shall be eligible to receive long-term care under this section:

"(A) Individuals who are unable to perform a certain number of activities of daily living without assistance.

"(B) Individuals with a mental impairment, such as dementia, Alzheimer's disease, or another disabling mental illness, who may be able to perform activities of daily living under supervision.

"(C) Such other individuals as an applicable Indian Health Program determines to be appropriate.

"(c) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

"(1) The term 'home- and community-based services' means 1 or more of the services specified in paragraphs (1) through (9) of section 1929(a) of the Social Security Act (42 U.S.C. 1396t(a)) (whether provided by the Service or by an Indian Tribe or Tribal Organization pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) that are or will be provided in accordance with the standards described in subsection (b).

"(2) The term 'hospice care' means the items and services specified in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and such other services which an Indian Tribe or Tribal Organization determines are necessary and appropriate to provide in furtherance of this care.

"(d) AUTHORIZATION OF CONVENIENT CARE SERVICES.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may also provide funding under this Act to meet the objectives set forth in section 3 of this Act for convenient care services programs pursuant to section 306(c)(2)(A).

"SEC. 214. INDIAN WOMEN'S HEALTH CARE.

"The Secretary, acting through the Service and Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.

"SEC. 215. ENVIRONMENTAL AND NUCLEAR HEALTH HAZARDS.

"(a) STUDIES AND MONITORING.—The Secretary and the Service shall conduct, in conjunction with other appropriate Federal agencies and in consultation with concerned Indian Tribes and Tribal Organizations, studies and ongoing monitoring programs to determine trends in the health hazards to Indian miners and to Indians on or near reservations and Indian communities as a result of environmental hazards which may result in chronic or life threatening health problems, such as nuclear resource development, petroleum contamination, and contamination of water sources and of the food chain. Such studies shall include—

"(1) an evaluation of the nature and extent of health problems caused by environmental hazards currently exhibited among Indians and the causes of such health problems;

"(2) an analysis of the potential effect of ongoing and future environmental resource development on or near reservations and Indian communities, including the cumulative effect over time on health;

"(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems, including uranium mining and milling, uranium mine tailing deposits, nuclear power plant operation and construction, and nuclear waste disposal; oil and gas production or transportation on or near reservations or Indian communities; and other development that could affect the health of Indians and their water supply and food chain;

"(4) a summary of any findings and recommendations provided in Federal and State studies, reports, investigations, and inspections during the 5 years prior to the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

"(5) the efforts that have been made by Federal and State agencies and resource and economic development companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such development.

"(b) HEALTH CARE PLANS.—Upon completion of such studies, the Secretary and the Service shall take into account the results of such studies and develop health care plans to address the health problems studied under subsection (a). The plans shall include—

"(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

"(2) preventive care and testing for Indians who may be exposed to such health hazards, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation or affected by other activities that have had or could have a serious impact upon the health of such individuals; and

"(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear or other development activities, may experience health problems.

"(c) SUBMISSION OF REPORT AND PLAN TO CONGRESS.—The Secretary and the Service shall submit to Congress the study prepared under subsection (a) no later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007. The health care plan prepared under subsection (b) shall be submitted in a report no later than 1 year after the study prepared under subsection (a) is submitted to Congress. Such report shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address such health problems.

"(d) INTERGOVERNMENTAL TASK FORCE.—

"(1) ESTABLISHMENT; MEMBERS.—There is established an Intergovernmental Task Force to be composed of the following individuals (or their designees):

"(A) The Secretary of Energy.

"(B) The Secretary of the Environmental Protection Agency.

"(C) The Director of the Bureau of Mines.

"(D) The Assistant Secretary for Occupational Safety and Health.

"(E) The Secretary of the Interior.

"(F) The Secretary of Health and Human Services.

"(G) The Assistant Secretary.

"(2) DUTIES.—The Task Force shall—

"(A) identify existing and potential operations related to nuclear resource development or other environmental hazards that affect or may affect the health of Indians on or near a reservation or in an Indian community; and

"(B) enter into activities to correct existing health hazards and ensure that current and future health problems resulting from nuclear resource or other development activities are minimized or reduced.

"(3) CHAIRMAN; MEETINGS.—The Secretary of Health and Human Services shall be the Chairman of the Task Force. The Task Force shall meet at least twice each year.

"(e) HEALTH SERVICES TO CERTAIN EMPLOYEES.—In the case of any Indian who—

"(1) as a result of employment in or near a uranium mine or mill or near any other environmental hazard, suffers from a work-related illness or condition;

"(2) is eligible to receive diagnosis and treatment services from an Indian Health Program; and

"(3) by reason of such Indian's employment, is entitled to medical care at the expense of such mine or mill operator or entity responsible for the environmental hazard, the Indian Health Program shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may be reimbursed for any medical care so rendered to which such Indian is entitled at the expense of such operator or entity from such operator or entity. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such amounts paid to the Indian Health Program from the employer for providing medical care for such illness or condition.

"SEC. 216. ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

"(a) IN GENERAL.—For fiscal years beginning with the fiscal year ending September 30, 1983, and ending with the fiscal year ending September 30, 2016, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of Arizona.

"(b) MAINTENANCE OF SERVICES.—The Service shall not curtail any health care services provided to Indians residing on reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

"SEC. 216A. NORTH DAKOTA AND SOUTH DAKOTA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

"(a) IN GENERAL.—Beginning in fiscal year 2003, the States of North Dakota and South Dakota shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of North Dakota and South Dakota.

"(b) LIMITATION.—The Service shall not curtail any health care services provided to Indians residing on any reservation, or in any county that has a common boundary with any reservation, in the State of North Dakota or South Dakota if such curtailment is due to the provision of contract services in such States pursuant to the designation of such States as a contract health service delivery area pursuant to subsection (a).

"SEC. 217. CALIFORNIA CONTRACT HEALTH SERVICES PROGRAM.

"(a) FUNDING AUTHORIZED.—The Secretary is authorized to fund a program using the California Rural Indian Health Board (hereafter in this section referred to as the 'CRIHB') as a contract care intermediary to improve the accessibility of health services to California Indians.

"(b) REIMBURSEMENT CONTRACT.—The Secretary shall enter into an agreement with the CRIHB to reimburse the CRIHB for costs (including reasonable administrative costs) incurred pursuant to this section, in providing medical treatment under contract to California Indians described in section 806(a) throughout the California contract health services delivery area described in section 218 with respect to high cost contract care cases.

"(c) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts provided to the CRIHB under this section for any fiscal year may be for reimbursement for administrative expenses incurred by the CRIHB during such fiscal year.

"(d) LIMITATION ON PAYMENT.—No payment may be made for treatment provided hereunder to the extent payment may be made for such treatment under the Indian Catastrophic Health Emergency Fund described in section 202 or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

"(e) ADVISORY BOARD.—There is established an advisory board which shall advise the CRIHB in carrying out this section. The advisory board shall be composed of representatives, selected by the CRIHB, from not less than 8 Tribal Health Programs serving California Indians covered under this section at least ½ of whom of whom are not affiliated with the CRIHB.

"SEC. 218. CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

"The State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to California Indians. However, any of the counties listed herein may only be included in the contract health services delivery area if funding is specifically provided by the Service for such services in those counties.

"SEC. 219. CONTRACT HEALTH SERVICES FOR THE TRENTON SERVICE AREA.

"(a) AUTHORIZATION FOR SERVICES.—The Secretary, acting through the Service, is directed to provide contract health services to members of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties in the State of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana.

"(b) NO EXPANSION OF ELIGIBILITY.—Nothing in this section may be construed as expanding the eligibility of members of the Turtle Mountain Band of Chippewa Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

"SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

"The Service shall provide funds for health care programs and facilities operated by Tribal Health Programs on the same basis as such funds are provided to programs and facilities operated directly by the Service.

"SEC. 221. LICENSING.

"Health care professionals employed by a Tribal Health Program shall, if licensed in any State, be exempt from the licensing requirements of the State in which the Tribal Health Program performs the services described in its contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"SEC. 222. NOTIFICATION OF PROVISION OF EMERGENCY CONTRACT HEALTH SERVICES.

"With respect to an elderly Indian or an Indian with a disability receiving emergency medical care or services from a non-Service provider or in a non-Service facility under the authority of this Act, the time limitation (as a condition of payment) for notifying the Service of such treatment or admission shall be 30 days.

"SEC. 223. PROMPT ACTION ON PAYMENT OF CLAIMS.

"(a) DEADLINE FOR RESPONSE.—The Service shall respond to a notification of a claim by a provider of a contract care service with either an individual purchase order or a denial of the claim within 5 working days after the receipt of such notification.

"(b) EFFECT OF UNTIMELY RESPONSE.—If the Service fails to respond to a notification of a claim in accordance with subsection (a), the Service shall accept as valid the claim submitted by the provider of a contract care service.

"(c) DEADLINE FOR PAYMENT OF VALID CLAIM.—The Service shall pay a valid contract care service claim within 30 days after the completion of the claim.

"SEC. 224. LIABILITY FOR PAYMENT.

"(a) NO PATIENT LIABILITY.—A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such services.

"(b) NOTIFICATION.—The Secretary shall notify a contract care provider and any patient who receives contract health care services authorized by the Service that such patient is not liable for the payment of any charges or costs associated with the provision of such services not later than 5 business days after receipt of a notification of a claim by a provider of contract care services.

"(c) NO RECOURSE.—Following receipt of the notice provided under subsection (b), or, if a claim has been deemed accepted under section 223(b), the provider shall have no further recourse against the patient who received the services.

"SEC. 225. OFFICE OF INDIAN MEN'S HEALTH.

"(a) ESTABLISHMENT.—The Secretary may establish within the Service an office to be known as the 'Office of Indian Men's Health' (referred to in this section as the 'Office').

"(b) DIRECTOR.—

"(1) IN GENERAL.—The Office shall be headed by a director, to be appointed by the Secretary.

"(2) DUTIES.—The director shall coordinate and promote the status of the health of Indian men in the United States.

"(c) REPORT.—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the director of the Office, shall submit to Congress a report describing—

"(1) any activity carried out by the director as of the date on which the report is prepared; and

"(2) any finding of the director with respect to the health of Indian men.

"SEC. 226. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE III—FACILITIES

"SEC. 301. CONSULTATION; CONSTRUCTION AND RENOVATION OF FACILITIES; REPORTS.

"(a) PREREQUISITES FOR EXPENDITURE OF FUNDS.—Prior to the expenditure of, or the making of any binding commitment to expend, any funds appropriated for the planning, design, construction, or renovation of facilities pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall—

"(1) consult with any Indian Tribe that would be significantly affected by such expenditure for the purpose of determining and, whenever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made; and

"(2) ensure, whenever practicable and applicable, that such facility meets the construction standards of any accrediting body recognized by the Secretary for the purposes of the Medicare, Medicaid, and SCHIP programs under titles XVIII, XIX, and XXI of the Social Security Act by not later than 1 year after the date on which the construction or renovation of such facility is completed.

"(b) CLOSURES.—

"(1) EVALUATION REQUIRED.—Notwithstanding any other provision of law, no facility operated by the Service, or any portion of such facility, may be closed if the Secretary has not submitted to Congress not less than 1 year, and not more than 2 years, before the date of the proposed closure an evaluation, completed not more than 2 years before the submission, of the impact of the proposed closure that specifies, in addition to other considerations—

"(A) the accessibility of alternative health care resources for the population served by such facility;

"(B) the cost-effectiveness of such closure;

"(C) the quality of health care to be provided to the population served by such facility after such closure;

"(D) the availability of contract health care funds to maintain existing levels of service;

"(E) the views of the Indian Tribes served by such facility concerning such closure;

"(F) the level of use of such facility by all eligible Indians; and

"(G) the distance between such facility and the nearest operating Service hospital.

"(2) EXCEPTION FOR CERTAIN TEMPORARY CLOSURES.—Paragraph (1) shall not apply to any temporary closure of a facility or any portion of a facility if such closure is necessary for medical, environmental, or construction safety reasons.

"(c) HEALTH CARE FACILITY PRIORITY SYSTEM.—

"(1) IN GENERAL.—

"(A) PRIORITY SYSTEM.—The Secretary, acting through the Service, shall maintain a health care facility priority system, which—

"(i) shall be developed in consultation with Indian Tribes and Tribal Organizations;

"(ii) shall give Indian Tribes' needs the highest priority;

"(iii)(I) may include the lists required in paragraph (2)(B)(ii); and

"(II) shall include the methodology required in paragraph (2)(B)(v); and

"(III) may include such other facilities, and such renovation or expansion needs of any health care facility, as the Service, Indian Tribes, and Tribal Organizations may identify; and

"(iv) shall provide an opportunity for the nomination of planning, design, and construction projects by the Service, Indian Tribes, and Tribal Organizations for consideration under the priority system at least once every 3 years, or more frequently as the Secretary determines to be appropriate.

"(B) NEEDS OF FACILITIES UNDER ISDEAA AGREEMENTS.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities operated under contracts or compacts in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) are fully and equitably integrated into the health care facility priority system.

"(C) CRITERIA FOR EVALUATING NEEDS.—For purposes of this subsection, the Secretary, in evaluating the needs of facilities operated under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the criteria used by the Secretary in evaluating the needs of facilities operated directly by the Service.

"(D) PRIORITY OF CERTAIN PROJECTS PROTECTED.—The priority of any project established under the construction priority system in effect on the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 shall not be affected by any change in the construction priority system taking place after that date if the project—

"(i) was identified in the fiscal year 2008 Service budget justification as—

"(I) 1 of the 10 top-priority inpatient projects;

"(II) 1 of the 10 top-priority outpatient projects;

"(III) 1 of the 10 top-priority staff quarters developments; or

"(IV) 1 of the 10 top-priority Youth Regional Treatment Centers;

"(ii) had completed both Phase I and Phase II of the construction priority system in effect on the date of enactment of such Act; or

"(iii) is not included in clause (i) or (ii) and is selected, as determined by the Secretary—

"(I) on the initiative of the Secretary; or

"(II) pursuant to a request of an Indian Tribe or Tribal Organization.

"(2) REPORT; CONTENTS.—

"(A) INITIAL COMPREHENSIVE REPORT.—

"(i) DEFINITIONS.—In this subparagraph:

"(I) FACILITIES APPROPRIATION ADVISORY BOARD.—The term 'Facilities Appropriation Advisory Board' means the advisory board, comprised of 12 members representing Indian tribes and 2 members representing the Service, established at the discretion of the Assistant Secretary—

"(aa) to provide advice and recommendations for policies and procedures of the programs funded pursuant to facilities appropriations; and

"(bb) to address other facilities issues.

"(II) FACILITIES NEEDS ASSESSMENT WORKGROUP.—The term 'Facilities Needs Assessment Workgroup' means the workgroup established at the discretion of the Assistant Secretary—

"(aa) to review the health care facilities construction priority system; and

"(bb) to make recommendations to the Facilities Appropriation Advisory Board for revising the priority system.

"(ii) INITIAL REPORT.—

"(I) IN GENERAL.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the comprehensive, national, ranked list of all health care facilities needs for the Service, Indian Tribes, and Tribal Organizations (including inpatient health care facilities, outpatient health care facilities, specialized health care facilities (such as for long-term care and alcohol and drug abuse treatment), wellness centers, staff quarters and hostels associated with health care facilities, and the renovation and expansion needs, if any, of such facilities) developed by the Service, Indian Tribes, and Tribal Organizations for the Facilities Needs Assessment Workgroup and the Facilities Appropriation Advisory Board.

"(II) INCLUSIONS.—The initial report shall include—

"(aa) the methodology and criteria used by the Service in determining the needs and establishing the ranking of the facilities needs; and

"(bb) such other information as the Secretary determines to be appropriate.

"(iii) UPDATES OF REPORT.—Beginning in calendar year 2011, the Secretary shall—

"(I) update the report under clause (ii) not less frequently that once every 5 years; and

"(II) include the updated report in the appropriate annual report under subparagraph (B) for submission to Congress under section 801.

"(B) ANNUAL REPORTS.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth the following:

"(i) A description of the health care facility priority system of the Service established under paragraph (1).

"(ii) Health care facilities lists, which may include—

"(I) the 10 top-priority inpatient health care facilities;

"(II) the 10 top-priority outpatient health care facilities;

"(III) the 10 top-priority specialized health care facilities (such as long-term care and alcohol and drug abuse treatment);

"(IV) the 10 top-priority staff quarters developments associated with health care facilities; and

"(V) the 10 top-priority hostels associated with health care facilities.

"(iii) The justification for such order of priority.

"(iv) The projected cost of such projects.

"(v) The methodology adopted by the Service in establishing priorities under its health care facility priority system.

"(3) REQUIREMENTS FOR PREPARATION OF REPORTS.—In preparing the report required under paragraph (2), the Secretary shall—

"(A) consult with and obtain information on all health care facilities needs from Indian Tribes and Tribal Organizations; and

"(B) review the total unmet needs of all Indian Tribes and Tribal Organizations for health care facilities (including hostels and staff quarters), including needs for renovation and expansion of existing facilities.

"(d) REVIEW OF METHODOLOGY USED FOR HEALTH FACILITIES CONSTRUCTION PRIORITY SYSTEM.—

"(1) IN GENERAL.—Not later than 1 year after the establishment of the priority system under subsection (c)(1)(A), the Comptroller General of the United States shall prepare and finalize a report reviewing the methodologies applied, and the processes followed, by the Service in making each assessment of needs for the list under subsection (c)(2)(A)(ii) and developing the priority system under subsection (c)(1), including a review of—

"(A) the recommendations of the Facilities Appropriation Advisory Board and the Facilities Needs Assessment Workgroup (as those terms are defined in subsection (c)(2)(A)(i)); and

"(B) the relevant criteria used in ranking or prioritizing facilities other than hospitals or clinics.

"(2) SUBMISSION TO CONGRESS.—The Comptroller General of the United States shall submit the report under paragraph (1) to—

"(A) the Committees on Indian Affairs and Appropriations of the Senate;

"(B) the Committees on Natural Resources and Appropriations of the House of Representatives; and

"(C) the Secretary.

"(e) FUNDING CONDITION.—All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), for the planning, design, construction, or renovation of health facilities for the benefit of 1 or more Indian Tribes shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(f) DEVELOPMENT OF INNOVATIVE APPROACHES.—The Secretary shall consult and cooperate with Indian Tribes and Tribal Organizations, and confer with Urban Indian Organizations, in developing innovative approaches to address all or part of the total unmet need for construction of health facilities, including those provided for in other sections of this title and other approaches.

"SEC. 302. SANITATION FACILITIES.

"(a) FINDINGS.—Congress finds the following:

"(1) The provision of sanitation facilities is primarily a health consideration and function.

"(2) Indian people suffer an inordinately high incidence of disease, injury, and illness directly attributable to the absence or inadequacy of sanitation facilities.

"(3) The long-term cost to the United States of treating and curing such disease, injury, and illness is substantially greater than the short-term cost of providing sanitation facilities and other preventive health measures.

"(4) Many Indian homes and Indian communities still lack sanitation facilities.

"(5) It is in the interest of the United States, and it is the policy of the United States, that all Indian communities and Indian homes, new and existing, be provided with sanitation facilities.

"(b) FACILITIES AND SERVICES.—In furtherance of the findings made in subsection (a), Congress reaffirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a). Under such authority, the Secretary, acting through the Service, is authorized to provide the following:

"(1) Financial and technical assistance to Indian Tribes, Tribal Organizations, and Indian communities in the establishment, training, and equipping of utility organizations to operate and maintain sanitation facilities, including the provision of existing plans, standard details, and specifications available in the Department, to be used at the option of the Indian Tribe, Tribal Organization, or Indian community.

"(2) Ongoing technical assistance and training to Indian Tribes, Tribal Organizations, and Indian communities in the management of utility organizations which operate and maintain sanitation facilities.

"(3) Priority funding for operation and maintenance assistance for, and emergency repairs to, sanitation facilities operated by an Indian Tribe, Tribal Organization or Indian community when necessary to avoid an imminent health threat or to protect the investment in sanitation facilities and the investment in the health benefits gained through the provision of sanitation facilities.

"(c) FUNDING.—Notwithstanding any other provision of law—

"(1) the Secretary of Housing and Urban Development is authorized to transfer funds appropriated under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to the Secretary of Health and Human Services;

"(2) the Secretary of Health and Human Services is authorized to accept and use such funds for the purpose of providing sanitation facilities and services for Indians under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a);

"(3) unless specifically authorized when funds are appropriated, the Secretary shall not use funds appropriated under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), to provide sanitation facilities to new homes constructed using funds provided by the Department of Housing and Urban Development;

"(4) the Secretary of Health and Human Services is authorized to accept from any source, including Federal and State agencies, funds for the purpose of providing sanitation facilities and services and place these funds into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

"(5) except as otherwise prohibited by this section, the Secretary may use funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), to fund up to 100 percent of the amount of an Indian Tribe's loan obtained under any Federal program for new projects to construct eligible sanitation facilities to serve Indian homes;

"(6) except as otherwise prohibited by this section, the Secretary may use funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a) to meet matching or cost participation requirements under other Federal and non-Federal programs for new projects to construct eligible sanitation facilities;

"(7) all Federal agencies are authorized to transfer to the Secretary funds identified, granted, loaned, or appropriated whereby the Department's applicable policies, rules, and regulations shall apply in the implementation of such projects;

"(8) the Secretary of Health and Human Services shall enter into interagency agreements with Federal and State agencies for the purpose of providing financial assistance for sanitation facilities and services under this Act;

"(9) the Secretary of Health and Human Services shall, by regulation, establish standards applicable to the planning, design, and construction of sanitation facilities funded under this Act; and

"(10) the Secretary of Health and Human Services is authorized to accept payments for goods and services furnished by the Service from appropriate public authorities, nonprofit organizations or agencies, or Indian Tribes, as contributions by that authority, organization, agency, or tribe to agreements made under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), and such payments shall be credited to the same or subsequent appropriation account as funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

"(d) CERTAIN CAPABILITIES NOT PREREQUISITE.—The financial and technical capability of an Indian Tribe, Tribal Organization, or Indian community to safely operate, manage, and maintain a sanitation facility shall not be a prerequisite to the provision or construction of sanitation facilities by the Secretary.

"(e) FINANCIAL ASSISTANCE.—The Secretary is authorized to provide financial assistance to Indian Tribes, Tribal Organizations, and Indian communities for operation, management, and maintenance of their sanitation facilities.

"(f) OPERATION, MANAGEMENT, AND MAINTENANCE OF FACILITIES.—The Indian Tribe has the primary responsibility to establish, collect, and use reasonable user fees, or otherwise set aside funding, for the purpose of operating, managing, and maintaining sanitation facilities. If a sanitation facility serving a community that is operated by an Indian Tribe or Tribal Organization is threatened with imminent failure and such operator lacks capacity to maintain the integrity or the health benefits of the sanitation facility, then the Secretary is authorized to assist the Indian Tribe, Tribal Organization, or Indian community in the resolution of the problem on a short-term basis through cooperation with the emergency coordinator or by providing operation, management, and maintenance service.

"(g) ISDEAA PROGRAM FUNDED ON EQUAL BASIS.—Tribal Health Programs shall be eligible (on an equal basis with programs that are administered directly by the Service) for—

"(1) any funds appropriated pursuant to this section; and

"(2) any funds appropriated for the purpose of providing sanitation facilities.

"(h) REPORT.—

"(1) REQUIRED CONTENTS.—The Secretary, in consultation with the Secretary of Housing and Urban Development, Indian Tribes, Tribal Organizations, and tribally designated housing entities (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth—

"(A) the current Indian sanitation facility priority system of the Service;

"(B) the methodology for determining sanitation deficiencies and needs;

"(C) the criteria on which the deficiencies and needs will be evaluated;

"(D) the level of initial and final sanitation deficiency for each type of sanitation facility for each project of each Indian Tribe or Indian community;

"(E) the amount and most effective use of funds, derived from whatever source, necessary to accommodate the sanitation facilities needs of new homes assisted with funds under the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4101 et seq.), and to reduce the identified sanitation deficiency levels of all Indian Tribes and Indian communities to level I sanitation deficiency as defined in paragraph (3)(A); and

"(F) a 10-year plan to provide sanitation facilities to serve existing Indian homes and Indian communities and new and renovated Indian homes.

"(2) UNIFORM METHODOLOGY.—The methodology used by the Secretary in determining, preparing cost estimates for, and reporting sanitation deficiencies for purposes of paragraph (1) shall be applied uniformly to all Indian Tribes and Indian communities.

"(3) SANITATION DEFICIENCY LEVELS.—For purposes of this subsection, the sanitation deficiency levels for an individual, Indian Tribe, or Indian community sanitation facility to serve Indian homes are determined as follows:

"(A) A level I deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community—

"(i) complies with all applicable water supply, pollution control, and solid waste disposal laws; and

"(ii) deficiencies relate to routine replacement, repair, or maintenance needs.

"(B) A level II deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community substantially or recently complied with all applicable water supply, pollution control, and solid waste laws and any deficiencies relate to—

"(i) small or minor capital improvements needed to bring the facility back into compliance;

"(ii) capital improvements that are necessary to enlarge or improve the facilities in order to meet the current needs for domestic sanitation facilities; or

"(iii) the lack of equipment or training by an Indian Tribe, Tribal Organization, or an Indian community to properly operate and maintain the sanitation facilities.

"(C) A level III deficiency exists if a sanitation facility serving an individual, Indian Tribe or Indian community meets 1 or more of the following conditions—

"(i) water or sewer service in the home is provided by a haul system with holding tanks and interior plumbing;

"(ii) major significant interruptions to water supply or sewage disposal occur frequently, requiring major capital improvements to correct the deficiencies; or

"(iii) there is no access to or no approved or permitted solid waste facility available.

"(D) A level IV deficiency exists—

"(i) if a sanitation facility for an individual home, an Indian Tribe, or an Indian community exists but—

"(I) lacks—

"(aa) a safe water supply system; or

"(bb) a waste disposal system;

"(II) contains no piped water or sewer facilities; or

"(III) has become inoperable due to a major component failure; or

"(ii) if only a washeteria or central facility exists in the community.

"(E) A level V deficiency exists in the absence of a sanitation facility, where individual homes do not have access to safe drinking water or adequate wastewater (including sewage) disposal.

"(i) DEFINITIONS.—For purposes of this section, the following terms apply:

"(1) INDIAN COMMUNITY.—The term 'Indian community' means a geographic area, a significant proportion of whose inhabitants are Indians and which is served by or capable of being served by a facility described in this section.

"(2) SANITATION FACILITIES.—The terms 'sanitation facility' and 'sanitation facilities' mean safe and adequate water supply systems, sanitary sewage disposal systems, and sanitary solid waste systems (and all related equipment and support infrastructure).

"SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.

"(a) BUY INDIAN ACT.—The Secretary, acting through the Service, may use the negotiating authority of section 23 of the Act of June 25, 1910 (25 U.S.C. 47, commonly known as the 'Buy Indian Act'), to give preference to any Indian or any enterprise, partnership, corporation, or other type of business organization owned and controlled by an Indian or Indians including former or currently federally recognized Indian Tribes in the State of New York (hereinafter referred to as an 'Indian firm') in the construction and renovation of Service facilities pursuant to section 301 and in the construction of sanitation facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, pursuant to regulations, that the project or function to be contracted for will not be satisfactory or such project or function cannot be properly completed or maintained under the proposed contract. The Secretary, in arriving at such a finding, shall consider whether the Indian or Indian firm will be deficient with respect to—

"(1) ownership and control by Indians;

"(2) equipment;

"(3) bookkeeping and accounting procedures;

"(4) substantive knowledge of the project or function to be contracted for;

"(5) adequately trained personnel; or

"(6) other necessary components of contract performance.

"(b) LABOR STANDARDS.—

"(1) IN GENERAL.—For the purposes of implementing the provisions of this title, contracts for the construction or renovation of health care facilities, staff quarters, and sanitation facilities, and related support infrastructure, funded in whole or in part with funds made available pursuant to this title, shall contain a provision requiring compliance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the 'Davis-Bacon Act'), unless such construction or renovation—

"(A) is performed by a contractor pursuant to a contract with an Indian Tribe or Tribal Organization with funds supplied through a contract or compact authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other statutory authority; and

"(B) is subject to prevailing wage rates for similar construction or renovation in the locality as determined by the Indian Tribes or Tribal Organizations to be served by the construction or renovation.

"(2) EXCEPTION.—This subsection shall not apply to construction or renovation carried out by an Indian Tribe or Tribal Organization with its own employees.

"SEC. 304. EXPENDITURE OF NON-SERVICE FUNDS FOR RENOVATION.

"(a) IN GENERAL.—Notwithstanding any other provision of law, if the requirements of subsection (c) are met, the Secretary, acting through the Service, is authorized to accept any major expansion, renovation, or modernization by any Indian Tribe or Tribal Organization of any Service facility or of any other Indian health facility operated pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including—

"(1) any plans or designs for such expansion, renovation, or modernization; and

"(2) any expansion, renovation, or modernization for which funds appropriated under any Federal law were lawfully expended.

"(b) PRIORITY LIST.—

"(1) IN GENERAL.—The Secretary shall maintain a separate priority list to address the needs for increased operating expenses, personnel, or equipment for such facilities. The methodology for establishing priorities shall be developed through regulations. The list of priority facilities will be revised annually in consultation with Indian Tribes and Tribal Organizations.

"(2) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, the priority list maintained pursuant to paragraph (1).

"(c) REQUIREMENTS.—The requirements of this subsection are met with respect to any expansion, renovation, or modernization if—

"(1) the Indian Tribe or Tribal Organization—

"(A) provides notice to the Secretary of its intent to expand, renovate, or modernize; and

"(B) applies to the Secretary to be placed on a separate priority list to address the needs of such new facilities for increased operating expenses, personnel, or equipment; and

"(2) the expansion, renovation, or modernization—

"(A) is approved by the appropriate area director of the Service for Federal facilities; and

"(B) is administered by the Indian Tribe or Tribal Organization in accordance with any applicable regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

"(d) ADDITIONAL REQUIREMENT FOR EXPANSION.—In addition to the requirements under subsection (c), for any expansion, the Indian Tribe or Tribal Organization shall provide to the Secretary additional information pursuant to regulations, including additional staffing, equipment, and other costs associated with the expansion.

"(e) CLOSURE OR CONVERSION OF FACILITIES.—If any Service facility which has been expanded, renovated, or modernized by an Indian Tribe or Tribal Organization under this section ceases to be used as a Service facility during the 20-year period beginning on the date such expansion, renovation, or modernization is completed, such Indian Tribe or Tribal Organization shall be entitled to recover from the United States an amount which bears the same ratio to the value of such facility at the time of such cessation as the value of such expansion, renovation, or modernization (less the total amount of any funds provided specifically for such facility under any Federal program that were expended for such expansion, renovation, or modernization) bore to the value of such facility at the time of the completion of such expansion, renovation, or modernization.

"SEC. 305. FUNDING FOR THE CONSTRUCTION, EXPANSION, AND MODERNIZATION OF SMALL AMBULATORY CARE FACILITIES.

"(a) GRANTS.—

"(1) IN GENERAL.—The Secretary, acting through the Service, shall make grants to Indian Tribes and Tribal Organizations for the construction, expansion, or modernization of facilities for the provision of ambulatory care services to eligible Indians (and noneligible persons pursuant to subsections (b)(2) and (c)(1)(C)). A grant made under this section may cover up to 100 percent of the costs of such construction, expansion, or modernization. For the purposes of this section, the term 'construction' includes the replacement of an existing facility.

"(2) GRANT AGREEMENT REQUIRED.—A grant under paragraph (1) may only be made available to a Tribal Health Program operating an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to an Indian Tribe or Tribal Organization).

"(b) USE OF GRANT FUNDS.—

"(1) ALLOWABLE USES.—A grant awarded under this section may be used for the construction, expansion, or modernization (including the planning and design of such construction, expansion, or modernization) of an ambulatory care facility—

"(A) located apart from a hospital;

"(B) not funded under section 301 or section 306; and

"(C) which, upon completion of such construction or modernization will—

"(i) have a total capacity appropriate to its projected service population;

"(ii) provide annually no fewer than 150 patient visits by eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2); and “(iii) provide ambulatory care in a Service Area (specified in the contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) with a population of no fewer than 1,500 eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2).

“(2) ADDITIONAL ALLOWABLE USE.—The Secretary may also reserve a portion of the funding provided under this section and use those reserved funds to reduce an outstanding debt incurred by Indian Tribes or Tribal Organizations for the construction, expansion, or modernization of an ambulatory care facility that meets the requirements under paragraph (1). The provisions of this section shall apply, except that such applications for funding under this paragraph shall be considered separately from applications for funding under paragraph (1).

“(3) USE ONLY FOR CERTAIN PORTION OF COSTS.—A grant provided under this section may be used only for the cost of that portion of a construction, expansion, or modernization project that benefits the Service population identified above in subsection (b)(1)(C)(ii) and (iii). The requirements of clauses (ii) and (iii) of paragraph (1)(C) shall not apply to an Indian Tribe or Tribal Organization applying for a grant under this section for a health care facility located or to be constructed on an island or when such facility is not located on a road system providing direct access to an inpatient hospital where care is available to the Service population.

“(c) GRANTS.—

“(1) APPLICATION.—No grant may be made under this section unless an application or proposal for the grant has been approved by the Secretary in accordance with applicable regulations and has set forth reasonable assurance by the applicant that, at all times after the construction, expansion, or modernization of a facility carried out using a grant received under this section—

“(A) adequate financial support will be available for the provision of services at such facility;

“(B) such facility will be available to eligible Indians without regard to ability to pay or source of payment; and

“(C) such facility will, as feasible without diminishing the quality or quantity of services provided to eligible Indians, serve noneligible persons on a cost basis.

“(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to Indian Tribes and Tribal Organizations that demonstrate—

“(A) a need for increased ambulatory care services; and

“(B) insufficient capacity to deliver such services.

“(3) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications and proposals and to advise the Secretary regarding such applications using the criteria developed pursuant to subsection (a)(1).

“(d) REVERSION OF FACILITIES.—If any facility (or portion thereof) with respect to which funds have been paid under this section, ceases, at any time after completion of the construction, expansion, or modernization carried out with such funds, to be used for the purposes of providing health care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States unless otherwise negotiated by the Service and the Indian Tribe or Tribal Organization.

“(e) FUNDING NONRECURRING.—Funding provided under this section shall be nonrecurring and shall not be available for inclusion in any individual Indian Tribe's tribal share for an award under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or for reallocation or redesign thereunder.

“SEC. 306. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECTS.

“(a) IN GENERAL.—The Secretary, acting through the Service, is authorized to carry out, or to enter into contracts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations to carry out, a health care delivery demonstration project to test alternative means of delivering health care and services to Indians through facilities.

“(b) USE OF FUNDS.—The Secretary, in approving projects pursuant to this section, may authorize such contracts for the construction and renovation of hospitals, health centers, health stations, and other facilities to deliver health care services and is authorized to—

“(1) waive any leasing prohibition;

“(2) permit carryover of funds appropriated for the provision of health care services;

“(3) permit the use of other available funds;

“(4) permit the use of funds or property donated from any source for project purposes;

“(5) provide for the reversion of donated real or personal property to the donor; and

“(6) permit the use of Service funds to match other funds, including Federal funds.

“(c) HEALTH CARE DEMONSTRATION PROJECTS.—

“(1) GENERAL PROJECTS.—

“(A) CRITERIA.—The Secretary may approve under this section demonstration projects that meet the following criteria:

“(i) There is a need for a new facility or program, such as a program for convenient care services, or the reorientation of an existing facility or program.

“(ii) A significant number of Indians, including Indians with low health status, will be served by the project.

“(iii) The project has the potential to deliver services in an efficient and effective manner.

“(iv) The project is economically viable.

“(v) For projects carried out by an Indian Tribe or Tribal Organization, the Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

“(vi) The project is integrated with providers of related health and social services and is coordinated with, and avoids duplication of, existing services in order to expand the availability of services.

“(B) PRIORITY.—In approving demonstration projects under this paragraph, the Secretary shall give priority to demonstration projects, to the extent the projects meet the criteria described in subparagraph (A), located in any of the following Service Units:

“(i) Cass Lake, Minnesota.

“(ii) Mescalero, New Mexico.

“(iii) Owyhee, Nevada.

“(iv) Schurz, Nevada.

“(v) Ft. Yuma, California.

“(2) CONVENIENT CARE SERVICE PROJECTS.—

“(A) DEFINITION OF CONVENIENT CARE SERVICE.—In this paragraph, the term ‘convenient care service’ means any primary health care service, such as urgent care services, nonemergent care services, prevention services and screenings, and any service authorized by sections 203 or 213(d), that is—

“(i) provided outside the regular hours of operation of a health care facility; or

“(ii) offered at an alternative setting.

“(B) APPROVAL.—In addition to projects described in paragraph (1), in any fiscal year, the Secretary is authorized to approve not more than 10 applications for health care delivery demonstration projects that—

“(i) include a convenient care services program as an alternative means of delivering health care services to Indians; and

“(ii) meet the criteria described in subparagraph (C).

“(C) CRITERIA.—The Secretary shall approve under subparagraph (B) demonstration projects that meet all of the following criteria:

“(i) The criteria set forth in paragraph (1)(A).

“(ii) There is a lack of access to health care services at existing health care facilities, which may be due to limited hours of operation at those facilities or other factors.

“(iii) The project—

“(I) expands the availability of services; or

“(II) reduces—

“(aa) the burden on Contract Health Services; or

“(bb) the need for emergency room visits.

“(d) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications using the criteria described in paragraphs (1)(A) and (2)(C) of subsection (c).

“(e) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with this section.

“(f) SERVICE TO INELIGIBLE PERSONS.—Subject to section 807, the authority to provide services to persons otherwise ineligible for the health care benefits of the Service, and the authority to extend hospital privileges in Service facilities to non-Service health practitioners as provided in section 807, may be included, subject to the terms of that section, in any demonstration project approved pursuant to this section.

“(g) EQUITABLE TREATMENT.—For purposes of subsection (c), the Secretary, in evaluating facilities operated under any contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the same criteria that the Secretary uses in evaluating facilities operated directly by the Service.

“(h) EQUITABLE INTEGRATION OF FACILITIES.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities that are the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for health services are fully and equitably integrated into the implementation of the health care delivery demonstration projects under this section.

“SEC. 307. LAND TRANSFER.

“Notwithstanding any other provision of law, the Bureau of Indian Affairs and all other agencies and departments of the United States are authorized to transfer, at no cost, land and improvements to the Service for the provision of health care services. The Secretary is authorized to accept such land and improvements for such purposes.

“SEC. 308. LEASES, CONTRACTS, AND OTHER AGREEMENTS.

“The Secretary, acting through the Service, may enter into leases, contracts, and other agreements with Indian Tribes and Tribal Organizations which hold (1) title to, (2) a leasehold interest in, or (3) a beneficial interest in (when title is held by the United States in trust for the benefit of an Indian Tribe) facilities used or to be used for the administration and delivery of health services by an Indian Health Program. Such leases, contracts, or agreements may include provisions for construction or renovation and provide for compensation to the Indian Tribe or Tribal Organization of rental and other costs consistent with section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(l)) and regulations thereunder.

"SEC. 309. STUDY ON LOANS, LOAN GUARANTEES, AND LOAN REPAYMENT.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Treasury, Indian Tribes, and Tribal Organizations, shall carry out a study to determine the feasibility of establishing a loan fund to provide to Indian Tribes and Tribal Organizations direct loans or guarantees for loans for the construction of health care facilities, including—

"(1) inpatient facilities;

"(2) outpatient facilities;

"(3) staff quarters;

"(4) hostels; and

"(5) specialized care facilities, such as behavioral health and elder care facilities.

"(b) DETERMINATIONS.—In carrying out the study under subsection (a), the Secretary shall determine—

"(1) the maximum principal amount of a loan or loan guarantee that should be offered to a recipient from the loan fund;

"(2) the percentage of eligible costs, not to exceed 100 percent, that may be covered by a loan or loan guarantee from the loan fund (including costs relating to planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, improvements, medical equipment and furnishings, and other facility-related costs and capital purchase (but excluding staffing));

"(3) the cumulative total of the principal of direct loans and loan guarantees, respectively, that may be outstanding at any 1 time;

"(4) the maximum term of a loan or loan guarantee that may be made for a facility from the loan fund;

"(5) the maximum percentage of funds from the loan fund that should be allocated for payment of costs associated with planning and applying for a loan or loan guarantee;

"(6) whether acceptance by the Secretary of an assignment of the revenue of an Indian Tribe or Tribal Organization as security for any direct loan or loan guarantee from the loan fund would be appropriate;

"(7) whether, in the planning and design of health facilities under this section, users eligible under section 807(c) may be included in any projection of patient population;

"(8) whether funds of the Service provided through loans or loan guarantees from the loan fund should be eligible for use in matching other Federal funds under other programs;

"(9) the appropriateness of, and best methods for, coordinating the loan fund with the health care priority system of the Service under section 301; and

"(10) any legislative or regulatory changes required to implement recommendations of the Secretary based on results of the study.

"(c) REPORT.—Not later than September 30, 2009, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Energy and Commerce of the House of Representatives a report that describes—

"(1) the manner of consultation made as required by subsection (a); and

"(2) the results of the study, including any recommendations of the Secretary based on results of the study.

"SEC. 310. TRIBAL LEASING.

"A Tribal Health Program may lease permanent structures for the purpose of providing health care services without obtaining advance approval in appropriation Acts.

"SEC. 311. INDIAN HEALTH SERVICE/TRIBAL FACILITIES JOINT VENTURE PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall make arrangements with Indian Tribes and Tribal Organizations to establish joint venture demonstration projects under which an Indian Tribe or Tribal Organization shall expend tribal, private, or other available funds, for the acquisition or construction of a health facility for a minimum of 10 years, under a no-cost lease, in exchange for agreement by the Service to provide the equipment, supplies, and staffing for the operation and maintenance of such a health facility. An Indian Tribe or Tribal Organization may use tribal funds, private sector, or other available resources, including loan guarantees, to fulfill its commitment under a joint venture entered into under this subsection. An Indian Tribe or Tribal Organization shall be eligible to establish a joint venture project if, when it submits a letter of intent, it—

"(1) has begun but not completed the process of acquisition or construction of a health facility to be used in the joint venture project; or

"(2) has not begun the process of acquisition or construction of a health facility for use in the joint venture project.

"(b) REQUIREMENTS.—The Secretary shall make such an arrangement with an Indian Tribe or Tribal Organization only if—

"(1) the Secretary first determines that the Indian Tribe or Tribal Organization has the administrative and financial capabilities necessary to complete the timely acquisition or construction of the relevant health facility; and

"(2) the Indian Tribe or Tribal Organization meets the need criteria determined using the criteria developed under the health care facility priority system under section 301, unless the Secretary determines, pursuant to regulations, that other criteria will result in a more cost-effective and efficient method of facilitating and completing construction of health care facilities.

"(c) CONTINUED OPERATION.—The Secretary shall negotiate an agreement with the Indian Tribe or Tribal Organization regarding the continued operation of the facility at the end of the initial 10 year no-cost lease period.

"(d) BREACH OF AGREEMENT.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this section, and that breaches or terminates without cause such agreement, shall be liable to the United States for the amount that has been paid to the Indian Tribe or Tribal Organization, or paid to a third party on the Indian Tribe's or Tribal Organization's behalf, under the agreement. The Secretary has the right to recover tangible property (including supplies) and equipment, less depreciation, and any funds expended for operations and maintenance under this section. The preceding sentence does not apply to any funds expended for the delivery of health care services, personnel, or staffing.

"(e) RECOVERY FOR NONUSE.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this subsection shall be entitled to recover from the United States an amount that is proportional to the value of such facility if, at any time within the 10-year term of the agreement, the Service ceases to use the facility or otherwise breaches the agreement.

"(f) DEFINITION.—For the purposes of this section, the term 'health facility' or 'health facilities' includes quarters needed to provide housing for staff of the relevant Tribal Health Program.

"SEC. 312. LOCATION OF FACILITIES.

"(a) IN GENERAL.—In all matters involving the reorganization or development of Service facilities or in the establishment of related employment projects to address unemployment conditions in economically depressed areas, the Bureau of Indian Affairs and the Service shall give priority to locating such facilities and projects on Indian lands, or lands in Alaska owned by any Alaska Native village, or village or regional corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or any land allotted to any Alaska Native, if requested by the Indian owner and the Indian Tribe with jurisdiction over such lands or other lands owned or leased by the Indian Tribe or Tribal Organization. Top priority shall be given to Indian land owned by 1 or more Indian Tribes.

"(b) DEFINITION.—For purposes of this section, the term 'Indian lands' means—

"(1) all lands within the exterior boundaries of any reservation; and

"(2) any lands title to which is held in trust by the United States for the benefit of any Indian Tribe or individual Indian or held by any Indian Tribe or individual Indian subject to restriction by the United States against alienation.

"SEC. 313. MAINTENANCE AND IMPROVEMENT OF HEALTH CARE FACILITIES.

"(a) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which identifies the backlog of maintenance and repair work required at both Service and tribal health care facilities, including new health care facilities expected to be in operation in the next fiscal year. The report shall also identify the need for renovation and expansion of existing facilities to support the growth of health care programs.

"(b) MAINTENANCE OF NEWLY CONSTRUCTED SPACE.—The Secretary, acting through the Service, is authorized to expend maintenance and improvement funds to support maintenance of newly constructed space only if such space falls within the approved supportable space allocation for the Indian Tribe or Tribal Organization. Supportable space allocation shall be defined through the health care facility priority system under section 301(c).

"(c) REPLACEMENT FACILITIES.—In addition to using maintenance and improvement funds for renovation, modernization, and expansion of facilities, an Indian Tribe or Tribal Organization may use maintenance and improvement funds for construction of a replacement facility if the costs of renovation of such facility would exceed a maximum renovation cost threshold. The maximum renovation cost threshold shall be determined through the negotiated rulemaking process provided for under section 802.

"SEC. 314. TRIBAL MANAGEMENT OF FEDERALLY-OWNED QUARTERS.

"(a) RENTAL RATES.—

"(1) ESTABLISHMENT.—Notwithstanding any other provision of law, a Tribal Health

Program which operates a hospital or other health facility and the federally-owned quarters associated therewith pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall have the authority to establish the rental rates charged to the occupants of such quarters by providing notice to the Secretary of its election to exercise such authority.

"(2) Objectives.—In establishing rental rates pursuant to authority of this subsection, a Tribal Health Program shall endeavor to achieve the following objectives:

"(A) To base such rental rates on the reasonable value of the quarters to the occupants thereof.

"(B) To generate sufficient funds to prudently provide for the operation and maintenance of the quarters, and subject to the discretion of the Tribal Health Program, to supply reserve funds for capital repairs and replacement of the quarters.

"(3) Equitable funding.—Any quarters whose rental rates are established by a Tribal Health Program pursuant to this subsection shall remain eligible for quarters improvement and repair funds to the same extent as all federally-owned quarters used to house personnel in Services-supported programs.

"(4) Notice of rate change.—A Tribal Health Program which exercises the authority provided under this subsection shall provide occupants with no less than 60 days notice of any change in rental rates.

"(b) Direct Collection of Rent.—

"(1) In general.—Notwithstanding any other provision of law, and subject to paragraph (2), a Tribal Health Program shall have the authority to collect rents directly from Federal employees who occupy such quarters in accordance with the following:

"(A) The Tribal Health Program shall notify the Secretary and the subject Federal employees of its election to exercise its authority to collect rents directly from such Federal employees.

"(B) Upon receipt of a notice described in subparagraph (A), the Federal employees shall pay rents for occupancy of such quarters directly to the Tribal Health Program and the Secretary shall have no further authority to collect rents from such employees through payroll deduction or otherwise.

"(C) Such rent payments shall be retained by the Tribal Health Program and shall not be made payable to or otherwise be deposited with the United States.

"(D) Such rent payments shall be deposited into a separate account which shall be used by the Tribal Health Program for the maintenance (including capital repairs and replacement) and operation of the quarters and facilities as the Tribal Health Program shall determine.

"(2) Retrocession of authority.—If a Tribal Health Program which has made an election under paragraph (1) requests retrocession of its authority to directly collect rents from Federal employees occupying federally-owned quarters, such retrocession shall become effective on the earlier of—

"(A) the first day of the month that begins no less than 180 days after the Tribal Health Program notifies the Secretary of its desire to retrocede; or

"(B) such other date as may be mutually agreed by the Secretary and the Tribal Health Program.

"(c) Rates in Alaska.—To the extent that a Tribal Health Program, pursuant to authority granted in subsection (a), establishes rental rates for federally-owned quarters provided to a Federal employee in Alaska, such rents may be based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.

"SEC. 315. APPLICABILITY OF BUY AMERICAN ACT REQUIREMENT.

"(a) Applicability.—The Secretary shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to section 317. Indian Tribes and Tribal Organizations shall be exempt from these requirements.

"(b) Effect of Violation.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to section 317, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

"(c) Definitions.—For purposes of this section, the term 'Buy American Act' means title III of the Act entitled 'An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes', approved March 3, 1933 (41 U.S.C. 10a et seq.).

"SEC. 316. OTHER FUNDING FOR FACILITIES.

"(a) Authority to Accept Funds.—The Secretary is authorized to accept from any source, including Federal and State agencies, funds that are available for the construction of health care facilities and use such funds to plan, design, and construct health care facilities for Indians and to place such funds into a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Receipt of such funds shall have no effect on the priorities established pursuant to section 301.

"(b) Interagency Agreements.—The Secretary is authorized to enter into interagency agreements with other Federal agencies or State agencies and other entities and to accept funds from such Federal or State agencies or other sources to provide for the planning, design, and construction of health care facilities to be administered by Indian Health Programs in order to carry out the purposes of this Act and the purposes for which the funds were appropriated or for which the funds were otherwise provided.

"(c) Establishment of Standards.—The Secretary, through the Service, shall establish standards by regulation for the planning, design, and construction of health care facilities serving Indians under this Act.

"SEC. 317. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE IV—ACCESS TO HEALTH SERVICES

"SEC. 401. TREATMENT OF PAYMENTS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.

"(a) Disregard of Medicare, Medicaid, and SCHIP Payments in Determining Appropriations.—Any payments received by an Indian Health Program or by an Urban Indian Organization under title XVIII, XIX, or XXI of the Social Security Act for services provided to Indians eligible for benefits under such respective titles shall not be considered in determining appropriations for the provision of health care and services to Indians.

"(b) Nonpreferential Treatment.—Nothing in this Act authorizes the Secretary to provide services to an Indian with coverage under title XVIII, XIX, or XXI of the Social Security Act in preference to an Indian without such coverage.

"(c) Use of Funds.—

"(1) Special fund.—

"(A) 100 percent pass-through of payments due to facilities.—Notwithstanding any other provision of law, but subject to paragraph (2), payments to which a facility of the Service is entitled by reason of a provision of the Social Security Act shall be placed in a special fund to be held by the Secretary. In making payments from such fund, the Secretary shall ensure that each Service Unit of the Service receives 100 percent of the amount to which the facilities of the Service, for which such Service Unit makes collections, are entitled by reason of a provision of the Social Security Act.

"(B) Use of funds.—Amounts received by a facility of the Service under subparagraph (A) shall first be used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the programs of the Service operated by or through such facility which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act. Any amounts so received that are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to consultation with the Indian Tribes being served by the Service Unit, be used for reducing the health resource deficiencies (as determined under section 201(d)) of such Indian Tribes.

"(2) Direct payment option.—Paragraph (1) shall not apply to a Tribal Health Program upon the election of such Program under subsection (d) to receive payments directly. No payment may be made out of the special fund described in such paragraph with respect to reimbursement made for services provided by such Program during the period of such election.

"(d) Direct Billing.—

"(1) In general.—Subject to complying with the requirements of paragraph (2), a Tribal Health Program may elect to directly bill for, and receive payment for, health care items and services provided by such Program for which payment is made under title XVIII or XIX of the Social Security Act or from any other third party payor.

"(2) Direct reimbursement.—

"(A) Use of funds.—Each Tribal Health Program making the election described in paragraph (1) with respect to a program under a title of the Social Security Act shall be reimbursed directly by that program for items and services furnished without regard to subsection (c)(1), but all amounts so reimbursed shall be used by the Tribal Health Program for the purpose of making any improvements in facilities of the Tribal Health Program that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to such items and services under the program under such title and to provide additional health care services, improvements in health care facilities and Tribal Health Programs, any health care related purpose, or otherwise to achieve the objectives provided in section 3 of this Act.

"(B) Audits.—The amounts paid to a Tribal Health Program making the election described in paragraph (1) with respect to a program under a title of the Social Security Act shall be subject to all auditing requirements applicable to the program under such title, as well as all auditing requirements applicable to programs administered by an Indian Health Program. Nothing in the preceding sentence shall be construed as limiting the application of auditing requirements applicable to amounts paid under title XVIII, XIX, or XXI of the Social Security Act.

"(C) IDENTIFICATION OF SOURCE OF PAYMENTS.—Any Tribal Health Program that receives reimbursements or payments under title XVIII, XIX, or XXI of the Social Security Act, shall provide to the Service a list of each provider enrollment number (or other identifier) under which such Program receives such reimbursements or payments.

"(3) EXAMINATION AND IMPLEMENTATION OF CHANGES.—

"(A) IN GENERAL.—The Secretary, acting through the Service and with the assistance of the Administrator of the Centers for Medicare & Medicaid Services, shall examine on an ongoing basis and implement any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this subsection, including any agreements with States that may be necessary to provide for direct billing under a program under a title of the Social Security Act.

"(B) COORDINATION OF INFORMATION.—The Service shall provide the Administrator of the Centers for Medicare & Medicaid Services with copies of the lists submitted to the Service under paragraph (2)(C), enrollment data regarding patients served by the Service (and by Tribal Health Programs, to the extent such data is available to the Service), and such other information as the Administrator may require for purposes of administering title XVIII, XIX, or XXI of the Social Security Act.

"(4) WITHDRAWAL FROM PROGRAM.—A Tribal Health Program that bills directly under the program established under this subsection may withdraw from participation in the same manner and under the same conditions that an Indian Tribe or Tribal Organization may retrocede a contracted program to the Secretary under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this subsection shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.

"(5) TERMINATION FOR FAILURE TO COMPLY WITH REQUIREMENTS.—The Secretary may terminate the participation of a Tribal Health Program or in the direct billing program established under this subsection if the Secretary determines that the Program has failed to comply with the requirements of paragraph (2). The Secretary shall provide a Tribal Health Program with notice of a determination that the Program has failed to comply with any such requirement and a reasonable opportunity to correct such noncompliance prior to terminating the Program's participation in the direct billing program established under this subsection.

"(e) RELATED PROVISIONS UNDER THE SOCIAL SECURITY ACT.—For provisions related to subsections (c) and (d), see sections 1880, 1911, and 2107(e)(1)(D) of the Social Security Act.

"SEC. 402. GRANTS TO AND CONTRACTS WITH THE SERVICE, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS TO FACILITATE OUTREACH, ENROLLMENT, AND COVERAGE OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS AND OTHER HEALTH BENEFITS PROGRAMS.

"(a) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—From funds appropriated to carry out this title in accordance with section 416, the Secretary, acting through the Service, shall make grants to or enter into contracts with Indian Tribes and Tribal Organizations to assist such Tribes and Tribal Organizations in establishing and administering programs on or near reservations and trust lands to assist individual Indians—

"(1) to enroll for benefits under a program established under title XVIII, XIX, or XXI of the Social Security Act and other health benefits programs; and

"(2) with respect to such programs for which the charging of premiums and cost sharing is not prohibited under such programs, to pay premiums or cost sharing for coverage for such benefits, which may be based on financial need (as determined by the Indian Tribe or Tribes or Tribal Organizations being served based on a schedule of income levels developed or implemented by such Tribe, Tribes, or Tribal Organizations).

"(b) CONDITIONS.—The Secretary, acting through the Service, shall place conditions as deemed necessary to effect the purpose of this section in any grant or contract which the Secretary makes with any Indian Tribe or Tribal Organization pursuant to this section. Such conditions shall include requirements that the Indian Tribe or Tribal Organization successfully undertake—

"(1) to determine the population of Indians eligible for the benefits described in subsection (a);

"(2) to educate Indians with respect to the benefits available under the respective programs;

"(3) to provide transportation for such individual Indians to the appropriate offices for enrollment or applications for such benefits; and

"(4) to develop and implement methods of improving the participation of Indians in receiving benefits under such programs.

"(c) APPLICATION TO URBAN INDIAN ORGANIZATIONS.—

"(1) IN GENERAL.—The provisions of subsection (a) shall apply with respect to grants and other funding to Urban Indian Organizations with respect to populations served by such organizations in the same manner they apply to grants and contracts with Indian Tribes and Tribal Organizations with respect to programs on or near reservations.

"(2) REQUIREMENTS.—The Secretary shall include in the grants or contracts made or provided under paragraph (1) requirements that are—

"(A) consistent with the requirements imposed by the Secretary under subsection (b);

"(B) appropriate to Urban Indian Organizations and Urban Indians; and

"(C) necessary to effect the purposes of this section.

"(d) FACILITATING COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI of the Social Security Act.

"(e) AGREEMENTS RELATING TO IMPROVING ENROLLMENT OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.—For provisions relating to agreements between the Secretary, acting through the Service, and Indian Tribes, Tribal Organizations, and Urban Indian Organizations for the collection, preparation, and submission of applications by Indians for assistance under the Medicaid and State children's health insurance programs established under titles XIX and XXI of the Social Security Act, and benefits under the Medicare program established under title XVIII of such Act, see subsections (a) and (b) of section 1139 of the Social Security Act.

"(f) DEFINITION OF PREMIUMS AND COST SHARING.—In this section:

"(1) PREMIUM.—The term 'premium' includes any enrollment fee or similar charge.

"(2) COST SHARING.—The term 'cost sharing' includes any deduction, deductible, copayment, coinsurance, or similar charge.

"SEC. 403. REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.

"(a) RIGHT OF RECOVERY.—Except as provided in subsection (f), the United States, an Indian Tribe, or Tribal Organization shall have the right to recover from an insurance company, health maintenance organization, employee benefit plan, third-party tortfeasor, or any other responsible or liable third party (including a political subdivision or local governmental entity of a State) the reasonable charges billed by the Secretary, an Indian Tribe, or Tribal Organization in providing health services through the Service, an Indian Tribe, or Tribal Organization to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive damages, reimbursement, or indemnification for such charges or expenses if—

"(1) such services had been provided by a nongovernmental provider; and

"(2) such individual had been required to pay such charges or expenses and did pay such charges or expenses.

"(b) LIMITATIONS ON RECOVERIES FROM STATES.—Subsection (a) shall provide a right of recovery against any State, only if the injury, illness, or disability for which health services were provided is covered under—

"(1) workers' compensation laws; or

"(2) a no-fault automobile accident insurance plan or program.

"(c) NONAPPLICATION OF OTHER LAWS.—No law of any State, or of any political subdivision of a State and no provision of any contract, insurance or health maintenance organization policy, employee benefit plan, self-insurance plan, managed care plan, or other health care plan or program entered into or renewed after the date of the enactment of the Indian Health Care Amendments of 1988, shall prevent or hinder the right of recovery of the United States, an Indian Tribe, or Tribal Organization under subsection (a).

"(d) NO EFFECT ON PRIVATE RIGHTS OF ACTION.—No action taken by the United States, an Indian Tribe, or Tribal Organization to enforce the right of recovery provided under this section shall operate to deny to the injured person the recovery for that portion of the person's damage not covered hereunder.

"(e) ENFORCEMENT.—

"(1) IN GENERAL.—The United States, an Indian Tribe, or Tribal Organization may enforce the right of recovery provided under subsection (a) by—

"(A) intervening or joining in any civil action or proceeding brought—

"(i) by the individual for whom health services were provided by the Secretary, an Indian Tribe, or Tribal Organization; or

"(ii) by any representative or heirs of such individual, or

"(B) instituting a civil action, including a civil action for injunctive relief and other relief and including, with respect to a political subdivision or local governmental entity of a State, such an action against an official thereof.

"(2) NOTICE.—All reasonable efforts shall be made to provide notice of action instituted under paragraph (1)(B) to the individual to whom health services were provided, either before or during the pendency of such action.

"(3) RECOVERY FROM TORTFEASORS.—

"(A) IN GENERAL.—In any case in which an Indian Tribe or Tribal Organization that is authorized or required under a compact or contract issued pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to furnish or pay for health services to a person who is injured or suffers a disease on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 under circumstances that establish grounds for a claim of liability against the tortfeasor with respect to the injury or disease, the Indian Tribe or Tribal Organization shall have a right to recover from the tortfeasor (or an insurer of the tortfeasor) the reasonable value of the health services so furnished, paid for, or to be paid for, in accordance with the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), to the same extent and under the same circumstances as the United States may recover under that Act.

"(B) TREATMENT.—The right of an Indian Tribe or Tribal Organization to recover under subparagraph (A) shall be independent of the rights of the injured or diseased person served by the Indian Tribe or Tribal Organization.

"(f) LIMITATION.—Absent specific written authorization by the governing body of an Indian Tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), the United States shall not have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian Tribe, Tribal Organization, or Urban Indian Organization. Where such authorization is provided, the Service may receive and expend such amounts for the provision of additional health services consistent with such authorization.

"(g) COSTS AND ATTORNEYS' FEES.—In any action brought to enforce the provisions of this section, a prevailing plaintiff shall be awarded its reasonable attorneys' fees and costs of litigation.

"(h) NONAPPLICATION OF CLAIMS FILING REQUIREMENTS.—An insurance company, health maintenance organization, self-insurance plan, managed care plan, or other health care plan or program (under the Social Security Act or otherwise) may not deny a claim for benefits submitted by the Service or by an Indian Tribe or Tribal Organization based on the format in which the claim is submitted if such format complies with the format required for submission of claims under title XVIII of the Social Security Act or recognized under section 1175 of such Act.

"(i) APPLICATION TO URBAN INDIAN ORGANIZATIONS.—The previous provisions of this section shall apply to Urban Indian Organizations with respect to populations served by such Organizations in the same manner they apply to Indian Tribes and Tribal Organizations with respect to populations served by such Indian Tribes and Tribal Organizations.

"(j) STATUTE OF LIMITATIONS.—The provisions of section 2415 of title 28, United States Code, shall apply to all actions commenced under this section, and the references therein to the United States are deemed to include Indian Tribes, Tribal Organizations, and Urban Indian Organizations.

"(k) SAVINGS.—Nothing in this section shall be construed to limit any right of recovery available to the United States, an Indian Tribe, or Tribal Organization under the provisions of any applicable, Federal, State, or Tribal law, including medical lien laws.

"SEC. 404. CREDITING OF REIMBURSEMENTS.

"(a) USE OF AMOUNTS.—

"(1) RETENTION BY PROGRAM.—Except as provided in section 202(f) (relating to the Catastrophic Health Emergency Fund) and section 807 (relating to health services for ineligible persons), all reimbursements received or recovered under any of the programs described in paragraph (2), including under section 807, by reason of the provision of health services by the Service, by an Indian Tribe or Tribal Organization, or by an Urban Indian Organization, shall be credited to the Service, such Indian Tribe or Tribal Organization, or such Urban Indian Organization, respectively, and may be used as provided in section 401. In the case of such a service provided by or through a Service Unit, such amounts shall be credited to such unit and used for such purposes.

"(2) PROGRAMS COVERED.—The programs referred to in paragraph (1) are the following:

"(A) Titles XVIII, XIX, and XXI of the Social Security Act.

"(B) This Act, including section 807.

"(C) Public Law 87–693.

"(D) Any other provision of law.

"(b) NO OFFSET OF AMOUNTS.—The Service may not offset or limit any amount obligated to any Service Unit or entity receiving funding from the Service because of the receipt of reimbursements under subsection (a).

"SEC. 405. PURCHASING HEALTH CARE COVERAGE.

"(a) IN GENERAL.—Insofar as amounts are made available under law (including a provision of the Social Security Act, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other law, other than under section 402) to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for health benefits for Service beneficiaries, Indian Tribes, Tribal Organizations, and Urban Indian Organizations may use such amounts to purchase health benefits coverage for such beneficiaries in any manner, including through—

"(1) a tribally owned and operated health care plan;

"(2) a State or locally authorized or licensed health care plan;

"(3) a health insurance provider or managed care organization; or

"(4) a self-insured plan.

The purchase of such coverage by an Indian Tribe, Tribal Organization, or Urban Indian Organization may be based on the financial needs of such beneficiaries (as determined by the Indian Tribe or Tribes being served based on a schedule of income levels developed or implemented by such Indian Tribe or Tribes).

"(b) EXPENSES FOR SELF-INSURED PLAN.—In the case of a self-insured plan under subsection (a)(4), the amounts may be used for expenses of operating the plan, including administration and insurance to limit the financial risks to the entity offering the plan.

"(c) CONSTRUCTION.—Nothing in this section shall be construed as affecting the use of any amounts not referred to in subsection (a).

"SEC. 406. SHARING ARRANGEMENTS WITH FEDERAL AGENCIES.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary may enter into (or expand) arrangements for the sharing of medical facilities and services between the Service, Indian Tribes, and Tribal Organizations and the Department of Veterans Affairs and the Department of Defense.

"(2) CONSULTATION BY SECRETARY REQUIRED.—The Secretary may not finalize any arrangement between the Service and a Department described in paragraph (1) without first consulting with the Indian Tribes which will be significantly affected by the arrangement.

"(b) LIMITATIONS.—The Secretary shall not take any action under this section or under subchapter IV of chapter 81 of title 38, United States Code, which would impair—

"(1) the priority access of any Indian to health care services provided through the Service and the eligibility of any Indian to receive health services through the Service;

"(2) the quality of health care services provided to any Indian through the Service;

"(3) the priority access of any veteran to health care services provided by the Department of Veterans Affairs;

"(4) the quality of health care services provided by the Department of Veterans Affairs or the Department of Defense; or

"(5) the eligibility of any Indian who is a veteran to receive health services through the Department of Veterans Affairs.

"(c) REIMBURSEMENT.—The Service, Indian Tribe, or Tribal Organization shall be reimbursed by the Department of Veterans Affairs or the Department of Defense (as the case may be) where services are provided through the Service, an Indian Tribe, or a Tribal Organization to beneficiaries eligible for services from either such Department, notwithstanding any other provision of law.

"(d) CONSTRUCTION.—Nothing in this section may be construed as creating any right of a non-Indian veteran to obtain health services from the Service.

"SEC. 407. PAYOR OF LAST RESORT.

"Indian Health Programs and health care programs operated by Urban Indian Organizations shall be the payor of last resort for services provided to persons eligible for services from Indian Health Programs and Urban Indian Organizations, notwithstanding any Federal, State, or local law to the contrary.

"SEC. 408. NONDISCRIMINATION UNDER FEDERAL HEALTH CARE PROGRAMS IN QUALIFICATIONS FOR REIMBURSEMENT FOR SERVICES.

"(a) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

"(1) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

"(2) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

"(b) APPLICATION OF EXCLUSION FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS.—

"(1) EXCLUDED ENTITIES.—No entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment or reimbursement under any such program for health care services furnished to an Indian.

"(2) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension shall be eligible to receive payment or reimbursement under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

"(3) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, 'Federal health care program' has the meaning given that term in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.

"(c) RELATED PROVISIONS.—For provisions related to nondiscrimination against providers operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, see section 1139(c) of the Social Security Act (42 U.S.C. 1320b–9(c)).

"SEC. 409. CONSULTATION.

"For provisions related to consultation with representatives of Indian Health Programs and Urban Indian Organizations with respect to the health care programs established under titles XVIII, XIX, and XXI of the Social Security Act, see section 1139(d) of the Social Security Act (42 U.S.C. 1320b–9(d)).

"SEC. 410. STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP).

"For provisions relating to—

"(1) outreach to families of Indian children likely to be eligible for child health assistance under the State children's health insurance program established under title XXI of the Social Security Act, see sections 2105(c)(2)(C) and 1139(a) of such Act (42 U.S.C. 1397ee(c)(2), 1320b–9); and

"(2) ensuring that child health assistance is provided under such program to targeted low-income children who are Indians and that payments are made under such program to Indian Health Programs and Urban Indian Organizations operating in the State that provide such assistance, see sections 2102(b)(3)(D) and 2105(c)(6)(B) of such Act (42 U.S.C. 1397bb(b)(3)(D), 1397ee(c)(6)(B)).

"SEC. 411. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.

"For provisions relating to—

"(1) exclusion waiver authority for affected Indian Health Programs under the Social Security Act, see section 1128(k) of the Social Security Act (42 U.S.C. 1320a–7(k)); and

"(2) certain transactions involving Indian Health Programs deemed to be in safe harbors under that Act, see section 1128B(b)(4) of the Social Security Act (42 U.S.C. 1320a–7b(b)(4)).

"SEC. 412. PREMIUM AND COST SHARING PROTECTIONS AND ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

"For provisions relating to—

"(1) premiums or cost sharing protections for Indians furnished items or services directly by Indian Health Programs or through referral under the contract health service under the Medicaid program established under title XIX of the Social Security Act, see sections 1916(j) and 1916A(a)(1) of the Social Security Act (42 U.S.C. 1396o(j), 1396o–1(a)(1));

"(2) rules regarding the treatment of certain property for purposes of determining eligibility under such programs, see sections 1902(e)(13) and 2107(e)(1)(B) of such Act (42 U.S.C. 1396a(e)(13), 1397gg(e)(1)(B)); and

"(3) the protection of certain property from estate recovery provisions under the Medicaid program, see section 1917(b)(3)(B) of such Act (42 U.S.C. 1396p(b)(3)(B)).

"SEC. 413. TREATMENT UNDER MEDICAID AND SCHIP MANAGED CARE.

"For provisions relating to the treatment of Indians enrolled in a managed care entity under the Medicaid program under title XIX of the Social Security Act and Indian Health Programs and Urban Indian Organizations that are providers of items or services to such Indian enrollees, see sections 1932(h) and 2107(e)(1)(H) of the Social Security Act (42 U.S.C. 1396u–2(h), 1397gg(e)(1)(H)).

"SEC. 414. NAVAJO NATION MEDICAID AGENCY FEASIBILITY STUDY.

"(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of treating the Navajo Nation as a State for the purposes of title XIX of the Social Security Act, to provide services to Indians living within the boundaries of the Navajo Nation through an entity established having the same authority and performing the same functions as single-State medicaid agencies responsible for the administration of the State plan under title XIX of the Social Security Act.

"(b) CONSIDERATIONS.—In conducting the study, the Secretary shall consider the feasibility of—

"(1) assigning and paying all expenditures for the provision of services and related administration funds, under title XIX of the Social Security Act, to Indians living within the boundaries of the Navajo Nation that are currently paid to or would otherwise be paid to the State of Arizona, New Mexico, or Utah;

"(2) providing assistance to the Navajo Nation in the development and implementation of such entity for the administration, eligibility, payment, and delivery of medical assistance under title XIX of the Social Security Act;

"(3) providing an appropriate level of matching funds for Federal medical assistance with respect to amounts such entity expends for medical assistance for services and related administrative costs; and

"(4) authorizing the Secretary, at the option of the Navajo Nation, to treat the Navajo Nation as a State for the purposes of title XIX of the Social Security Act (relating to the State children's health insurance program) under terms equivalent to those described in paragraphs (2) through (4).

"(c) REPORT.—Not later then 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall submit to the Committee on Indian Affairs and Committee on Finance of the Senate and the Committee on Natural Resources and Committee on Energy and Commerce of the House of Representatives a report that includes—

"(1) the results of the study under this section;

"(2) a summary of any consultation that occurred between the Secretary and the Navajo Nation, other Indian Tribes, the States of Arizona, New Mexico, and Utah, counties which include Navajo Lands, and other interested parties, in conducting this study;

"(3) projected costs or savings associated with establishment of such entity, and any estimated impact on services provided as described in this section in relation to probable costs or savings; and

"(4) legislative actions that would be required to authorize the establishment of such entity if such entity is determined by the Secretary to be feasible.

"SEC. 415. GENERAL EXCEPTIONS.

"The requirements of this title shall not apply to any excepted benefits described in paragraph (1)(A) or (3) of section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg–91).

"SEC. 416. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE V—HEALTH SERVICES FOR URBAN INDIANS

"SEC. 501. PURPOSE.

"The purpose of this title is to establish and maintain programs in Urban Centers to make health services more accessible and available to Urban Indians.

"SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS.

"Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, or make grants to, Urban Indian Organizations to assist such organizations in the establishment and administration, within Urban Centers, of programs which meet the requirements set forth in this title. Subject to section 506, the Secretary, acting through the Service, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract into which the Secretary enters with, or in any grant the Secretary makes to, any Urban Indian Organization pursuant to this title.

"SEC. 503. CONTRACTS AND GRANTS FOR THE PROVISION OF HEALTH CARE AND REFERRAL SERVICES.

"(a) REQUIREMENTS FOR GRANTS AND CONTRACTS.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, and make grants to, Urban Indian Organizations for the provision of health care and referral services for Urban Indians. Any such contract or grant shall include requirements that the Urban Indian Organization successfully undertake to—

"(1) estimate the population of Urban Indians residing in the Urban Center or centers that the organization proposes to serve who are or could be recipients of health care or referral services;

"(2) estimate the current health status of Urban Indians residing in such Urban Center or centers;

"(3) estimate the current health care needs of Urban Indians residing in such Urban Center or centers;

"(4) provide basic health education, including health promotion and disease prevention education, to Urban Indians;

"(5) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of Urban Indians; and

"(6) where necessary, provide, or enter into contracts for the provision of, health care services for Urban Indians.

"(b) CRITERIA.—The Secretary, acting through the Service, shall, by regulation, prescribe the criteria for selecting Urban Indian Organizations to enter into contracts or receive grants under this section. Such criteria shall, among other factors, include—

"(1) the extent of unmet health care needs of Urban Indians in the Urban Center or centers involved;

"(2) the size of the Urban Indian population in the Urban Center or centers involved;

"(3) the extent, if any, to which the activities set forth in subsection (a) would duplicate any project funded under this title, or under any current public health service project funded in a manner other than pursuant to this title;

"(4) the capability of an Urban Indian Organization to perform the activities set forth in subsection (a) and to enter into a contract with the Secretary or to meet the requirements for receiving a grant under this section;

"(5) the satisfactory performance and successful completion by an Urban Indian Organization of other contracts with the Secretary under this title;

"(6) the appropriateness and likely effectiveness of conducting the activities set forth in subsection (a) in an Urban Center or centers; and

"(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

"(c) ACCESS TO HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS.—The Secretary, acting through the Service, shall facilitate access to or provide health promotion and disease prevention services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

"(d) IMMUNIZATION SERVICES.—

"(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, immunization services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under this section.

"(2) DEFINITION.—For purposes of this subsection, the term 'immunization services' means services to provide without charge immunizations against vaccine-preventable diseases.

"(e) BEHAVIORAL HEALTH SERVICES.—

"(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, behavioral health services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

"(2) ASSESSMENT REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment of the following:

"(A) The behavioral health needs of the Urban Indian population concerned.

"(B) The behavioral health services and other related resources available to that population.

"(C) The barriers to obtaining those services and resources.

"(D) The needs that are unmet by such services and resources.

"(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

"(A) To prepare assessments required under paragraph (2).

"(B) To provide outreach, educational, and referral services to Urban Indians regarding the availability of direct behavioral health services, to educate Urban Indians about behavioral health issues and services, and effect coordination with existing behavioral health providers in order to improve services to Urban Indians.

"(C) To provide outpatient behavioral health services to Urban Indians, including the identification and assessment of illness, therapeutic treatments, case management, support groups, family treatment, and other treatment.

"(D) To develop innovative behavioral health service delivery models which incorporate Indian cultural support systems and resources.

"(f) PREVENTION OF CHILD ABUSE.—

"(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to or provide services for Urban Indians through grants to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a) to prevent and treat child abuse (including sexual abuse) among Urban Indians.

"(2) EVALUATION REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment that documents the prevalence of child abuse in the Urban Indian population concerned and specifies the services and programs (which may not duplicate existing services and programs) for which the grant is requested.

"(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

"(A) To prepare assessments required under paragraph (2).

"(B) For the development of prevention, training, and education programs for Urban Indians, including child education, parent education, provider training on identification and intervention, education on reporting requirements, prevention campaigns, and establishing service networks of all those involved in Indian child protection.

"(C) To provide direct outpatient treatment services (including individual treatment, family treatment, group therapy, and support groups) to Urban Indians who are child victims of abuse (including sexual abuse) or adult survivors of child sexual abuse, to the families of such child victims, and to Urban Indian perpetrators of child abuse (including sexual abuse).

"(4) CONSIDERATIONS WHEN MAKING GRANTS.—In making grants to carry out this subsection, the Secretary shall take into consideration—

"(A) the support for the Urban Indian Organization demonstrated by the child protection authorities in the area, including committees or other services funded under the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), if any;

"(B) the capability and expertise demonstrated by the Urban Indian Organization to address the complex problem of child sexual abuse in the community; and

"(C) the assessment required under paragraph (2).

"(g) OTHER GRANTS.—The Secretary, acting through the Service, may enter into a contract with or make grants to an Urban Indian Organization that provides or arranges for the provision of health care services (through satellite facilities, provider networks, or otherwise) to Urban Indians in more than 1 Urban Center.

"SEC. 504. CONTRACTS AND GRANTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS.

"(a) GRANTS AND CONTRACTS AUTHORIZED.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, may enter into contracts with or make grants to Urban Indian Organizations situated in Urban Centers for which contracts have not been entered into or grants have not been made under section 503.

"(b) PURPOSE.—The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (c)(1) in order to assist the Secretary in assessing the health status and health care needs of Urban Indians in the Urban Center involved and determining whether the Secretary should enter into a contract or make a grant under section 503 with respect to the Urban Indian Organization which the Secretary has entered into a contract with, or made a grant to, under this section.

"(c) GRANT AND CONTRACT REQUIREMENTS.—Any contract entered into, or grant made, by the Secretary under this section shall include requirements that—

"(1) the Urban Indian Organization successfully undertakes to—

"(A) document the health care status and unmet health care needs of Urban Indians in the Urban Center involved; and

"(B) with respect to Urban Indians in the Urban Center involved, determine the matters described in paragraphs (2), (3), (4), and (7) of section 503(b); and

"(2) the Urban Indian Organization complete performance of the contract, or carry out the requirements of the grant, within 1 year after the date on which the Secretary and such organization enter into such contract, or within 1 year after such organization receives such grant, whichever is applicable.

"(d) NO RENEWALS.—The Secretary may not renew any contract entered into or grant made under this section.

"SEC. 505. EVALUATIONS; RENEWALS.

"(a) PROCEDURES FOR EVALUATIONS.—The Secretary, acting through the Service, shall develop procedures to evaluate compliance with grant requirements and compliance with and performance of contracts entered into by Urban Indian Organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

"(b) EVALUATIONS.—The Secretary, acting through the Service, shall evaluate the compliance of each Urban Indian Organization which has entered into a contract or received a grant under section 503 with the terms of such contract or grant. For purposes of this evaluation, the Secretary shall—

"(1) acting through the Service, conduct an annual onsite evaluation of the organization; or

"(2) accept in lieu of such onsite evaluation evidence of the organization's provisional or full accreditation by a private independent entity recognized by the Secretary for purposes of conducting quality reviews of providers participating in the Medicare program under title XVIII of the Social Security Act.

"(c) Noncompliance; Unsatisfactory Performance.—If, as a result of the evaluations conducted under this section, the Secretary determines that an Urban Indian Organization has not complied with the requirements of a grant or complied with or satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract or grant, attempt to resolve with the organization the areas of noncompliance or unsatisfactory performance and modify the contract or grant to prevent future occurrences of noncompliance or unsatisfactory performance. If the Secretary determines that the noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew the contract or grant with the organization and is authorized to enter into a contract or make a grant under section 503 with another Urban Indian Organization which is situated in the same Urban Center as the Urban Indian Organization whose contract or grant is not renewed under this section.

"(d) Considerations for Renewals.—In determining whether to renew a contract or grant with an Urban Indian Organization under section 503 which has completed performance of a contract or grant under section 504, the Secretary shall review the records of the Urban Indian Organization, the reports submitted under section 507, and shall consider the results of the onsite evaluations or accreditations under subsection (b).

"SEC. 506. OTHER CONTRACT AND GRANT REQUIREMENTS.

"(a) Procurement.—Contracts with Urban Indian Organizations entered into pursuant to this title shall be in accordance with all Federal contracting laws and regulations relating to procurement except that in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of sections 1304 and 3131 through 3133 of title 40, United States Code.

"(b) Payments Under Contracts or Grants.—

"(1) In general.—Payments under any contracts or grants pursuant to this title, notwithstanding .any term or condition of such contract or grant—

"(A) may be made in a single advance payment by the Secretary to the Urban Indian Organization by no later than the end of the first 30 days of the funding period with respect to which the payments apply, unless the Secretary determines through an evaluation under section 505 that the organization is not capable of administering such a single advance payment; and

"(B) if any portion thereof is unexpended by the Urban Indian Organization during the funding period with respect to which the payments initially apply, shall be carried forward for expenditure with respect to allowable or reimbursable costs incurred by the organization during 1 or more subsequent funding periods without additional justification or documentation by the organization as a condition of carrying forward the availability for expenditure of such funds.

"(2) Semiannual and quarterly payments and reimbursements.—If the Secretary determines under paragraph (1)(A) that an Urban Indian Organization is not capable of administering an entire single advance payment, on request of the Urban Indian Organization, the payments may be made—

"(A) in semiannual or quarterly payments by not later than 30 days after the date on which the funding period with respect to which the payments apply begins; or

"(B) by way of reimbursement.

"(c) Revision or Amendment of Contracts.—Notwithstanding any provision of law to the contrary, the Secretary may, at the request and consent of an Urban Indian Organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title.

"(d) Fair and Uniform Services and Assistance.—Contracts with or grants to Urban Indian Organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to Urban Indians of services and assistance under such contracts or grants by such organizations.

"SEC. 507. REPORTS AND RECORDS.

"(a) Reports.—

"(1) In general.—For each fiscal year during which an Urban Indian Organization receives or expends funds pursuant to a contract entered into or a grant received pursuant to this title, such Urban Indian Organization shall submit to the Secretary not more frequently than every 6 months, a report that includes the following:

"(A) In the case of a contract or grant under section 503, recommendations pursuant to section 503(a)(5).

"(B) Information on activities conducted by the organization pursuant to the contract or grant.

"(C) An accounting of the amounts and purpose for which Federal funds were expended.

"(D) A minimum set of data, using uniformly defined elements, as specified by the Secretary after consultation with Urban Indian Organizations.

"(2) Health status and services.—

"(A) In general.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service and working with a national membership-based consortium of Urban Indian Organizations, shall submit to Congress a report evaluating—

"(i) the health status of Urban Indians;

"(ii) the services provided to Indians pursuant to this title; and

"(iii) areas of unmet needs in the delivery of health services to Urban Indians, including unmet health care facilities needs.

"(B) Consultation and contracts.—In preparing the report under paragraph (1), the Secretary—

"(i) shall confer with Urban Indian Organizations; and

"(ii) may enter into a contract with a national organization representing Urban Indian Organizations to conduct any aspect of the report.

"(b) Audit.—The reports and records of the Urban Indian Organization with respect to a contract or grant under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

"(c) Costs of Audits.—The Secretary shall allow as a cost of any contract or grant entered into or awarded under section 502 or 503 the cost of an annual independent financial audit conducted by—

"(1) a certified public accountant; or

"(2) a certified public accounting firm qualified to conduct Federal compliance audits.

"SEC. 508. LIMITATION ON CONTRACT AUTHORITY.

"The authority of the Secretary to enter into contracts or to award grants under this title shall be to the extent, and in an amount, provided for in appropriation Acts.

"SEC. 509. FACILITIES.

"(a) Grants.—The Secretary, acting through the Service, may make grants to contractors or grant recipients under this title for the lease, purchase, renovation, construction, or expansion of facilities, including leased facilities, in order to assist such contractors or grant recipients in complying with applicable licensure or certification requirements.

"(b) Loan Fund Study.—The Secretary, acting through the Service, may carry out a study to determine the feasibility of establishing a loan fund to provide to Urban Indian Organizations direct loans or guarantees for loans for the construction of health care facilities in a manner consistent with section 309, including by submitting a report in accordance with subsection (c) of that section.

"SEC. 510. DIVISION OF URBAN INDIAN HEALTH.

"There is established within the Service a Division of Urban Indian Health, which shall be responsible for—

"(1) carrying out the provisions of this title;

"(2) providing central oversight of the programs and services authorized under this title; and

"(3) providing technical assistance to Urban Indian Organizations working with a national membership-based consortium of Urban Indian Organizations.

"SEC. 511. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE-RELATED SERVICES.

"(a) Grants Authorized.—The Secretary, acting through the Service, may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school- and community-based education regarding, alcohol and substance abuse, including fetal alcohol spectrum disorders, in Urban Centers to those Urban Indian Organizations with which the Secretary has entered into a contract under this title or under section 201.

"(b) Goals.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

"(c) Criteria.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the following:

"(1) The size of the Urban Indian population.

"(2) Capability of the organization to adequately perform the activities required under the grant.

"(3) Satisfactory performance standards for the organization in meeting the goals set forth in such grant. The standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis.

"(4) Identification of the need for services.

"(d) ALLOCATION OF GRANTS.—The Secretary shall develop a methodology for allocating grants made pursuant to this section based on the criteria established pursuant to subsection (c).

"(e) GRANTS SUBJECT TO CRITERIA.—Any grant received by an Urban Indian Organization under this Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

"SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.

"Notwithstanding any other provision of law, the Tulsa Clinic and Oklahoma City Clinic demonstration projects shall—

"(1) be permanent programs within the Service's direct care program;

"(2) continue to be treated as Service Units and Operating Units in the allocation of resources and coordination of care; and

"(3) continue to meet the requirements and definitions of an Urban Indian Organization in this Act, and shall not be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"SEC. 513. URBAN NIAAA TRANSFERRED PROGRAMS.

"(a) GRANTS AND CONTRACTS.—The Secretary, through the Division of Urban Indian Health, shall make grants to, or enter into contracts with, Urban Indian Organizations, to take effect not later than September 30, 2010, for the administration of Urban Indian alcohol programs that were originally established under the National Institute on Alcoholism and Alcohol Abuse (hereafter in this section referred to as 'NIAAA') and transferred to the Service.

"(b) USE OF FUNDS.—Grants provided or contracts entered into under this section shall be used to provide support for the continuation of alcohol prevention and treatment services for Urban Indian populations and such other objectives as are agreed upon between the Service and a recipient of a grant or contract under this section.

"(c) ELIGIBILITY.—Urban Indian Organizations that operate Indian alcohol programs originally funded under the NIAAA and subsequently transferred to the Service are eligible for grants or contracts under this section.

"(d) REPORT.—The Secretary shall evaluate and report to Congress on the activities of programs funded under this section not less than every 5 years.

"SEC. 514. CONFERRING WITH URBAN INDIAN ORGANIZATIONS.

"(a) IN GENERAL.—The Secretary shall ensure that the Service confers or conferences, to the greatest extent practicable, with Urban Indian Organizations.

"(b) DEFINITION OF CONFER; CONFERENCE.—In this section, the terms 'confer' and 'conference' mean an open and free exchange of information and opinions that—

"(1) leads to mutual understanding and comprehension; and

"(2) emphasizes trust, respect, and shared responsibility.

"SEC. 515. URBAN YOUTH TREATMENT CENTER DEMONSTRATION.

"(a) CONSTRUCTION AND OPERATION.—

"(1) IN GENERAL.—The Secretary, acting through the Service, through grant or contract, shall fund the construction and operation of at least 1 residential treatment center in each Service Area that meets the eligibility requirements set forth in subsection (b) to demonstrate the provision of alcohol and substance abuse treatment services to Urban Indian youth in a culturally competent residential setting.

"(2) TREATMENT.—Each residential treatment center described in paragraph (1) shall be in addition to any facilities constructed under section 707(b).

"(b) ELIGIBILITY REQUIREMENTS.—To be eligible to obtain a facility under subsection (a)(1), a Service Area shall meet the following requirements:

"(1) There is an Urban Indian Organization in the Service Area.

"(2) There reside in the Service Area Urban Indian youth with need for alcohol and substance abuse treatment services in a residential setting.

"(3) There is a significant shortage of culturally competent residential treatment services for Urban Indian youth in the Service Area.

"SEC. 516. GRANTS FOR DIABETES PREVENTION, TREATMENT, AND CONTROL.

"(a) GRANTS AUTHORIZED.—The Secretary may make grants to those Urban Indian Organizations that have entered into a contract or have received a grant under this title for the provision of services for the prevention and treatment of, and control of the complications resulting from, diabetes among Urban Indians.

"(b) GOALS.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished under the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

"(c) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a) relating to—

"(1) the size and location of the Urban Indian population to be served;

"(2) the need for prevention of and treatment of, and control of the complications resulting from, diabetes among the Urban Indian population to be served;

"(3) performance standards for the organization in meeting the goals set forth in such grant that are negotiated and agreed to by the Secretary and the grantee;

"(4) the capability of the organization to adequately perform the activities required under the grant; and

"(5) the willingness of the organization to collaborate with the registry, if any, established by the Secretary under section 204(e) in the Area Office of the Service in which the organization is located.

"(d) FUNDS SUBJECT TO CRITERIA.—Any funds received by an Urban Indian Organization under this Act for the prevention, treatment, and control of diabetes among Urban Indians shall be subject to the criteria developed by the Secretary under subsection (c).

"SEC. 517. COMMUNITY HEALTH REPRESENTATIVES.

"The Secretary, acting through the Service, may enter into contracts with, and make grants to, Urban Indian Organizations for the employment of Indians trained as health service providers through the Community Health Representatives Program under section 109 in the provision of health care, health promotion, and disease prevention services to Urban Indians.

"SEC. 518. EFFECTIVE DATE.

"The amendments made by the Indian Health Care Improvement Act Amendments of 2007 to this title shall take effect beginning on the date of enactment of that Act, regardless of whether the Secretary has promulgated regulations implementing such amendments.

"SEC. 519. ELIGIBILITY FOR SERVICES.

"Urban Indians shall be eligible for, and the ultimate beneficiaries of, health care or referral services provided pursuant to this title.

"SEC. 520. FURTHER AUTHORIZATIONS.

"The Secretary, acting through the Service, is authorized to establish programs, including programs for the awarding of grants, for Urban Indian Organizations that are identical to any programs established pursuant to sections 126, 210, 212, 701, and 707(g).

"SEC. 521. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE VI—ORGANIZATIONAL IMPROVEMENTS

"SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian Tribes, as are or may be hereafter provided by Federal statute or treaties, there is established within the Public Health Service of the Department the Indian Health Service.

"(2) ASSISTANT SECRETARY FOR INDIAN HEALTH.—The Service shall be administered by an Assistant Secretary for Indian Health, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall report to the Secretary. Effective with respect to an individual appointed by the President, by and with the advice and consent of the Senate, after January 1, 2007, the term of service of the Assistant Secretary shall be 4 years. An Assistant Secretary may serve more than 1 term.

"(3) INCUMBENT.—The individual serving in the position of Director of the Service on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 shall serve as Assistant Secretary.

"(4) ADVOCACY AND CONSULTATION.—The position of Assistant Secretary is established to, in a manner consistent with the government-to-government relationship between the United States and Indian Tribes—

"(A) facilitate advocacy for the development of appropriate Indian health policy; and

"(B) promote consultation on matters relating to Indian health.

"(b) AGENCY.—The Service shall be an agency within the Public Health Service of the Department, and shall not be an office, component, or unit of any other agency of the Department.

"(c) DUTIES.—The Assistant Secretary shall—

"(1) perform all functions that were, on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, carried out by or under the direction of the individual serving as Director of the Service on that day;

"(2) perform all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and provision and utilization of, health services for Indians;

"(3) administer all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including programs under—

"(A) this Act;

"(B) the Act of November 2, 1921 (25 U.S.C. 13);

"(C) the Act of August 5, 1954 (42 U.S.C. 2001 et seq.);

“(D) the Act of August 16, 1957 (42 U.S.C. 2005 et seq.); and

“(E) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

“(4) administer all scholarship and loan functions carried out under title I;

“(5) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

“(6) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

“(7) advise each Assistant Secretary of the Department concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

“(8) advise the heads of other agencies and programs of the Department concerning matters of Indian health with respect to which those heads have authority and responsibility;

“(9) coordinate the activities of the Department concerning matters of Indian health; and

“(10) perform such other functions as the Secretary may designate.

“(d) AUTHORITY.—

“(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary, shall have the authority—

“(A) except to the extent provided for in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

“(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

“(C) to manage, expend, and obligate all funds appropriated for the Service.

“(2) PERSONNEL ACTIONS.—Notwithstanding any other provision of law, the provisions of section 12 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 472), shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment under subsection (a).

“(e) REFERENCES.—Any reference to the Director of the Indian Health Service in any other Federal law, Executive order, rule, regulation, or delegation of authority, or in any document of or relating to the Director of the Indian Health Service, shall be deemed to refer to the Assistant Secretary.

“SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYSTEM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish an automated management information system for the Service.

“(2) REQUIREMENTS OF SYSTEM.—The information system established under paragraph (1) shall include—

“(A) a financial management system;

“(B) a patient care information system for each area served by the Service;

“(C) a privacy component that protects the privacy of patient information held by, or on behalf of, the Service;

“(D) a services-based cost accounting component that provides estimates of the costs associated with the provision of specific medical treatments or services in each Area office of the Service;

“(E) an interface mechanism for patient billing and accounts receivable system; and

“(F) a training component.

“(b) PROVISION OF SYSTEMS TO TRIBES AND ORGANIZATIONS.—The Secretary shall provide each Tribal Health Program automated management information systems which—

“(1) meet the management information needs of such Tribal Health Program with respect to the treatment by the Tribal Health Program of patients of the Service; and

“(2) meet the management information needs of the Service.

“(c) ACCESS TO RECORDS.—Notwithstanding any other provision of law, each patient shall have reasonable access to the medical or health records of such patient which are held by, or on behalf of, the Service.

“(d) AUTHORITY TO ENHANCE INFORMATION TECHNOLOGY.—The Secretary, acting through the Assistant Secretary, shall have the authority to enter into contracts, agreements, or joint ventures with other Federal agencies, States, private and nonprofit organizations, for the purpose of enhancing information technology in Indian Health Programs and facilities.

“SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

“TITLE VII—BEHAVIORAL HEALTH PROGRAMS

“SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREATMENT SERVICES.

“(a) PURPOSES.—The purposes of this section are as follows:

“(1) To authorize and direct the Secretary, acting through the Service, Indian Tribes and Tribal Organizations to develop a comprehensive behavioral health prevention and treatment program which emphasizes collaboration among alcohol and substance abuse, social services, and mental health programs.

“(2) To provide information, direction, and guidance relating to mental illness and dysfunction and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State, and local agencies responsible for programs in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement, and judicial services.

“(3) To assist Indian Tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior.

“(4) To provide authority and opportunities for Indian Tribes and Tribal Organizations to develop, implement, and coordinate with community-based programs which include identification, prevention, education, referral, and treatment services, including through multidisciplinary resource teams.

“(5) To ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access.

“(6) To modify or supplement existing programs and authorities in the areas identified in paragraph (2).

“(b) PLANS.—

“(1) DEVELOPMENT.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall encourage Indian Tribes and Tribal Organizations to develop tribal plans and to participate in developing areawide plans for Indian Behavioral Health Services. The plans shall include, to the extent feasible, the following components:

“(A) An assessment of the scope of alcohol or other substance abuse, mental illness, and dysfunctional and self-destructive behavior, including suicide, child abuse, and family violence, among Indians, including—

“(i) the number of Indians served who are directly or indirectly affected by such illness or behavior; or

“(ii) an estimate of the financial and human cost attributable to such illness or behavior.

“(B) An assessment of the existing and additional resources necessary for the prevention and treatment of such illness and behavior, including an assessment of the progress toward achieving the availability of the full continuum of care described in subsection (c).

“(C) An estimate of the additional funding needed by the Service, Indian Tribes, and Tribal Organizations to meet their responsibilities under the plans.

“(2) COORDINATION WITH NATIONAL CLEARINGHOUSES AND INFORMATION CENTERS.—The Secretary, acting through the Service, shall coordinate with existing national clearinghouses and information centers to include at the clearinghouses and centers plans and reports on the outcomes of such plans developed by Indian Tribes, Tribal Organizations, and Service Areas relating to behavioral health. The Secretary shall ensure access to these plans and outcomes by any Indian Tribe, Tribal Organization, or the Service.

“(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Indian Tribes and Tribal Organizations in preparation of plans under this section and in developing standards of care that may be used and adopted locally.

“(c) PROGRAMS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide, to the extent feasible and if funding is available, programs including the following:

“(1) COMPREHENSIVE CARE.—A comprehensive continuum of behavioral health care which provides—

“(A) community-based prevention, intervention, outpatient, and behavioral health aftercare;

“(B) detoxification (social and medical);

“(C) acute hospitalization;

“(D) intensive outpatient/day treatment;

“(E) residential treatment;

“(F) transitional living for those needing a temporary, stable living environment that is supportive of treatment and recovery goals;

“(G) emergency shelter;

“(H) intensive case management; and

“(I) diagnostic services.

“(2) CHILD CARE.—Behavioral health services for Indians from birth through age 17, including—

“(A) preschool and school age fetal alcohol spectrum disorder services, including assessment and behavioral intervention;

“(B) mental health and substance abuse services (emotional, organic, alcohol, drug, inhalant, and tobacco);

“(C) identification and treatment of co-occurring disorders and comorbidity;

“(D) prevention of alcohol, drug, inhalant, and tobacco use;

“(E) early intervention, treatment, and aftercare;

“(F) promotion of healthy approaches to risk and safety issues; and

“(G) identification and treatment of neglect and physical, mental, and sexual abuse.

“(3) ADULT CARE.—Behavioral health services for Indians from age 18 through 55, including—

“(A) early intervention, treatment, and aftercare;

“(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

“(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

“(D) promotion of healthy approaches for risk-related behavior;

"(E) treatment services for women at risk of a fetal alcohol-exposed pregnancy; and

"(F) sex specific treatment for sexual assault and domestic violence.

"(4) FAMILY CARE.—Behavioral health services for families, including—

"(A) early intervention, treatment, and aftercare for affected families;

"(B) treatment for sexual assault and domestic violence; and

"(C) promotion of healthy approaches relating to parenting, domestic violence, and other abuse issues.

"(5) ELDER CARE.—Behavioral health services for Indians 56 years of age and older, including—

"(A) early intervention, treatment, and aftercare;

"(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

"(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

"(D) promotion of healthy approaches to managing conditions related to aging;

"(E) sex specific treatment for sexual assault, domestic violence, neglect, physical and mental abuse and exploitation; and

"(F) identification and treatment of dementias regardless of cause.

"(d) COMMUNITY BEHAVIORAL HEALTH PLAN.—

"(1) ESTABLISHMENT.—The governing body of any Indian Tribe or Tribal Organization may adopt a resolution for the establishment of a community behavioral health plan providing for the identification and coordination of available resources and programs to identify, prevent, or treat substance abuse, mental illness, or dysfunctional and self-destructive behavior, including child abuse and family violence, among its members or its service population. This plan should include behavioral health services, social services, intensive outpatient services, and continuing aftercare.

"(2) TECHNICAL ASSISTANCE.—At the request of an Indian Tribe or Tribal Organization, the Bureau of Indian Affairs and the Service shall cooperate with and provide technical assistance to the Indian Tribe or Tribal Organization in the development and implementation of such plan.

"(3) FUNDING.—The Secretary, acting through the Service, may make funding available to Indian Tribes and Tribal Organizations which adopt a resolution pursuant to paragraph (1) to obtain technical assistance for the development of a community behavioral health plan and to provide administrative support in the implementation of such plan.

"(e) COORDINATION FOR AVAILABILITY OF SERVICES.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall coordinate behavioral health planning, to the extent feasible, with other Federal agencies and with State agencies, to encourage comprehensive behavioral health services for Indians regardless of their place of residence.

"(f) MENTAL HEALTH CARE NEED ASSESSMENT.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service, shall make an assessment of the need for inpatient mental health care among Indians and the availability and cost of inpatient mental health facilities which can meet such need. In making such assessment, the Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

"SEC. 702. MEMORANDA OF AGREEMENT WITH THE DEPARTMENT OF THE INTERIOR.

"(a) CONTENTS.—Not later than 12 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service, and the Secretary of the Interior shall develop and enter into a memoranda of agreement, or review and update any existing memoranda of agreement, as required by section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) under which the Secretaries address the following:

"(1) The scope and nature of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, among Indians.

"(2) The existing Federal, tribal, State, local, and private services, resources, and programs available to provide behavioral health services for Indians.

"(3) The unmet need for additional services, resources, and programs necessary to meet the needs identified pursuant to paragraph (1).

"(4)(A) The right of Indians, as citizens of the United States and of the States in which they reside, to have access to behavioral health services to which all citizens have access.

"(B) The right of Indians to participate in, and receive the benefit of, such services.

"(C) The actions necessary to protect the exercise of such right.

"(5) The responsibilities of the Bureau of Indian Affairs and the Service, including mental illness identification, prevention, education, referral, and treatment services (including services through multidisciplinary resource teams), at the central, area, and agency and Service Unit, Service Area, and headquarters levels to address the problems identified in paragraph (1).

"(6) A strategy for the comprehensive coordination of the behavioral health services provided by the Bureau of Indian Affairs and the Service to meet the problems identified pursuant to paragraph (1), including—

"(A) the coordination of alcohol and substance abuse programs of the Service, the Bureau of Indian Affairs, and Indian Tribes and Tribal Organizations (developed under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.)) with behavioral health initiatives pursuant to this Act, particularly with respect to the referral and treatment of dually diagnosed individuals requiring behavioral health and substance abuse treatment; and

"(B) ensuring that the Bureau of Indian Affairs and Service programs and services (including multidisciplinary resource teams) addressing child abuse and family violence are coordinated with such non-Federal programs and services.

"(7) Directing appropriate officials of the Bureau of Indian Affairs and the Service, particularly at the agency and Service Unit levels, to cooperate fully with tribal requests made pursuant to community behavioral health plans adopted under section 701(c) and section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412).

"(8) Providing for an annual review of such agreement by the Secretaries which shall be provided to Congress and Indian Tribes and Tribal Organizations.

"(b) SPECIFIC PROVISIONS REQUIRED.—The memoranda of agreement updated or entered into pursuant to subsection (a) shall include specific provisions pursuant to which the Service shall assume responsibility for—

"(1) the determination of the scope of the problem of alcohol and substance abuse among Indians, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

"(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

"(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

"(c) PUBLICATION.—Each memorandum of agreement entered into or renewed (and amendments or modifications thereto) under subsection (a) shall be published in the Federal Register. At the same time as publication in the Federal Register, the Secretary shall provide a copy of such memoranda, amendment, or modification to each Indian Tribe, Tribal Organization, and Urban Indian Organization.

"SEC. 703. COMPREHENSIVE BEHAVIORAL HEALTH PREVENTION AND TREATMENT PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide a program of comprehensive behavioral health, prevention, treatment, and aftercare, which shall include—

"(A) prevention, through educational intervention, in Indian communities;

"(B) acute detoxification, psychiatric hospitalization, residential, and intensive outpatient treatment;

"(C) community-based rehabilitation and aftercare;

"(D) community education and involvement, including extensive training of health care, educational, and community-based personnel;

"(E) specialized residential treatment programs for high-risk populations, including pregnant and postpartum women and their children; and

"(F) diagnostic services.

"(2) TARGET POPULATIONS.—The target population of such programs shall be members of Indian Tribes. Efforts to train and educate key members of the Indian community shall also target employees of health, education, judicial, law enforcement, legal, and social service programs.

"(b) CONTRACT HEALTH SERVICES.—

"(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may enter into contracts with public or private providers of behavioral health treatment services for the purpose of carrying out the program required under subsection (a).

"(2) PROVISION OF ASSISTANCE.—In carrying out this subsection, the Secretary shall provide assistance to Indian Tribes and Tribal Organizations to develop criteria for the certification of behavioral health service providers and accreditation of service facilities which meet minimum standards for such services and facilities.

"SEC. 704. MENTAL HEALTH TECHNICIAN PROGRAM.

"(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary shall establish and maintain a mental health technician program within the Service which—

“(1) provides for the training of Indians as mental health technicians; and

“(2) employs such technicians in the provision of community-based mental health care that includes identification, prevention, education, referral, and treatment services.

“(b) PARAPROFESSIONAL TRAINING.—In carrying out subsection (a), the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide high-standard paraprofessional training in mental health care necessary to provide quality care to the Indian communities to be served. Such training shall be based upon a curriculum developed or approved by the Secretary which combines education in the theory of mental health care with supervised practical experience in the provision of such care.

“(c) SUPERVISION AND EVALUATION OF TECHNICIANS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall supervise and evaluate the mental health technicians in the training program.

“(d) TRADITIONAL HEALTH CARE PRACTICES.—The Secretary, acting through the Service, shall ensure that the program established pursuant to this subsection involves the use and promotion of the traditional health care practices of the Indian Tribes to be served.

“SEC. 705. LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.

“(a) IN GENERAL.—Subject to the provisions of section 221, and except as provided in subsection (b), any individual employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under this Act is required to be licensed as a psychologist, social worker, or marriage and family therapist, respectively.

“(b) TRAINEES.—An individual may be employed as a trainee in psychology, social work, or marriage and family therapy to provide mental health care services described in subsection (a) if such individual—

“(1) works under the direct supervision of a licensed psychologist, social worker, or marriage and family therapist, respectively;

“(2) is enrolled in or has completed at least 2 years of course work at a post-secondary, accredited education program for psychology, social work, marriage and family therapy, or counseling; and

“(3) meets such other training, supervision, and quality review requirements as the Secretary may establish.

“SEC. 706. INDIAN WOMEN TREATMENT PROGRAMS.

“(a) GRANTS.—The Secretary, consistent with section 701, may make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations to develop and implement a comprehensive behavioral health program of prevention, intervention, treatment, and relapse prevention services that specifically addresses the cultural, historical, social, and child care needs of Indian women, regardless of age.

“(b) USE OF GRANT FUNDS.—A grant made pursuant to this section may be used to—

“(1) develop and provide community training, education, and prevention programs for Indian women relating to behavioral health issues, including fetal alcohol spectrum disorders;

“(2) identify and provide psychological services, counseling, advocacy, support, and relapse prevention to Indian women and their families; and

“(3) develop prevention and intervention models for Indian women which incorporate traditional health care practices, cultural values, and community and family involvement.

“(c) CRITERIA.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall establish criteria for the review and approval of applications and proposals for funding under this section.

“(d) EARMARK OF CERTAIN FUNDS.—Twenty percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations.

“SEC. 707. INDIAN YOUTH PROGRAM.

“(a) DETOXIFICATION AND REHABILITATION.—The Secretary, acting through the Service, consistent with section 701, shall develop and implement a program for acute detoxification and treatment for Indian youths, including behavioral health services. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis and programs developed and implemented by Indian Tribes or Tribal Organizations at the local level under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

“(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTERS OR FACILITIES.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, at least 1 youth regional treatment center or treatment network in each area under the jurisdiction of an Area Office.

“(B) AREA OFFICE IN CALIFORNIA.—For the purposes of this subsection, the Area Office in California shall be considered to be 2 Area Offices, 1 office whose jurisdiction shall be considered to encompass the northern area of the State of California, and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California for the purpose of implementing California treatment networks.

“(2) FUNDING.—For the purpose of staffing and operating such centers or facilities, funding shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).

“(3) LOCATION.—A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) agreed upon (by appropriate tribal resolution) by a majority of the Indian Tribes to be served by such center.

“(4) SPECIFIC PROVISION OF FUNDS.—

“(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

“(i) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating, and maintaining a residential youth treatment facility in Fairbanks, Alaska; and

“(ii) the Southeast Alaska Regional Health Corporation to staff and operate a residential youth treatment facility without regard to the proviso set forth in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

“(B) PROVISION OF SERVICES TO ELIGIBLE YOUTHS.—Until additional residential youth treatment facilities are established in Alaska pursuant to this section, the facilities specified in subparagraph (A) shall make every effort to provide services to all eligible Indian youths residing in Alaska.

“(c) INTERMEDIATE ADOLESCENT BEHAVIORAL HEALTH SERVICES.—

“(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide intermediate behavioral health services to Indian children and adolescents, including—

“(A) pretreatment assistance;

“(B) inpatient, outpatient, and aftercare services;

“(C) emergency care;

“(D) suicide prevention and crisis intervention; and

“(E) prevention and treatment of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence.

“(2) USE OF FUNDS.—Funds provided under this subsection may be used—

“(A) to construct or renovate an existing health facility to provide intermediate behavioral health services;

“(B) to hire behavioral health professionals;

“(C) to staff, operate, and maintain an intermediate mental health facility, group home, sober housing, transitional housing or similar facilities, or youth shelter where intermediate behavioral health services are being provided;

“(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units; and

“(E) for intensive home- and community-based services.

“(3) CRITERIA.—The Secretary, acting through the Service, shall, in consultation with Indian Tribes and Tribal Organizations, establish criteria for the review and approval of applications or proposals for funding made available pursuant to this subsection.

“(d) FEDERALLY-OWNED STRUCTURES.—

“(1) IN GENERAL.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall—

“(A) identify and use, where appropriate, federally-owned structures suitable for local residential or regional behavioral health treatment for Indian youths; and

“(B) establish guidelines for determining the suitability of any such federally-owned structure to be used for local residential or regional behavioral health treatment for Indian youths.

“(2) TERMS AND CONDITIONS FOR USE OF STRUCTURE.—Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure and any Indian Tribe or Tribal Organization operating the program.

“(e) REHABILITATION AND AFTERCARE SERVICES.—

“(1) IN GENERAL.—The Secretary, Indian Tribes, or Tribal Organizations, in cooperation with the Secretary of the Interior, shall develop and implement within each Service Unit, community-based rehabilitation and follow-up services for Indian youths who are having significant behavioral health problems, and require long-term treatment, community reintegration, and monitoring to support the Indian youths after their return to their home community.

“(2) ADMINISTRATION.—Services under paragraph (1) shall be provided by trained staff within the community who can assist the Indian youths in their continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff may include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

"(f) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youths authorized by this section, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide for the inclusion of family members of such youths in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (e) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

"(g) MULTIDRUG ABUSE PROGRAM.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide, consistent with section 701, programs and services to prevent and treat the abuse of multiple forms of substances, including alcohol, drugs, inhalants, and tobacco, among Indian youths residing in Indian communities, on or near reservations, and in urban areas and provide appropriate mental health services to address the incidence of mental illness among such youths.

"(h) INDIAN YOUTH MENTAL HEALTH.—The Secretary, acting through the Service, shall collect data for the report under section 801 with respect to—

"(1) the number of Indian youth who are being provided mental health services through the Service and Tribal Health Programs;

"(2) a description of, and costs associated with, the mental health services provided for Indian youth through the Service and Tribal Health Programs;

"(3) the number of youth referred to the Service or Tribal Health Programs for mental health services;

"(4) the number of Indian youth provided residential treatment for mental health and behavioral problems through the Service and Tribal Health Programs, reported separately for on- and off-reservation facilities; and

"(5) the costs of the services described in paragraph (4).

"SEC. 708. INDIAN YOUTH TELEMENTAL HEALTH DEMONSTRATION PROJECT.

"(a) PURPOSE.—The purpose of this section is to authorize the Secretary to carry out a demonstration project to test the use of telemental health services in suicide prevention, intervention and treatment of Indian youth, including through—

"(1) the use of psychotherapy, psychiatric assessments, diagnostic interviews, therapies for mental health conditions predisposing to suicide, and alcohol and substance abuse treatment;

"(2) the provision of clinical expertise to, consultation services with, and medical advice and training for frontline health care providers working with Indian youth;

"(3) training and related support for community leaders, family members and health and education workers who work with Indian youth;

"(4) the development of culturally-relevant educational materials on suicide; and

"(5) data collection and reporting.

"(b) DEFINITIONS.—For the purpose of this section, the following definitions shall apply:

"(1) DEMONSTRATION PROJECT.—The term 'demonstration project' means the Indian youth telemental health demonstration project authorized under subsection (c).

"(2) TELEMENTAL HEALTH.—The term 'telemental health' means the use of electronic information and telecommunications technologies to support long distance mental health care, patient and professional-related education, public health, and health administration.

"(c) AUTHORIZATION.—

"(1) IN GENERAL.—The Secretary is authorized to award grants under the demonstration project for the provision of telemental health services to Indian youth who—

"(A) have expressed suicidal ideas;

"(B) have attempted suicide; or

"(C) have mental health conditions that increase or could increase the risk of suicide.

"(2) ELIGIBILITY FOR GRANTS.—Such grants shall be awarded to Indian Tribes and Tribal Organizations that operate 1 or more facilities—

"(A) located in Alaska and part of the Alaska Federal Health Care Access Network;

"(B) reporting active clinical telehealth capabilities; or

"(C) offering school-based telemental health services relating to psychiatry to Indian youth.

"(3) GRANT PERIOD.—The Secretary shall award grants under this section for a period of up to 4 years.

"(4) AWARDING OF GRANTS.—Not more than 5 grants shall be provided under paragraph (1), with priority consideration given to Indian Tribes and Tribal Organizations that—

"(A) serve a particular community or geographic area where there is a demonstrated need to address Indian youth suicide;

"(B) enter in to collaborative partnerships with Indian Health Service or Tribal Health Programs or facilities to provide services under this demonstration project;

"(C) serve an isolated community or geographic area which has limited or no access to behavioral health services; or

"(D) operate a detention facility at which Indian youth are detained.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—An Indian Tribe or Tribal Organization shall use a grant received under subsection (c) for the following purposes:

"(A) To provide telemental health services to Indian youth, including the provision of—

"(i) psychotherapy;

"(ii) psychiatric assessments and diagnostic interviews, therapies for mental health conditions predisposing to suicide, and treatment; and

"(iii) alcohol and substance abuse treatment.

"(B) To provide clinician-interactive medical advice, guidance and training, assistance in diagnosis and interpretation, crisis counseling and intervention, and related assistance to Service, tribal, or urban clinicians and health services providers working with youth being served under this demonstration project.

"(C) To assist, educate and train community leaders, health education professionals and paraprofessionals, tribal outreach workers, and family members who work with the youth receiving telemental health services under this demonstration project, including with identification of suicidal tendencies, crisis intervention and suicide prevention, emergency skill development, and building and expanding networks among these individuals and with State and local health services providers.

"(D) To develop and distribute culturally appropriate community educational materials on—

"(i) suicide prevention;

"(ii) suicide education;

"(iii) suicide screening;

"(iv) suicide intervention; and

"(v) ways to mobilize communities with respect to the identification of risk factors for suicide.

"(E) For data collection and reporting related to Indian youth suicide prevention efforts.

"(2) TRADITIONAL HEALTH CARE PRACTICES.—In carrying out the purposes described in paragraph (1), an Indian Tribe or Tribal Organization may use and promote the traditional health care practices of the Indian Tribes of the youth to be served.

"(e) APPLICATIONS.—To be eligible to receive a grant under subsection (c), an Indian Tribe or Tribal Organization shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of the project that the Indian Tribe or Tribal Organization will carry out using the funds provided under the grant;

"(2) a description of the manner in which the project funded under the grant would—

"(A) meet the telemental health care needs of the Indian youth population to be served by the project; or

"(B) improve the access of the Indian youth population to be served to suicide prevention and treatment services;

"(3) evidence of support for the project from the local community to be served by the project;

"(4) a description of how the families and leadership of the communities or populations to be served by the project would be involved in the development and ongoing operations of the project;

"(5) a plan to involve the tribal community of the youth who are provided services by the project in planning and evaluating the mental health care and suicide prevention efforts provided, in order to ensure the integration of community, clinical, environmental, and cultural components of the treatment; and

"(6) a plan for sustaining the project after Federal assistance for the demonstration project has terminated.

"(f) COLLABORATION; REPORTING TO NATIONAL CLEARINGHOUSE.—

"(1) COLLABORATION.—The Secretary, acting through the Service, shall encourage Indian Tribes and Tribal Organizations receiving grants under this section to collaborate to enable comparisons about best practices across projects.

"(2) REPORTING TO NATIONAL CLEARINGHOUSE.—The Secretary, acting through the Service, shall also encourage Indian Tribes and Tribal Organizations receiving grants under this section to submit relevant, declassified project information to the national clearinghouse authorized under section 701(b)(2) in order to better facilitate program performance and improve suicide prevention, intervention, and treatment services.

"(g) ANNUAL REPORT.—Each grant recipient shall submit to the Secretary an annual report that—

"(1) describes the number of telemental health services provided; and

"(2) includes any other information that the Secretary may require.

"(h) REPORT TO CONGRESS.—Not later than 270 days after the termination of the demonstration project, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural

Resources and Committee on Energy and Commerce of the House of Representatives a final report, based on the annual reports provided by grant recipients under subsection (h), that—

"(1) describes the results of the projects funded by grants awarded under this section, including any data available which indicates the number of attempted suicides;

"(2) evaluates the impact of the telemental health services funded by the grants in reducing the number of completed suicides among Indian youth;

"(3) evaluates whether the demonstration project should be—

"(A) expanded to provide more than 5 grants; and

"(B) designated a permanent program; and

"(4) evaluates the benefits of expanding the demonstration project to include Urban Indian Organizations.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **$1,500,000** for each of fiscal years 2008 through 2011.

"SEC. 709. INPATIENT AND COMMUNITY-BASED MENTAL HEALTH FACILITIES DESIGN, CONSTRUCTION, AND STAFFING.

"Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide, in each area of the Service, not less than 1 inpatient mental health care facility, or the equivalent, for Indians with behavioral health problems. For the purposes of this subsection, California shall be considered to be 2 Area Offices, 1 office whose location shall be considered to encompass the northern area of the State of California and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California. The Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

"SEC. 710. TRAINING AND COMMUNITY EDUCATION.

"(a) PROGRAM.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement or assist Indian Tribes and Tribal Organizations to develop and implement, within each Service Unit or tribal program, a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education about behavioral health issues to political leaders, Tribal judges, law enforcement personnel, members of tribal health and education boards, health care providers including traditional practitioners, and other critical members of each tribal community. Such program may also include community-based training to develop local capacity and tribal community provider training for prevention, intervention, treatment, and aftercare.

"(b) INSTRUCTION.—The Secretary, acting through the Service, shall, either directly or through Indian Tribes and Tribal Organizations, provide instruction in the area of behavioral health issues, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, child sexual abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol spectrum disorders to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

"(c) TRAINING MODELS.—In carrying out the education and training programs required by this section, the Secretary, in consultation with Indian Tribes, Tribal Organizations, Indian behavioral health experts, and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

"(1) the elevated risk of alcohol and behavioral health problems faced by children of alcoholics;

"(2) the cultural, spiritual, and multigenerational aspects of behavioral health problem prevention and recovery; and

"(3) community-based and multidisciplinary strategies for preventing and treating behavioral health problems.

"SEC. 711. BEHAVIORAL HEALTH PROGRAM.

"(a) INNOVATIVE PROGRAMS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, consistent with section 701, may plan, develop, implement, and carry out programs to deliver innovative community-based behavioral health services to Indians.

"(b) AWARDS; CRITERIA.—The Secretary may award a grant for a project under subsection (a) to an Indian Tribe or Tribal Organization and may consider the following criteria:

"(1) The project will address significant unmet behavioral health needs among Indians.

"(2) The project will serve a significant number of Indians.

"(3) The project has the potential to deliver services in an efficient and effective manner.

"(4) The Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

"(5) The project may deliver services in a manner consistent with traditional health care practices.

"(6) The project is coordinated with, and avoids duplication of, existing services.

"(c) EQUITABLE TREATMENT.—For purposes of this subsection, the Secretary shall, in evaluating project applications or proposals, use the same criteria that the Secretary uses in evaluating any other application or proposal for such funding.

"SEC. 712. FETAL ALCOHOL SPECTRUM DISORDERS PROGRAMS.

"(a) PROGRAMS.—

"(1) ESTABLISHMENT.—The Secretary, consistent with section 701, acting through the Service, Indian Tribes, and Tribal Organizations, is authorized to establish and operate fetal alcohol spectrum disorders programs as provided in this section for the purposes of meeting the health status objectives specified in section 3.

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—Funding provided pursuant to this section shall be used for the following:

"(i) To develop and provide for Indians community and in-school training, education, and prevention programs relating to fetal alcohol spectrum disorders.

"(ii) To identify and provide behavioral health treatment to high-risk Indian women and high-risk women pregnant with an Indian's child.

"(iii) To identify and provide appropriate psychological services, educational and vocational support, counseling, advocacy, and information to fetal alcohol spectrum disorders-affected Indians and their families or caretakers.

"(iv) To develop and implement counseling and support programs in schools for fetal alcohol spectrum disorders-affected Indian children.

"(v) To develop prevention and intervention models which incorporate practitioners of traditional health care practices, cultural values, and community involvement.

"(vi) To develop, print, and disseminate education and prevention materials on fetal alcohol spectrum disorders.

"(vii) To develop and implement, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, culturally sensitive assessment and diagnostic tools including dysmorphology clinics and multidisciplinary fetal alcohol spectrum disorders clinics for use in Indian communities and Urban Centers.

"(B) ADDITIONAL USES.—In addition to any purpose under subparagraph (A), funding provided pursuant to this section may be used for 1 or more of the following:

"(i) Early childhood intervention projects from birth on to mitigate the effects of fetal alcohol spectrum disorders among Indians.

"(ii) Community-based support services for Indians and women pregnant with Indian children.

"(iii) Community-based housing for adult Indians with fetal alcohol spectrum disorders.

"(3) CRITERIA FOR APPLICATIONS.—The Secretary shall establish criteria for the review and approval of applications for funding under this section.

"(b) SERVICES.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall—

"(1) develop and provide services for the prevention, intervention, treatment, and aftercare for those affected by fetal alcohol spectrum disorders in Indian communities; and

"(2) provide supportive services, including services to meet the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians with fetal alcohol spectrum disorders.

"(c) TASK FORCE.—The Secretary shall establish a task force to be known as the Fetal Alcohol Spectrum Disorders Task Force to advise the Secretary in carrying out subsection (b). Such task force shall be composed of representatives from the following:

"(1) The National Institute on Drug Abuse.

"(2) The National Institute on Alcohol and Alcoholism.

"(3) The Office of Substance Abuse Prevention.

"(4) The National Institute of Mental Health.

"(5) The Service.

"(6) The Office of Minority Health of the Department of Health and Human Services.

"(7) The Administration for Native Americans.

"(8) The National Institute of Child Health and Human Development (NICHD).

"(9) The Centers for Disease Control and Prevention.

"(10) The Bureau of Indian Affairs.

"(11) Indian Tribes.

"(12) Tribal Organizations.

"(13) Urban Indian communities.

"(14) Indian fetal alcohol spectrum disorders experts.

"(d) APPLIED RESEARCH PROJECTS.—The Secretary, acting through the Substance

Abuse and Mental Health Services Administration, shall make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide rehabilitation and behavioral health aftercare for Indians and Urban Indians affected by fetal alcohol spectrum disorders.

"(e) FUNDING FOR URBAN INDIAN ORGANIZATIONS.—Ten percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations funded under title V.

"SEC. 713. CHILD SEXUAL ABUSE PREVENTION AND TREATMENT PROGRAMS.

"(a) ESTABLISHMENT.—The Secretary, acting through the Service, and the Secretary of the Interior, Indian Tribes, and Tribal Organizations, shall establish, consistent with section 701, in every Service Area, programs involving treatment for—

"(1) victims of sexual abuse who are Indian children or children in an Indian household; and

"(2) perpetrators of child sexual abuse who are Indian or members of an Indian household.

"(b) USE OF FUNDS.—Funding provided pursuant to this section shall be used for the following:

"(1) To develop and provide community education and prevention programs related to sexual abuse of Indian children or children in an Indian household.

"(2) To identify and provide behavioral health treatment to victims of sexual abuse who are Indian children or children in an Indian household, and to their family members who are affected by sexual abuse.

"(3) To develop prevention and intervention models which incorporate traditional health care practices, cultural values, and community involvement.

"(4) To develop and implement culturally sensitive assessment and diagnostic tools for use in Indian communities and Urban Centers.

"(5) To identify and provide behavioral health treatment to Indian perpetrators and perpetrators who are members of an Indian household—

"(A) making efforts to begin offender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the perpetrator is not incarcerated; and

"(B) providing treatment after the perpetrator is released, until it is determined that the perpetrator is not a threat to children.

"(c) COORDINATION.—The programs established under subsection (a) shall be carried out in coordination with programs and services authorized under the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.).

"SEC. 714. DOMESTIC AND SEXUAL VIOLENCE PREVENTION AND TREATMENT.

"(a) IN GENERAL.—The Secretary, in accordance with section 701, is authorized to establish in each Service Area programs involving the prevention and treatment of—

"(1) Indian victims of domestic violence or sexual abuse; and

"(2) perpetrators of domestic violence or sexual abuse who are Indian or members of an Indian household.

"(b) USE OF FUNDS.—Funds made available to carry out this section shall be used—

"(1) to develop and implement prevention programs and community education programs relating to domestic violence and sexual abuse;

"(2) to provide behavioral health services, including victim support services, and medical treatment (including examinations performed by sexual assault nurse examiners) to Indian victims of domestic violence or sexual abuse;

"(3) to purchase rape kits.

"(4) to develop prevention and intervention models, which may incorporate traditional health care practices; and

"(5) to identify and provide behavioral health treatment to perpetrators who are Indian or members of an Indian household.

"(c) TRAINING AND CERTIFICATION.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall establish appropriate protocols, policies, procedures, standards of practice, and, if not available elsewhere, training curricula and training and certification requirements for services for victims of domestic violence and sexual abuse.

"(2) REPORT.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the means and extent to which the Secretary has carried out paragraph (1).

"(d) COORDINATION.—

"(1) IN GENERAL.—The Secretary, in coordination with the Attorney General, Federal and tribal law enforcement agencies, Indian Health Programs, and domestic violence or sexual assault victim organizations, shall develop appropriate victim services and victim advocate training programs—

"(A) to improve domestic violence or sexual abuse responses;

"(B) to improve forensic examinations and collection;

"(C) to identify problems or obstacles in the prosecution of domestic violence or sexual abuse; and

"(D) to meet other needs or carry out other activities required to prevent, treat, and improve prosecutions of domestic violence and sexual abuse.

"(2) REPORT.—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes, with respect to the matters described in paragraph (1), the improvements made and needed, problems or obstacles identified, and costs necessary to address the problems or obstacles, and any other recommendations that the Secretary determines to be appropriate.

"SEC. 715. BEHAVIORAL HEALTH RESEARCH.

"The Secretary, in consultation with appropriate Federal agencies, shall make grants to, or enter into contracts with, Indian Tribes, Tribal Organizations, and Urban Indian Organizations or enter into contracts with, or make grants to appropriate institutions for, the conduct of research on the incidence and prevalence of behavioral health problems among Indians served by the Service, Indian Tribes, or Tribal Organizations and among Indians in urban areas. Research priorities under this section shall include—

"(1) the multifactorial causes of Indian youth suicide, including—

"(A) protective and risk factors and scientific data that identifies those factors; and

"(B) the effects of loss of cultural identity and the development of scientific data on those effects;

"(2) the interrelationship and interdependence of behavioral health problems with alcoholism and other substance abuse, suicide, homicides, other injuries, and the incidence of family violence; and

"(3) the development of models of prevention techniques.

The effect of the interrelationships and interdependencies referred to in paragraph (2) on children, and the development of prevention techniques under paragraph (3) applicable to children, shall be emphasized.

"SEC. 716. DEFINITIONS.

"For the purpose of this title, the following definitions shall apply:

"(1) ASSESSMENT.—The term 'assessment' means the systematic collection, analysis, and dissemination of information on health status, health needs, and health problems.

"(2) ALCOHOL-RELATED NEURODEVELOPMENTAL DISORDERS OR ARND.—The term 'alcohol-related neurodevelopmental disorders' or 'ARND' means any 1 of a spectrum of effects that—

"(A) may occur when a woman drinks alcohol during pregnancy; and

"(B) involves a central nervous system abnormality that may be structural, neurological, or functional.

"(3) BEHAVIORAL HEALTH AFTERCARE.—The term 'behavioral health aftercare' includes those activities and resources used to support recovery following inpatient, residential, intensive substance abuse, or mental health outpatient or outpatient treatment. The purpose is to help prevent or deal with relapse by ensuring that by the time a client or patient is discharged from a level of care, such as outpatient treatment, an aftercare plan has been developed with the client. An aftercare plan may use such resources as a community-based therapeutic group, transitional living facilities, a 12-step sponsor, a local 12-step or other related support group, and other community-based providers.

"(4) DUAL DIAGNOSIS.—The term 'dual diagnosis' means coexisting substance abuse and mental illness conditions or diagnosis. Such clients are sometimes referred to as mentally ill chemical abusers (MICAs).

"(5) FETAL ALCOHOL SPECTRUM DISORDERS.—

"(A) IN GENERAL.—The term 'fetal alcohol spectrum disorders' includes a range of effects that can occur in an individual whose mother drank alcohol during pregnancy, including physical, mental, behavioral, and/or learning disabilities with possible lifelong implications.

"(B) INCLUSIONS.—The term 'fetal alcohol spectrum disorders' may include—

"(i) fetal alcohol syndrome (FAS);

"(ii) fetal alcohol effect (FAE);

"(iii) alcohol-related birth defects; and

"(iv) alcohol-related neurodevelopmental disorders (ARND).

"(6) FETAL ALCOHOL SYNDROME OR FAS.—The term 'fetal alcohol syndrome' or 'FAS' means any 1 of a spectrum of effects that may occur when a woman drinks alcohol during pregnancy, the diagnosis of which involves the confirmed presence of the following 3 criteria:

"(A) Craniofacial abnormalities.

"(B) Growth deficits.

"(C) Central nervous system abnormalities.

"(7) REHABILITATION.—The term 'rehabilitation' means to restore the ability or capacity to engage in usual and customary life activities through education and therapy.

"(8) SUBSTANCE ABUSE.—The term 'substance abuse' includes inhalant abuse.

“SEC. 717. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out the provisions of this title.

“TITLE VIII—MISCELLANEOUS

“SEC. 801. REPORTS.

“For each fiscal year following the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall transmit to Congress a report containing the following:

“(1) A report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and assessments and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians and ensure a health status for Indians, which are at a parity with the health services available to and the health status of the general population.

“(2) A report on whether, and to what extent, new national health care programs, benefits, initiatives, or financing systems have had an impact on the purposes of this Act and any steps that the Secretary may have taken to consult with Indian Tribes, Tribal Organizations, and Urban Indian Organizations to address such impact, including a report on proposed changes in allocation of funding pursuant to section 808.

“(3) A report on the use of health services by Indians—

“(A) on a national and area or other relevant geographical basis;

“(B) by gender and age;

“(C) by source of payment and type of service;

“(D) comparing such rates of use with rates of use among comparable non-Indian populations; and

“(E) provided under contracts.

“(4) A report of contractors to the Secretary on Health Care Educational Loan Repayments every 6 months required by section 110.

“(5) A general audit report of the Secretary on the Health Care Educational Loan Repayment Program as required by section 110(n).

“(6) A report of the findings and conclusions of demonstration programs on development of educational curricula for substance abuse counseling as required in section 125(f).

“(7) A separate statement which specifies the amount of funds requested to carry out the provisions of section 201.

“(8) A report of the evaluations of health promotion and disease prevention as required in section 203(c).

“(9) A biennial report to Congress on infectious diseases as required by section 212.

“(10) A report on environmental and nuclear health hazards as required by section 215.

“(11) An annual report on the status of all health care facilities needs as required by section 301(c)(2)(B) and 301(d).

“(12) Reports on safe water and sanitary waste disposal facilities as required by section 302(h).

“(13) An annual report on the expenditure of non-Service funds for renovation as required by sections 304(b)(2).

“(14) A report identifying the backlog of maintenance and repair required at Service and tribal facilities required by section 313(a).

“(15) A report providing an accounting of reimbursement funds made available to the Secretary under titles XVIII, XIX, and XXI of the Social Security Act.

“(16) A report on any arrangements for the sharing of medical facilities or services, as authorized by section 406.

“(17) A report on evaluation and renewal of Urban Indian programs under section 505.

“(18) A report on the evaluation of programs as required by section 513(d).

“(19) A report on alcohol and substance abuse as required by section 701(f).

“(20) A report on Indian youth mental health services as required by section 707(h).

“(21) A report on the reallocation of base resources if required by section 808.

“SEC. 802. REGULATIONS.

“(a) DEADLINES.—

“(1) PROCEDURES.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations or amendments thereto that are necessary to carry out titles II (except section 202) and VII, the sections of title III for which negotiated rulemaking is specifically required, and section 807. Unless otherwise required, the Secretary may promulgate regulations to carry out titles I, III, IV, and V, and section 202, using the procedures required by chapter V of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).

“(2) PROPOSED REGULATIONS.—Proposed regulations to implement this Act shall be published in the Federal Register by the Secretary no later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 and shall have no less than a 120-day comment period.

“(3) FINAL REGULATIONS.—The Secretary shall publish in the Federal Register final regulations to implement this Act by not later than 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007.

“(b) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and representatives of Indian Tribes, and Tribal Organizations, a majority of whom shall be nominated by and be representatives of Indian Tribes and Tribal Organizations from each Service Area.

“(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

“(d) LACK OF REGULATIONS.—The lack of promulgated regulations shall not limit the effect of this Act.

“(e) INCONSISTENT REGULATIONS.—The provisions of this Act shall supersede any conflicting provisions of law in effect on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act.

“SEC. 803. PLAN OF IMPLEMENTATION.

“Not later than 9 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall submit to Congress a plan explaining the manner and schedule, by title and section, by which the Secretary will implement the provisions of this Act. This consultation may be conducted jointly with the annual budget consultation pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq).

“SEC. 804. AVAILABILITY OF FUNDS.

“The funds appropriated pursuant to this Act shall remain available until expended.

“SEC. 805. LIMITATION ON USE OF FUNDS APPROPRIATED TO INDIAN HEALTH SERVICE.

“Any limitation on the use of funds contained in an Act providing appropriations for the Department for a period with respect to the performance of abortions shall apply for that period with respect to the performance of abortions using funds contained in an Act providing appropriations for the Service.

“SEC. 806. ELIGIBILITY OF CALIFORNIA INDIANS.

“(a) IN GENERAL.—The following California Indians shall be eligible for health services provided by the Service:

“(1) Any member of a federally recognized Indian Tribe.

“(2) Any descendant of an Indian who was residing in California on June 1, 1852, if such descendant—

“(A) is a member of the Indian community served by a local program of the Service; and

“(B) is regarded as an Indian by the community in which such descendant lives.

“(3) Any Indian who holds trust interests in public domain, national forest, or reservation allotments in California.

“(4) Any Indian in California who is listed on the plans for distribution of the assets of rancherias and reservations located within the State of California under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

“(b) CLARIFICATION.—Nothing in this section may be construed as expanding the eligibility of California Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

“SEC. 807. HEALTH SERVICES FOR INELIGIBLE PERSONS.

“(a) CHILDREN.—Any individual who—

“(1) has not attained 19 years of age;

“(2) is the natural or adopted child, stepchild, foster child, legal ward, or orphan of an eligible Indian; and

“(3) is not otherwise eligible for health services provided by the Service,

shall be eligible for all health services provided by the Service on the same basis and subject to the same rules that apply to eligible Indians until such individual attains 19 years of age. The existing and potential health needs of all such individuals shall be taken into consideration by the Service in determining the need for, or the allocation of, the health resources of the Service. If such an individual has been determined to be legally incompetent prior to attaining 19 years of age, such individual shall remain eligible for such services until 1 year after the date of a determination of competency.

“(b) SPOUSES.—Any spouse of an eligible Indian who is not an Indian, or who is of Indian descent but is not otherwise eligible for the health services provided by the Service, shall be eligible for such health services if all such spouses or spouses who are married to members of each Indian Tribe being served are made eligible, as a class, by an appropriate resolution of the governing body of the Indian Tribe or Tribal Organization providing such services. The health needs of persons made eligible under this paragraph shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

“(c) PROVISION OF SERVICES TO OTHER INDIVIDUALS.—

"(1) In General.—The Secretary is authorized to provide health services under this subsection through health programs operated directly by the Service to individuals who reside within the Service Unit and who are not otherwise eligible for such health services if—

"(A) the Indian Tribes served by such Service Unit request such provision of health services to such individuals; and

"(B) the Secretary and the served Indian Tribes have jointly determined that—

"(i) the provision of such health services will not result in a denial or diminution of health services to eligible Indians; and

"(ii) there is no reasonable alternative health facilities or services, within or without the Service Unit, available to meet the health needs of such individuals.

"(2) ISDEAA Programs.—In the case of health programs and facilities operated under a contract or compact entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the governing body of the Indian Tribe or Tribal Organization providing health services under such contract or compact is authorized to determine whether health services should be provided under such contract to individuals who are not eligible for such health services under any other subsection of this section or under any other provision of law. In making such determinations, the governing body of the Indian Tribe or Tribal Organization shall take into account the considerations described in paragraph (1)(B).

"(3) Payment for Services.—

"(A) In General.—Persons receiving health services provided by the Service under this subsection shall be liable for payment of such health services under a schedule of charges prescribed by the Secretary which, in the judgment of the Secretary, results in reimbursement in an amount not less than the actual cost of providing the health services. Notwithstanding section 404 of this Act or any other provision of law, amounts collected under this subsection, including Medicare, Medicaid, or SCHIP reimbursements under titles XVIII, XIX, and XXI of the Social Security Act, shall be credited to the account of the program providing the service and shall be used for the purposes listed in section 401(d)(2) and amounts collected under this subsection shall be available for expenditure within such program.

"(B) Indigent People.—Health services may be provided by the Secretary through the Service under this subsection to an indigent individual who would not be otherwise eligible for such health services but for the provisions of paragraph (1) only if an agreement has been entered into with a State or local government under which the State or local government agrees to reimburse the Service for the expenses incurred by the Service in providing such health services to such indigent individual.

"(4) Revocation of Consent for Services.—

"(A) Single Tribe Service Area.—In the case of a Service Area which serves only 1 Indian Tribe, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which the governing body of the Indian Tribe revokes its concurrence to the provision of such health services.

"(B) Multitribal Service Area.—In the case of a multitribal Service Area, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which at least 51 percent of the number of Indian Tribes in the Service Area revoke their concurrence to the provisions of such health services.

"(d) Other Services.—The Service may provide health services under this subsection to individuals who are not eligible for health services provided by the Service under any other provision of law in order to—

"(1) achieve stability in a medical emergency;

"(2) prevent the spread of a communicable disease or otherwise deal with a public health hazard;

"(3) provide care to non-Indian women pregnant with an eligible Indian's child for the duration of the pregnancy through postpartum; or

"(4) provide care to immediate family members of an eligible individual if such care is directly related to the treatment of the eligible individual.

"(e) Hospital Privileges for Practitioners.—Hospital privileges in health facilities operated and maintained by the Service or operated under a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) may be extended to non-Service health care practitioners who provide services to individuals described in subsection (a), (b), (c), or (d). Such non-Service health care practitioners may, as part of the privileging process, be designated as employees of the Federal Government for purposes of section 1346(b) and chapter 171 of title 28, United States Code (relating to Federal tort claims) only with respect to acts or omissions which occur in the course of providing services to eligible individuals as a part of the conditions under which such hospital privileges are extended.

"(f) Eligible Indian.—For purposes of this section, the term 'eligible Indian' means any Indian who is eligible for health services provided by the Service without regard to the provisions of this section.

"SEC. 808. REALLOCATION OF BASE RESOURCES.

"(a) Report Required.—Notwithstanding any other provision of law, any allocation of Service funds for a fiscal year that reduces by 5 percent or more from the previous fiscal year the funding for any recurring program, project, or activity of a Service Unit may be implemented only after the Secretary has submitted to Congress, under section 801, a report on the proposed change in allocation of funding, including the reasons for the change and its likely effects.

"(b) Exception.—Subsection (a) shall not apply if the total amount appropriated to the Service for a fiscal year is at least 5 percent less than the amount appropriated to the Service for the previous fiscal year.

"SEC. 809. RESULTS OF DEMONSTRATION PROJECTS.

"The Secretary shall provide for the dissemination to Indian Tribes, Tribal Organizations, and Urban Indian Organizations of the findings and results of demonstration projects conducted under this Act.

"SEC. 810. PROVISION OF SERVICES IN MONTANA.

"(a) Consistent With Court Decision.—The Secretary, acting through the Service, shall provide services and benefits for Indians in Montana in a manner consistent with the decision of the United States Court of Appeals for the Ninth Circuit in McNabb for McNabb v. Bowen, 829 F.2d 787 (9th Cir. 1987).

"(b) Clarification.—The provisions of subsection (a) shall not be construed to be an expression of the sense of Congress on the application of the decision described in subsection (a) with respect to the provision of services or benefits for Indians living in any State other than Montana.

"SEC. 811. MORATORIUM.

"During the period of the moratorium imposed on implementation of the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service, the Indian Health Service shall provide services pursuant to the criteria for eligibility for such services that were in effect on September 15, 1987, subject to the provisions of sections 806 and 807, until the Service has submitted to the Committees on Appropriations of the Senate and the House of Representatives a budget request reflecting the increased costs associated with the proposed final rule, and the request has been included in an appropriations Act and enacted into law.

"SEC. 812. TRIBAL EMPLOYMENT.

"For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, chapter 372), an Indian Tribe or Tribal Organization carrying out a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not be considered an 'employer'.

"SEC. 813. SEVERABILITY PROVISIONS.

"If any provision of this Act, any amendment made by the Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act, the remaining amendments made by this Act, and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

"SEC. 814. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON INDIAN HEALTH CARE.

"(a) Establishment.—There is established the National Bipartisan Indian Health Care Commission (the 'Commission').

"(b) Duties of Commission.—The duties of the Commission are the following:

"(1) To establish a study committee composed of those members of the Commission appointed by the Director of the Service and at least 4 members of Congress from among the members of the Commission, the duties of which shall be the following:

"(A) To the extent necessary to carry out its duties, collect and compile data necessary to understand the extent of Indian needs with regard to the provision of health services, regardless of the location of Indians, including holding hearings and soliciting the views of Indians, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, which may include authorizing and making funds available for feasibility studies of various models for providing and funding health services for all Indian beneficiaries, including those who live outside of a reservation, temporarily or permanently.

"(B) To make legislative recommendations to the Commission regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

"(C) To determine the effect of the enactment of such recommendations on (i) the existing system of delivery of health services for Indians, and (ii) the sovereign status of Indian Tribes.

“(D) Not later than 12 months after the appointment of all members of the Commission, to submit a written report of its findings and recommendations to the full Commission. The report shall include a statement of the minority and majority position of the Committee and shall be disseminated, at a minimum, to every Indian Tribe, Tribal Organization, and Urban Indian Organization for comment to the Commission.

“(E) To report regularly to the full Commission regarding the findings and recommendations developed by the study committee in the course of carrying out its duties under this section.

“(2) To review and analyze the recommendations of the report of the study committee.

“(3) To make legislative recommendations to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

“(4) Not later than 18 months following the date of appointment of all members of the Commission, submit a written report to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

“(c) MEMBERS.—

“(1) APPOINTMENT.—The Commission shall be composed of 25 members, appointed as follows:

“(A) Ten members of Congress, including 3 from the House of Representatives and 2 from the Senate, appointed by their respective majority leaders, and 3 from the House of Representatives and 2 from the Senate, appointed by their respective minority leaders, and who shall be members of the standing committees of Congress that consider legislation affecting health care to Indians.

“(B) Twelve persons chosen by the congressional members of the Commission, 1 from each Service Area as currently designated by the Director of the Service to be chosen from among 3 nominees from each Service Area put forward by the Indian Tribes within the area, with due regard being given to the experience and expertise of the nominees in the provision of health care to Indians and to a reasonable representation on the commission of members who are familiar with various health care delivery modes and who represent Indian Tribes of various size populations.

“(C) Three persons appointed by the Director who are knowledgeable about the provision of health care to Indians, at least 1 of whom shall be appointed from among 3 nominees put forward by those programs whose funds are provided in whole or in part by the Service primarily or exclusively for the benefit of Urban Indians.

“(D) All those persons chosen by the congressional members of the Commission and by the Director shall be members of federally recognized Indian Tribes.

“(2) CHAIR; VICE CHAIR.—The Chair and Vice Chair of the Commission shall be selected by the congressional members of the Commission.

“(3) TERMS.—The terms of members of the Commission shall be for the life of the Commission.

“(4) DEADLINE FOR APPOINTMENTS.—Congressional members of the Commission shall be appointed not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, and the remaining members of the Commission shall be appointed not later than 60 days following the appointment of the congressional members.

“(5) VACANCY.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

“(d) COMPENSATION.—

“(1) CONGRESSIONAL MEMBERS.—Each congressional member of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission and shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

“(2) OTHER MEMBERS.—Remaining members of the Commission, while serving on the business of the Commission (including travel time), shall be entitled to receive compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Chairman of the Commission. For purpose of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the United States Senate.

“(e) MEETINGS.—The Commission shall meet at the call of the Chair.

“(f) QUORUM.—A quorum of the Commission shall consist of not less than 15 members, provided that no less than 6 of the members of Congress who are Commission members are present and no less than 9 of the members who are Indians are present.

“(g) EXECUTIVE DIRECTOR; STAFF; FACILITIES.—

“(1) APPOINTMENT; PAY.—The Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic pay for level V of the Executive Schedule.

“(2) STAFF APPOINTMENT.—With the approval of the Commission, the executive director may appoint such personnel as the executive director deems appropriate.

“(3) STAFF PAY.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

“(4) TEMPORARY SERVICES.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“(5) FACILITIES.—The Administrator of General Services shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

“(h) HEARINGS.—(1) For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, provided that at least 6 regional hearings are held in different areas of the United States in which large numbers of Indians are present. Such hearings are to be held to solicit the views of Indians regarding the delivery of health care services to them. To constitute a hearing under this subsection, at least 5 members of the Commission, including at least 1 member of Congress, must be present. Hearings held by the study committee established in this section may count toward the number of regional hearings required by this subsection.

“(2)(A) The Director of the Congressional Budget Office or the Chief Actuary of the Centers for Medicare & Medicaid Services, or both, shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.

“(B) The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of that Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).

“(3) Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

“(4) Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

“(5) The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

“(6) The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 4, United States Code. Upon request of the Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

“(7) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

“(8) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of Congress.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 to carry out the provisions of this section, which sum shall not be deducted from or affect any other appropriation for health care for Indian persons.

“(j) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

“SEC. 815. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS; QUALIFIED IMMUNITY FOR PARTICIPANTS.

“(a) CONFIDENTIALITY OF RECORDS.—Medical quality assurance records created by or for any Indian Health Program or a health program of an Urban Indian Organization as part of a medical quality assurance program are confidential and privileged. Such records may not be disclosed to any person or entity, except as provided in subsection (c).

“(b) PROHIBITION ON DISCLOSURE AND TESTIMONY.—

"(1) IN GENERAL.—No part of any medical quality assurance record described in subsection (a) may be subject to discovery or admitted into evidence in any judicial or administrative proceeding, except as provided in subsection (c).

"(2) TESTIMONY.—A person who reviews or creates medical quality assurance records for any Indian Health Program or Urban Indian Organization who participates in any proceeding that reviews or creates such records may not be permitted or required to testify in any judicial or administrative proceeding with respect to such records or with respect to any finding, recommendation, evaluation, opinion, or action taken by such person or body in connection with such records except as provided in this section.

"(c) AUTHORIZED DISCLOSURE AND TESTIMONY.—

"(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record described in subsection (a) may be disclosed, and a person referred to in subsection (b) may give testimony in connection with such a record, only as follows:

"(A) To a Federal executive agency or private organization, if such medical quality assurance record or testimony is needed by such agency or organization to perform licensing or accreditation functions related to any Indian Health Program or to a health program of an Urban Indian Organization to perform monitoring, required by law, of such program or organization.

"(B) To an administrative or judicial proceeding commenced by a present or former Indian Health Program or Urban Indian Organization provider concerning the termination, suspension, or limitation of clinical privileges of such health care provider.

"(C) To a governmental board or agency or to a professional health care society or organization, if such medical quality assurance record or testimony is needed by such board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was an employee of any Indian Health Program or Urban Indian Organization.

"(D) To a hospital, medical center, or other institution that provides health care services, if such medical quality assurance record or testimony is needed by such institution to assess the professional qualifications of any health care provider who is or was an employee of any Indian Health Program or Urban Indian Organization and who has applied for or been granted authority or employment to provide health care services in or on behalf of such program or organization.

"(E) To an officer, employee, or contractor of the Indian Health Program or Urban Indian Organization that created the records or for which the records were created. If that officer, employee, or contractor has a need for such record or testimony to perform official duties.

"(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality makes a written request that such record or testimony be provided for a purpose authorized by law.

"(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in subparagraph (F), but only with respect to the subject of such proceeding.

"(2) IDENTITY OF PARTICIPANTS.—With the exception of the subject of a quality assurance action, the identity of any person receiving health care services from any Indian Health Program or Urban Indian Organization or the identity of any other person associated with such program or organization for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record described in subsection (a) shall be deleted from that record or document before any disclosure of such record is made outside such program or organization. Such requirement does not apply to the release of information pursuant to section 552a of title 5.

"(d) DISCLOSURE FOR CERTAIN PURPOSES.—

"(1) IN GENERAL.—Nothing in this section shall be construed as authorizing or requiring the withholding from any person or entity aggregate statistical information regarding the results of any Indian Health Program or Urban Indian Organizations's medical quality assurance programs.

"(2) WITHHOLDING FROM CONGRESS.—Nothing in this section shall be construed as authority to withhold any medical quality assurance record from a committee of either House of Congress, any joint committee of Congress, or the Government Accountability Office if such record pertains to any matter within their respective jurisdictions.

"(e) PROHIBITION ON DISCLOSURE OF RECORD OR TESTIMONY.—A person or entity having possession of or access to a record or testimony described by this section may not disclose the contents of such record or testimony in any manner or for any purpose except as provided in this section.

"(f) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—Medical quality assurance records described in subsection (a) may not be made available to any person under section 552 of title 5.

"(g) LIMITATION ON CIVIL LIABILITY.—A person who participates in or provides information to a person or body that reviews or creates medical quality assurance records described in subsection (a) shall not be civilly liable for such participation or for providing such information if the participation or provision of information was in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

"(h) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including a patient's medical records, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

"(i) REGULATIONS.—The Secretary, acting through the Service, shall promulgate regulations pursuant to section 802.

"(j) DEFINITIONS.—In this section:

"(1) The term 'health care provider' means any health care professional, including community health aides and practitioners certified under section 121, who are granted clinical practice privileges or employed to provide health care services in an Indian Health Program or health program of an Urban Indian Organization, who is licensed or certified to perform health care services by a governmental board or agency or professional health care society or organization.

"(2) The term 'medical quality assurance program' means any activity carried out before, on, or after the date of enactment of this Act by or for any Indian Health Program or Urban Indian Organization to assess the quality of medical care, including activities conducted by or on behalf of individuals, Indian Health Program or Urban Indian Organization medical or dental treatment review committees, or other review bodies responsible for quality assurance, credentials, infection control, patient safety, patient care assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review and identification and prevention of medical or dental incidents and risks.

"(3) The term 'medical quality assurance record' means the proceedings, records, minutes, and reports that emanate from quality assurance program activities described in paragraph (2) and are produced or compiled by or for an Indian Health Program or Urban Indian Organization as part of a medical quality assurance program.

"SEC. 816. APPROPRIATIONS; AVAILABILITY.

"Any new spending authority (described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (Public Law 93-344; 88 Stat. 317)) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

"SEC. 817. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.".

(b) RATE OF PAY.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Health and Human Services (6)." and inserting "Assistant Secretaries of Health and Human Services (7)".

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking "Director, Indian Health Service, Department of Health and Human Services".

(c) AMENDMENTS TO OTHER PROVISIONS OF LAW.—

(1) Section 3307(b)(1)(C) of the Children's Health Act of 2000 (25 U.S.C. 1671 note; Public Law 106-310) is amended by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(2) The Indian Lands Open Dump Cleanup Act of 1994 is amended—

(A) in section 3 (25 U.S.C. 3902)—

(i) by striking paragraph (2);

(ii) by redesignating paragraphs (1), (3), (4), (5), and (6) as paragraphs (4), (5), (2), (6), and (1), respectively, and moving those paragraphs so as to appear in numerical order; and

(iii) by inserting before paragraph (4) (as redesignated by subclause (II)) the following:

"(3) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary for Indian Health.";

(B) in section 5 (25 U.S.C. 3904), by striking the section designation and heading and inserting the following:

"SEC. 5. AUTHORITY OF ASSISTANT SECRETARY FOR INDIAN HEALTH.";

(C) in section 6(a) (25 U.S.C. 3905(a)), in the subsection heading, by striking "DIRECTOR" and inserting "ASSISTANT SECRETARY";

(D) in section 9(a) (25 U.S.C. 3908(a)), in the subsection heading, by striking "DIRECTOR" and inserting "ASSISTANT SECRETARY"; and

(E) by striking "Director" each place it appears and inserting "Assistant Secretary".

(3) Section 5504(d)(2) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note; Public Law

100-297) is amended by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(4) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 763(a)(1)) is amended by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(5) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377) are amended by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health".

(6) Section 317M(b) of the Public Health Service Act (42 U.S.C. 247b-14(b)) is amended—

(A) by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health"; and

(B) in paragraph (2)(A), by striking "the Directors referred to in such paragraph" and inserting "the Director of the Centers for Disease Control and Prevention and the Assistant Secretary for Indian Health".

(7) Section 417C(b) of the Public Health Service Act (42 U.S.C. 285-9(b)) is amended by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(8) Section 1452(i) of the Safe Drinking Water Act (42 U.S.C. 300j-12(i)) is amended by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health".

(9) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b-2(d)(1)) is amended in the last sentence by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(10) Section 203(b) of the Michigan Indian Land Claims Settlement Act (Public Law 105-143; 111 Stat. 2666) is amended by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

SEC. _12. SOBOBA SANITATION FACILITIES.

The Act of December 17, 1970 (84 Stat. 1465), is amended by adding at the end the following:

"SEC. 9. Nothing in this Act shall preclude the Soboba Band of Mission Indians and the Soboba Indian Reservation from being provided with sanitation facilities and services under the authority of section 7 of the Act of August 5, 1954 (68 Stat. 674), as amended by the Act of July 31, 1959 (73 Stat. 267).".

SEC. _13. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

(a) IN GENERAL.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

"TITLE VIII—NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION

"SEC. 801. DEFINITIONS.

"In this title:

"(1) BOARD.—The term 'Board' means the Board of Directors of the Foundation.

"(2) COMMITTEE.—The term 'Committee' means the Committee for the Establishment of Native American Health and Wellness Foundation established under section 802(f).

"(3) FOUNDATION.—The term 'Foundation' means the Native American Health and Wellness Foundation established under section 802.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(5) SERVICE.—The term 'Service' means the Indian Health Service of the Department of Health and Human Services.

"SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, the Native American Health and Wellness Foundation.

"(2) FUNDING DETERMINATIONS.—No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall—

"(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of health care and services to Indians; or

"(B) otherwise limit, diminish, or affect the Federal responsibility for the provision of health care and services to Indians.

"(b) PERPETUAL EXISTENCE.—The Foundation shall have perpetual existence.

"(c) NATURE OF CORPORATION.—The Foundation—

"(1) shall be a charitable and nonprofit federally chartered corporation; and

"(2) shall not be an agency or instrumentality of the United States.

"(d) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

"(e) DUTIES.—The Foundation shall—

"(1) encourage, accept, and administer private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, the mission of the Service;

"(2) undertake and conduct such other activities as will further the health and wellness activities and opportunities of Native Americans; and

"(3) participate with and assist Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the health and wellness activities and opportunities of Native Americans.

"(f) COMMITTEE FOR THE ESTABLISHMENT OF NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.—

"(1) IN GENERAL.—The Secretary shall establish the Committee for the Establishment of Native American Health and Wellness Foundation to assist the Secretary in establishing the Foundation.

"(2) DUTIES.—Not later than 180 days after the date of enactment of this section, the Committee shall—

"(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

"(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the Board is established;

"(C) establish the constitution and initial bylaws of the Foundation;

"(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

"(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

"(g) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation.

"(2) POWERS.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

"(3) SELECTION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

"(B) REQUIREMENTS.—

"(i) NUMBER OF MEMBERS.—The Board shall have at least 11 members, who shall have staggered terms.

"(ii) INITIAL VOTING MEMBERS.—The initial voting members of the Board—

"(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

"(II) shall have staggered terms.

"(iii) QUALIFICATION.—The members of the Board shall be United States citizens who are knowledgeable or experienced in Native American health care and related matters.

"(C) COMPENSATION.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

"(h) OFFICERS.—

"(1) IN GENERAL.—The officers of the Foundation shall be—

"(A) a secretary, elected from among the members of the Board; and

"(B) any other officers provided for in the constitution and bylaws of the Foundation.

"(2) CHIEF OPERATING OFFICER.—The secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation, or the Board may appoint a chief operating officer, who shall serve at the direction of the Board.

"(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

"(i) POWERS.—The Foundation—

"(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

"(2) may adopt and alter a corporate seal;

"(3) may enter into contracts;

"(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

"(5) may sue and be sued; and

"(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

"(j) PRINCIPAL OFFICE.—

"(1) IN GENERAL.—The principal office of the Foundation shall be in the District of Columbia.

"(2) ACTIVITIES; OFFICES.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

"(k) SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

"(l) LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS.—

"(1) IN GENERAL.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of their authority.

"(2) PERSONAL LIABILITY.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

"(m) RESTRICTIONS.—

"(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed the percentage described in paragraph (2) of the sum of—

"(A) the amounts transferred to the Foundation under subsection (o) during the preceding fiscal year; and

"(B) donations received from private sources during the preceding fiscal year.

"(2) PERCENTAGES.—The percentages referred to in paragraph (1) are—

"(A) for the first fiscal year described in that paragraph, 20 percent;

"(B) for the following fiscal year, 15 percent; and

"(C) for each fiscal year thereafter, 10 percent.

"(3) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

"(4) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

"(n) AUDITS.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

"(o) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (e)(1) $500,000 for each fiscal year, as adjusted to reflect changes in the Consumer Price Index for all-urban consumers published by the Department of Labor.

"(2) TRANSFER OF DONATED FUNDS.—The Secretary shall transfer to the Foundation funds held by the Department of Health and Human Services under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), if the transfer or use of the funds is not prohibited by any term under which the funds were donated.

"SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.

"(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

"(1) may provide personnel, facilities, and other administrative support services to the Foundation;

"(2) may provide funds for initial operating costs and to reimburse the travel expenses of the members of the Board; and

"(3) shall require and accept reimbursements from the Foundation for—

"(A) services provided under paragraph (1); and

"(B) funds provided under paragraph (2).

"(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3)—

"(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

"(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

"(c) CONTINUATION OF CERTAIN SERVICES.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services—

"(1) are available; and

"(2) are provided on reimbursable cost basis.".

(b) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (25 U.S.C. 458bbb et seq.) as title VII;

(2) by redesignating sections 501, 502, and 503 (25 U.S.C. 458bbb, 458bbb-1, 458bbb-2) as sections 701, 702, and 703, respectively; and

(3) in subsection (a)(2) of section 702 and paragraph (2) of section 703 (as redesignated by paragraph (2)), by striking "section 501" and inserting "section 701".

Subtitle B—Improvement of Indian Health Care Provided Under the Social Security Act

SEC. _21. EXPANSION OF PAYMENTS UNDER MEDICARE, MEDICAID, AND SCHIP FOR ALL COVERED SERVICES FURNISHED BY INDIAN HEALTH PROGRAMS.

(a) MEDICAID.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended—

(A) by amending the heading to read as follows:

"SEC. 1911. INDIAN HEALTH PROGRAMS.";

and

(B) by amending subsection (a) to read as follows:

"(a) ELIGIBILITY FOR PAYMENT FOR MEDICAL ASSISTANCE.—The Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payment for medical assistance provided under a State plan or under waiver authority with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title and under such plan or waiver authority.".

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

"(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—A facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title and under a State plan or waiver authority which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.".

(3) REVISION OF AUTHORITY TO ENTER INTO AGREEMENTS.—Subsection (c) of such section is amended to read as follows:

"(c) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into an agreement with a State for the purpose of reimbursing the State for medical assistance provided by the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization (as so defined), directly, through referral, or under contracts or other arrangements between the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization and another health care provider to Indians who are eligible for medical assistance under the State plan or under waiver authority.".

(4) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—Such section is further amended by striking subsection (d) and adding at the end the following new subsections:

"(d) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

"(e) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.

"(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe','Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(b) MEDICARE.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1880 of such Act (42 U.S.C. 1395qq) is amended—

(A) by amending the heading to read as follows:

"SEC. 1880. INDIAN HEALTH PROGRAMS.";

and

(B) by amending subsection (a) to read as follows:

"(a) ELIGIBILITY FOR PAYMENTS.—Subject to subsection (e), the Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payments under this title with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title.".

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

"(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subject to subsection (e), a facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.".

(3) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—

(A) IN GENERAL.—Such section is further amended by striking subsections (c) and (d) and inserting the following new subsections:

"(c) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

"(d) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.".

(B) CONFORMING AMENDMENT.—Paragraph (3) of section 1880(e) of such Act (42 U.S.C. 1395qq(e)) is amended by inserting "and section 401(c)(1) of the Indian Health Care Improvement Act" after "Subsection (c)".

(4) DEFINITIONS.—Such section is further amended by amending subsection (f) to read as follows:

"(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe', 'Service Unit', 'Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(c) APPLICATION TO SCHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C), the following new subparagraph:

"(D) Section 1911 (relating to Indian Health Programs, other than subsection (d) of such section).".

SEC. _22. INCREASED OUTREACH TO INDIANS UNDER MEDICAID AND SCHIP AND IMPROVED COOPERATION IN THE PROVISION OF ITEMS AND SERVICES TO INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b-9) is amended to read as follows:

"SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XVIII, XIX, AND XXI.

"(a) AGREEMENTS WITH STATES FOR MEDICAID AND SCHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

"(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

"(2) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

"(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI.

"(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

SEC. _23. ADDITIONAL PROVISIONS TO INCREASE OUTREACH TO, AND ENROLLMENT OF, INDIANS IN SCHIP AND MEDICAID.

(a) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following new subparagraph:

"(C) NONAPPLICATION TO EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF INDIAN CHILDREN UNDER THIS TITLE AND TITLE XIX.—The limitation under subparagraph (A) on expenditures for items described in subsection (a)(1)(D) shall not apply in the case of expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).".

(b) ASSURANCE OF PAYMENTS TO INDIAN HEALTH CARE PROVIDERS FOR CHILD HEALTH ASSISTANCE.—Section 2102(b)(3)(D) of such Act (42 U.S.C. 1397bb(b)(3)(D)) is amended by striking "(as defined in section 4(c) of the Indian Health Care Improvement Act, 25 U.S.C. 1603(c))" and inserting ", including how the State will ensure that payments are made to Indian Health Programs and Urban Indian Organizations operating in the State for the provision of such assistance".

(c) INCLUSION OF OTHER INDIAN FINANCED HEALTH CARE PROGRAMS IN EXEMPTION FROM PROHIBITION ON CERTAIN PAYMENTS.—Section 2105(c)(6)(B) of such Act (42 U.S.C. 1397ee(c)(6)(B)) is amended by striking "insurance program, other than an insurance program operated or financed by the Indian Health Service" and inserting "program, other than a health care program operated or financed by the Indian Health Service or by an Indian Tribe, Tribal Organization, or Urban Indian Organization".

(d) SATISFACTION OF MEDICAID DOCUMENTATION REQUIREMENTS.—

(1) IN GENERAL.—Section 1903(x)(3)(B) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

"(v)(I) Except as provided in subclause (II), a document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe.

"(II) With respect to those federally-recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.".

(2) TRANSITION RULE.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by paragraph (1)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

(e) DEFINITIONS.—Section 2110(c) of such Act (42 U.S.C. 1397jj(c)) is amended by adding at the end the following new paragraph:

"(9) INDIAN; INDIAN HEALTH PROGRAM; INDIAN TRIBE; ETC.—The terms 'Indian', 'Indian Health Program', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

SEC. _24. PREMIUMS AND COST SHARING PROTECTIONS UNDER MEDICAID, ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP, AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

(a) PREMIUMS AND COST SHARING PROTECTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "and (i)" and inserting ", (i), and (j)"; and

(B) by adding at the end the following new subsection:

"(j) NO PREMIUMS OR COST SHARING FOR INDIANS FURNISHED ITEMS OR SERVICES DIRECTLY BY INDIAN HEALTH PROGRAMS OR THROUGH REFERRAL UNDER THE CONTRACT HEALTH SERVICE.—

"(1) NO COST SHARING FOR ITEMS OR SERVICES FURNISHED TO INDIANS THROUGH INDIAN HEALTH PROGRAMS.—

"(A) IN GENERAL.—No enrollment fee, premium, or similar charge, and no deduction, copayment, cost sharing, or similar charge shall be imposed against an Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under the contract health service for which payment may be made under this title.

"(B) NO REDUCTION IN AMOUNT OF PAYMENT TO INDIAN HEALTH PROVIDERS.—Payment due under this title to the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, or a health care provider through referral under the contract health service for the furnishing of an item or service to an Indian who is eligible for assistance under such title, may not be reduced by the amount of any enrollment fee, premium, or similar charge, or any deduction, copayment, cost sharing, or similar charge that would be due from the Indian but for the operation of subparagraph (A).

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as restricting the application of any other limitations on the imposition of premiums or cost sharing that may apply to an individual receiving medical assistance under this title who is an Indian.

"(3) DEFINITIONS.—In this subsection, the terms 'contract health service', 'Indian', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(2) CONFORMING AMENDMENT.—Section 1916A (a)(1) of such Act (42 U.S.C. 1396o-1(a)(1)) is amended by striking "section 1916(g)" and inserting "subsections (g), (i), or (j) of section 1916".

(b) TREATMENT OF CERTAIN PROPERTY FOR MEDICAID AND SCHIP ELIGIBILITY.—

(1) MEDICAID.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new paragraph:

"(13) Notwithstanding any other requirement of this title or any other provision of Federal or State law, a State shall disregard the following property for purposes of determining the eligibility of an individual who is an Indian (as defined in section 4 of the Indian Health Care Improvement Act) for medical assistance under this title:

"(A) Property, including real property and improvements, that is held in trust, subject to Federal restrictions, or otherwise under the supervision of the Secretary of the Interior, located on a reservation, including any federally recognized Indian Tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established by the Alaska Native Claims Settlement Act, and Indian allotments on or near a reservation as designated and approved by the Bureau of Indian Affairs of the Department of the Interior.

"(B) For any federally recognized Tribe not described in subparagraph (A), property located within the most recent boundaries of a prior Federal reservation.

"(C) Ownership interests in rents, leases, royalties, or usage rights related to natural resources (including extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish, and shellfish) resulting from the exercise of federally protected rights.

"(D) Ownership interests in or usage rights to items not covered by subparagraphs (A) through (C) that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom.".

(2) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (E), as subparagraphs (C) through (F), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

"(B) Section 1902(e)(13) (relating to disregard of certain property for purposes of making eligibility determinations).".

(c) CONTINUATION OF CURRENT LAW PROTECTIONS OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.—Section 1917(b)(3) of the Social Security Act (42 U.S.C. 1396p(b)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B) The standards specified by the Secretary under subparagraph (A) shall require that the procedures established by the State agency under subparagraph (A) exempt income, resources, and property that are exempt from the application of this subsection as of April 1, 2003, under manual instructions issued to carry out this subsection (as in effect on such date) because of the Federal responsibility for Indian Tribes and Alaska Native Villages. Nothing in this subparagraph shall be construed as preventing the Secretary from providing additional estate recovery exemptions under this title for Indians.".

SEC. _25. NONDISCRIMINATION IN QUALIFICATIONS FOR PAYMENT FOR SERVICES UNDER FEDERAL HEALTH CARE PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b-9), as amended by section _22, is amended by redesignating subsection (c) as subsection (d), and inserting after subsection (b) the following new subsection:

"(c) NONDISCRIMINATION IN QUALIFICATIONS FOR PAYMENT FOR SERVICES UNDER FEDERAL HEALTH CARE PROGRAMS.—

"(1) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

"(A) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

"(B) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221 of the Indian Health Care Improvement Act, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

"(2) PROHIBITION ON FEDERAL PAYMENTS TO ENTITIES OR INDIVIDUALS EXCLUDED FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS OR WHOSE STATE LICENSES ARE UNDER SUSPENSION OR HAVE BEEN REVOKED.—

"(A) EXCLUDED ENTITIES.—No entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment under any such program for health care services furnished to an Indian.

"(B) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension or has been revoked shall be eligible to receive payment under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

"(C) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, 'Federal health care program' has the meaning given that term in section 1128B(f), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.".

SEC. _26. CONSULTATION ON MEDICAID, SCHIP, AND OTHER HEALTH CARE PROGRAMS FUNDED UNDER THE SOCIAL SECURITY ACT INVOLVING INDIAN HEALTH PROGRAMS AND URBAN INDIAN ORGANIZATIONS.

(a) IN GENERAL.—Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by sections 202 and 205, is amended by redesignating subsection (d) as subsection (e), and inserting after subsection (c) the following new subsection:

"(d) CONSULTATION WITH TRIBAL TECHNICAL ADVISORY GROUP (TTAG).—The Secretary shall maintain within the Centers for Medicaid & Medicare Services (CMS) a Tribal Technical Advisory Group, established in accordance with requirements of the charter dated September 30, 2003, and in such group shall include a representative of the Service.".

(b) SOLICITATION OF ADVICE UNDER MEDICAID AND SCHIP.—

(1) MEDICAID STATE PLAN AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69), by striking "and" at the end;

(B) in paragraph (70)(B)(iv), by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70)(B)(iv), the following new paragraph:

"(71) in the case of any State in which the Indian Health Service operates or funds health care programs, or in which 1 or more Indian Health Programs or Urban Indian Organizations (as such terms are defined in section 4 of the Indian Health Care Improvement Act) provide health care in the State for which medical assistance is available under such title, provide for a process under which the State seeks advice on a regular, ongoing basis from designees of such Indian Health Programs and Urban Indian Organizations on matters relating to the application of this title that are likely to have a direct effect on such Indian Health Programs and Urban Indian Organizations and that—

"(A) shall include solicitation of advice prior to submission of any plan amendments, waiver requests, and proposals for demonstration projects likely to have a direct effect on Indians, Indian Health Programs, or Urban Indian Organizations; and

"(B) may include appointment of an advisory committee and of a designee of such Indian Health Programs and Urban Indian Organizations to the medical care advisory committee advising the State on its State plan under this title.".

(2) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section _24(b)(2), is amended—

(A) by redesignating subparagraphs (B) through (F) as subparagraphs (C) through (G), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

"(B) Section 1902(a)(71) (relating to the option of certain States to seek advice from designees of Indian Health Programs and Urban Indian Organizations).".

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as superseding existing advisory committees, working groups, guidance, or other advisory procedures established by the Secretary of Health and Human Services or by any State with respect to the provision of health care to Indians.

SEC. _27. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.

(a) EXCLUSION WAIVER AUTHORITY.—Section 1128 of the Social Security Act (42 U.S.C. 1320a-7) is amended by adding at the end the following new subsection:

"(k) ADDITIONAL EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS.—In addition to the authority granted the Secretary under subsections (c)(3)(B) and (d)(3)(B) to waive an exclusion under subsection (a)(1), (a)(3), (a)(4), or (b), the Secretary may, in the case of an Indian Health Program, waive such an exclusion upon the request of the administrator of an affected Indian Health Program (as defined in section 4 of the Indian Health Care Improvement Act) who determines that the exclusion would impose a hardship on individuals entitled to benefits under or enrolled in a Federal health care program.".

(b) CERTAIN TRANSACTIONS INVOLVING INDIAN HEALTH CARE PROGRAMS DEEMED TO BE IN SAFE HARBORS.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a-7b(b)) is amended by adding at the end the following new paragraph:

"(4) Subject to such conditions as the Secretary may promulgate from time to time as necessary to prevent fraud and abuse, for purposes of paragraphs (1) and (2) and section 1128A(a), the following transfers shall not be treated as remuneration:

"(A) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS.—Transfers of anything of value between or among an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that are made for the purpose of providing necessary health care items and services to any patient served by such Program, Tribe, or Organization and that consist of—

"(i) services in connection with the collection, transport, analysis, or interpretation of diagnostic specimens or test data;

"(ii) inventory or supplies;

"(iii) staff; or

"(iv) a waiver of all or part of premiums or cost sharing.

"(B) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, OR URBAN INDIAN ORGANIZATIONS AND PATIENTS.—Transfers of anything of value between an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization and any patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, including any patient served or eligible for service pursuant to section 807 of the Indian Health Care Improvement Act, but only if such transfers—

"(i) consist of expenditures related to providing transportation for the patient for the provision of necessary health care items or services, provided that the provision of such transportation is not advertised, nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided);

"(ii) consist of expenditures related to providing housing to the patient (including a pregnant patient) and immediate family members or an escort necessary to assuring the timely provision of health care items and services to the patient, provided that the provision of such housing is not advertised nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided); or

"(iii) are for the purpose of paying premiums or cost sharing on behalf of such a patient, provided that the making of such payment is not subject to conditions other than conditions agreed to under a contract for the delivery of contract health services.

"(C) CONTRACT HEALTH SERVICES.—A transfer of anything of value negotiated as part of a contract entered into between an Indian Health Program, Indian Tribe, Tribal Organization, Urban Indian Organization, or the Indian Health Service and a contract care provider for the delivery of contract health services authorized by the Indian Health Service, provided that—

"(i) such a transfer is not tied to volume or value of referrals or other business generated by the parties; and

"(ii) any such transfer is limited to the fair market value of the health care items or services provided or, in the case of a transfer of items or services related to preventative care, the value of the future health care costs reasonably expected to be avoided.

"(D) OTHER TRANSFERS.—Any other transfer of anything of value involving an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, or a patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that the Secretary, in consultation with the Attorney General, determines is appropriate, taking into account the special circumstances of such Indian Health Programs, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, and of patients served by such Programs, Tribes, and Organizations.".

SEC. _28. RULES APPLICABLE UNDER MEDICAID AND SCHIP TO MANAGED CARE ENTITIES WITH RESPECT TO INDIAN ENROLLEES AND INDIAN HEALTH CARE PROVIDERS AND INDIAN MANAGED CARE ENTITIES.

(a) IN GENERAL.—Section 1932 of the Social Security Act (42 U.S.C. 1396u-2) is amended by adding at the end the following new subsection:

"(h) SPECIAL RULES WITH RESPECT TO INDIAN ENROLLEES, INDIAN HEALTH CARE PROVIDERS, AND INDIAN MANAGED CARE ENTITIES.—

"(1) ENROLLEE OPTION TO SELECT AN INDIAN HEALTH CARE PROVIDER AS PRIMARY CARE PROVIDER.—In the case of a non-Indian Medicaid managed care entity that—

"(A) has an Indian enrolled with the entity; and

"(B) has an Indian health care provider that is participating as a primary care provider within the network of the entity,

insofar as the Indian is otherwise eligible to receive services from such Indian health care provider and the Indian health care provider has the capacity to provide primary care services to such Indian, the contract with the entity under section 1903(m) or under section 1905(t)(3) shall require, as a condition of receiving payment under such contract, that the Indian shall be allowed to choose such Indian health care provider as the Indian's primary care provider under the entity.

"(2) ASSURANCE OF PAYMENT TO INDIAN HEALTH CARE PROVIDERS FOR PROVISION OF COVERED SERVICES.—Each contract with a managed care entity under section 1903(m) or under section 1905(t)(3) shall require any such entity that has a significant percentage of Indian enrollees (as determined by the Secretary), as a condition of receiving payment under such contract to satisfy the following requirements:

"(A) DEMONSTRATION OF PARTICIPATING INDIAN HEALTH CARE PROVIDERS OR APPLICATION OF ALTERNATIVE PAYMENT ARRANGEMENTS.—Subject to subparagraph (E), to—

"(i) demonstrate that the number of Indian health care providers that are participating providers with respect to such entity are sufficient to ensure timely access to covered Medicaid managed care services for those enrollees who are eligible to receive services from such providers; or

"(ii) agree to pay Indian health care providers who are not participating providers with the entity for covered Medicaid managed care services provided to those enrollees who are eligible to receive services from such providers at a rate equal to the rate negotiated between such entity and the provider involved or, if such a rate has not been negotiated, at a rate that is not less than the level and amount of payment which the entity would make for the services if the services were furnished by a participating provider which is not an Indian health care provider.

"(B) PROMPT PAYMENT.—To agree to make prompt payment (in accordance with rules applicable to managed care entities) to Indian health care providers that are participating providers with respect to such entity or, in the case of an entity to which subparagraph (A)(ii) or (E) applies, that the entity is required to pay in accordance with that subparagraph.

"(C) SATISFACTION OF CLAIM REQUIREMENT.—To deem any requirement for the submission of a claim or other documentation for services covered under subparagraph (A) by the enrollee to be satisfied through the submission of a claim or other documentation by an Indian health care provider that is consistent with section 403(h) of the Indian Health Care Improvement Act.

"(D) COMPLIANCE WITH GENERALLY APPLICABLE REQUIREMENTS.—

"(i) IN GENERAL.—Subject to clause (ii), as a condition of payment under subparagraph (A), an Indian health care provider shall comply with the generally applicable requirements of this title, the State plan, and such entity with respect to covered Medicaid managed care services provided by the Indian health care provider to the same extent that non-Indian providers participating with the entity must comply with such requirements.

"(ii) LIMITATIONS ON COMPLIANCE WITH MANAGED CARE ENTITY GENERALLY APPLICABLE REQUIREMENTS.—An Indian health care provider—

"(I) shall not be required to comply with a generally applicable requirement of a managed care entity described in clause (i) as a condition of payment under subparagraph (A) if such compliance would conflict with any other statutory or regulatory requirements applicable to the Indian health care provider; and

"(II) shall only need to comply with those generally applicable requirements of a managed care entity described in clause (i) as a condition of payment under subparagraph (A) that are necessary for the entity's compliance with the State plan, such as those related to care management, quality assurance, and utilization management.

"(E) APPLICATION OF SPECIAL PAYMENT REQUIREMENTS FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—

"(i) FEDERALLY-QUALIFIED HEALTH CENTERS.—

"(I) MANAGED CARE ENTITY PAYMENT REQUIREMENT.—To agree to pay any Indian health care provider that is a Federally-qualified health center but not a participating provider with respect to the entity, for the provision of covered Medicaid managed care services by such provider to an Indian enrollee of the entity at a rate equal to the amount of payment that the entity would pay a Federally-qualified health center that is a participating provider with respect to the entity but is not an Indian health care provider for such services.

"(II) CONTINUED APPLICATION OF STATE REQUIREMENT TO MAKE SUPPLEMENTAL PAYMENT.—Nothing in subclause (I) or subparagraph (A) or (B) shall be construed as waiving the application of section 1902(bb)(5) regarding the State plan requirement to make any supplemental payment due under such section to a Federally-qualified health center for services furnished by such center to an enrollee of a managed care entity (regardless of whether the Federally-qualified health center is or is not a participating provider with the entity).

"(ii) CONTINUED APPLICATION OF ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—If the amount paid by a managed care entity to an Indian health care provider that is not a Federally-qualified health center and that has elected to receive payment under this title as an Indian Health Service provider under the July 11, 1996, Memorandum of Agreement between the Health Care Financing Administration (now the Centers for Medicare & Medicaid Services) and the Indian Health Service for services provided by such provider to an Indian enrollee with the managed care entity is less than the encounter rate that applies to the provision of such services under such memorandum, the State plan shall provide for payment to the Indian health care provider of the difference between the applicable encounter rate under such memorandum and the amount paid by the managed care entity to the provider for such services.

"(F) CONSTRUCTION.—Nothing in this paragraph shall be construed as waiving the application of section 1902(a)(30)(A) (relating to application of standards to assure that payments are consistent with efficiency, economy, and quality of care).

"(3) OFFERING OF MANAGED CARE THROUGH INDIAN MEDICAID MANAGED CARE ENTITIES.—If—

"(A) a State elects to provide services through Medicaid managed care entities under its Medicaid managed care program; and

"(B) an Indian health care provider that is funded in whole or in part by the Indian Health Service, or a consortium composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Indian Health Service, has established an Indian Medicaid managed care entity in the State that meets generally applicable standards required of such an entity under such Medicaid managed care program,

the State shall offer to enter into an agreement with the entity to serve as a Medicaid managed care entity with respect to eligible Indians served by such entity under such program.

"(4) SPECIAL RULES FOR INDIAN MANAGED CARE ENTITIES.—The following are special rules regarding the application of a Medicaid managed care program to Indian Medicaid managed care entities:

"(A) ENROLLMENT.—

"(i) LIMITATION TO INDIANS.—An Indian Medicaid managed care entity may restrict enrollment under such program to Indians and to members of specific Tribes in the same manner as Indian Health Programs may restrict the delivery of services to such Indians and tribal members.

"(ii) NO LESS CHOICE OF PLANS.—Under such program the State may not limit the choice of an Indian among Medicaid managed care entities only to Indian Medicaid managed care entities or to be more restrictive than the choice of managed care entities offered to individuals who are not Indians.

"(iii) DEFAULT ENROLLMENT.—

"(I) IN GENERAL.—If such program of a State requires the enrollment of Indians in a Medicaid managed care entity in order to receive benefits, the State, taking into consideration the criteria specified in subsection (a)(4)(D)(ii)(I), shall provide for the enrollment of Indians described in subclause (II) who are not otherwise enrolled with such an entity in an Indian Medicaid managed care entity described in such clause.

"(II) INDIAN DESCRIBED.—An Indian described in this subclause, with respect to an Indian Medicaid managed care entity, is an Indian who, based upon the service area and capacity of the entity, is eligible to be enrolled with the entity consistent with subparagraph (A).

"(iv) EXCEPTION TO STATE LOCK-IN.—A request by an Indian who is enrolled under such program with a non-Indian Medicaid managed care entity to change enrollment with that entity to enrollment with an Indian Medicaid managed care entity shall be considered cause for granting such request under procedures specified by the Secretary.

"(B) FLEXIBILITY IN APPLICATION OF SOLVENCY.—In applying section 1903(m)(1) to an Indian Medicaid managed care entity—

"(i) any reference to a 'State' in subparagraph (A)(ii) of that section shall be deemed to be a reference to the 'Secretary'; and

"(ii) the entity shall be deemed to be a public entity described in subparagraph (C)(ii) of that section.

"(C) EXCEPTIONS TO ADVANCE DIRECTIVES.—The Secretary may modify or waive the requirements of section 1902(w) (relating to provision of written materials on advance directives) insofar as the Secretary finds that the requirements otherwise imposed are not an appropriate or effective way of communicating the information to Indians.

"(D) FLEXIBILITY IN INFORMATION AND MARKETING.—

"(i) MATERIALS.—The Secretary may modify requirements under subsection (a)(5) to ensure that information described in that subsection is provided to enrollees and potential enrollees of Indian Medicaid managed care entities in a culturally appropriate and understandable manner that clearly communicates to such enrollees and potential enrollees their rights, protections, and benefits.

"(ii) DISTRIBUTION OF MARKETING MATERIALS.—The provisions of subsection (d)(2)(B) requiring the distribution of marketing materials to an entire service area shall be deemed satisfied in the case of an Indian Medicaid managed care entity that distributes appropriate materials only to those Indians who are potentially eligible to enroll with the entity in the service area.

"(5) MALPRACTICE INSURANCE.—Insofar as, under a Medicaid managed care program, a health care provider is required to have medical malpractice insurance coverage as a condition of contracting as a provider with a Medicaid managed care entity, an Indian health care provider that is—

"(A) a Federally-qualified health center that is covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

"(B) providing health care services pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.); or

"(C) the Indian Health Service providing health care services that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

are deemed to satisfy such requirement.

"(6) DEFINITIONS.—For purposes of this subsection:

"(A) INDIAN HEALTH CARE PROVIDER.—The term 'Indian health care provider' means an Indian Health Program or an Urban Indian Organization.

"(B) INDIAN; INDIAN HEALTH PROGRAM; SERVICE; TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian Health Program', 'Service', 'Tribe', 'tribal organization', 'Urban Indian Organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.

"(C) INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'Indian Medicaid managed care entity' means a managed care entity that is controlled (within the meaning of the last sentence of section 1903(m)(1)(C)) by the Indian Health Service, a Tribe, Tribal Organization, or Urban Indian Organization, or a consortium, which may be composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Service.

"(D) NON-INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'non-Indian Medicaid managed care entity' means a managed care entity that is not an Indian Medicaid managed care entity.

"(E) COVERED MEDICAID MANAGED CARE SERVICES.—The term 'covered Medicaid managed care services' means, with respect to an individual enrolled with a managed care entity, items and services that are within the scope of items and services for which benefits are available with respect to the individual under the contract between the entity and the State involved.

"(F) MEDICAID MANAGED CARE PROGRAM.—The term 'Medicaid managed care program' means a program under sections 1903(m) and 1932 and includes a managed care program operating under a waiver under section 1915(b) or 1115 or otherwise.".

(b) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(1)), as amended by section _26(b)(2), is amended by adding at the end the following new subparagraph:

"(H) Subsections (a)(2)(C) and (h) of section 1932.".

SEC. _20. ANNUAL REPORT ON INDIANS SERVED BY SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b-9), as amended by the sections 202, 205, and 206, is amended by redesignating subsection (e) as subsection (f), and inserting after subsection (d) the following new subsection:

"(e) ANNUAL REPORT ON INDIANS SERVED BY HEALTH BENEFIT PROGRAMS FUNDED UNDER THIS ACT.—Beginning January 1, 2008, and annually thereafter, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Indian Health Service, shall submit a report to Congress regarding the enrollment and health status of Indians receiving items or services under health benefit programs funded under this Act during the preceding year. Each such report shall include the following:

"(1) The total number of Indians enrolled in, or receiving items or services under, such programs, disaggregated with respect to each such program.

"(2) The number of Indians described in paragraph (1) that also received health benefits under programs funded by the Indian Health Service.

"(3) General information regarding the health status of the Indians described in paragraph (1), disaggregated with respect to specific diseases or conditions and presented in a manner that is consistent with protections for privacy of individually identifiable health information under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

"(4) A detailed statement of the status of facilities of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization with respect to such facilities' compliance with the applicable conditions and requirements of titles XVIII, XIX, and XXI, and, in the case of title XIX or XXI, under a State plan under such title or under waiver authority, and of the progress being made by such facilities (under plans submitted under section 1880(b), 1911(b) or otherwise) toward the achievement and maintenance of such compliance.

"(5) Such other information as the Secretary determines is appropriate.".

SA 2535. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TREATMENT OF UNBORN CHILDREN.

(a) CODIFICATION OF CURRENT REGULATIONS.—Section 2110(c)(1) (42 U.S.C. 1397jj(c)(1)) is amended by striking the period at the end and inserting the following: ", and includes, at the option of a State, an unborn child. For purposes of the previous sentence, the term 'unborn child' means a member of the species Homo sapiens, at any stage of development, who is carried in the womb.".

(b) CLARIFICATIONS REGARDING COVERAGE OF MOTHERS.—Section 2103 (42 U.S.C. 1397cc) is amended by adding at the end the following new subsection:

"(g) CLARIFICATIONS REGARDING AUTHORITY TO PROVIDE POSTPARTUM SERVICES AND MATERNAL HEALTH CARE.—Any State that provides child health assistance to an unborn child under the option described in section 2110(c)(1) may—

"(1) continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends; and

"(2) in the interest of the child to be born, have flexibility in defining and providing services to benefit either the mother or unborn child consistent with the health of both.".

SA 2536. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; as follows:

At the end of title I, add the following:

SEC. ___. STANDARDIZATION OF DETERMINATION OF FAMILY INCOME.

(a) ELIGIBILITY BASED ON GROSS INCOME.—

(1) IN GENERAL.—Section 2110 (42 U.S.C. 1397jj) is amended by adding at the end the following new subsection:

"(d) STANDARDIZATION OF DETERMINATION OF FAMILY INCOME.—A State shall determine family income for purposes of determining income eligibility for child health assistance or other health benefits coverage under the State child health plan (or under a waiver of such plan under section 1115) solely on the basis of the gross income (as defined by the Secretary) of the family.".

(2) PROHIBITION ON WAIVER OF REQUIREMENTS.—Section 2107(f) (42 U.S.C. 1397gg(f)), as amended by section 106(a)(2)(A), is amended by adding at the end the following new paragraph:

"(3) The Secretary may not approve a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2110(d) (relating to determining income eligibility on the basis of gross income) and regulations promulgated to carry out such requirements.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall promulgate interim final regulations defining gross income for purposes of section 2110(d) of the Social Security Act, as added by subsection (a)(1).

(c) APPLICATION TO CURRENT ENROLLEES.—The interim final regulations promulgated under subsection (b) shall not be used to determine the income eligibility of any individual enrolled in a State child health plan under title XXI of the Social Security Act on the date of enactment of this Act before the date on which such eligibility of the individual is required to be redetermined under the plan as in effect on such date. In the case of any individual enrolled in such plan on such date who, solely as a result of the application of subsection (d) of section 2110 of the Social Security Act (as added by subsection (a)(1)) and the regulations promulgated under subsection (b), is determined to be ineligible for child health assistance under the State child health plan, a State may elect, subject to substitution of the Federal medical assistance percentage for the enhanced FMAP under section 2105(a)(1) of the Social Security Act, to continue to provide the individual with such assistance for so long as the individual otherwise would be eligible for such assistance and the individual's family income, if determined under the income and resource standards and methodologies applicable under the State child health plan on September 30, 2007, would not exceed the income eligibility level applicable to the individual under the State child health plan.

SA 2537. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. DELAY IN EFFECTIVE DATE.

Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall not take effect until the day after the date on which the Director of the Congressional Budget Office certifies that this Act and the amendments made by the Act, will not result in a reduction of private health insurance coverage greater than 20 percent.

SA 2538. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _. DISEASE PREVENTION AND TREATMENT RESEARCH TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following new section:

"SEC. 9511. DISEASE PREVENTION AND TREATMENT RESEARCH TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Disease Prevention and Treatment Research Trust Fund', consisting of such amounts as may be appropriated or credited to the Disease Prevention and Treatment Research Trust Fund.

"(b) TRANSFER TO DISEASE PREVENTION AND TREATMENT RESEARCH TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—There are hereby appropriated to the Disease Prevention and Treatment Research Trust Fund amounts equivalent to the taxes received in the Treasury attributable to the amendments made by section 701 of the Children's Health Insurance Program Reauthorization Act of 2007.

"(c) EXPENDITURES FROM TRUST FUND.—

"(1) IN GENERAL.—Amounts in the Disease Prevention and Treatment Research Trust Fund shall be available, as provided by appropriation Acts, for the purposes of funding the disease prevention and treatment research activities of the National Institutes of Health. Amounts appropriated from the Disease Prevention and Treatment Research Trust Fund shall be in addition to any other funds provided by appropriation Acts for the National Institutes of Health.

"(2) DISEASE PREVENTION AND TREATMENT RESEARCH ACTIVITIES.—Disease prevention and treatment research activities shall include activities relating to:

"(A) CANCER.—Disease prevention and treatment research in this category shall include activities relating to pediatric, lung, breast, ovarian, uterine, prostate, colon, rectal, oral, skin, bone, kidney, liver, stomach, bladder, thyroid, pancreatic, brain and nervous system, and blood-related cancers, including leukemia and lymphoma. Priority in this category shall be given to disease prevention and treatment research into pediatric cancers.

"(B) RESPIRATORY DISEASES.—Disease prevention and treatment research in this category shall include activities relating to chronic obstructive pulmonary disease, tuberculosis, bronchitis, asthma, and emphysema.

"(C) CARDIOVASCULAR DISEASES.—Disease prevention and treatment research in this category shall include activities relating to peripheral arterial disease, heart disease, valve disease, stroke, and hypertension.

"(D) OTHER DISEASES, CONDITIONS, AND DISORDERS.—Disease prevention and treatment research in this category shall include activities relating to autism, diabetes (including type I diabetes, also known as juvenile diabetes, and type II diabetes), muscular dystrophy, Alzheimer's disease, Parkinson's disease, multiple sclerosis, amyotrophic lateral sclerosis, cerebral palsy, cystic fibrosis, spinal muscular atrophy, osteoporosis, human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), depression and other mental health disorders, infertility, arthritis, anaphylaxis, lymphedema, psoriasis, eczema, lupus, cleft lip and palate, fibromyalgia, chronic fatigue and immune dysfunction syndrome, alopecia areata, and sepsis.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 9511. Disease Prevention and Treatment Research Trust Fund.".

SA 2539. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 106 and insert the following:

SEC. 106. ELIMINATION OF COVERAGE FOR NONPREGNANT ADULTS.

(a) ELIMINATION OF COVERAGE.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

"SEC. 2111. ELIMINATION OF COVERAGE FOR NONPREGNANT ADULTS.

"(a) NO COVERAGE FOR NONPREGNANT CHILDLESS ADULTS AND NONPREGNANT PARENTS.—

"(1) TERMINATION OF COVERAGE UNDER APPLICABLE EXISTING WAIVERS.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided for any other adult other than a pregnant woman after September 30, 2007.

"(2) NO NEW WAIVERS.—Notwithstanding section 1115 or any other provision of this title the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage for any other adult other than a pregnant woman.

"(b) INCREASED OUTREACH AND COVERAGE OF LOW-INCOME CHILDREN.—A State that, but for the application of subsections (a) and (b), would have expended funds for child health assistance or other health benefits coverage for an adult other than a pregnant woman after fiscal year 2007 shall use the funds that would have been expended for such assistance or coverage to conduct outreach to, and provide child health assistance for, low-income children who are eligible for such assistance under the State child health plan.

"(c) NONAPPLICATION.—Beginning with fiscal year 2008, this title shall be applied without regard to any provision of this title that would be contrary to the prohibition on providing child health assistance or health benefits coverage for an adult other than a pregnant woman established under this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(A) by striking ", the Secretary" and inserting ":

"(1) The Secretary";

(B) in the first sentence, by inserting "or a nonpregnant parent (as defined in section 2111(d)(2)) of a targeted low-income child" before the period;

(C) by striking the second sentence; and

(D) by adding at the end the following new paragraph:

"(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2111.".

(2) Section 6102(c) of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 131) is amended by striking "Nothing" and inserting "Subject to section 2111 of the Social Security Act, as added by section 106(a)(1) of the Children's Health Insurance Program Reauthorization Act of 2007, nothing".

SA 2540. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, between lines 16 and 17, insert the following:

"(d) COVER KIDS FIRST IMPLEMENTATION REQUIREMENT.—Notwithstanding the preceding subsections of this section, no funds shall be available under this title for child health assistance or other health benefits coverage that is provided for any other adult other than a pregnant woman, and this title shall be applied with respect to a State without regard to such subsections, for each fiscal year quarter that begins prior to the date on which the State demonstrates to the Secretary that the State has enrolled in the State child health plan at least 95 percent of the targeted low-income children who reside in the State.".

SA 2541. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 112. COVER LOW-INCOME KIDS FIRST.

Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 602, is amended by adding at the end the following new paragraph:

"(12) NO PAYMENTS FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE OR HEALTH BENEFITS COVERAGE FOR INDIVIDUALS WHOSE GROSS FAMILY INCOME EXCEEDS 200 PERCENT OF THE POVERTY LINE UNLESS AT LEAST 95 PERCENT OF ELIGIBLE LOW-INCOME CHILDREN ENROLLED.—Notwithstanding any other provision of this title, for fiscal years beginning with fiscal year 2008, no payments shall be made to a State under subsection (a)(1), or any other provision of this title, for any fiscal year quarter that begins prior to the date on which the State demonstrates to the Secretary that the State has enrolled in the State child health plan at least 95 percent of the low-income children who reside in the State and are eligible for child health assistance under this State child health plan with respect to any expenditures for providing child health assistance or health benefits coverage for any individual whose gross family income exceeds 200 percent of the poverty line.".

SA 2542. Mr. ENSIGN submitted an amendment intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 112. REMOVING THE INCENTIVE TO COVER CHILDREN AT HIGHER INCOME LEVELS RATHER THAN LOWER INCOME LEVELS.

(a) ELIMINATION OF ENHANCED FMAP.—Section 2105 (42 U.S.C. 1397ee) is amended—

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by striking "enhanced FMAP (or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))" and inserting "Federal medical assistance percentage";

(2) in subparagraph (A), by striking "on the basis of an enhanced FMAP";

(3) by striking subsection (b) and inserting the following:

"(b) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—The term 'Federal medical assistance percentage' has the meaning given such term in the first sentence of section 1905(b).";

(4) in subsection (d)(B)(ii), by striking "an enhanced FMAP" and inserting "payments"; and

(5) in subsection (g)(1)(B)(i), by striking "the additional amount" and all that follows

through the period and inserting "the Federal medical assistance percentage with respect to expenditures described in clause (ii).".

(b) CONFORMING AMENDMENTS TO TITLE XIX.—Section 1905 (42 U.S.C. 1396d)) is amended—

(1) in subsection (b)—

(A) in the first sentence by striking "and (4)" and all that follows up to the period;

(B) in the last sentence—

(i) by inserting "the Federal medical assistance percentage shall apply only" after "Notwithstanding the first sentence of this subsection,"; and

(ii) by striking "section 2104" and all that follows through the period and inserting "section 2104."; and

(2) in subsection (u)(4), by striking "an enhanced FMAP described in section 2105(b)" and inserting "this subsection".

(c) CONFORMING AMENDMENTS TO TITLE XXI AND THE AMENDMENTS MADE BY OTHER PROVISIONS OF THIS ACT.—

(1) Subsections (a)(2) and (b)(1) of section 2111, as added by section 106(a), are each amended by striking subparagraph (C).

(2) Section 2111(b)(2)(B), as so added, is amended—

(A) in clause (ii), by striking "applicable percentage determined under clause (iii) or (iv) for" and inserting "Federal medical assistance percentage of";

(B) by striking clauses (iii) and (iv); and

(C) by redesignating clauses (v) and (vi) as clauses (iii) and (iv), respectively.

(3) This Act shall be applied without regard to the amendment to section 2105(c) made by section 110.

(4) Section 2105(g)(4)(A), as added by section 111, is amended by striking "the additional amount" and all that follows through the period and inserting "the Federal medical assistance percentage with respect to expenditures described in subparagraph (B).".

(5) The amendment made by paragraph (1) of section 201(b) of this Act is amended to read as follows:

"(1) in the matter preceding subparagraph (A) (as amended by section 112(a)(1)(A)), by inserting '(or, in the case of expenditures described in subparagraph (D)(iv), 75 percent)' after 'Federal medical assistance percentage'; and".

(6) Section 2105(c)(9), as added by section 301(c)(1), is amended by striking "enhanced FMAP" and inserting "Federal medical assistance percentage".

(7) Section 601(a)(2) of this Act is amended by striking ", rather than on the basis of an enhanced FMAP (as defined in section 2105(b) of such Act)".

(8) Section 2105(c)(11), as added by section 602(a)(1), is amended by striking "enhanced FMAP" and inserting "Federal medical assistance percentage".

SA 2543. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 610. PERSONAL EMPOWERMENT THROUGH INDIVIDUAL RESPONSIBILITY.

Section 2103(e) (42 U.S.C. 1397cc(e)) is amended by adding at the end the following new paragraph:

"(5) PERSONAL EMPOWERMENT THROUGH INDIVIDUAL RESPONSIBILITY.—Notwithstanding the preceding provisions of this subsection or any other provision of this title, for fiscal years beginning with fiscal year 2008, a State shall not be considered to have an approved State child health plan unless the State has submitted a State plan amendment to the Secretary specifying how the State will impose premiums, deductibles, coinsurance, and other cost-sharing under the State child health plan (regardless of whether such plan is implemented under this title, title XIX, or both) for populations of individuals whose family income exceeds the effective income eligibility level applicable under the State child health plan for that population on the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, in a manner that is consistent with the authority and limitations for imposed cost-sharing under section 1916A.".

SA 2544. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 134, strike line 23 and all that follows through page 135, line 10, and insert the following:

(ii) INCLUSION OF HIGH DEDUCTIBLE HEALTH PLANS; EXCLUSION OF FLEXIBLE SPENDING ARRANGEMENTS.—Such term—

(I) includes coverage consisting of a high deductible health plan (as defined in section 223(c)(2) of such Code) purchased in conjunction with a health savings account (as defined under section 223(d) of such Code); but

(II) does not include coverage consisting of benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986).

SA 2545. Mr. ENSIGN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. _. USE OF HEALTH SAVINGS ACCOUNTS FOR NON-GROUP HIGH DEDUCTIBLE HEALTH PLAN PREMIUMS.

(a) IN GENERAL.—Section 223(d)(2)(C) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) a high deductible health plan, other than a group health plan (as defined in section 5000(b)(1)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SA 2546. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, add the following:

SEC. _____. REPEAL OF EXCISE TAX ON TELEPHONE AND OTHER COMMUNICATIONS SERVICES.

(a) IN GENERAL.—Chapter 33 of the Internal Revenue Code of 1986 (relating to facilities and services) is amended by striking subchapter B.

(b) CONFORMING AMENDMENTS.—

(1) Section 4293 of such Code is amended by striking "chapter 32 (other than the taxes imposed by sections 4064 and 4121) and subchapter B of chapter 33," and inserting "and chapter 32 (other than the taxes imposed by sections 4064 and 4121),".

(2)(A) Paragraph (1) of section 6302(e) of such Code is amended by striking "section 4251 or".

(B) Paragraph (2) of section 6302(e) of such Code is amended—

(i) by striking "imposed by—" and all that follows through "with respect to" and inserting "imposed by section 4261 or 4271 with respect to", and

(ii) by striking "bills rendered or".

(C) The subsection heading for section 6302(e) of such Code is amended by striking "Communications Services and".

(3) Section 6415 of such Code is amended by striking "4251, 4261, or 4271" each place it appears and inserting "4261 or 4271".

(4) Paragraph (2) of section 7871(a) of such Code is amended by inserting "or" at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C).

(5) The table of subchapters for chapter 33 of such Code is amended by striking the item relating to subchapter B.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid pursuant to bills first rendered more than 90 days after the date of the enactment of this Act..

SA 2547. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; as follows:

Beginning on page 79, strike line 21 and all that follows through page 81, line 6, and insert the following:

(a) FMAP APPLIED TO EXPENDITURES.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) LIMITATION ON MATCHING RATE FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE PROVIDED TO CHILDREN WHOSE EFFECTIVE FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.—For fiscal years beginning with fiscal year 2008, the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose effective family income would exceed 300 percent of the poverty line but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income.".

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting "or subsection (c)(8)" after "subparagraph (B)".

(c) APPLICATION OF SAVINGS TO GRANTS FOR OUTREACH AND ENROLLMENT.—

(1) IN GENERAL.—Notwithstanding the dollar amount specified in section 2113(g) of the Social Security Act, as added by section 201(a), the dollar amount specified in such section shall be increased by the amount appropriated under paragraph (2).

(2) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated such amount as the Secretary determines is equal to the amount of additional Federal expenditures for the period of fiscal years 2008 through 2012 that would have been made if the enhanced FMAP (as defined in section 2105(b) of the Social Security Act) applied to expenditures for providing child health assistance to targeted low-income children residing in a State that, on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, has an approved State plan amendment or waiver to provide, or has enacted a State law to submit a State plan amendment to provide, expenditures described in section 2105(c)(8) of such Act (as added by subsection (a)). The preceding sentence constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of such amount to States awarded grants under section 2113 of the Social Security Act.

SA 2548. Mr. BURR (for himself, Mr. CORKER, Mr. COBURN, Mr. MARTINEZ, and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other puuposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—EVERY AMERICAN HEALTH INSURED

Subtitle A—Refundable and Advanceable Credit for Certain Health Insurance Coverage

SEC. ___00. REFERENCE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. ___01. REFUNDABLE AND ADVANCEABLE CREDIT FOR CERTAIN HEALTH INSURANCE COVERAGE.

(a) ADVANCEABLE CREDIT.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by adding at the end the following new section:

"SEC. 26E. QUALIFIED HEALTH INSURANCE CREDIT.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year the sum of the monthly limitations determined under subsection (b) for the taxpayer and the taxpayer's spouse and dependents.

"(b) MONTHLY LIMITATION.—

"(1) IN GENERAL.—The monthly limitation for each month during the taxable year for an eligible individual is 1/12th of—

"(A) the applicable adult amount, in the case that the eligible individual is the taxpayer or the taxpayer's spouse,

"(B) the applicable adult amount, in the case that the eligible individual is an adult dependent, and

"(C) the applicable child amount, in the case that the eligible individual is a child dependent.

"(2) LIMITATION ON AGGREGATE AMOUNT.—Notwithstanding paragraph (1), the aggregate monthly limitations for the taxpayer and the taxpayer's spouse and dependents for any month shall not exceed 1/12th of the applicable aggregate amount.

"(3) APPLICABLE AMOUNT.—For purposes of this section—

"Calendar year	Applicable adult amount	Applicable child amount	Applicable aggregate amount
2009	$2,160	$1.620	$5,400
2010	$2,220	$1,670	$5,550
2011	$2,290	$1,710	$5,710
2012	$2,350	$1,760	$5,880
2013	$2,420	$1,810	$6,050
2014	$2,490	$1,870	$6,220
2015	$2,560	$1,920	$6,400
2016	$2,640	$1,980	$6,590
2017	$2,710	$2,030	$6,780

"(4) NO CREDIT FOR INELIGIBLE MONTHS.—With respect to any individual, the monthly limitation shall be zero for any month for which such individual is not an eligible individual.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

"(d) EXCESS CREDIT REFUNDABLE TO CERTAIN TAX-FAVORED ACCOUNTS.—If—

"(1) the credit which would be allowable under subsection (a) if only qualified refund eligible health insurance were taken into account under this section, exceeds

"(2) the limitation imposed by section 26 or subsection (c) for the taxable year,

such excess shall be paid by the Secretary into the designated account of the taxpayer.

"(e) ELIGIBLE INDIVIDUAL.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible individual' means, with respect to any month, an individual who—

"(A) is the taxpayer, the taxpayer's spouse, or the taxpayer's dependent, and

"(B) is covered under qualified health insurance as of the 1st day of such month.

"(2) COVERAGE UNDER MEDICARE, MEDICAID, SCHIP, MILITARY COVERAGE.—The term 'eligible individual' shall not include any individual who for any month is—

"(A) entitled to benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title, and the individual is not a participant or beneficiary in a group health plan or large group health plan that is a primary plan (as defined in section 1862(b)(2)(A) of such Act),

"(B) enrolled in the program under title XIX or XXI of such Act (other than under section 1928 of such Act), or

"(C) entitled to benefits under chapter 55 of title 10, United States Code, including under the TRICARE program (as defined in section 1072(7) of such title).

"(3) IDENTIFICATION REQUIREMENTS.—The term 'eligible individual' shall not include any individual for any month unless the policy number associated with the qualified health insurance and the TIN of each eligible individual covered under such health insurance for such month are included on the return of tax for the taxable year in which such month occurs.

"(4) PRISONERS.—The term 'eligible individual' shall not include any individual for a month if, as of the first day of such month, such individual is imprisoned under Federal, State, or local authority.

"(5) ALIENS.—The term 'eligible individual' shall not include any alien individual who is not a lawful permanent resident of the United States.

"(f) HEALTH INSURANCE.—For purposes of this section—

"(1) QUALIFIED HEALTH INSURANCE.—The term 'qualified health insurance' means any insurance constituting medical care which (as determined under regulations prescribed by the Secretary)—

"(A) has a reasonable annual and lifetime benefit maximum, and

"(B) provides coverage for inpatient and outpatient care, emergency benefits, and physician care.

Such term does not include any insurance substantially all of the coverage of which is coverage described in section 223(c)(1)(B).

"(2) QUALIFIED REFUND ELIGIBLE HEALTH INSURANCE.—The term 'qualified refund eligible health insurance' means any qualified health insurance which is—

"(A) coverage under a group health plan (as defined in section 5000(b)(1)), or

"(B) coverage offered in a State which has been deemed by the Secretary of Health and Human Services to meet the refundability requirements of section 2201 of the Social Security Act.

"(g) DESIGNATED ACCOUNTS.—

"(1) DESIGNATED ACCOUNT.—For purposes of this section, the term 'designated account' means any specified account established and maintained by the provider of the taxpayer's qualified refund eligible health insurance—

"(A) which is designated by the taxpayer (in such form and manner as the Secretary may provide) on the return of tax for the taxable year, and

"(B) which, under the terms of the account, accepts the payment described in subparagraph (A) on behalf of the taxpayer.

"(2) SPECIFIED ACCOUNT.—For purposes of this paragraph, the term 'specified account' means—

"(A) any health savings account under section 223 or Archer MSA under section 220, or

"(B) any health insurance reserve account.

"(3) HEALTH INSURANCE RESERVE ACCOUNT.—For purposes of this subsection, the term 'health insurance reserve account' means a trust created or organized in the United States as a health insurance reserve account exclusively for the purpose of paying the qualified medical expenses (within the meaning of section 223(d)(2)) of the account beneficiary (as defined in section 223(d)(3)), but only if the written governing instrument creating the trust meets the requirements described in subparagraphs (B), (C), (D), and (E) of section 223(d)(1). Rules similar to the rules under subsections (g) and (h) of section

408 shall apply for purposes of this subparagraph.

"(4) TREATMENT OF PAYMENT.—Any payment under subsection (d) to a designated account shall—

"(A) not be taken into account with respect to any dollar limitation which applies with respect to contributions to such account (or to tax benefits with respect to such contributions),

"(B) be includible in the gross income of the taxpayer for the taxable year in which the payment is made (except as provided in subparagraph (C)), and

"(C) be taken into account in determining any deduction or exclusion from gross income in the same manner as if such contribution were made by the taxpayer.

"(h) OTHER DEFINITIONS.—For purposes of this section—

"(1) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152 (determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof). An individual who is a child to whom section 152(e) applies shall be treated as a dependent of the custodial parent for a coverage month unless the custodial and noncustodial parent provide otherwise.

"(2) ADULT.—The term 'adult' means an individual who is not a child.

"(3) CHILD.—The term 'child' means a qualifying child (as defined in section 152(c).

"(i) SPECIAL RULES.—

"(1) COORDINATION WITH MEDICAL DEDUCTION, ETC.—Any amount paid by a taxpayer for insurance to which subsection (a) applies shall not be taken into account in computing the amount allowable to the taxpayer as a credit under section 35 or as a deduction under section 213(a).

"(2) MEDICAL AND HEALTH SAVINGS ACCOUNTS.—The credit allowed under subsection (a) for any taxable year shall be reduced by the aggregate amount distributed from Archer MSAs (as defined in section 220(d)) and health savings accounts (as defined in section 223(d)) which are excludable from gross income for such taxable years by reason of being used to pay premiums for coverage of an eligible individual under qualified health insurance for any month.

"(3) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(4) MARRIED COUPLES MUST FILE JOINT RETURN.—

"(A) IN GENERAL.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and his spouse file a joint return for the taxable year.

"(B) MARITAL STATUS; CERTAIN MARRIED INDIVIDUALS LIVING APART.—Rules similar to the rules of paragraphs (3) and (4) of section 21(e) shall apply for purposes of this paragraph.

"(5) VERIFICATION OF COVERAGE, ETC.—No credit shall be allowed under this section with respect to any individual unless such individual's coverage (and such related information as the Secretary may require) is verified in such manner as the Secretary may prescribe.

"(6) INSURANCE WHICH COVERS OTHER INDIVIDUALS; TREATMENT OF PAYMENTS.—Rules similar to the rules of paragraphs (7) and (8) of section 35(g) shall apply for purposes of this section.

"(j) COORDINATION WITH ADVANCE PAYMENTS.—

"(1) REDUCTION IN CREDIT FOR ADVANCE PAYMENTS.—With respect to any taxable year, the amount which would (but for this subsection) be allowed as a credit to the taxpayer under subsection (a) shall be reduced (but not below zero) by the aggregate amount paid on behalf of such taxpayer under section 7527A for months beginning in such taxable year.

"(2) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If the aggregate amount paid on behalf of the taxpayer under section 7527A for months beginning in the taxable year exceeds the sum of the monthly limitations determined under subsection (b) for the taxpayer and the taxpayer's spouse and dependents for such months, then the tax imposed by this chapter for such taxable year shall be increased by the sum of—

"(A) such excess, plus

"(B) interest on such excess determined at the underpayment rate established under section 6621 for the period from the date of the payment under section 7527A to the date such excess is paid.

For purposes of subparagraph (B), an equal part of the aggregate amount of the excess shall be deemed to be attributable to payments made under section 7527A on the first day of each month beginning in such taxable year, unless the taxpayer establishes the date on which each such payment giving rise to such excess occurred, in which case subparagraph (B) shall be applied with respect to each date so established.

"(k) COST-OF-LIVING ADJUSTMENTS.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2017, each of the dollar amounts contained in the last row of the table under subsection (b)(3) shall be increased by an amount equal to such dollar amount multiplied by the blended cost-of-living adjustment.

"(2) BLENDED COST-OF-LIVING ADJUSTMENT.—For purposes of paragraph (1), the blended cost-of-living adjustment means one-half of the sum of—

"(A) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins by substituting 'calendar year 2016' for 'calendar year 1992' in subparagraph (B) thereof, plus

"(B) the cost-of-living adjustment determined under section 213(d)(10)(B)(ii) for the calendar year in which the taxable year begins by substituting '2016' for '1996' in subclause (II) thereof.

"(3) ROUNDING.—Any increase determined under paragraph (2) shall be rounded to the nearest multiple of $10.".

(b) ADVANCE PAYMENT OF CREDIT.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting after section 7527 the following new section:

"SEC. 7527A. ADVANCE PAYMENT OF CREDIT FOR QUALIFIED REFUND ELIGIBLE HEALTH INSURANCE.

"(a) IN GENERAL.—The Secretary shall establish a program for making payments on behalf of individuals to providers of qualified refund eligible health insurance (as defined in section 25E(f)(2)) for such individuals.

"(b) LIMITATION.—The Secretary may make payments under subsection (a) only to the extent that the Secretary determines that the amount of such payments made on behalf of any taxpayer for any month does not exceed the sum of the monthly limitations determined under section 25E(b) for the taxpayer and taxpayer's spouse and dependents for such month.".

(c) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 (relating to information concerning transactions with other persons) is amended by inserting after section 6050V the following new section:

"SEC. 6050W. RETURNS RELATING TO CREDIT FOR QUALIFIED REFUND ELIGIBLE HEALTH INSURANCE.

"(a) REQUIREMENT OF REPORTING.—Every person who is entitled to receive payments for any month of any calendar year under section 7527A (relating to advance payment of credit for qualified refund eligible health insurance) with respect to any individual shall, at such time as the Secretary may prescribe, make the return described in subsection (b) with respect to each such individual.

"(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains, with respect to each individual referred to in subsection (a)—

"(A) the name, address, and TIN of each such individual,

"(B) the months for which amounts payments under section 7527A were received,

"(C) the amount of each such payment,

"(D) the type of insurance coverage provide by such person with respect to such individual and the policy number associated with such coverage,

"(E) the name, address, and TIN of the spouse and each dependent covered under such coverage, and

"(F) such other information as the Secretary may prescribe.

"(c) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

"(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

"(d) RETURNS WHICH WOULD BE REQUIRED TO BE MADE BY 2 OR MORE PERSONS.—Except to the extent provided in regulations prescribed by the Secretary, in the case of any amount received by any person on behalf of another person, only the person first receiving such amount shall be required to make the return under subsection (a).".

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) (relating to definitions) is amended by redesignating clauses (xv) through (xxi) as clauses (xvi) through (xxii), respectively, and by inserting after clause (xiv) the following new clause:

"(xv) section 6050W (relating to returns relating to credit for qualified refund eligible health insurance),".

(B) Paragraph (2) of section 6724(d) is amended by striking the period at the end of subparagraph (CC) and inserting ", or" and by inserting after subparagraph (CC) the following new subparagraph:

"(DD) section 6050W (relating to returns relating to credit for qualified refund eligible health insurance).".

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "or 25E" after "section 35".

(2)(A) Section 23(b)(4)(B) is amended by inserting "and section 25D" after "this section".

(B) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, and 25D".

(C) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23 and 25D".

(D) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, and 25D".

(3) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Qualified health insurance credit.".

(4) The table of sections for chapter 77 is amended by inserting after the item relating to section 7527 the following new item:

"Sec. 7527A. Advance payment of credit for qualified refund eligible health insurance.".

(5) The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by adding at the end the following new item:

"Sec. 6050W. Returns relating to credit for qualified refund eligible health insurance.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. ___02. CHANGES TO EXISTING TAX PREFERENCES FOR MEDICAL COVERAGE, ETC., FOR INDIVIDUALS ELIGIBLE FOR QUALIFIED HEALTH INSURANCE CREDIT OR STANDARD DEDUCTION.

(a) EXCLUSION FOR CONTRIBUTIONS BY EMPLOYER TO ACCIDENT AND HEALTH PLANS.—

(1) IN GENERAL.—Section 106 (relating to contributions by employer to accident and health plans) is amended by adding at the end the following new subsection:

"(f) NO EXCLUSION FOR INDIVIDUALS ELIGIBLE FOR QUALIFIED HEALTH INSURANCE CREDIT.—Subsection (a) shall not apply with respect to any employer-provided coverage under an accident or health plan for any individual for any month unless such individual is described in paragraph (2) or (5) of section 25E(e) for such month. The amount includible in gross income by reason of this subsection shall be determined under rules similar to the rules of section 4980B(f)(4).".

(2) CONFORMING AMENDMENTS.—

(A) Section 106(b)(1) is amended—

(i) by inserting "gross income does not include" before "amounts contributed", and

(ii) by striking "shall be treated as employer-provided coverage for medical expenses under an accident or health plan".

(B) Section 106(d)(1) is amended—

(i) by inserting "gross income does not include" before "amounts contributed", and

(ii) by striking "shall be treated as employer-provided coverage for medical expenses under an accident or health plan".

(b) AMOUNTS RECEIVED UNDER ACCIDENT AND HEALTH PLANS.—Section 105 (relating to amounts received under accident and health plans) is amended by adding at the end the following new subsection:

"(f) NO EXCLUSION FOR INDIVIDUALS ELIGIBLE FOR QUALIFIED HEALTH INSURANCE CREDIT.—Subsection (b) shall not apply with respect to any employer-provided coverage under an accident or health plan for any individual for any month unless such individual is described in paragraph (2) or (5) of section 25E(e) for such month.".

(c) SPECIAL RULES FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—Subsection (l) of section 162 (relating to special rules for health insurance costs of self-employed individuals) is amended by adding at the end the following new paragraph:

"(6) NO DEDUCTION TO INDIVIDUALS ELIGIBLE FOR QUALIFIED HEALTH INSURANCE.—Paragraph (1) shall not apply for any individual for any month unless such individual is described in paragraph (2) or (5) of section 25E(e) for such month.".

(d) EARNED INCOME CREDIT UNAFFECTED BY REPEALED EXCLUSIONS.—Subparagraph (B) of section 32(c)(2) is amended by redesignating clauses (v) and (vi) as clauses (vi) and (vii), respectively, and by inserting after clause (iv) the following new clause:

"(v) the earned income of an individual shall be computed without regard to sections 105(f) and 106(f),".

(e) MODIFICATION OF DEDUCTION FOR MEDICAL EXPENSES.—Subsection (d) of section 213 is amended by adding at the end the following new paragraph:

"(12) PREMIUMS FOR QUALIFIED HEALTH INSURANCE.—The term 'medical care' does not include any amount paid as a premium for coverage of an eligible individual (as defined in section 25E(e)) under qualified health insurance (as defined in section 25E(f)) for any month.".

(f) DEFINITION OF WAGES FOR EMPLOYMENT TAX PURPOSES.—

(1) FEDERAL INSURANCE CONTRIBUTIONS ACT.—Subsection (a) of section 3121 is amended—

(A) by striking "sickness or" each place it appears in paragraph (2), and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) any payment made to or for the benefit of an employee if at the time of such payment it is reasonable to believe that the employee will be able to exclude such payment from income under section 104, 105, or 106;".

(2) RAILROAD RETIREMENT TAX.—Subsection (e) of section 3231 is amended—

(A) by striking "sickness or" each place it appears in paragraph (1), and

(B) by adding at the end the following new paragraph:

"(13) The term 'compensation' shall not include any payment made to or for the benefit of an employee if at the time of such payment it is reasonable to believe that the employee will be able to exclude such payment from income under section 104, 105, or 106.".

(3) UNEMPLOYMENT TAX.—Subsection (b) of section 3306 is amended—

(A) by striking "sickness or" each place it appears in paragraph (2), and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) any payment made to or for the benefit of an employee if at the time of such payment it is reasonable to believe that the employee will be able to exclude such payment from income under section 104, 105, or 106;".

(g) REPORTING REQUIREMENT.—Subsection (a) of section 6051 is amended by striking "and" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting "and", and by inserting after paragraph (13) the following new paragraph:

"(14) the total amount of employer-provided coverage under an accident or health plan which is includible in gross income by reason of sections 105(f) and 106(f).".

(h) RETIRED PUBLIC SAFETY OFFICERS.—Section 402(l)(4)(D) is amended by adding at the end the following: "Such term shall not include any premium for coverage by an accident or health insurance plan for any month unless such individual is described in paragraph (2) or (5) of section 25E(e) for such month.".

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

Subtitle B—Improving Private Health Insurance Access and Affordability

SEC. ___11. IMPROVING PRIVATE HEALTH INSURANCE ACCESS AND AFFORDABILITY.

The Social Security Act is amended by adding at the end the following new title:

"TITLE XXII—REFUNDABILITY DEEMING; STATE HEALTH INSURANCE EXCHANGES

"Subtitle A—Refundability Deeming

"SEC. 2201. REFUNDABILITY DEEMING.

"(a) IN GENERAL.—For purposes of section 25E of the Internal Revenue Code of 1986, the Secretary shall deem whether a State (as defined for purposes of title XIX) has taken efforts to provide its citizens with greater access to affordable private health insurance. Those efforts may include, but are not limited to, the following initiatives:

"(1) The establishment of a State health insurance exchange.

"(2) The establishment of a high risk solution, such as a high risk pool, reinsurance mechanism, or other State-designed high risk solution.

"(3) The availability of affordable coverage (as defined in section 2212(b)(2), determined without regard to whether such coverage is qualified exchange-based health insurance coverage (as defined in section 2214).

"(b) MORE INDIVIDUALS COVERED.—A State shall demonstrate to the Secretary that an initiative under subsection (a) is reasonably designed to operate in a manner so as to result, in combination with the qualified health insurance tax credit, in a reduction in the number of eligible individuals (as defined in section 2213) in the State who do not have health insurance coverage, as measured by the Secretary based upon information obtained in the Current Population Survey.

"(c) REFERENCE TO REFUNDABILITY REQUIREMENT FOR APPLICATION OF REFUNDABILITY OF QUALIFIED HEALTH INSURANCE TAX CREDIT.—For rules relating to limitations on the refundability of the qualified health insurance credit under section 25E of the Internal Revenue Code of 1986 in relation to initiatives described in subsection (a), see section 25E(d). In this title, the term 'qualified health insurance tax credit' means the tax credit provided under such section.

"Subtitle B—State Health Insurance Exchanges

"SEC. 2211. STATE HEALTH INSURANCE EXCHANGES.

"(a) IN GENERAL.—The Secretary shall provide a process for the review and certification of applications of each State of a State-based program as a certified health insurance exchange for the State (each in this subtitle referred to as a 'certified State health insurance exchange' or an 'exchange'). A program shall not be treated as a certified State health insurance exchange unless the Secretary, in consultation with the Secretary of the Treasury, determines that the program meets the requirements for an exchange under this subtitle.

"(b) CONTINUED CERTIFICATION.—Upon certification of a program under subsection (a), the program shall remain so certified unless the Secretary determines that the program has failed to meet any of the requirements for an exchange under this subtitle.

"SEC. 2212. REQUIREMENTS FOR EXCHANGE CERTIFICATION.

"(a) GENERAL REQUIREMENTS.—

"(1) IN GENERAL.—The exchange shall be a means to pool individual consumers purchasing private health insurance, to provide them with greater negotiating leverage, and to provide a market where private health insurance plans can compete to offer coverage for these individuals.

"(2) ADMINISTRATION.—Nothing in this subtitle shall prohibit a State from either directly contracting with the health insurance plans participating in the exchange or a third party administrator to operate the exchange.

"(3) PLAN PARTICIPATION.—No State may restrict or otherwise limit the ability of health insurance plans to participate in and offer health insurance products through an exchange, so long as the providers of these plans are duly licensed under State insurance laws applicable to all health insurance providers in the State and comply with the requirements under this subtitle.

"(4) BENEFITS.—A State shall not impose requirements that health insurance plans participating in the exchange provide any benefits, beyond those requirements that the State imposes upon all licensed health insurance providers operating in the State.

"(5) PRICING.—A State shall not set prices for any products offered through the exchange.

"(6) PREMIUMS COLLECTION METHOD.—A State shall ensure the existence of an effective and efficient method for the collection of premiums owed for qualified exchange-based health insurance coverage.

"(7) MULTI-STATE POOLING ARRANGEMENTS.—Nothing in this subtitle shall prohibit State health insurance exchanges from organizing into a multi-state pooling arrangement.

"(b) OFFERING OF AFFORDABLE QUALIFIED EXCHANGE-BASED HEALTH INSURANCE COVERAGE TO ELIGIBLE INDIVIDUALS.—

"(1) AFFORDABLE AND BENCHMARK COVERAGE.—The exchange must have one or more health insurance plans participating in the offering to each eligible individual (as defined in section 2213(a)) of qualified exchange-based health insurance coverage (as defined in section 2214)—

"(A) at least one of which is affordable as determined under paragraph (2); and

"(B) at least one of which provides benchmark benefits coverage described in section 2113(b).

Private health insurance providers, duly licensed in the State, may enter into agreements with the exchange to provide qualified exchange-based health insurance coverage and increase the choices available to eligible individuals.

"(2) AFFORDABLE COVERAGE.—

"(A) IN GENERAL.—Subject to subparagraph (B), a State through an exchange shall meet the requirement under paragraph (1)(A) in a year by using its funds to supplement the premiums of the lowest cost plan participating in the exchange (as determined by a methodology to be specified by the Secretary), so that the average premium for individuals enrolling in the plan will not exceed 6 percent of the State's median income.

"(B) EXCEPTION.—A State is not required under subparagraph (A) to provide any supplemental payments if there is at least one plan available in all areas of the State with average premiums that are below 6 percent of the State's median income.

"(C) NO USE OF PRICE FIXING.—The implementation of this paragraph shall comply with subsection (a)(5).

"(D) APPLICATION.—

"(i) DISREGARDING LATE ENROLLMENT PENALTIES AND RELATED PREMIUM DISINCENTIVES.—The amount of premium under subparagraph (A) shall not take into account any increase in premium resulting from the State's application of methods permitted under subsection (a)(6).

"(ii) APPLICATION TO SUB-STATE AREAS.—A State may apply subparagraph (A) separately for different areas within the State.

"(c) ENROLLMENT OF ELIGIBLE INDIVIDUALS.—

"(1) ENROLLMENT MECHANISMS.—Health insurance plans participating in the exchange in State shall have uniform mechanisms designed to encourage and facilitate the enrollment of all eligible individuals in qualified exchange-based health insurance coverage.

"(2) ENROLLMENT OPPORTUNITIES.—

"(A) IN GENERAL.—Health insurance plans participating in the exchange in a State shall permit the enrollment and changes of enrollment of individuals at the time they become eligible individuals in the State, such as through loss of group-based qualifying health insurance coverage, changes in residency or family composition, and other circumstances specified by the Secretary.

"(B) ANNUAL OPEN ENROLLMENT PERIODS.—Health insurance plans participating in the exchange in a State shall permit eligible individuals to change enrollment among such plans in an annual manner, subject to subparagraph (A).

"(3) LIMITATION ON PREEXISTING CONDITION EXCLUSIONS.—Qualified exchange-based health insurance coverage shall meet the requirements of section 9801 of the Internal Revenue Code of 1986 in the same manner as if it were a group health plan.

"(d) PATHWAY FOR ENROLLMENT BY MEDICAID AND SCHIP BENEFICIARIES.—A State through an exchange shall include a pathway for eligible individuals who are enrolled (or eligible to enroll) under title XIX or XXI in such State to enroll in qualified exchange-based health insurance coverage. A State may use the program under section 1938 in developing such a pathway.

"(e) METHODS TO REDUCE ADVERSE SELECTION.—Health insurance plans participating in the exchange in a State shall have a mechanism to reduce adverse selection in the enrollment of eligible individuals. This mechanism shall be uniform for all such plans and may include waiting periods and premium surcharges for late enrollees (or individuals who otherwise do not have periods of creditable coverage before enrolling through the exchange) and other devices reasonably designed to reduce adverse selection in the enrollment of eligible individuals consistent with the requirements of subpart 1 of part B of title XXVII of the Public Health Service Act (relating to portability, access, and renewability requirements for health insurance coverage in the individual market).

"(f) REINSURANCE OR OTHER RISK REDISTRIBUTION MECHANISM.—Health insurance plans participating in the exchange in a State may have a uniform mechanism that protects entities offering qualified exchange-based health insurance coverage to manage risk. Such a mechanism may include reinsurance, a high risk pool, or other mechanism approved by the Secretary.

"(g) DISSEMINATION OF COVERAGE INFORMATION.—Health insurance plans participating in the exchange in a State shall ensure that there is wide dissemination of information about health insurance coverage options, including the plans offered and premiums and benefits for such plans, to eligible individuals and to employers that provide financial assistance in purchasing such coverage.

"(h) INFORMATION COORDINATION.—Health insurance plans participating in the exchange in a State shall report to the Secretary of the Treasury such information as is required under the Internal Revenue Code of 1986 to carry out the qualified health insurance tax credit.

"SEC. 2213. ELIGIBLE INDIVIDUAL.

"(a) ELIGIBLE INDIVIDUAL.—In this subtitle—

"(1) IN GENERAL.—The term 'eligible individual' means, with respect to a State and a month, an individual who, as of the first day of the month—

"(A) is a resident of the State (as determined in accordance with guidelines specified by the Secretary);

"(B) is citizen or national of the United States, an alien lawfully admitted to the United States for permanent residence or otherwise residing in the United States under color of law, or an alien otherwise lawfully residing in the United States under color of law for such period as the Secretary shall specify; and

"(C) is not covered under group-based qualifying health insurance coverage.

"(2) GROUP-BASED QUALIFYING HEALTH INSURANCE COVERAGE.—The term 'group-based qualifying health insurance coverage' means any of the following::

"(A) GROUP HEALTH PLAN COVERAGE.—

"(i) IN GENERAL.—Subject to clause (ii), coverage under a group health plan (as defined in section 9832(a) of the Internal Revenue Code of 1986).

"(ii) EXCEPTION.—Clause (i) shall not include—

"(I) a health plan if substantially all of its coverage is coverage described in section 223(c)(1)(B) of the Internal Revenue Code of 1986; or

"(II) coverage under a group health plan insofar as the plan benefits consist (other than coverage described in subclause (I)) of contribution towards a qualified exchange-based health insurance coverage.

"(B) MEDICARE.—

"(i) IN GENERAL.—Subject to clause (ii), coverage under any part of the Medicare program under title XVIII.

"(ii) EXCEPTION.—Clause (i) shall not apply if all the coverage under Medicare is, through the direct or indirect application of section 1862(b), secondary to coverage under a group health plan.

"(C) MILITARY HEALTH CARE.—Coverage under the military health program under chapter 55 of title 10, United States Code, including under the TRICARE program (as defined in section 1072(7) of such title).

"(D) FEHBP.—Coverage under the Federal employees health benefit program under chapter 89 of title 5, United States Code.

"(E) FULL VETERANS COVERAGE.—Coverage through the Department of Veterans Affairs if such coverage is based on enrollment of an individual who is described in paragraph (1) of section 1705(a) of title 38, United States Code (relating to veterans with service-connected disabilities rated 50 percent or greater).

"(b) RELATION TO MEDICAID/SCHIP.—Except as a State may otherwise provide, an individual is not disqualified from being an eligible individual merely because the individual is enrolled under title XIX or XXI.

"SEC. 2214. QUALIFIED EXCHANGE-BASED HEALTH INSURANCE COVERAGE.

"In this subtitle, the term 'qualified exchange-based health insurance coverage' means qualified health insurance (as defined in section 25E(f)(1) of the Internal Revenue Code of 1986) offered by a private entity through an exchange.

"SEC. 2215. FLEXIBILITY IN APPLICATION TO LOWER-INCOME INDIVIDUALS.

"(a) STATE SUPPLEMENTATION.—Nothing in this subtitle shall be construed as preventing a State from providing, under a certified State health insurance exchange and at the State's own expense, additional assistance to eligible individuals with respect to subsidizing premium and cost-sharing costs for qualified exchange-based health insurance coverage.

"(b) TREATMENT OF CERTAIN MEDICAID AND SCHIP BENEFICIARIES.—Nothing in this subtitle shall be construed as preventing a State Medicaid or children's health insurance program under title XIX or XXI from permitting individuals eligible for medical assistance or child health assistance under the respective titles from obtaining such assistance through enrollment in qualified exchange-based health insurance coverage.".

SEC. ___12. EXPANSION OF MEDICAID HEALTH OPPORTUNITY ACCOUNTS TO ALL STATES.

Section 1938 of the Social Security Act (42 U.S.C. 1396u–8) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary shall establish a program under which States may provide under their State plans under this title (including such a plan operating under a statewide waiver under section 1115) in accordance with this section for the provision of alternative benefits consistent with subsection (c) for eligible population groups in one or more geographic areas of the State specified by the State. An amendment under the previous sentence is referred to in this section as a 'State health opportunity accounts program'."; and

(B) in paragraph (2)—

(i) by striking the paragraph heading and inserting "IMPLEMENTATION.—";

(ii) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—The program established under this section shall begin on January 1, 2008."; and

(iii) in subparagraph (B)—

(I) by striking clause (i) and inserting the following:

"(i) IN GENERAL.—Not later than March 31, 2013, the Comptroller General of the United States shall submit a report to Congress evaluating the programs conducted under this section ."; and

(II) in clause (ii), by striking "2010" and inserting "2013"; and

(C) in paragraph (3)(E), by inserting "that include plan comparison information in language that is easily understood" before the period;

(2) in subsection (b)—

(A) in paragraph (1) , by striking "consistent with paragraphs (2) and (3)";

(B) by striking paragraphs (2) through (4) and inserting the following:

"(2) LIMITATION ON ENROLLEES IN MEDICAID MANAGED CARE ORGANIZATIONS.—Insofar as the State provides for eligibility of individuals who are enrolled in Medicaid managed care organizations, such individuals may participate in the State health opportunity account program only if the State provides assurances satisfactory to the Secretary that the following conditions are met with respect to any such organization:

"(A) In no case may the number of such individuals enrolled in the organization who participate in the program exceed 5 percent of the total number of individuals enrolled in such organization.

"(B) The proportion of enrollees in the organization who so participate is not significantly disproportionate to the proportion of such enrollees in other such organizations who participate.

"(C) The State has provided for an appropriate adjustment in the per capita payments to the organization to account for such participation, taking into account differences in the likely use of health services between enrollees who so participate and enrollees who do not so participate."; and

(C) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively;

(3) in subsection (d)—

(A) in paragraph (2)(C)(i)—

(i) in subclause (II), by striking "and" at the end;

(ii) in subclause (III), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(IV) shall provide contributions into such an account on a sliding-scale based on income."; and

(B) in paragraph (3)(B)(ii)—

(i) in subclause (I), by striking "and" at the end;

(ii) by redesignating subclause (II) as subclause (III); and

(iii) by inserting after subclause (I), the following:

"(II) may be transferred into a health savings account established under section 223 of the Internal Revenue Code of 1986 and such transfer shall be treated as a rollover contribution described in section 223(f) of the Internal Revenue Code of 1986; and"; and

(4) by striking "State demonstration program" each place it appears and inserting "State health opportunity accounts program".

SA 2549. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. 61_. ESTIMATED TAX SAFE HARBOR FOR ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Section 6654 of the Internal Revenue Code of 1986 (relating to failure by individual to pay estimated income tax) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) SAFE HARBOR FOR CERTAIN ALTERNATIVE MINIMUM TAX PAYERS.—In the case of any individual with respect to whom there was no liability for the tax imposed under section 55 for the preceding taxable year—

"(1) any required payment calculated under subsection (d)(1)(B)(i) shall be determined without regard to any tax imposed under section 55,

"(2) any annualized income installment calculated under subsection (d)(2)(B) shall determined without regard to alternative minimum taxable income, and

"(3) the determination of the amount of the tax for the taxable year for purposes of subsection (e)(1) shall not include the amount of any tax imposed under section 55.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 2550. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, add the following:

SEC. _____. PERMANENT REPEAL OF ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) of the Internal Revenue Code of 1986 (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

"For purposes of this title, the tentative minimum tax on any taxpayer for any taxable year beginning after December 31, 2006, shall be zero.".

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 of the Internal Revenue Code of 1986 (relating to credit for prior year minimum tax liability) is amended to read as follows:

"(c) LIMITATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

"(B) the tentative minimum tax for the taxable year.

"(2) TAXABLE YEARS BEGINNING AFTER 2006.—In the case of any taxable year beginning after December 31, 2006, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SA 2551. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITING TO CLASS II NARCOTICS THE REQUIRED USE OF TAMPER-RESISTANT PRESCRIPTION PADS UNDER MEDICAID.

(a) IN GENERAL.—Effective as if included in the enactment of section 1903(i)(23) (42 U.S.C. 1396b(i)(23)), as added by section 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), such section is amended by inserting "which are narcotic drugs included in schedule II of section 202 of the Controlled Substances Act (21 U.S.C. 812) and" after "1927(k)(2))".

(b) DELAY IN EFFECTIVE DATE FOR REQUIREMENT.—Effective as if included in the enactment of section 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28), paragraph (2) of such section is amended by striking "September 30, 2007" and inserting "March 31, 2009".

SA 2552. Mr. SMITH (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

(_) SSI EXTENSIONS FOR HUMANITARIAN IMMIGRANTS; COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.—

(1) SSI EXTENSIONS FOR HUMANITARIAN IMMIGRANTS.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

"(M) SSI EXTENSIONS THROUGH FISCAL YEAR 2010.—

"(i) TWO-YEAR EXTENSION.—

"(I) IN GENERAL.—Except as provided in clause (ii), with respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), the 7-year period described in subparagraph (A) shall be deemed to be a 9-year period during fiscal years 2008 through 2010.

"(II) ALIENS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—

"(aa) IN GENERAL.—Beginning on the date of the enactment of the SSI Extension for Elderly and Disabled Refugees Act, any qualified alien rendered ineligible for the specified Federal program described in paragraph (3)(A) during fiscal years prior to fiscal year 2008 solely by reason of the termination of the 7-year period described in subparagraph (A) shall be eligible for such program for an additional 2-year period in accordance with this clause, if such alien meets all other eligibility factors under title XVI of the Social Security Act.

"(bb) PAYMENT OF BENEFITS.—Benefits paid under item (aa) shall be paid prospectively over the duration of the qualified alien's renewed eligibility.

"(ii) PENDING NATURALIZATION APPLICATION.—With respect to eligibility for benefits for the specified program described in paragraph (3)(A), subsection (a)(1) shall not apply during fiscal years 2008 through 2010 to an alien described in one of clauses (i) through (v) of subparagraph (A), if the alien has submitted an application for naturalization that is pending before the Secretary of Homeland Security, and such submission is verified by the Commissioner of Social Security either by receiving a receipt number from the alien for such submitted application or by receiving confirmation from the Secretary of Homeland Security.".

(2) COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.—

(A) IN GENERAL.—Section 6402 of the Internal Revenue Code (relating to authority to make credits or refunds) is amended by redesignating subsections (f) through (k) as subsections (g) through (l), respectively, and by inserting after subsection (e) the following new subsection:

"(f) COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.—

"(1) IN GENERAL.—Upon receiving notice from any State that a named person owes a covered unemployment compensation debt to such State, the Secretary shall, under such conditions as may be prescribed by the Secretary—

"(A) reduce the amount of any overpayment payable to such person by the amount of such covered unemployment compensation debt;

"(B) pay the amount by which such overpayment is reduced under subparagraph (A) to such State and notify such State of such person's name, taxpayer identification number, address, and the amount collected; and

"(C) notify the person making such overpayment that the overpayment has been reduced by an amount necessary to satisfy a covered unemployment compensation debt.

If an offset is made pursuant to a joint return, the notice under subparagraph (B) shall include the names, taxpayer identification numbers, and addresses of each person filing such return and the notice under subparagraph (C) shall include information related to the rights of a spouse of a person subject to such an offset.

"(2) PRIORITIES FOR OFFSET.—Any overpayment by a person shall be reduced pursuant to this subsection—

"(A) after such overpayment is reduced pursuant to—

"(i) subsection (a) with respect to any liability for any internal revenue tax on the part of the person who made the overpayment;

"(ii) subsection (c) with respect to past-due support; and

"(iii) subsection (d) with respect to any past-due, legally enforceable debt owed to a Federal agency; and

"(B) before such overpayment is credited to the future liability for any Federal internal revenue tax of such person pursuant to subsection (b).

If the Secretary receives notice from a State or States of more than one debt subject to paragraph (1) or subsection (e) that is owed by a person to such State or States, any overpayment by such person shall be applied against such debts in the order in which such debts accrued.

"(3) NOTICE; CONSIDERATION OF EVIDENCE.—No State may take action under this subsection until such State—

"(A) notifies the person owing the covered unemployment compensation debt that the State proposes to take action pursuant to this section;

"(B) provides such person at least 60 days to present evidence that all or part of such liability is not legally enforceable or due to fraud;

"(C) considers any evidence presented by such person and determines that an amount of such debt is legally enforceable and due to fraud; and

"(D) satisfies such other conditions as the Secretary may prescribe to ensure that the determination made under subparagraph (C) is valid and that the State has made reasonable efforts to obtain payment of such covered unemployment compensation debt.

"(4) COVERED UNEMPLOYMENT COMPENSATION DEBT.—For purposes of this subsection, the term 'covered unemployment compensation debt' means—

"(A) a past-due debt for erroneous payment of unemployment compensation due to fraud which has become final under the law of a State certified by the Secretary of Labor pursuant to section 3304 and which remains uncollected;

"(B) contributions due to the unemployment fund of a State for which the State has determined the person to be liable due to fraud; and

"(C) any penalties and interest assessed on such debt.

"(5) REGULATIONS.—

"(A) IN GENERAL.—The Secretary may issue regulations prescribing the time and manner in which States must submit notices of covered unemployment compensation debt and the necessary information that must be contained in or accompany such notices. The regulations may specify the minimum amount of debt to which the reduction procedure established by paragraph (1) may be applied.

"(B) FEE PAYABLE TO SECRETARY.—The regulations may require States to pay a fee to the Secretary, which may be deducted from amounts collected, to reimburse the Secretary for the cost of applying such procedure. Any fee paid to the Secretary pursuant to the preceding sentence shall be used to reimburse appropriations which bore all or part of the cost of applying such procedure.

"(C) SUBMISSION OF NOTICES THROUGH SECRETARY OF LABOR.—The regulations may include a requirement that States submit notices of covered unemployment compensation debt to the Secretary via the Secretary of Labor in accordance with procedures established by the Secretary of Labor. Such procedures may require States to pay a fee to the Secretary of Labor to reimburse the Secretary of Labor for the costs of applying this subsection. Any such fee shall be established in consultation with the Secretary of the Treasury. Any fee paid to the Secretary of Labor may be deducted from amounts collected and shall be used to reimburse the appropriation account which bore all or part of the cost of applying this subsection.

"(6) ERRONEOUS PAYMENT TO STATE.—Any State receiving notice from the Secretary that an erroneous payment has been made to such State under paragraph (1) shall pay promptly to the Secretary, in accordance with such regulations as the Secretary may prescribe, an amount equal to the amount of such erroneous payment (without regard to whether any other amounts payable to such State under such paragraph have been paid to such State).".

(B) DISCLOSURE OF CERTAIN INFORMATION TO STATES REQUESTING REFUND OFFSETS FOR LEGALLY ENFORCEABLE STATE UNEMPLOYMENT COMPENSATION DEBT RESULTING FROM FRAUD.—

(i) GENERAL RULE.—Paragraph (3) of section 6103(a) of such Code is amended by inserting "(10)," after "(6),".

(ii) DISCLOSURE TO DEPARTMENT OF LABOR AND ITS AGENT.—Paragraph (10) of section 6103(l) of such Code is amended—

(I) by striking "(c), (d), or (e)" each place it appears in the heading and text and inserting "(c), (d), (e), or (f)",

(II) in subparagraph (A) by inserting ", to officers and employees of the Department of Labor and its agent for purposes of facilitating the exchange of data in connection with a request made under subsection (f)(5) of section 6402," after "section 6402", and

(III) in subparagraph (B) by inserting ", and any agents of the Department of Labor," after "agency" the first place it appears.

(iii) SAFEGUARDS.—Paragraph (4) of section 6103(p) of such Code is amended—

(I) in the matter preceding subparagraph (A), by striking "(l)(16)," and inserting "(l)(10), (16),";

(II) in subparagraph (F)(i), by striking "(l)(16)," and inserting "(l)(10), (16),"; and

(III) in the matter following subparagraph (F)(iii)—

(aa) in each of the first two places it appears, by striking "(l)(16)," and inserting "(l)(10), (16).";

(bb) by inserting "(10)," after "paragraph (6)(A),"; and

(cc) in each of the last two places it appears, by striking "(l)(16)" and inserting "(l)(10) or (16)".

(C) EXPENDITURES FROM STATE FUND.—Section 3304(a)(4) of such Code is amended—

(i) in subparagraph (E), by striking "and" after the semicolon;

(ii) in subparagraph (F), by inserting "and" after the semicolon; and

(iii) by adding at the end the following new subparagraph:

"(G) with respect to amounts of covered unemployment compensation debt (as defined in section 6402(f)(4)) collected under section 6402(f)—

"(i) amounts may be deducted to pay any fees authorized under such section; and

"(ii) the penalties and interest described in section 6402(f)(4)(B) may be transferred to the appropriate State fund into which the State would have deposited such amounts had the person owing the debt paid such amounts directly to the State;".

(D) CONFORMING AMENDMENTS.—

(i) Subsection (a) of section 6402 of such Code is amended by striking "(c), (d), and (e)," and inserting "(c), (d), (e), and (f)".

(ii) Paragraph (2) of section 6402(d) of such Code is amended by striking "and before such overpayment is reduced pursuant to subsection (e)" and inserting "and before such overpayment is reduced pursuant to subsections (e) and (f)".

(iii) Paragraph (3) of section 6402(e) of such Code is amended in the last sentence by inserting "or subsection (f)" after "paragraph (1)".

(iv) Subsection (g) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking "(c), (d), or (e)" and inserting "(c), (d), (e), or (f)".

(v) Subsection (i) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking "subsection (c) or (e)" and inserting "subsection (c), (e), or (f)".

(E) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to refunds payable under section 6402 of the Internal Revenue Code of 1986 on or after the date of enactment of this Act.

SA 2553. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. ___. MODIFICATIONS TO SOCIAL SECURITY ACT TO ENCOURAGE THE INCLUSION OF INDIVIDUALS WITH DISABILITIES IN WORK PROGRAMS.

(a) AUTHORIZATION OF MODIFIED EMPLOYABILITY PLAN FOR INDIVIDUALS WITH DISABILITIES.—

(1) IN GENERAL.—Section 407(c)(2) of the Social Security Act (42 U.S.C. 607(c)(2)) is amended by adding at the end the following new subparagraph:

"(E) INDIVIDUALS WITH DISABILITIES COMPLYING WITH A MODIFIED EMPLOYABILITY PLAN DEEMED TO BE MEETING WORK PARTICIPATION REQUIREMENTS.—

"(i) MODIFIED EMPLOYABILITY PLAN.—A State may develop a modified employability plan for an adult or minor child head of household recipient of assistance who has been determined by a qualified medical, mental health, addiction, or social services professional (as determined by the State) to have a disability, or who is caring for a family member with a disability (as so determined). The modified employability plan shall—

"(I) include a determination that, because of the disability of the recipient or the individual for whom the recipient is caring, reasonable modification of work activities, hourly participation requirements, or both, is needed in order for the recipient to participate in work activities;

"(II) set forth the modified work activities in which the recipient is required to participate;

"(III) set forth the number of hours per week for which the recipient is required to participate in such modified work activities based on the State's evaluation of the family's circumstances;

"(IV) set forth the services, supports, and modifications that the State will provide to the recipient or the recipient's family;

"(V) be developed in cooperation with the recipient; and

"(VI) be reviewed not less than every 6 months.

"(ii) INCLUSION IN MONTHLY PARTICIPATION RATES.—For the purpose of determining monthly participation rates under subsection (b)(1)(B)(i), and notwithstanding paragraphs (1), (2)(A), (2)(B), (2)(C), and (2)(D) of this subsection and subsection (d) of this section, a recipient is deemed to be engaged in work for a month in a fiscal year if—

"(I) the State has determined that the recipient is in substantial compliance with activities and hourly participation requirements set forth in a modified employability plan that meets the requirements set forth in clause (i); and

"(II) the State complies with the reporting requirement set forth in clause (iii) for the fiscal year in which the month occurs.

"(iii) REPORTS.—

"(I) REPORT BY STATE.—With respect to any fiscal year for which a State counts a recipient as engaged in work pursuant to a modified employability plan, the State shall submit a report entitled 'Annual State Report on TANF Recipients Participating in Work Activities Pursuant to Modified Employability Plans Due to Disability' to the Secretary not later than March 31 of the succeeding fiscal year. The report shall provide the following information:

"(aa) The aggregate number of recipients with modified employability plans due to a disability.

"(bb) The percentage of all recipients with modified employability plans who substantially complied with activities set forth in the plans each month of the fiscal year.

"(cc) Information regarding the most prevalent types of physical and mental impairments that provided the basis for the disability determinations.

"(dd) The percentage of cases with a modified employability plan in which the recipient had a disability, was caring for a child with a disability, or was caring for another family member with a disability.

"(ee) A description of the most prevalent types of modification in work activities or hours of participation that were included in the modified employability plans.

"(ff) A description of the qualifications of the staff who determined whether individuals had a disability, of the staff who determined that individuals needed modifications to their work requirements, and of the staff who developed the modified employability plans.

"(II) REPORT BY SECRETARY.—The Secretary shall submit an annual report to Congress entitled 'Efforts in State TANF Programs to Promote and Support Employment for Individuals with Disabilities' not later than July 31 of each fiscal year that includes information on State efforts to engage individuals with disabilities in work activities for the preceding fiscal year. The report shall include the following:

"(aa) The number of individuals for whom each State has developed a modified employability plan.

"(bb) The types of physical and mental impairments that provided the basis for the disability determination, and whether the individual with the disability was an adult recipient or minor child head of household, a child, or a non-recipient family member.

"(cc) The types of modifications that States have included in modified employability plans.

"(dd) The extent to which individuals with a modified employability plan are participating in work activities.

"(ee) An analysis of the extent to which the option to establish such modified employability plans was a factor in States' achieving or not achieving the minimum participation rates under subsection (a) for the fiscal year.

"(iv) DEFINITIONS.—

"(I) DISABILITY.—For purposes of this subparagraph, the term 'disability' means a mental or physical impairment, including substance abuse or addiction, that—

"(aa) constitutes or results in a substantial impediment to employment; or

"(bb) substantially limits 1 or more major life activities.

"(II) MODIFIED WORK ACTIVITIES.—For purposes of this subparagraph, the term 'modified work activities' means activities the State has determined will help the recipient become employable and which are not subject to and do not count against the limitations and requirements under the preceding provisions of this subsection and of subsection (d).".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2007.

(b) STATE OPTION TO EXCLUDE SSI APPLICANTS IN WORK PARTICIPATION RATE.—

(1) IN GENERAL.—Section 407(b)(5) of the Social Security Act (42 U.S.C. 607(b)(5)) is amended by striking "at its option, not require an individual" and all that follows and inserting "at its option—

"(A) not require an individual who is a single custodial parent caring for a child who has not attained 12 months of age to engage in work, and may disregard such an individual in determining the participation rates under subsection (a) of this section for not more than 12 months;

"(B) disregard for purposes of determining such rates for any month, on a case-by-case basis, an individual who is an applicant for or a recipient of supplemental security income benefits under title XVI or of social security disability insurance benefits under title II, if—

"(i) the State has determined that an application for such benefits has been filed by or on behalf of the individual;

"(ii) the State has determined that there is a reasonable basis to conclude that the individual meets the disability or blindness criteria applied under title II or XVI;

"(iii) there has been no final decision (including a decision for which no appeal is pending at the administrative or judicial level or for which the time period for filing such an appeal has expired) denying benefits; and

"(iv) not less than every 6 months, the State reviews the status of such application and determines that there is a reasonable basis to conclude that the individual continues to meet the disability or blindness criteria under title II or XVI; and

"(C) disregard for purposes of determining such rates for any month, on a case-by-case basis, an individual who the State has determined would meet the disability criteria for supplemental security income benefits under title XVI or social security disability insurance benefits under title II but for the requirement that the disability has lasted or is expected to last for a continuous period of not less than 12 months.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2007.

SA 2554. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, add the following:

SEC. ___. BUDGET POINT OF ORDER AGAINST LEGISLATION THAT RAISES EXCISE TAX RATES.

Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"POINT OF ORDER AGAINST RAISES IN EXCISE TAX RATES

"SEC. 316. (a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal excise tax rate increase which disproportionately affects taxpayers with earned income of less than 200 percent of the Federal poverty level, as determined by the Joint Committee on Taxation. In this subsection, the term 'Federal excise tax rate increase' means any amendment to any section in subtitle D or E of the Internal Revenue Code of 1986, that imposes a new percentage or amount as a rate of tax and thereby increases the amount of tax imposed by any such section.

"(b) SUPERMAJORITY WAIVER AND APPEAL.—

"(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.".

SA 2555. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. 61_. CREDIT FOR TRANSPORTATION OF FOOD FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 30D. CREDIT FOR TRANSPORTATION OF FOOD FOR CHARITABLE PURPOSES.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 cents for each mile for which the taxpayer uses a qualified truck for a qualified charitable purpose during the taxable year.

"(b) QUALIFIED CHARITABLE PURPOSE.—For purposes of this section, the term 'qualified charitable purpose' means the transportation of food in connection with the hunger relief efforts of an organization which is described in section 501(c)(3) and is exempt from taxation under section 501(a) (other than a private foundation, as defined in section 509(a), which is not an operating foundation, as defined in section 4942(j)(3)).

"(c) QUALIFIED TRUCK.—For purposes of this section, the term 'qualified truck' means a truck which—

"(1) has a capacity of not less than 1,760 cubic square feet,

"(2) is owned, leased, or operated by the taxpayer, and

"(3) is ordinarily used for hauling property in the course of a business.

"(d) OTHER RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section with respect to any amount for which a deduction is allowed under any other provision of this chapter.

"(2) NO CREDIT WHERE TAXPAYER IS COMPENSATED.—No credit shall be allowed under this section if the taxpayer receives compensation in connection with the use of the qualified truck for the qualified charitable purpose.

"(3) CAPACITY REQUIREMENT.—No credit shall be allowed under this section unless at least 50 percent of the hauling capacity of the qualified truck (measured in cubic square feet) is used for the qualified charitable purpose.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 30D. Credit for transportation of food for charitable purposes.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

SA 2556. Mrs. CLINTON (for herself, Mrs. DOLE, Ms. MIKULSKI, Mr. GRAHAM, Mr. BROWN, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. ___. MILITARY FAMILY AND MEDICAL LEAVE ACT.

(a) SHORT TITLE.—This section may be cited as the "Military Family and Medical Leave Act".

(b) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

"(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for a serious injury or illness.

"(16) MEDICAL HOLD OR MEDICAL HOLDOVER STATUS.—The term 'medical hold or medical holdover status' means—

"(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

"(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

"(17) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.".

(c) MILITARY FAMILY AND MEDICAL LEAVE.—

(1) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) MILITARY FAMILY AND MEDICAL LEAVE.—Subject to section 103, an eligible employee shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for a covered servicemember who is the spouse, son, daughter, or parent of the employee. The leave described in this paragraph shall only be available during a single 12-month period.

"(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.".

(2) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(A) in paragraph (1), in the second sentence—

(i) by striking "section 103(b)(5)" and inserting "subsection (b)(5) or (f) (as appropriate) of section 103"; and

(ii) by inserting "or under subsection (a)(3)" after "subsection (a)(1)"; and

(B) in paragraph (2), by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(3) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(A) in paragraph (1)—

(i) by inserting "(or 26 workweeks in the case of leave provided under subsection (a)(3))" after "12 workweeks" the first place it appears; and

(ii) by inserting "(or 26 workweeks, as appropriate)" after "12 workweeks" the second place it appears; and

(B) in paragraph (2)—

(i) in subparagraph (A), by adding at the end the following: "An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or family leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection."; and

(ii) in subparagraph (B), by adding at the end the following: "An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.".

(4) NOTICE.—Section 102(e)(2) of such Act (29 U.S.C. 2612(e)(2)) is amended by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(5) SPOUSES EMPLOYED BY SAME EMPLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f)) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and aligning the margins of the subparagraphs with the margins of section 102(e)(2)(A);

(B) by striking "In any" and inserting the following:

"(1) IN GENERAL.—In any"; and

(C) by adding at the end the following:

"(2) MILITARY FAMILY AND MEDICAL LEAVE.—

"(A) IN GENERAL.—The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

"(i) leave under subsection (a)(3); or

"(ii) a combination of leave under subsection (a)(3) and leave described in paragraph (1).

"(B) BOTH LIMITATIONS APPLICABLE.—If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).".

(d) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR MILITARY FAMILY AND MEDICAL LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

(e) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(1) in paragraph (2)(B)(i), by inserting "or under section 102(a)(3)" before the semicolon; and

(2) in paragraph (3)(A)—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(iii) a certification issued by the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).".

(f) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting "(or 26 weeks, in a case involving leave under section 102(a)(3))" after "12 weeks".

(g) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting "or under section 102(a)(3)" after "section 102(a)(1)".

SA 2557. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. 61_. REDUCTION IN RATE OF TENTATIVE MINIMUM TAX FOR NONCORPORATE TAXPAYERS.

(a) IN GENERAL.—Clause (i) of section 55(b)(1)(A) of the Internal Revenue Code of 1986 (relating to noncorporate taxpayers) is amended to read as follows:

"(i) IN GENERAL.—In the case of a taxpayer other than a corporation, the tentative minimum tax for the taxable year is—

"(I) 24 percent of the taxable excess, reduced by

"(II) the alternative minimum tax foreign tax credit for the taxable year.".

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 55(b)(1) of such Code is amended by striking clause (iii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SA 2558. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 218, strike line 5 and all that follows through page 220, line 2, and insert the following:

(a) CIGARS.—Section 5701(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking "($1.594 cents per thousand on cigars removed during 2000 or 2001)" in paragraph (1) and inserting "($50.00 per thousand on cigars removed after December 31, 2007, and before October 1, 2012)",

(2) by striking "(18.063 percent on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "(53.13 percent on cigars removed after December 31, 2007, and before October 1, 2012)", and

(3) by striking "($42.50 per thousand on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "($10.00 per thousand on cigars removed after December 31, 2007, and before October 1, 2012)".

(b) CIGARETTES.—Section 5701(b) of such Code is amended—

(1) by striking "($17 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (1) and inserting "($50.00 per thousand on cigarettes removed after December 31, 2007, and before October 1, 2012)", and

(2) by striking "($35.70 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (2) and inserting "($104.9999 per thousand on cigarettes removed after December 31, 2007, and before October 1, 2012)".

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking "(1.06 cents on cigarette papers removed during 2000 or 2001)" and inserting "(3.13 cents on cigarette papers removed after December 31, 2007, and before October 1, 2012)".

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking "(2.13 cents on cigarette tubes removed during 2000 or 2001)" and inserting "(6.26 cents on cigarette tubes removed after December 31, 2007, and before October 1, 2012)".

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking "(51 cents on snuff removed during 2000 or 2001)" in paragraph (1) and inserting "($1.50 on snuff removed after December 31, 2007, and before October 1, 2012)", and

(2) by striking "(17 cents on chewing tobacco removed during 2000 or 2001)" in paragraph (2) and inserting "(50 cents on chewing tobacco removed after December 31, 2007, and before October 1, 2012)".

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking "(95.67 cents on pipe tobacco removed during 2000 or 2001)" and inserting "($2.8126 on pipe tobacco removed after December 31, 2007, and before October 1, 2012)".

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking "(95.67 cents on roll-your-own tobacco removed during 2000 or 2001)" and inserting "($8.8889 on roll-your-own tobacco removed after December 31, 2007, and before October 1, 2012)".

SA 2559. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. ___. EXTENSION OF ELECTION TO INCLUDE COMBAT PAY AS INCOME FOR PURPOSES OF THE EARNED INCOME TAX CREDIT.

Paragraph (2)(B)(vi) of section 32(c) of the Internal Revenue Code of 1986 (relating to earned income) is amended by striking "ending—" and all that follows through the period and inserting "ending after the date of the enactment of this clause, a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.".

SA 2560. Mr. DODD submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 610. FAMILY LEAVE FOR CAREGIVERS OF MEMBERS OF THE ARMED FORCES WITH COMBAT-RELATED INJURIES.

(a) SERVICEMEMBER FAMILY LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)

is amended by adding at the end the following:

"(14) COMBAT-RELATED INJURY.—The term 'combat-related injury' means an injury or illness that was incurred (as determined under criteria prescribed by the Secretary of Defense)—

"(A) as a direct result of armed conflict;

"(B) while an individual was engaged in hazardous service;

"(C) in the performance of duty under conditions simulating war; or

"(D) through an instrumentality of war.

"(15) SERVICEMEMBER.—The term 'servicemember' means a member of the Armed Forces.".

(2) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the primary caregiver for a servicemember with a combat-related injury shall be entitled to a total of 26 workweeks of leave during any 12-month period to care for the servicemember.

"(4) COMBINED LEAVE TOTAL.—An eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3).".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), by inserting after the second sentence the following: "Subject to paragraph (2), leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule"; and

(ii) in paragraph (2), by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) in paragraph (1)—

(I) by inserting "(or 26 workweeks in the case of leave provided under subsection (a)(3))" after "12 workweeks" the first place it appears; and

(II) by inserting "(or 26 workweeks, as appropriate)" after "12 workweeks" the second place it appears; and

(ii) in paragraph (2)(B), by adding at the end the following: "An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.".

(C) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR SERVICEMEMBER FAMILY LEAVE.—In any case in which an employee seeks leave under subsection (a)(3), the employee shall provide such notice as is practicable.".

(D) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

(E) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting "or section 102(a)(3)" before the semicolon; and

(ii) in paragraph (3)(A)—

(I) in clause (i), by striking "or" at the end;

(II) in clause (ii), by striking the period and inserting "; or"; and

(III) by adding at the end the following:

"(iii) a certification issued by the health care provider of the person for whom the employee is the primary caregiver, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).".

(F) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting "(or 26 weeks, in a case involving leave under section 102(a)(3))" after "12 weeks".

(G) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting "or section 102(a)(3)" after "section 102(a)(1)".

(b) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(7) the term 'combat-related injury' means an injury or illness that was incurred (as determined under criteria prescribed by the Secretary of Defense)—

"(A) as a direct result of armed conflict;

"(B) while an individual was engaged in hazardous service;

"(C) in the performance of duty under conditions simulating war; or

"(D) through an instrumentality of war; and

"(8) the term 'servicemember' means a member of the Armed Forces.".

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

"(3) Subject to section 6383, an employee who is the primary caregiver for a servicemember with a combat-related injury shall be entitled to a total of 26 administrative workweeks of leave during any 12-month period to care for the servicemember.

"(4) An employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3).".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), by inserting after the second sentence the following: "Subject to paragraph (2), leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule."; and

(ii) in paragraph (2), by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: "An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.".

(C) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) In any case in which an employee seeks leave under subsection (a)(3), the employee shall provide such notice as is practicable.".

(D) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SA 2561. Mr. SMITH (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

(a) REQUIREMENT TO CONDUCT DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary shall establish a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State medicaid program to HIV-infected individuals described in subsection (b) in accordance with the provisions of this section.

(2) LIMITATION ON NUMBER OF APPROVED APPLICATIONS.—The Secretary shall only approve as many State applications to provide medical assistance in accordance with this section as will not exceed the limitation on aggregate payments under subsection (d)(2)(A).

(3) AUTHORITY TO WAIVE RESTRICTIONS ON PAYMENTS TO TERRITORIES.—The Secretary shall waive the limitations on payment under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) in the case of a State that is subject to such limitations and submits an approved application to provide medical assistance in accordance with this section.

(b) HIV-INFECTED INDIVIDUALS DESCRIBED.—For purposes of subsection (a), HIV-infected individuals described in this subsection are individuals who are not described in section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i))—

(1) who have HIV infection;

(2) whose income (as determined under the State Medicaid plan with respect to disabled individuals) does not exceed 200 percent of the poverty line (as defined in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)); and

(3) whose resources (as determined under the State Medicaid plan with respect to disabled individuals) do not exceed the maximum amount of resources a disabled individual described in section 1902(a)(10)(A)(i) of such Act may have and obtain medical assistance under such plan.

(c) LENGTH OF PERIOD FOR PROVISION OF MEDICAL ASSISTANCE.—A State shall not be approved to provide medical assistance to an HIV-infected individual in accordance with the demonstration project established under this section for a period of more than 5 consecutive years.

(d) LIMITATIONS ON FEDERAL FUNDING.—

(1) APPROPRIATION.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section, $500,000,000 for the period of fiscal years 2008 through 2012.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under that subparagraph.

(2) LIMITATION ON PAYMENTS.—In no case may—

(A) the aggregate amount of payments made by the Secretary to eligible States under this section exceed $500,000,000; or

(B) payments be provided by the Secretary under this section after September 30, 2012.

(3) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States with approved applications under this section based on their applications and the availability of funds.

(4) PAYMENTS TO STATES.—The Secretary shall pay to each State, from its allocation under paragraph (3), an amount each quarter equal to the enhanced FMAP described in section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) of expenditures in the quarter for medical assistance provided to HIV-infected individuals who are eligible for such assistance under a State Medicaid program in accordance with the demonstration project established under this section.

(e) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the demonstration project established under this section. Such evaluation shall include an analysis of the cost-effectiveness of the project and the impact of the project on the Medicare, Medicaid, and Supplemental Security Income programs established under titles XVIII, XIX, and XVI, respectively, of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., 1381 et seq.).

(2) REPORT TO CONGRESS.—Not later than December 31, 2012, the Secretary shall submit a report to Congress on the results of the evaluation of the demonstration project established under this section.

SA 2562. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. 61_. EXTENSION AND MODIFICATION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) EXTENSION OF LEASEHOLD AND RESTAURANT IMPROVEMENTS.—

(1) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) of the Internal Revenue Code of 1986 (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2009".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(b) MODIFICATION OF TREATMENT OF QUALIFIED RESTAURANT PROPERTY AS 15-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION DEDUCTION.—

(1) TREATMENT TO INCLUDE NEW CONSTRUCTION.—Paragraph (7) of section 168(e) of the Internal Revenue Code of 1986 (relating to classification of property) is amended to read as follows:

"(7) QUALIFIED RESTAURANT PROPERTY.—The term 'qualified restaurant property' means any section 1250 property which is a building (or its structural components) or an improvement to such building if more than 50 percent of such building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

(c) RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.—

(1) 15-YEAR RECOVERY PERIOD.—Section 168(e)(3)(E) of the Internal Revenue Code of 1986 (relating to 15-year property) is amended by striking "and" at the end of clause (vii), by striking the period at the end of clause (viii) and inserting ", and", and by adding at the end the following new clause:

"(ix) any qualified retail improvement property placed in service before January 1, 2009.".

(2) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(e) of such Code is amended by adding at the end the following new paragraph:

"(8) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—

"(A) IN GENERAL.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

"(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) IMPROVEMENTS MADE BY OWNER.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

"(C) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefitting a common area, or

"(iv) the internal structural framework of the building.".

(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) of such Code is amended by adding at the end the following new subparagraph:

"(I) Qualified retail improvement property described in subsection (e)(8).".

(4) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) of such Code is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

(E)(ix) .... 39".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

SA 2563. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, add the following:

SEC. ____. PERMANENT EXTENSION OF EXPENSING FOR SMALL BUSINESSES.

(a) DOLLAR LIMITATION.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 is amended by striking "$25,000 ($125,000 in the case of taxable years beginning after 2006 and before 2011)" and inserting "$125,000".

(b) REDUCTION IN LIMITATION.—Paragraph (2) of section 179(b) of the Internal Revenue Code of 1986 is amended by striking "$200,000 ($500,000 in the case of taxable years beginning after 2006 and before 2011)" and inserting "$500,000".

(c) INFLATION ADJUSTMENTS.—Subparagraph (A) of section 179(b)(5) of the Internal Revenue Code of 1986 is amended by striking "and before 2011".

(d) ELECTION.—Paragraph (2) of section 179(c) of the Internal Revenue Code of 1986 is amended by striking "and before 2011".

(e) COMPUTER SOFTWARE.—Clause (ii) of section 179(d)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "and before 2011".

SA 2564. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 196, between lines 18 and 19, insert the following:

(c) GAO STUDY AND REPORT ON ACCESS TO ORAL HEALTH CARE, INCLUDING PREVENTIVE AND RESTORATIVE SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children's access to oral health care, including preventive and restorative services, under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of oral health care, including preventive and restorative services, under such programs; and

(D) as appropriate, information on the degree of availability of oral health care, including preventive and restorative services, for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the appropriate committees of Congress on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to oral health care, including preventive and restorative services, under Medicaid and CHIP that may exist.

SA 2565. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 2 and 3, insert the following:

"(3) FIVE PERCENT SET ASIDE FOR OUTREACH TO AND ENROLLMENT OF CHILDREN IN UNDESERVED COMMUNITIES.—An amount equal to 5 percent of the funds appropriated under subsection (g) shall be used by the Secretary to award grants to school-based health centers for outreach to and enrollment of children in undeserved communities.

SA 2566. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, line 22, insert "dental care," after "health services,".

SA 2567. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. ______. ESTABLISHMENT OF STATE TELEPHONE HOTLINES FOR ACCESS TO DENTAL PROVIDERS.

The Secretary shall work with States to establish telephone hotlines for individuals enrolled in a State plan under title XIX of the Social Security Act or a State child health plan under title XXI of such Act, or any waiver of such plans, who have dental coverage under such a plan or waiver in order to identify participating dental providers who are willing to accept such individuals as patients under such a plan or waiver.

SA 2568. Mr. AKAKA (for himself, Mr. ALEXANDER, Mr. INOUYE, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MEDICAID DSH ALLOTMENTS FOR TENNESSEE AND HAWAII.

(a) TENNESSEE.—The DSH allotments for Tennessee for each fiscal year beginning with fiscal year 2008 under subsection (f)(3) of section 1923 of the Social Security Act (42 U.S.C. 13961396r-4) are deemed to be $30,000,000. The Secretary of Health and Human Services may impose a limitation on the total amount of payments made to hospitals under the TennCare Section 1115 waiver only to the extent that such limitation is necessary to ensure that a hospital does not receive payment in excess of the amounts described in subsection (f) of such section or as necessary to ensure that the waiver remains budget neutral.

(b) HAWAII.—Section 1923(f)(6) (42 U.S.C. 1396r-4(f)(6)) is amended—

(1) in the paragraph heading, by striking "FOR FISCAL YEAR 2007"; and

(2) in subparagraph (B)—

(A) in clause (i), by striking "Only with respect to fiscal year 2007" and inserting "With respect to each of fiscal years 2007 and 2008";

(B) by redesignating clause (ii) as clause (iv); and

(C) by inserting after clause (i), the following new clauses:

"(ii) TREATMENT AS A LOW-DSH STATE.—With respect to fiscal year 2009 and each fiscal year thereafter, notwithstanding the table set forth in paragraph (2), the DSH allotment for Hawaii shall be increased in the same manner as allotments for low DSH States are increased for such fiscal year under clauses (ii) and (iii) of paragraph (5)(B).

"(iii) CERTAIN HOSPITAL PAYMENTS.—The Secretary may not impose a limitation on the total amount of payments made to hospitals under the QUEST section 1115 Demonstration Project except to the extent that such limitation is necessary to ensure that a hospital does not receive payments in excess of the amounts described in subsection (g), or as necessary to ensure that such payments under the waiver and such payments pursuant to the allotment provided in this section do not, in the aggregate in any year, exceed the amount that the Secretary determines is equal to the Federal medical assistance percentage component attributable to disproportionate share hospital payment adjustments for such year that is reflected in the budget neutrality provision of the QUEST Demonstration Project.".

SA 2569. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2547 submitted by Mr. BUNNING to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

(d) EXCLUSION OF FEDERALLY ELECTED OFFICIALS WITH INCOMES OVER 300 PERCENT OF THE FEDERAL POVERTY LINE FROM BENEFITS UNDER FEHBP.—Notwithstanding any other provision of law, on and after October 1, 2007, any federally elected official, including a Member of Congress and the President, whose income exceeds 300 percent of the Federal poverty line shall not be eligible for benefits under the Federal Employees Health Benefits Program (FEHBP) under chapter 89 of title 5, United States Code.

SA 2570. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, line 8, after the period, insert the following: "In addition, States may use up to 1 percent of any payments received from the Incentive Pool to fund voluntary incentive programs to promote children's receipt of relevant screenings and improvements in healthy eating and physical activity with the aim of reducing the incidence of type 2 diabetes. Such programs may involve reductions in cost-sharing or premiums when children receive regular screening and reach certain benchmarks in healthy eating and physical activity. Under such programs, a State may also provide financial bonuses for partnerships with entities, such as schools, which increase their education and efforts with respect to reducing the incidence of type 2 diabetes and childhood obesity and may also devise incentives for providers serving children covered under this title and title XIX to perform relevant screening and counseling regarding healthy eating and physical activity.".

On page 195, between lines 15 and 16, insert the following new paragraph:

"(7) To the extent applicable, a description of any efforts to address type 2 diabetes and childhood obesity that are funded under the program under this title (and the program under title XIX, as appropriate).".

SA 2571. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

SEC. ___. INCENTIVE PROGRAM FOR STATE HEALTH ACCESS INNOVATIONS.

Section 2104, as amended by section 108, is amended by adding at the end the following new subsection:

"(l) INCENTIVE PROGRAM FOR STATE HEALTH ACCESS INNOVATIONS.—

"(1) ESTABLISHMENT OF STATE HEALTH ACCESS INNOVATIONS INCENTIVE POOL.—

"(A) IN GENERAL.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'CHIP State Health Access Innovations Pool' (in this subsection referred to as the 'SHAI Pool"). Amounts in the SHAI Pool are authorized to be appropriated for payments under this subsection and shall remain available until expended.

"(B) TRANSFER OF FUNDS.—Notwithstanding subsection (j)(1)(B)(i), from the amount appropriated for fiscal year 2008 under such subsection, $250,000,000 of such amount is hereby transferred to the SHAI Pool and made available for expenditure from such pool for the period of fiscal years 2008 through 2012.

"(2) AWARD OF GRANTS.—

"(A) IN GENERAL.—The Secretary shall award grants to eligible States from amounts in the SHAI Pool in accordance with this subsection.

"(B) ELIGIBLE STATE.—For purposes of this subsection, an eligible State is a State—

"(i) for which the percentage of low-income children without health insurance (as determined by the Secretary on the basis of the most recent data available) is less than 10 percent; and "(ii) that submits an application for a grant from the SHAI Pool for the purpose of carrying out programs and activities that are designed to expand access to health providers and health services for low-income children who are eligible for medical assistance under the State plan under title XIX (or a waiver of such plan) or child health assistance under the State child health plan under this title.

"(3) REQUIREMENTS.—

"(A) PRIORITY IN AWARDING OF GRANTS.—In awarding grants under this subsection, the Secretary shall give preference to grant applications that—

"(i) propose innovative approaches to increasing the availability of health care providers and services;

"(ii) create longer-term improvements in health care infrastructure;

"(iii) have potential application in other States;

"(iv) seek to remedy shortages of health care providers; or

"(v) result in the direct provision of health services.

"(B) PROHIBITIONS.—The Secretary shall not—

"(i) award a grant to carry out programs or activities which the Secretary determines would substitute for services or funds provided by a State or the Federal Government; or

"(ii) disapprove any grant application on the basis that programs or activities to be conducted with funds provided under the grant would be provided through or by an entity that otherwise receives Federal or State funding, such as a Federally-qualified health center.

"(C) TERM, AMOUNT, AND NUMBER OF GRANTS PER ELIGIBLE STATES.—

"(i) TERM.—A grant awarded under this subsection may be renewed each year for a period of up to 5 years, but in no case later than fiscal year 2012.

"(ii) AMOUNT.—No grant awarded under this subsection may exceed $2,000,000 for any fiscal year.

"(iii) NO LIMIT ON NUMBER OF GRANTS PER STATE.—Nothing in this subsection shall be construed as limiting the number of grants that an eligible State may be awarded under this subsection.

"(D) ANNUAL AGGREGATE LIMIT.—The aggregate amount of all grants awarded from the SHAI pool shall not exceed—

"(i) $50,000,000 in fiscal year 2008;

"(ii) $100,000,000 in fiscal year 2009;

"(iii) $150,000,000 in fiscal year 2010;

"(iv) $200,000,000 in fiscal year 2011; and

"(v) $250,000,000 in fiscal year 2012.".

SA 2572. Mr. SANDERS submitted an amendment intended to be proposed to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end appropriate place, add the following:

SEC. ____. IMPROVMENTS TO MEDICARE COVERAGE OF AND PAYMENT FOR FQHC SERVICES.

(a) COVERAGE FOR FQHC AMBULATORY SERVICES.—Section 1861(aa)(3) of the Social Security Act (42 U.S.C. 1395x(aa)(3)) is amended to read as follows:

"(3) The term 'Federally qualified health center services' means—

"(A) services of the type described in subparagraphs (A) through (C) of paragraph (1), and such other services furnished by a Federally qualified health center for which payment may otherwise be made under this title if such services were furnished by a health care provider or health care professional other than a Federally qualified health center; and

"(B) preventive primary health services that a center is required to provide under section 330 of the Public Health Service Act; when furnished to an individual as a patient of a Federally qualified health center.".

(b) PER VISIT PAYMENT REQUIREMENTS FOR FQHCS.—Section 1833(a)(3)(A) of the Social Security Act (42 U.S.C. 1395l(a)(3)(A)), is amended by adding "(which regulations may not limit the per visit payment amount, or a component of such amount, for services described in section 1832(a)(2)(D)(ii))" after "the Secretary may prescribe in regulations".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services provided on or after January 1, 2008.

SA 2573. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. ____. SENSE OF THE SENATE REGARDING MEDICARE PAYMENT FOR FEDERALLY QUALIFIED HEALTH CENTER SERVICES.

It is the sense of the Senate that title XVIII of the Social Security Act, regarding per visit Medicare payment requirements for Federally qualified health centers (FQHCs), should be amended by adding that regulations may not limit the per visit payment amount or a component of such amount.

SA 2574. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PREVENTING THE CARRYING OUT OF A PROPOSED RULE.

The Secretary shall not take any action to finalize (or otherwise implement) provisions contained in the proposed rule published on May 3, 2007, on pages 24680 through 25135 of volume 72, Federal Register, insofar as such provisions propose—

(1) to alter payments for services under the hospital inpatient prospective payment system under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) based on use of a Medicare severity diagnosis related group (MS-DRG) system; or

(2) to implement a prospective behavioral offset in response to the implementation of such a Medicare Severity Diagnosis Related Group (MS-DRG) system for purposes of such hospital inpatient prospective payment system.

SA 2575. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

It is the sense of the Senate that the Secretary should not take any action to finalize (or otherwise implement) provisions contained in the proposed rule published on May 3, 2007, on pages 24680 through 25135 of volume 72, Federal Register, insofar as such provisions propose—

(1) to alter payments for services under the hospital inpatient prospective payment system under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) based on use of a Medicare severity diagnosis related group (MS-DRG) system; or

(2) to implement a prospective behavioral offset in response to the implementation of such a Medicare Severity Diagnosis Related Group (MS-DRG) system for purposes of such hospital inpatient prospective payment system.

SA 2576. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. _. REPEAL OF MEDICINE AND DRUGS LIMITATION ON DEDUCTION FOR MEDICAL CARE.

(a) IN GENERAL.—Section 213 of the Internal Revenue Code of 1986 (relating to medical, dental, etc., expenses) is amended by striking subsection (b).

(b) CONFORMING AMENDMENT.—Section 213(d) of such Code is amended by striking paragraph (3).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 2577. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—HEALTH CARE CHOICE

SEC. _01. SHORT TITLE.

This title may be cited as "Health Care Choice Act of 2007".

SEC. _02. SPECIFICATION OF CONSTITUTIONAL AUTHORITY FOR ENACTMENT OF LAW.

This title is enacted pursuant to the power granted Congress under article I, section 8, clause 3, of the United States Constitution.

SEC. _03. FINDINGS.

Congress finds the following:

(1) The application of numerous and significant variations in State law impacts the

ability of insurers to offer, and individuals to obtain, affordable individual health insurance coverage, thereby impeding commerce in individual health insurance coverage.

(2) Individual health insurance coverage is increasingly offered through the Internet, other electronic means, and by mail, all of which are inherently part of interstate commerce.

(3) In response to these issues, it is appropriate to encourage increased efficiency in the offering of individual health insurance coverage through a collaborative approach by the States in regulating this coverage.

(4) The establishment of risk-retention groups has provided a successful model for the sale of insurance across State lines, as the acts establishing those groups allow insurance to be sold in multiple States but regulated by a single State.

SEC. _04. COOPERATIVE GOVERNING OF INDIVIDUAL HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended by adding at the end the following new part:

"PART D—COOPERATIVE GOVERNING OF INDIVIDUAL HEALTH INSURANCE COVERAGE

"SEC. 2795. DEFINITIONS.

"In this part:

"(1) PRIMARY STATE.—The term 'primary State' means, with respect to individual health insurance coverage offered by a health insurance issuer, the State designated by the issuer as the State whose covered laws shall govern the health insurance issuer in the sale of such coverage under this part. An issuer, with respect to a particular policy, may only designate one such State as its primary State with respect to all such coverage it offers. Such an issuer may not change the designated primary State with respect to individual health insurance coverage once the policy is issued, except that such a change may be made upon renewal of the policy. With respect to such designated State, the issuer is deemed to be doing business in that State.

"(2) SECONDARY STATE.—The term 'secondary State' means, with respect to individual health insurance coverage offered by a health insurance issuer, any State that is not the primary State. In the case of a health insurance issuer that is selling a policy in, or to a resident of, a secondary State, the issuer is deemed to be doing business in that secondary State.

"(3) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given such term in section 2791(b)(2), except that such an issuer must be licensed in the primary State and be qualified to sell individual health insurance coverage in that State.

"(4) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The term 'individual health insurance coverage' means health insurance coverage offered in the individual market, as defined in section 2791(e)(1).

"(5) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of this title for the State with respect to the issuer.

"(6) HAZARDOUS FINANCIAL CONDITION.—The term 'hazardous financial condition' means that, based on its present or reasonably anticipated financial condition, a health insurance issuer is unlikely to be able—

"(A) to meet obligations to policyholders with respect to known claims and reasonably anticipated claims; or

"(B) to pay other obligations in the normal course of business.

"(7) COVERED LAWS.—The term 'covered laws' means the laws, rules, regulations, agreements, and orders governing the insurance business pertaining to—

"(A) individual health insurance coverage issued by a health insurance issuer;

"(B) the offer, sale, and issuance of individual health insurance coverage to an individual; and

"(C) the provision to an individual in relation to individual health insurance coverage of—

"(i) health care and insurance related services;

"(ii) management, operations, and investment activities of a health insurance issuer; and

"(iii) loss control and claims administration for a health insurance issuer with respect to liability for which the issuer provides insurance.

"(8) STATE.—The term 'State' means only the 50 States and the District of Columbia.

"(9) UNFAIR CLAIMS SETTLEMENT PRACTICES.—The term 'unfair claims settlement practices' means only the following practices:

"(A) Knowingly misrepresenting to claimants and insured individuals relevant facts or policy provisions relating to coverage at issue.

"(B) Failing to acknowledge with reasonable promptness pertinent communications with respect to claims arising under policies.

"(C) Failing to adopt and implement reasonable standards for the prompt investigation and settlement of claims arising under policies.

"(D) Failing to effectuate prompt, fair, and equitable settlement of claims submitted in which liability has become reasonably clear.

"(E) Refusing to pay claims without conducting a reasonable investigation.

"(F) Failing to affirm or deny coverage of claims within a reasonable period of time after having completed an investigation related to those claims.

"(10) FRAUD AND ABUSE.—The term 'fraud and abuse' means an act or omission committed by a person who, knowingly and with intent to defraud, commits, or conceals any material information concerning, one or more of the following:

"(A) Presenting, causing to be presented or preparing with knowledge or belief that it will be presented to or by an insurer, a reinsurer, broker or its agent, false information as part of, in support of or concerning a fact material to one or more of the following:

"(i) An application for the issuance or renewal of an insurance policy or reinsurance contract.

"(ii) The rating of an insurance policy or reinsurance contract.

"(iii) A claim for payment or benefit pursuant to an insurance policy or reinsurance contract.

"(iv) Premiums paid on an insurance policy or reinsurance contract.

"(v) Payments made in accordance with the terms of an insurance policy or reinsurance contract.

"(vi) A document filed with the commissioner or the chief insurance regulatory official of another jurisdiction.

"(vii) The financial condition of an insurer or reinsurer.

"(viii) The formation, acquisition, merger, reconsolidation, dissolution or withdrawal from one or more lines of insurance or reinsurance in all or part of a State by an insurer or reinsurer.

"(ix) The issuance of written evidence of insurance.

"(x) The reinstatement of an insurance policy.

"(B) Solicitation or acceptance of new or renewal insurance risks on behalf of an insurer reinsurer or other person engaged in the business of insurance by a person who knows or should know that the insurer or other person responsible for the risk is insolvent at the time of the transaction.

"(C) Transaction of the business of insurance in violation of laws requiring a license, certificate of authority or other legal authority for the transaction of the business of insurance.

"(D) Attempt to commit, aiding or abetting in the commission of, or conspiracy to commit the acts or omissions specified in this paragraph.

"SEC. 2796. APPLICATION OF LAW.

"(a) IN GENERAL.—The covered laws of the primary State shall apply to individual health insurance coverage offered by a health insurance issuer in the primary State and in any secondary State, but only if the coverage and issuer comply with the conditions of this section with respect to the offering of coverage in any secondary State.

"(b) EXEMPTIONS FROM COVERED LAWS IN A SECONDARY STATE.—Except as provided in this section, a health insurance issuer with respect to its offer, sale, renewal, and issuance of individual health insurance coverage in any secondary State is exempt from any covered laws of the secondary State (and any rules, regulations, agreements, or orders sought or issued by such State under or related to such covered laws) to the extent that such laws would—

"(1) make unlawful, or regulate, directly or indirectly, the operation of the health insurance issuer operating in the secondary State, except that any secondary State may require such an issuer—

"(A) to pay, on a nondiscriminatory basis, applicable premium and other taxes (including high risk pool assessments) which are levied on insurers and surplus lines insurers, brokers, or policyholders under the laws of the State;

"(B) to register with and designate the State insurance commissioner as its agent solely for the purpose of receiving service of legal documents or process;

"(C) to submit to an examination of its financial condition by the State insurance commissioner in any State in which the issuer is doing business to determine the issuer's financial condition, if—

"(i) the State insurance commissioner of the primary State has not done an examination within the period recommended by the National Association of Insurance Commissioners; and

"(ii) any such examination is conducted in accordance with the examiners' handbook of the National Association of Insurance Commissioners and is coordinated to avoid unjustified duplication and unjustified repetition;

"(D) to comply with a lawful order issued—

"(i) in a delinquency proceeding commenced by the State insurance commissioner if there has been a finding of financial impairment under subparagraph (C); or

"(ii) in a voluntary dissolution proceeding;

"(E) to comply with an injunction issued by a court of competent jurisdiction, upon a petition by the State insurance commissioner alleging that the issuer is in hazardous financial condition;

"(F) to participate, on a nondiscriminatory basis, in any insurance insolvency guaranty association or similar association to which a health insurance issuer in the State is required to belong;

"(G) to comply with any State law regarding fraud and abuse (as defined in section 2795(10)), except that if the State seeks an injunction regarding the conduct described in this subparagraph, such injunction must be obtained from a court of competent jurisdiction; or

"(H) to comply with any State law regarding unfair claims settlement practices (as defined in section 2795(9));

"(2) require any individual health insurance coverage issued by the issuer to be countersigned by an insurance agent or broker residing in that Secondary State; or

"(3) otherwise discriminate against the issuer issuing insurance in both the primary State and in any secondary State.

"(c) CLEAR AND CONSPICUOUS DISCLOSURE.—A health insurance issuer shall provide the following notice, in 12-point bold type, in any insurance coverage offered in a secondary State under this part by such a health insurance issuer and at renewal of the policy, with the 5 blank spaces therein being appropriately filled with the name of the health insurance issuer, the name of primary State, the name of the secondary State, the name of the secondary State, and the name of the secondary State, respectively, for the coverage concerned:

'This policy is issued by ________ and is governed by the laws and regulations of the State of ________, and it has met all the laws of that State as determined by that State's Department of Insurance. This policy may be less expensive than others because it is not subject to all of the insurance laws and regulations of the State of ________, including coverage of some services or benefits mandated by the law of the State of ________. Additionally, this policy is not subject to all of the consumer protection laws or restrictions on rate changes of the State of ________. As with all insurance products, before purchasing this policy, you should carefully review the policy and determine what health care services the policy covers and what benefits it provides, including any exclusions, limitations, or conditions for such services or benefits.'.

"(d) PROHIBITION ON CERTAIN RECLASSIFICATIONS AND PREMIUM INCREASES.—

"(1) IN GENERAL.—For purposes of this section, a health insurance issuer that provides individual health insurance coverage to an individual under this part in a primary or secondary State may not upon renewal—

"(A) move or reclassify the individual insured under the health insurance coverage from the class such individual is in at the time of issue of the contract based on the health-status related factors of the individual; or

"(B) increase the premiums assessed the individual for such coverage based on a health status-related factor or change of a health status-related factor or the past or prospective claim experience of the insured individual.

"(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit a health insurance issuer—

"(A) from terminating or discontinuing coverage or a class of coverage in accordance with subsections (b) and (c) of section 2742;

"(B) from raising premium rates for all policy holders within a class based on claims experience;

"(C) from changing premiums or offering discounted premiums to individuals who engage in wellness activities at intervals prescribed by the issuer, if such premium changes or incentives—

"(i) are disclosed to the consumer in the insurance contract;

"(ii) are based on specific wellness activities that are not applicable to all individuals; and

"(iii) are not obtainable by all individuals to whom coverage is offered;

"(D) from reinstating lapsed coverage; or

"(E) from retroactively adjusting the rates charged an individual insured individual if the initial rates were set based on material misrepresentation by the individual at the time of issue.

"(e) PRIOR OFFERING OF POLICY IN PRIMARY STATE.—A health insurance issuer may not offer for sale individual health insurance coverage in a secondary State unless that coverage is currently offered for sale in the primary State.

"(f) LICENSING OF AGENTS OR BROKERS FOR HEALTH INSURANCE ISSUERS.—Any State may require that a person acting, or offering to act, as an agent or broker for a health insurance issuer with respect to the offering of individual health insurance coverage obtain a license from that State, except that a State many not impose any qualification or requirement which discriminates against a nonresident agent or broker.

"(g) DOCUMENTS FOR SUBMISSION TO STATE INSURANCE COMMISSIONER.—Each health insurance issuer issuing individual health insurance coverage in both primary and secondary States shall submit—

"(1) to the insurance commissioner of each State in which it intends to offer such coverage, before it may offer individual health insurance coverage in such State—

"(A) a copy of the plan of operation or feasibility study or any similar statement of the policy being offered and its coverage (which shall include the name of its primary State and its principal place of business);

"(B) written notice of any change in its designation of its primary State; and

"(C) written notice from the issuer of the issuer's compliance with all the laws of the primary State; and

"(2) to the insurance commissioner of each secondary State in which it offers individual health insurance coverage, a copy of the issuer's quarterly financial statement submitted to the primary State, which statement shall be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expense reserves made by—

"(A) a member of the American Academy of Actuaries; or

"(B) a qualified loss reserve specialist.

"(h) POWER OF COURTS TO ENJOIN CONDUCT.—Nothing in this section shall be construed to affect the authority of any Federal or State court to enjoin—

"(1) the solicitation or sale of individual health insurance coverage by a health insurance issuer to any person or group who is not eligible for such insurance; or

"(2) the solicitation or sale of individual health insurance coverage by, or operation of, a health insurance issuer that is in hazardous financial condition.

"(i) STATE POWERS TO ENFORCE STATE LAWS.—

"(1) IN GENERAL.—Subject to the provisions of subsection (b)(1)(G) (relating to injunctions) and paragraph (2), nothing in this section shall be construed to affect the authority of any State to make use of any of its powers to enforce the laws of such State with respect to which a health insurance issuer is not exempt under subsection (b).

"(2) COURTS OF COMPETENT JURISDICTION.—If a State seeks an injunction regarding the conduct described in paragraphs (1) and (2) of subsection (h), such injunction must be obtained from a Federal or State court of competent jurisdiction.

"(j) STATES' AUTHORITY TO SUE.—Nothing in this section shall affect the authority of any State to bring action in any Federal or State court.

"(k) GENERALLY APPLICABLE LAWS.—Nothing in this section shall be construed to affect the applicability of State laws generally applicable to persons or corporations.

"SEC. 2797. PRIMARY STATE MUST MEET FEDERAL FLOOR BEFORE ISSUER MAY SELL INTO SECONDARY STATES.

"A health insurance issuer may not offer, sell, or issue individual health insurance coverage in a secondary State if the primary State does not meet the following requirements:

"(1) The State insurance commissioner must use a risk-based capital formula for the determination of capital and surplus requirements for all health insurance issuers.

"(2) The State must have legislation or regulations in place establishing an independent review process for individuals who are covered by individual health insurance coverage unless the issuer provides an independent review mechanism functionally equivalent (as determined by the primary State insurance commissioner or official) to that prescribed in the 'Health Carrier External Review Model Act' of the National Association of Insurance Commissioners for all individuals who purchase insurance coverage under the terms of this part.

"SEC. 2798. ENFORCEMENT.

"(a) IN GENERAL.—Subject to subsection (b), with respect to specific individual health insurance coverage the primary State for such coverage has sole jurisdiction to enforce the primary State's covered laws in the primary State and any secondary State.

"(b) SECONDARY STATE'S AUTHORITY.—Nothing in subsection (a) shall be construed to affect the authority of a secondary State to enforce its laws as set forth in the exception specified in section 2796(b)(1).

"(c) COURT INTERPRETATION.—In reviewing action initiated by the applicable secondary State authority, the court of competent jurisdiction shall apply the covered laws of the primary State.

"(d) NOTICE OF COMPLIANCE FAILURE.—In the case of individual health insurance coverage offered in a secondary State that fails to comply with the covered laws of the primary State, the applicable State authority of the secondary State may notify the applicable State authority of the primary State.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individual health insurance coverage offered, issued, or sold after the date of the enactment of this Act.

SEC. _05. SEVERABILITY.

If any provision of the title or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this title and the application of the provisions of such to any other person or circumstance shall not be affected.

SA 2578. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal

Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. ____. TREATMENT OF CERTAIN HOSPITALS IN DETERMINING THE APPROVED FTE RESIDENT AMOUNT FOR PAYMENTS FOR DIRECT GRADUATE MEDICAL EDUCATION COSTS UNDER THE MEDICARE PROGRAM.

(a) Treatment.—

(1) In general.—For purposes of subparagraph (F) of section 1886(h)(2) of the Social Security Act (42 U.S.C. 1395ww(h)(2)), and any regulations implementing such section, in the case of an eligible hospital, the approved FTE resident amount for the hospital's first cost reporting period for which it has an approved medical residency training program and is participating under title XVIII of such Act, subject to paragraph (2), shall be based on the hospital's actual costs incurred in connection with the Graduate Medical Education program for the hospital's first cost reporting period in which residents were on duty during the first month of the cost reporting period.

(2) Limit.—The approved FTE resident amount for such first cost reporting period may not exceed 140 percent of the locality adjusted national average per resident amount computed under subparagraph (E) of such section 1886(h)(2) for the area in which the hospital is located and for the period.

(b) Eligible Hospital Defined.—In this section, the term "eligible hospital" means a hospital that—

(1) did not have an approved medical residency training program (as defined in section 1886(h)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(A)) in 1984;

(2) began such a program in a cost reporting period beginning on or after July 1, 2005 and ending before September 30, 2011; and

(3) is located within 150 miles of the Medical Center of Louisiana at New Orleans.

SA 2579. Mr. THUNE (for himself, Mr. Lott, Mr. Cornyn, and Mr. DeMint) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Rockefeller, and Mr. Hatch) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. ____. EXCLUSION OF INDIVIDUALS WITH ALTERNATIVE MINIMUM TAX LIABILITY FROM ELIGIBILITY FOR SCHIP COVERAGE.

(a) In General.—Section 2102(b), as amended by this Act, is amended by adding at the end the following new paragraph:

"(6) Exclusion of individuals with alternative minimum tax liability.—Notwithstanding any other provision of this title, no individual whose income is subject to tax liability imposed under section 55 of the Internal Revenue Code of 1986 for the taxable year shall be eligible for assistance under a State plan under this title for the fiscal year following such taxable year.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 2580. Mr. BINGAMAN (for himself, Mr. Levin, Ms. Stabenow, and Mr. Feingold) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Rockefeller, and Mr. Hatch) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. ___. ONE-YEAR DELAY IN PROVISIONS RELATING TO PHASE-OUT FOR COVERAGE OF NONPREGNANT CHILDLESS ADULTS.

(a) One-Year Delay.—Notwithstanding section 2111(a) of the Social Security Act (as added by section 106), or any other provision of title XXI of such Act, as amended by this Act, each date specified in such section and title relating to the phase-out for coverage of nonpregnant childless adults under an applicable existing waiver (as defined in section 2111(c) of such Act) shall be applied as if such date were 1 year later.

(b) Increase in Basic Rebate for Single Source Drugs and Innovator Multiple Source Drugs.—

(1) In general.—Section 1927(c) (42 U.S.C. 1396r–8(c)) is amended—

(A) in paragraph (1)(B)(i)—

(i) in subclause (IV), by striking "and" after the semicolon;

(ii) in subclause (V)—

(I) by inserting "and before January 1, 2008," after "1995,"; and

(II) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(VI) after December 31, 2007, is 20.1 percent."; and

(B) in paragraph (3)(B)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii)—

(I) by inserting "and before January 1, 2008," after "1993,"; and

(II) by striking the period and inserting "; and"; and

(III) by adding at the end the following new clause:

"(iii) after December 31, 2007, is 16 percent.".

(2) Effective date.—The amendments made by this subsection take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

(c) Extension of Prescription Drug Discounts to Enrollees of Medicaid Managed Care Organizations.—

(1) In general.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) in clause (xi), by striking "and" at the end;

(B) in clause (xii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(xiii) such contract provides that (I) payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate required by the agreement entered into under section 1927 as the State is subject to and that the State shall allow the entity to collect such rebates from manufacturers, and (II) capitation rates paid to the entity shall be based on actual cost experience related to rebates and subject to the Federal regulations requiring actuarially sound rates.".

(2) Conforming amendments.—Section 1927 (42 U.S.C. 1396r–8) is amended—

(A) in subsection (d)—

(i) in paragraph (1), by adding at the end the following:

"(C) Notwithstanding subparagraphs (A) and (B)—

"(i) a medicaid managed care organization with a contract under section 1903(m) may exclude or otherwise restrict coverage of a covered outpatient drug on the basis of policies or practices of the organization, such as those affecting utilization management, formulary adherence, and cost sharing or dispute resolution, in lieu of any State policies or practices relating to the exclusion or restriction of coverage of such drugs; and

"(ii) nothing in this section or paragraph (2)(A)(xiii) of section 1903(m) shall be construed as requiring a medicaid managed care organization with a contract under such section to maintain the same such polices and practices as those established by the State for purposes of individuals who receive medical assistance for covered outpatient drugs on a fee-for service basis."; and

(ii) in paragraph (4), by inserting after subparagraph (E) the following:

"(F) Notwithstanding the preceding subparagraphs of this paragraph, any formulary established by medicaid managed care organization with a contract under section 1903(m) may be based on positive inclusion of drugs selected by a formulary committee consisting of physicians, pharmacists, and other individuals with appropriate clinical experience as long as drugs excluded from the formulary are available through prior authorization, as described in paragraph (5)."; and

(B) in subsection (j), by striking paragraph (1) and inserting the following:

"(1) Covered outpatients drugs are not subject to the requirements of this section if such drugs are—

"(A) dispensed by a health maintenance organization other than a medicaid managed care organization with a contract under section 1903(m); and

"(B) subject to discounts under section 340B of the Public Health Service Act.".

(3) Effective date.—The amendments made by this subsection take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

SA 2581. Mr. BINGAMAN (for himself, Mr. Kerry, and Mr. Johnson) submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCLUDING COSTS INCURRED BY THE INDIAN HEALTH SERVICE, A FEDERALLY QUALIFIED HEALTH CENTER, AN AIDS DRUG ASSISTANCE PROGRAM, CERTAIN HOSPITALS, OR A PHARMACEUTICAL MANUFACTURER PATIENT ASSISTANCE PROGRAM IN PROVIDING PRESCRIPTION DRUGS TOWARD THE ANNUAL OUT OF POCKET THRESHOLD UNDER PART D.

(a) Including Costs Incurred.—

(1) In general.—Section 1860D–2(b)(4)(C) (42 U.S.C. 1395w–102(b)(4)(C)) is amended—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii)—

(i) by striking "such costs shall be treated as incurred only if" and inserting "subject to clause (iii), such costs shall be treated as incurred if";

(ii) by striking ", under section 1860D–14, or under a State Pharmaceutical Assistance Program";

(iii) by striking "(other than under such section or such a Program)"; and

(iv) by striking the period at the end and inserting "; and"; and

(C) by inserting after clause (ii) the following new clause:

"(iii) such costs shall be treated as incurred and shall not be considered to be reimbursed under clause (ii) if such costs are borne or paid—

"(I) under section 1860D–14;

"(II) under a State Pharmaceutical Assistance Program;

"(III) by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act);

"(IV) by a Federally qualified health center (as defined in section 1861(aa)(4));

"(V) under an AIDS Drug Assistance Program under part B of title XXVI of the Public Health Service Act;

"(VI) by a subsection (d) hospital (as defined in section 1886(d)(1)(B)) that meets the requirements of clauses (i) and (ii) of section 340B(a)(4)(L) of the Public Health Service Act; or

"(VII) by a pharmaceutical manufacturer patient assistance program, either directly or through the distribution or donation of covered part D drugs, which shall be valued at the negotiated price of such covered part D drug under the enrollee's prescription drug plan or MA–PD plan as of the date that the drug was distributed or donated.".

(2) Effective date.—The amendments made by paragraph (1) shall apply to costs incurred on or after January 1, 2008.

(b) Increase in Basic Rebate for Single Source Drugs and Innovator Multiple Source Drugs.—

(1) In general.—Section 1927(c) (42 U.S.C. 1396r–8(c)) is amended—

(A) in paragraph (1)(B)(i)—

(i) in subclause (IV), by striking "and" after the semicolon;

(ii) in subclause (V)—

(I) by inserting "and before January 1, 2008," after "1995,"; and

(II) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(VI) after December 31, 2007, is 20.1 percent."; and

(B) in paragraph (3)(B)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii)—

(I) by inserting "and before January 1, 2008," after "1993,"; and

(II) by striking the period and inserting "; and"; and

(III) by adding at the end the following new clause:

"(iii) after December 31, 2007, is 16 percent.".

(2) Effective date.—The amendments made by this subsection take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

SA 2582. Mr. BINGAMAN (for himself, Mr. Kerry, and Mrs. Lincoln) submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF MORATORIUM ON SECRETARIAL AUTHORITY.

(a) Extension.—Effective as if included in the enactment of section 7002 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), subsection (a)(1) of such section is amended, in the matter preceding subparagraph (A), by striking "1 year" and inserting "2 years".

(b) Increase in Basic Rebate for Single Source Drugs and Innovator Multiple Source Drugs.—

(1) In general.—Section 1927(c) (42 U.S.C. 1396r–8(c)) is amended—

(A) in paragraph (1)(B)(i)—

(i) in subclause (IV), by striking "and" after the semicolon;

(ii) in subclause (V)—

(I) by inserting "and before January 1, 2008," after "1995,"; and

(II) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(VI) after December 31, 2007, is 20.1 percent."; and

(B) in paragraph (3) (B)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii)—

(I) by inserting "and before January 1, 2008," after "1993,"; and

(II) by striking the period and inserting "; and"; and

(III) by adding at the end the following new clause:

"(iii) after December 31, 2007, is 16 percent.".

(2) Effective date.—The amendments made by this subsection take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

SA 2583. Mr. BINGAMAN (for himself and Mr. Kerry) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. Baucus (for himself and Mr. Grassley, Mr. Rockefeller, and Mr. Hatch) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. _____. IMPROVEMENTS TO THE MEDICARE SAVINGS PROGRAM.

(a) Increasing SLMB Eligibility Income Level to 135 Percent of Poverty.—Section 1902(a)(10)(E)(iii) (42 U.S.C. 1396a(a)(10)(E)(iii)) is amended by striking "and 120 percent in 1995 and years thereafter" and inserting ", 120 percent in 1995 through 2007, and 135 percent in 2008 and years thereafter".

(b) Improving the Assets Test for the Medicare Savings Program.—Section 1905(p)(1)(C) (42 U.S.C. 1396d(p)(1)(C)) is amended to read as follows:

"(C) whose resources (as determined under section 1613 for purposes of the supplemental security income program) do not exceed—

"(i) for years before 2008, twice the maximum amount of resources that an individual may have and obtain benefits under that program; and

"(ii) for 2008 and subsequent years, the resource limitation established under this clause (or clause (i)) for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year.".

(c) Effective Date.—The amendments made by subsections (a) and (b) shall apply to eligibility determinations for medicare cost-sharing furnished for periods beginning on or after January 1, 2008.

(d) Increase in Basic Rebate for Single Source Drugs and Innovator Multiple Source Drugs.—

(1) In general.—Section 1927(c) (42 U.S.C. 1396r–8(c)) is amended—

(A) in paragraph (1)(B)(i)—

(i) in subclause (IV), by striking "and" after the semicolon;

(ii) in subclause (V)—

(I) by inserting "and before January 1, 2008," after "1995,"; and

(II) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(VI) after December 31, 2007, is 20.1 percent."; and

(B) in paragraph (3) (B)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii)—

(I) by inserting "and before January 1, 2008," after "1993,"; and

(II) by striking the period and inserting "; and"; and

(III) by adding at the end the following new clause:

"(iii) after December 31, 2007, is 16 percent.".

(2) Effective date.—The amendments made by this subsection take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

(e) Extension of Prescription Drug Discounts to Enrollees of Medicaid Managed Care Organizations.—

(1) In general.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) in clause (xi), by striking "and" at the end;

(B) in clause (xii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(xiii) such contract provides that (I) payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate required by the agreement entered into under section 1927 as the State is subject to and that the State shall allow the entity to collect such rebates from manufacturers, and (II) capitation rates paid to the entity shall be based on actual cost experience related to rebates and subject to the Federal regulations requiring actuarially sound rates.".

(2) Conforming amendments.—Section 1927 (42 U.S.C. 1396r–8) is amended—

(A) in subsection (d)—

(i) in paragraph (1), by adding at the end the following:

"(C) Notwithstanding subparagraphs (A) and (B)—

"(i) a medicaid managed care organization with a contract under section 1903(m) may exclude or otherwise restrict coverage of a covered outpatient drug on the basis of policies or practices of the organization, such as those affecting utilization management, formulary adherence, and cost sharing or dispute resolution, in lieu of any State policies or practices relating to the exclusion or restriction of coverage of such drugs; and

"(ii) nothing in this section or paragraph (2)(A)(xiii) of section 1903(m) shall be construed as requiring a medicaid managed care organization with a contract under such section to maintain the same such polices and practices as those established by the State for purposes of individuals who receive medical assistance for covered outpatient drugs on a fee-for service basis."; and

(ii) in paragraph (4), by inserting after subparagraph (E) the following:

"(F) Notwithstanding the preceding subparagraphs of this paragraph, any formulary established by medicaid managed care organization with a contract under section 1903(m) may be based on positive inclusion of drugs selected by a formulary committee consisting of physicians, pharmacists, and other individuals with appropriate clinical experience as long as drugs excluded from the formulary are available through prior authorization, as described in paragraph (5)."; and

(B) in subsection (j), by striking paragraph (1) and inserting the following:

"(1) Covered outpatients drugs are not subject to the requirements of this section if such drugs are—

"(A) dispensed by a health maintenance organization other than a medicaid managed care organization with a contract under section 1903(m); and

"(B) subject to discounts under section 340B of the Public Health Service Act.".

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r-8) on or after such date.

SA 2584. Mr. BINGAMAN (for himself, Mr. KERRY and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 301 and insert the following:

SEC. 301. STATE OPTION TO REQUIRE CERTAIN INDIVIDUALS TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE OF PROOF OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID.

(a) STATE PLAN AMENDMENT.—

(1) IN GENERAL.—Section 1902(a)(46) (42 U.S.C. 1396a(a)(46)) is amended—

(A) by inserting "(A)" after "(46)";

(B) by adding "and" after the semicolon; and

(C) by adding at the end the following new subparagraph:

"(B) at the option of the State and subject to section 1903(x), require that, with respect to an individual (other than an individual described in section 1903(x)(1)) who declares to be a citizen or national of the United States for purposes of establishing initial eligibility for medical assistance under this title (or, at State option, for purposes of renewing or redetermining such eligibility to the extent that such satisfactory documentary evidence of citizenship or nationality has not yet been presented), there is presented satisfactory documentary evidence of citizenship or nationality of the individual (using criteria determined by the State, which shall be no more restrictive than the criteria used by the Social Security Administration to determine citizenship, and which shall accept as such evidence a document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood, and, with respect to those federally-recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, such other forms of documentation (including tribal documentation, if appropriate) that the Secretary, after consulting with such tribes, determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subparagraph));".

(2) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary of Health and Human Services may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(3) CONFORMING AMENDMENTS.—Section 1903 (42 U.S.C. 1396b) is amended—

(A) in subsection (i)—

(i) in paragraph (20), by adding "or" after the semicolon;

(ii) in paragraph (21), by striking "; or" and inserting a period; and

(iii) by striking paragraph (22); and

(B) in subsection (x) (as amended by section 405(c)(1)(A) of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432))—

(i) by striking paragraphs (1) and (3);

(ii) by redesignating paragraph (2) as paragraph (1);

(iii) in paragraph (1), as so redesignated, by striking "paragraph (1)" and inserting "section 1902(a)(46)(B)"; and

(iv) by adding at the end the following new paragraph:

"(2) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.".

(b) CLARIFICATION OF RULES FOR CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.—Section 1903(x) (42 U.S.C. 1396b(x)), as amended by subsection a(3)(B), is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "or" at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or"; and

(2) by adding at the end the following new paragraph:

"(3) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.".

(c) EFFECTIVE DATE.—

(1) RETROACTIVE APPLICATION.—The amendments made by this section shall take effect as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 4).

(2) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on the date of enactment of this Act, was determined to be ineligible for medical assistance under a State Medicaid program solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by subsections (a) and (b), had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

(d) INCREASE IN BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—

(1) IN GENERAL.—Section 1927(c) (42 U.S.C. 1396r-8(c)) is amended—

(A) in paragraph (1)(B)(i)—

(i) in subclause (IV), by striking "and" after the semicolon;

(ii) in subclause (V)—

(I) by inserting "and before January 1, 2008," after "1995,"; and

(II) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(VI) after December 31, 2007, is 20.1 percent."; and

(B) in paragraph (3)(B)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii)—

(I) by inserting "and before January 1, 2008," after "1993,"; and

(II) by striking the period and inserting "; and"; and

(III) by adding at the end the following new clause:

"(iii) after December 31, 2007, is 16 percent.".

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r-8) on or after such date.

(e) EXTENSION OF PRESCRIPTION DRUG DISCOUNTS TO ENROLLEES OF MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) IN GENERAL.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) in clause (xi), by striking "and" at the end;

(B) in clause (xii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(xiii) such contract provides that (I) payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate required by the agreement entered into under section 1927 as the State is subject to and that the State shall allow the entity to collect such rebates from manufacturers, and (II) capitation rates paid to the entity shall be based on actual cost experience related to rebates and subject to the Federal regulations requiring actuarially sound rates.".

(2) CONFORMING AMENDMENTS.—Section 1927 (42 U.S.C. 1396r–8) is amended—

(A) in subsection (d)—

(i) in paragraph (1), by adding at the end the following:

"(C) Notwithstanding subparagraphs (A) and (B)—

"(i) a medicaid managed care organization with a contract under section 1903(m) may exclude or otherwise restrict coverage of a covered outpatient drug on the basis of policies or practices of the organization, such as those affecting utilization management, formulary adherence, and cost sharing or dispute resolution, in lieu of any State policies or practices relating to the exclusion or restriction of coverage of such drugs; and

"(ii) nothing in this section or paragraph (2)(A)(xiii) of section 1903(m) shall be construed as requiring a medicaid managed care organization with a contract under such section to maintain the same such polices and practices as those established by the State for purposes of individuals who receive medical assistance for covered outpatient drugs on a fee-for service basis."; and

(ii) in paragraph (4), by inserting after subparagraph (E) the following:

"(F) Notwithstanding the preceding subparagraphs of this paragraph, any formulary established by medicaid managed care organization with a contract under section 1903(m) may be based on positive inclusion of drugs selected by a formulary committee consisting of physicians, pharmacists, and other individuals with appropriate clinical experience as long as drugs excluded from the formulary are available through prior authorization, as described in paragraph (5)."; and

(B) in subsection (j), by striking paragraph (1) and inserting the following:

"(1) Covered outpatients drugs are not subject to the requirements of this section if such drugs are—

"(A) dispensed by a health maintenance organization other than a medicaid managed care organization with a contract under section 1903(m); and

"(B) subject to discounts under section 340B of the Public Health Service Act.".

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

SA 2585. Mr. BINGAMAN (for himself and Mr. LEVIN, Mr. KERRY, Mr. FEINGOLD, Mr. DURBIN, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 976, to to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INSTITUTE OF MEDICINE STUDY AND REPORT RELATING TO CHIP COVERAGE OF ADULT POPULATIONS.

Not later than July 1, 2009, the Institute of Medicine shall conduct a study and submit a report to Congress regarding coverage of adult populations in CHIP. Such study and report shall include the following:

(1) Quantification of the total Federal and State expenditures made for providing coverage of adult populations under—

(A) section 1115 waivers approved before the date of enactment of this Act with respect to the provision of such coverage under State child health plans; and

(B) the amendments made by this Act.

(2) An analysis of the impact of providing coverage for parents under CHIP on the access of children to health insurance and the access of children to health services.

(3) An analysis of the overall cost of providing coverage to pregnant women enrolled in State child health plans under CHIP. Such analysis shall include the long-term cost-savings to Federal and State governments associated with the provision of prenatal care, including the increase in Federal and State health care expenditures that would be associated with the mother and newborn child (over the mother's lifetime and the child's lifetime) if such prenatal care had not been provided.

SA 2586. Mr. BINGAMAN (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXPEDITING LOW-INCOME SUBSIDIES AND REVISING THE RESOURCE STANDARDS UNDER THE MEDICARE PRESCRIPTION DRUG PROGRAM.

(a) EXPEDITING LOW-INCOME SUBSIDIES.—

(1) IN GENERAL.—Section 1860D–14 (42 U.S.C. 1395w–114) is amended by adding at the end the following new subsection:

"(e) EXPEDITED APPLICATION AND ELIGIBILITY PROCESS.—

"(1) EXPEDITED PROCESS.—

"(A) IN GENERAL.—The Commissioner of Social Security shall provide for an expedited process under this subsection for the qualification for low-income assistance under this section through a request to the Secretary of the Treasury as provided in subparagraphs (B) and (C) for information described in section 6103(l)(21) of the Internal Revenue Code of 1986. Such process shall be conducted in cooperation with the Secretary.

"(B) OPT IN FOR NEWLY ELIGIBLE INDIVIDUALS.—Not later than 60 days after the date of the enactment of this subsection, the Secretary shall ensure that, as part of the Medicare enrollment process, enrolling individuals—

"(i) receive information describing the low-income subsidy provided under this section; and

"(ii) are provided the opportunity to opt-in to the expedited process described in this subsection by requesting that the Commissioner of Social Security screen the individual involved for eligibility for such subsidy through a request to the Secretary of the Treasury under section 6103(l)(21) of the Internal Revenue Code of 1986.

"(C) CURRENTLY ELIGIBLE INDIVIDUALS.—The Commissioner of Social Security shall, as soon as practicable after implementation of subparagraph (A), screen any part D eligible individual to which subparagraph (B) did not apply at the time of such individual's enrollment for eligibility for the low-income subsidy provided under this section through a request to the Secretary of the Treasury under section 6103(l)(21) of the Internal Revenue Code of 1986.

"(2) NOTIFICATION OF POTENTIALLY ELIGIBLE INDIVIDUALS.—Under such process, in the case of each individual identified under paragraph (1) who has not otherwise applied for, or been determined eligible for, benefits under this section (or who has applied for and been determined ineligible for such benefits based only on excess resources), the Commissioner of Social Security shall send a notification that the individual is likely eligible for low-income subsidies under this section. Such notification shall include the following:

"(A) APPLICATION INFORMATION.—Information on how to apply for such low-income subsidies.

"(B) DESCRIPTION OF THE LIS BENEFIT.—A description of the low-income subsidies available under this section.

"(C) INFORMATION ON STATE HEALTH INSURANCE PROGRAMS.—Information on—

"(i) the State Health Insurance Assistance Program for the State in which the individual is located; and

"(ii) how the individual may contact such Program in order to obtain assistance regarding enrollment and benefits under this part.

"(D) ATTESTATION.—An application form that provides for a signed attestation, under penalty of law, as to the amount of income and assets of the individual and constitutes an application for the low-income subsidies under this section. Such form—

"(i) shall not require the submittal of additional documentation regarding income or assets;

"(ii) shall permit the appointment of a personal representative described in paragraph (4); and

"(iii) shall allow for the specification of a language (other than English) that is preferred by the individual for subsequent communications with respect to the individual under this part.

If a State is doing its own outreach to low-income seniors regarding enrollment and low-income subsidies under this part, such process shall be coordinated with the State's outreach effort.

"(3) HOLD-HARMLESS.—Under such process, if an individual in good faith and in the absence of fraud executes an attestation described in paragraph (2)(D) and is provided low-income subsidies under this section on the basis of such attestation, if the individual is subsequently found not eligible for such subsidies, there shall be no recovery made against the individual because of such subsidies improperly paid.

"(4) USE OF AUTHORIZED REPRESENTATIVE.—Under such process, with proper authorization (which may be part of the attestation form described in paragraph (2)(D)), an individual may authorize another individual to act as the individual's personal representative with respect to communications under this part and the enrollment of the individual under a prescription drug plan (or MA–PD plan) and for low-income subsidies under this section.

"(5) USE OF PREFERRED LANGUAGE IN SUBSEQUENT COMMUNICATIONS.—In the case where an attestation described in paragraph (2)(D) is completed and in which a language other than English is specified under clause (iii) of such paragraph, the Commissioner of Social Security shall provide that subsequent communications to the individual under this part shall be in such language.

"(6) CONSTRUCTION.—Nothing in this subsection shall be construed as precluding the Commissioner of Social Security or the Secretary from taking additional outreach efforts to enroll eligible individuals under this part and to provide low-income subsidies to eligible individuals.".

(2) PRESCRIPTION DRUG PLANS REQUIRED TO PROVIDE EXPEDITED LOW-INCOME SUBSIDY OPT-IN AS PART OF APPLICATIONS.—

(A) IN GENERAL.—Section 1860D–1(b)(1)(B)(vi) (42 U.S.C. 1395w–101(b)(1)(B)(vi)) is amended by inserting before the period at the end the following: ", except that any application form distributed by a sponsor of a prescription drug plan, or an organization offering an MA–PD plan, shall contain an option for a part D eligible individual to opt-in to the expedited process under section 1860D–14(e) for low-income assistance subsidies under such section by requesting that the individual be screened for eligibility for such subsidy through a request to the Secretary of the Treasury under section 6103(l)(21) of the Internal Revenue Code of 1986".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to application forms for plan years beginning with 2008.

(3) DISCLOSURE OF RETURN INFORMATION FOR PURPOSES OF DETERMINING INDIVIDUALS ELIGIBLE FOR SUBSIDIES UNDER MEDICARE PART D.—

(A) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT MEDICARE PART D SUBSIDIES.—

"(A) IN GENERAL.—The Secretary shall, upon written request from the Commissioner of Social Security under section 1860D–14(e)(1) of the Social Security Act, disclose to officers and employees of the Social Security Administration return information of a taxpayer who (according to the records of the Secretary) may be eligible for a subsidy under section 1860D–14 of the Social Security Act. Such return information shall be limited to—

"(i) taxpayer identity information with respect to such taxpayer,

"(ii) the filing status of such taxpayer,

"(iii) the gross income of such taxpayer,

"(iv) such other information relating to the liability of the taxpayer as is prescribed by the Secretary by regulation as might indicate the eligibility of such taxpayer for a subsidy under section 1860D–14 of the Social Security Act, and

"(v) the taxable year with respect to which the preceding information relates.

"(B) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under this paragraph may be used by officers and employees of the Social Security Administration only for the purposes of identifying eligible individuals for, and, if applicable, administering—

"(i) low-income subsidies under section 1860D–14 of the Social Security Act, and

"(ii) the Medicare Savings Program implemented under clauses (i), (iii), and (iv) of section 1902(a)(10)(E) of such Act.

"(C) TERMINATION.—Return information may not be disclosed under this paragraph after the date that is one year after the date of the enactment of this paragraph.".

(B) CONFORMING AMENDMENTS.—Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986 is amended—

(i) by striking "(14) or (17)" in the matter preceding subparagraph (A) and inserting "(14), (17), or (21)"; and

(ii) by striking "(15) or (17)" in subparagraph (F)(ii) and inserting "(15), (17), or (21)".

(b) MODIFICATION OF RESOURCE STANDARDS FOR DETERMINATION OF ELIGIBILITY FOR LOW-INCOME SUBSIDY.—

(1) INCREASING THE RESOURCE STANDARD APPLIED TO FULL LOW-INCOME SUBSIDY.—Subparagraph (D) of section 1860D–14(a)(3) (42 U.S.C. 1395w–114(a)(3)) is amended—

(A) in the heading, by striking "THREE TIMES";

(B) in clause (i), by striking "and" at the end;

(C) in clause (ii)—

(i) by striking "a subsequent year" and inserting "2007";

(ii) by striking "this clause for the previous year" and inserting "clause (i) for 2006"; and

(iii) by inserting "(or clause (i))" after "this clause"; and

(iv) by striking the period at the end and inserting a semicolon;

(D) by adding at the end the following new clauses:

"(iii) for 2008, six times the maximum amount of resources that an individual may have and obtain benefits under such supplemental security income program; and

"(iv) for a subsequent year the resource limitation established under this clause (or clause (iii)) for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year."; and

(E) in the last sentence, by inserting "or (iv)" after "clause (ii)".

(2) INCREASING THE ALTERNATE RESOURCE STANDARD.—Subparagraph (E)(i) of such section is amended—

(A) by striking "and" at the end of subclause (I);

(B) in subclause (II)—

(i) by striking "a subsequent year" and inserting "2007";

(ii) by striking "in this subclause (or subclause (I)) for the previous year" and inserting "in subclause (I) for 2006"; and

(iii) by striking the period at the end and inserting a semicolon;

(C) by inserting after subclause (II) the following new subclauses:

"(III) for 2008, $27,500 (or $55,000 in the case of the combined value of the individual's assets or resources and the assets or resources of the individual's spouse); and

"(IV) for a subsequent year the dollar amounts specified in this subclause (or subclause (III)) for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year."; and

(D) in the last sentence, by inserting "or (IV)" after "subclause (II)".

(3) EXEMPTIONS FROM RESOURCES.—Section 1860D–14(a)(3) (42 U.S.C. 1395w–114(a)(3)) is amended—

(A) in subparagraph (D), in the matter preceding clause (i), by inserting ", subject to the additional exclusions provided under subparagraph (G)" before ")";

(B) in subparagraph (E)(i), in the matter preceding subclause (I), by inserting ",subject to the additional exclusions provided under subparagraph (G)" before ")"; and

(C) by adding at the end the following new subparagraph:

"(G) ADDITIONAL EXCLUSIONS.—In determining the resources of an individual (and their eligible spouse, if any) under section 1613 for purposes of subparagraphs (D) and (E) the following additional exclusions shall apply:

"(i) LIFE INSURANCE POLICY.—No part of the value of any life insurance policy shall be taken into account.

"(ii) IN-KIND CONTRIBUTIONS.—No in-kind contribution shall be taken into account.

"(iii) PENSION OR RETIREMENT PLAN.—No balance in any pension or retirement plan shall be taken into account.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act.

(c) INDEXING DEDUCTIBLE AND COST-SHARING ABOVE ANNUAL OUT-OF-POCKET THRESHOLD FOR INDIVIDUALS WITH INCOME BELOW 150 PERCENT OF POVERTY LINE.—

(1) INDEXING DEDUCTIBLE.—Section 1860D–14(a)(4)(B) (42 U.S.C. 1395w–114(a)(4)(B)) is amended—

(A) in clause (i), by striking "or";

(B) in clause (ii)—

(i) by striking "a subsequent year" and inserting "2008";

(ii) by striking "this clause (or clause (i)) for the previous year" and inserting "clause (i) for 2007"; and

(iii) by striking "involved." and inserting "involved; and";

(C) by adding after clause (ii) the following new clause:

"(iii) for 2008 and each succeeding year, the amount determined under this subparagraph for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year."; and

(D) in the flush sentence at the end, by striking "clause (i) or (ii)" and inserting "clause (i), (ii), or (iii)".

(2) INDEXING COST-SHARING.—Section 1860D–14(a) (42 U.S.C. 1395w–114(a)) is amended–

(A) in paragraph (1)(D)(iii), by striking "exceed the copayment amount" and all that follows through the period at the end and inserting "exceed—

"(I) for 2006 and 2007, the copayment amount specified under section 1860D–2(b)(4)(A)(i)(I) for the drug and year involved; and

"(II) for 2008 and each succeeding year, the amount determined under this subparagraph for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year."; and

(B) in paragraph (2)(E), by striking "exceed the copayment or coinsurance amount" and all that follows through the period at the end and inserting "exceed—

"(i) for 2006 and 2007, the copayment or coinsurance amount specified under section 1860D–2(b)(4)(A)(i)(I) for the drug and year involved; and

"(ii) for 2008 and each succeeding year, the amount determined under this clause for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year.".

(d) NO IMPACT ON ELIGIBILITY FOR BENEFITS UNDER OTHER PROGRAMS.—

(1) IN GENERAL.—Section 1860D–14(a)(3) (42 U.S.C. 1395w–114(a)(3)), as amended by subsection b(3), is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking "subparagraph (F)" and inserting "subparagraphs (F) and (H)"; and

(B) by adding at the end the following new subparagraph:

"(H) NO IMPACT ON ELIGIBILITY FOR BENEFITS UNDER OTHER PROGRAMS.—The availability of premium and cost-sharing subsidies under this section shall not be treated as benefits or otherwise taken into account in determining an individual's eligibility for, or the amount of benefits under, any other Federal program.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act.

(e) EXTENSION OF PRESCRIPTION DRUG DISCOUNTS TO ENROLLEES OF MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) IN GENERAL.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) in clause (xi), by striking "and" at the end;

(B) in clause (xii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(xiii) such contract provides that (I) payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate required by the agreement entered into under section 1927 as the State is subject to and that the State shall allow the entity to collect such rebates from manufacturers, and (II) capitation rates paid to the entity shall be based on actual cost experience related to rebates and subject to the Federal regulations requiring actuarially sound rates.".

(2) CONFORMING AMENDMENTS.—Section 1927 (42 U.S.C. 1396r-8) is amended—

(A) in subsection (d)—

(i) in paragraph (1), by adding at the end the following:

"(C) Notwithstanding subparagraphs (A) and (B)—

"(i) a medicaid managed care organization with a contract under section 1903(m) may exclude or otherwise restrict coverage of a covered outpatient drug on the basis of policies or practices of the organization, such as those affecting utilization management, formulary adherence, and cost sharing or dispute resolution, in lieu of any State policies or practices relating to the exclusion or restriction of coverage of such drugs; and

"(ii) nothing in this section or paragraph (2)(A)(xiii) of section 1903(m) shall be construed as requiring a medicaid managed care organization with a contract under such section to maintain the same such polices and practices as those established by the State for purposes of individuals who receive medical assistance for covered outpatient drugs on a fee-for service basis."; and

(ii) in paragraph (4), by inserting after subparagraph (E) the following:

"(F) Notwithstanding the preceding subparagraphs of this paragraph, any formulary established by medicaid managed care organization with a contract under section 1903(m) may be based on positive inclusion of drugs selected by a formulary committee consisting of physicians, pharmacists, and other individuals with appropriate clinical experience as long as drugs excluded from the formulary are available through prior authorization, as described in paragraph (5)."; and

(B) in subsection (j), by striking paragraph (1) and inserting the following:

"(1) Covered outpatients drugs are not subject to the requirements of this section if such drugs are—

"(A) dispensed by a health maintenance organization other than a medicaid managed care organization with a contract under section 1903(m); and

"(B) subject to discounts under section 340B of the Public Health Service Act.".

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r-8) on or after such date.

(f) INCREASE IN BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—

(1) IN GENERAL.—Section 1927(c) (42 U.S.C. 1396r-8(c)) is amended—

(A) in paragraph (1)(B)(i)—

(i) in subclause (IV), by striking "and" after the semicolon;

(ii) in subclause (V)—

(I) by inserting "and before January 1, 2008," after "1995,"; and

(II) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(VI) after December 31, 2007, is 20.1 percent."; and

(B) in paragraph (3) (B)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii)—

(I) by inserting "and before January 1, 2008," after "1993,"; and

(II) by striking the period and inserting "; and"; and

(III) by adding at the end the following new clause:

"(iii) after December 31, 2007, is 16 percent.".

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r-8) on or after such date.

SA 2587. Mr. GREGG proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; as follows:

Beginning on page 42, strike line 4 and all that follows through page 66, line 25, and insert the following:

SEC. 106. LIMITATIONS ON MATCHING RATES FOR POPULATIONS OTHER THAN LOW-INCOME CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER.

(a) LIMITATION ON PAYMENTS.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) LIMITATIONS ON MATCHING RATE FOR POPULATIONS OTHER THAN TARGETED LOW-INCOME CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER.—For child health assistance or health benefits coverage furnished in any fiscal year beginning with fiscal year 2008:

"(A) FMAP APPLIED TO PAYMENTS ONLY FOR NONPREGNANT CHILDLESS ADULTS AND PARENTS AND CARETAKER RELATIVES ENROLLED UNDER A SECTION 1115 WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—The Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to payments for child health assistance or health benefits coverage provided under the State child health plan for any of the following:

"(i) PARENTS OR CARETAKER RELATIVES ENROLLED UNDER A WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—A nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child who is enrolled in the State child health plan under a waiver, experimental, pilot, or demonstration project on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 and whose family income does not exceed the income eligibility applied under such waiver with respect to that population on such date.

"(ii) NONPREGNANT CHILDLESS ADULTS ENROLLED UNDER A WAIVER ON SUCH DATE.—A nonpregnant childless adult enrolled in the State child health plan under a waiver, experimental, pilot, or demonstration project described in section 6102(c)(3) of the Deficit Reduction Act of 2005 (42 U.S.C. 1397gg note) on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 and whose family income does not exceed the income eligibility applied under such waiver with respect to that population on such date.

"(iii) NO REPLACEMENT ENROLLEES.—Nothing in clauses (i) or (ii) shall be construed as authorizing a State to provide child health assistance or health benefits coverage under a waiver described in either such clause to a nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child, or a nonpregnant childless adult, who is not enrolled under the waiver on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

"(B) NO FEDERAL PAYMENT FOR ANY NEW NONPREGNANT ADULT ENROLLEES OR FOR SUCH ENROLLEES WHO NO LONGER SATISFY INCOME ELIGIBILITY REQUIREMENTS.—Payment shall not be made under this section for child health assistance or other health benefits coverage provided under the State child health plan or under a waiver under section 1115 for any of the following:

"(i) PARENTS OR CARETAKER RELATIVES UNDER A SECTION 1115 WAIVER APPROVED AFTER THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—A nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child under a waiver, experimental, pilot, or demonstration project that is approved on or after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

"(ii) PARENTS, CARETAKER RELATIVES, AND NONPREGNANT CHILDLESS ADULTS WHOSE FAMILY INCOME EXCEEDS THE INCOME ELIGIBILITY LEVEL SPECIFIED UNDER A SECTION 1115 WAIVER APPROVED PRIOR TO THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—Any nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child whose family income exceeds the income eligibility level referred to in subparagraph (B)(i), and any nonpregnant childless adult whose family income exceeds the income eligibility level referred to in subparagraph (B)(ii).

"(iii) NONPREGNANT CHILDLESS ADULTS, PARENTS, OR CARETAKER RELATIVES NOT ENROLLED UNDER A SECTION 1115 WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—Any nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child who is not enrolled in the State child health plan under a section 1115 waiver, experimental, pilot, or demonstration project referred to in subparagraph

(B)(i) on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, and any nonpregnant childless adult who is not enrolled in the State child health plan under a section 1115 waiver, experimental, pilot, or demonstration project referred to in subparagraph (B)(ii)(I) on such date.

"(C) DEFINITION OF CARETAKER RELATIVE.—In this subparagraph, the term 'caretaker relative' has the meaning given that term for purposes of carrying out section 1931.

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as implying that payments for coverage of populations for which the Federal medical assistance percentage (as so determined) is to be substituted for the enhanced FMAP under subsection (a)(1) in accordance with this paragraph are to be made from funds other than the allotments determined for a State under section 2104.".

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting "or subsection (c)(8)" after "subparagraph (B)".

(c) NONAPPLICATION OF CERTAIN REFERENCES.—Subsections (e), (i), (j), and (k) of section 2104 (42 U.S.C. 1397dd), as added by this Act, shall be applied without regard to any reference to section 2111.

SEC. 107. PROHIBITION ON NEW SECTION 1115 WAIVERS FOR COVERAGE OF ADULTS OTHER THAN PREGNANT WOMEN.

(a) IN GENERAL.—Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(1) by striking ", the Secretary" and inserting ":

"(1) The Secretary"; and

(2) by adding at the end the following new paragraphs:

"(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage for any other adult other than a pregnant woman whose family income does not exceed the income eligibility level specified for a targeted low-income child in that State under a waiver or project approved as of such date.

"(3) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2105(c)(8).".

(b) CLARIFICATION OF AUTHORITY FOR COVERAGE OF PREGNANT WOMEN.—Section 2106 (42 U.S.C. 1397ff) is amended by adding at the end the following new subsection:

"(f) NO AUTHORITY TO COVER PREGNANT WOMEN THROUGH STATE PLAN.—For purposes of this title, a State may provide assistance to a pregnant woman under the State child health plan only—

"(1) by virtue of a waiver under section 1115; or

"(2) through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.".

(c) ASSURANCE OF NOTICE TO AFFECTED ENROLLEES.—The Secretary of Health and Human Services shall establish procedures to ensure that States provide adequate public notice for parents, caretaker relatives, and nonpregnant childless adults whose eligibility for child health assistance or health benefits coverage under a waiver under section 1115 of the Social Security Act will be terminated as a result of the amendments made by subsection (a), and that States otherwise adhere to regulations of the Secretary relating to procedures for terminating waivers under section 1115 of the Social Security Act.

SA 2588. Mr. OBAMA (for himself, Mrs. MCCASKILL, Mr. HARKIN, Mr. KERRY, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. ____. MILITARY FAMILY JOB PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Military Family Job Protection Act".

(b) PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING MEMBERS OF THE ARMED FORCES.—A family member of a recovering servicemember described in subsection (c) shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in that subsection, for a period of not more than 52 workweeks.

(c) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering servicemember who is—

(1) on invitational orders while caring for the recovering servicemember;

(2) a non-medical attendee caring for the recovering servicemember; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering servicemember.

(d) TREATMENT OF ACTIONS.—An employer shall be considered to have engaged in an action prohibited by subsection (b) with respect to a person described in that subsection if the absence from employment of the person as described in that subsection is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of the absence of employment of the person.

(e) DEFINITIONS.—In this section:

(1) BENEFIT OF EMPLOYMENT.—The term "benefit of employment" has the meaning given such term in section 4303 of title 38, United States Code.

(2) CARING FOR.—The term "caring for", used with respect to a recovering servicemember, means providing personal, medical, or convalescent care to the recovering servicemember, under circumstances that substantially interfere with an employee's ability to work.

(3) EMPLOYER.—The term "employer" has the meaning given such term in section 4303 of title 38, United States Code, except that the term does not include any person who is not considered to be an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

(4) FAMILY MEMBER.—The term "family member", with respect to a recovering servicemember, has the meaning given that term in section 411h(b) of title 37, United States Code.

(5) RECOVERING SERVICEMEMBER.—The term "recovering servicemember" means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

SA 2589. Mr. REID proposed an amendment to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the end of the amendment add the following:

This section shall take effect 3 days after date of enactment.

SA 2590. Mr. REID proposed an amendment to amendment SA 2589 proposed by Mr. REID to the bill S. 1, to provide greater transparency in the legislative process; as follows:

In the amendment strike 3 and insert 1.

SA 2591. Mr. TESTER (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 276, calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership, and mandate to protect civilians in Darfur, Sudan, and for efforts to strengthen the renewal of a just and inclusive peace process; as follows:

On page 8, line 9, strike "and",

On page 8, between lines 9 and 10, insert the following:

(5) urges all participants in the conflict in Darfur, including the leaders of rebel movements that were not signatories to the Darfur Peace Agreement, to participate fully in all meetings, conferences, and discussions within a political process led by the United Nations and African Union in order to return peace and security to the people of Darfur;

(6) regards failure to participate in such meetings, conferences, and discussions, as requested by the African Union and United Nations, as an obstruction of the political process and its goals that may be worthy of international sanctions; and

On page 8, line 10, strike "(5)" and insert "(7)".

SA 2592. Mr. TESTER (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 276, calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership, and mandate to protect civilians in Darfur, Sudan, and for efforts to strengthen the renewal of a just and inclusive peace process; as follows:

In the twelfth whereas clause, insert "and members of his administration" after "al-Bashir".

Strike the seventeenth whereas clause and insert the following:

Whereas the United Nations and African Union have invited leaders of the rebel movements in Darfur to participate in a political process led by the United Nations and

African Union to return peace and stability to the people of Darfur;

Whereas deliberately targeting civilians and people providing humanitarian assistance during an armed conflict is a flagrant violation of international humanitarian law, and those who commit such violations must be held accountable; and

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 31, 2007, at 9:30 a.m., in open session (and possibly closed session) to consider the following nominations:

Admiral Michael G. Mullen, USN for reappointment to the grade of Admiral and to be Chairman of the Joint Chiefs of Staff; and General James E. Cartwright, USMC for reappointment to the grade of General and to be Vice Chairman of the Joint Chiefs of Staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 31, 2007, at 9:30 a.m., to conduct a hearing entitled "The State of the Securities Markets."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, July 31, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing is on the nominations of Vice Admiral Thomas J. Barrett, USCG (Ret.), to be Deputy Secretary, U.S. Department of Transportation, Mr. Ronald Spoehel, to be Chief Financial Officer, National Aeronautics and Space Administration, Rear Admiral William G. Sutton, Jr., USN (Ret.), to be Assistant Secretary of Commerce, U.S. Department of Commerce, and Mr. Paul R. Brubaker, to be Administrator of the Research and Innovative Technology Administration, U.S. Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, July 31, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The purpose of this hearing is to examine three major consumer protection and fraud prevention issues under the jurisdiction of the Federal Trade Commission: 1. The effectiveness of the national Do-Not-Call registry and current legislative proposals to improve the Do-Not-Call Implementation Act of 2003; 2. The effectiveness of CROA and possible legislative initiatives to clarify the language of the act; and 3. Telemarketing fraud, particularly against older Americans.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATIONAL RESOURCES

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, July 31, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building. The purpose of this hearing is to receive testimony on renewable fuels infrastructure.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 31, 2007, at 9:30 a.m. in room 406 of the Dirksen Senate Office Building, in order to conduct a business meeting.

The meeting will consider the following agenda:

Bill to reauthorize the provision of technical assistance to small public water systems, S. 1429; Ban Asbestos in America Act, S. 742; Toxic Right to Know Protection Act, S. 595; California waiver decision deadline bill, S. 1785; National Infrastructure Improvement Act, S. 775; The Multinational Species Conservation Funds reauthorizations, HR 50 and HR 465; The Captive Primate Safety Act, S. 1498; U.S. Army Corps of Engineers Resolutions; Nomination of Robert Lyle Laverty to be Assistant Secretary for Fish, Wildlife, and Parks, U.S. Department of the Interior; Nomination of Robert Lance Boldrey nominee for reappointment to the Board of Trustees for the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 31, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on "Carried Interest, Part II."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 31, 2007, at 9:30 a.m. in order to hold a hearing on nuclear energy and nonproliferation challenges.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet in order to conduct a hearing entitled "Evaluating the Propriety and Adequacy of the Oxycontin Criminal Settlement" on Tuesday, July 31, 2007, at 2:30 p.m. in the Dirksen Senate Office Building room 226.

Witness list:

Panel I: John L. Brownlee, United States Attorney, Western District of Virginia, Roanoke, VA;

Panel II: Marianne Skolek, LPN, Myrtle Beach, SC; Vikramaditya Khanna, Professor of Law, University of Michigan Law School, Ann Arbor, MI; Sidney M. Wolfe, M.D., Director, Public Citizen's Health Research Group, Washington, DC; Virginia Pagano, Police Officer, Philadelphia Police Department, Narcotics Bureau, Philadelphia, PA; Jay P. McCloskey, Former U.S. Attorney, Maine, McCloskey, Mina, Cunniff & Dilworth, LLC, Portland, ME; James Campbell, M.D., Professor of Neurosurgery, Johns Hopkins Hospital, Baltimore, MD.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, July 31, to conduct a hearing on DoD/VA collaboration and cooperation and the education needs of returning service members. The committee will meet in Dirksen 562, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WYDEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 31, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights be authorized to meet on Tuesday, July 31, 2007 at 10 a.m. in order to conduct a hearing entitled "The Leegin Decision: the end of the consumer discounts or good antitrust policy" in room 226 of the Dirksen Senate Office Building.

Witness list: Pamela Jones Harbour, Commissioner, Federal Trade Commission Washington, DC; Robert Pitofsky, Sheehy Professor of Antitrust Law and Regulation, Georgetown University Law School, Washington, DC; Marcy Syms, Chief Executive Officer, SYMS, Secaucus, NJ; Stephan Bolerjack, Attorney at Law, Dykema Gossett PLLC, Representing the National Association of Manufacturers, Detroit, MI; and Janet L. McDavid, Attorney at Law, Hogan & Hartson, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Emily Wieneke and Molly Gallentine be granted floor privileges during the debate on H.R. 976.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEMPORARY EXTENSION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT

Mr. TESTER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3206, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3206) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 15, 2007, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. TESTER. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3206) was ordered to a third reading, was read the third time, and passed.

PROVIDING FOR THE REAPPOINTMENT OF ROGER W. SANT

Mr. TESTER. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S.J. Res. 7 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 7) providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. TESTER. Mr. President, I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating to the joint resolution be printed in the RECORD.

The joint resolution (S.J. Res. 7) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 7

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring because of the expiration of the term of Roger W. Sant of Washington, D.C., as filled by the reappointment of Roger W. Sant, for a term of 6 years, effective October 25, 2007.

PROVIDING FOR THE REAPPOINTMENT OF PATRICIA Q. STONESIFER

Mr. TESTER. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S.J. Res. 8 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 8) providing for the reappointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. TESTER. Mr. President, I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating to the joint resolution be printed in the RECORD.

The joint resolution (S.J. Res. 8) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 8

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring because of the expiration of the term of Patricia Q. Stonesifer of Washington, is filled by the reappointment of Patricia Q. Stonesifer, for a term of 6 years, effective December 22, 2007.

PEACEKEEPING MISSION IN DARFUR, SUDAN

Mr. TESTER. Mr. President, I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of S. Res. 276, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 276) calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership and mandate to protect civilians in Darfur, Sudan, and efforts to strengthen renewal of a just and conclusive peace process.

There being no objection, the Senate proceeded to consider the resolution.

Mr. TESTER. I ask unanimous consent the amendment to the resolution be agreed to, the resolution, as amended, be agreed to, the amendment to the preamble, which is at the desk, be considered and agreed to, the preamble, as amended, be agreed to, the motions to reconsider be laid on the table en bloc, and that any statements related thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2591) was agreed to, as follows:

On page 8, line 9, strike "and".

On page 8, between lines 9 and 10, insert the following:

(5) urges all participants in the conflict in Darfur, including the leaders of rebel movements that were not signatories to the Darfur Peace Agreement, to participate fully in all meetings, conferences, and discussions within a political process led by the United Nations and African Union in order to return peace and security to the people of Darfur;

(6) regards failure to participate in such meetings, conferences, and discussions, as requested by the African Union and United Nations, as an obstruction of the political process and its goals that may be worthy of international sanctions; and

On page 8, line 10, strike "(5)" and insert "(7)".

The resolution (S. Res. 276), as amended, was agreed to.

The amendment to the preamble (No. 2592) was agreed to, as follows:

Purpose: (To urge all participants in the conflict in Darfur to engage in a political process led by the United Nations and African Union, to express disapproval of failure to participate in such political process, and for other purposes)

In the twelfth whereas clause, insert "and members of his administration" after "al-Bashir".

Strike the seventeenth whereas clause and insert the following:

Whereas the United Nations and African Union have invited leaders of the rebel movements in Darfur to participate in a political process led by the United Nations and African Union to return peace and stability to the people of Darfur;

Whereas deliberately targeting civilians and people providing humanitarian assistance during an armed conflict is a flagrant violation of international humanitarian law, and those who commit such violations must be held accountable; and

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY

Mr. TESTER. I ask unanimous consent the Senate now proceed to consideration of S. Res. 285, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 285) designating September 9, 2007, as "National Fetal Alcohol Spectrum Disorders Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. TESTER. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 285) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 285

Whereas the term "fetal alcohol spectrum disorders" includes a broader range of conditions and therefore has replaced the term "fetal alcohol syndrome" as the umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas, although the economic costs of fetal alcohol spectrum disorders are difficult to estimate, the cost of fetal alcohol syndrome alone in the United States was $5,400,000,000 in 2003 and it is estimated that each individual with fetal alcohol syndrome will cost taxpayers of the United States between $1,500,000 and $3,000,000 in his or her lifetime;

Whereas, in February 1999, a small group of parents of children who suffer from fetal alcohol spectrum disorders came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked "What if . . . a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol . . . would the rest of the world listen?"; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 9, 2007, as "National Fetal Alcohol Spectrum Disorders Awareness Day"; and

(2) calls upon the people of the United States—

(A) to observe National Fetal Alcohol Spectrum Disorders Awareness Day with appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize further effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) to observe a moment of reflection on the ninth hour of September 9, 2007, to remember that during the 9 months of pregnancy a woman should not consume alcohol.

RECOGNIZING THE HEROIC EFFORTS OF FIREFIGHTERS

Mr. TESTER. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 286, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 286) recognizing the heroic efforts of firefighters to contain numerous wildfires throughout the Western United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, I rise today to honor of the thousands of firefighters who, in recent weeks, have literally put themselves in the line of fire to protect our communities and rural economies from countless wildfires throughout the western United States.

For the second year in a row, western States have been plagued by continuous wildfires that far exceed those of average years. While July and August are typically considered the peak months for western wildfires, this year's fire season has been exacerbated by continued drought, record-high temperatures, widespread dry lightning storms, and high winds. As of July 23, more than 55,000 wildfires had been reported this year, burning over 4 million acres. That represents an increase of more than 8,000 fires and 1 million acres over the 10-year average.

My home State of Utah alone has reported nearly 700 separate wildfires that have burned nearly 700,000 acres. This includes the fire at the Milford Flats Complex, which burned more than 360,000 acres, easily making it Utah's largest wildfire on record and one of the largest of this year's fire season. Idaho is the only State that has been hit harder than Utah this fire season, reporting more than 700 fires that have burned more than 800,000 acres.

Utah and Idaho have not been alone in this recent spike of wildfire activity. The Milford Flats fire was ignited during a 3-day period that lasted from July 6th through July 8th, at time period in which more than 1,200 wildfires were ignited in the West as dry lighting storms swept across California, Nevada, Utah, and Southern Idaho. Despite these drastic conditions, Federal, State and local fire crews have been relentless in their efforts to control these wildfires, literally putting themselves between these infernos and our homes, our, communities, and our resources.

I also want to express my heartfelt sympathies towards the hundreds of communities and thousands of families affected by this year's fires. Our thoughts and prayers are with them as they begin the difficult task of cleaning up and returning their lives to normal.

At any given time, as many as 15,000 fire personnel are assigned to large, uncontained wildfires throughout the West. This year, and every year, these brave men and women overcome extremely volatile weather conditions and terrain to contain nearly 98 percent of all wildfires during their initial attack. That is why I am introducing a Senate Resolution recognizing the heroic efforts of firefighters to contain these dangerous fires in the West. Senators BENNETT, ENSIGN, WYDEN, DOMENICI, KYL, BARASSO, SALAZAR, CRAIG, and CANTWELL have joined me in cosponsoring this resolution. Clearly, this Senate Resolution already has strong bipartisan support, and I urge my remaining colleagues to lend their support.

Mr. TESTER. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 286) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 286

Whereas the annual peak of the Western wildfire season occurs during July and August;

Whereas the 2007 Western wildfire season has been characterized by continued drought, record-setting temperatures, extreme fuel conditions, and widespread dry lightning storms;

Whereas firefighters have had to contend with extreme fire behavior and rapid rates of fire spread;

Whereas, as of July 23, 2007, more than 55,000 wildfires have burned more than 4,000,000 acres of land, which is more than 8,000 fires and 1,000,000 acres higher than the average reported fire rate over the last 10 years;

Whereas, from July 6 through July 8, 2007, more than 1,200 fires were ignited in the Western United States, most of which were caused by dry lightning storms that swept across California, Nevada, Idaho, and Utah;

Whereas, as of July 23, 2007—

(1) the State of Idaho has reported more than 760 fires that have burned more than 800,000 acres;

(2) the State of Utah has reported more than 670 fires that have burned more than 660,000 acres;

(3) the State of Nevada has reported more than 560 fires that have burned more than 510,000 acres;

(4) the State of Oregon has reported more than 1,200 fires that have burned nearly 212,000 acres;

(5) the State of California has reported more than 4,600 fires that have burned more than 117,000 acres;

(6) the State of Arizona has reported more than 1,600 fires that have burned more than 88,000 acres;

(7) the State of Washington has reported more than 680 fires that have burned more than 64,000 acres;

(8) the State of New Mexico has reported more than 870 fires that have burned nearly 35,000 acres;

(9) the State of Montana has reported more than 960 fires that have burned more than 19,000 acres;

(10) the State of Wyoming has reported more than 200 fires that have burned more than 18,000 acres; and

(11) the State of Colorado has reported more than 740 fires that have burned more than 7,400 acres;

Whereas, at any given time during the Western wildfire season, as many as 14,000 firefighters are assigned to large, uncontained fires throughout the Western United States; and

Whereas, despite tremendously volatile weather and terrain conditions, Federal, State, and local firefighting units have contained between 95 and 98 percent of all wildfires during initial attack: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the heroic efforts of firefighters to contain wildfires and protect lives, homes, and rural economies throughout the Western United States; and

(2) encourages the people and government officials of the United States to express their appreciation to the brave men and women serving in the firefighting services.

HONORING THE 1ST BATTALION OF THE 133RD INFANTRY

Mr. TESTER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 287, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 287) honoring and expressing gratitude to the 1st Battalion of the 133rd Infantry ("Ironman Battalion") of the Iowa National Guard.

There being no objection, the Senate proceeded to consider the resolution.

Mr. TESTER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 287) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 287

Whereas 476 members of the 1st Battalion, 133rd Infantry of the Iowa National Guard were mobilized for active duty in September and October of 2005;

Whereas 80 members of the 1st Battalion, 133rd Infantry have been providing essential support to the Battalion from Iowa National Guard installations in Waterloo, Iowa, and Dubuque, Iowa, and at least 490 members of the 1st Battalion, 133rd Infantry were deployed to Iraq in April and May of 2006;

Whereas the members of the 1st Battalion, 133rd Infantry have been serving bravely and honorably since April and May of 2006 in the al-Anbar Province of Iraq, one of the most dangerous parts of Iraq;

Whereas the 1st Battalion, 133rd Infantry deployed as part of the 1st Brigade Combat Team of the 34th Infantry Division, which has completed the longest continuous deployment of any National Guard unit during Operation Iraqi Freedom;

Whereas the 1st Battalion, 133rd Infantry is the longest-serving Iowa Army National Guard unit since World War II;

Whereas the CBS program "60 Minutes" devoted an entire hour to telling the story of the 1st Battalion, 133rd Infantry on May 27, 2007;

Whereas the members of the 1st Battalion, 133rd Infantry have completed over 500 missions, providing security for convoys operating in al-Anbar Province;

Whereas the members of the 1st Battalion, 133rd Infantry have logged over 4,000,000 mission miles, and have delivered over ⅓ of the fuel needed to sustain coalition forces in Iraq;

Whereas the members of the 1st Battalion, 133rd Infantry have detained over 60 insurgents;

Whereas the members of the 1st Battalion, 133rd Infantry were scheduled to return home in April 2007, but had their tours of duty extended until July 2007;

Whereas the members of the 1st Battalion, 133rd Infantry left behind civilian jobs, friends, and families in order to serve the United States;

Whereas 1st Battalion, 133rd Infantry members Sergeant 1st Class Scott E. Nisely and Sergeant Kampha B. Sourivong gave the ultimate sacrifice for their country when they were tragically killed during combat operations near Al Asad, Iraq, on September 30, 2006; and

Whereas the United States will be forever indebted to the soldiers and families of the 1st Battalion, 133rd Infantry for their sacrifices and their contributions to the mission of the United States in Iraq: Now, therefore, be it

Resolved, That the Senate honors and expresses gratitude for the service and sacrifices of the members and families of the 1st Battalion of the 133rd Infantry of the Iowa National Guard upon the return home of the Battalion from its deployment in Iraq.

SUPPORTING THE GOALS AND IDEALS OF THE NATIONAL ANTHEM PROJECT

Mr. TESTER. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 276, S. Res. 236.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 236) supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem.

There being no objection, the Senate proceeded to consider the resolution.

Mr. TESTER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, en bloc, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 236) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 236

Whereas a Harris Interactive Survey discovered that of men and women 18 years of age and older, 61 percent of those surveyed did not know all the lyrics of the first stanza of the national anthem, and of those who answered the question affirmatively, 58 percent had received at least 5 years of music education while growing up;

Whereas an ABC News poll revealed that more than 1 in 3 Americans (38 percent) do not know that the official name of the national anthem is "The Star-Spangled Banner", less than 35 percent of American teenagers can name Francis Scott Key as the author of the national anthem, and as few as 15 percent of American youth can sing the words to the anthem from memory;

Whereas the national anthem, "The Star-Spangled Banner", holds a special place in the hearts and minds of the American people as a symbol of national unity, resolve, and willingness to sacrifice in order to preserve the Nation's sacred heritage of freedom;

Whereas the National Anthem Project has inspired the American people to have a greater appreciation of their patriotic musical heritage while learning American history;

Whereas music educators are the among the leading caretakers of this important piece of our Nation's heritage, in that many students learn the national anthem in music class;

Whereas our Nation's future is enhanced by the quality of the historic knowledge and awareness provided to children of all ages through learning about the national anthem, and that high-quality music education represents a worthy commitment to our children and our Nation's future; and

Whereas, the national anthem is the symbol of American ideals and freedom around the world: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of the National Anthem Project;

(2) commends the American citizens who have participated in this project; and

(3) encourages the people of the United States to learn the national anthem, "The Star-Spangled Banner", and its proud history.

RECOGNIZING THE LONG DISTANCE RUNS IN THE PEOPLE'S REPUBLIC OF CHINA

Mr. TESTER. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 255 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 255), recognizing and supporting the long distance runs that will take place in the People's Republic of China in 2007 and the U.S. in 2008 to promote friendship between the peoples of the two countries.

There being no objection, the Senate proceeded to consider the resolution.

Mr. TESTER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 255) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 255

Whereas, in 1984, American long distance runner Stan Cottrell of Tucker, Georgia, was welcomed into the People's Republic of China where he completed the 2,125-mile Great Friendship Run along the Great Wall of China in 53 days, an event which was chronicled in the international press and serves as a sign of international friendship;

Whereas those involved in the Great Friendship Run over 2 decades ago are committed to running again to revisit the experience and to promote friendship between the peoples of China and the United States;

Whereas in China, a 2,200-mile run from the Great Wall of China to Hong Kong will take place October 15 to December 15, 2007;

Whereas in the United States, a 4,000-mile relay style run from San Francisco, California, to the United States Capitol Building in Washington, D.C., will take place May 7 to June 20, 2008, and cross the continent; and

Whereas 3 Chinese long distance runners will participate with Stan Cottrell and others in the run to take place in the United States: Now, therefore, be it

Resolved, That the Senate recognizes and supports the long distance runs that will take place in the People's Republic of China in 2007 and the United States in 2008 to promote friendship between the peoples of China and the United States.

200TH ANNIVERSARY OF ARCHDIOCESE OF NEW YORK

Mr. TESTER. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 277 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 277) commemorating the 200th anniversary of the Archdiocese of New York.

There being no objection, the Senate proceeded to consider to the resolution.

Mr. TESTER. I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 277) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 277

Whereas it is a tradition of the Senate to honor and pay tribute to those places and institutions within the United States with historic significance that has contributed to the culture and traditions of the citizens of the United States;

Whereas, in accordance with this tradition, the Senate is proud to commemorate the 200th anniversary of the Archdiocese of New York and its history of faith and service;

Whereas the Archdiocese of New York has planned a year-long series of events beginning in April 2007 to celebrate its bicentennial;

Whereas the Archdiocese of New York is coordinating with Catholic Charities of New York to institute an Archdiocese of New York Day of Service to celebrate its history of serving the broader community;

Whereas, on April 8, 1808, the Diocese of New York was established with the Most Reverend R. Luke Concanen as its first Bishop, and the Diocese was elevated to an Archdiocese in 1850;

Whereas, on March 15, 1875, His Eminence John Cardinal McCloskey, the second Archbishop of the Archdiocese of New York, became the first Cardinal Archbishop of the Roman Catholic Church in the United States;

Whereas the Archdiocese of New York has welcomed Papal visits from Pope Paul VI, on October 5, 1965, and Pope John Paul II, on October 7, 1979 and October 5, 1995;

Whereas, on September 14, 1975, Elizabeth Ann Seton, a member of the Archdiocese of New York and founder of the modern Catholic education parochial school system, became the first person born in the United States to be named a saint;

Whereas Elizabeth Ann Seton is described on the front doors of St. Patrick's Cathedral as a "Daughter of New York" and several schools are named after her, including Seton Hall University in South Orange, New Jersey;

Whereas the Archdiocese of New York is currently under the spiritual guidance of His Eminence Edward M. Cardinal Egan, who was installed on June 19, 2000 and elevated to Cardinal on February 21, 2001;

Whereas the Archdiocese of New York originally included the entirety of the States of New York and New Jersey, an area that is now divided into 12 dioceses;

Whereas the Archdiocese of New York has 2,500,000 Catholics in its fold;

Whereas the Archdiocese of New York consists of 402 parishes, 278 elementary and high schools, and 3,729 charitable ministries, including Catholic Charities, hospitals, nursing homes, and outreach programs; and

Whereas, throughout its rich historical past and up to the present day, the Archdiocese of New York has been sustained by the beneficent efforts of countless parishioners and ministries that have generously supported their community with abundant kindness and good deeds: Now, therefore, be it

Resolved, That the Senate commemorates the 200th anniversary of the Archdiocese of New York.

RUSSIAN FEDERATION SUSPENSION OF CONVENTIONAL ARMED FORCES IN EUROPE TREATY

Mr. TESTER. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 278 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 278) regarding the announcement of the Russian Federation of its suspension of implementation of the Conventional Armed Forces in Europe Treaty.

There being no objection, the Senate proceeded to consider the resolution.

Mr. TESTER. I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 278) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 278

Whereas the Treaty on Conventional Armed Forces in Europe, signed at Paris November 19, 1990 ("the CFE Treaty"), was agreed upon and signed by 22 States Parties in order to establish predictability, transparency, and stability in the balance of conventional military forces and equipment in an area of Europe stretching from the Atlantic Ocean to the Ural Mountains;

Whereas there are now 30 States Parties to the CFE Treaty, including Armenia, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Denmark, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Kazakhstan, Luxembourg, Moldova, Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, Slovakia, Spain, Turkey, Ukraine, the United Kingdom, and the United States;

Whereas the CFE Treaty is recognized as one of the most successful arms control treaties of the modern era and has served as a cornerstone of European security as the continent emerged from the shadows of the Cold War;

Whereas the CFE Treaty facilitated the destruction or conversion of over 52,000 battle tanks, armored combat vehicles, artillery pieces, combat aircraft, and attack helicopters;

Whereas the CFE Treaty continues to enable an unprecedented level of transparency into military equipment holdings and troop deployments in Europe, including over 4,000 on-site inspections of military units and installations implemented since the entry into force of the Treaty;

Whereas, on November 19, 1999, at the Organization for Security and Co-operation in Europe Summit in Istanbul, Turkey, the parties to the CFE Treaty signed an Adaptation Agreement to reflect the dissolution of the Warsaw Pact, the expansion of membership in the North Atlantic Treaty Organization ("NATO"), and other changes in the European geopolitical environment;

Whereas, at the time of the signing of the Adaptation Agreement, the Russian Federation made a series of pledges, known as the Istanbul Commitments, to withdraw its remaining military forces and equipment from the territory of Georgia and Moldova or otherwise negotiate consensual agreements on their continued presence;

Whereas while the Government of the Russian Federation has taken initial steps towards fulfilling the Istanbul Commitments, it continues to maintain troops and associated equipment in both Georgia and Moldova without the express sovereign consent of the governments of either of those countries, and the United States and other parties to the CFE Treaty have therefore refrained from taking steps to ratify the Adaptation Agreement;

Whereas, on April 26, 2007, President of the Russian Federation, Vladimir Putin, in a speech to the Federation Council of the Russian Federation, announced his intention to initiate an unspecified "moratorium" on Russian compliance with the CFE Treaty, citing the refusal of NATO Members to ratify the Adaptation Agreement, concerns over the proposed United States missile defense deployment in Poland and the Czech Republic, and new basing arrangements between the United States Government and the Governments of Bulgaria and Romania as unacceptable encroachments on the security of the Russian Federation;

Whereas the Government of the Russian Federation subsequently requested, as is its right under the CFE Treaty, an Extraordinary Conference to discuss its outstanding concerns, which was held from June 12 to June 15, 2007, in Vienna, Austria;

Whereas, on July 14, 2007, President Putin issued a formal decree announcing the intention of the Russian Federation to suspend compliance with the CFE Treaty after providing 150 days advance notice to the other CFE Treaty signatories;

Whereas President Putin justified his decision on "extraordinary circumstances" that "affect the security of the Russian Federation and require immediate measures";

Whereas the CFE Treaty provides a formal mechanism for withdrawal of a State Party from the Treaty following 150 days of notice, but does not contain any provision for suspension; and

Whereas the Department of State, in responding to the announcement by the Government of the Russian Federation to suspend compliance with the CFE Treaty, declared, "The United States is disappointed by the Russian announcement of its intention to suspend implementation of the Conventional Armed Forces in Europe (CFE) Treaty. The United States remains committed to CFE's full implementation. We also remain committed to the ratification and entry into force of the Adapted CFE Treaty. We look forward to continuing to engage with Russia and the other States Parties to the Treaty to create the conditions necessary for ratification by all 30 CFE States.": Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that the decision of the Government of the Russian Federation to suspend implementation of the Treaty on Conventional Armed Forces in Europe, signed at Paris November 19, 1990 ("the CFE Treaty"), is a regrettable step that will unnecessarily heighten tensions in Europe;

(2) the Senate recognizes the enduring value of the CFE Treaty as a cornerstone of European security and affirms its support for the basic principles of transparency, accountability, host country consent for the stationing of foreign military forces, and the rule of law embodied in the CFE Treaty and the 1999 Adaptation Agreement thereto;

(3) the Senate strongly urges the Government of the Russian Federation to reconsider its suspension of CFE implementation and engage with the other parties to the CFE Treaty to resolve outstanding problems and establish an agreed approach leading to the eventual implementation of the Adaption Agreement to the CFE Treaty;

(4) the Senate calls on the Russian Federation to fulfill its Istanbul Commitments of 1999 and move speedily to withdraw all remaining forces and military equipment from Georgia and Moldova;

(5) the Senate encourages all parties to the CFE Treaty to engage the Russian Federation in seeking innovative and constructive mechanisms to fully implement the Istanbul Commitments, consistent with the principles and objectives of the Organization of Security and Cooperation in Europe (OSCE) and making full use of OSCE mechanisms;

(6) the Senate calls on all States Parties to ensure that the resolution of the current disputes surrounding the CFE Treaty be considered a priority at the highest political levels, recognizing that the CFE Treaty is important both as an arms control treaty and as an essential building block for stable relations between the Russian Federation and neighboring countries in Europe; and

(7) the Senate encourages officials of the Government of the Russian Federation to refrain from belligerent statements that only further polarize relations and jeopardize security in Europe.

75TH ANNIVERSARY OF THE MILITARY ORDER OF THE PURPLE HEART

Mr. TESTER. I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Con. Res. 26 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 26) recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. TESTER. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 26) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 26

Whereas the Purple Heart is a combat decoration awarded to members of the Armed Forces who are wounded by an instrument of war wielded by the enemy;

Whereas the Purple Heart is awarded posthumously to the next of kin in the name of members of the Armed Forces who are killed in action or die of wounds received in action;

Whereas the Purple Heart was originally conceived as the Badge of Military Merit by General George Washington on August 7, 1782;

Whereas 2007 marks the 225th anniversary of the Badge of Military Merit, the predecessor of the Purple Heart;

Whereas the practice of awarding the Purple Heart was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements;

Whereas more than 1,535,000 Purple Hearts have been awarded to members of the Armed Forces who fought in defense of freedom and democracy in World War I, World War II, the Korean War, the Vietnam War, Operation Desert Storm, Operation Enduring Freedom, Operation Iraqi Freedom, and other expeditionary conflicts;

Whereas approximately 550,000 recipients of the Purple Heart are alive today;

Whereas the organization known as the Military Order of the Purple Heart was formed on October 19, 1932, for the protection and mutual interest of members of the Armed Forces who have received the Purple Heart; and

Whereas the Military Order of the Purple Heart is composed exclusively of recipients of the Purple Heart and is the only veterans' service organization comprised strictly of combat veterans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the Military Order of the Purple Heart on its 75th anniversary as a national organization whose goals are to preserve and sustain the honor of the Armed Forces;

(2) commends all recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States; and

(3) encourages the people of the United States to take time to learn about the Purple Heart and the honor, courage, and bravery it symbolizes.

ORDERS FOR WEDNESDAY, AUGUST 1, 2007

Mr. TESTER. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday August 1; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there be a period of morning business for 30 minutes, with Senators permitted to speak therein for up to 10 minutes each and the time under the control of the Republican leader or his designee; that following the period of morning business, the Senate resume consideration of H.R. 976 and resume consideration of the Ensign amendment No. 2538, with 30 minutes of debate prior to a vote in relation to the amendment, with the time equally divided and controlled between Senators ENSIGN and BAUCUS or their designees, with no second-degree amendments in order prior to the vote; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the amendment without further intervening action or debate; that on Wednesday at 12 noon, Senator BYRD be recognized to speak as in morning business for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. TESTER. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:31 p.m., adjourned until Wednesday, August 1, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF ENERGY

Robert L. Smolen, of Pennsylvania, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration, vice Thomas P. D'Agostino.

ENVIRONMENTAL PROTECTION AGENCY

Andrew R. Cochran, of Virginia, to be Inspector General, Environmental Protection Agency, vice Nikki Rush Tinsley, resigned.

HOUSE OF REPRESENTATIVES—*Tuesday, July 31, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. McNERNEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 31, 2007.

I hereby appoint the Honorable JERRY McNERNEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Connecticut (Mr. MURPHY) for 4 minutes.

REGARDING COMPREHENSIVE ETHICS REFORM

Mr. MURPHY of Connecticut. Mr. Speaker, many members of the freshman class were elected in part because people were tired of the culture of corruption that they saw here in Washington and the total lack of accountability for those that broke the law and betrayed the American trust. People out in America look at Washington and they just don't understand how Members of Congress over the past several years could be carted off to Federal prisons while their own body, the Congress of the United States, sat by and did virtually nothing to hold these people accountable for their actions.

Today, Congress will pass landmark lobbying reform legislation. Fund-raising will become more transparent, sunlight will be shed on lobbyist influence, the K Street Project will end, and the revolving door for Members of Congress will shut a little bit tighter. But as Congress reduces the influence of people outside the body of Congress, we also need to recommit ourselves to cleaning up our own House by reforming the House ethics process. We will all celebrate our victory today. It will be a critical step to changing how things work in Washington. But we can't stop here. We need to make our ethics process work again by establishing a new citizen ethics panel independent of Congress with the power to initiate and vet ethics enforcement actions. We need this reform not because Members of Congress are corrupt but because they are the victims of simple human nature. It isn't natural to turn against your colleagues, your coworkers and your confidants to file complaints against each other under our current ethics process. Inaction within our current system isn't corruption, it's just human instinct. That's why responsible ethics reform will allow an independent panel to initiate these complaints, guaranteeing that friendships and work relationships don't get in the way of enforcing our ethics rules.

Mr. Speaker, soon after I was elected last November, I went to speak at an elementary school in my hometown of Cheshire. At the end of my talk, a fifth grader stood up and asked me a question. He said, Mr. MURPHY, you sound good now, but how do I know that you're not going to go down to Washington and become like everybody else?

I laughed a little bit when he asked me that question, but it's frankly a good one. And the danger for all of us is that the longer that someone spends here, the more ownership you take over the very system that you once ran against. And even though you may know that the system is broken, sometimes it just seems far too long a bridge to cross in order to fix it. But it has to be fixed. And it may just fall upon the newest Members of this body to do the mending. Because it's not just happenstance that some of the strongest voices for this reform are the freshman class, those who have spent the least amount of time working under this dome. Maybe because we just spent the last 2 years spending 18 hours a day living and breathing the frustrations of people outside the Beltway, even those that aren't old enough to vote, that we see with clear eyes what I think everyone inside the Beltway knows in their heart—that our current ethics process doesn't work and it feeds the perception that politicians spend far too much time and too much effort watching their own backs.

Listen, I know reform isn't easy, especially when it comes to setting up the rules by which we enforce our own code of conduct. This is delicate stuff. And I understand the fear that some Members have of handing over our ethics process to some outside independent body. But we need to rise above these fears, not only because we owe it to ourselves to remove the built-in conflicts of interest that put Members between a rock and a hard place but because the people out there in the Fifth District of Connecticut and every other district in America won't believe in their Congress again until they know that we can police ourselves.

Reform isn't easy. Not the landmark lobbying bill that we will pass today or the needed ethics reforms still to come. But, Mr. Speaker, nothing worthwhile ever is.

ETHICS REFORM

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Ohio (Mr. SPACE) is recognized during morning-hour debate for 5 minutes.

Mr. SPACE. Mr. Speaker, I rise today to ask support for the Honest Leadership and Open Government Act of 2007. I hail from Ohio's 18th Congressional District, a district of proud, hardworking people who understand the virtues of personal responsibility, a district whose constituency was betrayed in years past by a Member of this body who crossed a line. My predecessor is now in prison and he has been imprisoned for having, once again, betrayed his constituents and sold his vote. He became mired in and then consumed by a scandal involving lobbyists. This legislation helps further break the link that exists between lobbyists, legislators and the wealthy clients that lobbyists represent. It represents yet another positive step forward. It's not the end. It represents more of the beginning of a process whereby bribery will become deinstitutionalized from this body. It represents a process whereby we can make decisions in this body on an informed, rational basis designed specifically to benefit the good people who put us here.

Early on in this Congress, we banned trips and gifts and meals from lobbyists, a good first step. Now we are bringing transparency to the system. But it can't stop here. My colleague from Connecticut raises the prospect of an independent organization to review potential breaches of law, something that I associate myself with, but we need yet to go beyond even that with

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

aggressive and comprehensive campaign finance reform. I support this measure because I think it represents a good first step along that process, but again I urge my colleagues to give serious consideration to taking it yet farther, and that is again with the deinstitutionalization of bribery through comprehensive campaign finance reform.

IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Pennsylvania (Mr. SESTAK) is recognized during morning-hour debate for 2 minutes.

Mr. SESTAK. I am here to speak about Iraq. Americans are tired of this war, but at the same time they want to secure the best of the situation for the perception of security not just in that region but globally.

I watch the Republicans and our concern as Democrats is that they believe that our military might provide a solution in Iraq. I look at my party and my concern is that we need to stop the impure opposition and to begin to help craft, to help author an implementable, comprehensive Middle East/Persian Gulf security plan. But to do that, we obviously need a union with our Republican brethren.

I honestly believe that when people talk about taking care of our troops, the belief is not that we use them in war when necessary but where and how we use them. There are the elements right now to begin to come together in a union to craft a comprehensive end to this tragic misadventure that can meet the goals of both sides.

First, we have an army that is strained and by next April we will be at the point of almost irreparable harm for some years to come. Second, we know that in order to redeploy that army out of Iraq, it will take time. When the Soviet Union left Afghanistan with 120,000 troops, it took them 9 months and because of the ill preparation, 500 died on the way. We have 160,000 troops, 100,000 contractors. We must work well to get them to redeploy safely. They can only take in Kuwait two to two and a half brigades at a time. Forty combat equivalent brigades are in Iraq. The math comes out to a minimum of 18 to 24 months.

Third, because of that time line we can use the last arrow in our arsenal we have not used, diplomacy. The road out of Iraq is through Tehran, Iran. If we have the ability as we slowly redeploy to bring together Iran to work for stability, we can have a comprehensive solution to this conflict.

VISITING FOOD AND FRIENDS, A D.C.-BASED ANTI-HUNGER ORGANIZATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized during morning-hour debate for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, last week I had the privilege of spending a morning at Food and Friends, an organization that provides high-nutrient meals and nutrition therapy for people living with life-threatening illnesses, like HIV/AIDS, cancer and diabetes. It's located right here in Washington, DC. Five of my esteemed colleagues joined me on this visit, Representatives JO ANN EMERSON, LOIS CAPPS, JAN SCHAKOWSKY, BARBARA LEE, and ELEANOR HOLMES NORTON. Our visit was enlightening and inspiring.

Food and Friends began in 1988 when Reverend Carla Gorrell began making lunch for her friend who was so sick with AIDS that she was unable to leave the house. Reverend Gorrell recognized what is so basic, and yet so often overlooked. When we treat people with diseases, she recognized that nutritious food is an essential component of any medical regimen. Today, almost 20 years later, Food and Friends remains steadfast in its mission to provide high-nutrient meals, with care and compassion, to the critically ill in Washington, DC, Maryland and Virginia. Since 1988, Food and Friends has delivered more than 10 million meals to nearly 16,000 individuals. The organization that began in a church basement now operates in a multifaceted facility with over 50 staff members and, most impressively, 1,500 dedicated volunteers.

While my colleagues and I were at Food and Friends, we learned a tremendous amount about the significance of nutritious food for those suffering from critical illnesses. Laura Otolski, one of the three full-time dieticians on staff, educated us about the importance of individually treating each client's nutritional needs. To this end, the dieticians assess clients and then collaborate with chefs to prepare 14 different meal plans, including pureed meals for individuals who cannot chew solid food and meals for the homeless who may not have access to refrigerators and ovens.

Food and Friends staff members also recognize that to treat an individual, you must also provide food for his or her children and caretakers. For example, if a mother is too sick to cook and a volunteer only delivers a meal for her, she will give it to her children and go without food. Therefore, Food and Friends delivers meals for the whole family, including a specially designed children's meal plan. For those who live beyond Food and Friends' delivery area, they are eligible for the Groceries to Go service that provides two bags of nonperishable groceries as well as perishable frozen meals prepared by Food and Friends kitchen staff. In addition to providing food, Food and Friends offers cooking classes, nutritional counseling and even a photography workshop for clients to express themselves through art. Through its diverse programs, Food and Friends nourishes the body as well as the mind and soul.

Without a doubt, the highlight of our visit was hearing from two Food and Friends clients, Ajani Johnson and Crystal Wood. They described the hopelessness they felt when first learning about their illnesses. How quickly he felt sick. How far her cancer had spread. But then they told us about the gift of food that changed the course of their lives. The food—and the friendship of staff and volunteers that accompanied it—renewed their physical strength and belief in their ability to fight the disease. They became passionate when talking about the power of food to improve their quality of life while battling deadly illnesses. They also wanted us to know that they're not just clients of Food and Friends, they are also volunteers of the organization. They want others to experience the nourishment and compassion that was freely offered to them.

Mr. Speaker, Food and Friends is not alone in serving meals to the sick in this country. It is part of a national and international network of 120 agencies collectively serving 10 million meals to individuals each year. The Association of Nutrition Services Agencies is currently working with the Congressional Hunger Center on a Food as Medicine initiative. The purpose of the Food as Medicine campaign is to educate local and national leaders, academics and citizens about the value of nutrition services for those fighting disease.

We have the information we need to make great strides in recognizing the therapeutic effects of nutrition for those living with life-threatening illnesses, and I urge my colleagues to work together to ensure that all critically ill Americans have access to food and nutrition therapy as part of their treatment plans. These services improve the efficacy of medications and the quality of life of those suffering and their families. It is a simple but crucial step in improving the quality of health care in this country.

ACCOUNTABILITY IN CONGRESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentlewoman from Kansas (Mrs. BOYDA) is recognized during morning-hour debate for 3 minutes.

Mrs. BOYDA of Kansas. Mr. Speaker, I rise today in strong support of accountability in Congress. This year, taxpayers will pay the retirement benefits for Dan Rostenkowski, Duke

Cunningham and Bob Ney. What do these men have in common? All are retired Members of the U.S. House of Representatives. All are convicted criminals. Each abused his office by committing fraud, bribery or conspiracy, and each was found guilty in Federal court.

Despite their convictions, these three representatives and over a dozen other former lawmakers remain eligible to draw taxpayer-funded pensions for their service. The exact amount of the payments vary, of course, but the average is about $47,000 per year. That's more than the average American makes. Let me tell you, it's certainly more than the average Kansan makes. Certainly a lot more than the average person in the Second District of Kansas makes.

Mr. Speaker, when the new majority was sworn into the House of Representatives, we had a clear mandate from Americans—End the scandals. Clean up Congress. We've already taken meaningful first steps toward reform. In our first days, we passed an ethics package that banned Members from accepting gifts from lobbyists. We blocked representatives from flying on corporate jets. And we prevented Congressmen from pressuring businesspeople to fire or hire for political reasons.

That last one to me is especially important. Before this Congress, our Congressmen were out there actually influencing people and saying, if you don't agree with my politics, we're asking you to hire or fire businesspeople. It was so wrong.

But our work is not done and it never will be done as long as convicted criminals can draw a congressional pension. Congress can and should revoke the pensions of convicted lawmakers. But for decades now, even as payments have totaled millions of dollars, this body has quietly ignored the problem. But no longer. Today, the bill we will consider this afternoon incorporates legislation that I authored to strip the pensions of these crooked lawmakers. The final bill also sets limits on the so-called revolving door of lawmakers who are turning into lobbyists, and it imposes financial disclosure requirements on the lobbying industry. Sunlight is the best disinfectant and we need a whole lot more transparency still.

Taken together, these changes represent the most significant ethics overhaul to pass the Congress in decades. I urge my colleagues to support this legislation. By enacting these sweeping reforms, Congress can begin to recover from the long years of scandal and corruption. Congress can begin to earn back Americans' trust.

ETHICS REFORM

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Indiana (Mr. HILL) is recognized during morning-hour debate for 5 minutes.

Mr. HILL. Mr. Speaker, when I was campaigning last year for this seat in Congress, we talked about a lot of issues. We talked about Iraq. We talked about global warming. But we also talked about a very important issue on ethics. Ethics in Congress. It is disappointing to me that people in Indiana and around the country don't have a lot of respect for Members of Congress. I think our approval rating right now is at 23 percent. And one of the reasons why the approval rate is at 23 percent is because we're not doing a very good job in Congress in investigating the wrongdoings of a few Members.

And I want to emphasize it's just a few Members. Because most Members in this August body are honorable people. But there are a few that are spoiling the basket. We need to do a better job of policing the Congress of the United States. And so one of the things that I have done and one of the campaign promises that I want to keep that I made during the campaign last year is making sure that we clean up our act in Congress. One of the ways that we do that is changing the way we govern ourselves here in Congress. Right now in Congress, the Ethics Committee has a hard time with investigating Members of Congress because they are our colleagues. It's kind of like investigating members of your own family. It's hard to do. It's just natural that Members of Congress are reluctant to investigate the wrongdoings of their own Members. And so I think we need a change. We need to have an independent body of members who are investigating the minor wrongdoings of Members of Congress. And so I propose and have introduced legislation that would set up a new committee of Congress, of former Members of Congress who know this institution, who respect this institution, who will do the investigations that need to be done about a few Members of Congress who are misbehaving.

This new body would have subpoena powers. They would have all the powers that the present Ethics Committee has to them now, but they would be independent. And that's what we need. We need an independent committee that would investigate the wrongdoings of a few Members of Congress. We need to make this bipartisan. We need to restore the respect and honor of this Congress. A 23 percent approval rating is not acceptable and we need to do a better job. I believe that having former Members of Congress on a committee to investigate the wrongdoings of a few, and I emphasize a few Members of Congress, is the way to go. We need to make progress on this. We need to do this. We're going into the August recess. I hope that when we come back after the August recess that we will actually implement and pass into law an independent body of former Members of Congress to investigate those people who are doing what they should not be doing and that we can get about the business of restoring the integrity of Congress. I think it's very important.

I've been in politics for 20 years. It's an honor for me to serve in this body, and to think that only 23 percent of the people have faith and confidence in the Congress is not acceptable. I believe that setting up an independent committee of former Members of Congress can help at least restore some of the integrity that we have lost in Congress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 25 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

The Reverend Richard D. Turpin, Second Baptist Church, Catskill, New York, offered the following prayer:

Our Father and our God, Creator and everlasting Redeemer, we come asking Your Holy presence to be with us today. We are filled with great joy that You allowed us to gather here this morning. We thank You for being our protector of lasting nights lying down and the guidance of this morning's sunrise.

Father, we ask Your Holy Spirit to bless the work of this day and bless the governing body of this House to be on one accord in spirit and in truth. So every plan, every proposal, every decision would be orchestrated by Your presence.

Lord, I ask You to be kind and graceful, and place a hedge of love and patience around the families in the homes of these, Your leaders, while they're doing the assigned work of our Nation.

Father, we ask Your peace where there is war, love where there is anger, and joy where there is sorrow. And we place it now in Your hands and trust it to be so.

And we pray this prayer in the name that is above all names, Jesus, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PENCE. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PENCE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New York (Mrs. GILLIBRAND) come forward and lead the House in the Pledge of Allegiance.

Mrs. GILLIBRAND led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND RICHARD D. TURPIN

(Mrs. GILLIBRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GILLIBRAND. Madam Speaker, I rise today to honor the Reverend Richard David Turpin, who has so eloquently provided the blessing to open the House this day.

Reverend Turpin serves as the pastor of the Second Baptist Church in beautiful Catskill, New York, just across the Hudson River from my home in New York's 20th Congressional District. And I welcome his beautiful family, who has joined us in the gallery.

The Reverend is a native of New York's capital region and has been an influential force in the Catskill community since he assumed his current position in the Second Baptist Church in 2000.

As preacher and counselor for the prison ministry at Albany Correctional Facility, chaplain for the Albany Rescue Mission, president of the Hudson River Frontier Missionary Baptist Association Laymen Ministry, and athletic coordinator for the Youth Department of the Empire Missionary Baptist Convention, Reverend Turpin has touched the lives of young and old throughout upstate New York.

I thank him for his service to our district, for his dedication to his faith, and for taking the time to travel with his family from Clifton Park to address the House of Representatives today.

LOBBYING REFORM

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, last year, we promised to break the link between lobbyists and legislators here in Washington and to fundamentally change the culture of corruption that has become accepted practice here. This new law is on the doorstep of becoming law.

Today, we will pass this bill that fixes an institutional problem with an institutional solution. Our bill mandates unprecedented disclosure of lobbying activities and turns the spotlight on special interests who have grown too comfortable with their special access.

Most importantly, our legislation levels the playing field between the special interests and the voters. When the gavel comes down on the Speaker's podium, it is intended to open the people's House, not the auction house.

The American people, and not paid lobbyists on behalf of the special interests, should have access to their government 365 days a year. Election day should not just be a formality.

Now the Senate must do its work and pass this legislation. Americans have waited long enough for this Congress to pass real lobbying reform. It is time to turn this bill into law and give the American people a government as good as its people.

100 YEARS OF SCOUTING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today marks the 100th year of the Boy Scouts. On August 1, 1907, Robert Baden-Powell, along with 20 young men, opened a camp at Brownsea Island, England. Since that day, Scouting has been responsible for inspiring more than 300 million individuals from over 216 countries and territories. The role and mission behind Scouting is to create an education program that promotes common ideals such as loyalty and honor.

Scouting has achieved success with dedicated adult volunteers who encourage young people to be constructive citizens. As the grateful father of four Eagle Scouts, encouraged by my wife, Roxanne, I have seen firsthand the positive influence of Scouting.

Four years ago today, I participated in my second backpacking trek at Philmont Scout Ranch in New Mexico. I wish the Boy Scouts a happy 100th birthday and congratulate them on their 21st World Scout Jamboree.

In conclusion, God bless our troops, and we will never forget September the 11th.

CONFERENCE REPORT ON H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

Mr. OBERSTAR submitted the following conference report and statement on the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes:

CONFERENCE REPORT (H. REPT. 110-280)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1495), to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2007".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.
Sec. 1002. Small projects for flood damage reduction.
Sec. 1003. Small projects for emergency streambank protection.
Sec. 1004. Small projects for navigation.
Sec. 1005. Small projects for improvement of the quality of the environment.
Sec. 1006. Small projects for aquatic ecosystem restoration.
Sec. 1007. Small projects for shoreline protection.
Sec. 1008. Small projects for snagging and sediment removal.
Sec. 1009. Small projects to prevent or mitigate damage caused by navigation projects.
Sec. 1010. Small projects for aquatic plant control.

TITLE II—GENERAL PROVISIONS

Sec. 2001. Non-Federal contributions.
Sec. 2002. Funding to process permits.
Sec. 2003. Written agreement for water resources projects.
Sec. 2004. Compilation of laws.
Sec. 2005. Dredged material disposal.
Sec. 2006. Remote and subsistence harbors.
Sec. 2007. Use of other Federal funds.
Sec. 2008. Revision of project partnership agreement; cost sharing.
Sec. 2009. Expedited actions for emergency flood damage reduction.

Sec. 2010. Watershed and river basin assessments.
Sec. 2011. Tribal partnership program.
Sec. 2012. Wildfire firefighting.
Sec. 2013. Technical assistance.
Sec. 2014. Lakes program.
Sec. 2015. Cooperative agreements.
Sec. 2016. Training funds.
Sec. 2017. Access to water resource data.
Sec. 2018. Shore protection projects.
Sec. 2019. Ability to pay.
Sec. 2020. Aquatic ecosystem and estuary restoration.
Sec. 2021. Small flood damage reduction projects.
Sec. 2022. Small river and harbor improvement projects.
Sec. 2023. Protection of highways, bridge approaches, public works, and nonprofit public services.
Sec. 2024. Modification of projects for improvement of the quality of the environment.
Sec. 2025. Remediation of abandoned mine sites.
Sec. 2026. Leasing authority.
Sec. 2027. Fiscal transparency report.
Sec. 2028. Support of Army civil works program.
Sec. 2029. Sense of Congress on criteria for operation and maintenance of harbor dredging projects.
Sec. 2030. Interagency and international support authority.
Sec. 2031. Water resources principles and guidelines.
Sec. 2032. Water resource priorities report.
Sec. 2033. Planning.
Sec. 2034. Independent peer review.
Sec. 2035. Safety assurance review.
Sec. 2036. Mitigation for fish and wildlife and wetlands losses.
Sec. 2037. Regional sediment management.
Sec. 2038. National shoreline erosion control development program.
Sec. 2039. Monitoring ecosystem restoration.
Sec. 2040. Electronic submission of permit applications.
Sec. 2041. Project administration.
Sec. 2042. Program administration.
Sec. 2043. Studies and reports for water resources projects.
Sec. 2044. Coordination and scheduling of Federal, State, and local actions.
Sec. 2045. Project streamlining.
Sec. 2046. Project deauthorization.
Sec. 2047. Federal hopper dredges.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 3001. Black Warrior-Tombigbee Rivers, Alabama.
Sec. 3002. Cook Inlet, Alaska.
Sec. 3003. King Cove Harbor, Alaska.
Sec. 3004. Seward Harbor, Alaska.
Sec. 3005. Sitka, Alaska.
Sec. 3006. Tatitlek, Alaska.
Sec. 3007. Rio De Flag, Flagstaff, Arizona.
Sec. 3008. Nogales Wash and tributaries flood control project, Arizona.
Sec. 3009. Tucson drainage area, Arizona.
Sec. 3010. Osceola Harbor, Arkansas.
Sec. 3011. St. Francis River Basin, Arkansas and Missouri.
Sec. 3012. Pine Mountain Dam, Arkansas.
Sec. 3013. Red-Ouachita River Basin Levees, Arkansas and Louisiana.
Sec. 3014. Cache Creek Basin, California.
Sec. 3015. CALFED stability program, California.
Sec. 3016. Compton Creek, California.
Sec. 3017. Grayson Creek/Murderer's Creek, California.
Sec. 3018. Hamilton Airfield, California.
Sec. 3019. John F. Baldwin Ship Channel and Stockton Ship Channel, California.
Sec. 3020. Kaweah River, California.
Sec. 3021. Larkspur Ferry Channel, Larkspur, California.
Sec. 3022. Llagas Creek, California.
Sec. 3023. Magpie Creek, California.
Sec. 3024. Pacific Flyway Center, Sacramento, California.
Sec. 3025. Petaluma River, Petaluma, California.
Sec. 3026. Pinole Creek, California.
Sec. 3027. Prado Dam, California.
Sec. 3028. Redwood City Navigation Channel, California.
Sec. 3029. Sacramento and American Rivers flood control, California.
Sec. 3030. Sacramento Deep Water Ship Channel, California.
Sec. 3031. Sacramento River bank protection, California.
Sec. 3032. Salton Sea restoration, California.
Sec. 3033. Santa Ana River Mainstem, California.
Sec. 3034. Santa Barbara Streams, Lower Mission Creek, California.
Sec. 3035. Santa Cruz Harbor, California.
Sec. 3036. Seven Oaks Dam, California.
Sec. 3037. Upper Guadalupe River, California.
Sec. 3038. Walnut Creek Channel, California.
Sec. 3039. Wildcat/San Pablo Creek Phase I, California.
Sec. 3040. Wildcat/San Pablo Creek Phase II, California.
Sec. 3041. Yuba River Basin project, California.
Sec. 3042. South Platte River basin, Colorado.
Sec. 3043. Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland.
Sec. 3044. St. George's Bridge, Delaware.
Sec. 3045. Brevard County, Florida.
Sec. 3046. Broward County and Hillsboro Inlet, Florida.
Sec. 3047. Canaveral Harbor, Florida.
Sec. 3048. Gasparilla and Estero Islands, Florida.
Sec. 3049. Lido Key Beach, Sarasota, Florida.
Sec. 3050. Peanut Island, Florida.
Sec. 3051. Port Sutton, Florida.
Sec. 3052. Tampa Harbor-Big Bend Channel, Florida.
Sec. 3053. Tampa Harbor Cut B, Florida.
Sec. 3054. Allatoona Lake, Georgia.
Sec. 3055. Latham River, Glynn County, Georgia.
Sec. 3056. Dworshak Reservoir improvements, Idaho.
Sec. 3057. Little Wood River, Gooding, Idaho.
Sec. 3058. Beardstown Community Boat Harbor, Beardstown, Illinois.
Sec. 3059. Cache River Levee, Illinois.
Sec. 3060. Chicago River, Illinois.
Sec. 3061. Chicago Sanitary and Ship Canal dispersal barriers project, Illinois.
Sec. 3062. Emiquon, Illinois.
Sec. 3063. Lasalle, Illinois.
Sec. 3064. Spunky Bottoms, Illinois.
Sec. 3065. Cedar Lake, Indiana.
Sec. 3066. Koontz Lake, Indiana.
Sec. 3067. White River, Indiana.
Sec. 3068. Des Moines River and Greenbelt, Iowa.
Sec. 3069. Perry Creek, Iowa.
Sec. 3070. Rathbun Lake, Iowa.
Sec. 3071. Hickman Bluff stabilization, Kentucky.
Sec. 3072. Mcalpine Lock and Dam, Kentucky and Indiana.
Sec. 3073. Prestonsburg, Kentucky.
Sec. 3074. Amite River and tributaries, Louisiana, East Baton Rouge Parish Watershed.
Sec. 3075. Atchafalaya Basin Floodway System, Louisiana.
Sec. 3076. Atchafalaya Basin Floodway System, regional visitor center, Louisiana.
Sec. 3077. Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana.
Sec. 3078. Bayou Plaquemine, Louisiana.
Sec. 3079. Calcasieu River and Pass, Louisiana.
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SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) HAINES, ALASKA.—The project for navigation, Haines, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $14,040,000, with an estimated Federal cost of $11,232,000 and an estimated non-Federal cost of $2,808,000.

(2) PORT LIONS, ALASKA.—The project for navigation, Port Lions, Alaska: Report of the Chief of Engineers dated June 14, 2006, at a total cost of $9,530,000, with an estimated Federal cost of $7,624,000 and an estimated non-Federal cost of $1,906,000.

(3) SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, ARIZONA.—The project for environmental restoration, Santa Cruz River, Pima County, Arizona: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $97,700,000, with an estimated Federal cost of $63,300,000 and an estimated non-Federal cost of $34,400,000.

(4) TANQUE VERDE CREEK, PIMA COUNTY, ARIZONA.—The project for environmental restoration, Tanque Verde Creek, Pima County, Arizona: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $5,906,000, with an estimated Federal cost of $3,836,000 and an estimated non-Federal cost of $2,070,000.

(5) SALT RIVER (RIO SALADO OESTE), MARICOPA COUNTY, ARIZONA.—The project for environmental restoration, Salt River (Rio Salado Oeste), Maricopa County, Arizona: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $166,650,000, with an estimated Federal cost of $106,629,000 and an estimated non-Federal cost of $60,021,000.

(6) SALT RIVER (VA SHLY'AY AKIMEL), MARICOPA COUNTY, ARIZONA.—

(A) IN GENERAL.—The project for environmental restoration, Salt River (Va Shly'ay Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $162,100,000, with an estimated Federal cost of $105,200,000 and an estimated non-Federal cost of $56,900,000.

(B) COORDINATION WITH FEDERAL RECLAMATION PROJECTS.—The Secretary, to the maximum extent practicable, shall coordinate the design and construction of the project described in subparagraph (A) with the Bureau of Reclamation and any operating agent for any Federal reclamation project in the Salt River Basin to avoid impacts to existing Federal reclamation facilities and operations in the Salt River Basin.

(7) MAY BRANCH, FORT SMITH, ARKANSAS.—The project for flood damage reduction, May Branch, Fort Smith, Arkansas: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $30,850,000, with an estimated Federal cost of $15,010,000 and an estimated non-Federal cost of $15,840,000.

(8) HAMILTON CITY, GLENN COUNTY, CALIFORNIA.—The project for flood damage reduction and environmental restoration, Hamilton City, Glenn County, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $52,400,000, with an estimated Federal cost of $34,100,000 and estimated non-Federal cost of $18,300,000.

(9) SILVER STRAND SHORELINE, IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Silver Strand Shoreline, Imperial Beach, California: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $13,700,000, with an estimated Federal cost of $8,521,000 and an estimated non-Federal cost of $5,179,000, and at an estimated total cost of $42,500,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $21,250,000 and an estimated non-Federal cost of $21,250,000.

(10) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for environmental restoration, Matilija Dam, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $144,500,000, with an estimated Federal cost of $89,700,000 and an estimated non-Federal cost of $54,800,000.

(11) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for flood damage reduction and environmental restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $45,200,000, with an estimated Federal cost of $29,500,000 and an estimated non-Federal cost of $15,700,000.

(12) NAPA RIVER SALT MARSH RESTORATION, CALIFORNIA.—

(A) IN GENERAL.—The project for environmental restoration, Napa River Salt Marsh Restoration, Napa, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $134,500,000, with an estimated Federal cost of $87,500,000 and an estimated non-Federal cost of $47,000,000.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(13) DENVER COUNTY REACH, SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for environmental restoration, Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers dated May 16, 2003, at a total cost of $20,100,000, with an estimated Federal cost of $13,065,000 and an estimated non-Federal cost of $7,035,000.

(14) CENTRAL AND SOUTHERN FLORIDA, INDIAN RIVER LAGOON, FLORIDA.—

(A) IN GENERAL.—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Central and Southern Florida, Indian River Lagoon, Florida, at a total cost of $1,365,000,000, with an estimated Federal cost of $682,500,000 and an estimated non-Federal cost of $682,500,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers dated August 6, 2004.

(B) DEAUTHORIZATIONS.—The following projects are not authorized after the date of enactment of this Act:

(i) The uncompleted portions of the project for the C–44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), at a total cost of $147,800,000, with an estimated Federal cost of $73,900,000 and an estimated non-Federal cost of $73,900,000.

(ii) The uncompleted portions of the Martin County, Florida, modifications to the project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000 and an estimated non-Federal cost of $7,398,000.

(iii) The uncompleted portions of the East Coast Backpumping, St. Lucie–Martin County, Spillway Structure S–311 modifications to the project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000 and an estimated non-Federal cost of $21,994,000.

(15) COMPREHENSIVE EVERGLADES RESTORATION PLAN, CENTRAL AND SOUTHERN FLORIDA, PICAYUNE STRAND RESTORATION PROJECT, COLLIER COUNTY, FLORIDA.—The project for ecosystem restoration, Comprehensive Everglades Restoration Plan, Central and Southern Florida, Picayune Strand Restoration Project, Collier County, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of $375,330,000 with an estimated Federal cost of $187,665,000 and an estimated non-Federal cost of $187,665,000.

(16) COMPREHENSIVE EVERGLADES RESTORATION PLAN, CENTRAL AND SOUTHERN FLORIDA, SITE 1 IMPOUNDMENT PROJECT, PALM BEACH COUNTY, FLORIDA.—The project for ecosystem restoration, Comprehensive Everglades Restoration Plan, Central and Southern Florida, Site 1 Impoundment Project, Palm Beach County, Florida: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $80,840,000, with an estimated Federal cost of $40,420,000 and an estimated non-Federal cost of $40,420,000.

(17) MIAMI HARBOR, MIAMI-DADE COUNTY, FLORIDA.—

(A) IN GENERAL.—The project for navigation, Miami Harbor, Miami-Dade County, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of $125,270,000, with an estimated Federal cost of $75,140,000 and an estimated non-Federal cost of $50,130,000.

(B) GENERAL REEVALUATION REPORT.—The non-Federal share of the cost of the general reevaluation report that resulted in the report of the Chief of Engineers referred to in subparagraph (A) shall be the same percentage as the non-Federal share of cost of construction of the project.

(C) AGREEMENT.—The Secretary shall enter into a new partnership with the non-Federal interest to reflect the cost sharing required by subparagraph (B).

(18) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for environmental restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $208,260,000, with an estimated Federal cost of $134,910,000 and an estimated non-Federal cost of $73,350,000.

(19) PEORIA RIVERFRONT DEVELOPMENT, ILLINOIS.—The project for environmental restoration, Peoria Riverfront Development, Illinois: Report of the Chief of Engineers dated July 28, 2003, at a total cost of $18,220,000, with an estimated Federal cost of $11,840,000 and an estimated non-Federal cost of $6,380,000.

(20) WOOD RIVER LEVEE SYSTEM RECONSTRUCTION, MADISON COUNTY, ILLINOIS.—The project for flood damage reduction, Wood River Levee System Reconstruction, Madison County, Illinois: Report of the Chief of Engineers dated July 18, 2006, at a total cost of $17,220,000, with an estimated Federal cost of $11,193,000 and an estimated non-Federal cost of $6,027,000.

(21) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $10,780,000, with an estimated Federal cost of $6,967,000 and an estimated non-Federal cost of $3,813,000.

(22) LICKING RIVER BASIN, CYNTHIANA, KENTUCKY.—The project for flood damage reduction, Licking River Basin, Cynthiana, Kentucky: Report of the Chief of Engineers dated October 24, 2006, at a total cost of $18,200,000, with an estimated Federal cost of $11,830,000 and an estimated non-Federal cost of $6,370,000.

(23) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,600,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(24) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of $886,700,000, with an estimated Federal cost of $576,355,000 and an estimated non-Federal cost of $310,345,000.

(B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features of the project described in subparagraph (A) that provide for inland waterway transportation shall be a Federal responsibility in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212).

(25) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana: Report of the Chief of Engineers dated December 31, 2006, at a total cost of $131,250,000, with an estimated Federal cost of $105,315,000 and an estimated non-Federal cost of $25,935,000; except that the Secretary, in consultation with Vermillion and Iberia Parishes, Louisiana, and consistent with the mitigation plan in the report, shall use available dredged material and rock placement on the south bank of the Gulf Intracoastal Waterway and the west bank of the Freshwater Bayou Channel to provide incidental storm surge protection that does not adversely affect the mitigation plan.

(26) SMITH ISLAND, SOMERSET COUNTY, MARYLAND.—The project for environmental restoration, Smith Island, Somerset County, Maryland: Report of the Chief of Engineers dated October 29, 2001, at a total cost of $15,580,000, with an estimated Federal cost of $10,127,000 and an estimated non-Federal cost of $5,453,000.

(27) ROSEAU RIVER, ROSEAU, MINNESOTA.—The project for flood damage reduction, Roseau River, Roseau, Minnesota: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $25,100,000, with an estimated Federal cost of $13,820,000 and an estimated non-Federal cost of $11,280,000.

(28) ARGENTINE, EAST BOTTOMS, FAIRFAX-JERSEY CREEK, AND NORTH KANSAS LEVEES UNITS, MISSOURI RIVER AND TRIBUTARIES AT KANSAS CITIES, MISSOURI AND KANSAS.—The project for flood damage reduction, Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees units, Missouri River and tributaries at Kansas Cities, Missouri and Kansas: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $65,430,000, with an estimated Federal cost of $42,530,000 and an estimated non-Federal cost of $22,900,000.

(29) SWOPE PARK INDUSTRIAL AREA, BLUE RIVER, KANSAS CITY, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Blue River, Kansas City, Missouri: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $16,980,000, with an estimated Federal cost of $11,037,000 and an estimated non-Federal cost of $5,943,000.

(30) GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Great Egg Harbor Inlet to Townsends Inlet, New Jersey: Report of the Chief of Engineers dated October 24, 2006, at a total cost of $51,360,000, with an estimated Federal cost of $35,069,000 and an estimated non-Federal cost of $19,291,000, and at an estimated total cost of $202,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $101,250,000 and an estimated non-Federal cost of $101,250,000.

(31) HUDSON RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—

(A) IN GENERAL.—The project for environmental restoration, Hudson Raritan Estuary, Liberty State Park, New Jersey: Report of the Chief of Engineers dated August 25, 2006, at a total cost of $34,100,000, with an estimated Federal cost of $22,200,000 and an estimated non-Federal cost of $11,900,000.

(B) RESTORATION TEAMS.—In carrying out the project, the Secretary shall establish and utilize watershed restoration teams composed of estuary restoration experts from the Corps of Engineers, the New Jersey department of environmental protection, and the Port Authority of New York and New Jersey and other experts designated by the Secretary for the purpose of developing habitat restoration and water quality enhancement.

(32) NEW JERSEY SHORE PROTECTION STUDY, MANASQUAN INLET TO BARNEGAT INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, New Jersey Shore Protection Study, Manasquan Inlet to Barnegat Inlet, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $71,900,000, with an estimated Federal cost of $46,735,000 and an estimated non-Federal cost of $25,165,000, and at an estimated total cost of $119,680,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $59,840,000 and an estimated non-Federal cost of $59,840,000.

(33) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey: Report of the Chief of Engineers dated January 4, 2006, at a total cost of $115,000,000, with an estimated Federal cost of $74,800,000 and an estimated non-Federal cost of $40,200,000, and at an estimated total cost of $6,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $3,250,000 and an estimated non-Federal cost of $3,250,000.

(34) SOUTH RIVER, RARITAN RIVER BASIN, NEW JERSEY.—The project for hurricane and storm damage reduction and environmental restoration, South River, Raritan River Basin, New Jersey: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $122,300,000, with an estimated Federal cost of $79,500,000 and an estimated non-Federal cost of $42,800,000.

(35) SOUTHWEST VALLEY, BERNALILLO COUNTY, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Bernalillo County, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $24,840,000, with an estimated Federal cost of $16,150,000 and an estimated non-Federal cost of $8,690,000.

(36) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, New York: Report of the Chief of Engineers dated March 31, 2006, at a total cost of $14,600,000, with an estimated Federal cost of $7,300,000 and an estimated non-Federal cost of $7,300,000.

(37) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—

(A) IN GENERAL.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio: Report of the Chief of Engineers dated August 24, 2006, at a total cost of $20,980,000, with an estimated Federal cost of $13,440,000 and an estimated non-Federal cost of $7,540,000.

(B) WAYNE NATIONAL FOREST.—

(i) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, may construct other project features on property that is located in the Wayne National Forest, Ohio, owned by the United States and managed by the Forest Service as described in the report of the Corps of Engineers entitled "Hocking River Basin, Ohio, Monday Creek Sub-Basin Ecosystem Restoration Project Feasibility Report and Environmental Assessment".

(ii) COST.—Each project feature carried out on Federal land shall be designed, constructed, operated, and maintained at Federal expense.

(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this subparagraph $1,270,000.

(38) TOWN OF BLOOMSBURG, COLUMBIA COUNTY, PENNSYLVANIA.—The project for flood damage reduction, town of Bloomsburg, Columbia County, Pennsylvania: Report of the Chief of Engineers dated January 25, 2006, at a total cost of $44,500,000, with an estimated Federal cost of $28,925,000 and an estimated non-Federal cost of $15,575,000.

(39) PAWLEYS ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawleys Island, South Carolina: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $8,980,000, with an estimated Federal cost of $5,840,000 and an estimated non-Federal cost of $3,140,000, and at an estimated total cost of $21,200,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $10,600,000 and an estimated non-Federal cost of $10,600,000.

(40) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $188,110,000, with an estimated Federal cost of $87,810,000 and an estimated non-Federal cost of $100,300,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subparagraph (A), the Secretary shall enforce the navigational servitude in the Corpus Christi Ship Channel (including the removal or relocation of any facility obstructing the project) consistent with the cost sharing requirements of section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(41) GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-ROUTE, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of $17,280,000. The costs

of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(42) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, High Island to Brazos River, Texas: Report of the Chief of Engineers dated April 16, 2004, at a total cost of $14,450,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(43) LOWER COLORADO RIVER BASIN PHASE I, TEXAS.—The project for flood damage reduction and ecosystem restoration, Lower Colorado River Basin Phase I, Texas: Report of the Chief of Engineers dated December 31, 2006, at a total cost of $110,730,000, with an estimated Federal cost of $69,640,000 and an estimated non-Federal cost of $41,090,000.

(44) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT, DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers dated March 3, 2003, at a total cost of $37,200,000.

(45) CRANEY ISLAND EASTWARD EXPANSION, NORFOLK HARBOR AND CHANNELS, HAMPTON ROADS, VIRGINIA.—

(A) IN GENERAL.—The project for navigation, Craney Island Eastward Expansion, Norfolk Harbor and Channels, Hampton Roads, Virginia: Report of Chief of Engineers dated October 24, 2006, at a total cost of $712.103,000.

(B) NON-FEDERAL SHARE.—Notwithstanding sections 101 and 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211 and 2213), the Federal share of the cost of the project shall be 50 percent.

(46) CENTRALIA, CHEHALIS RIVER, LEWIS COUNTY, WASHINGTON.—

(A) IN GENERAL.—The project for flood damage reduction, Centralia, Chehalis River, Lewis County, Washington: Report of the Chief of Engineers dated September 27, 2004, at a total cost of $123,770,000, with an estimated Federal cost of $74,740,000 and an estimated non-Federal cost of $49,030,000.

(B) CREDIT.—The Secretary shall—

(i) credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project up to $6,500,000 for the cost of planning and design work carried out by the non-Federal interest in accordance with the project study plan dated November 28, 1999; and

(ii) credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) HALEYVILLE, ALABAMA.—Project for flood damage reduction, Haleyville, Alabama.

(2) WEISS LAKE, ALABAMA.—Project for flood damage reduction, Weiss Lake, Alabama.

(3) FORT YUKON, ALASKA.—Project for flood damage reduction, Fort Yukon, Alaska.

(4) LITTLE COLORADO RIVER LEVEE, ARIZONA.—Project for flood damage reduction, Little Colorado River Levee, Arizona.

(5) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—Project for flood damage reduction, Cache River Basin, Grubbs, Arkansas.

(6) BARREL SPRINGS WASH, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Barrel Springs Wash, Palmdale, California.

(7) BORREGO SPRINGS, CALIFORNIA.—Project for flood damage reduction, Borrego Springs, California.

(8) COLTON, CALIFORNIA.—Project for flood damage reduction, Colton, California.

(9) DUNLAP STREAM, YUCAIPA, CALIFORNIA.—Project for flood damage reduction, Dunlap Stream, Yucaipa, California.

(10) HUNTS CANYON WASH, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Hunts Canyon Wash, Palmdale, California.

(11) ONTARIO AND CHINO, CALIFORNIA.—Project for flood damage reduction, Ontario and Chino, California.

(12) SANTA VENETIA, CALIFORNIA.—Project for flood damage reduction, Santa Venetia, California.

(13) WHITTIER, CALIFORNIA.—Project for flood damage reduction, Whittier, California.

(14) WILDWOOD CREEK, YUCAIPA, CALIFORNIA.—Project for flood damage reduction, Wildwood Creek, Yucaipa, California.

(15) BIBB COUNTY AND CITY OF MACON LEVEE, GEORGIA.—Project for flood damage reduction, Bibb County and City of Macon Levee, Georgia.

(16) FORT WAYNE AND VICINITY, INDIANA.—Project for flood damage reduction, St. Mary's and Maumee Rivers, Fort Wayne and vicinity, Indiana.

(17) ST. FRANCISVILLE, LOUSIANA.—Project for flood damage reduction, St. Francisville, Louisiana.

(18) SALEM, MASSACHUSETTS.—Project for flood damage reduction, Salem, Massachusetts.

(19) CASS RIVER, MICHIGAN.—Project for flood damage reduction, Cass River, Vassar and vicinity, Michigan.

(20) CROW RIVER, ROCKFORD, MINNESOTA.—Project for flood damage reduction, Crow River, Rockford, Minnesota.

(21) MARSH CREEK, MINNESOTA.—Project for flood damage reduction, Marsh Creek, Minnesota.

(22) SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA.—Project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota.

(23) BLACKSNAKE CREEK, ST. JOSEPH, MISSOURI.—Project for flood damage reduction, Blacksnake Creek, St. Joseph, Missouri.

(24) ACID BROOK, POMPTON LAKES, NEW JERSEY.—Project for flood damage reduction, Acid Brook, Pompton Lakes, New Jersey.

(25) CANISTEO RIVER, ADDISON, NEW YORK.—Project for flood damage reduction, Canisteo River, Addison, New York.

(26) COHOCTON RIVER, CAMPBELL, NEW YORK.—Project for flood damage reduction, Cohocton River, Campbell, New York.

(27) DRY AND OTTER CREEKS, CORTLAND, NEW YORK.—Project for flood damage reduction, Dry and Otter Creeks, Cortland, New York.

(28) EAST RIVER, SILVER BEACH, NEW YORK CITY, NEW YORK.—Project for flood damage reduction, East River, Silver Beach, New York City, New York.

(29) EAST VALLEY CREEK, ANDOVER, NEW YORK.—Project for flood damage reduction, East Valley Creek, Andover, New York.

(30) SUNNYSIDE BROOK, WESTCHESTER COUNTY, NEW YORK.—Project for flood damage reduction, Sunnyside Brook, Westchester County, New York.

(31) LITTLE YANKEE AND MUD RUN, TRUMBULL COUNTY, OHIO.—Project for flood damage reduction, Little Yankee and Mud Run, Trumbull County, Ohio.

(32) LITTLE NESHAMINY CREEK, WARRINGTON, PENNSYLVANIA.—Project for flood damage reduction, Little Neshaminy Creek, Warrington, Pennsylvania.

(33) SOUTHAMPTON CREEK WATERSHED, SOUTHAMPTON, PENNSYLVANIA.—Project for flood damage reduction, Southampton Creek watershed, Southampton, Pennsylvania.

(34) SPRING CREEK, LOWER MACUNGIE TOWNSHIP, PENNSYLVANIA.—Project for flood damage reduction, Spring Creek, Lower Macungie Township, Pennsylvania.

(35) YARDLEY AQUEDUCT, SILVER AND BROCK CREEKS, YARDLEY, PENNSYLVANIA.—Project for flood damage reduction, Yardley Aqueduct, Silver and Brock Creeks, Yardley, Pennsylvania.

(36) SURFSIDE BEACH, SOUTH CAROLINA.—Project for flood damage reduction, Surfside Beach and vicinity, South Carolina.

(37) SANDY CREEK, JACKSON COUNTY, TENNESSEE.—A project for flood damage reduction, Sandy Creek, Jackson County, Tennessee.

(38) CONGELOSI DITCH, MISSOURI CITY, TEXAS.—Project for flood damage reduction, Congelosi Ditch, Missouri City, Texas.

(39) DILLEY, TEXAS.—Project for flood damage reduction, Dilley, Texas.

(40) CHEYENNE, WYOMING.—Project for flood damage reduction, Cheyenne, Wyoming.

(b) SPECIAL RULES.—

(1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—The Secretary may proceed with the project for the Cache River Basin, Grubbs, Arkansas, referred to in subsection (a)(5), notwithstanding that the project is located within the boundaries of the flood control project, Cache River Basin, Arkansas and Missouri, authorized by section 204 of the Flood Control Act of 1950, (64 Stat. 172) and modified by section 99 of the Water Resources Development Act of 1974 (88 Stat. 41).

(2) ONTARIO AND CHINO, CALIFORNIA.—The Secretary shall carry out the project for flood damage reduction, Ontario and Chino, California, referred to in subsection (a)(11) if the Secretary determines that the project is feasible.

(3) SANTA VENETIA, CALIFORNIA.—The Secretary shall carry out the project for flood damage reduction, Santa Venetia, California, referred to in subsection (a)(12) if the Secretary determines that the project is feasible and shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

(4) WHITTIER, CALIFORNIA.—The Secretary shall carry out the project for flood damage reduction, Whittier, California, referred to in subsection (a)(13) if the Secretary determines that the project is feasible.

(5) WILDWOOD CREEK, YUCAIPA, CALIFORNIA.—The Secretary shall review the locally prepared plan for the project for flood damage, Wildwood Creek, California, referred to in subsection (a)(14) and, if the Secretary determines that the plan meets the evaluation and design standards of the Corps of Engineers and that the plan is feasible, the Secretary may use the plan to carry out the project and shall provide credit toward the non-Federal share of the cost of the project for the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(6) FORT WAYNE AND VICINITY, INDIANA.—In carrying out the project for flood damage reduction, St. Mary's and Maumee Rivers, Fort Wayne and vicinity, Indiana, referred to in subsection (a)(16) the Secretary shall—

(A) provide a 100-year level of flood protection at the Berry Thieme, Park-Thompson, Woodhurst, and Tillman sites along the St. Mary's River; and

(B) allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources

Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

(7) SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA.—In carrying out the project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota, referred to in subsection (a)(22) the Secretary may consider national ecosystem restoration benefits in determining the Federal interest in the project and shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

(8) ACID BROOK, POMPTON LAKES, NEW JERSEY.—The Secretary shall carry out the project for flood damage reduction, Acid Brook, Pompton Lakes, New Jersey, referred to in subsection (a)(24) if the Secretary determines that the project is feasible.

(9) SANDY CREEK, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project, in carrying out the project for flood damage reduction, Sandy Creek, Tennessee, referred to in section (a)(37)—

(A) Sandy Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries project; and

(B) the project shall not be considered to be part of the West Tennessee Tributaries project.

(10) DILLEY, TEXAS.—The Secretary shall carry out the project for flood damage reduction, Dilley, Texas, referred to in subsection (a)(39) if the Secretary determines that the project is feasible.

SEC. 1003. SMALL PROJECTS FOR EMERGENCY STREAMBANK PROTECTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) ALISO CREEK, CALIFORNIA.—Projects for emergency streambank protection, Aliso Creek, California.

(2) ST. JOHNS BLUFF TRAINING WALL, DUVAL COUNTY, FLORIDA.—Project for emergency streambank protection, St. Johns Bluff Training Wall, Duval County, Florida.

(3) GULF INTRACOASTAL WATERWAY, IBERVILLE PARISH, LOUISIANA.—Projects for emergency streambank protection, Gulf Intracoastal Waterway, Iberville Parish, Louisiana.

(4) OUACHITA AND BLACK RIVERS, ARKANSAS AND LOUISIANA.—Projects for emergency streambank protection, Ouachita and Black Rivers, Arkansas and Louisiana.

(5) PINEY POINT LIGHTHOUSE, ST. MARY'S COUNTY, MARYLAND.—Project for emergency streambank protection, Piney Point Lighthouse, St. Mary's County, Maryland.

(6) PUG HOLE LAKE, MINNESOTA.—Project for emergency streambank protection, Pug Hole Lake, Minnesota.

(7) MIDDLE FORK GRAND RIVER, GENTRY COUNTY, MISSOURI.—Project for emergency streambank protection, Middle Fork Grand River, Gentry County, Missouri.

(8) PLATTE RIVER, PLATTE CITY, MISSOURI.—Project for emergency streambank protection, Platte River, Platte City, Missouri.

(9) RUSH CREEK, PARKVILLE, MISSOURI.—Project for emergency streambank protection, Rush Creek, Parkville, Missouri, including measures to address degradation of the creek bed.

(10) DRY AND OTTER CREEKS, CORTLAND COUNTY, NEW YORK.—Project for emergency streambank protection, Dry and Otter Creeks, Cortland County, New York.

(11) KEUKA LAKE, HAMMONDSPORT, NEW YORK.—Project for emergency streambank protection, Keuka Lake, Hammondsport, New York.

(12) KOWAWESE UNIQUE AREA AND HUDSON RIVER, NEW WINDSOR, NEW YORK.—Project for emergency streambank protection, Kowawese Unique Area and Hudson River, New Windsor, New York.

(13) OWEGO CREEK, TIOGA COUNTY, NEW YORK.—Project for emergency streambank protection, Owego Creek, Tioga County, New York.

(14) HOWARD ROAD OUTFALL, SHELBY COUNTY, TENNESSEE.—Project for emergency streambank protection, Howard Road outfall, Shelby County, Tennessee.

(15) MITCH FARM DITCH AND LATERAL D, SHELBY COUNTY, TENNESSEE.—Project for emergency streambank protection, Mitch Farm Ditch and Lateral D, Shelby County, Tennessee.

(16) WOLF RIVER TRIBUTARIES, SHELBY COUNTY, TENNESSEE.—Project for emergency streambank protection, Wolf River tributaries, Shelby County, Tennessee.

(17) JOHNSON CREEK, ARLINGTON, TEXAS.—Project for emergency streambank protection, Johnson Creek, Arlington, Texas.

(18) WELLS RIVER, NEWBURY, VERMONT.—Project for emergency streambank protection, Wells River, Newbury, Vermont.

SEC. 1004. SMALL PROJECTS FOR NAVIGATION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) BARROW HARBOR, ALASKA.—Project for navigation, Barrow Harbor, Alaska.

(2) COFFMAN COVE, ALASKA.—Project for navigation, Coffman Cove, Alaska.

(3) KOTZEBUE HARBOR, ALASKA.—Project for navigation, Kotzebue Harbor, Alaska.

(4) NOME HARBOR, ALASKA.—Project for navigation, Nome Harbor, Alaska.

(5) OLD HARBOR, ALASKA.—Project for navigation, Old Harbor, Alaska.

(6) LITTLE ROCK PORT, ARKANSAS.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

(7) MISSISSIPPI RIVER SHIP CHANNEL, LOUISIANA.—Project for navigation, Mississippi River Ship Channel, Louisiana.

(8) EAST BASIN, CAPE COD CANAL, SANDWICH, MASSACHUSETTS.—Project for navigation, East Basin, Cape Cod Canal, Sandwich, Massachusetts.

(9) LYNN HARBOR, LYNN, MASSACHUSETTS.—Project for navigation, Lynn Harbor, Lynn, Massachusetts.

(10) MERRIMACK RIVER, HAVERHILL, MASSACHUSETTS.—Project for navigation, Merrimack River, Haverhill, Massachusetts.

(11) OAK BLUFFS HARBOR, OAK BLUFFS, MASSACHUSETTS.—Project for navigation, Oak Bluffs Harbor, Oak Bluffs, Massachusetts.

(12) WOODS HOLE GREAT HARBOR, FALMOUTH, MASSACHUSETTS.—Project for navigation, Woods Hole Great Harbor, Falmouth, Massachusetts.

(13) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(14) CLINTON RIVER, MICHIGAN.—Project for navigation, Clinton River, Michigan.

(15) ONTONAGON RIVER, MICHIGAN.—Project for navigation, Ontonagon River, Ontonagon, Michigan.

(16) OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(17) SEBEWAING RIVER, MICHIGAN.—Project for navigation, Sebewaing River, Michigan.

(18) TRAVERSE CITY HARBOR, TRAVERSE CITY, MICHIGAN.—Project for navigation, Traverse City Harbor, Traverse City, Michigan.

(19) TOWER HARBOR, TOWER, MINNESOTA.—Project for navigation, Tower Harbor, Tower, Minnesota.

(20) OLCOTT HARBOR, OLCOTT, NEW YORK.—Project for navigation, Olcott Harbor, Olcott, New York.

(21) MILWAUKEE HARBOR, WISCONSIN.—Project for navigation, Milwaukee Harbor, Milwaukee, Wisconsin.

(b) SPECIAL RULES.—

(1) TRAVERSE CITY HARBOR, TRAVERSE CITY, MICHIGAN.—The Secretary shall review the locally prepared plan for the project for navigation, Traverse City Harbor, Michigan, referred to in subsection (a)(18), and, if the Secretary determines that the plan meets the evaluation and design standards of the Corps of Engineers and that the plan is feasible, the Secretary may use the plan to carry out the project and shall provide credit toward the non-Federal share of the cost of the project for the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(2) TOWER HARBOR, TOWER MINNESOTA.—The Secretary shall carry out the project for navigation, Tower Harbor, Tower, Minnesota, referred to in subsection (a)(19) if the Secretary determines that the project is feasible.

SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a):

(1) BALLONA CREEK, LOS ANGELES COUNTY, CALIFORNIA.—Project for improvement of the quality of the environment, Ballona Creek, Los Angeles County, California.

(2) BALLONA LAGOON TIDE GATES, MARINA DEL REY, CALIFORNIA.—Project for improvement of the quality of the environment, Ballona Lagoon Tide Gates, Marina Del Rey, California.

(3) FT. GEORGE INLET, DUVAL COUNTY, FLORIDA.—Project for improvement of the quality of the environment, Ft. George Inlet, Duval County, Florida.

(4) RATHBUN LAKE, IOWA.—Project for improvement of the quality of the environment, Rathbun Lake, Iowa.

(5) SMITHVILLE LAKE, MISSOURI.—Project for improvement of the quality of the environment, Smithville Lake, Missouri.

(6) DELAWARE BAY, NEW JERSEY AND DELAWARE.—Project for improvement of the quality of the environment, Delaware Bay, New Jersey and Delaware, for the purpose of oyster restoration.

(7) TIOGA-HAMMOND LAKES, PENNSYLVANIA.—Project for improvement of the quality of the environment, Tioga-Hammond Lakes, Pennsylvania.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) CYPRESS CREEK, MONTGOMERY, ALABAMA.—Project for aquatic ecosystem restoration, Cypress Creek, Montgomery, Alabama.

(2) BLACK LAKE, ALASKA.—Project for aquatic ecosystem restoration, Black Lake, Alaska, at the head of the Chignik watershed.

(3) BEN LOMOND DAM, SANTA CRUZ, CALIFORNIA.—Project for aquatic ecosystem restoration, Ben Lomond Dam, Santa Cruz, California.

(4) DOCKWEILER BLUFFS, LOS ANGELES COUNTY, CALIFORNIA.—Project for aquatic ecosystem

restoration, Dockweiler Bluffs, Los Angeles County, California.

(5) SALT RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, Salt River, California.

(6) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address aquatic nuisance species.

(7) SANTA ROSA CREEK, SANTA ROSA, CALIFORNIA.—Project for aquatic ecosystem restoration, Santa Rosa Creek in the vicinity of the Prince Memorial Greenway, Santa Rosa, California.

(8) STOCKTON DEEP WATER SHIP CHANNEL AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, Stockton Deep Water Ship Channel and lower San Joaquin River, California.

(9) SUISUN MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, Suisun Marsh, San Pablo Bay, California.

(10) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, Sweetwater Reservoir, San Diego County, California, including efforts to address aquatic nuisance species.

(11) BISCAYNE BAY, FLORIDA.—Project for aquatic ecosystem restoration, Biscayne Bay, Key Biscayne, Florida.

(12) CLAM BAYOU AND DINKINS BAYOU, SANIBEL ISLAND, FLORIDA.—Project for aquatic ecosystem restoration, Clam Bayou and Dinkins Bayou, Sanibel Island, Florida.

(13) MOUNTAIN PARK, GEORGIA.—Project for aquatic ecosystem restoration, Mountain Park, Georgia.

(14) CHATTAHOOCHEE FALL LINE, GEORGIA AND ALABAMA.—Project for aquatic ecosystem restoration, Chattahoochee Fall Line, Georgia and Alabama.

(15) LONGWOOD COVE, GAINESVILLE, GEORGIA.—Project for aquatic ecosystem restoration, Longwood Cove, Gainesville, Georgia.

(16) CITY PARK, UNIVERSITY LAKES, LOUISIANA.—Project for aquatic ecosystem restoration, City Park, University Lakes, Louisiana.

(17) LAWRENCE GATEWAY, MASSACHUSETTS.—Project for aquatic ecosystem restoration at the Lawrence Gateway quadrant project along the Merrimack and Spicket Rivers in Lawrence, Massachusetts, in accordance with the general conditions established by the project approval of the Environmental Protection Agency, Region I, including filling abandoned drainage facilities and making improvements to the drainage system on the Lawrence Gateway to prevent continued migration of contaminated sediments into the river systems.

(18) MILFORD POND, MILFORD, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Milford Pond, Milford, Massachusetts.

(19) MILL POND, LITTLETON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Mill Pond, Littleton, Massachusetts.

(20) PINE TREE BROOK, MILTON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Pine Tree Brook, Milton, Massachusetts.

(21) CLINTON RIVER, MICHIGAN.—Project for aquatic ecosystem restoration, Clinton River, Michigan.

(22) KALAMAZOO RIVER WATERSHED, BATTLE CREEK, MICHIGAN.—Project for aquatic ecosystem restoration, Kalamazoo River watershed, Battle Creek, Michigan.

(23) RUSH LAKE, MINNESOTA.—Project for aquatic ecosystem restoration, Rush Lake, Minnesota.

(24) SOUTH FORK OF THE CROW RIVER, HUTCHINSON, MINNESOTA.—Project for aquatic ecosystem restoration, South Fork of the Crow River, Hutchinson, Minnesota.

(25) ST. LOUIS, MISSOURI.—Project for aquatic ecosystem restoration, St. Louis, Missouri.

(26) MOBLEY DAM, TONGUE RIVER, MONTANA.—Project for aquatic ecosystem restoration, Mobley Dam, Tongue River, Montana.

(27) S AND H DAM, TONGUE RIVER, MONTANA.—Project for aquatic ecosystem restoration, S and H Dam, Tongue River, Montana.

(28) VANDALIA DAM, MILK RIVER, MONTANA.—Project for aquatic ecosystem restoration, Vandalia Dam, Milk River, Montana.

(29) TRUCKEE RIVER, RENO, NEVADA.—Project for aquatic ecosystem restoration, Truckee River, Reno, Nevada, including features for fish passage in Washoe County.

(30) GROVER'S MILL POND, NEW JERSEY.—Project for aquatic ecosystem restoration, Grover's Mill Pond, New Jersey.

(31) CALDWELL COUNTY, NORTH CAROLINA.—Project for aquatic ecosystem restoration, Caldwell County, North Carolina.

(32) MECKLENBURG COUNTY, NORTH CAROLINA.—Project for aquatic ecosystem restoration, Mecklenburg County, North Carolina.

(33) DUGWAY CREEK, BRATENAHL, OHIO.—Project for aquatic ecosystem restoration, Dugway Creek, Bratenahl, Ohio.

(34) JOHNSON CREEK, GRESHAM, OREGON.—Project for aquatic ecosystem restoration, Johnson Creek, Gresham, Oregon.

(35) BEAVER CREEK, BEAVER AND SALEM, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Beaver Creek, Beaver and Salem, Pennsylvania.

(36) CEMENTON DAM, LEHIGH RIVER, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Cementon Dam, Lehigh River, Pennsylvania.

(37) INGHAM SPRING DAM, SOLEBURY TOWNSHIP, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Ingham Spring Dam, Solebury Township, Pennsylvania.

(38) SAUCON CREEK, NORTHAMPTON COUNTY, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Saucon Creek, Northampton County, Pennsylvania.

(39) STILLWATER LAKE DAM, MONROE COUNTY, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Stillwater Lake Dam, Monroe County, Pennsylvania.

(40) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

(41) WILSON BRANCH, CHERAW, SOUTH CAROLINA.—Project for aquatic ecosystem restoration, Wilson Branch, Cheraw, South Carolina.

(42) WHITE RIVER, BETHEL, VERMONT.—Project for aquatic ecosystem restoration, White River, Bethel, Vermont.

(43) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—Project for aquatic ecosystem restoration, College Lake, Lynchburg, Virginia.

(b) SPECIAL RULES.—

(1) BLACK LAKE, ALASKA.—The Secretary shall carry out the project for aquatic ecosystem restoration, Black Lake, Alaska referred to in subsection (a)(2) if the Secretary determines that the project is appropriate.

(2) TRUCKEE RIVER, RENO, NEVADA.—The maximum amount of Federal funds that may be expended for the project for aquatic ecosystem restoration, Truckee River, Reno, Nevada, referred to in subsection (a)(29) shall be $6,000,000 and the Secretary shall carry out the project if the Secretary determines that the project is appropriate.

(3) BLACKSTONE RIVER, RHODE ISLAND.—The Secretary shall carry out the project for aquatic ecosystem restoration, Blackstone River, Rhode Island, referred to in subsection (a)(40) if the Secretary determines that the project is appropriate.

(4) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—The Secretary shall carry out the project for aquatic ecosystem restoration, College Lake, Lynchburg, Virginia, referred to in subsection (a)(43) if the Secretary determines that the project is appropriate.

SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g):

(1) NELSON LAGOON, ALASKA.—Project for shoreline protection, Nelson Lagoon, Alaska.

(2) NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.—Project for shoreline protection, Nicholas Canyon, Los Angeles, California.

(3) SANIBEL ISLAND, FLORIDA.—Project for shoreline protection, Sanibel Island, Florida.

(4) APRA HARBOR, GUAM.—Project for shoreline protection, Apra Harbor, Guam.

(5) PITI, CABRAS ISLAND, GUAM.—Project for shoreline protection, Piti, Cabras Island, Guam.

(6) NARROWS AND GRAVESEND BAY, UPPER NEW YORK BAY, BROOKLYN, NEW YORK.—Project for shoreline protection in the vicinity of the confluence of the Narrows and Gravesend Bay, Upper New York Bay, Shore Parkway Greenway, Brooklyn, New York.

(7) DELAWARE RIVER, PHILADELPHIA NAVAL SHIPYARD, PENNSYLVANIA.—Project for shoreline protection, Delaware River in the vicinity of the Philadelphia Naval Shipyard, Pennsylvania.

(8) PORT ARANSAS, TEXAS.—Project for shoreline protection, Port Aransas, Texas.

SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g): Project for removal of snags and clearing and straightening of channels for flood control, Kowawese Unique Area and Hudson River, New Windsor, New York.

SEC. 1009. SMALL PROJECTS TO PREVENT OR MITIGATE DAMAGE CAUSED BY NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i):

(1) Tybee Island, Georgia.

(2) Burns Waterway Harbor, Indiana.

SEC. 1010. SMALL PROJECTS FOR AQUATIC PLANT CONTROL.

(a) IN GENERAL.—The Secretary is authorized to carry out a project for aquatic nuisance plant control in the Republican River Basin, Nebraska, under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610).

(b) SPECIAL RULE.—In carrying out the project under subsection (a), the Secretary may control and eradicate riverine nuisance plants.

TITLE II—GENERAL PROVISIONS

SEC. 2001. NON-FEDERAL CONTRIBUTIONS.

Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended by adding at the end the following:

"(n) NON-FEDERAL CONTRIBUTIONS.—

"(1) PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.—The Secretary may not—

"(A) solicit contributions from non-Federal interests for costs of constructing authorized water resources projects or measures in excess of the non-Federal share assigned to the appropriate project purposes listed in subsections (a), (b), and (c); or

"(B) condition Federal participation in such projects or measures on the receipt of such contributions.

"(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect the Secretary's authority under section 903(c).".

SEC. 2002. FUNDING TO PROCESS PERMITS.

Section 214(c) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 119 Stat. 2169; 120 Stat. 318; 120 Stat. 3197) is amended by striking "2008" and inserting "2009".

SEC. 2003. WRITTEN AGREEMENT FOR WATER RESOURCES PROJECTS.

(a) IN GENERAL.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by striking "SEC. 221." and inserting the following:

"SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.";

(2) by striking subsection (a) and inserting the following:

"(a) COOPERATION OF NON-FEDERAL INTEREST.—

"(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the Secretary (or, where appropriate, the district engineer for the district in which the project will be carried out) under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

"(2) LIQUIDATED DAMAGES.—A partnership agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of one or more parties to perform.

"(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any partnership agreement described in paragraph (1) and entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

"(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

"(A) IN GENERAL.—A partnership agreement described in paragraph (1) may provide with respect to a project that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented without specific authorization in law, the value of in-kind contributions made by the non-Federal interest, including—

"(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project;

"(ii) the value of materials or services provided before execution of the partnership agreement, including efforts on constructed elements incorporated into the project; and

"(iii) the value of materials and services provided after execution of the partnership agreement.

"(B) CONDITION.—The Secretary may credit an in-kind contribution under subparagraph (A) only if the Secretary determines that the material or service provided as an in-kind contribution is integral to the project.

"(C) WORK PERFORMED BEFORE PARTNERSHIP AGREEMENT.—In any case in which the non-Federal interest is to receive credit under subparagraph (A)(ii) for the cost of work carried out by the non-Federal interest and such work has not been carried out as of the date of enactment of this subparagraph, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work, and only work carried out following the execution of the agreement shall be eligible for credit.

"(D) LIMITATIONS.—Credit authorized under this paragraph for a project—

"(i) shall not exceed the non-Federal share of the cost of the project;

"(ii) shall not alter any other requirement that a non-Federal interest provide lands, easements, relocations, rights-of-way, or areas for disposal of dredged material for the project;

"(iii) shall not alter any requirement that a non-Federal interest pay a portion of the costs of construction of the project under sections 101 and 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211; 33 U.S.C. 2213); and

"(iv) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.

"(E) APPLICABILITY.—

"(i) IN GENERAL.—This paragraph shall apply to water resources projects authorized after November 16, 1986, including projects initiated after November 16, 1986, without specific authorization in law.

"(ii) LIMITATION.—In any case in which a specific provision of law provides for a non-Federal interest to receive credit toward the non-Federal share of the cost of a study for, or construction or operation and maintenance of, a water resources project, the specific provision of law shall apply instead of this paragraph.".

(b) NON-FEDERAL INTEREST.—Section 221(b) of such Act is amended to read as follows:

"(b) DEFINITION OF NON-FEDERAL INTEREST.—The term 'non-Federal interest' means—

"(1) a legally constituted public body (including a federally recognized Indian tribe); or

"(2) a nonprofit entity with the consent of the affected local government,

that has full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform.".

(c) PROGRAM ADMINISTRATION.—Section 221 of such Act is further amended—

(1) by redesignating subsection (e) as subsection (h); and

(2) by inserting after subsection (d) the following:

"(e) DELEGATION OF AUTHORITY.—Not later than June 30, 2008, the Secretary shall issue policies and guidelines for partnership agreements that delegate to the district engineers, at a minimum—

"(1) the authority to approve any policy in a partnership agreement that has appeared in an agreement previously approved by the Secretary;

"(2) the authority to approve any policy in a partnership agreement the specific terms of which are dictated by law or by a final feasibility study, final environmental impact statement, or other final decision document for a water resources project;

"(3) the authority to approve any partnership agreement that complies with the policies and guidelines issued by the Secretary; and

"(4) the authority to sign any partnership agreement for any water resources project unless, within 30 days of the date of authorization of the project, the Secretary notifies the district engineer in which the project will be carried out that the Secretary wishes to retain the prerogative to sign the partnership agreement for that project.

"(f) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this subsection, and every year thereafter, the Secretary shall submit to Congress a report detailing the following:

"(1) The number of partnership agreements signed by district engineers and the number of partnership agreements signed by the Secretary.

"(2) For any partnership agreement signed by the Secretary, an explanation of why delegation to the district engineer was not appropriate.

"(g) PUBLIC AVAILABILITY.—Not later than 120 days after the date of enactment of this subsection, the Chief of Engineers shall—

"(1) ensure that each district engineer has made available to the public, including on the Internet, all partnership agreements entered into under this section within the preceding 10 years and all partnership agreements for water resources projects currently being carried out in that district; and

"(2) make each partnership agreement entered into after such date of enactment available to the public, including on the Internet, not later than 7 days after the date on which such agreement is entered into.".

(d) LOCAL COOPERATION.—Section 912(b) of the Water Resources Development Act of 1986 (101 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) by striking "shall" the first place it appears and inserting "may"; and

(B) by striking the last sentence; and

(2) in paragraph (4)—

(A) by inserting after "injunction, for" the following: "payment of damages or, for";

(B) by striking "to collect a civil penalty imposed under this section,"; and

(C) by striking "any civil penalty imposed under this section," and inserting "any damages,".

(e) APPLICABILITY.—The amendments made by subsections (a), (b), and (d) only apply to partnership agreements entered into after the date of enactment of this Act; except that, at the request of a non-Federal interest for a project, the district engineer for the district in which the project is located may amend a project partnership agreement entered into on or before such date and under which construction on the project has not been initiated as of such date of enactment for the purpose of incorporating such amendments.

(f) AGREEMENTS AND REFERENCES.—

(1) IN GENERAL.—A goal of agreements entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) shall be to further partnership and cooperation, and the agreements shall be referred to as "partnership agreements".

(2) REFERENCES TO COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a "cooperation agreement" or "project cooperation agreement" shall be deemed to be a reference to a "partnership agreement" or a "project partnership agreement", respectively.

(3) REFERENCES TO PARTNERSHIP AGREEMENTS.—Any reference to a "partnership agreement" or "project partnership agreement" in this Act (other than this section) shall be deemed to be a reference to a "cooperation agreement" or a "project cooperation agreement", respectively.

SEC. 2004. COMPILATION OF LAWS.

(a) COMPILATION OF LAWS ENACTED AFTER NOVEMBER 8, 1966.—The Secretary and the Chief of Engineers shall prepare a compilation

of the laws of the United States relating to the improvement of rivers and harbors, flood damage reduction, beach and shoreline erosion, hurricane and storm damage reduction, ecosystem and environmental restoration, and other water resources development enacted after November 8, 1966, and before January 1, 2008, and have such compilation printed for the use of the Department of the Army, Congress, and the general public.

(b) REPRINT OF LAWS ENACTED BEFORE NOVEMBER 8, 1966.—The Secretary shall have the volumes containing the laws referred to in subsection (a) enacted before November 8, 1966, reprinted.

(c) INDEX.—The Secretary shall include an index in each volume compiled, and each volume reprinted, pursuant to this section.

(d) CONGRESSIONAL COPIES.—Not later than April 1, 2008, the Secretary shall transmit at least 25 copies of each volume compiled, and of each volume reprinted, pursuant to this section to each of the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(e) AVAILABILITY.—The Secretary shall ensure that each volume compiled, and each volume reprinted, pursuant to this section are available through electronic means, including on the Internet.

SEC. 2005. DREDGED MATERIAL DISPOSAL.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) DREDGED MATERIAL FACILITY.—

"(1) IN GENERAL.—The Secretary may enter into a partnership agreement under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) with one or more non-Federal interests with respect to a water resources project, or group of water resources projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

"(2) PERFORMANCE.—One or more of the parties to a partnership agreement under this subsection may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

"(3) MULTIPLE PROJECTS.—If appropriate, the Secretary may combine portions of separate water resources projects with appropriate combined cost-sharing among the various water resources projects in a partnership agreement for a facility under this subsection if the facility serves to manage dredged material from multiple water resources projects located in the geographic region of the facility.

"(4) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—

"(A) SPECIFIED FEDERAL FUNDING.—A partnership agreement with respect to a facility under this subsection shall specify—

"(i) the Federal funding sources and combined cost-sharing when applicable to multiple water resources projects; and

"(ii) the responsibilities and risks of each of the parties relating to present and future dredged material managed by the facility.

"(B) MANAGEMENT OF SEDIMENTS.—

"(i) IN GENERAL.—A partnership agreement under this subsection may include the management of sediments from the maintenance dredging of Federal water resources projects that do not have partnership agreements.

"(ii) PAYMENTS.—A partnership agreement under this subsection may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material processing, treatment, contaminant reduction, or disposal facilities.

"(C) CREDIT.—A partnership agreement under this subsection may allow costs incurred by the non-Federal interest before execution of the partnership agreement to be credited in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).

"(5) CREDIT.—

"(A) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any non-Federal interest for the cost-sharing, construction, and operation and maintenance of a water resources project.

"(B) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal interest for a water resources project may receive credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility to the extent the facility is used to manage dredged material from the project.

"(C) NON-FEDERAL INTEREST RESPONSIBILITIES.—A non-Federal interest entering into a partnership agreement under this subsection for a facility shall—

"(i) be responsible for providing all necessary lands, easements, relocations, and rights-of-way associated with the facility; and

"(ii) receive credit toward the non-Federal share of the cost of the project with respect to which the agreement is being entered into for those items."; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as redesignated by paragraph (1))—

(A) by inserting "and maintenance" after "operation" each place it appears; and

(B) by inserting "processing, treatment, contaminant reduction, or" after "dredged material" the first place it appears in each of those paragraphs.

SEC. 2006. REMOTE AND SUBSISTENCE HARBORS.

(a) IN GENERAL.—In conducting a study of harbor and navigation improvements, the Secretary may recommend a project without the need to demonstrate that the project is justified solely by national economic development benefits if the Secretary determines that—

(1)(A) the community to be served by the project is at least 70 miles from the nearest surface accessible commercial port and has no direct rail or highway link to another community served by a surface accessible port or harbor; or

(B) the project would be located in the State of Hawaii, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, or American Samoa;

(2) the harbor is economically critical such that over 80 percent of the goods transported through the harbor would be consumed within the community served by the harbor and navigation improvement; and

(3) the long-term viability of the community would be threatened without the harbor and navigation improvement.

(b) JUSTIFICATION.—In considering whether to recommend a project under subsection (a), the Secretary shall consider the benefits of the project to—

(1) public health and safety of the local community, including access to facilities designed to protect public health and safety;

(2) access to natural resources for subsistence purposes;

(3) local and regional economic opportunities;

(4) welfare of the local population; and

(5) social and cultural value to the community.

SEC. 2007. USE OF OTHER FEDERAL FUNDS.

The non-Federal interest for a water resources study or project may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of the study or project if the Federal agency that provides the funds determines that the funds are authorized to be used to carry out the study or project.

SEC. 2008. REVISION OF PROJECT PARTNERSHIP AGREEMENT; COST SHARING.

(a) FEDERAL ALLOCATION.—Upon authorization by law of an increase in the maximum amount of Federal funds that may be allocated for a water resources project or an increase in the total cost of a water resources project authorized to be carried out by the Secretary, the Secretary shall enter into a revised partnership agreement for the project to take into account the change in Federal participation in the project.

(b) COST SHARING.—An increase in the maximum amount of Federal funds that may be allocated for a water resources project, or an increase in the total cost of a water resources project, authorized to be carried out by the Secretary shall not affect any cost-sharing requirement applicable to the project.

(c) COST ESTIMATES.—The estimated Federal and non-Federal costs of water resources projects authorized to be carried out by the Secretary before, on, or after the date of enactment of this Act are for informational purposes only and shall not be interpreted as affecting the cost-sharing responsibilities established by law.

SEC. 2009. EXPEDITED ACTIONS FOR EMERGENCY FLOOD DAMAGE REDUCTION.

The Secretary shall expedite any authorized planning, design, and construction of any project for flood damage reduction for an area that, within the preceding 5 years, has been subject to flooding that resulted in the loss of life and caused damage of sufficient severity and magnitude to warrant a declaration of a major disaster by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 2010. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a; 114 Stat. 2587–2588; 100 Stat. 4164) is amended—

(1) in subsection (d)—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(C) by adding at the end the following:

"(6) Tuscarawas River Basin, Ohio;

"(7) Sauk River Basin, Snohomish and Skagit Counties, Washington;

"(8) Niagara River Basin, New York;

"(9) Genesee River Basin, New York; and

"(10) White River Basin, Arkansas and Missouri.";

(2) by striking paragraph (1) of subsection (f) and inserting the following:

"(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000, shall be 25 percent."; and

(3) by striking subsection (g).

SEC. 2011. TRIBAL PARTNERSHIP PROGRAM.

(a) PROGRAM.—Section 203(b) of the Water Resources Development Act of 2000 (33 U.S.C. 2269(b); 114 Stat. 2589) is amended—

(1) in paragraph (1) by inserting "carry out water-related planning activities and" after "the Secretary may";

(2) in paragraph (1)(B) by inserting after "Code" the following: ", and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations"; and

(3) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (A);

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) watershed assessments and planning activities; and".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 203(e) of such Act is amended by striking "2006" and inserting "2012".

SEC. 2012. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C. 1856a–1; 105 Stat. 1034) is amended by inserting "the Secretary of the Army," after "the Secretary of Energy,".

SEC. 2013. TECHNICAL ASSISTANCE.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a) by striking "The Secretary" and inserting the following:

"(a) FEDERAL STATE COOPERATION.—

"(1) COMPREHENSIVE PLANS.—The Secretary";

(2) by inserting after the last sentence in subsection (a) the following:

"(2) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to such agency or non-Federal interest in managing water resources.

"(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.";

(3) in subsection (b)(1) by striking "this section" each place it appears and inserting "subsection (a)(1)";

(4) in subsection (b)(2) by striking "Up to ½ of the" and inserting "The";

(5) in subsection (c) by striking "(c) There is" and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) FEDERAL AND STATE COOPERATION.—There is";

(6) in subsection (c)(1) (as designated by paragraph (5))—

(A) by striking "the provisions of this section" and inserting "subsection (a)(1),"; and

(B) by striking "$500,000" and inserting "$2,000,000";

(7) by inserting at the end of subsection (c) the following:

"(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated $5,000,000 annually to carry out subsection (a)(2), of which not more than $2,000,000 annually may be used by the Secretary to enter into cooperative agreements with nonprofit organizations to provide assistance to rural and small communities.";

(8) by redesignating subsection (d) as subsection (e); and

(9) by inserting after subsection (c) the following:

"(d) ANNUAL SUBMISSION OF PROPOSED ACTIVITIES.—Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the individual activities proposed for funding under subsection (a)(1) for that fiscal year.".

SEC. 2014. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) by striking "and" at end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting a semicolon; and

(3) by adding at the end the following:

"(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(21) McCarter Pond, Borough of Fairhaven, New Jersey, removal of silt and measures to address water quality;

"(22) Rogers Pond, Franklin Township, New Jersey, removal of silt and restoration of structural integrity;

"(23) Greenwood Lake, New York and New Jersey, removal of silt and aquatic growth;

"(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity;

"(25) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(26) Lake Luxembourg, Pennsylvania;

"(27) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

"(28) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation.".

SEC. 2015. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—For the purpose of expediting the cost-effective design and construction of wetlands restoration that is part of an authorized water resources project, the Secretary may enter into cooperative agreements under section 6305 of title 31, United States Code, with nonprofit organizations with expertise in wetlands restoration to carry out such design and construction on behalf of the Secretary.

(b) LIMITATIONS.—

(1) PER PROJECT LIMIT.—A cooperative agreement under this section may not obligate the Secretary to pay the nonprofit organization more than $1,000,000 for any single wetlands restoration project.

(2) ANNUAL LIMIT.—The total value of work carried out under cooperative agreements under this section may not exceed $5,000,000 in any fiscal year.

SEC. 2016. TRAINING FUNDS.

(a) IN GENERAL.—The Secretary may include individuals not employed by the Department of the Army in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) EXPENSES.—

(1) IN GENERAL.—An individual not employed by the Department of the Army attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) PAYMENTS.—Payments made by an individual for training received under paragraph (1), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriations account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) EXCESS AMOUNTS.—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

SEC. 2017. ACCESS TO WATER RESOURCE DATA.

(a) IN GENERAL.—The Secretary shall carry out a program to provide public access to water resources and related water quality data in the custody of the Corps of Engineers.

(b) DATA.—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resources project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) PARTNERSHIPS.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements, with State, tribal, and local governments and other Federal agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each fiscal year.

SEC. 2018. SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administrative actions, it is the policy of the United States to promote beach nourishment for the purposes of flood damage reduction and hurricane and storm damage reduction and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) PREFERENCE.—In carrying out the policy under subsection (a), preference shall be given to—

(1) areas in which there has been a Federal investment of funds for the purposes described in subsection (a); and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) APPLICABILITY.—The Secretary shall apply the policy under subsection (a) to each shore protection and beach renourishment project (including shore protection and beach renourishment projects constructed before the date of enactment of this Act).

SEC. 2019. ABILITY TO PAY.

(a) CRITERIA AND PROCEDURES.—Section 103(m)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(2)) is amended by striking "180 days after such date of enactment" and inserting "December 31, 2007".

(b) PROJECTS.—The Secretary shall apply the criteria and procedures referred to in section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) to the following projects:

(1) ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI.—The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

(2) LOWER RIO GRANDE BASIN, TEXAS.—The project for flood control, Lower Rio Grande Basin, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).

(3) WEST VIRGINIA AND PENNSYLVANIA PROJECTS.—The projects for flood control authorized by section 581 of the Water Resources Development Act of 1996 (110 Stat. 3790–3791).

SEC. 2020. AQUATIC ECOSYSTEM AND ESTUARY RESTORATION.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330; 110 Stat. 3679) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary may carry out a project to restore and protect an aquatic ecosystem or estuary if the Secretary determines that the project—

"(A)(i) will improve the quality of the environment and is in the public interest; or

"(ii) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902)); and

"(B) is cost-effective.

"(2) DAM REMOVAL.—A project under this section may include removal of a dam."; and

(2) in subsection (e) by striking "$25,000,000" and inserting "$50,000,000".

SEC. 2021. SMALL FLOOD DAMAGE REDUCTION PROJECTS.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking "$50,000,000" and inserting "$55,000,000".

SEC. 2022. SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS.

Section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)) is amended by striking "$4,000,000" and inserting "$7,000,000".

SEC. 2023. PROTECTION OF HIGHWAYS, BRIDGE APPROACHES, PUBLIC WORKS, AND NONPROFIT PUBLIC SERVICES.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking "$1,000,000" and inserting "$1,500,000".

SEC. 2024. MODIFICATION OF PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

Section 1135(h) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(h)) is amended by striking "$25,000,000" and inserting "$40,000,000".

SEC. 2025. REMEDIATION OF ABANDONED MINE SITES.

Section 560(f) of the Water Resources Development Act of 1999 (33 U.S.C. 2336(f)) is amended by striking "$7,500,000" and inserting "$20,000,000".

SEC. 2026. LEASING AUTHORITY.

Section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved December 22, 1944 (16 U.S.C. 460d), is amended—

(1) by inserting "federally recognized Indian tribes and" before "Federal" the first place it appears;

(2) by inserting "Indian tribes or" after "considerations, to such"; and

(3) by inserting "federally recognized Indian tribe" after "That in any such lease or license to a".

SEC. 2027. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

(1) the expenditures by the Corps for the preceding fiscal year and estimated expenditures by the Corps for the current fiscal year; and

(2) for projects and activities that are not scheduled for completion in the current fiscal year, the estimated expenditures by the Corps necessary in the following fiscal year for each project or activity to maintain the same level of effort being achieved in the current fiscal year.

(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to activities carried out with funding provided under the Construction appropriations account for the Secretary, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed partnership agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways identified by section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth;

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption; and

(C) the actual expenditures to maintain each waterway.

(3) With respect to activities carried out with funding provided under the Investigations appropriations account for the Secretary—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage receipts.

(7) Deposits into the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected by the Corps of Engineers.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete;

(C) the date on which any permit application is withdrawn; and

(D) the date on which the Corps of Engineers grants or denies each permit.

(10) With respect to projects that are authorized but for which construction is not complete, a list of such projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

SEC. 2028. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) IN GENERAL.—Notwithstanding section 2361 of title 10, United States Code, the Secretary may provide assistance through contracts, cooperative agreements, and grants to—

(1) the University of Tennessee, Knoxville, Tennessee, for establishment and operation of the Southeastern Water Resources Institute to study sustainable development and utilization of water resources in the southeastern United States;

(2) Lewis and Clark Community College, Illinois, for the Great Rivers National Research and Education Center (including facilities that have been or will be constructed at one or more locations in the vicinity of the confluence of the Illinois River, the Missouri River, and the Mississippi River), a collaborative effort of Lewis and Clark Community College, the University of Illinois, the Illinois Department of Natural Resources and Environmental Sciences, and other entities, for the study of river ecology, developing watershed and river management strategies, and educating students and the public on river issues; and

(3) the University of Texas at Dallas for support and operation of the International Center for Decision and Risk Analysis to study risk analysis and control methods for transboundary water resources management in the southwestern United States and other international water resources management problems.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out subsection (a)(1) $2,000,000, to carry out subsection (a)(2) $2,000,000, and to carry out subsection (a)(3) $5,000,000.

SEC. 2029. SENSE OF CONGRESS ON CRITERIA FOR OPERATION AND MAINTENANCE OF HARBOR DREDGING PROJECTS.

(a) FINDINGS.—Congress finds the following:

(1) Insufficient maintenance dredging results in inefficient water transportation and harmful economic consequences.

(2) The estimated dredging backlog at commercial harbors in the Great Lakes alone is 16,000,000 cubic yards.

(3) Approximately two-thirds of all shipping in the United States either starts or finishes at small harbors.

(4) Small harbors often have a greater proportional impact on local economies than do larger harbors.

(5) Performance metrics can be valuable tools in the budget process for water resources projects.

(6) The use of a single performance metric for water resources projects can result in a budget biased against small and rural communities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the operations and maintenance budget of the Corps of Engineers should reflect the use of all available economic data, rather than a single performance metric.

SEC. 2030. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, international organizations, or foreign governments to address problems of national significance to the United States.";

(2) in subsection (b) by striking "Secretary of State" and inserting "Department of State"; and

(3) in subsection (d)—

(A) by striking "$250,000 for fiscal year 2001" and inserting "$1,000,000 for fiscal year 2008"; and

(B) by striking "or international organizations" and inserting ", international organizations, or foreign governments".

SEC. 2031. WATER RESOURCES PRINCIPLES AND GUIDELINES.

(a) NATIONAL WATER RESOURCES PLANNING POLICY.—It is the policy of the United States that all water resources projects should reflect *national priorities, encourage economic development, and protect the environment by—*

(1) seeking to maximize sustainable economic development;

(2) seeking to avoid the unwise use of floodplains and flood-prone areas and minimizing adverse impacts and vulnerabilities in any case in which a floodplain or flood-prone area must be used; and

(3) protecting and restoring the functions of natural systems and mitigating any unavoidable damage to natural systems.

(b) PRINCIPLES AND GUIDELINES.—

(1) PRINCIPLES AND GUIDELINES DEFINED.—In this subsection, the term "principles and guidelines" means the principles and guidelines contained in the document prepared by the Water Resources Council pursuant to section 103 of the Water Resources Planning Act (42 U.S.C. 1962a–2), entitled "Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies", and dated March 10, 1983.

(2) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue revisions, consistent with paragraph (3), to the principles and guidelines for use by the Secretary in the formulation, evaluation, and implementation of water resources projects.

(3) CONSIDERATIONS.—In developing revisions to the principles and guidelines under paragraph (2), the Secretary shall evaluate the consistency of the principles and guidelines with, and ensure that the principles and guidelines address, the following:

(A) The use of best available economic principles and analytical techniques, including techniques in risk and uncertainty analysis.

(B) The assessment and incorporation of public safety in the formulation of alternatives and recommended plans.

(C) Assessment methods that reflect the value of projects for low-income communities and projects that use nonstructural approaches to water resources development and management.

(D) The assessment and evaluation of the interaction of a project with other water resources projects and programs within a region or watershed.

(E) The use of contemporary water resources paradigms, including integrated water resources management and adaptive management.

(F) Evaluation methods that ensure that water resources projects are justified by public benefits.

(4) CONSULTATION AND PUBLIC PARTICIPATION.—In carrying out paragraph (2), the Secretary shall—

(A) consult with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, the National Academy of Sciences, and the Council on Environmental Quality; and

(B) solicit and consider public and expert comments.

(5) PUBLICATION.—The Secretary shall—

(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives copies of—

(i) the revisions to the principles and guidelines for use by the Secretary; and

(ii) an explanation of the intent of each revision, how each revision is consistent with this section, and the probable impact of each revision on water resources projects carried out by the Secretary; and

(B) make the revisions to the principles and guidelines for use by the Secretary available to the public, including on the Internet.

(6) EFFECT.—Subject to the requirements of this subsection, the principles and guidelines as revised under this subsection shall apply to water resources projects carried out by the Secretary instead of the principles and guidelines for such projects in effect on the day before date of enactment of this Act.

(7) APPLICABILITY.—After the date of issuance of the revisions to the principles and guidelines, the revisions shall apply—

(A) to all water resources projects carried out by the Secretary, other than projects for which the Secretary has commenced a feasibility study before the date of such issuance;

(B) at the request of a non-Federal interest, to a water resources project for which the Secretary has commenced a feasibility study before the date of such issuance; and

(C) to the reevaluation or modification of a water resources project, other than a reevaluation or modification that has been commenced by the Secretary before the date of such issuance.

(8) EXISTING STUDIES.—Revisions to the principles and guidelines issued under paragraph (2) shall not affect the validity of any completed study of a water resources project.

(9) RECOMMENDATION.—Upon completion of the revisions to the principles and guidelines for use by the Secretary, the Secretary shall make a recommendation to Congress as to the advisability of repealing subsections (a) and (b) of section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17).

SEC. 2032. WATER RESOURCE PRIORITIES REPORT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the President shall submit to Congress a report describing the vulnerability of the United States to damage from flooding, including—

(1) the risk to human life;

(2) the risk to property; and

(3) the comparative risks faced by different regions of the United States.

(b) INCLUSIONS.—The report under subsection (a) shall include—

(1) an assessment of the extent to which programs in the United States relating to flooding address flood risk reduction priorities;

(2) the extent to which those programs may be encouraging development and economic activity in flood-prone areas;

(3) recommendations for improving those programs with respect to reducing and responding to flood risks; and

(4) proposals for implementing the recommendations.

SEC. 2033. PLANNING.

(a) MATTERS TO BE ADDRESSED IN PLANNING.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended—

(1) by striking "Enhancing" and inserting the following:

"(a) IN GENERAL.—Enhancing"; and

(2) by adding at the end the following:

"(b) ASSESSMENTS.—For all feasibility reports for water resources projects completed after December 31, 2007, the Secretary shall assess whether—

"(1) the water resources project and each separable element is cost-effective; and

"(2) the water resources project complies with Federal, State, and local laws (including regulations) and public policies.".

(b) PLANNING PROCESS IMPROVEMENTS.—The Chief of Engineers—

(1) shall adopt a risk analysis approach to project cost estimates for water resources projects; and

(2) not later than one year after the date of enactment of this Act, shall—

(A) issue procedures for risk analysis for cost estimation for water resources projects; and

(B) submit to Congress a report that includes any recommended amendments to section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

(c) BENCHMARKS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Chief of Engineers shall establish benchmarks for determining the length of time it should take to conduct a feasibility study for a water resources project and its associated review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Chief of Engineers shall use such benchmarks as a management tool to make the feasibility study process more efficient in all districts of the Corps of Engineers.

(2) BENCHMARK GOALS.—The Chief of Engineers shall establish, to the extent practicable, under paragraph (1) benchmark goals for completion of feasibility studies for water resources projects generally within 2 years. In the case of feasibility studies that the Chief of Engineers determines may require additional time based on the project type, size, cost, or complexity, the benchmark goal for completion shall be generally within 4 years.

(d) CALCULATION OF BENEFITS AND COSTS FOR FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of the residual risk of loss of human life and residual risk to human safety following completion of the proposed project;

(3) a calculation of any upstream or downstream impacts of the proposed project; and

(4) calculations to ensure that the benefits and costs associated with structural and nonstructural alternatives are evaluated in an equitable manner.

(e) CENTERS OF SPECIALIZED PLANNING EXPERTISE.—

(1) ESTABLISHMENT.—The Secretary may establish centers of expertise to provide specialized planning expertise for water resources projects to be carried out by the Secretary in order to enhance and supplement the capabilities of the districts of the Corps of Engineers.

(2) DUTIES.—A center of expertise established under this subsection shall—

(A) provide technical and managerial assistance to district commanders of the Corps of Engineers for project planning, development, and implementation;

(B) provide agency peer reviews of new major scientific, engineering, or economic methods, models, or analyses that will be used to support decisions of the Secretary with respect to feasibility studies for water resources projects;

(C) provide support for independent peer review panels under section 2034; and

(D) carry out such other duties as are prescribed by the Secretary.

(f) COMPLETION OF CORPS OF ENGINEERS REPORTS.—

(1) ALTERNATIVES.—

(A) IN GENERAL.—Feasibility and other studies and assessments for a water resources project shall include recommendations for alternatives—

(i) that, as determined in coordination with the non-Federal interest for the project, promote integrated water resources management; and

(ii) for which the non-Federal interest is willing to provide the non-Federal share for the studies or assessments.

(B) CONSTRAINTS.—The alternatives contained in studies and assessments described in subparagraph (A) shall not be constrained by budgetary or other policy.

(C) REPORTS OF CHIEF OF ENGINEERS.—The reports of the Chief of Engineers shall identify

any recommendation that is not the best technical solution to water resource needs and problems and the reason for the deviation.

(2) REPORT COMPLETION.—The completion of a report of the Chief of Engineers for a water resources project—

(A) shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration; and

(B) shall be submitted, on completion, to—

(i) the Committee on Environment and Public Works of the Senate; and

(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

(g) COMPLETION REVIEW.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 120 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resources project, the Secretary shall—

(A) review the report; and

(B) provide any recommendations of the Secretary regarding the water resources project to Congress.

(2) PRIOR REPORTS.—Not later than 180 days after the date of enactment of this Act, with respect to any report of the Chief of Engineers recommending a water resources project that is complete prior to the date of enactment of this Act, the Secretary shall complete review of, and provide recommendations to Congress for, the report in accordance with paragraph (1).

SEC. 2034. INDEPENDENT PEER REVIEW.

(a) PROJECT STUDIES SUBJECT TO INDEPENDENT PEER REVIEW.—

(1) IN GENERAL.—Project studies shall be subject to a peer review by an independent panel of experts as determined under this section.

(2) SCOPE.—The peer review may include a review of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study.

(3) PROJECT STUDIES SUBJECT TO PEER REVIEW.—

(A) MANDATORY.—A project study shall be subject to peer review under paragraph (1) if—

(i) the project has an estimated total cost of more than $45,000,000, including mitigation costs, and is not determined by the Chief of Engineers to be exempt from peer review under paragraph (6);

(ii) the Governor of an affected State requests a peer review by an independent panel of experts; or

(iii) the Chief of Engineers determines that the project study is controversial considering the factors set forth in paragraph (4).

(B) DISCRETIONARY.—

(i) AGENCY REQUEST.—A project study shall be considered by the Chief of Engineers for peer review under this section if the head of a Federal or State agency charged with reviewing the project study determines that the project is likely to have a significant adverse impact on environmental, cultural, or other resources under the jurisdiction of the agency after implementation of proposed mitigation plans and requests a peer review by an independent panel of experts.

(ii) DEADLINE FOR DECISION.—A decision of the Chief of Engineers under this subparagraph whether to conduct a peer review shall be made within 21 days of the date of receipt of the request by the head of the Federal or State agency under clause (i).

(iii) REASONS FOR NOT CONDUCTING PEER REVIEW.—If the Chief of Engineers decides not to conduct a peer review following a request under clause (i), the Chief shall make publicly available, including on the Internet, the reasons for not conducting the peer review.

(iv) APPEAL TO CHAIRMAN OF COUNCIL ON ENVIRONMENTAL QUALITY.—A decision by the Chief of Engineers not to conduct a peer review following a request under clause (i) shall be subject to appeal by a person referred to in clause (i) to the Chairman of the Council on Environmental Quality if such appeal is made within the 30-day period following the date of the decision being made available under clause (iii). A decision of the Chairman on an appeal under this clause shall be made within 30 days of the date of the appeal.

(4) FACTORS TO CONSIDER.—In determining whether a project study is controversial under paragraph (3)(A)(iii), the Chief of Engineers shall consider if—

(A) there is a significant public dispute as to the size, nature, or effects of the project; or

(B) there is a significant public dispute as to the economic or environmental costs or benefits of the project.

(5) PROJECT STUDIES EXCLUDED FROM PEER REVIEW.—The Chief of Engineers may exclude a project study from peer review under paragraph (1)—

(A) if the project study does not include an environmental impact statement and is a project study subject to peer review under paragraph (3)(A)(i) that the Chief of Engineers determines—

(i) is not controversial;

(ii) has no more than negligible adverse impacts on scarce or unique cultural, historic, or tribal resources;

(iii) has no substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures; and

(iv) has, before implementation of mitigation measures, no more than a negligible adverse impact on a species listed as endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the critical habitat of such species designated under such Act;

(B) if the project study—

(i) involves only the rehabilitation or replacement of existing hydropower turbines, lock structures, or flood control gates within the same footprint and for the same purpose as an existing water resources project;

(ii) is for an activity for which there is ample experience within the Corps of Engineers and industry to treat the activity as being routine; and

(iii) has minimal life safety risk; or

(C) if the project study does not include an environmental impact statement and is a project study pursued under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107(a) of the River and Harbor Act of 1960 (33 U.S.C. 577(a)), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), or section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(6) DETERMINATION OF TOTAL COST.—For purposes of determining the estimated total cost of a project under paragraph (3)(A), the total cost shall be based upon the reasonable estimates of the Chief of Engineers at the completion of the reconnaissance study for the project. If the reasonable estimate of total costs is subsequently determined to be in excess of the amount in paragraph (3)(A), the Chief of Engineers shall make a determination whether a project study is required to be reviewed under this section.

(b) TIMING OF PEER REVIEW.—

(1) IN GENERAL.—The Chief of Engineers shall determine the timing of a peer review of a project study under subsection (a). In all cases, the peer review shall occur during the period beginning on the date of the signing of the feasibility cost-sharing agreement for the study and ending on the date established under subsection (e)(1)(A) for the peer review and shall be accomplished concurrent with the conducting of the project study.

(2) FACTORS TO CONSIDER.—In any case in which the Chief of Engineers has not initiated a peer review of a project study, the Chief of Engineers shall consider, at a minimum, whether to initiate a peer review at the time that—

(A) the without-project conditions are identified;

(B) the array of alternatives to be considered are identified; and

(C) the preferred alternative is identified.

(3) LIMITATION ON MULTIPLE PEER REVIEW.—Nothing in this subsection shall be construed to require the Chief of Engineers to conduct multiple peer reviews for a project study.

(c) ESTABLISHMENT OF PANELS.—

(1) IN GENERAL.—For each project study subject to peer review under subsection (a), as soon as practicable after the Chief of Engineers determines that a project study will be subject to peer review, the Chief of Engineers shall contract with the National Academy of Sciences or a similar independent scientific and technical advisory organization or an eligible organization to establish a panel of experts to conduct a peer review for the project study.

(2) MEMBERSHIP.—A panel of experts established for a project study under this section shall be composed of independent experts who represent a balance of areas of expertise suitable for the review being conducted.

(3) LIMITATION ON APPOINTMENTS.—The National Academy of Sciences or any other organization the Chief of Engineers contracts with under paragraph (1) to establish a panel of experts shall apply the National Academy of Science's policy for selecting committee members to ensure that members selected for the panel of experts have no conflict with the project being reviewed.

(4) CONGRESSIONAL NOTIFICATION.—Upon identification of a project study for peer review under this section, but prior to initiation of the review, the Chief of Engineers shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the review.

(d) DUTIES OF PANELS.—A panel of experts established for a peer review for a project study under this section shall—

(1) conduct the peer review for the project study;

(2) assess the adequacy and acceptability of the economic, engineering, and environmental methods, models, and analyses used by the Chief of Engineers;

(3) receive from the Chief of Engineers the public written and oral comments provided to the Chief of Engineers;

(4) provide timely written and oral comments to the Chief of Engineers throughout the development of the project study, as requested; and

(5) submit to the Chief of Engineers a final report containing the panel's economic, engineering, and environmental analysis of the project study, including the panel's assessment of the

adequacy and acceptability of the economic, engineering, and environmental methods, models, and analyses used by the Chief of Engineers, to accompany the publication of the report of the Chief of Engineers for the project.

(e) DURATION OF PROJECT STUDY PEER REVIEWS.—

(1) DEADLINE.—A panel of experts established under this section shall—

(A) complete its peer review under this section for a project study and submit a report to the Chief of Engineers under subsection (d)(5) not more than 60 days after the last day of the public comment period for the draft project study, or, if the Chief of Engineers determines that a longer period of time is necessary, such period of time determined necessary by the Chief of Engineers; and

(B) terminate on the date of initiation of the State and agency review required by the first section of the Flood Control Act of December 22, 1944 (58 Stat. 887).

(2) FAILURE TO MEET DEADLINE.—If a panel of experts does not complete its peer review of a project study under this section and submit a report to the Chief of Engineers under subsection (d)(5) on or before the deadline established by paragraph (1) for the peer review, the Chief of Engineers shall complete the project study without delay.

(f) RECOMMENDATIONS OF PANEL.—

(1) CONSIDERATION BY THE CHIEF OF ENGINEERS.—After receiving a report on a project study from a panel of experts under this section and before entering a final record of decision for the project, the Chief of Engineers shall consider any recommendations contained in the report and prepare a written response for any recommendations adopted or not adopted.

(2) PUBLIC AVAILABILITY AND TRANSMITTAL TO CONGRESS.—After receiving a report on a project study from a panel of experts under this section, the Chief of Engineers shall—

(A) make a copy of the report and any written response of the Chief of Engineers on recommendations contained in the report available to the public by electronic means, including the Internet; and

(B) transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the report, together with any such written response, on the date of a final report of the Chief of Engineers or other final decision document for the project study.

(g) COSTS.—

(1) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(A) shall be a Federal expense; and

(B) shall not exceed $500,000.

(2) WAIVER.—The Chief of Engineers may waive the $500,000 limitation contained in paragraph (1)(B) in cases that the Chief of Engineers determines appropriate.

(h) APPLICABILITY.—This section shall apply to—

(1) project studies initiated during the 2-year period preceding the date of enactment of this Act and for which the array of alternatives to be considered has not been identified; and

(2) project studies initiated during the period beginning on such date of enactment and ending 7 years after such date of enactment.

(i) REPORTS.—

(1) INITIAL REPORT.—Not later than 3 years after the date of enactment of this section, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section.

(2) ADDITIONAL REPORT.—Not later than 6 years after the date of enactment of this section, the Chief of Engineers shall update the report under paragraph (1) taking into account any further information on implementation of this section and submit such updated report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(j) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a peer review panel established under this section.

(k) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Chief of Engineers to cause or conduct a peer review of a water resources project existing on the date of enactment of this section.

(l) DEFINITIONS.—In this section, the following definitions apply:

(1) PROJECT STUDY.—The term "project study" means—

(A) a feasibility study or reevaluation study for a water resources project, including the environmental impact statement prepared for the study; and

(B) any other study associated with a modification of a water resources project that includes an environmental impact statement, including the environmental impact statement prepared for the study.

(2) AFFECTED STATE.—The term "affected State", as used with respect to a water resources project, means a State all or a portion of which is within the drainage basin in which the project is or would be located and would be economically or environmentally affected as a consequence of the project.

(3) ELIGIBLE ORGANIZATION.—The term "eligible organization" means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

(4) TOTAL COST.—The term "total cost", as used with respect to a water resources project, means the cost of construction (including planning and designing) of the project. In the case of a project for hurricane and storm damage reduction or flood damage reduction that includes periodic nourishment over the life of the project, the term includes the total cost of the nourishment.

SEC. 2035. SAFETY ASSURANCE REVIEW.

(a) PROJECTS SUBJECT TO SAFETY ASSURANCE REVIEW.—The Chief of Engineers shall ensure that the design and construction activities for hurricane and storm damage reduction and flood damage reduction projects are reviewed by independent experts under this section if the Chief of Engineers determines that a review by independent experts is necessary to assure public health, safety, and welfare.

(b) FACTORS.—In determining whether a review of design and construction of a project is necessary under this section, the Chief of Engineers shall consider whether—

(1) the failure of the project would pose a significant threat to human life;

(2) the project involves the use of innovative materials or techniques;

(3) the project design lacks redundancy; or

(4) the project has a unique construction sequencing or a reduced or overlapping design construction schedule.

(c) SAFETY ASSURANCE REVIEW.—

(1) INITIATION OF REVIEW.—At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this section, the Chief of Engineers shall initiate a safety assurance review by independent experts on the design and construction activities for the project.

(2) SELECTION OF REVIEWERS.—A safety assurance review under this section shall include participation by experts selected by the Chief of Engineers from among individuals who are distinguished experts in engineering, hydrology, or other appropriate disciplines. The Chief of Engineers shall apply the National Academy of Science's policy for selecting reviewers to ensure that reviewers have no conflict of interest with the project being reviewed.

(3) COMPENSATION.—An individual serving as an independent reviewer under this section shall be compensated at a rate of pay to be determined by the Secretary and shall be allowed travel expenses.

(d) SCOPE OF SAFETY ASSURANCE REVIEWS.—A safety assurance review under this section shall include a review of the design and construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed on a regular schedule sufficient to inform the Chief of Engineers on the adequacy, appropriateness, and acceptability of the design and construction activities for the purpose of assuring public health, safety, and welfare. The Chief of Engineers shall ensure that reviews under this section do not create any unnecessary delays in design and construction activities.

(e) SAFETY ASSURANCE REVIEW RECORD.—The written recommendations of a reviewer or panel of reviewers under this section and the responses of the Chief of Engineers shall be available to the public, including through electronic means on the Internet.

(f) APPLICABILITY.—This section shall apply to any project in design or under construction on the date of enactment of this Act and to any project with respect to which design or construction is initiated during the period beginning on the date of enactment of this Act and ending 7 years after such date of enactment.

SEC. 2036. MITIGATION FOR FISH AND WILDLIFE AND WETLANDS LOSSES.

(a) MITIGATION FOR FISH AND WILDLIFE LOSSES.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in the first sentence of paragraph (1) by striking "to the Congress" and inserting "to Congress in any report, and shall not select a project alternative in any report,";

(2) in the second sentence of paragraph (1) by inserting ", and other habitat types are mitigated to not less than in-kind conditions" after "mitigated in-kind"; and

(3) by adding at the end the following:

"(3) MITIGATION REQUIREMENTS.—

"(A) IN GENERAL.—To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that the mitigation plan for each water resources project complies with the mitigation standards and policies established pursuant to the regulatory programs administered by the Secretary.

"(B) INCLUSIONS.—A specific mitigation plan for a water resources project under paragraph (1) shall include, at a minimum—

"(i) a plan for monitoring the implementation and ecological success of each mitigation measure, including the cost and duration of any monitoring, and, to the extent practicable, a designation of the entities that will be responsible for the monitoring;

"(ii) the criteria for ecological success by which the mitigation will be evaluated and determined to be successful based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics;

"(iii) a description of the land and interests in land to be acquired for the mitigation plan and the basis for a determination that the land and interests are available for acquisition;

"(iv) a description of—

"(I) the types and amount of restoration activities to be conducted;

"(II) the physical action to be undertaken to achieve the mitigation objectives within the watershed in which such losses occur and, in any case in which the mitigation will occur outside the watershed, a detailed explanation for undertaking the mitigation outside the watershed; and

"(III) the functions and values that will result from the mitigation plan; and

"(v) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that mitigation measures are not achieving ecological success in accordance with criteria under clause (ii).

"(C) RESPONSIBILITY FOR MONITORING.—In any case in which it is not practicable to identify in a mitigation plan for a water resources project the entity responsible for monitoring at the time of a final report of the Chief of Engineers or other final decision document for the project, such entity shall be identified in the partnership agreement entered into with the non-Federal interest under section 221 of Flood Control Act of 1970 (42 U.S.C. 1962d–5b).

"(4) DETERMINATION OF SUCCESS.—

"(A) IN GENERAL.—A mitigation plan under this subsection shall be considered to be successful at the time at which the criteria under paragraph (3)(B)(ii) are achieved under the plan, as determined by monitoring under paragraph (3)(B)(i).

"(B) CONSULTATION.—In determining whether a mitigation plan is successful under subparagraph (A), the Secretary shall consult annually with appropriate Federal agencies and each State in which the applicable project is located on at least the following:

"(i) The ecological success of the mitigation as of the date on which the report is submitted.

"(ii) The likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan.

"(iii) The projected timeline for achieving that success.

"(iv) Any recommendations for improving the likelihood of success.

"(5) MONITORING.—Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.".

(b) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of construction of projects that require mitigation under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283), the status of such mitigation, and the results of the consultation under subsection (d)(4)(B) of such section.

(2) PROJECTS INCLUDED.—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have undergone or completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986.

(3) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the status report available to the public, including on the Internet.

(c) WETLANDS MITIGATION.—

(1) IN GENERAL.—In carrying out a water resources project that involves wetlands mitigation and that has impacts that occur within the service area of a mitigation bank, the Secretary, where appropriate, shall first consider the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605) or other applicable Federal law (including regulations).

(2) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank under paragraph (1) shall be in the same watershed as the affected habitat.

(3) RESPONSIBILITY FOR MONITORING.—

(A) IN GENERAL.—Purchase of credits from a mitigation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.

(B) APPLICABILITY.—The relief of responsibility under subparagraph (A) applies only in any case in which the Secretary determines that monitoring of mitigation success is being conducted by the Secretary or by the owner or operator of the mitigation bank.

SEC. 2037. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended to read as follows:

"SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

"(a) IN GENERAL.—

"(1) SEDIMENT USE.—For sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary shall develop, at Federal expense, regional sediment management plans and carry out projects at locations identified in plans developed under this section, or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects for purposes listed in paragraph (3).

"(2) COOPERATION.—The Secretary shall develop plans under this subsection in cooperation with the appropriate Federal, State, regional, and local agencies.

"(3) PURPOSES FOR SEDIMENT USE IN PROJECTS.—The purposes of using sediment for the construction, repair, modification, or rehabilitation of Federal water resources projects are—

"(A) to reduce storm damage to property;

"(B) to protect, restore, and create aquatic and ecologically related habitats, including wetlands; and

"(C) to transport and place suitable sediment.

"(b) SECRETARIAL FINDINGS.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary finds that—

"(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and

"(2) the project will not result in environmental degradation.

"(c) DETERMINATION OF PROJECT COSTS.—

"(1) COSTS OF CONSTRUCTION.—

"(A) IN GENERAL.—Costs associated with construction of a project under this section or identified in a regional sediment management plan shall be limited solely to construction costs that are in excess of the costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

"(B) COST SHARING.—

"(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal share of the construction cost of a project under this section shall be determined as provided in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

"(ii) SPECIAL RULE.—Construction of a project under this section for one or more of the purposes of protection, restoration, or creation of aquatic and ecologically related habitat, the cost of which does not exceed $750,000 and which is located in a disadvantaged community as determined by the Secretary, may be carried out at Federal expense.

"(C) TOTAL COST.—The total Federal costs associated with construction of a project under this section may not exceed $5,000,000.

"(2) OPERATION, MAINTENANCE, REPLACEMENT, AND REHABILITATION COSTS.—Operation, maintenance, replacement, and rehabilitation costs associated with a project under this section are the responsibility of the non-Federal interest.

"(d) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR ENVIRONMENTAL PURPOSES.—

"(1) IN GENERAL.—In developing and carrying out a Federal water resources project involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least cost option if the Secretary determines that the incremental costs of the disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion.

"(2) FEDERAL SHARE.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

"(e) STATE AND REGIONAL PLANS.—The Secretary may—

"(1) cooperate with any State in the preparation of a comprehensive State or regional sediment management plan within the boundaries of the State;

"(2) encourage State participation in the implementation of the plan; and

"(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

"(f) PRIORITY AREAS.—In carrying out this section, the Secretary shall give priority to a regional sediment management project in the vicinity of each of the following:

"(1) Little Rock Slackwater Harbor, Arkansas.

"(2) Fletcher Cove, California.

"(3) Egmont Key, Florida.

"(4) Calcasieu Ship Channel, Louisiana.

"(5) Delaware River Estuary, New Jersey and Pennsylvania.

"(6) Fire Island Inlet, Suffolk County, New York.

"(7) Smith Point Park Pavilion and the TWA Flight 800 Memorial, Brookhaven, New York.

"(8) Morehead City, North Carolina.

"(9) Toledo Harbor, Lucas County, Ohio.

"(10) Galveston Bay, Texas.

"(11) Benson Beach, Washington.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 per fiscal year, of which not more than $5,000,000 per fiscal year may be used for the development of regional sediment management plans authorized by subsection (e) and of which not more than $3,000,000 per fiscal year may be used for construction of projects to which subsection (c)(1)(B)(ii) applies. Such funds shall remain available until expended.".

(b) CONFORMING REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) EXISTING PROJECTS.—The Secretary may complete any project being carried out under

section 145 of the Water Resources Development Act of 1976 on the day before the date of enactment of this Act.

SEC. 2038. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

(a) In General.—Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), is amended to read as follows:

"SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

"(a) Construction of Small Shore and Beach Restoration and Protection Projects.—

"(1) In general.—The Secretary may carry out a program for the construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

"(2) Local cooperation.—The local cooperation requirement of the first section of this Act shall apply to a project under this section.

"(3) Completeness.—A project under this subsection—

"(A) shall be complete; and

"(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project; except for participation in periodic beach nourishment in accordance with—

"(i) the first section of this Act; and

"(ii) the procedure for projects authorized after submission of a survey report.

"(b) National Shoreline Erosion Control Development and Demonstration Program.—

"(1) In general.—The Secretary shall conduct under the program authorized by subsection (a) a national shoreline erosion control development and demonstration program (referred to in this section as the 'demonstration program').

"(2) Requirements.—

"(A) In general.—The demonstration program shall include provisions for—

"(i) projects consisting of planning, design, construction, and monitoring of prototype engineered and native and naturalized vegetative shoreline erosion control devices and methods;

"(ii) monitoring of the applicable prototypes;

"(iii) detailed engineering and environmental reports on the results of each project carried out under the demonstraton program; and

"(iv) technology transfers, as appropriate, to private property owners, State and local entities, nonprofit educational institutions, and nongovernmental organizations.

"(B) Determination of feasibility.—A project under the demonstration program shall not be carried out until the Secretary determines that the project is feasible.

"(C) Emphasis.—A project under the demonstration program shall emphasize, to the maximum extent practicable—

"(i) the development and demonstration of innovative technologies;

"(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

"(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

"(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;

"(v) the avoidance of negative impacts to adjacent shorefront communities;

"(vi) in areas with substantial residential or commercial interests located adjacent to the shoreline, designs that do not impair the aesthetic appeal of the interests;

"(vii) the potential for long-term protection afforded by the technology; and

"(viii) recommendations developed from evaluations of the program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962–5 note), including—

"(I) adequate consideration of the subgrade;

"(II) proper filtration;

"(III) durable components;

"(IV) adequate connection between units; and

"(V) consideration of additional relevant information.

"(D) Sites.—

"(i) In general.—Each project under the demonstration program may be carried out at—

"(I) a privately owned site with substantial public access; or

"(II) a publicly owned site on open coast or in tidal waters.

"(ii) Selection.—The Secretary shall develop criteria for the selection of sites for projects under the demonstration program, including criteria based on—

"(I) a variety of geographic and climatic conditions;

"(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

"(III) the rate of erosion;

"(IV) significant natural resources or habitats and environmentally sensitive areas; and

"(V) significant threatened historic structures or landmarks.

"(3) Consultation.—The Secretary shall carry out the demonstration program in consultation with—

"(A) the Secretary of Agriculture, particularly with respect to native and naturalized vegetative means of preventing and controlling shoreline erosion;

"(B) Federal, State, and local agencies;

"(C) private organizations;

"(D) the Coastal Engineering Research Center established by the first section of Public Law 88–172 (33 U.S.C. 426–1); and

"(E) applicable university research facilities.

"(4) Completion of demonstration.—After carrying out the initial construction and evaluation of the performance and cost of a project under the demonstration program, the Secretary may—

"(A) amend, at the request of a non-Federal interest of the project, the partnership agreement for a federally authorized shore protection project in existence on the date on which initial construction of the project under the demonstration program is complete to incorporate the project constructed under the demonstration program as a feature of the shore protection project, with the future cost sharing of the project constructed under the demonstration program to be determined by the project purposes of the shore protection project; or

"(B) transfer all interest in and responsibility for the completed project constructed under the demonstration program to a non-Federal interest or another Federal agency.

"(5) Agreements.—The Secretary may enter into a partnership agreement with the non-Federal interest or a cooperative agreement with the head of another Federal agency under the demonstration program—

"(A) to share the costs of construction, operation, maintenance, and monitoring of a project under the demonstration program;

"(B) to share the costs of removing the project, or element of the project if the Secretary determines that the project or element of the project is detrimental to public or private property, public infrastructure, or public safety; or

"(C) to specify ownership of the completed project if the Secretary determines that the completed project will not be part of a Corps of Engineers project.

"(6) Report.—Not later than December 31, 2008, and every 3 years thereafter, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

"(A) the activities carried out and accomplishments made under the demonstration program since the previous report under this paragraph; and

"(B) any recommendations of the Secretary relating to the program.

"(c) Authorization of Appropriations.—

"(1) In general.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than $30,000,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under this section.

"(2) Limitation.—The total amount expended for a project under this section shall—

"(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

"(B) be not more than $5,000,000.".

(b) Repeal.—Section 5 the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426h), is repealed.

SEC. 2039. MONITORING ECOSYSTEM RESTORATION.

(a) In General.—In conducting a feasibility study for a project (or a component of a project) for ecosystem restoration, the Secretary shall ensure that the recommended project includes, as an integral part of the project, a plan for monitoring the success of the ecosystem restoration.

(b) Monitoring Plan.—The monitoring plan shall—

(1) include a description of the monitoring activities to be carried out, the criteria for ecosystem restoration success, and the estimated cost and duration of the monitoring; and

(2) specify that the monitoring shall continue until such time as the Secretary determines that the criteria for ecosystem restoration success will be met.

(c) Cost Share.—For a period of 10 years from completion of construction of a project (or a component of a project) for ecosystem restoration, the Secretary shall consider the cost of carrying out the monitoring as a project cost. If the monitoring plan under subsection (b) requires monitoring beyond the 10-year period, the cost of monitoring shall be a non-Federal responsibility.

SEC. 2040. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.

(a) In General.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Secretary.

(b) Limitations.—This section does not preclude the submission of a physical copy.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 2041. PROJECT ADMINISTRATION.

(a) Project Tracking.—The Secretary shall assign a unique tracking number to each water resources project under the jurisdiction of the Secretary to be used by each Federal agency throughout the life of the project.

(b) Report Repository.—

(1) In general.—The Secretary shall provide to the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, record of decision, and report to Congress prepared by the Corps of Engineers.

(2) Availability to public.—Each document described in paragraph (1) shall be made available to the public, and an electronic copy of each document shall be made permanently available to the public through the Internet.

SEC. 2042. PROGRAM ADMINISTRATION.

Sections 101, 106, and 108 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2252–2254), are repealed.

SEC. 2043. STUDIES AND REPORTS FOR WATER RESOURCES PROJECTS.

(a) Studies.—

(1) Cost-sharing requirements.—Section 105(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)) is amended by adding at the end the following:

"(3) Detailed project reports.—The requirements of this subsection that apply to a feasibility study also shall apply to a study that results in a detailed project report, except that—

"(A) the first $100,000 of the costs of a study that results in a detailed project report shall be a Federal expense; and

"(B) paragraph (1)(C)(ii) shall not apply to such a study.".

(2) Planning and engineering.—Section 105(b) of such Act (33 U.S.C. 2215(b)) is amended by striking "authorized by this Act".

(3) Definitions.—Section 105 of such Act (33 U.S.C. 2215) is amended by adding at the end the following:

"(d) Definitions.—In this section, the following definitions apply:

"(1) Detailed project report.—The term 'detailed project report' means a report for a project not specifically authorized by Congress in law or otherwise that determines the feasibility of the project with a level of detail appropriate to the scope and complexity of the recommended solution and sufficient to proceed directly to the preparation of contract plans and specifications. The term includes any associated environmental impact statement and mitigation plan. For a project for which the Federal cost does not exceed $1,000,000, the term includes a planning and design analysis document.

"(2) Feasibility study.—The term 'feasibility study' means a study that results in a feasibility report under section 905, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a study that results in a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.".

(b) Reports.—

(1) Preparation.—Section 905(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a)) is amended—

(A) by striking "(a) In the case of any" and inserting the following:

"(a) Preparation of Reports.—

"(1) In general.—In the case of any";

(B) by striking "the Secretary, the Secretary shall" and inserting "the Secretary that results in recommendations concerning a project or the operation of a project and that requires specific authorization by Congress in law or otherwise, the Secretary shall perform a reconnaissance study and";

(C) by striking "Such feasibility report" and inserting the following:

"(2) Contents of feasibility reports.—A feasibility report";

(D) by striking "The feasibility report" and inserting "A feasibility report"; and

(E) by striking the last sentence and inserting the following:

"(3) Applicability.—This subsection shall not apply to—

"(A) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act;

"(B) any study for a project, which project is authorized for construction by this Act and is not subject to section 903(b);

"(C) any study for a project which does not require specific authorization by Congress in law or otherwise; and

"(D) general studies not intended to lead to recommendation of a specific water resources project.

"(4) Feasibility report defined.—In this subsection, the term 'feasibility report' means each feasibility report, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.".

(2) Projects not specifically authorized by Congress.—Section 905 of such Act is further amended—

(A) in subsection (b) by inserting "Reconnaissance Studies.—" before "Before initiating";

(B) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

(C) by inserting after subsection (b) the following:

"(c) Projects Not Specifically Authorized by Congress.—In the case of any water resources project-related study authorized to be undertaken by the Secretary without specific authorization by Congress in law or otherwise, the Secretary shall prepare a detailed project report.";

(D) in subsection (d) (as so redesignated) by inserting "Indian Tribes.—" before "For purposes of"; and

(E) in subsection (e) (as so redesignated) by inserting "Standard and Uniform Procedures and Practices.—" before "The Secretary shall".

SEC. 2044. COORDINATION AND SCHEDULING OF FEDERAL, STATE, AND LOCAL ACTIONS.

(a) Notice of Intent.—Upon request of the non-Federal interest in the form of a written notice of intent to construct or modify a non-Federal water supply, wastewater infrastructure, flood damage reduction, storm damage reduction, ecosystem restoration, or navigation project that requires the approval of the Secretary, the Secretary shall initiate, subject to subsection (c), procedures to establish a schedule for consolidating Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and issuance of all permits for the construction or modification of the project. All States and Indian tribes having jurisdiction over the proposed project shall be invited by the Secretary, but shall not be required, to participate in carrying out this section with respect to the project.

(b) Coordination.—The Secretary shall seek, to the extent practicable, to consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The Secretary shall notify, to the extent possible, the non-Federal interest of its responsibilities for data development and information that may be necessary to process each permit required for the project, including a schedule when the information and data should be provided to the appropriate Federal, State, or local agency or Indian tribe.

(c) Costs of Coordination.—The costs incurred by the Secretary to establish and carry out a schedule to consolidate Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and permit issuance for a project under this section shall be paid by the non-Federal interest.

(d) Report on Timesavings Methods.—Not later than 3 years after the date of enactment of this section, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, local, and tribal permits for the construction of non-Federal projects for water supply, wastewater infrastructure, flood damage reduction, storm damage reduction, ecosystem restoration, and navigation.

SEC. 2045. PROJECT STREAMLINING.

(a) Policy.—The benefits of water resources projects are important to the Nation's economy and environment, and recommendations to Congress regarding such projects should not be delayed due to uncoordinated or inefficient reviews or the failure to timely resolve disputes during the development of water resources projects.

(b) Scope.—This section shall apply to each study initiated after the date of enactment of this Act to develop a feasibility report under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282), or a reevaluation report, for a water resources project if the Secretary determines that such study requires an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) Water Resources Project Review Process.—The Secretary shall develop and implement a coordinated review process for the development of water resources projects.

(d) Coordinated Reviews.—The coordinated review process under this section may provide that all reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal, State, or local government agency or Indian tribe for the development of a water resources project described in subsection (b) will be conducted, to the maximum extent practicable, concurrently and completed within a time period established by the Secretary in cooperation with the agencies identified under subsection (e) with respect to the project.

(e) Identification of Jurisdictional Agencies.—With respect to the development of each water resources project, the Secretary shall identify, as soon as practicable, all Federal, State, and local government agencies and Indian tribes that may—

(1) have jurisdiction over the project;

(2) be required by law to conduct or issue a review, analysis, or opinion for the project; or

(3) be required to make a determination on issuing a permit, license, or approval for the project.

(f) State Authority.—If the coordinated review process is being implemented under this section by the Secretary with respect to the development of a water resources project described in subsection (b) within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—

(1) have jurisdiction over the project;

(2) are required to conduct or issue a review, analysis, or opinion for the project; or

(3) are required to make a determination on issuing a permit, license, or approval for the project.

(g) Memorandum of Understanding.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a water resources project *between the Secretary, the heads of Federal, State, and local government agencies, Indian tribes identified under subsection (e), and the non-Federal interest for the project.*

(h) EFFECT OF FAILURE TO MEET DEADLINE.—

(1) NOTIFICATION.—If the Secretary determines that a Federal, State, or local government agency, Indian tribe, or non-Federal interest that is participating in the coordinated review process under this section with respect to the development of a water resources project has not met a deadline established under subsection (d) for the project, the Secretary shall notify, within 30 days of the date of such determination, the agency, Indian tribe, or non-Federal interest about the failure to meet the deadline.

(2) AGENCY REPORT.—Not later than 30 days after the date of receipt of a notice under paragraph (1), the Federal, State, or local government agency, Indian tribe, or non-Federal interest involved may submit a report to the Secretary, explaining why the agency, Indian tribe, or non-Federal interest did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, or opinion or determination on issuing a permit, license, or approval.

(3) REPORT TO CONGRESS.—Not later than 30 days after the date of receipt of a report under paragraph (2), the Secretary shall compile and submit a report to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Council on Environmental Quality, describing any deadlines identified in paragraph (1), and any information provided to the Secretary by the Federal, State, or local government agency, Indian tribe, or non-Federal interest involved under paragraph (2).

(i) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

(1) any statutory requirement for seeking public comment;

(2) any power, jurisdiction, or authority that a Federal, State, or local government agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project; or

(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 and the regulations issued by the Council on Environmental Quality to carry out such Act.

SEC. 2046. PROJECT DEAUTHORIZATION.

Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) in the first sentence—

(A) by striking "two years" and inserting "year"; and

(B) by striking "7" and inserting "5";

(2) in the last sentence by striking "30 months after the date" and inserting "the last date of the fiscal year following the fiscal year in which"; and

(3) in the last sentence by striking "such 30 month period" and inserting "such period".

SEC. 2047. FEDERAL HOPPER DREDGES.

(a) HOPPER DREDGE MCFARLAND.—Section 563 of the Water Resources Development Act of 1996 (110 Stat. 3784) is amended to read as follows:

"SEC. 563. HOPPER DREDGE MCFARLAND.

"(a) PLACEMENT IN READY RESERVE STATUS.—Not before October 1, 2009, and not after December 31, 2009, the Secretary shall—

"(1) place the Federal hopper dredge McFarland (referred to in this section as the 'vessel') in a ready reserve status; and

"(2) use the vessel solely for urgent and emergency purposes in accordance with existing emergency response protocols.

"(b) ROUTINE TESTS AND MAINTENANCE.—

"(1) IN GENERAL.—The Secretary shall periodically perform routine underway dredging tests of the equipment (not to exceed 70 days per year) of the vessel in a ready reserve status to ensure the ability of the vessel to perform urgent and emergency work.

"(2) MAINTENANCE.—The Secretary—

"(A) shall not assign any scheduled hopper dredging work to the vessel other than dredging tests in the Delaware River and Bay; but

"(B) shall perform any repairs, including any asbestos abatement, necessary to maintain the vessel in a ready reserve fully operational condition.

"(c) ACTIVE STATUS FOR DREDGING.—The Secretary, in consultation with affected stakeholders, shall place the vessel in active status in order to perform dredging work if the Secretary determines that private industry has failed—

"(1) to submit a responsive and responsible bid for work advertised by the Secretary; or

"(2) to carry out a project as required pursuant to a contract between the industry and the Secretary.".

(b) HOPPER DREDGES ESSAYONS AND YAQUINA.—Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: "This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.".

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

Section 111 of title I of division C of the Consolidated Appropriations Act, 2005 (118 Stat. 2944) is amended to read as follows:

"SEC. 111. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

"(a) CONSTRUCTION OF NEW FACILITIES.—

"(1) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) EXISTING FACILITY.—The term 'existing facility' means the administrative and maintenance facility for the project for Black Warrior-Tombigbee Rivers, Alabama, authorized by the first section of the River and Harbor Appropriations Act of July 5, 1884 (24 Stat. 141), in existence on the date of enactment of the Water Resources Development Act of 2007.

"(B) PARCEL.—The term 'Parcel' means the land owned by the Corps of Engineers serving as the operations and maintenance facility of the Corps of Engineers in the city of Tuscaloosa, Alabama, in existence on the date of enactment of the Water Resources Development Act of 2007.

"(2) AUTHORIZATION.—In carrying out the project for Black Warrior-Tombigbee Rivers, Alabama, the Secretary is authorized, at Federal expense—

"(A) to purchase land on which the Secretary may construct a new maintenance facility for the project, to be located—

"(i) at a different location from the existing facility; and

"(ii) in the vicinity of the city of Tuscaloosa, Alabama;

"(B) at any time during or after the completion of (and relocation to) the new maintenance facility, to demolish the existing facility; and

"(C) to construct on the Parcel a new administrative facility for the project.

"(b) ACQUISITION AND DISPOSITION OF PROPERTY.—The Secretary—

"(1) may acquire any real property necessary for the construction of the new maintenance facility under subsection (a)(2)(A); and

"(2) shall convey to the city of Tuscaloosa fee simple title in and to any portion of the Parcel not required for construction of the new administrative facility under subsection (a)(2)(C) through—

"(A) sale at fair market value;

"(B) exchange for city of Tuscaloosa owned land on an acre-for-acre basis; or

"(C) any combination of a sale under subparagraph (A) and an exchange under subparagraph (B).

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $32,000,000.".

SEC. 3002. COOK INLET, ALASKA.

Section 118(a)(3) of the Energy and Water Development Appropriations Act, 2005 (title I of division C of the Consolidated Appropriations Act, 2005; 118 Stat. 2945) is amended by inserting "as part of the operation and maintenance of such project modification" after "by the Secretary".

SEC. 3003. KING COVE HARBOR, ALASKA.

The maximum amount of Federal funds that may be expended for the project for navigation, King Cove Harbor, Alaska, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be $8,000,000.

SEC. 3004. SEWARD HARBOR, ALASKA.

The project for navigation, Seward Harbor, Alaska, authorized by section 101(a)(3) of the Water Resources Development Act of 1999 (113 Stat. 274), is modified to authorize the Secretary to extend the existing breakwater by approximately 215 feet, at a total cost of $3,333,000, with an estimated Federal cost of $2,666,000 and an estimated non-Federal cost of $667,000.

SEC. 3005. SITKA, ALASKA.

The Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101(1) of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as is necessary to correct design deficiencies in the Sitka Harbor Breakwater at Federal expense. The estimated cost is $6,300,000.

SEC. 3006. TATITLEK, ALASKA.

The maximum amount of Federal funds that may be expended for the project for navigation, Tatitlek, Alaska, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be $10,000,000.

SEC. 3007. RIO DE FLAG, FLAGSTAFF, ARIZONA.

The project for flood damage reduction, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary to construct the project at a total cost of $54,100,000, with an estimated Federal cost of $35,000,000 and a non-Federal cost of $19,100,000.

SEC. 3008. NOGALES WASH AND TRIBUTARIES FLOOD CONTROL PROJECT, ARIZONA.

The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606) and modified by section 303 of the Water Resources Development Act of 1996 (110 Stat. 3711) and section 302 of the Water Resources Development Act of 2000 (114 Stat. 2600), is modified to authorize the Secretary to construct the project at a total cost of $25,410,000, with an estimated Federal cost of $22,930,000 and an estimated non-Federal cost of $2,480,000.

SEC. 3009. TUCSON DRAINAGE AREA, ARIZONA.

The project for flood damage reduction, environmental restoration, and recreation, Tucson drainage area, Arizona, authorized by section 101(a)(5) of the Water Resources Development Act of 1999 (113 Stat. 274), is modified to authorize the Secretary to construct the project at a total cost of $66,700,000, with an estimated Federal cost of $43,350,000 and an estimated non-Federal cost of $23,350,000.

SEC. 3010. OSCEOLA HARBOR, ARKANSAS.

(a) IN GENERAL.—The project for navigation, Osceola Harbor, Arkansas, constructed under section 107 of the River and Harbor Act of 1960

(33 U.S.C. 577), is modified to allow non-Federal interests to construct a mooring facility within the existing authorized harbor channel, subject to all necessary permits, certifications, and other requirements.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as affecting the responsibility of the Secretary to maintain the general navigation features of the project at a bottom width of 250 feet.

SEC. 3011. ST. FRANCIS RIVER BASIN, ARKANSAS AND MISSOURI.

The project for flood control, St. Francis River Basin, Arkansas and Missouri, authorized by the Act of June 15, 1936 (49 Stat. 1508), is modified to authorize the Secretary to undertake channel stabilization and sediment removal measures on the St. Francis River and tributaries as a nonseparable element of the original project.

SEC. 3012. PINE MOUNTAIN DAM, ARKANSAS.

The Pine Mountain Dam feature of the project for flood protection, Lee Creek, Arkansas and Oklahoma, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1078), is modified—

(1) to add environmental restoration as a project purpose; and

(2) to direct the Secretary to finance the non-Federal share of the cost of the project, including treatment and distributions components, over a 30-year period in accordance with section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).

SEC. 3013. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA.

(a) IN GENERAL.—Section 204 of the Flood Control Act of 1950 (64 Stat. 173) is amended in the matter under the heading "RED-OUACHITA RIVER BASIN" by striking "improvements at Calion, Arkansas" and inserting "improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)".

(b) MODIFICATION. Section 3 of the Flood Control Act of August 18, 1941 (55 Stat. 642), is amended in the second sentence of subsection (a) in the matter under the heading "LOWER MISSISSIPPI RIVER" by inserting before the period at the end the following: "; except that the Ouachita River Levees, Louisiana, authorized by the first section of the Mississippi River Flood Control Act of May 15, 1928 (45 Stat. 534), shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as provided under section 3 of that Act (45 Stat. 535)".

SEC. 3014. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the storm drainage system of the city of Woodland, including all appurtenant features, erosion control measures, and environmental protection features.

(b) OBJECTIVES.—Mitigation under subsection (a) shall restore the preproject capacity of the city of Woodland to release 1,360 cubic feet per second of water to the Yolo Bypass and shall include—

(1) channel improvements;

(2) an outlet work through the west levee of the Yolo Bypass; and

(3) a new low flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 3015. CALFED STABILITY PROGRAM, CALIFORNIA.

(a) AMENDMENTS.—Section 103(f)(3) of the Water Supply, Reliability, and Environmental Improvement Act (118 Stat. 1695–1696) is amended—

(1) in subparagraph (A) by striking "within the Delta (as defined in Cal. Water Code §12220)";

(2) by striking subparagraph (C) and inserting the following:

"(C) JUSTIFICATION.—

"(i) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2), in carrying out levee stability programs and projects pursuant to this paragraph, the Secretary of the Army may determine that the programs and projects are justified by the benefits of the project purposes described in subparagraph (A), and the programs and projects shall require no additional economic justification if the Secretary of the Army further determines that the programs and projects are cost effective.

"(ii) APPLICABILITY.—Clause (i) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the project purposes described in subparagraph (A)."; and

(3) in subparagraph (D)(i) by inserting "as described in the Record of Decision" after "Public Law 84–99 standard)".

(b) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available pursuant to the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361) to carry out section 103(f)(3)(D) of that Act (118 Stat. 1696), there is authorized to be appropriated to carry out projects described in that section $106,000,000, to remain available until expended.

SEC. 3016. COMPTON CREEK, CALIFORNIA.

The project for flood control, Los Angeles Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611), is modified to add environmental restoration and recreation as project purposes.

SEC. 3017. GRAYSON CREEK/MURDERER'S CREEK, CALIFORNIA.

The project for aquatic ecosystem restoration, Grayson Creek/Murderer's Creek, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified—

(1) to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project; and

(2) to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3018. HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to direct the Secretary to construct the project substantially in accordance with the report of the Chief of Engineers dated July 19, 2004, at a total cost of $228,100,000, with an estimated Federal cost of $171,100,000 and an estimated non-Federal cost of $57,000,000.

SEC. 3019. JOHN F. BALDWIN SHIP CHANNEL AND STOCKTON SHIP CHANNEL, CALIFORNIA.

The project for navigation, San Francisco to Stockton, California, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) is modified—

(1) to provide that the non-Federal share of the cost of the John F. Baldwin Ship Channel and Stockton Ship Channel element of the project may be provided in the form of in-kind services and materials; and

(2) to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of such element the cost of planning and design work carried out by the non-Federal interest for such element before the date of an agreement for such planning and design.

SEC. 3020. KAWEAH RIVER, CALIFORNIA.

The project for flood control, Terminus Dam, Kaweah River, California, authorized by section 101(b)(5) of the Water Resources Development Act of 1996 (110 Stat. 3658), is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project, or provide reimbursement not to exceed $800,000, for the costs of any work carried out by the non-Federal interest for the project before the date of the project partnership agreement.

SEC. 3021. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.

The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to determine whether maintenance of the project is feasible, and if the Secretary determines that maintenance of the project is feasible, to carry out such maintenance.

SEC. 3022. LLAGAS CREEK, CALIFORNIA.

(a) IN GENERAL.—The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to direct the Secretary to carry out the project at a total cost of $105,000,000, with an estimated Federal cost of $65,000,000 and an estimated non-Federal cost of $40,000,000.

(b) SPECIAL RULE.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) if the detailed project report evaluation indicates that applying such section is necessary to implement the project.

SEC. 3023. MAGPIE CREEK, CALIFORNIA.

(a) IN GENERAL.—The project for Magpie Creek, California, authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements of section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

(b) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(c) COST.—The maximum amount of Federal funds that may be expended for the project referred to in subsection (a) shall be $10,000,000.

SEC. 3024. PACIFIC FLYWAY CENTER, SACRAMENTO, CALIFORNIA.

The project for aquatic ecosystem restoration, Pacific Flyway Center, Sacramento, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to authorize the Secretary to expend $2,000,000 to enhance public access to the project.

SEC. 3025. PETALUMA RIVER, PETALUMA, CALIFORNIA.

The project for flood damage reduction, Petaluma River, Petaluma, California, authorized by section 112 of the Water Resources Development Act of 2000 (114 Stat. 2587), is modified to authorize the Secretary to construct the project at a total cost of $41,500,000, with an estimated Federal cost of $26,975,000 and an estimated non-Federal cost of $14,525,000.

SEC. 3026. PINOLE CREEK, CALIFORNIA.

The project for improvement of the quality of the environment, Pinole Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3027. PRADO DAM, CALIFORNIA.

Upon completion of the modifications to the Prado Dam element of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), the Memorandum of Agreement for the Operation for Prado Dam for Seasonal Additional Water Conservation between the Department of the Army and the Orange County Water District (including all the conditions and stipulations in the memorandum) shall remain in effect for volumes of water made available prior to such modifications.

SEC. 3028. REDWOOD CITY NAVIGATION CHANNEL, CALIFORNIA.

The Secretary may dredge the Redwood City Navigation Channel, California, on an annual basis, to maintain the authorized depth of –30 feet mean lower low water.

SEC. 3029. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) NATOMAS LEVEE FEATURES.—

(1) IN GENERAL.—The project for flood control and recreation, Sacramento and American Rivers, California (Natomas Levee features), authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944), is modified to direct the Secretary to credit $20,503,000 to the Sacramento Area Flood Control Agency for the nonreimbursed Federal share of costs incurred by the Agency in connection with the project.

(2) ALLOCATION OF CREDIT.—The Secretary shall allocate the amount to be credited pursuant to paragraph (1) toward the non-Federal share of such projects as are requested by the Sacramento Area Flood Control Agency.

(b) JOINT FEDERAL PROJECT AT FOLSOM DAM.—

(1) IN GENERAL.—The project for flood control, American and Sacramento Rivers, California, authorized by section 101(a)(6)(A) of the Water Resources Development Act of 1999 (113 Stat. 274) and modified by section 128 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2259), is modified to authorize the Secretary to construct the auxiliary spillway generally in accordance with the Post Authorization Change Report, American River Watershed Project (Folsom Dam Modification and Folsom Dam Raise Projects), dated March 2007, at a total cost of $683,000,000, with an estimated Federal cost of $444,000,000 and an estimated non-Federal cost of $239,000,000.

(2) DAM SAFETY.—Nothing in this subsection limits the authority of the Secretary of the Interior to carry out dam safety activities in connection with the auxiliary spillway in accordance with the Bureau of Reclamation safety of dams program.

(3) TRANSFER OF FUNDS.—

(A) IN GENERAL.—The Secretary and the Secretary of the Interior are authorized to transfer between the Department of the Army and the Department of the Interior appropriated amounts and other available funds (including funds contributed by non-Federal interests) for the purpose of planning, design, and construction of the auxiliary spillway.

(B) TERMS AND CONDITIONS.—Any transfer made pursuant to this subsection shall be subject to such terms and conditions as may be agreed on by the Secretary and the Secretary of the Interior.

SEC. 3030. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3031. SACRAMENTO RIVER BANK PROTECTION, CALIFORNIA.

Section 202 of the River Basin Monetary Authorization Act of 1974 (88 Stat. 49) is amended by striking "and the monetary authorization" and all that follows through the period at the end and inserting "; except that the lineal feet in the second phase shall be increased from 405,000 lineal feet to 485,000 lineal feet.".

SEC. 3032. SALTON SEA RESTORATION, CALIFORNIA.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) SALTON SEA AUTHORITY.—The term "Salton Sea Authority" means the joint powers authority established under the laws of the State by a joint power agreement signed on June 2, 1993.

(2) SALTON SEA SCIENCE OFFICE.—The term "Salton Sea Science Office" means the office established by the United States Geological Survey and located on the date of enactment of this Act in La Quinta, California.

(3) STATE.—The term "State" means the State of California.

(b) PILOT PROJECTS.—

(1) IN GENERAL.—

(A) REVIEW.—The Secretary shall review the plan approved by the State, entitled the "Salton Sea Ecosystem Restoration Program Preferred Alternative Report and Funding Plan", and dated May 2007 to determine whether the pilot projects described in the plan are feasible.

(B) IMPLEMENTATION.—

(i) IN GENERAL.—Subject to clause (ii), if the Secretary determines that the pilot projects referred to in subparagraph (A) meet the requirements described in that subparagraph, the Secretary may—

(I) enter into an agreement with the State; and

(II) in consultation with the Salton Sea Authority and the Salton Sea Science Office, carry out pilot projects for improvement of the environment in the area of the Salton Sea.

(ii) REQUIREMENT.—The Secretary shall be a party to each contract for construction entered into under this subparagraph.

(2) LOCAL PARTICIPATION.—In prioritizing pilot projects under this section, the Secretary shall—

(A) consult with the State, the Salton Sea Authority, and the Salton Sea Science Office; and

(B) take into consideration the priorities of the State and the Salton Sea Authority.

(3) COST SHARING.—Before carrying out a pilot project under this section, the Secretary shall enter into a written agreement with the State that requires the non-Federal interest for the pilot project to pay 35 percent of the total costs of the pilot project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $30,000,000, of which not more than $5,000,000 shall be used for any one pilot project under this section.

SEC. 3033. SANTA ANA RIVER MAINSTEM, CALIFORNIA.

The project for flood control, Santa Ana River Mainstem (including Santiago Creek, California), authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113) and modified by section 104 of the Energy and Water Development Appropriation Act, 1988 (101 Stat. 1329–111) and section 309 of the Water Resources Development Act of 1996 (110 Stat. 3713), is further modified to authorize the Secretary to carry out the project at a total cost of $1,800,000,000 and to clarify that the Santa Ana River Interceptor Line is an element of the project.

SEC. 3034. SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.

The project for flood damage reduction, Santa Barbara streams, Lower Mission Creek, California, authorized by section 101(b)(8) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

SEC. 3035. SANTA CRUZ HARBOR, CALIFORNIA.

The project for navigation, Santa Cruz Harbor, California, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 300) and modified by section 809 of the Water Resources Development Act of 1986 (100 Stat. 4168) and section 526 of the Water Resources Development Act of 1999 (113 Stat. 346), is modified to direct the Secretary—

(1) to renegotiate the memorandum of agreement with the non-Federal interest to increase the annual payment to reflect the updated cost of operation and maintenance that is the Federal and non-Federal share as provided by law based on the project purpose; and

(2) to revise the memorandum of agreement to include terms that revise such payments for inflation.

SEC. 3036. SEVEN OAKS DAM, CALIFORNIA.

The project for flood control, Santa Ana Mainstem, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113) and modified by section 104 of the Energy and Water Development Appropriations Act, 1988 (101 Stat. 1329–11), section 102(e) of the Water Resources Development Act of 1990 (104 Stat. 4611), and section 311 of the Water Resources Development Act of 1996 (110 Stat. 3713), is modified to direct the Secretary—

(1) to include ecosystem restoration benefits in the calculation of benefits for the Seven Oaks Dam, California, portion of the project; and

(2) to conduct a study of water conservation and water quality at the Seven Oaks Dam.

SEC. 3037. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project generally in accordance with the Upper Guadalupe River Flood Damage Reduction, San Jose, California, Limited Reevaluation Report, dated March 2004, at a total cost of $256,000,000, with an estimated Federal cost of $136,700,000 and an estimated non-Federal cost of $119,300,000.

SEC. 3038. WALNUT CREEK CHANNEL, CALIFORNIA.

The project for aquatic ecosystem restoration, Walnut Creek Channel, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified—

(1) to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project; and

(2) to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3039. WILDCAT/SAN PABLO CREEK PHASE I, CALIFORNIA.

The project for improvement of the quality of the environment, Wildcat/San Pablo Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3040. WILDCAT/SAN PABLO CREEK PHASE II, CALIFORNIA.

The project for aquatic ecosystem restoration, Wildcat/San Pablo Creek Phase II, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3041. YUBA RIVER BASIN PROJECT, CALIFORNIA.

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified—

(1) to authorize the Secretary to construct the project at a total cost of $107,700,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,700,000; and

(2) to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3042. SOUTH PLATTE RIVER BASIN, COLORADO.

Section 808 of the Water Resources Development Act of 1986 (100 Stat. 4168) is amended by striking "agriculture," and inserting "agriculture, environmental restoration,".

SEC. 3043. INTRACOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, DELAWARE AND MARYLAND.

The project for navigation, Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, authorized by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1030), and section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), is modified to add recreation as a project purpose.

SEC. 3044. ST. GEORGE'S BRIDGE, DELAWARE.

Section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) is amended by adding at the end the following: "The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility by the State. In addition, the Secretary may not carry out any action to close or remove the St. George's Bridge, Delaware, without specific congressional authorization.".

SEC. 3045. BREVARD COUNTY, FLORIDA.

(a) SHORELINE.—The project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified to authorize the Secretary to include the mid-reach as an element of the project from the Florida department of environmental protection monuments 75.4 to 118.3, a distance of approximately 7.6 miles. The restoration work shall only be undertaken upon a determination by the Secretary, following completion of the general reevaluation report authorized by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637), that the shoreline protection is feasible.

(b) CREDIT.—Section 310 of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by adding at the end the following:

"(d) CREDIT.—After completion of the study, the Secretary may credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project for shore protection the cost of nourishment and renourishment associated with the project for shore protection incurred by the non-Federal interest to respond to damages to Brevard County beaches that are the result of a Federal navigation project, as determined in the final report for the study.".

SEC. 3046. BROWARD COUNTY AND HILLSBORO INLET, FLORIDA.

The project for shore protection, Broward County and Hillsboro Inlet, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090), and modified by section 311 of the Water Resources Development Act of 1999 (113 Stat. 301), is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of mitigation construction and derelict erosion control structure removal carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3047. CANAVERAL HARBOR, FLORIDA.

In carrying out the project for navigation, Canaveral Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174), the Secretary shall construct a sediment trap if the Secretary determines construction of the sediment trap is feasible.

SEC. 3048. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized by section 201 of the Flood Control Act of 1965 (79 Stat. 1073), by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, and modified by section 309 of the Water Resources Development Act of 2000 (114 Stat. 2602), is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3049. LIDO KEY BEACH, SARASOTA, FLORIDA.

(a) IN GENERAL.—The project for shore protection, Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819), deauthorized under section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), and reauthorized by section 364(2)(A) of the Water Resources Development Act of 1999 (113 Stat. 313), is modified to direct the Secretary to construct the project substantially in accordance with the report of the Chief of Engineers dated December 22, 2004, at a total cost of $15,190,000, with an estimated Federal cost of $9,320,000 and an estimated non-Federal cost of $5,870,000, and at an estimated total cost of $65,000,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $30,550,000 and an estimated non-Federal cost of $34,450,000.

(b) CONSTRUCTION OF SHORELINE PROTECTION PROJECTS BY NON-FEDERAL INTERESTS.—The Secretary shall enter into a partnership agreement with the non-Federal interest in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1) for the modified project.

SEC. 3050. PEANUT ISLAND, FLORIDA.

The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Peanut Island, Palm Beach County, Florida, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) shall be $9,750,000.

SEC. 3051. PORT SUTTON, FLORIDA.

The project for navigation, Port Sutton, Florida, authorized by section 101(b)(12) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to carry out the project at a total cost of $12,900,000.

SEC. 3052. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.

The project for navigation, Tampa Harbor-Big Bend Channel, Florida, authorized by section 101(a)(18) of the Water Resources Development Act of 1999 (113 Stat. 276) is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3053. TAMPA HARBOR CUT B, FLORIDA.

(a) IN GENERAL.—The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Harbor Cut B if the Secretary determines that such improvements are necessary for navigation safety.

(b) GENERAL REEVALUATION REPORT.—The non-Federal share of the cost of the general reevaluation report for Tampa Harbor, Florida, being conducted on June 1, 2005, shall be the same percentage as the non-Federal share of the cost of construction of the project.

(c) AGREEMENT.—The Secretary shall enter into a new partnership agreement with the non-Federal interest to reflect the cost sharing required by subsection (b).

SEC. 3054. ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a

fair market appraisal to ensure that land exchanged is of equal value.

(b) Disposal and Acquisition of Land, Allatoona Lake, Georgia.—

(1) In general.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) Terms and conditions.—

(A) Willing sellers.—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) Basis.—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) Sharing of costs.—Each purchaser of land under this subsection shall share in the associated costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) Other conditions.—The Secretary may impose on the sale and purchase of land under this subsection such other conditions as the Secretary determines to be appropriate.

(c) Repeal.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. 3055. LATHAM RIVER, GLYNN COUNTY, GEORGIA.

The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Latham River, Glynn County, Georgia, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) shall be $6,175,000.

SEC. 3056. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.

(a) In General.—The Secretary shall carry out additional general construction measures to allow for operation at lower pool levels to satisfy the recreation mission at Dworshak Dam, Idaho.

(b) Improvements.—In carrying out subsection (a), the Secretary shall provide for appropriate improvements to—

(1) facilities that are operated by the Corps of Engineers; and

(2) facilities that, as of the date of enactment of this Act, are leased, permitted, or licensed for use by others.

(c) Cost Sharing.—The Secretary shall carry out this section through a cost-sharing program with Idaho State parks and recreation department at a total estimated project cost of $5,300,000. Notwithstanding section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2313), the Federal share of such cost shall be 75 percent.

SEC. 3057. LITTLE WOOD RIVER, GOODING, IDAHO.

(a) In General.—The project for flood control, Gooding, Idaho, constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.), is modified—

(1) to direct the Secretary to rehabilitate the Gooding Channel project for the purposes of flood control and ecosystem restoration if the Secretary determines that such rehabilitation is not required as a result of improper operation and maintenance of the project by the non-Federal interest and that the rehabilitation and ecosystem restoration is feasible; and

(2) to direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000.

(b) Cost Sharing.—

(1) In general.—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) Operation, maintenance, and repair costs.—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(c) Economic Justification.—Reconstruction efforts and activities carried out under this section shall not require economic justification.

SEC. 3058. BEARDSTOWN COMMUNITY BOAT HARBOR, BEARDSTOWN, ILLINOIS.

(a) In General.—The project for navigation, Muscooten Bay, Illinois River, Beardstown Community Boat Harbor, Beardstown, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to include the channel between the harbor and the Illinois River; and

(2) to direct the Secretary to enter into a partnership agreement with the city of Beardstown to replace the local cooperation agreement dated August 18, 1983, with the Beardstown Community Park District.

(b) Terms of Partnership Agreement.—The partnership agreement referred to in subsection (a) shall include the same rights and responsibilities as the local cooperation agreement dated August 18, 1983, changing only the identity of the non-Federal sponsor.

(c) Maintenance.—Following execution of the partnership agreement referred to in subsection (a), the Secretary may carry out maintenance of the project referred to in subsection (a) on an annual basis.

SEC. 3059. CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee constructed for flood control at the Cache River, Illinois, and authorized by the Act of June 28, 1938 (52 Stat. 1217), is modified to add environmental restoration as a project purpose.

SEC. 3060. CHICAGO RIVER, ILLINOIS.

The Federal navigation channel for the North Branch Channel portion of the Chicago River authorized by section 22 of the Act of March 3, 1899 (30 Stat. 1156), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois, shall be no wider than 66 feet.

SEC. 3061. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) Treatment as Single Project.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (in this section referred to as "Barrier I"), as in existence on the date of enactment of this Act and constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and the project relating to the Chicago Sanitary and Ship Canal Dispersal Barrier, authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352) (in this section referred to as "Barrier II") shall be considered to constitute a single project.

(b) Authorization.—

(1) In general.—The Secretary, at Federal expense, shall—

(A) upgrade and make permanent Barrier I;

(B) construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) Use of credit.—A State may apply a credit provided to the State under paragraph (1)(E) to any cost sharing responsibility for an existing or future Federal project carried out by the Secretary in the State.

(c) Conforming Amendment.—Section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352) is amended to read as follows:

"SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, ILLINOIS.

"There are authorized to be appropriated such sums as may be necessary to carry out the Barrier II element of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note; 100 Stat. 4251).".

(d) Feasibility Study.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall conduct, at Federal expense, a feasibility study of the range of options and technologies available to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins through the Chicago Sanitary and Ship Canal and other aquatic pathways.

SEC. 3062. EMIQUON, ILLINOIS.

(a) Maximum Amount.—The maximum amount of Federal funds that may be expended for the project for aquatic ecosystem restoration, Emiquon, Illinois, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), shall be $7,500,000.

(b) Limitation.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3063. LASALLE, ILLINOIS.

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639–4640), the Secretary shall give priority to work in the vicinity of LaSalle, Illinois, on the Illinois and Michigan Canal.

SEC. 3064. SPUNKY BOTTOMS, ILLINOIS.

(a) Project Purpose.—The project for flood control, Spunky Bottoms, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583), is modified to add environmental restoration as a project purpose.

(b) Maximum Amount.—The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Spunky Bottoms, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), shall be $7,500,000.

(c) Limitation.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n).

(d) Post Construction Monitoring and Management.—Of the Federal funds expended under subsection (b), not less than $500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in carrying out post construction monitoring and adaptive management.

SEC. 3065. CEDAR LAKE, INDIANA.

(a) In General.—The Secretary is authorized to plan, design, and construct an aquatic ecosystem restoration project at Cedar Lake, Indiana.

(b) Complete Feasibility Report.—In planning the project authorized by subsection (a), the Secretary shall expedite completion of the feasibility report for the project for aquatic ecosystem restoration and protection, Cedar Lake,

Indiana, initiated pursuant to section 206 of the Water Resources Development Act 1996 (33 U.S.C. 2330).

(c) AUTHORIZATION.—

(1) IN GENERAL.—There is authorized to be appropriated $11,050,000 to carry out the activities authorized by this section.

(2) OTHER.—The Secretary is authorized to use funds previously appropriated for the project for aquatic ecosystem restoration and protection, Cedar Lake, Indiana, under section 206 of the Water Resources Development Act 1996 (33 U.S.C. 2330) to carry out the activities authorized by this section.

SEC. 3066. KOONTZ LAKE, INDIANA.

The project for aquatic ecosystem restoration, Koontz Lake, Indiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) and modified by section 520 of the Water Resources Development Act of 2000 (114 Stat. 2655), is modified to direct the Secretary to seek to reduce the cost of the project by using innovative technologies and cost reduction measures determined from a review of non-Federal lake dredging projects in the vicinity of Koontz Lake.

SEC. 3067. WHITE RIVER, INDIANA.

The project for flood control, Indianapolis on West Fork of White River, Indiana, authorized by section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936 (49 Stat. 1586), and modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716) and section 322 of the Water Resources Development Act of 1999 (113 Stat. 303), is modified—

(1) to authorize the Secretary to carry out the ecosystem restoration, recreation, and flood damage reduction components described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, and revised by the Master Plan Revision Central Indianapolis Waterfront, dated April 2004, at a total cost of $28,545,000; and

(2) to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3068. DES MOINES RIVER AND GREENBELT, IOWA.

The project for the Des Moines Recreational River and Greenbelt, Iowa, authorized by Public Law 99–88 and modified by section 604 of the Water Resources Development Act of 1986 (100 Stat. 4153), is modified to authorize the Secretary to carry out ecosystem restoration, recreation, and flood damage reduction components of the project, at a Federal cost of $10,000,000.

SEC. 3069. PERRY CREEK, IOWA.

(a) IN GENERAL.—On making a determination described in subsection (b), the Secretary shall increase the Federal contribution by up to $4,000,000 for the project for flood control, Perry Creek, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4116) and modified by section 151 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1844).

(b) DETERMINATION.—A determination referred to in subsection (a) is a determination that a modification to the project described in subsection (a) is necessary for the Federal Emergency Management Agency to certify that the project provides flood damage reduction benefits to at least a 100-year level of flood protection.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000.

SEC. 3070. RATHBUN LAKE, IOWA.

(a) RIGHT OF FIRST REFUSAL.—The Secretary shall provide, in accordance with the recommendations in the Rathbun Lake Reallocation Report approved by the Chief of Engineers on July 22, 1985, the Rathbun Regional Water Association with the right of first refusal to contract for or purchase any increment of the remaining allocation of 8,320 acre-feet of water supply storage in Rathbun Lake, Iowa.

(b) PAYMENT OF COST.—The Rathbun Regional Water Association shall pay the cost of any water supply storage allocation provided under subsection (a).

SEC. 3071. HICKMAN BLUFF STABILIZATION, KENTUCKY.

The project for Hickman Bluff, Kentucky, authorized by chapter II of title II of the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (109 Stat. 85), is modified to authorize the Secretary to repair and restore the project, at Federal expense, with no further economic studies or analyses, at a total cost of not more than $250,000.

SEC. 3072. MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA.

Section 101(a)(10) of the Water Resources Development Act of 1990 (104 Stat. 4606) is amended by striking "$219,600,000" each place it appears and inserting "$430,000,000".

SEC. 3073. PRESTONSBURG, KENTUCKY.

The Prestonsburg, Kentucky, element of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide a 100-year level of flood protection for the city of Prestonsburg.

SEC. 3074. AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.

The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277) and modified by section 116 of division D of Public Law 108–7 (117 Stat. 140), is further modified—

(1) to direct the Secretary to carry out the project with the cost sharing for the project determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996;

(2) to authorize the Secretary to construct the project at a total cost of $187,000,000; and

(3) to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3075. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) ACQUISITION OF ADDITIONAL LAND.—The public access feature of the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest (exclusive of oil, gas, and minerals) of an additional 20,000 acres of land in the Lower Atchafalaya Basin Floodway for such feature.

(b) MODIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), effective November 17, 1986, the $32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature referred to in subsection (a) shall not apply.

(2) COST.—The modification under paragraph (1) shall not increase the total authorized cost of the project referred to in subsection (a).

(c) TECHNICAL AMENDMENT.—Section 315(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2603) is amended by inserting before the period at the end the following: "and shall consider Eagle Point Park, Jeanerette, Louisiana, and the town of Melville, Louisiana, as site alternatives for such recreation features".

SEC. 3076. ATCHAFALAYA BASIN FLOODWAY SYSTEM, REGIONAL VISITOR CENTER, LOUISIANA.

(a) PROJECT FOR FLOOD CONTROL.—Notwithstanding paragraph (3) of the report of the Chief of Engineers dated February 28, 1983 (relating to recreational development in the Lower Atchafalaya Basin Floodway), the Secretary shall carry out the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 313) and section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142).

(b) VISITORS CENTER.—

(1) IN GENERAL.—The Secretary, in consultation with the State of Louisiana, shall study, design, and construct a type A regional visitors center in the vicinity of Morgan City, Louisiana.

(2) COST SHARING.—

(A) COST OF TYPE B VISITORS CENTER.—The cost of construction of the visitors center up to the cost of construction of a type B visitors center shall be shared in accordance with the recreation cost-sharing requirement of section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

(B) COST OF UPGRADING.—The non-Federal share of the cost of upgrading the visitors center from a type B to type A regional visitors center shall be 100 percent.

(C) OPERATION AND MAINTENANCE.—The cost of operation and maintenance of the visitors center shall be a Federal responsibility.

(3) DONATIONS.—In carrying out the project under this subsection, the Mississippi River Commission may accept the donation of cash or other funds, land, materials, and services from any non-Federal government entity or nonprofit corporation, as the Commission determines to be appropriate.

SEC. 3077. ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.

The project for navigation, Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to authorize the Secretary to deepen up to a 1000-foot section of the area on the Gulf Intracoastal Waterway west of the Bayou Boeuf Lock and east of the intersection of the Atchafalaya River, at a cost not to exceed $200,000, to provide for ingress and egress to the port of Morgan City at a depth not to exceed 20 feet.

SEC. 3078. BAYOU PLAQUEMINE, LOUISIANA.

The project for the improvement of the quality of the environment, Bayou Plaquemine, Louisiana, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3079. CALCASIEU RIVER AND PASS, LOUISIANA.

The project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the

River and Harbor Act of 1960 (74 Stat. 481), is modified to authorize the Secretary to provide $3,000,000 for each fiscal year, in a total amount of $15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Secretary determines to be advisable to reduce maintenance dredging needs and facilitate protection of disposal areas for the Calcasieu River and Pass, Louisiana, if the Secretary determines that the rock bank protection is feasible.

SEC. 3080. RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2604), is modified—

(1) to authorize the Secretary to carry out the project at a total cost of $33,912,000;

(2) to authorize the purchase and reforestation of lands that have been cleared or converted to agricultural uses (in addition to the purchase of bottomland hardwood); and

(3) to incorporate wildlife and forestry management practices to improve species diversity on mitigation land that meets habitat goals and objectives of the United States and the State of Louisiana.

SEC. 3081. MISSISSIPPI DELTA REGION, LOUISIANA.

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077) and modified by section 365 of the Water Resources Development Act of 1996 (110 Stat. 3739), is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the costs of relocating oyster beds in the Davis Pond project area.

SEC. 3082. MISSISSIPPI RIVER-GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA.

(a) PORT FACILITIES RELOCATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Assistant Secretary for Economic Development (referred to in this section as the "Assistant Secretary") $75,000,000, to remain available until expended, to support the relocation of Port of New Orleans deep draft facilities from the Mississippi River-Gulf Outlet (referred to in this section as the "Outlet"), the Gulf Intracoastal Waterway, and the Inner Harbor Navigation Canal to the Mississippi River.

(2) ADMINISTRATION.—

(A) IN GENERAL.—Amounts appropriated pursuant to paragraph (1) shall be administered by the Assistant Secretary pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233).

(B) REQUIREMENT.—The Assistant Secretary shall make amounts appropriated pursuant to paragraph (1) available to the Port of New Orleans to relocate to the Mississippi River within the State of Louisiana the port-owned facilities that are occupied by businesses in the vicinity that may be impacted due to the treatment of the Outlet under title VII of this Act.

(b) REVOLVING LOAN FUND GRANTS.—There is authorized to be appropriated to the Assistant Secretary $85,000,000, to remain available until expended, to provide assistance pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233) to one or more eligible recipients under such Act to establish revolving loan funds to make loans for terms up to 20 years at or below market interest rates (including interest-free loans) to private businesses within the Port of New Orleans that may need to relocate to the Mississippi River within the State of Louisiana due to the treatment of the Outlet under title VII of this Act.

(c) REQUIREMENTS.—In selecting one or more recipients under subsection (b), the Assistant Secretary shall ensure that each recipient has established procedures to target lending to businesses that will be directly and substantially impacted by the treatment of the Mississippi River-Gulf Outlet under title VII of this Act.

(d) COORDINATION WITH SECRETARY.—The Assistant Secretary shall ensure that the programs described in subsections (a) and (b) are coordinated with the Secretary to ensure that facilities are relocated in a manner that is consistent with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2247).

(e) ADMINISTRATIVE EXPENSES.—The Assistant Secretary may use up to 2 percent of the amounts made available under subsections (a) and (b) for administrative expenses.

SEC. 3083. VIOLET, LOUISIANA.

(a) VIOLET DIVERSION PROJECT.—The Secretary shall design and implement a project for a diversion of freshwater at or near Violet, Louisiana, for the purposes of reducing salinity in the western Mississippi Sound, enhancing oyster production, and promoting the sustainability of coastal wetlands.

(b) SALINITY LEVELS.—The project shall be designed to meet, or maximize the ability to meet, the salinity levels identified in the feasibility study of the Corps of Engineers entitled "Mississippi and Louisiana Estuarine Areas: Freshwater Diversion to Lake Pontchartrain Basin and Mississippi Sound" and dated 1984.

(c) ADDITIONAL MEASURES.—

(1) RECOMMENDATIONS.—If the Secretary determines that the diversion of freshwater at or near Violet, Louisiana, will not restore salinity levels to meet the requirements of subsection (b), the Secretary shall recommend additional measures for freshwater diversions sufficient to meet those levels.

(2) IMPLEMENTATION.—The Secretary shall implement measures included in the recommendations developed under paragraph (1) beginning 60 days after the date on which a report containing the recommendations is provided to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) NON-FEDERAL FINANCING REQUIREMENTS.—

(1) ESTIMATES.—Before October 1 of each fiscal year, the Secretary shall notify the States of Louisiana and Mississippi of each State's respective estimated costs for that fiscal year for the activities authorized under this section.

(2) ESCROW.—The States of Louisiana and Mississippi shall provide the funds described in paragraph (1) by making a deposit into an escrow account, or such other account, of the Treasury as the Secretary determines to be acceptable within 30 days after the date of receipt of the notification from the Secretary under paragraph (1).

(3) DEPOSITS BY LOUISIANA.—

(A) USE OF CERTAIN FUNDS.—The State of Louisiana may use funds available to the State under the coastal impact assistance program authorized under section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) in meeting its cost-sharing responsibilities under this section.

(B) FAILURE TO PROVIDE FUNDS.—

(i) IN GENERAL.—If the State of Louisiana does not provide the funds under paragraph (2), the Secretary of the Interior, using funds to be disbursed to the State under the program referred to in subparagraph (A) or under the Gulf of Mexico Energy Security Act of 2006 (title I of Division C of Public Law 109–432; (43 U.S.C. 1331 note; 120 Stat. 3000)), shall deposit such funds as are necessary to meet the requirements for the State under paragraph (2).

(ii) DEADLINE FOR DEPOSIT.—Any deposit required under clause (i) shall be made prior to any other disbursements made to the State of Louisiana under the programs referred to in clause (i).

(C) EXCEPTION.—The State of Louisiana shall not be required to make a deposit of its share in any fiscal year in which the State of Mississippi does not make its deposit following a notification under paragraph (1) or the State of Mississippi notifies the Secretary that it does not intend to make a deposit in that fiscal year.

(4) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project for the costs of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(5) FEDERAL SHARE.—The Federal share of the cost of the project authorized by subsection (a) shall be 75 percent.

(e) SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete the design of the project not later than 2 years after the date of enactment of this Act and shall complete the construction of the project by not later than September 30, 2012.

(2) MISSED DEADLINE.—If the Secretary does not complete the design or construction of the project in accordance with paragraph (1), the Secretary shall complete the design or construction as expeditiously as possible.

SEC. 3084. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.

Section 328 of the Water Resources Development Act of 1999 (113 Stat. 304–305) is amended—

(1) in subsection (a)—

(A) by striking "operation and maintenance" and inserting "operation, maintenance, rehabilitation, repair, and replacement"; and

(B) by striking "Algiers Channel" and inserting "Algiers Canal Levees"; and

(2) by adding at the end the following:

"(c) COST SHARING.—The non-Federal share of the cost of the project shall be 35 percent.".

SEC. 3085. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $26,900,000.

SEC. 3086. CUMBERLAND, MARYLAND.

Section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) is amended—

(1) by striking "$15,000,000" and inserting "$25,750,000";

(2) by striking "$9,750,000" and inserting "$16,738,000"; and

(3) by striking "$5,250,000" and inserting "$9,012,000".

SEC. 3087. POPLAR ISLAND, MARYLAND.

The project for navigation and environmental restoration through the beneficial use of dredged material, Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776) and modified by section 318 of the Water Resources Development Act of 2000 (114 Stat. 2604), is *modified to authorize the Secretary to construct the expansion of the project in accordance with the report of the Chief of Engineers dated March 31, 2006, at an additional total cost of $260,000,000, with an estimated Federal cost of $195,000,000 and an estimated non-Federal cost of $65,000,000.*

SEC. 3088. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.

(a) IN GENERAL.—The project for emergency streambank and shoreline protection, Detroit River Shoreline, Detroit, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to include measures to enhance public access.

(b) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $3,000,000.

SEC. 3089. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

Section 426 of the Water Resources Development Act of 1999 (113 Stat. 326) is amended to read as follows:

"SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) MANAGEMENT PLAN.—The term 'management plan' means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of the Water Resources Development Act of 2007.

"(2) PARTNERSHIP.—The term 'Partnership' means the partnership established by the Secretary under subsection (b)(1).

"(b) PARTNERSHIP.—

"(1) IN GENERAL.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

"(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

"(B) to develop and implement projects consistent with the management plan.

"(2) COORDINATION WITH ACTIONS UNDER OTHER LAW.—

"(A) IN GENERAL.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

"(B) NO EFFECT ON OTHER LAW.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

"(c) IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN.—

"(1) IN GENERAL.—The Secretary shall—

"(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

"(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

"(C) plan, design, and implement projects consistent with the management plan; and

"(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the Federal share of the cost of planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

"(2) SPECIFIC MEASURES.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

"(d) SUPPLEMENTS TO MANAGEMENT PLAN AND STRATEGIC IMPLEMENTATION PLAN.—In consultation with the Partnership and after providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

"(1) the management plan; and

"(2) the strategic implementation plan developed under subsection (c)(1)(A).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.".

SEC. 3090. ST. JOSEPH HARBOR, MICHIGAN.

The Secretary shall expedite development of the dredged material management plan for the project for navigation, St. Joseph Harbor, Michigan, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299).

SEC. 3091. SAULT SAINTE MARIE, MICHIGAN.

(a) IN GENERAL.—The text of section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

"The Secretary shall construct, at Federal expense, a second lock, of a width not less than 110 feet and a length not less than 1,200 feet, adjacent to the existing lock at Sault Sainte Marie, Michigan, generally in accordance with the report of the Board of Engineers for Rivers and Harbors, dated May 19, 1986, and the limited reevaluation report dated February 2004 at a total cost of $341,714,000.".

(b) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 107(a)(8) of the Water Resources Development Act of 1990 (104 Stat. 4620).

(2) Section 330 of the Water Resources Development Act of 1996 (110 Stat. 3717).

(3) Section 330 of the Water Resources Development Act of 1999 (113 Stat. 305).

SEC. 3092. ADA, MINNESOTA.

In carrying out the project for flood damage reduction, Wild Rice River, Ada, Minnesota, under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) if the detailed project report evaluation indicates that applying such section is necessary to implement the project.

SEC. 3093. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.

(a) IN GENERAL.—The project for navigation, Duluth Harbor, McQuade Road, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605), is modified to direct the Secretary to provide public access and recreational facilities as generally described in the Detailed Project Report and Environmental Assessment, McQuade Road Harbor of Refuge, Duluth, Minnesota, dated August 1999.

(b) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project for the costs of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(c) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $9,000,000.

SEC. 3094. GRAND MARAIS, MINNESOTA.

The project for navigation, Grand Marais, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design work carried out for the project before the date of the partnership agreement for the project.

SEC. 3095. GRAND PORTAGE HARBOR, MINNESOTA.

The Secretary shall provide credit in accordance with section 221 of the Flood Control Act (42 U.S.C. 1962d–5b) toward the non-Federal share of the cost of the navigation project for Grand Portage Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), for the costs of design work carried out for the project before the date of the partnership agreement for the project.

SEC. 3096. GRANITE FALLS, MINNESOTA.

(a) IN GENERAL.—The Secretary is directed to implement the locally preferred plan for flood damage reduction, Granite Falls, Minnesota, at a total cost of $12,000,000, with an estimated Federal cost of $8,000,000 and an estimated non-Federal cost of $4,000,000. In carrying out the project, the Secretary shall utilize, to the extent practicable, the existing detailed project report dated 2002 for the project prepared under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(b) PROJECT FINANCING.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) if the detailed project report evaluation indicates that applying such section is necessary to implement the project.

(c) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the project the cost of design and construction work carried out by the non-Federal interest for the project before the date of execution of a partnership agreement for the project.

(d) MAXIMUM FUNDING.—The maximum amount of Federal funds that may be expended for the flood damage reduction shall be $8,000,000.

SEC. 3097. KNIFE RIVER HARBOR, MINNESOTA.

The project for navigation, Harbor at Knife River, Minnesota, authorized by section 2 of the Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to direct the Secretary to develop a final design and prepare plans and specifications to correct the harbor entrance and mooring conditions at the project.

SEC. 3098. RED LAKE RIVER, MINNESOTA.

The project for flood control, Red Lake River, Crookston, Minnesota, authorized by section 101(a)(23) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to include flood protection for the adjacent and interconnected areas generally known as the Sampson and Chase/Loring neighborhoods, in accordance with the feasibility report supplement for local flood protection, Crookston, Minnesota, at a total cost of $25,000,000, with an estimated Federal cost of $16,250,000 and an estimated non-Federal cost of $8,750,000.

SEC. 3099. SILVER BAY, MINNESOTA.

The project for navigation, Silver Bay, Minnesota, authorized by section 2 of the Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

SEC. 3100. TACONITE HARBOR, MINNESOTA.

The project for navigation, Taconite Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

SEC. 3101. TWO HARBORS, MINNESOTA.

(a) IN GENERAL.—Notwithstanding the requirements of section 107(a) of the River and Harbor Act of 1960 (33 U.S.C. 577(a)), the project for navigation, Two Harbors, Minnesota, being carried out under such authority, is justified on the basis of navigation safety.

(b) MAXIMUM FEDERAL EXPENDITURES.—The maximum amount of Federal funds that may be expended for the project shall be $7,000,000.

SEC. 3102. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.

The project for ecosystem restoration, Deer Island, Harrison County, Mississippi, being carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), is modified to authorize the non-Federal interest to provide, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

SEC. 3103. JACKSON COUNTY, MISSISSIPPI.

(a) MODIFICATION.—Section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) is amended by striking "$5,000,000" and inserting "$9,000,000".

(b) APPLICABILITY OF CREDIT.—The credit provided by section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) (as amended by subsection (a) of this section) shall apply to costs incurred by the Jackson County Board of Supervisors during the period beginning on February 8, 1994, and ending on the date of enactment of this Act for projects authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 1494).

SEC. 3104. PEARL RIVER BASIN, MISSISSIPPI.

(a) IN GENERAL.—The project for flood damage reduction, Pearl River Basin, including Shoccoe, Mississippi, authorized by section 401(e)(3) of the Water Resources Development Act of 1986 (100 Stat. 4132), is modified to authorize the Secretary, subject to subsection (c), to construct the project generally in accordance with the plan described in the "Pearl River Watershed, Mississippi, Feasibility Study Main Report, Preliminary Draft", dated February 2007, at a total cost of $205,800,000, with an estimated Federal cost of $133,770,000 and an estimated non-Federal cost of $72,030,000.

(b) COMPARISON OF ALTERNATIVES.—Before initiating construction of the project, the Secretary shall compare the level of flood damage reduction provided by the plan that maximizes national economic development benefits of the project and the locally preferred plan, referred to as the LeFleur Lakes plan, to that portion of Jackson, Mississippi and vicinity, located below the Ross Barnett Reservoir Dam.

(c) IMPLEMENTATION OF PLAN.—

(1) IN GENERAL.—If the Secretary determines under subsection (b) that the locally preferred plan provides a level of flood damage reduction that is equal to or greater than the level of flood damage reduction provided by the national economic development plan and that the locally preferred plan is environmentally acceptable and technically feasible, the Secretary may construct the project identified as the national economic development plan, or the locally preferred plan, or some combination thereof.

(2) CONSTRUCTION BY NON-FEDERAL INTERESTS.—The non-Federal interest may carry out the project under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13).

(d) PROJECT FINANCING.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) if the detailed project report evaluation indicates that applying such section is necessary to implement the project.

(e) NON-FEDERAL COST SHARE.—If the locally preferred plan is selected for construction of the project, the Federal share of the cost of the project shall be limited to the share as provided by law for the elements of the national economic development plan.

SEC. 3105. FESTUS AND CRYSTAL CITY, MISSOURI.

Section 102(b)(1) of the Water Resources Development Act of 1999 (113 Stat. 282) is amended by striking "$10,000,000" and inserting "$13,000,000".

SEC. 3106. L–15 LEVEE, MISSOURI.

The portion of the L–15 levee system that is under the jurisdiction of the Consolidated North County Levee District and situated along the right descending bank of the Mississippi River from the confluence of that river with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).

SEC. 3107. MONARCH-CHESTERFIELD, MISSOURI.

The project for flood damage reduction, Monarch-Chesterfield, Missouri, authorized by section 101(b)(18) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of the planning, design, and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3108. RIVER DES PERES, MISSOURI.

The projects for flood control, River Des Peres, Missouri, authorized by section 101(a)(17) of the Water Resources Development Act of 1990 (104 Stat. 4607) and section 102(13) of the Water Resources Development Act of 1996 (110 Stat. 3668), are each modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3109. LOWER YELLOWSTONE PROJECT, MONTANA.

The Secretary may use funds appropriated to carry out the Missouri River recovery and mitigation program to assist the Bureau of Reclamation in the design and construction of the Lower Yellowstone project of the Bureau, Intake, Montana, for the purpose of ecosystem restoration.

SEC. 3110. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.

(a) DEFINITION OF RESTORATION PROJECT.—In this section, the term "restoration project" means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) PROJECTS.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall—

(1) consult with, and consider the activities being carried out by—

(A) other Federal agencies;

(B) Indian tribes;

(C) conservation districts; and

(D) the Yellowstone River Conservation District Council; and

(2) seek the participation of the State of Montana.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 3111. ANTELOPE CREEK, LINCOLN, NEBRASKA.

The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, authorized by section 101(b)(19) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified—

(1) to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project; and

(2) to allow the non-Federal interest for the project to use, and to direct the Secretary to accept, funds provided under any other Federal program to satisfy, in whole or in part, the non-Federal share of the project if the Federal agency that provides such funds determines that the funds are authorized to be used to carry out the project.

SEC. 3112. SAND CREEK WATERSHED, WAHOO, NEBRASKA.

The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, authorized by section 101(b)(20) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified—

(1) to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project or reimbursement for the costs of any work performed by the non-Federal interest for the project before the approval of the project partnership agreement, including work performed by the non-Federal interest in connection with the design and construction of 7 upstream detention storage structures;

(2) to require that in-kind work to be credited under paragraph (1) be subject to audit; and

(3) to direct the Secretary to accept advance funds from the non-Federal interest as needed to maintain the project schedule.

SEC. 3113. WESTERN SARPY AND CLEAR CREEK, NEBRASKA.

The project for ecosystem restoration and flood damage reduction, Western Sarpy and Clear Creek, Nebraska, authorized by section 101(b)(21) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified to authorize the Secretary to construct the project at a total cost of $21,664,000, with an estimated Federal cost of $14,082,000 and an estimated non-Federal cost of $7,582,000.

SEC. 3114. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA.

The maximum amount of Federal funds that may be expended for the project being carried out, as of the date of enactment of this Act, under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for environmental restoration of McCarran Ranch, Nevada, shall be $5,775,000.

SEC. 3115. LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.

The project for navigation mitigation, ecosystem restoration, shore protection, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, authorized by section 101(a)(25) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to incorporate the project for shoreline erosion control, Cape May Point, New Jersey, carried out under section 5 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33

U.S.C. 426h), if the Secretary determines that such incorporation is feasible.

SEC. 3116. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) and modified by section 327 of the Water Resources Development Act of 2000 (114 Stat. 2607), is modified to direct the Secretary to include the benefits and costs of preserving natural flood storage in any future economic analysis of the project.

SEC. 3117. COOPERATIVE AGREEMENTS, NEW MEXICO.

The Secretary may enter into cooperative agreements with any Indian tribe any land of which is located in the State of New Mexico and occupied by a flood control project that is owned and operated by the Corps of Engineers to assist in carrying out any operation or maintenance activity associated with the flood control project.

SEC. 3118. MIDDLE RIO GRANDE RESTORATION, NEW MEXICO.

(a) RESTORATION PROJECTS DEFINED.—In this section, the term "restoration project" means a project that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration and recreation benefits.

(b) PROJECT SELECTION.—The Secretary shall select and shall carry out restoration projects in the Middle Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir in the State of New Mexico.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall consult with, and consider the activities being carried out by—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3119. BUFFALO HARBOR, NEW YORK.

The project for navigation, Buffalo Harbor, New York, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176), is modified to include measures to enhance public access, at Federal cost of $500,000.

SEC. 3120. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT.

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects to increase aquatic habitats within Long Island Sound and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

(b) COST SHARING.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3121. MAMARONECK AND SHELDRAKE RIVERS WATERSHED MANAGEMENT, NEW YORK.

(a) WATERSHED MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the State of New York and local entities, shall develop watershed management plans for the Mamaroneck and Sheldrake River watershed for the purposes of evaluating existing and new flood damage reduction and ecosystem restoration.

(2) EXISTING PLANS.—In developing the watershed management plans, the Secretary shall use existing studies and plans, as appropriate.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any eligible critical restoration project in the Mamaroneck and Sheldrake Rivers watershed in accordance with the watershed management plans developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the watershed management plans developed under subsection (a); and

(B) with respect to the Mamaroneck and Sheldrake Rivers watershed in New York, consists of flood damage reduction or ecosystem restoration through—

(i) bank stabilization of the mainstem, tributaries, and streams;

(ii) wetland restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) structural and nonstructural flood damage reduction measures; or

(vii) any other project or activity the Secretary determines to be appropriate.

(c) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into one or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000, to remain available until expended.

SEC. 3122. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking "maximum Federal cost of $5,200,000" and inserting "total cost of $20,000,000".

SEC. 3123. PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.

The navigation project, Port of New York and New Jersey, New York and New Jersey, authorized by section 101(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified—

(1) to authorize the Secretary to allow the non-Federal interest to construct a temporary dredged material storage facility to receive dredged material from the project if—

(A) the non-Federal interest submits, in writing, a list of potential sites for the temporary storage facility to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Secretary at least 180 days before the selection of the final site; and

(B) at least 70 percent of the dredged material generated in connection with the project suitable for beneficial reuse will be used at sites in the State of New Jersey to the extent that there are sufficient sites available; and

(2) to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), toward the non-Federal share of the cost of the project the cost of construction of the temporary storage facility for the project.

SEC. 3124. NEW YORK STATE CANAL SYSTEM.

Section 553(c) of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended to read as follows:

"(c) NEW YORK STATE CANAL SYSTEM DEFINED.—In this section, the term 'New York State Canal System' means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany, Rochester, and Buffalo.".

SEC. 3125. SUSQUEHANNA RIVER AND UPPER DELAWARE RIVER WATERSHED MANAGEMENT, NEW YORK.

(a) WATERSHED MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the State of New York, the Delaware or Susquehanna River Basin Commission, as appropriate, and local entities, shall develop watershed management plans for the Susquehanna River watershed in New York State and the Upper Delaware River watershed for the purposes of evaluating existing and new flood damage reduction and ecosystem restoration.

(2) EXISTING PLANS.—In developing the watershed management plans, the Secretary shall use existing studies and plans, as appropriate.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any eligible critical restoration project in the Susquehanna River or Upper Delaware Rivers in accordance with the watershed management plans developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the watershed management plans developed under subsection (a); and

(B) with respect to the Susquehanna River or Upper Delaware River watershed in New York, consists of flood damage reduction or ecosystem restoration through—

(i) bank stabilization of the mainstem, tributaries, and streams;

(ii) wetland restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) structural and nonstructural flood damage reduction measures; or

(vii) any other project or activity the Secretary determines to be appropriate.

(c) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000, to remain available until expended.

SEC. 3126. MISSOURI RIVER RESTORATION, NORTH DAKOTA.

Section 707(a) of the Water Resources Development Act of 2000 (114 Stat. 2699) is amended in the first sentence by striking "$5,000,000" and all that follows through "2005" and inserting "$25,000,000".

SEC. 3127. WAHPETON, NORTH DAKOTA.

The maximum amount of Federal funds that may be allotted for the project for flood damage reduction, Wahpeton, North Dakota, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be $12,000,000.

SEC. 3128. OHIO.

Section 594 of the Water Resources Development Act of 1999 (113 Stat. 381) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) NONPROFIT ENTITIES.—In accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.".

SEC. 3129. LOWER GIRARD LAKE DAM, GIRARD, OHIO.

Section 507 of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary";

(2) in paragraph (1) of subsection (a) (as designated by paragraph (1) of this subsection)—

(A) by striking "Repair and rehabilitation" and all that follows through "Ohio" and inserting "Correction of structural deficiencies of the Lower Girard Lake Dam, Girard, Ohio, and the appurtenant features to meet the dam safety standards of the State of Ohio"; and

(B) by striking "$2,500,000" and inserting "$16,000,000"; and

(3) by adding at the end the following:

"(b) SPECIAL RULES.—The project for Lower Girard Lake Dam, Girard, Ohio, authorized by subsection (a)(1) is justified on the basis of public safety.".

SEC. 3130. MAHONING RIVER, OHIO.

In carrying out the project for environmental dredging, authorized by section 312(f)(4) of the Water Resources Development Act of 1990 (33 U.S.C. 1272(f)(4)), the Secretary is directed to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3131. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–0072 shall satisfy the obligations of the city under that contract.

SEC. 3132. ARKANSAS RIVER CORRIDOR, OKLAHOMA.

(a) IN GENERAL.—The Secretary is authorized to participate in the ecosystem restoration, recreation, and flood damage reduction components of the Arkansas River Corridor Master Plan dated October 2005. The Secretary shall coordinate with appropriate representatives in the vicinity of Tulsa, Oklahoma, including representatives of Tulsa County and surrounding communities and the Indian Nations Council of Governments.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $50,000,000 to carry out this section.

SEC. 3133. LAKE EUFAULA, OKLAHOMA.

(a) PROJECT GOAL.—

(1) IN GENERAL.—The goal for operation of Lake Eufaula, Oklahoma, shall be to maximize the use of available storage in a balanced approach that incorporates advice from representatives from all the project purposes to ensure that the full value of the reservoir is realized by the United States.

(2) RECOGNITION OF PURPOSE.—To achieve the goal described in paragraph (1), recreation is recognized as a project purpose at Lake Eufaula, pursuant to section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 889).

(b) LAKE EUFAULA ADVISORY COMMITTEE.—

(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the Lake Eufaula, Canadian River, Oklahoma project authorized by the first section of the River and Harbor Act of July 24, 1946 (60 Stat. 635).

(2) PURPOSE.—The purpose of the committee shall be advisory only.

(3) DUTIES.—The committee shall provide information and recommendations to the Corps of Engineers regarding the operations of Lake Eufaula for the project purposes for Lake Eufaula.

(4) COMPOSITION.—The Committee shall be composed of members that equally represent the project purposes for Lake Eufaula.

(c) REALLOCATION STUDY.—

(1) IN GENERAL.—Subject to the appropriation of funds, the Secretary shall perform a reallocation study, at Federal expense, to develop and present recommendations concerning the best value; while minimizing ecological damages, for current and future use of the Lake Eufaula storage capacity for the authorized project purposes of flood control, water supply, hydroelectric power, navigation, fish and wildlife, and recreation.

(2) FACTORS FOR CONSIDERATION.—The reallocation study shall take into consideration the recommendations of the Lake Eufaula Advisory Committee.

(d) POOL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, to the extent feasible within available project funds and subject to the completion and approval of the reallocation study under subsection (c), the Tulsa district engineer, taking into consideration recommendations of the Lake Eufaula Advisory Committee, shall develop an interim management plan that accommodates all project purposes for Lake Eufaula.

(2) MODIFICATIONS.—A modification of the plan under paragraph (1) shall not cause significant adverse impacts on any existing permit, lease, license, contract, public law, or project purpose, including flood control operation, relating to Lake Eufaula.

SEC. 3134. OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA.

(a) IMPLEMENTATION OF PROGRAM.—Not later than one year after the date of enactment of this Act, the Secretary shall implement an innovative program at the lakes located primarily in the State of Oklahoma that are a part of an authorized civil works project under the administrative jurisdiction of the Corps of Engineers for the purpose of demonstrating the benefits of enhanced recreation facilities and activities at those lakes.

(b) REQUIREMENTS.—In implementing the program under subsection (a), the Secretary, consistent with authorized project purposes, shall—

(1) pursue strategies that will enhance, to the maximum extent practicable, recreation experiences at the lakes included in the program;

(2) use creative management strategies that optimize recreational activities; and

(3) ensure continued public access to recreation areas located on or associated with the civil works project.

(c) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for the implementation of this section, to be developed in coordination with the State of Oklahoma.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the program under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include a description of the projects undertaken under the program, including—

(A) an estimate of the change in any related recreational opportunities;

(B) a description of any leases entered into, including the parties involved; and

(C) the financial conditions that the Corps of Engineers used to justify those leases.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall make the report available to the public in electronic and written formats.

(e) TERMINATION.—The authority provided by this section shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 3135. OTTAWA COUNTY, OKLAHOMA.

(a) IN GENERAL.—There is authorized to be appropriated $30,000,000 for the purposes set forth in subsection (b).

(b) PURPOSES.—Notwithstanding any other provision of law, funds appropriated under subsection (a) may be used for the purpose of—

(1) the buyout of properties and permanently relocating residents and businesses in or near Picher, Cardin, and Hockerville, Oklahoma, from areas determined by the State of Oklahoma to be at risk of damage caused by land subsidence and remaining properties; and

(2) providing funding to the State of Oklahoma to buyout properties and permanently relocate residents and businesses of Picher, Cardin, and Hockerville, Oklahoma, from areas determined by the State of Oklahoma to be at risk of damage caused by land subsidence and remaining properties.

(c) LIMITATION.—The use of funds in accordance with subsection (b) shall not be considered to be part of a federally assisted program or project for purposes of Public Law 91–646 (42 U.S.C. 4601 et seq.), consistent with section 2301 of Public Law 109–234 (120 Stat. 455).

(d) CONSISTENCY WITH STATE PROGRAM.—Any actions taken under subsection (b) shall be consistent with the relocation program in the State of Oklahoma under 27A O.S. Supp. 2006, sections 2201 et seq.

(e) CONSIDERATION OF REMEDIAL ACTION.—The Administrator of the Environmental Protection Agency shall consider, without delay, a remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for the Tar Creek, Oklahoma, National Priorities List site that includes permanent relocation of residents consistent with the program currently being administered by the State of Oklahoma. Such relocation shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(f) ESTIMATING COSTS.—In estimating and comparing the cost of a remedial alternative for the Tar Creek Oklahoma, National Priorities List site that includes the permanent relocation of residents, the Administrator shall not include the cost of compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(g) EFFECT OF CERTAIN REMEDIES.—Inclusion of subsidence remedies, such as permanent relocation within any remedial action, shall not preempt, alter, or delay the right of any sovereign entity, including any State or tribal government, to seek remedies, including abatement, for land subsidence and subsidence risks under State law.

(h) AMENDMENT.—Section 111 of Public Law 108–137 (117 Stat. 1835) is amended—

(1) by adding at the end of subsection (a) the following: "Such activities also may include the provision of financial assistance to facilitate the buy out of properties located in areas identified by the State as areas that are or will be at risk of damage caused by land subsidence and associated properties otherwise identified by the State. Any buyout of such properties shall not be considered to be part of a federally assisted program or project for purposes of Public Law 91–646 (42 U.S.C. 4601 et seq.), consistent with section 2301 of Public Law 109–234 (120 Stat. 455–456)."; and

(2) by striking the first sentence of subsection (d) and inserting the following: "Non-Federal interests shall be responsible for operating and maintaining any restoration alternatives constructed or carried out pursuant to this section.".

SEC. 3136. RED RIVER CHLORIDE CONTROL, OKLAHOMA AND TEXAS.

The project for water quality control in the Arkansas and Red River Basin, Texas, Oklahoma, and Kansas, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420) and modified by section 1107(a) of the Water Resources Development A of 1986 (100 Stat. 4229) is further modified to direct the Secretary to provide operation and maintenance for the Red River Chloride Control project, Oklahoma and Texas, at Federal expense.

SEC. 3137. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules—

(1) is set at the amounts, rates of interest, and payment schedules that existed on June 3, 1986, with respect to the project for Waurika Lake, Oklahoma; and

(2) may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States.

SEC. 3138. UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION, OREGON.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the upper Willamette River watershed from Albany, Oregon, to the headwaters of the Willamette River and tributaries.

(b) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Upper Willamette River watershed in consultation with the Governor of the State of Oregon, the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Bureau of Land Management, the Forest Service, and local entities.

(c) AUTHORIZED ACTIVITIES.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(d) PRIORITY.—In carrying out this section, the Secretary shall give priority to a project to restore the millrace in Eugene, Oregon, and shall include noneconomic benefits associated with the historical significance of the millrace and associated with preservation and enhancement of resources in evaluating the benefits of the project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 3139. DELAWARE RIVER, PENNSYLVANIA, NEW JERSEY, AND DELAWARE.

The Secretary may remove debris from the project for navigation, Delaware River, Pennsylvania, New Jersey, and Delaware, Philadelphia to the Sea.

SEC. 3140. RAYSTOWN LAKE, PENNSYLVANIA.

The Secretary may take such action as may be necessary, including construction of a breakwater, to prevent shoreline erosion between .07 and 2.7 miles south of Pennsylvania State Route 994 on the east shore of Raystown Lake, Pennsylvania.

SEC. 3141. SHERADEN PARK STREAM AND CHARTIERS CREEK, ALLEGHENY COUNTY, PENNSYLVANIA.

The project for aquatic ecosystem restoration, Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), up to $400,000 toward the non-Federal share of the cost of the project for planning and design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3142. SOLOMON'S CREEK, WILKES-BARRE, PENNSYLVANIA.

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to include as a project element the project for flood control for Solomon's Creek, Wilkes-Barre, Pennsylvania.

SEC. 3143. SOUTH CENTRAL PENNSYLVANIA.

Section 313 of the Water Resources Development Act of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723; 113 Stat. 310; 117 Stat. 142) is amended—

(1) in subsection (g)(1) by striking "$180,000,000" and inserting "$200,000,000"; and

(2) in subsection (h)(2) by striking "Allegheny, Armstrong, Beford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, Washington, and Westmoreland Counties" and inserting "Allegheny, Armstrong, Bedford, Blair, Cambria, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Somerset, Washington, and Westmoreland Counties".

SEC. 3144. WYOMING VALLEY, PENNSYLVANIA.

In carrying out the project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), the Secretary shall coordinate with non-Federal interests to review opportunities for increased public access.

SEC. 3145. NARRAGANSETT BAY, RHODE ISLAND.

The Secretary may use amounts in the Environmental Restoration Account, Formerly Used Defense Sites, under section 2703(a)(5) of title 10, United States Code, for the removal of abandoned marine camels at any formerly used defense site under the jurisdiction of the Department of Defense that is undergoing (or is scheduled to undergo) environmental remediation under chapter 160 of title 10, United States Code (and other provisions of law), in Narragansett Bay, Rhode Island, in accordance with the Corps of Engineers prioritization process under the Formerly Used Defense Sites program.

SEC. 3146. MISSOURI RIVER RESTORATION, SOUTH DAKOTA.

(a) MEMBERSHIP.—Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) in clause (vii) by striking "and" at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

"(viii) rural water systems; and".

(b) REAUTHORIZATION.—Section 907(a) of such Act (114 Stat. 2712) is amended in the first sentence by striking "2005" and inserting "2010".

SEC. 3147. CEDAR BAYOU, TEXAS.

(a) CREDIT FOR PLANNING AND DESIGN.—The project for navigation, Cedar Bayou, Texas, reauthorized by section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632), is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(b) COST SHARING.—Cost sharing for construction and operation and maintenance of the project shall be determined in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(c) PROJECT FOR NAVIGATION.—Section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632) is amended by striking "12 feet deep by 125 feet wide" and inserting "that is 10 feet deep by 100 feet wide".

SEC. 3148. FREEPORT HARBOR, TEXAS.

(a) IN GENERAL.—The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818). is modified to provide that—

(1) all project costs incurred as a result of the discovery of the sunken vessel COMSTOCK of the Corps of Engineers are a Federal responsibility; and

(2) the Secretary shall not seek further obligation or responsibility for removal of the vessel COMSTOCK, or costs associated with a delay due to the discovery of the sunken vessel COMSTOCK, from the Port of Freeport.

(b) COST SHARING.—This section does not affect the authorized cost sharing for the balance of the project described in subsection (a).

SEC. 3149. LAKE KEMP, TEXAS.

(a) IN GENERAL.—The Secretary may not take any legal or administrative action seeking to remove a Lake Kemp improvement before the earlier of January 1, 2020. or the date of any transfer of ownership of the improvement occurring after the date of enactment of this Act.

(b) LIMITATION ON LIABILITY.—The United States, or any of its officers, agents, or assignees, shall not be liable for any injury, loss, or damage accruing to the owners of a Lake Kemp improvement, their lessees, or occupants as a result of any flooding or inundation of such improvements by the waters of the Lake Kemp reservoir, or for such injury, loss, or damage as may occur through the operation and maintenance of the Lake Kemp dam and reservoir in any manner.

(c) LAKE KEMP IMPROVEMENT DEFINED.—In this section, the term "Lake Kemp improvement" means an improvement (including dwellings) located within the flowage easement of Lake Kemp, Texas, below elevation 1159 feet mean sea level.

SEC. 3150. LOWER RIO GRANDE BASIN, TEXAS.

The project for flood control, Lower Rio Grande Basin, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is modified—

(1) to include as part of the project flood protection works to reroute drainage to Raymondville Drain constructed by the non-Federal interests in Hidalgo County in the vicinity of Edinburg, Texas, if the Secretary determines that such work is feasible;

(2) to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project; and

(3) to direct the Secretary in calculating the non-Federal share of the cost of the project, to make a determination, within 180 days after the date of enactment of this Act, under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the non-Federal interest's ability to pay.

SEC. 3151. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.

The project for ecosystem restoration and storm damage reduction, North Padre Island, Corpus Christi Bay, Texas, authorized by section 556 of the Water Resources Development Act of 1999 (113 Stat. 353), is modified to include recreation as a project purpose.

SEC. 3152. PAT MAYSE LAKE, TEXAS.

The Secretary is directed to accept from the city of Paris, Texas, $3,461,432 as payment in full of monies owed to the United States for water supply storage space in Pat Mayse Lake, Texas, under contract number DA–34–066–CIVENG–65–1272, including accrued interest.

SEC. 3153. PROCTOR LAKE, TEXAS.

The Secretary is authorized to purchase fee simple title to all properties located within the *boundaries, and necessary for the operation, of the Proctor Lake project, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259).*

SEC. 3154. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.

The project for flood control, San Antonio Channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921) and section 335 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest for the project.

SEC. 3155. CONNECTICUT RIVER RESTORATION, VERMONT.

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), as in effect on August 5, 2005, with respect to the study entitled "Connecticut River Restoration Authority", dated May 23, 2001, a nonprofit entity may act as the non-Federal interest for purposes of carrying out the activities described in the agreement executed between The Nature Conservancy and the Department of the Army on August 5, 2005.

SEC. 3156. DAM REMEDIATION, VERMONT.

Section 543 of the Water Resources Development Act of 2000 (114 Stat. 2673) is amended—

(1) in subsection (a)(2) by striking "and" at the end;

(2) in subsection (a)(3) by striking the period at the end and inserting "; and";

(3) by adding at the end of subsection (a) the following:

"(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b)."; and

(4) by adding at the end of subsection (b) the following:

"(11) Camp Wapanacki, Hardwick.

"(12) Star Lake Dam, Mt. Holly.

"(13) Curtis Pond, Calais.

"(14) Weathersfield Reservoir, Springfield.

"(15) Burr Pond, Sudbury.

"(16) Maidstone Lake, Guildhall.

"(17) Upper and Lower Hurricane Dam.

"(18) Lake Fairlee.

"(19) West Charleston Dam.

"(20) White River, Sharon.".

SEC. 3157. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT.

Under authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary may revise the existing General Design Memorandum to permit the use of chemical means of control, when appropriate, of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

SEC. 3158. UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary, in cooperation with the States of Vermont and New Hampshire, shall carry out a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Upper Connecticut River watershed.

(b) COOPERATIVE AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into one or more cooperative agreements to provide technical assistance to appropriate Federal, State, and local agencies and nonprofit organizations with wetland restoration experience. Such assistance may include assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(c) IMPLEMENTATION.—The Secretary shall carry out development and implementation of the strategy under this section in cooperation with local landowners and local government officials.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SEC. 3159. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) GENERAL MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and in consultation with the States of Vermont and New Hampshire and the Connecticut River Joint Commission, shall conduct a study and develop a general management plan for ecosystem restoration of the Upper Connecticut River ecosystem for the purposes of—

(A) habitat protection and restoration;

(B) streambank stabilization;

(C) restoration of stream stability;

(D) water quality improvement;

(E) aquatic nuisance species control;

(F) wetland restoration;

(G) fish passage; and

(H) natural flow restoration.

(2) EXISTING PLANS.—In developing the general management plan, the Secretary shall depend heavily on existing plans for the restoration of the Upper Connecticut River.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any critical restoration project in the Upper Connecticut River basin in accordance with the general management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the general management plan developed under subsection (a); and

(B) with respect to the Upper Connecticut River and Upper Connecticut River watershed, consists of—

(i) bank stabilization of the main stem, tributaries, and streams;

(ii) wetland restoration and migratory bird habitat restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) implementation of an intergovernmental agreement for coordinating ecosystem restoration, fish passage installation, streambank stabilization, wetland restoration, habitat protection and restoration, or natural flow restoration;

(vii) water quality improvement;

(viii) aquatic nuisance species control;

(ix) improvements in fish migration; and

(x) conduct of any other project or activity determined to be appropriate by the Secretary.

(c) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into one or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies. Such assistance may include assistance for the implementation of projects to be carried out under subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000. Such sums shall remain available until expended.

SEC. 3160. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (b)(2)—

(A) by striking "or" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (G); and

(C) by inserting after subparagraph (D) the following:

"(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

"(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or";

(2) in subsection (e)(2)(A)—

(A) by striking "The non-Federal" and inserting the following:

"(i) IN GENERAL.—The non-Federal"; and

(B) by adding at the end the following:

"(ii) APPROVAL OF DISTRICT ENGINEER.—Approval of credit for design work of less than $100,000 shall be determined by the appropriate district engineer.";

(3) in subsection (e)(2)(C) by striking "up to 50 percent of"; and

(4) in subsection (g) by striking "$20,000,000" and inserting "$32,000,000".

SEC. 3161. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804) and modified by section 338 of the Water Resources Development Act of 2000 (114 Stat. 2612), is modified to authorize the Secretary to review the project to determine whether any additional Federal interest exists with respect to the project, taking into consideration conditions and development levels relating to the project in existence on the date of enactment of this Act.

SEC. 3162. TANGIER ISLAND SEAWALL, VIRGINIA.

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking "at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000." and inserting "at a total cost of $3,600,000.".

SEC. 3163. DUWAMISH/GREEN, WASHINGTON.

The project for ecosystem restoration, Duwamish/Green, Washington, authorized by section 101(b)(26) of the Water Resources Development Act of 2000 (114 Stat. 2579), is modified—

(1) to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project; and

(2) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

SEC. 3164. MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land acquired for the McNary Lock and Dam project and managed by the United States Fish and Wildlife Service under cooperative agreement number DACW68–4–00–13 with the Corps of Engineers, Walla Walla District, is transferred from the Secretary to the Secretary of the Interior.

(b) EASEMENTS.—The transfer of administrative jurisdiction under paragraph (1) shall be subject to easements in existence as of the date

of enactment of this Act on land subject to the transfer.

(c) RIGHTS OF SECRETARY.—

(1) IN GENERAL.—Except as provided in subparagraph (C), the Secretary shall retain rights described in subparagraph (B) with respect to the land for which administrative jurisdiction is transferred under paragraph (1).

(2) RIGHTS.—The rights of the Secretary referred to in paragraph (1) are the rights—

(A) to flood land described in subsection (a) to the standard project flood elevation;

(B) to manipulate the level of the McNary project pool;

(C) to access land described in subsection (a) as may be required to install, maintain, and inspect sediment ranges and carry out similar activities;

(D) to construct and develop wetland, riparian habitat, or other environmental restoration features authorized by section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(E) to dredge and deposit fill materials; and

(F) to carry out management actions for the purpose of reducing the take of juvenile salmonids by avian colonies that inhabit, before, on, or after the date of enactment of this Act, any island included in the land described in subsection (a).

(3) COORDINATION.—Before exercising a right described in any of subparagraphs (C) through (F) of paragraph (2), the Secretary shall coordinate the exercise with the Director of the United States Fish and Wildlife Service.

(d) MANAGEMENT.—

(1) IN GENERAL.—The land described in subsection (a) shall be managed by the Secretary of the Interior as part of the McNary National Wildlife Refuge.

(2) CUMMINS PROPERTY.—

(A) RETENTION OF CREDITS.—Habitat unit credits described in the memorandum entitled "Design Memorandum No. 6, LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN, Wildlife Compensation and Fishing Access Site Selection, Letter Supplement No. 15, SITE DEVELOPMENT PLAN FOR THE WALLULA HMU" provided for the Lower Snake River Fish and Wildlife Compensation Plan through development of the parcel of land formerly known as the "Cummins property" shall be retained by the Secretary despite any changes in management of the parcel on or after the date of enactment of this Act.

(B) SITE DEVELOPMENT PLAN.—The Director shall obtain prior approval of the Washington State department of fish and wildlife for any change to the previously approved site development plan for the parcel of land formerly known as the "Cummins property".

(3) MADAME DORIAN RECREATION AREA.—The Director shall continue operation of the Madame Dorian Recreation Area for public use and boater access.

(e) ADMINISTRATIVE COSTS.—The Director shall be responsible for all survey, environmental compliance, and other administrative costs required to implement the transfer of administrative jurisdiction under subsection (a).

SEC. 3165. SNAKE RIVER PROJECT, WASHINGTON AND IDAHO.

(a) IN GENERAL.—The fish and wildlife compensation plan for the Lower Snake River, Washington and Idaho, as authorized by section 102 of the Water Resources Development Act of 1976 (90 Stat. 2921), is amended to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 3166. YAKIMA RIVER, PORT OF SUNNYSIDE, WASHINGTON.

The project for aquatic ecosystem restoration, Yakima River, Port of Sunnyside, Washington, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3167. BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.

Section 102(ff) of the Water Resources Development Act of 1992 (106 Stat. 4810, 110 Stat. 3726, 113 Stat. 312) is amended to read as follows:

"(ff) BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.—

"(1) IN GENERAL.—The project for flood control, Bluestone Lake, Ohio River Basin, West Virginia, authorized by section 4 of the Flood Control Act of 1938 (52 Stat. 1217) is modified to direct the Secretary to implement Plan C/G, as defined in the Evaluation Report of the District Engineer dated December 1996, to prohibit the release of drift and debris into waters downstream of the project (other than organic matter necessary to maintain and enhance the biological resources of such waters and such nonobtrusive items of debris as may not be economically feasible to prevent being released through such project), including measures to prevent the accumulation of drift and debris at the project, the collection and removal of drift and debris on the segment of the New River upstream of the project, and the removal (through use of temporary or permanent systems) and disposal of accumulated drift and debris at Bluestone Dam.

"(2) COOPERATIVE AGREEMENT.—In carrying out the downstream cleanup under the plan referred to in paragraph (1), the Secretary may enter into a cooperative agreement with the West Virginia department of environmental protection for the department to carry out the cleanup, including contracting and procurement services, contract administration and management, transportation and disposal of collected materials, and disposal fees.

"(3) INITIAL CLEANUP.—The Secretary may provide the West Virginia department of environmental protection up to $150,000 from funds previously appropriated for this purpose for the Federal share of the costs of the initial cleanup under the plan.".

SEC. 3168. GREENBRIER RIVER BASIN, WEST VIRGINIA.

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended by striking "$47,000,000" and inserting "$99,000,000".

SEC. 3169. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.

Section 30(d) of the Water Resources Development Act of 1988 (102 Stat. 4030; 114 Stat. 2678) is amended to read as follows:

"(d) HISTORIC STRUCTURE.—The Secretary shall ensure the preservation and restoration of the structure known as the 'Jenkins House' and the reconstruction of associated buildings and landscape features of such structure located within the Lesage/Greenbottom Swamp in accordance with the standards of the Department of the Interior for the treatment of historic properties. Amounts made available for expenditure for the project authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110) shall be available for the purposes of this subsection.".

SEC. 3170. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood control at Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790) and modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612), is modified to authorize the Secretary to construct the project substantially in accordance with the draft report of the Corps of Engineers dated May 2004, at an estimated total cost of $57,100,000, with an estimated Federal cost of $42,825,000 and an estimated non-Federal cost of $14,275,000.

SEC. 3171. MCDOWELL COUNTY, WEST VIRGINIA.

The McDowell County nonstructural component of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide protection, throughout McDowell County, West Virginia, from the reoccurrence of the greater of—

(1) the April 1977 flood;

(2) the July 2001 flood;

(3) the May 2002 flood; or

(4) the 100-year frequency event.

SEC. 3172. PARKERSBURG, WEST VIRGINIA.

The Secretary is authorized to carry out the ecosystem restoration, recreation, and flood control components of the report of the Corps of Engineers, entitled "Parkersburg/Vienna Riverfront Park Feasibility Study", dated June 1998, as amended by the limited reevaluation report of the Corps of Engineers, dated March 2004, at a total cost of $12,000,000, with an estimated Federal cost of $6,000,000, and an estimated non-Federal cost of $6,000,000.

SEC. 3173. GREEN BAY HARBOR, GREEN BAY, WISCONSIN.

The portion of the inner harbor of the Federal navigation channel of the Green Bay Harbor project, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 5, 1884 (23 Stat. 136), from Station 190+00 to Station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

SEC. 3174. MANITOWOC HARBOR, WISCONSIN.

The project for navigation, Manitowoc Harbor, Wisconsin, authorized by the River and Harbor Act of August 30, 1852 (10 Stat. 58), is modified to direct the Secretary to deepen the upstream reach of the navigation channel from 12 feet to 18 feet, at a total cost of $405,000.

SEC. 3175. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking "1276.42" and inserting "1278.42";

(B) by striking "1218.31" and inserting "1221.31"; and

(C) by striking "1234.82" and inserting "1235.30"; and

(2) by striking subsection (b) and inserting the following:

"(b) EXCEPTION.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with water control regulation manuals (or revisions thereto) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users. The water control regulation manuals (and any revisions thereto) shall be effective when the Secretary transmits them to Congress. The Secretary shall report to Congress at least 14 days before operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a); except that notification is not required for operations necessary to prevent the

loss of life or to ensure the safety of the dam or if the drawdown of lake levels is in anticipation of flood control operations.".

SEC. 3176. UPPER BASIN OF MISSOURI RIVER.

(a) USE OF FUNDS.—Notwithstanding the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), funds made available for recovery or mitigation activities in the lower basin of the Missouri River may be used for recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota.

(b) CONFORMING AMENDMENT.—The matter under the heading "MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA" of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), as modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is amended by adding at the end the following: "The Secretary may carry out any recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota, using funds made available under this paragraph in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and consistent with the project purposes of the Missouri River Mainstem System as authorized by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 897).".

SEC. 3177. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

Section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by inserting before the period at the end the following: ", including research on water quality issues affecting the Mississippi River (including elevated nutrient levels) and the development of remediation strategies".

SEC. 3178. UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM.

(a) UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM DEFINED.—In this section, the term "Upper Ohio River and Tributaries navigation system" means the Allegheny, Kanawha, Monongahela, and Ohio Rivers.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to evaluate new technologies applicable to the Upper Ohio River and Tributaries navigation system.

(2) INCLUSIONS.—The program may include the design, construction, or implementation of innovative technologies and solutions for the Upper Ohio River and Tributaries navigation system, including projects for—

(A) improved navigation;

(B) environmental stewardship;

(C) increased navigation reliability; and

(D) reduced navigation costs.

(3) PURPOSES.—The purposes of the program shall be—

(A) to increase the reliability and availability of federally owned and federally operated navigation facilities;

(B) to decrease system operational risks; and

(C) to improve—

(i) vessel traffic management;

(ii) access; and

(iii) Federal asset management.

(c) FEDERAL OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is federally owned.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall enter into local cooperation agreements with non-Federal interests to provide for the design, construction, installation, and operation of the projects to be carried out under the program.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall include the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a navigation improvement project, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project.

(3) COST SHARING.—Total project costs under each local cooperation agreement shall be cost-shared in accordance with the formula relating to the applicable original construction project.

(4) EXPENDITURES.—

(A) IN GENERAL.—Expenditures under the program may include, for establishment at federally owned property, such as locks, dams, and bridges—

(i) transmitters;

(ii) responders;

(iii) hardware;

(iv) software; and

(v) wireless networks.

(B) EXCLUSIONS.—Transmitters, responders, hardware, software, and wireless networks and other equipment installed on privately owned vessels or equipment shall not be eligible under the program.

(e) REPORT.—Not later than December 31, 2008, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether the program or any component of the program should be implemented on a national basis.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,100,000. Such sums shall remain available until expended.

SEC. 3179. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092).

(2) The project for flood control, Agana River, Guam, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4127).

(3) The project for navigation, Baltimore Harbor and Channels, Maryland and Virginia, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818).

(4) The project for navigation, Fall River Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731); except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(5) The project for flood control, Ecorse Creek, Wayne County, Michigan, authorized by section 101(a)(14) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 3180. PROJECT REAUTHORIZATIONS.

Each of the following projects may be carried out by the Secretary and no construction on any such project may be initiated until the Secretary determines that the project is feasible:

(1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation, Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482) and deauthorized on April 15, 2002, in accordance with section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(2) HEARDING ISLAND INLET, DULUTH HARBOR, MINNESOTA.—The project for dredging, Hearding Island Inlet, Duluth Harbor, Minnesota, authorized by section 22 of the Water Resources Development Act of 1988 (102 Stat. 4027).

(3) MANITOWOC HARBOR, WISCONSIN.—That portion of the project for navigation, Manitowoc Harbor, Wisconsin, authorized by the first section of the River and Harbor Act of August 30, 1852 (10 Stat. 58), consisting of the channel in the south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176).

SEC. 3181. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects are not authorized after the date of enactment of this Act:

(1) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described as follows: Beginning at a point along the eastern limit of the existing project, N123,649.75, E481,920.54, thence running northwesterly about 52.64 feet to a point N123,683.03, E481,879.75, thence running northeasterly about 1,442.21 feet to a point N125,030.08, E482,394.96, thence running northeasterly about 139.52 feet to a point along the eastern limit of the existing channel, N125,133.87, E482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

(2) MYSTIC RIVER, CONNECTICUT.—The portion of the project for navigation, Mystic River, Connecticut, authorized by the first section of the River and Harbor Appropriations Act of September 19, 1890 (26 Stat. 436) consisting of a 12-foot-deep channel, approximately 7,554 square feet in area, starting at a point N193,086.51, E815,092.78, thence running north 59 degrees 21 minutes 46.63 seconds west about 138.05 feet to a point N193,156.86, E814,974.00, thence running north 51 degrees 04 minutes 39.00 seconds west about 166.57 feet to a point N193,261.51, E814,844.41, thence running north 43 degrees 01 minutes 34.90 seconds west about 86.23 feet to a point N193,324.55, E814,785.57, thence running north 06 degrees 42 minutes 03.86 seconds west about 156.57 feet to a point N193,480.05, E814,767.30, thence running south 21 degrees 21 minutes 17.94 seconds east about 231.42 feet to a point N193,264.52, E814,851.57, thence running south 53 degrees 34 minutes 23.28 seconds east about 299.78 feet to the point of origin.

(3) NORWALK HARBOR, CONNECTICUT.—

(A) IN GENERAL.—The portions of a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1276) and described in subparagraph (B).

(B) DESCRIPTION OF PORTIONS.—The portions of the channel referred to in subparagraph (A) are as follows:

(i) RECTANGULAR PORTION.—An approximately rectangular-shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as commencing at a point N104,165.85, E417,662.71, thence running south 24 degrees 06 minutes 55 seconds east 395.00 feet to a point N103,805.32, E417,824.10, thence running south 00 degrees 38 minutes 06 seconds east 87.84 feet to a point N103,717.49, E417,825.07, thence running north 24 degrees 06 minutes 55 seconds west

480.00 feet, to a point N104,155.59, E417,628.96, thence running north 73 degrees 05 minutes 25 seconds east 35.28 feet to the point of origin.

(ii) PARALLELOGRAM-SHAPED PORTION.—An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in clause (i), approximately 20 feet wide and 260 feet long, and further described as commencing at a point N103,855.48, E417,849.99, thence running south 33 degrees 07 minutes 30 seconds east 133.40 feet to a point N103,743.76, E417,922.89, thence running south 24 degrees 07 minutes 04 seconds east 127.75 feet to a point N103,627.16, E417,975.09, thence running north 33 degrees 07 minutes 30 seconds west 190.00 feet to a point N103,786.28, E417,871.26, thence running north 17 degrees 05 minutes 15 seconds west 72.39 feet to the point of origin.

(C) EXCLUSION.—Notwithstanding any other provision of this paragraph, the Secretary shall realign the 10-foot channel potion of the project referred to in subparagraph (A) to include, immediately north of the area described in subparagraph (B)(ii), a triangular section described as commencing at a point N103,968.35, E417,815.29, thence running south 17 degrees 05 minutes 15 seconds east 118.09 feet to a point N103,855.48, E417,849.99, thence running north 33 degrees 07 minutes 30 seconds west 36.76 feet to a point N103,886.27, E417,829.90, thence running north 10 degrees 05 minutes 26 seconds west 83.37 feet to the point of origin.

(4) ROCKLAND HARBOR, MAINE.—The portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 3, 1896 (29 Stat. 202), consisting of a 14-foot channel located in Lermond Cove and beginning at a point with coordinates N99,977.37, E340,290.02, thence running easterly about 200.00 feet to a point with coordinates N99,978.49, E340,490.02, thence running northerly about 138.00 feet to a point with coordinates N100,116.49, E340,289.25, thence running westerly about 200.00 feet to a point with coordinates N100,115.37, E340,289.25, thence running southerly about 138.00 feet to the point of origin.

(5) ROCKPORT HARBOR, MAINE.—

(A) IN GENERAL.—The portion of the project for navigation, Rockport Harbor, Maine, authorized by the first section of the Act of August 11, 1888 (25 Stat. 400), located within the 12-foot anchorage described in subparagraph (B).

(B) DESCRIPTION OF ANCHORAGE.—The anchorage referred to in subparagraph (A) is more particularly described as—

(i) beginning at the westernmost point of the anchorage at N128800.00, E349311.00;

(ii) thence running north 12 degrees, 52 minutes, 37.2 seconds east 127.08 feet to a point N128923.88, E349339.32;

(iii) thence running north 17 degrees, 40 minutes, 13.0 seconds east 338.61 feet to a point N129246.51, E349442.10;

(iv) thence running south 89 degrees, 21 minutes, 21.0 seconds east 45.36 feet to a point N129246.00, E349487.46;

(v) thence running south 44 degrees, 13 minutes, 32.6 seconds east 18.85 feet to a point N129232.49, E349500.61;

(vi) thence running south 17 degrees, 40 minutes 13.0 seconds west 340.50 feet to a point N128908.06, E349397.25;

(vii) thence running south 12 degrees, 52 minutes. 37.2 seconds west 235.41 feet to a point at N128678.57, E349344.79; and

(viii) thence running north 15 degrees, 32 minutes, 59.3 seconds west 126.04 feet to the point of origin.

(6) FALMOUTH HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172), beginning at a point along the eastern side of the inner harbor N200,415.05, E845,307.98, thence running north 25 degrees 48 minutes 54.3 seconds east 160.24 feet to a point N200,559.20, E845,377.76, thence running north 22 degrees 7 minutes 52.4 seconds east 596.82 feet to a point N201,112.15, E845,602.60, thence running north 60 degrees 1 minute 0.3 seconds east 83.18 feet to a point N201,153.72, E845,674.65, thence running south 24 degrees 56 minutes 43.4 seconds west 665.01 feet to a point N200,550.75, E845,394.18, thence running south 32 degrees 25 minutes 29.0 seconds west 160.76 feet to the point of origin.

(7) ISLAND END RIVER, MASSACHUSETTS.—The portion of the project for navigation, Island End River, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), described as follows: Beginning at a point along the eastern limit of the existing project, N507,348.98, E721,180.01, thence running northeast about 35 feet to a point N507,384.17, E721,183.36, thence running northeast about 324 feet to a point N507,590.51, E721,433.17, thence running northeast about 345 feet to a point along the northern limit of the existing project, N507,927.29, E721,510.29, thence running southeast about 25 feet to a point N507,921.71, E721,534.66, thence running southwest about 354 feet to a point N507,576.65, E721,455.64, thence running southwest about 357 feet to the point of origin.

(8) CITY WATERWAY, TACOMA, WASHINGTON.—The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the waterway beginning at station 70+00 and ending at station 80+00.

(9) AUNT LYDIA'S COVE, MASSACHUSETTS.—

(A) IN GENERAL.—The portion of the project for navigation, Aunt Lydia's Cove, Massachusetts, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), consisting of the 8-foot deep anchorage in the cove described in subparagraph (B).

(B) DESCRIPTION OF PORTION.—The portion of the project described in subparagraph (A) is more particularly described as the portion beginning at a point along the southern limit of the existing project, N254,332.00, E1,023,103.96, thence running northwesterly about 761.60 feet to a point along the western limit of the existing project N255,076.84, E1,022,945.07, thence running southwesterly about 38.11 feet to a point N255,038.99, E1,022,940.60, thence running southeasterly about 267.07 feet to a point N254,772.00, E1,022,947.00, thence running southeasterly about 462.41 feet to a point N254,320.06, E1,023,044.84, thence running northeasterly about 60.31 feet to the point of origin.

(10) WHATCOM CREEK WATERWAY, BELLINGHAM, WASHINGTON.—The portion of the project for navigation, Whatcom Creek Waterway, Bellingham, Washington, authorized by the River and Harbor Act of June 25, 1910 (36 Stat. 664), and section 101 of the River and Harbor Act of 1958 (72 Stat. 299), consisting of the last 2,900 linear feet of the inner portion of the waterway and beginning at station 29+00 to station 0+00.

(11) OCONTO HARBOR, WISCONSIN.—

(A) IN GENERAL.—The portion of the project for navigation, Oconto Harbor, Wisconsin, authorized by the Act of August 2, 1882 (22 Stat. 196), and the Act of June 25, 1910 (36 Stat. 664) (commonly known as the "River and Harbor Act of 1910"), consisting of a 15-foot-deep turning basin in the Oconto River, as described in subparagraph (B).

(B) PROJECT DESCRIPTION.—The project referred to in subparagraph (B) is more particularly described as—

(i) beginning at a point along the western limit of the existing project, N394,086.71, E2,530,202.71;

(ii) thence northeasterly about 619.93 feet to a point N394,459.10, E2,530,698.33;

(iii) thence southeasterly about 186.06 feet to a point N394,299.20, E2,530,793.47;

(iv) thence southwesterly about 355.07 feet to a point N393,967.13, E2,530,667.76;

(v) thence southwesterly about 304.10 feet to a point N393,826.90, E2,530,397.92; and

(vi) thence northwesterly about 324.97 feet to the point of origin.

(b) ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel and that is further described as beginning at a point along the western limit of the existing project, N188, 802.75, E779, 462.81, thence running northeasterly about 1,373.88 feet to a point N189, 554.87, E780, 612.53, thence running southeasterly about 439.54 feet to a point N189, 319.88, E780, 983.98, thence running southwesterly about 831.58 feet to a point N188, 864.63, E780, 288.08, thence running southeasterly about 567.39 feet to a point N188, 301.88, E780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin, is redesignated as an anchorage area.

(c) SOUTHPORT HARBOR, FAIRFIELD, CONNECTICUT.—The project for navigation, Southport Harbor, Fairfield, Connecticut, authorized by section 2 of the River and Harbor Act of March 2, 1829, and by the first section of the River and Harbor Act of August 30, 1935 (49 Stat. 1029), and section 364 of the Water Resources Development Act of 1996 (110 Stat. 3733–3734), is modified to redesignate a portion of the 9-foot-deep channel to an anchorage area, approximately 900 feet in length and 90,000 square feet in area, and lying generally north of a line with points at coordinates N108,043.45, E452,252.04 and N107,938.74, E452,265.74.

(d) SACO RIVER, MAINE.—The portion of the project for navigation, Saco River, Maine, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and described as a 6-foot deep, 10-acre maneuvering basin located at the head of navigation, is redesignated as an anchorage area.

(e) UNION RIVER, MAINE.—The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N315,975.13, E1,004,424.86, thence running north 61 degrees 27 minutes 20.71 seconds west about 132.34 feet to a point N316,038.37, E1,004,308.61.

(f) MYSTIC RIVER, MASSACHUSETTS.—The portion of the project for navigation, Mystic River, Massachusetts, authorized by the first section of the River and Harbor Appropriations Act of July 13, 1892 (27 Stat. 96), between a line starting at a point N515,683.77, E707,035.45 and ending at a point N515,721.28, E707,069.85 and a line starting at a point N514,595.15, E707,746.15 and ending at a point N514,732.94, E707,658.38 shall be relocated and reduced from a 100-foot wide channel to a 50-foot wide channel after the date of enactment of this Act described as follows: Beginning at a point N515,721.28, E707,069.85, thence running southeasterly about 840.50 feet to a point N515,070.16, E707,601.27, thence running southeasterly about 177.54 feet to a point N514,904.84, E707,665.98, thence running southeasterly about 319.90 feet to a point with coordinates N514,595.15, E707,746.15, thence running northwesterly about 163.37 feet to a point N514,732.94, E707,658.38, thence running northwesterly about 161.58 feet to a point N514.889.47, *E707,618.30, thence running northwesterly about 166.61 feet to a point N515.044.62, E707,557.58, thence running northwesterly about 825.31 feet to a point N515,683.77, E707,035.45, thence running northeasterly about 50.90 feet returning to a point N515,721.28, E707,069.85.*

(g) RIVERCENTER, PHILADELPHIA, PENNSYLVANIA.—Section 38(c) of the Water Resources Development Act of 1988 (33 U.S.C. 59j-1; 102 Stat. 4038) is amended by striking "subsection (a) of this section" and inserting "subsection (a) (except 30 years from such date of enactment, in the case of the area or any part thereof described in subsection (a)(5))".

(h) ADDITIONAL DEAUTHORIZATIONS.—The following projects are not authorized after the date of enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date or is under construction on such date:

(1) The project for flood protection on Atascadero Creek and its tributaries of Goleta, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826).

(2) The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay, Delaware and Maryland, authorized by the River and Harbor Act of 1954 (68 Stat. 1249).

(3) The project for flood control, central and southern Florida, Shingle Creek basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182).

(4) The project for flood control, Brevoort, Indiana, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1587).

(5) The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of July 24, 1946 (60 Stat. 649).

(6) The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602(a)(2) of the Water Resources Development Act of 1986 (100 Stat. 4148).

(7) The project for navigation at the Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166).

(8) The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188).

(9) The project for flood control, Hazard, Kentucky, authorized by section 3(a)(7) of the Water Resources Development Act of 1988 (100 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621).

(10) The project for flood control, western Kentucky tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1076) and modified by section 210 of the Flood Control Act of 1970 (84 Stat. 1829).

(11) The project for flood damage reduction, Tensas-Cocodrie area, Louisiana, authorized by section 3 of the Flood Control Act of August 18, 1941 (55 Stat. 643).

(12) The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033), and the River and Harbor Act of 1960 (74 Stat. 481).

(13) The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825).

(14) The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (33 U.S.C. 426e et seq).

(15) The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12).

(16) The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275).

(17) The project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098).

(18) The project for navigation, Olcott Harbor, Lake Ontario, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143).

(19) The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817).

(20) The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078).

(21) The project for navigation, Narragansett Town Beach, Narragansett, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861).

(22) The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788).

(23) The structural portion of the project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014).

(24) The project for flood protection, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185).

(25) The project for flood control, Falfurrias, Texas. authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014).

(26) The project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742).

(27) The project for navigation improvements affecting Lake of the Pines, Texas, for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 103) and modified by the Act of July 24, 1946 (60 Stat. 635), the Act of May 17, 1950 (64 Stat. 163), and the River and Harbor Act of 1968 (82 Stat. 731).

(28) The project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091).

(29) The project for streambank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153).

SEC. 3182. LAND CONVEYANCES.

(a) ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.—

(1) IN GENERAL.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to paragraph (2), all right, title, and interest in and to real property within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Flood Control Act of May 15, 1928 (33 U.S.C. 702a et seq.).

(2) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The conveyance by the United States under this subsection shall be subject to—

(i) the condition that the State of Arkansas agree to operate, maintain, and manage the real property for fish and wildlife, recreation, and environmental purposes at no cost or expense to the United States; and

(ii) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(B) REVERSION.—If the Secretary determines that the real property conveyed under paragraph (1) ceases to be held in public ownership or the State ceases to operate, maintain, and manage the real property in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

(3) MITIGATION.—Nothing in this subsection extinguishes the responsibility of the Federal Government or the non-Federal interest for the project referred to in paragraph (1) from the obligation to implement mitigation for such project that existed on the day prior to the transfer authorized by this subsection.

(b) OAKLAND INNER HARBOR TIDAL CANAL, CALIFORNIA.—

(1) IN GENERAL.—The Secretary may convey, by separate quitclaim deeds, as soon as the conveyance of each individual portion is practicable, the title of the United States in and to all or portions of the approximately 86 acres of upland, tideland, and submerged land, commonly referred to as the "Oakland Inner Harbor Tidal Canal", California (referred to in this section as the "Canal Property"), as follows:

(A) To the city of Oakland, without consideration, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the City of Oakland.

(B) To the city of Alameda, or to a public entity created by or designated by the city of Alameda that is eligible to hold title to real property, without consideration, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the city of Alameda.

(C) To the owners of lands adjacent to the Canal Property, or to a public entity created by or designated by one or more of the adjacent land owners that are eligible to hold title to real property, at fair market value, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the city in which the adjacent land is located.

(2) REQUIREMENT.—The Secretary may reserve and retain from any conveyance under this subsection a right-of-way or other rights as the Secretary determines to be necessary for the operation and maintenance of the authorized Federal channel in the Canal Property.

(3) ANNUAL REPORTS.—Until the date on which each conveyance described in paragraph (1) is complete, the Secretary shall submit, by not later than November 30 of each year, to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives an annual report that describes the efforts of the Secretary to complete that conveyance during the preceding fiscal year.

(4) FORM.—A conveyance made under this subsection may be, in whole or in part, in the form of an easement.

(5) RIGHT OF FIRST REFUSAL.—For any property on which an easement is granted under this subsection, should the Secretary seek to dispose of the property, the holder of the easement shall have the right of first refusal to the property without cost or consideration.

(6) REPEAL.—Section 205 of the Water Resources Development Act of 1990 (104 Stat. 4633; 110 Stat. 3748) is repealed.

(c) MILFORD, KANSAS.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to real property consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(2) REVERSION.—If the Secretary determines that the real property conveyed under paragraph (1) ceases to be held in public ownership or ceases to be operated and maintained as a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(d) STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Tulsa District of the Corps of Engineers, shall transfer to Pleasant Township, Coffey County, Kansas, for use as the New Strawn Cemetery, all right, title, and interest of the United States in and to the land described in paragraph (3).

(2) REVERSION.—If the land transferred under this subsection ceases at any time to be used as a nonprofit cemetery or for another public purpose, the land shall revert to the United States.

(3) DESCRIPTION.—The land to be conveyed under this subsection is a tract of land near John Redmond Lake, Kansas, containing approximately 3 acres and lying adjacent to the west line of the Strawn Cemetery located in the SE corner of the NE¼ of section 32, township 20 south, range 14 east, Coffey County, Kansas.

(e) PIKE COUNTY, MISSOURI.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) FEDERAL LAND.—The term "Federal land" means the 2 parcels of Corps of Engineers land totaling approximately 42 acres, located on Buffalo Island in Pike County, Missouri, and consisting of Government Tract Numbers MIS–7 and a portion of FM–46.

(B) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 42 acres of land, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

(2) LAND EXCHANGE.—Subject to paragraph (3), on conveyance by S.S.S., Inc., to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to S.S.S., Inc., all right, title, and interest of the United States in and to the Federal land.

(3) CONDITIONS.—

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The conveyance of the Federal land to S.S.S., Inc., shall be—

(I) by quitclaim deed; and

(II) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(iii) LEGAL DESCRIPTIONS.—The Secretary shall provide a legal description of the Federal land, and S.S.S., Inc., shall provide a legal description of the non-Federal land, for inclusion in the deeds referred to in clauses (i) and (ii).

(B) REMOVAL OF IMPROVEMENTS.—

(i) IN GENERAL.—The Secretary may require the removal of, or S.S.S., Inc., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

(ii) NO LIABILITY.—If S.S.S., Inc., removes any improvements to the non-Federal land under clause (i)—

(I) S.S.S., Inc., shall have no claim against the United States relating to the removal; and

(II) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvements.

(C) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the exchange.

(D) CASH EQUALIZATION PAYMENT.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, S.S.S., Inc., shall make a cash equalization payment to the United States.

(E) DEADLINE.—The land exchange under subparagraph (B) shall be completed not later than 2 years after the date of enactment of this Act.

(f) UNION LAKE, MISSOURI.—

(1) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri, before June 30, 2007, all right, title, and interest in and to approximately 205.50 acres of land described in paragraph (2) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906), in accordance with section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(2) LAND DESCRIPTION.—The land referred to in paragraph (1) is described as follows:

(A) TRACT 500.—A tract of land situated in Franklin County, Missouri, being part of the SW¼ of section 7, and the NW¼ of the SW¼ of section 8, township 42 north, range 2 west of the fifth principal meridian, consisting of approximately 112.50 acres.

(B) TRACT 605.—A tract of land situated in Franklin County, Missouri, being part of the N½ of the NE, and part of the SE of the NE of section 18, township 42 north, range 2 west of the fifth principal meridian, consisting of approximately 93.00 acres.

(3) CONVEYANCE.—On acceptance by the State of Missouri of the offer by the Secretary under paragraph (1), the land described in paragraph (2) shall immediately be conveyed, in its current condition, by Secretary to the State of Missouri.

(g) BOARDMAN, OREGON.—Section 501(g)(1) of the Water Resources Development Act of 1996 (110 Stat. 3751) is amended—

(1) by striking "city of Boardman," and inserting "the Boardman Park and Recreation District, Boardman,"; and

(2) by striking "such city" and inserting "the city of Boardman".

(h) LOOKOUT POINT PROJECT, LOWELL, OREGON.—

(1) IN GENERAL.—The Secretary may convey without consideration to Lowell School District, by quitclaim deed, all right, title, and interest of the United States in and to land and buildings thereon, known as Tract A–82, located in Lowell, Oregon, and described in paragraph (2).

(2) DESCRIPTION OF PROPERTY.—The parcel of land authorized to be conveyed under paragraph (1) is as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded at page 56 of Volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; thence east 250.0 feet to the true point of beginning of this description in Section 14, Township 19 South, Range 1 West of the Willamette Meridian, Lane County, Oregon.

(3) TERMS AND CONDITIONS.—Before conveying the parcel to the school district, the Secretary shall ensure that the conditions of buildings and facilities meet the requirements of applicable Federal law.

(4) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(i) RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.—

(1) IN GENERAL.—The Secretary shall convey, at fair market value, to the State of South Carolina, by quitclaim deed, all right, title, and interest of the United States in and to the parcels of land described in paragraph (2)(A) that are managed, as of the date of enactment of this Act, by the South Carolina department of commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(2) LAND DESCRIPTION.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the parcels of land referred to in paragraph (1) are the parcels contained in the portion of land described in Army Lease Number DACW21–1–92–0500.

(B) RETENTION OF INTERESTS.—The United States shall retain—

(i) ownership of all land included in the lease referred to in subparagraph (A) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(ii) such other land as is determined by the Secretary to be required for authorized project purposes, including easement rights-of-way to remaining Federal land.

(C) SURVEY.—The cost of the survey shall be paid by the State.

(3) COSTS OF CONVEYANCE.—

(A) IN GENERAL.—The State shall be responsible for all costs, including real estate transaction and environmental costs, associated with the conveyance under this subsection.

(B) FORM OF CONTRIBUTION.—As determined appropriate by the Secretary, in lieu of payment of compensation to the United States under subparagraph (A), the State may perform certain environmental or real estate actions associated with the conveyance under this subsection if those actions are performed in close coordination with, to the satisfaction of, and in compliance with the laws of the United States.

(4) ADDITIONAL TERMS AND CONDITIONS.—

(A) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER–1130–2–406) of the Corps of Engineers may not be changed or altered for any proposed development of land conveyed under this subsection.

(B) COST SHARING.—In carrying out the conveyance under this subsection, the Secretary and the State shall comply with all obligations of any cost sharing agreement between the Secretary and the State in effect as of the date of the conveyance.

(C) LAND NOT CONVEYED.—The State shall continue to manage the land that is subject to Army Lease Number DACW21–1–92–0500 and that is not conveyed under this subsection in accordance with the terms and conditions of Army Lease Number DACW21–1–92–0500.

(j) DENISON, TEXAS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall offer to convey at fair market value to the city of Denison, Texas, all right, title, and interest of the United States in and to the approximately 900 acres of land located in Grayson County, Texas, which is currently subject to an application for lease for public park and recreational purposes made by the city of Denison, dated August 17, 2005.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and description of the real property referred to in paragraph (1) shall be determined by a survey paid for by the city of Denison, Texas, that is satisfactory to the Secretary.

(3) CONVEYANCE.—Not later than 90 days after the date of acceptance by the city of Denison,

Texas, of an offer under paragraph (1), the Secretary shall convey the land surveyed under paragraph (2) by quitclaim deed to the city of Denison, Texas.

(k) GENERALLY APPLICABLE PROVISIONS.—

(1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(4) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(5) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 3183. EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.

(a) IDAHO.—

(1) IN GENERAL.—With respect to the property covered by each deed in paragraph (2)—

(A) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(B) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished; and

(C) the human habitation or other building structure use restriction is extinguished if the elevation of the property is above the standard project flood elevation.

(2) AFFECTED DEEDS.—The deeds with the following county auditor's file numbers are referred to in paragraph (1):

(A) Auditor's Instrument No. 399218 of Nez Perce County, Idaho—2.07 acres.

(B) Auditor's Instrument No. 487437 of Nez Perce County, Idaho—7.32 acres.

(b) LAKE TEXOMA, OKLAHOMA.—

(1) RELEASE.—Any reversionary interest relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled "An Act to authorize the sale of certain lands to the State of Oklahoma" (67 Stat. 63), shall terminate on the date of enactment of this Act.

(2) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or any other appropriate instrument to release each reversionary interest to which paragraph (1) applies.

(3) PRESERVATION OF RESERVED RIGHTS.—A release of a reversionary interest under this subsection shall not affect any other right of the United States in any deed of conveyance pursuant to the Act referred to in paragraph (1).

(c) LOWELL, OREGON.—

(1) RELEASE AND EXTINGUISHMENT OF DEED RESERVATIONS.—

(A) RELEASE AND EXTINGUISHMENT OF DEED RESERVATIONS.—The Secretary may release and extinguish the deed reservations for access and communication cables contained in the quitclaim deed, dated January 26, 1965, and recorded February 15, 1965, in the records of Lane County, Oregon; except that such reservations may only be released and extinguished for the lands owned by the city of Lowell as described in the quitclaim deed, dated April 11, 1991, in such records.

(B) ADDITIONAL RELEASE AND EXTINGUISHMENT OF DEED RESERVATIONS.—The Secretary may also release and extinguish the same deed reservations referred to in subparagraph (A) over land owned by Lane County, Oregon, within the city limits of Lowell, Oregon, to accommodate the development proposals of the city of Lowell/St. Vincent de Paul, Lane County, affordable housing project; except that the Secretary may require, at no cost to the United States—

(i) the alteration or relocation of any existing facilities, utilities, roads, or similar improvements on such lands; and

(ii) the right-of-way for such facilities, utilities, roads, or improvements as a precondition of any release or extinguishment of the deed reservations.

(2) CONVEYANCE.—The Secretary may convey to the city of Lowell, Oregon, the parcel of land situated in the city of Lowell, Oregon, at fair market value consisting of the strip of federally owned lands located northeast of West Boundary Road between Hyland Lane and the city of Lowell's eastward city limits.

(3) ADMINISTRATIVE COST.—Notwithstanding paragraphs (1) and (2), the city of Lowell, Oregon, shall pay the administrative costs incurred by the United States to execute the release and extinguishment of the deed reservations under paragraph (1) and the conveyance under paragraph (2).

(d) OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.—

(1) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as "Easter Seals Tennessee") at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(2) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by paragraph (1).

(e) LOWER GRANITE POOL, WASHINGTON.—

(1) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in paragraph (2)—

(A) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished; and

(B) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation.

(2) DEEDS.—The deeds referred to in paragraph (1) are as follows:

(A) Auditor's File Numbers 432576, 443411, 499988, and 579771 of Whitman County, Washington.

(B) Auditor's File Numbers 125806, 138801, 147888, 154511, 156928, and 176360 of Asotin County, Washington.

(f) PORT OF PASCO, WASHINGTON.—

(1) EXTINGUISHMENT OF USE RESTRICTIONS AND FLOWAGE EASEMENT.—With respect to the property covered by the deed in paragraph (3)(A)—

(A) the flowage easement and human habitation or other building structure use restriction is extinguished if the elevation of the property is above the standard project flood elevation; and

(B) the use of fill material to raise areas of the property above the standard project flood elevation is authorized, except in any area for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(2) EXTINGUISHMENT OF FLOWAGE EASEMENT.—With respect to the property covered by each deed in paragraph (3)(B), the flowage easement is extinguished if the elevation of the property is above the standard project flood elevation.

(3) AFFECTED DEEDS.—The deeds referred to in paragraphs (1) and (2) are as follows:

(A) Auditor's File Number 262980 of Franklin County, Washington.

(B) Auditor's File Numbers 263334 and 404398 of Franklin County, Washington.

(g) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

TITLE IV—STUDIES

SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.

Section 455 of the Water Resources Development Act of 1999 (42 U.S.C. 1962d–21) is amended by adding at the end the following:

"(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The non-Federal interest may provide up to 100 percent of the non-Federal share required under subsection (f) in the form of in-kind services and materials.".

SEC. 4002. LAKE ERIE DREDGED MATERIAL DISPOSAL SITES.

The Secretary shall conduct a study to determine the nature and frequency of avian botulism problems in the vicinity of Lake Erie associated with dredged material disposal sites and shall make recommendations to eliminate the conditions that result in such problems.

SEC. 4003. SOUTHWESTERN UNITED STATES DROUGHT STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and other appropriate agencies, shall conduct, at Federal expense, a comprehensive study of drought conditions in the southwestern United States, with particular emphasis on the Colorado River basin, the Rio Grande River basin, and the Great Basin.

(b) INVENTORY OF ACTIONS.—In conducting the study, the Secretary shall assemble an inventory of actions taken or planned to be taken to address drought-related situations in the southwestern United States.

(c) PURPOSE.—The purpose of the study shall be to develop recommendations to more effectively address current and future drought conditions in the southwestern United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $7,000,000. Such funds shall remain available until expended.

SEC. 4004. DELAWARE RIVER.

The Secretary shall review, in consultation with the Delaware River Basin Commission and the States of Delaware, Pennsylvania, New Jersey, and New York, the report of the Chief of Engineers on the Delaware River, published as House Document Numbered 522, 87th Congress, Second Session, as it relates to the Mid-Delaware River Basin from Wilmington to Port Jervis, and any other pertinent reports (including the strategy for resolution of interstate flow management issues in the Delaware River Basin dated August 2004 and the National Park Service Lower Delaware River Management Plan

(1997–1999)), with a view to determining whether any modifications of recommendations contained in the first report referred to are advisable at the present time, in the interest of flood damage reduction, ecosystem restoration, and other related problems.

SEC. 4005. EURASIAN MILFOIL.

Under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall conduct a study, at Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northeastern States.

SEC. 4006. FIRE ISLAND, ALASKA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigational improvements, including a barge landing facility, Fire Island, Alaska.

SEC. 4007. KNIK ARM, COOK INLET, ALASKA.

The Secretary shall conduct a study to determine the potential impacts on navigation of construction of a bridge across Knik Arm, Cook Inlet, Alaska.

SEC. 4008. KUSKOKWIM RIVER, ALASKA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Kuskokwim River, Alaska, in the vicinity of the village of Crooked Creek.

SEC. 4009. NOME HARBOR, ALASKA.

The Secretary shall review the project for navigation, Nome Harbor improvements, Alaska, authorized by section 101(a)(1) of the Water Resources Development Act of 1999 (113 Stat. 273), to determine whether the project cost increases, including the cost of rebuilding the entrance channel damaged in a September 2005 storm, resulted from a design deficiency.

SEC. 4010. ST. GEORGE HARBOR, ALASKA.

The Secretary shall conduct a study to determine the feasibility of providing navigation improvements at St. George Harbor, Alaska.

SEC. 4011. SUSITNA RIVER, ALASKA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower, recreation, and related purposes on the Susitna River, Alaska.

SEC. 4012. VALDEZ, ALASKA

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Valdez, Alaska, and if the Secretary determines that the project is feasible, shall carry out the project at a total cost of $20,000,000.

SEC. 4013. GILA BEND, MARICOPA, ARIZONA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Gila Bend, Maricopa, Arizona.

(b) REVIEW OF PLANS.—In conducting the study, the Secretary shall review plans and designs developed by non-Federal interests and shall incorporate such plans and designs into the Federal study if the Secretary determines that such plans and designs are consistent with Federal standards.

SEC. 4014. SEARCY COUNTY, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of using Greers Ferry Lake as a water supply source for Searcy County, Arkansas.

SEC. 4015. ALISO CREEK, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for streambank protection and environmental restoration along Aliso Creek, California.

SEC. 4016. FRESNO, KINGS, AND KERN COUNTIES, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Fresno, Kings, and Kern Counties, California.

SEC. 4017. FRUITVALE AVENUE RAILROAD BRIDGE, ALAMEDA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall prepare a comprehensive report that examines the condition of the existing Fruitvale Avenue Railroad Bridge, Alameda County, California (referred to in this section as the "Railroad Bridge"), and determines the most economic means to maintain that rail link by either repairing or replacing the Railroad Bridge.

(b) REQUIREMENTS.—The report under this section shall include—

(1) a determination of whether the Railroad Bridge is in immediate danger of failing or collapsing;

(2) the annual costs to maintain the Railroad Bridge;

(3) the costs to place the Railroad Bridge in a safe, "no-collapse" condition, such that the Railroad Bridge will not endanger maritime traffic;

(4) the costs to retrofit the Railroad Bridge such that the Railroad Bridge may continue to serve as a rail link between the Island of Alameda and the mainland; and

(5) the costs to construct a replacement for the Railroad Bridge capable of serving the current and future rail, light rail, and homeland security needs of the region.

(c) SUBMISSION OF REPORT.—The Secretary shall—

(1) complete the Railroad Bridge report under subsection (a) not later than 180 days after the date of enactment of this Act; and

(2) submit the report to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives.

(d) LIMITATIONS.—The Secretary shall not—

(1) demolish the Railroad Bridge or otherwise render the Railroad Bridge unavailable or unusable for rail traffic; or

(2) reduce maintenance of the Railroad Bridge.

(e) EASEMENT.—

(1) IN GENERAL.—The Secretary shall provide to the city of Alameda, California, a nonexclusive access easement over the Oakland Estuary that comprises the subsurface land and surface approaches for the Railroad Bridge that—

(A) is consistent with the Bay Trail Proposal of the city of Oakland; and

(B) is otherwise suitable for the improvement, operation, and maintenance of the Railroad Bridge or construction, operation, and maintenance of a suitable replacement bridge.

(2) COST.—The easement under paragraph (1) shall be provided to the city of Alameda without consideration and at no cost to the United States.

SEC. 4018. LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in coordination with the city of Los Angeles, shall—

(1) prepare a feasibility study for environmental ecosystem restoration, flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles; and

(2) consider any locally-preferred project alternatives developed through a full and open evaluation process for inclusion in the study.

(b) USE OF EXISTING INFORMATION AND MEASURES.—In preparing the study under subsection (a), the Secretary shall use, to the maximum extent practicable—

(1) information obtained from the Los Angeles River Revitalization Master Plan; and

(2) the development process of that plan.

(c) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to construct demonstration projects in order to provide information to develop the study under subsection (a)(1).

(2) FEDERAL SHARE.—The Federal share of the cost of any project under this subsection shall be not more than 65 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000.

SEC. 4019. LYTLE CREEK, RIALTO, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and groundwater recharge, Lytle Creek, Rialto, California.

SEC. 4020. MOKELUMNE RIVER, SAN JOAQUIN COUNTY, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply along the Mokelumne River, San Joaquin County, California.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to invalidate, preempt, or create any exception to State water law, State water rights, or Federal or State permitted activities or agreements.

SEC. 4021. ORICK, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and ecosystem restoration, Orick, California.

(b) FEASIBILITY OF RESTORING OR REHABILITATING REDWOOK CREEK LEVEES.—In conducting the study, the Secretary shall determine the feasibility of restoring or rehabilitating the Redwood Creek Levees, Humboldt County, California.

SEC. 4022. SHORELINE STUDY, OCEANSIDE, CALIFORNIA.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking "32 months" and inserting "44 months".

SEC. 4023. RIALTO, FONTANA, AND COLTON, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Rialto, Fontana, and Colton, California.

SEC. 4024. SACRAMENTO RIVER, CALIFORNIA.

The Secretary shall conduct a comprehensive study to determine the feasibility of, and alternatives for, measures to protect water diversion facilities and fish protective screen facilities in the vicinity of river mile 178 on the Sacramento River, California.

SEC. 4025. SAN DIEGO COUNTY, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, San Diego County, California, including a review of the feasibility of connecting 4 existing reservoirs to increase usable storage capacity.

SEC. 4026. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of the beneficial use of dredged material from the San Francisco Bay in the Sacramento-San Joaquin Delta, California, including the benefits and impacts of salinity in the Delta and the benefits to navigation, flood damage reduction, ecosystem restoration, water quality, salinity control, water supply reliability, and recreation.

(b) COOPERATION.—In conducting the study, the Secretary shall cooperate with the California department of water resources and appropriate Federal and State entities in developing options for the beneficial use of dredged material from San Francisco Bay for the Sacramento-San Joaquin Delta area.

(c) REVIEW.—The study shall include a review of the feasibility of using Sherman Island as a

rehandling site for levee maintenance material, as well as for ecosystem restoration. The review may include carrying out and monitoring a pilot project using up to 150,000 cubic yards of dredged material and being carried out at the Sherman Island site, examining larger scale use of dredged materials from the San Francisco Bay and Suisun Bay Channel, and analyzing the feasibility of the potential use of saline materials from the San Francisco Bay for both rehandling and ecosystem restoration purposes.

SEC. 4027. SOUTH SAN FRANCISCO BAY SHORELINE, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal interests, shall conduct a study of the feasibility of carrying out a project for—

(1) flood damage reduction along the South San Francisco Bay shoreline, California;

(2) restoration of the South San Francisco Bay salt ponds (including on land owned by other Federal agencies); and

(3) other related purposes, as the Secretary determines to be appropriate.

(b) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include recommendations of the Secretary with respect to the project described in subsection (a) based on planning, design, and land acquisition documents prepared by—

(A) the California State Coastal Conservancy;

(B) the Santa Clara Valley Water District; and

(C) other local interests.

(c) CREDIT.—

(1) IN GENERAL.—In accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), and subject to paragraph (2), the Secretary shall credit toward the non-Federal share of the cost of any project authorized by law as a result of the South San Francisco Bay shoreline study—

(A) the cost of work performed by the non-Federal interest in preparation of the feasibility study that is conducted before the date of the feasibility cost sharing agreement; and

(B) the funds expended by the non-Federal interest for acquisition costs of land that constitutes a part of such a project and that is owned by the United States Fish and Wildlife Service.

(2) CONDITIONS.—The Secretary may provide credit under paragraph (1) if—

(A) the value of all or any portion of land referred to in paragraph (1)(B) that would be subject to the credit has not previously been credited to the non-Federal interest for a project; and

(B) the land was not acquired to meet any mitigation requirement of the non-Federal interest.

SEC. 4028. TWENTYNINE PALMS, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction in the vicinity of Twentynine Palms, California.

SEC. 4029. YUCCA VALLEY, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Burnt Mountain basin, in the vicinity of Yucca Valley, California.

SEC. 4030. SELENIUM STUDIES, COLORADO.

(a) IN GENERAL.—The Director of the United States Geological Survey, in consultation with State water quality and resource and conservation agencies, shall conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado, including studies—

(1) to measure selenium on specific sites; and

(2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4031. DELAWARE AND CHRISTINA RIVERS AND SHELLPOT CREEK, WILMINGTON, DELAWARE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and related purposes along the Delaware and Christina Rivers and Shellpot Creek, Wilmington, Delaware.

SEC. 4032. DELAWARE INLAND BAYS AND TRIBUTARIES AND ATLANTIC COAST, DELAWARE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Indian River Inlet and Bay, Delaware.

(b) FACTORS FOR CONSIDERATION AND PRIORITY.—In carrying out the study under subsection (a), the Secretary shall—

(1) take into consideration all necessary activities to stabilize the scour holes threatening the Inlet and Bay shorelines; and

(2) give priority to stabilizing and restoring the Inlet channel and scour holes adjacent to the United States Coast Guard pier and helipad and the adjacent State-owned properties.

SEC. 4033. COLLIER COUNTY BEACHES, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hurricane and storm damage reduction and flood damage reduction in the vicinity of Vanderbilt, Park Shore, and Naples beaches, Collier County, Florida.

SEC. 4034. LOWER ST. JOHNS RIVER, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, including improved water quality, and related purposes, Lower St. Johns River, Florida.

SEC. 4035. HERBERT HOOVER DIKE SUPPLEMENTAL MAJOR REHABILITATION REPORT, FLORIDA.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall publish a supplemental report to the major rehabilitation report for the Herbert Hoover Dike system approved by the Chief of Engineers in November 2000.

(b) INCLUSIONS.—The supplemental report under subsection (a) shall include—

(1) an evaluation of existing conditions at the Herbert Hoover Dike system;

(2) an identification of additional risks associated with flood events at the system that are equal to or greater than the standard projected flood risks;

(3) an evaluation of the potential to integrate projects of the Corps of Engineers into an enhanced flood protection system for Lake Okeechobee, including—

(A) the potential for additional water storage north of Lake Okeechobee; and

(B) an analysis of other project features included in the Comprehensive Everglades Restoration Plan; and

(4) a review of the report prepared for the South Florida Water Management District dated April 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. 4036. VANDERBILT BEACH LAGOON, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, water supply, and improvement of water quality at Vanderbilt Beach Lagoon, Florida.

SEC. 4037. MERIWETHER COUNTY, GEORGIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Meriwether County, Georgia.

SEC. 4038. BOISE RIVER, IDAHO.

The study for flood control, Boise River, Idaho, authorized by section 414 of the Water Resources Development Act of 1999 (113 Stat. 324), is modified—

(1) to add ecosystem restoration and water supply as project purposes to be studied; and

(2) to require the Secretary to credit toward the non-Federal share of the cost of the study the cost, not to exceed $500,000, of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 4039. BALLARD'S ISLAND SIDE CHANNEL, ILLINOIS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, Ballard's Island side channel, Illinois.

SEC. 4040. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting "Lake Michigan and" before "the Chicago River".

SEC. 4041. SALEM, INDIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project to provide an additional water supply source for Salem, Indiana.

SEC. 4042. BUCKHORN LAKE, KENTUCKY.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood damage reduction, Buckhorn Lake, Kentucky, authorized by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), to add ecosystem restoration and recreation as project purposes.

(b) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide the non-Federal share of the cost of the study in the form of in-kind services and materials.

SEC. 4043. DEWEY LAKE, KENTUCKY.

The Secretary shall conduct a study to determine the feasibility of modifying the project for Dewey Lake, Kentucky, to add water supply as a project purpose.

SEC. 4044. LOUISVILLE, KENTUCKY.

The Secretary shall conduct a study of the project for flood control, Louisville, Kentucky, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), to investigate measures to address the rehabilitation of the project.

SEC. 4045. VIDALIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation improvement at Vidalia, Louisiana.

SEC. 4046. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts.

SEC. 4047. CLINTON RIVER, MICHIGAN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, Clinton River, Michigan.

SEC. 4048. HAMBURG AND GREEN OAK TOWNSHIPS, MICHIGAN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction on Ore Lake and the

Huron River for Hamburg and Green Oak Townships, Michigan.

SEC. 4049. LAKE ERIE AT LUNA PIER, MICHIGAN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for storm damage reduction and other related purposes along Lake Erie at Luna Pier, Michigan.

SEC. 4050. DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.

(a) IN GENERAL.—The Secretary shall conduct a study and prepare a report to evaluate the integrity of the bulkhead system located on and in the vicinity of Duluth-Superior Harbor, Duluth, Minnesota, and Superior, Wisconsin.

(b) CONTENTS.—The report shall include—

(1) a determination of causes of corrosion of the bulkhead system;

(2) recommendations to reduce corrosion of the bulkhead system;

(3) a description of the necessary repairs to the bulkhead system; and

(4) an estimate of the cost of addressing the causes of the corrosion and carrying out necessary repairs.

SEC. 4051. NORTHEAST MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Tennessee-Tombigbee Waterway, Alabama and Mississippi, to provide water supply for northeast Mississippi.

SEC. 4052. DREDGED MATERIAL DISPOSAL, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project in the vicinity of the Atlantic Intracoastal Waterway, New Jersey, for the construction of a dredged material disposal transfer facility to make dredged material available for beneficial reuse.

SEC. 4053. BAYONNE, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, including improved water quality, enhanced public access, and recreation, on the Kill Van Kull, Bayonne, New Jersey.

SEC. 4054. CARTERET, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, including improved water quality, enhanced public access, and recreation, on the Raritan River, Carteret, New Jersey.

SEC. 4055. GLOUCESTER COUNTY, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Gloucester County, New Jersey, including the feasibility of restoring the flood protection dikes in Gibbstown, New Jersey, and the associated tidegates in Gloucester County, New Jersey.

SEC. 4056. PERTH AMBOY, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration and recreation on the Arthur Kill, Perth Amboy, New Jersey.

SEC. 4057. BATAVIA, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower and related purposes in the vicinity of Batavia, New York.

SEC. 4058. BIG SISTER CREEK, EVANS, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Big Sister Creek, Evans, New York.

(b) EVALUATION OF POTENTIAL SOLUTIONS.—In conducting the study, the Secretary shall evaluate potential solutions to flooding from all sources, including flooding that results from ice jams.

SEC. 4059. FINGER LAKES, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration and protection, Finger Lakes, New York, to address water quality and aquatic nuisance species.

SEC. 4060. LAKE ERIE SHORELINE, BUFFALO, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for storm damage reduction and shoreline protection in the vicinity of Gallagher Beach, Lake Erie Shoreline, Buffalo, New York.

SEC. 4061. NEWTOWN CREEK, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out ecosystem restoration improvements on Newtown Creek, Brooklyn and Queens, New York.

SEC. 4062. NIAGARA RIVER, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for a low-head hydroelectric generating facility in the Niagara River, New York.

SEC. 4063. SHORE PARKWAY GREENWAY, BROOKLYN, NEW YORK.

The Secretary shall conduct a study of the feasibility of carrying out a project for shoreline protection in the vicinity of the confluence of the Narrows and Gravesend Bay, Upper New York Bay, Shore Parkway Greenway, Brooklyn, New York.

SEC. 4064. UPPER DELAWARE RIVER WATERSHED, NEW YORK.

In accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a nonprofit organization may serve, with the consent of the affected local government, as the non-Federal interest for a study for the Upper Delaware River watershed, New York, being carried out under Committee Resolution 2495 of the Committee on Transportation and Infrastructure of the House of Representatives, adopted May 9, 1996.

SEC. 4065. LINCOLN COUNTY, NORTH CAROLINA.

The Secretary shall conduct a study of existing water and water quality-related infrastructure in Lincoln County, North Carolina, to assist local interests in determining the most efficient and effective way to connect county infrastructure.

SEC. 4066. WILKES COUNTY, NORTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Wilkes County, North Carolina.

SEC. 4067. YADKINVILLE, NORTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Yadkinville, North Carolina.

SEC. 4068. FLOOD DAMAGE REDUCTION, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction in Cuyahoga, Lake, Ashtabula, Geauga, Erie, Lucas, Sandusky, Huron, and Stark Counties, Ohio.

SEC. 4069. LAKE ERIE, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for power generation at confined disposal facilities along Lake Erie, Ohio.

SEC. 4070. OHIO RIVER, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction on the Ohio River in Mahoning, Columbiana, Jefferson, Belmont, Noble, Monroe, Washington, Athens, Meigs, Gallia, Lawrence, and Scioto Counties, Ohio.

SEC. 4071. TOLEDO HARBOR DREDGED MATERIAL PLACEMENT, TOLEDO, OHIO.

The Secretary shall study the feasibility of removing previously dredged and placed materials from the Toledo Harbor confined disposal facility, transporting the materials, and disposing of the materials in or at abandoned mine sites in southeastern Ohio.

SEC. 4072. TOLEDO HARBOR, MAUMEE RIVER, AND LAKE CHANNEL PROJECT, TOLEDO, OHIO.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of constructing a project for navigation, Toledo, Ohio.

(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the Secretary shall take into consideration—

(1) realigning the existing Toledo Harbor channel widening occurring where the River Channel meets the Lake Channel from the northwest to the southeast side of the River Channel;

(2) realigning the entire 200-foot wide channel located at the upper river terminus of the River Channel southern river embankment towards the northern river embankment; and

(3) adjusting the existing turning basin to accommodate those changes.

SEC. 4073. ECOSYSTEM RESTORATION AND FISH PASSAGE IMPROVEMENTS, OREGON.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and fish passage improvements on rivers throughout the State of Oregon.

(b) REQUIREMENTS.—In carrying out the study, the Secretary shall—

(1) work in coordination with the State of Oregon, local governments, and other Federal agencies; and

(2) place emphasis on—

(A) fish passage and conservation and restoration strategies to benefit species that are listed or proposed for listing as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(B) other watershed restoration objectives.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—In conjunction with conducting the study under subsection (a), the Secretary may carry out pilot projects to demonstrate the effectiveness of ecosystem restoration and fish passages.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this subsection.

SEC. 4074. WALLA WALLA RIVER BASIN, OREGON.

In conducting the study of determine the feasibility of carrying out a project for ecosystem restoration, Walla Walla River basin, Oregon, the Secretary shall—

(1) credit toward the non-Federal share of the cost of the study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) allow the non-Federal interest to provide the non-Federal share of the cost of the study in the form of in-kind services and materials.

SEC. 4075. CHARTIERS CREEK WATERSHED, PENNSYLVANIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Chartiers Creek watershed, Pennsylvania.

SEC. 4076. KINZUA DAM AND ALLEGHENY RESERVOIR, PENNSYLVANIA.

The Secretary shall conduct a study of the project for flood control, Kinzua Dam and Allegheny Reservoir, Warren, Pennsylvania, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1570), and modified by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1215), section 2 of the Flood Control Act of August 18, 1941 (55 Stat. 646), and section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 887), to review operations of and identify modifications to the project to expand recreational opportunities.

SEC. 4077. WESTERN PENNSYLVANIA FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study of structural and nonstructural flood

damage reduction, stream bank protection, storm water management, channel clearing and modification, and watershed coordination measures in the Mahoning River basin, Pennsylvania, the Allegheny River basin, Pennsylvania, and the Upper Ohio River basin, Pennsylvania, to provide a level of flood protection sufficient to prevent future losses to communities located in such basins from flooding such as occurred in September 2004, but not less than a 100-year level of flood protection.

(b) PRIORITY COMMUNITIES.—In carrying out this section, the Secretary shall give priority to the following Pennsylvania communities: Marshall Township, Ross Township, Shaler Township, Jackson Township, Harmony, Zelienople, Darlington Township, Houston Borough, Chartiers Township, Washington, Canton Township, Tarentum Borough, and East Deer Township.

SEC. 4078. WILLIAMSPORT, PENNSYLVANIA.

The Secretary shall conduct a study of the project for flood control, Williamsport, Pennsylvania, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1570), to investigate measures to rehabilitate the project.

SEC. 4079. YARDLEY BOROUGH, PENNSYLVANIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, at Yardley Borough, Pennsylvania, including the alternative of raising River Road.

SEC. 4080. RIO VALENCIANO, JUNCOS, PUERTO RICO.

(a) IN GENERAL.—The Secretary shall conduct a study to reevaluate the project for flood damage reduction and water supply, Rio Valenciano, Juncos, Puerto Rico, authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197) and section 204 of the Flood Control Act of 1970 (84 Stat. 1828), to determine the feasibility of carrying out the project.

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 4081. WOONSOCKET LOCAL PROTECTION PROJECT, BLACKSTONE RIVER BASIN, RHODE ISLAND.

The Secretary shall conduct a study, and, not later than June 30, 2008, submit to Congress a report that describes the results of the study, on the flood damage reduction project, Woonsocket, Blackstone River basin, Rhode Island, authorized by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 892), to determine the measures necessary to restore the level of protection of the project as originally designed and constructed.

SEC. 4082. CROOKED CREEK, BENNETTSVILLE, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Crooked Creek, Bennettsville, South Carolina.

SEC. 4083. BROAD RIVER, YORK COUNTY, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Broad River, York County, South Carolina.

SEC. 4084. SAVANNAH RIVER, SOUTH CAROLINA AND GEORGIA.

(a) IN GENERAL.—The Secretary shall determine the feasibility of carrying out projects—

(1) to improve the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, in the vicinity of Mile 6 of the Savannah Harbor entrance channel; and

(2) to remove from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project.

(b) FACTORS FOR CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area as a consequence of removing from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project; and

(3) the results of the proposed bistate compact between the State of Georgia and the State of South Carolina to own, develop, and operate port facilities at the proposed Jasper County port site, as described in the term sheet executed by the Governor of the State of Georgia and the Governor of the State of South Carolina on March 12, 2007.

SEC. 4085. CHATTANOOGA, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Chattanooga Creek, Dobbs Branch, Chattanooga, Tennessee.

SEC. 4086. CLEVELAND, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Cleveland, Tennessee.

SEC. 4087. CUMBERLAND RIVER, NASHVILLE, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for recreation on, riverbank protection for, and environmental protection of, the Cumberland River and riparian habitats in the city of Nashville and Davidson County, Tennessee.

SEC. 4088. LEWIS, LAWRENCE, AND WAYNE COUNTIES, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Lewis, Lawrence, and Wayne Counties, Tennessee.

SEC. 4089. WOLF RIVER AND NONCONNAH CREEK, MEMPHIS, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along Wolf River and Nonconnah Creek, in the vicinity of Memphis, Tennessee, to include the repair, replacement, rehabilitation, and restoration of the following pumping stations: Cypress Creek, Nonconnah Creek, Ensley, Marble Bayou, and Bayou Gayoso.

SEC. 4090. ABILENE, TEXAS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Abilene, Texas.

SEC. 4091. COASTAL TEXAS ECOSYSTEM PROTECTION AND RESTORATION, TEXAS.

(a) IN GENERAL.—The Secretary shall develop a comprehensive plan to determine the feasibility of carrying out projects for flood damage reduction, hurricane and storm damage reduction, and ecosystem restoration in the coastal areas of the State of Texas.

(b) SCOPE.—The comprehensive plan shall provide for the protection, conservation, and restoration of wetlands, barrier islands, shorelines, and related lands and features that protect critical resources, habitat, and infrastructure from the impacts of coastal storms, hurricanes, erosion, and subsidence.

(c) DEFINITION.—For purposes of this section, the term "coastal areas in the State of Texas" means the coastal areas of the State of Texas from the Sabine River on the east to the Rio Grande River on the west and includes tidal waters, barrier islands, marshes, coastal wetlands, rivers and streams, and adjacent areas.

SEC. 4092. PORT OF GALVESTON, TEXAS.

The Secretary shall conduct a study of the feasibility of carrying out a project for dredged material disposal in the vicinity of the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666).

SEC. 4093. GRAND COUNTY AND MOAB, UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Grand County and the city of Moab, Utah, including a review of the impact of current and future demands on the Spanish Valley Aquifer.

SEC. 4094. SOUTHWESTERN UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Santa Clara River, Washington, Iron, and Kane Counties, Utah.

SEC. 4095. ECOSYSTEM AND HYDROPOWER GENERATION DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall conduct a study of the potential to carry out ecosystem restoration and hydropower generation at dams in the State of Vermont, including a review of the report of the Secretary on the land and water resources of the New England–New York region submitted to the President on April 27, 1956 (published as Senate Document Number 14, 85th Congress), and other relevant reports.

(b) PURPOSE.—The purpose of the study under subsection (a) shall be to determine the feasibility of providing water resource improvements and small-scale hydropower generation in the State of Vermont, including, as appropriate, options for dam restoration, hydropower, dam removal, and fish passage enhancement.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section $500,000. Such sums shall remain available until expended:

SEC. 4096. ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON.

(a) IN GENERAL.—The study for rehabilitation of the Elliott Bay Seawall, Seattle, Washington, being carried out under Committee Resolution 2704 of the Committee on Transportation and Infrastructure of the House of Representatives adopted September 25, 2002, is modified to include a determination of the feasibility of reducing future damage to the seawall from seismic activity.

(b) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out the study, the Secretary may accept contributions in excess of the non-Federal share of the cost of the study from the non-Federal interest to the extent that the Secretary determines that the contributions will facilitate completion of the study.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of any project authorized by law as a result of the study the value of contributions accepted by the Secretary under subsection (b).

SEC. 4097. MONONGAHELA RIVER BASIN, NORTHERN WEST VIRGINIA.

The Secretary shall conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the watersheds of the Monongahela River Basin lying within the counties of Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Rithchie, West Virginia.

SEC. 4098. KENOSHA HARBOR, WISCONSIN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Kenosha Harbor, Wisconsin, including the extension of existing piers.

SEC. 4099. JOHNSONVILLE DAM, JOHNSONVILLE, WISCONSIN.

The Secretary shall conduct a study of the Johnsonville Dam, Johnsonville, Wisconsin, to determine if the structure prevents ice jams on the Sheboygan River.

SEC. 4100. WAUWATOSA, WISCONSIN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and environmental restoration, Menomonee River and Underwood Creek, Wauwatosa, Wisconsin, and greater Milwaukee watersheds, Wisconsin.

SEC. 4101. DEBRIS REMOVAL.

(a) EVALUATION.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States, in coordination with the Secretary and the Administrator of the Environmental Protection Agency, and in consultation with affected communities, shall conduct a complete evaluation of Federal and non-Federal demolition, debris removal, segregation, transportation, and disposal practices relating to disaster areas designated in response to Hurricanes Katrina and Rita (including regulated and nonregulated materials and debris).

(2) INCLUSIONS.—The evaluation under paragraph (1) shall include a review of—

(A) compliance with all applicable environmental laws;

(B) permits issued or required to be issued with respect to debris handling, transportation, storage, or disposal; and

(C) administrative actions relating to debris removal and disposal in the disaster areas described in paragraph (1).

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General, in consultation with the Secretary and the Administrator, shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes the findings of the Comptroller General with respect to the evaluation under subsection (a);

(2)(A) certifies compliance with all applicable environmental laws; and

(B) identifies any area in which a violation of such a law has occurred or is occurring;

(3) includes recommendations to ensure—

(A) the protection of the environment;

(B) sustainable practices; and

(C) the integrity of hurricane and flood protection infrastructure relating to debris disposal practices;

(4) contains an enforcement plan that is designed to prevent illegal dumping of hurricane debris in a disaster area; and

(5) contains plans of the Secretary and the Administrator to involve the public and non-Federal interests, including through the formation of a Federal advisory committee, as necessary, to seek public comment relating to the removal, disposal, and planning for the handling of post-hurricane debris.

(c) RESTRICTION.—

(1) IN GENERAL.—No Federal funds may be used to pay for or reimburse any State or local entity in Louisiana for the disposal of construction and demolition debris generated as a result of Hurricane Katrina in 2005 in a landfill designated for construction and demolition debris as described in section 257.2 of title 40, Code of Federal Regulations, unless that waste meets the definition of construction and demolition debris, as specified under Federal law and described in that section on the date of enactment of this Act.

(2) APPLICABILITY.—The restriction in paragraph (1) shall apply only to any disposal that occurs after the date of enactment of this Act.

TITLE V—MISCELLANEOUS

SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.

(a) IN GENERAL.—Upon request of a non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels and breakwaters constructed or improved by the non-Federal interest if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel or breakwater was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) Manatee Harbor basin, Florida.

(2) Tampa Harbor, Sparkman Channel and Davis Island, Florida.

(3) West turning basin, Canaveral Harbor, Florida.

(4) Bayou LaFourche Channel, Port Fourchon, Louisiana.

(5) Calcasieu River at Devil's Elbow, Louisiana.

(6) Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee.

(7) Houston Ship Channel, Bayport Cruise Channel and Bayport Cruise turning basin, as part of the existing Bayport Channel, Texas.

(8) Pix Bayou Navigation Channel, Chambers County, Texas.

(9) Jacintoport Channel at Houston Ship Channel, Texas.

(10) Racine Harbor, Wisconsin.

(b) COMPLETION OF ASSESSMENT.—Not later than 6 months after the date of receipt of a request from a non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

SEC. 5002. WATERSHED MANAGEMENT.

(a) IN GENERAL.—The Secretary may provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) SPECIFIC MEASURES.—Assistance provided under subsection (a) may be in support of non-Federal projects for the following purposes:

(1) Management and restoration of water quality.

(2) Control and remediation of toxic sediments.

(3) Restoration of degraded streams, rivers, wetlands, and other water bodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.

(4) Protection and restoration of watersheds, including urban watersheds.

(5) Demonstration of technologies for nonstructural measures to reduce destructive impacts of flooding.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under subsection (a) shall be 25 percent.

(d) PROJECT LOCATIONS.—The locations referred to in subsection (a) are the following:

(1) Charlotte Harbor watershed, Florida.

(2) Those portions of the watersheds of the Chattahoochee, Etowah, Flint, Ocmulgee, and Oconee Rivers lying within the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Forsyth, Gwinnett, Hall, Henry, Paulding, Rockdale, and Walton, Georgia.

(3) Kinkaid Lake, Jackson County, Illinois.

(4) Amite River basin, Louisiana.

(5) East Atchafalaya River basin, Iberville Parish and Pointe Coupee Parish, Louisiana.

(6) Red River watershed, Louisiana.

(7) Taunton River basin, Massachusetts.

(8) Marlboro Township, New Jersey.

(9) Esopus, Plattekill, and Rondout Creeks, Greene, Sullivan, and Ulster Counties, New York.

(10) Greenwood Lake watershed, New York and New Jersey.

(11) Long Island Sound watershed, New York.

(12) Ramapo River watershed, New York.

(13) Tuscarawas River basin, Ohio.

(14) Western Lake Erie basin, Ohio.

(15) Those portions of the watersheds of the Beaver, Upper Ohio, Connoquenessing, Lower Allegheny, Kiskiminetas, Lower Monongahela, Youghiogheny, Shenango, and Mahoning Rivers lying within the counties of Beaver, Butler, Lawrence, and Mercer, Pennsylvania.

(16) Otter Creek watershed, Pennsylvania.

(17) Unami Creek watershed, Milford Township, Pennsylvania.

(18) Sauk River basin, Washington.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 5003. DAM SAFETY.

(a) ASSISTANCE.—The Secretary may provide assistance to enhance dam safety at the following locations:

(1) Fish Creek Dam, Blaine County, Idaho.

(2) Keith Creek, Rockford, Illinois.

(3) Mount Zion Mill Pond Dam, Fulton County, Indiana.

(4) Hamilton Dam, Flint River, Flint, Michigan.

(5) Congers Lake Dam, Rockland County, New York.

(6) Lake Lucille Dam, New City, New York.

(7) Peconic River Dams, town of Riverhead, Suffolk, Long Island, New York.

(8) Pine Grove Lakes Dam, Sloatsburg, New York.

(9) State Dam, Auburn, New York.

(10) Whaley Lake Dam, Pawling, New York.

(11) Brightwood Dam, Concord Township, Ohio.

(12) Ingham Spring Dam, Solebury Township, Pennsylvania.

(13) Leaser Lake Dam, Lehigh County, Pennsylvania.

(14) Stillwater Dam, Monroe County, Pennsylvania.

(15) Wissahickon Creek Dam, Montgomery County, Pennsylvania.

(b) SPECIAL RULE.—The assistance provided under subsection (a) for State Dam, Auburn, New York, shall be for a project for rehabilitation in accordance with the report on State Dam Rehabilitation, Owasco Lake Outlet, New York, dated March 1999, if the Secretary determines that the project is feasible.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $12,000,000.

SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.

(a) IN GENERAL.—Upon request of a non-Federal interest, the Secretary shall evaluate the structural integrity and effectiveness of a project for flood damage reduction and, if the Secretary determines that the project does not meet such minimum standards as the Secretary may establish and absent action by the Secretary the project will fail, the Secretary may take such action as may be necessary to restore the integrity and effectiveness of the project.

(b) PRIORITY.—The Secretary shall carry out an evaluation and take such actions as may be necessary under subsection (a) for the project for flood damage reduction, Arkansas River Levees, Arkansas.

SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.

(a) IN GENERAL.—Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is amended—

(1) by striking "and" at the end of paragraphs (23) and (27);

(2) by striking the period at the end of paragraph (28) and inserting a semicolon; and

(3) by adding at the end the following:

"(29) Ascension Parish, Louisiana;

"(30) East Baton Rouge Parish, Louisiana;

"(31) Iberville Parish, Louisiana;

"(32) Livingston Parish, Louisiana; and

"(33) Pointe Coupee Parish, Louisiana.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 212(i)(1) of such Act (33 U.S.C. 2332(i)(1)) is amended by striking "section—" and all that follows before the period at the end and inserting "section $20,000,000".

SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED PROJECTS.

(a) IN GENERAL.—Section 219(e) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(3) by adding at the end the following:

"(9) $35,000,000 for the project described in subsection (c)(18);

"(10) $27,000,000 for the project described in subsection (c)(19);

"(11) $20,000,000 for the project described in subsection (c)(20);

"(12) $35,000,000 for the project described in subsection (c)(23);

"(13) $20,000,000 for the project described in subsection (c)(25);

"(14) $20,000,000 for the project described in subsection (c)(26);

"(15) $35,000,000 for the project described in subsection (c)(27);

"(16) $20,000,000 for the project described in subsection (c)(28); and

"(17) $30,000,000 for the project described in subsection (c)(40).".

(b) EAST ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.—Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project described in section 219(c)(20) of the Water Resources Development Act of 1992 (114 Stat. 2763A–219) if such assistance is authorized to be used for such purposes.

SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND CONSTRUCTION FOR CERTAIN PROJECTS.

The Secretary shall expedite completion of the reports and, if the Secretary determines that the project is feasible, shall expedite completion of construction for the following projects:

(1) Project for navigation, Whittier, Alaska.

(2) Laguna Creek watershed flood damage reduction project, California.

(3) Daytona Beach shore protection project, Florida.

(4) Flagler Beach shore protection project, Florida.

(5) St. Johns County shore protection project, Florida.

(6) Chenier Plain environmental restoration project, Louisiana.

(7) False River, Louisiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(8) North River, Peabody, Massachusetts, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(9) Fulmer Creek, Village of Mohawk, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(10) Moyer Creek, Village of Frankfort, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(11) Steele Creek, Village of Ilion, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(12) Oriskany Wildlife Management Area, Rome, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(13) Whitney Point Lake, Otselic River, Whitney Point, New York, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(14) Chenango Lake, Chenango County, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CERTAIN PROJECTS.

(a) IN GENERAL.—The Secretary shall expedite completion of the reports for the following projects and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design:

(1) Project for water supply, Little Red River, Arkansas.

(2) Watershed study, Fountain Creek, north of Pueblo, Colorado.

(3) Project for shoreline stabilization at Egmont Key, Florida.

(4) Project for navigation, Sabine-Neches Waterway, Texas and Louisiana.

(5) Project for ecosystem restoration, University Lake, Baton Rouge, Louisiana.

(b) SPECIAL RULE FOR EGMONT KEY, FLORIDA.—In carrying out the project for shoreline stabilization at Egmont Key, Florida, referred to in subsection (a)(3), the Secretary shall waive any cost share to be provided by non-Federal interests for any portion of the project that benefits federally owned property.

SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESSMENT.

(a) IN GENERAL.—The Secretary shall conduct, at Federal expense, an assessment of the water resources needs of the river basins and watersheds of the southeastern United States.

(b) COOPERATIVE AGREEMENTS.—In carrying out the assessment, the Secretary may enter into cooperative agreements with State and local agencies, non-Federal and nonprofit entities, and regional researchers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $7,000,000 to carry out this section.

SEC. 5010. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

(1) in subsection (b)(2)(A) by adding at the end the following: "The Secretary shall ensure that such activities are carried out throughout the geographic area that is subject to the plan.";

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(3) by inserting after subsection (e) the following:

"(f) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project or activity carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.";

(4) in subsection (g) (as redesignated by paragraph (2) of this section) by adding at the end the following:

"(4) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—The non-Federal share of the costs of activities carried out under the plan may be provided—

"(i) in cash;

"(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

"(iii) by in-kind services to implement the project; or

"(iv) by any combination thereof.

"(B) PRIVATE OWNERSHIP.—Land needed for activities carried out under the plan and credited toward the non-Federal share of the cost of an activity may remain in private ownership subject to easements that are—

"(i) satisfactory to the Secretary; and

"(ii) necessary to ensure achievement of the project purposes."; and

(5) in subsection (h) (as redesignated by paragraph (2) of this section) by striking "for the period of fiscal years 2003 and 2004." and inserting "per fiscal year through fiscal year 2015.".

SEC. 5011. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM.

(a) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

"(2) RECONNAISSANCE STUDIES.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

"(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

"(B) to determine whether planning of a project under paragraph (3) should proceed."; and

(3) in paragraph (4)(A) (as redesignated by paragraph (1) of this subsection) by striking "paragraph (2)" and inserting "paragraph (3)".

(b) COST SHARING.—Section 506(f) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(f)) is amended—

(1) in paragraph (2)—

(A) by striking "The Federal share" and inserting "Except for reconnaissance studies, the Federal share"; and

(B) by striking "(2) or (3)" and inserting "(3) or (4)";

(2) in paragraph (3)—

(A) in subparagraph (A) by striking "subsection (c)(2)" and inserting "subsection (c)(3)"; and

(B) in subparagraph (B) by striking "50 percent" and inserting "100 percent"; and

(3) in paragraph (5) by striking "Notwithstanding" and inserting "In accordance with".

SEC. 5012. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 114 Stat. 2613) is amended by striking "through 2006" and inserting "through 2012".

SEC. 5013. GREAT LAKES TRIBUTARY MODELS.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking "through 2006" and inserting "through 2012".

SEC. 5014. GREAT LAKES NAVIGATION AND PROTECTION.

(a) GREAT LAKES NAVIGATION.—Using available funds, the Secretary shall expedite the operation and maintenance, including dredging, of the navigation features of the Great Lakes and Connecting Channels for the purpose of supporting commercial navigation to authorized project depths.

(b) GREAT LAKES PILOT PROJECT.—Using available funds, the Director of the Animal and Plant Health Inspection Service, in coordination with the Secretary, the Administrator of the Environmental Protection Agency, the Commandant of the Coast Guard, and the Director of the United States Fish and Wildlife Service, shall carry out a pilot project, on an emergency basis, to control and prevent further spreading of viral hemorrhagic septicemia in the Great Lakes and Connecting Channels.

(c) GREAT LAKES AND CONNECTING CHANNELS DEFINED.—In this section, the term "Great

Lakes and Connecting Channels" includes Lakes Superior, Huron, Michigan, Erie, and Ontario, all connecting waters between and among such lakes used for commercial navigation, any navigation features in such lakes or waters that are a Federal operation or maintenance responsibility, and areas of the Saint Lawrence River that are operated or maintained by the Federal Government for commercial navigation.

SEC. 5015. SAINT LAWRENCE SEAWAY.

(a) IN GENERAL.—The Secretary is authorized, using amounts contributed by the Saint Lawrence Seaway Development Corporation under subsection (b), to carry out projects for operations, maintenance, repair, and rehabilitation, including associated maintenance dredging, of the Eisenhower and Snell lock facilities and related navigational infrastructure for the Saint Lawrence Seaway, at a total cost of $134,650,000.

(b) SOURCE OF FUNDS.—The Secretary is authorized to accept funds from the Saint Lawrence Seaway Development Corporation to carry out projects under this section. Such funds may include amounts made available to the Corporation from the Harbor Maintenance Trust Fund and the general fund of the Treasury of the United States pursuant to section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238).

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section authorizes the construction of any project to increase the depth or width of the navigation channel to a level greater than that previously authorized and existing on the date of enactment of this Act or to increase the dimensions of the Eisenhower and Snell lock facilities.

SEC. 5016. UPPER MISSISSIPPI RIVER DISPERSAL BARRIER PROJECT.

(a) IN GENERAL.—The Secretary, in consultation with appropriate Federal and State agencies, shall study, design, and carry out a project to delay, deter, impede, or restrict the dispersal of aquatic nuisance species into the northern reaches of the Upper Mississippi River system. The Secretary shall complete the study, design, and construction of the project not later than 6 months after the date of enactment of this Act.

(b) DISPERSAL BARRIER.—In carrying out subsection (a), the Secretary, at Federal expense, shall—

(1) investigate and identify environmentally sound methods for preventing and reducing the dispersal of aquatic nuisance species through the northern reaches of the Upper Mississippi River system;

(2) use available technologies and measures;

(3) monitor and evaluate, in cooperation with the Director of the United States Fish and Wildlife Service, the effectiveness of the project in preventing and reducing the dispersal of aquatic nuisance species through the northern reaches of the Upper Mississippi River system;

(4) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the evaluation conducted under paragraph (3); and

(5) operate and maintain the project.

(c) REQUIREMENT.—In conducting the study under subsection (a), the Secretary shall take into consideration the feasibility of locating the dispersal barrier at the lock portion of the project at Lock and Dam 11 in the Upper Mississippi River basin.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 to carry out this section.

SEC. 5017. ESTUARY RESTORATION.

(a) PURPOSES.—Section 102 of the Estuary Restoration Act of 2000 (33 U.S.C. 2901) is amended—

(1) in paragraph (1) by inserting before the semicolon at the end the following: "by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage";

(2) in paragraph (2) by inserting "and implement" after "to develop"; and

(3) in paragraph (3) by inserting "through cooperative agreements" after "restoration projects".

(b) DEFINITION OF ESTUARY HABITAT RESTORATION PLAN.—Section 103(6)(A) of the Estuary Restoration Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by striking "Federal or State" and inserting "Federal, State, or regional".

(c) ESTUARY HABITAT RESTORATION PROGRAM.—Section 104 of the Estuary Restoration Act of 2000 (33 U.S.C. 2903) is amended—

(1) in subsection (a) by inserting "through the award of contracts and cooperative agreements" after "assistance";

(2) in subsection (c)—

(A) in paragraph (3)(A) by inserting "or State" after "Federal"; and

(B) in paragraph (4)(B) by inserting "or approach" after "technology";

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "Except" and inserting the following:

"(A) IN GENERAL.—Except"; and

(ii) by adding at the end the following:

"(B) MONITORING.—

"(i) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

"(ii) GOALS.—The goals of the monitoring shall be—

"(I) to measure the effectiveness of the restoration project; and

"(II) to allow adaptive management to ensure project success.";

(B) in paragraph (2) by inserting "or approach" after "technology"; and

(C) in paragraph (3) by inserting "(including monitoring)" after "services";

(4) in subsection (f)(1)(B) by inserting "long-term" before "maintenance"; and

(5) in subsection (g)—

(A) by striking "In carrying" and inserting the following:

"(1) IN GENERAL.—In carrying"; and

(B) by adding at the end the following:

"(2) SMALL PROJECTS.—

"(A) SMALL PROJECT DEFINED.—In this paragraph, the term 'small project' means a project carried out under this title with an estimated Federal cost of less than $1,000,000.

"(B) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this section, the Secretary, on recommendation of the Council, may delegate implementation of a small project to—

"(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

"(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

"(iii) the Administrator of the Environmental Protection Agency; or

"(iv) the Secretary of Agriculture.

"(C) FUNDING.—A small project delegated to the head of a Federal department or agency under this paragraph may be carried out using funds appropriated to the department or agency under section 109(a)(1) or other funds available to the department or agency.

"(D) AGREEMENTS.—The head of a Federal department or agency to which a small project is delegated under this paragraph shall enter into an agreement with the non-Federal interest for the project generally in conformance with the criteria in subsections (d) and (e). Cooperative agreements may be used for any delegated project to allow the non-Federal interest to carry out the project on behalf of the Federal agency.".

(d) ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.—Section 105(b) of the Estuary Restoration Act of 2000 (33 U.S.C. 2904(b)) is amended—

(1) in paragraph (4) by striking "and" after the semicolon;

(2) in paragraph (5) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(6) cooperating in the implementation of the strategy developed under section 106;

"(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and

"(8) otherwise using the respective authorities of the Council members to carry out this title.".

(e) MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.—Section 107(d) of the Estuary Restoration Act of 2000 (33 U.S.C. 2906(d)) is amended by striking "compile" and inserting "have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under this section, including compilation of".

(f) REPORTING.—Section 108(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2907(a)) is amended by striking "At the end of the third and fifth fiscal years following the date of enactment of this Act" and inserting "Not later than September 30, 2008, and every 2 years thereafter".

(g) FUNDING.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking "to the Secretary"; and

(B) by striking subparagraphs (A) through (D) and inserting the following:

"(A) to the Secretary, $25,000,000 for each of fiscal years 2008 through 2012;

"(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $2,500,000 for each of fiscal years 2008 through 2012;

"(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2008 through 2012;

"(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2008 through 2012; and

"(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2008 through 2012."; and

(2) in the first sentence of paragraph (2)—

(A) by inserting "and other information compiled under section 107" after "this title"; and

(B) by striking "2005" and inserting "2012".

(h) GENERAL PROVISIONS.—Section 110 of the Estuary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

(1) in subsection (b)(1)—

(A) by inserting "or contracts" after "agreements"; and

(B) by inserting ", nongovernmental organizations," after "agencies"; and

(2) by striking subsections (d) and (e).

SEC. 5018. MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY, AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Missouri River Recovery Implementation Committee to be established under subsection (b)(1), shall conduct a study of the

Missouri River and its tributaries to determine actions required—

(A) to mitigate losses of aquatic and terrestrial habitat;

(B) to recover federally listed species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) to restore the ecosystem to prevent further declines among other native species.

(2) FUNDING.—The study to be conducted under paragraph (1) shall be funded using amounts made available to carry out the Missouri River recovery and mitigation plan authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143).

(b) MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish a committee to be known as the Missouri River Recovery Implementation Committee (in this section referred to as the "Committee").

(2) MEMBERSHIP.—The Committee shall include representatives from—

(A) Federal agencies;

(B) States located near the Missouri River basin; and

(C) other appropriate entities, as determined by the Secretary, including—

(i) water management and fish and wildlife agencies;

(ii) Indian tribes located near the Missouri River basin; and

(iii) nongovernmental stakeholders, which may include—

(I) navigation interests;

(II) irrigation interests;

(III) flood control interests;

(IV) fish, wildlife, and conservation organizations;

(V) recreation interests; and

(VI) power supply interests.

(3) DUTIES.—The Committee shall—

(A) with respect to the study to be conducted under subsection (a)(1), provide guidance to the Secretary and any affected Federal agency, State agency, or Indian tribe; and

(B) provide guidance to the Secretary with respect to the Missouri River recovery and mitigation plan in existence on the date of enactment of this Act, including recommendations relating to—

(i) changes to the implementation strategy from the use of adaptive management;

(ii) coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the Missouri River recovery and mitigation plan;

(iii) exchange of information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation plan;

(iv) establishment of such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues;

(v) facilitating the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation plan;

(vi) coordination of scientific and other research associated with the Missouri River recovery and mitigation plan; and

(vii) annual preparation of a work plan and associated budget requests.

(4) RECOMMENDATIONS AND GUIDANCE.—In providing recommendations and guidance from the Committee, the members of the Committee may include dissenting opinions.

(5) COMPENSATION; TRAVEL EXPENSES.—

(A) COMPENSATION.—Members of the Committee shall not receive compensation from the Secretary in carrying out the duties of the Committee under this section.

(B) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Committee in carrying out the duties of the Committee under this section shall not be eligible for Federal reimbursement.

(c) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 5019. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–18; 111 Stat. 176), section 2.2 of the Susquehanna River Basin Compact to which consent was given by Public Law 91–575 (84 Stat. 1512), and section 2.2 of the Delaware River Basin Compact to which consent was given by Public Law 87–328 (75 Stat. 691), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be—

(A) the ex officio United States member of the Susquehanna River Basin Compact and the Delaware River Basin Compact; and

(B) one of the 3 members appointed by the President under the Potomac River Basin Compact to which consent was given by Public Law 91–407 (84 Stat. 856);

(2) shall serve without additional compensation; and

(3) may designate an alternate member in accordance with the terms of those compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin to fulfill the equitable funding requirements of the respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE, DELAWARE RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) WATER SUPPLY AND CONSERVATION STORAGE, SUSQUEHANNA RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River basin for any period for which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) WATER SUPPLY AND CONSERVATION STORAGE, POTOMAC RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Interstate Commission on the Potomac River Basin to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River basin for any period for which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5020. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) FORM OF ASSISTANCE.—Section 510(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended by striking ", and beneficial uses of dredged material" and inserting ", beneficial uses of dredged material, and restoration of submerged aquatic vegetation".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 510(i) of such Act (110 Stat. 3761) is amended by striking "$10,000,000" and inserting "$40,000,000".

SEC. 5021. CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in paragraph (1)—

(A) in the second sentence by striking "$30,000,000" and inserting "$50,000,000"; and

(B) in the third sentence by striking "Such projects" and inserting the following:

"(2) INCLUSIONS.—Such projects";

(3) by striking paragraph (2)(D) (as redesignated by paragraph (2)(B) of this subsection) and inserting the following:

"(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

"(i) the construction of oyster bars and reefs;

"(ii) the rehabilitation of existing marginal habitat;

"(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

"(iv) the construction and upgrading of oyster hatcheries; and

"(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

"(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

"(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

"(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery."; and

(4) by adding at the end the following:

"(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term 'ecological success' means—

"(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

"(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.".

SEC. 5022. HYPOXIA ASSESSMENT.

The Secretary may participate with Federal, State, and local agencies, non-Federal and nonprofit entities, regional researchers, and other interested parties to assess hypoxia in the Gulf of Mexico.

SEC. 5023. POTOMAC RIVER WATERSHED ASSESSMENT AND TRIBUTARY STRATEGY EVALUATION AND MONITORING PROGRAM.

The Secretary may participate in the Potomac River watershed assessment and tributary strategy evaluation and monitoring program to identify a series of resource management indicators to accurately monitor the effectiveness of the implementation of the agreed upon tributary strategies and other public policies that pertain to natural resource protection of the Potomac River watershed.

SEC. 5024. LOCK AND DAM SECURITY.

(a) STANDARDS.—The Secretary, in consultation with the Federal Emergency Management Agency, the Tennessee Valley Authority, and the Coast Guard, shall develop standards for the security of locks and dams, including the testing and certification of vessel exclusion barriers.

(b) SITE SURVEYS.—At the request of a lock or dam owner, the Secretary shall provide technical assistance, on a reimbursable basis, to improve lock or dam security.

(c) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with a nonprofit alliance of public and private organizations that has the mission of promoting safe waterways and seaports to carry out testing and certification activities, and to perform site surveys, under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 to carry out this section.

SEC. 5025. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVER SALMON SURVIVAL.

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; 110 Stat. 3761; 113 Stat. 375) is amended—

(1) in subsection (a)(6) by striking "$10,000,000" and inserting "$25,000,000"; and

(2) in subsection (c)(2) by striking "$1,000,000" and inserting "$10,000,000".

SEC. 5026. WAGE SURVEYS.

Employees of the Corps of Engineers who are paid wages determined under the last undesignated paragraph under the heading "Administrative Provisions" of chapter V of the Supplemental Appropriations Act, 1982 (5 U.S.C. 5343 note; 96 Stat. 832) shall be allowed, through appropriate employee organization representatives, to participate in wage surveys under such paragraph to the same extent as are prevailing rate employees under subsection (c)(2) of section 5343 of title 5, United States Code. Nothing in such section 5343 shall be construed to affect which agencies are to be surveyed under such paragraph.

SEC. 5027. REHABILITATION.

The Secretary, at Federal expense and in an amount not to exceed $1,000,000, shall rehabilitate and improve the water-related infrastructure and the transportation infrastructure for the historic property in the Anacostia River watershed located in the District of Columbia, including measures to address wet weather conditions. To carry out this section, the Secretary shall accept funds provided for such project under any other Federal program.

SEC. 5028. AUBURN, ALABAMA.

The Secretary may provide technical assistance relating to water supply to Auburn, Alabama. There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5029. PINHOOK CREEK, HUNTSVILLE, ALABAMA.

(a) PROJECT AUTHORIZATION.—The Secretary shall design and construct the locally preferred plan for flood protection at Pinhook Creek, Huntsville, Alabama. In carrying out the project, the Secretary shall utilize, to the extent practicable, the existing detailed project report for the project prepared under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(b) PARTICIPATION BY NON-FEDERAL INTEREST.—The Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) if the detailed project report evaluation indicates that applying such section is necessary to implement the project.

(c) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project.

SEC. 5030. ALASKA.

Section 570 of the Water Resources Development Act of 1999 (113 Stat. 369) is amended—

(1) in subsection (c) by inserting "environmental restoration," after "water supply and related facilities,";

(2) in subsection (e)(3)(B) by striking the last sentence;

(3) in subsection (h) by striking "$25,000,000" and inserting "$45,000,000"; and

(4) by adding at the end the following:

"(i) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

"(j) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.".

SEC. 5031. BARROW, ALASKA.

The Secretary shall carry out, under section 117 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2944), a nonstructural project for coastal erosion and storm damage prevention and reduction at Barrow, Alaska, including relocation of infrastructure.

SEC. 5032. LOWELL CREEK TUNNEL, SEWARD, ALASKA.

(a) LONG-TERM MAINTENANCE AND REPAIR.—

(1) MAINTENANCE AND REPAIR.—The Secretary shall assume responsibility for the long-term maintenance and repair of the Lowell Creek tunnel, Seward, Alaska.

(2) DURATION OF RESPONSIBILITIES.—The responsibility of the Secretary for long-term maintenance and repair of the tunnel shall continue until an alternative method of flood diversion is constructed and operational under this section, or 15 years after the date of enactment of this Act, whichever is earlier.

(b) STUDY.—The Secretary shall conduct a study to determine whether an alternative method of flood diversion in Lowell Canyon is feasible.

(c) CONSTRUCTION.—

(1) ALTERNATIVE METHODS.—If the Secretary determines under the study conducted under subsection (b) that an alternative method of flood diversion in Lowell Canyon is feasible, the Secretary shall carry out the alternative method.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an alternative method under paragraph (1) shall be the same as the Federal share of the cost of the construction of the Lowell Creek tunnel.

SEC. 5033. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

SEC. 5034. TANANA RIVER, ALASKA.

The Secretary shall carry out, on an emergency basis, the removal of the hazard to navigation on the Tanana River, Alaska, near the mouth of the Chena River, as described in the January 3, 2005, memorandum from the Commander, Seventeenth Coast Guard District, to the Corps of Engineers, Alaska District, Anchorage, Alaska.

SEC. 5035. WRANGELL HARBOR, ALASKA.

(a) GENERAL NAVIGATION FEATURES.—In carrying out the project for navigation, Wrangell Harbor, Alaska, authorized by section 101(b)(1) of the Water Resources Development Act of 1999 (113 Stat. 279), the Secretary shall consider the dredging of the mooring basin and construction of the inner harbor facilities to be general navigation features for purposes of estimating the non-Federal share of project costs.

(b) REVISION OF PARTNERSHIP AGREEMENT.—The Secretary shall revise the partnership agreement for the project to reflect the change required by subsection (a).

SEC. 5036. AUGUSTA AND CLARENDON, ARKANSAS.

(a) IN GENERAL.—The Secretary may carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

(b) REIMBURSEMENT.—After performing the rehabilitation under subsection (a), the Secretary shall seek reimbursement from the Secretary of the Interior of an amount equal to the costs allocated to benefits to a Federal wildlife refuge of such rehabilitation.

SEC. 5037. DES ARC LEVEE PROTECTION, ARKANSAS.

The Secretary shall review the project for flood control, Des Arc, Arkansas, to determine whether bank and channel scour along the White River threaten the existing project and whether the scour is a result of a design deficiency. If the Secretary determines that such conditions exist as a result of a deficiency, the Secretary shall carry out measures to eliminate the deficiency.

SEC. 5038. LOOMIS LANDING, ARKANSAS.

The Secretary shall conduct a study of shore damage in the vicinity of Loomis Landing, Arkansas, to determine if the damage is the result of a Federal navigation project, and, if the Secretary determines that the damage is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

SEC. 5039. CALIFORNIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in California.

(b) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in California, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of a project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity.

(g) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5040. CALAVERAS RIVER AND LITTLEJOHN CREEK AND TRIBUTARIES, STOCKTON, CALIFORNIA.

(a) IN GENERAL.—Unless the Secretary determines, by not later than 30 days after the date of enactment of this Act, that the relocation of the portion of the project described in subsection (b)(2) would be injurious to the public interest, a non-Federal interest may reconstruct and relocate that portion of the project approximately 300 feet in a westerly direction.

(b) PROJECT DESCRIPTION.—

(1) IN GENERAL.—The project referred to in subsection (a) is the project for flood control, Calaveras River and Littlejohn Creek and tributaries, California, authorized by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 902).

(2) SPECIFIC DESCRIPTION.—The portion of the project to be reconstructed and relocated is that portion consisting of approximately 5.34 acres of dry land levee beginning at a point N. 2203542.3167, E. 6310930.1385, thence running west about 59.99 feet to a point N. 2203544.6562, E. 6310870.1468, thence running south about 3,874.99 feet to a point N. 2199669.8760, E. 6310861.7956, thence running east about 60.00 feet to a point N. 2199668.8026, E. 6310921.7900, thence running north about 3,873.73 feet to the point of origin.

(c) COST SHARING.—The non-Federal share of the cost of reconstructing and relocating the portion of the project described in subsection (b)(2) shall be 100 percent.

SEC. 5041. CAMBRIA, CALIFORNIA.

Section 219(f)(48) of the Water Resources Development Act of 1992 (114 Stat. 2763A–220) is amended—

(1) by striking "$10,300,000" and inserting the following:

"(A) IN GENERAL.—$10,300,000";

(2) by adding at the end the following:

"(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project not to exceed $3,000,000 for the cost of planning and design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5042. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA; MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

Sections 512 and 514 of the Water Resources Development Act of 2000 (114 Stat. 2650) are each amended by adding at the end the following: "All planning, study, design, and construction on the project shall be carried out by the office of the district engineer, San Francisco, California.".

SEC. 5043. DANA POINT HARBOR, CALIFORNIA.

The Secretary shall conduct a study of the causes of water quality degradation within Dana Point Harbor, California, to determine if the degradation is the result of a Federal navigation project, and, if the Secretary determines that the degradation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the degradation at Federal expense.

SEC. 5044. EAST SAN JOAQUIN COUNTY, CALIFORNIA.

Section 219(f)(22) of the Water Resources Development Act of 1992 (113 Stat. 336) is amended—

(1) by striking "$25,000,000" and inserting the following:

"(A) IN GENERAL.—$25,000,000";

(2) by adding at the end the following:

"(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

"(C) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5045. EASTERN SANTA CLARA BASIN, CALIFORNIA.

Section 111(c) of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106–554; 114 Stat. 2763A–224) is amended—

(1) by striking "$25,000,000" and inserting "$28,000,000"; and

(2) by striking "$7,000,000" and inserting "$10,000,000".

SEC. 5046. LA–3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

The third sentence of section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended by striking "January 1, 2003" and inserting "January 1, 2011".

SEC. 5047. LANCASTER, CALIFORNIA.

Section 219(f)(50) of the Water Resources Development Act of 1992 (114 Stat. 2763A–220) is amended—

(1) by inserting after "water" the following: "and wastewater"; and

(2) by striking "$14,500,000" and inserting "$24,500,000".

SEC. 5048. LOS OSOS, CALIFORNIA.

Section 219(c)(27) of the Water Resources Development Act of 1992 (114 Stat. 2763A–219) is amended to read as follows:

"(27) LOS OSOS, CALIFORNIA.—Wastewater infrastructure, Los Osos, California.".

SEC. 5049. PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.

(a) COOPERATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and in the 14-mile reach of the Kings River immediately below Pine Flat Dam, California, in a manner that—

(A) provides for long-term aquatic resource enhancement; and

(B) avoids adverse effects on water storage and water rights holders.

(2) GOALS AND PRINCIPLES.—The cooperative program described in paragraph (1) shall be carried out—

(A) substantially in accordance with the goals and principles of the document entitled "Kings River Fisheries Management Program Framework Agreement" and dated May 29, 1999, between the California department of fish and game and the Kings River Water Association and the Kings River Conservation District; and

(B) in cooperation with the parties to that agreement.

(b) PARTICIPATION BY SECRETARY.—

(1) IN GENERAL.—In furtherance of the goals of the agreement described in subsection (a)(2), the Secretary shall participate in the planning, design, and construction of projects and pilot projects on the Kings River and its tributaries to enhance aquatic habitat and water availability for fisheries purposes (including maintenance of a trout fishery) in accordance with flood control operations, water rights, and beneficial uses in existence as of the date of enactment of this Act.

(2) PROJECTS.—Projects referred to in paragraph (1) may include—

(A) projects to construct or improve pumping, conveyance, and storage facilities to enhance water transfers; and

(B) projects to carry out water exchanges and create opportunities to use floodwater within and downstream of Pine Flat Reservoir.

(c) NO AUTHORIZATION OF CERTAIN DAM-RELATED PROJECTS.—Nothing in this section shall be construed to authorize any project for the raising of Pine Flat Dam or the construction of a multilevel intake structure at Pine Flat Dam.

(d) USE OF EXISTING STUDIES.—In carrying out this section, the Secretary shall use, to the *maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the document entitled "Final Feasibility Report and Report of the Chief of Engineers for Pine Flat Dam Fish and Wildlife Habitat Restoration" and dated July 19, 2002.*

(e) Credit for Land, Easements, and Rights-of-Way.—The Secretary shall credit toward the non-Federal share of the cost of construction of any project under subsection (b) the value, regardless of the date of acquisition, of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for use in carrying out the project.

(f) Operation and Maintenance.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000. Such sums shall remain available until expended.

SEC. 5050. RAYMOND BASIN, SIX BASINS, CHINO BASIN, AND SAN GABRIEL BASIN, CALIFORNIA.

(a) Comprehensive Plan.—The Secretary, in consultation and coordination with appropriate Federal, State, and local entities, shall develop a comprehensive plan for the management of water resources in the Raymond Basin, Six Basins, Chino Basin, and San Gabriel Basin, California. The Secretary may carry out activities identified in the comprehensive plan to demonstrate practicable alternatives for water resources management.

(b) Operation and Maintenance.—The non-Federal share of the cost of operation and maintenance of any measures constructed under this section shall be 100 percent.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 5051. SAN FRANCISCO, CALIFORNIA.

(a) In General.—The Secretary, in cooperation with the Port of San Francisco, California, may carry out the project for repair and removal, as appropriate, of Piers 30–32, 35, 36, 70 (including Wharves 7 and 8), and 80 in San Francisco, California, substantially in accordance with the Port's redevelopment plan.

(b) Authorization of Appropriation.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 5052. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.

(a) Area To Be Declared Nonnavigable; Public Interest.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries of the portion of the San Francisco, California, waterfront area described in subsection (b) are not in the public interest, such portion is declared to be nonnavigable waters of the United States.

(b) Northern Embarcadero South of Bryant Street.—The portion of the San Francisco, California, waterfront area referred to in subsection (a) is as follows: Beginning at the intersection of the northeasterly prolongation of that portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the southeasterly line of Townsend Street; thence northeasterly along said southeasterly line of Townsend Street, to its intersection with a line that is parallel and distant 10 feet southerly from the existing southern boundary of Pier 40 produced; thence easterly along said parallel line, to its point of intersection with the United States Government Pierhead line; thence northerly along said Pierhead line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32; thence westerly along last said parallel line to its intersection with the United States Government Pierhead line; thence northerly along said Pierhead line, to its intersection aforementioned northwesterly line of Bryant Street produced northeasterly; thence southwesterly along said northwesterly line of Bryant Street produced to the point of beginning.

(c) Requirement That Area Be Improved.—The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (b) that are or will be bulkheaded, filled, or otherwise occupied by permanent structures and does not affect the applicability of any Federal statute or regulation applicable to such parts the day before the date of enactment of this Act, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly known as the Rivers and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) Expiration Date.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (b) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in subsection (c), or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 5053. SAN PABLO BAY, CALIFORNIA, WATERSHED AND SUISUN MARSH ECOSYSTEM RESTORATION.

(a) San Pablo Bay Watershed, California.—

(1) In general.—The Secretary shall complete work, as expeditiously as possible, on the ongoing San Pablo Bay watershed, California, study to determine the feasibility of opportunities for restoring, preserving, and protecting the San Pablo Bay watershed.

(2) Report.—Not later than March 31, 2008, the Secretary shall submit to Congress a report on the results of the study.

(b) Suisun Marsh, California.—The Secretary shall conduct a comprehensive study to determine the feasibility of opportunities for restoring, preserving, and protecting the Suisun Marsh, California.

(c) San Pablo and Suisun Bay Marsh Watershed Critical Restoration Projects.—

(1) In general.—The Secretary may participate in critical restoration projects that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits in the following sub-watersheds of the San Pablo and Suisun Bay Marsh watersheds:

(A) The tidal areas of the Petaluma River, Napa-Sonoma Marsh.

(B) The shoreline of West Contra Costa County.

(C) Novato Creek.

(D) Suisun Marsh.

(E) Gallinas-Miller Creek.

(2) Types of assistance.—Participation in critical restoration projects under this subsection may include assistance for planning, design, or construction.

(d) Credit.—In accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), the Secretary shall credit toward the non-Federal share of the cost of construction of a project under this section—

(1) the value of any lands, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for carrying out the project, regardless of the date of acquisition;

(2) funds received from the CALFED Bay-Delta program; and

(3) the cost of the studies, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5054. ST. HELENA, CALIFORNIA.

(a) In General.—The Secretary may construct a project for flood control and environmental restoration, St. Helena, California, substantially in accordance with the plan for the St. Helena comprehensive flood protection project dated 2006 and described in the addendum dated June 27, 2006, to the report prepared by the city of St. Helena entitled "City of St. Helena Comprehensive Flood Protection Project, Final Environmental Impact Report", and dated January 2004, if the Secretary determines that the plans and designs for the project are feasible.

(b) Cost.—The total cost of the project to be constructed pursuant to subsection (a) shall be $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000.

(c) Reimbursement.—The non-Federal interest shall be reimbursed for any work performed by the non-Federal interest for the project described in subsection (a) that is in excess of the required non-Federal contribution toward the total cost of the project, if the Secretary determines that the work is integral to the project.

SEC. 5055. UPPER CALAVERAS RIVER, STOCKTON, CALIFORNIA.

(a) Reevaluation.—The Secretary shall reevaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13).

(b) Special Rules for Reevaluation.—In conducting the reevaluation under subsection (a), the Secretary shall not reject a feasibility determination based on one or more of the policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.

(c) Reimbursement.—If the Secretary determines that the elements referred to subsection (a) are feasible, the Secretary shall reimburse, subject to appropriations, the non-Federal interest under section 211 of the Water Resources Development Act of 1996 for the Federal share of the cost of such elements.

SEC. 5056. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

(a) Definitions.—In this section, the following definitions apply:

(1) Rio Grande Compact.—The term "Rio Grande Compact" means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785), and ratified by the States.

(2) RIO GRANDE BASIN.—The term "Rio Grande Basin" means the Rio Grande (including all tributaries and their headwaters) located—

(A) in the State of Colorado, from the Rio Grande Reservoir, near Creede, Colorado, to the New Mexico State border;

(B) in the State of New Mexico, from the Colorado State border downstream to the Texas State border; and

(C) in the State of Texas, from the New Mexico State border to the southern terminus of the Rio Grande at the Gulf of Mexico.

(3) STATES.—The term "States" means the States of Colorado, New Mexico, and Texas.

(b) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary shall carry out, in the Rio Grande Basin—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(B) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(2) REPORTS.—Not later than December 31, 2008, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States, shall submit to Congress a report that—

(A) contains an evaluation of the programs described in paragraph (1);

(B) describes the accomplishments of each program;

(C) provides updates of a systemic habitat needs assessment; and

(D) identifies any needed adjustments in the authorization of the programs.

(c) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs described in subsection (b), the Secretary shall—

(1) consult with the States, and other appropriate entities in the States, the rights and interests of which might be affected by specific program activities; and

(2) enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the United States Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of those programs.

(d) OPERATION AND MAINTENANCE.—The costs of operation and maintenance of a project located on Federal land, or land owned or operated by a State or local government, shall be borne by the Federal, State, or local agency that has jurisdiction over fish and wildlife activities on the land.

(e) EFFECT ON OTHER LAW.—

(1) WATER LAW.—Nothing in this section shall be construed to preempt any State water law.

(2) COMPACTS AND DECREES.—In carrying out this section, the Secretary shall comply with the Rio Grande Compact, and any applicable court decrees or Federal and State laws, affecting water or water rights in the Rio Grande Basin.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $15,000,000 for each of fiscal years 2008 through 2011.

SEC. 5057. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section of the Act of September 19, 1890 (26 Stat. 428), shall be known and designated as the "Charles Hervey Townshend Breakwater".

SEC. 5058. STAMFORD, CONNECTICUT.

(a) IN GENERAL.—The Secretary may participate in the ecosystem restoration, navigation, flood damage reduction, and recreation components of the Mill River and Long Island Sound revitalization project, Stamford, Connecticut.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 5059. DELMARVA CONSERVATION CORRIDOR, DELAWARE, MARYLAND, AND VIRGINIA.

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the States on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

SEC. 5060. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.

(a) COMPREHENSIVE ACTION PLAN.—Not later than one year after the date of enactment of this Act, the Secretary, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George's County, Maryland, and other interested entities, shall develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

(b) PUBLIC AVAILABILITY.—On completion of the comprehensive action plan under subsection (a), the Secretary shall make the plan available to the public, including on the Internet.

SEC. 5061. EAST CENTRAL AND NORTHEAST FLORIDA.

(a) EAST CENTRAL AND NORTHEAST FLORIDA REGION DEFINED.—In this section, the term "East Central and Northeast Florida Region" means Flagler County, St. Johns County, Putnam County (east of the St. Johns River), Seminole County, Volusia County, the towns of Winter Park, Maitland, and Palatka, Florida.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the East Central and Northeast Florida Region.

(c) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the East Central and Northeast Florida Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of a project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), toward the non-Federal share of the cost of the project the cost of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5062. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Section 109 of the Miscellaneous Appropriations Act, 2001 (enacted into law by Public Law 106-554) (114 Stat. 2763A-222) is amended—

(1) by adding at the end of subsection (e)(2) the following:

"(C) CREDIT FOR WORK PRIOR TO EXECUTION OF THE PARTNERSHIP AGREEMENT.—The Secretary shall credit toward the non-Federal share of the cost of the project—

"(i) in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), the cost of construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project; and

"(ii) the cost of land acquisition carried out by the non-Federal interest for projects to be carried out under this section."; and

(2) in subsection (f) by striking "$100,000,000" and inserting "$100,000,000, of which not more than $15,000,000 may be used to provide planning, design, and construction assistance to the

Florida Keys Aqueduct Authority for a water treatment plant, Florida City, Florida''.

SEC. 5063. LAKE WORTH, FLORIDA.

The Secretary may carry out necessary repairs for the Lake Worth bulkhead replacement project, West Palm Beach, Florida, at an estimated total cost of $9,000,000.

SEC. 5064. BIG CREEK, GEORGIA, WATERSHED MANAGEMENT AND RESTORATION PROGRAM.

(a) IN GENERAL.—The Secretary may cooperate with, by providing technical, planning, and construction assistance to, the city of Roswell, Georgia, as the non-Federal interest and coordinator with other local governments in the Big Creek watershed, Georgia, to assess the quality and quantity of water resources, conduct comprehensive watershed management planning, develop and implement water efficiency technologies and programs, and plan, design, and construct water resource facilities to restore the watershed.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $5,000,000 to carry out this section.

SEC. 5065. METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the Metropolitan North Georgia Water Planning District.

(b) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in north Georgia, including projects for wastewater treatment and related facilities, elimination or control of combined sewer overflows, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of a project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of a project under this section, in an amount not to exceed 6 percent of the total construction costs of the project, the cost of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 5066. SAVANNAH, GEORGIA.

(a) IN GENERAL.—After completion of a Savannah Riverfront plan, the Secretary may participate in the ecosystem restoration, recreation, navigation, and flood damage reduction components of the plan.

(b) COORDINATION.—In carrying out this section, the Secretary shall coordinate with appropriate representatives in the vicinity of Savannah, Georgia, including the Georgia Ports Authority, the city of Savannah, and Camden County.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 5067. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, RURAL UTAH, AND WYOMING.

Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383; 117 Stat. 139; 117 Stat. 142; 117 Stat. 1836; 118 Stat. 440) is amended—

(1) in the section heading by striking ''**AND RURAL UTAH**'' and inserting ''**RURAL UTAH, AND WYOMING**'';

(2) in subsections (b) and (c) by striking ''and rural Utah'' each place it appears and inserting ''rural Utah, and Wyoming''; and

(3) by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2001 $150,000,000 for rural Nevada, $25,000,000 for each of Montana and New Mexico, $55,000,000 for Idaho, $50,000,000 for rural Utah, and $30,000,000 for Wyoming. Such sums shall remain available until expended.''.

SEC. 5068. RILEY CREEK RECREATION AREA, IDAHO.

The Secretary is authorized to carry out the Riley Creek Recreation Area Operation Plan of the Albeni Falls Management Plan, dated October 2001, for the Riley Creek Recreation Area, Albeni Falls Dam, Bonner County, Idaho.

SEC. 5069. FLOODPLAIN MAPPING, LITTLE CALUMET RIVER, CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas along the Little Calumet River, Chicago, Illinois.

(b) REQUIREMENTS.—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately show the flood inundation of each property by flood risk in the floodplain. The maps shall be produced in a high resolution format and shall be made available to all flood prone areas along the Little Calumet River, Chicago, Illinois, in an electronic format.

(c) PARTICIPATION OF FEMA.—The Secretary and the non-Federal interests for the project shall work with the Administrator of the Federal Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) FORMS OF ASSISTANCE.—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal interests or provide reimbursements of project costs.

(e) FEDERAL SHARE.—The Federal share of the cost of the project shall be 50 percent.

(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to modify the prioritization of map updates or the substantive requirements of the Federal Emergency Management Agency flood map modernization program authorized by section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 5070. RECONSTRUCTION OF ILLINOIS AND MISSOURI FLOOD PROTECTION PROJECTS.

(a) IN GENERAL.—The Secretary may participate in the reconstruction of an eligible flood control project if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance of the project by the non-Federal interest.

(b) COST SHARING.—The non-Federal share of the costs for the reconstruction of a flood control project authorized by this section shall be the same non-Federal share that was applicable to construction of the project. The non-Federal interest shall be responsible for operation and maintenance and repair of a project for which reconstruction is undertaken under this section.

(c) RECONSTRUCTION DEFINED.—In this section, the term ''reconstruction'', as used with respect to a project, means addressing major project deficiencies caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with its authorized project purposes. In addressing such deficiencies, the Secretary may incorporate current design standards and efficiency improvements, including the replacement of obsolete mechanical and electrical components at pumping stations, if such incorporation does not significantly change the scope, function, and purpose of the project as authorized.

(d) ELIGIBLE PROJECTS.—The following flood control projects are eligible for reconstruction under this section:

(1) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Prairie Du Pont Levee and Sanitary District, including Fish Lake Drainage and Levee District, Illinois.

(4) Cairo, Illinois Mainline Levee, Cairo, Illinois.

(5) Goose Pond Pump Station, Cairo, Illinois.

(6) Cottonwood Slough Pump Station, Alexander County, Illinois.

(7) 10th and 28th Street Pump Stations, Cairo, Illinois.

(8) Flood control levee projects in Brookport, Shawneetown, Old Shawneetown, Golconda, Rosiclare, Harrisburg, and Reevesville, Illinois.

(9) City of St. Louis, Missouri.

(10) Missouri River Levee Drainage District, Missouri.

(e) JUSTIFICATION.—The reconstruction of a project authorized by this section shall not be considered a separable element of the project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $50,000,000 to carry out this section.

SEC. 5071. ILLINOIS RIVER BASIN RESTORATION.

(a) EXTENSION OF AUTHORIZATION.—Section 519(c)(2) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking "2004" and inserting "2010".

(b) MAXIMUM FEDERAL SHARE.—Section 519(c)(3) of such Act (114 Stat. 2654) is amended by striking "$5,000,000" and inserting "$20,000,000".

(c) IN-KIND SERVICES.—Section 519(g)(3) of such Act (114 Stat. 2655) is amended by inserting before the period at the end of the first sentence "if such services are provided not more than 5 years before the date of initiation of the project or activity".

(d) MONITORING.—Section 519 of such Act (114 Stat. 2654) is amended by adding at the end the following:

"(h) MONITORING.—The Secretary shall develop an Illinois River basin monitoring program to support the plan developed under subsection (b). Data collected under the monitoring program shall incorporate data provided by the State of Illinois and shall be publicly accessible through electronic means, including on the Internet.".

SEC. 5072. PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS.

(a) REVIEW.—

(1) IN GENERAL.—The Secretary shall conduct a third-party review of the Promontory Point feature of the project for storm damage reduction and shoreline erosion protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), at a cost not to exceed $150,000.

(2) JOINT REVIEW.—The Buffalo and Seattle Districts of the Corps of Engineers shall jointly conduct the review under paragraph (1).

(3) STANDARDS.—The review under paragraph (1) shall be based on the standards under part 68 of title 36, Code of Federal Regulations (or any successor regulation).

(b) CONTRIBUTIONS.—The Secretary may accept funds from a State or political subdivision of a State to conduct the review under paragraph (1).

(c) TREATMENT.—The review under paragraph (1) shall not be considered to be an element of the project referred to in paragraph (1).

(d) EFFECT OF SECTION.—Nothing in this section shall be construed to affect the authorization for the project referred to in paragraph (1).

SEC. 5073. KASKASKIA RIVER BASIN, ILLINOIS, RESTORATION.

(a) KASKASKIA RIVER BASIN DEFINED.—In this section, the term "Kaskaskia River Basin" means the Kaskaskia River, Illinois, its backwaters, its side channels, and all tributaries, including their watersheds, draining into the Kaskaskia River.

(b) COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—The Secretary shall develop, as expeditiously as practicable, a comprehensive plan for the purpose of restoring, preserving, and protecting the Kaskaskia River Basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Kaskaskia River as a transportation corridor;

(B) to improve water quality within the entire Kaskaskia River Basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife;

(D) to ensure aquatic integrity of side channels and backwaters and their connectivity with the mainstem river;

(E) to increase economic opportunity for agriculture and business communities; and

(F) to reduce the impacts of flooding to communities and landowners.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the Kaskaskia River Basin;

(C) the development and implementation of a long-term resource monitoring program for the Basin;

(D) a conveyance study of the Kaskaskia River floodplain from Vandalia, Illinois, to Carlyle Lake to determine the impacts of existing and future waterfowl improvements on flood stages, including detailed surveys and mapping information to ensure proper hydraulic and hydrological analysis;

(E) the development and implementation of a computerized inventory and analysis system for the Basin;

(F) the development and implementation of a systemic plan for the Basin to reduce flood impacts by means of ecosystem restoration projects; and

(G) the study and design of necessary measures to reduce ongoing headcutting and restore the aquatic environment of the Basin that has been degraded by the headcutting that has occurred above the existing grade control structure.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Kaskaskia River Watershed Association.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the comprehensive plan.

(6) ADDITIONAL STUDIES AND ANALYSES.—After submission of a report under paragraph (5), the Secretary shall conduct studies and analyses of projects related to the comprehensive plan that are appropriate and consistent with this subsection.

(c) GENERAL PROVISIONS.—

(1) WATER QUALITY.—In carrying out activities under this section, the Secretary's recommendations shall be consistent with applicable State water quality standards.

(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(d) CRITICAL PROJECTS AND INITIATIVES.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a project or initiative for the Kaskaskia River Basin will produce independent, immediate, and substantial benefits, the Secretary may proceed with the implementation of the project.

(e) COORDINATION.—The Secretary shall integrate activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Farm programs of the Department of Agriculture.

(2) Conservation Reserve Enhancement Program (State of Illinois) and Conservation 2000 Ecosystem Program of the Illinois department of natural resources.

(3) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois department of agriculture.

(4) National Buffer Initiative of the Natural Resources Conservation Service.

(5) Nonpoint source grant program administered by the Illinois environmental protection agency.

(6) Other programs that may be developed by the State of Illinois or the Federal Government, or that are carried out by nonprofit organizations, to carry out the objectives of the Kaskaskia River Basin Comprehensive Plan.

(f) IN-KIND SERVICES.—The Secretary may credit the cost of in-kind services provided by the non-Federal interest for an activity carried out under this section toward not more than 80 percent of the non-Federal share of the cost of the activity. In-kind services shall include all State funds expended on programs that accomplish the goals of this section, as determined by the Secretary. The programs may include the Kaskaskia River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Kaskaskia River Basin.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to carry out this section.

SEC. 5074. SOUTHWEST ILLINOIS.

(a) SOUTHWEST ILLINOIS DEFINED.—In this section, the term "Southwest Illinois" means the counties of Madison, St. Clair, Monroe, Randolph, Perry, Franklin, Jackson, Union, Alexander, Pulaski, and Williamson, Illinois.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in Southwest Illinois.

(c) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Southwest Illinois, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of a project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5075. CALUMET REGION, INDIANA.

Section 219(f)(12) of the Water Resources Development Act of 1992 (113 Stat. 335; 117 Stat. 1843) is amended—

(1) by striking "$30,000,000" and inserting the following:

"(A) IN GENERAL.—$100,000,000";

(2) by adding at the end the following:

"(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5076. FLOODPLAIN MAPPING, MISSOURI RIVER, IOWA.

(a) IN GENERAL.—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas in the State of Iowa, along the Missouri River.

(b) REQUIREMENTS.—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately portray the flood hazard areas in the floodplain. The maps shall be produced in a high resolution format and shall be made available to the State of Iowa in an electronic format.

(c) PARTICIPATION OF FEMA.—The Secretary and the non-Federal interests for the project shall work with the Administrator of the Federal Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) FORMS OF ASSISTANCE.—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal interests or provide reimbursements of project costs.

(e) FEDERAL SHARE.—The Federal share of the cost of the project shall be 50 percent.

(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to modify the prioritization of map updates or the substantive requirements of the Federal Emergency Management Agency flood map modernization program authorized by section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 5077. PADUCAH, KENTUCKY.

The Secretary shall complete a feasibility report for rehabilitation of the project for flood damage reduction, Paducah, Kentucky, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217). and, if the Secretary determines that the project is feasible, the Secretary may carry out the project at a total cost of $3,000,000.

SEC. 5078. SOUTHERN AND EASTERN KENTUCKY.

Section 531 of the Water Resources Development Act of 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142) is amended by adding at the end the following:

"(i) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.".

SEC. 5079. WINCHESTER, KENTUCKY.

Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is amended by adding at the end the following:

"(41) WINCHESTER, KENTUCKY.—Wastewater infrastructure, Winchester, Kentucky.".

SEC. 5080. BATON ROUGE, LOUISIANA.

Section 219(f)(21) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended by striking "$20,000,000" and inserting "$35,000,000".

SEC. 5081. CALCASIEU SHIP CHANNEL, LOUISIANA.

The Secretary shall expedite completion of a dredged material management plan for the Calcasieu Ship Channel, Louisiana, and may take interim measures to increase the capacity of existing disposal areas, or to construct new confined or beneficial use disposal areas, for the channel.

SEC. 5082. EAST ATCHAFALAYA BASIN AND AMITE RIVER BASIN REGION, LOUISIANA.

(a) EAST ATCHAFALAYA BASIN AND AMITE RIVER BASIN REGION DEFINED.—In this section, the term "East Atchafalaya Basin and Amite River Basin Region" means the following parishes and municipalities in the State of Louisiana: Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, and West Feliciana.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the East Atchafalaya Basin and Amite River Basin Region.

(c) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the East Atchafalaya Basin and Amite River Basin Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement of a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of a project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5083. INNER HARBOR NAVIGATION CANAL LOCK PROJECT, LOUISIANA.

Not later than July 1, 2008, the Secretary shall—

(1) issue a final environmental impact statement relating to the Inner Harbor Navigation Canal Lock project, Louisiana; and

(2) develop and maintain a transportation mitigation program relating to that project in coordination with—

(A) St. Bernard Parish;

(B) Orleans Parish;

(C) the Old Arabi Neighborhood Association; and

(D) other interested parties.

SEC. 5084. LAKE PONTCHARTRAIN, LOUISIANA.

For purposes of carrying out section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1273), the Lake Pontchartrain, Louisiana, basin stakeholders conference convened by the Environmental Protection Agency, National Oceanic and Atmospheric Administration, and United States Geological Survey on February 25, 2002, shall be treated as being a management conference convened under section 320 of such Act (33 U.S.C. 1330).

SEC. 5085. SOUTHEAST LOUISIANA REGION, LOUISIANA.

(a) DEFINITION OF SOUTHEAST LOUISIANA REGION.—In this section, the term "Southeast Louisiana Region" means any of the following parishes and municipalities in the State of Louisiana:

(1) Orleans.

(2) Jefferson.

(3) St. Tammany.

(4) Tangipahoa.

(5) St. Bernard.

(6) St. Charles.

(7) St. John.

(8) Plaquemines.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Southeast Louisiana Region.

(c) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the Southeast Louisiana Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development (including projects to improve water quality in the Lake Pontchartrain basin).

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of a project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), toward the non-Federal share of the cost of the project the cost of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $17,000,000.

SEC. 5086. WEST BATON ROUGE PARISH, LOUISIANA.

(a) MODIFICATION OF STUDY.—The study for the project for waterfront and riverine preservation, restoration, and enhancement, Mississippi River, West Baton Rouge Parish, Louisiana, being carried out under Committee Resolution 2570 of the Committee on Transportation and Infrastructure of the House of Representatives adopted July 23, 1998, is modified to add West Feliciana Parish and East Baton Rouge Parish to the geographic scope of the study.

(b) CONSTRUCTION.—The Secretary may, upon completion of the study, participate in the ecosystem restoration, navigation, flood damage reduction, and recreation components of the project.

(c) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), toward the non-Federal share of the cost of the project the cost of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(d) EXPEDITED CONSIDERATION.—Section 517(5) of the Water Resources Development Act of 1999 (113 Stat. 345) is amended to read as follows:

"(5) Mississippi River, West Baton Rouge, West Feliciana, and East Baton Rouge Parishes, Louisiana, project for waterfront and riverine preservation, restoration, and enhancement modifications.".

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 5087. CHARLESTOWN, MARYLAND.

(a) IN GENERAL.—The Secretary may carry out a project for nonstructural flood damage reduction and ecosystem restoration at Charlestown, Maryland.

(b) LAND ACQUISITION.—The flood damage reduction component of the project may include the acquisition of private property from willing sellers.

(c) JUSTIFICATION.—Any nonstructural flood damage reduction project to be carried out under this section that will result in the conversion of property to use for ecosystem restoration and wildlife habitat shall be justified based on national ecosystem restoration benefits.

(d) USE OF ACQUIRED PROPERTY.—Property acquired under this section shall be maintained in public ownership for ecosystem restoration and wildlife habitat.

(e) ABILITY TO PAY.—In determining the appropriate non-Federal cost share for the project, the Secretary shall determine the ability of Cecil County, Maryland, to participate as a cost-sharing non-Federal interest in accordance with section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 to carry out this section.

SEC. 5088. ST. MARY'S RIVER, MARYLAND.

(a) IN GENERAL.—The Secretary shall carry out the project for shoreline protection, St. Mary's River, Maryland, under section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g).

(b) USE OF FUNDS.—In carrying out the project under subsection (a), the Secretary shall use funds made available for such project under Energy and Water Development Appropriations Act, 2006 (Public Law 109–103).

SEC. 5089. MASSACHUSETTS DREDGED MATERIAL DISPOSAL SITES.

The Secretary may cooperate with Massachusetts in the management and long-term monitoring of aquatic dredged material disposal sites within the State and is authorized to accept funds from the State to carry out such activities.

SEC. 5090. ONTONAGON HARBOR, MICHIGAN.

The Secretary shall conduct a study of shore damage in the vicinity of the project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by section 101 of the Rivers and Harbors Act of 1962 (76 Stat. 1176) and reauthorized by section 363 of the Water Resources Development Act of 1996 (110 Stat. 3730), to determine if the damage is the result of a Federal navigation project, and, if the Secretary determines that the damage is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

SEC. 5091. CROOKSTON, MINNESOTA.

The Secretary shall conduct a study for a project for emergency streambank protection along the Red Lake River in Crookston, Minnesota, and, if the Secretary determines that the project is feasible, the Secretary may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r); except that the maximum amount of Federal funds that may be expended for the project shall be $6,500,000.

SEC. 5092. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.

(a) PROJECT DESCRIPTION.—Section 219(f)(61) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended—

(1) in the paragraph heading by striking "AND KATHIO TOWNSHIP" and inserting ", CROW WING COUNTY, MILLE LACS COUNTY, MILLE LACS INDIAN RESERVATION, AND KATHIO TOWNSHIP";

(2) by striking "$11,000,000" and inserting "$17,000,000";

(3) by inserting ", Crow Wing County, Mille Lacs County, Mille Lacs Indian Reservation established by the treaty of February 22, 1855 (10 Stat. 1165)," after "Garrison"; and

(4) by adding at the end the following: "Such assistance shall be provided directly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota, except for assistance provided directly to the Mille Lacs Band of Ojibwe at the discretion of the Secretary.".

(b) PROCEDURES.—In carrying out the project authorized by such section 219(f)(61), the Secretary may use the cost sharing and contracting procedures available to the Secretary under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368).

SEC. 5093. ITASCA COUNTY, MINNESOTA.

The Secretary shall carry out a project for flood damage reduction, Trout Lake and Canisteo Pit, Itasca County, Minnesota, without regard to normal policy considerations.

SEC. 5094. MINNEAPOLIS, MINNESOTA.

(a) CONVEYANCE.—The Secretary shall convey to the city of Minneapolis by quitclaim deed and without consideration all right, title, and interest of the United States to the property known as the War Department (Fort Snelling Interceptor) Tunnel in Minneapolis, Minnesota.

(b) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

SEC. 5095. NORTHEASTERN MINNESOTA.

(a) IN GENERAL.—Section 569 of the Water Resources Development Act of 1999 (113 Stat. 368) is amended—

(1) in subsection (a) by striking "Benton, Sherburne," and inserting "Beltrami, Hubbard, Wadena,";

(2) by striking the last sentence of subsection (e)(3)(B);

(3) by striking subsection (g) and inserting the following:

"(g) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.";

(4) in subsection (h) by striking "$40,000,000" and inserting "$54,000,000"; and

(5) by adding at the end the following:

"(i) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.".

(b) BIWABIK, MINNESOTA.—The Secretary shall reimburse the non-Federal interest for the project for environmental infrastructure, Biwabik, Minnesota, carried out under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368), for planning, design, and construction costs that were incurred by the non-Federal interest with respect to the project before the date of the partnership agreement for the project and that were in excess of the non-Federal share of the cost of the project if the Secretary determines that the costs are appropriate.

SEC. 5096. WILD RICE RIVER, MINNESOTA.

The Secretary shall expedite the completion of the general reevaluation report, authorized by section 438 of the Water Resources Development Act of 2000 (114 Stat. 2640), for the project for flood protection, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), to develop alternatives to the Twin Valley Lake feature, and upon the completion of such report, shall construct the project at a total cost of $20,000,000.

SEC. 5097. MISSISSIPPI.

Section 592(g) of the Water Resources Development Act of 1999 (113 Stat. 380; 117 Stat. 1837) is amended by striking "$100,000,000" and inserting "$110,000,000".

SEC. 5098. HARRISON, HANCOCK, AND JACKSON COUNTIES, MISSISSIPPI.

In carrying out projects for the protection, restoration, and creation of aquatic and ecologically related habitats located in Harrison, Hancock, and Jackson Counties, Mississippi, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall accept any portion of the non-Federal share of the cost of the projects in the form of in-kind services and materials.

SEC. 5099. MISSISSIPPI RIVER, MISSOURI AND ILLINOIS.

As a part of the operation and maintenance of the project for the Mississippi River (Regulating Works), between the Ohio and Missouri Rivers, Missouri and Illinois, authorized by the first section of an Act entitled "Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 25, 1910 (36 Stat. 630), the Secretary may carry out activities necessary to restore and protect fish and wildlife habitat in the middle Mississippi River system. Such activities may include modification of navigation training structures, modification and creation of side channels, modification and creation of islands, and studies and analysis necessary to apply adaptive management principles in design of future work.

SEC. 5100. ST. LOUIS, MISSOURI.

Section 219(f)(32) of the Water Resources Development Act of 1992 (113 Stat. 337) is amended—

(1) by striking "a project" and inserting "projects";

(2) by striking "$15,000,000" and inserting "$35,000,000"; and

(3) by inserting "and St. Louis County" before ", Missouri".

SEC. 5101. ST. LOUIS REGIONAL GREENWAYS, ST. LOUIS, MISSOURI.

(a) IN GENERAL.—The Secretary may participate in the ecosystem restoration, recreation, and flood damage reduction components of the St. Louis Regional Greenways Proposal of the Metropolitan Park and Recreation District, St. Louis, Missouri, dated March 31, 2004.

(b) COORDINATION.—In carrying out this section, the Secretary shall coordinate with appropriate representatives in the vicinity of St. Louis, Missouri, including the Metropolitan Park and Recreation District, the city of St. Louis, St. Louis County, and St. Charles County.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 5102. MISSOULA, MONTANA.

(a) IN GENERAL.—The Secretary may participate in the ecosystem restoration, flood damage reduction, and recreation components of the Clark Fork River Revitalization Project, Missoula, Montana.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5103. ST. MARY PROJECT, GLACIER COUNTY, MONTANA.

(a) IN GENERAL.—The Secretary, in consultation with the Bureau of Reclamation, shall conduct all necessary studies, develop an emergency response plan, provide technical and planning and design assistance, and rehabilitate and construct the St. Mary Diversion and Conveyance Works project located within the exterior boundaries of the Blackfeet Reservation in the State of Montana, at a total cost of $153,000,000.

(b) FEDERAL SHARE.—The Federal share of the total cost of the project under this section shall be 75 percent.

(c) PARTICIPATION BY BLACKFEET TRIBE AND FORT BELKNAP INDIAN COMMUNITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), no construction shall be carried out under this section until the earlier of—

(A) the date on which Congress approves the reserved water rights settlements of the Blackfeet Tribe and the Fort Belknap Indian Community; and

(B) January 1, 2011.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to construction relating to—

(A) standard operation and maintenance; or

(B) emergency repairs to ensure water transportation or the protection of life and property.

(3) REQUIREMENT.—The Blackfeet Tribe shall be a participant in all phases of the project authorized by this section.

SEC. 5104. LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA.

(a) IN GENERAL.—The Secretary may cooperate with and provide assistance to the Lower Platte River natural resources districts in the State of Nebraska to serve as non-Federal interests with respect to—

(1) conducting comprehensive watershed planning in the natural resource districts;

(2) assessing water resources in the natural resource districts; and

(3) providing project feasibility planning, design, and construction assistance for water resource and watershed management in the natural resource districts, including projects for environmental restoration and flood damage reduction.

(b) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity described in subsection (a)(1) shall be 75 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity described in subsection (a) may be provided in cash or in kind.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $12,000,000.

SEC. 5105. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

Section 324 of the Water Resources Development Act of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

(1) in subsection (a)—

(A) by striking "design" and inserting "planning, design,"; and

(B) by striking "Hackensack Meadowlands Development" and all that follows through "Plan for" and inserting "New Jersey Meadowlands Commission for the development of an environmental improvement program for";

(2) in subsection (b)—

(A) in the subsection heading by striking "REQUIRED";

(B) by striking "shall" and inserting "may";

(C) by striking paragraph (1) and inserting the following:

"(1) Restoration and acquisitions of significant wetlands and aquatic habitat that contribute to the Meadowlands ecosystem.";

(D) in paragraph (2) by inserting "and aquatic habitat" before the period at the end; and

(E) by striking paragraph (7) and inserting the following:

"(7) Research, development, and implementation for a water quality improvement program, including restoration of hydrology and tidal flows and remediation of hot spots and other sources of contaminants that degrade existing or planned sites.";

(3) in subsection (c)—

(A) by striking "non-Federal sponsor" and inserting "non-Federal interest"; and

(B) by inserting before the last sentence the following: "The non-Federal interest may also provide in-kind services not to exceed the non-Federal share of the total project cost.";

(4) by redesignating subsection (d) as subsection (e);

(5) by inserting after subsection (c) the following:

"(d) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of a project to be carried out under the program developed under subsection (a) the cost of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project."; and

(6) in subsection (e) (as redesignated by paragraph (4) of this subsection) by striking "$5,000,000" and inserting "$20,000,000".

SEC. 5106. ATLANTIC COAST OF NEW YORK.

(a) DEVELOPMENT OF PROGRAM.—Section 404(a) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended—

(1) by striking "processes" and inserting "and related environmental processes";

(2) by inserting after "Atlantic Coast" the following: "(and associated back bays)";

(3) by inserting after "actions" the following: ", environmental restoration or conservation measures for coastal and back bays,"; and

(4) by adding at the end the following: "The plan for collecting data and monitoring information included in such annual report shall be coordinated with and agreed to by appropriate agencies of the State of New York.".

(b) ANNUAL REPORTS.—Section 404(b) of such Act is amended—

(1) by striking "INITIAL PLAN.—Not later than 12 months after the date of the enactment of this Act, the" and inserting "ANNUAL REPORTS.—The";

(2) by striking "initial plan for data collection and monitoring" and inserting "annual report of data collection and monitoring activities"; and

(3) by striking the last sentence.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 404(c) of such Act (113 Stat. 341) is amended by striking "and an additional total of $2,500,000 for fiscal years thereafter" and inserting "$2,500,000 for fiscal years 2000 through 2004, and $7,500,000 for fiscal years beginning after September 30, 2004,".

(d) TSUNAMI WARNING SYSTEM.—Section 404 of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended by adding at the end the following:

"(d) TSUNAMI WARNING SYSTEM.—There is authorized to be appropriated $800,000 for the Secretary to carry out a project for a tsunami warning system, Atlantic Coast of New York.".

SEC. 5107. COLLEGE POINT, NEW YORK CITY, NEW YORK.

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639), the Secretary shall give priority to work in College Point, New York City, New York.

SEC. 5108. FLUSHING BAY AND CREEK, NEW YORK CITY, NEW YORK.

The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project for ecosystem restoration, Flushing Bay and Creek, New York City, New York, the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project.

SEC. 5109. HUDSON RIVER, NEW YORK.

The Secretary may participate with the State of New York, New York City, and the Hudson River Park Trust in carrying out activities to restore critical marine habitat, improve safety, and protect and rehabilitate critical infrastructure with respect to the Hudson River. There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 5110. MOUNT MORRIS DAM, NEW YORK.

As part of the operation and maintenance of the Mount Morris Dam, New York, the Secretary may make improvements to the access road for the dam to provide safe access to a Federal visitor's center.

SEC. 5111. NORTH HEMPSTEAD AND GLEN COVE NORTH SHORE WATERSHED RESTORATION, NEW YORK.

(a) IN GENERAL.—The Secretary may participate in the ecosystem restoration, navigation, flood damage reduction, and recreation components of the North Hempstead and Glen Cove North Shore watershed restoration, New York.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 5112. ROCHESTER, NEW YORK.

(a) IN GENERAL.—The Secretary may participate in the ecosystem restoration, navigation, flood damage reduction, and recreation components of the Port of Rochester waterfront revitalization project, Rochester, New York.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 5113. NORTH CAROLINA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of North Carolina.

(b) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for environmental infrastructure and resource protection and development projects in North Carolina, including projects for—

(1) wastewater treatment and related facilities;

(2) combined sewer overflow, water supply, storage, treatment, and related facilities;

(3) drinking water infrastructure including treatment and related facilities;

(4) environmental restoration;

(5) stormwater infrastructure; and

(6) surface water resource protection and development.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of a project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project, in an amount not to exceed 6 percent of the total construction costs of the project, the cost of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land).

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $13,000,000.

SEC. 5114. STANLY COUNTY, NORTH CAROLINA.

Section 219(f)(64) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended by inserting "water and" before "wastewater".

SEC. 5115. JOHN H. KERR DAM AND RESERVOIR, NORTH CAROLINA.

The Secretary shall expedite the completion of the calculations necessary to negotiate and execute a revised, permanent contract for water supply storage at John H. Kerr Dam and Reservoir, North Carolina, among the Secretary and the Kerr Lake Regional Water System and the city of Henderson, North Carolina.

SEC. 5116. CINCINNATI, OHIO.

(a) IN GENERAL.—The Secretary may undertake the ecosystem restoration and recreation components of the Central Riverfront Park Master Plan, dated December 1999, at a total cost of $30,000,000.

(b) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 5117. OHIO RIVER BASIN ENVIRONMENTAL MANAGEMENT.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) OHIO RIVER BASIN.—The term "Ohio River Basin" means the Ohio River, its backwaters, its side channels, and all tributaries (including their watersheds) that drain into the Ohio River and encompassing areas of any of the States of Indiana, Ohio, Kentucky, Pennsylvania, West Virginia, Illinois, New York, and Virginia.

(2) COMPACT.—The term "Compact" means the Ohio River Watershed Sanitation Commission flood and pollution control compact between the States of Indiana, West Virginia, Ohio, Kentucky, Pennsylvania, New York, Illinois, and Virginia, to which consent was given by Congress pursuant to the Act of July 11, 1940 (54 Stat. 752) and that was chartered in 1948.

(b) ASSISTANCE.—The Secretary may provide planning, design, and construction assistance to

the Compact for the improvement of the quality of the environment in and along the Ohio River Basin.

(c) PRIORITIES.—In providing assistance under this section, the Secretary shall give priority to reducing or eliminating the presence of organic pollutants in the Ohio River Basin through the renovation and technological improvement of the organic detection system monitoring stations along the Ohio River in the States of Indiana, Ohio, West Virginia, Kentucky, and Pennsylvania.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 5118. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO.

(a) IN GENERAL.—The costs of operation and maintenance activities for the Toussaint River Federal navigation project, Carroll Township, Ohio, that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance, shall be carried out at Federal expense.

(b) CALCULATION OF TOTAL COSTS.—The Secretary shall not consider the additional costs of dredging due to the presence of unexploded ordnance when calculating the costs of the project referred to in subsection (a) for the purposes of section 107(b) of such Act (33 U.S.C. 577(b)).

SEC. 5119. STATEWIDE COMPREHENSIVE WATER PLANNING, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall provide technical assistance for the development of updates of the Oklahoma comprehensive water plan.

(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of surface water and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts; and

(7) technical review of data, models, planning scenarios, and water plans developed by the State.

(c) ALLOCATION.—The Secretary shall allocate, subject to the availability of appropriations, $6,500,000 to provide technical assistance and for the development of updates of the Oklahoma comprehensive water plan.

(d) COST SHARING REQUIREMENT.—The non-Federal share of the total cost of any activity carried out under this section—

(1) shall be 25 percent; and

(2) may be in the form of cash or any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

SEC. 5120. FERN RIDGE DAM, OREGON.

The Secretary may treat all work carried out for emergency corrective actions to repair the embankment dam at the Fern Ridge Lake project, Oregon, as a dam safety project. The cost of work carried out may be recovered in accordance with section 1203 of the Water Resources Development Act of 1986 (33 U.S.C. 467n; 100 Stat. 4263).

SEC. 5121. ALLEGHENY COUNTY, PENNSYLVANIA.

Section 219(f)(66) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended—

(1) by striking "$20,000,000" and inserting the following:

"(A) IN GENERAL.—$20,000,000";

(2) by adding at the end the following:

"(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5122. CLINTON COUNTY, PENNSYLVANIA.

Section 219(f)(13) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking "$1,000,000" and inserting "$2,000,000".

SEC. 5123. KEHLY RUN DAMS, PENNSYLVANIA.

Section 504(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 338; 117 Stat. 1842) is amended by striking "Dams" and inserting "Dams No. 1–5".

SEC. 5124. LEHIGH RIVER, LEHIGH COUNTY, PENNSYLVANIA.

The Secretary shall use existing water quality data to model the effects of the Francis E. Walter Dam, at different water levels, to determine its impact on water and related resources in and along the Lehigh River in Lehigh County, Pennsylvania. There is authorized to be appropriated $500,000 to carry out this section.

SEC. 5125. NORTHEAST PENNSYLVANIA.

Section 219(f)(11) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking "and Monroe" and inserting "Northumberland, Union, Snyder, Luzerne, and Monroe".

SEC. 5126. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

(a) STUDY AND STRATEGY DEVELOPMENT.—Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787; 114 Stat. 2662) is amended—

(1) in the matter preceding paragraph (1) by inserting "and carry out" after "develop"; and

(2) in paragraph (2) by striking "$10,000,000." and inserting "$20,000,000, of which the Secretary may utilize not more than $5,000,000 to design and construct feasible pilot projects during the development of the strategy to demonstrate alternative approaches for the strategy. The total cost for any single pilot project may not exceed $500,000. The Secretary shall evaluate the results of the pilot projects and consider the results in the development of the strategy.".

(b) PARTNERSHIP AGREEMENTS.—Section 567(c) of such Act (114 Stat. 2662) is amended—

(1) in the subsection heading by striking "COOPERATION" and inserting "PARTNERSHIP"; and

(2) in the first sentence—

(A) by inserting "and carrying out" after "developing"; and

(B) by striking "cooperation" and inserting "cost-sharing and partnership".

(c) IMPLEMENTATION OF STRATEGY.—Section 567(d) of such Act (114 Stat. 2663) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) in the second sentence of paragraph (1) (as so designated)—

(A) by striking "implement" and inserting "carry out"; and

(B) by striking "implementing" and inserting "carrying out";

(3) by adding at the end the following:

"(2) PRIORITY PROJECT.—In carrying out projects to implement the strategy, the Secretary shall give priority to the project for ecosystem restoration, Cooperstown, New York, described in the Upper Susquehanna River Basin—Cooperstown Area Ecosystem Restoration Feasibility Study, dated December 2004, prepared by the Corps of Engineers and the New York State department of environmental conservation."; and

(4) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (3) of this subsection).

(d) CREDIT.—Section 567 of such Act (110 Stat. 3787; 114 Stat. 2662) is amended by adding at the end the following:

"(e) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of a project under this section—

"(1) in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), the cost of design and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project; and

"(2) the cost of in-kind services and materials provided for the project by the non-Federal interest.".

SEC. 5127. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.

The Secretary shall review a report prepared by the non-Federal interest concerning flood protection and environmental restoration for Cano Martin Pena, San Juan, Puerto Rico, and, if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible, the Secretary may carry out the project at a total cost of $150,000,000.

SEC. 5128. LAKES MARION AND MOULTRIE, SOUTH CAROLINA.

Section 219(f)(25) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220; 117 Stat. 1838) is amended by striking "$35,000,000" and inserting "$60,000,000".

SEC. 5129. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) DISBURSEMENT PROVISIONS OF STATE OF SOUTH DAKOTA AND CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i) by inserting "and the Secretary of the Treasury" after "Secretary"; and

(B) by striking clause (ii) and inserting the following:

"(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603 to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized."; and

(2) in subparagraph (B) by striking clause (ii) and inserting the following:

"(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower

Brule Sioux Tribe, respectively, to after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.".

(b) INVESTMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388; 114 Stat. 2664) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) INVESTMENTS.—

"(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

"(2) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest the amounts in the Fund in accordance with the requirements of this paragraph.

"(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

"(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

"(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

"(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

"(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

"(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

"(D) INVESTMENT OF INTEREST ACCOUNT.—

"(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

"(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

"(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

"(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

"(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

"(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.

"(4) AUDITS.—

"(A) IN GENERAL.—The activities of the State of South Dakota (referred to in this subsection as the 'State') in carrying out the plan of the State for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the State is required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

"(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

"(i) determine whether funds received by the State under this section during the period covered by the audit were used to carry out the plan of the State in accordance with this section; and

"(ii) include the determination under clause (i) in the written findings of the audit.

"(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

"(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the State regarding the proposed modification.";

(2) in subsection (d)(2) by inserting "of the Treasury" after "Secretary"; and

(3) by striking subsection (f) and inserting the following:

"(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

"(1) $500,000 for each of fiscal years 2006 and 2007; and

"(2) such sums as are necessary for each subsequent fiscal year.".

(c) INVESTMENT PROVISIONS FOR CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389; 114 Stat. 2665) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) INVESTMENTS.—

"(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

"(2) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest the amounts in each of the Funds in accordance with the requirements of this paragraph.

"(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

"(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

"(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

"(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

"(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

"(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

"(D) INVESTMENT OF INTEREST ACCOUNT.—

"(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

"(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

"(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

"(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

"(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

"(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe (referred to in this subsection as the 'Tribes') the results of the investment activities and financial status of the Funds during the preceding 12-month period.

"(4) AUDITS.—

"(A) IN GENERAL.—The activities of the Tribes in carrying out the plans of the Tribes for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the Tribes are required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

"(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

"(i) determine whether funds received by the Tribes under this section during the period covered by the audit were used to carry out the plan of the appropriate Tribe in accordance with this section; and

"(ii) include the determination under clause (i) in the written findings of the audit.

"(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

"(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the Tribes regarding the proposed modification."; and

(2) by striking subsection (f) and inserting the following:

"(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

"(1) $500,000 for each of fiscal years 2006 and 2007; and

"(2) such sums as are necessary for each subsequent fiscal year.".

SEC. 5130. EAST TENNESSEE.

(a) EAST TENNESSEE DEFINED.—In this section, the term "East Tennessee" means the counties of Blount, Knox, Loudon, McMinn, Monroe, and Sevier, Tennessee.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in East Tennessee.

(c) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in East Tennessee, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of a project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project cost.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project cost (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5131. FRITZ LANDING, TENNESSEE.

The Secretary shall—

(1) conduct a study of the Fritz Landing Agricultural Spur Levee, Tennessee, to determine the extent of levee modifications that would be required to make the levee and associated drainage structures consistent with Federal standards;

(2) design and construct such modifications; and

(3) after completion of such modifications, incorporate the levee into the project for flood control, Mississippi River and Tributaries, authorized by the Act entitled "An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928 (45 Stat. 534–539).

SEC. 5132. J. PERCY PRIEST DAM AND RESERVOIR, TENNESSEE.

The Secretary shall plan, design, and construct a trail system at the J. Percy Priest Dam and Reservoir, Tennessee, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1217), and adjacent public property, including design and construction of support facilities. In carrying out such improvements, the Secretary is authorized to use funds made available by the State of Tennessee from any Federal or State source, or both.

SEC. 5133. NASHVILLE, TENNESSEE.

(a) IN GENERAL.—The Secretary may participate in the ecosystem restoration, recreation, navigation, and flood damage reduction components of the Nashville Riverfront Concept Plan, dated February 2007.

(b) COORDINATION.—In carrying out this section, the Secretary shall coordinate with appropriate representatives in the vicinity of Nashville, Tennessee, including the Nashville Parks and Recreation Department, the city of Nashville, and Davidson County.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 5134. NONCONNAH WEIR, MEMPHIS, TENNESSEE.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by the section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary—

(1) to reconstruct, at Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek; and

(2) to make repairs and maintain the weir in the future so that the weir functions properly.

SEC. 5135. TENNESSEE RIVER PARTNERSHIP.

(a) IN GENERAL.—As part of the operation and maintenance of the project for navigation, Tennessee River, Tennessee, Alabama, Mississippi, and Kentucky, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 927), the Secretary may enter into a partnership with a nonprofit entity to remove debris from the Tennessee River in the vicinity of Knoxville, Tennessee, by providing a vessel to such entity, at Federal expense, for such debris removal purposes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 5136. TOWN CREEK, LENOIR CITY, TENNESSEE.

The Secretary shall design and construct the project for flood damage reduction designated as Alternative 4 in the Town Creek, Lenoir City, Loudon County, Tennessee, feasibility report of the Nashville district engineer, dated November 2000, under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), notwithstanding section 1 of the Flood Control Act of June 22, 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal share of the cost of the project shall be subject to section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

SEC. 5137. UPPER MISSISSIPPI EMBAYMENT, TENNESSEE, ARKANSAS, AND MISSISSIPPI.

The Secretary may participate with non-Federal and nonprofit entities to address issues concerning managing groundwater as a sustainable *resource through the Upper Mississippi Embayment, Tennessee, Arkansas, and Mississippi, and to coordinate the protection of groundwater supply and groundwater quality of the Embayment with local surface water protection programs. There is authorized to be appropriated $5,000,000 to carry out this section.*

SEC. 5138. TEXAS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of Texas.

(b) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Texas, including projects for water supply, storage, treatment, and related facilities, water quality protection, wastewater treatment, and related facilities, environmental restoration, and surface water resource protection, and development, as identified by the Texas Water Development Board.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest.

(e) COST SHARING.—

(1) IN GENERAL.—The Federal share of the cost of the project under this section—

(A) shall be 75 percent; and

(B) may be provided in the form of grants or reimbursements of project costs.

(2) IN-KIND SERVICES.—The non-Federal share may be provided in the form of materials and in-kind services, including planning, design, construction, and management services, as the Secretary determines to be compatible with, and necessary for, the project.

(3) CREDIT FOR WORK.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(4) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs.

(5) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5139. BOSQUE RIVER WATERSHED, TEXAS.

(a) COMPREHENSIVE PLAN.—The Secretary, in consultation with appropriate Federal, State, and local entities, shall develop, as expeditiously as practicable, a comprehensive plan for development of new technologies and innovative approaches for restoring, preserving, and protecting the Bosque River watershed within Bosque, Hamilton, McLennan, and Erath Counties, Texas. The Secretary, in cooperation with the Secretary of Agriculture, may carry out activities identified in the comprehensive plan to demonstrate practicable alternatives for stabilization and enhancement of land and water resources in the basin.

(b) SERVICES OF NONPROFIT INSTITUTIONS AND OTHER ENTITIES.—In carrying out subsection (a), the Secretary may utilize, through contracts or other means, the services of nonprofit institutions and such other entities as the Secretary considers appropriate.

(c) NON-FEDERAL SHARE.—

(1) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(2) DEVELOPMENT OF COMPREHENSIVE PLAN.—The non-Federal share of the cost of development of the plan under subsection (a) shall be 25 percent.

(3) OPERATION AND MAINTENANCE.—The non-Federal share of the cost of operation and maintenance for measures constructed with assistance provided under this section shall be 100 percent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 5140. DALLAS COUNTY REGION, TEXAS.

(a) DALLAS COUNTY REGION DEFINED.—In this section, the term "Dallas County region" means the city of Dallas, and the municipalities of DeSoto, Duncanville, Lancaster, Wilmer, Hutchins, Balch Springs, Cedar Hill, Glenn Heights, and Ferris, Texas.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Dallas County region.

(c) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the Dallas County region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of a project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5141. DALLAS FLOODWAY, DALLAS, TEXAS.

(a) IN GENERAL.—The project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled, "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 18), is modified to—

(1) direct the Secretary to review the Balanced Vision Plan for the Trinity River Corridor, Dallas, Texas, dated December 2003 and amended in March 2004, prepared by the non-Federal interest for the project;

(2) direct the Secretary to review the Interior Levee Drainage Study Phase-I report, Dallas, Texas, dated September 2006, prepared by the non-Federal interest; and

(3) if the Secretary determines that the project is technically sound and environmentally acceptable, authorize the Secretary to construct the project at a total cost of $459,000,000, with an estimated Federal cost of $298,000,000 and an estimated non-Federal cost of $161,000,000.

(b) CREDIT.—

(1) IN-KIND CONTRIBUTIONS.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(2) CASH CONTRIBUTIONS.—The Secretary shall accept funds provided by the non-Federal interest for use in carrying out planning, engineering, and design for the project. The Federal share of such planning, engineering, and design carried out with non-Federal contributions shall be credited against the non-Federal share of the cost of the project.

SEC. 5142. HARRIS COUNTY, TEXAS.

Section 575(b) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3) by striking "and" at the end;

(2) in paragraph (4) by striking the period at the end and inserting "; and"; and

(3) by adding the following:

"(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).".

SEC. 5143. JOHNSON CREEK, ARLINGTON, TEXAS.

(a) IN GENERAL.—The project for flood damage reduction, environmental restoration, and recreation, Johnson Creek, Arlington, Texas, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat 280), is modified to authorize the Secretary to construct the project substantially in accordance with the report entitled "Johnson Creek: A Vision of Conservation", dated March 30, 2006, at a total cost of $80,000,000, with an estimated Federal cost of $52,000,000 and an estimated non-Federal cost of $28,000,000, if the Secretary determines that the project is feasible.

(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of the project may be provided in cash or in the form of in-kind services or materials.

(2) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(c) SPECIAL RULE.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184).

(d) CONFORMING AMENDMENT.—Section 134 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2263) is repealed.

SEC. 5144. ONION CREEK, TEXAS.

(a) INCLUSION OF COSTS AND BENEFITS OF RELOCATION OF FLOOD-PRONE RESIDENCES.—In carrying out the study for the project for flood damage reduction, recreation, and ecosystem restoration, Onion Creek, Texas, the Secretary shall include the costs and benefits associated with the relocation of flood-prone residences in the study area for the project in the period beginning 2 years before the date of initiation of the study and ending on the date of execution of the partnership agreement for construction of the project to the extent the Secretary determines such relocations are compatible with the project.

(b) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project referred to in subsection (a) the cost of relocation of those flood-prone residences described in subsection (a) that are incurred by the non-Federal interest before the date of the partnership agreement for the project.

SEC. 5145. CONNECTICUT RIVER DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall evaluate, design, and carry out structural modifications at Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

(b) INCLUSION.—During the evaluation and design portion of the modifications authorized by this section, the Secretary shall ensure that a sustainable flow analysis is conducted for each dam.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 5146. LAKE CHAMPLAIN CANAL, VERMONT AND NEW YORK.

(a) DISPERSAL BARRIER PROJECT.—The Secretary shall determine, at Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal, Vermont and New York, to prevent the spread of aquatic nuisance species.

(b) CONSTRUCTION, MAINTENANCE, AND OPERATION.—If the Secretary determines that the project described in subsection (a) is feasible, the Secretary shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at Federal expense.

SEC. 5147. DYKE MARSH, FAIRFAX COUNTY, VIRGINIA.

The Secretary shall accept funds from the National Park Service to restore Dyke Marsh, Fairfax County, Virginia.

SEC. 5148. EASTERN SHORE AND SOUTHWEST VIRGINIA.

Section 219(f)(10) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended—

(1) by striking "$20,000,000 for water supply and wastewater infrastructure" and inserting the following:

"(A) IN GENERAL.—$20,000,000 for water supply, wastewater infrastructure, and environmental restoration";

(2) by adding at the end the following:

"(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5149. JAMES RIVER, VIRGINIA.

The Secretary shall accept funds from the National Park Service to provide technical and project management assistance for the James River, Virginia, with a particular emphasis on locations along the shoreline adversely impacted by Hurricane Isabel.

SEC. 5150. BAKER BAY AND ILWACO HARBOR, WASHINGTON.

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine if the siltation is the result of a Federal navigation project (including diverted flows from the Columbia River) and, if the Secretary determines that the siltation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the siltation as part of maintenance of the Federal navigation project.

SEC. 5151. HAMILTON ISLAND CAMPGROUND, WASHINGTON.

The Secretary is authorized to plan, design, and construct a campground for Bonneville Lock and Dam at Hamilton Island (also known as "Strawberry Island") in Skamania County, Washington.

SEC. 5152. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON.

(a) IN GENERAL.—The Lower Columbia River levees and bank protection works authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a one-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, and the shoreline of Westport Beach, Clatsop County, Oregon, between river miles 43 to 45, to protect economic and environmental resources in the area from further erosion.

(b) COORDINATION AND COST-SHARING REQUIREMENTS.—The Secretary shall carry out subsection (a)—

(1) in coordination with appropriate resource agencies; and

(2) at Federal expense.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 5153. WILLAPA BAY, WASHINGTON.

Section 545 of the Water Resources Development Act of 2000 (114 Stat. 2675) is amended—

(1) in subsection (b)(1) by striking "may construct" and inserting "shall construct"; and

(2) by inserting "and ecosystem restoration" after "erosion protection" each place it appears.

SEC. 5154. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.

(a) CHEAT AND TYGART RIVER BASINS, WEST VIRGINIA.—Section 581(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 313) is amended—

(1) by striking "flood control measures" and inserting "structural and nonstructural flood control, streambank protection, stormwater management, and channel clearing and modification measures"; and

(2) by inserting "with respect to measures that incorporate levees or floodwalls" before the semicolon.

(b) PRIORITY COMMUNITIES.—Section 581(b) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a semicolon; and

(3) by adding at the end the following:

"(7) Etna, Pennsylvania, in the Pine Creek watershed; and

"(8) Millvale, Pennsylvania, in the Girty's Run River basin.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 581(c) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking "$12,000,000" and inserting "$90,000,000".

SEC. 5155. CENTRAL WEST VIRGINIA.

Section 571 of the Water Resources Development Act of 1999 (113 Stat. 371) is amended—

(1) in subsection (a)—

(A) by striking "Nicholas,"; and

(B) by striking "Gilmer,";

(2) in subsection (h) by striking "$10,000,000" and inserting "$20,000,000"; and

(3) by adding at the end the following:

"(i) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

"(j) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.".

SEC. 5156. SOUTHERN WEST VIRGINIA.

(a) CORPS OF ENGINEERS.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856; 113 Stat. 320) is amended by adding at the end the following:

"(h) CORPS OF ENGINEERS.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.".

(b) SOUTHERN WEST VIRGINIA DEFINED.—Section 340(f) of such Act is amended by inserting "Nicholas," after "Greenbrier,".

(c) NONPROFIT ENTITIES.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) is further amended by adding at the end the following:

"(i) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.".

SEC. 5157. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

"(12) PERRIS, CALIFORNIA.—The project for flood control, Perris, California.

"(13) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

"(14) LAROSE TO GOLDEN MEADOW, LOUISIANA.—The project for flood control, Larose to Golden Meadow, Louisiana.

"(15) BUFFALO BAYOU, TEXAS.—A project for flood control, Buffalo Bayou, Texas, to provide an alternative to the project authorized by the first section of the River and Harbor Act of June 20, 1938 (52 Stat. 804) and modified by section 3a of the Flood Control Act of August 11, 1939 (53 Stat. 1414).

"(16) HALLS BAYOU, TEXAS.—A project for flood control, Halls Bayou, Texas, to provide an alternative to the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610).

"(17) MENOMONEE RIVER WATERSHED, WISCONSIN.—The project for the Menomonee River Watershed, Wisconsin, including—

"(A) the Underwood Creek diversion facility project (Milwaukee County Grounds); and

"(B) the Greater Milwaukee Rivers watershed project.".

SEC. 5158. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 113 Stat. 1494; 114 Stat. 2763A-219; 119 Stat. 2255) is amended—

(1) in subsection (c)(5) by striking "a project for the elimination or control of combined sewer overflows" and inserting "projects for the design, installation, enhancement, or repair of sewer systems";

(2) in subsection (e)(1) by striking "$20,000,000" and inserting "$32,500,000"; and

(3) in subsection (f)—

(A) by striking the undesignated paragraph relating to Charleston, South Carolina, and inserting the following:

"(72) CHARLESTON, SOUTH CAROLINA.—$10,000,000 for wastewater infrastructure, including wastewater collection systems, and stormwater system improvements, Charleston, South Carolina.";

(B) by redesignating the paragraph (71) relating to Placer and El Dorado Counties, California, as paragraph (73);

(C) by redesignating the paragraph (72) relating to Lassen, Plumas, Butte, Sierra, and Nevada Counties, California, as paragraph (74);

(D) by striking the paragraph (71) relating to Indianapolis, Indiana, and inserting the following:

"(75) INDIANAPOLIS, INDIANA.—$6,430,000 for environmental infrastructure for Indianapolis, Indiana.";

(E) by redesignating the paragraph (73) relating to St. Croix Falls, Wisconsin, as paragraph (76);

(F) by redesignating paragraph (72), relating to Alpine, California, as paragraph (77); and

(G) by adding at the end the following:

"(78) ST. CLAIR COUNTY, ALABAMA.—$5,000,000 for water related infrastructure, St. Clair County, Alabama.

"(79) CRAWFORD COUNTY, ARKANSAS.—$35,000,000 for water supply infrastructure, Crawford County, Arkansas.

"(80) ALAMEDA AND CONTRA COSTA COUNTIES, CALIFORNIA.—$25,000,000 for recycled water treatment facilities within the East Bay Municipal Utility District service area, Alameda and Contra Costa Counties, California.

"(81) ALISO CREEK, ORANGE COUNTY, CALIFORNIA.—$5,000,000 for water related infrastructure, Aliso Creek, Orange County, California.

"(82) AMADOR COUNTY, CALIFORNIA.—$3,000,000 for wastewater collection and treatment infrastructure, Amador County, California.

"(83) ARCADIA, SIERRA MADRE, AND UPLAND, CALIFORNIA.—$33,000,000 for water and wastewater infrastructure, Arcadia, Sierra Madre, and Upland, California, including $13,000,000 for stormwater infrastructure for Upland, California.

"(84) BIG BEAR AREA REGIONAL WASTEWATER AGENCY, CALIFORNIA.—$15,000,000 for water reclamation and distribution infrastructure, Big Bear Area Regional Wastewater Agency, California.

"(85) BRAWLEY COLONIA, IMPERIAL COUNTY, CALIFORNIA.—$1,400,000 for water infrastructure to improve water quality in the Brawley Colonia Water District, Imperial County, California.

"(86) CALAVERAS COUNTY, CALIFORNIA.—$3,000,000 for water supply and wastewater infrastructure improvement projects in Calaveras County, California, including wastewater reclamation, recycling, and conjunctive use projects.

"(87) CONTRA COSTA WATER DISTRICT, CALIFORNIA.—$23,000,000 for water and wastewater infrastructure for the Contra Costa Water District, California.

"(88) EAST BAY, SAN FRANCISCO, AND SANTA CLARA AREAS, CALIFORNIA.—$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.

"(89) EAST PALO ALTO, CALIFORNIA.—$4,000,000 for a new pump station and stormwater management and drainage system, East Palo Alto, California.

"(90) IMPERIAL COUNTY, CALIFORNIA.—$10,000,000 for wastewater infrastructure, including a wastewater disinfection facility and polishing system, to improve water quality in the vicinity of Calexico, California, on the southern New River, Imperial County, California.

"(91) LA HABRA, CALIFORNIA.—$5,000,000 for wastewater and water related infrastructure, city of La Habra, California.

"(92) LA MIRADA, CALIFORNIA.—$4,000,000 for the planning, design, and construction of a stormwater program in La Mirada, California.

"(93) LOS ANGELES COUNTY, CALIFORNIA.—$3,000,000 for wastewater and water related infrastructure, Diamond Bar, La Habra Heights, and Rowland Heights, Los Angeles County, California.

"(94) LOS ANGELES COUNTY, CALIFORNIA.—$20,000,000 for the planning, design, and construction of water related infrastructure for Santa Monica Bay and the coastal zone of Los Angeles County, California.

"(95) MALIBU, CALIFORNIA.—$3,000,000 for municipal wastewater and recycled water infrastructure, Malibu Creek Watershed Protection Project, Malibu, California.

"(96) MONTEBELLO, CALIFORNIA.—$4,000,000 for water infrastructure improvements in south Montebello, California.

"(97) NEW RIVER, CALIFORNIA.—$10,000,000 for wastewater infrastructure to improve water quality in the New River, California.

"(98) ORANGE COUNTY, CALIFORNIA.—$10,000,000 for wastewater and water related infrastructure, Anaheim, Brea, Mission Viejo, Rancho Santa Margarita, and Yorba Linda, Orange County, California.

"(99) PORT OF STOCKTON, STOCKTON, CALIFORNIA.—$3,000,000 for water and wastewater infrastructure projects for Rough and Ready Island and vicinity, Stockton, California.

"(100) PERRIS, CALIFORNIA.—$3,000,000 for recycled water transmission infrastructure, Eastern Municipal Water District, Perris, California.

"(101) SAN BERNARDINO COUNTY, CALIFORNIA.—$9,000,000 for wastewater and water related infrastructure, Chino and Chino Hills, San Bernardino County, California.

"(102) SANTA CLARA COUNTY, CALIFORNIA.—$5,500,000 for an advanced recycling water treatment plant in Santa Clara County, California.

"(103) SANTA MONICA, CALIFORNIA.—$3,000,000 for improving water system reliability, Santa Monica, California.

"(104) SOUTHERN LOS ANGELES COUNTY, CALIFORNIA.—$15,000,000 for environmental infrastructure for the groundwater basin optimization pipeline, Southern Los Angeles County, California.

"(105) STOCKTON, CALIFORNIA.—$33,000,000 for water treatment and distribution infrastructure, Stockton, California.

"(106) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—$375,000 to improve water quality and remove nonnative aquatic nuisance species from the Sweetwater Reservoir, San Diego County, California.

"(107) WHITTIER, CALIFORNIA.—$8,000,000 for water, wastewater, and water related infrastructure, Whittier, California.

"(108) ARKANSAS VALLEY CONDUIT, COLORADO.—$10,000,000 for the Arkansas Valley Conduit, Colorado.

"(109) BOULDER COUNTY, COLORADO.—$10,000,000 for water supply infrastructure, Boulder County, Colorado.

"(110) MONTEZUMA AND LA PLATA COUNTIES, COLORADO.—$1,000,000 for water and wastewater related infrastructure for the Ute Mountain project, Montezuma and La Plata Counties, Colorado.

"(111) OTERO, BENT, CROWLEY, KIOWA, AND PROWERS COUNTIES, COLORADO.—$35,000,000 for water transmission infrastructure, Otero, Bent, Crowley, Kiowa, and Prowers Counties, Colorado.

"(112) PUEBLO AND OTERO COUNTIES, COLORADO.—$34,000,000 for water transmission infrastructure, Pueblo and Otero Counties, Colorado.

"(113) ENFIELD, CONNECTICUT.—$1,000,000 for infiltration and inflow correction, Enfield, Connecticut.

"(114) LEDYARD AND MONTVILLE, CONNECTICUT.—$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.

"(115) NEW HAVEN, CONNECTICUT.—$300,000 for stormwater system improvements, New Haven, Connecticut.

"(116) NORWALK, CONNECTICUT.—$3,000,000 for the Keeler Brook Storm Water Improvement Project, Norwalk, Connecticut.

"(117) PLAINVILLE, CONNECTICUT.—$6,280,000 for wastewater treatment, Plainville, Connecticut.

"(118) SOUTHINGTON, CONNECTICUT.—$9,420,000 for water supply infrastructure, Southington, Connecticut.

"(119) ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.—$20,000,000 for environmental infrastructure and resource protection and development to enhance water quality and living resources in the Anacostia River watershed, District of Columbia and Maryland.

"(120) DISTRICT OF COLUMBIA.—$35,000,000 for implementation of a combined sewer overflow

long-term control plan in the District of Columbia.

"(121) CHARLOTTE COUNTY, FLORIDA.—$3,000,000 for water supply infrastructure, Charlotte County, Florida.

"(122) CHARLOTTE, LEE, AND COLLIER COUNTIES, FLORIDA.—$20,000,000 for water supply interconnectivity infrastructure, Charlotte, Lee, and Collier Counties, Florida.

"(123) COLLIER COUNTY, FLORIDA.—$5,000,000 for water infrastructure to improve water quality in the vicinity of the Gordon River, Collier County, Florida.

"(124) HILLSBOROUGH COUNTY, FLORIDA.—$6,250,000 for water infrastructure and supply enhancement, Hillsborough County, Florida.

"(125) JACKSONVILLE, FLORIDA.—$25,000,000 for wastewater related infrastructure, including septic tank replacements, Jacksonville, Florida.

"(126) SARASOTA COUNTY, FLORIDA.—$10,000,000 for water and wastewater infrastructure in Sarasota County, Florida.

"(127) SOUTH SEMINOLE AND NORTH ORANGE COUNTY, FLORIDA.—$30,000,000 for wastewater infrastructure for the South Seminole and North Orange Wastewater Transmission Authority, Florida.

"(128) MIAMI-DADE COUNTY, FLORIDA.—$6,250,000 for water reuse supply and a water transmission pipeline, Miami-Dade County, Florida.

"(129) PALM BEACH COUNTY, FLORIDA.—$7,500,000 for water infrastructure, Palm Beach County, Florida.

"(130) ALBANY, GEORGIA.—$4,000,000 for a storm drainage system, Albany, Georgia.

"(131) BANKS COUNTY, GEORGIA.—$5,000,000 for water infrastructure improvements, Banks County, Georgia.

"(132) BERRIEN COUNTY, GEORGIA.—$5,000,000 for water infrastructure improvements, Berrien County, Georgia.

"(133) CHATTOOGA COUNTY, GEORGIA.—$8,000,000 for wastewater and drinking water infrastructure improvement, Chattooga County, Georgia.

"(134) CHATTOOGA, FLOYD, GORDON, WALKER, AND WHITIFIELD COUNTIES, GEORGIA.—$10,000,000 for water infrastructure improvements, Armuchee Valley, Chattooga, Floyd, Gordon, Walker, and Whitifield Counties, Georgia.

"(135) DAHLONEGA, GEORGIA.—$5,000,000 for water infrastructure improvements, Dahlonega, Georgia.

"(136) EAST POINT, GEORGIA.—$5,000,000 for water infrastructure improvements, city of East Point, Georgia.

"(137) FAYETTEVILLE, GRANTVILLE, LAGRANGE, PINE MOUNTAIN (HARRIS COUNTY), DOUGLASVILLE, AND CARROLLTON, GEORGIA.—$24,500,000 for water and wastewater infrastructure, Fayetteville, Grantville, LaGrange, Pine Mountain (Harris County), Douglasville, and Carrollton, Georgia.

"(138) MERIWETHER AND SPALDING COUNTIES, GEORGIA.—$7,000,000 for water and wastewater infrastructure, Meriwether and Spalding Counties, Georgia.

"(139) MOULTRIE, GEORGIA.—$5,000,000 for water supply infrastructure, Moultrie, Georgia.

"(140) STEPHENS COUNTY/CITY OF TOCCOA, GEORGIA.—$8,000,000 water infrastructure improvements, Stephens County/city of Toccoa, Georgia.

"(141) NORTH VERNON AND BUTLERVILLE, INDIANA.—$1,700,000 for wastewater infrastructure, North Vernon and Butlerville, Indiana.

"(142) SALEM, WASHINGTON COUNTY, INDIANA.—$3,200,000 for water supply infrastructure, Salem, Washington County, Indiana.

"(143) ATCHISON, KANSAS.—$20,000,000 to address combined sewer overflows, Atchison, Kansas.

"(144) CENTRAL KENTUCKY.—$10,000,000 for water related infrastructure and resource protection and development, Scott, Franklin, Woodford, Anderson, Fayette, Mercer, Jessamine, Boyle, Lincoln, Garrard, Madison, Estill, Powell, Clark, Montgomery, and Bourbon Counties, Kentucky.

"(145) LAFAYETTE, LOUISIANA.—$1,200,000 for water and wastewater improvements, Lafayette, Louisiana.

"(146) LAFOURCHE PARISH, LOUISIANA.—$2,300,000 for measures to prevent the intrusion of saltwater into the freshwater system, Lafourche Parish, Louisiana.

"(147) LAKE CHARLES, LOUISIANA.—$1,000,000 for water and wastewater improvements, Lake Charles, Louisiana.

"(148) NORTHWEST LOUISIANA COUNCIL OF GOVERNMENTS, LOUISIANA.—$2,000,000 for water and wastewater improvements, Northwest Louisiana Council of Governments, Louisiana.

"(149) OUACHITA PARISH, LOUISIANA.—$1,000,000 for water and wastewater improvements, Ouachita Parish, Louisiana.

"(150) PLAQUEMINE, LOUISIANA.—$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.

"(151) RAPIDES AREA PLANNING COMMISSION, LOUISIANA.—$1,000,000 for water and wastewater improvements, Rapides, Louisiana.

"(152) SHREVEPORT, LOUISIANA.—$20,000,000 for water supply infrastructure in Shreveport, Louisiana.

"(153) SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION, LOUISIANA.—$2,500,000 for water and wastewater improvements, South Central Planning and Development Commission, Louisiana.

"(154) UNION-LINCOLN REGIONAL WATER SUPPLY PROJECT, LOUISIANA.—$2,000,000 for the Union-Lincoln Regional Water Supply project, Louisiana.

"(155) CHESAPEAKE BAY IMPROVEMENTS, MARYLAND, VIRGINIA, AND DISTRICT OF COLUMBIA.—$30,000,000 for environmental infrastructure projects to benefit the Chesapeake Bay, including the nutrient removal project at the Blue Plains Wastewater Treatment facility in the District of Columbia.

"(156) CHESAPEAKE BAY REGION, MARYLAND AND VIRGINIA.—$40,000,000 for water pollution control, Chesapeake Bay Region, Maryland and Virginia.

"(157) MICHIGAN COMBINED SEWER OVERFLOWS.—$35,000,000 for correction of combined sewer overflows, Michigan.

"(158) CENTRAL IRON RANGE SANITARY SEWER DISTRICT, MINNESOTA.—$12,000,000 for wastewater infrastructure for the Central Iron Range Sanitary Sewer District to serve the cities of Hibbing, Chisholm, Buhl, and Kinney, and Balkan and Great Scott Townships, Minnesota.

"(159) CENTRAL LAKE REGION SANITARY DISTRICT, MINNESOTA.—$2,000,000 for sanitary sewer and wastewater infrastructure for the Central Lake Region Sanitary District, Minnesota, to serve Le Grande and Moe Townships, Minnesota.

"(160) GOODVIEW, MINNESOTA.—$3,000,000 for water quality infrastructure, Goodview, Minnesota.

"(161) GRAND RAPIDS, MINNESOTA.—$5,000,000 for wastewater infrastructure, Grand Rapids, Minnesota.

"(162) WILLMAR, MINNESOTA.—$15,000,000 for wastewater infrastructure, Willmar, Minnesota.

"(163) BILOXI, MISSISSIPPI.—$5,000,000 for water and wastewater related infrastructure, city of Biloxi, Mississippi.

"(164) CORINTH, MISSISSIPPI.—$7,500,000 for a surface water program, city of Corinth, Mississippi.

"(165) GULFPORT, MISSISSIPPI.—$5,000,000 for water and wastewater related infrastructure, city of Gulfport, Mississippi.

"(166) HARRISON COUNTY, MISSISSIPPI.—$5,000,000 for water and wastewater related infrastructure, Harrison County, Mississippi.

"(167) JACKSON, MISSISSIPPI.—$25,000,000 for water and wastewater infrastructure, Jackson, Mississippi.

"(168) CLARK COUNTY, NEVADA.—$30,000,000 for wastewater infrastructure, Clark County, Nevada.

"(169) CLEAN WATER COALITION, NEVADA.—$50,000,000 for the Systems Conveyance and Operations Program, Clark County, Henderson, Las Vegas, and North Las Vegas, Nevada.

"(170) GLENDALE DAM DIVERSION STRUCTURE, NEVADA.—$10,000,000 for water system improvements to the Glendale Dam Diversion Structure for the Truckee Meadows Water Authority, Nevada.

"(171) HENDERSON, NEVADA.—$13,000,000 for wastewater infrastructure, Henderson, Nevada.

"(172) INDIAN SPRINGS, NEVADA.—$12,000,000 for construction of wastewater system improvements for the Indian Springs community, Nevada.

"(173) RENO, NEVADA.—$13,000,000 for construction of a water conservation project for the Highland Canal, Mogul Bypass in Reno, Nevada.

"(174) WASHOE COUNTY, NEVADA.—$14,000,000 for construction of water infrastructure improvements to the Huffaker Hills Reservoir Conservation Project, Washoe County, Nevada.

"(175) CRANFORD TOWNSHIP, NEW JERSEY.—$6,000,000 for storm sewer improvements, Cranford Township, New Jersey.

"(176) MIDDLETOWN TOWNSHIP, NEW JERSEY.—$1,100,000 for storm sewer improvements, Middletown Township, New Jersey.

"(177) PATERSON, NEW JERSEY.—$35,000,000 for wastewater infrastructure, Paterson, New Jersey.

"(178) RAHWAY VALLEY, NEW JERSEY.—$25,000,000 for sanitary sewer and storm sewer improvements in the service area of the Rahway Valley Sewerage Authority, New Jersey.

"(179) BABYLON, NEW YORK.—$5,000,000 for wastewater infrastructure, Town of Babylon, New York.

"(180) ELLICOTTVILLE, NEW YORK.—$2,000,000 for water supply, water, and wastewater infrastructure in Ellicottville, New York.

"(181) ELMIRA, NEW YORK.—$5,000,000 for wastewater infrastructure, Elmira, New York.

"(182) ESSEX HAMLET, NEW YORK.—$5,000,000 for wastewater infrastructure, Essex Hamlet, New York.

"(183) FLEMING, NEW YORK.—$5,000,000 for drinking water infrastructure, Fleming, New York.

"(184) KIRYAS JOEL, NEW YORK.—$5,000,000 for drinking water infrastructure, village of Kiryas Joel, New York.

"(185) NIAGARA FALLS, NEW YORK.—$5,000,000 for wastewater infrastructure, Niagara Falls Water Board, New York.

"(186) PATCHOGUE, NEW YORK.—$5,000,000 for wastewater infrastructure, village of Patchogue, New York.

"(187) SENNETT, NEW YORK.—$1,500,000 for water infrastructure, town of Sennett, New York.

"(188) SPRINGPORT AND FLEMING, NEW YORK.—$10,000,000 for water related infrastructure, including water mains, pump stations, and water storage tanks, Springport and Fleming, New York.

"(189) WELLSVILLE, NEW YORK.—$2,000,000 for water supply, water, and wastewater infrastructure in Wellsville, New York.

"(190) YATES COUNTY, NEW YORK.—$5,000,000 for drinking water infrastructure, Yates County, New York.

"(191) CABARRUS COUNTY, NORTH CAROLINA.—$4,500,000 for water related infrastructure, Cabarrus County, North Carolina.

"(192) CARY, WAKE COUNTY, NORTH CAROLINA.—$4,000,000 for a water reclamation facility, Cary, Wake County, North Carolina.

"(193) CHARLOTTE, NORTH CAROLINA.—$14,000,000 for the Briar Creek Relief Sewer project, city of Charlotte, North Carolina.

"(194) FAYETTEVILLE, CUMBERLAND COUNTY, NORTH CAROLINA.—$6,000,000 for water and sewer upgrades, city of Fayetteville, Cumberland County, North Carolina.

"(195) MOORESVILLE, NORTH CAROLINA.—$4,000,000 for water and wastewater infrastructure improvements, town of Mooresville, North Carolina.

"(196) NEUSE REGIONAL WATER AND SEWER AUTHORITY, NORTH CAROLINA.—$4,000,000 for the Neuse regional drinking water facility, Kinston, North Carolina.

"(197) RICHMOND COUNTY, NORTH CAROLINA.—$13,500,000 for water related infrastructure, Richmond County, North Carolina.

"(198) UNION COUNTY, NORTH CAROLINA.—$6,000,000 for water related infrastructure, Union County, North Carolina.

"(199) WASHINGTON COUNTY, NORTH CAROLINA.—$1,000,000 for water and wastewater infrastructure, Washington County, North Carolina.

"(200) WINSTON-SALEM, NORTH CAROLINA.—$3,000,000 for stormwater upgrades, city of Winston-Salem, North Carolina.

"(201) NORTH DAKOTA.—$15,000,000 for water-related infrastructure, North Dakota.

"(202) DEVILS LAKE, NORTH DAKOTA.—$15,000,000 for water supply infrastructure, Devils Lake, North Dakota.

"(203) SAIPAN, NORTHERN MARIANA ISLANDS.—$20,000,000 for water related infrastructure, Saipan, Northern Mariana Islands.

"(204) AKRON, OHIO.—$5,000,000 for wastewater infrastructure, Akron, Ohio

"(205) BURR OAK REGIONAL WATER DISTRICT, OHIO.—$4,000,000 for construction of a water line to extend from a well field near Chauncey, Ohio, to a water treatment plant near Millfield, Ohio.

"(206) CINCINNATI, OHIO.—$1,000,000 for wastewater infrastructure, Cincinnati, Ohio.

"(207) CLEVELAND, OHIO.—$2,500,000 for Flats East Bank water and wastewater infrastructure, city of Cleveland, Ohio.

"(208) COLUMBUS, OHIO.—$4,500,000 for wastewater infrastructure, Columbus, Ohio.

"(209) DAYTON, OHIO.—$1,000,000 for water and wastewater infrastructure, Dayton, Ohio.

"(210) DEFIANCE COUNTY, OHIO.—$1,000,000 for wastewater infrastructure, Defiance County, Ohio.

"(211) FOSTORIA, OHIO.—$2,000,000 for wastewater infrastructure, Fostoria, Ohio.

"(212) FREMONT, OHIO.—$2,000,000 for construction of off-stream water supply reservoir, Fremont, Ohio.

"(213) LAKE COUNTY, OHIO.—$1,500,000 for wastewater infrastructure, Lake County, Ohio.

"(214) LAWRENCE COUNTY, OHIO.—$5,000,000 for Union Rome wastewater infrastructure, Lawrence County, Ohio.

"(215) MEIGS COUNTY, OHIO.—$1,000,000 to extend the Tupper Plains Regional Water District water line to Meigs County, Ohio.

"(216) MENTOR-ON-LAKE, OHIO.—$625,000 for water and wastewater infrastructure, Mentor-on-Lake, Ohio.

"(217) VINTON COUNTY, OHIO.—$1,000,000 to construct water lines in Vinton and Brown Townships, Ohio.

"(218) WILLOWICK, OHIO.—$665,000 for water and wastewater infrastructure, Willowick, Ohio.

"(219) ADA, OKLAHOMA.—$1,700,000 for sewer improvements and other water infrastructure, city of Ada, Oklahoma.

"(220) ALVA, OKLAHOMA.—$250,000 for wastewater infrastructure improvements, city of Alva, Oklahoma.

"(221) ARDMORE, OKLAHOMA.—$1,900,000 for water and sewer infrastructure improvements, city of Ardmore, Oklahoma.

"(222) BARTLESVILLE, OKLAHOMA.—$2,500,000 for water supply infrastructure, city of Bartlesville, Oklahoma.

"(223) BETHANY, OKLAHOMA.—$1,500,000 for water improvements and water related infrastructure, city of Bethany, Oklahoma.

"(224) CHICKASHA, OKLAHOMA.—$650,000 for industrial park sewer infrastructure, city of Chickasha, Oklahoma.

"(225) DISNEY AND LANGLEY, OKLAHOMA.—$2,500,000 for water and sewer improvements and water related infrastructure, cities of Disney and Langley, Oklahoma.

"(226) DURANT, OKLAHOMA.—$3,300,000 for bayou restoration and water related infrastructure, city of Durant, Oklahoma.

"(227) EASTERN OKLAHOMA STATE UNIVERSITY, WILBERTON, OKLAHOMA.—$1,000,000 for sewer and utility upgrades and water related infrastructure, Eastern Oklahoma State University, Wilberton, Oklahoma.

"(228) GUYMON, OKLAHOMA.—$16,000,000 for water and wastewater related infrastructure, city of Guymon, Oklahoma.

"(229) KONAWA, OKLAHOMA.—$500,000 for water treatment infrastructure improvements, city of Konawa, Oklahoma.

"(230) LUGERT-ALTUS IRRIGATION DISTRICT, ALTUS, OKLAHOMA.—$5,000,000 for water related infrastructure improvements, Lugert-Altus Irrigation District, Altus, Oklahoma.

"(231) MIDWEST CITY, OKLAHOMA.—$2,000,000 for improvements to water related infrastructure, the City of Midwest City, Oklahoma.

"(232) MUSTANG, OKLAHOMA.—$3,325,000 for water improvements and water related infrastructure, city of Mustang, Oklahoma.

"(233) NORMAN, OKLAHOMA.—$10,000,000 for water related infrastructure, Norman, Oklahoma.

"(234) OKLAHOMA PANHANDLE STATE UNIVERSITY, GUYMON, OKLAHOMA.—$275,000 for water testing facility and water related infrastructure development, Oklahoma Panhandle State University, Guymon, Oklahoma.

"(235) WEATHERFORD, OKLAHOMA.—$500,000 for arsenic program and water related infrastructure, city of Weatherford, Oklahoma.

"(236) WOODWARD, OKLAHOMA.—$1,500,000 for water improvements and water related infrastructure, Woodward, Oklahoma.

"(237) ALBANY, OREGON.—$35,000,000 for wastewater infrastructure to improve habitat restoration, Albany, Oregon.

"(238) BEAVER CREEK RESERVOIR, PENNSYLVANIA.—$3,000,000 for projects for water supply and related activities, Beaver Creek Reservoir, Clarion County, Beaver and Salem Townships, Pennsylvania.

"(239) HATFIELD BOROUGH, PENNSYLVANIA.—$310,000 for wastewater related infrastructure for Hatfield Borough, Pennsylvania.

"(240) LEHIGH COUNTY, PENNSYLVANIA.—$5,000,000 for stormwater control measures and storm sewer improvements, Lehigh County, Pennsylvania.

"(241) NORTH WALES BOROUGH, PENNSYLVANIA.—$1,516,584 for wastewater related infrastructure for North Wales Borough, Pennsylvania.

"(242) PEN ARGYL, PENNSYLVANIA.—$5,250,000 for wastewater infrastructure, Pen Argyl, Pennsylvania.

"(243) PHILADELPHIA, PENNSYLVANIA.—$1,600,000 for wastewater related infrastructure for Philadelphia, Pennsylvania.

"(244) STOCKERTON BOROUGH, TATAMY BOROUGH, AND PALMER TOWNSHIP, PENNSYLVANIA.—$10,000,000 for stormwater control measures, particularly to address sinkholes, in the vicinity of Stockerton Borough, Tatamy Borough, and Palmer Township, Pennsylvania.

"(245) VERA CRUZ, PENNSYLVANIA.—$5,500,000 for wastewater infrastructure, Vera Cruz, Pennsylvania.

"(246) COMMONWEALTH OF PUERTO RICO.—$35,000,000 for water and wastewater infrastructure in the Commonwealth of Puerto Rico.

"(247) CHARLESTON, SOUTH CAROLINA.—$4,000,000 for stormwater control measures and storm sewer improvements, Spring Street/Fishburne Street drainage project, Charleston, South Carolina.

"(248) CHARLESTON AND WEST ASHLEY, SOUTH CAROLINA.—$6,000,000 for wastewater tunnel replacement, Charleston and West Ashley, South Carolina.

"(249) CROOKED CREEK, MARLBORO COUNTY, SOUTH CAROLINA.—$25,000,000 for a project for water storage and water supply infrastructure on Crooked Creek, Marlboro County, South Carolina.

"(250) MYRTLE BEACH, SOUTH CAROLINA.—$18,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach, South Carolina.

"(251) NORTH MYRTLE BEACH, SOUTH CAROLINA.—$11,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

"(252) SURFSIDE, SOUTH CAROLINA.—$11,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

"(253) CHEYENNE RIVER SIOUX RESERVATION (DEWEY AND ZIEBACH COUNTIES) AND PERKINS AND MEADE COUNTIES, SOUTH DAKOTA.—$65,000,000 for water related infrastructure, Cheyenne River Sioux Reservation (Dewey and Ziebach counties) and Perkins and Meade Counties, South Dakota.

"(254) ATHENS, TENNESSEE.—$16,000,000 for wastewater infrastructure, Athens, Tennessee.

"(255) BLAINE, TENNESSEE.—$500,000 for water supply and wastewater infrastructure, Blaine, Tennessee.

"(256) CLAIBORNE COUNTY, TENNESSEE.—$1,250,000 for water supply and wastewater infrastructure, Claiborne County, Tennessee.

"(257) GILES COUNTY, TENNESSEE.—$2,000,000 for water supply and wastewater infrastructure, county of Giles, Tennessee.

"(258) GRAINGER COUNTY, TENNESSEE.—$1,250,000 for water supply and wastewater infrastructure, Grainger County, Tennessee.

"(259) HAMILTON COUNTY, TENNESSEE.—$500,000 for water supply and wastewater infrastructure, Hamilton County, Tennessee.

"(260) HARROGATE, TENNESSEE.—$2,000,000 for water supply and wastewater infrastructure, city of Harrogate, Tennessee.

"(261) JOHNSON COUNTY, TENNESSEE.—$600,000 for water supply and wastewater infrastructure, Johnson County, Tennessee.

"(262) KNOXVILLE, TENNESSEE.—$5,000,000 for water supply and wastewater infrastructure, city of Knoxville, Tennessee.

"(263) NASHVILLE, TENNESSEE.—$5,000,000 for water supply and wastewater infrastructure, Nashville, Tennessee.

"(264) LEWIS, LAWRENCE, AND WAYNE COUNTIES, TENNESSEE.—$2,000,000 for water supply and wastewater infrastructure, counties of Lewis, Lawrence, and Wayne, Tennessee.

"(265) OAK RIDGE, TENNESSEE.—$4,000,000 for water supply and wastewater infrastructure, city of Oak Ridge, Tennessee.

"(266) PLATEAU UTILITY DISTRICT, MORGAN COUNTY, TENNESSEE.—$1,000,000 for water supply and wastewater infrastructure, Morgan County, Tennessee.

"(267) SHELBY COUNTY, TENNESSEE.—$4,000,000 for water related environmental infrastructure, county of Shelby, Tennessee.

"(268) CENTRAL TEXAS.—$20,000,000 for water and wastewater infrastructure in Bosque, Brazos, Burleson, Grimes, Hill, Hood, Johnson, Madison, McLennan, Limestone, Robertson, and Somervell Counties, Texas.

"(269) EL PASO COUNTY, TEXAS.—$25,000,000 for water related infrastructure and resource protection, including stormwater management, and development, El Paso County, Texas.

"(270) FT. BEND COUNTY, TEXAS.—$20,000,000 for water and wastewater infrastructure, Ft. Bend County, Texas.

"(271) DUCHESNE, IRON, AND UINTAH COUNTIES, UTAH.—$10,800,000 for water related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.

"(272) NORTHERN WEST VIRGINIA.—$20,000,000 for water and wastewater infrastructure in Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Ritchie Counties, West Virginia.

"(273) UNITED STATES VIRGIN ISLANDS.—$25,000,000 for wastewater infrastructure for the St. Croix Anguilla wastewater treatment plant and the St. Thomas Charlotte Amalie wastewater treatment plant, United States Virgin Islands.".

TITLE VI—FLORIDA EVERGLADES

SEC. 6001. HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.

(a) MODIFICATION.—The project for Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to carry out the project at a total cost of $42,500,000.

(b) TREATMENT.—Section 601(b)(2)(A) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(1) in clause (i) by adding at the end the following: "The project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for purposes of this section as being in the Plan, except that operation and maintenance costs of the project shall remain a non-Federal responsibility."; and

(2) in clause (iii) by inserting after "subparagraph (B)" the following: "and the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer".

SEC. 6002. PILOT PROJECTS.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(1) in the matter preceding clause (i)—

(A) by striking "$69,000,000" and inserting "$71,200,000"; and

(B) by striking "$34,500,000" each place it appears and inserting "$35,600,000"; and

(2) in clause (i)—

(A) by striking "$6,000,000" and inserting "$8,200,000"; and

(B) by striking "$3,000,000" each place it appears and inserting "$4,100,000".

SEC. 6003. MAXIMUM COSTS.

(a) MAXIMUM COST OF PROJECTS.—Section 601(b)(2)(E) of the Water Resources Development Act of 2000 (114 Stat. 2683) is amended by inserting "and section (d)" before the period at the end.

(b) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 601(c)(3) of such Act (114 Stat. 2684) is amended by adding at the end the following:

"(C) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).".

SEC. 6004. CREDIT.

Section 601(e)(5)(B) of the Water Resources Development Act of 2000 (114 Stat. 2685) is amended—

(1) in clause (i)—

(A) by striking "or" at the end of subclause (I);

(B) by adding "or" at the end of subclause (II); and

(C) by adding at the end the following:

"(III) the credit is provided for work carried out before the date of the partnership agreement between the Secretary and the non-Federal sponsor, as defined in an agreement between the Secretary and the non-Federal sponsor providing for such credit;"; and

(2) in clause (ii)—

(A) by striking "design agreement or the project cooperation"; and

(B) by inserting before the semicolon the following: ", including in the case of credit provided under clause (i)(III) conditions relating to design and construction".

SEC. 6005. OUTREACH AND ASSISTANCE.

Section 601(k) of the Water Resources Development Act of 2000 (114 Stat. 2691) is amended by adding at the end the following:

"(3) MAXIMUM EXPENDITURES.—The Secretary may expend up to $3,000,000 per fiscal year for fiscal years beginning after September 30, 2004, to carry out this subsection.".

SEC. 6006. CRITICAL RESTORATION PROJECTS.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i) by striking "$75,000,000" and all that follows and inserting "$95,000,000"; and

(2) by striking clause (ii) and inserting the following:

"(ii) FEDERAL SHARE.—

"(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed $25,000,000.

"(II) SEMINOLE WATER CONSERVATION PLAN.—The Federal share of the cost of carrying out the Seminole water conservation plan shall not exceed $30,000,000.".

SEC. 6007. REGIONAL ENGINEERING MODEL FOR ENVIRONMENTAL RESTORATION.

(a) IN GENERAL.—The Secretary shall complete the development and testing of the regional engineering model for environmental restoration as expeditiously as practicable.

(b) USAGE.—The Secretary shall consider using, as appropriate, the regional engineering model for environmental restoration in the development of future water resource projects, including projects developed pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680).

TITLE VII—LOUISIANA COASTAL AREA

SEC. 7001. DEFINITIONS.

In this title, the following definitions apply:

(1) COASTAL LOUISIANA ECOSYSTEM.—The term "coastal Louisiana ecosystem" means the coastal area of Louisiana from the Sabine River on the west to the Pearl River on the east, including those parts of the Atchafalaya River Basin and the Mississippi River Deltaic Plain below the Old River Control Structure and the Chenier Plain included within the study area of the restoration plan.

(2) GOVERNOR.—The term "Governor" means the Governor of the State of Louisiana.

(3) RESTORATION PLAN.—The term "restoration plan" means the report of the Chief of Engineers for ecosystem restoration for the Louisiana Coastal Area dated January 31, 2005.

(4) TASK FORCE.—The term "Task Force" means the Coastal Louisiana Ecosystem Protection and Restoration Task Force established by section 7003.

(5) COMPREHENSIVE PLAN.—The term "comprehensive plan" means the plan developed under section 7002 and any revisions thereto.

SEC. 7002. COMPREHENSIVE PLAN.

(a) IN GENERAL.—The Secretary, in coordination with the Governor, shall develop a comprehensive plan for protecting, preserving, and restoring the coastal Louisiana ecosystem.

(b) INTEGRATION OF PLAN INTO COMPREHENSIVE HURRICANE PROTECTION STUDY.—In developing the comprehensive plan, the Secretary shall integrate the restoration plan into the analysis and design of the comprehensive hurricane protection study authorized by title I of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2247).

(c) CONSISTENCY WITH COMPREHENSIVE COASTAL PROTECTION MASTER PLAN.—In developing the comprehensive plan, the Secretary shall ensure that the plan is not inconsistent with the goals, analysis, and design of the comprehensive coastal protection master plan authorized and defined pursuant to Act 8 of the First Extraordinary Session of the Louisiana State Legislature, 2005.

(d) INCLUSIONS.—The comprehensive plan shall include a description of—

(1) the framework of a long-term program integrated with hurricane and storm damage reduction, flood damage reduction, and navigation activities that provide for the comprehensive protection, conservation, and restoration of the wetlands, estuaries, barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of critical resources, habitat, and infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(2) the means by which a new technology, or an improved technique, can be integrated into the program referred to in paragraph (1);

(3) the role of other Federal and State agencies and programs in carrying out such program;

(4) specific, measurable success criteria (including ecological criteria) by which success of the plan will be measured;

(5) proposed projects in order of priority as determined by their respective potential to contribute to—

(A) creation of coastal wetlands; and

(B) flood protection of communities ranked by population density and level of protection; and

(6) efforts by Federal, State, and local interests to address sociological, economic, and related fields of law.

(e) CONSIDERATIONS.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program referred to in subsection (d)(1)—

(1) an investigation and study of the maximum effective use of the water and sediment of the Mississippi and Atchafalaya Rivers for coastal restoration purposes consistent with flood control and navigation;

(2) a schedule for the design and implementation of large-scale water and sediment reintroduction projects and an assessment of funding needs from any source;

(3) an investigation and assessment of alterations in the operation of the Old River Control Structure, consistent with flood control and navigation purposes;

(4) any related Federal or State project being carried out on the date on which the plan is developed;

(5) any activity in the restoration plan; and

(6) any other project or activity identified in one or more of—

(A) the Mississippi River and Tributaries program;

(B) the Louisiana Coastal Wetlands Conservation Plan;

(C) the Louisiana Coastal Zone Management Plan;

(D) the plan of the State of Louisiana entitled "Integrated Ecosystem Restoration and Hurricane Protection—Louisiana's Comprehensive Master Plan for a Sustainable Coast"; and

(E) other relevant reports as determined by the Secretary.

(f) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the comprehensive plan.

(2) UPDATES.—Not later than 5 years after the date of submission of a report under paragraph (1), and at least once every 5 years thereafter until implementation of the comprehensive plan is complete, the Secretary shall submit to Congress a report containing an update of the plan and an assessment of the progress made in implementing the plan.

SEC. 7003. LOUISIANA COASTAL AREA.

(a) IN GENERAL.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) PRIORITIES.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) will protect a major population area of the Pontchartrain, Pearl, Breton Sound, Barataria, or Terrebonne basins; and

(ii) will produce an environmental benefit to the coastal Louisiana ecosystem;

(C) any barrier island, or barrier shoreline, project that—

(i) will be carried out in conjunction with a Mississippi River diversion project; and

(ii) will protect a major population area;

(D) any project that will reduce storm surge and prevent or reduce the risk of loss of human life and the risk to public safety; and

(E) a project to physically modify the Mississippi River-Gulf Outlet and to restore the areas affected by the Mississippi River-Gulf Outlet in accordance with the comprehensive plan to be developed under section 7002(a) and consistent with sections 7006(c)(1)(A) and 7013.

SEC. 7004. COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to be known as the Coastal Louisiana Ecosystem Protection and Restoration Task Force (in this section referred to as the "Task Force").

(b) MEMBERSHIP.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee of the head of the agency at the level of Assistant Secretary or an equivalent level):

(1) The Secretary.

(2) The Secretary of the Interior.

(3) The Secretary of Commerce.

(4) The Administrator of the Environmental Protection Agency.

(5) The Secretary of Agriculture.

(6) The Secretary of Transportation.

(7) The Secretary of Energy.

(8) The Administrator of the Federal Emergency Management Agency.

(9) The Commandant of the Coast Guard.

(10) The Chair of the Coastal Protection and Restoration Authority of Louisiana.

(11) Two representatives of the State of Louisiana selected by the Governor.

(c) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(1) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(2) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(A) that identify funds from current agency missions and budgets; and

(B) for coordinating individual agency budget requests; and

(3) the comprehensive plan to be developed under section 7002(a).

(d) REPORT.—The Task Force shall submit to Congress a biennial report that summarizes the activities and recommendations of the Task Force.

(e) WORKING GROUPS.—

(1) GENERAL AUTHORITY.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this section.

(2) HURRICANES KATRINA AND RITA.—

(A) INTEGRATION TEAM.—The Task Force shall establish a working group for the purpose of advising the Task Force of opportunities to integrate the planning, engineering, design, implementation, and performance of Corps of Engineers projects for hurricane and storm damage reduction, flood damage reduction, ecosystem restoration, and navigation in those areas in Louisiana for which a major disaster has been declared by the President as a result of Hurricane Katrina or Rita.

(B) EXPERTISE; REPRESENTATION.—In establishing the working group under subparagraph (A), the Task Force shall ensure that the group—

(i) has expertise in coastal estuaries, diversions, coastal restoration and wetlands protection, ecosystem restoration, hurricane protection, storm damage reduction systems, navigation, and ports; and

(ii) represents the State of Louisiana and local governments in southern Louisiana.

(C) DUTIES.—In developing its recommendations under this subsection, the working group shall—

(i) review reports relating to the performance of, and recommendations relating to the future performance of, the hurricane, coastal, and flood protection systems in southern Louisiana, including the reports issued by the Interagency Performance Evaluation Team, the National Academy of Sciences, the National Science Foundation, the American Society of Civil Engineers, and Team Louisiana for the purpose of advising the Task Force and the Secretary on opportunities to improve the performance of the protection systems;

(ii) assist in providing reviews under section 2035; and

(iii) carry out such other duties as the Task Force or the Secretary determines to be appropriate.

(f) COMPENSATION.—Members of the Task Force and members of a working group established by the Task Force may not receive compensation for their services as members of the Task Force or working group, as the case may be.

(g) TRAVEL EXPENSES.—Travel expenses incurred by members of the Task Force and members of a working group established by the Task Force, in the performance of their service on the Task Force or working group, as the case may be, shall be paid by the agency or entity that the member represents.

(h) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group established by the Task Force.

SEC. 7005. PROJECT MODIFICATIONS.

(a) REVIEW.—The Secretary, in cooperation with the non-Federal interest of the project involved, shall review each Federally-authorized water resources project in the coastal Louisiana ecosystem being carried out or completed as of the date of enactment of this Act to determine whether the project needs to be modified—

(1) to take into account the program authorized by section 7003 and the projects authorized by sections 7006(e) and 7013; or

(2) to contribute to ecosystem restoration under section 7003, 7006(e), or 7013.

(b) MODIFICATIONS.—Subject to subsections (c) and (d), the Secretary may carry out the modifications described in subsection (a).

(c) PUBLIC NOTICE AND COMMENT.—Before completing the report required under subsection (d), the Secretary shall provide an opportunity for public notice and comment.

(d) REPORT.—

(1) IN GENERAL.—Before modifying an operation or feature of a project under subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the modification.

(2) INCLUSION.—A report describing a modification under paragraph (1) shall include such information relating to the timeline for and cost of the modification, as the Secretary determines to be relevant.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 7006. CONSTRUCTION.

(a) SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall carry out a coastal Louisiana ecosystem science and technology program substantially in accordance with the restoration plan at a total cost of $100,000,000.

(2) PURPOSES.—The purposes of the program shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in the coastal Louisiana ecosystem;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in the coastal Louisiana ecosystem;

(C) to identify and develop technologies, models, and methods to carry out this subsection; and

(D) to advance and expedite the implementation of the comprehensive plan.

(3) WORKING GROUPS.—The Secretary may establish such working groups as the Secretary determines to be necessary to assist the Secretary in carrying out this subsection.

(4) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into a contract or cooperative agreement with a consortium of academic institutions in Louisiana with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(5) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a working group established under this subsection.

(b) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may carry out demonstration projects substantially in accordance with the restoration plan and within the coastal Louisiana ecosystem for the purpose of resolving critical areas of scientific or technological uncertainty related to the implementation of the comprehensive plan.

(2) MAXIMUM COST.—

(A) TOTAL COST.—The total cost for planning, design, and construction of all projects under this subsection shall not exceed $100,000,000.

(B) INDIVIDUAL PROJECT.—The total cost of any single project under this subsection shall not exceed $25,000,000.

(c) INITIAL PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to carry out the following projects substantially in accordance with the restoration plan:

(A) Mississippi River-Gulf Outlet environmental restoration at a total cost of $105,300,000, but not including those elements of the project that produce navigation benefits.

(B) Small diversion at Hope Canal at a total cost of $68,600,000.

(C) Barataria basin barrier shoreline restoration at a total cost of $242,600,000.

(D) Small Bayou Lafourche reintroduction at a total cost of $133,500,000.

(E) Medium diversion at Myrtle Grove with dedicated dredging at a total cost of $278,300,000.

(2) MODIFICATIONS.—

(A) IN GENERAL.—In carrying out each project under paragraph (1), the Secretary shall carry out such modifications as may be necessary to the ecosystem restoration features identified in the restoration plan—

(i) to address the impacts of Hurricanes Katrina and Rita on the areas of the project; and

(ii) to ensure consistency with the project authorized by section 7013 (including work in and around the vicinity of the Mississippi River-Gulf Outlet).

(B) INTEGRATION.—The Secretary shall ensure that each modification under subparagraph (A) is taken into account in conducting the study of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2247).

(C) MISSISSIPPI RIVER-GULF OUTLET.—In carrying out the project under paragraph (1)(A), the Secretary shall carry out such modifications as may be necessary to make the project consistent with and complementary to the closure and restoration of the Mississippi River-Gulf Outlet authorized by section 7013.

(3) CONSTRUCTION REPORTS.—Before the Secretary may begin construction of any project under this subsection, the Secretary shall submit a report documenting any modifications to the project, including cost changes, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(4) APPLICABILITY OF OTHER PROVISIONS.—Notwithstanding section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), the cost of a project under this subsection, including any modifications to the project, shall not exceed 150 percent of the cost of such project set forth in paragraph (1).

(d) BENEFICIAL USE OF DREDGED MATERIAL.—

(1) IN GENERAL.—The Secretary, substantially in accordance with the restoration plan, shall implement in the coastal Louisiana ecosystem a program for the beneficial use of material dredged from federally maintained waterways at a total cost of $100,000,000.

(2) CONSIDERATION.—In carrying out the program under paragraph (1), the Secretary shall consider the beneficial use of sediment from the Illinois River System for wetlands restoration in wetlands-depleted watersheds of the coastal Louisiana ecosystem .

(e) ADDITIONAL PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to carry out the following projects referred to in the restoration plan if the Secretary determines such projects are feasible:

(A) Land Bridge between Caillou Lake and the Gulf of Mexico at a total cost of $56,300,000.

(B) Gulf Shoreline at Point Au Fer Island at a total cost of $43,400,000.

(C) Modification of Caernarvon Diversion at a total cost of $20,700,000.

(D) Modification of Davis Pond Diversion at a total cost of $64,200,000.

(2) REPORTS.—Not later than December 31, 2009, the Secretary shall submit feasibility reports on the projects described in paragraph (1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) PROJECTS SUBJECT TO REPORTS.—

(A) FEASIBILITY REPORTS.—Not later than December 31, 2008, the Secretary shall submit to Congress feasibility reports on the following projects referred to in the restoration plan:

(i) Multipurpose Operation of Houma Navigation Lock at a total cost of $18,100,000.

(ii) Terrebonne Basin Barrier Shoreline Restoration at a total cost of $124,600,000.

(iii) Small Diversion at Convent/Blind River at a total cost of $88,000,000.

(iv) Amite River Diversion Canal Modification at a total cost of $5,600,000.

(v) Medium Diversion at White's Ditch at a total cost of $86,100,000.

(vi) Convey Atchafalaya River Water to Northern Terrebonne Marshes at a total cost of $221,200,000.

(B) CONSTRUCTION.—The Secretary may carry out the projects under subparagraph (A) substantially in accordance with the plans and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed by not later than December 31, 2010.

(4) CONSTRUCTION.—No appropriations shall be made to construct any project under this subsection if the report under paragraph (2) or paragraph (3), as the case may be, has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 7007. NON-FEDERAL COST SHARE.

(a) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of a study or project under this title the cost of work carried out in the coastal Louisiana ecosystem by the non-Federal interest for the project before the date of the execution of the partnership agreement for the study or project.

(b) SOURCES OF FUNDS.—The non-Federal interest may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of the study or project if the Federal agency that provides the funds determines that the funds are authorized to be used to carry out the study or project.

(c) NONGOVERNMENTAL ORGANIZATIONS.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this title.

(d) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this section toward the non-Federal share of the cost of a study or project under this title may be applied toward the non-Federal share of the cost of any other study or project under this title.

(e) PERIODIC MONITORING.—

(1) IN GENERAL.—To ensure that the contributions of the non-Federal interest equal the non-Federal share of the cost of a study or project under this title during each 5-year period beginning after the date of commencement of the first study or project under this title, the Secretary shall—

(A) monitor for each study or project under this title the non-Federal provision of cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas; and

(B) manage the requirement of the non-Federal interest to provide for each such study or project cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas.

(2) OTHER MONITORING.—The Secretary shall conduct monitoring separately for the study phase, construction phase, preconstruction engineering and design phase, and planning phase for each project authorized on or after the date of enactment of this Act for all or any portion of the coastal Louisiana ecosystem.

(f) AUDITS.—Credit for land, easements, rights-of-way, relocations, and disposal areas (including land value and incidental costs) provided under this section, and the cost of work provided under this section, shall be subject to audit by the Secretary.

SEC. 7008. PROJECT JUSTIFICATION.

(a) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any project or activity under this title or any other provision of law to protect, conserve, and restore the coastal Louisiana ecosystem, the Secretary may determine that—

(1) the project or activity is justified by the environmental benefits derived by the coastal Louisiana ecosystem; and

(2) no further economic justification for the project or activity shall be required if the Secretary determines that the project or activity is cost effective.

(b) LIMITATION ON APPLICABILITY.—Subsection (a) shall not apply to any separable element of a project intended to produce benefits that are predominantly unrelated to the protection, preservation, and restoration of the coastal Louisiana ecosystem.

SEC. 7009. INDEPENDENT REVIEW.

The Secretary shall establish a council, to be known as the "Louisiana Water Resources Council", which shall serve as the exclusive peer review panel for activities conducted by the Corps of Engineers in the areas in the State of Louisiana declared as major disaster areas in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in response to Hurricane Katrina or Rita of 2005, in accordance with the requirements of section 2034.

SEC. 7010. EXPEDITED REPORTS.

(a) IN GENERAL.—The Secretary shall expedite completion of the reports for the following projects and, if the Secretary determines that a project is feasible, proceed directly to project preconstruction engineering and design:

(1) The projects identified in the study of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2447).

(2) The projects identified in the Southwest Coastal Louisiana hurricane and storm damage reduction study authorized by the Committee on Transportation and Infrastructure of the House of Representatives on December 7, 2005.

(b) SUBMISSION OF REPORTS.—Upon completion of the reports identified in subsection (a), the Secretary shall submit the reports to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 7011. REPORTING.

Not later than 6 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report, including a description of—

(1) the projects authorized and undertaken under this title;

(2) the construction status of the projects;

(3) the cost to date and the expected final cost of each project undertaken under this title; and

(4) the benefits and environmental impacts of the projects.

SEC. 7012. NEW ORLEANS AND VICINITY.

(a) IN GENERAL.—The Secretary is authorized to—

(1) raise levee heights where necessary and otherwise enhance the Lake Pontchartrain and Vicinity project and the West Bank and Vicinity project to provide the level of protection necessary to achieve the certification required for a 100-year level of flood protection in accordance with the national flood insurance program under the base flood elevations current at the time of construction of the levee;

(2) modify the 17th Street, Orleans Avenue, and London Avenue drainage canals in the city of New Orleans and install pumps and closure structures at or near the lakefront at Lake Pontchartrain;

(3) armor critical elements of the New Orleans hurricane and storm damage reduction system;

(4) modify the Inner Harbor Navigation Canal to increase the reliability of the flood protection system for the city of New Orleans;

(5) replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the New Orleans to Venice Hurricane Protection project;

(6) reinforce or replace flood walls in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve performance of the flood and storm damage reduction systems;

(7) perform one time stormproofing of interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events;

(8) repair, replace, modify and improve non-Federal levees and associated protection measures in Terrebonne Parish; and

(9) reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations.

(b) COST SHARING.—Activities authorized by subsection (a) and section 7013 shall be carried out in a manner that is consistent with the cost-sharing requirements specified in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234).

(c) CONDITIONS.—The Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate if estimates for the expenditure of funds on any single project or activity identified in subsection (a) exceeds the amount specified for that project or activity in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006. No appropriation in excess of 25 percent above the amount specified for a project or activity in such Act may be made until an increase in the level of expenditure has been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 7013. MISSISSIPPI RIVER-GULF OUTLET.

(a) DEAUTHORIZATION.—

(1) IN GENERAL.—Effective beginning on the date of submission of the plan required under paragraph (3), the navigation channel portion of the Mississippi River-Gulf Outlet element of the project for navigation, Mississippi River, Baton Rouge to the Gulf of Mexico, authorized by the Act entitled "An Act to authorize construction of the Mississippi River-Gulf outlet", approved March 29, 1956 (70 Stat. 65) and modified by section 844 of the Water Resources Development Act of 1986 (100 Stat. 4177) and section 326 of the Water Resources Development Act of 1996 (110 Stat. 3717), which extends from the Gulf of Mexico to Mile 60 at the southern bank of the Gulf Intracoastal Waterway, is not authorized.

(2) SCOPE.—Nothing in this paragraph modifies or deauthorizes the Inner Harbor navigation canal replacement project authorized by that Act of March 29, 1956.

(3) CLOSURE AND RESTORATION PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the deauthorization of the Mississippi River-Gulf outlet, as described under the heading "INVESTIGATIONS" under chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (120 Stat. 453).

(B) INCLUSIONS.—At a minimum, the report under subparagraph (A) shall include—

(i) a plan to physically modify the Mississippi River-Gulf Outlet and restore the areas affected by the navigation channel;

(ii) a plan to restore natural features of the ecosystem that will reduce or prevent damage from storm surge;

(iii) a plan to prevent the intrusion of saltwater into the waterway;

(iv) efforts to integrate the recommendations of the report with the program authorized under section 7003 and the analysis and design authorized by title I of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2247); and

(v) consideration of—

(I) use of native vegetation; and

(II) diversions of fresh water to restore the Lake Borgne ecosystem.

(4) CONSTRUCTION.—The Secretary shall carry out a plan to close the Mississippi River-Gulf Outlet and restore and protect the ecosystem substantially in accordance with the plan required under paragraph (3), if the Secretary determines that the project is cost-effective, environmentally acceptable, and technically feasible.

SEC. 7014. HURRICANE AND STORM DAMAGE REDUCTION.

(a) REPORTS.—With respect to the projects identified in the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2247), the Secretary shall submit, to the maximum extent practicable, specific project recommendations in a report developed under that title.

(b) EMERGENCY PROCEDURES.—

(1) IN GENERAL.—If the President determines that a project recommended in the analysis and design of comprehensive hurricane protection under title I of the Energy and Water Development Appropriations Act, 2006 could—

(A) address an imminent threat to life and property;

(B) prevent a dangerous storm surge from reaching a populated area;

(C) prevent the loss of coastal areas that reduce the impact of storm surge;

(D) benefit national energy security;

(E) protect emergency hurricane evacuation routes or shelters; or

(F) address inconsistencies in hurricane protection standards,

the President may submit to the President pro tempore of the Senate for authorization a legislative proposal relating to the project, as the President determines to be appropriate.

(2) PRIORITIZATION.—In submitting legislative proposals under paragraph (1), the President shall give priority to any project that, as determined by the President, would—

(A) to the maximum extent practicable, reduce the risk—

(i) of loss of human life;

(ii) to public safety; and

(iii) of damage to property; and

(B) minimize costs and environmental impacts.

(3) EXPEDITED CONSIDERATION.—

(A) IN GENERAL.—Beginning after December 31, 2008, any legislative proposal submitted by the President under paragraph (1) shall be eligible for expedited consideration in accordance with this paragraph.

(B) INTRODUCTION.—As soon as practicable after the date of receipt of a legislative proposal under paragraph (1), the Chairman of the Committee on Environment and Public Works of the Senate shall introduce the proposal as a bill, by request, in the Senate.

(C) REFERRAL.—A bill introduced under subparagraph (B) shall be referred to the Committee on Environment and Public Works of the Senate.

(D) COMMITTEE CONSIDERATION.—

(i) IN GENERAL.—Not later than 45 legislative days after a bill under subparagraph (B) is referred to the committee in accordance with subparagraph (C), the committee shall act on the bill.

(ii) FAILURE TO ACT.—If the committee fails to act on a bill by the date specified in clause (i), the bill shall be discharged from the committee and placed on the calendar of the Senate.

(4) EFFECTIVE DATE.—The requirements of, and authorities under, this subsection shall expire on December 31, 2010.

SEC. 7015. LAROSE TO GOLDEN MEADOW.

(a) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing any modification required to the project for flood damage reduction, Larose to Golden Meadow, Louisiana, to provide the level of protection necessary to achieve the certification required for a 100-year level of flood protection in accordance with the national flood insurance program.

(b) MODIFICATIONS.—The Secretary is authorized to carry out a modification described in subsection (a) if—

(1) the Secretary determines that the modification in the report under subsection (a) is feasible; and

(2) the total cost of the modification does not exceed $90,000,000.

(c) REQUIREMENT.—No appropriation shall be made to construct any modification under this section if the report under subsection (a) has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 7016. LOWER JEFFERSON PARISH, LOUISIANA.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction in Lower Jefferson Parish, Louisiana.

(b) EXISTING STUDIES.—In carrying out the project, the Secretary shall use, to the maximum extent practicable, existing studies for projects for flood damage reduction in the vicinity of Lower Jefferson Parish, Louisiana, prepared under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(c) CONSTRUCTION.—The Secretary may proceed to construction or complete the construction of projects in Lower Jefferson Parish if the projects are being developed or carried out under section 205 of the Flood Control Act of 1948 as of the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 to carry out this section.

TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATER-WAY SYSTEM

SEC. 8001. DEFINITIONS.

In this title, the following definitions apply:

(1) PLAN.—The term "Plan" means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers, dated December 15, 2004.

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term "Upper Mississippi River and Illinois Waterway System" means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

SEC. 8002. NAVIGATION IMPROVEMENTS AND RESTORATION.

Except as modified by this title, the Secretary shall undertake navigation improvements and restoration of the ecosystem for the Upper Mississippi River and Illinois Waterway System substantially in accordance with the Plan and subject to the conditions described therein.

SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.

(a) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(1) IN GENERAL.—The Secretary shall—

(A) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock or other alternative locations that are economically and environmentally feasible;

(B) provide switchboats at Locks 20 through 25; and

(C) conduct development and testing of an appointment scheduling system.

(2) AUTHORIZATION OF APPROPRIATIONS.—The total cost of projects authorized under this subsection shall be $256,000,000. Such costs are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(b) NEW LOCKS.—

(1) IN GENERAL.—The Secretary shall construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(2) AUTHORIZATION OF APPROPRIATIONS.—The total cost of projects authorized under this subsection shall be $1,948,000,000. Such costs are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) CONCURRENCE.—The mitigation required for the projects authorized under subsections (a) and (b), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests in lands for the projects authorized under subsections (a) and (b), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION.

(a) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(b) ECOSYSTEM RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(2) PROJECTS INCLUDED.—Ecosystem restoration projects may include—

(A) island building;

(B) construction of fish passages;

(C) floodplain restoration;

(D) water level management (including water drawdown);

(E) backwater restoration;

(F) side channel restoration;

(G) wing dam and dike restoration and modification;

(H) island and shoreline protection;

(I) topographical diversity;

(J) dam point control;

(K) use of dredged material for environmental purposes;

(L) tributary confluence restoration;

(M) spillway, dam, and levee modification to benefit the environment; and

(N) land and easement acquisition.

(3) COST SHARING.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the Federal share of the cost of carrying out an ecosystem restoration project under this subsection shall be 65 percent.

(B) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this section for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(i) is located below the ordinary high water mark or in a connected backwater;

(ii) modifies the operation of structures for navigation; or

(iii) is located on federally owned land.

(C) SAVINGS CLAUSE.—Nothing in this subsection affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)).

(D) NONGOVERNMENTAL ORGANIZATIONS.—In accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this title, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(4) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing seller through conveyance of—

(A) fee title to the land; or

(B) a flood plain conservation easement.

(c) MONITORING.—The Secretary shall carry out a long term resource monitoring, computerized data inventory and analysis, and applied research program for the Upper Mississippi River and Illinois River to determine trends in ecosystem health, to understand systemic changes, and to help identify restoration needs. The program shall consider and adopt the monitoring program established under section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)).

(d) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(1) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(A) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(B) establish the without-project condition or baseline for each performance indicator; and

(C) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(2) OUTCOMES.—Performance measures identified under paragraph (1)(A) shall include specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(3) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under paragraph (1)(A), including—

(A) a timeline to achieve the identified target goals; and

(B) a timeline for the demonstration of project completion.

(e) CONSULTATION AND FUNDING AGREEMENTS.—

(1) IN GENERAL.—In carrying out the environmental sustainability, ecosystem restoration, and monitoring activities authorized in this section, the Secretary shall consult with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

(2) FUNDING AGREEMENTS.—The Secretary is authorized to enter into agreements with the Secretary of the Interior, the Upper Mississippi River Basin Association, and natural resource and conservation agencies of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin to provide for the direct participation of and transfer of funds to such entities for the planning, implementation, and evaluation of projects and programs established by this section.

(f) SPECIFIC PROJECTS AUTHORIZATION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $1,717,000,000, of which not more than $245,000,000 shall be available for projects described in subsection (b)(2)(B) and not more than $48,000,000 shall be available for projects described in subsection (b)(2)(J). Such sums shall remain available until expended.

(2) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under paragraph (1), not more than $35,000,000 in any fiscal year may be used for land acquisition under subsection (b)(4).

(3) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in subparagraphs (B) and (J) of subsection (b)(2), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(4) MONITORING.—In addition to amounts authorized under paragraph (1), there are authorized $10,420,000 per fiscal year to carry out the monitoring program under subsection (c) if such sums are not appropriated pursuant to section 1103(e)(4) the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(4)).

(g) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.—Not later than June 30, 2009, and every 4 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(A) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(B) measures the progress in meeting the goals.

(2) ADVISORY PANEL.—

(A) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under paragraph (1).

(B) PANEL MEMBERS.—Panel members shall include—

(i) one representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(ii) one representative of the Department of Agriculture;

(iii) one representative of the Department of Transportation;

(iv) one representative of the United States Geological Survey;

(v) one representative of the United States Fish and Wildlife Service;

(vi) one representative of the Environmental Protection Agency;

(vii) one representative of affected landowners;

(viii) two representatives of conservation and environmental advocacy groups; and

(ix) two representatives of agriculture and industry advocacy groups.

(C) CHAIRPERSON.—The Secretary shall serve as chairperson of the advisory panel.

(D) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Panel and any working group established by the Advisory Panel shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

(h) RANKING SYSTEM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(2) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in subsection (b)(2).

SEC. 8005. COMPARABLE PROGRESS.

(a) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this title, the Secretary shall—

(1) select appropriate milestones;

(2) determine, at the time of such selection, whether the projects are being carried out at comparable rates; and

(3) make an annual report to Congress, beginning in fiscal year 2009, regarding whether the projects are being carried out at a comparable rate.

(b) NO COMPARABLE RATE.—If the Secretary or Congress determines under subsection (a)(2) that projects authorized under this title are not moving toward completion at a comparable rate, annual funding requests for the projects shall be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

TITLE IX—NATIONAL LEVEE SAFETY PROGRAM

SEC. 9001. SHORT TITLE.

This title may be cited as the "National Levee Safety Act of 2007".

SEC. 9002. DEFINITIONS.

In this title, the following definitions apply:

(1) COMMITTEE.—The term "committee" means the Committee on Levee Safety established by section 9003(a).

(2) INSPECTION.—The term "inspection" means an actual inspection of a levee—

(A) to establish the global information system location of the levee;

(B) to determine the general condition of the levee; and

(C) to estimate the number of structures and population at risk and protected by the levee that would be adversely impacted if the levee fails or water levels exceed the height of the levee.

(3) LEVEE.—

(A) IN GENERAL.—The term "levee" means an embankment, including floodwalls—

(i) the primary purpose of which is to provide hurricane, storm, and flood protection relating to seasonal high water, storm surges, precipitation, and other weather events; and

(ii) that normally is subject to water loading for only a few days or weeks during a year.

(B) INCLUSION.—The term includes structures along canals that constrain water flows and are subject to more frequent water loadings but that do not constitute a barrier across a watercourse.

(4) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(5) STATE LEVEE SAFETY AGENCY.—The term "State levee safety agency" means the agency of a State that has regulatory authority over the safety of any non-Federal levee in the State.

(6) UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

SEC. 9003. COMMITTEE ON LEVEE SAFETY.

(a) ESTABLISHMENT.—There is established a committee to be known as the "Committee on Levee Safety".

(b) MEMBERSHIP.—The committee shall be composed of 16 members as follows:

(1) The Secretary (or the Secretary's designee), who shall serve as the chairperson of the Committee.

(2) The Administrator of the Federal Emergency Management Agency (or the Administrator's designee).

(3) The following 14 members appointed by the Secretary:

(A) 8 representatives of State levee safety agencies, one from each of the 8 civil works divisions of the Corps of Engineers.

(B) 2 representatives of the private sector who have expertise in levee safety.

(C) 2 representatives of local and regional governmental agencies who have expertise in levee safety.

(D) 2 representatives of Indian tribes who have expertise in levee safety.

(c) DUTIES.—

(1) DEVELOPMENT OF RECOMMENDATIONS FOR NATIONAL LEVEE SAFETY PROGRAM.—The committee shall develop recomendations for a national levee safety program, including a strategic plan for implementation of the program.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the committee shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report containing the recommendations developed under paragraph (1).

(d) PURPOSES.—In developing recommendations under subsection (c)(1), the committee shall ensure that the national levee safety program meets the following goals:

(1) Ensuring the protection of human life and property by levees through the development of technologically, economically, socially, and environmentally feasible programs and procedures for hazard reduction and mitigation relating to levees.

(2) Encouraging use of the best available engineering policies and procedures for levee site investigation, design, construction, operation and maintenance, and emergency preparedness.

(3) Encouraging the establishment and implementation of an effective national levee safety program that may be delegated to qualified States for implementation, including identification of incentives and disincentives for State levee safety programs.

(4) Ensuring that levees are operated and maintained in accordance with appropriate and protective standards by conducting an inventory and inspection of levees.

(5) Developing and supporting public education and awareness projects to increase public acceptance and support of State and national levee safety programs.

(6) Building public awareness of the residual risks associated with living in levee protected areas.

(7) Developing technical assistance materials for State and national levee safety programs.

(8) Developing methods to provide technical assistance relating to levee safety to non-Federal entities.

(9) Developing technical assistance materials, seminars, and guidelines relating to the physical integrity of levees in the United States.

(e) COMPENSATION OF MEMBERS.—A member of the committee shall serve without compensation.

(f) TRAVEL EXPENSES.—To the extent amounts are made available in advance in appropriations Acts, the Secretary shall reimburse a member of the committee for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of a Federal agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the committee.

(g) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the committee.

SEC. 9004. INVENTORY AND INSPECTION OF LEVEES.

(a) LEVEE DATABASE.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary shall establish and maintain a database with an inventory of the Nation's levees.

(2) CONTENTS.—The database shall include—

(A) location information of all Federal levees in the Nation (including global information system information) and, for non-Federal levees, such information on levee location as is provided to the Secretary by State and local governmental agencies;

(B) utilizing such information as is available, the general condition of each levee; and

(C) an estimate of the number of structures and population at risk and protected by each levee that would be adversely impacted if the levee fails or water levels exceed the height of the levee.

(3) AVAILABILITY OF INFORMATION.—

(A) AVAILABILITY TO FEDERAL, STATE, AND LOCAL GOVERNMENTAL AGENCIES.—The Secretary shall make all of the information in the database available to appropriate Federal, State, and local governmental agencies.

(B) AVAILABILITY TO THE PUBLIC.—The Secretary shall make the information in the database described in paragraph (2)(A), and such other information in the database as the Secretary determines appropriate, available to the public.

(b) INVENTORY AND INSPECTION OF LEVEES.—

(1) FEDERAL LEVEES.—The Secretary, at Federal expense, shall establish an inventory and conduct an inspection of all federally owned and operated levees.

(2) FEDERALLY CONSTRUCTED, NONFEDERALLY OPERATED AND MAINTAINED LEVEES.—The Secretary shall establish an inventory and conduct an inspection of all federally constructed, nonfederally operated and maintained levees, at the original cost share for the project.

(3) PARTICIPATING LEVEES.—For non-Federal levees the owners of which are participating in the emergency response to natural disasters program established under section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n), the Secretary shall establish an inventory and conduct an inspection of each such levee if the owner of the

levee requests such inspection. The Federal share of the cost of an inspection under this paragraph shall be 65 percent.

SEC. 9005. LIMITATIONS ON STATUTORY CONSTRUCTION.

Nothing in this title shall be construed as—

(1) creating any liability of the United States or its officers or employees for the recovery of damages caused by an action or failure to act; or

(2) relieving an owner or operator of a levee of a legal duty, obligation, or liability incident to the ownership or operation of a levee.

SEC. 9006. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this title $20,000,000 for each of fiscal years 2008 through 2013.

And the Senate agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

JAMES L. OBERSTAR,
EDDIE BERNICE JOHNSON,
ELLEN O. TAUSCHER,
BRIAN BAIRD,
BRIAN HIGGINS,
HARRY E. MITCHELL,
STEVE KAGEN,
JERRY MCNERNEY,
JOHN L. MICA,
JOHN J. DUNCAN, Jr.,
VERNON J. EHLERS,
R.H. BAKER,
HENRY E. BROWN, Jr.,
JOHN BOOZMAN,

From the Committee on Natural Resources, for consideration of secs. 2014, 2023, and 6009 of the House bill and secs. 3023, 5008, and 5016 of the Senate amendment, and modifications committed to conference:

NICK RAHALL,
GRACE F. NAPOLITANO,
CATHY MCMORRIS RODGERS,
Managers on the Part of the House.

BARBARA BOXER,
MAX BAUCUS,
JOE LIEBERMAN,
TOM CARPER,
HILLARY RODHAM CLINTON,
FRANK R. LAUTENBERG,
JAMES M. INHOFE,
JOHN WARNER,
GEORGE V. VOINOVICH,
JOHNNY ISAKSON,
DAVID VITTER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—WATER RESOURCES PROJECTS

SECTION 1001—PROJECT AUTHORIZATIONS

1001(1). Haines, Alaska. House § 1001(1), Senate § 1001(1).—Senate recedes.

1001(2). Port Lions, Alaska. House § 1001(2). No comparable Senate section.—Senate recedes.

1001(3). Santa Cruz River, Paseo de Las Iglesias, Arizona. House § 1001(4). No comparable Senate Section.—Senate recedes.

1001(4). Tanque Verde Creek, Pima County, Arizona. House § 1001(5), Senate § 1001(2).—House recedes.

1001(5). Salt River (Rio Salado Oeste), Maricopa County, Arizona. House § 1001(3). No comparable Senate section.—Senate recedes.

1001(6). Salt River (Va Shly'ay Akimel), Maricopa County, Arizona. House § 1001(6), Senate § 1001(3).—House recedes, with an amendment.

1001(7). May Branch, Fort Smith, Arkansas. House § 1001(7), Senate § 1001(4).—House recedes.

1001(8). Hamilton City, Glenn County, California. House § 1001(8), Senate § 1001(5).—House recedes.

1001(9). Silver Strand Shoreline, Imperial Beach, California. House § 1001(9), Senate 1001(6).—House recedes.

1001(10). Matilija Dam, Ventura County, California. House § 1001(10), Senate 1001(7).—House recedes.

1001(11). Middle Creek, Lake County, California. House § 1001(11), Senate 1001 § 1001(8).—House recedes.

1001(12). Napa River Salt Marsh Restoration, California. House § 1001(12), Senate § 1001(9).—Senate recedes.

1001(13). Denver County Reach, South Platte River, Denver, Colorado. House § 1001(13), Senate § 1001(10).—Senate recedes.

1001(14). Central and Southern Florida, Indian River Lagoon. House §6005, Senate § 1001 (12).—House recedes.

1001(15). Comprehensive Everglades Restoration Plan, Central and Southern Florida, Picayune Strand Restoration Project, Collier County, Florida. House §6005, Senate § 1001(14).—House recedes.

1001(16). Comprehensive Everglades Restoration Plan, Central and Southern Florida, Site 1 Impoundment Project, Palm Beach County, Florida. House §6005, Senate § 1001(11).—House recedes.

1001(17). Miami Harbor, Miami-Dade County, Florida. House § 1001(14), Senate § 1001(13).—Senate recedes.

1001(18). East St. Louis and Vicinity, Illinois. House § 1001(15), Senate § 1001(15).—Senate recedes.

1001(19). Peoria Riverfront Development, Illinois. House § 1001(16), Senate § 1001(16).—House recedes.

1001(20). Wood River Levee System Reconstruction, Madison County, Illinois. House § 1001(17), Senate 1001(17).—House recedes.

1001(21). Des Moines and Raccoon Rivers, Des Moines, Iowa. House § 1001(18), Senate 1001(18).—Senate recedes.

1001(22). Licking River Basin, Cynthiana, Kentucky. House § 1001(19). No comparable Senate Section.—Senate recedes.

1001(23). Bayou Sorrel Lock, Louisiana. House § 1001(20), Senate 1001(19).—House recedes.

1001(24). Morganza to the Gulf of Mexico, Louisiana. House § 1001(21), Senate § 1001(20).—House recedes.

1001(25). Port of Iberia, Louisiana. House § 1001(22), Senate § 1001(21).—House recedes, with an amendment.

1001(26). Smith Island, Somerset County, Maryland. House § 1001(23), Senate § 1001(23).—House recedes.

1001(27). Roseau River, Roseau, Minnesota. House § 1001(24), Senate § 1001(24).—Senate recedes.

1001(28). Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees Units, Missouri River and Tributaries at Kansas Cities, Missouri and Kansas. House § 1001(26), Senate § 1001(26).—House recedes.

1001(29). Swope Park Industrial Area, Blue River, Kansas City, Missouri. House § 1001(27), Senate § 1001(27).—Senate recedes.

1001(30). Great Egg Harbor Inlet to Townsends Inlet, New Jersey. House § 1001(28), Senate 1001(28).—House recedes.

1001(31). Hudson Raritan Estuary, Liberty State Park, New Jersey. House § 1001(29), Senate § 1001(29).—Senate recedes.

1001(32). New Jersey Shore Protection Study, Manasquan Inlet to Barnegat Inlet, New Jersey. House § 1001(30), Senate § 1001(30).—Senate recedes.

1001(33). Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey. House § 1001(31), Senate § 1001(31).—House recedes.

1001(34). South River, Raritan River Basin, New Jersey. House § 1001(32), Senate § 1001(32).—House recedes.

1001(35). Southwest Valley, Bernalillo County, New Mexico. House § 1001(33), Senate § 1001(33).—House recedes.

1001(36). Montauk Point, New York. House § 1001(34), Senate § 1001(34).—Senate recedes.

1001(37). Hocking River Basin, Monday Creek, Ohio. House § 1001(35), Senate § 1001(35).—House recedes, with an amendment.

1001(38). Town of Bloomsburg, Columbia County, Pennsylvania. House § 1001(36), Senate § 1001(36).—Senate recedes.

1001(39). Pawleys Island, South Carolina. House § 1001(37), Senate § 1001(37).—Senate recedes.

1001(40). Corpus Christi Ship Channel, Corpus Christi, Texas. House § 1001(38), Senate 1001(38).—Senate recedes, with an amendment.

1001(41). Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas. House § 1001(39), Senate § 1001(39).—House recedes.

1001(42). Gulf Intracoastal Waterway, High Island to Brazos River, Texas. House § 1001(40), Senate § 1001(40).—House recedes.

1001(43). Lower Colorado River Basin Phase I. Texas. House § 1001(41), Senate § 1001(41).—Senate recedes.

1001(44). Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia. House § 1001(43). Senate § 1001(43).—Senate recedes.

1001(45). Craney Island Eastward Expansion, Norfolk Harbor and Channels, Hampton Roads, Virginia. House § 1001(44). Senate § 1001(42).—House recedes, with an amendment.

1001(46). Centralia, Chehalis River, Lewis County, Washington. Senate § 1001(44). No comparable House section.—House recedes.

SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION

1002(a)(1). Haleyville, Alabama. House § 1002(a)(1). No comparable Senate section.—Senate recedes.

1002(a)(2). Weiss Lake, Alabama. House § 1002(a)(2). No comparable Senate section.—Senate recedes.

1002(a)(3). Fort Yukon, Alaska. House §5032. No comparable Senate section.—Senate recedes, with an amendment.

1002(a)(4). Little Colorado River Levee, Arizona. House § 1002(a)(3). No comparable Senate section.—Senate recedes.

1002(a)(5). Cache River Basin, Grubbs, Arkansas. House § 1002(a)(4), Senate § 1004(1).—Same.

1002(a)(6). Barrel Springs Wash, Palmdale, California. House § 1002(a)(5). No comparable Senate section.—Senate recedes.

1002(a)(7). Borrego Springs, California. House § 1002(a)(6). No comparable Senate section.—Senate recedes.

1002(a)(8). Colton, California. House § 1002(a)(7). No comparable Senate section.—Senate recedes.

1002(a)(9). Dunlap Stream, Yucaipa, California. House § 1002(a)(8). No comparable Senate section.—Senate recedes.

1002(a)(10). Hunts Canyon Wash, Palmdale, California. House § 1002(a)(9). No comparable Senate section.—Senate recedes.

1002(a)(11). Ontario and Chino, California. House § 1002(a)(10). No comparable Senate section.—Senate recedes.

1002(a)(12). Santa Venetia, California. House § 1002(a)(11). No comparable Senate section.—Senate recedes.

1002(a)(13). Whittier, California. House § 1002(a)(12). No comparable Senate section.—Senate recedes.

1002(a)(14). Wildwood Creek, Yucaipa, California. House § 1002(a)(13). No comparable Senate section.—Senate recedes.

1002(a)(15). Bibb County and City of Macon Levee, Georgia. Senate § 1004(2). No comparable House section.—House recedes.

1002(a)(16). Fort Wayne and Vicinity, Indiana. Senate § 1004(3). House § 3051.—House recedes, with an amendment.

1002(a)(17). St. Francisville, Louisiana. House § 1002(a)(14). No comparable Senate section.—Senate recedes.

1002(a)(18). Salem, Massachusetts. House § 1002(a)(15), Senate 1004(4).—Same.

1002(a)(19). Cass River, Michigan. House § 1002(a)(16). No comparable Senate section.—Senate recedes.

1002(a)(20). Crow River, Rockford, Minnesota. House § 1002(a)(17), Senate § 1004(5).—Same.

1002(a)(21). Marsh Creek, Minnesota. House § 1002(a)(18). No comparable Senate Section.—Senate recedes.

1002(a)(22). South Branch of the Wild Rice River, Borup, Minnesota. House § 1002(a)(19), Senate § 1004(6).—Same.

1002(a)(23). Blacksnake Creek, St. Joseph, Missouri. House § 1002(a)(20). No comparable Senate section.—Senate recedes.

1002(a)(24). Acid Brook, Pompton Lakes, New Jersey. House § 1002(a)(21). No comparable Senate section.—Senate recedes.

1002(a)(25). Canisteo River, Addison, New York. House § 1002(a)(22). No comparable Senate section.—Senate recedes.

1002(a)(26). Cohocton River, Campbell, New York. House § 1002(a)(23). No comparable Senate section.—Senate recedes.

1002(a)(27). Dry and Otter Creeks, Cortland, New York. House § 1002(a)(24). No comparable Senate section.—Senate recedes.

1002(a)(28). East River, Silver Beach, New York City, New York. House § 1002(a)(25). No comparable Senate section.—Senate recedes.

1002(a)(29). East Valley Creek, Andover, New York. House § 1002(a)(26). No comparable Senate section.—Senate recedes.

1002(a)(30). Sunnyside Brook, Westchester County, New York. House § 1002(a)(27). No comparable Senate section.—Senate recedes.

1002(a)(31). Little Yankee and Mud Run, Trumbull County, Ohio. House § 1002(a)(28). No comparable Senate section.—Senate recedes.

1002(a)(32). Little Neshaminy Creek, Warrington, Pennsylvania. House § 1002(a)(29). No comparable Senate section.—Senate recedes.

1002(a)(33). Southampton Creek Watershed, Southampton, Pennsylvania. House § 1002(a)(30). No comparable Senate section.—Senate recedes.

1002(a)(34). Spring Creek, Lower Macungie Township, Pennsylvania. House § 1002(a)(31). No comparable Senate section.—Senate recedes.

1002(a)(35). Yardley Aqueduct, Silver and Brock Creeks, Yardley, Pennsylvania. House §1002(a)(32). No comparable Senate section.—Senate recedes.

1002(a)(36). Surfside Beach, South Carolina. House §1002(a)(33). No comparable Senate section.—Senate recedes.

1002(a)(37). Sandy Creek, Jackson County, Tennessee. Senate §3113. No comparable House section.—House recedes, with an amendment.

1002(a)(38). Congelosi Ditch, Missouri City, Texas. House §1002(a)(34). No comparable Senate section.—Senate recedes.

1002(a)(39). Dilley, Texas. House §1002(a)(35). No comparable Senate section.—Senate recedes.

1002(a)(40). Cheyenne, Wyoming. Senate §1004(7). No comparable House section.—House recedes.

SEC. 1003. SMALL PROJECTS FOR EMERGENCY STREAMBANK PROTECTION

1003(1). Aliso Creek, California. House §1003(1). No comparable Senate section.—Senate recedes.

1003(2). St. Johns Bluff Training Wall, Duval County, Florida. House §1003(2). No comparable Senate section.—Senate recedes.

1003(3). Gulf Intracoastal Waterway, Iberville Parish, Louisiana. House §1003(3). No comparable Senate section.—Senate recedes.

1003(4). Ouachita and Black Rivers, Arkansas and Louisiana. House §1003(4). No comparable Senate section.—Senate recedes.

1003(5). Piney Point Lighthouse, St. Mary's County, Maryland. House §1003(5). No comparable Senate section.—Senate recedes.

1003(6). Pug Hole Lake, Minnesota. House §1003(6). No comparable Senate section.—Senate recedes.

1003(7). Middle Fork Grand River, Gentry County, Missouri. House §1003(7). No comparable Senate section.—Senate recedes.

1003(8). Platte River, Platte City, Missouri. House §1003(8). No comparable Senate section.—Senate recedes.

1003(9). Rush Creek, Parkville, Missouri. House §1003(9). No comparable Senate section.—Senate recedes.

1003(10). Dry and Otter Creeks, Cortland County, New York. House §1003(10). No comparable Senate section.—Senate recedes.

1003(11). Keuka Lake, Hammondsport, New York. House §1003(11). No comparable Senate section.—Senate recedes.

1003(12). Kowawese Unique Area and Hudson River, New Windsor, New York. House §1003(12). No comparable Senate section.—Senate recedes.

1003(13). Owego Creek, Tioga County, New York. House §1003(13). No comparable Senate section.—Senate recedes.

1003(14). Howard Road Outfall, Shelby County, Tennessee. House §1003(14). No comparable Senate section.—Senate recedes.

1003(15). Mitch Farm Ditch and Lateral D, Shelby County, Tennessee. House §1003(15). No comparable Senate section.—Senate recedes.

1003(16). Wolf River Tributaries, Shelby County, Tennessee. House §1003(16). No comparable Senate section.—Senate recedes.

1003(17). Johnson Creek, Arlington, Texas. House §1003(17). No comparable Senate section.—Senate recedes.

1003(18). Wells River, Newbury, Vermont. House §1003(18). No comparable Senate section.—Senate recedes.

SEC. 1004. SMALL PROJECTS FOR NAVIGATION

1004(a)(1). Barrow Harbor, Alaska. Senate §1005(1). No comparable House section.—House recedes.

1004(a)(2). Coffman Cove, Alaska. House §5030. No comparable Senate section.—Senate recedes, with an amendment.

1004(a)(3). Kotzebue Harbor, Alaska. House §5033. No comparable Senate section.—Senate recedes, with an amendment.

1004(a)(4). Nome Harbor, Alaska. Senate §1005(2). No comparable House section.—House recedes.

1004(a)(5). Old Harbor, Alaska. Senate §1005(3). No comparable House section.—House recedes.

1004(a)(6). Little Rock Port, Arkansas. Senate §1005(4). No comparable House section.—House recedes.

1004(a)(7). Mississippi River Ship Channel, Louisiana. House §1004(a)(1). No comparable Senate section.—Senate recedes.

1004(a)(8). East Basin, Cape Cod Canal, Sandwich, Massachusetts. House §1004(a)(2), Senate 1005(5).—Same.

1004(a)(9). Lynn Harbor, Lynn, Massachusetts. House §1004(a)(3), Senate §1005(6).—Same.

1004(a)(10). Merrimack River, Haverhill, Massachusetts. House §1004(a)(4), Senate §1005(7).—Same.

1004(a)(11). Oak Bluffs Harbor, Oak Bluffs, Massachusetts. House §1004(a)(5), Senate §1005(8).—Same.

1004(a)(12). Woods Hole Great Harbor, Falmouth, Massachusetts. House §1004(a)(6), Senate §1005(9).—Same.

1004(a)(13). Au Sable River, Michigan. House §1004(a)(7), Senate §1005(10).—Same.

1004(a)(14). Clinton River, Michigan. Senate §1005(11). No comparable House section.—House recedes.

1004(a)(15). Ontonagon River, Michigan. Senate §1005(12). No comparable House section.—House recedes.

1004(a)(16). Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin. Senate §1005(16). No comparable House section.—House recedes.

1004(a)(17). Sebewaing River, Michigan. Senate §1005(14). No comparable House section.—House recedes.

1004(a)(18). Traverse City Harbor, Traverse City, Michigan. House §1004(a)(8), Senate §1005(13).—Same.

1004(a)(19). Tower Harbor, Tower Minnesota. House §1004(a)(9), Senate §1005(15).—Same.

1004(a)(20). Olcott Harbor, Olcott, New York. House §1004(a)(10). No comparable Senate section.—Senate recedes.

1004(a)(21). Milwaukee Harbor, Wisconsin. Senate §1005(18). No comparable House section.—House recedes.

SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT

1005(1). Ballona Creek, Los Angeles County, California. House § 1005(1). No comparable Senate section.—Senate recedes.

1005(2). Ballona Lagoon Tide Gates, Marina Del Ray, California. House § 1005(2). No comparable Senate section.—Senate recedes.

1005(3). Ft. George Inlet, Duval County, Florida. House § 1005(3). No comparable Senate section.—Senate recedes.

1005(4). Rathbun Lake, Iowa. House § 1005(4). No comparable Senate section.—Senate recedes.

1005(5). Smithville Lake, Missouri. House §1005(5). No comparable Senate section.—Senate recedes.

1005(6). Delaware Bay, New Jersey and Delaware. House §1005(6). No comparable Senate section.—Senate recedes.

1005(7). Tioga-Hammond Lakes, Pennsylvania. House §1005(7). No comparable Senate section.—Senate recedes.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION

1006(a)(1). Cypress Creek, Montgomery, Alabama. House §1006(1). No comparable Senate section.—Senate recedes.

1006(a)(2). Black Lake, Alaska. House §1006(2), Senate §1006(1).—Same.

1006(a)(3). Ben Lomond Dam, Santa Cruz, California. House §1006(4). No comparable Senate section.—Senate recedes.

1006(a)(4). Dockweiler Bluffs, Los Angeles County, California. House §1006(5). No comparable Senate section.—Senate recedes.

1006(a)(5). Salt River, California. House §1006(6). No comparable Senate section.—Senate recedes.

1006(a)(6). San Diego River, California. Senate §1006(2). No comparable House section.—House recedes.

1006(a)(7). Santa Rosa Creek, Santa Rosa, California. House §1006(7). No comparable Senate section.—Senate recedes.

1006(a)(8). Stockton Deep Water Ship Channel and Lower San Joaquin River, California. House §1006(8). No comparable Senate section.—Senate recedes.

1006(a)(9). Suisun Marsh, San Pablo Bay, California. Senate §1006(3). No comparable House section.—House recedes.

1006(a)(10). Sweetwater Reservoir, San Diego County, California. House §1006(9). No comparable Senate section.—Senate recedes.

1006(a)(11). Biscayne Bay, Florida. House §1006(10). No comparable Senate section.—Senate recedes.

1006(a)(12). Clam Bayou and Dinkins Bayou, Sanibel Island, Florida. House §1006(11). No comparable Senate section.—Senate recedes.

1006(a)(13). Mountain Park, Georgia. Senate §2037(a)(2)(A). No comparable House section.—House recedes.

1006(a)(14). Chattahoochee Fall Line, Georgia and Alabama. House §1006(12), Senate §1006(4).—Senate recedes.

1006(a)(15). Longwood Cove, Gainesville, Georgia. House §1006(13). No comparable Senate section.—Senate recedes.

1006(a)(16). City Park, University Lakes, Louisiana. House §1006(15). No comparable Senate section.—Senate recedes.

1006(a)(17). Lawrence Gateway, Massachusetts. Senate §1006(5). No comparable House section.—House recedes.

1006(a)(18). Milford Pond, Milford, Massachusetts. Senate §1006(7). No comparable House section.—House recedes.

1006(a)(19). Mill Pond, Littleton, Massachusetts. House §1006(16), Senate §1006(6).—Same.

1006(a)(20). Pine Tree Brook, Milton, Massachusetts. House §1006(17), Senate §1006(8).—Same.

1006(a)(21). Clinton River, Michigan. Senate §1006(9). No comparable House section.—House recedes.

1006(a)(22). Kalamazoo River Watershed, Battle Creek, Michigan. House §1006(18). No comparable Senate section.—Senate recedes.

1006(a)(23). Rush Lake, Minnesota. House §1006(19). No comparable Senate section.—Senate recedes.

1006(a)(24). South Fork of the Crow River, Hutchinson, Minnesota. House §1006(20). No comparable Senate section.—Senate recedes.

1006(a)(25). St. Louis, Missouri. House §1006(21). No comparable Senate section.—Senate recedes.

1006(a)(26). Mobley Dam, Tongue River, Montana. No comparable House or Senate section.

1006(a)(27). S and H Dam, Tongue River, Montana. No comparable House or Senate section.

1006(a)(28). Vandalia Dam, Milk River, Montana. No comparable House or Senate section.

1006(a)(29). Truckee River, Reno, Nevada. House §1006(22). No comparable Senate section.—Senate recedes.

1006(a)(30). Grover's Mill Pond, New Jersey. House §1006(23). No comparable Senate section.—Senate recedes.

1006(a)(31). Caldwell County, North Carolina. Senate §1006(10). No comparable House section.—House recedes.

1006(a)(32). Mecklenburg County, North Carolina. Senate §1006(11). No comparable House section.—House recedes.

1006(a)(33). Dugway Creek, Bratenahl, Ohio. House §1006(24). No comparable Senate section.—Senate recedes.

1006(a)(34). Johnson Creek, Gresham, Oregon. House §1006(25), Senate §1006(12).—Same.

1006(a)(35). Beaver Creek, Beaver and Salem, Pennsylvania. House §1006(26). No comparable Senate section.—Senate recedes.

1006(a)(36). Cementon Dam, Lehigh River, Pennsylvania. House §1006(27). No comparable Senate section.—Senate recedes.

1006(a)(37). Ingham Spring Dam, Solebury Township, Pennsylvania. House §5003(a)(5). Senate §2037(a)(2)(E).—House recedes.

1006(a)(38). Saucon Creek, Northampton County, Pennsylvania. House §1006(28). No comparable Senate section.—Senate recedes.

1006(a)(39). Stillwater Lake Dam, Monroe County, Pennsylvania. Senate §2037(a)(2)(F), House §5003(a)(7).—House recedes.

1006(a)(40). Blackstone River, Rhode Island. House §1006(29), Senate §1006(13).—Same.

1006(a)(41). Wilson Branch, Cheraw, South Carolina. House §1006(30). No comparable Senate section.—Senate recedes.

1006(a)(42). White River, Bethel, Vermont. House §1006(31). No comparable Senate section.—Senate recedes.

1006(a)(43). College Lake, Lynchburg, Virginia. Senate §1006(14). No comparable Senate section.—House recedes.

SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTECTION

1007(1). Nelson Lagoon, Alaska. House §1007(1). No comparable Senate section.—Senate recedes.

1007(2). Nicholas Canyon, Los Angeles, California. Senate §4006. No comparable House section.—House recedes.

1007(3). Sanibel Island, Florida. House §1007(2). No comparable Senate section.—Senate recedes.

1007(4). Apra Harbor, Guam. House §1007(3). No comparable Senate section.—Senate recedes.

1007(5). Piti, Cabras Island, Guam. House §1007(4). No comparable Senate section.—Senate recedes.

1007(6). Narrows and Gravesend Bay, Upper New York Bay, Brooklyn, New York. House §1007(5). No comparable Senate section.—Senate recedes.

1007(7). Delaware River, Philadelphia Naval Shipyard, Pennsylvania. House §1007(7). No comparable Senate section.—Senate recedes.

1007(8). Port Aransas, Texas. House §1007(8). No comparable Senate section.—Senate recedes.

SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDIMENT REMOVAL

1008. Kowawese Unique Area and Hudson River, New Windsor, New York. House §1008. No comparable Senate section.—Senate recedes.

SEC. 1009. SMALL PROJECTS TO PREVENT OR MITIGATE DAMAGE CAUSED BY NAVIGATION PROJECTS

1009(1). Tybee Island, Georgia. Senate §1007(1). House §4032. House recedes.

1009(2). Burns Waterway Harbor, Indiana. Senate §1007(2). House §5069. House recedes.

SEC. 1010. SMALL PROJECTS FOR AQUATIC PLANT CONTROL

1010. Republican River Basin, Nebraska. Senate §1008. No comparable House section.—House recedes, with an amendment.

TITLE 2—GENERAL PROVISIONS

SEC. 2001. NON-FEDERAL CONTRIBUTIONS

House §2001, No comparable Senate section.—Senate recedes.

SEC. 2002. FUNDING TO PROCESS PERMITS

House §2003, Senate §2017. Senate recedes, with an amendment.

The Managers recognize the importance of efficient and effective processing of permits by the Corps of Engineers for activities affecting federally regulated waters, including wetlands, in compliance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et. seq.). Congress included a provision in the Water Resources Development Act of 2000 (Pub. L. 106-541, Sec. 214) to expedite the permit processing time for nonfederal public entities.

The Managers also recognize the findings and recommendations of the May 2007 report of the United States Government Accountability Office ("GAO"), entitled "Corps of Engineers Needs to Ensure That Permit Decisions Made Using Funds from Nonfederal Public Entities Are Transparent and Impartial" (GAO-07-478). In this report, GAO emphasized the importance of transparency and impartiality in permit reviews and decisionmaking, and ensuring that all of the Corps' District offices follow internal Corps' Headquarters guidance on maintaining impartial decisionmaking, including, at a minimum, that all Corps District offices provide that permits decisions under section 214 are reviewed at least by one level above the decisionmaker, that all final permit decisions are made available electronically, that the Corps not eliminate any procedures or decisions that would otherwise be required for the type of project under consideration, and that the Corps comply with all applicable laws and regulations. The GAO report also expressed concern that certain Corps districts have allowed private companies to submit permit applications under section 214, in contravention to the intent of this authority.

Although GAO was not able to conclude definitively whether permitting processing times have decreased under the section 214 program, the report does recognize some benefits reported by participating non-Federal public entities, including the potential for reduced cost and time for permit processing for those entities that have contributed funds to the program, and improved communication between participating entities and the Corps.

The Managers intend to conduct additional oversight on the implementation of this program before the authority for this program expires in 2009.

SEC. 2003. WRITTEN AGREEMENT FOR WATER RESOURCES PROJECTS

House §2009, Senate §2001, 2023, and 2039.—Senate recedes.

SEC. 2004. COMPILATION OF LAWS

House §2011, No comparable Senate section.—Senate recedes, with an amendment.

SEC. 2005. DREDGED MATERIAL DISPOSAL

House §2012, Senate §3089.—Senate recedes.

SEC. 2006. REMOTE AND SUBSISTENCE HARBORS

House §2015, Senate §2038.—Senate recedes.

SEC. 2007. USE OF OTHER FEDERAL FUNDS

House §2018, No comparable Senate section.—Senate recedes, with an amendment.

SEC. 2008. REVISION OF PROJECT PARTNERSHIP AGREEMENT; COST SHARING

House §2019, 2020, 2035. No comparable Senate sections.—Senate recedes, with an amendment.

SEC. 2009. EXPEDITED ACTIONS FOR EMERGENCY FLOOD DAMAGE REDUCTION

House §2021, No comparable Senate section.—Senate recedes.

SEC. 2010. WATERSHED AND RIVER BASIN ASSESSMENTS

House §2022, No comparable Senate section.—Senate recedes, with an amendment.

SEC. 2011. TRIBAL PARTNERSHIP PROGRAM

House §2023, Senate §2027.—House recedes, with an amendment.

SEC. 2012. WILDFIRE FIREFIGHTING

House §2024, Senate §2022.—Same.

SEC. 2013. TECHNICAL ASSISTANCE

House §2025, Senate §2009.—Senate recedes, with an amendment.

SEC. 2014. LAKES PROGRAM

House §2026, Senate §5001.—House and Senate with comparable sections, combine list of House and Senate projects.

This section amends section 602(a) of the Water Resources Development Act of 1986 to add the following locations to the Lakes Program: Kinkaid Lake, Jackson County, Illinois; McCarter Pond, Borough of Fairhaven, New Jersey; Rogers Pond, Franklin Township, New Jersey; Greenwood Lake, New York and New Jersey; Lake Rodgers, Creedmoor, North Carolina; Lake Sakakawea, North Dakota; Lake Luxembourg, Pennsylvania; Lake Fairlee, Vermont; and Lake Morley, Vermont.

SEC. 2015. COOPERATIVE AGREEMENTS

House §2029, No comparable Senate section.—Senate recedes, with an amendment.

SEC. 2016. TRAINING FUNDS

House §2030, Senate §2003.—Same.

SEC. 2017. ACCESS TO WATER RESOURCE DATA

House §2031, Senate §2010.—House recedes, with an amendment.

SEC. 2018. SHORE PROTECTION PROJECTS

House §2032, Senate §2014.—Senate recedes.

SEC. 2019. ABILITY TO PAY

House §2033, No comparable Senate section.—Senate recedes.

SEC. 2020. AQUATIC ECOSYSTEM AND ESTUARY RESTORATION

House §2006, Senate §2033, 2035, and 2037.—Senate recedes, with an amendment.

The Managers recognize the importance of projects for the restoration of salt-water estuaries and for the rehabilitation and removal of dams in improving aquatic ecosystems and the environment. The Managers recognize that such projects are typically eligible under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

This section amends section 206 to explicitly authorize projects that improve elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.S. 2902)) and projects for the removal of dams, that otherwise meet the requirements of section 206.

SEC. 2021. SMALL FLOOD DAMAGE REDUCTION PROJECTS

House §2007, Senate §2040.—Senate recedes, with an amendment.

SEC. 2022. SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS

Senate §2031, No comparable House section.—House recedes, with an amendment.

SEC. 2023. PROTECTION OF HIGHWAYS, BRIDGE APPROACHES, PUBLIC WORKS, AND NONPROFIT PUBLIC SERVICES

Senate §2032, No comparable House section.—House recedes, with an amendment.

SEC. 2024. MODIFICATION OF PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT

House §2008, Senate §2034.—Senate recedes, with an amendment.

SEC. 2025. REMEDIATION OF ABANDONED MINE SITES

Senate §2036, No comparable House section.—House recedes, with an amendment.

In carrying out this section, the Secretary shall give priority to the Mt. Diablo Mercury Mine Clean-up project in Contra Costa County, California.

SEC. 2026. LEASING AUTHORITY

House §2034, No comparable Senate section.—Senate recedes.

SEC. 2027. FISCAL TRANSPARENCY REPORT

Senate §2004, No comparable House section.—House recedes, with an amendment.

SEC. 2028. SUPPORT OF ARMY CIVIL WORKS PROGRAM

House §2041, No comparable Senate section.—Senate recedes, with an amendment.

SEC. 2029. SENSE OF CONGRESS ON CRITERIA FOR OPERATION AND MAINTENANCE OF HARBOR DREDGING PROJECTS

House §2043, No comparable Senate section.—Senate recedes, with an amendment.

SEC. 2030. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY

Senate §2002, No comparable House section.—House recedes.

SEC. 2031. WATER RESOURCES PRINCIPLES AND GUIDELINES

House §2036, Senate §2006.—Senate recedes, with an amendment.

SEC. 2032. WATER RESOURCE PRIORITIES REPORT

Senate §2006(d), No comparable House section.—House recedes.

SEC. 2033. PLANNING

Senate §2005, No comparable House section.—House recedes, with an amendment.

SEC. 2034. INDEPENDENT PEER REVIEW

Senate §2007, House §2037.—House recedes, with an amendment.

Section 2034 provides that project studies shall be subject to peer review by an independent panel of experts, as provided in this section. The conference agreement is a combination of independent peer review proposals passed by the Senate and the House of Representatives. The managers believe that the conference agreement improves upon both the House and Senate proposals to create a strong, workable, and independent process for review of project studies carried out by the Corps of Engineers. For example, the conference agreement authorizes the independent peer review to run concurrent with the project study period, and requires that the peer review panel remain beyond the release of the independent peer review report to allow the expertise gained during the review period to be utilized by the Corps up to the release of the draft report of the Chief of Engineers.

This section establishes two categories for independent peer review—project studies for which independent peer review is mandatory, and project studies for which such review is discretionary. This section provides for mandatory review of project studies that have an estimated total cost of more than $45 million, project studies for which the Governor of an affected state requests an independent peer review, and project studies that the Chief of Engineers determines are controversial. In determining whether a project is controversial, the Chief of Engineers must consider whether there is significant public dispute as to the size, nature, or effects of the proposed project, and whether there is significant public dispute as to the economic or environmental costs or benefits of the proposed project.

Section 2034(a)(3)(B) provides for discretionary independent peer review of project studies for which the head of a Federal or state agency charged with reviewing the project study determines that the proposed project is likely to have a significant adverse impact on environmental, cultural, or other natural resources under the jurisdiction of the agency after implementation of the proposed mitigation plans. This section provides that the Chief of Engineers must reach a decision whether to conduct an independent peer review of such project studies within 21 days of a receipt of a request by the head of the Federal or state agency. In the event that the Chief of Engineers decides not to conduct a discretionary independent peer review, the head of the Federal or state agency that requested the review may appeal this decision to the Chairman of the Council on Environmental Quality ("CEQ"). The Chairman of CEQ must reach a decision on whether an independent peer review must be conducted for the project study within 30 days of receipt of an appeal. In the event that the Chief of Engineers decides not to conduct an independent peer review, the Chief of Engineers must make the reasons for not conducting the review publicly available, including on the Internet.

Section 2034 permits the Chief of Engineers to exclude a very limited number of project studies from independent peer review. The managers expect that project studies that could be excluded from independent peer review are so limited in scope or impact, that they would not significantly benefit from an independent peer review.

Sections 2034(a)(5)(A) and (B) establish criteria for the Chief of Engineers to exclude a project study that is subject to independent peer review because its estimated total costs exceed $45 million. The managers expect that these criteria allow the Chief of Engineers to exclude from independent peer review only those project studies for which there is no controversy, a lack of significant impact to cultural, historical, or tribal resources, a lack of substantial adverse impacts to fish and wildlife species or habitat, and a lack of an impact on endangered or threatened species under the Endangered Species Act, or involve projects that, in essence, replace existing components of ongoing projects within the same footprint as the original project, or have minimal risk to life or public safety.

Project studies subject to independent peer review based on the request of the Governor of an affected State may not be excluded from review.

Section 2034(a)(5)(C) authorizes the Chief of Engineers to exclude the small project studies developed under certain of the Corps of Engineers continuing authorities programs; however, such project studies could be subject to independent peer review under the factors established under section 2034(a)(3)(A).

Sections 2034(a)(2) and 2034(d) establish the duties of the independent peer review panel and the scope of review for a project study. The managers have defined the scope of review broadly to allow the independent review panel to examine all of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study. The managers expect the independent peer review panel to review those components of a project study for which the panel believes there is a reason for review. The managers do not expect the independent peer review panel to review components of the project study where the panel determines there is no controversy, disagreement, or concern.

Sections 2034(b) and 2034(e)(1)(A) establish the timing of the independent peer review. The managers expect that, in all cases, the independent peer review will occur during the period beginning on the date of the signing of the feasibility cost-sharing agreement, and will be conducted concurrent with the development of the project study by the Corps of Engineers. The managers believe that having the independent peer review carried out concurrently with the development of the project study will allow the independent peer review panel to receive relevant information from the Corps, on a timely basis, and allow the independent peer review panel to provide ongoing input into the development of the project study. The managers expect that this process will provide the independent peer review panel with sufficient information to conduct its review, as well as allow the peer review panel to recommend mid-course corrections to the ongoing project study, and avoid the potential for significant issues or delay to arise at the end of the project study period. The managers recognize that the recommendations of the independent peer review panel are advisory; however, the managers expect the Corps to give full consideration to the findings of the independent peer review panel.

Section 2034(e)(1)(A) provides that the independent peer review panel conclude its peer review, and submit a report to the Chief of Engineers, not more than 60 days after the close of the public comment period for the draft project study. The Chief of Engineers may extend the period for the peer review panel to conclude its peer review if the Chief of Engineers determines that additional time is necessary. The managers have included language to terminate the peer review panel on the date of the initiation of the State and agency review, which is conterminous with the release of the draft Report of the Chief of Engineers for the project, and which is after the issuance of the peer review report. The managers recognize that the Corps of Engineers intends to allow a member or members of the peer review panel to participate on the Civil Works Review Board, which requires District Commanders to present their final reports and recommendations for review. The managers have included language to keep the independent peer review impaneled beyond the issuance of the peer review report to allow a member of the peer review panel to participate on the Civil Works Review Board, and to be available as experts, if needed, for additional consultation with the Corps of Engineers on the project study.

SEC. 2035. SAFETY ASSURANCE REVIEW

Senate §2007(d). No comparable House section.—House recedes, with an amendment.

SEC. 2036. MITIGATION FOR FISH AND WILDLIFE AND WETLANDS LOSSES

House §2013 and 2014, Senate §2008.—House recedes, with an amendment.

Section 2036 amends section 906(d) of the Water Resources Development Act of 1986 with more explicit mitigation requirements and to specify the elements that must be identified in a mitigation plan required under that section.

This section requires the Secretary to mitigate losses to flood damage reduction capabilities and losses to fish and wildlife of the project area. The specific mitigation plan must include a description of the physical action to be undertaken. The plan also must include a description of the lands or interests in lands to be acquired for mitigation, and the basis for a determination that such lands are available. This description is not intended to be a description of the specific property interests, but the plan must describe how the mitigation will be implemented.

The managers expect the mitigation plan to identify the quantity and type of lands needed, and include a determination that lands of such quantity and type are available for acquisition. The plan also must include the type, amount, and characteristics of the habitat to be restored. The plan must include success criteria based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics. Finally, if monitoring is necessary to determine success of the mitigation, the plan must include a plan for monitoring and to the extent practicable, identification of the entities responsible for monitoring. As monitoring is part of operation and maintenance of a project, in most cases the entity responsible for any monitoring will be the non-Federal sponsor. If such person is not identifiable at the time the mitigation plan is prepared under this section, such person must be identified in the partnership agreement entered into with the non-Federal interest.

The managers support more specificity in Corps reporting documents concerning expected mitigation efforts. Such increased specificity will better inform the Congress, the non-Federal sponsor, and the public as to planned mitigation efforts and the likely success of these efforts. This section also directs the Secretary to submit to Congress a report on the status of mitigation concurrent with the submission of reports on the status of project construction, as part of the President's budget submission.

Section 2036(c) directs the Secretary, when carrying out water resources projects, to first consider the use of a mitigation bank if the bank has sufficient and appropriate (including ecologically appropriate) credit to offset the impact, and the mitigation bank meets certain criteria. To the maximum extent practicable, the service area of the mitigation bank shall be in the same watershed as the project activity for which mitigation is required.

Nothing in this section affects the responsibility of the Corps of Engineers to apply the regulatory guidelines developed under section 404(b)(1) of the Federal Water Pollution Control Act (40 CFR Part 230) related to mitigation sequencing.

SEC. 2037. REGIONAL SEDIMENT MANAGEMENT

House §2016, Senate §2012.—Senate recedes, with an amendment.

This section amends section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), and includes a new subsection (f) that directs the Secretary to give priority to regional sediment management projects in the following locations: Little Rock Slackwater Harbor, Arkansas; Fletcher Cove, California; Egmont Key, Florida; Calcasieu Ship Channel, Louisiana; Delaware River Estuary, New Jersey and Pennsylvania; Fire Island Inlet, Suffolk County, New York; Smith Point Park Pavilion and the TWA Flight 800 Memorial, Brookhaven, New York; Morehead City, North Carolina; Toledo Harbor, Lucas County, Ohio; Galveston Bay, Texas; and Benson Beach, Washington.

SEC. 2038. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM

House §2005 and 2004, Senate §2013.—House recedes, with an amendment.

SEC. 2039. MONITORING ECOSYSTEM RESTORATION

Senate §2015, No comparable House section.—House recedes, with an amendment.

SEC. 2040. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS

Senate §2018, No comparable House section.—House recedes.

SEC. 2041. PROJECT ADMINISTRATION

Senate §2024, No comparable House section.—House recedes.

SEC. 2042. PROGRAM ADMINISTRATION

Senate §2025, No comparable House section.—House recedes.

SEC. 2043. STUDIES AND REPORTS FOR WATER RESOURCES PROJECTS

House §2038, No comparable Senate section.—Senate recedes.

SEC. 2044. COORDINATION AND SCHEDULING OF FEDERAL, STATE, AND LOCAL ACTIONS

House §2027, No comparable Senate section.—Senate recedes, with an amendment.

SEC. 2045. PROJECT STREAMLINING

House §2028, No comparable Senate section.—Senate recedes, with an amendment.

SEC. 2046. PROJECT DEAUTHORIZATION

Senate §2028, House §3123(f).—House recedes, with an amendment.

SEC. 2047. FEDERAL HOPPER DREDGES

House §2042, Senate §2020.—Senate recedes, with an amendment.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA

Senate §3003. No comparable House section.—House recedes, with an amendment.

SEC. 3002. COOK INLET, ALASKA

House §3001. No comparable Senate section.—Senate recedes.

SEC. 3003. KING COVE HARBOR, ALASKA

House §3002. No comparable Senate section.—Senate recedes.

SEC. 3004. SEWARD HARBOR, ALASKA

Senate §4001. No comparable House section.—House recedes, with an amendment.

SEC. 3005. SITKA, ALASKA

House §3003, Senate §3002.—Same.

SEC. 3006. TATITLEK, ALASKA

House §3004. No comparable Senate section.—Senate recedes.

SEC. 3007. RIO DE FLAG, FLAGSTAFF, ARIZONA

House §3005, Senate §3005.—Same.

SEC. 3008. NOGALES WASH AND TRIBUTARIES FLOOD CONTROL PROJECT, ARIZONA

Senate §3004. No comparable House section.—House recedes.

SEC. 3009. TUCSON DRAINAGE AREA, ARIZONA

Senate §3006. No comparable House section.—House recedes, with an amendment.

SEC. 3010. OSCEOLA HARBOR, ARKANSAS

House §3006. No comparable Senate section.—Senate recedes.

SEC. 3011. ST. FRANCIS RIVER BASIN, ARKANSAS AND MISSOURI

Senate §3010. House §5043.—House recedes, with an amendment.

SEC. 3012. PINE MOUNTAIN DAM, ARKANSAS

House §3007. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 3013. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA

Senate §3009. No comparable House section.—House recedes.

SEC. 3014. CACHE CREEK BASIN, CALIFORNIA

Senate §3013. No comparable House section.—House recedes.

SEC. 3015. CALFED STABILITY PROGRAM, CALIFORNIA

Senate §3014. No comparable House section.—House recedes, with an amendment.

SEC. 3016. COMPTON CREEK, CALIFORNIA

House §3009. No comparable Senate section.—Senate recedes.

SEC. 3017. GRAYSON CREEK/MURDERER'S CREEK, CALIFORNIA

House §3010, Senate §2016(1).—Senate recedes.

SEC. 3018. HAMILTON AIRFIELD, CALIFORNIA

House §3011, Senate §3015.—Senate recedes.

SEC. 3019. JOHN F. BALDWIN SHIP CHANNEL AND STOCKTON SHIP CHANNEL, CALIFORNIA

House §3012. No comparable Senate section.—Senate recedes.

The managers recommend that the Secretary and the Chief of Engineers expedite the completion of the ongoing General Reevaluation Report for the San Francisco Bay to Stockton project.

SEC. 3020. KAWEAH RIVER, CALIFORNIA

House §3013. No comparable Senate section.—Senate recedes.

SEC. 3021. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA

House §3014, Senate §3017.—Senate recedes.

SEC. 3022. LLAGAS CREEK, CALIFORNIA

House §3015, Senate §3018.—House recedes, with an amendment.

SEC. 3023. MAGPIE CREEK, CALIFORNIA

House §3016, Senate §3019.—Senate recedes, with an amendment.

SEC. 3024. PACIFIC FLYWAY CENTER, SACRAMENTO, CALIFORNIA

House §3017. No comparable Senate section.—Senate recedes.

SEC. 3025. PETALUMA RIVER, PETALUMA, CALIFORNIA

Senate §3020. No comparable House section.—House recedes.

SEC. 3026. PINOLE CREEK, CALIFORNIA

House §3018. No comparable Senate section.—Senate recedes.

SEC. 3027. PRADO DAM, CALIFORNIA

House §3019. No comparable Senate section.—Senate recedes.

SEC. 3028. REDWOOD CITY NAVIGATION CHANNEL, CALIFORNIA

Senate §3029. No comparable House section.—House recedes.

The managers recognize the importance of annual operation and maintenance of navigation channels and note that the work addressed in this section can be addressed under existing statutory authorities. The managers do not intend to address the operation and maintenance of every navigation project through the enactment of additional statutory language, but expect the Corps to address the maintenance dredging needs of authorized projects under existing statutory authorities.

SEC. 3029. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA

House §3008 and 3020, Senate §3023.—House recedes, with an amendment.

SEC. 3030. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA

House §3019. No comparable Senate section.—Senate recedes.

SEC. 3031. SACRAMENTO RIVER BANK PROTECTION, CALIFORNIA

Senate §3024. No comparable House section.—House recedes.

SEC. 3032. SALTON SEA RESTORATION, CALIFORNIA

Senate §3026. No comparable House section.—House recedes, with an amendment.

SEC. 3033. SANTA ANA RIVER MAINSTEM, CALIFORNIA

No comparable Senate or House section.

SEC. 3034. SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA

Senate §3027. No comparable House section.—House recedes.

SEC. 3035. SANTA CRUZ HARBOR, CALIFORNIA

House §3022. No comparable Senate section.—Senate recedes.

SEC. 3036. SEVEN OAKS DAM, CALIFORNIA

House §3023, Senate §2016(2).—Senate recedes, with an amendment.

SEC. 3037. UPPER GUADALUPE RIVER, CALIFORNIA

House §3025, Senate §3028.—House recedes, with an amendment.

SEC. 3038. WALNUT CREEK CHANNEL, CALIFORNIA

House §3025, Senate §2016(3).—Senate recedes.

SEC. 3039. WILDCAT/SAN PABLO CREEK PHASE I, CALIFORNIA

House §3026. No comparable Senate section.—Senate recedes.

SEC. 3040. WILDCAT/SAN PABLO CREEK PHASE II, CALIFORNIA

House §3027, Senate §2016(5).—Senate recedes.

SEC. 3041. YUBA RIVER BASIN PROJECT, CALIFORNIA

House §3028, Senate §3029.—Senate recedes.

SEC. 3042. SOUTH PLATTE RIVER BASIN, COLORADO

House §3029. No comparable Senate section.—Senate recedes.

SEC. 3043. INTRACOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, DELAWARE AND MARYLAND

House §3030. No comparable Senate section.—Senate recedes.

SEC. 3044. ST. GEORGE'S BRIDGE, DELAWARE

Senate §3033. No comparable House section.—House recedes.

SEC. 3045. BREVARD COUNTY, FLORIDA

House §3031, Senate §3035.—Senate recedes.

SEC. 3046. BROWARD COUNTY AND HILLSBORO INLET, FLORIDA

House §3032. No comparable Senate section.—Senate recedes.

SEC. 3047. CANAVERAL HARBOR, FLORIDA

House §3033. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 3048. GASPARILLA AND ESTERO ISLANDS, FLORIDA

House §3034. No comparable Senate section.—Senate recedes.

SEC. 3049. LIDO KEY BEACH, SARASOTA, FLORIDA

House §3036, Senate §3038.—Senate recedes.

SEC. 3050. PEANUT ISLAND, FLORIDA

House §3038. No comparable Senate section.—Senate recedes.

SEC. 3051. PORT SUTTON, FLORIDA

Senate §3039. No comparable House section.—House recedes.

SEC. 3052. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA

House §3039. No comparable Senate section.—Senate recedes.

SEC. 3053. TAMPA HARBOR CUT B, FLORIDA

House §3040, Senate §3040.—Senate recedes.

SEC. 3054. ALLATOONA LAKE, GEORGIA

House §3041, Senate §3041.—House recedes.

SEC. 3055. LATHAM RIVER, GLYNN COUNTY, GEORGIA

House §3042. No comparable Senate section.—Senate recedes.

SEC. 3056. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO

Senate §3042, House §3043.—House recedes, with an amendment.

SEC. 3057. LITTLE WOOD RIVER, GOODING, IDAHO

Senate §3043. No comparable House section.—House recedes, with an amendment.

SEC. 3058. BEARDSTOWN COMMUNITY BOAT HARBOR, BEARDSTOWN, ILLINOIS

House §3044. No comparable Senate section.—Senate recedes.

SEC. 3059. CACHE RIVER LEVEE, ILLINOIS

House §3045, Senate §3045.—Same.

SEC. 3060. CHICAGO RIVER, ILLINOIS

House §3046, Senate §3046.—Same.

SEC. 3061. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS

House §3047, Senate §5015.—Senate recedes, with an amendment.

SEC. 3062. EMIQUON, ILLINOIS

House §3048. No comparable Senate section.—Senate recedes.

SEC. 3063. LASALLE, ILLINOIS

House §3049. No comparable Senate section.—Senate recedes.

SEC. 3064. SPUNKY BOTTOMS, ILLINOIS

House §3050, Senate §3050.—Senate recedes, with an amendment.

SEC. 3065. CEDAR LAKE, INDIANA

No comparable House or Senate section.

SEC. 3066. KOONTZ LAKE, INDIANA

House §3052. No comparable Senate section.—Senate recedes.

SEC. 3067. WHITE RIVER, INDIANA

House §3053. No comparable Senate section.—Senate recedes, with an amendment.

The managers recognize the importance of waterfront and riverfront development projects to local communities and that, in some instances, waterfront and riverfront development plans contain elements that fall within traditional Corps mission areas of navigation, flood damage reduction, and environmental restoration, and associated recreation. However, the managers believe that waterfront and riverfront development projects, in and of themselves, are not a Corps mission and Corps participation in these development projects must be limited to traditional Corps missions. While recreation is frequently an element of waterfront and riverfront development projects, the managers do not intend for the Corps to carry out purely recreational elements of the project, unrelated to the traditional missions of the Corps. The managers direct the Corps to limit its work on recreation features to only those elements that relate to the traditional Corps mission areas that are being built as an element of the larger waterfront and riverfront development project plan.

SEC. 3068. DES MOINES RIVER AND GREENBELT, IOWA

House §3054. No comparable Senate section.—Senate recedes, with an amendment.

The managers recognize the importance of waterfront and riverfront development projects to local communities and that, in some instances, waterfront and riverfront development plans contain elements that fall within traditional Corps mission areas of navigation, flood damage reduction, and environmental restoration, and associated recreation. However, the managers believe that waterfront and riverfront development projects, in and of themselves, are not a Corps mission and Corps participation in these development projects must be limited to traditional Corps missions. While recreation is frequently an element of waterfront and riverfront development projects, the managers do not intend for the Corps to carry out purely recreational elements of the project, unrelated to the traditional missions of the Corps. The managers direct the Corps to limit its work on recreation features to only those elements that relate to the traditional Corps mission areas that are being built as an element of the larger waterfront and riverfront development project plan.

SEC. 3069. PERRY CREEK, IOWA

Senate §3145. No comparable House section.—House recedes.

SEC. 3070. RATHBUN LAKE, IOWA

House §3055, Senate §3146.—Same.

SEC. 3071. HICKMAN BLUFF STABILIZATION, KENTUCKY

Senate §3054. No comparable House section.—House recedes.

SEC. 3072. MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA

Senate §3055. No comparable House section.—House recedes.

SEC. 3073. PRESTONSBURG, KENTUCKY

House §3056. No comparable Senate section.—Senate recedes.

SEC. 3074. AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED

House §3057, Senate §3059.—Senate recedes.

SEC. 3075. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA

House §3059 and 3062, Senate §3056.—House recedes, with an amendment.

SEC. 3076. ATCHAFALAYA BASIN FLOODWAY SYSTEM, REGIONAL VISITOR CENTER, LOUISIANA

House §3058, Senate §3057.—House recedes, with an amendment.

SEC. 3077. ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA

No comparable House or Senate section.

SEC. 3078. BAYOU PLAQUEMINE, LOUISIANA

House §3056. No comparable Senate section.—Senate recedes.

SEC. 3079. CALCASIEU RIVER AND PASS, LOUISIANA

Senate §3058. No comparable House section.—House recedes.

SEC. 3080. RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA

House §3061, Senate §3061.—House recedes, with an amendment.

SEC. 3081. MISSISSIPPI DELTA REGION, LOUISIANA

House §3063. No comparable Senate section.—Senate recedes.

SEC. 3082. MISSISSIPPI RIVER-GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA

Senate §3060. No comparable House section.—House recedes, with an mendment.

SEC. 3083. VIOLET, LOUISIANA

Senate §3076. No comparable House section.—House recedes, with an amendment.

SEC. 3084. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA

House §3065. No comparable Senate section.—Senate recedes.

SEC. 3085. CAMP ELLIS, SACO, MAINE

House §3066, Senate §3062.—Senate recedes.

SEC. 3086. CUMBERLAND, MARYLAND

Senate §3069. No comparable House section.—House recedes.

SEC. 3087. POPLAR ISLAND, MARYLAND

Senate §1001(22). No comparable House section.—House recedes, with an amendment.

SEC. 3088. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN

House §3067. No comparable Senate section.—Senate recedes.

SEC. 3089. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN

House §3067, Senate §3074.—Senate recedes, with an amendment.

SEC. 3090. ST. JOSEPH HARBOR, MICHIGAN

House §3065. No comparable Senate section.—Senate recedes.

SEC. 3091. SAULT SAINTE MARIE, MICHIGAN

House §3070. No comparable Senate section.—Senate recedes.

The Managers recognize the importance of constructing a second lock at Sault Sainte Marie, Michigan, to enhance overall national security by avoiding any potential disruption to Great Lakes, national, and international shipping that would occur in the event of a shutdown or terrorist attack at the existing lock. The Secretary is directed to carry out the project, as expeditiously as practicable, without regard to normal policy considerations.

SEC. 3092. ADA, MINNESOTA

House §3071. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 3093. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA

House §3072, Senate §3075.—Senate recedes, with an amendment.

SEC. 3094. GRAND MARAIS, MINNESOTA

House §3073. No comparable Senate section.—Senate recedes.

SEC. 3095. GRAND PORTAGE HARBOR, MINNESOTA

House §3074. No comparable Senate section.—Senate recedes.

SEC. 3096. GRANITE FALLS, MINNESOTA

House §3073. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 3097. KNIFE RIVER HARBOR, MINNESOTA

House §3076. No comparable Senate section.—Senate recedes.

SEC. 3098. RED LAKE RIVER, MINNESOTA

House §3077. No comparable Senate section.—Senate recedes.

SEC. 3099. SILVER BAY, MINNESOTA

House §3078. No comparable Senate section.—Senate recedes.

SEC. 3100. TACONITE HARBOR, MINNESOTA

House §3079. No comparable Senate section.—Senate recedes.

SEC. 3101. TWO HARBORS, MINNESOTA

House §3078. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 3102. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI

House §3078. No comparable Senate section.—Senate recedes.

SEC. 3103. JACKSON COUNTY, MISSISSIPPI

Senate §3147. No comparable House section.—House recedes.

SEC. 3104. PEARL RIVER BASIN, MISSISSIPPI

House §3082. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 3105. FESTUS AND CRYSTAL CITY, MISSOURI

House §3083. No comparable Senate section.—Senate recedes.

SEC. 3106. L–15 LEVEE, MISSOURI

House §3084, Senate §3078.—Same.

SEC. 3107. MONARCH-CHESTERFIELD, MISSOURI

House §3085. No comparable Senate section.—Senate recedes.

SEC. 3108. RIVER DES PERES, MISSOURI

House §3086. No comparable Senate section.—Senate recedes.

SEC. 3109. LOWER YELLOWSTONE PROJECT, MONTANA

Senate §3080. No comparable House section.—House recedes.

SEC. 3110. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA

Senate §3081. No comparable House section.—House recedes, with an amendment.

SEC. 3111. ANTELOPE CREEK, LINCOLN, NEBRASKA

House §3087. No comparable Senate section.—Senate recedes.

SEC. 3112. SAND CREEK WATERSHED, WAHOO, NEBRASKA

House §3088. No comparable Senate section.—Senate recedes.

SEC. 3113. WESTERN SARPY AND CLEAR CREEK, NEBRASKA

House §3089, Senate §3082.—Same.

SEC. 3114. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA

Senate §3083. No comparable House section.—House recedes.

SEC. 3115. LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY

House §3090. No comparable Senate section.—Senate recedes.

SEC. 3116. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY

House §3091. No comparable Senate section.—Senate recedes.

SEC. 3117. COOPERATIVE AGREEMENTS, NEW MEXICO

Senate §3084. No comparable House section.—House recedes.

SEC. 3118. MIDDLE RIO GRANDE RESTORATION, NEW MEXICO

Senate §3085. No comparable House section.—House recedes, with an amendment.

SEC. 3119. BUFFALO HARBOR, NEW YORK.

House §3092. No comparable Senate section.—Senate recedes.

SEC. 3120. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT

Senate §3086. No comparable House section.—House recedes.

The Managers recognize that oyster restoration activities are consistent with the

Corps environmental protection and restoration mission, and are appropriately cost shared at a non-Federal cost of 35 percent, consistent with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213). This section does not create a new cost share for oyster restoration activities.

SEC. 3121. MAMARONECK AND SHELDRAKE RIVERS WATERSHED MANAGEMENT, NEW YORK

Senate §3087. No comparable House section.—House recedes, with an amendment.

The managers recognize the importance of waterfront and riverfront development projects to local communities and that, in some instances, waterfront and riverfront development plans contain elements that fall within traditional Corps mission areas of navigation, flood damage reduction, and environmental restoration, and associated recreation. However, the managers believe that waterfront and riverfront development projects, in and of themselves, are not a Corps mission and Corps participation in these development projects must be limited to traditional Corps missions. While recreation is frequently an element of waterfront and riverfront development projects, the managers do not intend for the Corps to carry out purely recreational elements of the project, unrelated to the traditional missions of the Corps. The managers direct the Corps to limit its work on recreation features to only those elements that relate to the traditional Corps mission areas that are being built as an element of the larger waterfront and riverfront development project plan.

SEC. 3122. ORCHARD BEACH, BRONX, NEW YORK

House §3093, Senate §3088.—Senate recedes.

SEC. 3123. PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY

House §3094. No comparable Senate section.—Senate recedes.

SEC. 3124. NEW YORK STATE CANAL SYSTEM

House §3095, Senate §3090.—Same.

SEC. 3125. SUSQUEHANNA RIVER AND UPPER DELAWARE RIVER WATERSHED MANAGEMENT, NEW YORK

Senate §3091. No comparable House section.—House recedes, with an amendment.

SEC. 3126. MISSOURI RIVER RESTORATION, NORTH DAKOTA

Senate §3092. No comparable House section.—House recedes.

SEC. 3127. WAHPETON, NORTH DAKOTA

No comparable Senate or House section.

SEC. 3128. OHIO

Senate §3093. No comparable House section.—House recedes.

SEC. 3129. LOWER GIRARD LAKE DAM, GIRARD, OHIO

House §3096, Senate §3094.—House recedes, with an amendment.

SEC. 3130. MAHONING RIVER, OHIO

House §3074. No comparable Senate section.—Senate recedes.

SEC. 3131. ARCADIA LAKE, OKLAHOMA

Senate §3096. No comparable House section.—House recedes.

SEC. 3132. ARKANSAS RIVER CORRIDOR, OKLAHOMA

Senate §3012. No comparable House section.—House recedes, with an amendment.

SEC. 3133. LAKE EUFAULA, OKLAHOMA

Senate §3097. No comparable House section.—House recedes, with an amendment.

SEC. 3134. OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA

Senate §3099. No comparable House section.—House recedes.

SEC. 3135. OTTAWA COUNTY, OKLAHOMA

Senate §3100. No comparable House section.—House recedes, with an amendment.

Section 3135 provides general authorization to complete the current buyout of residences and businesses in the communities of Picher, Cardin, and Hockerville, Oklahoma for those applicants that wish to participate in the program being administered by the State of Oklahoma. The funds authorized in this section may be appropriated through any Act of appropriation.

Section 3135 directs the Administrator of the Environmental Protection Agency to consider a remedial action for the Tar Creek, Oklahoma, National Priorities List site that includes permanent relocation of residents consistent with the program and costs of the program being administered by the State of Oklahoma. The Administrator should make appropriate use of the expertise and experience of the State of Oklahoma Lead-Impacted Communities Relocation Assistance Trust in developing such a remedy.

Section 3135 also provides that the inclusion of subsidence remedies, such as relocation, as part of the remedial action does not preempt or in any way delay or interfere with the right of any sovereign entity, including any state or tribal government, to utilize state laws to seek additional or other remedies, such as abatement, for the land subsidence and subsidence risks. This section does not supersede state or tribal authority to seek remedies for land subsidence.

SEC. 3136. RED RIVER CHLORIDE CONTROL, OKLAHOMA AND TEXAS

Senate §3101. No comparable House section.—House recedes.

SEC. 3137. WAURIKA LAKE, OKLAHOMA

Senate §3102. No comparable House section.—House recedes.

SEC. 3138. UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION, OREGON

Senate §3104. House §5103.—House recedes, with an amendment.

SEC. 3139. DELAWARE RIVER, PENNSYLVANIA, NEW JERSEY, AND DELAWARE

House §3098. No comparable Senate section.—Senate recedes.

SEC. 3140. RAYSTOWN LAKE, PENNSYLVANIA

House §3099. No comparable Senate section.—Senate recedes.

SEC. 3141. SHERADEN PARK STREAM AND CHARTIERS CREEK, ALLEGHENY COUNTY, PENNSYLVANIA

House §3100. No comparable Senate section.—Senate recedes.

SEC. 3142. SOLOMON'S CREEK, WILKES-BARRE, PENNSYLVANIA

House §3101. No comparable Senate section.—Senate recedes.

SEC. 3143. SOUTH CENTRAL PENNSYLVANIA

House §3102. No comparable Senate section.—Senate recedes.

SEC. 3144. WYOMING VALLEY, PENNSYLVANIA

House §3103. No comparable Senate section.—Senate recedes.

SEC. 3145. NARRAGANSETT BAY, RHODE ISLAND

Senate §3106. No comparable House section.—House recedes.

SEC. 3146. MISSOURI RIVER RESTORATION, SOUTH DAKOTA

Senate §3108. No comparable House section.—House recedes.

SEC. 3147. CEDAR BAYOU, TEXAS

House §3104, Senate §3113.—Senate recedes, with an amendment.

SEC. 3148. FREEPORT HARBOR, TEXAS.

House §3105, Senate §3116.—House recedes.

SEC. 3149. LAKE KEMP, TEXAS

House §3106. No comparable Senate section.—Senate recedes.

SEC. 3150. LOWER RIO GRANDE BASIN, TEXAS

House §3107. No comparable Senate section.—Senate recedes.

SEC. 3151. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS

House §3108. No comparable Senate section.—Senate recedes.

SEC. 3152. PAT MAYSE LAKE, TEXAS

House §3109. No comparable Senate section.—Senate recedes.

The managers recognize the need to review Federal policy concerning water supply at Corps of Engineers reservoirs, and to determine whether changes are warranted. At many existing Corps of Engineers reservoirs, there is the possibility of expanding the storage space that is dedicated to municipal and industrial water supply (drinking water) as an alternative to alleviate local water supply shortages. This is particularly true throughout the Southwest and Southeast. The current policy of the Corps of Engineers is to maximize the return to the Treasury for the right to utilize storage at these existing reservoirs. This often makes the cost of storage too high for many communities.

The managers have included section 3152 in the Water Resources Development Act of 2007 to address this issue at Pat Mayse Lake, Texas; however, the managers do not expect to address additional water supply agreements on a case-by-case basis in future water resources bills, but rather to review the overall Federal policy concerning the operation of Corps of Engineers facilities.

SEC. 3153. PROCTOR LAKE, TEXAS

House §3110. No comparable Senate section.—Senate recedes.

SEC. 3154. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS

House §3111. No comparable Senate section.—Senate recedes.

SEC. 3155. CONNECTICUT RIVER RESTORATION, VERMONT

Senate §3118. No comparable House section.—House recedes.

SEC. 3156. DAM REMEDIATION, VERMONT

Senate §3118. No comparable House section.—House recedes.

This provision adds the following dams to section 543 of the Water Resources Development Act of 2000; Camp Wapanacki, Hardwick; Star Lake Dam, Mt. Holly; Curtis Pond, Calais; Weathersfield Reservoir, Springfield; Burr Pond, Sudbury; Maidstone Lake, Guildhall; Upper and Lower Hurricane Dam; Lake Fairlee; West Charleston Dam; White River, Sharon.

SEC. 3157. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT

Senate §3120. No comparable House section.—House recedes.

SEC. 3158. UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE

Senate §3121. No comparable House section.—House recedes.

SEC. 3159. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE

Senate §3122. No comparable House section.—House recedes.

SEC. 3160. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK

Senate §3123. No comparable House section.—House recedes.

SEC. 3161. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA

Senate §3148. No comparable House section.—House recedes.

SEC. 3162. TANGIER ISLAND SEAWALL, VIRGINIA

House §3112, Senate §3126.—House recedes, with an amendment.

SEC. 3163. DUWANISH/GREEN, WASHINGTON

House §3113. No comparable Senate section.—Senate recedes.

SEC. 3164. MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO

Senate §3128. No comparable House section.—House recedes.

SEC. 3165. SNAKE RIVER PROJECT, WASHINGTON AND IDAHO

Senate §3130. No comparable House section.—House recedes.

SEC. 3166. YAKIMA RIVER, PORT OF SUNNYSIDE, WASHINGTON

House §3114. No comparable Senate section.—Senate recedes.

SEC. 3167. BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA

House §3115. No comparable Senate section.—Senate recedes.

SEC. 3168. GREENBRIER RIVER BASIN, WEST VIRGINIA

House §3116. No comparable Senate section.—Senate recedes.

SEC. 3169. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA

House §3117. No comparable Senate section.—Senate recedes.

SEC. 3170. LOWER MUD RIVER, MILTON, WEST VIRGINIA

Senate §3132. No comparable House section.—House recedes.

SEC. 3171. MCDOWELL COUNTY, WEST VIRGINIA

Senate §3133. No comparable House section.—House recedes.

SEC. 3172. PARKERSBURG, WEST VIRGINIA

House §3118. No comparable Senate section.—Senate recedes, with an amendment.

The managers recognize the importance of waterfront and riverfront development projects to local communities and that, in some instances, waterfront and riverfront development plans contain elements that fall within traditional Corps mission areas of navigation, flood damage reduction, and environmental restoration, and associated recreation. However, the managers believe that waterfront and riverfront development projects, in and of themselves, are not a Corps mission and Corps participation in these development projects must be limited to traditional Corps missions. While recreation is frequently an element of waterfront and riverfront development projects, the managers do not intend for the Corps to carry out purely recreational elements of the project, unrelated to the traditional missions of the Corps. The managers direct the Corps to limit its work on recreation features to only those elements that relate to the traditional Corps mission areas that are being built as an element of the larger waterfront and riverfront development project plan.

SEC. 3173. GREEN BAY HARBOR, GREEN BAY, WISCONSIN

Senate §3134. No comparable House section.—House recedes.

SEC. 3174. MANITOWOC HARBOR, WISCONSIN

House §3119. No comparable Senate section.—Senate recedes.

SEC. 3175. MISSISSIPPI RIVER HEADWATERS RESERVOIRS

House §3120, Senate §3137.—Senate recedes.

SEC. 3176. UPPER BASIN OF THE MISSOURI RIVER

Senate §3140. No comparable House section.—House recedes.

SEC. 3177. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM

Senate §3139. No comparable House section.—House recedes, with an amendment.

SEC. 3178. UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM

Senate §3144. No comparable House section.—House recedes, with an amendment.

SEC. 3179. CONTINUATION OF PROJECT AUTHORIZATIONS

(1) Sacramento Deep Water Ship Channel, California. House §3121(1). No comparable Senate section.—Senate recedes.

(2) Agana River, Guam. House §3121(2). No comparable Senate section.—Senate recedes.

(3) Baltimore Harbor and Channels, Maryland and Virginia. House §3121(3), Senate §3067. Senate recedes.

(4) Fall River Harbor, Massachusetts. House §3121(4), Senate §3071.—Senate recedes.

(5) Ecorse Creek, Wayne County, Michigan. Senate §3073, No comparable House section.—House recedes.

SEC. 3180. PROJECT REAUTHORIZATIONS

(1) Menominee Harbor and River, Michigan and Wisconsin. House §3122(1). No comparable Senate section.—Senate recedes.

(2) Hearding Island Inlet, Duluth Harbor, Minnesota. House §3122(3). No comparable Senate section.—Senate recedes.

(3) Manitowoc Harbor, Wisconsin. House §3122(2), Senate §3135.—Senate recedes.

SEC. 3181. PROJECT DEAUTHORIZATIONS

(a)(1) Bridgeport Harbor, Connecticut. House §3123(a)(1), Senate §6003.—Senate recedes.

(a)(2) Mystic River, Connecticut. House §3123(a)(2). No comparable Senate section.—Senate recedes.

(a)(3) Norwalk Harbor, Connecticut. Senate §3031. No comparable House section.—House recedes.

(a)(4) Rockland Harbor, Maine. House §3123(a)(4), Senate §3036.—House recedes.

(a)(5) Rockport Harbor, Maine. Senate §3064. No comparable House section.—House recedes.

(a)(6) Falmouth Harbor, Massachusetts. House §3123(a)(5), Senate §6027.—Senate recedes.

(a)(7) Island End River, Massachusetts. House §3123(a)(5), Senate §6028.—Senate recedes.

(a)(8) City Waterway, Tacoma, Washington. House §3123(a)(7). No comparable Senate section.—Senate recedes.

(a)(9) Aunt Lydia's Cove, Massachusetts. House §3123(a)(8), Senate §3070.—Senate recedes.

(a)(10) Whatcom Creek Waterway, Bellingham, Washington. Senate §3131. No comparable House section.—House recedes.

(a)(11) Oconto Harbor, Wisconsin. Senate §3136. No comparable House section.—House recedes.

(b) Anchorage Area, New London Harbor, Connecticut. Senate §3031, House §3142(a)(3).—House recedes.

(c) Southport Harbor, Fairfield, Connecticut. House §3123(b). No comparable Senate section.—Senate recedes.

(d) Saco River, Maine. House §3123(c), Senate §3065.—Same.

(e) Union River, Maine. House §3123(d), Senate §3066.—Senate recedes.

(f) Mystic River, Massachusetts. House §3123(e), Senate §6029.—Senate recedes.

(g) Rivercenter, Philadelphia, Pennsylvania. No comparable House or Senate section.

(h) Additional Deauthorizations. Senate §§6002, 6004, 6005, 6007, 6008, 6009, 6011, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6022, 6023, 6026, 6033, 6034, 6036, 6037, 6042, 6045, 6046, 6048, 6049, 6050, 6051, 6052, 6053, and 6055. No comparable House sections.—House recedes.

SEC. 3182. LAND CONVEYANCES

(a) St. Francis Basin, Arkansas and Missouri. House §3124(a), Senate §3011.—Senate recedes.

(b) Oakland Inner Harbor Tidal Canal, California. Senate §5006. No comparable House section.—House recedes.

(c) Milford, Kansas. House §3124(b), Senate §3052.—Senate recedes.

(d) Strawn Cemetery, John Redmond Lake, Kansas. Senate §3051. No comparable House section.—House recedes.

(e) Pike County, Missouri. House §3124(c), Senate §3077.—House recedes.

(f) Union Lake, Missouri. Senate §3079, No comparable House section.—House recedes.

(g) Boardman, Oregon. House §3124(d). No comparable Senate section.—Senate recedes.

(h) Lookout Point Project, Lowell, Oregon. House §3124(e), Senate §3103. Senate recedes, with an amendment.

(i) Richard B. Russell Lake, South Carolina. House §3124(g), Senate §3107.—House recedes, with an amendment.

(j) Denison, Texas. House §3124(h), Senate §3114.—House recedes, with an amendment.

(k) Generally Applicable Provisions. House §3124(i). No comparable Senate section.—Senate recedes.

SEC. 3183. EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS

(a) Idaho. House §3125(a), Senate §3044.—House recedes.

(b) Lake Texoma, Oklahoma. House §3125(b), Senate §3098. House recedes, with an amendment.

(c) Lowell, Oregon. House §3124(f). No comparable Senate provision.—Senate recedes.

(d) Old Hickory Lock and Dam, Cumberland River, Tennessee. House §3125(c), Senate §3111.—House recedes.

(e) Lower Granite Pool, Washington. Senate §3128. No comparable House section.—House recedes.

(f) Port of Pasco, Washington. House §3125(d). No comparable Senate section.—Senate recedes.

TITLE IV—STUDIES

SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM

House §4001. No comparable Senate section.—Senate recedes.

SEC. 4002. LAKE ERIE DREDGED MATERIAL DISPOSAL SITES

House §4002. No comparable Senate section.—Senate recedes.

SEC. 4003. SOUTHWESTERN UNITED STATES DROUGHT STUDY

House §4003. No comparable Senate section.—Senate recedes.

SEC. 4004. DELAWARE RIVER

House §4004. No comparable Senate section.—Senate recedes.

SEC. 4005. EURASIAN MILFOIL

Senate §4031. No comparable House section.—House recedes.

SEC. 4006. FIRE ISLAND, ALASKA

House §5031. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 4007. KNIK ARM, COOK INLET, ALASKA

House §4005. No comparable Senate section.—Senate recedes.

SEC. 4008. KUSKOKWIM RIVER, ALASKA

House §4006. No comparable Senate section.—Senate recedes.

SEC. 4009. NOME HARBOR IMPROVEMENTS, ALASKA

Senate §4002. No comparable House section.—House recedes.

SEC. 4010. ST. GEORGE HARBOR, ALASKA

House §4007. No comparable Senate section.—Senate recedes.

SEC. 4011. SUSITNA RIVER, ALASKA

House §4008. No comparable Senate section.—Senate recedes.

SEC. 4012. VALDEZ, ALASKA

House §5037. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 4013. GILA BEND, MARICOPA, ARIZONA

House §4009. No comparable Senate section.—Senate recedes.

SEC. 4014. SEARCY COUNTY, ARKANSAS

House §4010. No comparable Senate section.—Senate recedes.

SEC. 4015. ALISO CREEK, CALIFORNIA

House §4011. No comparable Senate section.—Senate recedes.

SEC. 4016. FRESNO, KINGS, AND KERN COUNTIES, CALIFORNIA

House §4013. No comparable Senate section.—Senate recedes.

SEC. 4017. FRUITVALE AVENUE RAILROAD BRIDGE, ALAMEDA, CALIFORNIA

Senate §4004. No comparable House section.—House recedes.

SEC. 4018. LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA

House §4014, Senate §4005.—Senate recedes.

SEC. 4019. LYTLE CREEK, RIALTO, CALIFORNIA

House §4015. No comparable Senate section.—Senate recedes.

SEC. 4020. MOKELUMNE RIVER, SAN JOAQUIN COUNTY, CALIFORNIA

House §4016. No comparable Senate section.—Senate recedes.

SEC. 4021. ORICK, CALIFORNIA

House §4018. No comparable Senate section.—Senate recedes.

SEC. 4022. SHORELINE STUDY, OCEANSIDE, CALIFORNIA

Senate §4007. No comparable House section.—House recedes.

SEC. 4023. RIALTO, FONTANA, AND COLTON, CALIFORNIA

House §4019. No comparable Senate section.—Senate recedes.

SEC. 4024. SACRAMENTO RIVER, CALIFORNIA

House §4020. No comparable Senate section.—Senate recedes.

SEC. 4025. SAN DIEGO COUNTY, CALIFORNIA

House §4021. No comparable Senate section.—Senate recedes.

SEC. 4026. SAN FRANCISCO BAY, SACRAMENTO–SAN JOAQUIN DELTA, CALIFORNIA

House §4022, Senate §4009.—Senate recedes.

SEC. 4027. SOUTH SAN FRANCISCO BAY SHORELINE, CALIFORNIA

House §4023, Senate §4010.—House recedes.

SEC. 4028. TWENTYNINE PALMS, CALIFORNIA

House §4024. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 4029. YUCCA VALLEY, CALIFORNIA

House §4025. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 4030. SELENIUM STUDY, COLORADO

Senate §4013. No comparable House section.—House recedes, with an amendment.

SEC. 4031. DELAWARE AND CHRISTINA RIVERS AND SHELLPOT CREEK, WILMINGTON, DELAWARE

House §4027. No comparable Senate section.—Senate recedes.

SEC. 4032. DELAWARE INLAND BAYS AND TRIBUTARIES AND ATLANTIC COAST, DELAWARE

Senate §4014. No comparable House section.—House recedes.

SEC. 4033. COLLIER COUNTY BEACHES, FLORIDA

House §4028. No comparable Senate section.—Senate recedes.

SEC. 4034. LOWER ST. JOHNS RIVER, FLORIDA

House §4029. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 4035. HERBERT HOOVER DIKE SUPPLEMENTAL MAJOR REHABILITATION REPORT, FLORIDA

Senate §4015. No comparable House section.—House recedes.

SEC. 4036. VANDERBILT BEACH LAGOON, FLORIDA

House §4030. No comparable Senate section.—Senate recedes.

SEC. 4037. MERIWETHER COUNTY, GEORGIA

House §4031. No comparable Senate section.—Senate recedes.

SEC. 4038. BOISE RIVER, IDAHO

House §4033, Senate §4016.—Senate recedes.

SEC. 4039. BALLARD'S ISLAND SIDE CHANNEL, ILLINOIS

House §4034. No comparable Senate section.—Senate recedes.

SEC. 4040. CHICAGO, ILLINIOS

Senate §3046. No comparable House section.—House recedes.

SEC. 4041. SALEM, INDIANA

House §4035. No comparable Senate section.—Senate recedes.

SEC. 4042. BUCKHORN LAKE, KENTUCKY

House §4036. No comparable Senate section.—Senate recedes.

SEC. 4043. DEWEY LAKE, KENTUCKY

House §4037. No comparable Senate section.—Senate recedes.

SEC. 4044. LOUISVILLE, KENTUCKY

House §4038. No comparable Senate section.—Senate recedes.

SEC. 4045. VIDALIA PORT, LOUISIANA

Senate §4018. No comparable House section.—House recedes.

SEC. 4046. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND

Senate §3071(b). No comparable House section.—House recedes.

SEC. 4047. CLINTON RIVER, MICHIGAN

House §4039. No comparable Senate section.—Senate recedes.

SEC. 4048. HAMBURG AND GREEN OAK TOWNSHIPS, MICHIGAN

House §4040. No comparable Senate section.—Senate recedes.

SEC. 4049. LAKE ERIE AT LUNA PIER, MICHIGAN

Senate §4019. No comparable House section.—House recedes.

SEC. 4050. DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN

House §4041. No comparable Senate section.—Senate recedes.

SEC. 4051. NORTHEAST MISSISSIPPI

House §4042. No comparable Senate section.—Senate recedes.

SEC. 4052. DREDGED MATERIAL DISPOSAL, NEW JERSEY

House §4044. No comparable Senate section.—Senate recedes.

SEC. 4053. BAYONNE, NEW JERSEY

House §4045. No comparable Senate section.—Senate recedes.

SEC. 4054. CARTERET, NEW JERSEY

House §4046. No comparable Senate section.—Senate recedes.

SEC. 4055. GLOUCESTER COUNTY, NEW JERSEY

House §4047. No comparable Senate section.—Senate recedes.

SEC. 4056. PERTH AMBOY, NEW JERSEY

House §4048. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 4057. BATAVIA, NEW YORK

House §4049. No comparable Senate section.—Senate recedes.

SEC. 4058. BIG SISTER CREEK, EVANS, NEW YORK

House §4050. No comparable Senate section.—Senate recedes.

SEC. 4059. FINGER LAKES, NEW YORK

House §4051. No comparable Senate section.—Senate recedes.

SEC. 4060. LAKE ERIE SHORELINE, BUFFALO, NEW YORK

House §4052. No comparable Senate section.—Senate recedes.

SEC. 4061. NEWTOWN CREEK, NEW YORK

House §4053. No comparable Senate section.—Senate recedes.

SEC. 4062. NIAGARA RIVER, NEW YORK

House §4054. No comparable Senate section.—Senate recedes.

SEC. 4063. SHORE PARKWAY GREENWAY, BROOKLYN, NEW YORK

House §4055. No comparable Senate section.—Senate recedes.

SEC. 4064. UPPER DELAWARE RIVER WATERSHED, NEW YORK

House §4056. No comparable Senate section.—Senate recedes.

SEC. 4065. LINCOLN COUNTY, NORTH CAROLINA

House §4057. No comparable Senate section.—Senate recedes.

SEC. 4066. WILKES COUNTY, NORTH CAROLINA

House §4058. No comparable Senate section.—Senate recedes.

SEC. 4067. YADKINVILLE, NORTH CAROLINA

House §4059. No comparable Senate section.—Senate recedes.

SEC. 4068. FLOOD DAMAGE REDUCTION, OHIO

Senate §4022. No comparable House section.—House recedes.

SEC. 4069. LAKE ERIE, OHIO

House §4060. No comparable Senate section.—Senate recedes.

SEC. 4070. OHIO RIVER, OHIO

House §4061, Senate §4024.—Same.

SEC. 4071. TOLEDO HARBOR DREDGED MATERIAL PLACEMENT, TOLEDO, OHIO

Senate §4025. No comparable House section.—House recedes.

SEC. 4072. TOLEDO HARBOR, MAUMEE RIVER, AND LAKE CHANNEL PROJECT, TOLEDO, OHIO

Senate §4026. No comparable House section.—House recedes.

SEC. 4073. ECOSYSTEM RESTORATION AND FISH PASSAGE IMPROVEMENTS, OREGON

House §4062. No comparable Senate section.—Senate recedes.

SEC. 4074. WALLA WALLA RIVER BASIN, OREGON

House §4063, Senate §4038.—Senate recedes.

SEC. 4075. CHARTIERS CREEK WATERSHED, PENNSYLVANIA

House §4064. No comparable Senate section.—Senate recedes.

SEC. 4076. KINZUA DAM AND ALLEGHENY RESERVOIR, PENNSYLVANIA

House §4065. No comparable Senate section.—Senate recedes.

SEC. 4077. WESTERN PENNSYLVANIA FLOOD DAMAGE REDUCTION

House §4066. No comparable Senate section.—Senate recedes.

SEC. 4078. WILLIAMSPORT, PENNSYLVANIA

House §4067. No comparable Senate section.—Senate recedes.

SEC. 4079. YARDLEY BOROUGH, PENNSYLVANIA

House §4068. No comparable Senate section.—Senate recedes.

SEC. 4080. RIO VALENCIANO, JUNCOS, PUERTO RICO

House §4069. No comparable Senate section.—Senate recedes.

SEC. 4081. WOONSOCKET LOCAL PROTECTION PROJECT, BLACKSTONE RIVER BASIN, RHODE ISLAND

Senate §4027. No comparable House section.—House recedes.

SEC. 4082. CROOKED CREEK, BENNETTSVILLE, SOUTH CAROLINA

House §4070. No comparable Senate section.—Senate recedes.

SEC. 4083. BROAD RIVER, YORK COUNTY, SOUTH CAROLINA

House §4071. No comparable Senate section.—Senate recedes.

SEC. 4084. SAVANNAH RIVER, SOUTH CAROLINA AND GEORGIA

Senate §4028. No comparable House section.—House recedes.

SEC. 4085. CHATTANOOGA, TENNESSEE

House §4072. No comparable Senate section.—Senate recedes.

SEC. 4086. CLEVELAND, TENNESSEE

House §4073. No comparable Senate section.—Senate recedes.

SEC. 4087. CUMBERLAND RIVER, NASHVILLE, TENNESSEE

House §4074. No comparable Senate section.—Senate recedes.

SEC. 4088. LEWIS, LAWRENCE, AND WAYNE COUNTIES, TENNESSEE

House §4075. No comparable Senate section.—Senate recedes.

SEC. 4089. WOLF RIVER AND NONCONNAH CREEK, MEMPHIS, TENNESSEE

House §4076. No comparable Senate section.—Senate recedes.

SEC. 4090. ABILENE, TEXAS

House §4077. No comparable Senate section.—Senate recedes.

SEC. 4091. COASTAL TEXAS ECOSYSTEM PROTECTION AND RESTORATION, TEXAS

House §4078. No comparable Senate section.—Senate recedes.

SEC. 4092. PORT OF GALVESTON, TEXAS

House §4079. No comparable Senate section.—Senate recedes.

SEC. 4093. GRAND COUNTY AND MOAB, UTAH

House §4080. No comparable Senate section.—Senate recedes.

SEC. 4094. SOUTHWESTERN UTAH

House §4081. No comparable Senate Section.—Senate Recedes.

SEC. 4095. ECOSYSTEM AND HYDROPOWER GENERATION DAMS, VERMONT

Senate §4030. No comparable House section.—House recedes.

SEC. 4096. ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON

House §4083, Senate §4034.—Senate recedes.

SEC. 4097. MONONGAHELA RIVER BASIN, NORTHERN WEST VIRGINIA

House §4084. No comparable Senate section.—Senate recedes.

SEC. 4098. KENOSHA HARBOR, WISCONSIN

House §4085. No comparable Senate section.—Senate recedes.

SEC. 4099. JOHNSONVILLE DAM, JOHNSONVILLE, WISCONSIN

House §4087, Senate §4035.—Same.

SEC. 4100. WAUWATOSA, WISCONSIN

House §4086. No comparable Senate section.—Senate recedes.

SEC. 4101. DEBRIS REMOVAL

Senate §4036. No comparable House section.—House recedes, with an amendment.

TITLE V—MISCELLANEOUS

SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS

5001(a)(1). Manatee Harbor Basin, Florida. House §5001(a)(1). No comparable Senate section.—Senate recedes.

5001(a)(2). Tampa Harbor, Sparkman Channel and Davis Island, Florida. No comparable Senate or House section.

5001(a)(3). West turning basin, Canaveral Harbor, Florida. House §5001(a)(2). No comparable Senate section.—Senate recedes.

5001(a)(4). Bayou LaFourche Channel, Port Fourchon, Louisiana. House §5001(a)(3). No comparable Senate section.—Senate recedes.

5001(a)(5). Calcasieu River at Devil's Elbow, Louisiana. House §5001(a)(4). No comparable Senate section.—Senate recedes.

5001(a)(6). Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee. House §5001(a)(5). No comparable Senate section.—Senate recedes.

5001(a)(7). Houston Ship Channel, Bayport Cruise Channel and Bayport Cruise turning basin, as part of the existing Bayport Channel, Texas. No comparable Senate or House section.

5001(a)(8). Pix Bayou Navigation Channel, Chambers County, Texas. House §5001(a)(6). No comparable Senate section.—Senate recedes.

5001(a)(9). Jacintoport Channel at Houston Ship Channel, Texas. No comparable Senate or House section.

5001(a)(10). Racine Harbor, Wisconsin. House §5001(a)(7). No comparable Senate section.—Senate recedes.

SEC. 5002. WATERSHED MANAGEMENT

House §5002. No comparable Senate section.—Senate recedes.

Subsection (d) of §5002 authorizes the Secretary to provide technical assistance to non-federal interests for carrying out watershed management, restoration and development projects in the following locations: Charlotte Harbor watershed, Florida; Those portions of the watersheds of the Chattahoochee, Etowah, Flint, Ocmulgee, and Oconee Rivers lying within the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Forsyth, Gwinnett, Hall, Henry, Paulding, Rockdale, and Walton, Georgia; Kinkaid Lake, Jackson County, Illinois; Amite River basin, Louisiana; East Atchafalaya River basin, Iberville Parish and Pointe Coupee Parish, Louisiana; Red River watershed, Louisiana; Taunton River basin, Massachusetts; Marlboro Township, New Jersey; Esopus, Plattekill, and Rondout Creeks, Greene, Sullivan, and Ulster Counties, New York; Greenwood Lake watershed, New York and New Jersey; Long Island Sound watershed, New York; Ramapo River watershed, New York; Tuscarawas River basin, Ohio; Western Lake Erie basin, Ohio; Those portions of the watersheds of the Beaver, Upper Ohio, Connoquenessing, Lower Allegheny, Kiskiminetas, Lower Monongahela, Youghiogheny, Shenango, and Mahoning Rivers lying within the counties of Beaver, Butler, Lawrence, and Mercer, Pennsylvania; Otter Creek watershed, Pennsylvania; Unami Creek watershed, Milford Township, Pennsylvania; and Sauk River basin, Washington.

SEC. 5003. DAM SAFETY

House §5003. No comparable Senate section.—Senate recedes, with an amendment.

Section 5003(a) authorizes the Secretary to provide assistance to enhance dam safety at the following locations: Keith Creek, Rockford, Illinois; Mount Zion Mill Pond Dam, Fulton County, Indiana; Fish Creek Dam, Blaine County, Idaho; Hamilton Dam, Flint River, Flint, Michigan; Congers Lake Dam, Rockland County, New York; Lake Lucille Dam, New City, New York; Peconic River Dams, town of Riverhead, Suffolk, Long Island, New York; Pine Grove Lakes Dam, Sloatsburg, New York; State Dam, Auburn, New York; Whaley Lake Dam, Pawling, New York; Brightwood Dam, Concord Township, Ohio; Ingham Spring Dam, Solebury Township, Pennsylvania; Leaser Lake Dam, Lehigh County, Pennsylvania; Stillwater Dam, Monroe County, Pennsylvania; Wissahickon Creek Dam, Montgomery County, Pennsylvania.

SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS

House §5004. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 5005. FLOOD MITIGATION PRIORITY AREAS

House §5005. No comparable Senate section.—Senate recedes.

Section 5005(a)(3) adds the following locations to Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)): Ascension Parish, Louisiana; East Baton Rouge Parish, Louisiana; Iberville Parish, Louisiana; Livingston Parish, Louisiana; and Pointe Coupee Parish, Louisiana.

SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED PROJECTS

House §5006, Senate §3008.—Senate recedes.

The managers recognize that in carrying out the project for the Colonias along the United States-Mexico border, the Secretary may provide assistance to projects in Webb, Zapata, Starr, and Hidalgo counties, Texas.

SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND CONSTRUCTION FOR CERTAIN PROJECTS

House §5007, 5038, and 7010(2). No comparable Senate section.—Senate recedes, with an amendment.

Section 5007 directs the Secretary to expedite completion of the reports, and if the Secretary finds that the project is feasible, to expedite completion of construction of following projects: Project for navigation, Whittier, Alaska; Laguna Creek watershed flood damage reduction project, California; Daytona Beach shore protection project, Florida; Flagler Beach shore protection project, Florida; St. Johns County shore protection project, Florida; Chenier Plain environmental restoration project, Louisiana; False River, Louisiana; Fulmer Creek, Village of Mohawk, New York; Moyer Creek, Village of Frankfort, New York; Steele Creek, Village of Ilion, New York; Oriskany Wildlife Management Area, Rome, New York; Whitney Point Lake, Otselic River, Whitney Point, New York; North River, Peabody, Massachusetts; and Chenango Lake, Chenango County, New York.

The managers request that a timetable for the execution and completion of a feasibility cost-sharing agreement and initiation of construction of the Laguna Creek watershed flood damage reduction project, Fremont, California, be provided to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives within 90 days of the enactment of the Water Resources Development Act of 2007.

SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CERTAIN PROJECTS

House §5008(a), Senate §4012.—Senate recedes, with an amendment.

Section 5008(a) directs the Secretary to expedite completion of the following reports, and, if the Secretary determines that the project is justified, authorizes the Secretary to proceed to project preconstruction, engineering and design: Project for water supply, Little Red River, Arkansas; Watershed study, Fountain Creek, north of Pueblo, Colorado; Project for shoreline stabilization, Egmont Key, Florida; Project for navigation, Sabine-Neches Waterway, Texas and Louisiana; and Project for ecosystem restoration, University Lake, Baton Rouge, Louisiana.

In carrying out the review of the project for navigation, Sabine-Neches Waterway, Texas and Louisiana, referred to in subsection (a)(3), the Secretary is directed to utilize all current available data, models, and analyses to facilitate the scheduled completion of the Chief of Engineers report.

House §5008(b). No comparable Senate section.—Senate recedes.

SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESSMENT

House §5009. No comparable Senate section.—Senate recedes.

SEC. 5010. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT

House §5011, Senate §3109.—House recedes, with an amendment.

SEC. 5011. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM

House §5012, Senate §3141.—House recedes, with an amendment.

SEC. 5012. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION

House §5013, Senate §3142.—Senate recedes, with an amendment.

SEC. 5013. GREAT LAKES TRIBUTARY MODELS

House §5014, Senate §3143.—Senate recedes, with an amendment.

SEC. 5014. GREAT LAKES NAVIGATION AND PROTECTION

House §5015 and 5016, Senate §5029.—Senate recedes, with an amendment.

The Great Lakes contain 134 deep-draft harbors and six connecting channels within the Corps of Engineers' dredging responsibility, including 25 of the nation's largest ports. The total waterborne commerce on the Great Lakes equals nearly 7 percent of the nation's maritime commerce. Recent shortfalls in the Corps' dredging appropriation have delayed dredging at many Great Lakes ports and waterways. The low water levels that have plagued the Lakes since the late 1990s have only exacerbated the problem. As a result, the largest vessels in the Great Lakes fleet must forfeit nearly 270 tons of cargo for each 1-inch reduction in loaded draft. Ocean-going vessels in the international trade lose roughly 100 tons of cargo for each 1-inch loss of draft.

Section 5014(a) directs the Secretary, using available appropriated funds, to expedite the operation and maintenance, including dredging, of the navigation features of the Great Lakes and Connecting Channels for the purpose of supporting commercial navigation to authorized project depths.

SEC. 5015. SAINT LAWRENCE SEAWAY

House §5017. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 5016. UPPER MISSISSIPPI RIVER DISPERSAL BARRIER PROJECT

House §5018, Senate §4021.—Senate recedes, with an amendment.

SEC. 5017. ESTUARY RESTORATION

Senate §5002. No comparable House section.—House recedes, with an amendment.

SEC. 5018. MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY, AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING

Senate §5016. No comparable House section.—House recedes, with an amendment.

SEC. 5019. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA

House §5019, Senate §5010.—House recedes.

SEC. 5020. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM

House §5020, Senate §3068.—Senate recedes, with an amendment.

SEC. 5021. CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND

Senate §3124. No comparable House section.—House recedes.

SEC. 5022. HYPOXIA ASSESSMENT

House §5021. No comparable Senate section.—Senate recedes.

SEC. 5023. POTOMAC RIVER WATERSHED ASSESSMENT AND TRIBUTARY STRATEGY EVALUATION AND MONITORING PROGRAM

House §5022. No comparable Senate section.—Senate recedes.

SEC. 5024. LOCK AND DAM SECURITY

House §5023. No comparable Senate section.—Senate recedes.

SEC. 5025. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVER SALMON SURVIVAL

House §5025. No comparable Senate section.—Senate recedes.

SEC. 5026. WAGE SURVEYS

House §5135. No comparable Senate section.—Senate recedes.

SEC. 5027. REHABILITATION

House §5024. No comparable Senate section.—Senate recedes.

SEC. 5028. AUBURN, ALABAMA

House §5026. No comparable Senate section.—Senate recedes.

SEC. 5029. PINHOOK CREEK, HUNTSVILLE, ALABAMA

House §5027. No comparable Senate section.—Senate recedes.

SEC. 5030. ALASKA

House §5028, Senate §5004.—Senate recedes.

SEC. 5031. BARROW, ALASKA

House §5029. No comparable Senate section.—Senate recedes.

SEC. 5032. LOWELL CREEK TUNNEL, SEWARD, ALASKA

House §5034. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 5033. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA

House §5035, Senate §3001.—Same.

SEC. 5034. TANANA RIVER, ALASKA

House §5036. No comparable Senate section.—Senate recedes.

SEC. 5035. WRANGELL HARBOR, ALASKA

House §5039. No comparable Senate section.—Senate recedes.

SEC. 5036. AUGUSTA AND CLARENDON, ARKANSAS

House §5040, Senate §3007.—House recedes, with an amendment.

SEC. 5037. DES ARC LEVEE PROTECTION, ARKANSAS

House §5041. No comparable Senate section.—Senate recedes.

SEC. 5038. LOOMIS LANDING, ARKANSAS

House §5042. No comparable Senate section.—Senate recedes.

SEC. 5039. CALIFORNIA

Senate §5005. No comparable House section.—House recedes.

SEC. 5040. CALAVERAS RIVER AND LITTLEJOHN CREEK AND TRIBUTARIES, STOCKTON, CALIFORNIA

Senate §5007. No comparable House section.—House recedes.

SEC. 5041. CAMBRIA, CALIFORNIA

House §5044. No comparable Senate section.—Senate recedes.

SEC. 5042. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA; MALLARD SLOUGH, PITTSBURG, CALIFORNIA

House §5045. No comparable Senate section.—Senate recedes.

SEC. 5043. DANA POINT HARBOR, CALIFORNIA

House §5046. No comparable Senate section.—Senate recedes.

SEC. 5044. EAST SAN JOAQUIN COUNTY, CALIFORNIA

House §5047. No comparable Senate section.—Senate recedes.

SEC. 5045. EASTERN SANTA CLARA BASIN, CALIFORNIA

House §5048. No comparable Senate section.—Senate recedes.

SEC. 5046. LA-3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA

Senate §3016. No comparable House section.—House recedes.

SEC. 5047. LANCASTER, CALIFORNIA

House §5049. No comparable Senate section.—Senate recedes.

SEC. 5048. LOS OSOS, CALIFORNIA

House §5050. No comparable Senate section.—Senate recedes.

SEC. 5049. PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA

House §5051, Senate §3021.—House recedes.

SEC. 5050. RAYMOND BASIN, SIX BASINS, CHINO BASIN, AND SAN GABRIEL BASIN, CALIFORNIA

House §5052. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 5051. SAN FRANCISCO, CALIFORNIA

House §5053. No comparable Senate section.—Senate recedes.

SEC. 5052. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA

House §5054, Senate §3025.—Senate recedes, with an amendment.

SEC. 5053. SAN PABLO BAY, CALIFORNIA, WATERSHED AND SUISUN MARSH ECOSYSTEM RESTORATION

House §5055, Senate §4011.—Senate recedes.

SEC. 5054. ST. HELENA, CALIFORNIA

Senate §4008. No comparable House section.—House recedes, with an amendment.

SEC. 5055. UPPER CALAVERAS RIVER, STOCKTON, CALIFORNIA

House §5056. No comparable Senate section.—Senate recedes.

SEC. 5056. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS

Senate §5008, House §5002(d)(9).—House recedes, with an amendment.

SEC. 5057. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT

House §5057, Senate §3030.—Senate recedes.

SEC. 5058. STAMFORD, CONNECTICUT

No comparable Senate or House section.

The managers recognize the importance of waterfront and riverfront development projects to local communities and that, in some instances, waterfront and riverfront development plans contain elements that fall within traditional Corps mission areas of navigation, flood damage reduction, and environmental restoration, and associated recreation. However, the managers believe that waterfront and riverfront development projects, in and of themselves, are not a Corps mission and Corps participation in these development projects must be limited to traditional Corps missions. While recreation is frequently an element of waterfront and riverfront development projects, the managers do not intend for the Corps to carry out purely recreational elements of the project, unrelated to the traditional missions of the Corps. The managers direct the Corps to limit its work on recreation features to only those elements that relate to the traditional Corps mission areas that are being built as an element of the larger waterfront and riverfront development project plan.

SEC. 5059. DELMARVA CONSERVATION CORRIDOR, DELAWARE, MARYLAND, AND VIRGINIA

House §5081, Senate §5009.—House recedes, with an amendment.

SEC. 5060. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND

House §5080, Senate §5011.—Senate recedes.

SEC. 5061. EAST CENTRAL AND NORTHEAST FLORIDA

House §5060. No comparable Senate section.—Senate recedes.

SEC. 5062. FLORIDA KEYS WATER QUALITY IMPROVEMENTS

House §5058. No comparable Senate section.—Senate recedes.

SEC. 5063. LAKE WORTH, FLORIDA

House §5059. No comparable Senate section.—Senate recedes.

SEC. 5064. BIG CREEK, GEORGIA, WATERSHED MANAGEMENT AND RESTORATION PROGRAM

Senate §5012. No comparable House section.—House recedes.

SEC. 5065. METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT

Senate §5013. No comparable House section.—House recedes.

SEC. 5066. SAVANNAH, GEORGIA

No comparable Senate or House section.

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SEC. 5067. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, RURAL UTAH, AND WYOMING

Senate §5014. No comparable House section.—House recedes.

SEC. 5068. RILEY CREEK RECREATION AREA, IDAHO

House §5062. No comparable Senate section.—Senate recedes.

SEC. 5069. FLOODPLAIN MAPPING, LITTLE CALUMET RIVER, CHICAGO, ILLINOIS

House §5066. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 5070. RECONSTRUCTION OF ILLINOIS AND MISSOURI FLOOD PROTECTION PROJECTS

House §5063, Senate §3049.—House recedes, with an amendment.

SEC. 5071. ILLINOIS RIVER BASIN RESTORATION

House §5064, Senate §3048.—Senate recedes, with an amendment.

SEC. 5072. PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS

House §5067, Senate §4017. House recedes, with an amendment.

SEC. 5073. KASKASKIA RIVER BASIN, ILLINOIS, RESTORATION

House §5065. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 5074. SOUTHWEST ILLINOIS

House §5068. No comparable Senate section.—Senate recedes.

SEC. 5075. CALUMET REGION, INDIANA

House §5070. No comparable Senate section.—Senate recedes.

SEC. 5076. FLOODPLAIN MAPPING, MISSOURI RIVER, IOWA

House §5071. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 5077. PADUCAH, KENTUCKY

House §5072. No comparable Senate section.—Senate recedes.

SEC. 5078. SOUTHERN AND EASTERN KENTUCKY

House §5073. No comparable Senate section.—Senate recedes.

SEC. 5079. WINCHESTER, KENTUCKY

House §5074. No comparable Senate section.—Senate recedes.

SEC. 5080. BATON ROUGE, LOUISIANA

House §5075. No comparable Senate section.—Senate recedes.

SEC. 5081. CALCASIEU SHIP CHANNEL, LOUISIANA

House §5076. No comparable Senate section.—Senate recedes.

SEC. 5082. EAST ATCHAFALAYA BASIN AND AMITE RIVER BASIN REGION, LOUISIANA

House §5077. No comparable Senate section.—Senate recedes.

SEC. 5083. INNER HARBOR NAVIGATION CANAL LOCK PROJECT, LOUISIANA

Senate §5028. No comparable House section.—House recedes.

SEC. 5084. LAKE PONTCHARTRAIN, LOUISIANA

No comparable Senate or House section.

SEC. 5085. SOUTHEAST LOUISIANA REGION, LOUISIANA

Senate §5017. No comparable House section.—House recedes.

SEC. 5086. WEST BATON ROUGE PARISH, LOUISIANA

House §5078. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 5087. CHARLESTOWN, MARYLAND

House §5079. No comparable Senate section.—Senate recedes.

SEC. 5088. ST. MARY'S RIVER, MARYLAND

No comparable House or Senate section.

SEC. 5089. MASSACHUSETTS DREDGED MATERIAL DISPOSAL SITES

House §5082. No comparable Senate section.—Senate recedes.

SEC. 5090. ONTONAGON HARBOR, MICHIGAN

House §5083. No comparable Senate section.—Senate recedes.

SEC. 5091. CROOKSTON, MINNESOTA

House §5084. No comparable Senate section.—Senate recedes.

SEC. 5092. GARRISON AND KATHIO TOWNSHIP, MINNESOTA

House §5085. No comparable Senate section.—Senate recedes.

SEC. 5093. ITASCA COUNTY, MINNESOTA

House §5086. No comparable Senate section.—Senate recedes.

SEC. 5094. MINNEAPOLIS, MINNESOTA

House §5087. No comparable Senate section.—Senate recedes.

SEC. 5095. NORTHEASTERN MINNESOTA

House §5088. No comparable Senate section.—Senate recedes.

SEC. 5096. WILD RICE RIVER, MINNESOTA

House §5089, Senate §4020.—Senate recedes.

SEC. 5097. MISSISSIPPI

Senate §5018. No comparable House section.—House recedes.

SEC. 5098. HARRISON, HANCOCK, AND JACKSON COUNTIES, MISSISSIPPI

House §5090. No comparable Senate section.—Senate recedes.

SEC. 5099. MISSISSIPPI RIVER, MISSOURI AND ILLINOIS

House §5091. No comparable Senate section.—Senate recedes.

SEC. 5100. ST. LOUIS, MISSOURI

House §5092. No comparable Senate section.—Senate recedes.

SEC. 5101. ST. LOUIS REGIONAL GREENWAYS, ST. LOUIS, MISSOURI

No comparable Senate or House section.

The managers recognize the importance of waterfront and riverfront development projects to local communities and that, in some instances, waterfront and riverfront development plans contain elements that fall within traditional Corps mission areas of navigation, flood damage reduction, and environmental restoration, and associated recreation. However, the managers believe that waterfront and riverfront development projects, in and of themselves, are not a Corps mission and Corps participation in these development projects must be limited to traditional Corps missions. While recreation is frequently an element of waterfront and riverfront development projects, the managers do not intend for the Corps to carry out purely recreational elements of the project, unrelated to the traditional missions of the Corps. The managers direct the Corps to limit its work on recreation features to only those elements that relate to the traditional Corps mission areas that are being built as an element of the larger waterfront and riverfront development project plan.

SEC. 5102. MISSOULA, MONTANA

No comparable Senate or House section.

The managers recognize the importance of waterfront and riverfront development projects to local communities and that, in some instances, waterfront and riverfront development plans contain elements that fall within traditional Corps mission areas of navigation, flood damage reduction, and environmental restoration, and associated recreation. However, the managers believe that waterfront and riverfront development projects, in and of themselves, are not a Corps mission and Corps participation in these development projects must be limited to traditional Corps missions. While recreation is frequently an element of waterfront and riverfront development projects, the managers do not intend for the Corps to carry out purely recreational elements of the project, unrelated to the traditional missions of the Corps. The managers direct the Corps to limit its work on recreation features to only those elements that relate to the traditional Corps mission areas that are being built as an element of the larger waterfront and riverfront development project plan.

SEC. 5103. ST. MARY PROJECT, GLACIER COUNTY, MONTANA

Senate §5019. No comparable House section.—House recedes, with an amendment.

In carrying out this section, the managers expect the Secretary to conduct all hiring and contracting in accordance with the requirements set forth in the Indian Self Determination Act.

SEC. 5104. LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA

Senate §5020, House §5002(d)(8).—House recedes, with an amendment.

SEC. 5105. HACKENSACK MEADOWLANDS AREA, NEW JERSEY

House §5093. No comparable Senate section.—Senate recedes.

SEC. 5106. ATLANTIC COAST OF NEW YORK

House §5094. No comparable Senate section.—Senate recedes.

SEC. 5107. COLLEGE POINT, NEW YORK CITY, NEW YORK

House §5095. No comparable Senate section.—Senate recedes.

SEC. 5108. FLUSHING BAY AND CREEK, NEW YORK CITY, NEW YORK

House §5096. No comparable Senate section.—Senate recedes.

SEC. 5109. HUDSON RIVER, NEW YORK

House §5097. No comparable Senate section.—Senate recedes, with an amendment.

The managers recognize the importance of waterfront and riverfront development projects to local communities and that, in some instances, waterfront and riverfront development plans contain elements that fall within traditional Corps mission areas of navigation, flood damage reduction, and environmental restoration, and associated recreation. However, the managers believe that waterfront and riverfront development projects, in and of themselves, are not a Corps mission and Corps participation in these development projects must be limited to traditional Corps missions. While recreation is frequently an element of waterfront and riverfront development projects, the managers do not intend for the Corps to carry out purely recreational elements of the project, unrelated to the traditional missions of the Corps. The managers direct the Corps to limit its work on recreation features to only those elements that relate to the traditional Corps mission areas that are being built as an element of the larger waterfront and riverfront development project plan.

SEC. 5110. MOUNT MORRIS DAM, NEW YORK

House §5098. No comparable Senate section.—Senate recedes.

SEC. 5111. NORTH HEMPSTED AND GLEN COVE NORTH SHORE WATERSHED RESTORATION, NEW YORK

No comparable Senate or House section.

The managers recognize the importance of waterfront and riverfront development projects to local communities and that, in some instances, waterfront and riverfront development plans contain elements that fall within traditional Corps mission areas of navigation, flood damage reduction, and environmental restoration, and associated recreation. However, the managers believe that waterfront and riverfront development projects, in and of themselves, are not a Corps mission and Corps participation in these development projects must be limited to traditional Corps missions. While recreation is frequently an element of waterfront and riverfront development projects, the managers do not intend for the Corps to carry out purely recreational elements of the project, unrelated to the traditional missions of the Corps. The managers direct the Corps to limit its work on recreation features to only those elements that relate to the traditional Corps mission areas that are being built as an element of the larger waterfront and riverfront development project plan.

SEC. 5112. ROCHESTER, NEW YORK

No comparable Senate or House section.

The managers recognize the importance of waterfront and riverfront development projects to local communities and that, in some instances, waterfront and riverfront development plans contain elements that fall within traditional Corps mission areas of navigation, flood damage reduction, and environmental restoration, and associated recreation. However, the managers believe that waterfront and riverfront development projects, in and of themselves, are not a Corps mission and Corps participation in these development projects must be limited to traditional Corps missions. While recreation is frequently an element of waterfront and riverfront development projects, the managers do not intend for the Corps to carry out purely recreational elements of the project, unrelated to the traditional missions of the Corps. The managers direct the Corps to limit its work on recreation features to only those elements that relate to the traditional Corps mission areas that are being built as an element of the larger waterfront and riverfront development project plan.

SEC. 5113. NORTH CAROLINA

Senate §5021. No comparable House section.—House recedes.

SEC. 5114. STANLY COUNTY, NORTH CAROLINA

House §5100. No comparable Senate section.—Senate recedes.

SEC. 5115. JOHN H. KERR DAM AND RESERVOIR, NORTH CAROLINA

House §5099. No comparable Senate section.—Senate recedes.

SEC. 5116. CINCINNATI, OHIO

House §5101. No comparable Senate section.—Senate recedes, with an amendment.

The managers recognize the importance of waterfront and riverfront development projects to local communities and that, in some instances, waterfront and riverfront development plans contain elements that fall within traditional Corps mission areas of navigation, flood damage reduction, and environmental restoration, and associated recreation. However, the managers believe that waterfront and riverfront development projects, in and of themselves, are not a Corps mission and Corps participation in these development projects must be limited to traditional Corps missions. While recreation is frequently an element of waterfront and riverfront development projects, the managers do not intend for the Corps to carry out purely recreational elements of the project, unrelated to the traditional missions of the Corps. The managers direct the Corps to limit its work on recreation features to only those elements that relate to the traditional Corps mission areas that are being built as an element of the larger waterfront and riverfront development project plan.

SEC. 5117. OHIO RIVER BASIN ENVIRONMENTAL MANAGEMENT

Senate §5022. No comparable House section.—House recedes.

SEC. 5118. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO

House §5102, Senate §3095.—House recedes, with an amendment.

SEC. 5119. STATEWIDE COMPREHENSIVE WATER PLANNING, OKLAHOMA

Senate §5023. No comparable House section.—House recedes.

SEC. 5120. FERN RIDGE DAM, OREGON

House §5104. No comparable Senate section.—Senate recedes.

SEC. 5121. ALLEGHENY COUNTY, PENNSYLVANIA

House §5105. No comparable Senate section.—Senate recedes.

SEC. 5122. CLINTON COUNTY, PENNSYLVANIA

House §5106. No comparable Senate section.—Senate recedes.

SEC. 5123. KEHLY RUN DAMS, PENNSYLVANIA

House §5107. No comparable Senate section.—Senate recedes.

SEC. 5124. LEHIGH RIVER, LEHIGH COUNTY, PENNSYLVANIA

House §5108. No comparable Senate section.—Senate recedes.

SEC. 5125. NORTHEAST PENNSYLVANIA

House §5109. No comparable Senate section.—Senate recedes.

SEC. 5126. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK

House §5110, Senate §3105.—Senate recedes, with an amendment.

SEC. 5127. CANO MARTIN PENA, SAN JUAN, PUERTO RICO

House §5111. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 5128. LAKES MARION AND MOULTRIE, SOUTH CAROLINA

No comparable House or Senate section.

SEC. 5129. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

House §5112, Senate §5024.—Same.

SEC. 5130. EAST TENNESSEE

House §5113. No comparable Senate section.—Senate recedes.

SEC. 5131. FRITZ LANDING, TENNESSEE

House §5114. No comparable Senate section.—Senate recedes.

SEC. 5132. J. PERCY PRIEST DAM AND RESERVOIR, TENNESSEE

House §5115. No comparable Senate section.—Senate recedes.

SEC. 5133. NASHVILLE, TENNESSEE

No comparable Senate or House section.

The managers recognize the importance of waterfront and riverfront development projects to local communities and that, in some instances, waterfront and riverfront development plans contain elements that fall within traditional Corps mission areas of navigation, flood damage reduction, and environmental restoration, and associated recreation. However, the managers believe that waterfront and riverfront development projects, in and of themselves, are not a Corps mission and Corps participation in these development projects must be limited to traditional Corps missions. While recreation is frequently an element of waterfront and riverfront development projects, the managers do not intend for the Corps to carry out purely recreational elements of the project, unrelated to the traditional missions of the Corps. The managers direct the Corps to limit its work on recreation features to only those elements that relate to the traditional Corps mission areas that are being built as an element of the larger waterfront and riverfront development project plan.

SEC. 5134. NONCONNAH WEIR, MEMPHIS, TENNESSEE

Senate §3110. No comparable House section.—House recedes.

SEC. 5135. TENNESSEE RIVER PARTNERSHIP

House §5117. No comparable Senate section.—Senate recedes.

SEC. 5136. TOWN CREEK, LENOIR CITY, TENNESSEE

House §5116. No comparable Senate section.—Senate recedes.

SEC. 5137. UPPER MISSISSIPPI EMBAYMENT, TENNESSEE, ARKANSAS, AND MISSISSIPPI

House §5118. No comparable Senate section.—Senate recedes.

SEC. 5138. TEXAS

Senate §5025. No comparable House section.—House recedes.

SEC. 5139. BOSQUE RIVER WATERSHED, TEXAS

House §5119. No comparable Senate section.—Senate recedes.

SEC. 5140. DALLAS COUNTY REGION, TEXAS

House §5120. No comparable Senate section.—Senate recedes.

SEC. 5141. DALLAS FLOODWAY, DALLAS, TEXAS

House §5121. No comparable Senate section.—Senate recedes.

SEC. 5142. HARRIS COUNTY, TEXAS

House §5122, Senate §3117.—House recedes.

SEC. 5143. JOHNSON CREEK, ARLINGTON, TEXAS

House §5123, Senate §4029.—Senate recedes.

SEC. 5144. ONION CREEK, TEXAS

House §5124. No comparable Senate section.—Senate recedes.

SEC. 5145. CONNECTICUT RIVER DAMS, VERMONT

Senate §5026. No comparable House section.—House recedes.

SEC. 5146. LAKE CHAMPLAIN CANAL, VERMONT AND NEW YORK

Senate §4032. No comparable House section.—House recedes.

SEC. 5147. DYKE MARSH, FAIRFAX COUNTY, VIRGINIA

House §5126. No comparable Senate section.—Senate recedes.

SEC. 5148. EASTERN SHORE AND SOUTHWEST VIRGINIA

House §5125. No comparable Senate section.—Senate recedes.

SEC. 5149. JAMES RIVER, VIRGINIA

Senate §3125. No comparable House section.—House recedes.

SEC. 5150. BAKER BAY AND ILWACO HARBOR, WASHINGTON

House §5127, Senate §4033.—Senate recedes.

SEC. 5151. HAMILTON ISLAND CAMPGROUND, WASHINGTON

House §5128. No comparable Senate section.—Senate recedes.

SEC. 5152. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON

House §5129, Senate §3127.—House recedes.

SEC. 5153. WILLAPA BAY, WASHINGTON

House §5130. No comparable Senate section.—Senate recedes.

SEC. 5154. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL

House §5131. No comparable Senate section.—Senate recedes.

SEC. 5155. CENTRAL WEST VIRGINIA

House §5132. No comparable Senate section.—Senate recedes.

SEC. 5156. SOUTHERN WEST VIRGINIA

House §5133. No comparable Senate section.—Senate recedes.

SEC. 5157. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS

House §5134, Senate §2011.—Senate recedes, with an amendment.

(12) Perris, California

(13) Thornton Reservoir, Cook County, Illinois.

(14) Larose to Golden Meadow, Louisiana.

(15) Buffalo Bayou, Texas.

(16) Halls Bayou, Texas.

(17) Menomonee River Watershed, Wisconsin.

SEC. 5158. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS

House §5136, Senate §5003. House recedes, with an amendment.

TITLE VI—FLORIDA EVERGLADES

SEC. 6001. HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA

House §6001, Senate §3037.—Senate recedes, with an amendment.

SEC. 6002. PILOT PROJECTS

House §6002. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 6003. MAXIMUM COSTS

House §6004, Senate §3034.—Senate recedes, with an amendment.

SEC. 6004. CREDIT

House §6006. No comparable Senate section.—Senate recedes.

The managers are concerned about the practice of the non-Federal sponsor performing work on the project without a written agreement with the Corps, and then relying upon legislation to receive credit against the non-Federal share. Consistent with section 2003 of this bill, for future work to be considered eligible for credit, it must be performed under a written agreement with the Secretary.

SEC. 6005. OUTREACH AND ASSISTANCE

House §6007. No comparable Senate section.—Senate recedes.

SEC. 6006. CRITICAL RESTORATION PROJECTS

House §6008, Senate §3036. House recedes, with an amendment.

SEC. 6007. REGIONAL ENGINEERING MODEL FOR ENVIRONMENTAL RESTORATION

House §6011. No comparable Senate section.—Senate recedes.

INITIAL PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION PLAN, FLORIDA

The managers have agreed to delete House section 6003 that would have increased the maximum cost for three initial projects of the Comprehensive Everglades Restoration Plan (CERP)—Water Conservation Areas 3A/3B Levee Seepage Management, C-11 Impoundment and Stormwater Treatment Area, and C-9 Impoundment and Stormwater Treatment Area. These projects are still undergoing study and final cost estimates are not available. Project components of CERP have seen their cost estimates vary widely during the project formulation and design phases. The managers support the completion of the studies on these projects prior to taking action on their cost estimates. Until the final project implementation report recommends final cost estimates, the managers believe that it is premature to enact new cost figures.

The project implementation reports for the three projects are projected to be completed in 2008. The managers expect to consider the correct authorization levels for these projects in a water resources bill next year.

MODIFIED WATER DELIVERIES PROJECT, FLORIDA

The Everglades National Park Protection and Expansion Act of 1989, Public Law 101-229, (1989 Act), authorized the expansion of Everglades National Park (Park), a change to more natural water deliveries to the Park, and flood damage reduction measures for the area known as the eight and one-half square mile area. Of the three activities, there still has been no change in water deliveries to the Park. Without a change in water delivery to the Park, restoration of the Everglades, and many of the projects authorized as components of the Comprehensive Everglades Restoration Plan (CERP) in 2000, will not succeed.

To achieve more natural water deliveries to the Park, it is necessary to modify the way water crosses under the Tamiami Trail Highway. The managers of the bill are concerned that nearly 18 years have passed since the 1989 Act, and the restoration of more natural water flows has not occurred. While the House bill contained language directing a particular option toward restoring flows, the Corps of Engineers and other interested parties have indicated that the "two-bridge" option may not be the preferred solution. However, the managers are concerned that continuing re-analysis of options for modifying water deliveries will only delay benefits to the Everglades.

The managers have observed proposals related to improved water deliveries to the Park come and go over the years, yet the more natural flows to the Park do not occur. It is time for the Chief of Engineers to implement measures to improve water deliveries and adopt an adaptive management approach toward restoring flows.

The managers have agreed to delete the House language on the two-bridge option. The managers direct the Chief of Engineers to re-examine options to modify the water delivery to the Park. However, the managers also direct the Chief of Engineer to pursue immediate steps to increase flows to the Park of at least 1400 cubic feet per second, without significantly increasing the risk of roadbed failure. Flows less than 1400 cubic feet per second will not produce measurable benefits to the Park.

The managers direct the Chief of Engineers to proceed with increasing flows to the Park upon the completion of the eight and one-half square mile area construction this fall.

Completing that construction removes the current constraint on water levels within the Northeast Shark River Slough area of the Park.

The managers direct the Chief of Engineers to re-examine the prior reports and environmental documentation associated with modifying water deliveries to the Park prepared under the 1989 Act, and to evaluate the practicable alternatives for increasing the flow of water under the highway and into the Park. The recommendations resulting from this re-examination are to be for improving flows in a manner that is consistent with the direction in the 1989 Act that the Secretary of the Army construct modifications "to improve water deliveries into the park and shall, to the extent practicable, take steps to restore the natural hydrological conditions within the Park." The managers direct that the flows to the Park have a minimum target of 4000 cubic feet per second so as to address the restoration envisioned in the 1989 Act.

The Chief of Engineers is to develop the recommendations in consultation with the Department of the Interior, the Department of Transportation, the Miccosukee Tribe of Indians of Florida, the Seminole Tribe of Florida, and the State of Florida, and shall consider environmental benefits produced, cost, related CERP improvements, and other relevant factors.

The recommendations of the Chief of Engineers shall identify a plan for increasing and distributing water flows to the Park through project components that take into account the fact that a subsequent project involving modifications to the Tamiami Trail Highway may be accomplished under the authority of the Water Resources Development Act of 2000. Modifications that are not compatible with that project or are duplicative should be avoided.

The recommendations of the Chief of Engineers shall be available for public review and comment consistent with applicable law, and shall be submitted to Congress not later than July 1, 2008.

Concurrent with the preparation of recommendations for modifying water deliveries under the 1989 Act, the managers direct the Chief of Engineers to initiate an evaluation of the Tamiami Trail project component of the Comprehensive Everglades Restoration Plan authorized by section 601(b)(2)(C)(viii) of the Water Resources Development Act of 2000, or other appropriate authorities, as soon as practicable. The recommendations shall include an evaluation of modifying Tamiami Trail from Krome Avenue to the boundary of the Big Cypress National Park to restore natural flows and ecological connectivity through the Park to Florida Bay. Upon completion of these recommendations the Chief of Engineers shall submit the recommendations to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

The House language in section 6009 also addressed cost allocations between the Secretary and the Secretary of the Interior. The managers direct that any arrangements for sharing of costs between the Secretaries be prospective only. The mangers do not support any arrangement where the Secretary of the Interior is credited with expenditures for land acquisition toward the costs of modifying the water delivery to the Park. These costs represent separate responsibilities within the missions of the Department of the Army and the Department of the Interior, and the costs of one should not be used to offset the costs of the other.

TITLE VII—LOUISIANA COASTAL AREA

SEC. 7001. DEFINITIONS

House §7001. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 7002. COMPREHENSIVE PLAN

House §7002, Senate §1003(h).—Senate recedes, with an amendment.

SEC. 7003. LOUISIANA COASTAL AREA

House §7003, Senate §1003(a) and (b).—House recedes, with an amendment.

SEC. 7004. COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION TASK FORCE

House §7004, Senate §1003(i).—House recedes, with an amendment.

SEC. 7005. PROJECT MODIFICATIONS

House §7005, Senate §1003(m).—Senate recedes, with an amendment.

SEC. 7006. CONSTRUCTION

House §7006, Senate §1003(c), (d), (e), (f) and (j).—House recedes, with an amendment.

For the benefit of the Louisiana coastal area, the managers have authorized a number of projects and programs. In the case of the Additional Projects authorized in section 7006(e), the managers have authorized 4 projects for construction and have authorized 6 other projects contingent upon a Chief's Report being completed no later than December 31, 2010. The managers understand that the 4 projects authorized for construction are closer to having a completed study than are the other 6 projects. The managers expect the Secretary to plan and construct all of these projects on a priority and a schedule that maximizes the efficient and timely delivery of benefits.

SEC. 7007. NON-FEDERAL COST SHARE

House §7007. Senate §1003(g).—Senate recedes, with an amendment.

SEC. 7008. PROJECT JUSTIFICATION

House §7008, Senate §1003(k).—Senate recedes.

SEC. 7009. INDEPENDENT REVIEW

House §7009, Senate §1003(n).—House recedes, with an amendment.

SEC. 7010. EXPEDITED REPORTS

House §7010, Senate §1003(t).—House recedes, with an amendment.

SEC. 7011. REPORTING

House §7011. No comparable Senate provision.—Senate recedes.

SEC. 7012. NEW ORLEANS AND VICINITY

House §7012, Senate §1003(p).—House recedes, with an amendment.

SEC. 7013. MISSISSIPPI RIVER-GULF OUTLET

House §7013, Senate §1003(s).—House recedes, with an amendment.

SEC. 7014. HURRICANE AND STORM DAMAGE REDUCTION

Senate §1003(u). No comparable House provision.—House recedes, with an amendment.

SEC. 7015. LAROSE TO GOLDEN MEADOW

Senate §1003(q). No comparable House provision.—House recedes, with an amendment.

SEC. 7016. LOWER JEFFERSON PARISH, LOUISIANA

Senate §1003(r). No comparable House provision.—House recedes, with an amendment.

TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM

SEC. 8001. DEFINITIONS

House §8001, Senate §1002(a).—Same.

SEC. 8002. NAVIGATIONAL IMPROVEMENTS AND RESTORATION

House §8002. No comparable Senate section.—Senate recedes.

SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGATIONAL IMPROVEMENTS

House §8003, Senate §1002(b).—House recedes, with an amendment.

SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION

House §8004, Senate §1002(c).—Senate recedes, with an amendment.

SEC. 8005. COMPARABLE PROGRESS

House §8005, Senate §1002(d).—Senate recedes.

TITLE IX—NATIONAL LEVEE SAFETY PROGRAM

SEC. 9001. SHORT TITLE

Senate §2051. No comparable House section.—House recedes, with an amendment.

SEC. 9002. DEFINITIONS

Senate §2052. No comparable House section.—House recedes, with an amendment.

SEC. 9003. COMMITTEE ON LEVEE SAFETY

Senate §2053 and 2054. No comparable House section.—House recedes, with an amendment.

SEC. 9004. INVENTORY AND INSPECTION OF LEVEES

Senate §2054. No comparable House section.—House recedes, with an amendment.

SEC. 9005. LIMITATIONS ON STATUTORY CONSTRUCTION

No comparable House or Senate section.

SEC. 9006. AUTHORIZATION OF APPROPRIATIONS

Senate §2055. No comparable House section.—House recedes, with an amendment.

ADDITIONAL MATTERS

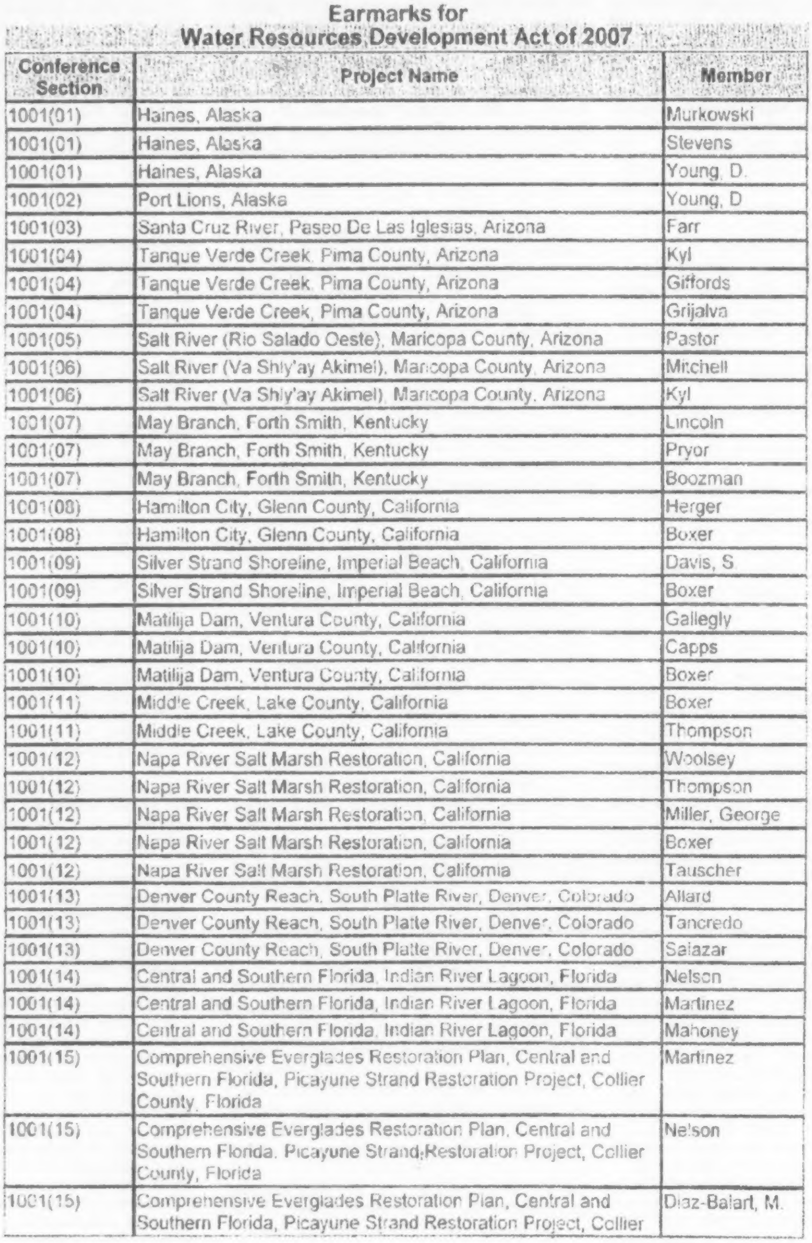
The managers request the Secretary make it a priority to reimburse non-federal project sponsors for carrying out federal projects in accordance with cooperative agreements. These projects provide benefits to the federal taxpayer and the Corps of Engineers should make every effort to reimburse non-federal project sponsors the appropriate amount in a timely manner. In one instance, Manatee County, Florida carried out the Anna Maria Island beach re-nourishment under a cooperative agreement with the Army Corps of Engineers for construction of the Manatee County Shore Protection Project in 2002. For Fiscal Year 2002, Congress appropriated $1 million for the project, and in Fiscal Year 2003, Congress appropriated $3.5 million for the project. Yet, Manatee County has received only $2.3 million in reimbursement from the Army Corps of Engineers and is still owed over $1.7 million for work that was completed in 2002. Many local communities and other non-federal project sponsors that undertake federal projects put their financial security at stake and timely reimbursement by the Corps of Engineers is critical to their economic prosperity.

The Corps recently determined that the stability of Wolf Creek Dam is threatened by seepage under and around the dam, increasing the risk of catastrophic failure. The managers recognize that the Corps has cited an extreme concern for safety and lowered the level of Lake Cumberland dramatically to mitigate the risk of failure. The managers recognize that the Nashville District of the Corps has recommended that this project be classified as a dam safety project and therefore subject to reimbursement rates in accordance with the Dam Safety Act. Given the threat to safety as cited by the Corps and the recommendation by the Corps district office, the managers urge the administration to accept the recommendation of the Corps to classify this project as dam safety, and to finalize such a decision as soon as possible.

The managers have increasingly heard concerns from Members of Congress regarding the backlog in the processing of permits under section 404 of the Clean Water Act. In particular, the Jacksonville District of the Corps of Engineers processes 1/8 of all the permits nationwide. The managers direct the Chief of Engineers to examine the permitting workload and consider alternatives for better distribution of the workload. The managers also direct the Chief of Engineers to work with States using current authorities to minimize the time required for the Corps to respond to permit applications.

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee on Transportation and Infrastructure is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits (as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives) in the Conference Report. The Committee on Transportation and Infrastructure requires Members of Congress to comply with all requirements of clause 9(d), 9(e), or 9(f) of rule XXI. The following table provides the list of such provisions included in the Conference Report:



Earmarks for Water Resources Development Act of 2007

Conference Section	Project Name	Member
1001(01)	Haines, Alaska	Murkowski
1001(01)	Haines, Alaska	Stevens
1001(01)	Haines, Alaska	Young, D.
1001(02)	Port Lions, Alaska	Young, D
1001(03)	Santa Cruz River, Paseo De Las Iglesias, Arizona	Farr
1001(04)	Tanque Verde Creek, Pima County, Arizona	Kyl
1001(04)	Tanque Verde Creek, Pima County, Arizona	Giffords
1001(04)	Tanque Verde Creek, Pima County, Arizona	Grijalva
1001(05)	Salt River (Rio Salado Oeste), Maricopa County, Arizona	Pastor
1001(06)	Salt River (Va Shly'ay Akimel), Maricopa County, Arizona	Mitchell
1001(06)	Salt River (Va Shly'ay Akimel), Maricopa County, Arizona	Kyl
1001(07)	May Branch, Forth Smith, Kentucky	Lincoln
1001(07)	May Branch, Forth Smith, Kentucky	Pryor
1001(07)	May Branch, Forth Smith, Kentucky	Boozman
1001(08)	Hamilton City, Glenn County, California	Herger
1001(08)	Hamilton City, Glenn County, California	Boxer
1001(09)	Silver Strand Shoreline, Imperial Beach, California	Davis, S.
1001(09)	Silver Strand Shoreline, Imperial Beach, California	Boxer
1001(10)	Matilija Dam, Ventura County, California	Gallegly
1001(10)	Matilija Dam, Ventura County, California	Capps
1001(10)	Matilija Dam, Ventura County, California	Boxer
1001(11)	Middle Creek, Lake County, California	Boxer
1001(11)	Middle Creek, Lake County, California	Thompson
1001(12)	Napa River Salt Marsh Restoration, California	Woolsey
1001(12)	Napa River Salt Marsh Restoration, California	Thompson
1001(12)	Napa River Salt Marsh Restoration, California	Miller, George
1001(12)	Napa River Salt Marsh Restoration, California	Boxer
1001(12)	Napa River Salt Marsh Restoration, California	Tauscher
1001(13)	Denver County Reach, South Platte River, Denver, Colorado	Allard
1001(13)	Denver County Reach, South Platte River, Denver, Colorado	Tancredo
1001(13)	Denver County Reach, South Platte River, Denver, Colorado	Salazar
1001(14)	Central and Southern Florida, Indian River Lagoon, Florida	Nelson
1001(14)	Central and Southern Florida, Indian River Lagoon, Florida	Martinez
1001(14)	Central and Southern Florida, Indian River Lagoon, Florida	Mahoney
1001(15)	Comprehensive Everglades Restoration Plan, Central and Southern Florida, Picayune Strand Restoration Project, Collier County, Florida	Martinez
1001(15)	Comprehensive Everglades Restoration Plan, Central and Southern Florida, Picayune Strand Restoration Project, Collier County, Florida	Nelson
1001(15)	Comprehensive Everglades Restoration Plan, Central and Southern Florida, Picayune Strand Restoration Project, Collier	Diaz-Balart, M.

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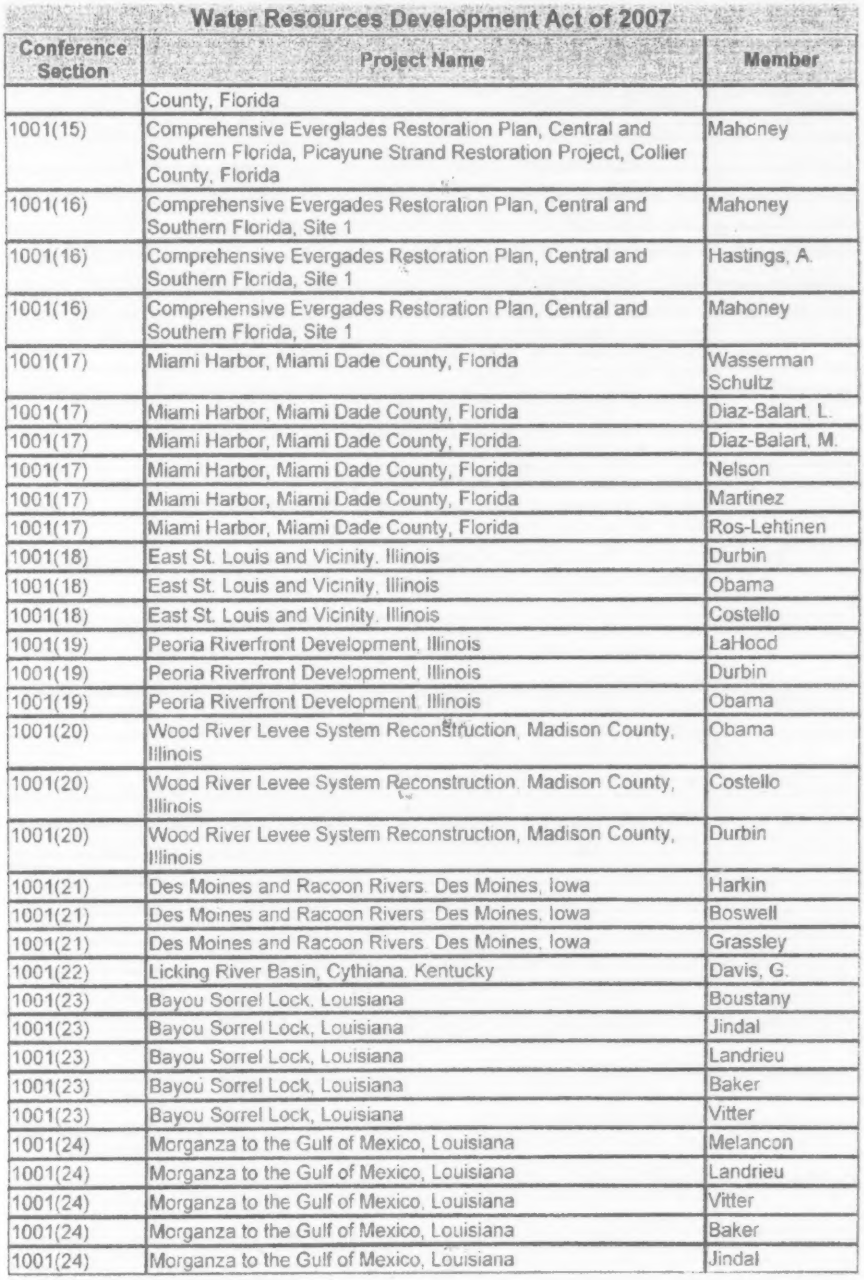

Water Resources Development Act of 2007

Conference Section	Project Name	Member
	County, Florida	
1001(15)	Comprehensive Everglades Restoration Plan, Central and Southern Florida, Picayune Strand Restoration Project, Collier County, Florida	Mahoney
1001(16)	Comprehensive Evergades Restoration Plan, Central and Southern Florida, Site 1	Mahoney
1001(16)	Comprehensive Evergades Restoration Plan, Central and Southern Florida, Site 1	Hastings, A.
1001(16)	Comprehensive Evergades Restoration Plan, Central and Southern Florida, Site 1	Mahoney
1001(17)	Miami Harbor, Miami Dade County, Florida	Wasserman Schultz
1001(17)	Miami Harbor, Miami Dade County, Florida	Diaz-Balart, L.
1001(17)	Miami Harbor, Miami Dade County, Florida	Diaz-Balart, M.
1001(17)	Miami Harbor, Miami Dade County, Florida	Nelson
1001(17)	Miami Harbor, Miami Dade County, Florida	Martinez
1001(17)	Miami Harbor, Miami Dade County, Florida	Ros-Lehtinen
1001(18)	East St. Louis and Vicinity, Illinois	Durbin
1001(18)	East St. Louis and Vicinity, Illinois	Obama
1001(18)	East St. Louis and Vicinity, Illinois	Costello
1001(19)	Peoria Riverfront Development, Illinois	LaHood
1001(19)	Peoria Riverfront Development, Illinois	Durbin
1001(19)	Peoria Riverfront Development, Illinois	Obama
1001(20)	Wood River Levee System Reconstruction, Madison County, Illinois	Obama
1001(20)	Wood River Levee System Reconstruction, Madison County, Illinois	Costello
1001(20)	Wood River Levee System Reconstruction, Madison County, Illinois	Durbin
1001(21)	Des Moines and Racoon Rivers, Des Moines, Iowa	Harkin
1001(21)	Des Moines and Racoon Rivers, Des Moines, Iowa	Boswell
1001(21)	Des Moines and Racoon Rivers, Des Moines, Iowa	Grassley
1001(22)	Licking River Basin, Cythiana, Kentucky	Davis, G.
1001(23)	Bayou Sorrel Lock, Louisiana	Boustany
1001(23)	Bayou Sorrel Lock, Louisiana	Jindal
1001(23)	Bayou Sorrel Lock, Louisiana	Landrieu
1001(23)	Bayou Sorrel Lock, Louisiana	Baker
1001(23)	Bayou Sorrel Lock, Louisiana	Vitter
1001(24)	Morganza to the Gulf of Mexico, Louisiana	Melancon
1001(24)	Morganza to the Gulf of Mexico, Louisiana	Landrieu
1001(24)	Morganza to the Gulf of Mexico, Louisiana	Vitter
1001(24)	Morganza to the Gulf of Mexico, Louisiana	Baker
1001(24)	Morganza to the Gulf of Mexico, Louisiana	Jindal

Water Resources Development Act of 2007

Conference Section	Project Name	Member
1001(25)	Port of Iberia, Louisiana	Jindal
1001(25)	Port of Iberia, Louisiana	Melancon
1001(26)	Smith Island, Somerset County, Maryland	Cardin
1001(26)	Smith Island, Somerset County, Maryland	Gilchrest
1001(26)	Smith Island, Somerset County, Maryland	Mikulski
1001(27)	Roseau River, Roseau, Minnesota	Klobuchar
1001(27)	Roseau River, Roseau, Minnesota	Peterson, C.
1001(27)	Roseau River, Roseau, Minnesota	Coleman
1001(28)	Argentine, East Bottoms, Fairfax-Jersey Creek, And North Kansas Levees Units, Missouri River and Tributaries at Kansas Cities, Missouri and Kansas	Moore, D.
1001(28)	Argentine, East Bottoms, Fairfax-Jersey Creek, And North Kansas Levees Units, Missouri River and Tributaries at Kansas Cities, Missouri and Kansas	McCaskill
1001(28)	Argentine, East Bottoms, Fairfax-Jersey Creek, And North Kansas Levees Units, Missouri River and Tributaries at Kansas Cities, Missouri and Kansas	Roberts
1001(28)	Argentine, East Bottoms, Fairfax-Jersey Creek, And North Kansas Levees Units, Missouri River and Tributaries at Kansas Cities, Missouri and Kansas	Brownback
1001(28)	Argentine, East Bottoms, Fairfax-Jersey Creek, And North Kansas Levees Units, Missouri River and Tributaries at Kansas Cities, Missouri and Kansas	Bond
1001(28)	Argentine, East Bottoms, Fairfax-Jersey Creek, And North Kansas Levees Units, Missouri River and Tributaries at Kansas Cities, Missouri and Kansas	Cleaver
1001(29)	Swope Park Industrial Area, Blue River, Kansas City, Missouri	Bond
1001(29)	Swope Park Industrial Area, Blue River, Kansas City, Missouri	McCaskill
1001(29)	Swope Park Industrial Area, Blue River, Kansas City, Missouri	Cleaver
1001(30)	Great Egg Harbor Inlet to Townsends Inlet, New Jersey	Menendez
1001(30)	Great Egg Harbor Inlet to Townsends Inlet, New Jersey	Lautenberg
1001(30)	Great Egg Harbor Inlet to Townsends Inlet, New Jersey	LoBiondo
1001(31)	Hudson Raritan Estuary, Liberty State Park, New Jersey	Sires
1001(31)	Hudson Raritan Estuary, Liberty State Park, New Jersey	Menendez
1001(31)	Hudson Raritan Estuary, Liberty State Park, New Jersey	Lautenberg
1001(32)	New Jersey Shore Protection Study, Manasquan Inlet to Barnegat Inlet, New Jersey	Saxton
1001(32)	New Jersey Shore Protection Study, Manasquan Inlet to Barnegat Inlet, New Jersey	Smith, C.
1001(32)	New Jersey Shore Protection Study, Manasquan Inlet to Barnegat Inlet, New Jersey	Menendez
1001(32)	New Jersey Shore Protection Study, Manasquan Inlet to Barnegat Inlet, New Jersey	Lautenberg
1001(33)	Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey	Menendez
1001(33)	Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey	Pallone

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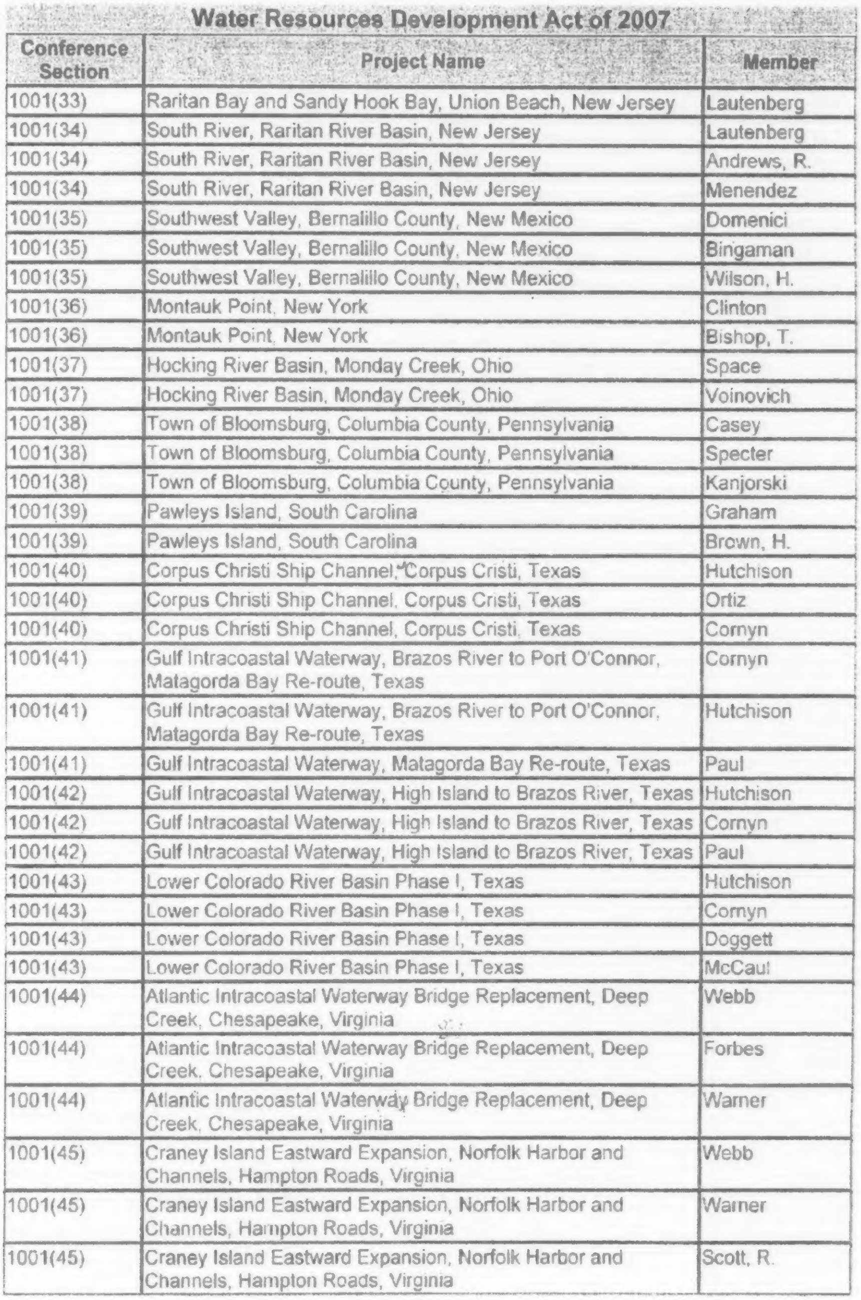
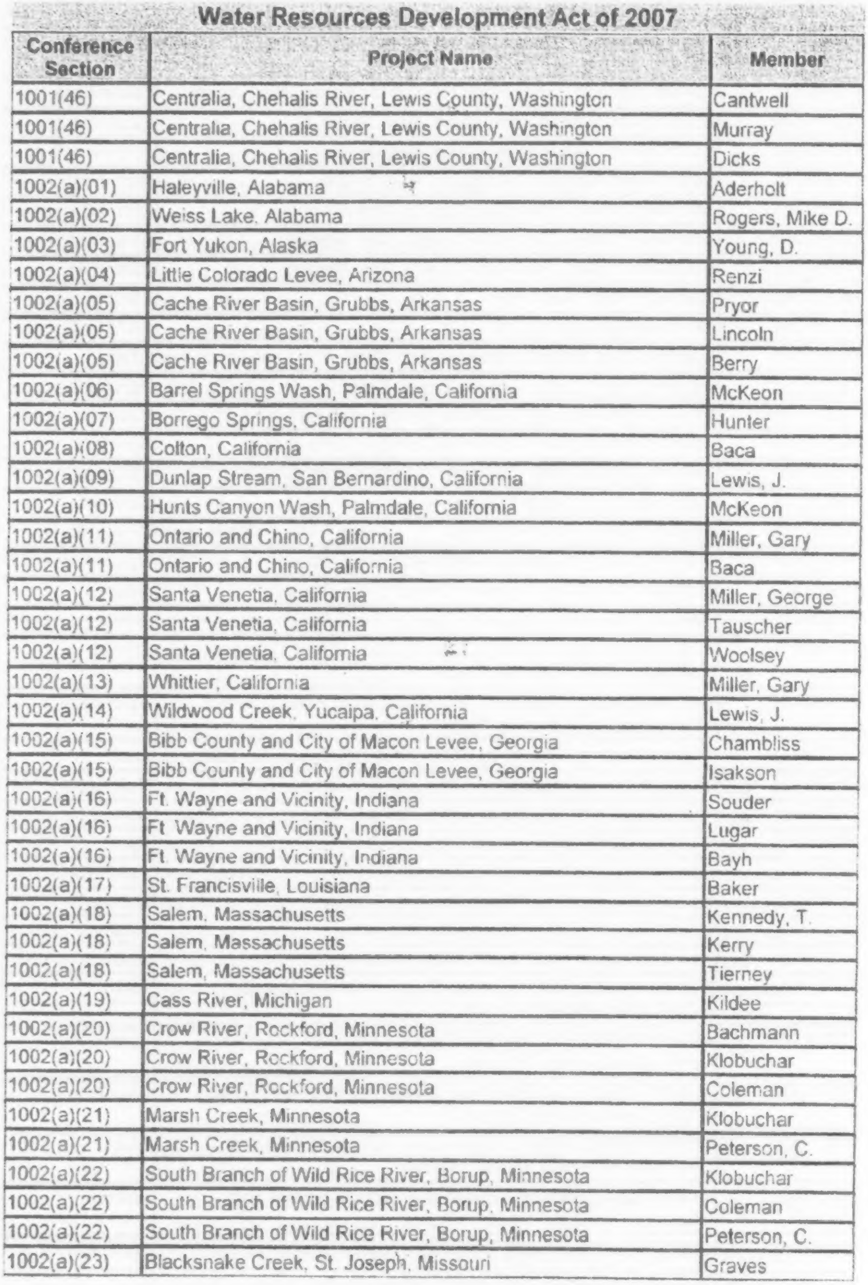


Water Resources Development Act of 2007

Conference Section	Project Name	Member
1001(33)	Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey	Lautenberg
1001(34)	South River, Raritan River Basin, New Jersey	Lautenberg
1001(34)	South River, Raritan River Basin, New Jersey	Andrews, R.
1001(34)	South River, Raritan River Basin, New Jersey	Menendez
1001(35)	Southwest Valley, Bernalillo County, New Mexico	Domenici
1001(35)	Southwest Valley, Bernalillo County, New Mexico	Bingaman
1001(35)	Southwest Valley, Bernalillo County, New Mexico	Wilson, H.
1001(36)	Montauk Point, New York	Clinton
1001(36)	Montauk Point, New York	Bishop, T.
1001(37)	Hocking River Basin, Monday Creek, Ohio	Space
1001(37)	Hocking River Basin, Monday Creek, Ohio	Voinovich
1001(38)	Town of Bloomsburg, Columbia County, Pennsylvania	Casey
1001(38)	Town of Bloomsburg, Columbia County, Pennsylvania	Specter
1001(38)	Town of Bloomsburg, Columbia County, Pennsylvania	Kanjorski
1001(39)	Pawleys Island, South Carolina	Graham
1001(39)	Pawleys Island, South Carolina	Brown, H.
1001(40)	Corpus Christi Ship Channel, Corpus Cristi, Texas	Hutchison
1001(40)	Corpus Christi Ship Channel, Corpus Cristi, Texas	Ortiz
1001(40)	Corpus Christi Ship Channel, Corpus Cristi, Texas	Cornyn
1001(41)	Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-route, Texas	Cornyn
1001(41)	Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-route, Texas	Hutchison
1001(41)	Gulf Intracoastal Waterway, Matagorda Bay Re-route, Texas	Paul
1001(42)	Gulf Intracoastal Waterway, High Island to Brazos River, Texas	Hutchison
1001(42)	Gulf Intracoastal Waterway, High Island to Brazos River, Texas	Cornyn
1001(42)	Gulf Intracoastal Waterway, High Island to Brazos River, Texas	Paul
1001(43)	Lower Colorado River Basin Phase I, Texas	Hutchison
1001(43)	Lower Colorado River Basin Phase I, Texas	Cornyn
1001(43)	Lower Colorado River Basin Phase I, Texas	Doggett
1001(43)	Lower Colorado River Basin Phase I, Texas	McCaul
1001(44)	Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia	Webb
1001(44)	Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia	Forbes
1001(44)	Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia	Warner
1001(45)	Craney Island Eastward Expansion, Norfolk Harbor and Channels, Hampton Roads, Virginia	Webb
1001(45)	Craney Island Eastward Expansion, Norfolk Harbor and Channels, Hampton Roads, Virginia	Warner
1001(45)	Craney Island Eastward Expansion, Norfolk Harbor and Channels, Hampton Roads, Virginia	Scott, R.



Water Resources Development Act of 2007

Conference Section	Project Name	Member
1001(46)	Centralia, Chehalis River, Lewis County, Washington	Cantwell
1001(46)	Centralia, Chehalis River, Lewis County, Washington	Murray
1001(46)	Centralia, Chehalis River, Lewis County, Washington	Dicks
1002(a)(01)	Haleyville, Alabama	Aderholt
1002(a)(02)	Weiss Lake, Alabama	Rogers, Mike D.
1002(a)(03)	Fort Yukon, Alaska	Young, D.
1002(a)(04)	Little Colorado Levee, Arizona	Renzi
1002(a)(05)	Cache River Basin, Grubbs, Arkansas	Pryor
1002(a)(05)	Cache River Basin, Grubbs, Arkansas	Lincoln
1002(a)(05)	Cache River Basin, Grubbs, Arkansas	Berry
1002(a)(06)	Barrel Springs Wash, Palmdale, California	McKeon
1002(a)(07)	Borrego Springs, California	Hunter
1002(a)(08)	Colton, California	Baca
1002(a)(09)	Dunlap Stream, San Bernardino, California	Lewis, J.
1002(a)(10)	Hunts Canyon Wash, Palmdale, California	McKeon
1002(a)(11)	Ontario and Chino, California	Miller, Gary
1002(a)(11)	Ontario and Chino, California	Baca
1002(a)(12)	Santa Venetia, California	Miller, George
1002(a)(12)	Santa Venetia, California	Tauscher
1002(a)(12)	Santa Venetia, California	Woolsey
1002(a)(13)	Whittier, California	Miller, Gary
1002(a)(14)	Wildwood Creek, Yucaipa, California	Lewis, J.
1002(a)(15)	Bibb County and City of Macon Levee, Georgia	Chambliss
1002(a)(15)	Bibb County and City of Macon Levee, Georgia	Isakson
1002(a)(16)	Ft. Wayne and Vicinity, Indiana	Souder
1002(a)(16)	Ft. Wayne and Vicinity, Indiana	Lugar
1002(a)(16)	Ft. Wayne and Vicinity, Indiana	Bayh
1002(a)(17)	St. Francisville, Louisiana	Baker
1002(a)(18)	Salem, Massachusetts	Kennedy, T.
1002(a)(18)	Salem, Massachusetts	Kerry
1002(a)(18)	Salem, Massachusetts	Tierney
1002(a)(19)	Cass River, Michigan	Kildee
1002(a)(20)	Crow River, Rockford, Minnesota	Bachmann
1002(a)(20)	Crow River, Rockford, Minnesota	Klobuchar
1002(a)(20)	Crow River, Rockford, Minnesota	Coleman
1002(a)(21)	Marsh Creek, Minnesota	Klobuchar
1002(a)(21)	Marsh Creek, Minnesota	Peterson, C.
1002(a)(22)	South Branch of Wild Rice River, Borup, Minnesota	Klobuchar
1002(a)(22)	South Branch of Wild Rice River, Borup, Minnesota	Coleman
1002(a)(22)	South Branch of Wild Rice River, Borup, Minnesota	Peterson, C.
1002(a)(23)	Blacksnake Creek, St. Joseph, Missouri	Graves

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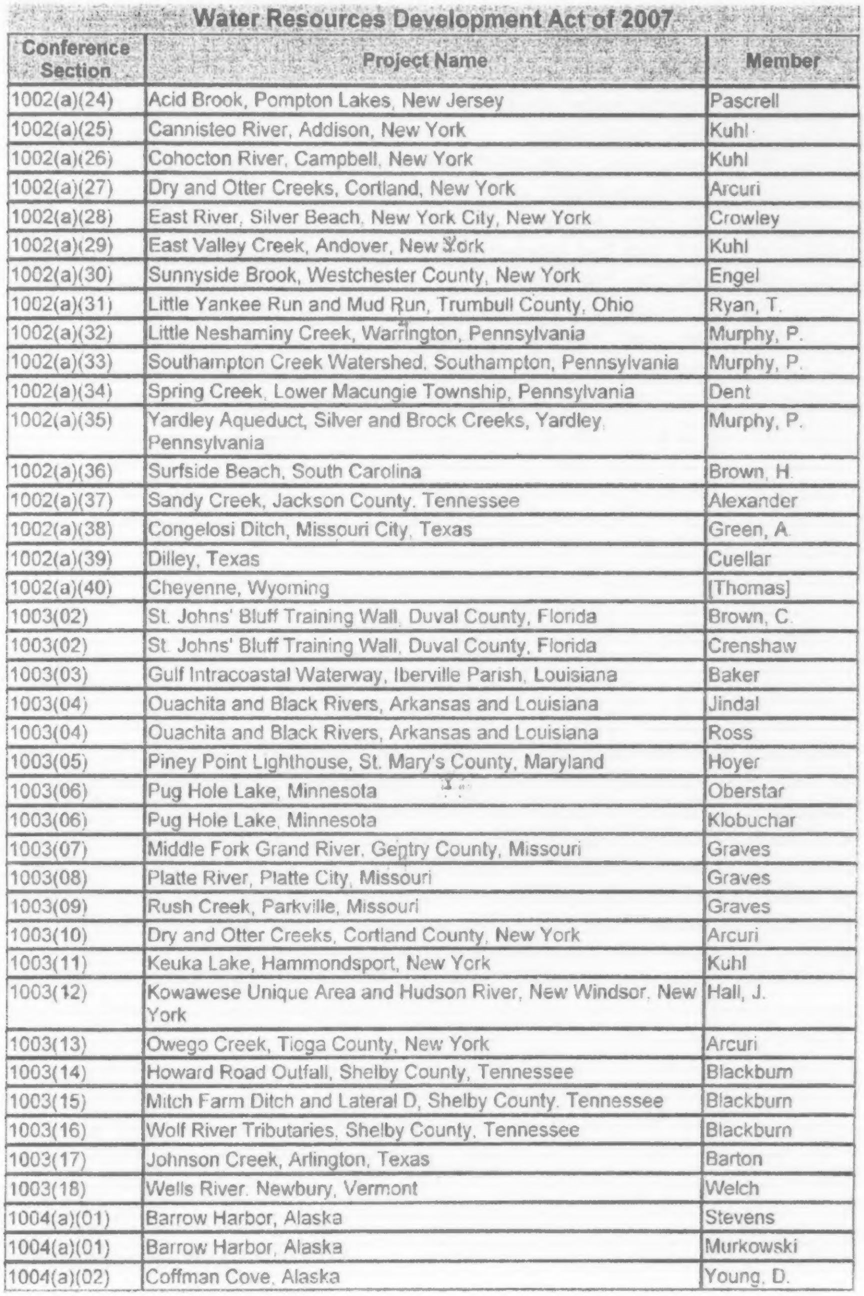
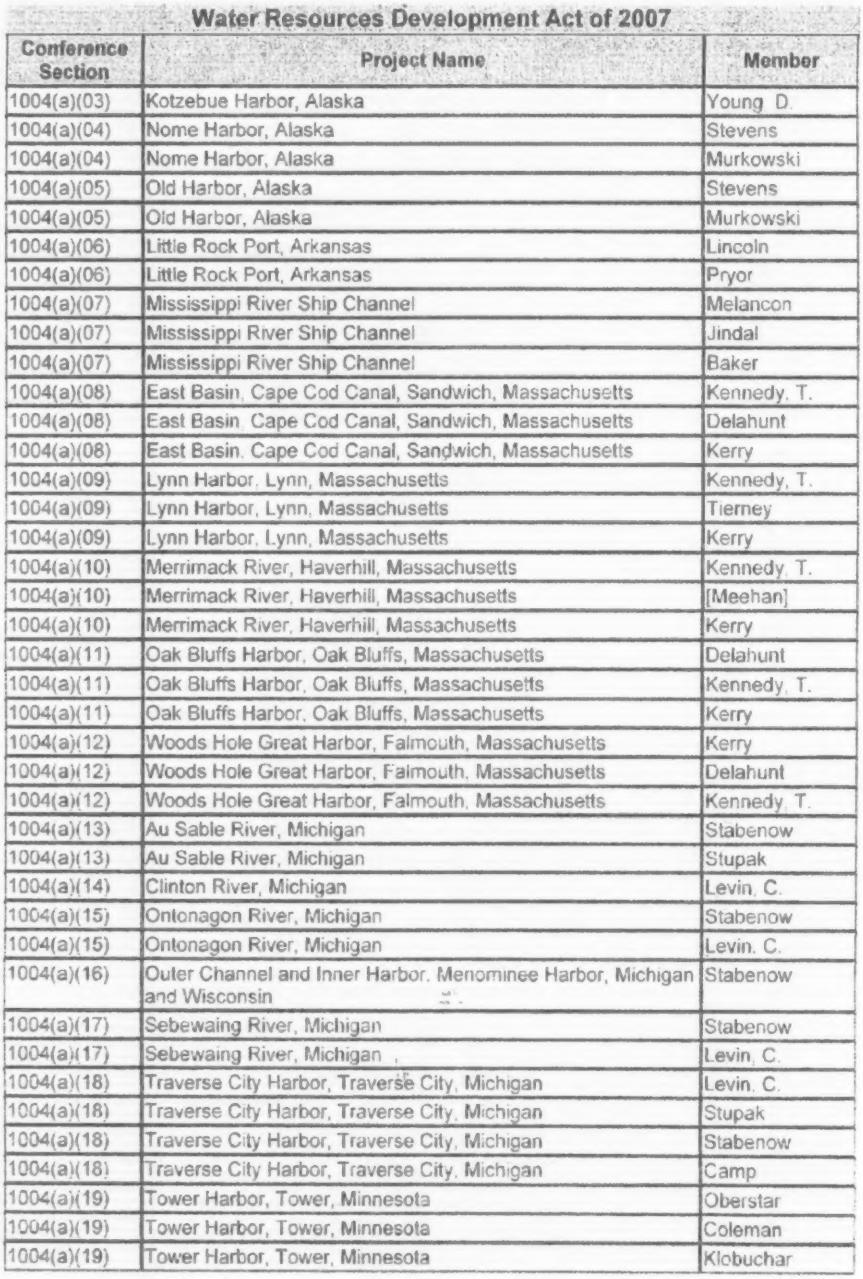


Water Resources Development Act of 2007

Conference Section	Project Name	Member
1002(a)(24)	Acid Brook, Pompton Lakes, New Jersey	Pascrell
1002(a)(25)	Cannisteo River, Addison, New York	Kuhl
1002(a)(26)	Cohocton River, Campbell, New York	Kuhl
1002(a)(27)	Dry and Otter Creeks, Cortland, New York	Arcuri
1002(a)(28)	East River, Silver Beach, New York City, New York	Crowley
1002(a)(29)	East Valley Creek, Andover, New York	Kuhl
1002(a)(30)	Sunnyside Brook, Westchester County, New York	Engel
1002(a)(31)	Little Yankee Run and Mud Run, Trumbull County, Ohio	Ryan, T.
1002(a)(32)	Little Neshaminy Creek, Warrington, Pennsylvania	Murphy, P.
1002(a)(33)	Southampton Creek Watershed, Southampton, Pennsylvania	Murphy, P.
1002(a)(34)	Spring Creek, Lower Macungie Township, Pennsylvania	Dent
1002(a)(35)	Yardley Aqueduct, Silver and Brock Creeks, Yardley, Pennsylvania	Murphy, P.
1002(a)(36)	Surfside Beach, South Carolina	Brown, H.
1002(a)(37)	Sandy Creek, Jackson County, Tennessee	Alexander
1002(a)(38)	Congelosi Ditch, Missouri City, Texas	Green, A.
1002(a)(39)	Dilley, Texas	Cuellar
1002(a)(40)	Cheyenne, Wyoming	[Thomas]
1003(02)	St. Johns' Bluff Training Wall, Duval County, Florida	Brown, C.
1003(02)	St. Johns' Bluff Training Wall, Duval County, Florida	Crenshaw
1003(03)	Gulf Intracoastal Waterway, Iberville Parish, Louisiana	Baker
1003(04)	Ouachita and Black Rivers, Arkansas and Louisiana	Jindal
1003(04)	Ouachita and Black Rivers, Arkansas and Louisiana	Ross
1003(05)	Piney Point Lighthouse, St. Mary's County, Maryland	Hoyer
1003(06)	Pug Hole Lake, Minnesota	Oberstar
1003(06)	Pug Hole Lake, Minnesota	Klobuchar
1003(07)	Middle Fork Grand River, Gentry County, Missouri	Graves
1003(08)	Platte River, Platte City, Missouri	Graves
1003(09)	Rush Creek, Parkville, Missouri	Graves
1003(10)	Dry and Otter Creeks, Cortland County, New York	Arcuri
1003(11)	Keuka Lake, Hammondsport, New York	Kuhl
1003(12)	Kowawese Unique Area and Hudson River, New Windsor, New York	Hall, J.
1003(13)	Owego Creek, Tioga County, New York	Arcuri
1003(14)	Howard Road Outfall, Shelby County, Tennessee	Blackburn
1003(15)	Mitch Farm Ditch and Lateral D, Shelby County, Tennessee	Blackburn
1003(16)	Wolf River Tributaries, Shelby County, Tennessee	Blackburn
1003(17)	Johnson Creek, Arlington, Texas	Barton
1003(18)	Wells River, Newbury, Vermont	Welch
1004(a)(01)	Barrow Harbor, Alaska	Stevens
1004(a)(01)	Barrow Harbor, Alaska	Murkowski
1004(a)(02)	Coffman Cove, Alaska	Young, D.



Water Resources Development Act of 2007

Conference Section	Project Name	Member
1004(a)(03)	Kotzebue Harbor, Alaska	Young, D.
1004(a)(04)	Nome Harbor, Alaska	Stevens
1004(a)(04)	Nome Harbor, Alaska	Murkowski
1004(a)(05)	Old Harbor, Alaska	Stevens
1004(a)(05)	Old Harbor, Alaska	Murkowski
1004(a)(06)	Little Rock Port, Arkansas	Lincoln
1004(a)(06)	Little Rock Port, Arkansas	Pryor
1004(a)(07)	Mississippi River Ship Channel	Melancon
1004(a)(07)	Mississippi River Ship Channel	Jindal
1004(a)(07)	Mississippi River Ship Channel	Baker
1004(a)(08)	East Basin, Cape Cod Canal, Sandwich, Massachusetts	Kennedy, T.
1004(a)(08)	East Basin, Cape Cod Canal, Sandwich, Massachusetts	Delahunt
1004(a)(08)	East Basin, Cape Cod Canal, Sandwich, Massachusetts	Kerry
1004(a)(09)	Lynn Harbor, Lynn, Massachusetts	Kennedy, T.
1004(a)(09)	Lynn Harbor, Lynn, Massachusetts	Tierney
1004(a)(09)	Lynn Harbor, Lynn, Massachusetts	Kerry
1004(a)(10)	Merrimack River, Haverhill, Massachusetts	Kennedy, T.
1004(a)(10)	Merrimack River, Haverhill, Massachusetts	[Meehan]
1004(a)(10)	Merrimack River, Haverhill, Massachusetts	Kerry
1004(a)(11)	Oak Bluffs Harbor, Oak Bluffs, Massachusetts	Delahunt
1004(a)(11)	Oak Bluffs Harbor, Oak Bluffs, Massachusetts	Kennedy, T.
1004(a)(11)	Oak Bluffs Harbor, Oak Bluffs, Massachusetts	Kerry
1004(a)(12)	Woods Hole Great Harbor, Falmouth, Massachusetts	Kerry
1004(a)(12)	Woods Hole Great Harbor, Falmouth, Massachusetts	Delahunt
1004(a)(12)	Woods Hole Great Harbor, Falmouth, Massachusetts	Kennedy, T.
1004(a)(13)	Au Sable River, Michigan	Stabenow
1004(a)(13)	Au Sable River, Michigan	Stupak
1004(a)(14)	Clinton River, Michigan	Levin, C.
1004(a)(15)	Ontonagon River, Michigan	Stabenow
1004(a)(15)	Ontonagon River, Michigan	Levin, C.
1004(a)(16)	Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin	Stabenow
1004(a)(17)	Sebewaing River, Michigan	Stabenow
1004(a)(17)	Sebewaing River, Michigan	Levin, C.
1004(a)(18)	Traverse City Harbor, Traverse City, Michigan	Levin, C.
1004(a)(18)	Traverse City Harbor, Traverse City, Michigan	Stupak
1004(a)(18)	Traverse City Harbor, Traverse City, Michigan	Stabenow
1004(a)(18)	Traverse City Harbor, Traverse City, Michigan	Camp
1004(a)(19)	Tower Harbor, Tower, Minnesota	Oberstar
1004(a)(19)	Tower Harbor, Tower, Minnesota	Coleman
1004(a)(19)	Tower Harbor, Tower, Minnesota	Klobuchar

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Water Resources Development Act of 2007

Conference Section	Project Name	Member
1004(a)(20)	Olcott Harbor, Olcott, New York	Slaughter
1004(a)(21)	Milwaukee Harbor, Wisconsin	Kohl
1005(01)	Ballona Creek, Los Angeles County, California	Harman
1005(02)	Ballona Lagoon Tide Gates, Marina Del Ray, California	Harman
1005(03)	Ft. George Inlet, Duval County, Florida	Crenshaw
1005(03)	Ft. George Inlet, Duval County, Florida	Brown, C.
1005(04)	Rathbun Lake, Iowa	Boswell
1005(05)	Smithville Lake, Missouri	Graves
1005(06)	Delaware Bay, New Jersey and Delaware	LoBiondo
1005(07)	Tioga-Hammond Lakes, Pennsylvania	Peterson,J
1006(a)(01)	Cypress Creek, Montgomery, Alabama	Rogers, Mike D.
1006(a)(02)	Black Lake, Alaska	Stevens
1006(a)(02)	Black Lake, Alaska	Murkowski
1006(a)(02)	Black Lake, Alaska	Young, D.
1006(a)(03)	Ben Lomond Dam, Santa Cruz, California	Eshoo
1006(a)(04)	Dockweiler Bluffs, Los Angeles County, California	Harman
1006(a)(05)	Salt River, California	Thompson
1006(a)(06)	San Diego River, California	Boxer
1006(a)(06)	Santa Rosa Creek, Santa Rosa, California	Miller, George
1006(a)(06)	Santa Rosa Creek, Santa Rosa, California	Woolsey
1006(a)(06)	Santa Rosa Creek, Santa Rosa, California	Tauscher
1006(a)(07)	Stockton Deep Water Ship Channel and Lower San Joaquin River, California	McNerney
1006(a)(09)	Suisun Marsh, San Pablo Bay, California	Boxer
1006(a)(10)	Sweetwater Reservoir, San Diego County, California	Filner
1006(a)(11)	Biscayne Bay, Florida	Ros-Lehtinen
1006(a)(12)	Clam Bayou and Dinkins Bayou, Sanibel Island, Florida	Mack
1006(a)(13)	Mountain Park, Georgia	Chambliss
1006(a)(13)	Mountain Park, Georgia	Isakson
1006(a)(14)	Chattahoochee Fall Line, Georgia and Alabama	Westmoreland
1006(a)(14)	Chattahoochee Fall Line, Georgia and Alabama	Rogers, Mike D.
1006(a)(14)	Chattahoochee Fall Line, Georgia and Alabama	Bishop, S.
1006(a)(14)	Chattahoochee Fall Line, Georgia and Alabama	Gingrey
1006(a)(14)	Chattahoochee Fall Line, Georgia and Alabama	Chambliss
1006(a)(14)	Chattahoochee Fall Line, Georgia and Alabama	Isakson
1006(a)(15)	Longwood Cove, Gainesville, Georgia	Deal
1006(a)(16)	City Park, University Lakes, Louisiana	Baker
1006(a)(17)	Lawrence Gateway, Massachusetts	Kerry
1006(a)(17)	Lawrence Gateway, Massachusetts	Kennedy, T.
1006(a)(18)	Millford Pond, Milford, Massachusetts	Kennedy, T.
1006(a)(19)	Mill Pond, Littleton, Massachusetts	Kerry

Water Resources Development Act of 2007

Conference Section	Project Name	Member
1006(a)(19)	Mill Pond, Littleton, Massachusetts	Kennedy, T.
1006(a)(19)	Millford Pond, Milford, Massachusetts	Kerry
1006(a)(19)	Mill Pond, Littleton, Massachusetts	[Meehan]
1006(a)(20)	Pine Tree Brook, Milton, Massachusetts	Lynch
1006(a)(20)	Pine Tree Brook, Milton, Massachusetts	Kerry
1006(a)(20)	Pine Tree Brook, Milton, Massachusetts	Kennedy, T.
1006(a)(21)	Clinton River, Michigan	Stabenow
1006(a)(21)	Clinton River, Michigan	Levin, C.
1006(a)(22)	Kalamazoo River Watershed, Battle Creek, Michigan	Walberg
1006(a)(23)	Rush Lake, Minnesota	Oberstar
1006(a)(24)	South Fork of the Crow River, Hutchinson, Minnesota	Peterson, C.
1006(a)(25)	St. Louis, Missouri	Clay
1006(a)(25)	St. Louis, Missouri	Carnahan
1006(a)(26)	Mobley Dam, Tongue River, Montana	Baucus
1006(a)(27)	S and H Dam, Tongue River, Montana	Baucus
1006(a)(28)	Vandalia Dam, Milk River, Montana	Baucus
1006(a)(29)	Truckee River, Reno, Nevada	Heller
1006(a)(30)	Grover's Mill Pond, New Jersey	Holt
1006(a)(31)	Caldwell County, North Carolina	Burr
1006(a)(32)	Mecklenburg County, North Carolina	Burr
1006(a)(33)	Dugway Creek, Bratenahl, Ohio	Jones,S
1006(a)(34)	Johnson Creek, Gresham, Oregon	Smith
1006(a)(34)	Johnson Creek, Gresham, Oregon	Blumenauer
1006(a)(34)	Johnson Creek, Gresham, Oregon	Wyden
1006(a)(35)	Beaver Creek, Beaver and Salem, Pennsylvania	Peterson,J
1006(a)(36)	Cementon Dam, Lehigh River, Pennsylvania	Dent
1006(a)(37)	Ingham Spring Dam, Solebury Township, Pennsylvania	Murphy, P.
1006(a)(38)	Saucon Creek, Northampton County, Pennsylvania	Dent
1006(a)(39)	Stillwater Dam, Monroe County, Pennsylvania	Dent
1006(a)(40)	Blackstone River, Rhode Island	Kennedy, P.
1006(a)(40)	Blackstone River, Rhode Island	Whitehouse
1006(a)(40)	Blackstone River, Rhode Island	Reed
1006(a)(41)	Wilson Branch, Cheraw, South Carolina	Spratt
1006(a)(42)	White River, Bethel, Vermont	Welch
1006(a)(43)	College Lake, Lynchburg, Virginia	Warner
1007(01)	Nelson Lagoon, Alaska	Young, D
1007(02)	Nicholas Canyon, Los Angeles, California	Boxer
1007(03)	Sanibel Island, Florida	Mack
1007(04)	Apra Harbor, Guam	Clinton
1007(04)	Apra Harbor, Guam	Bordallo
1007(04)	Apra Harbor, Guam	Lautenberg

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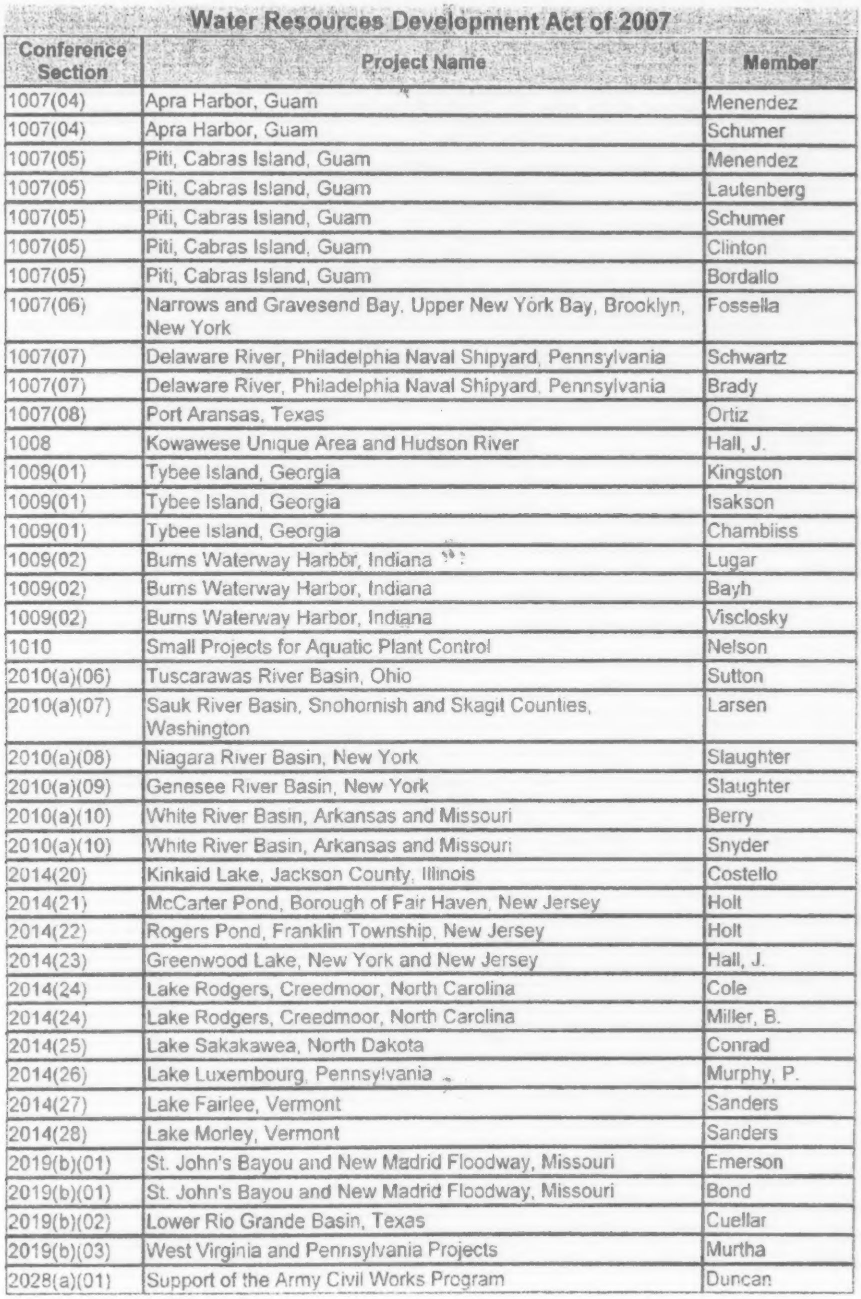
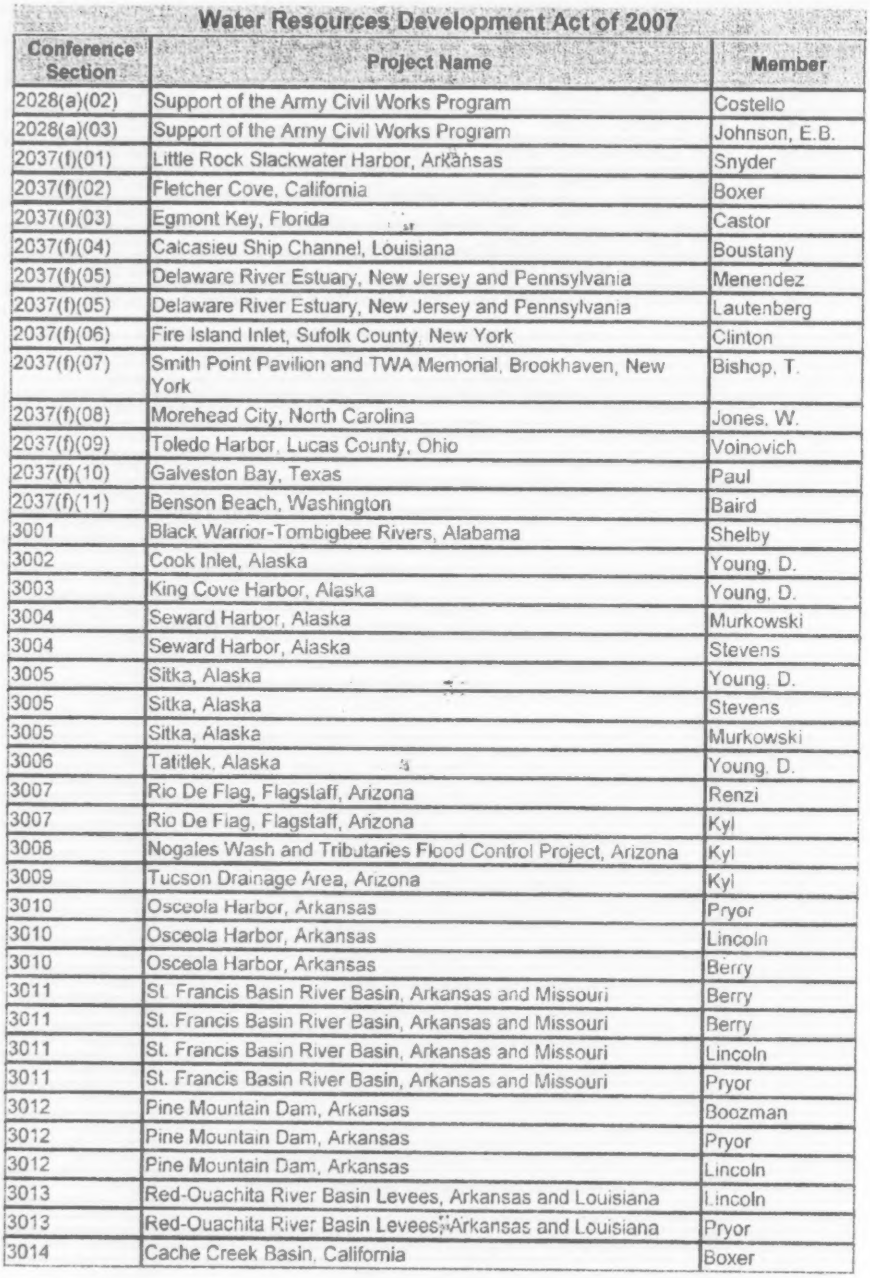


Water Resources Development Act of 2007

Conference Section	Project Name	Member
1007(04)	Apra Harbor, Guam	Menendez
1007(04)	Apra Harbor, Guam	Schumer
1007(05)	Piti, Cabras Island, Guam	Menendez
1007(05)	Piti, Cabras Island, Guam	Lautenberg
1007(05)	Piti, Cabras Island, Guam	Schumer
1007(05)	Piti, Cabras Island, Guam	Clinton
1007(05)	Piti, Cabras Island, Guam	Bordallo
1007(06)	Narrows and Gravesend Bay, Upper New York Bay, Brooklyn, New York	Fossella
1007(07)	Delaware River, Philadelphia Naval Shipyard, Pennsylvania	Schwartz
1007(07)	Delaware River, Philadelphia Naval Shipyard, Pennsylvania	Brady
1007(08)	Port Aransas, Texas	Ortiz
1008	Kowawese Unique Area and Hudson River	Hall, J.
1009(01)	Tybee Island, Georgia	Kingston
1009(01)	Tybee Island, Georgia	Isakson
1009(01)	Tybee Island, Georgia	Chambliss
1009(02)	Burns Waterway Harbor, Indiana	Lugar
1009(02)	Burns Waterway Harbor, Indiana	Bayh
1009(02)	Burns Waterway Harbor, Indiana	Visclosky
1010	Small Projects for Aquatic Plant Control	Nelson
2010(a)(06)	Tuscarawas River Basin, Ohio	Sutton
2010(a)(07)	Sauk River Basin, Snohomish and Skagit Counties, Washington	Larsen
2010(a)(08)	Niagara River Basin, New York	Slaughter
2010(a)(09)	Genesee River Basin, New York	Slaughter
2010(a)(10)	White River Basin, Arkansas and Missouri	Berry
2010(a)(10)	White River Basin, Arkansas and Missouri	Snyder
2014(20)	Kinkaid Lake, Jackson County, Illinois	Costello
2014(21)	McCarter Pond, Borough of Fair Haven, New Jersey	Holt
2014(22)	Rogers Pond, Franklin Township, New Jersey	Holt
2014(23)	Greenwood Lake, New York and New Jersey	Hall, J.
2014(24)	Lake Rodgers, Creedmoor, North Carolina	Cole
2014(24)	Lake Rodgers, Creedmoor, North Carolina	Miller, B.
2014(25)	Lake Sakakawea, North Dakota	Conrad
2014(26)	Lake Luxembourg, Pennsylvania	Murphy, P.
2014(27)	Lake Fairlee, Vermont	Sanders
2014(28)	Lake Morley, Vermont	Sanders
2019(b)(01)	St. John's Bayou and New Madrid Floodway, Missouri	Emerson
2019(b)(01)	St. John's Bayou and New Madrid Floodway, Missouri	Bond
2019(b)(02)	Lower Rio Grande Basin, Texas	Cuellar
2019(b)(03)	West Virginia and Pennsylvania Projects	Murtha
2028(a)(01)	Support of the Army Civil Works Program	Duncan



Water Resources Development Act of 2007

Conference Section	Project Name	Member
2028(a)(02)	Support of the Army Civil Works Program	Costello
2028(a)(03)	Support of the Army Civil Works Program	Johnson, E.B.
2037(f)(01)	Little Rock Slackwater Harbor, Arkansas	Snyder
2037(f)(02)	Fletcher Cove, California	Boxer
2037(f)(03)	Egmont Key, Florida	Castor
2037(f)(04)	Calcasieu Ship Channel, Louisiana	Boustany
2037(f)(05)	Delaware River Estuary, New Jersey and Pennsylvania	Menendez
2037(f)(05)	Delaware River Estuary, New Jersey and Pennsylvania	Lautenberg
2037(f)(06)	Fire Island Inlet, Sufolk County, New York	Clinton
2037(f)(07)	Smith Point Pavilion and TWA Memorial, Brookhaven, New York	Bishop, T.
2037(f)(08)	Morehead City, North Carolina	Jones, W.
2037(f)(09)	Toledo Harbor, Lucas County, Ohio	Voinovich
2037(f)(10)	Galveston Bay, Texas	Paul
2037(f)(11)	Benson Beach, Washington	Baird
3001	Black Warrior-Tombigbee Rivers, Alabama	Shelby
3002	Cook Inlet, Alaska	Young, D.
3003	King Cove Harbor, Alaska	Young, D.
3004	Seward Harbor, Alaska	Murkowski
3004	Seward Harbor, Alaska	Stevens
3005	Sitka, Alaska	Young, D.
3005	Sitka, Alaska	Stevens
3005	Sitka, Alaska	Murkowski
3006	Tatitlek, Alaska	Young, D.
3007	Rio De Flag, Flagstaff, Arizona	Renzi
3007	Rio De Flag, Flagstaff, Arizona	Kyl
3008	Nogales Wash and Tributaries Flood Control Project, Arizona	Kyl
3009	Tucson Drainage Area, Arizona	Kyl
3010	Osceola Harbor, Arkansas	Pryor
3010	Osceola Harbor, Arkansas	Lincoln
3010	Osceola Harbor, Arkansas	Berry
3011	St. Francis Basin River Basin, Arkansas and Missouri	Berry
3011	St. Francis Basin River Basin, Arkansas and Missouri	Berry
3011	St. Francis Basin River Basin, Arkansas and Missouri	Lincoln
3011	St. Francis Basin River Basin, Arkansas and Missouri	Pryor
3012	Pine Mountain Dam, Arkansas	Boozman
3012	Pine Mountain Dam, Arkansas	Pryor
3012	Pine Mountain Dam, Arkansas	Lincoln
3013	Red-Ouachita River Basin Levees, Arkansas and Louisiana	Lincoln
3013	Red-Ouachita River Basin Levees, Arkansas and Louisiana	Pryor
3014	Cache Creek Basin, California	Boxer

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Conference Section	Project Name	Member
3015	Calfed Stability Program, California	Boxer
3016	Compton Creek, California	[Millender-McDonald]
3017	Grayson Creek/Murderer's Creek, California	Miller, George
3017	Grayson Creek/Murderer's Creek, California	Boxer
3017	Grayson Creek/Murderer's Creek, California	Tauscher
3018	Hamilton Airfield, California	Tauscher
3018	Hamilton Airfield, California	Miller, George
3018	Hamilton Airfield, California	Boxer
3019	John F. Baldwin Ship Channel and Stockton Ship Channel, California	McNerney
3020	Kaweah River, California	Nunes
3021	Larkspur Ferry Channel, Larkspur, California	Miller, George
3021	Larkspur Ferry Channel, Larkspur, California	Tauscher
3021	Larkspur Ferry Channel, Larkspur, California	Woolsey
3021	Larkspur Ferry Channel, Larkspur, California	Boxer
3022	Llagas Creek, California	Honda
3022	Llagas Creek, California	Lofgren
3022	Llagas Creek, California	McNerney
3022	Llagas Creek, California	Boxer
3022	Llagas Creek, California	Eshoo
3023	Magpie Creek, California	Matsui
3023	Magpie Creek, California	Boxer
3024	Pacific Flyway Center, California	Thompson
3025	Petaluma River, Petaluma, California	Boxer
3026	Pinole Creek, California	Tauscher
3026	Pinole Creek, California	Miller, George
3027	Prado Dam, California	Calvert
3027	Prado Dam, California	Campbell
3027	Prado Dam, California	Sanchez, Loretta
3027	Prado Dam, California	Miller, Gary
3028	Redwood City Navigation Channel, California	Eshoo
3028	Redwood City Navigation Channel, California	Boxer
3029	Sacramento and American Rivers Flood Control, California	Matsui
3029	Sacramento and American Rivers Flood Control, California	Boxer
3029	Sacramento and American Rivers Flood Control, California	Feinstein
3029	Sacramento and American Rivers Flood Control, California	Matsui
3030	Sacramento Deepwater Ship Channel, California	Thompson
3031	Sacramento River Bank Protection, California	Feinstein
3031	Sacramento River Bank Protection, California	Boxer
3032	Salton Sea Restoration Project	Boxer

Water Resources Development Act of 2007

Conference Section	Project Name	Member
3032	Salton Sea Restoration Project	Bono
3032	Salton Sea Restoration Project	Filner
3033	Santa Ana River Mainstem, California	Miller, G.
3033	Santa Ana River Mainstem, California	Boxer
3034	Santa Barbara Streams, Lower Mission Creek, California	Boxer
3034	Santa Barbara Streams, Lower Mission Creek, California	Capps
3035	Santa Cruz Harbor, California	Farr
3036	Seven Oaks Dam, California	Boxer
3036	Seven Oaks Dam, California	Calvert
3037	Upper Guadalupe River, California	Boxer
3037	Upper Guadalupe River, California	Lofgren
3037	Upper Guadalupe River, California	Eshoo
3037	Upper Guadalupe River, California	Honda
3038	Walnut Creek Channel, California	Miller, George
3038	Walnut Creek Channel, California	Boxer
3038	Walnut Creek Channel, California	Tauscher
3039	Wildcat/San Pablo Creek/Phase I, California	Tauscher
3039	Wildcat/San Pablo Creek/Phase I, California	Miller, George
3040	Wildcat/San Pablo Creek/Phase II, California	Miller, George
3040	Wildcat/San Pablo Creek/Phase II, California	Tauscher
3040	Wildcat/San Pablo Creek/Phase II, California	Boxer
3041	Yuba River Basin Project, California	Herger
3041	Yuba River Basin Project, California	Boxer
3042	South Platte River Basin, Colorado	Tancredo
3042	South Platte River Basin, Colorado	DeGette
3043	Intercoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland	Gilchrest
3043	Intercoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland	Castle
3044	St. George's Bridge, Delaware	Carper
3044	St. George's Bridge, Delaware	Biden
3044	St. George's Bridge, Delaware	Castle
3045	Brevard County, Florida	Nelson
3045	Brevard County, Florida	Martinez
3045	Brevard County, Florida	Weldon, D.
3046	Broward County and Hillsboro Inlet, Florida	Martinez
3046	Broward County and Hillsboro Inlet, Florida	Klein
3046	Broward County and Hillsboro Inlet, Florida	Nelson
3047	Canaveral Harbor, Florida	Weldon, D.
3047	Canaveral Harbor, Florida	Nelson
3048	Gasparilla & Estero Islands, Florida	Mack
3048	Gasparilla & Estero Islands, Florida	Nelson

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Conference Section	Project Name	Member
3049	Lido Key Beach, Sarasota, Florida	Buchanan
3049	Lido Key Beach, Sarasota, Florida	Nelson
3049	Lido Key Beach, Sarasota, Florida	Martinez
3050	Peanut Island, Florida	Klein
3051	Port Sutton, Florida	Martinez
3051	Port Sutton, Florida	Nelson
3052	Tampa Harbor-Big Bend Channel, Florida	Nelson
3052	Tampa Harbor-Big Bend Channel, Florida	Castor
3053	Tampa Harbor Cut B, Florida	Martinez
3053	Tampa Harbor Cut B, Florida	Castor
3053	Tampa Harbor Cut B, Florida	Putnam
3053	Tampa Harbor Cut B, Florida	Nelson
3054	Allatoona Lake, Georgia	Gingrey
3054	Allatoona Lake, Georgia	Price
3054	Allatoona Lake, Georgia	Isakson
3054	Allatoona Lake, Georgia	Chambliss
3055	Latham River, Glynn County, Georgia	Kingston
3056	Dworshak Reservoir Improvements, Idaho	Craig
3056	Dworshak Reservoir Improvements, Idaho	Simpson
3056	Dworshak Reservoir Improvements, Idaho	Crapo
3057	Little Wood River, Gooding, Idaho	Craig
3057	Little Wood River, Gooding, Idaho	Crapo
3058	Beardstown Community Boat Harbor, Beardstown, Illinois	LaHood
3058	Beardstown Community Boat Harbor, Beardstown, Illinois	Durbin
3059	Cache River Levee, Illinois	Obama
3059	Cache River Levee, Illinois	Durbin
3059	Cache River Levee, Illinois	Shimkus
3060	Chicago River, Illinois	Davis, D.
3060	Chicago River, Illinois	Obama
3060	Chicago River, Illinois	Durbin
3061	Chicago Sanitary & Ship Canal, Illinois	Stupak
3061	Chicago Sanitary & Ship Canal, Illinois	Kirk
3061	Chicago Sanitary & Ship Canal, Illinois	McCotter
3061	Chicago Sanitary & Ship Canal, Illinois	Gutierrez
3061	Chicago Sanitary & Ship Canal, Illinois	Biggert
3061	Chicago Sanitary & Ship Canal, Illinois	Dingell
3062	Emiquon, Illinois	Durbin
3062	Emiquon, Illinois	Hare
3063	LaSalle, Illinois	Weller
3064	Spunky Bottom, Illinois	Obama
3064	Spunky Bottom, Illinois	Durbin

Water Resources Development Act of 2007

Conference Section	Project Name	Member
3064	Spunky Bottom, Illinois	LaHood
3065	Cedar Lake, Indiana	Lugar
3066	Koontz Lake, Indiana	Donnelly
3066	Koontz Lake, Indiana	Bayh
3066	Koontz Lake, Indiana	Lugar
3067	White River, Indiana	Carson, J.
3067	White River, Indiana	Lugar
3067	White River, Indiana	Bayh
3068	Des Moines River and Greenbelt, Iowa	Harkin
3068	Des Moines River and Greenbelt, Iowa	Boswell
3069	Perry Creek, Iowa	Harkin
3070	Rathbun Lake, Iowa	Grassley
3071	Hickman Bluff Stabilization, Kentucky	McConnell
3072	Mcalpine Lock And Dam, Kentucky And Indiana	McConnell
3072	Mcalpine Lock And Dam, Kentucky And Indiana	Yarmouth
3073	Prestonsburg, Kentucky	Rogers, H.
3074	Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed	Baker
3074	Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed	Landrieu
3074	Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed	Vitter
3075	Atchafalaya Basin Floodway System, Louisiana	Boustany
3075	Atchafalaya Basin Floodway System, Louisiana	Vitter
3075	Atchafalaya Basin Floodway System, Louisiana	Landrieu
3075(c)	Atchafalaya Basin Floodway System, Louisiana (Town of Melville)	Boustany
3076	Atchafalaya Basin Floodway System, Regional Visitors Center, Louisiana	Vitter
3076	Atchafalaya Basin Floodway System, Regional Visitors Center, Louisiana	Landrieu
3076	Atchafalaya Basin Floodway System, Regional Visitors Center, Louisiana	Boustany
3077	Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana	Baker
3078	Bayou Plaquemine, Louisiana	Baker
3079	Calcasieu River and Pass, Louisiana	Vitter
3079	Calcasieu River and Pass, Louisiana	Landrieu
3080	Red River (J. Bennett Johnston) Waterway, Louisiana	Landrieu
3080	Red River (J. Bennett Johnston) Waterway, Louisiana	McCrery
3080	Red River (J. Bennett Johnston) Waterway, Louisiana	Jindal
3080	Red River (J. Bennett Johnston) Waterway, Louisiana	Vitter
3081	Mississippi Delta Region, Louisiana	Melancon

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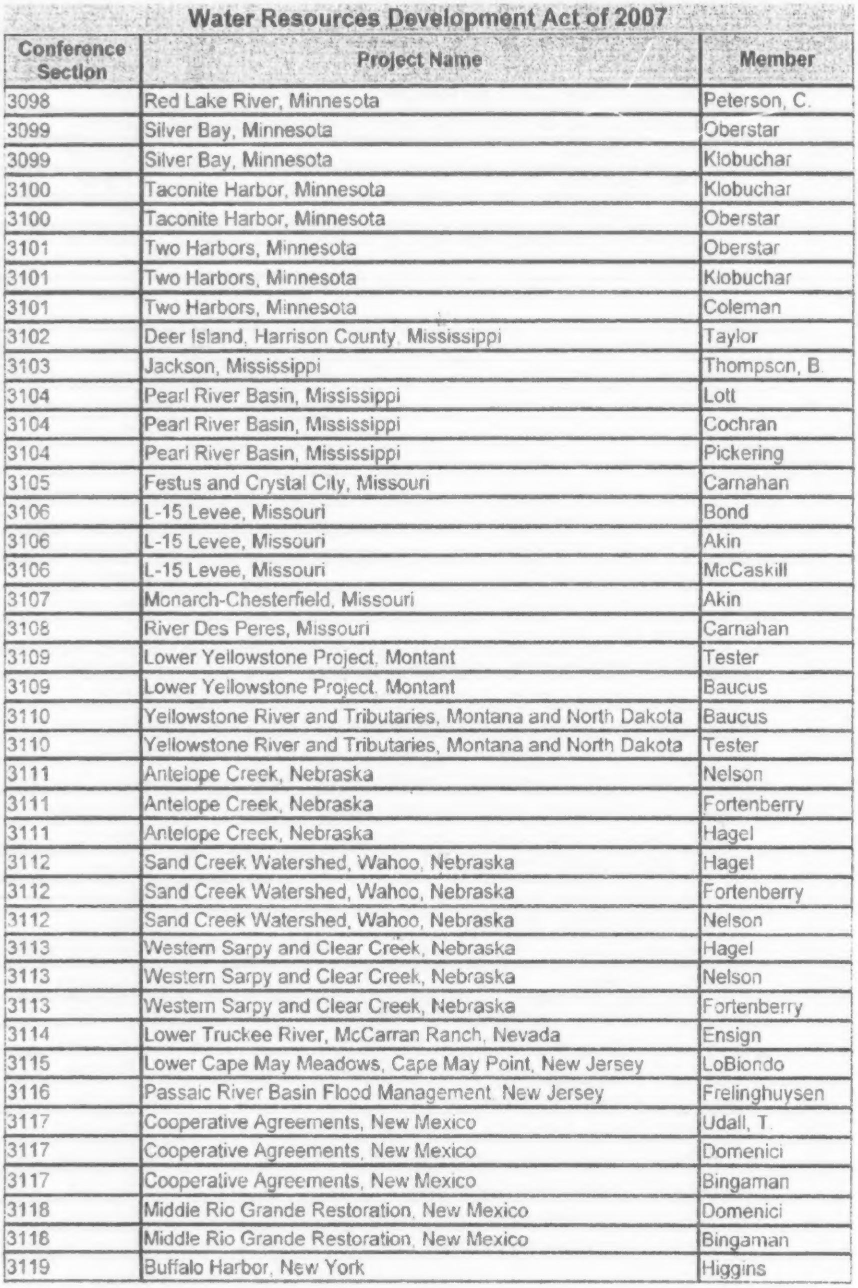
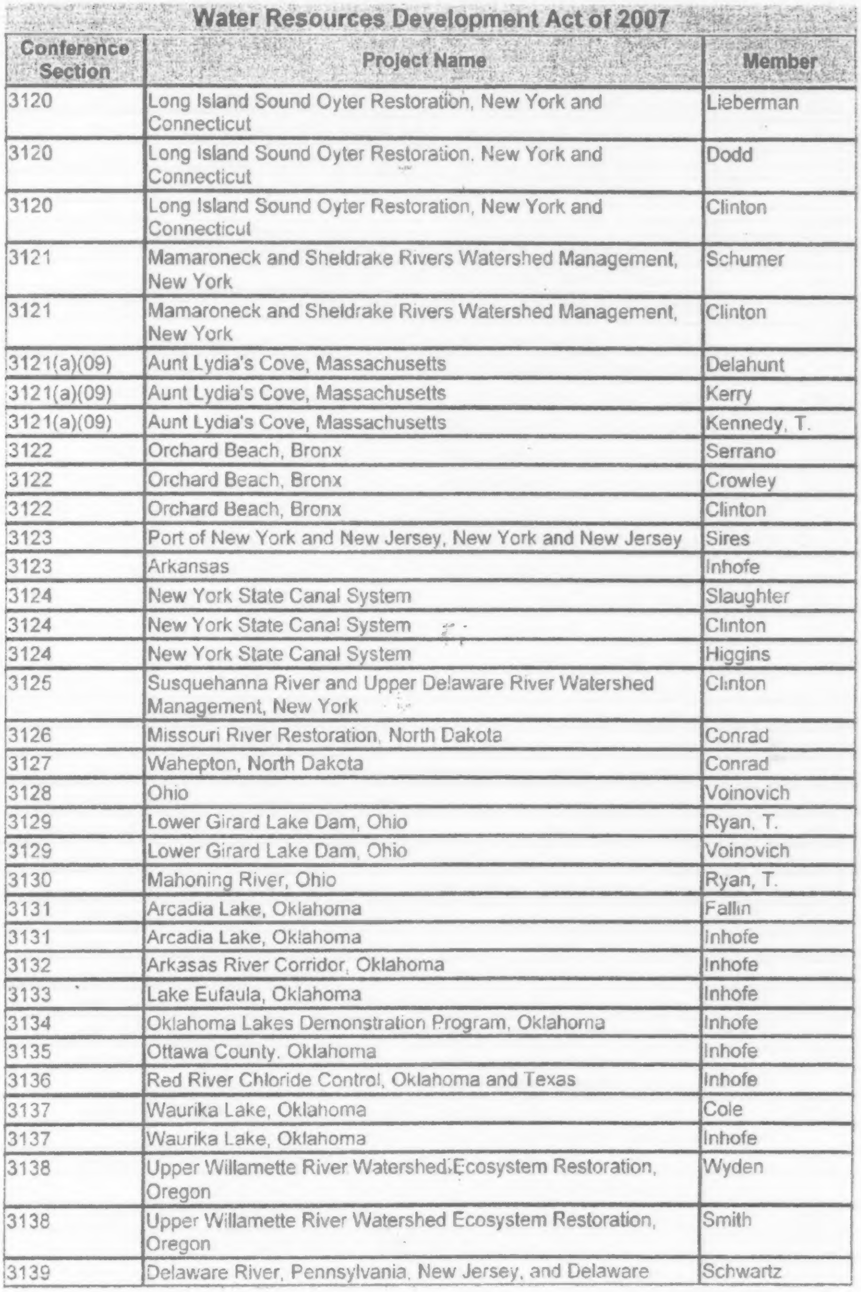
Conference Section	Project Name	Member
3082	Mississippi River-Gulf Outlet Relocation Assistance, Louisiana	Vitter
3082	Mississippi River-Gulf Outlet Relocation Assistance, Louisiana	Landrieu
3083	Violet, Louisiana	Landrieu
3083	Violet, Louisiana	Cochran
3083	Violet, Louisiana	Lott
3084	West Bank of the Mississippi River (East of Harvey Canal), Louisiana	Melancon
3084	West Bank of the Mississippi River (East of Harvey Canal), Louisiana	Jindal
3085	Camp Ellis, Saco, Maine	Allen
3085	Camp Ellis, Saco, Maine	Snowe
3085	Camp Ellis, Saco, Maine	Collins
3086	Cumberland, Maryland	Mikulski
3086	Cumberland, Maryland	Cardin
3087	Poplar Island, Maryland	Ruppersburger
3087	Poplar Island, Maryland	Hoyer
3087	Poplar Island, Maryland	Sarbanes
3087	Poplar Island, Maryland	Cummings
3087	Poplar Island, Maryland	Mikulski
3087	Poplar Island, Maryland	Cardin
3088	Detroit River Shoreline, Detroit, Michigan	Kilpatrick
3088	Detroit River Shoreline, Detroit, Michigan	Levin, C.
3088	Detroit River Shoreline, Detroit, Michigan	Stabenow
3089	St. Clair River and Lake St. Clair Michigan	Levin, S.
3089	St. Clair River and Lake St. Clair Michigan	Levin, C.
3089	St. Clair River and Lake St. Clair, Michigan	Stabenow
3089	St. Clair River and Lake St. Clair, Michigan	Miller, C.
3090	St. Joseph Harbor, Michigan	Upton
3091	Sault Saint Marie, Michigan	Stupak
3091	Sault Saint Marie, Michigan	Oberstar
3092	Ada, Minnesota	Peterson, C.
3092	Ada, Minnesota	Klobuchar
3093	Duluth Harbor, McQuade Road, Minnesota	Coleman
3093	Duluth Harbor, McQuade Road, Minnesota	Klobuchar
3093	Duluth Harbor, McQuade Road, Minnesota	Oberstar
3094	Grand Marais, Minnesota	Oberstar
3094	Grand Marais, Minnesota	Klobuchar
3095	Grand Portage Harbor, Minnesota	Klobuchar
3095	Grand Portage Harbor, Minnesota	Oberstar
3096	Granite Falls, Minnesota	Peterson, C.
3097	Knife River Harbor, Minnesota	Klobuchar
3097	Knife River Harbor, Minnesota	Oberstar



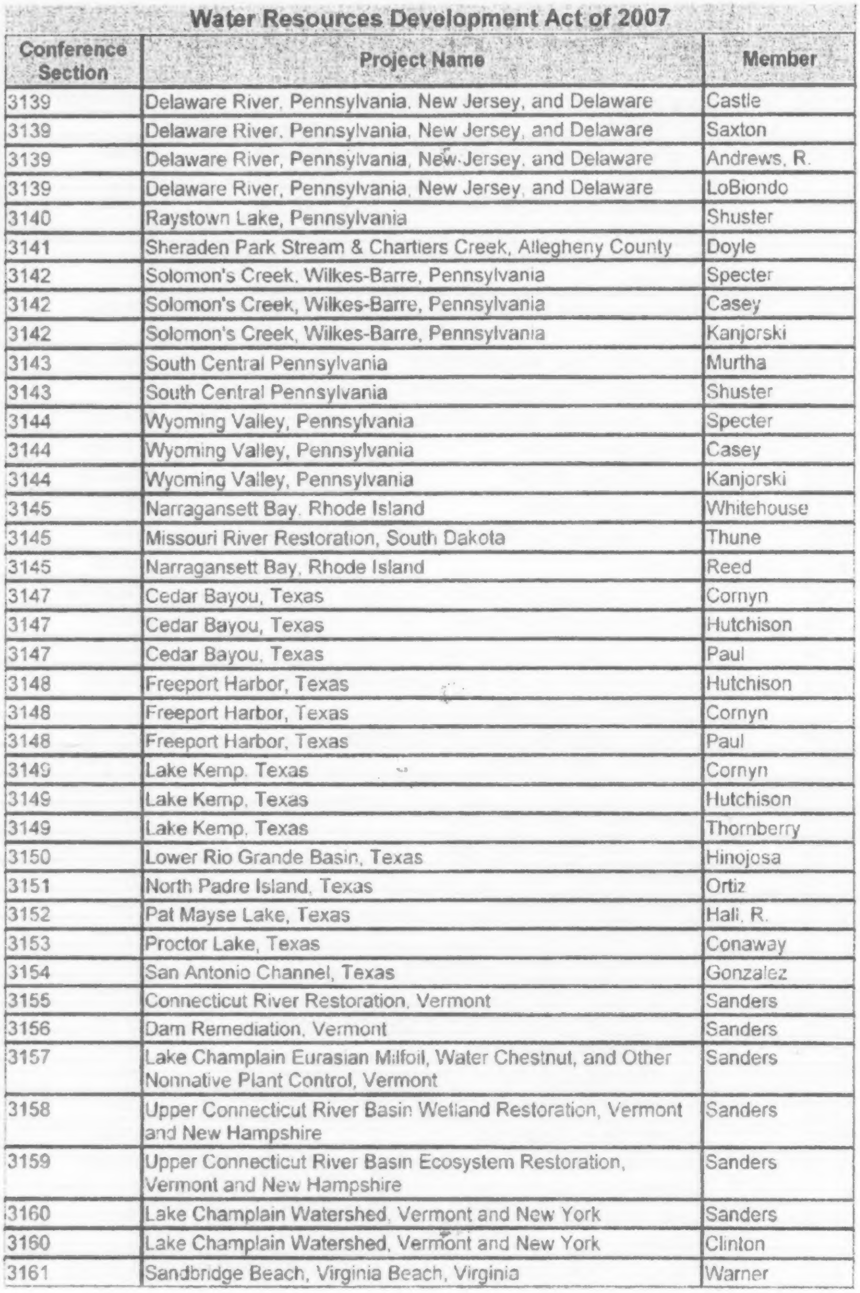
Water Resources Development Act of 2007

Conference Section	Project Name	Member
3098	Red Lake River, Minnesota	Peterson, C.
3099	Silver Bay, Minnesota	Oberstar
3099	Silver Bay, Minnesota	Klobuchar
3100	Taconite Harbor, Minnesota	Klobuchar
3100	Taconite Harbor, Minnesota	Oberstar
3101	Two Harbors, Minnesota	Oberstar
3101	Two Harbors, Minnesota	Klobuchar
3101	Two Harbors, Minnesota	Coleman
3102	Deer Island, Harrison County, Mississippi	Taylor
3103	Jackson, Mississippi	Thompson, B.
3104	Pearl River Basin, Mississippi	Lott
3104	Pearl River Basin, Mississippi	Cochran
3104	Pearl River Basin, Mississippi	Pickering
3105	Festus and Crystal City, Missouri	Carnahan
3106	L-15 Levee, Missouri	Bond
3106	L-15 Levee, Missouri	Akin
3106	L-15 Levee, Missouri	McCaskill
3107	Monarch-Chesterfield, Missouri	Akin
3108	River Des Peres, Missouri	Carnahan
3109	Lower Yellowstone Project, Montant	Tester
3109	Lower Yellowstone Project, Montant	Baucus
3110	Yellowstone River and Tributaries, Montana and North Dakota	Baucus
3110	Yellowstone River and Tributaries, Montana and North Dakota	Tester
3111	Antelope Creek, Nebraska	Nelson
3111	Antelope Creek, Nebraska	Fortenberry
3111	Antelope Creek, Nebraska	Hagel
3112	Sand Creek Watershed, Wahoo, Nebraska	Hagel
3112	Sand Creek Watershed, Wahoo, Nebraska	Fortenberry
3112	Sand Creek Watershed, Wahoo, Nebraska	Nelson
3113	Western Sarpy and Clear Creek, Nebraska	Hagel
3113	Western Sarpy and Clear Creek, Nebraska	Nelson
3113	Western Sarpy and Clear Creek, Nebraska	Fortenberry
3114	Lower Truckee River, McCarran Ranch, Nevada	Ensign
3115	Lower Cape May Meadows, Cape May Point, New Jersey	LoBiondo
3116	Passaic River Basin Flood Management, New Jersey	Frelinghuysen
3117	Cooperative Agreements, New Mexico	Udall, T.
3117	Cooperative Agreements, New Mexico	Domenici
3117	Cooperative Agreements, New Mexico	Bingaman
3118	Middle Rio Grande Restoration, New Mexico	Domenici
3118	Middle Rio Grande Restoration, New Mexico	Bingaman
3119	Buffalo Harbor, New York	Higgins



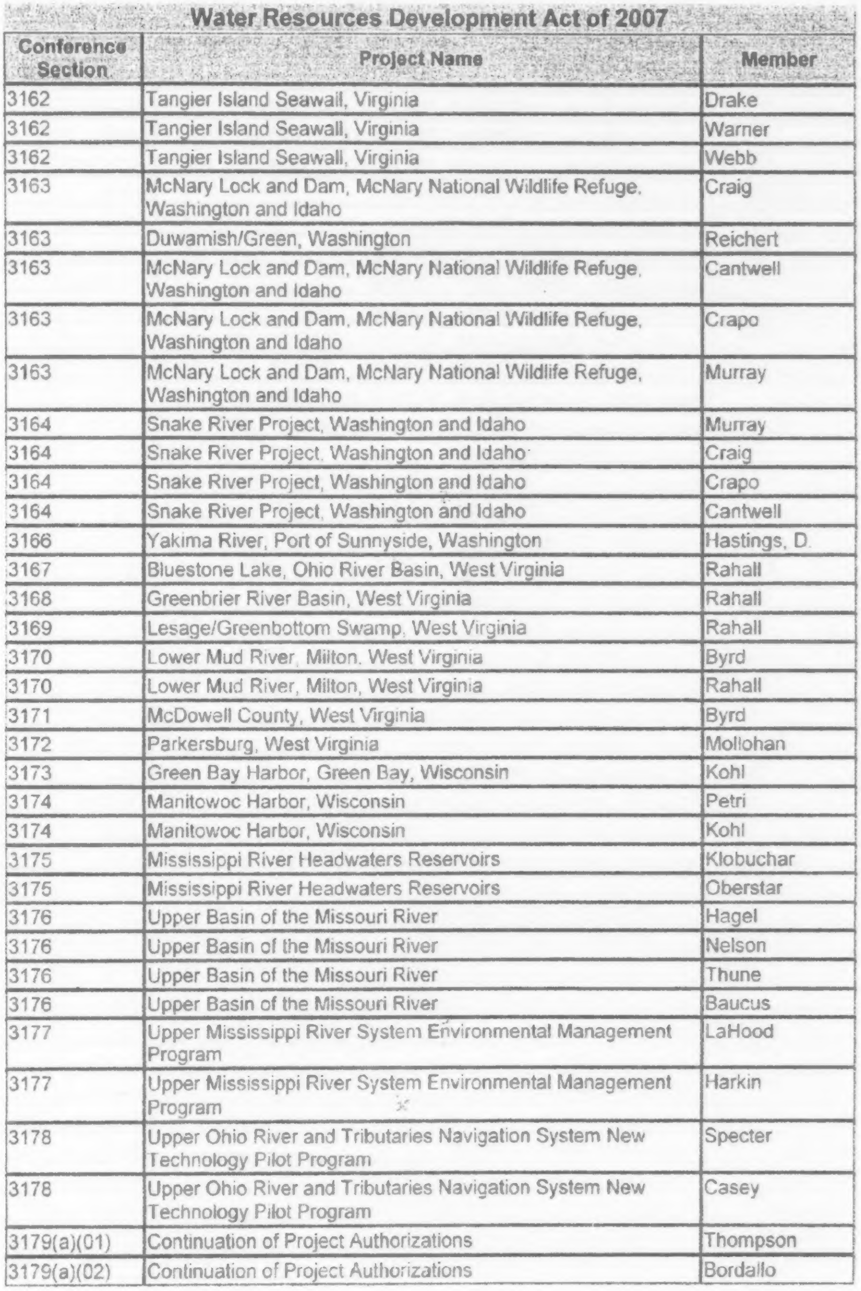
Water Resources Development Act of 2007

Conference Section	Project Name	Member
3120	Long Island Sound Oyter Restoration, New York and Connecticut	Lieberman
3120	Long Island Sound Oyter Restoration, New York and Connecticut	Dodd
3120	Long Island Sound Oyter Restoration, New York and Connecticut	Clinton
3121	Mamaroneck and Sheldrake Rivers Watershed Management, New York	Schumer
3121	Mamaroneck and Sheldrake Rivers Watershed Management, New York	Clinton
3121(a)(09)	Aunt Lydia's Cove, Massachusetts	Delahunt
3121(a)(09)	Aunt Lydia's Cove, Massachusetts	Kerry
3121(a)(09)	Aunt Lydia's Cove, Massachusetts	Kennedy, T.
3122	Orchard Beach, Bronx	Serrano
3122	Orchard Beach, Bronx	Crowley
3122	Orchard Beach, Bronx	Clinton
3123	Port of New York and New Jersey, New York and New Jersey	Sires
3123	Arkansas	Inhofe
3124	New York State Canal System	Slaughter
3124	New York State Canal System	Clinton
3124	New York State Canal System	Higgins
3125	Susquehanna River and Upper Delaware River Watershed Management, New York	Clinton
3126	Missouri River Restoration, North Dakota	Conrad
3127	Wahepton, North Dakota	Conrad
3128	Ohio	Voinovich
3129	Lower Girard Lake Dam, Ohio	Ryan, T.
3129	Lower Girard Lake Dam, Ohio	Voinovich
3130	Mahoning River, Ohio	Ryan, T.
3131	Arcadia Lake, Oklahoma	Fallin
3131	Arcadia Lake, Oklahoma	Inhofe
3132	Arkasas River Corridor, Oklahoma	Inhofe
3133	Lake Eufaula, Oklahoma	Inhofe
3134	Oklahoma Lakes Demonstration Program, Oklahoma	Inhofe
3135	Ottawa County, Oklahoma	Inhofe
3136	Red River Chloride Control, Oklahoma and Texas	Inhofe
3137	Waurika Lake, Oklahoma	Cole
3137	Waurika Lake, Oklahoma	Inhofe
3138	Upper Willamette River Watershed Ecosystem Restoration, Oregon	Wyden
3138	Upper Willamette River Watershed Ecosystem Restoration, Oregon	Smith
3139	Delaware River, Pennsylvania, New Jersey, and Delaware	Schwartz



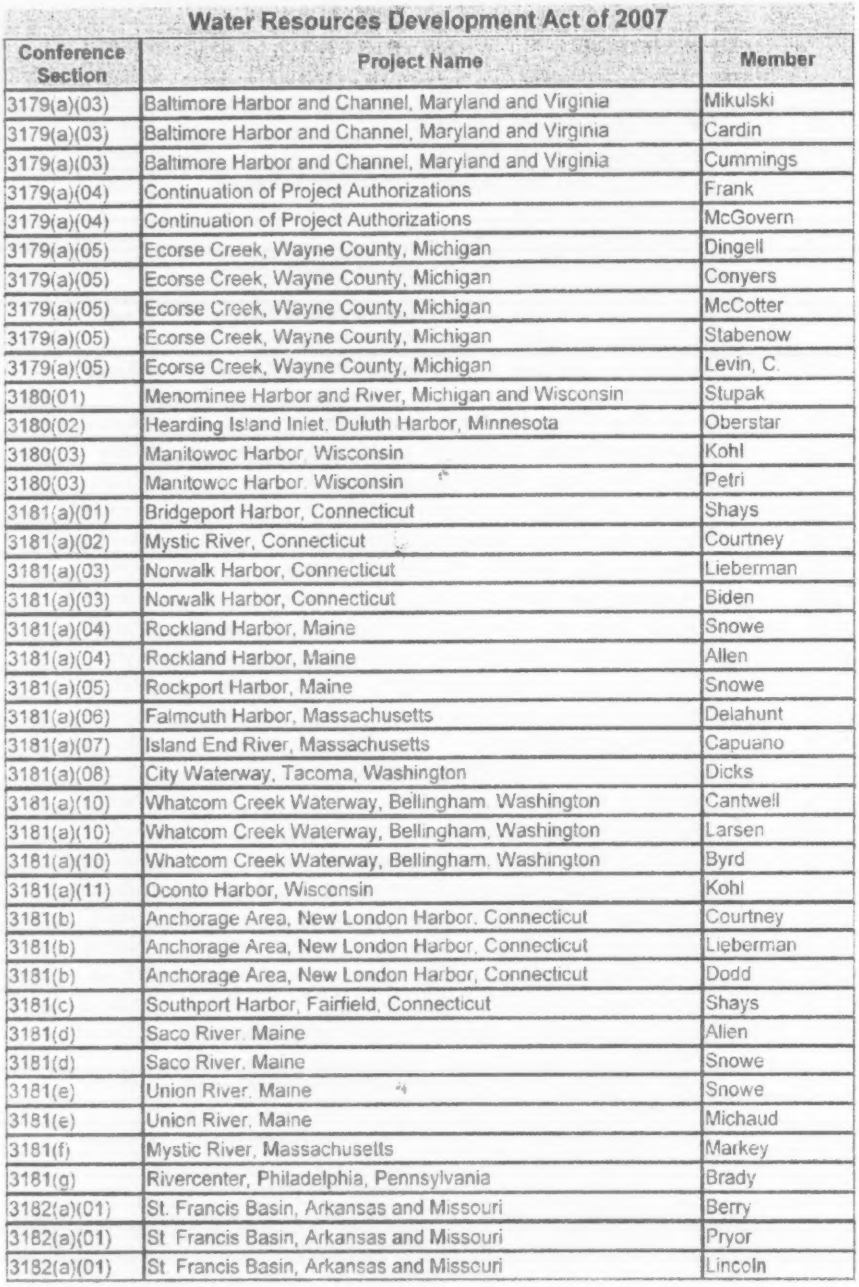
Water Resources Development Act of 2007

Conference Section	Project Name	Member
3139	Delaware River, Pennsylvania, New Jersey, and Delaware	Castle
3139	Delaware River, Pennsylvania, New Jersey, and Delaware	Saxton
3139	Delaware River, Pennsylvania, New Jersey, and Delaware	Andrews, R.
3139	Delaware River, Pennsylvania, New Jersey, and Delaware	LoBiondo
3140	Raystown Lake, Pennsylvania	Shuster
3141	Sheraden Park Stream & Chartiers Creek, Allegheny County	Doyle
3142	Solomon's Creek, Wilkes-Barre, Pennsylvania	Specter
3142	Solomon's Creek, Wilkes-Barre, Pennsylvania	Casey
3142	Solomon's Creek, Wilkes-Barre, Pennsylvania	Kanjorski
3143	South Central Pennsylvania	Murtha
3143	South Central Pennsylvania	Shuster
3144	Wyoming Valley, Pennsylvania	Specter
3144	Wyoming Valley, Pennsylvania	Casey
3144	Wyoming Valley, Pennsylvania	Kanjorski
3145	Narragansett Bay, Rhode Island	Whitehouse
3145	Missouri River Restoration, South Dakota	Thune
3145	Narragansett Bay, Rhode Island	Reed
3147	Cedar Bayou, Texas	Cornyn
3147	Cedar Bayou, Texas	Hutchison
3147	Cedar Bayou, Texas	Paul
3148	Freeport Harbor, Texas	Hutchison
3148	Freeport Harbor, Texas	Cornyn
3148	Freeport Harbor, Texas	Paul
3149	Lake Kemp, Texas	Cornyn
3149	Lake Kemp, Texas	Hutchison
3149	Lake Kemp, Texas	Thornberry
3150	Lower Rio Grande Basin, Texas	Hinojosa
3151	North Padre Island, Texas	Ortiz
3152	Pat Mayse Lake, Texas	Hall, R.
3153	Proctor Lake, Texas	Conaway
3154	San Antonio Channel, Texas	Gonzalez
3155	Connecticut River Restoration, Vermont	Sanders
3156	Dam Remediation, Vermont	Sanders
3157	Lake Champlain Eurasian Milfoil, Water Chestnut, and Other Nonnative Plant Control, Vermont	Sanders
3158	Upper Connecticut River Basin Wetland Restoration, Vermont and New Hampshire	Sanders
3159	Upper Connecticut River Basin Ecosystem Restoration, Vermont and New Hampshire	Sanders
3160	Lake Champlain Watershed, Vermont and New York	Sanders
3160	Lake Champlain Watershed, Vermont and New York	Clinton
3161	Sandbridge Beach, Virginia Beach, Virginia	Warner



Water Resources Development Act of 2007

Conference Section	Project Name	Member
3162	Tangier Island Seawall, Virginia	Drake
3162	Tangier Island Seawall, Virginia	Warner
3162	Tangier Island Seawall, Virginia	Webb
3163	McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho	Craig
3163	Duwamish/Green, Washington	Reichert
3163	McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho	Cantwell
3163	McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho	Crapo
3163	McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho	Murray
3164	Snake River Project, Washington and Idaho	Murray
3164	Snake River Project, Washington and Idaho	Craig
3164	Snake River Project, Washington and Idaho	Crapo
3164	Snake River Project, Washington and Idaho	Cantwell
3166	Yakima River, Port of Sunnyside, Washington	Hastings, D.
3167	Bluestone Lake, Ohio River Basin, West Virginia	Rahall
3168	Greenbrier River Basin, West Virginia	Rahall
3169	Lesage/Greenbottom Swamp, West Virginia	Rahall
3170	Lower Mud River, Milton, West Virginia	Byrd
3170	Lower Mud River, Milton, West Virginia	Rahall
3171	McDowell County, West Virginia	Byrd
3172	Parkersburg, West Virginia	Mollohan
3173	Green Bay Harbor, Green Bay, Wisconsin	Kohl
3174	Manitowoc Harbor, Wisconsin	Petri
3174	Manitowoc Harbor, Wisconsin	Kohl
3175	Mississippi River Headwaters Reservoirs	Klobuchar
3175	Mississippi River Headwaters Reservoirs	Oberstar
3176	Upper Basin of the Missouri River	Hagel
3176	Upper Basin of the Missouri River	Nelson
3176	Upper Basin of the Missouri River	Thune
3176	Upper Basin of the Missouri River	Baucus
3177	Upper Mississippi River System Environmental Management Program	LaHood
3177	Upper Mississippi River System Environmental Management Program	Harkin
3178	Upper Ohio River and Tributaries Navigation System New Technology Pilot Program	Specter
3178	Upper Ohio River and Tributaries Navigation System New Technology Pilot Program	Casey
3179(a)(01)	Continuation of Project Authorizations	Thompson
3179(a)(02)	Continuation of Project Authorizations	Bordallo



Water Resources Development Act of 2007

Conference Section	Project Name	Member
3179(a)(03)	Baltimore Harbor and Channel, Maryland and Virginia	Mikulski
3179(a)(03)	Baltimore Harbor and Channel, Maryland and Virginia	Cardin
3179(a)(03)	Baltimore Harbor and Channel, Maryland and Virginia	Cummings
3179(a)(04)	Continuation of Project Authorizations	Frank
3179(a)(04)	Continuation of Project Authorizations	McGovern
3179(a)(05)	Ecorse Creek, Wayne County, Michigan	Dingell
3179(a)(05)	Ecorse Creek, Wayne County, Michigan	Conyers
3179(a)(05)	Ecorse Creek, Wayne County, Michigan	McCotter
3179(a)(05)	Ecorse Creek, Wayne County, Michigan	Stabenow
3179(a)(05)	Ecorse Creek, Wayne County, Michigan	Levin, C.
3180(01)	Menominee Harbor and River, Michigan and Wisconsin	Stupak
3180(02)	Hearding Island Inlet, Duluth Harbor, Minnesota	Oberstar
3180(03)	Manitowoc Harbor, Wisconsin	Kohl
3180(03)	Manitowoc Harbor, Wisconsin	Petri
3181(a)(01)	Bridgeport Harbor, Connecticut	Shays
3181(a)(02)	Mystic River, Connecticut	Courtney
3181(a)(03)	Norwalk Harbor, Connecticut	Lieberman
3181(a)(03)	Norwalk Harbor, Connecticut	Biden
3181(a)(04)	Rockland Harbor, Maine	Snowe
3181(a)(04)	Rockland Harbor, Maine	Allen
3181(a)(05)	Rockport Harbor, Maine	Snowe
3181(a)(06)	Falmouth Harbor, Massachusetts	Delahunt
3181(a)(07)	Island End River, Massachusetts	Capuano
3181(a)(08)	City Waterway, Tacoma, Washington	Dicks
3181(a)(10)	Whatcom Creek Waterway, Bellingham, Washington	Cantwell
3181(a)(10)	Whatcom Creek Waterway, Bellingham, Washington	Larsen
3181(a)(10)	Whatcom Creek Waterway, Bellingham, Washington	Byrd
3181(a)(11)	Oconto Harbor, Wisconsin	Kohl
3181(b)	Anchorage Area, New London Harbor, Connecticut	Courtney
3181(b)	Anchorage Area, New London Harbor, Connecticut	Lieberman
3181(b)	Anchorage Area, New London Harbor, Connecticut	Dodd
3181(c)	Southport Harbor, Fairfield, Connecticut	Shays
3181(d)	Saco River, Maine	Allen
3181(d)	Saco River, Maine	Snowe
3181(e)	Union River, Maine	Snowe
3181(e)	Union River, Maine	Michaud
3181(f)	Mystic River, Massachusetts	Markey
3181(g)	Rivercenter, Philadelphia, Pennsylvania	Brady
3182(a)(01)	St. Francis Basin, Arkansas and Missouri	Berry
3182(a)(01)	St. Francis Basin, Arkansas and Missouri	Pryor
3182(a)(01)	St. Francis Basin, Arkansas and Missouri	Lincoln

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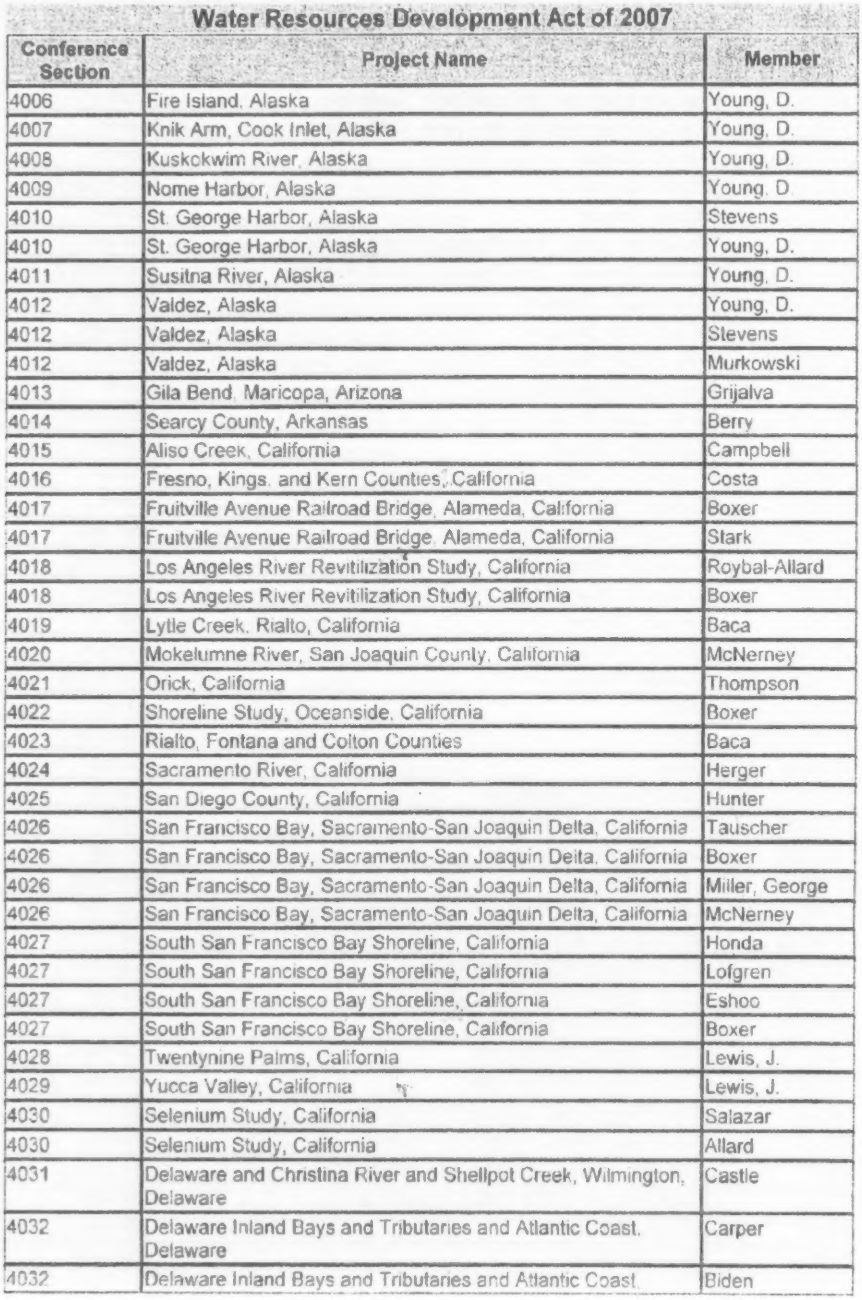
Conference Section	Project Name	Member
3182(b)	Oakland Inner Harbor Tidal Canal, California	Stark
3182(b)	Oakland Inner Harbor Tidal Canal, California	Boxer
3182(c)	Milford, Kansas	Boyda
3182(c)	Milford, Kansas	Brownback
3182(c)	Milford, Kansas	Roberts
3182(d)	Strawn Cemetary, John Redmond Lake, Kansas	Roberts
3182(d)	Strawn Cemetary, John Redmond Lake, Kansas	Brownback
3182(e)	Pike County, Missouri	McCaskill
3182(e)	Pike County, Missouri	Hulshof
3182(e)	Pike County, Missouri	Bond
3182(f)	Union Lake, Missouri	Bond
3182(f)	Union Lake, Missouri	McCaskill
3182(g)	Boardman, Oregon	Walden
3182(h)	Lookout Point Project, Lowell, Oregon	Wyden
3182(h)	Lookout Point Project, Lowell, Oregon	Smith
3182(h)	Lookout Point Project, Lowell, Oregon	DeFazio
3182(i)	Richard B. Russell Lake, South Carolina	Graham
3182(i)	Richard B. Russell Lake, South Carolina	Barrett
3182(j)	Denison, Texas	Hall, R.
3182(j)	Denison, Texas	Cornyn
3182(j)	Denison, Texas	Hutchison
3183(a)	Idaho	Craig
3183(a)	Idaho	Simpson
3183(a)	Idaho	Crapo
3183(b)	Lake Texoma, Oklahoma	Fallin
3183(b)	Lake Taxoma, Oklahoma	Cole
3183(b)	Lake Texoma, Oklahoma	Inhofe
3183(c)	Lowell, Oregon	DeFazio
3183(d)	Old Hickory Lock and Dam, Cumberland River, Tennessee	Cooper
3183(d)	Old Hickory Lock and Dam, Cumberland River, Tennessee	Alexander
3183(e)	Lower Granite Pool, Washington	Cantwell
3183(e)	Lower Granite Pool, Washington	Murray
3183(f)	Port of Pasco, Washington	Murray
3183(f)	Port of Pasco, Washington	Cantwell
3183(f)	Port of Pasco, Washington	Hastings, D.
4001	John Glenn Great Lakes Basin Program	McCotter
4001	John Glenn Great Lakes Basin Program	Dingell
4002	Lake Erie Dredged Material Disposal Sites	Reynolds
4003	Southwestern United States Drought Study	Berkley
4004	Delaware River	Murphy, P.
4005	Eurasian Milfoil	Sanders



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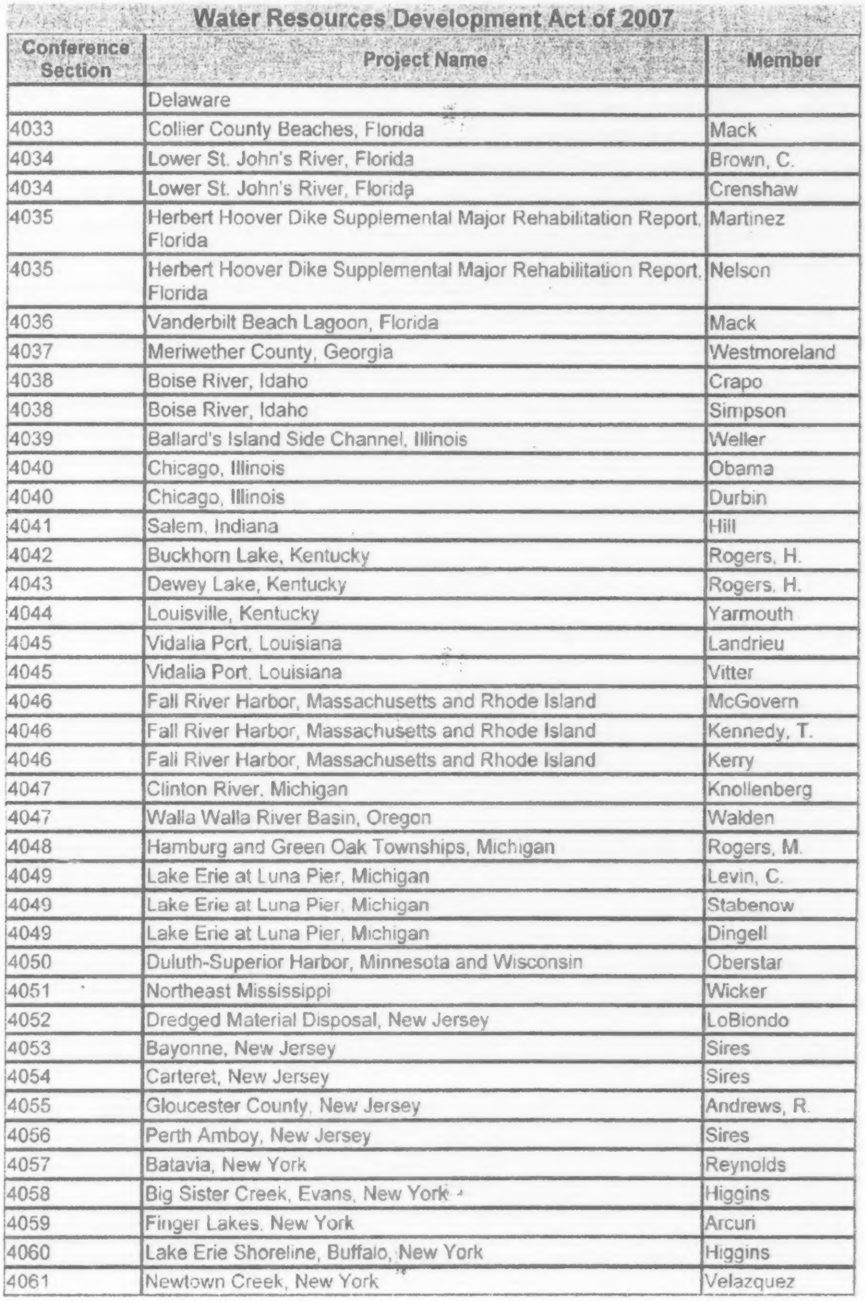
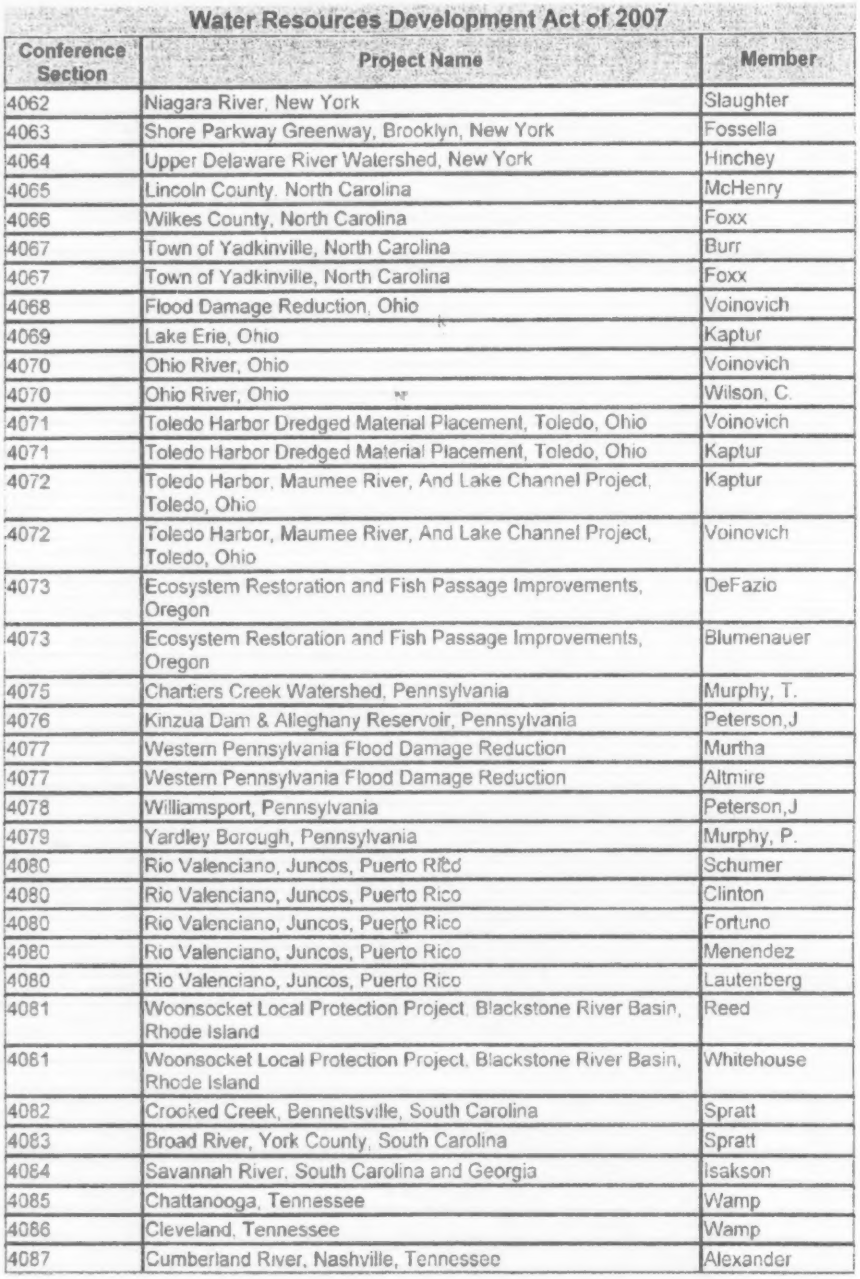
Conference Section	Project Name	Member
4006	Fire Island, Alaska	Young, D.
4007	Knik Arm, Cook Inlet, Alaska	Young, D.
4008	Kuskokwim River, Alaska	Young, D.
4009	Nome Harbor, Alaska	Young, D.
4010	St. George Harbor, Alaska	Stevens
4010	St. George Harbor, Alaska	Young, D.
4011	Susitna River, Alaska	Young, D.
4012	Valdez, Alaska	Young, D.
4012	Valdez, Alaska	Stevens
4012	Valdez, Alaska	Murkowski
4013	Gila Bend, Maricopa, Arizona	Grijalva
4014	Searcy County, Arkansas	Berry
4015	Aliso Creek, California	Campbell
4016	Fresno, Kings, and Kern Counties, California	Costa
4017	Fruitville Avenue Railroad Bridge, Alameda, California	Boxer
4017	Fruitville Avenue Railroad Bridge, Alameda, California	Stark
4018	Los Angeles River Revitilization Study, California	Roybal-Allard
4018	Los Angeles River Revitilization Study, California	Boxer
4019	Lytle Creek, Rialto, California	Baca
4020	Mokelumne River, San Joaquin County, California	McNerney
4021	Orick, California	Thompson
4022	Shoreline Study, Oceanside, California	Boxer
4023	Rialto, Fontana and Colton Counties	Baca
4024	Sacramento River, California	Herger
4025	San Diego County, California	Hunter
4026	San Francisco Bay, Sacramento-San Joaquin Delta, California	Tauscher
4026	San Francisco Bay, Sacramento-San Joaquin Delta, California	Boxer
4026	San Francisco Bay, Sacramento-San Joaquin Delta, California	Miller, George
4026	San Francisco Bay, Sacramento-San Joaquin Delta, California	McNerney
4027	South San Francisco Bay Shoreline, California	Honda
4027	South San Francisco Bay Shoreline, California	Lofgren
4027	South San Francisco Bay Shoreline, California	Eshoo
4027	South San Francisco Bay Shoreline, California	Boxer
4028	Twentynine Palms, California	Lewis, J.
4029	Yucca Valley, California	Lewis, J.
4030	Selenium Study, California	Salazar
4030	Selenium Study, California	Allard
4031	Delaware and Christina River and Shellpot Creek, Wilmington, Delaware	Castle
4032	Delaware Inland Bays and Tributaries and Atlantic Coast, Delaware	Carper
4032	Delaware Inland Bays and Tributaries and Atlantic Coast,	Biden



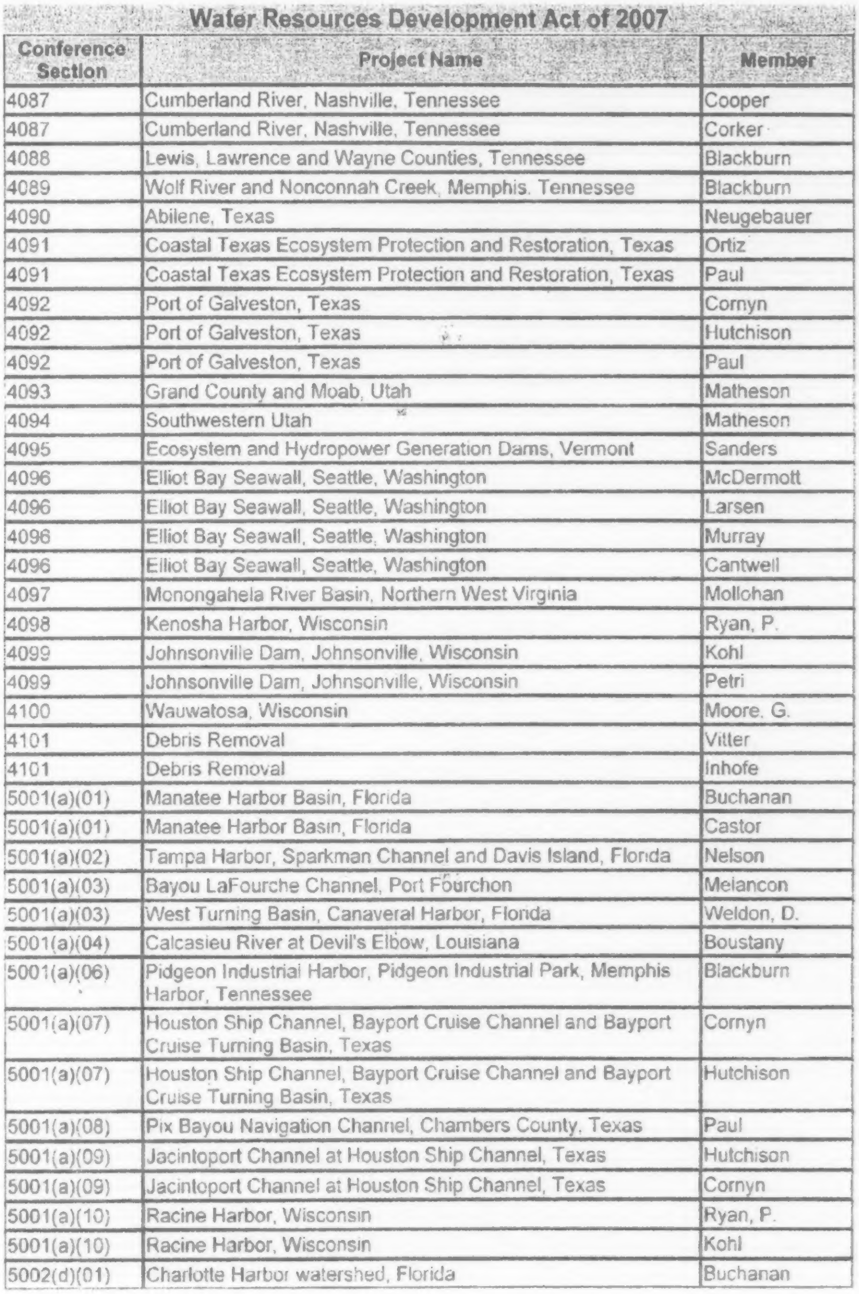
Water Resources Development Act of 2007

Conference Section	Project Name	Member
	Delaware	
4033	Collier County Beaches, Florida	Mack
4034	Lower St. John's River, Florida	Brown, C.
4034	Lower St. John's River, Florida	Crenshaw
4035	Herbert Hoover Dike Supplemental Major Rehabilitation Report, Florida	Martinez
4035	Herbert Hoover Dike Supplemental Major Rehabilitation Report, Florida	Nelson
4036	Vanderbilt Beach Lagoon, Florida	Mack
4037	Meriwether County, Georgia	Westmoreland
4038	Boise River, Idaho	Crapo
4038	Boise River, Idaho	Simpson
4039	Ballard's Island Side Channel, Illinois	Weller
4040	Chicago, Illinois	Obama
4040	Chicago, Illinois	Durbin
4041	Salem, Indiana	Hill
4042	Buckhorn Lake, Kentucky	Rogers, H.
4043	Dewey Lake, Kentucky	Rogers, H.
4044	Louisville, Kentucky	Yarmouth
4045	Vidalia Port, Louisiana	Landrieu
4045	Vidalia Port, Louisiana	Vitter
4046	Fall River Harbor, Massachusetts and Rhode Island	McGovern
4046	Fall River Harbor, Massachusetts and Rhode Island	Kennedy, T.
4046	Fall River Harbor, Massachusetts and Rhode Island	Kerry
4047	Clinton River, Michigan	Knollenberg
4047	Walla Walla River Basin, Oregon	Walden
4048	Hamburg and Green Oak Townships, Michigan	Rogers, M.
4049	Lake Erie at Luna Pier, Michigan	Levin, C.
4049	Lake Erie at Luna Pier, Michigan	Stabenow
4049	Lake Erie at Luna Pier, Michigan	Dingell
4050	Duluth-Superior Harbor, Minnesota and Wisconsin	Oberstar
4051	Northeast Mississippi	Wicker
4052	Dredged Material Disposal, New Jersey	LoBiondo
4053	Bayonne, New Jersey	Sires
4054	Carteret, New Jersey	Sires
4055	Gloucester County, New Jersey	Andrews, R.
4056	Perth Amboy, New Jersey	Sires
4057	Batavia, New York	Reynolds
4058	Big Sister Creek, Evans, New York	Higgins
4059	Finger Lakes, New York	Arcuri
4060	Lake Erie Shoreline, Buffalo, New York	Higgins
4061	Newtown Creek, New York	Velazquez



Water Resources Development Act of 2007

Conference Section	Project Name	Member
4062	Niagara River, New York	Slaughter
4063	Shore Parkway Greenway, Brooklyn, New York	Fossella
4064	Upper Delaware River Watershed, New York	Hinchey
4065	Lincoln County, North Carolina	McHenry
4066	Wilkes County, North Carolina	Foxx
4067	Town of Yadkinville, North Carolina	Burr
4067	Town of Yadkinville, North Carolina	Foxx
4068	Flood Damage Reduction, Ohio	Voinovich
4069	Lake Erie, Ohio	Kaptur
4070	Ohio River, Ohio	Voinovich
4070	Ohio River, Ohio	Wilson, C.
4071	Toledo Harbor Dredged Material Placement, Toledo, Ohio	Voinovich
4071	Toledo Harbor Dredged Material Placement, Toledo, Ohio	Kaptur
4072	Toledo Harbor, Maumee River, And Lake Channel Project, Toledo, Ohio	Kaptur
4072	Toledo Harbor, Maumee River, And Lake Channel Project, Toledo, Ohio	Voinovich
4073	Ecosystem Restoration and Fish Passage Improvements, Oregon	DeFazio
4073	Ecosystem Restoration and Fish Passage Improvements, Oregon	Blumenauer
4075	Chartiers Creek Watershed, Pennsylvania	Murphy, T.
4076	Kinzua Dam & Alleghany Reservoir, Pennsylvania	Peterson,J
4077	Western Pennsylvania Flood Damage Reduction	Murtha
4077	Western Pennsylvania Flood Damage Reduction	Altmire
4078	Williamsport, Pennsylvania	Peterson,J
4079	Yardley Borough, Pennsylvania	Murphy, P.
4080	Rio Valenciano, Juncos, Puerto Rico	Schumer
4080	Rio Valenciano, Juncos, Puerto Rico	Clinton
4080	Rio Valenciano, Juncos, Puerto Rico	Fortuno
4080	Rio Valenciano, Juncos, Puerto Rico	Menendez
4080	Rio Valenciano, Juncos, Puerto Rico	Lautenberg
4081	Woonsocket Local Protection Project, Blackstone River Basin, Rhode Island	Reed
4081	Woonsocket Local Protection Project, Blackstone River Basin, Rhode Island	Whitehouse
4082	Crooked Creek, Bennettsville, South Carolina	Spratt
4083	Broad River, York County, South Carolina	Spratt
4084	Savannah River, South Carolina and Georgia	Isakson
4085	Chattanooga, Tennessee	Wamp
4086	Cleveland, Tennessee	Wamp
4087	Cumberland River, Nashville, Tennessee	Alexander



Water Resources Development Act of 2007

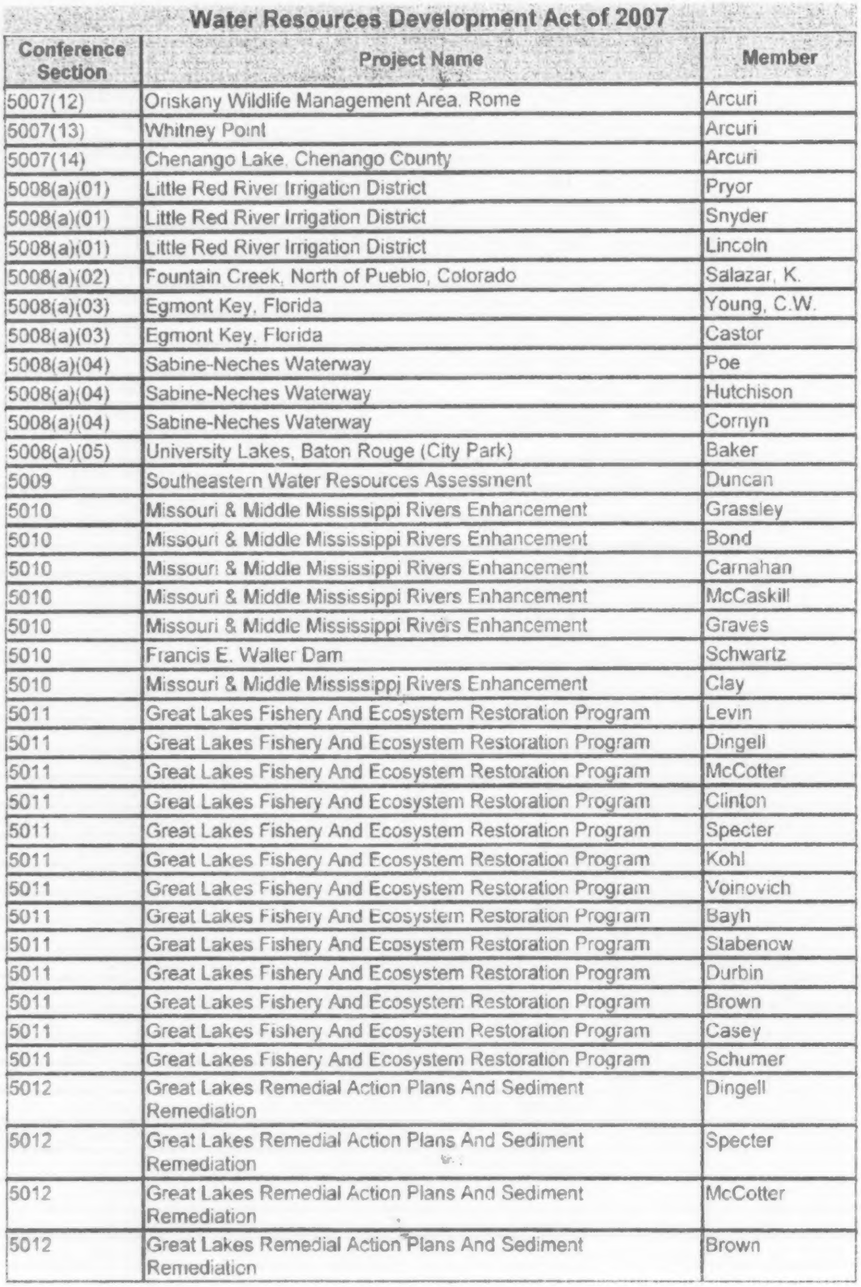
Conference Section	Project Name	Member
4087	Cumberland River, Nashville, Tennessee	Cooper
4087	Cumberland River, Nashville, Tennessee	Corker
4088	Lewis, Lawrence and Wayne Counties, Tennessee	Blackburn
4089	Wolf River and Nonconnah Creek, Memphis, Tennessee	Blackburn
4090	Abilene, Texas	Neugebauer
4091	Coastal Texas Ecosystem Protection and Restoration, Texas	Ortiz
4091	Coastal Texas Ecosystem Protection and Restoration, Texas	Paul
4092	Port of Galveston, Texas	Cornyn
4092	Port of Galveston, Texas	Hutchison
4092	Port of Galveston, Texas	Paul
4093	Grand County and Moab, Utah	Matheson
4094	Southwestern Utah	Matheson
4095	Ecosystem and Hydropower Generation Dams, Vermont	Sanders
4096	Elliot Bay Seawall, Seattle, Washington	McDermott
4096	Elliot Bay Seawall, Seattle, Washington	Larsen
4096	Elliot Bay Seawall, Seattle, Washington	Murray
4096	Elliot Bay Seawall, Seattle, Washington	Cantwell
4097	Monongahela River Basin, Northern West Virginia	Mollohan
4098	Kenosha Harbor, Wisconsin	Ryan, P.
4099	Johnsonville Dam, Johnsonville, Wisconsin	Kohl
4099	Johnsonville Dam, Johnsonville, Wisconsin	Petri
4100	Wauwatosa, Wisconsin	Moore, G.
4101	Debris Removal	Vitter
4101	Debris Removal	Inhofe
5001(a)(01)	Manatee Harbor Basin, Florida	Buchanan
5001(a)(01)	Manatee Harbor Basin, Florida	Castor
5001(a)(02)	Tampa Harbor, Sparkman Channel and Davis Island, Florida	Nelson
5001(a)(03)	Bayou LaFourche Channel, Port Fourchon	Melancon
5001(a)(03)	West Turning Basin, Canaveral Harbor, Florida	Weldon, D.
5001(a)(04)	Calcasieu River at Devil's Elbow, Louisiana	Boustany
5001(a)(06)	Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee	Blackburn
5001(a)(07)	Houston Ship Channel, Bayport Cruise Channel and Bayport Cruise Turning Basin, Texas	Cornyn
5001(a)(07)	Houston Ship Channel, Bayport Cruise Channel and Bayport Cruise Turning Basin, Texas	Hutchison
5001(a)(08)	Pix Bayou Navigation Channel, Chambers County, Texas	Paul
5001(a)(09)	Jacintoport Channel at Houston Ship Channel, Texas	Hutchison
5001(a)(09)	Jacintoport Channel at Houston Ship Channel, Texas	Cornyn
5001(a)(10)	Racine Harbor, Wisconsin	Ryan, P.
5001(a)(10)	Racine Harbor, Wisconsin	Kohl
5002(d)(01)	Charlotte Harbor watershed, Florida	Buchanan

Water Resources Development Act of 2007

Conference Section	Project Name	Member
5002(d)(02)	Georgia Watershed Assessment Plan	Scott
5002(d)(02)	Georgia Watershed Assessment Plan	Price
5002(d)(03)	Kinkaid Lake, Jaskson County, Illinois	Costello
5002(d)(04)	Amite River River Basin, Louisiana	Baker
5002(d)(05)	East Atchafalaya Basin, Louisiana	Baker
5002(d)(06)	Red River Watershed, Louisiana	McCrery
5002(d)(07)	Taunton River Basin, Massachusetts	Lynch
5002(d)(07)	Taunton River Basin, Massachusetts	Kerry
5002(d)(07)	Taunton River Basin, Massachusetts	Kennedy, T.
5002(d)(08)	Marlboro Township, New Jersey	Holt
5002(d)(08)	Marlboro Township, New Jersey	Pallone
5002(d)(09)	Esopus, Plattekill & Rondout Creeks, Greene, Sullivan, and Ulster Counties, New York	Hinchey
5002(d)(10)	Greenwood Lake Watershed, New York and New Jersey	Garrett
5002(d)(10)	Greenwood Lake Watershed, New York and New Jersey	Hall, J.
5002(d)(11)	Long Island Sound Watershed, New York	Bishop, T.
5002(d)(12)	Ramapo River Watershed, New York	Hall, J.
5002(d)(13)	Tuscarawas River Basin, Ohio	Sutton
5002(d)(14)	Western Lake Erie Basin, Ohio	Kaptur
5002(d)(15)	Western Pennsylvania Watershed	Altmire
5002(d)(16)	Otter Creek, Pennsylvania	Murphy, P.
5002(d)(17)	Unami Creek Watershed, Pennsylvania	Murphy, P.
5002(d)(18)	Sauk River Basin, Washington	Larsen
5003(a)(01)	Fish Creek Dam, Blaine County, Idaho	Simpson
5003(a)(02)	Keith Creek Dam, Rockford, Illinois	Obama
5003(a)(02)	Keith Creek Dam, Rockford, Illinois	Durbin
5003(a)(03)	Mount Zion Mill Pond Dam, Fulton County, Indiana	Lugar
5003(a)(03)	Mount Zion Mill Pond Dam, Fulton County, Indiana	Bayh
5003(a)(04)	Congers Lake Dam, Rocklan County, New York	Clinton
5003(a)(04)	Hamilton Dam, Flint River, Flint, Michigan	Levin, C
5003(a)(04)	Hamilton Dam, Flint River, Flint, Michigan	Stabenow
5003(a)(04)	Hamilton Dam, Flint River, Flint, Michigan	Kildee
5003(a)(05)	Congers Lake Dam, Rockland County, New York	Clinton
5003(a)(06)	Lake Lucille Dam, New City, New York	Clinton
5003(a)(07)	Peconic River Dams, Town of Riverhead, New York	Clinton
5003(a)(08)	Pine Grove Lakes Dam, Sloatsburg, New York	Clinton
5003(a)(09)	State Dam, Auburn, New York	Arcuri
5003(a)(10)	Whaley Lake, Town of Pawling, New York	Hall, J.
5003(a)(11)	Brightwood Dam, Concord Township, Ohio	Voinovich
5003(a)(12)	Ingham Spring Dam, Solebury Township, Pennsylvania	Specter
5003(a)(12)	Ingham Spring Dam, Solebury Township, Pennsylvania	Casey

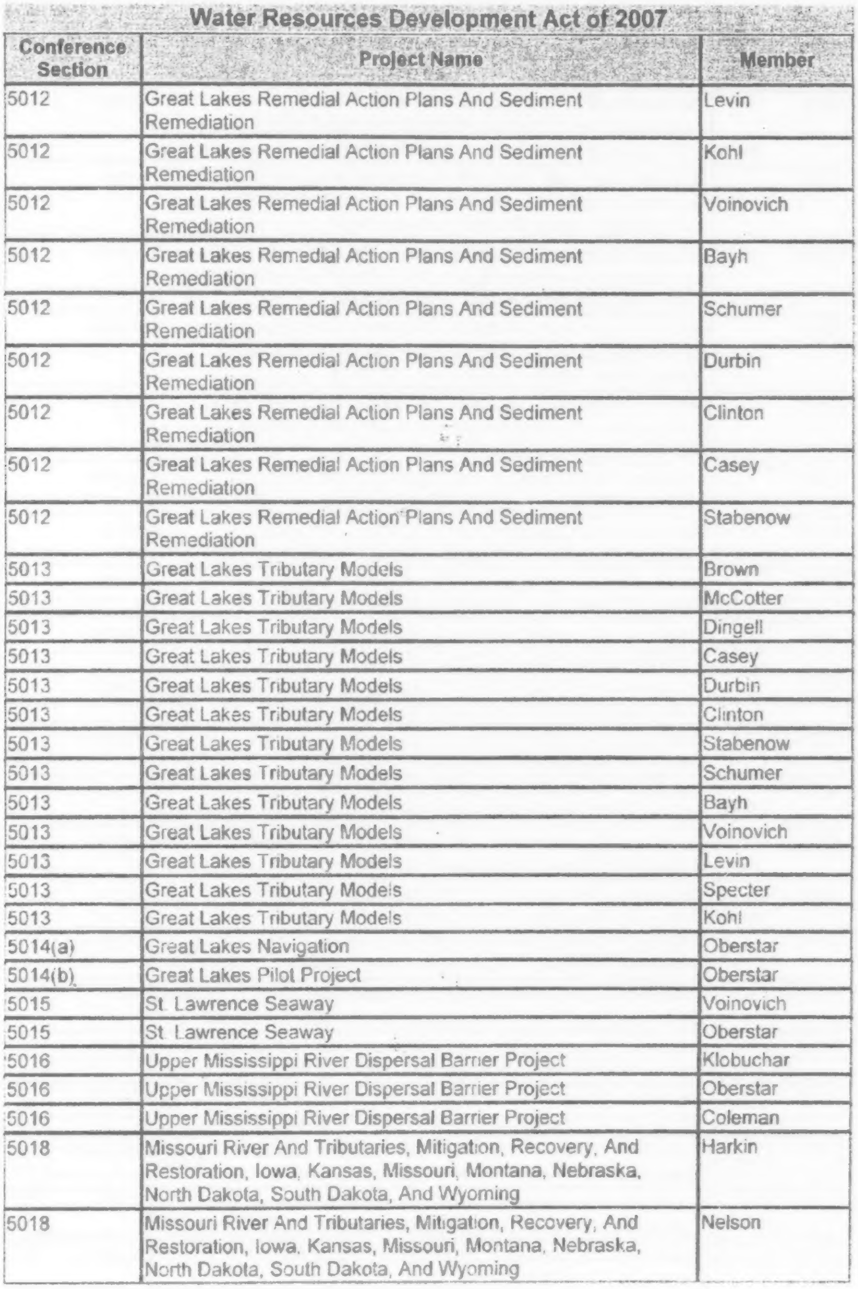
Water Resources Development Act of 2007

Conference Section	Project Name	Member
5003(a)(12)	Ingham Spring Dam, Solebury Township, Pennsylvania	Specter
5003(a)(13)	Leaser Lake Dam, Lehigh County	Dent
5003(a)(14)	Stillwater Dam, Monroe County, Pennsylvania	Specter
5003(a)(14)	Stillwater Dam, Monroe County, Pennsylvania	Specter
5003(a)(14)	Stillwater Dam, Monroe County, Pennsylvania	Casey
5003(a)(15)	Wissahickon Dam, Montgomery Couty, Pennsylvania	Schwartz
5004(b)	Arkansas River Levees	Snyder
5005(a)(29)	Ascension Parish, Louisiana	Melancon
5005(a)(29)	Ascension Parish, Louisiana	Baker
5005(a)(30)	East Baton Rouge Parish, Louisiana	Baker
5005(a)(31)	Iberville, Louisiana	Baker
5005(a)(32)	Livingston, Louisiana	Baker
5005(a)(33)	Pointe Coupee	Baker
5006(a)(09)	Hidalgo County	Hinojosa
5006(a)(10)	Marana	Grijalva
5006(a)(10)	Marana	Giffords
5006(a)(11)	East Arkansas Enterprise Community	Pryor
5006(a)(11)	East Arkansas Enterprise Community	Lincoln
5006(a)(11)	East Arkansas Enterprise Community, Arkansas	Everett
5006(a)(11)	East Arkansas Enterprise Community	Berry
5006(a)(12)	Desert Hot Springs	Lewis, J.
5006(a)(13)	City of Huntington Beach	Rohrabacher
5006(a)(14)	City of Inglewood	Waters
5006(a)(15)	Los Osos	Capps
5006(a)(16)	Norwalk, California	Napolitano
5006(a)(17)	Park City	Bishop, R.
5007(01)	Whittier, Alaska	Stevens
5007(01)	Whittier, Alaska	Young, D.
5007(02)	Laguna Creek, California	Boxer
5007(03)	Daytona Beach Shore Protection Project	Mica
5007(04)	Flagler Beach Shore Protection Project	Mica
5007(05)	St. Johns County Shore Protection Project	Mica
5007(06)	Chenier Plain, Louisiana	Vitter
5007(06)	Chenier Plain, Louisiana	Boustany
5007(07)	False River	Baker
5007(08)	North River, Peabody	Tierney
5007(08)	North River, Peabody	Kennedy, T.
5007(08)	North River, Peabody	Kerry
5007(09)	Fulmer Creek	Arcuri
5007(10)	Moyer Creek	Arcuri
5007(11)	Steele Creek	Arcuri



Water Resources Development Act of 2007

Conference Section	Project Name	Member
5007(12)	Oriskany Wildlife Management Area, Rome	Arcuri
5007(13)	Whitney Point	Arcuri
5007(14)	Chenango Lake, Chenango County	Arcuri
5008(a)(01)	Little Red River Irrigation District	Pryor
5008(a)(01)	Little Red River Irrigation District	Snyder
5008(a)(01)	Little Red River Irrigation District	Lincoln
5008(a)(02)	Fountain Creek, North of Pueblo, Colorado	Salazar, K.
5008(a)(03)	Egmont Key, Florida	Young, C.W.
5008(a)(03)	Egmont Key, Florida	Castor
5008(a)(04)	Sabine-Neches Waterway	Poe
5008(a)(04)	Sabine-Neches Waterway	Hutchison
5008(a)(04)	Sabine-Neches Waterway	Cornyn
5008(a)(05)	University Lakes, Baton Rouge (City Park)	Baker
5009	Southeastern Water Resources Assessment	Duncan
5010	Missouri & Middle Mississippi Rivers Enhancement	Grassley
5010	Missouri & Middle Mississippi Rivers Enhancement	Bond
5010	Missouri & Middle Mississippi Rivers Enhancement	Carnahan
5010	Missouri & Middle Mississippi Rivers Enhancement	McCaskill
5010	Missouri & Middle Mississippi Rivers Enhancement	Graves
5010	Francis E. Walter Dam	Schwartz
5010	Missouri & Middle Mississippj Rivers Enhancement	Clay
5011	Great Lakes Fishery And Ecosystem Restoration Program	Levin
5011	Great Lakes Fishery And Ecosystem Restoration Program	Dingell
5011	Great Lakes Fishery And Ecosystem Restoration Program	McCotter
5011	Great Lakes Fishery And Ecosystem Restoration Program	Clinton
5011	Great Lakes Fishery And Ecosystem Restoration Program	Specter
5011	Great Lakes Fishery And Ecosystem Restoration Program	Kohl
5011	Great Lakes Fishery And Ecosystem Restoration Program	Voinovich
5011	Great Lakes Fishery And Ecosystem Restoration Program	Bayh
5011	Great Lakes Fishery And Ecosystem Restoration Program	Stabenow
5011	Great Lakes Fishery And Ecosystem Restoration Program	Durbin
5011	Great Lakes Fishery And Ecosystem Restoration Program	Brown
5011	Great Lakes Fishery And Ecosystem Restoration Program	Casey
5011	Great Lakes Fishery And Ecosystem Restoration Program	Schumer
5012	Great Lakes Remedial Action Plans And Sediment Remediation	Dingell
5012	Great Lakes Remedial Action Plans And Sediment Remediation	Specter
5012	Great Lakes Remedial Action Plans And Sediment Remediation	McCotter
5012	Great Lakes Remedial Action Plans And Sediment Remediation	Brown



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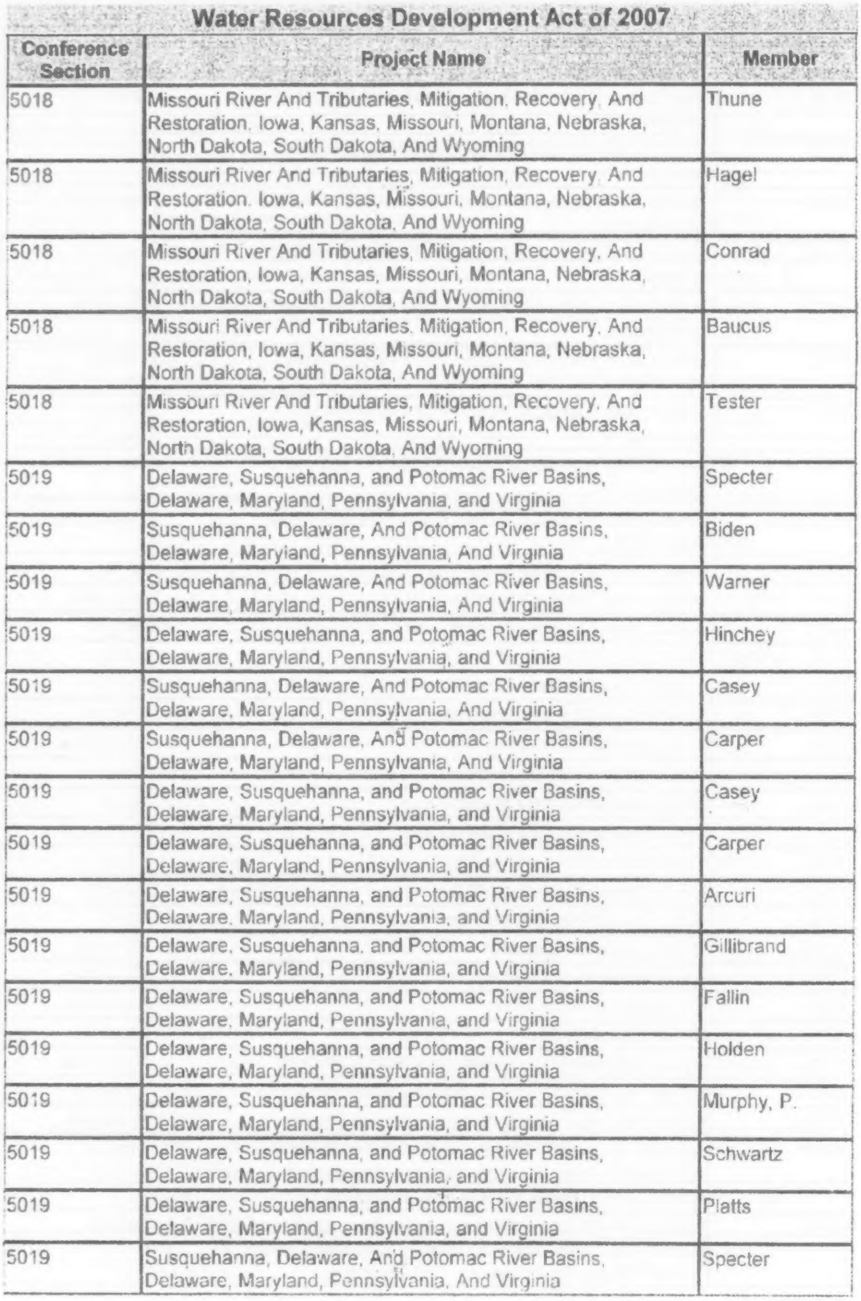
Conference Section	Project Name	Member
5012	Great Lakes Remedial Action Plans And Sediment Remediation	Levin
5012	Great Lakes Remedial Action Plans And Sediment Remediation	Kohl
5012	Great Lakes Remedial Action Plans And Sediment Remediation	Voinovich
5012	Great Lakes Remedial Action Plans And Sediment Remediation	Bayh
5012	Great Lakes Remedial Action Plans And Sediment Remediation	Schumer
5012	Great Lakes Remedial Action Plans And Sediment Remediation	Durbin
5012	Great Lakes Remedial Action Plans And Sediment Remediation	Clinton
5012	Great Lakes Remedial Action Plans And Sediment Remediation	Casey
5012	Great Lakes Remedial Action Plans And Sediment Remediation	Stabenow
5013	Great Lakes Tributary Models	Brown
5013	Great Lakes Tributary Models	McCotter
5013	Great Lakes Tributary Models	Dingell
5013	Great Lakes Tributary Models	Casey
5013	Great Lakes Tributary Models	Durbin
5013	Great Lakes Tributary Models	Clinton
5013	Great Lakes Tributary Models	Stabenow
5013	Great Lakes Tributary Models	Schumer
5013	Great Lakes Tributary Models	Bayh
5013	Great Lakes Tributary Models	Voinovich
5013	Great Lakes Tributary Models	Levin
5013	Great Lakes Tributary Models	Specter
5013	Great Lakes Tributary Models	Kohl
5014(a)	Great Lakes Navigation	Oberstar
5014(b)	Great Lakes Pilot Project	Oberstar
5015	St. Lawrence Seaway	Voinovich
5015	St. Lawrence Seaway	Oberstar
5016	Upper Mississippi River Dispersal Barrier Project	Klobuchar
5016	Upper Mississippi River Dispersal Barrier Project	Oberstar
5016	Upper Mississippi River Dispersal Barrier Project	Coleman
5018	Missouri River And Tributaries, Mitigation, Recovery, And Restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, And Wyoming	Harkin
5018	Missouri River And Tributaries, Mitigation, Recovery, And Restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, And Wyoming	Nelson



Water Resources Development Act of 2007

Conference Section	Project Name	Member
5018	Missouri River And Tributaries, Mitigation, Recovery, And Restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, And Wyoming	Thune
5018	Missouri River And Tributaries, Mitigation, Recovery, And Restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, And Wyoming	Hagel
5018	Missouri River And Tributaries, Mitigation, Recovery, And Restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, And Wyoming	Conrad
5018	Missouri River And Tributaries, Mitigation, Recovery, And Restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, And Wyoming	Baucus
5018	Missouri River And Tributaries, Mitigation, Recovery, And Restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, And Wyoming	Tester
5019	Delaware, Susquehanna, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia	Specter
5019	Susquehanna, Delaware, And Potomac River Basins, Delaware, Maryland, Pennsylvania, And Virginia	Biden
5019	Susquehanna, Delaware, And Potomac River Basins, Delaware, Maryland, Pennsylvania, And Virginia	Warner
5019	Delaware, Susquehanna, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia	Hinchey
5019	Susquehanna, Delaware, And Potomac River Basins, Delaware, Maryland, Pennsylvania, And Virginia	Casey
5019	Susquehanna, Delaware, And Potomac River Basins, Delaware, Maryland, Pennsylvania, And Virginia	Carper
5019	Delaware, Susquehanna, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia	Casey
5019	Delaware, Susquehanna, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia	Carper
5019	Delaware, Susquehanna, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia	Arcuri
5019	Delaware, Susquehanna, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia	Gillibrand
5019	Delaware, Susquehanna, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia	Fallin
5019	Delaware, Susquehanna, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia	Holden
5019	Delaware, Susquehanna, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia	Murphy, P.
5019	Delaware, Susquehanna, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia	Schwartz
5019	Delaware, Susquehanna, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia	Platts
5019	Susquehanna, Delaware, And Potomac River Basins, Delaware, Maryland, Pennsylvania, And Virginia	Specter

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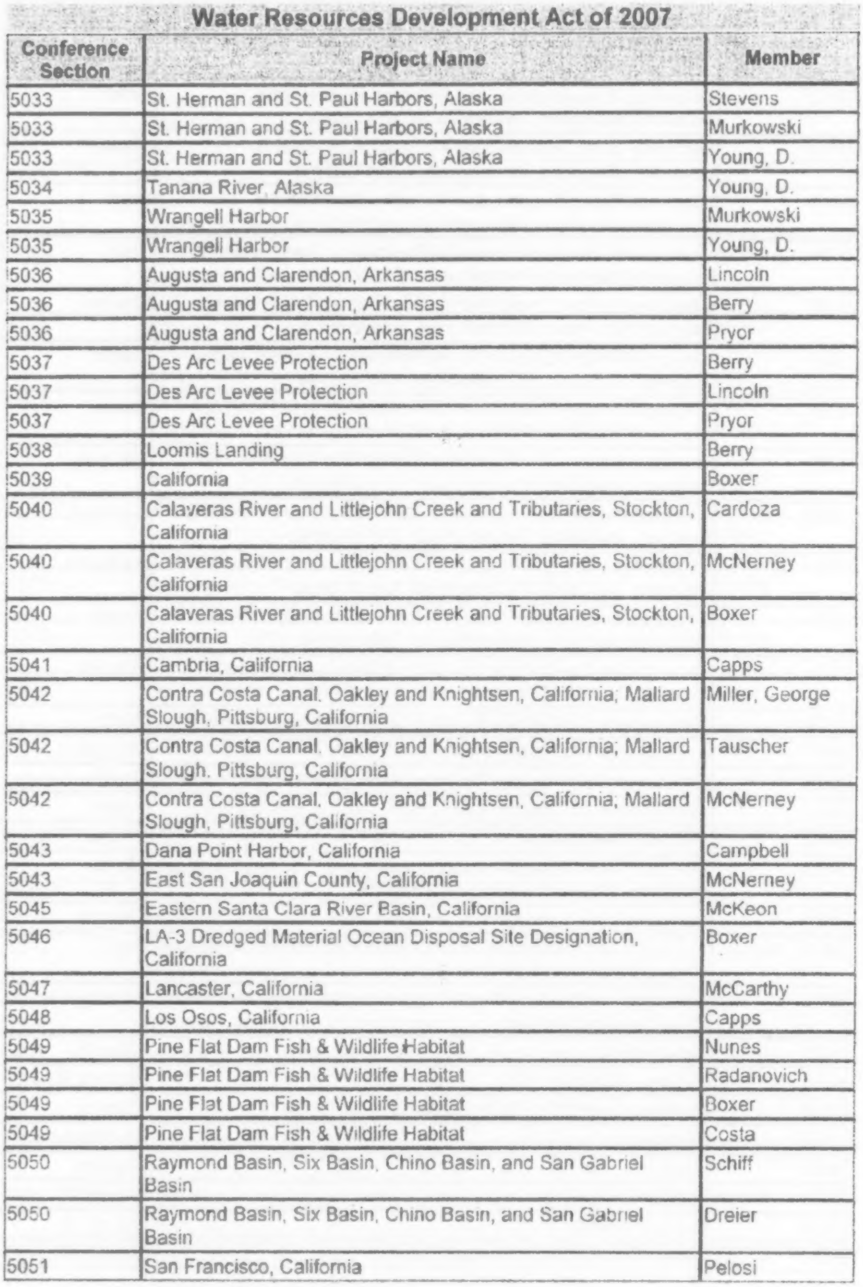
Conference Section	Project Name	Member
5019	Delaware, Susquehanna, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia	Biden
5019	Delaware, Susquehanna, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia	Warner
5019	Delaware, Susquehanna, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia	Dent
5020	Chesapeake Bay Environmental Restoration And Protection Program, Maryland, Pennsylvania, And Virginia	Webb
5020	Chesapeake Bay Environmental Restoration And Protection Program, Maryland, Pennsylvania, And Virginia	Specter
5020	Chesapeake Bay Environmental Restoration And Protection Program, Maryland, Pennsylvania, And Virginia	Cardin
5020	Chesapeake Bay Environmental Restoration And Protection Program, Maryland, Pennsylvania, And Virginia	Casey
5020	Chesapeake Bay Environmental Restoration And Protection Program, Maryland, Pennsylvania, And Virginia	Mikulski
5020	Chesapeake Bay Environmental Restoration and Protection Program, Maryland, Pennsylvania, And Virginia	Gilchrest
5020	Chesapeake Bay Environmental Restoration and Protection Program, Maryland, Pennsylvania, And Virginia	Sarbanes
5020	Chesapeake Bay Environmental Restoration and Protection Program, Maryland, Pennsylvania, And Virginia	Hoyer
5020	Chesapeake Bay Environmental Restoration And Protection Program, Maryland, Pennsylvania, And Virginia	Warner
5021	Chesapeake Bay Oyster Restoration, Virginia and Maryland	Webb
5021	Chesapeake Bay Oyster Restoration, Virginia and Maryland	Mikulski
5021	Chesapeake Bay Oyster Restoration, Virginia and Maryland	Cardin
5021	Chesapeake Bay Oyster Restoration, Virginia and Maryland	Webb
5022	Hypoxia Assessment	Pryce
5023	Potomac River Watershed Assessment and Tributary Strategy and Evaluation and Monitoring Program	Moran
5024	Lock and Dam Security	Duncan
5025	Research and Development Program for Columbia and Snake River Salmon Survival	Baird
5025	Research and Development Program for Columbia and Snake River Salmon Survival	Blumenauer
5027	Rehabilitation	Oberstar
5028	Auburn, Alabama	Rogers, Mike D
5029	Pinhook Creek, Huntsville, Alabama	Cramer
5030	Alaska	Murkowski
5030	Alaska	Stevens
5030	Alaska	Young, D.
5031	Barrow, Alaska	Young, D.
5032	Lowell Creek Tunnel, Seward, Alaska	Young, D.



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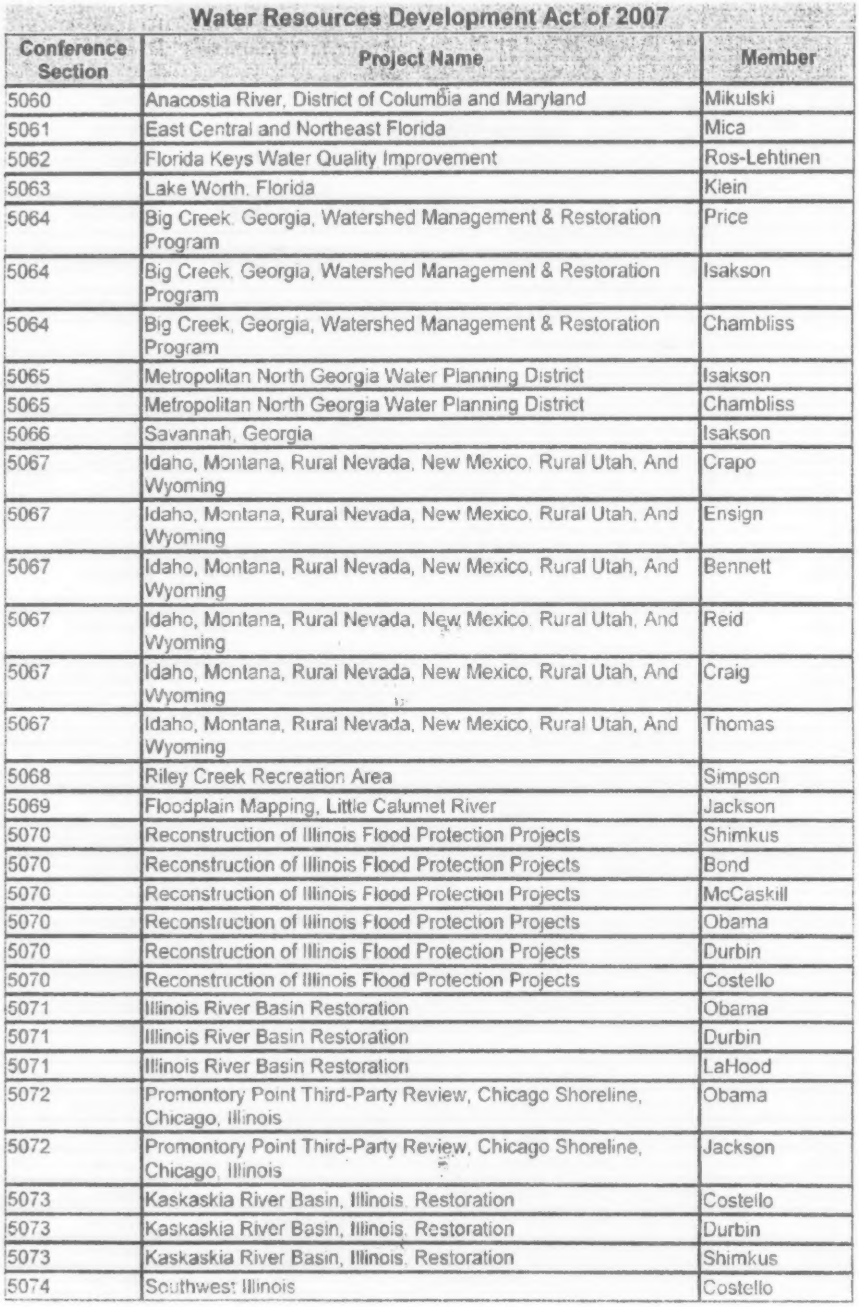
Conference Section	Project Name	Member
5033	St. Herman and St. Paul Harbors, Alaska	Stevens
5033	St. Herman and St. Paul Harbors, Alaska	Murkowski
5033	St. Herman and St. Paul Harbors, Alaska	Young, D.
5034	Tanana River, Alaska	Young, D.
5035	Wrangell Harbor	Murkowski
5035	Wrangell Harbor	Young, D.
5036	Augusta and Clarendon, Arkansas	Lincoln
5036	Augusta and Clarendon, Arkansas	Berry
5036	Augusta and Clarendon, Arkansas	Pryor
5037	Des Arc Levee Protection	Berry
5037	Des Arc Levee Protection	Lincoln
5037	Des Arc Levee Protection	Pryor
5038	Loomis Landing	Berry
5039	California	Boxer
5040	Calaveras River and Littlejohn Creek and Tributaries, Stockton, California	Cardoza
5040	Calaveras River and Littlejohn Creek and Tributaries, Stockton, California	McNerney
5040	Calaveras River and Littlejohn Creek and Tributaries, Stockton, California	Boxer
5041	Cambria, California	Capps
5042	Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California	Miller, George
5042	Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California	Tauscher
5042	Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California	McNerney
5043	Dana Point Harbor, California	Campbell
5043	East San Joaquin County, California	McNerney
5045	Eastern Santa Clara River Basin, California	McKeon
5046	LA-3 Dredged Material Ocean Disposal Site Designation, California	Boxer
5047	Lancaster, California	McCarthy
5048	Los Osos, California	Capps
5049	Pine Flat Dam Fish & Wildlife Habitat	Nunes
5049	Pine Flat Dam Fish & Wildlife Habitat	Radanovich
5049	Pine Flat Dam Fish & Wildlife Habitat	Boxer
5049	Pine Flat Dam Fish & Wildlife Habitat	Costa
5050	Raymond Basin, Six Basin, Chino Basin, and San Gabriel Basin	Schiff
5050	Raymond Basin, Six Basin, Chino Basin, and San Gabriel Basin	Dreier
5051	San Francisco, California	Pelosi

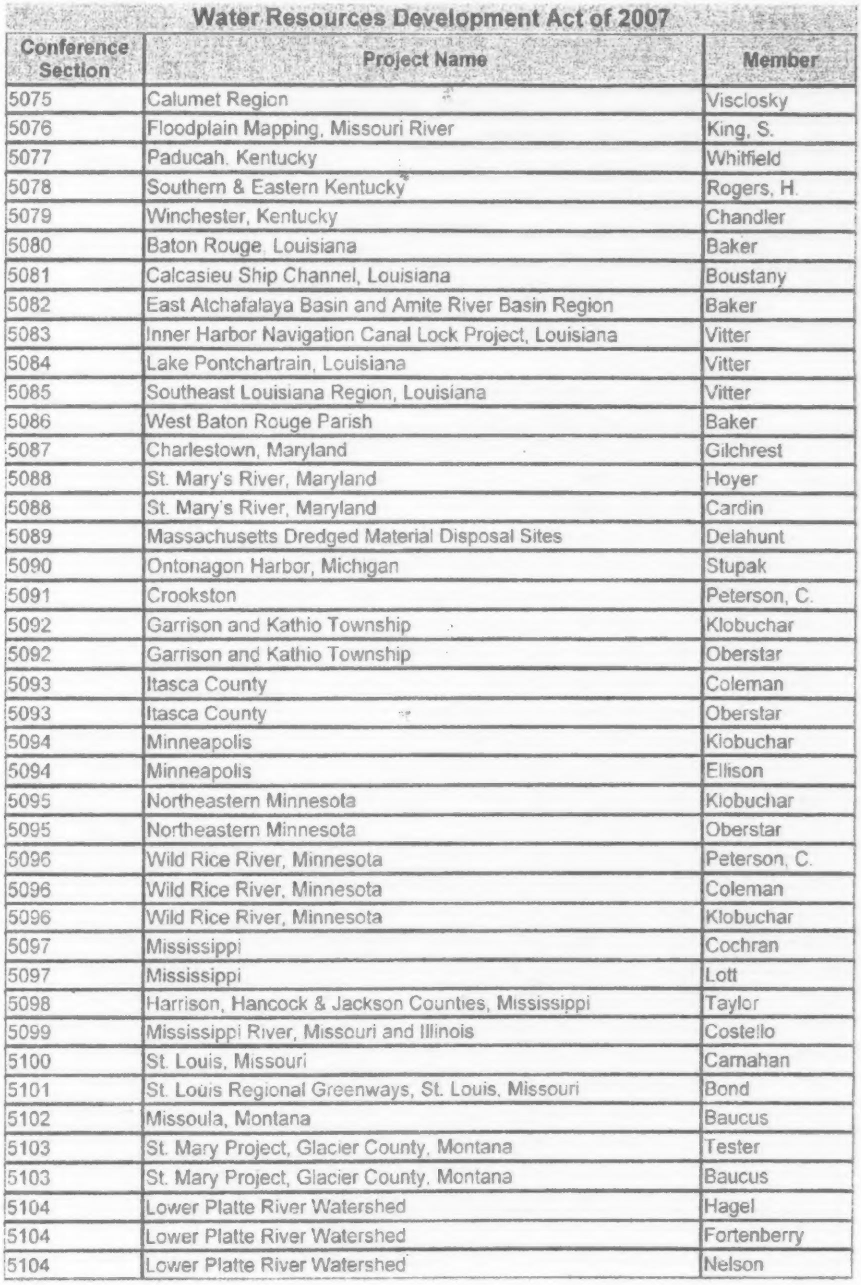
Water Resources Development Act of 2007

Conference Section	Project Name	Member
5052	San Francisco, California. Waterfront Area	Boxer
5052	San Francisco, California. Waterfront Area	Pelosi
5053	San Pablo Bay, California, Watershed and Suisun Marsh Ecosystem Restoration	Miller, George
5053	San Pablo Bay, California, Watershed and Suisun Marsh Ecosystem Restoration	Tauscher
5053	San Pablo Bay, California, Watershed and Suisun Marsh Ecosystem Restoration	Thompson
5053	San Pablo Bay, California, Watershed and Suisun Marsh Ecosystem Restoration	Boxer
5054	St. Helena, California	Boxer
5054	St. Helena, California	Thompson
5055	Upper Calaveras River, Stockton, California	McNerney
5055	Upper Calaveras River, Stockton, California	Cardoza
5055	Upper Calaveras River, Stockton, California	Boxer
5056	Rio Grande Environmental Management Program	Domenici
5056	Rio Grande Environmental Management Program	Bingaman
5056	Rio Grande Environmental Management Program, Colorado, New Mexico, And Texas	Salazar
5056	Rio Grande Environmental Management Program, Colorado, New Mexico, And Texas	Domenici
5056	Rio Grande Environmental Management Program	Udall, T
5056	Rio Grande Environmental Management Program, Colorado. New Mexico. And Texas	Hutchison
5056	Rio Grande Environmental Management Program	Pearce
5056	Rio Grande Environmental Management Program, Colorado, New Mexico, And Texas	Bingaman
5056	Rio Grande Environmental Management Program	Wilson, H.
5056	Rio Grande Environmental Management Program Colorado, New Mexico, And Texas	Cornyn
5057	Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut	Dodd
5057	Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut	Lieberman
5057	Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut	DeLauro
5058	Stamford, Connecticut	Lieberman
5059	Delmarva Conservation Corridor	Gilchrest
5059	Delmarva Conservation Corridor	Castle
5059	Delmarva Conservation Corridor	Carper
5059	Delmarva Conservation Corridor	Biden
5060	Anacostia River, District of Columbia and Maryland	Warner
5060	Anacostia River, District of Columbia and Maryland	Cardin
5060	District of Columbia and Maryland	Norton



Water Resources Development Act of 2007

Conference Section	Project Name	Member
5060	Anacostia River, District of Columbia and Maryland	Mikulski
5061	East Central and Northeast Florida	Mica
5062	Florida Keys Water Quality Improvement	Ros-Lehtinen
5063	Lake Worth, Florida	Klein
5064	Big Creek, Georgia, Watershed Management & Restoration Program	Price
5064	Big Creek, Georgia, Watershed Management & Restoration Program	Isakson
5064	Big Creek, Georgia, Watershed Management & Restoration Program	Chambliss
5065	Metropolitan North Georgia Water Planning District	Isakson
5065	Metropolitan North Georgia Water Planning District	Chambliss
5066	Savannah, Georgia	Isakson
5067	Idaho, Montana, Rural Nevada, New Mexico, Rural Utah, And Wyoming	Crapo
5067	Idaho, Montana, Rural Nevada, New Mexico, Rural Utah, And Wyoming	Ensign
5067	Idaho, Montana, Rural Nevada, New Mexico, Rural Utah, And Wyoming	Bennett
5067	Idaho, Montana, Rural Nevada, New Mexico, Rural Utah, And Wyoming	Reid
5067	Idaho, Montana, Rural Nevada, New Mexico, Rural Utah, And Wyoming	Craig
5067	Idaho, Montana, Rural Nevada, New Mexico, Rural Utah, And Wyoming	Thomas
5068	Riley Creek Recreation Area	Simpson
5069	Floodplain Mapping, Little Calumet River	Jackson
5070	Reconstruction of Illinois Flood Protection Projects	Shimkus
5070	Reconstruction of Illinois Flood Protection Projects	Bond
5070	Reconstruction of Illinois Flood Protection Projects	McCaskill
5070	Reconstruction of Illinois Flood Protection Projects	Obama
5070	Reconstruction of Illinois Flood Protection Projects	Durbin
5070	Reconstruction of Illinois Flood Protection Projects	Costello
5071	Illinois River Basin Restoration	Obama
5071	Illinois River Basin Restoration	Durbin
5071	Illinois River Basin Restoration	LaHood
5072	Promontory Point Third-Party Review, Chicago Shoreline, Chicago, Illinois	Obama
5072	Promontory Point Third-Party Review, Chicago Shoreline, Chicago, Illinois	Jackson
5073	Kaskaskia River Basin, Illinois, Restoration	Costello
5073	Kaskaskia River Basin, Illinois, Restoration	Durbin
5073	Kaskaskia River Basin, Illinois, Restoration	Shimkus
5074	Southwest Illinois	Costello



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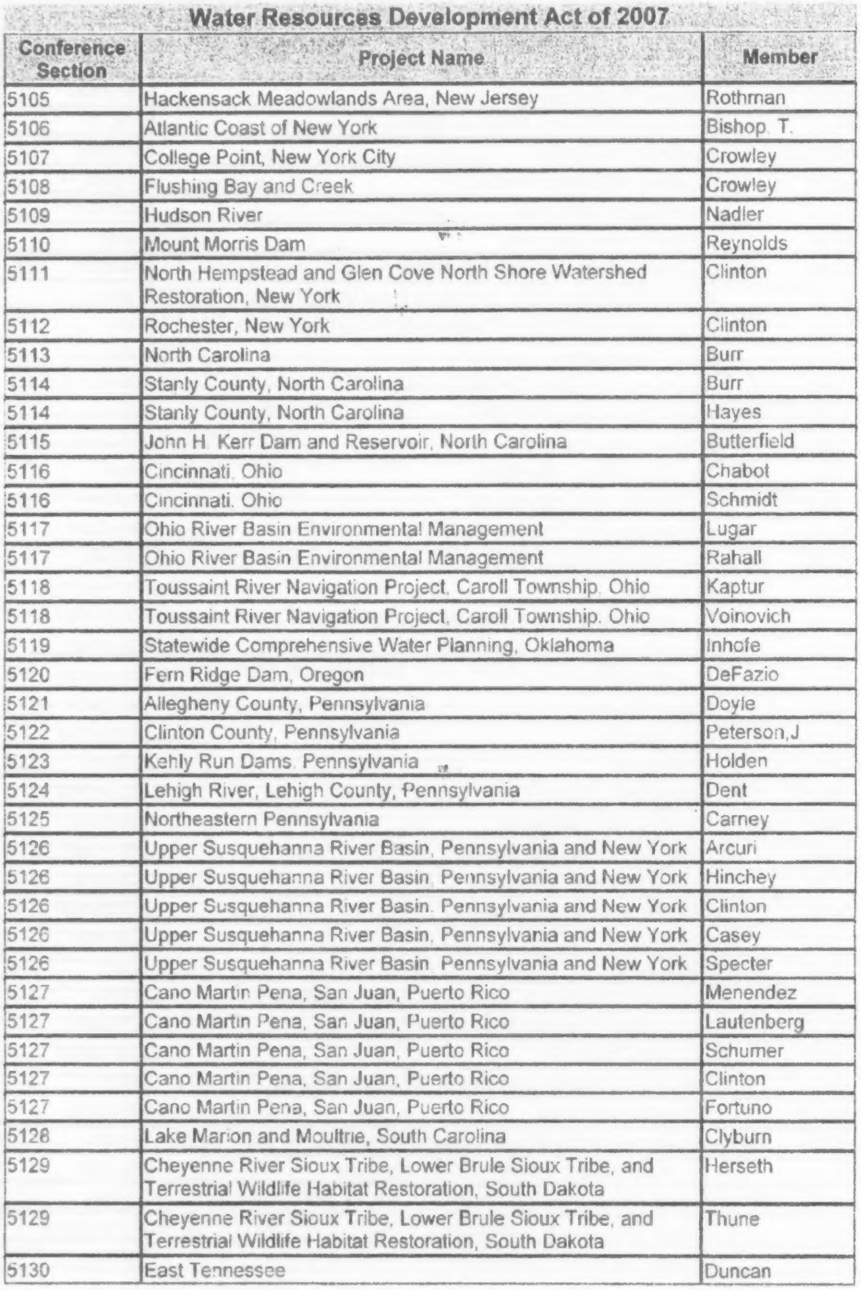
Conference Section	Project Name	Member
5075	Calumet Region	Visclosky
5076	Floodplain Mapping, Missouri River	King, S.
5077	Paducah, Kentucky	Whitfield
5078	Southern & Eastern Kentucky	Rogers, H.
5079	Winchester, Kentucky	Chandler
5080	Baton Rouge, Louisiana	Baker
5081	Calcasieu Ship Channel, Louisiana	Boustany
5082	East Atchafalaya Basin and Amite River Basin Region	Baker
5083	Inner Harbor Navigation Canal Lock Project, Louisiana	Vitter
5084	Lake Pontchartrain, Louisiana	Vitter
5085	Southeast Louisiana Region, Louisiana	Vitter
5086	West Baton Rouge Parish	Baker
5087	Charlestown, Maryland	Gilchrest
5088	St. Mary's River, Maryland	Hoyer
5088	St. Mary's River, Maryland	Cardin
5089	Massachusetts Dredged Material Disposal Sites	Delahunt
5090	Ontonagon Harbor, Michigan	Stupak
5091	Crookston	Peterson, C.
5092	Garrison and Kathio Township	Klobuchar
5092	Garrison and Kathio Township	Oberstar
5093	Itasca County	Coleman
5093	Itasca County	Oberstar
5094	Minneapolis	Klobuchar
5094	Minneapolis	Ellison
5095	Northeastern Minnesota	Klobuchar
5095	Northeastern Minnesota	Oberstar
5096	Wild Rice River, Minnesota	Peterson, C.
5096	Wild Rice River, Minnesota	Coleman
5096	Wild Rice River, Minnesota	Klobuchar
5097	Mississippi	Cochran
5097	Mississippi	Lott
5098	Harrison, Hancock & Jackson Counties, Mississippi	Taylor
5099	Mississippi River, Missouri and Illinois	Costello
5100	St. Louis, Missouri	Carnahan
5101	St. Louis Regional Greenways, St. Louis, Missouri	Bond
5102	Missoula, Montana	Baucus
5103	St. Mary Project, Glacier County, Montana	Tester
5103	St. Mary Project, Glacier County, Montana	Baucus
5104	Lower Platte River Watershed	Hagel
5104	Lower Platte River Watershed	Fortenberry
5104	Lower Platte River Watershed	Nelson



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Conference Section	Project Name	Member
5105	Hackensack Meadowlands Area, New Jersey	Rothman
5106	Atlantic Coast of New York	Bishop. T.
5107	College Point, New York City	Crowley
5108	Flushing Bay and Creek	Crowley
5109	Hudson River	Nadler
5110	Mount Morris Dam	Reynolds
5111	North Hempstead and Glen Cove North Shore Watershed Restoration, New York	Clinton
5112	Rochester, New York	Clinton
5113	North Carolina	Burr
5114	Stanly County, North Carolina	Burr
5114	Stanly County, North Carolina	Hayes
5115	John H. Kerr Dam and Reservoir, North Carolina	Butterfield
5116	Cincinnati, Ohio	Chabot
5116	Cincinnati, Ohio	Schmidt
5117	Ohio River Basin Environmental Management	Lugar
5117	Ohio River Basin Environmental Management	Rahall
5118	Toussaint River Navigation Project, Caroll Township, Ohio	Kaptur
5118	Toussaint River Navigation Project, Caroll Township, Ohio	Voinovich
5119	Statewide Comprehensive Water Planning, Oklahoma	Inhofe
5120	Fern Ridge Dam, Oregon	DeFazio
5121	Allegheny County, Pennsylvania	Doyle
5122	Clinton County, Pennsylvania	Peterson,J
5123	Kehly Run Dams, Pennsylvania	Holden
5124	Lehigh River, Lehigh County, Pennsylvania	Dent
5125	Northeastern Pennsylvania	Carney
5126	Upper Susquehanna River Basin, Pennsylvania and New York	Arcuri
5126	Upper Susquehanna River Basin, Pennsylvania and New York	Hinchey
5126	Upper Susquehanna River Basin, Pennsylvania and New York	Clinton
5126	Upper Susquehanna River Basin, Pennsylvania and New York	Casey
5126	Upper Susquehanna River Basin, Pennsylvania and New York	Specter
5127	Cano Martin Pena, San Juan, Puerto Rico	Menendez
5127	Cano Martin Pena, San Juan, Puerto Rico	Lautenberg
5127	Cano Martin Pena, San Juan, Puerto Rico	Schumer
5127	Cano Martin Pena, San Juan, Puerto Rico	Clinton
5127	Cano Martin Pena, San Juan, Puerto Rico	Fortuno
5128	Lake Marion and Moultrie, South Carolina	Clyburn
5129	Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and Terrestrial Wildlife Habitat Restoration, South Dakota	Herseth
5129	Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and Terrestrial Wildlife Habitat Restoration, South Dakota	Thune
5130	East Tennessee	Duncan

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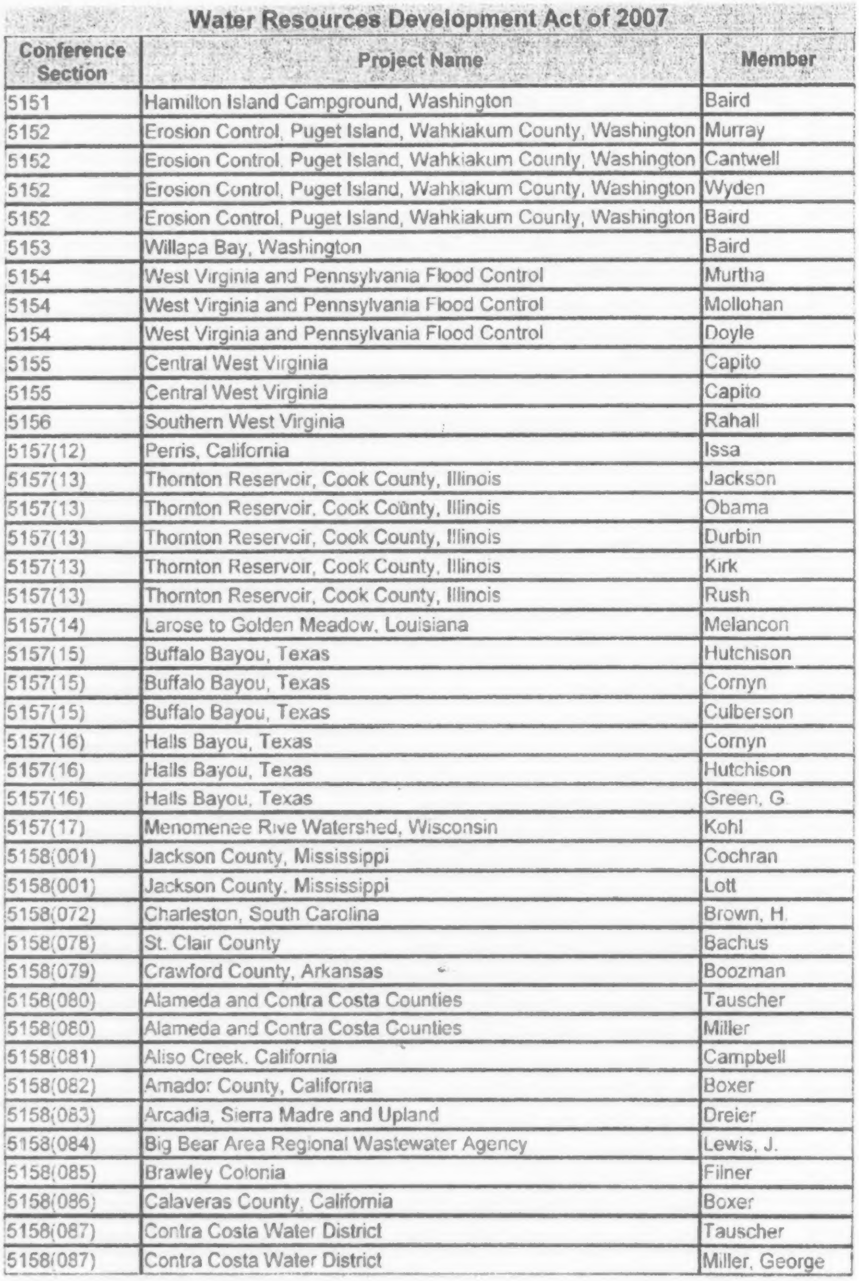
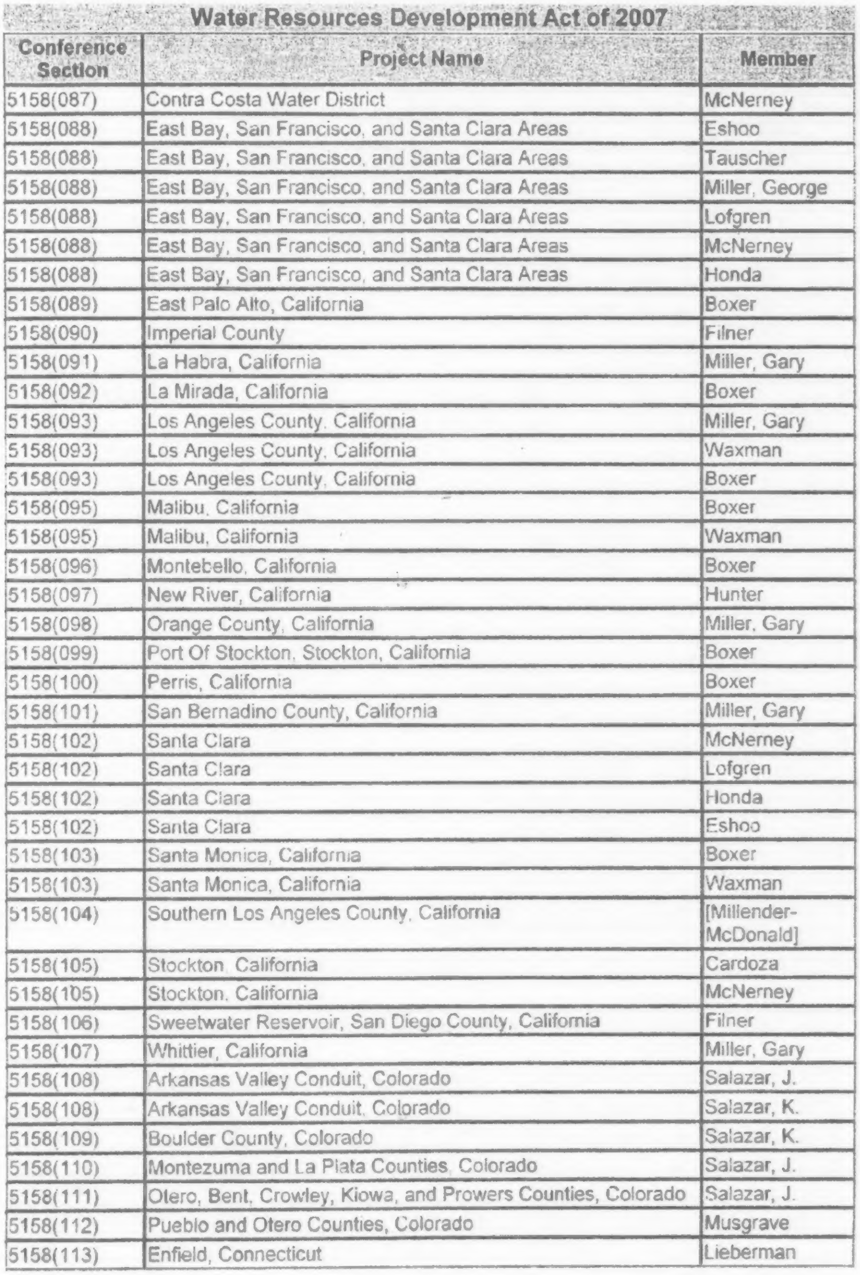
Conference Section	Project Name	Member
5131	Fritz Landing, Tennessee	Tanner
5132	J. Percy Priest Dam and Reservoir, Tennessee	Gordon
5133	Nashville, Tennessee	Alexander
5133	Nashville, Tennessee	Corker
5134	Nonconnah Weir, Memphis, Tennessee	Alexander
5134	Nonconnah Weir, Memphis, Tennessee	Blackburn
5135	Tennessee River Partnership	Duncan
5136	Town Creek, Lenoir City, Tennessee	Duncan
5137	Upper Mississippi Embayment, Tennessee, Arkansas, and Mississippi	Berry
5137	Upper Mississippi Embayment, Tennessee, Arkansas, and Mississippi	Cohen
5137	Upper Mississippi Embayment, Tennessee, Arkansas, and Mississippi	Blackburn
5138	Texas	Hutchison
5138	Texas	Cornyn
5139	Bosque River Watershed, Texas	Edwards
5140	Dallas County Region	Johnson, E.B.
5141	Dallas Floodway	Hutchison
5141	Dallas Floodway	Cornyn
5141	Dallas Floodway	Johnson, E.B.
5141	Dallas Floodway	Sessions
5142	Harris County	Cornyn
5142	Harris County	Hutchison
5142	Harris County	Culberson
5143	Johnson Creek, Arlington, Texas	Barton
5143	Johnson Creek, Arlington, Texas	Cornyn
5143	Johnson Creek, Arlington, Texas	Hutchison
5144	Onion Creek, Texas	Doggett
5144	Onion Creek, Texas	Cornyn
5145	Connecticut River Dams, Vermont	Sanders
5146	Lake Champlain Canal, Vermont and New York	Sanders
5146	Lake Champlain Canal, Vermont and New York	Clinton
5147	Dyke Marsh, Fairfax County, Virginia	Moran
5147	Dyke Marsh, Fairfax County, Virginia	Webb
5148	Eastern Shore and Southwest Virginia	Webb
5148	Eastern Shore and Southwest Virginia	Boucher
5149	James River, Virginia	Warner
5149	James River, Virginia	Webb
5150	Baker Bay and Ilwaco Harbor, Washington	Murray
5150	Baker Bay and Ilwaco Harbor, Washington	Cantwell
5150	Baker Bay and Ilwaco Harbor, Washington	Baird

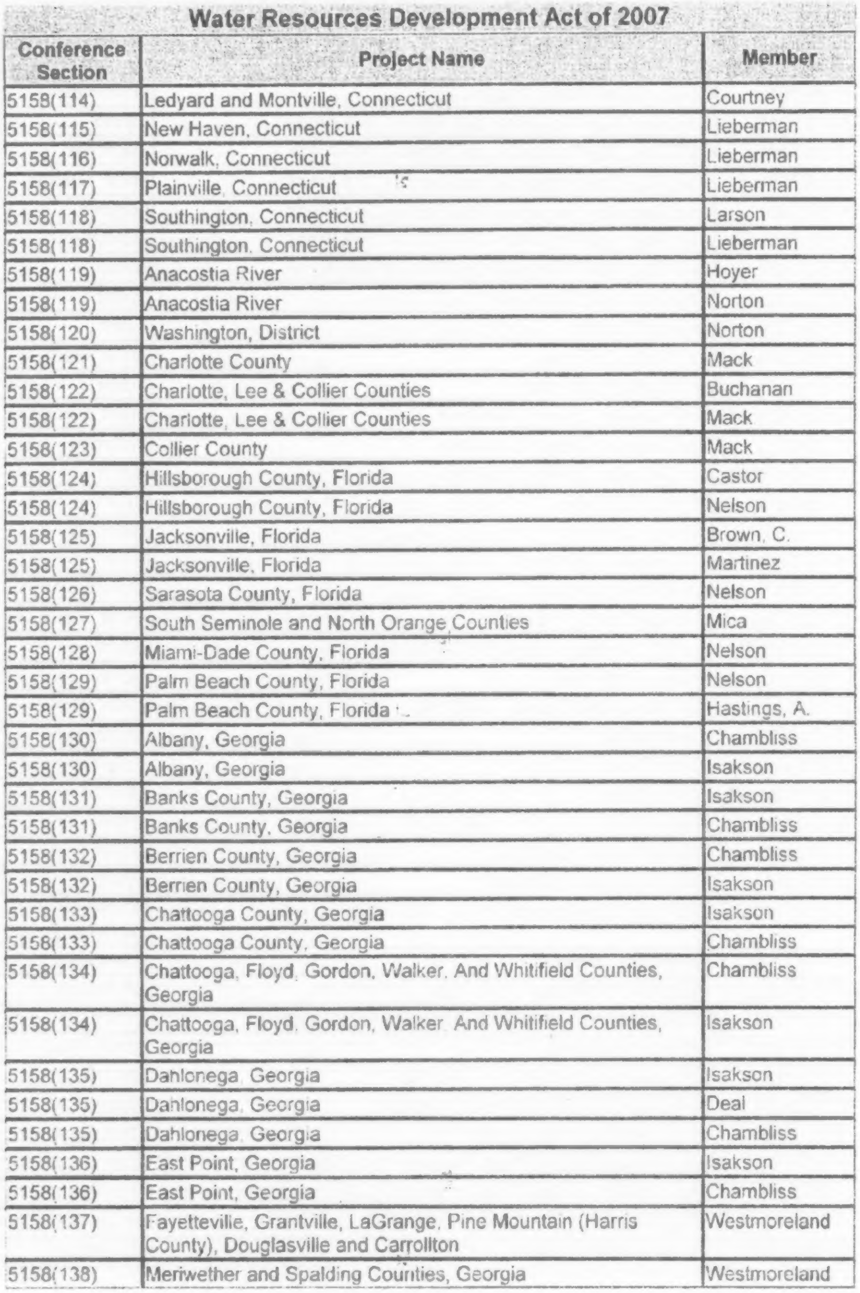


Water Resources Development Act of 2007

Conference Section	Project Name	Member
5151	Hamilton Island Campground, Washington	Baird
5152	Erosion Control, Puget Island, Wahkiakum County, Washington	Murray
5152	Erosion Control, Puget Island, Wahkiakum County, Washington	Cantwell
5152	Erosion Control, Puget Island, Wahkiakum County, Washington	Wyden
5152	Erosion Control, Puget Island, Wahkiakum County, Washington	Baird
5153	Willapa Bay, Washington	Baird
5154	West Virginia and Pennsylvania Flood Control	Murtha
5154	West Virginia and Pennsylvania Flood Control	Mollohan
5154	West Virginia and Pennsylvania Flood Control	Doyle
5155	Central West Virginia	Capito
5155	Central West Virginia	Capito
5156	Southern West Virginia	Rahall
5157(12)	Perris, California	Issa
5157(13)	Thornton Reservoir, Cook County, Illinois	Jackson
5157(13)	Thornton Reservoir, Cook County, Illinois	Obama
5157(13)	Thornton Reservoir, Cook County, Illinois	Durbin
5157(13)	Thornton Reservoir, Cook County, Illinois	Kirk
5157(13)	Thornton Reservoir, Cook County, Illinois	Rush
5157(14)	Larose to Golden Meadow, Louisiana	Melancon
5157(15)	Buffalo Bayou, Texas	Hutchison
5157(15)	Buffalo Bayou, Texas	Cornyn
5157(15)	Buffalo Bayou, Texas	Culberson
5157(16)	Halls Bayou, Texas	Cornyn
5157(16)	Halls Bayou, Texas	Hutchison
5157(16)	Halls Bayou, Texas	Green, G.
5157(17)	Menomenee Rive Watershed, Wisconsin	Kohl
5158(001)	Jackson County, Mississippi	Cochran
5158(001)	Jackson County, Mississippi	Lott
5158(072)	Charleston, South Carolina	Brown, H.
5158(078)	St. Clair County	Bachus
5158(079)	Crawford County, Arkansas	Boozman
5158(080)	Alameda and Contra Costa Counties	Tauscher
5158(080)	Alameda and Contra Costa Counties	Miller
5158(081)	Aliso Creek, California	Campbell
5158(082)	Amador County, California	Boxer
5158(083)	Arcadia, Sierra Madre and Upland	Dreier
5158(084)	Big Bear Area Regional Wastewater Agency	Lewis, J.
5158(085)	Brawley Colonia	Filner
5158(086)	Calaveras County, California	Boxer
5158(087)	Contra Costa Water District	Tauscher
5158(087)	Contra Costa Water District	Miller, George



Water Resources Development Act of 2007		
Conference Section	**Project Name**	**Member**
5158(087)	Contra Costa Water District	McNerney
5158(088)	East Bay, San Francisco, and Santa Clara Areas	Eshoo
5158(088)	East Bay, San Francisco, and Santa Clara Areas	Tauscher
5158(088)	East Bay, San Francisco, and Santa Clara Areas	Miller, George
5158(088)	East Bay, San Francisco, and Santa Clara Areas	Lofgren
5158(088)	East Bay, San Francisco, and Santa Clara Areas	McNerney
5158(088)	East Bay, San Francisco, and Santa Clara Areas	Honda
5158(089)	East Palo Alto, California	Boxer
5158(090)	Imperial County	Filner
5158(091)	La Habra, California	Miller, Gary
5158(092)	La Mirada, California	Boxer
5158(093)	Los Angeles County, California	Miller, Gary
5158(093)	Los Angeles County, California	Waxman
5158(093)	Los Angeles County, California	Boxer
5158(095)	Malibu, California	Boxer
5158(095)	Malibu, California	Waxman
5158(096)	Montebello, California	Boxer
5158(097)	New River, California	Hunter
5158(098)	Orange County, California	Miller, Gary
5158(099)	Port Of Stockton, Stockton, California	Boxer
5158(100)	Perris, California	Boxer
5158(101)	San Bernadino County, California	Miller, Gary
5158(102)	Santa Clara	McNerney
5158(102)	Santa Clara	Lofgren
5158(102)	Santa Clara	Honda
5158(102)	Santa Clara	Eshoo
5158(103)	Santa Monica, California	Boxer
5158(103)	Santa Monica, California	Waxman
5158(104)	Southern Los Angeles County, California	[Millender-McDonald]
5158(105)	Stockton, California	Cardoza
5158(105)	Stockton, California	McNerney
5158(106)	Sweetwater Reservoir, San Diego County, California	Filner
5158(107)	Whittier, California	Miller, Gary
5158(108)	Arkansas Valley Conduit, Colorado	Salazar, J.
5158(108)	Arkansas Valley Conduit, Colorado	Salazar, K.
5158(109)	Boulder County, Colorado	Salazar, K.
5158(110)	Montezuma and La Plata Counties, Colorado	Salazar, J.
5158(111)	Otero, Bent, Crowley, Kiowa, and Prowers Counties, Colorado	Salazar, J.
5158(112)	Pueblo and Otero Counties, Colorado	Musgrave
5158(113)	Enfield, Connecticut	Lieberman

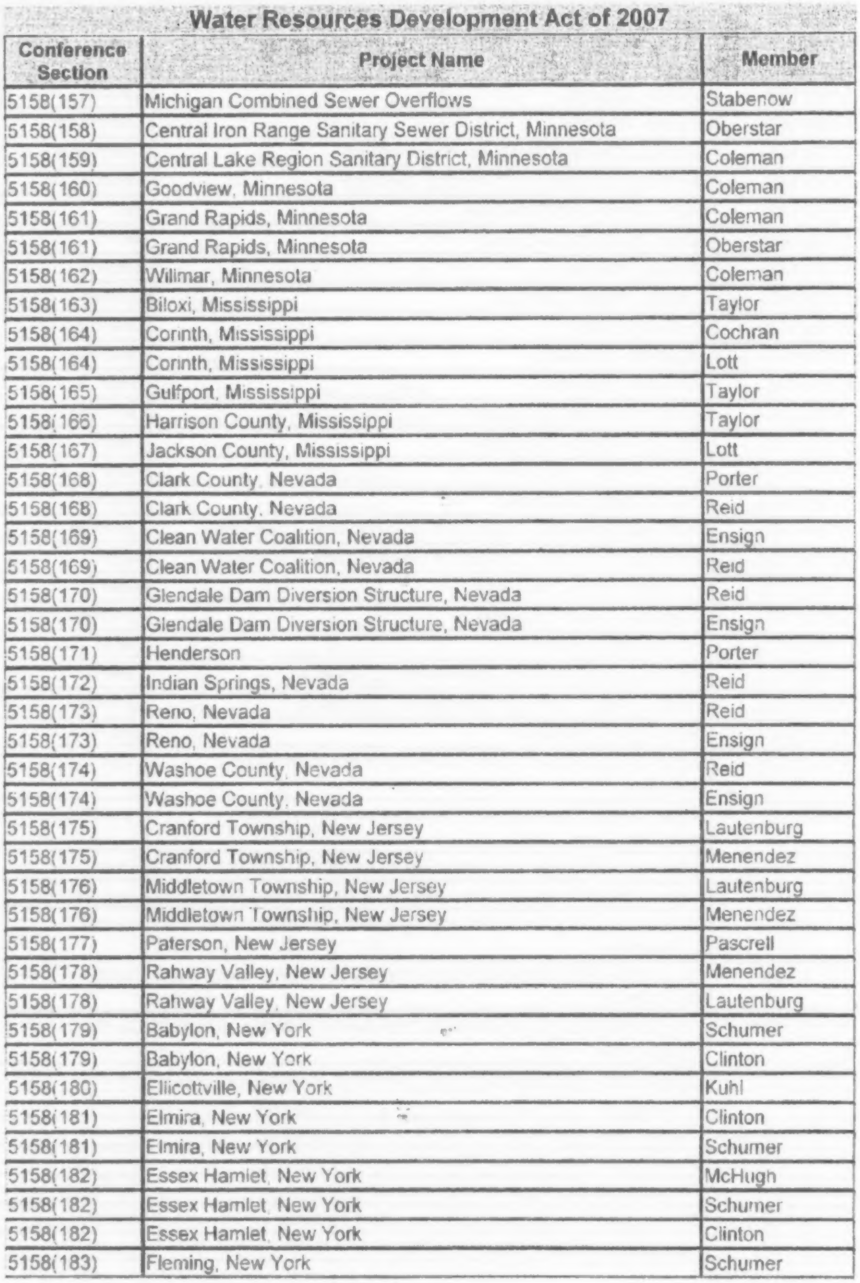


Water Resources Development Act of 2007

Conference Section	Project Name	Member
5158(114)	Ledyard and Montville, Connecticut	Courtney
5158(115)	New Haven, Connecticut	Lieberman
5158(116)	Norwalk, Connecticut	Lieberman
5158(117)	Plainville, Connecticut	Lieberman
5158(118)	Southington, Connecticut	Larson
5158(118)	Southington, Connecticut	Lieberman
5158(119)	Anacostia River	Hoyer
5158(119)	Anacostia River	Norton
5158(120)	Washington, District	Norton
5158(121)	Charlotte County	Mack
5158(122)	Charlotte, Lee & Collier Counties	Buchanan
5158(122)	Charlotte, Lee & Collier Counties	Mack
5158(123)	Collier County	Mack
5158(124)	Hillsborough County, Florida	Castor
5158(124)	Hillsborough County, Florida	Nelson
5158(125)	Jacksonville, Florida	Brown, C.
5158(125)	Jacksonville, Florida	Martinez
5158(126)	Sarasota County, Florida	Nelson
5158(127)	South Seminole and North Orange Counties	Mica
5158(128)	Miami-Dade County, Florida	Nelson
5158(129)	Palm Beach County, Florida	Nelson
5158(129)	Palm Beach County, Florida	Hastings, A.
5158(130)	Albany, Georgia	Chambliss
5158(130)	Albany, Georgia	Isakson
5158(131)	Banks County, Georgia	Isakson
5158(131)	Banks County, Georgia	Chambliss
5158(132)	Berrien County, Georgia	Chambliss
5158(132)	Berrien County, Georgia	Isakson
5158(133)	Chattooga County, Georgia	Isakson
5158(133)	Chattooga County, Georgia	Chambliss
5158(134)	Chattooga, Floyd, Gordon, Walker, And Whitifield Counties, Georgia	Chambliss
5158(134)	Chattooga, Floyd, Gordon, Walker, And Whitifield Counties, Georgia	Isakson
5158(135)	Dahlonega, Georgia	Isakson
5158(135)	Dahlonega, Georgia	Deal
5158(135)	Dahlonega, Georgia	Chambliss
5158(136)	East Point, Georgia	Isakson
5158(136)	East Point, Georgia	Chambliss
5158(137)	Fayetteville, Grantville, LaGrange, Pine Mountain (Harris County), Douglasville and Carrollton	Westmoreland
5158(138)	Meriwether and Spalding Counties, Georgia	Westmoreland

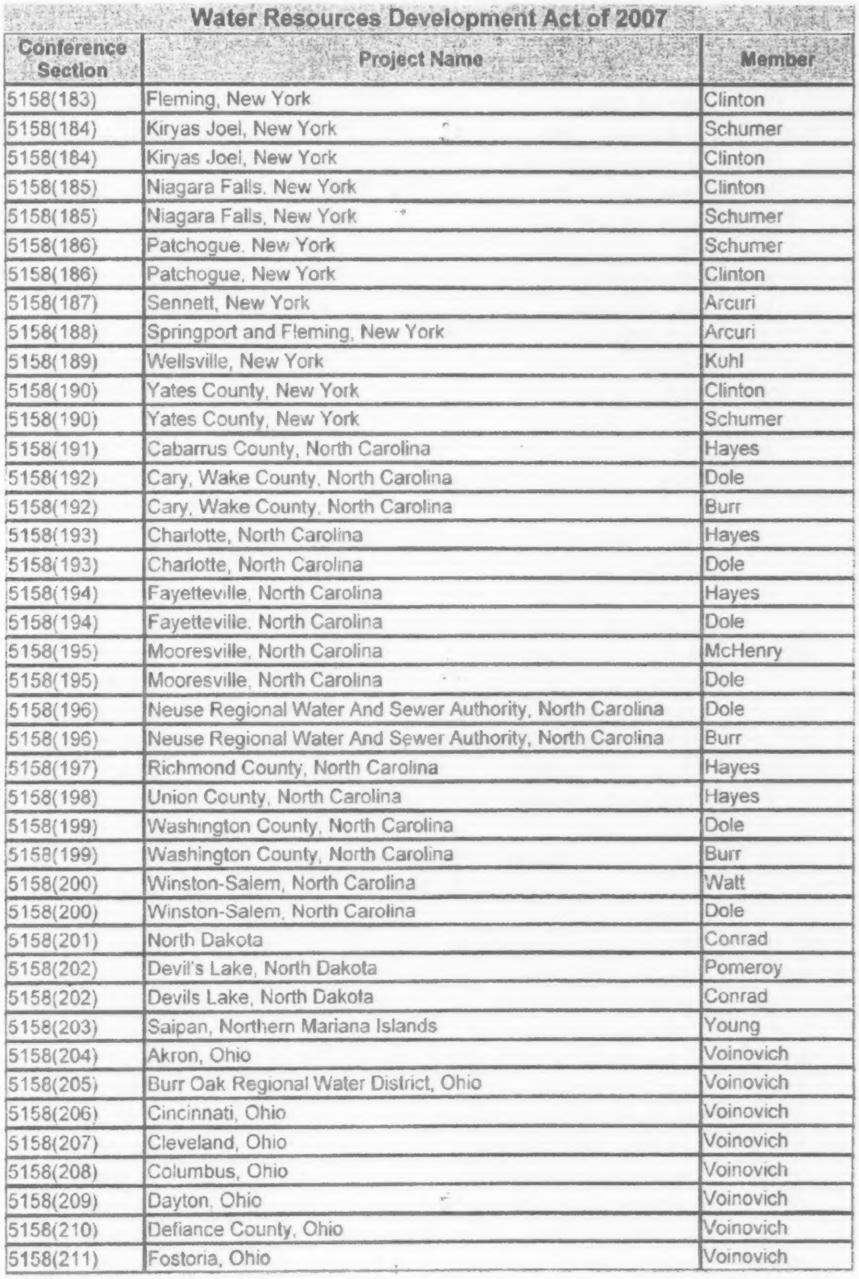
Water Resources Development Act of 2007

Conference Section	Project Name	Member
5158(139)	Moultrie, Georgia	Isakson
5158(139)	Moultrie, Georgia	Chambliss
5158(140)	Stephens County/City Of Toccoa, Georgia	Chambliss
5158(140)	Stephens County/City Of Toccoa, Georgia	Isakson
5158(141)	North Vernon and Butlerville	Hill
5158(142)	Salem, Washington County	Hill
5158(143)	Atchison, Kansas	Roberts
5158(143)	Surfside, South Carolina	Graham
5158(143)	Central Kentucky	Chandler
5158(145)	Lafayette, Louisiana	Landrieu
5158(145)	Lafayette, Louisiana	Vitter
5158(146)	Lafourche Parish, Louisiana	Landrieu
5158(146)	Lafourche Parish, Louisiana	Vitter
5158(147)	Lake Charles, Louisiana	Vitter
5158(147)	Lake Charles, Louisiana	Landrieu
5158(148)	Northwest Louisiana Council Of Governments, Louisiana	Landrieu
5158(148)	Northwest Louisiana Council Of Governments, Louisiana	Vitter
5158(149)	Ouachita Parish, Louisiana	Vitter
5158(149)	Ouachita Parish, Louisiana	Landrieu
5158(150)	Plaquemine, Louisiana	Baker
5158(151)	Rapides Area Planning Commission, Louisiana	Vitter
5158(151)	Rapides Area Planning Commission, Louisiana	Landrieu
5158(152)	Shreveport, Louisiana	McCrery
5158(153)	South Central Planning And Development Commission, Louisiana	Vitter
5158(153)	South Central Planning And Development Commission, Louisiana	Landrieu
5158(154)	Union-Lincoln Regional Water Supply Project, Louisiana	Vitter
5158(154)	Union-Lincoln Regional Water Supply Project, Louisiana	Landrieu
5158(155)	Chesapeake Bay Improvements, Maryland, Virginia and District of Columbia	Warner
5158(155)	Chesapeake Bay Improvements, Maryland, Virginia and District of Columbia	Webb
5158(155)	Chesapeake Bay Improvements, Maryland, Virginia and District of Columbia	Cardin
5158(155)	Chesapeake Bay Improvements, Maryland, Virginia and District of Columbia	Mikulski
5158(156)	Chesapeake Bay Region, Maryland And Virginia	Warner
5158(156)	Chesapeake Bay Region, Maryland And Virginia	Mikulski
5158(156)	Chesapeake Bay Region, Maryland And Virginia	Cardin
5158(156)	Chesapeake Bay Region, Maryland And Virginia	Webb
5158(157)	Michigan Combined Sewer Overflows	Levin



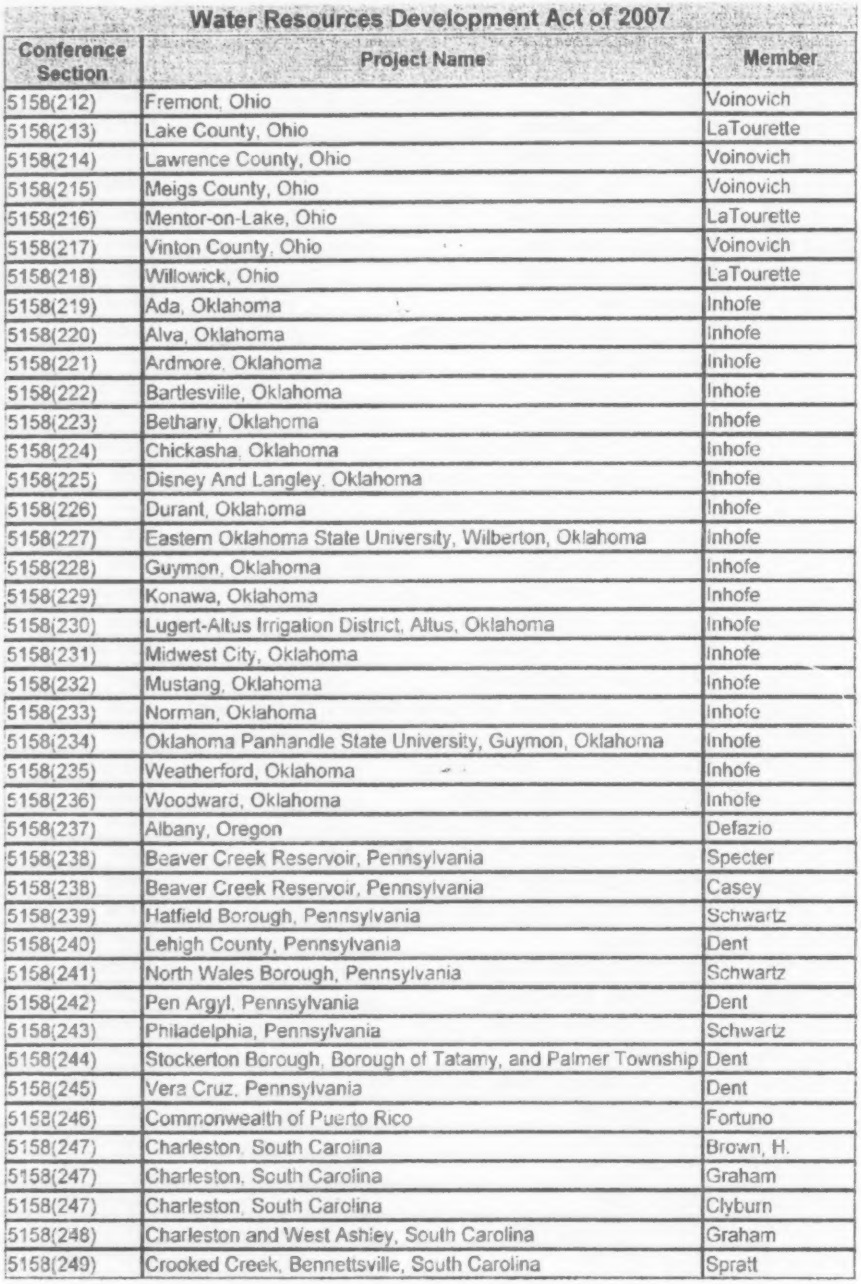
Water Resources Development Act of 2007

Conference Section	Project Name	Member
5158(157)	Michigan Combined Sewer Overflows	Stabenow
5158(158)	Central Iron Range Sanitary Sewer District, Minnesota	Oberstar
5158(159)	Central Lake Region Sanitary District, Minnesota	Coleman
5158(160)	Goodview, Minnesota	Coleman
5158(161)	Grand Rapids, Minnesota	Coleman
5158(161)	Grand Rapids, Minnesota	Oberstar
5158(162)	Wilmar, Minnesota	Coleman
5158(163)	Biloxi, Mississippi	Taylor
5158(164)	Corinth, Mississippi	Cochran
5158(164)	Corinth, Mississippi	Lott
5158(165)	Gulfport, Mississippi	Taylor
5158(166)	Harrison County, Mississippi	Taylor
5158(167)	Jackson County, Mississippi	Lott
5158(168)	Clark County, Nevada	Porter
5158(168)	Clark County, Nevada	Reid
5158(169)	Clean Water Coalition, Nevada	Ensign
5158(169)	Clean Water Coalition, Nevada	Reid
5158(170)	Glendale Dam Diversion Structure, Nevada	Reid
5158(170)	Glendale Dam Diversion Structure, Nevada	Ensign
5158(171)	Henderson	Porter
5158(172)	Indian Springs, Nevada	Reid
5158(173)	Reno, Nevada	Reid
5158(173)	Reno, Nevada	Ensign
5158(174)	Washoe County, Nevada	Reid
5158(174)	Washoe County, Nevada	Ensign
5158(175)	Cranford Township, New Jersey	Lautenburg
5158(175)	Cranford Township, New Jersey	Menendez
5158(176)	Middletown Township, New Jersey	Lautenburg
5158(176)	Middletown Township, New Jersey	Menendez
5158(177)	Paterson, New Jersey	Pascrell
5158(178)	Rahway Valley, New Jersey	Menendez
5158(178)	Rahway Valley, New Jersey	Lautenburg
5158(179)	Babylon, New York	Schumer
5158(179)	Babylon, New York	Clinton
5158(180)	Ellicottville, New York	Kuhl
5158(181)	Elmira, New York	Clinton
5158(181)	Elmira, New York	Schumer
5158(182)	Essex Hamlet, New York	McHugh
5158(182)	Essex Hamlet, New York	Schumer
5158(182)	Essex Hamlet, New York	Clinton
5158(183)	Fleming, New York	Schumer



Water Resources Development Act of 2007

Conference Section	Project Name	Member
5158(183)	Fleming, New York	Clinton
5158(184)	Kiryas Joel, New York	Schumer
5158(184)	Kiryas Joel, New York	Clinton
5158(185)	Niagara Falls, New York	Clinton
5158(185)	Niagara Falls, New York	Schumer
5158(186)	Patchogue, New York	Schumer
5158(186)	Patchogue, New York	Clinton
5158(187)	Sennett, New York	Arcuri
5158(188)	Springport and Fleming, New York	Arcuri
5158(189)	Wellsville, New York	Kuhl
5158(190)	Yates County, New York	Clinton
5158(190)	Yates County, New York	Schumer
5158(191)	Cabarrus County, North Carolina	Hayes
5158(192)	Cary, Wake County, North Carolina	Dole
5158(192)	Cary, Wake County, North Carolina	Burr
5158(193)	Charlotte, North Carolina	Hayes
5158(193)	Charlotte, North Carolina	Dole
5158(194)	Fayetteville, North Carolina	Hayes
5158(194)	Fayetteville, North Carolina	Dole
5158(195)	Mooresville, North Carolina	McHenry
5158(195)	Mooresville, North Carolina	Dole
5158(196)	Neuse Regional Water And Sewer Authority, North Carolina	Dole
5158(196)	Neuse Regional Water And Sewer Authority, North Carolina	Burr
5158(197)	Richmond County, North Carolina	Hayes
5158(198)	Union County, North Carolina	Hayes
5158(199)	Washington County, North Carolina	Dole
5158(199)	Washington County, North Carolina	Burr
5158(200)	Winston-Salem, North Carolina	Watt
5158(200)	Winston-Salem, North Carolina	Dole
5158(201)	North Dakota	Conrad
5158(202)	Devil's Lake, North Dakota	Pomeroy
5158(202)	Devils Lake, North Dakota	Conrad
5158(203)	Saipan, Northern Mariana Islands	Young
5158(204)	Akron, Ohio	Voinovich
5158(205)	Burr Oak Regional Water District, Ohio	Voinovich
5158(206)	Cincinnati, Ohio	Voinovich
5158(207)	Cleveland, Ohio	Voinovich
5158(208)	Columbus, Ohio	Voinovich
5158(209)	Dayton, Ohio	Voinovich
5158(210)	Defiance County, Ohio	Voinovich
5158(211)	Fostoria, Ohio	Voinovich



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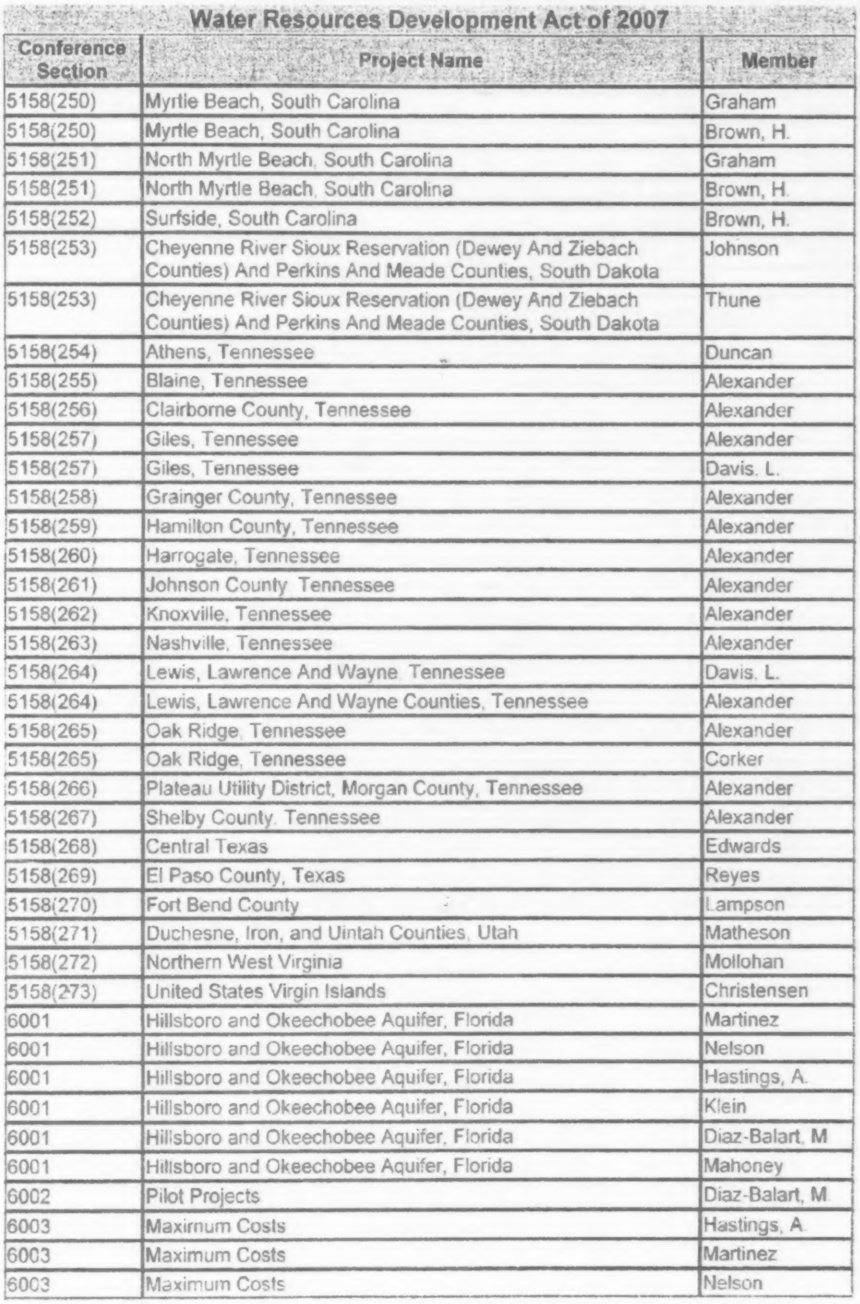
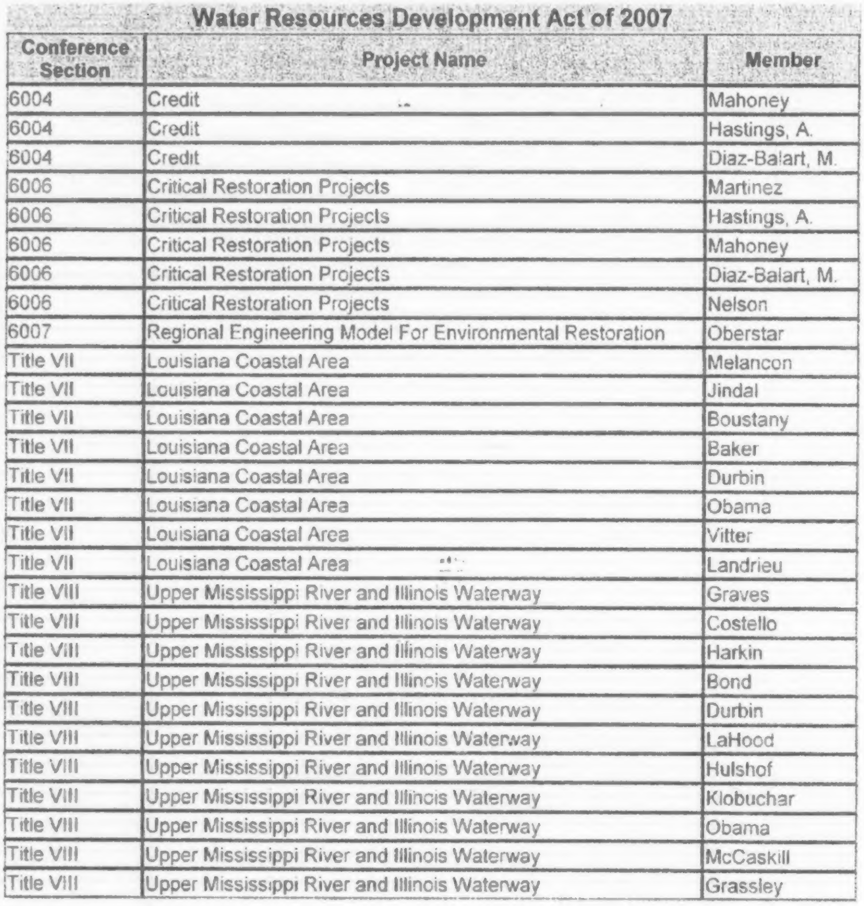
Conference Section	Project Name	Member
5158(212)	Fremont, Ohio	Voinovich
5158(213)	Lake County, Ohio	LaTourette
5158(214)	Lawrence County, Ohio	Voinovich
5158(215)	Meigs County, Ohio	Voinovich
5158(216)	Mentor-on-Lake, Ohio	LaTourette
5158(217)	Vinton County, Ohio	Voinovich
5158(218)	Willowick, Ohio	LaTourette
5158(219)	Ada, Oklahoma	Inhofe
5158(220)	Alva, Oklahoma	Inhofe
5158(221)	Ardmore, Oklahoma	Inhofe
5158(222)	Bartlesville, Oklahoma	Inhofe
5158(223)	Bethany, Oklahoma	Inhofe
5158(224)	Chickasha, Oklahoma	Inhofe
5158(225)	Disney And Langley, Oklahoma	Inhofe
5158(226)	Durant, Oklahoma	Inhofe
5158(227)	Eastern Oklahoma State University, Wilberton, Oklahoma	Inhofe
5158(228)	Guymon, Oklahoma	Inhofe
5158(229)	Konawa, Oklahoma	Inhofe
5158(230)	Lugert-Altus Irrigation District, Altus, Oklahoma	Inhofe
5158(231)	Midwest City, Oklahoma	Inhofe
5158(232)	Mustang, Oklahoma	Inhofe
5158(233)	Norman, Oklahoma	Inhofe
5158(234)	Oklahoma Panhandle State University, Guymon, Oklahoma	Inhofe
5158(235)	Weatherford, Oklahoma	Inhofe
5158(236)	Woodward, Oklahoma	Inhofe
5158(237)	Albany, Oregon	Defazio
5158(238)	Beaver Creek Reservoir, Pennsylvania	Specter
5158(238)	Beaver Creek Reservoir, Pennsylvania	Casey
5158(239)	Hatfield Borough, Pennsylvania	Schwartz
5158(240)	Lehigh County, Pennsylvania	Dent
5158(241)	North Wales Borough, Pennsylvania	Schwartz
5158(242)	Pen Argyl, Pennsylvania	Dent
5158(243)	Philadelphia, Pennsylvania	Schwartz
5158(244)	Stockerton Borough, Borough of Tatamy, and Palmer Township	Dent
5158(245)	Vera Cruz, Pennsylvania	Dent
5158(246)	Commonwealth of Puerto Rico	Fortuno
5158(247)	Charleston, South Carolina	Brown, H.
5158(247)	Charleston, South Carolina	Graham
5158(247)	Charleston, South Carolina	Clyburn
5158(248)	Charleston and West Ashley, South Carolina	Graham
5158(249)	Crooked Creek, Bennettsville, South Carolina	Spratt



Water Resources Development Act of 2007

Conference Section	Project Name	Member
5158(250)	Myrtle Beach, South Carolina	Graham
5158(250)	Myrtle Beach, South Carolina	Brown, H.
5158(251)	North Myrtle Beach, South Carolina	Graham
5158(251)	North Myrtle Beach, South Carolina	Brown, H.
5158(252)	Surfside, South Carolina	Brown, H.
5158(253)	Cheyenne River Sioux Reservation (Dewey And Ziebach Counties) And Perkins And Meade Counties, South Dakota	Johnson
5158(253)	Cheyenne River Sioux Reservation (Dewey And Ziebach Counties) And Perkins And Meade Counties, South Dakota	Thune
5158(254)	Athens, Tennessee	Duncan
5158(255)	Blaine, Tennessee	Alexander
5158(256)	Clairborne County, Tennessee	Alexander
5158(257)	Giles, Tennessee	Alexander
5158(257)	Giles, Tennessee	Davis, L.
5158(258)	Grainger County, Tennessee	Alexander
5158(259)	Hamilton County, Tennessee	Alexander
5158(260)	Harrogate, Tennessee	Alexander
5158(261)	Johnson County Tennessee	Alexander
5158(262)	Knoxville, Tennessee	Alexander
5158(263)	Nashville, Tennessee	Alexander
5158(264)	Lewis, Lawrence And Wayne Tennessee	Davis, L.
5158(264)	Lewis, Lawrence And Wayne Counties, Tennessee	Alexander
5158(265)	Oak Ridge, Tennessee	Alexander
5158(265)	Oak Ridge, Tennessee	Corker
5158(266)	Plateau Utility District, Morgan County, Tennessee	Alexander
5158(267)	Shelby County, Tennessee	Alexander
5158(268)	Central Texas	Edwards
5158(269)	El Paso County, Texas	Reyes
5158(270)	Fort Bend County	Lampson
5158(271)	Duchesne, Iron, and Uintah Counties, Utah	Matheson
5158(272)	Northern West Virginia	Mollohan
5158(273)	United States Virgin Islands	Christensen
6001	Hillsboro and Okeechobee Aquifer, Florida	Martinez
6001	Hillsboro and Okeechobee Aquifer, Florida	Nelson
6001	Hillsboro and Okeechobee Aquifer, Florida	Hastings, A.
6001	Hillsboro and Okeechobee Aquifer, Florida	Klein
6001	Hillsboro and Okeechobee Aquifer, Florida	Diaz-Balart, M
6001	Hillsboro and Okeechobee Aquifer, Florida	Mahoney
6002	Pilot Projects	Diaz-Balart, M.
6003	Maximum Costs	Hastings, A.
6003	Maximum Costs	Martinez
6003	Maximum Costs	Nelson



Water Resources Development Act of 2007

Conference Section	Project Name	Member
6004	Credit	Mahoney
6004	Credit	Hastings, A.
6004	Credit	Diaz-Balart, M.
6006	Critical Restoration Projects	Martinez
6006	Critical Restoration Projects	Hastings, A.
6006	Critical Restoration Projects	Mahoney
6006	Critical Restoration Projects	Diaz-Balart, M.
6006	Critical Restoration Projects	Nelson
6007	Regional Engineering Model For Environmental Restoration	Oberstar
Title VII	Louisiana Coastal Area	Melancon
Title VII	Louisiana Coastal Area	Jindal
Title VII	Louisiana Coastal Area	Boustany
Title VII	Louisiana Coastal Area	Baker
Title VII	Louisiana Coastal Area	Durbin
Title VII	Louisiana Coastal Area	Obama
Title VII	Louisiana Coastal Area	Vitter
Title VII	Louisiana Coastal Area	Landrieu
Title VIII	Upper Mississippi River and Illinois Waterway	Graves
Title VIII	Upper Mississippi River and Illinois Waterway	Costello
Title VIII	Upper Mississippi River and Illinois Waterway	Harkin
Title VIII	Upper Mississippi River and Illinois Waterway	Bond
Title VIII	Upper Mississippi River and Illinois Waterway	Durbin
Title VIII	Upper Mississippi River and Illinois Waterway	LaHood
Title VIII	Upper Mississippi River and Illinois Waterway	Hulshof
Title VIII	Upper Mississippi River and Illinois Waterway	Klobuchar
Title VIII	Upper Mississippi River and Illinois Waterway	Obama
Title VIII	Upper Mississippi River and Illinois Waterway	McCaskill
Title VIII	Upper Mississippi River and Illinois Waterway	Grassley

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

JAMES L. OBERSTAR,
EDDIE BERNICE JOHNSON,
ELLEN O. TAUSCHER,
BRIAN BAIRD,
BRIAN HIGGINS,
HARRY E. MITCHELL,
STEVE KAGEN,
JERRY MCNERNEY,
JOHN L. MICA,
JOHN J. DUNCAN, Jr.,
VERNON J. EHLERS,
R.H. BAKER,
HENRY E. BROWN, Jr.,
JOHN BOOZMAN,

From the Committee on Natural Resources, for consideration of secs. 2014, 2023, and 6009 of the House bill, and secs. 3023, 5008, and 5016 of the Senate amendment, and modifications committed to conference:

NICK RAHALL,
GRACE F. NAPOLITANO,
CATHY MCMORRIS RODGERS,
Managers on the Part of the House.

BARBARA BOXER,
MAX BAUCUS,
JOE LIEBERMAN,
TOM CARPER,
HILLARY RODHAM CLINTON,
FRANK R. LAUTENBERG,
JAMES M. INHOFE,
JOHN WARNER,
GEORGE V. VOINOVICH,
JOHNNY ISAKSON,
DAVID VITTER,
Managers on the Part of the Senate.

DEMOCRATIC ACCOMPLISHMENTS OVER THE FIRST SEVEN MONTHS OF THIS CONGRESSIONAL SESSION

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, over the last 7 months, the new Democratic Congress has amassed an impressive record of accomplishment, making real progress on issues important to the American people.

Last week, thanks to our efforts, the minimum wage was increased for the first time in a decade. We also sent to the President's desk one of the most important bills of the new Congress, legislation that will make America safer by finally enacting the recommendations of the 9/11 Commission.

Last week, the House also passed a farm bill that reforms our Nation's farm policy by committing more resources to nutrition and conservation programs, while also addressing the needs of our Nation's family farmers.

And our efforts continue this week. Today, we will live up to our promise to change the way business is done here in Washington when we pass the Honest Leadership and Open Government Act. Tomorrow, we will strengthen the health care safety net programs essential to our children and seniors. And then on Thursday we will pass a comprehensive energy bill that reduces our dependence on foreign oil and fights global warming.

Democrats are delivering results and doing it in a new way.

☐ 1015

THE LIGHT BULB ENERGY POLICY

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr POE. Mr. Speaker, oh, how we talk and pontificate about making the United States independent from foreign energy. But still little has been done. The new energy bill does not promote energy, but punishes energy use. For example, new energy legislation regulates the type of light bulbs Americans use.

Some in the House want to go after the U.S. oil companies and punish them by taxing them more. Of course, more taxes will simply be passed on to us, the consumers, and will not increase energy, but decrease it.

You see, when you tax something, you get less of it. More taxes will encourage U.S. oil companies and refiners just to move someplace else where there are fewer taxes and regulations. Some want to mandate and subsidize corn-based ethanol, which not only drives gasoline prices up, but raises the price of food at the same time.

A real energy bill would allow safe drilling for oil and natural gas off our shores and in ANWR. A real energy bill would advance nuclear power. A real energy bill would work with all types of U.S. energy companies and not make them out to be the enemies.

A real energy bill would do more than require us to use certain light bulbs that, by the way, are only made in China.

And that's just the way it is.

A STRATEGY DESERVING OF THE AMERICAN PEOPLE'S SUPPORT

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, our intelligence agencies have confirmed that America is more vulnerable now than it was 6 years ago before the 9/11 attacks. That is because Osama bin Laden has gained strength, gained recruits and gained experience in the meantime.

It didn't have to be that way. We had him cornered and crippled in Tora Bora, but then we outsourced the job of capturing him. Then, to make matters worse, we poured our military and financial resources into Iraq, where al Qaeda was nonexistent, thereby giving Osama bin Laden his most effective recruiting tool.

The President keeps referring to al Qaeda in Iraq. It is not the Iraqis who are planning on how to attack America. It is al Qaeda in Waziristan. We need an intelligence strategy to go after bin Laden in Waziristan with our Special Operations working with the tribal chiefs who want to rid themselves of this pest. That is what we need to do.

Mr. Speaker, that is the only strategy that is deserving of the sacrifice of our military families. We need leadership that is deserving of the American public's support.

THE BROADCASTER FREEDOM ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, despite the fact that the so-called Fairness Doctrine was rescinded by the FCC nearly 20 years ago, some of the most powerful voices in Congress are calling for a return of this outright censorship of the broadcast airwaves of America. In response, we introduced the Broadcaster Freedom Act, legislation that would ensure that no future President could return to the Fairness Doctrine without an act of Congress.

I am pleased to report, Mr. Speaker, that more than 140 Members of Congress have cosponsored this legislation to date. Last week, the current chairman of the FCC wrote to say that there was "no compelling reason to reinstate the Fairness Doctrine." Its predecessor from 20 years hence said that reimposing the Fairness Doctrine would be a "colossal mistake."

Mr. Speaker, let's say yes to the freedom of the press. Let's say yes to the freedom of the American people to choose when and how and where they get their information on government. I urge all of my colleagues, Republicans and Democrats, to join me in cosponsoring the Broadcaster Freedom Act this week.

HOUSE DEMOCRATS ARE STRENGTHENING THE CHIP AND CHAMP PROGRAM

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of Ohio. Mr. Speaker, this week the House will vote on the CHAMP Act, a bill that reauthorizes our Children's Health Insurance Program. This program will provide millions of children new health coverage and, through this program, protects Medicare for America's seniors.

Passing the CHAMP Act will reauthorize the vital CHIP program, which is set to expire September 30 of this year. Currently 6 million vulnerable American children receive health care benefits through the CHIP. If CHIP did not exist, these millions of children would not have access to quality health care. The CHAMP Act also provides protection for our seniors. It ensures that they continue to have access to the doctors of their choice by stopping a 10 percent payment cut to the doctors and encourages them to seek preventative health care benefits by eliminating copayments and deductibles.

Mr. Speaker, in one bill, this House is addressing the health care needs of our children and our seniors.

DON'T OUTSOURCE AMERICAN JOBS TO IMPORT LESS OIL

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, let's talk just for a moment about what the impact would be if the Democrats' plan to arbitrarily impose draconian fuel standards on our domestic automobile industry were to be enacted. First of all, our cars would get smaller, less safe, more expensive and more likely to be built in foreign countries.

Because American automobile companies lose money on every American-built small car, these vehicles would have to be built in low-wage foreign countries like Mexico, China, Korea or Japan. More American automobile workers will lose their jobs. In order to meet the new Federal regulations, experts suggest prices will be going up by more than $6,000 per vehicle.

The Democrats' CAFE proposal is nothing more than a stealth tax on American families and businesses. It will put smaller, less safe cars on our roadways, increasing traffic injuries and deaths, and the efforts to reduce our dependence on foreign oil will be outsourced to cheap foreign labor. Does that sound like a good plan to you?

DEMOCRATS DELIVER ON PROMISE TO CHANGE THE WAY BUSINESS IS DONE IN WASHINGTON

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Mr. Speaker, when Democrats took control of Congress in January, we vowed to make some changes around here. The American people were rightfully disgusted by several examples of unethical behavior that made this entire institution look bad. The Senate and House have now reconciled differences between two different lobbying reform bills passed earlier this year. Today, the House will give final approval to the Honest Leadership and Open Government Act.

The bill requires greater transparency of lobbyists so they are more accountable to the American people. Specifically, the bill requires lobbyists to file their lobbying activities in an electronic database that is accessible to the public. It also ends the K Street Project by prohibiting Members of Congress and their staff from attempting to influence employment decisions in exchange for political access.

Mr. Speaker, congressional Democrats said we were going to change the way business is done here, and today we will deliver on that promise by passing the Honest Leadership and Open Government Act.

FREE TRADE CREATES PROSPERITY FOR ALL

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Since 2000, foreign trade has increased by more than 20 percent. During that same time, more than 7 million new jobs have been created. Simply put, free trade works.

I strongly urge Congress to move forward with passing the recently negotiated trade agreements with South Korea and Colombia. These agreements will bring down barriers in two of the fastest growing markets in Asia and South America. American business sectors such as automobiles, agriculture, textiles and services will be allowed unprecedented access. In addition, favorable trade environments will be created for intellectual property, telecommunications and workers.

As Congress continues to examine its trade policy, we should not forget to take a close look at what we can do here at home to maximize the benefits of free trade while minimizing its impacts.

Mr. Speaker, since 2000, southern California has seen a 40 percent increase in container traffic on road and rails. This is causing serious transportation problems for both businesses and constituents in my district. The Nation must address this concern so that businesses can receive their goods efficiently and Americans are not overwhelmed by increased freight traffic. Fortunately, free trade affords us the resources we need to address its infrastructure impacts so that the prosperity it creates is shared by all.

PROVIDING COST-EFFECTIVE HEALTH INSURANCE FOR UNINSURED CHILDREN

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, last week, House Democrats unveiled the Children's Health and Medicare Protection Act, a bill that reauthorizes CHIP, ensures millions of children receive the health benefits they need, and protects Medicare for American seniors. The bill comes a week after the National Governors' Association, made up of both Democrats and Republicans, called for urgent action to reauthorize the CHIP program.

Unfortunately, while strengthening CHIP has broad bipartisan support from our Nation's Governors and the U.S. Senate, the Bush administration and congressional Republicans oppose efforts to strengthen the program so it does not continually run out of money.

As a professional social worker, I recognize the threat to America's children, and I must protest. Instead, they are proposing to underfund the program significantly, which would cause millions of children to lose coverage, including children in my own State of New Hampshire and States across the country.

Mr. Speaker, ensuring America's children have affordable health care costs less than $3.50 a day to cover a child. House Democrats are committed to passing this cost-effective health coverage for millions of uninsured children.

CONGRATULATING KATIE KNOPF ON HER MAYOR FOR A DAY ESSAY

(Mr. ROSKAM asked and was given permission to address the House for 1 minute.)

Mr. ROSKAM. Mr. Speaker, I rise today to bring attention to an outstanding program in my congressional district, the Sixth District of Illinois. It is the Mayor for a Day Essay Contest hosted and sponsored by the Character Counts in Elmhurst Coalition in Elmhurst, Illinois.

This year's winner, a winner from among 1,000 entries of first through eighth graders, is Katie Knopf. When asked the question, what should a person living in Elmhurst do and what should their responsibility be, she said to work as much as she possibly can on her schoolwork, to do volunteer work to contribute to the community. "It is my responsibility," she said, "to set a good example for the younger children in my neighborhood. All in all, I need to be a good and caring person."

Indeed, Katie. Well done. Good advice for us all.

HOUSE DEMOCRATS ADDRESS HEALTH CARE NEEDS OF AMERICA'S CHILDREN

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, 10 years ago, the Children's Health Insurance Program, better known as CHIP, was created as a partnership between the States and the Federal Government to ensure that more children would have access to health insurance. Over the last decade, it has been received as a strong, bipartisan effort.

The success of the program is not questioned. Thanks to CHIP, the number of uninsured children has decreased every year for the last decade, except for this past year when the number of children actually increased.

This week, the House will vote on the CHAMP Act, a bill that strengthens the Children's Health Program so that it reaches nearly all of the children that are eligible for the program. Currently, CHIP reaches 6 million, but there are 6 million kids that aren't insured yet.

Today, there is simply not enough funding to enroll more children. But that is going to change this week, when the House adds on an additional $50 billion over the next 5 years to the CHIP program. That will ensure that an additional 5 million children are insured.

Let's once again act in a bipartisan fashion this week and pass the CHAMP Act.

GOOD NEWS COMING OUT OF IRAQ

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, let's talk about some of the good news coming out of Iraq. I realize the Democratic majority would like to spend most of our time talking about failure in Iraq. Indeed, that is what we have done during the first 7 months of Congress. However, the new strategy in Iraq and the new general in charge are making real progress on the ground.

The Iraqi people are beginning to stand up for the safety and security of their neighborhoods. A recent story in the Times of London states the increased presence of U.S. forces in the Doura neighborhood in South Baghdad, "is encouraging insiders to overcome their fear and divulge what they know. Convoys of U.S. soldiers are working the rubble-strewn streets day and night, knocking on doors, speaking to locals and following up on leads on possible insurgent hideouts."

Mr. Speaker, we owe it to the members of the Armed Forces who have given their lives, we owe it to the Iraqi people, to give this new strategy a chance to succeed, and we need to talk about their successes.

☐ 1030

CONGRESS MUST ACT ON IRAQ

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, the American people are demanding that this Congress take action to responsibly end the war in Iraq and bring our troops home safely. If the results of last November's election were not clear enough, a poll released last week indicates that a majority of Americans look to Congress and not the President to extricate ourselves from this dangerous mess. Day after day we hear about Republicans "questioning" the President's stay-the-course strategy.

But mere words that grab headlines will not guarantee the responsible disengagement of our troops. Congressional action can and will.

Earlier this month, the House passed the Responsible Redeployment from Iraq Act, a plan that would bring our troops home by April of next year. Sadly, the measure received just four Republican votes. Rather than join our efforts, most Republicans continue to block meaningful attempts to end this war.

Mr. Speaker, it is one thing to raise questions, but actions speak louder than words. This week Republicans get another chance. I urge my colleagues on the other side of the aisle to listen to the American people; take action now and bring our troops home.

CLOSE FISA LOOPHOLE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker and my colleagues, our Nation faces an increased threat of a terrorist attack, and yet, Members on both sides of the aisle are well aware of a problem with the Foreign Intelligence Surveillance Act. There is a giant loophole that handcuffs the ability of our Nation and our intelligence services to gather the information that would better protect the American people and our allies around the world.

Congress has known about this issue over the last 3 or 4 months, and yet the majority has refused to bring that issue to this floor.

I encourage all of my colleagues to insist that before we leave here for the August district work period, that Congress deal with FISA modernization and close this terrorist loophole so we can better protect the American people.

PASS TRADE AGREEMENTS WITH PERU, PANAMA AND COLOMBIA

(Mr. WELLER of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER of Illinois. Mr. Speaker, trade is important to my home State of Illinois. One in five manufacturing jobs depends on trade; 40 percent of agricultural products are exported from Illinois; and I would note, of the 17,000 Illinois companies that are dependent on trade, the vast majority are small employers.

We have a great opportunity with some new trade agreements with Peru, Panama, and Colombia. They are important both for Illinois jobs as well as for democratic security in our hemisphere. I would note today for our friends in Panama, Peru and Colombia, their products come to the United States tax free. But when we sell our products to them, we pay taxes. Our partners have agreed to eliminate those taxes and level the playing field. It is time to honor our commitments with our trading partners. Unfortunately, some in the Democratic leadership have said they would reject a deal with our best friend in Latin America, Colombia, and have told our other trading partners they just are not worthy of a trade agreement. No wonder so many in Latin America think the United States Congress is turning its back on Latin America. Peru, Panama and Colombia represent our best allies. They are good trade agreements. Let's move forward and level the playing field. Pass these trade agreements.

IRAN SANCTIONS ENABLING ACT

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, Iran's self-proclaimed ambition to develop nuclear weapons is a grave threat to the United States and the world. Imagine the consequences of Iran developing nuclear weapons. It would destabilize the Middle East in an unprecedented fashion, ramp up the threat to our greatest ally, Israel, and give Islamic extremists the means to satisfy their gruesome goal, which is to bring chaos and death to our Nation and world.

In confronting this perilous threat, the United States must employ every element of our national power to stop the Iranian nuclear weapons program. The House will take a strong step today in that direction by passing the Iran Sanctions Enabling Act, which discourages investment in Iran's energy sector.

Countering the Iranian threat requires a steady, rational assessment of the world around us. And when a country led by Islamic extremists vows to attack our greatest ally and our country, you better believe we will stand firm and stare down the enemy.

PRO-TRADE AGENDA

(Mr. REICHERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REICHERT. Mr. Speaker, we must continue to open markets to encourage American companies to innovate and compete with our global counterparts. This grows our economy and creates jobs.

I am proud to represent a district in Washington State that integrates our Nation's leading technology innovators with a vibrant and highly productive small business community. Opening new global markets gives them the incentives to improve their products, produce more goods, and employ more American workers.

I have seen these jobs created in Washington State firsthand, with trade accounting for one of every three jobs in the State of Washington. Free trade agreements with Peru, Colombia, Panama and South Korea are currently pending before Congress. We cannot allow these important agreements to languish in committee.

I urge my colleagues in the majority to stop the delays, pass these free trade agreements and renew trade promotion authority. Let's advance the trade measures needed to grow our economy, create jobs and improve our relations with global partners.

PASS U.S-KOREA TRADE AGREEMENT

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY of Texas. Mr. Speaker, if we want good jobs for our families, it is no longer enough to buy American; we have to sell American, sell our products and services throughout the world. The good news is that, since January, what we are selling overseas is growing faster than what America is buying from overseas.

The way to sustain that positive trend is to keep finding new customers like Peru and Panama, Colombia and South Korea. If we are serious about creating better jobs, Congress should pass the U.S.-Korea free trade agreement this year. Korea is one of the top ten economies in the world. They are our seventh largest customer, and an even bigger customer for America's agricultural community.

This agreement will give us access to nearly 50 million new customers and open the door to competing better in the entire Asian market, including against China. This agreement will lower border taxes and barriers to America's manufacturers, technology, insurance and financial services companies, our farmers and ranchers.

This fall, Congress needs to spend less time settling old political scores and more time opening up markets for good old American products in Korea.

WAIT FOR PETRAEUS REPORT

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, we are all anticipating the report David Petraeus will bring us in mid-September. But between now and then, there is hard work, dangerous work, and important work that has to be done.

For Members on the other side of the aisle to begin to anticipate what David may say to us and to plan political spinning of that is irresponsible.

Mr. Speaker, that is the "ready, fire, aim" approach to taking a position. That works well in a target-rich environment like the Alamo or Little Bighorn, but it is unworthy of Members of this body.

Let's don't anticipate what David might say. Let's don't undermine that work that is going on in Iraq. Let's take the responsible position and listen to what he has to say before we try to spin it.

ELIMINATE TRADE BARRIERS

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, it is a fundamental freedom of the American people to purchase products in an open, competitive market. International trade is the key to opening more markets for more American consumers. More trade means more competition, and competition means families can buy more using less of their paychecks. More trade also means expanded opportunities for American exporters and job creation.

Many Democrats claim that trade, for some reason, is a bad thing for our economy. They are wrong. The facts show that trade has had a very good impact on our economy. Approximately 12 million, or 10 percent, of all U.S. jobs depend on exports. One in five factory jobs depend on international Federal trade.

Federal Reserve Chairman Ben Bernanke has emphasized that because of increased trade since World War II, U.S. annual incomes have been boosted over $10,000 per household. And if we would just eliminate all remaining trade barriers, U.S. incomes would rise anywhere from $4,000 to $12,000.

We in Congress may have the power, but do we have the right to deny Americans better incomes and better opportunities by preventing them from buying cheaper products overseas? I say "no."

PASS PENDING TRADE AGREEMENTS

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, I rise today to urge my colleagues to pass several pending trade agreements. I believe in the benefits of free and fair trade. I support efforts to open foreign markets to American goods and services whenever possible because such efforts lead to increased economic growth for the Nation as a whole.

With approximately one in every four jobs in my congressional district being tied to trade, the expansion of trade means a healthy future for a number of local businesses, and in turn, new jobs for my district and the Nation.

It is disappointing that the Democratic majority has not embraced these trade agreements, as they would mean new jobs for citizens across the Nation.

Mr. Speaker, I remain committed to the benefits of free and fair trade, and I urge this House to take action on these agreements.

PROMOTING HEALTH CARE FOR FUTURE GENERATIONS

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, according to Medicare trustees, that program requires an immediate 51 percent cut, a payroll tax increase of 122 percent, or a blend of both to keep the program running during the next 75 years.

Worse yet, the trustees assume that a separate 41 percent cut in payments for Medicare physician services will happen during the next 9 years. The American Academy of Actuaries reports, without congressional action, Medicare and Social Security will consume up to 80 percent of the Federal budget by 2040.

How, then, does a key member of Ways and Means Committee contend that Medicare is already "solvent and sustainable"?

Washington needs to pull its head out of the sand. Ignoring Medicare's financial problems will only make the solutions more painful for generations of taxpayers and retirees.

And now, the Democrats want to expand SCHIP with questionable means to pay for it. Short of comprehensive reform, Congress should at least make it easier for our shrinking workforce to save for future health care needs, including the rising cost of Medicare premiums.

I urge my colleagues to support the Promoting Health for Future Generations Act of 2007, H.R. 2639. Doing so will help the middle class to build a nest egg, while protecting access to affordable health care.

FREE TRADE AGREEMENTS

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today to express my strong support for enacting the free trade agreements with our allies, democracies in Latin America like Colombia, Peru and Panama.

I am disappointed, frankly, that the Democratic leadership has broken the agreement they made with the administration in May to bring these vital trade agreements to the floor. We have not seen them yet.

Enactment of these important agreements will strengthen the economies of our democratic allies in the region, as well as our own.

I am a strong supporter of free trade with these free nations, and I will continue to work with my colleagues to enact free trade agreements this year and to hold the Democratic leadership's feet to the fire to make sure that they do not break their agreement that they entered into in May.

KILL CONGRESSIONAL PENSIONS FOR FELONS

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, Congress should kill the pension for Members of Congress convicted of a felony. In January, I offered legislation, H.R. 14, that killed a pension on the conviction of any one of 21 public integrity felonies. Both Speaker PELOSI and Hastert voted for this reform.

But the bill we consider today leaves congressional pensions intact for violating 17 of these felonies, including income tax evasion, wire fraud, intimidation to secure contributions, and making fraudulent claims.

In January, we passed a limited reform bill that killed a pension for conviction of only four felonies. But shockingly, this bill has now been gutted.

In January we voted to kill the pension for a Member of Congress convicted of acting as a foreign agent, but this felony has now been deleted from the final package. Who deleted it? Is it okay for a Member of Congress convicted of a felony by acting as a foreign agent?

As you can see, the bill we will consider today falls far short of its potential for reform. A Member convicted of acting as a foreign agent should not receive a taxpayer pension.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

HONEST LEADERSHIP AND OPEN GOVERNMENT ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1) to provide greater transparency in the legislative process, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Honest Leadership and Open Government Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—CLOSING THE REVOLVING DOOR

Sec. 101. Amendments to restrictions on former officers, employees, and elected officials of the executive and legislative branches.
Sec. 102. Wrongfully influencing a private entity's employment decisions or practices.
Sec. 103. Notification of post-employment restrictions.
Sec. 104. Exception to restrictions on former officers, employees, and elected officials of the executive and legislative branch.
Sec. 105. Effective date.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

Sec. 201. Quarterly filing of lobbying disclosure reports.
Sec. 202. Additional disclosure.
Sec. 203. Semiannual reports on certain contributions.
Sec. 204. Disclosure of bundled contributions.
Sec. 205. Electronic filing of lobbying disclosure reports.
Sec. 206. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to congressional employees.
Sec. 207. Disclosure of lobbying activities by certain coalitions and associations.
Sec. 208. Disclosure by registered lobbyists of past executive branch and congressional employment.
Sec. 209. Public availability of lobbying disclosure information; maintenance of information.
Sec. 210. Disclosure of enforcement for noncompliance.
Sec. 211. Increased civil and criminal penalties for failure to comply with lobbying disclosure requirements.
Sec. 212. Electronic filing and public database for lobbyists for foreign governments.
Sec. 213. Comptroller General audit and annual report.
Sec. 214. Sense of Congress.
Sec. 215. Effective date.

TITLE III—MATTERS RELATING TO THE HOUSE OF REPRESENTATIVES

Sec. 301. Disclosure by Members and staff of employment negotiations.
Sec. 302. Prohibition on lobbying contacts with spouse of Member who is a registered lobbyist.
Sec. 303. Treatment of firms and other businesses whose members serve as House committee consultants.
Sec. 304. Posting of travel and financial disclosure reports on public website of Clerk of the House of Representatives.
Sec. 305. Prohibiting participation in lobbyist-sponsored events during political conventions.
Sec. 306. Exercise of rulemaking Authority.

TITLE IV—CONGRESSIONAL PENSION ACCOUNTABILITY

Sec. 401. Loss of pensions accrued during service as a Member of Congress for abusing the public trust.

TITLE V—SENATE LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY

Subtitle A—Procedural Reform

Sec. 511. Amendments to rule XXVIII.
Sec. 512. Notice of objecting to proceeding.
Sec. 513. Public availability of Senate committee and subcommittee meetings.
Sec. 514. Amendments and motions to recommit.
Sec. 515. Sense of the Senate on conference committee protocols.

Subtitle B—Earmark Reform

Sec. 521. Congressionally directed spending.

Subtitle C—Revolving Door Reform

Sec. 531. Post-employment restrictions.
Sec. 532. Disclosure by Members of Congress and staff of employment negotiations.
Sec. 533. Elimination of floor privileges for former Members, Senate officers, and Speakers of the House who are registered lobbyists or seek financial gain.
Sec. 534. Influencing hiring decisions.
Sec. 535. Notification of post-employment restrictions.

Subtitle D—Gift and Travel Reform

Sec. 541. Ban on gifts from registered lobbyists and entities that hire registered lobbyists.
Sec. 542. National party conventions.
Sec. 543. Proper valuation of tickets to entertainment and sporting events.
Sec. 544. Restrictions on registered lobbyist participation in travel and disclosure.
Sec. 545. Free attendance at a constituent event.
Sec. 546. Senate privately paid travel public website.

Subtitle E—Other Reforms

Sec. 551. Compliance with lobbying disclosure.
Sec. 552. Prohibit official contact with spouse or immediate family member of Member who is a registered lobbyist.
Sec. 553. Mandatory Senate ethics training for Members and staff.
Sec. 554. Annual report by Select Committee on Ethics.
Sec. 555. Exercise of rulemaking powers.
Sec. 555. Effective date and general provisions.

TITLE VI—PROHIBITED USE OF PRIVATE AIRCRAFT

Sec. 601. Restrictions on Use of Campaign Funds for Flights on Noncommercial Aircraft.

TITLE VII—MISCELLANEOUS PROVISIONS
Sec. 701. Sense of the Congress that any applicable restrictions on congressional officials and employees should apply to the executive and judicial branches.
Sec. 702. Knowing and willful falsification or failure to report.
Sec. 703. Rule of construction.

TITLE I—CLOSING THE REVOLVING DOOR

SEC. 101. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.

(a) VERY SENIOR EXECUTIVE PERSONNEL.—The matter after subparagraph (C) in section 207(d)(1) of title 18, United States Code, is amended by striking "within 1 year" and inserting "within 2 years".

(b) RESTRICTIONS ON LOBBYING BY MEMBERS OF CONGRESS AND EMPLOYEES OF CONGRESS.—Subsection (e) of section 207 of title 18, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (9);

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(3) by striking paragraph (1) and inserting the following:

"(1) MEMBERS OF CONGRESS AND ELECTED OFFICERS OF THE HOUSE.—

"(A) SENATORS.—Any person who is a Senator and who, within 2 years after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any Member, officer, or employee of either House of Congress or any employee of any other legislative office of the Congress, on behalf of any other person (except the United States) in connection with any matter on which such former Senator seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES.—(i) Any person who is a Member of the House of Representatives or an elected officer of the House of Representatives and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in clause (ii) or (iii), on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(ii) The persons referred to in clause (i) with respect to appearances or communications by a former Member of the House of Representatives are any Member, officer, or employee of either House of Congress and any employee of any other legislative office of the Congress.

"(iii) The persons referred to in clause (i) with respect to appearances or communications by a former elected officer are any Member, officer, or employee of the House of Representatives.

"(2) OFFICERS AND STAFF OF THE SENATE.—Any person who is an elected officer of the Senate, or an employee of the Senate to whom paragraph (7)(A) applies, and who, within 1 year after that person leaves office or employment, knowingly makes, with the intent to influence, any communication to or appearance before any Senator or any officer or employee of the Senate, on behalf of any other person (except the United States) in connection with any matter on which such former elected officer or former employee seeks action by a Senator or an officer or employee of the Senate, in his or her official capacity, shall be punished as provided in section 216 of this title.";

(4) in paragraph (3) (as redesignated by paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking "of a Senator or an employee of a Member of the House of Representatives" and inserting "of a Member of the House of Representatives to whom paragraph (7)(A) applies"; and

(B) in subparagraph (B)—

(i) in clause (i), by striking "Senator or"; and

(ii) in clause (ii), by striking "Senator or";

(5) in paragraph (4) (as redesignated by paragraph (2) of this subsection)—

(A) by striking "committee of Congress" and inserting "committee of the House of Representatives, or an employee of a joint committee of the Congress whose pay is disbursed by the Clerk of the House of Representatives, to whom paragraph (7)(A) applies"; and

(B) by inserting "or joint committee (as the case may be)" after "committee" each subsequent place that term appears;

(6) in paragraph (5) (as redesignated by paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking "or an employee on the leadership staff of the Senate" and inserting "to whom paragraph (7)(A) applies"; and

(B) in subparagraph (B), by striking "the following:" and all that follows through the end of clause (ii) and inserting "any Member of the leadership of the House of Representatives and any employee on the leadership staff of the House of Representatives.";

(7) in paragraph (6)(A) (as redesignated by paragraph (2) of this subsection), by inserting "to whom paragraph (7)(B) applies" after "office of the Congress";

(8) in paragraph (7) (as redesignated by paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking "and (4)" and inserting "(4), and (5)"; and

(B) in subparagraph (B)—

(i) by striking "(5)" and inserting "(6)";

(ii) in subparagraph (B), by striking "(or any comparable adjustment pursuant to interim authority of the President)"; and

(iii) by striking "level 5 of the Senior Executive Service" and inserting "level IV of the Executive Schedule";

(9) by inserting after paragraph (7) (as redesignated by paragraph (2) of this subsection) the following:

"(8) EXCEPTION.—This subsection shall not apply to contacts with the staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995."; and

(10) in paragraph (9)(G) (as redesignated by paragraph (1) of this subsection)—

(A) by striking "the Copyright Royalty Tribunal,"; and

(B) by striking "or (4)" and inserting "(4), or (5)".

SEC. 102. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"§ 227. Wrongfully influencing a private entity's employment decisions by a Member of Congress

"Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence, solely on the basis of partisan political affiliation, an employment decision or employment practice of any private entity—

"(1) takes or withholds, or offers or threatens to take or withhold, an official act, or

"(2) influences, or offers or threatens to influence, the official act of another,

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.".

(b) NO INFERENCE.—Nothing in section 227 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 227 of title 18, United States Code, was a criminal or civil offense before the enactment of this Act, including under section 201(b), 201(c), any of sections 203 through 209, or section 872, of title 18, United States Code.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"227. Wrongfully influencing a private entity's employment decisions by a Member of Congress.".

SEC. 103. NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.

(a) NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.—After a Member of Congress or an elected officer of either House of Congress leaves office, or after the termination of employment with the House of Representatives or the Senate of an employee who is covered under paragraph (2), (3), (4), or (5) of section 207(e) of title 18, United States Code, the Clerk of the House of Representatives, after consultation with the Committee on Standards of Official Conduct, or the Secretary of the Senate, as the case may be, shall notify the Member, officer, or employee of the beginning and ending date of the prohibitions that apply to the Member, officer, or employee under section 207(e) of that title.

(b) POSTING ON INTERNET.—The Clerk of the House of Representatives, with respect to notifications under subsection (a) relating to Members, officers, and employees of the House, and the Secretary of the Senate, with respect to such notifications relating to Members, officers, and employees of the Senate, shall post the information contained in such notifications on the public Internet site of the Office of the Clerk or the Secretary of the Senate, as the case may be, in a format that, to the extent technically practicable, is searchable, sortable, and downloadable.

SEC. 104. EXCEPTION TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCH.

(a) IN GENERAL.—Section 207(j)(1) of title 18, United States Code, is amended—

(1) by striking "The restrictions" and inserting the following:

"(A) IN GENERAL.—The restrictions";

(2) by moving the remaining text 2 ems to the right; and

(3) by adding at the end the following:

"(B) TRIBAL ORGANIZATIONS AND INTER-TRIBAL CONSORTIUMS.—The restrictions contained in this section shall not apply to acts authorized by section 104(j) of the Indian

Self-Determination and Education Assistance Act (25 U.S.C. 450i(j)).".

(b) CONFORMING AMENDMENT.—Section 104(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i(j)) is amended to read as follows:

"(j) Anything in sections 205 and 207 of title 18, United States Code, to the contrary notwithstanding—

"(1) an officer or employee of the United States assigned to a tribal organization (as defined in section 4(l)) or an inter-tribal consortium (as defined in section 501), as authorized under section 3372 of title 5, United States Code, or section 2072 of the Revised Statutes (25 U.S.C. 48) may act as agent or attorney for, and appear on behalf of, such tribal organization or inter-tribal consortium in connection with any matter related to a tribal governmental activity or Federal Indian program or service pending before any department, agency, court, or commission, including any matter in which the United States is a party or has a direct and substantial interest: *Provided*, That such officer or employee must advise in writing the head of the department, agency, court, or commission with which the officer or employee is dealing or appearing on behalf of the tribal organization or inter-tribal consortium of any personal and substantial involvement with the matter involved; and

"(2) a former officer or employee of the United States who is carrying out official duties as an employee or as an elected or appointed official of a tribal organization (as defined in section 4(l)) or inter-tribal consortium (as defined in section 501) may act as agent or attorney for, and appear on behalf of, such tribal organization or intra-tribal consortium in connection with any matter related to a tribal governmental activity or Federal Indian program or service pending before any department, agency, court, or commission, including any matter in which the United States is a party or has a direct and substantial interest: *Provided*, That such former officer or employee must advise in writing the head of the department, agency, court, or commission with which the former officer or employee is dealing or appearing on behalf of the tribal organization or inter-tribal consortium of any personal and substantial involvement the he or she may have had as an officer or employee of the United States in connection with the matter involved.".

(c) EFFECT OF SECTION.—Except as expressly identified in this section and in the amendments made by this section, nothing in this section or the amendments made by this section affects any other provision of law.

SEC. 105. EFFECTIVE DATE.

(a) SECTION 101.—The amendments made by section 101 shall apply to individuals who leave Federal office or employment to which such amendments apply on or after the date of adjournment of the first session of the 110th Congress sine die or December 31, 2007, whichever date is earlier.

(b) SECTION 102.—The amendments made by section 102 shall take effect on the date of the enactment of this Act.

(c) SECTION 103.—

(1) NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.—Subsection (a) of section 103 shall take effect on the 60th day after the date of the enactment of this Act.

(2) POSTING OF INFORMATION.—Subsection (b) of section 103 shall take effect January 1, 2008, except that the Secretary of the Senate and the Clerk of the House of Representatives shall post the information contained in notifications required by that subsection that are made on or after the effective date provided under paragraph (1) of this subsection.

(d) SECTION 104.—The amendments made by section 104 shall take effect on the date of the enactment of this Act, except that section 104(j)(2) of the Indian Self-Determination and Education Assistance Act (as amended by section 104(b)) shall apply to individuals who leave Federal office or employment to which such amendments apply on or after the 60th day after the date of the enactment of this Act.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

SEC. 201. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) by striking "SEMIANNUAL" and inserting "QUARTERLY";

(B) by striking "45 days" and all that follows through "section 4," and inserting "20 days after the end of the quarterly period beginning on the first day of January, April, July, and October of each year in which a registrant is registered under section 4, or on the first business day after such 20th day if the 20th day is not a business day,"; and

(C) by striking "such semiannual period" and inserting "such quarterly period"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "semiannual report" and inserting "quarterly report";

(B) in paragraph (2), by striking "semiannual filing period" and inserting "quarterly period";

(C) in paragraph (3), by striking "semiannual period" and inserting "quarterly period"; and

(D) in paragraph (4), by striking "semiannual filing period" and inserting "quarterly period".

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended by striking "six month period" and inserting "3-month period".

(2) REGISTRATION.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(A) in subsection (a)(1), by inserting after "earlier," the following: "or on the first business day after such 45th day if the 45th day is not a business day,"; and

(B) in subsection (a)(3)(A), by striking "semiannual period" and inserting "quarterly period".

(3) ENFORCEMENT.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended in paragraph (6) by striking "semiannual period" and inserting "quarterly period".

(4) ESTIMATES.—Section 15 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(1), by striking "semiannual period" and inserting "quarterly period".

(5) DOLLAR AMOUNTS.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is further amended—

(A) in subsection (a)(3)(A)(i), by striking "$5,000" and inserting "$2,500";

(B) in subsection (a)(3)(A)(ii), by striking "$20,000" and inserting "$10,000";

(C) in subsection (b)(3)(A), by striking "$10,000" and inserting "$5,000"; and

(D) in subsection (b)(4), by striking "$10,000" and inserting "$5,000".

(6) REPORTS.—Section 5(c) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(c)) is further amended—

(A) in paragraph (1), by striking "$10,000" and "$20,000" and inserting "$5,000" and "$10,000", respectively; and

(B) in paragraph (2), by striking "$10,000" both places such term appears and inserting "$5,000".

SEC. 202. ADDITIONAL DISCLOSURE.

Section 5(b) of The Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end of the following:

"(5) for each client, immediately after listing the client, an identification of whether the client is a State or local government or a department, agency, special purpose district, or other instrumentality controlled by one or more State or local governments.".

SEC. 203. SEMIANNUAL REPORTS ON CERTAIN CONTRIBUTIONS.

(a) OTHER CONTRIBUTIONS.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended by adding at the end the following:

"(d) SEMIANNUAL REPORTS ON CERTAIN CONTRIBUTIONS.—

"(1) IN GENERAL.—Not later than 30 days after the end of the semiannual period beginning on the first day of January and July of each year, or on the first business day after such 30th day if the 30th day is not a business day, each person or organization who is registered or is required to register under paragraph (1) or (2) of section 4(a), and each employee who is or is required to be listed as a lobbyist under section 4(b)(6) or subsection (b)(2)(C) of this section, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(A) the name of the person or organization;

"(B) in the case of an employee, his or her employer;

"(C) the names of all political committees established or controlled by the person or organization;

"(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the person or organization, or a political committee established or controlled by the person or organization within the semiannual period, and the date and amount of each such contribution made within the semiannual period;

"(E) the date, recipient, and amount of funds contributed or disbursed during the semiannual period by the person or organization or a political committee established or controlled by the person or organization—

"(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official,

"(ii) to an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official,

"(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official, or

"(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or in the name of, 1 or more covered legislative branch officials or covered executive branch officials, except that this subparagraph shall not apply if the funds are provided to a person who is required to report the receipt of the funds under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

"(F) the name of each Presidential library foundation, and each Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the person or organization, or a political committee established or controlled by the person or organization, within the semiannual period, and the date and amount of each such contribution within the semiannual period; and

"(G) a certification by the person or organization filing the report that the person or organization—

"(i) has read and is familiar with those provisions of the Standing Rules of the Senate and the Rules of the House of Representatives relating to the provision of gifts and travel; and

"(ii) has not provided, requested, or directed a gift, including travel, to a Member of Congress or an officer or employee of either House of Congress with knowledge that receipt of the gift would violate rule XXXV of the Standing Rules of the Senate or rule XXV of the Rules of the House of Representatives.

"(2) Definition.—In this subsection, the term 'leadership PAC' has the meaning given such term in section 304(i)(8)(B) of the Federal Election Campaign Act of 1971.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to the first semiannual period described in section 5(d)(1) of the Lobbying Disclosure Act of 1995 (as added by this section) that begins after the date of the enactment of this Act and each succeeding semiannual period.

(c) Report on Requiring Quarterly Reports.—The Clerk of the House of Representatives and the Secretary of the Senate shall submit a report to the Congress, not later than 1 year after the date on which the first reports are required to be made under section 5(d) of the Lobbying Disclosure Act of 1995 (as added by this section), on the feasibility of requiring the reports under such section 5(d) to be made on a quarterly, rather than a semiannual, basis.

(d) Sense of Congress.—It is the sense of the Congress that after the end of the 2-year period beginning on the day on which the amendment made by subsection (a) of this section first applies, the reports required under section 5(d) of the Lobbying Disclosure Act of 1995 (as added by this section) should be made on a quarterly basis if it is practicably feasible to do so.

SEC. 204. DISCLOSURE OF BUNDLED CONTRIBUTIONS.

(a) Disclosure.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(i) Disclosure of Bundled Contributions.—

"(1) Required disclosure.—Each committee described in paragraph (6) shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person reasonably known by the committee to be a person described in paragraph (7) who provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the covered period, and the aggregate amount of the bundled contributions provided by each such person during the covered period.

"(2) Covered period.—In this subsection, a 'covered period' means, with respect to a committee—

"(A) the period beginning January 1 and ending June 30 of each year;

"(B) the period beginning July 1 and ending December 31 of each year; and

"(C) any reporting period applicable to the committee under this section during which any person described in paragraph (7) provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold.

"(3) Applicable threshold.—

"(A) In general.—In this subsection, the 'applicable threshold' is $15,000, except that in determining whether the amount of bundled contributions provided to a committee by a person described in paragraph (7) exceeds the applicable threshold, there shall be excluded any contribution made to the committee by the person or the person's spouse.

"(B) Indexing.—In any calendar year after 2007, section 315(c)(1)(B) shall apply to the amount applicable under subparagraph (A) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amount applicable under subparagraph (A), the 'base period' shall be 2006.

"(4) Public availability.—The Commission shall ensure that, to the greatest extent practicable—

"(A) information required to be disclosed under this subsection is publicly available through the Commission website in a manner that is searchable, sortable, and downloadable; and

"(B) the Commission's public database containing information disclosed under this subsection is linked electronically to the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995.

"(5) Regulations.—Not later than 6 months after the date of enactment of the Honest Leadership and Open Government Act of 2007, the Commission shall promulgate regulations to implement this subsection. Under such regulations, the Commission—

"(A) may, notwithstanding paragraphs (1) and (2), provide for quarterly filing of the schedule described in paragraph (1) by a committee which files reports under this section more frequently than on a quarterly basis;

"(B) shall provide guidance to committees with respect to whether a person is reasonably known by a committee to be a person described in paragraph (7), which shall include a requirement that committees consult the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995;

"(C) may not exempt the activity of a person described in paragraph (7) from disclosure under this subsection on the grounds that the person is authorized to engage in fundraising for the committee or any other similar grounds; and

"(D) shall provide for the broadest possible disclosure of activities described in this subsection by persons described in paragraph (7) that is consistent with this subsection.

"(6) Committees described.—A committee described in this paragraph is an authorized committee of a candidate, a leadership PAC, or a political party committee.

"(7) Persons described.—A person described in this paragraph is any person, who, at the time a contribution is forwarded to a committee as described in paragraph (8)(A)(i) or is received by a committee as described in paragraph (8)(A)(ii), is—

"(A) a current registrant under section 4(a) of the Lobbying Disclosure Act of 1995;

"(B) an individual who is listed on a current registration filed under section 4(b)(6) of such Act or a current report under section 5(b)(2)(C) of such Act; or

"(C) a political committee established or controlled by such a registrant or individual.

"(8) Definitions.—For purposes of this subsection, the following definitions apply:

"(A) Bundled contribution.—The term 'bundled contribution' means, with respect to a committee described in paragraph (6) and a person described in paragraph (7), a contribution (subject to the applicable threshold) which is—

"(i) forwarded from the contributor or contributors to the committee by the person; or

"(ii) received by the committee from a contributor or contributors, but credited by the committee or candidate involved (or, in the case of a leadership PAC, by the individual referred to in subparagraph (B) involved) to the person through records, designations, or other means of recognizing that a certain amount of money has been raised by the person.

"(B) Leadership PAC.—The term 'leadership PAC' means, with respect to a candidate for election to Federal office or an individual holding Federal office, a political committee that is directly or indirectly established, financed, maintained or controlled by the candidate or the individual but which is not an authorized committee of the candidate or individual and which is not affiliated with an authorized committee of the candidate or individual, except that such term does not include a political committee of a political party.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to reports filed under section 304 of the Federal Election Campaign Act after the expiration of the 3-month period which begins on the date that the regulations required to be promulgated by the Federal Election Commission under section 304(i)(5) of such Act (as added by subsection (a)) become final.

SEC. 205. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended by adding at the end the following:

"(e) Electronic Filing Required.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form that the Secretary of the Senate or the Clerk of the House of Representatives may require or allow. The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this Act.".

SEC. 206. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

(a) Prohibition.—The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended by adding at the end the following:

“SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

“(a) PROHIBITION.—Any person described in subsection (b) may not make a gift or provide travel to a covered legislative branch official if the person has knowledge that the gift or travel may not be accepted by that covered legislative branch official under the Rules of the House of Representatives or the Standing Rules of the Senate (as the case may be).

“(b) PERSONS SUBJECT TO PROHIBITION.—The persons subject to the prohibition under subsection (a) are any lobbyist that is registered or is required to register under section 4(a)(1), any organization that employs 1 or more lobbyists and is registered or is required to register under section 4(a)(2), and any employee listed or required to be listed as a lobbyist by a registrant under section 4(b)(6) or 5(b)(2)(C).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 207. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—

(1) DISCLOSURE.—Section 4(b)(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)(3)) is amended—

(A) by amending subparagraph (A) to read as follows:

“(A) contributes more than $5,000 to the registrant or the client in the quarterly period to fund the lobbying activities of the registrant; and”; and

(B) by amending subparagraph (B) to read as follows:

“(B) actively participates in the planning, supervision, or control of such lobbying activities;”.

(2) UPDATING OF INFORMATION.—Section 5(b)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)(1)) is amended by inserting “, including information under section 4(b)(3)” after “initial registration”.

(b) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—Section 4(b) of The Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)) is amended by adding at the end the following:

“No disclosure is required under paragraph (3)(B) if the organization that would be identified as affiliated with the client is listed on the client's publicly accessible Internet website as being a member of or contributor to the client, unless the organization in whole or in major part plans, supervises, or controls such lobbying activities. If a registrant relies upon the preceding sentence, the registrant must disclose the specific Internet address of the web page containing the information relied upon. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under that paragraph.”.

SEC. 208. DISCLOSURE BY REGISTERED LOBBYISTS OF PAST EXECUTIVE BRANCH AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)(6)) is amended by striking “in the 2 years” and all that follows through “Act)” and inserting “in the 20 years before the date on which the employee first acted”.

SEC. 209. PUBLIC AVAILABILITY OF LOBBYING DISCLOSURE INFORMATION; MAINTENANCE OF INFORMATION.

(a) PUBLIC AVAILABILITY.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is further amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(9) maintain all registrations and reports filed under this Act, and make them available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, to the extent technically practicable, that—

“(A) includes the information contained in the registrations and reports;

“(B) is searchable and sortable to the maximum extent practicable, including searchable and sortable by each of the categories of information described in section 4(b) or 5(b); and

“(C) provides electronic links or other appropriate mechanisms to allow users to obtain relevant information in the database of the Federal Election Commission; and

“(10) retain the information contained in a registration or report filed under this Act for a period of 6 years after the registration or report (as the case may be) is filed.”.

(b) AVAILABILITY OF REPORTS.—Section 6(4) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended by inserting before the semicolon at the end the following: “and, in the case of a report filed in electronic form under section 5(e), make such report available for public inspection over the Internet as soon as technically practicable after the report is so filed”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605), as added by subsection (a) of this section.

SEC. 210. DISCLOSURE OF ENFORCEMENT FOR NONCOMPLIANCE.

Section 6 of The Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is further amended—

(1) by striking “The Secretary” and inserting “(a) IN GENERAL.—The Secretary”; ;

(2) in paragraph (9), by striking “and” at the end;

(3) in paragraph (10), by striking the period and inserting “; and”;

(4) by adding after paragraph (10) the following:

“(11) make publicly available, on a semiannual basis, the aggregate number of registrants referred to the United States Attorney for the District of Columbia for noncompliance as required by paragraph (8).”; and

(5) by adding at the end the following:

“(b) ENFORCEMENT REPORT.—

“(1) REPORT.—The Attorney General shall report to the congressional committees referred to in paragraph (2), after the end of each semiannual period beginning on January 1 and July 1, the aggregate number of enforcement actions taken by the Department of Justice under this Act during that semiannual period and, by case, any sentences imposed, except that such report shall not include the names of individuals, or personally identifiable information, that is not already a matter of public record.

“(2) COMMITTEES.—The congressional committees referred to in paragraph (1) are the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.”.

SEC. 211. INCREASED CIVIL AND CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

(a) IN GENERAL.—Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended—

(1) by striking “Whoever” and inserting “(a) CIVIL PENALTY.—Whoever”;

(2) by striking “$50,000” and inserting “$200,000”; and

(3) by adding at the end the following:

“(b) CRIMINAL PENALTY.—Whoever knowingly and corruptly fails to comply with any provision of this Act shall be imprisoned for not more than 5 years or fined under title 18, United States Code, or both.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any violation committed on or after the date of the enactment of this Act.

SEC. 212. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.

(a) ELECTRONIC FILING.—Section 2 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 612), is amended by adding at the end the following new subsection:

“(g) ELECTRONIC FILING OF REGISTRATION STATEMENTS AND SUPPLEMENTS.—A registration statement or supplement required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.”.

(b) PUBLIC DATABASE.—Section 6 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 616), is amended by adding at the end the following new subsection:

“(d) PUBLIC DATABASE OF REGISTRATION STATEMENTS AND UPDATES.—

“(1) IN GENERAL.—The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, to the extent technically practicable, an electronic database that—

“(A) includes the information contained in registration statements and updates filed under this Act; and

“(B) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

“(2) ACCOUNTABILITY.—The Attorney General shall make each registration statement and update filed in electronic form pursuant to section 2(g) available for public inspection over the Internet as soon as technically practicable after the registration statement or update is filed.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 90th day after the date of the enactment of this Act.

SEC. 213. COMPTROLLER GENERAL AUDIT AND ANNUAL REPORT.

(a) ANNUAL AUDITS AND REPORTS.—The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is further amended by adding at the end the following:

“SEC. 26. ANNUAL AUDITS AND REPORTS BY COMPTROLLER GENERAL.

“(a) AUDIT.—On an annual basis, the Comptroller General shall audit the extent of compliance or noncompliance with the requirements of this Act by lobbyists, lobbying firms, and registrants through a random sampling of publicly available lobbying registrations and reports filed under this Act during each calendar year.

“(b) REPORTS TO CONGRESS.—

"(1) ANNUAL REPORTS.—Not later than April 1 of each year, the Comptroller General shall submit to the Congress a report on the review required by subsection (a) for the preceding calendar year. The report shall include the Comptroller General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

"(A) improve the compliance by lobbyists, lobbying firms, and registrants with the requirements of this Act; and

"(B) provide the Department of Justice with the resources and authorities needed for the effective enforcement of this Act.

"(2) ASSESSMENT OF COMPLIANCE.—The annual report under paragraph (1) shall include an assessment of compliance by registrants with the requirements of section 4(b)(3).

"(c) ACCESS TO INFORMATION.—The Comptroller General may, in carrying out this section, request information from and access to any relevant documents from any person registered under paragraph (1) or (2) of section 4(a) and each employee who is listed as a lobbyist under section 4(b)(6) or section 5(b)(2)(C) if the material requested relates to the purposes of this section. The Comptroller General may request such person to submit in writing such information as the Comptroller General may prescribe. The Comptroller General may notify the Congress in writing if a person from whom information has been requested under this subsection refuses to comply with the request within 45 days after the request is made.".

(b) INITIAL AUDIT AND REPORT.—The initial audit under subsection (a) of section 26 of the Lobbying Disclosure Act of 1995 (as added by subsection (a) of this section) shall be made with respect to lobbying registrations and reports filed during the first calendar quarter of 2008, and the initial report under subsection (b) of such section shall be filed, with respect to those registrations and reports, not later than 6 months after the end of that calendar quarter.

SEC. 214. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the use of a family relationship by a lobbyist who is an immediate family member of a Member of Congress to gain special advantages over other lobbyists is inappropriate; and

(2) the lobbying community should develop proposals for multiple self-regulatory organizations which could—

(A) provide for the creation of standards for the organizations appropriate to the type of lobbying and individuals to be served;

(B) provide training for the lobbying community on law, ethics, reporting requirements, and disclosure requirements;

(C) provide for the development of educational materials for the public on how to responsibly hire a lobbyist or lobby firm;

(D) provide standards regarding reasonable fees charged to clients;

(E) provide for the creation of a third-party certification program that includes ethics training; and

(F) provide for disclosure of requirements to clients regarding fee schedules and conflict of interest rules.

SEC. 215. EFFECTIVE DATE.

Except as otherwise provided in sections 203, 204, 206, 211, 212, and 213, the amendments made by this title shall apply with respect to registrations under the Lobbying Disclosure Act of 1995 having an effective date of January 1, 2008, or later and with respect to quarterly reports under that Act covering calendar quarters beginning on or after January 1, 2008.

TITLE III—MATTERS RELATING TO THE HOUSE OF REPRESENTATIVES

SEC. 301. DISCLOSURE BY MEMBERS AND STAFF OF EMPLOYMENT NEGOTIATIONS.

(a) IN GENERAL.—The Rules of the House of Representatives are amended by redesignating rules XXVII and XXVIII as rules XXVIII and XXIX, respectively, and by inserting after rule XXVI the following new rule:

"RULE XXVII

"DISCLOSURE BY MEMBERS AND STAFF OF EMPLOYMENT NEGOTIATIONS

"1. A Member, Delegate, or Resident Commissioner shall not directly negotiate or have any agreement of future employment or compensation until after his or her successor has been elected, unless such Member, Delegate, or Resident Commissioner, within 3 business days after the commencement of such negotiation or agreement of future employment or compensation, files with the Committee on Standards of Official Conduct a statement, which must be signed by the Member, Delegate, or Resident Commissioner, regarding such negotiations or agreement, including the name of the private entity or entities involved in such negotiations or agreement, and the date such negotiations or agreement commenced.

"2. An officer or an employee of the House earning in excess of 75 percent of the salary paid to a Member shall notify the Committee on Standards of Official Conduct that he or she is negotiating or has any agreement of future employment or compensation.

"3. The disclosure and notification under this rule shall be made within 3 business days after the commencement of such negotiation or agreement of future employment or compensation.

"4. A Member, Delegate, or Resident Commissioner, and an officer or employee to whom this rule applies, shall recuse himself or herself from any matter in which there is a conflict of interest or an appearance of a conflict for that Member, Delegate, Resident Commissioner, officer, or employee under this rule and shall notify the Committee on Standards of Official Conduct of such recusal. A Member, Delegate, or Resident Commissioner making such recusal shall, upon such recusal, submit to the Clerk for public disclosure the statement of disclosure under clause 1 with respect to which the recusal was made.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to negotiations commenced, and agreements entered into, on or after that date.

SEC. 302. PROHIBITION ON LOBBYING CONTACTS WITH SPOUSE OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXV of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"7. A Member, Delegate, or Resident Commissioner shall prohibit all staff employed by that Member, Delegate, or Resident Commissioner (including staff in personal, committee, and leadership offices) from making any lobbying contact (as defined in section 3 of the Lobbying Disclosure Act of 1995) with that individual's spouse if that spouse is a lobbyist under the Lobbying Disclosure Act of 1995 or is employed or retained by such a lobbyist for the purpose of influencing legislation.".

SEC. 303. TREATMENT OF FIRMS AND OTHER BUSINESSES WHOSE MEMBERS SERVE AS HOUSE COMMITTEE CONSULTANTS.

Clause 18(b) of rule XXIII of the Rules of the House of Representatives is amended by adding at the end the following: "In the case of such an individual who is a member or employee of a firm, partnership, or other business organization, the other members and employees of the firm, partnership, or other business organization shall be subject to the same restrictions on lobbying that apply to the individual under this paragraph.".

SEC. 304. POSTING OF TRAVEL AND FINANCIAL DISCLOSURE REPORTS ON PUBLIC WEBSITE OF CLERK OF THE HOUSE OF REPRESENTATIVES.

(a) REQUIRING POSTING ON INTERNET.—The Clerk of the House of Representatives shall post on the public Internet site of the Office of the Clerk, in a format that is searchable, sortable, and downloadable, to the extent technically practicable, each of the following:

(1) The advance authorizations, certifications, and disclosures filed with respect to transportation, lodging, and related expenses for travel under clause 5(b) of rule XXV of the Rules of the House of Representatives by Members (including Delegates and Resident Commissioners to the Congress), officers, and employees of the House.

(2) The reports filed under section 103(h)(1) of the Ethics in Government Act of 1978 by Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress).

(b) APPLICABILITY AND TIMING.—

(1) APPLICABILITY.—Subject to paragraph (2), subsection (a) shall apply with respect to information received by the Clerk of the House of Representatives on or after the date of the enactment of this Act.

(2) TIMING.—The Clerk of the House of Representatives shall—

(A) not later than August 1, 2008, post the information required by subsection (a) that the Clerk receives by June 1, 2008; and

(B) not later than the end of each 45-day period occurring after information is required to be posted under subparagraph (A), post the information required by subsection (a) that the Clerk has received since the last posting under this subsection.

(3) OMISSION OF PERSONALLY IDENTIFIABLE INFORMATION.—Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress) shall be permitted to omit personally identifiable information not required to be disclosed on the reports posted on the public Internet site under this section (such as home address, Social Security numbers, personal bank account numbers, home telephone, and names of children) prior to the posting of such reports on such public Internet site.

(4) ASSISTANCE IN PROTECTING PERSONAL INFORMATION.—The Clerk of the House of Representatives, in consultation with the Committee on Standards of Official Conduct, shall include in any informational materials concerning any disclosure that will be posted on the public Internet site under this section an explanation of the procedures for protecting personally identifiable information as described in this section.

(c) RETENTION.—The Clerk shall maintain the information posted on the public Internet site of the Office of the Clerk under this section for a period of 6 years after receiving the information.

SEC. 305. PROHIBITING PARTICIPATION IN LOBBYIST-SPONSORED EVENTS DURING POLITICAL CONVENTIONS.

Rule XXV of the Rules of the House of Representatives, as amended by section 302, is amended by adding at the end the following new clause:

"8. During the dates on which the national political party to which a Member (including a Delegate or Resident Commissioner) belongs holds its convention to nominate a candidate for the office of President or Vice President, the Member may not participate in an event honoring that Member, other than in his or her capacity as a candidate for such office, if such event is directly paid for by a registered lobbyist under the Lobbying Disclosure Act of 1995 or a private entity that retains or employs such a registered lobbyist.''.

SEC. 306. EXERCISE OF RULEMAKING AUTHORITY.

The provisions of this title are adopted by the House of Representatives—

(1) as an exercise of the rulemaking power of the House; and

(2) with full recognition of the constitutional right of the House to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House.

TITLE IV—CONGRESSIONAL PENSION ACCOUNTABILITY

SEC. 401. LOSS OF PENSIONS ACCRUED DURING SERVICE AS A MEMBER OF CONGRESS FOR ABUSING THE PUBLIC TRUST.

(a) Civil Service Retirement System.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

"(o)(1) Notwithstanding any other provision of this subchapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this subchapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8342(c), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

"(2)(A) An offense described in this paragraph is any offense described in subparagraph (B) for which the following apply:

"(i) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

"(ii) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

"(iii) The offense is committed after the date of enactment of this subsection.

"(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony:

"(i) An offense under section 201 of title 18 (relating to bribery of public officials and witnesses).

"(ii) An offense under section 219 of title 18 (relating to officers and employees acting as agents of foreign principals).

"(iii) An offense under section 1343 of title 18 (relating to fraud by wire, radio, or television, including as part of a scheme to deprive citizens of honest services thereby).

"(iv) An offense under section 104(a) of the Foreign Corrupt Practices Act of 1977 (relating to prohibited foreign trade practices by domestic concerns).

"(v) An offense under section 1957 of title 18 (relating to engaging in monetary transactions in property derived from specified unlawful activity).

"(vi) An offense under section 1512 of title 18 (relating to tampering with a witness, victim, or an informant).

"(vii) An offense under chapter 96 of title 18 (relating to racketeer influenced and corrupt organizations).

"(viii) An offense under section 371 of title 18 (relating to conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes—

"(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

"(II) an offense under section 207 of title 18 (relating to restrictions on former officers, employees, and elected officials of the executive and legislative branches).

"(ix) Perjury committed under section 1621 of title 18 in falsely denying the commission of an act which constitutes—

"(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

"(II) an offense under clause (viii), to the extent provided in such clause.

"(x) Subornation of perjury committed under section 1622 of title 18 in connection with the false denial or false testimony of another individual as specified in clause (ix).

"(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the final conviction, be eligible to participate in the retirement system under this subchapter or chapter 84 while serving as a Member.

"(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

"(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

"(B) provisions under which the Office may provide for—

"(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, subject to paragraph (5); and

"(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

"(5) Regulations to carry out clause (i) of paragraph (4)(B) shall include provisions to ensure that the authority to make any payment to the spouse or children of an individual under such clause shall be available only to the extent that the application of such clause is considered necessary and appropriate taking into account the totality of the circumstances, including the financial needs of the spouse or children, whether the spouse or children participated in an offense described in paragraph (2) of which such individual was finally convicted, and what measures, if any, may be necessary to ensure that the convicted individual does not benefit from any such payment.

"(6) For purposes of this subsection—

"(A) the terms 'finally convicted' and 'final conviction' refer to a conviction (i) which has not been appealed and is no longer appealable because the time for taking an appeal has expired, or (ii) which has been appealed and the appeals process for which is completed;

"(B) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8331(2); and

"(C) the term 'child' has the meaning given such term by section 8341.''.

(b) Federal Employees' Retirement System.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(l)(1) Notwithstanding any other provision of this chapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this chapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8424(d), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

"(2) An offense described in this paragraph is any offense described in section 8332(o)(2)(B) for which the following apply:

"(A) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

"(B) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

"(C) The offense is committed after the date of enactment of this subsection.

"(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the final conviction, be eligible to participate in the retirement system under this chapter while serving as a Member.

"(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

"(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

"(B) provisions under which the Office may provide for—

"(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, subject to paragraph (5); and

"(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

"(5) Regulations to carry out clause (i) of paragraph (4)(B) shall include provisions to ensure that the authority to make any payment under such clause to the spouse or children of an individual shall be available only to the extent that the application of such clause is considered necessary and appropriate taking into account the totality of the circumstances, including the financial needs of the spouse or children, whether the spouse or children participated in an offense described in paragraph (2) of which such individual was finally convicted, and what measures, if any, may be necessary to ensure that the convicted individual does not benefit from any such payment.

"(6) For purposes of this subsection—

"(A) the terms 'finally convicted' and 'final conviction' refer to a conviction (i) which has not been appealed and is no longer appealable because the time for taking an appeal has expired, or (ii) which has been appealed and the appeals process for which is completed;

"(B) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8401(20); and

"(C) the term 'child' has the meaning given such term by section 8441.''.

TITLE V—SENATE LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY

Subtitle A—Procedural Reform

SEC. 511. AMENDMENTS TO RULE XXVIII.

(a) OUT OF SCOPE MATERIAL AMENDMENT.—Rule XXVIII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 4 through 6 as paragraphs 6 through 8, respectively; and

(2) striking paragraphs 2 and 3 and inserting the following:

"2. (a) Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses.

"(b) If matter which was agreed to by both Houses is stricken from the bill a point of order may be made against the report, and if the point of order is sustained, the report is rejected or shall be recommitted to the committee of conference if the House of Representatives has not already acted thereon.

"(c) If new matter is inserted in the report, a point of order may be made against the conference report and it shall be disposed of as provided under paragraph 4.

"3.(a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees—

"(1) it shall be in order for the conferees to report a substitute on the same subject matter;

"(2) the conferees may not include in the report matter not committed to them by either House; and

"(3) the conferees may include in their report in any such case matter which is a germane modification of subjects in disagreement.

"(b) In any case in which the conferees violate subparagraph (a), a point of order may be made against the conference report and it shall be disposed of as provided under paragraph 4.

"4.(a) A Senator may raise a point of order that one or more provisions of a conference report violates paragraph 2 or paragraph 3, as the case may be. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order.

"(b) If the Presiding Officer sustains the point of order as to any of the provisions against which the Senator raised the point of order, then those provisions against which the Presiding Officer sustains the point of order shall be stricken. After all other points of order under this paragraph have been disposed of—

"(1) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken;

"(2) the question in clause (1) shall be decided under the same debate limitation as the conference report; and

"(3) no further amendment shall be in order.

"5.(a) Any Senator may move to waive any or all points of order under paragraph 2 or 3 with respect to the pending conference report by an affirmative vote of three-fifths of the Members, duly chosen and sworn. All motions to waive under this paragraph shall be debatable collectively for not to exceed 1 hour equally divided between the Majority Leader and the Minority Leader or their designees. A motion to waive all points of order under this paragraph shall not be amendable.

"(b) All appeals from rulings of the Chair under paragraph 4 shall be debatable collectively for not to exceed 1 hour, equally divided between the Majority and the Minority Leader or their designees. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair under paragraph 4.".

(b) PUBLIC AVAILABILITY AMENDMENT.—

(1) IN GENERAL.—Rule XXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

"9. (a)(1) It shall not be in order to vote on the adoption of a report of a committee of conference unless such report has been available to Members and to the general public for at least 48 hours before such vote. If a point of order is sustained under this paragraph, then the conference report shall be set aside.

"(2) For purposes of this paragraph, a report of a committee of conference is made available to the general public as of the time it is posted on a publicly accessible website controlled by a Member, committee, Library of Congress, or other office of Congress, or the Government Printing Office, as reported to the Presiding Officer by the Secretary of the Senate.

"(b)(1) This paragraph may be waived in the Senate with respect to the pending conference report by an affirmative vote of three-fifths of the Members, duly chosen and sworn. A motion to waive this paragraph shall be debatable for not to exceed 1 hour equally divided between the Majority Leader and the Minority Leader or their designees.

"(2) An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph. An appeal of the ruling of the Chair shall be debatable for not to exceed 1 hour equally divided between the Majority and the Minority Leader or their designees

"(c) This paragraph may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate, upon their certification that such waiver is necessary as a result of a significant disruption to Senate facilities or to the availability of the Internet.".

(2) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this section, the Committee on Rules and Administration, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, and the Government Printing Office shall promulgate regulations for the implementation of the requirements of paragraph 9 of rule XXVIII of the Standing Rules of the Senate, as added by this section.

SEC. 512. NOTICE OF OBJECTING TO PROCEEDING.

(a) IN GENERAL.—The Majority and Minority Leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) following the objection to a unanimous consent to proceeding to, and, or passage of, a measure or matter on their behalf, submits the notice of intent in writing to the appropriate leader or their designee; and

(2) not later than 6 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:

"I, Senator _______, intend to object to proceedings to _______, dated _______ for the following reasons_______.".

(b) CALENDAR.—

(1) IN GENERAL.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled "Notice of Intent to Object to Proceeding".

(2) CONTENT.—The section required by paragraph (1) shall include—

(A) the name of each Senator filing a notice under subsection (a)(2);

(B) the measure or matter covered by the calendar that the Senator objects to; and

(C) the date the objection was filed.

(3) NOTICE.—A Senator who has notified their respective leader and who has withdrawn their objection within the 6 session day period is not required to submit a notification under subsection (a)(2).

(c) REMOVAL.—A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

"I, Senator _______, do not object to proceed to _______, dated _______.".

SEC. 513. PUBLIC AVAILABILITY OF SENATE COMMITTEE AND SUBCOMMITTEE MEETINGS.

(a) IN GENERAL.—Paragraph 5(e) of rule XXVI of the Standing Rules of the Senate is amended by—

(1) inserting after "(e)" the following: "(1)"; and

(2) adding at the end the following:

"(2)(A) Except with respect to meetings closed in accordance with this rule, each committee and subcommittee shall make publicly available through the Internet a video recording, audio recording, or transcript of any meeting not later than 21 business days after the meeting occurs.

"(B) Information required by subclause (A) shall be available until the end of the Congress following the date of the meeting.

"(C) The Committee on Rules and Administration may waive this clause upon request based on the inability of a committee or subcommittee to comply with this clause due to technical or logistical reasons.".

(b) EFFECTIVE DATE.—This section shall take effect 90 days after the date of enactment of this Act.

SEC. 514. AMENDMENTS AND MOTIONS TO RECOMMIT.

Paragraph 1 of rule XV of the Standing Rules of the Senate is amended to read as follows:

"1.(a) An amendment and any instruction accompanying a motion to recommit shall be reduced to writing and read and identical copies shall be provided by the Senator offering the amendment or instruction to the desks of the Majority Leader and the Minority Leader before being debated.

"(b) A motion shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before being debated.".

SEC. 515. SENSE OF THE SENATE ON CONFERENCE COMMITTEE PROTOCOLS.

It is the sense of the Senate that—

(1) conference committees should hold regular, formal meetings of all conferees that are open to the public;

(2) all conferees should be given adequate notice of the time and place of all such meetings;

(3) all conferees should be afforded an opportunity to participate in full and complete debates of the matters that such conference committees may recommend to their respective Houses; and

(4) the text of a report of a committee of conference shall not be changed after the Senate signature sheets have been signed by a majority of the Senate conferees.

Subtitle B—Earmark Reform

SEC. 521. CONGRESSIONALLY DIRECTED SPENDING.

The Standing Rules of the Senate are amended by adding at the end the following:

"RULE XLIV

"CONGRESSIONALLY DIRECTED SPENDING AND RELATED ITEMS

"1.(a) It shall not be in order to vote on a motion to proceed to consider a bill or joint resolution reported by any committee unless the chairman of the committee of jurisdiction or the Majority Leader or his or her designee certifies—

"(1) that each congressionally directed spending item, limited tax benefit, and limited tariff benefit, if any, in the bill or joint resolution, or in the committee report accompanying the bill or joint resolution, has been identified through lists, charts, or other similar means including the name of each Senator who submitted a request to the committee for each item so identified; and

"(2) that the information in clause (1) has been available on a publicly accessible congressional website in a searchable format at least 48 hours before such vote.

"(b) If a point of order is sustained under this paragraph, the motion to proceed shall be suspended until the sponsor of the motion or his or her designee has requested resumption and compliance with this paragraph has been achieved.

"2.(a) It shall not be in order to vote on a motion to proceed to consider a Senate bill or joint resolution not reported by committee unless the chairman of the committee of jurisdiction or the Majority Leader or his or her designee certifies—

"(1) that each congressionally directed spending item, limited tax benefit, and limited tariff benefit, if any, in the bill or joint resolution, has been identified through lists, charts, or other similar means, including the name of each Senator who submitted a request to the sponsor of the bill or joint resolution for each item so identified; and

"(2) that the information in clause (1) has been available on a publicly accessible congressional website in a searchable format at least 48 hours before such vote.

"(b) If a point of order is sustained under this paragraph, the motion to proceed shall be suspended until the sponsor of the motion or his or her designee has requested resumption and compliance with this paragraph has been achieved.

"3.(a) It shall not be in order to vote on the adoption of a report of a committee of conference unless the chairman of the committee of jurisdiction or the Majority Leader or his or her designee certifies—

"(1) that each congressionally directed spending item, limited tax benefit, and limited tariff benefit, if any, in the conference report, or in the joint statement of managers accompanying the conference report, has been identified through lists, charts, or other means, including the name of each Senator who submitted a request to the committee of jurisdiction for each item so identified; and

"(2) that the information in clause (1) has been available on a publicly accessible congressional website at least 48 hours before such vote.

"(b) If a point of order is sustained under this paragraph, then the conference report shall be set aside.

"4.(a) If during consideration of a bill or joint resolution, a Senator proposes an amendment containing a congressionally directed spending item, limited tax benefit, or limited tariff benefit which was not included in the bill or joint resolution as placed on the calendar or as reported by any committee, in a committee report on such bill or joint resolution, or a committee report of the Senate on a companion measure, then as soon as practicable, the Senator shall ensure that a list of such items (and the name of any Senator who submitted a request to the Senator for each respective item included in the list) is printed in the Congressional Record.

"(b) If a committee reports a bill or joint resolution that includes congressionally directed spending items, limited tax benefits, or limited tariff benefits in the bill or joint resolution, or in the committee report accompanying the bill or joint resolution, the committee shall as soon as practicable identify on a publicly accessible congressional website each such item through lists, charts, or other similar means, including the name of each Senator who submitted a request to the committee for each item so identified. Availability on the Internet of a committee report that contains the information described in this subparagraph shall satisfy the requirements of this subparagraph.

"(c) To the extent technically feasible, information made available on publicly accessible congressional websites under paragraphs 3 and 4 shall be provided in a searchable format.

"5. For the purpose of this rule—

"(a) the term 'congressionally directed spending item' means a provision or report language included primarily at the request of a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

"(b) the term 'limited tax benefit' means—

"(1) any revenue provision that—

"(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

"(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

"(c) the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities; and

"(d) except as used in subparagraph 8(e), the term 'item' when not preceded by 'congressionally directed spending' means any provision that is a congressionally directed spending item, a limited tax benefit, or a limited tariff benefit.

"6.(a) A Senator who requests a congressionally directed spending item, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

"(1) the name of the Senator;

"(2) in the case of a congressionally directed spending item, the name and location of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

"(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Senator;

"(4) the purpose of such congressionally directed spending item or limited tax or tariff benefit; and

"(5) a certification that neither the Senator nor the Senator's immediate family has a pecuniary interest in the item, consistent with the requirements of paragraph 9.

"(b) With respect to each item included in a Senate bill or joint resolution (or accompanying report) reported by committee or considered by the Senate, or included in a conference report (or joint statement of managers accompanying the conference report) considered by the Senate, each committee of jurisdiction shall make available for public inspection on the Internet the certifications under subparagraph (a)(5) as soon as practicable.

"7. In the case of a bill, joint resolution, or conference report that contains congressionally directed spending items in any classified portion of a report accompanying the measure, the committee of jurisdiction shall, to the greatest extent practicable, consistent with the need to protect national security (including intelligence sources and methods), include on the list required by paragraph 1, 2, or 3 as the case may be, a general program description in unclassified language, funding level, and the name of the sponsor of that congressionally directed spending item.

"8.(a) A Senator may raise a point of order against one or more provisions of a conference report if they constitute new directed spending provisions. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order.

"(b) If the Presiding Officer sustains the point of order as to any of the provisions against which the Senator raised the point of order, then those provisions against which the Presiding Officer sustains the point of order shall be stricken. After all other points of order under this paragraph have been disposed of—

"(1) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken; and

"(2) the question in clause (1) shall be decided under the same debate limitation as the conference report and no further amendment shall be in order.

"(c) Any Senator may move to waive any or all points of order under this paragraph with respect to the pending conference report by an affirmative vote of three-fifths of the Members, duly chosen and sworn. All motions to waive under this paragraph shall be debatable collectively for not to exceed 1 hour equally divided between the Majority Leader and the Minority Leader or their designees. A motion to waive all points of order under this paragraph shall not be amendable.

"(d) All appeals from rulings of the Chair under this paragraph shall be debatable collectively for not to exceed 1 hour, equally divided between the Majority and the Minority Leader or their designees. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair under this paragraph.

"(e) The term 'new directed spending provision' as used in this paragraph means any item that consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

"9. No Member, officer, or employee of the Senate shall knowingly use his official position to introduce, request, or otherwise aid the progress or passage of congressionally directed spending items, limited tax benefits, or limited tariff benefits a principal purpose of which is to further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he or his immediate family, or enterprises controlled by them, are members of the affected class.

"10. Any Senator may move to waive application of paragraph 1, 2, or 3 with respect to a measure by an affirmative vote of three-fifths of the Members, duly chosen and sworn. A motion to waive under this paragraph with respect to a measure shall be debatable for not to exceed 1 hour equally divided between the Majority Leader and the Minority Leader or their designees. With respect to points of order raised under paragraphs 1, 2, or 3, only one appeal from a ruling of the Chair shall be in order, and debate on such an appeal from a ruling of the Chair on such point of order shall be limited to one hour.

"11. Any Senator may move to waive all points of order under this rule with respect to the pending measure or motion by an affirmative vote of three-fifths of the Members, duly chosen and sworn. All motions to waive all points of order with respect to a measure or motion as provided by this paragraph shall be debatable collectively for not to exceed 1 hour equally divided between the Majority Leader and the Minority Leader or their designees. A motion to waive all points of order with respect to a measure or motion as provided by this paragraph shall not be amendable.

"12. Paragraph 1, 2, or 3 of this rule may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate upon their certification that such waiver is necessary as a result of a significant disruption to Senate facilities or to the availability of the Internet.".

Subtitle C—Revolving Door Reform

SEC. 531. POST-EMPLOYMENT RESTRICTIONS.

(a) APPLICATION TO ENTITY.—Paragraph 8 of rule XXXVII of the Standing Rules of the Senate is amended by—

(1) inserting after "by such a registered lobbyist" the following "or an entity that employs or retains a registered lobbyist"; and

(2) striking "one year" and inserting "2 years".

(b) PROHIBITION.—Paragraph 9 of rule XXXVII of the Standing Rules of the Senate is amended—

(1) in the first sentence, by inserting after "by such a registered lobbyist" the following: "or an entity that employs or retains a registered lobbyist";

(2) in the second sentence, by inserting after "by such a registered lobbyist" the following: "or an entity that employs or retains a registered lobbyist";

(3) by designating the first and second sentences as subparagraphs (a) and (b), respectively; and

(4) by adding at the end the following:

"(c) If an officer of the Senate or an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist, or is employed or retained by such a registered lobbyist or an entity that employs or retains a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any Member, officer, or employee of the Senate for a period of 1 year after leaving that position.".

(c) EFFECTIVE DATE.—Paragraph 9(c) of rule XXXVII of the Standing Rules of the Senate shall apply to individuals who leave office or employment to which such paragraph applies on or after the date of adjournment of the first session of the 110th Congress sine die or December 31, 2007, whichever date is earlier.

SEC. 532. DISCLOSURE BY MEMBERS OF CONGRESS AND STAFF OF EMPLOYMENT NEGOTIATIONS.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraph 12 as paragraph 13; and

(2) adding after paragraph 11 the following:

"12.(a) A Member shall not negotiate or have any arrangement concerning prospective private employment until after his or her successor has been elected, unless such Member files a signed statement with the Secretary of the Senate, for public disclosure, regarding such negotiations or arrangements not later than 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, and the date such negotiations or arrangements commenced.

"(b) A Member shall not negotiate or have any arrangement concerning prospective employment for a job involving lobbying activities as defined by the Lobbying Disclosure Act of 1995 until after his or her successor has been elected.

"(c)(1) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall notify the Select Committee on Ethics that he or she is negotiating or has any arrangement concerning prospective private employment.

"(2) The notification under this subparagraph shall be made not later than 3 business days after the commencement of such negotiation or arrangement.

"(3) An employee to whom this subparagraph applies shall—

"(A) recuse himself or herself from—

"(i) any contact or communication with the prospective employer on issues of legislative interest to the prospective employer; and

"(ii) any legislative matter in which there is a conflict of interest or an appearance of a conflict for that employee under this subparagraph; and

"(B) notify the Select Committee on Ethics of such recusal.".

SEC. 533. ELIMINATION OF FLOOR PRIVILEGES FOR FORMER MEMBERS, SENATE OFFICERS, AND SPEAKERS OF THE HOUSE WHO ARE REGISTERED LOBBYISTS OR SEEK FINANCIAL GAIN.

Rule XXIII of the Standing Rules of the Senate is amended by—

(1) inserting "1." before "Other";

(2) inserting after "Ex-Senators and Senators-elect" the following: ", except as provided in paragraph 2";

(3) inserting after "Ex-Secretaries and ex-Sergeants at Arms of the Senate" the following: ", except as provided in paragraph 2";

(4) inserting after "Ex-Speakers of the House of Representatives" the following: ", except as provided in paragraph 2"; and

(5) adding at the end the following:

"2.(a) The floor privilege provided in paragraph 1 shall not apply, when the Senate is in session, to an individual covered by this paragraph who is—

"(1) a registered lobbyist or agent of a foreign principal; or

"(2) in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any Federal legislative proposal.

"(b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.

"3. A former Member of the Senate may not exercise privileges to use Senate athletic facilities or Member-only parking spaces if such Member is—

"(a) a registered lobbyist or agent of a foreign principal; or

"(b) in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any Federal legislative proposal.".

SEC. 534. INFLUENCING HIRING DECISIONS.

Rule XLIII of the Standing Rules of the Senate is amended by adding at the end the following:

"6. No Member, with the intent to influence solely on the basis of partisan political affiliation an employment decision or employment practice of any private entity, shall—

"(a) take or withhold, or offer or threaten to take or withhold, an official act; or

"(b) influence, or offer or threaten to influence the official act of another.".

SEC. 535. NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—After a Senator or an elected officer of the Senate leaves office or after the termination of employment with the Senate of an employee of the Senate, the Secretary of the Senate shall notify the Member, officer, or employee of the beginning and ending date of the prohibitions that apply to the Member, officer, or employee under rule XXXVII of the Standing Rules of the Senate.

(b) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this Act.

Subtitle D—Gift and Travel Reform

SEC. 541. BAN ON GIFTS FROM REGISTERED LOBBYISTS AND ENTITIES THAT HIRE REGISTERED LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting "(A)" after "(2)"; and

(2) adding at the end the following:

"(B) A Member, officer, or employee may not knowingly accept a gift from a registered lobbyist, an agent of a foreign principal, or a private entity that retains or employs a registered lobbyist or an agent of a foreign principal, except as provided in subparagraphs (c) and (d).".

SEC. 542. NATIONAL PARTY CONVENTIONS.

Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(5) During the dates of the national party convention for the political party to which a Member belongs, a Member may not participate in an event honoring that Member, other than in his or her capacity as the party's presidential or vice presidential nominee or presumptive nominee, if such event is directly paid for by a registered lobbyist or a private entity that retains or employs a registered lobbyist.".

SEC. 543. PROPER VALUATION OF TICKETS TO ENTERTAINMENT AND SPORTING EVENTS.

Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting "(A)" before "Anything"; and

(2) adding at the end the following:

"(B) The market value of a ticket to an entertainment or sporting event shall be the face value of the ticket or, in the case of a ticket without a face value, the value of the ticket with the highest face value for the event, except that if a ticket holder can establish in advance of the event to the Select Committee on Ethics that the ticket at issue is equivalent to another ticket with a face value, then the market value shall be set at the face value of the equivalent ticket. In establishing equivalency, the ticket holder shall provide written and independently verifiable information related to the primary features of the ticket, including, at a minimum, the seat location, access to parking, availability of food and refreshments, and access to venue areas not open to the public. The Select Committee on Ethics may make a determination of equivalency only if such information is provided in advance of the event.".

SEC. 544. RESTRICTIONS ON REGISTERED LOBBYIST PARTICIPATION IN TRAVEL AND DISCLOSURE.

(a) PROHIBITION.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended—

(1) in subparagraph (a)(1), by—

(A) adding after "foreign principal" the following: "or a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal";

(B) striking the dash and inserting "complies with the requirements of this paragraph."; and

(C) striking clauses (A) and (B);

(2) by redesignating subparagraph (a)(2) as subparagraph (a)(3) and adding after subparagraph (a)(1) the following:

"(2)(A) Notwithstanding clause (1), a reimbursement (including payment in kind) to a Member, officer, or employee of the Senate from an individual, other than a registered lobbyist or agent of a foreign principal, that is a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal shall be deemed to be a reimbursement to the Senate under clause (1) if—

"(i) the reimbursement is for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip, or similar event described in clause (1) in connection with the duties of the Member, officer, or employee and the reimbursement is provided only for attendance at or participation for 1-day (exclusive of travel time and an overnight stay) at an event described in clause (1); or

"(ii) the reimbursement is for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip, or similar event described in clause (1) in connection with the duties of the Member, officer, or employee and the reimbursement is from an organization designated under section 501(c)(3) of the Internal Revenue Code of 1986.

"(B) When deciding whether to preapprove a trip under this clause, the Select Committee on Ethics shall make a determination consistent with regulations issued pursuant to section 544(b) of the Honest Leadership and Open Government Act of 2007. The committee through regulations to implement subclause (A)(i) may permit a longer stay when determined by the committee to be practically required to participate in the event, but in no event may the stay exceed 2 nights.";

(3) in subparagraph (a)(3), as redesignated, by striking "clause (1)" and inserting "clauses (1) and (2)";

(4) in subparagraph (b), by inserting before "Each" the following: "Before an employee may accept reimbursement pursuant to subparagraph (a), the employee shall receive advance written authorization from the Member or officer under whose direct supervision the employee works.";

(5) in subparagraph (c)—

(A) by inserting before "Each" the following: "Each Member, officer, or employee that receives reimbursement under this paragraph shall disclose the expenses reimbursed or to be reimbursed, the authorization under subparagraph (b) (for an employee), and a copy of the certification in subparagraph (e)(1) to the Secretary of the Senate not later than 30 days after the travel is completed.";

(B) by striking "subparagraph (a)(1)" and inserting "this subparagraph";

(C) in clause (5), by striking "and" after the semicolon;

(D) by redesignating clause (6) as clause (7); and

(E) by inserting after clause (5) the following:

"(6) a description of meetings and events attended; and";

(6) by redesignating subparagraphs (d) and (e) as subparagraphs (f) and (g), respectively;

(7) by adding after subparagraph (c) the following:

"(d)(1) A Member, officer, or employee of the Senate may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under subparagraph (a) for a trip that was—

"(A) planned, organized, or arranged by or at the request of a registered lobbyist or agent of a foreign principal; or

"(B)(i) for trips described under subparagraph (a)(2)(A)(i) on which a registered lobbyist accompanies the Member, officer, or employee on any segment of the trip; or

"(ii) for all other trips allowed under this paragraph, on which a registered lobbyist accompanies the Member, officer, or employee at any point throughout the trip.

"(2) The Select Committee on Ethics shall issue regulations identifying de minimis activities by registered lobbyists or foreign agents that would not violate this subparagraph.

"(e) A Member, officer, or employee shall, before accepting travel otherwise permissible under this paragraph from any source—

"(1) provide to the Select Committee on Ethics a written certification from such source that—

"(A) the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

"(B) the source either—

"(i) does not retain or employ registered lobbyists or agents of a foreign principal and is not itself a registered lobbyist or agent of a foreign principal; or

"(ii) certifies that the trip meets the requirements of subclause (i) or (ii) of subparagraph (a)(2)(A);

"(C) the source will not accept from a registered lobbyist or agent of a foreign principal or a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal, funds earmarked directly or indirectly for the purpose of financing the specific trip; and

"(D) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal and the traveler will not be accompanied on the trip consistent with the applicable requirements of subparagraph (d)(1)(B) by a registered lobbyist or agent of a foreign principal, except as permitted by regulations issued under subparagraph (d)(2); and

"(2) after the Select Committee on Ethics has promulgated regulations pursuant to section 544(b) of the Honest Leadership and Open Government Act of 2007, obtain the prior approval of the committee for such reimbursement."; and

(8) by striking subparagraph (g), as redesignated, and inserting the following:

"(g) The Secretary of the Senate shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public inspection as soon as possible after they are received, but in no event prior to the completion of the relevant travel.".

(b) GUIDELINES.—

(1) IN GENERAL.—Except as provided in paragraph (4) and not later than 60 days after the date of enactment of this Act and at annual intervals thereafter, the Select Committee on Ethics shall develop and revise, as necessary—

(A) guidelines, for purposes of implementing the amendments made by subsection (a), on evaluating a trip proposal and judging the reasonableness of an expense or expenditure, including guidelines related to evaluating—

(i) the stated mission of the organization sponsoring the trip;

(ii) the organization's prior history of sponsoring congressional trips, if any;

(iii) other educational activities performed by the organization besides sponsoring congressional trips;

(iv) whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics;

(v) whether the length of the trip and the itinerary is consistent with the official purpose of the trip;

(vi) whether there is an adequate connection between a trip and official duties;

(vii) the reasonableness of an amount spent by a sponsor of the trip;

(viii) whether there is a direct and immediate relationship between a source of funding and an event; and

(ix) any other factor deemed relevant by the Select Committee on Ethics; and

(B) regulations describing the information it will require individuals subject to the requirements of the amendments made by subsection (a) to submit to the committee in order to obtain the prior approval of the committee for travel under paragraph 2 of rule XXXV of the Standing Rules of the Senate, including any required certifications.

(2) CONSIDERATION.—In developing and revising guidelines under paragraph (1)(A), the committee shall take into account the maximum per diem rates for official Federal Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.

(3) UNREASONABLE EXPENSE.—For purposes of this subsection, travel on a flight described in paragraph 1(c)(1)(C)(ii) of rule XXXV of the Standing Rules of the Senate shall not be considered to be a reasonable expense.

(4) EXTENSION.—The deadline for the initial guidelines required by paragraph (1) may be extended for 30 days by the Committee on Rules and Administration.

(c) REIMBURSEMENT FOR NONCOMMERCIAL AIR TRAVEL.—

(1) CHARTER RATES.—Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(C)(i) Fair market value for a flight on an aircraft described in item (ii) shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size, as determined by dividing such cost by the number of Members, officers, or employees of Congress on the flight.

"(ii) A flight on an aircraft described in this item is any flight on an aircraft that is not—

"(I) operated or paid for by an air carrier or commercial operator certificated by the Federal Aviation Administration and required to be conducted under air carrier safety rules; or

"(II) in the case of travel which is abroad, an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules.

"(iii) This subclause shall not apply to an aircraft owned or leased by a governmental entity or by a Member of Congress or a Member's immediate family member (including an aircraft owned by an entity that is not a public corporation in which the Member or Member's immediate family member has an ownership interest), provided that the Member does not use the aircraft anymore than the Member's or immediate family member's proportionate share of ownership allows.".

(2) UNOFFICIAL OFFICE ACCOUNTS.—Paragraph 1 of rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

"(c) For purposes of reimbursement under this rule, fair market value of a flight on an aircraft shall be determined as provided in paragraph 1(c)(1)(C) of rule XXXV.".

(d) REVIEW OF TRAVEL ALLOWANCES.—Not later than 90 days after the date of enactment of this Act, the Subcommittee on the Legislative Branch of the Senate Committee on Appropriations, in consultation with the Committee on Rules and Administration of the Senate, shall consider and propose, as necessary in the discretion of the subcommittee, any adjustment to the Senator's Official Personnel and Office Expense Account needed in light of the enactment of this section, and any modifications of Federal statutes or appropriations measures needed to accomplish such adjustments.

(e) SEPARATELY REGULATED EXPENSES.—Nothing in this section or section 541 is meant to alter treatment under law or Senate rules of expenses that are governed by the Foreign Gifts and Decorations Act or the Mutual Educational and Cultural Exchange Act.

(f) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 60 days after the date of enactment of this Act or the date the Select Committee on Ethics issues new guidelines as required by subsection (b), whichever is later. Subsection (c) shall take effect on the date of enactment of this Act.

SEC. 545. FREE ATTENDANCE AT A CONSTITUENT EVENT.

(a) IN GENERAL.—Paragraph 1(c) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(24) Subject to the restrictions in subparagraph (a)(2)(A), free attendance at a constituent event permitted pursuant to subparagraph (g).".

(b) IN GENERAL.—Paragraph 1 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(g)(1) A Member, officer, or employee may accept an offer of free attendance in the Member's home State at a conference, symposium, forum, panel discussion, dinner event, site visit, viewing, reception, or similar event, provided by a sponsor of the event, if—

"(A) the cost of meals provided the Member, officer, or employee is less than $50;

"(B)(i) the event is sponsored by constituents of, or a group that consists primarily of constituents of, the Member (or the Member by whom the officer or employee is employed); and

"(ii) the event will be attended primarily by a group of at least 5 constituents of the Member (or the Member by whom the officer or employee is employed) provided that a registered lobbyist shall not attend the event; and

"(C)(i) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(ii) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) For purposes of this subparagraph, the term 'free attendance' has the same meaning given such term in subparagraph (d).".

SEC. 546. SENATE PRIVATELY PAID TRAVEL PUBLIC WEBSITE.

(a) TRAVEL DISCLOSURE.—Not later than January 1, 2008, the Secretary of the Senate shall establish a publicly available website without fee or without access charge, that contains information on travel that is subject to disclosure under paragraph 2 of rule XXXV of the Standing Rules of the Senate, that includes, with respect to travel occurring on or after January 1, 2008—

(1) a search engine;

(2) uniform categorization by Member, dates of travel, and any other common categories associated with congressional travel; and

(3) forms filed in the Senate relating to officially related travel.

(b) RETENTION.—The Secretary of the Senate shall maintain the information posted on the public Internet site of the Office of the Secretary under this section for a period not longer than 4 years after receiving the information.

(c) EXTENSION OF AUTHORITY.—If the Secretary of the Senate is unable to meet the deadline established under subsection (a), the Committee on Rules and Administration of the Senate may grant an extension of the Secretary of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle E—Other Reforms

SEC. 551. COMPLIANCE WITH LOBBYING DISCLOSURE.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 10 through 13 as paragraphs 11 through 14, respectively; and

(2) inserting after paragraph 9, the following:

"10. Paragraphs 8 and 9 shall not apply to contacts with the staff of the Secretary of the Senate regarding compliance with the lobbying disclosure requirements of the Lobbying Disclosure Act of 1995.".

SEC. 552. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR IMMEDIATE FAMILY MEMBER OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 11 through 14 as paragraphs 12 through 15, respectively; and

(2) inserting after paragraph 10, the following:

"11. (a) If a Member's spouse or immediate family member is a registered lobbyist, or is employed or retained by such a registered lobbyist or an entity that hires or retains a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed or supervised by that Member (including staff in personal, committee, and leadership offices) from having any contact with the Member's spouse or immediate family member that constitutes a lobbying contact as defined by section 3 of the Lobbying Disclosure Act of 1995 by such person.

"(b) Members and employees on the staff of a Member (including staff in personal, committee, and leadership offices) shall be prohibited from having any contact that constitutes a lobbying contact as defined by section 3 of the Lobbying Disclosure Act of 1995 by any spouse of a Member who is a registered lobbyist, or is employed or retained by such a registered lobbyist.

"(c) The prohibition in subparagraph (b) shall not apply to the spouse of a Member who was serving as a registered lobbyist at least 1 year prior to the most recent election of that Member to office or at least 1 year prior to his or her marriage to that Member.".

SEC. 553. MANDATORY SENATE ETHICS TRAINING FOR MEMBERS AND STAFF.

(a) TRAINING PROGRAM.—The Select Committee on Ethics shall conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff.

(b) REQUIREMENTS.—The ethics training program conducted by the Select Committee on Ethics shall be completed by—

(1) new Senators or staff not later than 60 days after commencing service or employment; and

(2) Senators and Senate staff serving or employed on the date of enactment of this Act not later than 165 days after the date of enactment of this Act.

SEC. 554. ANNUAL REPORT BY SELECT COMMITTEE ON ETHICS.

The Select Committee on Ethics of the Senate shall issue an annual report due no later than January 31, describing the following:

(1) The number of alleged violations of Senate rules received from any source, including the number raised by a Senator or staff of the committee.

(2) A list of the number of alleged violations that were dismissed—

(A) for lack of subject matter jurisdiction or, in which, even if the allegations in the complaint are true, no violation of Senate rules would exist; or

(B) because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion.

(3) The number of alleged violations in which the committee staff conducted a preliminary inquiry.

(4) The number of alleged violations that resulted in an adjudicatory review.

(5) The number of alleged violations that the committee dismissed for lack of substantial merit.

(6) The number of private letters of admonition or public letters of admonition issued.

(7) The number of matters resulting in a disciplinary sanction.

(8) Any other information deemed by the committee to be appropriate to describe its activities in the preceding year.

SEC. 555. EXERCISE OF RULEMAKING POWERS.

The Senate adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

SEC. 555. EFFECTIVE DATE AND GENERAL PROVISIONS.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this title.

TITLE VI—PROHIBITED USE OF PRIVATE AIRCRAFT

SEC. 601. RESTRICTIONS ON USE OF CAMPAIGN FUNDS FOR FLIGHTS ON NONCOMMERCIAL AIRCRAFT.

(a) RESTRICTIONS.—Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended by adding at the end the following new subsection:

"(c) RESTRICTIONS ON USE OF CAMPAIGN FUNDS FOR FLIGHTS ON NONCOMMERCIAL AIRCRAFT.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, a candidate for election for Federal office (other than a candidate who is subject to paragraph (2)), or any authorized committee of such a candidate, may not make any expenditure for a flight on an aircraft unless—

"(A) the aircraft is operated by an air carrier or commercial operator certificated by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules; or

"(B) the candidate, the authorized committee, or other political committee pays to the owner, lessee, or other person who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size by the number of candidates on the flight) within a commercially reasonable time frame after the date on which the flight is taken.

"(2) HOUSE CANDIDATES.—Notwithstanding any other provision of this Act, in the case of a candidate for election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, an authorized committee and a leadership PAC of the candidate may not make any expenditure for a flight on an aircraft unless—

"(A) the aircraft is operated by an air carrier or commercial operator certificated by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules; or

"(B) the aircraft is operated by an entity of the Federal government or the government of any State.

"(3) EXCEPTION FOR AIRCRAFT OWNED OR LEASED BY CANDIDATE.—

"(A) IN GENERAL.—Paragraphs (1) and (2) do not apply to a flight on an aircraft owned or leased by the candidate involved or an immediate family member of the candidate (including an aircraft owned by an entity that is not a public corporation in which the candidate or an immediate family member of the candidate has an ownership interest), so long as the candidate does not use the aircraft more than the candidate's or immediate family member's proportionate share of ownership allows.

"(B) IMMEDIATE FAMILY MEMBER DEFINED.—In this subparagraph (A), the term 'immediate family member' means, with respect to a candidate, a father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law.

"(4) LEADERSHIP PAC DEFINED.—In this subsection, the term 'leadership PAC' has the meaning given such term in section 304(i)(8)(B).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to flights taken on or after the date of the enactment of this Act.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. SENSE OF THE CONGRESS THAT ANY APPLICABLE RESTRICTIONS ON CONGRESSIONAL OFFICIALS AND EMPLOYEES SHOULD APPLY TO THE EXECUTIVE AND JUDICIAL BRANCHES.

It is the sense of the Congress that any applicable restrictions on congressional officials and employees in this Act should apply to the executive and judicial branches.

SEC. 702. KNOWING AND WILLFUL FALSIFICATION OR FAILURE TO REPORT.

Section 104(a) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting "(1)" after "(a)";

(2) in paragraph (1), as so designated, by striking "$10,000" and inserting "$50,000"; and

(3) by adding at the end the following:

"(2)(A) It shall be unlawful for any person to knowingly and willfully—

"(i) falsify any information that such person is required to report under section 102; and

"(ii) fail to file or report any information that such person is required to report under section 102.

"(B) Any person who—

"(i) violates subparagraph (A)(i) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both; and

"(ii) violates subparagraph (A)(ii) shall be fined under title 18, United States Code.".

SEC. 703. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech, free exercise, or free association clauses of, the First Amendment to the Constitution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Ladies and gentlemen of the House, if there is one message that was abundantly clear based on the results of last year's election results, it was that the American people want us to end the culture of corruption that has enveloped the legislative process.

For far too long, Americans have seen business as usual where time and time again special interests trump the public interest.

☐ 1045

So we've heard that message loud and clear. For the past several months, the House and the Senate have diligently worked together to fuse a legislative response that combines the best of the measures passed by both Houses earlier this year.

The measure that we consider today will go a long way toward bringing back accountability to the Congress and to restoring the trust of the American people in their government. S. 1 accomplishes these critical goals in four ways.

First, S. 1 puts an end to the K Street Project, an insidious effort that employed threats and intimidation to control the legislative process. S. 1 ensures that such efforts will no longer be permitted. It specifically prohibits Members and senior staff from influencing hiring decisions or practices of private entities for partisan political gain.

Second, S. 1 shines a disinfecting spotlight on lobbying activities by mandating full and enhanced public disclosure on these activities. Pursuant to this measure, lobbyists will have to file reports on their lobbying activities twice as often each year. They will be required to disclose their contacts with Congress. They must certify that they did not give a gift or pay for travel in violation of the rules and, for the first time, file these reports electronically in a public, searchable database so that anyone can review them.

Third, S. 1 closes loopholes in the current law that have been exploited to avoid the clear intent of the Lobbying Disclosure Act. It does this by mandating the disclosure of contributions in excess of $5,000 by businesses or organizations that actively lobby through certain coalitions and associations. And, it also requires the disclosure of the past executive and congressional employment of registered lobbyists.

Importantly, S. 1 prohibits a Member's spouse who becomes a lobbyist after the Member's election from making direct lobbying contacts to the Member or the Member's office.

In addition, the bill addresses the process by which political contributions are bundled by campaign committees. It requires each committee to disclose to the Federal Election Commission, on a semiannual basis, specified information for each currently registered lobbyist who has either forwarded or been credited for raising contributions totaling at least $15,000 during the reporting period.

Fourth, and perhaps most significantly, S. 1 puts real teeth into enforcement. It increases the penalties for violations of the Lobbying Disclosure Act to deter and punish corrupt activity. It substantially increases civil penalties from the current level of $50,000, to four times as much, to $200,000 and provides for the imposition of criminal penalties of up to 5 years for knowing and corrupt violations of the Act.

These are some of the major reforms that S. 1 offers. This bill recognizes the importance of lobbying to responsive and effective congressional and executive decision-making. And these reforms will help strengthen the sound foundation of the Lobbying Disclosure Act and go a long way toward restoring the trust of the American people in our system of government.

I want to respectfully point out the contributions from the other side, particularly the ranking member of Judiciary, LAMAR SMITH, in this endeavor, and so I urge my colleagues all to join me in supporting the Honest Leadership and Open Government Act.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we all deplore unethical conduct by Members of Congress and their staff. Each party has their fair share of examples. The public wants and deserves honest government. Unfortunately, this legislation does not bode well for this Congress' ability to deliver it.

In May, this House brought up a base bill that seemed very familiar to Republicans because the increased disclosures required in the bill were largely those contained in H.R. 4975, which was introduced by Congressman DAVID DREIER, and which passed the House in the last Congress.

Last year's H.R. 4975 contained all of the following provisions: a requirement for Members to disclose post-employment negotiations with private entities; a prohibition on partisan influences on an outside entity's employment decisions; and increased quarterly electronic filing in a public database of lobbyist campaign contributions linked to Federal Election Commission filings.

That Republican legislation also increased civil and criminal penalties for failures to comply; required disclosure by lobbyists of all past executive branch and congressional employment; and contained a prohibition on lobbyists' violation of House gift ban rules.

Legislation the Democrats introduced this Congress, in the form of H.R. 2316, largely replicated Republican efforts from the previous Congress.

At the Judiciary Committee's markup of H.R. 2316, several additional Republican amendments that would strengthen this bill were adopted by voice vote. One provided for a 1-year revolving door ban that would prohibit private lawyers and law firms who enter into contracts with congressional committees from lobbying Congress while under contract to such committee and for 1 year thereafter.

That amendment by Representative CHRIS CANNON was adopted by voice vote at the committee, and was passed out of the House of Representatives. But it is nowhere to be found in the bill before us today.

Also, in May, Democrats supported and passed two motions to recommit offered by Republicans that contained even more ethics reforms. Those reforms required lobbyists to disclose which special projects they lobbied for.

If a special interest lobbyist is having closed-door meetings with Members of Congress regarding programs that do not benefit all Americans but only benefit a small group of people in one part of the country, then those projects should be disclosed.

The Republican motion to recommit also closed the existing loophole that allows State and local government entities to give gifts and travel to Members and their staff that other entities cannot give. It makes little sense to exempt entities that operate on taxpayer dollars from the gift and travel ban.

Current rules allow taxpayer-funded entities to give gifts and travel to Members and staff while they try to convince those same Members and staff to send more Federal taxpayer dollars their way. That is not fair, and the Republican motion to recommit, which was adopted, would have ended that practice.

The Republicans' motion to recommit also contained a reverse revolving door provision that would have prohibited a congressional employee who was a registered lobbyist prior to their congressional employment from engaging in official business with their former private employer for a period of 1 year.

The Republicans' motion to recommit also included the Republican-amended text to H.R. 2317, which required that bundled contributions to political action committees, often referred to as PACs, be fully disclosed.

Viewed in the harsh light of recent history, the legislation we consider today is a hollow shell of reform. Just listen to the following list of reforms that Democrats have abandoned.

The provisions in this bill requiring the disclosure of contributions bundled together by lobbyists is weaker than the reforms passed in May, as this legislation requires the disclosure of bundled contributions exceeding $15,000 rather than the original $5,000.

That means less disclosure and less accountability to the American people. The weakened bundling disclosure provisions in this bill do not even cover bundled disclosures to PACs, a reform that 33 Democrats supported when it was accepted as part of the Republicans' motion to recommit H.R. 2317, and that 158 Democrats supported when it was accepted as part of the Republicans' motion to recommit H.R. 2316.

The newspaper Roll Call reported yesterday that, "The average Democratic incumbent raised over 63 percent more from PACs during the first half of this year than during the same period in 2005." Could that be why Democrats don't want to disclose the bundled contributions lobbyists give to PACs?

This bill also fails to contain the following reforms that 158 Democrats supported in May. The length of this list defines the credibility chasm that now separates the Democratic Party from American voters.

The provision requiring the disclosure of bundled contributions by political action committees? Gone.

The provision requiring lobbyists to disclose the special projects they lobby for? Gone.

The provision prohibiting State and local governments from giving expensive gifts and lavish travel to Members of Congress in return for taxpayer dollars? Gone.

The provision prohibiting congressional employees who were lobbyists from engaging in official business with their former lobbyist employers? Gone.

Last May, the Washington Post reported that the Democrats brought up their original legislation "after scrapping most key elements of an ethics package meant to deliver on Democratic promises to bring unprecedented accountability to Congress."

Today, essential reforms have been thrown overboard, and the Democratic pledge of reform is sinking fast.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

I thank my colleague for his examination of the bill. We've worked on this bill together. I think we're in support of it, and I hope to enjoy the gentleman's continued success and cooperation in the matter.

It's very important that we understand that we are ending the pay-to-play K Street Project which, under this bill before us, now prohibits Members and their staff from influencing hiring decisions of private organizations on the sole basis of partisan political gain.

It subjects those who violate this provision to a fine and imprisonment of up to 15 years.

We prohibit lobbyists from providing gifts or travel to Members of Congress who have knowledge that the gift or travel is in violation of the Senate or the House rules.

We require now lobbyist disclosure filings to be filed twice as often by decreasing the time from filing from semiannually to quarterly.

We require lobbyist disclosures in both the Senate and the House to be filed electronically and creates a public and searchable Internet database of such information.

We increase civil penalties for knowing and willful violations of the Lobby Disclosure Act. We increase them by four times as much, from $50,000 to $200,000, and imposes a criminal penalty up to 5 years for knowing and corrupt failure to comply with the Act.

We require the GAO to audit annually lobbyists' compliance with these disclosure rules and, further, require lobbyists to certify that they've not been given gifts or travel that would violate either Senate or House rules.

We require the disclosure of businesses or organizations that contribute in excess of $5,000 and actively participate in lobbying activities by certain coalitions and associations.

We're requiring disclosure to the Federal Election Commission when lobbyists bundle over $15,000 semiannually in campaign contributions for any federally elected official, including the Senate, the House or presidential, or leadership PACs.

We require lobbyists to disclose to the Secretary of the Senate and the House Clerk their campaign contributions and payments to presidential libraries, inaugural committees or entities controlled by the name for or honoring Members of Congress.

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Ladies and gentlemen, this is an extremely difficult and new way of controlling lobby operations. I think we are restoring the trust of the American people and our system of government, and I think we are living up to the title of this measure, honest leadership and open government.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California, the current ranking member and former chairman of the Rules Committee, Mr. DREIER.

Mr. DREIER. I thank my friend for yielding, and I want to say what a privilege it is for me to be, as always, on the floor with the distinguished chairman of the Judiciary Committee, my good friend from Detroit (Mr. CONYERS) and, of course, the ranking member of the Judiciary Committee, my friend from San Antonio (Mr. SMITH).

Mr. Speaker, as I listen to the distinguished Chair go through the litany of items that are included in this measure, I couldn't help but think it's virtually identical to what we passed in the last Congress. I know there are a number of things we came to agree upon, and so that's why I rise today in somewhat quiet resignation over this so-called Honest Leadership and Open Government Act. I am not opposed to the bill. I am not opposed to the bill because, frankly, there is nothing to be opposed to.

The bill that I sponsored that Mr. SMITH referred to in the last Congress was repeatedly referred to by our leadership colleagues on the other side of the aisle as a sham. They regularly said that the items that frankly were just outlined by Mr. CONYERS in this bill that he is describing, when I offered it, it was described as a sham.

But my colleagues, unfortunately, while we were successful during the House consideration of the bill to bring it up to the sham level from its initial sub-sham status, I would argue that this bill is not much better overall on the substance, and it is far, far worse on the process, which is a big part of the responsibilities that I have.

The new majority, as we all know, promised us open conferences, with meaningful participation by the minority party. What we have here is a willful effort to avoid a conference entirely without any participation by Republicans or public disclosure of the language.

Now, the distinguished Chair of the Committee on Rules just last week complained to me about how the former chairman of the Ways and Means Committee never told his ranking member about where and when conferences on tax bills were meeting.

Well, I have got to hand it to the new majority. They have come up with a novel answer to that problem. Don't hold conferences at all. That way, you aren't even bothered with having to file a conference report. That's right, the most open Congress in history, which is what we have continued to hear this one described as, has not made the text of its ballyhooed lobbying bill available to the public or rank-and-file members anywhere, anywhere that we could find.

As late as 8:30 this morning, we checked the Speaker's Web site, the majority leader's Web site, the Judiciary Committee's Web site, even Thomas. It was nowhere to be found.

We were able, we were able, though, to get a copy of it. Guess how? We got it from a lobbyist. When I say that there was no participation by Republicans, I mean none, none whatsoever.

As I said, I have the greatest regard for my friend from Detroit (Mr. CONYERS) who works so ably as the chairman of the Judiciary Committee. I appreciate his support for my amendment that I offered on floor.

However, you can imagine my surprise when I discovered late yesterday that there were changes in my amendment in the document that we have in front of us. Now, these changes aren't bad changes. I am not going to complain about the changes that were made. They probably actually improved the amendment; that's what the legislative process is all about.

But if the majority really wanted to declare a new day and live up to the promises of inclusion, calling me, asking me my thoughts on the change might have been a step in the right direction; but apparently the majority just couldn't be bothered with that at all.

There is a great deal missing from this bill that a majority of the House, including 138 Democrats, voted for, things like a reverse revolving door, requiring a lobbyist to disclose earmarks that they are lobbying for, and an end to the State and local governments lobbying loophole.

Despite promises to the contrary, they haven't extended our earmark rules to cover authorizing and tax bills, which is one of the last things we did in this Congress. Unfortunately, we have yet to bring the new majority's level up to ours on dealing with that disclosure on authorizing and tax bills.

As the majority pushes this bill through without any input from Republicans, they are responsible for its content. They are responsible for its content, not us.

I mourn this missed opportunity for bipartisanship, which we continue to hear about on a regular basis, and, frankly, grieve the broken promises which, not just Republicans, but the American people have been subjected to.

Mr. CONYERS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Michigan has 10 minutes remaining. The gentleman from Texas has 9 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished majority leader, Mr. STENY HOYER, from Maryland.

Mr. HOYER. I thank the distinguished chairman of the Judiciary Committee for yielding and thank him for his extraordinary leadership in bringing this bill to the floor and would allay somewhat the grief that is felt by the former chairman of the Rules Committee, the ranking Republican.

Mr. Speaker, on the one hand he says much of this bill is that which we passed last time offered by our friends on the minority side. If that is the case, we, as I understand the premise, we have adopted much of what you have proposed. It's hard to say that you weren't consulted when we have adopted what your contention is, much of what you have proposed. So I would hope that the grief would be allayed in that respect.

Secondly, let me say this. No conference. Why no conference? Because a Republican Member of the United States Senate wouldn't let us go to conference. That's why there was no conference. He stood day after day after day objecting to adopting this important reform package.

As a result, we couldn't go to conference. So you can't complain on the one hand we are not in conference when it is a Republican Senator from South Carolina who day after day, week after week, objected to doing just that.

Today is a proud day for this body. Again, I congratulate my friend, the distinguished chairman of the Judiciary Committee, Mr. CONYERS, and a dramatic example of how the Congress that was elected last November pledging to clean up the culture of corruption is making good on its promise.

I will talk about that a little bit at the end in terms of rules are nice, but performance is better. Last January, on the first day of this new Congress we enacted sweeping ethics changes. Today, with this Honest Leadership and Open Government Act of 2007, we have a simple, straightforward purpose, to continue to restore public confidence in the legislative process.

I commend Chairman CONYERS, as I have, for his leadership in making possible this comprehensive reform measure. By shining a bright light on the campaign contributions that registered lobbyists bundle for Members of Congress, the conference report before us increases transparency and gives the American people important insight on the legislative process.

By denying Members convicted of crimes their congressional pensions, the conference report ensures that Members who break their oath to uphold the laws of the land will not only suffer public disgrace and criminal sanction, but also lifetime financial loss.

There is no reason for taxpayers to subsidize criminal behavior of Members of Congress. Freshman Member NANCY BOYDA deserves a great deal of credit for her work on this provision. By requiring Members engaged in any job negotiations to recuse themselves from any matter in which there is a conflict of interest, the conference report before us will end the practice of Members trying to cash in on the legislation they steer through this body.

I don't know how many of you had the opportunity to watch "60 Minutes" this past Sunday and hear the comments of Mr. BURTON and Mr. JONES, but that is trying to address that critical problem.

As important as this legislation and the ethics changes made in January are, they alone will not ensure the integrity of our process and this institution. Rather, the Members of this House will ensure the integrity of this House when we conduct ourselves openly and honestly and hold accountable, through a vigorous pursuit of the enforcement of our rules by the Ethics Committee, hold accountable those who abide, do not abide by the rules in the highest ethical standards.

Thus we have an obligation to ensure that the Ethics Committee does the job that it was constituted to perform. It did not do so in the recent Congresses. The implementation of rules, while critical, must be followed by effective real enforcement.

This conference report is an important step forward, and I urge my colleagues to support it.

I want to thank Members on both sides of the aisle, including Mr. SMITH, for the work that they have done through the years to bring us to this day and close by congratulating Mr. CONYERS and the leadership of our Speaker in accomplishing this objective.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 1 minute.

First of all, I would like to thank the majority leader for acknowledging this bill that we considered today largely mirrors the Republican legislation on ethics from the last Congress. As I mentioned in my opening statement a few minutes ago, I went through all the provisions that, in fact, had been carried over from the Republican bill last year.

But I would correct the majority leader in one respect, and that is many of the Republican reforms that were included in our motion to recommit which passed successfully with largely Democratic support earlier, all of those Republican reforms were eliminated. So this bill would have been much improved and much better if all the Republican reforms had, in fact, been included. I regret that was not the case.

Mr. Speaker, I yield 4½ minutes to my friend and my colleague from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise not in opposition to this bill, in fact, I plan to support the bill, and I think most of my colleagues will on both sides of the aisle, but to just say that I regret that this is an opportunity missed for the new Democratic majority.

If it's all about wanting to have one more of the 6 for '06 to take home during the August recess and say, well, now, we have passed three of the six, I would say that it should only be 2.25 at the most, because, as my colleagues have pointed out, this reform is only about a fourth of what was brought to us in that first couple of weeks of the 110th as part of the 6 for '06, six promises that were made to the American people that if you elect us, the Democrats, to a new majority, this is what we will deliver for you.

And I will say again that this is a tremendous opportunity missed on behalf of the new majority. This bill just absolutely does not go far enough.

Speaking to that point, I want to point out that in the bill that we passed in the House last year, in the 109th, when Republicans enjoyed majority status, I had an amendment to this bill, which I think that we need to have as part of the bill today. It was passed by voice vote.

Yes, I regret, as the majority leader pointed out a minute ago, that the other body did not go to conference on this good sound, solid bill that had my amendment as a part of it. But let me point out quickly what that amendment says.

Twenty years ago or more, in this Congress, a person could retire, a Member could retire and actually take what money they have in their campaign account, whether that's five figures or six figures or seven figures, could take that with them at retirement and convert that into personal gain. They could buy a Malibu beach home or a Rolls Royce car if they wanted to or send their children to the most expensive college in the Nation. Whatever they wanted to do, they could convert those campaign funds to personal use.

Well, in the wisdom of the Congress, that was ended about 20 years ago. Just before it ended, a number of Members retired, took retirement, so they didn't have to forfeit that money. That was a good change.

We have a situation now where a lot of Members form what are known as leadership PACs. Now, they don't necessarily have to be in leadership. I formed a PAC that I called DOCPAC and raised a little money for that so-called leadership PAC. But what I am talking about is the fact that the most powerful Members of the Congress, both in the House and the Senate, formed these leadership PACs. Let me give you just a couple of names, not Members, but members of the PAC.

□ 1115

Searchlight Leadership Fund PAC, in the other body, in the 2006 cycle raised $2,346,000; spent $300,000 of that money to support other candidates in that party, which is an appropriate use of that money. But $2 million of it was spent for God knows what, Mr. Speaker.

Another PAC, Hill PAC raised $2,900,000.

Keeping America's Promises, $7,750,000 raised in the 2006 election cycle.

VOL-PAC, $8 million raised in the 2006 election cycle.

There is nothing, Mr. Speaker, in the rules that says that money cannot be converted to personal use when these Members, some of whom have recently, retired or are going to retire in the near future.

So I would think that Members on both sides of the aisle would want to support something like this, to say that once a Member leaves this body that PAC money cannot be converted to personal use.

In conclusion, Mr. Speaker, let me say once again, I have great respect for the chairman of the Judiciary Committee and I am not opposed to the bill, and I know we have worked hard and I plan to support it. I am just saying the opportunity was missed. We should have gone much further. I hope sometime in the near future we will solve some of these problems like this leadership PAC issue.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleagues on the other side, the gentleman from Georgia, and of course the ranking member, for pointing out additional refinements that we must continue to concern ourselves with. The Lobbying and Ethics Reform bill is not over with with today's work. Our job continues, and I will be looking forward for these constructive comments that they will be bringing to our attention.

Mr. Speaker, I submit for printing in the RECORD a letter from the Campaign Legal Center and others that support this legislation, and I would like you to know that the organizations' authors that signed this are among the most watchful and effective critics of the subject of ethics and lobbying that we have in the country.

The letter was signed by the U.S. PIRG, the Public Citizen, the League of Women Voters, Democracy 21, Common Cause, the Campaign Legal Center, all who have said that:

Our organizations strongly urge you to vote for the lobbying and ethics reform legislation when it is considered by the House on the Suspension Calendar.

The legislation being presented to the House constitutes landmark reform of the Nation's lobbying disclosure laws and landmark reform of the Senate ethics rules. It is designed to help address the worst congressional corruption scandals in 30 years that were revealed during the last Congress.

Under the legislation, for the first time citizens will be provided with a wealth of information about the multiple ways in which lobbyists and lobbyist organizations provide financial support to assist Members. For the first time, candidate campaign committees, leadership PACs, and political party committees will be required to disclose the bundled contributions raised for them by lobbyists and lobbying organizations. The legislation also includes fundamental reforms of the Senate ethics rules very similar to the landmark House ethic reforms adopted at the beginning of the year.

JULY 30, 2007.

Re Vote for the lobbying and ethics reform bill.

DEAR REPRESENTATIVE: Our organizations strongly urge you to vote for the lobbying and ethics reform legislation when it is considered by the House on the suspension calendar.

The organizations include the Campaign Legal Center, Common Cause, Democracy 21, the League of Women Voters, Public Citizen and U.S. PIRG.

The legislation being presented to the House constitutes landmark reform of the nation's lobbying disclosure laws and landmark reform of the Senate ethics rules. It is designed to help address the worst congressional corruption scandals in 30 years that were revealed during the last Congress.

Under the legislation, for the first time citizens will be provided with a wealth of information about the multiple ways in which lobbyists and lobbying organizations provide financial support to assist Members. For the first time, candidate campaign committees, leadership PACs and political party committees will be required to disclose the "bundled" contributions raised for them by lobbyists and lobbying organizations.

The legislation also includes fundamental reforms of the Senate ethics rules very similar to the landmark House ethics reforms adopted at the beginning of the year.

The process being used in the House to vote on this legislation is the result of a Republican Senator, Jim DeMint (R-SC), blocking the House and Senate from going to conference on the lobbying and ethics reforms and bringing a conference report to the House and Senate floors for an up-or-down vote. There is absolutely no basis for a House member to vote against this legislation on process or substance grounds.

A vote against this legislation is a vote against landmark lobbying and ethics reforms.

Our organizations strongly urge you to vote for the lobbying and ethics legislation when it comes to the House floor for a vote.

Campaign Legal Center.
Common Cause.
Democracy 21.
League of Women Voters.
Public Citizen.
U.S. PIRG.

And, ladies and gentlemen of the House, these organizations and their representatives followed the work of the House and the Judiciary Committee very carefully, and frequently made important recommendations which we were pleased to incorporate in the final legislation that is before the House today. They have done an excellent job in helping us bring lobbying and ethics before the House, and I have no doubt that they will continue to monitor our success in the measure today, and what needs to be done.

This is not closing down a chapter on a subject matter. Indeed, it will be a continuing responsibility of the Committee on the Judiciary to make sure that what we have put into law is not only effective and works but that it is enforced as well.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I would inquire how much time remains for each side.

The SPEAKER pro tempore. The gentleman from Texas has 4 minutes remaining, and the gentleman from Michigan has 5½ minutes remaining.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to my friend and colleague from Illinois (Mr. KIRK).

Mr. KIRK. I thank the gentleman.

I would say, to correct the record, this bill does include violations of 18 U.S.C. 219, acting as a foreign principal.

There are several reforms in this measure, but what is most surprising are the reforms which are not in this measure, reforms which both Speaker PELOSI and Speaker HASTERT supported.

Under this legislation, a Member of Congress convicted of income tax evasion would still have a full right to his Federal pension. Under this legislation, a Member of Congress convicted of interstate and foreign travel or transportation in the aid of racketeering enterprises is fully able to have a pension. In fact, there are other felonies, all of which we included in previous reform measures which are were dropped from this reform measure.

A Member can get a full Federal pension if they commit fraud by wire, radio, or television.

A Member can get a full pension if they are caught and convicted of influencing or injuring an officer or juror.

A Member can get a full pension for intimidation to secure political contributions, or for the promise of appointment of a candidate.

Under this legislation, a Member can get a full taxpayer pension if they make expenditures to influence voting.

In fact, previous reform legislation which Speakers PELOSI and HASTERT both supported included 21 separate felonies which would kill the pension for a Member of Congress convicted of a felony. But this legislation only includes four. It only includes four.

Now, the way that this happened is instructive. There was no amendment to this legislation allowed in the House of Representatives, because an amendment adding all of these felonies would have carried the day, as it carried in the past. Of course, there was no conference on this bill either.

So, a very limited set of reforms, including only four felonies, has gone forward, and the longer list of 21 separate public integrity felonies listed by the Department of Justice has not been included as it was in previous reform measures.

I would simply say to the House that a Member of Congress convicted of income tax evasion should not get a taxpayer-funded pension. But that reform was left out.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I rise only to advise my colleague that starting at page 51 on our bill, we have so many felonies that are listed that they run for three pages. And I don't have the time to go through them today, but some of them are the ones that the gentleman mentioned.

Mr. KIRK. The gentleman is the author of amendment; if he will yield. If a Member is convicted of income tax evasion under this legislation, is the pension canceled?

Mr. CONYERS. I don't see it here.

Mr. KIRK. I would simply suggest to the House, the author should know the answer to this question.

Mr. CONYERS. The answer is, it is not included in here.

Mr. KIRK. As are 17 other felonies.

Mr. CONYERS. But every other one is. So I just wanted to refer the distinguished gentleman to the numbers of pages of felonies that are included in here, and I thank him for the one that concerns him mostly.

I am going to conclude my remarks by thanking all of my colleagues who have put time in on this matter. I want to thank the ranking member and the leadership on both sides of the aisle.

We have a major accomplishment on our hands. What we need to do is to continue to follow through on implementing and improving anything in this measure that anybody would like to bring to our attention. But what we are doing is finally ending the cynical business as usual environment where big business and special interests dominate the legislative process to the detriment of the public interests. That is what all of these months and continuing wrangling and what our good government groups have been looking at and criticizing us for far too frequently is now being corrected.

This is a measure that every Member in the Congress can be proud of and support fully. A vote for this measure is a vote to end the culture of corruption. The time for S. 1 is now, and I accordingly urge my colleagues to support the measure.

Mr. Speaker, Section 213 provides that Congress will receive annual reports regarding the extent to which lobbyists, lobbying firms and other registrants are complying with the amended Lobbying Disclosure Act.

Under Section 213(a), the Comptroller General will annually review random samples of publicly-available registrations and reports filed by lobbyists, lobbying firms, and registrants and evaluate compliance by those individuals and entities with the Act. The use of the term "publicly available" in Section 213(a) is designed to ensure that the registrations and reports that the Comptroller General samples are the same registration and reports that are available to the public. Furthermore, the term "publicly available" also requires the Comptroller General to obtain copies of the registration and reports from the same public websites and in the same manner as the public obtains that information. This will better ensure that the information evaluated by the Comptroller General will be identical to the information the public obtains. Accordingly, Section 213 does not authorize the Comptroller General to request information from the Clerk of the House of Representatives or the Secretary of the Senate, except pursuant to the same methods and procedures by which the public requests or obtains such information. Section 213 therefore does not authorize the Comptroller General to audit, investigate or review the Clerk's and/or Secretary's compliance with the Act, or their receipt, compilation, or dissemination, and/or review of information filed under the Act.

The Comptroller General is expected to use appropriate judgment in assessing the size of the random sample and the manner of identifying the sample. The Comptroller General should ensure that the size and manner of its random sampling are designed to ensure that the sample adequately represents a fair and complete cross-section of all registrations and reports filed pursuant to the Act.

Section 213(b) provides that the Comptroller General will submit annual reports by each April 1 to the Congress identifying the results of its analyses of the random samples, and also providing recommendations to the Congress to improve compliance with the Act by lobbyists, lobbying firms, and registrants. The reports shall also assess whether and to what extent the Department of Justice has sufficient resources and statutory authority to enforce the Act and, if not, recommendations regarding what specific resources or authorities Congress should provide to the Department of Justice. In complying with this Section, it is expected that the Comptroller General will consult with the Department of Justice.

Section 213(c) provides the Comptroller General with the tools necessary to evaluate whether the information included by lobbyists, lobbying firms and registrants in the reports filed under this Act is accurate and complete, and thus whether these individuals and entities are complying with the Act. This subsection thus authorizes the Comptroller General to request and receive information from lobbyists, lobbying firms and registrants (and their employees). The information the Comptroller General may request from lobbyists, lobbying firms and registrants is broad and need only relate to the purposes of the Act. In other words, the Comptroller General is expected to request sufficient documentation from lobbyists, lobbying firms and registrants to fully evaluate whether the information contained on the registrations and reports filed by the lobbyists, lobbying firms and registrants is accurate and complete. This will often necessarily entail more information from the lobbyists, lobbying firms and registrants than is contained within the reports.

Section 301 prohibits House Members from engaging in any agreements or negotiations with regard to future employment or salary until his or her successor has been selected unless he or she, within 3 business days after the commencement of such negotiations or agreements, files a signed statement disclosing the nature of such negotiations or agreements, the name of the private entity or entities involved, and the date such negotiations commenced with the Committee on Standards of Official Conduct. It requires senior staff to notify the Committee on Standards of Official Conduct within 3 days if they engage in negotiations or agreements for future employment or compensation. The prospective employment or compensation negotiations or agreements in Section 301 are intended to refer only to those conducted with a private entity or private entities. Additionally, the negotiations and agreements referenced are intended to refer to actual bargaining over the terms of possible employment.

Section 305 provides that Members shall be prohibited from attending national political convention parties that are held in their honor if such parties have been paid for by a lobbyist, or an entity that employs lobbyists, unless the Member is the party's presidential or vice presidential nominee. This provision will have the effect of preventing lobbyists or an entity employing such lobbyists from directly paying for a party to honor a specific Member.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in support of the Honest Leadership Open Government Act and commend Speaker PELOSI and Chairman CONYERS for their work to take this important step to restore accountability to Washington and implement this much-needed reform.

S. 1 puts the priorities of American families before special interests, bringing real transparency to lobbyists' activities by doubling the frequency of lobbyists' reporting and establishing a searchable public database of this disclosure information. It also requires Members of Congress to disclose job negotiations for post-Congressional employment and creates a public database online of Member travel and financial disclosure forms. Further, the Honest Leadership Open Government Act prohibits Members convicted of certain felonies from receiving a congressional pension.

In the first 100 hours of the 110th Congress, we passed new House Rules imposing the toughest ethics standards ever. These rules banned gifts, meals and trips paid for by lobbyists. Today, the House takes the next step in voting on this final House-Senate agreement on ethics and lobby reform.

S. 1 has the support of a wide range of organizations working to increase openness and honesty in government. I would like to include for the RECORD a letter from several major groups including Common Cause, League of Women Voters, and Public Citizen, expressing their support for this bill.

These important reforms cannot be delayed any longer. The Democratic Congress will send this tough lobbying reform bill to the President's desk. I urge him to listen to the American public and sign this bill into law.

Mr. BISHOP of New York. Mr. Speaker, I rise in strong support of the conference report and commend the leadership as well as my colleagues involved in negotiating this landmark agreement.

Referring to the House of Representatives, Alexander Hamilton once said, "Here, sir, the people govern." Today, that quotation no longer rings hollow.

The people are once again in charge of the people's House with this legislation. We followed through with our campaign promise by restoring integrity, transparency, and accountability in the way we do the people's business.

Members of Congress, lobbyists, and special interests will share the responsibility to disclose information that sheds light on how the influence of money in politics shapes the outcome of legislation.

In particular, I am proud to support transparency in reporting "bundled" campaign contributions, as championed by the gentleman from Maryland (Mr. VAN HOLLEN), of whose legislation I am an original cosponsor.

This agreement will help avert corruption and back-room dealmaking that undermines this institution and the faith our constituents have in the way we do business.

Mr. Speaker, I encourage all of my colleagues to support this conference agreement.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of S. 1, the Honest Leadership, Open Government Act of 2007. I urge my colleagues to join me in voting in favor of it to clean up the culture of corruption in Washington.

The first order of business in the 110th Congress has been to restore honesty and integrity to the U.S. House of Representatives. On the first day of the new Congress, we imposed tough new rules on Members of Congress to ban gifts from lobbyists, end the abuses connected to lobbyist-funded congressional travel, require full transparency and end the abuse of special interest earmarks, to ensure this Congress upholds the highest ethical standards.

S. 1 will now bring unprecedented transparency and accountability to lobbyists' activities. For the first time, lobbyists who collect campaign checks for Members of Congress must report this practice. Members of Congress will also be required to disclose if more than $15,000 in campaign contributions was collected on his or her behalf by a lobbyist. Lobbyists will be required to disclose contributions to Members' charities, events honoring Members, contributions intended to pay the cost of a meeting and contributions to Presidential Library Funds.

Lobbyists will now be required to file disclosure reports quarterly rather than semi-annually. The bill will establish an online, searchable public database of these lobbyist disclosure reports. In addition, this legislation increases criminal and civil penalties for violating the Lobby Disclose Act to $200,000 and five years in prison.

We have added additional restrictions on Members of Congress by requiring sitting Members to disclose job negotiations for post-Congressional employment and to recuse themselves if there is a conflict of interest. We will also establish an online, searchable public database of Members' travel and personal financial disclosure forms.

The ongoing corruption scandals in the U.S. House and Senate anger me because they threaten the bonds between the American people and their elected leaders. Therefore, I am very pleased that this bill denies pension benefits to those Members of Congress convicted of corruption while serving the American people. I have always believed that public office is a public trust, and I work every day to live up to the trust the people of North Carolina's Second Congressional District have placed in me.

I urge my colleagues to vote for a new direction and to support honest leadership and an open government.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of S. 1, the Honest Leadership, Open Government Act.

As the scandals of the past few years have made clear, it is time to change the way that business is conducted in Washington. The legislation before us today will implement several necessary reforms including new transparency for lobbyists who bundle campaign contributions, ending the K Street Project, expanding public disclosure of Members' travel and finances, and closing the revolving door between the legislative branch and post-employment lobbying.

S. 1 is supported by Common Cause, Democracy 21, Public Citizen, League of Women Voters, U.S. PIRG, and Campaign Legal Center.

I hope that this bill will help to restore the American people's confidence in their government. I want to commend Speaker PELOSI and the Democratic Leadership for their commitment to getting this legislation through Congress.

I urge my colleagues to support this legislation.

Mr. LOEBSACK. Mr. Speaker, I rise today in support of the Honest Leadership and Open Government Act.

As a freshman Member of this body, I believe it is critical that we restore the people's faith in the People's House.

This bill will bring transparency to lobbyists' activities and the relationship between Members of Congress and those who seek to influence us.

It is one in a series of steps we must take to change the status quo in Washington.

Greater transparency, a willingness to change the way we do business, and adequate oversight are all essential elements of the reforms we have a responsibility to enact.

The priorities of Iowa's Second District are my priorities as a Member of Congress. This bill is a step toward assuring my constituents, and all American citizens, that the House of Representatives remains in their hands.

Mr. BLUMENAUER. Mr. Speaker, I am proud to support this bill, as I have proudly supported each of this Democratic majority's initiatives to strengthen lobbying and ethics reform in Washington.

In the current political climate it is increasingly clear that Congress must serve as an example for the Federal Government. With this bill's passage, Americans can be confident that their representatives in Congress will be held to an ever-higher standard of conduct.

This bill closes the most abused loopholes by banning lobbyist-funded gifts and travel, reforming congressional earmarks, and by prohibiting Members from influencing outside hiring decisions for partisan gain. It also addresses the larger issues of reform by requiring public disclosure of bundled campaign contributions and lobbyist activity. And if that isn't enough, this bill also increases the punishment for Members and lobbyists who break the law.

It's clear this bill raises the bar for congressional conduct. I look forward to its passage and to the creation of a more open government.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of S.1, the Honest Leadership, Open Government Act of 2007. S.1 contains the contents of an agreement between the House and the Senate in the reconciliation of provisions between the respective bills of these institutions to impose the highest standards of ethics reform on the House and the Senate and to restrict the influence of special interests and lobbyists. The American people spoke loud and clear in their demand for change on Capitol Hill. They conveyed a very strong message that an environment that accommodated Duke Cunningham and Jack Abramoff was unacceptable and that the culture of corruption must stop. As a result I urge the House to adopt this measure. This Conference agreement between the House and Senate contains some of the following provisions:

Bans lavish convention parties—prohibits Members of Congress from attending national political convention parties held in their honor and paid for by lobbyists or their clients.

Creates new transparency for lobbyist political campaign fund activity and other financial contributions—requires disclosure when lobbyists bundle campaign contributions for any federal elected official, candidate or leadership PAC; and requires lobbyists to detail their own campaign contributions, and payments to Presidential libraries, Inaugural Committees or entities controlled by or named for Members of Congress.

Ends K-Street Project—Prohibits Members of Congress and their staff from attempting to influence employment decisions in exchange for political access.

Imposes restrictions on corporate flights—requires Senators, Senate candidates and Presidential candidates to pay charter rates for trips on private planes; bars House candidates from accepting trips on private planes.

Expands public disclosure of lobbyist activities—requires lobbyists to file reports on their lobbying twice as often each year, and for the first time to file them electronically in a public, searchable database; and increases civil and criminal penalties for knowingly violating lobbying disclosure rules.

Creates Congressional Pension Accountability—Denies Congressional retirement benefits to Members of Congress who are convicted of bribery, perjury and other similar crimes.

BUNDLING CAMPAIGN CONTRIBUTIONS

This bill also contains a provision that creates greater transparency at the intersection of campaign contributions and public policy. While existing campaign finance laws place limits on campaign contribution amounts, individuals that want to exceed the limits may do so by pulling together the contributions of third parties. This practice is known as "bundling". In and of itself, there is nothing wrong with this practice of aggregating the contributions of others. However, when the bundling of contributions is done by someone who lobbies on behalf of a particular interest, this practice enables the lobbyist to enhance his or her stature with an official. This enhancement increases their opportunity to advance the cause of a special interest.

In order to guard against the use of this practice to exert an undue influence over public policy, I believe that we need to inject transparency into this process. Last year I introduced a bill to require that lobbyists disclose their bundling of campaign contributions on lobbying disclosure forms that are required under existing law in accordance with the Lobbying Disclosure Act of 1995. While this bill was added to the lobbying reform bill by overwhelming support on a vote of 28 to 4 in the House Judiciary Committee, it was stripped from the larger bill by the Republican leadership in the dead of the night. Ultimately, the underlying reform bill failed to pass the Congress.

After the voters elected a Democratic House majority, in November of 2006 with a strong message of reform, I introduced a bill this year, H.R. 633. This bill required that lobbyists disclose the contributions that they bundle on behalf of a candidate. After a series of clarifications were made to the bill, it was reintroduced as H.R. 2317. This bill required that registered lobbyists disclose the contributions that they bundle for a candidate that are equal to or exceed $5,000 on a quarterly basis. "Bundling" was defined as the physical aggregation of contributions by a lobbyist or by attribution to a lobbyist for contributions received from other sources regardless the means of transmission. This bill passed the House on May 24, 2007 382/37 and was added to the Honest Leadership, Open Government Act of 2007 by a vote of 346 to 71 on the same day.

Since the House passage of the bill, the House and Senate have been reconciling the differences between their respective bills. The Senate proposed on changing the bundling disclosure requirement by shifting the onus from the lobbyist to the candidate to disclose the receipt of contributions within reports already required under the Federal Election Campaign Act of 1971. The FEC disclosure would reflect bundled contributions from lobbyists that exceed $15,000 on a semi annual basis. The House receded to the Senate's demands under the condition that the reporting shift, from the Lobbying Disclosure Act to the Federal Election Campaign Act, would not compromise or diminish the transparency of the bundled contributions provided by a lobbyist and hence, not reduce the availability of the information to the American public.

The reporting requirements in this bundling disclosure requirement apply to "bundled contributions" that have been made to the following covered entities: a candidate, political committees, party committees and Leadership PACs and Members who control Leadership PACs, and their agents.

Subparagraph (i) defines a "bundled contribution" as any contribution that is "forwarded" by a lobbyist, or the agent of the lobbyist, to a covered entity. This includes all instances where a lobbyist transfers or otherwise delivers or forwards contributions to a covered entity. It includes the transfer regardless of whether the transfer occurs in conjunction with a fundraising event or in the absence of such an event.

Subparagraph (ii) is intended to capture bundling activity where the contributions may have been solicited in the aggregate by a lobbyist but where the contributions may have been provided at different times and/or transferred from the contributor or a party other than the lobbyist but is ultimately "credited" to the lobbyist. The "credit" that the lobbyist receives can be recorded through designations or other means of recognizing that a "certain amount of money" has been "raised" by the lobbyist. However, the credit that is attributed to the lobbyist does not need to be memorialized in writing or captured within a database or any other contribution tracking system to trigger the reporting requirement. Moreover, the recognition that bundled contribution is attributed to a lobbyist does not need to be communicated back to the lobbyist; it merely means that a covered entity attributes the contribution to the lobbyist.

The term "a certain amount of money" means that the covered entity has information that a dollar amount has been raised by the lobbyist who is credited with raising the money. The term does not require that the candidate or other covered entity knows the total amount raised by the lobbyist or that the lobbyist has reached the threshold amount for reporting.

Subsection (5) requires the FEC to promulgate regulations implementing this disclosure requirement but prohibits the Commission from exempting from the disclosure requirement any lobbyist on the grounds that the lobbyist is authorized by the committee to engage in fundraising "or any other similar grounds." Moreover, this subsection explicitly prohibits the Commission from issuing a regulation to make this, or any similar grounds, the basis for an exception for the fundraising activities of certain lobbyists from the bundling disclosure requirement.

Finally, it must be noted that this provision is not designed to prohibit any action by a lobbyist. The purpose of this provision is to require disclosure. Therefore, I trust that the Commission, in its regulations, will strive to maximize the disclosure of contributions that have been bundled by lobbyists. This will bring much needed sunlight to the intersection of bundling and public polity and hopefully, will serve as a "disinfectant" to clean up any undue influence brought to bear by the use of third party contributions by lobbyists.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 1, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on suspending the rules on S. 1 will be followed by 5-minute votes on suspending the rules on H.R. 180; and suspending the rules on H.R. 2347.

The vote was taken by electronic device, and there were—yeas 411, nays 8, not voting 13, as follows:

[Roll No. 763]

YEAS—411

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George

Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—8

Abercrombie
Barton (TX)
Boyd (FL)
Clay
Cleaver
Flake
Murtha
Tanner

NOT VOTING—13

Brown-Waite, Ginny
Clarke
Cubin
Davis, Jo Ann
Gilchrest
Hayes
Johnson (IL)
Johnson, Sam
LaHood
McNulty
Ros-Lehtinen
Sutton
Tancredo

□ 1157

Mr. BARTON of Texas changed his vote from "yea" to "nay."

Mr. CROWLEY and Mr. MEEKS of New York changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SUTTON. Mr. Speaker, on rollcal No. 763, relating to the Honest Leadership and Open Government Act, I was unavoidably detained. Had I been present, I would have voted "yea."

DARFUR ACCOUNTABILITY AND DIVESTMENT ACT OF 2007

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 180, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 180, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 13, as follows:

[Roll No. 764]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—13

Brown-Waite, Ginny
Clarke
Cubin
Davis, Jo Ann
Gilchrest
Hayes
Johnson (IL)
Johnson, Sam
LaHood
McNulty
Ros-Lehtinen
Sutton
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1205

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

IRAN SANCTIONS ENABLING ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2347, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and pass the bill, H.R. 2347, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 6, not voting 18, as follows:

[Roll No. 765]

YEAS—408

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—6

Abercrombie
Bartlett (MD)
Flake
Jones (NC)
Kucinich
Paul

NOT VOTING—18

Boyda (KS)
Brown-Waite, Ginny
Clarke
Cubin
Davis, Jo Ann
Gilchrest
Hayes
Johnson (IL)
Johnson, Sam
LaHood
McNulty
Miller (FL)
Ros-Lehtinen
Shuler
Sutton
Tancredo
Weiner
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1212

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, companies that sell arms to the Government of Iran, and financial institutions that extend $20,000,000 or more in credit to the Government of Iran for 45 days or more, and for other purposes.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Madam Speaker, on rollcall No. 763 on final passage of S. 1, the Open Leadership and Open Government Act of 2007; rollcall No. 764 final passage of H.R. 180, the Darfur Accountability and Divestment Act; and rollcall No. 765 on final passage of H.R. 2347, the Iran Sanctions Enabling Act, I am not recorded because I was delayed while tending to constituents in my congressional office. Had I been present, I would have voted "aye" on all three bills.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately this morning, July 31, 2007, I was unable to cast my votes on S. 1, H.R. 180, and H.R. 2347 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 763 on suspending the rules and passing S. 1, the Honest Leadership and Open Government Act of 2007, I would have voted "aye."

Had I been present for rollcall No. 764 on suspending the rules and passing H.R. 180, the Darfur Accountability and Divestment Act, I would have voted "aye."

Had I been present for rollcall No. 765 on suspending the rules and passing H.R. 2347, the Iran Sanctions Enabling Act, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF H.R. 3161, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. McGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 581 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 581

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.

General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3161 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

☐ 1215

The SPEAKER pro tempore (Ms. BALDWIN). The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Madam Speaker, for the purposes of debate only, I yield my friend from Washington (Mr. HASTINGS) 30 minutes. During the consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. McGOVERN. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 581.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 581 is a traditional open rule for appropriations bills. This open rule allows any amendment to be offered as long as the amendment complies with House rules.

Madam Speaker, the Agriculture appropriations bill may not get as much attention as some of the others, but it is incredibly important to the Nation. For the past 6 years, the bill has been underfunded by President Bush and the Republican Congress.

This year, the subcommittee chairwoman, ROSA DELAURO, and her colleagues have put together a bill that begins to restore cuts in funding to the Department of Agriculture; cuts that have left too many people hungry here at home and around the world; cuts that have threatened America's food security and food safety; and cuts that have denied rural America improvements and access to better technology, better housing and a better environment.

Madam Speaker, today I am pleased to say that with this bill, we have turned the corner. The fiscal year 2008 Agriculture appropriations bill makes new and important investments in our people. This is not a perfect bill, but it is a big step in the right direction. I urge my colleagues to support it.

I am proud, Madam Speaker, to serve as the Cochair of the bipartisan House Hunger Caucus along with my good friend from Missouri, JO ANN EMERSON. I have a strong interest in making sure that our domestic and international hunger programs get the funding that they need.

With this bill, more pregnant women and infants will get the nutritious food they need through the WIC program. With this bill, more children who eat a school breakfast or lunch will receive meals during the summer months, when school is out of session, just like they do during the school year. With this bill, the food that they are served in school will be healthier, including more fresh fruits and vegetables. With this bill, the Commodity Food Supplemental Program can expand participation in existing States and can also begin participating in five new States.

The bill continues funding to combat hunger around the world through programs like Food for Peace and the George McGovern-Robert Dole International Food for Education and Child Nutrition Program. There is increased funding for the Food and Drug Administration and the Food Safety and Inspection Service, allowing USDA to better oversee our Nation's food safety, and more importantly, root out any food contamination and threats to America's food supply.

Providing these agencies with the proper tools, including proper staffing, is an important part of USDA's mission that usually goes unnoticed unless a problem arises.

Finally, Madam Speaker, this bill increases funding for programs that directly affect rural America. For far too long, rural America has been underfunded and, in many cases, underappreciated. This bill increases funding for programs important to rural America, including crop insurance integrity, livestock competition, enforcement efforts at the Commodities Futures Trading Commission, the Rural Community Advancement Program, clean water and business loans and grants.

Finally, there are increases in funds for technology access that will provide grants for distance learning, telemedicine and broadband development in rural areas.

Madam Speaker, before I conclude my opening remarks, I want to address one more subject in a little bit of detail. For years we have not done nearly enough, Democrats and Republicans alike, to end hunger. I will say it again: Hunger is a political condition. We have the resources to end it. We have the infrastructure. What we need is the political will and determination to make it happen.

With passage of the fiscal year 2008 Agriculture appropriations bill and the recently approved farm bill, this new Democratic Congress is taking a major step forward in the fight to end hunger in America and around the world. We are moving in a new direction toward a place where everybody in this world has enough to eat. We have much more work to do, but today we can make an important down payment.

Now, during consideration of this bill, we may see attempts to cut these vital, proven programs. Members will say that they, too, are troubled by hunger, but they don't want to spend the money to address it. It is the same old argument.

Additionally, during consideration of this bill, there may be an amendment offered by my friend, the gentleman from Texas (Mr. CONAWAY) that would allow State governments to privatize the Food Stamp program.

Madam Speaker, this open rule allows the gentleman from Texas to offer this amendment. I support his right to do so. However, this is bad policy that was rejected in the farm bill. As a supporter of the Food Stamp program, a program proven to provide food to hungry Americans, I strongly oppose this amendment. The State of Texas has experimented with privatizing food stamps. That experiment failed. According to a letter signed by 21 organizations opposed to the privatization of the Food Stamp program, "before the State canceled its contract with the private contractors, hundreds of thousands of low-income children and adults were unable to access nutrition and health care assistance that they desperately needed and to which they were entitled by law."

Privatization of the Food Stamp program failed in Texas. We should not put more families at risk by extending that failed experiment to other States. The amendment deserves to be defeated. I urge my colleagues to vote no if, in fact, the amendment is offered.

Madam Speaker, I will insert letters opposing privatization of the Food Stamp program into the RECORD at this point.

JULY 10, 2007.

U.S. House of Representatives, Committee on Agriculture, Washington, DC.

DEAR REPRESENTATIVE: When the full House Agriculture Committee marks up the nutrition title of the Farm Bill, we urge you to oppose any effort to strike or weaken a provision clarifying the existing requirement that state civil service employees conduct the Food Stamp eligibility determination process.

This "merit-system" requirement has been part of the Food Stamp program since its inception. It is intended to protect the integrity of the program and ensure fair and equal access and treatment for all applicants.

We are extremely concerned about replication of the Texas experience of privatizing most of the work leading up to the final eligibility determination in its Food Stamp, Medicaid and TANF programs. Indiana is already proceeding down the same path despite the Texas failure. In Texas, before the state canceled its contract with the private contractors, hundreds of thousands of low income children and adults were unable to access nutrition and health care assistance that they desperately needed and to which they were entitled by law.

When states privatize such important and inherently governmental functions, the contracts often create incentives for private companies to reduce access to the program in order to maximize their profits. "Streamlining the work" often comes at the expense of the most difficult to serve, including the elderly who have hearing problems on the phone and have no internet access, the disabled, the homeless, and people with limited English. In addition, it actually may create new inefficiencies that delay the processing of needed benefits.

Privatization is not necessary for states to modernize their application process. This spring, the Government Accounting Office documented that most states have implemented call centers and internet using their public employees. We strongly urge you to support the provisions in the subcommittee bill that clarify the merit system requirement.

Sincerely,

AFL-CIO; Coalition for Independent Living Options; Coalition on Human Needs; Congressional Hunger Center; Food Research and Action Center; Leadership Conference on Civil Rights; Migrant Legal Action Program; National Council on Aging; National Council of Jewish Women; National Education Association; National Farmers Union; National Low Income Housing Coalition; NETWORK, A National Catholic Social Justice Lobby; OMB Watch; RESULTS; The Arc of the United States; The Salvation Army; United Automobile Workers; United Cerebral Palsy; USAction; Voices for America's Children; Wider Opportunities for Women.

JUNE 15, 2007.

DEAR REPRESENTATIVE: We are writing to ask for your strong support for a provision in the food stamp portion of the farm bill that reaffirms and clarifies the existing requirement for public employees in merit-based personnel systems to conduct the eligibility determination process for the food stamp program.

Over the last several years, the Bush Administration has allowed several states, without going through the required waiver process, to evade the clear Food Stamp requirement for state agencies to perform the inherently governmental function of eligibility determination.

The Texas experience was such a disaster that the state canceled the contract in a little over a year but not before the delivery system for Food Stamps and Medicaid was destabilized. The state wasted over $100 million; hundreds of thousands of Medicaid and Food Stamp applicants either lost benefits or never got through the system to get them; and personal financial information went to a warehouse in Washington State.

Although Indiana is just in the early stages of a 10-year contract worth $1.1 billion, early reports from some advocates are very troubling. They report an intense atmosphere of intimidation among the contract staff that is pitting their job security interests against the interests of applicants seeking nutrition and health assistance; new procedures that are likely to create formidable obstacles for many applicants to get through the process successfully; and a policy that appears to prohibit staff from discussing the application process for this public program with outside advocates for applicants.

Public disclosure, privacy protections, and impartial, fair administration are key elements in civil service and other public personnel standards. They are designed to ensure that the public has a right to and receives fair, nondiscriminatory treatment that is accountable to the taxpayers. These privatization efforts, in contrast, appear not only to shield much of the operation of the new systems, but also to reorganize them in a way that will make it very difficult for applicants to get the assistance they have a right to receive.

Increasingly, middle class workers find themselves losing good jobs and forced to take new ones at much lower pay. The instability of their jobs and the downgrading of their economic circumstances mean that they may have to resort to economic safety net programs such as the Food Stamp program for temporary help.

We strongly urge you to support the provisions clarifying the public administration requirement in the Food Stamp program. Now is not the time to put the public interest in private hands.

Sincerely,

AFSCME; AFL-CIO; American Federation of Government Employees; American Federation of Teachers; Communication Workers of America; International Association of Machinists and Aerospace Workers; International Federation of Professional and Technical Engineers; International Brotherhood of Electrical Workers; International Brotherhood of Teamsters; National Education Association; Service Employees International Union; The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America; United Food and Commercial Workers International Union.

AFSCME,
Washington, DC, July 31, 2007.

DEAR REPRESENTATIVE: On behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to strongly urge you to oppose an amendment by Representative Conaway to H.R. 3161, the FY 2008 Agriculture Appropriations Bill, which will be considered today. This issue is of enormous importance to my union and to the tens of millions of Americans which rely upon the Food Stamp program for nutrition assistance.

The Conaway amendment is intended to undo a provision in the nutrition title of H.R. 2419 which the House passed last week. That provision clarified the longstanding requirement in the Food Stamp Act that civil service employees conduct the eligibility determination process for Food Stamps. It was necessary because the Administration has reinterpreted the Food Stamp law to allow Texas and Indiana to turn over to private companies most of the eligibility determination process to private companies.

The Texas experiment was a disaster. The State canceled its own contract after about 14 months but not before thousands of families failed to receive benefits to which they were entitled, and sensitive personal and financial information went astray. Now Indiana is proceeding down the same path.

The provision reinforcing the public administration requirement in the Food Stamp program was thoroughly debated in the Agriculture Committee, and several amendments to strike or modify it were defeated. The bottom line is that privatization of the eligibility of the Food Stamp program will open up the floodgates to major costs in benefits for the most vulnerable of our citizens.

AFSCME strongly urges you to oppose the Conaway amendment or any other similar amendment.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

Madam Speaker, the fiscal year 2008 Agriculture appropriations bill was written and considered in a bipartisan way through the committee process. It is a bill that should receive strong bipartisan support in the House. I urge my colleagues to support this open rule. I support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Madam Speaker, I want to thank my good friend the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me the customary 30 minutes.

Madam Speaker, this Agricultural, Rural Development, and Food and Drug Administration appropriations bill provides more than $18.8 billion in discretionary spending for the next fiscal year. This bill represents an increase in spending by nearly 6 percent over last year's bill and continues the trend of the Democrat majority choosing to provide spending increases well above the rate of inflation and putting each taxpayer in the country on a path towards an average $3,000 increase in their Federal tax bill. Madam Speaker, this is too great a burden for the American taxpayer to pay.

As many of my colleagues know, I represent one of the premier agriculture districts in the country. Central Washington is rightfully famous for its apples, cherries, wine and many other farm and ranch products. The programs funded under this bill are of great importance to the communities I represent, and there are some provisions in the bill that I do indeed support.

For example, I am pleased that funding is maintained for rural development, which provides critical financial help to rural communities across the country. This bill also fully funds the Natural Resources Conservation Service, which provides on-the-ground technical assistance to farmers and ranchers dealing with soil and water management issues. I also note that this bill maintains a provision that I have long supported which allows Americans to be able to purchase drugs in other countries at lower prices and bring them back to the United States lawfully.

However, Madam Speaker, I am very disappointed that this bill cuts Agriculture Research Service funding by over $50 million compared to last year. I represent three Agriculture Research Service labs, two of which are collocated with Washington State University research facilities. Federally sponsored agriculture research not only improves crop productivity, it also helps farmers and ranchers find solutions to environmental and marketing challenges.

Many agriculture research initiatives were already facing the prospect of cutting essential research programs and researchers. Surely, Madam Speaker, with such a big increase over last year's spending level, we could have found room to at least protect the level of research being conducted today.

I am concerned about the potential impacts of these cuts and what it would mean for facilities in my district, in particular the Agriculture Research Service lab in Prosser. I intend to continue to work with my colleagues from Washington to ensure that we provide the funding necessary to maintain the important agriculture research activities already underway at these facilities.

I am also disappointed that this bill provides only $10 million for the Specialty Crops Block Grant program. This program provides grants distributed by the State departments of agriculture to assist the development, production and marketing of fruits and vegetables. Earlier this year, I joined a bipartisan group of my colleagues in asking that this program be fully funded at the $44.5 million level. This bill falls far short on this account.

Madam Speaker, if we pass this rule today, the House will begin consideration of the Agriculture, Rural Development, and Food and Drug Administration appropriations bill. While this must be accomplished in a timely manner, the Senate in fact will not begin consideration of this bill until September and there is, frankly, a more pressing issue facing our Nation today.

Watching the news and reading the newspapers, Americans are reminded each day that the United States remains vulnerable to another terrorist attack. It is vital that our laws keep us one step ahead of the terrorists, but currently, Madam Speaker, we lag behind.

Right now, Federal law ties the hands of our intelligence community, causing them to miss significant portions of intelligence, all because technological advances have outpaced Federal law. We cannot wait to respond only after another attack. We must act today.

Therefore, Madam Speaker, I will be calling on my colleagues to vote "no" on the previous question. By defeating the previous question, we will give Members the ability to vote today on the merits of changing current law to ensure our intelligence community has the tools they need to protect our Nation from a potentially imminent terrorist attack.

Madam Speaker, I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, before I yield to the next speaker, I just want to make a couple of observations. I find it somewhat ironic that my Republican friends, on the one hand, complain about the size of the bill, the overall amount of money that has been put into this bill; and then they complain about the programs that haven't been funded enough on the other hand. You can't have it both ways. I guess there is no pleasing them.

The other thing, too, is the vote on the previous question has nothing to do with the underlying bill. But I will remind my colleagues that in addition to the many good things that this bill does for rural America and for farmers and for feeding hungry people, there is a national security component to this bill as well. This bill contains money to help protect the American people from contaminated food that may cross our borders into our country. This is about food security. So this is a vital part of protecting the American people, and I don't think that should be lost.

Madam Speaker, I yield 3 minutes to my good friend, the distinguished gentleman from California (Mr. CARDOZA), my colleague on the Rules Committee.

Mr. CARDOZA. Madam Speaker, I would like to thank my friend from Massachusetts for yielding.

Madam Speaker, as a subcommittee chairman on the House Agriculture Committee and as a member of the Rules Committee, I am pleased to rise in support of the Agriculture appropriations bill before us today.

One of the reasons the farm bill that we just passed last week was so hard to put together was over the past years the Republican appropriators had repeatedly chipped millions and millions of dollars out of mandatory farm bill programs, specifically in the area of research, and research is an area that has been woefully inadequately funded in previous years. As a result, the rest of the world has been catching up, and we have been struggling to maintain our preeminence in agriculture in the last few years.

We used to have a $30 billion trade surplus in agriculture, and now, like in everything else, we are falling behind and having that traded away. If we aren't careful, we are going to become a net importer of agriculture for the first time in the history of the United States. It is bad enough that countries like China, Japan and Saudi Arabia are already our bankers. We cannot afford to let them become our farmers, too.

This bill represents a stark difference from the drastic cuts we have seen in recent years. Members of the Agriculture Committee and the Appropriations Committee were vigilant to ensure that we met the promises we made, especially in the areas of research, food safety and nutrition.

I do have some concerns, however, about the horse slaughter transportation language contained in the bill which could have unintended consequences on the horse racing industry, an industry I have strongly supported since my time in the California legislature.

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I am hearing from a lot of my constituents back home that have serious problems with the potential workability and practicality of some of that language. My good friend from California (Mr. COSTA) and I are working with Mr. CHANDLER and Chairwoman DELAURO to correct this problem.

Madam Speaker, this is a good bill. It follows through on our commitments, reinvests in rural America, improves nutrition for millions of Americans, and puts us on the right track by making sound investment in research, and will help us maintain our standing in the world as undisputed agricultural leaders.

I also want to thank and say something about our wonderful chairwoman, Ms. DELAURO. Without her help, we would not have been able to write the farm bill we wrote last week. She is a tireless advocate for her concerns in specialty crops and farmers markets and nutrition and making sure that our young people eat nutritious food, and also food safety. With her leadership, we got the farm bill done. With the leadership of COLLIN PETERSON, we got the farm bill done. And with the leadership of Speaker PELOSI, we were able to write a good farm bill for America.

I want to thank the chairwoman and all those who helped. She has done an unbelievable job shepherding this bill through her committee and to the House floor. I thank her and congratulate her on meeting the needs of America's farmers.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from Michigan (Mr. ROGERS), a member of the Intelligence Committee.

Mr. ROGERS of Michigan. Madam Speaker, I rise reluctantly today to point out something that I think is incredibly important. The ag work that you have all done is important, and agriculture is certainly an important part of our American economy. And our ability to feed ourselves is critical to our national security.

But we also have another national security issue of which we cannot get the attention that it so deserves. After 9/11, we put together these commissions, the 9/11 Commission, to say, Hey, what went wrong?

We decided we would merge a whole department together and call it the Department of Homeland Security to best meet the needs and safety and security of the homeland. We did all of these things in preparation for what we knew was likely to occur, and that is certainly another attempt by terrorists to attack the United States of America.

And one of the things that we did through all of that is said we have to give law enforcement, our intelligence services, every tool that we can find to make America safe, because we have asked a lot of them.

We have said we want you to go to the most dangerous places in the world and find bad guys and stop terrorist plots against the homeland. We told our FBI to work long hours and weekends, spending a lot of time away from their families, to make sure that no terrorist plot is successful in the United States of America.

But today, we allow more conversations between known terrorists overseas talking to known or unknown terrorists overseas to go unheard because of a quirk in the law. We have been asking day after day, week after week, month after month, please, for the safety and security of the United States of America, let's have the courage to fix this law so we can protect America.

Right now and today, there is a terrorist conversation happening overseas that we are not allowing our law enforcement, our intelligence services, to monitor. Overseas, with non-United States citizens. I was an FBI agent for about 6 years, and I understand and appreciate the probable cause standard of which we engage to American citizens, and it is right that we do that. It is right that it is difficult to get a warrant to intercept their conversations because that is who we are in America and we should cherish it for our citizens.

But to tell them that we expect them to stop terrorist attacks against America, and we allow all of these known conversations to go unlistened to at a time when we know that they are heightening up to do something is irresponsible, if not criminal.

This is important what you talk about. This is more important. We should not leave this Chamber today, tomorrow, or at the end of the week without fixing this critical national security problem to the United States of America. It is wrong. We have soldiers in harm's way. We have intelligence officials in harm's way. We have domestic law enforcement in harm's way. Let's stand with them today, defeat this rule, fix this problem, and move on to the other important issues of the day. It is that important.

And don't kid ourselves. We cannot kid ourselves, Madam Speaker. This is that serious. You know, when a very distinguished member of the Cabinet stands up and says "I have a gut feeling," that is not a gut feeling. It is based on a whole series of pieces of information that doesn't say when or where or what, but it says something is happening. There is a ramp-up. There is lots of activity; there is lots of chatter. Something is going on, and yet we stand here blinded. We can't hear. We are not allowing them to see where the trouble is next brewing. It is wrong. We need to fix it.

We should stand in unanimity today and defeat the previous question so that we can fix this problem and move on and keep America safe.

Mr. McGOVERN. Madam Speaker, I am sorry my friends on the other side of the aisle don't seem to put a high priority on agriculture and on the need to support our farmers and the need to feed hungry people in this country.

You want to talk about a national security challenge, there are 35 million Americans in this country today who are either hungry or food insecure, in large part because of the Republican agenda to erode the safety net over the last several years.

There is money in this bill for food safety and inspection, money to support the Food and Drug Administration so people don't get contaminated drugs.

No, I am not going to yield to the gentleman.

These are vital national security interests. And it is about time we get our priorities straight. We need to pass this bill, just as we needed to pass the farm bill to help fix the damage that they have done over the last several years. So enough is enough. This is an important bill. If you don't think it is an important bill, then vote down the rule. Defeat the rule so we don't debate issues like agriculture and food security and support for the hungry in this country.

I would strongly urge my colleagues to vote for this rule.

Madam Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Madam Speaker, I thank the gentleman from Massachusetts for his extraordinary leadership, along with the Chair of the subcommittee, my colleague from Connecticut, for her lead on nutrition.

We are in the process of changing priorities in this country. Today, the House will be taking up the 11th of 12 appropriation bills where we will continue the process of taking this country in a new direction.

This agricultural appropriations bill makes a solid statement of confidence in the future of rural America, and it makes a solid statement of recognition about the diversity and vitality of our rural economy.

Let me just mention a few things that highlight what this program is doing.

Number one, a strong farm economy where we have our farmers being the custodian of our landscape requires conservation; $980 million is in this bill for conservation.

Rural development is critical to our economy. Broadband, among other things, is a major investment in this bill, and we are treating the rural economy with broadband, much like we did with electricity. That has to be a full partner, not a second-class citizen when it comes to the development of the infrastructure that is essential to building our economy.

A strong rural economy is based on a well-fed country, and that means prosperous farmers. There is a record $13.9 billion for school meal programs, $39.8 billion for food stamps, and $5.6 billion for the Women, Infant and Children program.

There is also in this bill, as the gentleman from California has said, a major investment in nutritious food, vegetables and fruit. And I thank the gentleman from California for his leadership on that.

This bill and this rule is going to take America forward. A strong rural economy is essential to America.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, I am disappointed my friend from Massachusetts would not respond to my asking him to yield when he spoke just a moment ago, and I am not discounting at all how important the provisions in this agriculture bill, how important they are, notwithstanding some of the problems that I have.

But this issue that we are talking about, the Foreign Intelligence Surveillance Act, or FISA, is very important and it is timely right now. Right now.

Let me explain how this process works, because this does not slow down. And I shouldn't say it doesn't slow it down; it slows it down for one hour. Can't we take 1 hour to debate this issue?

If the previous question is defeated, and I will call for it to be defeated on the floor. If it is defeated, then the rule will be amended to take up the Foreign Intelligence Surveillance Act amendments for one hour to debate up or down.

This issue is very, very important and it is timely that it gets acted on before Congress leaves for the August district work period. So this does not slow down agriculture. It is not saying anything disparaging about agriculture.

And, frankly, Madam Speaker, I should know. I live in an agriculture-based economy. All of my neighbors are involved, in one way or the other, in agriculture. So I should know the importance of it.

But I also know the importance of taking up this issue regarding FISA and doing it right now, doing it this week, doing it today, by defeating the previous question.

Madam Speaker, I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I am proud to yield 7½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), the Chair of the subcommittee, who has done an incredible job putting this bill together, a bill which will help feed millions of people in this country and around the world.

Ms. DELAURO. Madam Speaker, I thank the gentleman for his concern and his compassion and his indefatigable work on the issue of making sure that those in our Nation who are hungry are able to get the food that they need in order to be able to sustain themselves.

I also want to say a thank-you to my colleague from California for his kind words and working with him on the farm bill.

Madam Speaker, I look forward to debating this bill and discussing our priorities. We are going to cover a lot of ground today with a wide ranging portfolio to accomplish quite a lot.

This appropriation covers many subjects. But what runs through every element of this bill is the common thread of our Nation assuming responsibility again for the things we are supposed to get right: keeping our country safe and healthy, preserving and strengthening our rural traditional communities, and thinking about problems that we have on the horizon, like energy, and not just thinking about today's problems.

I want to say thank you to Chairman OBEY for his leadership and to our ranking member, Congressman KINGSTON, a partner in this effort. I believe together we have crafted a strong and bipartisan, responsible bill.

Our top priority has always been to move with a clear purpose in a direction towards several key goals: strengthening rural America; protecting public health; improving nutrition for more Americans; transforming our energy future; supporting conservation; investing in research; and finally, enhancing oversight.

Our bill provides total discretionary resources of $18.8 billion, $1 billion or 5.7 percent above 2007 and $987.4 million or 5.5 percent above the budget request. To be sure, a full 95 percent of the increase above the budget request, or $940 million, is used to restore funding that was either eliminated or cut in the President's budget, to acknowledge and to meet our obligation to hundreds of communities and millions of Americans.

When it comes to strengthening rural America, our first goal, our efforts have been critical to try to facilitate growth and to soften the impact of population loss in rural America. This bill provides $23.1 million in grants to rural areas for critical community facilities such as health care, education, public safety, day-care facilities. It also provides increases in the community facility loan programs. It provides $10 million more than the President requested for distance learning telemedicine grants, and it includes $728.8 million to support community facilities, water and waste disposal systems, and business grants.

We also make significant investments in rural housing: $212.2 million to fund $5.1 billion in affordable loans to provide housing to low-income and moderate-income families in rural areas, providing approximately 38,000 single-family homeownership opportunities.

On our second priority, protecting public health, the subcommittee stepped up from spinach and seafood to peanut butter and pet food. This has shown that our food safety system is dangerously inadequate and that we must transform the way we meet our obligation to protect the public health. So the bill provides $1.7 billion for the Food and Drug Administration, $128.5 million over 2007, $62 million over the budget request, and the first step in a fundamental transformation in the regulation of food safety at the FDA.

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The bill directs the FDA to submit a plan to begin changing its approach to food safety when it submits the fiscal year 2009 budget, giving the committee time to review the plan before the funds to implement it become available on July 1, 2008.

We can help with additional resources, but there's also a need to have a corresponding commitment from management to perform its duties.

Funds are provided specifically to begin a critical transformation in food safety regulation, enhanced drug safety functions, review direct-to-consumer ads and review generic drugs.

Our next goal was improving nutrition, and I am proud of the progress we made on this issue. With the farm bill last week, this bill includes $39.8 billion for the Food Stamp program to meet increased participation and ensure rising food prices do not diminish families' purchasing power.

The bill also provides record funding for two fundamental food security programs which our country's most vulnerable population: the Supplemental Nutrition Program for Women, Infants and Children, the WIC program, and the Commodity Supplemental Food Program. These efforts go hand-in-hand with ongoing initiatives.

$957.7 million for nutrition programs to confront our Nation's obesity, instilling better eating habits in our children, giving them the tools and choices to avoid diabetes and other dangerous health conditions.

It includes record funding of $68.5 million for the expanded Food and Nutrition Education program; $26 million to expand the fresh fruit and vegetables and the Simplified Summer Food Program to all States; and $10 million for specialty crops, yes, for fruits and vegetables.

And when it comes to other key objectives, transforming our energy future, supporting conservation and investing in research, we step up with this bill. This legislation strengthens bioenergy and renewable energy research $1.2 billion, including loans and grants in rural areas. It restores many of the conservation programs slated for elimination in the President's request, including grazing lands, conservation initiatives, the Wildlife Habitat Program, watershed rehabilitation; and provides $979.4 million to continue assistance to landowners for conservation efforts on private land.

And yes, with regard to research, $178 million for cooperative State research education and extension service, and $108.9 million of that is for research and education. Overall, we have increased research.

Finally, the bill is dedicated to enhanced oversight. We share the concern about fraud, waste and abuse, and we have key language in here which would allow the risk management agencies to use up to $11.2 million in mandatory crop insurance funds to strengthen its ability to oversee the program by maintaining and upgrading IT systems and other methods of detecting dubious claims.

I'm proud of the bill, its priorities and the goals that we set out to accomplish. I will continue to discuss some of the obligations of this bill later today, and the Congress has chosen to highlight and return to after many long years of inaction and silence. I'll continue to discuss and recognize the values and the priorities that my colleagues and I have sought to uphold, to strengthen and to honor with this bill.

I urge my colleagues to support the rule.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 5½ minutes to the ranking member of the Ag appropriations committee, Mr. KINGSTON of Georgia.

Mr. KINGSTON. Madam Speaker, I thank the gentleman for yielding, and I thank the chairman pro tempore of the Rules Committee for an open rule on this. I think it is important, and we appreciate that.

I certainly thank the chairman of the committee, Ms. DELAURO, for her hard work on it, and I have had a lot of input on it. We've had a lot of good debate on this bill. So it is my intention to support it, but I do have some concerns about the rules which I will address later, but I wanted to go over the bill a little bit.

First of all, I wanted to get Members a little bit focused on the Ag overall picture. Number one, the whole bill is about $100 billion. We're actually debating $18 billion. There's another $79 billion in what we call around here mandatory spending, which is not mandatory, by the way. It is just that we don't want to go back to the bottom line and start all over again. That's what the farm bill's going to do or whatever, but I just wanted to point out, it's real important that the ag programs are actually about one-third of the entire bill, that there's a lot of nonagriculture, nondirect farm programs.

That's important because the rural community comes under such criticism that, well, why is the farm bill so big when less than 2 percent of our population are farmers? Well, the reason is, of course they feed 100 percent of us and we all eat their product, which is food. I wanted to point that out and then show you this mandatory versus discretionary portion of the bill.

The red portion we don't really debate; we don't control in the Appropriations Committee. That's what they do in the Ag Committee, and I don't think they did a very good job this particular year in all the parts of it because they didn't delve into some of this stuff.

The discretionary portion, again, is $18 billion. It's above last year's, and it's about a 3.6 percent increase over last year, or 5.9 percent. Because of that, it's going to be a veto target by the President. The Republican Party says the spending level is too high, and I think that we have to know that we can't pass this by a veto-proof majority, and so perhaps if we went back to the drawing board here it would be good.

The second point I want to make ties directly into this debate that's going on on the Foreign Intelligence Surveillance Act. Now, this agriculture bill, should we pass it tonight or tomorrow, will go to the Senate, and it will sit, and unlike wine, it doesn't get better over time. It just sits, and what's going to happen, more and more people will delve in and more and more special interests will, and it will pile up with the rest of the appropriation bills.

It's a little bit silly. In fact, we're maybe like the little lab rats going round and round in a circle in hopes of getting somewhere when we know doggone good and well all that's going to happen in the Senate is this thing is going to sit. And yet, because of that, because of our urgency to pass Agriculture, we're going to ignore the Foreign Intelligence Surveillance Act. And it doesn't make sense not to just stop a minute or an hour and get that done and then come back to Agriculture because it is not going to move.

There's some concerns also that I wanted to bring out when it comes to the Food and Nutrition Service. Now, my friend Mr. MCGOVERN has worked very hard on hunger, and he has a sincere passion for that, which is important. But the charge that we have underfunded hunger in the past years under Republican control is really not accurate at all.

Here is the spending chart on food and nutrition programs since 2001, and as you can see, it goes up in a linear manner, and now under the Democrat rule it goes up about the same. There's not some huge deficit in hunger. In fact, I would say to you quite clearly, we spent more time talking about obesity than we did hunger, and I'm not saying hunger's not something that we all have a lot of concern about, but let's make no mistake. The spending on nutrition and food has gone up steadily under Republican control, as it has under Democrat control.

I want to say also, I don't think increasing food stamps participation is an achievement that the U.S. Congress should be patting itself on the back. We should move to getting people independent, not more dependent on government largess. We need to work with people to get them independent. And so often our poverty brokers in this world have a perverse incentive to make sure people don't become independent, and I think we need to be mindful of that on any government program.

The Chair has pointed out what we're doing on renewable energy, and that is something that we think the Ag can and should lead on with ethanol and biodiesel and cellulosic ethanol. We've taken great strides in this bill, and I am confident that we are going to have some great progress and great bragging rights on that.

One other issue that we're going to get into later is this overgrab on the horse regulation that, if this bill passes in its current form, you will not be able to export your horse or import a horse. That's not the business of the Federal Government, at least not in a constitutional sense. I believe that a horse is private property and that you should have the right to sell your horse to folks in Canada and Mexico, if you so choose, or take it to a horse show over there. We will debate that later, and I thank the gentleman and I thank the Chair.

Mr. McGOVERN. Madam Speaker, let me just respond to the gentleman briefly by saying if the Republican Congress over the years has done such a good job in combating hunger and food insecurity in this country, why are there 35 million Americans that are categorized as hungry and food insecure?

In response to the idea that we want more Americans to be "independent," we all want that. The bottom line is that Republican policies which took away indexing of food stamps back in 1996 has made it possible for many people not to be able to transition for food stamps.

The fact of the matter is the majority of people who are on food stamps today are working families. They are trying to be independent. They're working hard, and yet because we have failed to index food stamps to keep up with the cost of living, we've all given ourselves pay raises here. So obviously we feel the cost of living does have an impact, but yet we haven't done it to the most vulnerable.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the Appropriations Committee.

Mr. TIAHRT. Madam Speaker, I thank the gentleman from Washington.

I rise in opposition to the rule and also to the underlying Ag bill for a couple of reasons. One is the current trend that we're seeing played out on the floor of the House. We saw it last week as we addressed the farm bill, and it seems like the bill that once was designed to make sure that we had a low-cost, stable food supply is moving money out of the rural areas and being hijacked into the urban areas.

And you look at the pie chart of the total funding of the Ag appropriation that was used earlier, you can see that 35 percent of this pie chart is the agricultural side of the programs and 60 percent, almost two-thirds, is the domestic food assistance. Now, nobody thinks it's bad to feed people who are having a tough time, and we must be doing a very good job of it because the number one problem for people in poverty today is obesity. Maybe we're giving them the wrong foods. We should go back to the basic foods that we present them, but this big shift in funding is accentuated in the current farm bill that was passed last week.

The farm commodity portion in the bill that we passed last week is only 14 percent of total spending, and if you look at how it's been reduced in this Ag appropriations bill, it's a continuation of movement from helping the rural areas, moving it into the urban areas. And I think that's a reflection that only 2 percent of our population are farmers in America today.

In small States like the ones that I represent, in Kansas with only 3 million people, we only have four Representatives. And when we try to fight for rural development and for rural agricultural programs, we hope that we can keep our economy strong in those rural areas. But we also want to make sure that the benefits that were designed to keep a low-cost, stable food supply don't get hijacked and sent to the urban areas. This is something that I believe has developed just over this last year.

In the past, just a short story, how we have given farmers more opportunity in the past, now that has changed in Ag policy. Opportunity is dwindling for farmers.

In 1996, we had four farmers in Kansas who raised cotton. The farm bill then, the Freedom to Farm Act, allowed farmers to expand their product lines. Now we have over 50,000 acres of cotton in Kansas. We have a dozen cotton gins. We expanded their financial base a lot by giving them more opportunity.

Under the current plan, which is exhibited here with the shifting of emphasis to the urban areas, we're taking a lot of the opportunity away from the farmers and giving them less opportunity, while more opportunity is going to the urban areas.

So I'm opposed to this bill. I'm opposed to the rule because I don't think it gives us an opportunity to turn this trend around. I don't think it gives us an opportunity to get the assistance where we need it in the rural areas so we can develop the infrastructure necessary to build a strong economy to allow the agriculture to grow for the future so we have a low-cost, stable food supply well into the future.

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Mr. McGOVERN. Madam Speaker, just in brief response to the gentleman, this is an open rule. He can amend this any way he wants to. We hear complaints from the other side that they want more openness. This is as open as you can get.

So I don't know why he would have a problem with the rule. Obviously we have different priorities in the underlying bill, but he can amend this any way he wants. That's what an open rule allows him to do.

Madam Speaker, I yield 1½ minutes to the gentlelady from Connecticut to counter some of the arguments that were just made.

Ms. DELAURO. I just want to let the gentleman from Kansas understand about feeding programs in the United States, and I will get a copy for you, send it over to you, something called the Carsey report that just came about a week, a week and a half ago, which talks about 40 percent, 40 percent of children in rural America are dependent on food stamps.

This bill has gone a great distance to address the issues of rural America, including the farm issues of trying to link what is produced on the land with those who are in need of food, trying to deal with an opportunity to create a more stable economy in rural America when the President's budget, in fact, has left rural America pretty much decimated; $940 million of this bill and this increase has been placed to restore the programs mainly in rural America that the administration had either cut back or eliminated.

Mr. HASTINGS of Washington. Madam Speaker, I yield 1 minute to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I would like to thank the gentleman from Washington, and I would like to respond to the gentlelady from Connecticut. It is true, the Carsey report is true that 40 percent of rural America does rely on food stamps. The problem is, there is a lot of poverty there because we have not done the right thing on building infrastructure in the rural areas.

It's the shift from this low-cost stable food supply we have had in the past and the help we had to build that infrastructure. The finances are now shifting to the urban areas because we have so many urban Members of Congress. The Democrat leadership has been allowing that to happen.

It's true there are $940 million put in this bill for the rural areas, but it's an $18 billion bill. It has $18 billion; $940 million of it is not a very big chunk of that.

I just think that we are seeing a bad trend here in America. The Democrat leadership is allowing this trend to continue where resources are being shifted out of the rural areas, because there are a high number of urban Members of Congress, and they are leaving farmers vulnerable who are trying to keep this low-cost stable food supply available, and trying to keep the agricultural exports growing.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself the balance of my time.

The House of Representatives is expected to adjourn later this week for the August district work period. This district work period gives Members the opportunity to leave this humid area in Washington D.C. to work in their respective districts and listen to what is on the minds of the people that we all represent. Congressional ratings are at an all-time low, and I feel that is in part due to the fact that Congress is failing to address pressing issues.

I am asking my colleagues to vote "no" on the previous question, as I mentioned earlier. Voting "no" will not delay the consideration of the Agricultural, Rural Development, Food and Drug Administration appropriations bill.

Let me qualify that. It will delay it for 1 hour. It will, however, give Members the opportunity to vote on the merits of updating current law so that our intelligence community has the tools it needs to monitor the telephone conversations of foreign terrorists physically located in foreign countries. Let me repeat that, foreign terrorists in foreign countries.

I hope that the Democrat majority will not stall any longer in allowing the House to vote on this very vital issue. Each minute we wait to act, our Intelligence Committee could be missing vital information, therefore increasing our risk of another attack on U.S. soil.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Madam Speaker, I yield back the balance of my time.

Mr. McGOVERN. Madam Speaker, let me just say I am disappointed with my colleague from Washington and others who have come to the floor to try to bring back an oldy but goody that the Republicans like to invoke, and that is the politics of fear. Maybe Karl Rove went down to the Republican National Committee and briefed them and said everything else is failing for the Republicans, they are at an all-time low in the public opinion poll, so trot out the politics of fear again and scare the American people.

Well, the fact of the matter is, as the gentleman knows, the administration, the Bush administration, and the Speaker's Office are in negotiations on trying to reach an accommodation on this FISA issue. If you don't believe me, it was in Congressional Quarterly. What Congressional Quarterly also stated was that the Republicans in the House, however, were trying to drag their feet.

If you don't want to join in the deliberation, that's your problem. We will work something out, hopefully with the administration, and bring this issue to closure.

But let me say one other thing why we need to be very, very careful on this. We need to be very, very careful about giving even more broad unchecked authority to Alberto Gonzales and his crew. Quite frankly, I wouldn't trust the Attorney General to tell me the correct time, never mind stand up and defend the civil liberties of anybody. That's why Democrats are continuing to work with the White House to get a tough, smart FISA bill to put together, and I expect that we will do that. What the gentleman and others are going to decide to do right now is plain politics.

Back to the main subject here, which is the farm bill. This is a good bill for farmers. This is a good bill for people who are vulnerable, who have been shortchanged by the administration in the Republican Congresses when it comes to food security. This is a good bill for America.

I congratulate the distinguished gentlelady from Connecticut for working together so hard to put together a bill we can be proud of. Vote "yes" on the previous question, and vote "yes" on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 581 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

Sec. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 3138) to amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative Plan.

Mr. McGOVERN. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the House of the following title.

H. Con. Res. 175. Concurrent resolution expressing the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child.

LILLY LEDBETTER FAIR PAY ACT OF 2007

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 579, proceedings will now resume on the bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed on Monday, July 30, 2007, 6 minutes remained in debate.

The gentleman from New Jersey (Mr. ANDREWS) and the gentleman from California (Mr. McKEON) each control 3 minutes.

Mr. ANDREWS. Madam Speaker, in order to speak in favor of this restoration of the law, I am pleased to acknowledge the majority leader of the House for 1 minute.

Mr. HOYER. I thank the gentleman.

Madam Speaker, when the Supreme Court wrongly decides a case, as they do from time to time, particularly when congressional intent is at issue, the United States Congress can and should act to remedy it. That is precisely what this carefully crafted measured legislation, the Ledbetter Fair Pay Act of 2007, is designed to do.

I thank the gentleman from New Jersey (Mr. ANDREWS), and I thank the ranking member as well for the work that they do on this committee.

Make no mistake. The Court's 5–4 decision on May 29 in Ledbetter v. Goodyear was wrongly decided. The merits of Lilly Ledbetter's wage discrimination claim seemed beyond doubt. A Federal jury agreed that she was discriminated against. The Equal Employment Opportunity Commission agreed with Ms. Ledbetter's claims, although the Bush administration switched its position once the case got to the Supreme Court.

Most importantly, Lilly Ledbetter was paid less than all of her male counterparts, all of her male counterparts, even those who had less seniority. This clearly was not a case where her performance was suspect. Goodyear gave her a top performance award in 1996.

The fact is, the Court majority took an extremely cramped view of the title VII of the Civil Rights Act, holding that Ms. Ledbetter and claimants like her must file their pay discrimination claims within 180 days of the original discriminatory act. In other words, even if the discriminatory acts continued, every week, every biweek, every month, that they would have to look back to the original first check.

There are at least three serious problems with the Court's flawed analysis. First, the unlawful discrimination against Ms. Ledbetter did not begin and end with Goodyear's original decision to pay her less than they paid her male counterparts.

In fact, every paycheck that Lilly Ledbetter received after Goodyear's decision to pay her less was a continuing manifestation of Goodyear's illegal discrimination. As Justice Ginsburg said in dissent, each subsequent paycheck was "infected" by the original decision to unlawfully discriminate.

Secondly, the Court dismissed the realities of the workplace far too casually. Detecting pay discrimination is not easy, and sometimes it may take years to uncover.

Now, each of us in this body knows what the other Member of the body makes, but that is not true in almost every workplace in America. Why? Because people generally do not talk openly with their coworkers about their salaries, raises and bonuses. In fact, many employers strive to keep such information confidential.

Just consider, Ms. Ledbetter apparently did not become aware that she had been discriminated against until she received an anonymous letter alerting her to the discrimination.

Third, the Court majority ignored its own holdings that Congress intended title VII, the majority ignored its own holdings that Congress intended title VII to have a broad, remedial purpose, to make persons whole for injuries suffered on accounts of unlawful employment discrimination.

Finally, let me say that those who claim that this bill somehow eliminates the statue of limitations are incorrect. Under this bill, as we thought the law was for 30 years, an employee must still file a charge within the statutory filing period after receiving a discriminatory paycheck.

This bill is fair, it is just, and it comports with the intent of this Congress in passing the Civil Rights Act.

I urge my colleagues to support this bill, to make sure that what Congress intended is, in fact, what the law remains.

Mr. ANDREWS. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I would urge our colleagues in both the Republican and Democratic Parties to vote "yes" in favor of this bill.

The opponents have raised two arguments. I believe both of them are wrong.

The first is that the bill repeals or eliminates the statute of limitations. This is not correct. What is, in fact, correct, is that once 180 days have passed from the final act of discrimination, the final tainted paycheck, then the plaintiff's claim would be barred.

The second argument that has been raised by the opponents of the bill is that there would be a flood of litigation and a flood of claims that would vex employers across the country.

This is not so. We are restoring the law as it has existed for more than three decades. During those three decades, there was no such flood or plague of litigation.

This conclusion is borne out by the Congressional Budget Office, which, in analyzing the costs of this bill, concluded that there would be no appreciable increase in the number of claims filed with the EEOC.

So, for these reasons and others, the arguments raised against the bill are invalid. Members should vote "yes" in favor of the bill.

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Mr. McKEON. Madam Speaker, I yield myself the balance of the time.

We have had a good debate last night and this morning, and the other side has tried to make this an emotional debate about discrimination, but that is not debate. We all, both Democrat and Republican, oppose discrimination.

Madam Speaker, in Congress bad process usually makes for bad product. Let there be no mistake, the process that brought H.R. 2831 to the floor today was incredibly sloppy. Likewise, the product itself could not be sloppier. The title of this bill should be, "The End of the Statute of Limitations."

This bill was hastily patched together by the Education and Labor Committee Democrats at the behest of the House majority leadership with the hope of grabbing a few headlines just a month after the Supreme Court's decision to uphold the 1964 Civil Rights Act statute of limitations.

Neither House Republicans nor many key outside stakeholders were consulted as the bill was drafted, and the bill was not considered at a single legislative hearing. Then, again, at the behest of the House Democrat leadership, the Rules Committee granted a completely closed rule, locking out nearly 400 Members from amending or even considering amendments for this legislation.

Had this bill truly been a narrow fix, as its supporters would have the American people believe, this sloppy process may not have been such a problem. However, this is a major fundamental change to civil rights law and no less than four separate statutes.

The last change to civil rights law of this magnitude, the 1991 Civil Rights Act, took 2 years of negotiation, debate, and bipartisan accord to accomplish. By comparison, this bill took just 2 months. It cheapens our legislative process and, indeed, it cheapens the work that has gone into decades of serious considerate civil rights lawmaking. The legislative product itself, as my Republican colleagues and I have discussed, is no less flawed. It guts the statute of limitations contained in current law and, in so doing, would allow an employee to bring a claim against an employer decades after the alleged initial act of discrimination occurred. And trial lawyers, you can be sure, are salivating at this prospect.

Madam Speaker, this is a bad bill that is the result of an equally bad process. The President has threatened to veto it should it arrive at his desk, and rightfully so. But we should never let it get to that point. I urge my colleagues to join me in opposing this bill.

I yield back the balance of my time.

Mr. ANDREWS. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, this is a narrow bill that supports a very broad principle. The broad principle is that discrimination has no place in the lives of Americans.

This House has people working in it whose families came here who could not speak English but now their sons and daughters write the law. This House has people in it whose ancestors were brought here as slaves but now who write the law of the land. And this House has one person in it whose grandmother could not vote but who now is the woman who is Speaker of the House of Representatives. When we eliminate discrimination, great things happen in America. When we restore discrimination, America moves backwards.

This country is bigger and stronger than the worst thoughts of any bigot. Discrimination has no place in our law, no place in our hearts, and no place because of technicalities. Vote "yes" in favor of restoring this strong tool against discrimination.

Mr. HARE. Madam Speaker, I rise in strong support of the Lilly Ledbetter Fair Pay Act and commend my Chairman, Mr. MILLER for his efforts to bring this legislation forward. The Supreme Court's decision in Ledbetter versus Goodyear was a setback for fundamental equal rights. As a Member of the Education and Labor Committee I am pleased that the House is standing up today for America's workers by essentially invalidating this misguided ruling.

Mrs. Ledbetter's pay discrimination case was dismissed—not because she was not being discriminated against—but because the Supreme Court believed she filed her claim too late.

Under this decision, employees in Ledbetter's position are forced to live with discriminatory paychecks for the rest of their careers. Moreover, the Court's decision ignores the realities of the workplace—where employees generally do not know enough about what their co-workers earn or how decisions regarding pay are' made to file a complaint precisely when discrimination first occurs.

The Lilly Ledbetter Fair Pay Act would clarify that every paycheck resulting from a discriminatory pay decision constitutes a violation of the Civil Rights Act.

When the Supreme Court sanctions discrimination through technicalities or misinterpretation, it is the job of Congress to clarify the intent of the law. We start this process today by passing the Lilly Ledbetter Fair Pay Act. I urge all my colleagues to vote for H.R. 2831.

Mr. ENGEL. Madam Speaker, I rise today in support of H.R. 2831, the Lilly Ledbetter Fair Pay Act of 2007. I regret that this legislation is even necessary in the 21st Century, but even today, we see instances of pay discrimination time and time again.

The reason we are bringing this legislation to the Floor today is because unfortunately, activist judges on the U.S. Supreme Court have changed the rules to make it much, much harder for an employee suffering pay discrimination to bring his or her case to court.

Prior to that case, an employee had 180 days from her previous paycheck to file a lawsuit for pay discrimination. However, five members of the Supreme Court, led by Justice Samuel Alito, changed those rules. Now, an employee has 180 days from the time of the decision to file a lawsuit.

However, oftentimes it is extremely difficult to know when pay discrimination is occurring.

In the Supreme Court case under which the new rules were decided, Lilly Ledbetter filed her lawsuit because she was being paid far less than the lowest paid male employee holding the same position as hers. And she only found out about this because an anonymous person slipped her a note that showed her that fact.

There was no way that Ms. Ledbetter could have known about her pay discrimination if she had not received this anonymous note. However, the five Supreme Court Justices decided that she could not sue because it had been more than 180 days since her employers had decided to pay her less than the men.

This legislation is not only beneficial to employees, it is good for employers as well. With the current strict time limits, employees have more of an incentive to file lawsuits if they suspect discrimination, simply because if they delay their suit, they will give up their right to sue. It does not make sense to encourage people to sue before they have all the facts. We should ensure that we have a statute of limitations that makes sense.

I have fought against pay discrimination since my first day in Congress. Discrimination of any kind should never be allowed, and I intend to keep fighting against it.

The Lilly Ledbetter Fair Pay Act is commonsense legislation that should be enacted into law as we work to end discrimination at all levels.

Madam Speaker, I strongly support H.R. 2831, and I would encourage all of my colleagues to do the same.

Mr. CONYERS. Madam Speaker, I rise today in support of H.R. 2831, the Lilly Ledbetter Fair Pay Act of 2007. Colleagues, I wish that I did not have to stand here today; I wish that we did not have to have this debate. However, in reversing decades of precedent and placing new limits on the ability of victims of pay discrimination to pursue their claims, the Supreme Court's May 29 decision in Ledbetter v. Goodyear makes our debate here today critically necessary to ensuring a better America for all of our citizens.

Some on the other side of the aisle have complained that this legislation will dismantle the statute of limitations established by the 1964 Civil Rights Act. They maintain that this legislation will allow an employee to sue for pay discrimination resulting from an alleged discriminatory act that might have occurred 5, 10, 20, or even 30 or more years earlier and that under H.R. 2831 a worker or retiree could seek damages against a company run by employees and executives that had nothing to do with the initial act of alleged discrimination that occurred dozens of years ago.

These arguments represent nothing more than an attempt to muddy the waters. The reality is that Lilly Ledbetter Fair Pay Act does nothing to disturb the current law's 180-day charge-filing period and employees continue to be subject to these time limits. Instead, the bill merely clarifies the conduct that triggers the running of the 180-day clock. Under the legislation, if an employee wants to challenge discriminatory pay, he or she must file within 180 days of the discriminatory conduct, such as the payment of a discriminatory wage. If the employee waits longer than 180 days after the discriminatory conduct, the 180-day clock will run out and a charge will become untimely.

The fact of the matter is that pay discriminatory is often difficult to discover and takes place over many years. Many employers have policies explicitly forbidding employees from talking to one another about their pay. Workplace norms also discourage employees from asking each other about their pay. Additionally, discriminatory pay tends to have a cumulative effect—what may seem like a minor discrepancy at first builds up over time. By the time the discrimination is noticed, it would be too late to file a charge under the Supreme Court's ruling. These facts were undoubtedly the reason why a jury of her peers originally awarded Lilly Ledbetter more than $3.5 million; finding "more likely than not" that sex discrimination during her 19-year career led to her being paid substantially less than her male counterparts.

By passing this legislation here today, Congress will be heeding Justice Ruth Bader Ginsburg's call to stand up and ensure that no American's income should be determined by race, sex, creed, color, or sexuality.

Mr. GENE GREEN of Texas. Madam Speaker, as cosponsor of this legislation, I rise in strong support and urge my colleagues to join me in supporting the Ledbetter Fair Pay Act.

This legislation corrects and clarifies a serious misinterpretation by the Supreme Court when it ruled earlier this year in the case of Ledbetter v. Goodyear.

In that 5–4 decision, the majority ruled that Lilly Ledbetter, the lone female supervisor at a tire plant in Gadsden, AL, did not file her lawsuit against Goodyear Tire and Rubber Co. in the timely manner specified by Title VII of the Civil Rights Act of 1964.

The court determined a victim of pay discrimination must file a charge within 180 days of the employer's decision to pay someone less for an unlawfully discriminatory reason, such as race, sex, religion, etc.

Prior to the Supreme Court's ruling, the widely accepted rule in employment discrimination law was that every discriminatory paycheck was a new violation that restarts the 180-day clock.

H.R. 2831 restores the law prior to the Supreme Court's Ledbetter decision, by clarifying that the clock for filing a discrimination charge starts when a discriminatory pay decision or practice is adopted, when a person becomes subject to the pay decision or practice, or when a person is affected by the pay decision or practice, including whenever she receives a discriminatory paycheck.

The Supreme Court must not be able to roll back workers' rights in one ruling. Congress must pass this legislation to ensure workers are protected and I urge my colleagues to join me in supporting H.R. 2831.

Mr. BISHOP of New York. Madam Speaker, I rise today in strong support of the Ledbetter Fair Pay Act, HR 2831. Although women have made great strides towards income equality in the workplace, a gap still exists. According to the Census Bureau, women continue to make 77 cents to every dollar that their male counterparts earn. No one knows this fact better than Lilly Ledbetter. She worked hard at a Goodyear tire plant for 19 years. Initially, Ms. Ledbetter was paid the same as her male colleagues but over time her salary did not continue to rise at the same rate as male colleagues. However, like many employees, she was unaware of the discrepancy for years. By the time she discovered it, the Supreme Court said she was too late to receive justice, a finding that overturns 30 years of established case law.

The Supreme Court held, that the plaintiff must file suit within 180 days of the initial so called discrimination. This may seem like a reasonable amount of time, but for wage discrimination cases, this is often not feasible. Many employers forbid workers from discussing their salaries and employees are often not even aware that they have been discriminated against until after they leave their job. This finding stands in stark contrast with 30 years of case law, which has found that the 180 day "clock" starts anew with each discriminatory paycheck. This bill codifies by starting the clock for filing a discrimination charge starts when a discriminatory pay decision or practice is adopted, when a person becomes subject to the pay decision or practice, or when employees affected by the pay decision or practice, including whenever receive a discriminatory paycheck.

During her testimony in June at an Education and Labor Committee hearing, Lilly Ledbetter said:

> What happened to me is not only an insult to my dignity, but it had real consequences for my ability to care for my family. Every paycheck I received, I got less than what I was entitled to under the law.

Sadly, Ms. Ledbetter's case is not unique, in fact from 2001–2006, some 40,000 wage discrimination cases were filed from workers, much like Lilly Ledbetter. This bill will finally give workers the "what they are entitled to under the law".

I thank Chairman MILLER and my colleagues for bringing this legislation to the floor so quickly.

Mr. LEWIS of Georgia. Madam Speaker, I rise in strong support of H.R. 2831, the Lilly Ledbetter Fair Pay Act of 2007.

The recent Supreme Court ruling in the Ledbetter v. Goodyear Tire case turns the clock back on decades of progress. As a result of this ruling it is now even more difficult for employees to exercise their rights for equal pay and equal treatment as determined under the law.

This decision was based on a questionable technicality, not on the fact that Ms. Ledbetter was paid 20 percent less than even the least qualified of her male counterparts. Ms. Ledbetter did nothing wrong throughout the process. She toiled for 19 years and deserved equal pay and treatment by her employers.

For centuries, women, minorities, and many others have fought for equal rights and consideration under the law. Congress is being forced to invoke its constitutional powers to restore balance and justice for the sake of equality. Today we send a strong message that discrimination and injustice on the basis of gender is intolerable.

Simply said Madam Speaker, H.R. 2831 is not about turning back the clock on civil rights law; this legislation protects these hard-fought and hard-earned guarantees. According to the U.S. Census Bureau, women who work full time, earn, on average, only 77 cents for every dollar men earn. The figures are even worse for women of color. Clearly, discrimination is not a relic of the past.

I know that many, many Members of Congress recognize the importance of this legislation. I ask all of my colleagues to vote yes. I hope that the President will stand for equality and justice by signing this important bill.

Mr. KENNEDY. Madam Speaker, I rise today in support of H.R. 2831, the Lilly Ledbetter Fair Pay Act. I want to thank the Chairman and Ranking Member for bringing this important bill to the House floor.

H.R. 2831 is designed to be an important but narrow reversal of the Ledbetter decision, without upsetting any other current law. As many of us here today know, earlier this year, the Supreme Court decision Ledbetter versus Goodyear made it much harder for workers to pursue pay discrimination claims based on the fact that plaintiffs would need to file their charge of pay discrimination within 180 days of the employer's decision to pay them less.

What was particularly disturbing about this decision was the fact that it stripped Title VII of the Civil Rights Act of its longstanding position that every paycheck resulting from an earlier discriminatory pay decision is considered a violation of the Civil Rights Act. The importance of this consideration of each and every paycheck is vital to the CRA.

Furthermore, the Supreme Court decision was untenable. Employees often do not know what their co-workers earn, or how and when pay decisions are made. These dynamics in the workplace make it nearly impossible to file a complaint precisely when discrimination first occurs. Many times they find this out far after the fact, and thus need a filing deadline that takes this time delay into account.

The bill before us today maintains the law's current statute of limitations and limits on back pay recovery. It states that an employee must still file a charge within the statutory filing period after receiving a discriminatory paycheck but would provide a realistic timeline consistent with the Civil Rights Act.

Again, I thank the Chairman for bringing up this bill that calls attention to the fact that we need to make our pay discrimination laws work in a much more realistic and fair way for all parties involved.

Mrs. BOYDA of Kansas. Madam Speaker, on May 29th, 2007, the Supreme Court ruled on Ledbetter vs. Goodyear. Lilly Ledbetter was a 19-year employee of the Goodyear Tire Plant in Gadsden, AL. After discovering a substantive wage gap between herself and her seemingly equal, male co-workers, Ledbetter filed suit claiming gender wage discrimination. While Ledbetter won the case in a Federal court, Goodyear appealed and the case made it to the Supreme Court. In a thin margin, 5–4, the Supreme Court decided that Ledbetter had missed her legal window. Under Title VII of the Civil Rights Act of 1964, employees have 180 days after an alleged act of discrimination takes place to file a complaint. While this 180-day deadline has commonly been interpreted to start over with each additional paycheck, the Supreme Court limited this right and claimed that only the first paycheck counts as the act of discrimination.

Justice Ruth Bader Ginsburg was one of the four Supreme Court justices who disagreed with the ruling, and she called upon Congress to act. H.R. 2831, the Lilly Ledbetter Fair Pay Act is Congress's response. This bill will reverse this Supreme Court decision by making the original Congressional intent clear—renewing the 180-day deadline every time a worker receives a discriminatory paycheck. This strengthens measures to ensure paycheck fairness and to address unfair wage gaps through legal measures, as well as strengthens the rights of employees.

This ruling is in blatant disregard of how the average employment environment functions. It means that unless employees discover a potentially discriminatory action within the first 180 days of their first paycheck, or last pay change, they have no legal ground to challenge it. This ruling was made with the assumption that new employees enter their workplace with a clear knowledge of what their coworkers earn and that more established employees already know the wages of their coworkers. This is not the case. Many employees do not feel comfortable talking about their wages in the workplace, or disputing their wages too soon after beginning a new job. Moreover, many workplaces discourage their employees from discussing their wages at all. Yet, if employees do discover that they have been discriminated against, and it's past the 180-day deadline, employers have legal immunity.

While I respect the Supreme Court, I believe that Justice Ginsburg was correct when she stated that the Court's decision ignored real-world employment practices. This is not a gender issue; all employees should have an equal chance of getting a just wage.

I believe that Congress must find a way to fix the problem that the Ledbetter decision poses for employees who have experienced discrimination. However, I do not believe that this bill was the best way to accomplish that. By not establishing any deadlines after the initial hire date, Congress has now gone too far; similar to the Supreme Court decision, they have ignored the realities of the average employment environment. I agree that employees need more time than 180 days, but I also believe that employers need to be afforded some timeline as well. I hope to work with both women's organizations and businesses to find an equal balance—we owe both sides that degree of security about what our anti-discrimination laws mean.

Mr. TIAHRT. Madam Speaker, I rise today in opposition to H.R. 2831, the Lilly Ledbetter Fair Pay Act. Although I join with all my colleagues in steadfast opposition to pay discrimination, this ill-advised, over-reaching, and disingenuous overhaul of civil rights law is the wrong approach.

Pay discrimination is not a partisan issue. Pay discrimination strikes at the heart of the American Dream. For more than 40 years, Title VII of the 1964 Civil Rights Act has made it illegal for employers to determine an employee's pay-scale based on his or her gender. I whole-heartedly agree and support this law. Every American should be able to work hard, play by the rules, and make a living for his or her family. We do not stand for gender discrimination in the workplace.

This legislation is bad politics rather than good policy. H.R. 2831 was supposedly written to remedy a sad situation for one person—Lilly Ledbetter. She was apparently paid significantly less than her counterparts at Goodyear Tire Company during her tenure there. Decades later Ms. Ledbetter filed a claim of discrimination. Taking her claim through the courts, the U.S. Supreme Court ruled on May 29, 2007, that the statute of limitations had unfortunately run out.

Despite saying that H.R. 2831 simply restores prior law, by overturning a Supreme Court ruling against Ms. Ledbetter, in reality, Democrats will gut a decades-old statute of limitations that prevents the filing of "stale" claims and protects against abuse of the legal system.

Current law rightly provides a statute of limitations to file a discrimination claim, up to 300 days after the alleged workplace discrimination occurred. However, under this bill, employees or retirees could sue for pay discrimination years, even decades, after the alleged discrimination.

How can a company defend itself when the accused offenders left the company decades before? The answer is—they can't. And that is exactly the answer desired by the trial lawyers who support this legislation. This legislation will not end pay discrimination, but it will certainly encourage frivolous claims and lawsuits. It is inevitable that under this legislation employees will sue companies for reasons that have little if anything to do with the accused discrimination.

Not only is H.R. 2831 the wrong approach to deal with this serious issue, but this legislation also has the threat of a Presidential veto. A Presidential veto means there is no chance action will be taken on this important issue. If Democrats were serious about dealing with this issue, they would work with the President and Republicans to draft serious legislation rather than move forward with this political stunt.

Madam Speaker, the issue of pay discrimination is too important to consider this poorly crafted, politically motivated piece of legislation. However, as much as we sympathize with Ms. Ledbetter, H.R. 2831 is bad legislation for our Nation. Let us join together, work in a bipartisan manner, and craft legislation that addresses pay discrimination while not destroying decades-worth of solid employment discrimination law. Until then, I ask my colleagues to join with me in opposing this legislation.

Mr. AL GREEN of Texas. Madam Speaker, I rise in strong support of H.R. 2831, the Lilly Ledbetter Fair Pay Act of 2007, which will correct a gross injustice done in the recent Supreme Court decision in the case Ledbetter v. Goodyear.

The Supreme Court's May 29, 2007, ruling in Ledbetter reversed decades of precedent that helped victims of pay discrimination to pursue claims against their employers. Under Title VII of the Civil Rights Act of 1964, employees illegally discriminated against in pay can file claims to recoup that pay within 180 days of being wrongfully denied pay. Unfortunately, the Ledbetter decision concluded that victims need to file claims within 180 days of a discriminatory decision being made, rather than within 180 days of receiving a discriminatory paycheck, as previous jurisprudence had mandated.

It is wholly unreasonable to require individuals who are discriminated against to file suit within 180 days of the illegal action. Workplace norms mean that co-workers rarely ask each other about their pay. Moreover, one relatively small discriminatory decision can compound over time, meaning that decisions that are not immediately obvious can nevertheless have profound impacts over the course of an employee's career.

Congress recognized 43 years ago with the passage of the Civil Rights Act of 1964 that it is wrong to treat people differently on the basis of their gender, religion or the color of their skin. The decision in Ledbetter v. Goodyear effectively eliminates the primary remedy for thousands of Americans who face illegal and immoral discrimination.

The Lilly Ledbetter Fair Pay Act provides a straightforward and efficient solution for the mistaken decision in Ledbetter. This bill simply clarifies that each discriminatory paycheck qualifies as a new violation that gives employees 180 days to file claims to recover pay. This policy has been the law of the land for the last 43 years, has worked well and should be reinstated.

For over four decades, the United States Federal Government has made it clear that discrimination on the basis of one's race, gender, or religion will not be tolerated. It is our responsibility to do everything in our power to ensure that all employees are treated fairly and respectfully, and this bill is an important step forward in that direction. I am proud to be a co-sponsor of this legislation and I commend my colleague and friend, Mr. GEORGE MILLER of California, for introducing the bill.

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in strong support of the Lilly Ledbetter Fair Pay Act to restore important protections for victims of pay discrimination.

On May 29, 2007, in a 5-4 ruling the Supreme Court issued a decision in the case of Ledbetter v. Goodyear making it much more difficult for workers discriminated against on the basis of sex, race, color, religion, national origin, or age to sue their employers because of disparate pay.

In this decision, the Court ruled that Lilly Ledbetter, a former supervisor at a tire plant in Alabama, was not eligible to receive back pay for pay discrimination because she had not filed her claim within 180 days after the first "unlawful employment practice occurred."

However, as Justice Ruth Bader Ginsburg highlighted in her dissent, pay discrimination occurs over time in small increments and is frequently not discovered for many years. It is more than disappointing that this decision increases the barriers to fair compensation for victims of pay discrimination.

The Lilly Ledbetter Fair Pay Act, of which I am a cosponsor, will allow pay discrimination claims to be filed within 180 days of the issuance of any discriminatory paycheck, not necessarily the first paycheck as the Supreme Court ruled. This legislation restores the previously established interpretation of Title VII of the Civil Rights Act.

H.R. 2831 makes it clear to employers and employees alike that pay discrimination is unacceptable. It is unacceptable from the moment the first discriminatory paycheck is issued until the day that worker receives the compensation s/he earned.

Madam Speaker, pay discrimination is unjust and it is illegal. I urge my colleagues to join me in supporting fairness for working families and voting for H.R. 2831.

Mr. ANDREWS. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 579, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ANDREWS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

APPOINTMENT OF CONFEREES ON H.R. 2272, 21ST CENTURY COMPETITIVENESS ACT OF 2007

Mr. WU. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2272) to invest in innovation through research and development, and to improve the competitiveness of the United States, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. HALL OF TEXAS

Mr. HALL of Texas. Madam Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Hall of Texas moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 2272, be instructed to:

(A) insist on the lower overall authorization level as set forth by the House in H.R. 2272; and

(B) insist on the language of subsection (a) of Section 203 of the House bill, relating to prioritization of early career grants to science and engineering researchers for the expansion of domestic energy production and use through coal-to-liquids technology and advanced nuclear reprocessing.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Texas (Mr. HALL) and the gentleman from Oregon (Mr. WU) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise today to offer a straightforward motion to instruct conferees on H.R. 2272, a bill to invest in innovation through research and development, and to improve the competitiveness of the United States.

This motion to instruct the conferees simply insists that the House conferees support the House position. It does this in two important ways that I believe will make the conference report better and Members on both sides of the aisle proud to support it.

First, the motion to instruct encourages the conferees to insist on the overall House authorization level, which is considerably lower than the Senate authorization level. In fact, estimates put the bill as passed by the Senate at approximately $40 billion higher than the total House authorization level.

Second, this motion to instruct insists that House conferees support the previously adopted House position with regard to giving priority to grants to expand domestic energy production through the use of coal-to-liquids. That type technology and advanced nuclear reprocessing should be used.

I believe this is an important section of the bill that will help to ensure that we are preparing our scientists and our engineers for the future of energy security.

Many Members of the House, both Republicans and Democrats, voted in favor of the authorization level and voted in favor of this program, including my good friend, the chairman of the Science and Technology Committee. I am encouraging Members to stand up for the House position on these two issues.

Before I explain the importance of the provision regarding grants to expand energy production, let me take a moment to compare the authorization level in the House bill with the authorization level in the Senate bill.

As the ranking member of the Committee on Science and Technology, I strongly support an increase in funding for the agencies that perform scientific research in this country. Without these agencies, we would fall far behind the rest of the world in innovation.

Some of the greatest inventions of our time have come from the brilliant scientists of our country. To remain competitive as a Nation, we must encourage new ideas and educate new young minds, but we must also be mindful to exercise fiscal responsibility. The young minds we are educating should not be taught irresponsible spending habits. We have to lead by example.

The House bill contains substantial increases for the sciences very close to the President's request, and moves us closer to the goal the President has set out in the State of the Union Message calling for a doubling of the spending on the sciences.

The Senate bill includes a vast increase in spending that is approximately $8 billion above the budget request by the administration for this year alone. I encourage my colleagues to work with me to increase spending on science in a responsible fashion.

As we move to conference on the competitiveness bill, I also want to encourage my colleagues to support the provision in the House bill urging researchers to invest time and to invest money into advancing coal-to-liquids technology and nuclear reprocessing.

There are, as my colleagues stated previously on the floor of this Chamber, several pieces to the energy puzzle. One very important piece continues to be the efficient and affordable research and development of this Nation's domestic energy resources. Twenty-seven percent of the world's recoverable coal reserves are in the United States and spread throughout our country, which would minimize supply disruptions in the event of a natural disaster or in the event of a terrorist attack.

We are currently importing around 60 percent of our oil supply, and that number is projected to grow unless we do something about it. As the Saudi Arabia of coal, if our Nation can economically produce liquid transportation fuel from coal, we can reduce our dependence on foreign sources of oil and increase the security of this country.

We also need to better manage our nuclear energy resources. In the pursuit of expanding our nuclear fleet, we should encourage scientists and engineers early in their careers to focus on the development of abandoned nuclear reprocessing technologies. We need to invigorate our aging nuclear sector so this energy source continues to serve as a clean, affordable, domestic energy resource for our consumers.

The House may soon be taking up an energy package. To my knowledge, this energy package contains no language on coal-to-liquids and very little on nuclear energy. Given the fact that our Nation's continued growth and prosperity depend on affordable and reliable energy resources, I am disappointed that we are not promoting all options for Americans. This opportunity may be one of the few Members get to support our Nation's coal and our Nation's nuclear interests. We should take every opportunity to address citizens' concerns with rising energy prices. And that is why I encourage my colleagues to vote in favor of this provision on this date.

Madam Speaker, I reserve the balance of my time.

Mr. WU. May I inquire of the gentleman from Texas if he has any further speakers?

If the gentleman from Texas does not have any further speakers, I believe that I have the right to close.

The SPEAKER pro tempore. The gentleman from Texas has the right to close.

Mr. HALL of Texas. I just continue to reserve the balance of my time. I do want the right to close, and I have a speaker that is approaching at this time.

□ 1330

Mr. WU. Madam Speaker, at this point, we have no further speakers, and I would yield the floor to the gentleman from Texas.

Mr. HALL of Texas. Madam Speaker, you have indulged me as long as I can ask you to, and so has this gentleman from way out in deep west Texas. I'm honored to be here with him, so I will go ahead and close.

As I wrap up here, I want to encourage the House Members to support the authorization level as it remains. It is as appropriate now as it was when the bill was passed overwhelmingly in the House.

And I also want to reiterate my frustration of America's continued dependence on foreign sources of energy and encourage my colleagues to explore domestic sources of energy.

For some reason, there's a war against energy from fossil fuels going right on down at this very time, this very day, and I'm not sure why. Anyone with just a little common sense is able to understand that in order to be less dependent on foreign sources of oil and to increase our national security, we need everything we can develop. We need conventional, renewable and alternative sources of energy. Our country at this time will not be able to continue to thrive and lead the world on renewable energy alone, so to punish the oil and gas industry and to not encourage alternative uses of coal and continued use of nuclear power is to ensure the United States will lose its place as a world leader.

Make no mistake, I support the continued development and increased use of renewable energy, but not at the expense of fossil fuels and clean nuclear energy.

Madam Speaker, the House is already on record supporting this language and this authorization level just 3 months ago. I can't think of a reason why it wouldn't be supported again today.

I urge my colleagues to vote to keep this House-passed language in the bill that will result from the conference committee. And, Madam Speaker, thank you for your indulgence.

I yield back the balance of my time.

Mr. WU. Madam Speaker, I rise to make a brief closing statement.

Madam Speaker, the issues raised by the gentleman from Texas have been solved to the satisfaction of a majority of the members of the committee.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. HALL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HALL of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

EIGHTMILE WILD AND SCENIC RIVER ACT

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 580, proceedings will now resume on the bill (H.R. 986) to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed on Monday, July 30, 2007, 4 minutes remained in debate.

The gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each control 2 minutes.

Mr. GRIJALVA. Madam Speaker, I will reserve the balance of my time for closing.

Mr. BISHOP of Utah. Madam Speaker, the issue at hand today is not the 23 miles of wild and scenic river in what is called the Eightmile River. It is on the use of condemnation power to create it. It is sad in this situation that staff did not decide to work in a bipartisan way to try and come up with language accommodating everybody, instead, rejected in both the Rules and Resource Committees on straight party-line votes, simple and direct language that the Republicans submitted. We asked that it simply read that no Federal funds be used to condemn land to carry out the purpose of that act. Every Democrat, from the sponsor to the committee, said that was indeed their goal.

That is simple language in section B. It is short; it's direct; it's understandable to any citizen, any attorney, any judge. That's what we need.

Instead, the Democrats gave us a convoluted bit of double talk about zoning ordinances by some date in 2005, later on perhaps, willing sellers, all in the wrong section of the code, section C.

It is nice, but it is a loophole. Simply because if you read, not the bill, but the act, read the entire act, you'll find that all of the language that is presented in this section, in this bill comes after this sentence in the law which says, nothing contained in this section, that covers what we're talking about and what they're talking about, nothing contained in this section shall preclude the use of condemnation. This supersedes everything in their bill. All the gobbledygook they want to do, it supersedes it.

This is the language to which we object, and the Democrat bill does nothing to mitigate this power of condemnation.

I don't care if we're talking about an Eightmile River in Connecticut for Mr. COURTNEY or 8 miles of road in Detroit for Eminem. This is still the issue that is at hand. In the district where the State and local governments tried to take the home away from Suzette Kelo, we don't want it to be replicated again. This language has to be changed.

So all of us need to lose yourself in this language. Read it, for indeed our citizens will. The voters will. It is clear. This is what we need changed.

Mr. GRIJALVA. Madam Speaker, the language in this bill is no different from other wild and scenic river bills that have passed both Democratic and Republican Congresses, including under the former committee chairman, the famed property rights defender, Richard Pombo.

To hear opponents tell it, this bill is a threat to private property with the Federal Government waiting in the wings to condemn land. In reality, nothing of the sort would happen, and that's because opponents of the bill have persistently refused to acknowledge the clear language of the legislation.

First of all, the bill prohibits condemnation under the authority of the Wild and Scenic Rivers Act. Then the very next sentence states: "The authority of the Secretary to acquire lands for the purpose of this Act should be limited to the acquisition by donation or acquisition with the consent of the owner."

Therefore, I believe, Madam Speaker, this is an absolute, unambiguous blanket denial of condemnation authorities. We say it twice in the legislation. We don't need to say it three times.

My colleague, JOE COURTNEY, has done an outstanding job with this measure, which is supported by the entire Connecticut delegation, the Republican Governor of Connecticut, the State legislature and all of the affected local governments, and the Bush administration.

Madam Speaker, I urge my colleagues to vote "yes" on this bipartisan measure.

I yield back the balance of our time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 580, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. PEARCE

Mr. PEARCE. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PEARCE. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Pearce moves to recommit the bill H.R. 986 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following:

(j) CLARIFICATION.—No Federal funds may be used to condemn land to carry out the purposes of this Act or the amendment made by subsection (b).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico is recognized for 5 minutes in support of his motion.

Mr. PEARCE. Madam Speaker, I thank the gentleman from Utah for his hard work on this issue. I thank the chairman of the subcommittee. We're good friends. And all three of us come from the West, where we are very familiar with public ownership of land.

One of the things that really concerns us most about the threat of condemnation and about the way that home owners, private property owners would be affected is shown in this chart that I have here. The management plan would put a cap on impervious services, and those services could not be paved. If the road to your house washes out, then you simply can't do it.

Now, there are all sorts of takings that the Federal Government can do, and this is one, where they simply won't allow you to fix your property up or fix the roads leading to your property.

□ 1345

So you would lose value because you could not own a house and sell a house that has a road leading to it that has washed out. You cannot add a room to your home; so feasibly we could say that we are limiting procreation. If you have another kid, you can't build a room in the back to accommodate them. You can't go build on your property if you have not already built there. You can't go in and build. The private land is impacted seriously.

But beyond that is there a real concern? Do we have a concern for the public taking of private lands and making it theirs? Are there examples in our history as a Nation where we maybe have extended the power of a Federal Government, a central government that is too strong, a central government that begins to overburden and outweigh and out muscle the citizens? If so, then it is imperative that we give voice to those citizens who have no other voice, who have been left out completely, who are going to be marginalized by these management plans.

I think that we do have a Federal Government that will extend too far, and I think that we have a concern here. Now, it is unfortunate that we have come to this point because the underlying bill, the one that says we would like to preserve a wild and scenic river, is one that there is almost no discussion about. The entire discussion is about private property rights, that constitutional right that gives us each our place to retreat to in the evening without the government's coming in and taking either part of its value or simply confiscating the whole thing.

Now, confiscation is a language that seems abrupt, that seems too harsh, that we really do not face that sort of circumstance today in this country. I would tell you that, as chairman of the National Parks Subcommittee last year, we heard testimony from the Franciscan Friars of Atonement in New York. That group had fought the National Park Service for decades, saying don't take our land. But through eminent domain, the Federal Park Service had continued to put pressure. Again, it was the threat of what they could do that was used as the hammer.

So we find ourselves now with this bill, which the ranking member adequately points out that there is an underlying bill that contains language that nothing contained in this section shall preclude the use of condemnation. It is a process that has been used frequently.

I was recently in Shenandoah National Park, and you would think that Shenandoah is just a great location, and it is. But the underlying story is one that is told right now in the Visitors Center in Shenandoah, and it is about the confiscation, about moving, it seems to me, about 4,000 families out of their homes so that that could be a big park area. We did not want those inconvenient people living there; so we simply moved them out for their own good. We moved them to much better places regardless if they wanted to move or not.

In my own State of New Mexico, the White Sands Missile Range exists there. It is 100 miles north and south and it is 40 miles east and west, 100 miles by 40 miles, and almost all of that land was taken by condemnation.

Condemnation occurs when a too strong central Federal Government just wants to go ahead and move. Forget those pesky citizens.

The Supreme Court recently in the Kelo decision said that governments can, in fact, take private property and redistribute it to another private firm. That is what is at stake both left and right. Both agreed in this circumstance. Liberal and conservative, Democrats and Republicans, said the Kelo decision was one of the most atrocious in taking private property rights away from people.

Madam Speaker, I would simply point out that private property rights are the foundation of our rights. I would urge all Members to vote for the motion to recommit.

Mr. GRIJALVA. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Madam Speaker, I would like to yield to the sponsor of the legislation, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Madam Speaker, I have got a feeling that people in this Chamber have heard more about the Eightmile River in Connecticut than they probably ever wanted to. But I want to thank Chairman GRIJALVA and Chairman RAHALL, intelligent, thoughtful people who understand the 10 years of hard work that has taken place in the communities of Salem, Lyme and East Haddam, Connecticut, to get to this day is worth proceeding and moving forward.

There are 168 rivers in this country that have been designated as Wild and Scenic, and the Federal Government has not swept in and seized property as part of this program. This is a program which is aimed at preserving water quality and species, and it is very clear in the act that the government will waive any powers of condemnation if they are satisfied that there are zoning and wetland regulations in place which will accomplish those goals. And that is exactly the situation here.

These three towns have wetland regulations which have been on the books before the application for Wild and Scenic status ever took place which the Parks Department checked off on its box as adequate to achieve the goals of this program, and thus the statute specifically states that the condemnation powers shall not apply to this property.

When this issue came up 3 weeks ago, newspapers back home looked at it and just said the claims of the other side are just not true. And that is why the Republican Governor of the State of Connecticut, Jodi Rell; the Republican First Selectman of the Town of Lyme; the Republican First Selectman of the Town of Salem; and the Democratic First Selectman, who's a pretty good guy too, have all come out in support of this legislation because it has been a grassroots community effort, bipartisan, property owners and public officials, to make the Eightmile River part of the family of rivers in this country which have been identified as worth preserving for our children and our grandchildren.

The bill that was drafted by nonpartisan staff follows the basic legislative format that this Congress has followed in the past for Wild and Scenic status. In fact, the prior Congress which was controlled by the Republicans, the 109th Congress, proceeded on a river designation in the State of New Jersey without any of the language which is included in the motion to recommit. If it was such a big deal, why didn't the other side, when they were in control, actually adopt that language?

I think, frankly, folks, we are talking about politics here and not policy. And again I want to thank Mr. GRIJALVA for his strong support.

Mr. GRIJALVA. Madam Speaker, reclaiming my time, as I hear the colleagues on the other side raising the specter of massive condemnation on the part of the Federal Government, I believe that it is more of a scare tactic to divert attention, I think, about what is good in this bill because there are really no substantive grounds in which to oppose it.

Twice in the legislation it is reaffirmed that condemnation is not part of the process, that there must be willing consent on the part of property owners. There is no real problem in that. The Bush administration understands it, the Republican Governor of Connecticut understands this, the affected local communities understand this.

In my opinion, I think the motivation for opposition has to do with the audacity of the gentleman from Connecticut to run for office, replace an incumbent and his predecessor, and then the audacity of the voters of that district to go ahead and elect the gentleman, the sponsor of this legislation.

It is a consensus bill. It has good support. Rather than dealing with the messenger, as we are doing today in a political basis, let's deal with the content, the substance, and the support of this legislation. And I would urge rejection of the motion to recommit.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BISHOP of Utah. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 986, if ordered; passage of H.R. 2831; ordering the previous question on House Resolution 581; adoption of House Resolution 581, if ordered; the motion to instruct on H.R. 2272; and motions to suspend the rules with respect to H.R. 176, H.R. 957, and H.R. 2722.

The vote was taken by electronic device, and there were—yeas 200, nays 225, not voting 7, as follows:

[Roll No. 766]

YEAS—200

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—225

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa

Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—7

Clarke
Cole (OK)
Davis, Jo Ann
Gilchrest
Johnson, Sam
LaHood
Tancredo.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1425

Mrs. MALONEY of New York, Ms. McCOLLUM of Minnesota, Ms. ESHOO, Ms. WOOLSEY, Mrs. NAPOLITANO, Ms. SOLIS and Ms. LINDA T. SÁNCHEZ of California and Messrs. KAGEN, PRICE of North Carolina, TIERNEY, UDALL of Colorado, DELAHUNT, RUSH, GORDON, and RANGEL changed their vote from "yea" to "nay."

Ms. GILLIBRAND and Messrs. HAYES, DOOLITTLE, SOUDER, BOREN, INGLIS of South Carolina and WALBERG changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. COLE of Oklahoma. Madam Speaker, I was unavoidably detained for rollcall No. 766, on the motion to recommit H.R. 986, Eightmile Wild and Scenic River Act, with instructions. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair advises Members that the Chair will endeavor to closely adhere to the announced time for votes. Members' cooperation during this very busy week will be much appreciated.

The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BISHOP of Utah. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 253, nays 172, not voting 7, as follows:

[Roll No. 767]

YEAS—253

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—172

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—7

Clarke
Davis, Jo Ann
Gilchrist
Johnson, Sam
LaHood
Sullivan
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1433

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LILLY LEDBETTER FAIR PAY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on passage of H.R. 2831, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 199, not voting 9, as follows:

[Roll No. 768]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—9

Blackburn
Clarke
Davis, Jo Ann
Gilchrest
Inslee
Johnson, Sam
LaHood
Mica
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1440

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3161, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 581, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 197, not voting 7, as follows:

[Roll No. 769]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott

McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Clarke
Davis, Jo Ann
Gilchrest
Johnson, Sam
LaHood
Sullivan
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1447

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair advises Members that, pursuant to clause 8 of rule XX, the pending series of questions also will include the proceedings de novo on agreeing to the Speaker's approval of the Journal, on which the minimum time for electronic voting will be 5 minutes.

APPOINTMENT OF CONFEREES ON H.R. 2272, 21ST CENTURY COMPETITIVENESS ACT OF 2007

MOTION TO INSTRUCT OFFERED BY MR. HALL OF TEXAS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2272 offered by the gentleman from Texas (Mr. HALL) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 258, nays 167, not voting 7, as follows:

[Roll No. 770]

YEAS—258

Abercrombie
Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carney
Carson
Carter
Castle
Chabot
Chandler
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hare
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jackson-Lee (TX)
Johnson (IL)
Jones (NC)
Jordan
Kanjorski
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Ortiz
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Schmidt
Sensenbrenner
Serrano
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Sutton
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Watt
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Yarmuth
Young (AK)
Young (FL)

NAYS—167

Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Castor
Clay
Cohen
Conyers
Cooper
Courtney
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel

Jackson (IL)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (WI)
Moran (VA)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Obey
Olver
Pallone
Perlmutter
Price (NC)
Rangel
Reichert
Renzi
Reyes
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Clarke
Davis, Jo Ann
Gilchrest
Johnson, Sam
LaHood
Smith (NJ)
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1454

Mr. SPRATT changed his vote from "yea" to "nay."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SHIRLEY A. CHISHOLM UNITED STATES-CARIBBEAN EDUCATIONAL EXCHANGE ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 176, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the bill, H.R. 176, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 55, not voting 6, as follows:

[Roll No. 771]

YEAS—371

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gillmor
Gohmert
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—55

Akin
Barrett (SC)
Bilbray
Blackburn
Boehner
Broun (GA)
Burgess
Campbell (CA)
Cantor
Carter
Chabot
Coble
Conaway
Culberson
Davis, David
Deal (GA)
Doolittle
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Goodlatte
Hastert
Hensarling
Hoekstra
Issa
Jones (NC)
Jordan
Kingston
Kline (MN)
Lamborn
Manzullo
McHenry
McKeon
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Paul
Pence
Poe
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Walberg
Wamp
Weldon (FL)
Westmoreland

NOT VOTING—6

Clarke
Davis, Jo Ann
Gilchrest
Johnson, Sam
LaHood
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes remaining in this vote.

☐ 1501

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize the establishment of educational exchange and development programs for member countries of the Caribbean Community (CARICOM).".

A motion to reconsider was laid on the table.

IRAN SANCTIONS ACT OF 1996 AMENDMENTS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 957, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the bill, H.R. 957, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 11, not voting 6, as follows:

[Roll No. 772]

YEAS—415

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—11

Abercrombie
Bartlett (MD)
Blumenauer
Ellison
Flake
Hinchey
Jones (NC)
Kucinich
McDermott
Paul
Stark

NOT VOTING—6

Clarke
Davis, Jo Ann
Gilchrest
Johnson, Sam
LaHood
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1508

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INTEGRATED DEEPWATER PROGRAM REFORM ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2722, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 2722, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 6, as follows:

[Roll No. 773]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant

Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—6

Clarke
Davis, Jo Ann
Feeney
Johnson, Sam
LaHood
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1514

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 214, nays 210, not voting 8, as follows:

[Roll No. 774]

YEAS—214

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Pitts
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Sutton
Tauscher
Taylor
Thompson (MS)
Thornberry
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—210

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carney
Carter
Chabot
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jones (NC)
Jordan
Kagen
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Stupak
Sullivan
Tanner
Terry
Thompson (CA)
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Clarke
Costa
Davis, Jo Ann
Feeney
Johnson, Sam
LaHood
Pomeroy
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes remaining in this vote.

□ 1522

Mr. DOOLITTLE changed his vote from "yea" to "nay."

Mr. HOLT changed his vote from "nay" to "yea."

Mr. GOHMERT changed his vote from "present" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WEINER. On rollcall 765, H.R. 2347, the Iran Sanctions Enabling Act, during the period of consideration of that bill Congressman WEXLER and I were away from the floor, organizing efforts to stop the wrong-headed arms sale to Saudi Arabia.

Had I been present, I would have voted in favor, and believe we need to keep on sanctioning Iran.

I yield to the gentleman from Florida.

Mr. WEXLER. Madam Speaker, I, too, would like to be recognized as just expressing my support for H.R. 2347.

APPOINTMENT OF CONFEREES ON H.R. 2272, 21ST CENTURY COMPETITIVENESS ACT OF 2007

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Science and Technology, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. Gordon, Lipinski, Baird, Wu, Lampson, Udall of Colorado, Ms. Giffords, Messrs. McNerney, Hall of Texas, Sensenbrenner, Ehlers, Mrs. Biggert, Messrs. Feeney, and Gingrey.

From the Committee on Education and Labor, for consideration of Division C of the Senate amendment, and modifications committed to conference: Messrs. George Miller of California, Holt, and McKeon.

There was no objection.

GENERAL LEAVE

Ms. DELAURO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3161, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 581 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3161.

□ 1524

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, with Mr. BECERRA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Georgia (Mr. KINGSTON) each will control 30 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to present to the House for fiscal year 2008 the appropriations bill For Agriculture, Rural Development, Food and Drug Administration, and related agencies. I want to say "thank you" to Chairman DAVID OBEY for his dedication and leadership. It has been a very busy 7 months, and we have been fortunate to have Chairman OBEY at the helm. A special "thank you" to my colleague, Congressman KINGSTON. It has been a pleasure to partner with him on this subcommittee, and I believe that we have accomplished a lot together. We are working to accomplish quite a lot today, with quite a wide-ranging portfolio.

This appropriation covers many subjects. Our top priority has always been to move with a clear purpose and direction towards several key goals: strengthening rural America, protecting public health, improving nutrition for more Americans, transforming our energy future, supporting conservation, investing in research, and, finally, enhancing oversight.

It begins with our fiscal year 2008 mark providing total discretionary resources of $18.8 billion, $1 billion, or 5.7 percent, above 2007, and $987.4 million, or 5.5 percent, above the budget request. A full 95 percent of the increase above the budget request, or $940 million, is used to restore funding that was either eliminated or cut in the President's budget.

Our first goal is strengthening rural America. Community development is a key link to rebuilding rural America, preserving infrastructure, building new opportunities, and confronting a tremendous gap when it comes to educational and medical resources. To help close that gap, the bill provides $52.8 million. That would double the broadband grant program which the President's budget request had eliminated. It provides $10 million more than the President requested for distance learning and telemedicine grants and includes $728.8 million to support community facilities, water and waste disposal systems, and business grants; $31.2 million for community facilities; $56.8 million for business and industry; and $70.3 million for waste and waste disposal programs.

Clean water. Rural communities face tens of billions of dollars in costs for safe drinking water and wastewater treatment systems. To begin addressing these needs, the bill provides $500 million for rural water and waste disposal grants and $1 billion for water and waste direct loans.

In housing, the community held a special hearing to discuss economic conditions in rural America with the USDA's Economic Research Service. A recent ERS report found that 302 of America's non-metro counties are "housing stressed." That is why we are making significant investments in rural housing, including $212.2 million to fund $5.1 billion in affordable loans to providing housing to low-income and moderate-income families in rural areas, providing approximately 38,000 single family home ownership opportunities.

The President's budget eliminated direct loans and shifted funding to guaranteed loans with a 1 percent increase in fees, making these loans more expensive and less accessible for low-income families.

Protecting public health was another of our priorities. The bill provides $1.7 billion for the Food and Drug Administration. That is $128.5 million over 2007 and $62 million over the budget request; in addition, $7 million in the manager's amendment in order for us to be able to inspect produce coming in from foreign countries.

This is what the committee hopes will be the first step in the fundamental transformation and the regulation of food safety at FDA.

□ 1530

The committee directs the FDA to submit a plan to begin changing its approach to food safety when it submits the fiscal year 2009 budget, giving the committee time to review the plan before the funds to implement it become available on July 1, 2008.

We can help with additional resources at FDA, but there also needs to be a corresponding commitment from management to perform its duties.

When our pets began to die from contaminated pet food that originated in China, the news forced us to take a hard look at entire food safety systems abroad. Our renewed attention revealed inadequate protection and an increasingly global food supply system. The budget includes an additional $7 million, as I said, for FDA inspection of FDA imports. In addition, we address vacancies in Federal meat inspector positions. The bill fully funds the requested amount for the food safety and inspection service at $930 million.

The bill also includes key language preventing the FDA from granting waivers of conflict of interest rules to voting members of the FDA advisory committee, and preventing USDA from establishing or implementing a rule allowing poultry products from China into the United States. The Chinese and others must be aware that trade cannot trump public health and that their regulations need to be strengthened to be considered an adequate trading partner.

Another of our top priorities is improving nutrition. For many long years we have failed to meet our obligations, failed to act, while too many Americans have gone without adequate healthy food. One in eight families with a toddler, an infant, in the United States is "food insecure"; that means that they are hungry. One in eight families with an infant.

Forty percent of children in rural America are dependent upon food stamps. The progress we made on this issue with the farm bill last week represents real change, and this bill includes $39.8 billion for the Food Stamp program to meet increased participation and ensuring rising food prices do not diminish families' purchasing power.

The bill also provides record funding for two fundamental food security programs which serve our country's most vulnerable population, the supplemental nutrition program for Women, Infants and Children, WIC, and the Commodities Supplemental Food Program, CSFP. These efforts go hand in hand with ongoing initiatives, including $957.7 million for nutrition programs to confront our Nation's obesity crisis, instilling better eating habits in our children, giving them the tools and the choices to avoid diabetes and other dangerous health conditions. That includes $68.5 million for the Expanded Food and Nutrition Education Program, $26 million to expand the Fresh Fruit and Vegetable and Simplified Summer Food Programs to all States, and $10 million for specialty crops. What are specialty crops? They are related to healthy diets in this Nation; fruits and vegetables that are farmed in my part of the country, in the mid-Atlantic States, in California, crops that are so crucial nationwide from New England to the west coast.

Our work continues with other chief goals. Energy independence. This bill makes investments across the spectrum to grow our economy, create new jobs, lower energy prices and address global warming. It promotes renewable energy and moves us down the path to energy independence, strengthening bioenergy and renewable energy research funded at $1.2 billion, including loans and grants in rural areas. The conservation and stewardship of our lands will affect our children for years to come.

This bill restores many of the programs slated for elimination in the President's request, including the Grazing Lands Conservation Initiative, the Wildlife Habitat Program, and watershed rehabilitation, and provides $979.4 million to continue assistance to landowners for conservation efforts on private lands.

We also have an obligation to maintain agriculture's critical place at the forefront of groundbreaking research, maintaining our edge in crop development, competitiveness, trade, nutrition, food safety and even homeland security.

The bill increases funds for research and education through USDA's Cooperative State Research, Education, and Extension Service and the Agricultural Research Service.

Finally, enhanced oversight. The committee is concerned about waste, fraud and abuse in key programs and has included language requested by the administration to allow the Risk Management Agency to use up $11.2 million in mandatory crop insurance funds to strengthen its ability to oversee the program by maintaining and upgrading IT systems and other methods of detecting dubious claims.

In closing, I think we should be excited about this bill, the goals that we set out to accomplish: strengthening rural America, protecting our public health, improving nutrition for more Americans, transforming our energy future, supporting conservation, investing in research, and finally, enhancing oversight.

Most importantly, I believe it brings us back to our Nation's most fundamental principles; the strength of our communities. We have an obligation to get these things right. Let us assume that responsibility today, Mr. Chairman, and I'm pleased to submit this bill and I urge favorable consideration.

I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

I want to, first of all, start off by complimenting the Chair of the committee. We have had a number of hearings this year. We've had a lot of great oversight opportunities. I look forward to more. We've thoroughly reviewed this bill, and there's many things that we found agreement on. There are some things that we're going to have debate on today and things that we'll continue to debate as the bill goes through the process, but I want to commend Ms. DELAURO for a bill well put together. Also, I want to thank her staff, Martha Foley, Leslie Barrack, Diem-Lihn Jones, Adrienne Simmonson, Kelly Wade and Brian Ronholm, and thank them for everything that they've done. And on our side, Martin Delgado, Dave Gibbons. You'll note, on the Democrat side, I pronounced the Republican side with equal ineptitude as I do the Democrats. Jamie Swafford, Meg Gilley, Merritt Myers, Emily Watson, Heather McNatt, Elizabeth Davis and Jason Lawrence and Scott Stevens. We have a lot of folks who've helped. One of my friends on the floor said, Well, how many people does this take? And I said, Well, you know this is almost a $100 billion bill, so we all have to get involved in it.

I also wanted to say something about RAY LAHOOD. Mr. LAHOOD is a great committee member. He's going to be leaving Congress at the end of this term and made that announcement this week, and I thought I'd be remiss if we didn't say something about Mr. LAHOOD. He is a great appropriator. He's a guy who had early on worked with the Hershey Retreat to bring more bipartisan civility to the floor. He was instrumental when I was Chair of the Leg branch subcommittee of getting the staff gym started. Indeed, I don't know if we would have it without him and all of his hard work.

And also, when we were in majority, he stood and sat where you are, Mr. Chairman, many times guiding this House through hot debates and emotional issues, and we're all going to miss Mr. LAHOOD.

I want to start off on the bill a little bit because so many people think of agriculture as just farming. And yet, if we look at the breakdown of this bill and we see this large blue part, the actual money in this bill, the majority of it goes to domestic food assistance programs. And it's appropriate that it is in the ag bill because so much of what we're talking about is national security, as seen through our food policy, but direct farming programs are in this more purplish area, and it's about 35 percent of the bill. We also have money for conservation, rural development for the FDA, the Food and Drug Administration, and foreign food assistance. But I think it's important for people to realize that this is not just a bill that affects the rural areas.

I also want to point out that much of this bill our committee doesn't have the control over that we would like to. In fact, if you look at this bill, we have an expression here in Washington called "mandatory and discretionary spending." Discretionary spending is spending that Congress itself can effect on an appropriate bill. Mandatory spending is what authorizing committees do. This would have been done through the farm bill, for example.

Now, I don't like the term "mandatory." I think it should be called automatic spending, maybe even lazy spending, maybe even unchallenged spending, since we debate it once every 5 years and then lock it up in a farm bill. I think that the mandatory portion of this budget, since it is almost 80 percent of the budget, should be opened up and debated. I think there's a lot of things in there that need more scrutiny. Indeed, of the $18 billion in the discretionary spending area, we have been scrutinized and we've had a good look at it.

I want to make a couple of points. Number one, the bill at its current level will be vetoed. We do not have a veto-proof majority. This bill will pass today, but not by a veto-proof. The President has made it clear that at a

5.9 percent increase over last year, he will veto it. I think it's important for us to realize this since this is a bipartisan body. This is not a veiled threat. The President has the votes to sustain the veto, and so that's what's going to happen. I think we would be better served getting together and bringing down the numbers on this bill.

The second thing that I wanted to point out is there are a lot of issues that we're faced with in this House this week. One of them is the government health care program that's being pushed on the States and taking away a lot of their discretion. Another one is the Foreign Intelligence Surveillance Act. These bills are being pushed aside for this bill, and while I have a lot of passion for this bill, being an aggie myself, the reality is, this bill will leave the Chamber and it will sit over with the Senate. The Senate Appropriations Committee, for all intents and purposes, is defunct. We've been working hard. We've been working long in the House to pass our appropriation bills on time, and I commend Mr. OBEY and the Democrat leadership to make sure that we get the bills over there.

And yet, the reality is the Senate is going to sit on this bill, cram it into another bill, stuff it into a shoe box called an omnibus bill, and I think that's the wrong way to approach things. And at the same time, we're going to have other things that slide.

Another thing I wanted to do is set the record straight on some of the nutrition programs, because we've had and heard from a number of people on the Rules Committee earlier today that this restores funding for important and critical child nutrition programs. And you would think that under Republican control, that the bill did not give any money for food and nutrition programs. And yet, if you look at this chart, Mr. Chairman, going back from 2001 on up to 2008, you can see there's simply a linear progression in nutrition funding that has taken place under Republicans mostly, and now under Democrats. But there's no huge dip. There's no great spike now that the Democrats are in charge. And it's important to set the record straight on that.

In fact, I'm one, call me old fashioned, who doesn't think it's great to have lots and lots of people dependent on government programs. I think we should work to get people more independent, and I don't think that increasing these programs blindly makes sense. For example, the Commodity Supplemental Food Program, I don't follow the math on that. Last year the casework estimate was 490,000 people. The actual number to participate was 463,000. And yet this year, even though the projection's 464,000, the budget increase is $42 million for it, and I don't follow that logic at all. If the number of participants is going down, why is the spending going up? And the President actually had zeroed that out. Why did he do that? Does the President not care about hungry people? No, it's because they are eligible for food stamps. There's another program for them. Why have two bureaucracies doing basically the same thing, especially since you have electronic benefit transfer cards which are very simple to do, and those were some that this committee led in.

The other thing that I wanted to point out on the subject of nutrition and hunger is it's interesting that we debated obesity a lot more than we have debated hunger. I think that's probably a good thing, but I think, on the other hand, it shows that there hasn't been this horrible hunger crisis under Republican rule.

Another point I want to say about this bill, the farm service agencies, right now farm service agencies, there are 58 of them that have no staff. The Chair and I have agreed that these should be closed down. I think that's a step in the right direction; 139 of them have one employee and 338 have two employees and 515 have three employees.

Now, I've heard it said about the VA that you can close down any veterans clinic you want in America as long as it's not located in a congressional district. Well, I guess the same is true with military bases, and it's true with FSA offices and other offices. We talk about wanting to balance the budget, but when it comes home to our own district, we all backpedal and say, no, we don't want anything closed.

These decisions aren't easy, but we have to be leaders on this and not shirk our responsibility. I think this committee kind of worked through it, and I'm hoping that we're going to continue to work through it as the bill moves through the process.

Renewable energy. There's so much right now in the rural areas from the subject of ethanol, biodiesel, cellulosic ethanol and other economies that we can go out and capitalize in and help bring alternative fuel to America.

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In my home State of Georgia, there are about 5 or 6 ethanol plants. There are 121 of them nationally, but Georgia has on the drawing table right now to build another 80 ethanol plants just in our one State. That would put Georgia on the national leaders level. I am excited about that. Because if Georgia can do that, then certainly other States should be doing that: and I am glad that this bill puts a lot of investment into renewable energy.

On broadband and distance learning, I think we all have a commitment to that. Two things that the Chair and I have agreed on that are very important is, one, we don't want the government programs to be competing with the private sector. If the private sector is already there, why put a government program out there? And, number two, for the retired stockbroker who has bought his mountain house on the top of the beautiful mountains in Colorado, why should we care if his laptop is hooked up or not? I don't think we have to waste taxpayer money so that he can check his stock quotes while he is in retirement.

I also want to talk a little bit about a horse amendment that we have, some language in the bill that prohibits people who own horses from taking these horses across international lines. If you own a horse in America and this bill passes with the language that is in it, you will not be allowed to take that horse to Mexico or Canada for any purpose.

Now, I understand that there are those who don't want horses to be slaughtered. Most of them are people who have never owned horses, who don't understand horse owners or who are intimidated by special interest groups in Washington. But the reality is sometimes you have to put a horse down, and since we have a problem with that in America, as outlawed by this Congress or the previous Congress, then this bill does give some flexibility to those people. But, in trying to close that loophole, what the committee did is they said now you can't take your horse out of the country and you can't bring one in. It is a ridiculous part of the language, and I am going to move to strike it.

Another issue that I have some concerns about is drug reimportation. I think drug reimportation is a major policy shift, and I believe that we should have a vote on that.

I commend the Chair in reducing the number of earmarks. The earmarks last year in the bill were about 4½ percent. We are starting out at about a 2 percent level. I think that is a great reduction not just in the dollar amount but in the number of earmarks.

And one other area that I was disappointed in that I want to point out is risk-based inspection. This is where USDA inspectors go to food-processing plants and, rather than dwell on all of them equally over time, they focus on the ones who are the bad actors, the ones who have the older equipment and the shoddy practices. They put more time there. It is a common business decision, and yet we are interfering with the USDA's right to do that. It is called "risk-based inspection." I think it is very important to a good, clean, healthy food supply, and we have stopped RBI. I think that is a mistake.

But, overall, there is a lot that's good in the bill. I look forward to the debate.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the chairwoman for yielding to me.

I am the only Californian that sits on the Agriculture Appropriations Committee, and I am very proud that this bill is in partnership with the progressive new provisions that were adopted last week in the farm bill. This spends the money to implement those provisions. As the Chair just said, this bill takes us in a new direction, a direction that rural America can be really proud of.

Many people know California as the most populous State and think of our large metropolitan areas. But few know that California is the number one ag-producing State in the United States. Every one of the 58 counties in California produces agriculture, from the smallest county in San Francisco, which has nursery and flower stock, to the most populous county in California, Los Angeles County, with row crops and cattle ranches.

The new leadership in Congress has taken us in a new direction. That direction is good news for rural America. That is good news for fresh foods, for fresh vegetables and fresh fruits to get into the diet. This bill takes us in a new direction for consumers. A new direction so that people have choices. A new direction for green technology to be used in the energy field. A new direction for conservation to be a part of good management practices.

I applaud the committee's new Chair for taking us in a new direction and the opportunity for farming in America to be economically viable. This is good because it preserves open space and preserves the rural character, which is such a strength of this country.

For California, this is good news. Our agriculture is like our technology. It's changing, always changing. It needs to be state-of-the-art of technology, of research, of university work. We are the leaders in organic growing, from wines to artichokes. I am proud to represent the part of California that is called the "Salad Bowl Capital of the World." The farmers who implement the best management practices in caring not only for their farm workers, and there is a big discussion on that in issues with immigration, but we have the largest farm worker force in the United States and they are now getting paid good wages. In fact, a lot of them have their own health care plans, which most Americans don't have, and they have 401(k)s for their families and scholarships for their children to go to school. This is a new attitude about farm workers.

I want to thank Congresswoman DELAURO, the Chair of this committee, for taking America into a new direction, a more healthy direction.

Let's reject the reckless amendments to this bill that undermine the positive gains made for America. This is a good appropriations bill. I applaud the Chair, Mr. OBEY, for bringing it to the floor and to the members of the committee, and I urge all my colleagues to adopt this bill.

Mr. KINGSTON. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, let me first begin by congratulating the hardest-working Member of the Congress, Chairwoman ROSA DELAURO, for this outstanding bill.

Mr. Chairman, as a new member of the Appropriations Agriculture Subcommittee, I rise to voice my strong support for H.R. 3161, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill. Again, I want to congratulate Chairwoman DELAURO and the subcommittee staff for the product here before us today. I also want to thank Ranking Member KINGSTON of the minority subcommittee staff for working with us to produce this product.

Over the past 8 months, I have learned a lot about agriculture policy. When asked why I serve on this subcommittee, considering my largely urban and suburban district, I quickly respond by saying this bill touches the lives of 647,000 residents of the Second District of Illinois. We all eat, we all want safe food, and we all want safe medicines.

With the recent passage of the Farm, Nutrition, and Bioenergy Act of 2007, our Nation's agriculture policy and spending reflects our growing investments not only in rural development and commodity programs but in nutrition, conservation, and renewable energy. We want to continue to support our farmers as well as feed the hungry, protect our Nation's food supply, and invest in research.

One out of five Americans at some point in time in their lives will participate in at least one domestic food assistance program. Our nutrition programs serve as the first line of defense against combating hunger by helping low-income families purchase food. This bill illustrates Congress's commitment to protecting our country's most vulnerable populations. It accomplishes the following:

It increases the Food Stamp Program by $1.7 billion and creates a $3 billion contingency reserve, which helps feed over 26 million people annually. It restores the President's proposed cuts to the Commodity Supplemental Food Program and expands the program that serves over 485,000 people monthly by adding five new States. It appropriates $5.6 billion to the Special Supplemental Nutrition Program for Women, Infants, and Children and restores State grants to help administer the program. It supports the expansion of the simplified summer school food program that provides up to two meals a day to children under the age of 18 during the summer.

This bill also addresses a wide variety of needs, ranging from increased grants and loans for rural communities to fully funding the USDA's Food Safety and Inspection Service.

The increases in this bill are sensible, they are prudent, they reflect our priorities, reinforcing our commitment to feed the hungry, to house the needy, and to protect us all.

I recommend that my colleagues vote against any amendments cutting these vital programs, and I strongly urge them to vote for this bill.

Mr. KINGSTON. Mr. Chairman, let me just say that I think we kind of know where we are heading on various amendments. I look forward to that amendment.

And, again, I have enjoyed working with you and the staff. You have a semi-good bill.

Mr. Chairman, I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

I, too, want to say thank you to my colleague, Mr. KINGSTON, in working with him; and it is not the first time we have had an opportunity to work together. We have been working together over the years.

As I said, I am very proud of the bill and the goals that we set out and the direction that we set out to strengthen rural America and deal with our public health and nutrition, energy, conservation and looking at how we invest in our research.

I look forward to the balance of our time and the amendment process, but I do, too, want to associate myself with my colleague from Georgia's remarks about our colleague on the committee, Mr. LAHOOD, who has been an outstanding member of this committee but has been an outstanding Member of the House of Representatives, someone you could always count on to speak his mind but to be fair and to do his best for his constituents and for this Nation.

I also want to say thank you to the many staffers who have worked hour after hour on this bill to make today possible. As a former staff member, I know that these efforts don't come together by some alchemy, but it is because of the incredible hard work that people put into it over many, many hours.

And let me thank Martha Foley, subcommittee Clerk; as well as Leslie Barrack; Diem-Lihn Jones; Adrienne Simmonson; Kelly Wade; Brian Ronholm, my staff. Also, Ashley Turton, my Chief of Staff; and Leticia Mederos, Legislative Director. I also want to say thank you to Martin Delgado, Dave Gibbons, and Jamie Swafford on the minority staff. I thank everyone for their time and their patience in putting this effort together.

I believe nothing could be more important for us to move forward on this bill and get it passed. I think it is in the best interest of this Nation.

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 3161)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary	5.097	18.355	5,505	+408	-12,850
Executive Operations:					
Chief Economist	10,487	11,347	10,847	+360	-500
National Appeals Division	14,466	15,056	15,056	+590	---
Office of Budget and Program Analysis	8,270	9,035	8,622	+352	-413
Homeland Security staff	931	2,412	2,252	+1,321	-160
Office of the Chief Information Officer	16,361	17,024	16,723	+362	-301
Common computing environment	107,971	---	---	-107,971	---
(Provided in other accounts) (NA)	---	(90,900)	(90,900)	(+90.900)	---
Office of the Chief Financial Officer	5,850	30,863	6,076	+226	-24,787
Working capital fund	1,891	---	---	-1,891	---
Total, Executive Operations	166,227	85,737	59,576	-106,651	-26,161
Office of the Assistant Secretary for Civil Rights	818	897	897	+79	---
Office of Civil Rights	20,020	23,147	23,147	+3,127	---
Office of the Assistant Secretary for Administration	673	739	709	+36	-30
Agriculture buildings and facilities and rental payments	(185,919)	(216,837)	(196,616)	(+10,697)	(-20,221)
Payments to GSA	146.257	156,590	156,590	+10,333	---
Building operations and maintenance	39,662	60,247	40,026	+364	-20,221
Hazardous materials management	11,887	12,200	12,200	+313	---
Departmental administration	23.144	24,608	23.913	+769	-695
Office of the Assistant Secretary for Congressional Relations	3,795	4,099	3,936	+141	-163
Office of Communications	9,338	9,720	9,720	+382	---
Office of the Inspector General	80,052	83,998	85,998	+5,946	+2,000
Office of the General Counsel	39,227	41,721	40,964	+1,737	-757
Office of the Under Secretary for Research, Education, and Economics	596	654	626	+30	-28
Economic Research Service	75,193	82,544	79,282	+4,089	-3,262
National Agricultural Statistics Service	147,253	167,699	166,099	+18,846	-1,600
Census of Agriculture	(36,249)	(54,325)	(52,725)	(+16,476)	(-1,600)
Agricultural Research Service:					
Salaries and expenses	1,128,944	1,021,517	1,076,340	-52,604	+54,823
Buildings and facilities	---	16,000	64,000	+64,000	+48,000
Total, Agricultural Research Service	1,128,944	1,037,517	1,140,340	+11,396	+102,823
Cooperative State Research, Education, and Extension Service:					
Research and education activities	671,419	562,518	671,419	---	+108,901
Native American Institutions Endowment Fund	(12,000)	(11,880)	(11,880)	(-120)	---
Extension activities	450,346	431,125	463,886	+13,540	+32,761
Integrated activities	55,234	20,120	57,244	+2,010	+37,124
Outreach for socially disadvantaged farmers	5,940	6,930	6,930	+990	---
Total, Cooperative State Research, Education, and Extension Service	1,182,939	1,020,693	1.199,479	+16,540	+178,786
Office of the Under Secretary for Marketing and Regulatory Programs	721	792	759	+38	-33
Animal and Plant Health Inspection Service:					
Salaries and expenses	846,230	945,550	874,643	+28,413	-70,907
Animal welfare (user fees) (leg. proposal) NA.	---	(9,000)	---	---	(-9,000)
Buildings and facilities	4,946	8,931	4,946	---	-3,985
Total, Animal and Plant Health Inspection Service	851,176	954.481	879,589	+28,413	-74,892

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 3161)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Agricultural Marketing Service:					
Marketing Services	74,937	74,988	79,945	+5,008	+4,957
(Limitation on administrative expenses, from fees collected)	(62,211)	(61,233)	(61,233)	(-978)	---
Funds for strengthening markets, income, and supply (transfer from section 32)	16,425	16,798	16,798	+373	---
Discretionary appropriations	20,000	20,000	20,000	---	---
Payments to states and possessions	1,334	1,334	1,334	---	---
Total, Agricultural Marketing Service	112,696	113,120	118,077	+5,381	+4,957
Grain Inspection, Packers and Stockyards Administration:					
Salaries and expenses	37,785	44,385	41,115	+3,330	-3,270
Grain inspection, packers and stockyards administration (user fees) (leg. proposal)NA	---	(21,200)	---	---	(-21,200)
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	---	---
Office of the Under Secretary for Food Safety	600	659	632	+32	-27
Food Safety and Inspection Service	892,136	930,120	930,120	+37,984	---
Food safety inspection (user fees) (leg. prop) NA.	---	(96,000)	---	---	(-96,000)
Lab accreditation fees	(1,000)	(1,000)	(1,000)	---	---
Total, Production, Processing, and Marketing	4,976,236	4,874,722	5,019,299	+43,063	+144,577
Farm Assistance Programs					
Office of the Under Secretary for Farm and Foreign Agricultural Services	632	695	666	+34	-29
Farm Service Agency:					
Salaries and expenses	1,030,193	1,228,662	1,127,409	+97,216	-101,253
(Common computing environment) (NA)	---	(64,200)	(64,200)	(+64,200)	---
(Transfer from export loans)	(343)	(359)	(353)	(+10)	(-6)
(Transfer from P.L. 480)	(3,207)	(2,761)	(2,749)	(-458)	(-12)
(Transfer from ACIF)	(303,309)	(311,737)	(310,230)	(+6,921)	(-1,507)
(Transfer from farm storage loan program account)	---	(4,660)	---	---	(-4,660)
Subtotal, transfers from program accounts	(306,859)	(319,517)	(313,332)	(+6,473)	(-6,185)
Total, Salaries and expenses	(1,337,052)	(1,548,179)	(1,440,741)	(+103,689)	(-107,438)
State mediation grants	4,208	4,000	4,000	-208	---
Grassroot source water protection program	3,713	---	3,713	---	+3,713
Dairy indemnity program	100	100	100	---	---
Subtotal, Farm Service Agency	1,038,214	1,232,762	1,135,222	+97,008	-97,540
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct	(207,642)	(223,857)	(223,857)	(+16,215)	---
Guaranteed	(1,386,000)	(1,200,000)	(1,200,000)	(-186,000)	---
Subtotal	(1,593,642)	(1,423,857)	(1,423,857)	(-169,785)	---
Farm operating loans:					
Direct	(643,500)	(629,595)	(629,595)	(-13,905)	---
Unsubsidized guaranteed	(1,138,500)	(1,000,000)	(1,000,000)	(-138,500)	---
Subsidized guaranteed	(271,886)	(250,000)	(250,000)	(-21,886)	---
Subtotal	(2,053,886)	(1,879,595)	(1,879,595)	(-174,291)	---
Indian tribe land acquisition loans	(2,000)	(3,960)	(3,960)	(+1,960)	---
Boll weevil eradication loans	(100,000)	(59,400)	(100,000)	---	(+40,600)
Total, Loan authorizations	(3,749,528)	(3,366,812)	(3,407,412)	(-342,116)	(+40,600)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 3161)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Loan subsidies:					
Farm ownership loans:					
Direct	8,700	9,962	9,962	+1,262	---
Guaranteed	8,039	4,800	4,800	-3,239	---
Subtotal	16,739	14,762	14,762	-1,977	---
Farm operating loans:					
Direct	75,225	79,896	79,896	+4,671	---
Unsubsidized guaranteed	28,121	24,200	24,200	-3,921	---
Subsidized guaranteed	27,379	33,350	33,350	+5,971	---
Subtotal	130,725	137,446	137,446	+6,721	---
Indian tribe land acquisition	423	125	125	-298	---
Boll weevil eradication	1,900	---	---	-1,900	---
Total, Loan subsidies	149,787	152,333	152,333	+2,546	---
ACIF expenses:					
Salaries and expense (transfer to FSA)	303,309	311,737	310,230	+6,921	-1,507
Administrative expenses	7,920	7,920	7,920	---	---
Total, ACIF expenses	311,229	319,657	318,150	+6,921	-1,507
Total, Agricultural Credit Insurance Fund	461,016	471,990	470,483	+9,467	-1,507
(Loan authorization)	(3,749,528)	(3,366,812)	(3,407,412)	(-342,116)	(+40,600)
Total, Farm Service Agency	1,499,230	1,704,752	1,605,705	+106,475	-99,047
Risk Management Agency, Administrative and operating expenses	76,658	79,062	78,833	+2,175	-229
Total, Farm Assistance Programs	1,576,520	1,784,509	1,685,204	+108,684	-99,305
Corporations					
Federal Crop Insurance Corporation:					
Federal crop insurance corporation fund	4,379,256	4,818,099	4,818,099	+438,843	---
Commodity Credit Corporation Fund:					
Reimbursement for net realized losses	23,098,328	12,983,053	12,983,053	-10,115,275	---
Hazardous waste management (limitation on expenses)	(5,000)	(5,000)	(5,000)	---	---
Farm Storage Facility Loans Program Account:					
Salaries and expenses:					
Farm Service Agency (transfer to FSA)	---	4,660	---	---	-4,660
Total, Corporations	27,477,584	17,805,812	17,801,152	-9,676,432	-4,660
Total, title I, Agricultural Programs	34,030,340	24,465,043	24,505,655	-9,524,685	+40,612
(By transfer)	(306,859)	(319,517)	(313,332)	(+6,473)	(-6,185)
(Loan authorization)	(3,749,528)	(3,366,812)	(3,407,412)	(-342,116)	(+40,600)
(Limitation on administrative expenses)	(109,674)	(108,696)	(108,696)	(-978)	---
TITLE II - CONSERVATION PROGRAMS					
Office of the Under Secretary for Natural Resources and Environment	742	822	781	+39	-41
Natural Resources Conservation Service:					
Conservation operations	763,360	801,825	851,910	+88,550	+50,085
(Common computing environment) (NA)	---	(20,000)	(20,000)	(+20,000)	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 3161)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Watershed surveys and planning	6,056	---	6,556	+500	+6,556
Watershed and flood prevention operations	---	---	37,000	+37,000	+37,000
Watershed rehabilitation program	31,309	5,807	31,586	+277	+25,779
Resource conservation and development	51,088	14,653	52,370	+1,282	+37,717
Healthy forests reserve program	---	2,476	---	---	-2,476
Total, Natural Resources Conservation Service	851,813	824,761	979,422	+127,609	+154,661
Total, title II, Conservation Programs	852,555	825,583	980,203	+127,648	+154,620
TITLE III - RURAL DEVELOPMENT PROGRAMS					
Office of the Under Secretary for Rural Development	632	695	666	+34	-29
Rural Development:					
Rural community advancement program:					
Rural community program account 1/:					
Loan authorizations:					
Community facility:					
Direct	(297,000)	(302,414)	(350,000)	(+53,000)	(+47,586)
Guaranteed	(207,900)	(210,000)	(250,000)	(+42,100)	(+40,000)
Subtotal, Loan authorizations	(504,900)	(512,414)	(600,000)	(+95,100)	(+87,586)
Loan subsidies and grants:					
Community facility:					
Direct	19,038	16,784	19,425	+387	+2,641
Guaranteed	7,609	7,728	9,200	+1,591	+1,472
Grants	16,830	---	23,117	+6,287	+23,117
Rural community development initiative	6,287	---	---	-6,287	---
Economic impact initiative grants	17,820	---	---	-17,820	---
High energy cost grants	25,740	---	---	-25,740	---
Tribal college grants	4,419	---	4,000	-419	+4,000
Subtotal, RCP subsidies and grants	97,743	24,512	55,742	-42,001	+31,230
Rural Business Program Account 2/:					
(Guaranteed business and industry loans)	(913,962)	(1,000,000)	(1,250,000)	(+336,038)	(+250,000)
Loan subsidies and grants:					
Guaranteed business and industry subsidy	39,849	43,200	54,000	+14,151	+10,800
Grants:					
Rural business enterprise	39,600	---	40,000	+400	+40,000
Rural business opportunity	2,970	---	3,000	+30	+3,000
Delta regional authority	1,980	---	3,000	+1,020	+3,000
Subtotal, RBP subsidies and grants	84,399	43,200	100,000	+15,601	+56,800
Rural water & waste disposal program account 3/:					
Loan authorizations:					
Direct	(990,000)	(1,080,239)	(1,000,000)	(+10,000)	(-80,239)
Guaranteed	(75,000)	(75,000)	(75,000)	---	---
Subtotal, Loan authorizations	1,065,000	1,155,239	1,075,000	+10,000	-80,239
Loan subsidies and grants:					
Direct subsidy	98,604	153,394	68,100	-30,504	-85,294
Water and waste grants	437,748	344,920	500,000	+62,252	+155,080
Solid waste management grants	3,465	3,465	3,465	---	---
Emerg. community water assistance grants	13,692	---	---	-13,692	---
Water and waste financing revolving fund	495	---	500	+5	+500
Water well system grants	990	1,000	1,000	+10	---
Subtotal, Water subsidies and grants	554,994	502,779	573,065	+18,071	+70,286

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 3161)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Less adjustment (rounding)	-1	---	---	+1	---
Total, Rural community advancement program	737,135	570,491	728,807	-8,328	+158,316
(Transfer to High energy costs grants)	(-25,740)	---	---	(+25,740)	---
RD expenses:					
Salaries and expenses	161,298	208,194	175,382	+14,084	-32,812
(Common computing environment)	---	(6,700)	(6,700)	(+6,700)	---
(Transfer from RHIF)	(452,927)	(434,890)	(462,521)	(+9,594)	(+27,631)
(Transfer from RDLFP)	(4,774)	(4,576)	(4,861)	(+87)	(+285)
(Transfer from RETLP)	(38,623)	(37,009)	(39,405)	(+782)	(+2,396)
Subtotal, Transfers from program accounts	(496,324)	(476,475)	(506,787)	(+10,463)	(+30,312)
Total, RD expenses	(657,622)	(684,669)	(682,169)	(+24,547)	(-2,500)
Total, Rural Development	898,433	778,685	904,189	+5,756	+125,504
Rural Housing Service:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Single family direct (sec. 502)	(1,129,391)	---	(1,129,391)	---	(+1,129,391)
Unsubsidized guaranteed	(3,644,224)	(4,848,611)	(3,716,425)	(+72,201)	(-1,132,186)
Subtotal, Single family	(4,773,615)	(4,848,611)	(4,845,816)	(+72,201)	(-2,795)
Housing repair (sec. 504)	(34,652)	(22,855)	(34,652)	---	(+11,797)
Rental housing (sec. 515)	(99,000)	---	(99,000)	---	(+99,000)
Site loans (sec. 524)	(5,000)	(5,045)	(5,046)	(+46)	(+1)
Multi-family housing guarantees (sec. 538)	(99,000)	(200,000)	(99,000)	---	(-101,000)
Multi-family housing credit sales	(1,485)	(1,408)	(1,486)	(+1)	(+78)
Single family housing credit sales	(10,000)	(10,000)	(10,000)	---	---
Self-help housing land develop. (sec. 523)	(4,998)	---	(5,000)	(+2)	(+5,000)
Total, Loan authorizations	(5,027,750)	(5,087,919)	(5,100,000)	(+72,250)	(+12,081)
Loan subsidies:					
Single family direct (sec. 502)	113,278	---	105,824	-7,454	+105,824
Unsubsidized guaranteed	42,641	10,070	44,359	+1,718	+34,289
Subtotal, Single family	155,919	10,070	150,183	-5,736	+140,113
Housing repair (sec. 504)	10,240	6,461	9,796	-444	+3,335
Rental housing (sec. 515)	45,213	---	42,184	-3,029	+42,184
Multi-family housing guarantees (sec. 538)	7,663	18,800	9,306	+1,643	-9,494
Multi-family housing credit sales	673	523	552	-121	+29
Single family housing credit sales	48	---	---	-48	---
Self-help housing land develop. (sec. 523)	123	---	142	+19	+142
Multi-family housing preservation	8,910	---	---	-8,910	---
Total, Loan subsidies	228,789	35,854	212,163	-16,626	+176,309
RHIF administrative expenses (transfer to RD)	452,927	434,890	462,521	+9,594	+27,631
Total, Rural Housing Insurance Fund program	681,716	470,744	674,684	-7,032	+203,940
(Loan authorization)	(5,027,750)	(5,087,919)	(5,100,000)	(+72,250)	(+12,081)
Rental assistance program:					
(Sec. 521)	608,100	567,000	525,100	-83,000	-41,900
(Sec. 502(c)(5)(D))	7,920	---	7,920	---	+7,920
Total, Rental assistance program	616,020	567,000	533,020	-83,000	-33,980

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 3161)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rural housing voucher program	15,840	---	---	-15,840	---
Multifamily housing revitalization program account	---	27,800	27,800	+27,800	---
Total, Multifamily housing revitalization	---	27,800	27,800	+27,800	---
Mutual and self-help housing grants	33,660	9,500	40,000	+6,340	+30,500
Rural housing assistance grants	43,603	39,000	39,000	-4,603	---
Farm labor housing program account:					
(Loan authorization)	(38,117)	(13,520)	(50,000)	(+11,883)	(+36,480)
Loan subsidy	18,277	5,849	21,630	+3,353	+15,781
Grants	13,860	4,000	25,000	+11,140	+21,000
Total, Farm Labor Housing Program Account	32,137	9,849	46,630	+14,493	+36,781
Total, Rural Housing Service	1,422,976	1,123,893	1,361,134	-61,842	+237,241
(Loan authorization)	(5,065,867)	(5,101,439)	(5,150,000)	(+84,133)	(+48,561)
Rural Business-Cooperative Service:					
Rural Development Loan Fund Program Account:					
(Loan authorization)	(33,870)	(33,772)	(33,772)	(-98)	---
Loan subsidy	14,927	14,485	14,485	-442	---
Administrative expenses (transfer to RD)	4,774	4,576	4,861	+87	+285
Total, Rural Development Loan Fund	19,701	19,061	19,346	-355	+285
Rural Economic Development Loans Program Account:					
(Loan authorization)	(24,752)	(33,077)	(33,077)	(+8,325)	---
Direct subsidy	5,406	---	---	-5,406	---
Mandatory subsidy (NA)	---	(7,472)	(7,472)	(+7,472)	---
Rural economic development grants (NA)	---	(10,000)	(10,000)	(+10,000)	---
Rural cooperative development grants:					
Cooperative development	3,753	4,455	4,455	+702	---
Appropriate technology transfer for rural areas	936	---	2,475	+1,539	+2,475
Cooperative research agreement	495	---	495	---	+495
Value-added agricultural product market development	20,295	15,000	20,295	---	+5,295
Grants to assist minority producers	1,239	1,473	1,473	+234	---
Total, Rural Cooperative development grants	26,718	20,928	29,193	+2,475	+8,265
Rural empowerment zones and enterprise communities grants	11,088	---	11,088	---	+11,088
Renewable energy program:					
(Loan authorization)	(176,512)	(195,470)	(250,000)	(+73,488)	(+54,530)
Loan subsidy	11,456	18,941	24,225	+12,769	+5,284
Grants	11,385	15,000	21,775	+10,390	+6,775
Total, Renewable energy program	22,841	33,941	46,000	+23,159	+12,059
Total, Rural Business-Cooperative Service	85,754	73,930	105,627	+19,873	+31,697
(Loan authorization)	(235,134)	(262,319)	(316,849)	(+81,715)	(+54,530)
Rural Utilities Service:					
Rural Electrification and Telecommunications Loans Program Account:					
Loan authorizations:					
Electric:					
Direct, 5%	(99,000)	(100,000)	(100,000)	(+1,000)	---
Direct, Municipal rate	(100,764)	---	---	(-100,764)	---
Direct, FFB	(2,700,000)	(4,000,000)	(4,500,000)	(+1,800,000)	(+500,000)
Direct, Treasury rate	(990,000)	---	---	(-990,000)	---
Guaranteed underwriting	(1,500,000)	---	---	(-1,500,000)	---
Subtotal, Electric	(5,389,764)	(4,100,000)	(4,600,000)	(-789,764)	(+500,000)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 3161)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Telecommunications:					
Direct, 5%	(145,000)	(145,000)	(145,000)	---	---
Direct, Treasury rate	(419,760)	(250,000)	(250,000)	(-169,760)	---
Direct, FFB	(125,000)	(295,000)	(295,000)	(+170,000)	---
Subtotal, Telecommunications	(689,760)	(690,000)	(690,000)	(+240)	---
Total, Loan authorizations	(6,079,524)	(4,790,000)	(5,290,000)	(-789,524)	(+500,000)
Loan subsidies:					
Electric:					
Direct, 5%	2,119	120	120	-1,999	---
Direct, Municipal rate	1,522	---	---	-1,522	---
Subtotal, Electric	3,641	120	120	-3,521	---
Telecommunications:					
Direct, 5%	537	116	116	-421	---
Direct, Treasury rate	126	1,675	1,675	+1,549	---
Direct, FFB	---	1,829	1,829	+1,829	---
Subtotal, Telecommunications	663	3,620	3,620	+2,957	---
Total, Loan subsidies	4,304	3,740	3,740	-564	---
RETLP administrative expenses (transfer to RD)	38,623	37,009	39,405	+782	+2,396
Total, Rural Electrification and Telecommunications Loans Program Account	42,927	40,749	43,145	+218	+2,396
(Loan authorization)	(6,079,524)	(4,790,000)	(5,290,000)	(-789,524)	(+500,000)
High energy costs grants (by transfer)	(25,740)	---	---	(-25,740)	---
Distance learning, telemedicine, and broadband program:					
Loan authorizations:					
Broadband telecommunications	(495,000)	(300,000)	(300,000)	(-195,000)	---
Total, Loan authorizations	(495,000)	(300,000)	(300,000)	(-195,000)	---
Loan subsidies and grants:					
Distance learning and telemedicine:					
Grants	29,700	24,750	35,000	+5,300	+10,250
Broadband telecommunications:					
Direct	10,643	6,450	6,450	-4,193	---
Grants	8,910	---	17,820	+8,910	+17,820
Total, Loan subsidies and grants	49,253	31,200	59,270	+10,017	+28,070
Total, Rural Utilities Service	92,180	71,949	102,415	+10,235	+30,466
(Loan authorization)	(6,574,524)	(5,090,000)	(5,590,000)	(-984,524)	(+500,000)
Total, title III, Rural Economic and Community Development Programs	2,499,975	2,049,152	2,474,031	-25,944	+424,879
(By transfer)	(522,064)	(476,475)	(506,787)	(-15,277)	(+30,312)
(Loan authorization)	(14,359,387)	(13,121,411)	(13,981,849)	(-377,538)	(+860,438)
TITLE IV - DOMESTIC FOOD PROGRAMS					
Office of the Under Secretary for Food, Nutrition and Consumer Services	597	655	628	+31	-27
Food and Nutrition Service:					
Child nutrition programs	7,614,523	7,592,797	7,668,156	+53,633	+75,359
Transfer from section 32	5,731,073	6,304,475	6,235,057	+503,984	-69,418
Total, Child nutrition programs	13,345,596	13,897,272	13,903,213	+557,617	+5,941

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 3161)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Special supplemental nutrition program for women, infants, and children (WIC)	5,204,430	5,386,597	5,620,000	+415,570	+233,403
Food stamp program:					
Expenses	33,463,137	35,053,973	35,053,973	+1,590,836	---
Armed forces provision	1,000	---	1,000	---	+1,000
Reserve	3,000,000	3,000,000	3,000,000	---	---
Nutrition assistance for Puerto Rico and Samoa	1,557,397	1,621,250	1,621,250	+63,853	---
The emergency food assistance program	140,000	140,000	140,000	---	---
CSFP transitional benefit	---	21,000	---	---	-21,000
CSFP outreach grant	---	2,000	---	---	-2,000
Total, Food stamp program	38,161,534	39,838,223	39,816,223	+1,654,689	-22,000
Commodity assistance program:					
Commodity supplemental food program	107,202	---	150,000	+42,798	+150,000
Farmers market nutrition program	19,800	19,800	20,000	+200	+200
Emergency food assistance program	49,500	49,500	50,000	+500	+500
Pacific island and disaster assistance	1,070	1,070	1,070	---	---
Total, Commodity assistance program	177,572	70,370	221,070	+43,498	+150,700
Nutrition programs administration	140,252	148,926	146,926	+6,674	-2,000
Total, Food and Nutrition Service	57,029,384	59,341,388	59,707,432	+2,678,048	+366,044
Total, title IV, Domestic Food Programs	57,029,981	59,342,043	59,708,060	+2,678,079	+366,017
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service					
Salaries and expenses, direct appropriation	156,220	168,209	159,136	+2,916	-9,073
(Transfer from export loans)	(4,918)	(4,985)	(4,985)	(+67)	---
(Transfer from P.L. 480)	(166)	---	---	(-166)	---
Total, Salaries and expenses program level	(161,304)	(173,194)	(164,121)	(+2,817)	(-9,073)
Public Law 480 Program and Grant Accounts:					
Title II - Commodities for disposition abroad:					
Program level	(1,214,711)	(1,219,400)	(1,219,400)	(+4,689)	---
Appropriation	1,214,711	1,219,400	1,219,400	+4,689	---
Salaries and expenses:					
Foreign Agricultural Service (transfer to FAS)	166	---	---	-166	---
Farm Service Agency (transfer to FSA)	3,207	2,761	2,749	-458	-12
Subtotal	3,373	2,761	2,749	-624	-12
Total, Public Law 480:					
Program level	(1,214,711)	(1,219,400)	(1,219,400)	(+4,689)	---
Appropriation	1,218,084	1,222,161	1,222,149	+4,065	-12
CCC Export Loans Program Account (administrative expenses):					
Salaries and expenses (Export Loans):					
General Sales Manager (transfer to FAS)	4,918	4,985	4,985	+67	---
Farm Service Agency (transfer to FSA)	343	359	353	+10	-6
Total, CCC Export Loans Program Account	5,261	5,344	5,338	+77	-6

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 3161)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
McGovern-Dole international food for education and child nutrition program grants	99,000	100,000	100,000	+1,000	---
Total, title V, Foreign Assistance and Related Programs	1,478,565	1,495,714	1,486,623	+8,058	-9,091
(By transfer)	(5,084)	(4,985)	(4,985)	(-99)	---
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses, direct appropriation	1,569,244	1,635,709	1,697,709	+128,465	+62,000
Prescription drug user fee act	(352,200)	(339,195)	---	(-352,200)	(-339,195)
Medical device user fee act	(43,726)	(47,500)	---	(-43,726)	(-47,500)
Animal drug user fee act	(11,604)	(13,696)	(13,696)	(+2,092)	---
Generic drug user fee	---	(15,701)	---	---	(-15,701)
Reinspection fees (user fees) (leg. prop) NA	---	(23,276)	---	---	(-23,276)
Food export fees (user fees) (leg. prop) NA	---	(3,741)	---	---	(-3,741)
Subtotal	(1,976,774)	(2,051,801)	(1,711,405)	(-265,369)	(-340,396)
Mammography clinics user fee (outlay savings)	(17,522)	(18,398)	(18,398)	(+876)	---
Export and color certification	(8,481)	(9,500)	(9,500)	(+1,019)	---
Payments to GSA	(126,871)	(131,533)	(131,533)	(+4,662)	---
Buildings and facilities	4,950	4,950	4,950	---	---
Total, Food and Drug Administration	1,574,194	1,640,659	1,702,659	+128,465	+62,000
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission	97,981	116,000	102,550	+4,569	-13,450
Transaction fees (user fees) (leg. prop) NA	---	(86,000)	---	---	(-86,000)
Farm Credit Administration (limitation on administrative expenses)	(44,250)	(46,000)	(46,000)	(+1,750)	---
Total, title VI, Related Agencies and Food and Drug Administration	1,672,175	1,756,659	1,805,209	+133,034	+48,550
TITLE VII - GENERAL PROVISIONS					
Denali Commission	743	---	---	-743	---
Hunger Fellowships	---	---	2,475	+2,475	+2,475
Section 32 (rescission)	-37,601	-65,452	-210,361	-172,760	-144,909
Specialty crop grants (sec. 736)	6,930	---	10,000	+3,070	+10,000
Healthy Forest Reserve	2,476	---	---	-2,476	---
Simplified Summer Food Program	---	---	5,000	+5,000	+5,000
Food stamp program employment & training (rescission)	-11,200	---	---	+11,200	---
ARS buildings and facilities (rescission)	---	-16,000	---	---	+16,000
Fruit and vegetable program	---	---	21,000	+21,000	+21,000
WIC (rescission)	---	---	-16,069	-16,069	-16,069
High energy cost grant (rescission)	---	---	-25,740	-25,740	-25,740
Department of Homeland Security (rescission)	---	---	-8,000	-8,000	-8,000
Total, title VII, General provisions	-38,652	-81,452	-221,695	-183,043	-140,243

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(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
OTHER APPROPRIATIONS					
U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007					
Foreign Agricultural Service					
Public Law 480 Title II Grants (Titles I/III) (emerg).	450,000	---	---	-450,000	---
General Provisions					
Bill Emerson Humanitarian Trust (Title III) (emerg)...	10,000	---	---	-10,000	---
Emergency Forestry Conservation Reserve program (Title IV) (emergency)............................	115,000	---	---	-115,000	---
Stafford Act Disaster Relief (Title V) (emergency)....	40,000	---	---	-40,000	---
Farm Service Agency					
Salaries and expenses (Title VI).....................	37,500	---	---	-37,500	---
Agricultural Assistance (Title IX)	---	---	---	---	---
Crop disaster assistance (Sec. 9001) (emergency)......	1,552,000	---	---	-1,552,000	---
Livestock compensation program (Sec.9002a) (emergency)	1,203,000	---	---	-1,203,000	---
Livestock indemnity payments (Sec. 9002b) (emergency).	29,000	---	---	-29,000	---
Emergency conservation program (Sec. 9003) (emergency)	16,000	---	---	-16,000	---
National Diary Market Loss Payment Program (Sec. 9006) (emergency)............................	31,000	---	---	-31,000	---
Dairy assistance (Sec. 9007) (emergency).............	16,000	---	---	-16,000	---
Low-income migrant and seasonal farmworkers (Sec. 9009) (emergency)............................	16,000	---	---	-16,000	---
Conservation security program (Sec. 9010) (emergency).	115,000	---	---	-115,000	---
Farm Service Agency, salaries and expenses (Sec. 9011) (emergency)............................	22,000	---	---	-22,000	---
Subtotal, Title IX...........................	3,000,000	---	---	-3,000,000	---
Total, Public Law 110-28	3,652,500	---	---	-3,652,500	---
(emergency appropriations)	(3,615,000)	---	---	(-3,615,000)	---
Grand total....................................	101,177,439	89,852,742	90,738,086	-10,439,353	+885,344
Appropriations.........................	(97,611,240)	(89,934,194)	(90,998,256)	(-6,612,984)	(+1,064,062)
Emergency Appropriations....................	3,615,000	---	---	-3,615,000	---
Rescissions................................	(-48,801)	(-81,452)	(-260,170)	(-211,369)	(-178,718)
(By transfer)..................................	(834,007)	(800,977)	(825,104)	(-8,903)	(+24,127)
(Loan authorization)...........................	(18,108,915)	(16,488,223)	(17,389,261)	(-719,654)	(+901,038)
(Limitation on administrative expenses).........	(153,924)	(154,696)	(154,696)	(+772)	---

FOOTNOTES:

1/ Budget request includes program account under Rural Housing.

2/ Budget request includes program account under Rural Business-Cooperative Service.

3/ Budget request includes program account under Rural Utilities Service.

Mr. RUSH. Mr. Chairman, today I rise to thank Chairman PETERSON Chairman BACA, and members of the House Agriculture Committee for their continued commitment and interest in supporting our agriculture industry, producers—and specifically supporting modernization of the food stamp program, increasing access to fresh produce, particularly for low-income neighborhoods and working with the Congressional Black Caucus and urban Members to accommodate the needs of diverse communities.

Throughout our Nation, we have a host of communities that are disconnected from accessing fresh fruits and vegetables. An increasing number of families are facing hunger and food insecurity: according to USDA's most recent data, more than 35 million Americans are unable to purchase food on a regular basis. Both sets of problems stem in part from the same cause: in urban as well as rural areas, too many low-income families live in "food deserts" where access to fresh, healthy foods is lacking.

I have worked with my fellow urban Members on a package of urban needs—ranging from making mandatory funds for the Community Food Project grant, increasing access to fresh fruits and produce, defining the term food desert, and creating a new Urban Health Enterprise grant program to strengthen links between producers to actual providers in urban communities.

All but one of these amendments are included in the Manager's Amendment, and I thank the Chairman for working with us to ensure urban members have a stake in the farm bill.

Mr. Chairman, although we still must find funding for the Community Food Projects grant; overall, the 2007 Farm Bill contains significant gains to promote access, expansion and education on nutrition.

As you may know, with regard to nutrition, the bill modernizes the food stamp program by: 1. Requiring all states go to an electronic system; 2. Increasing the minimum food benefit of participants; 3. Indexing asset limits and excludes retirement and education accounts, and combat pay.

The nutrition title extends and funds the Emergency Food Assistance Program to provide needed commodities to food banks and homeless shelters.

And it expands the authority of the Senior Farmer's Market Nutrition Program and creates a demonstration project to evaluate strategies to address obesity among low-income communities.

In conclusion Mr. Chairman, for far too many urban dwellers, the choice comes down to traveling long distances to buy groceries or shopping at expensive corner stores that often sell high-fat, high-sugar convenience food and little or no fresh produce. The consequences are byproducts of poverty: diabetes, obesity, and heart disease.

In the interests of public health, cost-efficiency, and social justice, we should consider policies to increase the availability of and access to fresh fruits and vegetables in underserved neighborhoods and communities.

I call on my colleagues to support the Farm Bill, because of the gains in nutrition the committee has included in this bill.

In addition to supporting farmers and our agriculture industry; this bill increases healthy food options in our poorest communities, creates incentives for producers and retailers to provide foods that provide healthy food options, and increasing consumer education about healthy alternatives at school and home.

Mr. LATHAM. Mr. Chairman, I rise to commend the Agriculture Sub-committee Chairwoman, Ms. DELAURO, and the ranking Republican, Mr. KINGSTON. They have done a commendable job in putting this measure together in this first year in their respective positions.

All along the way, Ms. DELAURO reached across the aisle to sound out the concern of the members on this side of the aisle—and the work product shows her bi-partisan efforts.

While I do not agree with everything in the bill, I think it is a good product, all things considered. I especially want to thank the Chairwoman for her efforts to increase funding in the bill for the cooperative State research, education and extension service. The CSREES funding level was below the level where it should have been coming out of the subcommittee.

After hearing the concerns of many members, Ms. DELAURO and Mr. KINGSTON closed ranks and fixed the problem. That funding gap was a particular issue to many members, especially those from rural, farming areas.

I am pleased to note that the bill contains much in the way of agriculture research funding in a number of areas. This is important to many areas, particularly renewable fuels and food production science, to name two areas. The more we can make substantive progress in both of these areas, the better for the consumer and the farm community.

I do want to point out a couple of areas where I think we can and should improve on the bill. First, there is a provision, section 746, which currently reads, "no funds in this act may be used to authorize qualified health claims for conventional foods".

I understand that there will be an amendment later on that stipulates no funds for FDA will be used for this purpose. However, this amendment does not address the problem.

If this provision, or a similar one, is intended to help FDA avoid wasted time and resources on frivolous petitions, it misses the mark. Nothing in the language removes FDA's responsibility to review these petitions, as required by law. The provision only denies final approval, or "authorization" of the use of valid claims.

This is bad health policy, and it is bad fiscal policy, and I urge the chairwoman to relook at the provision in conference, lest its impact come back to haunt us.

On another issue, the horse slaughter language, the provision, as written, is opposed by animal experts across the country—real experts, including veterinarians and others. The way the language is written, it precludes health inspections and certifications for the legal transport of horses, for example.

Finally, I think, like some others on both sides of the aisle, that we have short-changed some necessary program areas, on occasion, in the past.

But I also think that, as with some other bills, we are going a little far in adding extra spending. Too much spending can do as much damage as too little spending.

It is important to remember that when we give agencies too much money, they spend more than they need to spend simply to hold their annual baseline intact. this is not a heal thy way to manage the Nation's resources.

We have some discretion here, and we should use that discretion since, apparently, we have turned a blind eye to the serious and growing problem of out-of-control entitlements.

In summary, let me, again, commend the gentlewoman from Connecticut. I think you have done a fine job, and I look forward to continuing to work with you to improve this bill as we go forward.

Mr. BISHOP of Georgia. Mr. Chairman, I am very pleased to rise in strong support of the H.R. 3161, the Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations bill for fiscal year 2008.

As a member of this Subcommittee, I am extremely proud of the work of the Subcommittee and our members on both sides of the aisle, in crafting a bill which truly impacts and touches the lives of everyone who lives in this great Nation of ours, as well as millions of individuals around the world.

Our bill invests in Rural America, providing funding to accommodate some $5.1 billion in affordable loans for low income families in rural areas, which will support approximately 38,000 single family homeownership opportunities.

We invest in rural communities, by expanding resources devoted to economic development programs and access to broadband telecommunication services to bridge the digital divide in rural, underserved areas.

We address the health care and emergency needs of rural areas, as well as providing support for the rebuilding of our Nation's rural infrastructure.

We invest in the protection of the Nation's Public Health, by providing nearly $930 million for the Food Safety and Inspection Service as well as $1.7 billion for the Food and Drug Administration—including increases to begin a transformation of food safety regulation, improving drug safety, monitor prescription drug advertisements and expanding the review of new generic drug applications.

To fight hunger in America, our bill makes investments which will expand nutrition, providing $958 million for nutrition programs, including the Expanded Food and Nutrition Education Program, Fresh Fruit and Vegetable program and the Simplified Summer Food program.

We provide $5.6 billion for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), which is expected to benefit over 8.4 million Americans over the next year.

Not only does this bill provide the resources necessary to keep nearly 26 million of the nation's poorest from going hungry, we also expand Emergency Food Assistance Program, so that food banks, soup kitchens, and other emergency feeding sites have needed resources. The bill also expands the Fresh Fruit and Vegetable Snack Program to all 50 states.

We invest in the transformation of our Energy Future, providing $1.2 billion for renewable energy, which was $955.3 million above

2007 and $810.4 million above the President's request—and includes funding for bio-energy and renewable energy research and development, including loans and grants in rural areas. The resources provided will be key building blocks in the expansion of renewable fuel production needed to encourage American energy independence and protect our environment.

We invest in Conservation, providing over $979 million for conservation efforts and community development. This bill restores many of the programs slated for major reductions in the president's request, including the Grazing Lands Conservation Initiative, Resource Conservation and Development, and the watershed programs which are funded $75 million—more than double last year's levels.

This investment will continue our efforts to improve both funding and access to conservation programs that take environmentally sensitive land out of farming and encourage environmentally friendly practices on working farmland.

Finally, I would like to congratulate my Chairwoman, ROSA DELAURO, for the outstanding job she's done in stewarding and leading the important work of our Subcommitee.

And I would be remiss if I did not recognize and thank the staff of Subcommittee—Martha Foley, Leslie Barrack, Adrienne Simonson, Diem-Linh Joan and Kelly Wade of the Majority staff; and Martin Delgado, Jamie Swafford and Dave Gibbons on the Minority staff, and of course, Michael Reed, and Niki Newberry of my staff.

This is a good bill, and I urge my colleagues to support the FY08 Agriculture Appropriations bill.

Mr. SIMPSON. Mr. Chairman, in accordance with House earmark reforms, I would like to place into the record a listing of Congressionally-directed projects in my home state of Idaho that are contained within the report to the FY08 Agriculture, Rural Development and FDA Appropriations bill.

I'd like to take just a few minutes to describe why I supported these projects and why they are valuable to the nation and its taxpayers.

First, the Cooperative State Research, Education, and Extension Service (CSREES) grants included below are targeted to our nation's Land Grant Colleges. In the case of Idaho, these funds are used by the University of Idaho to conduct research on a variety of crops important to the Pacific Northwest. I have also supported research in Washington and Oregon because their research is invaluable to my constituents as well.

In assessing the value of these requests, there are some important considerations that must be made. World labor standards and costs are far below those of the U.S. Our nation's farmers are subjected to far more stringent environmental regulations than those of many of our competitors. Input costs in the U.S. far surpass those of other nations. And energy prices, including farm diesel, are rising dramatically.

So how can a U.S. farmer remain competitive in a global market? He can do it by achieving greater productivity and efficiency, increased yields, and better defenses against diseases. These are the very things that agriculture research funding delivers for U.S. producers—and for U.S. consumers.

If you want to rely on foreign nations for our food in the way we rely on them for our oil, then by all means eliminate these important agriculture research programs. But if you believe, as I do, that maintaining a domestic capability to produce our food is a national security issue, then you ought to support these research programs and fight for their continuation.

The second entity that receives the bulk of these funds is the Agriculture Research Service (ARS) and its stations across rural America. In Idaho, these institutions are conducting vital research into some of our most important crops—sugar, potatoes, small fruits, and aquaculture. I encourage all of my colleagues to visit an ARS station to see firsthand the value of this research. If you do, you will learn that these researchers are doing amazing things with very limited budgets. These projects are usually small in terms of their funding, but the benefits that flow from that research cannot be measured in dollars alone.

Four of the projects below are funded through the Animal and Plant Health Inspection Service (APHIS). The first program, Potato Cyst Nematode (PCN) Detection and Eradication, provides funding that is critical to saving the potato industry, both in Idaho and across the nation. In August 2006, PCN was discovered in our country for the first time on approximately 1,000 acres in Eastern Idaho. PCN is a major pest of potato crops and is one of the most destructive and difficult pests to control. If left uncontrolled, this pest can result in devastating crop yield losses of up to 80 percent. Without this funding, the pest's significant risk of dispersion could lead to a devastating impact on our nation's agriculture production and exports.

The Greater Yellowstone Brucellosis funding is particularly critical to my home state of Idaho. Idaho recently regained its Brucellosis Class Free Status and these funds are critical to continuing a management plan that will allow Idaho to maintain brucellosis free status.

The Tri-State Predator control funding is hardly a handout to ranchers. The federal government forced wolf reintroduction on Idaho and other western states and it is duty-bound to pay for the deadly and gruesome impacts of this decision.

The funding for the Nez Perce Bio-Control Center will enable the Center to utilize organism-rearing technology to improve mass rearing capabilities for biological control organisms, thus providing long-term management of invasive weeds.

Another project on this list is the Idaho One-Plan. The Idaho One-Plan is a unique collaboration of agencies, industries, and associations dedicated to assisting Idaho farmers and ranchers in their continuing natural resource stewardship responsibilities. The program was developed jointly with state and federal resource agencies, the University of Idaho Cooperative Extension program, the Environmental Protection Agency, and local commodity groups. It's a successful program that has enormous value to not only the Idaho agriculture community and the environment, but to other states that might be interested in a similar collaborative process.

The final project is the Idaho Food Bank Facility Acquisition and Expansion Program. Currently, the Idaho Food Bank, located in Pocatello, Idaho, cannot process all of the donated food and often turns away delivery trucks and donations due to lack of space. An expansion of the food bank would allow more needy families in Eastern Idaho to utilize the food bank's services.

Mr. Chairman, any effort to remove these projects from the bill would not only result in zero savings to taxpayers, it would stop dead these important efforts to enhance and protect our nation's food supply.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my region and an explanation of my support for them.

(1) $6,750,000 for APHIS Potato Cyst Nematode Detection and Eradication.

(2) $854,000 for CSREES Increasing Shelf Life of Agricultural Commodities (WA, OR, ID).

(3) $96,994 for ARS National Plant Germplasm Program—Aberdeen, ID.

(4) $628,843 for ARS Aquaculture—Barley Sustainable Feeds—Aberdeen, ID.

(5) $1,093,728 for ARS Aquaculture Rainbow Trout Research—Aberdeen, ID.

(6) $99,000 for ARS Aquaculture Sustainable Feeds—Aberdeen, ID.

(7) $756,000 for CSREES Aquaculture (WA, ID).

(8) $728,000 for CSREES Barley for Rural Development (MT, ID).

(9) $900,000 for APHIS Greater Yellowstone Interagency Brucellosis Committee.

(10) $198,000 for NRCS Idaho One-Plan

(11) $250,000 for APHIS Nez Perce Bio-Control Center.

(12) $1,300,000 for APHIS Tri-State Predator Control in Montana, Idaho, and Wyoming.

(13) $558,000 for CSREES Cool Season Legume Research (ID, WA, ND).

(14) $446,000 for CSREES Grass Seed Cropping for Sustainable Agriculture Research (WA, OR, ID).

(15) 439,000 for CSREES Small Fruit Research (OR, WA, ID).

(16) $702,592 for ARS Sugarbeet Research—Kimberly, ID.

(17) $634,000 for CSREES STEEP III Water Quality in the Northwest.

(18) $6,371,000 for CSREES Wood Utilization (OR, MS, NC, MN, ME, MI, ID, TN, AK, WV).

(19) $1,482,000 for CSREES Potato Research.

(20) Idaho Food Bank Facility Acquisition and Expansion Program.

Ms. ESHOO. Mr. Chairman, I rise to commend Chairwoman DELAURO for her excellent work on this bill and to address a specific issue that is of growing importance to my constituents.

This March, the light brown apple moth (LBAM), an exotic pest native to Australia, was discovered in California. The moth has been damaging to growers in Santa Cruz, Santa Clara, and San Mateo Counties in my district. In Santa Cruz County, nearly 6,000 moths have now been detected.

This pest can affect a wide variety of plants, flowers, fruits and vegetables, and virtually any crop with a leaf is a potential host.

In order to halt the spread of this pest, USDA has imposed a quarantine in California counties where the moth has been found. Growers in these counties must subject their operations to a visual inspection to demonstrate that their facilities are not infested before they can be cleared to ship produce. For growers within 1.5 miles of a confirmed discovery of the moth, each shipment must be cleared by an inspection.

Canada and Mexico have also placed restrictions on the import of California products.

The quarantine and restrictions are a burden on growers in my district as well as on State and county agriculture officials, but it is a burden they recognize is necessary to prevent the further spread of the light brown apple moth.

What is critical is adequate Federal support and funding for the eradication and inspection effort. The USDA provided $5 million for this effort at the outset and they are seeking an additional $12.5 million through the Commodity Credit Corporation (CCC). The request has been pending with OMB for several weeks now and it needs to be approved.

Even if the funding is released, it may only carry operations through the end of the year. In the coming years, it may take several million dollars more to ensure the job is complete.

This was a relatively late breaking issue to be addressed in this appropriations bill, and I commend Chairwoman DELAURO for recognizing how serious it is and for including report language that calls on the USDA to secure all funds needed from the Commodity Credit Corporation to eradicate the light brown apple moth. In the Senate, $1 million is included within the Animal and Plant Health Inspection Service (APHIS) specifically for this purpose.

As we move forward with this bill and subsequent legislation to deal with agriculture disasters, I look forward to working with the Chairwoman and my colleague, Mr. FARR, to build on what is already in the House and Senate bills in order to ensure that sufficient funding is provided and that it is made available in a timely fashion.

Mr. CONYERS. Mr. Chairman, I rise in support of the passage of H.R. 3161, The 2008 Agriculture, Rural Development, Food and Drug Administration Appropriations bill. Chairwoman ROSA DELAURO has done excellent work to create fiscally and morally responsible legislation that reinvests in rural America, protects public health, improves nutritional standards for all Americans, all while transforming our future energy and conservation goals.

This legislation represents a new direction in the way we invest in our families and our farmers. It is a direction towards improving the health and well-being of all communities and to implement policies which put middle and working-class families center-stage. In rural America, H.R. 3161 provides significant increases to grants and loans for critical community facilities, affordable loans for low and moderate-income families in rural areas, with no increase in fees, and substantially increases affordable loans and grants for farm worker housing. There is also a large increase in funding for affordable home loans in rural areas that will ultimately double the number of homeowners from the 2002 level, by 2010.

In the areas of public health and nutrition, H.R. 3161 offers more than a billion dollars that will provide Americans with jobs in the food safety and inspection industry, improves food and drug safety regulations, and protects programs that feed women, infants, children, and the elderly. This bill increases funds for such programs as the Expanded Food and Nutrition Education, Fresh Fruit and Vegetable, and Simplified Summer Food programs that provide nutritious foods to children in low-income families, as well as specialty crop grants to encourage more fruit and vegetable consumption. Most importantly, in the Food Stamp Program, this bill not only increases funding to accommodate growing participation, but it excludes special pay for military personnel in eligibility determination, and rejects the administration's proposal to restrict eligibility for food stamps that will exclude needy families who are receiving certain other services.

The Agriculture Committee has also taken into consideration our need for renewable energy and conservation by allocating over $2 billion in funding for renewable energy loans and grants to businesses to grow our economy, create new jobs, lower energy prices, and reduce global warming. Furthermore, H.R. 3161 provides resources for research, aid to farmers and ranchers, and loans to businesses. The bill also restores many programs the President would have cut or eliminated, including the Grazing Lands Conservation Initiative, Resource Conservation and Development, and the watershed programs.

Mr. Chairman, I am extremely proud of my colleagues for their efforts in maintaining the lifeline of all Americans—our farms, nutrition, and energy policies.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of H.R. 3161, which strengthens our rural communities, while making sure that the American people have adequate, safe and nutritious food to eat. Let me commend the Chairwoman of the Subcommittee, Ms. DELAURO, for her exceptional leadership in crafting such extraordinary legislation to combat hunger, obesity and malnutrition in our nation and around the world. That is why I strongly support this bill.

Mr. Chairman, H.R. 3161 allows us to reinvest in the often forgotten but most vitally important rural areas of America. H.R. 3161 is designed to sustain the vitality of rural America, as well as protecting public health and food safety, improving nutrition and healthy eating, and promoting renewable energy and conservation in America.

Mr. Chairman, more than 3 million households in the rural America continue to have inadequate or no water or sewer service at all. H.R. 3161 is the solution to this disparity in that it provides $500 million for rural water and waste disposal grants, a 14 percent increase over 2007, and $1 billion for water and waste direct loans for the fiscal year.

Mr. Chairman, recent food scares—about peanut butter and lettuce—have made Americans nervous about where their food originates. H.R. 3161 tackles these concerns and addresses the importance of food safety. This bill fully funds the Food Safety and Inspection Service at USDA, shifts funds to fill vacancies in federal meat inspector positions, invests in research, and funds a transformation of FDA food safety regulations. It also prohibits imported poultry products from China, and sets a timeline for USDA to implement critical country of origin labeling for our meat supply after 6 years of Republican delays.

In addition, H.R. 3161 provides a special supplemental nutritional program for women, infants, and children other known as (WIC). This provision is so essential because it affords many women, especially women of color in lower income brackets, the opportunity to care for themselves and their newborns after birth. Without programs such as WIC, many mothers would not be able to maintain a healthy lifestyle during pregnancies and after childbirth. Because of WIC, mothers can afford their nutritional foods they need to sustain their pregnancies and avoid miscarriages, stillbirths and defects caused by malnourishment during pregnancy. H.R. 3161 invests $233.4 million (4 percent) more than the President to feed more than 8 million pregnant women, mothers and children next year.

Mr. Chairman, hunger is not a problem facing not only the international community faces, but it is also a problem in our own country. Many women, children, and the elderly should not wake and go to bed hungry in our great Nation, but tragically this happens all too often in the cities and villages and small towns of our great country.

The commodity supplemental food program provides $500,000 monthly in the year 2007. H.R. 3161 increases funding in this area to allow people in five additional states to participate in the program and expand those getting food in states already in the program. In addition, under the Food Stamp Benefit provision, H.R. 3161 protects the most vulnerable and helpless; families of soldiers in combat. Like the recently passed Farm bill, the measure ensures that the families of soldiers in combat are not penalized under the Food Stamp program. It also rejects the Administration's proposal to restrict eligibility for food stamps by excluding needy families who are receiving certain other services.

Mr. Chairman, let us remember that 1 in 3 American adults is overweight or obese and more than 9 million children are struggling with obesity. H.R. 3161 aims to improve the eating habits of Americans, particularly our children through programs that teach children about healthy eating. H.R. 3161 increases funding for nutrition programs, including the Expanded Food and Nutrition Education Program, which broadens Fresh Fruit and Vegetable and Simplified Summer Food programs to all states to provide nutritious foods to children in low-income families, and specialty crop grants to encourage more fruit and vegetable consumption.

Obesity is associated with 35 major diseases including chronic and life-threatening conditions such as cancer, diabetes and heart disease. It is important to keep our Nation healthy by providing access to high consumption of vegetables and fruits to the future of our great country, our children. By supporting H.R. 3161 we assure a healthy consumption of nutritional foods for children whose only crime is that their families are poor.

Mr. Chairman, H.R. 3161 is essential because it addresses one of the most staggering causes of death in children: malnutrition. Malnutrition remains a significant problem worldwide, particularly among children. According to the United Nations World Food Programme, severe acute malnutrition affects an estimated 20 million children under the age of five worldwide and is responsible in whole or in part for more than half of all deaths of children. Malnutrition kills approximately one million children each year, or an average of one every thirty seconds.

These statistics are absolutely frightening and simply intolerable. They are also avoidable. The World Food Programme estimates that, when implemented on a large scale and combined with hospital treatment for children who suffer complications, a community-based approach to combating malnutrition could save the lives of hundreds of thousands of children each year.

Mr. Chairman, H.R. 3161 recognizes the importance of helping our neighbors in combating the hunger. H.R. 3161 provides funding for the Foreign Agricultural Service in the amount of $159,136,000 and transfers of $4,985,000, for a total salaries and expenses level of $164,121,000, an increase of $2,817,000 above the amount available for fiscal year 2007 and a decrease of $9,073,000 below the budget request.

In addition, H.R. 3161 permits the United States Agency for International Development (USAID) to use up to 25 percent of the funds appropriated for local or regional purchase of food to assist people threatened by a food security crisis.

Mr. Chairman, if it were not for grants such as the McGovern-Dole International Food for Education and Child Nutrition Program many foreigners would have no other choice than to leave their native country in pursuit of a better life. In my very own office, I have a future international human rights lawyer by the name of Onyinyechi Abigail Nwaohuocha, who recently traveled to Cambodia and witnessed firsthand the devastation caused by food shortage and underdeveloped agricultural programs.

Mr. Chairman, H.R. 3161 reminds us that it is important for the United States to foster a relationship with other parts of the world, so that citizens of developing countries can also have basic rights such as sufficient amounts of food. The McGovern-Dole International Food program is funded in this bill in the amount of $100,000,000, an increase of $1,000,000 above the amount available for fiscal year 2007, and the same as the budget request.

The George McGovern-Robert Dole International Food for Education and Child Nutrition Program fights child hunger and poverty by supporting school feeding operations, which provide nutritious meals to children in schools. This simple formula has been proven to be a success. Because of such programs, students are better able to concentrate and learn more quickly on a full stomach. Enrollment and attendance rates have skyrocketed as a result of school feeding programs, particularly among girls who are too often denied an education.

Mr. Chairman, there are 110 million school-aged children suffering from hunger every day, and they are counting on America's leadership and generosity to provide them with an opportunity to break the cycle of poverty. This bill provides that leadership and generosity and it is for this reason that I urge my colleagues to join me in voting for its passage by an overwhelming margin.

Ms. DELAURO Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 3161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,505,000: *Provided*, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

☐ 1600

Mr. SHIMKUS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Chairman, I start a period of time in which we're going to take opportunity to talk about SCHIP.

I strike the last word to speak about the expansion legislation that was pulled from the Energy and Commerce Committee. Reportedly, it will be on the floor later this week, and I would like to highlight the damage it will do, if enacted. Specifically, I'd like to take this opportunity to speak about the very popular Medicare Advantage program.

In Illinois, there are 1,715,548 Medicare beneficiaries. Of these, 145,600, or 8 percent, have selected to receive their health care coverage through a Medicare Advantage plan. According to the Centers for Medicare and Medicaid Services, there are over 6,000 Medicare beneficiaries in my district that are currently enrolled in a Medicare Advantage program.

One of the most troubling things I have heard about the Democrats' bill is actually from Peter Orzag, who is the Director of the Congressional Budget Office. The Director said that under the Democrats' bill, Medicare Advantage enrollment would fall by approximately 8.2 million currently to 5.5 million in 2012, a reduction of 33 percent from current enrollment levels.

Medicare beneficiaries are among this Nation's most vulnerable citizens, and access to comprehensive high-quality affordable health care is imperative to their well-being. As we well know, the population of the United States over age 65 is growing rapidly. The average Medicare beneficiary is likely to have two or more chronic illnesses. Medicare beneficiaries should have choices for their health care coverage similar to those available to individuals under age 65. We should allow them to choose plans that best meet their unique health care needs and to help them coordinate their care, manage their illnesses, and reduce their out-of-pocket costs.

On average, beneficiaries that choose a Medicare Advantage plan in Illinois are receiving over $60 in extra value each month from their plans. This extra value comes in the form of savings on cost sharing and out-of-pocket protections and on lower part D premiums, or additional benefits like coverage for vision and hearing. Beneficiaries in Medicare Advantage plans report better access to care, more usual sources of care, and more likelihood of seeking care when needed than beneficiaries in traditional fee-for-service operations.

CMS has recently reported that beneficiaries in fee-for-service with no additional sources of coverage have more difficulty getting care and are less likely to have usual source of care than Medicare Advantage enrollees.

All Medicare beneficiaries have access to a Medicare Advantage plan that does not require cost sharing for screenings for breast cancer, cervical cancer and prostate cancer. Recently, CMS has reported that Medicare Advantage enrollees are more likely to receive preventative services, such as immunizations, mammography, and screenings for colorectal and prostate cancers.

Critics have implied that the Medicare Advantage program is contributing to the solvency problems facing the Medicare trust fund. However, these critics fail to recognize the extra value that Medicare Advantage plans provide that address the real drivers in increasing program costs. Medicare Advantage plans help control the volume and intensity of services used by beneficiaries in Medicare part A and part D by coordinating care, improving health outcomes, and monitoring enrollee usage.

Medicare Advantage generates savings in the part D program by helping to drive down the average premium paid by the government and beneficiaries, and by reducing Federal expenditures for beneficiaries eligible for low-income subsidies.

Critics have further distorted the facts by offering information that claims to suggest a "fairness gap" between Medicare Advantage payments and the other providers. In fact, Medicare Advantage payment rates increase in direct proportion to the Federal Government's estimates of increases in per capita costs in the fee-for-service program.

Some critics suggest that legislators must choose between providing comprehensive health coverage options to Illinois seniors through the Medicare Advantage program or providing coverage to Illinois uninsured children through SCHIP. Both programs play a crucial role in serving vulnerable populations. We should focus on devoting adequate resources to both SCHIP and Medicare Advantage, while working to maintain and strengthen all components of our Nation's health care safety net.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT NO. 3 OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. GINGREY: Page 2, line 9, after the dollar amount, insert "(reduced by $50,050)".

Mr. GINGREY. Mr. Chairman, this amendment reduces the necessary expenses of the Office of the Secretary of Agriculture by $50,050, a simple 1 percent; a 1 percent reduction in the expenses of the Office of the Secretary of Agriculture.

Mr. Chairman, the amendment is not aimed necessarily at the Office of the Secretary of Agriculture, but it aims to make a simple 1 percent reduction in order to shrink the Federal deficit. Why is that necessary? Well, we should be paying for increased spending by reducing other Federal spending, that's the 1 percent I'm calling for, rather than raising taxes or putting the burden on our Medicare seniors, as we do in this proposed SCHIP reauthorization and expansion, Mr. Chairman.

And as we all know, the Democratic majority, the Energy and Commerce Committee bill, which will be combined with the bill out of the Ways and Means Committee we will be dealing with in the next day or two on this floor, calls for a $50 billion increase over the next 5 years. Now, that's on top of the base program which, in the aggregate, was a $25 billion program over the last 5 years. We're not going to increase that by 10 percent, by 20 percent, by 50 percent, or even by 100 percent. We're increasing it even more than that, going from $25 billion, Mr. Chairman, to $75 billion.

So, that's why I'm standing before the body today and saying, look, this is a small cut; this is a little bit of money. But a little bit of money here and a little bit of money there, I've got lots of amendments where we ought to cut other programs here 1 percent to try to pay for some of these things that we are doing that violate your own rules, your own PAYGO rules.

Mr. Chairman, I will say this; this new SCHIP program, everything's got to have an acronym, doesn't it? And it sells well if it has a catchy little acronym. And the Democratic majority is calling this one, the chairman of the Energy and Commerce Committee came up with a nice, little cutesy acronym for this mass expansion called the CHAMP Act, Children's Health and Medicare Protection Act.

Mr. Chairman, I've got an acronym for this bill which fits it a lot better, and that acronym is the "CHUMP Act." That's what it is, the CHUMP Act, the Children's Health Unfunding Medicare Protection Act. Because, Mr. Chairman, what this bill calls for is to totally wreck, totally destroy Medicare Advantage. Medicare Advantage is that part of the Medicare program where some 8 million out of 41, 42 million seniors have chosen that health care delivery model because they know they get an opportunity for preventative health care, they get an opportunity to have a nurse practitioner, a physician assistant, or maybe even the doctor him- or herself looking at their health care needs and not just providing, as in traditional Medicare, episodic care where there is no coordination. And a lot of times patients, particularly our seniors with multiple systems diseases, will come home from one doctor with a handful of prescriptions and the next week they're going to another doctor with a handful of prescriptions.

The Medicare Advantage program was designed to help prevent that, to put an emphasis on coordination, on connecting the dots so that we wouldn't duplicate services, or in some instances, Mr. Chairman, even provide a level of care or prescription that could be detrimental to the patient, that could be counterproductive.

So, this is why I feel that my amendment, this small amendment to cut by 1 percent the Office of the Secretary of Agriculture, is a move in the right direction to say, look, don't do this massive expansion of the SCHIP program; reauthorize it. We all want to reauthorize it. In fact, I think maybe what the President called for in his budget was a little bit on the low side. Maybe increasing it $1 billion a year is not quite enough, if indeed, Mr. Chairman, there are 6 million youngsters who are needy and do not have health insurance in this country.

So, I ask my colleagues to support the amendment.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I think my colleague from Georgia maybe doesn't understand what bill is on the floor today. This is the Agriculture appropriations bill. There will be an opportunity to discuss SCHIP, and you can continue to do that, but let me just comment about your Agriculture appropriations amendment.

The House bill includes funding for central administration offices to fund current staff. The only increase is for pay costs. And I might just tell you that for all of the staff offices in central administration, that the work that was done by the committee literally cut these offices by about 16 percent. So it was just pay and benefits.

However, you should know I feel the obligation to mention these things to you, that any cuts in these offices will result in the reduction of headquarters staff, not the field staff, because that's the personnel that deals directly on a one-to-one basis with our farmers and with our ranchers so that they can access the system and be able to do what they need to do.

Now, I'm going to give the gentleman an opportunity to withdraw his amendment, because I am prepared to accept your amendment, and I'm happy to accept your amendment.

PARLIAMENTARY INQUIRY

Mr. KINGSTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. KINGSTON. If the Chair seeks to accept the amendment, then that ends the debate; correct?

The CHAIRMAN. The Chair will put the question on the amendment at the conclusion of the debate on the amendment.

Mr. KINGSTON. The debate is over then; correct?

Ms. DELAURO. We have accepted the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MCHENRY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. Mr. Chairman, I am happy that the Chair is accepting this amendment, but I would like to speak on it as an opportunity to speak about cutting government spending.

Though it's just $50,500, that's far more than the median income in my district. I want the American taxpayers to know that this is an important step, and it's good that they're accepting a limitation on the rapid increase in spending within this legislation.

There are a lot of good points that we have to consider here. We have to consider the totality of government spending when we're debating here on the

House floor. The government spending for this fiscal year is over $2.7 trillion. To put that into perspective, Mr. Chairman, that is larger than all the economies of the world, except for two. It is far larger than even the Chinese economy, which is about $1.9 trillion.

The reason why I bring this up is that when we're discussing each of these appropriations bills, we tend to focus on small parts of the appropriations process. We tend to focus on an amendment here, an amendment there, maybe increasing funding here and there and increasing funding in a particular appropriations bill. But we have to talk about what's that doing to the whole of the budget. And if we spend money here in the Department of Agriculture, we may not have that money to fund this SCHIP proposal that the Democrats are bringing to the floor at the end of this week.

Now, to talk about that bill, what they're going to do is not simply cut government spending elsewhere in the budget, elsewhere in the government, reforming programs, eliminating programs that are ineffective and no longer cost-effective for the American taxpayers, but what they do is they go out and find new revenue and raise taxes under this SCHIP proposal.

The Agriculture bill we have here today increases government spending, thereby forcing this new Democrat majority to go out and raise taxes for their new programs. And, Mr. Chairman, they've proposed a lot of new programs, this new Democrat majority, and what we have to do is focus on making sure we balance the budget. Now, balancing the budget, to me, as a fiscal conservative, does not mean going out and getting new revenue.

□ 1615

It means doing things, sensible things, such as the Congressman from Georgia, Mr. GINGREY, my good friend and colleague, is doing here. It cuts 1 percent out of the administrative budget of the Department of Agriculture, just 1 percent.

I have an amendment that I would like to perfect. If 1 percent was acceptable to the Chair, I would like to see if maybe 2 percent would be acceptable and see where we can actually draw the line in cutting government spending, where the breaking point is in this House of Representatives. To that end, I think it is important that we have a discussion on what that proper number is.

I know my colleague from Georgia may have another amendment similar to this next up, I hope, at which point I would like to see if we can actually go a little bit further in cutting government spending. Let's talk about not just the Agriculture appropriations bill, which is the key focus of today, but also the long-term consequences of our just having a narrow, myopic focus on the current bill on the floor. Let's talk about the totality of government spending, ways that we can reform the government, limit the government, and actually get back to what is sensible.

We have a big debate going on right now about the war in Iraq. We have a big debate going on about children's health care. We have a big debate about whether or not the farm bill that we passed last week was the right thing to do and whether or not you should actually have a massive tax increase in order to implement the new programs within that formula. Many of us agree that that wasn't the right thing to do, but, unfortunately, the majority in the House did vote for that massive tax increase.

It is important that we have a discussion on health care and agriculture and the long-term consequences of these issues going forward. Certainly, the bill today and the chairman's willingness to accept a 1 percent cut in the administrative budget is a step in the right direction. We can be thankful for that.

I hope, as we go on in the debate, the Chair will be willing to accept other amendments that limit the rapid increase of funds going to the Department of Agriculture and we can actually rightsize the government. There are many on this side of the aisle who want to cut the size and scope of government. I know that the chairwoman has been willing to examine programs and reform those programs. I hope that she will be willing to accept many of the amendments we have here today.

I also know my colleague from Georgia has a number of amendments like this. It is important that we discuss the long-term consequences of our failure to limit the growth of government.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I think it is important for Members on both sides of the aisle to understand what is going to transpire here. This is a filibuster masquerading as an amendment. This amendment cuts $50,000, a tiny, tiny symbolic sum, from the administrative account in question. But, as I see it, this is not a real amendment.

What it means is that it simply affords those who offer it, under the guise of talking about spending, to really engage in delay and delay and delay. Because their goal, if they can, is to not have the House finish its appropriations business. Their goal, also, if they can, is to delay the SCHIP bill from coming to the floor and finally being passed by the House.

So after we have seen this administration and their allies in this House borrow $1.2 trillion to pay for tax cuts and after we have seen them borrow another $600 billion to finance that misbegotten war in Iraq, now they pretend that they are contributing to the public good by offering to cut spending by $50,000; not $50 billion, but $50,000.

This is, in plain language, a filibuster. It is the first of many amendments that are being offered by people who are so opposed to the SCHIP proposition, which will be before us tomorrow, that they would prefer to defend $50 billion in tax cuts for people making $1 million a year than they would to see 5 million more kids covered by health insurance in this country. That is really what is afoot here.

Mr. Chairman, I find myself only mildly amused, because the subject really is serious. I find myself only mildly amused by the fact that, 3 days ago, we had the President announce another large, massive increase in foreign aid which he wants us to provide yet this year.

We also now increasingly are coming to understand that the President will be asking for an extension of the surge in Iraq, which will require him to ask the Congress to spend an extra $25 billion to $30 billion above and beyond $140 billion he is planning to ask for in the supplemental already for this year for Iraq. So, yet, we are here mired today in this let's-pretend Potemkin debate over $50,000.

We don't, on this side of the aisle, intend to get bogged down; at least, we don't intend to contribute to the bogging down. So we will let them drone on, drone on and drone on with their Lilliputian amendments.

Meanwhile, we recognize what is happening: If the other side wants to delay the people's business for a while, all that means is that, in the end, our colleagues won't be going home on Friday, they won't be going home on Saturday, and we will still be having Sunday dinner together.

Mr. Chairman, I yield back the balance of my time.

Mrs. BLACKBURN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. I thank the chairman, and I thank the gentleman from Georgia for his legislation to make a 1 percent reduction. We have got to start taking these first steps.

Year after year, I feel there is a group of us that come down here talking about how we slow the growth of government, talking about how we make reductions in what the government spends and talking about the necessity to begin with those little, tiny savings, ¼ percent, ½ percent, a solid percent, that will yield a savings. We are talking about $5.5 million. I find it just amazing that we can't even find $50,000 in there. We can't agree to make that kind of reduction. There are ways to do this. That is something government should be doing.

The gentleman from Wisconsin mentioned the SCHIP program. Indeed, in our Committee on Energy and Commerce, we have been quite disheartened that the SCHIP bill that he mentioned is not going through regular order. We didn't have a committee hearing in our Health Subcommittee. We would have welcomed that.

There is nobody against health care for low-income children. What we have great concerns about is all the other stuff, all the pay-fors that are in this bill, all the expansion of policy, taking a block grant, moving it to an entitlement. It brings us back to the initial question with the gentleman's bill on this appropriations bill of making a 1 percent reduction. There has to be a way to yield a savings that will pay for some of these things, because we can't take it out of Medicare Advantage.

The SCHIP legislation that the gentleman mentioned would make an incredible reduction to Medicare Advantage. My goodness, we would see $193 billion in reductions to our Medicare Advantage program over a 10-year period of time, which would be $15.3 billion in cuts to Medicare Part A for seniors. This would include skilled nursing facilities, rehab facilities, and long-term care hospitals. That would be one of the pay-fors in the SCHIP bill that the gentleman referenced.

That is why the gentleman from Georgia has a great amendment that says, let's get going. In title 1, page 1 of this bill, let's start finding a way to make some reductions. $9.6 billion in cuts to Medicare Part D for seniors is in that bill, that SCHIP bill that didn't go through subcommittee, didn't get a complete markup in committee. It is going to be moved to the floor.

So, there, again, the gentleman from Wisconsin's points on this bill is the reason we have this amendment to title 1, section 1 of this bill, to make that reduction in the Secretary's spending, $5.5 million. Certainly, we can find $50,000. $3.6 billion would be cut out of end-stage renal disease in that bill. There has to be a way to start making reductions so that you're paying for the government that you are trying to spend, the money you are trying to spend, the government you are putting out there. There has got to be a way to pay for this. Unfortunately, that is not something that we are seeing considered.

Mr. Chairman, $50,000 may not be much to the Secretary, but it is a lot to my constituents in Tennessee and especially those that are on Medicare Advantage.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. JACKSON of Illinois. Mr. Chairman, I want to be clear. The gentlewoman may not be aware of it, but we have accepted this amendment. The majority has accepted Mr. GINGREY's first amendment for $50,000. The gentlewoman said that $50,000 is very important to her constituents. The majority has heard it. Therefore, we accept the amendment. I think we can dispose of this amendment and move forward.

Mr. Chairman, I yield to the gentlewoman from Connecticut (Ms. DELAURO), the chairwoman of the subcommittee.

Ms. DELAURO. Mr. Chairman, I would just say we have accepted the amendment.

Mr. Chairman, clearly, as the Chair of the committee pointed out, this is a filibuster to talk about another issue. Now, you can continue to do that. The sooner you stop filibustering, the sooner we can move on. We have accepted the amendment. But that is up to you.

Mr. JACKSON of Illinois. Mr. Chairman, reclaiming my time.

The gentlewoman's constituents should be very proud that we have accepted the amendment. The $50,000 that is so important to her constituents, to all Americans, has been accepted. We can dispose of this and move forward.

Mr. Chairman, I yield back the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized 5 minutes.

Mr. PRICE of Georgia. Mr. Chairman, I thank the chairwoman for accepting the amendment. It is a commonsense way to begin this process that lacks a lot of common sense.

I wish to commend my colleague from Georgia for beginning the process of fiscal responsibility on this next appropriations bill. I would point out, however, that this bill spends $1.04 billion more than last year, an increase of 5.9 percent.

Mr. Chairman, I would suggest that there aren't many folks across this Nation who got a 5.9 percent increase in their budget this year. So, I think that the amendment of my colleague from Georgia is an appropriate effort to try to begin the process of fiscal responsibility.

Mr. Chairman, I stand here supporting this amendment because as we attempt, and thank goodness we have the support of the majority on this small attempt, to begin to decrease bureaucracy, we are faced with a significant and huge increase in bureaucracy coming later this week.

I say that because my friend, the chairman of the committee, says, well, our goal here is to not finish the business. No, Mr. Chairman, our goal is to bring focus to an issue and to a bill that will not be allowed to get the focus that this bill gets. Because, as you know, Mr. Chairman, the rules of the House that will bring bills to the floor later this week will be of such a nature that Members of the House won't be able to come to the floor and talk about it. They won't be able to come to the floor and offer amendments in an open and deliberative process. They won't be able to exercise the right that they felt, and certainly their constituents felt, they would be given by being elected to this august body.

□ 1630

That is certainly going to be true for the children's health insurance bill, which really is a huge step in the direction of Washington-controlled bureaucratic health care.

So it is appropriate that we appreciate the nexus between this bill, the Agriculture appropriations bill, and that. One is the process was so flawed on the health care bill that we like to commend our colleagues on the other side of the aisle for bringing an appropriate process for appropriations bills. The other is that this is an attempt at fiscal responsibility, or at least a small step.

I think it is important to appreciate what the original intent of the health insurance bill that was passed 10 years ago was, because we will not likely get that opportunity when that time arises later this week.

The original attempt was to cover children who do not have health insurance between the level of income in their family from Medicaid to a low-income state, considered to be, in 1997, 200 percent of the poverty level. That is a noble purpose. It is a noble purpose to provide assistance for families who are unable to provide health insurance for their children.

That legislation expires at the end of September. So we have a lot of time in order to be able to have an appropriate discussion and talk about what the changes ought to be as we move towards reauthorization. All of us believe that those children at the lower end of the economic scale ought to be able to have access to the finest health insurance.

But the process, as my good friend from Tennessee mentioned, has been so remarkably flawed that that likely isn't going to be the case. In fact, we were given a bill late last week that was almost a ream of paper, 450-odd pages, that frankly doesn't include all that the majority plans to put into it because they haven't figured out how they are going to pay for it.

But what they do know, they are going to cut Medicare to over $100 billion. Over $100 billion they are going to cut Medicare, which is why this bill is so important, because we have to figure out how we are going to pay for that. I know on this side of the aisle we are interested in being responsible in our spending and making certain we are able to cover programs.

On the other side of the aisle, Mr. Chairman, it appears their desire is to raise taxes in order to pay for programs. In this instance, though, they are going to do what they alleged 10 years ago they ought not do, and that is to cut Medicare, cut Medicare to a huge degree so that literally millions of seniors across this Nation will see their Medicare program cut.

In addition to that, there is a reported proposal on the other side that will increase taxes on every single American who has a health insurance policy. There will be a fee. They won't call it a tax; they will call it a fee to increase revenue to the Federal Government on every single American that has a health insurance policy.

Mr. Chairman, I don't know about you, but in my district, that is what we call a tax. In my district we don't believe that new programs ought to be put in place and charged with new taxes. We believe that the Federal Government ought to spend wisely.

Mr. Chairman, I yield back the balance of my time.

MOTION TO RISE OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Pursuant to clause 6 of rule XVIII, the Chair will reduce to a minimum of 5 minutes the time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call.

Members will record their presence by electronic device.

The call was taken by electronic device.

[Roll No. 775]

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

□ 1658

The CHAIRMAN. Three hundred eighty-nine Members recording their presence by electronic device, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. Pending is the demand of the gentleman from Georgia for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 231, not voting 34, as follows:

[Roll No. 776]

AYES—172

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
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Boswell
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PARLIAMENTARY INQUIRY

Mr. LINDER (during the vote). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. LINDER. Is this a 5-minute vote that occurred because of a unanimous consent request?

The CHAIRMAN. The gentleman will restate his parliamentary inquiry.

Mr. LINDER. First of all, is this a 5-minute vote?

The CHAIRMAN. The gentleman is correct.

Mr. LINDER. Is it the result of a unanimous consent request?

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, this is a 5-minute vote.

Mr. LINDER. It is my understanding that any intervening business requires a 15-minute vote on the following vote under the rules of the House, and there was intervening business.

The CHAIRMAN. The Chair will repeat that pursuant to clause 6(b)(3) of rule XVIII, this is a 5-minute vote.

Voting will proceed.

☐ 1708

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. SHIMKUS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Chairman, in 1997, a Republican-led Congress passed the State Children's Health Insurance Program, SCHIP, a program that combines the best of public and private approaches to delivering vital health care coverage to low-income children across the country.

Today this program provides coverage to 6.6 million children and has lowered the insurance rate by nearly 25 percent. Unfortunately, our colleagues on the other side of the aisle decided not to include us in crafting the reauthorization of SCHIP. In addition, it included many other provisions affecting Medicare, without any input from the minority.

The legislation put forth by the Democrats has many problems, and I have serious reservations on how they propose to fund this legislation. Specifically, there are proposed funding streams in the bill passed out of the Ways and Means Committee that seek to take money out of end-stage renal disease programs by establishing policies that are shortsighted and ill-advised.

As currently structured, this proposal takes funding from among the sickest patients in the Medicare program, those who have end-stage renal disease, and reallocates it to a massive SCHIP expansion. As a member of the Energy and Commerce Committee, I was pleased to learn that Chairman DINGELL was prepared to offer an amended version of the CHAMP Act that did not include any end-stage renal disease cuts, and, as indicated by CBO score sheets of Chairman DINGELL's amendment, that do not include entries for any end-stage renal disease provisions.

It was unfortunate that the bill was discharged from the Energy and Commerce before amendments could be offered to strike these cuts, but I wholeheartedly agree that we should not be making cuts to end-stage renal disease, which treats some of the sickest patients in Medicare, to fund SCHIP expansion.

As the CHAMP Act currently stands, my concerns with end-stage renal disease are twofold. First, the bill proposes to disrupt the market-based average sales price reimbursement system that Congress worked hard to pass in the Medicare Modernization Act. This average sales price payment system was first implemented in the physician setting in 2005 and the end-stage renal disease setting for all drugs in 2006.

This system has been a great success across the board, and moving to reimbursement rates of ASP plus 6 percent has demonstrated significant savings. In fact, the Office of Inspector General estimated annual savings of $1 billion because of the shift from the old average wholesale price system to the ASP system in 2005.

Starting in 2006, the average sales price system includes drugs used to treat anemia in end-stage renal disease patients, as well as all other end-stage renal disease drugs. MedPACs have noted a decline in end-stage renal disease drug spending since the implementation of the average sales price, and when looking at erythropoietin stimulant agents, which are biologics used to treat anemia in end-stage renal disease, specifically it is clear that the ASP has resulted in a reduction in the price of Medicare, which had previously paid for these biologics going from $10 under a statutory rate in 1994 to 2004.

POINT OF ORDER

Mr. BISHOP of Georgia. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BISHOP of Georgia. Isn't it true that the gentleman in the well should be addressing the underlying bill, and it's a violation of the rules if the remarks in the well do not address the underlying bill?

The CHAIRMAN. The gentleman is correct. The gentleman speaking who has the time must confine his remarks to the pending question.

PARLIAMENTARY INQUIRY

Mr. SHIMKUS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SHIMKUS. If there are cuts in one bill based upon increased spending in another, is that financial connection enough to continue to proceed?

The CHAIRMAN. The gentleman must maintain an ongoing nexus between the pending question and any broader policy issues.

The gentleman may proceed.

Mr. SHIMKUS. Starting in 2006, the average sales price system included drugs used to treat anemia and end-stage renal disease patients as well as other end-stage renal disease drugs.

Additionally, there are provisions in the bill that propose to institute a statutory price control rate. It would be a mistake to change a system that has reduced prices for this medicine by 6.8 percent since the average sales price-based reimbursement system was implemented in January of 2006; 9 percent compared to what Medicare paid for the drug back in 1994 under a statutory price control rate.

This market-based system is working to drive down prices for Medicare in Congress, and Congress shouldn't try to fix something that's not broken. Most importantly, I also question how a cut in payment would affect patient care. A payment cut may create financial incentives to reduce or ration clinically beneficial drugs.

Dialysis providers may reduce their costs by providing fewer services and drugs, transferring patients to another setting of care, or discharging patients more quickly.

Mr. Chairman, in 1997 a Republican-led Congress passed the State Children's Heath Insurance Program (SCHIP)—a progam that combines the best of public and private approaches to delivering vital health coverage to low-income children across this country.

Today this program provides coverage to 6.6 million children and has lowered the uninsured rate by nearly 25 percent.

Unfortunately, our colleagues on the other side of the aisle decided not to include us in crafting the reauthorization of SCHIP and in addition, included many other provisions affecting Medicare without any input from the minority.

The legislation put forth by the Democrats has many problems, and I have serious reservations on how they propose to fund this legislation.

Specifically, there are proposed funding streams in the bill passed out of the Ways and Means Committee that seeks to take money out of the End Stage Renal Disease (ESRD) program by establishing policies that are shortsighted and ill-advised.

As currently structured, this proposal takes funding from among the sickest patients in the Medicare program, those that have ESRD, and reallocates it to a massive SCHIP expansion.

As a member of the Energy and Commerce Committee, I was pleased to learn that Chairman DINGELL was prepared to offer an amended version of the CHAMP Act that did not include any ESRD cuts as indicated by CBO score sheets of Chairman DINGELL's amendment that do not include entries for any ESRD provisions.

It was unfortunate that the bill was discharged from Energy and Commerce before amendments could be offered to strike these ESRD cuts, but I wholeheartedly agree that we should not be making cuts to the ESRD, which treats some of the sickest patients in Medicare, to fund SCHIP expansion.

As the CHAMP Act currently stands, my concerns with the ESRD provisions are twofold.

First, the bill proposes to disrupt the market based Average Sales Price (ASP) reimbursement system that Congress worked hard to pass in the Medicare Modernization Act (MMA).

This ASP payment system was first implemented in the physician setting in 2005, and the ESRD setting for all drugs in 2006.

This system has been a great success across the board and moving to reimbursement rates at ASP+6 percent has demonstrated significant savings.

In fact, the Office of the Inspector General estimated annual savings of $1 billion because of the shift from the old Average Wholesale Price (AWP) system to the ASP system in 2005.

Starting in 2006, the ASP system included drugs used to treat anemia in ESRD patients, as well as all other ESRD drugs.

MedPAC has noted a decline in ESRD drug spending since the implementation of ASP and when looking at Erythropoeitin Stimulating Agents (ESAs), which are biologics used to treat anemia, in ESRD specifically, it is clear that ASP has resulted in a reduction in the price Medicare had previously paid for these biologics—going from $10 under a statutory rate from 1994–2004 to $9.10 today for one of these ESAs—EPOGEN. This is a 9 percent drop which represents real savings.

Additionally, there are provisions in the bill that propose to institute a statutory price controlled rate that would distort the market and ASP system by establishing a cap which restricts Medicare payment at a statutory rate of $8.75 or ASP+2 percent, whichever is less.

It would be a mistake to change a system that has reduced prices for this medicine by 6.8 percent since the ASP-based reimbursement system was implemented in January 2006 and by 9 percent compared to what Medicare paid for the drug back in 1994 under a statutory price controlled rate.

This market-based system is working now to drive down prices for Medicare and Congress shouldn't try to fix something if it's not broken.

Most importantly, I also question how a cut in payment would affect I patient care. A payment cut may create financial incentives to reduce or ration clinically beneficial drugs.

Dialysis providers may reduce their costs by providing fewer services and drugs, transferring patients to another setting of care, or discharging patients more quickly.

So when we are looking for ways to save money, a reduction in reimbursement levels could actually result in unintended consequences, such as increasing the number of ESRD patients who are hospitalized.

Published studies show that patients who are under dialyzed or who are suffering from anemia are more likely to be hospitalized.

Increases in hospitalization due to dialysis payment changes could end up being very costly to Medicare and taxpayers.

This is just bad policy rationale.

I am also concerned with a provision that would move to a fully bundled dialysis composite rate—that is bundling drugs and other separately billable services into a composite rate—for large dialysis providers beginning in 2010, and for all other dialysis providers by 2013.

Since passage of the MMA in 2003, CMS has tried to design and test a fully bundled payment system and has been unsuccessful.

I believe that CMS must be given more time to study this issue and complete the bundling demonstration authorized in the MMA that it has been working to implement to ensure that all of the complex factors that go into a bundled payment are accounted for and that patient care and access are not harmed under a bundled payment system.

Again, bundling may create financial incentives to reduce or ration care resulting in worse health outcomes.

An insufficient Medicare payment could cause facilities to close their doors or result in poor patient outcomes.

This underscores the need to test a bundled payment through a demonstration first before implementing.

Congress and CMS should be fully informed on how to protect patient access and quality before implementing bundling system-wide.

Although I am committed to the reauthorization of SCHIP I cannot support these types of cuts to Medicare.

I urge my colleagues to join me in opposing the Democrats' SCHIP expansion in its current form.

□ 1715

POINT OF ORDER

Mr. WEINER. Mr. Chairman, I rise to renew the point of order of the previous point of order.

The CHAIRMAN. Is the gentleman stating a point of order that the gentleman is not confining his remarks to the pending question?

Mr. WEINER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is correct. The gentleman controlling the time must confine his remarks to the pending question. There must be an ongoing nexus between the pending question and any broader policy issues addressed by the gentleman controlling the time.

Mr. WEINER. Mr. Chairman, a point of parliamentary inquiry.

Mr. PRICE of Georgia. Does the gentleman yield?

The CHAIRMAN. The gentleman will suspend. The gentleman from Illinois controls the time.

Mr. SHIMKUS. If the gentleman from Illinois controls the time, I yield to my colleague from Georgia.

Mr. PRICE of Georgia. I appreciate my friend yielding.

Isn't it true that the reason you are concerned about this bill is because of the amount of spending in this bill puts in jeopardy health care for our seniors?

Mr. SHIMKUS. Especially in this debate, the end stage renal disease aspect; and that is the nexus.

PARLIAMENTARY INQUIRY

Mr. WEINER. Mr. Chairman, point of parliamentary inquiry.

The CHAIRMAN. The gentleman's time has expired.

Does the gentleman seek to make a parliamentary inquiry?

Mr. WEINER. Mr. Chairman, just for future reference. Under the rules, Members who fail to oblige and follow rulings of the order of the Chair, what is the sanction against them if they fail to do so?

The CHAIRMAN. The gentleman who controlled the time did properly confine his remarks.

Mr. WEINER. Thank you, Mr. Chairman.

Mr. FARR. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, the underlying amendment of the Agriculture appropriations bill, the amendment that is on the floor, strikes $50,050 from the Office of the Secretary of Agriculture, $50,050. We have now on this side accepted the amendment. The other side has used over 1 hour of procedural delay, which essentially has spent that $50,000 on the operation of the Capitol with no savings to the taxpayer; and I think that these people who get up and talk about fiscal responsibility ought to learn a little bit of oratorical responsibility.

I yield back the balance of my time.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. HINCHEY. I yield my time to Mr. OBEY.

Mr. OBEY. Mr. Chairman, as the gentleman from California pointed out, we have now probably expended in terms of salaries for the clerks, the cost of air conditioning for the Chamber, the cost of lights for the Chamber, we have probably now expended more money than would be saved by this $50,000 amendment; and so what I think this amendment is about is something very different than in fact we are hearing from our friends.

What I think this is about is that, last year, if you take a look at the appropriation bills that have been considered so far this year, last year, approximately 86 hours were spent debating those bills. This year, we have had about 152 hours expended debating the same bills. Why is that?

Last year, there were 144 amendments offered by those on this side of the aisle then in the minority. This year, the now minority has offered 339 amendments. So it is obvious to me what is going on.

I don't think this debate is at all about either fiscal responsibility or the fact that the amendment purports to save $50,000. This is simply a device which allows the sponsors and the supporters to tie up the time of the House and eventually deny this House the ability to get its work done before it leaves for the August recess. That is what this is about. And all of the rhetoric to the contrary notwithstanding, I think every Member of the House knows that is what it is about.

From the beginning, it has been apparent that there are a small number of Members on the other side of the aisle who would prefer to engage in filibuster by amendment, no matter what that means in terms of the quality of the debate, no matter what that means in terms of the inconvenience to Members, and no matter what that means in terms of the ability of this House to finish its business in a timely fashion.

So let me simply say we will hear a lot of rhetoric tonight about fiscal responsibility. Keep in mind what the real debate is, and we will give all of that rhetoric the attention that it deserves, which is very little.

Mr. HINCHEY. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. MCHENRY TO THE AMENDMENT OFFERED BY MR. GINGREY

Mr. MCHENRY. Mr. Chairman, I offer a second-degree amendment.

The Clerk read as follows:

Amendment offered by Mr. MCHENRY to the amendment offered by Mr. GINGREY:

Strike "$50,500" and insert "$100,100".

Mr. MCHENRY. Mr. Chairman, my amendment is pretty simple. As the previous speaker said, the debate that we have had ongoing here on the House floor may cost taxpayer dollars. If we are going to have a debate about cutting spending, I am going to offer a second-degree to make sure the spending is a greater number to save the taxpayers more money so we can continue to have this debate.

I appreciate the applause from one Member on the other side of the aisle. Two Members. So we have two members of the Democrat Caucus who wish to cut spending. Thank you both. Mr. Chairman, I want to thank them both.

At this point, I yield to my colleague, the ranking member of the Budget Committee, Mr. RYAN from Wisconsin.

Mr. RYAN of Wisconsin. I appreciate the applause.

Mr. Chairman, I think it is important that we do everything we can to save money in light of the fact that we are creating a massive new entitlement program later this week with this bill that is coming to the floor. I think it is important that we show leadership at every facet of the Federal government. That is why this amendment, which now I believe saves $100,000 from the USDA Administrative Account Budget, is worth supporting, simply because of the fact that the new SCHIP bill opens a whole new open-ended entitlement.

In the past, SCHIP has always been a program that was capped, that had an authorization. Now we have a program that has no income limits, that requires people to actually self-certify. If they say they are eligible, they are eligible. Anybody can get it. Warren Buffett's child could get SCHIP.

More important to the fact is this, Mr. Chairman. The reason that it is important to save $100,000 from the USDA budget is it is going to cost a lot of money when this SCHIP bill passes and it pushes people out of private health insurance onto government health insurance. That is precisely what this will do.

Eighty-nine percent of the children in families with incomes between 300 percent and 400 percent of poverty and 95 percent of families above 400 percent of poverty have private health insurance. What this bill will do is push those children out of the private health insurance that their parents and their employers are paying for and make taxpayers pay for that health insurance. This is an enormous, enormous expansion of our government program, which takes choice away from patients on health insurance and makes them take this government one-size-fits-all, bureaucratic-driven health care. And that is why we need to support removing $100,000 from the administrative budget from the USDA, because we have a long ways to go to save the money to pay for this bill.

This bill, as it left the Ways and Means Committee, was $76 billion over the budget in that it violated the majority's PAYGO by $76 billion. The bill that was brought to the Energy and Commerce Committee that wasn't reported out was $91 billion PAYGO noncompliant.

Why is this, Mr. Chairman? Well, another reason why I think we need to save money by cutting $100,000 from the USDA's administrative budget is that they cut Medicare. Not just a little bit, but deeply. They raid the Medicare trust fund, and they cut and eviscerate the Medicare Advantage program.

Mr. Chairman, I bet every one of us has done a town hall meeting whereby we have heard constituents when we are talking about Medicare say: You know what? You people in Congress ought to give us the same health insurance that you have.

Mr. Chairman, that is exactly what Medicare Advantage is. Just like we as Members of Congress have, just like we in the Federal employment health benefit, we have the ability to choose among providers who are competing against each other for our benefit. We get to choose among providers. We have choice. That is exactly what we are giving to Medicare beneficiaries with the Medicare Advantage program.

These plans compete against each other for the beneficiary's business, and each Medicare beneficiary gets to choose traditional Medicare or Medicare Advantage plan, and that active choice has driven down prices and has driven up quality and customer satisfaction.

The bill coming to the floor this week will cut 3 million people off the Medicare Advantage program. It will say to all those people who chose to have this plan that gives them comprehensive Medicare coverage: No, you have to have the one-size-fits-all government monopoly plan. You can't have this choice that looks like what Members of Congress have.

That is why we need to cut $100,000 from the USDA budget, because all these deep Medicare cuts to pay for a massive expansion of a new entitlement program at a time when all these other programs are going bankrupt is a step in the wrong direction. That is why I urge adoption the gentleman's second-degree amendment, and I thank him for yielding me time.

Mr. McHENRY. Reclaiming my time. I think it is also important to note that the SCHIP bill the gentleman speaks of raises taxes on tobacco, raises taxes on all health care plans in American, and I think important for us to talk about that later on this week.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I would just like to say what I stated earlier: That in fact what we did in the subcommittee is to cut the central office at the Agriculture Department by 16 percent. If that is not good enough for you, I accept this amendment. You have an opportunity to withdraw it, if you would like, but I am happy to accept it. Or you can sit and you can stand and you can continue just running your mouth here on the issue of the amendment. I have accepted it the second time around.

Mr. GINGREY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. GINGREY. Mr. Chairman, a little while earlier when my amendment was introduced to cut the Office of the Secretary of Agriculture by 1 percent, $50,000, the distinguished chairman of the Appropriations Committee stood up and said, well, that is nothing. That is just pocket change, and it is a dilatory motion. It is meaningless. It is so insignificant in the big scope of things when we are talking about an $18 billion discretionary spending bill on the Agriculture appropriations bill that we are dealing with.

Well, I thank now my colleague from North Carolina for doubling that 1 percent cut to a 2 percent cut. So now I say to my colleagues on the other side of the aisle, we are not talking about $50,000, we are talking about $100,000. And the chairman of the overall committee, Mr. OBEY, is absolutely right. It is a small amount. But he is also right. I have several other amendments. He might call those pocket change as well and dilatory amendments. But the first thing you know when you add those up, Mr. Chairman, you are going to get to over $1 million.

Now, on the floor of the House in this body inside the Beltway that may not be much money, but to the folks back in the 11th District of Georgia that I represent it becomes some significant money.

But, again, the chairman is right. We are trying to make a point here. And I hope not just our colleagues in the Chamber are listening, and I know they are, but I hope the American people are listening as well. Because we do want to make a point, and that is what we are doing with Mr. McHENRY's amendment to double the cut to 2 percent on this small section, that is what we are doing in my base amendment with the 1 percent cut. We are saying, look, if you want to bring forth a bill, as you intend to do later this week, the so-called CHAMP Act, to massively increase spending that violates your own new PAYGO rules by $70 billion, as the ranking member of the Budget Committee just pointed out; then if you want to find the money to have these massive expansions, then you need to look at every other spending bill and set your priorities straight.

☐ 1730

And let's say we're going to cut the money instead of doing it on the backs of our seniors. And that's why I say, you need a new acronym for this bill. It's not the CHAMP Act, Children's Health and Medicare Protection Act. No, it's the CHUMP Act, Children's Health Unfunds Medicare Protection, and for our neediest seniors. And that's why we're here; absolutely, that's why we're here. We don't want you to do that. We don't want you to hurt the seniors, the 3.5 million, a part of the 8 million that get their Medicare through that Advantage option, because most of those seniors, Mr. Chairman, most of those seniors are our poorest seniors. They're in that category of income from $10,000 to $20,000. And those are the people who you are pushing off the Medicare program of choice, their program of choice.

So anywhere we can find cuts, this amendment, the second-degree amendment, further amendments that we're going to offer, that's what we ought to do if we're going to have this massive increase in spending, which our side of the aisle feels like we should not do.

Now, we could go home in August, Mr. Chairman, and say, on Thursday or Friday of this last week that we were in session, before the long break, the Democrats have destroyed Medicare for 3.5 million low-income seniors, and they've said they've done it in the interest of providing health care for children. But which children are we talking about?

In their bill that's coming to the floor, with a closed rule, that we won't have an opportunity to amend, they want to cover children up to 400, maybe even more, the sky is the limit, 400 percent of the Federal poverty level, $82,000 a year for a family of four or maybe it's 500 percent or 600 percent. So what happens? Ninety percent of these children already have private health insurance. And so that's why we're here, and I support the second-degree amendment of the gentleman from North Carolina.

Mr. GARRETT of New Jersey. I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, I too join in supporting this amendment, and the gentleman from North Carolina for doing it, for saving so much money for the American taxpayer.

Just prior to this we heard the chairman from the other side of the aisle, in essence, asking us in some ways to trample on our free speech rights in this House. And you know, when you do that, when you ask that we not speak on important issues here in this House for hours, for a period of time, and the other side of the aisle always points out that we're spending more time this year than we did in the past years trying to debate these issues. And I think the American public, quite honestly appreciates that, whether it's 86 hours or 186 hours. I think the American public looks to Congress to make sure that we spend their money appropriately, and looks for us to debate those issues appropriately as well.

We, each Member of Congress, as we stand here, represents a little over 600,000 individuals, men, women and children, across this country in our respective districts. When we come to this floor and speak on this floor, we are representing their voices. We bring their voices from New Jersey to this floor.

And so when the other side of the aisle says, oh, you go on too long over there in the minority, well they're saying that really to my constituents. They are complaining that my constituents' voice should be silenced. And I come to the floor right now and say, no, sir, my constituents voices will not be silenced. I will speak out when I can, where I can on behalf of the constituents of the Fifth District and the State of New Jersey as well.

Now, I know that we're looking at a bill here with $18.6 billion. Right now we're looking at an amendment for $100,000. To us, and my constituents, that's a lot of money. And if it takes us an hour or two hours to debate this one amendment, to get consensus to save $100,000, well, that's a lot of money to my constituents, and they would say that hour or two hours of debate is well worth it.

Now, maybe the other side of the aisle will disagree with me. Maybe the other side of the aisle doesn't care whether we spend 50,000, 100,000 of our hard-earned tax dollars. And maybe they will accept the amendment as they did in the past, and if they do so, the $100,000 amendment, we appreciate that.

But you know, in that regard, this really is a bipartisan effort then. It is really two parties coming together to solve a problem. The one party, the majority party, comes to this floor, raises our taxes, increases our spending.

The minority party, the Republicans, equally come to the floor, and we reach out our hand and work together. While the Democrats raise our taxes and raise the spending, we reach out a hand and say how about trying to bring that spending down just a little bit by $100,000, and by bipartisan effort we're able to get that down. So this is a bipartisan day, and I hope that we will see other amendments to increase that bipartisanship as well, as we try to rein in the spending that the other side has brought us.

And when we talk about what the other side has brought us, and one of the reasons why we need to save this $100,000, just think of what we've gone through in the last few months already and just recently in the last couple weeks. We have seen taxpayers on the American taxpayers go up by over $400 billion in one of the first bills that House passed under the majority party of their budget.

We have seen just recently them raising taxes again through the farm bill. And now with this underlying bill that we'll be looking at in a little bit on the SCHIP bill, another $60 billion in taxes.

And let me add just one more tax increase that maybe Members of both sides of the aisle may be forgetting about. Just a few hours ago, as I look at the clock, I came out of Financial Services Committee, where we, or the majority party, added the last piece to the puzzle with regard to another tax increase on the American public, and that's the MTI. That's the mortgage tax increase. That's a tax increase on every family in America who needs to go out and get a mortgage to buy their first home or their second or an additional home as they move into it.

Every family in America who will want to get out a mortgage in the future will now have to pay an MTI, a mortgage tax increase, thanks to the majority party in the legislation that is just finally put in place. So whether it is an increase in the budget taxes or the farm bill or the SCHIP or now an MTI as far as a tax increase as well, we're working with the other side of the aisle. As they raise taxes on the American family, we work with them here and there, to bring down the spending to a level that our taxpayers in our districts are able to abide by.

I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words in support of the McHenry amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I want to rise in support of the McHenry amendment. And I want to compliment the subcommittee chairwoman, Ms. DELAURO, for her openness and bipartisanship in preparing the ag appropriation bill and working with Ranking Member KINGSTON.

I asked Mr. KINGSTON. I said, have y'all held hearings on the bill? He said, yes, we held lots of hearings. I said, did you prepare a draft that was circulated in a timely fashion? He said, yes, we prepared a draft, circulated in a timely fashion. I said, was there an open markup where Members could offer amendments on both sides of the aisle? And he said, yes, there was an open markup. So I want to compliment you.

Now, I want to contrast that to the SCHIP bill. We've had one hearing in the Energy and Commerce Committee in which SCHIP was the focus of Mr. PALLONE's subcommittee. The bill came over the transom last Tuesday night at 11:36 p.m. The markup was scheduled, I believe, at 10 a.m. the next morning. Chairman DINGELL did delay that until 4 o'clock the next afternoon, and then again delayed the actual markup after opening statements a little bit further.

We didn't have any witnesses testify. We didn't have any open process. We didn't have a circulation of a draft. We got a 465-page bill at 11:36 last Tuesday evening. So that's, I mean, I'm in awe of Ms. DELAURO and the way she's operated her subcommittee, and Mr. OBEY and the way he's operating the full appropriations committee, actually using the process. We're not doing that in the Energy and Commerce Committee or the Ways and Means Committee on the SCHIP bill.

Now, I'm told, I don't know this for a fact.

Mr. OBEY. Will the gentleman yield?

Mr. BARTON of Texas. Sure, I'll yield.

Mr. OBEY. The gentleman has complimented me for the way we have handled appropriations bills.

Mr. BARTON of Texas. And that's a sincere compliment.

Mr. OBEY. I appreciate the compliment. But let me suggest that I would appreciate it, if we have conducted ourselves the way the gentleman thinks we should, then I would appreciate that he would not visit his frustrations on other legislation on the appropriations process when we have produced bills in what you readily admit is the correct fashion. If you have an argument in your own bailiwick, it would be nice if you kept it there so that the House might get its work done.

Mr. BARTON of Texas. I appreciate that gentleman's comment. But my response to the distinguished chairman of the full Appropriations Committee is, you've got to pick up your buckets where you stand. And this is our only forum.

I'm told that the Rules Committee is going to meet at midnight or 1 a.m. this morning to consider a same-day rule for SCHIP. Now, keep in mind, last Tuesday night at 11:36 p.m., after the House is through with its last vote of the day, we get a 465-page SCHIP bill that hasn't had any hearings on it, that hasn't had any witnesses on, that hasn't had a draft circulated. And now the Rules Committee is going to meet at midnight allegedly, or 1 o'clock this morning, to consider a same-day rule to consider that bill tomorrow.

So I respect Mr. OBEY and I respect Subcommittee Chairman DELAURO for doing the process the right way. But our only recourse, unfortunately, under the rules is to come out on this floor under the open rule to strike the requisite number of words to speak on the ag appropriation bill and then talk about the travesty that may be hoisted on the American public tomorrow in which a $227 billion cut in Medicare over the next 10 years is going to be voted on, with not one witness testifying in favor or opposition, not one draft that's been circulated, not any process at all.

So I support the McHenry amendment, and I also support an open process on the largest health care issue that's going to be before this Congress this year.

We should not have the Rules Committee vote tonight at midnight to bring a same-day rule. We ought to send the SCHIP bills back to the committee, have a normal process, and then bring them to the floor later this fall where we could have an open debate in the full House.

Mr. Chairman, I yield back.

Mr. CULBERSON. I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Mr. Chairman, I also rise in support of Mr. MCHENRY's amendment, but I also want to thank my ranking member, the subcommittee chairman here. I serve on the Appropriations Committee, and Chairman OBEY is correct: the committee has done a good job of making sure we had bills in front of us and opportunity for debate.

But I also want to reiterate Mr. BARTON's point. He is absolutely right. The reason we're out here today and having this discussion is because we, each one of us, as Members of Congress have really a fiduciary, very deep and profound fiduciary responsibility to be good stewards of the taxpayers' dollars. And we're here debating an appropriations bill on how to spend those tax dollars. And the Agriculture Department has, an important part of its role is the taking, they have a role directly, for example, in the Texas Medical Center. And the nexus to this debate, Mr. Chairman, that I would certainly point out is, under this bill, the Department of Agriculture, for example, helps maintain the children's nutrition program at the Baylor College of Medicine, which I'm proud to represent.

The Agriculture Department, a key part of their responsibility is children's health. And it is highly relevant to talk about this Children's Health Insurance Program that the Democrat majority is attempting to shove through this Congress with very little debate, very little sunlight, which is always a dangerous sign. If they won't let you read the bill and they won't let you talk about it, it is sure going to contain serious problems. And I for one am deeply concerned about the tremendous expansion this bill proposes. The bill will, it is clear from what we have seen, take seniors off of Medicare and allow States to put illegal aliens on Medicare. The bill has no reasonable limits. The bill has no enforceable limits on age. The bill has no enforceable limits on income requirements. And the bill is also silent as to whether or not States can include illegal aliens in coverage. The bill will allow States to provide Medicare coverage at Federal taxpayers' expense to anyone the State chooses to cover.

Now, imagine what that means in the State of California where the Governor has already advocated and the legislature has advocated providing health care coverage to illegal aliens. And I say that in the context, ladies and gentlemen, of the fact that all of us need to remember, every bill, every dollar we spend, that the Government Accountability Office has already calculated that in order to pay for the obligations of the Federal Government today, my overriding concern is that, in order to pay for the existing obligations of the Federal Government, the GAO has calculated, Mr. FARR, that each American would have to buy $155,000 worth of Treasury bills. That's how massive the existing obligations of the Federal Government are.

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The existing obligations of the Federal Government are so massive that every living American would have to purchase $155,000 worth of Treasury bills, and that wouldn't even touch the national debt. That wouldn't even touch the interest on the national debt. And yet the Democrat majority has attempted to jam through a bill here that we don't even really know the ultimate cost.

Mr. BARTON estimates that if the States expand coverage as far as they could to pick up illegal aliens and people of any age group or income group, but if Mr. BARTON is correct, and I think it is reasonable that there is no real way to calculate how much this bill costs, we are adding a monstrous and inexcusable financial debt on the back backs of our children.

You are taking away Medicare coverage from seniors and allowing States to give it to illegal aliens. This is outrageous, it is unacceptable, it is unaffordable, and you are going to break the back of the taxpayers of this country.

And I, for one, will stand at this microphone and all of us have an obligation to stand up here like Horatio at the gates of Rome. If this is the only place that I can stand and fight, I will stand and fight here as long as it takes to protect the Treasury and the taxpayers of this country from irresponsible, irresolute spendthrift practices of the majority of this House, and I won't stand for it.

Mr. Chairman, I yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, I rise with considerable regret, and I want to speak with affection and respect for my good friend and colleague from Texas (Mr. BARTON), the senior member of the Republicans on the Committee on Energy and Commerce. He complained about the process in the Committee on Energy and Commerce.

I would like the House and this committee to know that he was afforded, first of all, every bit of notice that is required by the rules of the House, that the proceedings which were conducted in that committee were conducted in an eminently fair and proper way in full accord with the rules and the proprieties of the House.

I would also like him to know that I am sure he can recall that we sought his counsel as to how it was we could put something together which, in fact, would give him a process which would enable us to address the problem of SCHIP.

I would like to remind him and this committee that SCHIP is going to expire on the 30th of September. That is an important date because at which time we are going to find that all of the kids, 6 million of them, who have coverage under SCHIP will lose that coverage if something is not done by the Congress of the United States. It is our purpose, given the fact that there will be a recess in this body during the month of August, to see to it that we have this measure ready for the floor in time that the business can be dealt with and that we can handle the matter in a way which will take care of these kids.

The legislation was made available to my good friend and to my Republican colleagues on the committee as soon as it could be done after the necessary discussions were held to try to frame a proper piece of legislation and to address something that responsibility of a fiscal and financial character requires, and that is to deal with the pay-fors and how we will pay for the cost of this program. We have done so, and we have arranged that the payments will be a little different than the Senate bill, but they will be sensible.

First of all, we will require that the Medicare Advantage plans pay their fair share but that they are not overpaid for the services which they are providing. Some of the less fortunate are getting 11 percent more than they are entitled to, some of the more fortunate are getting 19 percent more than they are entitled to, and some of the most fortunate are getting 30 percent more than they are entitled to. It seemed like good sense to put them in a position where they could compete honestly with the other Medicare providers, and that is what we have done. We also have a modest increase in the tobacco tax.

These are all issues which will be considered; and we offered my good friend and my Republican colleagues a chance to amend, debate, and to discuss this legislation.

I would note for the benefit of my good friend from Texas that the rules do not require hearings and that on a number of occasions on important legislation in prior Congresses during his chairmanship and that of others of my very dear friends on the Republican side, the situation was conducted in a way in which there were no hearings and which legislation was brought directly to the committee and shot to the House floor in considerable haste. We protested this, but I have to say that, given the exigencies of the situation, the needs and the circumstances and the fact that the kids are very liable to lose their health care benefits and their insurance under SCHIP, we saw fit to bring the matter up.

The House will, I hope and I think and I am informed, have this measure before us in the next little bit. We will do so with a full opportunity of everybody to debate it, to discuss where the money is coming from, what the benefits will be, and whether or not the legislation should be passed.

It is my personal feeling that we have a chance here to not only save some 6 million kids who would lose all benefits, but under the legislation which has come out of the Ways and Means Committee and which was considered in the Committee on Energy and Commerce to cover not 6 million but 11 million kids that desperately need this, which will be important.

I conclude with an expression of affection for my friend and colleague from Texas.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BARTON of Texas. Mr. Chairman, I spoke earlier on the second degree amendment of Mr. MCHENRY. Am

I allowed at this time to seek recognition to speak on the original amendment of Mr. GINGREY?

The CHAIRMAN. The gentleman is permitted to seek recognition to speak on the original amendment.

Mr. BARTON of Texas. Then, Mr. Chairman, I move to strike the requisite number of words on the Gingrey amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I would like to engage my distinguished chairman, the Honorable JOHN DINGELL of Michigan, in a colloquy, with his permission.

Mr. DINGELL. I certainly am happy to do that with my dear friend, and I express again my respect and affection for the gentleman from Texas.

Mr. BARTON of Texas. We have the utmost respect for each other, and that is sincere, and there is nothing artificial about that.

Mr. Chairman, is it not true that the bill that was marked up or attempted to be marked up in your committee last week was given to the minority at 11:36 p.m. last Tuesday evening?

POINT OF ORDER

Mr. OBEY. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin will state his point of order.

Mr. OBEY. Mr. Chairman, I thought that Members were required to be addressing the matter at hand.

The CHAIRMAN. The gentleman is correct. The Members who are recognized should confine their remarks to the issue that is being debated.

The gentleman from Texas may proceed.

Mr. BARTON of Texas. I understand the rules, Mr. Chairman. I am going to try to comply with the rules.

I support the Gingrey amendment just like I supported the McHenry amendment. I also believe that we should use as close an approximation of an open and fair process on the SCHIP reauthorization as we are using on the pending appropriations process; and I am informed by my staff that the SCHIP bill, which was 465 pages in length, was presented to minority staff at 11:36 p.m. last Tuesday evening; and I would like the distinguished chairman of the full Energy and Commerce Committee to indicate to me if that is a true statement.

Mr. OBEY. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. OBEY. Mr. Chairman, I am perfectly willing to hear the gentlemen debate this matter when their bill is on the floor. But the last time I looked, I thought an appropriations bill was on the floor; and, just for the heck of it, I would like us to stick to the rules and consider the matter before us. We have spent 2 hours on a nonsensical, symbolic amendment that has very little relationship to the bill; and it seems to me this House is getting considerably far afield.

The CHAIRMAN. The gentleman from Wisconsin is correct. The gentleman who sought the time must confine his remarks to the pending question.

The gentleman from Texas is recognized.

Mr. BARTON of Texas. Mr. Chairman, I understand the rules that we are operating under, and I am totally supportive of Mr. GINGREY's amendment on the Ag appropriations bill.

I listened with interest to my committee chairman, Mr. DINGELL, earlier when he rose to speak about the process in the Energy and Commerce Committee. He didn't talk about the Gingrey amendment. He didn't talk about anything dealing with the Ag appropriations. So I am simply trying to get some information from him about what he spoke of, and I think the rules of the Energy and Commerce Committee require a 36-hour advance notice, and we weren't given that 36-hour notice on that bill.

Mr. OBEY. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas will suspend.

Mr. BARTON of Texas. And I think the chairman knows it.

Mr. OBEY. Point of order, Mr. Chairman. I am not under the impression that the rules of the Energy and Commerce Committee are now before the House. I am under the impression that the Agriculture appropriations bill is before the House, and it would be nice if we could focus our discussion on that.

The CHAIRMAN. The gentleman from Wisconsin stated a point of order, and he is correct. The gentleman from Texas, who has been recognized, must confine his remarks to the pending question.

The gentleman from Texas is recognized.

Mr. BARTON of Texas. I appreciate the chairman's courtesy.

Mr. Chairman, I think the majority is embarrassed to have the question answered. I think the majority knows that we were not given the bill within the 36-hour window. We weren't even given it within a 12-hour window.

Mr. OBEY. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin will state his point of order.

Mr. OBEY. The gentleman is not discussing the matter at hand.

The CHAIRMAN. Once again, the gentleman from Wisconsin is correct. The gentleman from Texas must confine his remarks to the pending question.

The gentleman from Texas is recognized.

Mr. BARTON of Texas. Well, I need an answer to this question, and I am at a loss about how to get that answer.

I listened to my chairman explain his position. I would hope that we could give him a chance to respond to a few simple questions about what he just told the body.

So my question is, did we get the bill within 36 hours?

Mr. OBEY. Mr. Chairman, point of order. The gentleman can raise any question he wants with the gentleman from Michigan but not on an appropriation bill.

The CHAIRMAN. The gentleman from Wisconsin is correct. The gentleman from Texas must confine his remarks to the pending question.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas will state his parliamentary inquiry.

Mr. BARTON of Texas. Is it within the rules of the bill that is under consideration now to go back and ask that previous comments be read to the body to see if they were germane to the pending question? Is that within the rules?

The CHAIRMAN. That is not in order.

Mr. BARTON of Texas. That is not in order or it is in order?

The CHAIRMAN. A Member wishing to address the propriety of those remarks must have been timely. The gentleman's present request would not be timely.

The gentleman from Texas is recognized.

Mr. BARTON of Texas. How much time do I have left, Mr. Chairman?

The CHAIRMAN. The gentleman from Texas has 2 minutes remaining.

Mr. BARTON of Texas. Mr. Chairman, I would ask my distinguished chairman, who is the dean of the House, who has served in this body over 50 years, who will go down in its history as one of the most effective Members of the entire 200-plus years of the Congress, if the current process that we are apparently going to use on the SCHIP bill once we get through the Agriculture appropriation bill——

POINT OF ORDER

Mr. OBEY. Mr. Chairman, point of order. This is not a matter pertaining to the subject at hand.

Mr. BARTON of Texas. With all due respect, I think that does pertain to the subject at hand.

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The CHAIRMAN. Does the gentleman from Wisconsin have a point of order?

Mr. OBEY. Yes, I do. The gentleman is not addressing the matter at hand. This is not the United States Senate where anything is possible.

The CHAIRMAN. The gentleman is correct. The gentleman from Texas must confine his remarks to the pending question.

The gentleman from Texas is recognized.

Mr. BARTON of Texas. I would like to yield to my distinguished chairman for any remarks he cares to make. How are the Tigers doing in the American League? What are his plans for the August break? If we can't talk about substantive issues because the majority is embarrassed to hear the answer, maybe we can discuss something else.

Mr. OBEY. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. OBEY. Perhaps the gentleman can tell us what the name of the Secretary of Agriculture is. That would at least get us close at hand to the subject we are supposed to be debating.

Mr. BARTON of Texas. Well, it's not DAVID OBEY.

I am going to yield back the balance of my time, Mr. Chairman, out of respect for the chairman's courtesies.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I do want to speak in favor of the McHenry amendment. I think it is a vitally important amendment that we debate on this House floor today. Maybe the dollar amount is modest; the principle is huge. This is a body that spends too much of the people's money, and it has repercussions. And no matter how intensely our friends from the other side of the aisle want to prevent us from painting a picture for the American people on where their spending is leading, we feel compelled to speak out.

Mr. Chairman, already this body is spending over $23,000 per American household. In real terms, it's one of the greatest amounts since World War II. Every appropriations bill that has come to the floor, practically every single one is spending more money than last year, way beyond the rate of inflation and beyond the ability of the family budget to pay for the excess in the Federal budget.

So, now we have an Agriculture appropriations bill which is almost 6 percent above last year. I assure you, the American people didn't get a 6 percent raise, those who are expected to pay for it. And beyond the 6 percent increase, the bill expands mandatory spending. Now, supposedly PAYGO is supposed to apply to this, but it doesn't because we have a PAYGO loophole. And this is a big, big loophole, Mr. Chairman. And we need to pay attention to more mandatory spending. Because already, simply with the government that we have today, before our friends on the other side of the aisle add on a massive increase in an SCHIP program that's going to be funded with tax increases and Medicare cuts, before they do that, we're already on automatic pilot to double taxes on the next generation. We're either going to double taxes on the next generation or there is not going to be any Federal Government to speak of, except Medicare, Medicaid and Social Security. There will barely be any funds for anything else.

And don't take my word for it, Madam Chair, take the word of the Office of Management and Budget, the Chairman of the Federal Reserve, the conservative Heritage Foundation, the liberal Brookings Institute. So there is this train wreck coming on entitlement spending.

We have a modest amendment that would reduce a little bit of spending in the Agriculture bill to take off that pressure, and instead the amendment is simply mocked. Well, we can't do that because we know if we don't pass this amendment, this modest amendment, to save money on the Agriculture appropriations bill, we know what it's leading to on SCHIP, a new permanent entitlement of almost $160 billion over 10 years. I mean, Madam Chair, this is unconscionable, unconscionable on top of the burden that is already going to be placed upon future taxpayers.

Now, we have so many Members who come to the floor and talk about, well, we have to be here for the least of these. Well, Madam Chair, I would posit that maybe the least of these are those who do not vote and those who have yet to be born. And so that is why we need the amendment passed by the gentleman from North Carolina to save this money, to take pressure off of creating this new huge permanent entitlement in SCHIP.

We also need this amendment in this Ag bill to take the pressure off this huge cut in Medicare that the Democrat majority is now planning, as they seek to pit grandparents against their grandchildren in this massive SCHIP tax-spend-debt spiral. I mean, they're going to increase taxes, the tobacco taxes. I'm not a smoker. I used to be a volunteer in the American Cancer Society, but last I looked, it's still a legal activity. So taxes are going to fall on low- and moderate-income Americans as they seek to take away private insurance from others and put them onto a public insurance plan.

We're looking again at cutting Medicare Advantage plans, almost 20 percent of the people. We're going to have pressure to cut Medicare.

Mr. JACKSON of Illinois. Madam Chairman, will the gentleman yield for a question?

Is the gentleman aware that we've accepted the amendment?

Mr. HENSARLING. Madam Chair, do I control the time? If so, I have not yielded to the gentleman from Illinois.

The Acting CHAIRMAN (Mrs. TAUSCHER). The gentleman from Texas controls the time.

Mr. HENSARLING. I would urge the adoption of this amendment so that we can save some money here and prevent this massive raid on the Medicare trust fund that is coming in in this SCHIP bill.

Madam Chairman, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Madam Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. JACKSON of Illinois. Madam Chairman, is there a particular parliamentary vehicle that, once an amendment has been accepted by the majority, that the amendment can then be disposed of?

I don't know what the point is here. We've accepted the amendment. It's been asked. It's been answered. We accept it. We want to add it to the bill. We're prepared to move forward. We've accepted the amendment.

The Acting CHAIRMAN. The Chair will put the question on the amendment after 5-minute debate has been exhausted.

Mr. JACKSON of Illinois. I thank the Chair.

Mr. BOUSTANY. Madam Chair, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Louisiana is recognized for 5 minutes.

Mr. BOUSTANY. Madam Chairman, I also rise in support of the McHenry amendment. Clearly, we have to get some control over spending, and this Agriculture bill is no exception to this.

As we look at this spending bill, as we've looked at the rest of them, we're continuing to spend more money, and it's a recipe for further tax increases. Furthermore, it's going to be at the expense of seniors. Here we are, we're looking at an SCHIP bill which, in my opinion, after looking at this to the extent I've been able to look at it, appears to be very irresponsibly crafted. In fact, I believe it to be a cruel hoax.

POINT OF ORDER

Mr. JACKSON of Illinois. Point of order, Madam Chairman.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. JACKSON of Illinois. Madam Chair, as I understand previous rulings from the Chair, that the gentleman must confine his remarks to the matter at hand, the Agriculture appropriations bill, and not the SCHIP bill, which will come before the Congress later this week.

The Acting CHAIRMAN. The gentleman from Louisiana must confine his remarks to the pending question.

Mr. BOUSTANY. I thank the Chair.

As I was saying, this bill continues to spend far too much money, as did all the previous appropriations bills we've voted upon, and it is going to put further pressure on the work that we desperately need to do.

Looking at what we're going to go forward with as we look at health care, how are we going to pay for health care if we're putting all this money into overspending in these other bills? We have to get our priorities straight.

If we're going to raise cigarette taxes, a diminishing source of revenue, to pay for a program that's expanding, and then we're also going to take one-time money from Medicare Advantage to pay for an expanded program, how is it that we're going to deal with our entire Federal budget? Again, this bill before us today is a big part of the problem.

POINT OF ORDER

Mr. SCOTT of Georgia. Point of order.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. SCOTT of Georgia. Madam Chair, I have sat here and have counted 15 straight times that we have ruled on the central question of germaneness. We are here to talk about the Agriculture appropriations.

The Acting CHAIRMAN. Does the gentleman have a point of order?

Mr. SCOTT of Georgia. My point of order is, where is it in the rules to which this total disrespect for the Chair and the rulings of the Chair continues to be allowed? What is the point of having a rule?

Mr. GINGREY. Madam Chair, point of order.

Mr. SCOTT of Georgia. May I have my point of order responded to?

The Acting CHAIRMAN. As the Chair has already ruled, the gentleman from Louisiana must confine his remarks to the pending question.

Mr. GINGREY. Madam Chairman, point of order.

The Acting CHAIRMAN. The gentleman from Georgia may state his point of order.

Mr. GINGREY. Madam Chairman, is it not true that we are talking about a spending bill——

The Acting CHAIRMAN. Is the gentleman stating a point of order or parliamentary inquiry?

Mr. GINGREY. The point of order, Madam Chairman, is, if there is spending and language in this bill that pertains to drugs, that pertains to health care, that pertains to the FDA and drug reimportation, then that makes this discussion of spending germane to the overall bill.

The Acting CHAIRMAN. The Chair has already ruled.

The gentleman from Louisiana must maintain an ongoing nexus between the pending question and any broader policy issues.

The gentleman from Louisiana may proceed.

Mr. FARR. Madam Chair, parliamentary inquiry.

The Acting CHAIRMAN. Does the gentleman from Louisiana yield for a parliamentary inquiry?

Mr. BOUSTANY. Madam Chair, reclaiming my time, I just want to say that we're talking about an Agriculture bill, a spending bill, and we're talking about money that is going to be spent. We're talking about money that is going to be spent in this that will not be available to spend on health care issues, particularly on a number of issues affecting rural seniors.

Now, I have a rural district, it depends on agriculture, and as we go forward, we're going to hurt these seniors in these rural communities. If we cut over $200 billion in Medicare spending, I have 3,246 seniors in the Seventh Congressional District who are currently enrolled in the Medicare Advantage who are going to suffer. So I think we have to get our priorities straight as we go forward.

Furthermore, as we look at payments for hospitals are being cut $2.7 billion; in-patient rehabilitative services, $6.6 billion in cuts; payments for skilled nursing facilities, $6.5 billion in cuts; payments for certain drugs, $1.9 billion; in-State renal disease, $3.6 billion. These are seniors who are poor in my Seventh Congressional District, and because of the spending in this Agriculture bill, they can't take care of these problems.

POINT OF ORDER

Ms. DELAURO. Point of order.

The Acting CHAIRMAN. The gentlewoman from Connecticut will state her point of order.

Ms. DELAURO. It has been ruled over and over again on this floor that the gentleman has to keep his remarks in the context of the bill, the Agriculture appropriations bill that is being discussed.

The Acting CHAIRMAN. The gentleman from Louisiana must confine his remarks to the pending question.

Mr. BOUSTANY. I thank the Chairwoman.

Again, I state that I am supporting the McHenry amendment because I think it's an important step forward as we get some control over spending so we can set our priorities straight so we don't hurt rural seniors.

I pointed out the numerous cuts that are going to be made to the 3,246 seniors in the Seventh Congressional District alone.

Madam Chair, when is the spending spree going to stop? When are we going to get control over this spending so that we can set our priorities straight?

POINT OF ORDER

Mr. ISRAEL. Madam Chair, point of order.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. ISRAEL. Madam Chair, we have been debating this amendment for 1 hour. We accepted this amendment within that 1 hour.

The Acting CHAIRMAN. Does the gentleman have a point of order?

Mr. ISRAEL. Madam Chairman, how many times can our friends on the other side of the aisle raise nongermane issues after the Chair has ruled that they must confine their remarks to the underlying bill?

The Acting CHAIRMAN. The Chair will respond to points of order as they are made.

The gentleman from Louisiana will continue.

Mr. BOUSTANY. I thank the Chair.

Again, Agriculture spending is what we're talking about. But if we're spending excessive money in this Ag appropriations bill, it's going to hurt what we can do to take care of our seniors.

Again, 3,246 seniors in the Louisiana Seventh Congressional District are going to be hurt by this situation. If we look at the SCHIP situation that we're faced with, we're going to have problems with cuts because we don't have money available because of the Agriculture bill.

POINT OF ORDER

Ms. DELAURO. Point of order.

The Acting CHAIRMAN. The gentleman will suspend.

The gentlewoman from Connecticut.

Ms. DELAURO. My colleague is supposed to keep his comments to the business at hand before the Committee, not what business the House will consider in the coming days; is that not true, Madam Chair?

The Acting CHAIRMAN. The gentlewoman is correct. The Chair has ruled that the gentleman from Louisiana must confine his remarks to the pending question.

Mr. BOUSTANY. I thank the Chair.

Furthermore, as we go forward with a bill that is increasing spending in Agriculture, I have seniors in my district who need motorized wheelchairs, and they may be forced to wait a month or more.

□ 1815

Again, because of the spending in this bill——

Mr. JACKSON of Illinois. Parliamentary inquiry, Madam Chairman.

The Acting CHAIRMAN. Does the gentleman yield for a parliamentary inquiry?

Mr. BOUSTANY. No.

The Acting CHAIRMAN. The gentleman from Louisiana may continue.

Mr. BOUSTANY. Furthermore, with the spending in this bill, it is going to reduce the amount of time that the government will rent oxygen equipment for seniors to up to 36 months. This is going to be a problem for my seniors. We have got to get control over this spending. The first step here is with the McHenry amendment.

Furthermore, I think if we look at what has happened with agriculture spending, typically, much of the money that has been spent on agriculture doesn't even go to agriculture. It has gone to all kinds of other pet programs.

Madam Chairman, we have to set our priorities straight here.

The Acting CHAIRMAN. The gentleman's time has expired.

Ms. FOXX. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Madam Chairman, I appreciate very much the recognition.

Madam Chairman, I think that the American people are probably getting a pretty good lesson on the effectiveness, or lack of effectiveness, of this Congress right now. Unfortunately for the institution, the lesson is driving home the poll numbers that show how little regard the American people have for the majority party right now. It is important that we have the opportunity to debate every one of these bills and that we have the opportunity to debate the amendments that are here.

I rise in support of the amendment that my colleague from North Carolina has offered. I think, again, that it is important that we do that. It is also important that we have the ability to tie the amendments that are being offered to this agriculture bill to other issues. The majority party may not want to do that. However, it is very important that we do that, because these appropriations bills are all tied together.

Last year, there was a great hue and cry from the majority party about how much money was being spent by the Republicans, what profligate spenders we were. Now that the Democrats are proposing spending all this money, it is negligible. $10 million is negligible. $5 million is negligible. It is insignificant. All kinds of words like that are being used.

When we try to point out the connection between what is happening in this bill and with the amendments that we are offering to things like the SCHIP bill, then the majority party doesn't want us to do that.

POINT OF ORDER

Ms. DELAURO. Point of order.

The Acting CHAIRMAN. The gentlewoman from Connecticut will state her point of order.

Ms. DELAURO. Madam Chairman, the gentlewoman's remarks need to be confined to the Agriculture appropriations bill. The amendment has been accepted, in case the gentlewoman did not know that.

The Acting CHAIRMAN. The gentlewoman from Connecticut is correct. The gentlewoman from North Carolina must confine her remarks to the pending question.

The gentlewoman will proceed.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Parliamentary inquiry, Madam Chairman.

The Acting CHAIRMAN. Does the gentlewoman yield for a parliamentary inquiry?

Ms. FOXX. Yes, I do.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BARTON of Texas. Madam Chairman, isn't it within the rules of the House while debating a pending question to include references to extraneous material?

The Acting CHAIRMAN. The gentlewoman from North Carolina must maintain an ongoing nexus between the pending question and any broader policy issues.

Mr. BARTON of Texas. But broader policy issues can be addressed.

The Acting CHAIRMAN. As long as the nexus is maintained.

The gentlewoman from North Carolina may continue.

Ms. FOXX. Madam Chairman, I thank my colleague for seeking the clarification of this. I have been very confused about the majority party not wanting us to talk about the entire budget. This is one piece of an entire budget that this House is going to pass. I don't see how you can possibly say there is no nexus.

Every spending bill in this Chamber is connected to every other spending bill, so how can you possibly say that they are not the same? You passed this huge budget with the largest tax increase in the history of this country. The budget sets the spending. I cannot understand why we can't talk about the budget and every other spending bill that we are going to deal with in conjunction with this spending bill, because they are all tied together.

I would also like to point out to you that I guess while you are trying to speed us along you are raising all these points of order, which is simply slowing down the process. I find that somewhat amusing, too, as we are trying to move the process along.

But it is important that we talk about our rural districts and what the SCHIP program would do to seniors. I have seniors who are going be hurt by this.

POINT OF ORDER

Mr. JACKSON of Illinois. Point of order. Madam Chairman, the gentlelady is engaged in irrelevant debate.

The Acting CHAIRMAN. The gentlewoman will suspend.

The gentleman from Illinois will state his point of order.

Mr. JACKSON of Illinois. Madam Chairman, the gentlewoman is engaged in irrelevant debate.

Ms. FOXX. Madam Chairman, I just stated——

Mr. JACKSON of Illinois. Madam Chairman, I would like a ruling on my point of order.

The Acting CHAIRMAN. The gentlewoman will suspend.

The gentlewoman from North Carolina must confine her remarks to the pending question.

The gentlewoman may proceed.

Ms. FOXX. Well, I will say again that we passed one budget in this House that includes the money for all the spending bills. If there is one budget, then it would seem to me that all of the spending bills are tied to each other. Therefore, any spending bill has a connection to every other spending bill. So there is a nexus there, and talking about what is going to happen or what is being proposed in one spending bill is relevant to every other spending bill. I simply don't see how you can separate them.

It is going to be especially clear to the American people that that is the case when an omnibus spending bill is brought here this fall and we are asked to vote for, again, the largest tax increase in the history of this country within the confines of a very, very large spending bill.

The Acting CHAIRMAN. The gentlewoman's time has expired.

Mr. WALDEN of Oregon. Madam Chairman, I ask to strike the requisite number of words.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALDEN of Oregon. Madam Chairman, I rise today on the McHenry amendment, which would cut $100,000 from the USDA, the Department of Agriculture. $100,000, that is the equivalent to what the out-of-pocket costs will be if you have a 10 percent cut in Medicare Advantage for poor health seniors in my State.

POINT OF ORDER

Ms. DELAURO. Point of order.

The Acting CHAIRMAN. The gentlewoman from Connecticut.

Ms. DELAURO. The gentleman is engaged in irrelevant debate and is not speaking about the issue at hand, the Agriculture appropriations bill.

Mr. WALDEN of Oregon. No, I actually was.

The Acting CHAIRMAN. The gentleman will suspend.

The gentleman from Oregon must confine his remarks to the pending question.

The gentleman may proceed.

Mr. WALDEN of Oregon. I am trying to put what $100,000 means in perspective for people who may actually get hit with higher costs because of other policy changes coming down the road as part of this overall budget.

I would also point out to my friends on the Democratic side of the aisle that the Agriculture appropriations bill also contains in it language related to drug reimportation; and, indeed, that is an issue in this bill before this House at this time.

Certainly, if the Medicare Advantage plans are whacked in a rural district, then perhaps seniors may want to take advantage of that provision. I don't know. Because drug reimportation poses a whole set of different issues that can be problematic, if you have seen some of the polluted drugs coming in from China right now.

So that is an issue that concerns me. Because if they lose their Medicare Advantage coverage that may help them in that area, who knows what is left in terms of cuts in Medicare.

POINT OF ORDER

Mr. OBEY. Madam Speaker, point of order.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. OBEY. The House is not debating the issue of Medicare Advantage. The House is debating an Agriculture appropriations bill, and the gentleman has an obligation to stay on the subject.

The Acting CHAIRMAN. The gentleman will direct his remarks to the pending question.

PARLIAMENTARY INQUIRY

Mr. WALDEN of Oregon. Parliamentary inquiry, Madam Chairman. Is there not in the underlying bill language dealing with drug importation?

The Acting CHAIRMAN. The gentleman from Oregon must maintain an ongoing nexus between the pending question and any broad policy issues.

The gentleman from Oregon may continue.

Mr. WALDEN of Oregon. So the policy here in this context would be related to drugs, because in the underlying bill is drug reimportation language.

There is not? Okay. So you are telling me in the Agriculture appropriations bill there is no language in there that deals with drug importation. That is news, if you read the bill.

The Acting CHAIRMAN. The gentleman will suspend.

Currently pending the House has before it the amendment of the gentleman from North Carolina to the amendment of the gentleman from Georgia. That is the business that is pending. That is the question that the gentleman's remarks should be directed to.

Mr. WALDEN of Oregon. So you can't talk about anything else in the agriculture bill, just the $100,000 cut.

The Acting CHAIRMAN. The Chair has ruled that the gentleman should confine his remarks to the pending question, which is the McHenry amendment to the Gingrey amendment.

POINT OF ORDER

Mr. WESTMORELAND. Point of order.

The Acting CHAIRMAN. The gentleman from Georgia has a point of order. Please state it.

Mr. WESTMORELAND. Madam Chairman, do the rules of this House apply the same to every Member of the House?

The Acting CHAIRMAN. Is the gentleman stating a parliamentary inquiry or a point of order?

Mr. WESTMORELAND. A parliamentary inquiry.

The Acting CHAIRMAN. Does the gentleman from Oregon yield for that purpose?

Mr. WALDEN of Oregon. I would be happy to yield.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry, Madam Chairman.

The Acting CHAIRMAN. State your parliamentary inquiry.

Mr. WESTMORELAND. Do the rules of this House apply to every Member equally?

The Acting CHAIRMAN. The gentleman is correct.

Mr. WESTMORELAND. Madam Chairman, further parliamentary inquiry. Is it not true that the chairman of Energy and Commerce came to the floor and never mentioned the amendment that was being discussed?

The Acting CHAIRMAN. The gentleman is not stating a parliamentary inquiry.

Mr. WESTMORELAND. Further parliamentary inquiry.

Mr. WALDEN of Oregon. I continue to yield.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. The same parliamentary inquiry. Is it not true that when the gentleman that is chair of Energy and Commerce——

The Acting CHAIRMAN. The Chair does not exercise initiative in this area but only rules on points of order as they are made.

The gentleman from Oregon is recognized.

Mr. WALDEN of Oregon. Thank you, Madam Chairman. I will try and confine my remarks more to the McHenry amendment, which, as we know, would cut $100,000 out of the Department of Agriculture.

Now, that $100,000 may not seem like a lot to many on this floor, but it may seem like a lot to a senior if they are going to lose their Medicare Advantage plan. But I know that is not the issue before us at this moment. The issue really is, how do you control spending in the Federal government?

I think one of the ways you control spending in the Federal government is through the McHenry amendment. Because the McHenry amendment reduces Federal spending by $100,000, which may not seem like a lot to some and they may not want us to talk about how it could be used in other programs that may come before this House at a different time in a different way. But certainly, if you were going to lose your Medicare, you would be concerned about you might save $100,000 here that could be used somewhere else so you did not have to raise taxes on, say, health insurance.

Saving $100,000 here is a good thing. It may not seem like a lot, but it is still a good thing. It reduces spending, and this government has had trouble reducing spending. We have spent a lot of time on this floor debating amounts that are even less than $100,000. I would like to see us go farther than that, because I also know in other committees there is debate going on about having to raise revenues to fund other programs.

POINT OF ORDER

Ms. DELAURO. Point of order.

The Acting CHAIRMAN. The gentlewoman will state her point of order.

Ms. DELAURO. The gentleman's remarks need to be confined to the issue at hand, the matter at hand. The amendment has to do with the Office of the Secretary of Agriculture.

Mr. WALDEN of Oregon. That is what I am speaking to, Madam Chairman. I am speaking to the $100,000 cut in the Office of the Secretary of Agriculture.

The Acting CHAIRMAN. The gentleman will suspend.

The gentleman will confine his remarks to the pending matter, which is the McHenry amendment.

Mr. WALDEN of Oregon. How am I not, Madam Chairman? How am I not confining my remarks? Could you delineate? Can you not talk about anything else, other than simply the words in the amendment?

The Acting CHAIRMAN. The gentleman must confine his remarks to the pending question.

Mr. WALDEN of Oregon. So I am. This amendment, if approved, would save $100,000. This amendment, if approved, would save $100,000. I would like to be able to put that in a broader context for my colleagues in terms of what that might mean to other spending and other situations around here where the Democrats have decided to raise——

POINT OF ORDER

Ms. DELAURO. Point of order.

The Acting CHAIRMAN. The gentlewoman from Connecticut.

Ms. DELAURO. Is it not true that the issue is whether or not there is $50,000 or $100,000 that is to be cut, and that is the issue at hand, and that is the issue that ought to be addressed?

The Acting CHAIRMAN. The gentlewoman is correct.

Ms. DELAURO. And it has been accepted.

The Acting CHAIRMAN. The McHenry amendment to the Gingrey amendment is the pending question.

□ 1830

Mr. WALDEN of Oregon. Madam Chairman, I am speaking to the importance of cutting $100,000 rather than $50,000.

Mr. GINGREY. Madam Chairman, will the gentleman yield?

Mr. WALDEN of Oregon. I yield to the gentleman from Georgia.

Mr. GINGREY. I appreciate the gentleman yielding.

Is it not true that these points of orders and parliamentary inquiries that keep coming from the other side are just dilatory tactics on their part to take away our ability to talk to the American people and to this body on a very important issue?

Mr. WALDEN of Oregon. Well, it would seem to me that they have narrowed what we can say, trying to silence the minority, trying to silence Republicans from bringing to light certain issues we care about. We have been restricted now to simply talking about a dollar amount on one amendment.

The Acting CHAIRMAN. The gentleman's time has expired.

Ms. DELAURO. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from Connecticut has already spoken on the pending propositions.

Mr. ISRAEL. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. ISRAEL. I yield to the distinguished chairwoman of the subcommittee.

Ms. DELAURO. Madam Chairman, I thank the gentleman.

I want to make the point that it is really laughable to talk about dilatory. It really is. It is now not an hour and a half, it is almost 2½ hours on an amendment that has been accepted and a secondary amendment that has been accepted by the Committee for the Department of Agriculture. The cuts have been made.

POINT OF ORDER

Mr. PRICE of Georgia. Madam Chairman, point of order.

The Acting CHAIRMAN. The gentlewoman will suspend. The gentleman may state his point of order.

Mr. PRICE of Georgia. As I understand the Chair's ruling before, individual Members must confine their comments to the amendment at hand.

Ms. DELAURO. That is exactly what I'm doing. The amendment at hand, the McHenry amendment, to increase the Gingrey amendment from $50,000 to $100,000. We have debated it. It has been accepted.

Mr. PRICE of Georgia. Is there a ruling from the Chair?

The Acting CHAIRMAN. The gentlewoman has confined her remarks to the pending question.

Mr. ISRAEL. I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Parliamentary inquiry.

The Acting CHAIRMAN. The gentleman may state it.

Mr. PRICE of Georgia. I have noticed that the Chair has qualitatively ruled on the nature of Members' comments on the floor as it relates to confining their comments to the amendment. I would suggest that is not an appropriate compliance with the rules of the House.

The Acting CHAIRMAN. The Chair will respond to points of order as they are made.

Mr. PRICE of Georgia. I thank the Chair.

PARLIAMENTARY INQUIRY

Mr. GARRETT of New Jersey. Parliamentary inquiry.

The Acting CHAIRMAN. The gentleman from New Jersey may state his parliamentary inquiry.

Mr. GARRETT of New Jersey. When the Chair rules to a point of order with respect to limiting one's comments or debate to the underlying amendment that is before us at the time, is that time allowed to be discussed on something with respect to the amount of time in essence that we are discussing that bill or does the language only go to the underlying amendment?

The Acting CHAIRMAN. The gentleman from New Jersey, or any Member addressing the House on a particular pending question, must maintain an ongoing nexus between the pending question and any broader policy issues.

Mr. GARRETT of New Jersey. Further parliamentary inquiry.

The Acting CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. GARRETT of New Jersey. Is it a sufficient nexus to discuss the amount of time that an individual is taking to discuss the underlying amendment?

The Acting CHAIRMAN. Broader issues could include the time being consumed by the Member.

Mr. GARRETT of New Jersey. Thank you.

Mr. SHADEGG. I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. SHADEGG. I rise in strong support of the McHenry amendment to reduce the budget of the Office of the Secretary by $101,000.

The reason I support that amendment is because I do not support cutting the Medicare Advantage program by billions of dollars and hurting seniors.

POINT OF ORDER

Mr. JACKSON of Illinois. Point of order.

The Acting CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. JACKSON of Illinois. Madam Chairman, the majority has accepted the McHenry amendment and the minority continues to engage in irrelevant debate.

The Acting CHAIRMAN. The gentleman from Arizona has confined his remarks to the pending amendment. The gentleman may proceed.

Mr. SHADEGG. Thank you. I would rather cut the Secretary's budget by $101 billion as a way to save money than to cut the Medicare Advantage program because the Medicare Advantage program helps millions of Americans and thousands in my own congressional district. So as the Democrats propose to cut that program in their SCHIP bill, I believe it would be better to cut this program.

I rise in support of the McHenry amendment to cut $101,000 from the Secretary's budget because the Medicare Advantage bill will cut 3 million seniors' ability to collect their benefits through Medicare Advantage. That 3 million includes some of the poorest of seniors who are on Medicare Advantage, and I would rather cut $101,000 from the Secretary's budget than cut that money going to Medicare seniors who need it desperately.

I support the amendment by the gentleman from North Carolina (Mr. McHENRY) to cut $101,000 from the budget of the Secretary of Agriculture because the other cut we are faced with is a $15 billion cut in part A, including a cut in benefits to skilled nursing facilities, as the Democrats propose to do in their SCHIP bill.

I would rather cut the Department of Agriculture's budget than——

POINT OF ORDER

Mr. JACKSON of Illinois. Point of order.

The Acting CHAIRMAN. The gentleman will suspend.

The gentleman from Illinois will state his point of order.

Mr. JACKSON of Illinois. The majority has accepted the McHenry amendment and the minority continues to engage in irrelevant debate about the SCHIP program in another bill for another day.

The Acting CHAIRMAN. The gentleman from Arizona must confine his remarks to the pending question.

The gentleman may proceed.

PARLIAMENTARY INQUIRY

Mr. SHADEGG. Parliamentary inquiry.

The Acting CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. SHADEGG. I presume I can state my reason for supporting the amendment; is that correct?

The Acting CHAIRMAN. The gentleman must keep his remarks to the pending question, and there must be a nexus between the pending question and broader policy issues.

The gentleman may proceed.

Mr. SHADEGG. And I will continue to say that a $15 billion cut in skilled nursing facilities is, from my perspective, a bad idea, much worse than a $101,000 cut from the Secretary's budget. And, therefore, I rise in strong support of the McHenry amendment because I don't want to see skilled nursing cut as the Democrats propose to do in their SCHIP bill.

I support the McHenry amendment which would cut $101,000 from the Secretary's budget because I don't support cutting rehabilitation facilities as the Democrats would do in their SCHIP bill.

Indeed, I would much prefer to cut $100,000 from the Secretary's budget than to cut, as the Democrats do in their SCHIP bill, rehabilitation facilities.

POINT OF ORDER

Mr. JACKSON of Illinois. Point of order.

The Acting CHAIRMAN. The gentleman will suspend.

The gentleman from Illinois will state his point of order.

Mr. JACKSON of Illinois. Madam Chairman, the majority has accepted the McHenry amendment and the minority continues to engage in irrelevant debate about a piece of legislation that will come up in a few days. We are discussing the Agriculture appropriations bill.

The Acting CHAIRMAN. The gentleman must confine his remarks to the pending question.

The gentleman may proceed.

Mr. SHADEGG. As I believe I have, quite skillfully.

I do rise in very strong support of the McHenry amendment because I believe that cutting the Secretary's budget is a much better idea than cutting skilled nursing facilities.

I believe it is a much better idea than cutting long-term hospital facilities, as the Democrats do in their SCHIP bill. And I think it would be much better to cut $100,000 from the Secretary of Agriculture's administrative budget than to cut, as the Democrats do, funding for long-term care by hospitals.

It seems to me this is a simple debate: Where do we cut? I would much rather cut $100,000 from the budget of the Office of the Secretary than to cut $9 billion from Medicare plan B, including payments for oxygen, as the Democrats do in their SCHIP bill. It seems to me that kind of cut in their SCHIP bill is a bad idea. I would rather support the gentleman's amendment.

POINT OF ORDER

Mr. JACKSON of Illinois. Point of order.

The Acting CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. JACKSON of Illinois. Madam Chairman, the gentleman sounds like a broken record. The majority has accepted the McHenry amendment and the minority continues to engage in irrelevant debate.

The Acting CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. JACKSON of Illinois. The majority has accepted the McHenry amendment, and the minority continues to engage in irrelevant debate.

The Acting CHAIRMAN. Is the gentleman making a point of order that the debate is irrelevant?

Mr. JACKSON of Illinois. I am making the point of order that the debate is absolutely irrelevant.

The Acting CHAIRMAN. The gentleman is correct. The gentleman from Arizona must confine his remarks to the pending question.

Mr. SHADEGG. Madam Chairman, I seek a clarification. What was the ruling of the Chair?

The Acting CHAIRMAN. The point of order is correct. The gentleman from Arizona must confine his remarks to the pending question.

Mr. SHADEGG. Precisely how did my remarks not——

The Acting CHAIRMAN. The pending question is the amendment by Mr. MCHENRY of North Carolina to the amendment by the gentleman from Georgia. That is the pending question.

Mr. SHADEGG. And I thank the Chairman for her ruling, and I am pleased to say that each of my points have tried to explain that I support, adamantly support the amendment by the gentleman to cut $100,000 from the Secretary's budget because I don't favor these other cuts. I don't favor cutting the funding for end-stage renal disease programs. I would much rather cut the Department of Agriculture administrative budget than do as the Democrats would in their SCHIP bill, cut $3.6 billion from the end-stage renal disease program.

It seems to me that the amendment of the gentleman from North Carolina to cut $100,000 from the administrative budget of the Secretary is a much-preferable method to achieve the savings that we need. In each of these instances, I believe that cutting the Secretary's budget would make much more sense than cutting the Medicare program.

I have constituents in my district who would much rather see us cut the Ag budget than see us cut Medicare or see us cut end-stage renal disease or than see us cut oxygen therapy as is all done in the Democrats' SCHIP bill. For all of those reasons, I believe it is very important that we support the gentleman's amendment.

POINT OF ORDER

Mr. JACKSON of Illinois. Point of order.

The Acting CHAIRMAN. The gentleman from Illinois may state his point of order.

Mr. JACKSON of Illinois. The minority continues to engage in irrelevant debate.

Mr. SHADEGG. There is nothing irrelevant about it.

The Acting CHAIRMAN. The gentleman from Arizona will suspend.

Does the gentleman make a point of order that the debate is irrelevant?

Mr. JACKSON of Illinois. I make the point of order that the debate is irrelevant.

The Acting CHAIRMAN. The gentleman is correct. The gentleman from Arizona must confine his remarks to the pending question.

Mr. SHADEGG. I appeal the ruling of the Chair.

The Acting CHAIRMAN. The question is: Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHADEGG. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes 178, not voting 39, as follows:

[Roll No. 777]

AYES—220

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

NOES—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)

Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert

Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence

Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—39

Allen
Bishop (UT)
Boucher
Braley (IA)
Buyer
Cannon
Cantor
Cardoza
Clarke
Cohen
Davis, Jo Ann
Davis, Tom
DeFazio
Diaz-Balart, L.

Dicks
Doyle
Feeney
Forbes
Fortuño
Fossella
Hayes
Hunter
Johnson, Sam
Marchant
McCaul (TX)
McCrery
Miller, George
Nunes

Pickering
Ryan (WI)
Sánchez, Linda T.
Smith (TX)
Tancredo
Udall (CO)
Waters
Whitfield
Wicker
Wilson (OH)
Wynn

☐ 1906

Mr. PETRI changed his vote from "aye" to "no."

Ms. KILPATRICK changed her vote from "no" to "aye."

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. SHADEGG. Madam Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SHADEGG. As I understand the ruling of the Chair, it is appropriate for me to say I support the gentleman's amendment because I do not support cuts in skilled nursing facilities or cuts in rehabilitation facilities or cuts in long-term care hospitals or cuts in oxygen, or cuts in brachytherapy, or cuts in end-stage renal disease or cuts in Medicare Advantage; but that I cannot say which appear in their SCHIP bill. Is that correct?

The Acting CHAIRMAN. It is permissible to identify as preferable an alternative object for funding. It is not permissible to dwell on the merits of that alternative object.

The gentleman may proceed.

Mr. SHADEGG. I thank you very much for your ruling.

Madam Chairman, I do rise in support of the gentleman's amendment. I believe that we have to find the funding necessary for essential government programs and that cutting the Secretary of Agriculture is much better than cutting such programs as skilled nursing facilities, rehabilitation facilities, long-term care hospitals, oxygen under Medicare, brachytherapy under Medicare, end-stage renal disease funding under Medicare or Medicare Advantage.

For those reasons, I rise in strong support of the gentleman's amendment.

Madam Chairman, I yield back the balance of my time.

MOTION TO RISE OFFERED BY MR. HOYER

Mr. HOYER. Madam Chairman, I intend to ask for unanimous consent after the motion that I make and we rise, and then I will make a statement on the schedule that I perceive to be in front of us for such time as it may take to complete the business of the people of our country.

I move that the Committee do now rise.

The Acting CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GINGREY. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 235, noes 153, not voting 49, as follows:

[Roll No. 778]

AYES—235

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)

Bishop (NY)
Blumenauer
Bonner
Bordallo
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Carnahan

Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney

Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski

Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad

Rangel
Rehberg
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—153

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Capito
Carter
Coble
Cole (OK)

Conaway
Crenshaw
Cubin
Culberson
Davis, David
Deal (GA)
Dent
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Fallin
Feeney
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goode
Goodlatte
Granger

Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.

Mack
Manzullo
McCarthy (CA)
McCotter
McHenry
McHugh
McKeon
McMorris
  Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)

NOT VOTING—49

Allen
Bishop (UT)
Boucher
Braley (IA)
Buyer
Calvert
Cannon
Cantor
Cardoza
Clarke
Cummings
Davis (KY)
Davis, Jo Ann
Davis, Tom
DeFazio
Diaz-Balart, L.
Dicks
Doyle
Ferguson
Forbes
Fortuño
Gingrey
Harman
Hayes
Hinchey
Hunter
Johnson, Sam
Keller
Knollenberg
LaHood
Lamborn
Marchant
McCaul (TX)
McCrery
Miller, George
Nunes
Paul
Pickering
Reyes
Reynolds
Ryan (WI)
Smith (TX)
Tancredo
Turner
Udall (CO)
Wasserman
  Schultz
Whitfield
Wicker
Young (AK)

☐ 1928

Mr. BARRETT of South Carolina and Mr. PEARCE changed their vote from "aye" to "no."

So the motion to rise was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. INSLEE. Madam Speaker, I was absent from the House floor during today's vote on H.R. 2831, the Lilly Ledbetter Fair Pay Act of 2007, which will protect women against pay discrimination and restore all employee's rights regarding nondiscriminatory pay. The legislation will reverse the U.S. Supreme Court ruling in Ledbetter v. Goodyear by putting into statute widely accepted rules in employment discrimination law. I strongly support federal protections against pay discrimination; therefore, had I been present, I would have voted for H.R. 2831.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIERNEY) having assumed the chair, Mrs. TAUSCHER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute for the purposes of informing the Members of the schedule for the week to come, for today and for tomorrow.

The SPEAKER pro tempore. Without objection, the gentleman is recognized.

There was no objection.

Mr. HOYER. Thank you, Mr. Speaker.

Ladies and gentlemen of the House, obviously, the American public sent us here to get its work done. Obviously as well, we have differences on what work we ought to be doing and what the substance of that work ought to be, and they expect us to debate that, and they expect us to have our differences, and then they expect us to resolve those differences through voting and moving legislation.

The Agriculture appropriation bill is on the floor. Mr. OBEY, myself, and Mr. BOEHNER had very long discussions about how we would consider the appropriation bills. On or about June 14, it was June 12 and 13 that we really discussed, we came to agreement. We came to agreement on how we would consider the appropriation bills, essentially the time frame that would be accorded to those bills, that we would have open rules on the appropriation bills, and that we would come to only unanimous consent agreements on the constraint of debate.

☐ 1930

Furthermore, we agreed that we would offer a rule the Monday following June 14 to provide for a point of order on items added to appropriation bills.

I believe that I have, as leader, done everything I said I would do.

On Monday, I offered a unanimous consent, a request to add to our rules the point of order that the minority felt important to protect its rights. That unanimous consent, obviously, was not objected to. It is now part of our rules.

Since that time, on 10 appropriation bills we have had open rules, as we said we would. The agreement, as you have heard me state before, contemplated that you would give us, on the minority side, essentially the same unanimous consents that we gave to you in an election year 1 year ago.

Notwithstanding that understanding, we have taken 50 hours longer to consider the appropriation bills since that time than we took last year when you were in charge and Mr. OBEY gave the unanimous consent. You've heard me complain about that because I thought that was not consistent with the agreement.

Notwithstanding that, we have proceeded on this floor with open rules, and the Agriculture appropriation bill has come to the floor with an open rule. The Agriculture appropriation bill has been on the floor for some, 4, 4½ hours, and we are not really considering the substance of the Agriculture appropriation bill.

I know there is upset on your side of the aisle, I say to my friends on the minority side, about another bill. But there was nothing in the agreement that said if you were upset with another bill that the agreement reached between Mr. BOEHNER and I and Mr. OBEY would not be honored. There was nothing that said that if we're angry about another bill that we will disrupt the appropriations process.

And, therefore, it is my perception, and I think, based upon the facts that everyone in this country has observed over the last number of hours, that my perception is the agreement has not been honored. I regret that.

I will tell you that I pride myself on honoring my agreements, even when it may anger my side of the aisle, because I believe that if we are to proceed in a civil way, in a way that we can trust one another, that is what we ought to do. Notwithstanding the extra 50 hours that we've spent, we were prepared to proceed.

Now, let me read just briefly, Mr. SHADEGG was on the floor just a little while ago and spoke. This is what Mr. SHADEGG said on the 14th:

"As I understand it, this", meaning our agreement to move bills forward, "is an attempt to make sure that we don't waste time on dilatory tactics; that, rather, we proceed through these bills in an orderly fashion, but if someone has a substantive objection that should be accommodated. Is that correct?" Mr. SHADEGG asked me.

In response, the chairman of the Appropriations Committee stated, and I quote Mr. OBEY: "It is our hope that you will respond as we did in the minority by agreeing to reasonable time limits on each of those bills in return for that." In return for that was giving reasonable time for substantive amendments.

Again, my friends on the minority side, you have had 50 additional hours above and beyond the time that we debated the bills last year when you were in charge.

And Mr. SHADEGG responded, "Certainly. And I think we will." We do not believe that that has been done.

During that same debate, on June 14, I stated to the minority, "We expect to move forward on open rules." We have done that. "But I want to make clear, if we are subjected to what we believe were dilatory tactics, then that would not be consistent with the agreement, and therefore our provision would be that, in lawyers' terms, the agreement has been breached."

I also stated, and again I quote, "We are proceeding with reliance on the good faith of each to proceed in a manner that we believe accommodates what has been done last year and what we hope will be done this year, and that is consider these bills with the inclusion of earmarks in the bills in a manner that facilitates their being passed through this House."

In fact, Mr. HENSARLING stated, and again I quote, "I believe I heard that there is hopefully an expectation of open rules. I understand the majority leader's caveat." That was my caveat that dilatory tactics would not be employed during the course of consideration of appropriation bills.

He went on to say, "I understand there is an anticipation of unanimous consents," he said, "UCs, as historic norms dictate."

I carry around in my pocket, I've shared with my friend, Mr. BLUNT and Mr. BOEHNER, the times that we spent considering the appropriation bills last year. Those were the historic norms that we referred to when on the floor we talked about generally replicating the time constraints of last year.

"I understand," Mr. HENSARLING went on, "there is an anticipation that if bills are of historic norms, that debate time may be of historic norms."

Again, I say to my friends on the minority side, I believe we have followed those dictates and that understanding to the letter.

Now, as to the schedule, I want to tell my friends that I have, for many months, articulated the bills that we were going to consider this week. Among those bills were the appropriation bills, the Defense bill, the Agriculture appropriation bill. I've discussed with my friend, ROY BLUNT, the possibility of considering a FISA bill. We also have some conference reports. The WRDA conference report is ready, we believe. We're also going to consider the Defense appropriation bill, consistent with our agreement; and we're going to consider an energy bill.

There may be some other conference reports that will be ready. The Higher Education conference report possibly would be ready, although I think that may not occur. There are other bills that we're going to consider.

The reason I rise is, first of all, to discuss the agreement that we had, which I think has not been honored, with respect to the considerable appropriations bills. It was not with respect to other bills, but we were considering the appropriation bill.

And I tell my friend that I have discussed with the members of my caucus that we are going to complete this agenda. We will complete this agenda if it takes all of next week to complete. That will disrupt my schedule, it will disrupt your schedule, and it will not be a happy time for any of us in this body. I regret that.

I hope that those of you on the minority side who have dealt with me through the years believe that I try to treat one another as I want to be treated by them.

I regret that we are now going to go to the Rules Committee on the appropriations bills. We will go to the Rules Committee on the Agriculture appropriation bill. We will go to the Rules Committee on the Defense bill. We will go to the Rules Committee on each and every other bill.

That does not mean I expect you to sit back and simply say, well, that's fine. I expect that we will not have a happy time over the next coming days. But I also believe that you have not left me or my party with an alternative, if, in fact, we are to proceed with the people's business.

We have disagreements. That's fair. Amendments expressing those agreements offered on this floor is fair. Demanding votes on those amendments and on those bills is fair and what the American people expect.

What the American people, in my opinion, do not expect is for us to simply do nothing, to simply circle one another, yell and scream at one another, point fingers at one another and not proceed with their business.

We believe very strongly that children ought to have health care. I believe you think children ought to have health care. We have a difference of opinion as to how we accomplish that objective. That is fair.

What is not fair, from our perspective, is to simply disallow the House to proceed to do its business, to have its disagreements, to make its votes, to express its will.

And so I say to you that we will complete the agenda that I have set forth. I hope we pass all those bills. If we don't pass them, so be it. But if we pass, or whether they fail, we will consider them during this sitting, before we recess for our summer break. I regret that, but it is the only alternative with which I think I am left if, as majority leader of this House, I'm going to facilitate the accomplishment of the people's business.

Mr. BOEHNER. Will the gentleman yield?

Mr. HOYER. I yield to my friend.

Mr. BOEHNER. I appreciate my colleague yielding.

There is no question that there was an agreement between Mr. HOYER, Mr. OBEY and myself to try to facilitate the movement of the appropriation process. During the time in the minority, the Democrats worked with us to facilitate that process; and over the course of the last 4 or 5 weeks I think that it has worked reasonably well. Maybe not to everyone's satisfaction, but reasonably well.

What's happened here is that we have the greatest expansion of government-run health care about to go out to the floor, where there's never been a legislative hearing in the Energy and Commerce Committee on this issue. The bill has not gone through committee. We're about, as the minority, about to have this thrust upon us, a 488-page bill that was in the committee that no one ever really had a chance to read; and to bring this in such a rush in the last week has caused concern amongst members in our caucus from every wing of our caucus.

Now I understand that the gentleman would prefer that we move the appropriations process quickly. But there was a discussion all of last year and the year before and a lot of promises made earlier this year about having a more open House, allowing Members the opportunity to debate, allowing the opportunity for the Members to bring amendments to the floor; and I and my colleagues on our side are very disappointed that not only have not all of those promises been kept, that we've actually regressed beyond the time that we were in the majority. And so it is unfortunate that we find ourselves at this spot. All that we've asked, all year, is to be treated fairly.

And I would say to my colleagues on both sides of the aisle, I understand that we have differences. I'm a big believer that we ought to allow the House to work its will. But, at the end of the day, for us to work our will and for other Members to work their will, there needs to be more open debate. There needs to be more opportunities for amendments. And I will say, from the point of view of the minority, all we're asking is to be treated fairly.

In 1995, when we took the majority for the first time in 40 years, some of my colleagues in the Republican leadership wanted to treat the minority, the new minority the way we had been treated. I argued that we should never do that, that we should treat the minority the way we asked to be treated. And over the course of, again, the last several years, you have made your case about how you wanted to be treated and how the minority should be treated. You made it very clear.

We're there. And I think all we're asking, all we're asking is that you treat us the way you wanted to be treated. And if that, in fact, is the case, we can do our work. We can do what the American people sent us here to do. But we can't do it when our voices are stifled and our constituents are not allowed to be represented with their views on the floor of this House.

So I regret that it has come to this. It is going to be a tough week, but we are not going to sit here representing nearly half the American people and not allow their voices to be heard.

Mr. HOYER. Reclaiming my time. That was the proposition that the gentleman put to us and Mr. OBEY when we discussed the appropriations bills. We agreed, and we have followed to the letter, bringing every appropriation bill considered under an open rule, every one.

☐ 1945

There were no constraints imposed beyond unanimous consent constraints so that we had an open process. Everybody got an opportunity to make their points and to vote.

There is no one on this side of the aisle who has served for the last 2, 4, 6, 8, 10, 12 years who does not understand the pain that you express of your Members. They have all felt it. You know that, and I know that. Frankly, we had a previous majority leader who was not nearly as tolerant as the present majority leader, I say with some degree of perhaps humor but some degree, I think, of real truth. I believe we have complied with that agreement.

We will now conclude the business for tonight, and we will back tomorrow, and we will complete the work that I have set forth on behalf of the majority that the House contemplates. And we hope that we can try, over the next few hours, to reach a greater level of civility on both sides so that we can proceed and try to accommodate the concerns of every Member. But that has not happened.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I will be glad to yield, and then we will conclude.

Mr. BOEHNER. We will be happy to work with you and the chairman of the Appropriations Committee on a unanimous consent request for both the Ag appropriations bill and the Defense appropriation bill. We just want some understanding that there is going to be ample time for debate on the SCHIP bill that we expect to show up sometime this week. If we can agree on 2 or 3 hours of debate on the SCHIP bill, we will be more than happy to facilitate this process.

Our concern, based on what we have seen of the schedule, is that there was going to be very little debate on the SCHIP bill. That is why Members felt compelled, the need to come down and talk about it today on this bill. But we can work this out. I will just throw that out there for the gentleman's consideration.

Mr. HOYER. I will look forward to discussing the next 4, 5 or 6 days with my friend.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 47 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 0341

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. CASTOR) at 3 o'clock and 41 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3162, CHILDREN'S HEALTH AND MEDICARE PROTECTION ACT OF 2007

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110-285) on the resolution (H. Res. 594) providing for consideration of the bill (H.R. 3162) to amend titles XVIII, XIX, and XXI of the Social Security Act to extend and improve the children's health insurance program, to improve beneficiary protections under the Medicare, Medicaid, and the CHIP program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110-286) on the resolution (H. Res. 595) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3222, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110-287) on the resolution (H. Res. 596) providing for consideration of the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110-288) on the resolution (H. Res. 597) providing for consideration of the conference report to accompany the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, July 10, 2007.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER, On June 28, 2007, the Committee on Transportation and Infrastructure met in open session to consider 14 resolutions authorizing the General Services Administration ("GSA") Capital Investment Program for Fiscal Year 2008, in accordance with 40 U.S.C. §3307. The resolutions authorize leases for various Federal agencies. The Committee adopted the resolutions with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on June 28, 2007.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

Enclosure.

LEASE—FEDERAL BUREAU OF INVESTIGATION, PHOENIX, AZ

PAZ-01-PH08

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 210,202 rentable square feet for the Federal Bureau of Investigation, currently located in one Federal building and three leased facilities in Phoenix, AZ, at a proposed total annual cost of $7,567,272 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION, SAN DIEGO, CA

PCA-01-SD08

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C.

§3307, appropriations are authorized to lease up to approximately 254,382 rentable square feet for the consolidation of the Federal Bureau of Investigation, currently located in six leased facilities in San Diego, CA, at a proposed total annual cost of $11,447,190 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION SANTA ANA, CA

PCA-02-SA08

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 102,065 rentable square feet for the Federal Bureau of Investigation, currently located in a leased facility in Santa Ana, CA, at a proposed total annual cost of $4,490,860 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF EDUCATION, 1990 K STREET, NW., WASHINGTON, DC

PDC-04-WA08

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 115,024 rentable square feet for the Department of Education, currently located at 1990 K Street, N.W., Washington, DC, at a proposed total annual cost of $4,831,008 for a lease term of up to 4 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

LEASE—INTERNAL REVENUE SERVICE, WASHINGTON, DC

PDC-05-WA08

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 170,130 rentable square feet for the Internal Revenue Service, currently located at 500 North Capitol Street, N.W., Washington, DC, at a proposed total annual cost of $7,996,110 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further that the Administrator shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, WASHINGTON, DC

PDC-03-WA08

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 97,049 rentable square feet for the Department of Homeland Security-U.S. Citizenship and Immigration Service, currently located at 111 Massachusetts Avenue, N.W., Washington, DC, at a proposed total annual cost of $4,561,303 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION, HONOLULU, HI

PHI-01-HO08

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 150,365 rentable square feet for the Federal Bureau of Investigation, currently located in the Prince J. Kuhio Federal Building and Courthouse and one leased location in Honolulu, HI, at a proposed total annual cost of $8,270,075 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

AMENDED PROSPECTUS—LEASE—DEPARTMENT OF INTERIOR-MINERALS MANAGEMENT SERVICE, METAIRIE, LA

PLA-01-JP08

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C.

§3307, appropriations are authorized to lease up to approximately 197,084 rentable square feet for the Department of Interior-Minerals Management Service, Metairie, LA, at a proposed total annual cost of $5,321,268 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution dated April 5, 2006, authorizing a lease up to 197,084 rentable square feet and 650 parking spaces for the Department of Interior-Minerals Management Service in Metairie, LA, at a proposed total annual cost of $4,730,016 for a lease term of up to 15 years.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

LEASE—NUCLEAR REGULATORY COMMISSION, SUBURBAN MARYLAND

PMD-01-WA08

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 120,000 rentable square feet for the Nuclear Regulatory Commission, currently located at 6003 Executive Boulevard in Rockville, MD, and 7201 Wisconsin Avenue in Bethesda, MD, at a proposed total annual cost of $3,840,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this reolution.

LEASE—NATIONAL NUCLEAR SECURITY ADMINISTRATION, ALBUQUERQUE, NM

PNM-01-AQ08

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 311,246 rentable square feet for the National Nuclear Security Administration Service Center, currently located in 23 buildings on the Kirtland Air Force Base, Albuquerque, NM, at a proposed total annual cost of $9,337,380 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

LEASE—INTERNAL REVENUE SERVICE, AUSTIN, TX

PTX-OI-AU08

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 225,054 rentable square feet for the Internal Revenue Service, currently located in the Southpark G Building, 1821 Director's Boulevard, Austin, TX, at a proposed total annual cost of $4,726,134 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION, SALT LAKE CITY, UT

PUT-01-SL08

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 163,040 rentable square feet for the Federal Bureau of Investigation, currently located in two leased and one owned facility in Salt Lake City, UT, at a proposed total annual cost of $6,195,520 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION, TIDEWATER, VA

PVA-01-N008

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 131,463 rentable square feet for the Federal Bureau of Investigation, currently located at a leased facility at 150 Corporate Boulevard in Norfolk, VA, at a proposed total annual cost of $5,127,057 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Health and Human Services, Rockville, MD

PMD-01-WA07

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 935,401 rentable square feet for the Department of Health and Human Services, currently located in 4 leased locations in Rockville, MD, at a proposed total annual cost of $29,932,832 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SUTTON (at the request of Mr. HOYER) for today until 2:00 p.m.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on July 27, 2007, she presented to the President of the United States, for his approval, the following bills.

H.J. Res. 44. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

H.R. 2429. To amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces.

ADJOURNMENT

Mr. McGOVERN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 45 minutes a.m.), consistent with the fourth clause in section 5 of article I of the Constitution, and notwithstanding section 132 of the Legislative Reorganization Act of 1946, the House adjourned until today, Wednesday, August 1, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2785. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus thuringiensis Vip3Aa19 Protein in Cotton; Exemption from the Requirements of a Tolerance; Technical Amendment [EPA-HQ-OPP-2006-0913; FRL-8134-3] received July 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2786. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's report entitled, "Report to Congress on Sustainable Ranges," as required by Section 366 of the National Defense Authorization Act for fiscal year 2003; to the Committee on Armed Services.

2787. A letter from the Assistant Secretary of the Navy for Installations and Environment, Department of Defense, transmitting notification of the decision to convert to contract the air and surface training support functions currently performed at Fleet Composite Squadron Six in Norfolk, VA, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2788. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Jeffrey B. Kohler, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2789. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Admiral Edmund P. Giambastini, Jr., United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

2790. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Peter Pace, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

2791. A letter from the Administrator, Office of Policy Development and Research, Department of Labor, transmitting the Department's final rule — Senior Community Service Employment Program; Performance Accoountability (RIN: 1205-AB47) received July 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2792. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Technical Assistance on Data-Collection—Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention — received July 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2793. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Promising Strategies to End Youth Homelessness," in accordance with the Runaway, Homeless and Missing Children Protection Act; to the Committee on Education and Labor.

2794. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2006 annual performance report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA), as amended, pursuant to 21 U.S.C. 379g note; to the Committee on Energy and Commerce.

2795. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2006 Performance Report to Congress for the Food and Drug Administration's Office of Combination Products required by the Medical Device User Fee and Modernization Act of 2002; to the Committee on Energy and Commerce.

2796. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Harrisburg-Lebanon-Carlisle Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory [EPA-R03-OAR-2007-0323; FRL-8445-7] received July 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2797. A letter from the Chief Policy Division, Federal Communications Commission, transmitting the Commission's final rule — In the Matters of Review of the Emergency Alert System; Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief [EB Docket No. 04-296] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2798. A letter from the Associate General Counsel, Government Accountability Office, transmitting the Department's final rule — Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements (RIN: 0910-AB88) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2799. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

2800. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's strategy for democracy and governance in Iraq prepared in compliance with the "Democracy Fund" section of Pub. L. 110-28; to the Committee on Foreign Affairs.

2801. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on Foreign Affairs.

2802. A letter from the Chief Financial Officer, Library of Congress, transmitting activities of the United States Capitol Preservation Fund for the six-month period which ended on March 31, 2007, pursuant to 40 U.S.C. 188a-3; to the Committee on House Administration.

2803. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting the Department's biennial report on the Adminsitration of the Coastal Zone Management Act by the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration for fiscal years 2004 and 2005, pursuant to 16 U.S.C. 1451 et seq.; to the Committee on Natural Resources.

2804. A letter from the Assistant Administrator for Fisheries, Department of Commerce, transmitting the Department's report on the impacts of Hurricanes Katrina, Rita, and Wilma on Alabama, Louisiana, Florida, Mississippi, and Texas fisheries, pursuant to Section 213(a) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act; to the Committee on Natural Resources.

2805. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's training course for the newly appointed Regional Fishery Management Council members as required by the Magnuson-Stevens Fishery Conservation and Management Resuthorization Act of 2006, Pub. L. 109-479; to the Committee on Natural Resources.

2806. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's report on the impact of Hurricanes Katrina, Rita, and Wilma on Commercial and Recreational Fishery Habitat of Alabama, Florida, Louisiana, Mississippi, and Texas, pursuant to Section 213 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act; to the Committee on Natural Resources.

2807. A letter from the President, American Academy and Institute of Arts and Letters, transmitting the annual report of the activities of the American Academy of Arts and Letters during the year ending December 31, 2006, pursuant to 36 U.S.C. 4204; to the Committee on the Judiciary.

2808. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Hawaii Advisory Committee; to the Committee on the Judiciary.

2809. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Indiana Advisory Committee; to the Committee on the Judiciary.

2810. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Pennsylvania Advisory Committee; to the Committee on the Judiciary.

2811. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Twenty-Ninth Annual Report to Congress on the activities during Fiscal Year 2006 as pursuant to subsection (j) of section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

2812. A letter from the Assistant Secretary for Civil Works, Department of the Army, Department of Defense, transmitting a status report on the Section 154 Northern Wisconsin Environmental Infrastructure Program, pursuant to Public Law 106-554, section 154; to the Committee on Transportation and Infrastructure.

2813. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Agent for a Consolidated Group with Foreign Common Parent [TD 9343] (RIN: 1545-BF30) received July 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2814. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Evaluation of the Medicare Replacement Drug Demonstration," in response to Section 641 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Energy and Commerce and Ways and Means.

2815. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use FY 2007 IMET funds for Pakistan, pursuant to Public Law 110-5, section 520; jointly to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Commitee of Conference. Conference report on H.R. 1495. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 110-280). Ordered to be printed.

Mr. RANGEL: Committee on Ways and Means. H.R. 3056. A bill to amend the Internal Revenue Code of 1986 to repeal the authority of the Internal Revenue Service to use private debt collection companies, to delay implementation of withholding taxes on government contractors, to revise the tax rules on expatriation, and for other purposes; with an amendment (Rept. 110-281). Referred to the Committee of the Whole House on the State of the Union.

Mr. SKELTON: Committee on Armed Services. H.R. 3159. A bill to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom; with an amendment (Rept. 110-282). Referred to the Committee of the Whole House on the State of the Union.

Mr. SKELTON: Committee on Armed Services. H.R. 3087. A bill to require the President, in coordination with the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff, and other senior military leaders, to develop and transmit to Congress a comprehensive strategy for the redeployment of United States Armed Forces in Iraq; with amendments (Rept. 110-283). Referred to the Committee of the Whole House on the State of the Union.

[Filed on August 1 (legislative day, July 31), 2007]

Mr. RANGEL: Committee on Ways and Means. H.R. 3162. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to extend and improve the children's health insurance program, to improve beneficiary protections under the Medicare, Medicaid, and the CHIP program, and for other purposes; with an amendment (Rept. 110-284 Pt. 1). Ordered to be printed.

Ms. CASTOR: Committee on Rules. House Resolution 594. Resolution providing for consideration of the bill (H.R. 3162) to amend titles XVIII, XIX, and XXI of the Social Security Act to extend and improve the children's health insurance program, to improve beneficiary protections under the Medicare, Medicaid, and CHIP program, and for other purposes (Rept. 110-285). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 595. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions from the Committee on Rules (Rept. 110-286). Referred to the House Calendar.

Ms. CARDOZA: Committee on Rules. House Resolution 596. Resolution providing for consideration of the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110-287). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 597. Resolution providing for consideration of the conference report to accompany the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 110-288). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DELAHUNT (for himself, Mr. BLUNT, Mr. FARR, Mr. PORTER, Mr. EMANUEL, Mr. BARTON of Texas, Mr. GEORGE MILLER of California, Mr. SMITH of Texas, Ms. SLAUGHTER, Mr. STEARNS, Ms. LORETTA SANCHEZ of California, and Mr. FEENEY):

H.R. 3232. A bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING (for himself and Mr. THOMPSON of Mississippi):

H.R. 3233. A bill to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the "Laurence C. and Grace M. Jones Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CANTOR (for himself and Mr. SAM JOHNSON of Texas):

H.R. 3234. A bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts; to the Committee on Ways and Means.

By Mr. HONDA:

H.R. 3235. A bill to ensure the development and responsible stewardship of nanotechnology; to the Committee on Science and Technology, and in addition to the Committees on Ways and Means, Energy and Commerce, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself and Mr. DINGELL):

H.R. 3236. A bill to promote greater energy efficiency; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself and Mr. DINGELL):

H.R. 3237. A bill to facilitate the transition to a smart electricity grid; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself and Mr. DINGELL):

H.R. 3238. A bill to promote the development of renewable fuels infrastructure, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself and Mr. DINGELL):

H.R. 3239. A bill to promote advanced plug-in hybrid vehicles and vehicle components; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself and Mr. DINGELL):

H.R. 3240. A bill to enhance availability of critical energy information; to the Committee on Energy and Commerce.

By Mr. BOUCHER (for himself and Mr. DINGELL):

H.R. 3241. A bill to clarify the amount of loans to be guaranteed under title XVII of the Energy Policy Act of 2005, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCMORRIS RODGERS (for herself and Mr. MCKEON):

H.R. 3242. A bill to amend the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965 to improve the ability of the United States to be competitive in a global economy, and for other purposes; to the Committee on Education and Labor.

By Mr. WELLER (for himself and Mr. CAMP of Michigan):

H.R. 3243. A bill to direct the Bureau of the Census to publish improved annual measures of family income for use in more accurately determining the extent of poverty in the United States and the anti-poverty effectiveness of means-tested benefit and tax programs, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. JOHNSON of Georgia (for himself, Mr. ABERCROMBIE, Mr. BUTTERFIELD, Mr. DOGGETT, Ms. SCHAKOWSKY, Ms. SHEA-PORTER, and Mr. LEWIS of Georgia):

H.R. 3244. A bill to establish the National Commission on Detainee Treatment; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Mr. MCCARTHY of California, Mr. MCKEON, Mr. SCHIFF, Mr. JORDAN, Mrs. CAPPS, Ms. ZOE LOFGREN of California, Ms. BORDALLO, Mr. DREIER, Mr. HERGER, Mr. ROHRABACHER, Mr. CAMPBELL of California, Mr. DOOLITTLE, Mr. NUNES, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. DANIEL E. LUNGREN of California, Mr. RADANOVICH, Mr. GALLEGLY, Mr. BERMAN, Mr. ROYCE, Mrs. BONO, Mr. ISSA, Mr. BILBRAY, Mr. HOBSON, Mr. BOEHNER, Mr. LATOURETTE, Mr. REGULA, Mr. LAMPSON, Mr. HALL of Texas, Mrs. SCHMIDT, Mr. CARDOZA, Mr. COSTA, and Mr. FEENEY):

H.R. 3245. A bill to redesignate the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range; to the Committee on Science and Technology.

By Mr. OBERSTAR (for himself, Ms. NORTON, Mr. COSTELLO, Mr. MCHUGH, Mr. ALLEN, Mr. MICHAUD, Ms. SHEA-PORTER, Mr. HODES, Mr. HAYES, Mr. RODRIGUEZ, Mr. FILNER, Mr. GRIJALVA, Mr. ARCURI, Mr. LOEBSACK, Mr. BOSWELL, Mr. COHEN, Mr. ORTIZ, and Mr. JEFFERSON):

H.R. 3246. A bill to amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Mr. TAYLOR, Mr. PICKERING, Mr. BAKER, Mr. JEFFERSON, Mr. MELANCON, and Mr. JINDAL):

H.R. 3247. A bill to improve the provision of disaster assistance for Hurricanes Katrina and Rita, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. DEFAZIO, and Mr. DUNCAN):

H.R. 3248. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. BERKLEY (for herself, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. BISHOP of Georgia, Ms. LEE, Ms. CORRINE BROWN of Florida, Mr. SERRANO, Mrs. CHRISTENSEN, Ms. NORTON, Mr. GORDON, Mr. HARE, Mr. VAN HOLLEN, Mr. KAGEN, Mr. FILNER, Mr. VISCLOSKY, Ms. WOOLSEY, and Mr. SPACE):

H.R. 3249. A bill to amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. PETERSON of Pennsylvania):

H.R. 3250. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on State revenues from tolls first imposed during calendar year 2009, on Federally-financed interstate highways; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 3251. A bill to amend title XVII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of home needle removal, decontamination and disposal devices and the disposal of needles and syringes through a sharps-by-mail or similar program under part D of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 3252. A bill to amend title II of the Social Security Act to eliminate the time limitation for corrections to wage and self-employment income records; to the Committee on Ways and Means.

By Mr. HOLT (for himself and Mrs. MCCARTHY of New York):

H.R. 3253. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for the use of longitudinal data systems; to the Committee on Education and Labor.

By Mr. HOLT (for himself, Mr. PALLONE, Mr. SMITH of New Jersey, and Mr. SAXTON):

H.R. 3254. A bill to limit cost growth associated with major defense base closures and realignments implemented as part of the 2005 round of defense base closure and realignment; to the Committee on Armed Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER:

H.R. 3255. A bill to prohibit a State from charging an individual more than $200 for a permit or license to hunt big game on Federal public lands within that State; to the Committee on Natural Resources.

By Mr. KENNEDY:

H.R. 3256. A bill to reduce post traumatic stress disorder and other combat-related stress disorders among military personnel, and for other purposes; to the Committee on Armed Services.

By Mr. KIND (for himself, Mr. WAMP, and Mr. INSLEE):

H.R. 3257. A bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education; to the Committee on Education and Labor.

By Ms. ZOE LOFGREN of California (for herself, Mr. BRADY of Pennsylvania, Mrs. BONO, Mr. GONZALEZ, Mrs. LOWEY, Ms. NORTON, Mr. RANGEL, Mr. SPACE, and Mr. WYNN):

H.R. 3258. A bill to amend the Internal Revenue Code of 1986 to allow an individual who is entitled to receive child support a refundable credit equal to the amount of unpaid child support and to increase the tax liability of the individual required to pay such support by the amount of the unpaid child support; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. HALL of New York, Mr. ENGEL, and Mr. HINCHEY):

H.R. 3259. A bill to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to issue rules that designate no-fly zones in the vicinity of certain nuclear power plants, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MCDERMOTT:

H.R. 3260. A bill to require the Secretary of the Treasury to modify regulations to provide that certain Federal subsidies shall not be considered a grant made with respect to a building or its operation for purposes of the low-income housing tax credit; to the Committee on Ways and Means.

By Mr. MURPHY of Connecticut:

H.R. 3261. A bill to amend the Federal Power Act and the Natural Gas Act to require that the Federal Energy Regulatory Commission conduct local hearings before issuing a permit or other authorization for any action that may affect land use in any locality, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MUSGRAVE:

H.R. 3262. A bill to amend the Internal Revenue Code of 1986 to restore age 14 as the age at which unearned income of minor children ceases to be taxed as if parent's income; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 3263. A bill to amend the Elementary and Secondary Education Act of 1965 to encourage the implementation or expansion of prekindergarten programs for students 4 years of age or younger; to the Committee on Education and Labor.

By Ms. SCHWARTZ (for herself, Mr. BRADY of Texas, Mr. NEAL of Massachusetts, and Mr. HERGER):

H.R. 3264. A bill to amend the Internal Revenue Code of 1986 to modernize the tax treatment of biomedical research corporations; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 3265. A bill to authorize the Secretary of the Interior to conduct a special resource study of the Harry S Truman Birthplace State Historic Site, in Lamar, Missouri, and for other purposes; to the Committee on Natural Resources.

By Mr. TANCREDO:

H.R. 3266. A bill to provide for the issuance of War on Radical Islam Bonds; to the Committee on Ways and Means.

By Mr. TOWNS (for himself and Mr. UPTON):

H.R. 3267. A bill to amend the Public Health Service Act with respect to the Healthy Start Initiative; to the Committee on Energy and Commerce.

By Mr. WAXMAN (by request):

H.R. 3268. A bill to make certain reforms with respect to the Government Accountability Office, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. WILSON of New Mexico (for herself, Mr. GILLMOR, Mr. REGULA, Mr. GERLACH, Mrs. BONO, and Mr. ENGLISH of Pennsylvania):

H.R. 3269. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCURI:

H. Res. 588. A resolution recognizing Martha Coffin Wright on the 200th anniversary of her birth and her induction into the National Women's Hall of Fame; to the Committee on Oversight and Government Reform.

By Mr. INSLEE (for himself, Mr. BECERRA, Mr. UDALL of New Mexico, Mr. CHANDLER, Mr. MOORE of Kansas, Mr. ARCURI, Mr. BRALEY of Iowa, Mr. JOHNSON of Georgia, Mr. COHEN, Mr. BLUMENAUER, Mr. DEFAZIO, Ms. HOOLEY, Mr. WU, Ms. CLARKE, Ms. MCCOLLUM of Minnesota, and Mr. ELLISON):

H. Res. 589. A resolution directing the Committee on the Judiciary to investigate whether Alberto R. Gonzales, Attorney General of the United States, should be impeached for high crimes and misdemeanors; to the Committee on Rules.

By Mr. POE (for himself, Mr. COSTA, Mr. AL GREEN of Texas, Mrs. MCCARTHY of New York, Mr. MARKEY, Mr. MOORE of Kansas, Mr. COHEN, Mr. ORTIZ, Mr. HOLDEN, Mrs. MALONEY of New York, Mrs. TAUSCHER, Mr. FILNER, Mr. JEFFERSON, Ms. ROYBAL-ALLARD, Mr. MCDERMOTT, Mr. ELLISON, Mrs. DRAKE, Ms. GINNY BROWN-WAITE of Florida, Mr. ALLEN, Mr. CLEAVER, Mr. MICHAUD, Mrs. BIGGERT, Ms. DELAURO, Mr. BERMAN, Mr. REICHERT, Mr. BISHOP of Georgia, Mr. MORAN of Virginia, Mr. GENE GREEN of Texas, Mr. NADLER, Mr. BRALEY of Iowa, Mr. CARNEY, Mr. MILLER of Florida, Mr. WYNN, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. MATSUI, Ms. LINDA T. SÁNCHEZ of California, Mr. RUPPERSBERGER, and Mr. SHAYS):

H. Res. 590. A resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the House of Representatives that Congress should raise awareness of domestic violence in the United States and its devastating effects on families and communities; to the Committee on Education and Labor.

By Mr. REICHERT (for himself, Mr. MARIO DIAZ-BALART of Florida, Mr. BISHOP of Georgia, Mr. LINDER, Mr. TERRY, Mr. WU, Mr. BRADY of Texas, Mrs. DAVIS of California, and Mr. COBLE):

H. Res. 591. A resolution supporting the goals and ideals of Cambodian-American Freedom Day; to the Committee on Oversight and Government Reform.

By Mr. REICHERT (for himself and Mr. TAYLOR):

H. Res. 592. A resolution supporting first responders in the United States in their efforts to prepare for and respond to natural disasters, acts of terrorism, and other man-made disasters, and affirming the goals and ideals of National First Responder Appreciation Day; to the Committee on Transportation and Infrastructure.

By Ms. LORETTA SANCHEZ of California:

H. Res. 593. A resolution congratulating scientists F. Sherwood Rowland, Mario Molina, and Paul Crutzen for their work in atmospheric chemistry, particularly concerning the formation and decomposition of ozone, that led to the development of the Montreal Protocol on Substances that Deplete the Ozone Layer; to the Committee on Science and Technology.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Ms. SUTTON.

H.R. 160: Mr. HINCHEY.

H.R. 180: Mr. FARR.

H.R. 303: Mr. FRANK of Massachusetts.

H.R. 369: Ms. HIRONO.

H.R. 530: Mr. SCOTT of Georgia.

H.R. 551: Mr. CAMPBELL of California.

H.R. 643: Mr. KINGSTON.

H.R. 688: Mr. HOLDEN.

H.R. 693: Mr. FILNER, Mr. SERRANO, Mr. HINCHEY, Ms. BERKLEY, Ms. KAPTUR, Mrs. LOWEY, Ms. MCCOLLUM of Minnesota, Mrs. TAUSCHER, and Ms. LORETTA SANCHEZ of California.

H.R. 715: Mr. ALLEN, Mrs. MCCARTHY of New York, and Ms. SOLIS.

H.R. 736: Mr. ROGERS of Alabama.

H.R. 758: Mr. DELAHUNT.

H.R. 773: Ms. CARSON.

H.R. 826: Mr. MCCOTTER.

H.R. 864: Mr. FATTAH and Mr. HOLT.

H.R. 900: Mr. ALLEN.

H.R. 928: Mr. WAXMAN, Mr. TOWNS, and Mr. SHAYS.

H.R. 969: Ms. GIFFORDS, Mr. LINCOLN DAVIS of Tennessee, Mr. CHANDLER, Mr. MCHUGH, Mr. MITCHELL, and Mr. WATT.

H.R. 971: Mr. DOGGETT.

H.R. 989: Mr. HASTERT.

H.R. 1029: Mr. TERRY.

H.R. 1038: Mr. KILDEE.

H.R. 1064: Ms. GINNY BROWN-WAITE of Florida, Mr. MILLER of Florida. Mr. TAYLOR, Mrs. JO ANN DAVIS of Virginia, Mr. KENNEDY, Mr. DONNELLY, and Mr. PETERSON of Minnesota.

H.R. 1076: Mr. HARE.

H.R. 1092: Mr. KILDEE.

H.R. 1110: Mr. REYES.

H.R. 1283: Mr. SOUDER and Ms. WOOLSEY.

H.R. 1293: Mr. COBLE and Mr. ROGERS of Michigan.

H.R. 1302: Mr. ELLISON, Ms. ROS-LEHTINEN, Ms. BORDALLO, and Mr. SHERMAN.

H.R. 1328: Mr. GORDON.

H.R. 1350: Mr. MCHUGH.

H.R. 1391: Mr. WEINER.

H.R. 1399: Mr. KNOLLENBERG, Mr. BACHUS, Mr. DUNCAN, Ms. GRANGER, Mr. LUCAS, and Mr. THORNBERRY.

H.R. 1400: Ms. SHEA-PORTER.

H.R. 1422: Mr. BOSWELL, Mrs. MILLER of Michigan, Mr. MARSHALL, and Mrs. CUBIN.

H.R. 1459: Mr. MACK and Mr. BOUSTANY.

H.R. 1507: Ms. BERKLEY.

H.R. 1553: Mrs. WILSON of New Mexico.

H.R. 1567: Mr. SHERMAN and Mrs. MALONEY of New York.

H.R. 1589: Mr. KELLER and Mr. FRANK of Massachusetts.

H.R. 1644: Mr. ALTMIRE, Mr. CLEAVER, Ms. ROYBAL-ALLARD, Mr. JEFFERSON, Ms. SOLIS, Ms. WOOLSEY, and Mr. LARSON of Connecticut.

H.R. 1647: Mr. WEXLER, Mr. WELLER, Mrs. WILSON of New Mexico, Mr. DOGGETT, and Mr. EHLERS.

H.R. 1665: Mr. COOPER, Mr. GORDON, Mr. SIMPSON, Mr. HINOJOSA. Mr. HIGGINS, Mr. CUMMINGS, and Mr. BECERRA.

H.R. 1683: Mr. WYNN.

H.R. 1687: Mr. ELLISON and Mrs. JONES of Ohio.

H.R. 1695: Mr. DENT.

H.R. 1713: Ms. SOLIS.

H.R. 1843: Mr. WELLER, Ms. LINDA T. SÁNCHEZ of California, Mr. REGULA, and Mr. DAVIS of Illinois.

H.R. 1845: Mr. PERLMUTTER and Mr. ALEXANDER.

H.R. 1932: Mr. FILNER.

H.R. 1956: Ms. HOOLEY.

H.R. 2000: Mr. GERLACH and Mr. PAUL.

H.R. 2012: Mr. PLATTS and Mr. KIRK.

H.R. 2054: Mr. HINOJOSA.

H.R. 2060: Mr. LANGEVIN.

H.R. 2064: Ms. ESHOO and Mr. DELAHUNT.

H.R. 2122: Ms. MOORE of Wisconsin, Mr. KILDEE, and Ms. SHEA-PORTER.

H.R. 2159: Mr. SIMPSON.

H.R. 2164: Mr. DELAHUNT and Mr. RODRIGUEZ.

H.R. 2183: Mr. HOEKSTRA.

H.R. 2185: Mr. SHERMAN.

H.R. 2188: Mr. STARK, Mr. SERRANO, and Ms. MCCOLLUM of Minnesota.

H.R. 2189: Ms. WATERS and Ms. HIRONO.

H.R. 2205: Mr. STUPAK.

H.R. 2208: Mr. SHUSTER.

H.R. 2221: Mr. MICHAUD.

H.R. 2233: Mr. ROTHMAN and Mr. STARK.

H.R. 2236: Mrs. DAVIS of California.

H.R. 2265: Mr. WELCH of Vermont, Ms. ESHOO, and Mr. FILNER.

H.R. 2266: Ms. SOLIS.

H.R. 2289: Mr. CRAMER, Mr. BRADY of Pennsylvania, and Mr. EVERETT.

H.R. 2295: Mr. MORAN of Kansas.

H.R. 2327: Mr. ANDREWS.

H.R. 2349: Ms. CLARKE.

H.R. 2380: Mr. RAHALL.

H.R. 2395: Ms. SOLIS.

H.R. 2478: Ms. SOLIS.

H.R. 2537: Ms. SHEA-PORTER.

H.R. 2567: Mr. RODRIGUEZ.

H.R. 2576: Ms. SHEA-PORTER.

H.R. 2585: Mr. ROGERS of Michigan.

H.R. 2596: Mr. CLAY.

H.R. 2606: Mr. ROGERS of Alabama, Mr. BURTON of Indiana, and Mr. ALEXANDER.

H.R. 2607: Mr. ABERCROMBIE.

H.R. 2639: Mr. INGLIS of South Carolina.

H.R. 2674: Ms. SOLIS.

H.R. 2708: Ms. SHEA-PORTER.

H.R. 2723: Mr. GENE GREEN of Texas, Ms. HIRONO, and Ms. PRYCE of Ohio.

H.R. 2740: Ms. HIRONO.

H.R. 2744: Mr. MORAN of Virginia, Mr. DICKS, and Ms. SOLIS.

H.R. 2746: Mr. PAYNE, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, and Ms. HIRONO.

H.R. 2761: Ms. HOOLEY.

H.R. 2762: Mr. BONNER, Mr. CANTOR, Mr. ROGERS of Alabama, and Mr. ETHERIDGE.

H.R. 2802: Ms. ROYBAL-ALLARD, Mr. FRANK of Massachusetts, Mr. INSLEE, Mr. JOHNSON of Illinois, Ms. KILPATRICK, Mr. AKIN, Mr. AL GREEN of Texas, Ms. BORDALLO, Mr. FORTENBERRY, and Mr. SMITH of Nebraska.

H.R. 2828: Mr. HOYER and Mr. CLYBURN.

H.R. 2833: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2859: Mr. LEWIS of Georgia.

H.R. 2899: Mr. PRICE of Georgia and Mr. KINGSTON.

H.R. 2902: Mr. UDALL of Colorado and Mr. HODES.

H.R. 2910: Mr. MILLER of Florida and Ms. HIRONO.

H.R. 2914: Mr. HIGGINS.

H.R. 2922: Mr. HINCHEY and Ms. HIRONO.

H.R. 2927: Mr. GARY G. MILLER of California, Mr. CHANDLER, Mr. BOOZMAN, Mr. WALDEN of Oregon, Mr. PETERSON of Minnesota, Mr. CONAWAY, Ms. HERSETH SANDLIN, and Mr. SHADEGG.

H.R. 2941: Mr. NADLER and Ms. SOLIS.

H.R. 2942: Mr. SENSENBRENNER, Ms. SCHAKOWSKY, Mr. ROHRABACHER, Mr. GOHMERT, and Mr. BRALEY of Iowa.

H.R. 2966: Ms. SHEA-PORTER.

H.R. 3001: Mr. ROTHMAN.

H.R. 3004: Mr. CRAMER, Mr. ROSS, Mr. MATHESON, Mr. CARDOZA, and Mr. MICHAUD.

H.R. 3005: Mr. WEINER and Mr. COHEN.

H.R. 3013: Ms. BEAN and Mr. NADLER.

H.R. 3024: Mr. MCNULTY and Mr. ELLISON.

H.R. 3026: Mr. SMITH of New Jersey, Mr. PEARCE, Mr. PRICE of Georgia, Mr. FORBES, Mr. BROWN of South Carolina, Mr. RENZI, Mr. DOOLITTLE, Mr. BISHOP of Utah, Mr. BILIRAKIS, and Mr. BOUCHER.

H.R. 3035: Mr. ENGLISH of Pennsylvania, Ms. MOORE of Wisconsin, Mr. MEEK of Florida, Mr. LATHAM, Mr. ETHERIDGE, Mr. CALVERT, Mr. LYNCH, Mr. MILLER of North Carolina, and Mr. GERLACH.

H.R. 3040: Mr. WILSON of Ohio.

H.R. 3046: Mr. DELAHUNT.

H.R. 3055: Mr. GRIJALVA, Mr. HINOJOSA, Ms. HIRONO, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 3059: Mr. TIM MURPHY of Pennsylvania, Mr. GARY G. MILLER of California, Mr. MARCHANT, Ms. GRANGER, Ms. FALLIN, and Mr. ROYCE.

H.R. 3096: Ms. BORDALLO.

H.R. 3103: Mr. MARSHALL.

H.R. 3138: Mr. BACHUS, Mr. LOBIONDO, Ms. ROS-LEHTINEN, Mr. BONNER, Mr. COLE of Oklahoma, Mr. HENSARLING, Mr. WALDEN of Oregon, Mr. PEARCE, Mr. NUNES, Mr. KLINE of Minnesota, Mr. HASTERT, Mr. KINGSTON, Mr. BROWN of South Carolina, Mr. MCCRERY, Mr. GERLACH, Mr. WAMP, Mrs. BIGGERT, Mr. SAXTON, Mr. FERGUSON, Mr. GILLMOR, and Mr. DENT.

H.R. 3140: Mr. RODRIGUEZ, Ms. CASTOR, Mr. HODES, Ms. SHEA-PORTER, and Mr. INGLIS of South Carolina.

H.R. 3145: Mr. GERLACH, Mr. BURTON of Indiana, Mr. MARCHANT, and Mr. GINGREY.

H.R. 3148: Mr. GERLACH.

H.R. 3151: Mr. GERLACH.

H.R. 3155: Mr. GERLACH.

H.R. 3159: Ms. ESHOO.

H.R. 3162: Mr. GENE GREEN of Texas, Ms. DEGETTE, and Mr. ALLEN.

H.R. 3174: Ms. SHEA-PORTER and Mr. ALEXANDER.

H.R. 3175: Ms. SOLIS.

H.R. 3191: Ms. HIRONO.

H.R. 3197: Mr. EHLERS and Ms. CLARKE.

H.R. 3213: Mr. BOREN and Mr. SHULER.

H.R. 3225: Mr. GILLMOR.

H. Con. Res. 24: Mr. LARSON of Connecticut.

H. Con. Res. 28: Mr. ALEXANDER.

H. Con. Res. 37: Mr. BOOZMAN.

H. Con. Res. 185: Mr. TAYLOR, Mr. BRALEY of Iowa, Mrs. GILLIBRAND, Mr. LOEBSACK, Mr. KAGEN, Mr. PATRICK MURPHY of Pennsylvania, Mr. SESTAK, Mr. MITCHELL, Mr. HALL of New York, Mr. KIND, Mr. JOHNSON of Georgia, Mr. WILSON of South Carolina, Mr. DONNELLY, and Mr. RODRIGUEZ.

H. Con. Res. 193: Mr. LAMPSON, Mr. MATHESON, Mr. BARTLETT of Maryland, Mr. GERLACH, Mr. GILCHREST, Mrs. BOYDA of Kansas, and Mr. KIND.

H. Res. 32: Mr. SHERMAN.

H. Res. 68: Mr. DAVIS of Illinois.

H. Res. 95: Mr. GOODE, Mr. HOLT, Mr. RUPPERSBERGER, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. OLVER, Mr. GERLACH, Mrs. DAVIS of California, and Mr. CARNAHAN.

H. Res. 111: Mr. HINCHEY, Mr. WEINER, and Mr. BOOZMAN.

H. Res. 238: Ms. BORDALLO.

H. Res. 356: Mr. RAHALL.

H. Res. 405: Ms. ROS-LEHTINEN.

H. Res. 433: Mr. GENE GREEN of Texas.

H. Res. 447: Mr. CAPUANO.

H. Res. 548: Mr. SMITH of New Jersey and Mr. NADLER.

H. Res. 549: Mr. COBLE.

H. Res. 550: Mr. BOOZMAN.

H. Res. 557: Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, and Mr. SHERMAN.

H. Res. 572: Mr. MARIO DIAZ-BALART of Florida.

H. Res. 575: Ms. LEE, Mr. MORAN of Virginia, Mr. HOLT, Mr. BERMAN, Ms. BORDALLO, and Mr. SHERMAN.

H. Res. 576: Mr. DAVIS of Illinois.

H. Res. 584: Mrs. MILLER of Michigan, Ms. GINNY BROWN-WAITE of Florida, Mr. WALDEN of Oregon, and Mr. SHAYS.

H. Res. 585: Mr. HINOJOSA and Mr. EDWARDS.

H. Res. 587: Mr. STUPAK and Mr. MARSHALL.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. NICK J. RAHALL, II

H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Among the provisions that warranted a referral to the Committee on Education and Labor, H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY JOHN D. DINGELL

Among the provisions that warranted a referral to the Committee on Energy and Commerce, H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. TOM LANTOS

Among the provisions that warranted a referral to the Committee on Foreign Affairs, H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. IKE SKELTON

Among the provisions that warranted a referral to the Committee on Armed Services, H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

THE HONORABLE JAMES L. OBERSTAR, COMPLIANCE WITH RULE XXI

Among the provisions that warranted a referral to the Committee on Transportation and Infrastructure, H.R. 3221, the "New Direction for Energy Independence, National Security, and Consumer Protection Act", contains the following congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI:

Section 8603—$30 million to install a photovoltaic system for the headquarters building of the Department of Energy, at 1000 Independence Avenue, Southwest, Washington, DC, requested by James L. Oberstar, Eleanor Holmes Norton, and John L. Mica.

Section 8651—Such sums as may be necessary for the Architect of the Capitol to perform a feasibility study regarding construction of a photovoltaic roof for the Rayburn House Office Building requested by James L. Oberstar.

Section 8652—Such sums as may be necessary for the Architect of the Capitol to construct a fuel tank and pumping system for E-85 fuel at or within close proximity to the Capitol Grounds Fuel Station requested by James L. Oberstar.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3161

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 29: At the end of the bill (before the short title) insert the following (and make such technical and conforming changes as may be appropriate):

TITLE VIII—OTHER GENERAL PROVISIONS

SEC. 801. None of the funds appropriated, or otherwise made available, in this Act may be used to carry out any amendment to section 11(e)(6) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(6)).

H.R. 3161

OFFERED BY: MR. BOOZMAN

AMENDMENT NO. 30: At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to implement a National Animal Identification System unless the participation by livestock owners in such a system is voluntary.

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 31: Page 2, line 20, after the dollar amount, insert "(reduced by $100,000)".

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 32: Page 2, line 23, after the dollar amount, insert "(reduced by $100,000)".

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 33: Page 2, line 26, after the dollar amount, insert "(reduced by $100,000)".

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 34: Page 4, line 4, after the dollar amount, insert "(reduced by $100,000)".

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 35: Page 5, line 20, after the dollar amount, insert "(reduced by $100,000)".

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 36: Page 6, line 12, after the dollar amount, insert "(reduced by $100,000)".

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 37: Page 7, line 6, after the dollar amount, insert "(reduced by $100,000)".

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 38: Page 8, line 5, after the dollar amount, insert "(reduced by $100,000)".

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 39: Page 8, line 9, after the dollar amount, insert "(reduced by $100,000)".

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 40: Page 9, line 5, after the dollar amount, insert "(reduced by $54,823,000)".

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 41: Page 19, line 3, after the dollar amount, insert "(reduced by $4,957,000)".

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 42: Page 29, line 21, after the dollar amount, insert "(reduced by $100,000)".

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 43: Page 30, line 14, after the dollar amount, insert "(reduced by $100,000)".

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 44: Page 33, line 9, after the dollar amount, insert "(reduced by $100,000)".

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 45: Page 48, line 24, after the dollar amount, insert "(reduced by $100,000)".

H.R. 3161

OFFERED BY: MR. FLAKE

AMENDMENT NO. 46: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Aquaculture Initiatives for Mid-Atlantic: Highlands, Leetown, WV, project.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Agricultural Research Service—Salaries and Expenses" is hereby reduced by $543,693.

H.R. 3161

OFFERED BY: MR. FLAKE OF ARIZONA

AMENDMENT NO. 47: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available to the Beet Sugar Development Foundations for the Sugarbeet Research Program, Kimberly, ID.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Agricultural Research Service—Salaries and Expenses" is hereby reduced by $702,592.

H.R. 3161

OFFERED BY: MR. FLAKE

AMENDMENT NO. 48: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available to the Auburn University for the Catfish Pathogen Genomic Project, Auburn, AL.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Agricultural Research Service—Salaries and Expenses" is hereby reduced by $878,046.

H.R. 3161

OFFERED BY: MR. FLAKE

AMENDMENT NO. 49: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available to Cornell University for Grape Genetics research, Geneva, NY.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Agricultural Research Service—Salaries and Expenses" is hereby reduced by $628,843.

H.R. 3161

OFFERED BY: MR. FLAKE

AMENDMENT NO. 50: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available to the U.S.D.A. Agricultural Research Service for research on genetic improvement of U.S. peanuts, Stillwater, OK.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Agricultural Research Service—Salaries and Expenses" is hereby reduced by $178,200.

H.R. 3161

OFFERED BY: MR. FLAKE

AMENDMENT NO. 51: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Alternative Uses for Tobacco, Maryland grant.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Cooperative State Research, Education, and Extension Service—Research and Education Activities" (and the amount specified under such heading for special grants for agricultural research) are hereby reduced by $400,000.

H.R. 3161

OFFERED BY: MR. FLAKE

AMENDMENT NO. 52: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Hydroponic Production, Ohio grant.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Cooperative State Research, Education, and Extension Service—Research and Education Activities" (and the amount specified under such heading for special grants for agricultural research) are hereby reduced by $177,000.

H.R. 3161

OFFERED BY: MR. FLAKE

AMENDMENT NO. 53: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Ruminant Nutrition Consortium (MT, ND, SD, WY) grant.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Cooperative State Research, Education, and Extension Service—Research and Education Activities" (and the amount specified under such heading for special grants for agricultural research) are hereby reduced by $489,000.

H.R. 3161

OFFERED BY: MR. FLAKE

AMENDMENT NO. 54: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Wood Utilization (OR, MS, NC, MN, ME, MI, ID, TN, AK, WV) grant.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Cooperative State Research, Education, and Extension Service—Research and Education Activities" (and the amount specified under such heading for special grants for agricultural research) are hereby reduced by $6,371,000.

H.R. 3161

OFFERED BY: MR. FLAKE

AMENDMENT NO. 55: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Food Marketing Policy Center, Connecticut grant.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Cooperative State Research, Education, and Extension Service—Research and Education Activities" (and the amount specified under such heading for special grants for agricultural research) are hereby reduced by $573,000.

H.R. 3222

OFFERED BY: MR. CARNAHAN

AMENDMENT NO. 1: In title II, in the item relating to "Operation and Maintenance, Defense-Wide", after the first dollar amount, insert "(reduced by $10,000,000)".

In title VI, in the item relating to "Defense Health Program", after the fourth dollar amount (relating to research, development, test and evaluation), insert "(increased by $10,000,000)".

H.R. 3222

OFFERED BY: MR. STEARNS

AMENDMENT NO. 2: Page 32, line 10, after the dollar amount, insert "(increased by $200,000,000)".

Page 33, line 20, after the dollar amount, insert "(reduced by $200,000,000)".

H.R. 3222

OFFERED BY: MR. ROGERS OF MICHIGAN

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for the National Drug Intelligence Center.

H.R. 3222

OFFERED BY: MR. ISSA

AMENDMENT NO. 4: At the end of the bill (before the short title) insert the following new section:

SEC. ____. None of the funds made available in this Act may be used to disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program (as defined in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6))) for a fiscal year.

H.R. 3222

OFFERED BY: MR. TOM DAVIS OF VIRGINIA

AMENDMENT NO. 5: Page 55, line 2, insert before the period the following: "and that adequate infrastructure is in place to support such a relocation".

H.R. 3222

OFFERED BY: MR. WALBERG

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to award a grant or contract based on the race, ethnicity, or sex of the grant applicant or prospective contractor.

H.R. 3222

OFFERED BY: MS. BORDALLO

AMENDMENT NO. 7: In section 8071, strike "the District of Columbia, within the District of Columbia," and insert "the District of Columbia or any United States territory, within the District of Columbia or that territory,".

H.R. 3222

OFFERED BY: MR. ROGERS OF MICHIGAN

AMENDMENT NO. 8: Page 19, line 8, after the dollar amount, insert "(increased by $45,000,000)".

Page 35, line 21, after both dollar amounts, insert "(reduced by $45,000,000)".

EXTENSIONS OF REMARKS

NAMING THE UVALDE, TX POST OFFICE IN HONOR OF DOLPH BRISCOE

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. RODRIGUEZ. Madam Speaker, I rise today in support of this legislation, which names the Uvalde Post Office in my district after an esteemed Texan, Dolph Briscoe.

Dolph Briscoe is a true Texan who graduated from the University of Texas at Austin, served in the State Legislature and was eventually elected governor of Texas.

Briscoe's roots in Texas stretch back to the days of the Alamo.

He is a direct descendant of Andrew Briscoe, an original signer of the Texas Declaration of Independence.

Dolph Briscoe is also a dedicated American who served this country as an army officer during World War II.

Born in Uvalde to a self-made cattle rancher, Dolph Briscoe has strong roots in Texas and in the agricultural community.

He was long a champion of cattle ranchers and the agricultural community as a whole.

Serving as the youngest ever president of the Texas and Southwest Cattle Raisers Association, Briscoe spearheaded the effort to eradicate the screw worm from cattle in the southwest, a great achievement for the livestock industry.

Once elected to the Texas State Legislature, Briscoe also led the initiative to create the farm-to-market road system.

The road system was a great improvement to the rural infrastructure of Texas, finally allowing farmers direct access to the cities and it is still in use today.

After serving in the legislature, Briscoe was elected governor of Texas.

As a pro-business Democrat, he was the only modern governor of Texas to enact a balanced budget without raising or creating new taxes.

The Briscoe family remains active in Texas, especially in Uvalde where Dolph Briscoe continues to work as a cattle rancher and also serves the community as the Senior Chairman of the First State Bank of Uvalde.

Dolph Briscoe has been committed to the city of Uvalde for decades and deserves to be honored in this way.

I urge my colleagues to support this legislation.

TRIBUTE TO THE FIREFIGHTERS OF CONTRA COSTA AND SOLANO COUNTIES WHO GAVE THEIR LIVES IN SERVICE TO THEIR COMMUNITIES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. GEORGE MILLER of California. Madam Speaker, it is with great sadness that I rise today along with my colleagues Rep. ELLEN O. TAUSCHER and Rep. JERRY MCNERNEY to recognize three individuals in our districts who have given real meaning to the term "hero." Deputy Fire Marshall Ron Wiley of Richmond Fire Department, Captain Matt Burton and Fire Engineer Scott Desmond both of Contra Costa Consolidated Fire Department each lost their life in the line of duty this past month. The loss has been enormous for the families they leave behind and for their colleagues who have served our communities alongside them.

We ask a tremendous amount from our first responders every single day. They spend their time and talents educating us on how to stay safe and well and then when all the safeguards fail, we ask them to set aside their own safety for us. Ron Wiley, Matt Burton, and Scott Desmond knew well the risks they took but they each also held a deep commitment to service in our communities.

It has been said of each of these men that the love of their work as firefighters was second only to their love of family and our thoughts and prayers are with those families now. We in the communities they served so selflessly now stand to support the loved ones they have left behind.

Richmond Deputy Fire Marshall Ron Wiley, Contra Costa Consolidated Fire Captain Matt Burton and Contra Costa Consolidated Fire Engineer Scott Desmond were mentors and role models and will be forever missed. Even though we don't often express it, we as a community value our fire fighters highly and are grateful for the service and sacrifice of these brave men.

CHIEF FINANCIAL OFFICER FOR THE VIRGIN ISLANDS ACT

HON. DONNA M. CHRISTENSEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mrs. CHRISTENSEN. Madam Speaker, H.R. 2107 fulfills my commitment to my constituents to continue the effort to create a Chief Financial Officer for the Territory. This is the third time that this legislation has been on the floor of the House. However, the other body failed to act on it in the previous two Congresses.

When I first introduced the idea of a CFO for the Virgin Islands in 2005, I did so in response to the concerns, complaints and distrust of government voiced by my constituents and as a measure to prevent the territory, which was experiencing a serious financial crisis, from falling into the abyss of fiscal insolvency. I believed then, as I do now, that having such an office in our government, free of political pressures and with the statutory responsibility and authority to certify revenue projections and prevent deficit spending, could assist our government to establish sound financial practices which would put the Islands on the path to improved financial management going forward. Because of our long history of poor financial management and practices, an office such as this would also help to immediately restore the confidence of the Federal Government and others in our ability to be fiscally transparent and accountable.

As I have said on this floor and in many other settings, in drafting H.R. 2017, I looked at the example and record of what having such a position has meant to the financial management and fiscal health of the District of Columbia.

After having decades of fiscal mismanagement and protracted deficits, the District today enjoys annual balanced budgets and surpluses under the stewardship of a Chief Financial Officer; an office that was voluntarily retained by the city after the mandated office went away with the end of their Financial Control Board. Both the general public and elected leadership of the District recognize the benefits of having an impartial arbiter, free from the pressures of politics, managing their finances—something I strongly believe my community can benefit from as well.

When I first introduced this bill the territory's long-term debt totaled $1 billion. Fiscal crises have been narrowly averted through repeated borrowing. Such borrowing and debt creation has led to the $3 billion debt reported by Governor De Jongh in April of this year—a practice he has already stated he will not continue.

There are those, Madam Speaker, who will ask why I am doing this at this time, particularly because the islands just seven months ago, inaugurated a new governor whose background is in financial management and who has been a good friend and political ally. I want to be perfectly clear that I have every confidence in Governor John de Jongh and his administration and believe that they will do a first rate job of managing the territory's finances. He has already begun to do so.

I am re-introducing this bill because my constituents continue to see it as a necessary measure, and because, like the CFO in Washington, DC, it can assist our governor in his stated goal of paying our obligations and bringing the territory's finances into balance. It would also be a way to provide apolitical and indisputable information on the financial state

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of our government, as well as bridge any divisions between the administration and the legislature in the interests of expediting a positive and sustainable agenda for the people of the Virgin Islands.

As also happens up here, there is often disagreement between the governor (and his financial team) and the legislature as to the precise fiscal condition of the territory and the true revenue projections for the coming fiscal year. A CFO, in my view, would take the uncertainty out of this equation and allow our legislature and governor to work better together because they would both get their numbers from the same independent source. Additionally, the departments of government, semi-autonomous agencies and labor unions would be better able to plan, and the people of the Virgin Islands in general would have information on how the millions of Federal dollars coming to the Virgin Islands are being spent.

The bill as being passed today contains certain changes. I have revised it with respect to providing a financial management system because such a system is already in the process of being implemented. In recognition of and in deference to the upcoming constitution to be drafted by the people of the Virgin Islands, the bill before us calls for the term of the Chief Financial Officer to expire at the implementation of a ratified Virgin Islands Constitution or in five years, whichever comes first.

All four previous Constitutional documents have contained a provision similar to what is proposed in this legislation, and it is my hope that our Fifth Constitutional Convention will present a document for the ratification of the people of the Virgin Islands that will make this legislation unnecessary. In conclusion, Madam Speaker, I want to thank my friend and colleague, the Chairman of the Resources Committee, the gentleman from West Virginia, NICK RAHALL, without whose support this bill would not be on the floor today. I also want to thank my friend Ranking Member DON YOUNG for his support as well.

Madam Speaker, it has been said that "heavy is the burden that one who is called to lead bears". Pursuing enactment of this bill has not been an easy burden to bear but an important one; which I am proud to bear. I urge my colleagues to support passage of H.R. 2107.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Ms. SLAUGHTER. Madam Speaker, I was unavoidably detained and missed rollcall vote No. 748. Had I been present, I would have voted "aye" on rollcall No. 748.

PERSONAL EXPLANATION

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. MICHAUD. Madam Speaker, as reflected in the RECORD, on July 25 and 26, I was on a scheduled leave of absence for a family funeral. If I had been present, I would have voted in the following way:

On rollcall No. 727, I would have voted "aye"; on rollcall No. 728, I would have voted "aye"; on rollcall No. 729, I would have voted "no"; on rollcall No. 730, I would have voted "aye"; on rollcall No. 731, I would have voted "aye"; on rollcall No. 732, I would have voted "aye"; on rollcall No. 733, I would have voted "aye"; on rollcall No. 734, I would have voted "no"; on rollcall No. 735, I would have voted "no."

On rollcall No. 736, I would have voted "no"; on rollcall No. 737, I would have voted "no"; on rollcall No. 738, I would have voted "aye"; on rollcall No. 739, I would have voted "no"; on rollcall No. 740, I would have voted "no"; on rollcall No. 741, I would have voted "no"; on rollcall No. 742, I would have voted "no"; on rollcall No. 743, I would have voted "no"; on rollcall No. 744, I would have voted "aye."

PERSONAL EXPLANATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. BURGESS. Madam Speaker, I rise today to submit a record of how I would have voted on Thursday, July 26, during which I was at the Oval Office with the President discussing my recent mission to Iraq.

(1) Stearns Amendment (15 minutes)—The amendment would prevent the U.S. Equal Employment Opportunity Commission (EEOC) from using any appropriated funds for the purpose of bringing lawsuits against a company that requires its employees to speak English. It would not affect any current case, only future suits. Vote: Yes.

(2) Flake Amendment (2 minutes)—The amendment would strike $200,000 in funds for the Lobster Institute at the University of Maine. Vote: Yes.

(3) Flake Amendment (2 minutes)—The amendment would strike $720,000 in funds for the meteorological equipment at Valparaiso University, IN. Vote: Yes.

(4) Pence Amendment (2 minutes)—The amendment would prohibit funds in the act from being used to enforce "the amendments made by subtitle A of title II" of the Bipartisan Campaign Reform Act of 2002. This amendment would prohibit the DOJ from enforcing the electioneering communications section of the McCain-Feingold campaign finance law. Vote: Yes.

(5) Upton Amendment (2 minutes)—The amendment states that no funds shall be made available to purchase light bulbs that do not have the "ENERGY STAR" or "Federal Energy Management Program" designation. Vote: Yes.

(6) Jordan Amendment (2 minutes)—The amendment would reduce spending across-the-board by 3.0% to reflect FY 2007 levels—Vote: Yes.

(7) Price (GA) Amendment (2 minutes)—The amendment would reduce funding in the bill by 1.5%. (30 minutes) Vote: Yes.

(8) Musgrave Amendment (2 minutes)—The amendment would reduce spending across-the-board by 0.5%. (30 minutes) Vote: Yes.

(9) Republican Motion to Recommit (15 minutes)—Vote: Yes.

(10) Passage—H.R. 3093—CJS Appropriations (5 minutes) Vote: No.

TRIBUTE TO MELVA JOAN ADKINS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. ROGERS of Kentucky. Madam Speaker, on October 13, 1964, Melva Joan Adkins of East Lynn, West Virginia began her career with the U.S. Army, Corps of Engineers, Huntington District, as a GS–3 Clerk Stenographer in Real Estate's Management and Disposal Branch. She always sought ways to show initiative and achieve results regardless of the assignment. Her dedication to a job well done enabled her to move to the top of the administrative field.

In 1974, Mrs. Adkins advanced to the position of Conveyance Examiner and was responsible for assuring the Government acquired appropriate title to project lands. She audited project acquisition records and recommended actions to correct deficiencies. Melva quickly mastered the skills required for the position and became an expert in the audit field.

Her exceptional communication skills and real estate knowledge were an asset when she was promoted to Realty Specialist in the Encroachment Section of Management and Disposal Branch in 1990. She worked on the very difficult Muskingum Area Encroachment Program, the first dedicated program of its type in the Nation. Her ability to communicate at all levels contributed to successful resolution of many situations.

In 1992, Mrs. Adkins transferred to the Management Section of Management and Disposal Branch. Her new duties entailed the utilization, disposal, and leasing of civil works projects in Kentucky, West Virginia, and Ohio. In this position she worked with numerous Federal, State, and local agencies, the general public, and other Corps team members to meet the projects recreation and flood control missions. In the last two years of her employment, Mrs. Adkins arranged in-kind services totaling over $1,000,000 that benefited various District projects. She is known by Corps customers as honest and ethical and has consistently received recognition and praise for her high quality of work.

During her career Mrs. Adkins has been an excellent role model and mentor to her team members. She has served on numerous Federal Women Program committees, served as a Equal Employment Opportunity Counselor, and helped to write the Huntington District's Etiquette Book for the Physically Challenged.

Melva J. Adkins has made significant contributions to the U.S. Army, Corps of Engineers' mission. On July 30, 2007, she retired with 42 years, 7 months, and 5 days of Federal service, and I offer my heartfelt congratulations on a job well done.

TRIBUTE TO MICHAEL J. DONOGHUE, CHAIRMAN AND CEO OF THE WORCESTER REGIONAL RETIREMENT SYSTEM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to a dear friend and a devoted public servant. Michael J. Donoghue will officially retire tomorrow as Chairman and Chief Executive Officer of the Worcester Regional Retirement System, marking the end of a distinguished career in which he has ably served the citizens of my hometown of Worcester, Massachusetts and all of Worcester County.

For more than thirty years, Mike Donoghue managed a $400 million pension system comprised of fifty Worcester County communities and another forty-five school districts. During that time, he vigorously protected the retirement security of thousands of public employees with an uncommon care and concern for their future hopes and dreams. Throughout his tenure, Mike made it his business to personally know the individual members of the Worcester Regional Retirement System and steadfastly refused to allow the pensioners to become anonymous participants in a cold actuarial exercise. Mike's unfailing loyalty to his membership will forever be remembered as the hallmark of his remarkable public service.

It also bears noting that Mike Donoghue's contributions to the greater Worcester community extend far beyond the management of the Worcester Regional Retirement System. Mike served two terms on the Worcester City Council before being elected Worcester County Treasurer in 1978. Mike's unique combination of insight, skill and common sense made him a coveted board member for virtually every major civic and charitable organization in the City of Worcester. He has served on the board of directors for the Worcester Regional Chamber of Commerce and the Massachusetts Biomedical Initiatives (MBI). Mike's expertise and leadership helped establish Worcester as a center for medical research more than twenty-five years ago and the Gateway Park Project which is right now transforming a former brownfield site in Worcester into another major biomedical research park is also due in no small part to his efforts. Mike's compassion for the less fortunate has caused him to also lend his talents to the Board of Directors for the VNA Network Foundation, the Worcester Area Mental Health Association, the Worcester Area United Way and the Special Olympics of Massachusetts. After the devastating Worcester Cold Storage Warehouse Fire in 1999, Mike was a natural choice to help the City commemorate the sacrifice of the six fallen firefighters and was appointed to chair the Worcester Firefighters Memorial Committee. He remains committed to that effort today as an active board member.

A man of deep religious faith, Mike has also given to his community through his church as a former member of the Board of Incorporators of Catholic Charities for the Worcester Diocese and Saint Vincent's Hospital. A proud graduate of Nichols College, Mike has had the special privilege of serving as a trustee for his alma mater.

Madam Speaker, all of us in public service share a special bond forged by the great demands, challenges and rewards of our profession. In the finest traditions of our noble calling, Michael J. Donoghue has proven himself worthy of the respect and admiration he enjoys from his colleagues in government. I will always be grateful for his sage advice and loyal friendship as will my colleague, U.S. Senator EDWARD M. KENNEDY, who has long relied on Mike as a trusted advisor and confidant. I know Senator KENNEDY joins me in expressing the heartfelt appreciation of the United States Congress to Michael J. Donoghue on this occasion and we wish him, his wife Maureen, and their beautiful children and grandchildren continued best wishes for a happy and healthy retirement. You, my friend, have earned it.

RENT IS DUE ON THE COURTHOUSE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. POE. Madam Speaker, it's the first of the month—time to pay the rent at the courthouse. Unfortunately, the costs keep rising with the number of criminals held accountable for their crimes each year, but the good news is their victims have plenty of resources at their disposal as a result of the Victims of Crime Act, or better known as VOCA Fund. Last week, the U.S. House of Representatives passed the Poe/Costa/Moore(KS) Amendment to add more money to the VOCA Fund and continue to meet the needs of victims across our country.

I have been an advocate for victims since my early days as a prosecutor with Harris County District Attorney's office. There are a few cases that have stood out in my career and influenced my life in a significant way. One such case was that of a young woman, who was as student at the University of Houston. She was the victim of a brutal rape and assault. She was abducted at gunpoint at a gas station, taken to a wooded area, raped, beaten, and left for dead. Through her brave determination, she was able to identify her attacker and I was assigned to prosecute him.

Today, victims are assigned court advocates during the trial. Back then, she had no one. No one was there to help her through the emotional stress of a rape and the grueling task of confronting her attacker in court. She did it though, she got through the trial and we sent her attacker to the penitentiary for life. But her story wasn't over, you can't wrap it up with the bang of a gavel and nice neat bow.

Because there were little-to-no resources available to victims at that time, she was not able to cope with the aftermath of her assault. You see, for the victim the ordeal is not over once the trial ends. It follows them day after day and spreads through their life like a cancer out of control. In the following months, her husband left her and sued her for custody of their two children—taking away the only two reasons worth living for.

She spiraled out-of-control. Without anyone to turn to, and losing her family, she couldn't escape the pain. In a hand written note, that I keep with me to this day, she said "I'm tired of running." Madam Speaker, the reality is, she didn't have anyone to run to and sadly ended her life. This ought not to be. This was a tragedy that could have been avoided, a tragedy that continues to influence my life and career.

One of the first things I did as a Member of Congress was establish the bipartisan Congressional Victim's Rights Caucus to advocate and provide a voice for crime victims. I currently co-chair the Caucus with my good friend and victim crusader, Congressman JIM COSTA (CA–20). There are caucuses for everything under the sun in D.C., but there was nothing that advocated solely for crime victims. It seems they are always the ones that are forgotten.

The VOCA Fund is one of those things that is close to my heart and is something, like the victims it benefits, worth fighting for. Created by Congress in 1984 to provide Federal support to Federal, State, and local programs that assist victims of crime, VOCA provides assistance to over 4,400 agencies and 3.8 million victims every year. And it doesn't cost the taxpayers anything! The VOCA Fund is derived entirely from fines and penalties paid by offenders, not taxpayer revenues. But every year, we have to fight to keep it safe for victims. The Washington bureaucrats try to rob this fund for other pet projects.

VOCA funds several important programs, such as domestic violence shelters, rape crisis centers, children protection agencies, and pays direct expenses to victims of violence, such as assault, rape, and child abuse.

The Children's Assessment Center in Houston is a recipient of VOCA funding and is the very best of its kind. They take sexually assaulted kids and help them through the trauma of recovery and trial. The Houston Children's Assessment Center in Houston became the model for others across the country. The services they provide to children who have been victims of crime are invaluable and the most advanced methods used today. Without the knowledge and compassion of thousands of dedicated people who work on behalf of victims, more and more victims would end up like that young wife and mother that desperately tried to hold it together, but couldn't take the pain any longer.

As a constant reminder, I keep that handwritten note on my desk. As a judge, it was my pleasure to hand down one of my many creative sentences and see how far we have come in recognizing the needs of victims. I have dedicated my life to helping victims and proudly serve on the Board of Directors for the Houston Children's Assessment Center and the National Children's Alliance in Washington D.C.

Madam Speaker, criminals should continue to pay for the system they have created. They should pay for the expenses victims incur because of crime. Criminals need to pay the rent on the courthouse—crime victims have already paid enough. No more victims should run.

And That's Just The Way It Is.

SUDAN AND IRAN DIVESTMENT BILLS

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise in support of three bills under consideration today in the House of Representatives: the Darfur Accountability and Divestment Act (H.R. 180), the Iran Sanctions Enabling Act (H.R. 2347), and a bill to amend the Iran Sanctions Act of 1996 (H.R. 957).

With a combination of sanctions and divestment, these important pieces of legislation demonstrate our nation's commitment to human rights and the rule of law with our actions and not just our words. The governments of Sudan and Iran must understand the consequences of their deplorable and inhumane policies.

As the genocide continues in the Darfur region of Sudan, many state and local governments have chosen not to invest in companies that do business in Sudan. Until the government of Sudan takes transparent steps to end the violence and increase humanitarian access to the refugees in Darfur, divestment remains an essential tool for pressuring the Sudanese government. The Darfur Accountability and Divestment Act supports efforts by local government and universities to divest from companies that conduct business in Sudan. Additionally, it prohibits the federal government from entering into contracts with these companies as well. Coupled with diplomatic pressure, the Darfur Accountability and Divestment Act is a significant step in the fight against the horrific genocide taking place in this region of the world.

Two additional bills, the Iran Sanctions Enabling Act and a bill to amend the Iran Sanctions Act of 1996, seek to increase pressure on the government of Iran to halt its uranium enrichment program. The Iran Sanctions Enabling Act authorizes state and local governments to divest from companies with $20 million or more invested in Iran's energy industry. A second bill amends the Iran Sanctions Act of 1996 to expand and clarify the entities against which sanctions may be imposed. As Iran relies heavily on foreign investment in its energy sector, these bills will effectively suffocate Iran's resources.

The Federal legislation paves the way for states to make smart, conscious decisions regarding the investment of employee pension funds and other public investments. As the first state to enact divestment legislation, the State of Florida has taken the lead in protecting state interests from reprehensible regimes. I applaud the Florida legislature and all of the community organizations that pressed for this important initiative.

Madam Speaker, the powerful economic tool of divestment makes it clear to Sudan's complicit government and Iran's egomaniacal leadership that the United States and the American people stand strong in the battle against genocide, extremism, and corrupt governance. I congratulate the Members of the House of Representatives for their work on these issues and urge my colleagues to support these three important bills.

UNITED AMBULANCE SERVICE HONORED AS MAINE'S ONLY CAAS ACCREDITED AGENCY

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. ALLEN. Madam Speaker, this year, United Ambulance Service of Lewiston/Auburn, Maine received accreditation from the Commission on Accreditation of Ambulance Services (CAAS), making it the first and only ambulance service in Maine and one of only about 107 ambulance services in the country currently to hold this distinction.

United Ambulance is jointly owned by Central Maine Medical Center and St. Mary's Regional Medical Center. Since 1981, it has served the citizens of Androscoggin County, Maine, including the towns and cities of Auburn, Greene, Lewiston, Minot, Mechanic Falls, New Gloucester, and Sabattus.

The CAAS accreditation reflects compliance with national standards of excellence and a continuing commitment to maintaining compliance with these standards. The Commission is a non-profit organization established to encourage and promote quality patient care in America's medical transportation system. Its national standards address the delivery of patient care, the service's total operation, and its relationships with other agencies, the public and the medical community. According to CAAS, accreditation signals that the ambulance service "has met the 'gold standard' determined by the ambulance industry to be essential in a modern emergency medical services provider." In addition, the standards for accreditation often surpass those set forth by local or State regulation.

The communities served by United Ambulance have been the beneficiary of excellent service since the founding of United Ambulance. The CAAS accreditation acknowledges its dedication to the highest standards. In addition, as Paul Gosselin, United's Executive Director, noted, "We have achieved accreditation but I believe it can only be a stimulus for continued improvement." This commitment and United Ambulance's "gold standard" will serve the people of the region well. I congratulate the employees of United Ambulance on their achievement, and, on behalf of the people they serve, thank them for their dedication and hard work.

CONGRATULATING AL HEFFERNAN ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the long and distinguished career of Al Heffernan, on the occasion of his retirement from Ciba Specialty Chemicals Corporation in McIntosh, AL.

During his 20-year tenure at Ciba, Al served as plant manager and executive director of the McIntosh site, the largest manufacturing site globally within Ciba. He also served as director of environment health and safety and director of engineering.

Al began his career in 1973 at the Ethyl Corporation as an engineer and project manager. After 8 years, he moved on to Barnard and Burk Engineers and Constructors, where he worked for 5 years as a division head and chief engineer. In 1986, he accepted his job with Ciba and started as a project engineering superintendent at the St. Gabriel, LA, site. Over the next 20 years, he served as manager of project engineering at the McIntosh site and head of engineering in Europe before returning to McIntosh in 1995.

In addition to his dedication to Ciba, Al has devoted countless hours to civic and industrial activities. He chaired the steering committee and served as the first chairman of the board of Manufacture Alabama. He founded Washington County Economic Development Initiative and serves on the board. Al is past president of the board of directors for The Forum, as well as past chairman, executive committee member, and member of the board of directors for the Mobile Area Chamber of Commerce. With an obvious desire to help others, Al serves on the board of WHIL FM91.3, a Mobile public radio station; Partners for Environmental Progress; McIntosh Industrial Park Association; McIntosh Area Betterment Association; and Alabama School of Mathematics and Science Foundation.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout south Alabama. I know his family, his wife, Vickie; their three children, John Mason Heffernan, Lee Ellen Heffernan, and Matthew Evan Heffernan; his many friends; and past and present Ciba employees join me in praising his accomplishments and extending thanks for his service over the years on behalf of the city of McIntosh and Alabama's First Congressional District.

Al will surely enjoy the well deserved time he now has to spend with family and loved ones. On behalf of a grateful community, I wish him the best of luck in all his future endeavors.

THANKING MR. SIDNEY BERGER FOR HIS COMMITMENT AND SERVICE TO THE UNIVERSITY OF HOUSTON

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to congratulate the hard work and comnntment that Mr. Sidney Berger has given to my alma mater, the University of Houston, for the past 38 years. As the director of the University of Houston's Drama Department, he has led the department to national acclaim.

From the time he became chairman of the drama department in 1969, to today, the department has grown from a three-person faculty and 30 students to a faculty of 15 and 300 students. This is an admirable accomplishment.

A significant factor that has shaped this growth has been Mr. Berger's central belief that young artists who are developing their talents should have the chance to work with great artists. Inspired by these beliefs, Mr. Berger founded the Houston Shakespeare Festival in 1975 and 3 years later co-founded the Children's Theatre Festival. Before the two programs were formed, there was no professional outlet in which theatre students could polish their skills in the city of Houston. Today, students have the opportunity to work with theatre pros from across the city, as well as guest artists. Mr. Berger leaves a legacy as he steps down as director to teach and head the Shakespeare and children's festivals.

Besides staging one play for each one of these programs each summer, and productions in the University of Houston's four show subscription season, Mr. Berger founded the Shakespeare Theatre Association of America. He teaches a course in "Acting Shakespeare" each semester and has served several years on the board of the International Shakespeare's Globe Center.

Mr. Berger will be greatly missed and thanks to his success, the next director has a steady foundation to build upon. Again, we applaud the efforts of Mr. Berger and wish him well in his future endeavors.

ARMENIAN GENOCIDE RESOLUTION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. KNOLLENBERG. Madam Speaker, between 1915–1923, the Ottoman Empire committed genocide against 1.5 million Armenians. As the first genocide of the 20th century, this crime against humanity has yet to gain full recognition by the United States.

However, for the first time in history, the majority of Congress supports the Armenian Genocide Resolution, House Resolution 106.

While scholars, historians, and the international community acknowledge the genocide, the Turkish government continues to deny this atrocity. Passing House Resolution and recognizing the Armenian genocide will help prevent other nations from being victims of such horrid tragedies.

By acknowledging the events of 1915, Congress will finally recognize the history of an entire nation—a nation whose population was driven out of their homes, massacred, but never forgotten.

The United States owes Armenians recognition of this great crime, and should pass House Resolution 106.

HONORING THE MEMORY OF SAMUEL W. DOWNING

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. BONNER. Madam Speaker, I rise today to pay tribute to the life of Samuel W. Downing, who passed away June 30, 2007, at the age of 45. Captain Downing, who served with distinction in the Mobile Fire-Rescue Department, was a pillar of the Mobile community and will be deeply missed.

Captain Downing, a native of Wilmer, Alabama, was a resident of Mobile County. He served with the department for more than 21 years and was a shift supervisor for Engine 15 and the Hazardous Material Response Team at Gus Rehm Fire Station. In 1995, Captain Downing received the Firefighter's Creed Award.

A colleague recalled Captain Downing's sincere passion for his job. He particularly enjoyed when school groups would tour the fire station. Rather than having them simply walk through the fire station to see the fire trucks and the sleeping quarters, Captain Downing did his best to entertain as well as educate the children. He would also let the kids try on the fire suits and even practice using the fire hose.

Madam Speaker, I ask my colleagues to join me in paying tribute to the life of Samuel W. Downing. He will be sorely missed by many but most by his beloved wife, Lisa; his three children Cody, Victoria, and Colton; and his brother Wayne. Our thoughts and prayers are with them all during this difficult time.

HENRY FORD SCHOLARSHIP PROGRAM ACT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. KNOLLENBERG. Madam Speaker, I rise today to call attention to an important problem that threatens America's position as the world's economic leader. Each year, only 70,000 students graduate from America's colleges with degrees in engineering and technology. In China, more than 700,000 students graduate per year with similar degrees. China, which has the world's fastest growing economy, is quickly becoming a dominant manufacturing power.

To ensure our position as the world's global economic leader, we must encourage students to pursue careers critical to America's industries. An educated workforce will be the stimulus for our economy. Therefore, I have introduced H.R. 1568, the Henry Ford Scholarship Program Act of 2007. By providing college students pursuing engineering, math, science or health care degrees with up to a $20,000 scholarship, America will create the innovators it needs to sustain our leadership in the competitive global market.

I invite my colleagues to cosponsor H.R. 1568. Together we can help our students afford higher education and ensure our economic well-being.

HONORING THE MEMORY OF MR. EDWARD B. BAUMHAUER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire State of Alabama lost a dear friend, and I rise today to honor him and pay tribute to his memory. Edward B. Baumhauer was a devoted family man and dedicated community leader throughout his life.

A graduate of the School of Architecture at the Alabama Polytechnic Institute, now Auburn University, Mr. Baumhauer was an award-winning architect. His works include many recognizable buildings in the Mobile community including the building for Little Sisters of the Poor, the contemporary glass Infirmary 65 building, and the renovation of the Government Street Hotel. Mr. Baumhauer won architectural awards for the Ryan-Welsh Stevedoring building and the Lyons, Pipes and Cook law firm office. The Capri Cinema, Mobile's first rocking chair theater, was also one of Mr. Baumhauer's creations. His designs, masterfully created, reflected his passion for his work which he found "much more fascinating than [his original major] mechanical engineering." Throughout his career, Edward Baumhauer served as a principal of several architecture firms; he retired from Baumhauer-Hall Architects in 2002.

In addition to his architecture achievements, Mr. Baumhauer served the city of Mobile and state of Alabama in various other civic capacities. Son of long-time Mobile Mayor Charles A. Baumhauer, Edward Baumhauer was an all-city football player at Murphy High School. While attending Alabama Polytechnic Institute, he was elected the president of Phi Delta Theta fraternity. He was a member and chairman of the board of deacons at First Baptist Church and a member and president of the local and State chapters of the American Institute of Architects. Mr. Baumhauer was also a member of the Fairhope Yacht Club and several mystic organizations.

Mr. Baumhauer proudly served the United States Navy in World War II while stationed aboard a submarine chaser in the western Pacific theater of operations.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. He will be deeply missed by those who knew him. Mr. Baumhauer is survived by his wife, Bettye Clements Baumhauer of Mobile; three daughters, Uan Mejia, Lea McQueen, and Carey Golden; 4 step-children; 6 grandchildren; 12 step-grandchildren; 1 great-granddaughter; and his longtime caregiver, Adele Tate. May his family know that they are in the thoughts and prayers of all who loved and appreciated Mr. Baumhauer as they did.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Ms. CLARKE. Madam Speaker, on rollcall No. 758, I was unavoidably absent; had I been present, I would have voted "aye"; On rollcall No. 759, I would have voted "aye"; On rollcall No. 760, I would have voted "aye"; On rollcall No. 761, I would have voted "aye"; On rollcall No. 762, I would have voted "aye."

TRIBUTE TO MR. P.T. WRIGHT

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. CUELLAR. Madam Speaker, I rise today to recognize Mr. P.T. Wright, the Acting Deputy Director of the United States Visitor and Immigrant Status Indicator Technology (US–VISIT) program, who was recently awarded the prestigious Presidential Rank Award for Meritorious Executive.

This award was given for his extraordinary contributions to the security of our Nation over the course of a U.S. border management career spanning 33 years. This award is presented to a small number of federal senior executives who have made significant accomplishments throughout their careers in the Federal Government. Mr. P.T. Wright first began his career with the former U.S. Customs Service on August 30, 1973, and has held key positions in customs and border protection management in Washington, DC, El Paso, Texas, Dallas/Ft. Worth, and Nogales, Arizona.

Mr. Wright also serves as the U.S. team leader on the U.S.-Mexico Bi-National Technical Working Group and the U.S.-Canadian Bi-National Technical Working group for the implementation of the US–VISIT program. In recognition of his work with Mexico and Canada, he has received the National Narcotics Officers Association Customs Award and the European Commission-Sanctions Ambassador's Peace Recognition Award.

Madam Speaker, I am honored to have this time to recognize Acting Deputy Director P.T. Wright, a fellow public servant working to help improve our Nation's security.

A TRIBUTE TO CLARKE COUNTY, ALABAMA, RESPONDERS FOR SAVING THE LIVES OF TWO YOUNG CHILDREN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. BONNER. Madam Speaker, I rise today to pay tribute to several local responders in southwest Alabama whose heroic actions helped to save the lives of two toddlers.

John Thomas Atchison and Cole Hicks accidentally fell into the backyard pool of their daycare and were unresponsive when they were discovered. Dispatchers were immediately called for help, and Alabama State Trooper Daryl Linder was the first one on the scene. Moments later, Jackson Police officer Carey Slayton arrived, and both began administering CPR on the toddlers. Many others began arriving on the scene, including Dr. Jared Ellis, who had heard about the incident.

The boys were flown to the University of South Alabama Women's and Children's Hospital. For the next 6 weeks, Cole Hicks was hospitalized in Mobile and then transferred to Birmingham. He is still recovering and undergoing physical therapy daily. Even though Cole still faces a long road to recovery, he is alive and that is all that matters to his parents and the people that rescued him that day.

As for John Thomas Atchison, the 2-year old became responsive and started breathing on his own soon after the officers started giving him CPR. Today, he is a healthy young boy with no serious damage from the accident.

The Alabama State Legislature as well as the Clarke County Commission have passed resolutions honoring the men and women that saved these two young boys including: Alabama State Trooper Daryl Linder, Jackson Police officer Carey Slayton, Jackson Police officer Barry Fowler, Dr. Jared Ellis, EMT Scott Flach, Alan Rutledge, EMT Stacey Rutledge, Kenny Reeves, EMT Rodney Johnson and registered nurse Henry Eubanks.

Madam Speaker, the dedication of the men and women who responded that day is a testimony to local law enforcement agencies and their commitment to their job and community. I am truly grateful to have men and women like this serving our local districts.

50TH ANNIVERSARY OF THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE—ACKNOWLEDGEMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the 50th anniversary of the Southern Christian Leadership Conference.

This year marks the anniversary of the creation of the civil rights organization that contributed to significant change in the United States. Founded by Dr. Martin Luther King, Ralph Abernathy, and other ministers whose moral vision led to them becoming civil rights leaders, the organization was originally named the Southern Leadership Conference on Transportation and Nonviolent Integration. The original name embodied the spirit of addressing civil rights issues nonviolently, Christian beliefs, and the goal of desegregating buses in Montgomery, Alabama. The organization's strength and support was rooted in the Black church community.

Through mobilizing the black community in Montgomery to walk and share car rides to destinations for almost a year, this organization successfully led a bus boycott which resulted in desegregation of buses. This event was a landmark victory for the civil rights movement. Another success for the organization came with the 1963 demonstration held in downtown Birmingham to desegregate local businesses. Thousands of people, including schoolchildren, attending the demonstration were sprayed by high pressure fire hoses and attacked by police dogs. Many were arrested and jailed. The inhumane and unjust attack on demonstrators was aired on national TV and around the world. The massive outcry from Americans urged the Kennedy administration to act.

A settlement was reached whereby the downtown Birmingham businesses were desegregated and addressed discriminatory hiring practices.

Montgomery and Birmingham were catalysts for a Civil Rights Movement that ended legal segregation in this nation and opened doors of opportunity for an oppressed Black people. The Southern Christian Leadership Conference under the leadership of Dr. King became the agent of change to a make just society that is more in keeping with the promise of the U.S. Constitution.

On this day, I pay honor and thank the Southern Christian Leadership Conference for their contribution to the Civil Rights Movement. I admire the nonviolent approach taken by the organization to address discrimination. I urge my colleagues to learn about the contributions of this great organization.

CONGRATULATING JENNIFER COLLIER FOR HER PARTICIPATION IN THE HOUSE FELLOWS PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to congratulate Jennifer Collier, my constituent, for her selection and subsequent participation in the House Fellows Program. The program, eligible to high school government teachers, aims to help teachers improve the knowledge and understanding of Congress through a one-week intensive session on the history and practice of the House of Representatives.

Ms. Collier, a social studies teacher at Mt. Diablo High School in Concord, was selected through a competitive process in which all public, private and parochial secondary school government instructors in my congressional district were eligible to apply. The Historian's office made the final selection. During the school year following her participation in the House Fellows Program, Ms. Collier will have the responsibility to present her experiences and lesson plans to at least one in-service institute for other teachers of history and government, expanding the reach of the program to those who do not come to DC themselves.

I am certain it will be a valuable experience for her and that she will pass on what she learns firsthand about Congress and inspire future students to become informed and active citizens. I congratulate Ms. Collier and all the other teachers selected to participate in the House Fellows Program this year.

TRIBUTE TO JOEL STERLING HUMBLE FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. GRAVES Madam Speaker, I proudly pause to recognize Joel Sterling Humble, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 205, and by earning the most prestigious award of Eagle Scout

Joel has been very active with his troop, participating in many Scout activities. Over the years Nicholas has been involved in Scouting, he has earned 39 merit badges and held numerous leadership positions, serving as assistant senior patrol leader, patrol leader, librarian and scribe. Joel is also a warrior in the tribe of Mic-O-Say.

For his Eagle Scout project, Joel cleared a ¼ long fence line of overgrown bush and debris at the Blue Springs Cemetery in Blue Springs, MO. Joel has also earned several special awards including the 12 Month Camper Award, the Internet Safety Award, Leave No Trace Award, Snorkeling Award, World Conservation Award and 50 Miler Award.

Madam Speaker, I proudly ask you to join me in commending Joel Sterling Humble for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE MEMORY OF THOMAS GLYNN PARKER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. BONNER. Madam Speaker, the city of Autaugaville and indeed the entire State of Alabama, recently lost a dear friend, and I rise today to honor him and pay tribute to his memory. Born on September 18, 1934, in Ripley, TN, Thomas Glynn Parker began his career in the transit business. He relocated to Denver, Minneapolis, Austin, and Phoenix before arriving in Montgomery, AL. On July 3, 1964, he married his loving wife Sandra Tribble, and after the birth of their son, Mitch, the family settled in Prattville, where his love for politics was ignited.

Tom served on the Autauga County Republican Executive Committee and the State Executive Committee. He received his first appointment to the Autauga County Board of Registrars in 1995, and his second in 2003. Tom devoted countless hours working in support of local and State GOP candidates. Most recently, he served as Autauga County team leader for Governor Bob Riley. Tom was a true leader and an Alabamian of distinction that will be greatly missed.

Tom was not only dedicated to his work but also to his beloved family. He taught his grandchildren the importance of voting, helping them get involved in political campaigns starting at a young age.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout the State of Alabama. Thomas Glynn Parker will be deeply missed by his family—his wife, Sandra; his son, Mitch; his daughter-in-law, Selina; his brother, Charles; and his two grandchildren, Mason and Hanna Grace—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all during this difficult time.

URGING THE GOVERNMENT OF CANADA TO END THE COMMERCIAL SEAL HUNT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. RANGEL. Madam Speaker, I rise today to express my full support for H. Res. 27, a bill introduced by Representative LANTOS, which urges the Government of Canada to end the commercial seal hunt. This bill addresses the inhumane treatment of seals.

I would like to express my thanks to Representative LANTOS for introducing this bill and raising awareness on the inhumane treatment of seals in Canada.

At present, there is a practice of hunting and capturing seals for commercial purposes. The United States addressed this issue in 1972 through the Marine Mammal Protection Act, which barred the import of seal products in our great country. Today, despite opposition from the United States and other countries, our Canadian neighbors continue to hunt seals.

In Canada, seal hunters maim and kill their prey by shooting and clubbing. Each year thousands of seals experience this tragedy, of which a large portion are under 12 weeks old. This is unacceptable.

I encourage my colleagues to support this bill, which will send a message to our Canadian neighbors about our discontent with the mutilation and killing of seals. Our great Nation opposed this issue years ago and should continue to do so.

CELEBRATING THE 75TH ANNIVERSARY OF PIERRE'S ICE CREAM SHOP

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mrs. JONES of Ohio. Mr. Speaker, I rise today to honor the 75th anniversary of Pierre's Ice Cream Shop. Pierre's Ice Cream Company was founded in the Cleveland area and has been a family-owned business since 1932.

Pierre's founder, Alexander "Pierre" Basset was the inventor of the original recipe for their delicious gourmet ice cream. Three quarters of a century later, Pierre's Ice Cream Company continues to uphold a standard of excellence in customer service and quality products.

It did not take long for Sol Roth, the owner of the Cleveland based Royal Ice Cream Company to recognize the value, uniqueness, and potential of Pierre's Ice Cream Shop. As time progressed, country clubs, restaurants, and other gourmet venues began marketing Pierre's brand of ice cream. In 1960, Roth acquired Pierre's Ice Cream Company and dedicated all of his resources to displaying and expanding its special recipe.

In 1979, Roth requested his daughter Shelley to assist him with the business. In 1991, Shelley Roth became the president and chief executive of the company, overseeing 125 employees, the production, and distribution of more than 235 kinds of ice cream, sherbet, sorbet, frozen yogurt, and novelties.

In 1995, Pierre's built a contemporary 40,000 square foot distribution center and 16,000 square foot office headquarters on the land it originally purchased in Cleveland, Ohio. Sol passed away in 2005; however, his daughter Shelley continues Pierre's outstanding legacy today.

On behalf of the people of the 11th Congressional District, I wish to commend Pierre's Ice Cream Company on their 75th anniversary. Their existence is a true testament to family values and dedication, and the continuing legacy of the American dream.

TRIBUTE TO KENNETH MYERS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. MEEK of Florida. Madam Speaker, I rise today to pay tribute to the late Kenneth Myers, a fellow Florida Legislator and outstanding attorney in the Miami community.

During Mr. Myers distinguished career in the Florida House of Representatives and Florida Senate, he displayed a dedication and commitment to strengthening the state of Florida. Serving 4 years in the House of Representatives and 12 years in the State Senate, Mr. Myers sponsored more than 200 bills that strengthened Florida and our sense of social justice. He personified the essential qualities of a great community leader and earned his place among the pillars of our community.

Mr. Myers was a brilliant attorney and proudly practiced law with his father for over thirty years. When his father retired, he joined another distinguished law firm and continued with compassion his path for justice in our South Florida community. Mr. Myers' sincere involvement instilled a profound impact on the community, resulting in many awards, accolades and honors including a Coconut Grove park named in his honor.

Mr. Myers lived a stunning life, graduating from Miami High School in 1950 then pursuing higher education at the University of North Carolina, Chapel Hill. He proceeded to the University of Florida, School of Law. Mr. Myers' devotion to education led him to serve as a member of the prestigious University of Miami Board of Trustees for 25 years.

Mr. Myers' is survived by his sister and my esteemed friend, the Jewish Community Relations Council Director Judy Gilbert-Gould and her husband, Gerald Gould. He is also survived by his nieces Nancy Gilbert, Carolyn Gilbert Epstein and Belinda Gilbert; his nephew

Robert C. Gilbert, an officer of the Greater Miami Jewish Federation Board; Mark Gilbert, and eight grandnephews and grandnieces. Mr. Myers was the son of the Federation's Founding President, Stanley C. Myers.

His Family and friends will memorialize him during a special service at Temple Beth Am on Tuesday July, 31 2007.

Kenneth Myers was a dedicated public servant and his leadership in the community was genuinely admirable. We would all be well served to emulate the legacy of achievement that Mr. Myers practiced throughout his lifetime. May his memory be blessed.

IN HONOR AND MEMORY OF THE HON. MYLAN ROBERT ENGEL, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. BONNER. Madam Speaker, Mobile County and, indeed, the entire state of Alabama, has lost a dear friend and I rise today to honor him and pay tribute to his memory.

Mylan Engel, a distinguished former State legislator, was a devoted family man while spending nearly 50 years of his life in the arena of public service. Mylan served in both the Alabama House of Representatives and the Alabama Senate from 1961 to 1970.

During his career in the legislature, Mr. Engel was the chairman of the Mobile County delegation for 4 years and served as the floor leader under three governors. During this time and in the years that followed, he also served as chief attorney for the Mobile County Personnel Board. He never fully retired from practicing law until he suffered a stroke about a year ago.

While a member of the Alabama Legislature, Mr. Engel sponsored countless bills that were later signed into law, but he is perhaps best known for his legislation to create the University of South Alabama in 1963. Mylan was a member of the University's Board of Trustees from 1963 to 1975, and he stepped down from the USA Foundation in June.

Mr. Engel grew up on a farm in rural Summerdale, Alabama, where he developed a work ethic rooted in his Christian faith and instilled in him by his parents.

Farming became his passion, and he continued to plant and harvest crops throughout his life. His family notes that Mr. Engel was known for giving away his new potatoes, corn, beans and watermelons. In addition, Mr. Engel was a 50-year member of the congregation at Grace Lutheran Church.

Mr. Engel, a graduate of the University of Alabama, was a distinguished veteran of World War II. He served in the Rhineland and Central European campaigns.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated public servant and long-time advocate for Mobile and south Alabama.

Mylan Engel, Sr., will be deeply missed by his family—his wife, Rositha Engel; his 4 sons, Mylan R. Engel Jr., Mark Engel, Daniel Engel, and Tommy Whitman; his 2 daughters, Carla Meyers and Bonita Engel Amonett; his 7 grandsons and 2 granddaughters—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

CELEBRATING THE SEVENTH ANNUAL COLORADO DRAGON BOAT FESTIVAL

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to celebrate the seventh annual Colorado Dragon Boat Festival.

Last weekend, thousands of people gathered at Denver's Sloan's Lake Park for 2 days of Asian cuisine, performing artists, crafts, and even a dragon boat race on the lake.

Over the course of its short history, the Colorado Dragon Boat Festival has seen a tremendous growth in interest from the community. The festival drew an estimated 16,000 spectators in 2001. This year, organizers expected over 100,000 people to attend the festival.

Since its inception in 2001, the festival continues to highlight Colorado's rich pan-Asian American heritage, This year the festival featured the "Explore Asia" area that will house educational displays and demonstrations from the Mongolian, Hmong and Vietnamese communities.

Madam Speaker, I am honored to represent a State with such a vibrant and active Asian-American community. The annual Colorado Dragon Boat Festival does much to highlight the many contributions the Asian-American community makes to our State and our Nation. I urge my colleagues to join me in celebrating the seventh annual Colorado Dragon Boat Festival.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, July 30, 2007, I was unable to cast my votes on H.R. 2750, ordering the previous question on H. Res. 580, H. Res. 580, ordering the previous question on H. Res. 579, and H. Res. 579 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 758 on suspending the rules and passing H.R. 2570, the NASA 50th Anniversary Commemorative Coin Act, I would have voted "aye."

Had I been present for rollcall No. 759 on ordering the previous question on H. Res. 580, providing for consideration of the bill H.R. 986, to designate the Eightmile River in the State of Connecticut, I would have voted "nay."

Had I been present for rollcall No. 760 on passing H. Res. 580, providing for consideration of the bill H.R. 986, to designate the Eightmile River in the State of Connecticut, I would have voted "nay."

Had I been present for rollcall No. 761 on ordering the previous question on H. Res. 579, providing for consideration of the bill, H.R. 2831, to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the American With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision, I would have voted "nay."

Had I been present for rollcall No. 762 on passing H. Res. 579, providing for consideration of the bill, H.R. 2831, to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the American With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision, I would have voted "nay."

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. GALLEGLY. Madam Speaker, I was unable to make the following rollcall votes on July 30, 2007:

H.R. 2750, the NASA 50th Anniversary Commemorative Coin Act. On motion to suspend the Rules and pass, as amended, rollcall 758, I would have voted "aye."

H. Res. 580, providing for consideration of the bill H.R. 986, to designate the Eight Mile River in the State of Connecticut. On ordering the previous question, rollcall 759, I would have voted "nay."

H. Res. 580, providing for consideration of the bill H.R. 986, to designate the Eight Mile River in the State of Connecticut. On agreeing to the resolution, rollcall 760, I would have voted "nay."

H. Res. 579, providing for consideration of the bill, H.R. 2831, to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the American With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision. On ordering the previous question, rollcall 761, I would have voted "nay."

H. Res. 579, providing for consideration of the bill, H.R. 2831, to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the American With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision. On agreeing to the resolution, rollcall 762, I would have voted "nay."

CONGRATULATING REACH OUT AND READ ON RECEIVING THE 2007 CONFUCIUS AWARD

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. CAPUANO. Madam Speaker, I rise to congratulate Reach Out and Read, ROR, for receiving the 2007 Confucius Award for Literacy from the United Nations Educational, Scientific, and Cultural Organization, UNESCO. The theme for this year's prize was "Literacy and Health," and Director-General of UNESCO, Koïchiro Matsuura, made the award on the recommendation of an international jury. He honored ROR's success in reaching low-income children most at risk of school failure by offering literacy guidance to their families and promoting a reading culture.

The nationally recognized program, started at Boston Medical Center in 1989, makes imaginative use of pediatric medicine to encourage early literacy. Parents trust their pediatricians, and Reach Out and Read has built upon this relationship. Through this program, parents receive a free book to read aloud to their child at every well-child check-up. This innovative program will distribute more than 4.8 million books to 2.8 million U.S. children this year, and operates in all 50 States to reach about 25 percent of children who live at or near poverty in the United States.

I have the deepest admiration for Reach Out and Read, and I congratulate them on this well-deserved honor. This award will help ensure that Reach Out and Read continues to grow and change the lives of American children for many years to come.

TRIBUTE TO JIM WHAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor the patriotism of Mr. Jim Wham of Centralia, Illinois. Mr. Wham delivered a passionate speech this past May 5th expressing the importance of winning the War on Terror.

In his brief message, Mr. Wham, an attorney at law in my district, remarked on the immense debt we owe our fighting men and women for this sacrifices they have have made in this war and rebuked the defeatists who would set an arbitrary date for surrender.

Therefore, I respectfully submit the text of Mr. Wham's speech for the RECORD in the hopes that others will stand with him in support of our troops and the mission for which they fight.

[From the Sentinel, May 8, 2007]

2007 TRIBUTE TO THE TROOPS

(By Jim Wham)

I want to commend the 15th Street Church of God for this event at the Bandshell. This evening of prayer and song forms the perfect occasion to recognize the men and women serving this country in the Armed Forces of the United States. Each one of them and their families are making a sacrifice unlike any other.

Every American when called to serve in the Armed Forces of the United States performs the duty assigned to him or her by the Commander-in-Chief and not by Congressmen and Senators.

I thought of each life of these men and women and all others who served their country. The course and destiny of their lives are set by chance assignment of that duty. Some come back unscathed, others marked by grievous wounds and others never come back.

The month of May is the month we pay honor to the men and women on Armed Services Day a couple of weeks from now, and then a week later, Memorial Day—a day when everyone in this land of liberty must stop, look to the story of the soldiers, sailors and marines who fell on battlefields—went down in sinking ships—in crashing planes—in the deserts—in the jungles—in the towns—all over this world during the entire lifetime of this nation.

The unknown soldiers and the unsung heroes—there are thousands and thousands of them. These gallant men and women most likely will never be known by the people for what they did. They served and they did not ask for glory. Their deeds of valor on battlefields and oceans and in the air never had a chance to be forgotten because they remained unspoken and unknown.

The American people never forget these known and unknown living and dead Americans—this ever expanding LEGION OF HONOR has never let their country down and no one in this country should ever let them down.

Jesus tells us "Blessed are the peacemakers for they shall be called the children of God." The peacemakers—they are the men and women in the American Armed Forces—the peacemakers who in defending freedom do so to bring peace to the world—God's world and to the children of God.

The tyrants foment conflict and war. The armed forces of the U.S. are always against the tyrant—never in support of the tyrant, and these American men and women we honor today—honor them for opposing a tyranny of a new dark age, a tyranny of worldwide terrorism—a dark age spawned from the dens of terrorists throughout the world even in this country and in our allies Britain and Israel as well as in countless other nations.

These insane religious fanatics misuse their religion to cultivate and persuade thousands of suicide bombers to destroy multi-thousands of innocent people who are unlucky enough to be at the wrong place at the wrong time when the suicide bomber explodes himself in their midst.

This war in Iraq is no civil war—it is a war against gangs of vicious mad dog criminals who want to kill off any democratic government that can be formed—a government that people yearn for and deserve. These criminals know that they cannot succeed as long as American troops are in Iraq helping good people form a democracy.

These criminals hide in the casbahs and mountains while promoting their lackeys to kill themselves and others, hoping that such killings will aid the second-guessers in America to oppose the Commander-in-Chief by insisting on a day of surrender—a day to leave the Middle East—a day to quit any resistance against the terrorists.

These second-guessers proclaim to the world that the war is lost; their words bring smiles to the evil faces of those marauders. These quitters are like a quarterback shouting to the other team. "We're not going to pass, we're runnin' around the left end."

We are running away from you—the terrorists—is the message of the quitter.

If they want to win a war they say is lost, they, the second guessers not the President, must change their tune because quitters never win.

The Scripture proclaims "If the trumpet gives an uncertain sound, who shall prepare himself to the battle." There are far too many uncertain trumpets being sounded in Washington today and in the national news media. These uncertain trumpets inspire nothing but joy in the haunts of the terrorists who love to hear those mournful tunes in the USA.

When these friends from Hell see the leader of the Senate on television proclaim the war is lost, the terrorists around the world applaud and promote more suicide bombers to hasten the day of American surrender.

And when they see and hear the Senate leader condemn the Vice President, they applaud again and try to kill him in Pakistan.

Don't these second guessing quitters know that the United States has a vital interest to contest the terrorist in the Middle East—in that caldron of hatred and insanity which is the launching pad for terrorists against this country and its allies?

Don't be second-guessers give any thought at all to the downside of an American surrender by pulling out of that part of the world?

Every concerned American who stops, looks, and listens to the present day happenings knows the disastrous downside of an American pull-out from Iraq.

It would proclaim to the world an American confession that terrorism has won a victory over the United States.

World power of the United States would evaporate.

No longer would the United States lead in the battle for peace and freedom which is so necessary to the salvation of our own way of life.

Do the quitters ever envision their day at the Baghdad airport—when a thousand transport planes land and take off with the American army to the dismay of every decent person who knows that there goes the last best chance for peace and freedom?

Why can't these quitters envision that into the vacuum left behind, the criminal gangs of the Taliban, al Qaeda, the death squads of both Sunnis and Shiites will seize the opportunity in a common cause against their own people and against America and her allies by joining together these legions of evil against the decent people of the Middle East.

Doesn't it occur to the quitter that a coalition of Iran, Iraq and Syria under despotic leaders will bring pressure and threat of conquest against Saudi Arabia and Kuwait as Saddam Hussein attempted to do in the 1990's Desert Storm?

Can't the quitters envision the utter chaos that will come when the nuclear bomb is developed in Iran or acquired from North Korea and those reckless fanatics threaten their surrounding countries to joint the crowd?

If America is gone from Iraq, will that insane fanatic from Iran, Ahmadinejad press the button that will lead to a premature Armageddon in Israel?

A hundred years ago, when Teddy Roosevelt was President, he spoke these words about this nation's destiny: "We have no choice as to whether or not we shall play a great part in the world. That is already the case. "All that we can decide is whether we shall play it well or play it ill."

Thus far, we have played it well but we are now at the crossroads of the decision that will affect all mankind. The question is, will we stay and fight for freedom and for peace or will we forfeit the field to those vicious criminals who in no way respect the God-given miracle of life.

Rudyard Kipling—the great British patriot and poet of the 19th and 20th Centuries put to verse the lesson of perseverance in long lasting battles. Here's the way he wrote it:

"How do we know, when the long fight rages,
On the old, stale front that we cannot shake,
And it looks as though we were locked for ages,
How do we know they are going to break?
There is no lull in the level firing,
Nothing has shifted except the sun.
Yet we can feel they are tiring, tiring—
Yet we can tell they are ripe to run.
Something wavers, and, while we wonder,
Their centre-trenches are emptying out,
And, before their useless flanks go under,
Our guns have pounded retreat to rout."

In other words, we win by hanging on.

My friends, American forces are going to win this war against terrorism. The war is not lost and no one should listen to the quitters because they are the losers of the present and the future.

If we but stand fast with the troops and our Commander-in-Chief, the fiends of Hell will lose. And the sacrifice of these gallant men and women we honor today will not have been in vain. They must not be let down by quitting and surrender.

THE OSCE PARLIAMENTARY ASSEMBLY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. HASTINGS of Florida. Madam Speaker, I hereby submit, for the RECORD, the text of my report to you on the activities of the U.S. Delegation to the OSCE Parliamentary Assembly, held in early July in Kyiv, Ukraine.

I had the honor to chair the U.S. Delegation, which included Senator BEN CARDIN as the deputy head of delegation, as well as our Majority Leader, Mr. STENY HOYER. Other participants on the U.S. Delegation were Representatives CHRIS SMITH, MARCY KAPTUR, LOUISE MCINTOSH SLAUGHTER, MICHAEL MCNULTY, ROBERT ADERHOLT, MIKE MCINTYRE, HILDA L. SOLIS, G.K. BUTTERFIELD, DORIS MATSUI and GWEN S. MOORE.

As the report details, the delegation was active at the Annual Session of the OSCE Parliamentary Assembly, which is an inter-parliamentary body consisting of 56 participating States from North America, Europe, the Caucuses and Central Asia, as well as numerous partner states from the Middle East, North Africa and Asia. Like the OSCE as a whole, its mandate embraces the comprehensive definition of international security to include not only the traditional military political-military issues but also human rights, economic cooperation and environmental protection.

In submitting this report, I want to stress the value of American engagement in world affairs, particularly by Members of Congress. In Kyiv, we engaged in a dialogue on issues of concern not only to us, but to our counterparts from other countries. Having served as the President of the OSCE PA, I remain active as President Emeritus as well as a Special Representative on Mediterranean Affairs. Senator CARDIN serves as a Vice President. In Kyiv, our colleague HILDA SOLIS was elected Vice Chair of the "Third" Committee on Democracy, Human Rights and Humanitarian Affairs. Members of the U.S. delegation introduced resolutions, suggested amendments and participated in the voting which led to the adoption of a declaration. The text of the declaration can be found on the Assembly's Website, www.oscepa.org.

Our activity was not confined to the meeting halls. We also met President Yushchenko and other Ukrainian officials, in recognition of the importance of Ukraine. We laid wreaths at Babyn Yar and at the Ukrainian Famine memorial. We traveled to Chernobyl, the site of the nuclear accident in 1986.

These activities, I would argue, advance our country's national interest. The U.S. Delegation represented the wonderful diversity of the United States population. It also highlighted a diversity of opinion on numerous issues. It nevertheless revealed a common hope to make the world a better place, not just for Americans but for all humanity. The delegation helped to counter the negative image many have about our country.

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE,
Washington, DC, July 25, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I write to thank you for designating me to head the U.S. Delegation to the Sixteenth Annual Session of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE PA), and to report to you on the work of our bipartisan delegation. The delegation participated fully in the activity of the Standing Committee and the plenary sessions as well as in the Assembly's three committees.

Joining me as Delegation leaders were Commission Co-Chairman Senator Benjamin L. Cardin and Majority Leader Steny H. Hoyer. Other Helsinki Commissioners who also participated include the Ranking Member, Rep. Christopher H. Smith, and Representatives Louise McIntosh Slaughter, Robert B. Aderholt, Mike McIntyre, Hilda L. Solis and G.K. Butterfield. They were joined by Representatives Marcy Kaptur, Michael R. McNulty, Doris Matsui and Gwen S. Moore.

This year's Assembly, hosted by the Verkhovna Rada, Ukraine's Parliament, in Kyiv, July 5–9, brought together 234 parliamentarians from 50 OSCE States, representatives from several Mediterranean Partners for Cooperation, as well as delegates representing Afghanistan, a Partner for Cooperation. Five delegations were headed by parliamentary leaders. The U.S. delegation, with 13 Members, was the largest in Kyiv. The designated theme for this year's Annual Session was "Implementation of OSCE Commitments."

Assembly President Göran Lennmarker (Sweden) opened the Inaugural Plenary Session which included an address by Ukrainian President Viktor Yushchenko, who took the opportunity to discuss Ukraine's commitment to democratic development and challenges. President Yushchenko urged delegates to recognize, in their respective parliaments, the genocidal nature of the Ukraine Famine, the Holodomor. OSCE Chairman-in-Office Miguel Angel Moratinos, the Foreign Minister of Spain, also addressed the plenary before taking questions from the parliamentarians.

At the Standing Committee, the leadership body of the Assembly composed of the Heads of Delegations representing the 56 OSCE participating States, I presented a summary of my activities as Special Representative on Mediterranean Affairs, including my visits in June to Israel and Jordan. During the Kyiv meeting, I convened a special meeting on the Mediterranean Dimension of the OSCE, attended by approximately 100 parliamentarians from Algeria, Egypt, Israel, and Jordan as well as many of the OSCE participating States.

The Standing Committee also heard reports from other Assembly Special Representatives. The OSCE PA Treasurer, Senator Jerry Grafstein (Canada), reported that the Assembly was operating well within its overall budget guidelines and that KPMG, the Assembly's external auditors, again had delivered a positive assessment of the Assembly's financial management. The Standing Committee unanimously approved the Treasurer's proposed budget for fiscal year 2007/2008, including an increase of 4.18% over last year's expenditures. OSCE PA Secretary General R. Spencer Oliver reported on the International Secretariat's activities.

Members of the U.S. Delegation actively participated in the work of the Assembly's three General Committees: Political Affairs and Security; Economic Affairs, Science, Technology and Environment; and Democracy, Human Rights and Humanitarian Questions. Each committee considered its own resolution as well as nine of the 10 supplementary items registered before the session. One supplementary item was debated in plenary. Senator Cardin introduced a supplemental item on "Combating Anti-Semitism, Racism, Xenophobia and other forms of Intolerance against Muslims and Roma," and seven other U.S. delegates introduced a total of 25 amendments to either a committee resolution or to a supplementary item. All were adopted.

The U.S. Delegation also was instrumental in garnering necessary support for supplementary items and amendments proposed by our friends and allies among the participating States. The supplementary items considered and debated in Kyiv, other than Senator Cardin's, included "The Role and the Status of the Parliamentary Assembly within the OSCE"; "The Illicit Air Transport of Small Arms and Light Weapons and their Ammunition"; "Environmental Security Strategy"; "Conflict Settlement in the OSCE area"; Strengthening OSCE Engagement with Human Rights Defenders and National Human Rights Institutions"; "The Ban on Cluster Bombs"; "Liberalization of Trans-Atlantic Trade"; "Women in Peace and Security"; and, "Strengthening of Counteraction of Trafficking Persons in the OSCE Member States."

Attached is a copy of the Kyiv Declaration adopted by participants at the Assembly's closing plenary, which includes the input of the U.S. Delegation.

Following her appearance before the Helsinki Commission in Washington on June 21 during our hearing on "Guantánamo: Implications for U.S. Human Rights Leadership," Belgian Senate President Anne-Marie Lizin, the OSCE PA Special Representative on Guantánamo, presented her third report on the status of the camp to a general Plenary Session of the Assembly. This report followed her second visit to the detention facility at Guantánamo on June 20, 2007 and gave the Assembly a balanced presentation which concluded that the facility should be closed.

The OSCE PA Special Representative on Gender Issues, Tone Tingsgård (Sweden), hosted an informal working breakfast to discuss gender issues where she presented her plan for future actions addressing gender issues within the OSCE PA. Members of the U.S. Delegation participated in the discussion at this meeting.

During the course of the Kyiv meeting members of the U.S. Delegation held a series of formal as well as informal bilateral meetings, including talks with parliamentarians from the Russian Federation, Ukraine, Kazakhstan, parliamentary delegations from the Mediterranean Partners for Cooperation, including Israel, and Afghanistan. The U.S. Delegation hosted a reception for parliamentary delegations from Canada and the United Kingdom.

On the final day of the Kyiv meeting, the Assembly re-elected Göran Lennmarker (Sweden) as President. Mr. Hans Raidel (Germany) was elected Treasurer. Four Vice Presidents were elected in Kyiv: Anne-Marie Lizin (Belgium), Jerry Grafstein (Canada), Kimmo Kiljunen (Finland), and Panos Kammenos (Greece).

Rep. Hilda Solis was elected Vice Chair of the General Committee on Democracy, Human Rights and Humanitarian Questions, which is responsible for addressing humanitarian and human rights-related threats to security and serves as a forum for examining the potential for cooperation within these areas. She joins Senator Cardin, whose term as Vice President extends until 2009, and me as OSCE PA President Emeritus, in ensuring active U.S. engagement in the Assembly's proceedings for the coming year.

While the Delegation's work focused heavily on OSCE PA matters, the venue presented an opportunity to advance U.S. relations with our Ukrainian hosts. While in Kyiv, the U.S. Delegation met with Ukrainian President Yushchenko for lengthy talks on bilateral issues, his country's aspirations for further Euro-Atlantic integration, energy security, international support for Chornobyl containment, and challenges to Ukraine's sovereignty and democratic development. The President discussed the political situation in Ukraine and the development of the May 27 agreement that provides for pre-term parliamentary elections scheduled for September 30, 2007.

The Delegation also visited and held wreath-laying ceremonies at two significant sites in the Ukrainian capital: the Babyn Yar Memorial, commemorating the more than 100,000 Ukrainians killed there during World War II—including 33,000 Jews from Kyiv that were shot in a two-day period in September 1941; and the Famine Genocide Memorial (1932–33) dedicated to the memory of the millions of Ukrainians starved to death by Stalin's Soviet regime in the largest man-made famine of the 20th century.

The delegation traveled to the Chernobyl exclusion zone and visited the site where on April 26, 1986, the fourth reactor of the Chernobyl Nuclear Power Plant exploded, resulting in the world's worst nuclear accident. While in the zone, the delegation visited the abandoned city of Prypiat, the once bustling residence of 50,000 located a short distance from the nuclear plant. Members toured the Chernobyl facilities and discussed ongoing economic and environmental challenges with local experts and international efforts to find a durable solution to the containment of large quantities of radioactive materials still located at the plant.

I hope this summary of the Delegation's activity is useful to you, and let me again thank you for making this trip possible. The Seventeenth Annual Session of the OSCE Parliamentary Assembly will be held early next July in Astana, Kazakhstan, and I hope we can count on your support once again in ensuring that U.S. interests abroad are advanced through active participation in the OSCE PA.

Sincerely,

ALCEE L. HASTINGS,
Chairman.

BRINGING DIVERSITY TO THE FOREFRONT OF CURRENT ISSUES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. RANGEL. Madam Speaker, I stand today to call attention to the issues of diversity this country is facing at the moment. I would also like to enter into the RECORD an opinion editorial by Lee Bollinger, president of Columbia University, from this week's edition of the New York Amsterdam News, entitled, "What's next for diversity?"

Diversity has been, and continues to be, an issue faced by America's institutions of higher education. Brown v. Board of Education was a monumental step forward in achieving diversity for the students in these institutions, but Supreme Court decisions like Grutter v. Bollinger, have caused many to wonder if we have forgotten what those involved in Brown v. Board of Education sought to do. Instead of seeing the Supreme Court continuously striving to achieve diversity, Americans see the decisions of the Supreme Court slowly chipping away at the precedents set forth in Brown v. Board of Education. The question, "What's next for diversity?" is one at the forefront of current issues and it calls all those who support diversity to support all that promotes it and denounce all that contradicts it.

I believe that programs meant to achieve diversity like affirmative action are necessary, and those who oppose such programs should be questioned for their motives. I hope that the questions brought forth by worried Americans will be answered in a timely fashion. Diversity has not been achieved, therefore I do not agree with those who believe diversity aimed programs should be phased out. I support affirmative action, as well as other programs aimed at achieving diversity, and call for the support of all others who feel the same.

WHAT'S NEXT FOR DIVERSITY?

(By Lee C. Bollinger)

For those of us who worked over so many years to reach the Supreme Court and affirm the constitutionality of affirmative action in higher education, which occurred in 2003 in Grutter v. Bollinger, this is the moment we have been dreading. The recent 5–4 decision limiting voluntary desegregation programs in our nation's public schools represents an inversion of the historic Brown v. Board of Education decision's clarion call for racial equality in education. And it is all too easy to understand how societal efforts to achieve racial integration, including through affirmative action in higher education, are now in serious jeopardy.

To be sure, Justice Kennedy in his concurring opinion stopped the majority short of slamming the door on race-based diversity in our schools; and even the Chief Justice tried to explain why the use of race in law school admissions is different. Specifically, the Court said it was tolerable to consider race as one of several factors in Grutter because individual applicants were evaluated in a "holistic" way and because "the expansive freedoms of speech and thought associated with the university environment"—and fostered by diversity—"occupy a special niche in our constitutional tradition."

Yet anyone reading between the lines of the majority opinion could feel the Chief Justice straining to explain Grutter's constitutionality before making the point he really wanted to make: Grutter is a weak precedent with "expressly articulated key limitations" and that "the lower courts" have "largely disregarded" this "in extending Grutter" beyond "the unique context of higher education."

It is important that we read the narrowness of this interpretation of Grutter alongside the sweeping rhetoric that Chief Justice Roberts really wants this holding to signify: "The way to stop discrimination on the basis of race is to stop discriminating on the basis of race." This is the language anti-affirmative action advocates and a host of others will seize on. In this way, the methodical process Thurgood Marshall and others followed to achieve the Brown revolution will be used by the Roberts Court to undo it.

The difference is that the Brown decision brought the law down to earth, where it could finally see that separate school facilities were, as a matter of fact and experience, "inherently unequal." The Seattle and Louisville decision removes the law to its formalistic and disconnected position of a century ago, where, as empty rhetoric, it imagines an America that never was—and because of it, may never be.

In doing so, it obscures the larger debate about race in this country. Stripped bare, however. these school decisions are not about precedent, they are about broad philosophical differences about the role of public institutions in dealing with issues of race in America. Undergirding them is the feeling that Justice Scalia has made explicit, that society is tired of mending centuries of slavery and Jim Crow segregation, and that it is now up to those who have been discriminated against to "make it" on their own, as other groups have. For them, to consider race even for the noble end of integration does more harm than good by inflaming racial tensions.

These arguments make many Americans uncomfortable. and so they avoid them. I say let them be put on the table and debated, not hidden beneath phony "interpretations" of Brown. How should we respond to the fact that cities are more segregated today than they were a half century ago, or that the unemployment rates among African Americans in our inner cities is a multiple of the national number?

The problem for the Chief Justice is that wishing Brown stood only for the simpler proposition of "stopping discrimination" does not make it so. From the very beginning, Brown impelled us to take affirmative steps to achieve racial justice. And it is absurd to think the Court that decided Brown would have struck down these local school districts' efforts to carry out this mission. Yet this is precisely the result the Roberts Court wants us to take at face value. It is up to us to confront them on this and insist, that if they are going to take this new turn in our basic law, they must state their real reasons for it. Otherwise the Court will continue pretending that its rulings are consistent with the Brown line of cases—and thus devoted to "conservative" principles—until there is nothing left of Brown. If that is not the epitome of "judicial activism," what is?

I often wonder what the unanimous Brown Court would think of a country fifty-three years later that has proven itself too impatient to achieve racial justice after centuries of being too slow to recognize it. Perhaps, knowing painfully the legacy of invidious discrimination they were seeking to overturn, they actually would not be surprised by this most recent turn of events. After all, every half century or so, the nation seems to back away from solving the problems of racial injustice, only to recommit itself to the cause when the pot is about to boil over. From the beginning of the Constitution to Dred Scott; from the Civil War and emancipation to Plessy; from Brown to today—we always seem to be better at articulating our ideals than delivering on them.

But it doesn't have to be this way. One of the things I learned in leading the litigation in the affirmative action cases was that dealing with issues of race is not something that people in the mainstream of American life want to talk about, but with the proper leadership, they will.

For example, while we were eventually praised for enlisting the support of forty of the Fortune 500 largest US corporations and from leaders in the military, it was exceedingly difficult to get those advocates to sign on to the cause of affirmative action in higher education. Like many of our political leaders, they were convinced that a majority of Americans would oppose them, and pointed to Prop 209 in California for proof. It was only after the Late President Gerald Ford agreed to stand with us that things began to change. "I don't want future college students to suffer the cultural and social impoverishment that afflicted my generation," he wrote in the New York Times. That is what inspired General Motors to sign on—only then were we "in business."

I fear this latest Court decision represents the first act and scene of a national tragedy of withdrawal from Brown and Grutter's promise of a more inclusive America—a perilous shift in the direction of constitutional law from the last half century. But the scenes that follow are still ours to write—if only we have the courage and will to take up the pen. As President Ford said, "If history has taught us anything . . . it is the notion of America as a work in progress."

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. McDERMOTT. Madam Speaker, I was unable to be in Washington, DC, yesterday because my flight from Seattle was cancelled. As a result I missed several recorded votes. Were I able, I would have voted in support of H.R. 2750, H. Res. 580, and H. Res. 579.

SENATE—*Wednesday, August 1, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord most holy, we confess to You our unworthiness. Grant that we may, every day, crave those dispositions which shall make us worthy to be called Your children.

Bless our Senators. Guide them so that in all getting, they will receive understanding. Whatever they lose, may they retain Your favor, growing in grace and in a deeper knowledge of You. Give them a hunger to know Your sacred word and a willingness to follow Your precepts.

Grant that those who seek the right way will be led by Your hand. May those who experience setbacks be lifted by Your mercy and know the restoration of Your joy. Consecrate, with Your presence, the road our lawmakers travel, and lead them to Your desired destination.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 1, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today there will be 30 minutes of morning business, and it will all be under the control of the Republicans. Following that time, the Senate will resume consideration of the children's health bill and then conduct 30 minutes of debate with respect to the Ensign amendment. That time will be equally divided and controlled between Senators ENSIGN and BAUCUS. Upon the use or yielding back of that time, the Senate will vote in relation to the Ensign amendment. Following the disposition of the Ensign amendment, the managers hope to come to a short agreement with respect to the Gregg amendment and have a vote shortly thereafter. Senator BYRD is to be recognized to speak for up to 30 minutes at 12 noon. Other votes with respect to the bill are expected today.

Mr. President, we have two major amendments we have been told exist with respect to this children's health legislation. One will be offered by Senator KERRY, which is going to increase the amount of money we believe is needed in this legislation. The other is by Senators LOTT and KYL, which is a substitute amendment. I hope those Senators who are going to offer those amendments will come and do them quickly. We need these two amendments. That is what this legislation is all about. Other individuals also have a right to offer amendments, but I do hope those two amendments will be offered very quickly. We need to finish this bill. We are going to finish this bill before we leave.

Of course, everybody knows we have, in the morning, the cloture vote on ethics and lobbying. We will do that an hour after we come in in the morning. I very much appreciate the willingness of the minority to work with us and that we didn't have to go—because it was a privileged piece of legislation that came from the House, that we didn't have to waste time from last night until tomorrow morning. I appreciate very much the Republicans allowing us to work on this legislation today. It would have been a wasted day otherwise.

I hope we can get a lot of work done on SCHIP today. I will speak with Senator MCCONNELL as to when, if at all—and I hope it is not necessary—we will file cloture on SCHIP to finish it. I hope we don't have to do that. We had good luck last week on the first appropriations bill and not having to do that.

We have one other must-do item before we leave here, and that deals with the surveillance program that everybody has read about and knows about. That has to be done. I had a briefing meeting with Admiral McConnell this morning, and he has sent some proposed changes to the legislation up here. It is already here. We hope that will be enough to have that legislation pass quickly. I hope we can get it done. It is something on which we all acknowledge we should give it the old college try and do everything we can to complete that.

Those are the things we must do.

There are other things we would like to do. One of them is the competitiveness bill, which is very important. It is such an interesting piece of legislation. In conversations with the most liberal members of my caucus, I find that they love this piece of legislation, as do moderates and conservatives in my caucus, and it is the same with the Republicans. They think this legislation is very good.

I see my friend from Tennessee on the floor who worked with Senator BINGAMAN on this early on. I hope we can do this before we leave. It is my understanding that the conference, if not completed, is virtually completed. It would be good to do that before we leave. It would show real bipartisanship.

Mr. DORGAN. Will the Senator yield for a question?

Mr. REID. Yes.

Mr. DORGAN. Mr. President, I know others are waiting to begin morning business. Let me first add my hope with the majority leader that we will be able to move through these bills with some expeditious action this week. There has been so much delay in the Chamber. I know the majority leader wishes to move through and get these things done. I hope we can do that.

I want to mention to the Senator from Nevada that I have offered to the children's health insurance bill the Indian Health Care Improvement Act. I did that yesterday as an amendment. There are 3 million children benefitted by the children's health insurance bill, but there are 2 million American Indians who are subject to full-scale health care rationing. It is unbelievable what is happening.

We have had 11 separate bills introduced in the Congress since the authorization for the Indian Health Care Improvement Act expired some years ago, and none of them have moved. So I offered the amendment because I felt I had to do it to the Children's Health Insurance Program that is on the floor.

I indicated yesterday, however, in response to Senator BAUCUS, who said

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

that he would mark up on September 12 in the Finance Committee the portions of the bill relevant to them. I indicated I would withdraw my amendment from the children's health bill if I could get a commitment to get the Indian health care bill to the floor of the Senate. I have already marked up the Indian health bill in the Indian Affairs Committee, my committee.

This is urgent. We have a problem with respect to rationing of health care with American Indians. I ask my colleague—and I know we have visited about it, and I know how strongly he supports American Indians and health care for them—can we have a commitment to get the Indian health bill to the floor of the Senate? If we can do that, I will withdraw my amendment here in anticipation of having that debate on Indian health in the next couple of months in the Senate.

Mr. REID. Mr. President, I say to my friend, the distinguished chairman of the Indian Affairs Committee, a tireless advocate for Native Americans his entire career, I have 22 different tribal organizations in the State of Nevada. You say "rationing" health care. I think that is even being too generous because there is no health care rationed, in many instances, in Nevada. We have gone from having two wonderful hospitals for Native Americans and now we have one that is closed. The other they don't use for acute care. It is a situation that, for our country, should be an embarrassment. It is an embarrassment. People just don't know how bad it is.

I say to my friend, through the Chair, that we are going to do this bill this year. If it is reported out of the Finance Committee, we will find a way to bring it to the floor. It is the right thing to do. We talk about people who don't have advocates for them. My tribal organizations in Nevada don't have people back here advocating for them. We need to advocate for them. I have to do that, especially on this issue of health care. They deserve the basic minimum; they deserve the ability to have some kind of health care. It is in such a state now that I, frankly, don't know what to tell the tribal organizations when they come to see me. There has been more than a decade waiting to do something about this.

So I support my friend from North Dakota and will do everything I can to move this forward and make a commitment that we will do something this session of Congress.

Mr. DORGAN. Mr. President, that commitment of the majority leader is welcome. I observe this: There are few places in this country where someone having a heart attack would be wheeled into an emergency room with a piece of paper attached to their thigh by masking tape that says:

> To the hospital: By the way, if you admit this woman, understand you are on your own because contract health care from the Indian Health Service has run out.

Very few places in this country will you see that. It describes how unbelievably urgent it is to pass this bill. The commitment from the majority leader is very welcome. It reflects his long-term commitment to deal with Indian issues.

The commitment from Senator BAUCUS to mark up his portion of the bill on September 12 is welcome. Therefore, when we are back on the children's health bill, I will withdraw my amendment as a result of the commitment to move it separately.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 30 minutes, under the control of the Republican leader or his designee, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, will the Chair let me know when 6 minutes has expired?

The ACTING PRESIDENT pro tempore. The Chair will so inform the Senator.

NOMINATION OF JUDGE LESLIE SOUTHWICK

Mr. ALEXANDER. Mr. President, when I was first elected to the Senate in 2002, I recognized the so-called maiden speech tradition, and I came here expecting to talk about U.S. history. I was so disappointed by the debate that I found going on in February of 2003 about the President's appointment of Miguel Estrada to the Supreme Court that I spoke for a long time one night about the unfairness that I felt about that. I thought he was a superbly qualified individual and that a case was being manufactured against him to try to prevent an up-or-down vote.

Then, along came the nomination of Judge Charles Pickering, of Mississippi, who in the 1950s and 1960s, while others were making speeches about civil rights, was living it out in the middle of Mississippi, testifying against someone who was described as the "most violent living racist" in Mississippi and putting his children into desegregated schools at a time when others weren't. There was a manufactured, unfair case against him.

The Senate came to its senses shortly thereafter and began to develop a procedure where judges could get an up-or-down vote, which brings me to the matter of Judge Leslie Southwick, of Mississippi, whom the President has nominated to serve on the U.S. Court of Appeals for the Fifth Circuit—the same position for which Judge Pickering was nominated. Yet, despite his excellent qualifications, his nomination has not been reported to the floor by the Judiciary Committee for a fair up-or-down vote. It seems that Judge Southwick may be the first target in a new round of character assassination by some in this body.

That seat has been vacant for 6 years. This is one of the most important courts in America. I was a law clerk on that court—actually a messenger, but I was treated like a law clerk—to the great Judge John Minor Wisdom, who served with Judge Tuttle, Judge Rives, and Judge Brown, all of whom presided over the segregation of the South. I value that court and the quality of judges who have been there.

Judge Southwick has that same quality. He has 11 years of service as a Mississippi State appellate court judge. He had military service in Iraq as a staff judge advocate. He has been a professor at Mississippi College of Law. He has had service as a senior Justice Department official. He has had more than 20 years in private practice in Jackson. He is rated unanimously "well qualified" by the American Bar Association. He has been honored by the Mississippi State Bar with its Judicial Excellence Award.

What is it about the Democrats and Mississippi judges? This is an enormously well-qualified judge from Mississippi, and the Democrats, apparently because he is from Mississippi, do not want to give him a fair up-or-down vote. That is totally unfair and it is beneath the dignity of this body and I object to it strenuously. This judgeship has been labeled a "judicial emergency" by the nonpartisan Administrative Office of the Courts.

What is the manufactured case? The case that has been made against him, if a student were to send it in to any accredited law school, would be sent back with an F and the student would be told to prepare better.

First, it is said he participated in an opinion he didn't even write which put the first amendment ahead of a racial slur. That is always—always—a difficult decision to make, but the Mississippi Supreme Court said it was the correct decision. Judge Southwick reiterated his disdain for racial slurs. He said the racial slur in question is "always offensive" and "inherently and highly derogatory."

He did not even write the opinion. Yet for some reason that is thought to be inappropriate.

Then they said he joined in a case that used the words "homosexual lifestyle." He didn't write the opinion.

That phrase "homosexual lifestyle" may not be preferred by some, but it is very commonly used in American legal opinions by the U.S. Supreme Court, for example, in Lawrence v. Texas, striking down the Texas ban on sodomy. It was also used by President Bill Clinton when he announced his "don't ask don't tell" policy. That is the manufactured case.

So I ask my colleagues to remember the difficulties we had in 2003 and 2004, when the Senate did not look at its best, when it was manufacturing cases against otherwise well-qualified and distinguished men and women who had been nominated to the court.

I hope the Judiciary Committee will bring Judge Leslie Southwick's name forward to the full Senate so we can have an up-or-down vote. He deserves a vote. The Senate deserves to respect its traditions regarding nominees, and the American people deserve to be served by a man of such quality.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent to speak for up to 7 minutes, and at 6 minutes, if I am still speaking, will the Chair please let me know.

The ACTING PRESIDENT pro tempore. The Chair will so notify the Senator.

IRAQ

Mr. ISAKSON. Mr. President, there have been some in the leadership of the majority, a few months ago, who declared the war in Iraq was lost. There have been others who have been invested in two significant debates we have had over withdrawing precipitously without any consideration for the consequences. I have steadfastly supported our effort in the global war on terror and, in particular, our effort in Iraq, cautious to understand we have had difficulties and we have made mistakes. But today I rise to ask those who have, in the past, declared defeat or withdrawal to consider the alternative should America win.

Yesterday, in the New York Times, Kenneth Pollack and Michael O'Hanlon wrote a significant editorial—neither one an advocate, per se, of the war and the surge—that said this is a war we might win. News that comes today from the Christian Science Monitor declares a precipitous decline in the number of deaths of U.S. soldiers and casualties and a tremendous decrease in IEDs.

On Monday night, the people of Iraq in every city, hamlet, and town turned out in the streets, and without a single injury, they celebrated the victory of the Iraqi soccer team in the Asian soccer games.

We must ask the question: What do we say if, in fact, the tide has turned and we are winning? I think there may be some who will try and redescribe what victory is, and for that purpose, I wish to describe and remind everybody of what we already declared victory would be.

When President Bush asked all of us, and I supported going into Iraq to enforce Resolution 1441 of the United Nations with 29 other partners, we declared three goals: One, to find the weapons of mass destruction and to depose Saddam Hussein; two, to allow the Iraqis the chance to hold free elections and write a constitution; and, three, to train the Iraqi military so it was capable of defending the people of Iraq.

Saddam Hussein is gone, tried by his people and gone from this planet. Weapons of mass destruction—no smoking gun was found, but all the components were Scud missiles buried in the sand, elements of sarin gas in the Euphrates River, some of the biological mobile laboratories we thought were there were found, and 400,000 bodies in 8 mass graves near Baghdad in Iraq. So that was accomplished.

Second, the Iraqis held three elections, wrote a constitution, and now meet in a parliamentary form of government. It may not be everything we like, but it is their Government and their progress, and America gave them the opportunity to do it.

Now today in Iraq on the ground, Shiites who fought against us have joined with us against al-Qaida. Sunnis who fought against us have joined us in fighting against al-Qaida. In Ramadi, the streets are clear. The people in Baghdad are happy the American soldiers are there and afraid American soldiers may leave precipitously.

We are on the cusp of meeting the third goal. Iraqi troops—it is being recognized now—Iraqi battalions have, in some cases—not all, in some cases—demonstrated the capability of holding the areas Americans have secured. America's soldiers are in the same camps with Sunni, Shia, and Kurdish soldiers of the Iraqi military.

This war is not over, but two-thirds of the goals we established are accomplished, and the third goal is within our reach. When we look in the next 6 weeks toward September 15—and I don't know what General Petraeus is going to say, but I know what the New York Times is saying, I know what the Christian Science Monitor is saying, I know what the Georgia soldiers I talk with or get e-mails from on the ground are saying, I know what the attitude and morale of the American soldiers is and the hopes and aspirations of the American people. Today I ask that as we get ready to break, as we wait for the report on September 15, we need to be prepared for victory, not invested in defeat.

This has been a tough battle. Some of my friends in Georgia have lost their children. They have fought for a dream Americans have fought for since this great Republic was founded, and that is the right to self-determine your future.

I hope the Government of al-Maliki will accomplish some reconciliation. I hope they will accomplish a hydrocarbon deal. I hope debaathification can work. But I hope we would not declare failure when, in fact, we have the opportunity it looks like to succeed. A lot of brave young men and women in America have invested their lives in the chance to win a victory, not for ourselves but for mankind, for civility, for peace, for democracy, and for all the principles upon which this country was founded.

So I hope for those who have been invested in the possibility that we will fail, that they will get equally invested in the probability or possibility that we will succeed and that together, as a Congress, we can reward those who fought so valiantly and see to it that one more democracy is born in the Middle East of this world.

Mr. President, I ask unanimous consent that an article that appeared this morning in the Christian Science Monitor and yesterday's article of Michael O'Hanlon and Kenneth Pollack in the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Aug. 1, 2007]

U.S. TROOP FATALITIES IN IRAQ DROP SHARPLY

(By Gordon Lubold)

U.S. troop fatalities in Iraq have plummeted from near-historic highs just two months ago. The number of deaths attributed to improvised explosive devices is down by more than half. Violence is down in the four most dangerous provinces.

The decrease is an apparent sign that, by at least one indicator, the surge of American forces is doing something it set out to do: tamp down the violence.

But even if this positive trend were to continue for the next several months, the larger question remains unanswered: will the reduced levels of violence push Kurdish, Shiite, and Sunni groups to reach political reconciliation so that U.S. troops can withdraw? U.S. military officials are wary.

"Success does not hinge on the effectiveness or success solely of the security situation," says one senior official in uniform, who requested anonymity, echoing what many military officials have said. "It really depends on political governance."

As a single measure of success or failure in Iraq, the rate of American fatalities has its own limitations. But it does reflect the ability of the US to reduce insurgent-led violence. Two months ago, U.S. fatalities climbed to 128, making May the third deadliest month for US troops in Iraq since the war began in 2003. But since then, as the surge of 30,000 new U.S. forces has arrived, fatalities have fallen sharply. At press time, the toll for the month of July stood at 74, a decrease of 42 percent compared with May. That's the lowest fatality rate since last November.

When the surge was announced earlier this year, critics said adding more troops in one area would simply force insurgents to provoke violence in other areas. But according to an analysis by Pentagon officials, fatalities are down in July in all four of the most violent provinces of Iraq: Baghdad, Anbar, Salahaddin, and Diyala.

In Baghdad Province, for example, 27 Americans were killed as of July 24, down from 44 in May. In Diyala Province, six Americans were killed as of July 24, a decrease from 19 in May. Sunni-dominated Anbar Province to the west of Baghdad, where violence has been tamped down in part because Sunni sheiks have organized against Sunni extremism there, five American service members were killed as of July 24, down from 14 for the month of May. Salahaddin saw the same trend, where 12 were killed in May, six in July. The four provinces represent about 37 percent of the Iraqi population but nearly 80 percent of the violence that occurs in Iraq.

The toll from improvised explosive devices, or IEDs, has also decreased considerably in the last two months. As of July 24, 40 Americans had been killed in July, down from 95 in May.

Iraqis are also seeing a decrease in violence. The number of Iraqi security forces and civilian fatalities has declined since May as well, according to icasualties.org, a website that tracks such information. The site reports that there were 1,664 civilians and Iraqi security forces killed in July, down from 1,980 in May, but it notes that no such tallies are completely accurate and are probably much higher.

The reduction in violence doesn't appear to be the result of summer weather, when the intense heat might discourage insurgent attacks. According to an analysis by the Marine command in Anbar, violence trends upward from a low point in January, when it's coldest, through summer to October for each of the last three years. This year, according to Marine Maj. Gen. Walter Gaskin, commander of Multi-national Force West, the violence in Anbar has trended downward instead.

All this may be illustrating what to some is a new reality in Iraq even if much of Washington has yet to acknowledge it, says Michael O'Hanlon, a senior fellow at the Brookings Institution, a Washington-based think tank.

Mr. O'Hanlon has been critical of the war and has remained skeptical of the current strategy. But on Monday, he coauthored an Op-Ed in The New York Times titled "A War We Might Just Win." In it, O'Hanlon says he is impressed with the improved security situation, the reasonably high morale of US troops, and the increasing competency of Iraqi forces. "We are finally getting somewhere in Iraq, at least in military terms," O'Hanlon wrote, along with Brookings colleague Kenneth Pollack. "As two analysts who have harshly criticized the Bush administration's miserable handling of Iraq, we were surprised by the gains we saw and the potential to produce not necessarily 'victory' but a sustainable stability that both we and the Iraqis could live with."

Military officials are heartened by decreases in American fatalities but are reluctant to characterize it as a turning point.

"My initial thought is this is what we thought would happen once we got control of the real key areas that are controlled by these terrorists," Lt. Gen. Ray Odierno, the No. 2 American commander in Iraq, said on Thursday. "It's an initial positive sign, but I would argue I need a bit more time to make an assessment of whether it's a true trend or not."

In May, noting the high number of casualties among American forces, General Odierno said it was the result of taking the fight to the enemy, going into places like Diyala and Baquba to fight insurgents, and that he expected over time that the number of casualties would decrease, as it appears to have done now.

Odierno says he may need more time, but Congress is waiting for an assessment as early as next month. That's when Odierno's boss, Army Gen. David Petraeus, the top commander in Iraq, is expected to provide a comprehensive report of the security situation in Iraq. Military officials caution that General Petraeus's assessment may not make specific recommendations regarding a possible drawdown of the more than 155,000 US troops currently serving in Iraq.

"Petraeus is very, very cautious about how much success he is going to advertise," the senior uniformed official says. "The culminating point is when the hearts and minds finally tip" in Iraq.

[From the New York Times, July 30, 2007]

A WAR WE JUST MIGHT WIN

(By Michael E. O'Hanlon and Kenneth M. Pollack)

WASHINGTON.—Viewed from Iraq, where we just spent eight days meeting with American and Iraqi military and civilian personnel, the political debate in Washington is surreal. The Bush administration has over four years lost essentially all credibility. Yet now the administration's critics, in part as a result, seem unaware of the significant changes taking place.

Here is the most important thing Americans need to understand: We are finally getting somewhere in Iraq, at least in military terms. As two analysts who have harshly criticized the Bush administration's miserable handling of Iraq, we were surprised by the gains we saw and the potential to produce not necessarily "victory" but a sustainable stability that both we and the Iraqis could live with.

After the furnace-like heat, the first thing you notice when you land in Baghdad is the morale of our troops. In previous trips to Iraq we often found American troops angry and frustrated—many sensed they had the wrong strategy, were using the wrong tactics and were risking their lives in pursuit of an approach that could not work.

Today, morale is high. The soldiers and marines told us they feel that they now have a superb commander in Gen. David Petraeus; they are confident in his strategy, they see real results, and they feel now they have the numbers needed to make a real difference.

Everywhere, Army and Marine units were focused on securing the Iraqi population, working with Iraqi security units, creating new political and economic arrangements at the local level and providing basic services—electricity, fuel, clean water and sanitation—to the people. Yet in each place, operations had been appropriately tailored to the specific needs of the community. As a result, civilian fatality rates are down roughly a third since the surge began—though they remain very high, underscoring how much more still needs to be done.

In Ramadi, for example, we talked with an outstanding Marine captain whose company was living in harmony in a complex with a (largely Sunni) Iraqi police company and a (largely Shiite) Iraqi Army unit. He and his men had built an Arab-style living room, here he met with the local Sunni sheiks—all formerly allies of Al Qaeda and other jihadist groups—who were now competing to secure his friendship.

In Baghdad's Ghazaliya neighborhood, which has seen some of the worst sectarian combat, we walked a street slowly coming back to life with stores and shoppers. The Sunni residents were unhappy with the nearby police checkpoint, where Shiite officers reportedly abused them, but they seemed genuinely happy with the American soldiers and a mostly Kurdish Iraqi Army company patrolling the street. The local Sunni militia even had agreed to confine itself to its compound once the Americans and Iraqi units arrived.

We traveled to the northern cities of Tal Afar and Mosul. This is an ethnically rich area, with large numbers of Sunni Arabs, Kurds and Turkmens. American troop levels in both cities now number only in the hundreds because the Iraqis have stepped up to the plate. Reliable police officers man the checkpoints in the cities, while Iraqi Army troops cover the countryside. A local mayor told us his greatest fear was an overly rapid American departure from Iraq. All across the country, the dependability of Iraqi security forces over the long term remains a major question mark.

But for now, things look much better than before. American advisers told us that many of the corrupt and sectarian Iraqi commanders who once infested the force have been removed. The American high command assesses that more than three-quarters of the Iraqi Army battalion commanders in Baghdad are now reliable partners (at least for as long as American forces remain in Iraq).

In addition, far more Iraqi units are well integrated in terms of ethnicity and religion. The Iraqi Army's highly effective Third Infantry Division started out as overwhelmingly Kurdish in 2005. Today, it is 45 percent Shiite, 28 percent Kurdish, and 27 percent Sunni Arab.

In the past, few Iraqi units could do more than provide a few "jundis" (soldiers) to put a thin Iraqi face on largely American operations. Today, in only a few sectors did we find American commanders complaining that their Iraqi formations were useless—something that was the rule, not the exception, on a previous trip to Iraq in late 2005.

The additional American military formations brought in as part of the surge, General Petraeus's determination to hold areas until they are truly secure before redeploying units, and the increasing competence of the Iraqis has had another critical effect: no more whack-a-mole, with insurgents popping back up after the Americans leave.

In war, sometimes it's important to pick the right adversary, and in Iraq we seem to have done so. A major factor in the sudden change in American fortunes has been the outpouring of popular animus against Al Qaeda and other Salafist groups, as well as (to a lesser extent) against Moktada al-Sadr's Mahdi Army.

These groups have tried to impose Shariah law, brutalized average Iraqis to keep them in line, killed important local leaders and seized young women to marry off to their loyalists. The result has been that in the last six months Iraqis have begun to turn on the extremists and turn to the Americans for security and help. The most important and best-known example of this is in Anbar Province, which in less than six months has gone from the worst part of Iraq to the best (outside the Kurdish areas). Today the Sunni sheiks there are close to crippling Al Qaeda and its Salafist allies. Just a few months ago, American marines were fighting for every yard of Ramadi; last week we strolled down its streets without body armor.

> Another surprise was how well the coalition's new Embedded Provincial Reconstruction Teams are working. Wherever we found a fully staffed team, we also found local Iraqi leaders and businessmen cooperating with it to revive the local economy and build new political structures. Although much more needs to be done to create jobs, a new emphasis on microloans and small-scale projects was having some success where the previous aid programs often built white elephants.
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> In some places where we have failed to provide the civilian manpower to fill out the reconstruction teams, the surge has still allowed the military to fashion its own advisory groups from battalion, brigade and division staffs. We talked to dozens of military officers who before the war had known little about governance or business but were now ably immersing themselves in projects to provide the average Iraqi with a decent life.
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> Outside Baghdad, one of the biggest factors in the progress so far has been the efforts to decentralize power to the provinces and local governments. But more must be done. For example, the Iraqi National Police, which are controlled by the Interior Ministry, remain mostly a disaster. In response, many towns and neighborhoods are standing up local police forces, which generally prove more effective, less corrupt and less sectarian. The coalition has to force the warlords in Baghdad to allow the creation of neutral security forces beyond their control.
>
> In the end, the situation in Iraq remains grave. In particular, we still face huge hurdles on the political front. Iraqi politicians of all stripes continue to dawdle and maneuver for position against one another when major steps towards reconciliation—or at least accommodation—are needed. This cannot continue indefinitely. Otherwise, once we begin to downsize, important communities may not feel committed to the status quo, and Iraqi security forces may splinter along ethnic and religious lines.
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> How much longer should American troops keep fighting and dying to build a new Iraq while Iraqi leaders fail to do their part? And how much longer can we wear down our forces in this mission? These haunting questions underscore the reality that the surge cannot go on forever. But there is enough good happening on the battlefields of Iraq today that Congress should plan on sustaining the effort at least into 2008.

Mr. ISAKSON. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, we all know and acknowledge that al-Qaida and other related terrorist groups are determined to strike at the U.S. homeland. But a precipitous U.S. withdrawal from Iraq would only serve to fuel that determination and, as a result, surrender Iraq to al-Qaida, which would directly threaten the security of the United States and its allies.

Yesterday, we had a visit from Henry Kissinger who warned us that such a precipitous withdrawal would be revisiting the nightmare of Vietnam, where our withdrawal there created genocide among those who had supported us and other innocent Southeast Asians. This time, however, al-Qaida would follow us back to America. Al-Qaida would use Iraq as a safe haven, as it once had in Afghanistan. Only this time with oil revenues, in addition to a safe haven, it would be well positioned and financed to launch further enhanced attacks against the United States. Yet we continue to hear from the other side calls for withdrawal, despite preliminary reports of progress resulting from the surge, as my colleague from Georgia has so eloquently explained.

We continue to hear calls for timelines that would embolden the morale of our enemies and dissuade the populace from cooperating with U.S. and Iraqi forces, and the latest and most recent development in the string of defeatism has come from the House majority whip. This past Monday in the Washington Post, he stated that a strongly positive report on progress in Iraq by General Petraeus would likely split Democrats in the House and impede his party's efforts to press for a timetable to end the war.

Now it appears some in the Democratic Party leadership are so invested in retreat and defeat politically that despite whatever the news is coming out of Iraq and regardless of the consequences, they are committed to defeat.

Why, I ask, is the majority focused not on our national security but on scoring political points? I guess we should pull out, cede victory for the terrorists in Iraq, in order to keep the Democrats united for the general elections in 2008.

What we, the Iraqi people, and all freedom-loving nations face is a fundamental threat from barbaric cowards misrepresenting the true nature of peaceful teachings of Islam. The terrorists of mufsidoon, as they should be called, are condemned evildoers distorting the Koran. They are not jihadists. Jihad is pursuing a moral superiority. These people who commit these acts are not insurgents or jihadists. The clearer we define the true enemy, the easier it will be to defeat them.

What we have seen for some time now is encouraging signs this has, in fact, happened, coupled with the surge that is showing progress. Sunni sheiks in Al Anbar have been working with us to take back their neighborhoods and villages, fed up with the mufsidoon al-Qaida committing atrocities.

My colleague referred to the Sunday New York Times article. Two men who are strong opponents of the war in Iraq said, referring to al-Qaida and other Salafist groups, as well as Moktada al-Sadr's Mahdi Army:

> These groups have tried to impose Shariah law, brutalized average Iraqis to keep them in line, killed important local leaders and seized young women to marry off to their loyalists. The result has been that in the last 6 months, Iraqis have begun to turn on the extremists and turn to the Americans for security and help. The most important and best-known example of this is in Anbar Province, which in less than 6 months has gone from the worst part of Iraq to the best. Today, the Sunni sheiks there are close to crippling Al Qaeda and its Salafist allies. Just a few months ago, American marines were fighting for every yard of Ramadi; last week we strolled down its streets without body armor.

I observed the same when my CODEL visited Iraq in early May. The authors said "there is enough good happening on the battlefields of Iraq today that Congress should plan on sustaining the effort at least until 2008."

So if two of the war's harshest, most longstanding critics admit we are making a difference, why can't the Democrats give victory a chance? Why can't they give millions of Iraqis a chance at freedom? Why can't they acknowledge the progress being made?

Pollack and O'Hanlon said that the soldiers and marines know they have a superb commander in General Petraeus.

> . . . they are confident in his strategy, they see real results, and they feel now they have the numbers needed to make a real difference.

It is time my colleagues in the other party who claim to support the troops actually do so in both words and deeds. Ignoring the progress being made by our troops because it does not suit the political ends of some Democratic leaders is an egregious outrage. Advocating for a precipitous withdrawal from Iraq would be a rallying cry for al-Qaida and other mufsidoon all over the world. What are we to say to the millions of Iraqis who have sided with us in taking back their country, only to see them slaughtered systematically after we leave the job before it is finished?

Our words should inspire our troops and those who are working with us. Rest assured our soldiers and marines are listening. A recent speech by Marine Corps Commandant Conway underscores the point:

> I sat this week and listened to a United States Senator who criticized the U.S. effort in Iraq as being involved in an Iraqi civil war while ignoring the real fight against terrorism that was taking place in Afghanistan.
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> With due respect to the Senator, I would offer that he is wrong on two counts. The fact is that there is no civil war taking place in Iraq by any reasonable metric. There is certainly sectarian strife, but even that is on the declining scale over the past six months.
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> Ironically, this strife was brought about and inflamed by the very terrorists some claim do not exist in Iraq. The sectarian strife is a tactic aimed at creating chaos with little risk to the instigator while it ties down coalition forces.

Yet, Mr. President, the retreat-and-defeat crowd, despite encouraging signs the surge is working, despite the fact this new strategy has only been in place fully for just a couple of months, and despite the fact that the Democrats have failed to offer any constructive alternatives, other than the ones that would cede defeat, continue to push down that line.

It is a huge disappointment to me, to others, to those who support our troops and the efforts to protect our homeland from the al-Qaida attacks that would surely follow a precipitous withdrawal. It is a huge disappointment that this debate is not about how we can achieve victory but how quickly we can declare defeat. This has become a political debate. The focus of our national security has been sidetracked. As I have said time and time again, we should debate legislation which provides our troops with a clear path to victory, a victory which, sadly, many in this body are ready to award to al-Qaida and mufsidoon all over the world without ever having given the surge a chance.

Mr. GRAHAM. Mr. President, I ask unanimous consent that I be recognized for 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I will say to my good friend from Missouri that was a well-done presentation. I know how important this topic is to him because of his family's commitment to our military, and he, like many other people in this country, definitely has a vested interest in the outcome in Iraq in terms of family members.

The point I would like to make this morning, to build on this theme, is that I passionately believe the outcome in Iraq will not be a neutral event in terms of the overall war on terror, that success in Iraq will not be confined to Iraq in terms of winning the war on terror, and a defeat in Iraq certainly will not be confined to Iraq. It will spill over and empower extremists in the region and throughout the world.

The reason I say that is this: Who is the enemy in Iraq? Is this really a civil war? Certainly there are aspects of sectarian violence and people trying to seize political power through militia groups and the use of violence, trying to destroy this democracy and win the day to control Iraq. There are Shia and Sunni groups trying to do that. But the vast majority of Iraqis want to go a different way. They want to live together and try to find some way to reconcile their past differences and not resort to the use of the gun. I do believe there is some hope this will happen—and not just blind hope but realistic progress in Iraq that can be seen if you are willing to look.

The challenges are real. The Iraqi central government has failed on many fronts to reconcile the country politically. But, as my colleagues have indicated, the surge, the additional combat power that started in February and has been in place now for about 3 or 4 weeks, has made a dramatic difference in certain parts of Iraq.

Mr. O'Hanlon and Mr. Pollack's article has been often mentioned by Republicans, and they have been critics of the war, but I would just like to say to them, if they happen to be listening: I appreciate your willingness to come back and report progress, and I also understand what you are telling us in your article, that we are a long way from having it right in Iraq and there are many challenges left. The political front has been stagnant, but the military front has moved forward in a very substantial way.

The surge, for me, is not so much that we have moved al-Qaida out of Anbar but that the people in Anbar, given a choice, have rejected al-Qaida. The ability to make that choice was provided by the additional combat power coming from the surge. An offensive strategy is now in place, and it has replaced a defensive strategy. The old strategy of training the Iraqi police and military and hiding behind walls simply wasn't working. The new strategy of going out in the communities and living with the Iraqi police and army is paying dividends.

Anbar truly has changed in a phenomenal way, as Senator BOND said. You can go to Ramadi now—someplace you couldn't go a few months ago. Again, the Iraqi Sunni residents of Anbar tasted al Qaida's lifestyle, had an experience in terms of what al-Qaida would impose upon their families, and said: No, thank you. And along comes American forces to help them reinforce that choice.

The biggest news in Anbar is that 12,000 people joined the local police force in 2007, where there were only 1,000 in 2006. So that means when we do leave—and it is all of our goal to withdraw from Iraq—the goal should be to withdraw with honor and security, and honor means you leave the country without those who helped you fight al-Qaida and other extremists getting slaughtered. I don't think we could leave that country with much honor if we left in a way that allowed those who bravely stepped out and embraced moderation to be killed by the extremists. From a security perspective, it is important that we leave Iraq in a stable situation and that the problems there do not spill over to the other parts of the region and the world at large.

Now, whom are we fighting? There are sectarian conflicts. There are power struggles to regain control of Iraq. That is part of the enemy. Al-Qaida is part of the enemy. And al-Qaida is really not limited in controlling Iraq. It is not their goal to take over central Baghdad and run Iraq; their goal, in my opinion, is to come into Iraq and make sure this attempt at moderation and democracy fails.

Is there a connection between al-Qaida in Iraq and bin Laden and his organization? About a week ago, President Bush came to Charleston, SC, and spoke at Charleston's Air Force Base. He made a very logical, reasoned case that there is a deep connection between al-Qaida in Iraq and the bin Laden infrastructure. To those who say that al-Qaida in Iraq is really a separate organization with a separate agenda, I think you are not understanding who the major players are and what their agenda includes.

No. 1, their agenda is to defeat us in Iraq and drive America out and be able to claim to the rest of the world that they beat us. If you don't believe me, ask Bin Laden or look at what bin Laden says. Bin Laden claimed, "The Third World war is raging in Iraq." Osama Bin Laden says, "The war is for you or for us to win. If we win it, it means your defeat and your disgrace forever."

Well, I think he understands the consequences of a victory by al-Qaida. He also understands the consequences of a defeat by America. The question I have is, Do we understand that? Do we understand what would happen to this country and all forces of moderation in the Mideast and throughout the world if it were perceived that al-Qaida in Iraq was able to drive the United States out of that country and leave it to the warlords of terrorism?

Who is al-Qaida in Iraq? The founder of al-Qaida in Iraq was not an Iraqi, it was a Jordanian—al-Zarqawi. He was a Jordanian terrorist. Before 9/11, he ran a terrorist camp in Afghanistan. After joining Osama bin Laden, he left Afghanistan, after the fall of the Taliban, and went to Iraq. Zarqawi and his terrorist group formally joined bin Laden, pledging allegiance to Osama bin Laden, and promised to follow his orders in jihad. Soon after, bin Laden publicly declared that Zarqawi was the prince of al-Qaida in Iraq and instructed terrorists in Iraq to listen to him and obey him. Now, to me, that is a pretty serious connection.

Beyond Zarqawi, who was from Jordan, bin Laden sent an Egyptian, who was a member of al-Qaida's international infrastructure, to provide support to Zarqawi and leadership. And the President gave a laundry list of international terrorists tied to bin Laden who migrated to Iraq to build up al-Qaida in Iraq. They have the same agenda. The agenda is to defeat moderation where you find it, to try to control as much of the Mideast as possible. And their agenda doesn't just include Iraq. The Gulf States are next and after that Israel, and always us.

Now, that is not what I am saying; that is what they say. So I think the President made a very persuasive case that the infrastructure of al-Qaida in Iraq is very much tied to the bin Laden organization. If you don't believe that, come down and let's have a debate about it.

Who else is our enemy in Iraq? Iran. This body passed unanimously a resolution authored by Senator LIEBERMAN during the Defense authorization debate, and part of that resolution was a laundry list of activity by Iran, particularly the Quds Force, part of the

Revolutionary Guard, in terms of trying to kill Americans in Iraq and destabilize the efforts of building a democracy in Iraq. On February 11, 2007, the U.S. military held a briefing in Baghdad at which its representatives stated that at least 170 members of the U.S. Armed Forces have been killed and at least 620 wounded by weapons tied to Iran.

This resolution which we passed was a damning indictment of Iran's involvement in Iraq about training, providing funds, providing weaponry, and bringing Hezbollah agents from Lebanon into Iraq to try to assist extremist groups whose goal it is to kill Americans and to destabilize this effort of democracy.

Now, why does al-Qaida come to Iraq? I said before that their biggest nightmare is a moderate form of government where Sunnis and Shias and Kurds and all different groups could live together, accepting their differences, where a woman could have a say about her children by being able to run for office and vote and have a strong voice in society. That is their worst nightmare.

Whether we should have gone to Iraq or not is a historical debate. We have made plenty of mistakes after the fall of Baghdad. But the biggest mistake would be not to recognize that Iraq is part of a global struggle. There are sectarian conflicts in Iraq; I acknowledge that. There has been a major failure of political reconciliation; I acknowledge that. The old strategy was not working; I acknowledged that 2 or 3 years ago. The new strategy is providing dividends in terms of defeating al-Qaida in Iraq. The Iraqi people in the Sunni areas have turned against al-Qaida in Iraq. That is good news. Political reconciliation is occurring at the local provincial level. I hope it works its way up.

Another aspect of Iraq, to me, which is undeniable—and I understand the challenges, and I think I see the successes for what they are—is that the Iranian Government's involvement in Iraq is major. It is substantial. It is designed to break our will. Their efforts include killing our troops, and they are there to make sure this experiment in democracy fails because Iran's worst nightmare is to have a functioning democracy on their border.

So this is part of a global struggle, and the outcome will create momentum one way or the other. I hope the outcome will be a success for moderation and a defeat of extremism.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. All time has expired. Morning business is closed.

SMALL BUSINESS TAX RELIEF ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 976, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

Pending:

Baucus amendment No. 2530, in the nature of a substitute.

Grassley (for Ensign) amendment No. 2538 (to amendment No. 2530), to amend the Internal Revenue Service Code of 1986 to create a Disease Prevention and Treatment Research Trust Fund.

Bunning amendment No. 2547 (to amendment No. 2530), to eliminate the exception for certain States to cover children under SCHIP whose income exceeds 300 percent of the Federal poverty level.

Dorgan amendment No. 2534 (to amendment No. 2530), to revise and extend the Indian Health Care Improvement Act.

Gregg amendment No. 2587 (to amendment No. 2530), to limit the matching rate for coverage other than for low-income children or pregnant women covered through a waiver and to prohibit any new waivers for coverage of adults other than pregnant women.

The ACTING PRESIDENT pro tempore. Under the previous order, there is now 30 minutes of debate equally divided prior to a vote in relation to amendment No. 2538.

Who yields time? The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, the bill before us today would reauthorize SCHIP for 5 years with a $35 billion expansion in spending. But because of the way the budget gimmicks were worked in this bill, it is actually an expansion of somewhere around $110 billion.

This expansion, or at least part of it, is going to be funded by an increase in the Federal tobacco tax by 61 cents per pack and up to $10 per cigar. The problem with the funding mechanism in this bill, the way I see it, is that for the funding to still be there, we actually need to encourage people to smoke. Today, in our health care system, smokers contribute to a lot of diseases and this imposes large costs. In the future, as we raise the price of tobacco, fewer people smoking will mean less revenue. The proposal to fund the SCHIP expansion will yield diminishing returns. In the future, the tobacco tax will not adequately pay for the spending that is provided for in this bill.

This bill greatly increases dependency on the Federal Government and the dependency of the Federal Government on this tobacco tax revenue. The expansions included in this bill will have little bang for the buck in terms of reducing the ranks of the uninsured. As more money is poured into expanding SCHIP, less of the new funds will go to providing coverage to low-income children who currently go without coverage. SCHIP expansion will only serve to coax individuals and families out of the private insurance market and into Government coverage.

Undermining private health insurance coverage by creating more Government dependence is not an effective way to address shortfalls in coverage. We should have more of a comprehensive approach. This approach should include fiscal discipline, not more taxes and higher spending. We should be working to strengthen private sector health insurance options and increase parental choice and responsibility.

My amendment, however, will not address taking a more comprehensive approach to coverage. We will have other amendments during this debate that will address more of a comprehensive approach to insurance coverage.

I strongly believe in the role of Federal Government plays in promoting basic research. Some have noted that an increase in the tobacco tax should be used to fund the costs that tobacco imposes on our society. I agree with that. My amendment would establish a trust fund that will be known as the Disease Prevention and Treatment Research Trust Fund. The revenue from increased tobacco tax rates in the underlying bill will be transferred to this trust fund. From there, the dollars will be made available to fund research on diseases that are often associated with tobacco use.

I also believe the chronic underfunding of research in areas such as pediatric cancer need to be addressed, so I have expanded the permissible use of these funds to cover research on other diseases as well. I urge my colleagues to support my amendment to help discover new knowledge and treatments that improve and save lives.

Our current health care system is a sick care system. We do not spend nearly as much money on prevention as we do on getting people healthy once they are sick. This trust fund will fund research into areas to keep people healthy, to make sure we are spending money on disease research that actually keeps people out of hospitals, that keeps people as healthy as possible for as long as possible throughout their lives. I think this is a better use of taxpayers' dollars, especially when we are going to be raising those taxes on people who smoke. Let's use that money to fund disease research instead of taking people from the private health market onto the Government-funded health market.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, it is important to look at what this amendment actually does. It is a remarkable amendment. What does it do? It would try to spend the same dollar twice, take a dollar from tobacco taxes, spend it in the trust fund and spend it on CHIP—doing two things at once. I don't think we can do that in the real world. It is too good to be true. We can't do it. That is what the amendment says, basically. I do not think the Senator wants to take money away from kids, from the CHIP fund, the CHIP program. The amendment doesn't say that. I am sure he doesn't intend to do that. But what the amendment does say is the same dollars are going to be spent twice—one way we spend it is for this trust fund, the other way is we spend it on kids. I don't know how we do that; how in the real world we can do that. It is fantasy land. We can't do it.

Again, surely the Senator does not want to repeal the entire Children's Health Insurance Program. I am sure he doesn't want to do that. He does not do that in this amendment. But he still sets up the tension between the two, between research and all the good causes the Senator talks about on the one hand, and children's health insurance on the other, pitting one against the other. I don't think he wants to do that. He does not do that directly but he does that indirectly by trying to spend the same dollar twice. That might be possible in Hogwarts; it might be possible in Harry Potter's world. But I don't think it is possible in the real world.

Back here in the real world I want Senators to know this amendment is a thinly veiled attempt to steal the funding from the children's health care program. It is an attempt to undermine children's health care coverage. That is what this bill does. It takes a dollar from the tobacco tax—it is amazing—and that dollar is going to be spent on this trust fund and that same dollar is going to be spent on children's health care. We can't do that.

I urge my colleagues to reject the amendment.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, our amendment clearly takes the money from the increase in the tobacco tax, and instead of dedicating to the expansion of SCHIP, puts it into a disease research trust fund. SCHIP is still authorized; we don't do anything to the underlying program that currently exists. We take the money out of the expansion, this is tobacco tax money out of the expansion, and we apply it to the trust fund to be used for disease research. That is what this bill does. That is what the amendment does.

Mr. BAUCUS. Will the Senator yield for a question on that one point?

Mr. ENSIGN. Yes, but let me explain it.

Mr. BAUCUS. I will take it on our time.

Mr. ENSIGN. Let me explain it to you and then I will yield for a question. It says:

> There are hereby appropriated to the Disease Prevention and Treatment Reserve Trust Fund—

which we are talking about here,

> —amounts equivalent to the taxes received in the Treasury attributable to the amendments made by section 701. . . .

That is the tobacco taxes. We are taking the tobacco taxes, which would fund part of the increase the SCHIP expansion, and apply it to the Disease Prevention and Treatment Research Trust Fund. We are not taking money out of the trust fund; it is the revenues generated from the expansion of the tobacco tax from which we are taking the money.

Mr. BAUCUS. So the Senator wishes to take all the tobacco taxes in the underlying amendment, take all those dollars away from kids?

Mr. ENSIGN. That is not exactly right.

Mr. BAUCUS. It is exactly right.

Mr. ENSIGN. As you heard in my statement, pediatric cancer research is underfunded.

Mr. BAUCUS. No, take it from the Children's Health Insurance Program.

Mr. ENSIGN. We are taking it from the expansion, which is not just children. We are going to have other amendments to make sure the prioritization is on low-income kids. Part of the expansion is in States where the folks being covered are not just those under 200 percent of the poverty level. The expansion of SCHIP has been part of the problem. I believe in actually covering everybody, but doing it in a way that is different than the approach in the bill. What we want to do is take the tobacco taxes and take those funds that are raised by the tobacco taxes and dedicate those funds to disease research. The budget gimmicks used in the SCHIP expansion are so phony that it is ridiculous, some of the worst I have seen around here. These gimmicks assume these folks are going away in a few years, that they are not going to be on the program at the end of the 5-year reauthorization. This is how they got the SCHIP expansion to meet pay-go requirements.

But we say let's take the money and put it in a trust fund and with those real dollars that are in the trust fund, we are going to fund disease research that will help children, that will help adults, that will help all Americans.

Mr. BAUCUS. Will the Senator yield for another question again, again on my time?

Mr. ENSIGN. Yes.

Mr. BAUCUS. I don't mean to be condescending here, but has the Senator read the CBO analysis? I am sure he has. And, having read that, isn't it clear that a large share of the dollars in this bill from the tobacco tax are to maintain current coverage? That is, if we do not provide the $35 billion in this bill, that is the funds from the tobacco tax, that many kids are going to lose coverage? In fact, isn't it true that CBO says about 1.4 million children will lose coverage—not just maintain, but lose coverage if we do not have this bill?

Mr. ENSIGN. That is exactly why I believe in a comprehensive approach to solve the problem we have in the country. You do not take care of all of the children in America in this bill.

Mr. BAUCUS. Of course not.

Mr. ENSIGN. I believe in taking a more comprehensive approach that actually doesn't increase the dependence on the Government. I am addressing something different with this amendment. What I believe is we should do this amendment to fund disease prevention research, but then do a comprehensive approach that takes care of kids, that takes care of those uninsured adults, that gets them into the private insurance market. The more people, especially a lot of younger people, healthier people who are currently uninsured, whom we get into the private health insurance markets—the more the better. There are several proposals out there, whether it is tax credits or tax deductions; there is a blend of the two that has been talked about. We need to explore those because if we are doing it in a way that will take care of the uninsured, we bring in the folks who are healthier which will bring down the cost of health care insurance for all Americans.

That is the direction we should be going. SCHIP will take people out of the private insurance market. The program, the expansion you have done—and this is according to CBO—will take children who are currently in the private health insurance market and it will move them to Government programs. There will be a great incentive in the future to do more and more of this.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I think it is important to talk about the amendment, not all these other very important points with respect to health care. The effect of this amendment, the way it is written, will be to spend the same dollar twice. If the effect is what the Senator says it is, and he intends it—although that is not the amendment—if he intends to have all additional tobacco taxes go to the trust fund, then the net effect of this amendment is about 1.4 million American low-income kids will lose coverage. That is CBO. They will lose it, if that is the intent of the amendment.

The actual effect of the amendment the way it is written is the dollars have to be spent twice. We can't do that. I don't know how we do that. But, again, if the intent of the amendment is dollars do not go to kids, then the effect of the amendment is about 1.4 million children will lose health insurance coverage; that is 5.7 million fewer kids will be covered under insurance than under our amendment.

In the Senator's own statements, he admits it. He apparently does not want to add dollars, he wants to take away the $35 billion raised by the tobacco tax and the honest effect of that $35 billion is to help prevent about 1.4 million kids from losing coverage as well as adding additional coverage. It is both. If the amendment is what the Senator wants it to do and says it is, then about 1.4 million kids will lose coverage.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, to be clear, this amendment funds cancer research, including:

> . . . pediatric, lung, breast, ovarian, uterine, prostate, colon, rectal, oral, skin, bone, kidney, liver, stomach, bladder—

any kind of cancer you can think of.

> Respiratory diseases . . . chronic obstructive pulmonary disease—

We hear so much about that today.

> —tuberculosis, bronchitis, asthma and emphysema. All the related problems we see so much with smoking: "Cardiovascular diseases"—a huge killer in the United States with huge costs to our health care system. We are going to fund a lot more research with this money. I think this money is going to some very good things in America, things that will benefit not just children but will benefit all Americans. It doesn't spend the money twice as I pointed out. It takes the money from the expansion and actually spends it, I believe, in more appropriate areas. Then, later in the bill, we are going to be offering some alternatives that will make sure the kids are covered and we will be looking at some other alternatives to do more comprehensive care.

I urge my colleagues to support this amendment.

Have the yeas and nays been ordered?

The ACTING PRESIDENT pro tempore. They have not.

Mr. ENSIGN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ENSIGN. Mr. President, I ask unanimous consent to have a letter from Dr. Neal Birnbaum, president of the American College of Radiology, printed at the end of my remarks on amendment No. 2538. The letter expresses support for my amendment, which would use the tobacco tax increase to fund research on diseases that are often associated with tobacco use, including arthritis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 1, 2007

Hon. JOHN ENSIGN,
U.S. Senate,
Washington, DC.

DEAR SENATOR ENSIGN: The American College of Rheumatology greatly appreciates your leadership and amendment of the Internal Revenue Code of 1986 to create a Disease Prevention and Treatment Research Trust Fund (H.R. 976). This piece of legislation is of vital importance to the rheumatology community.

Arthritis currently affects over 46 million Americans, including 300,000 children. It is the nation's leading cause of disability and cost the U.S. economy approximately $128 billion annually in medical costs and lost productivity.

We appreciate your efforts in bring forth this amendment that would use the tobacco tax increase to fund research on diseases that are often associated with tobacco use such as arthritis. This is a disease that has been chronically underfunded.

We will send supporting materials in the coming days regarding the increased prevalence of Rheumatoid Arthritis in smokers.

Sincerely,

NEAL BIRNBAUM, MD,
President,
American College of Rheumatology.

Mr. ENSIGN. I am willing to yield back time so we can get back on schedule for a 10:30 vote, if that will be OK with the Senator?

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. I don't want to belabor the point. Some of the points the Senator makes are very good. Sure, he wants to do more research, but still the fact is the amendment takes dollars away from kids, away from the Children's Health Insurance Program.

In the children's health care program, 1.4 million American children will lose coverage under the Senator's amendment. That is CBO, that is not me. That is CBO. I do not think we want to take away our current coverage under the program.

One minor point that is not relevant to the amendment, but is relevant to the bill, is the Senator talks a little about something called crowd-out; that is, the number of kids who might not have private coverage who move to the CHIP program. That happens in every single program.

Do you know what the crowd-out estimate was with the Medicare Modernization Act, Part D? It was 75 percent. That was the estimate on how much crowd-out there would be for that legislation, which this body strongly supported. It actually turned out to be much less than that.

When this program was initially enacted in 1997, the Children's Health Insurance Program, CBO estimated crowd-out to be 70 percent. It was much less than that. We have asked the CBO Director to design this legislation to minimize crowd-out as well as we possibly can. And he, in testimony before the committee, said: You have done a very efficient job to minimize so-called crowd-out.

So we are cognizant of the point. But the main point is to get more health insurance coverage for kids. That is what the underlying bill does.

Mr. President, I yield back the remainder of our time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Delaware (Mr. CARPER), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Missouri (Mrs. MCCASKILL), amd the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. AKAKA), the Senator from Delaware (Mr. CARPER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Missouri (Mrs. MCCASKILL) would each vote "nay."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. STEVENS), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Ohio (Mr. VOINOVICH), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "nay."

The PRESIDING OFFICER. (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 58, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—26

Allard
Barrasso
Bennett
Bunning
Burr
Chambliss
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Gregg
Inhofe
Isakson
Kyl
Lott
Martinez
McConnell
Sessions
Shelby
Thune
Vitter

NAYS—58

Alexander
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Clinton
Cochran
Collins
Conrad
Corker
Dodd
Dorgan
Durbin
Feingold
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Lincoln
Lugar
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sanders
Schumer
Smith
Snowe

Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—16

Akaka
Brownback
Carper
Coburn
Coleman
Johnson
Landrieu
Levin
Lieberman
McCain
McCaskill
Rockefeller
Stevens
Sununu
Voinovich
Warner

The amendment (No. 2538) was rejected.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Ms. LANDRIEU. Will the Senator from Montana yield?

Mr. BAUCUS. I do.

The PRESIDING OFFICER. The Senator from Louisiana.

VOTE EXPLANATIONS

Ms. LANDRIEU. Mr. President, I missed the previous vote because we were in a markup in committee. About six other Members did as well. Could I please be recorded as having voted no? If I were here, I would have voted no on the previous amendment.

Mr. WARNER. I was likewise in the committee when we were informed by the chairman and ranking member that we had an extra minute to finish the markup. But the best I can do is add, if I were present, I would have voted no.

Mr. LEVIN. Mr. President, I was in a similar situation. I would have voted no had I been here. I was also in the same committee meeting.

Mr. VOINOVICH. Mr. President, I had the same problem the other Members had. If I were here, I would have voted no.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. COBURN. Mr. President, as a member of the Homeland Security Committee, we were advised that we would be given leniency on this vote through our chairman, through communication, I assumed, from leadership staff. We did not come on a timely basis. I would like to be recorded as aye. It will not make a difference in the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COLEMAN. Mr. President, I was also in Homeland Security. We were advised by the chair that we would be able to make the vote. Obviously, we weren't. I would like to be recorded as voting no.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. I also was in the Homeland Security markup where we were informed that the vote would be held open so we could finish the markup. Had I been in the Chamber, I would have voted no.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I am the chairman of the Homeland Security Committee. I apologize to my colleagues for any misunderstanding. We had a very busy agenda, important matters that we needed to get done today. I did make a request that the vote be held open. It was the wisdom of the Chair not to do so. I particularly express my regret to my colleagues, for some of whom this was the first rollcall that they have missed. Anyway, for myself, had I been here I would have voted in the negative. It would not have altered the result.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. I also was detained. Were I here, I would have voted no.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I also was at the Homeland Security markup. I am sure that anyone observing this is surprised that so many Senators in one setting, having been notified by the cloakroom, were put in a position where they missed a vote. Had I been here, like all my other colleagues, I would have voted aye. As we see, given that so many of our colleagues have to make this point to the Chair, we have now exceeded by far any time that might have been saved by cutting off the vote in an atypically short way.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, as did my other committee colleagues, I missed the vote. Had I been present, I would have voted "no."

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am very happy to see the Committee on Homeland Security doing its work. I think the country is very pleased. Thank you.

Mr. BYRD. Mr. President, let us have order in the Senate. May we have order in the Senate, Mr. President.

Why all this consternation about this vote? Were Senators promised they would have a chance to vote? They were. And we did not hold the vote for them. Now, we ought to do what we promised Senators we will do. Shame.

Mr. GREGG. Mr. President, will the Senator from West Virginia yield for a question?

Mr. BYRD. Mr. President, I yield for a question.

Mr. GREGG. As one of the most leading Parliamentarians in the history of the Senate, would it be appropriate by unanimous consent to reopen that vote so that the——

Mr. BYRD. May I ask the Senator, what did he say?

Mr. GREGG. I ask the Senator if he feels it is appropriate to reopen the vote so that vote could be reconsidered and Senators could——

Mr. BAUCUS. I would object to that.

Mr. REID. Mr. President, can I be heard?

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am very sorry people missed the vote. We waited almost 25 minutes for the vote. And I am sorry. Senator LIEBERMAN certainly did not do anything intentionally. He thought the vote would be held open. I have checked with the very loyal staff we have in the cloakroom, and there was a misunderstanding between the cloakroom and Senator LIEBERMAN.

But, regardless, I hope everybody understands we have to have some semblance of order around here. We are doing our very best to save people time. One of the things we are doing to save time is have a vote start on time and end on time. A 15-minute vote is a 20-minute vote. This vote was cut off approaching 25 minutes.

So I am sorry that people missed the vote. I had one Senator tell me it was the first one they missed. It is a favor to that person. I say the first vote I missed took a lot of the pressure off.

This vote passed, I think, 2 to 1. It is not a very difficult issue. I am so sorry that people are disturbed about following the rules here. That is what we are doing.

I appreciate my friend from Montana because if he had not objected, I would have.

Mr. HATCH. Mr. President, will the leader yield?

Mr. REID. Yes.

Mr. HATCH. Mr. President, apparently this was a sorry situation. Nobody's vote would be changed. Why can't we ask unanimous consent that these votes be counted?

Mr. REID. Because I will object to it.

Mr. HATCH. You would object to it?

Mr. REID. Yes.

Mr. BYRD. What was the Senator's request?

Mr. HATCH. I was requesting that we should consider unanimous consent that their votes be counted.

Mr. BYRD. No, Mr. President, we cannot do that.

Mr. HATCH. I understand.

Mr. BYRD. I thank the Senator. We cannot do that. I hope Senators will pay a little more attention.

Mr. President, who has the floor?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I had the floor, and I yielded to the Senator from West Virginia.

Mr. BYRD. I thank the Senator for yielding.

I was caught in this situation a while back, and I have cast more votes than any Senator in the history of this Republic, and it was called on me. I regretted that.

Sometimes I think we get a little bit too hung up. The Senate is a body in which we talk to one another, we talk with one another, we think about one another, and we think of one another's problems. We can get a little bit too hung up on the time on a vote. A vote is important. The people send me here, the people of West Virginia—who has the floor, Mr. President?

Mr. BAUCUS. Mr. President, I say to the Senator, you do.

The PRESIDING OFFICER. The Senator from Montana yielded time to the Senator from West Virginia.

Mr. BYRD. I thank the Senator from Montana.

Now, the people send me here to vote. That is my right. Of course, I ought to get here, be here on time. But the people expect ROBERT BYRD—the people of West Virginia expect ROBERT BYRD—to vote. So let's do not get hung up on 60 seconds or 30 seconds or whatever it is. Let's have a little bit of accommodations to one another.

I hope I am not speaking out of turn. I hope I am not saying too much or making too much of nothing. But I am sent here to vote, and I hope we will accommodate one another. We Democrats ought to accommodate one another, and we ought to accommodate the Republicans, too.

I thank the Senator.

Mr. REID. Mr. President, will the Senator from Montana yield?

Mr. BAUCUS. Mr. President, I yield to the Senator from Nevada.

Mr. REID. Mr. President, I say to all my colleagues, we have been in this session now for 7 months. This is something we all decided would be best for the institution. We all decided this. This is not something we put into effect yesterday. And I say to my dear friend, the senior Senator from Utah, I understand his compassion. He does not want to miss votes. But if we decide to change it this time, then we will be doing it every time people miss a vote.

Now, it would be different—I say to my friend, the "Babe Ruth" of the Senate, Senator BYRD, this was not 60 seconds, a few seconds off. We have a lot of work we need to do here. The vote was a 15-minute vote. We waited almost 25 minutes. So I think we have been fair.

The one I feel worst for is my friend JOE LIEBERMAN, because he felt they had the time to get here. I have checked with the cloakroom, and they emphatically said there was a misunderstanding, because they have a time, they know when the vote is going to end. When everybody calls, they say there is no extension, the time the vote will end is such and such a time. They have been instructed to do this because one Senator missed a vote Monday. So the cloakroom has instructions as to what to do.

I am sorry people missed votes, but remember, this is not anything that is new. It is something that has been going on for 7 months, and we have a lot of work to do. I respectfully suggested to one of my friends, who said: Well, we wasted all this time; we could have gone ahead and waited for everybody—but while we are waiting for everybody to come and vote, some people got here on time, and other people have work they want to do, waiting for people to get here on time.

So I think it is best for the body that we stick to our 15 minutes, plus 5 minutes. That is when the vote will be called. For those of us who have had service in the House—many of us have—you do not have any wiggle room in the House. That vote is over, and you are through. It is done mechanically, and you are all through. We do not want it to be like the House. This is the Senate, and we want it differently. That is why we have a 5-minute leeway.

I appreciate everyone's thoughtfulness, but I am certainly trying to do the right thing.

Mrs. HUTCHISON. Mr. President, will the distinguished leader yield for one observation?

I understand totally that the leader has to have a firm principle. And when it is one person who is late because they are off the Capitol grounds or something such as that, I think that is totally legitimate. This is something I have never seen since I have been here for 14 years, where a committee is meeting, with important business, and the committee chairman gives people the comfort that the vote is going to be held, and so you have around 12 people who have missed a vote.

I ask one more time for, just this once, a unanimous consent and will propose a unanimous consent that we reopen this vote.

Mr. REID. Let me say this. I have heard everyone loudly and clearly because we have spent a lot of time on this. Just so everyone has the total, absolute understanding, in the future—Senator LEAHY; Senator LIEBERMAN; Senator BAUCUS; Senator KERRY; Senator DORGAN; Senator BYRD, on Appropriations—if Appropriations chairmen tell you there is more time to vote, there is not any. Therefore, if the chairman is trying to keep you there, and the time is running, walk out of there.

I ask unanimous consent that those Senators who missed the vote because of the misunderstanding with Senator LIEBERMAN be allowed to cast their votes.

Mr. BYRD. No, Mr. President. That has never been done.

Mr. REID. Never been done. OK.

The PRESIDING OFFICER. That request is not in order and prevented by the rules.

Mr. REID. We tried, KAY.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I suggest we get back to business.

The PRESIDING OFFICER. The Senator from Montana has the floor.

AMENDMENT NO. 2587

Mr. BAUCUS. Mr. President, I understand Senator GREGG is ready for a vote with respect to his amendment, so I ask unanimous consent that there be 2 minutes equally divided in the usual form for debate prior to a vote in relation to the amendment, that no amendment be in order to the amendment prior to the vote, and that upon the use of time, the Senate proceed to vote in relation to the amendment, with no intervening action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, I understand this is a 45-minute vote?

Mr. BAUCUS. It may be.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, can we have order.

The PRESIDING OFFICER. The Senate will be in order.

There are 2 minutes of debate equally divided on the Gregg amendment.

Who yields time?

Mr. GREGG. Mr. President, I will claim my time, but I want the Senate to be in order before I begin.

The PRESIDING OFFICER. May we have order in the Senate for the Senator from New Hampshire. Will the Senate be in order.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment essentially says what the bill is titled and represents to be, which is that the funds will go to children, to help children get health insurance. This amendment says that adults can continue to be insured by States at the reimbursement rate, which is the Medicaid rate, should they so desire, but that a higher rate should not apply to adults by putting adults under a children's program.

The problem is very simple. States are gaming the system. They are using the SCHIP program, which gives a higher reimbursement rate, to bring into the system adults, and then they take that money and basically use it in their general fund. This is not appropriate. It is not appropriate, first, to have adults funded under a children's health insurance program. Secondly, it is not appropriate to give States the ability to game the system in this manner.

So I hope people will vote for this amendment, which essentially keeps the program for children and actually expands the number of children who can be covered by saving some money that is being spent on adults.

Mr. GRASSLEY. Mr. President, there are legitimate issues being raised about how adults are dealt with in this SCHIP bill. First of all, adding adults to SCHIP should have never been allowed. It was wrong when the Clinton administration started it. It was wrong when the Bush administration continued it. Stopping it is the right thing to do.

However, I think this amendment goes too far, too fast, and I encourage my colleagues to consider how the Finance Committee bill deals with adults. Let me be clear, in some States, the problem is extreme. Some States cover more adults than children. The even bigger problem is that several States that cover large numbers of adults have very high rates of uninsured children. This problem started under the Clinton administration but the Bush administration made it worse. Both the Clinton and the Bush administrations helped push Humpty-Dumpty off the wall. Now, it is our job to try to put the piece back together.

Advocates for parent coverage under SCHIP argue that in order to get kids covered, you have to cover the parents. I don't buy that argument; too many States that are covering parents are still among the worst in the country at covering kids. But the Congressional Budget Office does buy the argument that covering parents will get a few more kids covered. And they estimate that a reduction in parent coverage will lead to a reduction in children covered, so we have to be cautious. This amendment will lead to children losing coverage.

So what we have done in the Finance Committee bill is to say to States covering parents: put up or shut up. You either cover the kids or you get a far smaller Federal match for the parents you want to cover.

The bill before us eliminates coverage under SCHIP for childless adults by 2009. It eliminates the enhanced match for parents currently covered under SCHIP and prohibits new state waivers for parents. CBO estimates that it would reduce spending on adults by $1.1 billion. Furthermore, the easiest way to put the emphasis back on lower-income kids is to refocus the SCHIP program away from adults. The Finance Committee bill redirects States' efforts to low-income children.

Our bill covers 1.7 million kids in Medicaid who are currently uninsured. We are not talking about adults. We are not talking about middle-income kids. We are talking about 1.7 million of the poorest uninsured kids in this country.

As a former Governor, I am sure the Senator from New Hampshire can appreciate that concept. If your States will only get a lower matching rate for covering adults in SCHIP but significant financial incentives for covering low-income kids, where will you direct your energies? The parent policy in the Senate bill represents a reasonable compromise and I urge my colleagues to oppose the Gregg amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, four quick points. No. 1, we clearly want to bring this program down for kids, and this legislation does that. No. 2, the current expansion—not to point fingers anywhere—is basically as a result of the waivers this administration has given to States. That is the main reason for others. That is the main reason we have expansion to cover adults in States. No. 3, we are addressing this in this bill. We cut back on adults in this bill. But No. 4 is, we want to draw the line here a bit, and not totally cut adults off cold turkey, but, rather, childless adults would be cut back and zeroed out after 2 years, but then parents are phased down. But CBO has said when you do not cover parents, then you are also not covering some kids. The goal is to cover kids. I think the legislation is a fair, good, solid way to restrict coverage of adults, and I urge my colleagues, do not support this amendment, which is too draconian and goes too far.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 53, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—42

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Dorgan
Ensign
Enzi
Graham
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCaskill
McConnell
Nelson (NE)
Roberts
Sessions
Shelby
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Dodd
Domenici
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Pryor
Reed
Reid
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—5

Brownback
Johnson
McCain
Obama
Rockefeller

The amendment (No. 2587) was rejected.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 2593 TO AMENDMENT NO. 2530

Mr. LOTT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself, Mr. MCCONNELL, Mr. KYL, Mr. GREGG, Mr. CORNYN, Mr. BUNNING, Mr. COBURN, and Mr. DEMINT, proposes an amendment numbered 2593 to amendment No. 2530.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LOTT. Mr. President, I thank the managers of the legislation for allowing me to go forward with this alternative amendment at this time. I think it is important on an issue of this nature that we have a full discussion and amendments offered and debated and voted on. That helps us get to a conclusion on a major piece of legislation such as this without it turning into a late-night ugly session.

This alternative is intended to show we fully intend to be supportive of the SCHIP program—the program for children's health insurance—and we want it to be done in a responsible way and in a way that actually increases funding to make sure the children it wants to cover are actually covered.

This is an effort of good faith to come up with an alternative that I think is better, in many ways, than the underlying Baucus and others legislation. I have, on two previous occasions, indicated that part of my big problem is the pattern of the coverage going up and up, to the point where States that have waivers now, and under the underlying bill, middle-income children would be covered, and that we are on a steady march to say all children ought to be covered regardless of income.

I think that is a mistake. I think it is unaffordable. It will lead to disruptions, and it will lead to significant tax increases, or it will start to put our children against the parents. The way the House proposes to pay for this underlying bill is to go after funds in the Medicare Program. At least this bill doesn't do that, but it does pay for the increases with tax increases—yes, tobacco tax increases, but still tax increases which, in my opinion, are not going to be achievable and which will leave a huge hole in the funding.

So what we do in the alternative is to direct our attention at the core mission, which is low-income children—not adults, not middle-income children. We pay for it in a way that would equalize this Medicaid coverage in our States. So I think overall it is a very good alternative.

We have a number of Senators who are cosponsors of the legislation and would like to speak on it as we go forward this morning and into the afternoon.

Again, we all support reauthorization of the so-called SCHIP program, and we want to ensure that children have access to good, quality health care insurance. How you do it is the difference. We have come up with a different alternative that does it better because it puts kids first. It makes sure we take care of the kids, not an ever-growing list of kids and not a lot of adults. I think you have to do it in a fiscally responsible way so we don't have huge holes develop in the outyears. One of the problems in the underlying bill is that down the road, in 6 years or so—and before that, in my opinion—the numbers are not going to add up. We will not have the income we were going to have, and there will be an explosion of the costs that are involved. So I think we should pay attention to the impact not just next year, or in 5 years, but it will be the situation in 7 or 8 years. That is what this bill does.

We have heard talk in the last couple of days from our friends on other side of this issue that they are concerned about the insurance for kids. I believe that, but that will be done in this bill. Let me tell you why. Under the Kids First amendment we sent to the desk, 1.5 million more children will be covered under SCHIP in 2017 than under the Baucus bill. Yes, that is a long way down the road, but the truth of the matter is we need to look at these programs over a 10-year period, not just the 5 years, because the commitments we make in that 5 years will continue to go up. We need to think about what is going to be the impact. You heard it right. It would cover actually more children in 2017. The Kids First bill will cover 3.6 million children. The Baucus bill will cover 2.1 million children in the SCHIP program.

The Kids First bill actually spends more money than the Baucus bill. You heard that right. We increase SCHIP spending by $9.3 billion over the next 5 years, expanding coverage to 1.3 million new children. Because the Kids First Act doesn't rely on any kind of budget gimmicks, as the underlying bill does, we can actually spend more on SCHIP over the budget window than the underlying bill does. I think it is important we focus on honest budgeting.

I realize honest budgeting is quite often in the eye of the beholder, but I don't think anybody would deny there are budget problems with the underlying bill. The Baucus bill has a long-term budget point of order against it, meaning that over the long-term it will significantly increase the budget deficit. The reason for this is the budget bill relies on the declining revenue. When you have the amount of increase on tobacco products included in the underlying bill—61 cents a pack for cigarettes and, of course, the same application to other tobacco products, including cigars—you are going to get less revenue than you project. People will not be able to afford it. They are going to change their habits. Some people would say that is going to be good for health. OK. I am not a big advocate of smoking, even though I smoke a pipe privately. Nobody here has ever seen me do that.

I think we have to be honest about what is going to be the impact the next 5 years. This will also contribute to an increase in Medicaid costs because the Baucus bill reduces SCHIP funding in those outyears, and CBO assumes those kids will have to be moved to Medicaid. That is part of what is going to be happening. More children will be under SCHIP under the bill and more children will be on Medicaid and more children will be coming off private health insurance. I don't think we want to do at least two out of those three things.

So I think it is important we cover the children in the low-income area and that we cover more children. That is what this alternative does. This amendment doesn't have a dime in tax increase to pay for it. It would not be subject to a point of order. Then it does a couple of other very important things. Unfortunately, last year, we never could get action on the associated health plans, the small business health plans.

We were so close, and yet because of some objections, perhaps legitimately, that the sponsors could not agree on, we did not give this opportunity to small business women and men to cover more of their employees, and they would like to. I talk to small business men and women. They don't understand why they cannot form groups and provide coverage to these low-income, entry-level workers, a lot of times unwed mothers, high school dropouts.

For the life of me, I cannot understand why we do not give that option. It would probably be a way that 10 to 20 million more working adults could get coverage. We do include in the bill the small business health plans.

We also include important health savings accounts reforms and provide for a study of ways to increase health insurance coverage through reforms to our Tax Code to enhance tax equity.

The Kids First Act is an amendment that all my colleagues, Republicans and Democrats, should support. The amendment enrolls millions more kids in SCHIP than the underlying bill and does it in a fiscally responsible way and avoids budget points of order. It will not expand Medicaid spending.

I urge my colleagues to actually take a look at this legislation. We have spent a long time coming up with it. I actually thought this was probably the bill that would come out of the Finance Committee when we started. We had bipartisan meetings. We talked about, OK, do we want to do this health insurance program for children? Yes, we do. How much do we want to do, and how are we going to pay for it? Of course, there were those in the beginning who said: No, we need a lot more than this. We need an increase of $50 billion or more.

I know the Senator from Massachusetts, Mr. KERRY, feels strongly about that point. He made his point legitimately. He said: Should we just decide how many we want to cover and don't worry about the cost and just do it? No, I think we also have to worry about the cost of these programs and how it is going to be paid for, who pays for it.

One of the things that worries me because we have this gap in the outyear funding—we have had pictures of children on the floor of the Senate. I have some grandchildren I worry a lot about—a 9-year-old grandson and two little girls, just under 6, and one 3. My daughter is a working mom full time, partially so her family can have insurance coverage, and her husband is a small businessman, an entrepreneur. It is not easy working full time as a mom, having two children, and dealing with other issues she really cares about, such as charitable activities. I worry about them. She is working to make sure they have this coverage, but I am worried they are going to be saddled with the cost of this extra coverage.

So let's do what we can affordably while complying with the underlying core mission of making sure that low-income children have access to this coverage. Generally speaking, my daughter and her husband would be considered middle-income Americans. That is what they would consider themselves. Yet they are having to work to get the coverage they want and barely making it so that others can have coverage who are making probably almost as much money as they are. I don't know, the way things are going, they might be eligible for this program. I don't think they should be.

Common sense is what is called for. We have a long way to go. There is no question the House bill is going to be much larger and funded in a much worse way. By putting down this marker, giving Members a legitimate alternative that a lot of Senators have been involved in, is a good way to go.

I urge Members to support this alternative.

I yield the floor.

Mr. McCONNELL addressed the Chair.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LEAHY. I suggest the absence of a quorum.

Mr. McCONNELL. Mr. President, have I been recognized?

The PRESIDING OFFICER. I recognize the Republican leader.

Mr. LEAHY. Will the Republican leader yield for a moment?

Mr. McCONNELL. Would the Senator from Vermont like to ask the Senator from Kentucky a question?

Mr. LEAHY. I said, will the Senator from Kentucky yield for a question?

Mr. McCONNELL. I will be happy to yield.

Mr. LEAHY. Mr. President, the distinguished majority leader wishes to be on the Senate floor, and I ask the Senator from Kentucky if he will yield for a brief quorum call so that the distinguished majority leader can be on the floor.

Mr. McCONNELL. Mr. President, I will be happy to accommodate that request. It was my understanding that the majority leader was on the way, and I thought I would get started. But I will be happy to wait until he walks through the door, if that is the request of my good friend from Vermont.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, is the Lott amendment the pending question?

The PRESIDING OFFICER. It is the pending question.

Mr. McCONNELL. I ask unanimous consent that it be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2599 TO AMENDMENT NO. 2530

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself and Mr. SPECTER, proposes an amendment numbered 2599 to amendment No. 2530.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate Judge Leslie Southwick should receive a vote by the full Senate)

At the end of the substitute, insert the following:

SEC. ____. SENSE OF THE SENATE REGARDING THE NOMINATION OF JUDGE LESLIE SOUTHWICK.

(a) FINDINGS.—The Senate makes the following findings:

(1) Judge Leslie Southwick served on the Mississippi Court of Appeals from January 1995 to December 2006, during which time he was honored by his peers for his outstanding service on the bench.

(2) The Mississippi State Bar honored Judge Southwick in 2004 with its judicial excellence award, which is awarded annually to a judge who is "an example of judicial excellence; a leader in advancing the quality and integrity of justice; and a person of high ideals, character and integrity".

(3) The American Bar Association has twice rated Judge Southwick well-qualified for Federal judicial service, its highest rating. As part of its evaluation, the American Bar Association considers a nominee's "compassion," "open-mindedness," "freedom from bias and commitment to equal justice under law".

(4) In 2006, the President nominated Judge Southwick to the United States District Court for the Southern District of Mississippi.

(5) Last fall, the Senate Judiciary Committee unanimously reported Judge Southwick's nomination to the full Senate for its favorable consideration.

(6) In 2007, the President nominated Judge Southwick to the United States Court of Appeals for the Fifth Circuit.

(7) The Administrative Office of the Courts has declared the Fifth Circuit vacancy to which Judge Southwick has been nominated a "judicial emergency" with one of the highest case filing rates in the country.

(8) Judge Southwick is the third consecutive Mississippian whom the President has nominated to address this judicial emergency.

(9) Both Senators from Mississippi strongly support Judge Southwick's nomination to the Fifth Circuit, and they strongly supported his 2 predecessor nominees to that vacancy.

(10) The only material change in Judge Southwick's qualifications between last fall when the Senate Judiciary Committee unanimously reported his district court nomination to the floor, and this year when the Committee is considering his nomination to the Fifth Circuit is that the American Bar Association has increased its rating of him from well-qualified to unanimously well-qualified.

(11) While on the State appellate bench, Judge Southwick has continued to serve his country admirably in her armed forces.

(12) In 1992, Judge Southwick sought an age waiver to join the Army Reserves, and in 2003, he volunteered to serve in a line combat unit, the 155th Separate Armor Brigade. In 2004, he took a leave of absence from the bench to serve in Iraq with the 155th Brigade Combat Team of the Mississippi National Guard. There he distinguished himself at Forward Operating Base Duke near Najaf and at Forward Operating Base Kalsu.

(b) SENSE OF SENATE.—It is the sense of the Senate that the nomination of Judge Leslie Southwick to the United States Court of Appeals for the Fifth Circuit should receive an up or down vote by the full Senate.

Mr. McCONNELL. Mr. President, in 1992, a Mississippi lawyer named Leslie Southwick wanted to serve his country in the Armed Forces. At 42, he was too old to do so, but service to others is a duty that Leslie Southwick has always taken very seriously, whether in the Justice Department or on the State bench or with Habitat for Humanity or in doing charity work for inner-city communities. So in 1992, 42-year-old Leslie Southwick sought an age waiver to join the U.S. Army Reserves. The country had the good sense and the good fortune to grant his request.

Leslie Southwick continued to serve in the Armed Forces after he was elected to the State court of appeals in 1994. He conscientiously performed his military and judicial duties, even using his vacation time from the court to satisfy the required service period in the Mississippi National Guard.

In 2003, Lieutenant Colonel Southwick volunteered for a line combat unit—this is 2003—a line combat unit, the 155th Separate Armor Brigade. His commanding officer, MG Harold A. Cross, notes that his decision "was a courageous move, as it was widely known at the time that the 155th was nearly certain to mobilize for overseas duty in the near future."

Colleagues such as attorney Brian Montague were not surprised. This is what Brian Montague had to say: "Despite love of wife and children," Leslie Southwick volunteered for a line combat unit over a safer one "because of a commitment to service to country above self-interest."

In August of 2004, Leslie Southwick's unit mobilized in support of Operation Iraqi Freedom. His commanding officer states that he distinguished himself at forward operating bases near Najaf. Another officer, LTC Norman Gene Hortman, Jr., describes Southwick's service in Iraq as follows:

> Service in a combat zone is stressful and challenging, oftentimes bringing out the best or the worst in a person. Leslie Southwick endured mortar and rocket attacks, travel through areas plagued with IEDs, extremes in temperature, harsh living conditions—the typical stuff of Iraq. He shouldered a heavy load of regular JAG officer duties, which he performed excellently. He also took on the task of handling the claims of the numerous Iraqi civilians who had been injured or who had property losses due to accidents involving the U.S. military. . . .This involved long days of interviewing Iraqi civilian claimants, many of whom were children, widows, and elderly people, to determine whether the U.S.

> military could pay their claims. Leslie always listened to these Iraqi claimants patiently and treated them with the utmost respect and kindness. He did this not just out of a sense of duty, but because he is a genuinely good and caring person. His attitude left a very positive impression on all those that Leslie came in contact with, especially the Iraqi civilians he helped. This in turn helped ease tensions in our unit's area of operations . . . and ultimately saved American lives.

Lieutenant Colonel Hortman concludes that Leslie Southwick "has the right stuff" for the Fifth Circuit Court of Appeals—"profound intelligence, good judgment, broad experience, and an unblemished reputation." Lieutenant Colonel Hortman added:

> I know him and can say these things without reservation. Anyone who says otherwise simply does not know him.

Stuart Taylor writes in the National Journal that Leslie Southwick "wears a distinctive badge of courageous service to his country," and that he "is a professionally well-qualified and personally admirable" nominee for the Fifth Circuit Court of Appeals.

Judge Southwick does not seek thanks or notoriety or charity for his military and other civic service. He asks to be judged fairly—to be judged on the facts, to be judged on his record. It is the same standard he has applied to others as a judge, a military officer, a teacher, and a mentor.

It is a standard for which he is well known and admired. By that standard, he is superbly fit to continue to serve his country, this time on the Fifth Circuit Court of Appeals.

His colleagues know this, as do his home State Senators. His peers within the State bar know this. They honored him as one of the finest jurists, declaring him "an example of judicial excellence; a leader in advancing the quality and integrity of justice; and a person of high ideals, character, and integrity."

The American Bar Association knows this as well. It has twice given him its highest rating, "well qualified," and in so doing found him to be exemplary in the areas of compassion, open-mindedness, freedom from bias, and commitment to equal justice under law.

Even Democrats on the Judiciary Committee know this because just last fall, all of them—again, all of them—looked at his record and approved him for a lifetime position on the Federal bench.

But it appears that Democrats on the committee may now apply a different standard to Judge Southwick. A member of the Democratic leadership who serves on that committee states that what is "determinative" is whether a judicial nominee is perceived to be fair.

The notion that perception, rather than reality, will be dispositive in evaluating a nominee is at odds with the principle of the rule of law. And it is not fair to manufacture a false impression of someone through insinuation and innuendo, and then use that falsehood to defeat him. In the case of Judge Southwick, the sudden "perception" about his fairness is driven by those who do not even know him, and it is disproved by his long record by those who know him very well.

All nominees deserve to be treated with dignity, but a selfless public servant and veteran such as Leslie Southwick deserves to be treated with respect as well. It is disrespectful for the same members of the Judiciary Committee who unanimously supported his nomination last fall to now turn around and unanimously oppose him. There is only one change in Judge Southwick's credentials between last year and now. The ABA, hardly a bastion of conservatism, has actually increased—increased—its rating for him from "well qualified" to "unanimously well qualified." Now what that means is that every single member of the ABA committee evaluating Judge Southwick's credentials for the Fifth Circuit, every single one of them gave him the highest possible rating—a unanimous "well qualified" rating.

A party-line committee vote would not be a "perceived" flipflop or a "perceived" injustice but an actual one. This is not a question of perception; this is a question of actually ignoring the reality of this man's record. It would make clear that despite the promise of a new start on judicial nominations that the Senate majority leader and I have been hoping for all year, when push comes to shove, we will treat nominees unfairly based upon a manufactured perception.

This sad standard is not only unjust, but it is actually unwise. As we all know, once established, precedents in the Senate are extremely difficult to undo. Establishing a third-party perception standard on the Southwick nomination will be bad for this Congress and really, more importantly, I will say to our colleagues on the other side of the aisle, bad for future Congresses regardless of who is in the White House and which home State Senators support a nomination. The standard we set now with a Republican in the White House and a Democratic Senate might well be the standard applied in a future Congress if, for example, it were a Democrat in the White House and a Democratic Senate.

Because such a decision will affect us all, and for the worst, it is appropriate for the Senate collectively to express its view on whether it wishes to go down this path, whether it wishes to undo the good work and good will that brought us back from the precipice just a few years ago. It is for that purpose that I have offered the sense of the Senate on the Southwick nomination. I encourage my colleagues to review it, to review the record, and to think long and hard about whether we want to deny this good man an opportunity for a vote here in the Senate.

Again, Mr. President, at the risk of being redundant, let me just say that the majority leader and I have been working hard all year to try to improve the confirmation process. I think that is a very wise thing for the majority to do because someday they may have the White House again, in spite of the best efforts of people like me. Once we establish an unrealistic standard for the treatment of qualified judicial nominees for the circuit court, there will be a great temptation on the part of the other side of the aisle to apply the same standard in the future.

There are plenty of grievances from the past. We have had Republican complaints about Democrats and Democratic complaints about Republicans. I guess the fundamental question is, When do we stop it? When do we stop it? For the sake of the institution, for the sake of the country, and for the sake of the party that may not currently occupy the White House, when do we stop?

It strikes many of us that the Leslie Southwick nomination is a good time to stop it because we all know he is extraordinarily well qualified. There is really no serious argument otherwise. And if we can't stop it now, Mr. President, when will we stop it?

So I think this will give us an opportunity to let all of the Senate express themselves, rather than just a few in one committee, on the appropriateness of this nominee.

With that, I yield the floor.

Mr. REID. Mr. President, it is my understanding the distinguished Senator from West Virginia is going to be recognized now; is that right?

The PRESIDING OFFICER. That is correct.

Mr. BYRD addressed the Chair.

Mr. REID. Mr. President, if I can interrupt my friend for a minute, will the Senator yield to me to make a brief statement regarding the statement made by the distinguished Republican leader, to be followed by 5 or 6 minutes by the Senator from Vermont, the chairman of the Judiciary Committee, and then the Senator from West Virginia would, of course, have all of his time?

Mr. BYRD. Yes. Yes, I will do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it appears at this time that we will move to table this sense-of-the-Senate resolution offered by my friend, the distinguished Republican leader. I appreciate his advocacy for Judge Southwick. Some of us have a different opinion about Judge Southwick, and that has been made a part of the record already. I would refer to the CONGRESSIONAL RECORD of July 20, where I gave an extended statement on Judge Southwick and why I thought he should not be confirmed, but there will be more time to talk about this.

We have done a very good job, working with Senator LEAHY, in clearing judges. We have a bump in the road with this one, there is no question, and the bump is still there. I admire and appreciate the work done by the Senator from Vermont because we have been through some difficult times in recent years with the Judiciary Committee. Senator LEAHY will make a brief statement about some of the travails we have had.

Judge Southwick has had a hearing. It is up to the Republicans—namely, Senators Lott and Cochran—whether they want to vote in that committee. That is so much more than was given to Senator CLINTON's nominees, where about 70 never even had a hearing.

So we will have more time to debate this at a subsequent time, and sometime later today I will confer with my distinguished Republican colleague, the minority leader, to determine when I will offer a motion to table or Senator LEAHY will offer a motion to table.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. First, Mr. President, I thank the distinguished Senator from West Virginia for his usual courtesy and giving me some time to speak. I have had the privilege of serving almost 33 years—a third of a century—with the distinguished Senator from West Virginia. Of course, I know my 33 years pale in comparison with the time he has served.

While the distinguished Republican leader is on the floor, he and I have worked closely together on many things. I will not make comments about crocodile tears and all that, but it is interesting that he spoke of Judge Southwick being passed out unanimously last year. He forgot the fact that when he was being cleared for a vote by the Republican-controlled Senate, a Republican objected.

The Republican leader has forgotten that the Senate has confirmed 25 nominations for lifetime appointments this year—more than were confirmed, for example in all of 2005 with a Republican chairman and a Republican majority.

The leadership over there has forgotten that we Democrats—we Democrats—have confirmed more of President Bush's nominees for any given period of time while we have been in charge than the Republicans did. We have had three different leaderships in the Senate Judiciary Committee and the Senate itself during the time President Bush has been in office. During the time that the Democrats have been in charge, we have actually confirmed more of President Bush's nominees than the Republicans did.

The weeping and gnashing of teeth going on makes me think that congressional Republicans love to shut down the Government and seem intent on manufacturing excuses to do so. In 1995 Newt Gingrich was so upset by the door he had to use on Air Force One—most people would be thrilled to fly on Air Force One—that he shut down the Government. When they were in the Senate majority a few years ago, Senate Republicans insisted on a 40-hour debate on their own President's court-packing scheme. And then we found out that during that time they were stealing our computer files. The then Republican leader had to fire one of his own aides for stealing computer files from the Democrats. So the weeping and gnashing of teeth that is going on leaves a little bit to be thought about.

The Senate has confirmed 20 circuit court nominations and 125 Federal judicial nominees during the 2 years I have been Judiciary Committee chairman. Compare that to the numbers of the Republicans. During the Bush presidency, more circuit judges, more district judges and more total judges have been confirmed, in less time, while I served as Judiciary Chairman than during the longer tenures of either of the two Republican Chairmen working with Republican Senate majorities. Yet you would think that somehow we are holding up everybody.

I would point out that it was the Republicans who pocket-filibustered over 60 of President Clinton's nominees. I think we have stopped two or three of President Bush's. Sixty-one. The distinguished Republican leader said he hoped all this would stop. Well, we are not going to do what they did. Incidentally, 17 of those were circuit nominees. Let me mention their names for those that have short memories: Barry Goode, Helene White, Alston Johnson, James Duffy, Elena Kagan, James Wynn, Kathleen McCree Lewis, Enrique Moreno, Allen Snyder, Kent Markus, Robert Cindrich, Bonnie Campbell, Stephen Orlofsky, Roger Gregory, Christine Arguello, Andre Davis, and Elizabeth Gibson. These are just some of the ones they pocket-filibustered.

Now, on Judge Southwick, I had him on the agenda. I took him off the agenda at the request of the Republicans. We actually had him on one time, and we did not get enough Republicans to show up to make a quorum to vote on him. I took Judge Southwick's nomination off the agenda at the request of Republican Senators. Neither the junior Senator from Mississippi nor the senior Senator from Mississippi nor the distinguished Republican leader has asked me to put him back on the agenda.

I am growing somewhat tired of the statements being made publicly about delay, many of which I do not attribute, of course, to my colleagues, so I put Judge Southwick's nomination back on the agenda for tomorrow.

I must say—and I will close with this—this makes me think about the first time I was chairman of this committee in the first Bush administration, knowing that we come from a time when the Republicans had pocket-filibustered 61 of President Clinton's nominees and one they had voted out almost unanimously from the committee whom they then ambushed on the floor, the distinguished James Graves, an African American who then became chief justice of the Missouri Supreme Court, the distinguished African American whom they humiliated by voting him out of committee, with no real objections, and then, in lockstep, with no notice, voted him down on the floor of the Senate. One of the most distinguished African-American jurists in the country, the Republican leadership decided to vote him down. But notwithstanding that, I tried to change that.

I remember when the Republicans asked me to have a hearing on a controversial nominee of theirs. They were very concerned about it. I actually came back from Vermont, which is not an easy thing to do in August, to leave that beautiful State—it is like leaving the beautiful State of West Virginia during the month of August, one of our prettiest times—but I left Vermont, came back, and held a hearing on that nominee so we could arrange in the first week of September to get him passed. Do you know what happened, Mr. President? Do you know what the reaction of the Republicans was? They trotted out a member of their leadership to tell the press how terrible it was that I held a hearing during August, even though that was the only way they were going to get their nominee through. That was hypocrisy.

Mr. President, with that, I will just point out again that there is no question of the numbers. The Democrats have moved more of President Bush's nominees more quickly than his own Republicans have when they have been in charge. If we are able to confirm just the five nominations for lifetime appointments to the federal bench currently on the Senate's executive calender, I will have presided over the most productive 2-year period for judicial confirmations in the last 20 years, with 130 confirmations. Let us stop the crocodile tears. Let us stop the hypocrisy. Let us stop the grandstanding and worry about what is best for the courts. This administration has played politics with the judiciary more than any of the six administrations I have served with—not for but with—and I think one example of their knowing what is best for law enforcement, what is best for the judiciary, is this administration's strong support of the current Attorney General.

With that, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

IRAQ

Mr. BYRD. Mr. President, it was 122 degrees in Baghdad today. The Iraqi

Parliament thinks it is too hot to work and has gone on vacation. Our soldiers don't have that luxury. Our brave men and women continue to patrol the hot streets of Baghdad in full battle gear. They will get no vacation. They continue to risk their lives in the sand and in the heat, supposedly to give the Iraqi politicians "breathing room" to build a political consensus. Those politicians are now on vacation.

A majority of Iraqis now say that we are doing more harm than good by staying in their country. Perhaps I should say that again. A majority of Iraqis now say that we are doing more harm than good by staying in their country.

Every day brings more terrible news of American casualties. What has the response from this administration been? "Wait. Wait. Give us more time." Our President has been saying that for the last 4 years, and it is clear that he will keep on saying it for as long as we keep on accepting it. So I am angry. This is my 49th year in the Senate. I believe it is the first time I have said that. I am angry. Every Member of this body should be angry, angry that the Iraqi Government is on vacation while our troops, American troops, U.S. troops—your troops, my troops, our troops—fight and die in their civil war.

Everyone, including General Petraeus, agrees that there is no military solution in Iraq. None. Iraqis will have to make the hard political compromises necessary to force a national consensus. Nothing the U.S. military does can force them to make those compromises. But, rather than work to craft a political solution, the Iraqi Government decided to take the entire month of August off.

And where has our Congress been? I am deeply disappointed that the Senate has once again failed to have a real debate on the issue of the war in Iraq. There is no issue currently facing our Nation that more deserves the attention of this body, and yet we continue to have empty procedural votes instead of passing legislation that would mandate a change of course, as a large majority of Americans want. We are, in fact, charged by the Constitution to have that debate, and yet we wait. "Wait until September," the critics say. "Wait until the new report." How many reports must this Congress read before we see the handwriting on the wall? I, for one, am tired of waiting. The American people are tired of waiting. Our brave soldiers and their families are tired of waiting.

The President and his supporters in Congress are fond of painting a picture of what would happen following a precipitous withdrawal from Iraq, and they paint with a pallet of fear. But their picture is not reality. It is easy to win an argument against a straw man, but we are not calling for a precipitous withdrawal. The proposal that 53 Senators voted in favor of recently called for a phased redeployment of troops to focus on the threats that truly face us, not a hasty and radical complete pullout.

I opposed this terrible war from its beginning, but I recognize we are there now and some actions can't be so simply undone. Our first priority must be that of protecting U.S. interests, and the simple truth is that we do have vital interests in the region. The question is how to best protect those interests.

The President of the United States, President Bush—and I say this most respectfully—the President says that al-Qaida wins if we leave and that if we pull out the terrorists will follow us home. Let me say that again. The President says that al-Qaida wins if we leave and that if we pull out the terrorists will follow us home. Al-Qaida is our enemy, but are we really defeating them by trying to referee a sectarian civil war between Shia and Sunni that has been going on for over 1000 years? The President's own advisers now admit that al-Qaida is as strong today as it was before 9/11.

Al-Qaida is resurgent in Pakistan and Afghanistan. When the President of the United States took his eye off the ball and diverted our national attention from Osama bin Laden and his terrorist training operation in Afghanistan, the President dealt the security of the people, the American people, a major blow.

Iraq did not attack the United States on 9/11. No Iraqi, not one—not one—was involved in those attacks. Al-Qaida may now be in Iraq. But it was not there before we went in and handed them a new training ground for fresh recruits.

More importantly, al-Qaida is not the core of the problem in Iraq. Al-Qaida is not the core of the problem in Iraq, no matter how often the President says that it is. Former Secretary of State Colin Powell said recently that al-Qaida was only 10 percent of the problem in Iraq. The real problem in Iraq is not al-Qaida, the real problem is the multiple civil wars that are raging: Shiia versus Sunni, Shiia versus Shiia, Sunni versus Kurds.

The argument that if we lose in Iraq, they will follow us here is pure hogwash. Nonsense. Did you hear me? I say, did you hear me? Let me say it again. The argument that if we lose in Iraq, they will follow us here is pure hogwash. H-o-g-w-a-s-h. Hogwash.

I have heard that time and time again. If we lose in Iraq, they will follow us here. That is absolutely hogwash. Nonsense. What is keeping terrorists from coming here now? Tell me. So we heard the argument: If we lose in Iraq, they will follow us here. Well, what is keeping the terrorists from coming here now? Certainly not the fact that our military is in Iraq. Our military was not in Iraq when hijackers with box cutters flew planes into the Pentagon and the World Trade Center. Have we such short memories? I saw those planes attack the World Trade Center. I have not forgotten it.

Keeping our troops in Iraq is not what is going to keep a terrorist attack from happening again. So I repeat that. Keeping our troops in Iraq is not what is going to keep a terrorist attack from happening again. The real threat, the real threat, the real threat is in Pakistan and Afghanistan, as the President's own advisers admit.

Principled people in this country, let me say that again, principled people—in other words, people of principle in this country and in the Congress are calling for a change in strategy, not because they are weak, not because they are scared, not because they are callously political, they are calling for a change because it has become patently obvious that what we are doing is not making us safer, it is making us less safe.

They are calling for a change because it has become patently—p-a-t-e-n-t-l-y—obvious that what we are doing is not making us safer, it is making us less safe.

Now, as U.S. officials absolutely wake up to the resurgence of al-Qaida in Afghanistan and urge President Musharraf's Government to crack down in Pakistan, we confront great anger in the region. I think that statement is entitled to a rehearing.

Now, as U.S. officials slowly wake up to the resurgence of al-Qaida in Afghanistan and urge President Musharraf's Government to crack down in Pakistan, we confront great anger in the region.

Our continuing occupation of Iraq has damaged our credibility and aroused suspicions about the depth of the U.S. commitment to the sovereignty of other nations. There is a lesson here. It is this: If you are marching in the wrong direction or if you are fighting the wrong fight, unflinching persistence is not a sign of strength, it is a sign of stupidity.

If you are marching in the wrong direction or fighting the wrong fight, unflinching persistence is not a sign of strength, it is a sign of stupidity. Yet amazingly we hear plans of continuing for 2 more years our pointless, senseless occupation in Iraq.

I said it was wrong in the beginning. It was wrong from the start. It amazes me when we hear plans of continuing for 2 more years our pointless, costly, senseless occupation in Iraq.

The seas are rising and our present course is headed for an iceberg. Turn around. Turn around, Mr. President. Turn around.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I wish to speak on the current health care discussion on the floor and take a few minutes to address this very important issue.

SCHIP is a great program that is called Kid Care in the State of Florida, where it has very successfully, over the past many months, been a good program in reducing the amount of children without health insurance.

I support its reauthorization as proposed in the McConnell-Lott amendment. I support a straight reauthorization because the alternative, the Democratic bill before us, greatly steers the program away from the original intent. The intent of this program is to provide health care for low-income children.

Instead, the underlying bill redefines SCHIP. It redefines the program to make SCHIP cover more adults and people well outside poverty. This bill will make families make a choice. A family of four making $82,000 a year could remain on private insurance, paid out of pocket, or they could take public-funded insurance.

That kind of choice will cost Americans about $37 billion a year by the year 2012. This kind of expansion of Government-controlled health care is counter to any effort to reform our health care system. The question comes: Why are we considering this expansion? Why take the focus away from the children SCHIP was intended to serve? SCHIP has successfully achieved what it set out to do and has significantly reduced the number of uninsured children.

Last year, 6.6 million children received health insurance through SCHIP. Rather than change the purpose of the program, as Democrats have proposed, we should refocus SCHIP on finding and covering the low-income children who are eligible for the program but are not yet enrolled.

The McConnell-Lott bill turns the focus to the original purpose, helping ensure children from low-income families have health insurance.

Instead of an expansion toward Government-run health care, the Republican alternative authorizes the program to keep the focus on children and invests an additional $14 billion into the program.

Additionally, the Republican alternative provides important practical and easily implemented reforms to make health insurance more affordable for the uninsured. Part of the problem with SCHIP right now is we can't find all the kids who need it. The Republican alternative commits $400 million over the next 5 years for improved outreach programs. This money targets enrolling low-income children. These funds target the low-income children SCHIP was meant to help. We have a problem when we have children who have no health insurance but yet we have not reached out and touched them. This new reauthorization will put the funds behind going out and doing the outreach necessary to ensure that all children who are uninsured who could be covered under this program are reached.

The Congressional Budget Office projects that the Baucus plan will cover 600,000 new uninsured individuals at higher income levels, but then the plan would also cause 600,000 privately insured individuals at these income levels to drop their private coverage. Ironically, the Baucus bill drives people out of private insurance and into Government-sponsored health care. Under the Baucus plan dependency on government health care will increase significantly. In total, CBO says that 2.1 million individuals will move from private coverage to Government dependency if the Baucus plan is implemented. This isn't the health care reform Americans want. This isn't in the best interest of our country.

Before we take this step of moving people on to Government plans, let's have a broader debate. Let's think about the ramifications and the opportunities. We can do better by providing Americans with more individual freedom and more choice while increasing health care coverage and security. We can help more Americans to own their own health care, take it with them from job to job, and partner with States to make that policy more affordable. That is why some of my colleagues and I have introduced the Every American Insured Health Act.

The principles for health care reforms our bill addresses include tax equity. It is indefensible that Americans who buy insurance on their own are treated differently than those who buy insurance through their employer. Our bill amends the Tax Code to treat all Americans equally when it comes to the purchase of health insurance. The effect will be that health care will be accessible and affordable whether an employer offers coverage. As the name implies, the Every American Act provides everyone in America, regardless of income or employer, refundable flat tax credits—$2,160 per individual or $5,400 per family. The Wall Street Journal wrote in a recent editorial that restoring the tax parity of health in dollars would go a long way to improving the system and increasing access and affordability for everyone, including the 16 percent or so who today find themselves uninsured. It would also allow individuals to buy policies themselves rather than rely on their employers and take those policies with them wherever they work.

The flexibility the bill we propose is founded on the belief that Government's role should be to organize the health care marketplace and then let consumers make choices. We provide the opportunity for every individual family to choose the health care policy that best meets their needs. When you have a competitive marketplace, you get more choices, better care, and lower prices.

To get that market, our bill improves health insurance affordability in State marketplaces. It gives incentives, not mandates, for State insurance marketplace reform to create more options and more competition. The bill provides States the incentive to make health insurance more affordable and accessible by establishing a process to assist States in ensuring competitiveness. States will be given a menu of choices such as the incentive to establish a statewide insurance pool or establish high-risk mechanisms such as high-risk pools or reinsurance and improve their markets to enable insurance plans to offer at least one affordable policy valued at 6 percent of median income. This approach achieves the goals of universal coverage in a way that is truly American, by decreasing the number of uninsured Americans, thereby lowering health care costs for all Americans. This provides every American the right to choose their own health insurance plan.

Finally, our approach authorizes incentives for States to reform their health insurance markets to ensure the availability of affordable, high quality health insurance for individuals and for families. For too long Congress has skirted the real issue that affects Americans and their health insurance. It is time to start finding solutions to the problems instead of putting Band-Aids on programs and systems that are truly failing all Americans.

I ask my colleagues to reject the Baucus amendment, reject efforts to redefine and socialize our health care system. I ask my colleagues to support the McConnell-Lott amendment because it helps ensure that children in SCHIP continue to be served by the system and the program that was intended to serve them, broadening those who today could benefit from the program but are not there utilizing the opportunity before them because we have not reached out to them, and then also, as we do this, let's broaden the debate over fixing our entire health care system. It is a debate that is long overdue. It is a debate America yearns for. I look forward to engaging in that debate, how we continue to provide America the best and most sophisticated health care in the world but to make sure that every American participates in the opportunity to receive that best of health care we have to offer anywhere in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, Senator CANTWELL is on her way to speak. She is not here. I see the Senator from

Pennsylvania on the floor. I know he desires to seek time. I urge the Chair recognize the Senator from Pennsylvania who I think is going to speak about 8 to 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished chairman.

AMENDMENT NO. 2599

I have sought recognition to speak briefly on the nomination of Judge Leslie Southwick to the Court of Appeals for the Fifth Circuit. I have spoken extensively about Judge Southwick in the past, but I do want to address a few remarks on the pending amendment offered by Senator McCONNELL and myself on the sense of the Senate that Judge Southwick ought to have an up-or-down vote on the floor of the Senate. It is my hope that we will proceed on judicial confirmations in a spirit of bipartisanship. Senator LEAHY, chairman of the Judiciary Committee, and I have worked very closely on that in this Congress, as he and I did in the 109th Congress when I was chairman and he was ranking member.

This body has seen some very controversial moments: in 2005, with filibusters against President Bush's nominees and the threat at that time to invoke the "nuclear" or "constitutional option" which would have brought the Senate to a standstill. We avoided that showdown and then worked harmoniously, in a dignified way, with Supreme Court nominations in 2005 and 2006. It is my hope we will find a way through on the Southwick nomination. I hope we do not have this vote degenerate back to a party-line vote without the kind of independent thought the Senate ought to exercise in evaluating the question which is whether Judge Southwick ought to have an up-or-down vote.

Judge Southwick has an extraordinary record. I do not use that word lightly. He served on the Mississippi State appellate court for some 12 years. He has been a party to some 8,000 decisions. He has written 985 opinions himself. He is rated unanimously well qualified by the American Bar Association. He passed out of the Judiciary Committee, unanimously, for a district court judgeship. He has been an adjunct professor at a law school. He was clerk of the Court of Appeals for the Fifth Circuit, so he has experience there. In a very unusual way, in his fifties, he volunteered for the Judge Advocate General's Corps, volunteered to go to Iraq and served there in a heavy combat zone.

I have had occasion to talk to him at great length, and he is a scholarly, intellectual, experienced lawyer, an experienced jurist. I have put into the RECORD detailed statements about many of his decisions where he has found in favor of the so-called little guy, finding in favor of people who have tort claims for injuries sustained, in favor of employees in employment cases.

The only two situations which have been brought up in opposition to Judge Southwick are two cases where he concurred in an opinion, two opinions which he did not write. In one of the opinions, it was a custody case, and the court found in favor of the father. There was a reference to the "homosexual lifestyle" of the mother which is a term that is used with some frequency. I think there could be more discretion in that language, but the court found in favor of the father because of his community roots, because of the home he could provide for the child, and because of the father's income. The important thing about that case was its procedural posture. That was the sum and substance of that matter.

There was a second case where the issue involved a racial slur which admittedly was reprehensible. It was said by an individual, a public employee, about a fellow worker who was not present at the time. The subject did not hear the slur. There was an immediate apology. There was no workplace disturbance. The issue then came before an administrative review board that found that although the comment was reprehensible, under these facts it was not sufficient to support termination of employment. That issue then came back before the appellate court on a very narrow question. The question was whether the decision by the administrative board was arbitrary and capricious, which is lawyer talk for whether there was any evidence to support the board's ruling. The court felt that there was evidence to support the conclusion that there was not sufficient grounds for firing. The case then went to the State Supreme Court, and the State Supreme Court remanded on the limited question about having more detailed factual findings. But the Supreme Court of Mississippi agreed that the incident was not sufficient to warrant a permanent firing.

That is the sum and substance of the objections. When you look at the full record, you see that Judge Southwick ruled in a case where the trial judge had excluded evidence that the victim of a crime was gay, and Judge Southwick upheld the ruling that that would have been prejudicial, defense counsel should not have been permitted to ask that of a victim, seeking only to prejudice the jury. It did not having any bearing on the issue involved in the case. This supports the conclusion that Judge Southwick, in the custody case to which I referred, did not have any demonstrate traits or indications that he was biased or prejudiced or unjudicial in his approach to that particular issue.

It is my hope we will take a careful look at Judge Southwick's record before casting votes. I understand there will be a tabling motion. We should look at the underlying merits.

When we had the controversy in 2005, I urged my colleagues in the strongest terms to take a look at whether they thought individually filibusters were warranted against Priscilla Owen and Bill Pryor and Janice Rogers Brown. I asked my Republican colleagues to take a look on the merits as to whether it was warranted to talk about a "nuclear" or "constitutional option." I make the same plea here today. Let's not be bound by a party-line vote, ignoring the merits.

There have been comments on the floor today, as there have been in the past, about President Clinton's nominees being improperly treated. I agree with that today, and I agreed with that when it happened, and I crossed party lines. I have crossed party lines to vote for President Clinton's judicial nominees when they were qualified. I hope we will come in the Senate, take a look at the individuals, take a look at the merits, and not move for a party-line consideration, and not avoid a vote, to have the man bottled up in committee. That smacks of the days of Senator Jim Eastland, when the Judiciary Committee bottled matters and prevented the Senate from voting on them.

I can understand there are some Senators who do not want a vote on Judge Southwick, but that is what we are here for. That is the pay grade—to vote. So I urge my colleagues to look at this matter on the merits. I hope we do not have our actions disintegrate to the kind of controversy we had a couple years ago, but that we can move beyond this to the kind of bipartisanship which Senator LEAHY and I have been able to muster for the Judiciary Committee.

I thank the Senator from Montana for allowing me to speak. I know the Senator from South Carolina, Mr. LINDSEY GRAHAM, has a few comments. I expect he will be very brief on the subject.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I might inquire of the Senator from South Carolina, how long does he wish to speak? We have been trying to go back and forth.

Mr. GRAHAM. Mr. President, I say to the Senator, about 5 minutes.

Mr. BAUCUS. Because that will be three on your side in a row before we go back to this side. Is the Senator speaking on the same subject?

Mr. GRAHAM. Yes.

Mr. BAUCUS. I urge the Presiding Officer to recognize the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I will try to be brief. I appreciate the recognition. I wish to speak very briefly on the matter pending before the Senate.

The whole idea of the confirmation process of judges has taken a kind of wrong turn for many years now. There is plenty of blame to go around from both parties. But one thing I wish to have happen in the Senate—for the good of the country—is to make sure when well-qualified people come before this body, they are put through their paces about their qualifications, their abilities, their disposition, their demeanor, inquiring as to how they think and what drives their thinking, but, at the same time, understanding that our job is to confirm people who are sent over by the President—elections do matter—and that when we look at a nominee, we part the politics of the last election, of the next election, and focus on the individual who will serve for a lifetime.

It is important to understand the nominee before this body, Mr. Southwick, has been serving as a judge in Mississippi since 1995. As Senator SPECTER indicated, he has been involved in thousands of decisions in a concurring role, and he has offered hundreds of decisions.

He joined the military, and volunteered, as a lieutenant colonel to go serve in Iraq at the age of 52.

The American Bar Association unanimously considered him well qualified, saying very glowing things about his temperament, his disposition. This is someone who has been looked at by people outside of politics and found to be extremely well qualified.

Mr. DURBIN. Mr. President, will the Senator from South Carolina yield for a question?

Mr. GRAHAM. Yes, sir.

Mr. DURBIN. I want to ask the Senator two or three questions about this nominee after he completes his remarks. I would be glad to wait until the Senator finishes.

Mr. GRAHAM. Absolutely. I will be glad to.

I do not want to infringe on the 5 minutes. But the bottom line, I guess to my good friend from Illinois, is, I do not think this is about qualifications at all. I think this man has lived a good life in the law and seems to be a good person, from what I understand from everyone who has spoken on his behalf. It is not a question about a character flaw or a lack of legal ability. It is about two cases.

As Senator SPECTER said, one case involved a racial slur that is a horrible term. The administrative review board, which took up that matter—should the person be fired because of this racial slur—found it was not a repeated event—under Mississippi law, it has to be more than an isolated event—it did not disrupt the workplace, there was an apology made and accepted, and the board found that this was not sufficient to terminate the person.

It went to the Mississippi Court of Appeals, and they, under Mississippi law, had to determine whether the administrative review board made an arbitrary and capricious decision, whether there is any evidence to support the court's finding, and they upheld the court's determination.

Judge Southwick, in that case, commented many times about how offensive the word was, and there is no place in society for this word to be used without it being considered to be offensive. But judges have to apply the law, not emotions.

I guess the question I have is, is there any belief on anyone's part that his concurrence in this upholding of the administrative review board suggests that he, as a person, is racially biased? Does this suggest he is defective as a person, that he harbors animosity against one group or another? I do not think anybody can reasonably conclude that.

Judges sometimes have to be involved in emotional decisions. If people want to march through Jewish communities holding the Nazi flag, that is horrible, but under the law that is allowed on certain occasions.

The second case is about the term "homosexual lifestyle." It was a custody case, and he was in an appellate review situation. That term was used in the underlying decision by the judge in terms of custody, but that term has been used in many other cases throughout the country in different jurisdictions.

I guess my question is, do you take these two cases, where he concurred, to say there is something wrong with him? Did he do something out of the mainstream of the law? And does it show that he, Judge Southwick, is somehow not the type person you would want to sit in judgment of your case or your family?

I think what we are doing to him is incredibly unfair. There is no real evidence at all this man, as a person, harbors animosity against one group versus the other. Quite to the contrary, from everything I see in the record, he has been a very decent, scholarly man who has applied the law in an admirable fashion.

So I wish we could allow an up-or-down vote on this fine fellow.

I will yield for a question.

Mr. DURBIN. Mr. President, if the Senator from South Carolina will yield for a question.

Mr. GRAHAM. Yes.

Mr. DURBIN. Under the previous administration of President Clinton, there was considerable controversy in the Judiciary Committee about whether President Clinton's nominees would receive a hearing and a vote. In scores of instances, nominees were given neither.

Can the Senator from South Carolina put in the RECORD now whether Judge Leslie Southwick was given a hearing before the democratically controlled Senate Judiciary Committee?

Mr. GRAHAM. I believe he was, yes. I believe so.

Mr. DURBIN. I say to the Senator, he did receive such a hearing.

Mr. GRAHAM. Yes.

Mr. DURBIN. I attended the hearing. I thought it was very fair at allowing both parties to ask Judge Southwick questions.

Mr. GRAHAM. All right.

Mr. DURBIN. Since the sense-the-Senate resolution before us suggests Judge Southwick's name be removed from the Senate Judiciary Committee and brought directly to the floor, I wish to ask the Senator from South Carolina, has there been any effort by any Democrat on the committee to stop Senator SPECTER or any Republican from calling Judge Southwick's name for a vote in the committee?

Mr. GRAHAM. As I understand it, the problem with Judge Southwick is that it appears there has been some effort to try to get the Mississippi Senators to nominate someone else. And there has been the suggestion he could be a district judge but we want someone else to be the court of appeals nominee. I do not think that is a process we should engage in. So there are a lot of politics behind this nomination. We should not allow that to happen. We should not basically hold hostage the ability of the Senators from Mississippi and the President to put someone forward. If we think they are not qualified, vote them down. But playing politics, trying to change the nominating process, I do not think is kosher. And I think that is what is going on.

Mr. DURBIN. My question directly is this: Is the Senator aware of any effort to stop Senator SPECTER or any Republican Senator from calling Judge Southwick's nomination for a vote in the Senate Judiciary Committee?

Mr. GRAHAM. No. But I am aware of an effort to get Judge Southwick replaced with another person more acceptable to the Democratic majority and, basically, to take away from the President the ability to nominate a well-qualified person for this slot and, basically, neutralize the two Mississippi Senators, who I think have chosen wisely. I think that is politics that is dangerous for us to play, and I wish we would not do it.

Mr. DURBIN. I am going to ask the Senator to yield for a question. I see Senator LEAHY has come to the floor.

I can say for the record—he can back me up—not only was Judge Southwick given a hearing—which many nominees in the previous administration were not given a fair hearing, I believe; and I think all present would say—there has been no effort to stop Senator SPECTER or any Republican from calling this nomination for a vote.

I wish also to ask the Senator from South Carolina, is he aware of the fact that the only African-American Congressman from the State of Mississippi, the Magnolia Bar Association, which represents most African-American attorneys in Mississippi, and the major civil rights group have expressed their opposition to the nomination of Judge Southwick?

Mr. GRAHAM. Yes, I understand there is some opposition from African-American elected officials. What I would say to that is, being a son of the South, I am very sensitive to all of this. I have lived all my life in South Carolina, and I understand the sins of the past. They are very real. I can remember growing up. My dad owned a bar where African Americans came into our bar and they had to buy their products to go. I remember that very well as a young man. I see things changing for the better, and we have a long way to go.

But what I see here, I say to my good friend from Illinois, is a man who has lived his life very well, who has been part of the solution, not the problem, who has never used the robe to impose arbitrary justice, who is trying to be a constructive member of the Mississippi judicial community, who has worked hard to make something of himself, and he is being accused of something he is not.

I do not care where the criticism comes from. What I am going to evaluate is what the facts are about this man. This is a good man, who has been a good judge, who is well qualified, and who is being unfairly labeled based on two cases that are being turned upside down. We are going to ruin the judiciary if we continue to play this game.

Mr. LEAHY. Mr. President, will the Senator yield for another question?

Mr. GRAHAM. Absolutely.

Mr. LEAHY. Mr. President, is the Senator aware of the fact that, formerly, when Judge Southwick was on the calendar as a nominee to be a district judge—Republicans were in charge—that when he was up for a vote, agreed to by the Democrats, he did not get a vote because of a Republican objection to a slate of judges? Is he aware of that?

Mr. GRAHAM. No, I was not. It is my understanding there was no objection on your side about him being a district court judge. Is that correct?

Mr. LEAHY. To answer that question, he was voted out for a district court judgeship, an entirely different type of judgeship than a court of appeals judgeship. It was in a package to be confirmed, I guess by unanimous consent, with the Republicans in leadership, and a Republican Senator from Kansas objected to one of the nominees, and, of course, it brought down the package.

If I understood the Senator correctly, he was worried about political actions. Was he aware—I know he was not able to make a couple recent markups of the Senate Judiciary Committee, although he is a member. Is he aware of the fact that Mr. Southwick is on the agenda for tomorrow's markup?

Mr. GRAHAM. Yes, I believe I am aware of that.

Mr. LEAHY. Was he aware of the fact that he was taken off the agenda earlier at the request of the Republicans?

Mr. GRAHAM. Yes, I am, because it is my understanding, if I could reclaim my time—and I am sorry to run over, I say to my good friend from Ohio—here is what I think is happening. I think everybody was OK with him being a district court judge, except maybe somebody on our side, and if the problem with this man is he has associated himself in a way that disqualifies him because of a racial problem, why should he be a district judge? If his problem is that he is against people because of sexual orientation unfairly, why would he ever be a district judge? So the point is that if he was good enough for a district judge based on his qualifications, why shouldn't we give him an up-or-down vote in a fair way in terms of the court of appeals?

So I think what is going on here is that we are trying to replace the discretion of the President and the two Senators from Mississippi to play with a court of appeals nomination of Mississippi in a way that will come back to haunt all of us, and I just wish we wouldn't do it. Give this man an up-or-down vote on the floor.

Mr. LEAHY. Mr. President, if the Senator would yield on that point, when the Republicans were in charge of the responsibility of bringing forth his record, they never brought forth either the sexual or the racial issues that have been raised when he was up for district court judge. But we will discuss this tomorrow. I hope the Senator will be able to join us at the markup tomorrow. We have had a couple of occasions when the President's nominees for judges have been on our agenda and Republicans did not show up to make a quorum. I don't know if this helps to keep their numbers—I remind the Senator, however, that with the Democrats in charge, the time the Democrats have been in charge, President Bush's judges have been confirmed at a far more rapid pace and in greater numbers—in greater numbers—than they have been under a Republican-controlled committee or Senate.

Mr. GRAHAM. Mr. President, we will be there at the committee tomorrow, and I will yield the remainder of my time so we can get on with other business.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, we now have had three speakers from the Republican side of the aisle, three in a row, so I ask unanimous consent that the following speakers be recognized: Senator HARKIN immediately, and following Senator HARKIN, Senator CANTWELL will speak, and that would be the request at this point.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, in the decade since it was first authorized, the Children's Health Insurance Program has been an extraordinary success story. It has reduced the number of uninsured low-income children by a third, providing basic health insurance to 6.6 million children whose parents cannot afford private insurance but who do not qualify for Medicaid.

In my State of Iowa, the Children's Health Insurance Program has brought health insurance to nearly 50,000 children. Think about that: 50,000 kids who otherwise have had no health insurance have had access to regular checkups and prompt treatment of illnesses and injuries. By any measurement, this is a stunning success.

Let me introduce to my colleagues one of those 50,000 success stories. Her name is Jenci Ruff. She lives in Knoxville, IA. When she was in the third grade, she began having trouble seeing the blackboard. The school nurse recommended that she have her eyes tested, but her parents couldn't take her to a doctor; they were living paycheck to paycheck; they had no health insurance. By fourth grade, Jenci still couldn't see the blackboard and she began having headaches.

Fortunately, Mrs. Ruff learned about the Children's Health Insurance Program. She enrolled Jenci and her little brother. Jenci was referred to an eye specialist and received treatment. A year and a half later, her vision has greatly improved and her headaches have gone away. Mrs. Ruff believes that the treatment made possible by the Children's Health Insurance Program saved her daughter from going blind. In addition, Jenci's brother, prior to starting school, was able to get the necessary shots and physicals he needed.

As Mrs. Ruff told the Des Moines Register:

> Before, Jenci was having such a hard time to get through her reading. Her grades have improved. Her attitude about school has improved. But if she hadn't had this program—

The Children's Health Insurance Program—

> we never would have made it to a specialist.

I am very happy for Jenci Ruff and her brother and her family. But I have to ask, Don't we owe it to all of America's kids? Surely, in a humane, decent society, no child should go uninsured. No child should go without regular checkups and prompt treatment of illnesses and injuries.

That is why it is incomprehensible—incomprehensible—to me that President Bush is pledging to veto this bill because it would extend coverage of the CHIP program to too many kids. How could we extend it to too many kids? Instead, the President proposed $4.8 billion in additional funding over the next 5 years. That is less than what is needed just to maintain current enrollments. According to the Congressional Budget Office, the President's proposed funding would cut 1.4 million children and pregnant women from the Children's Health Insurance Program. How could anyone say that Jenci Ruff should have been cut from the children's health program? It saved her. It saved her from going blind. Yet we are told we don't have the money for this? Nonsense. Just think what it would have cost society if Jenci had gone blind, God forbid. What would the cost to society have been for her lifetime of special education, special schools, seeing-eye dogs, and all of the other things? How much more productive is she going to be now? Talk about penny wise and pound foolish.

The President just doesn't get it. Sometimes, when people are born with a silver spoon in their mouths and they have had all the accoutrements, they have had all the wonderful hospitals and doctors all their lives, they somehow—and I don't say this of everyone, but some people just can't imagine that everyone is not like them. Well, there are a lot of people who do not have the kind of wherewithal you may have had growing up.

So it is not just a public policy choice. I think the choice we have is a very moral choice: Do we go forward and extend health insurance to more kids from low-income families or do we cut these children from the rolls, condemn them to a childhood without checkups, without decent health care, without necessary medical treatment—that is, until they show up in the emergency room.

We all know too well what it means when a child does not have health insurance, when they don't even have access to basic medical care. Earlier this year, the Washington Post reported on 8-year-old Deamonte Driver of Prince George's County, MD. Deamonte was suffering from an abscessed tooth, but his mother could not afford to take him to a dentist. Eventually, the abscess spread to Deamonte's brain. He was taken to an emergency room, but tragically, after 2 operations and more than 6 weeks of hospital care costing upwards of $250,000, Deamonte—this young guy right here, Deamonte Driver—died. He died from an abscessed tooth. In the 21st century in the United States of America, this child died because he had an abscessed tooth because he is so low-income, he didn't have health care and mom didn't have any money. Not until he got so sick that they rushed him to the emergency room, and he died.

Why in the world would President Bush want to cut more than a million children from the rolls of the Children's Health Insurance Program and put them in jeopardy—the kind of jeopardy that took Deamonte's life? What is the real cost of denying children access to basic health care? Well, in the case of Deamonte Driver, if you want to know just in money terms, a quarter of a million dollars in emergency hospital bills, and, most importantly, it deprived Deamonte of his life and a very happy future.

So you compare the positive fate of Jenci Ruff, who is covered by the Children's Health Insurance Program, to the tragic fate of Deamonte Driver, who was not. This is not just a tale of 2 kids and 2 very different outcomes; it is the tale of 2 choices, the 2 choices we have to make. So we must make the right choice. Surely some things are beyond partisan disputes and ideological obsessions. Surely we can come together here to support extending health insurance to more kids in low-income families.

Some have argued that the President's pledge to veto this Children's Health Insurance Program is the death knell of compassionate conservatism. We have all heard about compassionate conservatism. Well, I would just point out that the President's threat of a veto is disappointing. But I would like to note on the positive side that this bill enjoys the strong support of a large number of conservatives, moderates, and liberals here in the Senate and in the other body, and it has no more outspoken champion than my distinguished senior colleague from the State of Iowa, Senator GRASSLEY, who I see just arrived on the floor. So, as I said, this cuts across ideological lines. This is no conservative, liberal, moderate, up, down, sideways kind of issue; it is a basic moral issue that we have to confront.

I would say on behalf of my colleague from Iowa and so many Republicans who are supporting the Children's Health Insurance Program that compassion and common sense is alive and well with these Republicans. I applaud them for it. With their support, we intend to move forward with a bill that is not only strongly bipartisan but that, according to a recent Georgetown University poll, is supported by 9 in 10 Americans, including, I might add, the poll said 83 percent of self-identified Republicans. So again, this is not a partisan issue. Now, it may be an issue with this President and his ill-conceived notions, but it is not a partisan issue.

Lastly, this program has been a Godsend to my State of Iowa. As I said earlier, 50,000 kids in Iowa are covered who obviously would not have been. We call it the HAWK-I Program in Iowa, the Healthy and Well Kids in Iowa—the HAWK-I Program. The top income limit for Iowa families is 200 percent of the Federal poverty level, which comes to about $34,000 for a family of three, and, along with Medicaid, provides primary and preventive services to 3 out of every 10 Iowa kids. Yet, even with these programs I am talking about—Medicaid and HAWK-I—even with those two, an estimated 30,000 to 55,000 Iowa children remain uninsured. With the new funding provided in this bill, Iowa could cover nearly 15,000 more children over the next 5 years.

Expanding this program to cover more low-income kids is not only the right thing to do, it is the smart and cost-effective thing to do. We know when children get access to preventive and primary care services, good things happen. Kids get better health outcomes. They stay out of the emergency room. They get better grades. They do better in school. One dollar spent on the CHIP program can save many more dollars in health care expenses.

When an asthmatic child is enrolled in the program, the frequency of attacks declines by 60 percent and the likelihood that they will be hospitalized for that condition declines by more than 70 percent. If anybody has been paying attention, you know that kids' asthma has been on a huge increase in this country, especially among poor kids. Well, this is one way of keeping them out of the hospital. It is providing them with this kind of preventive coverage.

I might also add that the Children's Health Insurance Program is vitally important to rural Americans—rural States such as Iowa. The simple fact is that rural kids are more likely to be poor. In the most recent survey, 47 percent of rural children—47 percent—live in low-income families. So they are not only more likely to be poor, their parents are less likely to have any access to an employer-based health insurance program. So in the absence of the CHIP program and Medicaid, millions of low-income rural families have no other health insurance option, period. They live in small towns. They work for small employers,—mom-and-pop places that employ two or three or four or five people. They don't have the wherewithal to provide employer-based health insurance. They don't pay a lot of money. But these people are hardworking. They go to work every day and they work hard; they just don't make a lot of money. They live in a rural area, so they don't qualify for Medicaid, but they don't have enough money to buy health insurance. That is why this program is so important to rural America.

Experience shows that rural children are also difficult to enroll in the Children's Health Insurance Program, even when they are eligible. Again, low-income parents are often required to travel long distances to enroll their kids. In addition to high travel costs, there are language and sometimes cultural barriers. For these reasons, I am pleased that this bill would establish a new grant program to finance outreach and enrollment efforts targeted to rural areas.

So not only has the Children's Health Insurance Program been a great success, it is more important today than ever. In the decade since the program was created, we know the cost of insurance has skyrocketed and the number of Americans covered has fallen dramatically. But this has been a safety net for millions of low-income American families.

The bill before us would maintain coverage for the 6.6 million children currently covered and would extend coverage to more than 3 million more low-income, uninsured children over the next 5 years. That is a good and noble goal.

Obviously, if I had my druthers, I would say we ought to cover all kids—every child in America whose family does not qualify, does not have employer-based insurance, and whose income is such that they cannot afford private insurance. They ought to be covered by this program. They said this would cost $50 billion over the next several years. Well, then they made an agreement to make it $35 billion instead of $50 billion. OK, fine. I understand compromise around here. But that doesn't remove the fact that, even with this bill, millions of low-income kids will still be left without health insurance coverage. That is our task—to fill that gap. We may not get it done this year, but at least we can get this done this year and, hopefully, we can finish the job next year and cover every kid in America with health insurance.

It is time to put partisanship, ideology, and politics aside and pass this bill. Hopefully, the President will see more clearly his obligation to sign it and not veto it.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to talk about the Children's Health Insurance Program and why we need to reauthorize the program that is about to expire in September. I thank Chairman BAUCUS and Senators GRASSLEY, ROCKEFELLER, and HATCH for their countless hours of meetings before the Senate Finance Committee, which met to mark up this bipartisan package. The fact that the bill passed out of committee with such a bipartisan effort shows people are working on both sides of the aisle to make children's health care a priority.

While my colleagues have talked a lot about what the administration has threatened to do in vetoing this legislation, in fact, as my colleague from Iowa mentioned on the floor, the President's own budget request doesn't put enough money on the table to take care of those currently enrolled in the Children's Health Insurance Program. In a bipartisan effort in the Senate, we are working across the aisle to say we want to do more, we want to cover about 3.2 million more children.

I thank my colleagues and their staff for coming up with this comprehensive bill and moving us further down the way to covering more children in America, as it is such a priority.

Some of my colleagues have mentioned why this is such important timing, and many have mentioned the fact that the bill's authorization is expiring in September. I think there is a more important reason. The important reason is we are seeing the cost of health care continue to rise; the fact that premiums have doubled, probably, in the last 5 to 6 years; the fact that insurance now is somewhere between $12,000 and $14,000 a year. A family who is at an income of $40,000 a year for a family of four is finding it very hard to keep pace. Those premiums may have doubled, but I guarantee you their wages and salaries have not doubled. So more and more people are finding themselves in the unfortunate situation of not being able to provide health care for their children.

I can tell you, in talking to people from all over Washington State, there is nothing more concerning to the parents than the health of their child and nothing more scary than to think they may not be able to get the health care attention their child needs.

So for us, we have a choice—a very smart choice. This is a cost-effective bill. If you think about the costs of providing children's health insurance under this proposal, we are helping families who cannot afford private insurance, or cannot find it available in the marketplace, or maybe their employer is not providing it. Now, under this program, with State and Federal matching dollars, these families can provide health insurance for roughly $2,000 a year per child—maybe a little more or a little less, in some instances, for those currently on the program to the new enrollees.

Think about that. Think about the fact that if you don't have health insurance and a child is delayed in getting that health care or has to wait until the last minute to go into an emergency room, I guarantee the cost of a child's visit to an emergency room is probably going to be at least $3,000. The fact that we can make this prudent investment for 3.2 million more children; not only is this about their health and safety for the future, but it is about a plan that helps us in making sure we have an efficient health care system, giving those children their due need.

Too many families, as I said, are being forced to go without this coverage. What does that mean? We talk about preventive care and maintenance care. It means that these children are going without regular checkups, that they are missing more school than other children, and that they have to wait in the emergency room to get an answer about something that is a basic illness. It means that if simple infections—such as an ear infection or cavities or asthma or diabetes—go untreated and they spiral out of control, that child may fall further and further behind in their academic career. I believe no child should be forced into a special education program because their health care needs haven't been provided for.

This bill provides better coverage so we can treat things such as injuries and infections, detect far worse things such as chronic illnesses and make sure we are managing the conditions of children before they get out of control.

I know it is upsetting to my colleagues to read things such as: Uninsured children are four times more likely to delay their health care or that uninsured children are four times more likely to go without a doctor visit for 2 years or that uninsured children admitted to hospitals due to injuries are twice as likely to die while in the hospital as their insured counterparts.

Those are horrible statistics that point to the dilemma of not providing health care coverage for children.

I know my colleagues have been out here on the floor debating this issue as it relates to fairness and geography. I tell you, no child knows they are somehow prohibited from getting access to health insurance because of geography. Nor should the Senate make the mistake in thinking we are making geographic choices.

This bill is about flexibility. It starts with the flexibility of individual States because this is a partnership between the States and Federal Government in deciding what percentage of the Federal poverty line they are going to cover.

You can see on this chart the States in white have been more aggressive in covering a higher percentage of the Federal poverty line, and those in the gold color are obviously below 200 percent of the Federal poverty line. It doesn't take a genius to figure out why certain States are more aggressive or active in covering their area. If you look at the income and cost of living in these areas, they are challenged by what it takes to maintain a household, to put their children in school, and to take care of their health care needs. For example, there are parts of the country such as New Jersey, which the Presiding Officer is from. If you look at what it takes to provide the same goods and services in New Jersey and compare that with someplace like Arkansas, you are talking about a $13,000 difference in what it costs to provide the same services. In Little Rock, it may cost $30,000 for those goods and services, compared to $43,000 in New

Jersey. That is why this flexibility is so important in the program. The fact that we allow States to determine its costs and we match that with Federal dollars.

The second thing we have not focused enough on is the fact that we also have disparity in insurance costs. Look at what it costs to provide insurance. For example, it is expensive to provide health insurance in Seattle, which costs about $13,000 a year. If you look at New York, it is $16,542. So the notion that somehow New York or New Jersey are getting a better deal because they live in a high-expense area of the United States and somehow, even with that extra cost of insurance, we should prejudice legislation from serving those children, I say that is a mistake. Every child in America who is covered by this health insurance program will be healthier, and every child who is covered and healthy will not only be a more contributing citizen to our society, but also we are going to reduce our own health care costs in the future.

So it is a wise and prudent plan to have such diversity in this proposal. I ask my colleagues, before they come out and look at formulas and offer amendments that basically cut States from having the flexibility in these formulas, to consider the geographic disparity and the challenges those individual States face.

I believe the Children's Health Insurance Program provides a critical backstop to families. They would rather be in a situation where they could provide the health insurance and care, I am sure, for themselves. I have certainly met Washingtonians who have given up their own health insurance to provide health insurance for their children.

We need to prevent the number of uninsured children in this Nation from growing, and this bill, the Children's Health Insurance Program, should be reauthorized and expanded to make sure we do stop the number from growing and that we attach our principles of covering at least 3.2 million now and, as we see brighter budget days coming back, covering the rest of the children in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I thank my colleague from Washington for her usual very thorough and persuasive statement on the floor about the need for flexibility in this important program and the recognition that health care, similar to everything else, costs differently depending upon where you are in the country. I thank the Senator from Washington for reinforcing that important point.

The larger point is that today, in this Congress, we are on the verge of providing the greatest expansion of health coverage for our children since the creation of the Children's Health Insurance Program a decade ago. I believe—and I don't imagine anybody in this Chamber would argue with this belief—that every child deserves a healthy start in life. Certainly, we try to provide that healthy start for our own children, and we give a lot of lip service to the idea that we should provide it for all children. Yet far too many children in our Nation—more than 9 million—do not have health care.

I was very proud to help create the State Children's Health Insurance Program during the Clinton administration, working on this legislation during my time as First Lady. After the bill passed, I worked to get the word out to try to help more children and their parents understand what this new program could mean for them and encourage them to sign up in the first few years. In the Senate, I have continued that effort, fighting to ensure that health care for children has the priority in our budget that it deserves.

Today, thanks to the work of so many, CHIP provides health insurance for 6 million children. In New York alone, almost 400,000 children benefit from this program every month. With the legislation that Chairman BAUCUS and Senators GRASSLEY, ROCKEFELLER, and HATCH helped to craft, an additional 50,000 children in my State of New York will have access to health insurance coverage.

This legislation will also help enroll many of the 300,000 children in New York who live in families who are already eligible because their families make less than $52,000 a year, 250 percent of the poverty level for a family of four.

In total, across our country, 3.2 million children who are uninsured will gain coverage. That will reduce the number of uninsured children by one-third over the next 5 years.

If we can afford tax breaks for companies that ship jobs overseas and tax cuts for oil companies that are making record profits, I certainly think we can find it in our hearts and our budget to help cover millions of children who deserve a healthy start.

I want to be clear. If the President vetoes this bill, he will be vetoing health care for more than 3 million children. And, once again, the President will have put ideology, not children, first.

Earlier this year, I was proud to introduce legislation with Congressman JOHN DINGELL to reauthorize and expand CHIP, and I am very pleased that a number of the ideas in our bill are included in this legislation, such as cutting the redtape and bolstering incentives to get eligible children into the program.

The legislation also improves access to private coverage and expands access to benefits, such as mental health and dental coverage.

This is so important, and I applaud the Finance Committee, under Chairman BAUCUS's leadership. Mental health and dental coverage are too often left out when we talk about health care.

Not far from where I am standing, in the State of Maryland last year, a young boy, Deamonte Driver, had a toothache. His mother sought help for him to get dental care. She called dentists, but they were not taking any more children on Medicaid or on CHIP. Then she got help from a legal aid group that helped poor families. They called around. I think they called 27 or 28 dentists who said: Look, our quota for poor kids is filled.

Deamonte Driver's toothache turned into an abscess, and the abscess burst, infecting his bloodstream, and he ended up in the hospital where doctors valiantly tried to save his life from the brain infection that resulted from the abscessed tooth that had not been treated. This young man died.

When one thinks about the loss of a child over something that started as a toothache, it is heartbreaking, but it is not by any means an isolated case. At the end of Deamonte's life, the State of Maryland and the U.S. Government ended up paying hundreds of thousands of dollars for emergency care, for intensive care, for life support, to no avail, for want of $80 to $100 to find a dentist who would care for Deamonte.

I commend the authors of this bipartisan bill for their work and for bringing forward a practical, fiscally responsible compromise that will allow us to reauthorize this important program and expand coverage. I am eager to see that it is signed into law.

I am disappointed, however, that the bill we are considering this week fails to include the Legal Immigrant Children's Health Improvement Act, which I introduced with Senator SNOWE. Senator SNOWE and I have been working on this legislation for a number of years. This bipartisan bill would give States the flexibility to provide the same Medicaid and CHIP coverage to low-income legal immigrant children and pregnant women as is provided to U.S. citizens. I underscore that. We are talking about legal immigrant children and legal pregnant women.

I believe we should provide this flexibility to States because the current restrictions prevent thousands of legal immigrant children and pregnant women from receiving preventive health services and treatment for minor illnesses before they become serious. Families who are unable to access care for their children have little choice but to turn to emergency rooms, and this hurts children and pregnant women, plain and simple.

I urge my colleagues to support my amendment to lift the ban on Medicaid and CHIP coverage for low-income legal immigrant children and pregnant women.

I also am disappointed that some of my colleagues have expressed concern about States, such as New York, New Jersey, and others, that have chosen to cover children above 300 percent of the poverty level. The legislation we are considering on the floor of the Senate would allow New York to continue doing this and receive the CHIP matching rate. We should not punish children and their families who live in high-cost areas and who need health care coverage.

I encourage my colleagues to vote against any effort to undermine the extension of health care in high-cost States where it costs more, as we heard from Senator CANTWELL in her statement on the floor, to provide the same coverage and treatment one would get elsewhere in our country.

I am proud we are debating a bill to expand health care to 3.2 million children, but the fact is, there should be no debating the moral crisis of 9 million children without health care, no debating the moral urgency of strengthening our health care system for children and all Americans.

Ultimately, the answer will be in a cost-effective, quality-driven, uniquely American program that provides health care to every single man, woman, and child in our country. But until we get to that point, it is imperative that the Congress pass this bill before we go out for recess and send it to the President, with the hope that he will sign it into law.

I also wish to mention another issue we urgently need to address. Last week, the bipartisan Commission on Care for America's Returning Wounded Warriors, chaired by former Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala, issued its final report on the need to reform the medical care that our troops and veterans receive.

The Commission found in an excellent report—it is not one of these commission reports that just takes up a lot of space on the shelf. It is very pointed, with six specific recommendations, and it found that one of the most important ways to improve care for injured servicemembers is to improve support for their families. That is why I introduced a bipartisan bill, the Military Family and Medical Leave Act, with Senators DOLE, MIKULSKI, GRAHAM, KENNEDY, and BROWN, to implement a key recommendation of the Commission. We have offered this as an amendment to the CHIP legislation.

The Family and Medical Leave Act was the first bill signed into law under the Clinton administration. It came about because of a lot of hard work, led by Senator DODD in the Senate, and others, and it has proven to be enormously successful, helping more than 60 million men and women who try to balance the demands of work and family.

I believe it is time to strengthen the act for military families who find themselves in a very difficult situation. They should be given up to 6 months of leave to care for a loved one who has sustained a combat-related injury.

Currently, these spouses, parents, and children can receive only 12 weeks of leave under the Family and Medical Leave Act. All too often, this is just not enough time, as injured servicemembers grapple with traumatic brain injuries, physical wounds, and other problems upon returning from Iraq, Afghanistan, and elsewhere. In fact, 33 percent of active duty, 22 percent of reservists, and 37 percent of retired servicemembers reported to the Commission that a family member or close friend had to leave their home for extended periods of time to help them in the hospital. About 20 percent said family or friends gave up jobs to be with them to act as their caregiver. This is a step that we can take immediately that will make a real difference.

Many of us have been to hospitals in our own country—Walter Reed, Brook Army Medical Center—and other places in the world, such as Landstuhl in Germany, where we have seen our wounded warriors. There is absolutely no doubt that having the support, assistance, and comfort of a family member during that process when a young man or woman who has served our country is brought from the battlefield to the hospital makes a big difference in recovery and rehabilitation.

I think all of us agree that not only do our men and women in uniform make tremendous sacrifices on our behalf, so do their families. As a nation, we have a duty to provide them with the support they deserve.

Expanding access to health care for children and providing better support for our military families comes down to basic values that we as Americans hold dear. I think we all agree every child deserves a healthy start and every man or woman who wears the uniform of our country deserves more than words of support. The promise of America is rooted in these values, and I am very proud to support the bipartisan legislation expanding health care for children, and I urge my colleagues to join me and Senators from both sides of the aisle who are supporting our military families who are caring for those who have been injured in service to our country.

Finally, we hope on the other end of Pennsylvania Avenue there will be a change of heart; that the President will decide to sign this legislation and relieve the burdens of ill health and inadequate access to health care that haunt the lives of so many American families.

Mr. President, please support this effort in every way possible by signing the legislation that will be sent to you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I know Senator HATCH wishes to speak on the underlying bill, the Children's Health Insurance Program. He is on his way to the floor. In the meantime, I see the Senator from Michigan is here, a very valuable member of the Finance Committee. She works very hard. She would like to speak on this bill. I thank her for coming to the floor. I urge the Chair to recognize the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, again, as I said when we first took up this bill on Monday evening, I thank the chairman of the committee for his passion in bringing us to this point, he and the ranking member, Senator GRASSLEY, as well as, of course, Senator ROCKEFELLER with his deep commitment, and Senator HATCH as well.

This is a truly bipartisan effort. It is the way we should be legislating—coming together. It is a compromise. If I were writing a bill by myself, I would add more dollars. There are Members on the other side of the aisle who would, in fact, do less. But it is a real compromise.

I start out today speaking to the fact that it is a compromise. As a member of the Budget Committee, having worked with our chairman and members very hard to produce a budget resolution that really does reflect a new direction in values and priorities, I worked very hard to have us achieve a set-aside of $50 billion for children's health care in the budget resolution.

In my heart of hearts, that is where I want to be. I also know that any significant expansion is a victory not only for us and for the Senate but, most importantly, for children and their families.

I know there will be an effort to expand to the full amount that we all wish to do—I think on this side of the aisle, certainly, that is where we want to be, and our House colleagues have focused on that as well. But I also know that we have a President of the United States who shockingly has said that he will veto providing children's health care, an expansion of more than 3.3 million children to receive health care, children of working parents. The vast majority of them have a mom or a dad working one job, two jobs, maybe three jobs trying to make ends meet, but who can't afford health insurance, don't qualify for Medicaid, but find themselves desperately wanting to make sure their children have all that they need, as all of us want as parents.

So we are in a situation where the President of the United States has indicated he does not share that view. His budget, in fact, is a budget that he proposed to us that would cut children. It would cut children who are currently being provided health insurance. It would eliminate their health insurance. So on the Finance Committee, we came together under very strong bipartisan leadership to find a common ground, the middle ground, to be able to increase the number of children who receive health insurance and be able to make sure that the 6 million children who currently have health insurance are allowed to maintain that insurance. We have come to a compromise, and it is a compromise I support.

As we face a potential veto from this President, it is critical that we have the strongest possible bipartisan vote coming from the Senate. If in fact the President follows through and vetoes this, I hope we will have enough votes to override that veto in a strong bipartisan spirit, the spirit that brought us together originally when the Children's Health Insurance Program was originally passed. I urge colleagues to support the Finance Committee version and what we have done as the best way to get us real health care expansion for children.

Then we will come back, and I will be right back as a member of the Budget Committee next year, proposing again that we expand what we are doing to make sure that every child who does not have health insurance, whose family is working hard but doesn't qualify for Medicaid and doesn't have the ability to get private insurance, has the health care they need.

We have, I understand, another proposal in front of us, an amendment that would take us backward. I understand Senator LOTT has offered an amendment that has actually been dubbed the CLIP amendment, instead of CHIP—Children's Health Insurance Program—CLIP meaning "Children Losing Insurance Program." Again, we don't need anything that is going to take us backward and have fewer children receiving health insurance.

I want to see us make a major commitment to universal health insurance in the greatest country in the world so that everyone has the opportunity to be able to receive the health care they need. We should be striving to achieve nothing less than that.

The Lott amendment, first, will cut children's health care and take us down the road of debating the number of policies individually that Members may support, policies I find great concern about, and policies that will actually increase the number of uninsured, such as expanding the health savings accounts. I urge colleagues to oppose the Lott amendment because it takes us in absolutely the wrong direction if we want to cover children of low-income working families, and if we want to make sure they have what they need to be able to grow up and be successful in America.

I have also heard debate about the cost of this legislation, and it is important to look at what we are talking about in terms of our values and priorities when we debate any piece of legislation. Everything we do here is about values and priorities. Right now, every month, we are spending $12 billion in Iraq—$12 billion. Regardless of how any one individual feels about the war in Iraq, we are spending $12 billion—not paid for, not a part of the budget—$12 billion a month. This bipartisan effort to provide health insurance for more than 3 million more American children in this country is a cost of $7 billion a year—a year; less than what we are spending in 1 month in Iraq. That is the right value and the right priority. This is paid for, it is responsible and, most importantly, it is the moral thing to do in the greatest country in the world, in my opinion. This is not too much to invest in the future generation of America.

Yesterday, the chairman and I, a number of us, had an opportunity to be with a wonderful woman, Kitty Burgett, from Ohio, who spoke about the importance of children's health care in her family. I know it was a very moving experience to hear her, and I wanted to share her story. I have certainly other stories from Michigan as well, but Kitty came to the Nation's capitol to share what the Children's Health Insurance Program has meant to her and to her family.

Kitty is a widow whose husband died in 1990, leaving Kitty and her two young children without income or insurance. She had Social Security survivor's benefits, but even that little income put her and her children over the Medicaid eligibility levels, so they didn't qualify for low-income health insurance because of their survivor benefits. She started working but earned very little. Nonetheless, she purchased insurance for her children, because like all of us who are parents, she wanted to make sure her children had what they needed. She wanted to make sure if they were sick, she was able to care for them with health insurance. So she purchased that insurance, but the cost rose every 6 months, and she finally had to drop it because of the cost. That is an uncommon story in America today.

Then along came the Children's Health Insurance Program. Kitty immediately enrolled her children. She had a daughter who was 12. Her son was a bit younger. Her daughter then began to develop problems, and, ultimately, at age 15, was diagnosed with bipolar disorder. She was ill. She was hallucinating and she had major mood swings—as those of us who are familiar with that disease understand—from depression to highs and hallucinations. She couldn't concentrate at school. The Children's Health Insurance Program was there so Kitty could get her daughter some help. It covered her medications and therapy and eventually some new medicines that brought her illness under control. Her daughter is now 22 years old. She is married, she is working, and she is insured. She has an 18-month-old daughter named Scarlet. Kitty says the Children's Health Insurance Program kept her daughter from a lifetime of institutionalization, and, instead, she is a productive, contributing member of society and a loving mother to Scarlet.

That is what this is all about, giving people in America—parents, the vast majority of whom are working—the ability to provide their children with the health care they need so they can go on to be successful, thriving, contributing adults in America.

I might also mention I am very pleased that the bill in front of us expands the opportunity for what is called mental health parity, so that if there is insurance provided, mental health care will be a part of that. I congratulate Senator KERRY and Senator SMITH, who have led that effort to expand us into the area of more adequately covering mental health care for children.

This program covers children all over the country. It is interesting to note that there are more children uninsured in rural areas than in urban areas. This will make sure that, in fact, all of the children who qualify under this program are able to receive the health care they need. Right now, in Michigan, we have about 60,000 children who are on the Children's Health Insurance Program and another 90,000 who are eligible—who qualify right now under the program we wrote—but because funds aren't available for outreach, funds aren't available to do what is necessary, we are not able to provide those families, those children, with health insurance. This bill goes a long way to making that happen.

I have heard so many stories from Michigan, and it touches your heart when you think about the way families are struggling to be able to care for their children at the same time costs are going up at every turn. We have folks who are working harder than ever: They turn around and gas prices go up; they turn around and their insurance premium goes up; they turn around again and look at the cost of college, and those costs have gone up. We addressed the cost of college last week. Those things go right to middle-income families—student loans and Pell grants and those programs that allow more people to have the opportunity to go to college and send their children to college.

The reality is that on every side families are feeling squeezed—working harder and costs going up and up and up. Children's health care is one way, another critical way, we can help families. I think of Chad, a gentleman in Michigan. He and his wife have two young children. He works for a small landscaping business with an "off season" of 3 to 4 months in the winter when he is not working. If the couple purchased insurance through Chad's employer, it would be an additional $300 a month, which for them is not affordable. Through MIChild, which is our children's health program, both his sons are able to get the inhalers they need for their asthma. How basic, in America, in the greatest country in the world, to make sure that children can handle their asthma.

I also heard from Pam, who is a full-time preschool teacher and mother. Her monthly premiums of $384 a month, or over $4,500 a year, take up over one-fifth, or 20 percent, of her pay. Through the MIChild program, she was able to get the specialized care she needed for her youngest daughter, who suffers from a rare seizure disorder.

I could go on and on, but I will not. We all have stories of families who are wanting the best for their children, who want the American dream. They do not want to go to bed at night and have to say, please, God, don't let the kids get sick, don't let something happen tonight or tomorrow because I don't know what I am going to do—we don't have health insurance. We are the greatest country in the world and there is no excuse for any family finding themselves in that situation.

We have in front of us a bill that is a true bipartisan compromise. For me, it is a step in the right direction to universal care, and an opportunity to come up with a uniquely American way to provide universal health care for everyone in America. I believe health care is a right, not a privilege, in the greatest country in the world, and we should act like that. This important legislation is part of keeping that promise.

We started down the road with covering children whose parents are working, who do not qualify for low-income help through Medicaid 'because they are just above that limit, but aren't able to get the insurance they need for their families. We have children who qualify today but, because the resources aren't there, they are not able to get the health insurance they need. This legislation will say that more than 3 million more children—families—in this country will not have to go to bed at night worrying about whether their kids are going to get sick tomorrow.

Finally, I say again that this is about values and priorities. Always it is about values and priorities. This is the right thing to do. It is the moral thing to do. When we find ourselves in the situation of spending $12 billion a month on the war in Iraq, not paid for, and in front of us we have the ability with $7 billion a year to cover over 3 million more children with children's health care, the 6 million who have insurance now and over 3 million more in America, responsibly done and paid for, this is the right thing to do. It is the moral thing to do.

This is a great success story, and I am very hopeful we will see a very strong bipartisan vote when this comes before the Senate for a vote.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. DOLE. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside in order that I may offer an amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator may proceed.

AMENDMENT NO. 2554 TO AMENDMENT NO. 2530

Mrs. DOLE. Mr. President, I call up amendment No. 2554, now pending at the desk, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mrs. DOLE] proposes an amendment numbered 2554 to amendment No. 2530.

Mrs. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Congressional Budget Act of 1974 to provide for a 60-vote point of order against legislation that includes a Federal excise tax rate increase which disproportionately affects taxpayers with earned income of less than 200 percent of the Federal poverty level)

On page 217, after line 25, add the following:

SEC. ___. BUDGET POINT OF ORDER AGAINST LEGISLATION THAT RAISES EXCISE TAX RATES.

Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"POINT OF ORDER AGAINST RAISES IN EXCISE TAX RATES

"SEC. 316. (a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal excise tax rate increase which disproportionately affects taxpayers with earned income of less than 200 percent of the Federal poverty level, as determined by the Joint Committee on Taxation. In this subsection, the term 'Federal excise tax rate increase' means any amendment to any section in subtitle D or E of the Internal Revenue Code of 1986, that imposes a new percentage or amount as a rate of tax and thereby increases the amount of tax imposed by any such section.

"(b) SUPERMAJORITY WAIVER AND APPEAL.—

"(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.".

Mrs. DOLE. Mr. President, nearly every Senator in this body agrees we should not increase the tax burden on low-income individuals and families. Unfortunately, the bill before us would do that by raising the tobacco tax by 156 percent. No other Federal tax hurts the poor more than the cigarette tax, according to the Tax Foundation. Of the 20 percent of the adult population that smokes, around half are in families earning less than 200 percent of the Federal poverty level. Furthermore, a massive and highly regressive tax increase on an already unstable product is a terribly irresponsible way to fund the State Children's Health Insurance Program.

My amendment is very simple. It creates a 60-vote point of order against legislation that includes a Federal excise tax increase that would disproportionately affect low-income individuals, defined as taxpayers with earned income less than 200 percent of the Federal poverty level.

A majority of my colleagues say they oppose increasing the tax burden on lower income families, or even oppose tax increases outright. I, therefore, would expect that this commonsense amendment would receive tremendous support in the Senate.

I ask unanimous consent that my amendment now be laid aside, with the understanding we will return to it at a later time.

I yield the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I understand the Senator from Massachusetts, Mr. KERRY, is about to speak. As he gets ready to speak, there are a couple of points I wish to make. We are still working the numbers on the McConnell-Lott amendment. I wish to point out a couple of points.

No. 1, the McConnell-Lott amendment, although it is advertised to do this, does not put kids first. Despite prohibiting coverage of nonpregnant adults and limiting all State income disregards, this legislation does not cover substantial numbers of additional children.

On the surface, they think they may cover 700,000 additional kids, but we are trying to get the numbers from CBO and trying to determine the actual effect; whereas, the Finance Committee bill the CBO has analyzed very carefully it will cover an additional 4 million children. About two-thirds of those will be on Medicaid, and roughly a million will be under the Children's Health Insurance Program.

The big difference is the different effects between the Finance Committee-passed bill and the McConnell-Lott bill on uninsured Medicaid-eligible children; that is, children today who are not on Medicaid but are eligible—what is the effect of the two various approaches on those low-income kids.

Again, I give the caveat we do not have all the actual language and do not have all the numbers exactly crunched by CBO, but a first analysis essentially looks like this. It looks basically like the McConnell-Lott bill will not add many new kids to be covered under Medicaid; whereas, the Finance Committee bill has about 1.7 million children now not covered under Medicaid who will be covered.

It is complex legislation we are considering. This is a Children's Health Insurance Program. But as we work to get more kids covered under the Children's Health Insurance Program, by definition there are going to be more kids also covered under Medicaid—that is children whose income levels are so low they are covered under Medicaid as opposed to the Children's Health Insurance Program.

There is a huge difference there. It looks like the McConnell-Lott bill will not help the very low-income kids who are currently eligible under Medicaid to be covered. In fact, the Finance Committee bill covers at least five times more.

I might say a word about the so-called crowding out. Senators are concerned this legislation will have the net effect of encouraging some children, now under private health insurance, to drop their private health insurance coverage to take advantage of the Children's Health Insurance Program expansion. There are a couple of points about that.

No. 1, under the McConnell-Lott amendment, it looks like their so-called crowd-out ratio is even more adverse from their perspective than the crowd-out ratio under the Senate Finance Committee bill. I don't wish to belabor the point. It is roughly the same, roughly 30 percent, but their crowd-out rate is a little greater on a percentage basis as to how many kids are there who will drop private health insurance for the Children's Health Insurance Program. But theirs is no better in fact a little worse, from that perspective.

Also, it is important and worth noting that when Congress passed the Medicare Modernization Act a few years ago and it provided for the Part D benefits for senior citizens, CBO said the crowd-out rate for that program would be much higher—and it was. I think there is one estimate beginning at 75 percent. I think it dropped to around 40 percent. I might not be entirely accurate on those numbers, but it is much higher than the 30 percent predicted under the Finance Committee CHIP bill and also about the same under the McConnell-Lott substitute.

In addition to that, we on the Finance Committee wanted to reduce the so-called crowd-out as much as we possibly could. We asked the Congressional Budget Office, especially the Director of the Budget Office, Peter Orszag, to tell us on the committee what did we have to do on this legislation; tell us how we should write it to minimize crowd-out as much as we possibly can, be as efficient as we possibly can. He told us what to do and we did it.

In the Finance Committee markup, when asked about crowding out; that is, kids moving from private health insurance coverage over to the Children's Health Insurance Program, he said you have done it efficiently. You have done it as well as you can do it.

I wish to make the point very clear. While we are helping children, while we are helping low-income kids get health insurance—as we clearly should—we also do not want to disrupt the private industry any more than need be.

It is important to remember that States are given power to decide how they want to administer the Children's Health Insurance Program. It is up to the State. Some States add it to Medicaid. Some States have separate programs. Most States use health insurance companies to administer the health insurance program, the Children's Health Insurance Program, with copays and deductibles, and so forth. So those who on the surface might be concerned if their ideology is it should be private health insurance, not the Children's Health Insurance Program, should not be too concerned, frankly, because we have gone the extra mile to make sure that so-called crowd-out is minimized as much as we possibly could.

I will have other points to make later on about the McConnell substitute. Basically, I wish to say it states that if you are at 200 percent poverty or a little above 200 percent of poverty, despite what we anticipated when we passed this legislation in 1997, I am sorry, you can't go above 200 percent if you want to have the benefit of the Children's Health Insurance Programs match rate, which is a little more beneficial to the States than the Medicaid match rate. That is not right. So many States are at least above 200 percent of poverty. I think that is wrong.

The other major thrust of the McConnell substitute is if you are above 200 percent of poverty, you have to go into the private market. That encourages them very strongly. That is not right either. Fundamentally, the Children's Health Insurance Program was written first, in 1997—again, it is a block grant program that gives States flexibility and recognizes that every State is different.

So often Senators say we should not enact one size fits all. I have heard that 100 times around here. Basically, that is correct—not always but basically. Senators who are advocating McConnell-Lott say one size fits all, basically, not recognizing that different States have different costs of living, some States are much more expensive to live in than others.

I saw a chart the other day that showed if you take 200 percent of poverty and matched that against the cost of living in various States in our country, in some States, the parity level would be maybe down around, oh, say, 150 percent of poverty. But there is one State that was 300 percent. If you translate the 200-percent nationwide figure to what the cost of living is in that State, it comes out to 300 percent. I think that is fair because different States are so different.

I ask unanimous consent, now, that the pending amendment also be temporarily laid aside so Senator KERRY may offer an amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

AMENDMENT NO. 2602 TO AMENDMENT NO. 2530

(Purpose: To provide sufficient funding and incentives to increase the enrollment of uninsured children)

Mr. KERRY. Mr. President, I call up amendment No. 2602.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Massachusetts [Mr. KERRY], for himself, Mr. BINGAMAN, Mr. SANDERS, Mr. CASEY, Mr. MENENDEZ, Mr. DURBIN, Mr. REED, Mr. BROWN, and Mr. WHITEHOUSE, proposes an amendment numbered 2602 to amendment No. 2530.

Mr. KERRY. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. KERRY. Mr. President, let me begin first of all by thanking the distinguished chairman of the finance committee on which I have the pleasure of serving, whose leadership has been critical in bringing this bill to the floor. He and Senator GRASSLEY, Senator ROCKEFELLER, and Senator HATCH deserve the thanks of children all across America, of all those advocacy groups fighting for children's health care, and certainly of our colleagues who care about it and have been fighting for it for a long time. They have shown real leadership in bringing about an important compromise by fashioning a bill that was reported out of committee with bipartisan support.

We all understand how difficult that can be, sometimes. Sometimes the negotiations in our committee are out of balance because of the membership of the committee and you may have a different feeling when you finally get to the floor. So I applaud the Senator from Montana. I will say up front, I know that if he had his druthers, he would vote for this on the floor of the Senate now. I also know when you are the chairman and you fashion a compromise in your committee, you have to stick with your compromises. Everybody here understands how that works. So I recognize that this is an amendment that is difficult for him in the context of this overall bill.

But I ask my colleagues to think about this amendment outside of the inside game of the Senate. I ask my colleagues to think about this amendment outside of the parliamentary agreements that have to be made in order to get something out of the committee and actually get it to the floor so we can all consider it. But I also ask my colleagues to remember that when it gets to the floor, we have a chance to vote as Senators, all of us—not as members of the committee. Certainly, the vast majority of the Senate is not bound by what happened in a committee. We are bound by our responsibility, each and every one of us, to our constituents in our States and to our beliefs about what is best for the country.

I believe, first of all, the legislation that the Senator from Montana and the Senator from Iowa, Senator GRASSLEY, have brought to the floor is important for the country. I think everybody agrees on that. I think this bill is going to pass with a pretty significant vote, ultimately, at its current $35 billion level. But as we debate the future of health for our children, I think we have a responsibility to think about it above and beyond the compromising process of the Senate.

I believe we have to think about it in macro policy terms and also—I know the word gets bandied around here on the floor, and it doesn't always have a lot of meaning anymore—in "moral" terms. We have a lot of difficulty sometimes translating what is moral in most people's eyes into legislation. But the fact is I heard Senators on both sides of the aisle, and particularly some of those most responsible for helping to negotiate this on the other side of the aisle—I have heard them say we have a moral imperative to take care of children's health care. I have heard them say we ought to be covering all children.

Of course, we ought to try to cover all children, but isn't it a shame that we can't seem to do that because it costs too much. The Senator from Mississippi came to the floor and spoke about this. He talked about how some want an increase of $50 billion or more and suggested that I approach this purely with an attitude where I say let's decide how many kids we ought to cover, and it does not matter what it costs, let's go pay for it. Well, that is a little bit of a misinterpretation of what I have actually said about it. I have said we ought to decide if we think it is worthwhile to cover all children, and then see if we can pay for it. I did not say pay for it no matter what. See if we can pay for it, but at least decide what your priority is.

If your priority is to cover children which is an important moral imperative, it has a value to our society, it makes a difference to the lives of children, to the lives of the community, the cost of hospitals, the cost of health care, the ability to learn, the ability to grow up and be a full citizen, you measure those and you come to the conclusion hey, this is a good idea, we ought to do this for all kids. Then, you have an obligation to begin to weigh where the money comes from and what the choices are with respect to what you spend money on.

The Senator from Mississippi suggested we have to worry about the cost of the program and who pays for it. Yep, we do, I say to my friend. And he is a good friend, the Senator from Mississippi. We do have to worry about it. But let's measure what people appear to be worried about. Let's measure about why children's health care is a priority.

First, I want to do the "why." What we do here with respect to children is not a Democratic priority or Republican priority. It ought to be the priority of every single Senator. I know most of the Senators here have families, have children, and are deeply concerned about kids and understand these issues.

The real face of this debate does not belong to Senator BAUCUS or Senator GRASSLEY or Senator ROCKEFELLER or Senator HATCH or anyone else who is here arguing about this. The real face of this debate belongs to young kids all across our country who suffer enormous debits on a lifetime basis because they do not have health care.

The face of this is somebody like 9-year-old Alexsiana Lewis and her mother, Dedra, who come from Springfield, MA. Senator KENNEDY—incidentally, I honor Senator KENNEDY's work in this, as we all ought to, because it was his visionary leadership that helped to create the S–CHIP program in 1997. He has constantly been working to build bridges to bring people together to try to sustain and expand the program ever since.

Senator KENNEDY and I went to the Children's Hospital in Boston, a famous hospital where kids come from all over our country. And the stories of curing and caring that are exhibited in that hospital on a daily basis are just extraordinary. Well, we met there Alexsiana Lewis and her mother. Alexsiana, 9 years old, was losing her vision due to a very rare eye disease. Her mother, Dedra, had lost her health insurance, like millions of Americans. We have about 45 to 47 million Americans who have no health care at all right now; 9 million of them are children.

Dedra lost her health insurance. Why did she lose her health insurance? She lost her health insurance because she cut back on the hours she was working in order to be able to take care of her child who had this rare disease. And here is what she said at that meeting with Senator KENNEDY and myself.

She said: "If I did not have Mass Health right now"—that is the Massachusetts health program we have in place now funded by S–CHIP—"my daughter would be blind."

So my question to my colleagues in the Senate is very simple: Somewhere in your States all across this country there is another Alexsiana Lewis, or there is another Dedra who is cutting back on her job. There are going to be about 5.7 million children who do not get any coverage when we finish passing this legislation.

Now, my question is, is that the choice of the Senate measured against the other choices that we could make? Is it our choice that it is OK for an Alexsiana to go blind? Is it OK in your State for some child to have a chronic ailment who will not get the early intervention, the early care, and as a result will probably wind up with a lifetime impairment that will require that child to have special needs education for the rest of their life?

I went out to the State of Washington a couple of years ago. I had recently introduced my Kids First Health Care Plan. And we had about 1,200 people show up. The chief pediatrician for the State of Washington came to this event in Seattle. She stood up and told the story of a 12-year-old child who was disruptive in the classroom. Ultimately, they kicked the child out of the classroom because the child was disruptive. They thought the child was just acting out. Ultimately, that child finally, for the first time, got to a doctor and they found that the child was suffering, not acting out. The child had a chronic infection which spread to the eardrum, and this chronic infection was creating such pain that the child was acting out due to the pain. Now, at the final moment where they diagnosed what was wrong, they found out that child indeed would have a hearing impairment for the rest of that child's life. No health insurance and acting out in class leads to teacher responding and the child finally gets diagnosed as hearing impairment and will require special needs education. What is the rationale? What is the rationale for saying all we can afford is $35 billion over five years, at a moment when people across this country are losing faith in the ability of Washington to be responsible and make responsible choices on their behalf?

I think it is important that we answer that question properly. And I will tell you, when I look at some of the choices we have, it is pretty hard to answer how we are answering it properly. Let me give a few examples to my colleagues. This is a choice the Senate is going to make. If the alternative minimum tax relief is extended, as everybody expects it will be, tax cuts for those earning over $1 million a year will cost $43 billion in 2007 alone. Think about that.

We are saying we cannot afford to cover children to the tune of an additional $15 billion over 5 years, but we can give $43 billion of tax cuts next year to people earning more than $1 million a year. That is obscene. It is ridiculous. It has absolutely no basis in economic argument, and it certainly has no basis in any kind of moral or decent argument.

If you were simply to restore the tax cut to the level before 2001, to only taxable income above $1 million, you would have $44 billion and you could insure children. You would be affecting 0.21 percent, of all taxpayers with positive tax liability in the United States. That is one choice.

Here is another choice Congress seems to be content to make. Currently, major integrated oil and gas companies are eligible for the domestic manufacturing deduction, which reduces their corporate tax rate. In other words, we know fossil fuel is contributing to global warming, but we nevertheless are willing to continue our own dependency on it and give a tax break that encourages people to be able to do what they are going to do anyway because the marketplace is showing that the price of energy is such. These are some of the most profitable companies in the world.

But oh, boy, give them a tax break instead. There is absolutely no valid reason whatsoever that the most profitable oil companies in the world ought to be receiving a subsidy, a deduction, at this time when they are reaping record profits. But guess what, the Finance Committee tried to repeal it and the rest of the Senate did not agree. This deduction cost $9.4 billion over the next 10 years, but we do not have enough money for children.

We didn't close a loophole in our Tax Code for the poor fuel economy—we actually reward gas-guzzling SUV manufacturers. They get $13 billion worth of tax breaks to produce the most gas guzzling cars on the road, the worst fuel efficiency of any car, and we are subsidizing that over children. I do not get it.

I think most Americans, if they had a list of the things that the U.S. Congress gives to big business over children, would laugh at the language they hear when they hear people say: Oh, we have to cover children. There is a real value to covering all of these children.

Here is another one. Most American families do not get this one. If you are a company, you can defer paying U.S. taxes on any foreign income. So you can be an American company and just keep your income drawing offshore, and you do not pay any tax. It can accrue year to year. And repeal of this provision is about $53 billion over 10 years. Also, it is a huge incentive for companies to take their, you know, subsidiaries and other companies offshore and just grow their profits offshore at the expense of American jobs.

There is a long list of choices, similar choices: $12 billion a month in Iraq, going into the sixth year of the war in Iraq; now we are in the fifth year of the war, now a policy that everyone in the world understands is not working. I believe there is a better proposal.

Now, again, I say $35 billion, of course, is better than nothing. But it is incredible to me that we are in this position where the administration is talking about vetoing $35 billion, and we are not willing to do what is necessary to really get the job done.

Let me say that I am pleased that there is a provision that I authored with Senator SMITH and Senators KENNEDY and DOMENICI to ensure that there is mental health parity in this State Children's Health Insurance Program. And parity for mental health treatment is a very significant and very much needed improvement in SCHIP.

Instead of discriminating against mental health, which is effectively what we are doing today, we can offer services that actually improve children's performance in school, that keeps them out of trouble in the juvenile justice system, and helps them lead better lives, filled with a lot more opportunity and promise.

But $35 billion over 5 years, let me ask colleagues to measure that. Why have we decided to spend $35 billion at all? Why do we have a program called the Children's Health Insurance Program? If it is worth spending $35 billion, doesn't the same rationale apply to the rest of the children who do not have health insurance?

Where is the big hand of God coming down and saying: You all over here, you get health insurance; and you over here, you do not because we think it is more important that millionaires get a tax cut. We think it is more important that gas-guzzling vehicles get a tax break, and we think it is more important that oil companies with the biggest profits in the country get their money. That is the choice. That is what is happening.

We have some colleagues who just do not want to bend. That is why this agreement had to be reached. I understand the Senator from Iowa—I am not blaming Senator GRASSLEY from Iowa. I respect what he has tried to do. He held the line to get the $35 billion.

I respect what Senator BAUCUS had to do because we are struggling to get votes. If you don't get over 60 votes, you can't do something. But I think some of those folks who are reluctant to sort of embrace reality ought to step back and question this.

Let me come to another point. I have told my colleagues how we pay for this. First of all, the $35 billion is paid for with a cigarette tax. The cigarette tax I am in favor of, but we know, unfortunately, it is also regressive in a certain way, though hopefully it deters people from smoking. But a whole bunch of poor folks and folks moving to the middle class or folks in the middle class are stuck with their habit and smoke, and they are going to pay a lot of that tax. We would love it if it stopped them from smoking, but we all know that is not going to happen automatically. So here we are looking at how else could you get more kids covered.

What is important about my amendment is that it covers the kids who are eligible for Medicaid. It has a more efficient avoidance of the topic we have heard debated, the crowd-out. People are talking about not encouraging people who currently have private insurance to drop the private insurance to get covered by the State insurance. We obviously don't want that to happen. The fact is that my amendment targets the coverage toward those at 200 percent of poverty or below. So you are mostly targeting Medicaid-eligible children. It is astonishing to me that those are the kids most in need of it, and they are still left out if we don't pass this amendment. We are trying to get the poorest of the poor. We are trying to get the kids on Medicaid. We still don't fully cover the kids on Medicaid with the $35 billion, even though, obviously, it is an improvement. I will vote for the improvement, and I will vote for the bill. But I still believe we ought to be doing more.

I just went to Fall River, MA, the other day to visit a bunch of workers. We have 900 workers there who have been laid off permanently, let go from a plant, Quaker Fabric, that closed. It closed, incidentally, on a weekend's notice, despite the fact that we have a law about plant closings. They are supposed to let workers know ahead of time what is happening. I went to visit with these people. The biggest single question on their minds was: What am I going to do about my health care? How am I going to cover my kids? What am I going to do? I met people who worked there for 35 years, 27 years, 25 years, all at the same place. They were loyal to the plant, and their 2-week vacation started on a Friday. On Monday, they got a call and they were told: The plant is closing. Sorry. That is it. What is more important—covering their children or making sure people who earn more than $1 million a year get $43 billion worth of tax cuts?

Astonishingly, the President of the United States is threatening to veto new money for this program. Even at

$35 billion, he is threatening that. That means the choice the President wants to offer is either Congress can do not enough or do nothing at all. I don't think that is the appropriate choice.

The President has also initiated a disinformation campaign—I guess disinformation campaigns are not new, but it is another disinformation campaign—to denounce this bill as a larger Democratic strategy or plot to somehow massively federalize medicine. I understand the President offered to veto it before he had even read it. Confronted with a bipartisan compromise to extend health coverage to half of the 9 million American children without insurance today, the President apparently only sees some sort of a leftwing conspiracy to try to federalize health insurance. It is almost laughable. I don't think anybody really believes that is what is about to go on, but it sure is one of those scary phrases that create a knee-jerk response in certain sectors of the body politic.

The SCHIP program is, like Medicaid before it, a Federal-State partnership. It is not a Federal program; it is a Federal-State partnership. Ironically, it happens to use private providers as the principal people involved to provide the service. So it is a Federal-State-private sector partnership. It is very hard to understand how the specter of "federalism" somehow can get in the way of that.

Another misleading statement we have heard is that SCHIP is a Democratic Trojan horse for socialized medicine. I have to laugh at that. I was here when we did the 1994 debate on health care. I did not sign on to the plan that was offered by the White House in 1994. There were a number of problems. It doesn't matter what they were. I didn't sign on. I worked hard with Senator Bill Bradley, with Senator John Chafee, Senator Bob Dole, and others. We had a compromise that, in fact, if it had been adopted, it had a back-end mandate with the private sector being tapped to provide additional health insurance to Americans. I believe we could have passed it, but there wasn't the mood for a compromise at that point in time. Had it passed 4 years ago, we would have been at about 99 percent of Americans covered by health insurance. That was the opportunity which was missed.

But one thing I learned, you ain't going to see socialized, Government-run health care in America probably during our lifetimes. It is just not in the makeup. There are plenty of ways to put health insurance out there that are more affordable. I offered one of those ways in 2004. That is as viable and as urgent today and, frankly, as compelling today as an approach where you can reduce the cost of all premiums, take catastrophic health insurance off the backs of businesses and Americans, and lower the cost of health insurance, provide unbelievable streamlining of the delivery of the system, and let every American choose where they want to go. It is far more efficient than what we have today.

This red herring, phony debate, straw debate is inappropriate to the cause of children. It doesn't do justice to any of us.

It also is ironic that some of the most significant efforts to expand the Children's Health Insurance Program have come from Republican Governors. The President's former budget director, Mitch Daniels, the current Governor of Indiana, has recently expanded eligibility for children's health insurance to 300 percent of the Federal poverty level or roughly $60,000 for a family of four. Something is seriously wrong when as good a numbers-cruncher as Mitch Daniels and as tough a budget critic, as we all know, can go out to Indiana, which is a pretty centrist conservative State, and wind up expanding health insurance for kids up to 300 percent of poverty. There is a real disconnect in this debate.

The President likes to claim the new program is somehow going to push families like those from private insurance to government health care. But Governor Daniels and a lot of Governors like him understand that is not the case. With the cost of private insurance for that same family approaching $12,000 a year, the real choice for most American families today is either SCHIP or no health care at all because of the current rise in costs. In fact, the National Governors Association this past week sent yet another bipartisan letter to the President stating their support for the bipartisan reauthorization bill that provides increased funding for SCHIP now moving through the Senate.

Finally, SCHIP is not Government run. The vast majority of SCHIP and of Medicaid enrollees receive their coverage through private insurance plans working under contract with the States to administer benefits. So, far from socialized medicine, it represents the kind of commonsense public-private partnership that ought to be a model for greater health care reform.

A lot of families I have met all across the country are scared they will not have adequate health care for their kids. The President's response to that was—I think about a week ago—Well, they have health care. They can just go to the emergency room. I don't know how many Senators have been to emergency rooms lately. First, they are all overcrowded. I know that at Mass General, which is one of the best hospitals in America, in Boston, sometimes it is so crowded it takes hours to get people processed except for the most traumatic who come in. You have people on gurneys in the halls of hospitals all across America, different waiting periods. It is extraordinary what has happened. The degree to which emergency rooms have become the primary care facility for Americans is shocking. Hospitalized children—this is important—without health insurance are twice as likely to die from their injuries as those with coverage. Uninsured kids are only half as likely to receive any medical care in a given year.

We all go to schools and talk to teachers, and we go into communities. We have townhalls, and we listen to voters. I can't tell my colleagues how many times I have heard a teacher tell me how difficult it is to teach a whole class of kids, which is usually an overcrowded class of kids, where many of those children don't have health care. We know that kids who have health care do 68 percent better in school. Here we are, a country that is struggling with an education system that is not keeping up with competitors around the world. We don't graduate enough scientists or engineers, researchers, and so forth. One of the things it is related to, in terms of the choices children have in their long-term education, is whether they get health care and screening early.

Someone who has health care is more likely to get an early diagnosis of whatever the problem is. If you are a child and you have an irregular heartbeat or a hole in your heart or you have some other disorder, early diabetes onset or even autistic tendencies, if you don't get to a doctor and the parent doesn't see those indices and isn't able to understand them for what they might be and get somewhere to get the care, the odds are that child is going to wind up costing everybody a lot more, not to mention what is going to happen to that child's life.

I hope my colleagues will take a hard look at this. I hope the President will reconsider his decision to veto it. I know Senator BAUCUS and Senator ROCKEFELLER have negotiated the best bipartisan package they could. Again, I commend them for doing so. But here on the floor of the Senate, we have an opportunity to work our will as a Senate. We have an opportunity to make a different statement. I believe we ought to be investing at least $50 billion. The Senate passed in its budget—this is in the budget today—$50 billion for children's health care. The only reason it has come to the floor at $35 billion is because some people refuse to let it come out of committee or take any shape other than that at this moment in time.

The best way to finance that $15 billion is to do what is fair and to make one of those choices we are called on to make. There are countless choices in this budget. We have 27,000 pages or so—I think more than that now—of Tax Code that fill volumes. Most of those pages do not apply to average Americans. Most of those pages apply to those who have been able to lobby

Washington, to those who have been able to bring their cause to this city.

These are children. Children's lobbies reflect a lot of different organizations, but it seems to me we have an opportunity to enroll the lowest income of uninsured children by increasing the bonus payments available to States so they meet or surpass their targets. We don't mandate them to do so. We leave the discretion up to the States. They have wide discretion with the waivers they have today as to how they administer the programs. They have proven themselves very capable and very creative in doing so.

I hope, as a matter of priority, we make a bipartisan down payment of no less than $50 billion toward health care coverage for all our children. The only excuse for not spending more is saying: Oh, we cannot afford that. When somebody says we cannot afford that, then you have to look at what we are choosing to afford. That is the real test of the balance of what we care about and of where we are willing to put our votes.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise for two reasons: one, to give the compromise that is before the Senate a defense against Senator KERRY's amendment; and then to comment on the bill generally, and mostly to comment to some of my fellow colleagues on the Republican side of the aisle in relation to what I consider unfair criticism of this compromise.

I do not rise to find fault with the goals Senator KERRY has put forth. I do not even find fault with some of his arguments about loophole closings. I might feel compelled to argue against the marginal tax increases he might want to have, but right now I will concentrate on his view of expanding this compromise, not questioning his motives, and not raising any question about the sincerity of his wanting to do more—except reflecting on the 4 or 5 months Senator BAUCUS and I have been putting this bill together, we have all had some rude awakenings.

Those rude awakenings are that what we put together as a $50 billion package, when it was first scored came back much higher than $50 billion. So to get everything everybody wants in $50 billion is very difficult. The other thing is a philosophy I had, that somehow with something less than $50 billion we would be able to cover every kid under 200 percent of poverty, and we found out that was not possible.

I am sure we both—from Senator KERRY's point of view and from my point of view—went into this whole discussion with a great deal of good intent and finding out that it may be a little more difficult than we anticipated.

So only with that caveat I ask Senator KERRY to consider, I now want to say why we ought to defend the compromise that is before the Senate.

I appreciate Senator KERRY's goal of covering more kids. The bill we have today insures 3.2 million kids who do not have coverage today. I am very proud of that effort, and I am not going to warm to any suggestion that we have not done enough. The Finance Committee bill does so through a new incentive fund, and it is a proposal both sides of the aisle support. It is a compromise.

The incentive fund is a product of months of work. We built on ideas that were formed by another bipartisan couple—Senator ROCKEFELLER on one hand for Democrats, Senator SNOWE on the other hand for Republicans. We took those ideas that Senator ROCKEFELLER and Senator SNOWE had and reshaped them into what we think represents a very efficient and cost-effective way to increase coverage for children.

As Senator KERRY may recall, during the markup of the Senate Finance Committee, the Congressional Budget Office Director Peter Orszag characterized the incentive fund "as efficient as you can possibly get per new dollar spent."

Simply throwing money at States is not an effective strategy for covering more kids. Cost is an object. The bill that is moving in the House does cover 1 million more kids who are not currently covered than the Senate bill. But they do so while spending $12.2 billion more than we do—getting back to the efficiency and effectiveness statement of the CBO Director Peter Orszag. I will leave it to my colleagues to decide for themselves whether they think $12.2 billion for a million kids is cost effective. But I can assure you, the cost will leave us then—if we do that—without a bipartisan bill, and maybe not the chance of getting anything through, other than an extension. It has been stated, even from our Republican colleagues who do not like the waiver process, that is bad policy.

The Finance Committee bill then—I am begging Senator KERRY to understand—is the best of the possible. The left wants more; the right wanted a lot less. We can make speeches or make legislation. Making speeches does not get any kids covered. Making legislation does. Our compromise does that.

I urge my colleagues to keep on the right track for making legislation; that is, doing the art of the possible. I oppose this amendment and urge my colleagues to do the same.

Now, Mr. President, I would like to speak on the bill. I start out by referring to a chart that I hope we have in the Chamber that has been used by a lot of Republican colleagues over the last 2 or 3 days. This was in relation to speeches that were given yesterday by many of my colleagues who are sincere in their approach.

They refer to this as the "cliff chart." Everything to the right of the green is after this legislation expires. They want you to believe we do not take into consideration anything about the future. They are making out this is an unrealistic proposal we have before you, because following that red line up into the future, they maintain it is going to cost more than we can afford. I want to say how this approach is intellectually dishonest.

I have a tremendous amount of respect for the Senators who have been giving these speeches, and I can identify a couple. There are probably more who have been giving these speeches, but I want my colleagues to know I respect Senator GREGG, the ranking Republican on the Senate Budget Committee. The Senator from Mississippi, Mr. TRENT LOTT, our assistant minority leader, I think has referred to it. I respect his views. But I think everybody ought to take into consideration what we are going to do. I have a chart that is going to lay this out.

In this particular instance, we clearly are on different sides of this argument. There has been a lot of talk around here about how the Senate Finance Committee bill is funded. This chart was used in that discussion. Taking a hard look at how bills are financed is a good thing. Maybe we do not do that often enough. So let me focus on the criticism that has been made about how this SCHIP bill is financed. We need to step back and look at the whole picture. That is what I am begging my colleagues to do. The SCHIP program is a pretty small part of that picture.

The thing about SCHIP is that it is not like Medicaid or Medicare. How many times have you heard the people using this chart refer to it as if it is an entitlement? It is not an entitlement we are discussing today. Or maybe if people do not understand the term "entitlement"—it is not a permanent program, such as Medicare and Medicaid because they are entitlements. SCHIP is not. So when the program expires, it truly ends. The day after the authorization ends, poof, there is no more SCHIP program. That is true of any program that sunsets. But Medicare and Medicaid do not sunset. They are entitlements. SCHIP is reauthorized for 5 years. That is 5 years on top of the original 10 years it was authorized. So this year it is sunsetting. That is not an entitlement. It is an expiring program.

While I know most of us in this Chamber would no sooner let the Department of Defense expire than we would let SCHIP expire, that is a simple fact. And because it is an expiring program, it is subject to a very particular budget rule. That budget rule does not fit this chart. That budget rule says the Congressional Budget Office must score future spending for the program based upon the last year of the program's current authorization.

So the baseline for SCHIP for the next year is $5 billion. That is under existing law. If we pass this legislation, that would not be true. But for what is law right now, in the future, they are going to score that at $5 billion. For the next 5 years, the baseline—let me say again—is $5 billion. For the next 10 years, the baseline for SCHIP is $5 billion. It is actually $5 billion a year forever.

Does anyone in this Chamber think the budget rule governing SCHIP is realistic? Well, of course it is not realistic. But that is the way the budget process and the Budget Office must work under existing law. So I am not here to kid anybody.

According to the Congressional Budget Office, 1.4 million children would lose coverage if we simply reauthorized SCHIP at the baseline of $5 billion into the future. Who among us would go home and tell our constituents that we individually voted to reauthorize the SCHIP program—reauthorize it, yes. If you stopped there, they would think: Well, you did a good thing. What you are doing right now, you continue to do. But if you did that, what you would be doing, without telling them—but they would soon find out; you do not fool the American people—1.4 million kids would lose coverage.

So when the Finance Committee went to work to reauthorize this bill—Senator BAUCUS and I, with the help of Senators HATCH and ROCKEFELLER—we had this problem: The baseline only assured $5 billion a year in spending into the future. It was unrealistic.

Let me digress and point to a problem the Agriculture Committee has this year exactly the same way. We did not spend all the money in the agriculture bill last year, so we are working on a baseline that is $15 billion less than it was in 2002, the last time we wrote a farm bill. So this is not just the case of health care for kids. A lot of committees get caught this way.

But we do have the realistic fact that costs continue to increase in SCHIP, even though the $5 billion was frozen in the baseline because of the budget rules.

So what did we have to do? We had to come up with the money to keep the current program afloat. That meant we had to find at least $14 billion to keep the current program afloat. That is right, of the $35 billion in funding in this bill, $14 billion is put into SCHIP to maintain the current program. That is $14 billion to maintain coverage for kids who are currently enrolled.

Do you know what the White House wanted us to believe all this year since they submitted their budget? That you could do that $14 billion—maintaining the current program—for the $5 billion they put in their budget.

Now, those people down at OMB have to be smart enough in advising the President that you cannot do for $5 billion a policy of doing what we are doing now, and even expanding a little bit, for $5 billion when, in fact, it costs $14 billion. To a very real extent, this is the same kind of situation my good friend from New Hampshire, Senator GREGG—when he was speaking—was complaining about. The current baseline was not realistic. That created a hole in the budget we had to fill. In our case, it was a $14 billion hole to fill, if you want to maintain current policy.

So what did we do? Well, we did what you have to do if you are responsible and deliver on what you say you are going to do. We filled it. It is that simple. We had to comply with the budget rules.

What people forget around here is the Director of the Congressional Budget Office is like God, and everybody who works in the Budget Office can also be little Gods because what they say has to be followed, and if you don't follow it, you know what you have to do? You have to do almost the impossible around here. You have to have 60 votes to get around it. Should they have that much power? Well, if you are going to have any budget discipline, they have to have that kind of power. But it is that simple. We had to fill that hole. We had to comply with the budget rules, so we did. Do those budget rules make sense? Well, I think I have indicated they probably don't, but that is a question for the Budget Committee to answer, Senator GREGG's committee, Senator CONRAD's committee, not the Finance Committee. We have to abide by it.

There is another budget rule that the Finance Committee was required to follow. That rule is called pay-go, which people around here know is short for pay-as-you-go financing. It means the bill needs to cover its 6-year costs and 11-year costs, and that makes sense after all. This bill proposes new spending, and because it proposes new spending, you have to pay for it, or have 60 votes. This bill does pay for it. This bill complies with the budget rules. It complies with the pay-go requirements.

Now, the SCHIP reauthorization we are debating is only a 5-year authorization. That means 5 years from now it will sunset. Congress will have to go through the process of reviewing it. To remind people it is not an entitlement, Medicare and Medicaid doesn't get a review every so often forced upon them. They may get a review by Congress but instituted by Congress, not forced upon Congress by a sunset.

As I think everyone knows, this bill is paid for with an increase in the tobacco tax. This is similar to the original SCHIP bill when it was created under the Republican-controlled Congress in 1997. Now, similar to 1997, when the Republicans did it, we had a problem with how the tobacco tax works. The revenue from the cigarette tax is not growing as fast as health care costs, so that means the revenue-raiser is not going to grow as fast as the cost of health care, generally, and specifically in this instance, the costs associated with the Children's Health Insurance Program.

So the Finance Committee did what was required to do to comply with the pay-go budget rule. The Finance Committee bill reduces SCHIP funding to just below the funding that is in the current baseline. That means the Finance Committee in 5 years will have the same problem we face in putting this bill together today. They will have to come up with the funds to keep the program running because the tobacco tax over the years is not going to bring in enough revenue to keep up with the increased costs of health care. That is just like the $14 billion we had to keep and find to keep the current program running with no changes.

It is true we are covering even more low-income kids in this bill. That is a good thing. But it also means the Finance Committee in 5 years will have a bigger job to keep the program running at that rate. They will have more kids to keep covering and health care costs will be even higher than they are today. This is for the Finance Committee to face in the next 5 years. Of course, during that 5-year period of time, I hope we get a lot of reform of health care in the United States that reduces costs, gets the uninsured covered, so we are not just dealing with SCHIP. Of course, what we have to face in 5 years is similar to the job the Finance Committee had today to continue the SCHIP program. So it is nothing new. But I think some are getting the impression from some of my colleagues who use this chart that this is something new—some gimmick to get around budget rules. But my good friend from New Hampshire, Senator GREGG, has expressed serious concern about the bill, and I think we should at least take a moment and look at his concerns in proper perspective.

So I go back to one of the charts Senator GREGG has used. Here is the chart used to raise the issue. It shows only the funding in the Finance Committee bill. I think looking at it like this paints a distorted picture. As we all know, the SCHIP program was created to supplement the Medicaid Program. The goal of the program was to encourage States to provide coverage to uninsured children with incomes just above Medicaid eligibility. So to put my colleagues' concerns in perspective, we should look at SCHIP spending as it relates to Medicaid spending. So I would like to draw my colleagues' attention to a new chart that represents figures for the future from SCHIP, as well as from Medicaid, so everyone can fully appreciate the consequences of our SCHIP bill in the context of the Medicaid Program, which SCHIP supplements. So take a closer look.

Let's start with this little green line at the bottom. That is current law, the green line that goes along the very bottom of the chart. It is a pretty straight line across the chart. The green line represents the SCHIP baseline under current law. As I have already discussed, it is $5 billion each year for the next 10 years and as far into the future as you can go. If you don't change the law, that is the way it is.

Now let's look more closely and honestly at the actual problems we are facing. The massive orange area, as indicated, above the green line is Medicaid. This is the projected Medicaid spending for the next 10 years. It is a lot bigger than SCHIP. Then, on top of that, we are looking to add new spending for the SCHIP bill, and that is the blue line above the Medicaid indicated by the orange. Again, it is not very big. It is quite obvious it is not very big. As you can clearly see, costs are growing at a rapid pace overall. The overwhelming driver of the costs is what? It is Medicaid. We have a very big problem. Entitlement spending is growing, and in future years we are going to struggle to keep these programs afloat. That is why I would not agree to do a $50 billion SCHIP bill. I thought it was too much spending. I am not particularly happy with spending $35 billion, but as I have said, this bill is a compromise, and it is $15 billion less than what the Democratic budget approved.

So let's focus on the total obligations of the Federal program. This chart, when you look at the whole picture, puts things in perspective. Now, remember, all that fire and brimstone about the awful cliff that was on the previous chart, the awful cliff that this bill brings before the Senate, where is that cliff, you might ask, on the chart I put before my colleagues. If you look closely, right here where the blue line on top goes down gradually to beyond the green line, if you look at the blue there where it dips down a little bit, that little dip to the right of the dotted vertical line is what my good friend from New Hampshire is so exercised about. So this little blue line is what the debate is all about. The little blue line is this legislation before us. The little blue line is creating all this rancor. But it looks a little bit different here, doesn't it, than it did on that cliff chart I showed you ahead of time.

Let me tell my colleagues then what the Finance Committee bill—this little blue line—is not; not what it is but what it is not. Looking at this dip, this is not a government takeover of health care. Looking at this dip, this is not bringing the Canadian health care system to America. Looking at this dip in the blue line, this is not the end of the world as we know it.

While I concede that allotments under our bill in the years beyond the 5-year reauthorization do not behave as described in my friend's chart, I don't think it warrants the heated rhetoric we are hearing during this debate yesterday and today and probably tomorrow. SCHIP is not the real fiscal problem we have. The problem is the big orange area. That is Medicaid. The ranking member and I worked together—I am referring now to Senator GREGG, the ranking member of the Budget Committee. He and I worked together last year on the Deficit Reduction Act to try to rein in Medicaid, and I am proud of the work we did. We also found out how hard it is to dial back entitlement spending, even in a Republican-controlled Congress and even with special procedural protections we call reconciliation. We only succeeded in shaving $26 billion over a 10-year period on Medicaid spending.

The problem of entitlement spending is still there, and SCHIP is a pebble next to the boulders of Social Security, Medicare, and Medicaid. Do we have a funding issue? Yes. There is no denying that. We had one today that was the $14 billion hole that we had to fill if we were going to do what the President said he wanted to do with $5 billion. The Republican Congress created that hole in 1997, I am sad to say, but the Finance Committee filled that hole and produced a bill that complies with the budget rules. I am confident the Finance Committee in 5 years will do the same thing.

I think it is also important to point out we have so many far bigger problems in health care today that we need to deal with. If I am supposed to infer from Senator GREGG's speech that this is supposed to be the opportunity to do something about the problems of entitlement spending, I should point out the obvious: The substitute we expect to vote on does absolutely nothing about the entitlement spending but make a big deal out of it.

So I appreciate Senator GREGG's remarks. They are not without some merit, but you have to put them in context. I don't think they fit the crime we are accused of committing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I request time from the Democratic side.

The PRESIDING OFFICER. There are no controlled time limits at this time.

Mr. REED. Mr. President, first let me begin by commending Senator BAUCUS and Senator GRASSLEY and their colleagues, Senator HATCH and Senator ROCKEFELLER, for extraordinary work. This effort represents great legislating based upon principled compromise to achieve a noble objective, which is to provide health coverage to the children of America. I can't think of a more laudable effort than that which has been led and spearheaded by both Senator BAUCUS and Senator GRASSLEY. They deserve our praise and our support.

I am here today to lend my support to the expansion of the CHIP program, the Children's Health Insurance Program, to support this endeavor which is so critical to the health of the country, literally and figuratively. It is not only a sensible policy in terms of investing in children, it is also morally compelling.

What more lofty objective can we have than to give children access to health care, to be able to grow up in this country knowing they can receive medical attention when they need it?

We are in a situation now where, remarkably, the Nation's level of poverty is growing. It is higher now than it was in 1970. We have not had a President since Lyndon Johnson try to tackle this issue head on. This bill recognizes that there are families who don't have the resources to buy health insurance, but they have a claim as Americans and as citizens to at least have their children covered. I hope we can do that by passing this legislation.

It is estimated there are 37 million Americans in poverty, 13 million of whom are children. These are not merely statistics; they are our neighbors in every State in the Union. They are youngsters who we hope one day will grow up healthy and strong to participate not just as workers in this economy but as productive citizens of this great land. To do that they need access to health care.

We also know that children without access to health care fare very poorly in school and have difficulties. These difficulties become more and more complex, and they compound over the years. In fact, one of the strongest arguments for this legislation is that it makes sense as an investment. It is better to pay now rather than later, in terms of social disruption and serious health problems. That is something I hope even the most hard-nosed colleague in the Senate will appreciate.

One of the consequences of this issue of growing poverty and the bifurcation of income between the rich and the rest of us in what we all consider to be the "land of opportunity," sadly, is that opportunity is not as evident or as palpable as it was in the past. One of the great engines of opportunity for any individual, in addition to education, is health and the ability to seize these opportunities—work, education, and service to others.

Again, I think this is an incredibly important piece of legislation. We have to do more. We have to recognize there are families who are working two jobs—mothers and fathers working 50, 60, 70 hours a week—and still they don't have the resources necessary to pay for the increasing cost of health care for their children or themselves. They are squeezed between paying the rent, providing food for the family, and are looking, many times, for ways to cover the cost of health care for their children.

I am very proud to have been one of the original cosponsors of CHIP in 1997. We were fortunate in Rhode Island to have on the Finance Committee Senator John Chafee, who was one of the leading advocates of the program. As Senator GRASSLEY suggested, this program was crafted with a bipartisan effort in 1997, and one of the great leaders in that was John Chafee. In many respects, we are here today—both of us—to renew his commitment to the children of America.

Over the past decade, this program has been an unequivocal success. It has reduced the number of low-income uninsured children in this country. It has done what it said it would do, and it has done it well. In Rhode Island, we have a combined Medicaid/CHIP program called RIteCare. Our program has been instrumental in reducing uninsured children, and it made a difference for hard-working families in my State. While this program made great strides, there is still much more work to be done.

I want to take a few moments to address some of the issues raised about the Senate Finance Committee agreement and talk to some of the points raised in this Chamber criticizing that agreement. I believe this agreement is not only sound policy, but it addresses a major concern in the country. The proposal before us would achieve several key objectives supported by the overwhelming majority of Americans.

First, it preserves coverage for all 6.6 million children presently covered under the CHIP program. Second, it renews the original intent of the program by making a real commitment to cover an additional 3.2 million children who are eligible for coverage but not enrolled. These two important goals are achieved by allocating $35 billion over 5 years. The original program was financed through the Federal cigarette excise tax, and the proposal before us continues to use this mechanism.

The bill also addresses a problem with the formula that was beginning to plague a growing number of States, including my State of Rhode Island. Last December, I joined a number of my colleagues in crafting an agreement to redistribute unexpended funds from some States and redirect them to States, such as Rhode Island and Georgia and New Jersey, that were rapidly approaching budget shortfalls because they exceeded their CHIP allotment.

The Finance Committee, recognizing this issue, has made a proposal that institutes needed changes in the formula used to calculate State CHIP allotments so Congress is not required to resort to eleventh hour deals to shift money from one State that hasn't used it to other States. That is an important change to the legislation. The bill sets aside a portion of funds in case of contingencies, such as what was experienced during Hurricane Katrina.

Lastly, the bill tackles a challenge that States have been struggling with since the CHIP program began 10 years ago; that is, reaching children who are uninsured and eligible for coverage but are not enrolled. The bill provides incentive funds and flexibility for States to overcome the many economic, social, and geographic barriers that hinder millions of uninsured children who deserve health insurance coverage.

My home State of Rhode Island is a perfect case in point. While Rhode Island ranks 10th nationally in the lowest number of uninsured children—we are very proud of that; in fact, we would like to move up in the ranking from 10 to 1—a recent report by Rhode Island Kids Count indicates that of the estimated 18,680 uninsured children in the State, 11,275 of them were eligible for children's health insurance coverage but were not enrolled. We should enroll all eligible children; that should be our goal. We have to reach these children and, frankly, this legislation will help States become more proactive and successful in enrolling children.

There has been criticism directed at the bill. Let me take a moment to respond to some of the criticism. There has been concern about the cost of the package. I understand that alternative versions of the Children's Health Insurance Program reauthorization will be offered by others in the Chamber during this debate. Some of these bills will have very enticing names, like Kids First, but we should not be fooled by it. The substance of these amendments does everything but put kids first. It won't even maintain the minimum coverage that we have today. Some of the 6.6 million children who are enrolled today will lose out in these alternatives. Rather than expanding coverage, it will contract coverage. We don't want to head in the other direction; we want to move forward.

Similarly, others have balked about the $35 billion price tag. I remind my colleagues that our Senate budget resolution allocated $50 million for children's health insurance coverage. The Senate Finance Committee, the chairman and ranking member, labored mightily and came up with the best possible proposal they could get through the committee, and it is a principled proposal. I salute it. But I was disappointed that the committee left on the table $15 billion that could have been used to insure more children. I have joined Senator KERRY in his amendment to restore it. Again, in terms of our budget priorities, the proposal before us today is even less than what was supported in the budget resolution. For those who say it is too expensive, that suggests this hasn't been very carefully considered and indeed it was, unfortunately, somewhat winnowed down.

Perhaps the most poignant reference is that, while we were talking about $35 billion over 5 years for children's health, we are spending $10 billion a month in Iraq. That says a lot about how we have to begin to reshape our priorities. I don't believe we are spending too much on children when it comes to this particular legislation.

Some have expressed displeasure over using the Federal cigarette excise tax to finance the package. The bill would gradually raise the tax 61 cents, up to $1, over a 5-year period. This is consistent with the original financing mechanism for the Children's Health Insurance Program in 1997. But there is something else interesting here. Cigarette smoking has been identified for decades as one of the chief public health problems in this country, particularly when children start doing it. It is a threat to the health of the Nation, and I doubt if there is anyone in this Chamber who has not had at least one family member's health affected adversely by smoking. I listened to Senator ENZI speak passionately in the Senate Health, Education, Labor and Pensions Committee last week about his father's smoking, which led to his demise, and it also affected his mother.

When you raise the price of a product, you curtail the amount of it that is purchased. We are using market forces to help us do something that we should do: reduce the rate of cigarette smoking. Using market mechanisms in this way, not only to raise resources for health insurance for children, but to lower the number of people who engage in smoking will save public health dollars that are being spent to care for people who have lung cancer, emphysema, and other respiratory diseases caused by smoking.

There is another concern that has been raised, which is that the agreement grossly expands the CHIP program to parents and childless adults, when in fact the bill does quite the opposite. The bipartisan agreement actually ends the administration's practice of providing States waivers to cover parents and childless adults. To date, 14 States have received waivers to cover parents and childless adults, including my State of Rhode Island. In fact, Secretary Leavitt just approved a 3-year extension of Wisconsin's waiver allowing adult coverage. Frankly, I believe that States deserve the ability to take these steps. I am disappointed that more States won't be able to do it. This bill acts as a check on that administrative authority. It deliberately, at this time, restricts the number of parents and childless adults who can join this coverage.

As my colleague, Senator MENENDEZ, mentioned earlier, research shows a strong correlation between parental coverage and the enrollment of eligible children. Once again, the policy behind enrolling parents is sound. But this bill, rather than grossly expanding parental coverage, begins to restrict that coverage. Under the agreement, States with existing coverage expansion waivers will be given a period of transition, and no new States will be granted the opportunity to extend coverage under CHIP. This seems like a reasonable response to these concerns, but I hope as we go forward we might be able to look at the logic behind parental coverage policies as a way to ensure that the whole family—particularly children—are covered.

The proposal also rightly grants States the option to cover pregnant women. Good prenatal care is essential to overall child health and well-being, as well as reducing the number of low birth weight and premature babies. Given the fact that the United States is actually behind most developed countries, and even some developing countries, in terms of these indicators, this step is certainly warranted and overdue.

Finally, Members seem to have great consternation over the fact that children's health coverage produces some level of crowding out of private insurance coverage, and the bill is a giant step toward Government-run health care. Again, the rhetoric seems to be at odds with the reality of what is in this bill. I note that most enrollees in public insurance are actually covered through private plans, where States take the money and reimburse the private insurer. The Finance Committee proposal takes the additional step of including something called premium support. It essentially gives States the ability to offer subsidies for children who are eligible for CHIP coverage but have access to employer-sponsored coverage.

In my State, we have had this experience. We have a program called RIteShare. The program has enabled thousands of Rhode Island families who otherwise could not afford to remain in private insurance coverage to do so with a little help from the State. It is a marginal contribution to their private health insurance, which allows them to stay in the private market. This proposal, again, goes a long way toward addressing the issue of potential crowding out.

I believe this bipartisan agreement represents a very strong step forward to facilitate outreach and enrollment of low-income children. It is not a perfect legislative proposal, but it is an important one based on principled compromise. It reinforces our commitment to children's health. I am amazed the President is already suggesting he might veto it, despite overwhelming public support, and despite the compelling economics that are behind investing in children's health.

I hope that we will by our votes demonstrate that this is a bill which should not be vetoed but should be passed quickly so children can continue to enjoy access to health care in our country.

We all understand that our future is really about our children. They will be the leaders years from now, and we all hope and wish that they will grow up strong, able to seize the opportunities of this Nation. Beyond hoping and wishing today, we can help make that a reality by voting for this important legislation. I urge all my colleagues to join me in doing so.

Finally, I would like to take another moment. As colleagues, we come to the floor, we debate issues and legislation we have sponsored, but the details are worked out by staff members long into the wee hours of the morning. We read speeches prepared by very dedicated staff members.

I have the rare privilege of saluting someone who has worked with me for so many years. Lisa German Foster has been with me since January 1996 when I joined the Senate. She is leaving to pursue other endeavors.

She started in my office as an unpaid intern and has become recognized here as one of the preeminent staffers with respect to health care issues and one of the most decent and humane individuals one will ever meet. I salute her for her work on this bill, on child health and immunization, on the bone marrow registry, on tobacco legislation.

She is a native of my home State of Rhode Island, in Narragansett, but I think she is firmly ensconced in Washington, DC, with her husband Bill and children Aidan and Brady.

Lisa, on behalf of all of us here, thank you for your good work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I join with those who assert that working Americans are carrying too difficult a burden when it comes to health insurance, that the governmental supplements and assistance we provide to help people get health insurance are aberrational, unprincipled, counterproductive, bureaucratic, and often just unfair.

A person's health care is more dependent on where he or she works than anything else. If you happen to work for the Government, you are in pretty good shape. If you work for some big company, you are in good shape. But people live in fear that they might lose their job, and more than just losing their job, they may lose their health care. They don't like that. Families are worried about it. People sometimes refuse to take better jobs because of fears that they will lose their health insurance.

Prices are exceedingly high for people who are not part of big plans, Government programs and policies, and big company plans. That is just a fact. The same person can end up paying twice as much if they run a small business or work for a small business that doesn't provide insurance, and you cannot be guaranteed you will even get it. Sometimes the premiums are more than twice as much.

The President talked about this issue in his State of the Union Address when he talked about tax credits and ending the disparity we now have in health care. It is an absolute problem.

I was pleased to support the program offered by Senator ENZI, the small business health plans, the so-called associated health plans that would help small businesses to pool their resources and get cheaper rates. This could add 1 million people to our insured rolls without any increases in taxes.

We have a problem out there, we really do. So, sure, there is no doubt SCHIP is helping children in need, and there is no doubt our current system is not working fairly and something must be done to fix it. But just adding to this bureaucratic program without any principled fix in the abuses that are contained in it strikes me as very odd. I do not approve of it. I just do not approve of that at all.

It is a system that is brutal on the self-employed, brutal on the person who works for a small business that does not provide insurance. It is not legitimate, it is not right, and we absolutely need to do something to fix it. This odd program that came together some years ago was never, in my view, a particularly sound program. It is just maybe an attempt to fix something that won't work.

What we really need, if my colleagues want to know the truth, is a program to allow all Americans to have an insurance policy that is not dependent on where they work. We should allow them to pay tax-free dollars just like employers can. If they have lower income, the Government helps them make the premium payments and they keep that policy whether they are working or they are not working. They take it with them, and they are not being terrorized all the time by the fear of losing their health insurance.

We can do that. Senator COBURN has talked about this idea, I know, and Senator CORKER, Senator DEMINT all those who worked on this issue. The Department of Health and Human Services worked on it. We ought to be doing that. That is what we ought to be thinking about and talking about instead of putting new wine in old wine bottles, trying to reinvigorate a program that has some fundamental problems and, as I am going to point out, is unprincipled and counterproductive in a number of ways.

I believe we absolutely could have a portable plan of health insurance which would be something that would excite all Americans and make people feel so much more comfortable with their health insurance. That is what I would like to see us move to.

It is said that this is not an entitlement, but it is close to an entitlement.

If we are not making needed reforms to preserve this benefit for those in need, why isn't it an entitlement? Who is going to cut and eliminate health care for children and those in need? We are missing an opportunity to have real reform now.

I know one can argue this case a lot of different ways, but I will just say, when we have my wonderful colleague, Senator GRASSLEY, whom I admire so much and who is personally a very frugal person, saying: Well, this chart which Senator GREGG, the former chairman of the Budget Committee, produced showing that when it is scored out here, there is no money for it after the fifth year, as if it is going to drop to virtually zero—we know that is not going to happen, and, in fact, Senator GRASSLEY said we will have to find the money 5 years from now. But they wrote the bill in that way so it wouldn't score as costing as much as it is really going to cost. It is a gimmick. It is a classic gimmick, that is exactly what it is. It is a bit discouraging, I have to tell my colleagues, when I have a colleague I admire as much as Senator GRASSLEY taking that position on the bill.

Let me ask a few questions about this legislation that point out some of the failures in principle and good policy.

If this is a children's health insurance program, why does it cover adults? There is no "A" in it; it is SCHIP; it doesn't say adults. Clearly, SCHIP has been abused by some States that have expanded the program to cover adults when the goal of the program from the beginning was to cover children. That is what people talk about. In fact, there are 670,000 adults participating in SCHIP. Some States are spending over half of their SCHIP money on adults, including adults without children. One-third of covered adults are not even parents.

One might say: Why do you care that the State has this program? Because the Federal taxpayers are paying 65, 70, 80 percent of it. It is a federally conceived program and substantially federally funded program.

Fourteen States provide health insurance through SCHIP, the State Children's Health Insurance Program, for adults. The Government Accountability Office—that is our watchdog analysis group—reports that nearly 10 percent of SCHIP enrollees nationwide are adults. In Wisconsin, 66 percent of enrollees are adults. Seventy-five percent of the SCHIP funds are spent on adults, and we pay the bulk of that money. Sixty-one percent of the funds are spent on adults in Minnesota, where 87 percent of enrollees are adults, according to the Heritage Foundation. Illinois spends 60 percent of their money on adults; Rhode Island, 57 percent; and New Jersey, 43 percent.

This year, 13 percent of all SCHIP funds will go to adults who are not expectant mothers. About 30 percent of these adults are not even parents. Of the 14 States projected to spend more than they were given, allocated in 2007, 5 cover children not considered low income, and 5 cover adults other than expectant mothers.

The CMS goal and HHS goal was to end the adult waivers by 2009, but this bill basically blocks the ability for that to happen.

No. 2, I ask this question: If this program was created to help lower income children, why are some States covering middle- and high-income children and adults? Isn't this an indication that the program has gone far beyond what its original concept was? Isn't this typical of big Government programs, how they grow and take over more and more, and pretty soon become a Government-dominated system?

I don't think that is the way for us to go. Rich States are getting richer under this program. States are not stupid; they have figured out how to make the program work to their advantage. If they have the money, they make it work to their advantage, if they can make their match. The definition of low income, therefore, has been manipulated. The SCHIP statute defines a low-income child—this is what it says:

> A child whose family income is at or below 200 percent of the poverty line for a family of the size involved.

So it is supposed to be for, and was created in the fundamental statute to be for, those at or below 200 percent of poverty. I will talk about what that means in a minute. That is a pretty decent income, but we are going way above that. However, States are allowed to disregard parts of a family's income. They can just disregard it. These income disregards can mean, for example, that $50,000 of a family's income simply doesn't count, making many more children and adults eligible who are not low-income people.

New Jersey disregards all income between 200 and 350 percent of the poverty level. How do they do that? I am not sure. They got a waiver, apparently. Senator ALLARD presented an amendment to fix the problem of income disregards. It was defeated, of course. New Jersey just disregards the income between 200 and 350 percent of the poverty level.

Ten States and the District of Columbia now cover children in families with incomes of up to 300 percent of the Federal poverty level. In those States, SCHIP provides health insurance for children in a family of four earning up to $61,950. That is a pretty good income. The program, in its current form, provides health insurance for children in those families. New Jersey has extended eligibility to $72,000 for a family of four—350 percent of poverty level. New York recently voted to extend eligibility to families of four earning up to $82,000—400 percent of poverty level.

This is supposed to be a program for the poor. It basically is a program for the poor in most States—it is in my State. Some legislative proposals on SCHIP would allow all States to expand SCHIP. Some of these proposals we are floating around here would allow all States to go to 400 percent of poverty level, which would make 71 percent of all American children eligible for public assistance through Medicaid or SCHIP.

This bill will allow New York to cover people at 400 percent of the poverty level. Now, the bill says 300 percent, and that is what they will say here on the floor, that it is 300 percent, but the grandfathered-in program covers New York, and they are at 400 percent, which means we will be subsidizing that.

Mr. BAUCUS. Will the Senator yield for a question?

Mr. SESSIONS. Yes, I would be delighted. I hope I am wrong.

Mr. BAUCUS. Are there any States that cover 400 percent of poverty?

Mr. SESSIONS. That do what?

Mr. BAUCUS. That cover children at 400 percent of poverty.

Mr. SESSIONS. I understand New York has passed a law that would do that.

Mr. BAUCUS. No, that is not correct.

Mr. SESSIONS. It hasn't taken effect yet, but I understand they have passed it.

Mr. BAUCUS. No. Is it true if a State wants to cover, say, above 300 percent of poverty, is it true the State has to get concurrence with the Secretary of HHS?

Mr. SESSIONS. Yes.

Mr. BAUCUS. Has New York received that concurrence?

Mr. SESSIONS. My understanding is that under the current law, the Department of Health and Human Services believes it may have to grant that waiver, and nothing in this bill would prevent it; is that not correct?

Mr. BAUCUS. Actually, I would not say it is 100 percent incorrect, but HHS has discretion, as HHS had discretion granting other waivers which the Senator is concerned with, and, frankly, this Senator is concerned with. As the Senator knows, this bill is designed to crack down on the effect of those waivers and prevent any future waivers with a lot of the adults I know the Senator is concerned about.

I wished to make the point that no State covers at 400 percent of poverty today. Secondly, if New York does seek 400 percent—if any State seeks 400 percent, it has to get the concurrence of the Secretary of HHS.

Mr. SESSIONS. Well, I will say this without doubt, Mr. President. Amendments have been offered, I believe already and will be offered, to make sure New York would not be able to get the 400 percent. Because the Federal taxpayers in my State of Alabama, where we provide SCHIP to children under 200 percent of poverty, we are going to be subsidizing that, and I don't see any reason for us to do that. But under this bill it can continue, if Health and Human Services is correct, and their lawyers tell them they can't deny this request.

I will agree they probably should have been more aggressive in denying some of these things and litigating, if need be.

Mr. BAUCUS. Will the Senator yield for another question?

Mr. SESSIONS. I will do my best to answer the Senator's question.

Mr. BAUCUS. I appreciate the willingness of the Senator to engage in a dialogue. Is it true, first, that the match rates States are getting; that is, the Federal proportion and the State proportion, are more favorable to States under the CHIP program than it is under Medicaid?

Mr. SESSIONS. I believe that is correct.

Mr. BAUCUS. The Senator is correct. That is correct. Is it also true that, on average, the differential is about 30 percent? That is, the match rate that States get under the Children's Health Insurance Program is about 30 percent better, from the State's perspective, than the State gets from Medicaid; is that also true?

Mr. SESSIONS. I believe so.

Mr. BAUCUS. It is true.

Mr. SESSIONS. I know the distinguished committee chairman probably knows that pretty well.

Mr. BAUCUS. It is true it is about 30 percent. Is it also true that different States have different costs of living?

Mr. SESSIONS. That is correct.

Mr. BAUCUS. And so some States—

Mr. SESSIONS. Although as the days and years go by, less and less perhaps.

Mr. BAUCUS. Different States have different costs of living. Some are more expensive to live in than other States.

Although the Senator is correct that States have set their eligibility rates at 300 percent of poverty, that actually, at that point, States no longer receive the Children's Health Insurance Program match rate, which is 30 percent higher on average than they receive in Medicaid. They can go to 300 percent or above 300 percent, but if they do—if they do—isn't it also true they get a much lower match rate than they receive today; that is, at the CHIP rate rather than the Medicaid rate?

Mr. SESSIONS. My understanding is the Senator is correct; that is, at least in Medicaid those rates, as you cover certain extras, you get a lower percentage rate. I am unsure of the exact details about how that is applied in SCHIP, but I understand there is a differential.

I would suggest to my colleague, though, that what we have done is created a system that incentivizes States to spend because they are getting a very substantial—65 to over 80 percent—match to cover things they wouldn't otherwise cover because it is money given gratis from the Federal Government; is that not correct?

Mr. BAUCUS. Well, if the Senator is asking me the question, that is true, as in the case of Medicaid but reminding us that we are talking about very low-income kids here.

Mr. SESSIONS. Well, reclaiming the floor, the GAO did a study that criticized this aspect of Medicaid some time ago, and it made some news; that the net effect of all this is that, on a percapita basis, people in higher income States are getting more out of Medicaid than they are in poorer States, on a fairly substantial basis. They have criticized that policy. Some of those same policies based on that unprincipled approach to health care are at work in this bill.

Again, the Federal Government would pick up a substantial percentage of what New York may get if they go to 400 percent. But 350 and 300 percent is, I think, a bit much anyway. For example, about 70,000 upper-middle-class-income families who pay the alternative minimum tax would also qualify for SCHIP under this bill. The program, I think, as a matter of policy, encourages irresponsible spending.

Think about this: States who use up all their allotment, many of which obviously are those giving out their richest benefits, profit from States such as Alabama, who are very careful with their spending and stay within their allotments. In years past, if Alabama didn't use all the allotment given to them—and they have to match a portion of it to get that money—that money was redistributed to States who spent more. This is, I think, unfair and not good, sound policy. It has encouraged States to overspend while punishing States who have been conscientious about controlling spending.

Of the States which exceeded their allotment and that have asked for bailouts, adults accounted for 55 percent of those States' enrollees, according to the Government Accountability Office. Those States that have exceeded their allotment, that have reached back into the pool and have gotten more money, the GAO has found that about 55 percent of what they pay out goes to adults. Not to children—adults. This bill does not stop that in an effective way. It had an opportunity to, and it did not.

Of the 18 States projected to have shortfalls for 2007, 7 have SCHIP eligibility that is above 200 percent of the poverty level. So the 18 States who were projecting they were going to spend above their eligible amount, they are the ones that have the highest eligibility rate. Four of those States—Maryland, Massachusetts, Missouri, and New Jersey—are at or above 300 percent of the poverty level, so you are talking about subsidizing health care for a family of four earning $60,000 per year.

In addition to taking leftover money from fiscally responsible States such as Alabama, some States that have expanded their programs beyond the scope of the original program have asked the Government to bail them out with new money. In other words, there is not enough leftover money. Not enough leftover money now that they can scoop up from frugal States such as Alabama to take care of their spending, so now they are asking and demanding more money from the Federal Government to match whatever they want to do.

It is a classic example of an out-of-control Federal program running amok. I have to tell you that is not good policy.

Five States have taken 83 percent of Government bailout funding for 2006 and 2007, and 14 States received part of this funding. This is the extra money Congress has appropriated to fill their deficits. Only 5 States have gobbled up 83 percent of these funds, with 14 States receiving part of this funding. But out of $720 million, Illinois received $237 million, New Jersey $164, Rhode Island—small Rhode Island—$84 million—high-income State, that is—Maryland $31 million, and Massachusetts $77 million.

So it is the high-benefit, high-tax States that are sucking up money out of the fund, and they want more and more. This bill does not deal with that.

The bill only worsens the problem of States who are overspending as it creates a contingency fund. Now, the contingency fund is specifically designed to provide this additional funding to States that run out of money because they have covered too much and there is not enough Federal matching money for them. I think we better name this contingency fund the "Federal Fund to Encourage SCHIP Overspending." Maybe that would be the right title for it.

As Secretary Leavitt has said, this section indicates that either the allocation formulas that determine how much money States get are wildly inaccurate or we do want States to overspend. It seems like that is our goal. That is why people are suggesting this is a subtle way to have the Federal Government take over a larger and larger portion of health care in America.

A further example of bad SCHIP policy is federally subsidizing infrastructure for States to develop government-sponsored universal health care. Many States, such as Pennsylvania and Vermont, have already begun the process of instituting a universal health care program. I think it is unfair to tax people in the frugal States to pay for rich health care plans for the wealthy in other States. That is not a good policy.

About 45 percent of American children are currently enrolled in Medicaid or SCHIP, though only 37 percent are in families earning less than 200 percent of the Federal poverty level.

This is the third question I would ask. CBO estimates that about half of new SCHIP enrollees from this legislation now have private insurance. So my question is: Why would we spend taxpayers' money to insure people who are already insured? This bill would decrease private health insurance coverage. It would encourage people to leave their plans. It seeks to take kids away from private coverage and move them to government-run health care. Parents would be financially motivated to take their children off private, usually employer-sponsored plans, and put them on a taxpayer-supported plan. Those children would then have to be supported by the taxpayers; whereas, before they were covered by their own private insurance plan.

A recent report by CBO estimates that SCHIP has reduced the uninsured in the target population—those we wanted to reach who are uninsured, low-income children—by only 25 percent. That is the CBO saying that. The target group that was uninsured—low-income children—we have reduced those uninsured by only 25 percent. I think this is because a lot of children now in SCHIP, and in many States adults, are people who used to be on private health plans. Between 50 percent and 75 percent of Medicaid expansion funds in the 1990s were spent on people who would have been privately insured, according to the economist Jonathan Gruber. That is a big number. I don't know if it is accurate, but that is what he concluded—between 50 percent and 75 percent of Medicaid expansion funds—were spent on people who would have been privately insured.

One study found that 60 percent of the children who became eligible for SCHIP had private coverage in the year before the SCHIP plan began. That is a stunning number; 60 percent of the children who became eligible for SCHIP had private insurance the year before. CBO found that among newly eligible populations—the higher income families who would be covered by this bill—one child will drop private coverage for every new uninsured child who is enrolled in the public program. That is a stunning number.

Overall, for every 100 children whom this bill would enroll in SCHIP, 50 of those children would come from private insurers. So half of the children we are going to be covering would be coming from private insurance plans. I don't think that is good policy, unless it is your goal to diminish private insurance and further take over the private sector with Federal plans.

These are conservative estimates, since the studies failed to calculate the crowd-out effect for adults who switched to Government plans. A recent study——

Mr. BAUCUS. Will the Senator yield on that point for a question?

Mr. SESSIONS. I will be pleased.

Mr. BAUCUS. A question designed for Senators to have more information about the basic point the Senator was talking about, crowd-outs, which the Senator understands is people on private insurance leaving private health insurance to go to the program that Congress may have enacted.

Does the Senator have any idea—I found this very interesting—when Congress passed the Medicare Modernization Act, which included Part D drug benefits—I don't know whether the Senator voted for that bill. I assume the Senator voted for that.

Mr. SESSIONS. I did vote for that.

Mr. BAUCUS. Does the Senator know at that time what the so-called crowd-out was? In fact, put it this way: Does the Senator know what percent of people who at that time were on private health insurance who might then have gone to a program the Government offered? Does the Senator have any idea—I am not saying the Senator should know. Does the Senator have any idea what was estimated at that time when we passed that bill what the crowd-out would be?

Mr. SESSIONS. Responding to the question of the Senator, I do know that you, as one of the authors of that bill which I did support, did create provisions to minimize that and deliberately took steps to reduce the amount of crowd-out that would occur.

Mr. BAUCUS. The Senator is correct.

Mr. SESSIONS. I am sure some would occur. Of course there was a feeling and observation on that from the beginning that this was a trend in the country.

Mr. BAUCUS. Correct. There is no real official conclusion of what the actual crowd-out has been. But does the Senator know the basic unofficial statistic is about 66 percent; there was about a 66-percent crowd-out under the Medicare Modernization Act?

Mr. SESSIONS. I am not aware of that. I know my mother didn't have any coverage. She was glad to get the prescription drug benefits.

Mr. BAUCUS. I want to ask another question. Does the Senator know what the anticipated crowd-out was when this Children's Health Insurance Program was originally enacted in 1997? What was the estimated crowd-out then, when we passed this bill in 1997?

Mr. SESSIONS. I am curious. I don't know.

Mr. BAUCUS. It is about 40 percent. And does the Senator know what the actual experience has been? About between 25 and 50 percent are the best numbers we can get.

Mr. SESSIONS. That is not so much—

Mr. BAUCUS. Between 25 and 50.

Mr. SESSIONS. I am pretty close to the estimate.

Mr. BAUCUS. You are close. Does the Senator know that when we wrote this bill we asked the CBO Director, Peter Orszag, to tell us in the Finance Committee what we have to do to minimize the phenomenon of crowding out? Of course the Senator doesn't know we asked him, but does the Senator know when we asked Peter Orszag during the markup—it is on the public record—were we extremely efficient and minimized the crowd-out as much as we possibly could, does the Senator know Mr. Orszag said, Yes, we were extremely efficient and minimized crowd-out as much as we possibly could?

Mr. SESSIONS. I didn't. But I will respond by asking this question: If we have crowded out prescription drug coverage for seniors, if we crowd out private insurance in Medicaid for low-income people, if we crowd out regardless of income concerns in general Medicare, and if we now crowd out more children and even adults under a children's plan, who is going to be left in private coverage?

Mr. BAUCUS. Let me answer that question by asking this question in return: Would the Senator want even more crowd-outs under a different approach? All experts say if we try to address more coverage for low-income kids through private coverage that the crowd-out would be even greater. Would the Senator want that greater crowd-out to occur, compared with the Children's Health Insurance Program?

Mr. SESSIONS. I would respond with this question: Isn't it true, if you are setting eligibility at 400 percent of poverty, or 350 percent, or 300 percent of poverty, you are going to crowd out more people with insurance than if you are actually taking care of poor people who are less likely to have insurance?

Mr. BAUCUS. I respond to the Senator, I have forgotten the exact statistic, but intuitively the answer is the one the Senator is suggesting, but actually the fact is, as we established earlier, no State has 400 percent of poverty. No State does. No State does. But for those States above 300 percent, the kids who are actually covered, the greatest preponderance of kids covered is still low-income kids. I say of all the beneficiaries to date under the Children's Health Insurance Program today, 91 percent are children at or below 200 percent of poverty.

This program is for kids. I know all this concern about adults and I share the Senator's concern about adults. I share it very strongly. We worked very hard on this bill to cut down adults, as the Senator knows. Childless adults are phased out after 2 years and parents are much lower—get a poorer rate. The third category of adults, pregnant women, there is a State option.

But the biggest concern, I am sure, of the Senator from Alabama is childless adults. This is supposed to be a kid's program, not an adult's program. We say, OK, after 2 years you are off. As the Senator also knows, back in the Deficit Reduction Act, when that was passed, we prevented HHS from granting any waivers for childless adults in the future.

Mr. SESSIONS. I thank the distinguished chairman for his insights. It has been a good dialog. I would go back, fundamentally, to the remarks I made at the beginning. Our present health care system is not working well. I believe a simpler system, if taken as part of the idea of equalizing tax deductions and tax credits for all Americans—and it would require spending from the Government to do that—if we did that in an effective way, every person could then choose their own insurance policy covering themselves as they wish. I think it would be a far more preferable way than taking a children's program and expanding it in a significant way.

There is no doubt. CBO has scored that for every child who is in this bill who would be enrolled in SCHIP, 50 percent of those children would come from private insurance coverage. That is a conservative estimate. It is a big deal. Fifty percent of the people who would be picked up under this plan would come from families where they are already covered.

The National Bureau of Economic Research, an independent group, estimates the crowd-out rate for SCHIP to be as high as 60 percent. Of 10 million children, about 50 percent of the children in families with incomes below 200 percent of the poverty line have insurance. This is the number for the lowest income group. We would normally expect and do expect that higher income levels would have higher crowd-out effects. In fact, CBO—our own Congressional Budget Office—the one we have to rely on for information, estimates that 77 percent of the children in families at 200 percent to 300 percent of the poverty level already have private coverage. How about that? And 89 percent of children in families with incomes between 300 percent and 400 percent of poverty have private coverage, as do 95 percent of children in families above 400 percent of the Federal poverty level, according to our own Congressional Budget Office, which I assume our distinguished chairman does not disagree with. I mean he doesn't dispute those numbers.

Our goal should not be to take insurance away.

I will conclude. I know others are here prepared to speak. I have enjoyed the dialog.

I am not comfortable with the some of the ways we are proposing to take care of children and the way we are taking care of adults in a children's program and the way we are dealing with a broken Federal tax policy with regard to the uninsured. I was on a task force appointed by former majority leader Bill Frist, Dr. Bill Frist, to deal with the uninsured. We wrestled with it a number of ways. One of the ways we could have gotten a million people covered was through the association health plans, the small business health plans that my colleagues on the other side of the aisle managed to block.

Now we are moving more money, more, I guess, new wine in old wine bottles here. I think we need to break out of this mentality and create a system where you own your health insurance policy and you take it with you if you change jobs. I would note that the average American worker has had nine jobs by the time he or she is 35. Likewise, we ought to have savings accounts that people can take with them whenever they move from job to job and provide as much security and stability and assurance as we can possibly provide the working American families today.

Middle-class families are getting hit at both ends here. They are required to pay more taxes. They are not getting the benefits. They are working hard. If they are not working for a big company or the Government, they are paying a very high price for their health insurance.

We ought to work on these things, and if we did so, we might be surprised how many people might come on the insured rolls.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Montana.

Mr. BAUCUS. I am not going to belabor this crowd-out issue. A lot of people watching are probably asking what in the world is crowd-out. For those wondering what in the world crowd-out is that we are talking about here, basically it is how many people of those this legislation covers—how many people would be crowded out of private health care insurance. That is, if they are on private health care insurance today, how many would leave private health insurance to go to the Government program.

A couple of points here. No. 1, those who might be inclined to vote for the McConnell substitute know this, but actually the so-called crowd-out is greater in the McConnell-Lott proposal than it is on a percentage basis under my bill. On a percentage basis, under the McConnell-Lott bill, more people would be leaving private health insurance to go to the Children's Health Insurance Program.

Second, the figure we hear is 1 to 1. That is not accurate. That is selective use of the tables. If you look at the real facts, at the bottom line under CBO's estimates, they actually say it is more in the neighborhood of—it is not 50 percent that is represented here, but actually it is about 30 percent.

It also has been represented here that maybe under tax credits, which is a better way to go to cover health insurance, the implication is there will be less crowd-outs. Well, let me just point out that there is a fellow named John Gruber, and he is an MIT professor, a health economist. He is often quoted by the President. Professor Gruber is often quoted by President Bush in this general area. What does Professor Gruber say? He says that the tax credit crowd-out is, in his estimate, 77 percent. Much higher.

So for those concerned about the so-called crowd-out, I would think they would like the underlying bill because of all of the approaches we have discussed here, there is less crowd-out in the underlying bill than in the substitute or under the Kyl-Lott amendment and much less than would be the case under a tax credit approach to help low-income kids. I think the record should show that so Senators have full information and those watching this debate, wherever they may be, also have the facts before them.

Madam President, I suggest that the Chair recognize Senator MURRAY.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, all children should be able to see a doctor when they are sick, and all children should be able to get the medicine they need to make them better. When a kid gets a cut or requires stitches or comes down with a fever or an earache or with any imaginable problem, they should be able to get help, period. Unfortunately, today in America, the richest and most successful country ever, that is not the case. In fact, millions of American children do not have health insurance today, which means millions of American children cannot see a doctor when they are sick and millions of American children do not get the medicine they need to get better. As wages remain stagnant, as the cost of living—heat, food, clothing, college tuition, doctor's visits—increases, more and more parents today are unable to afford health care, and the ranks of uninsured children are growing.

This tragedy can only be described as a shame. It is unquestionably our moral obligation as Americans to correct it. It does not matter if you are Republican or Democrat, progressive or conservative—making sure our children get health care is the moral thing to do. Now, most of us in the Senate know this, and we are working now to do the moral thing—support reauthorizing and improving the Children's Health Insurance Program, or CHIP, which takes massive steps forward to giving our kids better health insurance in this country.

This bill will ensure that the 6.6 million children who are enrolled in CHIP continue receiving care, and it provides

3.2 million uninsured children with coverage. As a result, over the next 5 years, the number of uninsured children in America will drop by more than a third. It also strengthens the program by increasing funding for States that need the most help. You know, in recent years under President Bush's watch, many of our States have faced funding shortfalls, jeopardizing the coverage of countless children.

This bill also provides an emergency fund to cover unexpected shortfalls arising from economic downturns or emergencies. In fact, the Congressional Budget Office, which is a nonpartisan group of experts, predicts that 800,000 children now covered by CHIP or children's health insurance will lose coverage over the next 5 years unless there is an increase in funding above the base amount required.

This legislation which is before the Senate today provides $100 million as well for outreach and enrollment efforts that increase the participation of children in the Children's Health Insurance Program. It includes a national campaign to help raise awareness of the Children's Health Insurance Program and the targeting of our children in rural areas with high populations of eligible but unenrolled children today. Another outreach effort will provide funds for translation and interpretation service for CHIP, so minority children, especially Native Americans and Hispanics, will become more aware of this program.

Finally, this authorization plan provides my home State of Washington with the funding and flexibility we need to provide more children with quality health care.

This bill is a big win-win for Washington State and the many families who struggle to provide care for their children today. One of the smartest parts of this plan is that the money for these initiatives—$35 billion over 5 years—comes solely from a 61-cent excise tax increase on cigarettes and other tobacco products. No other programs are cut; Social Security is not raided; the deficit will not be increased.

Not only will this bill provide millions of American children with health care, but it is estimated that it will lead 1.7 million adult smokers to quit smoking, and that will cause a 9.2-percent decline in youth smoking and will prevent over 1.8 million kids from becoming smokers. So when you provide health care to millions of children and lead millions of young people to stop smoking or to never pick up a cigarette, this bill is a win-win for our country and for our children.

I think it is very important that I thank my colleague, Senator Max Baucus, for his tireless work on this issue and for all of America's children. Without his determination, we would not be so close to providing more of our kids with health care.

It is also important to note that this bill is bipartisan. Senator GRASSLEY has worked very hard, along with Senator BAUCUS, in creating this legislation. It was passed out of committee on a commendable bipartisan basis.

Another big supporter of this bill on the floor has been Senator HATCH, who was a cosponsor, actually, of the original 1997 bill.

I listened to him as he recently said:

> We are trying to do what is right by our children who are currently not being helped by our health care system. If we cover children properly, we will save billions of dollars in the long run. Even if we did not, we should still take care of those children.

Senators GRASSLEY and HATCH are not alone on their side of the aisle. Many of our colleagues realize that supporting this legislation is the moral thing to do. Unfortunately, however, President Bush does not agree, and he has, amazingly, threatened to veto this bill. Now, he is going to be out there giving his reasons for the veto. He is going to make complicated arguments and throw some numbers around. But the bottom line is, the moral line is that vetoing this bill will endanger coverage for millions of children who are currently enrolled in our Children's Health Insurance Program, and a veto will deny millions of kids who would become covered under the bill a chance to see a doctor when they are sick. It seems, sadly, the moral light President Bush says guides his decisions has dimmed.

I wish to share the following story with President Bush and with any Senators who might be thinking about voting against this bill.

This is Sydney. Sydney and her mom Sandi DeBord live in Yakima, WA. Sydney has cystic fibrosis. Sydney's mom recently wrote to me. She talked about her daughter and the importance of the Children's Health Insurance Program, which allowed Sydney to get the care she needed, which extended her life and allowed her to live her short life to the fullest.

Mrs. DeBord wrote to me, and I want to read to you what she said. These are her words:

> My daughter has a life-shortening genetic condition called Cystic Fibrosis. With quality health care I believe her life has been extended and she has been able to enjoy 9 years of quality life.
>
> Of course, she spent many weeks in the hospital on life-saving IV antibiotics during those 9 years, and not a day goes by that she does not have to endure taking a bucket full of medicine. But despite the obstacle in her way, she is a happy child living life to the fullest.
>
> She is active, she does well in school, has many friends, and loves to sing and dance. However, none of that would be possible if it was not for the quality health care she receives as part of the CHIP health care. I know for a fact that without this bit of assistance, her life would end much sooner due to the inability to afford quality health care for her.
>
> As her parent, it frightens me to even think some day she may be without health care coverage if programs like CHIP are no longer available.

She said:

> I write to ask you to reauthorize the State Children's Health Insurance Program and ensure the program is adequately funded to provide high quality health care for children with Cystic Fibrosis.

I hope President Bush and opponents of this bill will listen to this story. I hope they take a chance to look at Sydney and the life in her eyes and the life she has been able to live. I know Mrs. DeBord hopes they are listening as well.

It is our moral duty as Americans to ensure our kids can see a doctor when they are sick. The bill in front of us today fulfills that duty. It ensures that children covered by CHIP remain covered, and it ensures that millions without insurance today are going to get it.

I strongly urge my colleagues to do the moral thing and support the reauthorization of this Children's Health Insurance Program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, as everybody knows, I have been in the CHIP battle since the beginning. I just want to pay a great deal of tribute to the distinguished chairman of the committee, Senator BAUCUS; the distinguished ranking member, Senator GRASSLEY; and, of course, Senator ROCKEFELLER.

In the beginning instance of CHIP, my good friend, Senator KENNEDY, and also Senator SNOWE, my dear friend—all of these people had a lot to do with the CHIP bill from the beginning. And I have to say that the original Hatch-Kennedy bill became the CHIP bill back in 1997, and, of course, it has come all of this way to today where we are looking for renewal.

There are some facts that really ought to be put into the equation here today, and I thought I would just spend a few minutes on some of the facts regarding CHIP.

No. 1: The Children's Health Insurance Program reauthorization is not full of budget gimmicks. The Senate Budget Committee has certified that this legislation complies with pay-go rules of both the 6- and 11-year base under the pay-go rule. The Congressional Budget Office has reviewed its 5-year and 10-year expenditures and revenue raisers and believes they are balanced on an on-budget basis. This bill is a 5-year authorization and is fully paid for with offsets. This bill is not a 10-year reauthorization, and that is an important point to remember. The CHIP program must be reauthorized in 5 years.

Fact two: Some have indicated that the Children's Health Insurance Program reauthorization imposes up to a $10 tax on a cigar. Well, the tobacco tax included in our bill prorates tobacco rates or taxes on cigars. The tax imposed on cigars is based on the price of a cigar. In very few instances will an individual cigar be taxed at $10.

Another fact: The Children's Health Insurance Reauthorization Act does not increase the crowd-out rate. There is crowd-out because there is always going to be crowd-out when you try to solve some of these very serious problems. Although, because we are covering more children, some have concern that the crowd-out rate will increase, according to CBO, the fact is that the crowd-out rates will not increase.

Another fact: The Children's Health Insurance Reauthorization Act prohibits the Federal Government from granting future State waivers to cover nonpregnant adults through CHIP. Our bill puts the emphasis back on low-income, uninsured children. Simply put, our bill puts an immediate stop to States being granted future waivers to cover nonpregnant adults.

Let me give you another fact: The Children's Health Insurance Program Reauthorization Act eliminates enhanced Federal matching rates for nonpregnant adults. At the beginning of fiscal year 2009, States will receive lower Federal matching rates for childless adults, and in fiscal year 2010, childless adults will not be covered under CHIP. At the beginning of fiscal year 2010, only States with significant outreach efforts for low-income uninsured children will receive enhanced match rates for parents; others will receive the lower Medicaid match rate, or FMAP, for adults.

Starting in fiscal year 2011, all States will receive a lower Federal match rate for parents. Those States covering more lower income kids will receive REMAP—that is the mid-point between the CHIP matching rate and the lower Medicaid matching rate. Other States will receive FMAP for CHIP parents.

Another fact: The Children's Health Insurance Program Reauthorization Act provides lower matching rates to States for those individuals 300 percent of the Federal poverty level and above who are covered under CHIP, thus penalizing States that want to cover higher income children.

Under the current CHIP bill, States receive an enhanced Federal matching rate for all income levels. Our bill discourages States from covering higher income individuals in the CHIP program. After enactment of our bill, States that have new waivers approved to cover 300 percent of the Federal poverty level and above would only receive a lower FMAP payment for higher income individuals.

Let me give one more fact, and then I will make some other points. The Children's Health Insurance Program Reauthorization Act is an effective children's health program and a small part of the overall cost of health. CHIP is not an entitlement program. That is something a lot of people don't understand. We drafted it that way because I didn't want it to be an entitlement program. Now some say we will never be able to stop it. That may be because it works. It has saved literally millions of children. It is a capped block grant program, where States are given flexibility to cover their low-income uninsured children.

According to CMS, the agency that has a lot to do with health care, in 2005, we spent a total of $1.98 trillion on our Nation's health care system. Private expenditures were $1.08 trillion. The Federal Government's expenditures were $900 billion. Total Medicare spending was $342 billion in 2005, according to CMS, and Medicaid was $177 billion in Federal dollars. Our bill today funds CHIP at $60 billion over 5 years. That is the $25 billion base figure and an additional $35 billion to cover more children. This is a fraction of the total cost of health care in our country to provide care for low-income, uninsured children. Covering these children is worth every cent. We spend almost $2 trillion on health care, and the equivalent of $12 billion a year is what this program will cost, out of $2 trillion in health care, $900 billion of which happens to be Federal dollars. Only $12 billion goes to these kids, mainly children of the working poor who earn enough that they don't qualify for Medicaid but don't have enough money to buy private health insurance.

That is what a lot of people don't seem to understand. The CHIP bill, up to now, has worked quite well in spite of the waivers, which I believe should not have been granted in many respects by the last two Administrations. But I have to say this program has worked very well.

I also wish to let everybody know that I support S. 1893, the Children's Health Insurance Program Reauthorization Act. Over the past few days, I have been listening to the floor debate on the bill being considered on the Senate floor this week. I have to admit, at some points during the debate, the descriptions I am hearing don't even sound like the bill I introduced with Senators BAUCUS, GRASSLEY, and ROCKEFELLER. Indeed, I believe there have been many allegations by opponents of S. 1893 that are not accurate. Therefore, I would like to take a few minutes to correct the record so my Senate colleagues hear from both sides before making a final decision on how to vote on this bill later this week.

First, I take issue with the point that our legislation is full of budget gimmicks. I made that point before, but I will remake some of these points. The Senate Budget Committee has certified this legislation does comply with pay-go rules on both the 6-year and 11-year bases under the pay-go rule. In addition, the Congressional Budget Office Director, Dr. Peter Orszag, told us in last week's Finance Committee markup that CBO reviewed the bill's 5-year and 10-year expenditures and revenue raisers, and CBO believes they are balanced on an onbudget basis. In addition, this bill is a 5-year authorization that is fully paid with offsets. This is how our rules operate. Those who talk about its 10-year impact fail to note this bill is not a 10-year reauthorization. That is an important point to remember. They argue that it will be very expensive in 10 years. Who knows? I can't tell you what it is going to cost in the remaining 6, 7, 8, 9, 10 years not covered by this bill, but we should all be working to try and keep costs down. We have to look at the CHIP program again in 5 years and reauthorize it.

I assure my colleagues that when writing this bill, we did everything possible to comply with the budget rules, and any assertion to the contrary is plain false. Further, I wish to remind my colleagues that when CHIP was established in 1997, we had a set amount of money and, as a result, the budget baseline did not assume any rate of growth for the CHIP program. Additionally, the budget rules did not consider the fact that health care costs are rising by 9 percent each year. That is not CHIP's fault. In many respects, that is our fault in the Congress due the way we run things around here.

Some would say that is why we shouldn't have CHIP. I guess that is why we shouldn't have any Federal programs, if that is the argument. The fact is, CHIP has worked abundantly well to help the most vulnerable people in our society, our children. I want to see that continue.

The budget rules also did not consider the increasing number of children enrolling in the CHIP program. Therefore, there is only $5 billion per year for the CHIP program in the budget baseline. To me, this number is unrealistic, and I think anybody who looks at it would agree. It creates a situation which is extremely frustrating because health care costs continue to increase in the CHIP program just like every other health care program is going up 9 percent a year. That is somewhat of a victory because it used to go up 13 percent a year. As a result, we had to come up with the money to keep the current program functioning, not to mention additional sums for providing coverage to uninsured, low-income children without health care. There are many incidents of young children who don't have health care beyond the CHIP program or that haven't been covered by the CHIP program.

To keep the program running as it currently exists, it will cost the Federal Government $14 billion. We fixed the problem by addressing the shortfall. Simply put, we had to comply with the budget rules in this bill, and we did. So in 5 years, the Congress will have to come up with money to keep the program operating, similar to the challenge we are facing with our $14 billion deficit right now.

We need to be realistic. Since CHIP is not a permanent program and not an entitlement program, we in Congress have an even bigger job to keep the program running efficiently in the next 5 years. The current budget rules do not include a realistic rate of growth after the program expires. I can only conclude, then, with this bill, we are doing the best we can under very difficult circumstances for some of the most vulnerable people in our society, our children, the ones left out of the Medicaid process and whose parents don't earn enough money to buy insurance.

Another issue I have heard being raised is that our legislation will raise tobacco taxes on cigars to $10 a cigar. Let me make one thing perfectly clear. The Children's Health Insurance Program Reauthorization Act does not impose a $10 tax on each cigar. In fact, the tobacco tax included in our bill prorates tobacco taxes on cigars. The tax imposed on cigars is based on the price of the cigar. In very few instances will an individual cigar be taxed at $10, and those who can afford that kind of cigar can afford the taxes.

I know Senators are concerned about what some term "crowd-out." Crowd-out is having individuals who are currently covered by private health insurance drop their private health insurance to be covered by a government program.

This was my concern, as it was for Senator KENNEDY, when we enacted CHIP originally. It is a valid concern today as well. But allegations that this bill increases the crowd-out rate are untrue. According to CBO, the fact is, the crowd-out rate will not increase for the basic CHIP program. While crowd-out does remain a serious problem, the crowd-out rate is not worsened by our bill. People will turn to whatever is better for them. If the CHIP bill is better for these kids, they are going to turn to it. I don't think we can blame them for that. Of course, the argument is that this is the camel's nose under the tent for one-size-fits-all socialized medicine. No, it isn't. But some want to make it that type of a program. I believe the House may be well on its way to trying to make it that, but we don't in this bill.

In fact, during the Senate Finance Committee markup last week, CBO Director Peter Orszag told us the crowd-out rate for this bill is the same as the crowd-out rate for the original CHIP program. In addition, the CBO Director told us that in the absence of a mandate, this approach is as efficient as you can possibly get per dollars spent to get a reduction in the number of uninsured children, the goal of the CHIP program. This is because the incentive fund which was created in this bill to reward States for lowering the number of uninsured, low-income kids is designed so it provides a payment per child only for new Medicaid children as opposed to new CHIP children. This is helpful with crowd-out, first, because Medicaid is for lower income kids who are less likely to have the option of private coverage, so tilting toward Medicaid is beneficial. Second, the payments for the incentive fund payments are graduated. In other words, they are not based on random noise. The combination of these two is an efficient outcome.

According to CBO, the approach we take in our bill is probably the most efficient way to have new dollars spent to reduce the number of uninsured children.

Another issue that continues to be raised is adult coverage under CHIP. Unfortunately, the opponents of the bill have not been very clear about how adults are treated under this legislation. If I were the only one drafting the bill, which obviously I am not, I would like to see all adults removed from the CHIP program today, or tomorrow, to be a little more precise. I don't think they have any business receiving health care through a program created for low-income, uninsured children. In fact, I am very disappointed with our administration for continuing to grant Federal waivers to States to cover adults through CHIP. This has been extremely frustrating to me. Of course, our original language allowed them to do it, but we never dreamed for a minute they would allow some States to have more adults on this program than children. Not only is that ridiculous, that was never contemplated. But that is what has happened.

This legislation addresses this matter by phasing childless adults off the CHIP program and lowering the Federal matching rate for parents and States who currently are covered under the CHIP program. Recently, Senators GRASSLEY, ROBERTS, and I wrote both the President and my good friend, Health and Human Services Secretary Mike Leavitt, urging the administration to stop granting States any new adult waivers. I was pleased to hear back from Secretary Leavitt regarding adult waivers. I truly believe the letter Senators GRASSLEY, ROBERTS, and I sent to the President and Secretary Leavitt, along with the CHIP reauthorization bill we drafted, made some impact with the administration. I am encouraged that the administration says it does not intend to approve any new adult waivers or renew any waivers for adults. I am also encouraged to see the administration is making progress toward removing adults from the CHIP program. However, these decisions should have been made a long time ago. I take issue with the point that our legislation will actually reverse the progress the administration is making with the States. I truly believe that one of the reasons the administration is finally moving forward on this is due to the pressures it has received from Congress to remove adults from the program. I look forward to working with the administration to make this a reality.

To be fair, most of these waivers were granted before Secretary Leavitt took over at that position. I don't want to particularly blame him, but some waivers have been approved afterwards as well. I think the same crowd down there has been doing it and, of course, Secretary Leavitt has been the one who some would blame, although I think unjustifiably.

The Children's Health Insurance Program Reauthorization Act prohibits the Federal Government from granting future State waivers to cover nonpregnant adults through CHIP once and for all. Simply put, our bill puts an immediate stop to States being granted future waivers to cover nonpregnant adults. Our bill puts the emphasis back on low-income, uninsured children. As one of the original authors of the CHIP program, I am here to tell Senators we did not create CHIP for adults. I wish we could do more for the working poor adults, but we do not have the money, and this program was not created for adults. We created CHIP for low-income uninsured children.

On a related matter, our legislation also eliminates enhanced Federal matching rates for adults, with the exception of pregnant women.

Today, under CHIP, States receive an enhanced Federal matching rate for those covered under CHIP. The Medicaid Federal medical assistance percentage, known as FMAP, ranges between 50 percent and 76 percent in fiscal year 2006; the CHIP FMAP ranges from 65 percent to 83.2 percent.

At the beginning of fiscal year 2009, States will receive lower Federal matching rates for childless adults, and in fiscal year 2010, childless adults will no longer be covered under CHIP. With regard to parents, at the beginning of fiscal year 2010, only States that have covered more low-income uninsured children or have undertaken significant outreach efforts for low-income uninsured children will receive enhanced match rates for parents; the others will receive the lower Medicaid match rate, or FMAP, for adults.

Starting in fiscal year 2011, all States will receive a lower Federal matching rate for parents. Those States covering more lower income kids or with significant outreach efforts will receive REMAP. That is the midpoint between the CHIP matching rate and the lower Medicaid matching rate. The other States will receive FMAP for CHIP parents.

Many have also raised concerns about the income eligibility level of those covered by CHIP.

The Children's Health Insurance Program Reauthorization Act provides lower matching rates to States for those individuals with incomes at 300 percent of the Federal poverty level and above who are covered under CHIP, thus penalizing States that want to cover higher income children.

I might add, the original bill had us at 200 percent of the Federal poverty level, and approximately 90 percent of the children covered by CHIP were 200 percent of the federal poverty rate and below.

Today, States receive an enhanced Federal matching rate for all income levels. Our bill discourages States from covering higher income individuals in the CHIP program. Once our bill is enacted, States that have new waivers approved to cover individuals 300 percent of the Federal poverty level and above would only receive the lower FMAP payment for these higher income individuals.

To me, this is dramatic improvement over current law which allows higher income individuals to receive the same Federal matching rate provided to States for covering low-income children through the CHIP program.

Finally, I emphasize that the CHIP program is an effective children's health program and a small part of overall health care costs. I make that point one more time. CHIP is not an entitlement program. It is a capped, block-granted program where the States are given flexibility and control, to cover their low-income uninsured children. It is totally voluntary on the part of a State to participate and offer CHIP program benefits to its residents.

According to CMS, in 2005 we spent a total of $1.98 trillion on our Nation's health care system. Private expenditures were $1.08 trillion, and $900 billion in Federal dollars. Total Medicare spending was $342 billion in 2005, and Medicaid was 177 billion in Federal dollars.

Our bill today funds CHIP—for 5 years—at $60 billion over the 5-year period. It is a fraction of the overall health care costs. If you want to divide it by 5, it is $12 billion a year out of a $2 trillion expenditure in this country for total health care, and out of a $900 billion Federal expenditure for health care. This $12 billion per year is a fraction of the cost, or should I say, this $60 billion over 5 years is a fraction of the cost to provide care for low-income uninsured children.

Now, I think it is pathetic for people to argue that this is running out of control when we are trying to cover kids who have not been covered, as well as those who have—when it costs, like I say, $12 billion a year out of $900 billion spent by the Federal Government. I wish we had a better system in the sense that the private sector could take care of everybody. I think part of our problem is we have too much Federal Government involvement. But the fact is, for the CHIP program to be reauthorized, it is a very minuscule amount of money compared to the $900 billion, every year, the Federal Government pays for health care coverage.

Covering these children is worth every cent. If we do not take care of these children, these low-income uninsured children, these kids are going to have serious health care problems in the future, and it is going to cost the federal government a lot more than what reauthorizing the CHIP program is going to cost us. We have to look forward to the future and do everything in our power to help these children.

It is my hope that I have cleared up some of the misconceptions that my colleagues may have regarding the bill the Senate is considering this week.

Mr. President, I will yield the floor. I apologize that I have taken so long, but I wanted to clear up some of these misconceptions about the CHIP bill that have been stated on the floor by some of my colleagues. I know they are very sincere, and I know they want to be fiscally responsible. But to argue that $12 billion a year or $60 billion over 5 years is too much money to pay for our children—when we are spending $2 trillion on health care—I think that makes our point, the distinguished Senator from Montana and I have been trying to make, even more resilient and effective.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Montana.

Mr. BAUCUS. Mr. President, first, I thank Senator HATCH. He has been very hardworking and dedicated to the goal of trying to find a balanced, bipartisan solution to help expand the Children's Health Insurance Program. I compliment him very deeply for all of his terrific work.

Mr. HATCH. I thank my colleague.

Mr. BAUCUS. He has just gone above and beyond. Senators and the people from the State of Utah, I think, should know that. He has done a super job.

I know a number of Senators have been seeking to speak, and I want to protect them. So I ask unanimous consent that the following Senators be recognized in the following order: first, Senator NELSON of Florida, then Senator THUNE of South Dakota, and then Senator LAUTENBERG of New Jersey.

Mr. KERRY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I will not object. I would just like to ask if I might be recognized first to simply make a unanimous consent request on a modification and send it to the desk. I will not speak.

The PRESIDING OFFICER. Are there any objections?

Without objection, it is so ordered.

AMENDMENT NO. 2602, AS MODIFIED

Mr. KERRY. Mr. President, I ask unanimous consent that my amendment No. 2602 be modified, as sent to the desk, and that be the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end, add the following:

TITLE IX—IMPROVED INCENTIVES TO ENROLL UNINSURED CHILDREN AND PROTECT EXISTING COVERAGE OPTIONS

SEC. 901. IMPROVEMENTS TO THE INCENTIVE BONUSES FOR STATES.

Paragraphs (2) and (3) of section 2104(j), as added by section 105(a), are amended to read as follows:

"(2) PAYMENTS TO STATES INCREASING ENROLLMENT.—

"(A) IN GENERAL.—Subject to paragraph (3)(D), with respect to each of fiscal years 2008 through 2012, the Secretary shall make payments to States from the Incentive Pool determined under subparagraph (B).

"(B) AMOUNT.—The amount described in this subparagraph for a State for a fiscal year is equal to the sum of the following amounts:

"(i) FIRST TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of first tier above baseline child enrollees (as determined under paragraph (3)(A)(i)) under title XIX for the State and fiscal year multiplied by 6 percent of the projected per capita State Medicaid expenditures (as determined under paragraph (3)(B)) for the State and fiscal year under title XIX.

"(ii) SECOND TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of second tier above baseline child enrollees (as determined under paragraph (3)(A)(ii)) under title XIX for the State and fiscal year multiplied by 35 percent of the projected per capita State Medicaid expenditures (as determined under paragraph (3)(B)) for the State and fiscal year under title XIX.

"(iii) THIRD TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of third tier above baseline child enrollees (as determined under paragraph (3)(A)(iii)) under title XIX for the State and fiscal year multiplied by 90 percent of the projected per capita State Medicaid expenditures (as determined under paragraph (3)(B)) for the State and fiscal year under title XIX.

"(3) DEFINITIONS AND RULES.—For purposes of this paragraph and paragraph (2):

"(A) TIERS ABOVE BASELINE.—

"(i) FIRST TIER ABOVE BASELINE CHILD ENROLLEES.—The number of first tier above baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (C)) enrolled during the fiscal year under the State plan under title XIX; exceeds

"(II) the baseline number of enrollees described in clause (iv) for the State and fiscal year under title XIX, respectively;

but not to exceed 2 percent of the baseline number of enrollees described in subclause (II).

"(ii) SECOND TIER ABOVE BASELINE CHILD ENROLLEES.—The number of second tier above baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (C)) enrolled during the fiscal year under title XIX, as described in clause (i)(I); exceeds

"(II) the sum of the baseline number of child enrollees described in clause (iv) for the State and fiscal year under title XIX, as described in clause (i)(II), and the maximum number of first tier above baseline child enrollees for the State and fiscal year under title XIX, as determined under clause (i),

but not to exceed 7 percent of the baseline number of enrollees described in clause (i)(II), reduced by the maximum number of first tier above baseline child enrollees for the State and fiscal year under title XIX, as determined under clause (i).

"(iii) THIRD TIER ABOVE BASELINE CHILD ENROLLEES.—The number of second tier above baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (C)) enrolled during the fiscal year under title XIX, as described in clause (i)(I); exceeds

"(II) the sum of the baseline number of child enrollees described in clause (iv) for the State and fiscal year under title XIX, as described in clause (i)(II), the maximum number of first tier above baseline child enrollees for the State and fiscal year under title XIX, as determined under clause (i), and the maximum number of second tier above baseline child enrollees for the State and fiscal year under title XIX, as determined under clause (ii).

"(iv) BASELINE NUMBER OF CHILD ENROLLEES.—The baseline number of child enrollees for a State under title XIX—

"(I) for fiscal year 2008 is equal to the monthly average unduplicated number of qualifying children enrolled in the State plan under title XIX, respectively, during fiscal year 2007 increased by the population growth for children in that State for the year ending on June 30, 2006 (as estimated by the Bureau of the Census) plus 1 percentage point; or

"(II) for a subsequent fiscal year is equal to the baseline number of child enrollees for the State for the previous fiscal year under this title or title XIX, respectively, increased by the population growth for children in that State for the year ending on June 30 before the beginning of the fiscal year (as estimated by the Bureau of the Census) plus 1 percentage point.

"(B) PROJECTED PER CAPITA STATE MEDICAID EXPENDITURES.—For purposes of subparagraph (A), the projected per capita State Medicaid expenditures for a State and fiscal year under title XIX is equal to the average per capita expenditures (including both State and Federal financial participation) for children under the State plan under such title, including under waivers but not including such children eligible for assistance by virtue of the receipt of benefits under title XVI, for the most recent fiscal year for which actual data are available (as determined by the Secretary), increased (for each subsequent fiscal year up to and including the fiscal year involved) by the annual percentage increase in per capita amount of National Health Expenditures (as estimated by the Secretary) for the calendar year in which the respective subsequent fiscal year ends and multiplied by a State matching percentage equal to 100 percent minus the Federal medical assistance percentage (as defined in section 1905(b)) for the fiscal year involved.

"(C) QUALIFYING CHILDREN DEFINED.—For purposes of this subsection, the term 'qualifying children' means, with respect to this title or title XIX, children who meet the eligibility criteria (including income, categorical eligibility, age, and immigration status criteria) in effect as of July 1, 2007, for enrollment under this title or title XIX, respectively, taking into account criteria applied as of such date under this title or title XIX, respectively, pursuant to a waiver under section 1115.".

SEC. 902. OPTIONAL COVERAGE OF OLDER CHILDREN UNDER MEDICAID AND CHIP.

(a) MEDICAID.—

(1) IN GENERAL.—Section 1902(l)(1)(D) (42 U.S.C. 1396a(l)(1)(D)) is amended by striking "but have not attained 19 years of age" and inserting "but is under 19 years of age (or, at the option of a State, under such higher age, not to exceed 21 years of age, as the State may elect)".

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(e)(3)(A) (42 U.S.C. 1396a(e)(3)(A)) is amended by striking "18 years of age or younger" and inserting "under 19 years of age (or under such higher age as the State has elected under subsection (l)(1)(D))" after "18 years of age".

(B) Section 1902(e)(12) (42 U.S.C. 1396a(e)(12)) is amended by inserting "or such higher age as the State has elected under subsection (l)(1)(D)" after "19 years of age".

(C) Section 1905(a) (42 U.S.C. 1396d(a)) is amended, in clause (i), by inserting "or under such higher age as the State has elected under subsection (l)(1)(D)" after "as the State may choose".

(D) Section 1920A(b)(1) (42 U.S.C. 1396r-1a(b)(1)) is amended by inserting "or under such higher age as the State has elected under section 1902(l)(1)(D)" after "19 years of age".

(E) Section 1928(h)(1) (42 U.S.C. 1396s(h)(1)) is amended by striking "18 years of age or younger" and inserting "under 19 years of age or under such higher age as the State has elected under section 1902(l)(1)(D)".

(F) Section 1932(a)(2)(A) (42 U.S.C. 1396u-2(a)(2)(A)) is amended by inserting "(or under such higher age as the State has elected under section 1902(l)(1)(D))" after "19 years of age".

(b) TITLE XXI.—Section 2110(c)(1) (42 U.S.C. 1397jj(c)(1)) is amended by inserting "(or, at the option of the State, under such higher age as the State has elected under section 1902(l)(1)(D))".

SEC. 903. MODERNIZING TRANSITIONAL MEDICAID.

(a) FOUR-YEAR EXTENSION.—

(1) IN GENERAL.—Sections 1902(e)(1)(B) and 1925(f) (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each amended by striking "September 30, 2003" and inserting "September 30, 2010".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2007.

(b) STATE OPTION OF INITIAL 12-MONTH ELIGIBILITY.—Section 1925 (42 U.S.C. 1396r-6) is amended—

(1) in subsection (a)(1), by inserting "but subject to paragraph (5)" after "Notwithstanding any other provision of this title";

(2) by adding at the end of subsection (a) the following:

"(5) OPTION OF 12-MONTH INITIAL ELIGIBILITY PERIOD.—A State may elect to treat any reference in this subsection to a 6-month period (or 6 months) as a reference to a 12-month period (or 12 months). In the case of such an election, subsection (b) shall not apply."; and

(3) in subsection (b)(1), by inserting "but subject to subsection (a)(5)" after "Notwithstanding any other provision of this title".

(c) REMOVAL OF REQUIREMENT FOR PREVIOUS RECEIPT OF MEDICAL ASSISTANCE.—Section 1925(a)(1) (42 U.S.C. 1396r-6(a)(1)), as amended by subsection (b)(1), is further amended—

(1) by inserting "subparagraph (B) and" before "paragraph (5)";

(2) by redesignating the matter after "REQUIREMENT.—" as a subparagraph (A) with the heading "IN GENERAL.—" and with the same indentation as subparagraph (B) (as added by paragraph (3)); and

(3) by adding at the end the following:

"(B) STATE OPTION TO WAIVE REQUIREMENT FOR 3 MONTHS BEFORE RECEIPT OF MEDICAL ASSISTANCE.—A State may, at its option, elect also to apply subparagraph (A) in the case of a family that was receiving such aid for fewer than three months or that had applied for and was eligible for such aid for fewer than 3 months during the 6 immediately preceding months described in such subparagraph.".

(d) CMS REPORT ON ENROLLMENT AND PARTICIPATION RATES UNDER TMA.—Section 1925 (42 U.S.C. 1396r-6), as amended by this section, is further amended by adding at the end the following new subsection:

"(g) COLLECTION AND REPORTING OF PARTICIPATION INFORMATION.—

"(1) COLLECTION OF INFORMATION FROM STATES.—Each State shall collect and submit to the Secretary (and make publicly available), in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section and of the number and percentage of children who become ineligible for medical assistance under this section whose medical assistance is continued under another eligibility category or who are enrolled under the State's child health plan under title XXI. Such information shall be submitted at the same time and frequency in which other enrollment information under this title is submitted to the Secretary.

"(2) ANNUAL REPORTS TO CONGRESS.—Using the information submitted under paragraph (1), the Secretary shall submit to Congress annual reports concerning enrollment and participation rates described in such paragraph.".

(e) EFFECTIVE DATE.—The amendments made by subsections (b) through (d) shall take effect on the date of the enactment of this Act.

SEC. 904. REPEAL OF TOP INCOME TAX RATE REDUCTION FOR TAXPAYERS WITH $1,000,000 OR MORE OF TAXABLE INCOME.

(a) IN GENERAL.—Section 1(i) of the Internal Revenue Code of 1986 (relating to rate reductions) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) EXCEPTION FOR TAXPAYERS WITH TAXABLE INCOME OF $1,000,000, OR MORE.—

"(A) IN GENERAL.—Notwithstanding paragraph (2), in the case of taxable years beginning in a calender year after 2007, the last item in the fourth column of the table under paragraph (2) shall be applied by substituting '39.6%' for '35.0%' with respect to taxable income in excess of $1,000,000 (one-half of such amount in the case of taxpayers to whom subsection (d) applies).

"(B) INFLATION ADJUSTMENT.—In the case of the dollar amount under subparagraph (A), paragraph (1)(C) shall be applied by substituting '2008' for '2003' and '2007' for '2002'.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

(c) APPLICATION OF EGTRRA SUNSET.—The amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

Mr. KERRY. I thank the Chair and thank my friend.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, first of all, before the Senator from Utah leaves the Chamber, I want to say that I listened to him, and I appreciate his leadership. This is one of the most important programs. It was created back in 1997, when the Senator from Utah took a leading role, along with the Senator from Montana. It is truly a bipartisan program, and it is one that has met with great success.

As it was created in 1997, this Senator happened to be the elected State treasurer and insurance commissioner of Florida, of which in that position I chaired the health insurance program for children that had been set up separate from this program. This program just all the more enabled us in Florida to add that many more children to receive health care, particularly health care at a time that is so important in their lives, when those little minds are beginning to learn and those little bodies are beginning to build.

So I just want the two Senators on the floor to know how much I appreciate it.

Since 1997, even as the percentage of uninsured adults has increased, the rate of low-income uninsured children has decreased by over a third. As a result, these insured children, in large part because of this program, have been afforded better access to primary and preventive care, better quality of care, improved health, and even improved school performance.

In our State, over 300,000 children received health insurance through Medicaid or CHIP last year, and those children were able to enjoy these benefits. But over 700,000 children in Florida remain uninsured. This legislation before us is the best opportunity to expand coverage to a significant portion of those 700,000 children in Florida and millions of low-income uninsured children throughout the country.

We have seen how successful this program can be, and we are aware of how many more children should be allowed to participate. So 10 years after the creation of the program, now we have the opportunity to pass this bipartisan bill that reauthorizes and further strengthens this very popular program.

This legislation is bipartisan. It is going to bring health care to millions of children. While many of us in this Chamber have supported an additional $50 billion for this program, I believe the $35 billion allocated in this legislation is a fair compromise. With that money, we can still accomplish an increase of more than 3 million children newly insured under the program.

I also support the inclusion of legal immigrant children and pregnant women in the program, and I was disappointed to see it was not included in this legislation. Under current law, legal immigrants who have been in this country for less than 5 years are not eligible to participate in Medicaid or CHIP, despite the fact they pay taxes to support those programs. As a result, the preventive effects of health insurance are not being realized for them. I am concerned, as so many of us are, that we are going to end up paying much more in the future for health problems that could have been treated early on. I understand there will be an amendment that will be offered to include legal—legal—immigrants in this reauthorization, and I am going to support that amendment.

Now, another concern I have is a portion of the tobacco tax. It is not the tobacco tax. If you have to find a source of revenue, then this is the place to do it. But I want to emphasize the increase in the tobacco tax, as a whole, is quite appropriate as a funding mechanism for this legislation. It is going to have significant, positive impacts on health. It is going to save billions of dollars in health care costs, and it is going to reduce the prevalence of smoking among kids, whom this bill is designed to protect. But there is a portion that is not fair, and that is the tax that is applied with some inequity across product lines. Unbeknownst to most people, Florida is the largest cigar manufacturing State in the country and serves also as the main port of entry for premium handmade cigars into the United States. There are approximately 30 cigar manufacturers and importers based in Florida which employ 4,000 workers and thousands more in support industries. I hope some of these problems with the tax which cause many multiple thousands of a percentage increase in the tax on those cigars is going to be addressed in this bill, and what is not addressed in this bill can be addressed in conference.

Despite some concerns, this bipartisan legislation is a strong bill with much to its credit. It will institute a more streamlined funding process and it will provide for improved child health quality measures, and will give States such as ours important opportunities for expansion.

We have the opportunity to do something that is morally unassailable, and that is to expand access to health care to a significant number of low-income children. I believe this bipartisan legislation is the best way forward, and I look forward to casting my vote in favor.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from South Dakota.

MODIFICATION TO AMENDMENT NO. 2593

Mr. THUNE. Mr. President, I ask unanimous consent that the Lott amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The modification is as follows:

MODIFICATION TO LOTT AMDT. NO. 2593

Strike TITLE III.

AMENDMENT NO. 2579 TO AMENDMENT NO. 2530

Mr. THUNE. Mr. President, I ask unanimous consent to call up amendment No. 2579.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Mr. LOTT, Mr. CORNYN, and Mr. DEMINT, proposes an amendment numbered 2579 to amendment No. 2530.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exclude individuals with alternative minimum tax liability from eligibility for SCHIP coverage)

At the end of title VI, add the following:

SEC. ____. EXCLUSION OF INDIVIDUALS WITH ALTERNATIVE MINIMUM TAX LIABILITY FROM ELIGIBILITY FOR SCHIP COVERAGE.

(a) IN GENERAL.—Section 2102(b), as amended by this Act, is amended by adding at the end the following new paragraph:

"(6) EXCLUSION OF INDIVIDUALS WITH ALTERNATIVE MINIMUM TAX LIABILITY.—Notwithstanding any other provision of this title, no individual whose income is subject to tax liability imposed under section 55 of the Internal Revenue Code of 1986 for the taxable year shall be eligible for assistance under a State plan under this title for the fiscal year following such taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Mr. THUNE. Mr. President, I am pleased to be here today in support of the Kids First Act, which is being referred to as the McConnell-Lott or Lott-McConnell alternative, which will in the long run, in my view, do more to lower health care costs and help the underlying expansion bill we are debating here today. Let me say also it is frustrating that instead of debating a reauthorization of a very popular program—the SCHIP program—Members on both sides of the aisle are being asked to support a new program, a brandnew program, that will cover children and adults at 300 percent of the poverty level—and some at even higher levels.

Let me tell my colleagues a little bit about the makeup of the uninsured population in my State of South Dakota. Right now, approximately 2.6 percent of the children in my State are uninsured, or approximately 5,000 children. This percentage does not include the approximately 5,000 Native American children who receive their health care from the Indian Health Service. It is very important to break down these statistics in each State since the needs vary greatly in each State and from region to region.

For example, of the approximately 5,000 uninsured children in South Dakota, a number of these children are currently eligible but not enrolled in Medicaid or SCHIP. In other words, in my State, a number of our uninsured children are actually at or below 200 percent of the Federal poverty level. This SCHIP expansion bill under consideration doesn't focus on these children. Instead, it channels more money to cover children from families at higher incomes.

I mention these facts because I am concerned that the underlying bill misses the most key problems in my State for the uninsured, and it misses the basic goal to make sure that eligible low-income children are able to take full advantage of our safety net health care programs. If our goal is to simply put all children—or even all families, for that matter—in South Dakota, insured or uninsured, into Government health insurance, and make thousands more families in my State dependent on the Government for their health care, and limiting more choices for families and parents in my State, then that is an entirely different goal, and it is a goal I don't share.

Let me expand on that a little bit, if I might, to give an idea of what the uninsured problem is in its totality in South Dakota. Currently, according to our State, there are approximately 61,000 uninsured individuals—an uninsured rate of the adult population of about 9 percent. I have already discussed the statistics for children, so let me do so for adults. In a recent survey done by the State of South Dakota, the adult uninsured population breaks down in the following way: Of the total number of uninsured adults—approximately 53,390—13,401 are not employed. That amounts to about 25 percent. This means that approximately 70 percent of the uninsured adults in my State are actually working. If you break down that number even further, most of that number—31,000 out of 37,000—are employed, working 30 or more hours a week. They are not part-time workers.

About 10,500 of these employed and uninsured individuals are self-employed. We happen to have a large number of self-employed farmers and ranchers and business owners in my State who simply cannot afford health insurance.

But the uninsured population in my State could purchase insurance if it were more affordable. There are huge steps we could take to bring down the cost of insurance in my State for all of those small business employees and self-employed and cover even more uninsured, and without expanding a government program with tax increases.

Also, the cost to insure a child or adult under the SCHIP program is three to four times the cost of insuring a child with private insurance. That is an inefficient way of covering people who are uninsured. Already today, about half of our country's children are on public insurance. That is not sustainable, and it makes it nearly impossible in the State of South Dakota—a very rural State—already with more limited options than others when it comes to health care access to have a vibrant health care insurance market.

I was in the House of Representatives when the current SCHIP bill passed in the Balanced Budget Act of 1997. I voted for that. I voted for other reforms as a Member of the House of Representatives and since coming to the Senate. Frankly, I think the debate over health care needs to be engaged in this country, because we have way too many people who are uninsured. Our health care costs in this country now are a couple billion dollars—we have heard that repeated throughout the debate on the floor today—or about 16 to 17 percent of our gross domestic product. That is an enormous amount of money that is spent on health care in this country.

I think we have to ask ourselves: What can we do to make reforms in the health care system that will lower costs, make health care more accessible to more people in this country, and make sure that the ranks of the uninsured decrease rather than increase?

One of the things I supported as a Member of the House of Representatives is small business health plans—expanding access to tax-advantaged accounts that allow people to own and take control of their own health care, such as health savings accounts. In fact, small businesses make up most of the employers in my State. In 2003, according to the Small Business Administration, there were 20,400 employer firms with fewer than 500 employees, which represented 96.9 percent of employer businesses in my State and employed approximately 63 percent of the nonfarm private workforce. The alternative I referred to—the McConnell-Lott alternative that will be offered—will allow for small business health plans, a proposal that will do much more for my State in the long run and strengthen our private health insurance market in the future. Small business health plans would allow small business associations to band their members together to purchase more affordable insurance, which increases their bargaining power to get better benefits at better prices such as big businesses currently get.

This proposal also gives small business health plans the flexibility to provide a variety of uniform benefit packages across State lines, which is the only way small business associations could provide new options affordably. As a result, this proposal would reduce the cost of health insurance for small employers by about 12 percent, or $1,000 per employee, according to a respected actuarial firm. The bill would also cover more than 1 million uninsured Americans and working families or 1 out of every 12 people who live in a family headed by someone who works for a small company. The Congressional Budget Office states that three out of every four small business employees would pay lower premiums under the McConnell-Lott alternative than under current law.

What I want for South Dakota is for more people to have control over their health care, more options for their care, and more competition in the insurance market to help bring prices down. In fact, last week I introduced a bill to expand access to private long-term care insurance by allowing individuals with IRAs or 401(k)s to withdraw funds penalty free to pay for long-term care premiums. This is extremely important in South Dakota and across the country where many seniors have to spend down their life savings to pay for long-term care or to qualify for Medicaid.

Mr. REID. Mr. President, could I ask the distinguished Senator from South Dakota if I could interrupt for a unanimous consent request?

Mr. THUNE. I yield to the majority leader.

Mr. REID. I yield a couple of minutes to Senator BAUCUS for the unanimous consent request.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent that at 6 p.m. the Senate vote in relation to Senator DOLE's amendment No. 2554; that following that vote the Senate vote in relation to Senator BUNNING's amendment No. 2547; that following that vote the Senate vote in relation to Senator LOTT's amendment, as modified, No. 2593; and following that vote the Senate vote in relation to Senator KERRY's amendment No. 2602, as modified; that there be 2 minutes for debate, equally divided, prior to each vote; that no other amendments be in order prior to these votes; that any amendment not disposed of remain debatable and amendable, and that the time between now and 6 p.m. be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

The Senator from Idaho is recognized.

Mr. CRAIG. Reserving the right to object, I only want to speak to the division of the time between now and the proposed schedule of votes. I had come to the floor hoping to gain 10 minutes, and I wonder—the Senator obviously who is speaking now and the other Senator who has time reserved, if we could have some understanding in the allocation if it is possible for me to be able to speak for up to 10 minutes?

Mr. BAUCUS. First, Mr. President, I modify the unanimous consent request to say that after the first vote, there be 10 minutes between votes—that they be 10-minute votes.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I will do my best to allocate time from one of the remaining speakers so that the Senator from Idaho could speak as much as he can. We are trying to use the time as best we can between now and 6 o'clock.

Mr. REID. Mr. President, if I could interrupt, Senator THUNE was speaking and I would ask, how much more time does the Senator need?

Mr. THUNE. I say to the majority leader that I can wrap up my remarks speaking to the amendment specifically, but I am sure within the next 10 minutes.

Mr. REID. How much time does Senator CRAIG need?

Mr. CRAIG. I would hope to have somewhere near 10 minutes, if possible.

Mr. LAUTENBERG. Mr. President, I would ask whether it is understood that I would have up to 15 minutes, and I don't think I will need that long, but I do make that request.

Mr. BAUCUS. Mr. President, the order has been Senator NELSON and Senator THUNE—excuse me, the Senator from Florida, Senator THUNE, and Senator LAUTENBERG. I think given the time, if the Senators understand the three remaining speakers have a total of a half hour, we can work that out. The Senator would get at least 10 minutes, and depending upon the length of time other Senators speak, he may get more. Senator THUNE still has the floor.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Reserving the right to object, Mr. President, I thought we had carved out an understanding.

The PRESIDING OFFICER. Under the current agreement, Senator THUNE has the floor, and the Senator from New Jersey, Senator LAUTENBERG, will follow. We are free to modify that agreement if there is no objection to add the Senator from Idaho for additional time.

Mr. CRAIG. Mr. President, I will not object. Let's get these Senators talking so we don't burn up any more slack time.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Without objection, it is so ordered.

The Senator from South Dakota may proceed.

Mr. THUNE. Mr. President, let me again pick up where I left off in regard to the cost of health care, both health care in the sense that we all need it, and as we get into retirement age, Medicare, but I was also making reference to long-term care in some legislation I introduced recently with regard to that.

It is important that affordable, long-term care insurance allow individuals to plan for their later years as well. More competition in the long-term care insurance market would mean more options for South Dakota's families and seniors, not to mention reductions in Federal spending. So putting the politics of Government on health care versus private insurance aside—and again, I believe that is a debate this Senate is going to have to join in the not too distant future, because I believe this is where the debate actually today is taking us. We are growing the amount of Government health care out there, pushing aside the options for private health care insurance. Frankly, I believe the thing that differentiates our country from those around the world and why people come here for health care rather than going to other countries is because we have the best health care in the world.

We have a robust free market-based system that allows for innovation and for research and comes up with literally the best therapies in the world. I want to continue to make that market work. I don't want to make it harder for citizens in my State to get health insurance in the private marketplace. I fear that as we go down this road, we are starting to look at what, in effect, will be a major debate raging; it is raging across the country, but it will ultimately be dealt with here, and we will decide whether we want to have a government-run, bureaucratic health care system or whether we want to preserve the market-based system that has worked so well for us in the past. I don't want to make it harder for citizens in my State to choose and afford the insurance plan that is best for them.

Finally, I don't want to support doubling the size of this particular program, which, after 5 years, is going to have to be paid for with substantial tax increases on all Americans, because I think as we all know when you reach 2013, there is a cliff there, and at some point that issue is going to have to be dealt with because there is a huge funding shortfall under the proposal that is on the floor before us today.

I support the McConnell-Lott alternative, which reauthorizes the current SCHIP program and also helps lower health care costs for all Americans and because it allows for small business health plans and other types of alternatives that can be used by allowing South Dakotan small businesses to pool together to purchase more affordable health insurance and make further needed improvements to the underlying SCHIP program for children, as well as providing long-term solutions for lowering the cost of health care for all Americans.

I also wish to speak on amendment No. 2579, which I offered. Under this bill, the Congress will be making it possible, as my colleague from Montana pointed out earlier—it is not the case today, but there are some States around the country where this bill expands the underlying amount, or income eligibility, up to 300 percent of the Federal poverty level. But there are States which have waiver requests that would allow them to go to 400 percent of the poverty level. There is not anything in the underlying bill that prevents that from happening. That would make it possible for people to be put on the rolls of the SCHIP program for health care who are not only low income but who at the same time are subject to the alternative minimum tax, or the AMT, which is a tax intended for individuals and families who are wealthy.

Let me repeat that. Under the bill, individuals eligible for SCHIP—one of our Nation's safety net health insurance programs—may also be hit with the alternative minimum tax, which is meant to ensure that the wealthy in our society are paying their fair share of taxes. Effectively, the Federal Government could consider you poor under the SCHIP program for the purpose of providing you free health insurance, while at the same time the Internal Revenue Service considers you wealthy because of the level of income you make, so that you would have to pay higher taxes.

My amendment is pretty straightforward. It simply says that if a family finds out when they file their taxes that they are subject to the AMT, then the State in which they reside has to remove them from its SCHIP program by the following fiscal year. In other words, you cannot be eligible for both. You cannot be both rich and poor at the same time.

The SCHIP program should be preserved as a program for low-income children, for those who need it. This amendment is simply intended to ensure we continue focusing on that fact.

I remember, as I said, this debate from 1997, when we decided to create the SCHIP program. I was in the House at that time, and I supported the creation of this program to help the uninsured who have incomes too high to qualify for Medicaid. But I also remember the concerns of my colleagues that down the road we would be faced with pressure to expand the program. That is what has happened for decades with entitlement spending in this country. We know we are facing a fiscal crisis already in Medicare and Medicaid that cannot be solved with more Government expansion. Yet here we are today debating how much to expand a government safety net program for the uninsured, which originally was supposed to serve only low-income children.

Of course, my amendment today also points out the fallacy of the alternative minimum tax. Under current law, if we don't enact another "patch" or comprehensive AMT reform, middle-income families everywhere will be hit with this tax, and some people on SCHIP might even hit both. This amendment is not simply to point out we have a looming AMT problem, which we all know must be paid for, my amendment points out the mixed intentions of the underlying bill. If you want to make this debate about low-income children, let's do that, but if we want to expand eligibility for SCHIP for families making up to $62,000 or $82,000 for a family of four, if waivers are granted, then let's have a debate on the uninsured. Let's not kid ourselves that this bill doesn't take us closer to government-run, government-dominated universal health care for lower, middle, and upper income families.

I welcome the debate on the uninsured. There are so many things we can do to help lower the cost of prescription drugs and increase competition and portability in the health insurance market and help our small businesses and the self-employed in our States afford their health insurance. It is these ideas we need to discuss in a debate in this Chamber—an open and honest debate on the merits of a government-run system or one with competition, choice, and affordability. The estimated 61,000 uninsured adults and children in my State and the over 40 million uninsured around the country makes it imperative to this Congress to have that debate.

The amendment I offered, amendment No. 2579, would make it very clear under this bill that if somehow someone gets to an income level where they are running afoul of the alternative minimum tax or are considered wealthy or rich in this country, they are not also then considered poor in a sense that they qualify for the SCHIP program. That seems to be an inherent contradiction in this particular legislation.

I hope the Members of the Senate will support my amendment. It will improve the underlying bill.

I yield back the remainder of my time.

Mr. BAUCUS. Mr. President, I know the Senator from New Jersey wishes to speak. He has a very deep interest in one of the amendments. He wants to speak for 15 minutes. Maybe he can speak a little less than that. I would appreciate it.

Mr. LAUTENBERG. I will try to do that.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 2547

Mr. LAUTENBERG. Mr. President, we are going to soon be voting on an amendment proposed by Senator BUNNING. I rise to register my opposition to that amendment, and I hope my colleagues will follow me.

I come to the floor to defend the health and well-being of 3,000 children in the State of New Jersey who would have their children's health insurance stripped away from them by the Bunning amendment.

Our mission this week is to pass a bill to expand health coverage for our Nation's children. But instead of focusing on providing more coverage for children, the Senator from Kentucky has targeted 3,000 children in my State to take their coverage away.

None of us has any asset we treasure more than our children. None of us enjoys anything more than the smiles of our kids when they are feeling good and are in good health. That is why, when we see an attempt to remove health care from a modest-income family's children, who care so deeply about them, I wonder what it is that we are truly about.

This amendment is an assault on children from working families who require health care coverage. To think that while we spend $3 billion each and every week on the Iraq war, there is an unwillingness to provide the necessary funding to keep all our kids healthy regardless of their income situation. This one focuses on modest-income people. It is amazing that while we pledge to protect our people from harm, we shun the opportunity to shelter our children.

I wish to make our request clear to my colleagues, and I want them to recognize that we in New Jersey always pay our way fully; we more than pay for the incredibly high cost of living in New Jersey. Our health care costs are among the highest in the Nation. Keeping our people healthy is a primary mission in our State. We have had stem cell research going back decades. Our pharmaceutical companies constantly research for new medicines to benefit the well-being of people across this country and the world.

The Bush administration has recognized the higher costs in New Jersey and explicitly granted our State the right to provide health care to children at the level it currently does. New Jersey is not trying to beat the system or get health coverage for its children in a way that is unfair to other States—not at all. The State of New Jersey is legitimately trying to provide health insurance to children, recognizing the distinct economic characteristics of our State.

The Bunning amendment is particularly discouraging, given New Jersey's support when it comes to helping other States in need. We know that other States have different needs than we do, and we have unique challenges we face as well. Time and again, New Jersey taxpayers are asked to shoulder the burden and help other areas of the country that are in need. In fact, for every dollar New Jersey gives to the Federal Government, we only get back 55 cents in Federal spending programs. Compare that with States such as Kentucky, for example, which for every dollar paid gets $1.45 back. Some States get up to $2 back for each dollar they pay.

Whether it is the universal service fund for telephones, essential air service in aviation or other programs, New Jersey gives far more than it gets back.

I want to be clear. I support many of these programs for other States. I recognize this occurs because New Jersey is a State with a higher-than-average income and higher-than-average costs compared to other States.

But we care as much about our children as other people do across the country. More than anything, we want our kids to be healthy.

There are 3,000 children in New Jersey who are depending on Senators to oppose the Bunning amendment—3,000 children who are looking to all of us to let them continue to have health care.

The Bunning amendment is contrary to everything we are trying to accomplish on the floor this week. If that amendment is adopted, this bill will be tainted with the legacy of taking health insurance away from children who need it but whose families cannot afford to supply it on their own.

I have many families who come in to see me and bring their children with them. I welcome them with open arms. There is nothing I find more satisfying than to see parents and their children together. They come in often with diseases that are difficult, such as autism, diabetes, and asthma. Not only do these children require a lot of love, affection, and attention but, unfortunately, very often it is at a cost that few families can bear. I want to help those kids, those families, and I reach out to them in any way I can. I want stem cell research to be available. I want more money spent on general health research.

I hope my colleagues will reject this amendment on a bipartisan basis. I commend the chairman of the Finance Committee and the ranking member for the work they did. They overwhelmingly rejected the amendment of the Senator from Kentucky on a bipartisan vote. This amendment that has been authored by the Senator from Kentucky flies in the face of the good judgment of the Finance Committee. I hope my colleagues will reject this amendment, the Bunning amendment, once again when it gets to the Senate floor.

I am pleased to yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 2593

Mr. KYL. Mr. President, I will speak briefly to the Republican alternative—the amendment that will be voted on later as a comprehensive alternative to the bill. Unlike the Finance Committee bill, the Republican alternative achieves the following goals:

First, it reauthorizes SCHIP and preserves health care coverage for millions of low-income children.

Secondly, it adds 1.3 million new children to SCHIP coverage.

Third, it provides $14 billion in new SCHIP allotments over the $25 billion baseline over the next 5 years.

Fourth, the offset is with no new tax increases and, importantly, in contrast in the committee bill, no gimmicks to meet the budget considerations.

Next, it includes funds for SCHIP coverage from fiscal year 2013 to 2017. This is important because the Finance Committee bill, in comparison, uses a budget gimmick to reduce the SCHIP funding spending over that critical period of time. As a result, the Republican alternative includes more money for SCHIP over 10 years—$85.1 billion as compared to the Finance Committee bill of $81.7 billion.

Next, it minimizes the reduction in private coverage by targeting SCHIP funds to low-income children. It doesn't provide the coverage for the adults or children for higher income families who may have access to private health care insurance, as does the committee bill. In fact, I note that according to CBO, for the newly eligible people to be covered, there is a one-for-one crowd-out effect by the committee product. That is to say, for every new family brought on for SCHIP coverage, there is one that goes off private health insurance coverage. That is not a goal to which we should be aspiring.

Next, the Republican alternative promotes market-based health reforms, such as small business health plans and health savings accounts.

Finally, it requires a Treasury Department study on ways to make the tax treatment of health care more equitable, something the President raised in his State of the Union speech earlier this year and which we do need to study to come up with a more equitable tax system.

For all these reasons, I urge my colleagues to support the Republican alternative. I note that it is very simple in terms of the two choices that confront the Senate: one, a budget buster that does not protect SCHIP coverage over 10 years and represents an open-ended financial burden on American taxpayers and takes a significant step toward Government-run health care, or a fiscally responsible SCHIP reauthorization that preserves coverage for millions of low-income children that is fully offset without budget gimmicks or tax increases and promotes market-driven health reforms.

To me, the choice is very clear. The Republican alternative is the right solution for everyone. I urge its adoption by my colleagues.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

AMENDMENT NO. 2602

Mr. SANDERS. Mr. President, I will be very brief. I rise in support of the Kerry amendment. I do so for two reasons. No. 1, while I applaud Senator BAUCUS and Senator GRASSLEY for their work on expanding health insurance to 3.2 million more children, we should be aware that expansion only increases coverage for one-third of children in this country who are uninsured. This is the United States of America, and we should not continue to be embarrassed by the fact that we remain the only country in the industrialized world that does not provide health insurance for all of our children. Going forward for 3.2 million children is undoubtedly a step forward. We have, however, a long way to go, and the Kerry amendment would take us closer.

The second point I wish to make deals with national priorities and the direction in which we believe our country should go.

I hear that a lot of my friends are talking about the expense involved in providing health insurance to our children. This particular bill would cost us $35 billion over a 5-year period. Is $35 billion a lot of money? It is. Is it worth spending that money to cover 3.2 million children? It is. Yet I find it ironic that the President of the United States and others are telling us we cannot afford this expenditure at the same time that many—the President, certainly—are telling us we need to repeal completely the estate tax, which only applies to the wealthiest two-tenths of 1 percent of our population. If we were to repeal the estate tax, one family, the Walton family who owns Wal-Mart, would receive tax breaks worth $32.7 billion for one family. So the debate today is whether we spend $35 billion to cover, over a 5-year period, 3.2 million children or, as the President and others would have us do, give $32.7 billion in tax breaks to one family. This is an issue of national priorities.

Very briefly, because I see my friend from Iowa standing, it seems to me we have to move not only to provide health insurance for all our children, but, in fact, we need to move to a national health care program that guarantees health care for every man, woman, and child in this country, and we can.

I conclude on that note. This is a moral issue. We have to cover our children. This is an issue of national priorities. For all of those who think we are spending too much money, they may want to think twice about the hundreds of billions of dollars in tax breaks they have given to the wealthiest 1 percent and the ideas they have for the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, if it is OK, I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, this week the Senate is engaged in an extremely important debate about the direction we as a Congress want to take in ensuring health care for all Americans.

I recognize that the bill we are debating this week is literally one that focuses on children's health. But, I believe the design of this legislation and who we are targeting tells us something about how the majority in the Senate believes we should provide health care for all of our citizens.

This bill lays out one way to provide health care coverage in this Nation. It says "increase taxes, increase government spending, and have the Government provide all health care plans."

That is a failing formula. And now we are going to use that tax-and-spend formula to move further down the road towards socialized medicine.

Under this bill, middle-class taxpayers in Idaho will be supporting health insurance for some families making more money than they are.

I strongly oppose the Finance Committee legislation. Instead, I will vote for the McConnell-Lott alternative bill.

Let me make it clear that I support reauthorizing the SCHIP program to ensure that low-income children have health insurance. No one should conclude that my vote against this bill is a vote against insuring poor children. My vote is a vote against massive tax increases and out-of-control spending. It is against a tax-and-spend policy that more than doubles the cost of a program for poor children so we can cover those with higher income. And it is against a budget gimmick that leaves an unfunded liability of $40 billion in just 5 years.

A little history and few facts are in order.

When a Republican Congress and a Democratic President set out in 1997 to insure low-income children, we talked about 10 million uninsured.

At that time, there were about 20 million children on Medicaid. So we needed to cover about 10 million kids with the SCHIP program or Medicaid.

Today, there are 36 million children enrolled in either Medicaid or SCHIP. Sounds like we achieved our goal and more.

Yet some of my colleagues on the other side of the aisle say we are still 9 million short. Somehow, we insured 16 million more kids in the last 10 years and we have made no dent in the problem? Or have we moved the goal post? I think we have moved them.

That is why I am pleased that Senators McCONNELL, LOTT, and others have offered an alternative that keeps this program focused on the group it was created to serve—low-income children.

The Republican alternative will reauthorize the SCHIP program for another 5 years. Again, all of us favor providing health insurance to low-income children. It will also correct some of the policy problems with the current program and make some changes to the Finance Committee approach.

First and foremost, the Republican alternative will provide, coverage for all children at or below 200 percent of the Federal poverty level. That is the goal of the Children's Health Insurance Program.

The Finance Committee bill will increase the coverage allowance to 300 percent of the poverty level and, in some cases, allow coverage of even higher incomes than that.

In addition, the Republican alternative will stop the waivers that have led to the current situation where a children's health insurance program covers about 700,000 adults.

Also, the Republican alternative will provide $400 million in outreach funding. This funding represents the key to the philosophical difference between the Republican bill and the Finance Committee bill.

Our bill demands that Government stay focused on the population in need. We shouldn't just raise the coverage ceiling. Let's go out and find the one's who are already eligible and have no insurance. And then let's enroll them.

Further, the Republican alternative would make sure that we have a consistent definition of income. No longer can States simply "disregard" all kinds of income in an effort to enroll higher income people. Frankly, the practice of disregarding income so that nonpoor citizens qualify for poverty programs is fairly offensive.

The other important aspect of the Republican alternative is that it addresses health care coverage in a larger context.

Let's face it, uninsured children are just the tip of the health insurance problem in this Nation.

We are once again tinkering around the edges rather than taking on systemic reform. The Democratic tinkering moves us in the direction they want for the Nation—socialized medicine.

Republicans have a better idea.

The bill will provide much needed relief to small business to allow them to provide health care benefits to their employees.

Nearly 60 percent of the 45 million uninsured Americans today are employed by, or reliant on, small business. In other words, if we can help small business insure their employees, then we can make a significant dent in the total number of uninsured Americans.

I just do not see how we can take up the issue of health care and health insurance and not talk about one way we can truly help insure Americans. Of course, my colleagues on the other side of the aisle don't want to do that because it doesn't take us further down their road towards socialized medicine.

I don't want to go down that road. So I will vote for the Republican alternative. It is fiscally responsible, it focuses the SCHIP program on those it was created to help, and it takes a larger look at the problem of health insurance for all Americans.

I urge my colleagues to support the McConnell-Lott amendment.

Mr. President, I ask my colleagues to support the McConnell-Lott alternative so we do not begin a progressive march down a road toward socialized medicine.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the alternative Senator CRAIG just spoke about is the amendment I wish to speak against. I am a Republican, but I am part of the bipartisan effort to pass this SCHIP bill. So I will tell my colleagues on both sides of the aisle why the Lott amendment, or the Republican alternative, should not be accepted.

First of all, I commend the people who authored the alternative because all ideas ought to be considered. It is creative, and it is thoughtful. It certainly contributes to the debate. In reading through it, I am struck by the similarities between this proposal and the bipartisan bill before the Senate that I am backing. Both proposals increase funding for State allotments. Both proposals largely base the new allotments on State projections. Both proposals limit the availability of allotments to 2 years. Both proposals restrict coverage for nonpregnant adults. Both proposals prohibit new waivers for adult coverage. Both proposals provide funds for outreach and enrollment activities. Both proposals include additional State options for premium assistance.

Lest my colleagues think I am attacking them with faint praise, I do acknowledge there are significant differences in the approaches between the Republican alternative and our bipartisan bill that is before the Senate.

The position taken by the Lott amendment is that SCHIP has been a successful small program that covers about 6 million kids in 2007 and should not cover many, if any, more. The position of the Lott amendment is that any increase in the enrollment of children should be limited to the relatively better off SCHIP kids and not cover the poorer Medicaid kids. That is a perfectly reasonable position for them to take, but that is the biggest difference between the Lott amendment and the bipartisan proposal that is referred to as Grassley-Baucus.

The difference is that the amendment supporters cannot claim that it increases coverage for any of the 4 million uninsured children who are eligible and entitled to Medicaid, the kids who need it most. In fact, not only does the Lott amendment do virtually nothing to improve coverage for the 4 million children eligible for Medicaid, but it adds insult to injury by reducing the Medicaid Program by over $10 billion to pay for an expansion of SCHIP.

Let me put this another way. The Lott amendment drains billions out of the Medicaid Program, which is a program that covers the poorest of the poor, and it redirects that funding to SCHIP, a program that covers kids and families who make too much to qualify for Medicaid. It is the old issue of robbing Peter to pay Paul. The Senate Finance Committee bill, on the other hand, covers 1.7 million kids eligible for Medicaid but not enrolled.

At this point, it is important to reiterate for colleagues that the Senate Finance Committee bill does not expand Medicaid. The bill does not change eligibility for Medicaid one single bit.

The Senate Finance Committee bill does include the very precise and targeted incentive funds that Director Peter Orszag of CBO concluded is "as efficient as you can possibly get per new dollar spent." This incentive fund helps increase coverage of 3.2 million uninsured children. The Lott amendment, however, does not increase coverage for the lowest income children and actually causes some individuals, including children currently enrolled in SCHIP, to lose coverage.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Mr. President, I yield whatever time the Senator from Iowa desires.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, we simply, then, have an honest disagreement on whether we want to cover additional low-income kids. Some Members do; some Members do not. I am on the side that wants to cover additional low-income children who are eligible for coverage. It is as simple as that.

The other main difference is the income eligibility for children. Right now, 91 percent of the SCHIP funds are being spent on kids at or below 200 percent of poverty. Under current law, States have the flexibility to adjust their income eligibility to respond to rising health care costs and the cost of living within a particular State because it differs so much between California and Iowa, to name two States.

The Lott amendment imposes a "Washington knows best" mentality regarding a State's ability to determine what income within that State is most appropriate. And then it goes one step further: It reduces the Federal match for covering kids above 200 percent of poverty. There are 18 States that currently cover kids above 200 percent of poverty. Under this proposal, a State currently receiving the enhanced match under SCHIP for coverage of eligible children would see that match reduced for those very same children.

While I would prefer that all States focus on children at or below 200 percent of poverty, the fact remains that $42,000 a year for a family of four is a lot harder to get by on in some States than in other States. By imposing this new requirement that States limit eligibility, the Lott amendment would cause kids to lose coverage. The table CBO sent us on the Lott amendment confirms that. I am sorry, but in a bill designed to cover kids, cutting them off is a step in the wrong direction.

The Finance Committee bill takes a different approach. The committee bill would lower the Federal payments to States that choose to cover kids over 300 percent of poverty level. States that go above that limit would only get the regular Medicaid match. Those States wouldn't get the enhanced Federal match under SCHIP for these higher income kids. So the Finance Committee bill creates a disincentive for States to go in that direction.

Some have alleged that the Senate Finance Committee bill would permit States to cover kids and families who make over $80,000. That is false. What the Finance Committee bill does is allow States that have passed State laws to increase eligibility to be grandfathered at the SCHIP match as it is right now. There are no States that do that today. So it is incorrect to say that the Finance package expands coverage for these higher income kids. That just is not accurate.

Right now, the only State that is even proposing to go as high as 400 percent of poverty is New York, and their State plan amendment still must be approved by the Bush administration. The Bush administration, not Congress, has to decide whether to approve that coverage.

So let me repeat. The Senate Finance bill would only permit New York to get an enhanced match for kids and families over 83 percent a year if this administration approves their plan, and it gives my colleagues on this side of the aisle who don't want that to happen a chance to lobby the Secretary of HHS to make sure it doesn't happen.

Given the criticism they leveled against the Finance plan, I would be shocked if they did approve it. I will wait and see, however, if their actions match their rhetoric.

Wrapping up, let me just say again that the Lott amendment has many similarities that I have delineated for the Senate—many similarities to the Finance Committee package. I commend them for their work in putting together this proposal, and I would hope that since their amendment has so many similarities to the Senate Finance Committee bill, perhaps they will take another look at the policies in our bipartisan package. There are key differences in the two approaches, however. I appreciate my colleagues' work in pointing out these differences. I, for one, am happy to stand on the side of covering kids rather than cutting them out, and I support giving States flexibility.

AMENDMENTS NOS. 2540 AND 2541 TO AMENDMENT NO. 2530

Madam President, I call up for consideration two amendments by Senator ENSIGN, amendments Nos. 2541 and 2540.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. ENSIGN, proposes amendments numbered 2540 and 2541 to amendment No. 2530.

Mr. GRASSLEY. Madam President, I ask that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2540

(Purpose: To prohibit a State from using SCHIP funds to provide coverage for nonpregnant adults until the State first demonstrates that it has adequately covered targeted low-income children who reside in the State)

On page 58, between lines 16 and 17, insert the following:

"(d) COVER KIDS FIRST IMPLEMENTATION REQUIREMENT.—Notwithstanding the preceding subsections of this section, no funds shall be available under this title for child health assistance or other health benefits coverage that is provided for any other adult other than a pregnant woman, and this title shall be applied with respect to a State without regard to such subsections, for each fiscal year quarter that begins prior to the date on which the State demonstrates to the Secretary that the State has enrolled in the State child health plan at least 95 percent of the targeted low-income children who reside in the State.".

AMENDMENT NO. 2541

(Purpose: To prohibit a State from providing child health assistance or health benefits coverage to individuals whose family income exceeds 200 percent of the Federal Poverty Level unless the State demonstrates that it has enrolled 95 percent of the targeted low-income children who reside in the State)

At the end of title I, add the following:

SEC. 112. COVER LOW-INCOME KIDS FIRST.

Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 602, is amended by adding at the end the following new paragraph:

"(12) NO PAYMENTS FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE OR HEALTH BENEFITS COVERAGE FOR INDIVIDUALS WHOSE GROSS FAMILY INCOME EXCEEDS 200 PERCENT OF THE POVERTY LINE UNLESS AT LEAST 95 PERCENT OF ELIGIBLE LOW-INCOME CHILDREN ENROLLED.—Notwithstanding any other provision of this title, for fiscal years beginning with fiscal year 2008, no payments shall be made to a State under subsection (a)(1), or any other provision of this title, for any fiscal year quarter that begins prior to the date on which the State demonstrates to the Secretary that the State has enrolled in the State child health plan at least 95 percent of the low-income children who reside in the State and are eligible for child health assistance under this State child health plan with respect to any expenditures for providing child health assistance or health benefits coverage for any individual whose gross family income exceeds 200 percent of the poverty line.".

Mr. GRASSLEY. Madam President, I yield the floor.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Madam President, I am going to proceed just for a few moments on my leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISA MODIFICATION EFFORT

Mr. McCONNELL. Madam President, the ranking member of the Intelligence Committee, Senator BOND, and I, will be introducing and later placing on the calendar a bill related to the FISA modification effort that has been underway on a bipartisan basis over the last few weeks.

Senator BOND and I will be, as I said, placing in the RECORD, and then subsequently doing a rule XIV placing it on the calendar, a proposal that the administration thinks makes sense to deal with the modifications that everyone seems to agree in principle need to be made to the FISA procedure.

With that, I don't know that I can yield leader time to somebody who isn't a leader, so let me just say that having given that notice, we will be placing that on the calendar for later this evening.

Mr. REID. Madam President, just a brief comment on the distinguished Republican leader's statement.

As we speak, there are meetings going on to see if we can resolve this matter in a manner that is acceptable to Republicans and Democrats in the Senate, and of course then we have to also be concerned about the House. Senator MCCONNELL and I were in a meeting early this morning with individuals, including Admiral McConnell, and we hope something can be worked out.

We waited a little longer than I wanted, waiting for Admiral McConnell's papers to come here this afternoon, but they are here and they are being reviewed. I spoke to Senator

LEVIN just a few minutes ago. There is nothing serious, but Senator ROCKEFELLER has been with his wife today on a minor problem, but it was necessary he not be here. So we are trying to work our way through this.

Hopefully, we can resolve this. It is something important, we are going to do everything we can, and we hope all sides will be reasonable. At this point they have been. It is an issue we certainly need to resolve, if at all possible, before we leave for our August recess.

Mr. MCCONNELL. Madam President, if I may, let me just commend the majority leader on his observations. I know people on both sides of the aisle are working intensely on this issue, and I, too, hope and believe we will get it resolved by the end of the week.

I did, however, want all Members of the Senate to be aware of a proposal that the administration feels very strongly would get the job done in the hopes that it would enjoy bipartisan support. Senator BOND and I will address the details of it after the votes, and I will rule XIV it onto the calendar at that point.

I yield the floor.

AMENDMENT NO. 2554

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided on amendment No. 2554, offered by the Senator from North Carolina.

Mrs. DOLE. Madam President, increasing the tax on tobacco unfairly burdens low-income Americans. My amendment is simple: It creates a 60-vote budget point of order against any legislation that includes a Federal excise tax increase that would unfairly affect low-income individuals, defined as taxpayers with earned income less than 200 percent of the Federal poverty level.

According to the Centers for Disease Control report from 2003 to 2005, 28.5 percent of smokers were classified as poor—below 100 percent of the Federal poverty level—and 25.9 percent of smokers were classified as near poor—between 100 and 200 percent of the Federal poverty level. As these numbers clearly show, the tax increase proposed in this bill unfairly falls on the shoulders of those who can least afford it.

I am urging my colleagues to acknowledge that the proposed tax increase is an irresponsible and fiscally unsound policy. I urge my colleagues to support the fact that this has a negative impact and is disproportionately hard on the poor.

Madam President, I ask for the yeas and the nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I understand the Senator does not like the way we are paying for this bill. The more appropriate response would be for the Senator to offer an amendment to strike it or to find some other way to pay for it. I do not think it is wise for this body to enact another procedural hurdle as we consider legislation generally here; that is, another hurdle that would block attempts for us to help people in the States we represent. I don't think that is needed.

Secondly, this is the wrong time to consider changing Senate procedure. The more appropriate time is during consideration of the budget resolution, when the Senate has all the budget issues before it. I don't think it makes any sense to put another procedural obstacle before us to make it more difficult for Congress to respond to the needs of the American people.

I encourage Senators to, therefore, not support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 64, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—32

Allard
Barrasso
Bond
Bunning
Burr
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McConnell
Nelson (NE)
Sessions
Shelby
Thune
Vitter
Voinovich
Warner

NAYS—64

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coburn
Conrad
Corker
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Gregg
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Webb
Whitehouse
Wyden

NOT VOTING—4

Brownback
Johnson
McCain
Rockefeller

The amendment (No. 2554) was rejected.

Mr. BAUCUS. Madam President, I move to reconsider the vote.

Mr. GRASSLEY. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2547

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided on amendment No. 2547 offered by the Senator from Kentucky.

Mr. BUNNING. Madam President, my amendment is simple. It strikes the exemption for New York and New Jersey to get Federal dollars for covering families above 300 percent of poverty. No other State in the country gets that kind of an exemption. New Jersey's SCHIP program covers families up to $72,000 a year, 350 percent. New York is planning on covering families making up to $82,000 a year. It has not yet been approved by HHS.

Why should people in every other State subsidize Government health care for families in New York and New Jersey at these higher incomes? My amendment does not kick kids off SCHIP. The State can still cover them at their Medicaid matching rate. It is the State's choice. If people in these two States think this is a priority, then they should be willing to pay more for this type of benefit. I am sure New York and New Jersey are expensive areas to live. But those States have more resources and a larger tax base than others. I urge a "yes" vote on my amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, we listened to the comments from our colleague from Kentucky about how much New Jersey or New York can afford. But I will tell you this, New Jersey, for each dollar that it sends down to the Federal Government, it gets barely half of it back. But not in Kentucky. In Kentucky, if they send in a dollar, they get $1.45 back. We cannot compare things. We cannot compare costs of living. The poverty level for a four-person family is $20,000. That means their income is about $5,000 a month. In New Jersey, after taxes, housing, and other costs, they're left with about $865. And yet their health care costs average above $2,000.

As a consequence, with $2,000 a month for health care costs, every family is burdened up until almost the highest of incomes. So we ask fairness. Here we are trying to expand health care for children, and our colleague wants to take that away. This is not fair, it is not right, and I hope we will defeat this soundly.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Madam President, I move to table the Bunning amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—43

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—4

Brownback
Johnson
McCain
Rockefeller

The motion was agreed to.

Mr. BAUCUS. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2593

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2593, as modified, offered by the Senator from Mississippi.

Mr. LOTT. Madam President, the Baucus bill we have before us is a $35 billion increase over the current $25 billion, a $60 billion bill. Our Kids First alternative amendment targets children. SCHIP does not have an A in it. We should not move steadily toward more and more higher income children and adults being included in the program. This one is targeted to children. The cost is $9 billion above the $25 billion in the baseline. It will cover an additional 1.3 million children over the next 5 years. This 40-percent increase would maintain children currently enrolled and insure 2.2 million more children by 2017 than is in the underlying Baucus bill. It also includes the small business health plans, which I believe would lead to the coverage of an additional 10 or 20 million people who work for small businesses that now cannot get coverage. There is no tax increase in this provision. It is paid for by equalizing the State match for Medicaid administrative expenses at 50 percent.

Mr. MCCONNELL. Madam President, the State Children's Health Insurance Program was created to target the health care needs of poor children whose families made too much to be eligible for Medicaid but were still in danger of not being able to afford private health insurance.

SCHIP is in many ways successful, as last year, 6.6 million children had health care coverage thanks to it, including more than 50,000 in the Commonwealth of Kentucky. From 1996 to 2005, the rate of children living without health insurance in America dropped by 25 percent.

So as the Senate turned to debate the reauthorization of this Federal/State partnership, I had hoped that all of my colleagues would focus on SCHIP's true goal: covering children. Unfortunately, that is not what the Finance Committee's bill does. This bill is a dramatic departure from current SCHIP law that will significantly raise taxes, increase spending, and lead to Government-run health care.

At a time when the people of America have made clear that they want us to reduce Government spending, Democrats are going to spend $112 billion of the taxpayers' money. And part of this increase will go toward people that SCHIP was never meant to cover, as this proposal will allow more adults to piggyback onto a children's health program.

So Senators LOTT, KYL, GREGG, BUNNING, and I have proposed an alternative measure I hope all of my colleagues will consider. Our Kids First Act will refocus SCHIP to help the people it was designed to help: low-income children.

The Kids First Act will reauthorize SCHIP for 5 years and would ensure that children enrolled in SCHIP stay covered by adding $14 billion in funding above and beyond the baseline SCHIP budget.

Our alternative will add 1.3 million new kids to the SCHIP program by 2012. By contrast, the Finance Committee bill actually begins reducing kids' coverage in 2012 and results in fewer children having SCHIP coverage in 2017.

Our alternative also provides $400 million over the next 5 years for States to spend on outreach and enrollment for low-income children who are eligible but not on SCHIP, so we can enroll them. This money will help guarantee that SCHIP dollars go toward the low-income kids the program is meant to help.

The Kids First Act takes several measures to make health insurance more affordable and cost-effective. For instance, it encourages premium assistance to aid parents in buying private health insurance for their children.

It also includes the small business health plan legislation we considered in the 109th Congress. Of the 20 million working Americans who do not have health insurance, nearly half work in firms of 25 or fewer.

Small business health plans would allow those firms to band together across State lines, increase their bargaining power and afford better health care coverage for their employees.

Finally, our alternative ensures that the taxpayers' dollars are spent appropriately by decreasing the number of adults who can take advantage of the program.

While considerably less expensive to the taxpayers than the Finance Committee's bill, it is worth noting, that many States, including Kentucky, would fare better next year under the Kids First Act than under the committee bill.

Our plan is fiscally responsible and focuses Government assistance on those who really need it. It reauthorizes and improves upon a program that works instead of transforming it into a license for higher taxes, higher spending, and another giant leap toward Government-run health care.

It can receive a Presidential signature, and it deserves this Senate's support.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, effectively, the Lott amendment is actually going to cause in some States a reduction in kids who are covered. It is very nominal, a slight increase overall. It does not begin to address the 6.6 million kids we need to cover under CHIP, as I think most of us want to. The basic point is, this amendment has lots of other provisions in it which I do not think we should appropriately consider at this point. The small business health plans, HSAs, is a debate for another day. It has nothing to do with the Children's Health Insurance Program. I don't think it is wise to put those battles on the backs of kids. We should get this legislation passed. It helps kids. It cuts back adults. It is moderate. It cuts back on some excessive coverage in some States, but it is unwise to radically restructure health insurance with the health insurance provision as well as HSAs.

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 61, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—35

Alexander
Allard
Barrasso
Bennett
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McConnell
Sessions
Shelby
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—61

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—4

Brownback
Johnson
McCain
Rockefeller

The amendment (No. 2593), as modified, was rejected.

Mr. REID. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have spoken to the distinguished Republican leader. I have spoken to the two managers of the bill. I think it would be appropriate to announce at this time there will be no more rollcall votes tonight. However, if people have a desire to offer amendments, the managers are willing to talk to you about those amendments. They need some idea of who else wants to offer amendments. You can hear from them.

My main purpose in making this statement is announcing there will be no more rollcall votes tonight, after this next vote, of course.

AMENDMENT NO. 2602

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2602, as modified, offered by the Senator from Massachusetts, Mr. KERRY.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, in the underlying bill, we have made a decision to insure some 3.3 million kids who are among the poorest in the country. But we still have about 5.7 million kids who will not get covered. So you have 9 million kids without coverage, and this bill will seek to insure 3.3 million.

What my amendment seeks to do is recognize that if you have a rationale that says it is worthwhile to insure all those kids, we also ought to be insuring the additional 1 million kids who are Medicaid eligible who will not be insured under this bill.

So my amendment seeks to do what we said we would do in the original budget resolution, where we allocated $50 billion to insure children. It pays for it by not granting to those earning more than $1 million a year a continuation of their tax cut next year. That is how you pay for it.

Mr. President, .18 percent of all Americans will be affected in an effort to guarantee that the poorest of the poor children in America—Medicaid eligible—will be eligible for health care coverage.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am not going to speak to the substance of the amendment but to the process. This bill is a bipartisan approach where a lot of different points of view were brought together to a bill that can pass this Senate. We have people on the left for whom $50 billion might not be enough money. We have people on the right for whom anything over $5 billion was too much money. We have come out at $35 billion. This is a well-balanced, well-thought-out compromise.

Compromise is the essence of getting things done. You have to bring people in the Senate to the center to get things done or nothing is going to get done. In order to get this job done, we have to defeat this amendment, regardless of the merits of it.

I yield back.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KERRY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 60, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—36

Akaka
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Casey
Clinton
Collins
Dodd
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Sanders
Schumer
Tester
Whitehouse

NAYS—60

Alexander
Allard
Barrasso
Baucus
Bennett
Bond
Bunning
Burr
Byrd
Carper
Chambliss
Coburn
Cochran
Coleman
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Klobuchar
Kohl
Kyl
Landrieu
Lott
Lugar
Martinez
McCaskill
McConnell
Murkowski
Nelson (NE)
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Webb
Wyden

NOT VOTING—4

Brownback
Johnson
McCain
Rockefeller

The amendment (No. 2602), as modified, was rejected.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2558, 2537, AND 2562, EN BLOC

Mr. GRASSLEY. Mr. President, en bloc, I want to do for Senator GRAHAM and for Senator KYL three amendments, and I call up en bloc amendments Nos. 2558, 2537, and 2562.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2558

(Purpose: To sunset the increase in the tax on tobacco products on September 30, 2012)

Beginning on page 218, strike line 5 and all that follows through page 220, line 2, and insert the following:

(a) CIGARS.—Section 5701(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking "($1.594 cents per thousand on cigars removed during 2000 or 2001)" in paragraph (1) and inserting "($50.00 per thousand on cigars removed after December 31, 2007, and before October 1, 2012)",

(2) by striking "(18.063 percent on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "(53.13 percent on cigars removed after December 31, 2007, and before October 1, 2012)", and

(3) by striking "($42.50 per thousand on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "($10.00 per thousand on cigars removed after December 31, 2007, and before October 1, 2012)".

(b) CIGARETTES.—Section 5701(b) of such Code is amended—

(1) by striking "($17 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (1) and inserting "($50.00 per thousand on cigarettes removed after December 31, 2007, and before October 1, 2012)", and

(2) by striking "($35.70 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (2) and inserting "($104.9999 per thousand on cigarettes removed after December 31, 2007, and before October 1, 2012)".

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking "(1.06 cents on cigarette papers removed during 2000 or 2001)" and inserting "(3.13 cents on cigarette papers removed after December 31, 2007, and before October 1, 2012)".

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking "(2.13 cents on cigarette tubes removed during 2000 or 2001)" and inserting "(6.26 cents on cigarette tubes removed after December 31, 2007, and before October 1, 2012)".

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking "(51 cents on snuff removed during 2000 or 2001)" in paragraph (1) and inserting "($1.50 on snuff removed after December 31, 2007, and before October 1, 2012)", and

(2) by striking "(17 cents on chewing tobacco removed during 2000 or 2001)" in paragraph (2) and inserting "(50 cents on chewing tobacco removed after December 31, 2007, and before October 1, 2012)".

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking "(95.67 cents on pipe tobacco removed during 2000 or 2001)" and inserting "($2.8126 on pipe tobacco removed after December 31, 2007, and before October 1, 2012)".

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking "(95.67 cents on roll-your-own tobacco removed during 2000 or 2001)" and inserting "($8.8889 on roll-your-own tobacco removed after December 31, 2007, and before October 1, 2012)".

AMENDMENT NO. 2537

(Purpose: To minimize the erosion of private health coverage)

At the end, add the following:

SEC. ___. DELAY IN EFFECTIVE DATE.

Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall not take effect until the day after the date on which the Director of the Congressional Budget Office certifies that this Act and the amendments made by the Act, will not result in a reduction of private health insurance coverage greater than 20 percent.

AMENDMENT NO. 2562

(Purpose: To amend the Internal Revenue Code of 1986 to extend and modify the 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements and to provided a 15-year straight-line cost recovery for certain improvements to retail space)

On page 217, after line 25, insert the following:

SEC. 61_. EXTENSION AND MODIFICATION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) EXTENSION OF LEASEHOLD AND RESTAURANT IMPROVEMENTS.—

(1) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) of the Internal Revenue Code of 1986 (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2009".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(b) MODIFICATION OF TREATMENT OF QUALIFIED RESTAURANT PROPERTY AS 15-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION DEDUCTION.—

(1) TREATMENT TO INCLUDE NEW CONSTRUCTION.—Paragraph (7) of section 168(e) of the Internal Revenue Code of 1986 (relating to classification of property) is amended to read as follows:

"(7) QUALIFIED RESTAURANT PROPERTY.—The term 'qualified restaurant property' means any section 1250 property which is a building (or its structural components) or an improvement to such building if more than 50 percent of such building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

(c) RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.—

(1) 15-YEAR RECOVERY PERIOD.—Section 168(e)(3)(E) of the Internal Revenue Code of 1986 (relating to 15-year property) is amended by striking "and" at the end of clause (vii), by striking the period at the end of clause (viii) and inserting ", and", and by adding at the end the following new clause:

"(ix) any qualified retail improvement property placed in service before January 1, 2009.".

(2) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(e) of such Code is amended by adding at the end the following new paragraph:

"(8) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—

"(A) IN GENERAL.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

"(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) IMPROVEMENTS MADE BY OWNER.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

"(C) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefitting a common area, or

"(iv) the internal structural framework of the building.".

(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) of such Code is amended by adding at the end the following new subparagraph:

"(I) Qualified retail improvement property described in subsection (e)(8).".

(4) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) of such Code is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

(E)(ix) .... 39".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I thank the Senator from Maryland for allowing me to proceed, and I will not be too long.

I ask unanimous consent that I be allowed to proceed as in morning business, to be followed by Senator BOND.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 1927

Mr. McCONNELL. Mr. President, I understand that S. 1927 is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1267) to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes.

Mr. McCONNELL. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

Mr. McCONNELL. Mr. President, yesterday the Director of National Intelligence came to Capitol Hill and implored Congress once again to modernize the Foreign Intelligence Surveillance Act. He was echoing the warnings of the entire intelligence community, which has told us that current law—

current law—prevents us from collecting a significant amount of intelligence that could be vital in protecting us from another terrorist attack.

The latest National Intelligence Estimate makes clear that the greatest terrorist threat to the United States is al-Qaida. Their intent to attack us is undiminished since 9/11. They have gained recruits and strength in the Middle East. They continue to adapt and improve their capabilities, and we must continue to adapt and improve our ability to swiftly detect their movements and their plots.

One of the most effective tools we have had in doing this over the last 6 years is our electronic surveillance program. The Foreign Intelligence Surveillance Act gives us the legal framework for monitoring terrorists electronically without impinging on the civil liberties of Americans. But the law is badly out of date.

Since FISA was enacted, sweeping advances in technology have upset the balance that Congress struck in 1978, and the law that was written to protect Americans while ensnaring terrorists must be changed as well.

The targeting of a foreign terrorist overseas should not require a FISA warrant. That was never the intention of the original legislation. Yet this is what the law, as written, currently requires. The intelligence community has told us they are hamstrung by the existing law, and in a significant number of cases, our intelligence professionals are in the unfortunate position of having to obtain court orders to collect foreign intelligence concerning foreign targets located overseas.

The facts here are not in dispute. Our Nation faces an alarming intelligence gap, a situation in which the intelligence community every day is missing—missing—a significant portion of what we should be getting in order to protect the American people here at home. We should not adjourn until we have closed this gap. We must act quickly in a bipartisan manner and let the appropriate committees come back and review FISA and other matters related to the legislation in a more comprehensive manner.

We should not return in September knowing that we have failed in our duty, and we pray that we don't have cause to regret our inaction. Let there be no doubt: If we had the foresight in August of 2001 to enact a law that would have exposed the plot that was being hatched against us then, the vote to approve that law would have been cast unanimously and without hesitation—unanimously and without hesitation. None of us would have shrunk from that duty. Six years later, the duty remains.

There is little we can do in the Senate from day to day that can immediately and decisively improve the security of this country. But by passing a FISA modernization bill that the President can sign before we go home for recess, we will have done just that. We need to act on this legislation now. We should not adjourn until we have closed this gap, until we have fixed this outdated law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the minority leader because he has brought to the attention of this body a measure of critical importance. Right now, we are missing a very significant portion of the signals and intelligence we could capture on al-Qaida and other terrorist organizations threatening to do harm to the United States. The reason is because the existing Federal Foreign Intelligence Surveillance Act doesn't fit in with today's technology.

The Director of National Intelligence has asked us—begged us—to make these changes. He submitted a proposal to the Intelligence Committee in April, and then he came before our committee in May. He came and briefed as many Members of the Senate who wanted to show up last month, and 42 members did, and they understood the importance.

In my tenure as a member of the Intelligence Committee, I have spent a considerable amount of time looking at issues regarding FISA modernization. Since I became vice chairman, I have worked closely with Chairman ROCKEFELLER to ensure that our oversight of this measure and this program has been comprehensive. We have held numerous hearings. Most of us have gone out and watched how the protections are implemented and where the information is collected at the NSA.

The DNI's proposal came up to us, and in April he warned that the current text of FISA is causing significant intelligence gaps during a period of increased threat. We all know that the threat of al-Qaida is severe now. We cannot afford to go home, to leave this place, and not take off the artificial barriers that prevent NSA from keeping our country safe.

The DNI has now provided us with a bare-bones FISA modernization proposal. It doesn't deal with all of the problems we in the Intelligence Committee must deal with later on in this session. We must do it.

Last night, we had a proposal delivered by Senator ROCKEFELLER that did not come from the members of the Intelligence Committee. It was a counterproposal to provide what he argued was a temporary legislative fix to FISA. Unfortunately, the counterproposal will not close these significant intelligence gaps that the DNI has told us about. Instead, it requires the Government to get a FISA order when a foreign target communicates with a significant number of persons and calls into the United States. That, to me, is going in the wrong direction. We don't need to stop and get a court order to protect the privacy of a terrorist who is making lots of calls into the United States. That is moving in the wrong direction.

Our enemies are not naive. They understand our laws sometimes better than we do. They would realize that all they had to do, if they wanted to cover their tracks while a lengthy FISA court application procedure was done, is make a whole lot of calls to people in the United States to trigger the requirement.

It would be an unnecessary and enormous burden on the intelligence assets and operators. We don't want people who play an essential role in fighting terrorism to spend the bulk of their time processing stacks of FISA applications on foreign targets. We want them to do the intelligence work to keep our country safe.

Well, as a result of the proposal made by Senator ROCKEFELLER, and others, the DNI was able to accommodate a number of these proposals and adopted their proposal for FISA court review of the procedures. They put a 6-month sunset on it. They added the DNI, Director of National Intelligence, to the authorizing process for acquisition of foreign intelligence. This is what is before us. The minority leader has presented it. I am proud to be a cosponsor.

The debate is about whether targeting foreigners overseas should require a FISA order. That was never the intent of the FISA legislation. It was intended solely to protect the fourth amendment rights of persons inside the United States—not foreign targets.

FISA needs to be modernized. Technology has changed. It is now no longer covered. The DNI's approach takes into account the changing technology and has adopted the reasonable suggestions made in the proposal made by Senator ROCKEFELLER, and others.

Congress needs to act on this legislation, please, before we get out of town. Don't leave town leaving the NSA deaf to significant terrorist information that might save our country from attack.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I want to move things along here and set an order of speakers. I ask unanimous consent that Senator MIKULSKI be recognized to speak for 5 minutes; following that, Senator CHAMBLISS be recognized to speak for 5 minutes. Following him, Senator BROWN be allowed to speak for 8 minutes; following him, Senator COBURN, for 10 minutes; following that, Senator WEBB be allowed to speak for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I, too, rise to comment on the FISA situation in which we find ourselves, because we want to be very clear that patriotism, adherence to the Constitution to defend the Nation against all enemies foreign and domestic, is not a partisan issue; that as our distinguished colleague from Missouri has spoken to—and I know the Senator from Georgia will—we are all on the Intelligence Committee, and we know what the real deal is in the sense of a very dangerous time facing our country.

We on this side of the aisle want to assure both our colleagues and the American people that we want to make the reforms in FISA before we go out as intensely as do our colleagues who are speaking tonight. We want to make those reforms so that we, too, give the intelligence community the power to go after and catch the terrorists and to be able to pump for the information they need to protect us, rather than a bureaucracy.

As a member of the Intelligence Committee, I feel it is my first duty to make sure they have the tools they need to protect the Nation. That means not only the financial resources to hire the best people and have the best technology, but it also means they have the legal framework in which to operate. But, indeed, a legal framework is what we need. We believe that in functioning within a legal framework, we are able to bring to bear all of the very important resources that are needed, both from the private sector as well as from the public sector.

I agree with my colleagues that as we come into August, we have a certain level of anxiety. All of us know, as we look back on 2001, that if in fact we could have done something to protect or stop what happened on that terrible day, September 11, we would have done it. We know that right now, this minute, we have another rendezvous with destiny and we will meet that. In meeting that rendezvous, we will arrive at a legal framework that is constitutionally compliant, that will enable the Intelligence Committee to be able to do what it needs, without being shackled by more bureaucratic mandates. There are many proposals. The details of why we would support them or raise a question are better discussed in a more classified forum.

Should the approach be bipartisan? You bet. I have worked with the Senator from Missouri. I know how he brings pragmatism, common sense, and very sound legal analysis to the discussion. This is not about politics. This is about the people and protecting the people we were sworn to protect. So I believe we will be proceeding. I am prepared, if necessary, to cancel my plans. But I believe if we work hard and are inclusive and approach it with common sense, we will focus on what is the end game here, which is to do the right thing to protect us.

Mr. President, I have fought for children's health care for a very long time, going back to my days as a social worker and also as a young House Member. This bill is what we hoped for and dreamed for—those of us who worked in social work and foster care and child abuse—to make sure kids had eyeglasses and hearing aids and so forth. And for all those adolescents who need to discuss things with doctors, this would be an open door. For all those handicapped children, this is what we need.

I salute the chairman and ranking member on this bipartisan solution. We have done this in a way that we can pay for it. At the end of the day, over an additional 3 million children will have health care. I salute my colleagues.

A few months ago, we had a little boy die in Maryland because he didn't have access to dental care. He had an oral infection that spread through his blood. So tomorrow when I vote, I vote for Deamonte, and for all others like him. I support the bill.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask the Senator from Georgia to yield so that I may speak for a few minutes. I am sorry I wasn't on the floor to listen to the speech of the Senator from Kentucky, the Republican leader, dealing with FISA.

Let me say briefly, we got the bill and the rule XIV late this afternoon. Ours is almost completed. We are working on it in my office, and the Speaker has to sign off on some of these things. It could take a little while before we are able to file this.

I so appreciate the Senator from Maryland. She is a woman who takes tremendously difficult jobs as a Senator. She has been a valued member on more than one occasion on the Ethics Committee, doing some of the most difficult work we have had to do on ethics in the entire history of the country. And then as far as her serving on the Intelligence Committee, she has been exemplary. I depend on her for information on what to do. A lot of times these meetings are held, and you need direction as to what we need to do on the Senate floor because what goes on in the Intelligence Committee is all secret. I admire and respect her so much because she helped us get to the point where we are.

We are going to come back with the proposal that we will file, a rule XIV, as the Republicans did theirs. It is meeting the expectations of the American people. One of the things we have going for us with this repair of FISA is Admiral McConnell. We trust this man. He is a man who speaks in a language we understand. He is direct and concise. Because of that, I think we can work something out. I just spoke to the vice chair of the Intelligence Committee, Senator BOND. We talked about the fact that ours will be laid down, and theirs is already laid down. Certainly, we should be able to work something out. We are all trying to obtain the same goal: to be able to protect ourselves from the evil people in the world who are trying to do harm to us as a country and individually and others from around the world.

We are going to proceed in good faith to try to get this done, and hopefully sometime in the next little bit, we will be able to file our legislation and what we call rule XIV so we are matching what the Republicans did this afternoon.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2557 TO AMENDMENT NO. 2530

Mr. BAUCUS. Mr. President, if I may have the indulgence of the Senator from Georgia, I ask unanimous consent that the pending amendment be set aside, and on behalf of Senator SPECTER, I call up amendment No. 2557.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] for Mr. SPECTER, proposes an amendment numbered 2557 to amendment No. 2530.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to reset the rate of tax under the alternative minimum tax at 24 percent)

On page 217, after line 25, insert the following:

SEC. 61_. REDUCTION IN RATE OF TENTATIVE MINIMUM TAX FOR NONCORPORATE TAXPAYERS.

(a) IN GENERAL.—Clause (i) of section 55(b)(1)(A) of the Internal Revenue Code of 1986 (relating to noncorporate taxpayers) is amended to read as follows:

"(i) IN GENERAL.—In the case of a taxpayer other than a corporation, the tentative minimum tax for the taxable year is—

"(I) 24 percent of the taxable excess, reduced by

"(II) the alternative minimum tax foreign tax credit for the taxable year.".

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 55(b)(1) of such Code is amended by striking clause (iii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Mr. BAUCUS. I thank my friend from Georgia. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

FISA MODERNIZATION

Mr. CHAMBLISS. Mr. President, I rise tonight to support the McConnell legislation that has been submitted relative to FISA modernization and say, first, that I associate myself with the remarks of the Senator from Maryland. She has been a huge asset on the Intelligence Committee. She does her homework, she works hard, she studies the issues. She is exactly right. This is not a partisan issue by any means. This is truly an American issue because it is an issue that allows us to continue to protect Americans and allows us to do the best job we possibly can in the intelligence community to ensure we do not suffer another attack on American soil.

Unfortunately, we cannot guarantee that will not happen, but the fact is, we need this updated, even though it is temporary, FISA modernized to allow our intelligence community to gather the type of information from the bad guys who are certainly out there getting up every day and making plans to attack assets of America, whether they are abroad or whether they are assets in the United States.

It is simply necessary that we take advantage of the technology that is available today that was not available at the time the original FISA statute was implemented and passed into law, and that we make sure we are giving our intelligence community all the tools they need to do their job in a very professional manner.

There is a threat out there. The Secretary of the Department of Homeland Security has expressed recently that a threat exists, that he has a gut feeling something may happen. There are a lot of factors timewise and otherwise that make us feel that might be the case. Who knows. We cannot step into the minds of the bad guys who are out there.

I will say one thing about this legislation. It does not invade the privacy of any group except one, and that is the terrorists. We need to invade the privacy of the terrorists. This bill is something that if it had been in place, if the tools had been in place in 2001, who knows whether we could have stopped the attack that took place on September 11. But what we do know is that certain phone calls were made by some of the 9/11 hijackers, and if we had in place a program that we now are operating under, it is very likely that we might have picked up on some of those phone calls.

This legislation, again, gives our intelligence community tools which they can use to gather information only from those people who are making plans to carry out a terrorist attack against the United States or against our allies or in some country where we have assets.

I appreciate the cooperative spirit that, obviously, we are seeing from folks on the other side of the aisle. This is truly one of those times we need to come together in a bipartisan way and, obviously, we are going to make this fix to make sure our intelligence community can do their job in a very professional way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I begin by thanking Chairman BAUCUS for his terrific work on perhaps the most important domestic legislation this year, and that is the Children's Health Insurance Program. I thank the Senator from Pennsylvania also, the Presiding Officer tonight, for his terrific work leading our freshman class on this issue. We know how important it is to the people, whether it is Montana, Pennsylvania, Maryland, Georgia, or any of the States represented here tonight.

The children's health insurance bill meets the most basic need of American families. Nothing should stand in the way of this bill moving forward. Children too often suffer and some die because they do not have access to health care. In a nation as wealthy as ours, that is not just irresponsible, it is immoral.

Today we have the opportunity to do the right thing for American families, for parents, for children. Without health insurance for their children, parents too often face impossible choices—go to the doctor when their child is sick or pay the grocery bill or the electric bill or the rent. These are the choices that families are forced to make—cruel choices.

In 1996, when Congress created the Children's Health Insurance Program, with a Democratic President and a Republican Congress, there were nearly 11 million uninsured children in the United States. In Ohio, my State, there were roughly 305,000 uninsured children. Today, thanks in large part to the Children's Health Insurance Program, those numbers have been reduced substantially—fewer than 9 million nationwide and roughly 236,000 in Ohio.

The Children's Health Insurance Program is directly responsible for covering 6.6 million children across the country and more than 200,000 children in Ohio in Athens, in Ashtabula, in Warren and West Lake, in Marion and Maple Heights. That is good, but it is not good enough. Mr. President, 150,000 low-income children, most of whom have working parents, in Ohio, do not have health insurance. This bill does the right thing on mental health, requiring parity between mental and physical health benefits.

I would like to share a story I heard yesterday that should remind us of the importance of this provision. In 1990, Kitty Burgitt's husband died suddenly, leaving her to care for her 5-year-old daughter and 2-year-old son as a single mother in Canton, OH, a city in the northeast part of my State. Her Social Security survivor benefits were considered too much to qualify for Medicaid. Six years later, Congress created the Children's Health Insurance Program. Kitty immediately enrolled her children in that program.

Given the initial strict income eligibility provisions of the program, Kitty was forced to turn down raises and refuse the additional hours at work that she wanted to work to keep her children enrolled, to keep them insured.

When her daughter was in the eighth grade, she started experiencing mental health problems. Then her daughter became suicidal. The Children's Health Insurance Program covered her treatment, which then was extensive. Imagine what it would have been like for Kitty if she had no way to help her daughter. No parent should ever feel that helpless. No parent should ever be forced to watch powerlessly as her child, or his child, suffers.

Thankfully, because of the Children's Health Insurance Program, Kitty's daughter did receive the treatment she needed. Today her daughter is healthy and happy. As Kitty herself wrote recently:

> Today my daughter is 22, happily married with a beautiful daughter of her own—

Kitty's granddaughter—

> and has a good job as a restaurant manager.

If we do our job this week and pass this bill, we will hear more success stories such as this one in the future.

Some of my colleagues raise concern over this bill's income eligibility levels. I believe it is important, however, for each State, with its own unique set of circumstances, to have the flexibility to offer coverage to those it deems in need. The State makes that determination.

In my State of Ohio, for instance, Governor Strickland and the State legislature have taken it upon themselves to raise the eligibility limit for the Children's Health Insurance Program to 300 percent of poverty level. That 300 percent is not living in the lap of luxury. It means a parent still cannot afford health insurance in a job where they are 300 percent of poverty without some help from the Children's Health Insurance Program.

This means little boys, such as Marco Rodriguez, will finally have health insurance. Marco lives in Marion, 20 to 30 miles from where I grew up. He is 9½ years old. His father died last year. His mother works full time. This is Marco's mother. But her job does not offer health insurance. She cannot afford private coverage. Her income is just over 200 percent of poverty, roughly $24,000 a year. She works hard, is raising her child, she is widowed, and she makes $24,000 a year. Of course she cannot afford health insurance on that income. It is not enough to pay for food, rent, and clothing—barely—and private health insurance.

So Marco, like all too many children, has been going without health insurance. What if something happens? One major medical emergency for Marco could mean financial catastrophe for his mother, his family—for both of them.

If we do our job this week, Ohio will be able to cover Marco come January 2008.

Others have voiced concern over the cost of this reauthorization. It was a bipartisan initiative 10 years ago, with a Democratic President and a Republican Congress and an overwhelming number of Democrats, myself included, in the House of Representatives and Senate voting for it. We all agree this program has been a success.

The investment we made in 1996 has proven to be a wise one. And still too many of my friends on the other side of the aisle hesitate. They hesitate about our Nation's children. They say: We like the program, but it is too expensive or, We have other priorities. But this is about priorities. And the questions are pretty simple.

Should Congress provide for billionaire tax breaks or health insurance for our children? Should we provide for billions, literally billions in no-bid contracts in Iraq or health insurance for our children? Should we provide for Medicare privatization and oil company subsidies or health insurance for our children?

It is time for Congress to get its priorities straight. We should pass the Children's Health Insurance Program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 2618 TO AMENDMENT NO. 2530

Mr. WEBB. Mr. President, I ask unanimous consent that the pending amendment be laid aside in order that I might bring up my amendment No. 2618 to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WEBB] proposes an amendment numbered 2618 to amendment No. 2530.

Mr. WEBB. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the deferral of taxation on certain income of United States shareholders attributable to controlled foreign corporations)

At the end of title VII, insert the following:

SEC. ___. ELIMINATION OF DEFERRAL OF TAXATION OF CERTAIN INCOME OF CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 952 (relating to subpart F income defined) is amended by adding at the end the following new subsection:

"(e) SPECIAL APPLICATION OF SUBPART.—

"(1) IN GENERAL.—For taxable years beginning after December 31, 2007, notwithstanding any other provision of this subpart, the term 'subpart F income' means, in the case of any controlled foreign corporation, the income of such corporation derived from any foreign country.

"(2) APPLICABLE RULES.—Rules similar to the rules under the last sentence of subsection (a) and subsection (d) shall apply to this subsection.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of such corporations end.

Mr. WEBB. Mr. President, I strongly support this bill. As an initial matter, I express my thanks to Senators BAUCUS and GRASSLEY for their hard work on this bipartisan bill which will help provide health insurance to millions of children nationwide and hundreds of thousands of children in my home State of Virginia.

For too long in this country, low-income families have been unable to afford health insurance for their children. Reauthorizing this program helps meet this urgent need. But, unfortunately, this bill does so by singling out one form of conduct, tobacco smoking, and then taxing many of the very same people the program is intended to assist.

Not only are lower income workers more likely to smoke, they spend a greater percentage of their income on tobacco when they do because an estimated half of American smokers come from the same income groups as those families who are eligible for this program. In my view, this amounts to robbing Peter to pay Paul.

Additionally, the very form of conduct that we are supposedly attempting to discourage has become the same form of conduct that we are implicitly hoping will continue to finance this program. I find this logic odd. At some level, I find it counterproductive to the very goals of the legislation that is before us.

And here is another problem. This is a targeted tax on commercial transactions that are disproportionately engaged in by people with lower incomes. At the same time, our country is experiencing a vast accumulation of wealth amongst our highest income earners.

Income disparities in this country are at levels that we have not seen for at least 70 years. Moreover, corporate profits are at an all-time high as a percentage of our national wealth, while wages and salaries on our working people are at an all-time low.

There is, in my view, a better way, a fairer way to pay for this program. That is why I have offered this amendment.

Under the Federal Tax Code, American corporations are allowed to defer payment of American taxes on the profits earned by their overseas subsidiaries. Under current law, taxes on the business income of foreign subsidiaries are not payable until the profits are repatriated back to the American parent corporation and, in reality, this means they are not going to be paid at all.

Companies can defer ever paying taxes in the United States by keeping their income overseas and making money from it indefinitely. The Tax Code, in other words, creates an incentive to move jobs overseas, to not invest in American operations, and also provides a method to shelter overseas profits from fair taxation.

In just one recent example reported by the New York Times, a major biotech corporation—Amgen—with offshore subsidiaries used American tax laws to escape hundreds of millions of dollars in taxes, taxes that should have gone into the American treasury. Although this corporation reported that 80 percent of its billions of dollars of sales occurred in the United States, it paid only 22 percent of American taxes on its profits. This corporation got away with this specifically because of American tax policies, like many other corporations do today.

My amendment would eliminate this deferral provision in the Tax Code. This critical reform would discourage these companies from moving American investments and jobs to foreign tax havens and raise the revenue necessary to expand the Children's Health Insurance Program. This reform also would protect American workers by reversing the consistent flow of American jobs that corporations are outsourcing abroad.

I have been unable at this point to receive an official estimate of the revenues this amendment would raise, but I have consulted multiple credible sources and have no doubt this amendment would raise the new funds needed under the new policy, which are approximately $7 billion a year. These sources include the Joint Committee on Taxation, which estimated last year that deferral would raise $6.4 billion in 2008 and rise to $7.5 billion by 2010. It also includes the President's own budget proposal for fiscal 2008, which estimates that tax expenditures for the deferral of income of this sort would be $12.8 billion in 2008 and rise to $16.7 billion in 2012.

Opponents of this amendment would argue that deferral is needed to avoid corporate exposure to double taxation. However, in my view, that is a disingenuous argument. American corporations investing overseas currently receive a tax credit, a Federal tax credit, for their payment of foreign taxes of up to 35 percent. My amendment does not affect the availability of this credit and therefore would not result in double taxation, nor does my amendment affect in any way the current provisions regarding allocation of corporate expenses, which are related but separate.

Some opponents might contend this is a new tax. But this is not a new tax. This is a way to reclaim monies that already should have been paid into the National Treasury by companies earning skyrocketing profits. This amendment closes a loophole.

The Children's Health Insurance Program is probably the greatest achievement of our Congress in terms of health care insurance in the past decade. It has provided cost-effective health coverage to more than 137,000 children in Virginia in 2006 and millions of children across the country, reducing the number of uninsured children by one-third. We must, however, further strengthen our investment in children's health coverage. Millions of children remain uninsured. That is why this legislation is important.

I urge my colleagues to seize this opportunity to help children from America's low-income families, but I respectfully argue that we need to do so not with a regressive tax on people who have little ability to pay but, instead, by eliminating a corporate tax provision that would be one small step toward restoring fairness in our society and reinforcing the proper notions of how our Government should operate.

I ask my colleagues to support this amendment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 2530 to Calendar No. 58, H.R. 976, the Small Business Tax Relief Act of 2007.

Harry Reid, Max Baucus, Bernard Sanders, Jeff Bingaman, Ted Kennedy, Maria Cantwell, B.A. Mikulski, Barbara Boxer, Daniel K. Inouye, Christopher Dodd, Patty Murray, Benjamin L. Cardin, Barack Obama, Kent Conrad, Dick Durbin, Ken Salazar, Blanche L. Lincoln, Jack Reed.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 58, H.R. 976, the Small Business Tax Relief Act of 2007.

Harry Reid, Max Baucus, Bernard Sanders, Jeff Bingaman, Ted Kennedy, Maria Cantwell, B.A. Mikulski, Barbara Boxer, Daniel K. Inouye, Christopher J. Dodd, Patty Murray, Byron L. Dorgan, Barack Obama, Kent Conrad, Dick Durbin, Ken Salazar, Blanche L. Lincoln, Jack Reed.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

AMENDMENT NO. 2537

Mr. KYL. Mr. President, I know the majority leader is going to be coming here shortly to conclude today's activities. Prior to that, let me comment a little bit on an amendment that has been offered on my behalf by Senator GRASSLEY, amendment No. 2537. It is an amendment which deals with the so-called crowd-out effect of the Finance Committee bill.

The crowd-out effect has to do with the people who are covered by private insurance today who would be crowded out of private insurance and going onto the SCHIP program, the Government program under the bill. The problem is that under the bill, all of the newly eligible people under the program are replaced literally one for one from private insurance to the Government program. In other words, a child or a family who is on private insurance today, for every one of those children or families who is on private insurance, when the Government program is expanded, they will leave the private insurance market. It is a one-for-one transfer. We should not be offering more Government benefits for insurance to cover children or anyone else when the effect of that is for every new person covered to have somebody leaving the private insurance market. The object here is to cover people with insurance, to allow them to have access to good care through insurance. We do not solve any problem at all when we take somebody who already has insurance and bring them into a new program.

The CBO estimates that between 25 percent and 50 percent of all the eligible SCHIP recipients are crowded out of the private insurance market. In other words, for every 100 people on private insurance today, between 25 and 50 of them will leave private insurance to go to the SCHIP program as it is expanded. As I said, for the newly eligible, it is a one-for-one transfer. Why is that a good idea?

This amendment which I have offered says that if the effect is more than 20 percent in the crowd-out, that is to say that through this program, more than 20 percent of the people who are covered leave private insurance to be covered by this new program, then it does not go into effect. But it does go into effect if the so-called crowd-out effect is less than 20 percent.

For the life of me, I don't know why we would spend an additional $35 billion to replace people who are already covered. That does not represent a sound and efficient use of taxpayer dollars.

Let me make it clear that I support the reauthorization of SCHIP. I have supported the Republican alternative. But I believe the Finance Committee bill represents not just a reauthorization but an expansion of the program which, as the chairman himself acknowledged, is another step toward universal coverage.

We do not need to be taking people off private insurance to enroll them into this program. The problem, and I will be very brief, is that the people who are added are people generally of higher income, and we are adding a group of adults as well. Those are people who generally are more covered by insurance today. So it is logical that, as CBO says, for every one person who is covered today, one person leaves that coverage to go to the SCHIP program under the committee bill. It is estimated that there will be about 600,000 in this category. In fact, CBO shows that a one-for-one replacement means that for 600,000 newly insured individuals, 600,000 individuals go off their private coverage.

As I said, that simply makes no sense. It seems to me what we should be doing instead is providing coverage for people who do not have private insurance coverage. That would be a much better use of taxpayer dollars.

To conclude the point, there are two reasons why this is happening that are not problems with the alternative, the Republican alternative that was voted on that failed. But they are problems with the Finance Committee bill. The first one is that the Finance Committee bill allows States to enroll children from higher income families, the very ones who have greater insurance coverage today. We have already talked about the New Jersey experience, for example, and the New York experience, in that regard—people at 350 percent to 400 percent of the poverty level, between $60,000 and $80,000 in income for a family of four. Those people, by and large, are already covered by insurance. Not only is there no reason to provide them SCHIP coverage, but we are simply crowding people out of the private sector into this program.

If my colleagues want to avoid the crowding-out effect, it seems to me we should be focusing on the truly needy, the low-income children, not children from higher income families.

Second, the Finance Committee bill allows States with existing waivers to continue enrolling parents. CBO stated:

> No studies have estimated the extent to which SCHIP reduces private coverage among parents so the available estimates probably underestimate the total reduction in private coverage.

According to CBO's own numbers, this is a big problem. It seems to me we should be focused on solving that problem rather than simply adding to the problem as the Finance Committee does. If we are serious about minimizing the erosion of private coverage, then we should direct SCHIP funds to low-income children and not add adults; as the Budget Committee chairman said not too long ago, there is no "A" in SCHIP. Otherwise, CBO estimates that over 2 million individuals will go off private coverage under the Finance Committee bill.

Let me state that again: 2 million individuals who currently have private insurance will go off that private insurance onto this new program or onto the program that is added to by the Finance Committee bill. Why would we do that? It doesn't make sense.

My amendment will be dealt with tomorrow. We will have a chance to further debate it and, as I said, all it provides essentially is if more than 20 percent of the people who are enrolled come from the private insurance sector already, then the program would be in abeyance until that number is reduced below 20 percent.

I also note there were several articles recently written that I think describe the general problem as well as this specific problem. There are three in particular I would like to have printed in the RECORD at the conclusion of my remarks.

I will ask unanimous consent that the following pieces be printed in the RECORD. One is a piece by John Goodman called "Insurance Folly," in the Wall Street Journal; another is a Wall Street Journal opinion in the "Review & Outlook" section, dated July 30, called "The Newest Entitlement," and third is a column in my hometown newspaper, the Arizona Republic, an editorial, August 1, by Bob Robb, which I think correctly notes the problem I have discussed and issues with the Finance Committee bill.

I ask unanimous consent these three published items be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

INSURANCE FOLLY

(By John C. Goodman)

The State Children's Health Insurance Program (Schip) was originally a Republican program to provide health insurance to children in near-poor families who did not qualify for Medicaid. Democrats now want to expand Schip to children of the middle class.

Their efforts to do so are rightly being resisted by the White House, but Senate Finance Committee Republicans have already caved on an unwise compromise to make more people eligible for Schip.

On the surface, congressional Democrats appear to be rescuing children from the scourge of uninsurance. The reality is quite different. If they get their way, millions of children will have less access to health care than they do today, and the same will surprisingly be true for many low-income seniors.

Studies by MIT economist Jonathan Gruber show that public insurance substitutes for private insurance and the crowd-out rates is high. In general, for every extra dollar spent on Medicaid, private insurance contracts by 50 cents to 75 cents. For Schip, depending on how it is implemented, private insurance could contract by about 60 cents.

These findings make sense. Why pay for something if the government offers it for free? Under congressional proposals to expand Schip, the crowd out would likely be much worse. The reason: Almost all the newly eligible beneficiaries already have insurance.

The Senate bill would expand the eligibility for coverage under Schip to families with incomes 300% above the federal poverty level ($62,000), from its present ceiling, 200% above the poverty level. House Democrats want to push coverage to 400% ($83,000 annual income).

Yet almost eight of every 10 children whose parents earn from 200%–300% more than the poverty level already have private health-care coverage, according to the Congressional Budget office (CBO). At incomes between 300% and 400% more than poverty, nine of every 10 children are already insured.

What about the eight to nine million children currently uninsured? Nearly 75 percent of them are already eligible for Medicaid or Schip, according to the CBO. So the main result of the Democrats' proposal to expand Schip will be to shift middle-class children from private to public plans.

Why is that bad? One reason is that most Schip programs pay doctors at Medicaid rates—rates so low that Medicaid patients are having increasing difficulty getting access to health care. Anecdotal evidence suggests that U.S. Medicaid patients already must wait as long for specialist care and hospital surgery as in Canada.

Many doctors won't see Medicaid patients. Among those that do, many will not accept new patients. As a result, children who lose private coverage and enroll in Schip are likely to get less care, not more.

There is also the issue of who exactly will be covered. Republicans want to restrict Schip to children. The Democrats want adults covered as well. Even under the current system, children's health insurance is increasingly a ruse to cover adults. Minnesota spends 61% of Schip funds on adults. Wisconsin spends 75%.

Seniors will suffer from Schip expansion too. When millions shift from private to public coverage, not much happens to the overall rate of uninsurance. But the government's cost soars. Where's the money to come from? One idea popular with some House Democrats is to reduce federal payments to Medicare Advantage plans. These plans provide comprehensive coverage to low-income seniors who can't afford supplemental insurance to fill all the gaps in Medicare. One in five seniors has enrolled in these plans and one in four of those is a minority. In the House of Representatives, health care for this group is a great risk.

The proposal to expand Schip comes at a time when health-care spending already poses a serious threat to the federal budget. The Medicare trustees tell us that the program's unfunded liability is six times that of Social Security. The CBO predicts that on the current course income tax rates paid by the middle class will reach 66% by midcentury and the top marginal rate will reach 92%.

So what do congressional Democrats plan to do about this problem? Ignore it.

A key provision of the 2003 Medicare Modernization Act says that when Medicare's finances deteriorate to a certain level (that level is already reached), the president must propose an appropriate reform and Congress must fast-track the proposal. Yet one senior Democratic legislator—as yet unidentified—wants the Schip bill to repeal that provision.

In a way, repeal makes a certain sense. If the ship is going down anyway, why spoil the fun?

[From the Wall Street Journal, July 30, 2007]

THE NEWEST ENTITLEMENT

The State Children's Health Insurance Program sounds like the epitome of good government: Who could be against health care for children? The answer is anyone who worries about one more middle-class taxpayer entitlement and a further slide to a government takeover of health care. Yet Schip is sailing toward a major expansion with almost no media scrutiny, and with Republicans in Congress running for cover.

Schip was enacted in 1997 to help insure children from working-poor families who make too much to qualify for Medicaid. In the intervening years, the program reduced the rate of uninsured kids by about 25% but has also grown to cover the middle class and even many adults—and it gets bigger every year. Schip expires in September without reauthorization, and Congressional Democrats want to enlarge its $35 billion budget by at least $60 billion over five years.

State Governors from both parties are also leading the charge—and for their own self-interested reasons. Schip money is delivered as a block grant, which the states match while designing their own insurance programs. All cost overruns, however, are billed to the federal government, which is on the hook for about 70% of Schip's "matching rate." This offers incentives for state politicians to make generous promises and shift the costs to the feds, or to toy around with costly universal health-care experiments. And since the states only get 57 cents on the dollar for Medicaid, they are working hard to transfer those recipients to Schip.

This self-interest explains a recent letter from the National Governors Association demanding "urgent action" on Schip, which got lots of favorable play in the press. Yet these are the same Governors who have been moaning for years about rising entitlement burdens, which is what Schip will be soon enough. Particularly egregious was the signature on the letter of Minnesota Governor Tim Pawlenty, a Republican who regards himself a conservative health-care maven and should know better.

This "bipartisan" cover is serving Democrats in Congress, who want to liberalize Schip eligibility as part of their march to national health care. The Senate Finance Committee has voted 17–4 to increase Schip spending to at least $112 billion over 10 years. Not only does it use a budget trick to hide a payment hole of at least $30 billion, it proposes to offset the increase by bumping up the cigarette tax by 61 cents to $1 pack.

House Democrats are putting the finishing touches on their own plan, making the cigarette tax somewhat lower to win over tobacco state members. Instead, the House is proposing to steal nearly $50 billion from Medicare Advantage, the innovative attempt to bring private competition to senior health care.

Michigan's John Dingell explains that "these are not cuts" but "reductions in completely unjustified overpayments"—which will come as news to insurers that offered coverage plans based on certain funding expectations. The "overpayments" he's referring to were passed expressly as an incentive for companies to offer Medicare Advantage in rural areas with traditionally fewer insurance options—and are intended to be phased out over time. Democrats apparently want to starve any private option for Medicare.

In any case, the actual costs of Schip will overwhelm these financing gimmicks. Like all government insurance, Schip is "covering" more children by displacing private insurance. According to the Congressional Budget Office, for every 100 children who are enrolled in the proposed Schip expansion, there will be a corresponding reduction in private insurance for between 25 and 50 children. Although there is a net increase in coverage, it comes by eroding the private system.

This crowd-out effect is magnified moving up the income scale. In 2005, 77% of children between 200% and 300% of the poverty level already had private insurance, which is where the Senate compromise wants to move Schip participation. New York State is moving to 400% of poverty, or some $82,000 in annual income. All of this betrays the fact that the real political objective of Schip is more government control—HillaryCare on the installment plan.

We'd have thought Capitol Hill Republicans would understand all this, especially with the White House vowing to veto any big Schip expansion. But we hear the GOP lacks the Senate votes for a filibuster and perhaps even to sustain a veto. GOP Senators Mitch McConnell and Jon Kyl are backing an alternative to account for population growth and reach the remaining 689,000- uninsured children that Schip was intended to help. Republicans would be wise to support this version, or they'll take one more step to returning to their historic minority party status as tax collectors for the welfare state.

[From the Arizona Republic, Aug. 1, 2007]

DEM HEALTH PLAN A BURDEN ON POOR

(By Bob Robb)

The reauthorization of the State Children's Health Insurance Program illustrates the difficulty of having a sensible policy discussion in the context of American politics, as currently practiced.

According to congressional Democrats, opposition to their reauthorization proposals means support for allowing low-income children to go without health care.

According to Republicans, the Democrats are proposing socialized medicine on the installment plan.

A sensible policy discussion begins with what the debate isn't about: health insurance coverage for low-income children.

SCHIP was intended to provide federal subsidies to insure children up to 200 percent of the federal poverty level, or a family income of about $40,000 a year. The program expires this year and needs to be reauthorized.

No one opposes reauthorization for its intended purpose. The Bush administration has proposed reauthorization for this targeted population with an extra $5 billion in funding over the next five years, over the current base of $25 billion.

The problem is that SCHIP has expanded beyond its original scope, as so often happens with federal programs. In the early years, many states couldn't use all their SCHIP money, so the feds permitted excess funds to be used by other states to extend coverage to children beyond 200 percent of the poverty level and even adults.

In Arizona, the SCHIP plan is called KidsCare. A Government Accountability Office study found, however, that 56 percent of the people enrolled in "KidsCare" were actually adults.

Fifteen states now provide SCHIP coverage for children above 200 percent of the federal poverty level, and 14 states cover adults.

Congressional Democrats propose not only to fund these existing expanded programs but provide enough funding for other states to substantially expand eligibility, as well. In all, Democrats are proposing to more than double SCHIP funding, allowing universal coverage up to 300 percent of the federal poverty level, as Gov. Janet Napolitano has proposed for Arizona.

That would provide coverage up to a family income of about $60,000 a year. Since the median family income in the United States is just over $46,000, this reaches well into the middle class.

Here, a confusion surfaces between the issues of universal access and federal subsidies. There are a lot of middle-class American families that have difficulty obtaining health-insurance coverage. Every state, however, can provide universal access by allowing buy-ins to its Medicaid program.

The question SCHIP reauthorization poses is whether the federal government should be subsidizing the health insurance of middle-class families. There doesn't seem to be any justification for it, particularly funded the way congressional Democrats are proposing.

To pay for the SCHIP expansion, Democrats are proposing to raise tobacco taxes by up to 61 cents a pack.

Tobacco taxes are highly regressive. So, basically, Democrats are proposing to tax the poor to pay for the health care of the middle class.

Tobacco taxes are also highly uncertain. Health-care advocates like them because the evidence is that they do reduce consumption. However, states and the federal government have already loaded up various programs, many involving health care and children, on their backs. The odds are very strong that tobacco taxes will not produce the revenues being obligated.

Now, Republicans are making these points. But they also are employing a scare tactic of their own, that Democratic proposals are basically socialized medicine on the installment plan.

However, government programs to provide subsidized access to what is still a private system of health-care providers are very distinct from European-style national health-care systems. Moreover, federal tax policy also heavily subsidizes private, employer-provided health insurance. So, this is not a clean choice between public and private approaches.

At the end of the rhetoric, however, congressional Democrats aren't proposing to reauthorize a program to insure low-income children. Instead, they are proposing a massive expansion of subsidized health care to middle-class families, funded by a large increase in heavily regressive tobacco taxes.

That's an unwise, unfair and fiscally risky scheme.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, we are going to close for the night. I do wish to make a couple references to my friend from Arizona on this issue. I know he will be offering his amendment tomorrow. We will discuss and debate it more. But I have to say we have been hearing a lot of these arguments all week about crowd-out. I would say, respectfully, a lot of Americans feel crowded out right now because they have no health insurance. It is a terrible crisis in the life of too many Americans. We can debate this, and I think the numbers show there is a lot more crowd-out in Medicare Part D, and that was voted overwhelmingly by the last Congress.

I think there is still a lot of debate to go on this, but I have to say there are still some people on the other side of the aisle who have been debating different points of this legislation all week—but they have their insurance. They are called Senators and their families. They have insurance. I do, the Presiding Officer does, the Senator from Arizona has insurance as a Member of the Senate. I am tired of some of the arguments we have heard. I do not attribute them to this Senator, but too often arguments have been made all during this week as a way to block this legislation from going forward. I think it is about time we got to a vote.

Too often, in the last couple days, all we have heard are ways to slow this down, to impede the progress. We have heard misinformation about poverty level numbers, that people above 300 percent of poverty are getting children's health insurance right now. That is not true under this program.

I think we will have more time to debate this, but we have seen a lot of crowding out already. The American people have had to suffer. I think it is a question worthy of debate. But I hope when all the debating is over, all the speeches and all the debates on both sides lead to what the American people expect from this legislation, which is that we cover 3.2 million more American children. That is the question before the Senate. We are either going to do that or not.

Unfortunately, there are some people here who want to agree with the President. If the President's proposal on children's health insurance—make no mistake; if we rubberstamp the President, 1.4 million American children will lose their health insurance. That is the choice. That is the choice for people on both sides of the aisle.

I am pleased that in the Finance Committee we had consensus, a 17 to 4 vote. The choice is very clear: Support the President's proposal, 1.4 million kids lose their coverage; support the bipartisan children's health insurance initiative, 3.2 million children more than the 6.6 are covered. That is the way to go for America.

We can have a debate tomorrow about a couple of points. But this debate is going to end this week, and we better leave this town having supported 3.2 million American children getting their health insurance.

Mr. SPECTER. Mr. President, I voted against Senate amendment 2538 to the State Children's Health Insurance Program reauthorization because of the critical need to provide health insurance to 3.3 million additional children under this program. This vote should not be misconstrued as a vote against National Institutes of Health, NIH, funding but as recognizing the need to provide health insurance to children.

This amendment would transfer the additional $35 billion for children's health insurance into a fund for NIH to increase medical research. As ranking member and chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I have ardently supported doubling funding for NIH. The fiscal year 2008 Senate Labor, Health and Human Services, and Education appropriations bill provides $29.9 billion for NIH.

While I support an increase in NIH funding, it cannot be at the expense of providing much needed health care to America's children.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIEUTENANT GENERAL ROBERT ALLEN BREITWEISER

Mr. STEVENS. Mr. President, I missed the 10:30 a.m. vote today because I was at Arlington Cemetery for the interment services for LTG Robert Allen Breitweiser. Lieutenant General Breitweiser was one of the commanding officers of the Fourteenth Air Force when I served in the China-Burma-India theater, and he turned into a good friend when he was assigned to the Alaskan North American Air Defense Command from 1967 to 1969. It was also an occasion for me because Lieutenant General Breitweiser's assistant was Tony Langhorn Motley, who, along with me, survived the airplane crash in which my wife and four others were killed in 1978.

Mr. President, I ask unanimous consent that Lieutenant General Breitweiser's full biography be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIEUTENANT GENERAL ROBERT ALLEN BREITWEISER

Lt. Gen. Robert Allen Breitweiser is commander in chief, Alaskan Command, and commander, Alaskan North American Air Defense Command Region.

General Breitweiser was born in St. Joseph, Mo., in 1916. He graduated from South Denver High School in Denver, Colo., in 1932 and attended the Colorado School of Mines at Golden, Colo., for two years where he majored in Petroleum Engineering. He obtained an appointment to the U.S. Military Academy in 1934 and received a bachelor of science degree in military science and engineering, ranking third in a class of 301.

The general completed primary and advanced flying schools at Randolph and Kelly fields, Texas, in August 1939. He remained at the Advanced Flying School as an instructor until he went to Maxwell Field, Ala., as training group operations officer. He was designated commandant of the Contract Primary Flying School at Bennettsville, S.C. in August 1941. The following February he was assigned to Headquarters, Southeast Training Center, Maxwell Field, Ala.

Transferred to the China-Burma-India Theater in August 1943, General Breitweiser served with the Fourteenth Air Force and the 68th Composite Wing. While with the Fourteenth Air Force he served as General Chennault's personal representative to General Wedemeyer, the China Theater commander. During his duty tour in China, General Breitweiser flew 120 combat hours on 22 combat missions, accounting for numerous enemy trucks and river craft destroyed, plus one 6,000-ton freighter.

Returning to the United States in July 1945, he was appointed deputy chief and later, chief of the Requirements and Resources Branch, Military Personnel Division of Army Air Force Headquarters, Washington, D.C. In August 1947, General Breitweiser was transferred to Ramey Air Force Base, Puerto Rico, and served as assistant executive officer, 24th Composite Wing. He was appointed commander of the base in July 1948, and served in that capacity until May 1949.

After graduating from the Air War College at Maxwell Air Force Base, Ala., in 1950, General Breitweiser became executive officer to the assistant secretary of the Air Force for management in Washington, D.C. He served in that position until November 1951, when he was appointed vice commander of the 34th Air Division (Defense), Kirtland Air Force Base, N.M.

Transferred to Ent Air Force Base, Colorado Springs, Colo., in May 1952, he was named assistant deputy chief of staff for operations for the Air Defense Command.

In July 1954, the general returned to Washington, D.C., as a student in the National War College. Upon his graduation in June 1955, he was assigned as special assistant to the deputy director for estimates, Directorate of Intelligence, Headquarters, U.S. Air Force, and became chief of the policy and management group the following February. In June 1956, he was named deputy director of estimates, office of the assistant chief of staff, intelligence, U.S. Air Force.

In February 1957, General Breitweiser was designated the director for intelligence, Joint Chiefs of Staff, Washington, D.C.

In July 1961, General Breitweiser became assistant chief of staff, intelligence, Headquarters U.S. Air Force, and in September 1963 he assumed command of the U.S. Air Force Southern Command in Panama, Canal Zone. In August 1966, he became vice commander, Military Airlift Command.

Among the general's awards and decorations are the Distinguished Service Medal, Legion of Merit, Bronze Star Medal, Air Medal, Army Commendation Medal with oak leaf cluster, American Defense Service Medal, American Campaign Medal, Asiatic-Pacific Campaign Medal, World War II Victory Medal, National Defense Service Medal with bronze star, Air Force Longevity Service Award with silver and two bronze oak leaf clusters, Order of Yunhui (Special Breast) of China, Friendship Medal with Citation (Argentina), Royal Order of the Sword (Grade of Knight Commander)—Sweden, National Order of the Condor of the Andes (Grade of Commander—Certificate of Honor)—Bolivia, Grand Star of Military Merit (Chile), Order of Aeronautical Merit (Grade of Great Officer)—Brazil. He is rated a command pilot.

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 301 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that reauthorizes the State Children's Health Insurance Program, SCHIP. On July 30, 2007, I filed revisions to S. Con. Res. 21 pursuant to section 301 for Senate amendment No. 2530, which Senator BAUCUS offered as a substitute to H.R. 976.

I find that Senate amendment No. 2602, as modified, offered by Senator KERRY to Senate amendment No. 2530 satisfies the conditions of the deficit-neutral reserve fund for SCHIP legislation. Therefore, pursuant to section 301, I am further adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In billions of dollars]

Section 101:	
(1)(A) Federal Revenues:	
FY 2007	1,900.340

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION—Continued

[In billions of dollars]

FY 2008	2,032.346
FY 2009	2,136.133
FY 2010	2,191.807
FY 2011	2,362.185
FY 2012	2,494.778
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−18.450
FY 2009	29.207
FY 2010	28.086
FY 2011	−32.365
FY 2012	−102.318
(2) New Budget Authority:	
FY 2007	2,376.360
FY 2008	2,503.590
FY 2009	2,525.926
FY 2010	2,579.993
FY 2011	2,697.660
FY 2012	2,734.343
(3) Budget Outlays:	
FY 2007	2,299.752
FY 2008	2,470.680
FY 2009	2,572.427
FY 2010	2,610.470
FY 2011	2,705.388
FY 2012	2,718.644

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In millions of dollars]

Current Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,086,142
FY 2008 Outlays	1,081,969
FY 2008-2012 Budget Authority	6,064,784
FY 2008-2012 Outlays	6,056,901
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	300
FY 2008 Outlays	311
FY 2008-2012 Budget Authority	7,877
FY 2008-2012 Outlays	14,527
Revised Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,086,442
FY 2008 Outlays	1,082,280
FY 2008-2012 Budget Authority	6,072,661
FY 2008-2012 Outlays	6,071,428

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, earlier today, pursuant to section 301 of S. Con. Res. 21, the 2008 budget resolution, I filed revisions to S. Con. Res. 21. Those revisions were made for amendment No. 2602, as modified, an amendment offered by Senator KERRY to amendment No. 2530 regarding the reauthorization of the State Children's Health Insurance Program, SCHIP.

The Senate did not adopt amendment No. 2602, as modified. As a consequence, I am further revising the 2008 budget resolution and the adjustments made today pursuant to section 301 to the aggregates and the allocation provided to the Senate Finance Committee for amendment No. 2602.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In billions of dollars]

Section 101:	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	1,022.084
FY 2009	2,121.502
FY 2010	2,176.951
FY 2011	2,357.680
FY 2012	2,494.753
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−28.712
FY 2009	14.576
FY 2010	13.230
FY 2011	−36.870
FY 2012	−102.343
(2) New Budget Authority:	
FY 2007	2,376.360
FY 2008	2,503.290
FY 2009	2,524.710
FY 2010	2,577.981
FY 2011	2,695.425
FY 2012	2,732.230
(3) Budget Outlays:	
FY 2007	2,299.752
FY 2008	2,470.369
FY 2009	2,570.622
FY 2010	2,607.048
FY 2011	2,701.083
FY 2012	2,713.960

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In millions of dollars]

Current Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,086,442
FY 2008 Outlays	1,082,280
FY 2008–2012 Budget Authority	6,072,661
FY 2008–2012 Outlays	6,071,428
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	−300
FY 2008 Outlays	−311
FY 2008–2012 Budget Authority	−7,877
FY 2008–2012 Outlays	−14,527
Revised Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,086,142
FY 2008 Outlays	1,081,969
FY 2008–2012 Budget Authority	6,064,784
FY 2008–2012 Outlays	6,056,901

IRAQ

Mr. SPECTER. Mr. President, it continues to be my hope that there will be a consensus reached among Senators as to how to move forward in Iraq. This is indispensable if there is to be an accommodation between the President and Congress.

I had hoped to make a floor statement on Iraq during the Senate's consideration of the DoD authorization bill, but the majority leader took that bill off the floor after there was only consideration of the Levin-Reed amendment. That action deprived the Senate of an opportunity to consider the Warner-Lugar and Salazar-Alexander amendments and perhaps other amendments which might have secured the requisite 60 votes to structure a new U.S. policy for Iraq.

When a tally is made of the Senators who have voted for or cosponsored legislation aimed at altering or reevaluating U.S. policy in Iraq, the total is 62. When Senators are added who have made public statements critical of the President's policy, the number could possibly reach or exceed two-thirds of the Senate membership.

A July 2007 vote, had it been successful, would have had no binding effect since the President already had sufficient funding to continue until September 30 and would need additional funding only in the next fiscal year, 2008, beginning October 1.

The time for Congress to have asserted its constitutional power of the purse to withhold funding was this spring during consideration of supplemental funding for approximately $120 billion. On April 26, 2007, following a vote in the House of Representatives of 218–208, the Senate passed the conference report to H.R. 1591, the fiscal year 2007 Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act on a vote of 51–46. However, because this bill contained target dates for withdrawal, on May 1, 2007, the President vetoed the bill.

After the House failed to gather the two-thirds majority required to override the President's veto, on May 24, 2007, the Congress approved a bill, H.R. 2206, which did not include targeted dates for withdrawal and which was subsequently signed into law by President Bush on May 25, 2007, Public Law 110–28.

When the Levin-Reed amendment was considered, it was a forgone conclusion that there were not anywhere near 60 votes to invoke cloture, let alone the 67 votes needed to override a veto. With the removal of the bill from the floor, the Senate was prevented from considering alternatives to the Levin-Reed proposal, and denied the opportunity to have a vote or votes to demonstrate dissatisfaction with the President's policy.

This action deprived the Senate of an opportunity to craft a compromise around Warner-Lugar or Salazar-Alexander to get the 60 votes and put the president squarely on notice that funding in September was unlikely unless the President's policy showed significant progress. Perhaps the Levin-Reed proponents would have rejected the other amendments as being insufficiently forceful, but Senators never know for sure how they will ultimately vote until there is floor debate, careful analysis, informal discussions on the floor and corridors, and talk in the cloakroom. Much of the Senate's productive work occurs during quorum calls when Members hassle and jawbone on the issues. Since so many Senators demonstratively want a change, it was at least worth a try in daylight compared to the futile all-nighter.

Of particular interest to me were the provisions of the Warner-Lugar proposal on having a contingency plan and redefining the mission. For three decades, Senators LUGAR and WARNER have served on the Foreign Relations Committee and Armed Services Committee, respectively, with both rising to chairman. Their combined tenures in the Senate are more than 60 years. To say these colleagues bring a significant amount of thought and authority to this debate is an understatement.

Regrettably, we did not have the opportunity to debate and vote on their proposal.

The Warner/Lugar amendment is an attempt to ensure that the U.S. is prepared to implement changes to U.S. policy following the September report, to be provided by General Petaeus and Ambassador Crocker, on the progress of the President's current strategy in Iraq.

The Warner-Lugar amendment recognizes that conditions in Iraq have changed considerably since the initial invasion to topple Saddam Hussein's regime and States that the joint resolution passed by Congress in 2002 to authorize "the use of the Armed Forces of the United States against Iraq" requires "review and revision."

In addition, the amendment calls for enhanced U.S. diplomatic efforts to work with the Government of Iraq to establish a consistent diplomatic forum related to Iraq that is open to all parties in the Middle East. Because of the potential for the Warner-Lugar amendment to provide a basis for a Senate consensus, I am cosponsoring this amendment.

As explained on the floor by Senator LUGAR on July 13, 2007:

> The purpose of the forum would be to improve transparency of national interests so that neighboring states and other actors avoid missteps . . . Such a forum could facilitate more regular contact with Syria and Iran with less drama and rhetoric. The existence of a predictable and regular forum in the region would be especially important for dealing with refugee problems, regulating borders, exploring development initiatives, and preventing conflict between the Kurds and Turks.

This type of planning and diplomatic engagement should be occurring today. I believe a vote confirming this could have led the President to do that.

Prior to the 2002 U.S. invasion of Iraq, I publicly stated my concerns about the potential fallout from such an action. On February 13, 2002, I took to the Senate floor to express my belief that there should be a comprehensive analysis of the threat posed by Saddam Hussein and what an invasion would amount to in terms of U.S. casualties:

> We need to know, with some greater precision, the threat posed by Saddam Hussein with respect to weapons of mass destruction. There also has to be an analysis of what the costs would be, some appraisal in terms of casualties. Then there is the issue as to what happens after Saddam Hussein is toppled.

As I stated on the Senate floor on December 6, 2006:

> It has been my view that had we known Saddam Hussein did not have weapons of mass destruction, we would not have gone into Iraq.

Eight months after my February 13 statement, on October 7, 2002, I returned to the floor to express my concerns over the lack of a comprehensive plan for Iraq:

> What happens after Saddam Hussein is toppled has yet to be answered in real detail.
>
> What was the extent of Saddam Hussein's control over weapons of mass destruction? What would it cost by way of casualties to topple Saddam Hussein? What would be the consequence in Iraq? Who would govern after Saddam was toppled? What would happen in the region, the impact on the Arab world, and the impact on Israel?
>
> In previous briefings, I have sought the administration plan as to what will be done after Saddam Hussein is toppled, and I think that is an area where a great deal more thought needs to be given. The situation in Iraq would obviously be contentious, with disputes between the Sunnis and the Shi 'ites, with the interests of the Kurds in an independent state, and it means a very long-term commitment by the United States.

Five years later, we are in the midst of a highly controversial troop surge in Iraq.

Following the announcement of the President's plan to surge, I met with President Bush on two occasions. Following these meetings I told the President directly that I could not support a troop surge. I also had extensive discussions on the President's plan with the highest ranking members of his national security team including Secretary of State Condoleezza Rice, National Security Adviser Stephen Hadley and Director of National Intelligence John Negroponte.

I met with GEN David Petraeus on January 31, 2007, who has been confirmed as the United States' top commander in Iraq. Following these meetings, I was not convinced the administration possessed a comprehensive plan to deal with the situation in Iraq and too many uncertainties persisted to warrant my support for a surge of U.S. personnel.

On February 5, 2007, I spoke on the Senate floor regarding the surge:

> On this state of the record, I cannot support an additional allocation of 21,500 troops because it is my judgment that would not be material or helpful in what is going on at the present time. This comes against the backdrop of extensive hearings in the Armed Services Committee and Foreign Relations Committee, and in the context of the military having given many estimates with many of those in key command position saying that no more troops are necessary. This comes with the Iraqi Prime Minister Maliki saying a variety of things but at some times saying he doesn't want any more troops.

At this time, I have not seen a plan that sufficiently addresses a strategy for victory in Iraq. Various reports indicate military advisers differ on the impact of an increased troop level in Iraq. It is not clear what the surge will ultimately accomplish and if it will be successful. Nonetheless, there are indicators that mandate we create contingency plans and consider other options. The Iraqi Government has failed to deliver on prior pledges which makes me hesitant to think they have the ability to deliver on new ones. According to many measurements, progress in Iraq has been poor and the situation is deteriorating. What is clear is that any solution will necessarily include political compromises by Iraq's various sects as well as an emphasis on a regional dialogue—something for which the Iraq Study Group advocated.

Another proposal offered by Senators SALAZAR and ALEXANDER would have used the work of the Iraq Study Group, which was led by former Secretary of State James Baker and former Representative Lee Hamilton, as a guide for our policy in Iraq. This legislation garnered bipartisan support including five Republicans and seven Democrats.

The amendment states that U.S. support should be conditioned on the Government of Iraq's political will and substantial progress towards national reconciliation, revision of de baathification laws, equitable sharing of Iraqi oil revenues, free and fair provincial elections and mechanisms to ensure the rights of woman and minorities.

Like the Warner-Lugar proposal, this amendment calls for enhanced diplomatic efforts. Specifically, the measure calls for a new "Diplomatic Offensive" to deal with the problems in Iraq and the region; energize other countries to support reconciliation in Iraq; engage directly with the Governments of Iran and Syria to obtain their commitment to constructive policies towards Iraq and the region, encourage the holding of a conference in Baghdad of neighboring countries and convey to the Iraqi Government that continued American support is contingent upon substantial progress toward and assist in the achievement of the milestones.

Because of the potential for the Salazar-Alexander amendment to provide a basis for a Senate consensus, I am cosponsoring this amendment. There is no inconsistency in cosponsoring both Warner-Lugar and Salazar-Alexander. They complement each other.

Both the Warner-Lugar and Salazar-Alexander proposals address the issue of diplomacy in the region. I have consistently urged the administration to work with Iraq's neighbors, including Iran and Syria, in order to develop cooperative stabilization efforts. To that end, I have met with President Bashar Assad of Syria. I have met with Iran's Ambassadors to the United Nations, Seyed Muhammed Hadi Nejad Hosseinian and Muhammad Javad Zarif, on four occasions in New York and Washington, DC. Additionally, I was the only Member of Congress to attend the September 2006 address by former President Khatami at the National Cathedral.

During my meetings with Iranian officials, I developed a proposal for an exchange of visits by Members of Congress to Iran and Iranian parliamentarians to the United States to try to open dialogue between our two countries. In January 2004, my efforts to foster such a dialogue were successful. There was a tentative agreement for U.S. Members of Congress to meet with Iranian parliamentarians in Geneva. Regrettably, this parliamentary exchange never came to fruition.

In an effort to jumpstart this exchange, on May 3, 2007, I sent a letter, with support from Senators BIDEN, HAGEL and DODD and Representatives LANTOS, ENGLISH, MORAN, GILCHREST and MEEKS, to the Speaker of Iran's Parliament suggesting we convene a meeting of U.S. and Iranian parliamentarians.

I have amplified my strong belief that dialogue with nations such as Iran and Syria is necessary in an extensive Senate speech on June 16, 2006 and most recently in an essay "Dialogue With Adversaries" published in the winter edition of The Washington Quarterly. While we can't be sure that dialogue will succeed, we can be sure that without dialogue there will be failure.

I am not alone in calling for enhanced dialogue with U.S. adversaries. Of the many suggestions gleaned from the Baker-Hamilton commission, one passage crystallizes their conclusion:

> Our most important recommendations call for new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly. We believe that these two recommendations are equally important and reinforce one another.

However, the President's plan places a disproportionate emphasis on military force while neglecting the needed diplomacy and political efforts.

Having served in the Senate for 26 years, holding the chairmanship of the Intelligence Committee and senior positions on the Appropriations subcommittees on Defense and Foreign Operations, I am aware of what challenges nations like Iran and Syria pose to the United States. A world in which Iran seeks nuclear weapons and supports terrorist groups such as Hezbollah is not a safe world. A world in which Syria provides refuge for Hamas and Hezbollah and permits its territory to be used as a conduit for terrorism is counterproductive to peace and stability. I expressed my views on the danger the connectivity between Iran, Syria and Hezbollah poses to peace and security in an August 2, 2006, floor statement.

Today, however, Americans are not dying from nuclear weapons or from direct attacks by Hamas and Hezbollah. Many are dying policing a civil conflict.

President Assad, during our December 2006 meeting in Damascus, suggested that a conference with regional players and the United States would be beneficial to addressing the issues confronting Iraq. On January 22, 2007, I conveyed this proposal and my support for it to Secretary Rice in a meeting in her office at the State Department. One month later, on February 27, 2007, during her testimony before the Senate Appropriations Committee, Secretary Rice announced such a proposal:

> Before I discuss our specific request for Iraq, I would like to take this opportunity to announce a new diplomatic initiative relating to Iraq's future. I am pleased to tell Members of Congress that there is now being formed a neighbors' conference to support Iraq. Invitees will include Iraq's immediate neighbors, as well as representatives from other regional states, multilateral organizations, and the UN Permanent Five (the U.S., France, Britain, Russia and China). I would note that both Syria and Iran are among Iraq's neighbors invited to attend.
>
> The violence occurring within Iraq has a decided impact on Iraq's neighbors. Iraq's neighbors have a clear role to play in helping Iraq to move forward, and this conference will provide a needed forum in order to do just that.

Very little has happened to effectuate that "new diplomatic initiative." The Iraq Study Group clearly states:

> Given the ability of Iran and Syria to influence events within Iraq and their interest in avoiding chaos in Iraq, the United States should try to engage them constructively.

It would have been my hope that these types of meetings would have occurred frequently in the intervening months. However, I am pleased that the President has recently indicated a commitment to ramp up diplomatic efforts in the region.

Had there been Senate consideration and debate on the Warner-Lugar and Salazar-Alexander proposals, there would have been an opportunity for more senators to explicitly put the President on notice that funding beyond September was in jeopardy without significant improvement.

I think this time would have also allowed Members to share concerns about the overall struggle to combat terrorism. While considering U.S. policy in Iraq, it is important we do not neglect other threats to U.S. security.

Waziristan is a semi-autonomous tribal region in Pakistan's mountainous Northwest Frontier province that shares a porous border with Afghanistan. It is populated primarily by ethnic Pashtuns who do not recognize the authority of President Musharrafs government in Islamabad. Many of the Taliban who fled Afghanistan in 2001 found safe haven in Waziristan with their Pashtun brethren.

Some accounts, including the 9/11 Commission report, indicate Pakistan's willingness to assist the United States. Following direct U.S. engagement with Pakistan after the September 11 attacks, the 9/11 Commission report stated that, "Secretary of State Powell announced at the beginning of an NSC meeting that Pakistani President Musharraf had agreed to every U.S. request for support in the war on terrorism."

However, that was 6 years ago. According to the Congressional Research Service, CRS, "Despite clear successes in disrupting al-Qaida and affiliated networks in Pakistan since 2001, there are increasing signs that anti-U.S. terrorists are now benefiting from what some analysts call a Pakistani policy of appeasement in western tribal areas near the Afghan border."

GEN Pervez Musharraf took a largely hands-off approach to the region after signing a truce with tribal leaders in September 2006. The truce came after 4 years of unsuccessful army operations into the region in which the government forces suffered heavy casualties and achieved little. Some accounts indicate this policy has enhanced al-Qaida's abilities: "By seeking accommodation with pro-Taliban leaders in these areas, the Musharraf government appears to have inadvertently allowed foreign (largely Arab) militants to obtain safe haven from which they can plot and train for terrorist attacks against U.S. and other Western targets."

Assistant Secretary of State Richard A. Boucher confirmed that al-Qaida thrived under the truce between the tribal leaders and General Musharraf: "they were able to operate, meet, plan, recruit, and obtain financing in more comfort in the tribal areas than previously."

Bruce Riedel, a senior fellow at the Brookings Institution, who served for 29 years with the CIA and held various positions such as Special Assistant to the President and Senior Director for Near East Affairs at the National Security Council, 1997–2002, stated in his May/June 2007 essay in Foreign Affairs:

> Al Qaeda is a more dangerous enemy today than it has ever been before and the organization now has a solid base of operations in the badlands of Pakistan and an effective franchise in western Iraq.

Riedel further suggests that:

> The United States and its partners, including NATO, also need to take a firmer position with the Pakistani government to enlist its help in tracking down al-Qaeda leaders. President Pervez Musharraf has taken some important steps against al-Qaeda, especially

> after its attempts to assassinate him, and he has promised more than once a full crackdown on extremism. But mostly he has sought to tame jihadists—without much success—and his government has tolerated those who harbor bin Laden and his lieutenants, Taliban fighters and their Afghan fellow travelers, and Kashmiri terrorists. Many senior Pakistani politicians say privately that they believe Pakistan's Inter-Services Intelligence (ISI) still has extensive links to bin Laden; some even claim it harbors him. Apprehending a few al-Qaeda officers would not be enough, and so a systematic crackdown on all terrorists—Arab, Afghan, and Kashmiri—is critical. Hence, Pakistan should no longer be rewarded for its selective counterterrorism efforts.

Since September 11, 2001, the United States has provided Pakistan with roughly $9 billion in aid. According to the Congressional Research Service, CRS:

> The outcomes of U.S. policies toward Pakistan since 9/11, while not devoid of meaningful successes, have neither neutralized anti-Western militants and reduced religious extremism in that country, nor have they tributed sufficiently to the stabilization of neighboring Afghanistan.

As Congress considers administration's request for an additional $785 million for fiscal year 2008, it is incumbent upon us to evaluate our relationship with them and their performance in the war on terror.

Waziristan provides al-Qaida with much of what it lost in Afghanistan after September 11, 2001: safe haven; territory to train and base operations in Pakistan, Afghanistan, and beyond; and a populace sympathetic to their aims. Failing to recognize and address the situation in Waziristan risks negating the costly advances made in Afghanistan over the past 6 years and jeopardizes U.S. security.

As the Senate continues to deliberate, it is my hope that we will return to the proposals offered by Senators WARNER, LUGAR, SALAZAR and ALEXANDER. These should have been debated in great length as they make more sense in the context of not infringing on the President's authority as Commander in Chief. Rather, these bipartisan efforts would allow the President to fulfill a congressional requirement that he ought to be considering and planning for the next steps.

The Senate is known as the most deliberative body in the world. Regrettably, the Senate was not permitted the opportunity to demonstrate this as we did not debate the various options before us.

As I stated on the Senate floor on March 14, 2007, during a similar debate on whether to continue with the status quo in Iraq or to legislate a date certain for withdraw:

> It is equally undesirable, however, to view the current situation in Iraq, which looks like an endless tunnel—a tunnel without a light at the end. We are faced with very considerable discomfort in this body. I think it is very important that we debate this matter, that we exchange our views, that we stimulate discussion that will go beyond this Chamber and will resound throughout the country, resound throughout the editorial pages and the television and radio talk shows, and by our colleagues in the corridors and in the cloakroom so that we can try to work our way through an extraordinarily difficult situation where, as I see it, there is no good answer between the two intractable alternatives to set a timetable where our opponents simply have to wait us out or to keep proceeding down a tunnel which, at least at this juncture, appears to be endless and has no light. We don't know where the end is, let alone to have a light at the end of the tunnel.

In a democracy, the voters ultimately decide U.S. policy. As detailed in Federalist No. 57, elected representatives must be responsive to the people:

> Duty gratitude, interest, ambition itself, are the chords by which [representatives] will be bound to fidelity and sympathy with the great mass of the people. Hence, the House of Representatives is so constituted as to support in the members an habitual recollection of their dependence on the people. Before the sentiments impressed on their minds by the mode of their elevation can be effaced by the exercise of power, they will be compelled to anticipate the moment when their power is to cease, when their exercise of it is to be reviewed, and when they must descend to the level from which they were raised; there forever to remain unless a faithful discharge of their trust shall have established their title to a renewal of it.

If this is not understood and reflected by elected representatives, the framers placed elections into the system to remind them. Federalist No. 57 further states:

> The elective mode of obtaining rulers is the characteristic policy of republican government . . . The means relied on in this form of government for preventing their degeneracy are numerous and various. The most effectual one, is such a limitation of the term of appointments as will maintain a proper responsibility to the people.

This was the case last November when the electorate spoke loudly disagreeing with United States policy in Iraq. As I stated on March 14, 2007:

> Last November, the American people spoke in a resounding manner, in a way that could only rationally be interpreted as rejecting the conduct of the war in Iraq.

I am making this extensive floor statement at this time to put the administration on notice of my reservations on supporting open-ended appropriations for the Iraq war in September. This statement further urges the majority leader to structure the Senate debate in September to consider the Warner-Lugar amendment, the Salazar-Alexander amendment, and other possible amendments, as well as the Levin-Reed amendment, to give the Senate the full range of alternatives to provide the basis for 60 or more votes to change U.S. policy in Iraq.

Mr. KYL. Mr. President, during the recent debate of the Defense authorization bill, we saw attempt after attempt to declare the new strategy, General Petraeus' strategy, in Iraq a failure. The other side of the aisle wanted to declare that the strategy, which had been in full force only a couple of weeks, had failed and direct the President to begin withdrawing troops from Iraq, which is today the central front in the war against terrorists. Indeed, after the other side lost a vote to withdraw the troops, the majority leader pulled the bill from the floor, thus leaving important business for our military unfinished.

The Democratic majority's insistence that the General Petraeus' strategy has failed makes it easy to overlook what the strategy has accomplished and what the strategy seeks to accomplish.

In that regard, I ask unanimous consent to have an article by Michael Gordon from New York Times of July 24 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From nytimes.com, July 24, 2007]

U.S. Is Seen in Iraq Until at Least '09

(By Michael R. Gordon)

BAGHDAD, July 23.—While Washington is mired in political debate over the future of Iraq, the American command here has prepared a detailed plan that foresees a significant American role for the next two years.

The classified plan, which represents the coordinated strategy of the top American commander and the American ambassador, calls for restoring security in local areas, including Baghdad, by the summer of 2008. "Sustainable security" is to be established on a nationwide basis by the summer of 2009, according to American officials familiar with the document.

The detailed document, known as the Joint Campaign Plan, is an elaboration of the new strategy President Bush signaled in January when he decided to send five additional American combat brigades and other units to Iraq. That signaled a shift from the previous strategy, which emphasized transferring to Iraqis the responsibility for safeguarding their security.

That new approach put a premium on protecting the Iraqi population in Baghdad, on the theory that improved security would provide Iraqi political leaders with the breathing space they needed to try political reconciliation.

The latest plan, which covers a two-year period, does not explicitly address troop levels or withdrawal schedules. It anticipates a decline in American forces as the "surge" in troops runs its course later this year or in early 2008. But it nonetheless assumes continued American involvement to train soldiers, act as partners with Iraqi forces and fight terrorist groups in Iraq, American officials said.

The goals in the document appear ambitious, given the immensity of the challenge of dealing with die-hard Sunni insurgents, renegade Shiite militias, Iraqi leaders who have made only fitful progress toward political reconciliation, as well as Iranian and Syrian neighbors who have not hesitated to interfere in Iraq's affairs. And the White House's interim assessment of progress, issued on July 12, is mixed.

But at a time when critics at home are defining patience in terms of weeks, the strategy may run into the expectations of many lawmakers for an early end to the American mission here.

The plan, developed by Gen. David H. Petraeus, the senior American commander, and Ryan C. Crocker, the American ambassador, has been briefed to Defense Secretary Robert M. Gates and Adm. William J. Fallon, the head of the Central Command. It is expected to be formally issued to officials here this week.

The plan envisions two phases. The "near-term" goal is to achieve "localized security" in Baghdad and other areas no later than June 2008. It envisions encouraging political accommodations at the local level, including with former insurgents, while pressing Iraq's leaders to make headway on their program of national reconciliation.

The "intermediate" goal is to stitch together such local arrangements to establish a broader sense of security on a nationwide basis no later than June 2009.

"The coalition, in partnership with the government of Iraq, employs integrated political, security, economic and diplomatic means, to help the people of Iraq achieve sustainable security by the summer of 2009," a summary of the campaign plan states.

Military officials here have been careful not to guarantee success, and recognized they may need to revise the plan if some assumptions were not met.

"The idea behind the surge was to bring stability and security to the Iraqi people, primarily in Baghdad because it is the political heart of the country, and by so doing give the Iraqis the time and space needed to come to grips with the tough issues they face and enable reconciliation to take place," said Col. Peter Mansoor, the executive officer to General Petraeus.

"If eventually the Iraqi government and the various sects and groups do not come to some sort of agreement on how to share power, on how to divide resources and on how to reconcile and stop the violence, then the assumption on which the surge strategy was based is invalid, and we would have to re-look the strategy," Colonel Mansoor added.

General Petraeus and Ambassador Crocker will provide an assessment in September on trends in Iraq and whether the strategy is viable or needs to be changed.

The previous plan, developed by Gen. George W. Casey Jr., who served as General Petraeus's predecessor before being appointed as chief of staff of the Army, was aimed at prompting the Iraqis to take more responsibility for security by reducing American forces.

That approach faltered when the Iraqi security forces showed themselves unprepared to carry out their expanded duties, and sectarian killings soared.

In contrast, the new approach reflects the counterinsurgency precept that protection of the population is the best way to isolate insurgents, encourage political accommodations and gain intelligence on numerous threats. A core assumption of the plan is that American troops cannot impose a military solution, but that the United States can use force to create the conditions in which political reconciliation is possible.

To develop the plan, General Petraeus and Ambassador Crocker assembled a Joint Strategic Assessment Team, which sought to define the conflict and outline the elements of a new strategy. It included officers like Col. H. R. McMaster, the field commander who carried out the successful "clear, hold and build" operation in Tal Afar and who wrote a critical account of the Joint Chiefs of Staff role during the Vietnam War; Col. John R. Martin, who teaches at the Army War College and was a West Point classmate of General Petraeus; and David Kilcullen, an Australian counterinsurgency expert who has a degree in anthropology.

State Department officials, including Robert Ford, an Arab expert and the American ambassador to Algeria, were also involved. So were a British officer and experts outside government like Stephen D. Biddle, a military expert at the Council on Foreign Relations.

The team determined that Iraq was in a "communal struggle for power," in the words of one senior officer who participated in the effort. Adding to the problem, the new Iraqi government was struggling to unite its disparate factions and to develop the capability to deliver basic services and provide security.

Extremists were fueling the violence, as were nations like Iran, which they concluded was arming and equipping Shiite militant groups, and Syria, which was allowing suicide bombers to cross into Iraq.

Like the Baker-Hamilton commission, which issued its report last year, the team believed that political, military and economic efforts were needed, including diplomatic discussions with Iran, officials said. There were different views about how aggressive to be in pressing for the removal of overtly sectarian officials, and several officials said that theme was toned down somewhat in the final plan.

The plan itself was written by the Joint Campaign Redesign Team, an allusion to the fact that the plan inherited from General Casey was being reworked. Much of the redesign has already been put into effect, including the decision to move troops out of large bases and to act as partners more fully with the Iraqi security forces.

The overarching goal, an American official said, is to advance political accommodation and avoid undercutting the authority of the Iraqi prime minister, Nuri Kamal al-Maliki. While the plan seeks to achieve stability, several officials said it anticipates that less will be accomplished in terms of national reconciliation by the end of 2009 than did the plan developed by General Casey.

The plan also emphasizes encouraging political accommodation at the local level. The command has established a team to oversee efforts to reach out to former insurgents and tribal leaders. It is dubbed the Force Strategic Engagement Cell, and is overseen by a British general. In the terminology of the plan, the aim is to identify potentially "reconcilable" groups and encourage them to move away from violence.

However, groups like Al Qaeda in Mesopotamia, a Sunni Arab extremist group that American intelligence officials say has foreign leadership, and cells backed by Iran are seen as implacable foes.

"You are not out there trying to defeat your enemies wholesale," said one military official who is knowledgable about the plan. "You are out there trying to draw them into a negotiated power-sharing agreement where they decide to quit fighting you. They don't decide that their conflict is over. The reasons for conflict remain, but they quit trying to address it through violence. In the end, we hope that that alliance of convenience to fight with Al Qaeda becomes a connection to the central government as well."

The hope is that sufficient progress might be made at the local level to encourage accommodation at the national level, and vice versa. The plan also calls for efforts to encourage the rule of law, such as the establishment of secure zones in Baghdad and other cities to promote criminal trials and process detainee cases.

To help measure progress in tamping down civil strife, Col. William Rapp, a senior aide to General Petraeus, oversaw an effort to develop a standardized measure of sectarian violence. One result was a method that went beyond the attacks noted in American military reports and which incorporated Iraqi data.

"We are going to try a dozen different things," said one senior officer. "Maybe one of them will flatline. One of them will do this much. One of them will do this much more. After a while, we believe there is chance you will head into success. I am not saying that we are absolutely headed for success."

Mr. KYL. Mr. President, I wanted to insert this article in the RECORD because it provides an objective description of the Petraeus plan and how it came to be. The goals of the strategy are "ambitious," as the article notes, but that is all the more reason to support the plan and not undermine it in the Senate.

Those who have criticized the surge at this early stage have offered few options for dealing with the aftermath. One option is to follow the recommendation of the Baker-Hamilton Commission.

At this point, I request unanimous consent to print in the RECORD a column by Steven Biddle that appeared in the July 11 Washington Post.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From washingtonpost.com, July 11]

IRAQ: GO DEEP OR GET OUT

(By Stephen Biddle)

The president's shaky political consensus for the surge in Iraq is in danger of collapsing after the recent defections of prominent Senate Republicans such as Richard Lugar (Ind.), Pete Domenici (N.M.) and George Voinovich (Ohio). But this growing opposition to the surge has not yet translated into support for outright withdrawal—few lawmakers are comfortable with abandoning Iraq or admitting defeat. The result has been a search for some kind of politically moderate "Plan B" that would split the difference between surge and withdrawal.

The problem is that these politics do not fit the military reality of Iraq. Many would like to reduce the U.S. commitment to something like half of today's troop presence there. But it is much harder to find a mission for the remaining 60,000 to 80,000 soldiers that makes any sense militarily.

Perhaps the most popular centrist option today is drawn from the Baker-Hamilton commission recommendations of last December. This would withdraw U.S. combat brigades, shift the American mission to one of training and supporting the Iraqi security forces, and cut total U.S. troop levels in the country by about half. This idea is at the heart of the proposed legislative effort that Domenici threw his support behind last week, and support is growing on both sides of the aisle on Capitol Hill.

The politics make sense, but the compromise leaves us with an untenable military mission. Without a major U.S. combat effort to keep the violence down, the American training effort would face challenges even bigger than those our troops are confronting today. An ineffective training effort would leave tens of thousands of American trainers, advisers and supporting troops exposed to that violence in the meantime. The net result is likely to be continued U.S. casualties with little positive effect on Iraq's ongoing civil war.

The American combat presence in Iraq is insufficient to end the violence but does cap its intensity. If we draw down that combat presence, violence will rise accordingly. To be effective, embedded trainers and advisers must live and operate with the Iraqi soldiers they mentor—they are not lecturers sequestered in some safe classroom. The greater the violence, the riskier their jobs and the heavier their losses.

That violence reduces their ability to succeed as trainers. There are many barriers to an effective Iraqi security force. But the toughest is sectarian factionalism. Iraq is in the midst of a civil war in which all Iraqis are increasingly forced to take sides for their own survival. Iraq's security forces are necessarily drawn from the same populations that are being pulled apart into factions. No military can be hermetically sealed off from its society—the more severe the sectarian violence, the deeper the divisions in Iraqi society become and the harder it is for Americans to create the kind of disinterested nationalist security force that could stabilize Iraq. Under the best conditions, it is unrealistic to expect a satisfactory Iraqi security force anytime soon, and the more severe the violence, the worse the prospects.

The result is a vicious cycle. The more we shift out of combat missions and into training, the harder we make the trainers' job and the more exposed they become. It is unrealistic to expect that we can pull back to some safe yet productive mission of training but not fighting—this would be neither safe nor productive.

If the surge is unacceptable, the better option is to cut our losses and withdraw altogether. In fact, the substantive case for either extreme—surge or outright withdrawal—is stronger than for any policy between. The surge is a long-shot gamble. But middle-ground options leave us with the worst of both worlds: continuing casualties but even less chance of stability in exchange. Moderation and centrism are normally the right instincts in American politics, and many lawmakers in both parties desperately want to find a workable middle ground on Iraq. But while the politics are right, the military logic is not.

Mr. KYL. Mr. Biddle provides a need evaluation of the flaws in the Baker-Hamilton. Among those flaws, as he explains, our combat forces are restraining the intensity of the violence in Iraq, and removing them would cause the violence to rise. This rise in violence would put the safety of Americans who remain to train Iraqis in even greater jeopardy.

Of course, prematurely withdrawing our troops would have many other consequences. Indeed, a sobering assessment of the risks of withdrawal is too often missing from debates about the U.S. mission in Iraq.

In this regard, I ask unanimous consent that an article from the July 17 Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Washington Post, July 17, 2007]

EXIT STRATEGY: WOULD IRAN TAKE OVER IRAQ, WOULD AL-QAEDA? THE DEBATE ABOUT HOW AND WHEN TO LEAVE CENTERS ON WHAT MIGHT HAPPEN AFTER THE U.S. GOES

(By Karen DeYoung and Thomas E. Ricks)

If U.S. combat forces withdraw from Iraq in the near future, three developments would be likely to unfold. Majority Shiites would drive Sunnis out of ethnically mixed areas west to Anbar province. Southern Iraq would erupt in civil war between Shiite groups. And the Kurdish north would solidify its borders and invite a U.S. troop presence there. In short, Iraq would effectively become three separate nations.

That was the conclusion reached in recent "war games" exercises conducted for the U.S. military by retired Marine Col. Gary Anderson. "I honestly don't think it will be apocalyptic," said Anderson, who has served in Iraq and now works for a major defense contractor. But "it will be ugly."

In making the case for a continued U.S. troop presence, President Bush has offered far more dire forecasts, arguing that al-Qaeda or Iran—or both—would take over Iraq after a "precipitous withdrawal" of U.S. forces. Al-Qaeda, he said recently, would "be able to recruit better and raise more money from which to launch their objectives" of attacking the U.S. homeland. War opponents in Congress counter that Bush's talk about al-Qaeda is overblown fear-mongering and that nothing could be worse than the present situation.

Increasingly, the Washington debate over when U.S. forces should leave is centering on what would happen once they do. The U.S. military, aware of this political battlefield, has been quietly exploring scenarios of a reduced troop presence, performing role-playing exercises and studying historical parallels. Would the Iraqi government find its way, or would the country divide along sectarian lines? Would al-Qaeda take over? Would Iran? Would U.S. security improve or deteriorate? Does the answer depend on when, how and how many U.S. troops depart?

Some military officers contend that, regardless of whether Iraq breaks apart or outside actors seek to take over after a U.S. pullout, ever greater carnage is inevitable. "The water-cooler chat I hear most often . . . is that there is going to be an outbreak of violence when we leave that makes the [current] instability look like a church picnic," said an officer who has served in Iraq.

However, just as few envisioned the long Iraq war, now in its fifth year, or the many setbacks along the way, there are no firm conclusions regarding the consequences of a reduction in U.S. troops. A senior administration official closely involved in Iraq policy imagines a vast internecine slaughter as Iraq descends into chaos but cautions that it is impossible to know the outcome. "We've got to be very modest about our predictive capabilities," the official said.

MISTAKES OF THE PAST

In April of last year, the Army and Joint Forces Command sponsored a war game called Unified Quest 2007 at the Army War College in Pennsylvania. It assumed the partition of an "Iraq-like" country, said one player, retired Army Col. Richard Sinnreich, with U.S. troops moving quickly out of the capital to redeploy in the far north and south. "We have obligations to the Kurds and the Kuwaitis, and they also offer the most stable and secure locations from which to continue," he said.

"Even then, the end-of-game assessment wasn't very favorable" to the United States, he said.

Anderson, the retired Marine, has conducted nearly a dozen Iraq-related war games for the military over the past two years, many premised on a U.S. combat pullout by a set date—leaving only advisers and support units—and concluded that partition would result. The games also predicted that Iran would intervene on one side of a Shiite civil war and would become bogged down in southern Iraq.

T.X. Hammes, another retired Marine colonel, said that an extended Iranian presence in Iraq could lead to increased intervention by Saudi Arabia and other Sunni states on the other side. "If that happens," Hammes said, "I worry that the Iranians come to the conclusion they have to do something to undercut . . . the Saudis." Their best strategy, he said, "would be to stimulate insurgency among the Shiites in Saudi Arabia."

In a secret war game conducted in December at an office building near the Pentagon, more than 20 participants from the military, the CIA, the State Department and the private sector spent three days examining what might unfold if the recommendations of the Iraq Study Group were implemented.

One question involved how Syria and Iran might respond to the U.S. diplomatic outreach proposed by the bipartisan group, headed by former secretary of state James A. Baker III and former congressman Lee H. Hamilton (D-Ind.). The gamers concluded that Iran would be difficult to engage because its divided government is incapable of delivering on its promises. Role-players representing Syria did engage with the U.S. diplomats, but linked helping out in Baghdad to a lessening of U.S. pressure in Lebanon.

The bottom line, one participant said, was "pretty much what we are seeing" since the Bush administration began intermittent talks with Damascus and Tehran: not much progress or tangible results.

Amid political arguments in Washington over troop departures, U.S. military commanders on the ground stress the importance of developing a careful and thorough withdrawal plan. Whatever the politicians decide, "it needs to be well-thought-out and it cannot be a strategy that is based on 'Well, we need to leave,'" Army Maj. Gen. Benjamin Mixon, a top U.S. commander in Iraq, said Friday from his base near Tikrit.

History is replete with bad withdrawal outcomes. Among the most horrific was the British departure from Afghanistan in 1842, when 16,500 active troops and civilians left Kabul thinking they had safe passage to India. Two weeks later, only one European arrived alive in Jalalabad, near the Afghan-Indian border.

The Soviet Union's withdrawal from Afghanistan, which began in May 1988 after a decade of occupation, reveals other mistakes to avoid. Like the U.S. troops who arrived in Iraq in 2003, the Soviet force in Afghanistan was overwhelmingly conventional, heavy with tanks and other armored vehicles. Once Moscow made public its plans to leave, the political and security situations unraveled much faster than anticipated. "The Soviet Army actually had to fight out of certain areas," said Army Maj. Daniel Morgan, a two-tour veteran of the Iraq war who has been studying the Soviet pullout at Fort Leavenworth, Kan., with an eye toward gleaning lessons for Iraq. "As a matter of fact, they had to airlift out of Kandahar, the fighting was so bad."

War supporters and opponents in Washington disagree on the lessons of the departure most deeply imprinted on the American psyche: the U.S. exit from Vietnam. "I saw it once before, a long time ago," Sen. John McCain (R-Ariz.), a Vietnam veteran and presidential candidate, said last week of an early Iraq withdrawal. "I saw a defeated military, and I saw how long it took a military that was defeated to recover."

Sen. Joseph R. Biden Jr. (D-Del.), also a White House hopeful, finds a different message in the Vietnam retreat. Saying that Baghdad would become "Saigon revisited," he warned that "we will be lifting American personnel off the roofs of buildings in the Green Zone if we do not change policy, and pretty drastically."

THE AL-QAEDA THREAT

What is perhaps most striking about the military's simulations is that its post-drawdown scenarios focus on civil war and regional intervention and upheaval rather than the establishment of an al-Qaeda sanctuary in Iraq.

For Bush, however, that is the primary risk of withdrawal. "It would mean surrendering the future of Iraq to al-Qaeda," he said in a news conference last week. "It would mean that we'd be risking mass killings on a horrific scale. It would mean we'd allow the terrorists to establish a safe haven in Iraq to replace the one they lost in Afghanistan." If U.S. troops leave too soon, Bush said, they would probably "have to return at some later date to confront an enemy that is even more dangerous."

Withdrawal would also "confuse and frighten friends and allies in the region and embolden Syria and especially Iran, which would then exert its influence throughout the Middle East," the president said.

Bush is not alone in his description of the al-Qaeda threat should the United States leave Iraq too soon. "There's not a doubt in my mind that Osama bin Laden's one goal is to take over the Kingdom of the Two Mosques [Saudi Arabia] and reestablish the caliphate" that ended with the Ottoman Empire, said a former senior military official now at a Washington think tank. "It would be very easy for them to set up camps and run them in Anbar and Najaf" provinces in Iraq.

U.S. intelligence analysts, however, have a somewhat different view of al-Qaeda's presence in Iraq, noting that the local branch takes its inspiration but not its orders from bin Laden. Its enemies—the overwhelming majority of whom are Iraqis—reside in Baghdad and Shiite-majority areas of Iraq, not in Saudi Arabia or the United States. While intelligence officials have described the Sunni insurgent group calling itself al-Qaeda in Iraq as an "accelerant" for violence, they have cited domestic sectarian divisions as the main impediment to peace.

In a report released yesterday, Anthony H. Cordesman of the Center for Strategic and International Studies warned that al-Qaeda is "only one part" of a spectrum of Sunni extremist groups and is far from the largest or most active. Military officials have said in background briefings that al-Qaeda is responsible for about 15 percent of the attacks, Cordesman said, although the group is "highly effective" and probably does "the most damage in pushing Iraq towards civil war." But its activities "must be kept in careful perspective, and it does not dominate the Sunni insurgency," he said.

'SERIOUS CONSEQUENCES'

Moderate lawmakers such as Sen. Richard G. Lugar (R-Ind.) have concluded that a unified Iraqi government is not on the near horizon and have called for redeployment, change of mission and a phased drawdown of U.S. forces. Far from protecting U.S. interests, Lugar said in a recent speech, the continuation of Bush's policy poses "extreme risks for U.S. national security."

Critics of complete withdrawal often charge that "those advocating [it] just don't understand the serious consequences of doing so," said Wayne White, a former deputy director of Near East division of the State Department's Intelligence and Research Bureau. "Unfortunately, most of us old Middle East hands understand all too well some of the consequences."

White is among many Middle East experts who think that the United States should leave Iraq sooner rather than later, but differ on when, how and what would happen next. Most agree that either an al-Qaeda or Iranian takeover would be unlikely, and say that Washington should step up its regional diplomacy, putting more pressure on regional actors such as Saudi Arabia to take responsibility for what is happening in their back yards.

Many regional experts within and outside the administration note that while there is a range of truly awful possibilities, it is impossible to predict what will happen in Iraq—with or without U.S. troops.

"Say the Shiites drive the Sunnis into Anbar," one expert said of Anderson's war-game scenario. "Well, what does that really mean? How many tens of thousands of people are going to get killed before all the surviving Sunnis are in Anbar?" He questioned whether that result would prove acceptable to a pro-withdrawal U.S. public.

White, speaking at a recent symposium on Iraq, addressed the possibility of unpalatable withdrawal consequences by paraphrasing Winston Churchill's famous statement about democracy. "I posit that withdrawal from Iraq is the worst possible option, except for all the others."

Mr. KYL. Mr. President, a premature withdrawal would have severe consequences, all of which would pose severe risks. Clearly, we should allow General Petraeus's plan time to succeed.

Finally, Mr. President, as I noted previously, by setting the aside the Defense authorization bill because he lost a vote to withdraw our troops, the Majority Leader left important business for our military undone. Recently, the Senate passed parts of the bill—a pay raise and "wounded warriors" provisions—but more needs to be done.

For instance, the Defense authorization bill should be the vehicle for setting our national security priorities, one of which is how we should deal with antisatellite weapons the Chinese could use against us.

I, therefore, ask unanimous consent that an article on China's space weapons that appeared in the July 23 Wall Street Journal be inserted into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Wall Street Journal, July 23, 2007]

CHINA'S SPACE WEAPONS

(By Ashley J. Tellis)

On Jan. 11, 2007, a Chinese medium-range ballistic missile slammed into an aging weather satellite in space. The resulting collision not only marked Beijing's first successful anti-satellite (ASAT) test but, in the eyes of many, also a head-on collision with the Bush administration's space policies.

As one analyst phrased it, U.S. policy has compelled China's leaders to conclude "that only a display of Beijing's power to launch . . . an arms race would bring Washington to the table to hear their concerns." This view, which is widespread in the U.S. and elsewhere, misses the point: China's ASAT demonstration was not a protest against the Bush administration, but rather part of a maturing strategy designed to counter the overall military superiority of the U.S.

Since the end of the Cold War, Chinese strategists have been cognizant of the fact that the U.S. is the only country in the world with the capacity—and possibly the intention—to thwart China's rise to great power status. They also recognize that Beijing will be weak militarily for some time to come, yet must be prepared for a possible war with America over Taiwan or, in the longer term, over what Aaron Friedberg once called "the struggle for mastery in Asia." How the weaker can defeat the stronger, therefore, becomes the central problem facing China's military strategy.

Chinese strategists have struggled to find ways of solving this conundrum ever since the dramatic demonstration of American prowess in Operation Desert Storm. And after carefully analyzing U.S. operations in the Persian Gulf, Kosovo and Afghanistan, they believe they have uncovered a significant weakness.

The advanced military might of the U.S. is inordinately dependent on a complex network of space-based command, control, communications, and computer-driven intelligence, surveillance and reconnaissance capabilities that enables American forces to detect different kinds of targets and exchange militarily relevant information. This network is key to the success of American combat operations. These assets, however, are soft and defenseless; while they bestow on the American military definite asymmetric advantages, they are also the source of deep vulnerability. Consequently, Chinese strategists concluded that any effort to defeat the U.S. should aim not at its fundamental strength—its capacity to deliver overwhelming conventional firepower precisely from long distances—but rather at its Achilles' heel, namely, its satellites and their related ground installations.

Consistent with this calculus, China has pursued, for over a decade now, a variety of space warfare programs, which include direct attack and directed-energy weapons, electronic attack, and computer-network and ground-attack systems. These efforts are aimed at giving China the capacity to attack U.S. space systems comprehensively because, in Chinese calculations, this represents the best way of "leveling the playing field" in the event of a future conflict.

The importance of space denial for China's operational success implies that its counterspace investments, far from being bargaining chips aimed at creating a peaceful space regime, in fact represent its best hope for prevailing against superior American military power. Because having this capacity is critical to Chinese security, Beijing will not entertain any arms-control regime that requires it to trade away its space-denial capabilities. This would only further accentuate the military advantages of its competitors. For China to do otherwise would be to condemn its armed forces to inevitable defeat in any encounter with American power.

This is why arms-control advocates are wrong even when they are right. Any "weaponization" of space will indeed be costly and especially dangerous to the U.S., which relies heavily on space for military superiority, economic growth and strategic stability. Space arms-control advocates are correct when they emphasize that advanced powers stand to gain disproportionately from any global regime that protects their space assets. Yet they are wrong when they insist that such a regime is attainable and, therefore, ought to be pursued.

Weaker but significant challengers, like China, simply cannot permit the creation of such a space sanctuary because of its deleterious consequences for their particular interests. Consequently, even though a treaty protecting space assets would be beneficial to Washington, its specific costs to Beijing—in the context of executing China's national military strategy—would be remarkably high.

Beijing's attitude toward space arms control will change only given a few particular developments. China might acquire the capacity to defeat the U.S. despite America's privileged access to space. Or China's investments in counterspace technology might begin to yield diminishing returns because the U.S. consistently nullifies these capabilities through superior technology and operational practices. Or China's own dependence on space for strategic and economic reasons might intensify to the point where the threat posed by any American offensive counterspace programs exceed the benefits accruing to Beijing's own comparable efforts. Or the risk of conflict between a weaker China and any other superior military power, such as the U.S., disappears entirely.

Since these conditions will not be realized anytime soon, Washington should certainly discuss space security with Beijing, but, for now, it should not expect that negotiation will yield any successful agreements. Instead, the U.S. should accelerate investments in solutions that enhance the security of its space assets, in addition to developing its own offensive counterspace capabilities. These avenues—as the Bush administration has correctly recognized—offer the promise of protecting American interests in space and averting more serious threats to its global primacy.

Mr. KYL. I asked that this article be printed in the RECORD because it is a wake-up call to a new threat we need to take seriously. By setting aside the Defense authorization bill, we missed an opportunity to deal with this threat from China.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. SPECTER. Mr. President, I have sought recognition to comment on proposed legislation to revise the Foreign Intelligence Surveillance Act of 1978 to facilitate the electronic surveillance of targets reasonably believed to be outside the United States in order to obtain foreign intelligence information relating to international terrorism. When the act was passed in 1978, communications outside the United States were characteristically transmitted via satellite and were not covered by the act which applied to wires. In the intervening 29 years, such communications now travel by wire and are covered by the act.

The civil and constitutional rights of U.S. persons would ordinarily not be involved in electronic surveillance of targets outside the United States. If persons inside the United States were surveilled while targeting outside the United States, then the minimization procedures would reasonably protect civil and constitutional rights of persons inside the United States.

As the Director of National Intelligence, Michael McConnell, outlined the current threat, there is an urgent need to enact this legislation promptly, certainly before the Congress adjourns for the August recess. Such modifications to FISA should have been enacted long ago and legislation has been pending for months as proposed by Senator DIANNE FEINSTEIN and myself.

I am concerned by provisions of the proposed legislation which would give extensive authority to the Attorney General. Regrettably, Attorney General Gonzales does not enjoy the confidence of many, if not most, Members of Congress. There is in the Congress generally considerable skepticism about the administration's Terrorist Surveillance Program because it was kept secret for so long and concerns continue to be expressed that some portions have still not been adequately explained to the public, even where that might be done consistent with national security.

There has been considerable discussion among Members of the Senate raising at a minimum serious concerns and, beyond that, objections to giving Attorney General Gonzales any additional, even if temporary, authority.

Discussions have been undertaken with the Director of National Intelligence to substitute his position for that of the Attorney General; or, in the alternative, to substitute the Secretary of Homeland Security or some other official outside of the Department of Justice who has been confirmed by the Senate.

I am putting these concerns on the record now so that they may be considered and resolved at the earliest time so that legislation can be concluded before Congress adjourns for the August recess.

ADDITIONAL STATEMENTS

REMEMBERING GEORGE EDWARD "SKIP" PROSSER

• Mr. BURR. Mr. President, I wish to honor the life of George Edward "Skip" Prosser, head coach of the Wake Forest University basketball team.

As a Demon Deacon alumni myself, I join the entire Wake Forest University community in mourning his untimely passing.

I knew Skip personally. Skip was a friend of mine. And before I mention many of his accomplishments as a basketball coach, perhaps Skip's most admirable achievement in life was that he was a good husband and good dad.

When I first heard the news of Skip's passing, my first thoughts were not of basketball but of his wife Nancy and his sons, Scott and Mark. My heartfelt thoughts and prayers go out to Skip's family and to the Wake Forest community that adored him.

Coach Prosser had countless basketball accomplishments, and as I stand here today, I can only scratch the surface of what he has achieved.

When he joined Wake Forest University for the 2001 to 2002 season, after successful coaching at Loyola, Maryland, and Xavier, he added a much needed spark to our basketball program that yielded immediate success.

Coach Prosser is the only coach in NCAA history to take three different schools to the NCAA Tournament in his first season at each of those schools.

In his first four seasons coaching at Wake Forest, Coach Prosser led the Demon Deacons to the NCAA tournament, and in 2003 he led the team to its first outright regular season ACC title in over 40 years.

In the 2004 to 2005 season, Coach Prosser's Demon Deacons rose to No. 1 in the national rankings for the first time in school history.

One of his most impressive statistics was his career wins percentage of .666 that is among the highest winning percentages of active coaches.

More impressive, however, is the statement Coach Prosser often made about his personal coaching record. It personified the kind of man Skip was. When his record was applauded, he often responded by saying, "I don't have a career record. The players won those games."

In addition to the honor and praise Coach Prosser got for his achievements on the court, his work off the court also deserved high marks.

Coach Prosser always emphasized that academic success was the first priority for his athletes. In fact, every senior on Coach Prosser's team graduated with a diploma in 4 years.

The Wake Forest student body embraced him as one of their own because he took every opportunity to spend time with them—frequently walking through the Wake Forest Quad, talking with students, and game after game filling our home basketball coliseum with Demon Deacon pride.

Skip Prosser will be missed. He was an outstanding man who brought a community together through the game he so loved.

Again, I send my deepest condolences to Skip's family, his athletes, his fans, and his friends.•

COMMENDING WEYERHAEUSER CORPORATION

● Mr. COCHRAN. Mr. President, I wish to recognize the Weyerhaeuser Corporation for its assistance in the relief efforts and the rebuilding of the gulf coast that was devastated by Hurricane Katrina in August of 2005. This outstanding company has gone well beyond the call of duty, truly exemplifying community service.

Weyerhaeuser was incorporated in 1900 and is one of the world's largest integrated forest product companies. Headquartered in Federal Way, WA, Weyerhaeuser employs over 49,000 people in 18 countries. In 2005, Weyerhaeuser recorded sales of $22.6 billion and managed more than 6.5 million acres of timberland in nine States.

On November 29, 2006, Weyerhaeuser received the Ron Brown Award, the only Presidential award to honor companies "for their exemplary quality of their relationships with employees and communities." The Ron Brown Award, originally established by President Bill Clinton, is named after the late Secretary of Commerce who believed that "businesses do well by doing good."

I am honored to have such a dedicated company operating in Mississippi in places such as Magnolia, Philadelphia, Richland, Columbus and Bruce. Weyerhaeuser has been operating in Mississippi since 1956 with approximately 1,700 employees at 14 locations, as well as 776,000 acres of timberland.

To date, over 300 employees and retirees from across the United States have volunteered more than 42,000 hours of their time, helped rebuild more than 50 homes, and contributed more than $2.8 million for disaster relief. Weyerhaeuser has a generous policy of allowing employees 2 to 4 weeks of paid leave to help volunteer in the rebuilding efforts of the gulf coast.

The people touched by Weyerhaeuser's response say it best. As one family wrote in response to help from Weyerhaeuser volunteers, "Because of all your efforts, we are home! Words cannot truly express the outpouring of love we have received. We are eternally grateful to our Weyerhaeuser family."

The high caliber of Weyerhaeuser employees can be seen in their comments after volunteering on the gulf coast. One man noted, "The days were long and hot, the work was intense, but the rewards were immeasurable. This has been an experience I won't soon forget." Another volunteer employee commented, "This experience was such a blessing. I got so much more from it than I felt I gave." One Weyerhaeuser retiree said, "Having once more the opportunity to work side by side with other Weyerhaeuser employees and retirees made me realize anew why I enjoyed working for Weyerhaeuser so much. It's all about the people and the values the company ascribes to. Thanks again." Testimonies such as these speak volumes about Weyerhaeuser's dedication to its employees and others.

I cannot thank the company enough for the work they have done and continue to do. It is truly deserving of such a prestigious award, and I am delighted to see Weyerhaeuser's efforts have been recognized.●

NATIONAL NIGHT OUT

● Mr. DOMENICI. Mr. President, I wish to recognize the statewide effort my great State of New Mexico will put forth for the National Night Out. National Night Out is a community event designed to bring awareness to preventing crime while building partnerships between communities and local law enforcement agencies. Crime is not limited to urban areas anymore; it affects every person in every town, big and small. Communities need to be proactive in fighting it. National Night Out is a great step locals can take to curb violence and crime in their areas.

Activities for the night out include barbeques, block parties, downtown rallies and townhall meetings and vary by community; each event in an attempt to gain support for local law enforcement and create camaraderie amongst citizens. When communities come together, they can do great things, even fight crime. Some New Mexico communities participating in National Night Out are Albuquerque, Belen, Bernalillo, Bosque Farms, Carlsbad, Gallup, Isleta, Jal, Las Cruces, Los Lunas, all of Sandoval County, Santa Fe, and Truth or Consequences. Each town will celebrate with its own flair, and each night out will succeed in bring awareness to crime in their area.

I applaud these neighborhoods for being proactive in their local fight on crime.●

15TH ANNUAL NAVAJO FAIR AND RODEO

● Mr. DOMENICI. Mr. President, almost 40 years ago, the Ramah Navajo School Board was incorporated in New Mexico as a means to provide education, health, job training, and social services to the Ramah Navajo people. This private, not-for-profit group was created in 1970 and has since strengthened the community through its involvement. As they have done for the past 15 years, the School Board organizes a fair and rodeo as a celebration of Ramah Navajo culture and the culture of New Mexico.

To name a few of the events this year, there is a Pow Wow, kid's carnival, traditional dance performances, and roping competitions. I want to recognize the Ramah Navajo School Board, Inc., and their efforts to promote these public events, specifically the landmark of the 15th annual Ramah Navajo Fair and Rodeo. These events strengthen bonds in the community with the people and their traditions.

Because of their location and separation from the contiguous Navajo Nation, the Ramah Navajo community stands on a mission of self-determination and self-reliance, setting up programs like the School Board to deal with all their people's needs. The Ramah Navajo School Board helped create the first Indian-controlled contract school in the United States, currently educating 600 students.

I would like to bring to the attention of the country how the Ramah Navajo people have kept their cultural identity strong while building on their community through events like this fair and rodeo.●

TRIBUTE TO DELORES TOLLEFSON

● Mr. DORGAN. Mr. President, most of us look back on our high school years as a wonderful time of learning, growing and maturing.

And also, most of us remember fondly one special teacher that gave us a nudge or an encouraging pat on the back or maybe even some discipline at the right moment.

For me, that teacher was Delores Tollefson. She was a big presence in a small school. She was the English teacher who virtually did it all in my small school of 40 students in all four high school grades. She put on all the class plays; she helped run the school newspaper and spearheaded the school annual; and she taught speech and English, and much more.

But most important to me was that she had the patience to see potential in her students. At just the right time she would offer either encouragement or disapproval and say, "You can do that, you've got a lot of talent," or "You're better than that. Come on—get busy and work up to your potential," or "Great job!"

Most of us who were fortunate enough to have a teacher that saw potential and pushed us to reach it seldom took the time to say thank you.

This year marks the 90th birthday of Delores Tollefson and I want to pay tribute to a wonderful teacher who affected my life in a very positive way. It is time to say a very special "Thank you."

Happy Birthday, Delores Tollefson! And thank you for dedicating your life to teaching young people. It made a big difference in the life of this former student.●

HONORING SUPERLATIVE TECHNOLOGIES, INC.

● Ms. SNOWE. Mr. President, today I recognize an outstanding small business from my home State of Maine that has established itself as one of New England's leading information technology engineering firms. Headquartered in East Machias, Superlative Technologies Inc., SuprTEK, provides effective information technology solutions and engineering services to the diverse clientele it has established during its 11 years in operation.

As an 8(a) and HUBZone certified small business, SuprTEK supplies private industries, as well as local, State, and Federal Government, with support solutions in a wide variety of areas, including information assurance, network management, systems development, operation management, wireless solutions, and enterprise architecture. The 8(a) and HUBZone programs often allow small businesses, such as SuprTEK, greater access to Federal Government opportunities. The HUBZone program, in particular, benefits rural communities by ensuring the business itself, and a portion of its employees, reside in the HUBZone. By enabling each client to utilize its support solutions effectively and efficiently, SuprTEK demonstrates its strong commitment to improving its clients' businesses. Employing highly qualified business and technical specialists averaging almost 10 years of experience, SuprTEK demands high standards for themselves and their clients.

SuprTEK has consistently fought to bring jobs and economic vitality to the Machias region and all of downeast Maine. With the closing of the Naval Computer and Telecommunications Station in Cutler, and fears of the loss's effect on the local economy, SuprTEK was awarded a contract to build a first-of-its-kind Navy Human Resources Benefits Call Center in July of 2001. The employees at SuprTEK provided health, insurance, and retirement assistance to nearly 40,000 U.S. Navy civilian employees throughout the Northeast in 2001. Currently, 30 employees aid the full 186,000 member Navy civilian workforce worldwide. In May 2005, SuprTEK completed the construction of a new and improved facility in East Machias to house its call center. And in October of 2006, the U.S. Navy announced a new contract for SuprTEK's call center to continue providing these vital resources to the Navy through 2011.

In 2005, the Army Surface Deployment and Distribution Command presented SuprTEK with its Small Disadvantaged Business Outstanding Achievement Award. This award is emblematic of the U.S. military's appreciation for the work that SuprTEK has done and continues to do. Having visited SuprTEK myself, I have seen firsthand the dedication and commitment of the employees at SuprTEK and the tremendous impact that they are having on the lives of the Navy's civilian employees. Furthermore, SuprTEK plans to expand its operation by creating a business park that would also include low-cost office space for light industry, such as manufacturers of clothing and household items. This is a welcome and reassuring sign for a region whose prosperity has suffered. I thank everyone at SuprTEK for the magnificent job they have done so far, and wish them luck in their future endeavors.●

DECLARATION OF A NATIONAL EMERGENCY RELATIVE TO THE THREAT IN LEBANON POSED BY THE ACTIONS OF CERTAIN PERSONS TO UNDERMINE LEBANON'S LEGITIMATE DEMOCRATIC INSTITUTIONS—PM 23

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et. seq.) (IEEPA), I hereby report that I have issued an Executive Order declaring a national emergency to deal with the threat in Lebanon posed by the actions of certain persons to undermine Lebanon's legitimate and democratically elected government or democratic institutions, to contribute to the deliberate breakdown in the rule of law in Lebanon, including through politically motivated violence and intimidation, to reassert Syrian control or contribute to Syrian interference in Lebanon or to infringe upon or undermine Lebanese sovereignty, contributing to political and economic instability in that country and the region. Such actions constitute an unusual and extraordinary threat to the national security and foreign policy of the United States.

This order will block the property and interests in property of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to have taken, or to pose a significant risk of taking, actions, including acts of violence, that have the purpose or effect of undermining Lebanon's democratic processes or institutions or contributing to the breakdown of the rule of law in Lebanon, supporting the reassertion of Syrian control or contributing to Syrian interference in Lebanon, or infringing upon or undermining Lebanese sovereignty. The order further authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to block the property and interests in property of those persons determined to have materially assisted, sponsored, or provided financing, material, logistical, or technical support for, or goods or services in support of, such actions or any person whose property and interests in property are blocked pursuant to the order; to be a spouse or dependent child of any person whose property and interests in property are blocked pursuant to the order; or to be owned or controlled by, or to act or purport to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order.

I delegated to the Secretary of the Treasury, in consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *August 1, 2007.*

MESSAGES FROM THE HOUSE

At 12:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 176. An act to authorize the establishment of educational exchange and development programs for member countries of the Caribbean Community (CARICOM).

H.R. 180. An act to require the identification of companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

H.R. 957. An act to amend the Iran Sanctions Act of 1996 to expand and clarify the entities against which sanctions may be imposed.

H.R. 986. An act to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes.

H.R. 2347. An act to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, companies that sell arms to the Government of Iran, and financial institutions that extend $20,000,000 or more in credit to the Government of Iran for 45 days or more, and for other purposes.

H.R. 2722. An act to restructure the Coast Guard Integrated Deepwater Program, and for other purposes.

H.R. 2831. An act to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

ENROLLED BILL SIGNED

At 2:36 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1. An act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1384. An act to designate the facility of the United States Postal Service located at 118 Minner Street in Bakersfield, California, as the "Buck Owens Post Office".

H.R. 2688. An act to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the "Dolph S. Briscoe, Jr. Post Office Building".

H.R. 3034. An act to designate the facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, as the "Private First Class Shane R. Austin Post Office".

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2831. An act to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

S. 1927. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2754. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to progress in building interagency capacity for national security missions; to the Committee on Armed Services.

EC-2755. A communication from the Under Secretary of Commerce (Oceans and Atmosphere), transmitting, pursuant to law, a report relative to the administration of the Coastal Zone Management Act for fiscal years 2004 and 2005; to the Committee on Commerce, Science, and Transportation.

EC-2756. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Michigan" (FRL No. 8449-6) received on July 28, 2007; to the Committee on Environment and Public Works.

EC-2757. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of Boyd County, Kentucky Portion of the Huntington-Ashland 8-Hour Ozone Nonattainment Area to Attainment for Ozone" (FRL No. 8449-5) received on July 28, 2007; to the Committee on Environment and Public Works.

EC-2758. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Cross-Media Electronic Reporting Rule Deadline for Authorized Programs" ((RIN2025-AA07) (FRL No. 8449-8)) received on July 28, 2007; to the Committee on Environment and Public Works.

EC-2759. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007-143—2007-152); to the Committee on Foreign Relations.

EC-2760. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Letter Report: Review of Advisory Neighborhood Commission 2C Grant Awards for the Period March 2005 Through December 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-2761. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled "Applicability of Cost Accounting Standards Coverage" (Docket No. 3110-01) received on July 28, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2762. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled "Time and Material and Labor Hours Contracts for Commercial Items" (Docket No. 3110-01) received on July 28, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2763. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled "Changes to Acquisition Thresholds" (Docket No. 3110-01) received on July 28, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2764. A communication from the Under Secretary for Management, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Department's commercial activities inventory for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-2765. A communication from the Secretary of Veterans Affairs, transmitting, the report of a draft bill entitled, "Veterans' Pride Initiative Act"; to the Committee on Veterans' Affairs.

EC-2766. A communication from the Secretary of Veterans Affairs, transmitting, the report of a draft bill entitled, "Agent Orange Equitable Compensation Act"; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-193. A resolution adopted by the Legislature of Rockland County, New York, urging Congress to schedule a public hearing in Rockland County with the Federal Aviation Administration and to not close the public comment period on the proposed airspace redesign; to the Committee on Commerce, Science, and Transportation.

POM-194. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to provide funding for the Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 137

Whereas, Louisiana suffers with one of the worst health environments in the country, including a high infant mortality rate, a high rate of low birth weight babies, and an incidence of stroke that is 1.3 times that of the rest of the country, outside of the "stroke belt"; and

Whereas, despite the best efforts of medical education institutions in Louisiana, the deficit of primary care physicians continues; and

Whereas, less than one-half of the 1998 graduates of medical education institutions in Louisiana selected a primary care specialty; and

Whereas, Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine, is a non-profit organization designed to address the shortage of primary care physicians in small towns, rural areas, and underserved areas; and

Whereas, the faculty and staff of the College of Primary Care Medicine are committed to a teaching program that addresses the shortage of primary care physicians both in Louisiana and nationwide; and

Whereas, throughout the educational experience at the College of Primary Care Medicine of the Louisiana University of Medical Services, Inc., the student will be exposed to a wide variety of primary health care settings; and

Whereas, through the program at the College of Primary Care Medicine of the Louisiana University of Medical Services, Inc., the traditional basic medical sciences will be thoroughly presented, and students will be given all the tools necessary to be successful on the United States Medical Licensing Examination. Therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to provide funding for the Louisiana University of Medical Services, Inc., College of Primary Care Medicine. Be it further

Resolved, That a copy of this Resolution be transmitted to the President of the United States, the secretary of the United States Senate, the clerk of the United States House of Representatives, and each member of the Louisiana delegation to the Congress of the United States.

POM-195. A resolution adopted by the House of Representatives of the State of Illinois urging Congress to act on legislation that would ensure the safety and well-being of the returning veterans who face mental illness caused by their fulfillment of their duties; to the Committee on Veterans' Affairs.

Whereas, a significant growth in Post-Traumatic Stress Disorder (PTSD) has been identified over the past few years with the escalation of combat veterans returning home from the Iraq and Afghanistan conflicts; nation-wide calls for more assistance for those returning with mental issues as a result of combat have been growing, and this resolution is in response to those calls; and

Whereas, as of January 2007, more than 1.6 million U. S. Servicemen and women had served in Afghanistan and Iraq; and

Whereas, in October 2005, the U.S. Department of Veterans Affairs reported that more than 430,000 U.S. soldiers have been discharged from the military following service in Afghanistan and Iraq; more than 119,000 have sought help for medical or mental health issues from the Department of Veterans Affairs to date; and

Whereas, in January 2006, the Journal of the American Medical Association reported that 35% of Iraq Veterans have already sought help for mental health concerns; a 2003 New England Journal of Medicine Study found that more than 60% of Operation Iraqi Freedom/Operation Enduring Freedom veterans showing symptoms of PTSD were unlikely to seek help due to fears of stigmatization or loss of career advancement opportunities; and

Whereas, in 2005, the Department of Veterans Affairs reported that 18% of Afghanistan Veterans and 20% of Iraq Veterans in their care were suffering from some type of service-connected psychological disorder; and

Whereas, the Department of Veterans Affairs has seen a tenfold increase in PTSD cases in 2006; according to the VA, more than 37,000 Vets of Iraq and Afghanistan are suffering from mental health disorders, and more than 16,000 have already been diagnosed with PTSD; and

Whereas, according to the Army, since March 2003, at least 45 U.S. soldiers and 9 Marines have committed suicide in Iraq; at least 20 soldiers and 23 Marines have committed suicide since returning home, though exact numbers are not available; and

Whereas, the United States Congress is currently considering H.R. 612, H.R. 1538, S. 713, and H.R. 1268, which address the tragic Post-Traumatic Stress Disorder situation among our returning veterans; therefore, be it

Resolved, by the House of Representatives of the Ninety-fifth General Assembly of the State of Illinois, That our returning veterans deserve the very best in healthcare, including mental care, and that both the Federal Government and State Governments must work together to provide this healthcare; and be it further

Resolved, That the State of Illinois wishes to be a model State for the medical care that we offer to our returning soldiers in joint partnership with the Federal Government; and be it further

Resolved, That we urge Congress to act on H.R. 612, H.R. 1538, S. 713, and H.R. 1268 for the safety and well-being of our returning veterans who face mental illness caused by their fulfillment of their duties; and be it further

Resolved, That suitable copies of this resolution be sent to the Majority Leader and the Minority Leader of the U.S. Senate, the Speaker and the Minority Leader of the U.S. House of Representatives, the Illinois Congressional Delegation, and the Director of the Illinois Department of Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 793. A bill to provide for the expansion and improvement of traumatic brain injury programs (Rept. No. 110–140).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 1260. A bill to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the "Claude Ramsey Post Office".

H.R. 1335. A bill to designate the facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the "S Sgt Lewis G. Watkins Post Office Building".

H.R. 1425. A bill to designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the "Staff Sergeant Marvin "Rex" Young Post Office Building".

H.R. 1434. A bill to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the "Rachel Carson Post Office Building".

H.R. 1617. A bill to designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the "Harriett F. Woods Post Office Building".

H.R. 1722. A bill to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the "Leonard W. Herman Post Office".

H.R. 2025. A bill to designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the "Willye B. White Post Office Building".

H.R. 2077. A bill to designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the "George B. Lewis Post Office Building".

H.R. 2078. A bill to designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the "Staff Sergeant Omer T. 'O.T.' Hawkins Post Office".

H.R. 2127. A bill to designate the facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, as the "Clem Rogers McSpadden Post Office Building".

H.R. 2563. A bill to designate the facility of the United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, as the "Major Scott Nisely Post Office".

H.R. 2570. A bill to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the "Dr. Karl E. Carson Post Office Building".

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment:

S. 1011. A bill to change the name of the National Institute on Drug Abuse to the National Institute on Diseases of Addiction and to change the name of the National Institute on Alcohol Abuse and Alcoholism to the National Institute on Alcohol Disorders and Health.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1539. A bill to designate the post office located at 309 East Linn Street, Marshalltown, Iowa, as the "Major Scott Nisely Post Office".

S. 1596. A bill to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the "Dolph S. Briscoe, Jr. Post Office Building".

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1693. A bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1732. A bill to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado , as the "Dr. Karl E. Carson Post Office Building".

S. 1772. A bill to designate the facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, as the "Private First Class Shane R. Austin Post Office".

S. 1781. A bill to designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the "Buck Owens Post Office".

S. 1896. A bill to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charron Post Office".

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1923. An original bill to authorize appropriations for assistance for the Housing Assistance Council, the Raza Development Fund, and for the Housing Partnership Network (HPN) and its members, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs:

Jim Nussle, of Iowa, to be Director of the Office of Management and Budget.

*Dennis R. Schrader, of Maryland, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

NOMINATIONS DISCHARGED

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

Eric G. John, of Indiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

Nominee: Eric G. John.

Post: Thailand.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date; and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses, none.
4. Parents: Patricia John, $25.00, 9/2004, George W. Bush.
5. Grandparents, none.
6. Brothers and spouses, Robert John, $250.00, 11/2003, John Edwards.
7. Sisters and spouses, none.

Michael W. Michalak, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of Vietnam.

Nominee: Michael W. Michalak.

Post: Washington, D.C.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self, none.
2. Spouse, none.
3. Children and spouses, none.
4. Parents, none.
5. Grandparents, none.
6. Brothers and spouses, none.
7. Sisters and spouses, none.

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nominations and the nominations were confirmed:

Jill E. Sommers, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2009.

Bartholomew H. Chilton, of Delaware, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2008.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED (for himself, Ms. SNOWE, Mr. KERRY, and Mr. KENNEDY):

S. 1910. A bill to amend the Internal Revenue Code of 1986 to provide that amounts derived from Federal grants and State matching funds in connection with revolving funds established in accordance with the Federal Water Pollution Control Act and the Safe Drinking Water Act will not be treated as proceeds or replacement proceeds for purposes of section 148 of such Code; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mrs. DOLE, Mrs. BOXER, Mr. LAUTENBERG, and Mr. KERRY):

S. 1911. A bill to amend the Safe Drinking Water Act to protect the health of susceptible populations, including pregnant women, infants, and children, by requiring a health advisory, drinking water standard, and reference concentration for trichloroethylene vapor intrusion, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BROWN:

S. 1912. A bill for the relief of Maha Dakar; to the Committee on the Judiciary.

By Mr. CRAPO (for himself and Mrs. LINCOLN):

S. 1913. A bill to improve the amendments made by the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. DURBIN, Mr. KENNEDY, Mr. FEINGOLD, and Mr. CASEY):

S. 1914. A bill to require a comprehensive nuclear posture review, and for other purposes; to the Committee on Armed Services.

By Mr. SUNUNU:

S. 1915. A bill to amend title XVIII of the Social Security Act to provide incentives to physicians for writing electronic prescriptions; to the Committee on Finance.

By Mr. BURR (for himself, Mr. VITTER, and Ms. LANDRIEU):

S. 1916. A bill to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself, Mr. CRAIG, Mr. BAUCUS, and Mr. TESTER):

S. 1917. A bill to include Idaho and Montana as affected areas for purposes of making claims under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) based on exposure to atmospheric nuclear testing; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. LEAHY, and Mr. CASEY):

S. 1918. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. HATCH, and Ms. STABENOW):

S. 1919. A bill to establish trade enforcement priorities for the United States, to strengthen the provisions relating to trade remedies, and for other purposes; to the Committee on Finance.

By Mr. REID:

S. 1920. A bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WEBB (for himself, Mr. SESSIONS, Ms. LANDRIEU, Mr. PRYOR, Mr. CORNYN, Mr. BUNNING, Mr. LOTT, Mr. CARDIN, Mr. WARNER, Mrs. LINCOLN, Mr. BURR, Mrs. HUTCHISON, Mr. ALEXANDER, Mr. DURBIN, Mrs. MCCASKILL, and Mrs. CLINTON):

S. 1921. A bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1922. A bill to apply basic contracting laws to the Transportation Security Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 1923. An original bill to authorize appropriations for assistance for the Housing Assistance Council, the Raza Development Fund, and for the Housing Partnership Network (HPN) and its members, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. CARPER (for himself, Mr. WARNER, and Mr. MENENDEZ):

S. 1924. A bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KOHL (for himself, Mr. SANDERS, Mrs. MCCASKILL, Mr. DURBIN, and Mr. SMITH):

S. 1925. A bill to amend the Truth in Lending Act, to prevent credit card issuers from taking unfair advantage of college students and their parents, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself and Mr. HAGEL):

S. 1926. A bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCONNELL (for himself and Mr. BOND):

S. 1927. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes; read the first time.

By Mr. KENNEDY (for himself, Mr. DODD, Mrs. MURRAY, Mrs. CLINTON, Mr. OBAMA, Mr. LEAHY, Mr. FEINGOLD, and Ms. CANTWELL):

S. 1928. A bill to amend section 1977A of the Revised Statutes to equalize the remedies available under that section; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1929. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to conduct a feasibility study of water augmentation alternatives in the Sierra Vista Subwatershed; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself, Mr. ALEXANDER, Mr. KERRY, Ms. SNOWE, Mr. FEINGOLD, Mr. BIDEN, Mr. DODD, and Mr. OBAMA):

S. 1930. A bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TESTER:

S. 1931. A bill to amend the Mineral Leasing Act to ensure that development of certain Federal oil and gas resources will occur in a manner that protects water resources and respects the rights of surface owners, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAYH (for himself, Mr. KERRY, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER):

S. 1932. A bill to amend the Small Business Act to increase SBIR and STTR program expenditures; to the Committee on Small Business and Entrepreneurship.

By Mr. REID (for himself, Mr. ENSIGN, Mrs. BOXER, Mr. BAUCUS, Mrs. MURRAY, Mrs. CLINTON, Mr. SANDERS, and Mr. CONRAD):

S. 1933. A bill to amend the Safe Drinking Water Act to provide grants to small public drinking water systems; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SESSIONS (for himself, Mr. SCHUMER, Mr. INHOFE, Ms. LANDRIEU, Mr. SPECTER, Mr. MENENDEZ, Mr. CHAMBLISS, Mrs. BOXER, Mr. CRAPO, Mrs. FEINSTEIN, Mrs. DOLE, and Ms. SNOWE):

S. Res. 288. A resolution designating September 2007 as "National Prostate Cancer Awareness Month"; to the Committee on the Judiciary.

By Mrs. BOXER:

S. Res. 289. A resolution expressing the sense of the Senate that a "Welcome Home Vietnam Veterans Day" should be established; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 290. A resolution honoring the life and career of former San Francisco 49ers Head Coach Bill Walsh; considered and agreed to.

By Mr. GRAHAM (for himself, Mr. ALEXANDER, Mr. BAYH, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. CARDIN, Mr. CHAMBLISS, Mr. COCHRAN, Mr. CORNYN, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DURBIN, Mrs. HUTCHISON, Mr. ISAKSON, Mr. LEVIN, Mrs. LINCOLN, Mr. LOTT, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. OBAMA, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SCHUMER, Mr. SESSIONS, Mr. SPECTER, Mr. VITTER, and Mr. WARNER):

S. Res. 291. A resolution designating the week beginning September 9, 2007, as "National Historically Black Colleges and Universities Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 681

At the request of Mr. LEVIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 681, a bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 1254

At the request of Ms. MIKULSKI, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1254, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1323

At the request of Mr. MCCONNELL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1323, a bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

S. 1428

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1451

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1451, a bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system.

S. 1577

At the request of Mr. KOHL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1607

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1621

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1621, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1675

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1675, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 1693

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1693, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1709

At the request of Mr. BIDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1709, a bill to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes.

S. 1741

At the request of Mr. BAYH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1741, a bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act.

S. 1780

At the request of Mr. ROCKEFELLER, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1780, a bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent.

S. 1886

At the request of Mr. BURR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1886, a bill to provide a refundable and advanceable credit for health insurance through the Internal Revenue Code of 1986, to provide for improved private health insurance access and affordability, and for other purposes.

S. 1894

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1894, a bill to amend the Family and Medical Leave Act of 1993 to provide family and medical leave to primary caregivers of servicemembers with combat -related injuries.

S. 1898

At the request of Mrs. CLINTON, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Dakota (Mr. CONRAD) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1898, a bill to amend the Family and Medical Leave Act of 1993 to expand family and medical leave for spouses, sons, daughters, and parents of servicemembers with combat-related injuries.

S. 1903

At the request of Mr. REED, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1903, a bill to extend the temporary protected status designation of Liberia under section 244 of the Immigration and Nationality Act so that Liberians can continue to be eligible for such status through September 30, 2008.

S. RES. 196

At the request of Mr. CRAPO, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 196, a resolution commending Idaho on winning the bid to host the 2009 Special Olympics World Winter Games.

AMENDMENT NO. 2552

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2552 intended to be proposed to H.R. 976, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

AMENDMENT NO. 2560

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Washington (Mrs. MURRAY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 2560 intended to be proposed to H.R. 976, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

AMENDMENT NO. 2588

At the request of Mr. OBAMA, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 2588 intended to be proposed to H.R. 976, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. DURBIN, Mr. KENNEDY, Mr. FEINGOLD, and Mr. CASEY):

S. 1914. A bill to require a comprehensive nuclear posture review, and for other purposes; to the Committee on Armed Services.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator COLLINS, Senator DURBIN, Senator FEINGOLD, Senator KENNEDY, and Senator CASEY to introduce legislation to authorize a comprehensive review of our nuclear weapons policy and posture.

Before we ramp up funding for the Reliable Replacement Warhead program as the administration has requested, we should have a clear, bipartisan consensus on the role nuclear weapons will play in our national security strategy and the impact they will have on our nuclear nonproliferation efforts.

The Nuclear Policy and Posture Review Act of 2007 does three things.

First, it authorizes the President to conduct a nuclear policy review to consider a range of possible roles of nuclear weapons in U.S. security policy. The administration may reach out to outside experts and conduct public hearings to get a wide range of views. The policy review will provide options and recommendations for a nuclear posture review.

This report is due on September 1, 2009.

Second, following the completion of the nuclear policy review, it authorizes the Secretary of Defense to conduct a comprehensive review of the nuclear posture of the U.S. to clarify U.S. nuclear deterrence policy and strategy. This report is due March 1, 2010.

Finally, it zeros out funding for the Reliable Replacement Warhead program until the policy review and posture review reports have been submitted to Congress.

In his testimony on March 29, 2007, before the House Energy & Water Appropriations Subcommittee, former Senator Sam Nunn, Chairman of Nuclear Threat Initiative, noted that:

> On the [Reliable Replacement Warhead] itself, if Congress gives a green light to this program in our current world environment, I believe that this will be: misunderstood by our allies; exploited by our adversaries; complicate our work to prevent the spread and use of nuclear weapons and . . . make resolution of the Iran and North Korea challenges all the more difficult.

I could not agree more.

Indeed, I remain deeply concerned about this administration's nuclear weapons policy.

As a U.S. Senator, I have worked with colleagues in the House and Senate to stop the re-opening of the nuclear door and the development of new nuclear weapons.

Together, we have eliminated funding for the Advanced Concepts Initiative, the Robust Nuclear Earth Penetrator, and the Modern Pit Facility.

These were consequential victories but the fight is far from over.

For fiscal year 2008, the administration requested $118 million for the Reliable Replacement Warhead program; $88 million in the National Nuclear Security administration's budget and $30 million in the Department of Defense's budget.

These funds would be used for Phase 2A activities: design definition and cost study.

This would represent approximately a four-fold increase over fiscal year 2007 funding of $24.7 million.

The House, however, rejected the administration's request and zeroed out funding for RRW in its fiscal year 2008 Energy and Water Development Appropriations bill. In its report accompanying the legislation, the House cited the lack of a definitive nuclear weapons policy review as a key reason for withholding funding for what will be a costly new nuclear warhead program. It stated:

> The lack of any definitive analysis or strategic assessment defining the objectives of a future nuclear stockpile makes it impossible to weigh the relative merits of investing billions of taxpayer dollars in new nuclear weapon production activities when the United States is facing the problem of having too large a stockpile as a Cold War legacy. Currently, there exists no convincing rationale for maintaining the large number of existing Cold War nuclear weapons, much less producing additional warheads, or for the DoD requirements that drive the management of the DOE nuclear weapons complex.

While the Senate bill did not follow suit, it did cut $22 million from the administration's request, for a total of $66 million, and restricted activities to Phase 2A.

I believe we can match the House's action and this bill would do just that.

The administration is clearly getting nervous about the prospects for funding for RRW.

On Wednesday, the Secretaries of Energy, Defense, and State released a 4-page white paper on nuclear weapons strategy: "National Security and Nuclear Weapons: Maintaining Deterrence in the 21st Century". It affirmed the importance of maintaining a credible nuclear deterrent and sought to justify funding for the Reliable Replacement Warhead program. Among other things, it stated that the Reliable Replacement Warhead program is critical to sustaining long-term confidence in the nuclear stockpile and will help reduce the stockpile and move us away from nuclear testing; and any delay to the program will force the U.S. to maintain a larger stockpile, invest in costly and risky Life Extension Programs, and increase the likelihood that we will have to resume nuclear testing.

These arguments simply do not stand up to scrutiny.

Indeed the evidence clearly shows that there is no need to rush forward with increased funding for RRW. Let us take a close look at the status of our nuclear weapons arsenal.

Are there currently problems with the safety and reliability of our nuclear arsenal?

No, for each of the past 11 years the Secretary of Energy and Secretary of Defense have certified that the nuclear stockpile is safe and reliable.

Has the Pentagon asked for a new warhead for new missions?

No, there is no new military requirement to replace existing, well-tested warheads.

What about the plutonium pit, the "trigger" of a nuclear weapon? In past years, the administration requested funding for a Modern Pit Facility that could build up to 450 pits a year arguing that the pits in our current stockpile were reaching the end of their lifespan.

Is our stockpile at risk due to aging pits?

No, a December 2006 report by the National Laboratories showed that plutonium pits have a life-span of at least 85 years, and possibly up to 100 years.

That report validated Congressional action to eliminate funding for the Modern Pit Facility. I am pleased that the administration listened and did not request funding for the facility in fiscal year 2007 and fiscal year 2008.

Are we at risk for resuming nuclear testing?

No, as I have argued our stockpile is safe and secure and will clearly remain so for the foreseeable future.

If the likelihood of resuming nuclear testing is increasing it is due to the fact that the administration has, in past years, requested funding to lower the time to test readiness at the Nevada test site from 24-36 months to 18 months and, above all, refused to support ratification of the Comprehensive Test Ban Treaty, CTBT.

What about costs? I find it interesting that the administration would cite the costs of successful Life Extension Programs as a reason to ramp up funding for the RRW.

Has the administration shared with us what it will cost to replace the warhead on our deployed nuclear arsenal with a new Reliable Replacement Warhead?

The answer is no. The administration has remained silent about when the supposed cost savings from RRW will ultimately kick in.

In fact, the development of a new nuclear warhead will likely add billions of dollars to the American taxpayer's bill at a time when, as noted above, the stockpile is safe and reliable. As the House Energy and Water Appropriations report argued:

> Under any realistic future U.S. nuclear defense scenario, the existing legacy stockpile will continue to provide the nation's nuclear deterrent for well over the next two to three decades. The effort by the NNSA to apply urgency to developing a significant production capacity for the RRW while lacking any urgency to rationalize an oversized complex appears to mean simply more costs to the American taxpayer.

Before we move any further with this program which would add a new warhead to the stockpile, we should have a better understanding of the role nuclear weapons will play in our security policy in a post-Cold War and post 9/11 world.

If we as a country are going to move away from massive stockpiles of nuclear weapons and explore more conventional alternatives, does it make sense to add a new warhead to the stockpile?

If we are committed to strengthening the Nuclear Nonproliferation Treaty and stopping the proliferation of nuclear weapons, what impact would a Reliable Replacement Warhead have on those efforts?

If the Stockpile Stewardship Program and the Life Extension Program can certify the safety and the reliability of our existing nuclear stockpile, should we shift resources from RRW to more pressing concerns?

It is common sense to ask these questions and engage in comprehensive review and debate about these options before we make the decision on manufacturing new warheads.

As it stands now, we are addressing this issue backwards and behind closed doors.

That is, we are rushing to develop a new warhead without an understanding of the role it will play in our nuclear weapons policy and national security strategy and without public input that will lead to a bipartisan policy.

Let us be clear: a rushed, four page white paper is simply not sufficient to answer these questions and make decisions about developing new nuclear warheads.

The administration has promised a more detailed report but its haste to put out this paper suggests that it is more intent on rushing the development of the Reliable Replacement Warhead program than in taking a sober, unbiased look at our nuclear weapons policy and posture.

A lack of a substantive debate and review means we are not paying sufficient attention to the potential negative consequences of RRW.

Speeding up the development of a new nuclear warhead may send the wrong message to Iran; North Korea; and other would-be nuclear weapon states and encourage the very proliferation we are trying to prevent.

What to us may appear to be a safer, more reliable weapon could appear to others to be a new weapon with new missions and a violation of the Nuclear Nonproliferation Treaty.

The American Association for the Advancement of Science issued a report last month acknowledging that a Reliable Replacement Warhead "could lead to a final selected design that is certifiable without a nuclear test."

Yet, the report also concluded that absent a comprehensive review of nuclear policy and stockpile needs, the purpose and intention of RRW could be widely misinterpreted abroad.

Pointing out that there has been no high level statement about nuclear weapons policy since the 2001 Nuclear Posture Review, it called on the administration to develop a bipartisan policy on the future of nuclear weapons and nuclear weapons policy before moving ahead with RRW. It stated:

> In the absence of a clear nuclear posture, many interpretations are possible [about U.S. nuclear weapons policy] and the lack of a national understanding and consensus on the role of U.S. nuclear weapons puts any new approach at considerable risk at home and abroad. For example, an RRW plan that emphasizes the goal of sustaining the deterrent without nuclear testing could be perceived quite differently from one that focuses on future flexibility to develop and deploy nuclear weapons for new military mission.

It goes on to state:

> . . . nuclear weapons are ultimately an instrument of policy and strategy rather than of war fighting, and only with the leadership of the president can there be major changes in that instrument.

Unfortunately we have not seen such leadership from this administration.

Because it pursued the development of low-yield nuclear weapons and a Robust Nuclear Earth Penetrator, because it sought to lower the time-to-test readiness at the Nevada test site from 24-26 months to 18 months, because it sought to build a Modern Pit Facility that could produce up to 450 pits a year, this administration has lost the credibility to take a fresh and open look at nuclear weapons policy and posture.

Only a new administration, free from the constraints of the heated debates of the past, will have the authority to conduct a comprehensive review of our nuclear weapons policy and posture.

A bipartisan consensus on this policy is essential. It will let the world know exactly where we stand on these important issues and help clear up any confusion about our intentions.

Friend and foe alike will know that regardless of who holds power in Congress or the White House, the role of nuclear weapons in our security strategy will not change.

It will strengthen our efforts to convince other states to forego the development of nuclear weapons and make the world safer from the threat of nuclear war.

I believe that bipartisan policy is beginning to emerge.

In a January 4, 2007 op-ed in the Wall Street Journal, "A World Free of Nuclear Weapons", George Schultz, William Perry, Henry Kissinger, and Sam Nunn laid out a compelling vision for a world free of the threat of nuclear war.

They laid a set of common sense steps the U.S. and other nuclear weapon states can take to make this happen including: taking nuclear weapons off high-alert status; substantially reducing the size of nuclear stockpiles; eliminating short-ranged nuclear weapons; ratifying the Comprehensive Test Ban Treaty; securing all stocks of weapons, weapons-usable plutonium, and highly enriched uranium around the world; getting control of the uranium enrichment process; stopping production of fissile material for nuclear weapons globally; resolving regional confrontations that encourage the development of nuclear weapons.

They conclude:

> Reassertion of the vision of a world free of nuclear weapons and practical measures toward achieving that goal would be, and would be perceived as, a bold initiative consistent with America's moral heritage. The effort could have a profoundly positive impact on the security of future generations. Without that bold vision, the actions will not be perceived as fair or urgent. Without the actions, the vision will not be perceived as realistic or possible.

We should pay close attention to these words.

In conclusion, let me say that there is a big difference between an RRW program that increases the reliability of the existing stockpile and one that leads to a resumption of nuclear testing.

Congress should ask the tough questions to ensure that this is not a back door to new nuclear weapons with new missions and new rounds of testing.

I firmly believe we should zero out for the Reliable Replacement Warhead program until the next administration takes a serious look at our nuclear weapons programs and issues a bipartisan policy on the size of the future stockpile, testing, and nuclear nonproliferation efforts.

I look forward to working with my colleagues and the administration to craft that sensible, bipartisan nuclear weapons policy that will make Americans safe and allow us to reclaim a leadership role in the fight against nuclear proliferation.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 1914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Policy and Posture Review Act of 2007".

SEC. 2. REVISED NUCLEAR POLICY REVIEW AND NUCLEAR POSTURE REVIEW.

(a) NUCLEAR POLICY REVIEW.—

(1) IN GENERAL.—The President shall conduct a nuclear policy review to consider a range of options on the role of nuclear weapons in United States security policy. The policy review shall be coordinated by the National Security Advisor and shall include the Secretary of State, the Secretary of Energy, the Secretary of Defense, the Director of National Intelligence, the Director of the Office of Management and Budget, and the Director of the Office of Science and Technology Policy.

(2) SCOPE OF REVIEW.—The nuclear policy review conducted under paragraph (1) shall—

(A) address the role and value of nuclear weapons in the current global security environment;

(B) set forth short-term and long-term objectives of United States nuclear weapons policy;

(C) consider the contributions of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968 (commonly referred to as the "Nuclear Non-Proliferation Treaty"), to United States national security, and include recommendations for strengthening the Treaty;

(D) explore the relationship between the nuclear policy of the United States and nonproliferation and arms control objectives and international treaty obligations, including obligations under Article VI of the Nuclear Non-Proliferation Treaty;

(E) determine the role and effectiveness of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, signed at Moscow July 31, 1991 (commonly referred to as the "START I Treaty"), and the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, done at Moscow May 24, 2002 (commonly referred to as the "Moscow Treaty"), in achieving the national security and nonproliferation goals of the United States and in implementing United States military strategy, and describe the elements of a recommended successor treaty, including verification provisions; and

(F) provide policy guidance and make recommendations for the nuclear posture review to be conducted under subsection (b).

(3) OUTSIDE INPUT.—The policy review shall include contributions from outside experts and, to the extent possible, shall include public meetings to consider a range of views.

(b) NUCLEAR POSTURE REVIEW.—

(1) IN GENERAL.—Following completion of the nuclear policy review under subsection (a), the Secretary of Defense shall conduct a comprehensive review of the nuclear posture of the United States to clarify United States nuclear deterrence policy and strategy. The Secretary shall conduct the review in collaboration with the Secretary of Energy, the Secretary of State, the Director of National Intelligence, and the National Security Advisor.

(2) ELEMENTS OF REVIEW.—The nuclear posture review conducted under paragraph (1) shall include the following elements:

(A) The role of nuclear forces in United States military strategy, planning, and programming, including the extent to which conventional forces can assume roles previously assumed by nuclear forces.

(B) The policy requirements and objectives for the United States to maintain a safe, reliable, and credible nuclear deterrence posture, in light of the guidance provided by the nuclear policy review conducted under subsection (a).

(C) The targeting strategy required to implement effectively the guidance provided by the nuclear policy review conducted under subsection (a).

(D) The levels and composition of the nuclear delivery systems that will be required for implementing the United States national and military strategy, including any plans for removing, replacing, or modifying existing systems.

(E) The nuclear weapons complex that will be required for implementing the United States national and military strategy, including any plans to consolidate, modernize, or modify the complex.

(F) The active and inactive nuclear weapons stockpile that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying warheads.

(G) An account of the different nuclear postures considered in the review and the reasoning for the selection of the nuclear posture.

(c) REPORTS REQUIRED.—

(1) NUCLEAR POLICY REVIEW.—Not later than September 1, 2009, the President shall submit to Congress a report on the results of the nuclear policy review conducted under subsection (a).

(2) NUCLEAR POSTURE REVIEW.—Not later than March 1, 2010, the President shall submit to Congress a report on the results of the nuclear posture review conducted under subsection (b).

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may contain a classified annex.

(d) SENSE OF CONGRESS ON USE OF NUCLEAR POSTURE REVIEW.—It is the sense of Congress that the nuclear policy review conducted under subsection (a) should be used as the basis for establishing future strategic arms control objectives and negotiating positions of the United States.

(e) RESTRICTION ON FUNDING OF RELIABLE REPLACEMENT WARHEAD PROGRAM.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise made available for the Reliable Replacement Warhead Program for fiscal years 2008, 2009, or 2010 until the reports required under subsection (c) have been submitted to Congress.

By Mr. SPECTER (for himself,
Mr. LEAHY, and Mr. CASEY):

S. 1918. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and

trainees, regardless of age or duty limitations; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition today to introduce the Christopher Kangas Fallen Firefighter Apprentice Act, a bill designed to correct a flaw in the current definition of "firefighter" under the Public Safety Officer Benefits Act.

On May 4, 2002, 14-year-old Christopher Kangas was struck by a car and killed while he was riding his bicycle in Brookhaven, PA. The local authorities later confirmed that Christopher was out on his bike that day for an important reason: Chris Kangas was a junior firefighter, and he was responding to a fire emergency.

Under Pennsylvania law, 14- and 15-year-olds such as Christopher are permitted to serve as volunteer junior firefighters. While they are not allowed to operate heavy machinery or enter burning buildings, the law permits them to fill a number of important support roles, such as providing first aid. In addition, the junior firefighter program is an important recruitment tool for fire stations throughout the Commonwealth. In fact, prior to his death Christopher had received 58 hours of training that would have served him well when he graduated from the junior program.

It is clear to me that Christopher Kangas was a firefighter killed in the line of duty. Were it not for his status as a junior firefighter and his prompt response to a fire alarm, Christopher would still be alive today. Indeed, the Brookhaven Fire Department, Brookhaven Borough, and the Commonwealth of Pennsylvania have all recognized Christopher as a fallen public safety officer and provided the appropriate death benefits to his family.

Yet, while those closest to the tragedy have recognized Christopher as a fallen firefighter, the Federal Government has not. The U.S. Department of Justice, DOJ, determined that Christopher Kangas was not eligible for benefits because he was not acting within a narrow range of duties at the time of his death that are the measured criteria to be considered a "firefighter," and therefore, was not a "public safety officer" for purposes of the Public Safety Officer Benefits Act. In order to be eligible for benefits under the Public Safety Officer Benefits Act, an officer's death must be considered the "direct and proximate result of a personal injury sustained in the line of duty." Although the United States Code includes firefighters in the definition of "public safety officer" and specifies a firefighter as "an individual serving as an officially-recognized or designated member of a legally-organized volunteer fire department;" it offers no definition of "line of duty". DOJ had to defer to an arbitrarily narrow definition of "line of duty," as described in the Code of Federal Regulations that restricts activities to the "suppression of fires." DOJ decided that the only people who qualify as firefighters are those who play the starring role of operating a hose on a ladder or entering a burning building. According to this interpretation, those, such as junior firefighters, who play the essential supporting roles of directing traffic, performing first aid, or dispatching fire vehicles do not contribute to the act of suppressing the fire.

Furthermore, Christopher's family has been pursuing this benefit through our court system. The U.S. Federal Claims Court ruled in favor of the Kangas family ordering the Department of Justice to pay $250,000. However, the Department appealed the decision which the Appeals Court for the Federal Circuit upheld by concluding the Court of Federal Claims' decision failed to defer to DOJ's interpretation of "firefighter."

Any firefighter will tell you that there are many important roles to play in fighting a fire beyond operating the hoses and ladders. Firefighting is a team effort, and everyone in the Brookhaven Fire Department viewed young Christopher as a full member of their team.

As a result of this DOJ determination, Christopher's family cannot receive a $267,000 Federal line-of-duty benefit. In addition, Christopher is barred from taking his rightful place on the National Fallen Firefighters Memorial in Emmitsburg, MD. For a young man who dreamed of being a firefighter and gave his life rushing to a fire, keeping him off of the memorial is a grave injustice.

The bill I introduce today will ensure that the Federal Government will recognize Christopher Kangas and others like him as firefighters. The bill clarifies that all firefighters will be recognized as such "regardless of age, status as an apprentice or trainee, or duty restrictions imposed because of age or status as an apprentice or trainee." The bill applies retroactively back to May 4, 2002, the date of Christopher Kangas' death.

I urge my colleagues to support this important legislation and I yield the floor.

By Mr. BAUCUS (for himself, by Mr. HATCH, and Ms. STABENOW):

S. 1919. A bill to establish trade enforcement priorities for the United States, to strengthen the provisions relating to trade remedies, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am proud to join with Senator HATCH to introduce the Trade Enforcement Act of 2007. This bill will provide the administration additional tools, resources, and accountability to enforce international trade agreements abroad and domestic trade remedy laws here at home.

Over 400 years ago, William Shakespeare wrote "The law hath not been dead, though it hath slept." The same could be said of our trade enforcement laws today.

The administration has many tools at its disposal to enforce international trade agreements. It can file dispute settlement cases in the World Trade Organization, WTO. It has Section 301 to fight market access barriers. It has Special 301 to address intellectual property violations abroad. It has Section 421 to remedy Chinese import surges that cause injury here at home.

But having these rules on the books is not enough. We need to enforce them.

There is a very real sense among Americans that our trading partners do not play by the rules. And there is a very real sense that the U.S. Government is allowing them to get away with it.

That is why I am introducing the Trade Enforcement Act of 2007—to ensure that the administration has the resources to enforce our existing trade laws, to provide political accountability when it does not, and to create new tools that address the enforcement priorities of American farmers, ranchers, manufacturers, and service suppliers.

This legislation bolsters enforcement of U.S. trade agreements in three important ways.

First, it requires the U.S. Trade Representative, USTR, to dedicate more time to enforcement. The bill requires USTR to provide an annual report to Congress identifying the most significant barriers to U.S. companies abroad and to take enforcement action to resolve them. It also makes trade enforcement more accountable to Congress. The bill allows the Senate Finance Committee or the House Ways and Means Committee to require USTR to identify a specific barrier in its annual report. And, significantly, the bill creates a Senate-confirmed Chief Enforcement Officer at USTR to investigate and prosecute trade enforcement cases.

Second, the bill addresses serious concerns that have been raised about the quality of recent World Trade Organization dispute settlement decisions. It does so by establishing a commission of retired judges and international trade law experts to review the decisions and determine whether they impose obligations on the U.S. that are not found in the text of the WTO agreements. The bill also prevents the administration from changing a regulation to comply with an adverse WTO decision until Congress receives the commission's report.

Third, the bill ensures that other U.S. government agencies do not use foreign policy and other noneconomic rationales to block USTR from taking tough enforcement actions. It clarifies that while USTR must carefully consider any advice provided by the interagency trade organization established under the Trade Expansion Act of 1962, it need not, and shall not, seek approval of its actions from the organization.

The bill also bolsters enforcement of U.S. trade remedy laws in four important ways.

First, the bill limits the President's discretion to deny relief in Section 421 cases to address Chinese import surges. This administration has utterly failed to use this trade remedy as Congress intended. It has denied relief in every case where the International Trade Commission, ITC, determined that relief was warranted. Our bill remedies this deficiency by requiring the President to proclaim any import relief that the ITC recommends unless the President finds, in extraordinary cases, that the relief would seriously harm our national security or would have an adverse impact on our economy that clearly and significantly outweighs the benefits. Congress may override the economic determination and reinstate the ITC's decision if it enacts a joint resolution of disapproval.

Second, the bill makes it easier for U.S. companies to obtain relief from subsidized imports from certain countries. It clarifies that the Commerce Department may apply countervailing duties to nonmarket economies like China. The Commerce Department has long taken the position that our countervailing duty laws do not apply to nonmarket economies, and it has refused to do so until very recently. The bill closes this loophole and eliminates any remaining uncertainty.

Third, the bill makes it easier for U.S. companies to obtain relief from subsidized and dumped imports from all countries by overriding the Federal Circuit's recent Bratsk decision. The bill provides that the ITC must make its injury determinations in antidumping and countervailing duty cases without regard to whether imports from other countries are likely to replace imports from the country under investigation.

Fourth, the bill increases intellectual property expertise at the ITC. It authorizes the ITC to appoint hearing officers, rather than administrative law judges, ALJs, to take evidence and make initial decisions in intellectual property investigations under Section 337 of the Tariff Act of 1930. Unlike the current ALJs, the hearing officers would be required to have technical expertise and experience in intellectual property law.

The overarching goal of this bill is, as Shakespeare might say, to "wake up" our trade laws from their current slumber and ensure that the administration enforces them to the fullest extent. Our farmers, ranchers, and companies deserve nothing less.

I therefore hope that my colleagues will support the Trade Enforcement Act of 2007.

By Mr. REID:

S. 1920. A bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce; to the Committee on Health, Education, Labor, and Pensions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Getting Retention and Diplomas Up Among Today's Enrolled Students Act" or the "GRADUATES Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since almost 90 percent of the fastest growing and best paying jobs now require some postsecondary education, a secondary school diploma and the skills to succeed in higher education and the modern workplace are essential.

(2) Only ⅓ of all high school students in the United States graduate in 4 years prepared for a 4-year institution of higher education. Another ⅓ graduate, but without the skills and qualifications necessary for success in higher education or the workplace, and the rest will not graduate from high school in 4 years, if at all.

(3) Dropouts from the class of 2006 will cost the United States more that $309,000,000,000 in reduced earnings.

(4) The Nation's failure to meet the increasing demand for skilled workers means that American companies cannot fill a large number of jobs. 81 percent of American manufacturing companies report experiencing a moderate to severe shortage of qualified workers.

(5) International competition has made education a national security issue. For example, the United States currently runs a $30,000,000,000 advanced technology trade deficit with China. Many other countries are developing the technology, infrastructure, and knowledge base to export quality products with inexpensive labor. The education system of the United States should support critical thinking, creativity, and innovative approaches to new opportunities, which are commodities that cannot be outsourced.

(6) As the bar for success continues to be raised, the responsibility to engender these attributes with progressive programs and original models lies squarely with the education system. It is imperative that the United States develop and implement new, innovative approaches to fully prepare every student for the 21st century.

(7) Realigning the education system to meet new, demanding requirements and face intensifying competition requires effective, systemic reform. Identifying effective, replicable models that achieve this goal is a critical step towards enhancing the prospects of all students entering the modern workforce.

SEC. 3. SECONDARY SCHOOL INNOVATION FUND.

(a) SECONDARY SCHOOL INNOVATION FUND.—Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating part I as part J; and

(2) by inserting after section 1830 the following:

"PART I—SECONDARY SCHOOL INNOVATION FUND

"SEC. 1851. PURPOSES.

"The purposes of this part are—

"(1) to improve the achievement of at-risk secondary school students and prepare such students for higher education and the workforce;

"(2) to create evidence-based, replicable models of innovation in secondary schools at the State and local level; and

"(3) to support partnerships to create and inform innovation at the State and local level to improve learning outcomes and transitions for secondary school students.

"SEC. 1852. DEFINITIONS.

"In this part:

"(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

"(A) not less than 1—

"(i) State educational agency; or

"(ii) local educational agency that is eligible for assistance under part A; and

"(B) not less than 1—

"(i) institution of higher education;

"(ii) nonprofit organization;

"(iii) community-based organization;

"(iv) business; or

"(v) school development organization or intermediary.

"(2) ELIGIBLE SCHOOL.—The term 'eligible school' means a public secondary school served by a local educational agency that is eligible for assistance under part A.

"(3) HIGH SCHOOL.—The term 'high school' means a public school, including a public charter high school, that provides education in any grade beginning with grade 9 and ending with grade 12, as determined under State law.

"(4) MIDDLE SCHOOL.—The term 'middle school' means a public school, including a public charter middle school, that provides middle education in any grade beginning with grade 5 and ending with grade 8, as determined under State law.

"(5) SECONDARY SCHOOL.—The term 'secondary school' has the meaning given the term in section 9101.

"SEC. 1853. SECONDARY SCHOOL INNOVATION FUND.

"(a) PROGRAM AUTHORIZED.—

"(1) GRANTS TO ELIGIBLE PARTNERSHIPS.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of implementing innovative strategies described in subsection (f) to improve the achievement of at-risk students in secondary schools.

"(2) SUBGRANTS TO ELIGIBLE SCHOOLS.—An eligible partnership that receives a grant under this part may use the grant funds to award a subgrant to an eligible school to enable the eligible school to implement innovative strategies described in subsection (f) to improve the achievement of at-risk students at the eligible school.

"(b) RESERVATION OF FUNDS.—The Secretary shall reserve 5 percent of the amounts appropriated under this part for a fiscal year for the evaluation described in subsection (h).

"(c) APPLICATION.—

"(1) IN GENERAL.—An eligible partnership desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONTENTS.—The application described in paragraph (1) shall include—

"(A) a description of the eligible partnership, the partners forming the eligible partnership, and the roles and responsibilities of each partner, and a demonstration of each partner's capacity to support the outlined roles and responsibilities;

"(B) a description of how funds will be used to improve the achievement of at-risk students in secondary schools;

"(C) a description of how the activities funded by the grant will be innovative, systemic, evidence-based, and replicable;

"(D) a description of each subgrant the eligible partnership will award to an eligible school, including a description of the eligible school; and

"(E) a description of how the eligible partnership will measure and report improvement using the data collected under subsection (g) and additional indicators of improvement proposed by the partnership, such as student attendance or participation, credit accumulation rates, core course failure rates, college enrollment and persistence rates, or number or percentage of students taking Advanced Placement (AP), International Baccalaureate (IB), or other postsecondary education courses, rigorous postsecondary education preparatory courses, or workforce apprenticeship and training programs.

"(d) APPLICATION REVIEW AND AWARD BASIS.—

"(1) GRANT REVIEW AND APPROVAL.—The Secretary shall—

"(A) establish a peer review process to assist in the review of the grant applications and approval of the grants under this section; and

"(B) appoint to the peer review process—

"(i) individuals who are educators and experts in—

"(I) secondary school reform;

"(II) accountability;

"(III) secondary school improvement;

"(IV) innovative education models; and

"(V) other educational needs of secondary school students; and

"(ii) not less than 1 parent or community representative; and

"(C) ensure that each grant award is of sufficient size and scope to carry out the activities proposed in the grant application, including the evaluation required under subsection (g)(3).

"(2) AWARD BASIS.—In awarding grants under this part, the Secretary shall ensure, to the extent practicable—

"(A) diversity in the type of activities funded under the grants;

"(B) an equitable geographic distribution of the grants, including urban and rural areas; and

"(C) that the grants support activities—

"(i) that target different grade levels of students at the secondary school level; and

"(ii) in a variety of types of secondary schools, including middle schools and high schools.

"(e) FEDERAL SHARE, NON-FEDERAL SHARE.—

"(1) FEDERAL SHARE.—The Federal share of a grant under this part shall be not more than 75 percent of the costs of the activities assisted under the grant.

"(2) NON-FEDERAL SHARE.—The non-Federal share shall be not less than 25 percent of the costs of the activities assisted under the grant, of which not more than 10 percent of the costs of the activities assisted under the grant may be provided in-kind, fairly evaluated.

"(f) USE OF FUNDS.—An eligible partnership receiving a grant under this part, or an eligible school receiving a subgrant under this part, shall use grant or subgrant funds, respectively, to carry out 1 or more of the following activities:

"(1) Creating multiple pathways, including the creation of new public schools, that offer students a range of educational options designed to meet the students' needs and interests and to lead to a secondary school diploma consistent with readiness for postsecondary education and the workforce, which pathways may include—

"(A) alternative public schools that—

"(i) use innovative strategies such as flexible hours;

"(ii) provide competency-based instruction and performance-based assessment to improve educational outcomes for various populations of overaged and undercredited students or dropouts, such as—

"(I) students not making sufficient progress to graduate with a regular secondary school diploma in the standard number of years;

"(II) students who need to work to support themselves or their families;

"(III) pregnant and parenting teens; and

"(IV) students returning from the juvenile justice system;

"(B) career and technical education programs;

"(C) career academies;

"(D) early college and dual enrollment learning opportunities; and

"(E) creating more personalized and engaging learning environments for secondary school students, such as—

"(i) establishing smaller learning communities;

"(ii) creating student advisories and developing peer engagement strategies in which students lead guidance activities, mentoring, or tutoring efforts;

"(iii) involving students and parents in the development of individualized student plans for secondary school success and graduation and postsecondary transition;

"(iv) creating mechanisms for increased student participation in school improvement efforts and in decisions affecting the students' own learning; and

"(v) creating new opportunities to better utilize the grade 11 and grade 12 years and creating better connectivity to postsecondary education.

"(2) Creating expanded learning time opportunities, which may include—

"(A) establishing a mandatory expanded day, for all students transitioning into the first year of high school, for academic catch-up and enrichment;

"(B) providing arts or service learning opportunities with community-based cultural and civic organizations; and

"(C) providing higher education and work-based exposure, experience, and credit-bearing learning opportunities in partnership with postsecondary institutions and the workforce.

"(3) Improving student transitions from middle school to high school and ensuring successful entry into high school, which may include—

"(A) establishing summer transition programs for secondary school students transitioning from middle school to high school to ensure the students' connection to the students' new high school and to orient the students to the study skills and social skills necessary for success in the high school;

"(B) providing for the sharing of data between high schools and feeder middle schools;

"(C) establishing quick response and recovery programs in high school for secondary school students transitioning into the students' first year of high school so that such students do not become truant or fall too far behind in academics;

"(D) increasing the level of student supports, including academic and social-emotional supports, especially for struggling students; and

"(E) aligning academic standards, curricula, and assessments between middle and high schools.

"(4) Improving student transitions from secondary school to postsecondary education and the workforce, which may include—

"(A) providing for the sharing of data between secondary schools and institutions of higher education;

"(B) enabling dual enrollment and credit-bearing learning opportunities;

"(C) establishing one or more early college secondary schools that offer students a secondary school diploma and not more than 2 years of college credit within a 4- or 5-year program;

"(D) providing enhanced higher education and financial aid counseling; and

"(E) aligning the academic standards of secondary school with the academic standards of postsecondary education and the requirements and expectations of the workforce.

"(5) Increasing the autonomy and flexibility of secondary schools, which may include—

"(A) establishing a process whereby existing schools can apply for flexibility in such areas as scheduling, curricula, budgeting, and governance; and

"(B) starting new small public secondary schools that are guaranteed such autonomies.

"(6) Improving learning opportunities for secondary school students in rural schools, including through the use of distance-learning opportunities and other technology-based tools.

"(7) Redesigning a middle school—

"(A) to prevent student disengagement and improve achievement; and

"(B) to better respond to early warning signs that students are at risk of dropping out of school, such as poor attendance, poor behavior, or course failure.

"(8) Improving teaching and increasing academic rigor at the secondary school level, which may include—

"(A) improving the alignment of academic standards with the requirements and expectations of postsecondary education and the workforce;

"(B) improving the teaching and assessment of 21st century skills, including through the development of formative assessment models;

"(C) increasing community involvement, including leveraging community-based services and opportunities to provide every student with the academic and nonacademic supports necessary for academic success;

"(D) increasing parental involvement, including providing parents with the tools to navigate, support, and influence their child's academic career and choices through secondary school graduation and into postsecondary education and the workforce; and

"(E) addressing the learning needs of various student populations, including students who are limited English proficient, late entrant English language learners, and students with disabilities.

"(g) DATA COLLECTION AND EVALUATION.—

"(1) COLLECTION OF DATA.—Each eligible partnership receiving a grant under this part shall collect and report annually to the Secretary such information on the results of the activities assisted under the grant as the Secretary may reasonably require, including information on—

"(A) the number and percentage of students who—

"(i) are served by the eligible partnership;

"(ii) are assisted under this part; and

"(iii) graduate from secondary school with a regular secondary school diploma in the standard number of years;

"(B) the number and percentage of students, at each grade level, who are—

"(i) served by the eligible partnership;

"(ii) assisted under this part; and

"(iii) on track to graduate from secondary school with a regular secondary school diploma in the standard number of years;

"(C) the number and percentage of students, at each grade level, who—

"(i) are served by the eligible partnership;

"(ii) are assisted under this part; and

"(iii) meet or exceed State challenging student academic achievement standards in mathematics, reading or language arts, or science, as measured by the State academic assessments under section 1111(b)(3);

"(D) information consistent with the additional indicators of improvement proposed by the eligible partnership in the grant application; and

"(E) other information the Secretary may require as necessary for the evaluation described in subsection (h).

"(2) REPORTING OF DATA.—Each eligible partnership receiving a grant under this part shall disaggregate the information required under paragraph (1) in the same manner as information is disaggregated under section 1111(h)(1)(C)(i).

"(3) EVALUATION.—

"(A) IN GENERAL.—Each eligible partnership receiving a grant under this part shall enter into a contract with an outside evaluator to enable the evaluator to conduct—

"(i) an evaluation of the effectiveness of the grant after the third year of implementation of the grant; and

"(ii) an evaluation of the effectiveness of the grant after the final year of the grant period.

"(B) DISTRIBUTION.—Upon completion of an evaluation described in subparagraph (A), the eligible partnership shall submit a copy of the evaluation to the Secretary in a timely manner.

"(h) EVALUATION; BEST PRACTICES.—

"(1) IN GENERAL.—From amounts reserved under subsection (b), the Secretary shall—

"(A) enter into a contract with an outside evaluator to enable the evaluator to conduct—

"(i) a comprehensive evaluation after the third year of implementation on the effectiveness of all grants awarded under this part; and

"(ii) a final evaluation following the final year of the grant period with a focus on improvement in student achievement as a result of innovative strategies; and

"(B) disseminate best practices in improving the achievement of secondary school students.

"(2) PEER REVIEW.—

"(A) IN GENERAL.—An evaluator receiving a contract under this subsection shall—

"(i) establish a peer-review process to assist in the review and approval of the evaluations conducted under this subsection; and

"(ii) appoint individuals to the peer-review process who are educators and experts in—

"(I) research and evaluation; and

"(II) the areas of expertise described in subclauses (I) through (V) of subsection (d)(1)(B)(i).

"(B) RESTRICTIONS ON USE.—The Secretary shall not distribute or use the results of any evaluation described in paragraph (1)(A) until the results are peer-reviewed in accordance with subparagraph (A).

"(i) CONTINUATION OF FUNDING.—An eligible partnership that receives a grant under this part shall only be eligible to receive a grant payment for a fourth or fifth year of the grant if the Secretary determines, on the basis of the evaluation of the grant under subsection (h)(1)(A)(i), that the performance of the eligible partnership under the grant has been satisfactory.

"(j) RULE OF CONSTRUCTION REGARDING DISCRIMINATION.—Nothing in this section shall be construed to permit discrimination on the basis of race, color, religion, sex, national origin, or disability in any program or activity funded under this part.

"SEC. 1854. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this part $500,000,000 for fiscal year 2008 and for each of the succeeding 5 years.".

(b) CONFORMING AMENDMENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 note) is amended—

(1) by striking the item relating to Part I and inserting the following:

"PART J—GENERAL PROVISIONS"; AND

(2) by inserting after the item relating to section 1830 the following:

"PART I—SECONDARY SCHOOL INNOVATION FUND

"Sec. 1851. Purposes.
"Sec. 1852. Definitions.
"Sec. 1853. Secondary school innovation fund.
"Sec. 1854. Authorization of appropriations.".

By Mr. WEBB (for himself, Mr. SESSIONS, Ms. LANDRIEU, Mr. PRYOR, Mr. CORNYN, Mr. BUNNING, Mr. LOTT, Mr. CARDIN, Mr. WARNER, Mrs. LINCOLN, Mr. BURR, Mrs. LINCOLN, Mr. BURR, Mrs. HUTCHISON, Mr. ALEXANDER, Mr. DURBIN, Mrs. MCCASKILL, and Mrs. CLINTON):

S. 1921. A bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WEBB. Mr. President, I rise today to join with my colleague Senator JEFF SESSIONS and 14 of our Senate colleagues to introduce the Civil War Battlefield Preservation Act of 2007. This bipartisan legislation was recently introduced in the House by Congressmen GARY MILLER of California and BART GORDON of Tennessee and presently enjoys the support of 26 Members of Congress.

Our bill is a straightforward, 5 year extension of the 2002 Civil War Battlefield Preservation Act. The purpose of this legislation remains the same as when Congress first passed it: to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchases of battlefield sites. In addition, the legislation fosters partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance nationally significant Civil War battlefields.

The legislation continues to protect private property rights by limiting land acquisitions to willing sellers only. It also requires a 50-50 match in order for projects to be eligible to receive Federal funds. Finally, the program limits the effect on the burgeoning National Park Service's maintenance backlog because non-Federal entities are responsible for the long-term maintenance of sites not within National Park Service boundaries.

In 1990, Congress established the Civil War Sites Advisory commission, a blue-ribbon panel empowered to investigate the status of America's remaining Civil War battlefields. Congress tasked the commission with the mission of prioritizing these battlefields according to their historic importance and the threats to their survival. The commission ultimately looked at the 10,000-plus battles and skirmishes of the Civil War and determined that 384 priority sites should be preserved. The results of the report were released in 1993 and they were not encouraging.

The 1993 commission report recommended that Congress create an emergency program to save threatened Civil War battlefield land. The result was the Civil War Battlefield Preservation Program, which was first funded in fiscal year 1999 and originally authorized in 2002. To date, the preservation program has saved over 14,000 acres of land in 15 States.

The key to the success of the preservation program is that it achieves battlefield preservation through collaborative partnerships between State and local governments, the private sector and nonprofit organizations, such as the Civil War Preservation Trust.

But for the preservation program and its non-Federal partners, we would have lost key sites from national shrines at Antietam. Chancellorsville. Fredericksburg. Manassas. Harpers Ferry. Bentonville. Mansfield. Champion Hill. Their names of these legendary battlegrounds continue to haunt us to this day. Had the Civil War Battlefield Preservation Program not been available as a tool to preserve threatened battlefield land, these sites and others like them would have surely been lost forever to commercial and residential development.

It is not every day you can visit battlefield sites and have an immediate, direct connection with your ancestors. We must preserve these sites so that future generations might see and touch the very places where so many sacrifices were made, by soldiers and civilians alike. We are a stronger, more diverse and free Nation because of these sacrifices.

I would remind my colleagues that the preservation program has enjoyed bipartisan, bicameral support since its inception. In 2002, program funding was authorized through the Civil War Battlefield Preservation Act at the level recommended by the Civil War Sites Advisory Commission, $10 million a year. These Federal funds have, and will continue to, leverage millions more in private and other charitable donations; thereby increasing our ability to preserve more threatened battlefield sites.

The Civil War Battlefield Preservation Act has become an essential tool for protecting our nation's Civil War battlefields. I would urge my colleagues in the Senate to reauthorize this important federal program. The clock is ticking against these threatened historical sites and we must keep the Civil War Battlefield Preservation Program as a valuable tool to preserve them.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil War Battlefield Preservation Act of 2007".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Civil War battlefields provide a means for the people of the United States to understand a tragic period in the history of the United States.

(2) According to the Report on the Nation's Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, and dated July 1993, of the 384 principal Civil War battlefields—

(A) almost 20 percent are lost or fragmented;

(B) 17 percent are in poor condition; and

(C) 60 percent have been lost or are in imminent danger of being fragmented by development and lost as coherent historic sites.

(b) PURPOSES.—The purposes of this Act are—

(1) to act quickly and proactively to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchases of those battlefields from willing sellers at fair market value;

(2) to create partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance nationally significant Civil War battlefields; and

(3) to prepare our Nation for the upcoming sesquicentennial commemoration of the Civil War, 2011 through 2015, which is expected to stimulate renewed interest in the conflict and generate unprecedented visitation to preserved Civil War battlegrounds.

SEC. 3. AUTHORIZATION EXTENDED.

The American Battlefield Protection Act of 1996 (16 U.S.C. 469k) is amended—

(1) in subsection (d)(7)(A), by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2013"; and

(2) in subsection (e), by striking "September 30, 2008" and inserting "September 30, 2013".

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1922. A bill to apply basic contracting laws to the Transportation Security Administration; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, today Senator SNOWE and I are introducing the TSA Acquisition Reform Act of 2007 to repeal exemptions from Federal contracting laws that were granted to the Transportation Security Administration, TSA, after 9/11 in the rush to secure airports. Representative CARNEY has introduced identical legislation in the House and I look forward to working with him to improve contracting at TSA.

TSA is one of the few Federal agencies and the only agency within the Department of Homeland Security that is not subject to the same procurement rules that every other Federal agency, including the Department of Defense, must abide.

Specifically, it is exempt from the Federal Acquisition Regulation, FAR, which covers every major procurement law and requires Federal agencies to provide for an open and competitive bidding process and submit contract information to the Federal Procurement Data System. TSA's exemption from the FAR was never meant to be permanent, and this amendment would bring the agency in line with normal Federal contracting rules.

TSA has a record of mismanaging contracts and wasting taxpayer dollars, and has been the subject of several DOT and DHS Inspector General reports. For instance, in 2002, TSA, despite using FAR guidelines, issued a federally prohibited cost-plus-a-percentage contract to Boeing to install explosive detection systems in airports. In September 2004, the IG found that the initial $508 million contract ballooned to $1.2 billion, that Boeing was paid $49 million in excess profit, received $82 million to cover $39 million in costs, and ultimately received a 210 percent return on its investment.

In 2005, the Washington Post reported on an audit by the Defense Contract Audit Agency which showed that a contract issued to the Pearson government solutions firm to recruit Federal passenger screeners increased in cost from $104 million to $741 million in 9 months in part because TSA changed the scope of the contract to require Pearson to use posh hotels, including the Waldorf Astoria, as recruitment centers. TSA disputes this account, but cannot provide any paperwork to back it up. The article quoted Deputy DHS Secretary Michael Jackson as saying, "Honestly, I have no memory of it."

In 2004, the when the GAO wanted to review 21 TSA contracts, it literally had to send staff to rummage through boxes of files to retrieve information that would otherwise have been in the Federal Procurement Data System.

As Chairman of the Small Business Committee, I am particular concerned about TSA's inability to meet its small business contracting goals. I am pleased that the 2007 DHS Appropriations bill applied the Small Business Act to TSA, but small business owners won't truly benefit because TSA is still exempt from basic contracting rules under the FAR that helps them compete for Federal contracts. Although TSA's small business contracting goal is 23 percent annually, only 10.7 percent of its contracts went to small businesses in 2005. Analysis conducted by my staff suggest that the true figure is closer to 6 percent because many of the large corporations that contract with TSA set up subsidiaries that technically qualify as small businesses but are in fact part of a larger corporation. I am concerned about this and I know that my colleague, Senator SNOWE, the ranking member of the Small Business Committee, is concerned as well.

There is another important reason to require TSA to follow the FAR. DHS, which encompasses 22 different agencies, is trying to create a unified procurement system and a common culture within the department. The Comptroller General noted last year before the House Homeland Security Committee that "the various acquisition organizations within DHS are still operating in a disparate manner, with oversight of acquisition activities left primarily up to each individual component." How can DHS create a common contracting system when the agency that spends the most money on contracts within the department is exempt from the department's own rules?

It would be wrong to suggest that exemption from FAR is the main reason that TSA has mismanaged contracts. Its acquisition office was understaffed after 9/11, and there was a rush to meet Congressional deadlines that led to sloppy oversight. I understand that TSA has spent millions to improve its contracting office and I commend it for doing so. However, it is far from clear that TSA has a functional procurement system. A 2006 GAO review of the ongoing Boeing contract suggests that poor contracting oversight continues to plague TSA. The report states that "TSA officials provided no evidence that they are reviewing required contractor submitted performance data," and that they "do not document their activities because there are no TSA policies and procedures requiring them to do so. I know all Members would agree that this is a problem.

Unfortunately, lack of transparency and accountability are common themes in TSA's procurement history. Former DHS IG Kent Ervin has said that "TSA is rapidly becoming the poster child for contracting dysfunction." Citizens Against Government Waste, which has endorsed this amendment, said in a letter to my office that "TSA has a record of wasteful spending and mismanagement in its acquisition process and a continued exemption will only lead to more abuse." I think we would be remiss in our oversight responsibilities if we did not repeal these exemptions. TSA should not be policing itself.

I am not alone with these concerns. Just ask the Professional Services Council, the Nation's largest trade association representing Government contractors. In a letter to sent to my office yesterday, the PSC stated that my amendment will "increase competition, expand opportunities for small businesses, provide greater accountability and transparency in their procurement process." This judgment comes from the association representing the contractors that do business with TSA.

Last year, TSA sent a letter to my office saying that it follows the FAR as a general rule but that its exemption "benefits taxpayers." Amazingly, TSA criticized the FAR's requirement that Federal agencies consider all interested companies in the bidding process, saying that "negatively impacts the limited resources of the government." It is hard to see how taxpayers benefit when an agency has the ability to opt out of the competitive bidding process at its choosing. The Army, Marines, Navy, Air Force, none of these agencies can simply decide to opt out of the FAR unless they meet the criteria for an exemption which is already provided for under the law.

This legislation is simple: apply the same rules to TSA that every other agency has to follow. There is no legitimate reason to maintain these exemptions—not for efficiency, not for national security. If it is good enough for the Department of Defense, it is good enough for TSA.

I look forward to working with Senator SNOWE and Representative CARNEY to pass this important legislation.

By Mr. KOHL (for himself, Mr. SANDERS, Mrs. MCCASKILL, Mr. DURBIN, and Mr. SMITH):

S. 1925. A bill to amend the Truth in Lending Act, to prevent credit card issuers from taking unfair advantage of college students and their parents, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr. President, I rise today to introduce the Student Credit Card Protection Act of 2007 with my colleagues Senators SMITH, MCCASKILL, SANDERS, and DURBIN. This legislation will help prevent college students from compiling massive credit card debt while in school.

College students have become the target of credit card companies advertising campaigns over the past 15 years. Many universities allow credit card companies to set up tables on campus and offer students free gifts in exchange for filling out a credit card application. Additionally, students receive card solicitations through mail to their on-campus mailbox or at their home address even before they arrive at the university in the fall. These aggressive marketing strategies have worked and now close to 96 percent of college graduates hold a credit card, compared to 1994, when only half had one. The average college student graduates with close to $3,000 in credit card debt, double the amount in 1994. In some very extreme cases, students are leaving school with multiple credit cards and debts amounting upwards of $10,000.

Credit card debt can make it harder for graduates to rent an apartment, receive a car loan, or obtain a job after college. Due to the lack of financial education and complicated terms and conditions, many students find themselves in over their heads. The Student Credit Card Protection Act will help students avoid large credit card debt while forcing issuers to make more responsible loans. The bill requires credit card issuers to verify annual income of a full-time student and then extends a line of credit based on the income. For a student without a verifiable income, a parent, legal guardian or spouse must co-sign the credit card and approve any increase in the credit limit. These simple underwriting requirements will make it more difficult for credit card companies to approve loans that are beyond a students' ability to repay and return to a more responsible lending policy.

It is imperative that we help minimize the amount of debt young consumers incur before entering into the workforce. On average, a student with a bachelors degree will leave school with $18,000 in student loan debt. Paying for housing, healthcare, and student loans already place a financial strain on a recent college graduate. A huge credit card payment on top of all card of the other bills can lead to financial ruin before young people even have a chance to get on their feet. This bill gives students the protection they deserve from irresponsible lending that can trap them in years of crushing debt repayment.

By Mr. DODD (for himself and Mr. HAGEL):

S. 1926. A bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise to introduce bipartisan legislation with my colleague from Nebraska, Senator HAGEL. The bill addresses an issue of paramount importance to our country and its quality of life: the deteriorating condition of our infrastructure systems.

I do not believe there is one person present in this chamber, funding myself, who has not taken our Nation's infrastructure systems for granted at some point. Indeed, our roads, bridges, mass transit systems, drinking water systems, wastewater systems, and public housing properties, collectively comprise the overlooked but critically important adhesive that holds our society together. These systems allow for the continuous passage of people and goods across the country; they allow people to communicate with each other here and around the world; they allow business and Government to function; and they allow goods to be consumed and services to be rendered. All in all, our infrastructure systems are directly responsible for providing the high quality of life that we Americans have come to enjoy in a free society.

Yet, it is precisely because we have taken our infrastructure systems for granted that we find ourselves in a precarious position today concerning their future viability. One does not have to look far to comprehend the extensive problems plaguing many of our infrastructure systems and facilities.

According to the American Society of Civil Engineers in their seminal 2005 Infrastructure Report Card, the current condition of our Nation's major infrastructure systems earns a grade point average of D and jeopardizes the prosperity and quality of life of all Americans.

According to the Federal Highway Administration, 33 percent of all urban and rural roads are in poor, mediocre or fair condition. 27.1 percent of all bridges are structurally deficient or functionally obsolete. Data from the Federal Transit Administration shows our mass transit systems are becoming increasingly unable to handle the growing demands passengers in a safe and efficient manner. According to the Texas Transportation Institute, the average traveler is delayed 51.5 hours annually due to traffic and infrastructure-related congestion in the Nation's 20 largest metropolitan areas. The delays range from 93 hours in Los Angeles to 14 hours in Pittsburgh. Combined, these delays waste 1.78 billion gallons of fuel each year and waste almost $50.3 billion in congestion costs.

Furthermore, the average delay in these metropolitan areas has increased by almost 35.3 hours since 1982.

A significant percentage of our Nation's drinking water and wastewater systems are obsolete; the average age of these systems range in age from 50 years in smaller cities to 100 years in larger cities. Finally, the Department of Housing and Urban Development reports there are 1.2 million units of public housing with critical capital needs totaling $18 billion. Clearly, these statistics are alarming and they are not getting any better.

In their Infrastructure Report Card, the American Society of Civil Engineers estimates that $1.6 trillion is needed over a 5-year period to bring our Nation's infrastructure systems to a good condition.

Regrettably, our current infrastructure financing mechanisms, such as formula grants and earmarks, are not equipped by themselves to absorb this cost or meet fully these growing needs. They largely do not address capacity-building infrastructure projects of regional or national significance; they largely do not encourage an appropriate pooling of Federal, State, local and private resources; and they largely do not provide transparency to ensure the optimal return on public resources.

This is why I rise with my colleague from Nebraska today. We are introducing the National Infrastructure Bank Act of 2007, a bipartisan measure that addresses the critical needs of our Nation's major infrastructure systems. Our legislation establishes a new method through which the Federal Government can finance infrastructure projects of substantial regional or national significance more effectively with public and private capital.

Our legislation establishes the National Infrastructure Bank, which, as an independent entity of the Government, is tasked with evaluating and financing capacity-building infrastructure projects of substantial regional and national significance. Infrastructure projects that come under the bank's consideration are publicly-owned mass transit systems, housing properties, roads, bridges, drinking water systems, and wastewater systems.

Modeled after the Federal Deposit Insurance Corporation, the bank is led by a 5 member Board of Directors, each whom are appointed by the Prsident and confirmed by the Senate. The bank's board has flexibility to develop an organization of professional civil service staff to carry out the bank's authorized activities. An Inspector General oversees the bank's daily operations and reports on those operations to Congress.

Infrastructure projects with a potential Federal investment of at least $75 million are brought to the bank's attention by a project sponsor, State, locality, tribe, infrastructure agency, e.g. transit agency, a consortium of these entities. To determine a level of Federal investment, the bank uses a sliding-scale method that incorporates conditions such as the type of infrastructure system or systems, project location, project cost, current and projected usage, non-Federal revenue, regional or national significance, promotion of economic growth and community development, reduction in traffic congestion, environmental benefits, land use policies that promote smart growth, and mobility improvements.

Once a level of investment is determined for a project, the bank develops a financing package with full faith and credit from the government. The financing package could include direct subsidies, direct loan guarantees, long-term tax-credit general purpose bonds, and long-term tax-credit infrastructure project specific bonds. The initial ceiling to issue bonds is $60 billion.

The bank is tasked to report annually to Congress on the projects it reviews and finances. A public database is created to catalog what projects were funded and what financing packages were provided. The bank is also tasked to report every 3 years on the economic efficacy and transparency of all current Federal infrastructure financing methods, and how those methods could be improved. After 5 years, the Government Accountability Office would be tasked with evaluating the bank's operations and efficacy.

It is important to note that our legislation does not displace or supplant any existing infrastructure finance mechanisms, such as formula grants and earmarks. Instead, the bank targets large-scale projects that are currently underserved by these existing financing mechanisms.

I would like to take a moment to thank the Centers for Strategic and International Studies, CSIS, and the work undertaken by Dr. John Hamre in infrastucture finance. CSIS, Ambassador Felix Rohatyn, and former Senator Warren Rudman have provided valuable assistance and support in the development of our legislation.

I would also like to thank the American Society of Civil Engineers and the National Construction Alliance for their support of our bill.

It is my intent to take up this legislation in the Banking Committee after the August recess. This is an issue that cannot be neglected or deferred any further. Restoring our Nation's infrastructure demands our immediate attention and commitment in the Senate. The quality of life in our country hangs in the balance.

I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Infrastructure Bank Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Authorization of appropriations.

TITLE I—NATIONAL INFRASTRUCTURE BANK

Sec. 101. Establishment of Bank.
Sec. 102. Management of Bank.
Sec. 103. Staff and personnel matters.

TITLE II—POWERS AND DUTIES OF THE BANK

Sec. 201. Powers of the Bank Board.
Sec. 202. Qualified infrastructure project ratings.
Sec. 203. Development of financing package.
Sec. 204. Coupon notes for holders of infrastructure bonds.
Sec. 205. Exemption from local taxation.

TITLE III—STUDIES AND REPORTS

Sec. 301. Report; database.
Sec. 302. Study and report on infrastructure financing mechanisms.
Sec. 303. GAO report.

SEC. 2. FINDINGS.

Congress finds that—

(1) according to the American Society of Civil Engineers, the current condition of the infrastructure of the United States earns a grade point average of D and jeopardizes the prosperity and quality of life of the citizens of the United States;

(2) according to the Federal Transit Administration—

(A) approximately $15,800,000,000 must be expended each year for a period of not less than 20 years to maintain the operational capacity of the transit systems of the United States; and

(B) approximately $21,800,000,000 must be expended each year for a period of not less than 20 years to improve the operational capacity of the transit systems of the United States to meet the growing demands of passengers in a safe and adequate manner;

(3) according to the Millennial Housing Commission, there remains a critical shortage of affordable public housing for extreme low-income individuals;

(4) there are over 1,200,000 units of public housing nationwide, with an accumulated capital needs backlog of approximately $18,000,000,000, with an additional $2,000,000,000 accruing each year;

(5) according to the Federal Highway Administration—

(A) 33 percent of all urban and rural roads in the United States are in poor, mediocre, or fair condition;

(B) approximately $131,700,000,000 must be expended each year for a period of not less than 20 years to improve the conditions of those urban and rural roads;

(C) 27.1 percent of all bridges in the United States are—

(i) structurally deficient; or

(ii) functionally obsolete; and

(D) approximately $9,400,000,000 must be expended each year for a period of not less than 20 years to eliminate the deficiencies of those bridges;

(6) according to the Environmental Protection Agency—

(A) $151,000,000,000 must be expended during the next 20 years to make necessary repairs, replacements, and upgrades to the approximately 55,000 community drinking water systems of the United States; and

(B) approximately $390,000,000,000 must be expended during the next 20 years to eliminate the deficiencies of the wastewater systems of the United States;

(7) the infrastructure financing mechanisms of the United States do not adequately—

(A) address infrastructure projects of regional or national significance;

(B) encourage an appropriate pooling of Federal, State, local, and private resources; or

(C) provide transparency to ensure the optimal return on public resources;

(8) there are no Federal financing notes, credits, or bonds which allow investors to fund only infrastructure projects;

(9) there is a need to involve pension funds and other private investors who want to invest in infrastructure, but to whom tax credits have no value; and

(10) there are no federally guaranteed investment notes of greater than 30 years in duration, whereas many federally funded assets are of durations much longer than 30 years.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) BANK.—The term "Bank" means the "National Infrastructure Bank" established under section 101.

(2) BOARD.—The term "Board" means the board of directors of the Bank, established under section 102.

(3) CHAIRPERSON; VICE CHAIRPERSON.—The terms "Chairperson" and "Vice Chairperson" mean the Chairperson and Vice Chairperson of the Board, respectively.

(4) FINANCING MECHANISM.—

(A) IN GENERAL.—The term "financing mechanism" means a method used by the Bank to pledge the full faith and credit of the United States to provide money, credit, or other capital to a qualified infrastructure project.

(B) INCLUSIONS.—The term "financing mechanism" includes—

(i) a direct subsidy;

(ii) a general purpose infrastructure bond; and

(iii) a project-based infrastructure bond.

(5) FINANCING PACKAGE.—The term "financing package" means 1 or more financing mechanisms used by the Bank to meet the Federal commitment for a qualified infrastructure project.

(6) GENERAL PURPOSE INFRASTRUCTURE BOND.—The term "general purpose infrastructure bond" means a bond issued as part of an issue in accordance with this Act, if—

(A) the net spendable proceeds from the sale of the issue may be used for expenditures incurred after the date of issuance with respect to any qualified infrastructure project or purpose, subject to the rules of the Bank;

(B) the bond is issued by the Bank, is in registered form, and meets the requirements of this Act and otherwise applicable law;

(C) the term of each bond which is part of the issue is greater than 30 years; and

(D) the payment of principal with respect to the bond is the obligation of the Bank.

(7) INFRASTRUCTURE PROJECT.—

(A) IN GENERAL.—The term "infrastructure project" means the building, improvement, or increase in capacity of a basic installation, facility, asset, or stock that is associated with—

(i) a mass transit system that meets the criteria in subparagraph (B);

(ii) a public housing property that is eligible to receive funding under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) and that meets the criteria in subparagraph (B);

(iii) a road or bridge that meets the criteria in subparagraph (B); or

(iv) a drinking water system or a wastewater system that meets the criteria in subparagraph (B).

(B) CRITERIA.—A project described in any of clauses (i) through (iv) of subparagraph (A) meets the criteria of this subparagraph if it serves any one or more of the objectives identified in paragraphs (1) through (9) of section 101(c) of the Housing and Community Development Act of 1974 (42 U.S.C. 5301(c)).

(8) PROJECT-BASED INFRASTRUCTURE BOND.—The term "project-based infrastructure bond" means any bond issued as part of an issue, if—

(A) the net spendable proceeds from the sale of the issue are to be used for expenditures incurred after the date of issuance only with respect to the qualified infrastructure project for which the bond is issued;

(B) the bond is issued by the Bank, meets the requirements of section 149(a) of title 26, United States Code, for registration, and otherwise meets the requirements of this Act and other applicable law;

(C) the term of each bond which is part of the issue is equal to the useful life of the qualified infrastructure project funded through use of the bond; and

(D) the payment of principal with respect to the bond is the obligation of the Bank.

(9) PUBLIC HOUSING AGENCY.—The term "public housing agency" means an agency described in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)).

(10) PUBLIC SPONSOR.—The term "public sponsor" includes a State or local government, an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), a public transit agency, public housing agency, a public infrastructure agency, or a consortium of those entities, including a public entity that has partnered with a private nonprofit or for-profit entity.

(11) QUALIFIED INFRASTRUCTURE PROJECT.—The term "qualified infrastructure project" means an infrastructure project designated by the Board as a qualified infrastructure project in accordance with section 202.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Until such time as the Bank has received funds from the issuance of bonds sufficient to carry out this Act and the administration of the Bank, there are authorized to be appropriated to the Bank, such sums as may be necessary for such purposes, to remain available until expended.

TITLE I—NATIONAL INFRASTRUCTURE BANK

SEC. 101. ESTABLISHMENT OF BANK.

There is established the "National Infrastructure Bank", which shall be an independent establishment of the Federal Government, as defined in section 104 of title 5, United States Code.

SEC. 102. MANAGEMENT OF BANK.

(a) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The management of the Bank shall be vested in a Board of Directors consisting of 5 members, appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States.

(2) MEMBER EXPERTISE.—Not fewer than 1 member of the Board shall have demonstrated expertise in—

(A) transit infrastructure;

(B) public housing infrastructure;

(C) road and bridge infrastructure;

(D) water infrastructure; or

(E) public finance.

(3) POLITICAL AFFILIATION.—Section 2(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1812(a)(2) shall apply to members of the Board of Directors of the Bank in the same manner as it applies to the Board of Directors of the Federal Deposit Insurance Corporation.

(4) MEETINGS.—The Board shall meet not later than 90 days after the date on which all directors of the Board are first appointed, and otherwise at the call of the Chairperson.

(5) DATE OF APPOINTMENTS.—The initial nominations to the Board shall be made not later than 60 days after the date of enactment of this Act.

(b) CHAIRPERSON AND VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the Board shall be appointed and shall serve in the same manner as is provided for members of the Federal Deposit Insurance Corporation under section 2(b) of the Federal Deposit Insurance Act (12 U.S.C. 1812(b)).

(c) TERMS.—

(1) APPOINTED MEMBERS.—Except as provided in paragraph (2), each member of the Board shall be appointed for a term of 6 years.

(2) INITIAL STAGGERED TERMS.—Of the initial members of the Board—

(A) the Chairperson and Vice Chairperson shall be appointed for a term of 6 years;

(B) 1 member shall be appointed for a term of 5 years;

(C) 1 member shall be appointed for a term of 4 years; and

(D) 1 member shall be appointed for a term of 3 years.

(3) INTERIM APPOINTMENTS.—Any member of the Board appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

(4) CONTINUATION OF SERVICE.—The Chairperson, Vice Chairperson, and each other member of the Board may continue to serve after the expiration of the term of office to which such member was appointed, until a successor has been appointed.

(d) VACANCY.—Any vacancy on the Board shall be filled in the manner in which the original appointment was made.

(e) INELIGIBILITY FOR OTHER OFFICES.—

(1) RESTRICTION DURING SERVICE.—No member of the Board may, during service on the Board—

(A) be an officer or director of, or otherwise be employed by, any entity engaged in or otherwise associated with an infrastructure project assisted or considered under this Act;

(B) hold stock in any such entity; or

(C) hold any other elected or appointed public office.

(2) POST SERVICE RESTRICTION.—

(A) IN GENERAL.—No member of the Board may hold any office, position, or employment in any entity engaged in or otherwise associated with an infrastructure project assisted under this Act during the 2-year period beginning on the date on which such member ceases to serve on the Board.

(B) EXCEPTION FOR MEMBERS WHO SERVE FULL TERM.—The limitation contained in subparagraph (A) does not apply to any member who has ceased to serve on the Board after serving the full term for which such member was appointed.

(3) CERTIFICATION.—Upon taking office, each member of the Board shall certify under oath that such member has complied with this subsection, and such certification shall be filed with the secretary of the Board.

SEC. 103. STAFF AND PERSONNEL MATTERS.

(a) EXECUTIVE DIRECTOR.—

(1) IN GENERAL.—The Chairperson may appoint and terminate, and fix the compensation of, an executive director of the Bank, in accordance with title 5, United States Code.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Board.

(3) QUALIFICATIONS OF EXECUTIVE DIRECTOR.—An individual appointed as the executive director under paragraph (1) shall have demonstrated expertise in—

(A) transit infrastructure;

(B) public housing infrastructure;

(C) road and bridge infrastructure;

(D) water infrastructure; or

(E) public finance.

(b) OTHER PERSONNEL.—The Board may appoint and terminate, and fix the compensation of, in accordance with title 5, United States Code, such personnel as are necessary to enable the Bank to perform the duties of the Bank.

(c) INSPECTOR GENERAL.—

(1) IN GENERAL.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1), by inserting "the Chairperson of the National Infrastructure Bank;" after "the Chairperson of the Federal Deposit Insurance Corporation;"; and

(B) in paragraph (2), by inserting "the National Infrastructure Bank;" after "the Federal Deposit Insurance Corporation;".

(2) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Inspector General of the Federal Deposit Insurance Corporation, the following:

"Inspector General, National Infrastructure Bank.".

(d) SUPPORT FROM OTHER AGENCIES.—The head of any other Federal agency may detail employees to the Bank for purposes of carrying out the duties of the Bank.

(e) COMPENSATION OF BOARD MEMBERS.—

(1) CHAIRPERSON.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation, the following:

"Chairperson, Board of Directors, National Infrastructure Bank.".

(2) OTHER MEMBERS.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Inspector General of the Federal Deposit Insurance Corporation, the following:

"Member, Board of Directors of the National Infrastructure Bank.".

TITLE II—POWERS AND DUTIES OF THE BANK

SEC. 201. POWERS OF THE BANK BOARD.

(a) HEARINGS.—The Board may, in carrying out this Act—

(1) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths, as the Board considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials, as the Board considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—A subpoena issued under subsection (a) shall—

(A) bear the signature of the Chairperson and a majority of the members of the Board; and

(B) be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a)(2), the United States district court for the district in which the subpoenaed person resides, is served, or may be found may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence.

(3) NONCOMPLIANCE.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

(c) WITNESS ALLOWANCES AND FEES.—

(1) IN GENERAL.—Section 1821 of title 28, United States Code, shall apply to a witness requested or subpoenaed to appear at a hearing of the Board.

(2) EXPENSES.—The per diem and mileage allowances for a witness shall be paid from funds available to pay the expenses of the Board.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Board may, upon request, secure directly from a Federal agency, such information as the Board considers necessary to carry out this Act, and the head of such agency shall promptly respond to any such request for the provision of information.

(e) INCORPORATION OF FEDERAL TRANSIT PROCESSES FOR BOARD STATEMENTS.—Section 5334(l) of title 49, United States Code, as added by section 3032 of the Federal Public Transportation Act of 2005 (Public Law 109-59, 119 Stat. 1627), shall apply to statements of the Board in the same manner and to the same extent as that section applies to statements of the Administrator of the Federal Transit Administration.

SEC. 202. QUALIFIED INFRASTRUCTURE PROJECT RATINGS.

(a) IN GENERAL.—The Bank shall, upon application and otherwise in accordance with this section, designate infrastructure projects as qualified projects for purposes of assistance under this Act.

(b) APPLICANTS.—The Bank shall accept applications for the designation of qualified infrastructure projects under this section from among public sponsors, for any infrastructure project having—

(1) a potential Federal commitment of an amount that is not less than $75,000,000;

(2) a public sponsor; and

(3) regional or national significance.

(c) GUIDELINES FOR DEVELOPING PROJECTS.—The Secretary shall establish guidelines to assist grant recipients under this title to develop applications for funding under this section. The guidelines shall include the objectives listed in paragraphs (2) and (3) of section 105(e) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(e)).

(d) RATINGS.—In making a determination as to a designation of a qualified infrastructure project, the Board shall evaluate and rate each applicant based on the factors appropriate for that type of infrastructure project, which shall include—

(1) for any transit project—

(A) regional or national significance;

(B) promotion of economic growth;

(C) reduction in traffic congestion;

(D) environmental benefits, including reduction in pollution from reduced use of automobiles from direct trip reduction and indirect trip reduction through land use and density changes;

(E) urban land use policies, including those that promote smart growth; and

(F) mobility improvements;

(2) for any public housing project—

(A) regional or national significance;

(B) promotion of economic growth;

(C) improvement of the physical shape and layout of public housing;

(D) environmental improvement;

(E) urban land use policies, including those that promote smart growth;

(F) reduction of poverty concentration;

(G) mobility improvements for residents; and

(H) establishment of positive incentives for resident self-sufficiency and comprehensive services that empower residents;

(3) for any highway, bridge, or road project—

(A) regional or national significance;

(B) promotion of economic growth;

(C) reduction in traffic congestion;

(D) environmental improvement;

(E) urban land use policies, including those that promote smart growth; and

(F) mobility improvements; and

(4) for any water project—

(A) regional or national significance;

(B) promotion of economic growth;

(C) health benefits from the associated projects, including health care cost reduction due to removal of pollutants; and

(D) environmental benefits.

(e) DETERMINATION AMONG PROJECTS OF DIFFERENT INFRASTRUCTURE TYPES.—The Bank shall establish, by rule, comprehensive criteria for allocating qualified status among different types of infrastructure projects for purposes of this Act—

(1) including—

(A) a full view of the project benefits, as compared to project costs;

(B) a preference for projects that have national or substantial regional impact;

(C) a preference for projects which leverage private financing, including public-private partnerships, for either the explicit cost of the project or for enhancements which increase the benefits of the project;

(D) an understanding of the importance of balanced investment in various types of infrastructure, as emphasized in the current allocation of Federal resources between modes; and

(E) an understanding of the importance of diverse investment in infrastructure in all regions of the country; and

(2) that do not eliminate any project based on size, but rather allow for selection of the projects that are most meritorious.

(f) PROCESS AND PERSONNEL FOR CREATING RATINGS PROCESS.—

(1) IN GENERAL.—The ratings processes described in this section shall be subject to Federal notice and rulemaking procedures.

(2) PARTICIPATION BY OTHER AGENCY PERSONNEL.—The ratings, and development of the ratings process, shall be conducted by personnel on detail to the Bank from the Department of Transportation, the Department of Housing and Urban Development, the United States Army Corps of Engineers, and other relevant departments and agencies from among individuals who are familiar with and experienced in the selection criteria for competitive projects. The Bank shall reimburse those departments and agencies for the staff which are on detail to the Bank.

(g) COMPLIANCE WITH OTHER APPLICABLE LAW.—Projects receiving financial assistance from the Bank under this section shall comply with applicable provisions of Federal law and regulations, including—

(1) for transit, requirements that would apply to a project receiving funding under section 5307 of title 49, United States Code;

(2) for public housing, requirements that would apply to a project receiving funding from a grant under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v);

(3) for roads and bridges, requirements that would apply to a project that receives funds apportioned under section 104(b)(3) of title 23, United States Code; and

(4) for water, requirements that would apply to a project that receives funds through a grant or loan under—

(A) section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303);

(B) section 1452 of the Public Health Service Act (42 U.S.C. 300j-12); or

(C) section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381), as that section applied before the beginning of fiscal year 1995.

(h) AUTHORITY TO DETERMINE FUNDING.—Notwithstanding any other provision of law, the Bank shall determine the appropriate Federal share of funds for each project described in subsection (g) for purposes of this Act.

SEC. 203. DEVELOPMENT OF FINANCING PACKAGE.

(a) IN GENERAL.—Not later than 60 days after the date on which the Board determines appropriate financing packages for qualified infrastructure projects under section 202, the Board shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) FINANCING PACKAGES.—The Board is authorized—

(1) to act as a centralized entity to provide financing for qualified infrastructure projects;

(2) to issue general purpose infrastructure bonds, and to provide direct subsidies to qualified infrastructure projects from amounts made available from the issuance of such bonds;

(3) to issue project-based infrastructure bonds for the financing of specific qualified infrastructure projects;

(4) to provide loan guarantees to State or local governments issuing debt to finance qualified infrastructure projects, under rules prescribed by the Board, in a manner similar to that described in chapter 6 of title 23, United States Code;

(5) to issue loans, at varying interest rates, including very low interest rates, to qualified project sponsors for qualified projects;

(6) to leverage resources and stimulate public and private investment in infrastructure; and

(7) to encourage States to create additional opportunities for the financing of infrastructure projects.

(c) GENERAL PURPOSE AND INFRASTRUCTURE BONDS.—General purpose and project-based infrastructure bonds issued by the Bank under this Act shall be subject to such terms and limitations as may be established by rules of the Bank, in consultation with the Secretary of the Treasury.

(d) BOND OBLIGATION LIMIT.—The aggregate outstanding amount of all bonds authorized to be issued under this Act may not exceed $60,000,000,000.

(e) FULL FAITH AND CREDIT.—Any obligation issued by the Bank under this Act shall be an obligation supported by the full faith and credit of the United States.

(f) LIMITATION ON FUNDS FROM BOND ISSUANCE.—Not more than 1 percent of funds resulting from the issuance of bonds under this Act may be used to fund the operations of the Bank.

SEC. 204. COUPON NOTES FOR HOLDERS OF INFRASTRUCTURE BONDS.

(a) ISSUANCE OF COUPON NOTES.—Under regulations prescribed by the Bank, in consultation with the Secretary of the Treasury, there may be a separation (including at issuance) of the ownership of an infrastructure bond and the entitlement to the interest with respect to such bond (in this section referred to as a "coupon note"). In case of any such separation, such interest shall be allowed to the person who on the payment date holds the instrument evidencing the entitlement to the interest, and not to the holder of the bond.

(b) REDEMPTION OF COUPON NOTES.—A coupon note may be used by the owner thereof for the purpose of making any payment to the Federal Government, and shall be accepted for such purpose by the Secretary of the Treasury, subject to rules issued by the Bank, in consultation with the Secretary of the Treasury.

SEC. 205. EXEMPTION FROM LOCAL TAXATION.

Bonds and other obligations issued by the Bank, and the interest on or credits with respect to its bonds or other obligations, shall not be subject to taxation by any State, county, municipality, or local taxing authority.

TITLE III—STUDIES AND REPORTS

SEC. 301. REPORT; DATABASE.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the activities of the Board, for the fiscal year covered by the report, relating to—

(1) the evaluations of qualified infrastructure projects under section 202; and

(2) the financing packages of qualified infrastructure projects under section 203.

(b) DATABASE.—The Bank shall develop, maintain, and update a publicly-accessible database that contains—

(1) a description of each qualified infrastructure project that receives funding from the Bank under this Act—

(A) by project mode or modes;

(B) by project location;

(C) by project sponsor or sponsors; and

(D) by project total cost;

(2) the amount of funding that each qualified infrastructure project receives from the Bank under this Act; and

(3) the form of financing that each qualified infrastructure project receives from the Bank under section 203.

SEC. 302. STUDY AND REPORT ON INFRASTRUCTURE FINANCING MECHANISMS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 3 years thereafter, the Board shall conduct a study evaluating the effectiveness of each Federal financing mechanism that is used to support an infrastructure system of the United States.

(b) REQUIREMENTS.—A study conducted under subsection (a) shall—

(1) evaluate the economic efficacy and transparency of each financing mechanism used by—

(A) the Bank to fund qualified infrastructure projects; and

(B) each agency and department of the Federal Government to support infrastructure systems, including—

(i) infrastructure formula funding;

(ii) user fees; and

(iii) modal taxes; and

(2) contain recommendations for improving each funding mechanism evaluated under subparagraphs (A) and (B) of paragraph (1) to increase the economic efficacy and transparency of the Bank, and each agency and department of the Federal Government, to finance infrastructure projects in the United States.

(c) REPORT.—Not later than 30 days after the date on which the Board completes the study conducted under subsection (a), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, a report containing each evaluation and recommendation contained in the study.

SEC. 303. GAO REPORT.

Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, a report evaluating the activities of the Bank for the fiscal years covered by the report, including—

(1) the evaluations of qualified infrastructure projects under section 202; and

(2) the financing packages of qualified infrastructure projects under section 203.

CENTER FOR STRATEGIC &
INTERNATIONAL STUDIES,
Washington, DC, August 1, 2007.

Hon. CHRISTOPHER J. DODD,
Hon. CHUCK HAGEL,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD AND SENATOR HAGEL: I am writing to commend you for your leadership in helping to restore America's deteriorating physical infrastructure. You both have demonstrated great foresight and vision in leading on this important issue.

Three years ago, the Center for Strategic and International Studies launched a study effort under the leadership of former Ambassador Felix Rohatyn and former Senator Warren Rudman. The CSIS Commission on Public Infrastructure issued a declaration of guiding principles for the revitalization of our infrastructure. We were proud that you joined in that declaration. Signatories included senators, governors, and business leaders, all recognizing the need for action.

You have acted. While CSIS cannot endorse specific legislation, we can congratulate you as leaders. From the very first days of our republic, our national leaders saw the need for public investment in productive infrastructure. Public investment produced wealth-generating private sector activity, paying back the public investment many times over.

The commission also called for infrastructure investments made through a rigorous cost-benefit process. Too much public investment in recent years has been earmarked for projects that have not gone through an analytic justification. Your leadership here is also most welcome.

I travel extensively and see how infrastructure investments are transforming the developing world. Faced by this competition, America needs to make public infrastructure a comparable priority as a national re-investment to ensure our future prosperity.

Thank you for your leadership. This is the kind of vision that built America to greatness in the past and will be our path to prosperity in the future.

Sincerely,

JOHN J. HAMRE,
President and CEO.

AUGUST 1, 2007.

As co-chairmen of the CSIS Commission on Public Infrastructure, we strongly support the National Infrastructure Bank Act of 2007.

Introduced by Senators CHRIS DODD and CHUCK HAGEL, this bipartisan legislation will reverse decades of shortchanging our infrastructure and help restructure the federal role by allocating costs and financing more fairly and rationally. The legislation also will help ensure that infrastructure spending is unencumbered by political interference that neglects regional and national priorities. The Act will establish a policy structure for making infrastructure investments that meet our country's critical needs.

The Infrastructure Bank Act will stimulate new, long-term investments in infrastructure that will increase national productivity and improve our standard of living. The proposed Infrastructure Bank Act also will increase the ability of the private sector to play a central role in infrastructure provision and will report on the economic efficacy and transparency of all current federal financing methods. We urge that it be passed into law.

ASCE,
AMERICAN SOCIETY OF CIVIL ENGINEERS,
Washington, DC, August 1, 2007.
Hon. CHRISTOPHER J. DODD,
Hon. CHUCK HAGEL,
Washington, DC.

DEAR SENATOR DODD, SENATOR HAGEL: I am writing on behalf of the more than 140,000 members of the American Society of Civil Engineers (ASCE) to applaud your joint sponsorship of the National Infrastructure Bank Act of 2007. This legislation is a major step forward in providing meaningful financial assistance to the nation's failing infrastructure.

As you know, ASCE concluded in our 2005 Report Card for America's Infrastructure that the nation's infrastructure deserved an overall grade of "D." We said then that America's aging and overburdened infrastructure threatens the economy and quality of life in every state, city, and town in the nation. In addition, we estimated that it will take an investment of $1.6 trillion over a five-year period to bring the nation's existing infrastructure into good working order. Little of significance has changed in the two years since we issued that dismal grade, and establishing a long-term development and maintenance plan remains a pressing national priority.

In creating the National Infrastructure Bank to evaluate and finance "capacity-building" infrastructure projects of substantial regional and national significance, the bill would prime the pump to begin meeting the staggering investment needs for our infrastructure. We believe the National Infrastructure Bank Act of 2007 will begin the process of replacing and maintaining economically vital infrastructure systems across the nation. This nation cannot afford to wait much longer to invest significant sums in its infrastructure, and your bill will lead the way.

Please do not hesitate to contact Brian Pallasch, ASCE Director of Government Relations, or Michael Charles, Senior Manager of Government Relations, of our Washington office if we can be of any assistance in passing this important legislation.

Sincerely yours,
PATRICK J. NATALE, P.E., F.ASCE,
Executive Director.

NATIONAL CONSTRUCTION ALLIANCE,
Washington, DC, July 27, 2007.
Hon. CHRISTOPHER J. DODD,
Hon. CHUCK HAGEL,
U.S. Senate Washington, DC.

DEAR SENATORS DODD AND HAGEL: The National Construction Alliance represents three of the largest construction unions, the Laborers' International Union of North America, the International Union of Operating Engineers, and the United Brotherhood of Carpenters and Joiners of America, representing over 1.7 million members.

We want to go on record in support of your National Infrastructure Bank Act of 2007.

We fully understand the need and responsibility we have to our nation and to our members to find a way to fund substantial regional and significant national infrastructure projects.

We look forward to working with you and your colleagues in making the Dodd/Hagel National Infrastructure Bank Act of 2007 a permanent part of the solution to funding our nation's most important infrastructure projects.

Sincerely,
RAYMOND J. POUPORE,
Executive Vice President.

GOLDMAN, SACHS & CO.
New York, New York, July 27, 2007.
Hon. CHRISTOPHER J. DODD,
Hon. CHUCK HAGEL,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN DODD AND SENATOR HAGEL: Thank you for the opportunity to review your proposed National Infrastructure Bank Act of 2007. Goldman Sachs shares your concern about our nation's aging infrastructure and its negative effects on our economy and our environment, and we strongly agree with you about the need to encourage additional infrastructure investment. We believe enactment of your legislation would help spur significant new investment in this area and thereby help address this urgent national problem.

We support the National Infrastructure Bank Act of 2007 and thank you for your leadership on this critical issue.

Sincerely,
TRACY R. WOLSTENCROFT.

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION,
Washington DC, August 1, 2007.
Hon. CHRISTOPHER DODD,
Hon. CHUCK HAGEL,
U.S. Senate,
Washington, DC.

DEAR SENATORS DODD AND HAGEL: On behalf of the more than 1,500 member organizations of the American Public Transportation Association (APTA), I want to applaud your proposal to create a National Infrastructure Bank. As we look to the future, high-quality public transportation service must be available to more Americans and in more communities. Public transportation helps to reduce congestion and increases mobility. Transit also significantly reduces energy consumption, saving more than 1.4 billion gallons of gasoline every year. Americans are choosing to ride transit in record numbers, taking more than 10.1 billion trips in 2006. Unfortunately, only 54 percent of households have access to transit of any kind as they plan their daily travel.

Much of the success of public transportation is due to federal investment in public transportation infrastructure, and the creation of a National Infrastructure Bank would extend valuable new federal resources to transit investment. The innovative financing and investment tools of a National Infrastructure Bank would aid the development and expansion of fixed guideway systems. These major projects require significant investments, but they are crucial to attracting new riders. Federal support for new starts has helped to finance 127 new fixed guideway systems and system extensions which have gone into service since 1995. Looking ahead, such systems are more necessary than ever to address rapidly growing levels of congestion and to meet additional demands for travel. According to an APTA survey, new capital funds are needed for some 280 projects that will add 4,044 system miles of fixed guideway transit.

If we expect our surface transportation infrastructure system to continue to provide a competitive edge for the United States, federal, state and local investment in public transportation is necessary, and new financing mechanisms like the National Infrastructure Bank must be investigated. APTA thanks you for your commitment to the further expansion of public transportation, and we look forward to working with you to advance your proposal.

Sincerely yours,
WILLIAM W. MILLAR,
President.

By Mr. MCCONNELL (for himself and Mr. BOND):

S. 1927. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes; read the first time.

Mr. MCCONNELL. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protect America Act of 2007".

SEC. 2. ADDITIONAL PROCEDURE FOR AUTHORIZING CERTAIN ACQUISITIONS OF FOREIGN INTELLIGENCE INFORMATION.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105 the following:

"CLARIFICATION OF ELECTRONIC SURVEILLANCE OF PERSONS OUTSIDE THE UNITED STATES

"SEC. 105A. Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance directed at a person reasonably believed to be located outside of the United States.

"ADDITIONAL PROCEDURE FOR AUTHORIZING CERTAIN ACQUISITIONS CONCERNING PERSONS LOCATED OUTSIDE THE UNITED STATES

"SEC. 105B. (a) Notwithstanding any other law, the Director of National Intelligence and the Attorney General, may for periods of up to one year authorize the acquisition of foreign intelligence information concerning persons reasonably believed to be outside the United States if the Director of National Intelligence and the Attorney General determine, based on the information provided to them, that—

"(1) there are reasonable procedures in place for determining that the acquisition of foreign intelligence information under this section concerns persons reasonably believed to be located outside the United States, and such procedures will be subject to review of the Court pursuant to section 105C of this Act;

"(2) the acquisition does not constitute electronic surveillance;

"(3) the acquisition involves obtaining the foreign intelligence information from or with the assistance of a communications service provider, custodian, or other person (including any officer, employee, agent, or other specified person of such service provider, custodian, or other person) who has access to communications, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

"(4) a significant purpose of the acquisition is to obtain foreign intelligence information; and

"(5) the minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h).

"This determination shall be in the form of a written certification, under oath, supported as appropriate by affidavit of appropriate officials in the national security field occupying positions appointed by the President, by and with the consent of the Senate, or the Head of any Agency of the Intelligence Community, unless immediate action by the Government is required and time does not permit the preparation of a certification. In such a case, the determination of the Director of National Intelligence and the Attorney General shall be reduced to a certification as soon as possible but in no event more than 72 hours after the determination is made.

"(b) A certification under subsection (a) is not required to identify the specific facilities, places, premises, or property at which the acquisition of foreign intelligence information will be directed.

"(c) The Attorney General shall transmit as soon as practicable under seal to the court established under section 103(a) a copy of a certification made under subsection (a). Such certification shall be maintained under security measures established by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence, and shall remain sealed unless the certification is necessary to determine the legality of the acquisition under section 105B.

"(d) An acquisition under this section may be conducted only in accordance with the certification of the Director of National Intelligence and the Attorney General, or their oral instructions if time does not permit the preparation of a certification, and the minimization procedures adopted by the Attorney General. The Director of National Intelligence and the Attorney General shall assess compliance with such procedures and shall report such assessments to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate under section 108(a).

"(e) With respect to an authorization of an acquisition under section 105B, the Director of National Intelligence and Attorney General may direct a person to—

"(1) immediately provide the Government with all information. facilities, and assistance necessary to accomplish the acquisition in such a manner as will protect the secrecy of the acquisition and produce a minimum of interference with the services that such person is providing to the target; and

"(2) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such person wishes to maintain.

"(f) The Government shall compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to subsection (e).

"(g) In the case of a failure to comply with a directive issued pursuant to subsection (e), the Attorney General may invoke the aid of the court established under section 103(a) to compel compliance with the directive. The court shall issue an order requiring the person to comply with the directive if it finds that the directive was issued in accordance with subsection (e) and is otherwise lawful. Failure to obey an order of the court may be punished by the court as contempt of court. Any process under this section may be served in any judicial district in which the person may be found.

"(h)(1)(A) A person receiving a directive issued pursuant to subsection (e) may challenge the legality of that directive by filing a petition with the pool established under section 103(e)(1).

"(B) The presiding judge designated pursuant to section 103(b) shall assign a petition filed under subparagraph (A) to one of the judges serving in the pool established by section 103(e)(1). Not later than 48 hours after the assignment of such petition, the assigned judge shall conduct an initial review of the directive. If the assigned judge determines that the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition. If the assigned judge determines the petition is not frivolous, the assigned judge shall, within 72 hours, consider the petition in accordance with the procedures established under section 103(e)(2) and provide a written statement for the record of the reasons for any determination under this subsection.

"(2) A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that such directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with such directive.

"(3) Any directive not explicitly modified or set aside under this subsection shall remain in full effect.

"(i) The Government or a person receiving a directive reviewed pursuant to subsection (h) may file a petition with the Court of Review established under section 103(b) for review of the decision issued pursuant to subsection (h) not later than 7 days after the issuance of such decision. Such court of review shall have jurisdiction to consider such petitions and shall provide for the record a written statement of the reasons for its decision. On petition for a writ of certiorari by the Government or any person receiving such directive, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

"(j) Judicial proceedings under this section shall be concluded as expeditiously as possible. The record of proceedings, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures established by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(k) All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

"(l) Notwithstanding any other law, no cause of action shall lie in any court against any person for providing any information, facilities, or assistance in accordance with a directive under this section.

"(m) A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.".

SEC. 3. SUBMISSION TO COURT REVIEW AND ASSESSMENT OF PROCEDURES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105B the following:

"SUBMISSION TO COURT REVIEW OF PROCEDURES

"SEC. 105C. (a) No later than 120 days after the effective date of this Act, the Attorney General shall submit to the Court established under section 103(a), the procedures by which the Government determines that acquisitions conducted pursuant to section 105B do not constitute electronic surveillance. The procedures submitted pursuant to this section shall be updated and submitted to the Court on an annual basis.

"(b) No later than 180 days after the effective date of this Act, the court established under section 103(a) shall assess the Government's determination under section 105B(a)(1) that those procedures are reasonably designed to ensure that acquisitions conducted pursuant to section 105B do not constitute electronic surveillance. The court's review shall be limited to whether the Government's determination is clearly erroneous.

"(c) If the court concludes that the determination is not clearly erroneous, it shall enter an order approving the continued use of such procedures. If the court concludes that the determination is clearly erroneous, it shall issue an order directing the Government to submit new procedures within 30 days or cease any acquisitions under section 105B that are implicated by the court's order.

"(d) The Government may appeal any order issued under subsection (c) to the court established under section 103(b). If such court determines that the order was properly entered, the court shall immediately provide for the record a written statement of each reason for its decision, and, on petition of the United States for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision. Any acquisitions affected by the order issued under subsection (c) of this section may continue during the pendency of any appeal, the period during which a petition for writ of certiorari may be pending, and any review by the Supreme Court of the United States.".

SEC. 4. REPORTING TO CONGRESS.

On a semi-annual basis the Attorney General shall inform the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning acquisitions under this section during the previous 6-month period. Each report made under this section shall include—

(1) a description of any incidents of non-compliance with a directive issued by the Attorney General and the Director of National Intelligence under section 105B, to include—

(A) incidents of non-compliance by an element of the Intelligence Community with guidelines or procedures established for determining that the acquisition of foreign intelligence authorized by the Attorney General and Director of National Intelligence concerns persons reasonably to be outside the United States; and

(B) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issue a directive under this section; and

(2) the number of certifications and directives issued during the reporting period.

SEC. 5. TECHNICAL AMENDMENT AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "501(f)(1)" and inserting "105B(h) or 501(f)(1)"; and

(2) in paragraph (2), by striking "501(f)(1)" and inserting "105B(h) or 501(f)(1)".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 105 the following:

"105A. Clarification of electronic surveillance of persons outside the United States.

"105B. Additional procedure for authorizing certain acquisitions concerning persons located outside the United States.

"105C. Submission to court review of procedures.".

SEC. 6. EFFECTIVE DATE; TRANSITION PROCEDURES.

(a) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this Act shall take effect immediately after the date of the enactment of this Act.

(b) TRANSITION PROCEDURES.—Notwithstanding any other provision of this Act, any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall remain in effect until the date of expiration of such order, and, at the request of the applicant, the court established under section 103 (a) of such Act (50 U.S.C. 1803(a)) shall reauthorize such order as long as the facts and circumstances continue to justify issuance of such order under the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the applicable effective date of this Act. The Government also may file new applications, and the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall enter orders granting such applications pursuant to such Act, as long as the application meets the requirements set forth under the provisions of such Act as in effect on the day before the effective date of this Act. At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)), shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act. Any surveillance conducted pursuant to an order entered under this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as in effect on the day before the effective date of this Act.

By Mr. KENNEDY (for himself, Mr. DODD, Mrs. MURRAY, Mrs. CLINTON, Mr. OBAMA, Mr. LEAHY, Mr. FEINGOLD, and Ms. CANTWELL):

S. 1928. A bill to amend section 1977A of the Revised Statutes to equalize the remedies available under that section; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues in introducing the Equal Remedies Act of 2007 to repeal the caps on the amount of damages available in employment discrimination cases under the Civil Rights Act of 1991.

This legislation will end the glaring inequality in the current Federal antidiscrimination laws. The Civil Rights Act of 1991 gave women, religious minorities, and disabled workers the right to recover compensatory and punitive damages for intentional employment discrimination, but only up to certain specified monetary limits. By contrast, victims of such discrimination on the basis of race or national origin can recover damages without such limitations, because they can bring their cases under another statute. The Equal Remedies Act will remove this inequity by eliminating the caps on such damages under current law.

The caps were included in the 1991 act as part of a compromise that the first President Bush would sign. That legislation also reversed a series of Supreme Court decisions that had rolled back other basic civil rights protections and made it more difficult for working Americans to challenge discrimination. The 1991 Act as a whole represented a significant advance in the ongoing battle to eliminate discrimination in the workplace.

But, it's long past time to end the double standard that consigns women, religious minorities, and the disabled to second-class remedies under the civil rights laws.

The caps are especially unfair, because they deny adequate remedies to the most severely injured victims of discrimination. For example, a woman who needs extensive medical treatment as a result of severe sexual harassment, such as an assault, she will be limited to receiving only partial compensation for her injury.

The goal of providing damages is to hold employers accountable and to make victims whole to the greatest extent possible for the discrimination they suffered. The current limit prevents accountability and keeps the victim from obtaining full relief.

The caps serve no justifiable purpose. They shield the worst employers from the full consequences of the most outrageous acts of discrimination. The deterrent purpose of damages fails when employers know that their liability is limited.

Take, for example, Sharon Deters and her case against Equifax Credit Information Services. Sharon suffered constant sexual taunts and insults from her coworkers. Her supervisor praised her harassers' behavior and allowed it to continue. The jury in her case was so outraged by her employer's conduct that it awarded her $1 million in punitive damages, finding that such an award was necessary to get her employer's attention and make it change its ways. The caps on damages, however, reduced Sharon's award to $300,000.

Results like that are not fair. They fail to fulfill the statutory purpose of such damages provision, which is to deter further violations. By passing the Equal Remedies Act of 2007, Congress will be affirming the basic principle of equal justice for all Americans. I urge my colleagues to join in supporting this important change.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1929. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to conduct a feasibility study of water augmentation alternatives in the Sierra Vista Subwatershed; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, today I am pleased to join with Senator MCCAIN to introduce the Sierra Vista Sub-watershed Feasibility Study Act. This important piece of legislation is designed to authorize the Secretary of the Interior to study alternatives to augment the water supplies in a critical area of southern Arizona in the Sierra Vista Sub-watershed, which is home to a congressionally protected riparian area known as the San Pedro Riparian National Conservation Area, SPRNCA, the U.S. Army Intelligence Center at Fort Huachuca, and nearly 76,000 residents.

SPRNCA, which protects nearly 43 miles of the San Pedro River, serves as a principal passage for the migration of approximately 4 million birds. It also provides crucial habitat for 100 species of birds, 81 species of mammals, 43 species of reptiles and amphibians, and two threatened species of native fish. The Nature Conservancy has called the area one of the "last great places on earth."

Fort Huachuca, which is adjacent to SPRNCA, plays a critical role in this country's national security by, among other things, training soldiers in military intelligence. It also is the largest employer in the area, contributing greatly to the economy of Cochise County and the State of Arizona.

In recent years, the Fort has done an exemplary job of implementing water conservation and recharge measures as part of its responsibilities under the Endangered Species Act. Indeed, since 1995, it has reduced its groundwater pumping by more than 50 percent.

Nevertheless, water levels in certain areas of the regional aquifer in the Sierra Vista Sub-watershed are still declining due to natural causes and development near Sierra Vista. Because SPRNCA and the fort could be negatively impacted by these declining water levels, a 2007 U.S. Bureau of Reclamation Appraisal level study concluded that augmenting the local water supply is necessary. To that end, Reclamation's study recommended several augmentation alternatives for further study, all of which are supported by the Upper San Pedro Partnership, a congressionally recognized consortium of 21 local, state, and Federal agencies and private organizations.

The legislation I am introducing today would authorize the Secretary to conduct a feasibility study of the alternatives recommended by Reclamation for further study. The legislation would also authorize appropriations for the Federal share of the study's costs. Importantly, the non-Federal cost share would be at least 55 percent, indicating the non-Federal parties' strong commitment to the study.

The feasibility study authorized under this legislation is the next step in the process of determining how to best address the water challenges facing the Sierra Vista Sub-watershed. Consequently, I urge my colleagues to support this legislation.

By Mr. WYDEN (for himself, Mr. ALEXANDER, Mr. KERRY, Ms. SNOWE, Mr. FEINGOLD, Mr. BIDEN, Mr. DODD, and Mr. OBAMA):

S. 1930. A bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. WYDEN. Mr. President, about a year ago, a group of hardwood plywood manufacturers came to me with a problem, Chinese hardwood plywood imports were threatening their businesses. They raised a whole host of issues, from tariff misclassification to subsidies to fraudulent labeling to illegal logging. These unfair and illegal practices were lowering the costs of the Chinese hardwood plywood imports, giving them an unfair advantage over U.S. hardwood plywood and putting American companies in jeopardy of going out of business and the folks that they employ out of work.

Since that time, I have been working to level the playing field for Oregon hardwood plywood manufacturers and protect the jobs of the workers that they employ. I have met with the Department of Commerce, the Office of the U.S. Trade Representative, Customs and Border Patrol, and the International Trade Commission and urged them to investigate these issues and, where appropriate, act to address them. They have, raising these troubling practices in diplomatic negotiations, opening investigations, and even filing a case before the World Trade Organization targeting Chinese subsidies that benefit the hardwood plywood industry, among others.

Today, with the support of industry, labor, and the environmental community, I am proud to introduce the Combat Illegal Logging Act of 2007 to halt the trade in illegal timber and timber products. This act will help to level the playing field, not just for Oregon hardwood plywood manufacturers affected by Chinese imports, but for all American manufacturers across the country struggling to compete against imported, low-priced wood and wood products harvested from illegal sources.

Equally important, the act helps address an illegal logging crisis. From the Amazon to the Congo Basin, from Sulawesi to Siberia, illegal logging is destroying ecosystems. It is gutting local economies. It is annihilating ways of life. Because of the speed and violence with which illegal logging is occurring, failing to curb its effects now may result in irreversible damage.

The bill that I am introducing today can help curb illegal logging and thwart its devastating consequences.

The Lacey Act currently regulates trade in fish, wildlife, and a limited subset of plants by making it unlawful to "import, export, transport, sell, receive, acquire, or purchase" any that are taken, possessed, transported or sold in violation of any State law or, with respect to fish and wildlife only, any foreign law. The Combat Illegal Logging Act of 2007 would expand the Lacey Act so that violations of foreign law that apply to plants and plant products fall within its protections. It would also specify the types of foreign law violations that trigger Lacey Act liability, laws intended to prevent theft or ensure the legal right to harvest the plants. Finally, the act would create a declaration requirement to facilitate the Lacey Act's enforcement for timber without placing an undue burden upon law-abiding businesses.

The declaration requirements provide basic transparency for wood shipments. The declaration will have critical value for combating illegal logging by 1. encouraging importers to ask basic questions regarding the origin of their timber and timber products; 2. providing information at the point of import that will allow authorities with limited resources to do efficient, targeted inspections and enforcement; and 3. helping enforcement agents to immediately identify "low-hanging fruit," such as timber expressly prohibited to be exported.

The act will definitely change the way that folks who are importing illegally harvested timber and wood products do business, this is its intended purpose. But for the many companies who already play by the rules, the act's requirements should result in minimal changes to the way they operate. Moreover, when the act's impact from a competitiveness standpoint is factored in, the effect is a net positive for these companies. This act changes the incentives to reward due diligence, a sound long-term business strategy from any perspective.

This bill is the culmination of hundreds of hours of work by stakeholders that many might view as strange bedfellows. The principal negotiators of the compromise, the American Forest & Paper Association, the Hardwood Federation, and the Environmental Investigation Agency, deserve a tremendous amount of credit for sticking with this and finding a solution that everyone could support. I applaud them for their hard work, the maturity with which they approached the issue, and the respect that they showed each other throughout the process. Their conduct is a model for how things should work in Washington.

I would also like to applaud the work of several of my colleagues in the House, Congressman BLUMENAUER, Congressman WEXLER, and Congressman WELLER, who introduced their own illegal logging bill, the Legal Timber Protection Act, earlier this year. I understand that their bill may be taken up by the House Natural Resources Committee this fall and I am hopeful that they will substitute the broadly supported text of the Combat Illegal Logging Act for their bill, paving the way for the enactment of this important piece of legislation.

I would like to thank Senator ALEXANDER, Senator KERRY, Senator SNOWE, and Senator FEINGOLD for agreeing to be original cosponsors of the bill. I would also like to thank the following organizations, in addition to the American Forest & Paper Association, the Hardwood Federation, and the Environmental Investigation Agency for endorsing the bill: Center for International Environmental Law, Conservation International, Defenders of Wildlife, Dogwood Alliance, ForestEthics, Friends of the Earth, Global Witness, Greenpeace, International Brotherhood of Teamsters, National Hardwood Lumber Association, Natural Resources Defense Council, Rainforest Action Network, Rainforest Alliance, Sierra Club, Society of American Foresters, Sustainable Furniture Council, The Nature Conservancy, Tropical Forest Trust, United Steelworkers, Wildlife Conservation Society, World Wildlife Fund.

I ask unanimous consent that the text of the bill be inserted in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combat Illegal Logging Act of 2007".

SEC. 2. PREVENTION OF ILLEGAL LOGGING PRACTICES.

The Lacey Act Amendments of 1981 are amended—

(1) in section 2 (16 U.S.C. 3371)—

(A) by striking subsection (f) and inserting the following:

"(f) PLANT.—

"(1) IN GENERAL.—The term 'plant' means any wild member of the plant kingdom, including roots, seeds, parts, and products thereof.

"(2) EXCLUSIONS.—The term 'plant' excludes any common food crop or cultivar that is a species not listed—

"(A) in the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on March 3, 1973 (27 UST 1087; TIAS 8249); or

"(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).";

(B) in subsection (h), by inserting "also" after "plants the term"; and

(C) by striking subsection (j) and inserting the following:

"(j) TAKE.—The term 'take' means—

"(1) to capture, kill, or collect; and

"(2) with respect to a plant, also to harvest, cut, log, or remove.";

(2) in section 3 (16 U.S.C. 3372)—

(A) in subsection (a)—

(i) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) any plant—

"(i) taken, transported, possessed, or sold in violation of any foreign law or any law or regulation of any State that protects plants or that regulates—

"(I) the theft of plants;

"(II) the taking of plants from a park, forest reserve, or other officially protected area;

"(III) the taking of plants from an officially designated area; or

"(IV) the taking of plants without, or contrary to, required authorization;

"(ii) taken, transported, or exported without the payment of appropriate royalties, taxes, or stumpage fees required by any foreign law or by any law or regulation of any State; or

"(iii) exported or transshipped in violation of any limitation under any foreign law or by any law or regulation of any State; or"; and

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

"(B) to possess any plant—

"(i) taken, transported, possessed, or sold in violation of any foreign law or any law or regulation of any State that protects plants or that regulates—

"(I) the theft of plants;

"(II) the taking of plants from a park, forest reserve, or other officially protected area;

"(III) the taking of plants from an officially designated area; or

"(IV) the taking of plants without, or contrary to, required authorization;

"(ii) taken, transported, or exported without the payment of appropriate royalties, taxes, or stumpage fees required by any foreign law or by any law or regulation of any State; or

"(iii) exported or transshipped in violation of any limitation under any foreign law or by any law or regulation of any State; or"; and

(B) by adding at the end the following:

"(f) PLANT DECLARATIONS.—

"(1) IN GENERAL.—Effective 180 days from the date of enactment of this subsection, it shall be unlawful for any person to import any plant unless the person files upon importation where clearance is requested a declaration that contains—

"(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

"(B) a description of—

"(i) the value of the importation; and

"(ii) the quantity, including the unit of measure, of the plant; and

"(C) the name of the country from which the plant was taken.

"(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (5), a declaration relating to a plant product shall—

"(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product; and

"(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than 1 country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken.

"(3) REVIEW.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement described in paragraphs (1) and (2).

"(4) REPORT.—

"(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (3), the Secretary shall submit to the appropriate committees of Congress a report containing—

"(i) an evaluation of—

"(I) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of section 3; and

"(II) the potential to harmonize each requirement described in paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

"(ii) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of section 3; and

"(iii) an analysis of the effect of the provisions of subsection (a) and (f) on—

"(I) the cost of legal plant imports; and

"(II) the extent and methodology of illegal logging practices and trafficking.

"(B) PUBLIC PARTICIPATION.—In conducting the review under paragraph (3), the Secretary shall provide public notice and an opportunity for comment.

"(5) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (3), the Secretary may promulgate regulations—

"(A) to limit the applicability of any requirement described in paragraph (2) to specific plant products; and

"(B) to make any other necessary modification to any requirement described in paragraph (2), as determined by the Secretary based on the review under paragraph (3)."; and

(3) in section 7(a)(1) (16 U.S.C. 3376(a)(1)), by striking "section 4" and inserting "section 3(f), section 4,".

By Mr. TESTER:

S. 1931. A bill to amend the Mineral Leasing Act to ensure that development of certain Federal oil and gas resources will occur in a manner that protects water resources and respects the rights of surface owners, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. TESTER. Mr. President, I rise today to introduce the Surface Owner Protection Act to help protect private property on split estates.

The Western U.S. is experiencing a boom in oil and gas exploration that will contribute to the domestic supply of energy in this country, improve our National security and help control energy costs for American consumers. But if it is not done right oil and gas leasing can be damaging to wildlife, pollute our water, and scar the land. Furthermore, in many areas of the West the land is in split estates where mineral rights are owned by the Federal Government, but the surface is owned by a private land owner. Oftentimes the process of oil and gas leasing and drilling does not adequately involve surface owners or protect their agricultural livelihoods that are disrupted during energy development. Split estates cover 58 million acres in the U.S., and 11.7 million acres in Montana alone. That is just slightly smaller than the size of New Jersey, Maryland, and Delaware combined.

In states like Montana, Wyoming, and Colorado there has been a rapid increase in the number of leases and the amount of acreage that the Bureau of Land Management is approving for oil and gas exploration. It is expected that coal-bed methane development will bring tens of thousands of wells in coming decades. The rapid growth is causing general unease in some areas because surface owners have few rights when it comes to oil and gas exploration on their land.

Too often surface owners have no idea that their minerals are owned by someone else or when they are going to be leased. The legislation I am introducing today is meant to better involve surface owners in the process of oil and gas exploration by requiring notification to surface owners when their land is going to be leased, require operators to replace any water that disrupts other users, and requires bonding for the reclamation of surface land. Surface owners should have a clear role in each step of the process from the day a lease sale is announced to the time when the rigs are gone and reclamation work is completed.

Critics of this measure will argue that it gets in the way of drilling. I would say that oil and gas drilling should not get in the way of farmers and ranchers going about their business without clear legal guidelines. The protection of private property rights is crucially important as a personal freedom in the U.S. and we must take steps to protect them.

I encourage members of this body to support this measure as we move forward because I believe that we can improve the way we conduct oil and gas leases on split estates. A better balance between oil and gas interests and surface owners is possible, but we need to make sure that we develop our energy resources in an appropriate manner with respect to private property owners.

By Mr. REID (for himself, Mr. ENSIGN, Mrs. BOXER, Mr. BAUCUS, Mrs. MURRAY, Mrs. CLINTON, Mr. SANDERS, and Mr. CONRAD):

S. 1933. A bill to amend the Safe Drinking Water Act to provide grants to small public drinking water systems; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, small rural water systems are facing compliance deadlines, and need assistance without burdensome matching funding requirements. The Small Community Drinking Water Funding Act that I am introducing today with Senators ENSIGN, BOXER, MURRAY, CLINTON, BAUCUS, SANDERS, and CONRAD, amends the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to establish a Small Public Water System Assistance Program. This program is to support small water systems in complying with national primary drinking water regulations, and includes a program for Indian tribes.

The smallest public water systems, which serve fewer than 3,300 people, represent 85 percent of all public water systems. Small public water systems serving fewer than 10,000 people represent 94 percent of all public water systems. Small communities throughout Nevada would benefit from a grant program designed to provide funding for water quality projects without a difficult matching requirement; and Federal programs in effect as of the date of enactment of this act do not adequately meet the needs of small communities in Nevada with respect to public water systems. The Small Community Drinking Water Funding Act will authorize $750,000,000 for each of the fiscal years 2008 through 2014. Nevada should be able to secure a substantial portion of this funding because of the State's rural water systems needs.

The purpose of this bill is to establish a program to provide grants to small public water systems to meet applicable national primary drinking water regulations under the Safe Drinking Water Act. Second, maintain water costs at a reasonable level for the communities served by small public water systems. Third, obtain technical assistance to develop the capacity to sustain operations over the long term.

This legislation is intended to ensure that our Nation's small, disadvantaged communities have access to the financial help they need to provide safe, reliable, and affordable drinking water with the authorization of $750 million annually for 7 years starting next year. The Small Community Safe Drinking Water Act provides substantial flexibility to States.

Nevada's small communities are facing a drinking water infrastructure crisis. These communities, and other small communities nationwide, confront increasing demand for clean, reliable, and affordable drinking water. But it is simply too costly for small communities, alone, to address this water infrastructure crisis.

They need a financial helping hand from the Federal Government.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Community Drinking Water Funding Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) in some cases, drinking water standards in effect and proposed as of the date of enactment of this Act can place large financial burdens on public water systems, especially systems that serve fewer than a few thousand people;

(2) some small public water systems have experienced water contamination problems that may pose a significant risk to the health of water consumers;

(3) small communities are concerned about improving drinking water quality;

(4) the limited scientific, technical, and professional resources of many small communities make understanding and implementing regulatory requirements very difficult;

(5) small communities often struggle to meet water quality standards because of difficulty in securing funding;

(6) small communities often lack a tax base or opportunities to benefit from economics of scale and therefore face very high per capita costs in improving drinking water quality;

(7) the smallest public water systems, which serve fewer than 3,300 people, represent 85 percent of all public water systems;

(8) small public water systems serving fewer than 10,000 people represent 94 percent of all public water systems;

(9) small communities would benefit from a grant program designed to provide funding for water quality projects without a substantial matching requirement; and

(10) Federal programs in effect as of the date of enactment of this Act do not adequately meet the needs of small communities with respect to public water systems.

(b) PURPOSE.—The purpose of this Act is to establish a program to provide grants to small public water systems to—

(1) meet applicable national primary drinking water regulations under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(2) maintain water costs at a reasonable level for the communities served by small public water systems; and

(3) obtain technical assistance to develop the capacity to sustain operations over the long term.

SEC. 3. SMALL PUBLIC WATER SYSTEM ASSISTANCE PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—Section 1401(14) of the Safe Drinking Water Act (42 U.S.C. 300f(14)) is amended in the second sentence by striking "1452," and inserting "1452 and part G,".

(b) ESTABLISHMENT OF PROGRAM.—The Safe Drinking Water Act (42 U.S.C. 300f et seq.) is amended by adding at the end the following:

"PART G—SMALL PUBLIC WATER SYSTEM ASSISTANCE

"SEC. 1471. DEFINITIONS.

"In this part:

"(1) ELIGIBLE ACTIVITY.—

"(A) IN GENERAL.—The term 'eligible activity' means an activity concerning a small public water system (including obtaining technical assistance) that is carried out by an eligible entity for a purpose consistent with section 1473(c)(1) or 1474(c)(1), as appropriate.

"(B) EXCLUSION.—The term 'eligible activity' does not include any activity to increase the population served by a small public water system, except to the extent that the State under section 1473(b)(1) or the Administrator under section 1474(b)(1) determines an activity to be necessary to—

"(i) achieve compliance with a national primary drinking water regulation; and

"(ii) provide a water supply to a population that, as of the date of enactment of this part, is not served by a safe public water system.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a small public water system that—

"(A) is located in a State or an area governed by an Indian Tribe; and

"(B)(i) if located in a State, serves a community that, under affordability criteria established by the State under section 1452(d)(3), is determined by the State to be—

"(I) a disadvantaged community; or

"(II) a community the State expects to become a disadvantaged community as a result of carrying out an eligible activity; or

"(ii) if located in an area governed by an Indian Tribe, serves a community that is determined by the Administrator, under criteria published by the Administrator under section 1452(d)(3) and in consultation with the Secretary, to be—

"(I) a disadvantaged community; or

"(II) a community the Administrator expects to become a disadvantaged community as a result of carrying out an eligible activity.

"(3) ELIGIBLE STATE.—The term 'eligible State' means a State that has—

"(A) adopted, and is implementing, an approved operator certification program under section 1419; and

"(B) established affordability criteria under section 1452(d)(3) for use in identifying disadvantaged communities.

"(4) PROGRAM.—The term 'Program' means the Small Public Water System Assistance Program established under section 1472(a).

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Director of the Indian Health Service.

"(6) SMALL PUBLIC WATER SYSTEM.—The term 'small public water system' means a public water system (including a community water system and a noncommunity water system) that serves a population of 10,000 or fewer.

"SEC. 1472. SMALL PUBLIC WATER SYSTEM ASSISTANCE PROGRAM.

"(a) ESTABLISHMENT.—Not later than July 1, 2008, the Administrator shall establish within the Environmental Protection Agency a Small Public Water System Assistance Program.

"(b) DUTIES.—The head of the Program shall—

"(1) in accordance with section 1474, establish and administer a small public water system assistance program for, and provide grants to, eligible entities located in areas governed by Indian Tribes, for use in carrying out eligible activities;

"(2) identify, and prepare annual prioritized lists of, activities for eligible entities located in areas governed by Indian Tribes that are eligible for grants under section 1474;

"(3) provide funds to States for use in establishing small public water system assistance programs under section 1473 that award grants to eligible entities to carry out eligible activities; and

"(4) prepare, and submit to the Administrator, the reports required under subsection (d).

"(c) ALLOCATION OF FUNDS.—

"(1) STATES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (D) and paragraph (2)(A), for each fiscal year, the Administrator, through the head of the Program, using the most recent available needs survey conducted by the Administrator under section 1452(h), shall allocate the funds made available to carry out the Program for the fiscal year among eligible States based on the ratio that—

"(i) the financial need associated with treatment projects for small public water systems in the State; bears to

"(ii) the total financial need associated with treatment projects for all small public water systems in all States.

"(B) ADDITIONAL REQUIREMENTS.—Any additional financial needs of small public water systems associated with the cost of treatment projects needed to comply with a national primary drinking water regulation that is promulgated after the most recent needs survey conducted under section 1452(h) shall be factored into the determination of financial need under clauses (i) and (ii) of subparagraph (A) for each fiscal year.

"(C) MINIMUM ALLOCATION.—An allocation of funds to a State for a fiscal year under subparagraph (A), taking into consideration any additional financial needs described in subparagraph (B), shall be in an amount that is at least 1 percent of the amount of funds available for that fiscal year.

"(D) REDISTRIBUTION IF NONUSE.—If a State does not qualify for, or fails to request, funds allocated to the State under subparagraph (A) in any fiscal year, the Administrator shall redistribute the funds among the States that—

"(i) request funds for that fiscal year; and

"(ii) are eligible to receive the funds under subparagraph (A) for that fiscal year.

"(2) INDIAN TRIBES.—

"(A) IN GENERAL.—For each fiscal year, in accordance with subparagraph (B), 3 percent of the total amount of funds made available to carry out the Program for the fiscal year shall be allocated by the Administrator to provide grants to eligible entities that are located in areas governed by Indian Tribes through the program established under section 1474(a).

"(B) USE OF FUNDS.—

"(i) IN GENERAL.—For each fiscal year, the Administrator shall award, on a competitive basis, not less than 1.5 percent of the funds allocated under subparagraph (A) to nonprofit technical assistance organizations, to be used for the purposes of—

"(I) assisting the Administrator in preparing the list required under section 1474(b) (including assisting the Administrator in identifying the highest priority eligible activities for eligible entities located in areas governed by Indian Tribes for which a grant under section 1474 may be used);

"(II) assisting eligible entities located in areas governed by Indian Tribes in—

"(aa) assessing needs relating to eligible activities; and

"(bb) identifying available sources of funding to meet the cost-sharing requirement of section 1474(f)(1); and

"(III) assisting eligible entities located in areas governed by Indian Tribes that receive funding under section 1474 in—

"(aa) planning, implementing, and maintaining eligible activities that are funded under that section; and

"(bb) preparing reports required under section 1474(h).

"(ii) CONSULTATION.—Each nonprofit technical assistance organization that receives funds under clause (i) shall consult with the Administrator, through the head of the program, before carrying out any activity for the purposes described in subclauses (II)(aa) and (III)(aa) of that clause.

"(iii) NO FUNDS FOR LOBBYING EXPENSES.—None of the funds made available to a nonprofit technical assistance organization under clause (i) shall be used to pay lobbying expenses.

"(3) PROGRAM.—For each fiscal year, the Administrator may use not more than 0.1 percent of the funds made available to carry out the Program to pay reasonable costs incurred in the administration of the Program.

"(d) REPORTS.—Not later than January 1, 2009, and annually thereafter through January 1, 2014, the Administrator shall—

"(1) submit, to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report that, for the preceding fiscal year—

"(A) lists the eligible activities for eligible entities, as prepared under sections 1473(b)(1) and 1474(b)(1), located in areas governed by Indian Tribes and in each State receiving funds under this part;

"(B) identifies the number of grants awarded by each State, and by the Administrator to eligible entities located in areas governed by Indian Tribes, under this part;

"(C) identifies each eligible entity that received a grant to carry out an eligible activity;

"(D) identifies the amount of each grant provided to an eligible entity to carry out an eligible activity; and

"(E) describes each eligible activity funded by such a grant (including the status of the eligible activity); and

"(2) make the report under paragraph (1) available to the public.

"SEC. 1473. STATE SMALL PUBLIC WATER SYSTEM ASSISTANCE PROGRAMS.

"(a) IN GENERAL.—To be eligible to receive funding under this part, a State shall—

"(1) be an eligible State;

"(2) not later than July 1, 2008 (if funding is sought for fiscal year 2008) or not later than September 30 of any of fiscal years 2008 through 2014 (if funding is sought for the following fiscal year), establish a small public water system assistance program—

"(A) under which the requirements of subsection (b), oversight, and related activities (other than financial administration) with respect to the program are administered—

"(i) in the case of a State that is exercising primary enforcement responsibility for public water systems, by the State agency having primary responsibility for administration of the State program under section 1413; and

"(ii) in the case of a State that is not exercising primary enforcement authority for public water systems, by a State agency selected by the Governor of the State; and

"(B) that meets the requirements of this section; and

"(3) for each fiscal year for which funding is sought under this section—

"(A) in preparing an intended use plan under section 1452(b), after providing for public review and comment, prepare an annual list of eligible activities for eligible entities in the State in accordance with subsection (b); and

"(B) prepare and submit to the Administrator a request for the funding, by such date and in such form as the Administrator shall prescribe.

"(b) PROGRAM PRIORITY REQUIREMENT.—

"(1) LIST OF ELIGIBLE ACTIVITIES.—A small public water system assistance program established under subsection (a) shall, for each fiscal year for which funding is sought, identify, and, using the priority criteria described in paragraph (2) and considering the additional criteria described in paragraph (3), list in descending order of priority, eligible activities for eligible entities in the State for which funds provided from a grant under this part may be used.

"(2) PRIORITY CRITERIA.—In preparing the list under paragraph (1), a small public water system assistance program shall give priority for the use of grants to eligible activities that—

"(A) address the most serious risk to human health;

"(B) are necessary to ensure compliance with national primary water regulations applicable to eligible entities under section 1412; and

"(C) assist systems most in need, as calculated on the basis of median household income, under affordability criteria established by the State under section 1452(d)(3).

"(3) ADDITIONAL CRITERIA.—In addition to the priority criteria described in paragraph (2), a small public water system assistance program shall, in preparing a list under paragraph (1), consider giving additional priority to any listed eligible activities that are to be carried out by communities that form management cooperatives (including management cooperatives between systems that do not have connections).

"(c) USE OF FUNDS.—Using any funds received by a State under this section for a fiscal year, in accordance with the list prepared under subsection (b), a small public water system assistance program established by the State under subsection (a)—

"(1) shall provide to an eligible entity, on a cost-shared basis, a grant to be used for an eligible activity (including source water protection) the purpose of which is compliance with national primary drinking water regulations applicable to the eligible entity under section 1412;

“(2) shall—

“(A) award, on a competitive basis, not less than 1.5 percent of the funds to nonprofit technical assistance organizations to be used for the purposes of—

“(i) assisting the State in preparing the list required under subsection (b) (including assisting the State in identifying the highest priority eligible activities for eligible entities located in the State for which a grant under this section may be used); and

“(ii) assisting eligible entities in—

“(I) assessing needs relating to eligible activities;

“(II) identifying available sources of funding to meet the cost-sharing requirement of subsection (f); and

“(III) planning, implementing, and maintaining any eligible activities of the eligible entities that receive funding under this section;

“(B) require each nonprofit technical assistance organization that receives funds under subparagraph (A) to consult with the State, through the head of the small public water assistance program, before carrying out any activity for the purposes described in subclauses (I) and (III) of subparagraph (A)(ii); and

“(C) require that none of the funds made available to a nonprofit technical assistance organization under subparagraph (A) be used to pay lobbying expenses; and

“(3) may use not to exceed 1 percent of the funds allocated to the State to pay reasonable costs incurred in the administration of the small public water system assistance program.

“(d) Limitation on Use of Funds.—For each fiscal year, not more than 5 percent of the funds received by an eligible entity under this section may be used to obtain technical assistance in planning, implementing, and maintaining eligible activities that are funded under this section.

“(e) Limitation on Receipt of Funds.—

“(1) In general.—Except as provided in paragraph (2), a grant under this section shall not be provided to an eligible entity that, as determined by the State—

“(A) does not have the technical, managerial, and financial capability to ensure compliance with national primary drinking water regulations applicable to the eligible entity under section 1412; or

“(B) is in significant noncompliance with any applicable national primary drinking water regulation.

“(2) Exception for receipt of grant.—An eligible entity described in paragraph (1) may receive a grant under this section only—

“(A) if the State determines that use of the grant will ensure compliance with national primary drinking water regulations applicable to the eligible entity under section 1412;

“(B)(i) to restructure or consolidate the facility to achieve compliance with applicable national primary drinking water regulations; or

“(ii) in a case in which restructuring or consolidation of the facility is not practicable, if the State determines that—

“(I) the eligible entity has made a good faith effort to achieve compliance with applicable national primary drinking water regulations; and

“(II) the eligible entity is adhering to an enforceable schedule for achieving those regulations; and

“(C) in a case in which paragraph (1)(A) applies to an eligible entity, and the eligible entity agrees to undertake feasible and appropriate changes in operations (including changes in ownership, management, accounting, rates, maintenance, consolidation, provision of an alternative water supply, or other procedures), if the State determines that the measures are necessary to ensure that the eligible entity has the technical, managerial, and financial capability to comply with applicable national primary drinking water regulations over the long term.

“(3) Review.—Before providing assistance under this section to an eligible entity that is in significant noncompliance with any national primary drinking water regulation applicable to the eligible entity under section 1412, the State shall conduct a review to determine whether paragraph (1)(A) applies to the entity.

“(f) Cost Sharing.—

“(1) In general.—

“(A) Limit.—Except as provided in paragraph (2), the share of the total cost of an eligible activity funded by a grant under this section shall not exceed 80 percent.

“(B) Use of other Federal funds.—To pay the portion of an eligible activity that may not be funded by a grant under this section, an eligible entity may use Federal financial assistance other than assistance received under this section.

“(2) Waiver of cost-sharing requirement.—

“(A) In general.—Subject to subparagraph (B), a State may waive the requirement of an eligible entity to pay all or a portion of the share of an eligible activity that may not be funded by a grant under this section, based on a determination by the State that the eligible entity is unable to pay any or all of the share.

“(B) Limitation.—For each fiscal year in which a State receives funding under this section, the total amount of cost-share waivers provided by the State under subparagraph (A) shall not exceed 30 percent of the amount of funding received by the State for the fiscal year under section 1472(c)(1).

“(g) Unobligated Funds.—Any funds not obligated by the State for a purpose consistent with subsection (c) within 1 year after the date of the allocation of the funds by the Administrator under section 1472(c) shall be returned to the Administrator for reallocation under that section.

“(h) Reports.—Not later than November 1 following each fiscal year in which a State receives funding under this section, the State shall—

“(1) submit to the Administrator a report that, for the preceding fiscal year—

“(A) lists the eligible activities for eligible entities, as prepared under subsection (b);

“(B) identifies the number of grants awarded by the State small public water system assistance program to eligible entities;

“(C) identifies each eligible entity that received a grant to carry out an eligible activity;

“(D) identifies the amount of each grant provided to an eligible entity to carry out an eligible activity; and

“(E) describes each eligible activity funded by such grants (including the status of the eligible activity); and

“(2) make the report under paragraph (1) available to the public.

“SEC. 1474. SMALL PUBLIC WATER SYSTEM ASSISTANCE PROGRAM FOR INDIAN TRIBES.

“(a) Establishment.—Not later than July 1, 2008, the Administrator shall establish a small public water system assistance program for Indian Tribes, through which eligible entities located in areas governed by the Indian Tribe may receive grants for eligible activities under this part.

“(b) Program Priority Requirement.—

“(1) List of eligible activities.—

“(A) In general.—The Administrator, acting through the head of the small public water system assistance program for Indian Tribes, in consultation with the Secretary, shall, for each fiscal year, identify, and, using the priority criteria described in paragraph (2) and considering the additional criteria described in paragraph (3), list in descending order of priority, eligible activities for eligible entities located in areas governed by Indian Tribes for which funds provided from a grant under this part may be used.

“(B) Coordination.—

“(i) In general.—To the maximum extent practicable, the Administrator shall ensure that the list under subparagraph (A) is coordinated with any needs assessment conducted under section 1452(i)(4).

“(ii) Additional consideration.—Any additional financial needs of small public water systems located in areas governed by Indian Tribes that are associated with the cost of complying with a national primary drinking water regulation that is promulgated after the most recent needs survey conducted under section 1452(i)(4) shall be factored into the determination of financial need for, and prioritization of, eligible activities under this section.

“(2) Priority criteria.—In preparing the list under paragraph (1), the Administrator shall give priority for the use of grants to eligible activities that—

“(A) address the most serious risk to human health;

“(B) are necessary to ensure compliance with national primary water regulations applicable to eligible entities under section 1412; and

“(C) assist systems most in need, as calculated on the basis of median household income, under affordability criteria published by the Administrator under section 1452(d)(3).

“(3) Additional criteria.—In addition to the priority criteria described in paragraph (2), the Administrator shall, in preparing a list under paragraph (1), consider giving additional priority to any listed eligible activities that are to be carried out by communities that form management cooperatives (including management cooperatives between systems that do not have connections).

“(c) Use of Funds.—

“(1) In general.—Using funds allocated under section 1472(c)(2)(A), the small public water system assistance program established under subsection (a) shall provide to an eligible entity located in an area governed by an Indian Tribe, on a cost-shared basis, a grant to be used for an eligible activity (including source water protection) the purpose of which is compliance with national primary drinking water regulations applicable to the eligible entity under section 1412.

“(2) Allocation of grant funding.—For each fiscal year, taking into consideration the funding allocation under section 1472(c)(2)(A) for the fiscal year, the head of the small public water assistance program established under subsection (a), in consultation with the Secretary, shall provide grants under paragraph (1) for the maximum number of eligible activities for which the funding allocation makes assistance available, based on the priority assigned by the Administrator to eligible activities under subsection (b).

“(d) Limitation on Use of Funds.—For each fiscal year, not more than 5 percent of the funds received by an eligible entity under this section may be used to obtain technical assistance in planning, implementing, and maintaining eligible activities that are funded under this section.

"(e) LIMITATION ON RECEIPT OF FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a grant under this section shall not be provided to an eligible entity that, as determined by the Administrator—

"(A) does not have the technical, managerial, and financial capability to ensure compliance with national primary drinking water regulations applicable to the eligible entity under section 1412; or

"(B) is in significant noncompliance with any applicable national primary drinking water regulation.

"(2) EXCEPTION FOR RECEIPT OF GRANT.—An eligible entity described in paragraph (1) may receive a grant under this section only—

"(A) if the Administrator determines that use of the grant will ensure compliance with national primary drinking water regulations applicable to the eligible entity under section 1412;

"(B)(i) to restructure or consolidate the facility to achieve compliance with applicable national primary drinking water regulations; or

"(ii) in a case in which restructuring or consolidation of the facility is not practicable, if the Administrator determines that—

"(I) the eligible entity has made a good faith effort to achieve compliance with applicable national primary drinking water regulations; and

"(II) the eligible entity is adhering to an enforceable schedule for achieving those regulations; and

"(C) in a case in which paragraph (1)(A) applies to an eligible entity, and the eligible entity agrees to undertake feasible and appropriate changes in operations (including changes in ownership, management, accounting, rates, maintenance, consolidation, provision of an alternative water supply, or other procedures), if the Administrator determines that the measures are necessary to ensure that the eligible entity has the technical, managerial, and financial capability to comply with applicable national primary drinking water regulations over the long term.

"(3) REVIEW.—Before providing assistance under this section to an eligible entity that is in significant noncompliance with any national primary drinking water regulation applicable to the eligible entity under section 1412, the Administrator shall conduct a review to determine whether paragraph (1)(A) applies to the entity.

"(f) COST SHARING.—

"(1) IN GENERAL.—

"(A) LIMIT.—Except as provided in paragraph (2), the share of the total cost of an eligible activity funded by a grant under this section shall not exceed 80 percent.

"(B) USE OF OTHER FEDERAL FUNDS.—To pay the portion of an eligible activity that may not be funded by a grant under this section, an eligible entity may use Federal financial assistance other than assistance received under this section.

"(2) WAIVER OF COST-SHARING REQUIREMENT.—

"(A) IN GENERAL.—The Administrator may waive the requirement of an eligible entity to pay all or a portion of the share of eligible activity that may not be funded by a grant under this section based on a determination by the Administrator that the eligible entity is unable to pay any or all of the share.

"(B) LIMITATION.—For each fiscal year, the total amount of cost-share waivers provided by the Administrator under subparagraph (A) shall not exceed 30 percent of the amount of funding allocated to eligible entities located in areas governed by Indian Tribes for the fiscal year under section 1472(c)(2)(A).

"(g) UNOBLIGATED FUNDS.—Any funds not obligated by the small public water system assistance program established under subsection (a) for a purpose consistent with section 1472(c)(2)(B) and subsection (c) within 1 year after the date of allocation of the funds by the Administrator under section 1472(c)(2)(A) shall be returned to the Administrator for reallocation under that section.

"(h) REPORTS.—Not later than November 1 following each fiscal year in which an Indian Tribe receives funding under this section, the Indian Tribe shall submit to the Administrator a report that, for the preceding fiscal year—

"(1) identifies the number of grants awarded to eligible entities located in areas governed by the Indian Tribe;

"(2) identifies each such eligible entity that received a grant to carry out an eligible activity;

"(3) identifies the amount of each grant provided to such an eligible entity to carry out an eligible activity; and

"(4) describes each eligible activity funded by such grants (including the status of the eligible activity).

"SEC. 1475. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this part $750,000,000 for each of fiscal years 2008 through 2014.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 288—DESIGNATING SEPTEMBER 2007 AS "NATIONAL PROSTATE CANCER AWARENESS MONTH"

Mr. SESSIONS (for himself, Mr. SCHUMER, Mr. INHOFE, Ms. LANDRIEU, Mr. SPECTER, Mr. MENENDEZ, Mr. CHAMBLISS, Mrs. BOXER, Mr. CRAPO, Mrs. FEINSTEIN, Mrs. DOLE, and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 288

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas over the past decade, prostate cancer has been the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas, in 2007, according to estimates from the American Cancer Society, over 218,890 men in the United States will be diagnosed with prostate cancer and 27,050 men in the United States will die of prostate cancer;

Whereas 30 percent of new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate up to 65 percent higher than White males and double the mortality rates;

Whereas obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has double the risk of prostate cancer, if he has 2 family members with such diagnoses, he has 5 times the risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination (DRE) and a prostate specific antigen blood test (PSA) can diagnose the disease in earlier and more treatable stages and reduce prostate cancer mortality;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as "National Prostate Cancer Awareness Month";

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) requests the President to issue a proclamation calling on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

SENATE RESOLUTION 289—EXPRESSING THE SENSE OF THE SENATE THAT A "WELCOME HOME VIETNAM VETERANS DAY" SHOULD BE ESTABLISHED

Mrs. BOXER submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 289

Whereas the Vietnam War was fought in Vietnam from 1961 to 1975, and involved North Vietnam and the Viet Cong in conflict with the United States and South Vietnam;

Whereas the United States became involved in Vietnam because policy-makers in the United States believed that if South Vietnam fell to a Communist government that Communism would spread throughout the rest of Southeast Asia;

Whereas members of the United States Armed Forces began serving in an advisory role to the South Vietnamese in 1961;

Whereas as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88–408), on August 7, 1964, which effectively handed over war-making powers to President Johnson until such time as "peace and security" had returned to Vietnam;

Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam;

Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969 a peak of approximately 543,000 troops was reached;

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners of war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat troops from Vietnam;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing in action in Vietnam;

Whereas the Vietnam War was an extremely divisive issue among the people of the United States;

Whereas members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were caught upon their return home in the crossfire of public debate about the involvement of the United States in the Vietnam War;

Whereas the establishment of a "Welcome Home Vietnam Veterans Day" would be an appropriate way to honor those members of the United States Armed Forces who served in Vietnam during the Vietnam War; and

Whereas March 30 would be an appropriate day to establish as "Welcome Home Vietnam Veterans Day": Now, therefore, be it

Resolved, That it is the sense of the Senate that there should be established a "Welcome Home Vietnam Veterans Day" to honor those members of the United States Armed Forces who served in Vietnam.

SENATE RESOLUTION 290—HONORING THE LIFE AND CAREER OF FORMER SAN FRANCISCO 49ERS HEAD COACH BILL WALSH

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 290

Whereas William Ernest Walsh was born on November 30, 1931, in Fremont, California;

Whereas Bill Walsh graduated from San Jose State University in 1955 where he was a successful amateur boxer and wide receiver;

Whereas, in 1955, he married Geri Nadini, with whom he had 3 children: Steve, Craig, and Elizabeth;

Whereas Bill Walsh began his coaching career at Washington High School in Fremont, California, and later served as an assistant coach at the University of California at Berkeley and Stanford University;

Whereas Bill Walsh served as an assistant coach with the Oakland Raiders in 1966, with the Cincinnati Bengals from 1968 to 1975, and with the San Diego Chargers in 1976;

Whereas Bill Walsh served as head coach of Stanford University from 1977 to 1978 and again from 1992 to 1994, winning the Sun Bowl in 1977, the Bluebonnet Bowl in 1978, and the Blockbuster Bowl in 1992;

Whereas Bill Walsh became Head Coach of the San Francisco 49ers in 1979 and served in that position for 10 years, winning 6 Western Division titles and 3 National Football Conference Championships;

Whereas Bill Walsh led the 49ers to 3 Super Bowl wins in the 1980s: Super Bowl XVI, Super Bowl XIX, and Super Bowl XXIII;

Whereas Bill Walsh was the Associated Press and United Press International Coach of the Year in 1981;

Whereas Bill Walsh ended his professional coaching career with a record of 102 wins, 63 losses, and 1 tie;

Whereas Bill Walsh was elected to the Pro Football Hall of Fame in 1993;

Whereas Bill Walsh developed the innovative "West Coast Offense", which became widely used by many National Football League (NFL) teams;

Whereas Bill Walsh drafted and developed a countless number of NFL greats such as Joe Montana, Ronnie Lott, Dwight Clark, Steve Young, and Jerry Rice;

Whereas 14 of the NFL's 32 head coaches have some connection to Bill Walsh;

Whereas Bill Walsh developed the Minority Coaching Fellowship program to help African American coaches find jobs in the NFL and Division I college football;

Whereas Bill Walsh and the 49ers brought the people of San Francisco together following some of the most difficult times in the City's history and gave them much pride, joy, and excitement; and

Whereas Bill Walsh embodied the qualities of hard work, tenacity, dedication, attention to detail, respect, teamwork, and living up to one's potential: Now, therefore, be it

Resolved, That the Senate honors the life of William Ernest Walsh, a pioneer in the field of football, a true leader and teacher, and a dedicated husband, father, and friend.

SENATE RESOLUTION 291—DESIGNATING THE WEEK BEGINNING SEPTEMBER 9, 2007, AS "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK"

Mr. GRAHAM (for himself, Mr. ALEXANDER, Mr. BAYH, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. CARDIN, Mr. CHAMBLISS, Mr. COCHRAN, Mr. CORNYN, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DURBIN, Mrs. HUTCHISON, Mr. ISAKSON, Mr. LEVIN, Mrs. LINCOLN, Mr. LOTT, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. OBAMA, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SCHUMER, Mr. SESSIONS, Mr. SPECTER, Mr. VITTER, and Mr. WARNER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 291

Whereas there are 103 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, that the Senate—

(1) designates the week beginning September 9, 2007, as "National Historically Black Colleges and Universities Week"; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2593. Mr. LOTT (for himself, Mr. MCCONNELL, Mr. KYL, Mr. GREGG, Mr. CORNYN, Mr. BUNNING, Mr. COBURN, Mr. DEMINT, and Mrs. DOLE) proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

SA 2594. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2595. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table.

SA 2596. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2597. Mr. VOINOVICH (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2598. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2599. Mr. MCCONNELL (for himself, Mr. SPECTER, and Mr. THUNE) proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2600. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2601. Mr. LEVIN (for himself, Ms. STABENOW, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2602. Mr. KERRY (for himself, Mr. BINGAMAN, Mr. SANDERS, Mr. CASEY, Mr. MENENDEZ, Mr. DURBIN, Mr. REED, Mr. BROWN, Mr. WHITEHOUSE, and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2603. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2604. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2605. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table.

SA 2606. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 180, to require the identification of companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes; which was ordered to lie on the table.

SA 2607. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 180, supra; which was ordered to lie on the table.

SA 2608. Ms. SNOWE (for herself, Mr. BINGAMAN, Mr. CARDIN, Ms. MIKULSKI, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table.

SA 2609. Ms. SNOWE (for herself, Mr. BINGAMAN, Mr. CARDIN, Ms. MIKULSKI, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2610. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2611. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2612. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table.

SA 2613. Mr. FEINGOLD (for himself, Mr. GRAHAM, Mr. VOINOVICH, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table.

SA 2614. Mr. FEINGOLD (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2615. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2616. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2617. Mrs. McCASKILL (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2618. Mr. WEBB submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

SA 2619. Mr. NELSON of Florida (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2620. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2621. Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. NELSON of Nebraska, Mr. BAUCUS, Mr. GRASSLEY, Mr. KENNEDY, Mr. ENZI, Mr. DURBIN, Mr. CRAPO, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2622. Mr. CASEY (for Mr. ENZI (for himself and Ms. MIKULSKI)) proposed an amendment to the bill S. 845, to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

SA 2623. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2593. Mr. LOTT (for himself, Mr. MCCONNELL, Mr. KYL, Mr. GREGG, Mr. CORNYN, Mr. BUNNING, Mr. COBURN, Mr. DEMINT, and Mrs. DOLE) proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; as follows:

On page 1, line 3, strike all after "Section" and insert the following:

1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Kids First Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION

Sec. 101. 5-Year reauthorization.
Sec. 102. Allotments for the 50 States and the District of Columbia based on expenditures and numbers of low-income children.
Sec. 103. Limitations on matching rates for populations other than low-income children or pregnant women covered through a section 1115 waiver.
Sec. 104. Prohibition on new section 1115 waivers for coverage of adults other than pregnant women.
Sec. 105. Standardization of determination of family income.
Sec. 106. Grants for outreach and enrollment.
Sec. 107. Improved State option for offering premium assistance for coverage through private plans.
Sec. 108. Treatment of unborn children.
Sec. 109. 50 percent matching rate for all Medicaid administrative costs.
Sec. 110. Reduction in payments for Medicaid administrative costs to prevent duplication of such costs under TANF.
Sec. 111. Effective date.

TITLE II—HEALTH INSURANCE MARKETPLACE MODERNIZATION AND AFFORDABILITY

Sec. 200. Short title; purpose.

Subtitle A—Small Business Health Plans

Sec. 201. Rules governing small business health plans.
Sec. 202. Cooperation between Federal and State authorities.
Sec. 203. Effective date and transitional and other rules.

Subtitle B—Market Relief

Sec. 211. Market relief.

Subtitle C—Harmonization of Health Insurance Standards

Sec. 221. Health Insurance Standards Harmonization.

TITLE III—HEALTH SAVINGS ACCOUNTS

Sec. 301. Special rule for certain medical expenses incurred before establishment of health savings account.
Sec. 302. Use of account for individual high deductible health plan premiums.
Sec. 303. Exception to requirement for employers to make comparable health savings account contributions.

Sec. 304. Certain health reimbursement arrangement coverage disregarded coverage for health savings accounts.

TITLE IV—STUDY

Sec. 401. Study on tax treatment of and access to private health insurance.

TITLE I—STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION

SEC. 101. 5-YEAR REAUTHORIZATION.

(a) INCREASE IN NATIONAL ALLOTMENT.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(11) for fiscal year 2008, $7,000,000,000;

"(12) for fiscal year 2009, $7,200,000,000;

"(13) for fiscal year 2010, $7,600,000,000;

"(14) for fiscal year 2011, $8,300,000,000; and

"(15) for fiscal year 2012, $8,800,000,000.".

(b) CONTINUATION OF ADDITIONAL ALLOTMENTS TO TERRITORIES.—Section 2104(c)(4)(B) of the Social Security Act (42 U.S.C. 1397dd(c)(4)(B)) is amended—

(1) by striking "and" after "2006,"; and

(2) by inserting before the period the following: ", $56,000,000 for fiscal year 2008, $58,000,000 for fiscal year 2009, $61,000.000 for fiscal year 2010, $66,000,000 for fiscal year 2011, and $70,000,000 for fiscal year 2012".

SEC. 102. ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA BASED ON EXPENDITURES AND NUMBERS OF LOW-INCOME CHILDREN.

(a) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

"(i) DETERMINATION OF ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA FOR FISCAL YEARS 2008 THROUGH 2012.—

"(1) IN GENERAL.—Notwithstanding the preceding provisions of this subsection and subject to paragraph (3), the Secretary shall allot to each subsection (b) State for each of fiscal years 2008 through 2012,, the amount determined for the fiscal year that is equal to the product of—

"(A) the amount available for allotment under subsection (a) for the fiscal year, reduced by the amount of allotments made under subsection (c) (determined without regard to paragraph (4) thereof) for the fiscal year; and

"(B) the sum of the State allotment factors determined under paragraph (2) with respect to the State and weighted in accordance with subparagraph (B) of that paragraph for the fiscal year.

"(2) STATE ALLOTMENT FACTORS.—

"(A) IN GENERAL.—For purposes of paragraph (1)(B), the State allotment factors are the following:

"(i) The ratio of the projected expenditures for targeted low-income children under the State child health plan and pregnant women under a waiver of such plan for the fiscal year to the sum of such projected expenditures for all States for the fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(ii) The ratio of the number of low-income children who have not attained age 19 with no health insurance coverage in the State, as determined by the Secretary on the basis of the arithmetic average of the number of such children for the 3 most recent Annual Social and Economic Supplements to the Current Population Survey of the Bureau of the Census available before the beginning of the calendar year before such fiscal year begins, to the sum of the number of such children determined for all States for such fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(iii) The ratio of the projected expenditures for targeted low-income children under the State child health plan and pregnant women under a waiver of such plan for the preceding fiscal year to the sum of such projected expenditures for all States for such preceding fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(iv) The ratio of the actual expenditures for targeted low-income children under the State child health plan and pregnant women under a waiver of such plan for the second preceding fiscal year to the sum of such actual expenditures for all States for such second preceding fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(B) ASSIGNMENT OF WEIGHTS.—For each of fiscal years 2008 through 2012, the following percentage weights shall be applied to the ratios determined under subparagraph (A) for each such fiscal year:

"(i) 40 percent for the ratio determined under subparagraph (A)(i).

"(ii) 5 percent for the ratio determined under subparagraph (A)(ii).

"(iii) 50 percent for the ratio determined under subparagraph (A)(iii).

"(iv) 5 percent for the ratio determined under subparagraph (A)(iv).

"(C) DETERMINATION OF PROJECTED AND ACTUAL EXPENDITURES.—For purposes of subparagraph (A):

"(i) PROJECTED EXPENDITURES.—The projected expenditures described in clauses (i) and (iii) of such subparagraph with respect to a fiscal year shall be determined on the basis of amounts reported by States to the Secretary on the May 15th submission of Form CMS–37 and Form CMS–21B submitted not later than June 30th of the fiscal year preceding such year.

"(ii) ACTUAL EXPENDITURES.—The actual expenditures described in clause (iv) of such subparagraph with respect to a second preceding fiscal year shall be determined on the basis of amounts reported by States to the Secretary on Form CMS–64 and Form CMS–21 submitted not later than November 30 of the preceding fiscal year.".

(b) 2-YEAR AVAILABILITY OF ALLOTMENTS; EXPENDITURES COUNTED AGAINST OLDEST ALLOTMENTS.—Section 2104(e) of the Social Security Act (42 U.S.C. 1397dd(e)) is amended to read as follows:

"(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

"(1) IN GENERAL.—Except as provided in the succeeding paragraphs of this subsection, amounts allotted to a State pursuant to this section—

"(A) for each of fiscal years 1998 through 2007, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

"(B) for each of fiscal years 2008 through 2012, shall remain available for expenditure by the State only through the end of the succeeding fiscal year for which such amounts are allotted.

"(2) ELIMINATION OF REDISTRIBUTION OF ALLOTMENTS NOT EXPENDED WITHIN 3 YEARS.—Notwithstanding subsection (f), amounts allotted to a State under this section for fiscal years beginning with fiscal year 2008 that remain unexpended as of the end of the second succeeding fiscal year shall not be redistributed to other States and shall revert to the Treasury on October 1 of the third succeeding fiscal year.

"(3) RULE FOR COUNTING EXPENDITURES AGAINST FISCAL YEAR ALLOTMENTS.—Expenditures under the State child health plan made on or after October 1, 2007, shall be counted against allotments for the earliest fiscal year for which funds are available for expenditure under this subsection.".

(c) CONFORMING AMENDMENTS.—

(1) Section 2104(b)(1) of the Social Security Act (42 U.S.C. 1397dd(b)(1)) is amended by striking "subsection (d)" and inserting "the succeeding subsections of this section".

(2) Section 2104(f) of such Act (42 U.S.C. 1397dd(f)) is amended by striking "The" and inserting "Subject to subsection (e)(2), the".

SEC. 103. LIMITATIONS ON MATCHING RATES FOR POPULATIONS OTHER THAN LOW-INCOME CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER.

(a) LIMITATION ON PAYMENTS.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) LIMITATIONS ON MATCHING RATE FOR POPULATIONS OTHER THAN TARGETED LOW-INCOME CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER.—For child health assistance or health benefits coverage furnished in any fiscal year beginning with fiscal year 2008:

"(A) FMAP APPLIED TO PAYMENTS FOR COVERAGE OF CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER ENROLLED IN THE STATE CHILD HEALTH PLAN ON THE DATE OF ENACTMENT OF THE KIDS FIRST ACT AND WHOSE GROSS FAMILY INCOME IS DETERMINED TO EXCEED THE INCOME ELIGIBILITY LEVEL SPECIFIED FOR A TARGETED LOW-INCOME CHILD.—Notwithstanding subsections (b)(1)(B) and (d) of section 2110, in the case of any individual described in subsection (c) of section 105 of the Kids First Act who the State elects to continue to provide child health assistance for under the State child health plan in accordance with the requirements of such subsection, the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to such assistance.

"(B) FMAP APPLIED TO PAYMENTS ONLY FOR NONPREGNANT CHILDLESS ADULTS AND PARENTS AND CARETAKER RELATIVES ENROLLED UNDER A SECTION 1115 WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—The Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to payments for child health assistance or health benefits coverage provided under the State child health plan for any of the following:

"(i) PARENTS OR CARETAKER RELATIVES ENROLLED UNDER A WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—A nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child who is enrolled in the State child health plan under a waiver, experimental, pilot, or demonstration project on the date of enactment of the Kids First Act and whose family income does not exceed the income eligibility applied under such waiver with respect to that population on such date.

"(ii) NONPREGNANT CHILDLESS ADULTS ENROLLED UNDER A WAIVER ON SUCH DATE.—A nonpregnant childless adult enrolled in the

State child health plan under a waiver, experimental, pilot, or demonstration project described in section 6102(c)(3) of the Deficit Reduction Act of 2005 (42 U.S.C. 1397gg note) on the date of enactment of the Kids First Act and whose family income does not exceed the income eligibility applied under such waiver with respect to that population on such date.

"(iii) NO REPLACEMENT ENROLLEES.—Nothing in clauses (i) or (ii) shall be construed as authorizing a State to provide child health assistance or health benefits coverage under a waiver described in either such clause to a nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child, or a nonpregnant childless adult, who is not enrolled under the waiver on the date of enactment of the Kids First Act.

"(C) NO FEDERAL PAYMENT FOR ANY NEW NONPREGNANT ADULT ENROLLEES OR FOR SUCH ENROLLEES WHO NO LONGER SATISFY INCOME ELIGIBILITY REQUIREMENTS.—Payment shall not be made under this section for child health assistance or other health benefits coverage provided under the State child health plan or under a waiver under section 1115 for any of the following:

"(i) PARENTS OR CARETAKER RELATIVES UNDER A SECTION 1115 WAIVER APPROVED AFTER THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—A nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child under a waiver, experimental, pilot, or demonstration project that is approved on or after the date of enactment of the Kids First Act.

"(ii) PARENTS, CARETAKER RELATIVES, AND NONPREGNANT CHILDLESS ADULTS WHOSE FAMILY INCOME EXCEEDS THE INCOME ELIGIBILITY LEVEL SPECIFIED UNDER A SECTION 1115 WAIVER APPROVED PRIOR TO THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—Any nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child whose family income exceeds the income eligibility level referred to in subparagraph (B)(i), and any nonpregnant childless adult whose family income exceeds the income eligibility level referred to in subparagraph (B)(ii).

"(iii) NONPREGNANT CHILDLESS ADULTS, PARENTS, OR CARETAKER RELATIVES NOT ENROLLED UNDER A SECTION 1115 WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—Any nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child who is not enrolled in the State child health plan under a section 1115 waiver, experimental, pilot, or demonstration project referred to in subparagraph (B)(i) on the date of enactment of the Kids First Act, and any nonpregnant childless adult who is not enrolled in the State child health plan under a section 1115 waiver, experimental, pilot, or demonstration project referred to in subparagraph (B)(ii)(I) on such date.

"(D) DEFINITION OF CARETAKER RELATIVE.—In this subparagraph, the term 'caretaker relative' has the meaning given that term for purposes of carrying out section 1931.

"(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as implying that payments for coverage of populations for which the Federal medical assistance percentage (as so determined) is to be substituted for the enhanced FMAP under subsection (a)(1) in accordance with this paragraph are to be made from funds other than the allotments determined for a State under section 2104.".

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) of the Social Security Act (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting "or subsection (c)(8)" after "subparagraph (B)".

SEC. 104. PROHIBITION ON NEW SECTION 1115 WAIVERS FOR COVERAGE OF ADULTS OTHER THAN PREGNANT WOMEN.

(a) IN GENERAL.—Section 2107(f) of the Social Security Act (42 U.S.C. 1397gg(f)) is amended—

(1) by striking ", the Secretary" and inserting ":

"(1) The Secretary"; and

(2) by adding at the end the following new paragraphs:

"(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Kids First Act that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage for any other adult other than a pregnant woman whose family income does not exceed the income eligibility level specified for a targeted low-income child in that State under a waiver or project approved as of such date.

"(3) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Kids First Act that would waive or modify the requirements of section 2105(c)(8).".

(b) CLARIFICATION OF AUTHORITY FOR COVERAGE OF PREGNANT WOMEN.—Section 2106 of the Social Security Act (42 U.S.C. 1397ff) is amended by adding at the end the following new subsection:

"(f) NO AUTHORITY TO COVER PREGNANT WOMEN THROUGH STATE PLAN.—For purposes of this title, a State may provide assistance to a pregnant woman under the State child health plan only—

"(1) by virtue of a waiver under section 1115; or

"(2) through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect on the date of enactment of the Kids First Act).".

(c) ASSURANCE OF NOTICE TO AFFECTED ENROLLEES.—The Secretary of Health and Human Services shall establish procedures to ensure that States provide adequate public notice for parents, caretaker relatives, and nonpregnant childless adults whose eligibility for child health assistance or health benefits coverage under a waiver under section 1115 of the Social Security Act will be terminated as a result of the amendments made by subsection (a), and that States otherwise adhere to regulations of the Secretary relating to procedures for terminating waivers under section 1115 of the Social Security Act.

SEC. 105. STANDARDIZATION OF DETERMINATION OF FAMILY INCOME.

(a) ELIGIBILITY BASED ON GROSS INCOME.—

(1) IN GENERAL.—Section 2110 of the Social Security Act (42 U.S.C. 1397jj) is amended by adding at the end the following new subsection:

"(d) STANDARDIZATION OF DETERMINATION OF FAMILY INCOME.—A State shall determine family income for purposes of determining income eligibility for child health assistance or other health benefits coverage under the State child health plan (or under a waiver of such plan under section 1115) solely on the basis of the gross income (as defined by the Secretary) of the family.".

(2) PROHIBITION ON WAIVER OF REQUIREMENTS.—Section 2107(f) (42 U.S.C. 1397gg(f)), as amended by section 104(a), is amended by adding at the end the following new paragraph:

"(4) The Secretary may not approve a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Kids First Act that would waive or modify the requirements of section 2110(d) (relating to determining income eligibility on the basis of gross income) and regulations promulgated to carry out such requirements.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate interim final regulations defining gross income for purposes of section 2110(d) of the Social Security Act, as added by subsection (a).

(c) APPLICATION TO CURRENT ENROLLEES.—The interim final regulations promulgated under subsection (b) shall not be used to determine the income eligibility of any individual enrolled in a State child health plan under title XXI of the Social Security Act on the date of enactment of this Act before the date on which such eligibility of the individual is required to be redetermined under the plan as in effect on such date. In the case of any individual enrolled in such plan on such date who, solely as a result of the application of subsection (d) of section 2110 of the Social Security Act (as added by subsection (a)) and the regulations promulgated under subsection (b), is determined to be ineligible for child health assistance under the State child health plan, a State may elect, subject to substitution of the Federal medical assistance percentage for the enhanced FMAP under section 2105(c)(8)(A) of the Social Security Act (as added by section 103(a)), to continue to provide the individual with such assistance for so long as the individual otherwise would be eligible for such assistance and the individual's family income, if determined under the income and resource standards and methodologies applicable under the State child health plan on September 30, 2007, would not exceed the income eligibility level applicable to the individual under the State child health plan.

SEC. 106. GRANTS FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

"SEC. 2111. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.

"(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

"(1) IN GENERAL.—From the amounts appropriated for a fiscal year under subsection (f), subject to paragraph (2), the Secretary shall award grants to eligible entities to conduct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

"(2) 10 PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts for the fiscal year shall be used by the Secretary for expenditures during the fiscal year to carry out a national enrollment campaign in accordance with subsection (g).

"(b) AWARD OF GRANTS.—

"(1) PRIORITY FOR AWARDING.—

"(A) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

"(i) propose to target geographic areas with high rates of—

"(I) eligible but unenrolled children, including such children who reside in rural areas; or

"(II) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

"(ii) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

"(B) 10 PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (f) for a fiscal year shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

"(2) 2-YEAR AVAILABILITY.—A grant awarded under this section for a fiscal year shall remain available for expenditure through the end of the succeeding fiscal year.

"(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

"(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

"(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

"(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

"(4) an assurance that the eligible entity shall—

"(A) conduct an assessment of the effectiveness of such activities against the performance measures;

"(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments.

"(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

"(d) SUPPLEMENT, NOT SUPPLANT.—Federal funds awarded under this section shall be used to supplement, not supplant, non-Federal funds that are otherwise available for activities funded under this section.

"(e) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

"(A) A State with an approved child health plan under this title.

"(B) A local government.

"(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

"(D) A Federal health safety net organization.

"(E) A State, national, local, or community-based public or nonprofit private organization.

"(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x-65) relating to a grant award to non-governmental entities.

"(G) An elementary or secondary school.

"(H) A national, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

"(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

"(A) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

"(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

"(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

"(D) any other entity or consortium that serves children under a federally-funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the head start and early head start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

"(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(4) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

"(A) by serving as a liaison between communities and health care agencies;

"(B) by providing guidance and social assistance to community residents;

"(C) by enhancing community residents' ability to effectively communicate with health care providers;

"(D) by providing culturally and linguistically appropriate health or nutrition education;

"(E) by advocating for individual and community health or nutrition needs; and

"(F) by providing referral and followup services.

"(f) APPROPRIATION.—

"(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of awarding grants under this section—

"(A) $100,000,000 for each of fiscal years 2008 and 2009;

"(B) $75,000,000 for each of fiscal years 2010 and 2011; and

"(C) $50,000,000 for fiscal year 2012.

"(2) GRANTS IN ADDITION TO OTHER AMOUNTS PAID.—Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

"(g) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2) for a fiscal year, the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

"(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

"(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

"(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

"(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

"(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

"(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.".

(b) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

"(C) NONAPPLICATION TO EXPENDITURES FOR OUTREACH AND ENROLLMENT.—The limitation under subparagraph (A) shall not apply with respect to expenditures for outreach activities under section 2102(c)(1), or for enrollment activities, for children eligible for child health assistance under the State child health plan or medical assistance under the State plan under title XIX.".

SEC. 107. IMPROVED STATE OPTION FOR OFFERING PREMIUM ASSISTANCE FOR COVERAGE THROUGH PRIVATE PLANS.

(a) IN GENERAL.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)), as amended by section 103(a) is amended by adding at the end the following:

"(9) ADDITIONAL STATE OPTION FOR OFFERING PREMIUM ASSISTANCE.—

"(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph, a State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph.

"(B) QUALIFIED EMPLOYER SPONSORED COVERAGE.—

"(i) IN GENERAL.—In this paragraph, the term 'qualified employer sponsored coverage' means a group health plan or health insurance coverage offered through an employer that is—

"(I) substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2);

"(II) made similarly available to all of the employer's employees and for which the employer makes a contribution to the premium that is not less for employees receiving a premium assistance subsidy under any option available under the State child health plan under this title or the State plan under title XIX to provide such assistance than the employer contribution provided for all other employees; and

"(III) cost-effective, as determined under clause (ii).

"(ii) COST-EFFECTIVENESS.—A group health plan or health insurance coverage offered through an employer shall be considered to be cost-effective if—

"(I) the marginal premium cost to purchase family coverage through the employer is less than the State cost of providing child health assistance through the State child health plan for all the children in the family who are targeted low-income children; or

"(II) the marginal premium cost between individual coverage and purchasing family coverage through the employer is not greater than 175 percent of the cost to the State to provide child health assistance through the State child health plan for a targeted low-income child.

"(iii) HIGH DEDUCTIBLE HEALTH PLANS INCLUDED.—The term 'qualified employer sponsored coverage' includes a high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986) purchased through a health savings account (as defined under section 223(d) of such Code).

"(C) PREMIUM ASSISTANCE SUBSIDY.—

"(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan, subject to the annual aggregate cost-sharing limit applied under section 2103(e)(3)(B).

"(ii) STATE PAYMENT OPTION.—Subject to clause (iii), a State may provide a premium assistance subsidy directly to an employer or as reimbursement to an employee for out-of-pocket expenditures.

"(iii) REQUIREMENT FOR DIRECT PAYMENT TO EMPLOYEE.—A State shall not pay a premium assistance subsidy directly to the employee, unless the State has established procedures to ensure that the targeted low-income child on whose behalf such payments are made are actually enrolled in the qualified employer sponsored coverage.

"(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

"(v) STATE OPTION TO REQUIRE ACCEPTANCE OF SUBSIDY.—A State may condition the provision of child health assistance under the State child health plan for a targeted low-income child on the receipt of a premium assistance subsidy for enrollment in qualified employer sponsored coverage if the State determines the provision of such a subsidy to be more cost-effective in accordance with subparagraph (B)(ii).

"(vi) NOT TREATED AS INCOME.—Notwithstanding any other provision of law, a premium assistance subsidy provided in accordance with this paragraph shall not be treated as income to the child or the parent of the child for whom such subsidy is provided.

"(D) NO REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND ADDITIONAL COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

"(i) IN GENERAL.—A State that elects the option to provide a premium assistance subsidy under this paragraph shall not be required to provide a targeted low-income child enrolled in qualified employer sponsored coverage with supplemental coverage for items or services that are not covered, or are only partially covered, under the qualified employer sponsored coverage or cost-sharing protection other than the protection required under section 2103(e)(3)(B).

"(ii) NOTICE OF COST-SHARING REQUIREMENTS.—A State shall provide a targeted low-income child or the parent of such a child (as appropriate) who is provided with a premium assistance subsidy in accordance with this paragraph with notice of the cost-sharing requirements and limitations imposed under the qualified employer sponsored coverage in which the child is enrolled upon the enrollment of the child in such coverage and annually thereafter.

"(iii) RECORD KEEPING REQUIREMENTS.—A State may require a parent of a targeted low-income child that is enrolled in qualified employer-sponsored coverage to bear the responsibility for keeping track of out-of-pocket expenditures incurred for cost-sharing imposed under such coverage and to notify the State when the limit on such expenditures imposed under section 2103(e)(3)(B) has been reached for a year from the effective date of enrollment for such year.

"(iv) STATE OPTION FOR REIMBURSEMENT.—A State may retroactively reimburse a parent of a targeted low-income child for out-of-pocket expenditures incurred after reaching the 5 percent cost-sharing limitation imposed under section 2103(e)(3)(B) for a year.

"(E) 6-MONTH WAITING PERIOD REQUIRED.—A State shall impose at least a 6-month waiting period from the time an individual is enrolled in private health insurance prior to the provision of a premium assistance subsidy for a targeted low-income child in accordance with this paragraph.

"(F) NON APPLICATION OF WAITING PERIOD FOR ENROLLMENT IN THE STATE MEDICAID PLAN OR THE STATE CHILD HEALTH PLAN.—A targeted low-income child provided a premium assistance subsidy in accordance with this paragraph who loses eligibility for such subsidy shall not be treated as having been enrolled in private health insurance coverage for purposes of applying any waiting period imposed under the State child health plan or the State plan under title XIX for the enrollment of the child under such plan.

"(G) ASSURANCE OF SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF ELIGIBILITY FOR PREMIUM SUBSIDY ASSISTANCE.—No payment shall be made under subsection (a) for amounts expended for the provision of premium assistance subsidies under this paragraph unless a State provides assurances to the Secretary that the State has in effect laws requiring a group health plan, a health insurance issuer offering group health insurance coverage in connection with a group health plan, and a self-funded health plan, to permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a child of such an employee if the child is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if the employee's child becomes eligible for a premium assistance subsidy under this paragraph.

"(H) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect on June 28, 2007.

"(I) NOTICE OF AVAILABILITY.—A State shall—

"(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer sponsored coverage;

"(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

"(iii) establish such other procedures as the State determines necessary to ensure that parents are informed of the availability of such subsidies under the State child health plan.".

(b) APPLICATION TO MEDICAID.—Section 1906 of the Social Security Act (42 U.S.C. 1396e) is amended by inserting after subsection (c) the following:

"(d) The provisions of section 2105(c)(9) shall apply to a child who is eligible for medical assistance under the State plan in the same manner as such provisions apply to a targeted low-income child under a State child health plan under title XXI. Section 1902(a)(34) shall not apply to a child who is provided a premium assistance subsidy under the State plan in accordance with the preceding sentence.".

SEC. 108. TREATMENT OF UNBORN CHILDREN.

(a) CODIFICATION OF CURRENT REGULATIONS.—Section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397jj(c)(1)) is amended by striking the period at the end and inserting the following: ", and includes, at the option of a State, an unborn child. For purposes of the previous sentence, the term 'unborn child' means a member of the species Homo sapiens, at any stage of development, who is carried in the womb.".

(b) CLARIFICATIONS REGARDING COVERAGE OF MOTHERS.—Section 2103 of such Act (42 U.S.C. 1397cc) is amended by adding at the end the following new subsection:

"(g) CLARIFICATIONS REGARDING AUTHORITY TO PROVIDE POSTPARTUM SERVICES AND MATERNAL HEALTH CARE.—Any State that provides child health assistance to an unborn child under the option described in section 2110(c)(1) may—

"(1) continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends; and

"(2) in the interest of the child to be born, have flexibility in defining and providing services to benefit either the mother or unborn child consistent with the health of both.".

SEC. 109. 50 PERCENT MATCHING RATE FOR ALL MEDICAID ADMINISTRATIVE COSTS.

Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3)(E) as paragraph (2) and re-locating and indenting it appropriately;

(3) in paragraph (2), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), and indenting them appropriately;

(4) by striking paragraphs (3) and (4);

(5) in paragraph (5), by striking "which are attributable to the offering, arranging, and furnishing" and inserting "which are for the medical assistance costs of furnishing";

(6) by striking paragraph (6);

(7) in paragraph (7), by striking "subject to section 1919(g)(3)(B),"; and

(8) by redesignating paragraphs (5) and (7) as paragraphs (3) and (4), respectively.

SEC. 110. REDUCTION IN PAYMENTS FOR MEDICAID ADMINISTRATIVE COSTS TO PREVENT DUPLICATION OF SUCH PAYMENTS UNDER TANF.

Section 1903 of such Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking "section 1919(g)(3)(B)" and inserting "subsection (h)";

(2) in subsection (a)(2)(D) by inserting ", subject to subsection (g)(3)(C) of such section" after "as are attributable to State activities under section 1919(g)"; and

(3) by adding after subsection (g) the following new subsection:

"(h) REDUCTION IN PAYMENTS FOR ADMINISTRATIVE COSTS TO PREVENT DUPLICATION OF PAYMENTS UNDER TITLE IV.—Beginning with the calendar quarter commencing October 1, 2007, the Secretary shall reduce the amount paid to each State under subsection (a)(7) for each quarter by an amount equal to ¼ of the annualized amount determined for the Medicaid program under section 16(k)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(2)(B)).".

SEC. 111. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this title take effect on October 1, 2007.

(b) DELAY IF STATE LEGISLATION REQUIRED.—In the case of a State child health plan under title XXI of the Social Security Act or a waiver of such plan under section 1115 of such Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan or waiver to meet the additional requirements imposed by the amendments made by this title, the State child health plan or waiver shall not be regarded as failing to comply with the requirements of such title XXI solely on the basis of its failure to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this title. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

TITLE II—HEALTH INSURANCE MARKETPLACE MODERNIZATION AND AFFORDABILITY

SEC. 200. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This title may be cited as the "Health Insurance Marketplace Modernization and Affordability Act of 2007".

(b) PURPOSES.—It is the purpose of this title to—

(1) make more affordable health insurance options available to small businesses, working families, and all Americans;

(2) assure effective State regulatory protection of the interests of health insurance consumers; and

(3) create a more efficient and affordable health insurance marketplace through collaborative development of uniform regulatory standards.

Subtitle A—Small Business Health Plans

SEC. 201. RULES GOVERNING SMALL BUSINESS HEALTH PLANS.

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

"PART 8—RULES GOVERNING SMALL BUSINESS HEALTH PLANS

"SEC. 801. SMALL BUSINESS HEALTH PLANS.

"(a) IN GENERAL.—For purposes of this part, the term 'small business health plan' means a fully insured group health plan whose sponsor is (or is deemed under this part to be) described in subsection (b).

"(b) SPONSORSHIP.—The sponsor of a group health plan is described in this subsection if such sponsor—

"(1) is organized and maintained in good faith, with a constitution and bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis, as a bona fide trade association, a bona fide industry association (including a rural electric cooperative association or a rural telephone cooperative association), a bona fide professional association, or a bona fide chamber of commerce (or similar bona fide business association, including a corporation or similar organization that operates on a cooperative basis (within the meaning of section 1381 of the Internal Revenue Code of 1986)), for substantial purposes other than that of obtaining medical care;

"(2) is established as a permanent entity which receives the active support of its members and requires for membership payment on a periodic basis of dues or payments necessary to maintain eligibility for membership;

"(3) does not condition membership, such dues or payments, or coverage under the plan on the basis of health status-related factors with respect to the employees of its members (or affiliated members), or the dependents of such employees, and does not condition such dues or payments on the basis of group health plan participation; and

"(4) does not condition membership on the basis of a minimum group size.

Any sponsor consisting of an association of entities which meet the requirements of paragraphs (1), (2), (3), and (4) shall be deemed to be a sponsor described in this subsection.

"SEC. 802. CERTIFICATION OF SMALL BUSINESS HEALTH PLANS.

"(a) IN GENERAL.—Not later than 6 months after the date of enactment of this part, the applicable authority shall prescribe by interim final rule a procedure under which the applicable authority shall certify small business health plans which apply for certification as meeting the requirements of this part.

"(b) REQUIREMENTS APPLICABLE TO CERTIFIED PLANS.—A small business health plan with respect to which certification under this part is in effect shall meet the applicable requirements of this part, effective on the date of certification (or, if later, on the date on which the plan is to commence operations).

"(c) REQUIREMENTS FOR CONTINUED CERTIFICATION.—The applicable authority may provide by regulation for continued certification of small business health plans under this part. Such regulation shall provide for the revocation of a certification if the applicable authority finds that the small business health plan involved is failing to comply with the requirements of this part.

"(d) EXPEDITED AND DEEMED CERTIFICATION.—

"(1) IN GENERAL.—If the Secretary fails to act on an application for certification under this section within 90 days of receipt of such application, the applying small business health plan shall be deemed certified until such time as the Secretary may deny for cause the application for certification.

"(2) CIVIL PENALTY.—The Secretary may assess a civil penalty against the board of trustees and plan sponsor (jointly and severally) of a small business health plan that is deemed certified under paragraph (1) of up to $500,000 in the event the Secretary determines that the application for certification of such small business health plan was willfully or with gross negligence incomplete or inaccurate.

"SEC. 803. REQUIREMENTS RELATING TO SPONSORS AND BOARDS OF TRUSTEES.

"(a) SPONSOR.—The requirements of this subsection are met with respect to a small business health plan if the sponsor has met (or is deemed under this part to have met) the requirements of section 801(b) for a continuous period of not less than 3 years ending with the date of the application for certification under this part.

"(b) BOARD OF TRUSTEES.—The requirements of this subsection are met with respect to a small business health plan if the following requirements are met:

"(1) FISCAL CONTROL.—The plan is operated, pursuant to a plan document, by a board of trustees which pursuant to a trust agreement has complete fiscal control over the plan and which is responsible for all operations of the plan.

"(2) RULES OF OPERATION AND FINANCIAL CONTROLS.—The board of trustees has in effect rules of operation and financial controls, based on a 3-year plan of operation, adequate to carry out the terms of the plan and to meet all requirements of this title applicable to the plan.

"(3) RULES GOVERNING RELATIONSHIP TO PARTICIPATING EMPLOYERS AND TO CONTRACTORS.—

"(A) BOARD MEMBERSHIP.—

"(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the members of the board of trustees are individuals selected from individuals who are the owners, officers, directors, or employees of the participating employers or who are partners in the participating employers and actively participate in the business.

"(ii) LIMITATION.—

"(I) GENERAL RULE.—Except as provided in subclauses (II) and (III), no such member is an owner, officer, director, or employee of, or partner in, a contract administrator or other service provider to the plan.

"(II) LIMITED EXCEPTION FOR PROVIDERS OF SERVICES SOLELY ON BEHALF OF THE SPONSOR.—Officers or employees of a sponsor which is a service provider (other than a contract administrator) to the plan may be members of the board if they constitute not more than 25 percent of the membership of the board and they do not provide services to the plan other than on behalf of the sponsor.

"(III) TREATMENT OF PROVIDERS OF MEDICAL CARE.—In the case of a sponsor which is an association whose membership consists primarily of providers of medical care, subclause (I) shall not apply in the case of any service provider described in subclause (I) who is a provider of medical care under the plan.

"(iii) CERTAIN PLANS EXCLUDED.—Clause (i) shall not apply to a small business health plan which is in existence on the date of the enactment of the Health Insurance Marketplace Modernization and Affordability Act of 2007.

"(B) SOLE AUTHORITY.—The board has sole authority under the plan to approve applications for participation in the plan and to contract with insurers.

"(c) TREATMENT OF FRANCHISE NETWORKS.—In the case of a group health plan which is established and maintained by a franchiser for a franchise network consisting of its franchisees—

"(1) the requirements of subsection (a) and section 801(a) shall be deemed met if such requirements would otherwise be met if the franchiser were deemed to be the sponsor referred to in section 801(b), such network were deemed to be an association described in section 801(b), and each franchisee were deemed to be a member (of the association and the sponsor) referred to in section 801(b); and

"(2) the requirements of section 804(a)(1) shall be deemed met.

The Secretary may by regulation define for purposes of this subsection the terms 'franchiser', 'franchise network', and 'franchisee'.

"SEC. 804. PARTICIPATION AND COVERAGE REQUIREMENTS.

"(a) COVERED EMPLOYERS AND INDIVIDUALS.—The requirements of this subsection are met with respect to a small business health plan if, under the terms of the plan—

"(1) each participating employer must be—

"(A) a member of the sponsor;

"(B) the sponsor; or

"(C) an affiliated member of the sponsor, except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

"(2) all individuals commencing coverage under the plan after certification under this part must be—

"(A) active or retired owners (including self-employed individuals), officers, directors, or employees of, or partners in, participating employers; or

"(B) the dependents of individuals described in subparagraph (A).

"(b) INDIVIDUAL MARKET UNAFFECTED.—The requirements of this subsection are met with respect to a small business health plan if, under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan which is similar to the coverage contemporaneously provided to employees of the employer under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan.

"(c) PROHIBITION OF DISCRIMINATION AGAINST EMPLOYERS AND EMPLOYEES ELIGIBLE TO PARTICIPATE.—The requirements of this subsection are met with respect to a small business health plan if—

"(1) under the terms of the plan, all employers meeting the preceding requirements of this section are eligible to qualify as participating employers for all geographically available coverage options, unless, in the case of any such employer, participation or contribution requirements of the type referred to in section 2711 of the Public Health Service Act are not met;

"(2) information regarding all coverage options available under the plan is made readily available to any employer eligible to participate; and

"(3) the applicable requirements of sections 701, 702, and 703 are met with respect to the plan.

"SEC. 805. OTHER REQUIREMENTS RELATING TO PLAN DOCUMENTS, CONTRIBUTION RATES, AND BENEFIT OPTIONS.

"(a) IN GENERAL.—The requirements of this section are met with respect to a small business health plan if the following requirements are met:

"(1) CONTENTS OF GOVERNING INSTRUMENTS.—

"(A) IN GENERAL.—The instruments governing the plan include a written instrument, meeting the requirements of an instrument required under section 402(a)(1), which—

"(i) provides that the board of trustees serves as the named fiduciary required for plans under section 402(a)(1) and serves in the capacity of a plan administrator (referred to in section 3(16)(A)); and

"(ii) provides that the sponsor of the plan is to serve as plan sponsor (referred to in section 3(16)(B)).

"(B) DESCRIPTION OF MATERIAL PROVISIONS.—The terms of the health insurance coverage (including the terms of any individual certificates that may be offered to individuals in connection with such coverage) describe the material benefit and rating, and other provisions set forth in this section and such material provisions are included in the summary plan description.

"(2) CONTRIBUTION RATES MUST BE NONDISCRIMINATORY.—

"(A) IN GENERAL.—The contribution rates for any participating small employer shall not vary on the basis of any health status-related factor in relation to employees of such employer or their beneficiaries and shall not vary on the basis of the type of business or industry in which such employer is engaged.

"(B) EFFECT OF TITLE.—Nothing in this title or any other provision of law shall be construed to preclude a health insurance issuer offering health insurance coverage in connection with a small business health plan, and at the request of such small business health plan, from—

"(i) setting contribution rates for the small business health plan based on the claims experience of the plan so long as any variation in such rates complies with the requirements of clause (ii), except that small business health plans shall not be subject to paragraphs (1)(A) and (3) of section 2911(b) of the Public Health Service Act; or

"(ii) varying contribution rates for participating employers in a small business health plan in a State to the extent that such rates could vary using the same methodology employed in such State for regulating small group premium rates, subject to the terms of part I of subtitle A of title XXIX of the Public Health Service Act (relating to rating requirements), as added by subtitle B of the Health Insurance Marketplace Modernization and Affordability Act of 2007.

"(3) EXCEPTIONS REGARDING SELF-EMPLOYED AND LARGE EMPLOYERS.—

"(A) SELF EMPLOYED.—

"(i) IN GENERAL.—Small business health plans with participating employers who are self-employed individuals (and their dependents) shall enroll such self-employed participating employers in accordance with rating rules that do not violate the rating rules for self-employed individuals in the State in which such self-employed participating employers are located.

"(ii) GUARANTEE ISSUE.—Small business health plans with participating employers who are self-employed individuals (and their dependents) may decline to guarantee issue to such participating employers in States in which guarantee issue is not otherwise required for the self-employed in that State.

"(B) LARGE EMPLOYERS.—Small business health plans with participating employers that are larger than small employers (as defined in section 808(a)(10)) shall enroll such large participating employers in accordance with rating rules that do not violate the rating rules for large employers in the State in which such large participating employers are located.

"(4) REGULATORY REQUIREMENTS.—Such other requirements as the applicable authority determines are necessary to carry out the purposes of this part, which shall be prescribed by the applicable authority by regulation.

"(b) ABILITY OF SMALL BUSINESS HEALTH PLANS TO DESIGN BENEFIT OPTIONS.—Nothing in this part or any provision of State law (as defined in section 514(c)(1)) shall be construed to preclude a small business health plan or a health insurance issuer offering health insurance coverage in connection with a small business health plan from exercising its sole discretion in selecting the specific benefits and services consisting of medical care to be included as benefits under such plan or coverage, except that such benefits and services must meet the terms and specifications of part II of subtitle A of title XXIX of the Public Health Service Act (relating to lower cost plans), as added by subtitle B of the Health Insurance Marketplace Modernization and Affordability Act of 2007.

"(c) DOMICILE AND NON-DOMICILE STATES.—

"(1) DOMICILE STATE.—Coverage shall be issued to a small business health plan in the State in which the sponsor's principal place of business is located.

"(2) NON-DOMICILE STATES.—With respect to a State (other than the domicile State) in which participating employers of a small business health plan are located but in which the insurer of the small business health plan in the domicile State is not yet licensed, the following shall apply:

"(A) TEMPORARY PREEMPTION.—If, upon the expiration of the 90-day period following the submission of a licensure application by such insurer (that includes a certified copy of an approved licensure application as submitted by such insurer in the domicile State) to such State, such State has not approved or denied such application, such State's health insurance licensure laws shall be temporarily preempted and the insurer shall be permitted to operate in such State, subject to the following terms:

"(i) APPLICATION OF NON-DOMICILE STATE LAW.—Except with respect to licensure and with respect to the terms of subtitle A of title XXIX of the Public Health Service Act (relating to rating and benefits as added by the Health Insurance Marketplace Modernization and Affordability Act of 2007), the laws and authority of the non-domicile State shall remain in full force and effect.

"(ii) REVOCATION OF PREEMPTION.—The preemption of a non-domicile State's health insurance licensure laws pursuant to this subparagraph, shall be terminated upon the occurrence of either of the following:

"(I) APPROVAL OR DENIAL OF APPLICATION.—The approval of denial of an insurer's licensure application, following the laws and regulations of the non-domicile State with respect to licensure.

"(II) DETERMINATION OF MATERIAL VIOLATION.—A determination by a non-domicile State that an insurer operating in a non-domicile State pursuant to the preemption provided for in this subparagraph is in material violation of the insurance laws (other than licensure and with respect to the terms of subtitle A of title XXIX of the Public Health Service Act (relating to rating and benefits added by the Health Insurance Marketplace Modernization and Affordability Act of 2007)) of such State.

"(B) NO PROHIBITION ON PROMOTION.—Nothing in this paragraph shall be construed to prohibit a small business health plan or an insurer from promoting coverage prior to the expiration of the 90-day period provided for in subparagraph (A), except that no enrollment or collection of contributions shall occur before the expiration of such 90-day period.

"(C) LICENSURE.—Except with respect to the application of the temporary preemption provision of this paragraph, nothing in this part shall be construed to limit the requirement that insurers issuing coverage to small business health plans shall be licensed in each State in which the small business health plans operate.

"(D) SERVICING BY LICENSED INSURERS.—Notwithstanding subparagraph (C), the requirements of this subsection may also be satisfied if the participating employers of a small business health plan are serviced by a licensed insurer in that State, even where such insurer is not the insurer of such small business health plan in the State in which such small business health plan is domiciled.

"SEC. 806. REQUIREMENTS FOR APPLICATION AND RELATED REQUIREMENTS.

"(a) FILING FEE.—Under the procedure prescribed pursuant to section 802(a), a small business health plan shall pay to the applicable authority at the time of filing an application for certification under this part a filing fee in the amount of $5,000, which shall be available in the case of the Secretary, to the extent provided in appropriation Acts, for the sole purpose of administering the certification procedures applicable with respect to small business health plans.

"(b) INFORMATION TO BE INCLUDED IN APPLICATION FOR CERTIFICATION.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

"(1) IDENTIFYING INFORMATION.—The names and addresses of—

"(A) the sponsor; and

"(B) the members of the board of trustees of the plan.

"(2) STATES IN WHICH PLAN INTENDS TO DO BUSINESS.—The States in which participants and beneficiaries under the plan are to be located and the number of them expected to be located in each such State.

"(3) BONDING REQUIREMENTS.—Evidence provided by the board of trustees that the bonding requirements of section 412 will be met as of the date of the application or (if later) commencement of operations.

"(4) PLAN DOCUMENTS.—A copy of the documents governing the plan (including any bylaws and trust agreements), the summary plan description, and other material describing the benefits that will be provided to participants and beneficiaries under the plan.

"(5) AGREEMENTS WITH SERVICE PROVIDERS.—A copy of any agreements between the plan, health insurance issuer, and contract administrators and other service providers.

"(c) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part to a small business health plan shall not be effective unless written notice of such certification is filed with the applicable State authority of each State in which the small business health plans operate.

"(d) NOTICE OF MATERIAL CHANGES.—In the case of any small business health plan certified under this part, descriptions of material changes in any information which was required to be submitted with the application for the certification under this part shall be filed in such form and manner as shall be prescribed by the applicable authority by regulation. The applicable authority may require by regulation prior notice of material changes with respect to specified matters which might serve as the basis for suspension or revocation of the certification.

"SEC. 807. NOTICE REQUIREMENTS FOR VOLUNTARY TERMINATION.

"A small business health plan which is or has been certified under this part may terminate (upon or at any time after cessation of accruals in benefit liabilities) only if the board of trustees, not less than 60 days before the proposed termination date—

"(1) provides to the participants and beneficiaries a written notice of intent to terminate stating that such termination is intended and the proposed termination date;

"(2) develops a plan for winding up the affairs of the plan in connection with such termination in a manner which will result in timely payment of all benefits for which the plan is obligated; and

"(3) submits such plan in writing to the applicable authority.

Actions required under this section shall be taken in such form and manner as may be prescribed by the applicable authority by regulation.

"SEC. 808. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—For purposes of this part—

"(1) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

"(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor, or

"(B) in the case of a sponsor with members which consist of associations, a person who is a member or employee of any such association and elects an affiliated status with the sponsor.

"(2) APPLICABLE AUTHORITY.—The term 'applicable authority' means the Secretary of Labor, except that, in connection with any exercise of the Secretary's authority with respect to which the Secretary is required under section 506(d) to consult with a State, such term means the Secretary, in consultation with such State.

"(3) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

"(4) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning provided in section 733(a)(1) (after applying subsection (b) of this section).

"(5) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning provided in section 733(b)(1), except that such term shall not include excepted benefits (as defined in section 733(c)).

"(6) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning provided in section 733(b)(2).

"(7) INDIVIDUAL MARKET.—

"(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"(B) TREATMENT OF VERY SMALL GROUPS.—

"(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

"(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

"(8) MEDICAL CARE.—The term 'medical care' has the meaning provided in section 733(a)(2).

"(9) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with a small business health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

"(10) SMALL EMPLOYER.—The term 'small employer' means, in connection with a group health plan with respect to a plan year, a small employer as defined in section 2791(e)(4).

"(11) TRADE ASSOCIATION AND PROFESSIONAL ASSOCIATION.—The terms 'trade association' and 'professional association' mean an entity that meets the requirements of section 1.501(c)(6)-1 of title 26, Code of Federal Regulations (as in effect on the date of enactment of this section).

"(b) RULE OF CONSTRUCTION.—For purposes of determining whether a plan, fund, or program is an employee welfare benefit plan which is a small business health plan, and for purposes of applying this title in connection with such plan, fund, or program so determined to be such an employee welfare benefit plan—

"(1) in the case of a partnership, the term 'employer' (as defined in section 3(5)) includes the partnership in relation to the partners, and the term 'employee' (as defined in section 3(6)) includes any partner in relation to the partnership; and

"(2) in the case of a self-employed individual, the term 'employer' (as defined in section 3(5)) and the term 'employee' (as defined in section 3(6)) shall include such individual.

"(c) RENEWAL.—Notwithstanding any provision of law to the contrary, a participating employer in a small business health plan shall not be deemed to be a plan sponsor in applying requirements relating to coverage renewal.

"(d) HEALTH SAVINGS ACCOUNTS.—Nothing in this part shall be construed to inhibit the development of health savings accounts pursuant to section 223 of the Internal Revenue Code of 1986.".

(b) CONFORMING AMENDMENTS TO PREEMPTION RULES.—

(1) Section 514(b)(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(6)) is amended by adding at the end the following new subparagraph:

"(E) The preceding subparagraphs of this paragraph do not apply with respect to any State law in the case of a small business health plan which is certified under part 8.".

(2) Section 514 of such Act (29 U.S.C. 1144) is amended—

(A) in subsection (b)(4), by striking "Subsection (a)" and inserting "Subsections (a) and (d)";

(B) in subsection (b)(5), by striking "subsection (a)" in subparagraph (A) and inserting "subsection (a) of this section and subsections (a)(2)(B) and (b) of section 805", and by striking "subsection (a)" in subparagraph

(B) and inserting "subsection (a) of this section or subsection (a)(2)(B) or (b) of section 805";

(C) by redesignating subsection (d) as subsection (e); and

(D) by inserting after subsection (c) the following new subsection:

"(d)(1) Except as provided in subsection (b)(4), the provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude a health insurance issuer from offering health insurance coverage in connection with a small business health plan which is certified under part 8.

"(2) In any case in which health insurance coverage of any policy type is offered under a small business health plan certified under part 8 to a participating employer operating in such State, the provisions of this title shall supersede any and all laws of such State insofar as they may establish rating and benefit requirements that would otherwise apply to such coverage, provided the requirements of subtitle A of title XXIX of the Public Health Service Act (as added by title II of the Health Insurance Marketplace Modernization and Affordability Act of 2007) (concerning health plan rating and benefits) are met.".

(c) PLAN SPONSOR.—Section 3(16)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: "Such term also includes a person serving as the sponsor of a small business health plan under part 8.".

(d) SAVINGS CLAUSE.—Section 731(c) of the Employee Retirement Income Security Act of 1974 is amended by inserting "or part 8" after "this part".

(e) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

"PART 8—RULES GOVERNING SMALL BUSINESS HEALTH PLANS

"801. Small business health plans.
"802. Certification of small business health plans.
"803. Requirements relating to sponsors and boards of trustees.
"804. Participation and coverage requirements.
"805. Other requirements relating to plan documents, contribution rates, and benefit options.
"806. Requirements for application and related requirements.
"807. Notice requirements for voluntary termination.
"808. Definitions and rules of construction.".

SEC. 202. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Section 506 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by adding at the end the following new subsection:

"(d) CONSULTATION WITH STATES WITH RESPECT TO SMALL BUSINESS HEALTH PLANS.—

"(1) AGREEMENTS WITH STATES.—The Secretary shall consult with the State recognized under paragraph (2) with respect to a small business health plan regarding the exercise of—

"(A) the Secretary's authority under sections 502 and 504 to enforce the requirements for certification under part 8; and

"(B) the Secretary's authority to certify small business health plans under part 8 in accordance with regulations of the Secretary applicable to certification under part 8.

"(2) RECOGNITION OF DOMICILE STATE.—In carrying out paragraph (1), the Secretary shall ensure that only one State will be recognized, with respect to any particular small business health plan, as the State with which consultation is required. In carrying out this paragraph such State shall be the domicile State, as defined in section 805(c).".

SEC. 203. EFFECTIVE DATE AND TRANSITIONAL AND OTHER RULES.

(a) EFFECTIVE DATE.—The amendments made by this subtitle shall take effect 12 months after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this subtitle within 6 months after the date of the enactment of this Act.

(b) TREATMENT OF CERTAIN EXISTING HEALTH BENEFITS PROGRAMS.—

(1) IN GENERAL.—In any case in which, as of the date of the enactment of this Act, an arrangement is maintained in a State for the purpose of providing benefits consisting of medical care for the employees and beneficiaries of its participating employers, at least 200 participating employers make contributions to such arrangement, such arrangement has been in existence for at least 10 years, and such arrangement is licensed under the laws of one or more States to provide such benefits to its participating employers, upon the filing with the applicable authority (as defined in section 808(a)(2) of the Employee Retirement Income Security Act of 1974 (as amended by this subtitle)) by the arrangement of an application for certification of the arrangement under part 8 of subtitle B of title I of such Act—

(A) such arrangement shall be deemed to be a group health plan for purposes of title I of such Act;

(B) the requirements of sections 801(a) and 803(a) of the Employee Retirement Income Security Act of 1974 shall be deemed met with respect to such arrangement;

(C) the requirements of section 803(b) of such Act shall be deemed met, if the arrangement is operated by a board of trustees which—

(i) is elected by the participating employers, with each employer having one vote; and

(ii) has complete fiscal control over the arrangement and which is responsible for all operations of the arrangement;

(D) the requirements of section 804(a) of such Act shall be deemed met with respect to such arrangement; and

(E) the arrangement may be certified by any applicable authority with respect to its operations in any State only if it operates in such State on the date of certification.

The provisions of this subsection shall cease to apply with respect to any such arrangement at such time after the date of the enactment of this Act as the applicable requirements of this subsection are not met with respect to such arrangement or at such time that the arrangement provides coverage to participants and beneficiaries in any State other than the States in which coverage is provided on such date of enactment.

(2) DEFINITIONS.—For purposes of this subsection, the terms "group health plan", "medical care", and "participating employer" shall have the meanings provided in section 808 of the Employee Retirement Income Security Act of 1974, except that the reference in paragraph (7) of such section to an "small business health plan" shall be deemed a reference to an arrangement referred to in this subsection.

Subtitle B—Market Relief

SEC. 211. MARKET RELIEF.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXX—HEALTH CARE INSURANCE MARKETPLACE MODERNIZATION

"SEC. 3001. GENERAL INSURANCE DEFINITIONS.

"In this title, the terms 'health insurance coverage', 'health insurance issuer', 'group health plan', and 'individual health insurance' shall have the meanings given such terms in section 2791.

"Subtitle A—Market Relief

"PART I—RATING REQUIREMENTS

"SEC. 3011. DEFINITIONS.

"(a) GENERAL DEFINITIONS.—In this part:

"(1) ADOPTING STATE.—The term 'adopting State' means a State that, with respect to the small group market, has enacted either the Model Small Group Rating Rules or, if applicable to such State, the Transitional Model Small Group Rating Rules, each in their entirety and as the exclusive laws of the State that relate to rating in the small group insurance market.

"(2) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the insurance laws of such State.

"(3) BASE PREMIUM RATE.—The term 'base premium rate' means, for each class of business with respect to a rating period, the lowest premium rate charged or that could have been charged under a rating system for that class of business by the small employer carrier to small employers with similar case characteristics for health benefit plans with the same or similar coverage

"(4) ELIGIBLE INSURER.—The term 'eligible insurer' means a health insurance issuer that is licensed in a State and that—

"(A) notifies the Secretary, not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage consistent with the Model Small Group Rating Rules or, as applicable, transitional small group rating rules in a State;

"(B) notifies the insurance department of a nonadopting State (or other State agency), not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer small group health insurance coverage in that State consistent with the Model Small Group Rating Rules, and provides with such notice a copy of any insurance policy that it intends to offer in the State, its most recent annual and quarterly financial reports, and any other information required to be filed with the insurance department of the State (or other State agency); and

"(C) includes in the terms of the health insurance coverage offered in nonadopting States (including in the terms of any individual certificates that may be offered to individuals in connection with such group health coverage) and filed with the State pursuant to subparagraph (B), a description in the insurer's contract of the Model Small Group Rating Rules and an affirmation that such Rules are included in the terms of such contract.

"(5) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' means any coverage issued in the small group health insurance market, except that such term shall not include excepted benefits (as defined in section 2791(c)).

"(6) INDEX RATE.—The term 'index rate' means for each class of business with respect to the rating period for small employers with similar case characteristics, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.

"(7) MODEL SMALL GROUP RATING RULES.—The term ' Model Small Group Rating Rules' means the rules set forth in subsection (b).

"(8) NONADOPTING STATE.—The term 'non-adopting State' means a State that is not an adopting State.

"(9) SMALL GROUP INSURANCE MARKET.—The term 'small group insurance market' shall have the meaning given the term 'small group market' in section 2791(e)(5).

"(10) STATE LAW.—The term 'State law' means all laws, decisions, rules, regulations, or other State actions (including actions by a State agency) having the effect of law, of any State.

"(b) DEFINITION RELATING TO MODEL SMALL GROUP RATING RULES.—The term 'Model Small Group Rating Rules' means adapted rating rules drawn from the Adopted Small Employer Health Insurance Availability Model Act of 1993 of the National Association of Insurance Commissioners consisting of the following:

"(1) PREMIUM RATES.—Premium rates for health benefit plans to which this title applies shall be subject to the following provisions relating to premiums:

"(A) INDEX RATE.—The index rate for a rating period for any class of business shall not exceed the index rate for any other class of business by more than 20 percent.

"(B) CLASS OF BUSINESSES.—With respect to a class of business, the premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage or the rates that could be charged to such employers under the rating system for that class of business, shall not vary from the index rate by more than 25 percent of the index rate under subparagraph (A).

"(C) INCREASES FOR NEW RATING PERIODS.—The percentage increase in the premium rate charged to a small employer for a new rating period may not exceed the sum of the following:

"(i) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a health benefit plan into which the small employer carrier is no longer enrolling new small employers, the small employer carrier shall use the percentage change in the base premium rate, except that such change shall not exceed, on a percentage basis, the change in the new business premium rate for the most similar health benefit plan into which the small employer carrier is actively enrolling new small employers.

"(ii) Any adjustment, not to exceed 15 percent annually and adjusted pro rata for rating periods of less then 1 year, due to the claim experience, health status or duration of coverage of the employees or dependents of the small employer as determined from the small employer carrier's rate manual for the class of business involved.

"(iii) Any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the small employer carrier's rate manual for the class of business.

"(D) UNIFORM APPLICATION OF ADJUSTMENTS.—Adjustments in premium rates for claim experience, health status, or duration of coverage shall not be charged to individual employees or dependents. Any such adjustment shall be applied uniformly to the rates charged for all employees and dependents of the small employer.

"(E) USE OF INDUSTRY AS A CASE CHARACTERISTIC.—A small employer carrier may utilize industry as a case characteristic in establishing premium rates, so long as the highest rate factor associated with any industry classification does not exceed the lowest rate factor associated with any industry classification by more than 15 percent.

"(F) CONSISTENT APPLICATION OF FACTORS.—Small employer carriers shall apply rating factors, including case characteristics, consistently with respect to all small employers in a class of business. Rating factors shall produce premiums for identical groups which differ only by the amounts attributable to plan design and do not reflect differences due to the nature of the groups assumed to select particular health benefit plans.

"(G) TREATMENT OF PLANS AS HAVING SAME RATING PERIOD.—A small employer carrier shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period.

"(H) RESTRICTED NETWORK PROVISIONS.—For purposes of this subsection, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain a similar provision if the restriction of benefits to network providers results in substantial differences in claims costs.

"(I) PROHIBITION ON USE OF CERTAIN CASE CHARACTERISTICS.—The small employer carrier shall not use case characteristics other than age, gender, industry, geographic area, family composition, group size, and participation in wellness programs without prior approval of the applicable State authority.

"(J) REQUIRE COMPLIANCE.—Premium rates for small business health benefit plans shall comply with the requirements of this subsection notwithstanding any assessments paid or payable by a small employer carrier as required by a State's small employer carrier reinsurance program.

"(2) ESTABLISHMENT OF SEPARATE CLASS OF BUSINESS.—Subject to paragraph (3), a small employer carrier may establish a separate class of business only to reflect substantial differences in expected claims experience or administrative costs related to the following:

"(A) The small employer carrier uses more than one type of system for the marketing and sale of health benefit plans to small employers.

"(B) The small employer carrier has acquired a class of business from another small employer carrier.

"(C) The small employer carrier provides coverage to one or more association groups that meet the requirements of this title.

"(3) LIMITATION.—A small employer carrier may establish up to 9 separate classes of business under paragraph (2), excluding those classes of business related to association groups under this title.

"(4) ADDITIONAL GROUPINGS.—The applicable State authority may approve the establishment of additional distinct groupings by small employer carriers upon the submission of an application to the applicable State authority and a finding by the applicable State authority that such action would enhance the efficiency and fairness of the small employer insurance marketplace.

"(5) LIMITATION ON TRANSFERS.—A small employer carrier shall not transfer a small employer involuntarily into or out of a class of business. A small employer carrier shall not offer to transfer a small employer into or out of a class of business unless such offer is made to transfer all small employers in the class of business without regard to case characteristics, claim experience, health status or duration of coverage since issue.

"(6) SUSPENSION OF THE RULES.—The applicable State authority may suspend, for a specified period, the application of paragraph (1) to the premium rates applicable to one or more small employers included within a class of business of a small employer carrier for one or more rating periods upon a filing by the small employer carrier and a finding by the applicable State authority either that the suspension is reasonable when considering the financial condition of the small employer carrier or that the suspension would enhance the efficiency and fairness of the marketplace for small employer health insurance.

"SEC. 3012. RATING RULES.

"(a) IMPLEMENTATION OF MODEL SMALL GROUP RATING RULES.—Not later than 6 months after the enactment of this title, the Secretary shall promulgate regulations implementing the Model Small Group Rating Rules pursuant to section 3011(b).

"(b) TRANSITIONAL MODEL SMALL GROUP RATING RULES.—

"(1) IN GENERAL.—Not later than 6 months after the date of enactment of this title and to the extent necessary to provide for a graduated transition to the Model Small Group Rating Rules, the Secretary, in consultation with the NAIC, shall promulgate Transitional Model Small Group Rating Rules in accordance with this subsection, which shall be applicable with respect to certain non-adopting States for a period of not to exceed 5 years from the date of the promulgation of the Model Small Group Rating Rules pursuant to subsection (a). After the expiration of such 5-year period, the transitional model small group rating rules shall expire, and the Model Small Group Rating Rules shall then apply with respect to all non-adopting States pursuant to the provisions of this part.

"(2) PREMIUM VARIATION DURING TRANSITION.—

"(A) TRANSITION STATES.—During the transition period described in paragraph (1), small group health insurance coverage offered in a non-adopting State that had in place premium rating band requirements or premium limits that varied by less than 12.5 percent from the index rate within a class of business on the date of enactment of this title, shall not be subject to the premium variation provision of section 3011(b)(1) of the Model Small Group Rating Rules and shall instead be subject to the Transitional Model Small Group Rating Rules as promulgated by the Secretary pursuant to paragraph (1).

"(B) NON-TRANSITION STATES.—During the transition period described in paragraph (1), and thereafter, small group health insurance coverage offered in a non-adopting State that had in place premium rating band requirements or premium limits that varied by more than 12.5 percent from the index rate within a class of business on the date of enactment of this title, shall not be subject to the Transitional Model Small Group Rating Rules as promulgated by the Secretary pursuant to paragraph (1), and instead shall be subject to the Model Small Group Rating Rules effective beginning with the first plan year or calendar year following the promulgation of such Rules, at the election of the eligible insurer.

"(3) TRANSITIONING OF OLD BUSINESS.—In developing the transitional model small group rating rules under paragraph (1), the Secretary shall, after consultation with the National Association of Insurance Commissioners and representatives of insurers operating in the small group health insurance market, promulgate special transition standards and timelines with respect to independent rating classes for old and new business, to the extent reasonably necessary to protect health insurance consumers and to ensure a stable and fair transition for old and new market entrants.

"(4) OTHER TRANSITIONAL AUTHORITY.—In developing the Transitional Model Small Group Rating Rules under paragraph (1), the Secretary shall provide for the application of the Transitional Model Small Group Rating Rules in transition States as the Secretary may determine necessary for a an effective transition.

"(c) MARKET RE-ENTRY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a health insurance issuer that has voluntarily withdrawn from providing coverage in the small group market prior to the date of enactment of the Health Insurance Marketplace Modernization and Affordability Act of 2007 shall not be excluded from re-entering such market on a date that is more than 180 days after such date of enactment.

"(2) TERMINATION.—The provision of this subsection shall terminate on the date that is 24 months after the date of enactment of the Health Insurance Marketplace Modernization and Affordability Act of 2007.

"SEC. 3013. APPLICATION AND PREEMPTION.

"(a) SUPERSEDING OF STATE LAW.—

"(1) IN GENERAL.—This part shall supersede any and all State laws of a non-adopting State insofar as such State laws (whether enacted prior to or after the date of enactment of this subtitle) relate to rating in the small group insurance market as applied to an eligible insurer, or small group health insurance coverage issued by an eligible insurer, including with respect to coverage issued to a small employer through a small business health plan, in a State.

"(2) NONADOPTING STATES.—This part shall supersede any and all State laws of a nonadopting State insofar as such State laws (whether enacted prior to or after the date of enactment of this subtitle)—

"(A) prohibit an eligible insurer from offering, marketing, or implementing small group health insurance coverage consistent with the Model Small Group Rating Rules or transitional model small group rating rules; or

"(B) have the effect of retaliating against or otherwise punishing in any respect an eligible insurer for offering, marketing, or implementing small group health insurance coverage consistent with the Model Small Group Rating Rules or transitional model small group rating rules.

"(b) SAVINGS CLAUSE AND CONSTRUCTION.—

"(1) NONAPPLICATION TO ADOPTING STATES.—Subsection (a) shall not apply with respect to adopting states.

"(2) NONAPPLICATION TO CERTAIN INSURERS.—Subsection (a) shall not apply with respect to insurers that do not qualify as eligible insurers that offer small group health insurance coverage in a nonadopting State.

"(3) NONAPPLICATION WHERE OBTAINING RELIEF UNDER STATE LAW.—Subsection (a)(1) shall not supercede any State law in a nonadopting State to the extent necessary to permit individuals or the insurance department of the State (or other State agency) to obtain relief under State law to require an eligible insurer to comply with the Model Small Group Rating Rules or transitional model small group rating rules.

"(4) NO EFFECT ON PREEMPTION.—In no case shall this part be construed to limit or affect in any manner the preemptive scope of sections 502 and 514 of the Employee Retirement Income Security Act of 1974. In no case shall this part be construed to create any cause of action under Federal or State law or enlarge or affect any remedy available under the Employee Retirement Income Security Act of 1974

"(c) EFFECTIVE DATE.—This section shall apply, at the election of the eligible insurer, beginning in the first plan year or the first calendar year following the issuance of the final rules by the Secretary under the Model Small Group Rating Rules or, as applicable, the Transitional Model Small Group Rating Rules, but in no event earlier than the date that is 12 months after the date of enactment of this title.

"SEC. 3014. CIVIL ACTIONS AND JURISDICTION.

"(a) IN GENERAL.—The courts of the United States shall have exclusive jurisdiction over civil actions involving the interpretation of this part.

"(b) ACTIONS.—An eligible insurer may bring an action in the district courts of the United States for injunctive or other equitable relief against any officials or agents of a nonadopting State in connection with any conduct or action, or proposed conduct or action, by such officials or agents which violates, or which would if undertaken violate, section 3013.

"(c) DIRECT FILING IN COURT OF APPEALS.—At the election of the eligible insurer, an action may be brought under subsection (b) directly in the United States Court of Appeals for the circuit in which the nonadopting State is located by the filing of a petition for review in such Court.

"(d) EXPEDITED REVIEW.—

"(1) DISTRICT COURT.—In the case of an action brought in a district court of the United States under subsection (b), such court shall complete such action, including the issuance of a judgment, prior to the end of the 120-day period beginning on the date on which such action is filed, unless all parties to such proceeding agree to an extension of such period.

"(2) COURT OF APPEALS.—In the case of an action brought directly in a United States Court of Appeal under subsection (c), or in the case of an appeal of an action brought in a district court under subsection (b), such Court shall complete all action on the petition, including the issuance of a judgment, prior to the end of the 60-day period beginning on the date on which such petition is filed with the Court, unless all parties to such proceeding agree to an extension of such period.

"(e) STANDARD OF REVIEW.—A court in an action filed under this section, shall render a judgment based on a review of the merits of all questions presented in such action and shall not defer to any conduct or action, or proposed conduct or action, of a nonadopting State.

"SEC. 3015. ONGOING REVIEW.

"Not later than 5 years after the date on which the Model Small Group Rating Rules are issued under this part, and every 5 years thereafter, the Secretary, in consultation with the National Association of Insurance Commissioners, shall prepare and submit to the appropriate committees of Congress a report that assesses the effect of the Model Small Group Rating Rules on access, cost, and market functioning in the small group market. Such report may, if the Secretary, in consultation with the National Association of Insurance Commissioners, determines such is appropriate for improving access, costs, and market functioning, contain legislative proposals for recommended modification to such Model Small Group Rating Rules.

"PART II—AFFORDABLE PLANS

"SEC. 3021. DEFINITIONS.

"In this part:

"(1) ADOPTING STATE.—The term 'adopting State' means a State that has enacted the Benefit Choice Standards in their entirety and as the exclusive laws of the State that relate to benefit, service, and provider mandates in the group and individual insurance markets.

"(2) BENEFIT CHOICE STANDARDS.—The term 'Benefit Choice Standards' means the Standards issued under section 3022.

"(3) ELIGIBLE INSURER.—The term 'eligible insurer' means a health insurance issuer that is licensed in a nonadopting State and that—

"(A) notifies the Secretary, not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage consistent with the Benefit Choice Standards in a nonadopting State;

"(B) notifies the insurance department of a nonadopting State (or other State agency), not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage in that State consistent with the Benefit Choice Standards, and provides with such notice a copy of any insurance policy that it intends to offer in the State, its most recent annual and quarterly financial reports, and any other information required to be filed with the insurance department of the State (or other State agency) by the Secretary in regulations; and

"(C) includes in the terms of the health insurance coverage offered in nonadopting States (including in the terms of any individual certificates that may be offered to individuals in connection with such group health coverage) and filed with the State pursuant to subparagraph (B), a description in the insurer's contract of the Benefit Choice Standards and that adherence to such Standards is included as a term of such contract.

"(4) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' means any coverage issued in the group or individual health insurance markets, except that such term shall not include excepted benefits (as defined in section 2791(c)).

"(5) NONADOPTING STATE.—The term 'nonadopting State' means a State that is not an adopting State.

"(6) SMALL GROUP INSURANCE MARKET.—The term 'small group insurance market' shall have the meaning given the term 'small group market' in section 2791(e)(5).

"(7) STATE LAW.—The term 'State law' means all laws, decisions, rules, regulations, or other State actions (including actions by a State agency) having the effect of law, of any State.

"SEC. 3022. OFFERING AFFORDABLE PLANS.

"(a) BENEFIT CHOICE OPTIONS.—

"(1) DEVELOPMENT.—Not later than 6 months after the date of enactment of this title, the Secretary shall issue, by interim final rule, Benefit Choice Standards that implement the standards provided for in this part.

"(2) BASIC OPTIONS.—The Benefit Choice Standards shall provide that a health insurance issuer in a State, may offer a coverage plan or plan in the small group market, individual market, large group market, or through a small business health plan, that does not comply with one or more mandates regarding covered benefits, services, or category of provider as may be in effect in such State with respect to such market or markets (either prior to or following the date of enactment of this title), if such issuer also offers in such market or markets an enhanced option as provided for in paragraph (3).

"(3) ENHANCED OPTION.—A health insurance issuer issuing a basic option as provided for in paragraph (2) shall also offer to purchasers (including, with respect to a small business health plan, the participating employers of such plan) an enhanced option, which shall at a minimum include such covered benefits, services, and categories of providers as are covered by a State employee coverage plan in one of the 5 most populous States as are in effect in the calendar year in which such enhanced option is offered.

"(4) PUBLICATION OF BENEFITS.—Not later than 3 months after the date of enactment of this title, and on the first day of every calendar year thereafter, the Secretary shall publish in the Federal Register such covered benefits, services, and categories of providers covered in that calendar year by the State employee coverage plans in the 5 most populous States.

"(b) EFFECTIVE DATES.—

"(1) SMALL BUSINESS HEALTH PLANS.—With respect to health insurance provided to participating employers of small business health plans, the requirements of this part (concerning lower cost plans) shall apply beginning on the date that is 12 months after the date of enactment of this title.

"(2) NON-ASSOCIATION COVERAGE.—With respect to health insurance provided to groups or individuals other than participating employers of small business health plans, the requirements of this part shall apply beginning on the date that is 15 months after the date of enactment of this title.

"SEC. 3023. APPLICATION AND PREEMPTION.

"(a) SUPERCEDING OF STATE LAW.—

"(1) IN GENERAL.—This part shall supersede any and all State laws insofar as such laws relate to mandates relating to covered benefits, services, or categories of provider in the health insurance market as applied to an eligible insurer, or health insurance coverage issued by an eligible insurer, including with respect to coverage issued to a small business health plan, in a nonadopting State.

"(2) NONADOPTING STATES.—This part shall supersede any and all State laws of a nonadopting State (whether enacted prior to or after the date of enactment of this title) insofar as such laws—

"(A) prohibit an eligible insurer from offering, marketing, or implementing health insurance coverage consistent with the Benefit Choice Standards, as provided for in section 3022(a); or

"(B) have the effect of retaliating against or otherwise punishing in any respect an eligible insurer for offering, marketing, or implementing health insurance coverage consistent with the Benefit Choice Standards.

"(b) SAVINGS CLAUSE AND CONSTRUCTION.—

"(1) NONAPPLICATION TO ADOPTING STATES.—Subsection (a) shall not apply with respect to adopting States.

"(2) NONAPPLICATION TO CERTAIN INSURERS.—Subsection (a) shall not apply with respect to insurers that do not qualify as eligible insurers who offer health insurance coverage in a nonadopting State.

"(3) NONAPPLICATION WHERE OBTAINING RELIEF UNDER STATE LAW.—Subsection (a)(1) shall not supercede any State law of a nonadopting State to the extent necessary to permit individuals or the insurance department of the State (or other State agency) to obtain relief under State law to require an eligible insurer to comply with the Benefit Choice Standards.

"(4) NO EFFECT ON PREEMPTION.—In no case shall this part be construed to limit or affect in any manner the preemptive scope of sections 502 and 514 of the Employee Retirement Income Security Act of 1974. In no case shall this part be construed to create any cause of action under Federal or State law or enlarge or affect any remedy available under the Employee Retirement Income Security Act of 1974

"SEC. 3024. CIVIL ACTIONS AND JURISDICTION.

"(a) IN GENERAL.—The courts of the United States shall have exclusive jurisdiction over civil actions involving the interpretation of this part.

"(b) ACTIONS.—An eligible insurer may bring an action in the district courts of the United States for injunctive or other equitable relief against any officials or agents of a nonadopting State in connection with any conduct or action, or proposed conduct or action, by such officials or agents which violates, or which would if undertaken violate, section 3023.

"(c) DIRECT FILING IN COURT OF APPEALS.—At the election of the eligible insurer, an action may be brought under subsection (b) directly in the United States Court of Appeals for the circuit in which the nonadopting State is located by the filing of a petition for review in such Court.

"(d) EXPEDITED REVIEW.—

"(1) DISTRICT COURT.—In the case of an action brought in a district court of the United States under subsection (b), such court shall complete such action, including the issuance of a judgment, prior to the end of the 120-day period beginning on the date on which such action is filed, unless all parties to such proceeding agree to an extension of such period.

"(2) COURT OF APPEALS.—In the case of an action brought directly in a United States Court of Appeal under subsection (c), or in the case of an appeal of an action brought in a district court under subsection (b), such Court shall complete all action on the petition, including the issuance of a judgment, prior to the end of the 60-day period beginning on the date on which such petition is filed with the Court, unless all parties to such proceeding agree to an extension of such period.

"(e) STANDARD OF REVIEW.—A court in an action filed under this section, shall render a judgment based on a review of the merits of all questions presented in such action and shall not defer to any conduct or action, or proposed conduct or action, of a nonadopting State.

"SEC. 3025. RULES OF CONSTRUCTION.

"(a) IN GENERAL.—Notwithstanding any other provision of Federal or State law, a health insurance issuer in an adopting State or an eligible insurer in a non-adopting State may amend its existing policies to be consistent with the terms of this subtitle (concerning rating and benefits).

"(b) HEALTH SAVINGS ACCOUNTS.—Nothing in this subtitle shall be construed to inhibit the development of health savings accounts pursuant to section 223 of the Internal Revenue Code of 1986.".

Subtitle C—Harmonization of Health Insurance Standards

SEC. 221. HEALTH INSURANCE STANDARDS HARMONIZATION.

Title XXIX of the Public Health Service Act (as added by section 201) is amended by adding at the end the following:

"Subtitle B—Standards Harmonization

"SEC. 3031. DEFINITIONS.

"In this subtitle:

"(1) ADOPTING STATE.—The term 'adopting State' means a State that has enacted the harmonized standards adopted under this subtitle in their entirety and as the exclusive laws of the State that relate to the harmonized standards.

"(2) ELIGIBLE INSURER.—The term 'eligible insurer' means a health insurance issuer that is licensed in a nonadopting State and that—

"(A) notifies the Secretary, not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage consistent with the harmonized standards in a nonadopting State;

"(B) notifies the insurance department of a nonadopting State (or other State agency), not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage in that State consistent with the harmonized standards published pursuant to section 3032(d), and provides with such notice a copy of any insurance policy that it intends to offer in the State, its most recent annual and quarterly financial reports, and any other information required to be filed with the insurance department of the State (or other State agency) by the Secretary in regulations; and

"(C) includes in the terms of the health insurance coverage offered in nonadopting States (including in the terms of any individual certificates that may be offered to individuals in connection with such health coverage) and filed with the State pursuant to subparagraph (B), a description of the harmonized standards published pursuant to section 3032(g)(2) and an affirmation that such standards are a term of the contract.

"(3) HARMONIZED STANDARDS.—The term 'harmonized standards' means the standards certified by the Secretary under section 3032(d).

"(4) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' means any coverage issued in the health insurance market, except that such term shall not include excepted benefits (as defined in section 2791(c).

"(5) NONADOPTING STATE.—The term 'nonadopting State' means a State that fails to enact, within 18 months of the date on which the Secretary certifies the harmonized standards under this subtitle, the harmonized standards in their entirety and as the exclusive laws of the State that relate to the harmonized standards.

"(6) STATE LAW.—The term 'State law' means all laws, decisions, rules, regulations, or other State actions (including actions by a State agency) having the effect of law, of any State.

"SEC. 3032. HARMONIZED STANDARDS.

"(a) BOARD.—

"(1) ESTABLISHMENT.—Not later than 3 months after the date of enactment of this title, the Secretary, in consultation with the NAIC, shall establish the Health Insurance Consensus Standards Board (referred to in this subtitle as the 'Board') to develop recommendations that harmonize inconsistent

State health insurance laws in accordance with the procedures described in subsection (b).

"(2) COMPOSITION.—

"(A) IN GENERAL.—The Board shall be composed of the following voting members to be appointed by the Secretary after considering the recommendations of professional organizations representing the entities and constituencies described in this paragraph:

"(i) Four State insurance commissioners as recommended by the National Association of Insurance Commissioners, of which 2 shall be Democrats and 2 shall be Republicans, and of which one shall be designated as the chairperson and one shall be designated as the vice chairperson.

"(ii) Four representatives of State government, two of which shall be governors of States and two of which shall be State legislators, and two of which shall be Democrats and two of which shall be Republicans.

"(iii) Four representatives of health insurers, of which one shall represent insurers that offer coverage in the small group market, one shall represent insurers that offer coverage in the large group market, one shall represent insurers that offer coverage in the individual market, and one shall represent carriers operating in a regional market.

"(iv) Two representatives of insurance agents and brokers.

"(v) Two independent representatives of the American Academy of Actuaries who have familiarity with the actuarial methods applicable to health insurance.

"(B) EX OFFICIO MEMBER.—A representative of the Secretary shall serve as an ex officio member of the Board.

"(3) ADVISORY PANEL.—The Secretary shall establish an advisory panel to provide advice to the Board, and shall appoint its members after considering the recommendations of professional organizations representing the entities and constituencies identified in this paragraph:

"(A) Two representatives of small business health plans.

"(B) Two representatives of employers, of which one shall represent small employers and one shall represent large employers.

"(C) Two representatives of consumer organizations.

"(D) Two representatives of health care providers.

"(4) QUALIFICATIONS.—The membership of the Board shall include individuals with national recognition for their expertise in health finance and economics, actuarial science, health plans, providers of health services, and other related fields, who provide a mix of different professionals, broad geographic representation, and a balance between urban and rural representatives.

"(5) ETHICAL DISCLOSURE.—The Secretary shall establish a system for public disclosure by members of the Board of financial and other potential conflicts of interest relating to such members. Members of the Board shall be treated as employees of Congress for purposes of applying title I of the Ethics in Government Act of 1978 (Public Law 95-521).

"(6) DIRECTOR AND STAFF.—Subject to such review as the Secretary deems necessary to assure the efficient administration of the Board, the chair and vice-chair of the Board may—

"(A) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General) and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

"(B) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

"(C) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Board (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

"(D) make advance, progress, and other payments which relate to the work of the Board;

"(E) provide transportation and subsistence for persons serving without compensation; and

"(F) prescribe such rules as it deems necessary with respect to the internal organization and operation of the Board.

"(7) TERMS.—The members of the Board shall serve for the duration of the Board. Vacancies in the Board shall be filled as needed in a manner consistent with the composition described in paragraph (2).

"(b) DEVELOPMENT OF HARMONIZED STANDARDS.—

"(1) IN GENERAL.—In accordance with the process described in subsection (c), the Board shall identify and recommend nationally harmonized standards for each of the following process categories:

"(A) FORM FILING AND RATE FILING.—Form and rate filing standards shall be established which promote speed to market and include the following defined areas for States that require such filings:

"(i) Procedures for form and rate filing pursuant to a streamlined administrative filing process.

"(ii) Timeframes for filings to be reviewed by a State if review is required before they are deemed approved.

"(iii) Timeframes for an eligible insurer to respond to State requests following its review.

"(iv) A process for an eligible insurer to self-certify.

"(v) State development of form and rate filing templates that include only non-preempted State law and Federal law requirements for eligible insurers with timely updates.

"(vi) Procedures for the resubmission of forms and rates.

"(vii) Disapproval rationale of a form or rate filing based on material omissions or violations of non-preempted State law or Federal law with violations cited and explained.

"(viii) For States that may require a hearing, a rationale for hearings based on violations of non-preempted State law or insurer requests.

"(B) MARKET CONDUCT REVIEW.—Market conduct review standards shall be developed which provide for the following:

"(i) Mandatory participation in national databases.

"(ii) The confidentiality of examination materials.

"(iii) The identification of the State agency with primary responsibility for examinations.

"(iv) Consultation and verification of complaint data with the eligible insurer prior to State actions.

"(v) Consistency of reporting requirements with the recordkeeping and administrative practices of the eligible insurer.

"(vi) Examinations that seek to correct material errors and harmful business practices rather than infrequent errors.

"(vii) Transparency and publishing of the State's examination standards.

"(viii) Coordination of market conduct analysis.

"(ix) Coordination and nonduplication between State examinations of the same eligible insurer.

"(x) Rationale and protocols to be met before a full examination is conducted.

"(xi) Requirements on examiners prior to beginning examinations such as budget planning and work plans.

"(xii) Consideration of methods to limit examiners' fees such as caps, competitive bidding, or other alternatives.

"(xiii) Reasonable fines and penalties for material errors and harmful business practices.

"(C) PROMPT PAYMENT OF CLAIMS.—The Board shall establish prompt payment standards for eligible insurers based on standards similar to those applicable to the Social Security Act as set forth in section 1842(c)(2) of such Act (42 U.S.C. 1395u(c)(2)). Such prompt payment standards shall be consistent with the timing and notice requirements of the claims procedure rules to be specified under subparagraph (D), and shall include appropriate exceptions such as for fraud, nonpayment of premiums, or late submission of claims.

"(D) INTERNAL REVIEW.—The Board shall establish standards for claims procedures for eligible insurers that are consistent with the requirements relating to initial claims for benefits and appeals of claims for benefits under the Employee Retirement Income Security Act of 1974 as set forth in section 503 of such Act (29 U.S.C. 1133) and the regulations thereunder.

"(2) RECOMMENDATIONS.—The Board shall recommend harmonized standards for each element of the categories described in subparagraph (A) through (D) of paragraph (1) within each such market. Notwithstanding the previous sentence, the Board shall not recommend any harmonized standards that disrupt, expand, or duplicate the benefit, service, or provider mandate standards provided in the Benefit Choice Standards pursuant to section 3022(a).

"(c) PROCESS FOR IDENTIFYING HARMONIZED STANDARDS.—

"(1) IN GENERAL.—The Board shall develop recommendations to harmonize inconsistent State insurance laws with respect to each of the process categories described in subparagraphs (A) through (D) of subsection (b)(1).

"(2) REQUIREMENTS.—In adopting standards under this section, the Board shall consider the following:

"(A) Any model acts or regulations of the National Association of Insurance Commissioners in each of the process categories described in subparagraphs (A) through (D) of subsection (b)(1).

"(B) Substantially similar standards followed by a plurality of States, as reflected in existing State laws, relating to the specific process categories described in subparagraphs (A) through (D) of subsection (b)(1).

"(C) Any Federal law requirement related to specific process categories described in subparagraphs (A) through (D) of subsection (b)(1).

"(D) In the case of the adoption of any standard that differs substantially from those referred to in subparagraphs (A), (B), or (C), the Board shall provide evidence to the Secretary that such standard is necessary to protect health insurance consumers or promote speed to market or administrative efficiency.

"(E) The criteria specified in clauses (i) through (iii) of subsection (d)(2)(B).

"(d) RECOMMENDATIONS AND CERTIFICATION BY SECRETARY.—

"(1) RECOMMENDATIONS.—Not later than 18 months after the date on which all members of the Board are selected under subsection (a), the Board shall recommend to the Secretary the certification of the harmonized standards identified pursuant to subsection (c).

"(2) CERTIFICATION.—

"(A) IN GENERAL.—Not later than 120 days after receipt of the Board's recommendations under paragraph (1), the Secretary shall certify the recommended harmonized standards as provided for in subparagraph (B), and issue such standards in the form of an interim final regulation.

"(B) CERTIFICATION PROCESS.—The Secretary shall establish a process for certifying the recommended harmonized standard, by category, as recommended by the Board under this section. Such process shall—

"(i) ensure that the certified standards for a particular process area achieve regulatory harmonization with respect to health plans on a national basis;

"(ii) ensure that the approved standards are the minimum necessary, with regard to substance and quantity of requirements, to protect health insurance consumers and maintain a competitive regulatory environment; and

"(iii) ensure that the approved standards will not limit the range of group health plan designs and insurance products, such as catastrophic coverage only plans, health savings accounts, and health maintenance organizations, that might otherwise be available to consumers.

"(3) EFFECTIVE DATE.—The standards certified by the Secretary under paragraph (2) shall be effective on the date that is 18 months after the date on which the Secretary certifies the harmonized standards.

"(e) TERMINATION.—The Board shall terminate and be dissolved after making the recommendations to the Secretary pursuant to subsection (d)(1).

"(f) ONGOING REVIEW.—Not earlier than 3 years after the termination of the Board under subsection (e), and not earlier than every 3 years thereafter, the Secretary, in consultation with the National Association of Insurance Commissioners and the entities and constituencies represented on the Board and the Advisory Panel, shall prepare and submit to the appropriate committees of Congress a report that assesses the effect of the harmonized standards on access, cost, and health insurance market functioning. The Secretary may, based on such report and applying the process established for certification under subsection (d)(2)(B), in consultation with the National Association of Insurance Commissioners and the entities and constituencies represented on the Board and the Advisory Panel, update the harmonized standards through notice and comment rulemaking.

"(g) PUBLICATION.—

"(1) LISTING.—The Secretary shall maintain an up to date listing of all harmonized standards certified under this section on the Internet website of the Department of Health and Human Services.

"(2) SAMPLE CONTRACT LANGUAGE.—The Secretary shall publish on the Internet website of the Department of Health and Human Services sample contract language that incorporates the harmonized standards certified under this section, which may be used by insurers seeking to qualify as an eligible insurer. The types of harmonized standards that shall be included in sample contract language are the standards that are relevant to the contractual bargain between the insurer and insured.

"(h) STATE ADOPTION AND ENFORCEMENT.—Not later than 18 months after the certification by the Secretary of harmonized standards under this section, the States may adopt such harmonized standards (and become an adopting State) and, in which case, shall enforce the harmonized standards pursuant to State law.

"SEC. 3033. APPLICATION AND PREEMPTION.

"(a) SUPERCEDING OF STATE LAW.—

"(1) IN GENERAL.—The harmonized standards certified under this subtitle shall supersede any and all State laws of a non-adopting State insofar as such State laws relate to the areas of harmonized standards as applied to an eligible insurer, or health insurance coverage issued by a eligible insurer, including with respect to coverage issued to a small business health plan, in a nonadopting State.

"(2) NONADOPTING STATES.—This subtitle shall supersede any and all State laws of a nonadopting State (whether enacted prior to or after the date of enactment of this title) insofar as they may—

"(A) prohibit an eligible insurer from offering, marketing, or implementing health insurance coverage consistent with the harmonized standards; or

"(B) have the effect of retaliating against or otherwise punishing in any respect an eligible insurer for offering, marketing, or implementing health insurance coverage consistent with the harmonized standards under this subtitle.

"(b) SAVINGS CLAUSE AND CONSTRUCTION.—

"(1) NONAPPLICATION TO ADOPTING STATES.—Subsection (a) shall not apply with respect to adopting States.

"(2) NONAPPLICATION TO CERTAIN INSURERS.—Subsection (a) shall not apply with respect to insurers that do not qualify as eligible insurers who offer health insurance coverage in a nonadopting State.

"(3) NONAPPLICATION WHERE OBTAINING RELIEF UNDER STATE LAW.—Subsection (a)(1) shall not supercede any State law of a nonadopting State to the extent necessary to permit individuals or the insurance department of the State (or other State agency) to obtain relief under State law to require an eligible insurer to comply with the harmonized standards under this subtitle.

"(4) NO EFFECT ON PREEMPTION.—In no case shall this subtitle be construed to limit or affect in any manner the preemptive scope of sections 502 and 514 of the Employee Retirement Income Security Act of 1974. In no case shall this subtitle be construed to create any cause of action under Federal or State law or enlarge or affect any remedy available under the Employee Retirement Income Security Act of 1974.

"(c) EFFECTIVE DATE.—This section shall apply beginning on the date that is 18 months after the date on harmonized standards are certified by the Secretary under this subtitle.

"SEC. 3034. CIVIL ACTIONS AND JURISDICTION.

"(a) IN GENERAL.—The district courts of the United States shall have exclusive jurisdiction over civil actions involving the interpretation of this subtitle.

"(b) ACTIONS.—An eligible insurer may bring an action in the district courts of the United States for injunctive or other equitable relief against any officials or agents of a nonadopting State in connection with any conduct or action, or proposed conduct or action, by such officials or agents which violates, or which would if undertaken violate, section 3033.

"(c) DIRECT FILING IN COURT OF APPEALS.—At the election of the eligible insurer, an action may be brought under subsection (b) directly in the United States Court of Appeals for the circuit in which the nonadopting State is located by the filing of a petition for review in such Court.

"(d) EXPEDITED REVIEW.—

"(1) DISTRICT COURT.—In the case of an action brought in a district court of the United States under subsection (b), such court shall complete such action, including the issuance of a judgment, prior to the end of the 120-day period beginning on the date on which such action is filed, unless all parties to such proceeding agree to an extension of such period.

"(2) COURT OF APPEALS.—In the case of an action brought directly in a United States Court of Appeal under subsection (c), or in the case of an appeal of an action brought in a district court under subsection (b), such Court shall complete all action on the petition, including the issuance of a judgment, prior to the end of the 60-day period beginning on the date on which such petition is filed with the Court, unless all parties to such proceeding agree to an extension of such period.

"(e) STANDARD OF REVIEW.—A court in an action filed under this section, shall render a judgment based on a review of the merits of all questions presented in such action and shall not defer to any conduct or action, or proposed conduct or action, of a nonadopting State.

"SEC. 3035. AUTHORIZATION OF APPROPRIATIONS; RULE OF CONSTRUCTION.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

"(b) HEALTH SAVINGS ACCOUNTS.—Nothing in this subtitle shall be construed to inhibit the development of health savings accounts pursuant to section 223 of the Internal Revenue Code of 1986.".

TITLE III—HEALTH SAVINGS ACCOUNTS

SEC. 301. SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Paragraph (2) of section 223(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(D) CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT TREATED AS QUALIFIED.—An expense shall not fail to be treated as a qualified medical expense solely because such expense was incurred before the establishment of the health savings account if such expense was incurred—

"(i) during either—

"(I) the taxable year in which the health savings account was established, or

"(II) the preceding taxable year in the case of a health savings account established after the taxable year in which such expense was incurred but before the time prescribed by law for filing the return for such taxable year (not including extensions thereof), and

"(ii) for medical care of an individual during a period that such individual was an eligible individual.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 302. USE OF ACCOUNT FOR INDIVIDUAL HIGH DEDUCTIBLE HEALTH PLAN PREMIUMS.

(a) IN GENERAL.—Section 223(d)(2)(C) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) a high deductible health plan, other than a group health plan (as defined in section 5000(b)(1)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 303. EXCEPTION TO REQUIREMENT FOR EMPLOYERS TO MAKE COMPARABLE HEALTH SAVINGS ACCOUNT CONTRIBUTIONS.

(a) GREATER EMPLOYER-PROVIDED CONTRIBUTIONS TO HSAS FOR CHRONICALLY ILL EMPLOYEES TREATED AS MEETING COMPARABILITY REQUIREMENTS.—Subsection (b) of section 4980G of the Internal Revenue Code of 1986 (relating to failure of employer to make comparable health savings account contributions) is amended to read as follows:

"(b) RULES AND REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), rules and requirements similar to the rules and requirements of section 4980E shall apply for purposes of this section.

"(2) TREATMENT OF EMPLOYER-PROVIDED CONTRIBUTIONS TO HSAS FOR CHRONICALLY ILL EMPLOYEES.—For purposes of this section—

"(A) IN GENERAL.—Any contribution by an employer to a health savings account of an employee who is (or the spouse or any dependent of the employee who is) a chronically ill individual in an amount which is greater than a contribution to a health savings account of a comparable participating employee who is not a chronically ill individual shall not fail to be considered a comparable contribution.

"(B) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A) shall not apply unless the excess employer contributions described in subparagraph (A) are the same for all chronically ill individuals who are similarly situated.

"(C) CHRONICALLY ILL INDIVIDUAL.—For purposes of this paragraph, the term 'chronically ill individual' means any individual whose qualified medical expenses for any taxable year are more than 50 percent greater than the average qualified medical expenses of all employees of the employer for such year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 304. CERTAIN HEALTH REIMBURSEMENT ARRANGEMENT COVERAGE DISREGARDED COVERAGE FOR HEALTH SAVINGS ACCOUNTS.

(a) IN GENERAL.—Section 223(c)(1)(B)(iii) of the Internal Revenue Code of 1986 is amended by inserting "or a health reimbursement arrangement" after "health flexible a spending arrangement".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

TITLE IV—STUDY

SEC. 401. STUDY ON TAX TREATMENT OF AND ACCESS TO PRIVATE HEALTH INSURANCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury shall study various options and make recommendations—

(A) for reforming the tax treatment of health insurance to improve tax equity and increase access to private health care coverage; and

(B) for providing meaningful assistance to low-income individuals and families to purchase private health insurance.

(2) CONSIDERATION OF VARIOUS OPTIONS.—In carrying out the study under paragraph (1), the Secretary of the Treasury shall consider—

(A) options which rely on changes to Federal law not included in the Internal Revenue Code of 1986;

(B) options which have a goal of minimizing Federal Government outlays;

(C) options which minimize tax increases;

(D) at least one option which retains the Federal tax exclusion for employer-provided health coverage;

(E) at least one option which is budget neutral; and

(F) at least one option which maintains the current distribution of the Federal income tax burden.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall report the results of the study and the recommendations required under subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

SA 2594. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 673. INDEPENDENT STUDENT.

Section 480(d)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)(3)) is amended by inserting "or is a current active member of the National Guard or Reserve forces of the United States who has completed initial military training" after "purposes".

SA 2595. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. _. DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following:

"(h) CONTRIBUTIONS OF CERTAIN UNUSED HEALTH BENEFITS.—

"(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan solely because qualified benefits under such plan include a health flexible spending arrangement under which not more than $500 of unused health benefits may be—

"(A) carried forward to the succeeding plan year of such health flexible spending arrangement, or

"(B) to the extent permitted by section 106(d), contributed by the employer to a health savings account (as defined in section 223(d)) maintained for the benefit of the employee.

"(2) HEALTH FLEXIBLE SPENDING ARRANGEMENT.—For purposes of this subsection, the term 'health flexible spending arrangement' means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for medical care (as defined in section 213(d)(1), without regard to subparagraphs (C) and (D) thereof).

"(3) UNUSED HEALTH BENEFITS.—For purposes of this subsection, with respect to an employee, the term 'unused health benefits' means the excess of—

"(A) the maximum amount of reimbursement allowable to the employee for a plan year under a health flexible spending arrangement, over

"(B) the actual amount of reimbursement for such year under such arrangement.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SA 2596. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

SEC. _____. REQUIREMENT THAT INDIVIDUALS WHO ARE ELIGIBLE FOR CHIP AND EMPLOYER-SPONSORED COVERAGE USE THE EMPLOYER-SPONSORED COVERAGE INSTEAD OF CHIP.

Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 401(a), is amended by adding at the end the following new paragraph:

"(12) REQUIREMENT REGARDING EMPLOYER-SPONSORED COVERAGE.—

"(A) IN GENERAL.—Subject to subparagraph (B), no payment may be made under this title with respect to an individual who is eligible for coverage under a group health plan or health insurance coverage offered through an employer, either as an individual or as part of family coverage.

"(B) STATE OPTION TO OFFER PREMIUM ASSISTANCE FOR HIGH-COST PLANS.—

"(i) IN GENERAL.—In the case of an individual who is otherwise eligible for coverage under this title but for the application of subparagraph (A) and who is eligible for high-cost heath insurance coverage, a State may elect to offer a premium assistance subsidy for such coverage.

"(ii) AMOUNT.—The amount of a premium assistance subsidy under this paragraph shall be determined by the State but in no case shall exceed the lesser of—

"(I) an amount equal to the value of the coverage under this title that would otherwise apply with respect to the individual but for the application of subparagraph (A); or

"(II) an amount equal to the difference between—

"(aa) the amount of the employee's share of the premium costs for the high-cost health insurance coverage (for the family or the individual, as the case may be); and

"(bb) an amount equal to 20 percent of the total premium costs for such coverage, including both the employer and employee share, (for the family or the individual, as the case may be).

"(C) HIGH-COST HEALTH INSURANCE COVERAGE.—For purposes of this paragraph, the term 'high cost health insurance coverage' means a group health plan or health insurance coverage offered through an employer in which the employee is required to pay more than 20 percent of the premium costs.

"(D) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies under this paragraph shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.".

SA 2597. Mr. VOINOVICH (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—HEALTH PARTNERSHIP

SEC. _01. SHORT TITLE.

This title may be cited as the "Health Partnership Act".

SEC. _02. STATE HEALTH REFORM PROJECTS.

(a) PURPOSE; ESTABLISHMENT OF STATE HEALTH CARE EXPANSION AND IMPROVEMENT PROGRAM.—The purposes of the programs approved under this section shall include, but not be limited to—

(1) achieving the goals of increased health coverage and access;

(2) ensuring that patients receive high-quality, appropriate health care;

(3) improving the efficiency of health care spending; and

(4) testing alternative reforms, such as building on the public or private health systems, or creating new systems, to achieve the objectives of this Act.

(b) APPLICATIONS BY STATES, LOCAL GOVERNMENTS, AND TRIBES.—

(1) ENTITIES THAT MAY APPLY.—

(A) IN GENERAL.—A State, in consultation with local governments, Indian tribes, and Indian organizations involved in the provision of health care, may apply for a State health care expansion and improvement program for the entire State (or for regions of the State) under paragraph (2).

(B) REGIONAL GROUPS.—A regional entity consisting of more than one State may apply for a multi-State health care expansion and improvement program for the entire region involved under paragraph (2).

(C) DEFINITION.—In this Act, the term "State" means the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. Such term shall include a regional entity described in subparagraph (B).

(2) SUBMISSION OF APPLICATION.—In accordance with this section, each State desiring to implement a State health care expansion and improvement program may submit an application to the State Health Innovation Commission under subsection (c) (referred to in this section as the "Commission") for approval.

(3) LOCAL GOVERNMENT APPLICATIONS.—

(A) IN GENERAL.—Where a State declines to submit an application under this section, a unit of local government of such State, or a consortium of such units of local governments, may submit an application directly to the Commission for programs or projects under this subsection. Such an application shall be subject to the requirements of this section.

(B) OTHER APPLICATIONS.—Subject to such additional guidelines as the Secretary may prescribe, a unit of local government, Indian tribe, or Indian health organization may submit an application under this section, whether or not the State submits such an application, if such unit of local government can demonstrate unique demographic needs or a significant population size that warrants a substate program under this subsection.

(c) STATE HEALTH INNOVATION COMMISSION.—

(1) IN GENERAL.—Within 90 days after the date of the enactment of this Act, the Secretary shall establish a State Health Innovation Commission that shall—

(A) be comprised of—

(i) the Secretary;

(ii) four State governors to be appointed by the National Governors Association on a bipartisan basis;

(iii) two members of a State legislature to be appointed by the National Conference of State Legislators on a bipartisan basis;

(iv) two county officials to be appointed by the National Association of Counties on a bipartisan basis;

(v) two mayors to be appointed by the United States Conference of Mayors and the National League of Cities on a joint and bipartisan basis;

(vi) two individuals to be appointed by the Speaker of the House of Representatives;

(vii) two individuals to be appointed by the minority leader of the House of Representatives;

(viii) two individuals to be appointed by the majority leader of the Senate;

(ix) two individuals to be appointed by the minority leader of the Senate; and

(x) two individuals who are members of federally-recognized Indian tribes to be appointed on a bipartisan basis by the National Congress of American Indians;

(B) upon approval of ⅔ of the members of the Commission, provide the States with a variety of reform options for their applications, such as tax credit approaches, expansions of public programs such as medicaid and the State Children's Health Insurance Program, the creation of purchasing pooling arrangements similar to the Federal Employees Health Benefits Program, individual market purchasing options, single risk pool or single payer systems, health savings accounts, a combination of the options described in this clause, or other alternatives determined appropriate by the Commission, including options suggested by States, Indian tribes, or the public;

(C) establish, in collaboration with a qualified and independent organization such as the Institute of Medicine, minimum performance measures and goals with respect to coverage, quality, and cost of State programs, as described under subsection (d)(1);

(D) conduct a thorough review of the grant application from a State and carry on a dialogue with all State applicants concerning possible modifications and adjustments;

(E) submit the recommendations and legislative proposal described in subsection (d)(4)(B);

(F) be responsible for monitoring the status and progress achieved under program or projects granted under this section;

(G) report to the public concerning progress made by States with respect to the performance measures and goals established under this Act, the periodic progress of the State relative to its State performance measures and goals, and the State program application procedures, by region and State jurisdiction;

(H) promote information exchange between States and the Federal Government; and

(I) be responsible for making recommendations to the Secretary and the Congress, using equivalency or minimum standards, for minimizing the negative effect of State program on national employer groups, provider organizations, and insurers because of differing State requirements under the programs.

(2) PERIOD OF APPOINTMENT; REPRESENTATION REQUIREMENTS; VACANCIES.—Members shall be appointed for a term of 5 years. In appointing such members under paragraph (1)(A), the designated appointing individuals shall ensure the representation of urban and rural areas and an appropriate geographic distribution of such members. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) CHAIRPERSON, MEETINGS.—

(A) CHAIRPERSON.—The Commission shall select a Chairperson from among its members.

(B) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(C) MEETINGS.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting. The Commission shall meet at the call of the Chairperson.

(4) POWERS OF THE COMMISSION.—

(A) NEGOTIATIONS WITH STATES.—The Commission may conduct detailed discussions and negotiations with States submitting applications under this section, either individually or in groups, to facilitate a final set of recommendations for purposes of subsection (d)(4)(B). Such negotiations shall include consultations with Indian tribes, and be conducted in a public forum.

(B) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this subsection.

(C) MEETINGS.—In addition to other meetings the Commission may hold, the Commission shall hold an annual meeting with the participating States under this section for the purpose of having States report progress toward the purposes in subsection (a)(1) and for an exchange of information.

(D) INFORMATION.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subsection. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission if the head of the department or agency involved determines it appropriate.

(E) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) PERSONNEL MATTERS.—

(A) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government or of a State or local government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(C) STAFF.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(E) TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(6) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated $3,000,000 for fiscal year 2007 and each fiscal year thereafter.

(d) REQUIREMENTS FOR PROGRAMS.—

(1) STATE PLAN.—A State that seeks to receive a grant under subsection (f) to operate a program under this section shall prepare and submit to the Commission, as part of the application under subsection (b), a State health care plan that shall have as its goal improvements in coverage, quality and costs. To achieve such goal, the State plan shall comply with the following:

(A) COVERAGE.—With respect to coverage, the State plan shall—

(i) provide and describe the manner in which the State will ensure that an increased number of individuals residing within the State will have expanded access to health care coverage with a specific 5-year target for reduction in the number of uninsured individuals through either private or public program expansion, or both, in accordance with the options established by the Commission;

(ii) describe the number and percentage of current uninsured individuals who will achieve coverage under the State health program;

(iii) describe the minimum benefits package that will be provided to all classes of beneficiaries under the State health program;

(iv) identify Federal, State, or local and private programs that currently provide health care services in the State and describe how such programs could be coordinated with the State health program, to the extent practicable; and

(v) provide for improvements in the availability of appropriate health care services that will increase access to care in urban, rural, and frontier areas of the State with medically underserved populations or where there is an inadequate supply of health care providers.

(B) QUALITY.—With respect to quality, the State plan shall—

(i) provide a plan to improve health care quality in the State, including increasing effectiveness, efficiency, timeliness, patient focused, equity while reducing health disparities, and medical errors; and

(ii) contain appropriate results-based quality indicators established by the Commission that will be addressed by the State as well as State-specific quality indicators.

(C) COSTS.—With respect to costs, the State plan shall—

(i) provide that the State will develop and implement systems to improve the efficiency of health care, including a specific 5-year target for reducing administrative costs (including paperwork burdens);

(ii) describe the public and private sector financing to be provided for the State health program;

(iii) estimate the amount of Federal, State, and local expenditures, as well as, the costs to business and individuals under the State health program;

(iv) describe how the State plan will ensure the financial solvency of the State health program; and

(v) provide that the State will prepare and submit to the Secretary and the Commission such reports as the Secretary or Commission may require to carry out program evaluations.

(D) HEALTH INFORMATION TECHNOLOGY.—With respect to health information technology, the State plan shall provide methodology for the appropriate use of health information technology to improve infrastructure, such as improving the availability of evidence-based medical and outcomes data to providers and patients, as well as other health information (such as electronic health records, electronic billing, and electronic prescribing).

(2) TECHNICAL ASSISTANCE.—The Secretary shall, if requested, provide technical assistance to States to assist such States in developing applications and plans under this section, including technical assistance by private sector entities if determined appropriate by the Commission.

(3) INITIAL REVIEW.—With respect to a State application for a grant under subsection (b), the Secretary and the Commission shall complete an initial review of such State application within 60 days of the receipt of such application, analyze the scope of the proposal, and determine whether additional information is needed from the State. The Commission shall advise the State within such period of the need to submit additional information.

(4) FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 90 days after completion of the initial review under paragraph (3), the Commission shall determine whether to submit a State proposal to Congress for approval.

(B) VOTING.—

(i) IN GENERAL.—The determination to submit a State proposal to Congress under subparagraph (A) shall be approved by ⅔ of the members of the Commission who are eligible to participate in such determination subject to clause (ii).

(ii) ELIGIBILITY.—A member of the Commission shall not participate in a determination under subparagraph (A) if—

(I) in the case of a member who is a Governor, such determination relates to the State of which the member is the Governor; or

(II) in the case of member not described in subclause (I), such determination relates to the geographic area of a State of which such member serves as a State or local official.

(C) SUBMISSION.—Not later than 90 days prior to October 1 of each fiscal year, the Commission shall submit to Congress a list, in the form of a legislative proposal, of the State applications that the Commission recommends for approval under this section.

(D) APPROVAL.—With respect to a fiscal year, a State proposal that has been recommended under subparagraph (B) shall be deemed to be approved, and subject to the availability of appropriations, Federal funds shall be provided to such program, unless a joint resolution has been enacted disapproving such proposal as provided for in subsection (e). Nothing in the preceding sentence shall be construed to include the approval of State proposals that involve waivers or modifications in applicable Federal law.

(5) PROGRAM OR PROJECT PERIOD.—A State program or project may be approved for a period of 5 years and may be extended for subsequent 5-year periods upon approval by the Commission and the Secretary, based upon achievement of targets, except that a shorter period may be requested by a State and granted by the Secretary.

(e) EXPEDITED CONGRESSIONAL CONSIDERATION.—

(1) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(A) INTRODUCTION.—The legislative proposal submitted pursuant to subsection (d)(4)(B) shall be in the form of a joint resolution (in this subsection referred to as the "resolution"). Such resolution shall be introduced in the House of Representatives by the Speaker, and in the Senate, by the majority leader, immediately upon receipt of the language and shall be referred to the appropriate committee of Congress. If the resolution is not introduced in accordance with the preceding sentence, the resolution may be introduced in either House of Congress by any member thereof.

(B) COMMITTEE CONSIDERATION.—A resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means of the House of Representatives. A resolution introduced in the Senate shall be referred to the Committee on Finance of the Senate. Not later than 15 calendar days after the introduction of the resolution, the committee of Congress to which the resolution was referred shall report the resolution or a committee amendment thereto. If the committee has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a resolution, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such reform bill and such reform bill shall be placed on the appropriate calendar of the House involved.

(2) EXPEDITED PROCEDURE.—

(A) CONSIDERATION.—Not later than 5 days after the date on which a committee has been discharged from consideration of a resolution, the Speaker of the House of Representatives, or the Speaker's designee, or the majority leader of the Senate, or the leader's designee, shall move to proceed to the consideration of the committee amendment to the resolution, and if there is no such amendment, to the resolution. It shall also be in order for any member of the House of Representatives or the Senate, respectively, to move to proceed to the consideration of the resolution at any time after the conclusion of such 5-day period. All points of order against the resolution (and against consideration of the resolution) are waived. A motion to proceed to the consideration of the resolution is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the resolution, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the House of Representatives or the Senate, as the case may be, shall immediately proceed to consideration of the resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the House of Representatives or the Senate, as the case may be, until disposed of.

(B) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the resolution that was introduced in such House, such House receives from the other House a resolution as passed by such other House—

(i) the resolution of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under clause (iii);

(ii) the procedure in the House in receipt of the resolution of the other House, with respect to the resolution that was introduced in the House in receipt of the resolution of the other House, shall be the same as if no resolution had been received from the other House; and

(iii) notwithstanding clause (ii), the vote on final passage shall be on the reform bill of the other House.

Upon disposition of a resolution that is received by one House from the other House, it shall no longer be in order to consider the resolution bill that was introduced in the receiving House.

(C) CONSIDERATION IN CONFERENCE.—Immediately upon a final passage of the resolution that results in a disagreement between the two Houses of Congress with respect to the resolution, conferees shall be appointed and a conference convened. Not later than 10 days after the date on which conferees are appointed, the conferees shall file a report with the House of Representatives and the Senate resolving the differences between the Houses on the resolution. Notwithstanding any other rule of the House of Representatives or the Senate, it shall be in order to immediately consider a report of a committee of conference on the resolution filed in accordance with this subclause. Debate in the House of Representatives and the Senate on the conference report shall be limited to 10 hours, equally divided and controlled by the Speaker of the House of Representatives and the minority leader of the House of Representatives or their designees and the majority and minority leaders of the Senate or their designees. A vote on final passage of the conference report shall occur immediately at the conclusion or yielding back of all time for debate on the conference report.

(3) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(4) LIMITATION.—The amount of Federal funds provided with respect to any State proposal that is deemed approved under subsection (d)(3) shall not exceed the cost provided for such proposals within the concurrent resolution on the budget as enacted by Congress for the fiscal year involved.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary shall provide a grant to a State that has an application approved under subsection (b) to enable such State to carry out an innovative State health program in the State.

(2) AMOUNT OF GRANT.—The amount of a grant provided to a State under paragraph (1) shall be determined based upon the recommendations of the Commission, subject to the amount appropriated under subsection (k).

(3) PERFORMANCE-BASED FUNDING ALLOCATION AND PRIORITIZATION.—In awarding grants under paragraph (1), the Secretary shall—

(A) fund a diversity of approaches as provided for by the Commission in subsection (c)(1)(B);

(B) give priority to those State programs that the Commission determines have the greatest opportunity to succeed in providing expanded health insurance coverage and in providing children, youth, and other vulnerable populations with improved access to health care items and services; and

(C) link allocations to the State to the meeting of the goals and performance measures relating to health care coverage, quality, and health care costs established under this Act through the State project application process.

(4) MAINTENANCE OF EFFORT.—A State, in utilizing the proceeds of a grant received under paragraph (1), shall maintain the expenditures of the State for health care coverage purposes for the support of direct health care delivery at a level equal to not less than the level of such expenditures maintained by the State for the fiscal year preceding the fiscal year for which the grant is received.

(5) REPORT.—At the end of the 5-year period beginning on the date on which the Secretary awards the first grant under paragraph (1), the State Health Innovation Advisory Commission established under subsection (c) shall prepare and submit to the appropriate committees of Congress, a report on the progress made by States receiving grants under paragraph (1) in meeting the goals of expanded coverage, improved quality, and cost containment through performance measures established during the 5-year period of the grant. Such report shall contain the recommendation of the Commission concerning any future action that Congress should take concerning health care reform, including whether or not to extend the program established under this subsection.

(g) MONITORING AND EVALUATION.—

(1) ANNUAL REPORTS AND PARTICIPATION BY STATES.—Each State that has received a program approval shall—

(A) submit to the Commission an annual report based on the period representing the respective State's fiscal year, detailing compliance with the requirements established by the Commission and the Secretary in the approval and in this section; and

(B) participate in the annual meeting under subsection (c)(4)(B).

(2) EVALUATIONS BY COMMISSION.—The Commission, in consultation with a qualified and independent organization such as the Institute of Medicine, shall prepare and submit to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce, the Committee on Education and Labor, and the Committee on Ways and Means of the House of Representatives annual reports that shall contain—

(A) a description of the effects of the reforms undertaken in States receiving approvals under this section;

(B) a description of the recommendations of the Commission and actions taken based on these recommendations;

(C) an evaluation of the effectiveness of such reforms in—

(i) expanding health care coverage for State residents;

(ii) improving the quality of health care provided in the States; and

(iii) reducing or containing health care costs in the States;

(D) recommendations regarding the advisability of increasing Federal financial assistance for State ongoing or future health program initiatives, including the amount and source of such assistance; and

(E) as required by the Commission or the Secretary under subsection (f)(5), a periodic, independent evaluation of the program.

(h) NONCOMPLIANCE.—

(1) CORRECTIVE ACTION PLANS.—If a State is not in compliance with a requirement of this section, the Secretary shall develop a corrective action plan for such State.

(2) TERMINATION.—For good cause and in consultation with the Commission, the Secretary may revoke any program granted under this section. Such decisions shall be subject to a petition for reconsideration and appeal pursuant to regulations established by the Secretary.

(i) RELATIONSHIP TO FEDERAL PROGRAMS.—

(1) IN GENERAL.—Nothing in this Act, or in section 1115 of the Social Security Act (42 U.S.C. 1315) shall be construed as authorizing the Secretary, the Commission, a State, or any other person or entity to alter or affect in any way the provisions of title XIX of such Act (42 U.S.C. 1396 et seq.) or the regulations implementing such title.

(2) MAINTENANCE OF EFFORT.—No payment may be made under this section if the State adopts criteria for benefits, income, and resource standards and methodologies for purposes of determining an individual's eligibility for medical assistance under the State plan under title XIX that are more restrictive than those applied as of the date of enactment of this Act.

(j) MISCELLANEOUS PROVISIONS.—

(1) APPLICATION OF CERTAIN REQUIREMENTS.—

(A) RESTRICTION ON APPLICATION OF PREEXISTING CONDITION EXCLUSIONS.—

(i) IN GENERAL.—Subject to subparagraph (B), a State shall not permit the imposition of any preexisting condition exclusion for covered benefits under a program or project under this section.

(ii) GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE.—If the State program or project provides for benefits through payment for, or a contract with, a group health plan or group health insurance coverage, the program or project may permit the imposition of a preexisting condition exclusion but only insofar and to the extent that such exclusion is permitted under the applicable provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 and title XXVII of the Public Health Service Act.

(B) COMPLIANCE WITH OTHER REQUIREMENTS.—Coverage offered under the program or project shall comply with the requirements of subpart 2 of part A of title XXVII of the Public Health Service Act insofar as such requirements apply with respect to a health insurance issuer that offers group health insurance coverage.

(2) PREVENTION OF DUPLICATIVE PAYMENTS.—

(A) OTHER HEALTH PLANS.—No payment shall be made to a State under this section for expenditures for health assistance provided for an individual to the extent that a private insurer (as defined by the Secretary by regulation and including a group health plan (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974), a service benefit plan, and a health maintenance organization) would have been obligated to provide such assistance but for a provision of its insurance contract which has the effect of limiting or excluding such obligation because the individual is eligible for or is provided health assistance under the plan.

(B) OTHER FEDERAL GOVERNMENTAL PROGRAMS.—Except as provided in any other provision of law, no payment shall be made to a State under this section for expenditures for health assistance provided for an individual to the extent that payment has been made or can reasonably be expected to be made promptly (as determined in accordance with regulations) under any other federally operated or financed health care insurance program, other than an insurance program operated or financed by the Indian Health Service, as identified by the Secretary. For purposes of this paragraph, rules similar to the rules for overpayments under section 1903(d)(2) of the Social Security Act shall apply.

(3) APPLICATION OF CERTAIN GENERAL PROVISIONS.—The following sections of the Social Security Act shall apply to States under this section in the same manner as they apply to a State under such title XIX:

(A) TITLE XI PROVISIONS.—

(i) Section 1902(a)(4)(C) (relating to conflict of interest standards).

(ii) Paragraphs (2), (16), and (17) of section 1903(i) (relating to limitations on payment).

(iii) Section 1903(w) (relating to limitations on provider taxes and donations).

(iv) Section 1920A (relating to presumptive eligibility for children).

(B) TITLE xi PROVISIONS.—

(i) Section 1116 (relating to administrative and judicial review), but only insofar as consistent with this title.

(ii) Section 1124 (relating to disclosure of ownership and related information).

(iii) Section 1126 (relating to disclosure of information about certain convicted individuals).

(iv) Section 1128A (relating to civil monetary penalties).

(v) Section 1128B(d) (relating to criminal penalties for certain additional charges).

(vi) Section 1132 (relating to periods within which claims must be filed).

(4) RELATION TO OTHER LAWS.—

(A) HIPAA.—Health benefits coverage provided under a State program or project under this section shall be treated as creditable coverage for purposes of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and subtitle K of the Internal Revenue Code of 1986.

(B) ERISA.—Nothing in this section shall be construed as affecting or modifying section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) with respect to a group health plan (as defined in section 2791(a)(1) of the Public Health Service Act (42 U.S.C. 300gg-91(a)(1))).

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary in each fiscal year. Amounts appropriated for a fiscal year under this subsection and not expended may be used in subsequent fiscal years to carry out this section.

SA 2598. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. 61_. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

SA 2599. Mr. MCCONNELL (for himself, Mr. SPECTER, and Mr. THUNE) proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; as follows:

At the end of the substitute, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING THE NOMINATION OF JUDGE LESLIE SOUTHWICK.

(a) FINDINGS.—The Senate makes the following findings:

(1) Judge Leslie Southwick served on the Mississippi Court of Appeals from January 1995 to December 2006, during which time he was honored by his peers for his outstanding service on the bench.

(2) The Mississippi State Bar honored Judge Southwick in 2004 with its judicial excellence award, which is awarded annually to a judge who is "an example of judicial excellence; a leader in advancing the quality and integrity of justice; and a person of high ideals, character and integrity".

(3) The American Bar Association has twice rated Judge Southwick well-qualified for Federal judicial service, its highest rating. As part of its evaluation, the American Bar Association considers a nominee's "compassion," "open-mindedness," "freedom from bias and commitment to equal justice under law".

(4) In 2006, the President nominated Judge Southwick to the United States District Court for the Southern District of Mississippi.

(5) Last fall, the Senate Judiciary Committee unanimously reported Judge Southwick's nomination to the full Senate for its favorable consideration.

(6) In 2007, the President nominated Judge Southwick to the United States Court of Appeals for the Fifth Circuit.

(7) The Administrative Office of the Courts has declared the Fifth Circuit vacancy to which Judge Southwick has been nominated a "judicial emergency" with one of the highest case filing rates in the country.

(8) Judge Southwick is the third consecutive Mississippian whom the President has nominated to address this judicial emergency.

(9) Both Senators from Mississippi strongly support Judge Southwick's nomination to the Fifth Circuit, and they strongly supported his 2 predecessor nominees to that vacancy.

(10) The only material change in Judge Southwick's qualifications between last fall when the Senate Judiciary Committee unanimously reported his district court nomination to the floor, and this year when the Committee is considering his nomination to the Fifth Circuit is that the American Bar Association has increased its rating of him from well-qualified to unanimously well-qualified.

(11) While on the State appellate bench, Judge Southwick has continued to serve his country admirably in her armed forces.

(12) In 1992, Judge Southwick sought an age waiver to join the Army Reserves, and in 2003, he volunteered to serve in a line combat unit, the 155th Separate Armor Brigade. In 2004, he took a leave of absence from the bench to serve in Iraq with the 155th Brigade Combat Team of the Mississippi National Guard. There he distinguished himself at Forward Operating Base Duke near Najaf and at Forward Operating Base Kalsu.

(b) SENSE OF SENATE.—It is the sense of the Senate that the nomination of Judge Leslie Southwick to the United States Court of Appeals for the Fifth Circuit should receive an up or down vote by the full Senate.

SA 2600. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, strike line 2 and insert the following:

level.

"(C) USE OF FUNDS.—Payments under this paragraph may only be used to provide health care coverage or to expand health care access or infrastructure, including, but not limited to, the provision of school-based health services, dental care, mental health services, Federally-qualified health center services, and educational debt forgiveness for health care practitioners in fields experiencing local shortages.".

SA 2601. Mr. LEVIN (for himself, Ms. STABENOW, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 42, strike line 14 and all that follows through page 49, line 4 and insert the following:

"(a) TERMINATION OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

"(1) NO NEW CHIP WAIVERS; AUTOMATIC EXTENSIONS AT STATE OPTION THROUGH FISCAL YEAR 2010.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

"(A) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult; and

"(B) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2010, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

"(2) TERMINATION OF CHIP COVERAGE UNDER APPLICABLE EXISTING WAIVERS AT THE END OF FISCAL YEAR 2010.—

"(A) IN GENERAL.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided to a nonpregnant childless adult under an applicable existing waiver after September 30, 2010.

"(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2010, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only through September 30, 2010.

"(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a nonpregnant childless adult during each of fiscal years 2008 through 2010.

"(3) OPTIONAL 1-YEAR TRANSITIONAL COVERAGE BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Subject to paragraph (4)(B), each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may elect to provide nonpregnant childless adults who were provided child health assistance or health benefits coverage under the applicable existing waiver at any time during fiscal year 2010 with such assistance or coverage during fiscal year 2011, as if the authority to provide such assistance or coverage under an applicable existing waiver was extended through that fiscal year, but subject to the following terms and conditions:

"(A) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—The Secretary shall set aside for the State an amount equal to the Federal share of the State's projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all nonpregnant childless adults under such waiver for fiscal year 2010 (as certified by the State and submitted to the Secretary by not later than August 31, 2010, and without regard to whether any such individual lost coverage during fiscal year 2010 and was later provided child health assistance or other health benefits coverage under the waiver in that fiscal year), increased by the annual adjustment for fiscal year 2011 determined under section 2104(i)(2)(B)(i). The Secretary may adjust the amount set aside under the preceding sentence, as necessary, on the basis of the expenditure data for fiscal year 2010 reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2010, but in no case shall the Secretary adjust such amount after December 31, 2010.

"(B) NO COVERAGE FOR NONPREGNANT CHILDLESS ADULTS WHO WERE NOT COVERED DURING FISCAL YEAR 2010.—

"(i) FMAP APPLIED TO EXPENDITURES.—The Secretary shall pay the State for each quarter of fiscal year 2011, from the amount set aside under subparagraph (A), an amount equal to the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) of expenditures in the quarter for providing child health assistance or other health benefits coverage to a nonpregnant childless adult but only if such adult was enrolled in the State program under this title during fiscal year 2010 (without regard to whether the individual lost coverage during fiscal year 2010 and was reenrolled in that fiscal year or in fiscal year 2011).

"(ii) FEDERAL PAYMENTS LIMITED TO AMOUNT OF BLOCK GRANT SET-ASIDE.—No payments shall be made to a State for expenditures described in this subparagraph after the total amount set aside under subparagraph (A) for fiscal year 2011 has been paid to the State.

"(4) STATE OPTION TO APPLY FOR MEDICAID WAIVER TO CONTINUE COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

"(A) IN GENERAL.—Each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may submit, not later than June 30, 2011, an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a nonpregnant childless adult whose coverage is so terminated (in this subsection referred to as a "Medicaid nonpregnant childless adults waiver").

"(B) DEADLINE FOR APPROVAL.—The Secretary shall make a decision to approve or deny an application for a Medicaid nonpregnant childless adults waiver submitted under subparagraph (A) within 90 days of the date of the submission of the application. If no decision has been made by the Secretary as of September 30, 2011, on the application of a State for a Medicaid nonpregnant childless adults waiver that was submitted to the Secretary by June 30, 2011, the application shall be deemed approved.

"(C) STANDARD FOR BUDGET NEUTRALITY.—The budget neutrality requirement applicable with respect to expenditures for medical assistance under a Medicaid nonpregnant childless adults waiver shall—

"(i) in the case of fiscal year 2012, allow expenditures for medical assistance under title XIX for all such adults to not exceed the total amount of payments made to the State under paragraph (3)(B) for fiscal year 2011, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for calendar year 2012 over calendar year 2011, as most recently published by the Secretary; and

"(ii) in the case of any succeeding fiscal year, allow such expenditures to not exceed the amount in effect under this subparagraph for the preceding fiscal year, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year that begins during the fiscal year involved over the preceding calendar year, as most recently published by the Secretary.

"(5) SPECIAL RULES.—Notwithstanding the amendments made by the Children's Health Insurance Program Reauthorization Act of 2007:

"(A) Section 2104(e)(4)(C)(i) shall be applied by substituting '2011' for '2009'.

"(B) Section 2104(j)(1)(B)(ii)(V) shall be applied by substituting '2011' for '2009' each place it appears.

SA 2602. Mr. KERRY (for himself, Mr. BINGAMAN, Mr. SANDERS, Mr. CASEY, Mr. MENENDEZ, Mr. DURBIN, Mr. REED, Mr. BROWN, Mr. WHITEHOUSE, and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; as follows:

At the end, add the following:

TITLE IX—IMPROVED INCENTIVES TO ENROLL UNINSURED CHILDREN AND PROTECT EXISTING COVERAGE OPTIONS

SEC. 901. IMPROVEMENTS TO THE INCENTIVE BONUSES FOR STATES.

Paragraphs (2) and (3) of section 2104(j), as added by section 105(a), are amended to read as follows:

"(2) PAYMENTS TO STATES INCREASING ENROLLMENT.—

"(A) IN GENERAL.—Subject to paragraph (3)(D), with respect to each of fiscal years 2008 through 2012, the Secretary shall make payments to States from the Incentive Pool determined under subparagraph (B).

"(B) AMOUNT.—The amount described in this subparagraph for a State for a fiscal year is equal to the sum of the following amounts:

"(i) FIRST TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of first tier above baseline child enrollees (as determined under paragraph (3)(A)(i)) under title XIX for the State and fiscal year multiplied by 6 percent of the projected per capita State Medicaid expenditures (as determined under paragraph (3)(B)) for the State and fiscal year under title XIX.

"(ii) SECOND TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of second tier above baseline child enrollees (as determined under paragraph (3)(A)(ii)) under title XIX for the State and fiscal year multiplied by 35 percent of the projected per capita State Medicaid expenditures (as determined under paragraph (3)(B)) for the State and fiscal year under title XIX.

"(iii) THIRD TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of third tier above baseline child enrollees (as determined under paragraph (3)(A)(iii)) under title XIX for the State and fiscal year multiplied by 90 percent of the projected per capita State Medicaid expenditures (as determined under paragraph (3)(B)) for the State and fiscal year under title XIX.

"(3) DEFINITIONS AND RULES.—For purposes of this paragraph and paragraph (2):

"(A) TIERS ABOVE BASELINE.—

"(i) FIRST TIER ABOVE BASELINE CHILD ENROLLEES.—The number of first tier above baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (C)) enrolled during the fiscal year under the State plan under title XIX; exceeds

"(II) the baseline number of enrollees described in clause (iv) for the State and fiscal year under title XIX, respectively;

but not to exceed 2 percent of the baseline number of enrollees described in subclause (II).

"(ii) SECOND TIER ABOVE BASELINE CHILD ENROLLEES.—The number of second tier above baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (C)) enrolled during the fiscal year under title XIX, as described in clause (i)(I); exceeds

"(II) the sum of the baseline number of child enrollees described in clause (iv) for the State and fiscal year under title XIX, as described in clause (i)(II), and the maximum number of first tier above baseline child enrollees for the State and fiscal year under title XIX, as determined under clause (i),

but not to exceed 7 percent of the baseline number of enrollees described in clause (i)(II), reduced by the maximum number of first tier above baseline child enrollees for the State and fiscal year under title XIX, as determined under clause (i).

"(iii) THIRD TIER ABOVE BASELINE CHILD ENROLLEES.—The number of second tier above baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (C)) enrolled during the fiscal year under title XIX, as described in clause (i)(I); exceeds

"(II) the sum of the baseline number of child enrollees described in clause (iv) for the State and fiscal year under title XIX, as described in clause (i)(II), the maximum number of first tier above baseline child enrollees for the State and fiscal year under title XIX, as determined under clause (i), and the maximum number of second tier above baseline child enrollees for the State and fiscal year under title XIX, as determined under clause (ii).

"(iv) BASELINE NUMBER OF CHILD ENROLLEES.—The baseline number of child enrollees for a State under title XIX—

"(I) for fiscal year 2008 is equal to the monthly average unduplicated number of qualifying children enrolled in the State plan under title XIX, respectively, during fiscal year 2007 increased by the population growth for children in that State for the year ending on June 30, 2006 (as estimated by the Bureau of the Census) plus 1 percentage point; or

"(II) for a subsequent fiscal year is equal to the baseline number of child enrollees for the State for the previous fiscal year under this title or title XIX, respectively, increased by the population growth for children in that State for the year ending on June 30 before the beginning of the fiscal year (as estimated by the Bureau of the Census) plus 1 percentage point.

"(B) PROJECTED PER CAPITA STATE MEDICAID EXPENDITURES.—For purposes of subparagraph (A), the projected per capita State Medicaid expenditures for a State and fiscal year under title XIX is equal to the average per capita expenditures (including both State and Federal financial participation) for children under the State plan under such title, including under waivers but not including such children eligible for assistance by virtue of the receipt of benefits under title XVI, for the most recent fiscal year for which actual data are available (as determined by the Secretary), increased (for each subsequent fiscal year up to and including the fiscal year involved) by the annual percentage increase in per capita amount of National Health Expenditures (as estimated by the Secretary) for the calendar year in which the respective subsequent fiscal year ends and multiplied by a State matching percentage equal to 100 percent minus the Federal medical assistance percentage (as defined in section 1905(b)) for the fiscal year involved.

"(C) QUALIFYING CHILDREN DEFINED.—For purposes of this subsection, the term 'qualifying children' means, with respect to this title or title XIX, children who meet the eligibility criteria (including income, categorical eligibility, age, and immigration status criteria) in effect as of July 1, 2007, for enrollment under this title or title XIX, respectively, taking into account criteria applied as of such date under this title or title XIX, respectively, pursuant to a waiver under section 1115.".

SEC. 902. OPTIONAL COVERAGE OF OLDER CHILDREN UNDER MEDICAID AND CHIP.

(a) MEDICAID.—

(1) IN GENERAL.—Section 1902(l)(1)(D) (42 U.S.C. 1396a(l)(1)(D)) is amended by striking "but have not attained 19 years of age" and inserting "but is under 19 years of age (or, at the option of a State, under such higher age, not to exceed 21 years of age, as the State may elect)".

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(e)(3)(A) (42 U.S.C. 1396a(e)(3)(A)) is amended by striking "18 years of age or younger" and inserting "under 19 years of age (or under such higher age as the State has elected under subsection (l)(1)(D))" after "18 years of age".

(B) Section 1902(e)(12) (42 U.S.C. 1396a(e)(12)) is amended by inserting "or such higher age as the State has elected under subsection (l)(1)(D)" after "19 years of age".

(C) Section 1905(a) (42 U.S.C. 1396d(a)) is amended, in clause (i), by inserting "or under such higher age as the State has elected under subsection (l)(1)(D)" after "as the State may choose".

(D) Section 1920A(b)(1) (42 U.S.C. 1396r-1a(b)(1)) is amended by inserting "or under such higher age as the State has elected under section 1902(l)(1)(D)" after "19 years of age".

(E) Section 1928(h)(1) (42 U.S.C. 1396s(h)(1)) is amended by striking "18 years of age or younger" and inserting "under 19 years of age or under such higher age as the State has elected under section 1902(l)(1)(D)".

(F) Section 1932(a)(2)(A) (42 U.S.C. 1396u-2(a)(2)(A)) is amended by inserting "(or under such higher age as the State has elected under section 1902(l)(1)(D))" after "19 years of age".

(b) TITLE XXI.—Section 2110(c)(1) (42 U.S.C. 1397jj(c)(1)) is amended by inserting "(or, at the option of the State, under such higher age as the State has elected under section 1902(l)(1)(D))".

SEC. 903. MODERNIZING TRANSITIONAL MEDICAID.

(a) FOUR-YEAR EXTENSION.—

(1) IN GENERAL.—Sections 1902(e)(1)(B) and 1925(f) (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each amended by striking "September 30, 2003" and inserting "September 30, 2011".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2007.

(b) STATE OPTION OF INITIAL 12-MONTH ELIGIBILITY.—Section 1925 (42 U.S.C. 1396r-6) is amended—

(1) in subsection (a)(1), by inserting "but subject to paragraph (5)" after "Notwithstanding any other provision of this title";

(2) by adding at the end of subsection (a) the following:

"(5) OPTION OF 12-MONTH INITIAL ELIGIBILITY PERIOD.—A State may elect to treat any reference in this subsection to a 6-month period (or 6 months) as a reference to a 12-month period (or 12 months). In the case of such an election, subsection (b) shall not apply."; and

(3) in subsection (b)(1), by inserting "but subject to subsection (a)(5)" after "Notwithstanding any other provision of this title".

(c) REMOVAL OF REQUIREMENT FOR PREVIOUS RECEIPT OF MEDICAL ASSISTANCE.—Section 1925(a)(1) (42 U.S.C. 1396r-6(a)(1)), as amended by subsection (b)(1), is further amended—

(1) by inserting "subparagraph (B) and" before "paragraph (5)";

(2) by redesignating the matter after "REQUIREMENT.—" as a subparagraph (A) with the heading "IN GENERAL.—" and with the same indentation as subparagraph (B) (as added by paragraph (3)); and

(3) by adding at the end the following:

"(B) STATE OPTION TO WAIVE REQUIREMENT FOR 3 MONTHS BEFORE RECEIPT OF MEDICAL ASSISTANCE.—A State may, at its option, elect also to apply subparagraph (A) in the case of a family that was receiving such aid for fewer than three months or that had applied for and was eligible for such aid for fewer than 3 months during the 6 immediately preceding months described in such subparagraph.".

(d) CMS REPORT ON ENROLLMENT AND PARTICIPATION RATES UNDER TMA.—Section 1925 (42 U.S.C. 1396r-6), as amended by this section, is further amended by adding at the end the following new subsection:

"(g) COLLECTION AND REPORTING OF PARTICIPATION INFORMATION.—

"(1) COLLECTION OF INFORMATION FROM STATES.—Each State shall collect and submit to the Secretary (and make publicly available), in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section and of the number and percentage of children who become ineligible for medical assistance under this section whose medical assistance is continued under another eligibility category or who are enrolled under the State's child health plan under title XXI. Such information shall be submitted at the same time and frequency in which other enrollment information under this title is submitted to the Secretary.

"(2) ANNUAL REPORTS TO CONGRESS.—Using the information submitted under paragraph (1), the Secretary shall submit to Congress annual reports concerning enrollment and participation rates described in such paragraph.".

(e) EFFECTIVE DATE.—The amendments made by subsections (b) through (d) shall take effect on the date of the enactment of this Act.

SEC. 904. REPEAL OF TOP INCOME TAX RATE REDUCTION FOR TAXPAYERS WITH $1,000,000 OR MORE OF TAXABLE INCOME.

(a) IN GENERAL.—Section 1(i) of the Internal Revenue Code of 1986 (relating to rate reductions) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) EXCEPTION FOR TAXPAYERS WITH TAXABLE INCOME OF $1,000,000, OR MORE.—

"(A) IN GENERAL.—Notwithstanding paragraph (2), in the case of taxable years beginning in a calender year after 2007, the last item in the fourth column of the table under paragraph (2) shall be applied by substituting '39.6%' for '35.0%' with respect to taxable income in excess of $1,000,000 (one-half of such amount in the case of taxpayers to whom subsection (d) applies).

"(B) INFLATION ADJUSTMENT.—In the case of the dollar amount under subparagraph (A), paragraph (1)(C) shall be applied by substituting '2008' for '2003' and '2007' for '2002'.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

(c) APPLICATION OF EGTRRA SUNSET.—The amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

SA 2603. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I add the following:

SEC. 112. FUNDING PRIORITY FOR STATES WITH AN EFFECTIVE INCOME ELIGIBILITY LEVEL FOR CHILDREN THAT DOES NOT EXCEED 200 PERCENT OF THE POVERTY LINE.

(a) PRIORITY FOR DETERMINATION OF FISCAL YEAR 2008 ALLOTMENTS.—Subparagraph (D) of section 2104(i)(2) (42 U.S.C. 1397dd(i)(2))), as added by section 102, is amended to read as follows:

"(D) PRIORITY AND PRORATION RULES.—If, after the application of this paragraph without regard to this subparagraph, the sum of the State allotments determined under this paragraph for fiscal year 2008 exceeds the available national allotment for fiscal year 2008, the Secretary shall—

"(i) first, provide the allotments for all subsection (b) States for which the effective income eligibility level for child health assistance for targeted low-income children under the State child health plan does not exceed 200 percent of the poverty line (and if, the sum of such allotments exceeds the available national allotment for fiscal year 2008, reduce each such allotment on a proportional basis); and

"(ii) only to the extent there are any amounts remaining available for allotment from the available national allotment for fiscal year 2008 after the application of clause (i), provide, on a proportional basis, allotments for any other subsection (b) States.".

(b) PRIORITY FOR DETERMINATION OF FISCAL YEAR 2009 THROUGH 2012 ALLOTMENTS.—Subparagraph (A) of section 2104(i)(3) (42 U.S.C. 1397dd(i)(3)), as so added, is amended to read as follows:

"(A) IN GENERAL.—If the sum of the State allotments determined under paragraph (1)(A)(ii) for any of fiscal years 2009 through 2011 exceeds the available national allotment for the fiscal year, the Secretary shall—

"(i) first, allot to each subsection (b) State for which the effective income eligibility level for child health assistance for targeted low-income children under the State child health plan does not exceed 200 percent of the poverty line from the available national allotment for the fiscal year an amount equal to the product of—

"(I) the available national allotment for the fiscal year; and

"(II) the percentage equal to the sum of the State allotment factors for the fiscal year determined under paragraph (4) with respect to the State; and

"(ii) only to the extent there are any amounts remaining available for allotment from the available national allotment for the fiscal year after the application of clause (i), determine the allotments for any other subsection (b) States in the same manner as how allotments are determined under clause (i).".

(c) CHIP CONTINGENCY FUND.—Section 2104(k)(3) (42 U.S.C. 1397dd(k)(3)), as added by section 106, is amended by adding at the end the following new subparagraph:

"(I) PRIORITY FOR STATES WITH AN EFFECTIVE INCOME ELIGIBILITY LEVEL FOR CHILDREN THAT DOES NOT EXCEED 200 PERCENT OF THE POVERTY LINE.—Notwithstanding subparagraph (E), the Secretary shall make monthly payments from the Fund—

"(i) first, to those States that are determined to be eligible States with respect to a month and for which the effective income eligibility level for child health assistance for targeted low-income children under the State child health plan does not exceed 200 percent of the poverty line (and, if the sum of such payments exceed the amount in the Fund, reduced on a proportional basis); and

"(ii) only to the extent that there are any amounts remaining in the Fund for a month, to any other States that are determined to be eligible States with respect to the month (and reduced, if necessary, on a proportional basis).".

SA 2604. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, strike lines 14 through 23 and insert the following:

"(J) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS OR PENDING WAIVERS FOR SUCH PROGRAMS.—Nothing in this paragraph shall be construed as—

"(i) limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect prior to the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007; or

"(ii) limiting the authority of a State to offer premium assistance under a waiver pending approval by the Secretary prior to such date of enactment that is approved on or after such date of enactment.".

SA 2605. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike subtitle B of title V of the amendment and insert the following:

Subtitle B—Earmark, Conference, and Conflict of Interest Reform

SEC. 521. OUT OF SCOPE MATTERS IN CONFERENCE REPORTS.

(a) IN GENERAL.—A point of order may be made by any Senator against any item contained in a conference report that includes or consists of any matter not committed to the conferees by either House. The point of order may be made and disposed of separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order raised against an item in a conference report under subsection (a) is sustained—

(1) the matter in such conference report shall be stricken; and

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken (any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report shall be made);

(B) the question shall be debatable; and

(C) no further amendment shall be in order.

(c) LIMITATION.—

(1) IN GENERAL.—In this section, the term "matter not committed to the conferees by either House" shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(2) RULE XXVIII.—For the purpose of rule XXVIII of the Standing Rules of the Senate, the term "matter not committed" shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(d) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 522. CONGRESSIONAL EARMARK REFORM.

The Standing Rules of the Senate are amended by adding at the end the following:

"RULE XLIV

"EARMARKS

"1. It shall not be in order to consider—

"(a) a bill or joint resolution reported by a committee unless the report includes a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

"(b) a bill or joint resolution not reported by a committee unless the chairman of each committee of jurisdiction has caused a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

"(c) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the conference report, of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

"2. For the purpose of this rule—

"(a) the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

"(b) the term 'limited tax benefit' means—

"(1) any revenue provision that—

"(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

"(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

"(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

"(c) the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

"3. A Member may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner.

"4. (a) A Member who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

"(1) the name of the Member;

"(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

"(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member;

"(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

"(5) a certification that the Member or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

"(b) Each committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be published in a searchable format on the committee's or subcommittee's website not later than 48 hours after receipt on such information.

"5. It shall not be in order to consider any bill, resolution, or conference report that contains an earmark included in any classified portion of a report accompanying the measure unless the bill, resolution, or conference report includes to the greatest extent practicable, consistent with the need to protect national security (including intelligence sources and methods), in unclassified language, a general program description, funding level, and the name of the sponsor of that earmark.".

SEC. 523. PROHIBITION ON FINANCIAL GAIN FROM EARMARKS BY MEMBERS, IMMEDIATE FAMILY OF MEMBERS, STAFF OF MEMBERS, OR IMMEDIATE FAMILY OF STAFF OF MEMBERS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"15. (a) No Member shall use his official position to introduce, request, or otherwise aid the progress or passage of a congressional earmark that will financially benefit or otherwise further the pecuniary interest of such Member, the spouse of such Member, the immediate family member of such Member, any employee on the staff of such Member, the spouse of an employee on the staff of such Member, or immediate family member of an employee on the staff of such Member.

"(b) For purposes of this paragraph—

"(1) the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of a Member or any employee on the staff (including staff in personal, committee and leadership offices) of a Member; and

"(2) the term 'congressional earmark' shall have the same meaning as in rule XLIV of the Standing Rules of the Senate.".

SA 2606. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 180, to require the identification of companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3 and insert the following:

SEC. 3. TRANSPARENCY IN CAPITAL MARKETS.

(a) List of Persons Directly Investing in or Conducting Business Operations in Certain Sudanese Sectors.—

(1) Publication of list.—Not later than 6 months after the date of the enactment of this Act and every 6 months thereafter, the President, in consultation with the Secretary of the Treasury, the Secretary of Energy, the Secretary of State, the Securities and Exchange Commission, and the heads of other appropriate Federal departments and agencies, shall, using only publicly available (including proprietary) information, ensure publication in the Federal Register of a list of each person, whether within or outside of the United States, that, as of the date of the publication, has a direct investment in, or is conducting, business operations in Sudan's power production, mineral extraction, oil-related, or military equipment industries, subject to paragraph (2). To the extent practicable, the list shall include a description of the investment made by each such person, including the dollar value, intended purpose, and status of the investment, as of the date of the publication.

(2) Exceptions.—The President shall exclude a person from the list if all of the business operations by reason of which the person would otherwise be included on the list—

(A) are conducted under contract directly and exclusively with the regional government of southern Sudan;

(B) are conducted under a license from the Office of Foreign Assets Control, or are expressly exempted under Federal law from the requirement to be conducted under such a license;

(C) consist of providing goods or services to marginalized populations of Sudan;

(D) consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;

(E) consist of providing goods or services that are used only to promote health or education;

(F) are conducted by a person that has also undertaken significant humanitarian efforts as described in section 10(14)(B);

(G) have been voluntarily suspended; or

(H) will cease within 1 year after the adoption of a formal plan to cease the operations, as determined by the President.

(3) Consideration of scrutinized business operations.—The President should give serious consideration to including on the list any company that has a scrutinized business operation with respect to Sudan (within the meaning of section 10(4)).

(4) Prior notice to persons.—The President shall, at least 30 days before the list is published under paragraph (1), notify each person that the President intends to include on the list.

(5) Delay in including persons on the list.—After notifying a person under paragraph (4), the President may delay including that person on the list for up to 60 days if the President determines and certifies to the Congress that the person has taken specific and effective actions to terminate the involvement of the person in the activities that resulted in the notification under paragraph (4).

(6) REMOVAL OF PERSONS FROM THE LIST.—The President may remove a person from the list before the next publication of the list under paragraph (1) if the President determines that the person no longer has a direct investment in or is no longer conducting business operations as described in paragraph (1).

(7) ADVANCE NOTICE TO CONGRESS.—Not later than 30 days (or, in the case of the 1st such list, 60 days) before the date by which paragraph (1) requires the list to be published, the President shall submit to the Committees on Financial Services, on Education and Labor, and on Oversight and Government Reform of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs, on Health, Education, Labor, and Pensions, and on Homeland Security and Governmental Affairs of the Senate a copy of the list which the President intends to publish under paragraph (1).

(b) PUBLICATION ON WEBSITE.—The President shall ensure that the list is published on an appropriate, publicly accessible Government website, updating the list as necessary to take into account any person removed from the list under subsection (a)(6).

(c) DEFINITION.—In this section, the term "investment" has the meaning given the term in section 4(b)(3).

SA 2607. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 180, to require the identification of companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, between lines 4 and 5, insert the following:

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for the purposes of carrying out this section.

SA 2608. Ms. SNOWE (for herself, Mr. BINGAMAN, Mr. CARDIN, Ms. MIKULSKI, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 213, strike line 13 and all that follows through page 216, line 6 and insert the following:

SEC. 608. REQUIRING COVERAGE OF DENTAL SERVICES.

(a) REQUIRED COVERAGE OF DENTAL SERVICES.—

(1) IN GENERAL.—Section 2103 (42 U.S.C. 1397cc) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "subsection (c)(5)" and inserting "paragraphs (5) and (6) of subsection (c)"; and

(B) in subsection (c)—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4), the following new paragraph:

"(5) DENTAL SERVICES.—The child health assistance provided to a targeted low-income child (whether through benchmark coverage or benchmark-equivalent coverage or otherwise) shall include coverage of dental services necessary to—

"(A) prevent disease and promote oral health;

"(B) restore oral structures to health and function; and

"(C) treat emergency conditions.".

(2) STATE CHILD HEALTH PLAN REQUIREMENT.—Section 2102(a)(7)(B) (42 U.S.C. 1397bb(a)(7)(B)) is amended by inserting "and services described in section 2103(c)(5)" after "emergency services".

(3) INCLUSION IN BASIC SERVICES FOR BENCHMARK-EQUIVALENT COVERAGE.—Section 2103(c)(1) (42 U.S.C. 1397cc(c)(1)) is amended by adding at the end the following new subparagraph:

"(E) Services described in paragraph (5).".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to health benefits coverage provided on or after October 1, 2008.

(b) DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.—

(1) DISALLOWANCE OF DEDUCTION.—

(A) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(iii) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(B) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

(2) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(A) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(B) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(C) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to damages paid or incurred on or after the date of the enactment of this Act.

(c) DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.—

(1) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes—

"(i) constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, or

"(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

"(B) is identified as restitution or as an amount paid to come into compliance with the law, as the case may be, in the court order or settlement agreement.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(2) REPORTING OF DEDUCTIBLE AMOUNTS.—

(A) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

"SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

"(a) REQUIREMENT OF REPORTING.—

"(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

"(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

"(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

"(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

"(2) SUIT OR AGREEMENT DESCRIBED.—

“(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

“(i) it is—

“(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

“(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

“(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

“(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

“(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

“(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

“(B) the date specified Secretary.

“(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

“(1) the name of the government or entity, and

“(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

“(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term ‘appropriate official’ means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.”.

(B) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

“Sec. 6050W. Information with respect to certain fines, penalties, and other amounts.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SA 2609. Ms. SNOWE (for herself, Mr. BINGAMAN, Mr. CARDIN, Ms. MIKULSKI, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 216, between lines 6 and 7, insert the following:

(b) AMOUNT APPROPRIATED FOR DENTAL HEALTH GRANTS.—Notwithstanding subsection (e) of section 2114 of the Social Security Act, as added by this section, out of any funds in the Treasury not otherwise appropriated, there is appropriated, $500,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended, for the purpose of awarding grants to States under such section. Amounts appropriated under this subsection and paid under the authority of such section 2114 shall be in addition to amounts appropriated under section 2104 of the Social Security Act (42 U.S.C. 1397dd) and paid to States in accordance with section 2105 of such Act (42 U.S.C. 1397ee).

(c) DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.—

(1) DISALLOWANCE OF DEDUCTION.—

(A) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by striking “If” and inserting:

“(1) TREBLE DAMAGES.—If”, and

(iii) by adding at the end the following new paragraph:

“(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).”.

(B) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting “OR PUNITIVE DAMAGES” after “LAWS”.

(2) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(A) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

“SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

“Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer’s liability (or agreement) to pay punitive damages.”.

(B) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

“(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person’s liability (or agreement) to pay punitive damages.”.

(C) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 91. Punitive damages compensated by insurance or otherwise.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to damages paid or incurred on or after the date of the enactment of this Act.

(d) DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.—

(1) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

“(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

“(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

“(A) the taxpayer establishes—

“(i) constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, or

“(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

“(B) is identified as restitution or as an amount paid to come into compliance with the law, as the case may be, in the court order or settlement agreement.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

“(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

“(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

“(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

“(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

“(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.”.

(2) REPORTING OF DEDUCTIBLE AMOUNTS.—

(A) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

“SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

“(a) REQUIREMENT OF REPORTING.—

“(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

“(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

“(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

“(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

“(2) SUIT OR AGREEMENT DESCRIBED.—

“(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

"(i) it is—

"(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

"(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

"(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

"(B) Adjustment of reporting threshold.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

"(3) Time of filing.—The return required under this subsection shall be filed not later than—

"(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

"(B) the date specified Secretary.

"(b) Statements To Be Furnished To Individuals Involved in the Settlement.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

"(1) the name of the government or entity, and

"(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

"(c) Appropriate Official Defined.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.".

(B) Conforming amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

"Sec. 6050W. Information with respect to certain fines, penalties, and other amounts.".

(3) Effective date.—The amendments made by this subsection shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SA 2610. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Rockefeller, and Mr. Hatch) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 133, strike line 4 and all that follows through page 165, line 2, and insert the following:

SEC. 401. IMPROVED STATE OPTION FOR OFFERING PREMIUM ASSISTANCE FOR COVERAGE THROUGH PRIVATE PLANS.

(a) In General.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(c) is amended by adding at the end the following:

"(10) Additional state option for offering premium assistance.—

"(A) In general.—Subject to the succeeding provisions of this paragraph, a State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph.

"(B) Qualified employer sponsored coverage.—

"(i) In general.—In this paragraph, the term 'qualified employer sponsored coverage' means a group health plan or health insurance coverage offered through an employer that is—

"(I) substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2);

"(II) made similarly available to all of the employer's employees and for which the employer makes a contribution to the premium that is not less for employees receiving a premium assistance subsidy under any option available under the State child health plan under this title or the State plan under title XIX to provide such assistance than the employer contribution provided for all other employees; and

"(III) cost-effective, as determined under clause (ii).

"(ii) Cost-effectiveness.—A group health plan or health insurance coverage offered through an employer shall be considered to be cost-effective if—

"(I) the marginal premium cost to purchase family coverage through the employer is less than the State cost of providing child health assistance through the State child health plan for all the children in the family who are targeted low-income children; or

"(II) the marginal premium cost between individual coverage and purchasing family coverage through the employer is not greater than 175 percent of the cost to the State to provide child health assistance through the State child health plan for a targeted low-income child.

"(iii) High deductible health plans included.—The term 'qualified employer sponsored coverage' includes a high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986) purchased through a health savings account (as defined under section 223(d) of such Code).

"(C) Premium assistance subsidy.—

"(i) In general.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan, subject to the annual aggregate cost-sharing limit applied under section 2103(e)(3)(B).

"(ii) State payment option.—Subject to clause (iii), a State may provide a premium assistance subsidy directly to an employer or as reimbursement to an employee for out-of-pocket expenditures.

"(iii) Requirement for direct payment to employee.—A State shall not pay a premium assistance subsidy directly to the employee, unless the State has established procedures to ensure that the targeted low-income child on whose behalf such payments are made are actually enrolled in the qualified employer sponsored coverage.

"(iv) Treatment as child health assistance.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

"(v) State option to require acceptance of subsidy.—A State may condition the provision of child health assistance under the State child health plan for a targeted low-income child on the receipt of a premium assistance subsidy for enrollment in qualified employer sponsored coverage if the State determines the provision of such a subsidy to be more cost-effective in accordance with subparagraph (B)(ii).

"(vi) Not treated as income.—Notwithstanding any other provision of law, a premium assistance subsidy provided in accordance with this paragraph shall not be treated as income to the child or the parent of the child for whom such subsidy is provided.

"(D) No requirement to provide supplemental coverage for benefits and additional cost-sharing protection provided under the State child health plan.—

"(i) In general.—A State that elects the option to provide a premium assistance subsidy under this paragraph shall not be required to provide a targeted low-income child enrolled in qualified employer sponsored coverage with supplemental coverage for items or services that are not covered, or are only partially covered, under the qualified employer sponsored coverage or cost-sharing protection other than the protection required under section 2103(e)(3)(B).

"(ii) Notice of cost-sharing requirements.—A State shall provide a targeted low-income child or the parent of such a child (as appropriate) who is provided with a premium assistance subsidy in accordance with this paragraph with notice of the cost-sharing requirements and limitations imposed under the qualified employer sponsored coverage in which the child is enrolled upon the enrollment of the child in such coverage and annually thereafter.

"(iii) Record keeping requirements.—A State may require a parent of a targeted low-income child that is enrolled in qualified employer-sponsored coverage to bear the responsibility for keeping track of out-of-pocket expenditures incurred for cost-sharing imposed under such coverage and to notify the State when the limit on such expenditures imposed under section 2103(e)(3)(B) has been reached for a year from the effective date of enrollment for such year.

"(iv) State option for reimbursement.—A State may retroactively reimburse a parent of a targeted low-income child for out-of-pocket expenditures incurred after reaching the 5 percent cost-sharing limitation imposed under section 2103(e)(3)(B) for a year.

"(E) 6-month waiting period required.—A State shall impose at least a 6-month waiting period from the time an individual is enrolled in private health insurance prior to the provision of a premium assistance subsidy for a targeted low-income child in accordance with this paragraph.

"(F) NON APPLICATION OF WAITING PERIOD FOR ENROLLMENT IN THE STATE MEDICAID PLAN OR THE STATE CHILD HEALTH PLAN.—A targeted low-income child provided a premium assistance subsidy in accordance with this paragraph who loses eligibility for such subsidy shall not be treated as having been enrolled in private health insurance coverage for purposes of applying any waiting period imposed under the State child health plan or the State plan under title XIX for the enrollment of the child under such plan.

"(G) ASSURANCE OF SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF ELIGIBILITY FOR PREMIUM SUBSIDY ASSISTANCE.—No payment shall be made under subsection (a) for amounts expended for the provision of premium assistance subsidies under this paragraph unless a State provides assurances to the Secretary that the State has in effect laws requiring a group health plan, a health insurance issuer offering group health insurance coverage in connection with a group health plan, and a self-funded health plan, to permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a child of such an employee if the child is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if the employee's child becomes eligible for a premium assistance subsidy under this paragraph.

"(H) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect on June 28, 2007.

"(I) NOTICE OF AVAILABILITY.—A State shall—

"(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer sponsored coverage;

"(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

"(iii) establish such other procedures as the State determines necessary to ensure that parents are informed of the availability of such subsidies under the State child health plan.".

(b) APPLICATION TO MEDICAID.—Section 1906 (42 U.S.C. 1396e) is amended by inserting after subsection (c) the following:

"(d) The provisions of section 2105(c)(10) shall apply to a child who is eligible for medical assistance under the State plan in the same manner as such provisions apply to a targeted low-income child under a State child health plan under title XXI. Section 1902(a)(34) shall not apply to a child who is provided a premium assistance subsidy under the State plan in accordance with the preceding sentence.".

SA 2611. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 133, strike line 4 and all that follows through page 165, line 2, and insert the following:

SEC. 401. PREMIUM ASSISTANCE FOR HIGHER INCOME CHILDREN AND PREGNANT WOMEN WITH ACCESS TO EMPLOYER-SPONSORED COVERAGE.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(c) is amended by adding at the end the following:

"(10) PREMIUM ASSISTANCE.—

"(A) IN GENERAL.—Beginning with fiscal year 2008, a State may only provide child health assistance for a targeted low-income child or a pregnant woman whose family income exceeds 200 percent of the poverty line and who has access to qualified employer sponsored coverage (as defined in subparagraph (B)) through the provision of a premium assistance subsidy in accordance with the requirements of this paragraph. The enhanced FMAP under subsection (a)(1) shall be zero with respect to any expenditures for providing child health assistance for a targeted low-income child or pregnant woman described in the preceding sentence in any manner other than through the provision of such a subsidy.

"(B) QUALIFIED EMPLOYER SPONSORED COVERAGE.—

"(i) IN GENERAL.—In this paragraph, the term 'qualified employer sponsored coverage' means a group health plan or health insurance coverage offered through an employer that is—

"(I) substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2);

"(II) for which the employer contribution toward any premium for such coverage is at least 50 percent (75 percent, in the case of an employer with more than 50 employees);

"(III) made similarly available to all of the employer's employees and for which the employer makes a contribution to the premium that is not less for employees receiving a premium assistance subsidy under any option available under the State child health plan under this title or the State plan under title XIX to provide such assistance than the employer contribution provided for all other employees; and

"(IV) cost-effective, as determined under clause (ii).

"(ii) COST-EFFECTIVENESS.—A group health plan or health insurance coverage offered through an employer shall be considered to be cost-effective if—

"(I) the marginal premium cost to purchase family coverage through the employer is less than the State cost of providing child health assistance through the State child health plan for all the children in the family who are targeted low-income children; or

"(II) the marginal premium cost between individual coverage and purchasing family coverage through the employer is not greater than 175 percent of the cost to the State to provide child health assistance through the State child health plan for a targeted low-income child.

"(iii) HIGH DEDUCTIBLE HEALTH PLANS INCLUDED.—The term 'qualified employer sponsored coverage' includes a high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986) purchased through a health savings account (as defined under section 223(d) of such Code).

"(C) PREMIUM ASSISTANCE SUBSIDY.—

"(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan, subject to the annual aggregate cost-sharing limit applied under section 2103(e)(3)(B).

"(ii) STATE PAYMENT OPTION.—Subject to clause (iii), a State may provide a premium assistance subsidy directly to an employer or as reimbursement to an employee for out-of-pocket expenditures.

"(iii) REQUIREMENT FOR DIRECT PAYMENT TO EMPLOYEE.—A State shall not pay a premium assistance subsidy directly to the employee, unless the State has established procedures to ensure that the targeted low-income child on whose behalf such payments are made are actually enrolled in the qualified employer sponsored coverage.

"(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

"(v) STATE OPTION TO REQUIRE ACCEPTANCE OF SUBSIDY.—A State may condition the provision of child health assistance under the State child health plan for a targeted low-income child on the receipt of a premium assistance subsidy for enrollment in qualified employer sponsored coverage if the State determines the provision of such a subsidy to be more cost-effective in accordance with subparagraph (B)(ii).

"(vi) NOT TREATED AS INCOME.—Notwithstanding any other provision of law, a premium assistance subsidy provided in accordance with this paragraph shall not be treated as income to the child or the parent of the child for whom such subsidy is provided.

"(D) NO REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND ADDITIONAL COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

"(i) IN GENERAL.—A State that elects the option to provide a premium assistance subsidy under this paragraph shall not be required to provide a targeted low-income child enrolled in qualified employer sponsored coverage with supplemental coverage for items or services that are not covered, or are only partially covered, under the qualified employer sponsored coverage or cost-sharing protection other than the protection required under section 2103(e)(3)(B).

"(ii) NOTICE OF COST-SHARING REQUIREMENTS.—A State shall provide a targeted low-income child or the parent of such a child (as appropriate) who is provided with a premium assistance subsidy in accordance with this paragraph with notice of the cost-sharing requirements and limitations imposed under the qualified employer sponsored coverage in which the child is enrolled upon the enrollment of the child in such coverage and annually thereafter.

"(iii) RECORD KEEPING REQUIREMENTS.—A State may require a parent of a targeted low-income child that is enrolled in qualified employer-sponsored coverage to bear the responsibility for keeping track of out-of-pocket expenditures incurred for cost-sharing imposed under such coverage and to notify the State when the limit on such expenditures imposed under section 2103(e)(3)(B) has been reached for a year from the effective date of enrollment for such year.

"(iv) STATE OPTION FOR REIMBURSEMENT.—A State may retroactively reimburse a parent of a targeted low-income child for out-of-pocket expenditures incurred after reaching the 5 percent cost-sharing limitation imposed under section 2103(e)(3)(B) for a year.

"(E) 6-MONTH WAITING PERIOD REQUIRED.—A State shall impose at least a 6-month waiting period from the time an individual is enrolled in private health insurance prior to the provision of a premium assistance subsidy for a targeted low-income child in accordance with this paragraph.

"(F) NON APPLICATION OF WAITING PERIOD FOR ENROLLMENT IN THE STATE MEDICAID PLAN OR THE STATE CHILD HEALTH PLAN.—A targeted low-income child provided a premium assistance subsidy in accordance with this paragraph who loses eligibility for such subsidy shall not be treated as having been enrolled in private health insurance coverage for purposes of applying any waiting period imposed under the State child health plan or the State plan under title XIX for the enrollment of the child under such plan.

"(G) ASSURANCE OF SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF ELIGIBILITY FOR PREMIUM SUBSIDY ASSISTANCE.—No payment shall be made under subsection (a) for amounts expended for the provision of premium assistance subsidies under this paragraph unless a State provides assurances to the Secretary that the State has in effect laws requiring a group health plan, a health insurance issuer offering group health insurance coverage in connection with a group health plan, and a self-funded health plan, to permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a child of such an employee if the child is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if the employee's child becomes eligible for a premium assistance subsidy under this paragraph.

"(H) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect on June 28, 2007, for targeted low-income children or pregnant women whose family income does not exceed 200 percent of the poverty line.

"(I) NOTICE OF AVAILABILITY.—A State shall—

"(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer sponsored coverage and the requirement to provide such subsidies to the individuals described in subparagraph (A);

"(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy, or if required, to obtain such subsidies; and

"(iii) establish such other procedures as the State determines necessary to ensure that parents are informed of the availability of such subsidies under the State child health plan.".

(b) APPLICATION TO MEDICAID.—Section 1906 (42 U.S.C. 1396e) is amended by inserting after subsection (c) the following:

"(d) The provisions of section 2105(c)(10) shall apply to a child who is eligible for medical assistance under the State plan in the same manner as such provisions apply to a targeted low-income child under a State child health plan under title XXI. Section 1902(a)(34) shall not apply to a child who is provided a premium assistance subsidy under the State plan in accordance with the preceding sentence.".

SA 2612. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike section 544 (c) of the amendment and insert the following:

(c) LIMITED FLIGHT EXCEPTION.—

(1) IN GENERAL.—Paragraph 1 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(h) For purposes of subparagraph (c)(1) and rule XXXVIII, if there is not more than 1 regularly scheduled flight daily from a point in a Member's State to another point within that Member's State, the Select Committee on Ethics may provide a waiver to the requirements in subparagraph (c)(1) (except in those cases where regular air service is not available between 2 cities) if—

"(1) there is no appearance of or actual conflict of interest; and

"(2) the Member has the trip approved by the committee at a rate determined by the committee.

In determining rates under clause (2), the committee may consider Ethics Committee Interpretive Ruling 412.".

(2) DISCLOSURE.—

(A) RULES.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(g) A Member, officer, or employee of the Senate shall—

"(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

"(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.

This subparagraph shall apply to flights approved under paragraph 1(h).".

(B) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(i) by striking "and" at the end of paragraph (7);

(ii) by striking the period at the end of paragraph (8) and inserting "; and"; and

(iii) by adding at the end the following:

"(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

"(A) The date of the flight.

"(B) The destination of the flight.

"(C) The owner or lessee of the aircraft.

"(D) The purpose of the flight.

"(E) The persons on the flight, except for any person flying the aircraft.".

(C) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.".

(D) REPEAL.—Section 601 of this Act shall be null and void.

SA 2613. Mr. FEINGOLD (for himself, Mr. GRAHAM, Mr. VOINOVICH, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GAO REPORT ON STATE HEALTH CARE REFORM INITIATIVES.

(a) REPORT.—Not later than November 30, 2008, the Comptroller General of the United States shall submit to Congress a report on State health care reform initiatives.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) ASSESSMENT.—An assessment of State efforts to reexamine health care delivery and health insurance systems and to expand access of residents to health insurance and health care services, including the following:

(A) An overview of State approaches to reexamining health care delivery and insurance.

(B) Whether and to what extent State health care initiatives have resulted in improved access to health care and insurance.

(C) The extent to which public and private cooperation has occurred in State health care initiatives.

(D) Outcomes of State insurance coverage mandates.

(E) The effects of increased health care costs on State fiscal choices.

(F) The effects of Federal law and funding on State health care initiatives and fiscal choices.

(G) Outcomes of State efforts to increase health care quality and control costs.

(2) POTENTIAL ROLE OF CONGRESS.—Recommendations regarding the potential role of Congress in supporting State-based reform efforts, including (but not limited to) the following:

(A) Enacting changes in Federal law that would facilitate State-based health reform and expansion efforts.

(B) Creating new or realigning existing Federal funding mechanisms to support State-based reform and expansion efforts.

(C) Expanding existing Federal health insurance programs and increasing other sources of Federal health care funding to support State-based health reform and expansion efforts.

SA 2614. Mr. FEINGOLD (for himself, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY,

Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AUTOMATED DEFIBRILLATION IN ADAM'S MEMORY REAUTHORIZATION.

Section 312(e) of the Public Health Service Act (42 U.S.C. 244(e)) is amended in the first sentence by striking "fiscal year 2003" and all that follows through "2006" and inserting "for each of fiscal years 2003 through 2011".

SA 2615. **Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place, insert the following:

SEC. ___. AUTHORITY TO CONTINUE PROVIDING ADULT DAY HEALTH SERVICES APPROVED UNDER A STATE MEDICAID PLAN.

(a) IN GENERAL.—During the period described in subsection (b), the Secretary shall not—

(1) withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) for the provision of adult day health care services, day activity and health services, or adult medical day care services, as defined under a State medicaid plan approved during or before 1994, during such period if such services are provided consistent with such definition and the requirements of such plan; or

(2) withdraw Federal approval of any such State plan or part thereof regarding the provision of such services (by regulation or otherwise).

(b) PERIOD DESCRIBED.—The period described in this subsection is the period that begins on November 3, 2005, and ends on March 1, 2009.

SA 2616. **Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place, insert the following:

SEC. ___. PERMITTING LOCAL PUBLIC AGENCIES TO ACT AS MEDICAID ENROLLMENT BROKERS.

Section 1903(b)(4) (42 U.S.C. 1396b(b)(4)) is amended by adding at the end the following new subparagraph:

"(C)(i) Subparagraphs (A) and (B) shall not apply in the case of a local public agency that is acting as an enrollment broker under a contract or memorandum with a State medicaid agency, provided the local public agency does not have a direct or indirect financial interest with any medicaid managed care plan for which it provides enrollment broker services.

"(ii) In determining whether a local public agency has a direct or indirect financial interest with a medicaid managed care plan under clause (i), the status of a local public agency as a contractor of the plan does not constitute having a direct or indirect financial interest with the plan.".

SA 2617. **Mrs. MCCASKILL (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

Beginning on page 223, strike line 20 and all that follows through page 227, line 19, and insert the following:

(2) by striking "information relating to a substantial violation of law related to a contract (including the competition for or negotiation of a contract)" and inserting "information that the employee reasonably believes is evidence of gross mismanagement of a Department of Defense contract, grant, or direct payment if the United States Government provides any portion of the money or property which is requested or demanded, a gross waste of Department of Defense funds, a substantial and specific danger to public health or safety, or a violation of law related to a Department of Defense contract (including the competition for or negotiation of a contract), grant, or direct payment if the United States Government provides any portion of the money or property which is requested or demanded".

(b) ACCELERATION OF SCHEDULE FOR DENYING RELIEF OR PROVIDING REMEDY.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by inserting after "(1)" the following: "Not later than 90 days after receiving an Inspector General report pursuant to subsection (b), the head of the agency concerned shall determine whether the contractor concerned has subjected the complainant to a reprisal prohibited under subsection (a)."; and

(B) by adding at the end the following new subparagraphs:

"(D) In the event the disclosure relates to a cost-plus contract, prohibit the contractor from receiving one or more award fee payments to which the contractor would otherwise be eligible until such time as the contractor takes the actions ordered by the head of the agency pursuant to subparagraphs (A) through (C).

"(E) Take the reprisal into consideration in any past performance evaluation of the contractor for the purpose of a contract award.";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph:

"(3)(A) In the case of a contract covered by subsection (f), an employee of a contractor who has been discharged, demoted, or otherwise discriminated against as a reprisal for a disclosure covered by subsection (a) or who is aggrieved by the determination made pursuant to paragraph (1) or by an action that the agency head has taken or failed to take pursuant to such determination may, after exhausting his or her administrative remedies, bring a de novo action at law or equity against the contractor to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

"(B) An employee shall be deemed to have exhausted his or her administrative remedies for the purpose of this paragraph—

"(i) 90 days after the receipt of a written determination under paragraph (1); or

"(ii) 15 months after a complaint is submitted under subsection (b), if a determination by an agency head has not been made by that time and such delay is not shown to be due to the bad faith of the complainant.".

(c) LEGAL BURDEN OF PROOF.—Such section is further amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following new subsection:

"(e) LEGAL BURDEN OF PROOF.—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an inspector general, decision by the head of an agency, or hearing to determine whether discrimination prohibited under this section has occurred.".

(d) REQUIREMENT TO NOTIFY EMPLOYEES OF RIGHTS RELATED TO PROTECTION FROM REPRISAL.—Such section, as amended by subsection (c), is further amended by inserting after subsection (e) the following new subsection:

"(f) NOTICE OF RIGHTS RELATED TO PROTECTION FROM REPRISAL.—

"(1) IN GENERAL.—Each Department of Defense contract in excess of $5,000,000, other than a contract for the purchase of commercial items, shall include a clause requiring the contractor to ensure that all employees of the contractor who are working on Department of Defense contracts are notified of—

"(A) their rights under this section;

"(B) the fact that the restrictions imposed by any employee contract, employee agreement, or non-disclosure agreement may not supersede, conflict with, or otherwise alter the employee rights provided for under this section; and

"(C) the telephone number for the whistleblower hotline of the Inspector General of the Department of Defense.

"(2) FORM OF NOTICE.—The notice required by paragraph (1) shall be made by posting the required information at a prominent place in each workplace where employees working on the contract regularly work.".

(e) DEFINITIONS.—Subsection (g) of such section, as redesignated by subsection (c)(1), is amended—

(1) in paragraph (4), by inserting after "an agency" the following: "and includes any person receiving funds covered by the prohibition against reprisals in subsection (a)";

(2) in paragraph (5), by inserting after "1978" the following: "and any Inspector General that receives funding from or is under the jurisdiction of the Secretary of Defense"; and

(3) by adding at the end the following new paragraphs:

"(6) The term 'employee' means an individual (as defined by section 2105 of title 5) or any individual or organization performing services for a contractor, grantee, or other recipient if the United States Government provides any portion of the money or property which is requested or demanded (including as an employee of an organization).

"(7) The term 'Department of Defense funds' includes funds controlled by the Department of Defense and funds for which the Department of Defense may be reasonably regarded as responsible to a third party.".

SA 2618. Mr. WEBB submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; as follows:

At the end of title VII, insert the following:

SEC. ___. ELIMINATION OF DEFERRAL OF TAXATION OF CERTAIN INCOME OF CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 952 (relating to subpart F income defined) is amended by adding at the end the following new subsection:

"(e) SPECIAL APPLICATION OF SUBPART.—

"(1) IN GENERAL.—For taxable years beginning after December 31, 2007, notwithstanding any other provision of this subpart, the term 'subpart F income' means, in the case of any controlled foreign corporation, the income of such corporation derived from any foreign country.

"(2) APPLICABLE RULES.—Rules similar to the rules under the last sentence of subsection (a) and subsection (d) shall apply to this subsection.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of such corporations end.

SA 2619. Mr. NELSON of Florida (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

On page 218, line 16, strike "$10.00" and insert "$3.00".

SA 2620. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 110 and insert the following:

SEC. 110. COVERAGE FOR INDIVIDUALS RESIDING IN HIGH COST AREAS WITH FAMILY INCOME ABOVE 200 PERCENT OF THE FEDERAL POVERTY LINE.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) COVERAGE OF INDIVIDUALS RESIDING IN HIGH-COST AREAS.—

"(A) IN GENERAL.—For fiscal years beginning with fiscal year 2008, a State shall receive payments under subsection (a)(1) with respect to child health assistance provided to an individual who resides in a high cost county or metropolitan statistical area (as defined by the Secretary, taking into account the national average cost-of-living) and whose effective family income exceeds 200 percent of the poverty line (as determined under the State child health plan), only if such family income does not exceed 200 percent of the poverty line as adjusted for the cost-of-living in the State under subparagraph (B)).

"(B) ADJUSTED POVERTY LINE.—The Secretary shall adjust the poverty line applicable to a family of the size involved with respect to each State to take into account the cost-of-living for each county or metropolitan statistical area in the State, based on the most recent index data from the Council for Community and Economic Research (previously known as the American Chamber of Commerce Research Association),the 2004 Consumer Expenditure Survey of the Bureau of Labor Statistics, and the Bureau of Economic Analysis of the Department of Commerce.".

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting "or subsection (c)(8)" after "subparagraph (B)".

(c) REGULATIONS.—Not later than 90 days after the date of enactment of this subparagraph, the Secretary shall promulgate interim final regulations to carry out the amendments made by subsections (a) and (b).

SA 2621. Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. NELSON of Nebraska, Mr. BAUCUS, Mr. GRASSLEY, Mr. KENNEDY, Mr. ENZI, Mr. DURBIN, Mr. CRAPO, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. ___. SENSE OF SENATE REGARDING ACCESS TO AFFORDABLE AND MEANINGFUL HEALTH INSURANCE COVERAGE.

(a) FINDINGS.—The Senate finds the following:

(1) There are approximately 45 million Americans currently without health insurance.

(2) More than half of uninsured workers are employed by businesses with less than 25 employees or are self-employed.

(3) Health insurance premiums continue to rise at more than twice the rate of inflation for all consumer goods.

(4) Individuals in the small group and individual health insurance markets usually pay more for similar coverage than those in the large group market.

(5) The rapid growth in health insurance costs over the last few years has forced many employers, particularly small employers, to increase deductibles and co-pays or to drop coverage completely.

(b) SENSE OF THE SENATE.—The Senate—

(1) recognizes the necessity to improve affordability and access to health insurance for all Americans;

(2) acknowledges the value of building upon the existing private health insurance market; and

(3) affirms its intent to enact legislation this year that, with appropriate protection for consumers, improves access to affordable and meaningful health insurance coverage for employees of small businesses and individuals by—

(A) facilitating pooling mechanisms, including pooling across State lines, and

(B) providing assistance to small businesses and individuals, including financial assistance and tax incentives, for the purchase of private insurance coverage.

SA 2622. Mr. CASEY (for Mr. ENZI (for himself and Ms. MIKULSKI)) proposed an amendment to the bill S. 845, to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safety of Seniors Act of 2007".

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating section 393B (as added by section 1401 of Public Law 106-386) as section 393C and transferring such section so that it appears after section 393B (as added by section 1301 of Public Law 106-310); and

(2) by inserting after section 393C (as redesignated by paragraph (1)) the following:

"SEC. 393D. PREVENTION OF FALLS AMONG OLDER ADULTS.

"(a) PUBLIC EDUCATION.—The Secretary may—

"(1) oversee and support a national education campaign to be carried out by a nonprofit organization with experience in designing and implementing national injury prevention programs, that is directed principally to older adults, their families, and health care providers, and that focuses on reducing falls among older adults and preventing repeat falls; and

"(2) award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, for the purpose of organizing State-level coalitions of appropriate State and local agencies, safety, health, senior citizen, and other organizations to design and carry out local education campaigns, focusing on reducing falls among older adults and preventing repeat falls.

"(b) RESEARCH.—

"(1) IN GENERAL.—The Secretary may—

"(A) conduct and support research to—

"(i) improve the identification of older adults who have a high risk of falling;

"(ii) improve data collection and analysis to identify fall risk and protective factors;

"(iii) design, implement, and evaluate the most effective fall prevention interventions;

"(iv) improve strategies that are proven to be effective in reducing falls by tailoring these strategies to specific populations of older adults;

"(v) conduct research in order to maximize the dissemination of proven, effective fall prevention interventions;

"(vi) intensify proven interventions to prevent falls among older adults;

"(vii) improve the diagnosis, treatment, and rehabilitation of elderly fall victims and older adults at high risk for falls; and

"(viii) assess the risk of falls occurring in various settings;

"(B) conduct research concerning barriers to the adoption of proven interventions with respect to the prevention of falls among older adults;

"(C) conduct research to develop, implement, and evaluate the most effective approaches to reducing falls among high-risk older adults living in communities and long-term care and assisted living facilities; and

"(D) evaluate the effectiveness of community programs designed to prevent falls among older adults.

"(2) EDUCATIONAL SUPPORT.—The Secretary, either directly or through awarding grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, may provide professional education for physicians and allied health professionals, and aging service providers in fall prevention, evaluation, and management.

"(c) DEMONSTRATION PROJECTS.—The Secretary may carry out the following:

"(1) Oversee and support demonstration and research projects to be carried out by qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, in the following areas:

"(A) A multistate demonstration project assessing the utility of targeted fall risk screening and referral programs.

"(B) Programs designed for community-dwelling older adults that utilize multicomponent fall intervention approaches, including physical activity, medication assessment and reduction when possible, vision enhancement, and home modification strategies.

"(C) Programs that are targeted to new fall victims who are at a high risk for second falls and which are designed to maximize independence and quality of life for older adults, particularly those older adults with functional limitations.

"(D) Private sector and public-private partnerships to develop technologies to prevent falls among older adults and prevent or reduce injuries if falls occur.

"(2)(A) Award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, to design, implement, and evaluate fall prevention programs using proven intervention strategies in residential and institutional settings.

"(B) Award 1 or more grants, contracts, or cooperative agreements to 1 or more qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, in order to carry out a multistate demonstration project to implement and evaluate fall prevention programs using proven intervention strategies designed for single and multifamily residential settings with high concentrations of older adults, including—

"(i) identifying high-risk populations;

"(ii) evaluating residential facilities;

"(iii) conducting screening to identify high-risk individuals;

"(iv) providing fall assessment and risk reduction interventions and counseling;

"(v) coordinating services with health care and social service providers; and

"(vi) coordinating post-fall treatment and rehabilitation.

"(3) Award 1 or more grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, to conduct evaluations of the effectiveness of the demonstration projects described in this subsection.

"(d) PRIORITY.—In awarding grants, contracts, or cooperative agreements under this section, the Secretary may give priority to entities that explore the use of cost-sharing with respect to activities funded under the grant, contract, or agreement to ensure the institutional commitment of the recipients of such assistance to the projects funded under the grant, contract, or agreement. Such non-Federal cost sharing contributions may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"(e) STUDY OF EFFECTS OF FALLS ON HEALTH CARE COSTS.—

"(1) IN GENERAL.—The Secretary may conduct a review of the effects of falls on health care costs, the potential for reducing falls, and the most effective strategies for reducing health care costs associated with falls.

"(2) REPORT.—If the Secretary conducts the review under paragraph (1), the Secretary shall, not later than 36 months after the date of enactment of the Safety of Seniors Act of 2007, submit to Congress a report describing the findings of the Secretary in conducting such review.".

SA 2623. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEMONSTRATION PROJECT TO PROVIDE NURSE HOME VISITATION SERVICES UNDER MEDICAID AND CHIP.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:

(A) Medicaid and CHIP have collectively provided health insurance coverage to over 38,000,000 low-income pregnant women and children.

(B) Evidence-based home visitation programs can improve the health status of low-income pregnant women and children enrolled in Medicaid and CHIP by promoting access to prenatal and well-baby care, reducing pre-term births, reducing high-risk pregnancies, increasing time intervals between first and subsequent births, and improving child cognitive, social, and behavioral skills, and development.

(C) In addition to health benefits, evidence-based home visitation programs have been proven to increase maternal employment and economic self-sufficiency and significantly reduce child abuse and neglect, child arrests, maternal arrests, and involvement in the criminal justice system.

(D) Evidence-based nurse home visitation programs are cost effective, yielding a 5-to-1 return on investment for every dollar spent on services, and producing a net benefit to society of $34,000 per high risk family served.

(2) PURPOSE.—The purpose of this section is to establish a demonstration project to evaluate the cost-effectiveness and impact on the health and well-being of low-income pregnant mothers and children of providing evidence-based home visitation services for low-income pregnant mothers and children under Medicaid and CHIP, particularly with respect to the impact of such services on—

(A) improving the prenatal health of children;

(B) improving pregnancy outcomes;

(C) improving child health and development;

(D) improving child development and mental health related to elementary school readiness;

(E) improving family stability and economic self-sufficiency;

(F) reducing the incidence of child abuse and neglect; and

(G) increasing birth intervals between pregnancies.

(b) REQUIREMENT TO CONDUCT DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary shall establish a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide, in accordance with the provisions of this section, medical assistance under the State plan under title XIX of the Social Security Act, child health assistance under the State child health plan under title XXI of such Act, or both for evidence-based home visitation services to children and pregnant women who are eligible for such assistance under such plans.

(2) LIMITATION ON NUMBER OF APPROVED APPLICATIONS.—The Secretary shall only approve as many State applications to provide medical assistance or child health assistance in accordance with this section as will not exceed the limitation on aggregate payments under subsection (d)(2)(A).

(3) AUTHORITY TO WAIVE RESTRICTIONS ON PAYMENTS TO TERRITORIES.—The Secretary shall waive the limitations on payment under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) in the case of a State that is subject to such limitations and submits an approved application to provide medical assistance, child health assistance, or both in accordance with this section.

(c) LENGTH OF PERIOD FOR PROVISION OF ASSISTANCE.—A State shall not be approved to provide medical assistance or child health assistance for evidence-based home visitation services in accordance with the demonstration project established under this section for a period of more than 5 consecutive years.

(d) LIMITATIONS ON FEDERAL FUNDING.—

(1) APPROPRIATION.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section, $25,000,000 for the period of fiscal years 2008 through 2012.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under that subparagraph.

(2) LIMITATION ON PAYMENTS.—In no case may—

(A) the aggregate amount of payments made by the Secretary to eligible States under this section exceed $25,000,000; or

(B) payments be provided by the Secretary under this section after September 30, 2012.

(3) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States with approved applications under this section based

on their applications and the availability of funds.

(4) PAYMENTS TO STATES.—The Secretary shall pay to each State, from its allocation under paragraph (3), an amount each quarter equal to the Federal medical assistance percentage, as defined with respect to the State in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), or the enhanced FMAP, as defined with respect to the State in section 2105(b) of such Act (42 U.S.C. 1397ee(b)) (as applicable) of expenditures in the quarter for medical assistance or child health assistance for evidence-based home visitation services provided to low-income pregnant mothers and children who are eligible for such assistance under a State plan under title XIX or XXI of such Act in accordance with the demonstration project established under this section.

(e) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the demonstration project established under this section. Such evaluation shall include an analysis of the cost-effectiveness of the project with differentiation between the different types of home health programs and the impact of the programs on Medicaid and CHIP. For purposes of conducting such evaluation, the Secretary shall require a State that submits an application to participate in the demonstration project established under this section to agree, as a condition of approval of such application, to maintain data related to, and be subject to, periodic evaluations based on performance outcomes regarding the following:

(A) Substance abuse during pregnancy.

(B) Prematurity.

(C) Immunizations.

(D) Developmental delay.

(E) Language development.

(F) Emergency room visits and hospitalizations for injury.

(G) Interval between pregnancies.

(H) Workforce participation.

(I) Government assistance use.

(2) REPORT TO CONGRESS.—Not later than December 31, 2012, the Secretary shall submit a report to Congress on the results of the evaluation of the demonstration project established under this section.

(f) DEFINITION.—In this section, the term "evidence-based home visitation services" means services (such as services related to improving prenatal health, pregnancy outcomes, child health and development, school readiness, family stability and economic self-sufficiency, reducing child abuse, neglect, and injury, reducing maternal and child involvement in the criminal justice system, and increasing birth intervals between pregnancies) on behalf of a targeted low-income child who has not attained age 2 and is born to a first-time pregnant mother, but only if such services are provided in accordance with outcome standards that have been replicated in multiple, rigorous, randomized clinical trials in multiple sites, with outcomes that improve prenatal health of children, pregnancy outcomes, child health and development, child development, and mental health related to elementary school readiness, reduce child abuse, neglect, and injury, increase birth intervals between pregnancies, and improve maternal employment.

(g) RULE OF CONSTRUCTION.—Nothing in the demonstration project established under this section shall be construed as affecting the ability of a State under Medicaid or CHIP to provide home visitation services as part of medical assistance, child health assistance, or an administrative expense, for which any State received payment under section 1903(a) or 2105(a) of the Social Security Act (42 U.S.C. 1396b(a), 1397ee(a)) for the provision of such services before, on, or after the date of enactment of this Act.

* * *

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on August 1, 2007, at 9:30 a.m., to mark up S. 1677, the Currency Reform and Financial Markets Access Act of 2007; S. 1518, the Community Partnership to End Homelessness Act of 2007; an original bill entitled the FHA Modernization Act of 2007; an original bill entitled the Housing Assistance Authorization Act of 2007; an original bill entitled the Private Student Loan Transparency and Improvement Act of 2007; and an original bill entitled the Commission on National Catastrophe Risk Management and Insurance Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, August 1, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The U.S. Department of Commerce and its component bureaus are responsible for the stewardship, protection, and scientific understanding of our ocean environment and its resources, effective use and growth of the Nation's technological resources, and promoting U.S. trade and tourism. The oversight hearing will examine the Department's effectiveness in implementing these goals.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, August 1, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on recent advances in clean coal technology, including the prospects for deploying these technologies at a commercial scale in the near future.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, August 1, 2007, at 9:30 a.m. to hold a hearing on Africa.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, August 1, 2007 at 10 a.m. in the LBJ Room, S–211, of the Capitol building. We will be considering the following:

1. S. 625, Family Smoking Prevention and Tobacco Control Act
2. S. 1183, Christopher and Dana Reeve Paralysis Act
3. S. 579, Breast Cancer and Environmental Research Act of 2007
4. S. 898, Alzheimer's Breakthrough Act of 2007
5. S. 1858, Newborn Screening Saves Lives Act of 2007
6. The Following Nominations: Diane Auer Jones, of Maryland, to be Assistant Secretary for Postsecondary Education, Department of Education; David C. Geary, of Missouri, to be a member of the Board of Directors of the National Board for Education Sciences; Miguel Campaneria, of Puerto Rico, to be a member of the National Council on the Arts; and any nominations ready for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE HOMELAND SECURITY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, August 1, 2007, at 10 a.m. in order to conduct business meeting to consider pending committee business.

Agenda

Nominations: The Honorable James A. Nussle to be Director, Office of Management and Budget; Dennis R. Schrader to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, U.S. Department of Homeland Security.

Legislation: S. 680, Accountability in Government Contracting Act of 2007; H.R. 1254, Presidential Library Donation Reform Act of 2007; S. ___, an original bill to provide for the flexibility of certain disaster relief funds, and for improved evacuation and sheltering during disasters and catastrophes; S. 1000, Telework Enhancement Act of 2007; S. 1446, National Capital Transportation Amendments Act of 2007; S. 547, Effective Homeland Security Management Act of 2007; S. 1245, a bill to reform mutual aid agreements for the National Capital Region; S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

Post Office Naming Bills: H.R. 2570/S. 1732, a bill to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the "Dr. Karl E. Carson Post Office Building"; S. 1772, a bill to designate the facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, as the "Private First Class Shane R. Austin Post Office"; S. 1781, a bill to designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the "Buck Owens Post Office"; H.R. 2127, a bill to designate the facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, as the "Clem Rogers McSpadden Post Office Building"; H.R. 2563/S. 1539, a bill to designate the facility of the United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, as the "Major Scott Nisely Post Office"; S. 1596, a bill to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the "Dolph S. Briscoe, Jr., Post Office Building"; H.R. 1722, a bill to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the "Leonard W. Herman Post Office"; H.R. 1425, a bill to designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the "Staff Sergeant Marvin 'Rex' Young Post Office Building"; H.R. 2078, a bill to designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the "Staff Sergeant Omer 'O.T.' Hawkins Post Office"; H.R. 2077, a bill to designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the "George B. Lewis Post Office Building"; H.R. 1617, a bill to designate the facility of the United States Postal service located at 561 Kingsland Avenue in University City, Missouri, as the "Harriet F. Woods Post Office Building"; H.R. 2025, a bill to designate the facility of the United States Postal service located at 11033 South State Street in Chicago, Illinois, as the "Willye B. White Post Office Building"; H.R. 1335, a bill to designate the facility of the United States Postal service located at 508 East Main Street in Seneca, South Carolina, as the "S/Sgt Lewis G. Watkins Post Office Building"; H.R. 1260, a bill to designate the facility of the United States Postal service located at 6301 Highway 58 in Harrison, Tennessee, as the "Claude Ramsey Post Office"; H.R. 1434, a bill to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the "Rachel Carson Post Office Building."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a roundtable entitled "Reauthorization of the Small Business Innovation Research Programs: National Academies' Findings and Recommendations," on August 1, 2007, at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on August 1, 2007, at 2:30 p.m. to hold an open hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Wednesday, August 1, 2007, at 2:30 p.m. in order to conduct a hearing entitled Building a Stronger American Diplomatic.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, August 1, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 1054 and H.R. 122, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; S. 1472, to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; S. 1475 and H.R. 1526, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes; H.R. 30, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; H.R. 609, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Recycling and Reuse Project, and for other purposes; and H.R. 1175, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Michael Kimberly of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent that Jessica Gerrity, a fellow in my office, be granted floor privileges for the duration of the Senate consideration of H.R. 976, the Small Business Tax Relief Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that my legislative fellow, Dr. Guy Clifton, be granted floor privileges during the consideration of the CHIP reauthorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

On Thursday, July 26, 2007, the Senate passed H.R. 2638, U.S. amended as follows:

H.R. 2638

Resolved, That the bill from the House of Representatives (H.R. 2638) entitled "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.", do pass with the following *amendment:*

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, for the Department of Homeland Security and for other purposes, namely:

TITLE I

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized *by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $100,000,000: Provided, That not to exceed $40,000 shall be for official reception and representation expenses: Provided further, That $15,000,000 shall not be available for obligation until the Secretary certifies and reports to the Committees on Appropriations of the Senate and the House of Representatives that the Department has revised Departmental guidance with respect to relations with the Government Accountability Office to specifically provide for: (1) expedited timeframes for providing the Government Accountability Office with access to records not to exceed 20 days from the date of request; (2) expedited timeframes for interviews of program officials by the Government Accountability Office after reasonable notice has been furnished to the Department by the Government Accountability Office; and (3) a significant streamlining of the review process for documents and interview requests by liaisons, counsel, and program officials, consistent with the objective that the Government Accountability Office be given timely and complete access to documents and agency officials: Provided further, That the Secretary shall make the revisions to Departmental guidance with respect to relations with the Government Accountability Office in consultation with the Comptroller General of the United States.*

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $234,883,000, of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That of the total amount, $6,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations; and $88,000,000 shall remain available until expended for the Consolidated Headquarters Project.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $30,076,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $321,100,000; of which $82,400,000 shall be available for salaries and expenses; and of which $238,700,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, of which $97,300,000 shall be for the National Center for Critical Information Processing and Storage: Provided, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment.

ANALYSIS AND OPERATIONS

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $306,000,000, to remain available until September 30, 2009, of which not to exceed $5,000 shall be for official reception and representation expenses: Provided, That the Director of Operations Coordination shall encourage rotating State and local fire service representation at the National Operations Center.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $3,000,000: Provided, That $1,000,000 shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan for fiscal year 2008.

OFFICE OF INSPECTOR GENERAL

OPERATING EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $95,211,000, of which not to exceed $150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General: Provided, That the Inspector General shall investigate decisions made regarding, and the policy of the Federal Emergency Management Agency relating to, formaldehyde in trailers in the Gulf Coast region, the process used by the Federal Emergency Management Agency for collecting, reporting, and responding to health and safety concerns of occupants of housing supplied by the Federal Emergency Management Agency (including such housing supplied through a third party), and whether the Federal Emergency Management Agency adequately addressed public health and safety issues of households to which the Federal Emergency Management Agency provides disaster housing (including whether the Federal Emergency Management Agency adequately notified recipients of such housing, as appropriate, of potential health and safety concerns and whether the institutional culture of the Federal Emergency Management Agency properly prioritizes health and safety concerns of recipients of assistance from the Federal Emergency Management Agency), and submit a report to Congress relating to that investigation, including any recommendations.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; purchase and lease of up to 4,500 (2,400 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $6,601,058,000; of which $230,316,000 shall remain available until September 30, 2009, to support software development, equipment, contract services, and the implementation of inbound lanes and modification to vehicle primary processing lanes at ports of entry; of which $15,000,000 shall be used to procure commercially available technology in order to expand and improve the risk-based approach of the Department of Homeland Security to target and inspect cargo containers under the Secure Freight Initiative and the Global Trade Exchange; of which $3,093,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $226,740,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which $40,000,000 shall be utilized to develop and implement a Model Ports of Entry program and provide resources necessary for 200 additional U.S. Customs and Border Protection officers at the 20 United States international airports that have the highest number of foreign visitors arriving annually as determined pursuant to the most recent data collected by U.S. Customs and Border Protection available on the date of enactment of this Act, to provide a more efficient and welcoming international arrival process in order to facilitate and promote business and leisure travel to the United States while also improving security; and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That for fiscal year 2008, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $476,609,000, to remain available until expended, of which not less than $316,969,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, $216,969,000 may not be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security that includes:

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A-11, part 7;

(5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;

(6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation;

(8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and department heads, as well as a listing of all the program's high risks and the status of efforts to address them; and

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for customs and border protection fencing, infrastructure, and technology, $1,000,000,000, to remain available until expended: Provided, That of the amount provided under this heading, $500,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security and submitted within 90 days after the date of enactment of this Act, that includes:

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A-11, part 7;

(5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;

(6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation;

(8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and department heads, as well as a listing of all the program's high risks and the status of efforts to address them;

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report;

(10) a description of initial plans for securing the Northern border and United States maritime border; and

(11) which is reviewed by the Government Accountability Office.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $488,947,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2008 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $274,863,000, to remain available until expended; of which $40,200,000 shall be for the Advanced Training Center.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $4,401,643,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $203,000 shall be for Project Alert; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2008, of which not to exceed $6,000,000 shall remain available until expended.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than November 1, 2007, that the operations of the Federal Protective Service will be fully funded in fiscal year 2008 through revenues and collection of security fees: Provided further, That a certification shall be provided no later than February 10, 2008, for fiscal year 2009: Provided further, That the Secretary of Homeland Security shall ensure that the workforce of the Federal Protective Service includes not fewer than 1,200 Commanders, Police Officers, Inspectors, and Special Agents engaged on a daily basis in protecting Federal buildings (under this heading referred to as "in-service") contingent on the availability of sufficient revenue in collections of security fees in this account for this purpose: Provided further, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall adjust fees as necessary to ensure full funding of not fewer than 1,200 in-service Commanders, Police Officers, Inspectors, and Special Agents at the Federal Protective Service.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $15,000,000, to remain available until expended: Provided, That of the funds made available under this heading, $5,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $16,250,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,042,559,000, to remain available until September 30, 2009, of which not to exceed $10,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $4,074,889,000 shall be for screening operations, of which $529,400,000 shall be available only for procurement and installation of checked baggage explosive detection systems; and not to exceed $967,445,000 shall be for aviation security direction and enforcement: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,332,344,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2009: Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; and the heads of Federal agencies and commissions, including the Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $41,413,000, to remain available until September 30, 2009.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $67,490,000, to remain available until September 30, 2009.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $521,515,000, to remain available until September 30, 2009: Provided, That of the funds appropriated under this heading, $20,000,000 may not be obligated until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a strategic plan required for checkpoint technologies as described in the joint explanatory statement of managers accompanying the fiscal year 2007 conference report (H. Rept. 109–699): Provided further, That this plan shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $722,000,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the United States Coast Guard not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $5,930,545,000, of which $340,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $10,000 shall be for official reception and representation expenses: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the United States Coast Guard under chapter 19 of title 14, United States Code, $12,079,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $126,883,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSIONS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,048,068,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $9,200,000 shall be available until September 30, 2012, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $173,600,000 shall be available until September 30, 2010, for other equipment; of which $37,897,000 shall be available until September 30, 2010, for shore facilities and aids to navigation facilities; of which $505,000 shall be available for personnel related costs; and of which $770,079,000 shall be available until September 30, 2012, for the Integrated Deepwater Systems program: Provided, That no funds shall be available for procurements related to the acquisition of additional major assets as part of the Integrated Deepwater Systems program not already under contract until an Alternatives Analysis has been completed by an independent qualified third party: Provided further, That no funds contained in this Act shall be available for procurement of the third National Security Cutter until an Alternatives Analysis has been completed by an independent qualified third party: Provided further, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2010: Provided further, That of amounts made available under this heading in Public Law 109–90, $48,787,000 for the Offshore Patrol Cutter are rescinded: Provided further, That of the amounts made available under this heading in Public Law 109–295, $8,000,000 for the Fast Response Cutter (FRC–A) are rescinded: Provided further, That the Secretary shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act for funds made available for the Integrated Deepwater Program, that: (1) defines activities, milestones, yearly costs, and life-cycle costs for each procurement of a major asset; (2) identifies life-cycle staffing and training needs of Coast Guard project managers and of procurement and contract staff; (3) includes a certification by the Chief Human Capital Officer of the Department that current human capital capabilities are sufficient to execute the plans discussed in the report; (4) identifies individual project balances by fiscal year, including planned carryover into fiscal year 2009 by project; (5) identifies operational gaps for all Deepwater assets and an explanation of how funds provided in this Act address the shortfalls between current operational capabilities and requirements; (6) includes a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Coast Guard actions to address the recommendations, including milestones for fully addressing them; (7) includes a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A-11, part 7; (8) identifies competition to be conducted in each procurement; (9) includes a certification by the head of contracting activity for the Coast Guard and the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with plans for addressing these risks and the status of their implementation; (10) identifies the use of independent validation and verification; and (11) is reviewed by the Government Accountability Office: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2009 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Deepwater program; and the earned value management system gold card data for each Deepwater asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every five years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $16,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $25,583,000, to remain available until expended, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,184,720,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 645 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,392,171,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2009: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,725,000, to remain available until expended.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for National Protection and Programs, the National Protection Planning Office, support services for business operations and information technology, and facility costs, $30,000,000: Provided, That of the amount provided, $15,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve in full an expenditure plan by program, project, and activity; prepared by the Secretary of Homeland Security that has been reviewed by the Government Accountability Office.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) or subtitle J of title VIII of the Homeland Security Act of 2002, as added by this Act, $527,099,000, of which $497,099,000 shall remain available until September 30, 2009, and of which, $2,000,000 shall be to carry out subtitle J of title VIII of the Homeland Security Act of 2002, as added by this Act: Provided, That $10,043,000 shall be for the Office of Bombing Prevention and not more than $26,100,000 shall be for the Next Generation Network.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $362,000,000, to remain available until expended: Provided, That of the total amount made available under this heading, $100,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that includes:

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A-11, part 7;

(5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;

(6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation;

(8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and department heads, as well as a listing of all the program's high risks and the status of efforts to address them;

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report; and

(10) which is reviewed by the Government Accountability Office.

OFFICE OF HEALTH AFFAIRS

For the necessary expenses of the Office of Health Affairs, $115,000,000; of which $20,817,000 is for salaries and expenses; and of which $94,183,000 is for biosurveillance, biowatch, chemical response, and related activities for the Department of Homeland Security, to remain *available until September 30, 2009: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.*

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration, $678,600,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): Provided, That not to exceed $3,000 shall be for official reception and representation expenses: Provided further, That $426,020,000 shall be for Operations Activities: Provided further, That $216,580,000 shall be for Management Activities: Provided further, That $6,000,000 shall be for the Office of the National Capital Region Coordination: Provided further, That for purposes of planning, coordination, execution, and decisionmaking related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002: Provided further, That of the total amount made available under this heading, $30,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed $1,600,000 may be made available for administrative costs: Provided further, That of the total amount made available under this heading, $1,000,000 shall be to develop a web-based version of the National Fire Incident Reporting System that will ensure that fire-related data can be submitted and accessed by fire departments in real time: Provided further, That not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall, as appropriate, update training practices for all customer service employees, employees in the Office of General Counsel, and other appropriate employees of the Federal Emergency Management Agency relating to addressing health concerns of recipients of assistance from the Federal Emergency Management Agency.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $3,130,500,000, which shall be allocated as follows:

(1) $525,000,000 for formula-based grants and $375,000,000 for law enforcement terrorism prevention grants, to be allocated in accordance with section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): Provided, That not to exceed 3 percent of these amounts shall be available for program administration: Provided further, That the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and the Federal Emergency Management Agency shall act within 90 days after receipt of an application: Provided further, That, in the event established timeframes detailed in the preceding proviso for departmental actions are missed, funding for the Immediate Office of the Deputy Secretary shall be reduced by $1,000 per day until such actions are executed: Provided further, That not less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds; except in the case of Puerto Rico, where not less than 50 percent of any grant under this paragraph shall be made available to local governments within 60 days after the receipt of the funds.

(2) $1,836,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

(A) $820,000,000 shall be for use in high-threat, high-density urban areas, of which $20,000,000 shall be available for assistance to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary to be at high-risk of a terrorist attack;

(B) $50,000,000 shall be for the Regional Catastrophic Preparedness Grants;

(C) $400,000,000 shall be for infrastructure protection grants related to port security pursuant to 46 U.S.C. 70107;

(D) $16,000,000 shall be for infrastructure protection grants related to trucking industry security;

(E) $12,000,000 shall be for infrastructure protection grants related to intercity bus security;

(F) $400,000,000 shall be for infrastructure protection grants related to intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security;

(G) $50,000,000 shall be for infrastructure protection grants related to buffer zone protection;

(H) $40,000,000 shall be available for the Commercial Equipment Direct Assistance Program;

(I) $33,000,000 shall be for the Metropolitan Medical Response System; and

(J) $15,000,000 shall be for Citizens Corps:

Provided, That not to exceed 3 percent of subparagraphs (A)–(J) shall be available for program administration: Provided further, That for grants under subparagraphs (A), (B), and (J), the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Federal Emergency Management Agency shall act within 90 days after receipt of an application: Provided further, That, in the event established timeframes detailed in the preceding proviso for departmental actions are missed, funding for the Immediate Office of the Deputy Secretary shall be reduced by $1,000 per day until such actions are executed: Provided further, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds: Provided further, That for grants under subparagraphs (C) through (G), the applications for such grants shall be made available to eligible applicants not later than 75 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 45 days after the date of the grant announcement, and the Federal Emergency Management Agency shall act on such applications not later than 60 days after the date on which such an application is received: Provided further, That, in the event established timeframes detailed in the preceding proviso for departmental actions are missed, funding for the Immediate Office of the Deputy Secretary shall be reduced by $1,000 per day until such actions are executed.

(3) $294,500,000 for training, exercises, technical assistance, and other programs.

(4) $100,000,000 for grants under the Interoperable Emergency Communications Grants Program established under title XVIII of the Homeland Security Act of 2002: Provided, That the amounts appropriated to the Department of Homeland Security for discretionary spending in this Act shall be reduced on a pro rata basis by the percentage necessary to reduce the overall amount of such spending by $100,000,000:

Provided further, That none of the grants provided under this heading shall be used for the construction or renovation of facilities, except for a minor perimeter security project, not to exceed $1,000,000, as determined necessary by the Secretary of Homeland Security: Provided further, That the preceding proviso shall not apply to grants under subparagraphs (B), (C), (F), and (G) of paragraph (2) of this heading: Provided further, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) of this heading and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with the Federal Emergency Management Agency certified training, as needed: Provided further, That the Government Accountability Office shall report on the validity, relevance, reliability, timeliness, and availability of the risk factors (including threat, vulnerability, and consequence) used by the Secretary of Homeland Security and an analysis of the Department's policy of ranking States, cities, and other grantees by tiered groups, for the purpose of allocating grants funded under this heading, and the application of those factors in the allocation of funds to the Committees on Appropriations of the Senate and the House of Representatives on its findings not later than 45 days after the date of enactment of this Act: Provided further, That within seven days after the date of enactment of this Act, the Secretary of Homeland Security shall provide the Government Accountability Office with the risk methodology and other factors that will be used to allocate grants funded under this heading: Provided further, That not later than 15 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report detailing the actions taken as of that date, and any actions the Administrator will take, regarding the response of the Federal Emergency Management Agency to concerns over formaldehyde exposure, which shall include a description of any disciplinary or other personnel actions taken, a detailed policy for responding to any reports of potential health hazards posed by any materials provided by the Federal Emergency Management Agency (including housing, food, water, or other materials), and a description of any additional resources needed to implement such policy: Provided further, That the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall design a program to scientifically test a representative sample of travel trailers and mobile homes provided by the Federal Emergency Management Agency, and surplus travel trailers and mobile homes to be sold or transferred by the Federal government on or after the date of enactment of this Act, for formaldehyde and, not later than 15 days after the date of enactment of this Act, submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the program designed, including a description of the design of the testing program and the quantity of and conditions under which trailers and mobile homes shall be tested and the *justification for such design of the testing: Provided further, That in order to protect the health and safety of disaster victims, the testing program designed under the previous proviso shall provide for initial short-term testing, and longer-term testing, as required: Provided further, That not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall, at a minimum, complete the initial short-term testing described in the previous proviso: Provided further, That, to the extent feasible, the Administrator of the Federal Emergency Management Agency shall use a qualified contractor residing or doing business primarily in the Gulf Coast Area to carry out the testing program designed under this heading: Provided further, That, not later than 30 days after the date that the Administrator of the Federal Emergency Management Agency completes the short-term testing under this heading, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the results of the testing, analyzing such results, providing an assessment of whether there are any health risks associated with the results and the nature of any such health risks, and detailing the plans of the Administrator of the Federal Emergency Management Agency to act on the results of the testing, including any need to relocate individuals living in the trailers or mobile homes provided by the Federal Emergency Management Agency or otherwise assist individuals affected by the results, plans for the sale or transfer of any trailers or mobile homes (which shall be made in coordination with the Administrator of General Services), and plans to conduct further testing: Provided further, That after completing longer-term testing under this heading, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the results of the testing, analyzing such results, providing an assessment of whether any health risks are associated with the results and the nature of any such health risks, incorporating any additional relevant information from the shorter-term testing completed under this heading, and detailing the plans and recommendations of the Administrator of the Federal Emergency Management Agency to act on the results of the testing.*

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $700,000,000: Provided, That not to exceed five percent of this amount shall be available for program administration: Provided further, That funds shall be allocated as follows: (1) $560,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229), to remain available until September 30, 2009; and (2) $140,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a).

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $300,000,000: Provided, That total administrative costs shall not exceed three percent of the total appropriation.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2008, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1. 2008, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $43,300,000.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,700,000,000, to remain available until expended: Provided, That of the total amount provided, $13,500,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: Provided further, That up to $48,000,000 and 250 positions may be transferred to "Management and Administration", Federal Emergency Management Agency, for management and administration functions, subject to section 503 of this Act.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $875,000, of which $580,000 is for administrative expenses to carry out the direct loan program and $295,000 is for the cost of direct loans: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed three percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $145,000,000, which is available as follows: (1) not to exceed $45,642,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) not to exceed $99,358,000 for flood hazard mitigation, which shall be derived from offsetting collections assessed and collected under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), to remain available until September 30, 2009, including up to $34,000,000 for flood mitigation expenses under section 1366 of that Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2009: Provided, That in fiscal year 2008, no funds shall be available from the National Flood Insurance Fund in excess of: (1) $70,000,000 for operating expenses; (2) $773,772,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $90,000,000 for flood mitigation actions with respect to severe repetitive loss properties under section 1361A of that Act (42 U.S.C. 4102a) and repetitive insurance claims properties under section 1323 of that Act (42 U.S.C. 4030), which shall remain available until expended: Provided further, That total administrative costs shall not exceed four percent of the total appropriation.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968, $34,000,000 (42 U.S.C. 4104c), to remain available until September 30, 2009, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $34,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $120,000,000, to remain available until expended: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)): Provided further, That total administrative costs shall not exceed three percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $50,523,000: Provided, That of the total, $20,000,000 provided to address backlogs of security checks associated with pending applications and petitions shall not be available for obligation until the Secretary of Homeland Security and the United States Attorney General submit to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $221,076,000, of which up to $43,910,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2009; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note) as amended by Public Law 109–295 (120 Stat. 1374) is further amended by striking "December 31, 2007" and inserting "December 31, 2011".

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $44,470,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $140,632,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); $697,364,000, to remain available until expended; and of which $103,814,000 shall be for necessary expenses of the field laboratories and assets of the Science and Technology Directorate.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office and for management and administration of programs and activities, $32,000,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation and operations, $336,000,000, to remain available until expended, of which $10,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $182,000,000, to remain available until September 30, 2010, of which $30,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget: Provided, That none of the funds appropriated under this heading shall be obligated for full-scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security has certified through a report to the Committees on Appropriations of the Senate and the House of Representatives that a significant increase in operational effectiveness will be achieved.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds available in this Act shall be available to carry out section 872 of Public Law 107–296.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2008 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

SEC. 504. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the "Department of Homeland Security Working Capital Fund", except for the activities and amounts allowed in the President's fiscal year 2008 budget, excluding sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing: Provided, That any additional activities and amounts shall be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations for salaries and expenses for fiscal year 2008 in this Act shall remain available through September 30, 2009, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of an Act authorizing intelligence activities for fiscal year 2008.

SEC. 507. The Federal Law Enforcement Training Accreditation Board shall lead the Federal law enforcement training accreditation process, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 508. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least three full business days in advance: Provided, That no notification shall involve funds that are not available for obligation: Provided further, That the notification shall include the amount of the award, the fiscal year in which the funds for the award were *appropriated, and the account for which the funds are being drawn from: Provided further, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives five full business days in advance of announcing publicly the intention of making an award of formula-based grants; law enforcement terrorism prevention grants; high-threat, high-density urban areas grants; or regional catastrophic preparedness grants.*

SEC. 509. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 510. The Director of the Federal Law Enforcement Training Center shall schedule basic and/or advanced law enforcement training at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 511. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959 (40 U.S.C. 3301), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 512. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 513. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening program, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the conditions contained in paragraphs (1) through (10) of section 522(a) of Public Law 108-334 (118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the Secretary provides the requisite certification, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten conditions have been successfully met.

(c) Within 90 days of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed plan that describes: (1) the dates for achieving key milestones, including the date or timeframes that the Secretary will certify the program under subsection (a); and (2) the methodology to be followed to support the Secretary's certification, as required under subsection (a).

(d) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(e) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(f) None of the funds provided in this or previous appropriations Acts may be utilized for data or a database that is obtained from or remains under the control of a non-Federal entity: Provided, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 514. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 516. (a) None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

(b) None of the funds appropriated by this or any other Act to the United States Secret Service shall be made available for the protection of a Federal official, other than persons granted protection under section 3056(a) of title 18, United States Code, and the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into an agreement to perform such protection on a fully reimbursable basis for protectees not designated under section 3056(a) of title 18, United States Code.

SEC. 517. (a) The Sècretary of Homeland Security is directed to research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft at the earliest date possible.

(b) Existing checked baggage explosive detection equipment and screeners shall be utilized to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until technologies developed under subsection (a) are available.

(c) The Transportation Security Administration shall report air cargo inspection statistics quarterly to the Committees on Appropriations of the Senate and the House of Representatives, by airport and air carrier, within 45 days after the end of the quarter including any reason for non-compliance with the second proviso of section 513 of the Department of Homeland Security Appropriations Act, 2005 (Public Law 108–334, 118 Stat. 1317).

SEC. 518. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such section.

SEC. 519. No funding provided by this or previous appropriation Acts shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR), or anyone acting in a similar or like capacity, who has not received COTR training.

SEC. 520. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration "Aviation Security", "Administration" and "Transportation Security Support" in fiscal years 2004, 2005, 2006, and 2007 that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems for air cargo, baggage, and checkpoint screening systems, subject to notification.

SEC. 521. Section 525(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1382) shall apply to fiscal year 2008.

(RESCISSION OF FUNDS)

SEC. 522. From the unobligated balances of funds transferred to the Department of Homeland Security when it was created in 2003, excluding mandatory appropriations, $45,000,000 is rescinded, of which $12,000,000 shall be rescinded from Departmental Operations; $12,000,000 shall be rescinded from the Office of State and Local Government Coordination; and $6,000,000 shall be rescinded from the Working Capital Fund.

SEC. 523. Any funds appropriated to United States Coast Guard, "Acquisition, Construction, and Improvements" in fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Replacement Patrol Boat (FRC–B) program.

SEC. 524. The Department of Homeland Security Working Capital Fund, established, pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations during fiscal year 2008.

SEC. 525. (a) The Federal Emergency Management Agency (FEMA) shall submit a quarterly report to the Committees on Appropriations of the Senate and the House of Representatives detailing the allocation and obligation of funds for "Disaster Relief" to include:

(1) status of the Disaster Relief Fund (DRF) including obligations, allocations, and amounts undistributed/unallocated;

(2) allocations, obligations, and expenditures for all open disasters;

(3) information on national flood insurance claims;

(4) obligations, allocations and expenditures by State for unemployment, crisis counseling, inspections, housing assistance, manufactured housing, public assistance and individual assistance;

(5) mission assignment obligations by agency, including:

(A) the amounts reimbursed to other agencies that are in suspense because FEMA has not yet reviewed and approved the documentation supporting the expenditure; and

(B) a disclaimer if the amounts of reported obligations and expenditures do not reflect the status of such obligations and expenditures from a government-wide perspective;

(6) the amount of credit card purchases by agency and mission assignment;

(7) specific reasons for all waivers granted and a description of each waiver;

(8) a list of all contracts that were awarded on a sole source or limited competition basis, including the dollar amount, the purpose of the contract and the reason for the lack of competitive award; and

(9) an estimate of when available appropriations will be exhausted, assuming an average disaster season.

(b) The Secretary of Homeland Security shall at least quarterly obtain from agencies performing mission assignments each such agency's actual obligation and expenditure data and report to the Committees on Appropriations of the Senate and the House of Representatives.

(c) For any request for reimbursement from a Federal agency to the Department of Homeland

Security to cover expenditures under the Stafford Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department of Homeland Security for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department of Homeland Security policies on—

(1) the detailed information required in supporting documentation for reimbursements, and

(2) the necessity for timeliness of agency billings.

(d) Notwithstanding section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c), projects relating to Hurricanes Katrina and Rita for which the non-Federal share of assistance under that section is funded by amounts appropriated to the Community Development Fund under chapter 9 of title I of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2779) or chapter 9 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 472) shall not be subject to any precertification requirements.

SEC. 526. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees by office.

SEC. 527. Section 532(a) of Public Law 109–295 is amended by striking "2007" and inserting "2008".

SEC. 528. The Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 529. None of the funds provided in this Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design, and construction centers, maintenance and logistics command centers, and the Coast Guard Academy, except as specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 530. EXTENSION OF THE IMPLEMENTATION DEADLINE FOR THE WESTERN HEMISPHERE TRAVEL INITIATIVE. Subparagraph (A) of section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by striking "This plan shall be implemented not later than three months after the Secretary of State and the Secretary of Homeland Security make the certifications required in subsection (B), or June 1, 2009, whichever is earlier." and inserting "Such plan may not be implemented earlier than the date that is the later of 3 months after the Secretary of State and the Secretary of Homeland Security make the certification required in subparagraph (B) or June 1, 2009.".

SEC. 531. Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by adding at the end the following:

"(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State, unless there is an actual conflict between this section and the law of that State.".

SEC. 532. None of the funds provided in this Act under the heading "Office of the Chief Information Officer" shall be used for data center development other than for the National Center for Critical Information Processing and Storage until the Chief Information Officer certifies that the National Center for Critical Information Processing and Storage is fully utilized as the Department's primary data storage center at the highest capacity throughout the fiscal year.

SEC. 533. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 534. (a) Notwithstanding section 503 of this Act, up to $25,000,000 from prior year balances currently available to the Transportation Security Administration may be transferred to "Transportation Threat Assessment and Credentialing" for the Secure Flight program.

(b) In carrying out the transfer authority under subsection (a), the Transportation Security Administration shall not utilize any prior year balances from the following programs: screener partnership program; explosive detection system purchase; explosive detection system installation; checkpoint support; aviation regulation and other enforcement; air cargo; and air cargo research and development: Provided, That any funds proposed to be transferred under this section shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for such funds that is submitted by the Secretary of Homeland Security: Provided further, That the plan shall be submitted simultaneously to the Government Accountability Office for review consistent with its ongoing assessment of the Secure Flight Program as mandated by section 522(a) of Public Law 108–334 (118 Stat. 1319).

SEC. 535. DISASTER ASSISTANCE FOR SCHOOLS. (a) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency;

(2) the term "covered assistance" means assistance—

(A) provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172);

(B) to be used to—

(i) repair, restore, reconstruct, or replace school facilities; or

(ii) replace lost contents of a school; and

(C) for damage caused by Hurricane Katrina of 2005 or Hurricane Rita of 2005; and

(3) the term "local educational agency" has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) ASSISTANCE TO SCHOOLS.—

(1) IN GENERAL.—A local educational agency that has applied for covered assistance before the date of enactment of this Act may request that such assistance (including any eligible costs discovered after the date of the estimate of eligible costs under section 406(e)(1)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(e)(1)(A)) and any cost that was determined to be an eligible cost after an appeal or review) be provided in a single payment.

(2) DISBURSEMENT OF ASSISTANCE.—Not later than 30 days after the date that a local educational agency makes a request under paragraph (1), the Administrator shall provide in a single payment any covered assistance for any eligible cost that was approved by the Administrator on or before the date of that request.

(3) FLOOD INSURANCE REDUCTION.—For any covered assistance provided under paragraph (2), the Administrator shall make not more than 1 reduction under section 406(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(d)) in the amount of assistance provided.

(c) ALTERNATE USE.—For any covered assistance provided under subsection (b)(2), the amount of that assistance shall not be reduced under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)).

(d) APPLICABILITY.—This section shall apply to any covered assistance provided on or after the date of enactment of this Act.

SEC. 536. TECHNICAL CORRECTIONS. (a) IN GENERAL.—

(1) REDESIGNATIONS.—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(2) TABLE OF SECTIONS.—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, "Border tunnels and passages", and inserting the following:

"555. Border tunnels and passages.".

(b) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by striking "554" and inserting "555".

(c) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking "554" and inserting "555".

SEC. 537. SEXUAL ABUSE. Sections 2241, 2242, 2243, and 2244 of title 18, United States Code, are each amended by striking "the Attorney General" each place that term appears and inserting "the head of any Federal department or agency".

SEC. 538. PLAN FOR THE CONTROL AND MANAGEMENT OF ARUNDO DONAX. (a) DEFINITIONS.—In this section:

(1) ARUNDO DONAX.—The term "Arundo donax" means a tall perennial reed commonly known as "Carrizo cane", "Spanish cane", "wild cane", and "giant cane".

(2) PLAN.—The term "plan" means the plan for the control and management of Arundo donax developed under subsection (b).

(3) RIVER.—The term "River" means the Rio Grande River.

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—The Secretary shall develop a plan for the control and management of Arundo donax along the portion of the River that serves as the international border between the United States and Mexico.

(2) COMPONENTS.—In developing the plan, the Secretary shall address—

(A) information derived by the Secretary of Agriculture and the Secretary of the Interior from ongoing efforts to identify the most effective biological, mechanical, and chemical means of controlling and managing Arundo donax;

(B) past and current efforts to understand—

(i) the ecological damages caused by Arundo donax; and

(ii) the dangers Arundo donax poses to Federal and local law enforcement;

(C) any international agreements and treaties that need to be completed to allow for the control and management of Arundo donax on both sides of the River;

(D) the long-term efforts that the Secretary considers to be necessary to control and manage Arundo donax, including the cost estimates for the implementation of the efforts; and

(E) whether a waiver of applicable Federal environmental laws (including regulations) is necessary.

(3) CONSULTATION.—The Secretary shall develop the plan in consultation with the Secretary of Agriculture, the Secretary of the Interior, the Secretary of State, the Chief of Engineers, and any other Federal and State agencies that have appropriate expertise regarding the control and management of Arundo donax.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit the plan to—

(1) the Committees on the Judiciary of the Senate and the House of Representatives; and

(2) the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 539. REPORTING OF WASTE, FRAUD, AND ABUSE. Not later than 30 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security shall establish and maintain on the homepage of the website of the Department of Homeland Security, a direct link to the website of the Office of Inspector General of the Department of Homeland Security; and

(2) the Inspector General of the Department of Homeland Security shall establish and maintain on the homepage of the website of the Office of Inspector General a direct link for individuals to anonymously report waste, fraud, or abuse.

SEC. 540. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 541. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program required under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 542. None of the funds made available in this Act for U.S. Customs and Border Protection or any agency or office within the Department of Homeland Security may be used to prevent an individual from importing a prescription drug from Canada if—

(1) such individual is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))); and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 543. PROHIBITION ON USE OF FUNDS FOR RULEMAKING RELATED TO PETITIONS FOR ALIENS. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H-2B) set out beginning on 70 Federal Register 3984 (January 27, 2005).

SEC. 544. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of Homeland Security to remove offenses from the list of criminal offenses disqualifying individuals from receiving a Transportation Worker Identification Credential under section 1572.103 of title 49, Code of Federal Regulations.

SEC. 545. (a)(1)(A) None of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless more than one bid is received for such contract.

(2) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3)(A) If the Secretary of Homeland Security does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the contract, grant, or cooperative agreement is essential to the mission of the Department of Homeland Security.

(b)(1) Not later than December 31, 2008, the Secretary of Homeland Security shall submit to Congress a report on congressional initiatives for which amounts were appropriated during fiscal year 2008.

(2) The report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) The report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Homeland Security.

(c) In this section:

(1) The term "congressional initiative" means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(A) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress; and

(B) the amount of the funds appropriated or otherwise made available for such project.

(2) The term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 546. BORDER SECURITY REQUIREMENTS FOR LAND AND MARITIME BORDERS OF THE UNITED STATES. (a) OPERATIONAL CONTROL OF THE UNITED STATES BORDERS.—The President shall ensure that operational control of all international land and maritime borders is achieved.

(b) ACHIEVING OPERATIONAL CONTROL.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land and maritime borders of the United States, including the ability to monitor such borders through available methods and technology.

(1) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol may hire, train, and report for duty additional full-time agents. These additional agents shall be deployed along all international borders.

(2) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol may:

(A) Install along all international borders of the United States vehicle barriers;

(B) Install along all international borders of the United States ground-based radar and cameras; and

(C) Deploy for use along all international borders of the United States unmanned aerial vehicles, and the supporting systems for such vehicles;

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit a report to Congress detailing the progress made in funding, meeting or otherwise satisfying each of the requirements described under paragraphs (1) and (2).

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) APPROPRIATIONS FOR SECURING LAND AND MARITIME BORDERS OF THE UNITED STATES.—Any funds appropriated under division B of this Act shall be used to ensure operational control is achieved for all international land and maritime borders of the United States.

SEC. 547. IMPROVEMENTS TO THE EMPLOYMENT ELIGIBILITY VERIFICATION BASIC PILOT PROGRAM. Of the amounts appropriated for border security and employment verification improvements under section 1003 of Division B, $60,000,000 shall be made available to—

(1) ensure that State and local programs have sufficient access to, and are sufficiently coordinated with, the Federal Government's Employment Eligibility Verification System;

(2) ensure that such system has sufficient capacity to timely and accurately—

(A) register employers in States with employer verification requirements;

(B) respond to inquiries by employers; and

(C) enter into memoranda of understanding with States to ensure responses to subparagraphs (A) and (B); and

(3) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the basic pilot program, including appropriate privacy and security training for State employees;

(4) ensure that the Office for Civil Rights and Civil Liberties of the Department of Justice has sufficient capacity to conduct audits of the Federal Government's Employment Eligibility Verification System to assess employer compliance with System requirements, including the applicable Memorandum of Understanding;

(5) these amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SEC. 548. IN-LIEU CONTRIBUTION. The Administrator of the Federal Emergency Management Agency shall authorize a large in-lieu contribution under section 406(c)(1) of the Robert T.

Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)) to the Peebles School in Iberia Parish, Louisiana for damages relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005, notwithstanding section 406(c)(1)(C) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)(C)).

SEC. 549. NATIONAL STRATEGY ON CLOSED CIRCUIT TELEVISION SYSTEMS. (a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) develop a national strategy for the effective and appropriate use of closed circuit television to prevent and respond to acts of terrorism, which shall include—

(A) an assessment of how closed circuit television and other public surveillance systems can be used most effectively as part of an overall terrorism preparedness, prevention, and response program, and its appropriate role in such a program;

(B) a comprehensive examination of the advantages and limitations of closed circuit television and, as appropriate, other public surveillance technologies;

(C) best practices on camera use and data storage;

(D) plans for coordination between the Federal Government and State and local governments, and the private sector—

(i) in the development and use of closed circuit television systems; and

(ii) for Federal assistance and support for State and local utilization of such systems;

(E) plans for pilot programs or other means of determining the real-world efficacy and limitations of closed circuit televisions systems;

(F) an assessment of privacy and civil liberties concerns raised by use of closed circuit television and other public surveillance systems, and guidelines to address such concerns; and

(G) an assessment of whether and how closed circuit television systems and other public surveillance systems are effectively utilized by other democratic countries in combating terrorism; and

(2) provide to the Committees on Homeland Security and Governmental Affairs, Appropriations, and the Judiciary of the Senate and the Committees on Homeland Security, Appropriations, and the Judiciary of the House of Representatives a report that includes—

(A) the strategy required under paragraph (1);

(B) the status and findings of any pilot program involving closed circuit televisions or other public surveillance systems conducted by, in coordination with, or with the assistance of the Department of Homeland Security up to the time of the report; and

(C) the annual amount of funds used by the Department of Homeland Security, either directly by the Department or through grants to State, local, or tribal governments, to support closed circuit television and the public surveillance systems of the Department, since fiscal year 2004.

(b) CONSULTATION.—In preparing the strategy and report required under subsection (a), the Secretary of Homeland Security shall consult with the Attorney General, the Chief Privacy Officer of the Department of Homeland Security, and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security.

SEC. 550. SECURE HANDLING OF AMMONIUM NITRATE.—(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by adding at the end the following:

"Subtitle J—Secure Handling of Ammonium Nitrate

"SEC. 899A. DEFINITIONS.

"In this subtitle:

"(1) AMMONIUM NITRATE.—The term 'ammonium nitrate' means—

"(A) solid ammonium nitrate that is chiefly the ammonium salt of nitric acid and contains not less than 33 percent nitrogen by weight; and

"(B) any mixture containing a percentage of ammonium nitrate that is equal to or greater than the percentage determined by the Secretary under section 899B(b).

"(2) AMMONIUM NITRATE FACILITY.—The term 'ammonium nitrate facility' means any entity that produces, sells or otherwise transfers ownership of, or provides application services for ammonium nitrate.

"(3) AMMONIUM NITRATE PURCHASER.—The term 'ammonium nitrate purchaser' means any person who buys and takes possession of ammonium nitrate from an ammonium nitrate facility.

"SEC. 899B. REGULATION OF THE SALE AND TRANSFER OF AMMONIUM NITRATE.

"(a) IN GENERAL.—The Secretary shall regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility in accordance with this subtitle to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.

"(b) AMMONIUM NITRATE MIXTURES.—Not later than 90 days after the date of the enactment of this subtitle, the Secretary, in consultation with the heads of appropriate Federal departments and agencies (including the Secretary of Agriculture), shall, after notice and an opportunity for comment, establish a threshold percentage for ammonium nitrate in a substance.

"(c) REGISTRATION OF OWNERS OF AMMONIUM NITRATE FACILITIES.—

"(1) REGISTRATION.—The Secretary shall establish a process by which any person that—

"(A) owns an ammonium nitrate facility is required to register with the Department; and

"(B) registers under subparagraph (A) is issued a registration number for purposes of this subtitle.

"(2) REGISTRATION INFORMATION.—Any person applying to register under paragraph (1) shall submit to the Secretary—

"(A) the name, address, and telephone number of each ammonium nitrate facility owned by that person;

"(B) the name of the person designated by that person as the point of contact for each such facility, for purposes of this subtitle; and

"(C) such other information as the Secretary may determine is appropriate.

"(d) REGISTRATION OF AMMONIUM NITRATE PURCHASERS.—

"(1) REGISTRATION.—The Secretary shall establish a process by which any person that—

"(A) intends to be an ammonium nitrate purchaser is required to register with the Department; and

"(B) registers under subparagraph (A) is issued a registration number for purposes of this subtitle.

"(2) REGISTRATION INFORMATION.—Any person applying to register under paragraph (1) as an ammonium nitrate purchaser shall submit to the Secretary—

"(A) the name, address, and telephone number of the applicant; and

"(B) the intended use of ammonium nitrate to be purchased by the applicant.

"(e) RECORDS.—

"(1) MAINTENANCE OF RECORDS.—The owner of an ammonium nitrate facility shall—

"(A) maintain a record of each sale or transfer of ammonium nitrate, during the two-year period beginning on the date of that sale or transfer; and

"(B) include in such record the information described in paragraph (2).

"(2) SPECIFIC INFORMATION REQUIRED.—For each sale or transfer of ammonium nitrate, the owner of an ammonium nitrate facility shall—

"(A) record the name, address, telephone number, and registration number issued under subsection (c) or (d) of each person that takes possession of ammonium nitrate, in a manner prescribed by the Secretary;

"(B) if applicable, record the name, address, and telephone number of each individual who takes possession of the ammonium nitrate on behalf of the person described in subparagraph (A), at the point of sale;

"(C) record the date and quantity of ammonium nitrate sold or transferred; and

"(D) verify the identity of the persons described in subparagraphs (A) and (B), as applicable, in accordance with a procedure established by the Secretary.

"(3) PROTECTION OF INFORMATION.—In maintaining records in accordance with paragraph (1), the owner of an ammonium nitrate facility shall take reasonable actions to ensure the protection of the information included in such records.

"(f) EXEMPTION FOR EXPLOSIVE PURPOSES.—The Secretary may exempt from this subtitle a person producing, selling, or purchasing ammonium nitrate exclusively for use in the production of an explosive under a license issued under chapter 40 of title 18, United States Code.

"(g) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Agriculture, States, and appropriate private sector entities, to ensure that the access of agricultural producers to ammonium nitrate is not unduly burdened.

"(h) DATA CONFIDENTIALITY.—

"(1) IN GENERAL.—Notwithstanding section 552 of title 5, United States Code, or the USA PATRIOT ACT (Public Law 107-56; 115 Stat. 272), and except as provided in paragraph (2), the Secretary may not disclose to any person any information obtained under this subtitle.

"(2) EXCEPTION.—The Secretary may disclose any information obtained by the Secretary under this subtitle to—

"(A) an officer or employee of the United States, or a person that has entered into a contract with the United States, who has a need to know the information to perform the duties of the officer, employee, or person; or

"(B) to a State agency under section 899D, under appropriate arrangements to ensure the protection of the information.

"(i) REGISTRATION PROCEDURES AND CHECK OF TERRORIST SCREENING DATABASE.—

"(1) REGISTRATION PROCEDURES.—

"(A) GENERALLY.—The Secretary shall establish procedures to efficiently receive applications for registration numbers under this subtitle, conduct the checks required under paragraph (2), and promptly issue or deny a registration number.

"(B) INITIAL SIX-MONTH REGISTRATION PERIOD.—The Secretary shall take steps to maximize the number of registration applications that are submitted and processed during the six-month period described in section 899F(e).

"(2) CHECK OF TERRORIST SCREENING DATABASE.—

"(A) CHECK REQUIRED.—The Secretary shall conduct a check of appropriate identifying information of any person seeking to register with the Department under subsection (c) or (d) against identifying information that appears in the terrorist screening database of the Department.

"(B) AUTHORITY TO DENY REGISTRATION NUMBER.—If the identifying information of a person seeking to register with the Department under subsection (c) or (d) appears in the terrorist screening database of the Department, the Secretary may deny issuance of a registration number under this subtitle.

"(3) EXPEDITED REVIEW OF APPLICATIONS.—

"(A) IN GENERAL.—Following the six-month period described in section 899F(e), the Secretary shall, to the extent practicable, issue or

deny registration numbers under this subtitle not later than 72 hours after the time the Secretary receives a complete registration application, unless the Secretary determines, in the interest of national security, that additional time is necessary to review an application.

"(B) NOTICE OF APPLICATION STATUS.—In all cases, the Secretary shall notify a person seeking to register with the Department under subsection (c) or (d) of the status of the application of that person not later than 72 hours after the time the Secretary receives a complete registration application.

"(4) EXPEDITED APPEALS PROCESS.—

"(A) REQUIREMENT.—

"(i) APPEALS PROCESS.—The Secretary shall establish an expedited appeals process for persons denied a registration number under this subtitle.

"(ii) TIME PERIOD FOR RESOLUTION.—The Secretary shall, to the extent practicable, resolve appeals not later than 72 hours after receiving a complete request for appeal unless the Secretary determines, in the interest of national security, that additional time is necessary to resolve an appeal.

"(B) CONSULTATION.—The Secretary, in developing the appeals process under subparagraph (A), shall consult with appropriate stakeholders.

"(C) GUIDANCE.—The Secretary shall provide guidance regarding the procedures and information required for an appeal under subparagraph (A) to any person denied a registration number under this subtitle.

"(5) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—

"(A) IN GENERAL.—Any information constituting grounds for denial of a registration number under this section shall be maintained confidentially by the Secretary and may be used only for making determinations under this section.

"(B) SHARING OF INFORMATION.—Notwithstanding any other provision of this subtitle, the Secretary may share any such information with Federal, State, local, and tribal law enforcement agencies, as appropriate.

"(6) REGISTRATION INFORMATION.—

"(A) AUTHORITY TO REQUIRE INFORMATION.—The Secretary may require a person applying for a registration number under this subtitle to submit such information as may be necessary to carry out the requirements of this section.

"(B) REQUIREMENT TO UPDATE INFORMATION.—The Secretary may require persons issued a registration under this subtitle to update registration information submitted to the Secretary under this subtitle, as appropriate.

"(7) RE-CHECKS AGAINST TERRORIST SCREENING DATABASE.—

"(A) RE-CHECKS.—The Secretary shall, as appropriate, recheck persons provided a registration number pursuant to this subtitle against the terrorist screening database of the Department, and may revoke such registration number if the Secretary determines such person may pose a threat to national security.

"(B) NOTICE OF REVOCATION.—The Secretary shall, as appropriate, provide prior notice to a person whose registration number is revoked under this section and such person shall have an opportunity to appeal, as provided in paragraph (4).

"SEC. 899C. INSPECTION AND AUDITING OF RECORDS.

"The Secretary shall establish a process for the periodic inspection and auditing of the records maintained by owners of ammonium nitrate facilities for the purpose of monitoring compliance with this subtitle or for the purpose of deterring or preventing the misappropriation or use of ammonium nitrate in an act of terrorism.

"SEC. 899D. ADMINISTRATIVE PROVISIONS.

"(a) COOPERATIVE AGREEMENTS.—The Secretary—

"(1) may enter into a cooperative agreement with the Secretary of Agriculture, or the head of any State department of agriculture or its designee involved in agricultural regulation, in consultation with the State agency responsible for homeland security, to carry out the provisions of this subtitle; and

"(2) wherever possible, shall seek to cooperate with State agencies or their designees that oversee ammonium nitrate facility operations when seeking cooperative agreements to implement the registration and enforcement provisions of this subtitle.

"(b) DELEGATION.—

"(1) AUTHORITY.—The Secretary may delegate to a State the authority to assist the Secretary in the administration and enforcement of this subtitle.

"(2) DELEGATION REQUIRED.—At the request of a Governor of a State, the Secretary shall delegate to that State the authority to carry out functions under sections 899B and 899C, if the Secretary determines that the State is capable of satisfactorily carrying out such functions.

"(3) FUNDING.—Subject to the availability of appropriations, if the Secretary delegates functions to a State under this subsection, the Secretary shall provide to that State sufficient funds to carry out the delegated functions.

"(c) PROVISION OF GUIDANCE AND NOTIFICATION MATERIALS TO AMMONIUM NITRATE FACILITIES.—

"(1) GUIDANCE.—The Secretary shall make available to each owner of an ammonium nitrate facility registered under section 899B(c)(1) guidance on—

"(A) the identification of suspicious ammonium nitrate purchases or transfers or attempted purchases or transfers;

"(B) the appropriate course of action to be taken by the ammonium nitrate facility owner with respect to such a purchase or transfer or attempted purchase or transfer, including—

"(i) exercising the right of the owner of the ammonium nitrate facility to decline sale of ammonium nitrate; and

"(ii) notifying appropriate law enforcement entities; and

"(C) additional subjects determined appropriate by to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.

"(2) USE OF MATERIALS AND PROGRAMS.—In providing guidance under this subsection, the Secretary shall, to the extent practicable, leverage any relevant materials and programs.

"(3) NOTIFICATION MATERIALS.—

"(A) IN GENERAL.—The Secretary shall make available materials suitable for posting at locations where ammonium nitrate is sold.

"(B) DESIGN OF MATERIALS.—Materials made available under subparagraph (A) shall be designed to notify prospective ammonium nitrate purchasers of—

"(i) the record-keeping requirements under section 899B; and

"(ii) the penalties for violating such requirements.

"SEC. 899E. THEFT REPORTING REQUIREMENT.

"Any person who is required to comply with section 899B(e) who has knowledge of the theft or unexplained loss of ammonium nitrate shall report such theft or loss to the appropriate Federal law enforcement authorities not later than 1 calendar day of the date on which the person becomes aware of such theft or loss. Upon receipt of such report, the relevant Federal authorities shall inform State, local, and tribal law enforcement entities, as appropriate.

"SEC. 899F. PROHIBITIONS AND PENALTY.

"(a) PROHIBITIONS.—

"(1) TAKING POSSESSION.—No person shall take possession of ammonium nitrate from an ammonium nitrate facility unless such person is registered under subsection (c) or (d) of section 899B, or is an agent of a person registered under subsection (c) or (d) of that section.

"(2) TRANSFERRING POSSESSION.—An owner of an ammonium nitrate facility shall not transfer possession of ammonium nitrate from the ammonium nitrate facility to any person who is not registered under subsection (c) or (d) of section 899B, or is not an agent of a person registered under subsection (c) or (d) of that section.

"(3) OTHER PROHIBITIONS.—No person shall—

"(A) buy and take possession of ammonium nitrate without a registration number required under subsection (c) or (d) of section 899B;

"(B) own or operate an ammonium nitrate facility without a registration number required under section 899B(c); or

"(C) fail to comply with any requirement or violate any other prohibition under this subtitle.

"(b) CIVIL PENALTY.—A person that violates this subtitle may be assessed a civil penalty by the Secretary of not more than $50,000 per violation.

"(c) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section, the Secretary shall consider—

"(1) the nature and circumstances of the violation;

"(2) with respect to the person who commits the violation, any history of prior violations, the ability to pay the penalty, and any effect the penalty is likely to have on the ability of such person to do business; and

"(3) any other matter that the Secretary determines that justice requires.

"(d) NOTICE AND OPPORTUNITY FOR A HEARING.—No civil penalty may be assessed under this subtitle unless the person liable for the penalty has been given notice and an opportunity for a hearing on the violation for which the penalty is to be assessed in the county, parish, or incorporated city of residence of that person.

"(e) DELAY IN APPLICATION OF PROHIBITION.—Paragraphs (1) and (2) of subsection (a) shall apply on and after the date that is 6 months after the date that the Secretary issues of a final rule implementing this subtitle.

"SEC. 899G. PROTECTION FROM CIVIL LIABILITY.

"(a) IN GENERAL.—Notwithstanding any other provision of law, an owner of an ammonium nitrate facility that in good faith refuses to sell or transfer ammonium nitrate to any person, or that in good faith discloses to the Department or to appropriate law enforcement authorities an actual or attempted purchase or transfer of ammonium nitrate, based upon a reasonable belief that the person seeking purchase or transfer of ammonium nitrate may use the ammonium nitrate to create an explosive device to be employed in an act of terrorism (as defined in section 3077 of title 18, United States Code), or to use ammonium nitrate for any other unlawful purpose, shall not be liable in any civil action relating to that refusal to sell ammonium nitrate or that disclosure.

"(b) REASONABLE BELIEF.—A reasonable belief that a person may use ammonium nitrate to create an explosive device to be employed in an act of terrorism under subsection (a) may not solely be based on the race, sex, national origin, creed, religion, status as a veteran, or status as a member of the Armed Forces of the United States of that person.

"SEC. 899H. PREEMPTION OF OTHER LAWS.

"(a) OTHER FEDERAL REGULATIONS.—Except as provided in section 899G, nothing in this subtitle affects any regulation issued by any agency other than an agency of the Department.

"(b) STATE LAW.—Subject to section 899G, this subtitle preempts the laws of any State to the extent that such laws are inconsistent with this subtitle, except that this subtitle shall not preempt any State law that provides additional protection against the acquisition of ammonium nitrate by terrorists or the use of ammonium nitrate in explosives in acts of terrorism or for *other illicit purposes, as determined by the Secretary.*

"SEC. 899I. DEADLINES FOR REGULATIONS.

"The Secretary—

"(1) shall issue a proposed rule implementing this subtitle not later than 6 months after the date of the enactment of this subtitle; and

"(2) issue a final rule implementing this subtitle not later than 1 year after such date of enactment.

"SEC. 899J. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary—

"(1) $2,000,000 for fiscal year 2008; and

"(2) $10,750,000 for each of fiscal years 2009 through 2012.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 899 the following:

"Subtitle J—Secure Handling of Ammonium Nitrate

"Sec. 899A. Definitions.
"Sec. 899B. Regulation of the sale and transfer of ammonium nitrate.
"Sec. 899C. Inspection and auditing of records.
"Sec. 899D. Administrative provisions.
"Sec. 899E. Theft reporting requirement.
"Sec. 899F. Prohibitions and penalty.
"Sec. 899G. Protection from civil liability.
"Sec. 899H. Preemption of other laws.
"Sec. 899I. Deadlines for regulations.
"Sec. 899J. Authorization of appropriations.".

SEC. 552. RISK MANAGEMENT AND ANALYSIS SPECIAL EVENT; 2010 VANCOUVER OLYMPIC AND PARALYMPIC GAMES. As soon as practicable, but not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the plans of the Secretary of Homeland Security relating to—

(1) implementing the recommendations regarding the 2010 Vancouver Olympic and Paralympic Games in the Joint Explanatory Statement of the Committee of Conference on H.R. 5441 (109th Congress), the Department of Homeland Security Appropriations Act, 2007, with specific funding strategies for—

(A) the Multiagency Coordination Center; and

(B) communications exercises to validate communications pathways, test equipment, and support the training and familiarization of personnel on the operations of the different technologies used to support the 2010 Vancouver Olympic and Paralympic Games; and

(2) the feasibility of implementing a program to prescreen individuals traveling by rail between Vancouver, Canada and Seattle, Washington during the 2010 Vancouver Olympic and Paralympic Games, while those individuals are located in Vancouver, Canada, similar to the preclearance arrangements in effect in Vancouver, Canada for certain flights between the United States and Canada.

SEC. 553. IMPROVEMENT OF BARRIERS AT BORDER. Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking "Attorney General, in consultation with the Commissioner of Immigration and Naturalization," and inserting "Secretary of Homeland Security"; and

(2) in subsection (b)—

(A) in the subsection heading, by striking "IN THE BORDER AREA" and inserting "ALONG THE BORDER";

(B) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(C) in paragraph (2), as redesignated—

(i) in the paragraph heading, by striking "SECURITY FEATURES" and inserting "ADDITIONAL FENCING ALONG SOUTHWEST BORDER"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

"(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

"(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

"(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

"(C) CONSULTATION.—

"(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

"(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

"(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

"(II) affect the eminent domain laws of the United States or of any State.

"(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location."; and

(D) in paragraph (5), as redesignated, by striking "to carry out this subsection not to exceed $12,000,000" and inserting "such sums as may be necessary to carry out this subsection".

SEC. 554. ACCOUNTABILITY IN GRANT AND CONTRACT ADMINISTRATION. The Department of Homeland Security, through the Federal Emergency Management Agency, shall—

(1) consider implementation, through fair and open competition, of management, tracking and accountability systems to assist in managing grant allocations, distribution, expenditures, and asset tracking; and

(2) consider any efficiencies created through cooperative purchasing agreements.

SEC. 555. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 556. INTERNATIONAL REGISTERED TRAVELER PROGRAM. Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

"(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US-VISIT program, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security.

"(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the program. Amounts so credited shall remain available until expended.

"(C) RULEMAKING.—Within 365 days after the date of enactment of this paragraph, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

"(D) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US-VISIT entry and exit system, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

"(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

"(i) establishing a reasonable cost of enrollment;

"(ii) making program enrollment convenient and easily accessible; and

"(iii) providing applicants with clear and consistent eligibility guidelines.".

SEC. 557. REPORT ON THE PERFORMANCE ACCOUNTABILITY AND STANDARDS SYSTEM OF THE TRANSPORTATION SECURITY ADMINISTRATION. Not later than March 1, 2008, the Transportation Security Administration shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives on the implementation of the Performance Accountability and Standards System, including—

(1) the number of employees who achieved each level of performance;

(2) a comparison between managers and nonmanagers relating to performance and pay increases;

(3) the type and amount of all pay increases that have taken effect for each level of performance; and

(4) the attrition of employees covered by the Performance Accountability and Standards System.

SEC. 558. SHARED BORDER MANAGEMENT. (a) STUDY.—The Comptroller General of the United States shall conduct a study on the Department of Homeland Security's use of shared border management to secure the international borders of the United States.

(b) REPORT.—The Comptroller General shall submit a report to Congress that describes—

(1) any negotiations, plans, or designs conducted by officials of the Department of Homeland Security regarding the practice of shared border management; and

(2) the factors required to be in place for shared border management to be successful.

SEC. 559. Amounts authorized to be appropriated in the Border Law Enforcement Relief Act of 2007 are increased by $50,000,000 for each of the fiscal years 2008 through 2012.

SEC. 560. GAO STUDY OF COST OF FENCING ON THE SOUTHERN BORDER. (a) INQUIRY AND REPORT REQUIRED.—The Comptroller of the United States shall conduct a study examining—

(1) the total amount of money that has been expended, as of June 20, 2007, to construct 90 miles of fencing on the southern border of the United States;

(2) the average cost per mile of the 90 miles of fencing on the southern border as of June 20, 2007;

(3) the average cost per mile of the 370 miles of fencing that the Department of Homeland Security is required to have completed on the southern border by December 31, 2008, which shall include $1,187,000,000 appropriated in fiscal year 2007 for "border security fencing, technology, and infrastructure" and the $1,000,000,000 appropriated under this Act under the heading "Border Security Fencing, Infrastructure, and Technology";

(4) the total cost and average cost per mile to construct the 700 linear miles (854 topographical miles) of fencing on the southern border required to be constructed under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 3 of the Secure Fence Act of 2006 (Public Law 109–367);

(5) the total cost and average cost per mile to construct the fencing described in paragraph (4) if the double layer fencing requirement were eliminated; and

(6) the number of miles of single layer fencing, if fencing were not accompanied by additional technology and infrastructure such as cameras, sensors, and roads, which could be built with the $1,187,000,000 appropriated in fiscal year 2007 for "border security fencing, technology, and infrastructure" and the $1,000,000,000 appropriated under this Act under the heading "Border Security Fencing, Infrastructure, and Technology".

(b) SUBMISSION OF REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study conducted pursuant to subsection (a) to—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

SEC. 561. SENSE OF SENATE ON IMMIGRATION.—(a) FINDINGS.—The Senate makes the following findings:

(1) On June 28th, 2007, the Senate, by a vote of 46 to 53, rejected a motion to invoke cloture on a bill to provide for comprehensive immigration reform.

(2) Illegal immigration remains the top domestic issue in the United States.

(3) The people of the United States continue to feel the effects of a failed immigration system on a daily basis, and they have not forgotten that Congress and the President have a duty to address the issue of illegal immigration and the security of the international borders of the United States.

(4) People from across the United States have shared with members of the Senate their wide ranging and passionate opinions on how best to reform the immigration system.

(5) There is no consensus on an approach to comprehensive immigration reform that does not first secure the international borders of the United States.

(6) There is unanimity that the Federal Government has a responsibility to, and immediately should, secure the international borders of the United States.

(7) Border security is an integral part of national security.

(8) The greatest obstacle the Federal Government faces with respect to the people of the United States is a lack of trust that the Federal Government will secure the international borders of the United States.

(9) This lack of trust is rooted in the past failures of the Federal Government to uphold and enforce immigration laws and the failure of the Federal Government to secure the international borders of the United States.

(10) Failure to uphold and enforce immigration laws has eroded respect for those laws and eliminated the faith of the people of the United States in the ability of their elected officials to responsibly administer immigration programs.

(11) It is necessary to regain the trust of the people of the United States in the competency of the Federal Government to enforce immigration laws and manage the immigration system.

(12) Securing the borders of the United States would serve as a starting point to begin to address other issues surrounding immigration reform on which there is not consensus.

(13) Congress has not fully funded some interior and border security activities that it has authorized.

(14) The President of the United States can initiate emergency spending by designating certain spending as "emergency spending" in a request to the Congress.

(15) The lack of security on the international borders of the United States rises to the level of an emergency.

(16) The Border Patrol are apprehending some, but not all, individuals from countries that the Secretary of State has determined have repeatedly provided support for acts of international terrorism who cross or attempt to cross illegally into the United States.

(17) The Federal Bureau of Investigation is investigating a human smuggling ring that has been bringing Iraqis and other Middle Eastern individuals across the international borders of the United States.

(b) SENSE OF SENATE.—It is the sense of Senate that—

(1) the Federal Government should work to regain the trust of the people of the United States in its ability of the Federal Government to secure the international borders of the United States;

(2) in order to restore the credibility of the Federal Government on this critical issue, the Federal Government should prove its ability to enforce immigration laws by taking actions such as securing the border, stopping the flow of illegal immigrants and drugs into the United States, and creating a tamper-proof biometric identification card for foreign workers; and

(3) the President should request emergency spending that fully funds—

(A) existing interior and border security authorizations that have not been funded by Congress; and

(B) the border and interior security initiatives contained in the bili to provide for comprehensive immigration reform and for other purposes (S. 1639) introduced in the Senate on June 18, 2007.

SEC. 562. ENSURING THE SAFETY OF AGRICULTURAL IMPORTS.—(a) FINDINGS.—Congress makes the following findings:

(1) The Food and Drug Administration, as part of its responsibility to ensure the safety of food and other imports, maintains a presence at 91 of the 320 points of entry into the United States.

(2) United States Customs and Border Protection personnel are responsible for monitoring imports and alerting the Food and Drug Administration to suspicious material entering the United States at the remaining 229 points of entry.

(b) REPORT.—The Commissioner of U.S. Customs and Border Protection shall submit a report to Congress that describes the training of U.S. Customs and Border Protection personnel to effectively assist the Food and Drug Administration in monitoring our Nation's food supply.

SEC. 563. (a) STUDY ON IMPLEMENTATION OF VOLUNTARY PROVISION OF EMERGENCY SERVICES PROGRAM.—

(1) Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall conduct a study on the implementation of the voluntary provision of emergency services program established pursuant to section 44944(a) of title 49, United States Code (referred to in this section as the "program").

(2) As part of the study required by paragraph (1), the Administrator shall assess the following:

(A) Whether training protocols established by air carriers and foreign air carriers include training pertinent to the program and whether such training is effective for purposes of the program.

(B) Whether employees of air carriers and foreign air carriers responsible for implementing the program are familiar with the provisions of the program.

(C) The degree to which the program has been implemented in airports.

(D) Whether a helpline or other similar mechanism of assistance provided by an air carrier, foreign air carrier, or the Transportation Security Administration should be established to provide assistance to employees of air carriers and foreign air carriers who are uncertain of the procedures of the program.

(3) In making the assessment required by paragraph (2)(C), the Administrator may make use of unannounced interviews or other reasonable and effective methods to test employees of air carriers and foreign air carriers responsible for registering law enforcement officers, firefighters, and emergency medical technicians as part of the program.

(4)(A) Not later than 60 days after the completion of the study required by paragraph (1), the Administrator shall submit to Congress a report on the findings of such study.

(B) The Administrator shall make such report available to the public by Internet web site or other appropriate method.

(b) PUBLICATION OF REPORT PREVIOUSLY SUBMITTED.—The Administrator shall make available to the public on the Internet web site of the Transportation Security Administration or the Department of Homeland Security the report required by section 554(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

(c) MECHANISM FOR REPORTING PROBLEMS.—The Administrator shall develop a mechanism on the Internet web site of the Transportation Security Administration or the Department of Homeland Security by which first responders may report problems with or barriers to volunteering in the program. Such mechanism shall also provide information on how to submit comments related to volunteering in the program.

(d) AIR CARRIER AND FOREIGN AIR CARRIER DEFINED.—In this section, the terms "air carrier" and "foreign air carrier" have the meaning given such terms in section 40102 of title 49, United States Code.

SEC. 564. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no unpaid Federal tax assessments, that the contractor or grantee has entered into an installment agreement or offer in compromise that has been accepted by the IRS to resolve any unpaid Federal tax assessments, or, in the case of unpaid Federal tax assessments other than for income, estate, and gift taxes, that the liability for the unpaid assessments is the subject of a non-frivolous administrative or judicial appeal. For purposes of the preceding sentence, the certification requirement of part 52.209–5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment or other judicial determination rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

SEC. 565. TRANSPORTATION FACILITY ACCESS CONTROL PROGRAMS.

The Secretary of Homeland Security shall work with appropriate officials of Florida and of other States to resolve the differences between the Transportation Worker Identification Credential program administered by the Transportation Security Administration and existing State transportation facility access control programs.

SEC. 566. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 567. ADDITIONAL ASSISTANCE FOR PREPARATION OF PLANS.

Subparagraph (L) of section 33(b)(3) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(3)) is amended to read as follows:

"(L) To fund fire prevention programs, including planning and preparation for wildland fires.".

SEC. 568. SENSE OF CONGRESS. It is the sense of Congress that sufficient funds should be appropriated to allow the Secretary to increase the number of personnel of U.S. Customs and Border Protection protecting the northern border by 1,517 officers and 788 agents, as authorized by—

(1) section 402 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107–56);

(2) section 331 of the Trade Act of 2002 (Public Law 107–210); and

(3) section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

SEC. 569. STUDY OF RADIO COMMUNICATIONS ALONG THE INTERNATIONAL BORDERS OF THE UNITED STATES.—(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study to determine the areas along the international borders of the United States where Federal and State law enforcement officers are unable to achieve radio communication or where radio communication is inadequate.

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Upon the conclusion of the study described in subsection (a), the Secretary shall develop a plan for enhancing radio communication capability along the international borders of the United States.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) an estimate of the costs required to implement the plan; and

(B) a description of the ways in which Federal, State, and local law enforcement officers could benefit from the implementation of the plan.

SEC. 570. Of the funds provided under this Act or any other Act to United States Citizenship and Immigration Services, not less than $1,000,000 shall be provided for a benefits fraud assessment of the H–1B Visa Program.

SEC. 571. (a) REPORT ON INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to Congress a report, and make the report available on its website, on the implementation and use of interagency operational centers for port security under section 70107A of title 46, United States Code.

(b) ELEMENTS.—The report required by subsection shall include the following:

(1) A detailed description of the progress made in transitioning Project Seahawk in Charleston, South Carolina, from the Department of Justice to the Coast Guard, including all projects and equipment associated with that project.

(2) A detailed description of that actions being taken to assure the integrity of Project Seahawk and ensure there is no loss in cooperation between the agencies specified in section 70107A(b)(3) of title 46, United State Code.

(3) A detailed description and explanation of any changes in Project Seahawk as of the date of the report, including any changes in Federal, State, or local staffing of that project.

SEC. 572. (a) The amount appropriated by title III for necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 under the heading "FIREFIGHTER ASSISTANCE GRANTS" is hereby increased by $5,000,000 for necessary expenses to carry out the programs authorized under section 34 of that Act (15 U.S.C. 2229a).

(b) The amount appropriated by title III under the heading "INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY" is hereby reduced by $5,000,000.

SEC. 573. TSA ACQUISITION MANAGEMENT POLICY. (a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 574. REPORT ON URBAN AREA SECURITY INITIATIVE. Not later than 180 days after the date of enactment of this Act, the Government Accountability Office shall submit a report to the appropriate congressional committees which describes the criteria and factors the Department of Homeland Security uses to determine the regional boundaries for Urban Area Security Initiative regions, including a determination if the Department is meeting its goal to implement a regional approach with respect to Urban Area Security Initiative regions, and provides recommendations for how the Department can better facilitate a regional approach for Urban Area Security Initiative regions.

SEC. 575. (a) In this section:

(1) The term "covered funds" means funds provided under section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) to a State that submits an application under that section not earlier than May 4, 2007, for a national emergency grant to address the effects of the May 4, 2007, Greensburg, Kansas tornado.

(2) The term "professional municipal services" means services that are necessary to facilitate the recovery of Greensburg, Kansas from that tornado, and necessary to plan for or provide basic management and administrative services, which may include—

(A) the overall coordination of disaster recovery and humanitarian efforts, oversight, and enforcement of building code compliance, and coordination of health and safety response units; or

(B) the delivery of humanitarian assistance to individuals affected by that tornado.

(b) Covered funds may be used to provide temporary public sector employment and services authorized under section 173 of such Act to individuals affected by such tornado, including individuals who were unemployed on the date of the tornado, or who are without employment history, in addition to individuals who are eligible for disaster relief employment under section 173(d)(2) of such Act.

(c) Covered funds may be used to provide professional municipal services for a period of not more than 24 months, by hiring or contracting with individuals or organizations (including individuals employed by contractors) that the State involved determines are necessary to provide professional municipal services.

(d) Covered funds expended under this section may be spent on costs incurred not earlier than May 4, 2007.

SEC. 576. DATA RELATING TO DECLARATIONS OF A MAJOR DISASTER. (a) IN GENERAL.—Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, and the Senate Committee on Appropriations, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) EXCEPTION.—The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency; and

(2) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 577. NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE.—If the Secretary of Homeland Security establishes a National Transportation Security Center of Excellence to conduct research and education activities, and to develop or provide professional security training, including the training of transportation employees and transportation professionals, the Mineta Transportation Institute at San Jose State University may be included as a member institution of such Center.

SEC. 578. Of amounts appropriated under section 1003, $100,000,000, with $50,000,000 each to the Cities of Denver, Colorado, and St. Paul, Minnesota, shall be available for State and local law enforcement entities for security and related costs, including overtime, associated with the Democratic National Conventional and Republican National Convention in 2008. Amounts *provided by this section are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).*

TITLE VI—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. 601. SHORT TITLE.

This title may be cited as the "Border Law Enforcement Relief Act of 2007".

SEC. 602. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2008 through 2012.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2008 through 2012 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 603. Enforcement of Federal Immigration Law.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

TITLE VII—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the "Border Infrastructure and Technology Modernization Act of 2007".

SEC. 702. DEFINITIONS.—In this title:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of United States Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term "maquiladora" means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term "northern border" means the international border between the United States and Canada.

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(5) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

SEC. 703. HIRING AND TRAINING OF BORDER AND TRANSPORTATION SECURITY PERSONNEL.—(a) OFFICERS AND AGENTS.—

(1) INCREASE IN OFFICERS AND AGENTS.—Subject to the availability of appropriations, during each of fiscal years 2009 through 2013, the Secretary shall—

(A) increase the number of full-time agents and associated support staff in United States Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees as of the end of the preceding fiscal year; and

(B) increase the number of full-time officers, agricultural specialists, and associated support staff in United States Customs and Border Protection by the equivalent of at least 200 more than the number of such employees as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—As necessary, the Secretary, acting through the Assistant Secretary for the United States Immigration and Customs Enforcement and the Commissioner, shall provide appropriate training for agents, officers, agricultural specialists, and associated support staff of the Department of Homeland Security to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

SEC. 704. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.—(a) REQUIREMENT TO UPDATE.—Not later than January 31 of every other year, the Commissioner, in consultation with the Administrator of General Services shall—

(1) review—

(A) the Port of Entry Infrastructure Assessment Study prepared by the United States Customs Service, the Immigration and Naturalization Service, and the General Services Administration in accordance with the matter relating to the ports of entry infrastructure assessment set forth in the joint explanatory statement on page 67 of conference report 106–319, accompanying Public Law 106–58; and

(B) the nationwide strategy to prioritize and address the infrastructure needs at the land ports of entry prepared by the Department of Homeland Security and the General Services Administration in accordance with the committee recommendations on page 22 of Senate report 108–86, accompanying Public Law 108–90;

(2) update the assessment of the infrastructure needs of all United States land ports of entry; and

(3) submit an updated assessment of land port of entry infrastructure needs to Congress.

(b) CONSULTATION.—In preparing the updated studies required under subsection (a), the Commissioner and the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and affected State and local agencies on the northern and southern borders of the United States.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 805; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project—

(A) to enhance the ability of United States Customs and Border Protection to achieve its mission and to support operations;

(B) to fulfill security requirements; and

(C) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner, as appropriate, shall—

(1) implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3); or

(2) forward the prioritized list of infrastructure and technology improvement projects to the Administrator of General Services for implementation in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, including immediate security needs, changes in infrastructure in Mexico or Canada, or similar concerns, compellingly alter the need for a project in the United States.

SEC. 705. NATIONAL LAND BORDER SECURITY PLAN.—(a) REQUIREMENT FOR PLAN.—Not later than January 31 of every other year, the Secretary, acting through the Commissioner, shall prepare a National Land Border Security Plan and submit such plan to Congress.

(b) CONSULTATION.—In preparing the plan required under subsection (a), the Commissioner shall consult with other appropriate Federal

agencies, State and local law enforcement agencies, and private entities that are involved in international trade across the northern or southern border.

(c) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required under subsection (a) shall include a vulnerability, risk, and threat assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary, acting through the Commissioner, may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required under subsection (a).

(d) COORDINATION WITH THE SECURE BORDER INITIATIVE.—The plan required under subsection (a) shall include a description of activities undertaken during the previous year as part of the Secure Border Initiative and actions planned for the coming year as part of the Secure Border Initiative.

SEC. 706. EXPANSION OF COMMERCE SECURITY PROGRAMS.—(a) COMMERCE SECURITY PROGRAMS.—(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel needs, of the Customs-Trade Partnership Against Terrorism program or other voluntary programs involving government entities and the private sector to strengthen and improve the overall security of the international supply chain and security along the northern and southern border of the United States.

(2) SOUTHERN BORDER SUPPLY CHAIN SECURITY.—Not later than 1 year after the date of enactment of this Act, the Commissioner shall provide Congress with a plan to improve supply chain security along the southern border, including, where appropriate, plans to implement voluntary programs involving government entities and the private sector to strengthen and improve the overall security of the international supply chain that have been successfully implemented on the northern border.

SEC. 707. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM. (a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall carry out a technology demonstration program to test and evaluate new port of entry technologies, refine port of entry technologies and operational concepts, and train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTED.—Under the demonstration program, the Commissioner shall test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(2) FACILITIES DEVELOPED.—At a demonstration site selected pursuant to subsection (c)(3), the Commissioner shall develop any facilities needed to provide appropriate training to Federal law enforcement personnel who have responsibility for border security, including cross-training among agencies, advanced law enforcement training, and equipment orientation to the extent that such training is not being conducted at existing Federal facilities.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Commissioner shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) LOCATION.—Of the sites selected under subsection (c)—

(A) at least 1 shall be located on the northern border of the United States; and

(B) at least 1 shall be located on the southern border of the United States.

(3) SELECTION CRITERIA.—To ensure that 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, 1 port of entry selected as a demonstration site may—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion onto not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 12 months preceding the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary, acting through the Commissioner, shall permit personnel from appropriate Federal agencies to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report shall include an assessment by the Commissioner of the feasibility of incorporating any demonstrated technology for use throughout United States Customs and Border Protection.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS. (a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated such sums as may be necessary to carry out sections 703, 704, 705, 706, and 707 for fiscal years 2009 through 2013.

(b) INTERNATIONAL AGREEMENTS.—Funds authorized to be appropriated under this title may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this title.

DIVISION B—BORDER SECURITY

TITLE X—BORDER SECURITY REQUIREMENTS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Border Security First Act of 2007".

SEC. 1002. BORDER SECURITY REQUIREMENTS.

(a) REQUIREMENTS.—Not later than 2 years after the date of the enactment of this Act, the President shall ensure that the following are carried out:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol shall hire, train, and report for duty 23,000 full-time agents.

(3) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol shall—

(A) install along the international land border between the United States and Mexico at least—

(i) 300 miles of vehicle barriers;

(ii) 700 linear miles of fencing as required by the Secure Fence Act of 2006 (Public Law 109-367), as amended by this Act; and

(iii) 105 ground-based radar and camera towers; and

(B) deploy for use along the international land border between the United States and Mexico 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security shall detain all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement shall have the resources to maintain this practice, including the resources necessary to detain up to 45,000 aliens per day on an annual basis.

(b) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (4) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

SEC. 1003. APPROPRIATIONS FOR BORDER SECURITY.

There is hereby appropriated $3,000,000,000 to satisfy the requirements set out in section 1002(a) and, if any amount remains after satisfying such requirements, to achieve and maintain operational control over the international land and maritime borders of the United States, for employment eligibility verification improvements, for increased removal and detention of visa overstays, criminal aliens, aliens who have illegally reentered the United States, and for reimbursement of State and local section 287(g) expenses. These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2008".

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Title 46 App., Section 1295 b(h), of the U.S. Code, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Senator from Hawaii, Mr. INOUYE, ex officio as Chairman of the Committee on Commerce, Science, and Transportation; the Senator from New Jersey, Mr. LAUTENBERG, from the

Committee on Commerce, Science and Transportation; the Senator from Alaska, Mr. STEVENS, from the Committee on Commerce, Science and Transportation; and the Senator from South Carolina, Mr. GRAHAM, At Large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Senator from Mississippi, Mr. COCHRAN, from the Committee on Appropriations; the Senator from Maryland, Ms. MIKULSKI, from the Committee on Appropriations; the Senator from Arizona, Mr. MCCAIN, designated by the Chairman of the Committee on Armed Services; and the Senator from Maryland, Mr. CARDIN, At Large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy: the Senator from Texas, Mrs. HUTCHISON, from the Committee on Appropriations; the Senator from Louisiana, Ms. LANDRIEU, from the Committee on Appropriations; the Senator from Rhode Island, Mr. REED, Designated by the Chairman of the Committee on Armed Services; and the Senator from Maine, Ms. COLLINS, At Large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Senator from Utah, Mr. BENNETT, from the Committee on Appropriations; the Senator from Nebraska, Mr. NELSON, from the Committee on Appropriations; and the Senator from Colorado, Mr. ALLARD, At Large.

SAFETY OF SENIORS ACT OF 2007

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 99, S. 845.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A bill (S. 845) to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safety of Seniors Act of 2007".

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating section 393B (as added by section 1401 of Public Law 106–386) as section 393C and transferring such section so that it appears after section 393B (as added by section 1301 of Public Law 106–310); and

(2) by inserting after section 393C (as redesignated by paragraph (1)) the following:

"SEC. 393D. PREVENTION OF FALLS AMONG OLDER ADULTS.

"(a) PUBLIC EDUCATION.—The Secretary may—

"(1) oversee and support a national education campaign to be carried out by a nonprofit organization with experience in designing and implementing national injury prevention programs, that is directed principally to older adults, their families, and health care providers, and that focuses on reducing falls among older adults and preventing repeat falls; and

"(2) award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, for the purpose of organizing State-level coalitions of appropriate State and local agencies, safety, health, senior citizen, and other organizations to design and carry out local education campaigns, focusing on reducing falls among older adults and preventing repeat falls.

"(b) RESEARCH.—

"(1) IN GENERAL.—The Secretary may—

"(A) conduct and support research to—

"(i) improve the identification of older adults who have a high risk of falling;

"(ii) improve data collection and analysis to identify fall risk and protective factors;

"(iii) design, implement, and evaluate the most effective fall prevention interventions;

"(iv) improve strategies that are proven to be effective in reducing falls by tailoring these strategies to specific populations of older adults;

"(v) conduct research in order to maximize the dissemination of proven, effective fall prevention interventions;

"(vi) intensify proven interventions to prevent falls among older adults;

"(vii) improve the diagnosis, treatment, and rehabilitation of elderly fall victims and older adults at high risk for falls; and

"(viii) assess the risk of falls occurring in various settings;

"(B) conduct research concerning barriers to the adoption of proven interventions with respect to the prevention of falls among older adults;

"(C) conduct research to develop, implement, and evaluate the most effective approaches to reducing falls among high-risk older adults living in communities and long-term care and assisted living facilities; and

"(D) evaluate the effectiveness of community programs designed to prevent falls among older adults.

"(2) EDUCATIONAL SUPPORT.—The Secretary, either directly or through awarding grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, may provide professional education for physicians and allied health professionals, and aging service providers in fall prevention, evaluation, and management.

"(c) DEMONSTRATION PROJECTS.—The Secretary may carry out the following:

"(1) Oversee and support demonstration and research projects to be carried out by qualified organizations, institutions, or consortia of qualified organizations and institutions, in the following areas:

"(A) A multistate demonstration project assessing the utility of targeted fall risk screening and referral programs.

"(B) Programs designed for community-dwelling older adults that utilize multicomponent fall intervention approaches, including physical activity, medication assessment and reduction when possible, vision enhancement, and home modification strategies.

"(C) Programs that are targeted to new fall victims who are at a high risk for second falls and which are designed to maximize independence and quality of life for older adults, particularly those older adults with functional limitations.

"(D) Private sector and public-private partnerships to develop technologies to prevent falls among older adults and prevent or reduce injuries if falls occur.

"(2)(A) Award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, to design, implement, and evaluate fall prevention programs using proven intervention strategies in residential and institutional settings.

"(B) Award 1 or more grants, contracts, or cooperative agreements to 1 or more qualified organizations, institutions, or consortia of qualified organizations and institutions, in order to carry out a multistate demonstration project to implement and evaluate fall prevention programs using proven intervention strategies designed for single and multifamily residential settings with high concentrations of older adults, including—

"(i) identifying high-risk populations;

"(ii) evaluating residential facilities;

"(iii) conducting screening to identify high-risk individuals;

"(iv) providing fall assessment and risk reduction interventions and counseling;

"(v) coordinating services with health care and social service providers; and

"(vi) coordinating post-fall treatment and rehabilitation.

"(3) Award 1 or more grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, to conduct evaluations of the effectiveness of the demonstration projects described in this subsection.

"(d) STUDY OF EFFECTS OF FALLS ON HEALTH CARE COSTS.—

"(1) IN GENERAL.—The Secretary may conduct a review of the effects of falls on health care costs, the potential for reducing falls, and the most effective strategies for reducing health care costs associated with falls.

"(2) REPORT.—If the Secretary conducts the review under paragraph (1), the Secretary shall, not later than 36 months after the date of enactment of the Safety of Seniors Act of 2007, submit to Congress a report describing the findings of the Secretary in conducting such review.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 394A of the Public Health Service Act (42 U.S.C. 280b–3) is amended by striking "$50,000,000" and all that follows through the period and inserting "$58,361,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 and 2010.".

Mr. CASEY. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that any statements be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2622) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safety of Seniors Act of 2007".

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating section 393B (as added by section 1401 of Public Law 106-386) as section 393C and transferring such section so that it appears after section 393B (as added by section 1301 of Public Law 106-310); and

(2) by inserting after section 393C (as redesignated by paragraph (1)) the following:

"SEC. 393D. PREVENTION OF FALLS AMONG OLDER ADULTS.

"(a) PUBLIC EDUCATION.—The Secretary may—

"(1) oversee and support a national education campaign to be carried out by a nonprofit organization with experience in designing and implementing national injury prevention programs, that is directed principally to older adults, their families, and health care providers, and that focuses on reducing falls among older adults and preventing repeat falls; and

"(2) award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, for the purpose of organizing State-level coalitions of appropriate State and local agencies, safety, health, senior citizen, and other organizations to design and carry out local education campaigns, focusing on reducing falls among older adults and preventing repeat falls.

"(b) RESEARCH.—

"(1) IN GENERAL.—The Secretary may—

"(A) conduct and support research to—

"(i) improve the identification of older adults who have a high risk of falling;

"(ii) improve data collection and analysis to identify fall risk and protective factors;

"(iii) design, implement, and evaluate the most effective fall prevention interventions;

"(iv) improve strategies that are proven to be effective in reducing falls by tailoring these strategies to specific populations of older adults;

"(v) conduct research in order to maximize the dissemination of proven, effective fall prevention interventions;

"(vi) intensify proven interventions to prevent falls among older adults;

"(vii) improve the diagnosis, treatment, and rehabilitation of elderly fall victims and older adults at high risk for falls; and

"(viii) assess the risk of falls occurring in various settings;

"(B) conduct research concerning barriers to the adoption of proven interventions with respect to the prevention of falls among older adults;

"(C) conduct research to develop, implement, and evaluate the most effective approaches to reducing falls among high-risk older adults living in communities and long-term care and assisted living facilities; and

"(D) evaluate the effectiveness of community programs designed to prevent falls among older adults.

"(2) EDUCATIONAL SUPPORT.—The Secretary, either directly or through awarding grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, may provide professional education for physicians and allied health professionals, and aging service providers in fall prevention, evaluation, and management.

"(c) DEMONSTRATION PROJECTS.—The Secretary may carry out the following:

"(1) Oversee and support demonstration and research projects to be carried out by qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, in the following areas:

"(A) A multistate demonstration project assessing the utility of targeted fall risk screening and referral programs.

"(B) Programs designed for community-dwelling older adults that utilize multi-component fall intervention approaches, including physical activity, medication assessment and reduction when possible, vision enhancement, and home modification strategies.

"(C) Programs that are targeted to new fall victims who are at a high risk for second falls and which are designed to maximize independence and quality of life for older adults, particularly those older adults with functional limitations.

"(D) Private sector and public-private partnerships to develop technologies to prevent falls among older adults and prevent or reduce injuries if falls occur.

"(2)(A) Award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, to design, implement, and evaluate fall prevention programs using proven intervention strategies in residential and institutional settings.

"(B) Award 1 or more grants, contracts, or cooperative agreements to 1 or more qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, in order to carry out a multistate demonstration project to implement and evaluate fall prevention programs using proven intervention strategies designed for single and multifamily residential settings with high concentrations of older adults, including—

"(i) identifying high-risk populations;

"(ii) evaluating residential facilities;

"(iii) conducting screening to identify high-risk individuals;

"(iv) providing fall assessment and risk reduction interventions and counseling;

"(v) coordinating services with health care and social service providers; and

"(vi) coordinating post-fall treatment and rehabilitation.

"(3) Award 1 or more grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, to conduct evaluations of the effectiveness of the demonstration projects described in this subsection.

"(d) PRIORITY.—In awarding grants, contracts, or cooperative agreements under this section, the Secretary may give priority to entities that explore the use of cost-sharing with respect to activities funded under the grant, contract, or agreement to ensure the institutional commitment of the recipients of such assistance to the projects funded under the grant, contract, or agreement. Such non-Federal cost sharing contributions may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"(e) STUDY OF EFFECTS OF FALLS ON HEALTH CARE COSTS.—

"(1) IN GENERAL.—The Secretary may conduct a review of the effects of falls on health care costs, the potential for reducing falls, and the most effective strategies for reducing health care costs associated with falls.

"(2) REPORT.—If the Secretary conducts the review under paragraph (1), the Secretary shall, not later than 36 months after the date of enactment of the Safety of Seniors Act of 2007, submit to Congress a report describing the findings of the Secretary in conducting such review.".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 845), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL PERIPHERAL ARTERIAL DISEASE AWARENESS MONTH

Mr. CASEY. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 221, and that then the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 221) supporting National Peripheral Arterial Disease Awareness Month and efforts to educate people about peripheral arterial disease.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table en bloc; that any statements be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res 221) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 221

Whereas peripheral arterial disease is a vascular disease that occurs when narrowed arteries reduce blood flow to the limbs;

Whereas peripheral arterial disease is a significant vascular disease that can be as serious as a heart attack or stroke;

Whereas peripheral arterial disease affects approximately 8,000,000 to 12,000,000 Americans;

Whereas 1 in 5 patients with peripheral arterial disease will experience cardiovascular death, heart attack, stroke, or hospitalization within 1 year;

Whereas the survival rate for individuals with peripheral arterial disease is worse than the outcome for many common cancers;

Whereas peripheral arterial disease is a leading cause of lower limb amputation in the United States;

Whereas many patients with peripheral arterial disease have walking impairment that leads to a diminished quality of life and functional capacity;

Whereas a majority of patients with peripheral arterial disease are asymptomatic and less than half of individuals with peripheral arterial disease are aware of their diagnoses;

Whereas African-American ethnicity is a strong and independent risk factor for peripheral arterial disease, and yet this fact is not well known to those at risk;

Whereas effective treatments are available for people with peripheral arterial disease to reduce heart attacks, strokes, and amputations and to improve quality of life;

Whereas many patients with peripheral arterial disease are still untreated with proven therapies;

Whereas there is a need for comprehensive educational efforts designed to increase awareness of peripheral arterial disease among medical professionals and the greater public in order to promote early detection and proper treatment of this disease to improve quality of life, prevent heart attacks and strokes, and save lives and limbs; and

Whereas September 2007 is an appropriate month to observe National Peripheral Arterial Disease Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports National Peripheral Arterial Disease Awareness Month and efforts to educate people about peripheral arterial disease;

(2) acknowledges the critical importance of peripheral arterial disease awareness to improve national cardiovascular health;

(3) supports raising awareness of the consequences of undiagnosed and untreated peripheral arterial disease and the need to seek appropriate care as a serious public health issue; and

(4) calls upon the people of the United States to observe the month with appropriate programs and activities.

HONORING THE LIFE OF BILL WALSH

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 290, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

Honoring the life and career of former San Francisco 49ers Head Coach Bill Walsh.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, yesterday we lost a man who was the heart and soul of the great San Francisco 49er teams of the 1980s. Bill Walsh was a great coach and a fine friend.

I rise today with Senator BOXER to introduce a resolution to honor the life and career of a pioneer in the field of football, a true leader and teacher, and a dedicated husband, father and friend.

He touched so many in the bay area. He led the 49ers to three Super Bowls. And he gave this city a shot in the arm in some of its darkest hours.

I became mayor in 1978. Bill Walsh became head coach in 1979, after honing his skills at Stanford.

Many forget that the 49ers before Bill Walsh were an unremarkable team. They hadn't made the playoffs in years. The team was filled with journeymen.

San Francisco was a baseball town, and football played second fiddle.

But just 2 years later in the 1981 season Bill Walsh led the 49ers on an improbable run to a Super Bowl victory.

Led by a quarterback named Montana, these 49ers played an exciting new brand of football.

Only later would we discover that Bill Walsh had revolutionized the game—he transformed smash-mouth football into the elegant "West Coast Offense."

And this team became the stuff of legends. The players became household names. Montana. Rice. Lott. Clark. Young.

Even the plays became mythical. Who can forget "The Catch"?

And Cinderella became a powerhouse and a powerhouse became a dynasty.

I look back on that time with great fondness.

One of the photos that I treasure most is in my home in Washington.

It was the parade after the first Super Bowl victory. Bill and Eddie DeBartolo and I were sitting on the rim of a car. We were worried that no one would show up. Some said that San Francisco doesn't do parades.

And then we turned down Market Street. And there were a million plus San Franciscans lining the streets.

I will never forget that moment.

Bill Walsh meant so much to this city.

He made the 49ers great at a point when the city needed it most.

The city was fragmented and divided in the early 1980s. Mayor George Moscone had been assassinated a few years earlier. There were riots. And there was little to bring us together.

But on Sundays, the differences melted away. The tensions diminished. The anxieties subsided.

There was nothing like Montana to Rice for an 80-yard touchdown. Nothing like a victory over the Los Angeles Rams. Nothing like a Super Bowl championship.

And on Mondays, after a victory, you would see a changed city. A little bit nicer, a little less mean.

So Bill Walsh brought this city together in ways that he, nor I, would ever really understand.

Football became the glue to bind this city together.

And during the 10 years I came to know Bill, I came to admire him, respect him, and love him.

And he made me, like so many others, a 49ers fan for life.

Bill Walsh, though, was more than a coach.

He was a leader. A mentor. A friend.

He didn't just revolutionize how football is played, but how it is coached and taught.

He believed, as I do, that the devil is in the details. And that you have to practice right to play right. He was the first to script the first 15 plays in a game.

And he didn't just coach men. He shaped them into good football players and good citizens.

His greatest skill may have been as a scout, identifying raw talent and sculpting it into masterpieces.

They said that Joe Montana didn't have a strong enough arm, that Jerry Rice wasn't fast enough, that Steve Young wasn't disciplined enough.

But Bill saw what other people missed. He saw the intangibles. He saw leadership. And work ethic. And character.

And there is no one who wouldn't want a Bill Walsh-coached player on their team.

Bill was a mentor as well. He wanted his players and coaches to fulfill their potential more than anyone. He encouraged them to spread their wings and go out on their own.

And you can see the results, more than half the coaches in the league have been in some way touched by Bill Walsh—either directly like Seattle Seahawk's Coach Mike Holmgren or Indianapolis Colts' Coach Tony Dungy or indirectly, by the second and third generation coaches who may not have coached or played under Bill, but are teaching his offense nonetheless.

But I think what we will miss most is not Bill Walsh the coach, but Bill Walsh the person.

He was decent, and good, and kind.

Sure, he was tough. In football, just as in public life, you have to be.

But he was fair. He expected his players and coaches to spend the time and effort it takes to be great. But he did not expect anything from them that he was not prepared to give himself.

Bill once said, "Playing to one's full potential is the only purpose of playing at all."

The good news is that Bill fulfilled his purpose. He played to his full potential in everything he did.

I know I speak for all San Francisco when I say that this is a sad day. He will truly be missed.

Bill Walsh may have been called a "Genius" when it comes to football, but his legacy goes well beyond the Xs and Os.

He touched this city, and we owe him a debt that can never be repaid.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table; that any statements be printed in the RECORD, as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res 290) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 290

Whereas William Ernest Walsh was born on November 30, 1931, in Fremont, California;

Whereas Bill Walsh graduated from San Jose State University in 1955 where he was a successful amateur boxer and wide receiver;

Whereas, in 1955, he married Geri Nadini, with whom he had 3 children: Steve, Craig, and Elizabeth;

Whereas Bill Walsh began his coaching career at Washington High School in Fremont, California, and later served as an assistant coach at the University of California at Berkeley and Stanford University;

Whereas Bill Walsh served as an assistant coach with the Oakland Raiders in 1966, with the Cincinnati Bengals from 1968 to 1975, and with the San Diego Chargers in 1976;

Whereas Bill Walsh served as head coach of Stanford University from 1977 to 1978 and again from 1992 to 1994, winning the Sun Bowl in 1977, the Bluebonnet Bowl in 1978, and the Blockbuster Bowl in 1992;

Whereas Bill Walsh became Head Coach of the San Francisco 49ers in 1979 and served in that position for 10 years, winning 6 Western Division titles and 3 National Football Conference Championships;

Whereas Bill Walsh led the 49ers to 3 Super Bowl wins in the 1980s: Super Bowl XVI, Super Bowl XIX, and Super Bowl XXIII;

Whereas Bill Walsh was the Associated Press and United Press International Coach of the Year in 1981;

Whereas Bill Walsh ended his professional coaching career with a record of 102 wins, 63 losses, and 1 tie;

Whereas Bill Walsh was elected to the Pro Football Hall of Fame in 1993;

Whereas Bill Walsh developed the innovative "West Coast Offense", which became widely used by many National Football League (NFL) teams;

Whereas Bill Walsh drafted and developed a countless number of NFL greats such as Joe Montana, Ronnie Lott, Dwight Clark, Steve Young, and Jerry Rice;

Whereas 14 of the NFL's 32 head coaches have some connection to Bill Walsh;

Whereas Bill Walsh developed the Minority Coaching Fellowship program to help African American coaches find jobs in the NFL and Division I college football;

Whereas Bill Walsh and the 49ers brought the people of San Francisco together following some of the most difficult times in the City's history and gave them much pride, joy, and excitement; and

Whereas Bill Walsh embodied the qualities of hard work, tenacity, dedication, attention to detail, respect, teamwork, and living up to one's potential: Now, therefore, be it

Resolved, That the Senate honors the life of William Ernest Walsh, a pioneer in the field of football, a true leader and teacher, and a dedicated husband, father, and friend.

NATIONALLY HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 291 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 291) designating the week beginning September 9, 2007, as "National Historically Black Colleges and Universities Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 291) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 291

Whereas there are 103 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, that the Senate—

(1) designates the week beginning September 9, 2007, as "National Historically Black Colleges and Universities Week"; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

MEASURE READ THE FIRST TIME—H.R. 2831

Mr. CASEY. Mr. President, I understand that H.R. 2831 has been received from the House and is at the desk.

The PRESIDING OFFICER. That is correct.

Mr. CASEY. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

Mr. CASEY. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

ORDER FOR FIRST READING OF FISA LEGISLATION

Mr. CASEY. Mr. President, I ask unanimous consent that when the majority leader or his designee introduces FISA legislation on August 2, they be considered as having received their first reading on the legislative day of August 1, 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 162, 230, 231, 243, 244, 250, 251, 252, 253, 254, 257 through 272, and all nominations placed on the Secretary's desk; further, that the Senate Foreign Relations Committee be discharged from the following nominations: PN 579, Eric G. John to be Ambassador to Thailand, and PN 604, Michael Michalak to be Ambassador to Vietnam; that the Agriculture Committee be discharged from the following nominations: PN 479, Jill Sommers, and PN 480, Bartholomew Chilton, to be Commissioners of the Commodity Futures Trading Commission; that the nominations be confirmed, the motions to reconsider be laid upon the table, that any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF ENERGY

Thomas P. D'Agostino, of Maryland, to be Under Secretary for Nuclear Security, Department of Energy.

EXPORT-IMPORT BANK OF THE UNITED STATES

Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2011. (Reappointment).

Diane G. Farrell, of Connecticut, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2011.

DEPARTMENT OF JUSTICE

Joe W. Stecher, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

DEPARTMENT OF VETERANS AFFAIRS

Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).

NATIONAL BOARD FOR EDUCATION SCIENCES

David C. Geary, of Missouri, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2010.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Miguel Campaneria, of Puerto Rico, to be a Member of the National Council on the Arts for a term expiring September 3, 2012.

DEPARTMENT OF EDUCATION

Diane Auer Jones, of Maryland, to be Assistant Secretary for Postsecondary Education, Department of Education.

DEPARTMENT OF THE TREASURY

Peter B. McCarthy, of Wisconsin, to be an Assistant Secretary of the Treasury.

David H. McCormick, of Pennsylvania, to be an Under Secretary of the Treasury.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Daniel J. Darnell, 0600

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Lyn D. Sherlock, 8452

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Donald C. Wurster, 1815

The following named officer for appointment as the Vice Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8034 and 601:

To be general

Gen. Duncan J. McNabb, 2295

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Arthur J. Lichte, 5483

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. John D. W. Corley, 9553

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Frank G. Klotz, 6089

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Robert R. Allardice, 0051
Brigadier General Herbert J. Carlisle, 9032
Brigadier General William A. Chambers, 4404
Brigadier General Kathleen D. Close, 0404
Brigadier General Charles R. Davis, 8766
Brigadier General Jack B. Egginton, 1743
Brigadier General David W. Eidsaune, 1271
Brigadier General Alfred K. Flowers, 6659
Brigadier General Maurice H. Forsyth, 5072
Brigadier General Marke F. Gibson, 9313
Brigadier General Patrick D. Gillett, Jr., 1889
Brigadier General Frank Gorenc, 1011
Brigadier General James P. Hunt, 1379
Brigadier General Larry D. James, 8187
Brigadier General William N. McCasland, 7469
Brigadier General Kay C. McClain, 8464
Brigadier General Robert H. McMahon, 9824
Brigadier General William J. Rew, 8665
Brigadier General Kip L. Self, 6874
Brigadier General Larry O. Spencer, 6720
Brigadier General Robert P. Steel, 8263
Brigadier General James A. Whitmore, 0618
Brigadier General Bobby J. Wilkes, 4523
Brigadier General Robert M. Worley, II, 4398

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Bradly S. MacNealy, 4551

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Michael J. Trombetta, 2104

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Charles A. Anderson, 4562
Brigadier General Kevin J. Bergner, 6581
Brigadier General Daniel P. Bolger, 5269
Brigadier General James E. Chambers, 2025
Brigadier General Bernard S. Champoux, 8048
Brigadier General Robert W. Cone, 7395
Brigadier General Anthony A. Cucolo, III, 7278
Brigadier General Yves J. Fontaine, 2513
Brigadier General Mark A. Graham, 0072
Brigadier General David D. Halverson, 1089
Brigadier General Michael D. Jones, 8227
Brigadier General Purl K. Keen, 3412
Brigadier General David B. Lacquement, 3241
Brigadier General Raymond V. Mason, 6999
Brigadier General John F. Mulholland, Jr.,
Brigadier General Theodore C. Nicholas, 4035
Brigadier General Patrick J. O'Reilly, 7262
Brigadier General John E. Sterling, Jr., 4109
Brigadier General Randolph P. Strong, 2219
Brigadier General Merdith W. B. Temple, 2899
Brigadier General William J. Troy, 4572
Brigadier General Peter M. Vangjel, 6018
Brigadier General Dennis L. Via, 0020

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Victor G. Guillory, 1980

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. David J. Mercer, 7160

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. David Architzel, 0741

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. John D. Stufflebeem, 4012

The following named officer for appointment as Chief of the Bureau of Medicine and Surgery and Surgeon General and for appointment to the grade indicated under title 10, D.S.C., sections 601 and 5137:

To be vice admiral

Rear Adm. (Selectee) Adam M. Robinson, Jr.,

NOMINATIONS PLACED ON THE SCRETARY'S DESK

IN THE AIR FORCE

PN368 AIR FORCE nominations (27) beginning MARIA M. ALSINA, and ending LE THI ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN741 AIR FORCE nomination of Jonathan L. Huggins, which was received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN742 AIR FORCE nomination of Nelson L. Reynolds, which was received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN743 AIR FORCE nomination of Bryan M. Boyles, which was received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN744 AIR FORCE nomination of Michael S. Agabegi, which was received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN745 AIR FORCE nomination of Freddie M. Goldwire, which was received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN746 AIR FORCE nominations (4) beginning VAL C. HAGANS, and ending RUJING HAN, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN747 AIR FORCE nominations (3) beginning KENT S. THOMPSON, and ending JAVIER SANTIAGO, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN748 AIR FORCE nominations (4) beginning THOMAS S. BUTLER, and ending ADAM W. SCHNICKER, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2007.

IN THE ARMY

PN628 ARMY nominations (32) beginning JAMES E. CARAWAY JR., and ending WILLIAM S. WEICHL, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN749 ARMY nomination of Stephen T. Sauter, which was received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN750 ARMY nomination of Terry D. Bonner, which was received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN751 ARMY nomination of Mark Trawinski, which was received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN752 ARMY nomination of Francisco C. Dominicci, which was received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN753 ARMY nomination of Joseph E. Jones, which was received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN754 ARMY nomination of Colin S. McKenzie, which was received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN755 ARMY nominations (2) beginning LOZAY FOOTS, and ending JOSEPH L. KARHAN, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN756 ARMY nominations (2) beginning LOUIS R. KUBALA, and ending THOMAS K. SPEARS, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN757 ARMY nominations (2) beginning WILLIAM A. MCNAUGHTON, and ending MICHAEL B. VITT, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN758 ARMY nominations (3) beginning JAMES E. COLE, and ending MICHAEL F. TRAVER, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN759 ARMY nominations (2) beginning DANIEL L. DUECKER, and ending DOUGLAS L. WEEKS, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN760 ARMY nominations (44) beginning JOSEPH A. BERNIERRODRIGUEZ, and ending EDWARD M. WISE JR., which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN770 ARMY nominations (342) beginning MAZEN ABBAS, and ending TAMATHA F. ZEMZARS, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 2007.

IN THE NAVY

PN567 NAVY nominations (206) beginning NICHOLAS J. ALAGA JR., and ending MARK H. ZUHONE, which nominations were received by the Senate and appeared in the Congressional Record of May 15, 2007.

PN702 NAVY nomination of PETER J. OLDMIXON, which was received by the Senate and appeared in the Congressional Record of June 28, 2007.

PN703 NAVY nominations (43) beginning DAN L. AMMONS, and ending ROBERT D. WOODS, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2007.

PN704 NAVY nominations (19) beginning GILBERT AYAN, and ending COLIN D. XANDER, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2007.

PN705 NAVY nominations (16) beginning SIMONIA R. BLASSINGAME, and ending JASON L. WEBB, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2007.

PN706 NAVY nominations (20) beginning JEFFREY A. BAYLESS, and ending WARREN YU, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2007.

PN707 NAVY nominations (26) beginning CHRIS D. AGAR, and ending TYRONE L. WARD, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2007.

PN708 NAVY nominations (27) beginning PAUL B. ANDERSON, and ending DARREN S. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2007.

PN709 NAVY nominations (5) beginning CHRISTINA S. HAGEN, and ending RON A. STEINER, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2007.

PN710 NAVY nominations (14) beginning CHRISTOPHER J. ARENDS, and ending KEITH E. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2007.

PN711 NAVY nominations (10) beginning SARAH A. DACHOS, and ending CLAY G. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2007.

PN712 NAVY nomination (26) beginning BENITO E. BAYLOSIS, and ending JON E. WITHEE, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2007.

PN713 NAVY nominations (18) beginning DOUGLAS S. BELVIN, and ending KYLE T. TURCO, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2007.

PN714 NAVY nominations (9) beginning FITZGERALD BRITTON, and ending JOHN F. ZREMBSKI, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2007.

PN715 NAVY nominations (56) beginning WILLIAM L. ABBOTT, and ending ALLEN W. WOOTEN, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2007.

PN716 NAVY nominations (538) beginning KEVIN T. AANESTAD, and ending WILLIAM A. ZIEGLER, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2007.

PN761 NAVY nomination of BRUCE S. LAVIN, which was received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN762 NAVY nominations (2) beginning CHRISTOPHER R. DAVIS, and ending ALAN J. FERGUSON, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN763 NAVY nominations (3) beginning ROBERT D. CLERY, and ending GARFIELD M. SICARD, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2007.

PN771 NAVY nominations (56) beginning MICHAEL J. ALLANSON, and ending JANINE Y. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 2007.

PN772 NAVY nominations (36) beginning MARIA L. AGUAYO, and ending STEVEN T. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 2007.

PN773 NAVY nominations (27) beginning ANTONY BERCHMANZ, and ending GLEN WOOD, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 2007.

PN774 NAVY nominations (58) beginning ERIC J. BACH, and ending WILLIAM B. ZABICKI JR., which nominations were received by the Senate and appeared in the Congressional Record of July 17, 2007.

PN775 NAVY nominations (116) beginning ELIZABETH M. ADRIANO, and ending SCOT A. YOUNGBLOOD, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 2007.

DEPARTMENT OF STATE

Eric G. John, of Indiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

Michael W. Michalak, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of Vietnam.

COMMODITY FUTURES TRADING COMMISSION

Jill E. Sommers, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2009, vice Sharon Brown-Hruska, resigned.

Bartholomew H. Chilton, of Delaware, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2008, vice Frederick William Hatfield, resigned.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR THURSDAY, AUGUST 2, 2007

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, August 2; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of the House message on S. 1, and there be 2 hours of debate prior to a cloture vote on the motion to concur, with the time equally divided and controlled between the two leaders or their designees; that the two leaders be permitted to use their leader time at the expiration of the 2 hours, with the majority leader speaking immediately prior to the cloture vote; that upon the use of all of the time noted here, the Senate proceed to vote on the motion to invoke cloture; that the mandatory quorums be waived with respect to the cloture motions filed today; further that upon disposition of the message on S. 1, the Senate resume consideration of H.R. 976.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:39 p.m., adjourned until Thursday, August 2, 2007, at 9:30 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

ERIC G. JOHN, OF INDIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

MICHAEL W. MICHALAK, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOCIALIST REPUBLIC OF VIETNAM.

THE SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY WAS DISCHARGED FROM FURTHER CONSIDERATION OF THE FOLLOWING NOMINATIONS AND THE NOMINATIONS WERE CONFIRMED:

JILL E. SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2009.

BARTHOLOMEW H. CHILTON, OF DELAWARE, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2008.

CONFIRMATIONS

Executive Nominations confirmed by the Senate Wednesday, August 1, 2007:

DEPARTMENT OF ENERGY

THOMAS P. D'AGOSTINO, OF MARYLAND, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY.

EXPORT-IMPORT BANK OF THE UNITED STATES

BIJAN RAFIEKIAN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2011.

DIANE G. FARRELL, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2011.

DEPARTMENT OF VETERANS AFFAIRS

CHARLES L. HOPKINS, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (OPERATIONS, PREPAREDNESS, SECURITY AND LAW ENFORCEMENT).

NATIONAL BOARD FOR EDUCATION SCIENCES

DAVID C. GEARY, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2010.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MIGUEL CAMPANERIA, OF PUERTO RICO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012

DEPARTMENT OF EDUCATION

DIANE AUER JONES, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

DEPARTMENT OF THE TREASURY

PETER B. MCCARTHY, OF WISCONSIN, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DAVID H. MCCORMICK, OF PENNSYLVANIA, TO BE AN UNDER SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

COMMODITY FUTURES TRADING COMMISSION

JILL E. SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2009.

BARTHOLOMEW H. CHILTON, OF DELAWARE, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2008.

DEPARTMENT OF STATE

ERIC G. JOHN, OF INDIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

MICHAEL W. MICHALAK, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOCIALIST REPUBLIC OF VIETNAM.

DEPARTMENT OF JUSTICE

JOE W. STECHER, OF NEBRASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DANIEL J. DARNELL, 0600

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. LYN D. SHERLOCK, 8452

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD C. WURSTER, 1815

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8034 AND 601:

To be general

GEN. DUNCAN J. MCNABB, 2295

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. ARTHUR J. LICHTE, 5483

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JOHN D. W. CORLEY, 9553

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANK G. KLOTZ, 6089

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL ROBERT R. ALLARDICE, 0051
BRIGADIER GENERAL HERBERT J. CARLISLE, 9032
BRIGADIER GENERAL WILLIAM A. CHAMBERS, 4404
BRIGADIER GENERAL KATHLEEN D. CLOSE, 0404
BRIGADIER GENERAL CHARLES R. DAVIS, 8766
BRIGADIER GENERAL JACK B. EGGINTON, 1743
BRIGADIER GENERAL DAVID W. EIDSAUNE, 1271
BRIGADIER GENERAL ALFRED K. FLOWERS, 6659
BRIGADIER GENERAL MAURICE H. FORSYTH, 5072
BRIGADIER GENERAL MARKE F. GIBSON, 9313
BRIGADIER GENERAL PATRICK D. GILLETT, JR., 1889
BRIGADIER GENERAL FRANK GORENC, 1011
BRIGADIER GENERAL JAMES P. HUNT, 1379
BRIGADIER GENERAL LARRY D. JAMES, 8187
BRIGADIER GENERAL WILLIAM N. MCCASLAND, 7469
BRIGADIER GENERAL KAY C. MCCLAIN, 8464
BRIGADIER GENERAL ROBERT H. MCMAHON, 9824
BRIGADIER GENERAL WILLIAM J. REW, 8665
BRIGADIER GENERAL KIP L. SELF, 6874
BRIGADIER GENERAL LARRY O. SPENCER, 6720
BRIGADIER GENERAL ROBERT P. STEEL, 8263
BRIGADIER GENERAL JAMES A. WHITMORE, 0618
BRIGADIER GENERAL BOBBY J. WILKES, 4523
BRIGADIER GENERAL ROBERT M. WORLEY II, 4398

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRADLY S. MACNEALY, 4551

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL J. TROMBETTA, 2104

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL CHARLES A. ANDERSON, 4562
BRIGADIER GENERAL KEVIN J. BERGNER, 6581
BRIGADIER GENERAL DANIEL P. BOLGER, 5269
BRIGADIER GENERAL JAMES E. CHAMBERS, 2025
BRIGADIER GENERAL BERNARD S. CHAMPOUX, 9048
BRIGADIER GENERAL ROBERT W. CONE, 7395
BRIGADIER GENERAL ANTHONY A. CUCOLO III, 7278
BRIGADIER GENERAL YVES J. FONTAINE, 2513
BRIGADIER GENERAL MARK A. GRAHAM, 0072
BRIGADIER GENERAL DAVID D. HALVERSON, 1089
BRIGADIER GENERAL MICHAEL D. JONES, 8227
BRIGADIER GENERAL PURL K. KEEN, 3412
BRIGADIER GENERAL DAVID B. LACQUEMENT, 3241
BRIGADIER GENERAL RAYMOND V. MASON, 6909
BRIGADIER GENERAL JOHN F. MULHOLLAND, JR., 5963
BRIGADIER GENERAL THEODORE C. NICHOLAS, 4035
BRIGADIER GENERAL PATRICK J. O'REILLY, 7262
BRIGADIER GENERAL JOHN E. STERLING, JR., 4109
BRIGADIER GENERAL RANDOLPH P. STRONG, 2219
BRIGADIER GENERAL MERDITH W. B. TEMPLE, 2899
BRIGADIER GENERAL WILLIAM J. TROY, 4572
BRIGADIER GENERAL PETER M. VANGJEL, 6018
BRIGADIER GENERAL DENNIS L. VIA, 0020

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) VICTOR G. GUILLORY, 1980

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID J. MERCER, 7160

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID ARCHITZEL, 0741

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JOHN D. STUFFLEBEEM, 4012

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5137:

To be vice admiral

REAR ADM. (SELECTEE) ADAM M. ROBINSON, JR., 9660

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH MARIA M. ALSINA AND ENDING WITH LE THI ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

AIR FORCE NOMINATION OF JONATHAN L. HUGGINS, 8049, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF NELSON L. REYNOLDS, 6465, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF BRYAN M. BOYLES, 7840, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF MICHAEL S. AGABEGI, 3057, TO BE MAJOR.

AIR FORCE NOMINATION OF FREDDIE M. GOLDWIRE, 9686, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH VAL C. HAGANS AND ENDING WITH RUJING HAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH KENT S. THOMPSON AND ENDING WITH JAVIER SANTIAGO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS S. BUTLER AND ENDING WITH ADAM W. SCHNICKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2007.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH JAMES E. CARAWAY, JR. AND ENDING WITH WILLIAM S. WEICHL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

ARMY NOMINATION OF STEPHEN T. SAUTER, 3267, TO BE COLONEL.

ARMY NOMINATION OF TERRY D. BONNER, 7657, TO BE COLONEL.

ARMY NOMINATION OF MARK TRAWINSKI, 3185, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF FRANCISCO C. DOMINICCI, 5062, TO BE MAJOR.

ARMY NOMINATION OF JOSEPH E. JONES, 2493, TO BE MAJOR.

ARMY NOMINATION OF COLIN S. MCKENZIE, 0759, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH LOZAY FOOTS AND ENDING WITH JOSEPH L. KARHAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2007.

ARMY NOMINATIONS BEGINNING WITH LOUIS R. KUBALA AND ENDING WITH THOMAS K. SPEARS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2007.

ARMY NOMINATIONS BEGINNING WITH WILLIAM A. MCNAUGHTON AND ENDING WITH MICHAEL B. VITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2007.

ARMY NOMINATIONS BEGINNING WITH JAMES E. COLE AND ENDING WITH MICHAEL F. TRAVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2007.

ARMY NOMINATIONS BEGINNING WITH DANIEL L. DUECKER AND ENDING WITH DOUGLAS L. WEEKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2007.

ARMY NOMINATIONS BEGINNING WITH JOSEPH A. BERNIERRODRIGUEZ AND ENDING WITH EDWARD M. WISE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2007.

ARMY NOMINATIONS BEGINNING WITH MAZEN ABBAS AND ENDING WITH TAMATHA F. ZEMZARS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 17, 2007.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH NICHOLAS J. ALAGA, JR. AND ENDING WITH MARK H. ZUHONE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 15, 2007.

NAVY NOMINATION OF PETER J. OLDMIXON, 3125, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH DAN L. AMMONS AND ENDING WITH ROBERT D. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2007.

NAVY NOMINATIONS BEGINNING WITH GILBERT AYAN AND ENDING WITH COLIN D. XANDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2007.

NAVY NOMINATIONS BEGINNING WITH SIMONIA R. BLASSINGAME AND ENDING WITH JASON L. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2007.

NAVY NOMINATIONS BEGINNING WITH JEFFREY A. BAYLESS AND ENDING WITH WARREN YU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2007.

NAVY NOMINATIONS BEGINNING WITH CHRIS D. AGAR AND ENDING WITH TYRONE L. WARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2007.

NAVY NOMINATIONS BEGINNING WITH PAUL B. ANDERSON AND ENDING WITH DARREN S. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2007.

NAVY NOMINATIONS BEGINNING WITH CHRISTINA S. HAGEN AND ENDING WITH RON A. STEINER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2007.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER J. ARENDS AND ENDING WITH KEITH E. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2007.

NAVY NOMINATIONS BEGINNING WITH SARAH A. DACHOS AND ENDING WITH CLAY G. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2007.

NAVY NOMINATIONS BEGINNING WITH BENITO E. BAYLOSIS AND ENDING WITH JON E. WITHEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2007.

NAVY NOMINATIONS BEGINNING WITH DOUGLAS S. BELVIN AND ENDING WITH KYLE T. TURCO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2007.

NAVY NOMINATIONS BEGINNING WITH FITZGERALD BRITTON AND ENDING WITH JOHN F. ZREMBSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2007.

NAVY NOMINATIONS BEGINNING WITH WILLIAM L. ABBOTT AND ENDING WITH ALLEN W. WOOTEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2007.

NAVY NOMINATIONS BEGINNING WITH KEVIN T. AANESTAD AND ENDING WITH WILLIAM A. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2007.

NAVY NOMINATION OF BRUCE S. LAVIN, 5061, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER R. DAVIS AND ENDING WITH ALAN J. FERGUSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2007.

NAVY NOMINATIONS BEGINNING WITH ROBERT D. CLERY AND ENDING WITH GARFIELD M. SICARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2007.

NAVY NOMINATIONS BEGINNING WITH MICHAEL J. ALLANSON AND ENDING WITH JANINE Y. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 17, 2007.

NAVY NOMINATIONS BEGINNING WITH MARIA L. AGUAYO AND ENDING WITH STEVEN T. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 17, 2007.

NAVY NOMINATIONS BEGINNING WITH ANTONY BERCHMANZ AND ENDING WITH GLEN WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 17, 2007.

NAVY NOMINATIONS BEGINNING WITH ERIC J. BACH AND ENDING WITH WILLIAM B. ZABICKI, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 17, 2007.

NAVY NOMINATIONS BEGINNING WITH ELIZABETH M. ADRIANO AND ENDING WITH SCOT A. YOUNGBLOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 17, 2007.

HOUSE OF REPRESENTATIVES—*Wednesday, August 1, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 1, 2007.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

From the darkness of the night, the light of a new day emerges gradually, filled with promise. Shed Your light upon Congress, Lord, that its work of unifying this Nation in defense and in leadership may be blessed with solidarity and peace.

May sincere faith and faithfulness to responsibilities demonstrate the Word of the Lord is alive and at work in our midst. It strikes at the very heart and pierces more deftly than any two-edged sword, revealing the truth that will set people free, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. POE. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. WALBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. WALBERG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3206. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 15, 2007, and for other purposes.

The message also announced that the Senate has passed joint resolutions and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S.J. Res. 7. Joint resolution providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 8. Joint resolution providing for the reappointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution.

S. Con. Res. 26. Concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches.

THE TRUTH ABOUT THE HATE CRIMES BILL

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, some time ago this House passed the Hate Crime Bill, and I was one of the sponsors and one of the supporters. Since that time, there has been a group of right-winged evangelical Republicans, national in scale, who have tried to influence preachers in my district, particularly African American preachers, and make them think that that bill will somehow quell their first amendment rights to speak what they think about the Bible and about people's conduct. That's not true whatsoever. That bill contained in it an amendment by ARTUR DAVIS that said this in no way affects anybody's first amendment right, and it doesn't. That Hate Crime Bill affects acts of violence, not acts of thought or speech; never has in this country's history and never will.

There are the Ten Commandments that we have and we've honored for many years, and one of the Commandments is, "Thou shalt not bear false witness." Well, in Memphis, Tennessee, that group has borne false witness in trying to question the Hate Crimes Bill and the votes of the Members of this House and, hopefully, the Senate when they pass that bill. It only affects violence, and violence aimed at any group is wrong. And if it's aimed at a group to intimidate, it's even more wrong.

IMPROVED CARE FOR WOUNDED

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, yesterday, the final report from the President's bipartisan Commission on Care for America's Returning Wounded Warriors was released. The main goal for the Commission is to assure that every member of our Armed Forces receives the prompt, exceptional care most are already receiving. Included in these recommendations were prevention and treatment of posttraumatic distress disorder and strengthening VA support for families of the wounded. In addition, a single point of contact for patients and families is crucial so the way toward recovery is simplified.

We are striving to ensure that our brave men and women returning from battle are given the best treatment possible. Commission Co-Chair Bob Dole points out that, "Today, seven out of eight survive, many with injuries that would have been fatal in past wars."

I am grateful for the medical personnel that are working diligently to make sure our brave troops are receiving the care they deserve.

In conclusion, God bless our troops, and we will never forget September the 11th.

PROVIDING RESOURCES EARLY FOR KIDS ACT

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ms. HIRONO. Madam Speaker, I rise today to introduce the Providing Resources Early for Kids Act of 2007, the PRE-K Act.

The PRE-K Act will help more children enter school ready to succeed. It creates a new Federal/State partnership to provide better preschool opportunities for our country's children.

Research shows that participation in a high-quality early education program can improve success in school and later in life. So this bill focuses on quality. It is flexible enough to encompass many types of State-funded preschool programs so long as they are high quality. For example, in Hawaii, an Early Learning Task Force is working on a new State-funded preschool program to ensure Hawaii's children have access to a variety of high-quality preschool experiences, from Head Start to community based organizations.

The PRE-K Act is one of the best investments we can make in our children, our families, and our Nation. I look forward to working with my colleagues to ensure its passage.

WHAT WOULD THE DEFEATISTS HAVE US DO?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, instead of praising and encouraging our troops in their relentless fight against the terrorist insurgents and seeing the success of U.S. troops, some choose to focus on the negative. They seem to preach gloom, doom and despair. They come across as defeatists, retreatists, and losers.

Do these people really want us to lose this war? Is their retreat political agenda more important than America's safety agenda? Now is the time, more than ever, that this Nation be behind our soldiers in this fight.

The dangers to freedom do exist. Right now in Afghanistan, Taliban forces are holding 22 civilians from a South Korean church. They have executed one hostage and plan to murder more. These Islamic radicals kill in the name of religion. Now, what would the surrender advocates have us do? Hide?

Fanatical militants are a threat to the security of free nations and the United States. It is the American troops, however, that are making a difference in beating back the forces of hatred and oppression. Our patriots deserve thanks, respect and our total commitment, not naysayers' words of criticism, contempt and complaining.

And that's just the way it is.

LOBBYING REFORM: DEMOCRATS CHANGING THE WAY BUSINESS IS CONDUCTED IN D.C.

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Madam Speaker, yesterday, this House took a critical step in changing the way business is done in Washington. The Honest Leadership and Open Government Act of 2007 provides the most sweeping lobby reform in a generation, finally bringing unprecedented transparency to lobbyist activities.

During last year's election, the American people unequivocally called for a change in the way business is done in Washington. This bill, along with the ethics reform our Democratic majority enacted in the first 100 hours of the 110th Congress, are significant steps forward in cleaning up the culture of corruption that has plagued Washington for far too long.

As soon as Democrats took control of this Congress, we began a new era of honest and open government, finally returning this House to the American people and making sure that the work we do here is something that we can be proud of.

Madam Speaker, by passing the comprehensive lobbying reform yesterday, we are keeping our promise to the American people to make this Congress the most honest and open in history.

REFORM FISA

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, one reason America has remained free of attack for the last 7 years is because we have given the tools necessary to those on the front lines, whether it be our military or our intelligence officers. Many tactics to defend and protect this country have been used, one being electronic surveillance to gather foreign intelligence through the FISA Act.

Madam Speaker, FISA was first implemented to assist the gathering of information during another era, well before the invention of cell phones, satellite tracking, or even the Internet. Terrorist groups and, more specifically, al Qaeda, have adapted to modern technology, and it's time the U.S. did the same. We're not talking about skirting the legal process but, rather, giving our intelligence officers the ability to gather information coming from foreign and/or known terrorists in the United States.

I urge the majority to fix this problem now and help keep our country safe.

THE CHAMP ACT

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Good morning, Madam Speaker. You know, it's simple: If America is the greatest country in the world, then all our children should have health care. That's what Democrats believe.

Today, we're going to pass the CHAMP Act to provide health insurance to an additional 5 million children here in America, the children of the working poor. Who are the working poor? They're the people, one-half of them women, who work in service industries, who work in retail. They're laborers, they're the self-employed. Their employees don't provide health insurance, and they can't afford it. They barely make ends meet.

Now, with this bill we will move a long way toward the goal of providing universal health insurance for all American children, and I think that's a good idea. Now, during the course of the day you're going to hear lots of arguments, arguments about processing and why this wasn't fair or done in the right way. You will hear arguments about cost. But let me tell you, at the end of the day, that is all just empty rhetoric and rationalizations. Because the fact is, if America is the greatest country in the world, then all our children should have health insurance. Period.

SCHIP MAKES TITANIC WRECK LOOK SMALL

(Mr. AKIN asked and was given permission to address the House for 1 minute.)

Mr. AKIN. Madam Speaker, we can all think of instances where some great calamity was about to happen, and yet we have to stand by powerless to help; like the pilot of the Titanic, he sees the glacier emerging through the midst, he spins the wheel too late. And that is the case this morning, not with a steamship but with SCHIP, the State Children's Health Insurance Plan.

It doesn't take any towering intellect to see the problems. We're going to vote to tax Americans with private health insurance, and we're going to take the benefits away from older Americans, with their Medicare, and we're going to give that money to give free health insurance to children with families making more than $80,000, children of illegal immigrants.

All of history suggests that socialized medicine is not the way to go, and yet the Democrats are about to vote for something which will make the Titanic wreck look small.

SCHIP

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, in 2002, when I was campaigning for Congress, I met Dolores Sweeney, who had three children. She worked full time at an insurance company, was too rich for Medicaid and too poor to get her own private insurance because her company didn't provide it.

Today, her three children are enrolled in SCHIP. Those kids, today, have health care because we did right, where, between private sector not providing health care and Medicaid, a woman who worked full time did right by her children, got healthcare for her kids, and her 19-year-old today is going to college and doing the right choices.

The question we have before us, as my colleague from South Carolina just asked, are we going to provide our constituents with the healthcare that our own children and Members of Congress get, that taxpayers pay for? That is the question that is going to be before us today: Are we going to do right by the Dolores Sweeneys of the world in the same way that our constituents do right by us, as Members of Congress, and for our own children? These are people who have worked full time, at no fault of their own, whose children don't have health care. And we will provide those children, 11 million children, the health care that their parents cannot provide.

□ 1015

THE LEGISLATIVE PROCESS AND GOOD GOVERNANCE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, as a member of the Energy and Commerce Committee, which shares jurisdiction over the SCHIP bill, H.R. 3162, I would like to express my frustration with the way this bill has been rammed through the legislative process.

Since January, we had only one hearing on the SCHIP program. We did not have a legislative hearing on H.R. 3162, which is supposed to be the Democrats' signature piece of health care legislation this Congress, no markup in subcommittee, and it was written in secret with no input from our side of the aisle. In fact, the text of the bill was not even provided to members of the committee until 11:33 the night before the full committee markup was supposed to take place.

Madam Speaker, bringing a bill with over $200 billion in authorized spending to the floor without allowing the bill to go through the proper legislative process is simply poor governance.

THE CHAMP ACT AND DEMOCRATIC EFFORTS TO ENSURE MORE CHILDREN HAVE ACCESS TO HEALTH INSURANCE

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH of Vermont. The question before the House today is really very simple: Will the United States of America, the wealthiest country in the world, pass legislation that guarantees access to health care for all the children of the citizens of this country?

Many of our States, including Vermont, have taken the lead. They answered that question in the affirmative: The children of working parents, children whose parents are doing the right thing, should have the health care they need when they need it.

That has been done on a bipartisan basis. Republican and Democratic Governors in my State of Vermont have supported access to health care for our kids; 98 percent are covered in Vermont.

Why is it that this Congress has been unable to take that step until today? We will change that. It is the right thing to do. It is good for our kids. It is good for our country. It is well within the reach of this Congress to do.

Madam Speaker, I hope that our friends on the Republican side will join us in what will be a historic day for our kids.

TOWARDS FISCALLY RESPONSIBLE SCHIP LEGISLATION

(Mr. WALBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALBERG. Madam Speaker, I support renewing SCHIP to aid children in low-income families. But the bill that the Democratic leadership plans to bring to the floor this week is an absolute train wreck that will lead to a nanny-state, government-run health care system.

This bill would cause 3.2 million seniors in 22 States, including over 14,000 in my district, to lose their Medicare Advantage benefits. The Congressional Budget Office says this bill would shift 2.1 million children who are currently in private health care plans to less effective, government-run health care.

Additionally, this bill guts several fiscal responsibility measures designed to keep Medicare spending in check, encourage illegal immigrants to apply for SCHIP and Medicaid benefits by eliminating the requirement that persons applying for such services show proof of citizenship or nationality, and makes it possible for people 25 years old to receive SCHIP benefits.

In summation, this bill takes a program designed to aid children of low-income families and instead expands our welfare state and sides with bureaucracy rather than the needy children and seniors.

Madam Speaker, I strongly encourage my colleagues to oppose this form of legislation.

AN OPEN AND HONEST CONGRESS FOR EVERYDAY AMERICANS

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Madam Speaker, on the first day of the 110th Congress, the Democratic majority in this House enacted the toughest ethics reform in a generation by passing a landmark rules package that broke the link between lobbyists and legislators. This important step toward cleaning up Congress ended gifts, private jets and meals paid for by lobbyists.

Yesterday, we continued our commitment to restore accountability to Washington and passed the final House-Senate agreement on the Honest Leadership and Open Government Act of 2007. This tough legislation, which ends the tight-knit relationship between lobbyists and lawmakers takes another major step toward making this Congress the most open and honest in American history.

I am proud to have supported this critical bill, which has been hailed by reform groups as a "sea of change for citizens" and "landmark reform." I am proud of our Democratic majority that works so quickly to enact real change for Americans, which they demanded during last year's election.

Madam Speaker, this Democratic House is dedicated to making sure that Congress works for everyday Americans and not just special interests.

EGYPT NEEDS TO PROTECT PEOPLE OF ALL FAITHS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, I want to take a moment to talk about Shaymaa el-Sayed, an Egyptian woman. Security forces in Egypt tortured this young woman for converting to Christianity. Fanatic relatives of Shaymaa el-Sayed, 26 years old, attacked her in Alexandria, beating her, attempting to shove her into a car and vowing to kill her for her "apostasy."

Police intervened. They arrested the victim herself. When they found her Christian identity papers, local police transferred her to a state security investigation office where the officials forcibly disrobed and photographed her naked in front of all the policemen at the station.

She was repeatedly subjected to interrogation and severe torture, including electrocution. She was released by the Egyptian police into the custody of her family despite their threats to kill her. "This is not legal treatment, but it is happening all the time," said Rasha Noor, an Egyptian human rights activist. "The Christians from Muslim backgrounds can't change their identities, so they are forced by the authorities to return back to Islam, or else."

God bless this young woman.

STRENGTHENING THE SUCCESSFUL SCHIP PROGRAM

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Madam Speaker, as the House prepares to vote on the Child Health and Medicare Protection Act, known as the CHAMP Act, later today, I think it is important to refute some of the misleading talking points that Republicans are seizing on as they oppose this health insurance for millions of American children.

First, Republicans claim that by strengthening the State Children's Health Insurance Program, known as SCHIP, we are advancing "government doctors," advancing "government health plans."

This could be no further from the truth. Government does not deliver SCHIP services. Instead, it is private doctors and private health plans through private insurance. This program is operated successfully in my State of New Jersey and around the Nation.

Second, Republicans say that we are trying to expand the program to reach middle-income families. Again, that is false. We are not expanding the program. Today, 5 million children are eligible for SCHIP but are not enrolled. We are strengthening the program so that we can reach almost all of these children, the vast majority of whom come from low-income families.

Madam Speaker, I urge my colleagues to pass this bill.

SUPPORT THE WELLNESS AND PREVENTION ACT OF 2007

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute.)

Mr. KNOLLENBERG. Madam Speaker, I rise today to call attention to the rising cost of health care in this country. While the nature of health care makes reaching consensus difficult, Congress must take action to make health care more affordable.

For this reason, I have introduced H.R. 853, the Wellness and Prevention Act of 2007. This legislation encourages the implementation of wellness and prevention plans in the workplace. The bill allows companies and employees to collect tax credits for wellness programs.

Statistics have proven that every dollar a business spends on a wellness program results in a $3 return. Furthermore, Americans will take charge of their own health, thereby increasing productivity and reducing absenteeism.

I invite my colleagues to sponsor H.R. 853, because as the old saying goes, an ounce of prevention is worth a pound of cure. Congress must now act to reduce the risk of disease, encourage a healthier America and help curb the rising cost of health care.

DEMOCRATS WANT TO ENSURE MILLIONS OF NEW CHILDREN RECEIVE THE HEALTH CARE THEY DESERVE

(Ms. HOOLEY asked and was given permission to address the House for 1 minute.)

Ms. HOOLEY. Madam Speaker, over the last 10 years, the Children's Health Insurance Program has been a success story, significantly reducing the number of children living without health insurance at a time when employer-sponsored insurance continues to erode.

When CHIP was created in 1997, the number of uninsured children under the age of 19 was 23 percent. Over the last decade, that has fallen to 15 percent. That is a great improvement, but still unacceptable.

That is why Democrats will bring the Children's Health and Medicare Protection Act to the House floor today for a vote. The CHAMP Act invests in our children by ensuring that nearly every child eligible for the CHIP program is signed up and is receiving the essential preventative health care they need to live longer and healthier lives. If we do not take care of our children's health now, we will pay a lot more later on.

Madam Speaker, with the passage of the CHAMP Act later today, this House will move us significantly closer to ensuring that every child in America has access to health insurance.

TRAMPLING ON FREEDOM OF SPEECH IN AMERICA

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. America, your freedom of speech was trampled on yesterday. This new Democratic leadership quashed any semblance of free speech here on this House floor. This is not just a procedural matter, mind you. This is a matter for all Americans.

You see, each Member of Congress represents 600,000 constituents. That is 600,000 American voices that were quashed yesterday. As I say, this is not just a Republican issue, for their voices were quashed, but so were Democrat and Independent voices as well.

But in fact, this is nothing new for the new Democrat leadership. Just a week ago we had to come to this floor to make sure we could fight to keep the radio waves and the media opening dealing with the Fairness Doctrine. Prior to this, we had to fight to make sure that the centuries-old tradition of bipartisanship would not be broken. Prior to that, we had to fight to make sure that there would be transparency in earmarks, and all the Republicans fought on the side of openness and freedom of speech.

The Democrats say they tolerate all diversity, but apparently diversity not of thought and speech.

DEMOCRATS WANT TO STRENGTHEN THE CHILDREN'S HEALTH INSURANCE PROGRAM

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, at a time when there are serious problems in our health care system, the Children's Health Insurance Program, otherwise known as CHIP, has a proven track record. Over the last decade, as the number of uninsured Americans has increased, the number of children living without health insurance has actually decreased, and thanks to the CHIP program, we have experienced a 60-percent drop in the number of uninsured children.

This week, the House plans to reauthorize the CHIP program. Congress must act on this legislation now. In the past, CHIP has received strong bipartisan support. However, in an about-face, the President and some Republicans have abandoned their support of CHIP on supposed philosophical grounds.

If Congress refuses to act this week, the nonpartisan Congressional Budget Office estimates that nearly 1 million children will lose their health coverage. Democrats are simply not to get that to happen. We are going to pass the CHIP reauthorization today so that 11 million children have access to the health insurance they need to live healthy lives.

MISSION LEAP TOWARDS SOCIALIZED MEDICINE

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute.)

Mrs. BACHMANN. Madam Speaker, today the United States Congress will take up the full march towards socialized medicine here in the United States. This isn't mission creep, Madam Speaker; this is mission leap.

Imagine, under the Democrat plan, someone who is old enough to be able to run for the United States Congress would be considered a child and eligible for taxpayer-subsidized health care.

This is socialized medicine in its truest form. As a matter of fact, in Minnesota today, under the SCHIP proposal, fully 85 percent of all recipients are adults. Under the Democrat proposal in Minnesota, over 20,000 senior citizens in Minnesota will lose their Medicare Advantage.

Madam Speaker, this is mission leap towards embracing full socialized medicine, and I hope this United States Congress rejects this untimely proposal.

ADDRESSING CRITICAL HEALTHCARE NEEDS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, I listened with a somewhat incredulous nature here to my colleague from Minnesota repeating the litany from our Republican friends that somehow this is a leap into socialism and represents a dramatic change.

Well, first of all, Madam Speaker, it ought to be clear that there are some States where there have been eligibility limits that have been increased. But why? Because Governors, including many of them Republican Governors, have requested waivers. Who gives the waivers? They have been granted by the Bush administration. If you think it is wrong to expand health care for more children, for some with slightly higher income levels, then stop granting the waivers.

This isn't a problem that somehow Democrats are leaping into socialized medicine. This is an effort at the State and local level to meet these critical problems. That is why the legislation today is going to pass with overwhelmingly partisan support.

☐ 1030

DEMOCRATS ATTEMPT TO NATIONALIZE HEALTH CARE

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Madam Speaker, I think most of us as Republicans want to be able to provide health care access to low-income uninsured children, but that is not the issue or the bill that comes to the floor today. As we have heard from many of the speakers, it is to cover all children despite income levels and despite whether or not they are currently enrolled in a health insurance plan.

In fact, one of the Republican amendments that was denied in the Rules Committee and we cannot bring to the floor today is a measure that would say if you are currently enrolled in health insurance, you are not eligible to participate in SCHIP. That is denied, and that is just one piece of evidence that we are going to bring out today showing that this is an attack on private health insurance coverage and the attempt to nationalize health care.

IN SUPPORT OF THE CHAMP ACT

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Madam Speaker, on behalf of the Congressional Hispanic Caucus, I rise in strong support of SCHIP or the Children's Health and Medicare Protection Act, CHAMP. There are 45 million uninsured, and 6 million are children. These are children that are being impacted.

We talk about having productive children in our school systems, improving the quality of life. You can't do it without a clean bill of health. We have the responsibility for our children. More than 70 percent of uninsured Hispanic children eligible for public coverage are not enrolled. This is unacceptable.

The CHAMP Act takes significant steps in reducing the barriers for all children and seniors of color in our community. Unfortunately, some of the Members are using this legislation as an opportunity to debate unrelated health care, specifically, immigration policies and other issues.

We need to make sure that we support the CHAMP act. A vote for CHAMP will help more citizen children get access to health coverage which can be a difference between life and death.

SCHIP

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, I rise today to speak against this extremely flawed SCHIP bill. I support the original intent of SCHIP, which is to cover our moderate- to low-income children at 200 percent of the poverty level. Yet the bill before us today goes much further. It does expand the program, and it does move it from a block grant to an entitlement, and it moves patients towards a universal, government-run health care that shifts patients from private care to a massive government entitlement program.

And I know what runaway health care costs in a broken system look like. As a former member of the Tennessee Senate, I watched TennCare, Tennessee's statewide Medicaid-managed care service, which was granted under one of those waivers, I have watched this thing invoke stress, pain and hardship on both health care providers and consumers. It does not work. Someone always has to pay the bill.

Over 10 years, also, this CHAMP bill would make $193 billion worth of cuts from Medicare services for our seniors. It didn't work. It is not going to work here.

IMPOSING A HIDDEN TAX ON HEALTH INSURANCE POLICIES

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Madam Speaker, here's the bill. Here is the health care bill folks have been talking about. Do you know what's in it? Most Members don't.

Under the guise of children's health, there is a hidden tax on every single private health insurance policy in the Nation. Every one. Why? Because the desire of those on the left to gradually move every American to Washington-controlled bureaucratic health care is so strong they will stop at nothing.

Their desire is to end the ability of patients and their doctors to make independent choices and decisions. As a physician, I know how detrimental the government can be to quality health care.

In addition, this bill will end the choices and freedoms that 8 million seniors currently have on Medicare Advantage, cutting Medicare to 8 million seniors.

Now, the left will pass this bill today because they can under a gag rule. That doesn't make the process or the policy correct. This is not what the American people want nor what they deserve, and they are watching.

MOTION TO ADJOURN

Mr. PRICE of Georgia. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. PRICE of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by a 5-minute vote on agreeing to the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 177, nays 231, not voting 24, as follows:

[Roll No. 779]

YEAS—177

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)

LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Porter
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—231

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—24

Bean
Clarke
Cubin
Culberson
Cummings
Davis, Jo Ann
Engel
Hinchey
Honda
Jefferson
Johnson, Sam
Maloney (NY)
Markey
McCarthy (CA)
Miller, George
Murtha
Peterson (PA)
Poe
Pryce (OH)
Rogers (KY)
Ruppersberger
Tancredo
Udall (CO)
Waxman

□ 1101

Mr. LoBIONDO and Mr. LARSON of Connecticut changed their vote from "yea" to "nay."

Mr. GALLEGLY and Mr. FORBES changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 214, nays 189, not voting 29, as follows:

[Roll No. 780]

YEAS—214

Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—189

Abercrombie
Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner

Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Barton (TX)
Bean
Blunt
Boehner
Clarke
Cubin
Culberson
Cummings
Davis, Jo Ann
Engel
Gordon
Honda
Jefferson
Johnson, Sam
Linder
McCarthy (CA)
McCrery
Murtha
Oberstar
Peterson (PA)
Poe
Pryce (OH)
Rogers (KY)
Rothman
Roybal-Allard
Ruppersberger
Tancredo
Udall (CO)
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (During the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1111

Messrs. BRADY of Texas, SULLIVAN, GINGREY, WESTMORELAND, MILLER of Florida, GARRETT of New Jersey, McHENRY, LATHAM, TERRY and PITTS changed their vote from "yea" to "nay."

Messrs. BAIRD, GEORGE MILLER of California, MAHONEY of Florida and KLEIN of Florida changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. ABERCROMBIE. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ABERCROMBIE. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 154, noes 236, not voting 42, as follows:

[Roll No. 781]

AYES—154

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Chabot
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Flake
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—236

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Capps
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Foxx
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillmor
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Rahall
Ramstad
Rangel
Reyes
Reynolds
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—42

Bean
Cantor
Capuano
Carney
Clarke
Cubin
Culberson
Davis, Jo Ann
Engel
Feeney
Gillibrand
Gordon
Green, Gene
Hastert
Honda
Hulshof
Hunter
Jefferson
Johnson, Sam
Linder
McCarthy (CA)
McCollum (MN)
McDermott
Moran (VA)
Myrick
Payne
Platts
Price (NC)
Pryce (OH)
Radanovich
Rogers (KY)
Rothman
Ryan (WI)
Sestak
Simpson
Smith (WA)
Tancredo
Tierney
Udall (CO)
Waxman
Weller
Yarmuth

□ 1129

Mr. BOREN changed his vote from "aye" to "no."

Messrs. FRANKS of Arizona, POE, WESTMORELAND, SESSIONS, and BROUN of Georgia changed their vote from "no" to "aye."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows: Rollcall vote No. 781, on motion to adjourn, I would have voted "aye."

Stated against:

Mr. WELLER of Illinois. Mr. Speaker, on rollcall No. 781, I was stuck in an elevator with several other Members. Had I been present, I would have voted "no."

Mr. SESTAK. Madam Speaker, on rollcall No. 781, had I been present, I would have voted "no."

PROVIDING FOR CONSIDERATION OF H.R. 3162, CHILDREN'S HEALTH AND MEDICARE PROTECTION ACT OF 2007

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 594 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 594

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3162) to amend titles XVIII, XIX, and XXI of the Social Security Act to extend and improve the children's health insurance program, to improve beneficiary protections under the Medicare, Medicaid, and the CHIP program, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) Two hours of debate, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3162 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1130

UNFUNDED MANDATE POINT OF ORDER

Mr. SESSIONS. Madam Speaker, I make a point of order against consideration of H. Res. 594 because the first section of the rule waives all points of order against H.R. 3162 and its consideration, except clauses 9 and 10 of rule XXI. This waiver includes points of order under the Unfunded Mandates Reform Act.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the Act, the gentleman from Texas has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

Under section 426(b)(4) of the Act, the gentleman from Texas and the gentlewoman from Florida each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the Act, after the debate the Chair will put the question of consideration, to wit: "Will the House now consider the resolution?"

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Madam Speaker, while the CBO estimate in the report from the Committee on Ways and Means does not identify any unfunded mandates, it's important to note that there are and that there is no such estimate for the amendment self-executed by the closed rule reported in the dead of night by the majority's Rules Committee. We have no way of knowing whether these new provisions, which we did not see before midnight last night, will impose strict new intergovernmental mandates on our State and local governments.

Furthermore, this new language appears to be littered with earmarks for hospital-specific projects. We do not have a list of the Members requesting those projects, and we do not know if the proper certifications have been filed with the authorizing committees.

Therefore, Madam Speaker, it is essential that we stop, take a breather and put off consideration of this hastily drafted legislation, which was totally rewritten in the dead of night, behind closed doors.

I urge my colleagues to vote "no" on the question of consideration.

I yield to the gentleman from California.

Mr. DREIER. Madam Speaker, I wish to be heard on the gentleman's point of order.

I would just like to buttress the arguments that have been provided by my friend from Dallas. It was about 1 o'clock this morning that the Rules Committee convened, after having had this package for a half an hour. And I know my very dear friends on the Rules Committee, who probably haven't gotten a heck of a lot of sleep last night, remember very well that into the evening I had been handed by members of my staff a list of some of these hospitals that were specifically raised, that the concern that was raised by my friend from Dallas. And I've got to tell you that as I look at the hospitals in the Nashville, Davidson, Murfreesboro area in Cumberland County, Tennessee, and Marionette, Wisconsin and Michigan and Chicago and Massachusetts and New York, Clinton County, New York, we, Madam Speaker, don't understand what these are.

As my friend has just said, there are no names attached to this whatsoever. And we were promised this great new sense of openness and transparency and disclosure and accountability, and none of that has happened here.

And so I join my friend in saying that what we should probably do, if we are going to proceed here, is take a breather. I think that would be the right thing for us to do.

Mr. SESSIONS. Madam Speaker, I reserve the balance of my time.

Ms. CASTOR. Madam Speaker, I yield myself such time as I may consume.

This point of order is about whether or not to consider this rule and, ultimately, the Children's Health and Medicare Protection Act. We will stand up for our children and the hard-working families in America and fight through these delaying tactics trying to put off having our parents be able to take their kids to the doctor's office. They deserve no less.

We're going to fight through all these procedural delays today, as we did yesterday, because these parents and children's health in America simply will not wait. We must consider this rule, and we will consider and vote and pass the CHAMP Act today.

I have the right to close, but, in the end, I will urge my colleagues to vote "yes" to consider the rule.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, the new Democrat majority promised the American people and those Republicans who are now in the minority that this would be an open and transparent new way of doing business by Democrats. We were told back in January and February, oh, the only reason we're doing closed rules is because we've got to do them to get our agenda through quickly, because we're not going to allow anybody to stop that. Six in '06 has to be done.

Well, Madam Speaker, there were no hearings even done on this with the text of the bill that the committee could look at. Last night, 30 minutes before we went into Rules Committee, we had an opportunity to see the language.

On top of the $200 billion Medicare cuts, the Democrats have now slipped in extra hospital funding for powerful Democrat districts. That means where Democrats are they've slipped in these brand new earmarks, right there for them.

We have not had an opportunity to look at the bill, we don't know whether the proper notification has been done, and so what we're saying now today is that what we should do is take a few minutes and sit back and look.

I yield to the gentleman from California.

Mr. LEWIS of California. Madam Speaker, I very much appreciate the gentleman from the Rules Committee raising these very, very important questions.

Our membership should know, and I think the American public will want to know, that one of the reasons to have a meeting in the dead of the night to make changes in this package is because this package, in the name of helping children, is designed to do much more than that. As a matter of fact, the SCHIP program, in its original form, was an excellent program, working very well to help children who are uninsured, on the margin of poverty.

The design of this bill is to expand that program into eventually all children and pushing them off of private health care, et cetera. The real plan here is to set the stage for a movement of the next gigantic step in the direction of what should be called "Hillary Care," national socialized medicine. Literally, that's what they're about.

The program has been working very well. It does need some additional funding. These States do not need the opportunity to expand these programs not just to illegals but to children who presently, in high percentages, are already in private health care systems. Their design is obviously a design that goes way beyond the stated purpose for this bill.

I appreciate my colleague yielding.

Mr. SESSIONS. Madam Speaker, last night in the Rules Committee we had an opportunity to see firsthand what this new Democrat majority is all about. And not one time, not one time, was the word let's make health care better for America, not one time was it about trying to make things better for doctors and hospitals and patients. It was a slam dunk, hit 'em out of bounds, the doctors, who they claim make all this money, who it's all about the doctors making money.

And I had an opportunity to engage those people who represented the Ways and Means Committee and the Commerce Committee, and I said, hey, during your hearings, that you talk about you having all these hearings, did anyone ever bring up that specialty hospitals are those many times joint ventures with hospitals where they're trying to take care of patients who come for elective surgeries to get them out of hospitals that are full, emergency rooms that are backed up, and then we've got a problem with health because of bacteria in the hospitals. And these hospitals are safer and offer elective surgery to get people in and out that is much cheaper and safer and better.

They acted like it was a foreign concept. They acted like they had never heard about the marketplace before.

I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding and appreciate his very thoughtful remarks on this.

I was talking earlier about these earmarks that have been included in this measure that have no names attached to them whatsoever. They cover the States of Tennessee and Michigan and New York and other spots, and we don't have any comprehension of them, and I guess that's allowed.

Now, it wouldn't have been allowed in the last Congress, because when we passed earmark reform; Madam Speaker, let me just explain to my colleagues who may be a little confused on this, that when we passed earmark reform in September of last year we said that there should be full disclosure, a full listing, full transparency on all appropriations bills and on all tax bills and other authorizing legislation.

Now, Madam Speaker, unfortunately, when we came forward, and of course we were maligned for having passed that earmark reform in the last Congress, but when we finally came forward and rectified the structure that allowed people to only send a letter to the chairman of the Appropriations Committee if they wanted to raise concern, but they had no ability whatsoever to raise concern or raise a point of order on the House floor about an earmark, we saw that, finally agreed to it.

But guess what, Madam Speaker?

Unfortunately, the authorizing legislation including tax bills was completely omitted, completely omitted from this transparency plan that we had in the 109th Congress. And so that's, I guess, why it's allowed to include all of these hospitals in this measure without having any names attached to them, without any opportunity whatsoever to raise questions about them; and so I continue to support the effort of my friend here.

Mr. SESSIONS. Madam Speaker, we believe that the earmarks which have been presented, which the way this bill has come to the floor, is not properly done. It did not follow regular order. It is without the transparency that the new Democrat majority has touted and talks about every single day. It is without the smell test of ethics to know, straight up, what somebody is going to spend money on, the people's money. And because of that, we are opposing and asking that this bill go back and be properly done to where everyone can understand.

I reserve the balance of my time.

☐ 1145

Ms. CASTOR. Madam Speaker, I understand that I have the right to close, so I will reserve the balance of my time until the gentleman from Texas has yield back his time.

Mr. SESSIONS. Madam Speaker, I would like to inquire how much time remains.

The SPEAKER pro tempore. The gentleman has 30 seconds remaining.

Mr. SESSIONS. Madam Speaker, I believe that the case that we are making here today is a smell test, and that is that if the new Democrat majority wants to have closed rules, not have openness with regular order, not present bills before they would be voted on to allow people enough time to see what is in them and to be transparent about what is in the bills and who is getting the money and who is spending the money, you have not passed the smell test. And thus we are asking that you not do what you are doing.

We oppose the Democrat majority.

Madam Speaker, I yield back the balance of my time.

Ms. CASTOR. Madam Speaker, I urge my colleagues to reject these dilatory tactics. Health care for America's children cannot be delayed or denied. I urge a "yes" vote on the question of consideration.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is: Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 197, not voting 13, as follows:

[Roll No. 782]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert

Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bean
Boucher
Braley (IA)
Clarke
Culberson
Davis, Jo Ann
Johnson, Sam
Mack
Marshall
McCarthy (CA)
Rogers (KY)
Rothman
Tancredo

☐ 1210

Mr. EHLERS changed his vote from "yea" to "nay."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRALEY of Iowa. Madam Speaker, on rollcall No. 782, I was questioning former Secretary of Defense Donald Rumsfeld during a hearing investigating the circumstances surrounding the death of Corporal Pat Tillman, in the Committee on Government Oversight and Reform, and was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Ms. CASTOR. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 594.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Madam Speaker, House Resolution 594 provides for consideration of H.R. 3162, the Children's Health and Medicare Protection Act of 2007.

The rule provides 2 hours of general debate in the House, with 1 hour controlled by the Committee on Ways and Means and 1 hour controlled by the Committee on Energy and Commerce.

The rule waives all points of order against consideration of the bill, except for clauses 9 and 10 of rule XXI.

The rule makes in order the Ways and Means Committee substitute, modified by an amendment printed in the Rules Committee report. That amendment reflects a compromise between the committees of jurisdiction. The rule provides one motion to recommit, with or without instructions.

Madam Speaker, in our great country today, the wealthiest country in the world, parents still struggle to ensure that their children lead healthy lives.

Is there anything more important, after the birth of your child, than visits to the pediatrician and the care of devoted nurses? And as your baby grows, is there anything more fundamental than regular checkups and physicals?

Many dedicated doctors and nurses are on call at all hours when, God forbid, something goes wrong or your child is sick. Fortunately, in America today, many hardworking families have regular and affordable health care through the State Children's Health Insurance Program, what we called SCHIP; and today the Congress will vote to extend and improve children's health insurance for another 5 years.

Regular, accessible and affordable health care puts children on a path to success in life. A healthy child is a healthy student. A healthy child means more productive parents who do not miss work. Healthy students become productive adults. They succeed in life and eventually make America stronger.

Every parent and grandparent in America today understands the importance of our debate and our fight to ensure that children can see a doctor or a nurse and have access to affordable health care.

Despite all that we understand about the importance of healthy kids and early preventative care, health insurance and those all-important visits to the doctor are all too expensive and out of reach for over 11 million children in America.

☐ 1215

Uninsured children are five times less likely than insured kids to have a primary care doctor or to have visited a doctor or a dentist in the past 2 years. This lack of access in medical attention harms that child, the family, the community back home and ultimately this great country.

Madam Speaker, I urge my colleagues today to stand up and fight for these families and America's children by passing this rule and supporting the House Children's Health Insurance Reauthorization bill, the Children's Health and Medicare Protection Act, or the CHAMP Act.

I am proud to say that the precursor to SCHIP originated in the 1990s as a novel plan by State leaders in my home State of Florida. These innovators understood the link between healthy kids and success in school. They helped parents with direct information on access to affordable health care for their kids.

President Clinton and the Congress were so impressed by what the State of Florida was doing for children's health care that they took the Florida KidCare blueprint and fashioned a national program. It has enjoyed national success and bipartisan support ever since. Indeed, the overwhelming majority of Governors in this country support the reauthorization of SCHIP.

Madam Speaker, I include for the RECORD a letter of support from Republican Governor of Florida, Charlie Crist.

STATE OF FLORIDA,
OFFICE OF THE GOVERNOR,
Tallahassee, FL, August 1, 2007.
Hon. KATHERINE CASTOR,
Washington, DC.

DEAR CONGRESSWOMAN CASTOR: Thank you for your continued leadership on the reauthorization of the State Children's Health Insurance Program (SCHIP). As you know, renewing this program is critical to the approximately two million children and families currently eligible for SCHIP in our State.

As Governor, I too want to ensure that low-income children have access to quality health insurance, and commend the Florida Delegation for working so hard over the past several months to ensure that this important program is reauthorized before it expires on September 30, 2007.

The proposals of the Senate Finance and House Energy & Commerce Committees have positive components that I believe will make this program stronger. However, as Congress progresses toward a final product, I wanted to bring your attention to the core principles that I believe are essential to ensuring SCHIP remains dedicated to its original intent.

Children Should Be the Cornerstone of SCHIP Funding; States Need the Flexibility to Dispense SCHIP Funding Over Multiple Years; Federal SCHIP Funding Should Be Based on Projected Spending and Allow for

Population Growth; States Need the Flexibility and Funding to Conduct Additional Outreach Activities.

Thank you again for your commitment to the KidCare program and to Florida's children and families. I look forward to working together to ensure that the thousands of eligible children in our state receive the highest quality benefits through this important healthcare program.

Sincerely,

CHARLIE CRIST,
Governor.

Despite the great success across the country, 11 million children in the United States remain uninsured. Almost 7 million of them are eligible but not enrolled in the State-Federal children's health care program. Two-thirds come from working families in which one or both parents are working but were not offered employer-based health insurance or were unable to afford it. Most of these families are taking home under $40,000 per year. In my home State of Florida alone, over 700,000 children remain uninsured.

A few months ago, I ran into a high school friend of mine, Mia Dorton, and she explained how important the Children's Health Insurance Program had become to her and her family. You see, Mia's husband lost his job and the family was uninsured for 2 months. Mia said, "It's awful to have to choose between whether or not to put food on the table or take your child to a doctor." Mia said that she and her husband lived in constant fear that one of their children would get sick or injured.

When he got a new job, the health insurance for the family was over $700 a month, so Mia told me that they just couldn't swing it. But when her KidCare application was approved, she said that this revolutionized her life.

So for the many working families in my district that struggle for access to affordable health care and all of these great families across America, this low-cost insurance is the only way to make ends meet.

Access to health care for working families throughout America through this innovative partnership of Federal, State and local communities is a winning proposition. Indeed, for every 29 cents the State provides, Federal SCHIP provides 71 cents. It's the best matching rate in children's health care. This bill will make it easier for parents and kids to get to the doctor's office. It will eliminate that costly, bureaucratic red tape.

Madam Speaker, we will fight through these procedural delays today that have been brought by the other side of the aisle. We will stand on the side of America's children and hardworking parents. The new direction we chart today for healthier children fulfills the promise of America.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I rise today in strong opposition to yet another closed rule and to the ill-conceived underlying legislation.

While I do not support this bill nor the way it has been brought to the floor without a single legislative markup, I would like to thank the Democratic leadership for one thing: By cramming this bill through the House, they are giving every single Member of this body the opportunity to go on record regarding which vision for the future our Nation's health care system should take.

Madam Speaker, for that, I truly appreciate and respect what the Democrat leadership has done.

The first vision for our future, for them, is to slowly shift as many Americans as possible into a one-size-fits-all government program. You know what it has been called in the past: Socialized medicine.

I congratulate the Democrat leadership, because that vision is ably embodied in the bill today, H.R. 3162. Rather than using this bill as an opportunity to cover children who cannot obtain coverage through Medicaid or the private market, this bill uses children as pawns in their cynical attempt to make millions of Americans completely reliant upon the government for their health care needs. And you know what they say, Madam Speaker: If you think health care is expensive now, wait until it's free.

Democrat advocates of bureaucrat-run, Washington-run health care fails to disclose how they would achieve this vision. Republicans who actually care about covering children created SCHIP so that children who had no insurance coverage through Medicaid or the insurance market could get it without bankrupting the Federal Government or dislocating a healthy marketplace.

H.R. 3162 turns this innovative vision on its head by increasing government spending exponentially, leaving taxpayers holding the bag for these increased costs. This bill has no income limits for eligibility, no annual authorization limit, and allows States to determine who qualifies, despite the fact that the Federal Government is on the hook 100 percent of the time. This is on top of a current system which we know that some States already abuse. Minnesota spends 61 percent of its children's health care insurance on adults, while Wisconsin spends 75 percent of its children's health care money on adults, taking scarce resources away from the intended target, children.

But the real losers under this big government vision are patients. For 100 children who are enrolled in the new SCHIP proposal, 25 to 50 children will leave private insurance, according to the Congressional Budget Office; 77 percent of children at between 200 and 300 percent of the Federal poverty level already had insurance in 2005.

As we all know, being a part of the government-run health care program does not mean better quality. Since most SCHIP programs reimburse at Medicaid rates, many of these new SCHIP enrollees will encounter significant difficulties accessing care. American Medicaid patients, for example, are currently waiting as long to see a specialist or to have surgery as patients in Canada.

If Democrats were serious about ensuring that every American has access to inexpensive and high-quality health care, we would be taking a different vision and a different direction for our health care; one that tackles the system's real underlying problems and revolutionizes and gives incentives to our health care system to provide better results.

All families should have access to tax exemptions up to $15,000 a year for health care, not just those who work for large employers. Congress should spend its time passing a law to give Americans the ability to purchase health insurance across State lines, because health insurance options should not be limited by your zip code.

Congress should be working to ensure that those who can't get insurance on the market have access to coverage through high-risk pools and low-income tax credits.

Madam Speaker, I am not here to oppose the idea of SCHIP. It was a Republican-controlled Congress that created SCHIP. I do support its true mission. But H.R. 3162 is a camouflaged attempt at slowly siphoning Americans away from insurance plans into a big, Washington, DC government-run system.

To pay for this flawed, big government vision, this legislation robs seniors by forcing many of them out of their existing Medicare coverage at a time when our Nation is looking for better ways to sustain Medicare's future. Medicare part C is an innovative plan that is working well by bringing choices into Medicare. After these seniors are harmed in the long run, it is the taxpayers who will be stuck with the rest of the bill for this incredible expansion of government and intrusion into our lives in taking away our choices.

Republicans have already proven this would be a positive, innovative vision that can work. Two years ago, Members from both sides of the aisle came together to pass the Dylan Lee James Family Opportunity Act, or FOA. We learned that many children with disabilities fell into a catch-22 circumstance in which their families made too much to qualify for Medicaid but could not afford or access private coverage, so these children often went without coverage. FOA was a commonsense solution which filled a void and provided coverage for these children up to 300 percent of the poverty level.

Madam Speaker, we have two serious issues facing our Nation that we are dealing with right now: Medicare's future, and making our Nation's health insurance system more affordable and accessible for all Americans. By focusing the wrong vision for our future, the bill does nothing to address either problem.

It ignores the fact that our Nation produced the greatest health care advocates in the world, many of which come as a result of a competitive insurance market. The American survival rate for leukemia is 50 percent. The European rate is just right at 35 percent. For prostate cancer, the American survival rate is 81.2 percent. In France, it is 61.7 percent, and in England, it is 44.3 percent.

Rather than trying to emulate the European socialized, outdated approach, we should be working on a vision to give every single American an opportunity to take part in our competitive insurance market.

Madam Speaker, I encourage my colleagues to oppose this closed rule and the underlying legislation to drag America into a one-size-fits-all model of defeatism. Returning the balance of power, once again, to Washington, DC to run our health care plan is what the new Democrat majority is all about.

Madam Speaker, I oppose that.

Madam Speaker, I reserve the balance of my time.

Ms. CASTOR. Madam Speaker, the record of the House reflects that the Energy and Commerce Subcommittee on Health did have at least seven hearings, full-blown hearings, on the matter at hand today, and the Ways and Means Subcommittee on Health had over 15 hearings, including four to six seminars for all of the Members involved. So to hear from the other side that there was no hearing whatsoever is not, in fact, the case.

At this time, I would like to yield 6 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the distinguished chairwoman of the Committee on Rules and a leading advocate for children and seniors in this country, from a State that is renowned for its progressive health care institutions.

Ms. SLAUGHTER. Madam Speaker, I thank the gentlelady for yielding me the time.

Madam Speaker, I want to say that I am enormously proud of the accomplishments that we can credit to the Democratic-led Congress. From education to health care, from national security to increasing the minimum wage, great strides have been taken to make our country stronger, healthier, and better prepared for the future. And there is more to come.

But it is with special pride that I rise today, because I feel that what motivated me, and so many of my colleagues, to come to Washington in the first place was the thought that on any day a vote could be held that would improve the lives of millions of people throughout our beloved country.

□ 1230

And that is exactly the chance that we have been given today, the chance to vote for a bill that will improve medical care in the country, improve the health of our citizens, and offer new hope for literally millions of children who would otherwise be left with neither.

Madam Speaker, I think that everyone listening today recognizes the reality of the situation we face. Addressing the state of health care in our country is one of the most important issues to the American people for one simple reason: Our health care system is failing far too many Americans. Tens of millions of our citizens have no insurance and tens of million more are underinsured. For them, all of the medical wonders in the world that our doctors produce might as well not exist. When they fall ill or, worse, when their children are hurt or have a fever or need care, where do they turn? Far too often the answer is: Nowhere.

We need a comprehensive solution to this problem, and the citizens of the country expect and deserve no less. That is a challenge that we must confront together, and it will take time. But today, here and now, we have the chance to make a real dent in one of the most galling and shameful inadequacies of our health care system, and that is the lack of health care for America's children.

Congress created SCHIP in 1997 with broad bipartisan support. As a result, 6 million children currently have health care coverage that they otherwise would not have. In my home State of New York, nearly 400,000 children are enrolled, which is the second-highest number in the Nation.

There is a reason why President Bush pledged that he would fully fund SCHIP while he was on the campaign trail in 2004: It was because this program is enormously effective and enormously popular with the public.

And, yet, there is so much more to be done. Nine million American children still remain without health insurance. It is a situation that remains quite unconscionable.

The bill allows us to take an enormous step forward. It will cover 5 million more children, which will make 11 in total. That would be a truly historic change. Such a vast improvement is reason enough to support the legislation, but the bill does even more to strengthen the health of Americans.

It strengthens Medicare by expanding preventive benefits, as well as mental health services, a matter of grave importance to many of our citizens.

It reduces the costs for seniors and people with disabilities, who also often have low incomes; and it extends the policies that protect access to health care in rural communities, of vital importance to all of us.

What is more, the bill would prevent a proposed 10 percent cut in the Medicare reimbursement to physicians, replacing it with an increase for 2 years. We cannot afford to have more physicians say they can no longer afford to have Medicare patients. This is especially important for districts throughout the country, districts like mine where we are having trouble holding on to good doctors because of financial concerns that until now have not been addressed.

Finally, this bill will raise the tax on the price of cigarettes by 45 cents a pack, a significant preventative health care initiative in its own right. This act alone is projected to save tens of thousands of lives and billions in future health care costs by preventing more than a million children from taking up smoking.

Madam Speaker, in spite of these undeniable benefits and in spite of the overwhelming popularity and accomplishments of this program, SCHIP is under attack.

Sadly, the President proposed to greatly underfund SCHIP, a decision which would severely limit its effectiveness; and Republicans on the other side of the aisle agree with this approach.

But not content to merely limit the reach of SCHIP, we will today witness an attempt on the Republican side to sink this bill entirely, as, indeed, we have seen already several times this morning. In the face of all of the positive results coming from this program and all that it is set to achieve, the harshest rhetoric is going to be cast against it.

Madam Speaker, we all know that my Republican colleagues cannot really believe what they are arguing. Instead, their objective is a different one: to deny the Democrats a chance to talk about yet another legislative accomplishment. They are willing to do it at the expense of the health of the Nation's children, but we will not allow it. And those who argue against passing this bill are arguing in favor of the status quo, the same situation we faced more than 10 years when bold attempts to fundamentally reform our Nation's health care system were subjected to withering attacks.

What was the result? Reforms were blocked, and the national situation grew worse and worse with every passing year of Republican control.

I urge a "yes" vote on this rule and a "yes" on this bill, not only just for America's children but for their parents as well.

Mr. SESSIONS. Madam Speaker, I yield 4 minutes to the distinguished gentleman from San Dimas, California (Mr. DREIER), the ranking member of the Rules Committee.

Mr. DREIER. "Madam Speaker, this rule is an affront to the democratic process. The underlying bill will harm every single one of the 40 million Americans served by Medicare. At 1 a.m. this morning, with absolutely no meaningful opportunity to review the almost 700-page legislation, the Committee on Rules met to consider the resolution now before us. By now I should be used to it, but we cannot tolerate these continual attacks on democracy.

"When you refuse to allow half this House to speak and to give their amendments, you are cutting out half of the population of the United States from any participation in the legislation that goes on here. It defies reason and it defies common sense that political expediency and newspaper headlines could force this monumental legislation, probably the most monumental that any of us will do in our tenure in the Congress of the United States, to force it through the Chamber with little more than cursory consideration:"

Madam Speaker, as eloquent as that statement was, it wasn't mine. That statement that I just read was in fact the statement delivered right here on the floor on June 26, 2003, by the now distinguished Chair of the Committee on Rules, my very good friend from Rochester, New York (Ms. SLAUGHTER).

It was offered during the debate on the Medicare prescription drug bill and the modernization act which passed and has provided access to affordable prescription drugs for seniors for the past several years.

Madam Speaker, if these words that I just offered from the distinguished Chair of the Rules Committee from back in 2003 were true then, they certainly are true now.

As Mr. SESSIONS said, last night, the Rules Committee met for 2½ hours in the dark of night to try to figure out the intricacies of this bill, just shortly after we as Republicans, the minority, received the final text. What became clear last night is even the authors aren't clear about the effects of this legislation.

We had an in-depth discussion about specialty hospitals and whether this bill would deprive 150,000 constituents, our friend from Pasco, Washington (Mr. HASTINGS), a hardworking member of the Rules Committee, 150,000 of his constituents, whether or not it would prevent them from having access to hospital care.

First, our witnesses said, no, it wouldn't. Then they said, yes, it would. Then they said the hospital deserved to be closed because the physicians who own the hospital and serve that community were trying to "get away with something."

Now that is the round-and-about discussion we had on what is taking place in eastern Washington. That is just one isolated issue. You can just imagine how many more there are in this monstrosity of a bill. And the majority's answer to that question: Deny all amendments. Prevent anyone from having an opportunity to improve the bill.

Yes, Madam Speaker, we have the latest manifestation of the new Democratic philosophy described so eloquently in the Rules Committee last week. It was declared by one of our Rules Committee colleagues: If you have a problem with a bill, then no amendments for you. It is a circular logic at its worst.

I feel compelled to point out that even on the much-maligned Medicare prescription drug legislation that we had, we gave the gentleman from New York (Mr. RANGEL) a substitute. What do we get on this bill, in a word, we got absolutely nothing. No substitute, nothing.

Madam Speaker, there was no need to bring this bill before the Rules Committee at 1 a.m. this morning. The chairwoman of the Rules Committee began the 110th Congress by stressing that we would end the committee's so-called "California hours" that I imposed on them and have our meetings in the daylight. Well, I have to say, Madam Speaker, at 2:30 this morning the sun was not out. I have to say that this measure is one that clearly we support, SCHIP, but not this very undemocratic process and this horrible measure.

Ms. CASTOR. Madam Speaker, I am pleased to yield 1¼ minutes to the gentleman from Wisconsin, a true health care reformer, Dr. KAGEN.

Mr. KAGEN. Madam Speaker, this is a great day for our Nation's children. This is a great day for our seniors and their doctors. For, today, we will begin the necessary process of guaranteeing access to affordable care for the people who need it most, our children and elders.

And this is a great day for the House of Representatives as well, for we are beginning to solve our Nation's most important domestic crisis, access to affordable health care for every citizen. The CHAMP Act begins to allow for the practice of medicine that really believes in prevention. We will finally provide dental and mental coverage for our kids. With this bill, we are being fiscally responsible and socially progressive, just like America; and I am proud to serve in a Congress that finally pays for its bills.

Today, we are shifting money away from overpaid insurance companies to benefit children and seniors. We are bringing down costs for the 80 percent of all Medicare patients who are now paying too much for their premiums. In my home State of Wisconsin, an additional 81,000 children will acquire coverage.

I was honored to work with the committee chairmen, Chairman RANGEL and Chairman DINGELL, to ensure that there will be an express lane to enroll kids who are already in similar programs and eliminate the late fee for those who signed up late who are in need.

People in America can see, the Democratic majority will leave "No Patient Left Behind."

Mr. SESSIONS. Madam Speaker, these debates are great. It gives everybody on both sides, including the Democrats who ran on an agenda of having socialized medicine, Washington, D.C.-run health care, they can come down to the floor of the House and talk about this is their model of a great bill.

We disagree.

Madam Speaker, I yield 5½ minutes to the gentleman from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Madam Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time to speak against this closed rule that bars every single Member of this House from offering an amendment to change this Democrat bill, a bill, Madam Speaker, which I am compelled to oppose.

This nearly 500-page bill is being rammed through the House with the Rules Committee meeting on this bill at 1 a.m. this morning and with no Members even being allowed to propose fixes or alternatives because we are told it is absolutely imperative that Congress act to provide government-run health care coverage to more Americans.

So I am compelled to ask: If the purpose of this bill is to provide more health care coverage for Americans, then why are the Medicare plans of over 8 million seniors in our country being put at risk by this legislation?

Why are over 150,000 Washingtonian State seniors going to have their Medicare Advantage health coverage put at risk by cuts in this bill?

Why are one in 12 seniors on Medicare in my congressional district facing a potential loss of their current coverage? How do you expand health care to more Americans if you are forcing the elimination of Medicare plans that seniors have chosen?

Madam Speaker, even more troubling to me is a provision in this bill that would force the closure of the Wenatchee Valley Medical Center in my district in Wenatchee, Washington. After reading the bill, this health center wrote a letter to me that states: "Should section 651," of this bill, "be enacted into law as written, we foresee the likely closure of the Wenatchee Valley Medical Center and our outlying facilities in the next few years."

JULY 26, 2007.

Hon. MARIA CANTWELL,
U.S. Senate,
Washington, DC.
Hon. DOC HASTINGS,
House of Representatives,
Washington, DC.

DEAR SENATOR CANTWELL AND REPRESENTATIVE HASTINGS: Late yesterday, Representatives Dingell, Rangel, Stark and Pallone released legislation entitled the Children's

Health and Medicare Protection Act of 2007 (CHAMP). Upon review of this bill, we discovered a provision, Section 651 that would be devastating to Wenatchee Valley Medical Center. It appears that this legislation is on a fast-track towards enactment by the House and possibly by the entire Congress.

We seek your immediate assistance in attempting: to either modify this provision or have it removed from the bill entirely.

Should Section 651 be enacted into law as written, we foresee the likely closure of WVMC and our outlying facilities in the next few years.

The Wenatchee Valley Medical Center was founded in 1940 in a rural and remote area of Washington State. The three founding physicians desired to establish something akin to the Mayo Clinic model in a medically underserved area. Through committed work, personal investment, risk taking, and collaboration over a geographic region that spans more than 12,000 square miles, the Medical Center has adhered to and largely achieved that model and vision.

The Wenatchee Valley Medical Center is organized as a hospital system. The system is located in eight different communities in the north-central area of Washington State. Those communities are Wenatchee, East Wenatchee, Moses Lake, Cashmere, Royal City, Omak, Tonasket, and Oroville. The Medical Center is one of the largest employers in its region with 1500 employees. Its physicians provide the majority of the admissions, medical support, and physician staffing for these community hospitals: Central Washington Hospital (Wenatchee); Wenatchee Valley Hospital (Wenatchee); Samaritan Hospital (Moses Lake); Mid-Valley Hospital (Omak); and North Valley Hospital (Tonasket).

The Wenatchee Valley Medical Center is a 100% physician-owned and directed hospital system. Each of the 150+ physicians who are "owners" of the WVMC own less than 1% of the Center. The proposed legislation would require us to stop being what we are and attempt to morph into something different. We have concluded that selling 60% of our hospital (to whom?) as required by Section 651, and preventing WVMC from growing beyond it's current bed size, as also required by Section 651 is non-sustainable, a death-knell.

We could attempt to cope initially by closing money-losing sites like Royal City, Tonasket, and Oroville. The closure of the latter two sites will have the corollary impact of depriving North Valley Hospital of seventy five percent of its medical staff, and would likely result in its closure. We would have to drop money-losing services like the Medical Hospitalist program ($550,000 loss per year) and Trauma Surgeon on-call program ($850,000 loss per year) at Central Washington Hospital. We have supported those programs because they save lives, are cost-effective (for society at large), and are likely a pre-requisite to induce many physicians in the physician recruiting climate to any practice setting.

A broad and comprehensive delivery system in a rural region is an inter-connected and fragile organism. The proposed legislation fixes a problem that doesn't exist in either North Central Washington or the Wenatchee Valley Medical Center, and will unleash a series of decisions that will be deleterious in the short-run, and likely calamitous over the next five years. The proposal needs modification, and a significant increase in flexibility to reflect actual on the ground actualities in rural delivery systems.

The multi-specialty physician practice that is part of the Wenatchee Valley Medical Center includes more than 30 medical and surgical specialties in addition to a large number of primary care providers. The Medical Center provides the only services available in the region in the following specialties:

1. Medical Oncology
2. Radiation Oncology
3. Pulmonary Medicine
4. Medical Hospitalist
5. Surgical Hospitalist
6. Vascular Surgery
7. Neuro-Surgery
8. Cardiology
9. Rheumatology
10. Endocrinology
11. Nephrology
12. Gastroenterology
13. Neurology
14. Urology
15. Dermatology
16. Physiatry

This year, the Wenatchee Valley Medical Center will serve more than 150,000 unique patients. Ninety four percent of those people reside in the four rural counties (Chelan, Douglas, Grant, Okanogan) where the Medical Center is located. The majority of these patients have long-standing relationships with the Wenatchee Valley Medical Center, some of those continuous relationships reach all the way back to the organization's founding. The four counties in North Central Washington have a combined population of 240,000. A comparison of the patients served by the Medical Center to the region's population indicates that the Medical Center is a key, and likely indispensable, component of the region's healthcare infrastructure.

The Wenatchee Valley Medical Center is a collaborator. It offers training opportunities to medical students and residents of the University of Washington and other medical schools; and has many training affiliations with area community colleges in the allied health professions. Wenatchee Valley Medical Center specialists outreach more than 1200 times annually to hospitals and clinics in outlying communities. Medical Center staff provides 24/7 coverage for the Emergency Room at North Valley Hospital in Tonasket. Medical Center staff provide 24/7 medical and surgical hospitalist coverage for the Trauma Center at Central Washington Hospital. The Medical Center is making its Computerized Medical Record available to all practitioners in the region, and its Patient Profile is being advanced by the Community Choice PHCO as a potential continuity of care record for the region.

The Wenatchee Valley Medical Center has a long-standing tradition of serving all comers, regardless of their ability to pay. The Medical Center has a needs based Compassionate Care program that is well publicized and which will provide more than $3 million in charitable care this year.

The Wenatchee Valley Medical Center is a cost-effective health care delivery system and is conservative in its ordering and treatment patterns. The Medical Center has ongoing focus and initiatives in areas like prescriptions, medical imaging, hospital and nursing home lengths of stay, and cardiovascular interventions.

The Medical Center is a Medicaid safety net provider, and accepts referrals from throughout the state. The Medical Center ranks among the top 5 Medicaid providers in Washington State. The region has a high and growing Medicare aged demographic. The Medical Center provides a variety of services needed by Medicare patients. The combination of Medicaid and Medicare represents sixty percent of the Wenatchee Valley Medical Center's volumes. Most healthcare financial analysts would maintain that those percentages are uneconomic and non-sustainable; that the cost-shift is too great.

As stated earlier, the Wenatchee Valley Medical Center is a hospital system. It was organized in that fashion in order to survive as a vital, dynamic contributor to healthcare and its delivery in North Central Washington. Having the opportunity to bill as a hospital provides the economic life ring that enables the Medical Center to compete in national markets for the physician recruits that our undermanned and health shortage regional delivery system is desperate for. Any "profits" earned by the Medical Center are plowed back into the delivery system; either to subsidize new services (like the recent opening of the Royal City Clinic in a community that was without healthcare for the last 2 years) or to invest in new services such as Image Guided Radiation Therapy and a Chemo-therapy Infusion Center in Moses Lake. The Medical Center is currently in the process of recruiting 29 new and replacement physicians to place throughout our region. A number of these recruits have been requested by the hospitals we co-labor with. There is significant working capital investment required to establish these practices, and frequently a tremendous facility investment needed to house these practices. Both of these investments are currently ongoing; and will be a death-trap if the proposed hospital self-referral legislation is enacted as currently drafted.

If you or your staff have questions or need additional information, please do not hesitate to contact our Administrator, Shaun Koos, Jay Johnson, our Associate Administrator or Bill Finerfrock our Washington DC Representative.

Your immediate consideration of this matter is critical to the continued availability of healthcare in North-Central Washington State. We look forward to working with you.

Sincerely,

DAVID WEBER,
CEO/Chairman, Board of Directors,
Wenatchee Valley Medical Center.

Madam Speaker, the Wenatchee Valley Medical Center was founded in 1940 by three physicians. In the last 67 years, it has grown and now employs 1,500, serves a population of a quarter of a million people in an area the size of Maryland, and treats 150,000 patients a year.

This bill would force its closure because it prohibits any hospital from being more than 40 percent owned by doctors if they are to continue to receive Medicare payments for providing care for seniors. The Wenatchee Valley Medical Center is 100 percent opened by 150 doctors, and I fail to see why this should be made illegal in the United States of America.

At just after 2 a.m. this morning in the Rules Committee, I raised this concern with the two gentlemen representing the Ways and Means Committee and the Energy and Commerce Committee.

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When I first asked why the medical center treating 150,000 patients should be forced to close, the initial reaction of Mr. PALLONE of New Jersey and Mr.

McDERMOTT from Seattle, Washington, was that the medical center and I must be mistaken; we were wrong. They then stated that other hospitals had called them asking about this section as well.

Madam Speaker, something is terribly wrong in the House of Representatives if hospitals across this country are calling committees in a panic to find out if health care legislation is forcing them to shut down.

Subsequently, after some lengthy discussion in the early morning hours, the two Democrat committee representatives eventually acknowledged that I just might be right about what's going to happen in Wenatchee, and they said that's just what they intend to happen under this bill. Let me restate this. This is not an unintended consequence. It is an intentional consequence. My colleague from Seattle said that some people might squeal about what this bill does, but he stated that's what was needed to be done to save money. This bill saves money by putting the medical center out of business?

I sought to fix this provision by offering an amendment to the Rules Committee with Mrs. McMORRIS RODGERS from Washington whose constituents would also be affected by this bill. Our amendment simply would have removed one requirement of the bill that would force certain hospitals to close if more than 40 percent were owned by physicians. I'm dismayed, Madam Speaker, that on straight party-line vote that amendment was not allowed to be debated on the floor today.

Madam Speaker, I voted to create the SCHIP program, and I believe it must be renewed, but when we are faced with a bill that puts Medicare plans of over 150,000 seniors in Washington at risk and threatens the closure of the Wenatchee Valley Medical Center and all the patients it serves, I can't support this legislation.

I must ask, what else does this bill do that's not being explained? What other undiscovered ways will it reduce citizens' access to health care?

It doesn't have to be this way, Madam Speaker. This House can defeat this closed rule and we can have an opportunity to open the process. And with that, I urge my colleagues to vote against the rule and the underlying bill.

Ms. CASTOR. Madam Speaker, I'm pleased to yield 1 minute to the gentleman from Texas (Mr. EDWARDS), who has been tireless in his efforts in standing up for healthier children in Texas and across America.

Mr. EDWARDS. Madam Speaker, the Children's Health Insurance Program is pro-family and pro-work.

It is pro-family because few things are more important to our families than the health of our children.

It is pro-work because it says to those on welfare, if you will get a job and go to work, you won't lose health care coverage for your children.

This bill is about helping those who are working hard to help themselves and their families, and that is a good thing to do. By passing this bill, we can ensure that 5 million American children will receive better health care. That is a cause worth fighting for, even if we have to step on the toes of some special interests to get it done.

All too often in years past under different leadership, Congress has fought hard for powerful special interests. Today is a new day. We have a chance to stand up for the interests of America's children, and we should do it for the sake of our children and for the future of our country.

Vote "yes" on this rule. Vote "yes" on this bill.

Mr. SESSIONS. Madam Speaker, I yield 2 minutes to the ranking member on Energy and Commerce, the gentleman from Ennis, Texas (Mr. BARTON).

Mr. BARTON of Texas. Well, progress is being made. Last night, if you mentioned the word "SCHIP" on the House floor, a point of order was made that you couldn't talk about it. At least today we can talk about it.

I rise in the strongest possible opposition to this self-executing, closed rule. I want to just recapitulate the history of the SCHIP bill as it's come through the House and the Energy and Commerce Committee.

Last Tuesday night at 11:36 p.m., after the House had had its last vote, the minority on the Energy and Commerce Committee staff got the 465 SCHIP bill that was scheduled to be marked up the next morning, the following Wednesday, at 10 a.m. So that happened at 11:36 p.m. last Tuesday.

As we all know, last night the Rules Committee got the Ways and Means version of the SCHIP bill, I'm told, at 12:30 a.m. this morning, met at 1 a.m. this morning, reported out a closed, self-executing rule, with no amendments. What does that mean? A self-executing rule means if you pass the rule, everything that's in it automatically happens. There's no debate; there's no policy argument or anything. It just happens.

Now, this is from my friends on the majority side that when they became the majority said there was going to be openness; there was going to be transparency; Rules Committee wasn't going to meet at midnight; we were going to include the minority in discussions. Such hypocrisy.

11:36 p.m. last Tuesday night we get a bill from over the transom that's 465 pages. Midnight last night, or this morning, Rules Committee meets at 1 o'clock, reports out a self-executing closed rule. That is a joke.

Vote "no" on this rule.

Ms. CASTOR. Madam Speaker, we will stay up day and night to bring better health care to America's children.

At this time, I'm pleased to yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Madam Speaker, I rise today in support of the rule and to express my strong support for the Children's Health and Medicare Protection Act of 2007, which makes great strides in improving our Nation's health care system.

It chills the conscience to think that approximately 9 million American children are currently without health insurance.

There can be no justice until all of our children, our most valuable resource, are granted access to the most technologically advanced medical system in the world.

The CHAMP Act commits $50 billion to reauthorize and improve SCHIP, our Nation's health care safety net for low-income, uninsured children.

The CHAMP Act would lift enrollment barriers and increase funding so that we can get our children the care that they need.

I'm also very pleased that Chairman DINGELL shares my commitment to improving children's access to dental care by including a guaranteed dental benefit and two other dental-related measures that I have requested in H.R. 3162. Chairman DINGELL also recognizes, as I do, that oral health is an important component for overall health.

With that, I urge the Members to vote for the rule and for the Act.

Mr. SESSIONS. Madam Speaker, if I could inquire upon the time remaining on both sides, please.

The SPEAKER pro tempore. The gentleman from Texas has 10¼ minutes. The gentlewoman from Florida has 13¼ minutes.

Mr. SESSIONS. Madam Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. I thank the gentleman.

Madam Speaker, I am in opposition to the proposed tax increase as a source of funding for the SCHIP program.

Tobacco is lawfully grown, marketed and consumed, and tobacco manufacturers to growers, Madam Speaker, employ thousands of citizens in my State, hundreds in my district. These manufacturers and growers, small and large, provide well-paying jobs and make valuable contributions to their communities.

At one time, Madam Speaker, tobacco was king. Now it is a beleaguered industry; yet it remains a convenient whipping boy regarding the raising of revenue for this body.

When SCHIP was authorized and debated a decade ago, I did not support it because of its potential to become one more entitlement program that would, in time, cost more than what's projected. It has, Madam Speaker, surpassed my apprehensions in cost and scope.

Today, CBO projects that this expansion would cost nearly $87 billion over the next 5 years. This has led to the proposal that billions of dollars be cut from Medicare providers such as hospitals and health care services, coupled with the increase in the tobacco tax, to finance this expansion.

I cannot condone such an abuse of taxpayers for a program that would take from one group of vulnerable citizens to expand services to citizens, in many instances, who are less vulnerable.

Ms. CASTOR. Madam Speaker, I'm pleased to yield 3 minutes to the gentlewoman from Ohio (Ms. SUTTON), a voice of clarity and one of the most outspoken advocates for the children of Ohio and all of America's children.

Ms. SUTTON. Madam Speaker, I thank the gentlewoman for yielding me the time and for her leadership on this very, very important issue.

Madam Speaker, today we act to ensure that 11 million children in this Nation will have access to the health care that they need.

With this legislation, we add 5 million more of our most vulnerable citizens to the Children's Health Insurance Program. With this legislation, we will finally ensure coverage for 95 percent of all children in need in this great country.

Our bill, the Children's Health and Medicare Protection, or CHAMP, Act reauthorizes and improves CHIP, while also making important improvements to the Medicare program and changes that will help reduce tobacco use in this Nation.

Children in the State of Ohio stand to benefit tremendously under this bill. The coverage of 218,500 currently enrolled in CHIP will be secured, and funding for the CHAMP Act will allow Ohio to reach another 164,000 children who have remained uninsured until this time.

Expanding and improving health care for our children is one of the most important things we can do to ensure a brighter future for our families and our communities and this country.

If our children do not have access to the health care they need, it affects their schooling, their home life and can have a severe impact on their ability to grow into a strong, well-rounded adult.

Madam Speaker, we hear a lot of purported excuses and lamenting from across the aisle about why we should not act to ensure that the children get the insurance they need here today.

Well, I want those Members to go explain to the families and the children in Ohio's 13th Congressional District, who will now have access to the health care they so vitally need, why they oppose this legislation. These Members need to explain why it's okay that we can provide tax breaks to millionaires but can't afford the less than $3.50 a day it takes to cover a child through CHIP.

If we do not pass this bill, children in my district will lose health coverage and families may have to face the consequences of medical debt, and we've seen it all too often lead to bankruptcy and foreclosure. That's unacceptable to me and my constituents.

On Medicare, Madam Speaker, the CHAMP Act also makes significant improvements toward improving benefits and limiting premium increases for beneficiaries. More than 202,000 Medicare beneficiaries in Ohio will be assured that their out-of-pocket costs for prescription drugs will not rise, and almost half a million beneficiaries in my home State with incomes under 150 percent of the poverty level will receive assistance with copayments and deductibles, as well as prescription drug costs.

Madam Speaker, I do have some concerns regarding changes in the Medicare policy on the purchase of power wheelchairs and the effect that this will have on Medicare beneficiaries with long-term debilitating conditions. But while I certainly support the overall bill, I hope that we can address this issue in conference or in some other matter in the near future to ensure people are not hurt.

I strongly support the rule and the underlying legislation.

Mr. SESSIONS. Madam Speaker, at this time, I ask unanimous consent that, as a result of the large number of Members who are coming down to speak, as a courtesy to these Members, that we would add 10 minutes to each side for debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Ms. CASTOR. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. SESSIONS. Do not want to talk further on this bill from the new Democrat majority.

Madam Speaker, at this time I yield 1½ minutes to the gentleman from Brighton, Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Speaker, I think the thing that surprises me the most on this is the lack of honesty on this bill, and I think to the credit of many of my friends on the other side of the aisle, I don't think you've been told what's in this bill.

This isn't about poor, uninsured children. My dad used to say, if a salesman comes to you and talks about the needs of his kids before he talks about the quality of his product, beware; you're getting sold a bill of goods.

That's exactly what has happened today and in the previous days and why they don't want to talk about the bill, why they don't want amendments.

Why? It's the single largest cut in Medicare's program history. You are cutting Medicare to millions of seniors. I wouldn't want to talk about it either.

And what else are you doing? You're cutting stroke victims when they're in in-patient rehab. Stroke victims, our seniors, are going to cut that. Doctors, you're cutting doctors. You're cutting oxygen equipment and wheelchair services to seniors. You're cutting seniors' home health care. You're cutting hospital payments. You're cutting skilled nursing care for the sickest seniors in nursing homes. You're cutting dialysis services for kidney cancer patients. You're cutting imaging services for cancer and cardiac patients.

You're telling businesses we're going to make it more expensive for you to give health care to the working poor.

□ 1300

You are doing that in this bill. I bet many of you don't even know that. You are also telling seniors, by the way, once we slash the largest in history amount of money out of Medicare, your part B premiums are going up. We're going to make it more expensive for you. Less doctors taking Medicare patients, higher small business costs, higher Medicare premiums, not one dollar for the 700,000 under 200 percent of poverty who need our help.

Shame on you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded, when their time is expired, they should cease.

Ms. CASTOR. Madam Speaker, I include for the RECORD the endorsement letter of our actions today by the AARP.

AARP,
Washington, DC, July 31, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: AARP strongly supports the Children's Health and Medicare Protection (CHAMP) Act (H.R. 3162). This well-balanced, fiscally responsible legislation addresses several priority issues for AARP's nearly 39 million members and their families. The legislation provides needed assistance to low-income Medicare beneficiaries; helps to ensure that beneficiaries maintain access to physicians; protects beneficiaries from significant additional increases in the Part B premium; covers millions of children in working families that cannot afford health insurance on their own; and includes additional changes that will improve the quality and efficiency of our nation's health care system.

HELPING LOW-INCOME MEDICARE BENEFICIARIES

The CHAMP Act will help more low-income Medicare beneficiaries with Part D drug costs and cost sharing in traditional Medicare by raising asset limits and streamlining requirements for the Part D Low Income Subsidy (LIS), and improving the Medicare Savings Programs (MSP) that assist lower income Medicare beneficiaries with premiums and cost-sharing in traditional Medicare.

Raising Part D asset limits to $17,000 for individuals and $34,000 for couples closes the coverage gap ("doughnut hole") and helps pay premiums and copays for more low-income beneficiaries who did the right thing by saving a small nest egg for retirement. We should encourage people to save for retirement, not penalize those low-income savers with an asset test. Further raising the limits in subsequent years will ensure that more lower income beneficiaries have access to this needed subsidy.

Streamlining the LIS application by removing difficult and invasive questions—such as the cash value of life insurance and in-kind support—and aligning MSP rules with the LIS criteria, further reduces unnecessary barriers to valuable assistance for those who need it most.

HELPING TO MAINTAIN PHYSICIAN ACCESS AND KEEP MEDICARE AFFORDABLE FOR ALL BENEFICIARIES

The CHAMP Act helps ensure that beneficiaries maintain access to physicians. It also protects all Medicare beneficiaries from additional premium hikes associated with physician payment changes by reducing other Part B spending, including excess payments to private Medicare Advantage plans. Part B premiums have more than doubled since 2000, and this legislation strikes a balance between maintaining affordability for beneficiaries and ensuring that they are able to obtain physician services.

ENSURING MEDICARE TRUST FUND DOLLARS ARE SPENT WISELY

The CHAMP Act seeks to restore the balance between the traditional Medicare and Medicare Advantage program. AARP supports a genuine choice of Medicare coverage options for beneficiaries. But the Medicare Payment Advisory Commission has reported that Medicare Advantage plans are paid, on average, 12 percent more than traditional Medicare. This payment disparity is unfair to all taxpayers, as well as the vast majority of beneficiaries in traditional Medicare who pay higher premiums, who subsidize these excess payments. According to actuaries at the Centers for Medicare and Medicaid Services, these excess payments shorten the life of the Medicare Part A Trust Fund by two years.

AARP supports a level playing field between traditional Medicare and Medicare Advantage plans. Excess payments to MA plans should be phased out while protecting beneficiaries from disruptions during the transition period. Well-run managed care plans can continue to use provider networks, care coordination, and evidence-based practices to control costs while improving quality. The CHAMP Act helps to improve quality in Medicare Advantage by providing new beneficiary protections and requiring all types of plans—including private fee for service plans—to be subject to the same rules.

STRENGTHENING MEDICARE FOR THE FUTURE

The CHAMP Act helps to strengthen Medicare for both current and future beneficiaries by:

Expanding Medicare coverage and eliminating cost sharing for evidence-based prevention services to promote more cost-effective efforts to keep people healthy, rather than high-cost treatments once people suffer from preventable conditions.

Bringing parity to Medicare cost sharing requirements for mental health outpatient services.

Expanding demonstration projects to provide Medicare beneficiaries with a "medical home" in physician offices that can help coordinate their care to improve quality and efficiency while encouraging participation by reducing cost sharing responsibilities.

PROVIDING HEALTH COVERAGE TO MORE LOW-INCOME CHILDREN

The CHAMP Act strengthens the State Children's Health Insurance Program (SCHIP). SCHIP is vitally important to many grandparents raising grandchildren. SCHIP also is a wise use of tax dollars, given the substantial long-term benefits that relatively low-cost children's coverage can provide. After all, productive working years and healthy aging both require an early start.

The legislation would allow states to cover more than 5 million uninsured low-income children who are currently eligible but not enrolled in the program, as well as make changes to help improve the quality of children's health care. Those benefiting most are children in families with working parents who do not earn enough to afford health care coverage without assistance, and who represent more than half of the estimated 9 million uninsured children in the country.

Increasing the federal tobacco tax to help offset SCHIP reauthorization is both fiscally responsible and smart health policy because it helps to reduce smoking rates, which yields health benefits of its own.

IMPROVING QUALITY AND EFFICIENCY

Finally, the CHAMP Act includes several additional provisions that will help to increase the quality and efficiency of our entire health care system. These include provisions to:

Fund a broadly representative non-profit organization, such as the National Quality Forum, to develop and promote use of consensus-based quality measures and advance the use of electronic health records.

Establish a Comparative Effectiveness commission to promote objective research comparing various drugs and other treatments for specific conditions to determine which are the most effective. This will help improve quality of care while reducing inappropriate, inefficient, and ineffective care.

Promote better understanding of racial and ethnic disparities in health care so the issues can be addressed.

In short, this package of health care changes will help both children and older Americans, as well as make positive improvements to our health care system. We appreciate your leadership and look forward to working with you to enact the bill into law this year.

Our members have expressed strong interest in knowing how their elected officials vote on key issues that affect older Americans and their families. As part of our ongoing effort to let our members know of action taken on key issues, we will be informing them how their Representatives vote when H.R. 3162, the Children's Health and Medicare Protection Act, comes to the House floor.

Sincerely,

WILLIAM D. NOVELLI,
Chief Executive Officer.

Madam Speaker, I yield 1¼ minutes to my colleague from Florida (Mr. KLEIN), who has been fighting in the trenches for Florida's children and Florida's seniors and all of them across America.

Mr. KLEIN of Florida. Madam Speaker, I rise in support of this rule for the Children's Health and Medicare Protection Act of 2007, CHAMP.

I have been a strong supporter of the State Children's Health Insurance Program for many years, as many of our Members have. In Florida, we call it Healthy Kids; and it provides much-needed health care to hundreds of thousands of children who would otherwise not receive it. Democrats, Republicans, business and community leaders support this program because it empowers families to provide health insurance for their children.

The CHAMP Act also addresses another important problem with our health care system by providing a critical payment update for the doctors. In south Florida, we are currently facing a severe shortage of qualified physicians, in part because of the way physician payments under Medicare are calculated.

I applaud Chairman DINGELL and the other drafters of the CHAMP Act for their immediate action to stave off the unreasonable cuts to physician payments.

I am concerned, however, with the way the CHAMP Act addresses the overpayments to Medicare Advantage plans. By scaling some payments back to traditional Medicare fee-for-service rates over the course of 4 years, seniors in my district may be at risk for losing some benefits. There may be some risk of losing some benefits, so I believe a more prudent proposal is to soften the impact of these changes to Medicare Advantage, and I look forward to working with the conferees to ensure that our elderly and vulnerable populations are supported by any changes to Medicare.

I ask my colleagues to support this rule and bill.

Mr. SESSIONS. Madam Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, most of my colleagues are aware of the tragic fact that since 1973, approximately 49 million innocent unborn babies have been brutally dismembered or chemically poisoned to death in what is euphemistically called choice.

Abortion methods are extraordinarily cruel. They are painful and violent. Indeed, abortion is an act of violence against children. Unborn children in America today have less protection than most animals, including fighting dogs and eagles.

It is dismaying and disappointing to me that H.R. 3162, a bill that purports to assist sick and disabled children, explicitly fails to acknowledge an entire class of children, unborn children. The aggressive demands of the abortion culture distorts reality even here. The impulse to deny unborn children any value or worth or dignity is so extreme that the bill doesn't include and wouldn't even make in order Mr. PITTS' amendment to include acknowledgment that these young and vulnerable patients often need intervention, including microsurgery and blood transfusion, just like any other patient.

Why the bias against the innocent unborn? The Bush administration's policy promulgated in 2002 is put at risk. That was and is a progressive policy—a policy of inclusion. I am very disappointed in my colleagues on the other side of the aisle for failing to include all kids under this administration.

By way of background the administration promulgated the Unborn Child Rule to give states the option to explicitly include unborn children as unique patients in their SCHIP programs. Eleven states, including California, Rhode Island, Massachusetts, Texas, Wisconsin, and Michigan now include explicit coverage for unborn babies in their programs. H.R. 3162 puts that enlightened and progressive policy at risk.

It's worth noting that the Bush 2002 Unborn Child Rule was savaged by the pro-abortion lobby. Planned Parenthood included it in their list of actions they regard as a war on women. Which of course is absurd. I guess when your organization kills 265,000 unborn children in Planned Parenthood clinics each year, you find it hard to think or say anything good about an unborn baby.

But, the underlying prejudice and bias that makes this vulnerable class of humans expendable and persona non grata should not be endorsed by this bill.

Vote "no" on the rule—give the Pitts amendment a chance to be voted on.

Ms. CASTOR. Madam Speaker, I ask unanimous consent to submit for the RECORD a letter received just yesterday from the Catholic Health Association, which states, in part, we believe the most important pro-life thing that Congress can do right now is to ensure that the State Children's Health Insurance Program is reauthorized. Children's lives and the lives of unborn babies depend on a strong SCHIP reauthorization. So we are standing up for these children and for pregnant women.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

Mr. PRICE of Georgia. Madam Speaker, reserving the right to object, I wonder if my friend is aware of the fact that the letter she is submitting to the RECORD or asking the House to allow for submission into the RECORD has significant conflicts.

Madam Speaker, I am not certain that she recognizes that, in fact, AARP, which is the letter that she provided earlier for the record, in fact, AARP is in competition for health insurance policies with Medicare Advantage. That's the dirty little secret that nobody wants you to appreciate.

So when these letters are put in the RECORD, it may seem that there are wonderful endorsements out there for this program. However, in fact, that isn't the case. It isn't the case with the AARP letter that was provided, and it likely isn't the case with the letter that has been provided right here.

So I think it's incumbent upon all Members of this Chamber to appreciate where people stand, and where we stand is to make certain that Medicare recipients receive the Medicare policies that they currently have. Under Medicare Advantage, we believe that those individuals ought to be able to continue to receive those policies.

In fact, what the other side is trying to do is to cut Medicare. That's exactly what they are doing, is cutting Medicare. They are doing it under the guise of covering children. That's not we believe is appropriate. We believe that individuals ought to have the flexibility and choices in their health care policies, in their Medicare policies.

Mr. STARK. Madam Speaker, I object to the letter being introduced.

The SPEAKER pro tempore. Objection is heard.

Ms. CASTOR. Madam Speaker, we are not going to divide this country over health care. We are going to bring them together and fight for better health care for our children and our seniors and everyone.

Madam Speaker, I yield 1½ minutes to the gentleman from Texas, the distinguished member of the Health Subcommittee on the Committee on Ways and Means, Mr. DOGGETT.

Mr. DOGGETT. Madam Speaker, of course, that letter is one of many endorsements of groups coming together because they know that today they are improving health care for our oldest Americans and our youngest Americans.

Unfortunately, my home State of Texas has the distinction of being number one in children with no health insurance, largely due to the indifference of then Governor George Bush who responded too late and too little. His indifference to the health crisis now is hardly surprising given his indifference then.

The Republican prescription drug plan, the largest entitlement increase in recent history, is a study in how to let Medicare "wither on the vine" at the time they inject waste, fraud and abuse into the system.

Now Republicans are using every available obstructionist tactic to block our reforms, to curb their own excesses, such as their lavishing billions on big insurance companies. Despite their professed interest in controlling entitlement spending, only two of their 21 committee amendments would have reduced spending and the vast majority would have increased spending on borrowed money.

Their sermons about Medicare insolvency are betrayed by their insistence on undermining it, and their silly claims of "socialized medicine" are belied by the bill's endorsement by the American Medical Association and the AARP.

Approve this rule and afford seniors and children the health care that Republican obstructionism would deny them.

Mr. SESSIONS. Madam Speaker, I yield 1¾ minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Speaker, I ask unanimous consent that 10 minutes be added to debate equally divided between both the majority and the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Ms. CASTOR. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. SESSIONS. Will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Texas.

Mr. SESSIONS. Welcome to the new Democrat-run House of Representatives: No debate added time. No regular order hearings. Closed rules. Welcome.

Mr. BUYER. It is disappointing that the objection was so loud and clear.

I do remember coming here in the minority, and at the time it was referred to as the Imperial Congress. It has not taken you very long to get back to where you were. That is disappointing. When I look at what is happening, you have the votes, you have the majority.

When I think about what just happened to the Commerce Committee, I have such great respect for JOHN DINGELL.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman is reminded to address his remarks to the Chair.

Mr. BUYER. Madam Speaker, I have great respect for JOHN DINGELL and how awkward he must feel that the leadership of this Congress took jurisdiction from his committee. Now, this is the same man that has respected the rules of process and procedure that has taught many of us in this House.

I think about the intolerance right now that the majority has of other people's views and opinions. That is very, very disheartening; and the American people should know and recognize what is happening here is wrong.

I just appeal to you once again, you have the votes. Do not turn Congress into an undemocratic institution. Think about when you were in the minority. There were times yet you didn't like what happened, but you had your opportunity to be heard. Yes, you may have lost an amendment or been voted down here or there. It is part of the democratic process.

Do not shut down the democratic process. That's what you have done on this bill. We should be reauthorizing the SCHIP program for children. Republicans created this bill. Let's do a clean bill. That's what we should be doing here on the floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are once again reminded to address their remarks to the Chair.

Ms. CASTOR. Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield 1½ minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Let me thank the gentleman for yielding as we continue the debate on ensuring children's health care.

Madam Speaker, let me bring up another point, and that is something that has been debated. Despite all the things we talk about here, there is nothing more important than protecting this country. Regrettably, I lost more people in Staten Island in Brooklyn than any other district in this country on 9/11. We should be doing everything possible to ensure that our intelligence community is preventing terrorist attacks. Right now, Congress, I believe, is abdicating its responsibility. That's why I urge my colleagues to defeat the rule and urge my colleagues to defeat the previous question on the rule.

If the previous question is defeated, we will immediately bring legislation to the floor to solve an intelligence gap. Very simply this, the American people need to know, if there is a foreigner on foreign soil, if there is an area in Afghanistan where the intelligence community knows for a fact that there are terrorists plotting attacks to kill Americans, right now, without a court order, we can't listen to those conversations. That's irresponsible.

If we want to help and protect the American people to the best of our ability, we will allow our intelligence community to listen to foreigners on foreign soils whose sole objective is to kill more Americans and our allies without a court order or obtaining a warrant.

If we have another attack, God forbid, I would like to see Members in this body rush to the floor and explain why they wouldn't allow our intelligence community to listen to foreigners on foreign soil who want to only do one thing, kill us.

Ms. CASTOR. Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, it's my understanding the gentlewoman from Florida is indicating she has no additional speakers and that she would choose to close?

Ms. CASTOR. That is correct, Madam Speaker. I will reserve until Mr. SESSION closes.

MOTION TO ADJOURN

Mr. SESSIONS. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair advises the House that the Chair intends to adhere to strict timelines when closing the first vote in subsequent vote series. The cooperation of all Members is appreciated.

The vote was taken by electronic device, and there were—yeas 172, nays 246, not voting 14, as follows:

[Roll No. 783]

YEAS—172

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
Kline (MN)
Knollenberg
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—246

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fossella
Frank (MA)
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Becerra
Clarke
Davis, Jo Ann
Goode
Gutierrez
Honda
Johnson, Sam
Miller, George
Pascrell
Rogers (KY)
Slaughter
Spratt
Tancredo
Waxman

☐ 1335

Mr. JOHNSON of Georgia changed his vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 3162, CHILDREN'S HEALTH AND MEDICARE PROTECTION ACT OF 2007

Mr. SESSIONS. Madam Speaker, I ask unanimous consent that the text of the amendment, which I will offer to the rule if the previous question is defeated, and extraneous material be printed just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Madam Speaker, I yield the balance of my time to the ranking member of the Select Committee on Intelligence, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Madam Speaker, I think we all know the context of the world that we live in today. America is under heightened threat.

We also know that, if we go back to May 21, the Director of National Intelligence has said our intelligence agencies must obtain a court order to monitor the communications of foreigners suspected of terrorist activity who are physically located in foreign countries. Foreign intelligence, foreign terrorists in foreign countries, and we need to get a court order.

The end result is we have significant gaps in gathering the information that we need to keep America safe. That is why we need to vote against this previous question, and why we need to do an update of the Foreign Intelligence Surveillance Act today.

But in light of these threats and this context, what has been the response? What's been the response of this Congress and the other side?

Only a couple of weeks ago, we decided that we would give al Qaeda more information about our Intelligence Community. We decided that Congress would mandate that we declassify the top line. In the intelligence authorization bill that we did earlier this year, we said we want a national intelligence estimate, not on al Qaeda, not on Iran, not on Syria, not on North Korea, but we want it on global climate change. We gutted some of our key funding for intelligence operations, and we have done absolutely nothing on updating FISA, even though we are under heightened threat and we are talking about foreign targets, foreign intelligence from individuals who are located overseas.

We need to update FISA, and we need to do it before we go home. Weakening our national security and weakening our intelligence effort in these times is the wrong thing to do.

We used to talk about our inability to connect the dots. What we now have is a majority that is unwilling and unable to give our Intelligence Community even the capabilities to go out and connect the dots that keep us safe.

Make no doubt about it. We are weakening our intelligence. We are making this country more vulnerable, and we need to act, and we need to act before we go on recess.

Mr. NADLER. Will the gentleman yield?

Mr. HOEKSTRA. No, I will not yield. And I know that this colleague has been very sympathetic to making us and fixing this problem, and I appreciate his efforts in this area.

But if we go back to knowing that we have had this information for more than 6 months, we have not dealt with this information. Go back to the "op ed" that the Director of National Intelligence wrote in May. And this bill that we are dealing with today concerns children. But, as the DNI has said, this surveillance saves lives, the lives of our children and grandchildren. That is what we are talking about.

What do we do to keep the homeland safe? What do we do to keep our troops safe? Because we are talking about gathering intelligence from foreign targets in places like Pakistan, Afghanistan and Iraq.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SESSIONS. Madam Speaker, I would ask unanimous consent for 2 additional minutes for the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Ms. CASTOR. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. HOEKSTRA. I encourage my colleagues to vote "no" on this previous question. Deal with the issue of FISA and deal with it now.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. CASTOR. Madam Speaker, for today we are here on the Children's Health and Medicare Act, the CHAMP Act.

And, Madam Speaker, I hope the American people know there are many champions for America's kids standing up for our hardworking families in the Nation's Capitol today; and we are joining with Republican and Democratic Governors from across the country fighting for a new direction, for a healthier and economically sound America.

It was only 8 months ago when Speaker NANCY PELOSI accepted the gavel as the first female Speaker of the House of Representatives. She accepted that gavel on behalf of America's children, and we're going to keep our promise to America's kids today.

There's another champion in the Chair of the Rules Committee, Ms. LOUISE SLAUGHTER, who has helped us fight through these delaying tactics to bring this bill to the floor, and we will vote on it today.

In the Energy and Commerce Committee, Chairman JOHN DINGELL continues to be a voice of clarity and advocacy for America's children; and he is joined by the voices, the loud voices, of Congressman FRANK PALLONE and Congresswoman DIANA DEGETTE and the members of that committee.

In the Ways and Means Committee, where PAYGO means something now in this new Congress, Chairman CHARLIE RANGEL has led our effort to pay for this Act.

And I salute the subcommittee Chair, Mr. PETE STARK, and the members of that committee and many, many more on the floor of this House, who are not just Members of Congress, but we are also parents and we are grandparents.

The real champions, however, are the parents across America working to make ends meet and provide their children with a healthy and successful life. We are on their side today and every day, even in the face of resistance from the White House, where the President suggests that the health care for America's kids can be found in the emergency rooms of local hospitals. That is wrong.

Instead, through the SCHIP program and children's health care and this innovative partnership between communities, States and Federal Government, we will make important investments in our kids and their health today that will pay dividends down the road for our economy. It will reduce the strain on our emergency rooms, our crowded local emergency rooms, and it will reduce the strain on moms and dads.

This is, indeed, a historic day, a day for a new direction, a day full of hope for the health of our children and a better America.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 594 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

Sec. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 3138) to amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) One hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's American Congressional Dictionary: "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "A refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 228, nays 190, not voting 14, as follows:

[Roll No. 784]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Akin
Bartlett (MD)
Clarke
Davis, Jo Ann
Doolittle
Hall (TX)
Hensarling
Johnson, Sam
Jordan
Manzullo
Pickering
Pitts
Rogers (KY)
Tancredo

☐ 1402

Mr. BARTON of Texas changed his vote from "yea" to "nay."

Mr. ACKERMAN and Mrs. JONES of Ohio changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. CASTOR. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 197, not voting 11, as follows:

[Roll No. 785]

AYES—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri

Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Clarke
Davis, Jo Ann
Herger
Hunter
Johnson, Sam
Manzullo
Moore (WI)
Pickering
Smith (TX)
Sullivan
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1409

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MOORE of Wisconsin: Madam Speaker, on rollcall No. 785, had I been present, I would have voted "aye."

Stated against:

Mr. JORDAN of Ohio. Madam Speaker, I was absent from the House Floor during today's rollcall vote on ordering the previous question on House Resolution 594.

Had I been present, I would have voted "no."

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2638. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2638) "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. NELSON (NE), Mr. COCHRAN, Mr. GREGG, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. SHELBY, Mr. CRAIG, and Mr. ALEXANDER, to be the conferees on the part of the Senate.

CHILDREN'S HEALTH AND MEDICARE PROTECTION ACT OF 2007

Mr. DINGELL. Mr. Speaker, pursuant to House Resolution 594, I call up the bill (H.R. 3162) to amend titles XVIII, XIX, and XXI of the Social Security Act to extend and improve the children's health insurance program, to improve beneficiary protections under the Medicare, Medicaid, and the CHIP program, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Health and Medicare Protection Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHILDREN'S HEALTH INSURANCE PROGRAM

Sec. 100. Purpose.

Subtitle A—Funding

Sec. 101. Establishment of new base CHIP allotments.
Sec. 102. 2-year initial availability of CHIP allotments.
Sec. 103. Redistribution of unused allotments to address State funding shortfalls.
Sec. 104. Extension of option for qualifying States.

Subtitle B—Improving Enrollment and Retention of Eligible Children

Sec. 111. CHIP performance bonus payment to offset additional enrollment costs resulting from enrollment and retention efforts.
Sec. 112. State option to rely on findings from an express lane agency to conduct simplified eligibility determinations.
Sec. 113. Application of medicaid outreach procedures to all children and pregnant women.
Sec. 114. Encouraging culturally appropriate enrollment and retention practices.

Subtitle C—Coverage

Sec. 121. Ensuring child-centered coverage.

Sec. 122. Improving benchmark coverage options.
Sec. 123. Premium grace period.

Subtitle D—Populations

Sec. 131. Optional coverage of older children under Medicaid and CHIP.
Sec. 132. Optional coverage of legal immigrants under the Medicaid program and CHIP.
Sec. 133. State option to expand or add coverage of certain pregnant women under CHIP.
Sec. 134. Limitation on waiver authority to cover adults.

Subtitle E—Access

Sec. 141. Children's Access, Payment, and Equality Commission.
Sec. 142. Model of Interstate coordinated enrollment and coverage process.
Sec. 143. Medicaid citizenship documentation requirements.
Sec. 144. Access to dental care for children.
Sec. 145. Prohibiting initiation of new health opportunity account demonstration programs.

Subtitle F—Quality and Program Integrity

Sec. 151. Pediatric health quality measurement program.
Sec. 152. Application of certain managed care quality safeguards to CHIP.
Sec. 153. Updated Federal evaluation of CHIP.
Sec. 154. Access to records for IG and GAO audits and evaluations.
Sec. 155. References to title XXI.
Sec. 156. Reliance on law; exception for State legislation.

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Sec. 225. Codification of special protections for six protected drug classifications.
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Sec. 231. Medicare data on race, ethnicity, and primary language.
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Sec. 234. Demonstration to improve care to previously uninsured.
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TITLE IV—MEDICARE ADVANTAGE REFORMS

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Sec. 401. Equalizing payments between Medicare Advantage plans and fee-for-service Medicare.

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Sec. 411. NAIC development of marketing, advertising, and related protections.
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Sec. 606. Excluding clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system and consolidated payment.
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Sec. 621. 2-year extension of floor on medicare work geographic adjustment.
Sec. 622. 2-year extension of special treatment of certain physician pathology services under Medicare.
Sec. 623. 2-year extension of medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
Sec. 624. 2-year extension of Medicare incentive payment program for physician scarcity areas .
Sec. 625. 2-year extension of medicare increase payments for ground ambulance services in rural areas.

Sec. 626. Extending hold harmless for small rural hospitals under the HOPD prospective payment system.
Subtitle C—End Stage Renal Disease Program
Sec. 631. Chronic kidney disease demonstration projects.
Sec. 632. Medicare coverage of kidney disease patient education services.
Sec. 633. Required training for patient care dialysis technicians.
Sec. 634. MedPAC report on treatment modalities for patients with kidney failure.
Sec. 635. Adjustment for erythropoietin stimulating agents (ESAs).
Sec. 636. Site neutral composite rate.
Sec. 637. Development of ESRD bundling system and quality incentive payments.
Sec. 638. MedPAC report on ESRD bundling system.
Sec. 639. OIG study and report on erythropoietin.
Subtitle D—Miscellaneous
Sec. 651. Limitation on exception to the prohibition on certain physician referrals for hospitals.
TITLE VII—PROVISIONS RELATING TO MEDICARE PARTS A AND B
Sec. 701. Home health payment update for 2008.
Sec. 702. 2-year extension of temporary Medicare payment increase for home health services furnished in a rural area.
Sec. 703. Extension of Medicare secondary payer for beneficiaries with end stage renal disease for large group plans.
Sec. 704. Plan for Medicare payment adjustments for never events.
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TITLE VIII—MEDICAID
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Sec. 801. Modernizing transitional Medicaid.
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Sec. 811. Payments for Puerto Rico and territories.
Sec. 812. Medicaid drug rebate.
Sec. 813. Adjustment in computation of Medicaid FMAP to disregard an extraordinary employer pension contribution.
Sec. 814. Moratorium on certain payment restrictions.
Sec. 815. Tennessee DSH.
Sec. 816. Clarification treatment of regional medical center.
Subtitle C—Miscellaneous
Sec. 821. Demonstration project for employer buy-in.
Sec. 822. Diabetes grants.
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TITLE IX—MISCELLANEOUS
Sec. 901. Medicare Payment Advisory Commission status.
Sec. 902. Repeal of trigger provision.
Sec. 903. Repeal of comparative cost adjustment (CCA) program.
Sec. 904. Comparative effectiveness research.
Sec. 905. Implementation of Health information technology (IT) under Medicare.
Sec. 906. Development, reporting, and use of health care measures.
Sec. 907. Improvements to the Medigap program.
TITLE X—REVENUES
Sec. 1001. Increase in rate of excise taxes on tobacco products and cigarette papers and tubes.
Sec. 1002. Exemption for emergency medical services transportation.

TITLE I—CHILDREN'S HEALTH INSURANCE PROGRAM

SEC. 100. PURPOSE.

It is the purpose of this title to provide dependable and stable funding for children's health insurance under titles XXI and XIX of the Social Security Act in order to enroll all six million uninsured children who are eligible, but not enrolled, for coverage today through such titles.

Subtitle A—Funding

SEC. 101. ESTABLISHMENT OF NEW BASE CHIP ALLOTMENTS.

Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(1) in subsection (a)—

(A) in paragraph (9), by striking "and" at the end;

(B) in paragraph (10), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(11) for fiscal year 2008 and each succeeding fiscal year, the sum of the State allotments provided under subsection (i) for such fiscal year."; and

(2) in subsections (b)(1) and (c)(1), by striking "subsection (d)" and inserting "subsections (d) and (i)"; and

(3) by adding at the end the following new subsection:

"(i) ALLOTMENTS FOR STATES AND TERRITORIES BEGINNING WITH FISCAL YEAR 2008.—

"(1) GENERAL ALLOTMENT COMPUTATION.—Subject to the succeeding provisions of this subsection, the Secretary shall compute a State allotment for each State for each fiscal year as follows:

"(A) FOR FISCAL YEAR 2008.—For fiscal year 2008, the allotment of a State is equal to the greater of—

"(i) the State projection (in its submission on forms CMS–21B and CMS–37 for May 2007) of Federal payments to the State under this title for such fiscal year, except that, in the case of a State that has enacted legislation to modify its State child health plan during 2007, the State may substitute its projection in its submission on forms CMS–21B and CMS–37 for August 2007, instead of such forms for May 2007; or

"(ii) the allotment of the State under this section for fiscal year 2007 multiplied by the allotment increase factor under paragraph (2) for fiscal year 2008.

"(B) INFLATION UPDATE FOR FISCAL YEAR 2009 AND EACH SECOND SUCCEEDING FISCAL YEAR.—For fiscal year 2009 and each second succeeding fiscal year, the allotment of a State is equal to the amount of the State allotment under this paragraph for the previous fiscal year multiplied by the allotment increase factor under paragraph (2) for the fiscal year involved.

"(C) REBASING IN FISCAL YEAR 2010 AND EACH SECOND SUCCEEDING FISCAL YEAR.—For fiscal year 2010 and each second succeeding fiscal year, the allotment of a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State (including allotments made available under paragraph (3) as well as amounts redistributed to the State) in the previous fiscal year multiplied by the allotment increase factor under paragraph (2) for the fiscal year involved.

"(D) SPECIAL RULES FOR TERRITORIES.—Notwithstanding the previous subparagraphs, the allotment for a State that is not one of the 50 States or the District of Columbia for fiscal year 2008 and for a succeeding fiscal year is equal to the Federal payments provided to the State under this title for the previous fiscal year multiplied by the allotment increase factor under paragraph (2) for the fiscal year involved (but determined by applying under paragraph (2)(B) as if the reference to 'in the State' were a reference to 'in the United States').

"(2) ALLOTMENT INCREASE FACTOR.—The allotment increase factor under this paragraph for a fiscal year is equal to the product of the following:

"(A) PER CAPITA HEALTH CARE GROWTH FACTOR.—1 plus the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary before the beginning of the fiscal year.

"(B) CHILD POPULATION GROWTH FACTOR.—1 plus the percentage increase (if any) in the population of children under 19 years of age in the State from July 1 in the previous fiscal year to July 1 in the fiscal year involved, as determined by the Secretary based on the most recent published estimates of the Bureau of the Census before the beginning of the fiscal year involved, plus 1 percentage point.

"(3) PERFORMANCE-BASED SHORTFALL ADJUSTMENT.—

"(A) IN GENERAL.—If a State's expenditures under this title in a fiscal year (beginning with fiscal year 2008) exceed the total amount of allotments available under this section to the State in the fiscal year (determined without regard to any redistribution it receives under subsection (f) that is available for expenditure during such fiscal year, but including any carryover from a previous fiscal year) and if the average monthly unduplicated number of children enrolled under the State plan under this title (including children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during such fiscal year exceeds its target average number of such enrollees (as determined under subparagraph (B)) for that fiscal year, the allotment under this section for the State for the subsequent fiscal year (or, pursuant to subparagraph (F), for the fiscal year involved) shall be increased by the product of—

"(i) the amount by which such average monthly caseload exceeds such target number of enrollees; and

"(ii) the projected per capita expenditures under the State child health plan (as determined under subparagraph (C) for the original fiscal year involved), multiplied by the enhanced FMAP (as defined in section 2105(b)) for the State and fiscal year involved

"(B) TARGET AVERAGE NUMBER OF CHILD ENROLLEES.—In this subsection, the target average number of child enrollees for a State—

"(i) for fiscal year 2008 is equal to the monthly average unduplicated number of children enrolled in the State child health plan under this title (including such children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during fiscal year 2007 increased by the population growth for children in that State for the year ending on June 30, 2006 (as estimated by the Bureau of the Census) plus 1 percentage point; or

"(ii) for a subsequent fiscal year is equal to the target average number of child enrollees for the State for the previous fiscal year increased by the population growth for children in that State for the year ending on June 30 before the beginning of the fiscal year (as estimated by the Bureau of the Census) plus 1 percentage point.

"(C) PROJECTED PER CAPITA EXPENDITURES.—For purposes of subparagraph (A)(ii), the projected per capita expenditures under a State child health plan—

"(i) for fiscal year 2008 is equal to the average per capita expenditures (including both State and Federal financial participation) under such plan for the targeted low-income children counted in the average monthly caseload for purposes of this paragraph during fiscal year 2007, increased by the annual percentage increase in the per capita amount of National Health Expenditures (as estimated by the Secretary) for 2008; or

"(ii) for a subsequent fiscal year is equal to the projected per capita expenditures under such plan for the previous fiscal year (as determined under clause (i) or this clause) increased by the annual percentage increase in the per capita amount of National Health Expenditures (as estimated by the Secretary) for the year in which such subsequent fiscal year ends.

"(D) AVAILABILITY.—Notwithstanding subsection (e), an increase in allotment under this paragraph shall only be available for expenditure during the fiscal year in which it is provided.

"(E) NO REDISTRIBUTION OF PERFORMANCE-BASED SHORTFALL ADJUSTMENT.—In no case shall any increase in allotment under this paragraph for a State be subject to redistribution to other States.

"(F) INTERIM ALLOTMENT ADJUSTMENT.—The Secretary shall develop a process to administer the performance-based shortfall adjustment in a manner so it is applied to (and before the end of) the fiscal year (rather than the subsequent fiscal year) involved for a State that the Secretary estimates will be in shortfall and will exceed its enrollment target for that fiscal year.

"(G) PERIODIC AUDITING.—The Comptroller General of the United States shall periodically audit the accuracy of data used in the computation of allotment adjustments under this paragraph. Based on such audits, the Comptroller General shall make such recommendations to the Congress and the Secretary as the Comptroller General deems appropriate.

"(4) CONTINUED REPORTING.—For purposes of paragraph (3) and subsection (f), the State shall submit to the Secretary the State's projected Federal expenditures, even if the amount of such expenditures exceeds the total amount of allotments available to the State in such fiscal year.".

SEC. 102. 2-YEAR INITIAL AVAILABILITY OF CHIP ALLOTMENTS.

Section 2104(e) of the Social Security Act (42 U.S.C. 1397dd(e)) is amended to read as follows:

"(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (i)(3)(D), amounts allotted to a State pursuant to this section—

"(A) for each of fiscal years 1998 through 2007, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

"(B) for fiscal year 2008 and each fiscal year thereafter, shall remain available for expenditure by the State through the end of the succeeding fiscal year.

"(2) AVAILABILITY OF AMOUNTS REDISTRIBUTED.—Amounts redistributed to a State under subsection (f) shall be available for expenditure by the State through the end of the fiscal year in which they are redistributed, except that funds so redistributed to a State that are not expended by the end of such fiscal year shall remain available after the end of such fiscal year and shall be available in the following fiscal year for subsequent redistribution under such subsection.".

SEC. 103. REDISTRIBUTION OF UNUSED ALLOTMENTS TO ADDRESS STATE FUNDING SHORTFALLS.

Section 2104(f) of the Social Security Act (42 U.S.C. 1397dd(f)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) by striking "States that have fully expended the amount of their allotments under this section." and inserting "States that the Secretary determines with respect to the fiscal year for which unused allotments are available for redistribution under this subsection, are shortfall States described in paragraph (2) for such fiscal year, but not to exceed the amount of the shortfall described in paragraph (2)(A) for each such State (as may be adjusted under paragraph (2)(C)). The amount of allotments not expended or redistributed under the previous sentence shall remain available for redistribution in the succeeding fiscal year."; and

(3) by adding at the end the following new paragraph:

"(2) SHORTFALL STATES DESCRIBED.—

"(A) IN GENERAL.—For purposes of paragraph (1), with respect to a fiscal year, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates on the basis of the most recent data available to the Secretary, that the projected expenditures under such plan for the State for the fiscal year will exceed the sum of—

"(i) the amount of the State's allotments for any preceding fiscal years that remains available for expenditure and that will not be expended by the end of the immediately preceding fiscal year;

"(ii) the amount (if any) of the performance based adjustment under subsection (i)(3)(A); and

"(iii) the amount of the State's allotment for the fiscal year.

"(B) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) for a fiscal year are less than the total amounts of the estimated shortfalls determined for the year under subparagraph (A), the amount to be redistributed under such paragraph for each shortfall State shall be reduced proportionally.

"(C) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made under paragraph (1) and this paragraph with respect to a fiscal year as necessary on the basis of the amounts reported by States not later than November 30 of the succeeding fiscal year, as approved by the Secretary.".

SEC. 104. EXTENSION OF OPTION FOR QUALIFYING STATES.

Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by inserting after "or 2007" the following: "Or 30 percent of any allotment under section 2104 for any subsequent fiscal year".

Subtitle B—Improving Enrollment and Retention of Eligible Children

SEC. 111. CHIP PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.

Section 2105(a) of the Social Security Act (42 U.S.C. 1397ee(a)) is amended by adding at the end the following new paragraphs:

"(3) PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL MEDICAID AND CHIP CHILD ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.—

"(A) IN GENERAL.—In addition to the payments made under paragraph (1), for each fiscal year (beginning with fiscal year 2008) the Secretary shall pay to each State that meets the condition under paragraph (4) for the fiscal year, an amount equal to the amount described in subparagraph (B) for the State and fiscal year. The payment under this paragraph shall be made, to a State for a fiscal year, as a single payment not later than the last day of the first calendar quarter of the following fiscal year.

"(B) AMOUNT.—The amount described in this subparagraph for a State for a fiscal year is equal to the sum of the following amounts:

"(i) FOR ABOVE BASELINE MEDICAID CHILD ENROLLMENT COSTS.—

"(I) FIRST TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of first tier above baseline child enrollees (as determined under subparagraph (C)(i)) under title XIX for the State and fiscal year multiplied by 35 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)(i)) for the State and fiscal year under title XIX.

"(II) SECOND TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of second tier above baseline child enrollees (as determined under subparagraph (C)(ii)) under title XIX for the State and fiscal year multiplied by 90 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)(i)) for the State and fiscal year under title XIX.

"(ii) FOR ABOVE BASELINE CHIP ENROLLMENT COSTS.—

"(I) FIRST TIER ABOVE BASELINE CHIP ENROLLEES.—An amount equal to the number of first tier above baseline child enrollees under this title (as determined under subparagraph (C)(i)) for the State and fiscal year multiplied by 5 percent of the projected per capita State CHIP expenditures (as determined under subparagraph (D)(ii)) for the State and fiscal year under this title.

"(II) SECOND TIER ABOVE BASELINE CHIP ENROLLEES.—An amount equal to the number of second tier above baseline child enrollees under this title (as determined under subparagraph (C)(ii)) for the State and fiscal year multiplied by 75 percent of the projected per capita State CHIP expenditures (as determined under subparagraph (D)(ii)) for the State and fiscal year under this title.

"(C) NUMBER OF FIRST AND SECOND TIER ABOVE BASELINE CHILD ENROLLEES; BASELINE NUMBER OF CHILD ENROLLEES.—For purposes of this paragraph:

"(i) FIRST TIER ABOVE BASELINE CHILD ENROLLEES.—The number of first tier above baseline child enrollees for a State for a fiscal year under this title or title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (E)) enrolled during the fiscal year under the State child health plan under this title or under the State plan under title XIX, respectively; exceeds

"(II) the baseline number of enrollees described in clause (iii) for the State and fiscal year under this title or title XIX, respectively;

but not to exceed 3 percent (in the case of title XIX) or 7.5 percent (in the case of this title) of the baseline number of enrollees described in subclause (II).

"(ii) SECOND TIER ABOVE BASELINE CHILD ENROLLEES.—The number of second tier above baseline child enrollees for a State for a fiscal year under this title or title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (E)) enrolled during the fiscal year under this title or under title XIX, respectively, as described in clause (i)(I); exceeds

"(II) the sum of the baseline number of child enrollees described in clause (iii) for the State and fiscal year under this title or title XIX, respectively, as described in clause (i)(II), and the maximum number of first tier above baseline child enrollees for the State and fiscal year under this title or title XIX, respectively, as determined under clause (i).

"(iii) BASELINE NUMBER OF CHILD ENROLLEES.—The baseline number of child enrollees for a State under this title or title XIX—

"(I) for fiscal year 2008 is equal to the monthly average unduplicated number of qualifying children enrolled in the State child health plan under this title or in the State plan under title XIX, respectively, during fiscal year 2007 increased by the population growth for children in that State for the year ending on June 30, 2006 (as estimated by the Bureau of the Census) plus 1 percentage point; or

"(II) for a subsequent fiscal year is equal to the baseline number of child enrollees for the State for the previous fiscal year under this title or title XIX, respectively, increased by the population growth for children in that State for the year ending on June 30 before the beginning of the fiscal year (as estimated by the Bureau of the Census) plus 1 percentage point.

"(D) PROJECTED PER CAPITA STATE EXPENDITURES.—For purposes of subparagraph (B)—

"(i) PROJECTED PER CAPITA STATE MEDICAID EXPENDITURES.—The projected per capita State Medicaid expenditures for a State and fiscal year under title XIX is equal to the average per capita expenditures (including both State and Federal financial participation) for children under the State plan under such title, including under waivers but not including such children eligible for assistance by virtue of the receipt of benefits under title XVI, for the most recent fiscal year for which actual data are available (as determined by the Secretary), increased (for each subsequent fiscal year up to and including the fiscal year involved) by the annual percentage increase in per capita amount of National Health Expenditures (as estimated by the Secretary) for the calendar year in which the respective subsequent fiscal year ends and multiplied by a State matching percentage equal to 100 percent minus the Federal medical assistance percentage (as defined in section 1905(b)) for the fiscal year involved.

"(ii) PROJECTED PER CAPITA STATE CHIP EXPENDITURES.—The projected per capita State CHIP expenditures for a State and fiscal year under this title is equal to the average per capita expenditures (including both State and Federal financial participation) for children under the State child health plan under this title, including under waivers, for the most recent fiscal year for which actual data are available (as determined by the Secretary), increased (for each subsequent fiscal year up to and including the fiscal year involved) by the annual percentage increase in per capita amount of National Health Expenditures (as estimated by the Secretary) for the calendar year in which the respective subsequent fiscal year ends and multiplied by a State matching percentage equal to 100 percent minus the enhanced FMAP (as defined in section 2105(b)) for the fiscal year involved.

"(E) QUALIFYING CHILDREN DEFINED.—For purposes of this subsection, the term 'qualifying children' means, with respect to this title or title XIX, children who meet the eligibility criteria (including income, categorical eligibility, age, and immigration status criteria) in effect as of July 1, 2007, for enrollment under this title or title XIX, respectively, taking into account crtieria applied as of such date under this title or title XIX, respectively, pursuant to a waiver under section 1115.

"(4) ENROLLMENT AND RETENTION PROVISIONS FOR CHILDREN.— For purposes of paragraph (3)(A), a State meets the condition of this paragraph for a fiscal year if it is implementing at least 4 of the following enrollment and retention provisions (treating each subparagraph as a separate enrollment and retention provision) throughout the entire fiscal year:

"(A) CONTINUOUS ELIGIBILITY.—The State has elected the option of continuous eligibility for a full 12 months for all children described in section 1902(e)(12) under title XIX under 19 years of age, as well as applying such policy under its State child health plan under this title.

"(B) LIBERALIZATION OF ASSET REQUIREMENTS.—The State meets the requirement specified in either of the following clauses:

"(i) ELIMINATION OF ASSET TEST.—The State does not apply any asset or resource test for eligibility for children under title XIX or this title.

"(ii) ADMINISTRATIVE VERIFICATION OF ASSETS.—The State—

"(I) permits a parent or caretaker relative who is applying on behalf of a child for medical assistance under title XIX or child health assistance under this title to declare and certify by signature under penalty of perjury information relating to family assets for purposes of determining and redetermining financial eligibility; and

"(II) takes steps to verify assets through means other than by requiring documentation from parents and applicants except in individual cases of discrepancies or where otherwise justified.

"(C) ELIMINATION OF IN-PERSON INTERVIEW REQUIREMENT.—The State does not require an application of a child for medical assistance under title XIX (or for child health assistance under this title), including an application for renewal of such assistance, to be made in person nor does the State require a face-to-face interview, unless there are discrepancies or individual circumstances justifying an in-person application or face-to-face interview.

"(D) USE OF JOINT APPLICATION FOR MEDICAID AND CHIP.—The application form and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children for medical assistance under title XIX and child health assistance under this title.

"(E) AUTOMATIC RENEWAL (USE OF ADMINISTRATIVE RENEWAL).—

"(i) IN GENERAL.—The State provides, in the case of renewal of a child's eligibility for medical assistance under title XIX or child health assistance under this title, a preprinted form completed by the State based on the information available to the State and notice to the parent or caretaker relative of the child that eligibility of the child will be renewed and continued based on such information unless the State is provided other information. Nothing in this clause shall be construed as preventing a State from verifying, through electronic and other means, the information so provided.

"(ii) SATISFACTION THROUGH DEMONSTRATED USE OF EX PARTE PROCESS.—A State shall be treated as satisfying the requirement of clause (i) if renewal of eligibility of children under title XIX or this title is determined without any requirement for an in-person interview, unless sufficient information is not in the State's possession and cannot be acquired from other sources (including other State agencies) without the participation of the applicant or the applicant's parent or caretaker relative.

"(F) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State is implementing section 1920A under title XIX as well as, pursuant to section 2107(e)(1), under this title.

"(G) EXPRESS LANE.—The State is implementing the option described in section 1902(e)(13) under title XIX as well as, pursuant to section 2107(e)(1), under this title.".

SEC. 112. STATE OPTION TO RELY ON FINDINGS FROM AN EXPRESS LANE AGENCY TO CONDUCT SIMPLIFIED ELIGIBILITY DETERMINATIONS.

(a) MEDICAID.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

"(13) EXPRESS LANE OPTION.—

"(A) IN GENERAL.—

"(i) OPTION TO USE A FINDING FROM AN EXPRESS LANE AGENCY.—At the option of the State, the State plan may provide that in determining eligibility under this title for a child (as defined in subparagraph (F)), the State may rely on a finding made within a reasonable period (as determined by the State) from an Express Lane agency (as defined in subparagraph (E)) when it determines whether a child satisfies one or more components of eligibility for medical assistance under this title. The State may rely on a finding from an Express Lane agency notwithstanding sections 1902(a)(46)(B), 1903(x), and 1137(d) and any differences in budget unit, disregard, deeming or other methodology, if the following requirements are met:

"(I) PROHIBITION ON DETERMINING CHILDREN INELIGIBLE FOR COVERAGE.— If a finding from an Express Lane agency would result in a determination that a child does not satisfy an eligibility requirement for medical assistance under this title and for child health assistance under title XXI, the State shall determine eligibility for assistance using its regular procedures.

"(II) NOTICE REQUIREMENT.—For any child who is found eligible for medical assistance under the State plan under this title or child health assistance under title XXI and who is subject to premiums based on an Express Lane agency's finding of such child's income level, the State shall provide notice that the child may qualify for lower premium payments if evaluated by the State using its regular policies and of the procedures for requesting such an evaluation.

"(III) COMPLIANCE WITH SCREEN AND ENROLL REQUIREMENT.—The State shall satisfy the requirements under (A) and (B) of section 2102(b)(3) (relating to screen and enroll) before enrolling a child in child health assistance under title XXI. At its option, the State may fulfill such requirements in accordance with either option provided under subparagraph (C) of this paragraph.

"(ii) OPTION TO APPLY TO RENEWALS AND REDETERMINATIONS.—The State may apply the provisions of this paragraph when conducting initial determinations of eligibility, redeterminations of eligibility, or both, as described in the State plan.

"(B) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

"(i) to limit or prohibit a State from taking any actions otherwise permitted under this title or title XXI in determining eligibility for or enrolling children into medical assistance under this title or child health assistance under title XXI; or

"(ii) to modify the limitations in section 1902(a)(5) concerning the agencies that may make a determination of eligibility for medical assistance under this title.

"(C) OPTIONS FOR SATISFYING THE SCREEN AND ENROLL REQUIREMENT.—

"(i) IN GENERAL.—With respect to a child whose eligibility for medical assistance under this title or for child health assistance under title XXI has been evaluated by a State agency using an income finding from an Express Lane agency, a State may carry out its duties under subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll) in accordance with either clause (ii) or clause (iii).

"(ii) ESTABLISHING A SCREENING THRESHOLD.—

"(I) IN GENERAL.—Under this clause, the State establishes a screening threshold set as a percentage of the Federal poverty level that exceeds the highest income threshold applicable under this title to the child by a minimum of 30 percentage points or, at State option, a higher number of percentage points that reflects the value (as determined by the State and described in the State plan) of any differences between income methodologies used by the program administered by the Express Lane agency and the methodologies used by the State in determining eligibility for medical assistance under this title.

"(II) CHILDREN WITH INCOME NOT ABOVE THRESHOLD.—If the income of a child does not exceed the screening threshold, the child is deemed to satisfy the income eligibility criteria for medical assistance under this title regardless of whether such child would otherwise satisfy such criteria.

"(III) CHILDREN WITH INCOME ABOVE THRESHOLD.—If the income of a child exceeds the screening threshold, the child shall be considered to have an income above the Medicaid applicable income level described in section 2110(b)(4) and to satisfy the requirement under section 2110(b)(1)(C) (relating to the requirement that CHIP matching funds be used only for children not eligible for Medicaid). If such a child is enrolled in child health assistance under title XXI, the State shall provide the parent, guardian, or custodial relative with the following:

"(aa) Notice that the child may be eligible to receive medical assistance under the State plan under this title if evaluated for such assistance under the State's regular procedures and notice of the process through which a parent, guardian, or custodial relative can request that the State evaluate the child's eligibility for medical assistance under this title using such regular procedures.

"(bb) A description of differences between the medical assistance provided under this title and child health assistance under title XXI, including differences in cost-sharing requirements and covered benefits.

"(iii) TEMPORARY ENROLLMENT IN CHIP PENDING SCREEN AND ENROLL.—

"(I) IN GENERAL.—Under this clause, a State enrolls a child in child health assistance under title XXI for a temporary period if the child appears eligible for such assistance based on an income finding by an Express Lane agency.

"(II) DETERMINATION OF ELIGIBILITY.—During such temporary enrollment period, the State shall determine the child's eligibility for child health assistance under title XXI or for medical assistance under this title in accordance with this clause.

"(III) PROMPT FOLLOW UP.—In making such a determination, the State shall take prompt action to determine whether the child should be enrolled in medical assistance under this title or child health assistance under title XXI pursuant to subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll).

"(IV) REQUIREMENT FOR SIMPLIFIED DETERMINATION.—In making such a determination, the State shall use procedures that, to the maximum feasible extent, reduce the burden imposed on the individual of such determination. Such procedures may not require the child's parent, guardian, or custodial relative to provide or verify information that already has been provided to the State agency by an Express Lane agency or another source of information unless the State agency has reason to believe the information is erroneous.

"(V) AVAILABILITY OF CHIP MATCHING FUNDS DURING TEMPORARY ENROLLMENT PERIOD.—Medical assistance for items and services that are provided to a child enrolled in title XXI during a temporary enrollment period under this clause shall be treated as child health assistance under such title.

"(D) OPTION FOR AUTOMATIC ENROLLMENT.—

"(i) IN GENERAL.—At its option, a State may initiate an evaluation of an individual's eligibility for medical assistance under this title without an application and determine the individual's eligibility for such assistance using findings from one or more Express Lane agencies and information from sources other than a child, if the requirements of clauses (ii) and (iii) are met.

"(ii) INDIVIDUAL CHOICE REQUIREMENT.—The requirement of this clause is that the child is enrolled in medical assistance under this title or child health assistance under title XXI only if the child (or a parent, caretaker relative, or guardian on the behalf of the child) has affirmatively assented to such enrollment.

"(iii) INFORMATION REQUIREMENT.—The requirement of this clause is that the State informs the parent, guardian, or custodial relative of the child of the services that will be covered, appropriate methods for using such services, premium or other cost sharing charges (if any) that apply, medical support obligations (under section 1912(a)) created by enrollment (if applicable), and the actions the parent, guardian, or relative must take to maintain enrollment and renew coverage.

"(E) EXPRESS LANE AGENCY DEFINED.—In this paragraph, the term 'express lane agency' means an agency that meets the following requirements:

"(i) The agency determines eligibility for assistance under the Food Stamp Act of 1977, the Richard B. Russell National School Lunch Act, the Child Nutrition Act of 1966, or the Child Care and Development Block Grant Act of 1990.

"(ii) The agency notifies the child (or a parent, caretaker relative, or guardian on the behalf of the child)—

"(I) of the information which shall be disclosed;

"(II) that the information will be used by the State solely for purposes of determining eligibility for and for providing medical assistance under this title or child health assistance under title XXI; and

"(III) that the child, or parent, caretaker relative, or guardian, may elect to not have the information disclosed for such purposes.

"(iii) The agency and the State agency are subject to an interagency agreement limiting the disclosure and use of such information to such purposes.

"(iv) The agency is determined by the State agency to be capable of making the determinations described in this paragraph and is identified in the State plan under this title or title XXI.

For purposes of this subparagraph, the term 'State agency' refers to the agency determining eligibility for medical assistance under this title or child health assistance under title XXI.

"(F) CHILD DEFINED.—For purposes of this paragraph, the term 'child' means an individual under 19 years of age, or, at the option of a State, such higher age, not to exceed 21 years of age, as the State may elect.".

(b) CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating subparagraph (B) and succeeding subparagraphs as subparagraph (C) and succeeding subparagraphs and by inserting after subparagraph (A) the following new subparagraph:

"(B) Section 1902(e)(13) (relating to the State option to rely on findings from an Express Lane agency to help evaluate a child's eligibility for medical assistance).".

(c) ELECTRONIC TRANSMISSION OF INFORMATION.—Section 1902 of such Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

"(dd) ELECTRONIC TRANSMISSION OF INFORMATION.—If the State agency determining eligibility for medical assistance under this title or child health assistance under title XXI verifies an element of eligibility based on information from an Express Lane Agency (as defined in subsection (e)(13)(F)), or from another public agency, then the applicant's signature under penalty of perjury shall not be required as to such element. Any signature requirement for an application for medical assistance may be satisfied through an electronic signature, as defined in section 1710(1) of the Government Paperwork Elimination Act (44 U.S.C. 3504 note). The requirements of subparagraphs (A) and (B) of section 1137(d)(2) may be met through evidence in digital or electronic form.".

(d) AUTHORIZATION OF INFORMATION DISCLOSURE.—

(1) IN GENERAL.—Title XIX of the Social Security Act is amended—

(A) by redesignating section 1939 as section 1940; and

(B) by inserting after section 1938 the following new section:

"SEC. 1939. AUTHORIZATION TO RECEIVE PERTINENT INFORMATION.

"(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data potentially pertinent to eligibility determinations under this title (including eligibility files maintained by Express Lane agencies described in section 1902(e)(13)(F), information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to the State agency administering the State plan under this title, to the extent such conveyance meets the requirements of subsection (b).

"(b) Requirements for Conveyance.—Data or information may be conveyed pursuant to subsection (a) only if the following requirements are met:

"(1) The individual whose circumstances are described in the data or information (or such individual's parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

"(2) Such data or information are used solely for the purposes of—

"(A) identifying individuals who are eligible or potentially eligible for medical assistance under this title and enrolling or attempting to enroll such individuals in the State plan; and

"(B) verifying the eligibility of individuals for medical assistance under the State plan.

"(3) An interagency or other agreement, consistent with standards developed by the Secretary—

"(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security; and

"(B) requires the State agency administering the State plan to use the data and information obtained under this section to seek to enroll individuals in the plan.

"(c) Criminal Penalty.—A private entity described in the subsection (a) that publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section shall be fined not more than $1,000 or imprisoned not more than 1 year, or both, for each such unauthorized publication or disclosure.

"(d) Rule of Construction.—The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).".

(2) Conforming amendment to title XXI.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by subsection (b), is amended by adding at the end the following new subparagraph:

"(F) Section 1939 (relating to authorization to receive data potentially pertinent to eligibility determinations).".

(3) Conforming amendment to provide access to data about enrollment in insurance for purposes of evaluating applications and for CHIP.—Section 1902(a)(25)(I)(i) of such Act (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

(A) by inserting "(and, at State option, individuals who are potentially eligible or who apply)" after "with respect to individuals who are eligible"; and

(B) by inserting "under this title (and, at State option, child health assistance under title XXI)" after "the State plan".

(e) Effective Date.—The amendments made by this section are effective on January 1, 2008.

SEC. 113. APPLICATION OF MEDICAID OUTREACH PROCEDURES TO ALL CHILDREN AND PREGNANT WOMEN.

(a) In General.—Section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) is amended—

(1) in the matter before subparagraph (A), by striking "individuals for medical assistance under subsection (a)(10)(A)(i)(IV), (a)(10)(A)(i)(VI), (a)(10)(A)(i)(VII), or (a)(10)(A)(ii)(IX)" and inserting "children and pregnant women for medical assistance under any provision of this title"; and

(2) in subparagraph (B), by inserting before the semicolon at the end the following: ", which need not be the same application form for all such individuals".

(b) Effective Date.—The amendments made by subsection (a) take effect on January 1, 2008.

SEC. 114. ENCOURAGING CULTURALLY APPROPRIATE ENROLLMENT AND RETENTION PRACTICES.

(a) Use of Medicaid Funds.—Section 1903(a)(2) of the Social Security Act (42 U.S.C. 1396b(a)(2)) is amended by adding at the end the following new subparagraph:

"(E) an amount equal to 75 percent of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to translation or interpretation services in connection with the enrollment and retention under this title of children of families for whom English is not the primary language; plus".

(b) Use of Community Health Workers for Outreach Activities.—

(1) In general.—Section 2102(c)(1) of such Act (42 U.S.C. 1397bb(c)(1)) is amended by inserting "(through community health workers and others)" after "Outreach".

(2) In federal evaluation.—Section 2108(c)(3)(B) of such Act (42 U.S.C. 1397hh(c)(3)(B)) is amended by inserting "(such as through community health workers and others)" after "including practices".

Subtitle C—Coverage

SEC. 121. ENSURING CHILD-CENTERED COVERAGE.

(a) Additional Required Services.—

(1) Child-centered coverage.—Section 2103 of the Social Security Act (42 U.S.C. 1397cc) is amended——

(A) in subsection (a)—

(i) in the matter before paragraph (1), by striking "subsection (c)(5)" and inserting "paragraphs (5) and (6) of subsection (c)"; and

(ii) in paragraph (1), by inserting "at least" after "that is"; and

(B) in subsection (c)—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4), the following:

"(5) Dental, FQHC, and RHC services.—The child health assistance provided to a targeted low-income child (whether through benchmark coverage or benchmark-equivalent coverage or otherwise) shall include coverage of the following:

"(A) Dental services necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions.

"(B) Federally-qualified health center services (as defined in section 1905(l)(2)) and rural health clinic services (as defined in section 1905(l)(1)).

Nothing in this section shall be construed as preventing a State child health plan from providing such services as part of benchmark coverage or in addition to the benefits provided through benchmark coverage.".

(2) Required payment for FQHC and RHC services.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by sections 112(b) and 112(d)(2), is amended by inserting after subparagraph (B) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

"(C) Section 1902(bb) (relating to payment for services provided by Federally-qualified health centers and rural health clinics).".

(3) Mental health parity.—Section 2103(a)(2)(C) of such Act (42 U.S.C. 1397aa(a)(2)(C)) is amended by inserting "(or 100 percent in the case of the category of services described in subparagraph (B) of such subsection)" after "75 percent".

(4) Effective date.—The amendments made by this subsection and subsection (d) shall apply to health benefits coverage provided on or after October 1, 2008.

(b) Clarification of Requirement To Provide EPSDT Services for All Children in Benchmark Benefit Packages Under Medicaid .—

(1) In general.—Section 1937(a)(1) of the Social Security Act (42 U.S.C. 1396u–7(a)(1)) is amended—

(A) in subparagraph (A)—

(i) in the matter before clause (i), by striking "Notwithstanding any other provision of this title" and inserting "Subject to subparagraph (E)"; and

(ii) by striking "enrollment in coverage that provides" and all that follows and inserting "benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2).";

(B) by striking subparagraph (C) and inserting the following new subparagraph:

"(C) State option to provide additional benefits.—A State, at its option, may provide such additional benefits to benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2) as the State may specify."; and

(C) by adding at the end the following new subparagraph:

"(E) Requiring coverage of EPSDT services.—Nothing in this paragraph shall be construed as affecting a child's entitlement to care and services described in subsections (a)(4)(B) and (r) of section 1905 and provided in accordance with section 1902(a)(43) whether provided through benchmark coverage, benchmark equivalent coverage, or otherwise.".

(2) Effective date.—The amendments made by paragraph (1) shall take effect as if included in the amendment made by section 6044(a) of the Deficit Reduction Act of 2005.

(c) Clarification of Coverage of Services in School-Based Health Centers Included as Child Health Assistance.—

(1) In general.—Section 2110(a)(5) of such Act (42 U.S.C. 1397jj(a)(5)) is amended by inserting after "health center services" the following: "and school-based health center servicesservices for which coverage is otherwise provided under this title when furnished by a school-based health center that is authorized to furnish such services under State law".

(2) Effective date.—The amendment made by paragraph (1) shall apply to child health assistance furnished on or after the date of the enactment of this Act.

(d) Assuring Access to Care.—

(1) State child health plan requirement.—Section 2102(a)(7)(B) of such Act (42 U.S.C. 1397bb(c)(2)) is amended by inserting "and services described in section 2103(c)(5)" after "emergency services".

(2) REFERENCE TO EFFECTIVE DATE.—For the effective date for the amendments made by this subsection, see subsection (a)(5).

SEC. 122. IMPROVING BENCHMARK COVERAGE OPTIONS.

(a) LIMITATION ON SECRETARY-APPROVED COVERAGE.—

(1) UNDER CHIP.—Section 2103(a)(4) of the Social Security Act (42 U.S.C. 1397cc(a)(4)) is amended by inserting before the period at the end the following: "if the health benefits coverage is at least equivalent to the benefits coverage in a benchmark benefit package described in subsection (b)".

(2) UNDER MEDICAID.—Section 1937(b)(1)(D) of the Social Security Act (42 U.S.C. 1396u-7(b)(1)(D)) is amended by inserting before the period at the end the following: "if the health benefits coverage is at least equivalent to the benefits coverage in benchmark coverage described in subparagraph (A), (B), or (C)".

(b) REQUIREMENT FOR MOST POPULAR FAMILY COVERAGE FOR STATE EMPLOYEE COVERAGE BENCHMARK.—

(1) CHIP.—Section 2103(b)(2) of such Act (42 U.S.C. 1397(b)(2)) is amended by inserting "and that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years" before the period at the end.

(2) MEDICAID.—Section 1937(b)(1)(B) of such Act is amended by inserting "and that has been selected most frequently, by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years" before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to health benefits coverage provided on or after October 1, 2008.

SEC. 123. PREMIUM GRACE PERIOD.

(a) IN GENERAL.—Section 2103(e)(3) of the Social Security Act (42 U.S.C. 1397cc(e)(3)) is amended by adding at the end the following new subparagraph:

"(C) PREMIUM GRACE PERIOD.—The State child health plan—

"(i) shall afford individuals enrolled under the plan a grace period of at least 30 days from the beginning of a new coverage period to make premium payments before the individual's coverage under the plan may be terminated; and

"(ii) shall provide to such an individual, not later than 7 days after the first day of such grace period, notice—

"(I) that failure to make a premium payment within the grace period will result in termination of coverage under the State child health plan; and

"(II) of the individual's right to challenge the proposed termination pursuant to the applicable Federal regulations.

For purposes of clause (i), the term 'new coverage period' means the month immediately following the last month for which the premium has been paid.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to new coverage periods beginning on or after January 1, 2009.

Subtitle D—Populations

SEC. 131. OPTIONAL COVERAGE OF OLDER CHILDREN UNDER MEDICAID AND CHIP.

(a) MEDICAID.—

(1) IN GENERAL.—Section 1902(l)(1)(D) of the Social Security Act (42 U.S.C. 1396a(l)(1)(D)) is amended by striking "but have not attained 19 years of age" and inserting "but is under 19 years of age (or, at the option of a State and subject to section 131(d) of the Children's Health and Medicare Protection Act of 2007, under such higher age, not to exceed 25 years of age, as the State may elect)".

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(e)(3)(A) of such Act (42 U.S.C. 1396a(e)(3)(A)) is amended by striking "18 years of age or younger" and inserting "under 19 years of age (or under such higher age as the State has elected under subsection (l)(1)(D))" after "18 years of age".

(B) Section 1902(e)(12) of such Act (42 U.S.C. 1396a(e)(12)) is amended by inserting "or such higher age as the State has elected under subsection (l)(1)(D)" after "19 years of age".

(C) Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended, in clause (i), by inserting "or under such higher age as the State has elected under subsection (l)(1)(D)" after "as the State may choose".

(D) Section 1920A(b)(1) of such Act (42 U.S.C. 1396r-1a(b)(1)) is amended by inserting "or under such higher age as the State has elected under section 1902(l)(1)(D)" after "19 years of age".

(E) Section 1928(h)(1) of such Act (42 U.S.C. 1396s(h)(1)) is amended by striking "18 years of age or younger" and inserting "under 19 years of age or under such higher age as the State has elected under section 1902(l)(1)(D)".

(F) Section 1932(a)(2)(A) of such Act (42 U.S.C. 1396u-2(a)(2)(A)) is amended by inserting "(or under such higher age as the State has elected under section 1902(l)(1)(D))" after "19 years of age".

(b) TITLE XXI.—Section 2110(c)(1) of such Act (42 U.S.C. 1397jj(c)(1)) is amended by inserting "(or, at the option of the State and subject to section 131(d) of the Children's Health and Medicare Protection Act of 2007, under such higher age as the State has elected under section 1902(l)(1)(D))".

(c) EFFECTIVE DATE.—Subject to subsection (d), the amendments made by this section take effect on January 1, 2010.

(d) TRANSITION.—In carrying out the amendments made by subsections (a) and (b)—

(1) for 2010, a State election under section 1902(l)(1)(D) shall only apply with respect to title XXI of such Act and the age elected may not exceed 21 years of age;

(2) for 2011, a State election under section 1902(l)(1)(D) may apply under titles XIX and XXI of such Act and the age elected may not exceed 23 years of age;

(3) for 2012, a State election under section 1902(l)(1)(D) may apply under titles XIX and XXI of such Act and the age elected may not exceed 24 years of age; and

(4) for 2013 and each subsequent year, a State election under section 1902(l)(1)(D) may apply under titles XIX and XXI of such Act and the age elected may not exceed 25 years of age.

SEC. 132. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND CHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

"(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) CHILDREN.—Individuals under age 19 (or such higher age as the State has elected under section 1902(l)(1)(D)), including optional targeted low-income children described in section 1905(u)(2)(B).

"(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of medical assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.".

(b) CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 112(b), 112(d)(2),and 121(a)(2), is amended by redesignating subparagraphs (E) through (G) as subparagraphs (G) through (I), respectively, and by inserting after subparagraph (D) the following new subparagraphs:

"(E) Section 1903(v)(4)(A) (relating to optional coverage of certain categories of lawfully residing immigrants), insofar as it relates to the category of pregnant women described in clause (i) of such section, but only if the State has elected to apply such section with respect to such women under title XIX and the State has elected the option under section 2111 to provide assistance for pregnant women under this title.

"(F) Section 1903(v)(4)(A) (relating to optional coverage of categories of lawfully residing immigrants), insofar as it relates to the category of children described in clause (ii) of such section, but only if the State has elected to apply such section with respect to such children under title XIX.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

SEC. 133. STATE OPTION TO EXPAND OR ADD COVERAGE OF CERTAIN PREGNANT WOMEN UNDER CHIP.

(a) CHIP.—

(1) COVERAGE.—Title XXI (42 U.S.C. 1397aa et seq.) of the Social Security Act is amended by adding at the end the following new section:

"SEC. 2111. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN.

"(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State may provide for coverage, through an amendment to its State child health plan under section 2102, of assistance for pregnant women for targeted low-income pregnant women in accordance with this section, but only if—

"(1) the State has established an income eligibility level—

"(A) for pregnant women, under any of clauses (i)(III), (i)(IV), or (ii)(IX) of section 1902(a)(10)(A), that is at least 185 percent (or such higher percent as the State has in effect for pregnant women under this title) of the poverty line applicable to a family of the size involved, but in no case a percent lower than the percent in effect under any such clause as of July 1, 2007; and

"(B) for children under 19 years of age under this title (or title XIX) that is at least 200 percent of the poverty line applicable to a family of the size involved; and

"(2) the State does not impose, with respect to the enrollment under the State child health plan of targeted low-income children during the quarter, any enrollment cap or other numerical limitation on enrollment, any waiting list, any procedures designed to delay the consideration of applications for enrollment, or similar limitation with respect to enrollment.

"(b) DEFINITIONS.—For purposes of this title:

"(1) ASSISTANCE FOR PREGNANT WOMEN.—The term 'assistance for pregnant women' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women.

"(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

"(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

"(B) whose family income exceeds 185 percent (or, if higher, the percent applied under subsection (a)(1)(A)) of the poverty level applicable to a family of the size involved, but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

"(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b), applied as if any reference to a child was a reference to a pregnant woman.

"(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of assistance for pregnant women to targeted low-income pregnant women under subsection (a), the following special rules apply:

"(1) Any reference in this title (other than in subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income pregnant woman.

"(2) Any reference in this title to child health assistance (other than with respect to the provision of early and periodic screening, diagnostic, and treatment services) with respect to such women is deemed a reference to assistance for pregnant women.

"(3) Any such reference (other than in section 2105(d)) to a child is deemed a reference to a woman during pregnancy and the period described in subsection (b)(2)(A).

"(4) In applying section 2102(b)(3)(B), any reference to children found through screening to be eligible for medical assistance under the State medicaid plan under title XIX is deemed a reference to pregnant women.

"(5) There shall be no exclusion of benefits for services described in subsection (b)(1) based on any preexisting condition and no waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) shall apply.

"(6) In applying section 2103(e)(3)(B) in the case of a pregnant woman provided coverage under this section, the limitation on total annual aggregate cost-sharing shall be applied to such pregnant woman.

"(7) In applying section 2104(i)—

"(A) in the case of a State which did not provide for coverage for pregnant women under this title (under a waiver or otherwise) during fiscal year 2007, the allotment amount otherwise computed for the first fiscal year in which the State elects to provide coverage under this section shall be increased by an amount (determined by the Secretary) equal to the enhanced FMAP of the expenditures under this title for such coverage, based upon projected enrollment and per capita costs of such enrollment; and

"(B) in the case of a State which provided for coverage of pregnant women under this title for the previous fiscal year—

"(i) in applying paragraph (2)(B) of such section, there shall also be taken into account (in an appropriate proportion) the percentage increase in births in the State for the relevant period; and

"(ii) in applying paragraph (3), pregnant women (and per capita expenditures for such women) shall be accounted for separately from children, but shall be included in the total amount of any allotment adjustment under such paragraph.

"(d) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING ASSISTANCE FOR PREGNANT WOMEN.—If a child is born to a targeted low-income pregnant woman who was receiving assistance for pregnant women under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title on the date of such birth, based on the mother's reported income as of the time of her enrollment under this section and applicable income eligibility levels under this title and title XIX, and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the assistance for pregnant women or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).".

(2) ADDITIONAL AMENDMENT.—Section 2107(e)(1)(H) of such Act (42 U.S.C. 1397gg(e)(1)(H)), as redesignated by section 133(b), is amended to read as follows:

"(H) Sections 1920 and 1920A (relating to presumptive eligibility for pregnant women and children).".

(b) AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) of the Social Security Act (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking "so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance".

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) of the Social Security Act (42 U.S.C. 1396r–1(b)) is amended by adding after paragraph (2) the following flush sentence:

"The term 'qualified provider' also includes a qualified entity, as defined in section 1920A(b)(3).".

SEC. 134. LIMITATION ON WAIVER AUTHORITY TO COVER ADULTS.

Section 2102 of the Social Security Act (42 U.S.C. 1397bb) is amended by adding at the end the following new subsection:

"(d) LIMITATION ON COVERAGE OF ADULTS.—Notwithstanding any other provision of this title, the Secretary may not, through the exercise of any waiver authority on or after January 1, 2008, provide for Federal financial participation to a State under this title for health care services for individuals who are not targeted low-income children or pregnant women unless the Secretary determines that no eligible targeted low-income child in the State would be denied coverage under this title for health care services because of such eligibility. In making such determination, the Secretary must receive assurances that—

"(1) there is no waiting list under this title in the State for targeted low-income children to receive child health assistance under this title; and

"(2) the State has in place an outreach program to reach all targeted low-income children in families with incomes less than 200 percent of the poverty line.".

Subtitle E—Access

SEC. 141. CHILDREN'S ACCESS, PAYMENT, AND EQUALITY COMMISSION.

Title XIX of the Social Security Act is amended by inserting before section 1901 the following new section:

"CHILDREN'S ACCESS, PAYMENT, AND EQUALITY COMMISSION

"SEC. 1900. (a) ESTABLISHMENT.—There is hereby established as an agency of Congress the Children's Access, Payment, and Equality Commission (in this section referred to as the 'Commission').

"(b) DUTIES.—

"(1) REVIEW OF PAYMENT POLICIES AND ANNUAL REPORTS.—The Commission shall—

"(A) review Federal and State payment policies of the Medicaid program established under this title (in this section referred to as 'Medicaid') and the State Children's Health Insurance Program established under title XXI (in this section referred to as 'CHIP'), including topics described in paragraph (2);

"(B) review access to, and affordability of, coverage and services for enrollees under Medicaid and CHIP;

"(C) make recommendations to Congress concerning such policies;

"(D) by not later than March 1 of each year, submit to Congress a report containing the results of such reviews and its recommendations concerning such policies; and

"(E) by not later than June 1 of each year, submit to Congress a report containing an examination of issues affecting Medicaid and CHIP, including the implications of changes in health care delivery in the United States and in the market for health care services on such programs.

"(2) SPECIFIC TOPICS TO BE REVIEWED.—Specifically, the Commission shall review the following:

"(A) The factors affecting expenditures for services in different sectors (such as physician, hospital and other sectors), payment methodologies, and their relationship to access and quality of care for Medicaid and CHIP beneficiaries.

"(B) The impact of Federal and State Medicaid and CHIP payment policies on access to services (including dental services) for children (including children with disabilities) and other Medicaid and CHIP populations.

"(C) The impact of Federal and State Medicaid and CHIP policies on reducing health disparities, including geographic disparities and disparities among minority populations.

"(D) The overall financial stability of the health care safety net, including Federally-qualified health centers, rural health centers, school-based clinics, disproportionate share hospitals, public hospitals, providers and grantees under section 2612(a)(5) of the Public Health Service Act (popularly known as the Ryan White CARE Act), and other providers that have a patient base which includes a disproportionate number of uninsured or low-income individuals and the impact of CHIP and Medicaid policies on such stability.

"(E) The relation (if any) between payment rates for providers and improvement in care for children as measured under the children's health quality measurement program established under section 151 of the Children's Health and Medicare Protection Act of 2007.

"(F) The affordability, cost effectiveness, and accessibility of services needed by special populations under Medicaid and CHIP as compared with private-sector coverage.

"(G) The extent to which the operation of Medicaid and CHIP ensures access, comparable to access under employer-sponsored or other private health insurance coverage (or in the case of federally-qualified health center services (as defined in section 1905(l)(2)) and rural health clinic services (as defined in section 1905(l)(1)), access comparable to the access to such services under title XIX), for targeted low-income children.

"(H) The effect of demonstrations under section 1115, benchmark coverage under section 1937, and other coverage under section 1938, on access to care, affordability of coverage, provider ability to achieve children's health quality performance measures, and access to safety net services.

"(3) COMMENTS ON CERTAIN SECRETARIAL REPORTS.—If the Secretary submits to Congress (or a committee of Congress) a report that is required by law and that relates to payment policies under Medicaid or CHIP, the Secretary shall transmit a copy of the report to the Commission. The Commission shall review the report and, not later than 6 months after the date of submittal of the Secretary's report to Congress, shall submit to the appropriate committees of Congress written comments on such report. Such comments may include such recommendations as the Commission deems appropriate.

"(4) AGENDA AND ADDITIONAL REVIEWS.—The Commission shall consult periodically with the Chairmen and Ranking Minority Members of the appropriate committees of Congress regarding the Commission's agenda and progress towards achieving the agenda. The Commission may conduct additional reviews, and submit additional reports to the appropriate committees of Congress, from time to time on such topics relating to the program under this title or title XXI as may be requested by such Chairmen and Members and as the Commission deems appropriate.

"(5) AVAILABILITY OF REPORTS.—The Commission shall transmit to the Secretary a copy of each report submitted under this subsection and shall make such reports available to the public.

"(6) APPROPRIATE COMMITTEE OF CONGRESS.—For purposes of this section, the term 'appropriate committees of Congress' means the Committees on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate.

"(7) VOTING AND REPORTING REQUIREMENTS.—With respect to each recommendation contained in a report submitted under paragraph (1), each member of the Commission shall vote on the recommendation, and the Commission shall include, by member, the results of that vote in the report containing the recommendation.

"(8) EXAMINATION OF BUDGET CONSEQUENCES.—Before making any recommendations, the Commission shall examine the budget consequences of such recommendations, directly or through consultation with appropriate expert entities.

"(c) APPLICATION OF PROVISIONS.—The following provisions of section 1805 shall apply to the Commission in the same manner as they apply to the Medicare Payment Advisory Commission:

"(1) Subsection (c) (relating to membership), except that the membership of the Commission shall also include representatives of children, pregnant women, individuals with disabilities, seniors, low-income families, and other groups of CHIP and Medicaid beneficiaries.

"(2) Subsection (d) (relating to staff and consultants).

"(3) Subsection (e) (relating to powers).

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) REQUEST FOR APPROPRIATIONS.—The Commission shall submit requests for appropriations in the same manner as the Comptroller General submits requests for appropriations, but amounts appropriated for the Commission shall be separate from amounts appropriated for the Comptroller General.

"(2) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

SEC. 142. MODEL OF INTERSTATE COORDINATED ENROLLMENT AND COVERAGE PROCESS.

(a) IN GENERAL.—In order to assure continuity of coverage of low-income children under the Medicaid program and the State Children's Health Insurance Program (CHIP), not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States, in consultation with State Medicaid and CHIP directors and organizations representing program beneficiaries, shall develop a model process for the coordination of the enrollment, retention, and coverage under such programs of children who, because of migration of families, emergency evacuations, educational needs, or otherwise, frequently change their State of residency or otherwise are temporarily located outside of the State of their residency.

(b) REPORT TO CONGRESS.—After development of such model process, the Comptroller General shall submit to Congress a report describing additional steps or authority needed to make further improvements to coordinate the enrollment, retention, and coverage under CHIP and Medicaid of children described in subsection (a).

SEC. 143. MEDICAID CITIZENSHIP DOCUMENTATION REQUIREMENTS.

(a) STATE OPTION TO REQUIRE CHILDREN TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE OF PROOF OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID; REQUIREMENT FOR AUDITING.—

(1) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(46)—

(i) by inserting "(A)" after "(46)"; and

(B) by adding at the end the following new sbparagraphs:

"(B) at the option of the State, require that, with respect to a child under 21 years of age (other than an individual described in section 1903(x)(2)) who declares to be a citizen or national of the United States for purposes of establishing initial eligibility for medical assistance under this title (or, at State option, for purposes of renewing or redetermining such eligibility to the extent that such satisfactory documentary evidence of citizenship or nationality has not yet been presented), there is presented satisfactory documentary evidence of citizenship or nationality of the individual (using criteria determined by the State, which shall be no more restrictive than the documentation specified in section 1903(x)(3)); and

"(C) comply with the auditing requirements of section 1903(x)(4);"; and

(C) in subsection (b)(3), by inserting "or any citizenship documentation requirement for a child under 21 years of age that is more restrictive than what a State may provide under section 1903(x)" before the period at the end.

(2) AUDITING REQUIREMENT.—Section 1903(x) of such Act (as amended by section 405(c)(1)(A) of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432)) is amended by adding at the end the following new paragraph:

"(4)(A) Regardless of whether a State has chosen to take the option specified in section 1902(a)(46)(B), each State shall audit a statistically-based sample of cases of children under 21 years of age in order to demonstrate to the satisfaction of the Secretary that the percentage of Federal Medicaid funds being spent for non-emergency benefits for aliens described in subsection (v)(1) who are under 21 years of age does not exceed 3 percent of total expenditures for medical assistance under the plan for items and services for individuals under 21 years of age for the period for which the sample is taken. In conducting such audits, a State may rely on case reviews regularly conducted pursuant to their Medicaid Quality Control or Payment Error Rate Measurement (PERM) eligibility reviews under subsection (u).

"(B) In conducting audits under subparagraph (A), payments for non-emergency benefits shall be treated as erroneous if the audit could not confirm the citizenship of the individual based either on documentation in the case file or on documentation obtained independently during the audit.

"(C) If the erroneous error rate described in subparagraph (A)—

"(i) exceeds 3 percent, the State shall—

"(I) remit to the Secretary the Federal share of improper expenditures in excess of the 3 percent level described in such subparagraph;

"(II) shall develop a corrective action plan; and

"(III) shall conduct another audit the following fiscal year, after the corrective action plan is implemented; or

"(ii) does not exceed 3 percent, the State is not required to conduct another audit under subparagraph (A) until the third fiscal year succeeding the fiscal year for which the audit was conducted.";

(3) ELIMINATION OF DENIAL OF PAYMENTS FOR CHILDREN.—Section 1903(i)(22) of such Act (42 U.S.C. 1396b(i)(22)) is amended by inserting "(other than a child under the age of 21)" after "for an individual".

(b) CLARIFICATION OF RULES FOR CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.—Section 1903(x)(2) of such Act (42 U.S.C. 1396b(x)(2)) is amended—

(1) in subparagraph (C), by striking "or" at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis; or".

(c) DOCUMENTATION FOR NATIVE AMERICANS.—Section 1903(x)(3)(B) of such Act is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv) the following new clause:

"(v) For an individual who is a member of, or enrolled in or affiliated with, a federally-recognized Indian tribe, a document issued by such tribe evidencing such membership, enrollment, or affiliation with the tribe (such as a tribal enrollment card or certificate of degree of Indian blood), and, only with respect to those federally-recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, such other forms of documentation (including tribal documentation, if appropriate) as the Secretary, after consulting with such tribes, determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subparagraph.".

(d) REASONABLE OPPORTUNITY.—Section 1903(x) of such Act, as amended by subsection (a)(2), is further amended by adding at the end the following new paragraph:

"(5) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status and shall not be denied medical assistance on the basis of failure to provide such documentation until the individual has had such an opportunity.".

(e) EFFECTIVE DATE.—

(1) RETROACTIVE APPLICATION.—The amendments made by this section shall take effect as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 4).

(2) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on the date of the enactment of this Act, was determined to be ineligible for medical assistance under a State Medicaid program solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by this section, had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

SEC. 144. ACCESS TO DENTAL CARE FOR CHILDREN.

(a) DENTAL EDUCATION FOR PARENTS OF NEWBORNS.—The Secretary of Health and Human Services shall develop and implement, through entities that fund or provide perinatal care services to targeted low-income children under a State child health plan under title XXI of the Social Security Act, a program to deliver oral health educational materials that inform new parents about risks for, and prevention of, early childhood caries and the need for a dental visit within their newborn's first year of life.

(b) PROVISION OF DENTAL SERVICES THROUGH FQHCS.—

(1) MEDICAID.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking "and" at the end of paragraph (69);

(B) by striking the period at the end of paragraph (70) and inserting "; and"; and

(C) by inserting after paragraph (70) the following new paragraph:

"(71) provide that the State will not prevent a Federally-qualified health center from entering into contractual relationships with private practice dental providers in the provision of Federally-qualified health center services.".

(2) CHIP.—Section 2107(e)(1) of such Act is amended—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E); and

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) Section 1902(a)(71) (relating to limiting FQHC contracting for provision of dental services).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

(c) REPORTING INFORMATION ON DENTAL HEALTH.——

(1) MEDICAID.—Section 1902(a)(43)(D)(iii) of such Act (42 U.S.C. 1396a(a)(43)(D)(iii)) is amended by inserting "and other information relating to the provision of dental services to such children described in section 2108(e)" after "receiving dental services,".

(2) CHIP.—Section 2108 of such Act (42 U.S.C. 1397hh) is amended by adding at the end the following new subsection:

"(e) INFORMATION ON DENTAL CARE FOR CHILDREN.—

"(1) IN GENERAL.—Each annual report under subsection (a) shall include the following information with respect to care and services described in section 1905(r)(3) provided to targeted low-income children enrolled in the State child health plan under this title at any time during the year involved:

"(A) The number of enrolled children by age grouping used for reporting purposes under section 1902(a)(43).

"(B) For children within each such age grouping, information of the type contained in questions 12(a)-(c) of CMS Form 416 (that consists of the number of enrolled targeted low income children who receive any, preventive, or restorative dental care under the State plan).

"(C) For the age grouping that includes children 8 years of age, the number of such children who have received a protective sealant on at least one permanent molar tooth.

"(2) INCLUSION OF INFORMATION ON ENROLLEES IN MANAGED CARE PLANS.—The information under paragraph (1) shall include information on children who are enrolled in managed care plans and other private health plans and contracts with such plans under this title shall provide for the reporting of such information by such plans to the State.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective for annual reports submitted for years beginning after date of enactment.

(d) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall provide for a study that examines—

(A) access to dental services by children in underserved areas; and

(B) the feasibility and appropriateness of using qualified mid-level dental health providers, in coordination with dentists, to improve access for children to oral health services and public health overall.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 145. PROHIBITING INITIATION OF NEW HEALTH OPPORTUNITY ACCOUNT DEMONSTRATION PROGRAMS.

After the date of the enactment of this Act, the Secretary of Health and Human Services may not approve any new demonstration programs under section 1938 of the Social Security Act (42 U.S.C. 1396u-8).

Subtitle F—Quality and Program Integrity

SEC. 151. PEDIATRIC HEALTH QUALITY MEASUREMENT PROGRAM.

(a) QUALITY MEASUREMENT OF CHILDREN'S HEALTH.—

(1) ESTABLISHMENT OF PROGRAM TO DEVELOP QUALITY MEASURES FOR CHILDREN'S HEALTH.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish a child health care quality measurement program (in this subsection referred to as the "children's health quality measurement program") to develop and implement—

(A) pediatric quality measures on children's health care that may be used by public and private health care purchasers (and a system for reporting such measures); and

(B) measures of overall program performance that may be used by public and private health care purchasers.

The Secretary shall publish, not later than September 30, 2009, the recommended measures under the program for application under the amendments made by subsection (b) for years beginning with 2010.

(2) MEASURES.—

(A) SCOPE.—The measures developed under the children's health quality measurement program shall—

(i) provide comprehensive information with respect to the provision and outcomes of health care for young children, school age children, and older children.

(ii) be designed to identify disparities by pediatric characteristics (including, at a minimum, those specified in subparagraph (C)) in child health and the provision of health care;

(iii) be designed to ensure that the data required for such measures is collected and reported in a standard format that permits comparison at a State, plan, and provider level, and between insured and uninsured children;

(iv) take into account existing measures of child health quality and be periodically updated;

(v) include measures of clinical health care quality which meet the requirements for pediatric quality measures in paragraph (1);

(vi) improve and augment existing measures of clinical health care quality for children's health care and develop new and emerging measures; and

(vii) increase the portfolio of evidence-based pediatric quality measures available to public and private purchasers, providers, and consumers.

(B) SPECIFIC MEASURES.—Such measures shall include measures relating to at least the following aspects of health care for children:

(i) The proportion of insured (and uninsured) children who receive age-appropriate preventive health and dental care (including age appropriate immunizations) at each stage of child health development.

(ii) The proportion of insured (and uninsured) children who receive dental care for restoration of teeth, relief of pain and infection, and maintenance of dental health.

(iii) The effectiveness of early health care interventions for children whose assessments indicate the presence or risk of physical or mental conditions that could adversely affect growth and development.

(iv) The effectiveness of treatment to ameliorate the effects of diagnosed physical and mental health conditions, including chronic conditions.

(v) The proportion of children under age 21 who are continuously insured for a period of 12 months or longer.

(vi) The effectiveness of health care for children with disabilities.

In carrying out clause (vi), the Secretary shall develop quality measures and best practices relating to cystic fibrosis.

(C) REPORTING METHODOLOGY FOR ANALYSIS BY PEDIATRIC CHARACTERISTICS.—The children's health quality measurement program shall describe with specificity such measures and the process by which such measures will be reported in a manner that permits analysis based on each of the following pediatric characteristics:

(i) Age.

(ii) Gender.

(iii) Race.

(iv) Ethnicity.

(v) Primary language of the child's parents (or caretaker relative).

(vi) Disability or chronic condition (including cystic fibrosis).

(vii) Geographic location.

(viii) Coverage status under public and private health insurance programs.

(D) PEDIATRIC QUALITY MEASURE.—In this subsection, the term "pediatric quality measure" means a measurement of clinical care that assesses one or more aspects of pediatric health care quality (in various settings) including the structure of the clinical care system, the process and outcome of care, or patient experience in such care.

(3) CONSULTATION IN DEVELOPING QUALITY MEASURES FOR CHILDREN'S HEALTH SERVICES.—In developing and implementing the children's health quality measurement program, the Secretary shall consult with—

(A) States;

(B) pediatric hospitals, pediatricians, and other primary and specialized pediatric health care professionals (including members of the allied health professions) who specialize in the care and treatment of children, particularly children with special physical, mental, and developmental health care needs;

(C) dental professionals;

(D) health care providers that furnish primary health care to children and families who live in urban and rural medically underserved communities or who are members of distinct population sub-groups at heightened risk for poor health outcomes;

(E) national organizations representing children, including children with disabilities and children with chronic conditions;

(F) national organizations and individuals with expertise in pediatric health quality performance measurement; and

(G) voluntary consensus standards setting organizations and other organizations involved in the advancement of evidence based measures of health care.

(4) USE OF GRANTS AND CONTRACTS.—In carrying out the children's health quality measurement program, the Secretary may award grants and contracts to develop, test, validate, update, and disseminate quality measures under the program.

(5) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States to establish for the reporting of quality measures under titles XIX and XXI of the Social Security Act in accordance with the children's health quality measurement program.

(b) DISSEMINATION OF INFORMATION ON THE QUALITY OF PROGRAM PERFORMANCE.—Not later than January 1, 2009, and annually thereafter, the Secretary shall collect, analyze, and make publicly available on a public website of the Department of Health and Human Services in an online format—

(1) a complete list of all measures in use by States as of such date and used to measure the quality of medical and dental health services furnished to children enrolled under title XIX of XXI of the Social Security Act by participating providers, managed care entities, and plan issuers; and

(2) information on health care quality for children contained in external quality review reports required under section 1932(c)(2) of such Act (42 U.S.C. 1396u-2) or produced by States that administer separate plans under title XXI of such Act.

(c) REPORTS TO CONGRESS ON PROGRAM PERFORMANCE.—Not later than January 1, 2010, and every 2 years thereafter, the Secretary shall report to Congress on—

(1) the quality of health care for children enrolled under title XIX and XXI of the Social Security Act under the children's health quality measurement program; and

(2) patterns of health care utilization with respect to the measures specified in subsection (a)(2)(B) among children by the pediatric characteristics listed in subsection (a)(2)(C).

SEC. 152. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP.

(a) IN GENERAL.—Section 2103(f) of Social Security Act (42 U.S.C. 1397bb(f)) is amended by adding at the end the following new paragraph:

"(3) COMPLIANCE WITH MANAGED CARE REQUIREMENTS.—The State child health plan shall provide for the application of subsections (a)(4), (a)(5), (b), (c), (d), and (e) of section 1932 (relating to requirements for managed care) to coverage, State agencies, enrollment brokers, managed care entities, and managed care organizations under this title in the same manner as such subsections apply to coverage and such entities and organizations under title XIX.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contract years for health plans beginning on or after July 1, 2008.

SEC. 153. UPDATED FEDERAL EVALUATION OF CHIP.

Section 2108(c) of the Social Security Act (42 U.S.C. 1397hh(c)) is amended by striking paragraph (5) and inserting the following:

"(5) SUBSEQUENT EVALUATION USING UPDATED INFORMATION.—

"(A) IN GENERAL.—The Secretary, directly or through contracts or interagency agreements, shall conduct an independent subsequent evaluation of 10 States with approved child health plans.

"(B) SELECTION OF STATES AND MATTERS INCLUDED.—Paragraphs (2) and (3) shall apply to such subsequent evaluation in the same manner as such provisions apply to the evaluation conducted under paragraph (1).

"(C) SUBMISSION TO CONGRESS.—Not later than December 31, 2010, the Secretary shall submit to Congress the results of the evaluation conducted under this paragraph.

"(D) FUNDING.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $10,000,000 for fiscal year 2009 for the purpose of conducting the evaluation authorized under this paragraph. Amounts appropriated under this subparagraph shall remain available for expenditure through fiscal year 2011.".

SEC. 154. ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.

Section 2108(d) of the Social Security Act (42 U.S.C. 1397hh(d)) is amended to read as follows:

"(d) ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.—For the purpose of evaluating and auditing the program established under this title, the Secretary, the Office of Inspector General, and the Comptroller General shall have access to any books, accounts, records, correspondence, and other documents that are related to the expenditure of Federal funds under this title and that are in the possession, custody, or control of States receiving Federal funds under this title or political subdivisions thereof, or any grantee or contractor of such States or political subdivisions.".

SEC. 155. REFERENCES TO TITLE XXI.

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (Appendix F, 113 Stat. 1501A-321), as enacted into law by section 1000(a)(6) of Public Law 106-113) is repealed.

SEC. 156. RELIANCE ON LAW; EXCEPTION FOR STATE LEGISLATION.

(a) RELIANCE ON LAW.— With respect to amendments made by this title or title VIII that become effective as of a date—

(1) such amendments are effective as of such date whether or not regulations implementing such amendments have been issued; and

(2) Federal financial participation for medical assistance or child health assistance furnished under title XIX or XXI, respectively, of the Social Security Act on or after such date by a State in good faith reliance on such amendments before the date of promulgation of final regulations, if any, to carry out such amendments (or before the date of guidance, if any, regarding the implementation of such amendments) shall not be denied on the basis of the State's failure to comply with such regulations or guidance.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or State child health plan under XXI of the Social Security Act, which the Secretary of Health and Human Services determines requires State legislation in order for respective plan to meet one or more additional requirements imposed by amendments made by this title or title VIII, the respective State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

TITLE II—MEDICARE BENEFICIARY IMPROVEMENTS

Subtitle A—Improvements in Benefits

SEC. 201. COVERAGE AND WAIVER OF COST-SHARING FOR PREVENTIVE SERVICES.

(a) PREVENTIVE SERVICES DEFINED; COVERAGE OF ADDITIONAL PREVENTIVE SERVICES.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)—

(A) in subparagraph (Z), by striking "and" after the semicolon at the end;

(B) in subparagraph (AA), by adding "and" after the semicolon at the end; and

(C) by adding at the end the following new subparagraph:

"(BB) additional preventive services (described in subsection (ccc)(1)(M));"; and

(2) by adding at the end the following new subsection:

"Preventive Services

"(ccc)(1) The term 'preventive services' means the following:

"(A) Prostate cancer screening tests (as defined in subsection (oo)).

"(B) Colorectal cancer screening tests (as defined in subsection (pp)).

"(C) Diabetes outpatient self-management training services (as defined in subsection (qq)).

"(D) Screening for glaucoma for certain individuals (as described in subsection (s)(2)(U)).

"(E) Medical nutrition therapy services for certain individuals (as described in subsection (s)(2)(V)).

"(F) An initial preventive physical examination (as defined in subsection (ww)).

"(G) Cardiovascular screening blood tests (as defined in subsection (xx)(1)).

"(H) Diabetes screening tests (as defined in subsection described in subsection (s)(2)(Y)).

"(I) Ultrasound screening for abdominal aortic aneurysm for certain individuals (as described in described in subsection (s)(2)(AA)).

"(J) Pneumococcal and influenza vaccine and their administration (as described in subsection (s)(10)(A)).

"(K) Hepatitis B vaccine and its administration for certain individuals (as described in subsection (s)(10)(B)).

"(L) Screening mammography (as defined in subsection (jj)).

"(M) Screening pap smear and screening pelvic exam (as described in subsection (s)(14)).

"(N) Bone mass measurement (as defined in subsection (rr)).

"(O) Additional preventive services (as determined under paragraph (2)).

"(2)(A) The term 'additional preventive services' means items and services, including mental health services, not described in subparagraphs (A) through (N) of paragraph (1) that the Secretary determines to be reasonable and necessary for the prevention or early detection of an illness or disability.

"(B) In making determinations under subparagraph (1), the Secretary shall—

"(C) take into account evidence-based recommendations by the United States Preventive Services Task Force and other appropriate organizations; and

"(D) use the process for making national coverage determinations (as defined in section 1869(f)(1)(B)) under this title.".

(b) PAYMENT AND ELIMINATION OF COST-SHARING.—

(1) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) in clause (T), by striking "80 percent" and inserting "100 percent"; and

(B) by striking "and" before "(V)"; and

(C) by inserting before the semicolon at the end the following: ", and (W) with respect to additional preventive services (as defined in section 1861(ccc)(2)) and other preventive services for which a payment rate is not otherwise established under this section, the amount paid shall be 100 percent of the lesser of the actual charge for the services or the amount determined under a fee schedule established by the Secretary for purposes of this clause".

(2) ELIMINATION OF COINSURANCE IN OUTPATIENT HOSPITAL SETTINGS.—

(A) EXCLUSION FROM OPD FEE SCHEDULE.—Section 1833(t)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(1)(B)(iv)) is amended by striking "screening mammography (as defined in section 1861(jj)) and diagnostic mammography" and inserting "diagnostic mammography and preventive services (as defined in section 1861(ccc)(1))".

(B) CONFORMING AMENDMENTS.—Section 1833(a)(2) of the Social Security Act (42 U.S.C. 1395l(a)(2)) is amended—

(i) in subparagraph (F), by striking "and" after the semicolon at the end;

(ii) in subparagraph (G)(ii), by adding "and"at the end; and

(iii) by adding at the end the following new subparagraph:

"(H) with respect to additional preventive services (as defined in section 1861(ccc)(2)) furnished by an outpatient department of a hospital, the amount determined under paragraph (1)(W);".

(3) WAIVER OF APPLICATION OF DEDUCTIBLE FOR ALL PREVENTIVE SERVICES.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended —

(A) in clause (1), by striking "items and services described in section 1861(s)(10)(A)" and inserting "preventive services (as defined in section 1861(ccc)(1))";

(B) by inserting "and" before "(4)"; and

(C) by striking clauses (5) through (8).

(c) INCLUSION AS PART OF INITIAL PREVENTIVE PHYSICAL EXAMINATION.—Section 1861(ww)(2) of the Social Security Act (42 U.S.C. 1395x(ww)(2)) is amended by adding at the end the following new subparagraph:

"(M) Additional preventive services (as defined in subsection (ccc)(2)).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2008.

SEC. 202. WAIVER OF DEDUCTIBLE FOR COLORECTAL CANCER SCREENING TESTS REGARDLESS OF CODING, SUBSEQUENT DIAGNOSIS, OR ANCILLARY TISSUE REMOVAL.

(a) IN GENERAL.—Section 1833(b)(8) of the Social Security Act (42 U.S.C. 1395l(b)(8)) is amended by inserting ", regardless of the code applied, of the establishment of a diagnosis as a result of the test, or of the removal of tissue or other matter or other procedure that is performed in connection with and as a result of the screening test" after "1861(pp)(1))".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services furnished on or after January 1, 2008.

SEC. 203. PARITY FOR MENTAL HEALTH COINSURANCE.

Section 1833(c) of the Social Security Act (42 U.S.C. 1395l(c)) is amended—

(1) in the first sentence, by striking "62-1/2 percent" and inserting "the incurred expense percentage (as specified in the last sentence)"; and

(2) by adding at the end the following: "For purposes of this subsection, the 'incurred expense percentage' is equal to 62-1/2 percent increased, for each year beginning with 2008, by 6-1/4 percentage points, but not to exceed 100 percent.".

Subtitle B—Improving, Clarifying, and Simplifying Financial Assistance for Low Income Medicare Beneficiaries

SEC. 211. IMPROVING ASSETS TESTS FOR MEDICARE SAVINGS PROGRAM AND LOW-INCOME SUBSIDY PROGRAM.

(a) APPLICATION OF HIGHEST LEVEL PERMITTED UNDER LIS.—

(1) TO FULL-PREMIUM SUBSIDY ELIGIBLE INDIVIDUALS.—Section 1860D-14(a) of the Social Security Act (42 U.S.C. 1395w-114(a)) is amended—

(A) in paragraph (1), in the matter before subparagraph (A), by inserting "(or, beginning with 2009, paragraph (3)(E))" after "paragraph (3)(D)"; and

(B) in paragraph (3)(A)(iii), by striking "(D) or".

(2) ANNUAL INCREASE IN LIS RESOURCE TEST.—Section 1860D-14(a)(3)(E)(i) of such Act (42 U.S.C. 1395w-114(a)(3)(E)(i)) is amended—

(A) by striking "and" at the end of subclause (I);

(B) in subclause (II), by inserting "(before 2009)" after "subsequent year";

(C) by striking the period at the end of subclause (II) and inserting a semicolon; and

(D) by inserting after subclause (II) the following new subclauses:

"(III) for 2009, $17,000 (or $34,000 in the case of the combined value of the individual's assets or resources and the assets or resources of the individual's spouse); and

"(IV) for a subsequent year, the dollar amounts specified in this subclause (or subclause (III)) for the previous year increased by $1,000 (or $2,000 in the case of the combined value referred to in subclause (III)).".

(3) APPLICATION OF LIS TEST UNDER MEDICARE SAVINGS PROGRAM.—Section 1905(p)(1)(C) of such Act (42 U.S.C. 1396d(p)(1)(C)) is amended by inserting before the period at the end the following: "or, effective beginning with January 1, 2009, whose resources (as so determined) do not exceed the maximum resource level applied for the year under section 1860D-14(a)(3)(E) applicable to an individual or to the individual and the individual's spouse (as the case may be)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to eligibility determinations for income-related subsidies and medicare cost-sharing furnished for periods beginning on or after January 1, 2009.

SEC. 212. MAKING QI PROGRAM PERMANENT AND EXPANDING ELIGIBILITY.

(a) MAKING PROGRAM PERMANENT.—

(1) IN GENERAL.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396b(a)(10)(E)(iv)) is amended—

(A) by striking "sections 1933 and" and by inserting "section"; and

(B) by striking "(but only with" and all that follows through "September 2007)".

(2) ELIMINATION OF FUNDING LIMITATION.—

(A) IN GENERAL.—Section 1933 of such Act (42 U.S.C. 1396u-3) is amended—

(i) in subsection (a), by striking "who are selected to receive such assistance under subsection (b)"

(ii) by striking subsections (b), (c), (e), and (g);

(iii) in subsection (d), by striking "furnished in a State" and all that follows and inserting "the Federal medical assistance percentage shall be equal to 100 percent."; and

(iv) by redesignating subsections (d) and (f) as subsections (b) and (c), respectively.

(B) CONFORMING AMENDMENT.—Section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by striking "1933(d)" and inserting "1933(b)".

(C) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on October 1, 2007.

(b) INCREASE IN ELIGIBILITY TO 150 PERCENT OF THE FEDERAL POVERTY LEVEL.—Section 1902(a)(10)(E)(iv) of such Act is further amended by inserting "(or, effective January 1, 2008, 150 percent)" after "135 percent".

SEC. 213. ELIMINATING BARRIERS TO ENROLLMENT.

(a) ADMINISTRATIVE VERIFICATION OF INCOME AND RESOURCES UNDER THE LOW-INCOME SUBSIDY PROGRAM.—Section 1860D–14(a)(3) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)) is amended by adding at the end the following new subparagraph:

"(G) SELF-CERTIFICATION OF INCOME AND RESOURCES.—For purposes of applying this section, an individual shall be permitted to qualify on the basis of self-certification of income and resources without the need to provide additional documentation.".

(b) AUTOMATIC REENROLLMENT WITHOUT NEED TO REAPPLY UNDER LOW-INCOME SUBSIDY PROGRAM.—Section 1860D–14(a)(3) of such Act (42 U.S.C. 1395w–114(a)(3)), as amended by subsection (a), is further amended by adding at the end the following new subparagraph:

"(H) AUTOMATIC REENROLLMENT.—For purposes of applying this section, in the case of an individual who has been determined to be a subsidy eligible individual (and within a particular class of such individuals, such as a full-subsidy eligible individual or a partial subsidy eligible individual), the individual shall be deemed to continue to be so determined without the need for any annual or periodic application unless and until the individual notifies a Federal or State official responsible for such determinations that the individual's eligibility conditions have changed so that the individual is no longer a subsidy eligible individual (or is no longer within such class of such individuals).".

(c) ENCOURAGING APPLICATION OF PROCEDURES UNDER MEDICARE SAVINGS PROGRAM.—Section 1905(p) of such Act (42 U.S.C. 1396d(p)) is amended by adding at the end the following new paragraph:

"(7) The Secretary shall take all reasonable steps to encourage States to provide for administrative verification of income and automatic reenrollment (as provided under clauses (iii) and (iv) of section 1860D–14(a)(3)(C) in the case of the low-income subsidy program).".

(d) SSA ASSISTANCE WITH MEDICARE SAVINGS PROGRAM AND LOW-INCOME SUBSIDY PROGRAM APPLICATIONS.—Section 1144 of such Act (42 U.S.C. 1320b–14) is amended by adding at the end the following new subsection:

"(c) ASSISTANCE WITH MEDICARE SAVINGS PROGRAM AND LOW-INCOME SUBSIDY PROGRAM APPLICATIONS.—

"(1) DISTRIBUTION OF APPLICATIONS TO APPLICANTS FOR MEDICARE.—In the case of each individual applying for hospital insurance benefits under section 226 or 226A, the Commissioner shall provide the following:

"(A) Information describing the low-income subsidy program under section 1860D–14 and the medicare savings program under title XIX.

"(B) An application for enrollment under such low-income subsidy program as well as an application form (developed under section 1905(p)(5)) for medical assistance for medicare cost-sharing under title XIX.

"(C) Information on how the individual may obtain assistance in completing such applications, including information on how the individual may contact the State health insurance assistance program (SHIP) for the State in which the individual is located.

The Commissioner shall make such application forms available at local offices of the Social Security Administration.

"(2) TRAINING PERSONNEL IN ASSISTING IN COMPLETING APPLICATIONS.—The Commissioner shall provide training to those employees of the Social Security Administration who are involved in receiving applications for benefits described in paragraph (1) in assisting applicants in completing a medicare savings program application described in paragraph (1). Such employees who are so trained shall provide such assistance upon request.

"(3) TRANSMITTAL OF COMPLETED APPLICATION.—If such an employee assists in completing such an application, the employee, with the consent of the applicant, shall transmit the completed application to the appropriate State medicaid agency for processing.

"(4) COORDINATION WITH OUTREACH.—The Commissioner shall coordinate outreach activities under this subsection with outreach activities conducted by States in connection with the low-income subsidy program and the medicare savings program.".

(e) MEDICAID AGENCY CONSIDERATION OF APPLICATIONS.—Section 1935(a) of such Act (42 U.S.C. 1396u–5(a)) is amended by adding at the end the following new paragraph:

"(4) CONSIDERATION OF MSP APPLICATIONS.—The State shall accept medicare savings program applications transmitted under section 1144(c)(3) and act on such applications in the same manner and deadlines as if they had been submitted directly by the applicant.".

(f) TRANSLATION OF MODEL FORM.—Section 1905(p)(5)(A) of the Social Security Act (42 U.S.C. 1396d(p)(5)(A)) is amended by adding at the end the following: "The Secretary shall provide for the translation of such application form into at least the 10 languages (other than English) that are most often used by individuals applying for hospital insurance benefits under section 226 or 226A and shall make the translated forms available to the States and to the Commissioner of Social Security.".

(g) DISCLOSURE OF TAX RETURN INFORMATION FOR PURPOSES OF PROVIDING LOW-INCOME SUBSIDIES UNDER MEDICARE.—

(1) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE OF RETURN INFORMATION FOR PURPOSES OF PROVIDING LOW-INCOME SUBSIDIES UNDER MEDICARE.—

"(A) RETURN INFORMATION FROM INTERNAL REVENUE SERVICE TO SOCIAL SECURITY ADMINISTRATION.—The Secretary, upon written request from the Commissioner of Social Security, shall disclose to the officers and employees of the Social Security Administration with respect to any individual identified by the Commissioner as potentially eligible (based on information other than return information) for low-income subsidies under section 1860D–14 of the Social Security Act—

"(i) whether the adjusted gross income for the applicable year is less than 135 percent of the poverty line (as specified by the Commissioner in such request),

"(ii) whether such adjusted gross income is between 135 percent and 150 percent of the poverty line (as so specified),

"(iii) whether any designated distributions (as defined in section 3405(e)(1)) were reported with respect to such individual under section 6047(d) for the applicable year, and the amount (if any) of the distributions so reported,

"(iv) whether the return was a joint return for the applicable year, and

"(v) the applicable year.

"(B) APPLICABLE YEAR.—

"(i) IN GENERAL.—For the purposes of this paragraph, the term 'applicable year' means the most recent taxable year for which information is available in the Internal Revenue Service's taxpayer data information systems, or, if there is no return filed for the individual for such year, the prior taxable year.

"(ii) NO RETURN.—If no return is filed for such individual for both taxable years referred to in clause (i), the Secretary shall disclose the fact that there is no return filed for such individual for the applicable year in lieu of the information described in subparagraph (A).

"(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under this paragraph may be used only for the purpose of improving the efforts of the Social Security Administration to contact and assist eligible individuals for, and administering, low-income subsidies under section 1860D–14 of the Social Security Act.

"(D) TERMINATION.—No disclosure shall be made under this paragraph after the 2-year period beginning on the date of the enactment of this paragraph.".

(2) PROCEDURES AND RECORDKEEPING RELATED TO DISCLOSURES.—Paragraph (4) of section 6103(p) of such Code is amended by striking "or (17)" each place it appears and inserting "(17), or (21)".

(3) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of the Treasury, after consultation with the Commissioner of Social Security, shall submit a written report to Congress regarding the use of disclosures made under section 6103(l)(21) of the Internal Revenue Code of 1986, as added by this subsection, in identifying individuals eligible for the low-income subsidies under section 1860D–14 of the Social Security Act.

(4) EFFECTIVE DATE.—The amendment made by this subsection shall apply to disclosures made after the date of the enactment of this Act.

(h) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall take effect on January 1, 2009.

SEC. 214. ELIMINATING APPLICATION OF ESTATE RECOVERY.

(a) IN GENERAL.—Section 1917(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1396p(b)(1)(B)(ii)) is amended by inserting "(but not including medical assistance for medicare cost-sharing or for benefits described in section 1902(a)(10)(E))" before the period at the end.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of January 1, 2008.

SEC. 215. ELIMINATION OF PART D COST-SHARING FOR CERTAIN NON-INSTITUTIONALIZED FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1860D–14(a)(1)(D)(i) of the Social Security Act (42 U.S.C. 1395w–114(a)(1)(D)(i)) is amended—

(1) in the heading, by striking "INSTITUTIONALIZED INDIVIDUALS.—In" and inserting "ELIMINATION OF COST-SHARING FOR CERTAIN FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—

"(I) INSTITUTIONALIZED INDIVIDUALS.—In"; and

(2) by adding at the end the following new subclause:

"(II) CERTAIN OTHER INDIVIDUALS.—In the case of an individual who is a full-benefit dual eligible individual and with respect to whom there has been a determination that but for the provision of home and community based care (whether under section 1915 or under a waiver under section 1115) the individual would require the level of care provided in a hospital or a nursing facility or intermediate care facility for the mentally retarded the cost of which could be reimbursed under the State plan under title XIX, the elimination of any beneficiary coinsurance described in section 1860D–2(b)(2) (for all amounts through the total amount of expenditures at which benefits are available under section 1860D–2(b)(4)).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to drugs dispensed on or after January 1, 2009.

SEC. 216. EXEMPTIONS FROM INCOME AND RESOURCES FOR DETERMINATION OF ELIGIBILITY FOR LOW-INCOME SUBSIDY.

(a) IN GENERAL.—Section 1860D–14(a)(3) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)), as amended by subsections (a) and (b) of section 213, is further amended—

(1) in subparagraph (C)(i), by inserting "and except that support and maintenance furnished in kind shall not be counted as income" after "section 1902(r)(2)";

(2) in subparagraph (D), in the matter before clause (i), by inserting "subject to the additional exclusions provided under subparagraph (G)" before ")";

(3) in subparagraph (E)(i), in the matter before subclause (I), by inserting "subject to the additional exclusions provided under subparagraph (G)" before ")"; and

(4) by adding at the end the following new subparagraph:

"(I) ADDITIONAL EXCLUSIONS.—In determining the resources of an individual (and the eligible spouse of the individual, if any) under section 1613 for purposes of subparagraphs (D) and (E) the following additional exclusions shall apply:

"(i) LIFE INSURANCE POLICY.—No part of the value of any life insurance policy shall be taken into account.

"(ii) PENSION OR RETIREMENT PLAN.—No balance in any pension or retirement plan shall be taken into account.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009, and shall apply to determinations of eligibility for months beginning with January 2009.

SEC. 217. COST-SHARING PROTECTIONS FOR LOW-INCOME SUBSIDY-ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(1) in paragraph (1)(D), by adding at the end the following new clause:

"(iv) OVERALL LIMITATION ON COST-SHARING.—In the case of all such individuals, a limitation on aggregate cost-sharing under this part for a year not to exceed 2.5 percent of income."; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(F) OVERALL LIMITATION ON COST-SHARING.—A limitation on aggregate cost-sharing under this part for a year not to exceed 2.5 percent of income.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as of January 1, 2009.

SEC. 218. INTELLIGENT ASSIGNMENT IN ENROLLMENT.

(a) IN GENERAL.—Section 1860D–1(b)(1) of the Social Security Act (42 U.S.C. 1395w–101(b)(1) is amended—

(1) in the second sentence of subparagraph (C), by inserting ", subject to subparagraph (D)," before "on a random basis"; and

(2) by adding at the end the following new subparagraph:".

"(D) INTELLIGENT ASSIGNMENT.—In the case of any auto-enrollment under subparagraph (C), no part D eligible individual described in such subparagraph shall be enrolled in a prescription drug plan which does not meet the following requirements:

"(i) FORMULARY.—The plan has a formulary that covers at least—

"(I) 95 percent of the 100 most commonly prescribed non-duplicative generic covered part D drugs for the population of individuals entitled to benefits under part A or enrolled under part B; and

"(II) 95 percent of the 100 most commonly prescribed non-duplicative brand name covered part D drugs for such population.

"(ii) PHARMACY NETWORK.—The plan has a network of pharmacies that substantially exceeds the minimum requirements for prescription drug plans in the State and that provides access in areas where lower income individuals reside.

"(iii) QUALITY.—

"(I) IN GENERAL.—Subject to subclause (I), the plan has an above average score on quality ratings of the Secretary of prescription drug plans under this part.

"(II) EXCEPTION.—Subclause (I) shall not apply to a plan that is a new plan (as defined by the Secretary), with respect to the plan year involved.

"(iv) LOW COST.—The total cost under this title of providing prescription drug coverage under the plan consistent with the previous clauses of this subparagraph is among the lowest 25th percentile of prescription drug plans under this part in the State.

In the case that no plan meets the requirements under clauses (i) through (iv), the Secretary shall implement this subparagraph to the greatest extent possible with the goal of protecting beneficiary access to drugs without increasing the cost relative to the enrollment process under subparagraph (C) as in existence before the date of the enactment of this subparagraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect for enrollments effected on or after November 15, 2009.

Subtitle C—Part D Beneficiary Improvements

SEC. 221. INCLUDING COSTS INCURRED BY AIDS DRUG ASSISTANCE PROGRAMS AND INDIAN HEALTH SERVICE IN PROVIDING PRESCRIPTION DRUGS TOWARD THE ANNUAL OUT OF POCKET THRESHOLD UNDER PART D.

(a) IN GENERAL.—Section 1860D–2(b)(4)(C) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)(C)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii)—

(A) by striking "such costs shall be treated as incurred only if" and inserting "subject to clause (iii), such costs shall be treated as incurred only if";

(B) by striking ", under section 1860D–14, or under a State Pharmaceutical Assistance Program"; and

(C) by striking the period at the end and inserting "; and"; and

(3) by inserting after clause (ii) the following new clause:

"(iii) such costs shall be treated as incurred and shall not be considered to be reimbursed under clause (ii) if such costs are borne or paid—

"(I) under section 1860D–14;

"(II) under a State Pharmaceutical Assistance Program;

"(III) by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act); or

"(IV) under an AIDS Drug Assistance Program under part B of title XXVI of the Public Health Service Act.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to costs incurred on or after January 1, 2009.

SEC. 222. PERMITTING MID-YEAR CHANGES IN ENROLLMENT FOR FORMULARY CHANGES ADVERSELY IMPACT AN ENROLLEE.

(a) IN GENERAL.—Section 1860D–1(b)(3) of the Social Security Act (42 U.S.C. 1395w–101(b)(3)) is amended by adding at the end the following new subparagraph:

"(F) CHANGE IN FORMULARY RESULTING IN INCREASE IN COST-SHARING.—

"(i) IN GENERAL.—Except as provided in clause (ii), in the case of an individual enrolled in a prescription drug plan (or MA–PD plan) who has been prescribed a covered part D drug while so enrolled, if the formulary of the plan is materially changed (other than at the end of a contract year) so to reduce the coverage (or increase the cost-sharing) of the drug under the plan.

"(ii) EXCEPTION.—Clause (i) shall not apply in the case that a drug is removed from the formulary of a plan because of a recall or withdrawal of the drug issued by the Food and Drug Administration.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contract years beginning on or after January 1, 2009.

SEC. 223. REMOVAL OF EXCLUSION OF BENZODIAZEPINES FROM REQUIRED COVERAGE UNDER THE MEDICARE PRESCRIPTION DRUG PROGRAM.

(a) IN GENERAL.—Section 1860D–2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)(A)) is amended—

(1) by striking "subparagraph (E)" and inserting "subparagraphs (E) and (J)"; and

(2) by inserting "and benzodiazepines, respectively" after "smoking cessation agents".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to prescriptions dispensed on or after January 1, 2009.

SEC. 224. PERMITTING UPDATING DRUG COMPENDIA UNDER PART D USING PART B UPDATE PROCESS.

Section 1860D–4(b)(3)(C) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)(C)) is amended by adding at the end the following new clause:

"(iv) UPDATING DRUG COMPENDIA USING PART B PROCESS.—The Secretary may apply under this subparagraph the same process for updating drug compendia that is used for purposes of section 1861(t)(2)(B)(ii).".

SEC. 225. CODIFICATION OF SPECIAL PROTECTIONS FOR SIX PROTECTED DRUG CLASSIFICATIONS.

(a) IN GENERAL.—Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)) is amended—

(1) in subparagraph (C)(i), by inserting ", except as provided in subparagraph (G)," after "although"; and

(2) by inserting after subparagraph (F) the following new subparagraph:

"(G) REQUIRED INCLUSION OF DRUGS IN CERTAIN THERAPEUTIC CLASSES.—

"(i) IN GENERAL.—The formulary must include all or substantially all covered part D drugs in each of the following therapeutic classes of covered part D drugs:

"(I) Anticonvulsants.

"(II) Antineoplastics.

"(III) Antiretrovirals.

"(IV) Antidepressants.

"(V) Antipsychotics.

"(VI) Immunosuppresessants.

"(ii) USE OF UTILIZATION MANAGEMENT TOOLS.—A PDP sponsor of a prescription drug plan may use prior authorization or step therapy for the initiation of medications within one of the classifications specified in clause (i) but only when approved by the Secretary, except that such prior authorization or step therapy may not be used in the case of antiretrovirals and in the case of individuals who already are stabilized on a drug treatment regimen.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply for plan years beginning on or after January 1, 2009.

SEC. 226. ELIMINATION OF MEDICARE PART D LATE ENROLLMENT PENALTIES PAID BY LOW-INCOME SUBSIDY-ELIGIBLE INDIVIDUALS.

(a) INDIVIDUALS WITH INCOME BELOW 135 PERCENT OF POVERTY LINE.—Paragraph (1)(A)(ii) of section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended to read as follows:

"(ii) 100 percent of any late enrollment penalties imposed under section 1860D–13(b) for such individual.".

(b) INDIVIDUALS WITH INCOME BETWEEN 135 AND 150 PERCENT OF POVERTY LINE.—Paragraph (2)(A) of such section is amended—

(1) by inserting "equal to (i) an amount" after "premium subsidy";

(2) by striking "paragraph (1)(A)" and inserting "clause (i) of paragraph (1)(A)"; and

(3) by adding at the end before the period the following: ", plus (ii) 100 percent of the amount described in clause (ii) of such paragraph for such individual".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to subsidies for months beginning with January 2008.

SEC. 227. SPECIAL ENROLLMENT PERIOD FOR SUBSIDY ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1860D–1(b)(3) of the Social Security Act (42 U.S.C. 1395w–101(b)(3)), as amended by section 222(a), is further amended by adding at the end the following new subparagraph:

"(G) ELIGIBILITY FOR LOW-INCOME SUBSIDY.—

"(i) IN GENERAL.—In the case of an applicable subsidy eligible individual (as defined in clause (ii)), the special enrollment period described in clause (iii).

"(ii) APPLICABLE SUBSIDY ELIGIBLE INDIVIDUAL DEFINED.—For purposes of this subparagraph, the term 'applicable subsidy eligible individual' means a part D eligible individual who is determined under subparagraph (B) of section 1860D–14(a)(3) to be a subsidy eligible individual (as defined in subparagraph (A) of such section), and includes such an individual who was enrolled in a prescription drug plan or an MA–PD plan on the date of such determination.

"(iii) SPECIAL ENROLLMENT PERIOD DESCRIBED.—The special enrollment period described in this clause, with respect to an applicable subsidy eligible individual, is the 90-day period beginning on the date the individual receives notification that such individual has been determined under section 1860D–14(a)(3)(B) to be a subsidy eligible individual (as so defined).".

(b) AUTOMATIC ENROLLMENT PROCESS FOR CERTAIN SUBSIDY ELIGIBLE INDIVIDUALS.—Section 1860D–1(b)(1) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)), as amended by section 218(a)(2), is further amended by adding at the end the following new subparagraph:

"(E) SPECIAL RULE FOR SUBSIDY ELIGIBLE INDIVIDUALS.—The process established under subparagraph (A) shall include, in the case of an applicable subsidy eligible individual (as defined in clause (ii) of paragraph (3)(F)) who fails to enroll in a prescription drug plan or an MA–PD plan during the special enrollment period described in clause (iii) of such paragraph applicable to such individual, a process for the facilitated enrollment of the individual in the prescription drug plan or MA–PD plan that is most appropriate for such individual (as determined by the Secretary). Nothing in the previous sentence shall prevent an individual described in such sentence from declining enrollment in a plan determined appropriate by the Secretary (or in the program under this part) or from changing such enrollment.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to subsidy determinations made for months beginning with January 2008.

Subtitle D—Reducing Health Disparities

SEC. 231. MEDICARE DATA ON RACE, ETHNICITY, AND PRIMARY LANGUAGE.

(a) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this subtitle referred to as the "Secretary") shall—

(A) collect data on the race, ethnicity, and primary language of each applicant for and recipient of benefits under title XVIII of the Social Security Act—

(i) using, at a minimum, the categories for race and ethnicity described in the 1997 Office of Management and Budget Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity;

(ii) using the standards developed under subsection (e) for the collection of language data;

(iii) where practicable, collecting data for additional population groups if such groups can be aggregated into the minimum race and ethnicity categories; and

(iv) where practicable, through self-reporting;

(B) with respect to the collection of the data described in subparagraph (A) for applicants and recipients who are minors or otherwise legally incapacitated, require that—

(i) such data be collected from the parent or legal guardian of such an applicant or recipient; and

(ii) the preferred language of the parent or legal guardian of such an applicant or recipient be collected;

(C) systematically analyze at least annually such data using the smallest appropriate units of analysis feasible to detect racial and ethnic disparities in health and health care and when appropriate, for men and women separately;

(D) report the results of analysis annually to the Director of the Office for Civil Rights, the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives; and

(E) ensure that the provision of assistance to an applicant or recipient of assistance is not denied or otherwise adversely affected because of the failure of the applicant or recipient to provide race, ethnicity, and primary language data.

(2) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to permit the use of information collected under this subsection in a manner that would adversely affect any individual providing any such information; and

(B) to require health care providers to collect data.

(b) PROTECTION OF DATA.—The Secretary shall ensure (through the promulgation of regulations or otherwise) that all data collected pursuant to subsection (a) is protected—

(1) under the same privacy protections as the Secretary applies to other health data under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033) relating to the privacy of individually identifiable health information and other protections; and

(2) from all inappropriate internal use by any entity that collects, stores, or receives the data, including use of such data in determinations of eligibility (or continued eligibility) in health plans, and from other inappropriate uses, as defined by the Secretary.

(c) COLLECTION PLAN.—In carrying out the duties specified in subsection (a), the Secretary shall develop and implement a plan to improve the collection, analysis, and reporting of racial, ethnic, and primary language data within the programs administered under title XVIII of the Social Security Act, and, in consultation with the National Committee on Vital Health Statistics, the Office of Minority Health, and other appropriate public and private entities, shall make recommendations on how to—

(1) implement subsection (a) while minimizing the cost and administrative burdens of data collection and reporting;

(2) expand awareness that data collection, analysis, and reporting by race, ethnicity, and primary language is legal and necessary to assure equity and non-discrimination in the quality of health care services;

(3) ensure that future patient record systems have data code sets for racial, ethnic, and primary language identifiers and that such identifiers can be retrieved from clinical records, including records transmitted electronically;

(4) improve health and health care data collection and analysis for more population groups if such groups can be aggregated into the minimum race and ethnicity categories;

(5) provide researchers with greater access to racial, ethnic, and primary language data, subject to privacy and confidentiality regulations; and

(6) safeguard and prevent the misuse of data collected under subsection (a).

(d) COMPLIANCE WITH STANDARDS.—Data collected under subsection (a) shall be obtained, maintained, and presented (including for reporting purposes and at a minimum) in accordance with the 1997 Office of Management and Budget Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity.

(e) LANGUAGE COLLECTION STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Minority Health, in consultation with the Office for Civil Rights of the Department of Health and Human Services, shall develop and disseminate Standards for the Classification of Federal Data on Preferred Written and Spoken Language.

(f) TECHNICAL ASSISTANCE FOR THE COLLECTION AND REPORTING OF DATA.—

(1) IN GENERAL.—The Secretary may, either directly or through grant or contract, provide technical assistance to enable a health care provider or plan operating under the Medicare program to comply with the requirements of this section.

(2) TYPES OF ASSISTANCE.—Assistance provided under this subsection may include assistance to—

(A) enhance or upgrade computer technology that will facilitate racial, ethnic, and primary language data collection and analysis;

(B) improve methods for health data collection and analysis including additional population groups beyond the Office of Management and Budget categories if such groups can be aggregated into the minimum race and ethnicity categories;

(C) develop mechanisms for submitting collected data subject to existing privacy and confidentiality regulations; and

(D) develop educational programs to raise awareness that data collection and reporting by race, ethnicity, and preferred language are legal and essential for eliminating health and health care disparities.

(g) ANALYSIS OF RACIAL AND ETHNIC DATA.—The Secretary, acting through the Director of the Agency for Health Care Research and Quality and in coordination with the Administrator of the Centers for Medicare & Medicaid Services, shall—

(1) identify appropriate quality assurance mechanisms to monitor for health disparities under the Medicare program;

(2) specify the clinical, diagnostic, or therapeutic measures which should be monitored;

(3) develop new quality measures relating to racial and ethnic disparities in health and health care;

(4) identify the level at which data analysis should be conducted; and

(5) share data with external organizations for research and quality improvement purposes, in compliance with applicable Federal privacy laws.

(h) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary shall submit to the appropriate committees of Congress a report on the effectiveness of data collection, analysis, and reporting on race, ethnicity, and primary language under the programs administered through title XVIII of the Social Security Act. The report shall evaluate the progress made with respect to the plan under subsection (c) or subsequent revisions thereto.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 232. ENSURING EFFECTIVE COMMUNICATION IN MEDICARE.

(a) ENSURING EFFECTIVE COMMUNICATION BY THE CENTERS FOR MEDICARE & MEDICAID SERVICES.—

(1) STUDY ON MEDICARE PAYMENTS FOR LANGUAGE SERVICES.—The Secretary of Health and Human Services shall conduct a study that examines ways that Medicare should develop payment systems for language services using the results of the demonstration program conducted under section 233.

(2) ANALYSES.— The study shall include an analysis of each of the following:

(A) How to develop and structure appropriate payment systems for language services for all Medicare service providers.

(B) The feasibility of adopting a payment methodology for on-site interpreters, including interpreters who work as independent contractors and interpreters who work for agencies that provide on-site interpretation, pursuant to which such interpreters could directly bill Medicare for services provided in support of physician office services for an LEP Medicare patient.

(C) The feasibility of Medicare contracting directly with agencies that provide off-site interpretation including telephonic and video interpretation pursuant to which such contractors could directly bill Medicare for the services provided in support of physician office services for an LEP Medicare patient.

(D) The feasibility of modifying the existing Medicare resource-based relative value scale (RBRVS) by using adjustments (such as multipliers or add-ons) when a patient is LEP.

(E) How each of options described in a previous paragraph would be funded and how such funding would affect physician payments, a physician's practice, and beneficiary cost-sharing.

(3) VARIATION IN PAYMENT SYSTEM DESCRIBED.—The payment systems described in subsection (b) may allow variations based upon types of service providers, available delivery methods, and costs for providing language services including such factors as—

(A) the type of language services provided (such as provision of health care or health care related services directly in a non-English language by a bilingual provider or use of an interpreter);

(B) type of interpretation services provided (such as in-person, telephonic, video interpretation);

(C) the methods and costs of providing language services (including the costs of providing language services with internal staff or through contract with external independent contractors and/or agencies);

(D) providing services for languages not frequently encountered in the United States; and

(E) providing services in rural areas.

(4) REPORT.—The Secretary shall submit a report on the study conducted under subsection (a) to appropriate committees of Congress not later than 1 year after the expiration of the demonstration program conducted under section 3.

(b) HEALTH PLANS.—Section 1857(g)(1) of the Social Security Act (42 U.S.C. 1395w-27(g)(1)) is amended—

(1) by striking "or" at the end of subparagraph (F);

(2) by adding "and" at the end of subparagraph (G); and

(3) by inserting after subparagraph (G) the following new subparagraph:

"(H) fails substantially to provide language services to limited English proficient beneficiaries enrolled in the plan that are required under law;".

SEC. 233. DEMONSTRATION TO PROMOTE ACCESS FOR MEDICARE BENEFICIARIES WITH LIMITED ENGLISH PROFICIENCY BY PROVIDING REIMBURSEMENT FOR CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICES.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act the Secretary, acting through the Centers for Medicare & Medicaid Services, shall award 24 3-year demonstration grants to eligible Medicare service providers to improve effective communication between such providers and Medicare beneficiaries who are limited English proficient. The Secretary shall not authorize a grant larger than $500,000 over three years for any grantee.

(b) ELIGIBILITY; PRIORITY.—

(1) ELIGIBILITY.—To be eligible to receive a grant under subsection (1) an entity shall—

(A) be—

(i) a provider of services under part A of title XVIII of the Social Security Act;

(ii) a service provider under part B of such title;

(iii) a part C organization offering a Medicare part C plan under part C of such title; or

(iv) a PDP sponsor of a prescription drug plan under part D of such title; and

(B) prepare and submit to the Secretary an application, at such time, in such manner, and accompanied by such additional information as the Secretary may require.

(2) PRIORITY.—

(A) DISTRIBUTION.—To the extent feasible, in awarding grants under this section, the Secretary shall award—

(i) 6 grants to providers of services described in paragraph (1)(A)(i);

(ii) 6 grants to service providers described in paragraph (1)(A)(ii);

(iii) 6 grants to organizations described in paragraph (1)(A)(iii); and

(iv) 6 grants to sponsors described in paragraph (1)(A)(iv).

(B) FOR COMMUNITY ORGANIZATIONS.—The Secretary shall give priority to applicants that have developed partnerships with community organizations or with agencies with experience in language access.

(C) VARIATION IN GRANTEES.—The Secretary shall also ensure that the grantees under this section represent, among other factors, variations in—

(i) different types of service providers and organizations under parts A through D of title XVIII of the Social Security Act;

(ii) languages needed and their frequency of use;

(iii) urban and rural settings;

(iv) at least two geographic regions; and

(v) at least two large metropolitan statistical areas with diverse populations.

(c) USE OF FUNDS.—

(1) IN GENERAL.—A grantee shall use grant funds received under this section to pay for the provision of competent language services to Medicare beneficiaries who are limited English proficient. Competent interpreter services may be provided through on-site interpretation, telephonic interpretation, or video interpretation or direct provision of health care or health care related services by a bilingual health care provider. A grantee may use bilingual providers, staff, or contract interpreters. A grantee may use grant funds to pay for competent translation services. A grantee may use up to 10 percent of the grant funds to pay for administrative costs associated with the provision of competent language services and for reporting required under subsection (E).

(2) ORGANIZATIONS.—Grantees that are part C organizations or PDP sponsors must ensure that their network providers receive at least 50 percent of the grant funds to pay for the provision of competent language services to Medicare beneficiaries who are limited English proficient, including physicians and pharmacies.

(3) DETERMINATION OF PAYMENTS FOR LANGUAGE SERVICES.—Payments to grantees shall be calculated based on the estimated numbers of LEP Medicare beneficiaries in a grantee's service area utilizing—

(A) data on the numbers of limited English proficient individuals who speak English less than "very well" from the most recently available data from the Bureau of the Census or other State-based study the Secretary determines likely to yield accurate data regarding the number of LEP individuals served by the grantee; or

(B) the grantee's own data if the grantee routinely collects data on Medicare beneficiaries' primary language in a manner determined by the Secretary to yield accurate data and such data shows greater numbers of LEP individuals than the data listed in subparagraph (A).

(4) LIMITATIONS.—

(A) REPORTING.—Payments shall only be provided under this section to grantees that report their costs of providing language services as required under subsection (e). If a grantee fails to provide the reports under such section for the first year of a grant, the Secretary may terminate the grant and solicit applications from new grantees to participate in the subsequent two years of the demonstration program.

(B) TYPE OF SERVICES.—

(i) IN GENERAL.—Subject to clause (ii), payments shall be provided under this section only to grantees that utilize competent bilingual staff or competent interpreter or translation services which—

(I) if the grantee operates in a State that has statewide health care interpreter standards, meet the State standards currently in effect; or

(II) if the grantee operates in a State that does not have statewide health care interpreter standards, utilizes competent interpreters who follow the National Council on Interpreting in Health Care's Code of Ethics and Standards of Practice.

(ii) EXEMPTIONS.—The requirements of clause (i) shall not apply—

(I) in the case of a Medicare beneficiary who is limited English proficient (who has been informed in the beneficiary's primary language of the availability of free interpreter and translation services) and who requests the use of family, friends, or other persons untrained in interpretation or translation and the grantee documents the request in the beneficiary's record; and

(II) in the case of a medical emergency where the delay directly associated with obtaining a competent interpreter or translation services would jeopardize the health of the patient.

Nothing in clause (ii)(II) shall be construed to exempt an emergency rooms or similar entities that regularly provide health care services in medical emergencies from having in place systems to provide competent interpreter and translation services without undue delay.

(d) ASSURANCES.—Grantees under this section shall—

(1) ensure that appropriate clinical and support staff receive ongoing education and training in linguistically appropriate service delivery; ensure the linguistic competence of bilingual providers;

(2) offer and provide appropriate language services at no additional charge to each patient with limited English proficiency at all points of contact, in a timely manner during all hours of operation;

(3) notify Medicare beneficiaries of their right to receive language services in their primary language;

(4) post signage in the languages of the commonly encountered group or groups present in the service area of the organization; and

(5) ensure that—

(A) primary language data are collected for recipients of language services; and

(B) consistent with the privacy protections provided under the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), if the recipient of language services is a minor or is incapacitated, the primary language of the parent or legal guardian is collected and utilized.

(e) REPORTING REQUIREMENTS.—Grantees under this section shall provide the Secretary with reports at the conclusion of the each year of a grant under this section. each report shall include at least the following information:

(1) The number of Medicare beneficiaries to whom language services are provided.

(2) The languages of those Medicare beneficiaries.

(3) The types of language services provided (such as provision of services directly in non-English language by a bilingual health care provider or use of an interpreter).

(4) Type of interpretation (such as in-person, telephonic, or video interpretation).

(5) The methods of providing language services (such as staff or contract with external independent contractors or agencies).

(6) The length of time for each interpretation encounter.

(7) The costs of providing language services (which may be actual or estimated, as determined by the Secretary).

(f) NO COST SHARING.—LEP Beneficiaries shall not have to pay cost-sharing or co-pays for language services provided through this demonstration program.

(g) EVALUATION AND REPORT.—The Secretary shall conduct an evaluation of the demonstration program under this section and shall submit to the appropriate committees of Congress a report not later than 1 year after the completion of the program. The report shall include the following:

(1) An analysis of the patient outcomes and costs of furnishing care to the LEP Medicare beneficiaries participating in the project as compared to such outcomes and costs for limited English proficient Medicare beneficiaries not participating.

(2) The effect of delivering culturally and linguistically appropriate services on beneficiary access to care, utilization of services, efficiency and cost-effectiveness of health care delivery, patient satisfaction, and select health outcomes.

(3) Recommendations regarding the extension of such project to the entire Medicare program.

(h) GENERAL PROVISIONS.—Nothing in this section shall be construed to limit otherwise existing obligations of recipients of Federal financial assistance under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d) et seq.) or any other statute.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each fiscal year of the demonstration.

SEC. 234. DEMONSTRATION TO IMPROVE CARE TO PREVIOUSLY UNINSURED.

(a) ESTABLISHMENT.—Within one year after the date of enactment of this Act, the Secretary shall establish a demonstration project to determine the greatest needs and most effective methods of outreach to medicare beneficiaries who were previously uninsured.

(b) SCOPE.—The demonstration shall be in no fewer than 10 sites, and shall include state health insurance assistance programs, community health centers, community-based organizations, community health workers, and other service providers under parts A. B, and C of title XVIII of the Social Security Act. Grantees that are plans operating under part C shall document that enrollees who were previously uninsured receive the "Welcome to Medicare" physical exam.

(c) DURATION.—The Secretary shall conduct the demonstration project for a period of 2 years.

(d) REPORT AND EVALUATION.—The Secretary shall conduct an evaluation of the demonstration and not later than 1 year after the completion of the project shall submit to Congress a report including the following:

(1) An analysis of the effectiveness of outreach activities targeting beneficiaries who were previously uninsured, such as revising outreach and enrollment materials (including the potential for use of video information), providing one-on-one counseling, working with community health workers, and amending the Medicare and You handbook.

(2) The effect of such outreach on beneficiary access to care, utilization of services, efficiency and cost-effectiveness of health care delivery, patient satisfaction, and select health outcomes.

SEC. 235. OFFICE OF THE INSPECTOR GENERAL REPORT ON COMPLIANCE WITH AND ENFORCEMENT OF NATIONAL STANDARDS ON CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICES (CLAS) IN MEDICARE.

(a) REPORT.—Not later than two years after the date of the enactment of this Act, the Inspector General of the Department of Health and Human Services shall prepare and publish a report on—

(1) the extent to which Medicare providers and plans are complying with the Office for Civil Rights' Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons and the Office of Minority Health's Culturally and Linguistically Appropriate Services Standards in health care; and

(2) a description of the costs associated with or savings related to the provision of language services.

Such report shall include recommendations on improving compliance with CLAS Standards and recommendations on improving enforcement of CLAS Standards.

(b) IMPLEMENTATION.—Not later than one year after the date of publication of the report under subsection (a), the Department of Health and Human Services shall implement changes responsive to any deficiencies identified in the report.

SEC. 236. IOM REPORT ON IMPACT OF LANGUAGE ACCESS SERVICES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall seek to enter into an arrangement with the Institute of under which the Institute will prepare and publish, not later than 3 years after the date of the enactment of this Act, a report on the impact of language access services on the health and health care of limited English proficient populations.

(b) CONTENTS.—Such report shall include—

(1) recommendations on the development and implementation of policies and practices by health care organizations and providers for limited English proficient patient populations;

(2) a description of the effect of providing language access services on quality of health care and access to care and reduced medical error; and

(3) a description of the costs associated with or savings related to provision of language access services.

SEC. 237. DEFINITIONS.

In this subtitle:

(1) BILINGUAL.—The term "bilingual" with respect to an individual means a person who has sufficient degree of proficiency in two languages and can ensure effective communication can occur in both languages.

(2) COMPETENT INTERPRETER SERVICES.—The term "competent interpreter services"

means a trans-language rendition of a spoken message in which the interpreter comprehends the source language and can speak comprehensively in the target language to convey the meaning intended in the source language. The interpreter knows health and health-related terminology and provides accurate interpretations by choosing equivalent expressions that convey the best matching and meaning to the source language and captures, to the greatest possible extent, all nuances intended in the source message.

(3) COMPETENT TRANSLATION SERVICES.—The term "competent translation services" means a trans-language rendition of a written document in which the translator comprehends the source language and can write comprehensively in the target language to convey the meaning intended in the source language. The translator knows health and health-related terminology and provides accurate translations by choosing equivalent expressions that convey the best matching and meaning to the source language and captures, to the greatest possible extent, all nuances intended in the source document.

(4) EFFECTIVE COMMUNICATION.—The term "effective communication" means an exchange of information between the provider of health care or health care-related services and the limited English proficient recipient of such services that enables limited English proficient individuals to access, understand, and benefit from health care or health care-related services.

(5) INTERPRETING/INTERPRETATION.—The terms "interpreting" and "interpretation" mean the transmission of a spoken message from one language into another, faithfully, accurately, and objectively.

(6) HEALTH CARE SERVICES.—The term "health care services" means services that address physical as well as mental health conditions in all care settings.

(7) HEALTH CARE-RELATED SERVICES.—The term "health care-related services" means human or social services programs or activities that provide access, referrals or links to health care.

(8) LANGUAGE ACCESS.—The term "language access" means the provision of language services to an LEP individual designed to enhance that individual's access to, understanding of or benefit from health care or health care-related services.

(9) LANGUAGE SERVICES.—The term "language services" means provision of health care services directly in a non-English language, interpretation, translation, and non-English signage.

(10) LIMITED ENGLISH PROFICIENT.—The term "limited English proficient" or "LEP" with respect to an individual means an individual who speaks a primary language other than English and who cannot speak, read, write or understand the English language at a level that permits the individual to effectively communicate with clinical or nonclinical staff at an entity providing health care or health care related services.

(11) MEDICARE PROGRAM.—The term "Medicare program" means the programs under parts A through D of title XVIII of the Social Security Act.

(12) SERVICE PROVIDER.—The term "service provider" includes all suppliers, providers of services, or entities under contract to provide coverage, items or services under any part of title XVIII of the Social Security Act.

TITLE III—PHYSICIANS' SERVICE PAYMENT REFORM

SEC. 301. ESTABLISHMENT OF SEPARATE TARGET GROWTH RATES FOR SERVICE CATEGORIES.

(a) ESTABLISHMENT OF SERVICE CATEGORIES.—Subsection (j) of section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended by adding at the end the following new paragraph:

"(5) SERVICE CATEGORIES.—For services furnished on or after January 1, 2008, each of the following categories of physicians' services shall be treated as a separate 'service category':

"(A) Evaluation and management services for primary care (including new and established patient office visits delivered by physicians who the Secretary determines provide accessible, continuous, coordinated, and comprehensive care for Medicare beneficiaries, emergency department visits, and home visits), and for preventive services (including screening mammography, colorectal cancer screening, and other services as defined by the Secretary, limited to the recommendations of the United States Preventive Services Task Force).

"(B) Evaluation and management services not described in subparagraph (A).

"(C) Imaging services (as defined in subsection (b)(4)(B)) and diagnostic tests (other than clinical diagnostic laboratory tests) not described in subparagraph (A).

"(D) Procedures that are subject (under regulations promulgated to carry out this section) to a 10-day or 90-day global period (in this paragraph referred to as 'major procedures'), except that the Secretary may reclassify as minor procedures under subparagraph (F) any procedures that would otherwise be included in this category if the Secretary determines that such procedures are not major procedures.

"(E) Anesthesia services that are paid on the basis of the separate conversion factor for anesthesia services determined under subsection (d)(1)(D).

"(F) Minor procedures and any other physicians' services that are not described in a preceding subparagraph.".

(b) ESTABLISHMENT OF SEPARATE CONVERSION FACTORS FOR EACH SERVICE CATEGORY.—Subsection (d)(1) of section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subparagraph (A)—

(A) by designating the sentence beginning "The conversion factor" as clause (i) with the heading "APPLICATION OF SINGLE CONVERSION FACTOR" and with appropriate indentation;

(B) by striking "The conversion factor" and inserting "Subject to clause (ii), the conversion factor"; and

(C) by adding at the end the following new clause:

"(ii) APPLICATION OF MULTIPLE CONVERSION FACTORS BEGINNING WITH 2008.—

"(I) IN GENERAL.—In applying clause (i) for years beginning with 2008, separate conversion factors shall be established for each service category of physicians' services (as defined in subsection (j)(5)) and any reference in this section to a conversion factor for such years shall be deemed to be a reference to the conversion factor for each of such categories.

"(II) INITIAL CONVERSION FACTORS; SPECIAL RULE FOR ANESTHESIA SERVICES.— Such factors for 2008 shall be based upon the single conversion factor for 2007 multiplied by the update established under paragraph (8) for such category for 2008. In the case of the service category described in subsection (j)(5)(F) (relating to anesthesia services), the conversion factor for 2008 shall be based on the separate conversion factor specified in subparagraph (D) for 2007 multiplied by the update established under paragraph (8) for such category for 2008.

"(III) UPDATING OF CONVERSION FACTORS.—Such factor for a service category for a subsequent year shall be based upon the conversion factor for such category for the previous year and adjusted by the update established for such category under paragraph (8) for the year involved."; and

(2) in subparagraph (D), by inserting "(before 2008)" after "for a year".

(c) ESTABLISHING UPDATES FOR CONVERSION FACTORS FOR SERVICE CATEGORIES.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended—

(1) in paragraph (4)(B), by striking "and (6)" and inserting ", (6), and (8)";

(2) in paragraph (4)(C)(iii), by striking "The allowed" and inserting "Subject to paragraph (8)(B), the allowed";

(3) in paragraph (4)(D), by striking "The update" and inserting "Subject to paragraph (8)(E), the update"; and

(4) by adding at the end the following new paragraphs:

"(8) UPDATES FOR SERVICE CATEGORIES BEGINNING WITH 2008.—

"(A) IN GENERAL.—In applying paragraph (4) for a year beginning with 2008, the following rules apply:

"(i) APPLICATION OF SEPARATE UPDATE ADJUSTMENTS FOR EACH SERVICE CATEGORY.—Pursuant to paragraph (1)(A)(ii)(I), the update shall be made to the conversion factor for each service category (as defined in subsection (j)(5)) based upon an update adjustment factor for the respective category and year and the update adjustment factor shall be computed, for a year, separately for each service category.

"(ii) COMPUTATION OF ALLOWED AND ACTUAL EXPENDITURES BASED ON SERVICE CATEGORIES.—In computing the prior year adjustment component and the cumulative adjustment component under clauses (i) and (ii) of paragraph (4)(B), the following rules apply:

"(I) APPLICATION BASED ON SERVICE CATEGORIES.—The allowed expenditures and actual expenditures shall be the allowed and actual expenditures for the service category, as determined under subparagraph (B).

"(II) LIMITATION TO PHYSICIAN FEE-SCHEDULE SERVICES.—Actual expenditures shall only take into account expenditures for services furnished under the physician fee schedule.

"(III) APPLICATION OF CATEGORY SPECIFIC TARGET GROWTH RATE.—The growth rate applied under clause (ii)(II) of such paragraph shall be the target growth rate for the service category involved under subsection (f)(5).

"(IV) ALLOCATION OF CUMULATIVE OVERHANG.—There shall be substituted for the difference described in subparagraph (B)(ii)(I) of such paragraph the amount described in subparagraph (C)(i) for the service category involved.

"(B) DETERMINATION OF ALLOWED EXPENDITURES.—In applying paragraph (4) for a year beginning with 2008, notwithstanding subparagraph (C)(iii) of such paragraph, the allowed expenditures for a service category for a year is an amount computed by the Secretary as follows:

"(i) FOR 2008.—For 2008:

"(I) TOTAL 2007 ALLOWED EXPENDITURES.—Compute the total allowed expenditures for services furnished under the physician fee schedule under such paragraph for 2007.

"(II) INCREASE BY GROWTH RATE.—Increase the total under subclause (I) by the target growth rate for such category under subsection (f) for 2008.

"(III) ALLOCATION TO SERVICE CATEGORY.—Multiply the increased total under subclause (II) by the overhang allocation factor for the service category (as defined in subparagraph (C)(iii)).

"(ii) FOR SUBSEQUENT YEARS.—For a subsequent year, take the amount of allowed expenditures for such category for the preceding year (under clause (i) or this clause) and increase it by the target growth rate determined under subsection (f) for such category and year.

"(C) COMPUTATION AND APPLICATION OF CUMULATIVE OVERHANG AMONG CATEGORIES.—

"(i) IN GENERAL.—For purposes of applying paragraph (4)(B)(ii)(II) under clause (ii)(IV), the amount described in this clause for a year (beginning with 2008) is the sum of the following:

"(I) PRE-2008 CUMULATIVE OVERHANG.—The amount of the pre-2008 cumulative excess spending (as defined in clause (ii)) multiplied by the overhang allocation factor for the service category (under clause (iii)).

"(II) POST-2007 CUMULATIVE AMOUNTS.—For a year beginning with 2009, the difference (which may be positive or negative) between the amount of the allowed expenditures for physicians' services (as determined under paragraph (4)(C)) in the service category from January 1, 2008, through the end of the prior year and the amount of the actual expenditures for such services in such category during that period.

"(ii) PRE-2008 CUMULATIVE EXCESS SPENDING DEFINED.—For purposes of clause (i)(I), the term 'pre-2008 cumulative excess spending' means the difference described in paragraph (4)(B)(ii)(I) as determined for the year 2008, taking into account expenditures through December 31, 2007. Such difference takes into account expenditures included in subsection (f)(4)(A).

"(iii) OVERHANG ALLOCATION FACTOR.—For purposes of this paragraph, the term 'overhang allocation factor' means, for a service category, the proportion, as determined by the Secretary of total actual expenditures under this part for items and services in such category during 2007 to the total of such actual expenditures for all the service categories. In calculating such proportion, the Secretary shall only take into account services furnished under the physician fee schedule.

"(D) FLOOR FOR UPDATES FOR 2008 AND 2009.—The update to the conversion factors for each service category for each of 2008 and 2009 shall be not less than 0.5 percent.

"(E) CHANGE IN RESTRICTION ON UPDATE ADJUSTMENT FACTOR FOR 2010 AND 2011.—The update adjustment factor determined under subparagraph (4)(B), as modified by this paragraph, for a service category for a year (beginning with 2010 and ending with 2011) may be less than -0.07, but may not be less than -0.14.".

(d) APPLICATION OF SEPARATE TARGET GROWTH RATES FOR EACH CATEGORY.—

(1) IN GENERAL.—Section 1848(f) of the Social Security Act (42 U.S.C. 1395w-4(f)) is amended by adding at the end the following new paragraph:

"(5) APPLICATION OF SEPARATE TARGET GROWTH RATES FOR EACH SERVICE CATEGORY BEGINNING WITH 2008.—The target growth rate for a year beginning with 2008 shall be computed and applied separately under this subsection for each service category (as defined in subsection (j)(5)) and shall be computed using the same method for computing the sustainable growth rate except for the following:

"(A) The reference in paragraphs (2)(A) and (2)(D) to 'all physicians' services' is deemed a reference to the physicians' services included in such category but shall not take into account items and services included in physicians' services through the operation of paragraph (4)(A).

"(B) The factor described in paragraph (2)(C) for the service category described in subsection (j)(5)(A) shall be increased by 0.03.

"(C) A national coverage determination (as defined in section 1869(f)(1)(B)) shall be treated as a change in regulation described in paragraph (2)(D).".

(2) USE OF TARGET GROWTH RATES.—Section 1848 of such Act is further amended—

(A) in subsection (d)—

(i) in paragraph (1)(E)(ii), by inserting "or target" after "sustainable"; and

(ii) in paragraph (4)(B)(ii)(II), by inserting "or target" after "sustainable"; and

(B) in subsection (f)—

(i) in the heading by inserting "; TARGET GROWTH RATE" after "SUSTAINABLE GROWTH RATE"

(ii) in paragraph (1)—

(I) by striking "and" at the end of subparagraph (A);

(II) in subparagraph (B), by inserting "before 2008" after "each succeeding year" and by striking the period at the end and inserting "; and"; and

(III) by adding at the end the following new subparagraph:

"(C) November 1 of each succeeding year the target growth rate for such succeeding year and each of the 2 preceding years."; and

(iii) in paragraph (2), in the matter before subparagraph (A), by inserting after "beginning with 2000" the following: "and ending with 2007" .

(e) REPORTS ON EXPENDITURES FOR PART B DRUGS AND CLINICAL DIAGNOSTIC LABORATORY TESTS.—

(1) REPORTING REQUIREMENT.—The Secretary of Health and Human Services shall include information in the annual physician fee schedule proposed rule on the change in the annual rate of growth of actual expenditures for clinical diagnostic laboratory tests or drugs, biologicals, and radiopharmaceuticals for which payment is made under part B of title XVIII of the Social Security Act.

(2) RECOMMENDATIONS.—The report submitted under paragraph (1) shall include an analysis of the reasons for such excess expenditures and recommendations for addressing them in the future.

SEC. 302. IMPROVING ACCURACY OF RELATIVE VALUES UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

(a) USE OF EXPERT PANEL TO IDENTIFY MISVALUED PHYSICIANS' SERVICES.—Section 1848(c) of the Social Security Act (42 U.S.C. 1395w(c)) is amended by adding at the end the following new paragraph:

"(7) USE OF EXPERT PANEL TO IDENTIFY MISVALUED PHYSICIANS' SERVICES.—

"(A) IN GENERAL.—The Secretary shall establish an expert panel (in this paragraph referred to as the 'expert panel')—

"(i) to identify, through data analysis, physicians' services for which the relative value under this subsection is potentially misvalued, particularly those services for which such relative value may be overvalued;

"(ii) to assess whether those misvalued services warrant review using existing processes (referred to in paragraph (2)(J)(ii)) for the consideration of coding changes; and

"(iii) to advise the Secretary concerning the exercise of authority under clauses (ii)(III) and (vi) of paragraph (2)(B).

"(B) COMPOSITION OF PANEL.—The expert panel shall be appointed by the Secretary and composed of—

"(i) members with expertise in medical economics and technology diffusion;

"(ii) members with clinical expertise;

"(iii) physicians, particularly physicians (such as a physician employed by the Veterans Administration or a physician who has a full time faculty appointment at a medical school) who are not directly affected by changes in the physician fee schedule under this section;

"(iv) carrier medical directors; and

"(v) representatives of private payor health plans.

"(C) APPOINTMENT CONSIDERATIONS.—In appointing members to the expert panel, the Secretary shall assure racial and ethnic diversity on the panel and may consider appointing a liaison from organizations with experience in the consideration of coding changes to the panel.".

(b) EXAMINATION OF SERVICES WITH SUBSTANTIAL CHANGES.—Such section is further amended by adding at the end the following new paragraph:

"(8) EXAMINATION OF SERVICES WITH SUBSTANTIAL CHANGES.—The Secretary, in consultation with the expert panel under paragraph (7), shall—

"(A) conduct a five-year review of physicians' services in conjunction with the RUC 5-year review, particularly for services that have experienced substantial changes in length of stay, site of service, volume, practice expense, or other factors that may indicate changes in physician work;

"(B) identify new services to determine if they are likely to experience a reduction in relative value over time and forward a list of the services so identified for such five-year review; and

"(C) for physicians' services that are otherwise unreviewed under the process the Secretary has established, periodically review a sample of relative value units within different types of services to assess the accuracy of the relative values contained in the Medicare physician fee schedule.".

(c) AUTHORITY TO REDUCE WORK COMPONENT FOR SERVICES WITH ACCELERATED VOLUME GROWTH.—

(1) IN GENERAL.—Paragraph (2)(B) of such section is amended—

(A) in clause (v), by adding at the end the following new subclause:

"(III) REDUCTIONS IN WORK VALUE UNITS FOR SERVICES WITH ACCELERATED VOLUME GROWTH.—Effective January 1, 2009, reduced expenditures attributable to clause (vi)."; and

(B) by adding at the end the following new clauses:

"(vi) AUTHORIZING REDUCTION IN WORK VALUE UNITS FOR SERVICES WITH ACCELERATED VOLUME GROWTH.—The Secretary may provide (without using existing processes the Secretary has established for review of relative value) for a reduction in the work value units for a particular physician's service if the annual rate of growth in the expenditures for such service for which payment is made under this part for individuals for 2006 or a subsequent year exceeds the average annual rate of growth in expenditures of all physicians' services for which payment is made under this part by more than 10 percentage points for such year.

"(vii) CONSULTATION WITH EXPERT PANEL AND BASED ON CLINICAL EVIDENCE.—The Secretary shall exercise authority under clauses (ii)(III) and (vi) in consultation with the expert panel established under paragraph (7) and shall take into account clinical evidence supporting or refuting the merits of such accelerated growth''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to payment for services furnished on or after January 1, 2009.

(d) ADJUSTMENT AUTHORITY FOR EFFICIENCY GAINS FOR NEW PROCEDURES.—Paragraph (2)(B)(ii) of such section is amended by adding at the end the following new subclause:

"(III) ADJUSTMENT AUTHORITY FOR EFFICIENCY GAINS FOR NEW PROCEDURES.—In carrying out subclauses (I) and (II), the Secretary may apply a methodology, based on supporting evidence, under which there is imposed a reduction over a period of years in specified relative value units in the case of a new (or newer) procedure to take into account inherent efficiencies that are typically or likely to be gained during the period of initial increased application of the procedure.".

SEC. 303. PHYSICIAN FEEDBACK MECHANISM ON PRACTICE PATTERNS.

By not later than July 1, 2008, the Secretary of Health and Human Services shall develop and implement a mechanism to measure resource use on a per capita and an episode basis in order to provide confidential feedback to physicians in the Medicare program on how their practice patterns compare to physicians generally, both in the same locality as well as nationally. Such feedback shall not be subject to disclosure under section 552 of title 5, United States Code).

SEC. 304. PAYMENTS FOR EFFICIENT PHYSICIANS.

Section 1833 of the Social Security Act (42 U.S.C. 13951) is amended by adding at the end the following new subsection:

"(v) INCENTIVE PAYMENTS FOR EFFICIENT PHYSICIANS.—

"(1) IN GENERAL.—In the case of physicians' services furnished on or after January 1, 2009, and before January 1, 2011, by a participating physician in an efficient area (as identified under paragraph (2)), in addition to the amount of payment that would otherwise be made for such services under this part, there also shall be paid an amount equal to 5 percent of the payment amount for the services under this part.

"(2) IDENTIFICATION OF EFFICIENT AREAS.—

"(A) IN GENERAL.—Based upon available data, the Secretary shall identify those counties or equivalent areas in the United States in the lowest fifth percentile of utilization based on per capita spending for services provided in 2007 under this part and part A.

"(B) IDENTIFICATION OF COUNTIES WHERE SERVICE IS FURNISHED..—For purposes of paying the additional amount specified in paragraph (1), if the Secretary uses the 5-digit postal ZIP Code where the service is furnished, the dominant county of the postal ZIP Code (as determined by the United States Postal Service, or otherwise) shall be used to determine whether the postal ZIP Code is in a county described in subparagraph (A).

"(C) JUDICIAL REVIEW.— There shall be no administrative or judicial review under section 1869, 1878, or otherwise, respecting—

"(i) the identification of a county or other area under subparagraph (A); or

"(ii) the assignment of a postal ZIP Code to a county or other area under subparagraph (B).

"(D) PUBLICATION OF LIST OF COUNTIES; POSTING ON WEBSITE.—With respect to a year for which a county or area is identified under this paragraph, the Secretary shall identify such counties or areas as part of the proposed and final rule to implement the physician fee schedule under section 1848 for the applicable year. The Secretary shall post the list of counties identified under this paragraph on the Internet website of the Centers for Medicare & Medicaid Services.".

SEC. 305. RECOMMENDATIONS ON REFINING THE PHYSICIAN FEE SCHEDULE.

(a) RECOMMENDATIONS ON CONSOLIDATED CODING FOR SERVICES COMMONLY PERFORMED TOGETHER.—Not later than December 31, 2008, the Comptroller General of the United States shall—

(1) complete an analysis of codes paid under the Medicare physician fee schedule to determine whether the codes for procedures that are commonly furnished together should be combined; and

(2) submit to Congress a report on such analysis and include in the report recommendations on whether an adjustment should be made to the relative value units for such combined code.

(b) RECOMMENDATIONS ON INCREASED USE OF BUNDLED PAYMENTS.—Not later than December 31, 2008, the Comptroller General of the United States shall—

(1) complete an analysis of those procedures under the Medicare physician fee schedule for which no global payment methodology is applied but for which a "bundled" payment methodology would be appropriate; and

(2) submit to Congress a report on such analysis and include in the report recommendations on increasing the use of "bundled" payment methodology under such schedule.

(c) MEDICARE PHYSICIAN FEE SCHEDULE.—In this section, the term "Medicare physician fee schedule" means the fee schedule established under section 1848 of the Social Security Act (42 U.S.C. 1395w–4).

SEC. 306. IMPROVED AND EXPANDED MEDICAL HOME DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish under title XVIII of the Social Security Act an expanded medical home demonstration project (in this section referred to as the "expanded project") under this section. The expanded project supersedes the project that was initiated under section 204 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432). The purpose of the expanded project is—

(1) to guide the redesign of the health care delivery system to provide accessible, continuous, comprehensive, and coordinated, care to Medicare beneficiaries; and

(2) to provide care management fees to personal physicians delivering continuous and comprehensive care in qualified medical homes.

(b) NATURE AND SCOPE OF PROJECT.—

(1) DURATION; SCOPE.—The expanded project shall operate during a period of three years, beginning not later than October 1, 2009, and shall include a nationally representative sample of physicians serving urban, rural, and underserved areas throughout the United States.

(2) ENCOURAGING PARTICIPATION OF SMALL PHYSICIAN PRACTICES.—

(A) IN GENERAL.—The expanded project shall be designed to include the participation of physicians in practices with fewer than four full-time equivalent physicians, as well as physicians in larger practices particularly in rural and underserved areas.

(B) TECHNICAL ASSISTANCE.— In order to facilitate the participation under the expanded project of physicians in such practices, the Secretary shall make available additional technical assistance to such practices during the first year of the expanded project.

(3) SELECTION OF HOMES TO PARTICIPATE.—The Secretary shall select up to 500 medical homes to participate in the expanded project and shall give priority to—

(A) the selection of up to 100 HIT-enhanced medical homes; and

(B) the selection of other medical homes that serve communities whose populations are at higher risk for health disparities,

(4) BENEFICIARY PARTICIPATION.—The Secretary shall establish a process for any Medicare beneficiary who is served by a medical home participating in the expanded project to elect to participate in the project. Each beneficiary who elects to so participate shall be eligible—

(A) for enhanced medical home services under the project with no cost sharing for the additional services; and

(B) for a reduction of up to 50 percent in the coinsurance for services furnished under the physician fee schedule under section 1848 of the Social Security Act by the medical home.

The Secretary shall develop standard recruitment materials and election processes for Medicare beneficiaries who are electing to participate in the expanded project.

(c) STANDARDS FOR MEDICAL HOMES, HIT-ENHANCED MEDICAL HOMES.—

(1) STANDARD SETTING AND CERTIFICATION PROCESS.—The Secretary shall establish a process for selection of a qualified standard setting and certification organization—

(A) to establish standards, consistent with this section, for medical practices to qualify as medical homes or as HIT-enhanced medical homes; and

(B) to provide for the review and certification of medical practices as meeting such standards.

(2) BASIC STANDARDS FOR MEDICAL HOMES.—For purposes of this subsection, the term "medical home" means a physician-directed practice that has been certified, under paragraph (1), as meeting the following standards:

(A) ACCESS AND COMMUNICATION WITH PATIENTS.—The practice applies standards for access to care and communication with participating beneficiaries.

(B) MANAGING PATIENT INFORMATION AND USING INFORMATION IN MANAGEMENT TO SUPPORT PATIENT CARE.—The practice has readily accessible, clinically useful information on participating beneficiaries that enables the practice to treat such beneficiaries comprehensively and systematically.

(C) MANAGING AND COORDINATING CARE ACCORDING TO INDIVIDUAL NEEDS.—The practice maintains continuous relationships with participating beneficiaries by implementing evidence-based guidelines and applying them to the identified needs of individual beneficiaries over time and with the intensity needed by such beneficiaries.

(D) PROVIDING ONGOING ASSISTANCE AND ENCOURAGEMENT IN PATIENT SELF-MANAGEMENT.—The practice—

(i) collaborates with participating beneficiaries to pursue their goals for optimal achievable health; and

(ii) assesses patient-specific barriers to communication and conducts activities to support patient self-management.

(E) RESOURCES TO MANAGE CARE.—The practice has in place the resources and processes necessary to achieve improvements in the management and coordination of care for participating beneficiaries.

(F) MONITORING PERFORMANCE.—The practice monitors its clinical process and performance (including outcome measures) in meeting the applicable standards under this subsection and provides information in a form and manner specified by the Secretary with respect to such process and performance.

(3) ADDITIONAL STANDARDS FOR HIT-ENHANCED MEDICAL HOME.—For purposes of this subsection, the term "HIT-enhanced medical home" means a medical home that has been certified, under paragraph (1), as using a health information technology system that includes at least the following elements:

(A) ELECTRONIC HEALTH RECORD (EHR).—The system uses, for participating beneficiaries, an electronic health record that meets the following standards:

(i) IN GENERAL.—The record—

(I) has the capability of interoperability with secure data acquisition from health information technology systems of other health care providers in the area served by the home; or

(II) the capability to securely acquire clinical data delivered by such other health care providers to a secure common data source.

(ii) The record protects the privacy and security of health information.

(iii) The record has the capability to acquire, manage, and display all the types of clinical information commonly relevant to services furnished by the home, such as complete medical records, radiographic image retrieval, and clinical laboratory information.

(iv) The record is integrated with decision support capacities that facilitate the use of evidence-based medicine and clinical decision support tools to guide decision-making at the point-of-care based on patient-specific factors.

(B) E-PRESCRIBING.—The system supports e-prescribing and computerized physician order entry.

(C) OUTCOME MEASUREMENT.—The system supports the secure, confidential provision of clinical process and outcome measures approved by the National Quality Forum to the Secretary for use in confidential manner for provider feedback and peer review and for outcomes and clinical effectiveness research.

(D) PATIENT EDUCATION CAPABILITY.—The system actively facilitates participating beneficiaries engaging in the management of their own health through education and support systems and tools for shared decision-making.

(E) SUPPORT OF BASIC STANDARDS.— The elements of such system, such as the electronic health record, email communications, patient registries, and clinical-decision support tools, are integrated in a manner to better achieve the basic standards specified in paragraph (2) for a medical home.

(4) USE OF DATA.—The Secretary shall use the data submitted under paragraph (1)(F) in a confidential manner for feedback and peer review for medical homes and for outcomes and clinical effectiveness research. After the first two years of the expanded project, these data may be used for adjustment in the monthly medical home care management fee under subsection (d)(2)(E).

(d) MONTHLY MEDICAL HOME CARE MANAGEMENT FEE.—

(1) IN GENERAL.—Under the expanded project, the Secretary shall provide for payment to the personal physician of each participating beneficiary of a monthly medical home care management fee.

(2) AMOUNT OF PAYMENT.— In determining the amount of such fee, the Secretary shall consider the following:

(A) OPERATING EXPENSES.—The additional practice expenses for the delivery of services through a medical home, taking into account the additional expenses for an HIT-enhanced medical home. Such expenses include costs associated with—

(i) structural expenses, such as equipment, maintenance, and training costs;

(ii) enhanced access and communication functions;

(iii) population management and registry functions;

(iv) patient medical data and referral tracking functions;

(v) provision of evidence-based care;

(vi) implementation and maintenance of health information technology;

(vii) reporting on performance and improvement conditions; and

(viii) patient education and patient decision support, including print and electronic patient education materials.

(B) ADDED VALUE SERVICES.—The value of additional physician work, such as augmented care plan oversight, expanded e-mail and telephonic consultations, extended patient medical data review (including data stored and transmitted electronically), and physician supervision of enhanced self management education, and expanded follow-up accomplished by non-physician personnel, in a medical home that is not adequately taken into account in the establishment of the physician fee schedule under section 1848 of the Social Security Act.

(C) RISK ADJUSTMENT.—The development of an appropriate risk adjustment mechanism to account for the varying costs of medical homes based upon characteristics of participating beneficiaries.

(D) HIT ADJUSTMENT.—Variation of the fee based on the extensiveness of use of the health information technology in the medical home.

(E) PERFORMANCE-BASED.—After the first two years of the expanded project, an adjustment of the fee based on performance of the home in achieving quality or outcomes standards.

(3) PERSONAL PHYSICIAN DEFINED.—For purposes of this subsection, the term "personal physician" means, with respect to a participating Medicare beneficiary, a physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1)) who provides accessible, continuous, coordinated, and comprehensive care for the beneficiary as part of a medical practice that is a qualified medical home. Such a physician may be a specialist for a beneficiary requiring ongoing care for a chronic condition or multiple chronic conditions (such as severe asthma, complex diabetes, cardiovascular disease, rheumatologic disorder) or for a beneficiary with a prolonged illness.

(e) FUNDING.—

(1) USE OF CURRENT PROJECT FUNDING.—Funds otherwise applied to the demonstration under section 204 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109-432) shall be available to carry out the expanded project

(2) ADDITIONAL FUNDING FROM SMI TRUST FUND.—

(A) IN GENERAL.—In addition to the funds provided under paragraph (1), there shall be available, from the Federal Supplementary Medical Insurance Trust Fund (under section 1841 of the Social Security Act), the amount of $500,000,000 to carry out the expanded project, including payments to of monthly medical home care management fees under subsection (d), reductions in coinsurance for participating beneficiaries under subsection (b)(4)(B), and funds for the design, implementation, and evaluation of the expanded project.

(B) MONITORING EXPENDITURES; EARLY TERMINATION.—The Secretary shall monitor the expenditures under the expanded project and may terminate the project early in order that expenditures not exceed the amount of funding provided for the project under subparagraph (A).

(f) EVALUATIONS AND REPORTS.—.

(1) ANNUAL INTERIM EVALUATIONS AND REPORTS.—For each year of the expanded project, the Secretary shall provide for an evaluation of the project and shall submit to Congress, by a date specified by the Secretary, a report on the project and on the evaluation of the project for each such year.

(2) FINAL EVALUATION AND REPORT.—The Secretary shall provide for an evaluation of the expanded project and shall submit to Congress, not later than 18 months after the date of completion of the project, a report on the project and on the evaluation of the project.

SEC. 307. REPEAL OF PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.

Subsection (l) of section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is repealed.

SEC. 308. ADJUSTMENT TO MEDICARE PAYMENT LOCALITIES.

Section 1848(e) of the Social Security Act (42 U.S.C.1395w-4(e)) is amended by adding at the end the following new paragraph:

"(6) FEE SCHEDULE GEOGRAPHIC AREAS.—

"(A) IN GENERAL.—

"(i) REVISION.—Subject to clause (ii), for services furnished on or after January 1, 2009, the Secretary shall revise the fee schedule areas used for payment under this section applicable to the State of California using the county-based geographic adjustment factor as specified in option 3 (table 9) in the proposed rule for the 2008 physician fee schedule published at 72 Fed. Reg. 38,122 (July 12, 2007).

"(ii) TRANSITION.—For services furnished during the period beginning January 1, 2009, and ending December 31, 2010, after calculating the work, practice expense, and malpractice geographic indices described in clauses (i), (ii), and (iii) of paragraph (1)(A) that would otherwise apply, the Secretary shall increase any such geographic index for any county in California that is lower than the geographic index used for payment for services under this section as of December 31, 2008, in such county to such geographic index level.

"(iii) NON-APPLICATION OF PERIODIC REVISION.—If a periodic review of geographic indices, as required under paragraph (1)(B), results in a reduction in a work, practice expense and malpractice geographic index for any county in California that is below the geographic index level established pursuant to clause (ii) during a portion of the period described in such clause, the work, practice expense, or malpractice index established in such clause shall be applied to payment for services furnished in such county during such portion of such period.

"(B) SUBSEQUENT REVISIONS.—

"(i) TIMING.—Not later than January 1, 2014, the Secretary shall review and make revisions to fee schedule areas in all States for which more than one fee schedule area is used for payment of services under this section. The Secretary may revise fee schedule areas in States in which a single fee schedule area is used for payment for services under this section using the same methodology applied in the previous sentence.

"(ii) LINK WITH GEOGRAPHIC INDEX DATA REVISION.—The revision described in clause (i) shall be made effective concurrently with the application of the periodic review of geographic adjustment factors required under paragraph (1)(C) for 2014.".

SEC. 309. PAYMENT FOR IMAGING SERVICES.

(a) PAYMENT UNDER PART B OF THE MEDICARE PROGRAM FOR DIAGNOSTIC IMAGING SERVICES FURNISHED IN FACILITIES CONDITIONED ON ACCREDITATION OF FACILITIES.—

(1) SPECIAL PAYMENT RULE.—

(A) IN GENERAL.—Section 1848(b)(4) of the Social Security Act (42 U.S.C. 1395w-4(b)(4)) is amended—

(i) in the heading, by striking "RULE" and inserting "RULES";

(ii) in subparagraph (A), by striking "IN GENERAL" and inserting "LIMITATION"; and

(iii) by adding at the end the following new subparagraph:

"(C) PAYMENT ONLY FOR SERVICES PROVIDED IN ACCREDITED FACILITIES.—

"(i) IN GENERAL.—In the case of imaging services that are diagnostic imaging services described in clause (ii), the payment amount for the technical component and the professional component of the services established for a year under the fee schedule described in paragraph (1) shall each be zero, unless the services are furnished at a diagnostic imaging services facility that meets the certificate requirement described in section 354(b)(1) of the Public Health Service Act, as applied under subsection (m). The previous sentence shall not apply with respect to the professional component of a diagnostic imaging service that is furnished by a physician or that is an ultrasound furnished by nurse practitioner or or nurse-midwife.

"(ii) DIAGNOSTIC IMAGING SERVICES.—For purposes of clause (i) and subsection (m), the term 'diagnostic imaging services' means all imaging modalities, including diagnostic magnetic resonance imaging ('MRI'), computed tomography ('CT'), positron emission tomography ('PET'), nuclear medicine procedures, x-rays, sonograms, ultrasounds, echocardiograms, and such emerging diagnostic imaging technologies as specified by the Secretary. Such term does not include image guided procedures.".

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Subject to clause (ii), the amendments made by subparagraph (A) shall apply to diagnostic imaging services furnished on or after January 1, 2010.

(ii) EXTENSION FOR ULTRASOUND SERVICES.—The amendments made by subparagraph (A) shall apply to diagnostic imaging services that are ultrasound services on or after January 1, 2012.

(2) CERTIFICATION OF FACILITIES THAT FURNISH DIAGNOSTIC IMAGING SERVICES.—Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended by adding at the end the following new subsection:

"(m) CERTIFICATION OF FACILITIES THAT FURNISH DIAGNOSTIC IMAGING SERVICES.—

"(1) IN GENERAL.—For purposes of subsection (b)(4)(C)(i), except as provided under paragraphs (2) through (8), the provisions of section 354 of the Public Health Service Act (as in effect as of June 1, 2007), relating to the certification of mammography facilities, shall apply, with respect to the provision of diagnostic imaging services (as defined in subsection (b)(4)(C)(ii)) and to a diagnostic imaging services facility defined in paragraph (8) (and to the process of accrediting such facilities) in the same manner that such provisions apply, with respect to the provision of mammograms and to a facility defined in paragraph (8) (and to the process of accrediting such facilities) in the same manner that such provisions apply, with respect to the provision of mammograms and to a facility defined in subsection (a)(3) of such section (and to the process of accrediting such mammography facilities).

"(2) TERMINOLOGY AND REFERENCES.—For purposes of applying section 354 of the Public Health Service Act under paragraph (1)—

"(A) any reference to 'mammography', or 'breast imaging' is deemed a reference to 'diagnostic imaging services (as defined in section 1848(b)(4)(C)(ii) of the Social Security Act)';

"(B) any reference to a mammogram or film is deemed a reference to an image, as defined in paragraph (8);

"(C) any reference to 'mammography facility' or to a 'facility' under such section 354 is deemed a reference to a diagnostic imaging services facility, as defined in paragraph (8);

"(D) any reference to radiological equipment used to image the breast is deemed a reference to medical imaging equipment used to provide diagnostic imaging services;

"(E) any reference to radiological procedures or radiological is deemed a reference to medical imaging services, as defined in paragraph (8) or medical imaging, respectively;

"(F) any reference to an inspection (as defined in subsection (a)(4) of such section) or inspector is deemed a reference to an audit (as defined in paragraph (8)) or auditor, respectively;

"(G) any reference to a medical physicist (as described in subsection (f)(1)(E) of such section) is deemed to include a reference to a magnetic resonance scientist or the appropriate qualified expert as determined by the accrediting body;

"(H) in applying subsection (d)(1)(A)(i) of such section, the reference to 'type of each x-ray machine, image receptor, and processor' is deemed a reference to 'type of imaging equipment';

"(I) in applying subsection (d)(1)(B) of such section, the reference that 'the person or agent submits to the Secretary' is deemed a reference that 'the person or agent submits to the Secretary, through the appropriate accreditation body';

"(J) in applying subsection (d)(1)(B)(i) of such section, the reference to standards established by the Secretary is deemed a reference to standards established by an accreditation body and approved by the Secretary;

"(K) in applying subsection (e) of such section, relating to an accreditation body—

"(i) in paragraph (1)(A), the reference to 'may' is deemed a reference to 'shall';

"(ii) in paragraph (1)(B)(i)(II), the reference to 'a random sample of clinical images from such facilities' is deemed a reference to 'a statistically significant random sample of clinical images from a statistically significant random sample of facilities';

"(iii) in paragraph (3)(A) of such section—

"(I) the reference to 'paragraph (1)(B)' in such subsection is deemed to be a reference to 'paragraph (1)(B) and subsection (f)'; and

"(II) the reference to the 'Secretary' is deemed a reference to 'an accreditation body, with the approval of the Secretary'; and

"(iv) in paragraph (6)(B), the reference to the Committee on Labor and Human Resources of the Senate is deemed to be the Committee on Finance of the Senate and the reference to the Committee on Energy and Commerce of the House of Representatives is deemed to include a reference to the Committee on Ways and Means of the House of Representatives;

"(L) in applying subsection (f), relating to quality standards—

"(i) each reference to standards established by the Secretary is deemed a reference to standards established by an accreditation body involved and approved by the Secretary under subsection (d)(1)(B)(i) of such section

"(ii) in paragraph (1)(A), the reference to 'radiation dose' is deemed a reference to 'radiation dose, as appropriate';

"(iii) in paragraph (1)(B), the reference to 'radiological standards' is deemed a reference to 'medical imaging standards, as appropriate';

"(iv) in paragraphs (1)(D)(ii) and (1)(E)(iii), the reference to 'the Secretary' is deemed a reference to 'an accreditation body with the approval of the Secretary';

"(v) in each of subclauses (III) and (IV) of paragraph (1)(G)(ii), each reference to 'patient' is deemed a reference to 'patient, if requested by the patient'; and

"(M) in applying subsection (g), relating to inspections—

"(i) each reference to the 'Secretary or State or local agency acting on behalf of the Secretary' is deemed to include a reference to an accreditation body involved;

"(ii) in the first sentence of paragraph (1)(F), the reference to 'annual inspections required under this paragraph' is deemed a reference to 'the audits carried out in facilities at least every three years from the date of initial accreditation under this paragraph'; and

"(iii) in the second sentence of paragraph (1)(F), the reference to 'inspections carried out under this paragraph' is deemed a reference to 'audits conducted under this paragraph during the previous year'.

"(3) DATES AND PERIODS.—For purposes of paragraph (1), in applying section 354 of the Public Health Service Act, the following applies:

"(A) IN GENERAL.—Except as provided in subparagraph (B)—

"(i) any reference to 'October 1, 1994' shall be deemed a reference to 'January 1, 2010';

"(ii) the reference to 'the date of the enactment of this section' in each of subsections (e)(1)(D) and (f)(1)(E)(iii) is deemed to be a reference to 'the date of the enactment of the Children's Health and Medicare Protection Act of 2007';

"(iii) the reference to 'annually' in subsection (g)(1)(E) is deemed a reference to 'every three years';

"(iv) the reference to 'October 1. 1996' in subsection (l) is deemed to be a reference to 'January 1, 2011';

"(v) the reference to 'October 1, 1999' in subsection (n)(3)(H) is deemed to be a reference to 'January 1, 2012'; and

"(vi) the reference to 'October 1. 1993' in the matter following paragraph (3)(J) of subsection (n) is deemed to be a reference 'January 1, 2010'.

"(B) ULTRASOUND SERVICES.—With respect to diagnostic imaging services that are ultrasounds—

"(i) any reference to 'October 1, 1994' shall be deemed a reference to 'January 1, 2012';

"(ii) the reference to 'the date of the enactment of this section' in subsection (f)(1)(E)(iii) is deemed to be a reference to '7 years after the date of the enactment of the Children's Health and Medicare Protection Act of 2007';

"(iii) the reference to 'October 1, 1996' in subsection (l) is deemed to be a reference to 'January 1, 2013';

"(4) PROVISIONS NOT APPLICABLE.—For purposes of paragraph (1), in applying section

354 of the Public Health Service Act, the following provision shall not apply:

"(A) Subsections (e) and (f) of such section, in so far as the respective subsection imposes any requirement for a physician to be certified, accredited, or otherwise meet requirements, with respect to the provision of any diagnostic imaging services, as a condition of payment under subsection (b)(4)(C)(i), with respect to the professional or technical component, for such service.

"(B) Subsection (e)(1)(B)(iv) of such section, insofar as it applies to a facility with respect to the provision of ultrasounds.

"(C) Subsection (e)(1)(B)(v).

"(D) Subsection (f)(1)(H) of such section, relating to standards for special techniques for mammograms of patients with breast implants.

"(E) Subsection (g)(6) of such section, relating to an inspection demonstration program.

"(F) Subsection (n)(3)(G) of such section, relating to the national advisory committee.

"(G) Subsection (p) of such section, relating to breast cancer screening surveillance research grants.

"(H) Paragraphs (1)(B) and (2) of subsection (r) of such section, related to funding.

"(5) ACCREDITATION BODIES.—For purposes of paragraph (1), in applying section 354(e)(1) of the Public Health Service, the following shall apply:

"(A) APPROVAL OF TWO ACCREDITATION BODIES FOR EACH TREATMENT MODALITY.—In the case that there is more than one accreditation body for a treatment modality that qualifies for approval under this subsection, the Secretary shall approve at least two accreditation bodies for such treatment modality.

"(B) ADDITIONAL ACCREDITATION BODY STANDARDS.—In addition to the standards described in subparagraph (B) of such section for accreditation bodies, the Secretary shall establish standards that require—

"(i) the timely integration of new technology by accreditation bodies for purposes of accrediting facilities under this subsection; and

"(ii) the accreditation body involved to evaluate the annual medical physicist survey (or annual medical survey of another appropriate qualified expert chosen by the accreditation body) of a facility upon onsite review of such facility.

"(6) ADDITIONAL QUALITY STANDARDS.—For purposes of paragraph (1), in applying subsection (f)(1) of section 354 of the Public Health Service—

"(A) the quality standards under such subsection shall, with respect to a facility include—

"(i) standards for qualifications of medical personnel who are not physicians and who perform diagnostic imaging services at the facility that require such personnel to ensure that individuals, prior to performing medical imaging, demonstrate compliance with the standards established under subsection (a) through successful completion of certification by a nationally recognized professional organization, licensure, completion of an examination, pertinent coursework or degree program, verified pertinent experience, or through other ways determined appropriate by an accreditation body (with the approval of the Secretary, or through some combination thereof);

"(ii) standards requiring the facility to maintain records of the credentials of physicians and other medical personnel described in clause (i);

"(iii) standards for qualifications and responsibilities of medical directors and other personnel with supervising roles at the facility;

"(iv) standards that require the facility has procedures to ensure the safety of patients of the facility; and

"(v) standards for the establishment of a quality control program at the facility to be implemented as described in subparagraph (E) of such subsection;

"(B) the quality standards described in subparagraph (B) of such subsection shall be deemed to include standards that require the establishment and maintenance of a quality assurance and quality control program at each facility that is adequate and appropriate to ensure the reliability, clarity, and accuracy of the technical quality of diagnostic images produced at such facilities; and

"(C) the quality standard described in subparagraph (C) of such subsection, relating to a requirement for personnel who perform specified services, shall include in such requirement that such personnel must meet continuing medical education standards as specified by an accreditation body (with the approval of the Secretary) and update such standards at least once every three years.

"(7) ADDITIONAL REQUIREMENTS.—Notwithstanding any provision of section 354 of the Public Health Service Act, the following shall apply to the accreditation process under this subsection for purposes of subsection (b)(4)(C)(i):

"(A) Any diagnostic imaging services facility accredited before January 1, 2010 (or January 1, 2012 in the case of ultrasounds), by an accrediting body approved by the Secretary shall be deemed a facility accredited by an approved accreditation body for purposes of such subsection as of such date if the facility submits to the Secretary proof of such accreditation by transmittal of the certificate of accreditation, including by electronic means.

"(B) The Secretary may require the accreditation under this subsection of an emerging technology used in the provision of a diagnostic imaging service as a condition of payment under subsection (b)(4)(C)(i) for such service at such time as the Secretary determines there is sufficient empirical and scientific information to properly carry out the accreditation process for such technology.

"(8) DEFINITIONS.—For purposes of this subsection:

"(A) AUDIT.—The term 'audit' means an onsite evaluation, with respect to a diagnostic imaging services facility, by the Secretary, State or local agency on behalf of the Secretary, or accreditation body approved under this subsection that includes the following:

"(i) Equipment verification.

"(ii) Evaluation of policies and procedures for compliance with accreditation requirements.

"(iii) Evaluation of personnel qualifications and credentialing.

"(iv) Evaluation of the technical quality of images.

"(v) Evaluation of patient reports.

"(vi) Evaluation of peer-review mechanisms and other quality assurance activities.

"(vii) Evaluation of quality control procedures, results, and follow-up actions.

"(viii) Evaluation of medical physicists (or other appropriate professionals chosen by the accreditation body) and magnetic resonance scientist surveys.

"(ix) Evaluation of consumer complaint mechanisms.

"(x) Provision of recommendations for improvement based on findings with respect to clauses (i) through (ix).

"(B) DIAGNOSTIC IMAGING SERVICES FACILITY.—The term 'diagnostic imaging services facility' has the meaning given the term 'facility' in section 354(a)(3) of the Public Health Service Act (42 U.S.C. 263b(a)(3)) subject to the reference changes specified in paragraph (2), but does not include any facility that does not furnish diagnostic imaging services for which payment may be made under this section.

"(C) IMAGE.—The term 'image' means the portrayal of internal structures of the human body for the purpose of detecting and determining the presence or extent of disease or injury and may be produced through various techniques or modalities, including radiant energy or ionizing radiation and ultrasound and magnetic resonance. Such term does not include image guided procedures.

"(D) MEDICAL IMAGING SERVICE.—The term 'medical imaging service' means a service that involves the science of an image. Such term does not include image guided procedures.".

(b) ADJUSTMENT IN PRACTICE EXPENSE TO REFLECT HIGHER PRESUMED UTILIZATION.—Section 1848 of the Social Security Act (42 U.S.C. 1395w(b)(4)) is amended—

(1) in subsection (b)(4)—

(A) in the heading, by striking "RULE" and inserting "RULES";

(B) in subparagraph (B), by striking "subparagraph (A)" and inserting "this paragraph"; and

(C) by adding at the end the following new subparagraph:

"(C) ADJUSTMENT IN PRACTICE EXPENSE TO REFLECT HIGHER PRESUMED UTILIZATION.—In computing the number of practice expense relative value units under subsection (c)(2)(C)(ii) with respect to imaging services described in subparagraph (B), the Secretary shall adjust such number of units so it reflects a 75 percent (rather than 50 percent) presumed rate of utilization of imaging equipment."; and

(2) in subsection (c)(2)(B)(v)(II), by inserting "AND OTHER PROVISIONS" after "OPD PAYMENT CAP"

(c) ADJUSTMENT IN TECHNICAL COMPONENT "DISCOUNT" ON SINGLE-SESSION IMAGING TO CONSECUTIVE BODY PARTS.—Section 1848(b)(4) of such Act is further amended by adding at the end the following new subparagraph:

"(D) ADJUSTMENT IN TECHNICAL COMPONENT DISCOUNT ON SINGLE-SESSION IMAGING INVOLVING CONSECUTIVE BODY PARTS.—The Secretary shall increase the reduction in expenditures attributable to the multiple procedure payment reduction applicable to the technical component for imaging under the final rule published by the Secretary in the Federal Register on November 21, 2005 (42 C.F.R. 405, et al.) from 25 percent to 50 percent.".

(d) ADJUSTMENT IN ASSUMED INTEREST RATE FOR CAPITAL PURCHASES.—Section 1848(b)(4) of such Act is further amended by adding at the end the following new subparagraph:

"(E) ADJUSTMENT IN ASSUMED INTEREST RATE FOR CAPITAL PURCHASES.—In computing the practice expense component for imaging services under this section, the Secretary shall change the interest rate assumption for capital purchases of imaging devices to reflect the prevailing rate in the market, but in no case higher than 11 percent.".

(e) DISALLOWANCE OF GLOBAL BILLING.—Effective for claims filed for imaging services (as defined in subsection (b)(4)(B) of section

1848 of the Social Security Act) furnished on or after the first day of the first month that begins more than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall not accept (or pay) a claim under such section unless the claim is made separately for each component of such services.

(f) EFFECTIVE DATE.—Except as otherwise provided, this section, and the amendments made by this section, shall apply to services furnished on or after January 1, 2008.

SEC. 310. REPEAL OF PHYSICIANS ADVISORY COUNCIL.

Section 1868(a) of the Social Security Act (42 U.S.C. 1395ee(a)), relating to the Practicing Physicians Advisory Council, is repealed.

TITLE IV—MEDICARE ADVANTAGE REFORMS

Subtitle A—Payment Reform

SEC. 401. EQUALIZING PAYMENTS BETWEEN MEDICARE ADVANTAGE PLANS AND FEE-FOR-SERVICE MEDICARE.

(a) PHASE IN OF PAYMENT BASED ON FEE-FOR-SERVICE COSTS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended—

(1) in subsection (j)(1)(A)—

(A) by striking "beginning with 2007" and inserting "for 2007 and 2008"; and

(B) by inserting after "(k)(1)" the following: ", or, beginning with 2009, 1⁄12 of the blended benchmark amount determined under subsection (l)(1)"; and

(2) by adding at the end the following new subsection:

"(l) DETERMINATION OF BLENDED BENCHMARK AMOUNT.—

"(1) IN GENERAL.—For purposes of subsection (j), subject to paragraphs (2) and (3), the term 'blended benchmark amount' means for an area—

"(A) for 2009 the sum of—

"(i) ⅔ of the applicable amount (as defined in subsection (k)(1)) for the area and year; and

"(ii) ⅓ of the amount specified in subsection (c)(1)(D)(i) for the area and year;

"(B) for 2010 the sum of—

"(i) ⅓ of the applicable amount for the area and year; and

"(ii) ⅔ of the amount specified in subsection (c)(1)(D)(i) for the area and year; and

"(C) for a subsequent year the amount specified in subsection (c)(1)(D)(i) for the area and year.

"(2) FEE-FOR-SERVICE PAYMENT FLOOR.—In no case shall the blended benchmark amount for an area and year be less than the amount specified in subsection (c)(1)(D)(i) for the area and year.

"(3) EXCEPTION FOR PACE PLANS.—This subsection shall not apply to payments to a PACE program under section 1894.".

(b) PHASE IN OF PAYMENT BASED ON IME COSTS.—

(1) IN GENERAL.—Section 1853(c)(1)(D)(i) of such Act (42 U.S.C. 1395w–23(c)(1)(D)(i)) is amended by inserting "and costs attributable to payments under section 1886(d)(5)(B)" after "1886(h)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to the capitation rate for years beginning with 2009.

(c) LIMITATION ON PLAN ENROLLMENT IN CASES OF EXCESS BIDS FOR 2009 AND 2010.—

(1) IN GENERAL.—In the case of a Medicare Part C organization that offers a Medicare Part C plan in the 50 States or the District of Columbia for which—

(A) bid amount described in paragraph (2) for a Medicare Part C plan for 2009 or 2010, exceeds

(B) the percent specified in paragraph (4) of the fee-for-service amount described in paragraph (3),

the Medicare Part C plan may not enroll any new enrollees in the plan during the annual, coordinated election period (under section 1851(e)(3)(B) of such Act (42 U.S.C. 1395w–21(e)(3)(B)) for the year or during the year (if the enrollment becomes effective during the year).

(2) BID AMOUNT FOR PART A AND B SERVICES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the bid amount described in this paragraph is the unadjusted Medicare Part C statutory non-drug monthly bid amount (as defined in section 1854(b)(2)(E) of the Social Security Act (42 U.S.C. 1395w–24(b)(2)(E)).

(B) TREATMENT OF MSA PLANS.—In the case of an MSA plan (as defined in section 1859(b)(3) of the Social Security Act, 42 U.S.C. 1935w–28(b)(3)), the bid amount described in this paragraph is the amount described in section 1854(a)(3)(A) of such Act (42 U.S.C. 1395w–24(a)(3)(A)).

(3) FEE-FOR-SERVICE AMOUNT DESCRIBED.—

(A) IN GENERAL.—Subject to subparagraph (B), the fee-for-service amount described in this paragraph for an Medicare Part C local area is the amount described in section 1853(c)(1)(D)(i) of the Social Security Act (42 U.S.C. 1395w–23) for such area.

(B) TREATMENT OF MULTI-COUNTY PLANS.—In the case of an MA plan the service area for which covers more than one Medicare Part C local area, the fee-for-service amount described in this paragraph is the amount described in section 1853(c)(1)(D)(i) of the Social Security Act for each such area served, weighted for each such area by the proportion of the enrollment of the plan that resides in the county (as determined based on amounts posted by the Administrator of the Centers for Medicare & Medicaid Services in the April bid notice for the year involved).

(4) PERCENTAGE PHASE DOWN.—For purposes of paragraph (1), the percentage specified in this paragraph—

(A) for 2009 is 106 percent; and

(B) for 2010 is 103 percent.

(5) EXEMPTION OF AGE-INS.—For purposes of paragraph (1), the term "new enrollee" with respect to a Medicare Part C plan offered by a Medicare Part C organization, does not include an individual who was enrolled in a plan offered by the organization in the month immediately before the month in which the individual was eligible to enroll in such a Medicare Part C plan offered by the organization.

(d) ANNUAL REBASING OF FEE-FOR-SERVICE RATES.—Section 1853(c)(1)(D)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(D)(ii)) is amended—

(1) by inserting "(before 2009)" after "for subsequent years"; and

(2) by inserting before the period at the end the following: "and for each year beginning with 2009".

(e) REPEAL OF PPO STABILIZATION FUND.—Section 1858 of the Social Security Act (42 U.S.C. 1395) is amended—

(1) by striking subsection (e); and

(2) in subsection (f)(1), by striking "subject to subsection (e),".

Subtitle B—Beneficiary Protections

SEC. 411. NAIC DEVELOPMENT OF MARKETING, ADVERTISING, AND RELATED PROTECTIONS.

(a) IN GENERAL.—Section 1852 of the Social Security Act (42 U.S.C. 1395w–22) is amended by adding at the end the following new subsection:

"(m) APPLICATION OF MODEL MARKETING AND ENROLLMENT STANDARDS.—

"(1) IN GENERAL.—The National Association of Insurance Commissioners (in this subsection referred to as the 'NAIC') is requested to develop, and to submit to the Secretary of Health and Human Services not later than 12 months after the date of the enactment of this Act, model regulations (in this section referred to as 'model regulations') regarding Medicare plan marketing, enrollment, broker and agent training and certification, agent and broker commissions, and market conduct by plans, agents and brokers for implementation (under paragraph (7)) under this part and part D, including for enforcement by States under section 1856(b)(3).

"(2) MARKETING GUIDELINES.—

"(A) IN GENERAL.—The model regulations shall address the sales and advertising techniques used by Medicare private plans, agents and brokers in selling plans, including defining and prohibiting cold calls, unsolicited door-to-door sales, cross-selling, and co-branding.

"(B) SPECIAL CONSIDERATIONS.—The model regulations shall specifically address the marketing—

"(i) of plans to full benefit dual-eligible individuals and qualified medicare beneficiaries;

"(ii) of plans to populations with limited English proficiency;

"(iii) of plans to beneficiaries in senior living facilities; and

"(iv) of plans at educational events.

"(3) ENROLLMENT GUIDELINES.—

"(A) IN GENERAL.—The model regulations shall address the disclosures Medicare private plans, agents, and brokers must make when enrolling beneficiaries, and a process—

"(i) for affirmative beneficiary sign off before enrollment in a plan; and

"(ii) in the case of Medicare Part C plans, for plans to conduct a beneficiary call-back to confirm beneficiary sign off and enrollment.

"(B) SPECIFIC CONSIDERATIONS.—The model regulations shall specially address beneficiary understanding of the Medicare plan through required disclosure (or beneficiary verification) of each of the following:

"(i) The type of Medicare private plan involved.

"(ii) Attributes of the plan, including premiums, cost sharing, formularies (if applicable), benefits, and provider access limitations in the plan.

"(iii) Comparative quality of the plan.

"(iv) The fact that plan attributes may change annually.

"(4) APPOINTMENT, CERTIFICATION AND TRAINING OF AGENTS AND BROKERS.—The model regulations shall establish procedures and requirements for appointment, certification (and periodic recertification), and training of agents and brokers that market or sell Medicare private plans consistent with existing State appointment and certification procedures and with this paragraph.

"(5) AGENT AND BROKER COMMISSIONS.—

"(A) IN GENERAL.—The model regulations shall establish standards for fair and appropriate commissions for agents and brokers consistent with this paragraph.

"(B) LIMITATION ON TYPES OF COMMISSION.—The model regulations shall specifically prohibit the following:

"(i) Differential commissions—

"(I) for Medicare Part C plans based on the type of Medicare private plan; or

"(II) prescription drug plans under part D based on the type of prescription drug plan.

"(ii) Commissions in the first year that are more than 200 percent of subsequent year commissions.

"(iii) The payment of extra bonuses or incentives (such as trips, gifts, and other non-commission cash payments).

"(C) AGENT DISCLOSURE.—In developing the model regulations, the NAIC shall consider requiring agents and brokers to disclose commissions to a beneficiary upon request of the beneficiary before enrollment.

"(D) PREVENTION OF FRAUD.—The model regulations shall consider the opportunity for fraud and abuse and beneficiary steering in setting standards under this paragraph and shall provide for the ability of State commissioners to investigate commission structures.

"(6) MARKET CONDUCT.—

"(A) IN GENERAL.—The model regulations shall establish standards for the market conduct of organizations offering Medicare private plans, and of agents and brokers selling such plans, and for State review of plan market conduct.

"(B) MATTERS TO BE INCLUDED.—Such standards shall include standards for—

"(i) timely payment of claims;

"(ii) beneficiary complaint reporting and disclosure; and

"(iii) State reporting of market conduct violations and sanctions.

"(7) IMPLEMENTATION.—

"(A) PUBLICATION OF NAIC MODEL REGULATIONS.—If the model regulations are submitted on a timely basis under paragraph (1)—

"(i) the Secretary shall publish them in the Federal Register upon receipt and request public comment on the issue of whether such regulations are consistent with the requirements established in this subsection for such regulations;

"(ii) not later than 6 months after the date of such publication, the Secretary shall determine whether such regulations are so consistent with such requirements and shall publish notice of such determination in the Federal Register; and

"(iii) if the Secretary makes the determination under clause (ii) that such regulations are consistent with such requirements, in the notice published under clause (ii) the Secretary shall publish notice of adoption of such model regulations as constituting the marketing and enrollment standards adopted under this subsection to be applied under this title; and

"(iv) if the Secretary makes the determination under such clause that such regulations are not consistent with such requirements, the procedures of clauses (ii) and (iii) of subparagraph (B) shall apply (in relation to the notice published under clause (ii)), in the same manner as such clauses would apply in the case of publication of a notice under subparagraph (B)(i).

"(B) NO MODEL REGULATIONS.—If the model regulations are not submitted on a timely basis under paragraph (1)—

"(i) the Secretary shall publish notice of such fact in the Federal Register;

"(ii) not later than 6 months after the date of publication of such notice, the Secretary shall propose regulations that provide for marketing and enrollment standards that incorporate the requirements of this subsection for the model regulations and request public comments on such proposed regulations; and

"(iii) not later than 6 months after the date of publication of such proposed regulations, the Secretary shall publish final regulations that shall constitute the marketing and enrollment standards adopted under this subsection to be applied under this title.

"(C) REFERENCES TO MARKETING AND ENROLLMENT STANDARDS.—In this title, a reference to marketing and enrollment standards adopted under this subsection is deemed a reference to the regulations constituting such standards adopted under subparagraph (A) or (B), as the case may be.

"(D) EFFECTIVE DATE OF STANDARDS.—In order to provide for the orderly and timely implementation of marketing and enrollment standards adopted under this subsection, the Secretary, in consultation with the NAIC, shall specify (by program instruction or otherwise) effective dates with respect to all components of such standards consistent with the following:

"(i) In the case of components that relate predominantly to operations in relation to Medicare private plans, the effective date shall be for plan years beginning on or after such date (not later than 1 year after the date of promulgation of the standards) as the Secretary specifies.

"(ii) In the case of other components, the effective date shall be such date, not later than 1 year after the date of promulgation of the standards, as the Secretary specifies.

"(E) CONSULTATION.— In promulgating marketing and enrollment standards under this paragraph, the NAIC or Secretary shall consult with a working group composed of representatives of issuers of Medicare private plans, consumer groups, medicare beneficiaries, State Health Insurance Assistance Programs, and other qualified individuals. Such representatives shall be selected in a manner so as to assure balanced representation among the interested groups.

"(8) ENFORCEMENT.—

"(A) IN GENERAL.—Any Medicare private plan that violates marketing and enrollment standards is subject to sanctions under section 1857(g).

"(B) STATE RESPONSIBILITIES.—Nothing in this subsection or section 1857(g) shall prohibit States from imposing sanctions against Medicare private plans, agents, or brokers for violations of the marketing and enrollment standards adopted under section 1852(m). States shall have the sole authority to regulate agents and brokers.

"(9) MEDICARE PRIVATE PLAN DEFINED.—In this subsection, the term 'Medicare private plan' means a Medicare Part C plan and a prescription drug plan under part D.".

(b) EXPANSION OF EXCEPTION TO PREEMPTION OF STATE ROLE.—

(1) IN GENERAL.—Section 1856(b)(3) of the Social Security Act (42 U.S.C. 1395w–26(b)(3)) is amended by striking "(other than State licensing laws or State laws relating to plan solvency)" and inserting "(other than State laws relating to licensing or plan solvency and State laws or regulations adopting the marketing and enrollment standards adopted under section 1852(m)).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to plans offered on or after July 1, 2008.

(c) APPLICATION TO PRESCRIPTION DRUG PLANS.—

(1) IN GENERAL.—Section 1860D–1 of such Act is amended by adding at the end the following new subsection:

"(d) APPLICATION OF MARKETING AND ENROLLMENT STANDARDS.—The marketing and enrollment standards adopted under section 1852(m) shall apply to prescription drug plans (and sponsors of such plans) in the same manner as they apply to Medicare Part C plans and organizations offering such plans.".

(2) REFERENCE TO CURRENT LAW PROVISIONS.—The amendment made by subsection (a) and (b) apply, pursuant to section 1860D-1(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(B)(ii)), to prescription drug plans under part D of title XVIII of such Act.

(d) CONTRACT REQUIREMENT TO MEET MARKETING AND ADVERTISING STANDARDS.—

(1) IN GENERAL.—Section 1857(d) of the Social Security Act (42 U.S.C. 1395w–27(d)), as amended by subsection (b)(1), is further amended by adding at the end the following new paragraph:

"(7) MARKETING AND ADVERTISING STANDARDS.—The contract shall require the organization to meet all standards adopted under section 1852(m) (including those enforced by the State involved pursuant to section 1856(b)(3)) relating to marketing and advertising conduct".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to contracts for plan years beginning on or after January 1, 2011.

(e) APPLICATION OF SANCTIONS.—

(1) APPLICATION TO VIOLATION OF MARKETING AND ENROLLMENT STANDARDS.—Section 1857(g) of such Act (42 U.S.C. 1395w–27(g)) is amended—

(A) by striking "or" at the end of subparagraph (F);

(B) by adding "or" at the end of subparagraph (G); and

(C) by inserting after subparagraph (G) the following new subparagraph:

"(H) violates marketing and enrollment standards adopted under section 1852(m);".

(2) ENHANCED CIVIL MONEY SANCTIONS.—Such section is further amended—

(A) in paragraph (2)(A), by striking "$25,000", "$100,000", and "$15,000" and inserting "$50,000", "$200,000", and "$30,000", respectively; and

(B) in subparagraphs (A), (B), and (D) of paragraph (3), by striking "$25,000", "$10,000", and "$100,000", respectively, and inserting "$50,000", "$20,000", and "$200,000", respectively.

(3) EFFECTIVE DATE.—The amendments made by paragraph (2) shall apply to violations occurring on or after the date of the enactment of this Act.

(f) DISCLOSURE OF MARKET AND ADVERTISING CONTRACT VIOLATIONS AND IMPOSED SANCTIONS.—Section 1857 of such Act is amended by adding at the end the following new subsection

"(j) DISCLOSURE OF MARKET AND ADVERTISING CONTRACT VIOLATIONS AND IMPOSED SANCTIONS.—For years beginning with 2009, the Secretary shall post on its public website for the Medicare program an annual report that—

"(1) lists each MA organization for which the Secretary made during the year a determination under subsection (c)(2) the basis of which is described in paragraph (1)(E); and

"(2) that describes any applicable sanctions under subsection (g) applied to such organization pursuant to such determination.".

(g) STANDARD DEFINITIONS OF BENEFITS AND FORMATS FOR USE IN MARKETING MATERIALS.—Section 1851(h) of such Act (42 U.S.C. 1395w–21(h)) is amended by adding at the end the following new paragraph:

"(6) STANDARD DEFINITIONS OF BENEFITS AND FORMATS FOR USE IN MARKETING MATERIALS.—

"(A) IN GENERAL.—Not later than January 1, 2010, the Secretary, in consultation with the National Association of Insurance Commissioners and a working group of the type described in section 1852(m)(7)(E), shall develop standard descriptions and definitions for benefits under this title for use in marketing material distributed by Medicare Part C organizations and formats for including such descriptions in such marketing material.

"(B) REQUIRED USE OF STANDARD DEFINITIONS.— For plan years beginning on or after January 1, 2011, the Secretary shall disapprove the distribution of marketing material under paragraph (1)(B) if such marketing material does not use, without modification, the applicable descriptions and formats specified under subparagraph (A).".

(h) SUPPORT FOR STATE HEALTH INSURANCE ASSISTANCE PROGRAMS (SHIPS).—Section 1857(e)(2) of the Social Security Act (42 U.S.C. 1395w–27(e)(2)) is amended—

(1) in subparagraph (B), by adding at the end the following: "Of the amounts so collected, no less than $55,000,000 for fiscal year 2009, $65,000,000 for fiscal year 2010, $75,000,000 for fiscal year 2011, and $85,000,000 for fiscal year 2012 shall be used to support Medicare Part C and Part D counseling and assistance provided by State Health Insurance Assistance Programs.";

(2) in subparagraph (C)—

(A) by striking "and" after "$100,000,000"; and

(B) by striking "an amount equal to $200,000,000" and inserting "and ending with fiscal year 2008 an amount equal to $200,000,000, for fiscal year 2009 an amount equal to $255,000,000, for fiscal year 2010 an amount equal to $265,000,000, for fiscal year 2011 an amount equal to $275,000,000, and for fiscal year 2012 an amount equal to $285,000,000"; and

(3) in subparagraph (D)(ii)—

(A) by striking "and" at the end of subclause (IV);

(B) in subclause (V), by striking the period at the end and inserting "before fiscal year 2009; and"; and

(C) by adding at the end the following new subclauses:

"(VI) for fiscal year 2009 and each succeeding fiscal year the applicable portion (as so defined) of the amount specified in subparagraph (C) for that fiscal year.".

SEC. 412. LIMITATION ON OUT-OF-POCKET COSTS FOR INDIVIDUAL HEALTH SERVICES.

(a) IN GENERAL.—Section 1852(a)(1) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)) is amended—

(1) in subparagraph (A), by inserting before the period at the end the following: "with cost-sharing that is no greater (and may be less) than the cost-sharing that would otherwise be imposed under such program option";

(2) in subparagraph (B)(i), by striking " or an actuarially equivalent level of cost-sharing as determined in this part"; and

(3) by amending clause (ii) of subparagraph (B) to read as follows:

"(ii) PERMITTING USE OF FLAT COPAYMENT OR PER DIEM RATE.—Nothing in clause (i) shall be construed as prohibiting a Medicare part C plan from using a flat copayment or per diem rate, in lieu of the cost-sharing that would be imposed under part A or B, so long as the amount of the cost-sharing imposed does not exceed the amount of the cost-sharing that would be imposed under the respective part if the individual were not enrolled in a plan under this part.".

(b) LIMITATION FOR DUAL ELIGIBLES AND QUALIFIED MEDICARE BENEFICIARIES.—Section 1852(a) of such Act is amended by adding at the end the following new paragraph:

"(7) LIMITATION ON COST-SHARING FOR DUAL ELIGIBLES AND QUALIFIED MEDICARE BENEFICIARIES.—In the case of a individual who is a full-benefit dual eligible individual (as defined in section 1935(c)(6)) or a qualified medicare beneficiary (as defined in section 1905(p)(1)) who is enrolled in a Medicare Part C plan, the plan may not impose cost-sharing that exceeds the amount of cost-sharing that would be permitted with respect to the individual under this title and title XIX if the individual were not enrolled with such plan.".

(c) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) shall apply to plan years beginning on or after January 1, 2009.

(2) The amendments made by subsection (b) shall apply to plan years beginning on or after January 1, 2008.

SEC. 413. MA PLAN ENROLLMENT MODIFICATIONS.

(a) IMPROVED PLAN ENROLLMENT, DISENROLLMENT, AND CHANGE OF ENROLLMENT.—

(1) CONTINUOUS OPEN ENROLLMENT FOR FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS AND QUALIFIED MEDICARE BENEFICIARIES (QMB).—Section 1851(e)(2)(D) of the Social Security Act (42 U.S.C. 1395w–21(e)(2)(D)) is amended—

(A) in the heading, by inserting ;", FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS, AND QUALIFIED MEDICARE BENEFICIARIES" after "INSTITUTIONALIZED INDIVIDUALS"; and

(B) in the matter before clause (i), by inserting ", a full-benefit dual eligible individual (as defined in section 1935(c)(6)), or a qualified medicare beneficiary (as defined in section 1905(p)(1))" after "institutionalized (as defined by the Secretary)"; and

(C) in clause (i), by inserting "or disenroll" after "enroll".

(2) SPECIAL ELECTION PERIODS FOR ADDITIONAL CATEGORIES OF INDIVIDUALS.—Section 1851(e)(4) of such Act (42 U.S.C. 1395w(e)(4)) is amended—

(A) in subparagraph (C), by striking at the end "or";

(B) in subparagraph (D), by inserting ", taking into account the health or well-being of the individual" before the period and redesignating such subparagraph as subparagraph (G); and

(C) by inserting after subparagraph (C) the following new subparagraphs:

"(D) the individual is described in section 1902(a)(10)(E)(iii) (relating to specified low-income medicare beneficiaries); or

"(E) the individual is enrolled in an MA plan and enrollment in the plan is suspended under paragraph (2)(B) or (3)(C) of section 1857(g) because of a failure of the plan to meet applicable requirements.".

(3) ELIMINATION OF CONTINUOUS OPEN ENROLLMENT OF ORIGINAL FEE-FOR-SERVICE ENROLLEES IN MEDICARE ADVANTAGE NON-PRESCRIPTION DRUG PLANS.—Subparagraph (E) of section 1851(e)(2) of the Social Security Act, as added by section 206 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432), is repealed.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(b) ACCESS TO MEDIGAP COVERAGE FOR INDIVIDUALS WHO LEAVE MA PLANS.—

(1) IN GENERAL.—Section 1882(s)(3) of the Social Security Act (42 U.S.C. 1395ss(s)(3)) is amended—

(A) in each of clauses (v)(III) and (vi) subparagraph (B), by striking "12 months" and inserting "24 months"; and

(B) in each of subclauses (I) and (II) of subparagraph (F)(i), by striking "12 months" and inserting "24 months".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to terminations of enrollments in MA plans occurring on or after the date of the enactment of this Act.

(c) IMPROVED ENROLLMENT POLICIES.—

(1) NO AUTO-ENROLLMENT OF MEDICAID BENEFICIARIES.—

(A) IN GENERAL.—Section 1851(e) of such Act (42 U.S.C. 1395w–21(e)) is amended by adding at the end the following new paragraph:

"(7) NO AUTO-ENROLLMENT OF MEDICAID BENEFICIARIES.—In no case may the Secretary provide for the enrollment in a MA plan of a Medicare Advantage eligible individual who is eligible to receive medical assistance under title XIX as a full-benefit dual eligible individual or a qualified medicare beneficiary, without the affirmative application of such individual (or authorized representative of the individual) to be enrolled in such plan.".

(B) NO APPLICATION TO PRESCRIPTION DRUG PLANS.—Section 1860D–1(b)(1)(B)(iii) of such Act (42 U.S.C. 1395w–101(b)(1)(B)(iii)) is amended—

(i) by striking "paragraph (2) and" and by inserting "paragraph (2),"; and

(ii) by inserting ", and paragraph (7)," after "paragraph (4)".

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to enrollments that are effective on or after the date of the enactment of this Act.

SEC. 414. INFORMATION FOR BENEFICIARIES ON MA PLAN ADMINISTRATIVE COSTS.

(a) DISCLOSURE OF MEDICAL LOSS RATIOS AND OTHER EXPENSE DATA.—Section 1851 of the Social Security Act (42 U.S.C. 1395w–21) is amended by adding at the end the following new subsection:

"(j) PUBLICATION OF MEDICAL LOSS RATIOS AND OTHER COST-RELATED INFORMATION.—

"(1) IN GENERAL.—The Secretary shall publish, not later than October 1 of each year (beginning with 2009), for each Medicare Part C plan contract, the following:

"(A) The medical loss ratio of the plan in the previous year.

"(B) The per enrollee payment under this part to the plan, as adjusted to reflect a risk score (based on factors described in section 1853(a)(1)(C)(i)) of 1.0.

"(C) The average risk score (as so based).

"(2) SUBMISSION OF DATA.—

"(A) IN GENERAL.—Each Medicare Part C organization shall submit to the Secretary, in a form and manner specified by the Secretary, data necessary for the Secretary to publish the information described in paragraph (1) on a timely basis, including the information described in paragraph (3).

"(B) DATA FOR 2008 AND 2009.—The data submitted under subparagraph (A) for 2008 and for 2009 shall be consistent in content with the data reported as part of the Medicare Part C plan bid in June 2007 for 2008.

"(C) MEDICAL LOSS RATIO DATA.—The data to be submitted under subparagraph (A) relating to medical loss ratio for a year—

"(i) shall be submitted not later than June 1 of the following year; and

"(ii) beginning with 2010, shall be submitted based on the standardized elements and definitions developed under paragraph (4).

"(D) AUDITED DATA.—Data submitted under this paragraph shall be data that has been audited by an independent third party auditor.

"(3) MLR INFORMATION.—The information described in this paragraph with respect to a Medicare Part C plan for a year is as follows:

"(A) The costs for the plan in the previous year for each of the following:

"(i) Total medical expenses, separately indicated for benefits for the original medicare fee-for-service program option and for supplemental benefits.

"(ii) Non-medical expenses, shown separately for each of the following categories of expenses:

"(I) Marketing and sales.

"(II) Direct administration.

"(III) Indirect administration.

"(IV) Net cost of private reinsurance.

"(B) Gain or loss margin.

"(C) Total revenue requirement, computed as the total of medical and nonmedical expenses and gain or loss margin, multiplied by the gain or loss margin.

"(D) Percent of revenue ratio, computed as the total revenue requirement expressed as a percentage of revenue.

"(4) DEVELOPMENT OF DATA REPORTING STANDARDS.—

"(A) IN GENERAL.—The Secretary shall develop and implement standardized data elements and definitions for reporting under this subsection, for contract years beginning with 2010, of data necessary for the calculation of the medical loss ratio for Medicare Part C plans. Not later than December 31, 2008, the Secretary shall publish a report describing the elements and definitions so developed.

"(B) CONSULTATION.—The Secretary shall consult with representatives of Medicare Part C organizations, experts on health plan accounting systems, and representatives of the National Association of Insurance Commissioners, in the development of such data elements and definitions

"(5) MEDICAL LOSS RATIO DEFINED.—For purposes of this part, the term 'medical loss ratio' means, with respect to an MA plan for a year, the ratio of—

"(A) the aggregate benefits (excluding nonmedical expenses described in paragraph (3)(A)(ii)) paid under the plan for the year, to

"(B) the aggregate amount of premiums (including basic and supplemental beneficiary premiums) and payments made under sections 1853 and 1860D-15) collected for the plan and year.

Such ratio shall be computed without regard to whether the benefits or premiums are for required or supplemental benefits under the plan.".

(b) AUDIT OF ADMINISTRATIVE COSTS AND COMPLIANCE WITH THE FEDERAL ACQUISITION REGULATION.—

(1) IN GENERAL.—Section 1857(d)(2)(B) of such Act (42 U.S.C. 1395w-27(d)(2)(B)) is amended—

(A) by striking "or (ii)" and inserting "(ii)"; and

(B) by inserting before the period at the end the following: ", or (iii) to compliance with the requirements of subsection (e)(4) and the extent to which administrative costs comply with the applicable requirements for such costs under the Federal Acquisition Regulation".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply for contract years beginning after the date of the enactment of this Act.

(c) MINIMUM MEDICAL LOSS RATIO.—Section 1857(e) of the Social Security Act (42 U.S.C. 1395w-27(e)) is amended by adding at the end the following new paragraph:

"(4) REQUIREMENT FOR MINIMUM MEDICAL LOSS RATIO.—If the Secretary determines for a contract year (beginning with 2010) that an MA plan has failed to have a medical loss ratio (as defined in section 1851(j)(4)) of at least .85—

"(A) for that contract year, the Secretary shall reduce the blended benchmark amount under subsection (l) for the second succeeding contract year by the numer of percentage points by which such loss ratio was less than 85 percent;

"(B) for 3 consecutive contract years, the Secretary shall not permit the enrollment of new enrollees under the plan for coverage during the second succeeding contract year; and

"(C) the Secretary shall terminate the plan contract if the plan fails to have such a medical loss ratio for 5 consecutive contract years.".

(d) INFORMATION ON MEDICARE PART C PLAN ENROLLMENT AND SERVICES.—Section 1851 of such Act, as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(k) PUBLICATION OF ENROLLMENT AND OTHER INFORMATION.—

"(1) MONTHLY PUBLICATION OF PLAN-SPECIFIC ENROLLMENT DATA.—The Secretary shall publish (on the public website of the Centers for Medicare & Medicaid Services or otherwise) not later than 30 days after the end of each month (beginning with January 2008) on the actual enrollment in each Medicare Part C plan by contract and by county.

"(2) AVAILABILITY OF OTHER INFORMATION.—The Secretary shall make publicly available data and other information in a format that may be readily used for analysis of the Medicare Part C program under this part and will contribute to the understanding of the organization and operation of such program.".

(e) MEDPAC REPORT ON VARYING MINIMUM MEDICAL LOSS RATIOS.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study of the need and feasibility ofproviding for different minimum medical loss ratios for different types of Medicare Part C plans, including coordinated care plans, group model plans, coordinated care independent practice association plans, preferred provider organization plans, and private fee-for-services plans.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, submit to Congress a report on the study conducted under paragraph (1).

Subtitle C—Quality and Other Provisions

SEC. 421. REQUIRING ALL MA PLANS TO MEET EQUAL STANDARDS.

(a) COLLECTION AND REPORTING OF INFORMATION.—

(1) IN GENERAL.—Section 1852(e)(1) of the Social Security Act (42 U.S.C. 1395w–112(e)(1)) is amended by striking "(other than an MA private fee-for-service plan or an MSA plan)".

(2) REPORTING FOR PRIVATE FEE-FOR-SERVICES AND MSA PLANS.—Section 1852(e)(3) of such Act is amended by adding at the end the following new subparagraph:

"(C) DATA COLLECTION REQUIREMENTS BY PRIVATE FEE-FOR-SERVICE PLANS AND MSA PLANS.—

"(i) USING MEASURES FOR PPOS FOR CONTRACT YEAR 2009.—For contract year 2009, the Medicare Part C organization offering a private fee-for-service plan or an MSA plan shall submit to the Secretary for such plan the same information on the same performance measures for which such information is required to be submitted for Medicare Part C plans that are preferred provider organization plans for that year.

"(ii) APPLICATION OF SAME MEASURES AS COORDINATED CARE PLANS BEGINNING IN CONTRACT YEAR 2010.—For a contract year beginning with 2010, a Medicare Part C organization offering a private fee-for-service plan or an MSA plan shall submit to the Secretary for such plan the same information on the same performance measures for which such information is required to be submitted for such contract year Medicare Part C plans described in section 1851(a)(2)(A)(i) for contract year such contract year.".

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to contract years beginning on or after January 1, 2009.

(b) EMPLOYER PLANS.—

(1) IN GENERAL.—The first sentence of paragraph (2) of section 1857(i) of such Act (42 U.S.C. 1395w-27(i)) is amended by inserting before the period at the end the following: ", but only if 90 percent of the Medicare part C eligible individuals enrolled under such plan reside in a county in which the Medicare Part C organization offers a Medicare Part C local plan".

(2) LIMITATION ON APPLICATION OF WAIVER AUTHORITY.—Paragraphs (1) and (2) of such section are each amended by inserting "that were in effect before the date of the enactment of the Children's Health and Medicare Protection Act of 2007" after "waive or modify requirements".

(3) EFFECTIVE DATES.—The amendment made by paragraph (1) shall apply for plan years beginning on or after January 1, 2009, and the amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

SEC. 422. DEVELOPMENT OF NEW QUALITY REPORTING MEASURES ON RACIAL DISPARITIES.

(a) NEW QUALITY REPORTING MEASURES.—

(1) IN GENERAL.—Section 1852(e)(3) of the Social Security Act (42 U.S.C. 1395w-22(e)(3)), as amended by section 421(a)(2), is amended—

(A) in subparagraph (B)—

(i) in clause (i), by striking "The Secretary" and inserting "Subject to subparagraph (D), the Secretary"; and

(ii) in clause (ii), by inserting "and subparagraph (C)" after "clause (iii)"; and

(B) by adding at the end the following new subparagraph:

"(D) ADDITIONAL QUALITY REPORTING MEASURES.—

"(i) IN GENERAL.—The Secretary shall develop by October 1, 2009, quality measures for Medicare Part C plans that measure disparities in the amount and quality of health services provided to racial and ethnic minorities.

"(ii) DATA TO MEASURE RACIAL AND ETHNIC DISPARITIES IN THE AMOUNT AND QUALITY OF CARE PROVIDED TO ENROLLEES.—The Secretary shall provide for Medicare Part C organizations to submit data under this paragraph, including data similar to those submitted for other quality measures, that permits analysis of disparities among racial and ethnic minorities in health services, quality of care, and health status among Medicare Part C plan enrollees for use in submitting the reports under paragraph (5).".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to reporting of quality measures for plan years beginning on or after January 1, 2010.

(b) BIENNIAL REPORT ON RACIAL AND ETHNIC MINORITIES.—Section 1852(e) of such Act (42 U.S.C. 1395w-22(e)) is amended by adding at the end the following new paragraph:

"(5) REPORT TO CONGRESS.—

"(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this paragraph, and biennially thereafter, the Secretary shall submit to Congress a report regarding how quality assurance programs conducted under this subsection measure and report on disparities in the amount and quality of health care services furnished to racial and ethnic minorities.

"(B) CONTENTS OF REPORT.—Each such report shall include the following:

"(i) A description of the means by which such programs focus on such racial and ethnic minorities.

"(ii) An evaluation of the impact of such programs on eliminating health disparities and on improving health outcomes, continuity and coordination of care, management of chronic conditions, and consumer satisfaction.

"(iii) Recommendations on ways to reduce clinical outcome disparities among racial and ethnic minorities.

"(iv) Data for each MA plan from HEDIS and other source reporting the disparities in the amount and quality of health services furnished to racial and ethnic minorities.".

SEC. 423. STRENGTHENING AUDIT AUTHORITY.

(a) FOR PART C PAYMENTS RISK ADJUSTMENT.—Section 1857(d)(1) of the Social Security Act (42 U.S.C. 1395w–27(d)(1)) is amended by inserting after "section 1858(c))" the following: ", and data submitted with respect to risk adjustment under section 1853(a)(3).".

(b) ENFORCEMENT OF AUDITS AND DEFICIENCIES.—

(1) IN GENERAL.—Section 1857(e) of such Act is amended by adding at the end the following new paragraph:

"(4) ENFORCEMENT OF AUDITS AND DEFICIENCIES.—

"(A) INFORMATION IN CONTRACT.—The Secretary shall require that each contract with a Medicare Part C organization under this section shall include terms that inform the organization of the provisions in subsection (d).

"(B) ENFORCEMENT AUTHORITY.—The Secretary is authorized, in connection with conducting audits and other activities under subsection (d), to take such actions, including pursuit of financial recoveries, necessary to address deficiencies identified in such audits or other activities.".

(2) APPLICATION UNDER PART D.—For provision applying the amendment made by paragraph (1) to prescription drug plans under part D, see section 1860D–12(b)(3)(D) of the Social Security Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect the date of the enactment of this Act and shall apply to audits and activities conducted for contract years beginning on or after January 1, 2009.

SEC. 424. IMPROVING RISK ADJUSTMENT FOR MA PAYMENTS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that evaluates the adequacy of the Medicare Advantage risk adjustment system under section 1853(a)(1)(C) of the Social Security Act (42 U.S.C. 1395–23(a)(1)(C)).

(b) PARTICULARS.—The report under subsection (a) shall include an evaluation of at least the following:

(1) The need and feasibility of improving the adequacy of the risk adjustment system in predicting costs for beneficiaries with comorbid conditions and associated cognitive impairments.

(2) The need and feasibility of including further gradations of diseases and conditions (such as the degree of severity of congestive heart failure).

(3) The feasibility of measuring difference in coding over time between Medicare part C plans and the medicare traditional fee-for-service program and, to the extent this difference exists, the options for addressing it.

(4) The feasibility and value of including part D and other drug utilization data in the risk adjustment model.

SEC. 425. ELIMINATING SPECIAL TREATMENT OF PRIVATE FEE-FOR-SERVICE PLANS.

(a) ELIMINATION OF EXTRA BILLING PROVISION.—Section 1852(k)(2) of the Social Security Act (42 U.S.C. 1395w–22(k)(2)) is amended—

(1) in subparagraph (A)(i), by striking "115 percent" and inserting "100 percent"; and

(2) in subparagraph (C)(i), by striking " (including any liability for balance billing consistent with this subsection)".

(b) REVIEW OF BID INFORMATION.—Section 1854(a)(6)(B) of such Act (42 U.S.C. 1395w–24(a)(6)(B)) is amended—

(1) in clause (i), by striking "clauses (iii) and (iv)" and inserting "clause (iii)"; and

(2) by striking clause (iv).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contract years beginning with 2009.

SEC. 426. RENAMING OF MEDICARE ADVANTAGE PROGRAM.

(a) IN GENERAL.—The program under part C of title XVIII of the Social Security Act is henceforth to be known as the "Medicare Part C program".

(b) CHANGE IN REFERENCES.—

(1) AMENDING SOCIAL SECURITY ACT.—The Social Security Act is amended by striking "Medicare Advantage", "MA", and "Medicare+Choice" and inserting "Medicare Part C" each place it appears, with the appropriate, respective typographic formatting, including typeface and capitalization.

(2) ADDITIONAL REFERENCES.—Notwithstanding section 201(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), any reference to the program under part C of title XVIII of the Social Security Act shall be deemed a reference to the "Medicare Part C" program and, with respect to such part, any reference to "Medicare+Choice", "Medicare Advantage", or "MA" is deemed a reference to the program under such part.

Subtitle D—Extension of Authorities

SEC. 431. EXTENSION AND REVISION OF AUTHORITY FOR SPECIAL NEEDS PLANS (SNPS).

(a) EXTENDING RESTRICTION ON ENROLLMENT AUTHORITY FOR SNPS FOR 3 YEARS.—Subsection (f) of section 1859 of the Social Security Act (42 U.S.C. 1395w–28) is amended by striking "2009" and inserting "2012".

(b) STRUCTURE OF AUTHORITY FOR SNPS.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (b)(6)(A), by striking all that follows "means" and inserting the following: "an MA plan—

"(i) that serves special needs individuals (as defined in subparagraph (B));

"(ii) as of January 1, 2009, either—

"(I) at least 90 percent of the enrollees in which are described in subparagraph (B)(i), as determined under regulations in effect as of July 1, 2007; or

"(II) at least 90 percent of the enrollees in which are described in subparagraph (B)(ii) and are full-benefit dual eligible individuals (as defined in section 1935(c)(6)) or qualified medicare beneficiaries (as defined in section 1905(p)(1)); and

"(iii) as of January 1, 2009, meets the applicable requirements of paragraph (2) or (3) of subsection (f), as the case may be.";

(B) in subsection (b)(6)(B)(iii), by inserting "only for contract years beginning before January 1, 2009," after "(iii)";

(C) in subsection (f)—

(i) by amending the heading to read as follows: "REQUIREMENTS FOR ENROLLMENT IN PART C PLANS FOR SPECIAL NEEDS BENEFICIARIES";

(ii) by designating the sentence beginning "In the case of" as paragraph (1) with the heading "REQUIREMENTS FOR ENROLLMENT" and with appropriate indentation; and

(iii) by adding at the end the following new paragraphs:

"(2) ADDITIONAL REQUIREMENTS FOR INSTITUTIONAL SNPS.—In the case of a specialized MA plan for special needs individuals described in subsection (b)(6)(A)(ii)(I), the applicable requirements of this subsection are as follows:

"(A) The plan has an agreement with the State that includes provisions regarding cooperation on the coordination of care for such individuals. Such agreement shall include a description of the manner that the State Medicaid program under title XIX will pay for the costs of services for individuals eligible under such title for medical assistance for acute care and long-term care services.

"(B) The plan has a contract with long-term care facilities and other providers in the area sufficient to provide care for enrollees described in subsection (b)(6)(B)(i).

"(C) The plan reports to the Secretary information on additional quality measures specified by the Secretary under section 1852(e)(3)(D)(iv)(I) for such plans.

"(3) ADDITIONAL REQUIREMENTS FOR DUAL SNPS.—In the case of a specialized MA plan for special needs individuals described in subsection (b)(6)(A)(ii)(II), the applicable requirements of this subsection are as follows:

"(A) The plan has an agreement with the State Medicaid agency that—

"(i) includes provisions regarding cooperation on the coordination of the financing of care for such individuals;

"(ii) includes a description of the manner that the State Medicaid program under title XIX will pay for the costs of cost-sharing and supplemental services for individuals enrolled in the plan eligible under such title for medical assistance for acute and long-term care services; and

"(iii) effective January 1, 2011, provides for capitation payments to cover costs of supplemental benefits for individuals described in subsection (b)(6)(A)(ii)(II).

"(B) The out-of-pocket costs for services under parts A and B that are charged to enrollees may not exceed the out-of-pocket costs for same services permitted for such individuals under title XIX.

"(C) The plan reports to the Secretary information on additional quality measures specified by the Secretary under section 1852(e)(3)(D)(iv)(II) for such plans.".

(2) QUALITY STANDARDS AND QUALITY REPORTING.—Section 1852(e)(3) of such Act (42 U.S.C. 1395w–22(e)(3) is amended—

(A) in subparagraph (A)(i), by adding at the end the following: "In the case of a specialized Medicare Part C plan for special needs individuals described in paragraph (2) or (3) of section 1859(f), the organization shall provide for the reporting on quality measures developed for the plan under subparagraph (D)(iii)."; and

(B) in subparagraph (D), as added by section 422(a)(1), by adding at the end the following new clause:

"(iii) SPECIFICATION OF ADDITIONAL QUALITY MEASUREMENTS FOR SPECIALIZED PART C PLANS.—For implementation for plan years beginning not later than January 1, 2010, the Secretary shall develop new quality measures appropriate to meeting the needs of—

"(I) beneficiaries enrolled in specialized Medicare Part C plans for special needs individuals (described in section 1859(b)(6)(A)(ii)(I)) that serve predominantly individuals who are dual-eligible individuals eligible for medical assistance under title XIX by measuring the special needs for care of individuals who are both Medicare and Medicaid beneficiaries; and

"(II) beneficiaries enrolled in specialized Medicare Part C plans for special needs individuals (described in section 1859(b)(6)(A)(ii)(II)) that serve predominantly institutionalized individuals by measuring the special needs for care of individuals who are a resident in long-term care institution.".

(3) EFFECTIVE DATE; GRANDFATHER.—The amendments made by paragraph (1) shall take effect for enrollments occuring on or after January 1, 2009, and shall not apply—

(A) to plans with a contract with a State Medicaid agency to operate an integrated Medicaid-Medicare program, that had been approved by Centers for Medicare & Medicaid Services on January 1, 2004; and

(B) to plans that are operational as of the date of the enactment of this Act as approved Medicare demonstration projects and that provide services predominantly to individuals with end-stage renal disease.

(4) TRANSITION FOR NON-QUALIFYING SNPS.—

(A) RESTRICTIONS IN 2008 FOR CHRONIC CARE SNPS.—In the case of a specialized MA plan for special needs individuals (as defined in section 1859(b)(6)(A) of the Social Security Act (42 U.S.C. 1395w-28(b)(6)(A)) that, as of December 31, 2007, is not described in either subclause (I) or subclause (II) of clause (ii) of such section, as amended by paragraph (1), then as of January 1, 2008—

(i) the plan may not be offered unless it was offered before such date;

(ii) no new members may be enrolled with the plan; and

(iii) there may be no expansion of the service area of such plan.

(B) TRANSITION OF ENROLLEES.—The Secretary of Health and Human Services shall provide for an orderly transition of those specialized MA plans for special needs individuals (as defined in section 1859(b)(6)(A) of the Social Security Act (42 U.S.C. 1395w-28(b)(6)(A)), as of the date of the enactment of this Act), and their enrollees, that no longer qualify as such plans under such section, as amended by this subsection.

SEC. 432. EXTENSION AND REVISION OF AUTHORITY FOR MEDICARE REASONABLE COST CONTRACTS.

(a) EXTENSION FOR 3 YEARS OF PERIOD REASONABLE COST PLANS CAN REMAIN IN THE MARKET.—Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) is amended, in the matter preceding subclause (I), by striking "January 1, 2008" and inserting "January 1, 2011".

(b) APPLICATION OF CERTAIN MEDICARE ADVANTAGE REQUIREMENTS TO COST CONTRACTS EXTENDED OR RENEWED AFTER ENACTMENT.—Section 1876(h) of such Act (42 U.S.C. 1395mm(h)), as amended by subsection (a), is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

"(5)(A) Any reasonable cost reimbursement contract with an eligible organization under this subsection that is extended or renewed on or after the date of enactment of the Children's Health and Medicare Protection Act of 2007 shall provide that the provisions of the Medicare Part C program described in subparagraph (B) shall apply to such organization and such contract in a substantially similar manner as such provisions apply to Medicare Part C organizations and Medicare Part C plans under part C.

"(B) The provisions described in this subparagraph are as follows:

"(i) Section 1851(h) (relating to the approval of marketing material and application forms).

"(ii) Section 1852(e) (relating to the requirement of having an ongoing quality improvement program and treatment of accreditation in the same manner as such provisions apply to Medicare Part C local plans that are preferred provider organization plans).

"(iii) Section 1852(f) (relating to grievance mechanisms).

"(iv) Section 1852(g) (relating to coverage determinations, reconsiderations, and appeals).

"(v) Section 1852(j)(4) (relating to limitations on physician incentive plans).

"(vi) Section 1854(c) (relating to the requirement of uniform premiums among individuals enrolled in the plan).

"(vii) Section 1854(g) (relating to restrictions on imposition of premium taxes with respect to payments to organizations).

"(viii) Section 1856(b)(3) (relating to relation to State laws).

"(ix) The provisions of part C relating to timelines for contract renewal and beneficiary notification.".

TITLE V—PROVISIONS RELATING TO MEDICARE PART A

SEC. 501. INPATIENT HOSPITAL PAYMENT UPDATES.

(a) FOR ACUTE HOSPITALS.—Clause (i) of section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)) is amended—

(1) in subclause (XIX), by striking "and";

(2) by redesignating subclause (XX) as subclause (XXII); and

(3) by inserting after subclause (XIX) the following new subclauses:

"(XX) for fiscal year 2007, subject to clause (viii), the market basket percentage increase for hospitals in all areas,

"(XXI) for fiscal year 2008, subject to clause (viii), the market basket percentage increase minus 0.25 percentage point for hospitals in all areas, and".

(b) FOR OTHER HOSPITALS.—Clause (ii) of such section is amended—

(1) in subclause (VII) by striking "and";

(2) by redesignating subclause (VIII) as subclause (X); and

(3) by inserting after subclause (VII) the following new subclauses:

"(VIII) fiscal years 2003 through 2007, is the market basket percentage increase,

"(IX) fiscal year 2008, is the market basket percentage increase minus 0.25 percentage point, and".

(c) DELAYED EFFECTIVE DATE.—

(1) ACUTE CARE HOSPITALS.—The amendments made by subsection (a) shall not apply to discharges occurring before January 1, 2008.

(2) OTHER HOSPITALS.—The amendments made by subsection (b) shall be applied, only with respect to cost reporting periods beginning during fiscal year 2008 and not with respect to the computation for any succeeding cost reporting period, by substituting "0.1875 percentage point" for "0.25 percentage point".

SEC. 502. PAYMENT FOR INPATIENT REHABILITATION FACILITY (IRF) SERVICES.

(a) PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886(j)(3)(C) of the Social Security Act (42 U.S.C. 1395ww(j)(3)(C)) is amended by adding at the end the following: "The increase factor to be applied under this subparagraph for fiscal year 2008 shall be 1 percent."

(2) DELAYED EFFECTIVE DATE.—The amendment made by paragraph (1) shall not apply to payment units occurring before January 1, 2008.

(b) INPATIENT REHABILITATION FACILITY CLASSIFICATION CRITERIA.—

(1) IN GENERAL.—Section 5005 of the Deficit Reduction Act of 2005 (Public Law 109-171) is amended—

(A) in subsection (a), by striking "apply the applicable percent specified in subsection (b)" and inserting "require a compliance rate that is no greater than the 60 percent compliance rate that became effective for cost reporting periods beginning on or after July 1, 2006,"; and

(B) by amending subsection (b) to read as follows:

"(b) CONTINUED USE OF COMORBIDITIES.—For portions of cost reporting periods occurring on or after the date of the enactment of the Children's Health and Medicare Protection Act of 2007, the Secretary shall include patients with comorbidities as described in section 412.23(b)(2)(i) of title 42, Code of Federal Regulations (as in effect as of January 1, 2007), in the inpatient population that counts towards the percent specified in subsection (a).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(A) shall apply to portions of cost reporting periods beginning on or after the date of the enactment of this Act.

(c) PAYMENT FOR CERTAIN MEDICAL CONDITIONS TREATED IN INPATIENT REHABILITATION FACILITIES.—

(1) IN GENERAL.—Section 1886(j) of the Social Security Act (42 U.S.C. 1395ww(j)) is amended—

(A) by redesignating paragraph (7) as paragraph (8);

(B) by inserting after paragraph (6) the following new paragraph:

"(7) SPECIAL PAYMENT RULE FOR CERTAIN MEDICAL CONDITIONS.—

"(A) IN GENERAL.—Subject to subparagraph (H), in the case of discharges occurring on or after October 1, 2008, in lieu of the standardized payment amount (as determined pursuant to the preceding provisions of this subsection) that would otherwise be applicable under this subsection, the Secretary shall substitute, for payment units with respect to an applicable medical condition (as defined in subparagraph (G)(i)) that is treated in an inpatient rehabilitation facility, the modified standardized payment amount determined under subparagraph (B).

"(B) MODIFIED STANDARDIZED PAYMENT AMOUNT.—The modified standardized payment amount for an applicable medical condition shall be based on the amount determined under subparagraph (C) for such condition, as adjusted under subparagraphs (D), (E), and (F).

"(C) AMOUNT DETERMINED.—

"(i) IN GENERAL.—The amount determined under this subparagraph for an applicable medical condition shall be based on the sum of the following:

"(I) An amount equal to the average per stay skilled nursing facility payment rate for the applicable medical condition (as determined under clause (ii)).

"(II) An amount equal to 25 percent of the difference between the overhead costs (as defined in subparagraph (G)(ii)) component of the average inpatient rehabilitation facility per stay payment amount for the applicable medical condition (as determined under the preceding paragraphs of this subsection) and the overhead costs component of the average per stay skilled nursing facility payment rate for such condition (as determined under clause (ii)).

"(III) An amount equal to 33 percent of the difference between the patient care costs (as defined in subparagraph (G)(iii)) component of the average inpatient rehabilitation facility per stay payment amount for the applicable medical condition (as determined under the preceding paragraphs of this subsection) and the patient care costs component of the average per stay skilled nursing facility payment rate for such condition (as determined under clause (ii)).

"(ii) DETERMINATION OF AVERAGE PER STAY SKILLED NURSING FACILITY PAYMENT RATE.—For purposes of clause (i), the Secretary shall convert skilled nursing facility payment rates for applicable medical conditions, as determined under section 1888(e), to average per stay skilled nursing facility payment rates for each such condition.

"(D) ADJUSTMENTS.—The Secretary shall adjust the amount determined under subparagraph (C) for an applicable medical condition using the adjustments to the prospective payment rates for inpatient rehabilitation facilities described in paragraphs (2), (3), (4), and (6).

"(E) UPDATE FOR INFLATION.—Except in the case of a fiscal year for which the Secretary rebases the amounts determined under subparagraph (C) for applicable medical conditions pursuant to subparagraph (F), the Secretary shall annually update the amounts determined under subparagraph (C) for each applicable medical condition by the increase factor for inpatient rehabilitation facilities (as described in paragraph (3)(C)).

"(F) REBASING.—The Secretary shall periodically (but in no case less than once every 5 years) rebase the amounts determined under subparagraph (C) for applicable medical conditions using the methodology described in such subparagraph and the most recent and complete cost report and claims data available.

"(G) DEFINITIONS.—In this paragraph:

"(i) APPLICABLE MEDICAL CONDITION.—The term 'applicable medical condition' means—

"(I) unilateral knee replacement;

"(II) unilateral hip replacement; and

"(III) unilateral hip fracture.

"(ii) OVERHEAD COSTS.—The term 'overhead costs' means those Medicare-allowable costs that are contained in the General Service cost centers of the Medicare cost reports for inpatient rehabilitation facilities and for skilled nursing facilities, respectively, as determined by the Secretary.

"(iii) PATIENT CARE COSTS.—The term 'patient care costs' means total Medicare-allowable costs minus overhead costs.

"(H) SUNSET.—The provisions of this paragraph shall cease to apply as of the date the Secretary implements an integrated, site-neutral payment methodology under this title for post-acute care."; and

(C) in paragraph (8), as redesignated by paragraph (1)—

(i) in subparagraph (C), by striking "and" at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting ", and"; and

(iii) by adding at the end the following new subparagraph:

"(E) modified standardized payment amounts under paragraph (7).".

(2) SPECIAL RULE FOR DISCHARGES OCCURRING IN THE SECOND HALF OF FISCAL YEAR 2008.—

(A) IN GENERAL.—In the case of discharges from an inpatient rehabilitation facility occurring during the period beginning on April 1, 2008, and ending on September 30, 2008, for applicable medical conditions (as defined in paragraph (7)(G)(i) of section 1886(j) of the Social Security Act (42 U.S.C. 1395ww(j)), as inserted by paragraph (1)(B), in lieu of the standardized payment amount determined pursuant to such section, the standardized payment amount shall be $9,507 for unilateral knee replacement, $10,398 for unilateral hip replacement, and $10,958 for unilateral hip fracture. Such amounts are the amounts that are estimated would be determined under paragraph (7)(C) of such section 1886(j) for such conditions if such paragraph applied for such period. Such standardized payment amounts shall be multiplied by the relative weights for each case-mix group and tier, as published in the final rule of the Secretary of Health and Human Services for inpatient rehabilitation facility services prospective payment for fiscal year 2008, to obtain the applicable payment amounts for each such condition for each case-mix group and tier.

(B) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement this subsection by program instruction or otherwise. Paragraph (8)(E) of such section 1886(j) of the Social Security Act, as added by paragraph (1)(C), shall apply for purposes of this subsection in the same manner as such paragraph applies for purposes of paragraph (7) of such section 1886(j).

(d) RECOMMENDATIONS FOR CLASSIFYING INPATIENT REHABILITATION HOSPITALS AND UNITS.—

(1) REPORT TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with physicians (including geriatricians and physiatrists), administrators of inpatient rehabilitation, acute care hospitals, skilled nursing facilities, and other settings providing rehabilitation services, Medicare beneficiaries, trade organizations representing inpatient rehabilitation hospitals and units and skilled nursing facilities, and the Medicare Payment Advisory Commission, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that includes—

(A) an examination of Medicare beneficiaries' access to medically necessary rehabilitation services;

(B) alternatives or refinements to the 75 percent rule policy for determining exclusion criteria for inpatient rehabilitation hospital and unit designation under the Medicare program, including determining clinical appropriateness of inpatient rehabilitation hospital and unit admissions and alternative criteria which would consider a patient's functional status, diagnosis, co-morbidities, and other relevant factors; and

(C) an examination that identifies any condition for which individuals are commonly admitted to inpatient rehabilitation hospitals that is not included as a condition described in section 412.23(b)(2)(iii) of title 42, Code of Federal Regulations, to determine the appropriate setting of care, and any variation in patient outcomes and costs, across settings of care, for treatment of such conditions.

For the purposes of this subsection, the term "75 percent rule" means the requirement of section 412.23(b)(2) of title 42, Code of Federal Regulations, that 75 percent of the patients of a rehabilitation hospital or converted rehabilitation unit are in 1 or more of 13 listed treatment categories.

(2) CONSIDERATIONS.—In developing the report described in paragraph (1), the Secretary shall include the following:

(A) The potential effect of the 75 percent rule on access to rehabilitation care by Medicare beneficiaries for the treatment of a condition, whether or not such condition is described in section 412.23(b)(2)(iii) of title 42, Code of Federal Regulations.

(B) An analysis of the effectiveness of rehabilitation care for the treatment of conditions, whether or not such conditions are described in section 412.23(b)(2)(iii) of title 42, Code of Federal Regulations, available to Medicare beneficiaries in various health care settings, taking into account variation in patient outcomes and costs across different settings of care, and which may include whether the Medicare program and Medicare beneficiaries may incur higher costs of care for the entire episode of illness due to readmissions, extended lengths of stay, and other factors.

SEC. 503. LONG-TERM CARE HOSPITALS.

(a) LONG-TERM CARE HOSPITAL PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

"(m) PROSPECTIVE PAYMENT FOR LONG-TERM CARE HOSPITALS.—

"(1) REFERENCE TO ESTABLISHMENT AND IMPLEMENTATION OF SYSTEM.—For provisions related to the establishment and implementation of a prospective payment system for payments under this title for inpatient hospital services furnished by a long-term care hospital described in subsection (d)(1)(B)(iv), see section 123 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 and section 307(b) of Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

"(2) UPDATE FOR RATE YEAR 2008.—In implementing the system described in paragraph (1) for discharges occurring during the rate year ending in 2008 for a hospital, the base rate for such discharges for the hospital shall be the same as the base rate for discharges for the hospital occurring during the previous rate year.".

(2) DELAYED EFFECTIVE DATE.—Subsection (m)(2) of section 1886 of the Social Security Act, as added by paragraph (1), shall not apply to discharges occurring on or after July 1, 2007, and before January 1, 2008.

(b) PAYMENT FOR LONG-TERM CARE HOSPITAL SERVICES; PATIENT AND FACILITY CRITERIA.—

(1) DEFINITION OF LONG-TERM CARE HOSPITAL.—

(A) DEFINITION.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Long-Term Care Hospital

"(ccc) The term 'long-term care hospital' means an institution which—

"(1) is primarily engaged in providing inpatient services, by or under the supervision of a physician, to Medicare beneficiaries whose medically complex conditions require a long hospital stay and programs of care provided by a long-term care hospital;

"(2) has an average inpatient length of stay (as determined by the Secretary) for Medicare beneficiaries of greater than 25 days, or as otherwise defined in section 1886(d)(1)(B)(iv);

"(3) satisfies the requirements of subsection (e);

"(4) meets the following facility criteria:

"(A) the institution has a patient review process, documented in the patient medical record, that screens patients prior to admission for appropriateness of admission to a long-term care hospital, validates within 48 hours of admission that patients meet admission criteria for long-term care hospitals, regularly evaluates patients throughout their stay for continuation of care in a long-term care hospital, and assesses the available discharge options when patients no longer meet such continued stay criteria;

"(B) the institution has active physician involvement with patients during their treatment through an organized medical staff, physician-directed treatment with physician on-site availability on a daily basis to review patient progress, and consulting physicians on call and capable of being at the patient's side within a moderate period of time, as determined by the Secretary;

"(C) the institution has interdisciplinary team treatment for patients, requiring interdisciplinary teams of health care professionals, including physicians, to prepare and carry out an individualized treatment plan for each patient; and

"(5) meets patient criteria relating to patient mix and severity appropriate to the medically complex cases that long-term care hospitals are designed to treat, as measured under section 1886(m).".

(B) NEW PATIENT CRITERIA FOR LONG-TERM CARE HOSPITAL PROSPECTIVE PAYMENT.—Section 1886 of such Act (42 U.S.C. 1395ww), as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(n) PATIENT CRITERIA FOR PROSPECTIVE PAYMENT TO LONG-TERM CARE HOSPITALS.—

"(1) IN GENERAL.—To be eligible for prospective payment under this section as a long-term care hospital, a long-term care hospital must admit not less than a majority of patients who have a high level of severity, as defined by the Secretary, and who are assigned to one or more of the following major diagnostic categories:

"(A) Circulatory diagnoses.

"(B) Digestive, endocrine, and metabolic diagnoses.

"(C) Infection disease diagnoses.

"(D) Neurological diagnoses.

"(E) Renal diagnoses.

"(F) Respiratory diagnoses.

"(G) Skin diagnoses.

"(H) Other major diagnostic categories as selected by the Secretary.

"(2) MAJOR DIAGNOSTIC CATEGORY DEFINED.—In paragraph (1), the term 'major diagnostic category' means the medical categories formed by dividing all possible principle diagnosis into mutually exclusive diagnosis areas which are referred to in 67 Federal Register 49985 (August 1, 2002).".

(C) ESTABLISHMENT OF REHABILITATION UNITS WITHIN CERTAIN LONG-TERM CARE HOSPITALS.—If the Secretary of Health and Human Services does not include rehabilitation services within a major diagnostic category under section 1886(n)(2) of the Social Security Act, as added by subparagraph (B), the Secretary shall approve for purposes of title XVIII of such Act distinct part inpatient rehabilitation hospital units in long-term care hospitals consistent with the following:

(i) A hospital that, on or before October 1, 2004, was classified by the Secretary as a long-term care hospital, as described in section 1886(d)(1)(B)(iv)(I) of such Act (42 U.S.C. 1395ww(d)(1)(V)(iv)(I)), and was accredited by the Commission on Accreditation of Rehabilitation Facilities, may establish a hospital rehabilitation unit that is a distinct part of the long-term care hospital, if the distinct part meets the requirements (including conditions of participation) that would otherwise apply to a distinct-part rehabilitation unit if the distinct part were established by a subsection (d) hospital in accordance with the matter following clause (v) of section 1886(d)(1)(B) of such Act, including any regulations adopted by the Secretary in accordance with this section, except that the one-year waiting period described in section 412.30(c) of title 42, Code of Federal Regulations, applicable to the conversion of hospital beds into a distinct-part rehabilitation unit shall not apply to such units.

(ii) Services provided in inpatient rehabilitation units established under clause (i) shall not be reimbursed as long-term care hospital services under section 1886 of such Act and shall be subject to payment policies established by the Secretary to reimburse services provided by inpatient hospital rehabilitation units.

(D) EFFECTIVE DATE.—The amendments made by subparagraphs (A) and (B), and the provisions of subparagraph (C), shall apply to discharges occurring on or after January 1, 2008.

(2) IMPLEMENTATION OF FACILITY AND PATIENT CRITERIA.—

(A) REPORT.—No later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall submit to the appropriate committees of Congress a report containing recommendations regarding the promulgation of the national long-term care hospital facility and patient criteria for application under paragraphs (4) and (5) of section 1861(ccc) and section 1886(n) of the Social Security Act, as added by subparagraphs (A) and (B), respectively, of paragraph (1). In the report, the Secretary shall consider recommendations contained in a report to Congress by the Medicare Payment Advisory Commission in June 2004 for long-term care hospital-specific facility and patient criteria to ensure that patients admitted to long-term care hospitals are medically complex and appropriate to receive long-term care hospital services.

(B) IMPLEMENTATION.—No later than 1 year after the date of submittal of the report under subparagraph (A), the Secretary shall, after rulemaking, implement the national long-term care hospital facility and patient criteria referred to in such subparagraph. Such long-term care hospital facility and patient criteria shall be used to screen patients in determining the medical necessity and appropriateness of a Medicare beneficiary's admission to, continued stay at, and discharge from, long-term care hospitals under the Medicare program and shall take into account the medical judgment of the patient's physician, as provided for under sections 1814(a)(3) and 1835(a)(2)(B) of the Social Security Act (42 U.S.C. 1395f(a)(3), 1395n(a)(2)(B)).

(3) EXPANDED REVIEW OF MEDICAL NECESSITY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall provide, under contracts with one or more appropriate fiscal intermediaries or medicare administrative contractors under section 1874A(a)(4)(G) of the Social Security Act (42 U.S.C. 1395kk(a)(4)(G)), for reviews of the medical necessity of admissions to long-term care hospitals (described in section 1886(d)(1)(B)(iv) of such Act) and continued stay at such hospitals, of individuals entitled to, or enrolled for, benefits under part A of title XVIII of such Act on a hospital-specific basis consistent with this paragraph. Such reviews shall be made for discharges occurring on or after October 1, 2007.

(B) REVIEW METHODOLOGY.—The medical necessity reviews under paragraph (A) shall be conducted for each such long-term care hospital on an annual basis in accordance with rules (including a sample methodology) specified by the Secretary. Such sample methodology shall—

(i) provide for a statistically valid and representative sample of admissions of such individuals sufficient to provide results at a 95 percent confidence interval; and

(ii) guarantee that at least 75 percent of overpayments received by long-term care hospitals for medically unnecessary admissions and continued stays of individuals in long-term care hospitals will be identified and recovered and that related days of care will not be counted toward the length of stay requirement contained in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)).

(C) CONTINUATION OF REVIEWS.—Under contracts under this paragraph, the Secretary shall establish a denial rate with respect to such reviews that, if exceeded, could require further review of the medical necessity of admissions and continued stay in the hospital involved.

(D) TERMINATION OF REQUIRED REVIEWS.—

(i) IN GENERAL.—Subject to clause (iii), the previous provisions of this subsection shall cease to apply as of the date specified in clause (ii).

(ii) DATE SPECIFIED.—The date specified in this clause is the later of January 1, 2013, or the date of implementation of national long-term care hospital facility and patient criteria under section paragraph (2)(B).

(iii) CONTINUATION.—As of the date specified in clause (ii), the Secretary shall determine whether to continue to guarantee, through continued medical review and sampling under this paragraph, recovery of at least 75 percent of overpayments received by long-term care hospitals due to medically unnecessary admissions and continued stays.

(4) LIMITED, QUALIFIED MORATORIUM OF LONG-TERM CARE HOSPITALS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall impose a temporary moratorium on the certification of new long-term care hospitals (and satellite facilities), and new long-term care hospital and satellite facility beds, for purposes of the Medicare program under title XVIII of the Social Security Act. The moratorium shall terminate at the end of the 4-year period beginning on the date of the enactment of this Act.

(B) EXCEPTIONS.—

(i) IN GENERAL.—The moratorium under subparagraph (A) shall not apply as follows:

(I) To a long-term care hospital, satellite facility, or additional beds under development as of the date of the enactment of this Act.

(II) To a new long-term care hospital in an area in which there is not a long-term care hospital, if the Secretary determines it to be in the best interest to provide access to long-term care hospital services to Medicare beneficiaries residing in such area. There shall be a presumption in favor of the moratorium, which may be rebutted by evidence the Secretary deems sufficient to show the need for long-term care hospital services in that area.

(III) To an existing long-term care hospital that requests to increase its number of long-term care hospital beds, if the Secretary determines there is a need at the long-term care hospital for additional beds to accommodate—

(aa) infectious disease issues for isolation of patients;

(bb) bedside dialysis services;

(cc) single-sex accommodation issues;

(dd) behavioral issues;

(ee) any requirements of State or local law; or

(ff) other clinical issues the Secretary determines warrant additional beds, in the best interest of Medicare beneficiaries.

(IV) To an existing long-term care hospital that requests an increase in beds because of the closure of a long-term care hospital or significant decrease in the number of long-term care hospital beds, in a State where there is only one other long-term care hospital.

There shall be no administrative or judicial review from a decision of the Secretary under this subparagraph.

(ii) "UNDER DEVELOPMENT" DEFINED.—For purposes of clause (i)(I), a long-term care hospital or satellite facility is considered to be "under development" as of a date if any of the following have occurred on or before such date:

(I) The hospital or a related party has a binding written agreement with an outside, unrelated party for the construction, reconstruction, lease, rental, or financing of the long-term care hospital.

(II) Actual construction, renovation or demolition for the long-term care hospital has begun.

(III) A certificate of need has been approved in a State where one is required or other necessary approvals from appropriate State agencies have been received for the operation of the hospital.

(IV) The hospital documents that it is within a 6-month long-term care hospital demonstration period required by section 412.23(e)(1)–(3) of title 42, Code of Federal Regulations, to demonstrate that it has a greater than 25 day average length of stay.

(V) There is other evidence presented that the Secretary determines would indicate that the hospital or satellite is under development.

(5) NO APPLICATION OF 25 PERCENT PATIENT THRESHOLD PAYMENT ADJUSTMENT TO FREESTANDING AND GRANDFATHERED LTCHS.—The Secretary shall not apply, during the 5-year period beginning on the date of the enactment of this Act, section 412.536 of title 42, Code of Federal Regulations, or any similar provision, to freestanding long-term care hospitals and the Secretary shall not apply such section or section 412.534 of title 42, Code of Federal Regulations, or any similar provisions, to a long-term care hospital identified by section 4417(a) of the Balanced Budget Act of 1997 (Public Law 105–33). A long-term care hospital identified by such section 4417(a) shall be deemed to be a freestanding long-term care hospital for the purpose of this section. Section 412.536 of title 42, Code of Federal Regulations, shall be void and of no effect.

(6) PAYMENT FOR HOSPITALS-WITHIN-HOSPITALS.—

(A) IN GENERAL.—Payments to an applicable long-term care hospital or satellite facility which is located in a rural area or which is co-located with an urban single or MSA dominant hospital under paragraphs (d)(1), (e)(1), and (e)(4) of section 412.534 of title 42, Code of Federal Regulations, shall not be subject to any payment adjustment under such section if no more than 75 percent of the hospital's Medicare discharges (other than discharges described in paragraphs (d)(2) or (e)(3) of such section) are admitted from a co-located hospital.

(B) CO-LOCATED LONG-TERM CARE HOSPITALS AND SATELLITE FACILITIES.—

(i) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is co-located with another hospital shall not be subject to any payment adjustment under section 412.534 of title 42, Code of Federal Regulations, if no more than 50 percent of the hospital's Medicare discharges (other than discharges described in section 412.534(c)(3) of such title) are admitted from a co-located hospital.

(ii) APPLICABLE LONG-TERM CARE HOSPITAL OR SATELLITE FACILITY DEFINED.—In this paragraph, the term "applicable long-term care hospital or satellite facility" means a hospital or satellite facility that is subject to the transition rules under section 412.534(g) of title 42, Code of Federal Regulations.

(C) EFFECTIVE DATE.—Subparagraphs (A) and (B) shall apply to discharges occurring on or after October 1, 2007, and before October 1, 2012.

(7) NO APPLICATION OF VERY SHORT-STAY OUTLIER POLICY.—The Secretary shall not apply, during the 5-year period beginning on the date of the enactment of this Act, the amendments finalized on May 11, 2007 (72 Federal Register 26904) made to the short-stay outlier payment provision for long-term care hospitals contained in section 412.529(c)(3)(i) of title 42, Code of Federal Regulations, or any similar provision.

(8) NO APPLICATION OF ONE TIME ADJUSTMENT TO STANDARD AMOUNT.—The Secretary shall not, during the 5-year period beginning on the date of the enactment of this Act, make the one-time prospective adjustment to long-term care hospital prospective payment rates provided for in section 412.523(d)(3) of title 42, Code of Federal Regulations, or any similar provision.

(c) SEPARATE CLASSIFICATION FOR CERTAIN LONG-STAY CANCER HOSPITALS.—

(1) IN GENERAL.—Subsection (d)(1)(B) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(A) in clause (iv)—

(i) in subclause (I), by striking "(iv)(I)" and inserting "(iv)" and by striking "or" at the end; and

(ii) in subclause (II)—

(I) by striking ", or" at the end and inserting a semicolon; and

(II) by redesignating such subclause as clause (vi) and by moving it to immediately follow clause (v); and

(B) in clause (v), by striking the semicolon at the end and inserting ", or".

(2) CONFORMING PAYMENT REFERENCES.—Subsection (b) of such section is amended—

(A) in paragraph (2)(E)(ii), by adding at the end the following new subclause:

"(III) Hospitals described in clause (vi) of such subsection.";

(B) in paragraph (3)(F)(iii), by adding at the end the following new subclause:

"(VI) Hospitals described in clause (vi) of such subsection.";

(C) in paragraphs (3)(G)(ii), (3)(H)(i), and (3)(H)(ii)(I), by inserting "or (vi)" after "clause (iv)" each place it appears;

(D) in paragraph (3)(H)(iv), by adding at the end the following new subclause:

"(IV) Hospitals described in clause (vi) of such subsection.";

(E) in paragraph (3)(J), by striking "subsection (d)(1)(B)(iv)" and inserting "clause (iv) or (vi) of subsection (d)(1)(B)"; and

(F) in paragraph (7)(B), by adding at the end the following new clause:

"(iv) Hospitals described in clause (vi) of such subsection.".

(3) ADDITIONAL CONFORMING AMENDMENTS.—The second sentence of subsection (d)(1)(B) of such section is amended—

(A) by inserting "(as in effect as of such date)" after "clause (iv)"; and

(B) by inserting "(or, in the case of a hospital classified under clause (iv)(II), as so in effect, shall be classified under clause (vi) on and after the effective date of such clause)" after "so classified".

(4) TRANSITION RULE.—In the case of a hospital that is classified under clause (iv)(II) of section 1886(d)(1)(B) of the Social Security Act immediately before the date of the enactment of this Act and which is classified under clause (vi) of such section after such date of enactment, payments under section 1886 of such Act for cost reporting periods beginning after the date of the enactment of this Act shall be based upon payment rates in effect for the cost reporting period for such hospital beginning during fiscal year 2001, increased for each succeeding cost reporting period (beginning before the date of the enactment of this Act) by the applicable percentage increase under section 1886(b)(3)(B)(ii) of such Act.

(5) CLARIFICATION OF TREATMENT OF SATELLITE FACILITIES AND REMOTE LOCATIONS.—A long-stay cancer hospital described in section 1886(d)(1)(B)(vi) of the Social Security Act, as designated under paragraph (1), shall include satellites or remote site locations for such hospital established before or after the date of the enactment of this Act if the provider-based requirements under section 413.65 of title 42, Code of Federal Regulations, applicable certification requirements under title XVIII of the Social Security, and such other applicable State licensure and certificate of need requirements are met with respect to such satellites or remote site locations.

SEC. 504. INCREASING THE DSH ADJUSTMENT CAP.

Section 1886(d)(5)(F)(xiv) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)(xiv)) is amended—

(1) subclause (II), by striking "12 percent" and inserting "the percent specified in subclause (III)"; and

(2) by adding at the end the following new subclause:

"(III) The percent specified in this subclause is, in the case of discharges occurring—

"(a) before October 1, 2007, 12 percent;

"(b) during fiscal year 2008, 16 percent;

"(c) during fiscal year 2009, 18 percent; and

"(d) on or after October 1, 2009, 12 percent.".

SEC. 505. PPS-EXEMPT CANCER HOSPITALS.

(a) AUTHORIZING REBASING FOR PPS-EXEMPT CANCER HOSPITALS.—Section 1886(b)(3)(F) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(F)) is amended by adding at the end the following new clause:

"(iv) In the case of a hospital (or unit described in the matter following clause (v) of subsection (d)(1)(B)) that received payment under this subsection for inpatient hospital services furnished during cost reporting periods beginning before October 1, 1999, that is within a class of hospital described in clause (iii) (other than subclause (IV), relating to long-term care hospitals, and that requests the Secretary (in a form and manner specified by the Secretary) to effect a rebasing under this clause for the hospital, the Secretary may compute the target amount for the hospital's 12-month cost reporting period beginning during fiscal year 2008 as an amount equal to the average described in clause (ii) but determined as if any reference in such clause to 'the date of the enactment of this subparagraph' were a reference to 'the date of the enactment of this clause'.".

(b) MEDPAC REPORT ON PPS-EXEMPT CANCER HOSPITALS.—Not later than March 1, 2009, the Medicare Payment Advisory Commission (established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6)) shall submit to the Secretary and Congress a report evaluating the following:

(1) Measures of payment adequacy and Medicare margins for PPS-exempt cancer hospitals, as established under section 1886(d)(1)(B)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(v)).

(2) To the extent a PPS-exempt cancer hospital was previously affiliated with another hospital, the margins of the PPS-exempt hospital and the other hospital as separate entities and the margins of such hospitals that existed when the hospitals were previously affiliated.

(3) Payment adequacy for cancer discharges under the Medicare inpatient hospital prospective payment system.

SEC. 506. SKILLED NURSING FACILITY PAYMENT UPDATE.

(a) IN GENERAL.—Section 1888(e)(4)(E)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(4)(E)(ii)) is amended—

(1) in subclause (III), by striking "and";

(2) by redesignating subsection (IV) as subclause (VI); and

(3) by inserting after subclause (III) the following new subclauses:

"(IV) for each of fiscal years 2004, 2005, 2006, and 2007, the rate computed for the previous fiscal year increased by the skilled nursing facility market basket percentage change for the fiscal year involved;

"(V) for fiscal year 2008, the rate computed for the previous fiscal year; and".

(b) DELAYED EFFECTIVE DATE.—Section 1888(e)(4)(E)(ii)(V) of the Social Security Act, as inserted by subsection (a)(3), shall not apply to payment for days before January 1, 2008.

SEC. 507. REVOCATION OF UNIQUE DEEMING AUTHORITY OF THE JOINT COMMISSION FOR THE ACCREDITATION OF HEALTHCARE ORGANIZATIONS.

(a) REVOCATION.—Section 1865 of the Social Security Act (42 U.S.C. 1395bb) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d), respectively.

(b) CONFORMING AMENDMENTS.—(1) Such section is further amended—

(A) in subsection (a)(1), as so redesignated, by striking "In addition, if" and inserting "If";

(B) in subsection (b), as so redesignated—

(i) by striking "released to him by the Joint Commission on Accreditation of Hospitals," and inserting "released to the Secretary by"; and

(ii) by striking the comma after "Association";

(C) in subsection (c), as so redesignated, by striking "pursuant to subsection (a) or (b)(1)" and inserting "pursuant to subsection (a)(1)"; and

(D) in subsection (d), as so redesignated, by striking "pursuant to subsection (a) or (b)(1)" and inserting "pursuant to subsection (a)(1)".

(2) Section 1861(e) of such Act (42 U.S.C. 1395x(e)) is amended in the fourth sentence by striking "and (ii) is accredited by the Joint Commission on Accreditation of Hospitals, or is accredited by or approved by a program of the country in which such institution is located if the Secretary finds the accreditation or comparable approval standards of such program to be essentially equivalent to those of the Joint Commission on Accreditation of Hospitals" and inserting "and (ii) is accredited by a national accreditation body recognized by the Secretary under section 1865(a), or is accredited by or approved by a program of the country in which such institution is located if the Secretary finds the accreditation or comparable approval standards of such program to be essentially equivalent to those of such a national accreditation body.".

(3) Section 1864(c) of such Act (42 U.S.C. 1395aa(c)) is amended by striking "pursuant to subsection (a) or (b)(1) of section 1865" and inserting "pursuant to section 1865(a)(1)".

(4) Section 1875(b) of such Act (42 U.S.C. 1395ll(b)) is amended by striking "the Joint Commission on Accreditation of Hospitals," and inserting "national accreditation bodies under section 1865(a)".

(5) Section 1834(a)(20)(B) of such Act (42 U.S.C. 1395m(a)(20)(B)) is amended by striking "section 1865(b)" and inserting "section 1865(a)".

(6) Section 1852(e)(4)(C) of such Act (42 U.S.C. 1395w–22(e)(4)(C)) is amended by striking "section 1865(b)(2)" and inserting "section 1865(a)(2)".

(c) AUTHORITY TO RECOGNIZE JCAHO AS A NATIONAL ACCREDITATION BODY.—The Secretary of Health and Human Services may recognize the Joint Commission on Accreditation of Healthcare Organizations as a national accreditation body under section 1865 of the Social Security Act (42 U.S.C. 1395bb), as amended by this section, upon such terms and conditions, and upon submission of such information, as the Secretary may require.

(d) EFFECTIVE DATE; TRANSITION RULE.—(1) Subject to paragraph (2), the amendments made by this section shall apply with respect to accreditations of hospitals granted on or after the date that is 18 months after the date of the enactment of this Act.

(2) For purposes of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), the amendments made by this section shall not effect the accreditation of a hospital by the Joint Commission on Accreditation of Healthcare Organizations, or under accreditation or comparable approval standards found to be essentially equivalent to accreditation or approval standards of the Joint Commission on Accreditation of Healthcare Organizations, for the period of time applicable under such accreditation.

TITLE VI—OTHER PROVISIONS RELATING TO MEDICARE PART B

Subtitle A—Payment and Coverage Improvements

SEC. 601. PAYMENT FOR THERAPY SERVICES.

(a) EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.—Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)), as amended by section 201 of the Medicare Improvements and Extension Act of 2006 (division B of Public Law 109–432), is amended by striking "2007" and inserting "2009".

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Health and Human Services, in consultation with appropriate stakeholders, shall conduct a study on refined and alternative payment systems to the Medicare payment cap under section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) for physical therapy services and speech-language pathology services, described in paragraph (1) of such section and occupational therapy services described in paragraph (3) of such section. Such study shall consider, with respect to payment amounts under Medicare, the following:

(A) The creation of multiple payment caps for such services to better reflect costs associated with specific health conditions.

(B) The development of a prospective payment system, including an episode-based system of payments, for such services.

(C) The data needed for the development of a system of multiple payment caps (or an alternative payment methodology) for such services and the availability of such data.

(2) REPORT.—Not later than January 1, 2009, the Secretary shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 602. MEDICARE SEPARATE DEFINITION OF OUTPATIENT SPEECH-LANGUAGE PATHOLOGY SERVICES.

(a) IN GENERAL.—Section 1861(ll) of the Social Security Act (42 U.S.C. 1395x(ll)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) The term 'outpatient speech-language pathology services' has the meaning given the term 'outpatient physical therapy services' in subsection (p), except that in applying such subsection—

"(A) 'speech-language pathology' shall be substituted for 'physical therapy' each place it appears; and

"(B) 'speech-language pathologist' shall be substituted for 'physical therapist' each place it appears.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1832(a)(2)(C) of the Social Security Act (42 U.S.C. 1395k(a)(2)(C)) is amended—

(A) by striking "and outpatient" and inserting ", outpatient"; and

(B) by inserting before the period at the end the following: ", and outpatient speech-language pathology services (other than services to which the second sentence of section 1861(p) applies through the application of section 1861(ll)(2))".

(2) Subparagraphs (A) and (B) of section 1833(a)(8). of such Act (42 U.S.C. 1395l(a)(8)) are each amended by striking "(which includes outpatient speech-language pathology services)" and inserting ", outpatient speech-language pathology services,".

(3) Section 1833(g)(1) of such Act (42 U.S.C. 1395l(g)(1)) is amended—

(A) by inserting "and speech-language pathology services of the type described in such section through the application of section 1861(ll)(2)" after "1861(p)"; and

(B) by inserting "and speech-language pathology services" after "and physical therapy services".

(4) The second sentence of section 1835(a) of such Act (42 U.S.C. 1395n(a)) is amended—

(A) by striking "section 1861(g)" and inserting "subsection (g) or (ll)(2) of section 1861" each place it appears; and

(B) by inserting "or outpatient speech-language pathology services, respectively" after "occupational therapy services".

(5) Section 1861(p) of such Act (42 U.S.C. 1395x(p)) is amended by striking the fourth sentence.

(6) Section 1861(s)(2)(D) of such Act (42 U.S.C. 1395x(s)(2)(D)) is amended by inserting ", outpatient speech-language pathology services," after "physical therapy services".

(7) Section 1862(a)(20) of such Act (42 U.S.C. 1395y(a)(20)) is amended—

(A) by striking "outpatient occupational therapy services or outpatient physical therapy services" and inserting "outpatient physical therapy services, outpatient speech-language pathology services, or outpatient occupational therapy services"; and

(B) by striking "section 1861(g)" and inserting "subsection (g) or (ll)(2) of section 1861".

(8) Section 1866(e)(1) of such Act (42 U.S.C. 1395cc(e)(1)) is amended—

(A) by striking "section 1861(g)" and inserting "subsection (g) or (ll)(2) of section 1861" the first two places it appears;

(B) by striking "defined) or" and inserting "defined),"; and

(C) by inserting before the semicolon at the end the following: ", or (through the operation of section 1861(ll)(2)) with respect to the furnishing of outpatient speech-language pathology".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2008.

(d) CONSTRUCTION.—Nothing in this section shall be construed to affect existing regulations and policies of the Centers for Medicare & Medicaid Services that require physician oversight of care as a condition of payment for speech-language pathology services under part B of the medicare program.

SEC. 603. INCREASED REIMBURSEMENT RATE FOR CERTIFIED NURSE-MIDWIVES.

(a) IN GENERAL.—Section 1833(a)(1)(K) of the Social Security Act (42 U.S.C.1395l(a)(1)(K)) is amended by striking "(but in no event" and all that follows through "performed by a physician)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after April 1, 2008.

SEC. 604. ADJUSTMENT IN OUTPATIENT HOSPITAL FEE SCHEDULE INCREASE FACTOR.

The first sentence of section 1833(t)(3)(C)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(3)(C)(iv)) is amended by inserting before the period at the end the following: "and reduced by 0.25 percentage point for such factor for such services furnished in 2008".

SEC. 605. EXCEPTION TO 60-DAY LIMIT ON MEDICARE SUBSTITUTE BILLING ARRANGEMENTS IN CASE OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED FORCES.

(a) IN GENERAL.—Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)) is amended by inserting after "of more than 60 days" the following: "or are provided over a longer continuous period during all of which the first physician has been called or ordered to active duty as a member of a reserve component of the Armed Forces".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after the date of the enactment of this section.

SEC. 606. EXCLUDING CLINICAL SOCIAL WORKER SERVICES FROM COVERAGE UNDER THE MEDICARE SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM AND CONSOLIDATED PAYMENT.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting "clinical social worker services," after "qualified psychologist services,"..

(b) CONFORMING AMENDMENT.—Section 1861(hh)(2) of the Social Security Act (42 U.S.C. 1395x(hh)(2)) is amended by striking "and other than services furnished to an inpatient of a skilled nursing facility which the facility is required to provide as a requirement for participation".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2008.

SEC. 607. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES.

(a) COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES.—

(1) COVERAGE OF SERVICES.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(A) in subparagraph (Z), by striking "and" at the end;

(B) in subparagraph (AA), by adding "and" at the end; and

(C) by adding at the end the following new subparagraph:

"(BB) marriage and family therapist services (as defined in subsection (ccc));".

(2) DEFINITION.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"(ccc) MARRIAGE AND FAMILY THERAPIST SERVICES.—(1) The term 'marriage and family therapist services' means services performed by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses, which the marriage and family therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, provided such services are covered under this title, as would otherwise be covered if furnished by a physician or as incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(2) The term 'marriage and family therapist' means an individual who—

"(A) possesses a master's or doctoral degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law;

"(B) after obtaining such degree has performed at least 2 years of clinical supervised experience in marriage and family therapy; and

"(C) is licensed or certified as a marriage and family therapist in the State in which marriage and family therapist services are performed.".

(3) PROVISION FOR PAYMENT UNDER PART B.—Section 1832(a)(2)(B) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

"(v) marriage and family therapist services;".

(4) AMOUNT OF PAYMENT.—

(A) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(i) by striking "and" before "(V)"; and

(ii) by inserting before the semicolon at the end the following: ", and (W) with respect to marriage and family therapist services under section 1861(s)(2)(BB), the amounts paid shall be 80 percent of the lesser of (i) the actual charge for the services or (ii) 75 percent of the amount determined for payment of a psychologist under subparagraph (L)".

(B) DEVELOPMENT OF CRITERIA WITH RESPECT TO CONSULTATION WITH A PHYSICIAN.—The Secretary of Health and Human Services shall, taking into consideration concerns for patient confidentiality, develop criteria with respect to payment for marriage and family therapist services for which payment may be made directly to the marriage and family therapist under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) under which such a therapist must agree to consult with a patient's attending or primary care physician in accordance with such criteria.

(5) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)), is amended by inserting "marriage and family therapist services (as defined in subsection (ccc)(1))," after "qualified psychologist services,".

(6) COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES PROVIDED IN RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking "or by a clinical social worker (as defined in subsection (hh)(1))," and inserting ", by a clinical social worker (as defined in subsection (hh)(1)), or by a marriage and family therapist (as defined in subsection (ccc)(2)),".

(7) INCLUSION OF MARRIAGE AND FAMILY THERAPISTS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

"(vii) A marriage and family therapist (as defined in section 1861(ccc)(2)).".

(b) COVERAGE OF MENTAL HEALTH COUNSELOR SERVICES.—

(1) COVERAGE OF SERVICES.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended in subsection (a)(1), is further amended—

(A) in subparagraph (AA), by striking "and" at the end;

(B) in subparagraph (BB), by inserting "and" at the end; and

(C) by adding at the end the following new subparagraph:

"(CC) mental health counselor services (as defined in subsection (ddd)(2));".

(2) DEFINITION.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by subsection (a)(2), is further amended by adding at the end the following new subsection:

"(ddd) MENTAL HEALTH COUNSELOR; MENTAL HEALTH COUNSELOR SERVICES.—(1) The term 'mental health counselor' means an individual who—

"(A) possesses a master's or doctor's degree which qualifies the individual for licensure or certification for the practice of mental health counseling in the State in which the services are performed;

"(B) after obtaining such a degree has performed at least 2 years of supervised mental health counselor practice; and

"(C) is licensed or certified as a mental health counselor or professional counselor by the State in which the services are performed.

"(2) The term 'mental health counselor services' means services performed by a mental health counselor (as defined in paragraph (1)) for the diagnosis and treatment of mental illnesses which the mental health counselor is legally authorized to perform under State law (or the State regulatory mechanism provided by the State law) of the State in which such services are performed, provided such services are covered under this title, as would otherwise be covered if furnished by a physician or as incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.".

(3) PROVISION FOR PAYMENT UNDER PART B.—Section 1832(a)(2)(B) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)), as amended by subsection (a)(3), is further amended by adding at the end the following new clause:

"(vi) mental health counselor services;".

(4) AMOUNT OF PAYMENT.—

(A) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395*l*(a)(1)), as amended by subsection (a)(4), is further amended—

(i) by striking "and" before "(W)"; and

(ii) by inserting before the semicolon at the end the following: ", and (X) with respect to mental health counselor services under section 1861(s)(2)(CC), the amounts paid shall be 80 percent of the lesser of (i) the actual charge for the services or (ii) 75 percent of the amount determined for payment of a psychologist under subparagraph (L)".

(B) DEVELOPMENT OF CRITERIA WITH RESPECT TO CONSULTATION WITH A PHYSICIAN.—The Secretary of Health and Human Services shall, taking into consideration concerns for patient confidentiality, develop criteria with respect to payment for mental health counselor services for which payment may be made directly to the mental health counselor under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) under which such a counselor must agree to consult with a patient's attending or primary care physician in accordance with such criteria.

(5) EXCLUSION OF MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)), as amended by subsection (a)(5), is amended by inserting "mental health counselor services (as defined in section 1861(ddd)(2))," after "marriage and family therapist services (as defined in subsection (ccc)(1)),".

(6) COVERAGE OF MENTAL HEALTH COUNSELOR SERVICES PROVIDED IN RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)), as amended by subsection (a)(6), is amended by striking "or by a marriage and family therapist (as defined in subsection (ccc)(2))," and inserting "by a marriage and family therapist (as defined in subsection (ccc)(2)), or a mental health counselor (as defined in subsection (ddd)(1)),".

(7) INCLUSION OF MENTAL HEALTH COUNSELORS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)), as amended by subsection (a)(7), is amended by adding at the end the following new clause:

"(viii) A mental health counselor (as defined in section 1861(fff)(1)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2008.

SEC. 608. RENTAL AND PURCHASE OF POWER-DRIVEN WHEELCHAIRS.

(a) IN GENERAL.—Section 1834(a)(7) of the Social Security Act (42 U.S.C. 1395m(a)(7)) is amended—

(1) in subparagraph (A)—

(A) clause (i)(I), by striking "Except as provided in clause (iii), payment" and inserting "Payment";

(B) by striking clause (iii); and

(C) in clause (iv)—

(i) by redesignating such clause as clause (iii); and

(ii) by striking "or in the case of a power-driven wheelchair for which a purchase agreement has been entered into under clause (iii)"; and

(2) in subparagraph (C)(ii)(II), by striking "or (A)(iii)".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (1), the amendments made by subsection (a) shall take effect on January 1, 2008, and shall apply to power-driven wheelchairs furnished on or after such date.

(2) APPLICATION TO COMPETITIVE ACQUISITION.—The amendments made by subsection (a) shall not apply to contracts entered into under section 1847 of the Social Security Act (42 U.S.C. 1395w-3) pursuant to a bid submitted under such section before July 21, 2007.

SEC. 609. RENTAL AND PURCHASE OF OXYGEN EQUIPMENT.

(a) IN GENERAL.—Section 1834(a)(5)(F) of the Social Security Act (42 U.S.C. 1395m(a)(5)(F)) is amended—

(1) in clause (i)—

(A) by striking "Payment" and inserting "Subject to clause (iii), payment"; and

(B) by striking "36 months" and inserting "13 months";

(2) in clause (ii)(I), by striking "36th continuous month" and inserting "13th continuous month"; and

(3) by adding at the end the following new clause:

"(iii) SPECIAL RULE FOR OXYGEN GENERATING PORTABLE EQUIPMENT.—In the case of oxygen generating portable equipment referred to in the final rule published in the Federal Register on November 9, 2006 (71 Fed. Reg. 65897-65899), in applying clauses (i) and (ii)(I) each reference to '13 months' is deemed a reference to '36 months'.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (3), the amendments made by subsection (a) shall apply to oxygen equipment furnished on or after January 1, 2008.

(2) TRANSITION.—In the case of an individual receiving oxygen equipment on December 31, 2007, for which payment is made under section 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)), the 13-month period described in paragraph (5)(F)(i) of such section, as amended by subsection (a), shall begin on January 1, 2008, but in no case shall the rental period for such equipment exceed 36 months.

(3) APPLICATION TO COMPETITIVE ACQUISITION.—The amendments made by subsection (a) shall not apply to contracts entered into under section 1847 of the Social Security Act (42 U.S.C. 1395w-3) pursuant to a bid submitted under such section before July 21, 2007.

(c) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study to examine the service component and the equipment component of the provision of oxygen to Medicare beneficiaries. The study shall assess—

(A) the type of services provided and variation across suppliers in providing such services;

(B) whether the services are medically necessary or affect patient outcomes;

(C) whether the Medicare program pays appropriately for equipment in connection with the provision of oxygen;

(D) whether such program pays appropriately for necessary services;

(E) whether such payment in connection with the provision of oxygen should be divided between equipment and services, and if so, how; and

(F) how such payment rate compares to a competitively bid rate.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 610. ADJUSTMENT FOR MEDICARE MENTAL HEALTH SERVICES.

(a) IN GENERAL.—For purposes of payment for services furnished under the physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w-4) during the applicable period, the Secretary of Health and Human Services shall increase the amount otherwise payable for applicable services by 5 percent.

(b) DEFINITIONS.—For purposes of subsection (a):

(1) APPLICABLE PERIOD.—The term "applicable period" means the period beginning on January 1, 2008, and ending on December 31 of the year before the effective date of the first review after January 1, 2008, of work relative value units conducted under section 1848(c)(2)(B)(i) of the Social Security Act.

(2) APPLICABLE SERVICES.—The term "applicable services" means procedure codes for services—

(A) in the categories of psychiatric therapeutic procedures furnished in office or other outpatient facility settings, or inpatient hospital, partial hospital or residential care facility settings; and

(B) which cover insight oriented, behavior modifying, or supportive psychotherapy and interactive psychotherapy services in the Healthcare Common Procedure Coding System established by the Secretary of Health and Human Services under section 1848(c)(5) of such Act.

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement this section by program instruction or otherwise.

SEC. 611. EXTENSION OF BRACHYTHERAPY SPECIAL RULE.

Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 13951(t)(16)(C)) is amended by striking "2008" and inserting "2009".

SEC. 612. PAYMENT FOR PART B DRUGS.

(a) APPLICATION OF CONSISTENT VOLUME WEIGHTING IN COMPUTATION OF ASP.—In order to assure that payments for drugs and biologicals under section 1847A of the Social Security Act (42 U.S.C. 1395w-3a) are correct and consistent with law, the Secretary of Health and Human Services shall, for payment for drugs and biologicals furnished on or after July 1, 2008, compute the volume-weighted average sales price using equation #2 (specified in appendix A of the report of the Inspector General of the Department of Health and Human Services on "Calculation of Volume-Weighted Average Sales Price for Medicare Part B Prescription Drugs" (February 2006; OEI-03-05-00310)) used by the Office of Inspector General to calculate a volume-weighted ASP.

(b) IMPROVEMENTS IN THE COMPETITIVE ACQUISITION PROGRAM (CAP).—

(1) CONTINUOUS OPEN ENROLLMENT; AUTOMATIC REENROLLMENT WITHOUT NEED FOR REAPPLICATION.—Subsection (a)(1)(A) of section 1847B of the Social Security Act (42 U.S.C. 1395w-3b) is amended—

(A) in clause (ii), by striking "annually" and inserting "on an ongoing basis";

(B) in clause (iii), by striking "an annual selection" and inserting "a selection (which may be changed on an annual basis)" ; and

(C) by adding at the end the following: "An election and selection described in clauses (ii) and (iii) shall continue to be effective without the need for any periodic reelection or reapplication or selection.".

(2) PERMITTING VENDER TO DELIVER DRUGS TO SITE OF ADMINISTRATION.—Subsection (b)(4)(E) of such section is amended—

(A) by striking "or" at the end of clause (I);

(B) by striking the period at the end of clause (ii) and inserting "; or"; and

(C) by adding at the end the following new clause:

"(iii) prevent a contractor from delivering drugs and biologicals to the site in which the drugs or biologicals will be administered.".

(3) PHYSICIAN OUTREACH AND EDUCATION.—Subsection (a)(1) of such section is amended by adding at the end the following new subparagraph:

"(E) PHYSICIAN OUTREACH AND EDUCATION.—The Secretary shall conduct a program of outreach to education physicians concerning the program and the ongoing opportunity of physicians to elect to obtain drugs and biologicals under the program.".

(4) REBIDDING OF CONTRACTS.—The Secretary of Health and Human Services shall provide for the rebidding of contracts under section 1847B(c) of the Social Security Act (42 U.S.C. 1395w–3b(c)) only for periods on or after the expiration of the contract in effect under such section as of the date of the enactment of this Act.

(c) TREATMENT OF CERTAIN DRUGS.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w–3a(b)) is amended—

(1) in paragraph (1), by inserting "paragraph (6) and" after "Subject to"; and

(2) by adding at the end the following new paragraph:

"(6) SPECIAL RULE.—.In applying subsection (c)(6)(C)(ii), beginning with January 1, 2008, the average sales price for drugs or biologicals described in section 1842(o)(1)(G) is the lower of the average sales price calculated including drugs or biologicals to which such subsection applies and the average sales price that would have been calculated if such subsection were not applied.".

(d) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to drugs furnished on or after January 1, 2008.

Subtitle B—Extension of Medicare Rural Access Protections

SEC. 621. 2-YEAR EXTENSION OF FLOOR ON MEDICARE WORK GEOGRAPHIC ADJUSTMENT.

Section 1848(e)(1)(E) of such Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking "2008" and inserting "2010".

SEC. 622. 2-YEAR EXTENSION OF SPECIAL TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, and section 104 of the Medicare Improvements and Extension Act of 2006 (division B of Public Law 109–432), is amended by striking "and 2007" and inserting "2007, 2008, and 2009".

SEC. 623. 2-YEAR EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2282; 42 U.S.C. 1395l–4(b)), as amended by section 105 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432), is amended by striking "3-year" and inserting "5-year".

SEC. 624. 2-YEAR EXTENSION OF MEDICARE INCENTIVE PAYMENT PROGRAM FOR PHYSICIAN SCARCITY AREAS .

(a) IN GENERAL.—Section 1833(u)(1) of the Social Security Act (42 U.S.C. 1395l(u)(1)) is amended by striking "2008" and inserting "2010".

(b) TRANSITION.—With respect to physicians' services furnished during 2008 and 2009, for purposes of subsection (a), the Secretary of Health and Human Services shall use the primary care scarcity areas and the specialty care scarcity areas (as identified in section 1833(u)(4)) that the Secretary was using under such subsection with respect to physicians' services furnished on December 31, 2007.

SEC. 625. 2-YEAR EXTENSION OF MEDICARE INCREASE PAYMENTS FOR GROUND AMBULANCE SERVICES IN RURAL AREAS.

Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A)—

(A) in the matter before clause (i), by striking "furnished on or after July 1, 2004, and before January 1, 2007,";

(B) in clause (i), by inserting "for services furnished on or after July 1, 2004, and before January 1, 2007, and on or after January 1, 2008, and before January 1, 2010," after "in such paragraph,"; and

(C) in clause (ii), by inserting "for services furnished on or after July 1, 2004, and before January 1, 2007," after "in clause (i),"; and

(2) in subparagraph (B)—

(A) in the heading, by striking "AFTER 2006" and inserting "FOR SUBSEQUENT PERIODS";

(B) by inserting "clauses (i) and (ii) of" before "subparagraph (A)"; and

(C) by striking "in such subparagraph" and inserting "in the respective clause".

SEC. 626. EXTENDING HOLD HARMLESS FOR SMALL RURAL HOSPITALS UNDER THE HOPD PROSPECTIVE PAYMENT SYSTEM.

Section 1833(t)(7)(D)(i)(II) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(I)(II)) is amended—

(1) by striking "January 1, 2009" and inserting "January 1, 2010";

(2) by striking "2007, or 2008,"; and

(3) by striking "90 percent, and 85 percent, respectively," and inserting ", and with respect to such services furnished after 2006 the applicable percentage shall be 90 percent.".

Subtitle C—End Stage Renal Disease Program

SEC. 631. CHRONIC KIDNEY DISEASE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Director of the National Institutes of Health, shall establish demonstration projects to—

(1) increase public and medical community awareness (particularly of those who treat patients with diabetes and hypertension) about the factors that lead to chronic kidney disease, how to prevent it, how to diagnose it, and how to treat it;

(2) increase screening and use of prevention techniques for chronic kidney disease for Medicare beneficiaries and the general public (particularly among patients with diabetes and hypertension, where prevention techniques are well established and early detection makes prevention possible); and

(3) enhance surveillance systems and expand research to better assess the prevalence and incidence of chronic kidney disease, (building on work done by Centers for Disease Control and Prevention).

(b) SCOPE AND DURATION.—

(1) SCOPE.—The Secretary shall select at least 3 States in which to conduct demonstration projects under this section. In selecting the States under this paragraph, the Secretary shall take into account the size of the population of individuals with end-stage renal disease who are enrolled in part B of title XVIII of the Social Security Act and ensure the participation of individuals who reside in rural and urban areas.

(2) DURATION.—The demonstration projects under this section shall be conducted for a period that is not longer than 5 years and shall begin on January 1, 2009.

(c) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the demonstration projects conducted under this section.

(2) REPORT.—Not later than 12 months after the date on which the demonstration projects under this section are completed, the Secretary shall submit to Congress a report on the evaluation conducted under paragraph (1) together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 632. MEDICARE COVERAGE OF KIDNEY DISEASE PATIENT EDUCATION SERVICES.

(a) COVERAGE OF KIDNEY DISEASE EDUCATION SERVICES.—

(1) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(A) in subparagraph (Z), by striking "and" after the semicolon at the end;

(B) in subparagraph (AA), by adding "and" after the semicolon at the end; and

(C) by adding at the end the following new subparagraph:

"(BB) kidney disease education services (as defined in subsection (ccc));".

(2) SERVICES DESCRIBED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Kidney Disease Education Services

"(ccc)(1) The term 'kidney disease education services' means educational services that are—

"(A) furnished to an individual with stage IV chronic kidney disease who, according to accepted clinical guidelines identified by the Secretary, will require dialysis or a kidney transplant;

"(B) furnished, upon the referral of the physician managing the individual's kidney condition, by a qualified person (as defined in paragraph (2)); and

"(C) designed—

"(i) to provide comprehensive information (consistent with the standards developed under paragraph (3)) regarding—

"(I) the management of comorbidities, including for purposes of delaying the need for dialysis;

"(II) the prevention of uremic complications; and

"(III) each option for renal replacement therapy (including hemodialysis and peritoneal dialysis at home and in-center as well as vascular access options and transplantation);

"(ii) to ensure that the individual has the opportunity to actively participate in the choice of therapy; and

"(iii) to be tailored to meet the needs of the individual involved.

"(2) The term 'qualified person' means a physician, physician assistant, nurse practitioner, or clinical nurse specialist who furnishes services for which payment may be made under the fee schedule established under section 1848. Such term does not include a renal dialysis facility.

"(3) The Secretary shall set standards for the content of such information to be provided under paragraph (1)(C)(i) after consulting with physicians, other health professionals, health educators, professional organizations, accrediting organizations, kidney patient organizations, dialysis facilities, transplant centers, network organizations described in section 1881(c)(2), and other knowledgeable persons. To the extent possible the Secretary shall consult with a person or entity described in the previous sentence, other than a dialysis facility, that has not received industry funding from a drug or biological manufacturer or dialysis facility.

"(4) In promulgating regulations to carry out this subsection, the Secretary shall ensure that each individual who is eligible for benefits for kidney disease education services under this title receives such services in a timely manner to maximize the benefit of those services.

"(5) The Secretary shall monitor the implementation of this subsection to ensure that individuals who are eligible for benefits for kidney disease education services receive such services in the manner described in paragraph (4).

"(6) No individual shall be eligible to be provided more than 6 sessions of kidney disease education services under this title.".

(3) PAYMENT UNDER THE PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w–4(j)(3)) is amended by inserting "(2)(BB)," after "(2)(AA).".

(4) LIMITATION ON NUMBER OF SESSIONS.—Section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y(a)(1)) is amended—

(A) in subparagraph (M), by striking "and" at the end;

(B) in subparagraph (N), by striking the semicolon at the end and inserting ", and"; and

(C) by adding at the end the following new subparagraph:

"(O) in the case of kidney disease education services (as defined in section 1861(ccc)), which are furnished in excess of the number of sessions covered under such section;".

(5) GAO REPORT.—Not later than September 1, 2010, the Comptroller General of the United States shall submit to Congress a report on the following:

(A) The number of Medicare beneficiaries who are eligible to receive benefits for kidney disease education services (as defined in section 1861(ccc) of the Social Security Act, as added by paragraph (2)) under title XVIII of such Act and who receive such services.

(B) The extent to which there is a sufficient amount of physicians, physician assistants, nurse practitioners, and clinical nurse specialists to furnish kidney disease education services (as so defined) under such title and whether or not renal dialysis facilities (and appropriate employees of such facilities) should be included as an entity eligible under such section to furnish such services.

(C) Recommendations, if appropriate, for renal dialysis facilities (and appropriate employees of such facilities) to structure kidney disease education services (as so defined) in a manner that is objective and unbiased and that provides a range of options and alternative locations for renal replacement therapy and management of co-morbidities that may delay the need for dialysis.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2009.

SEC. 633. REQUIRED TRAINING FOR PATIENT CARE DIALYSIS TECHNICIANS.

Section 1881 of the Social Security Act (42 U.S.C. 1395rr) is amended by adding the following new subsection:

"(h)(1) Except as provided in paragraph (2), a provider of services or a renal dialysis facility may not use, for more than 12 months during 2009, or for any period beginning on January 1, 2010, any individual as a patient care dialysis technician unless the individual—

"(A) has completed a training program in the care and treatment of an individual with chronic kidney failure who is undergoing dialysis treatment; and

"(B) has been certified by a nationally recognized certification entity for dialysis technicians.

"(2)(A) A provider of services or a renal dialysis facility may permit an individual enrolled in a training program described in paragraph (1)(A) to serve as a patient care dialysis technician while they are so enrolled.

"(B) The requirements described in subparagraphs (A), (B), and (C) of paragraph (1) do not apply to an individual who has performed dialysis-related services for at least 5 years.

"(3) For purposes of paragraph (1), if, since the most recent completion by an individual of a training program described in paragraph (1)(A), there has been a period of 24 consecutive months during which the individual has not furnished dialysis-related services for monetary compensation, such individual shall be required to complete a new training program or become recertified as described in paragraph (1)(B).

"(4) A provider of services or a renal dialysis facility shall provide such regular performance review and regular in-service education as assures that individuals serving as patient care dialysis technicians for the provider or facility are competent to perform dialysis-related services.".

SEC. 634. MEDPAC REPORT ON TREATMENT MODALITIES FOR PATIENTS WITH KIDNEY FAILURE.

(a) EVALUATION.—

(1) IN GENERAL.—Not later than March 1, 2009, the Medicare Payment Advisory Commission (established under section 1805 of the Social Security Act) shall submit to the Secretary and Congress a report evaluating the barriers that exist to increasing the number of individuals with end-stage renal disease who elect to receive home dialysis services under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) REPORT DETAILS.—The report shall include the following:

(A) A review of Medicare home dialysis demonstration projects initiated before the date of the enactment of this Act, and the results of such demonstration projects and recommendations for future Medicare home dialysis demonstration projects or Medicare program changes that will test models that can improve Medicare beneficiary access to home dialysis.

(B) A comparison of current Medicare home dialysis costs and payments with current in-center and hospital dialysis costs and payments.

(C) An analysis of the adequacy of Medicare reimbursement for patient training for home dialysis (including hemodialysis and peritoneal dialysis) and recommendations for ensuring appropriate payment for such home dialysis training.

(D) A catalogue and evaluation of the incentives and disincentives in the current reimbursement system that influence whether patients receive home dialysis services or other treatment modalities.

(E) An evaluation of patient education services and how such services impact the treatment choices made by patients.

(F) Recommendations for implementing incentives to encourage patients to elect to receive home dialysis services or other treatment modalities under the Medicare program

(3) SCOPE OF REVIEW.—In preparing the report under paragraph (1), the Medicare Payment Advisory Commission shall consider a variety of perspectives, including the perspectives of physicians, other health care professionals, hospitals, dialysis facilities, health plans, purchasers, and patients.

SEC. 635. ADJUSTMENT FOR ERYTHROPOIETIN STIMULATING AGENTS (ESAS).

(a) IN GENERAL.—Subsection (b)(13) of section 1881 of the Social Security Act (42 U.S.C. 1395rr) is amended—

(1) in subparagraph (A)(iii), by striking "For such drugs" and inserting "Subject to subparagraph (C), for such drugs"; and

(2) by adding at the end the following new subparagraph:

"(C)(i) The payment amounts under this title for erythropoietin furnished during 2008 or 2009 to an individual with end stage renal disease by a large dialysis facility (as defined in subparagraph (D)) (whether to individuals in the facility or at home), in an amount equal to $8.75 per thousand units (rounded to the nearest 100 units) or, if less, 102 percent of the average sales price (as determined under section 1847A) for such drug or biological.

"(ii) The payment amounts under this title for darbepoetin alfa furnished during 2008 or 2009 to an individual with end stage renal disease by a large dialysis facility (as defined in clause (iii)) (whether to individuals in the facility or at home), in an amount equal to $2.92 per microgram or, if less, 102 percent of the average sales price (as determined under section 1847A) for such drug or biological.

"(iii) For purposes of this subparagraph, the term 'large dialysis facility' means a provider of services or renal dialysis facility that is owned or managed by a corporate entity that; as of July 24, 2007, owns or manages 300 or more such providers or facilities, and includes a successor to such a corporate entity".

(b) NO IMPACT ON DRUG ADD-ON PAYMENT.—Nothing in the amendments made by subsection (a) shall be construed to affect the amount of any payment adjustment made under section 1881(b)(12)(B)(ii) of the Social Security Act (42 U.S.C. 1395rr(b)(12)(B)(ii)).

SEC. 636. SITE NEUTRAL COMPOSITE RATE.

Subsection (b)(12)(A) of section 1881 of the Social Security Act (42 U.S.C. 1395rr) is amended by adding at the end the following new sentence: "Under such system the payment rate for dialysis services furnished on or after January 1, 2008, by providers of such services for hospital-based facilities shall be the same as the payment rate (computed without regard to this sentence) for such services furnished by renal dialysis facilities that are not hospital-based, except that in applying the geographic index under subparagraph (D) to hospital-based facilities, the labor share shall be based on the labor share otherwise applied for such facilities.".

SEC. 637. DEVELOPMENT OF ESRD BUNDLING SYSTEM AND QUALITY INCENTIVE PAYMENTS.

(a) DEVELOPMENT OF ESRD BUNDLING SYSTEM.—Subsection (b) of section 1881 of the

Social Security Act (42 U.S.C. 1395rr) is further amended—

(1) in paragraph (12)(A), by striking "In lieu of payment" and inserting "Subject to paragraph (14), in lieu of payment";

(2) in the second sentence of paragraph (12)(F)—

(A) by inserting "or paragraph (14)" after "this paragraph"; and

(B) by inserting "or under the system under paragraph (14)" after "subparagraph (B)";

(3) in paragraph (12)(H)—

(A) by inserting "or paragraph (14)" after "under this paragraph" the first place it appears; and

(B) by inserting before the period at the end the following: "or, under paragraph (14), the identification of renal dialysis services included in the bundled payment, the adjustment for outliers, the identification of facilities to which the phase-in may apply, and the determination of payment amounts under subparagraph (A) under such paragraph, and the application of paragraph (13)(C)(iii)";

(4) in paragraph (13)—

(A) in subparagraph (A), by striking "The payment amounts" and inserting "subject to paragraph (14), the payment amounts"; and

(B) in subparagraph (B)—

(i) in clause (i), by striking "(i)" after "(B)" and by inserting ", subject to paragraph (14)" before the period at the end; and

(ii) by striking clause (ii); and

(5) by adding at the end the following new paragraph:

"(14)(A) Subject to subparagraph (E), for services furnished on or after January 1, 2010, the Secretary shall implement a payment system under which a single payment is made under this title for renal dialysis services (as defined in subparagraph (B)) in lieu of any other payment (including a payment adjustment under paragraph (12)(B)(ii)) for such services and items furnished pursuant to paragraph (4). In implementing the system the Secretary shall ensure that the estimated total amount of payments under this title for 2010 for renal dialysis services shall equal 96 percent of the estimated amount of payments for such services, including payments under paragraph (12)(B)(ii), that would have been made if such system had not been implemented.

"(B) For purposes of this paragraph, the term 'renal dialysis services' includes—

"(i) items and services included in the composite rate for renal dialysis services as of December 31, 2009;

"(ii) erythropoietin stimulating agents furnished to individuals with end stage renal disease;

"(iii) other drugs and biologicals and diagnostic laboratory tests, that the Secretary identifies as commonly used in the treatment of such patients and for which payment was (before the application of this paragraph) made separately under this title, and any oral equivalent form of such drugs and biologicals or of drugs and biologicals described in clause (ii); and

"(iv) home dialysis training for which payment was (before the application of this paragraph) made separately under this section.

Such term does not include vaccines.

"(C) The system under this paragraph may provide for payment on the basis of services furnished during a week or month or such other appropriate unit of payment as the Secretary specifies.

"(D) Such system—

"(i) shall include a payment adjustment based on case mix that may take into account patient weight, body mass index, comorbidities, length of time on dialysis, age, race, ethnicity, and other appropriate factors;

"(ii) shall include a payment adjustment for high cost outliers due to unusual variations in the type or amount of medically necessary care, including variations in the amount of erythropoietin stimulating agents necessary for anemia management; and

"(iii) may include such other payment adjustments as the Secretary determines appropriate, such as a payment adjustment—

"(I) by a geographic index, such as the index referred to in paragraph (12)(D), as the Secretary determines to be appropriate;

"(II) for pediatric providers of services and renal dialysis facilities;

"(III) for low volume providers of services and renal dialysis facilities;

"(IV) for providers of services or renal dialysis facilities located in rural areas; and

"(V) for providers of services or renal dialysis facilities that are not large dialysis facilities.

"(E) The Secretary may provide for a phase-in of the payment system described in subparagraph (A) for services furnished by a provider of services or renal dialysis facility described in any of subclauses (II) through (V) of subparagraph (D)(iii), but such payment system shall be fully implemented for services furnished in the case of any such provider or facility on or after January 1, 2013.

"(F) The Secretary shall apply the annual increase that would otherwise apply under subparagraph (F) of paragraph (12) to payment amounts established under such paragraph (if this paragraph did not apply) in an appropriate manner under this paragraph.".

(6) PROHIBITION OF UNBUNDLING.—Section 1862(a) of such Act (42 U.S.C. 1395y(a)) is amended—

(A) by striking "or" at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting "; or"; and

(C) by inserting after paragraph (22) the following new paragraph:

"(23) where such expenses are for renal dialysis services (as defined in subparagraph (B) of section 1881(b)(14)) for which payment is made under such section (other than under subparagraph (E) of such section) unless such payment is made under such section to a provider of services or a renal dialysis facility for such services.".

(b) QUALITY INCENTIVE PAYMENTS.—Section 1881 of such Act is amended by adding at the end the following new subsection:

"(i) QUALITY INCENTIVE PAYMENTS IN THE END-STAGE RENAL DISEASE PROGRAM.—

"(1) QUALITY INCENTIVE PAYMENTS FOR SERVICES FURNISHED IN 2008, 2009, AND 2010.—

"(A) IN GENERAL.—With respect to renal dialysis services furnished during a performance period (as defined in subparagraph (B)) by a provider of services or renal dialysis facility that the Secretary determines meets the applicable performance standard for the period under subparagraph (C) and reports on measures for 2009 and 2010 under subparagraph (D) for such services, in addition to the amount otherwise paid under this section, subject to subparagraph (G), there also shall be paid to the provider or facility an amount equal to the applicable percentage (specified in subparagraph (E) for the period) of the Secretary's estimate (based on claims submitted not later than two months after the end of the performance period) of the amount specified in subparagraph (F) for such period.

"(B) PERFORMANCE PERIOD.—In this paragraph, the term 'performance period' means each of the following:

"(i) The period beginning on July 1, 2008, and ending on December 31, 2008.

"(ii) 2009.

"(iii) 2010.

"(C) PERFORMANCE STANDARD.—

"(i) 2008.—For the performance period occurring in 2008, the applicable performance standards for a provider or facility under this subparagraph are—

"(I) 92 percent or more of individuals with end stage renal disease receiving erythopoetin stimulating agents who have an average hematocrit of 33.0 percent or more; and

"(II) less than a percentage, specified by the Secretary, of individuals with end stage renal disease receiving erythopoetin stimulating agents who have an average hematocrit of 39.0 percent or more.

"(ii) 2009 AND 2010.—For the 2009 and 2010 performance periods, the applicable performance standard for a provider or facility under this subparagraph is successful performance (relative to national average) on—

"(I) such measures of anemia management as the Secretary shall specify, including measures of hemoglobin levels or hematocrit levels for erythropoietin stimulating agents that are consistent with the labeling for dosage of erythropoietin stimulating agents approved by the Food and Drug Administration for treatment of anemia in patients with end stage renal disease, taking into account variations in hemoglobin ranges or hematocrit levels of patients; and

"(II) such other measures, relating to subjects described in subparagraph (D)(i), as the Secretary may specify.

"(D) REPORTING PERFORMANCE MEASURES.—The performance measures under this subparagraph to be reported shall include—

"(i) such measures as the Secretary specifies, before the beginning of the performance period involved and taking into account measures endorsed by the National Quality Forum, including, to the extent feasible measures on—

"(I) iron management;

"(II) dialysis adequacy; and

"(III) vascular access, including for maximizing the placement of arterial venous fistula; and

"(ii) to the extent feasible, such measure (or measures) of patient satisfaction as the Secretary shall specify.

The provider or facility submitting information on such measures shall attest to the completeness and accuracy of such information.

"(E) APPLICABLE PERCENTAGE.—The applicable percentage specified in this subparagraph for—

"(i) the performance period occurring in 2008, is 1.0 percent;

"(ii) the 2009 performance period, is 2.0 percent; and

"(iii) the 2010 performance period, is 2.0 percent.

In the case of any performance period which is less than an entire year, the applicable percentage specified in this subparagraph shall be multiplied by the ratio of the number of months in the year to the number of months in such performance period. In the case of 2010, the applicable percentage specified in this subparagraph shall be multiplied by the Secretary's estimate of the ratio of the aggregate payment amount described in subparagraph (F)(i) that would apply in 2010 if paragraph (14) did not apply, to the aggregate payment base under subparagraph (F)(ii) for 2010.

"(F) PAYMENT BASE.—The payment base described in this subparagraph for a provider or facility is—

"(i) for performance periods before 2010, the payment amount determined under paragraph (12) for services furnished by the provider or facility during the performance period, including the drug payment adjustment described in subparagraph (B)(ii) of such paragraph; and

"(ii) for the 2010 performance period is the amount determined under paragraph (14) for services furnished by the provider or facility during the period.

"(G) LIMITATION ON FUNDING.—

"(i) IN GENERAL.—If the Secretary determines that the total payments under this paragraph for a performance period is projected to exceed the dollar amount specified in clause (ii) for such period, the Secretary shall reduce, in a pro rata manner, the amount of such payments for each provider or facility for such period to eliminate any such projected excess for the period.

"(ii) DOLLAR AMOUNT.—The dollar amount specified in this clause—

"(I) for the performance period occurring in 2008, is $50,000,000;

"(II) for the 2009 performance period is $100,000,000; and

"(III) for the 2010 performance period is $150,000,000.

"(H) FORM OF PAYMENT.—The payment under this paragraph shall be in the form of a single consolidated payment.

"(2) QUALITY INCENTIVE PAYMENTS FOR FACILITIES AND PROVIDERS FOR 2011.—

"(A) INCREASED PAYMENT.—For 2011, in the case of a provider or facility that, for the performance period (as defined in subparagraph (B))—

"(i) meets (or exceeds) the performance standard for anemia management specified in paragraph (1)(C)(ii)(I);

"(ii) has substantially improved performance or exceeds a performance standard (as determined under subparagraph (E)); and

"(iii) reports measures specified in paragraph (1)(D),

with respect to renal dialysis services furnished by the provider or facility during the quality bonus payment period (as specified in subparagraph (C)) the payment amount otherwise made to such provider or facility under subsection (b)(14) shall be increased, subject to subparagraph (F), by the applicable percentage specified in subparagraph (D). Payment amounts under paragraph (1) shall not be counted for purposes of applying the previous sentence.

"(B) PERFORMANCE PERIOD.—In this paragraph, the term 'performance period' means a multi-month period specified by the Secretary .

"(C) QUALITY BONUS PAYMENT PERIOD.—In this paragraph, the term 'quality bonus payment period' means, with respect to a performance period, a multi-month period beginning on January 1, 2011, specified by the Secretary that begins at least 3 months (but not more than 9 months) after the end of the performance period.

"(D) APPLICABLE PERCENTAGE.—The applicable percentage specified in this subparagraph is a percentage, not to exceed the 2.0 percent, specified by the Secretary consistent with subparagraph (F). Such percentage may vary based on the level of performance and improvement. The applicable percentage specified in this subparagraph shall be multiplied by the ratio applied under the third sentence of paragraph (1)(E) for 2010.

"(E) PERFORMANCE STANDARD.—Based on performance of a provider of services or a renal dialysis facility on performance measures described in paragraph (1)(D) for a performance period, the Secretary shall determine a composite score for such period.

"(F) LIMITATION ON FUNDING.—If the Secretary determines that the total amount to be paid under this paragraph for a quality bonus payment period is projected to exceed $200,000,000, the Secretary shall reduce, in a uniform manner, the applicable percentage otherwise applied under subparagraph (D) for services furnished during the period to eliminate any such projected excess.

"(3) APPLICATION.—

"(A) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement by program instruction or otherwise this subsection.

"(B) LIMITATIONS ON REVIEW.—

"(i) IN GENERAL.—There shall be no administrative or judicial review under section 1869 or 1878 or otherwise of—

"(I) the determination of performance measures and standards under this subsection;

"(II) the determination of successful reporting, including a determination of composite scores; and

"(III) the determination of the quality incentive payments made under this subsection.

"(ii) TREATMENT OF DETERMINATIONS.—A determination under this subparagraph shall not be treated as a determination for purposes of section 1869.

"(4) TECHNICAL ASSISTANCE.—The Secretary shall identify or establish an appropriately skilled group or organization, such as the ESRD Networks, to provide technical assistance to consistently low-performing facilities or providers that are in the bottom quintile.

"(5) PUBLIC REPORTING.—

"(A) ANNUAL NOTICE.—The Secretary shall provide an annual written notification to each individual who is receiving renal dialysis services from a provider of services or renal dialysis facility that—

"(i) informs such individual of the composite scores described in subparagraph (A) and other relevant quality measures with respect to providers of services or renal dialysis facilities in the local area;

"(ii) compares such scores and measures to the average local and national scores and measures; and

"(iii) provides information on how to access additional information on quality of such services furnished and options for alternative providers and facilities.

"(B) CERTIFICATES.—The Secretary shall provide certificates to facilities and providers who provide services to individuals with end-stage renal disease under this title to display in patient areas. The certificate shall indicate the composite score obtained by the facility or provider under the quality initiative.

"(C) WEB-BASED QUALITY LIST.—The Secretary shall establish a web-based list of facilities and providers who furnish renal dialysis services under this section that indicates their composite score of each provider and facility.

"(6) RECOMMENDATIONS FOR REPORTING AND QUALITY INCENTIVE INTITIATIVE FOR PHYSICIANS.—The Secretary shall develop recommendations for applying quality incentive payments under this subsection to physicians who receive the monthly capitated payment under this title. Such recommendations shall include the following:

"(A) Recommendations to include pediatric specific measures for physicians with at least 50 percent of their patients with end stage renal disease being individuals under 18 years of age.

"(B) Recommendations on how to structure quality incentive payments for physicians who demonstrate improvements in quality or who attain quality standards, as specified by the Secretary.

"(7) REPORTS.—

"(A) INITIAL REPORT.—Not later than January 1, 2013, the Secretary shall submit to Congress a report on the implementation of the bundled payment system under subsection (b)(14) and the quality initiative under this subsection. Such report shall include the following information:

"(i) A comparison of the aggregate payments under subsection (b)(14) for items and services to the cost of such items and services.

"(ii) The changes in utilization rates for erythropoietin stimulating agents.

"(iii) The mode of administering such agents, including information on the proportion of such individuals receiving such agents intravenously as compared to subcutaneously.

"(iv) The frequency of dialysis.

"(v) Other differences in practice patterns, such as the adoption of new technology, different modes of practice, and variations in use of drugs other than drugs described in clause (iii).

"(vi) The performance of facilities and providers under paragraph (2).

"(vii) Other recommendations for legislative and administrative actions determined appropriate by the Secretary.

"(B) SUBSEQUENT REPORT.—Not later than January 1, 2015, the Secretary shall submit to Congress a report that contains the information described in each of clauses (ii) through (vii) of subparagraph (A) and a comparison of the results of the payment system under subsection (b)(14) for renal dialysis services furnished during the 2-year period beginning on January 1, 2013, and the results of such payment system for such services furnished during the previous two-year period.".

SEC. 638. MEDPAC REPORT ON ESRD BUNDLING SYSTEM.

Not later than March 1, 2012, the Medicare Payment Advisory Commission (established under section 1805 of the Social Security Act) shall submit to Congress a report on the implementation of the payment system under section 1881(b)(14) of the Social Security Act (as added by section 7) for renal dialysis services and related services (defined in subparagraph (B) of such section). Such report shall include, with respect to such payment system for such services, an analysis of each of the following:

(1) An analysis of the overall adequacy of payment under such system for all such services.

(2) An analysis that compares the adequacy of payment under such system for services furnished by—

(A) a provider of services or renal dialysis facility that is described in section 1881(b)(13)(C)(iv) of the Social Security Act;

(B) a provider of services or renal dialysis facility not described in such section;

(C) a hospital-based facility;

(D) a freestanding renal dialysis facility;

(E) a renal dialysis facility located in an urban area; and

(F) a renal dialysis facility located in a rural area.

(3) An analysis of the financial status of providers of such services and renal dialysis facilities, including access to capital, return on equity, and return on capital.

(4) An analysis of the adequacy of payment under such method and the adequacy of the quality improvement payments under section 1881(i) of the Social Security Act in ensuring that payments for such services under the Medicare program are consistent with costs for such services.

(5) Recommendations, if appropriate, for modifications to such payment system.

SEC. 639. OIG STUDY AND REPORT ON ERYTHROPOIETIN.

(a) STUDY.—The Inspector General of the Department of Health and Human Services shall conduct a study on the following:

(1) The dosing guidelines, standards, protocols, and alogorithms for erythropoietin stimulating agents recommended or used by providers of services and renal dialysis facilities that are described in section 1881(b)(13)(C)(iv) of the Social Security Act and providers and facilities that are not described in such section.

(2) The extent to which such guidelines, standards, protocols, and algorithms are consistent with the labeling of the Food and Drug Administration for such agents.

(3) The extent to which physicians sign standing orders for such agents that are consistent with such guidelines, standards, protocols, and algorithms recommended or used by the provider or facility involved.

(4) The extent to which the prescribing decisions of physicians, with respect to such agents, are independent of—

(A) such relevant guidelines, standards, protocols, and algorithms; or

(B) recommendations of an anemia management nurse or other appropriate employee of the provider or facility involved.

(5) The role of medical directors of providers of services and renal dialysis facilities and the financial relationships between such providers and facilities and the physicians hired as medical directors of such providers and facilities, respectively.

(b) REPORT.—Not later than January 1, 2009, the Inspector General of the Department of Health and Human Services shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations as the Inspector General determines appropriate.

Subtitle D—Miscellaneous

SEC. 651. LIMITATION ON EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) if the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).";

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph."; and

(3) by adding at the end the following new subsection:

"(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

"(1) REQUIREMENTS DESCRIBED.—For purposes of paragraphs subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

"(A) PROVIDER AGREEMENT.—The hospital had a provider agreement under section 1866 in effect on July 24, 2007.

"(B) PROHIBITION OF EXPANSION OF FACILITY CAPACITY.—The number of operating rooms and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms and beds as of such date.

"(C) PREVENTING CONFLICTS OF INTEREST.—

"(i) The hospital submits to the Secretary an annual report containing a detailed description of—

"(I) the identity of each physician owner and any other owners of the hospital; and

"(II) the nature and extent of all ownership interests in the hospital.

"(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care ,as determined by the Secretary—

"(I) the ownership interest of such referring physician in the hospital; and

"(II) if applicable, any such ownership interest of the treating physician.

"(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

"(D) ENSURING BONA FIDE INVESTMENT.—

"(i) Physician owners in the aggregate do not own more than 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital.

"(ii) The investment interest of any individual physician owner does not exceed 2 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital.

"(iii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

"(iv) The hospital does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

"(v) The hospital does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

"(vi) Investment returns are distributed to investors in the hospital in an amount that is directly proportional to the investment of capital by the physician owner in the hospital.

"(vii) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

"(viii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

"(E) PATIENT SAFETY.—

"(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

"(I) the hospital discloses such fact to a patient; and

"(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

"(ii) The hospital has the capacity to—

"(I) provide assessment and initial treatment for patients; and

"(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

"(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(A)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

"(3) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of clauses (i) and (ii) of paragraph (1)(D), the Secretary shall collect physician ownership and investment information for each hospital as it existed on the date of the enactment of this subsection.

"(4) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.".

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in such section 1877(i)(1) of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

TITLE VII—PROVISIONS RELATING TO MEDICARE PARTS A AND B

SEC. 701. HOME HEALTH PAYMENT UPDATE FOR 2008.

Section 1895(b)(3)(B)(ii) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(B)(ii)) is amended—

(1) in subclause (IV) at the end, by striking "and";

(2) by redesignating subclause (V) as subclause (VII); and

(3) by inserting after subclause (IV) the following new subclauses:

"(V) 2007, subject to clause (v), the home health market basket percentage increase;

"(VI) 2008, subject to clause (v), 0 percent; and".

SEC. 702. 2-YEAR EXTENSION OF TEMPORARY MEDICARE PAYMENT INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA.

Section 421 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2283; 42 U.S.C. 1395fff note), as amended by section 5201(b) of the Deficit Reduction Act of 2005, is amended—

(1) in the heading, by striking "**ONE-YEAR**" and inserting "**TEMPORARY**"; and

(2) in subsection (a), by striking "and episodes and visits beginning on or after January 1, 2006, and before January 1, 2007" and inserting "episodes and visits beginning on or after January 1, 2006, and before January 1, 2007, and episodes and visits beginning on or after January 1, 2008, and before January 1, 2010".

SEC. 703. EXTENSION OF MEDICARE SECONDARY PAYER FOR BENEFICIARIES WITH END STAGE RENAL DISEASE FOR LARGE GROUP PLANS.

(a) IN GENERAL.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting accordingly;

(2) by amending the text preceding subclause (I), as so redesignated, to read as follows:

"(C) INDIVIDUALS WITH END STAGE RENAL DISEASE.—

"(i) IN GENERAL.—A group health plan (as defined in subparagraph (A)(v))—";

(3) in the matter following subclause (II), as so redesignated—

(A) by striking "clause (i)" and inserting "subclause (I)";

(B) by striking "clause (ii)" and inserting "subclause (II)"; and

(C) by striking "clauses (i) and (ii)" and inserting "subclauses (I) and (II)"; and

(D) in the last sentence, by striking "Effective for items" and inserting "Subject to clause (ii), effective for items"; and

(4) by adding at the end the following new clause:

"(ii) SPECIAL RULE FOR LARGE GROUP PLANS.—In applying clause (i) to a large group health plan (as defined in subparagraph (B)(iii)), with respect to periods beginning on or after the date that is 30 months prior to January 1, 2008, subclauses (I) and (II) of such clause shall be applied by substituting '42-month' for '12-month' each place it appears.".

SEC. 704. PLAN FOR MEDICARE PAYMENT ADJUSTMENTS FOR NEVER EVENTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall develop a plan (in this section referred to as the "never events plan") to implement, beginning in fiscal year 2010, a policy to reduce or eliminate payments under title XVIII of the Social Security Act for never events.

(b) NEVER EVENT DEFINED.—For purposes of this section, the term "never event" means an event involving the delivery of (or failure to deliver) physicians' services, inpatient or outpatient hospital services, or facility services furnished in an ambulatory surgical facility in which there is an error in medical care that is clearly identifiable, usually preventable, and serious in consequences to patients, and that indicates a deficiency in the safety and process controls of the services furnished with respect to the physician, hospital, or ambulatory surgical center involved.

(c) PLAN DETAILS.—

(1) DEFINING NEVER EVENTS.—With respect to criteria for identifying never events under the never events plan, the Secretary should consider whether the event meets the following characteristics:

(A) CLEARLY IDENTIFIABLE.—The event is clearly identifiable and measurable and feasible to include in a reporting system for never events.

(B) USUALLY PREVENTABLE.—The event is usually preventable taking into consideration that, because of the complexity of medical care, certain medical events are not always avoidable.

(C) SERIOUS.—The event is serious and could result in death or loss of a body part, disability, or more than transient loss of a body function.

(D) DEFICIENCY IN SAFETY AND PROCESS CONTROLS.—The event is indicative of a problem in safety systems and process controls used by the physician, hospital, or ambulatory surgical center involved and is indicative of the reliability of the quality of services provided by the physician, hospital, or ambulatory surgical center, respectively.

(2) IDENTIFICATION AND PAYMENT ISSUES.—With respect to policies under the never events plan for identifying and reducing (or eliminating) payment for never events, the Secretary shall consider—

(A) mechanisms used by hospitals and physicians in reporting and coding of services that would reliably identify never events; and

(B) modifications in billing and payment mechanisms that would enable the Secretary to efficiently and accurately reduce or eliminate payments for never events.

(3) PRIORITIES.—Under the never events plan the Secretary shall identify priorities regarding the services to focus on and, among those, the never events for which payments should be reduced or eliminated.

(4) CONSULTATION.—In developing the never events plan, the Secretary shall consult with affected parties that are relevant to payment reductions in response to never events.

(d) CONGRESSIONAL REPORT.—By not later than June 1, 2008, the Secretary shall submit a report to Congress on the never events plan developed under this subsection and shall include in the report recommendations on specific methods for implementation of the plan on a timely basis.

SEC. 705. TREATMENT OF MEDICARE HOSPITAL RECLASSIFICATIONS.

(a) EXTENDING CERTAIN MEDICARE HOSPITAL WAGE INDEX RECLASSIFICATIONS THROUGH FISCAL YEAR 2009.—

(1) IN GENERAL.—Section 106(a) of the Medicare Improvements and Extension Act of 2006 (division B of public Law 109-432) is amended by striking "September 30, 2007" and inserting "September 30, 2009".

(2) SPECIAL EXCEPTION RECLASSIFICATIONS.—The Secretary of Health and Human Services shall extend for discharges occurring through September 30, 2009, the special exception reclassification made under the authority of section 1886(d)(5)(I)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(I)(i)) and contained in the final rule promulgated by the Secretary in the Federal Register on August 11, 2004 (69 Fed. Reg. 49105, 49107).

(b) DISREGARDING SECTION 508 HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—Section 508 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173, 42 U.S.C. 1395ww note) is amended by adding at the end the following new subsection:

"(g) DISREGARDING HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—For purposes of the reclassification of a group of hospitals in a geographic area under section 1886(d), a hospital reclassified under this section (including any such reclassification which is extended under section 106(a) of the Medicare Improvements and Extension Act of 2006) shall not be taken into account and shall not prevent the other hospitals in such area from establishing such a group for such purpose.".

TITLE VIII—MEDICAID

Subtitle A—Protecting Existing Coverage

SEC. 801. MODERNIZING TRANSITIONAL MEDICAID.

(a) TWO-YEAR EXTENSION.—

(1) IN GENERAL.—Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each amended by striking "September 30, 2003" and inserting "September 30, 2009".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2007.

(b) STATE OPTION OF INITIAL 12-MONTH ELIGIBILITY.—Section 1925 of the Social Security Act (42 U.S.C. 1396r-6) is amended—

(1) in subsection (a)(1), by inserting "but subject to paragraph (5)" after "Notwithstanding any other provision of this title";

(2) by adding at the end of subsection (a) the following:

"(5) OPTION OF 12-MONTH INITIAL ELIGIBILITY PERIOD.—A State may elect to treat any reference in this subsection to a 6-month period (or 6 months) as a reference to a 12-month period (or 12 months). In the case of such an election, subsection (b) shall not apply."; and

(3) in subsection (b)(1), by inserting "but subject to subsection (a)(5)" after "Notwithstanding any other provision of this title".

(c) REMOVAL OF REQUIREMENT FOR PREVIOUS RECEIPT OF MEDICAL ASSISTANCE.—Section 1925(a)(1) of such Act (42 U.S.C. 1396r-6(a)(1)), as amended by subsection (b)(1), is further amended—

(1) by inserting "subparagraph (B) and" before "paragraph (5)";

(2) by redesignating the matter after "REQUIREMENT.—" as a subparagraph (A) with the heading "IN GENERAL.—" and with the same indentation as subparagraph (B) (as added by paragraph (3)); and

(3) by adding at the end the following:

"(B) STATE OPTION TO WAIVE REQUIREMENT FOR 3 MONTHS BEFORE RECEIPT OF MEDICAL ASSISTANCE.—A State may, at its option, elect also to apply subparagraph (A) in the case of a family that was receiving such aid for fewer than three months or that had applied for and was eligible for such aid for fewer than 3 months during the 6 immediately preceding months described in such subparagraph.".

(d) CMS REPORT ON ENROLLMENT AND PARTICIPATION RATES UNDER TMA.—Section 1925 of such Act (42 U.S.C. 1396r-6), as amended by this section, is further amended by adding at the end the following new subsection:

"(g) COLLECTION AND REPORTING OF PARTICIPATION INFORMATION.—

"(1) COLLECTION OF INFORMATION FROM STATES.—Each State shall collect and submit to the Secretary (and make publicly available), in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section and of the number and percentage of children who become ineligible for medical assistance under this section whose medical assistance is continued under another eligibility category or who are enrolled under the State's child health plan under title XXI. Such information shall be submitted at the same time and frequency in which other enrollment information under this title is submitted to the Secretary.

"(2) ANNUAL REPORTS TO CONGRESS.—Using the information submitted under paragraph (1), the Secretary shall submit to Congress annual reports concerning enrollment and participation rates described in such paragraph.".

(e) EFFECTIVE DATE.—The amendments made by subsections (b) through (d) shall take effect on the date of the enactment of this Act.

SEC. 802. FAMILY PLANNING SERVICES.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XVIII), by striking "or" at the end;

(B) in subclause (XIX), by adding "or" at the end; and

(C) by adding at the end the following new subclause:

"(XX) who are described in subsection (ee) (relating to individuals who meet certain income standards);".

(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 112(c), is amended by adding at the end the following new subsection:

"(ee)(1) Individuals described in this subsection are individuals

"(A) whose income does not exceed an income eligibility level established by the State that does not exceed the highest income eligibility level established under the State plan under this title (or under its State child health plan under title XXI) for pregnant women; and

"(B) who are not pregnant.

"(2) At the option of a State, individuals described in this subsection may include individuals who are determined to meet the eligibility requirements referred to in paragraph (1) under the terms, conditions, and procedures applicable to making eligibility determinations for medical assistance under this title under a waiver to provide the benefits described in clause (XV) of the matter following subparagraph (G) of section 1902(a)(10) granted to the State under section 1115 as of January 1, 2007.".

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking "and (XIV)" and inserting "(XIV)"; and

(B) by inserting ", and (XV) the medical assistance made available to an individual described in subsection (ee) shall be limited to family planning services and supplies described in section 1905(a)(4)(C) including medical diagnosis or treatment services that are provided pursuant to a family planning service in a family planning setting provided during the period in which such an individual is eligible;" after "cervical cancer".

(4) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (xii), by striking "or" at the end;

(B) in clause (xii), by adding "or" at the end; and

(C) by inserting after clause (xiii) the following:

"(xiv) individuals described in section 1902(ee),".

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920B the following:

"PRESUMPTIVE ELIGIBILITY FOR FAMILY PLANNING SERVICES

"SEC. 1920C. (a) STATE OPTION.— State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(ee) (relating to individuals who meet certain income eligibility standard) during a presumptive eligibility period. In the case of an individual described in section 1902(ee), such medical assistance shall be limited to family planning services and supplies described in 1905(a)(4)(C) and, at the State's option, medical diagnosis or treatment services that are provided in conjunction with a family planning service in a family planning setting provided during the period in which such an individual is eligible.

"(b) DEFINITIONS.—For purposes of this section:

"(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

"(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(ee); and

"(B) ends with (and includes) the earlier of—

"(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

"(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

"(2) QUALIFIED ENTITY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

"(i) is eligible for payments under a State plan approved under this title; and

"(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

"(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities in order to prevent fraud and abuse.

"(c) ADMINISTRATION.—

"(1) IN GENERAL.—The State agency shall provide qualified entities with—

"(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

"(B) information on how to assist such individuals in completing and filing such forms.

"(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

"(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

"(B) inform such individual at the time the determination is made that an application for medical assistance is required to be made by not later than the last day of the month following the month during which the determination is made.

"(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance by not later than the last day of the month following the month during which the determination is made.

"(d) PAYMENT.—Notwithstanding any other provision of this title, medical assistance that—

"(1) is furnished to an individual described in subsection (a)—

"(A) during a presumptive eligibility period;

"(B) by a entity that is eligible for payments under the State plan; and

"(2) is included in the care and services covered by the State plan, shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1905(b).".

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: "and provide for making medical assistance available to individuals described in subsection (a) of section 1920C during a presumptive eligibility period in accordance with such section.".

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking "or for" and inserting ", for"; and

(ii) by inserting before the period the following: ", or for medical assistance provided to an individual described in subsection (a) of section 1920C during a presumptive eligibility period under such section".

(c) CLARIFICATION OF COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.—Section 1937(b) of the Social Security Act (42 U.S.C. 1396u–7(b)) is amended by adding at the end the following:

"(5) COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.—Notwithstanding the previous provisions of this section, a State may not provide for medical assistance through enrollment of an individual with benchmark coverage or benchmark-equivalent coverage under this section unless such coverage includes for any individual described in section 1905(a)(4)(C), medical assistance for family planning services and supplies in accordance with such section.".

(f) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

SEC. 803. AUTHORITY TO CONTINUE PROVIDING ADULT DAY HEALTH SERVICES APPROVED UNDER A STATE MEDICAID PLAN.

(a) IN GENERAL.—During the period described in subsection (b), the Secretary of Health and Human Services shall not—

(1) withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) for the provision of adult day health care services, day activity and health services, or adult medical day care services, as defined under a State Medicaid plan approved during or before 1994, during such period if such services are provided consistent with such definition and the requirements of such plan; or

(2) withdraw Federal approval of any such State plan or part thereof regarding the provision of such services (by regulation or otherwise).

(b) PERIOD DESCRIBED.—The period described in this subsection is the period that begins on November 3, 2005, and ends on March 1, 2009.

SEC. 804. STATE OPTION TO PROTECT COMMUNITY SPOUSES OF INDIVIDUALS WITH DISABILITIES.

Section 1924(h)(1)(A) of the Social Security Act (42 U.S.C. 1396r–5(h)(1)(A)) is amended by striking "is described in section 1902(a)(10)(A)(ii)(VI)" and inserting "is being provided medical assistance for home and community-based services under subsection (c), (d), (e), (i), or (j) of section 1915 or pursuant to section 1115".

SEC. 805. COUNTY MEDICAID HEALTH INSURING ORGANIZATIONS.

(a) IN GENERAL.—Section 9517(c)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1396b note), as added by section 4734 of the Omnibus Budget Reconciliation Act of 1990 and as amended by section 704 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, is amended—

(1) in subparagraph (A), by inserting ", in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Ventura County, and in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Merced County" after "described in subparagraph (B)"; and

(2) in subparagraph (C), by striking "14 percent" and inserting "16 percent".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

Subtitle B—Payments

SEC. 811. PAYMENTS FOR PUERTO RICO AND TERRITORIES.

(a) PAYMENT CEILING.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended—

(1) in paragraph (2), by striking "paragraph (3)" and inserting "paragraphs (3) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4) FISCAL YEARS 2009 THROUGH 2012 FOR CERTAIN INSULAR AREAS.—The amounts otherwise determined under this subsection for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa for fiscal years 2009 through 2012 shall be increased by the following amounts:

"(A) PUERTO RICO.—For Puerto Rico, $250,000,000 for fiscal year 2009, $350,000,000 for fiscal year 2010, $500,000,000 for fiscal year 2011, and $600,000,000 for fiscal year 2012.

"(B) VIRGIN ISLANDS.—For the Virgin Islands, $5,000,000 for each of fiscal years 2009 through 2012.

"(C) GUAM.—For Guam, $5,000,000 for each of fiscal years 2009 through 2012.

"(D) NORTHERN MARIANA ISLANDS.—For the Northern Mariana Islands, $4,000,000 for each of fiscal years 2009 through 2012.

"(E) AMERICAN SAMOA.—For American Samoa, $4,000,000 for each of fiscal years 2009 through 2012.

Such amounts shall not be taken into account in applying paragraph (2) for fiscal years 2009 through 2012 but shall be taken into account in applying such paragraph for fiscal year 2013 and subsequent fiscal years.".

(b) REMOVAL OF FEDERAL MATCHING PAYMENTS FOR IMPROVING DATA REPORTING SYSTEMS FROM THE OVERALL LIMIT ON PAYMENTS TO TERRITORIES UNDER TITLE XIX.—Such section is further amended by adding at the end the following new paragraph:

"(5) EXCLUSION OF CERTAIN EXPENDITURES FROM PAYMENT LIMITS.— With respect to fiscal year 2008 and each fiscal year thereafter, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for a payment under subparagraph (A)(i) or (B) of section 1903(a)(3) for a calendar quarter of such fiscal year with respect to expenditures for improvements in data reporting systems described in such subparagraph, the limitation on expenditures under title XIX for such commonwealth or territory otherwise determined under subsection (f) and this subsection for such fiscal year shall be determined without regard to payment for such expenditures.".

SEC. 812. MEDICAID DRUG REBATE.

(a) BRAND.—Paragraph (1)(B)(i) of section 1927(c) of the Social Security Act (42 U.S.C. 1396r-8(c)) is amended—

(1) by striking "and" at the end of subclause (IV);

(2) in subclause (V)—

(A) by inserting "and before January 1, 2008," after "December 31, 1995"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subclause:

"(VI) after December 31, 2007, is 20.1 percent.".

(b) PBMS TO BEST PRICE DEFINITION.—

(1) IN GENERAL.—Section 1927(c)(1)(C)(ii)(I) of the Social Security Act (42 U.S.C. 1396r-8(c)(1)(C)(ii)(I)) is amended—

(A) by striking "and" before "rebates"; and

(B) by inserting before the semicolon at the end the following: ", and rebates, discounts, and other price concessions to pharmaceutical benefit managers (PBMs)".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to calendar quarters beginning on or after January 1, 2008.

SEC. 813. ADJUSTMENT IN COMPUTATION OF MEDICAID FMAP TO DISREGARD AN EXTRAORDINARY EMPLOYER PENSION CONTRIBUTION.

(a) IN GENERAL.—Only for purposes of computing the Federal medical assistance percentage under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) for a State for a fiscal year (beginning with fiscal year 2006), any significantly disproportionate employer pension contribution described in subsection (b) shall be disregarded in computing the per capita income of such State, but shall not be disregarded in computing the per capita income for the continental United States (and Alaska) and Hawaii.

(b) SIGNIFICANTLY DISPROPORTIONATE EMPLOYER PENSION CONTRIBUTION.—For purposes of subsection (a), a significantly disproportionate employer pension contribution described in this subsection with respect to a State for a fiscal year is an employer contribution towards pensions that is allocated to such State for a period if the aggregate amount so allocated exceeds 25 percent of the total increase in personal income in that State for the period involved.

SEC. 814. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to the date that is 1 year after the date of enactment of this Act, take any action (through promulgation of regulation, issuance of regulatory guidance, use of federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to restrict coverage or payment under title XIX of the Social Security Act for rehabilitation services, or school-based administration, transportation, or medical services if such restrictions are more restrictive in any aspect than those applied to such coverage or payment as of July 1, 2007.

SEC. 815. TENNESSEE DSH.

The DSH allotments for Tennessee for each fiscal year beginning with fiscal year 2008 under subsection (f)(3) of section 1923 of the Social Security Act (42 U.S.C. 13961396r-4) are deemed to be $30,000,000. The Secretary of Health and Human Services may impose a limitation on the total amount of payments made to hospitals under the TennCare Section 1115 waiver only to the extent that such limitation is necessary to ensure that a hospital does not receive payment in excess of the amounts described in subsection (f) of such section or as necessary to ensure that the waiver remains budget neutral.

SEC. 816. CLARIFICATION TREATMENT OF REGIONAL MEDICAL CENTER.

(a) IN GENERAL.—Nothing in section 1903(w) of the Social Security Act (42 U.S.C. 1396b(w)) shall be construed by the Secretary of Health and Human Services as prohibiting a State's use of funds as the non-Federal share of expenditures under title XIX of such Act where such funds are transferred from or certified by a publicly-owned regional medical center located in another State and described in subsection (b), so long as the Secretary determines that such use of funds is proper and in the interest of the program under title XIX.

(b) CENTER DESCRIBED.—A center described in this subsection is a publicly-owned regional medical center that—

(1) provides level 1 trauma and burn care services;

(2) provides level 3 neonatal care services;

(3) is obligated to serve all patients, regardless of ability to pay;

(4) is located within a Standard Metropolitan Statistical Area (SMSA) that includes at least 3 States;

(5) provides services as a tertiary care provider for patients residing within a 125-mile radius; and

(6) meets the criteria for a disproportionate share hospital under section 1923 of such Act (42 U.S.C. 1396r-4) in at least one State other than the State in which the center is located.

Subtitle C—Miscellaneous

SEC. 821. DEMONSTRATION PROJECT FOR EMPLOYER BUY-IN.

Title XXI of the Social Security Act, as amended by section 115(a)(1), is further amended by adding at the end the following new section:

"SEC. 2112. DEMONSTRATION PROJECT FOR EMPLOYER BUY-IN.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall establish a demonstration project under which up to 10 States (each referred to in this section as a 'participating State') that meets the conditions of paragraph (2) may provide, under its State child health plan (notwithstanding section 2102(b)(3)(C)) for a period of 5 years, for child health assistance in relation to family coverage described in subsection (d) for children who would be targeted low-income children but for coverage as beneficiaries under a group health plan as the children of participants by virtue of a qualifying employer's contribution under subsection (b)(2). :

"(2) CONDITIONS.—The conditions described in this paragraph for a State are as follows:

"(A) NO WAITING LISTS.—The State does not impose any waiting list, enrollment cap, or similar limitation on enrollment of targeted low-income children under the State child health plan.

"(B) ELIGIBILITY OF ALL CHILDREN UNDER 200 PERCENT OF POVERTY LINE.—The State is applying an income eligibility level under section 2110(b)(1)(B)(ii)(I) that is at least 200 percent of the poverty line.

"(3) QUALIFYING EMPLOYER DEFINED.—In this section, the term 'qualifying employer' means an employer that has a majority of its workforce composed of full-time workers with family incomes reasonably estimated by the employer (based on wage information available to the employer) at or below 200 percent of the poverty line. In applying the previous sentence, two part-time workers shall be treated as a single full-time worker.

"(b) FUNDING.—A demonstration project under this section in a participating State shall be funded, with respect to assistance provided to children described in subsection (a)(1), consistent with the following:

"(1) LIMITED FAMILY CONTRIBUTION.—The family involved shall be responsible for providing payment towards the premium for such assistance of such amount as the State may specify, except that the limitations on cost-sharing (including premiums) under paragraphs (2) and (3) of section 2103(e) shall apply to all cost-sharing of such family under this section.

"(2) MINIMUM EMPLOYER CONTRIBUTION.—The qualifying employer involved shall be responsible for providing payment to the State child health plan in the State of at least 50 percent of the portion of the cost (as determined by the State) of the family coverage in which the employer is enrolling the family that exceeds the amount of the family contribution under paragraph (1) applied towards such coverage.

"(3) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—In no case shall the Federal financial participation under section 2105 with respect to a demonstration project under this section be made for any portion of the costs of family coverage described in subsection (d) (including the costs of administration of such coverage) that are not attributable to children described in subsection (a)(1).

"(c) UNIFORM ELIGIBILITY RULES.—In providing assistance under a demonstration project under this section—

"(1) a State shall establish uniform rules of eligibility for families to participate; and

"(2) a State shall not permit a qualifying employer to select, within those families that meet such eligibility rules, which families may participate.

"(d) TERMS AND CONDITIONS.—The family coverage offered to families of qualifying employers under a demonstration project under this section in a State shall be the same as the coverage and benefits provided under the State child health plan in the State for targeted low-income children with the highest family income level permitted.".

SEC. 822. DIABETES GRANTS.

Section 2104 of the Social Security Act (42 U.C.C 1397dd), as amended by section 101, is further amended—

(1) in subsection (a)(11), by inserting before the period at the end the following: "plus for fiscal year 2009 the total of the amount specified in subsection (j)"; and

(2) by adding at the end the following new subsection:

"(j) FUNDING FOR DIABETES GRANTS.—From the amounts appropriated under subsection (a)(11), for fiscal year 2009 from the amounts—

"(1) $150,000,000 is hereby transferred and made available in such fiscal year for grants under section 330B of the Public Health Service Act; and

"(2) $150,000,000 is hereby transferred and made available in such fiscal year for grants under section 330C of such Act.".

SEC. 823. TECHNICAL CORRECTION.

(a) CORRECTION OF REFERENCE TO CHILDREN IN FOSTER CARE RECEIVING CHILD WELFARE SERVICES.—Section 1937(a)(2)(B)(viii) of the Social Security Act (42 U.S.C. 1396u–7(a)(2)(B) is amended by striking "aid or assistance is made available under part B of title IV to children in foster care" and inserting "child welfare services are made available under part B of title IV on the basis of being a child in foster care".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendment made by section 6044(a) of the Deficit Reduction Act of 2005.

TITLE IX—MISCELLANEOUS

SEC. 901. MEDICARE PAYMENT ADVISORY COMMISSION STATUS.

Section 1805(a) of the Social Security Act (42 U.S.C. 1395b–6(a)) is amended by inserting "as an agency of Congress" after "established".

SEC. 902. REPEAL OF TRIGGER PROVISION.

Subtitle A of title VIII of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is repealed and the provisions of law amended by such subtitle are restored as if such subtitle had never been enacted.

SEC. 903. REPEAL OF COMPARATIVE COST ADJUSTMENT (CCA) PROGRAM.

Section 1860C–1 of the Social Security Act (42 U.S.C. 1395w–29), as added by section 241(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is repealed.

SEC. 904. COMPARATIVE EFFECTIVENESS RESEARCH.

(a) IN GENERAL.—Part A of title XVIII of the Social Security Act is amended by adding at the end the following new section:

"COMPARATIVE EFFECTIVENESS RESEARCH

"SEC. 1822. (a) CENTER FOR COMPARATIVE EFFECTIVENESS RESEARCH ESTABLISHED.—

"(1) IN GENERAL.—The Secretary shall establish within the Agency of Healthcare Research and Quality a Center for Comparative Effectiveness Research (in this section referred to as the 'Center') to conduct, support, and synthesize research (including research conducted or supported under section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003) with respect to the outcomes, effectiveness, and appropriateness of health care services and procedures in order to identify the manner in which diseases, disorders, and other health conditions can most effectively and appropriately be prevented, diagnosed, treated, and managed clinically.

"(2) DUTIES.—The Center shall—

"(A) conduct, support, and synthesize research relevant to the comparative clinical effectiveness of the full spectrum of health care treatments, including pharmaceuticals, medical devices, medical and surgical procedures, and other medical interventions;

"(B) conduct and support systematic reviews of clinical research, including original research conducted subsequent to the date of the enactment of this section;

"(C) use methodologies such as randomized controlled clinical trials as well as other various types of clinical research, such as observational studies;

"(D) submit to the Comparative Effectiveness Research Commission, the Secretary, and Congress appropriate relevant reports described in subsection (d)(2);

"(E) encourage, as appropriate, the development and use of clinical registries and the development of clinical effectiveness research data networks from electronic health records, post marketing drug and medical device surveillance efforts, and other forms of electronic health data; and

"(F) not later than 180 days after the date of the enactment of this section, develop methodological standards to be used when conducting studies of comparative clinical effectiveness and value (and procedures for use of such standards) in order to help ensure accurate and effective comparisons and update such standards at least biennially.

"(b) OVERSIGHT BY COMPARATIVE EFFECTIVENESS RESEARCH COMMISSION.—

"(1) IN GENERAL.—The Secretary shall establish an independent Comparative Effectiveness Research Commission (in this section referred to as the 'Commission') to oversee and evaluate the activities carried out by the Center under subsection (a) to ensure such activities result in highly credible research and information resulting from such research.

"(2) DUTIES.—The Commission shall—

"(A) determine national priorities for research described in subsection (a) and in making such determinations consult with patients and health care providers and payers;

"(B) monitor the appropriateness of use of the CERTF described in subsection (f) with respect to the timely production of comparative effectiveness research determined to be a national priority under subparagraph (A);

"(C) identify highly credible research methods and standards of evidence for such research to be considered by the Center;

"(D) review and approve the methodological standards (and updates to such standards) developed by the Center under subsection (a)(2)(F);

"(E) enter into an arrangement under which the Institute of Medicine of the National Academy of Sciences shall conduct an evaluation and report on standards of evidence for such research;

"(F) support forums to increase stakeholder awareness and permit stakeholder feedback on the efforts of the Agency of Healthcare Research and Quality to advance methods and standards that promote highly credible research;

"(G) make recommendations for public data access policies of the Center that would allow for access of such data by the public while ensuring the information produced from research involved is timely and credible;

"(H) appoint a clinical perspective advisory panel for each research priority determined under subparagraph (A), which shall frame the specific research inquiry to be examined with respect to such priority to ensure that the information produced from such research is clinically relevant to decisions made by clinicians and patients at the point of care;

"(I) make recommendations for the priority for periodic reviews of previous comparative effectiveness research and studies conducted by the Center under subsection (a);

"(J) routinely review processes of the Center with respect to such research to confirm that the information produced by such research is objective, credible, consistent with standards of evidence established under this section, and developed through a transparent process that includes consultations with appropriate stakeholders;

"(K) at least annually, provide guidance or recommendations to health care providers and consumers for the use of information on the comparative effectiveness of health care services by consumers, providers (as defined for purposes of regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996) and public and private purchasers;

"(L) make recommendations for a strategy to disseminate the findings of research conducted and supported under this section that enables clinicians to improve performance, consumers to make more informed health care decisions, and payers to set medical policies that improve quality and value;

"(M) provide for the public disclosure of relevant reports described in subsection (d)(2); and

"(N) submit to Congress an annual report on the progress of the Center in achieving national priorities determined under subparagraph (A) for the provision of credible comparative effectiveness information produced from such research to all interested parties.

"(3) COMPOSITION OF COMMISSION.—

"(A) IN GENERAL.—The members of the Commission shall consist of—

"(i) the Director of the Agency for Healthcare Research and Quality;

"(ii) the Chief Medical Officer of the Centers for Medicare & Medicaid Services; and

"(iii) up to 15 additional members who shall represent broad constituencies of stakeholders including clinicians, patients, researchers, third-party payers, consumers of Federal and State beneficiary programs. .

"(B) QUALIFICATIONS.—

"(i) DIVERSE REPRESENTATION OF PERSPECTIVES.—The members of the Commission shall represent a broad range of perspectives and shall collectively have experience in the following areas:

"(I) Epidemiology.

"(II) Health services research.

"(III) Bioethics.

"(IV) Decision sciences.

"(V) Economics.

"(ii) DIVERSE REPRESENTATION OF HEALTH CARE COMMUNITY.—At least one member shall represent each of the following health care communities:

"(I) Consumers.

"(II) Practicing physicians, including surgeons.

"(III) Employers.

"(IV) Public payers.

"(V) Insurance plans.

"(VI) Clinical researchers who conduct research on behalf of pharmaceutical or device manufacturers.

"(4) APPOINTMENT.—The Comptroller General of the United States, in consultation with the chairs of the committees of jurisdiction of the House of Representatives and the Senate, shall appoint the members of the Commission.

"(5) CHAIRMAN; VICE CHAIRMAN.—The Comptroller General of the United States shall designate a member of the Commission, at the time of appointment of the member, as Chairman and a member as Vice Chairman for that term of appointment, except that in the case of vacancy of the Chairmanship or Vice Chairmanship, the Comptroller General may designate another member for the remainder of that member's term.

"(6) TERMS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission shall be appointed for a term of 4 years.

"(B) TERMS OF INITIAL APPOINTEES.—Of the members first appointed—

"(i) 10 shall be appointed for a term of 4 years; and

"(ii) 9 shall be appointed for a term of 3 years.

"(7) COORDINATION.—To enhance effectiveness and coordination, the Comptroller General is encouraged, to the greatest extent possible, to seek coordination between the Commission and the National Advisory Council of the Agency for Healthcare Research and Quality.

"(8) CONFLICTS OF INTEREST.—In appointing the members of the Commission or a clinical perspective advisory panel described in paragraph (2)(G), the Comptroller General of the United States or the Commission, respectively, shall take into consideration any finaricial conflicts of interest.

"(9) COMPENSATION.—While serving on the business of the Commission (including traveltime), a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code; and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Director of the Commission.

"(10) AVAILABILITY OF REPORTS.—The Commission shall transmit to the Secretary a copy of each report submitted under this subsection and shall make such reports available to the public.

"(11) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—Subject to such review as the Secretary, in consultation with the Comptroller General deems necessary to assure the efficient administration of the Commission, the Commission may—

"(A) employ and fix the compensation of an Executive Director (subject to the approval of the Secretary, in consultation with the Comptroller General) and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

"(B) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

"(C) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

"(D) make advance, progress, and other payments which relate to the work of the Commission;

"(E) provide transportation and subsistence for persons serving without compensation; and

"(F) prescribe such rules and regulations as it deems necessary with respect to the internal organization and operation of the Commission.

"(12) POWERS.—

"(A) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Executive Director, the head of that department or agency shall furnish that information to the Commission on an agreed upon schedule.

"(B) DATA COLLECTION.—In order to carry out its functions, the Commission shall—

"(i) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section,

"(ii) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate, and

"(iii) adopt procedures allowing any interested party to submit information for the Commission's use in making reports and recommendations.

"(C) ACCESS OF GAO TO INFORMATION.—The Comptroller General shall have unrestricted access to all deliberations, records, and nonproprietary data of the Commission, immediately upon request.

"(D) PERIODIC AUDIT.—The Commission shall be subject to periodic audit by the Comptroller General.

"(c) RESEARCH REQUIREMENTS.—Any research conducted, supported, or synthesized under this section shall meet the following requirements:

"(1) ENSURING TRANSPARENCY, CREDIBILITY, AND ACCESS.—

"(A) The establishment of the agenda and conduct of the research shall be insulated from inappropriate political or stakeholder influence.

"(B) Methods of conducting such research shall be scientifically based.

"(C) All aspects of the prioritization of research, conduct of the research, and development of conclusions based on the research shall be transparent to all stakeholders.

"(D) The process and methods for conducting such research shall be publicly documented and available to all stakeholders.

"(E) Throughout the process of such research, the Center shall provide opportunities for all stakeholders involved to review and provide comment on the methods and findings of such research.

"(2) USE OF CLINICAL PERSPECTIVE ADVISORY PANELS.—The research shall meet a national research priority determined under subsection (b)(2)(A) and shall examine the specific research inquiry framed by the clinical perspective advisory panel for the national research priority.

"(3) STAKEHOLDER INPUT.—The priorities of the research, the research, and the dissemination of the research shall involve the consultation of patients, health care providers, and health care consumer representatives through transparent mechanisms recommended by the Commission.

"(d) PUBLIC ACCESS TO COMPARATIVE EFFECTIVENESS INFORMATION.—

"(1) IN GENERAL.—Not later than 90 days after receipt by the Center or Commission, as applicable, of a relevant report described in paragraph (2) made by the Center, Commission, or clinical perspective advisory panel under this section, appropriate information contained in such report shall be posted on the official public Internet site of the Center and of the Commission, as applicable.

"(2) RELEVANT REPORTS DESCRIBED.—For purposes of this section, a relevant report is each of the following submitted by a grantee or contractor of the Center:

"(A) An interim progress report.

"(B) A draft final comparative effectiveness review.

"(C) A final progress report on new research submitted for publication by a peer review journal.

"(D) Stakeholder comments.

"(E) A final report.

"(3) ACCESS BY CONGRESS AND THE COMMISSION TO THE CENTER'S INFORMATION.—Congress and the Commission shall each have unrestricted access to all deliberations, records, and nonproprietary data of the Center, immediately upon request.

"(e) DISSEMINATION AND INCORPORATION OF COMPARATIVE EFFECTIVENESS INFORMATION.—

"(1) DISSEMINATION.—The Center shall provide for the dissemination of appropriate findings produced by research supported, conducted, or synthesized under this section to health care providers, patients, vendors of health information technology focused on clinical decision support, appropriate professional associations, and Federal and private health plans.

"(2) INCORPORATION.—The Center shall assist users of health information technology focused on clinical decision support to promote the timely incorporation of the findings described in paragraph (1) into clinical practices and to promote the ease of use of such incorporation.

"(f) REPORTS TO CONGRESS.—

"(1) ANNUAL REPORTS.—Beginning not later than one year after the date of the enactment of this section, the Director of the Agency of Healthcare Research and Quality and the Center for Comparative Effectiveness Research shall submit to Congress an annual report on the activities of the Center and the Commission, as well as the research, conducted under this section.

"(2) RECOMMENDATION FOR FAIR SHARE PER CAPITA AMOUNT FOR ALL-PAYER FINANCING.—Beginning not later than December 31, 2009, the Secretary shall submit to Congress an annual recommendation for a fair share per capita amount described in subsection (c)(1) of section 9511 of the Internal Revenue Code of 1986 for purposes of funding the CERTF under such section.

"(3) ANALYSIS AND REVIEW.—Not later than December 31, 2011, the Secretary, in consultation with the Commission, shall submit to Congress a report on all activities conducted or supported under this section as of such date. Such report shall include an evaluation of the return on investment resulting from such activities, the overall costs of such activities, and an analysis of the backlog of any research proposals approved by the Commission but not funded. Such report shall also address whether Congress should expand the responsibilities of the Center and of the Commission to include studies of the effectiveness of various aspects of the health care delivery system, including health plans and delivery models, such as health plan features, benefit designs and performance, and the ways in which health services are organized, managed, and delivered.

"(g) COORDINATING COUNCIL FOR HEALTH SERVICES RESEARCH.—

"(1) ESTABLISHMENT.—The Secretary shall establish a permanent council (in this section referred to as the 'Council') for the purpose of—

"(A) assisting the offices and agencies of the Department of Health and Human Services, the Department of Veterans Affairs, the Department of Defense, and any other Federal department or agency to coordinate the conduct or support of health services research; and

"(B) advising the President and Congress on—

"(i) the national health services research agenda;

"(ii) strategies with respect to infrastructure needs of health services research; and

"(iii) appropriate organizational expenditures in health services research by relevant Federal departments and agencies.

"(2) MEMBERSHIP.—

"(A) NUMBER AND APPOINTMENT.—The Council shall be composed of 20 members. One member shall be the Director of the Agency for Healthcare Research and Quality. The Director shall appoint the other members not later than 30 days after the enactment of this Act.

"(B) TERMS.—

"(i) IN GENERAL.—Except as provided in clause (ii), each member of the Council shall be appointed for a term of 4 years.

"(ii) TERMS OF INITIAL APPOINTEES.—Of the members first appointed—

"(I) 8 shall be appointed for a term of 4 years; and

"(II) 7 shall be appointed for a term of 3 years.

"(iii) VACANCIES.—Any vacancies shall not affect the power and duties of the Council and shall be filled in the same manner as the original appointment.

"(C) QUALIFICATIONS.—

"(i) IN GENERAL.—The members of the Council shall include one senior official from each of the following agencies:

"(I) The Veterans Health Administration.

"(II) The Department of Defense Military Health Care System.

"(III) The Centers for Disease Control and Prevention.

"(IV) The National Center for Health Statistics.

"(V) The National Institutes of Health.

"(VI) The Center for Medicare & Medicaid Services.

"(VII) The Federal Employees Health Benefits Program.

"(ii) NATIONAL, PHILANTHROPIC FOUNDATIONS.—The members of the Council shall include 4 senior leaders from major national, philanthropic foundations that fund and use health services research.

"(iii) STAKEHOLDERS.—The remaining members of the Council shall be representatives of other stakeholders in health services research, including private purchasers, health plans, hospitals and other health facilities, and health consumer groups.

"(3) ANNUAL REPORT.—The Council shall submit to Congress an annual report on the progress of the implementation of the national health services research agenda.

"(h) FUNDING OF COMPARATIVE EFFECTIVENESS RESEARCH.—For fiscal year 2009 and each subsequent fiscal year, amounts in the Comparative Effectiveness Research Trust Fund (referred to in this section as the 'CERTF') under section 9511 of the Internal Revenue Code of 1986 shall be available to the Secretary to carry out this section.".

(b) COMPARATIVE EFFECTIVENESS RESEARCH TRUST FUND; FINANCING FOR TRUST FUND.—

(1) ESTABLISHMENT OF TRUST FUND.—

(A) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9511. HEALTH CARE COMPARATIVE EFFECTIVENESS RESEARCH TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Health Care Comparative Effectiveness Research Trust Fund' (hereinafter in this section referred to as the 'CERTF'), consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section and section 9602(b).

"(b) TRANSFERS TO FUND.—There are hereby appropriated to the Trust Fund the following:

"(1) For fiscal year 2008, $90,000,000.

"(2) For fiscal year 2009, $100,000,000.

"(3) For fiscal year 2010, $110,000,000.

"(4) For each fiscal year beginning with fiscal year 2011—

"(A) an amount equivalent to the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans) for such fiscal year; and

"(B) subject to subsection (c)(2), amounts determined by the Secretary of Health and Human Services to be equivalent to the fair share per capita amount computed under subsection (c)(1) for the fiscal year multiplied by the average number of individuals entitled to benefits under part A, or enrolled under part B, of title XVIII of the Social Security Act during such fiscal year.

The amounts appropriated under paragraphs (1), (2), (3), and (4)(B) shall be transferred from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund (established under section 1841 of such Act), and from the Medicare Prescription Drug Account within such Trust Fund, in proportion (as estimated by the Secretary) to the total expenditures during such fiscal year that are made under title XVIII of such Act from the respective trust fund or account.

"(c) FAIR SHARE PER CAPITA AMOUNT.—

"(1) COMPUTATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the fair share per capita amount under this paragraph for a fiscal year (beginning with fiscal year 2011) is an amount computed by the Secretary of Health and Human Services for such fiscal year that, when applied under this section and subchapter B of chapter 34 of the Internal Revenue Code of 1986, will result in revenues to the CERTF of $375,000,000 for the fiscal year.

"(B) ALTERNATIVE COMPUTATION.—

"(i) IN GENERAL.—If the Secretary is unable to compute the fair share per capita amount under subparagraph (A) for a fiscal year, the fair share per capita amount under this paragraph for the fiscal year shall be the default amount determined under clause (ii) for the fiscal year.

"(ii) DEFAULT AMOUNT.—The default amount under this clause for—

"(I) fiscal year 2011 is equal to $2; or

"(II) a subsequent year is equal to the default amount under this clause for the preceeding fiscal year increased by the annual percentage increase in the medical care component of the consumer price index (United States city average) for the 12-month period ending with April of the preceding fiscal year.

Any amount determined under subclause (II) shall be rounded to the nearest penny.

"(2) LIMITATION ON MEDICARE FUNDING.—In no case shall the amount transferred under subsection (b)(4)(B) for any fiscal year exceed $90,000,000.

"(d) EXPENDITURES FROM FUND.—

"(1) IN GENERAL.—Subject to paragraph (2), amounts in the CERTF are available to the Secretary of Health and Human Services for carrying out section 1822 of the Social Security Act.

"(2) ALLOCATION FOR COMMISSION.—The following amounts in the CERTF for a fiscal year shall be available to carry out the activities of the Comparative Effectiveness Research Commission established under section 1822(b) of the Social Security Act for such fiscal year:

"(A) For fiscal year 2008, $7,000,000.

"(B) For fiscal year 2009, $9,000,000.

"(C) For each fiscal year beginning with 2010, $10,000,000.

Nothing in this paragraph shall be construed as preventing additional amounts in the CERTF from being made available to the Comparative Effectiveness Research Commission for such activities.

"(e) NET REVENUES.—For purposes of this section, the term 'net revenues' means the amount estimated by the Secretary based on the excess of—

"(1) the fees received in the Treasury under subchapter B of chapter 34, over

"(2) the decrease in the tax imposed by chapter 1 resulting from the fees imposed by such subchapter.".

(B) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

"Sec. 9511. Health Care Comparative Effectiveness Research Trust Fund.".

(2) FINANCING FOR FUND FROM FEES ON INSURED AND SELF-INSURED HEALTH PLANS.—

(A) GENERAL RULE.—Chapter 34 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

"Subchapter B—Insured and Self-Insured Health Plans

"Sec. 4375. Health insurance.
"Sec. 4376. Self-insured health plans.
"Sec. 4377. Definitions and special rules.

"SEC. 4375. HEALTH INSURANCE.

"(a) IMPOSITION OF FEE.—There is hereby imposed on each specified health insurance policy for each policy year a fee equal to the fair share per capita amount determined under section 9511(c)(1) multiplied by the average number of lives covered under the policy.

"(b) LIABILITY FOR FEE.—The fee imposed by subsection (a) shall be paid by the issuer of the policy.

"(c) SPECIFIED HEALTH INSURANCE POLICY.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this section, the term 'specified health insurance policy' means any accident or health insurance policy issued with respect to individuals residing in the United States.

"(2) EXEMPTION OF CERTAIN POLICIES.—The term 'specified health insurance policy' does not include any insurance policy if substantially all of the coverage provided under such policy relates to—

"(A) liabilities incurred under workers' compensation laws,

"(B) tort liabilities,

"(C) liabilities relating to ownership or use of property,

"(D) credit insurance,

"(E) medicare supplemental coverage, or

"(F) such other similar liabilities as the Secretary may specify by regulations.

"(3) TREATMENT OF PREPAID HEALTH COVERAGE ARRANGEMENTS.—

"(A) IN GENERAL.—In the case of any arrangement described in subparagraph (B)—

"(i) such arrangement shall be treated as a specified health insurance policy, and

"(ii) the person referred to in such subparagraph shall be treated as the issuer.

"(B) DESCRIPTION OF ARRANGEMENTS.—An arrangement is described in this subparagraph if under such arrangement fixed payments or premiums are received as consideration for any person's agreement to provide or arrange for the provision of accident or health coverage to residents of the United States, regardless of how such coverage is provided or arranged to be provided.

"SEC. 4376. SELF-INSURED HEALTH PLANS.

"(a) IMPOSITION OF FEE.—In the case of any applicable self-insured health plan for each plan year, there is hereby imposed a fee equal to the fair share per capita amount determined under section 9511(c)(1) multiplied by the average number of lives covered under the plan.

"(b) LIABILITY FOR FEE.—

"(1) IN GENERAL.—The fee imposed by subsection (a) shall be paid by the plan sponsor.

"(2) PLAN SPONSOR.—For purposes of paragraph (1) the term 'plan sponsor' means—

"(A) the employer in the case of a plan established or maintained by a single employer,

"(B) the employee organization in the case of a plan established or maintained by an employee organization,

"(C) in the case of—

"(i) a plan established or maintained by 2 or more employers or jointly by 1 or more employers and 1 or more employee organizations,

"(ii) a multiple employer welfare arrangement, or

"(iii) a voluntary employees' beneficiary association described in section 501(c)(9),

the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan, or

"(D) the cooperative or association described in subsection (c)(2)(F) in the case of a plan established or maintained by such a cooperative or association.

"(c) APPLICABLE SELF-INSURED HEALTH PLAN.—For purposes of this section, the term 'applicable self-insured health plan' means any plan for providing accident or health coverage if—

"(1) any portion of such coverage is provided other than through an insurance policy, and

"(2) such plan is established or maintained—

"(A) by one or more employers for the benefit of their employees or former employees,

"(B) by one or more employee organizations for the benefit of their members or former members,

"(C) jointly by 1 or more employers and 1 or more employee organizations for the benefit of employees or former employees,

"(D) by a voluntary employees' beneficiary association described in section 501(c)(9),

"(E) by any organization described in section 501(c)(6), or

"(F) in the case of a plan not described in the preceding subparagraphs, by a multiple employer welfare arrangement (as defined in section 3(40) of Employee Retirement Income Security Act of 1974), a rural electric cooperative (as defined in section 3(40)(B)(iv) of such Act), or a rural telephone cooperative association (as defined in section 3(40)(B)(v) of such Act).

"SEC. 4377. DEFINITIONS AND SPECIAL RULES.

"(a) DEFINITIONS.—For purposes of this subchapter—

"(1) ACCIDENT AND HEALTH COVERAGE.—The term 'accident and health coverage' means any coverage which, if provided by an insurance policy, would cause such policy to be a specified health insurance policy (as defined in section 4375(c)).

"(2) INSURANCE POLICY.—The term 'insurance policy' means any policy or other instrument whereby a contract of insurance is issued, renewed, or extended.

"(3) UNITED STATES.—The term 'United States' includes any possession of the United States.

"(b) TREATMENT OF GOVERNMENTAL ENTITIES.—

"(1) IN GENERAL.—For purposes of this subchapter—

"(A) the term 'person' includes any governmental entity, and

"(B) notwithstanding any other law or rule of law, governmental entities shall not be exempt from the fees imposed by this subchapter except as provided in paragraph (2).

"(2) TREATMENT OF EXEMPT GOVERNMENTAL PROGRAMS.—In the case of an exempt governmental program, no fee shall be imposed under section 4375 or section 4376 on any covered life under such program.

"(3) EXEMPT GOVERNMENTAL PROGRAM DEFINED.—For purposes of this subchapter, the term 'exempt governmental program' means—

"(A) any insurance program established under title XVIII of the Social Security Act,

"(B) the medical assistance program established by title XIX or XXI of the Social Security Act,

"(C) any program established by Federal law for providing medical care (other than through insurance policies) to individuals (or the spouses and dependents thereof) by reason of such individuals being—

"(i) members of the Armed Forces of the United States, or

"(ii) veterans, and

"(D) any program established by Federal law for providing medical care (other than through insurance policies) to members of Indian tribes (as defined in section 4(d) of the Indian Health Care Improvement Act).

"(c) TREATMENT AS TAX.—For purposes of subtitle F, the fees imposed by this subchapter shall be treated as if they were taxes.

"(d) NO COVER OVER TO POSSESSIONS.—Notwithstanding any other provision of law, no amount collected under this subchapter shall be covered over to any possession of the United States."

(B) CLERICAL AMENDMENT.—Chapter 34 of such Code is amended by striking the chapter heading and inserting the following:

"CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES

"SUBCHAPTER A. POLICIES ISSUED BY FOREIGN INSURERS

"SUBCHAPTER B. INSURED AND SELF-INSURED HEALTH PLANS

"Subchapter A—Policies Issued By Foreign Insurers".

(C) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to policies and plans for portions of policy or plan years beginning on or after October 1, 2010.

SEC. 905. IMPLEMENTATION OF HEALTH INFORMATION TECHNOLOGY (IT) UNDER MEDICARE.

(a) IN GENERAL.—Not later than January 1, 2010, the Secretary of Health and Human Services shall submit to Congress a report that includes—

(1) a plan to develop and implement a health information technology (health IT) system for all health care providers under the Medicare program that meets the specifications described in subsection (b); and

(2) an analysis of the impact, feasibility, and costs associated with the use of health information technology in medically underserved communities.

(b) PLAN SPECIFICATION.—The specifications described in this subsection, with respect to a health information technology system described in subsection (a), are the following:

(1) The system protects the privacy and security of individually identifiable health information.

(2) The system maintains and provides permitted access to health information in an electronic format (such as through computerized patient records or a clinical data repository).

(3) The system utilizes interface software that allows for interoperability.

(4) The system includes clinical decision support.

(5) The system incorporates e-prescribing and computerized physician order entry.

(6) The system incorporates patient tracking and reminders.

(7) The system utilizes technology that is open source (if available) or technology that has been developed by the government.

The report shall include an analysis of the financial and administrative resources necessary to develop such system and recommendations regarding the level of subsidies needed for all such health care providers to adopt the system.

SEC. 906. DEVELOPMENT, REPORTING, AND USE OF HEALTH CARE MEASURES.

(a) IN GENERAL.—Part E of title XVIII of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by inserting after section 1889 the following:

"DEVELOPMENT, REPORTING, AND USE OF HEALTH CARE MEASURES

"SEC. 1890. (a) FOSTERING DEVELOPMENT OF HEALTH CARE MEASURES.—The Secretary shall designate, and have in effect an arrangement with, a single organization (such as the National Quality Forum) that meets the requirements described in subsection (c), under which such organization provides the Secretary with advice on, and recommendations with respect to, the key elements and priorities of a national system for establishing health care measures. The arrangement shall be effective beginning no sooner than January 1, 2008, and no later than September 30, 2008.

"(b) DUTIES.—The duties of the organization designated under subsection (a) (in this title referred to as the 'designated organization') shall, in accordance with subsection (d), include—

"(1) establishing and managing an integrated national strategy and process for setting priorities and goals in establishing health care measures;

"(2) coordinating the development and specifications of such measures;

"(3) establishing standards for the development and testing of such measures;

"(4) endorsing national consensus health care measures; and

"(5) advancing the use of electronic health records for automating the collection, aggregation, and transmission of measurement information.

"(c) REQUIREMENTS DESCRIBED.—For purposes of subsection (a), the requirements described in this subsection, with respect to an organization, are the following:

"(1) PRIVATE NONPROFIT.—The organization is a private nonprofit entity governed by a board and an individual designated as president and chief executive officer.

"(2) BOARD MEMBERSHIP.—The members of the board of the organization include representatives of—

"(A) health care providers or groups representing such providers;

"(B) health plans or groups representing health plans;

"(C) groups representing health care consumers;

"(D) health care purchasers and employers or groups representing such purchasers or employers; and

"(E) health care practitioners or groups representing practitioners.

"(3) OTHER MEMBERSHIP REQUIREMENTS.—The membership of the organization is representative of individuals with experience with—

"(A) urban health care issues;

"(B) safety net health care issues;

"(C) rural and frontier health care issues; and

"(D) health care quality and safety issues.

"(4) OPEN AND TRANSPARENT.—With respect to matters related to the arrangement described in subsection (a), the organization conducts its business in an open and transparent manner and provides the opportunity for public comment.

"(5) VOLUNTARY CONSENSUS STANDARDS SETTING ORGANIZATION.—The organization operates as a voluntary consensus standards setting organization as defined for purposes of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113) and Office of Management and Budget Revised Circular A–119 (published in the Federal Register on February 10, 1998).

"(6) EXPERIENCE.—The organization has at least 7 years experience in establishing national consensus standards.

"(d) REQUIREMENTS FOR EFFECTIVENESS MEASURES.—In carrying out its duties under subsection (b), the designated organization shall ensure the following:

"(1) MEASURES.—The designated organization shall ensure that the measures established or endorsed under subsection (b) are evidence-based, reliable, and valid; and include—

"(A) measures of clinical processes and outcomes, patient experience, efficiency, and equity;

"(B) measures to assess effectiveness, timeliness, patient self-management, patient centeredness, and safety; and

"(C) measures of under use and over use.

"(2) PRIORITIES.—

"(A) IN GENERAL.—The designated organization shall ensure that priority is given to establishing and endorsing—

"(i) measures with the greatest potential impact for improving the effectiveness and efficiency of health care;

"(ii) measures that may be rapidly implemented by group health plans, health insurance issuers, physicians, hospitals, nursing homes, long-term care providers, and other providers;

"(iii) measures which may inform health care decisions made by consumers and patients; and

"(iv) measures that apply to multiple services furnished by different providers during an episode of care.

"(B) ANNUAL REPORT ON PRIORITIES; SECRETARIAL PUBLICATION AND COMMENT.—

"(i) ANNUAL REPORT.—The designated organization shall issue and submit to the Secretary a report by March 31 of each year (beginning with 2009) on the organization's recommendations for priorities and goals in establishing and endorsing health care measures under this section over the next five years.

"(ii) SECRETARIAL REVIEW AND COMMENT.—After receipt of the report under clause (i) for a year, the Secretary shall publish the report in the Federal Register, including any comments of the Secretary on the priorities and goals set forth in the report.

"(3) RISK ADJUSTMENT.—The designated organization, in consultation with health care measure developers and other stakeholders, shall establish procedures to assure that health care measures established and endorsed under this section account for differences in patient health status, patient characteristics, and geographic location, as appropriate.

"(4) MAINTENANCE.—The designated organization, in consultation with owners and developers of health care measures, shall require the owners or developers of such measures to update and enhance such measures, including the development of more accurate and precise specifications, and retire existing outdated measures. Such updating shall occur not more often than once during each 12-month period, except in the case of emergent circumstances requiring a more immediate update to a measure.

"(e) USE OF HEALTH CARE MEASURES; REPORTING.—

"(1) USE OF MEASURES.—For purposes of activities authorized or required under this title, the Secretary shall select from health care measures—

"(A) recommended by multi-stakeholder groups; and

"(B) endorsed by the designated organization under subsection (b)(4).

"(2) REPORTING.—The Secretary shall implement procedures, consistent with generally accepted standards, to enable the Department of Health and Human Services to accept the electronic submission of data for purposes of—

"(A) effectiveness measurement using the health care measures developed pursuant to this section; and

"(B) reporting to the Secretary measures used to make value-based payments under this title.

"(f) CONTRACTS.—The Secretary, acting through the Agency for Healthcare Research and Quality, may contract with organizations to support the development and testing of health care measures meeting the standards established by the designated organization.

"(g) DISSEMINATION OF INFORMATION.—In order to make comparative effectiveness information available to health care consumers, health professionals, public health officials, oversight organizations, researchers, and other appropriate individuals and entities, the Secretary shall work with multi-stakeholder groups to provide for the dissemination of effectiveness information developed pursuant to this title.

"(h) FUNDING.—For purposes of carrying out subsections (a), (b), (c), and (d), including for expenses incurred for the arrangement under subsection (a) with the designated organization, there is payable from the Federal Hospital Insurance Trust Fund (established under section 1817) and the Federal Supplementary Medical Insurance Trust Fund (established under section 1841)—

"(1) for fiscal year 2008, $15,000,000, multiplied by the ratio of the total number of months in the year to the number of months (and portions of months) of such year during which the arrangement under subsection (a) is effective; and

"(2) for each of the fiscal years, 2009 through 2012, $15,000,000.".

SEC. 907. IMPROVEMENTS TO THE MEDIGAP PROGRAM.

(a) IMPLEMENTATION OF NAIC RECOMMENDATIONS.—The Secretary of Health and Human Services shall provide, under subsections (p)(1)(E) of section 1882 of the Social Security Act (42 U.S.C. 1395ss), for implementation of the changes in the NAIC model law and regulations recommended by the National Association of Insurance Commissioners in its Model #651 ("Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act") on March 11, 2007, as modified to reflect the changes made under this Act. In carrying out the previous sentence, the benefit packages classified as "K" and "L" shall be eliminated and such NAIC recommendations shall be treated as having been adopted by such Association as of January 1, 2008.

(b) REQUIRED OFFERING OF A RANGE OF POLICIES.—

(1) IN GENERAL.—Subsection (o) of such section is amended by adding at the end the following new paragraph:

"(4) In addition to the requirement of paragraph (2), the issuer of the policy must make available to the individual at least medicare supplemental policies with benefit packages classified as 'C' or 'F'.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to medicare supplemental policies issued on or after January 1, 2008.

(c) REMOVAL OF NEW BENEFIT PACKAGES.—Such section is further amended—

(1) in subsection (o)(1), by striking "(p), (v), and (w)" and inserting "(p) and (v)";

(2) in subsection (v)(3)(A)(i), by striking "or a benefit package described in subparagraph (A) or (B) of subsection (w)(2)"; and

(3) in subsection (w)—

(A) by striking "POLICIES" and all that follows through "The Secretary" and inserting "POLICIES.—The Secretary";

(B) by striking the second sentence; and

(C) by striking paragraph (2) .

TITLE X—REVENUES

SEC. 1001. INCREASE IN RATE OF EXCISE TAXES ON TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES.

(a) SMALL CIGARETTES.—Paragraph (1) of section 5701(b) of the Internal Revenue Code of 1986 is amended by striking "$19.50 per thousand ($17 per thousand on cigarettes removed during 2000 or 2001)" and inserting "$42 per thousand".

(b) LARGE CIGARETTES.—Paragraph (2) of section 5701(b) of such Code is amended by striking "$40.95 per thousand ($35.70 per thousand on cigarettes removed during 2000 or 2001)" and inserting "$88.20 per thousand".

(c) SMALL CIGARS.—Paragraph (1) of section 5701(a) of such Code is amended by striking "$1.828 cents per thousand ($1.594 cents per thousand on cigars removed during 2000 or 2001)" and inserting "$42 per thousand".

(d) LARGE CIGARS.—Paragraph (2) of section 5701(a) of such Code is amended—

(1) by striking "20.719 percent (18.063 percent on cigars removed during 2000 or 2001)" and inserting "44.63 percent", and

(2) by striking "$48.75 per thousand ($42.50 per thousand on cigars removed during 2000 or 2001)" and inserting "$1 per cigar".

(e) CIGARETTE PAPERS.—Subsection (c) of section 5701 of such Code is amended by striking "1.22 cents (1.06 cents on cigarette papers removed during 2000 or 2001)" and inserting "2.63 cents".

(f) CIGARETTE TUBES.—Subsection (d) of section 5701 of such Code is amended by striking "2.44 cents (2.13 cents on cigarette tubes removed during 2000 or 2001)" and inserting "5.26 cents".

(g) SNUFF.—Paragraph (1) of section 5701(e) of such Code is amended by striking "58.5 cents (51 cents on snuff removed during 2000 or 2001)" and inserting "$1.26".

(h) CHEWING TOBACCO.—Paragraph (2) of section 5701(e) of such Code is amended by striking "19.5 cents (17 cents on chewing tobacco removed during 2000 or 2001)" and inserting "42 cents".

(i) PIPE TOBACCO.—Subsection (f) of section 5701 of such Code is amended by striking "$1.0969 cents (95.67 cents on pipe tobacco removed during 2000 or 2001)" and inserting "$2.36".

(j) ROLL-YOUR-OWN TOBACCO.—

(1) IN GENERAL.—Subsection (g) of section 5701 of such Code is amended by striking "$1.0969 cents (95.67 cents on roll-your-own tobacco removed during 2000 or 2001)" and inserting "$7.4667".

(2) INCLUSION OF CIGAR TOBACCO.—Subsection (o) of section 5702 of such Code is amended by inserting "or cigars, or for use as wrappers for making cigars" before the period at the end.

(k) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed after December 31, 2007.

(l) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On cigarettes manufactured in or imported into the United States which are removed before January 1, 2008, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) AUTHORITY TO EXEMPT CIGARETTES HELD IN VENDING MACHINES.—To the extent provided in regulations prescribed by the Secretary, no tax shall be imposed by paragraph (1) on cigarettes held for retail sale on January 1, 2008, by any person in any vending machine. If the Secretary provides such a benefit with respect to any person, the Secretary may reduce the $500 amount in paragraph (3) with respect to such person.

(3) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) for which such person is liable.

(4) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding cigarettes on January 1, 2008, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before April 14, 2008.

(5) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (48 Stat. 998, 19 U.S.C. 81a) and any other provision of law, any article which is located in a foreign trade zone on January 1, 2008, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of a customs officer pursuant to the 2d proviso of such section 3(a).

(6) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Terms used in this subsection which are also used in section 5702 of the Internal Revenue Code of 1986 shall have the respective meanings such terms have in such section.

(B) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(7) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(8) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

SEC. 1002. EXEMPTION FOR EMERGENCY MEDICAL SERVICES TRANSPORTATION.

(a) IN GENERAL.—Subsection (l) of section 4041 of the Internal Revenue Code of 1986 is amended to read as follows:

"(l) EXEMPTION FOR CERTAIN USES.—

"(1) CERTAIN AIRCRAFT.—No tax shall be imposed under this section on any liquid sold for use in, or used in, a helicopter or a fixed-wing aircraft for purposes of providing transportation with respect to which the requirements of subsection (f) or (g) of section 4261 are met.

"(2) EMERGENCY MEDICAL SERVICES.—No tax shall be imposed under this section on any liquid sold for use in, or used in, any ambulance for purposes of providing transportation for emergency medical services. The preceding sentence shall not apply to any liquid used after December 31, 2009.".

(b) FUELS NOT USED FOR TAXABLE PURPOSES.—Section 6427 of such Code is amended by inserting after subsection (e) the following new subsection:

"(f) USE TO PROVIDE EMERGENCY MEDICAL SERVICES.—Except as provided in subsection (k), if any fuel on which tax was imposed by section 4081 or 4041 is used in an ambulance for a purpose described in section 4041(l)(2), the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the aggregate amount of the tax imposed on such fuel. The preceding sentence shall not apply to any liquid used after December 31, 2009.".

(c) TIME FOR FILING CLAIMS; PERIOD COVERED.—Paragraphs (1) and (2)(A) of section 6427(i) of such Code are each amended by inserting "(f)," after "(d),".

(d) CONFORMING AMENDMENT.—Section 6427(d) of such Code is amended by striking "4041(l)" and inserting "4041(l)(1)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel used in transportation provided in quarters beginning after the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. TIERNEY). Pursuant to House Resolution 594, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110-285, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Health and Medicare Protection Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHILDREN'S HEALTH INSURANCE PROGRAM

Sec. 100. Purpose.

Subtitle A—Funding

Sec. 101. Establishment of new base CHIP allotments.
Sec. 102. 2-year initial availability of CHIP allotments.
Sec. 103. Redistribution of unused allotments to address State funding shortfalls.
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Sec. 631. Chronic kidney disease demonstration projects.
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Sec. 633. Required training for patient care dialysis technicians.
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Sec. 651. Limitation on exception to the prohibition on certain physician referrals for hospitals.

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Sec. 701. Home health payment update for 2008.
Sec. 702. 2-year extension of temporary Medicare payment increase for home health services furnished in a rural area.
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Sec. 801. Modernizing transitional Medicaid.
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Sec. 907. Improvements to the Medigap program.
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TITLE X—REVENUES

Sec. 1001. Increase in rate of excise taxes on tobacco products and cigarette papers and tubes.
Sec. 1002. Exemption for emergency medical services transportation.

TITLE I—CHILDREN'S HEALTH INSURANCE PROGRAM

SEC. 100. PURPOSE.

It is the purpose of this title to provide dependable and stable funding for children's health insurance under titles XXI and XIX of the Social Security Act in order to enroll all six million uninsured children who are eligible, but not enrolled, for coverage today through such titles.

Subtitle A—Funding

SEC. 101. ESTABLISHMENT OF NEW BASE CHIP ALLOTMENTS.

Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(1) in subsection (a)—

(A) in paragraph (9), by striking "and" at the end;

(B) in paragraph (10), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(11) for fiscal year 2008 and each succeeding fiscal year, the sum of the State allotments provided under subsection (i) for such fiscal year."; and

(2) in subsections (b)(1) and (c)(1), by striking "subsection (d)" and inserting "subsections (d) and (i)"; and

(3) by adding at the end the following new subsection:

"(i) ALLOTMENTS FOR STATES AND TERRITORIES BEGINNING WITH FISCAL YEAR 2008.—

"(1) GENERAL ALLOTMENT COMPUTATION.—Subject to the succeeding provisions of this subsection, the Secretary shall compute a State allotment for each State for each fiscal year as follows:

"(A) FOR FISCAL YEAR 2008.—For fiscal year 2008, the allotment of a State is equal to the greater of—

"(i) the State projection (in its submission on forms CMS-21B and CMS-37 for May 2007) of Federal payments to the State under this title for such fiscal year, except that, in the case of a State that has enacted legislation to modify its State child health plan during 2007, the State may substitute its projection in its submission on forms CMS-21B and CMS-37 for August 2007, instead of such forms for May 2007; or

"(ii) the allotment of the State under this section for fiscal year 2007 multiplied by the allotment increase factor under paragraph (2) for fiscal year 2008.

"(B) INFLATION UPDATE FOR FISCAL YEAR 2009 AND EACH SECOND SUCCEEDING FISCAL YEAR.—For fiscal year 2009 and each second succeeding fiscal year, the allotment of a State is equal to the amount of the State allotment under this paragraph for the previous fiscal year multiplied by the allotment increase factor under paragraph (2) for the fiscal year involved.

"(C) REBASING IN FISCAL YEAR 2010 AND EACH SECOND SUCCEEDING FISCAL YEAR.—For fiscal year 2010 and each second succeeding fiscal year, the allotment of a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State (including allotments made available under paragraph (3) as well as amounts redistributed to the State) in the previous fiscal year multiplied by the allotment increase factor under paragraph (2) for the fiscal year involved.

"(D) SPECIAL RULES FOR TERRITORIES.—Notwithstanding the previous subparagraphs, the allotment for a State that is not one of the 50 States or the District of Columbia for fiscal year 2008 and for a succeeding fiscal year is equal to the Federal payments provided to the State under this title for the previous fiscal year multiplied by the allotment increase factor under paragraph (2) for the fiscal year involved (but determined by applying under paragraph (2)(B) as if the reference to 'in the State' were a reference to 'in the United States').

"(2) ALLOTMENT INCREASE FACTOR.—The allotment increase factor under this paragraph for a fiscal year is equal to the product of the following:

"(A) PER CAPITA HEALTH CARE GROWTH FACTOR.—1 plus the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary before the beginning of the fiscal year.

"(B) CHILD POPULATION GROWTH FACTOR.—1 plus the percentage increase (if any) in the population of children under 19 years of age in the State from July 1 in the previous fiscal year to July 1 in the fiscal year involved, as determined by the Secretary based on the most recent published estimates of the Bureau of the Census before the beginning of the fiscal year involved, plus 1 percentage point.

"(3) PERFORMANCE-BASED SHORTFALL ADJUSTMENT.—

"(A) IN GENERAL.—If a State's expenditures under this title in a fiscal year (beginning with fiscal year 2008) exceed the total amount of allotments available under this section to the State in the fiscal year (determined without regard to any redistribution it receives under subsection (f) that is available for expenditure during such fiscal year, but including any carryover from a previous fiscal year) and if the average monthly unduplicated number of children enrolled under the State plan under this title (including children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during such fiscal year exceeds its target average number of such enrollees (as determined under subparagraph (B)) for that fiscal year, the allotment under this section for the State for the subsequent fiscal year (or, pursuant to subparagraph (F), for the fiscal year involved) shall be increased by the product of—

"(i) the amount by which such average monthly caseload exceeds such target number of enrollees; and

"(ii) the projected per capita expenditures under the State child health plan (as determined under subparagraph (C) for the original fiscal year involved), multiplied by the enhanced FMAP (as defined in section 2105(b)) for the State and fiscal year involved.

"(B) TARGET AVERAGE NUMBER OF CHILD ENROLLEES.—In this subsection, the target average number of child enrollees for a State—

"(i) for fiscal year 2008 is equal to the monthly average unduplicated number of children enrolled in the State child health plan under this title (including such children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during fiscal year 2007 increased by the population growth for children in that State for the year ending on June 30, 2006 (as estimated by the Bureau of the Census) plus 1 percentage point; or

"(ii) for a subsequent fiscal year is equal to the target average number of child enrollees for the State for the previous fiscal year increased by the population growth for children in that State for the year ending on June 30 before the beginning of the fiscal year (as estimated by the Bureau of the Census) plus 1 percentage point.

"(C) PROJECTED PER CAPITA EXPENDITURES.—For purposes of subparagraph (A)(ii), the projected per capita expenditures under a State child health plan—

"(i) for fiscal year 2008 is equal to the average per capita expenditures (including both State and Federal financial participation) under such plan for the targeted low-income children counted in the average monthly caseload for purposes of this paragraph during fiscal year 2007, increased by the annual percentage increase in the per capita amount of National Health Expenditures (as estimated by the Secretary) for 2008; or

"(ii) for a subsequent fiscal year is equal to the projected per capita expenditures under such plan for the previous fiscal year (as determined under clause (i) or this clause) increased by the annual percentage increase in the per capita amount of National Health Expenditures (as estimated by the Secretary) for the year in which such subsequent fiscal year ends.

"(D) AVAILABILITY.—Notwithstanding subsection (e), an increase in allotment under this paragraph shall only be available for expenditure during the fiscal year in which it is provided.

"(E) NO REDISTRIBUTION OF PERFORMANCE-BASED SHORTFALL ADJUSTMENT.—In no case shall any increase in allotment under this paragraph for a State be subject to redistribution to other States.

"(F) INTERIM ALLOTMENT ADJUSTMENT.—The Secretary shall develop a process to administer the performance-based shortfall adjustment in a manner so it is applied to (and before the end of) the fiscal year (rather than the subsequent fiscal year) involved for a State that the Secretary estimates will be in shortfall and will exceed its enrollment target for that fiscal year.

"(G) PERIODIC AUDITING.—The Comptroller General of the United States shall periodically audit the accuracy of data used in the computation of allotment adjustments under this paragraph. Based on such audits, the Comptroller General shall make such recommendations to the Congress and the Secretary as the Comptroller General deems appropriate.

"(4) CONTINUED REPORTING.—For purposes of paragraph (3) and subsection (f), the State shall submit to the Secretary the State's projected Federal expenditures, even if the amount of such expenditures exceeds the total amount of allotments available to the State in such fiscal year.".

SEC. 102. 2-YEAR INITIAL AVAILABILITY OF CHIP ALLOTMENTS.

Section 2104(e) of the Social Security Act (42 U.S.C. 1397dd(e)) is amended to read as follows:

"(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (i)(3)(D), amounts allotted to a State pursuant to this section—

"(A) for each of fiscal years 1998 through 2007, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

"(B) for fiscal year 2008 and each fiscal year thereafter, shall remain available for expenditure by the State through the end of the succeeding fiscal year.

"(2) AVAILABILITY OF AMOUNTS REDISTRIBUTED.—Amounts redistributed to a State under subsection (f) shall be available for expenditure by the State through the end of the fiscal year in which they are redistributed, except that funds so redistributed to a State that are not expended by the end of such fiscal year shall remain available after the end of such fiscal year and shall be available in the following fiscal year for subsequent redistribution under such subsection.".

SEC. 103. REDISTRIBUTION OF UNUSED ALLOTMENTS TO ADDRESS STATE FUNDING SHORTFALLS.

Section 2104(f) of the Social Security Act (42 U.S.C. 1397dd(f)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) by striking "States that have fully expended the amount of their allotments under this section." and inserting "States that the Secretary determines with respect to the fiscal year for which unused allotments are available for redistribution under this subsection, are shortfall States described in paragraph (2) for such fiscal year, but not to exceed the amount of the shortfall described in paragraph (2)(A) for each such State (as may be adjusted under paragraph (2)(C)). The amount of allotments not expended or redistributed under the previous sentence shall remain available for redistribution in the succeeding fiscal year."; and

(3) by adding at the end the following new paragraph:

"(2) SHORTFALL STATES DESCRIBED.—

"(A) IN GENERAL.—For purposes of paragraph (1), with respect to a fiscal year, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates on the basis of the most recent data available to the Secretary, that the projected expenditures under such plan for the State for the fiscal year will exceed the sum of—

"(i) the amount of the State's allotments for any preceding fiscal years that remains available for expenditure and that will not be expended by the end of the immediately preceding fiscal year;

"(ii) the amount (if any) of the performance based adjustment under subsection (i)(3)(A); and

"(iii) the amount of the State's allotment for the fiscal year.

"(B) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) for a fiscal year are less than the total amounts of the estimated shortfalls determined for the year under subparagraph (A), the amount to be redistributed under such paragraph for each shortfall State shall be reduced proportionally.

"(C) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made under paragraph (1) and this paragraph with respect to a fiscal year as necessary on the basis of the amounts reported by States not later than November 30 of the succeeding fiscal year, as approved by the Secretary.".

SEC. 104. EXTENSION OF OPTION FOR QUALIFYING STATES.

Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by inserting after "or 2007" the following: "or 100 percent of any allotment under section 2104 for any subsequent fiscal year".

Subtitle B—Improving Enrollment and Retention of Eligible Children

SEC. 111. CHIP PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.

(a) IN GENERAL.—Section 2105(a) of the Social Security Act (42 U.S.C. 1397ee(a)) is amended by adding at the end the following new paragraphs:

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the effectiveness of the performance bonus payment program under the amendment made by subsection (a) on the enrollment and retention of eligible children under the Medicaid and CHIP programs and in reducing the rate of uninsurance among such children.

(2) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit a report to Congress on such study and shall include in such report such recommendations for extending or modifying such program as the Comptroller General determines appropriate.

"(3) PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL MEDICAID AND CHIP CHILD ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.—

"(A) IN GENERAL.—In addition to the payments made under paragraph (1), for each fiscal year (beginning with fiscal year 2008 and ending with fiscal year 2013) the Secretary shall pay to each State that meets the condition under paragraph (4) for the fiscal year, an amount equal to the amount described in subparagraph (B) for the State and fiscal year. The payment under this paragraph shall be made, to a State for a fiscal year, as a single payment not later than the last day of the first calendar quarter of the following fiscal year.

"(B) AMOUNT.—The amount described in this subparagraph for a State for a fiscal year is equal to the sum of the following amounts:

"(i) FOR ABOVE BASELINE MEDICAID CHILD ENROLLMENT COSTS.—

"(I) FIRST TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of first tier above baseline child enrollees (as determined under subparagraph (C)(i)) under title XIX for the State and fiscal year multiplied by 35 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)(i)) for the State and fiscal year under title XIX.

"(II) SECOND TIER ABOVE BASELINE MEDICAID ENROLLEES .—An amount equal to the number of second tier above baseline child enrollees (as determined under subparagraph (C)(ii)) under title XIX for the State and fiscal year multiplied by 90 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)(i)) for the State and fiscal year under title XIX.

"(ii) FOR ABOVE BASELINE CHIP ENROLLMENT COSTS.—

"(I) FIRST TIER ABOVE BASELINE CHIP ENROLLEES.—An amount equal to the number of first tier above baseline child enrollees under this title (as determined under subparagraph (C)(i)) for the State and fiscal year multiplied by 5 percent of the projected per capita State CHIP expenditures (as determined under subparagraph (D)(ii)) for the State and fiscal year under this title.

"(II) SECOND TIER ABOVE BASELINE CHIP ENROLLEES.—An amount equal to the number of second tier above baseline child enrollees under this title (as determined under subparagraph (C)(ii)) for the State and fiscal year multiplied

by 75 percent of the projected per capita State CHIP expenditures (as determined under subparagraph (D)(ii)) for the State and fiscal year under this title.

"(C) NUMBER OF FIRST AND SECOND TIER ABOVE BASELINE CHILD ENROLLEES; BASELINE NUMBER OF CHILD ENROLLEES.—For purposes of this paragraph:

"(i) FIRST TIER ABOVE BASELINE CHILD ENROLLEES.—The number of first tier above baseline child enrollees for a State for a fiscal year under this title or title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (E)) enrolled during the fiscal year under the State child health plan under this title or under the State plan under title XIX, respectively; exceeds

"(II) the baseline number of enrollees described in clause (iii) for the State and fiscal year under this title or title XIX, respectively;

but not to exceed 3 percent (in the case of title XIX) or 7.5 percent (in the case of this title) of the baseline number of enrollees described in subclause (II).

"(ii) SECOND TIER ABOVE BASELINE CHILD ENROLLEES.—The number of second tier above baseline child enrollees for a State for a fiscal year under this title or title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (E)) enrolled during the fiscal year under this title or under title XIX, respectively, as described in clause (i)(I); exceeds

"(II) the sum of the baseline number of child enrollees described in clause (iii) for the State and fiscal year under this title or title XIX, respectively, as described in clause (i)(II), and the maximum number of first tier above baseline child enrollees for the State and fiscal year under this title or title XIX, respectively, as determined under clause (i).

"(iii) BASELINE NUMBER OF CHILD ENROLLEES.—The baseline number of child enrollees for a State under this title or title XIX—

"(I) for fiscal year 2008 is equal to the monthly average unduplicated number of qualifying children enrolled in the State child health plan under this title or in the State plan under title XIX, respectively, during fiscal year 2007 increased by the population growth for children in that State for the year ending on June 30, 2006 (as estimated by the Bureau of the Census) plus 1 percentage point; or

"(II) for a subsequent fiscal year is equal to the baseline number of child enrollees for the State for the previous fiscal year under this title or title XIX, respectively, increased by the population growth for children in that State for the year ending on June 30 before the beginning of the fiscal year (as estimated by the Bureau of the Census) plus 1 percentage point.

"(D) PROJECTED PER CAPITA STATE EXPENDITURES.—For purposes of subparagraph (B)—

"(i) PROJECTED PER CAPITA STATE MEDICAID EXPENDITURES.—The projected per capita State Medicaid expenditures for a State and fiscal year under title XIX is equal to the average per capita expenditures (including both State and Federal financial participation) for children under the State plan under such title, including under waivers but not including such children eligible for assistance by virtue of the receipt of benefits under title XVI, for the most recent fiscal year for which actual data are available (as determined by the Secretary), increased (for each subsequent fiscal year up to and including the fiscal year involved) by the annual percentage increase in per capita amount of National Health Expenditures (as estimated by the Secretary) for the calendar year in which the respective subsequent fiscal year ends and multiplied by a State matching percentage equal to 100 percent minus the Federal medical assistance percentage (as defined in section 1905(b)) for the fiscal year involved.

"(ii) PROJECTED PER CAPITA STATE CHIP EXPENDITURES.—The projected per capita State CHIP expenditures for a State and fiscal year under this title is equal to the average per capita expenditures (including both State and Federal financial participation) for children under the State child health plan under this title, including under waivers, for the most recent fiscal year for which actual data are available (as determined by the Secretary), increased (for each subsequent fiscal year up to and including the fiscal year involved) by the annual percentage increase in per capita amount of National Health Expenditures (as estimated by the Secretary) for the calendar year in which the respective subsequent fiscal year ends and multiplied by a State matching percentage equal to 100 percent minus the enhanced FMAP (as defined in section 2105(b)) for the fiscal year involved.

"(E) QUALIFYING CHILDREN DEFINED.—For purposes of this subsection, the term 'qualifying children' means, with respect to this title or title XIX, children who meet the eligibility criteria (including income, categorical eligibility, age, and immigration status criteria) in effect as of July 1, 2007, for enrollment under this title or title XIX, respectively, taking into account crtieria applied as of such date under this title or title XIX, respectively, pursuant to a waiver under section 1115.

"(4) ENROLLMENT AND RETENTION PROVISIONS FOR CHILDREN.— For purposes of paragraph (3)(A), a State meets the condition of this paragraph for a fiscal year if it is implementing at least 4 of the following enrollment and retention provisions (treating each subparagraph as a separate enrollment and retention provision) throughout the entire fiscal year:

"(A) CONTINUOUS ELIGIBILITY.—The State has elected the option of continuous eligibility for a full 12 months for all children described in section 1902(e)(12) under title XIX under 19 years of age, as well as applying such policy under its State child health plan under this title.

"(B) LIBERALIZATION OF ASSET REQUIREMENTS.—The State meets the requirement specified in either of the following clauses:

"(i) ELIMINATION OF ASSET TEST.—The State does not apply any asset or resource test for eligibility for children under title XIX or this title.

"(ii) ADMINISTRATIVE VERIFICATION OF ASSETS.—The State—

"(I) permits a parent or caretaker relative who is applying on behalf of a child for medical assistance under title XIX or child health assistance under this title to declare and certify by signature under penalty of perjury information relating to family assets for purposes of determining and redetermining financial eligibility; and

"(II) takes steps to verify assets through means other than by requiring documentation from parents and applicants except in individual cases of discrepancies or where otherwise justified.

"(C) ELIMINATION OF IN-PERSON INTERVIEW REQUIREMENT.—The State does not require an application of a child for medical assistance under title XIX (or for child health assistance under this title), including an application for renewal of such assistance, to be made in person nor does the State require a face-to-face interview, unless there are discrepancies or individual circumstances justifying an in-person application or face-to-face interview.

"(D) USE OF JOINT APPLICATION FOR MEDICAID AND CHIP.—The application form and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children for medical assistance under title XIX and child health assistance under this title.

"(E) AUTOMATIC RENEWAL (USE OF ADMINISTRATIVE RENEWAL).—

"(i) IN GENERAL.—The State provides, in the case of renewal of a child's eligibility for medical assistance under title XIX or child health assistance under this title, a pre-printed form completed by the State based on the information available to the State and notice to the parent or caretaker relative of the child that eligibility of the child will be renewed and continued based on such information unless the State is provided other information. Nothing in this clause shall be construed as preventing a State from verifying, through electronic and other means, the information so provided.

"(ii) SATISFACTION THROUGH DEMONSTRATED USE OF EX PARTE PROCESS.—A State shall be treated as satisfying the requirement of clause (i) if renewal of eligibility of children under title XIX or this title is determined without any requirement for an in-person interview, unless sufficient information is not in the State's possession and cannot be acquired from other sources (including other State agencies) without the participation of the applicant or the applicant's parent or caretaker relative.

"(F) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State is implementing section 1920A under title XIX as well as, pursuant to section 2107(e)(1), under this title .

"(G) EXPRESS LANE.—The State is implementing the option described in section 1902(e)(13) under title XIX as well as, pursuant to section 2107(e)(1), under this title.".

SEC. 112. STATE OPTION TO RELY ON FINDINGS FROM AN EXPRESS LANE AGENCY TO CONDUCT SIMPLIFIED ELIGIBILITY DETERMINATIONS.

(a) MEDICAID.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

"(13) EXPRESS LANE OPTION.—

"(A) IN GENERAL.—

"(i) OPTION TO USE A FINDING FROM AN EXPRESS LANE AGENCY.—At the option of the State, the State plan may provide that in determining eligibility under this title for a child (as defined in subparagraph (F)), the State may rely on a finding made within a reasonable period (as determined by the State) from an Express Lane agency (as defined in subparagraph (E)) when it determines whether a child satisfies one or more components of eligibility for medical assistance under this title. The State may rely on a finding from an Express Lane agency notwithstanding sections 1902(a)(46)(B), 1903(x), and 1137(d) and any differences in budget unit, disregard, deeming or other methodology, if the following requirements are met:

"(I) PROHIBITION ON DETERMINING CHILDREN INELIGIBLE FOR COVERAGE.— If a finding from an Express Lane agency would result in a determination that a child does not satisfy an eligibility requirement for medical assistance under this title and for child health assistance under title XXI, the State shall determine eligibility for assistance using its regular procedures.

"(II) NOTICE REQUIREMENT.—For any child who is found eligible for medical assistance under the State plan under this title or child health assistance under title XXI and who is subject to premiums based on an Express Lane agency's finding of such child's income level, the State shall provide notice that the child may qualify for lower premium payments if evaluated by the State using its regular policies and of the procedures for requesting such an evaluation.

"(III) COMPLIANCE WITH SCREEN AND ENROLL REQUIREMENT.—The State shall satisfy the requirements under (A) and (B) of section

2102(b)(3) (relating to screen and enroll) before enrolling a child in child health assistance under title XXI. At its option, the State may fulfill such requirements in accordance with either option provided under subparagraph (C) of this paragraph.

"(ii) OPTION TO APPLY TO RENEWALS AND REDETERMINATIONS.— The State may apply the provisions of this paragraph when conducting initial determinations of eligibility, redeterminations of eligibility, or both, as described in the State plan.

"(B) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

"(i) to limit or prohibit a State from taking any actions otherwise permitted under this title or title XXI in determining eligibility for or enrolling children into medical assistance under this title or child health assistance under title XXI; or

"(ii) to modify the limitations in section 1902(a)(5) concerning the agencies that may make a determination of eligibility for medical assistance under this title.

"(C) OPTIONS FOR SATISFYING THE SCREEN AND ENROLL REQUIREMENT.—

"(i) IN GENERAL.—With respect to a child whose eligibility for medical assistance under this title or for child health assistance under title XXI has been evaluated by a State agency using an income finding from an Express Lane agency, a State may carry out its duties under subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll) in accordance with either clause (ii) or clause (iii).

"(ii) ESTABLISHING A SCREENING THRESHOLD.—

"(I) IN GENERAL.—Under this clause, the State establishes a screening threshold set as a percentage of the Federal poverty level that exceeds the highest income threshold applicable under this title to the child by a minimum of 30 percentage points or, at State option, a higher number of percentage points that reflects the value (as determined by the State and described in the State plan) of any differences between income methodologies used by the program administered by the Express Lane agency and the methodologies used by the State in determining eligibility for medical assistance under this title.

"(II) CHILDREN WITH INCOME NOT ABOVE THRESHOLD.—If the income of a child does not exceed the screening threshold, the child is deemed to satisfy the income eligibility criteria for medical assistance under this title regardless of whether such child would otherwise satisfy such criteria.

"(III) CHILDREN WITH INCOME ABOVE THRESHOLD.—If the income of a child exceeds the screening threshold, the child shall be considered to have an income above the Medicaid applicable income level described in section 2110(b)(4) and to satisfy the requirement under section 2110(b)(1)(C) (relating to the requirement that CHIP matching funds be used only for children not eligible for Medicaid). If such a child is enrolled in child health assistance under title XXI, the State shall provide the parent, guardian, or custodial relative with the following:

"(aa) Notice that the child may be eligible to receive medical assistance under the State plan under this title if evaluated for such assistance under the State's regular procedures and notice of the process through which a parent, guardian, or custodial relative can request that the State evaluate the child's eligibility for medical assistance under this title using such regular procedures.

"(bb) A description of differences between the medical assistance provided under this title and child health assistance under title XXI, including differences in cost-sharing requirements and covered benefits.

"(iii) TEMPORARY ENROLLMENT IN CHIP PENDING SCREEN AND ENROLL.—

"(I) IN GENERAL.—Under this clause, a State enrolls a child in child health assistance under title XXI for a temporary period if the child appears eligible for such assistance based on an income finding by an Express Lane agency.

"(II) DETERMINATION OF ELIGIBILITY.—During such temporary enrollment period, the State shall determine the child's eligibility for child health assistance under title XXI or for medical assistance under this title in accordance with this clause.

"(III) PROMPT FOLLOW UP.—In making such a determination, the State shall take prompt action to determine whether the child should be enrolled in medical assistance under this title or child health assistance under title XXI pursuant to subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll).

"(IV) REQUIREMENT FOR SIMPLIFIED DETERMINATION.—In making such a determination, the State shall use procedures that, to the maximum feasible extent, reduce the burden imposed on the individual of such determination. Such procedures may not require the child's parent, guardian, or custodial relative to provide or verify information that already has been provided to the State agency by an Express Lane agency or another source of information unless the State agency has reason to believe the information is erroneous.

"(V) AVAILABILITY OF CHIP MATCHING FUNDS DURING TEMPORARY ENROLLMENT PERIOD.—Medical assistance for items and services that are provided to a child enrolled in title XXI during a temporary enrollment period under this clause shall be treated as child health assistance under such title.

"(D) OPTION FOR AUTOMATIC ENROLLMENT.—

"(i) IN GENERAL.— At its option, a State may initiate an evaluation of an individual's eligibility for medical assistance under this title without an application and determine the individual's eligibility for such assistance using findings from one or more Express Lane agencies and information from sources other than a child, if the requirements of clauses (ii) and (iii) are met.

"(ii) INDIVIDUAL CHOICE REQUIREMENT.—The requirement of this clause is that the child is enrolled in medical assistance under this title or child health assistance under title XXI only if the child (or a parent, caretaker relative, or guardian on the behalf of the child) has affirmatively assented to such enrollment.

"(iii) INFORMATION REQUIREMENT.—The requirement of this clause is that the State informs the parent, guardian, or custodial relative of the child of the services that will be covered, appropriate methods for using such services, premium or other cost sharing charges (if any) that apply, medical support obligations (under section 1912(a)) created by enrollment (if applicable), and the actions the parent, guardian, or relative must take to maintain enrollment and renew coverage.

"(E) EXPRESS LANE AGENCY DEFINED.—In this paragraph, the term 'express lane agency' means an agency that meets the following requirements:

"(i) The agency determines eligibility for assistance under the Food Stamp Act of 1977, the Richard B. Russell National School Lunch Act, the Child Nutrition Act of 1966, or the Child Care and Development Block Grant Act of 1990.

"(ii) The agency notifies the child (or a parent, caretaker relative, or guardian on the behalf of the child)—

"(I) of the information which shall be disclosed;

"(II) that the information will be used by the State solely for purposes of determining eligibility for and for providing medical assistance under this title or child health assistance under title XXI; and

"(III) that the child, or parent, caretaker relative, or guardian, may elect to not have the information disclosed for such purposes.

"(iii) The agency and the State agency are subject to an interagency agreement limiting the disclosure and use of such information to such purposes.

"(iv) The agency is determined by the State agency to be capable of making the determinations described in this paragraph and is identified in the State plan under this title or title XXI.

For purposes of this subparagraph, the term 'State agency' refers to the agency determining eligibility for medical assistance under this title or child health assistance under title XXI.

"(F) CHILD DEFINED.—For purposes of this paragraph, the term 'child' means an individual under 19 years of age, or, at the option of a State, such higher age, not to exceed 21 years of age, as the State may elect.".

(b) CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (E), (H), and (I), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(C) Section 1902(e)(13) (relating to the State option to rely on findings from an Express Lane agency to help evaluate a child's eligibility for medical assistance).".

(c) ELECTRONIC TRANSMISSION OF INFORMATION.—Section 1902 of such Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

"(dd) ELECTRONIC TRANSMISSION OF INFORMATION.—If the State agency determining eligibility for medical assistance under this title or child health assistance under title XXI verifies an element of eligibility based on information from an Express Lane Agency (as defined in subsection (e)(13)(F)), or from another public agency, then the applicant's signature under penalty of perjury shall not be required as to such element. Any signature requirement for an application for medical assistance may be satisfied through an electronic signature, as defined in section 1710(1) of the Government Paperwork Elimination Act (44 U.S.C. 3504 note). The requirements of subparagraphs (A) and (B) of section 1137(d)(2) may be met through evidence in digital or electronic form.".

(d) AUTHORIZATION OF INFORMATION DISCLOSURE.—

(1) IN GENERAL.—Title XIX of the Social Security Act is amended—

(A) by redesignating section 1939 as section 1940; and

(B) by inserting after section 1938 the following new section:

"SEC. 1939. AUTHORIZATION TO RECEIVE PERTINENT INFORMATION.

"(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data potentially pertinent to eligibility determinations under this title (including eligibility files maintained by Express Lane agencies described in section 1902(e)(13)(F), information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to the State agency administering the State plan under this title, to the extent such conveyance meets the requirements of subsection (b).

"(b) REQUIREMENTS FOR CONVEYANCE.—Data or information may be conveyed pursuant to subsection (a) only if the following requirements are met:

"(1) The individual whose circumstances are described in the data or information (or such individual's parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

"(2) Such data or information are used solely for the purposes of—

"(A) identifying individuals who are eligible or potentially eligible for medical assistance under this title and enrolling or attempting to enroll such individuals in the State plan; and

"(B) verifying the eligibility of individuals for medical assistance under the State plan.

"(3) An interagency or other agreement, consistent with standards developed by the Secretary—

"(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security; and

"(B) requires the State agency administering the State plan to use the data and information obtained under this section to seek to enroll individuals in the plan.

"(c) CRIMINAL PENALTY.—A private entity described in the subsection (a) that publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section shall be fined not more than $1,000 or imprisoned not more than 1 year, or both, for each such unauthorized publication or disclosure.

"(d) RULE OF CONSTRUCTION.—The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).".

(2) CONFORMING AMENDMENT TO TITLE XXI.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by subsection (b), is amended by adding at the end the following new subparagraph:

"(J) Section 1939 (relating to authorization to receive data potentially pertinent to eligibility determinations).".

(3) CONFORMING AMENDMENT TO PROVIDE ACCESS TO DATA ABOUT ENROLLMENT IN INSURANCE FOR PURPOSES OF EVALUATING APPLICATIONS AND FOR CHIP.—Section 1902(a)(25)(I)(i) of such Act (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

(A) by inserting "(and, at State option, individuals who are potentially eligible or who apply)" after "with respect to individuals who are eligible"; and

(B) by inserting "under this title (and, at State option, child health assistance under title XXI)" after "the State plan".

(e) EFFECTIVE DATE.—The amendments made by this section are effective on January 1, 2008.

SEC. 113. APPLICATION OF MEDICAID OUTREACH PROCEDURES TO ALL CHILDREN AND PREGNANT WOMEN.

(a) IN GENERAL.—Section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) is amended—

(1) in the matter before subparagraph (A), by striking "individuals for medical assistance under subsection (a)(10)(A)(i)(IV), (a)(10)(A)(i)(VI), (a)(10)(A)(i)(VII), or (a)(10)(A)(ii)(IX)" and inserting "children and pregnant women for medical assistance under any provision of this title"; and

(2) in subparagraph (B), by inserting before the semicolon at the end the following: ", which need not be the same application form for all such individuals".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on January 1, 2008.

SEC. 114. ENCOURAGING CULTURALLY APPROPRIATE ENROLLMENT AND RETENTION PRACTICES.

(a) USE OF MEDICAID FUNDS.—Section 1903(a)(2) of the Social Security Act (42 U.S.C. 1396b(a)(2)) is amended by adding at the end the following new subparagraph:

"(E) an amount equal to 75 percent of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to translation or interpretation services in connection with the enrollment and retention under this title of children of families for whom English is not the primary language; plus".

(b) USE OF COMMUNITY HEALTH WORKERS FOR OUTREACH ACTIVITIES.—

(1) IN GENERAL.—Section 2102(c)(1) of such Act (42 U.S.C. 1397bb(c)(1)) is amended by inserting "(through community health workers and others)" after "Outreach".

(2) IN FEDERAL EVALUATION.—Section 2108(c)(3)(B) of such Act (42 U.S.C. 1397hh(c)(3)(B)) is amended by inserting "(such as through community health workers and others)" after "including practices".

SEC. 115. CONTINUOUS COVERAGE UNDER CHIP.

(a) IN GENERAL.—Section 2102(b) of the Social Security Act (42 U.S.C. 1397bb(b)) is amended by adding at the end the following new paragraph:

"(5) 12-MONTHS CONTINUOUS ELIGIBILITY.—In the case of a State child health plan that provides child health assistance under this title through a means other than described in section 2101(a)(2), the plan shall provide for implementation under this title of the 12-months continuous eligibility option described in section 1902(e)(12) for targeted low-income children whose family income is below 200 percent of the poverty line.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to determinations (and redeterminations) of eligibility made on or after January 1, 2008.

Subtitle C—Coverage

SEC. 121. ENSURING CHILD-CENTERED COVERAGE.

(a) ADDITIONAL REQUIRED SERVICES.—

(1) CHILD-CENTERED COVERAGE.—Section 2103 of the Social Security Act (42 U.S.C. 1397cc) is amended—

(A) in subsection (a)—

(i) in the matter before paragraph (1), by striking "subsection (c)(5)" and inserting "paragraphs (5) and (6) of subsection (c)"; and

(ii) in paragraph (1), by inserting "at least" after "that is"; and

(B) in subsection (c)—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4), the following:

"(5) DENTAL, FQHC, AND RHC SERVICES.—The child health assistance provided to a targeted low-income child (whether through benchmark coverage or benchmark-equivalent coverage or otherwise) shall include coverage of the following:

"(A) Dental services necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions.

"(B) Federally-qualified health center services (as defined in section 1905(l)(2)) and rural health clinic services (as defined in section 1905(l)(1)).

Nothing in this section shall be construed as preventing a State child health plan from providing such services as part of benchmark coverage or in addition to the benefits provided through benchmark coverage.".

(2) REQUIRED PAYMENT FOR FQHC AND RHC SERVICES.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by sections 112(b) and 112(d)(2), is amended by inserting after subparagraph (C) the following new subparagraph:

"(D) Section 1902(bb) (relating to payment for services provided by Federally-qualified health centers and rural health clinics).".

(3) MENTAL HEALTH PARITY.—Section 2103(a)(2)(C) of such Act (42 U.S.C. 1397aa(a)(2)(C)) is amended by inserting "(or 100 percent in the case of the category of services described in subparagraph (B) of such subsection)" after "75 percent".

(4) EFFECTIVE DATE.—The amendments made by this subsection and subsection (d) shall apply to health benefits coverage provided on or after October 1, 2008.

(b) CLARIFICATION OF REQUIREMENT TO PROVIDE EPSDT SERVICES FOR ALL CHILDREN IN BENCHMARK BENEFIT PACKAGES UNDER MEDICAID.—

(1) IN GENERAL.—Section 1937(a)(1) of the Social Security Act (42 U.S.C. 1396u-7(a)(1)) is amended—

(A) in subparagraph (A)—

(i) in the matter before clause (i), by striking "Notwithstanding any other provision of this title" and inserting "Subject to subparagraph (E)"; and

(ii) by striking "enrollment in coverage that provides" and all that follows and inserting "benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2).";

(B) by striking subparagraph (C) and inserting the following new subparagraph:

"(C) STATE OPTION TO PROVIDE ADDITIONAL BENEFITS.—A State, at its option, may provide such additional benefits to benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2) as the State may specify."; and

(C) by adding at the end the following new subparagraph:

"(E) REQUIRING COVERAGE OF EPSDT SERVICES.—Nothing in this paragraph shall be construed as affecting a child's entitlement to care and services described in subsections (a)(4)(B) and (r) of section 1905 and provided in accordance with section 1902(a)(43) whether provided through benchmark coverage, benchmark equivalent coverage, or otherwise.".

(c) CLARIFICATION OF COVERAGE OF SERVICES IN SCHOOL-BASED HEALTH CENTERS INCLUDED AS CHILD HEALTH ASSISTANCE.—

(1) IN GENERAL.—Section 2110(a)(5) of such Act (42 U.S.C. 1397jj(a)(5)) is amended by inserting after "health center services" the following: "and school-based health center services for which coverage is otherwise provided under this title when furnished by a school-based health center that is authorized to furnish such services under State law".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to child health assistance furnished on or after the date of the enactment of this Act.

(d) ASSURING ACCESS TO CARE.—

(1) STATE CHILD HEALTH PLAN REQUIREMENT.—Section 2102(a)(7)(B) of such Act (42 U.S.C. 1397bb(c)(2)) is amended by inserting "and services described in section 2103(c)(5)" after "emergency services".

(2) REFERENCE TO EFFECTIVE DATE.—For the effective date for the amendments made by this subsection, see subsection (a)(5).

SEC. 122. IMPROVING BENCHMARK COVERAGE OPTIONS.

(a) LIMITATION ON SECRETARY-APPROVED COVERAGE.—

(1) UNDER CHIP.—Section 2103(a)(4) of the Social Security Act (42 U.S.C. 1397cc(a)(4)) is amended by inserting before the period at the end the following: "if the health benefits coverage is at least equivalent to the benefits coverage in a benchmark benefit package described in subsection (b)".

(2) UNDER MEDICAID.—Section 1937(b)(1)(D) of the Social Security Act (42 U.S.C. 1396u-7(b)(1)(D)) is amended by inserting before the period at the end the following: "if the health

benefits coverage is at least equivalent to the benefits coverage in benchmark coverage described in subparagraph (A), (B), or (C)".

(b) REQUIREMENT FOR MOST POPULAR FAMILY COVERAGE FOR STATE EMPLOYEE COVERAGE BENCHMARK.—

(1) CHIP.—Section 2103(b)(2) of such Act (42 U.S.C. 1397(b)(2)) is amended by inserting "and that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years" before the period at the end.

SEC. 123. PREMIUM GRACE PERIOD.

(a) IN GENERAL.—Section 2103(e)(3) of the Social Security Act (42 U.S.C. 1397cc(e)(3)) is amended by adding at the end the following new subparagraph:

"(C) PREMIUM GRACE PERIOD.—The State child health plan—

"(i) shall afford individuals enrolled under the plan a grace period of at least 30 days from the beginning of a new coverage period to make premium payments before the individual's coverage under the plan may be terminated; and

"(ii) shall provide to such an individual, not later than 7 days after the first day of such grace period, notice—

"(I) that failure to make a premium payment within the grace period will result in termination of coverage under the State child health plan; and

"(II) of the individual's right to challenge the proposed termination pursuant to the applicable Federal regulations.

For purposes of clause (i), the term 'new coverage period' means the month immediately following the last month for which the premium has been paid.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to new coverage periods beginning on or after January 1, 2009.

Subtitle D—Populations

SEC. 131. OPTIONAL COVERAGE OF CHILDREN UP TO AGE 21 UNDER CHIP.

(a) IN GENERAL.—Section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397jj(c)(1)) is amended by inserting "(or, at the option of the State, under 20 or 21 years of age)" after "19 years of age".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

(F) Section 1932(a)(2)(A) of such Act (42 U.S.C. 1396u-2(a)(2)(A)) is amended by inserting "(or under such higher age as the State has elected under section 1902(l)(1)(D))" after "19 years of age".

(b) TITLE XXI.—Section 2110(c)(1) of such Act (42 U.S.C. 1397jj(c)(1)) is amended by inserting "(or, at the option of the State and subject to section 131(d) of the Children's Health and Medicare Protection Act of 2007, under such higher age as the State has elected under section 1902(l)(1)(D))" after "19 years of age".

(c) EFFECTIVE DATE.—Subject to subsection (d), the amendments made by this section take effect on January 1, 2010.

(d) TRANSITION.—In carrying out the amendments made by subsections (a) and (b)—

(1) for 2010, a State election under section 1902(l)(1)(D) shall only apply with respect to title XXI of such Act and the age elected may not exceed 21 years of age;

SEC. 132. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND CHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

"(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) CHILDREN.—Individuals under age 19 (or such higher age as the State has elected under section 1902(l)(1)(D)), including optional targeted low-income children described in section 1905(u)(2)(B).

"(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of medical assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.".

(b) CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 112(b), 112(d)(2),and 121(a)(2), is amended by inserting after subparagraph (E) the following new subparagraphs:

"(F) Section 1903(v)(4)(A) (relating to optional coverage of certain categories of lawfully residing immigrants), insofar as it relates to the category of pregnant women described in clause (i) of such section, but only if the State has elected to apply such section with respect to such women under title XIX and the State has elected the option under section 2111 to provide assistance for pregnant women under this title.

"(G) Section 1903(v)(4)(A) (relating to optional coverage of categories of lawfully residing immigrants), insofar as it relates to the category of children described in clause (ii) of such section, but only if the State has elected to apply such section with respect to such children under title XIX.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

SEC. 133. STATE OPTION TO EXPAND OR ADD COVERAGE OF CERTAIN PREGNANT WOMEN UNDER CHIP.

(a) CHIP.—

(1) COVERAGE.—Title XXI (42 U.S.C. 1397aa et seq.) of the Social Security Act is amended by adding at the end the following new section:

"SEC. 2111. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN.

"(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State may provide for coverage, through an amendment to its State child health plan under section 2102, of assistance for pregnant women for targeted low-income pregnant women in accordance with this section, but only if—

"(1) the State has established an income eligibility level—

"(A) for pregnant women, under any of clauses (i)(III), (i)(IV), or (ii)(IX) of section 1902(a)(10)(A), that is at least 185 percent (or such higher percent as the State has in effect for pregnant women under this title) of the poverty line applicable to a family of the size involved, but in no case a percent lower than the percent in effect under any such clause as of July 1, 2007; and

"(B) for children under 19 years of age under this title (or title XIX) that is at least 200 percent of the poverty line applicable to a family of the size involved; and

"(2) the State does not impose, with respect to the enrollment under the State child health plan of targeted low-income children during the quarter, any enrollment cap or other numerical limitation on enrollment, any waiting list, any procedures designed to delay the consideration of applications for enrollment, or similar limitation with respect to enrollment.

"(b) DEFINITIONS.—For purposes of this title:

"(1) ASSISTANCE FOR PREGNANT WOMEN.—The term 'assistance for pregnant women' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women.

"(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

"(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

"(B) whose family income exceeds 185 percent (or, if higher, the percent applied under subsection (a)(1)(A)) of the poverty level applicable to a family of the size involved, but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

"(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b), applied as if any reference to a child was a reference to a pregnant woman.

"(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of assistance for pregnant women to targeted low-income pregnant women under subsection (a), the following special rules apply:

"(1) Any reference in this title (other than in subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income pregnant woman.

"(2) Any reference in this title to child health assistance (other than with respect to the provision of early and periodic screening, diagnostic, and treatment services) with respect to such women is deemed a reference to assistance for pregnant women.

"(3) Any such reference (other than in section 2105(d)) to a child is deemed a reference to a woman during pregnancy and the period described in subsection (b)(2)(A).

"(4) In applying section 2102(b)(3)(B), any reference to children found through screening to be eligible for medical assistance under the State medicaid plan under title XIX is deemed a reference to pregnant women.

"(5) There shall be no exclusion of benefits for services described in subsection (b)(1) based on any preexisting condition and no waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) shall apply.

"(6) In applying section 2103(e)(3)(B) in the case of a pregnant woman provided coverage under this section, the limitation on total annual aggregate cost-sharing shall be applied to such pregnant woman.

"(7) In applying section 2104(i)—

"(A) in the case of a State which did not provide for coverage for pregnant women under this title (under a waiver or otherwise) during fiscal year 2007, the allotment amount otherwise computed for the first fiscal year in which the State elects to provide coverage under this section shall be increased by an amount (determined by the Secretary) equal to the enhanced FMAP of the expenditures under this title for such coverage, based upon projected enrollment and per capita costs of such enrollment; and

"(B) in the case of a State which provided for coverage of pregnant women under this title for the previous fiscal year—

"(i) in applying paragraph (2)(B) of such section, there shall also be taken into account (in an appropriate proportion) the percentage increase in births in the State for the relevant period; and

"(ii) in applying paragraph (3), pregnant women (and per capita expenditures for such women) shall be accounted for separately from children, but shall be included in the total amount of any allotment adjustment under such paragraph.

"(d) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING ASSISTANCE FOR PREGNANT WOMEN.—If a child is born to a targeted low-income pregnant woman who was receiving assistance for pregnant women under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title on the date of such birth, based on the mother's reported income as of the time of her enrollment under this section and applicable income eligibility levels under this title and title XIX, and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the assistance for pregnant women or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).".

(2) ADDITIONAL AMENDMENT.—Section 2107(e)(1)(I) of such Act (42 U.S.C. 1397gg(e)(1)(H)), as redesignated by section 112(b), is amended to read as follows:

"(I) Sections 1920 and 1920A (relating to presumptive eligibility for pregnant women and children).".

(b) AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) of the Social Security Act (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking "so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance".

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) of the Social Security Act (42 U.S.C. 1396r–1(b)) is amended by adding after paragraph (2) the following flush sentence:

"The term 'qualified provider' also includes a qualified entity, as defined in section 1920A(b)(3).".

SEC. 134. LIMITATION ON WAIVER AUTHORITY TO COVER ADULTS.

Section 2102 of the Social Security Act (42 U.S.C. 1397bb) is amended by adding at the end the following new subsection:

"(d) LIMITATION ON COVERAGE OF ADULTS.—Notwithstanding any other provision of this title, the Secretary may not, through the exercise of any waiver authority on or after January 1, 2008, provide for Federal financial participation to a State under this title for health care services for individuals who are not targeted low-income children or pregnant women unless the Secretary determines that no eligible targeted low-income child in the State would be denied coverage under this title for health care services because of such eligibility. In making such determination, the Secretary must receive assurances that—

"(1) there is no waiting list under this title in the State for targeted low-income children to receive child health assistance under this title; and

"(2) the State has in place an outreach program to reach all targeted low-income children in families with incomes less than 200 percent of the poverty line.".

SEC. 135. NO FEDERAL FUNDING FOR ILLEGAL ALIENS.

Nothing in this Act allows Federal payment for individuals who are not legal residents.

SEC. 136. AUDITING REQUIREMENT TO ENFORCE CITIZENSHIP RESTRICTIONS ON ELIGIBILITY FOR MEDICAID AND CHIP BENEFITS.

Section 1903(x) of the Social Security Act (as amended by section 405(c)(1)(A) of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432)) is amended by adding at the end the following new paragraph:

"(4)(A) Each State shall audit a statistically-based sample of cases of individuals whose eligibility for medical assistance (or child health assistance) is determined under section 1902(a)(46)(B) or under subsection (v)(4)(A) in order to demonstrate to the satisfaction of the Secretary that Federal funds under this title or title XXI are not unlawfully spent for benefits for individuals who are not legal residents. In conducting such audits, a State may rely on case reviews regularly conducted pursuant to its Medicaid Quality Control or Payment Error Rate Measurement (PERM) eligibility reviews under subsection (u) and the provisions of subsection (e) of section 1137 shall apply under this paragraph in the same manner as they apply under subsection (b) of such section.

"(B) The State shall remit to the Secretary the Federal share of any unlawful expenditures for benefits, for aliens who are not legal residents, which are identified under an audit conducted under subparagraph (A).".

Subtitle E—Access

SEC. 141. CHILDREN'S ACCESS, PAYMENT, AND EQUALITY COMMISSION.

Title XIX of the Social Security Act is amended by inserting before section 1901 the following new section:

"CHILDREN'S ACCESS, PAYMENT, AND EQUALITY COMMISSION

"SEC. 1900. (a) ESTABLISHMENT.—There is hereby established as an agency of Congress the Children's Access, Payment, and Equality Commission (in this section referred to as the 'Commission').

"(b) DUTIES.—

"(1) REVIEW OF PAYMENT POLICIES AND ANNUAL REPORTS.—The Commission shall—

"(A) review Federal and State payment policies of the Medicaid program established under this title (in this section referred to as 'Medicaid') and the State Children's Health Insurance Program established under title XXI (in this section referred to as 'CHIP'), including topics described in paragraph (2);

"(B) review access to, and affordability of, coverage and services for enrollees under Medicaid and CHIP;

"(C) make recommendations to Congress concerning such policies;

"(D) by not later than March 1 of each year, submit to Congress a report containing the results of such reviews and its recommendations concerning such policies; and

"(E) by not later than June 1 of each year, submit to Congress a report containing an examination of issues affecting Medicaid and CHIP, including the implications of changes in health care delivery in the United States and in the market for health care services on such programs.

"(2) SPECIFIC TOPICS TO BE REVIEWED.—Specifically, the Commission shall review the following:

"(A) The factors affecting expenditures for services in different sectors (such as physician, hospital and other sectors), payment methodologies, and their relationship to access and quality of care for Medicaid and CHIP beneficiaries.

"(B) The impact of Federal and State Medicaid and CHIP payment policies on access to services (including dental services) for children (including children with disabilities) and other Medicaid and CHIP populations.

"(C) The impact of Federal and State Medicaid and CHIP policies on reducing health disparities, including geographic disparities and disparities among minority populations.

"(D) The overall financial stability of the health care safety net, including Federally-qualified health centers, rural health centers, school-based clinics, disproportionate share hospitals, public hospitals, providers and grantees under section 2612(a)(5) of the Public Health Service Act (popularly known as the Ryan White CARE Act), and other providers that have a patient base which includes a disproportionate number of uninsured or low-income individuals and the impact of CHIP and Medicaid policies on such stability.

"(E) The relation (if any) between payment rates for providers and improvement in care for children as measured under the children's health quality measurement program established under section 151 of the Children's Health and Medicare Protection Act of 2007.

"(F) The affordability, cost effectiveness, and accessibility of services needed by special populations under Medicaid and CHIP as compared with private-sector coverage.

"(G) The extent to which the operation of Medicaid and CHIP ensures access, comparable to access under employer-sponsored or other private health insurance coverage (or in the case of federally-qualified health center services (as defined in section 1905(l)(2)) and rural health clinic services (as defined in section 1905(l)(1)), access comparable to the access to such services under title XIX), for targeted low-income children.

"(H) The effect of demonstrations under section 1115, benchmark coverage under section 1937, and other coverage under section 1938, on access to care, affordability of coverage, provider ability to achieve children's health quality performance measures, and access to safety net services.

"(3) COMMENTS ON CERTAIN SECRETARIAL REPORTS.—If the Secretary submits to Congress (or a committee of Congress) a report that is required by law and that relates to payment policies under Medicaid or CHIP, the Secretary shall transmit a copy of the report to the Commission. The Commission shall review the report and, not later than 6 months after the date of submittal of the Secretary's report to Congress, shall submit to the appropriate committees of Congress written comments on such report. Such comments may include such recommendations as the Commission deems appropriate.

"(4) AGENDA AND ADDITIONAL REVIEWS.—The Commission shall consult periodically with the Chairmen and Ranking Minority Members of the appropriate committees of Congress regarding the Commission's agenda and progress towards achieving the agenda. The Commission may conduct additional reviews, and submit additional reports to the appropriate committees of Congress, from time to time on such topics relating to the program under this title or title XXI as may be requested by such Chairmen and Members and as the Commission deems appropriate.

"(5) AVAILABILITY OF REPORTS.—The Commission shall transmit to the Secretary a copy of each report submitted under this subsection and shall make such reports available to the public.

"(6) APPROPRIATE COMMITTEE OF CONGRESS.—For purposes of this section, the term 'appropriate committees of Congress' means the Committees on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate.

"(7) VOTING AND REPORTING REQUIREMENTS.—With respect to each recommendation contained

in a report submitted under paragraph (1), each member of the Commission shall vote on the recommendation, and the Commission shall include, by member, the results of that vote in the report containing the recommendation.

"(8) EXAMINATION OF BUDGET CONSEQUENCES.—Before making any recommendations, the Commission shall examine the budget consequences of such recommendations, directly or through consultation with appropriate expert entities.

"(c) APPLICATION OF PROVISIONS.—The following provisions of section 1805 shall apply to the Commission in the same manner as they apply to the Medicare Payment Advisory Commission:

"(1) Subsection (c) (relating to membership), except that the membership of the Commission shall also include representatives of children, pregnant women, individuals with disabilities, seniors, low-income families, and other groups of CHIP and Medicaid beneficiaries.

"(2) Subsection (d) (relating to staff and consultants).

"(3) Subsection (e) (relating to powers).

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) REQUEST FOR APPROPRIATIONS.—The Commission shall submit requests for appropriations in the same manner as the Comptroller General submits requests for appropriations, but amounts appropriated for the Commission shall be separate from amounts appropriated for the Comptroller General.

"(2) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

SEC. 142. MODEL OF INTERSTATE COORDINATED ENROLLMENT AND COVERAGE PROCESS.

(a) IN GENERAL.—In order to assure continuity of coverage of low-income children under the Medicaid program and the State Children's Health Insurance Program (CHIP), not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States, in consultation with State Medicaid and CHIP directors and organizations representing program beneficiaries, shall develop a model process for the coordination of the enrollment, retention, and coverage under such programs of children who, because of migration of families, emergency evacuations, educational needs, or otherwise, frequently change their State of residency or otherwise are temporarily located outside of the State of their residency.

(b) REPORT TO CONGRESS.—After development of such model process, the Comptroller General shall submit to Congress a report describing additional steps or authority needed to make further improvements to coordinate the enrollment, retention, and coverage under CHIP and Medicaid of children described in subsection (a).

SEC. 143. MEDICAID CITIZENSHIP DOCUMENTATION REQUIREMENTS.

(a) STATE OPTION TO REQUIRE CHILDREN TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE OF PROOF OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID; REQUIREMENT FOR AUDITING.—

(1) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(46)—

(i) by inserting "(A)" after "(46)"; and

(ii) by adding at the end the following new subparagraphs:

"(B) at the option of the State, require that, with respect to a child under 21 years of age (other than an individual described in section 1903(x)(2)) who declares to be a citizen or national of the United States for purposes of establishing initial eligibility for medical assistance under this title (or, at State option, for purposes of renewing or redetermining such eligibility to the extent that such satisfactory documentary evidence of citizenship or nationality has not yet been presented), there is presented satisfactory documentary evidence of citizenship or nationality of the individual (using criteria determined by the State, which shall be no more restrictive than the documentation specified in section 1903(x)(3)); and

"(C) comply with the auditing requirements of section 1903(x)(4);"; and

(B) in subsection (b)(3), by inserting "or any citizenship documentation requirement for a child under 21 years of age that is more restrictive than what a State may provide under section 1903(x)" before the period at the end.

(2) ELIMINATION OF DENIAL OF PAYMENTS FOR CHILDREN.—Section 1903(i)(22) of such Act (42 U.S.C. 1396b(i)(22)) is amended by inserting "(other than a child under the age of 21)" after "for an individual".

(b) CLARIFICATION OF RULES FOR CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.—Section 1903(x)(2) of such Act (42 U.S.C. 1396b(x)(2)) is amended—

(1) in subparagraph (C), by striking "or" at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis; or".

(c) DOCUMENTATION FOR NATIVE AMERICANS.—Section 1903(x)(3)(B) of such Act is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv) the following new clause:

"(v) For an individual who is a member of, or enrolled in or affiliated with, a federally-recognized Indian tribe, a document issued by such tribe evidencing such membership, enrollment, or affiliation with the tribe (such as a tribal enrollment card or certificate of degree of Indian blood), and, only with respect to those federally-recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, such other forms of documentation (including tribal documentation, if appropriate) as the Secretary, after consulting with such tribes, determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subparagraph.".

(d) REASONABLE OPPORTUNITY.—Section 1903(x) of such Act, as amended by subsection (a)(2), is further amended by adding at the end the following new paragraph:

"(5) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status and shall not be denied medical assistance on the basis of failure to provide such documentation until the individual has had such an opportunity.".

(e) EFFECTIVE DATE.—

(1) RETROACTIVE APPLICATION.—The amendments made by this section shall take effect as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 4).

(2) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on the date of the enactment of this Act, was determined to be ineligible for medical assistance under a State Medicaid program solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by this section, had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

SEC. 144. ACCESS TO DENTAL CARE FOR CHILDREN.

(a) DENTAL EDUCATION FOR PARENTS OF NEWBORNS.—The Secretary of Health and Human Services shall develop and implement, through entities that fund or provide perinatal care services to targeted low-income children under a State child health plan under title XXI of the Social Security Act, a program to deliver oral health educational materials that inform new parents about risks for, and prevention of, early childhood caries and the need for a dental visit within their newborn's first year of life.

(b) PROVISION OF DENTAL SERVICES THROUGH FQHCS.—

(1) MEDICAID.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking "and" at the end of paragraph (69);

(B) by striking the period at the end of paragraph (70) and inserting "; and"; and

(C) by inserting after paragraph (70) the following new paragraph:

"(71) provide that the State will not prevent a Federally-qualified health center from entering into contractual relationships with private practice dental providers in the provision of Federally-qualified health center services.".

(2) CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397g(e)(1)), as amended by section 112(b), is amended by inserting after subparagraph (A) the following new subparagraph:

"(B) Section 1902(a)(71) (relating to limiting FQHC contracting for provision of dental services).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

(c) REPORTING INFORMATION ON DENTAL HEALTH.—

(1) MEDICAID.—Section 1902(a)(43)(D)(iii) of such Act (42 U.S.C. 1396a(a)(43)(D)(iii)) is amended by inserting "and other information relating to the provision of dental services to such children described in section 2108(e)" after "receiving dental services,".

(2) CHIP.—Section 2108 of such Act (42 U.S.C. 1397hh) is amended by adding at the end the following new subsection:

"(e) INFORMATION ON DENTAL CARE FOR CHILDREN.—

"(1) IN GENERAL.—Each annual report under subsection (a) shall include the following information with respect to care and services described in section 1905(r)(3) provided to targeted low-income children enrolled in the State child health plan under this title at any time during the year involved:

"(A) The number of enrolled children by age grouping used for reporting purposes under section 1902(a)(43).

"(B) For children within each such age grouping, information of the type contained in

questions 12(a)-(c) of CMS Form 416 (that consists of the number of enrolled targeted low income children who receive any, preventive, or restorative dental care under the State plan).

"(C) For the age grouping that includes children 8 years of age, the number of such children who have received a protective sealant on at least one permanent molar tooth.

"(2) INCLUSION OF INFORMATION ON ENROLLEES IN MANAGED CARE PLANS.—The information under paragraph (1) shall include information on children who are enrolled in managed care plans and other private health plans and contracts with such plans under this title shall provide for the reporting of such information by such plans to the State.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective for annual reports submitted for years beginning after date of enactment.

(d) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall provide for a study that examines—

(A) access to dental services by children in underserved areas; and

(B) the feasibility and appropriateness of using qualified mid-level dental health providers, in coordination with dentists, to improve access for children to oral health services and public health overall.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 145. PROHIBITING INITIATION OF NEW HEALTH OPPORTUNITY ACCOUNT DEMONSTRATION PROGRAMS.

After the date of the enactment of this Act, the Secretary of Health and Human Services may not approve any new demonstration programs under section 1938 of the Social Security Act (42 U.S.C. 1396u-8).

Subtitle F—Quality and Program Integrity

SEC. 151. PEDIATRIC HEALTH QUALITY MEASUREMENT PROGRAM.

(a) QUALITY MEASUREMENT OF CHILDREN'S HEALTH.—

(1) ESTABLISHMENT OF PROGRAM TO DEVELOP QUALITY MEASURES FOR CHILDREN'S HEALTH.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish a child health care quality measurement program (in this subsection referred to as the "children's health quality measurement program") to develop and implement—

(A) pediatric quality measures on children's health care that may be used by public and private health care purchasers (and a system for reporting such measures); and

(B) measures of overall program performance that may be used by public and private health care purchasers.

The Secretary shall publish, not later than September 30, 2009, the recommended measures under the program for application under the amendments made by subsection (b) for years beginning with 2010.

(2) MEASURES.—

(A) SCOPE.—The measures developed under the children's health quality measurement program shall—

(i) provide comprehensive information with respect to the provision and outcomes of health care for young children, school age children, and older children.

(ii) be designed to identify disparities by pediatric characteristics (including, at a minimum, those specified in subparagraph (C)) in child health and the provision of health care;

(iii) be designed to ensure that the data required for such measures is collected and reported in a standard format that permits comparison at a State, plan, and provider level, and between insured and uninsured children;

(iv) take into account existing measures of child health quality and be periodically updated;

(v) include measures of clinical health care quality which meet the requirements for pediatric quality measures in paragraph (1);

(vi) improve and augment existing measures of clinical health care quality for children's health care and develop new and emerging measures; and

(vii) increase the portfolio of evidence-based pediatric quality measures available to public and private purchasers, providers, and consumers.

(B) SPECIFIC MEASURES.—Such measures shall include measures relating to at least the following aspects of health care for children:

(i) The proportion of insured (and uninsured) children who receive age-appropriate preventive health and dental care (including age appropriate immunizations) at each stage of child health development.

(ii) The proportion of insured (and uninsured) children who receive dental care for restoration of teeth, relief of pain and infection, and maintenance of dental health.

(iii) The effectiveness of early health care interventions for children whose assessments indicate the presence or risk of physical or mental conditions that could adversely affect growth and development.

(iv) The effectiveness of treatment to ameliorate the effects of diagnosed physical and mental health conditions, including chronic conditions.

(v) The proportion of children under age 21 who are continuously insured for a period of 12 months or longer.

(vi) The effectiveness of health care for children with disabilities.

In carrying out clause (vi), the Secretary shall develop quality measures and best practices relating to cystic fibrosis.

(vii) Data on State efforts to reduce hospitalization rate of premature infants under the age of 12 months who were born prior to 35 weeks.

(C) REPORTING METHODOLOGY FOR ANALYSIS BY PEDIATRIC CHARACTERISTICS.—The children's health quality measurement program shall describe with specificity such measures and the process by which such measures will be reported in a manner that permits analysis based on each of the following pediatric characteristics:

(i) Age.

(ii) Gender.

(iii) Race.

(iv) Ethnicity.

(v) Primary language of the child's parents (or caretaker relative).

(vi) Disability or chronic condition (including cystic fibrosis).

(vii) Geographic location.

(viii) Coverage status under public and private health insurance programs.

(D) PEDIATRIC QUALITY MEASURE.—In this subsection, the term "pediatric quality measure" means a measurement of clinical care that assesses one or more aspects of pediatric health care quality (in various settings) including the structure of the clinical care system, the process and outcome of care, or patient experience in such care.

(3) CONSULTATION IN DEVELOPING QUALITY MEASURES FOR CHILDREN'S HEALTH SERVICES.—In developing and implementing the children's health quality measurement program, the Secretary shall consult with—

(A) States;

(B) pediatric hospitals, pediatricians, and other primary and specialized pediatric health care professionals (including members of the allied health professions) who specialize in the care and treatment of children, particularly children with special physical, mental, and developmental health care needs;

(C) dental professionals;

(D) health care providers that furnish primary health care to children and families who live in urban and rural medically underserved communities or who are members of distinct population sub-groups at heightened risk for poor health outcomes;

(E) national organizations representing children, including children with disabilities and children with chronic conditions;

(F) national organizations and individuals with expertise in pediatric health quality performance measurement; and

(G) voluntary consensus standards setting organizations and other organizations involved in the advancement of evidence based measures of health care.

(4) USE OF GRANTS AND CONTRACTS.—In carrying out the children's health quality measurement program, the Secretary may award grants and contracts to develop, test, validate, update, and disseminate quality measures under the program.

(5) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States to establish for the reporting of quality measures under titles XIX and XXI of the Social Security Act in accordance with the children's health quality measurement program.

(b) DISSEMINATION OF INFORMATION ON THE QUALITY OF PROGRAM PERFORMANCE.—Not later than January 1, 2009, and annually thereafter, the Secretary shall collect, analyze, and make publicly available on a public website of the Department of Health and Human Services in an online format—

(1) a complete list of all measures in use by States as of such date and used to measure the quality of medical and dental health services furnished to children enrolled under title XIX of XXI of the Social Security Act by participating providers, managed care entities, and plan issuers; and

(2) information on health care quality for children contained in external quality review reports required under section 1932(c)(2) of such Act (42 U.S.C. 1396u-2) or produced by States that administer separate plans under title XXI of such Act.

(c) REPORTS TO CONGRESS ON PROGRAM PERFORMANCE.—Not later than January 1, 2010, and every 2 years thereafter, the Secretary shall report to Congress on—

(1) the quality of health care for children enrolled under title XIX and XXI of the Social Security Act under the children's health quality measurement program; and

(2) patterns of health care utilization with respect to the measures specified in subsection (a)(2)(B) among children by the pediatric characteristics listed in subsection (a)(2)(C).

SEC. 152. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP.

(a) IN GENERAL.—Section 2103(f) of Social Security Act (42 U.S.C. 1397bb(f)) is amended by adding at the end the following new paragraph:

"(3) COMPLIANCE WITH MANAGED CARE REQUIREMENTS.—The State child health plan shall provide for the application of subsections (a)(4), (a)(5), (b), (c), (d), and (e) of section 1932 (relating to requirements for managed care) to coverage, State agencies, enrollment brokers, managed care entities, and managed care organizations under this title in the same manner as such subsections apply to coverage and such entities and organizations under title XIX.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contract years for health plans beginning on or after July 1, 2008.

SEC. 153. UPDATED FEDERAL EVALUATION OF CHIP.

Section 2108(c) of the Social Security Act (42 U.S.C. 1397hh(c)) is amended by striking paragraph (5) and inserting the following:

"(5) SUBSEQUENT EVALUATION USING UPDATED INFORMATION.—

"(A) IN GENERAL.—The Secretary, directly or through contracts or interagency agreements, shall conduct an independent subsequent evaluation of 10 States with approved child health plans.

"(B) SELECTION OF STATES AND MATTERS INCLUDED.—Paragraphs (2) and (3) shall apply to such subsequent evaluation in the same manner as such provisions apply to the evaluation conducted under paragraph (1).

"(C) SUBMISSION TO CONGRESS.—Not later than December 31, 2010, the Secretary shall submit to Congress the results of the evaluation conducted under this paragraph.

"(D) FUNDING.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $10,000,000 for fiscal year 2009 for the purpose of conducting the evaluation authorized under this paragraph. Amounts appropriated under this subparagraph shall remain available for expenditure through fiscal year 2011." .

SEC. 154. ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.

Section 2108(d) of the Social Security Act (42 U.S.C. 1397hh(d)) is amended to read as follows:

"(d) ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.—For the purpose of evaluating and auditing the program established under this title, the Secretary, the Office of Inspector General, and the Comptroller General shall have access to any books, accounts, records, correspondence, and other documents that are related to the expenditure of Federal funds under this title and that are in the possession, custody, or control of States receiving Federal funds under this title or political subdivisions thereof, or any grantee or contractor of such States or political subdivisions.".

SEC. 155. REFERENCES TO TITLE XXI.

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (Appendix F, 113 Stat. 1501A-321), as enacted into law by section 1000(a)(6) of Public Law 106–113) is repealed and the item relating to such section in the table of contents of such Act is repealed.

SEC. 156. RELIANCE ON LAW; EXCEPTION FOR STATE LEGISLATION.

(a) RELIANCE ON LAW.—With respect to amendments made by this title or title VIII that become effective as of a date—

(1) such amendments are effective as of such date whether or not regulations implementing such amendments have been issued; and

(2) Federal financial participation for medical assistance or child health assistance furnished under title XIX or XXI, respectively, of the Social Security Act on or after such date by a State in good faith reliance on such amendments before the date of promulgation of final regulations, if any, to carry out such amendments (or before the date of guidance, if any, regarding the implementation of such amendments) shall not be denied on the basis of the State's failure to comply with such regulations or guidance.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or State child health plan under XXI of the Social Security Act, which the Secretary of Health and Human Services determines requires State legislation in order for respective plan to meet one or more additional requirements imposed by amendments made by this title or title VIII, the respective State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

TITLE II—MEDICARE BENEFICIARY IMPROVEMENTS

Subtitle A—Improvements in Benefits

SEC. 201. COVERAGE AND WAIVER OF COST-SHARING FOR PREVENTIVE SERVICES.

(a) PREVENTIVE SERVICES DEFINED; COVERAGE OF ADDITIONAL PREVENTIVE SERVICES.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)—

(A) in subparagraph (Z), by striking "and" after the semicolon at the end;

(B) in subparagraph (AA), by adding "and" after the semicolon at the end; and

(C) by adding at the end the following new subparagraph:

"(BB) additional preventive services (described in subsection (ccc)(1)(M));"; and

(2) by adding at the end the following new subsection:

"Preventive Services

"(ccc)(1) The term 'preventive services' means the following:

"(A) Prostate cancer screening tests (as defined in subsection (oo)).

"(B) Colorectal cancer screening tests (as defined in subsection (pp)).

"(C) Diabetes outpatient self-management training services (as defined in subsection (qq)).

"(D) Screening for glaucoma for certain individuals (as described in subsection (s)(2)(U)).

"(E) Medical nutrition therapy services for certain individuals (as described in subsection (s)(2)(V)).

"(F) An initial preventive physical examination (as defined in subsection (ww)).

"(G) Cardiovascular screening blood tests (as defined in subsection (xx)(1)).

"(H) Diabetes screening tests (as defined in subsection described in subsection (s)(2)(Y)).

"(I) Ultrasound screening for abdominal aortic aneurysm for certain individuals (as described in described in subsection (s)(2)(AA)).

"(J) Pneumococcal and influenza vaccine and their administration (as described in subsection (s)(10)(A)).

"(K) Hepatitis B vaccine and its administration for certain individuals (as described in subsection (s)(10)(B)).

"(L) Screening mammography (as defined in subsection (jj)).

"(M) Screening pap smear and screening pelvic exam (as described in subsection (s)(14)).

"(N) Bone mass measurement (as defined in subsection (rr)).

"(O) Additional preventive services (as determined under paragraph (2)).

"(2)(A) The term 'additional preventive services' means items and services, including mental health services, not described in subparagraphs (A) through (N) of paragraph (1) that the Secretary determines to be reasonable and necessary for the prevention or early detection of an illness or disability.

"(B) In making determinations under subparagraph (1), the Secretary shall—

"(i) take into account evidence-based recommendations by the United States Preventive Services Task Force and other appropriate organizations; and

"(ii) use the process for making national coverage determinations (as defined in section 1869(f)(1)(B)) under this title.".

(b) PAYMENT AND ELIMINATION OF COST-SHARING.—

(1) IN GENERAL.—

(A) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(i) in clause (T), by striking "80 percent" and inserting "100 percent"; and

(ii) by striking "and" before "(V)"; and

(iii) by inserting before the semicolon at the end the following: ", and (W) with respect to additional preventive services (as defined in section 1861(ccc)(2)) and other preventive services for which a payment rate is not otherwise established under this section, the amount paid shall be 100 percent of the lesser of the actual charge for the services or the amount determined under a fee schedule established by the Secretary for purposes of this clause".

(B) APPLICATION TO SIGMOIDOSCOPIES AND COLONOSCOPIES.—Section 1834(d) of such Act (42 U.S.C. 1395m(d)) is amended—

(i) in paragraph (2)(C), by amending clause (ii) to read as follows:

"(ii) NO COINSURANCE.—In the case of a beneficiary who receives services described in clause (i), there shall be no coinsurance applied."; and.

(ii) in paragraph (3)(C), by amending clause (ii) to read as follows:

"(ii) NO COINSURANCE.—In the case of a beneficiary who receives services described in clause (i), there shall be no coinsurance applied.".

(2) ELIMINATION OF COINSURANCE IN OUTPATIENT HOSPITAL SETTINGS.—

(A) EXCLUSION FROM OPD FEE SCHEDULE.—Section 1833(t)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(1)(B)(iv)) is amended by striking "screening mammography (as defined in section 1861(jj)) and diagnostic mammography" and inserting "diagnostic mammography and preventive services (as defined in section 1861(ccc)(1))".

(B) CONFORMING AMENDMENTS.—Section 1833(a)(2) of the Social Security Act (42 U.S.C. 1395l(a)(2)) is amended—

(i) in subparagraph (F), by striking "and" after the semicolon at the end;

(ii) in subparagraph (G)(ii), by adding "and" at the end; and

(iii) by adding at the end the following new subparagraph:

"(H) with respect to additional preventive services (as defined in section 1861(ccc)(2)) furnished by an outpatient department of a hospital, the amount determined under paragraph (1)(W);".

(3) WAIVER OF APPLICATION OF DEDUCTIBLE FOR ALL PREVENTIVE SERVICES.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

(A) in clause (1), by striking "items and services described in section 1861(s)(10)(A)" and inserting "preventive services (as defined in section 1861(ccc)(1))";

(B) by inserting "and" before "(4)"; and

(C) by striking clauses (5) through (8).

(c) INCLUSION AS PART OF INITIAL PREVENTIVE PHYSICAL EXAMINATION.—Section 1861(ww)(2) of the Social Security Act (42 U.S.C. 1395x(ww)(2)) is amended by adding at the end the following new subparagraph:

"(M) Additional preventive services (as defined in subsection (ccc)(2)).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2008.

SEC. 202. WAIVER OF DEDUCTIBLE FOR COLORECTAL CANCER SCREENING TESTS REGARDLESS OF CODING, SUBSEQUENT DIAGNOSIS, OR ANCILLARY TISSUE REMOVAL.

(a) IN GENERAL.—Section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)), as amended by section 201(b), is amended by adding at the end *the following new sentence: "Clause (1) of the first sentence of this subsection shall apply with respect to a colorectal cancer screening test regardless of the code applied, of the establishment of a diagnosis as a result of the test, or of the removal of tissue or other matter or other procedure that is performed in connection with and as a result of the screening test.".*

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services furnished on or after January 1, 2008.

SEC. 203. PARITY FOR MENTAL HEALTH COINSURANCE.

Section 1833(c) of the Social Security Act (42 U.S.C. 1395l(c)) is amended by inserting "before 2008" after "in any calendar year".

Subtitle B—Improving, Clarifying, and Simplifying Financial Assistance for Low Income Medicare Beneficiaries

SEC. 211. IMPROVING ASSETS TESTS FOR MEDICARE SAVINGS PROGRAM AND LOW-INCOME SUBSIDY PROGRAM.

(a) APPLICATION OF HIGHEST LEVEL PERMITTED UNDER LIS.—

(1) TO FULL-PREMIUM SUBSIDY ELIGIBLE INDIVIDUALS.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(A) in paragraph (1), in the matter before subparagraph (A), by inserting "(or, beginning with 2009, paragraph (3)(E))" after "paragraph (3)(D)"; and

(B) in paragraph (3)(A)(iii), by striking "(D) or".

(2) ANNUAL INCREASE IN LIS RESOURCE TEST.—Section 1860D–14(a)(3)(E)(i) of such Act (42 U.S.C. 1395w–114(a)(3)(E)(i)) is amended—

(A) by striking "and" at the end of subclause (I);

(B) in subclause (II), by inserting "(before 2009)" after "subsequent year";

(C) by striking the period at the end of subclause (II) and inserting a semicolon;

(D) by inserting after subclause (II) the following new subclauses:

"(III) for 2009, $17,000 (or $34,000 in the case of the combined value of the individual's assets or resources and the assets or resources of the individual's spouse); and

"(IV) for a subsequent year, the dollar amounts specified in this subclause (or subclause (III)) for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year; and,"

(E) in the last sentence, by inserting "or (IV)" after "subclause (II)".

(3) APPLICATION OF LIS TEST UNDER MEDICARE SAVINGS PROGRAM.—Section 1905(p)(1)(C) of such Act (42 U.S.C. 1396d(p)(1)(C)) is amended by inserting before the period at the end the following: "or, effective beginning with January 1, 2009, whose resources (as so determined) do not exceed the maximum resource level applied for the year under section 1860D–14(a)(3)(E) applicable to an individual or to the individual and the individual's spouse (as the case may be)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to eligibility determinations for income-related subsidies and medicare cost-sharing furnished for periods beginning on or after January 1, 2009.

SEC. 212. MAKING QI PROGRAM PERMANENT AND EXPANDING ELIGIBILITY.

(a) MAKING PROGRAM PERMANENT.—

(1) IN GENERAL.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396b(a)(10)(E)(iv)) is amended—

(A) by striking "sections 1933 and" and by inserting "section"; and

(B) by striking "(but only for" and all that follows through "September 2007)".

(2) ELIMINATION OF FUNDING LIMITATION.—

(A) IN GENERAL.—Section 1933 of such Act (42 U.S.C. 1396u–3) is amended—

(i) in subsection (a), by striking "who are selected to receive such assistance under subsection (b)"

(ii) by striking subsections (b), (c), (e), and (g);

(iii) in subsection (d), by striking "furnished in a State" and all that follows and inserting "the Federal medical assistance percentage shall be equal to 100 percent."; and

(iv) by redesignating subsections (d) and (f) as subsections (b) and (c), respectively.

(B) CONFORMING AMENDMENT.—Section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by striking "1933(d)" and inserting "1933(b)".

(C) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on October 1, 2007.

(b) INCREASE IN ELIGIBILITY TO 150 PERCENT OF THE FEDERAL POVERTY LEVEL.—Section 1902(a)(10)(E)(iv) of such Act is further amended by inserting "(or, effective January 1, 2008, 150 percent)" after "135 percent".

SEC. 213. ELIMINATING BARRIERS TO ENROLLMENT.

(a) ADMINISTRATIVE VERIFICATION OF INCOME AND RESOURCES UNDER THE LOW-INCOME SUBSIDY PROGRAM.—Clause (iii) of section 1860D–14(a)(3)(E) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(E)) is amended to read as follows:

"(iii) CERTIFICATION OF INCOME AND RESOURCES.—For purposes of applying this section—

"(I) an individual shall be permitted to apply on the basis of self-certification of income and resources; and

"(II) matters attested to in the application shall be subject to appropriate methods of verification without the need of the individual to provide additional documentation, except in extraordinary situations as determined by the Commissioner.".

(b) AUTOMATIC REENROLLMENT WITHOUT NEED TO REAPPLY UNDER LOW-INCOME SUBSIDY PROGRAM.—Section 1860D–14(a)(3) of such Act (42 U.S.C. 1395w–114(a)(3)), is amended by adding at the end the following new subparagraph:

"(G) AUTOMATIC REENROLLMENT.—For purposes of applying this section, in the case of an individual who has been determined to be a subsidy eligible individual (and within a particular class of such individuals, such as a full-subsidy eligible individual or a partial subsidy eligible individual), the individual shall be deemed to continue to be so determined without the need for any annual or periodic application unless and until the individual notifies a Federal or State official responsible for such determinations that the individual's eligibility conditions have changed so that the individual is no longer a subsidy eligible individual (or is no longer within such class of such individuals).".

(c) ENCOURAGING APPLICATION OF PROCEDURES UNDER MEDICARE SAVINGS PROGRAM.—Section 1905(p) of such Act (42 U.S.C. 1396d(p)) is amended by adding at the end the following new paragraph:

"(7) The Secretary shall take all reasonable steps to encourage States to provide for administrative verification of income and automatic reenrollment (as provided under "subparagraphs (c)(iii) and (G) of section 1860D–14(a)(3)" in the case of the low-income subsidy program).".

(d) SSA ASSISTANCE WITH MEDICARE SAVINGS PROGRAM AND LOW-INCOME SUBSIDY PROGRAM APPLICATIONS.—Section 1144 of such Act (42 U.S.C. 1320b-14) is amended by adding at the end the following new subsection:

"(c) ASSISTANCE WITH MEDICARE SAVINGS PROGRAM AND LOW-INCOME SUBSIDY PROGRAM APPLICATIONS.—

"(1) DISTRIBUTION OF APPLICATIONS TO APPLICANTS FOR MEDICARE.—In the case of each individual applying for hospital insurance benefits under section 226 or 226A, the Commissioner shall provide the following:

"(A) Information describing the low-income subsidy program under section 1860D–14 and the medicare savings program under title XIX.

"(B) An application for enrollment under such low-income subsidy program as well as a simplified application form (developed under section 1905(p)(5)) for medical assistance for medicare cost-sharing under title XIX.

"(C) Information on how the individual may obtain assistance in completing such applications, including information on how the individual may contact the State health insurance assistance program (SHIP) for the State in which the individual is located.

The Commissioner shall make such application forms available at local offices of the Social Security Administration.

"(2) TRAINING PERSONNEL IN ASSISTING IN COMPLETING APPLICATIONS.—The Commissioner shall provide training to those employees of the Social Security Administration who are involved in receiving applications for benefits described in paragraph (1) in assisting applicants in completing a medicare savings program application described in paragraph (1). Such employees who are so trained shall provide such assistance upon request.

"(3) TRANSMITTAL OF APPLICATION.—If such an employee assists in completing such an application, the employee, with the consent of the applicant, shall transmit the application to the appropriate State medicaid agency for processing.

"(4) COORDINATION WITH OUTREACH.—The Commissioner shall coordinate outreach activities under this subsection with outreach activities conducted by States in connection with the low-income subsidy program and the medicare savings program.".

(e) MEDICAID AGENCY CONSIDERATION OF APPLICATIONS.—Section 1935(a) of such Act (42 U.S.C. 1396u-5(a)) is amended by adding at the end the following new paragraph:

"(4) CONSIDERATION OF MSP APPLICATIONS.—The State shall accept medicare savings program applications transmitted under section 1144(c)(3) and act on such applications in the same manner and deadlines as if they had been submitted directly by the applicant.".

(f) TRANSLATION OF MODEL FORM.—Section 1905(p)(5)(A) of the Social Security Act (42 U.S.C. 1396d(p)(5)(A)) is amended by adding at the end the following: "The Secretary shall provide for the translation of such application form into at least the 10 languages (other than English) that are most often used by individuals applying for hospital insurance benefits under section 226 or 226A and shall make the translated forms available to the States and to the Commissioner of Social Security.".

(g) DISCLOSURE OF TAX RETURN INFORMATION FOR PURPOSES OF PROVIDING LOW-INCOME SUBSIDIES UNDER MEDICARE.—

(1) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE OF RETURN INFORMATION FOR PURPOSES OF PROVIDING LOW-INCOME SUBSIDIES UNDER MEDICARE.—

"(A) RETURN INFORMATION FROM INTERNAL REVENUE SERVICE TO SOCIAL SECURITY ADMINISTRATION.—The Secretary, upon written request from the Commissioner of Social Security, shall disclose to the officers and employees of the Social Security Administration with respect to any individual identified by the Commissioner as potentially eligible (based on information other than return information) for low-income subsidies under section 1860D–14 of the Social Security Act—

"(i) whether the adjusted gross income for the applicable year is less than 135 percent of the poverty line (as specified by the Commissioner in such request).

"(ii) whether such adjusted gross income is between 135 percent and 150 percent of the poverty line (as so specified),

"(iii) whether any designated distributions (as defined in section 3405(e)(1)) were reported with respect to such individual under section 6047(d) for the applicable year, and the amount (if any) of the distributions so reported,

"(iv) whether the return was a joint return for the applicable year, and

"(v) the applicable year.

"(B) APPLICABLE YEAR.—

"(i) IN GENERAL.—For the purposes of this paragraph, the term 'applicable year' means the most recent taxable year for which information is available in the Internal Revenue Service's taxpayer data information systems, or, if there is no return filed for the individual for such year, the prior taxable year.

"(ii) NO RETURN.—If no return is filed for such individual for both taxable years referred to in clause (i), the Secretary shall disclose the fact that there is no return filed for such individual for the applicable year in lieu of the information described in subparagraph (A).

"(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under this paragraph may be used only for the purpose of improving the efforts of the Social Security Administration to contact and assist eligible individuals for, and administering, low-income subsidies under section 1860D–14 of the Social Security Act.

"(D) TERMINATION.—No disclosure shall be made under this paragraph after the 2-year period beginning on the date of the enactment of this paragraph.".

(2) PROCEDURES AND RECORDKEEPING RELATED TO DISCLOSURES.—Paragraph (4) of section 6103(p) of such Code is amended by striking "or (17)" each place it appears and inserting "(17), or (21)".

(3) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of the Treasury, after consultation with the Commissioner of Social Security, shall submit a written report to Congress regarding the use of disclosures made under section 6103(l)(21) of the Internal Revenue Code of 1986, as added by this subsection, in identifying individuals eligible for the low-income subsidies under section 1860D–14 of the Social Security Act.

(4) EFFECTIVE DATE.—The amendment made by this subsection shall apply to disclosures made after the date of the enactment of this Act.

(h) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall take effect on January 1, 2009.

SEC. 214. ELIMINATING APPLICATION OF ESTATE RECOVERY.

(a) IN GENERAL.—Section 1917(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1396p(b)(1)(B)(ii)) is amended by inserting "(but not including medical assistance for medicare cost-sharing or for benefits described in section 1902(a)(10)(E))" before the period at the end.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of January 1, 2008.

SEC. 215. ELIMINATION OF PART D COST-SHARING FOR CERTAIN NON-INSTITUTIONALIZED FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1860D–14(a)(1)(D)(i) of the Social Security Act (42 U.S.C. 1395w–114(a)(1)(D)(i)) is amended—

(1) by striking "INSTITUTIONALIZED INDIVIDUALS.—In" and inserting "ELIMINATION OF COST-SHARING FOR CERTAIN FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—

"(I) INSTITUTIONALIZED INDIVIDUALS.—In"; and

(2) by adding at the end the following new subclause:

"(II) CERTAIN OTHER INDIVIDUALS.—In the case of an individual who is a full-benefit dual eligible individual and with respect to whom there has been a determination that but for the provision of home and community based care (whether under section 1915 or under a waiver under section 1115) the individual would require the level of care provided in a hospital or a nursing facility or intermediate care facility for the mentally retarded the cost of which could be reimbursed under the State plan under title XIX, the elimination of any beneficiary coinsurance described in section 1860D–2(b)(2) (for all amounts through the total amount of expenditures at which benefits are available under section 1860D–2(b)(4)).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to drugs dispensed on or after January 1, 2009.

SEC. 216. EXEMPTIONS FROM INCOME AND RESOURCES FOR DETERMINATION OF ELIGIBILITY FOR LOW-INCOME SUBSIDY.

(a) IN GENERAL.—Section 1860D–14(a)(3) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)), as amended by subsections (a) and (b) of section 213, is further amended—

(1) in subparagraph (C)(i), by inserting "and except that support and maintenance furnished in kind shall not be counted as income" after "section 1902(r)(2)";

(2) in subparagraph (D), in the matter before clause (i), by inserting "subject to the additional exclusions provided under subparagraph (G)" before ")";

(3) in subparagraph (E)(i), in the matter before subclause (I), by inserting "subject to the additional exclusions provided under subparagraph (G)" before ")"; and

(4) by adding at the end the following new subparagraph:

"(I) ADDITIONAL EXCLUSIONS.—In determining the resources of an individual (and the eligible spouse of the individual, if any) under section 1613 for purposes of subparagraphs (D) and (E) the following additional exclusions shall apply:

"(i) LIFE INSURANCE POLICY.—No part of the value of any life insurance policy shall be taken into account.

"(ii) PENSION OR RETIREMENT PLAN.—No balance in any pension or retirement plan shall be taken into account.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009, and shall apply to determinations of eligibility for months beginning with January 2009.

SEC. 217. COST-SHARING PROTECTIONS FOR LOW-INCOME SUBSIDY-ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w-114(a)) is amended—

(1) in paragraph (1)(D), by adding at the end the following new clause:

"(iv) OVERALL LIMITATION ON COST-SHARING.—In the case of all such individuals, a limitation on aggregate cost-sharing under this part for a year not to exceed 5 percent of income."; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(F) OVERALL LIMITATION ON COST-SHARING.—A limitation on aggregate cost-sharing under this part for a year not to exceed 5 percent of income.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as of January 1, 2009.

SEC. 218. INTELLIGENT ASSIGNMENT IN ENROLLMENT.

(a) IN GENERAL.—Section 1860D–1(b)(1) of the Social Security Act (42 U.S.C. 1395w-101(b)(1)) is amended—

(1) in the second sentence of subparagraph (C), by inserting ", subject to subparagraph (D)," before "on a random basis"; and

(2) by adding at the end the following new subparagraph:

"(D) INTELLIGENT ASSIGNMENT.—In the case of any auto-enrollment under subparagraph (C), no part D eligible individual described in such subparagraph shall be enrolled in a prescription drug plan which does not meet the following requirements:

"(i) FORMULARY.—The plan has a formulary that covers at least—

"(I) 95 percent of the 100 most commonly prescribed non-duplicative generic covered part D drugs for the population of individuals entitled to benefits under part A or enrolled under part B; and

"(II) 95 percent of the 100 most commonly prescribed non-duplicative brand name covered part D drugs for such population.

"(ii) PHARMACY NETWORK.—The plan has a network of pharmacies that substantially exceeds the minimum requirements for prescription drug plans in the State and that provides access in areas where lower income individuals reside.

"(iii) QUALITY.—

"(I) IN GENERAL.—Subject to subclause (I), the plan has an above average score on quality ratings of the Secretary of prescription drug plans under this part.

"(II) EXCEPTION.—Subclause (I) shall not apply to a plan that is a new plan (as defined by the Secretary), with respect to the plan year involved.

"(iv) LOW COST.—The total cost under this title of providing prescription drug coverage under the plan consistent with the previous clauses of this subparagraph is among the lowest 25th percentile of prescription drug plans under this part in the State.

In the case that no plan meets the requirements under clauses (i) through (iv), the Secretary shall implement this subparagraph to the greatest extent possible with the goal of protecting beneficiary access to drugs without increasing the cost relative to the enrollment process under subparagraph (C) as in existence before the date of the enactment of this subparagraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect for enrollments effected on or after November 15, 2009.

Subtitle C—Part D Beneficiary Improvements

SEC. 221. INCLUDING COSTS INCURRED BY AIDS DRUG ASSISTANCE PROGRAMS AND INDIAN HEALTH SERVICE IN PROVIDING PRESCRIPTION DRUGS TOWARD THE ANNUAL OUT OF POCKET THRESHOLD UNDER PART D.

(a) IN GENERAL.—Section 1860D–2(b)(4)(C) of the Social Security Act (42 U.S.C. 1395w-102(b)(4)(C)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii)—

(A) by striking "such costs shall be treated as incurred only if" and inserting "subject to clause (iii), such costs shall be treated as incurred only if";

(B) by striking ", under section 1860D–14, or under a State Pharmaceutical Assistance Program"; and

(C) by striking the period at the end and inserting "; and"; and

(3) by inserting after clause (ii) the following new clause:

"(iii) such costs shall be treated as incurred and shall not be considered to be reimbursed under clause (ii) if such costs are borne or paid—

"(I) under section 1860D–14;

"(II) under a State Pharmaceutical Assistance Program;

"(III) by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act); or

"(IV) under an AIDS Drug Assistance Program under part B of title XXVI of the Public Health Service Act.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to costs incurred on or after January 1, 2009.

SEC. 222. PERMITTING MID-YEAR CHANGES IN ENROLLMENT FOR FORMULARY CHANGES ADVERSELY IMPACT AN ENROLLEE.

(a) IN GENERAL.—Section 1860D–1(b)(3) of the Social Security Act (42 U.S.C. 1395w–101(b)(3)) is amended by adding at the end the following new subparagraph:

"(F) CHANGE IN FORMULARY RESULTING IN INCREASE IN COST-SHARING.—

"(i) IN GENERAL.—Except as provided in clause (ii), in the case of an individual enrolled in a prescription drug plan (or MA–PD plan) who has been prescribed a covered part D drug while so enrolled, if the formulary of the plan is materially changed (other than at the end of a contract year) so to reduce the coverage (or increase the cost-sharing) of the drug under the plan.

"(ii) EXCEPTION.—Clause (i) shall not apply in the case that a drug is removed from the formulary of a plan because of a recall or withdrawal of the drug issued by the Food and Drug Administration.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contract years beginning on or after January 1, 2009.

SEC. 223. REMOVAL OF EXCLUSION OF BENZODIAZEPINES FROM REQUIRED COVERAGE UNDER THE MEDICARE PRESCRIPTION DRUG PROGRAM.

(a) IN GENERAL.—Section 1860D–2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)(A)) is amended—

(1) by striking "subparagraph (E)" and inserting "subparagraphs (E) and (J)"; and

(2) by inserting "and benzodiazepines, respectively" after "smoking cessation agents".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to prescriptions dispensed on or after January 1, 2013.

SEC. 224. PERMITTING UPDATING DRUG COMPENDIA UNDER PART D USING PART B UPDATE PROCESS.

Section 1860D–4(b)(3)(C) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)(C)) is amended by adding at the end the following new clause:

"(iv) UPDATING DRUG COMPENDIA USING PART B PROCESS.—The Secretary may apply under this subparagraph the same process for updating drug compendia that is used for purposes of section 1861(t)(2)(B)(ii).".

SEC. 225. CODIFICATION OF SPECIAL PROTECTIONS FOR SIX PROTECTED DRUG CLASSIFICATIONS.

(a) IN GENERAL.—Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)) is amended—

(1) in subparagraph (C)(i), by inserting ", except as provided in subparagraph (G)," after "although"; and

(2) by inserting after subparagraph (F) the following new subparagraph:

"(G) REQUIRED INCLUSION OF DRUGS IN CERTAIN THERAPEUTIC CLASSES.—

"(i) IN GENERAL.—The formulary must include all or substantially all covered part D drugs in each of the following therapeutic classes of covered part D drugs:

"(I) Anticonvulsants.

"(II) Antineoplastics.

"(III) Antiretrovirals.

"(IV) Antidepressants.

"(V) Antipsychotics.

"(VI) Immunosuppresessants.

"(ii) USE OF UTILIZATION MANAGEMENT TOOLS.—A PDP sponsor of a prescription drug plan may use prior authorization or step therapy for the initiation of medications within one of the classifications specified in clause (i) but only when approved by the Secretary, except that such prior authorization or step therapy may not be used in the case of antiretrovirals and in the case of individuals who already are stabilized on a drug treatment regimen.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply for plan years beginning on or after January 1, 2009.

SEC. 226. ELIMINATION OF MEDICARE PART D LATE ENROLLMENT PENALTIES PAID BY LOW-INCOME SUBSIDY-ELIGIBLE INDIVIDUALS.

(a) INDIVIDUALS WITH INCOME BELOW 135 PERCENT OF POVERTY LINE.—Paragraph (1)(A)(ii) of section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended to read as follows:

"(ii) 100 percent of any late enrollment penalties imposed under section 1860D–13(b) for such individual.".

(b) INDIVIDUALS WITH INCOME BETWEEN 135 AND 150 PERCENT OF POVERTY LINE.—Paragraph (2)(A) of such section is amended—

(1) by inserting "equal to (i) an amount" after "premium subsidy";

(2) by striking "paragraph (1)(A)" and inserting "clause (i) of paragraph (1)(A)"; and

(3) by adding at the end before the period the following: ", plus (ii) 100 percent of the amount described in clause (ii) of such paragraph for such individual".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to subsidies for months beginning with January 2008.

SEC. 227. SPECIAL ENROLLMENT PERIOD FOR SUBSIDY ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1860D–1(b)(3) of the Social Security Act (42 U.S.C. 1395w–101(b)(3)), as amended by section 222(a), is further amended by adding at the end the following new subparagraph:

"(G) ELIGIBILITY FOR LOW-INCOME SUBSIDY.—

"(i) IN GENERAL.—In the case of an applicable subsidy eligible individual (as defined in clause (ii)), the special enrollment period described in clause (iii).

"(ii) APPLICABLE SUBSIDY ELIGIBLE INDIVIDUAL DEFINED.—For purposes of this subparagraph, the term 'applicable subsidy eligible individual' means a part D eligible individual who is determined under subparagraph (B) of section 1860D–14(a)(3) to be a subsidy eligible individual (as defined in subparagraph (A) of such section), and includes such an individual who was enrolled in a prescription drug plan or an MA–PD plan on the date of such determination.

"(iii) SPECIAL ENROLLMENT PERIOD DESCRIBED.—The special enrollment period described in this clause, with respect to an applicable subsidy eligible individual, is the 90-day period beginning on the date the individual receives notification that such individual has been determined under section 1860D–14(a)(3)(B) to be a subsidy eligible individual (as so defined).".

(b) AUTOMATIC ENROLLMENT PROCESS FOR CERTAIN SUBSIDY ELIGIBLE INDIVIDUALS.—Section 1860D–1(b)(1) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)), as amended by section 218(a)(2), is further amended by adding at the end the following new subparagraph:

"(E) SPECIAL RULE FOR SUBSIDY ELIGIBLE INDIVIDUALS.—The process established under subparagraph (A) shall include, in the case of an applicable subsidy eligible individual (as defined in clause (ii) of paragraph (3)(F)) who fails to enroll in a prescription drug plan or an MA–PD plan during the special enrollment period described in clause (iii) of such paragraph applicable to such individual, a process for the facilitated enrollment of the individual in the prescription drug plan or MA–PD plan that is most appropriate for such individual (as determined by the Secretary). Nothing in the previous sentence shall prevent an individual described in such sentence from declining enrollment in a plan determined appropriate by the Secretary (or in the program under this part) or from changing such enrollment.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to subsidy determinations made for months beginning with January 2008.

Subtitle D—Reducing Health Disparities

SEC. 231. MEDICARE DATA ON RACE, ETHNICITY, AND PRIMARY LANGUAGE.

(a) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this subtitle referred to as the "Secretary") shall—

(A) collect data on the race, ethnicity, and primary language of each applicant for and recipient of benefits under title XVIII of the Social Security Act—

(i) using, at a minimum, the categories for race and ethnicity described in the 1997 Office of Management and Budget Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity;

(ii) using the standards developed under subsection (e) for the collection of language data;

(iii) where practicable, collecting data for additional population groups if such groups can be aggregated into the minimum race and ethnicity categories; and

(iv) where practicable, through self-reporting;

(B) with respect to the collection of the data described in subparagraph (A) for applicants and recipients who are minors or otherwise legally incapacitated, require that—

(i) such data be collected from the parent or legal guardian of such an applicant or recipient; and

(ii) the preferred language of the parent or legal guardian of such an applicant or recipient be collected;

(C) systematically analyze at least annually such data using the smallest appropriate units of analysis feasible to detect racial and ethnic disparities in health and health care and when appropriate, for men and women separately;

(D) report the results of analysis annually to the Director of the Office for Civil Rights, the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives; and

(E) ensure that the provision of assistance to an applicant or recipient of assistance is not denied or otherwise adversely affected because of the failure of the applicant or recipient to provide race, ethnicity, and primary language data.

(2) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to permit the use of information collected under this subsection in a manner that would adversely affect any individual providing any such information; and

(B) to require health care providers to collect data.

(b) PROTECTION OF DATA.—The Secretary shall ensure (through the promulgation of regulations or otherwise) that all data collected pursuant to subsection (a) is protected—

(1) under the same privacy protections as the Secretary applies to other health data under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033) relating to the privacy of individually identifiable health information and other protections; and

(2) from all inappropriate internal use by any entity that collects, stores, or receives the data,

including use of such data in determinations of eligibility (or continued eligibility) in health plans, and from other inappropriate uses, as defined by the Secretary.

(c) COLLECTION PLAN.—In carrying out the duties specified in subsection (a), the Secretary shall develop and implement a plan to improve the collection, analysis, and reporting of racial, ethnic, and primary language data within the programs administered under title XVIII of the Social Security Act, and, in consultation with the National Committee on Vital Health Statistics, the Office of Minority Health, and other appropriate public and private entities, shall make recommendations on how to—

(1) implement subsection (a) while minimizing the cost and administrative burdens of data collection and reporting;

(2) expand awareness that data collection, analysis, and reporting by race, ethnicity, and primary language is legal and necessary to assure equity and non-discrimination in the quality of health care services;

(3) ensure that future patient record systems including electronic health records, electronic medical records and patient health records, have data code sets for racial, ethnic, and primary language identifiers and that such identifiers can be retrieved from clinical records, including records transmitted electronically;

(4) improve health and health care data collection and analysis for more population groups if such groups can be aggregated into the minimum race and ethnicity categories;

(5) provide researchers with greater access to racial, ethnic, and primary language data, subject to privacy and confidentiality regulations; and

(6) safeguard and prevent the misuse of data collected under subsection (a).

(d) COMPLIANCE WITH STANDARDS.—Data collected under subsection (a) shall be obtained, maintained, and presented (including for reporting purposes and at a minimum) in accordance with the 1997 Office of Management and Budget Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity.

(e) LANGUAGE COLLECTION STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Minority Health, in consultation with the Office for Civil Rights of the Department of Health and Human Services, shall develop and disseminate Standards for the Classification of Federal Data on Preferred Written and Spoken Language.

(f) TECHNICAL ASSISTANCE FOR THE COLLECTION AND REPORTING OF DATA.—

(1) IN GENERAL.—The Secretary may, either directly or through grant or contract, provide technical assistance to enable a health care provider or plan operating under the Medicare program to comply with the requirements of this section.

(2) TYPES OF ASSISTANCE.—Assistance provided under this subsection may include assistance to—

(A) enhance or upgrade computer technology that will facilitate racial, ethnic, and primary language data collection and analysis;

(B) improve methods for health data collection and analysis including additional population groups beyond the Office of Management and Budget categories if such groups can be aggregated into the minimum race and ethnicity categories;

(C) develop mechanisms for submitting collected data subject to existing privacy and confidentiality regulations; and

(D) develop educational programs to raise awareness that data collection and reporting by race, ethnicity, and preferred language are legal and essential for eliminating health and health care disparities; and.

(E) provide for the revision of existing HIPAA claims-related code sets to mandate the collection of racial and ethnicity data, and to provide a code set for primary language.

(g) ANALYSIS OF RACIAL AND ETHNIC DATA.—The Secretary, acting through the Director of the Agency for Health Care Research and Quality and in coordination with the Administrator of the Centers for Medicare & Medicaid Services, shall—

(1) identify appropriate quality assurance mechanisms to monitor for health disparities under the Medicare program;

(2) specify the clinical, diagnostic, or therapeutic measures which should be monitored;

(3) develop new quality measures relating to racial and ethnic disparities in health and health care;

(4) identify the level at which data analysis should be conducted; and

(5) share data with external organizations for research and quality improvement purposes, in compliance with applicable Federal privacy laws.

(h) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary shall submit to the appropriate committees of Congress a report on the effectiveness of data collection, analysis, and reporting on race, ethnicity, and primary language under the programs administered through title XVIII of the Social Security Act. The report shall evaluate the progress made with respect to the plan under subsection (c) or subsequent revisions thereto.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 232. ENSURING EFFECTIVE COMMUNICATION IN MEDICARE.

(a) ENSURING EFFECTIVE COMMUNICATION BY THE CENTERS FOR MEDICARE & MEDICAID SERVICES.—

(1) STUDY ON MEDICARE PAYMENTS FOR LANGUAGE SERVICES.—The Secretary of Health and Human Services shall conduct a study that examines ways that Medicare should develop payment systems for language services using the results of the demonstration program conducted under section 233.

(2) ANALYSES.— The study shall include an analysis of each of the following:

(A) How to develop and structure appropriate payment systems for language services for all Medicare service providers.

(B) The feasibility of adopting a payment methodology for on-site interpreters, including interpreters who work as independent contractors and interpreters who work for agencies that provide on-site interpretation, pursuant to which such interpreters could directly bill Medicare for services provided in support of physician office services for an LEP Medicare patient.

(C) The feasibility of Medicare contracting directly with agencies that provide off-site interpretation including telephonic and video interpretation pursuant to which such contractors could directly bill Medicare for the services provided in support of physician office services for an LEP Medicare patient.

(D) The feasibility of modifying the existing Medicare resource-based relative value scale (RBRVS) by using adjustments (such as multipliers or add-ons) when a patient is LEP.

(E) How each of options described in a previous paragraph would be funded and how such funding would affect physician payments, a physician's practice, and beneficiary cost-sharing.

(3) VARIATION IN PAYMENT SYSTEM DESCRIBED.—The payment systems described in subsection (b) may allow variations based upon types of service providers, available delivery methods, and costs for providing language services including such factors as—

(A) the type of language services provided (such as provision of health care or health care related services directly in a non-English language by a bilingual provider or use of an interpreter);

(B) type of interpretation services provided (such as in-person, telephonic, video interpretation);

(C) the methods and costs of providing language services (including the costs of providing language services with internal staff or through contract with external independent contractors and/or agencies);

(D) providing services for languages not frequently encountered in the United States; and

(E) providing services in rural areas.

(4) REPORT.—The Secretary shall submit a report on the study conducted under subsection (a) to appropriate committees of Congress not later than 1 year after the expiration of the demonstration program conducted under section 3.

(b) HEALTH PLANS.—Section 1857(g)(1) of the Social Security Act (42 U.S.C. 1395w-27(g)(1)) is amended—

(1) by striking "or" at the end of subparagraph (F);

(2) by adding "or" at the end of subparagraph (G); and

(3) by inserting after subparagraph (G) the following new subparagraph:

"(H) fails substantially to provide language services to limited English proficient beneficiaries enrolled in the plan that are required under law;".

SEC. 233. DEMONSTRATION TO PROMOTE ACCESS FOR MEDICARE BENEFICIARIES WITH LIMITED ENGLISH PROFICIENCY BY PROVIDING REIMBURSEMENT FOR CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICES.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act the Secretary, acting through the Centers for Medicare & Medicaid Services, shall award 24 3-year demonstration grants to eligible Medicare service providers to improve effective communication between such providers and Medicare beneficiaries who are "living in communities where racial and ethnic minorities, including populations that face language barriers, are underserved with respect to such services". The Secretary shall not authorize a grant larger than $500,000 over three years for any grantee.

(b) ELIGIBILITY; PRIORITY.—

(1) ELIGIBILITY.—To be eligible to receive a grant under subsection (1) an entity shall—

(A) be—

(i) a provider of services under part A of title XVIII of the Social Security Act;

(ii) a service provider under part B of such title;

(iii) a part C organization offering a Medicare part C plan under part C of such title; or

(iv) a PDP sponsor of a prescription drug plan under part D of such title; and

(B) prepare and submit to the Secretary an application, at such time, in such manner, and accompanied by such additional information as the Secretary may require.

(2) PRIORITY.—

(A) DISTRIBUTION.—To the extent feasible, in awarding grants under this section, the Secretary shall award—

(i) 6 grants to providers of services described in paragraph (1)(A)(i);

(ii) 6 grants to service providers described in paragraph (1)(A)(ii);

(iii) 6 grants to organizations described in paragraph (1)(A)(iii); and

(iv) 6 grants to sponsors described in paragraph (1)(A)(iv).

(B) FOR COMMUNITY ORGANIZATIONS.—The Secretary shall give priority to applicants that

have developed partnerships with community organizations or with agencies with experience in language access.

(C) VARIATION IN GRANTEES.—The Secretary shall also ensure that the grantees under this section represent, among other factors, variations in—

(i) different types of service providers and organizations under parts A through D of title XVIII of the Social Security Act;

(ii) languages needed and their frequency of use;

(iii) urban and rural settings;

(iv) at least two geographic regions; and

(v) at least two large metropolitan statistical areas with diverse populations.

(c) USE OF FUNDS.—

(1) IN GENERAL.—A grantee shall use grant funds received under this section to pay for the provision of competent language services to Medicare beneficiaries who are limited English proficient. Competent interpreter services may be provided through on-site interpretation, telephonic interpretation, or video interpretation or direct provision of health care or health care related services by a bilingual health care provider. A grantee may use bilingual providers, staff, or contract interpreters. A grantee may use grant funds to pay for competent translation services. A grantee may use up to 10 percent of the grant funds to pay for administrative costs associated with the provision of competent language services and for reporting required under subsection (E).

(2) ORGANIZATIONS.—Grantees that are part C organizations or PDP sponsors must ensure that their network providers receive at least 50 percent of the grant funds to pay for the provision of competent language services to Medicare beneficiaries who are limited English proficient, including physicians and pharmacies.

(3) DETERMINATION OF PAYMENTS FOR LANGUAGE SERVICES.—Payments to grantees shall be calculated based on the estimated numbers of LEP Medicare beneficiaries in a grantee's service area utilizing—

(A) data on the numbers of limited English proficient individuals who speak English less than "very well" from the most recently available data from the Bureau of the Census or other State-based study the Secretary determines likely to yield accurate data regarding the number of LEP individuals served by the grantee; or

(B) the grantee's own data if the grantee routinely collects data on Medicare beneficiaries' primary language in a manner determined by the Secretary to yield accurate data and such data shows greater numbers of LEP individuals than the data listed in subparagraph (A).

(4) LIMITATIONS.—

(A) REPORTING.—Payments shall only be provided under this section to grantees that report their costs of providing language services as required under subsection (e). If a grantee fails to provide the reports under such section for the first year of a grant, the Secretary may terminate the grant and solicit applications from new grantees to participate in the subsequent two years of the demonstration program.

(B) TYPE OF SERVICES.—

(i) IN GENERAL.—Subject to clause (ii), payments shall be provided under this section only to grantees that utilize competent bilingual staff or competent interpreter or translation services which—

(I) if the grantee operates in a State that has statewide health care interpreter standards, meet the State standards currently in effect; or

(II) if the grantee operates in a State that does not have statewide health care interpreter standards, utilizes competent interpreters who follow the National Council on Interpreting in Health Care's Code of Ethics and Standards of Practice.

(ii) EXEMPTIONS.—The requirements of clause (i) shall not apply—

(I) in the case of a Medicare beneficiary who is limited English proficient (who has been informed in the beneficiary's primary language of the availability of free interpreter and translation services) and who requests the use of family, friends, or other persons untrained in interpretation or translation and the grantee documents the request in the beneficiary's record; and

(II) in the case of a medical emergency where the delay directly associated with obtaining a competent interpreter or translation services would jeopardize the health of the patient.

Nothing in clause (ii)(II) shall be construed to exempt an emergency rooms or similar entities that regularly provide health care services in medical emergencies from having in place systems to provide competent interpreter and translation services without undue delay.

(d) ASSURANCES.—Grantees under this section shall—

(1) ensure that appropriate clinical and support staff receive ongoing education and training in linguistically appropriate service delivery; ensure the linguistic competence of bilingual providers;

(2) offer and provide appropriate language services at no additional charge to each patient with limited English proficiency at all points of contact, in a timely manner during all hours of operation;

(3) notify Medicare beneficiaries of their right to receive language services in their primary language;

(4) post signage in the languages of the commonly encountered group or groups present in the service area of the organization; and

(5) ensure that—

(A) primary language data are collected for recipients of language services; and

(B) consistent with the privacy protections provided under the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), if the recipient of language services is a minor or is incapacitated, the primary language of the parent or legal guardian is collected and utilized.

(e) REPORTING REQUIREMENTS.—Grantees under this section shall provide the Secretary with reports at the conclusion of the each year of a grant under this section. each report shall include at least the following information:

(1) The number of Medicare beneficiaries to whom language services are provided.

(2) The languages of those Medicare beneficiaries.

(3) The types of language services provided (such as provision of services directly in non-English language by a bilingual health care provider or use of an interpreter).

(4) Type of interpretation (such as in-person, telephonic, or video interpretation).

(5) The methods of providing language services (such as staff or contract with external independent contractors or agencies).

(6) The length of time for each interpretation encounter.

(7) The costs of providing language services (which may be actual or estimated, as determined by the Secretary).

(f) NO COST SHARING.—LEP Beneficiaries shall not have to pay cost-sharing or co-pays for language services provided through this demonstration program.

(g) EVALUATION AND REPORT.—The Secretary shall conduct an evaluation of the demonstration program under this section and shall submit to the appropriate committees of Congress a report not later than 1 year after the completion of the program. The report shall include the following:

(1) An analysis of the patient outcomes and costs of furnishing care to the LEP Medicare beneficiaries participating in the project as compared to such outcomes and costs for limited English proficient Medicare beneficiaries not participating.

(2) The effect of delivering culturally and linguistically appropriate services on beneficiary access to care, utilization of services, efficiency and cost-effectiveness of health care delivery, patient satisfaction, and select health outcomes.

(3) Recommendations regarding the extension of such project to the entire Medicare program.

(h) GENERAL PROVISIONS.—Nothing in this section shall be construed to limit otherwise existing obligations of recipients of Federal financial assistance under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d) et. seq.) or any other statute.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each fiscal year of the demonstration.

SEC. 234. DEMONSTRATION TO IMPROVE CARE TO PREVIOUSLY UNINSURED.

(a) ESTABLISHMENT.—Within one year after the date of enactment of this Act, the Secretary shall establish a demonstration project to determine the greatest needs and most effective methods of outreach to medicare beneficiaries who were previously uninsured.

(b) SCOPE.—The demonstration shall be in no fewer than 10 sites, and shall include state health insurance assistance programs, community health centers, community-based organizations, community health workers, and other service providers under parts A, B, and C of title XVIII of the Social Security Act. Grantees that are plans operating under part C shall document that enrollees who were previously uninsured receive the "Welcome to Medicare" physical exam.

(c) DURATION.—The Secretary shall conduct the demonstration project for a period of 2 years.

(d) REPORT AND EVALUATION.—The Secretary shall conduct an evaluation of the demonstration and not later than 1 year after the completion of the project shall submit to Congress a report including the following:

(1) An analysis of the effectiveness of outreach activities targeting beneficiaries who were previously uninsured, such as revising outreach and enrollment materials (including the potential for use of video information), providing one-on-one counseling, working with community health workers, and amending the Medicare and You handbook.

(2) The effect of such outreach on beneficiary access to care, utilization of services, efficiency and cost-effectiveness of health care delivery, patient satisfaction, and select health outcomes.

SEC. 235. OFFICE OF THE INSPECTOR GENERAL REPORT ON COMPLIANCE WITH AND ENFORCEMENT OF NATIONAL STANDARDS ON CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICES (CLAS) IN MEDICARE.

(a) REPORT.—Not later than two years after the date of the enactment of this Act, the Inspector General of the Department of Health and Human Services shall prepare and publish a report on—

(1) the extent to which Medicare providers and plans are complying with the Office for Civil Rights' Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons and the Office of Minority Health's Culturally and Linguistically Appropriate Services Standards in health care; and

(2) a description of the costs associated with or savings related to the provision of language services.

Such report shall include recommendations on improving compliance with CLAS Standards and recommendations on improving enforcement of CLAS Standards.

(b) IMPLEMENTATION.—Not later than one year after the date of publication of the report under subsection (a), the Department of Health and Human Services shall implement changes responsive to any deficiencies identified in the report.

SEC. 236. IOM REPORT ON IMPACT OF LANGUAGE ACCESS SERVICES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall seek to enter into an arrangement with the Institute of Medicine under which the Institute will prepare and publish, not later than 3 years after the date of the enactment of this Act, a report on the impact of language access services on the health and health care of limited English proficient populations.

(b) CONTENTS.—Such report shall include—

(1) recommendations on the development and implementation of policies and practices by health care organizations and providers for limited English proficient patient populations;

(2) a description of the effect of providing language access services on quality of health care and access to care and reduced medical error; and

(3) a description of the costs associated with or savings related to provision of language access services.

SEC. 237. DEFINITIONS.

In this subtitle:

(1) BILINGUAL.—The term "bilingual" with respect to an individual means a person who has sufficient degree of proficiency in two languages and can ensure effective communication can occur in both languages.

(2) COMPETENT INTERPRETER SERVICES.—The term "competent interpreter services" means a trans-language rendition of a spoken message in which the interpreter comprehends the source language and can speak comprehensively in the target language to convey the meaning intended in the source language. The interpreter knows health and health-related terminology and provides accurate interpretations by choosing equivalent expressions that convey the best matching and meaning to the source language and captures, to the greatest possible extent, all nuances intended in the source message.

(3) COMPETENT TRANSLATION SERVICES.—The term "competent translation services" means a trans-language rendition of a written document in which the translator comprehends the source language and can write comprehensively in the target language to convey the meaning intended in the source language. The translator knows health and health-related terminology and provides accurate translations by choosing equivalent expressions that convey the best matching and meaning to the source language and captures, to the greatest possible extent, all nuances intended in the source document.

(4) EFFECTIVE COMMUNICATION.—The term "effective communication" means an exchange of information between the provider of health care or health care-related services and the limited English proficient recipient of such services that enables limited English proficient individuals to access, understand, and benefit from health care or health care-related services.

(5) INTERPRETING/INTERPRETATION.—The terms "interpreting" and "interpretation" mean the transmission of a spoken message from one language into another, faithfully, accurately, and objectively.

(6) HEALTH CARE SERVICES.—The term "health care services" means services that address physical as well as mental health conditions in all care settings.

(7) HEALTH CARE-RELATED SERVICES.—The term "health care-related services" means human or social services programs or activities that provide access, referrals or links to health care.

(8) LANGUAGE ACCESS.—The term "language access" means the provision of language services to an LEP individual designed to enhance that individual's access to, understanding of or benefit from health care or health care-related services.

(9) LANGUAGE SERVICES.—The term "language services" means provision of health care services directly in a non-English language, interpretation, translation, and non-English signage.

(10) LIMITED ENGLISH PROFICIENT.—The term "limited English proficient" or "LEP" with respect to an individual means an individual who speaks a primary language other than English and who cannot speak, read, write or understand the English language at a level that permits the individual to effectively communicate with clinical or nonclinical staff at an entity providing health care or health care related services.

(11) MEDICARE PROGRAM.—The term "Medicare program" means the programs under parts A through D of title XVIII of the Social Security Act.

(12) SERVICE PROVIDER.—The term "service provider" includes all suppliers, providers of services, or entities under contract to provide coverage, items or services under any part of title XVIII of the Social Security Act.

TITLE III—PHYSICIANS' SERVICE PAYMENT REFORM

SEC. 301. ESTABLISHMENT OF SEPARATE TARGET GROWTH RATES FOR SERVICE CATEGORIES.

(a) ESTABLISHMENT OF SERVICE CATEGORIES.—Subsection (j) of section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended by adding at the end the following new paragraph:

"(5) SERVICE CATEGORIES.—For services furnished on or after January 1, 2008, each of the following categories of physicians' services shall be treated as a separate 'service category':

"(A) Evaluation and management services for primary care (including new and established patient office visits delivered by physicians who the Secretary determines provide accessible, continuous, coordinated, and comprehensive care for Medicare beneficiaries, emergency department visits, and home visits), and for preventive services (including screening mammography, colorectal cancer screening, and other services as defined by the Secretary, limited to the recommendations of the United States Preventive Services Task Force).

"(B) Evaluation and management services not described in subparagraph (A).

"(C) Imaging services (as defined in subsection (b)(4)(B)) and diagnostic tests (other than clinical diagnostic laboratory tests) not described in subparagraph (A).

"(D) Procedures that are subject (under regulations promulgated to carry out this section) to a 10-day or 90-day global period (in this paragraph referred to as 'major procedures'), except that the Secretary may reclassify as minor procedures under subparagraph (F) any procedures that would otherwise be included in this category if the Secretary determines that such procedures are not major procedures.

"(E) Anesthesia services that are paid on the basis of the separate conversion factor for anesthesia services determined under subsection (d)(1)(D).

"(F) Minor procedures and any other physicians' services that are not described in a preceding subparagraph.".

(b) ESTABLISHMENT OF SEPARATE CONVERSION FACTORS FOR EACH SERVICE CATEGORY.—Subsection (d)(1) of section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subparagraph (A)—

(A) by designating the sentence beginning "The conversion factor" as clause (i) with the heading "APPLICATION OF SINGLE CONVERSION FACTOR.—" and with appropriate indentation;

(B) by striking "The conversion factor" and inserting "Subject to clause (ii), the conversion factor"; and

(C) by adding at the end the following new clause:

"(ii) APPLICATION OF MULTIPLE CONVERSION FACTORS BEGINNING WITH 2008.—

"(I) IN GENERAL.—In applying clause (i) for years beginning with 2008, separate conversion factors shall be established for each service category of physicians' services (as defined in subsection (j)(5)) and any reference in this section to a conversion factor for such years shall be deemed to be a reference to the conversion factor for each of such categories.

"(II) INITIAL CONVERSION FACTORS; SPECIAL RULE FOR ANESTHESIA SERVICES.— Such factors for 2008 shall be based upon the single conversion factor for 2007 multiplied by the update established under paragraph (8) for such category for 2008. In the case of the service category described in subsection (j)(5)(F) (relating to anesthesia services), the conversion factor for 2008 shall be based on the separate conversion factor specified in subparagraph (D) for 2007 multiplied by the update established under paragraph (8) for such category for 2008.

"(III) UPDATING OF CONVERSION FACTORS.—Such factor for a service category for a subsequent year shall be based upon the conversion factor for such category for the previous year and adjusted by the update established for such category under paragraph (8) for the year involved."; and

(2) in subparagraph (D), by inserting "(before 2008)" after "for a year".

(c) ESTABLISHING UPDATES FOR CONVERSION FACTORS FOR SERVICE CATEGORIES.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended—

(1) in paragraph (4)(B), by striking "and (6)" and inserting ", (6), (8), and (9).

(2) in paragraph (4)(C)(iii), by striking "The allowed" and inserting "Subject to paragraph (8)(B), the allowed";

(3) in paragraph (4)(D), by striking "The update" and inserting "Subject to paragraph (8)(E), the update"; and

(4) by adding at the end the following new paragraph:

"(8) UPDATES FOR SERVICE CATEGORIES BEGINNING WITH 2008 AND ENDING WITH 2012.

"(9) NO UPDATE FOR SERVICE CATEGORIES BEGINNING WITH 2013.—THE UPDATE TO THE CONVERSION FACTOR FOR EACH OF THE SERVICE CATEGORIES ESTABLISHED UNDER PARAGRAPH (8) FOR 2013 AND EACH SUCCEEDING YEAR SHALL BE 0 PERCENT.".

"(A) IN GENERAL.—In applying paragraph (4) for a year beginning with 2008 and ending with 2012, the following rules apply:

"(i) APPLICATION OF SEPARATE UPDATE ADJUSTMENTS FOR EACH SERVICE CATEGORY.—Pursuant to paragraph (1)(A)(ii)(I), the update shall be made to the conversion factor for each service category (as defined in subsection (j)(5)) based upon an update adjustment factor for the respective category and year and the update adjustment factor shall be computed, for a year, separately for each service category.

"(ii) COMPUTATION OF ALLOWED AND ACTUAL EXPENDITURES BASED ON SERVICE CATEGORIES.—In computing the prior year adjustment component and the cumulative adjustment component under clauses (i) and (ii) of paragraph (4)(B), the following rules apply:

"(I) APPLICATION BASED ON SERVICE CATEGORIES.—The allowed expenditures and actual expenditures shall be the allowed and actual expenditures for the service category, as determined under subparagraph (B).

"(II) LIMITATION TO PHYSICIAN FEE-SCHEDULE SERVICES.—Actual expenditures shall only take into account expenditures for services furnished under the physician fee schedule.

"(III) APPLICATION OF CATEGORY SPECIFIC TARGET GROWTH RATE.—The growth rate applied under clause (ii)(II) of such paragraph shall be the target growth rate for the service category involved under subsection (f)(5).

"(IV) ALLOCATION OF CUMULATIVE OVERHANG.—There shall be substituted for the difference described in subparagraph (B)(ii)(I) of such paragraph the amount described in subparagraph (C)(i) for the service category involved.

"(B) DETERMINATION OF ALLOWED EXPENDITURES.—In applying paragraph (4) for a year beginning with 2008, notwithstanding subparagraph (C)(iii) of such paragraph, the allowed expenditures for a service category for a year is an amount computed by the Secretary as follows:

"(i) FOR 2008.—For 2008:

"(I) TOTAL 2007 ALLOWED EXPENDITURES FOR ALL SERVICES INCLUDED IN SGR COMPUTATION.—Compute total allowed expenditures for physicians' services (as defined in subsection (f)(4)(A)) for 2007 that would otherwise be calculated under subsection (d) but for this paragraph.

"(II) TOTAL 2007 ALLOWED EXPENDITURES FOR PHYSICIAN FEE SCHEDULE SERVICES.—Compute total allowed expenditures for services furnished under the physician fee schedule for 2007 by subtracting, from the total allowed expenditures computed under subclause (I), the Secretary's estimate of the amount of the actual expenditures for 2007 for services included in such subclause for which payment is not made under the fee schedule established pursuant to this section.

"(III) ALLOCATION OF 2007 ALLOWED EXPENDITURES TO SERVICE CATEGORY.—Compute allowed expenditures for the service category involved for 2007 by multiplying the total allowed expenditures computed under subclause (II) by the overhang allocation factor for the service category (as defined in subparagraph (C)(iii)).

"(IV) INCREASE BY GROWTH RATE TO OBTAIN 2008 ALLOWED EXPENDITURES FOR SERVICE CATEGORY.—Compute allowed expenditures for the service category for 2008 by increasing the allowed expenditures for the service category for 2007 computed under subclause (III) by the target growth rate for such service category under subsection (f) for 2008.

"(ii) FOR SUBSEQUENT YEARS.—For a subsequent year, take the amount of allowed expenditures for such category for the preceding year (under clause (i) or this clause) and increase it by the target growth rate determined under subsection (f) for such category and year.

"(C) COMPUTATION AND APPLICATION OF CUMULATIVE OVERHANG AMONG CATEGORIES.—

"(i) IN GENERAL.—For purposes of applying paragraph (4)(B)(ii)(II) under clause (ii)(IV), the amount described in this clause for a year (beginning with 2008) is the sum of the following:

"(I) PRE-2008 CUMULATIVE OVERHANG.—The amount of the pre-2008 cumulative excess spending (as defined in clause (ii)) multiplied by the overhang allocation factor for the service category (under clause (iii)).

"(II) POST-2007 CUMULATIVE AMOUNTS.—For a year beginning with 2009, the difference (which may be positive or negative) between the amount of the allowed expenditures for physicians' services (as determined under paragraph (4)(C)) in the service category from January 1, 2008, through the end of the prior year and the amount of the actual expenditures for such services in such category during that period.

"(ii) PRE-2008 CUMULATIVE EXCESS SPENDING DEFINED.—For purposes of clause (i)(I), the term 'pre-2008 cumulative excess spending' means the difference described in paragraph (4)(B)(ii)(I) as determined for the year 2008, taking into account expenditures through December 31, 2007. Such difference takes into account expenditures included in subsection (f)(4)(A).

"(iii) OVERHANG ALLOCATION FACTOR.—For purposes of this paragraph, the term 'overhang allocation factor' means, for a service category, the proportion, as determined by the Secretary of total actual expenditures under this part for items and services in such category during 2007 to the total of such actual expenditures for all the service categories. In calculating such proportion, the Secretary shall only take into account services furnished under the physician fee schedule.

"(D) UPDATES FOR 2008 AND 2009.—The update to the conversion factors for each service category for each of 2008 and 2009 shall be equal to 0.5 percent.

"(E) CHANGE IN RESTRICTION ON UPDATE ADJUSTMENT FACTOR FOR 2010 AND 2011.—The update adjustment factor determined under subparagraph (4)(B), as modified by this paragraph, for a service category for a year (beginning with 2010 and ending with 2011) may be less than -0.07, but may not be less than -0.14.".

(d) APPLICATION OF SEPARATE TARGET GROWTH RATES FOR EACH CATEGORY.—

(1) IN GENERAL.—Section 1848(f) of the Social Security Act (42 U.S.C. 1395w-4(f)) is amended by adding at the end the following new paragraph:

"(5) APPLICATION OF SEPARATE TARGET GROWTH RATES FOR EACH SERVICE CATEGORY BEGINNING WITH 2008.—The target growth rate for a year beginning with 2008 shall be computed and applied separately under this subsection for each service category (as defined in subsection (j)(5)) and shall be computed using the same method for computing the sustainable growth rate except for the following:

"(A) The reference in paragraphs (2)(A) and (2)(D) to 'all physicians' services' is deemed a reference to the physicians' services included in such category but shall not take into account items and services included in physicians' services through the operation of paragraph (4)(A).

"(B) The factor described in paragraph (2)(C) for the service category described in subsection (j)(5)(A) shall be increased by 0.025.

"(C) A national coverage determination (as defined in section 1869(f)(1)(B)) shall be treated as a change in regulation described in paragraph (2)(D).".

(2) USE OF TARGET GROWTH RATES.—Section 1848 of such Act is further amended—

(A) in subsection (d)—

(i) in paragraph (1)(E)(ii), by inserting "or target" after "sustainable"; and

(ii) in paragraph (4)(B)(ii)(II), by inserting "or target" after "sustainable"; and

(B) in subsection (f)—

(i) in the heading by inserting "; TARGET GROWTH RATE" after "SUSTAINABLE GROWTH RATE"

(ii) in paragraph (1)—

(I) by striking "and" at the end of subparagraph (A);

(II) in subparagraph (B), by inserting "before 2008" after "each succeeding year" and by striking the period at the end and inserting "; and"; and

(III) by adding at the end the following new subparagraph:

"(C) November 1 of each succeeding year the target growth rate for such succeeding year and each of the 2 preceding years."; and

(iii) in paragraph (2), in the matter before subparagraph (A), by inserting after "beginning with 2000" the following: "and ending with 2007" .

(e) REPORTS ON EXPENDITURES FOR PART B DRUGS AND CLINICAL DIAGNOSTIC LABORATORY TESTS.—

(1) REPORTING REQUIREMENT.—The Secretary of Health and Human Services shall include information in the annual physician fee schedule proposed rule on the change in the annual rate of growth of actual expenditures for clinical diagnostic laboratory tests or drugs, biologicals, and radiopharmaceuticals for which payment is made under part B of title XVIII of the Social Security Act.

(2) RECOMMENDATIONS.—The report submitted under paragraph (1) shall include an analysis of the reasons for such excess expenditures and recommendations for addressing them in the future.

SEC. 302. IMPROVING ACCURACY OF RELATIVE VALUES UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

(a) USE OF EXPERT PANEL TO IDENTIFY MISVALUED PHYSICIANS' SERVICES.—Section 1848(c) of the Social Security Act (42 U.S.C. 1395w(c)) is amended by adding at the end the following new paragraph:

"(7) USE OF EXPERT PANEL TO IDENTIFY MISVALUED PHYSICIANS' SERVICES.—

"(A) IN GENERAL.—The Secretary shall establish an expert panel (in this paragraph referred to as the 'expert panel')—

"(i) to identify, through data analysis, physicians' services for which the relative value under this subsection is potentially misvalued, particularly those services for which such relative value may be overvalued;

"(ii) to assess whether those misvalued services warrant review using existing processes (referred to in paragraph (2)(J)(ii)) for the consideration of coding changes; and

"(iii) to advise the Secretary concerning the exercise of authority under clauses (ii)(III) and (vi) of paragraph (2)(B).

"(B) COMPOSITION OF PANEL.—The expert panel shall be appointed by the Secretary and composed of—

"(i) members with expertise in medical economics and technology diffusion;

"(ii) members with clinical expertise;

"(iii) physicians, particularly physicians (such as a physician employed by the Veterans Administration or a physician who has a full time faculty appointment at a medical school) who are not directly affected by changes in the physician fee schedule under this section;

"(iv) carrier medical directors; and

"(v) representatives of private payor health plans.

"(C) APPOINTMENT CONSIDERATIONS.—In appointing members to the expert panel, the Secretary shall assure racial and ethnic diversity on the panel and may consider appointing a liaison from organizations with experience in the consideration of coding changes to the panel.".

(b) EXAMINATION OF SERVICES WITH SUBSTANTIAL CHANGES.—Such section is further amended by adding at the end the following new paragraph:

"(8) EXAMINATION OF SERVICES WITH SUBSTANTIAL CHANGES.—The Secretary, in consultation with the expert panel under paragraph (7), shall—

"(A) conduct a five-year review of physicians' services in conjunction with the RUC 5-year review, particularly for services that have experienced substantial changes in length of stay, site of service, volume, practice expense, or other factors that may indicate changes in physician work;

"(B) identify new services to determine if they are likely to experience a reduction in relative value over time and forward a list of the services so identified for such five-year review; and

"(C) for physicians' services that are otherwise unreviewed under the process the Secretary has established, periodically review a sample of relative value units within different types of services to assess the accuracy of the relative

values contained in the Medicare physician fee schedule.".

(c) AUTHORITY TO REDUCE WORK COMPONENT FOR SERVICES WITH ACCELERATED VOLUME GROWTH.—

(1) IN GENERAL.—Paragraph (2)(B) of such section is amended—

(A) in clause (v), by adding at the end the following new subclause:

"(III) REDUCTIONS IN WORK VALUE UNITS FOR SERVICES WITH ACCELERATED VOLUME GROWTH.—Effective January 1, 2009, reduced expenditures attributable to clause (vi)."; and

(B) by adding at the end the following new clauses:

"(vi) AUTHORIZING REDUCTION IN WORK VALUE UNITS FOR SERVICES WITH ACCELERATED VOLUME GROWTH.—The Secretary may provide (without using existing processes the Secretary has established for review of relative value) for a reduction in the work value units for a particular physician's service if the annual rate of growth in the expenditures for such service for which payment is made under this part for individuals for 2006 or a subsequent year exceeds the average annual rate of growth in expenditures of all physicians' services for which payment is made under this part by more than 10 percentage points for such year.

"(vii) CONSULTATION WITH EXPERT PANEL AND BASED ON CLINICAL EVIDENCE.—The Secretary shall exercise authority under clauses (ii)(III) and (vi) in consultation with the expert panel established under paragraph (7) and shall take into account clinical evidence supporting or refuting the merits of such accelerated growth.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to payment for services furnished on or after January 1, 2009.

(d) ADJUSTMENT AUTHORITY FOR EFFICIENCY GAINS FOR NEW PROCEDURES.—Paragraph (2)(B)(ii) of such section is amended by adding at the end the following new subclause:

"(III) ADJUSTMENT AUTHORITY FOR EFFICIENCY GAINS FOR NEW PROCEDURES.—In carrying out subclauses (I) and (II), the Secretary may apply a methodology, based on supporting evidence, under which there is imposed a reduction over a period of years in specified relative value units in the case of a new (or newer) procedure to take into account inherent efficiencies that are typically or likely to be gained during the period of initial increased application of the procedure.".

SEC. 303. FEEDBACK MECHANISM ON PRACTICE PATTERNS.

By not later than July 1, 2008, the Secretary of Health and Human Services shall develop and implement a mechanism to measure resource use on a per capita and an episode basis in order to provide confidential feedback to physicians in the Medicare program on how their practice patterns compare to physicians generally, both in the same locality as well as nationally. Such feedback shall not be subject to disclosure under section 552 of title 5, United States Code). The Secretary shall consider extending such mechanism to other suppliers as necessary.

SEC. 304. PAYMENTS FOR EFFICIENT AREAS.

Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by adding at the end the following new subsection:

"(v) INCENTIVE PAYMENTS FOR EFFICIENT AREAS.—

"(1) IN GENERAL.—In the case of services furnished under the physician fee schedule under section 1848 on or after January 1, 2009, and before January 1, 2011, by a supplier that is paid under such fee schedule in an efficient area (as identified under paragraph (2)), in addition to the amount of payment that would otherwise be made for such services under this part, there also shall be paid an amount equal to 5 percent of the payment amount for the services under this part.

"(2) IDENTIFICATION OF EFFICIENT AREAS.—

"(A) IN GENERAL.—Based upon available data, the Secretary shall identify those counties or equivalent areas in the United States in the lowest fifth percentile of utilization based on per capita spending for services provided in 2007 under this part and part A, "as standardized to eliminate the effect of geographic adjustments in payment rates".

"(B) IDENTIFICATION OF COUNTIES WHERE SERVICE IS FURNISHED..—For purposes of paying the additional amount specified in paragraph (1), if the Secretary uses the 5-digit postal ZIP Code where the service is furnished, the dominant county of the postal ZIP Code (as determined by the United States Postal Service, or otherwise) shall be used to determine whether the postal ZIP Code is in a county described in subparagraph (A).

"(C) JUDICIAL REVIEW.— There shall be no administrative or judicial review under section 1869, 1878, or otherwise, respecting—

"(i) the identification of a county or other area under subparagraph (A); or

"(ii) the assignment of a postal ZIP Code to a county or other area under subparagraph (B).

"(D) PUBLICATION OF LIST OF COUNTIES; POSTING ON WEBSITE.—With respect to a year for which a county or area is identified under this paragraph, the Secretary shall identify such counties or areas as part of the proposed and final rule to implement the physician fee schedule under section 1848 for the applicable year. The Secretary shall post the list of counties identified under this paragraph on the Internet website of the Centers for Medicare & Medicaid Services.".

SEC. 305. RECOMMENDATIONS ON REFINING THE PHYSICIAN FEE SCHEDULE.

(a) RECOMMENDATIONS ON CONSOLIDATED CODING FOR SERVICES COMMONLY PERFORMED TOGETHER.—Not later than December 31, 2008, the Comptroller General of the United States shall—

(1) complete an analysis of codes paid under the Medicare physician fee schedule to determine whether the codes for procedures that are commonly furnished together should be combined; and

(2) submit to Congress a report on such analysis and include in the report recommendations on whether an adjustment should be made to the relative value units for such combined code.

(b) RECOMMENDATIONS ON INCREASED USE OF BUNDLED PAYMENTS.—Not later than December 31, 2008, the Comptroller General of the United States shall—

(1) complete an analysis of those procedures under the Medicare physician fee schedule for which no global payment methodology is applied but for which a "bundled" payment methodology would be appropriate; and

(2) submit to Congress a report on such analysis and include in the report recommendations on increasing the use of "bundled" payment methodology under such schedule.

(c) MEDICARE PHYSICIAN FEE SCHEDULE.—In this section, the term "Medicare physician fee schedule" means the fee schedule established under section 1848 of the Social Security Act (42 U.S.C. 1395w-4).

SEC. 306. IMPROVED AND EXPANDED MEDICAL HOME DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish under title XVIII of the Social Security Act an expanded medical home demonstration project (in this section referred to as the "expanded project") under this section. The expanded project supersedes the project that was initiated under section 204 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109-432). The purpose of the expanded project is—

(1) to guide the redesign of the health care delivery system to provide accessible, continuous, comprehensive, and coordinated, care to Medicare beneficiaries; and

(2) to provide care management fees to personal physicians delivering continuous and comprehensive care in qualified medical homes.

(b) NATURE AND SCOPE OF PROJECT.—

(1) DURATION; SCOPE.—The expanded project shall operate during a period of three years, beginning not later than October 1, 2009, and shall include a nationally representative sample of physicians serving urban, rural, and underserved areas throughout the United States.

(2) ENCOURAGING PARTICIPATION OF SMALL PHYSICIAN PRACTICES.—

(A) IN GENERAL.—The expanded project shall be designed to include the participation of physicians in practices with fewer than four full-time equivalent physicians, as well as physicians in larger practices particularly in rural and underserved areas.

(B) TECHNICAL ASSISTANCE.— In order to facilitate the participation under the expanded project of physicians in such practices, the Secretary shall make available additional technical assistance to such practices during the first year of the expanded project.

(3) SELECTION OF HOMES TO PARTICIPATE.—The Secretary shall select up to 500 medical homes to participate in the expanded project and shall give priority to—

(A) the selection of up to 100 HIT-enhanced medical homes; and

(B) the selection of other medical homes that serve communities whose populations are at higher risk for health disparities.

(4) BENEFICIARY PARTICIPATION.—The Secretary shall establish a process for any Medicare beneficiary who is served by a medical home participating in the expanded project to elect to participate in the project. Each beneficiary who elects to so participate shall be eligible—

(A) for enhanced medical home services under the project with no cost sharing for the additional services; and

(B) for a reduction of up to 50 percent in the coinsurance for services furnished under the physician fee schedule under section 1848 of the Social Security Act by the medical home.

The Secretary shall develop standard recruitment materials and election processes for Medicare beneficiaries who are electing to participate in the expanded project.

(c) STANDARDS FOR MEDICAL HOMES, HIT-ENHANCED MEDICAL HOMES.—

(1) STANDARD SETTING AND CERTIFICATION PROCESS.—The Secretary shall establish a process for selection of a qualified standard setting and certification organization—

(A) to establish standards, consistent with this section, for medical practices to qualify as medical homes or as HIT-enhanced medical homes; and

(B) to provide for the review and certification of medical practices as meeting such standards.

(2) BASIC STANDARDS FOR MEDICAL HOMES.—For purposes of this subsection, the term "medical home" means a physician-directed practice that has been certified, under paragraph (1), as meeting the following standards:

(A) ACCESS AND COMMUNICATION WITH PATIENTS.—The practice applies standards for access to care and communication with participating beneficiaries.

(B) MANAGING PATIENT INFORMATION AND USING INFORMATION IN MANAGEMENT TO SUPPORT PATIENT CARE.—The practice has readily accessible, clinically useful information on participating beneficiaries that enables the practice to treat such beneficiaries comprehensively and systematically.

(C) MANAGING AND COORDINATING CARE ACCORDING TO INDIVIDUAL NEEDS.—The practice maintains continuous relationships with participating beneficiaries by implementing evidence-based guidelines and applying them to the identified needs of individual beneficiaries over time and with the intensity needed by such beneficiaries.

(D) PROVIDING ONGOING ASSISTANCE AND ENCOURAGEMENT IN PATIENT SELF-MANAGEMENT.—The practice—

(i) collaborates with participating beneficiaries to pursue their goals for optimal achievable health; and

(ii) assesses patient-specific barriers to communication and conducts activities to support patient self-management.

(E) RESOURCES TO MANAGE CARE.—The practice has in place the resources and processes necessary to achieve improvements in the management and coordination of care for participating beneficiaries.

(F) MONITORING PERFORMANCE.—The practice monitors its clinical process and performance (including outcome measures) in meeting the applicable standards under this subsection and provides information in a form and manner specified by the Secretary with respect to such process and performance.

(3) ADDITIONAL STANDARDS FOR HIT-ENHANCED MEDICAL HOME.—For purposes of this subsection, the term "HIT-enhanced medical home" means a medical home that has been certified, under paragraph (1), as using a health information technology system that includes at least the following elements:

(A) ELECTRONIC HEALTH RECORD (EHR).—The system uses, for participating beneficiaries, an electronic health record that meets the following standards:

(i) IN GENERAL.—The record—

(I) has the capability of interoperability with secure data acquisition from health information technology systems of other health care providers in the area served by the home; or

(II) the capability to securely acquire clinical data delivered by such other health care providers to a secure common data source.

(ii) The record protects the privacy and security of health information.

(iii) The record has the capability to acquire, manage, and display all the types of clinical information commonly relevant to services furnished by the medical home, such as complete medical records, radiographic image retrieval, and clinical laboratory information.

(iv) The record is integrated with decision support capacities that facilitate the use of evidence-based medicine and clinical decision support tools to guide decision-making at the point-of-care based on patient-specific factors.

(B) E-PRESCRIBING.—The system supports e-prescribing and computerized physician order entry.

(C) OUTCOME MEASUREMENT.—The system supports the secure, confidential provision of clinical process and outcome measures approved by the National Quality Forum to the Secretary for use in confidential manner for provider feedback and peer review and for outcomes and clinical effectiveness research.

(D) PATIENT EDUCATION CAPABILITY.—The system actively facilitates participating beneficiaries engaging in the management of their own health through education and support systems and tools for shared decision-making.

(E) SUPPORT OF BASIC STANDARDS.— The elements of such system, such as the electronic health record, email communications, patient registries, and clinical-decision support tools, are integrated in a manner to better achieve the basic standards specified in paragraph (2) for a medical home.

(4) USE OF DATA.—The Secretary shall use the data submitted under paragraph (1)(F) in a confidential manner for feedback and peer review for medical homes and for outcomes and clinical effectiveness research. After the first two years of the expanded project, these data may be used for adjustment in the monthly medical home care management fee under subsection (d)(2)(E).

(d) MONTHLY MEDICAL HOME CARE MANAGEMENT FEE.—

(1) IN GENERAL.—Under the expanded project, the Secretary shall provide for payment to the personal physician of each participating beneficiary of a monthly medical home care management fee.

(2) AMOUNT OF PAYMENT.— In determining the amount of such fee, the Secretary shall consider the following:

(A) OPERATING EXPENSES.—The additional practice expenses for the delivery of services through a medical home, taking into account the additional expenses for an HIT-enhanced medical home. Such expenses include costs associated with—

(i) structural expenses, such as equipment, maintenance, and training costs;

(ii) enhanced access and communication functions;

(iii) population management and registry functions;

(iv) patient medical data and referral tracking functions;

(v) provision of evidence-based care;

(vi) implementation and maintenance of health information technology;

(vii) reporting on performance and improvement conditions; and

(viii) patient education and patient decision support, including print and electronic patient education materials.

(B) ADDED VALUE SERVICES.—The value of additional physician work, such as augmented care plan oversight, expanded e-mail and telephonic consultations, extended patient medical data review (including data stored and transmitted electronically), and physician supervision of enhanced self management education, and expanded follow-up accomplished by nonphysician personnel, in a medical home that is not adequately taken into account in the establishment of the physician fee schedule under section 1848 of the Social Security Act.

(C) RISK ADJUSTMENT.—The development of an appropriate risk adjustment mechanism to account for the varying costs of medical homes based upon characteristics of participating beneficiaries.

(D) HIT ADJUSTMENT.—Variation of the fee based on the extensiveness of use of the health information technology in the medical home.

(E) PERFORMANCE-BASED.—After the first two years of the expanded project, an adjustment of the fee based on performance of the medical home in achieving quality or outcomes standards.

(3) PERSONAL PHYSICIAN DEFINED.—For purposes of this subsection, the term "personal physician" means, with respect to a participating Medicare beneficiary, a physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1)) who provides accessible, continuous, coordinated, and comprehensive care for the beneficiary as part of a medical practice that is a qualified medical home. Such a physician may be a specialist for a beneficiary requiring ongoing care for a chronic condition or multiple chronic conditions (such as severe asthma, complex diabetes, cardiovascular disease, rheumatologic disorder) or for a beneficiary with a prolonged illness.

(e) FUNDING.—

(1) USE OF CURRENT PROJECT FUNDING.—Funds otherwise applied to the demonstration under section 204 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432) shall be available to carry out the expanded project

(2) ADDITIONAL FUNDING FROM SMI TRUST FUND.—

(A) IN GENERAL.—In addition to the funds provided under paragraph (1), there shall be available, from the Federal Supplementary Medical Insurance Trust Fund (under section 1841 of the Social Security Act), the amount of $500,000,000 to carry out the expanded project, including payments to of monthly medical home care management fees under subsection (d), reductions in coinsurance for participating beneficiaries under subsection (b)(4)(B), and funds for the design, implementation, and evaluation of the expanded project.

(B) MONITORING EXPENDITURES; EARLY TERMINATION.—The Secretary shall monitor the expenditures under the expanded project and may terminate the project early in order that expenditures not exceed the amount of funding provided for the project under subparagraph (A).

(f) EVALUATIONS AND REPORTS.—.

(1) ANNUAL INTERIM EVALUATIONS AND REPORTS.—For each year of the expanded project, the Secretary shall provide for an evaluation of the project and shall submit to Congress, by a date specified by the Secretary, a report on the project and on the evaluation of the project for each such year.

(2) FINAL EVALUATION AND REPORT.—The Secretary shall provide for an evaluation of the expanded project and shall submit to Congress, not later than 18 months after the date of completion of the project, a report on the project and on the evaluation of the project.

SEC. 307. REPEAL OF PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.

Subsection (l) of section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is repealed.

SEC. 308. ADJUSTMENT TO MEDICARE PAYMENT LOCALITIES.

Section 1848(e) of the Social Security Act (42 U.S.C.1395w-4(e)) is amended by adding at the end the following new paragraph:

"(6) FEE SCHEDULE GEOGRAPHIC AREAS.—

"(A) IN GENERAL.—

"(i) REVISION.—Subject to clause (ii), for services furnished on or after January 1, 2008, the Secretary shall revise the fee schedule areas used for payment under this section applicable to the State of California using the county-based geographic adjustment factor as specified in option 3 (table 9) in the proposed rule for the 2008 physician fee schedule published at 72 Fed. Reg. 38,122 (July 12, 2007).

"(ii) TRANSITION.—For services furnished during the period beginning January 1, 2008, and ending December 31, 2010, after calculating the work, practice expense, and malpractice geographic indices described in clauses (i), (ii), and (iii) of paragraph (1)(A) that would otherwise apply, the Secretary shall increase any such geographic index for any county in California that is lower than the geographic index used for payment for services under this section as of December 31, 2007, in such county to such geographic index level.

"(B) SUBSEQUENT REVISIONS.—

"(i) TIMING.—Not later than January 1, 2011, the Secretary shall review and make revisions to fee schedule areas in all States for which more than one fee schedule area is used for payment of services under this section. The Secretary may revise fee schedule areas in States in which a single fee schedule area is used for payment for services under this section using the same methodology applied in the previous sentence.

"(ii) LINK WITH GEOGRAPHIC INDEX DATA REVISION.—The revision described in clause (i) shall be made effective concurrently with the application of the periodic review of geographic adjustment factors required under paragraph (1)(C) for 2011 and subsequent periods.".

SEC. 309. PAYMENT FOR IMAGING SERVICES.

(a) PAYMENT UNDER PART B OF THE MEDICARE PROGRAM FOR DIAGNOSTIC IMAGING SERVICES FURNISHED IN FACILITIES CONDITIONED ON ACCREDITATION OF FACILITIES.—

(1) SPECIAL PAYMENT RULE.—

(A) IN GENERAL.—Section 1848(b)(4) of the Social Security Act (42 U.S.C. 1395w-4(b)(4)) is amended—

(i) in the heading, by striking "RULE" and inserting "RULES";

(ii) in subparagraph (A), by striking "IN GENERAL" and inserting "LIMITATION"; and

(iii) by adding at the end the following new subparagraph:

"(C) PAYMENT ONLY FOR SERVICES PROVIDED IN ACCREDITED FACILITIES.—

"(i) IN GENERAL.—In the case of imaging services that are diagnostic imaging services described in clause (ii), the payment amount for the technical component and the professional component of the services established for a year under the fee schedule described in paragraph (1) shall each be zero, unless the services are furnished at a diagnostic imaging services facility that meets the certificate requirement described in section 354(b)(1) of the Public Health Service Act, as applied under subsection (m). The previous sentence shall not apply with respect to the technical component if the imaging equipment meets certification standards and the professional component of a diagnostic imaging service that is furnished by a physician.

"(ii) DIAGNOSTIC IMAGING SERVICES.—For purposes of clause (i) and subsection (m), the term 'diagnostic imaging services' means all imaging modalities, including diagnostic magnetic resonance imaging ('MRI'), computed tomography ('CT'), positron emission tomography ('PET'), nuclear medicine procedures, x-rays, sonograms, ultrasounds, echocardiograms, and such emerging diagnostic imaging technologies as specified by the Secretary.".

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Subject to clause (ii), the amendments made by subparagraph (A) shall apply to diagnostic imaging services furnished on or after January 1, 2010.

(ii) EXTENSION FOR ULTRASOUND SERVICES.—The amendments made by subparagraph (A) shall apply to diagnostic imaging services that are ultrasound services on or after January 1, 2012.

(2) CERTIFICATION OF FACILITIES THAT FURNISH DIAGNOSTIC IMAGING SERVICES.—Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended by adding at the end the following new subsection:

"(m) CERTIFICATION OF FACILITIES THAT FURNISH DIAGNOSTIC IMAGING SERVICES.—

"(1) IN GENERAL.—For purposes of subsection (b)(4)(C)(i), except as provided under paragraphs (2) through (8), the provisions of section 354 of the Public Health Service Act (as in effect as of June 1, 2007), relating to the certification of mammography facilities, shall apply, with respect to the provision of diagnostic imaging services (as defined in subsection (b)(4)(C)(ii)) and to a diagnostic imaging services facility defined in paragraph (8) (and to the process of accrediting such facilities) in the same manner that such provisions apply, with respect to the provision of mammograms and to a facility defined in subsection (a)(3) of such section (and to the process of accrediting such mammography facilities).

"(2) TERMINOLOGY AND REFERENCES.—For purposes of applying section 354 of the Public Health Service Act under paragraph (1)—

"(A) any reference to 'mammography', or 'breast imaging' is deemed a reference to 'diagnostic imaging services (as defined in section 1848(b)(4)(C)(ii) of the Social Security Act)';

"(B) any reference to a mammogram or film is deemed a reference to an image, as defined in paragraph (8);

"(C) any reference to 'mammography facility' or to a 'facility' under such section 354 is deemed a reference to a diagnostic imaging services facility, as defined in paragraph (8);

"(D) any reference to radiological equipment used to image the breast is deemed a reference to medical imaging equipment used to provide diagnostic imaging services;

"(E) any reference to radiological procedures or radiological is deemed a reference to medical imaging services, as defined in paragraph (8) or medical imaging, respectively;

"(F) any reference to an inspection (as defined in subsection (a)(4) of such section) or inspector is deemed a reference to an audit (as defined in paragraph (8)) or auditor, respectively;

"(G) any reference to a medical physicist (as described in subsection (f)(1)(E) of such section) is deemed to include a reference to a magnetic resonance scientist or the appropriate qualified expert as determined by the accrediting body;

"(H) in applying subsection (d)(1)(A)(i) of such section, the reference to 'type of each x-ray machine, image receptor, and processor' is deemed a reference to 'type of imaging equipment';

"(I) in applying subsection (d)(1)(B) of such section, the reference that 'the person or agent submits to the Secretary' is deemed a reference that 'the person or agent submits to the Secretary, through the appropriate accreditation body';

"(J) in applying subsection (d)(1)(B)(i) of such section, the reference to standards established by the Secretary is deemed a reference to standards established by an accreditation body and approved by the Secretary;

"(K) in applying subsection (e) of such section, relating to an accreditation body—

"(i) in paragraph (1)(A), the reference to 'may' is deemed a reference to 'shall';

"(ii) in paragraph (1)(B)(i)(II), the reference to 'a random sample of clinical images from such facilities' is deemed a reference to 'a statistically significant random sample of clinical images from a statistically significant random sample of facilities';

"(iii) in paragraph (3)(A) of such section—

"(I) the reference to 'paragraph (1)(B)' in such subsection is deemed to be a reference to 'paragraph (1)(B) and subsection (f)'; and

"(II) the reference to the 'Secretary' is deemed a reference to 'an accreditation body, with the approval of the Secretary'; and

"(iv) in paragraph (6)(B), the reference to the Committee on Labor and Human Resources of the Senate is deemed to be the Committee on Finance of the Senate and the reference to the Committee on Energy and Commerce of the House of Representatives is deemed to include a reference to the Committee on Ways and Means of the House of Representatives;

"(L) in applying subsection (f), relating to quality standards—

"(i) each reference to standards established by the Secretary is deemed a reference to standards established by an accreditation body involved and approved by the Secretary under subsection (d)(1)(B)(i) of such section

"(ii) in paragraph (1)(A), the reference to 'radiation dose' is deemed a reference to 'radiation dose, as appropriate';

"(iii) in paragraph (1)(B), the reference to 'radiological standards' is deemed a reference to 'medical imaging standards, as appropriate';

"(iv) in paragraphs (1)(D)(ii) and (1)(E)(iii), the reference to 'the Secretary' is deemed a reference to 'an accreditation body with the approval of the Secretary';

"(v) in each of subclauses (III) and (IV) of paragraph (1)(G)(ii), each reference to 'patient' is deemed a reference to 'patient, if requested by the patient'; and

"(M) in applying subsection (g), relating to inspections—

"(i) each reference to the 'Secretary or State or local agency acting on behalf of the Secretary' is deemed to include a reference to an accreditation body involved;

"(ii) in the first sentence of paragraph (1)(F), the reference to 'annual inspections required under this paragraph' is deemed a reference to 'the audits carried out in facilities at least every three years from the date of initial accreditation under this paragraph'; and

"(iii) in the second sentence of paragraph (1)(F), the reference to 'inspections carried out under this paragraph' is deemed a reference to 'audits conducted under this paragraph during the previous year'.

"(3) DATES AND PERIODS.—For purposes of paragraph (1), in applying section 354 of the Public Health Service Act, the following applies:

"(A) IN GENERAL.—Except as provided in subparagraph (B)—

"(i) any reference to 'October 1, 1994' shall be deemed a reference to 'January 1, 2010';

"(ii) the reference to 'the date of the enactment of this section' in each of subsections (e)(1)(D) and (f)(1)(E)(iii) is deemed to be a reference to 'the date of the enactment of the Children's Health and Medicare Protection Act of 2007';

"(iii) the reference to 'annually' in subsection (g)(1)(E) is deemed a reference to 'every three years';

"(iv) the reference to 'October 1, 1996' in subsection (l) is deemed to be a reference to 'January 1, 2011';

"(v) the reference to 'October 1, 1999' in subsection (n)(3)(H) is deemed to be a reference to 'January 1, 2012'; and

"(vi) the reference to 'October 1, 1993' in the matter following paragraph (3)(J) of subsection (n) is deemed to be a reference 'January 1, 2010'.

"(B) ULTRASOUND SERVICES.—With respect to diagnostic imaging services that are ultrasounds—

"(i) any reference to 'October 1, 1994' shall be deemed a reference to 'January 1, 2012';

"(ii) the reference to 'the date of the enactment of this section' in subsection (f)(1)(E)(iii) is deemed to be a reference to '7 years after the date of the enactment of the Children's Health and Medicare Protection Act of 2007';

"(iii) the reference to 'October 1, 1996' in subsection (l) is deemed to be a reference to 'January 1, 2013';

"(4) PROVISIONS NOT APPLICABLE.—For purposes of paragraph (1), in applying section 354 of the Public Health Service Act, the following provision shall not apply:

"(A) Subsections (e) and (f) of such section, in so far as the respective subsection imposes any requirement for a physician to be certified, accredited, or otherwise meet requirements, with respect to the provision of any diagnostic imaging services, as a condition of payment under subsection (b)(4)(C)(i), with respect to the professional or technical component, for such service.

"(B) Subsection (e)(1)(B)(v).

"(C) Subsection (f)(1)(H) of such section, relating to standards for special techniques for mammograms of patients with breast implants.

"(D) Subsection (g)(6) of such section, relating to an inspection demonstration program.

"(E) Subsection (n) of such section, relating to the national advisory committee.

"(F) Subsection (p) of such section, relating to breast cancer screening surveillance research grants.

"(g) Paragraphs (1)(B) and (2) of subsection (r) of such section, related to funding.

"(5) ACCREDITATION BODIES.—For purposes of paragraph (1), in applying section 354(e)(1) of the Public Health Service, the following shall apply:

"(A) APPROVAL OF TWO ACCREDITATION BODIES FOR EACH TREATMENT MODALITY.—In the case that there is more than one accreditation body for a treatment modality that qualifies for approval under this subsection, the Secretary shall approve at least two accreditation bodies for such treatment modality.

"(B) ADDITIONAL ACCREDITATION BODY STANDARDS.—In addition to the standards described in subparagraph (B) of such section for accreditation bodies, the Secretary shall establish standards that require—

"(i) the timely integration of new technology by accreditation bodies for purposes of accrediting facilities under this subsection; and

"(ii) the accreditation body involved to evaluate the annual medical physicist survey (or annual medical survey of another appropriate qualified expert chosen by the accreditation body) of a facility upon onsite review of such facility.

"(6) ADDITIONAL QUALITY STANDARDS.—For purposes of paragraph (1), in applying subsection (f)(1) of section 354 of the Public Health Service—

"(A) the quality standards under such subsection shall, with respect to a facility include—

"(i) standards for qualifications of medical personnel who are not physicians and who perform diagnostic imaging services at the facility that require such personnel to ensure that individuals, prior to performing medical imaging, demonstrate compliance with the standards established under subsection (a) through successful completion of certification by a nationally recognized professional organization, licensure, completion of an examination, pertinent coursework or degree program, verified pertinent experience, or through other ways determined appropriate by an accreditation body (with the approval of the Secretary, or through some combination thereof);

"(ii) standards requiring the facility to maintain records of the credentials of physicians and other medical personnel described in clause (i);

"(iii) standards for qualifications and responsibilities of medical directors and other personnel with supervising roles at the facility;

"(iv) standards that require the facility has procedures to ensure the safety of patients of the facility; and

"(v) standards for the establishment of a quality control program at the facility to be implemented as described in subparagraph (E) of such subsection;

"(B) the quality standards described in subparagraph (B) of such subsection shall be deemed to include standards that require the establishment and maintenance of a quality assurance and quality control program at each facility that is adequate and appropriate to ensure the reliability, clarity, and accuracy of the technical quality of diagnostic images produced at such facilities; and

"(C) the quality standard described in subparagraph (C) of such subsection, relating to a requirement for personnel who perform specified services, shall include in such requirement that such personnel must meet continuing medical education standards as specified by an accreditation body (with the approval of the Secretary) and update such standards at least once every three years.

"(7) ADDITIONAL REQUIREMENTS.—Notwithstanding any provision of section 354 of the Public Health Service Act, the following shall apply to the accreditation process under this subsection for purposes of subsection (b)(4)(C)(i):

"(A) Any diagnostic imaging services facility accredited before January 1, 2010 (or January 1, 2012 in the case of ultrasounds), by an accrediting body approved by the Secretary shall be deemed a facility accredited by an approved accreditation body for purposes of such subsection as of such date if the facility submits to the Secretary proof of such accreditation by transmittal of the certificate of accreditation, including by electronic means.

"(B) The Secretary may require the accreditation under this subsection of an emerging technology used in the provision of a diagnostic imaging service as a condition of payment under subsection (b)(4)(C)(i) for such service at such time as the Secretary determines there is sufficient empirical and scientific information to properly carry out the accreditation process for such technology.

"(8) DEFINITIONS.—For purposes of this subsection:

"(A) AUDIT.—The term 'audit' means an onsite evaluation, with respect to a diagnostic imaging services facility, by the Secretary, State or local agency on behalf of the Secretary, or accreditation body approved under this subsection that includes the following:

"(i) Equipment verification.

"(ii) Evaluation of policies and procedures for compliance with accreditation requirements.

"(iii) Evaluation of personnel qualifications and credentialing.

"(iv) Evaluation of the technical quality of images.

"(v) Evaluation of patient reports.

"(vi) Evaluation of peer-review mechanisms and other quality assurance activities.

"(vii) Evaluation of quality control procedures, results, and follow-up actions.

"(viii) Evaluation of medical physicists (or other appropriate professionals chosen by the accreditation body) and magnetic resonance scientist surveys.

"(ix) Evaluation of consumer complaint mechanisms.

"(x) Provision of recommendations for improvement based on findings with respect to clauses (i) through (ix).

"(B) DIAGNOSTIC IMAGING SERVICES FACILITY.—The term 'diagnostic imaging services facility' has the meaning given the term 'facility' in section 354(a)(3) of the Public Health Service Act (42 U.S.C. 263b(a)(3)) subject to the reference changes specified in paragraph (2), but does not include any facility that does not furnish diagnostic imaging services for which payment may be made under this section.

"(C) IMAGE.—The term 'image' means the portrayal of internal structures of the human body for the purpose of detecting and determining the presence or extent of disease or injury and may be produced through various techniques or modalities, including radiant energy or ionizing radiation and ultrasound and magnetic resonance. Such term does not include image guided procedures.

"(D) MEDICAL IMAGING SERVICE.—The term 'medical imaging service' means a service that involves the science of an image.".

(b) ADJUSTMENT IN PRACTICE EXPENSE TO REFLECT HIGHER PRESUMED UTILIZATION.—Section 1848 of the Social Security Act (42 U.S.C. 1395w) is amended—

(1) in subsection (b)(4)—

(A) in subparagraph (B), by striking "subparagraph (A)" and inserting "this paragraph"; and

(B) by adding at the end the following new subparagraph:

"(D) ADJUSTMENT IN PRACTICE EXPENSE TO REFLECT HIGHER PRESUMED UTILIZATION.—In computing the number of practice expense relative value units under subsection (c)(2)(C)(ii) with respect to imaging services described in subparagraph (B), the Secretary shall adjust such number of units so it reflects a 75 percent (rather than 50 percent) presumed rate of utilization of imaging equipment."; and

(2) in subsection (c)(2)(B)(v)(II), by inserting "AND OTHER PROVISIONS" after "OPD PAYMENT CAP"

(c) ADJUSTMENT IN TECHNICAL COMPONENT "DISCOUNT" ON SINGLE-SESSION IMAGING TO CONSECUTIVE BODY PARTS.—Section 1848(b)(4) of such Act is further amended by adding at the end the following new subparagraph:

"(E) ADJUSTMENT IN TECHNICAL COMPONENT DISCOUNT ON SINGLE-SESSION IMAGING INVOLVING CONSECUTIVE BODY PARTS.—The Secretary shall increase the reduction in expenditures attributable to the multiple procedure payment reduction applicable to the technical component for imaging under the final rule published by the Secretary in the Federal Register on November 21, 2005 (42 CFR 405, et al.) from 25 percent to 50 percent.".

(d) ADJUSTMENT IN ASSUMED INTEREST RATE FOR CAPITAL PURCHASES.—Section 1848(b)(4) of such Act is further amended by adding at the end the following new subparagraph:

"(F) ADJUSTMENT IN ASSUMED INTEREST RATE FOR CAPITAL PURCHASES.—In computing the practice expense component for imaging services under this section, the Secretary shall change the interest rate assumption for capital purchases of imaging devices to reflect the prevailing rate in the market, but in no case higher than 11 percent.".

(e) DISALLOWANCE OF GLOBAL BILLING.—Effective for claims filed for imaging services (as defined in subsection (b)(4)(B) of section 1848 of the Social Security Act) furnished on or after the first day of the first month that begins more than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall not accept (or pay) a claim under such section unless the claim is made separately for each component of such services.

(f) EFFECTIVE DATE.—Except as otherwise provided, this section, and the amendments made by this section, shall apply to services furnished on or after January 1, 2008.

SEC. 310. REDUCING FREQUENCY OF MEETINGS OF THE PRACTICING PHYSICIANS ADVISORY COUNCIL.

Section 1868(a)(2) of the Social Security Act (42 U.S.C. 1395ee(a)(2)) is amended by striking "once during each calendar quarter" and inserting "once each year (and at such other times as the Secretary may specify)".

TITLE IV—MEDICARE ADVANTAGE REFORMS

Subtitle A—Payment Reform

SEC. 401. EQUALIZING PAYMENTS BETWEEN MEDICARE ADVANTAGE PLANS AND FEE-FOR-SERVICE MEDICARE.

(a) PHASE IN OF PAYMENT BASED ON FEE-FOR-SERVICE COSTS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended—

(1) in subsection (j)(1)(A)—

(A) by striking "beginning with 2007" and inserting "for 2007 and 2008"; and

(B) by inserting after "(k)(1)" the following: ", or, beginning with 2009, $^{1}/_{12}$ of the blended benchmark amount determined under subsection (l)(1)"; and

(2) by adding at the end the following new subsection:

"(l) DETERMINATION OF BLENDED BENCHMARK AMOUNT.—

"(1) IN GENERAL.—For purposes of subsection (j), subject to paragraphs (2) and (3), the term

'blended benchmark amount' means for an area—

"(A) for 2009 the sum of—

"(i) $\frac{2}{3}$ of the applicable amount (as defined in subsection (k)(1)) for the area and year; and

"(ii) $\frac{1}{3}$ of the amount specified in subsection (c)(1)(D)(i) for the area and year;

"(B) for 2010 the sum of—

"(i) $\frac{1}{3}$ of the applicable amount for the area and year; and

"(ii) $\frac{2}{3}$ of the amount specified in subsection (c)(1)(D)(i) for the area and year; and

"(C) for a subsequent year the amount specified in subsection (c)(1)(D)(i) for the area and year.

"(2) FEE-FOR-SERVICE PAYMENT FLOOR.—In no case shall the blended benchmark amount for an area and year be less than the amount specified in subsection (c)(1)(D)(i) for the area and year.

"(3) EXCEPTION FOR PACE PLANS.—This subsection shall not apply to payments to a PACE program under section 1894.".

(b) PHASE IN OF PAYMENT BASED ON IME COSTS.—

(1) IN GENERAL.—Section 1853(c)(1)(D)(i) of such Act (42 U.S.C. 1395w–23(c)(1)(D)(i)) is amended by inserting "and costs attributable to payments under section 1886(d)(5)(B)" after "1886(h)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to the capitation rate for years beginning with 2009.

(c) LIMITATION ON PLAN ENROLLMENT IN CASES OF EXCESS BIDS FOR 2009 AND 2010.—

(1) IN GENERAL.—In the case of a Medicare Part C organization that offers a Medicare Part C plan in the 50 States or the District of Columbia for which—

(A) bid amount described in paragraph (2) for a Medicare Part C plan for 2009 or 2010, exceeds

(B) the percent specified in paragraph (4) of the fee-for-service amount described in paragraph (3),

the Medicare Part C plan may not enroll any new enrollees in the plan during the annual, coordinated election period (under section 1851(e)(3)(B) of such Act (42 U.S.C. 1395w–21(e)(3)(B)) for the year or during the year (if the enrollment becomes effective during the year).

(2) BID AMOUNT FOR PART A AND B SERVICES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the bid amount described in this paragraph is the unadjusted Medicare Part C statutory non-drug monthly bid amount (as defined in section 1854(b)(2)(E) of the Social Security Act (42 U.S.C. 1395w–24(b)(2)(E)).

(B) TREATMENT OF MSA PLANS.—In the case of an MSA plan (as defined in section 1859(b)(3) of the Social Security Act, 42 U.S.C. 1935w–28(b)(3)), the bid amount described in this paragraph is the amount described in section 1854(a)(3)(A) of such Act (42 U.S.C. 1395w–24(a)(3)(A)).

(3) FEE-FOR-SERVICE AMOUNT DESCRIBED.—

(A) IN GENERAL.—Subject to subparagraph (B), the fee-for-service amount described in this paragraph for an Medicare Part C local area is the amount described in section 1853(c)(1)(D)(i) of the Social Security Act (42 U.S.C. 1395w–23) for such area.

(B) TREATMENT OF MULTI-COUNTY PLANS.—In the case of an MA plan the service area for which covers more than one Medicare Part C local area, the fee-for-service amount described in this paragraph is the amount described in section 1853(c)(1)(D)(i) of the Social Security Act for each such area served, weighted for each such area by the proportion of the enrollment of the plan that resides in the county (as determined based on amounts posted by the Administrator of the Centers for Medicare & Medicaid Services in the April bid notice for the year involved).

(4) PERCENTAGE PHASE DOWN.—For purposes of paragraph (1), the percentage specified in this paragraph—

(A) for 2009 is 106 percent; and

(B) for 2010 is 103 percent.

(5) EXEMPTION OF AGE-INS.—For purposes of paragraph (1), the term "new enrollee" with respect to a Medicare Part C plan offered by a Medicare Part C organization, does not include an individual who was enrolled in a plan offered by the organization in the month immediately before the month in which the individual was eligible to enroll in such a Medicare Part C plan offered by the organization.

(d) ANNUAL REBASING OF FEE-FOR-SERVICE RATES.—Section 1853(c)(1)(D)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(D)(ii)) is amended—

(1) by inserting "(before 2009)" after "for subsequent years"; and

(2) by inserting before the period at the end the following: "and for each year beginning with 2009".

(e) REPEAL OF PPO STABILIZATION FUND.—Section 1858 of the Social Security Act (42 U.S.C. 1395) is amended—

(1) by striking subsection (e); and

(2) in subsection (f)(1), by striking "subject to subsection (e),".

Subtitle B—Beneficiary Protections

SEC. 411. NAIC DEVELOPMENT OF MARKETING, ADVERTISING, AND RELATED PROTECTIONS.

(a) IN GENERAL.—Section 1852 of the Social Security Act (42 U.S.C. 1395w–22) is amended by adding at the end the following new subsection:

"(m) APPLICATION OF MODEL MARKETING AND ENROLLMENT STANDARDS.—

"(1) IN GENERAL.—The National Association of Insurance Commissioners (in this subsection referred to as the 'NAIC') is requested to develop, and to submit to the Secretary of Health and Human Services not later than 12 months after the date of the enactment of this Act, model regulations (in this section referred to as 'model regulations') regarding Medicare plan marketing, enrollment, broker and agent training and certification, agent and broker commissions, and market conduct by plans, agents and brokers for implementation (under paragraph (7)) under this part and part D, including for enforcement by States under section 1856(b)(3).

"(2) MARKETING GUIDELINES.—

"(A) IN GENERAL.—The model regulations shall address the sales and advertising techniques used by Medicare private plans, agents and brokers in selling plans, including defining and prohibiting cold calls, unsolicited door-to-door sales, cross-selling, and co-branding.

"(B) SPECIAL CONSIDERATIONS.—The model regulations shall specifically address the marketing—

"(i) of plans to full benefit dual-eligible individuals and qualified medicare beneficiaries;

"(ii) of plans to populations with limited English proficiency;

"(iii) of plans to beneficiaries in senior living facilities; and

"(iv) of plans at educational events.

"(3) ENROLLMENT GUIDELINES.—

"(A) IN GENERAL.—The model regulations shall address the disclosures Medicare private plans, agents, and brokers must make when enrolling beneficiaries, and a process—

"(i) for affirmative beneficiary sign off before enrollment in a plan; and

"(ii) in the case of Medicare Part C plans, for plans to conduct a beneficiary call-back to confirm beneficiary sign off and enrollment.

"(B) SPECIFIC CONSIDERATIONS.—The model regulations shall specially address beneficiary understanding of the Medicare plan through required disclosure (or beneficiary verification) of each of the following:

"(i) The type of Medicare private plan involved.

"(ii) Attributes of the plan, including premiums, cost sharing, formularies (if applicable), benefits, and provider access limitations in the plan.

"(iii) Comparative quality of the plan.

"(iv) The fact that plan attributes may change annually.

"(4) APPOINTMENT, CERTIFICATION AND TRAINING OF AGENTS AND BROKERS.—The model regulations shall establish procedures and requirements for appointment, certification (and periodic recertification), and training of agents and brokers that market or sell Medicare private plans consistent with existing State appointment and certification procedures and with this paragraph.

"(5) AGENT AND BROKER COMMISSIONS.—

"(A) IN GENERAL.—The model regulations shall establish standards for fair and appropriate commissions for agents and brokers consistent with this paragraph.

"(B) LIMITATION ON TYPES OF COMMISSION.—The model regulations shall specifically prohibit the following:

"(i) Differential commissions—

"(I) for Medicare Part C plans based on the type of Medicare private plan; or

"(II) prescription drug plans under part D based on the type of prescription drug plan.

"(ii) Commissions in the first year that are more than 200 percent of subsequent year commissions.

"(iii) The payment of extra bonuses or incentives (such as trips, gifts, and other non-commission cash payments).

"(C) AGENT DISCLOSURE.—In developing the model regulations, the NAIC shall consider requiring agents and brokers to disclose commissions to a beneficiary upon request of the beneficiary before enrollment.

"(D) PREVENTION OF FRAUD.—The model regulations shall consider the opportunity for fraud and abuse and beneficiary steering in setting standards under this paragraph and shall provide for the ability of State commissioners to investigate commission structures.

"(6) MARKET CONDUCT.—

"(A) IN GENERAL.—The model regulations shall establish standards for the market conduct of organizations offering Medicare private plans, and of agents and brokers selling such plans, and for State review of plan market conduct.

"(B) MATTERS TO BE INCLUDED.—Such standards shall include standards for—

"(i) timely payment of claims;

"(ii) beneficiary complaint reporting and disclosure; and

"(iii) State reporting of market conduct violations and sanctions.

"(7) IMPLEMENTATION.—

"(A) PUBLICATION OF NAIC MODEL REGULATIONS.—If the model regulations are submitted on a timely basis under paragraph (1)—

"(i) the Secretary shall publish them in the Federal Register upon receipt and request public comment on the issue of whether such regulations are consistent with the requirements established in this subsection for such regulations;

"(ii) not later than 6 months after the date of such publication, the Secretary shall determine whether such regulations are so consistent with such requirements and shall publish notice of such determination in the Federal Register; and

"(iii) if the Secretary makes the determination under clause (ii) that such regulations are consistent with such requirements, in the notice published under clause (ii) the Secretary shall publish notice of adoption of such model regulations as constituting the marketing and enrollment standards adopted under this subsection to be applied under this title; and

"(iv) if the Secretary makes the determination under such clause that such regulations are not consistent with such requirements, the procedures of clauses (ii) and (iii) of subparagraph (B) shall apply (in relation to the notice published under clause (ii)), in the same manner as such clauses would apply in the case of publication of a notice under subparagraph (B)(i).

"(B) NO MODEL REGULATIONS.—If the model regulations are not submitted on a timely basis under paragraph (1)—

"(i) the Secretary shall publish notice of such fact in the Federal Register;

"(ii) not later than 6 months after the date of publication of such notice, the Secretary shall propose regulations that provide for marketing and enrollment standards that incorporate the requirements of this subsection for the model regulations and request public comments on such proposed regulations; and

"(iii) not later than 6 months after the date of publication of such proposed regulations, the Secretary shall publish final regulations that shall constitute the marketing and enrollment standards adopted under this subsection to be applied under this title.

"(C) REFERENCES TO MARKETING AND ENROLLMENT STANDARDS.—In this title, a reference to marketing and enrollment standards adopted under this subsection is deemed a reference to the regulations constituting such standards adopted under subparagraph (A) or (B), as the case may be.

"(D) EFFECTIVE DATE OF STANDARDS.—In order to provide for the orderly and timely implementation of marketing and enrollment standards adopted under this subsection, the Secretary, in consultation with the NAIC, shall specify (by program instruction or otherwise) effective dates with respect to all components of such standards consistent with the following:

"(i) In the case of components that relate predominantly to operations in relation to Medicare private plans, the effective date shall be for plan years beginning on or after such date (not later than 1 year after the date of promulgation of the standards) as the Secretary specifies.

"(ii) In the case of other components, the effective date shall be such date, not later than 1 year after the date of promulgation of the standards, as the Secretary specifies.

"(E) CONSULTATION.— In promulgating marketing and enrollment standards under this paragraph, the NAIC or Secretary shall consult with a working group composed of representatives of issuers of Medicare private plans, consumer groups, medicare beneficiaries, State Health Insurance Assistance Programs, and other qualified individuals. Such representatives shall be selected in a manner so as to assure balanced representation among the interested groups.

"(8) ENFORCEMENT.—

"(A) IN GENERAL.—Any Medicare private plan that violates marketing and enrollment standards is subject to sanctions under section 1857(g).

"(B) STATE RESPONSIBILITIES.—Nothing in this subsection or section 1857(g) shall prohibit States from imposing sanctions against Medicare private plans, agents, or brokers for violations of the marketing and enrollment standards adopted under section 1852(m). States shall have the sole authority to regulate agents and brokers.

"(9) MEDICARE PRIVATE PLAN DEFINED.—In this subsection, the term 'Medicare private plan' means a Medicare Part C plan and a prescription drug plan under part D.".

(b) EXPANSION OF EXCEPTION TO PREEMPTION OF STATE ROLE.—

(1) IN GENERAL.—Section 1856(b)(3) of the Social Security Act (42 U.S.C. 1395w–26(b)(3)) is amended by striking "(other than State licensing laws or State laws relating to plan solvency)" and inserting "(other than State laws relating to licensing or plan solvency and State laws or regulations adopting the marketing and enrollment standards adopted under section 1852(m))".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to plans offered on or after July 1, 2008.

(c) APPLICATION TO PRESCRIPTION DRUG PLANS.—

(1) IN GENERAL.—Section 1860D–1 of such Act is amended by adding at the end the following new subsection:

"(d) APPLICATION OF MARKETING AND ENROLLMENT STANDARDS.—The marketing and enrollment standards adopted under section 1852(m) shall apply to prescription drug plans (and sponsors of such plans) in the same manner as they apply to Medicare Part C plans and organizations offering such plans.".

(2) REFERENCE TO CURRENT LAW PROVISIONS.—The amendment made by subsection (a) and (b) apply, pursuant to section 1860D–1(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(B)(ii)), to prescription drug plans under part D of title XVIII of such Act.

(d) CONTRACT REQUIREMENT TO MEET MARKETING AND ADVERTISING STANDARDS.—

(1) IN GENERAL.—Section 1857(d) of the Social Security Act (42 U.S.C. 1395w–27(d)), as amended by subsection (b)(1), is further amended by adding at the end the following new paragraph:

"(7) MARKETING AND ADVERTISING STANDARDS.—The contract shall require the organization to meet all standards adopted under section 1852(m) (including those enforced by the State involved pursuant to section 1856(b)(3)) relating to marketing and advertising conduct.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to contracts for plan years beginning on or after January 1, 2011.

(e) APPLICATION OF SANCTIONS.—

(1) APPLICATION TO VIOLATION OF MARKETING AND ENROLLMENT STANDARDS.—Section 1857(g)(1) of such Act (42 U.S.C. 1395w–27(g)(1)), as amended by the preceding provisions of this Act, is further amended—

(A) by striking "and" at the end of subparagraph (G);

(B) by adding "and" at the end of subparagraph (H); and

(C) by inserting after subparagraph (H) the following new subparagraph:

"(I) violates marketing and enrollment standards adopted under section 1852(m);".

(2) ENHANCED CIVIL MONEY SANCTIONS.—Such section is further amended—

(A) in paragraph (2)(A), by striking "$25,000", "$100,000", and "$15,000" and inserting "$50,000", "$200,000", and "$30,000", respectively; and

(B) in subparagraphs (A), (B), and (D) of paragraph (3), by striking "$25,000", "$10,000", and "$100,000", respectively, and inserting "$50,000", "$20,000", and "$200,000", respectively.

(3) EFFECTIVE DATE.—The amendments made by paragraph (2) shall apply to violations occurring on or after the date of the enactment of this Act.

(f) DISCLOSURE OF MARKET AND ADVERTISING CONTRACT VIOLATIONS AND IMPOSED SANCTIONS.—Section 1857 of such Act is amended by adding at the end the following new subsection

"(j) DISCLOSURE OF MARKET AND ADVERTISING CONTRACT VIOLATIONS AND IMPOSED SANCTIONS.—For years beginning with 2009, the Secretary shall post on its public website for the Medicare program an annual report that—

"(1) lists each MA organization for which the Secretary made during the year a determination under subsection (c)(2) the basis of which is described in paragraph (1)(E); and

"(2) that describes any applicable sanctions under subsection (g) applied to such organization pursuant to such determination.".

(g) STANDARD DEFINITIONS OF BENEFITS AND FORMATS FOR USE IN MARKETING MATERIALS.—Section 1851(h) of such Act (42 U.S.C. 1395w–21(h)) is amended by adding at the end the following new paragraph:

"(6) STANDARD DEFINITIONS OF BENEFITS AND FORMATS FOR USE IN MARKETING MATERIALS.—

"(A) IN GENERAL.—Not later than January 1, 2010, the Secretary, in consultation with the National Association of Insurance Commissioners and a working group of the type described in section 1852(m)(7)(E), shall develop standard descriptions and definitions for benefits under this title for use in marketing material distributed by Medicare Part C organizations and formats for including such descriptions in such marketing material.

"(B) REQUIRED USE OF STANDARD DEFINITIONS.— For plan years beginning on or after January 1, 2011, the Secretary shall disapprove the distribution of marketing material under paragraph (1)(B) if such marketing material does not use, without modification, the applicable descriptions and formats specified under subparagraph (A).".

(h) SUPPORT FOR STATE HEALTH INSURANCE ASSISTANCE PROGRAMS (SHIPS).—Section 1857(e)(2) of the Social Security Act (42 U.S.C. 1395w–27(e)(2)) is amended—

(1) in subparagraph (B), by adding at the end the following: "Of the amounts so collected, no less than $55,000,000 for fiscal year 2009, $65,000,000 for fiscal year 2010, $75,000,000 for fiscal year 2011, and $85,000,000 for fiscal year 2012 and each succeeding fiscal year shall be used to support Medicare Part C and Part D counseling and assistance provided by State Health Insurance Assistance Programs.";

(2) in subparagraph (C)—

(A) by striking "and" after "$100,000,000," and

(B) by striking "an amount equal to $200,000,000" and inserting "and ending with fiscal year 2008 an amount equal to $200,000,000, for fiscal year 2009 an amount equal to $255,000,000, for fiscal year 2010 an amount equal to $265,000,000, for fiscal year 2011 an amount equal to $275,000,000, and for fiscal year 2012 and each succeeding fiscal year an amount equal to $285,000,000."

(3) in subparagraph (D)(ii)—

(A) by striking "and" at the end of subclause (IV);

(B) in subclause (V), by striking the period at the end and inserting "before fiscal year 2009; and"; and

(C) by adding at the end the following new subclause:

"(VI) for fiscal year 2009 and each succeeding fiscal year the applicable portion (as so defined) of the amount specified in subparagraph (C) for that fiscal year.".

SEC. 412. LIMITATION ON OUT-OF-POCKET COSTS FOR INDIVIDUAL HEALTH SERVICES.

(a) IN GENERAL.—Section 1852(a)(1) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)) is amended—

(1) in subparagraph (A), by inserting before the period at the end the following: "with cost-sharing that is no greater (and may be less) than the cost-sharing that would otherwise be imposed under such program option";

(2) in subparagraph (B)(i), by striking "or an actuarially equivalent level of cost-sharing as determined in this part"; and

(3) by amending clause (ii) of subparagraph (B) to read as follows:

"(ii) PERMITTING USE OF FLAT COPAYMENT OR PER DIEM RATE.—Nothing in clause (i) shall be construed as prohibiting a Medicare part C plan from using a flat copayment or per diem rate, in *lieu of the cost-sharing that would be imposed under part A or B, so long as the amount of the cost-sharing imposed does not exceed the amount of the cost-sharing that would be imposed under the respective part if the individual were not enrolled in a plan under this part.".*

(b) LIMITATION FOR DUAL ELIGIBLES AND QUALIFIED MEDICARE BENEFICIARIES.—Section 1852(a) of such Act is amended by adding at the end the following new paragraph:

"(7) LIMITATION ON COST-SHARING FOR DUAL ELIGIBLES AND QUALIFIED MEDICARE BENEFICIARIES.—In the case of a individual who is a full-benefit dual eligible individual (as defined in section 1935(c)(6)) or a qualified medicare beneficiary (as defined in section 1905(p)(1)) who is enrolled in a Medicare Part C plan, the plan may not impose cost-sharing that exceeds the amount of cost-sharing that would be permitted with respect to the individual under this title and title XIX if the individual were not enrolled with such plan.".

(c) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) shall apply to plan years beginning on or after January 1, 2009.

(2) The amendments made by subsection (b) shall apply to plan years beginning on or after January 1, 2008.

SEC. 413. MA PLAN ENROLLMENT MODIFICATIONS.

(a) IMPROVED PLAN ENROLLMENT, DISENROLLMENT, AND CHANGE OF ENROLLMENT.—

(1) CONTINUOUS OPEN ENROLLMENT FOR FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS AND QUALIFIED MEDICARE BENEFICIARIES (QMB).—Section 1851(e)(2)(D) of the Social Security Act (42 U.S.C. 1395w-21(e)(2)(D)) is amended—

(A) in the heading, by inserting", FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS, AND QUALIFIED MEDICARE BENEFICIARIES" after "INSTITUTIONALIZED INDIVIDUALS"; and

(B) in the matter before clause (i), by inserting ", a full-benefit dual eligible individual (as defined in section 1935(c)(6)), or a qualified medicare beneficiary (as defined in section 1905(p)(1))" after "institutionalized (as defined by the Secretary)"; and

(C) in clause (i), by inserting "or disenroll" after "enroll".

(2) SPECIAL ELECTION PERIODS FOR ADDITIONAL CATEGORIES OF INDIVIDUALS.—Section 1851(e)(4) of such Act (42 U.S.C. 1395w(e)(4)) is amended—

(A) in subparagraph (C), by striking at the end "or";

(B) in subparagraph (D), by inserting ", taking into account the health or well-being of the individual" before the period and redesignating such subparagraph as subparagraph (F); and

(C) by inserting after subparagraph (C) the following new subparagraphs:

"(D) the individual is described in section 1902(a)(10)(E)(iii) (relating to specified low-income medicare beneficiaries);

"(E) the individual is enrolled in an MA plan and enrollment in the plan is suspended under paragraph (2)(B) or (3)(C) of section 1857(g) because of a failure of the plan to meet applicable requirements; or".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(b) ACCESS TO MEDIGAP COVERAGE FOR INDIVIDUALS WHO LEAVE MA PLANS.—

(1) IN GENERAL.—Section 1882(s)(3) of the Social Security Act (42 U.S.C. 1395ss(s)(3)) is amended—

(A) in each of clauses (v)(III) and (vi) of subparagraph (B), by striking "12 months" and inserting "24 months"; and

(B) in each of subclauses (I) and (II) of subparagraph (F)(i), by striking "12 months" and inserting "24 months".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to terminations of enrollments in MA plans occurring on or after the date of the enactment of this Act.

(c) IMPROVED ENROLLMENT POLICIES.—

(1) NO AUTO-ENROLLMENT OF MEDICAID BENEFICIARIES.—

(A) IN GENERAL.—Section 1851(e) of such Act (42 U.S.C. 1395w-21(e)) is amended by adding at the end the following new paragraph:

"(7) NO AUTO-ENROLLMENT OF MEDICAID BENEFICIARIES.—In no case may the Secretary provide for the enrollment in a MA plan of a Medicare Advantage eligible individual who is eligible to receive medical assistance under title XIX as a full-benefit dual eligible individual or a qualified medicare beneficiary, without the affirmative application of such individual (or authorized representative of the individual) to be enrolled in such plan.".

(B) NO APPLICATION TO PRESCRIPTION DRUG PLANS.—Section 1860D–1(b)(1)(B)(iii) of such Act (42 U.S.C. 1395w–101(b)(1)(B)(iii)) is amended—

(i) by striking "paragraph (2) and" and by inserting "paragraph (2),"; and

(ii) by inserting ", and paragraph (7)," after "paragraph (4)".

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to enrollments that are effective on or after the date of the enactment of this Act.

SEC. 414. INFORMATION FOR BENEFICIARIES ON MA PLAN ADMINISTRATIVE COSTS.

(a) DISCLOSURE OF MEDICAL LOSS RATIOS AND OTHER EXPENSE DATA.—Section 1851 of the Social Security Act (42 U.S.C. 1395w21) is amended by adding at the end the following new subsection:

"(j) PUBLICATION OF MEDICAL LOSS RATIOS AND OTHER COST-RELATED INFORMATION.—

"(1) IN GENERAL.—The Secretary shall publish, not later than October 1 of each year (beginning with 2009), for each Medicare Part C plan contract, the following:

"(A) The medical loss ratio of the plan in the previous year.

"(B) The per enrollee payment under this part to the plan, as adjusted to reflect a risk score (based on factors described in section 1853(a)(1)(C)(i)) of 1.0.

"(C) The average risk score (as so based).

"(2) SUBMISSION OF DATA.—

"(A) IN GENERAL.—Each Medicare Part C organization shall submit to the Secretary, in a form and manner specified by the Secretary, data necessary for the Secretary to publish the information described in paragraph (1) on a timely basis, including the information described in paragraph (3).

"(B) DATA FOR 2008 AND 2009.—The data submitted under subparagraph (A) for 2008 and for 2009 shall be consistent in content with the data reported as part of the Medicare Part C plan bid in June 2007 for 2008.

"(C) MEDICAL LOSS RATIO DATA.—The data to be submitted under subparagraph (A) relating to medical loss ratio for a year—

"(i) shall be submitted not later than June 1 of the following year; and

"(ii) beginning with 2010, shall be submitted based on the standardized elements and definitions developed under paragraph (4).

"(D) AUDITED DATA.—Data submitted under this paragraph shall be data that has been audited by an independent third party auditor.

"(3) MLR INFORMATION.—The information described in this paragraph with respect to a Medicare Part C plan for a year is as follows:

"(A) The costs for the plan in the previous year for each of the following:

"(i) Total medical expenses, separately indicated for benefits for the original medicare fee-for-service program option and for supplemental benefits.

"(ii) Non-medical expenses, shown separately for each of the following categories of expenses:

"(I) Marketing and sales.

"(II) Direct administration.

"(III) Indirect administration.

"(IV) Net cost of private reinsurance.

"(B) Gain or loss margin.

"(C) Total revenue requirement, computed as the total of medical and nonmedical expenses and gain or loss margin, multiplied by the gain or loss margin.

"(D) Percent of revenue ratio, computed as the total revenue requirement expressed as a percentage of revenue.

"(4) DEVELOPMENT OF DATA REPORTING STANDARDS.—

"(A) IN GENERAL.—The Secretary shall develop and implement standardized data elements and definitions for reporting under this subsection, for contract years beginning with 2010, of data necessary for the calculation of the medical loss ratio for Medicare Part C plans. Not later than December 31, 2008, the Secretary shall publish a report describing the elements and definitions so developed.

"(B) CONSULTATION.—The Secretary shall consult with representatives of Medicare Part C organizations, experts on health plan accounting systems, and representatives of the National Association of Insurance Commissioners, in the development of such data elements and definitions

"(5) MEDICAL LOSS RATIO DEFINED.—For purposes of this part, the term 'medical loss ratio' means, with respect to an MA plan for a year, the ratio of—

"(A) the aggregate benefits (excluding nonmedical expenses described in paragraph (3)(A)(ii)) paid under the plan for the year, to

"(B) the aggregate amount of premiums (including basic and supplemental beneficiary premiums) and payments made under sections 1853 and 1860D–15) collected for the plan and year.

Such ratio shall be computed without regard to whether the benefits or premiums are for required or supplemental benefits under the plan.".

(b) AUDIT OF ADMINISTRATIVE COSTS AND COMPLIANCE WITH THE FEDERAL ACQUISITION REGULATION.—

(1) IN GENERAL.—Section 1857(d)(2)(B) of such Act (42 U.S.C. 1395w–27(d)(2)(B)) is amended—

(A) by striking "or (ii)" and inserting "(ii)"; and

(B) by inserting before the period at the end the following: ", or (iii) to compliance with the requirements of subsection (e)(4) and the extent to which administrative costs comply with the applicable requirements for such costs under the Federal Acquisition Regulation".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply for contract years beginning after the date of the enactment of this Act.

(c) MINIMUM MEDICAL LOSS RATIO.—Section 1857(e) of the Social Security Act (42 U.S.C. 1395w–27(e)) is amended by adding at the end the following new paragraph:

"(4) REQUIREMENT FOR MINIMUM MEDICAL LOSS RATIO.—If the Secretary determines for a contract year (beginning with 2010) that an MA plan has failed to have a medical loss ratio (as defined in section 1851(j)(4)) of at least .85—

"(A) for that contract year, the Secretary shall reduce the blended benchmark amount under subsection (l) for the second succeeding contract year by the numer of percentage points by which such loss ratio was less than 85 percent;

"(B) for 3 consecutive contract years, the Secretary shall not permit the enrollment of new enrollees under the plan for coverage during the second succeeding contract year; and

"(C) the Secretary shall terminate the plan contract if the plan fails to have such a medical loss ratio for 5 consecutive contract years.".

(d) INFORMATION ON MEDICARE PART C PLAN ENROLLMENT AND SERVICES.—Section 1851 of such Act, as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(k) PUBLICATION OF ENROLLMENT AND OTHER INFORMATION.—

"(1) MONTHLY PUBLICATION OF PLAN-SPECIFIC ENROLLMENT DATA.—The Secretary shall publish (on the public website of the Centers for Medicare & Medicaid Services or otherwise) not later than 30 days after the end of each month (beginning with January 2008) on the actual enrollment in each Medicare Part C plan by contract and by county.

"(2) AVAILABILITY OF OTHER INFORMATION.—The Secretary shall make publicly available data and other information in a format that may be readily used for analysis of the Medicare Part C program under this part and will contribute to the understanding of the organization and operation of such program.".

(e) MEDPAC REPORT ON VARYING MINIMUM MEDICAL LOSS RATIOS.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study of the need and feasibility of providing for different minimum medical loss ratios for different types of Medicare Part C plans, including coordinated care plans, group model plans, coordinated care independent practice association plans, preferred provider organization plans, and private fee-for-services plans.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, submit to Congress a report on the study conducted under paragraph (1).

Subtitle C—Quality and Other Provisions

SEC. 421. REQUIRING ALL MA PLANS TO MEET EQUAL STANDARDS.

(a) COLLECTION AND REPORTING OF INFORMATION.—

(1) IN GENERAL.—Section 1852(e)(1) of the Social Security Act (42 U.S.C. 1395w–112(e)(1)) is amended by striking "(other than an MA private fee-for-service plan or an MSA plan)".

(2) REPORTING FOR PRIVATE FEE-FOR-SERVICES AND MSA PLANS.—Section 1852(e)(3) of such Act is amended by adding at the end the following new subparagraph:

"(C) DATA COLLECTION REQUIREMENTS BY PRIVATE FEE-FOR-SERVICE PLANS AND MSA PLANS.—

"(i) USING MEASURES FOR PPOS FOR CONTRACT YEAR 2009.—For contract year 2009, the Medicare Part C organization offering a private fee-for-service plan or an MSA plan shall submit to the Secretary for such plan the same information on the same performance measures for which such information is required to be submitted for Medicare Part C plans that are preferred provider organization plans for that year.

"(ii) APPLICATION OF SAME MEASURES AS COORDINATED CARE PLANS BEGINNING IN CONTRACT YEAR 2010.—For a contract year beginning with 2010, a Medicare Part C organization offering a private fee-for-service plan or an MSA plan shall submit to the Secretary for such plan the same information on the same performance measures for which such information is required to be submitted for such contract year Medicare Part C plans described in section 1851(a)(2)(A)(i) for contract year such contract year.".

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to contract years beginning on or after January 1, 2009.

(b) EMPLOYER PLANS.—

(1) IN GENERAL.—The first sentence of paragraph (2) of section 1857(i) of such Act (42 U.S.C. 1395w–27(i)) is amended by inserting before the period at the end the following: ", but only if 90 percent of the Medicare part C eligible individuals enrolled under such plan reside in a county in which the Medicare Part C organization offers a Medicare Part C local plan".

(2) LIMITATION ON APPLICATION OF WAIVER AUTHORITY.—Paragraphs (1) and (2) of such section are each amended by inserting "that were in effect before the date of the enactment of the Children's Health and Medicare Protection Act of 2007" after "waive or modify requirements".

(3) EFFECTIVE DATES.—The amendment made by paragraph (1) shall apply for plan years beginning on or after January 1, 2009, and the amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

SEC. 422. DEVELOPMENT OF NEW QUALITY REPORTING MEASURES ON RACIAL DISPARITIES.

(a) NEW QUALITY REPORTING MEASURES.—

(1) IN GENERAL.—Section 1852(e)(3) of the Social Security Act (42 U.S.C. 1395w-22(e)(3)), as amended by section 421(a)(2), is amended—

(A) in subparagraph (B)—

(i) in clause (i), by striking "The Secretary" and inserting "Subject to subparagraph (D), the Secretary"; and

(ii) in clause (ii), by striking "subclause (iii)" and inserting "clause (iii) and subparagraph (C)" ; and

(B) by adding at the end the following new subparagraph:

"(D) ADDITIONAL QUALITY REPORTING MEASURES.—

"(i) IN GENERAL.—The Secretary shall develop by October 1, 2009, quality measures for Medicare Part C plans that measure disparities in the amount and quality of health services provided to racial and ethnic minorities.

"(ii) DATA TO MEASURE RACIAL AND ETHNIC DISPARITIES IN THE AMOUNT AND QUALITY OF CARE PROVIDED TO ENROLLEES.—The Secretary shall provide for Medicare Part C organizations to submit data under this paragraph, including data similar to those submitted for other quality measures, that permits analysis of disparities among racial and ethnic minorities in health services, quality of care, and health status among Medicare Part C plan enrollees for use in submitting the reports under paragraph (5).".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to reporting of quality measures for plan years beginning on or after January 1, 2010.

(b) BIENNIAL REPORT ON RACIAL AND ETHNIC MINORITIES.—Section 1852(e) of such Act (42 U.S.C. 1395w-22(e)) is amended by adding at the end the following new paragraph:

"(5) REPORT TO CONGRESS.—

"(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this paragraph, and biennially thereafter, the Secretary shall submit to Congress a report regarding how quality assurance programs conducted under this subsection measure and report on disparities in the amount and quality of health care services furnished to racial and ethnic minorities.

"(B) CONTENTS OF REPORT.—Each such report shall include the following:

"(i) A description of the means by which such programs focus on such racial and ethnic minorities.

"(ii) An evaluation of the impact of such programs on eliminating health disparities and on improving health outcomes, continuity and coordination of care, management of chronic conditions, and consumer satisfaction.

"(iii) Recommendations on ways to reduce clinical outcome disparities among racial and ethnic minorities.

"(iv) Data for each MA plan from HEDIS and other source reporting the disparities in the amount and quality of health services furnished to racial and ethnic minorities.".

SEC. 423. STRENGTHENING AUDIT AUTHORITY.

(a) FOR PART C PAYMENTS RISK ADJUSTMENT.—Section 1857(d)(1) of the Social Security Act (42 U.S.C. 1395w–27(d)(1)) is amended by inserting after "section 1858(c))" the following: ", and data submitted with respect to risk adjustment under section 1853(a)(3)".

(b) ENFORCEMENT OF AUDITS AND DEFICIENCIES.—

(1) IN GENERAL.—Section 1857(e) of such Act is amended by adding at the end the following new paragraph:

"(5) ENFORCEMENT OF AUDITS AND DEFICIENCIES.—

"(A) INFORMATION IN CONTRACT.—The Secretary shall require that each contract with a Medicare Part C organization under this section shall include terms that inform the organization of the provisions in subsection (d).

"(B) ENFORCEMENT AUTHORITY.—The Secretary is authorized, in connection with conducting audits and other activities under subsection (d), to take such actions, including pursuit of financial recoveries, necessary to address deficiencies identified in such audits or other activities.".

(2) APPLICATION UNDER PART D.—For provision applying the amendment made by paragraph (1) to prescription drug plans under part D, see section 1860D–12(b)(3)(D) of the Social Security Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect the date of the enactment of this Act and shall apply to audits and activities conducted for contract years beginning on or after January 1, 2009.

SEC. 424. IMPROVING RISK ADJUSTMENT FOR MA PAYMENTS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that evaluates the adequacy of the Medicare Advantage risk adjustment system under section 1853(a)(1)(C) of the Social Security Act (42 U.S.C. 1395–23(a)(1)(C)).

(b) PARTICULARS.—The report under subsection (a) shall include an evaluation of at least the following:

(1) The need and feasibility of improving the adequacy of the risk adjustment system in predicting costs for beneficiaries with co-morbid conditions and associated cognitive impairments.

(2) The need and feasibility of including further gradations of diseases and conditions (such as the degree of severity of congestive heart failure).

(3) The feasibility of measuring difference in coding over time between Medicare part C plans and the medicare traditional fee-for-service program and, to the extent this difference exists, the options for addressing it.

(4) The feasibility and value of including part D and other drug utilization data in the risk adjustment model.

SEC. 425. ELIMINATING SPECIAL TREATMENT OF PRIVATE FEE-FOR-SERVICE PLANS.

(a) ELIMINATION OF EXTRA BILLING PROVISION.—Section 1852(k)(2) of the Social Security Act (42 U.S.C. 1395w–22(k)(2)) is amended—

(1) in subparagraph (A)(i), by striking "115 percent" and inserting "100 percent"; and

(2) in subparagraph (C)(i), by striking "including any liability for balance billing consistent with this subsection)".

(b) REVIEW OF BID INFORMATION.—Section 1854(a)(6)(B) of such Act (42 U.S.C. 1395w–24(a)(6)(B)) is amended—

(1) in clause (i), by striking "clauses (iii) and (iv)" and inserting "clause (iii)"; and

(2) by striking clause (iv).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contract years beginning with 2009.

SEC. 426. RENAMING OF MEDICARE ADVANTAGE PROGRAM.

(a) IN GENERAL.—The program under part C of title XVIII of the Social Security Act is

henceforth to be known as the "Medicare Part C program".

(b) CHANGE IN REFERENCES.—

(1) AMENDING SOCIAL SECURITY ACT.—The Social Security Act is amended by striking "Medicare Advantage", "MA", and "Medicare+Choice" and inserting "Medicare Part C" each place it appears, with the appropriate, respective typographic formatting, including typeface and capitalization.

(2) ADDITIONAL REFERENCES.—Notwithstanding section 201(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173), any reference to the program under part C of title XVIII of the Social Security Act shall be deemed a reference to the "Medicare Part C" program and, with respect to such part, any reference to "Medicare+Choice". "Medicare Advantage", or "MA" is deemed a reference to the program under such part.

Subtitle D—Extension of Authorities

SEC. 431. EXTENSION AND REVISION OF AUTHORITY FOR SPECIAL NEEDS PLANS (SNPS).

(a) EXTENDING RESTRICTION ON ENROLLMENT AUTHORITY FOR SNPS FOR 3 YEARS.—Subsection (f) of section 1859 of the Social Security Act (42 U.S.C. 1395w-28) is amended by striking "2009" and inserting "2012".

(b) STRUCTURE OF AUTHORITY FOR SNPS.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (b)(6)(A), by striking all that follows "means" and inserting the following: "an MA plan and

"(i) that serves special needs individuals (as defined in subparagraph (B));

"(ii) as of January 1, 2009—

"(I) at least 90 percent of the enrollees in which are described in subparagraph (B)(i), as determined under regulations in effect as of July 1, 2007;

"(II) at least 90 percent of the enrollees in which are described in subparagraph (B)(ii) and are full-benefit dual eligible individuals (as defined in section 1935(c)(6)) or qualified medicare beneficiaries (as defined in section 1905(p)(1)); or

"(III) at least 90 percent of the enrollees in which have a severe or disabling chronic condition of the type that the plan is committed to serve as indicated by the data submitted for the risk-adjustment of plan payments; and".

"(iii) as of January 1, 2009, meets the applicable requirements of paragraph (2) or (3) of subsection (f), as the case may be.";

(B) in subsection (f)—

(i) by amending the heading to read as follows: "REQUIREMENTS FOR ENROLLMENT IN PART C PLANS FOR SPECIAL NEEDS BENEFICIARIES";

(ii) by designating the sentence beginning "In the case of" as paragraph (1) with the heading "REQUIREMENTS FOR ENROLLMENT.—" and with appropriate indentation; and

(iii) by adding at the end the following new paragraphs:

"(2) ADDITIONAL REQUIREMENTS FOR INSTITUTIONAL SNPS.—In the case of a specialized MA plan for special needs individuals described in subsection (b)(6)(A)(ii)(I), the applicable requirements of this subsection are as follows:

"(A) The plan has an agreement with the State that includes provisions regarding cooperation on the coordination of care for such individuals. Such agreement shall include a description of the manner that the State Medicaid program under title XIX will pay for the costs of services for individuals eligible under such title for medical assistance for acute care and long-term care services.

"(B) The plan has a contract with long-term care facilities and other providers in the area sufficient to provide care for enrollees described in subsection (b)(6)(B)(i).

"(C) The plan reports to the Secretary information on additional quality measures specified by the Secretary under section 1852(e)(3)(D)(iv)(I) for such plans.

"(3) ADDITIONAL REQUIREMENTS FOR DUAL SNPS.—In the case of a specialized MA plan for special needs individuals described in subsection (b)(6)(A)(ii)(II), the applicable requirements of this subsection are as follows:

"(A) The plan has an agreement with the State Medicaid agency that—

"(i) includes provisions regarding cooperation on the coordination of the financing of care for such individuals;

"(ii) includes a description of the manner that the State Medicaid program under title XIX will pay for the costs of cost-sharing and supplemental services for individuals enrolled in the plan eligible under such title for medical assistance for acute and long-term care services; and

"(iii) effective January 1, 2011, provides for capitation payments to cover costs of supplemental benefits for individuals described in subsection (b)(6)(A)(ii)(II).

"(B) The out-of-pocket costs for services under parts A and B that are charged to enrollees may not exceed the out-of-pocket costs for same services permitted for such individuals under title XIX.

"(C) The plan reports to the Secretary information on additional quality measures specified by the Secretary under section 1852(e)(3)(D)(iv)(II) for such plans.".

"(4) ADDITIONAL REQUIREMENTS FOR SEVERE OR DISABLING CHRONIC CONDITION SNPS.—In the case of a specialized MA plan for special needs individuals described in subsection (b)(6)(A)(ii)(III), the applicable requirements of this subsection are as follows:

"(A) The plan is designated to serve, and serves, Medicare beneficiaries with one or more of the following specific severe or disabling chronic conditions:

"(i) Cardiovascular.

"(ii) Cerebrovascular.

"(iii) Congestive health failure.

"(iv) Diabetes.

"(v) Chronic obstructive pulmonary disease.

"(vi) HIV/AIDS.

"(B) The plan has an average risk score under section 1853(a)(1)(C) of 1.35 or greater.

"(C) The plan has established and actively manages a chronic care improvement program under section 1852(e)(2) for each of the conditions that it serves under subparagraph (A) that significantly exceeds the features and results of such programs established and managed by Medicare Part C plans that are not specialized Medicare Part C plans for special needs individuals of the type described in this paragraph.

"(D) The plan has a network of a sufficient number of primary care and specialty physicians, hospitals, and other health care providers under contract to the plan so that the plan can clearly meet the routine and specialty needs of the severely ill and disabled enrollees of the plan throughout the service area of the plan.

"(E) The plan reports to the Secretary information on additional quality measures specified by the Secretary under section 1852(e)(3)(D)(iv)(III) for such plans.".

(2) QUALITY STANDARDS AND QUALITY REPORTING.—Section 1852(e)(3) of such Act (42 U.S.C. 1395w-22(e)(3) is amended—

(A) in subparagraph (A)(i), by adding at the end the following: "In the case of a specialized Medicare Part C plan for special needs individuals described in paragraph (2), (3), or (4) of section 1859(f), the organization shall provide for the reporting on quality measures developed for the plan under subparagraph (D)(iii)."; and

(B) in subparagraph (D), as added by section 422(a)(1), by adding at the end the following new clause:

"(iii) SPECIFICATION OF ADDITIONAL QUALITY MEASUREMENTS FOR SPECIALIZED PART C PLANS.—For implementation for plan years beginning not later than January 1, 2010, the Secretary shall develop new quality measures appropriate to meeting the needs of—

"(I) beneficiaries enrolled in specialized Medicare Part C plans for special needs individuals (described in section 1859(b)(6)(A)(ii)(I)) that serve predominantly individuals who are dual-eligible individuals eligible for medical assistance under title XIX by measuring the special needs for care of individuals who are both Medicare and Medicaid beneficiaries; and

"(II) beneficiaries enrolled in specialized Medicare Part C plans for special needs individuals (described in section 1859(b)(6)(A)(ii)(II)) that serve predominantly institutionalized individuals by measuring the special needs for care of individuals who are a resident in long-term care institution."; and

"(III) beneficiaries enrolled in specialized Medicare Part C plans for special needs individuals (described in section 1859(b)(6)(A)(ii)(III)) that serve predominantly individuals with severe or disabling chronic conditions by measuring the special needs for care of such individuals.".

(3) EFFECTIVE DATE; GRANDFATHER.—The amendments made by paragraph (1) shall take effect for enrollments occurring on or after January 1, 2009, and shall not apply—

(A) to a Medicare Advantage plan with a contract with a State Medicaid integrated Medicare-Medicaid plan program that had been approved by the Centers for Medicare & Medicaid Services as of January 1, 2004; and

(B) to plans that are operational as of the date of the enactment of this Act as approved Medicare demonstration projects and that provide services predominantly to individuals with end-stage renal disease.

(4) TRANSITION FOR NON-QUALIFYING SNPS.—

(A) RESTRICTIONS IN 2008 FOR CHRONIC CARE SNPS.—In the case of a specialized MA plan for special needs individuals (as defined in section 1859(b)(6)(A) of the Social Security Act (42 U.S.C. 1395w–28(b)(6)(A)) that, as of December 31, 2007, is not described in either subclause (I) or subclause (II) of clause (ii) of such section, as amended by paragraph (1), then as of January 1, 2008—

(i) the plan may not be offered unless it was offered before such date;

(ii) no new members may be enrolled with the plan; and

(iii) there may be no expansion of the service area of such plan.

(B) TRANSITION OF ENROLLEES.—The Secretary of Health and Human Services shall provide for an orderly transition of those specialized MA plans for special needs individuals (as defined in section 1859(b)(6)(A) of the Social Security Act (42 U.S.C. 1395w-28(b)(6)(A)), as of the date of the enactment of this Act), and their enrollees, that no longer qualify as such plans under such section, as amended by this subsection.

(c) SUNSET OF ADDITIONAL DESIGNATION AUTHORITY.—

(1) IN GENERAL.—Subsection (d) of section 231 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is repealed.

(2) EFFECTIVE DATE.—The repeal made by paragraph (1) shall take effect on January 1, 2009, and shall apply to plans offered on or after such date.

SEC. 432. EXTENSION AND REVISION OF AUTHORITY FOR MEDICARE REASONABLE COST CONTRACTS.

(a) EXTENSION FOR 3 YEARS OF PERIOD REASONABLE COST PLANS CAN REMAIN IN THE MARKET.—Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) is amended, in the matter preceding subclause (I), by striking "January 1, 2008" and inserting "January 1, 2011".

(b) APPLICATION OF CERTAIN MEDICARE ADVANTAGE REQUIREMENTS TO COST CONTRACTS EXTENDED OR RENEWED AFTER ENACTMENT.—Section 1876(h) of such Act (42 U.S.C. 1395mm(h)), as amended by subsection (a), is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

"(5)(A) Any reasonable cost reimbursement contract with an eligible organization under this subsection that is extended or renewed on or after the date of enactment of the Children's Health and Medicare Protection Act of 2007 shall provide that the provisions of the Medicare Part C program described in subparagraph (B) shall apply to such organization and such contract in a substantially similar manner as such provisions apply to Medicare Part C organizations and Medicare Part C plans under part C.

"(B) The provisions described in this subparagraph are as follows:

"(i) Section 1851(h) (relating to the approval of marketing material and application forms).

"(ii) Section 1852(e) (relating to the requirement of having an ongoing quality improvement program and treatment of accreditation in the same manner as such provisions apply to Medicare Part C local plans that are preferred provider organization plans).

"(iii) Section 1852(f) (relating to grievance mechanisms).

"(iv) Section 1852(g) (relating to coverage determinations, reconsiderations, and appeals).

"(v) Section 1852(j)(4) (relating to limitations on physician incentive plans).

"(vi) Section 1854(c) (relating to the requirement of uniform premiums among individuals enrolled in the plan).

"(vii) Section 1854(g) (relating to restrictions on imposition of premium taxes with respect to payments to organizations).

"(viii) Section 1856(b)(3) (relating to relation to State laws).

"(ix) The provisions of part C relating to timelines for contract renewal and beneficiary notification.".

TITLE V—PROVISIONS RELATING TO MEDICARE PART A

SEC. 501. INPATIENT HOSPITAL PAYMENT UPDATES.

(a) FOR ACUTE HOSPITALS.—Clause (i) of section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)) is amended—

(1) in subclause (XIX), by striking "and";

(2) by redesignating subclause (XX) as subclause (XXII); and

(3) by inserting after subclause (XIX) the following new subclauses:

"(XX) for fiscal year 2007, subject to clause (viii), the market basket percentage increase for hospitals in all areas,

"(XXI) for fiscal year 2008, subject to clause (viii), the market basket percentage increase minus 0.25 percentage point for hospitals in all areas, and".

(b) FOR OTHER HOSPITALS.—Clause (ii) of such section is amended—

(1) in subclause (VII) by striking "and";

(2) by redesignating subclause (VIII) as subclause (X); and

(3) by inserting after subclause (VII) the following new subclauses:

"(VIII) fiscal years 2003 through 2007, is the market basket percentage increase,

"(IX) fiscal year 2008, is the market basket percentage increase minus 0.25 percentage point, and".

(c) DELAYED EFFECTIVE DATE.—

(1) ACUTE CARE HOSPITALS.—The amendments made by subsection (a) shall not apply to discharges occurring before January 1, 2008.

(2) OTHER HOSPITALS.—The amendments made by subsection (b) shall be applied, only with respect to cost reporting periods beginning during fiscal year 2008 and not with respect to the computation for any succeeding cost reporting period, by substituting "0.1875 percentage point" for "0.25 percentage point".

SEC. 502. PAYMENT FOR INPATIENT REHABILITATION FACILITY (IRF) SERVICES.

(a) PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886(j)(3)(C) of the Social Security Act (42 U.S.C. 1395ww(j)(3)(C)) is amended by adding at the end the following: "The increase factor to be applied under this subparagraph for fiscal year 2008 shall be 1 percent."

(2) DELAYED EFFECTIVE DATE.—The amendment made by paragraph (1) shall not apply to payment units occurring before January 1, 2008.

(b) INPATIENT REHABILITATION FACILITY CLASSIFICATION CRITERIA.—

(1) IN GENERAL.—Section 5005 of the Deficit Reduction Act of 2005 (Public Law 109–171) is amended—

(A) in subsection (a), by striking "apply the applicable percent specified in subsection (b)" and inserting "require a compliance rate that is no greater than the 60 percent compliance rate that became effective for cost reporting periods beginning on or after July 1, 2006,"; and

(B) by amending subsection (b) to read as follows:

"(b) CONTINUED USE OF COMORBIDITIES.—For portions of cost reporting periods occurring on or after the date of the enactment of the Children's Health and Medicare Protection Act of 2007, the Secretary shall include patients with comorbidities as described in section 412.23(b)(2)(i) of title 42, Code of Federal Regulations (as in effect as of January 1, 2007), in the inpatient population that counts towards the percent specified in subsection (a).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(A) shall apply to portions of cost reporting periods beginning on or after the date of the enactment of this Act.

(c) PAYMENT FOR CERTAIN MEDICAL CONDITIONS TREATED IN INPATIENT REHABILITATION FACILITIES.—

(1) IN GENERAL.—Section 1886(j) of the Social Security Act (42 U.S.C. 1395ww(j)) is amended—

(A) by redesignating paragraph (7) as paragraph (8);

(B) by inserting after paragraph (6) the following new paragraph:

"(7) SPECIAL PAYMENT RULE FOR CERTAIN MEDICAL CONDITIONS.—

"(A) IN GENERAL.—Subject to subparagraph (H), in the case of discharges occurring on or after October 1, 2008, in lieu of the standardized payment amount (as determined pursuant to the preceding provisions of this subsection) that would otherwise be applicable under this subsection, the Secretary shall substitute, for payment units with respect to an applicable medical condition (as defined in subparagraph (G)(i)) that is treated in an inpatient rehabilitation facility, the modified standardized payment amount determined under subparagraph (B).

"(B) MODIFIED STANDARDIZED PAYMENT AMOUNT.—The modified standardized payment amount for an applicable medical condition shall be based on the amount determined under subparagraph (C) for such condition, as adjusted under subparagraphs (D), (E), and (F).

"(C) AMOUNT DETERMINED.—

"(i) IN GENERAL.—The amount determined under this subparagraph for an applicable medical condition shall be based on the sum of the following:

"(I) An amount equal to the average per stay skilled nursing facility payment rate for the applicable medical condition (as determined under clause (ii)).

"(II) An amount equal to 25 percent of the difference between the overhead costs (as defined in subparagraph (G)(ii)) component of the average inpatient rehabilitation facility per stay payment amount for the applicable medical condition (as determined under the preceding paragraphs of this subsection) and the overhead costs component of the average per stay skilled nursing facility payment rate for such condition (as determined under clause (ii)).

"(III) An amount equal to 33 percent of the difference between the patient care costs (as defined in subparagraph (G)(iii)) component of the average inpatient rehabilitation facility per stay payment amount for the applicable medical condition (as determined under the preceding paragraphs of this subsection) and the patient care costs component of the average per stay skilled nursing facility payment rate for such condition (as determined under clause (ii)).

"(ii) DETERMINATION OF AVERAGE PER STAY SKILLED NURSING FACILITY PAYMENT RATE.—For purposes of clause (i), the Secretary shall convert skilled nursing facility payment rates for applicable medical conditions, as determined under section 1888(e), to average per stay skilled nursing facility payment rates for each such condition.

"(D) ADJUSTMENTS.—The Secretary shall adjust the amount determined under subparagraph (C) for an applicable medical condition using the adjustments to the prospective payment rates for inpatient rehabilitation facilities described in paragraphs (2), (3), (4), and (6).

"(E) UPDATE FOR INFLATION.—Except in the case of a fiscal year for which the Secretary rebases the amounts determined under subparagraph (C) for applicable medical conditions pursuant to subparagraph (F), the Secretary shall annually update the amounts determined under subparagraph (C) for each applicable medical condition by the increase factor for inpatient rehabilitation facilities (as described in paragraph (3)(C)).

"(F) REBASING.—The Secretary shall periodically (but in no case less than once every 5 years) rebase the amounts determined under subparagraph (C) for applicable medical conditions using the methodology described in such subparagraph and the most recent and complete cost report and claims data available.

"(G) DEFINITIONS.—In this paragraph:

"(i) APPLICABLE MEDICAL CONDITION.—The term 'applicable medical condition' means—

"(I) unilateral knee replacement;

"(II) unilateral hip replacement; and

"(III) unilateral hip fracture.

"(ii) OVERHEAD COSTS.—The term 'overhead costs' means those Medicare-allowable costs that are contained in the General Service cost centers of the Medicare cost reports for inpatient rehabilitation facilities and for skilled nursing facilities, respectively, as determined by the Secretary.

"(iii) PATIENT CARE COSTS.—The term 'patient care costs' means total Medicare-allowable costs minus overhead costs.

"(H) SUNSET.—The provisions of this paragraph shall cease to apply as of the date the Secretary implements an integrated, site-neutral payment methodology under this title for post-acute care."; and

(C) in paragraph (8), as redesignated by paragraph (1)—

(i) in subparagraph (C), by striking "and" at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting ", and"; and

(iii) by adding at the end the following new subparagraph:

"(E) modified standardized payment amounts under paragraph (7).".

(2) SPECIAL RULE FOR DISCHARGES OCCURRING IN THE SECOND HALF OF FISCAL YEAR 2008.—

(A) IN GENERAL.—In the case of discharges from an inpatient rehabilitation facility occurring during the period beginning on April 1, 2008, and ending on September 30, 2008, for applicable medical conditions (as defined in paragraph (7)(G)(i) of section 1886(j) of the Social Security Act (42 U.S.C. 1395ww(j)), as inserted by paragraph (1)(B), in lieu of the standardized payment amount determined pursuant to such section, the standardized payment amount shall be $9,507 for unilateral knee replacement, $10,398 for unilateral hip replacement, and $10,958 for unilateral hip fracture. Such amounts are the amounts that are estimated would be determined under paragraph (7)(C) of such section 1886(j) for such conditions if such paragraph applied for such period. Such standardized payment amounts shall be multiplied by the relative weights for each case-mix group and tier, as published in the final rule of the Secretary of Health and Human Services for inpatient rehabilitation facility services prospective payment for fiscal year 2008, to obtain the applicable payment amounts for each such condition for each case-mix group and tier.

(B) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement this subsection by program instruction or otherwise. Paragraph (8)(E) of such section 1886(j) of the Social Security Act, as added by paragraph (1)(C), shall apply for purposes of this subsection in the same manner as such paragraph applies for purposes of paragraph (7) of such section 1886(j).

(d) RECOMMENDATIONS FOR CLASSIFYING INPATIENT REHABILITATION HOSPITALS AND UNITS.—

(1) REPORT TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with physicians (including geriatricians and physiatrists), administrators of inpatient rehabilitation, acute care hospitals, skilled nursing facilities, and other settings providing rehabilitation services, Medicare beneficiaries, trade organizations representing inpatient rehabilitation hospitals and units and skilled nursing facilities, and the Medicare Payment Advisory Commission, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that includes—

(A) an examination of Medicare beneficiaries' access to medically necessary rehabilitation services;

(B) alternatives or refinements to the 75 percent rule policy for determining exclusion criteria for inpatient rehabilitation hospital and unit designation under the Medicare program, including determining clinical appropriateness of inpatient rehabilitation hospital and unit admissions and alternative criteria which would consider a patient's functional status, diagnosis, co-morbidities, and other relevant factors; and

(C) an examination that identifies any condition for which individuals are commonly admitted to inpatient rehabilitation hospitals that is not included as a condition described in section 412.23(b)(2)(iii) of title 42, Code of Federal Regulations, to determine the appropriate setting of care, and any variation in patient outcomes and costs, across settings of care, for treatment of such conditions.

For the purposes of this subsection, the term "75 percent rule" means the requirement of section 412.23(b)(2) of title 42, Code of Federal Regulations, that 75 percent of the patients of a rehabilitation hospital or converted rehabilitation unit are in 1 or more of 13 listed treatment categories.

(2) CONSIDERATIONS.—In developing the report described in paragraph (1), the Secretary shall include the following:

(A) The potential effect of the 75 percent rule on access to rehabilitation care by Medicare beneficiaries for the treatment of a condition, whether or not such condition is described in section 412.23(b)(2)(iii) of title 42, Code of Federal Regulations.

(B) An analysis of the effectiveness of rehabilitation care for the treatment of conditions, whether or not such conditions are described in section 412.23(b)(2)(iii) of title 42, Code of Federal Regulations, available to Medicare beneficiaries in various health care settings, taking into account variation in patient outcomes and costs across different settings of care, and which may include whether the Medicare program and Medicare beneficiaries may incur higher costs of care for the entire episode of illness due to readmissions, extended lengths of stay, and other factors.

SEC. 503. LONG-TERM CARE HOSPITALS.

(a) LONG-TERM CARE HOSPITAL PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

"(m) PROSPECTIVE PAYMENT FOR LONG-TERM CARE HOSPITALS.—

"(1) REFERENCE TO ESTABLISHMENT AND IMPLEMENTATION OF SYSTEM.—For provisions related to the establishment and implementation of a prospective payment system for payments under this title for inpatient hospital services furnished by a long-term care hospital described in subsection (d)(1)(B)(iv), see section 123 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 and section 307(b) of Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

"(2) UPDATE FOR RATE YEAR 2008.—In implementing the system described in paragraph (1) for discharges occurring during the rate year ending in 2008 for a hospital, the base rate for such discharges for the hospital shall be the same as the base rate for discharges for the hospital occurring during the previous rate year.".

(2) DELAYED EFFECTIVE DATE.—Subsection (m)(2) of section 1886 of the Social Security Act, as added by paragraph (1), shall not apply to discharges occurring on or after July 1, 2007, and before January 1, 2008.

(b) PAYMENT FOR LONG-TERM CARE HOSPITAL SERVICES; PATIENT AND FACILITY CRITERIA.—

(1) DEFINITION OF LONG-TERM CARE HOSPITAL.—

(A) DEFINITION.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 201(a)(2), is amended by adding at the end the following new subsection:

"Long-Term Care Hospital

"(ddd) The term 'long-term care hospital' means an institution which—

"(1) is primarily engaged in providing inpatient services, by or under the supervision of a physician, to Medicare beneficiaries whose medically complex conditions require a long hospital stay and programs of care provided by a long-term care hospital;

"(2) has an average inpatient length of stay (as determined by the Secretary) for Medicare beneficiaries of greater than 25 days, or as otherwise defined in section 1886(d)(1)(B)(iv);

"(3) satisfies the requirements of subsection (e);

"(4) meets the following facility criteria:

"(A) the institution has a patient review process, documented in the patient medical record, that screens patients prior to admission for appropriateness of admission to a long-term care hospital, validates within 48 hours of admission that patients meet admission criteria for long-term care hospitals, regularly evaluates patients throughout their stay for continuation of care in a long-term care hospital, and assesses the available discharge options when patients no longer meet such continued stay criteria;

"(B) the institution has active physician involvement with patients during their treatment through an organized medical staff, physician-directed treatment with physician on-site availability on a daily basis to review patient progress, and consulting physicians on call and capable of being at the patient's side within a moderate period of time, as determined by the Secretary;

"(C) the institution has interdisciplinary team treatment for patients, requiring interdisciplinary teams of health care professionals, including physicians, to prepare and carry out an individualized treatment plan for each patient; and

"(5) meets patient criteria relating to patient mix and severity appropriate to the medically complex cases that long-term care hospitals are designed to treat, as measured under section 1886(n).".

(B) NEW PATIENT CRITERIA FOR LONG-TERM CARE HOSPITAL PROSPECTIVE PAYMENT.—Section 1886 of such Act (42 U.S.C. 1395ww), as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(n) PATIENT CRITERIA FOR PROSPECTIVE PAYMENT TO LONG-TERM CARE HOSPITALS.—

"(1) IN GENERAL.—To be eligible for prospective payment under this section as a long-term care hospital, a long-term care hospital must admit not less than a majority of patients who have a high level of severity, as defined by the Secretary, and who are assigned to one or more of the following major diagnostic categories:

"(A) Circulatory diagnoses.

"(B) Digestive, endocrine, and metabolic diagnoses.

"(C) Infection disease diagnoses.

"(D) Neurological diagnoses.

"(E) Renal diagnoses.

"(F) Respiratory diagnoses.

"(G) Skin diagnoses.

"(H) Other major diagnostic categories as selected by the Secretary.

"(2) MAJOR DIAGNOSTIC CATEGORY DEFINED.—In paragraph (1), the term 'major diagnostic category' means the medical categories formed by dividing all possible principle diagnosis into mutually exclusive diagnosis areas which are referred to in 67 Federal Register 49985 (August 1, 2002).".

(C) ESTABLISHMENT OF REHABILITATION UNITS WITHIN CERTAIN LONG-TERM CARE HOSPITALS.—If the Secretary of Health and Human Services does not include rehabilitation services within a major diagnostic category under section 1886(n)(2) of the Social Security Act, as added by subparagraph (B), the Secretary shall approve for purposes of title XVIII of such Act distinct part inpatient rehabilitation hospital units in long-term care hospitals consistent with the following:

(i) A hospital that, on or before October 1, 2004, was classified by the Secretary as a long-term care hospital, as described in section 1886(d)(1)(B)(iv)(I) of such Act (42 U.S.C. 1395ww(d)(1)(V)(iv)(I)), and was accredited by the Commission on Accreditation of Rehabilitation Facilities, may establish a hospital rehabilitation unit that is a distinct part of the long-term care hospital, if the distinct part meets the requirements (including conditions of participation) that would otherwise apply to a distinct-part rehabilitation unit if the distinct part were established by a subsection (d) hospital in accordance with the matter following clause (v) of section 1886(d)(1)(B) of such Act, including any regulations adopted by the Secretary in accordance with this section, except that the one-year waiting period described in section 412.30(c) of title 42, Code of Federal Regulations, applicable to the conversion of hospital beds into a distinct-part rehabilitation unit shall not apply to such units.

(ii) Services provided in inpatient rehabilitation units established under clause (i) shall not

be reimbursed as long-term care hospital services under section 1886 of such Act and shall be subject to payment policies established by the Secretary to reimburse services provided by inpatient hospital rehabilitation units.

(D) EFFECTIVE DATE.—The amendments made by subparagraphs (A) and (B), and the provisions of subparagraph (C), shall apply to discharges occurring on or after January 1, 2008.

(2) IMPLEMENTATION OF FACILITY AND PATIENT CRITERIA.—

(A) REPORT.—No later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall submit to the appropriate committees of Congress a report containing recommendations regarding the promulgation of the national long-term care hospital facility and patient criteria for application under paragraphs (4) and (5) of section 1861(ccc) and section 1886(n) of the Social Security Act, as added by subparagraphs (A) and (B), respectively, of paragraph (1). In the report, the Secretary shall consider recommendations contained in a report to Congress by the Medicare Payment Advisory Commission in June 2004 for long-term care hospital-specific facility and patient criteria to ensure that patients admitted to long-term care hospitals are medically complex and appropriate to receive long-term care hospital services.

(B) IMPLEMENTATION.—No later than 1 year after the date of submittal of the report under subparagraph (A), the Secretary shall, after rulemaking, implement the national long-term care hospital facility and patient criteria referred to in such subparagraph. Such long-term care hospital facility and patient criteria shall be used to screen patients in determining the medical necessity and appropriateness of a Medicare beneficiary's admission to, continued stay at, and discharge from, long-term care hospitals under the Medicare program and shall take into account the medical judgment of the patient's physician, as provided for under sections 1814(a)(3) and 1835(a)(2)(B) of the Social Security Act (42 U.S.C. 1395f(a)(3), 1395n(a)(2)(B)).

(3) EXPANDED REVIEW OF MEDICAL NECESSITY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall provide, under contracts with one or more appropriate fiscal intermediaries or medicare administrative contractors under section 1874A(a)(4)(G) of the Social Security Act (42 U.S.C. 1395kk(a)(4)(G)), for reviews of the medical necessity of admissions to long-term care hospitals (described in section 1886(d)(1)(B)(iv) of such Act) and continued stay at such hospitals, of individuals entitled to, or enrolled for, benefits under part A of title XVIII of such Act on a hospital-specific basis consistent with this paragraph. Such reviews shall be made for discharges occurring on or after October 1, 2007.

(B) REVIEW METHODOLOGY.—The medical necessity reviews under paragraph (A) shall be conducted for each such long-term care hospital on an annual basis in accordance with rules (including a sample methodology) specified by the Secretary. Such sample methodology shall—

(i) provide for a statistically valid and representative sample of admissions of such individuals sufficient to provide results at a 95 percent confidence interval; and

(ii) guarantee that at least 75 percent of overpayments received by long-term care hospitals for medically unnecessary admissions and continued stays of individuals in long-term care hospitals will be identified and recovered and that related days of care will not be counted toward the length of stay requirement contained in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)).

(C) CONTINUATION OF REVIEWS.—Under contracts under this paragraph, the Secretary shall establish a denial rate with respect to such reviews that, if exceeded, could require further review of the medical necessity of admissions and continued stay in the hospital involved.

(D) TERMINATION OF REQUIRED REVIEWS.—

(i) IN GENERAL.—Subject to clause (iii), the previous provisions of this subsection shall cease to apply as of the date specified in clause (ii).

(ii) DATE SPECIFIED.—The date specified in this clause is the later of January 1, 2013, or the date of implementation of national long-term care hospital facility and patient criteria under section paragraph (2)(B).

(iii) CONTINUATION.—As of the date specified in clause (ii), the Secretary shall determine whether to continue to guarantee, through continued medical review and sampling under this paragraph, recovery of at least 75 percent of overpayments received by long-term care hospitals due to medically unnecessary admissions and continued stays.

(E) FUNDING.—The costs to fiscal intermediaries or medicare administrative contractors conducting the medical necessity reviews under subparagraph (A) shall be funded from the aggregate overpayments recouped by the Secretary of Health and Human Services from long-term care hospitals due to medically unnecessary admissions and continued stays. The Secretary may use an amount not in excess of 40 percent of the overpayments recouped under this paragraph to compensate the fiscal intermediaries or Medicare administrative contractors for the costs of services performed.

(4) LIMITED, QUALIFIED MORATORIUM OF LONG-TERM CARE HOSPITALS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall impose a temporary moratorium on the certification of new long-term care hospitals (and satellite facilities), and new long-term care hospital and satellite facility beds, for purposes of the Medicare program under title XVIII of the Social Security Act. The moratorium shall terminate at the end of the 4-year period beginning on the date of the enactment of this Act.

(B) EXCEPTIONS.—

(i) IN GENERAL.—The moratorium under subparagraph (A) shall not apply as follows:

(I) To a long-term care hospital, satellite facility, or additional beds under development as of the date of the enactment of this Act.

(II) To an existing long-term care hospital that requests to increase its number of long-term care hospital beds, if the Secretary determines there is a need at the long-term care hospital for additional beds to accommodate—

(aa) infectious disease issues for isolation of patients;

(bb) bedside dialysis services;

(cc) single-sex accommodation issues;

(dd) behavioral issues; or

(ee) any requirements of State or local law.

(III) To an existing long-term care hospital that requests an increase in beds because of the closure of a long-term care hospital or significant decrease in the number of long-term care hospital beds, in a State where there is only one other long-term care hospital.

There shall be no administrative or judicial review from a decision of the Secretary under this subparagraph.

(ii) "UNDER DEVELOPMENT" DEFINED.—For purposes of clause (i)(I), a long-term care hospital or satellite facility is considered to be "under development" as of a date if any of the following have occurred on or before such date:

(I) The hospital or a related party has a binding written agreement with an outside, unrelated party for the construction, reconstruction, lease, rental, or financing of the long-term care hospital and the hospital has expended, before the date of the enactment of this Act, at least 10 percent of the estimated cost of the project (or, if less, $2,500,000).

(II) Actual construction, renovation or demolition for the long-term care hospital has begun and the hospital has expended, before the date of the enactment of this Act, at least 10 percent of the estimated cost of the project (or, if less, $2,500,000).

(III) A certificate of need has been approved in a State where one is required or other necessary approvals from appropriate State agencies have been received for the operation of the hospital.

(IV) The hospital documents that, within 3 months after the date of the enactment of this Act, it is within a 6-month long-term care hospital demonstration period required by section 412.23(e)(1)-(3) of title 42, Code of Federal Regulations, to demonstrate that it has a greater than 25 day average length of stay.

(5) NO APPLICATION OF 25 PERCENT PATIENT THRESHOLD PAYMENT ADJUSTMENT TO FREESTANDING AND GRANDFATHERED LTCHS.—The Secretary shall not apply, during the 5-year period beginning on the date of the enactment of this Act, section 412.536 of title 42, Code of Federal Regulations, or any similar provision, to freestanding long-term care hospitals and the Secretary shall not apply such section or section 412.534 of title 42, Code of Federal Regulations, or any similar provisions, to a long-term care hospital identified by section 4417(a) of the Balanced Budget Act of 1997 (Public Law 105-33). A long-term care hospital identified by such section 4417(a) shall be deemed to be a freestanding long-term care hospital for the purpose of this section. Section 412.536 of title 42, Code of Federal Regulations, shall be void and of no effect.

(6) PAYMENT FOR HOSPITALS-WITHIN-HOSPITALS.—

(A) IN GENERAL.—Payments to an applicable long-term care hospital or satellite facility which is located in a rural area or which is co-located with an urban single or MSA dominant hospital under paragraphs (d)(1), (e)(1), and (e)(4) of section 412.534 of title 42, Code of Federal Regulations, shall not be subject to any payment adjustment under such section if no more than 75 percent of the hospital's Medicare discharges (other than discharges described in paragraphs (d)(2) or (e)(3) of such section) are admitted from a co-located hospital.

(B) CO-LOCATED LONG-TERM CARE HOSPITALS AND SATELLITE FACILITIES.—

(i) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is co-located with another hospital shall not be subject to any payment adjustment under section 412.534 of title 42, Code of Federal Regulations, if no more than 50 percent of the hospital's Medicare discharges (other than discharges described in section 412.534(c)(3) of such title) are admitted from a co-located hospital.

(ii) APPLICABLE LONG-TERM CARE HOSPITAL OR SATELLITE FACILITY DEFINED.—In this paragraph, the term "applicable long-term care hospital or satellite facility" means a hospital or satellite facility that is subject to the transition rules under section 412.534(g) of title 42, Code of Federal Regulations.

(C) EFFECTIVE DATE.—Subparagraphs (A) and (B) shall apply to discharges occurring on or after October 1, 2007, and before October 1, 2012.

(7) NO APPLICATION OF VERY SHORT-STAY OUTLIER POLICY.—The Secretary shall not apply, during the 5-year period beginning on the date of the enactment of this Act, the amendments finalized on May 11, 2007 (72 Federal Register 26904) made to the short-stay outlier payment provision for long-term care hospitals contained in section 412.529(c)(3)(i) of title 42, Code of Federal Regulations, or any similar provision.

(8) NO APPLICATION OF ONE TIME ADJUSTMENT TO STANDARD AMOUNT.—The Secretary shall not, during the 5-year period beginning on the date of the enactment of this Act, make the one-time prospective adjustment to long-term care hospital prospective payment rates provided for in section 412.523(d)(3) of title 42, Code of Federal Regulations, or any similar provision.

(c) SEPARATE CLASSIFICATION FOR CERTAIN LONG-STAY CANCER HOSPITALS.—

(1) IN GENERAL.—Subsection (d)(1)(B) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(A) in clause (iv)—

(i) in subclause (I), by striking "(iv)(I)" and inserting "(iv)" and by striking "or" at the end; and

(ii) in subclause (II)—

(I) by striking ", or" at the end and inserting a semicolon; and

(II) by redesignating such subclause as clause (vi) and by moving it to immediately follow clause (v); and

(B) in clause (v), by striking the semicolon at the end and inserting ", or".

(2) CONFORMING PAYMENT REFERENCES.—Subsection (b) of such section is amended—

(A) in paragraph (2)(E)(ii), by adding at the end the following new subclause:

"(III) Hospitals described in clause (vi) of such subsection.";

(B) in paragraph (3)(F)(iii), by adding at the end the following new subclause:

"(VI) Hospitals described in clause (vi) of such subsection.";

(C) in paragraphs (3)(G)(ii), (3)(H)(i), and (3)(H)(ii)(I), by inserting "or (vi)" after "clause (iv)" each place it appears;

(D) in paragraph (3)(H)(iv), by adding at the end the following new subclause:

"(IV) Hospitals described in clause (vi) of such subsection.";

(E) in paragraph (3)(J), by striking "subsection (d)(1)(B)(iv)" and inserting "clause (iv) or (vi) of subsection (d)(1)(B)"; and

(F) in paragraph (7)(B), by adding at the end the following new clause:

"(iv) Hospitals described in clause (vi) of such subsection.".

(3) ADDITIONAL CONFORMING AMENDMENTS.—The second sentence of subsection (d)(1)(B) of such section is amended—

(A) by inserting "(as in effect as of such date)" after "clause (iv)"; and

(B) by inserting "(or, in the case of a hospital classified under clause (iv)(II), as so in effect, shall be classified under clause (vi) on and after the effective date of such clause)" after "so classified".

(4) IN GENERAL.—In the case of a hospital that is classified under clause (iv)(II) of section 1886(d)(1)(B) of the Social Security Act immediately before the date of the enactment of this Act and which is classified under clause (vi) of such section after such date of enactment, payments under section 1886 of such Act for cost reporting periods beginning after the date of the enactment of this Act shall be based upon payment rates in effect for the cost reporting period for such hospital beginning during fiscal year 2001, increased for each succeeding cost reporting period (beginning before the date of the enactment of this Act) by the applicable percentage increase under section 1886(b)(3)(B)(ii) of such Act.

(5) CLARIFICATION OF TREATMENT OF SATELLITE FACILITIES AND REMOTE LOCATIONS.—A long-stay cancer hospital described in section 1886(d)(1)(B)(vi) of the Social Security Act, as designated under paragraph (1), shall include satellites or remote site locations for such hospital established before or after the date of the enactment "without regard to section 412.22(h)(2)(i) of title 42, Code of Federal Regulations," if the provider-based requirements under section 413.65 of such title, applicable certification requirements under title XVIII of the Social Security, and such other applicable State licensure and certificate of need requirements are met with respect to such satellites or remote site locations.

SEC. 504. INCREASING THE DSH ADJUSTMENT CAP.

(a) IN GENERAL.—Section 1886(d)(5)(F)(xiv) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)(xiv)) is amended—

(b) SPECIAL RULE IN COMPUTING DISPROPORTIONATE PATIENT PERCENTAGE.—

(1) IN GENERAL.—Section 1886(d)(5)(F)(vi) of such Act (42 U.S.C. 1395ww(d)(5)(F)(vi)) is amended by adding at the end the following: "In applying this clause in the case of hospitals located in Puerto Rico, the Secretary shall substitute for the fraction described in subclause (I) one-half of the national average of such fraction for all subsection (d) hospitals, as estimated by the Secretary.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to discharges in cost reporting periods of hospitals beginning on or after January 1, 2008.

(1) in subclause (II), by striking "12 percent" and inserting "the percent specified in subclause (III)"; and

(2) by adding at the end the following new subclause:

"(III) The percent specified in this subclause is, in the case of discharges occurring—

"(a) before October 1, 2007, 12 percent;

"(b) during fiscal year 2008, 16 percent;

"(c) during fiscal year 2009, 18 percent; and

"(d) on or after October 1, 2009, 12 percent.".

SEC. 505. PPS-EXEMPT CANCER HOSPITALS.

(a) AUTHORIZING REBASING FOR PPS-EXEMPT CANCER HOSPITALS.—Section 1886(b)(3)(F) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(F)) is amended by adding at the end the following new clause:

"(iv) In the case of a hospital (or unit described in the matter following clause (v) of subsection (d)(1)(B)) that received payment under this subsection for inpatient hospital services furnished during cost reporting periods beginning before October 1, 1999, that is within a class of hospital described in clause (iii) (other than subclause (IV), relating to long-term care hospitals, and that requests the Secretary (in a form and manner specified by the Secretary) to effect a rebasing under this clause for the hospital, the Secretary may compute the target amount for the hospital's 12-month cost reporting period beginning during fiscal year 2008 as an amount equal to the average described in clause (ii) but determined as if any reference in such clause to 'the date of the enactment of this subparagraph' were a reference to 'the date of the enactment of this clause'.".

(b) ADDITIONAL CANCER HOSPITAL PROVISIONS.—

(1) IN GENERAL.—Section 1886(d)(1) of the Social Security Act (42 U.S.C. 1395ww(d)(1)) is amended—

(A) in subparagraph (B)(v)—

(i) by striking "or" at the end of subclause (II); and

(ii) by adding at the end the following:

"(IV) a hospital that is a nonprofit corporation, the sole member of which is affiliated with a university that has been the recipient of a cancer center support grant from the National Cancer Institute of the National Institutes of Health, and which sole member (or its predecessors or such university) was recognized as a comprehensive cancer center by the National Cancer Institute of the National Institutes of Health as of April 20, 1983, if the hospital's articles of incorporation specify that at least 50 percent of its total discharges have a principal finding of neoplastic disease (as defined in subparagraph (E)) and if, of December 31, 2005, the hospital was licensed for less than 150 acute care beds, or

"(V) a hospital (aa) that the Secretary has determined to be, at any time on or before December 31, 2011, a hospital involved extensively in treatment for, or research on, cancer, (bb) that is (as of the date of such determination) a freestanding facility, (cc) for which the hospital's predecessor provider entity was University Hospitals of Cleveland with medicare provider number 36-0137;"; and

(B) in subparagraph (B), by inserting after clause (vi), as redesignated by section 503(c)(1)(A)(ii)(II), the following new clause:

"(vii) a hospital that—

"(I) is located in a State that as of December 31, 2006, had only one center under section 414 of the Public Health Service Act that has been designated by the National Cancer Institute as a comprehensive center currently serving all 21 counties in the most densely populated State in the nation (U.S. Census estimate for 2005: 8,717,925 persons; 1,134.5 persons per square mile), serving more than 70,000 patient visits annually;

"(II) as of December 31, 2006, served as the teaching and clinical care, research and training hospital for the Center described in subclause (II), providing significant financial and operational support to such Center;

"(III) as of December 31, 2006, served as a core and essential element in such Center which conducts more than 130 clinical trial activities, national cooperative group studies, investigator-initiated and peer review studies and has received as of 2005 at least $93,000,000 in research grant awards;

"(IV) as of December 31, 2006, includes dedicated patient care units organized primarily for the treatment of and research on cancer with approximately 125 beds, 75 percent of which are dedicated to cancer patients, and contains a radiation oncology department as well as specialized emergency services for oncology patients; and

"(V) as of December 31, 2004, is identified as the focus of the Center's inpatient activities in the Center's application as a NCI-designated comprehensive cancer center and shares the NCI comprehensive cancer designation with the Center; and

(D) in subparagraph (E)—

(i) by striking "subclauses (II) and (III)" and inserting "subclauses (II), (III), and (IV)"; and

(ii) by inserting "and subparagraph (B)(vi)" after "subparagraph (B)(v)".

(2) EFFECTIVE DATES; PAYMENTS.—

(A) APPLICATION TO COST REPORTING PERIODS.—

(i) Any classification by reason of section 1886(d)(1)(B)(vi) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(vi)), as inserted by paragraph (1), shall apply to cost reporting periods beginning on or after January 1, 2006.

(ii) The provisions of section 1886(d)(1)(B)(v)(IV) of the Social Security Act, as added by paragraph (1), shall take effect on January 1, 2008.

(B) BASE TARGET AMOUNT.—Notwithstanding subsection (b)(3)(E) of section 1886 of the Social Security Act (42 U.S.C. 1395ww), in the case of a hospital described in subsection (d)(1)(B)(vi) of such section, as inserted by paragraph (1)—

(i) the hospital shall be permitted to resubmit the 2006 Medicare 2552 cost report incorporating a cancer hospital sub-provider number and to apply the Medicare ratio-of-cost-to-charge settlement methodology for outpatient cancer services; and

(ii) the hospital's target amount under subsection (b)(3)(E)(i) of such section for the first cost reporting period beginning on or after January 1, 2006, shall be the allowable operating

costs of inpatient hospital services (referred to in subclause (I) of such subsection) for such first cost reporting period.

(C) DEADLINE FOR PAYMENTS.—Any payments owed to a hospital as a result of this subsection for periods occurring before the date of the enactment of this Act shall be made expeditiously, but in no event later than 1 year after such date of enactment.

(3) APPLICATION TO CERTAIN HOSPITALS.—

(A) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—The provisions of section 412.22(e) of title 42, Code of Federal Regulations, shall not apply to a hospital described in section 1886(d)(1)(B)(v)(V) of the Social Security Act, as added by paragraph (1).

(B) APPLICATION TO COST REPORTING PERIODS.—If the Secretary makes a determination that a hospital is described in section 1886(d)(1)(B)(v)(V) of the Social Security Act, as added by paragraph (1), such determination shall apply as of the first cost reporting period beginning on or after the date of such determination.

(C) BASE PERIOD.—Notwithstanding the provisions of section 1886(b)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(E)) or any other provision of law, the base cost reporting period for purposes of determining the target amount for any hospital for which a determination described in subparagraph (B) has been made shall be the first full 12-month cost reporting period beginning on or after the date of such determination.

(D) RULE.—A hospital described in subclause (V) of section 1886(b)(1)(B)(v) of the Social Security Act, as added by paragraph (1), shall not qualify as a hospital described in such subclause for any cost reporting period in which less than 50 percent of its total discharges have a principal finding of neoplastic disease. With respect to the first cost reporting period for which a determination described in subparagraph (B) has been made, the Secretary shall accept a self-certification by the hospital, which shall be applicable to such first cost reporting period, that the hospital intends to have total discharges during such first cost reporting period of which 50 percent or more have a principal finding of neoplastic disease.

(c) MEDPAC REPORT ON PPS-EXEMPT CANCER HOSPITALS.—Not later than March 1, 2009, the Medicare Payment Advisory Commission (established under section 1805 of the Social Security Act (42 U.S.C. 1395b-6)) shall submit to the Secretary and Congress a report evaluating the following:

(1) Measures of payment adequacy and Medicare margins for PPS-exempt cancer hospitals, as established under section 1886(d)(1)(B)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(v)).

(2) To the extent a PPS-exempt cancer hospital was previously affiliated with another hospital, the margins of the PPS-exempt hospital and the other hospital as separate entities and the margins of such hospitals that existed when the hospitals were previously affiliated.

(3) Payment adequacy for cancer discharges under the Medicare inpatient hospital prospective payment system.

SEC. 506. SKILLED NURSING FACILITY PAYMENT UPDATE.

(a) IN GENERAL.—Section 1888(e)(4)(E)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(4)(E)(ii)) is amended—

(1) in subclause (III), by striking "and" at the end;

(2) by redesignating subclause (IV) as subclause (VI); and

(3) by inserting after subclause (III) the following new subclauses:

"(IV) for each of fiscal years 2004, 2005, 2006, and 2007, the rate computed for the previous fiscal year increased by the skilled nursing facility market basket percentage change for the fiscal year involved;

"(V) for fiscal year 2008, the rate computed for the previous fiscal year; and".

(b) DELAYED EFFECTIVE DATE.—Section 1888(e)(4)(E)(ii)(V) of the Social Security Act, as inserted by subsection (a)(3), shall not apply to payment for days before January 1, 2008.

SEC. 507. REVOCATION OF UNIQUE DEEMING AUTHORITY OF THE JOINT COMMISSION FOR THE ACCREDITATION OF HEALTHCARE ORGANIZATIONS.

(a) REVOCATION.—Section 1865 of the Social Security Act (42 U.S.C. 1395bb) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d), respectively.

(b) CONFORMING AMENDMENTS.—(1) Such section is further amended—

(A) in subsection (a)(1), as so redesignated, by striking "In addition, if" and inserting "If";

(B) in subsection (b), as so redesignated—

(i) by striking "released to him by the Joint Commission on Accreditation of Hospitals," and inserting "released to the Secretary by"; and

(ii) by striking the comma after "Association";

(C) in subsection (c), as so redesignated, by striking "pursuant to subsection (a) or (b)(1)" and inserting "pursuant to subsection (a)(1)"; and

(D) in subsection (d), as so redesignated, by striking "pursuant to subsection (a) or (b)(1)" and inserting "pursuant to subsection (a)(1)".

(2) Section 1861(e) of such Act (42 U.S.C. 1395x(e)) is amended in the fourth sentence by striking "and (ii) is accredited by the Joint Commission on Accreditation of Hospitals, or is accredited by or approved by a program of the country in which such institution is located if the Secretary finds the accreditation or comparable approval standards of such program to be essentially equivalent to those of the Joint Commission on Accreditation of Hospitals." and inserting "and (ii) is accredited by a national accreditation body recognized by the Secretary under section 1865(a), or is accredited by or approved by a program of the country in which such institution is located if the Secretary finds the accreditation or comparable approval standards of such program to be essentially equivalent to those of such a national accreditation body.".

(3) Section 1864(c) of such Act (42 U.S.C. 1395aa(c)) is amended by striking "pursuant to subsection (a) or (b)(1) of section 1865" and inserting "pursuant to section 1865(a)(1)".

(4) Section 1875(b) of such Act (42 U.S.C. 1395ll(b)) is amended by striking "the Joint Commission on Accreditation of Hospitals," and inserting "national accreditation bodies under section 1865(a)".

(5) Section 1834(a)(20)(B) of such Act (42 U.S.C. 1395m(a)(20)(B)) is amended by striking "section 1865(b)" and inserting "section 1865(a)".

(6) Section 1852(e)(4)(C) of such Act (42 U.S.C. 1395w–22(e)(4)(C)) is amended by striking "section 1865(b)(2)" and inserting "section 1865(a)(2)".

(c) AUTHORITY TO RECOGNIZE JCAHO AS A NATIONAL ACCREDITATION BODY.—The Secretary of Health and Human Services may recognize the Joint Commission on Accreditation of Healthcare Organizations as a national accreditation body under section 1865 of the Social Security Act (42 U.S.C. 1395bb), as amended by this section, upon such terms and conditions, and upon submission of such information, as the Secretary may require.

(d) EFFECTIVE DATE; TRANSITION RULE.—(1) Subject to paragraph (2), the amendments made by this section shall apply with respect to accreditations of hospitals granted on or after the date that is 18 months after the date of the enactment of this Act.

(2) For purposes of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), the amendments made by this section shall not effect the accreditation of a hospital by the Joint Commission on Accreditation of Healthcare Organizations, or under accreditation or comparable approval standards found to be essentially equivalent to accreditation or approval standards of the Joint Commission on Accreditation of Healthcare Organizations, for the period of time applicable under such accreditation.

SEC. 508. TREATMENT OF MEDICARE HOSPITAL RECLASSIFICATIONS.

(a) EXTENDING CERTAIN MEDICARE HOSPITAL WAGE INDEX RECLASSIFICATIONS THROUGH FISCAL YEAR 2009.—

(1) IN GENERAL.—Section 106(a) of the Medicare Improvements and Extension Act of 2006 (division B of Public Law 109–432) is amended by striking "September 30, 2007" and inserting "September 30, 2009".

(2) SPECIAL EXCEPTION RECLASSIFICATIONS.—The Secretary of Health and Human Services shall extend for discharges occurring through September 30, 2009, the special exception reclassification made under the authority of section 1886(d)(5)(I)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(I)(i)) and contained in the final rule promulgated by the Secretary in the Federal Register on August 11, 2004 (69 Fed. Reg. 49105, 49107).

(b) DISREGARDING SECTION 508 HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—Section 508 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173, 42 U.S.C. 1395ww note) is amended by adding at the end the following new subsection:

"(g) DISREGARDING HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—For purposes of the reclassification of a group of hospitals in a geographic area under section 1886(d), a hospital reclassified under this section (including any such reclassification which is extended under section 106(a) of the Medicare Improvements and Extension Act of 2006) shall not be taken into account and shall not prevent the other hospitals in such area from establishing such a group for such purpose.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to payments for discharges occurring on or after October 1, 2008.

(c) OTHER HOSPITAL RECLASSIFICATION PROVISIONS.—Notwithstanding any other provision of law—

(1) In the case of a subsection (d) hospital (as defined for purposes of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) located in Putnam County, Tennessee with respect to which a reclassification of its wage index for purposes of such section would (but for this subsection) expire on September 30, 2007, such reclassification of such hospital shall be extended through September 30, 2008.

(2) For purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), the Secretary of Health and Human Services shall classify any hospital located in Orange County, New York that was reclassified under the authority of section 508 of the the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (Public Law 108-173) as being located in the New York-White Plains-Wayne, NY-NJ Core Based Statistical Area. Any reclassification under this subsection shall be treated as a reclassification under section 1886(d)(8) of such Act.

(3) For purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), the large urban area of New York, New York is deemed to include hospitals.

required by State law enacted prior to June 30, 2007, to join under a single unified governance structure if—

(A) such hospitals are located in a city with a population of no less than 20,000 and no greater than 30,000; and

(B) such hospitals are less than 3/4 miles apart.

(4) For purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) the large urban area of Buffalo-Niagara Falls, New York is deemed to include Chautauqua County, New York. In no case shall there be a reduction in the hospital wage index for Erie County, New York, or any adjoining county, as a result of the application of this paragraph, (other than as a result of a general reduction required to carry out paragraph (8)(D) of that section).

(5) For purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) a hospital shall be reclassified into the New York-White Plains-Wayne, New York-New Jersey core based statistical area (CBSA code 35644) if the hospital is a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) that—

(A) is licensed by the State in which it is located as a specialty hospital;

(B) specializes in the treatment of cardiac, vascular, and pulmonary diseases;

(C) provides at least 100 beds; and

(D) is located in Burlington County, New Jersey.

(6)(A) Any hospital described in subparagraph (B) shall be treated as located in the core based statistical area described in subparagraph (C) for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)).

(B) A hospital described in this subparagraph is any hospital that—

(i) is located in a core based statistical area (CBSA) that—

(I) had a population (as reported in the decennial census for the year 2000) of at least 500,000, but not more than 750,000;

(II) had a population (as reported in such census) that was at least 10,000 below the population for the area as reported in the previous decennial census; and

(III) has as of January 1, 2006, at least 5, and no more than 7, subsection (d) hospitals; and

(ii) demonstrates that its average hourly wage amount (as determined consistent with section 1886(d)(10)(D)(vi) of the Social Security Act is not less than 96 percent of such average hourly wage amount rate for all subsection (d) hospitals located in same core base statistical area of the hospital.

(C) The area described in this subparagraph, with respect to a hospital described in subparagraph (B), is the core based statistical area that—

(i) is within the same State as, and is adjacent to, the core based statistical area in which the hospital is located; and

(ii) has an average hourly wage amount (described in subparagraph (B)(ii)) that is closest to (but does not exceed) such average hourly wage amount of the hospital.

(7) For purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), the large urban area of Hartford, Connecticut is deemed to include Albany, Schenectady, and Rensselaer Counties, New York.

(8) For purposes of making payment under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), the Nashville-Davidson-Murfreesboro core based statistical area is deemed to include Cumberland County, Tennessee.

(9) For purposes of making payment under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), any hospital that is co-located in Marinette, Wisconsin and the Menominee, Michigan is deemed to be located in Chicago, Illinois.

(10) In the case of a hospital located in Massachusetts or Clinton County, New York, that is reclassified based on wages under paragraph (8) or (10) of section 1886(d) of the Social Security Act into an area the area wage index for which is increased under section 4410(a) of the Balanced Budget Act of 1997 (Public Law 105-33), such increased area wage index shall also apply to such hospital under such section 1886(d).

(11) For purposes of applying the area wage index under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), hospital provider numbers 360112 and 23005 shall be treated as located in the same urban area as Ann Arbor, Michigan.

(12) For purposes of making payment under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), any hospital that is located in Columbia County, New York, with less 250 beds is deemed to be located in the New York-White Plains-Wayne, NY-NJ core based statistical area.

(13) For purposes of the previous provisions of this subsection (other than paragraph (1))—

(A) any reclassification effected under such provisions shall be treated as a decision of the Medicare Geographic Classification Review Board under section 1886(d) of the Social Security Act and subject to budget neutrality under paragraph (8)(D) of such section.; and

(B) such provisions shall only apply to discharges occurring on or after October 1, 2008, during the 3-year reclassification period beginning on such date.

SEC. 509. MEDICARE CRITICAL ACCESS HOSPITAL DESIGNATIONS.

(a) IN GENERAL.—

(1) Section 405(h) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2269) is amended by adding at the end the following new paragraph:

"(3) EXCEPTION.—

"(A) IN GENERAL.—The amendment made by paragraph (1) shall not apply to the certification by the State of Minnesota on or after January 1, 2006, under section 1820(c)(2)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395i–4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (B) and is located in Cass County, Minnesota, as a necessary provider of health care services to residents in the area of the hospital.

"(B) CRITERIA DESCRIBED.—A hospital meets the criteria described in this subparagraph if the hospital

"(i) has been granted an exception by the State to an otherwise applicable statutory restriction on hospital construction or licensing prior to the date of enactment of this subparagraph; and

"(ii) is located on property which the State has approved for conveyance to a county within the State prior to such date of enactment.".

(2) Section 1820(c)(2)(B)(i)(I) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(i)(I)) is amended by striking "or," and inserting "or, in the case of a hospital that is located in the county seat of Butler, Alabama, a 32-mile drive, or,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall apply to cost reporting periods beginning on or after the date of the enactment of this Act.

TITLE VI—OTHER PROVISIONS RELATING TO MEDICARE PART B

Subtitle A—Payment and Coverage Improvements

SEC. 601. PAYMENT FOR THERAPY SERVICES.

(a) EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.—Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)), as amended by section 201 of the Medicare Improvements and Extension Act of 2006 (division B of Public Law 109–432), is amended by striking "2007" and inserting "2009".

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Health and Human Services, in consultation with appropriate stakeholders, shall conduct a study on refined and alternative payment systems to the Medicare payment cap under section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) for physical therapy services and speech-language pathology services, described in paragraph (1) of such section and occupational therapy services described in paragraph (3) of such section. Such study shall consider, with respect to payment amounts under Medicare, the following:

(A) The creation of multiple payment caps for such services to better reflect costs associated with specific health conditions.

(B) The development of a prospective payment system, including an episode-based system of payments, for such services.

(C) The data needed for the development of a system of multiple payment caps (or an alternative payment methodology) for such services and the availability of such data.

(2) REPORT.—Not later than January 1, 2009, the Secretary shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 602. MEDICARE SEPARATE DEFINITION OF OUTPATIENT SPEECH-LANGUAGE PATHOLOGY SERVICES.

(a) IN GENERAL.—Section 1861(ll) of the Social Security Act (42 U.S.C. 1395x(ll)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) The term 'outpatient speech-language pathology services' has the meaning given the term 'outpatient physical therapy services' in subsection (p), except that in applying such subsection—

"(A) 'speech-language pathology' shall be substituted for 'physical therapy' each place it appears; and

"(B) 'speech-language pathologist' shall be substituted for 'physical therapist' each place it appears.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1832(a)(2)(C) of the Social Security Act (42 U.S.C. 1395k(a)(2)(C)) is amended—

(A) by striking "and outpatient" and inserting ", outpatient"; and

(B) by inserting before the semicolon at the end the following: ", and outpatient speech-language pathology services (other than services to which the second sentence of section 1861(p) applies through the application of section 1861(ll)(2))".

(2) Subparagraphs (A) and (B) of section 1833(a)(8) of such Act (42 U.S.C. 1395l(a)(8)) are each amended by striking "(which includes outpatient speech-language pathology services)" and inserting ", outpatient speech-language pathology services,".

(3) Section 1833(g)(1) of such Act (42 U.S.C. 1395l(g)(1)) is amended—

(A) by inserting "and speech-language pathology services of the type described in such section through the application of section 1861(ll)(2)" after "1861(p)"; and

(B) by inserting "and speech-language pathology services" after "and physical therapy services".

(4) The second sentence of section 1835(a) of such Act (42 U.S.C. 1395n(a)) is amended—

(A) by striking "section 1861(g)" and inserting "subsection (g) or (ll)(2) of section 1861" each place it appears; and

(B) by inserting "or outpatient speech-language pathology services, respectively" after "occupational therapy services".

(5) Section 1861(p) of such Act (42 U.S.C. 1395x(p)) is amended by striking the fourth sentence.

(6) Section 1861(s)(2)(D) of such Act (42 U.S.C. 1395x(s)(2)(D)) is amended by inserting ", outpatient speech-language pathology services," after "physical therapy services".

(7) Section 1862(a)(20) of such Act (42 U.S.C. 1395y(a)(20)) is amended—

(A) by striking "outpatient occupational therapy services or outpatient physical therapy services" and inserting "outpatient physical therapy services, outpatient speech-language pathology services, or outpatient occupational therapy services"; and

(B) by striking "section 1861(g)" and inserting "subsection (g) or (ll)(2) of section 1861".

(8) Section 1866(e)(1) of such Act (42 U.S.C. 1395cc(e)(1)) is amended—

(A) by striking "section 1861(g)" and inserting "subsection (g) or (ll)(2) of section 1861" the first two places it appears;

(B) by striking "defined) or" and inserting "defined),"; and

(C) by inserting before the semicolon at the end the following: ", or (through the operation of section 1861(ll)(2)) with respect to the furnishing of outpatient speech-language pathology".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2008.

(d) CONSTRUCTION.—Nothing in this section shall be construed to affect existing regulations and policies of the Centers for Medicare & Medicaid Services that require physician oversight of care as a condition of payment for speech-language pathology services under part B of the medicare program.

SEC. 603. INCREASED REIMBURSEMENT RATE FOR CERTIFIED NURSE-MIDWIVES.

(a) IN GENERAL.—Section 1833(a)(1)(K) of the Social Security Act (42 U.S.C.1395l(a)(1)(K)) is amended by striking "(but in no event" and all that follows through "performed by a physician)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after April 1, 2008.

SEC. 604. ADJUSTMENT IN OUTPATIENT HOSPITAL FEE SCHEDULE INCREASE FACTOR.

The first sentence of section 1833(t)(3)(C)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(3)(C)(iv)) is amended by inserting before the period at the end the following: "and reduced by 0.25 percentage point for such factor for such services furnished in 2008".

SEC. 605. EXCEPTION TO 60-DAY LIMIT ON MEDICARE SUBSTITUTE BILLING ARRANGEMENTS IN CASE OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED FORCES.

(a) IN GENERAL.—Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)) is amended by inserting after "of more than 60 days" the following: "or are provided over a longer continuous period during all of which the first physician has been called or ordered to active duty as a member of a reserve component of the Armed Forces".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after the date of the enactment of this section.

SEC. 606. EXCLUDING CLINICAL SOCIAL WORKER SERVICES FROM COVERAGE UNDER THE MEDICARE SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM AND CONSOLIDATED PAYMENT.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting "clinical social worker services," after "qualified psychologist services,".

(b) CONFORMING AMENDMENT.—Section 1861(hh)(2) of the Social Security Act (42 U.S.C. 1395x(hh)(2)) is amended by striking "and other than services furnished to an inpatient of a skilled nursing facility which the facility is required to provide as a requirement for participation".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2008.

SEC. 607. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES.

(a) COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES.—

(1) COVERAGE OF SERVICES.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by section 201(a)(1), is amended—

(A) in subparagraph (AA), by striking "and" at the end;

(B) in subparagraph (BB), by adding "and" at the end; and

(C) by adding at the end the following new subparagraph:

"(CC) marriage and family therapist services (as defined in subsection (eee));".

(2) DEFINITION.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by sections 201(a)(2) and 503(b)(1), is amended by adding at the end the following new subsection:

"Marriage and Family Therapist Services

"(eee)(1) The term 'marriage and family therapist services' means services performed by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses, which the marriage and family therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, provided such services are covered under this title, as would otherwise be covered if furnished by a physician or as incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(2) The term 'marriage and family therapist' means an individual who—

"(A) possesses a master's or doctoral degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law;

"(B) after obtaining such degree has performed at least 2 years of clinical supervised experience in marriage and family therapy; and

"(C) is licensed or certified as a marriage and family therapist in the State in which marriage and family therapist services are performed.".

(3) PROVISION FOR PAYMENT UNDER PART b.—Section 1832(a)(2)(B) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

"(v) marriage and family therapist services;".

(4) AMOUNT OF PAYMENT.—

(A) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 201(b)(1), is amended—

(i) by striking "and" before "(W)"; and

(ii) by inserting before the semicolon at the end the following: ", and (X) with respect to marriage and family therapist services under section 1861(s)(2)(CC), the amounts paid shall be 80 percent of the lesser of (i) the actual charge for the services or (ii) 75 percent of the amount determined for payment of a psychologist under subparagraph (L)".

(B) DEVELOPMENT OF CRITERIA WITH RESPECT TO CONSULTATION WITH A PHYSICIAN.—The Secretary of Health and Human Services shall, taking into consideration concerns for patient confidentiality, develop criteria with respect to payment for marriage and family therapist services for which payment may be made directly to the marriage and family therapist under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) under which such a therapist must agree to consult with a patient's attending or primary care physician in accordance with such criteria.

(5) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)), is amended by inserting "marriage and family therapist services (as defined in subsection (eee)(1))," after "qualified psychologist services,".

(6) COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES PROVIDED IN RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking "or by a clinical social worker (as defined in subsection (hh)(1))," and inserting ", by a clinical social worker (as defined in subsection (hh)(1)), or by a marriage and family therapist (as defined in subsection (eee)(2)),".

(7) INCLUSION OF MARRIAGE AND FAMILY THERAPISTS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

"(vii) A marriage and family therapist (as defined in section 1861(eee)(2)).".

(b) COVERAGE OF MENTAL HEALTH COUNSELOR SERVICES.—

(1) COVERAGE OF SERVICES.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by subsection (a)(1), is further amended—

(A) in subparagraph (BB), by striking "and" at the end;

(B) in subparagraph (CC), by inserting "and" at the end; and

(C) by adding at the end the following new subparagraph:

"(DD) mental health counselor services (as defined in subsection (fff)(2));".

(2) DEFINITION.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by sections 201(a)(2) and 503(b)(1) and subsection (a)(2), is amended by adding at the end the following new subsection:

"Mental Health Counselor; Mental Health Counselor Services

"(fff)(1) The term 'mental health counselor' means an individual who—

"(A) possesses a master's or doctor's degree which qualifies the individual for licensure or certification for the practice of mental health counseling in the State in which the services are performed;

"(B) after obtaining such a degree has performed at least 2 years of supervised mental health counselor practice; and

"(C) is licensed or certified as a mental health counselor or professional counselor by the State in which the services are performed.

"(2) The term 'mental health counselor services' means services performed by a mental health counselor (as defined in paragraph (1)) for the diagnosis and treatment of mental illnesses which the mental health counselor is legally authorized to perform under State law (or the State regulatory mechanism provided by the State law) of the State in which such services are performed, provided such services are covered under this title, as would otherwise be covered if furnished by a physician or as incident

to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.".

(3) PROVISION FOR PAYMENT UNDER PART b.—Section 1832(a)(2)(B) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)), as amended by subsection (a)(3), is further amended by adding at the end the following new clause:

"(vi) mental health counselor services;".

(4) AMOUNT OF PAYMENT.—

(A) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by subsection (a)(4), is further amended—

(i) by striking "and" before "(X)"; and

(ii) by inserting before the semicolon at the end the following: ", and (Y) with respect to mental health counselor services under section 1861(s)(2)(DD), the amounts paid shall be 80 percent of the lesser of (i) the actual charge for the services or (ii) 75 percent of the amount determined for payment of a psychologist under subparagraph (L)".

(B) DEVELOPMENT OF CRITERIA WITH RESPECT TO CONSULTATION WITH A PHYSICIAN.—The Secretary of Health and Human Services shall, taking into consideration concerns for patient confidentiality, develop criteria with respect to payment for mental health counselor services for which payment may be made directly to the mental health counselor under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) under which such a counselor must agree to consult with a patient's attending or primary care physician in accordance with such criteria.

(5) EXCLUSION OF MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)), as amended by subsection (a)(5), is amended by inserting "mental health counselor services (as defined in section 1861(ddd)(2))," after "marriage and family therapist services (as defined in subsection (eee)(1)),".

(6) COVERAGE OF MENTAL HEALTH COUNSELOR SERVICES PROVIDED IN RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)), as amended by subsection (a)(6), is amended by striking "or by a marriage and family therapist (as defined in subsection (eee)(2))," and inserting "by a marriage and family therapist (as defined in subsection (eee)(2)), or a mental health counselor (as defined in subsection (fff)(1)),".

(7) INCLUSION OF MENTAL HEALTH COUNSELORS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)), as amended by subsection (a)(7), is amended by adding at the end the following new clause:

"(viii) A mental health counselor (as defined in section 1861(fff)(1)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2008.

SEC. 608. RENTAL AND PURCHASE OF POWER-DRIVEN WHEELCHAIRS.

(a) IN GENERAL.—Section 1834(a)(7) of the Social Security Act (42 U.S.C. 1395m(a)(7)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)(I), by striking "Except as provided in clause (iii), payment" and inserting "Payment";

(B) by striking clause (iii); and

(C) in clause (iv)—

(i) by redesignating such clause as clause (iii); and

(ii) by striking "or in the case of a power-driven wheelchair for which a purchase agreement has been entered into under clause (iii)"; and

(2) in subparagraph (C)(ii)(II), by striking "or (A)(iii)".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (1), the amendments made by subsection (a) shall take effect on January 1, 2008, and shall apply to power-driven wheelchairs furnished on or after such date.

(2) APPLICATION TO COMPETITIVE ACQUISITION.—The amendments made by subsection (a) shall not apply to contracts entered into under section 1847 of the Social Security Act (42 U.S.C. 1395w–3) pursuant to a bid submitted under such section before October 1, 2007.

SEC. 609. RENTAL AND PURCHASE OF OXYGEN EQUIPMENT.

(a) IN GENERAL.—Section 1834(a)(5)(F) of the Social Security Act (42 U.S.C. 1395m(a)(5)(F)) is amended—

(1) in clause (i)—

(A) by striking "Payment" and inserting "Subject to clause (iii), payment"; and

(B) by striking "36 months" and inserting "18 months";

(2) in clause (ii)(I), by striking "36th continuous month" and inserting "18th continuous month"; and

(3) by adding at the end the following new clause:

"(iii) SPECIAL RULE FOR OXYGEN GENERATING PORTABLE EQUIPMENT.—In the case of oxygen generating portable equipment referred to in the final rule published in the Federal Register on November 9, 2006 (71 Fed. Reg. 65897–65899), in applying clauses (i) and (ii)(I) each reference to '18 months' is deemed a reference to '36 months'.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (3), the amendments made by subsection (a) shall apply to oxygen equipment furnished on or after January 1, 2008.

(2) TRANSITION.—In the case of an individual receiving oxygen equipment on December 31, 2007, for which payment is made under section 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)), the 18-month period described in paragraph (5)(F)(i) of such section, as amended by subsection (a), shall begin on January 1, 2008, but in no case shall the rental period for such equipment exceed 36 months.

(3) APPLICATION TO COMPETITIVE ACQUISITION.—The amendments made by subsection (a) shall not apply to contracts entered into under section 1847 of the Social Security Act (42 U.S.C. 1395w–3) pursuant to a bid submitted under such section before October 1, 2007.

(c) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study to examine the service component and the equipment component of the provision of oxygen to Medicare beneficiaries. The study shall assess—

(A) the type of services provided and variation across suppliers in providing such services;

(B) whether the services are medically necessary or affect patient outcomes;

(C) whether the Medicare program pays appropriately for equipment in connection with the provision of oxygen;

(D) whether such program pays appropriately for necessary services;

(E) whether such payment in connection with the provision of oxygen should be divided between equipment and services, and if so, how; and

(F) how such payment rate compares to a competitively bid rate.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 610. ADJUSTMENT FOR MEDICARE MENTAL HEALTH SERVICES.

(a) IN GENERAL.—For purposes of payment for services furnished under the physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w-4) during the applicable period, the Secretary of Health and Human Services shall increase the amount otherwise payable for applicable services by 5 percent.

(b) DEFINITIONS.—For purposes of subsection (a):

(1) APPLICABLE PERIOD.—The term "applicable period" means the period beginning on January 1, 2008, and ending on December 31 of the year before the effective date of the first review after January 1, 2008, of work relative value units conducted under section 1848(c)(2)(B)(i) of the Social Security Act.

(2) APPLICABLE SERVICES.—The term "applicable services" means procedure codes for services—

(A) in the categories of psychiatric therapeutic procedures furnished in office or other outpatient facility settings, or inpatient hospital, partial hospital or residential care facility settings; and

(B) which cover insight oriented, behavior modifying, or supportive psychotherapy and interactive psychotherapy services in the Healthcare Common Procedure Coding System established by the Secretary of Health and Human Services under section 1848(c)(5) of such Act.

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement this section by program instruction or otherwise.

SEC. 611. EXTENSION OF BRACHYTHERAPY SPECIAL RULE.

Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)) is amended by striking "2008" and inserting "2009".

SEC. 612. PAYMENT FOR PART B DRUGS.

(a) APPLICATION OF CONSISTENT VOLUME WEIGHTING IN COMPUTATION OF ASP.—In order to assure that payments for drugs and biologicals under section 1847A of the Social Security Act (42 U.S.C. 1395w-3a) are correct and consistent with law, the Secretary of Health and Human Services shall, for payment for drugs and biologicals furnished on or after July 1, 2008, compute the volume-weighted average sales price using equation #2 (specified in appendix A of the report of the Inspector General of the Department of Health and Human Services on "Calculation of Volume-Weighted Average Sales Price for Medicare Part B Prescription Drugs" (February 2006; OEI–03-05-00310)) used by the Office of Inspector General to calculate a volume-weighted ASP.

(b) IMPROVEMENTS IN THE COMPETITIVE ACQUISITION PROGRAM (CAP).—

(1) CONTINUOUS OPEN ENROLLMENT; AUTOMATIC REENROLLMENT WITHOUT NEED FOR REAPPLICATION.—Subsection (a)(1)(A) of section 1847B of the Social Security Act (42 U.S.C. 1395w-3b) is amended—

(A) in clause (ii), by striking "annually" and inserting "on an ongoing basis";

(B) in clause (iii), by striking "an annual selection" and inserting "a selection (which may be changed on an annual basis)" ; and

(C) by adding at the end the following: "An election and selection described in clauses (ii) and (iii) shall continue to be effective without the need for any periodic reelection or reapplication or selection.".

(2) PERMITTING APPROPRIATE DELIVERY AND TRANSPORT OF DRUGS.—Subsection (b)(4)(E) of such section is amended—

(A) by striking "or" at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting a semicolon; and

(C) by adding at the end the following new clauses:

"(iii) prevent a contractor from delivering drugs to a satellite office designated by the prescribing physician; or *"(iv) prevent a contractor from allowing a selecting physician to transport drugs or biologicals to the site of administration consistent with State law and other applicable laws and regulations.".*

(3) PHYSICIAN OUTREACH AND EDUCATION.—Subsection (a)(1) of such section is amended by adding at the end the following new subparagraph:

"(E) PHYSICIAN OUTREACH AND EDUCATION.—The Secretary shall conduct a program of outreach to education physicians concerning the program and the ongoing opportunity of physicians to elect to obtain drugs and biologicals under the program.".

(4) REBIDDING OF CONTRACTS.—The Secretary of Health and Human Services shall provide for the rebidding of contracts under section 1847B(c) of the Social Security Act (42 U.S.C. 1395w-3b(c)) only for periods on or after the expiration of the contract in effect under such section as of the date of the enactment of this Act, except in the case of a contractor terminated as a result of the application of section 1847B(b)(2)(B) of such Act."

(c) TREATMENT OF CERTAIN DRUGS.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w-3a(b)) is amended—

(1) in paragraph (1), by inserting "paragraph (6) and" after "Subject to"; and

(2) by adding at the end the following new paragraph:

"(6) SPECIAL RULE.—Beginning with January 1, 2008, the payment amount for—

"(A) each single source drug or biological described in section 1842(o)(1)(G) (including a single source drug or biological that is treated as a multiple source drug because of the application of subsection (c)(6)(C)(ii)) is the lower of—

"(i) the payment amount that would be determined for such drug or biological applying such subsection; or

"(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied; and

"(B) a multiple source drug (excluding a drug or biological that is treated as a multiple source drug because of the application of such subsection) is the lower of—

"(i) the payment amount that would be determined for such drug or biological taking into account the application of such subsection; or

"(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied.".

(d) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to drugs furnished on or after January 1, 2008.

Subtitle B—Extension of Medicare Rural Access Protections

SEC. 621. 2-YEAR EXTENSION OF FLOOR ON MEDICARE WORK GEOGRAPHIC ADJUSTMENT.

Section 1848(e)(1)(E) of such Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking "2008" and inserting "2010".

SEC. 622. 2-YEAR EXTENSION OF SPECIAL TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, and section 104 of the Medicare Improvements and Extension Act of 2006 (division B of Public Law 109–432), is amended by striking "and 2007" and inserting "2007, 2008, and 2009".

SEC. 623. 2-YEAR EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2282; 42 U.S.C. 1395l-4(b)), as amended by section 105 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432), is amended by striking "3-year" and inserting "5-year".

SEC. 624. 2-YEAR EXTENSION OF MEDICARE INCENTIVE PAYMENT PROGRAM FOR PHYSICIAN SCARCITY AREAS .

(a) IN GENERAL.—Section 1833(u)(1) of the Social Security Act (42 U.S.C. 1395l(u)(1)) is amended by striking "2008" and inserting "2010".

(b) TRANSITION.—With respect to physicians' services furnished during 2008 and 2009, for purposes of subsection (a), the Secretary of Health and Human Services shall use the primary care scarcity areas and the specialty care scarcity areas (as identified in section 1833(u)(4)) that the Secretary was using under such subsection with respect to physicians' services furnished on December 31, 2007.

SEC. 625. 2-YEAR EXTENSION OF MEDICARE INCREASE PAYMENTS FOR GROUND AMBULANCE SERVICES IN RURAL AREAS.

Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A)—

(A) in the matter before clause (i), by striking "furnished on or after July 1, 2004, and before January 1, 2007,";

(B) in clause (i), by inserting "for services furnished on or after July 1, 2004, and before January 1, 2007, and on or after January 1, 2008, and before January 1, 2010," after "in such paragraph,"; and

(C) in clause (ii), by inserting "for services furnished on or after July 1, 2004, and before January 1, 2007," after "in clause (i),"; and

(2) in subparagraph (B)—

(A) in the heading, by striking "AFTER 2006" and inserting "FOR SUBSEQUENT PERIODS";

(B) by inserting "clauses (i) and (ii) of" before "subparagraph (A)"; and

(C) by striking "in such subparagraph" and inserting "in the respective clause".

SEC. 626. EXTENDING HOLD HARMLESS FOR SMALL RURAL HOSPITALS UNDER THE HOPD PROSPECTIVE PAYMENT SYSTEM.

Section 1833(t)(7)(D)(i)(II) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(I)(II)) is amended—

(1) by striking "January 1, 2009" and inserting "January 1, 2010";

(2) by striking "2007, or 2008,"; and

(3) by striking "90 percent, and 85 percent, respectively." and inserting "and with respect to such services furnished after 2006 the applicable percentage shall be 90 percent.".

Subtitle C—End Stage Renal Disease Program

SEC. 631. CHRONIC KIDNEY DISEASE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Director of the National Institutes of Health, shall establish demonstration projects to—

(1) increase public and medical community awareness (particularly of those who treat patients with diabetes and hypertension) about the factors that lead to chronic kidney disease, how to prevent it, how to diagnose it, and how to treat it;

(2) increase screening and use of prevention techniques for chronic kidney disease for Medicare beneficiaries and the general public (particularly among patients with diabetes and hypertension, where prevention techniques are well established and early detection makes prevention possible); and

(3) enhance surveillance systems and expand research to better assess the prevalence and incidence of chronic kidney disease, (building on work done by Centers for Disease Control and Prevention).

(b) SCOPE AND DURATION.—

(1) SCOPE.—The Secretary shall select at least 3 States in which to conduct demonstration projects under this section. In selecting the States under this paragraph, the Secretary shall take into account the size of the population of individuals with end-stage renal disease who are enrolled in part B of title XVIII of the Social Security Act and ensure the participation of individuals who reside in rural and urban areas.

(2) DURATION.—The demonstration projects under this section shall be conducted for a period that is not longer than 5 years and shall begin on January 1, 2009.

(c) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the demonstration projects conducted under this section.

(2) REPORT.—Not later than 12 months after the date on which the demonstration projects under this section are completed, the Secretary shall submit to Congress a report on the evaluation conducted under paragraph (1) together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 632. MEDICARE COVERAGE OF KIDNEY DISEASE PATIENT EDUCATION SERVICES.

(a) COVERAGE OF KIDNEY DISEASE EDUCATION SERVICES.—

(1) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by sections 201(a)(1), 607(a)(1), and 607(b)(1), is amended—

(A) in subparagraph (CC), by striking "and" after the semicolon at the end;

(B) in subparagraph (DD), by adding "and" after the semicolon at the end; and

(C) by adding at the end the following new subparagraph:

"(EE) kidney disease education services (as defined in subsection (ggg));".

(2) SERVICES DESCRIBED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by sections 201(a)(2), 503(b)(1), 607(a)(2), and 607(b)(2), is amended by adding at the end the following new subsection:

"Kidney Disease Education Services

"(ggg)(1) The term 'kidney disease education services' means educational services that are—

"(A) furnished to an individual with stage IV chronic kidney disease who, according to accepted clinical guidelines identified by the Secretary, will require dialysis or a kidney transplant;

"(B) furnished, upon the referral of the physician managing the individual's kidney condition, by a qualified person (as defined in paragraph (2)); and

"(C) designed—

"(i) to provide comprehensive information (consistent with the standards developed under paragraph (3)) regarding—

"(I) the management of comorbidities, including for purposes of delaying the need for dialysis;

"(II) the prevention of uremic complications; and

"(III) each option for renal replacement therapy (including hemodialysis and peritoneal dialysis at home and in-center as well as vascular access options and transplantation);

"(ii) to ensure that the individual has the opportunity to actively participate in the choice of therapy; and

"(iii) to be tailored to meet the needs of the individual involved.

"(2) The term 'qualified person' means a physician, physician assistant, nurse practitioner, or clinical nurse specialist who furnishes services for which payment may be made under the fee schedule established under section 1848. Such term does not include a renal dialysis facility.

"(3) The Secretary shall set standards for the content of such information to be provided under paragraph (1)(C)(i) after consulting with physicians, other health professionals, health educators, professional organizations, accrediting organizations, kidney patient organizations, dialysis facilities, transplant centers, network organizations described in section 1881(c)(2), and other knowledgeable persons. To the extent possible the Secretary shall consult with a person or entity described in the previous sentence, other than a dialysis facility, that has not received industry funding from a drug or biological manufacturer or dialysis facility.

"(4) In promulgating regulations to carry out this subsection, the Secretary shall ensure that each individual who is eligible for benefits for kidney disease education services under this title receives such services in a timely manner to maximize the benefit of those services.

"(5) The Secretary shall monitor the implementation of this subsection to ensure that individuals who are eligible for benefits for kidney disease education services receive such services in the manner described in paragraph (4).

"(6) No individual shall be eligible to be provided more than 6 sessions of kidney disease education services under this title.".

(3) PAYMENT UNDER THE PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w–4(j)(3)) is amended by inserting "(2)(DD)," after "(2)(AA),".

(4) LIMITATION ON NUMBER OF SESSIONS.—Section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y(a)(1)) is amended—

(A) in subparagraph (M), by striking "and" at the end;

(B) in subparagraph (N), by striking the semicolon at the end and inserting ", and"; and

(C) by adding at the end the following new subparagraph:

"(O) in the case of kidney disease education services (as defined in section 1861(ggg)), which are furnished in excess of the number of sessions covered under such section;".

(5) GAO REPORT.—Not later than September 1, 2010, the Comptroller General of the United States shall submit to Congress a report on the following:

(A) The number of Medicare beneficiaries who are eligible to receive benefits for kidney disease education services (as defined in section 1861(ggg) of the Social Security Act, as added by paragraph (2)) under title XVIII of such Act and who receive such services.

(B) The extent to which there is a sufficient amount of physicians, physician assistants, nurse practitioners, and clinical nurse specialists to furnish kidney disease education services (as so defined) under such title and whether or not renal dialysis facilities (and appropriate employees of such facilities) should be included as an entity eligible under such section to furnish such services.

(C) Recommendations, if appropriate, for renal dialysis facilities (and appropriate employees of such facilities) to structure kidney disease education services (as so defined) in a manner that is objective and unbiased and that provides a range of options and alternative locations for renal replacement therapy and management of co-morbidities that may delay the need for dialysis.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2009.

SEC. 633. REQUIRED TRAINING FOR PATIENT CARE DIALYSIS TECHNICIANS.

Section 1881 of the Social Security Act (42 U.S.C. 1395rr) is amended by adding the following new subsection:

"(h)(1) Except as provided in paragraph (2), a provider of services or a renal dialysis facility may not use, for more than 12 months during 2009, or for any period beginning on January 1, 2010, any individual as a patient care dialysis technician unless the individual—

"(A) has completed a training program in the care and treatment of an individual with chronic kidney failure who is undergoing dialysis treatment; and

"(B) has been certified by a nationally recognized certification entity for dialysis technicians.

"(2)(A) A provider of services or a renal dialysis facility may permit an individual enrolled in a training program described in paragraph (1)(A) to serve as a patient care dialysis technician while they are so enrolled.

"(B) The requirements described in subparagraphs (A), (B), and (C) of paragraph (1) do not apply to an individual who has performed dialysis-related services for at least 5 years.

"(3) For purposes of paragraph (1), if, since the most recent completion by an individual of a training program described in paragraph (1)(A), there has been a period of 24 consecutive months during which the individual has not furnished dialysis-related services for monetary compensation, such individual shall be required to complete a new training program or become recertified as described in paragraph (1)(B).

"(4) A provider of services or a renal dialysis facility shall provide such regular performance review and regular in-service education as assures that individuals serving as patient care dialysis technicians for the provider or facility are competent to perform dialysis-related services.".

SEC. 634. MEDPAC REPORT ON TREATMENT MODALITIES FOR PATIENTS WITH KIDNEY FAILURE.

(a) EVALUATION.—

(1) IN GENERAL.—Not later than March 1, 2009, the Medicare Payment Advisory Commission (established under section 1805 of the Social Security Act) shall submit to the Secretary and Congress a report evaluating the barriers that exist to increasing the number of individuals with end-stage renal disease who elect to receive home dialysis services under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) REPORT DETAILS.—The report shall include the following:

(A) A review of Medicare home dialysis demonstration projects initiated before the date of the enactment of this Act, and the results of such demonstration projects and recommendations for future Medicare home dialysis demonstration projects or Medicare program changes that will test models that can improve Medicare beneficiary access to home dialysis.

(B) A comparison of current Medicare home dialysis costs and payments with current in-center and hospital dialysis costs and payments.

(C) An analysis of the adequacy of Medicare reimbursement for patient training for home dialysis (including hemodialysis and peritoneal dialysis) and recommendations for ensuring appropriate payment for such home dialysis training.

(D) A catalogue and evaluation of the incentives and disincentives in the current reimbursement system that influence whether patients receive home dialysis services or other treatment modalities.

(E) An evaluation of patient education services and how such services impact the treatment choices made by patients.

(F) Recommendations for implementing incentives to encourage patients to elect to receive home dialysis services or other treatment modalities under the Medicare program

(3) SCOPE OF REVIEW.—In preparing the report under paragraph (1), the Medicare Payment Advisory Commission shall consider a variety of perspectives, including the perspectives of physicians, other health care professionals, hospitals, dialysis facilities, health plans, purchasers, and patients.

SEC. 635. ADJUSTMENT FOR ERYTHROPOIETIN STIMULATING AGENTS (ESAS).

(a) IN GENERAL.—Subsection (b)(13) of section 1881 of the Social Security Act (42 U.S.C. 1395rr) is amended—

(1) in subparagraph (A)(iii), by striking "For such drugs" and inserting "Subject to subparagraph (C), for such drugs"; and

(2) by adding at the end the following new subparagraph:

"(C)(i) The payment amounts under this title for erythropoietin furnished during 2008 or 2009 to an individual with end stage renal disease by a large dialysis facility (as defined in subparagraph (D)) (whether to individuals in the facility or at home), in an amount equal to $8.75 per thousand units (rounded to the nearest 100 units) or, if less, 102 percent of the average sales price (as determined under section 1847A) for such drug or biological.

"(ii) The payment amounts under this title for darbepoetin alfa furnished during 2008 or 2009 to an individual with end stage renal disease by a large dialysis facility (as defined in clause (iii)) (whether to individuals in the facility or at home), in an amount equal to $2.92 per microgram or, if less, 102 percent of the average sales price (as determined under section 1847A) for such drug or biological.

"(iii) For purposes of this subparagraph, the term 'large dialysis facility' means a provider of services or renal dialysis facility that is owned or managed by a corporate entity that, as of July 24, 2007, owns or manages 300 or more such providers or facilities, and includes a successor to such a corporate entity.".

(b) NO IMPACT ON DRUG ADD-ON PAYMENT.—Nothing in the amendments made by subsection (a) shall be construed to affect the amount of any payment adjustment made under section 1881(b)(12)(B)(ii) of the Social Security Act (42 U.S.C. 1395rr(b)(12)(B)(ii)).

SEC. 636. SITE NEUTRAL COMPOSITE RATE.

Subsection (b)(12)(A) of section 1881 of the Social Security Act (42 U.S.C. 1395rr) is amended by adding at the end the following new sentence: "Under such system the payment rate for dialysis services furnished on or after January 1, 2008, by providers of such services for hospital-based facilities shall be the same as the payment rate (computed without regard to this sentence) for such services furnished by renal dialysis facilities that are not hospital-based, except that in applying the geographic index under subparagraph (D) to hospital-based facilities, the labor share shall be based on the labor share otherwise applied for such facilities.".

SEC. 637. DEVELOPMENT OF ESRD BUNDLING SYSTEM AND QUALITY INCENTIVE PAYMENTS.

(a) DEVELOPMENT OF ESRD BUNDLING SYSTEM.—Subsection (b) of section 1881 of the Social Security Act (42 U.S.C. 1395rr) is further amended—

(1) in paragraph (12)(A), by striking "In lieu of payment" and inserting "Subject to paragraph (14), in lieu of payment";

(2) in the second sentence of paragraph (12)(F)—

(A) by inserting "or paragraph (14)" after "this paragraph"; and

(B) by inserting "or under the system under paragraph (14)" after "subparagraph (B)";

(3) in paragraph (12)(H)—

(A) by inserting "or paragraph (14)" after "under this paragraph" the first place it appears; and

(B) by inserting before the period at the end the following: "or, under paragraph (14), the identification of renal dialysis services included in the bundled payment, the adjustment for outliers, the identification of facilities to which the phase-in may apply, and the determination of payment amounts under subparagraph (A) under such paragraph, and the application of paragraph (13)(C)(iii)";

(4) in paragraph (13)—

(A) in subparagraph (A), by striking "The payment amounts" and inserting "subject to paragraph (14), the payment amounts"; and

(B) in subparagraph (B)—

(i) in clause (i), by striking "(i)" after "(B)" and by inserting ", subject to paragraph (14)" before the period at the end; and

(ii) by striking clause (ii); and

(5) by adding at the end the following new paragraph:

"(14)(A) Subject to subparagraph (E), for services furnished on or after January 1, 2010, the Secretary shall implement a payment system under which a single payment is made under this title for renal dialysis services (as defined in subparagraph (B)) in lieu of any other payment (including a payment adjustment under paragraph (12)(B)(ii)) for such services and items furnished pursuant to paragraph (4). In implementing the system the Secretary shall ensure that the estimated total amount of payments under this title for 2010 for renal dialysis services shall equal 96 percent of the estimated amount of payments for such services, including payments under paragraph (12)(B)(ii), that would have been made if such system had not been implemented.

"(B) For purposes of this paragraph, the term 'renal dialysis services' includes—

"(i) items and services included in the composite rate for renal dialysis services as of December 31, 2009;

"(ii) erythropoietin stimulating agents furnished to individuals with end stage renal disease;

"(iii) other drugs and biologicals and diagnostic laboratory tests, that the Secretary identifies as commonly used in the treatment of such patients and for which payment was (before the application of this paragraph) made separately under this title, and any oral equivalent form of such drugs and biologicals or of drugs and biologicals described in clause (ii); and

"(iv) home dialysis training for which payment was (before the application of this paragraph) made separately under this section.

Such term does not include vaccines.

"(C) The system under this paragraph may provide for payment on the basis of services furnished during a week or month or such other appropriate unit of payment as the Secretary specifies.

"(D) Such system—

"(i) shall include a payment adjustment based on case mix that may take into account patient weight, body mass index, comorbidities, length of time on dialysis, age, race, ethnicity, and other appropriate factors;

"(ii) shall include a payment adjustment for high cost outliers due to unusual variations in the type or amount of medically necessary care, including variations in the amount of erythropoietin stimulating agents necessary for anemia management; and

"(iii) may include such other payment adjustments as the Secretary determines appropriate, such as a payment adjustment—

"(I) by a geographic index, such as the index referred to in paragraph (12)(D), as the Secretary determines to be appropriate;

"(II) for pediatric providers of services and renal dialysis facilities;

"(III) for low volume providers of services and renal dialysis facilities;

"(IV) for providers of services or renal dialysis facilities located in rural areas; and

"(V) for providers of services or renal dialysis facilities that are not large dialysis facilities.

"(E) The Secretary may provide for a phase-in of the payment system described in subparagraph (A) for services furnished by a provider of services or renal dialysis facility described in any of subclauses (II) through (V) of subparagraph (D)(iii), but such payment system shall be fully implemented for services furnished in the case of any such provider or facility on or after January 1, 2013.

"(F) The Secretary shall apply the annual increase that would otherwise apply under subparagraph (F) of paragraph (12) to payment amounts established under such paragraph (if this paragraph did not apply) in an appropriate manner under this paragraph.".

(b) PROHIBITION OF UNBUNDLING.—Section 1862(a) of such Act (42 U.S.C. 1395y(a)) is amended—

(1) by striking "or" at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting "; or"; and

(3) by inserting after paragraph (22) the following new paragraph:

"(23) where such expenses are for renal dialysis services (as defined in subparagraph (B) of section 1881(b)(14)) for which payment is made under such section (other than under subparagraph (E) of such section) unless such payment is made under such section to a provider of services or a renal dialysis facility for such services.".

(c) QUALITY INCENTIVE PAYMENTS.—Section 1881 of such Act is amended by adding at the end the following new subsection:

"(i) QUALITY INCENTIVE PAYMENTS IN THE END-STAGE RENAL DISEASE PROGRAM.—

"(1) QUALITY INCENTIVE PAYMENTS FOR SERVICES FURNISHED IN 2008, 2009, AND 2010.—

"(A) IN GENERAL.—With respect to renal dialysis services furnished during a performance period (as defined in subparagraph (B)) by a provider of services or renal dialysis facility that the Secretary determines meets the applicable performance standard for the period under subparagraph (C) and reports on measures for 2009 and 2010 under subparagraph (D) for such services, in addition to the amount otherwise paid under this section, subject to subparagraph (G), there also shall be paid to the provider or facility an amount equal to the applicable percentage (specified in subparagraph (E) for the period) of the Secretary's estimate (based on claims submitted not later than two months after the end of the performance period) of the amount specified in subparagraph (F) for such period.

"(B) PERFORMANCE PERIOD.—In this paragraph, the term 'performance period' means each of the following:

"(i) The period beginning on July 1, 2008, and ending on December 31, 2008.

"(ii) 2009.

"(iii) 2010.

"(C) PERFORMANCE STANDARD.—

"(i) 2008.—For the performance period occurring in 2008, the applicable performance standards for a provider or facility under this subparagraph are—

"(I) 92 percent or more of individuals with end stage renal disease receiving erythopoetin stimulating agents who have an average hematocrit of 33.0 percent or more; and

"(II) less than a percentage, specified by the Secretary, of individuals with end stage renal disease receiving erythopoetin stimulating agents who have an average hematocrit of 39.0 percent or more.

"(ii) 2009 AND 2010.—For the 2009 and 2010 performance periods, the applicable performance standard for a provider or facility under this subparagraph is successful performance (relative to national average) on—

"(I) such measures of anemia management as the Secretary shall specify, including measures of hemoglobin levels or hematocrit levels for erythropoietin stimulating agents that are consistent with the labeling for dosage of erythropoietin stimulating agents approved by the Food and Drug Administration for treatment of anemia in patients with end stage renal disease, taking into account variations in hemoglobin ranges or hematocrit levels of patients; and

"(II) such other measures, relating to subjects described in subparagraph (D)(i), as the Secretary may specify.

"(D) REPORTING PERFORMANCE MEASURES.—The performance measures under this subparagraph to be reported shall include—

"(i) such measures as the Secretary specifies, before the beginning of the performance period involved and taking into account measures endorsed by the National Quality Forum, including, to the extent feasible measures on—

"(I) iron management;

"(II) dialysis adequacy; and

"(III) vascular access, including for maximizing the placement of arterial venous fistula; and

"(ii) to the extent feasible, such measure (or measures) of patient satisfaction as the Secretary shall specify.

The provider or facility submitting information on such measures shall attest to the completeness and accuracy of such information.

"(E) APPLICABLE PERCENTAGE.—The applicable percentage specified in this subparagraph for—

"(i) the performance period occurring in 2008, is 1.0 percent;

"(ii) the 2009 performance period, is 2.0 percent; and

"(iii) the 2010 performance period, is 3.0 percent.

In the case of any performance period which is less than an entire year, the applicable percentage specified in this subparagraph shall be multiplied by the ratio of the number of months in the year to the number of months in such performance period. In the case of 2010, the applicable percentage specified in this subparagraph shall be multiplied by the Secretary's estimate of the ratio of the aggregate payment amount described in subparagraph (F)(i) that would apply in 2010 if paragraph (14) did not apply, to the aggregate payment base under subparagraph (F)(ii) for 2010.

"(F) PAYMENT BASE.—The payment base described in this subparagraph for a provider or facility is—

"(i) for performance periods before 2010, the payment amount determined under paragraph (12) for services furnished by the provider or facility during the performance period, including the drug payment adjustment described in subparagraph (B)(ii) of such paragraph; and

"(ii) for the 2010 performance period is the amount determined under paragraph (14) for services furnished by the provider or facility during the period.

"(G) LIMITATION ON FUNDING.—

"(i) IN GENERAL.—If the Secretary determines that the total payments under this paragraph for a performance period is projected to exceed the dollar amount specified in clause (ii) for such period, the Secretary shall reduce, in a pro rata manner, the amount of such payments for *each provider or facility for such period to eliminate any such projected excess for the period.*

"(ii) DOLLAR AMOUNT.—The dollar amount specified in this clause—

"(I) for the performance period occurring in 2008, is $50,000,000;

"(II) for the 2009 performance period is $100,000,000; and

"(III) for the 2010 performance period is $150,000,000.

"(H) FORM OF PAYMENT.—The payment under this paragraph shall be in the form of a single consolidated payment.

"(2) QUALITY INCENTIVE PAYMENTS FOR FACILITIES AND PROVIDERS FOR 2011.—

"(A) INCREASED PAYMENT.—For 2011, in the case of a provider or facility that, for the performance period (as defined in subparagraph (B))—

"(i) meets (or exceeds) the performance standard for anemia management specified in paragraph (1)(C)(ii)(I);

"(ii) has substantially improved performance or exceeds a performance standard (as determined under subparagraph (E)); and

"(iii) reports measures specified in paragraph (1)(D).

with respect to renal dialysis services furnished by the provider or facility during the quality bonus payment period (as specified in subparagraph (C)) the payment amount otherwise made to such provider or facility under subsection (b)(14) shall be increased, subject to subparagraph (F), by the applicable percentage specified in subparagraph (D). Payment amounts under paragraph (1) shall not be counted for purposes of applying the previous sentence.

"(B) PERFORMANCE PERIOD.—In this paragraph, the term 'performance period' means a multi-month period specified by the Secretary .

"(C) QUALITY BONUS PAYMENT PERIOD.—In this paragraph, the term 'quality bonus payment period' means, with respect to a performance period, a multi-month period beginning on January 1, 2011, specified by the Secretary that begins at least 3 months (but not more than 9 months) after the end of the performance period.

"(D) APPLICABLE PERCENTAGE.—The applicable percentage specified in this subparagraph is a percentage, not to exceed the 4.0 percent, specified by the Secretary consistent with subparagraph (F). Such percentage may vary based on the level of performance and improvement. The applicable percentage specified in this subparagraph shall be multiplied by the ratio applied under the third sentence of paragraph (1)(E) for 2010.

"(E) PERFORMANCE STANDARD:—Based on performance of a provider of services or a renal dialysis facility on performance measures described in paragraph (1)(D) for a performance period, the Secretary shall determine a composite score for such period.

"(F) LIMITATION ON FUNDING.—If the Secretary determines that the total amount to be paid under this paragraph for a quality bonus payment period is projected to exceed $200,000,000, the Secretary shall reduce, in a uniform manner, the applicable percentage otherwise applied under subparagraph (D) for services furnished during the period to eliminate any such projected excess.

"(3) APPLICATION.—

"(A) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement by program instruction or otherwise this subsection.

"(B) LIMITATIONS ON REVIEW.—

"(i) IN GENERAL.—There shall be no administrative or judicial review under section 1869 or 1878 or otherwise of—

"(I) the determination of performance measures and standards under this subsection;

"(II) the determination of successful reporting, including a determination of composite scores; and

"(III) the determination of the quality incentive payments made under this subsection.

"(ii) TREATMENT OF DETERMINATIONS.—A determination under this subparagraph shall not be treated as a determination for purposes of section 1869.

"(4) TECHNICAL ASSISTANCE.—The Secretary shall identify or establish an appropriately skilled group or organization, such as the ESRD Networks, to provide technical assistance to consistently low-performing facilities or providers that are in the bottom quintile.

"(5) PUBLIC REPORTING.—

"(A) ANNUAL NOTICE.—The Secretary shall provide an annual written notification to each individual who is receiving renal dialysis services from a provider of services or renal dialysis facility that—

"(i) informs such individual of the composite scores described in subparagraph (A) and other relevant quality measures with respect to providers of services or renal dialysis facilities in the local area;

"(ii) compares such scores and measures to the average local and national scores and measures; and

"(iii) provides information on how to access additional information on quality of such services furnished and options for alternative providers and facilities.

"(B) CERTIFICATES.—The Secretary shall provide certificates to facilities and providers who provide services to individuals with end-stage renal disease under this title to display in patient areas. The certificate shall indicate the composite score obtained by the facility or provider under the quality initiative.

"(C) WEB-BASED QUALITY LIST.—The Secretary shall establish a web-based list of facilities and providers who furnish renal dialysis services under this section that indicates their composite score of each provider and facility.

"(6) RECOMMENDATIONS FOR REPORTING AND QUALITY INCENTIVE INTITIATIVE FOR PHYSICIANS.—The Secretary shall develop recommendations for applying quality incentive payments under this subsection to physicians who receive the monthly capitated payment under this title. Such recommendations shall include the following:

"(A) Recommendations to include pediatric specific measures for physicians with at least 50 percent of their patients with end stage renal disease being individuals under 18 years of age.

"(B) Recommendations on how to structure quality incentive payments for physicians who demonstrate improvements in quality or who attain quality standards, as specified by the Secretary.

"(7) REPORTS.—

"(A) INITIAL REPORT.—Not later than January 1, 2013, the Secretary shall submit to Congress a report on the implementation of the bundled payment system under subsection (b)(14) and the quality initiative under this subsection. Such report shall include the following information:

"(i) A comparison of the aggregate payments under subsection (b)(14) for items and services to the cost of such items and services.

"(ii) The changes in utilization rates for erythropoietin stimulating agents.

"(iii) The mode of administering such agents, including information on the proportion of such individuals receiving such agents intravenously as compared to subcutaneously.

"(iv) The frequency of dialysis.

"(v) Other differences in practice patterns, such as the adoption of new technology, different modes of practice, and variations in use of drugs other than drugs described in clause (iii).

"(vi) The performance of facilities and providers under paragraph (2).

"(vii) Other recommendations for legislative and administrative actions determined appropriate by the Secretary.

"(B) SUBSEQUENT REPORT.—Not later than January 1, 2015, the Secretary shall submit to Congress a report that contains the information described in each of clauses (ii) through (vii) of subparagraph (A) and a comparison of the results of the payment system under subsection (b)(14) for renal dialysis services furnished during the 2-year period beginning on January 1, 2013, and the results of such payment system for such services furnished during the previous two-year period.".

SEC. 638. MEDPAC REPORT ON ESRD BUNDLING SYSTEM.

Not later than March 1, 2012, the Medicare Payment Advisory Commission (established under section 1805 of the Social Security Act) shall submit to Congress a report on the implementation of the payment system under section 1881(b)(14) of the Social Security Act (as added by section 7) for renal dialysis services and related services (defined in subparagraph (B) of such section). Such report shall include, with respect to such payment system for such services, an analysis of each of the following:

(1) An analysis of the overall adequacy of payment under such system for all such services.

(2) An analysis that compares the adequacy of payment under such system for services furnished by—

(A) a provider of services or renal dialysis facility that is described in section 1881(b)(13)(C)(iv) of the Social Security Act;

(B) a provider of services or renal dialysis facility not described in such section;

(C) a hospital-based facility;

(D) a freestanding renal dialysis facility;

(E) a renal dialysis facility located in an urban area; and

(F) a renal dialysis facility located in a rural area.

(3) An analysis of the financial status of providers of such services and renal dialysis facilities, including access to capital, return on equity, and return on capital.

(4) An analysis of the adequacy of payment under such method and the adequacy of the quality improvement payments under section 1881(i) of the Social Security Act in ensuring that payments for such services under the Medicare program are consistent with costs for such services.

(5) Recommendations, if appropriate, for modifications to such payment system.

SEC. 639. OIG STUDY AND REPORT ON ERYTHROPOIETIN.

(a) STUDY.—The Inspector General of the Department of Health and Human Services shall conduct a study on the following:

(1) The dosing guidelines, standards, protocols, and alogorithms for erythropoietin stimulating agents recommended or used by providers of services and renal dialysis facilities that are described in section 1881(b)(13)(C)(iv) of the Social Security Act and providers and facilities that are not described in such section.

(2) The extent to which such guidelines, standards, protocols, and algorithms are consistent with the labeling of the Food and Drug Administration for such agents.

(3) The extent to which physicians sign standing orders for such agents that are consistent with such guidelines, standards, protocols, and algorithms recommended or used by the provider or facility involved.

(4) The extent to which the prescribing decisions of physicians, with respect to such agents, are independent of—

(A) such relevant guidelines, standards, protocols, and algorithms; or

(B) recommendations of an anemia management nurse or other appropriate employee of the provider or facility involved.

(5) The role of medical directors of providers of services and renal dialysis facilities and the financial relationships between such providers and facilities and the physicians hired as medical directors of such providers and facilities, respectively.

(b) REPORT.—Not later than January 1, 2009, the Inspector General of the Department of Health and Human Services shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations as the Inspector General determines appropriate.

Subtitle D—Miscellaneous

SEC. 651. LIMITATION ON EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) if the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).";

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph."; and

(3) by adding at the end the following new subsection:

"(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

"(1) REQUIREMENTS DESCRIBED.—For purposes of paragraphs subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

"(A) PROVIDER AGREEMENT.—The hospital had a provider agreement under section 1866 in effect on July 24, 2007.

"(B) PROHIBITION OF EXPANSION OF FACILITY CAPACITY.—The number of operating rooms and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms and beds as of such date.

"(C) PREVENTING CONFLICTS OF INTEREST.—

"(i) The hospital submits to the Secretary an annual report containing a detailed description of—

"(I) the identity of each physician owner and any other owners of the hospital; and

"(II) the nature and extent of all ownership interests in the hospital.

"(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

"(I) the ownership interest of such referring physician in the hospital; and

"(II) if applicable, any such ownership interest of the treating physician.

"(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

"(D) ENSURING BONA FIDE INVESTMENT.—

"(i) Physician owners in the aggregate do not own more than 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital.

"(ii) The investment interest of any individual physician owner does not exceed 2 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital.

"(iii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

"(iv) The hospital does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

"(v) The hospital does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

"(vi) Investment returns are distributed to investors in the hospital in an amount that is directly proportional to the investment of capital by the physician owner in the hospital.

"(vii) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

"(viii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

"(E) PATIENT SAFETY.—

"(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

"(I) the hospital discloses such fact to a patient; and

"(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

"(ii) The hospital has the capacity to—

"(I) provide assessment and initial treatment for patients; and

"(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

"(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

"(3) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of clauses (i) and (ii) of paragraph (1)(D), the Secretary shall collect physician ownership and investment information for each hospital as it existed on the date of the enactment of this subsection.

"(4) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.".

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in such section 1877(i)(1) of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

TITLE VII—PROVISIONS RELATING TO MEDICARE PARTS A AND B

SEC. 701. HOME HEALTH PAYMENT UPDATE FOR 2008.

Section 1895(b)(3)(B)(ii) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(B)(ii)) is amended—

(1) in subclause (IV) at the end, by striking "and";

(2) by redesignating subclause (V) as subclause (VII); and

(3) by inserting after subclause (IV) the following new subclauses:

"(V) 2007, subject to clause (v), the home health market basket percentage increase;

"(VI) 2008, subject to clause (v), 0 percent; and".

SEC. 702. 2-YEAR EXTENSION OF TEMPORARY MEDICARE PAYMENT INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA.

Section 421 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2283; 42 U.S.C. 1395fff note), as amended by section 5201(b) of the Deficit Reduction Act of 2005, is amended—

*(1) in the heading, by striking "**ONE-YEAR**" and inserting "**TEMPORARY**"; and*

(2) in subsection (a), by striking "and episodes and visits beginning on or after January 1, 2006, and before January 1, 2007" and inserting "episodes and visits beginning on or after January 1, 2006, and before January 1, 2007, and episodes and visits beginning on or after January 1, 2008, and before January 1, 2010".

SEC. 703. EXTENSION OF MEDICARE SECONDARY PAYER FOR BENEFICIARIES WITH END STAGE RENAL DISEASE FOR LARGE GROUP PLANS.

(a) IN GENERAL.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting accordingly;

(2) by amending the text preceding subclause (I), as so redesignated, to read as follows:

"(C) INDIVIDUALS WITH END STAGE RENAL DISEASE.—

"(i) IN GENERAL.—A group health plan (as defined in subparagraph (A)(v))—";

(3) in the matter following subclause (II), as so redesignated—

(A) by striking "clause (i)" and inserting "subclause (I)";

(B) by striking "clause (ii)" and inserting "subclause (II)"; and

(C) by striking "clauses (i) and (ii)" and inserting "subclauses (I) and (II)"; and

(D) in the last sentence, by striking "Effective for items" and inserting "Subject to clause (ii), effective for items"; and

(4) by adding at the end the following new clause:

"(ii) SPECIAL RULE FOR LARGE GROUP PLANS.—In applying clause (i) to a large group health plan (as defined in subparagraph (B)(iii)), effective for items and services furnished on or after January 1, 2008, (with respect to periods beginning on or after the date that is 30 months prior to January 1, 2008), subclauses (I) and (II) of such clause shall be applied by substituting '42-month' for '12-month' each place it appears.".

SEC. 704. PLAN FOR MEDICARE PAYMENT ADJUSTMENTS FOR NEVER EVENTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall develop a plan (in this section referred to as the "never events plan") to implement, beginning in fiscal year 2010, a policy to reduce or eliminate payments under title XVIII of the Social Security Act for never events.

(b) NEVER EVENT DEFINED.—For purposes of this section, the term "never event" means an event involving the delivery of (or failure to deliver) physicians' services, inpatient or outpatient hospital services, or facility services furnished in an ambulatory surgical facility in which there is an error in medical care that is clearly identifiable, usually preventable, and serious in consequences to patients, and that indicates a deficiency in the safety and process controls of the services furnished with respect to the physician, hospital, or ambulatory surgical center involved.

(c) PLAN DETAILS.—

(1) DEFINING NEVER EVENTS.—With respect to criteria for identifying never events under the never events plan, the Secretary should consider whether the event meets the following characteristics:

(A) CLEARLY IDENTIFIABLE.—The event is clearly identifiable and measurable and feasible to include in a reporting system for never events.

(B) USUALLY PREVENTABLE.—The event is usually preventable taking into consideration that, because of the complexity of medical care, certain medical events are not always avoidable.

(C) SERIOUS.—The event is serious and could result in death or loss of a body part, disability, or more than transient loss of a body function.

(D) DEFICIENCY IN SAFETY AND PROCESS CONTROLS.—The event is indicative of a problem in safety systems and process controls used by the physician, hospital, or ambulatory surgical center involved and is indicative of the reliability of the quality of services provided by the physician, hospital, or ambulatory surgical center, respectively.

(2) IDENTIFICATION AND PAYMENT ISSUES.—With respect to policies under the never events plan for identifying and reducing (or eliminating) payment for never events, the Secretary shall consider—

(A) mechanisms used by hospitals and physicians in reporting and coding of services that would reliably identify never events; and

(B) modifications in billing and payment mechanisms that would enable the Secretary to efficiently and accurately reduce or eliminate payments for never events.

(3) PRIORITIES.—Under the never events plan the Secretary shall identify priorities regarding the services to focus on and, among those, the never events for which payments should be reduced or eliminated.

(4) CONSULTATION.—In developing the never events plan, the Secretary shall consult with affected parties that are relevant to payment reductions in response to never events.

(d) CONGRESSIONAL REPORT.—By not later than June 1, 2008, the Secretary shall submit a report to Congress on the never events plan developed under this subsection and shall include in the report recommendations on specific methods for implementation of the plan on a timely basis.

SEC. 705. REINSTATEMENT OF RESIDENCY SLOTS.

(a) IN GENERAL.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended—

(1) in paragraph (4)(H), by adding at the end the following new clauses:

"(v) INCREASE IN RESIDENT LIMIT DUE TO CLOSURE OF OTHER HOSPITALS.—If one or more hospitals with approved medical residency training programs, which are located within the same metropolitan statistical area as of January 1, 2001, closed, the Secretary shall increase by not more than 10 (subject to the limitation set forth in the last sentence of this clause) the otherwise applicable resident limit under subparagraph (F) for each hospital within the same metropolitan statistical area that meets all the following criteria:

"(I) The hospital is described in subsection (d)(5)(F)(i).

"(II) The hospital instituted a medical residency training program in internal medicine that was accredited by the American Osteopathic Association on or after January 1, 2004.

"(III) The hospital had a provider number and a resident limit as of January 1, 2000, and remained open as of October 1, 2007.

"(IV) The hospital did not receive an increase in its resident limit under paragraph (7)(B).

"(V) The hospital maintains no more than 400 beds.

In no event may the resident limit for any hospital be increased above 50 through application of this clause and in no event may the total of the residency positions added by this clause for all hospitals exceed 10.

"(vi) INCREASE IN RESIDENCY SLOTS.—In the case of a hospital located in Peoria County, Illinois, that has more than 500 beds, the Secretary shall increase by two the otherwise applicable resident limit under subparagraph (F) for such hospital.".

(2) in paragraph (7)—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following new subparagraph:

"(D) ADJUSTMENT BASED ON SETTLED COST REPORT.—In the case of a hospital with a dual accredited osteopathic and allopathic family practice program for which—

"(i) the otherwise applicable resident limit was reduced under subparagraph (A)(i)(I); and

"(ii) such reduction was based on a reference resident level that was determined using a cost report and where a revised or corrected notice of program reimbursement was issued between September 1, 2006 and September 15, 2006, whether as a result of an appeal or otherwise, and the reference resident level under such settled cost report is higher than the level used for the reduction under subparagraph (A)(i)(I);

the Secretary shall apply subparagraph (A)(i)(I) using the higher resident reference level and make any necessary adjustments to such reduction. Any such necessary adjustments shall be effective for portions of cost reporting periods occurring on or after July 1, 2005.".

(b) EFFECTIVE DATES.—The amendment made by paragraph (1) shall be effective for cost reporting periods beginning on or after October 1, 2007, and the amendments made by paragraph (2) shall take effect as if included in the enactment of section 422 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173).

SEC. 706. STUDIES RELATING TO HOME HEALTH.

(a) IN GENERAL.—The Medicare Payment Advisory Commission shall conduct a study of Medicare beneficiaries utilizing home health care services to determine—

(1) the impact that remote monitoring equipment and related services have on improving health care outcomes in the home health care setting for beneficiaries with chronic conditions;

(2) the differences in the percentage of inpatient hospital admissions and emergency room visits for beneficiaries with a similar health care risk profile who utilize remote monitoring equipment and services compared to those who do not use such equipment and services;

(3) the percentage of Medicare beneficiaries currently utilizing remote monitoring equipment and related services;

(4) the estimated reduction in aggregate expenditures under parts A and B of title XVIII of the Social Security Act expenditures if home health agencies increased their utilization of remote monitoring equipment and related services for patients with chronic disease conditions; and

(5) the variation of utilization of remote monitoring equipment and related services within geographic regions and by size of home health agency.

(b) DATA COLLECTION.—As a condition of a home health agency's participation in the program under title XVIII of the Social Security Act, beginning no later than January 1, 2008, the Secretary of Health and Human Services shall require such agencies to collect, in a form and manner determined by the Secretary, the following data:

(1) The extent of home health agency's usage of remote monitoring equipment and related services for beneficiaries with chronic conditions.

(2) Whether such equipment and services are used to monitor patients' with chronic conditions vital signs on a daily basis.

(3) Whether standing physician orders accompany the use of remote monitoring equipment and services.

(4) The costs of remote monitoring equipment and related services.

(c) REPORT TO CONGRESS.—Not later than June 1, 2010, the Commission shall report to Congress on its findings on the study conducted under subsection (a). Such report shall include recommendations regarding how Congress may enact reimbursement policies that increase the appropriate utilization of remote monitoring equipment and services under the home health program for Medicare beneficiaries with chronic conditions in a manner that facilitates health care outcomes and leads to the long-term reduction of aggregate expenditures under the Medicare program.

SEC. 707. RURAL HOME HEALTH QUALITY DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall make grants to eligible entities for demonstration projects to assist home health agencies to better serve their Medicare populations while aiming to reduce costs to the Medicare program through utilization of technologies, including telemonitoring and other telehealth technologies, health information technologies, and telecommunications technologies that—

(1) implement procedures and standards that reduce the need for inpatient hospital services and health center visits; and

(2) address the aims of safety, effectiveness, patient- or community-centeredness, timeliness, efficiency, and equity identified by the Institute of Medicine of the National Academies in its report entitled "Crossing the Quality Chasm: A New Health System for the 21st Century" released on March 1, 2001, when determining when and what care is needed.

(b) ELIGIBLE ENTITIES.—In this section, the term "eligible entity" means a State that includes—

(1) a rural academic medical center;

(2) no urban regional medical center; and

(3) a Medicare population whose enrollees in the Medicare Part C program is less than 3 percent.

(c) CONSULTATION.—In developing the program for awarding grants under this section, the Secretary shall consult with the Administrator of the Centers for Medicare & Medicaid Services, home health agencies, rural health care researchers, and private and non-profit groups (including national associations) which are undertaking similar efforts.

(d) DURATION.—Each demonstration project under this section shall be for a period of 2 years.

(e) REPORT.—Not later than one year after the conclusion of all of the demonstration projects funded under this section, the Secretary shall submit a report to the Congress on the results of such projects. The report shall include—

(1) an evaluation of technologies utilized and effects on patient access to home health care,

patient outcomes, and an analysis of the cost effectiveness of each such project; and

(2) recommendations on Federal legislation, regulations, or administrative policies to enhance rural home health quality and outcomes.

(f) FUNDING.— Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary for fiscal year 2008, $3,000,000 to carry out this section. Funds appropriated under this subsection shall remain available until expended.

TITLE VIII—MEDICAID

Subtitle A—Protecting Existing Coverage

SEC. 801. MODERNIZING TRANSITIONAL MEDICAID.

(a) FOUR-YEAR EXTENSION.—

(1) IN GENERAL.—Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)) are each amended by striking "September 30, 2003" and inserting "September 30, 2011".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2007.

(b) STATE OPTION OF INITIAL 12-MONTH ELIGIBILITY.—Section 1925 of the Social Security Act (42 U.S.C. 1396r–6) is amended—

(1) in subsection (a)(1), by inserting "but subject to paragraph (5)" after "Notwithstanding any other provision of this title";

(2) by adding at the end of subsection (a) the following:

"(5) OPTION OF 12-MONTH INITIAL ELIGIBILITY PERIOD.—A State may elect to treat any reference in this subsection to a 6-month period (or 6 months) as a reference to a 12-month period (or 12 months). In the case of such an election, subsection (b) shall not apply."; and

(3) in subsection (b)(1), by inserting "but subject to subsection (a)(5)" after "Notwithstanding any other provision of this title".

(c) REMOVAL OF REQUIREMENT FOR PREVIOUS RECEIPT OF MEDICAL ASSISTANCE.—Section 1925(a)(1) of such Act (42 U.S.C. 1396r–6(a)(1)), as amended by subsection (b)(1), is further amended—

(1) by inserting "subparagraph (B) and" before "paragraph (5)";

(2) by redesignating the matter after "REQUIREMENT.—" as a subparagraph (A) with the heading "IN GENERAL.—" and with the same indentation as subparagraph (B) (as added by paragraph (3)); and

(3) by adding at the end the following:

"(B) STATE OPTION TO WAIVE REQUIREMENT FOR 3 MONTHS BEFORE RECEIPT OF MEDICAL ASSISTANCE.—A State may, at its option, elect also to apply subparagraph (A) in the case of a family that was receiving such aid for fewer than three months or that had applied for and was eligible for such aid for fewer than 3 months during the 6 immediately preceding months described in such subparagraph.".

(d) CMS REPORT ON ENROLLMENT AND PARTICIPATION RATES UNDER TMA.—Section 1925 of such Act (42 U.S.C. 1396r–6), as amended by this section, is further amended by adding at the end the following new subsection:

"(g) COLLECTION AND REPORTING OF PARTICIPATION INFORMATION.—

"(1) COLLECTION OF INFORMATION FROM STATES.—Each State shall collect and submit to the Secretary (and make publicly available), in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section and of the number and percentage of children who become ineligible for medical assistance under this section whose medical assistance is continued under another eligibility category or who are enrolled under the State's child health plan under title XXI. Such information shall be submitted at the same time and frequency in which other enrollment information under this title is submitted to the Secretary.

"(2) ANNUAL REPORTS TO CONGRESS.—Using the information submitted under paragraph (1), the Secretary shall submit to Congress annual reports concerning enrollment and participation rates described in such paragraph.".

(e) EFFECTIVE DATE.—The amendments made by subsections (b) through (d) shall take effect on the date of the enactment of this Act.

SEC. 802. FAMILY PLANNING SERVICES.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XVIII), by striking "or" at the end;

(B) in subclause (XIX), by adding "or" at the end; and

(C) by adding at the end the following new subclause:

"(XX) who are described in subsection (ee) (relating to individuals who meet certain income standards);".

(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 112(c), is amended by adding at the end the following new subsection:

"(ee)(1) Individuals described in this subsection are individuals—

"(A) whose income does not exceed an income eligibility level established by the State that does not exceed the highest income eligibility level established under the State plan under this title (or under its State child health plan under title XXI) for pregnant women; and

"(B) who are not pregnant.

"(2) At the option of a State, individuals described in this subsection may include individuals who are determined to meet the eligibility requirements referred to in paragraph (1) under the terms, conditions, and procedures applicable to making eligibility determinations for medical assistance under this title under a waiver to provide the benefits described in clause (XV) of the matter following subparagraph (G) of section 1902(a)(10) granted to the State under section 1115 as of January 1, 2007.".

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking "and (XIV)" and inserting "(XIV)"; and

(B) by inserting ", and (XV) the medical assistance made available to an individual described in subsection (ee) shall be limited to family planning services and supplies described in section 1905(a)(4)(C) including medical diagnosis or treatment services that are provided pursuant to a family planning service in a family planning setting provided during the period in which such an individual is eligible" after "cervical cancer".

(4) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (xii), by striking "or" at the end;

(B) in clause (xiii), by adding "or" at the end; and

(C) by inserting after clause (xiii) the following:

"(xiv) individuals described in section 1902(ee),".

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920B the following:

"PRESUMPTIVE ELIGIBILITY FOR FAMILY PLANNING SERVICES

"SEC. 1920C. (a) STATE OPTION.—State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(ee) (relating to individuals who meet certain income eligibility standard) during a presumptive eligibility period. In the case of an individual described in section 1902(ee), such medical assistance shall be limited to family planning services and supplies described in 1905(a)(4)(C) and, at the State's option, medical diagnosis or treatment services that are provided in conjunction with a family planning service in a family planning setting provided during the period in which such an individual is eligible.

"(b) DEFINITIONS.—For purposes of this section:

"(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

"(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(ee); and

"(B) ends with (and includes) the earlier of—

"(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

"(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

"(2) QUALIFIED ENTITY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

"(i) is eligible for payments under a State plan approved under this title; and

"(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

"(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities in order to prevent fraud and abuse.

"(c) ADMINISTRATION.—

"(1) IN GENERAL.—The State agency shall provide qualified entities with—

"(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

"(B) information on how to assist such individuals in completing and filing such forms.

"(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

"(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

"(B) inform such individual at the time the determination is made that an application for medical assistance is required to be made by not later than the last day of the month following the month during which the determination is made.

"(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance by not later than the last day of the month following the month during which the determination is made.

"(d) PAYMENT.—Notwithstanding any other provision of this title, medical assistance that—

"(1) is furnished to an individual described in subsection (a)—

"(A) during a presumptive eligibility period;

"(B) by a entity that is eligible for payments under the State plan; and

"(2) is included in the care and services covered by the State plan, shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1905(b).".

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: "and provide for making medical assistance available to individuals described in subsection (a) of section 1920C during a presumptive eligibility period in accordance with such section".

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking "or for" and inserting "for"; and

(ii) by inserting before the period the following: ", or for medical assistance provided to an individual described in subsection (a) of section 1920C during a presumptive eligibility period under such section".

(e) CLARIFICATION OF COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.—Section 1937(b) of the Social Security Act (42 U.S.C. 1396u-7(b)) is amended by adding at the end the following:

"(5) COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.—Notwithstanding the previous provisions of this section, a State may not provide for medical assistance through enrollment of an individual with benchmark coverage or benchmark-equivalent coverage under this section unless such coverage includes for any individual described in section 1905(a)(4)(C), medical assistance for family planning services and supplies in accordance with such section.".

(f) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

SEC. 803. AUTHORITY TO CONTINUE PROVIDING ADULT DAY HEALTH SERVICES APPROVED UNDER A STATE MEDICAID PLAN.

(a) IN GENERAL.—During the period described in subsection (b), the Secretary of Health and Human Services shall not—

(1) withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) for the provision of adult day health care services, day activity and health services, or adult medical day care services, as defined under a State Medicaid plan approved during or before 1994, during such period if such services are provided consistent with such definition and the requirements of such plan; or

(2) withdraw Federal appròval of any such State plan or part thereof regarding the provision of such services (by regulation or otherwise).

(b) PERIOD DESCRIBED.—The period described in this subsection is the period that begins on November 3, 2005, and ends on March 1, 2009.

SEC. 804. STATE OPTION TO PROTECT COMMUNITY SPOUSES OF INDIVIDUALS WITH DISABILITIES.

Section 1924(h)(1)(A) of the Social Security Act (42 U.S.C. 1396r–5(h)(1)(A)) is amended by striking "is described in section 1902(a)(10)(A)(ii)(VI)" and inserting "is being provided medical assistance for home and community-based services under subsection (c), (d), (e), (i), or (j) of section 1915 or pursuant to section 1115".

SEC. 805. COUNTY MEDICAID HEALTH INSURING ORGANIZATIONS .

(a) IN GENERAL.—Section 9517(c)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1396b note), as added by section 4734 of the Omnibus Budget Reconciliation Act of 1990 and as amended by section 704 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, is amended—

(1) in subparagraph (A), by inserting ", in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Ventura County, and in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Merced County" after "described in subparagraph (B)"; and

(2) in subparagraph (C), by striking "14 percent" and inserting "16 percent".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

Subtitle B—Payments

SEC. 811. PAYMENTS FOR PUERTO RICO AND TERRITORIES.

(a) PAYMENT CEILING.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended—

(1) in paragraph (2), by striking "paragraph (3)" and inserting "paragraphs (3) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4) FISCAL YEARS 2009 THROUGH 2012 FOR CERTAIN INSULAR AREAS.—The amounts otherwise determined under this subsection for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa for fiscal years 2009 through 2012 shall be increased by the following amounts:

"(A) PUERTO RICO.—For Puerto Rico, $250,000,000 for fiscal year 2009, $350,000,000 for fiscal year 2010, $500,000,000 for fiscal year 2011, and $600,000,000 for fiscal year 2012.

"(B) VIRGIN ISLANDS.—For the Virgin Islands, $5,000,000 for each of fiscal years 2009 through 2012.

"(C) GUAM.—For Guam, $5,000,000 for each of fiscal years 2009 through 2012.

"(D) NORTHERN MARIANA ISLANDS.—For the Northern Mariana Islands, $4,000,000 for each of fiscal years 2009 through 2012.

"(E) AMERICAN SAMOA.—For American Samoa, $4,000,000 for each of fiscal years 2009 through 2012.

Such amounts shall not be taken into account in applying paragraph (2) for fiscal years 2009 through 2012 but shall be taken into account in applying such paragraph for fiscal year 2013 and subsequent fiscal years.".

(b) REMOVAL OF FEDERAL MATCHING PAYMENTS FOR IMPROVING DATA REPORTING SYSTEMS FROM THE OVERALL LIMIT ON PAYMENTS TO TERRITORIES UNDER TITLE XIX.—Such section is further amended by adding at the end the following new paragraph:

"(5) EXCLUSION OF CERTAIN EXPENDITURES FROM PAYMENT LIMITS.—With respect to fiscal year 2008 and each fiscal year thereafter, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for a payment under subparagraph (A)(i) or (B) of section 1903(a)(3) for a calendar quarter of such fiscal year with respect to expenditures for improvements in data reporting systems described in such subparagraph, the limitation on expenditures under title XIX for such commonwealth or territory otherwise determined under subsection (f) and this subsection for such fiscal year shall be determined without regard to payment for such expenditures.".

SEC. 812. MEDICAID DRUG REBATE.

Paragraph (1)(B)(i) of section 1927(c) of the Social Security Act (42 U.S.C. 1396r-8(c)) is amended—

(1) by striking "and" at the end of subclause (IV);

(2) in subclause (V)—

(A) by inserting "and before January 1, 2008," after "December 31, 1995,"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subclause:

"(VI) after December 31, 2007, is 22.1 percent.".

(1) IN GENERAL.—Section 1927(c)(1)(C)(ii)(I) of the Social Security Act (42 U.S.C. 1396r-8(c)(1)(C)(ii)(I)) is amended—

(A) by striking "and" before "rebates"; and

(B) by inserting before the semicolon at the end the following: ", and rebates, discounts, and other price concessions to pharmaceutical benefit managers (PBMs)".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to calendar quarters beginning on or after January 1, 2008.

SEC. 813. ADJUSTMENT IN COMPUTATION OF MEDICAID FMAP TO DISREGARD AN EXTRAORDINARY EMPLOYER PENSION CONTRIBUTION.

(a) IN GENERAL.—Only for purposes of computing the Federal medical assistance percentage under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) for a State for a fiscal year (beginning with fiscal year 2006), any significantly disproportionate employer pension contribution described in subsection (b) shall be disregarded in computing the per capita income of such State, but shall not be disregarded in computing the per capita income for the continental United States (and Alaska) and Hawaii.

(b) SIGNIFICANTLY DISPROPORTIONATE EMPLOYER PENSION CONTRIBUTION.—For purposes of subsection (a), a significantly disproportionate employer pension contribution described in this subsection with respect to a State for a fiscal year is an employer contribution towards pensions that is allocated to such State for a period if the aggregate amount so allocated exceeds 25 percent of the total increase in personal income in that State for the period involved.

SEC. 814. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to the date that is 1 year after the date of enactment of this Act, take any action (through promulgation of regulation, issuance of regulatory guidance, use of federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to restrict coverage or payment under title XIX of the Social Security Act for rehabilitation services, or school-based administration, transportation, or medical services if such restrictions are more restrictive in any aspect than those applied to such coverage or payment as of July 1, 2007.

SEC. 815. TENNESSEE DSH.

The DSH allotments for Tennessee for each fiscal year beginning with fiscal year 2008 under subsection (f)(3) of section 1923 of the Social Security Act (42 U.S.C. 13961396r-4) are deemed to be $30,000,000. The Secretary of Health and Human Services may impose a limitation on the total amount of payments made to hospitals under the TennCare Section 1115 waiver only to the extent that such limitation is necessary to ensure that a hospital does not receive payment in excess of the amounts described in subsection (f) of such section or as necessary to ensure that the waiver remains budget neutral.

SEC. 816. CLARIFICATION TREATMENT OF REGIONAL MEDICAL CENTER.

(a) IN GENERAL.—Nothing in section 1903(w) of the Social Security Act (42 U.S.C. 1396b(w)) shall be construed by the Secretary of Health and Human Services as prohibiting a State's use of funds as the non-Federal share of expenditures under title XIX of such Act where such funds are transferred from or certified by a publicly-owned regional medical center located in another State and described in subsection (b), so long as the Secretary determines that such use *of funds is proper and in the interest of the program under title XIX.*

(b) CENTER DESCRIBED.—A center described in this subsection is a publicly-owned regional medical center that—

(1) provides level 1 trauma and burn care services;

(2) provides level 3 neonatal care services;

(3) is obligated to serve all patients, regardless of ability to pay;

(4) is located within a Standard Metropolitan Statistical Area (SMSA) that includes at least 3 States;

(5) provides services as a tertiary care provider for patients residing within a 125-mile radius; and

(6) meets the criteria for a disproportionate share hospital under section 1923 of such Act (42 U.S.C. 1396r-4) in at least one Stat+e other than the State in which the center is located.

SEC. 817. EXTENSION OF SSI WEB-BASED ASSET DEMONSTRATION PROJECT TO THE MEDICAID PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services shall provide for the application to asset eligibility determinations under the Medicaid program under title XIX of the Social Security Act of the automated, secure, web-based asset verification request and response process being applied for determining eligibility for benefits under the Supplemental Security Income (SSI) program under title XVI of such Act under a demonstration project conducted under the authority of section 1631(e)(1)(B)(ii) of such Act (42 U.S.C. 1383(e)(1)(B)(ii)).

(b) LIMITATION.—Such application shall only extend to those States in which such demonstration project is operating and only for the period in which such project is otherwise provided.

(c) RULES OF APPLICATION.—For purposes of carrying out subsection (a), notwithstanding any other provision of law, information obtained from a financial institution that is used for purposes of eligibility determinations under such demonstration project with respect to the Secretary of Health and Human Services under the SSI program may also be shared and used by States for purposes of eligibility determinations under the Medicaid program. In applying section 1631(e)(1)(B)(ii) of the Social Security Act under this subsection, references to the Commissioner of Social Security and benefits under title XVI of such Act shall be treated as including a reference to a State described in subsection (b) and medical assistance under title XIX of such Act provided by such a State.

Subtitle C—Miscellaneous

SEC. 821. DEMONSTRATION PROJECT FOR EMPLOYER BUY-IN.

Title XXI of the Social Security Act, as amended by section 133(a)(1), is further amended by adding at the end the following new section:

"SEC. 2112. DEMONSTRATION PROJECT FOR EMPLOYER BUY-IN.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall establish a demonstration project under which up to 10 States (each referred to in this section as a 'participating State') that meets the conditions of paragraph (2) may provide, under its State child health plan (notwithstanding section 2102(b)(3)(C)) for a period of 5 years, for child health assistance in relation to family coverage described in subsection (d) for children who would be targeted low-income children but for coverage as beneficiaries under a group health plan as the children of participants by virtue of a qualifying employer's contribution under subsection (b)(2). :

"(2) CONDITIONS.—The conditions described in this paragraph for a State are as follows:

"(A) NO WAITING LISTS.—The State does not impose any waiting list, enrollment cap, or similar limitation on enrollment of targeted low-income children under the State child health plan.

"(B) ELIGIBILITY OF ALL CHILDREN UNDER 200 PERCENT OF POVERTY LINE.—The State is applying an income eligibility level under section 2110(b)(1)(B)(ii)(I) that is at least 200 percent of the poverty line.

"(3) QUALIFYING EMPLOYER DEFINED.—In this section, the term 'qualifying employer' means an employer that has a majority of its workforce composed of full-time workers with family incomes reasonably estimated by the employer (based on wage information available to the employer) at or below 200 percent of the poverty line. In applying the previous sentence, two part-time workers shall be treated as a single full-time worker.

"(b) FUNDING.—A demonstration project under this section in a participating State shall be funded, with respect to assistance provided to children described in subsection (a)(1), consistent with the following:

"(1) LIMITED FAMILY CONTRIBUTION.—The family involved shall be responsible for providing payment towards the premium for such assistance of such amount as the State may specify, except that the limitations on cost-sharing (including premiums) under paragraphs (2) and (3) of section 2103(e) shall apply to all cost-sharing of such family under this section.

"(2) MINIMUM EMPLOYER CONTRIBUTION.—The qualifying employer involved shall be responsible for providing payment to the State child health plan in the State of at least 50 percent of the portion of the cost (as determined by the State) of the family coverage in which the employer is enrolling the family that exceeds the amount of the family contribution under paragraph (1) applied towards such coverage.

"(3) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—In no case shall the Federal financial participation under section 2105 with respect to a demonstration project under this section be made for any portion of the costs of family coverage described in subsection (d) (including the costs of administration of such coverage) that are not attributable to children described in subsection (a)(1).

"(c) UNIFORM ELIGIBILITY RULES.—In providing assistance under a demonstration project under this section—

"(1) a State shall establish uniform rules of eligibility for families to participate; and

"(2) a State shall not permit a qualifying employer to select, within those families that meet such eligibility rules, which families may participate.

"(d) TERMS AND CONDITIONS.—The family coverage offered to families of qualifying employers under a demonstration project under this section in a State shall be the same as the coverage and benefits provided under the State child health plan in the State for targeted low-income children with the highest family income level permitted.".

SEC. 822. DIABETES GRANTS.

Section 2104 of the Social Security Act (42 U.C.C 1397dd), as amended by section 101, is further amended—

(1) in subsection (a)(11), by inserting before the period at the end the following: "plus for fiscal year 2009 the total of the amount specified in subsection (j)"; and

(2) by adding at the end the following new subsection:

"(j) FUNDING FOR DIABETES GRANTS.—From the amounts appropriated under subsection (a)(11), for fiscal year 2009 from the amounts—

"(1) $150,000,000 is hereby transferred and made available in such fiscal year for grants under section 330B of the Public Health Service Act; and

"(2) $150,000,000 is hereby transferred and made available in such fiscal year for grants under section 330C of such Act.".

SEC. 823. TECHNICAL CORRECTION.

(a) CORRECTION OF REFERENCE TO CHILDREN IN FOSTER CARE RECEIVING CHILD WELFARE SERVICES.—Section 1937(a)(2)(B)(viii) of the Social Security Act (42 U.S.C. 1396u-7(a)(2)(B) is amended by striking "aid or assistance is made available under part B of title IV to children in foster care" and inserting "child welfare services are made available under part B of title IV on the basis of being a child in foster care".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendment made by section 6044(a) of the Deficit Reduction Act of 2005.

TITLE IX—MISCELLANEOUS

SEC. 901. MEDICARE PAYMENT ADVISORY COMMISSION STATUS.

Section 1805(a) of the Social Security Act (42 U.S.C. 1395b-6(a)) is amended by inserting "as an agency of Congress" after "established".

SEC. 902. REPEAL OF TRIGGER PROVISION.

Subtitle A of title VIII of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is repealed and the provisions of law amended by such subtitle are restored as if such subtitle had never been enacted.

SEC. 903. REPEAL OF COMPARATIVE COST ADJUSTMENT (CCA) PROGRAM.

Section 1860C–1 of the Social Security Act (42 U.S.C. 1395w-29), as added by section 241(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is repealed.

SEC. 904. COMPARATIVE EFFECTIVENESS RESEARCH.

(a) IN GENERAL.—Part A of title XVIII of the Social Security Act is amended by adding at the end the following new section:

"COMPARATIVE EFFECTIVENESS RESEARCH

"SEC. 1822. (a) CENTER FOR COMPARATIVE EFFECTIVENESS RESEARCH ESTABLISHED.—

"(1) IN GENERAL.—The Secretary shall establish within the Agency of Healthcare Research and Quality a Center for Comparative Effectiveness Research (in this section referred to as the 'Center') to conduct, support, and synthesize research (including research conducted or supported under section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003) with respect to the outcomes, effectiveness, and appropriateness of health care services and procedures in order to identify the manner in which diseases, disorders, and other health conditions can most effectively and appropriately be prevented, diagnosed, treated, and managed clinically.

"(2) DUTIES.—The Center shall—

"(A) conduct, support, and synthesize research relevant to the comparative clinical effectiveness of the full spectrum of health care treatments, including pharmaceuticals, medical devices, medical and surgical procedures, and other medical interventions;

"(B) conduct and support systematic reviews of clinical research, including original research conducted subsequent to the date of the enactment of this section;

"(C) use methodologies such as randomized controlled clinical trials as well as other various types of clinical research, such as observational studies;

"(D) submit to the Comparative Effectiveness Research Commission, the Secretary, and Congress appropriate relevant reports described in subsection (d)(2);

"(E) encourage, as appropriate, the development and use of clinical registries and the development of clinical effectiveness research data networks from electronic health records, post marketing drug and medical device surveillance efforts, and other forms of electronic health data; and

“(F) not later than 180 days after the date of the enactment of this section, develop methodological standards to be used when conducting studies of comparative clinical effectiveness and value (and procedures for use of such standards) in order to help ensure accurate and effective comparisons and update such standards at least biennially.

“(b) OVERSIGHT BY COMPARATIVE EFFECTIVENESS RESEARCH COMMISSION.—

“(1) IN GENERAL.—The Secretary shall establish an independent Comparative Effectiveness Research Commission (in this section referred to as the ‘Commission’) to oversee and evaluate the activities carried out by the Center under subsection (a) to ensure such activities result in highly credible research and information resulting from such research.

“(2) DUTIES.—The Commission shall—

“(A) determine national priorities for research described in subsection (a) and in making such determinations consult with patients and health care providers and payers;

“(B) monitor the appropriateness of use of the CERTF described in subsection (f) with respect to the timely production of comparative effectiveness research determined to be a national priority under subparagraph (A);

“(C) identify highly credible research methods and standards of evidence for such research to be considered by the Center;

“(D) review and approve the methodological standards (and updates to such standards) developed by the Center under subsection (a)(2)(F);

“(E) enter into an arrangement under which the Institute of Medicine of the National Academy of Sciences shall conduct an evaluation and report on standards of evidence for such research;

“(F) support forums to increase stakeholder awareness and permit stakeholder feedback on the efforts of the Agency of Healthcare Research and Quality to advance methods and standards that promote highly credible research;

“(G) make recommendations for public data access policies of the Center that would allow for access of such data by the public while ensuring the information produced from research involved is timely and credible;

“(H) appoint a clinical perspective advisory panel for each research priority determined under subparagraph (A), which shall frame the specific research inquiry to be examined with respect to such priority to ensure that the information produced from such research is clinically relevant to decisions made by clinicians and patients at the point of care;

“(I) make recommendations for the priority for periodic reviews of previous comparative effectiveness research and studies conducted by the Center under subsection (a);

“(J) routinely review processes of the Center with respect to such research to confirm that the information produced by such research is objective, credible, consistent with standards of evidence established under this section, and developed through a transparent process that includes consultations with appropriate stakeholders;

“(K) at least annually, provide guidance or recommendations to health care providers and consumers for the use of information on the comparative effectiveness of health care services by consumers, providers (as defined for purposes of regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996) and public and private purchasers;

“(L) make recommendations for a strategy to disseminate the findings of research conducted and supported under this section that enables clinicians to improve performance, consumers to make more informed health care decisions, and payers to set medical policies that improve quality and value;

“(M) provide for the public disclosure of relevant reports described in subsection (d)(2); and

“(N) submit to Congress an annual report on the progress of the Center in achieving national priorities determined under subparagraph (A) for the provision of credible comparative effectiveness information produced from such research to all interested parties.

“(3) COMPOSITION OF COMMISSION.—

“(A) IN GENERAL.—The members of the Commission shall consist of—

“(i) the Director of the Agency for Healthcare Research and Quality;

“(ii) the Chief Medical Officer of the Centers for Medicare & Medicaid Services; and

“(iii) 15 additional members who shall represent broad constituencies of stakeholders including clinicians, patients, researchers, third-party payers, consumers of Federal and State beneficiary programs.

“(B) QUALIFICATIONS.—

“(i) DIVERSE REPRESENTATION OF PERSPECTIVES.—The members of the Commission shall represent a broad range of perspectives and shall collectively have experience in the following areas:

“(I) Epidemiology.

“(II) Health services research.

“(III) Bioethics.

“(IV) Decision sciences.

“(V) Economics.

“(ii) DIVERSE REPRESENTATION OF HEALTH CARE COMMUNITY.—At least one member shall represent each of the following health care communities:

“(I) Consumers.

“(II) Practicing physicians, including surgeons.

“(III) Employers.

“(IV) Public payers.

“(V) Insurance plans.

“(VI) Clinical researchers who conduct research on behalf of pharmaceutical or device manufacturers.

“(4) APPOINTMENT.—The Comptroller General of the United States, in consultation with the chairs of the committees of jurisdiction of the House of Representatives and the Senate, shall appoint the members of the Commission.

“(5) CHAIRMAN; VICE CHAIRMAN.—The Comptroller General of the United States shall designate a member of the Commission, at the time of appointment of the member, as Chairman and a member as Vice Chairman for that term of appointment, except that in the case of vacancy of the Chairmanship or Vice Chairmanship, the Comptroller General may designate another member for the remainder of that member’s term.

“(6) TERMS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission shall be appointed for a term of 4 years.

“(B) TERMS OF INITIAL APPOINTEES.—Of the members first appointed—

“(i) 8 shall be appointed for a term of 4 years; and

“(ii) 7 shall be appointed for a term of 3 years.

“(7) COORDINATION.—To enhance effectiveness and coordination, the Comptroller General is encouraged, to the greatest extent possible, to seek coordination between the Commission and the National Advisory Council of the Agency for Healthcare Research and Quality.

“(8) CONFLICTS OF INTEREST.—In appointing the members of the Commission or a clinical perspective advisory panel described in paragraph (2)(H), the Comptroller General of the United States or the Commission, respectively, shall take into consideration any financial conflicts of interest.

“(9) COMPENSATION.—While serving on the business of the Commission (including traveltime), a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code; and while so serving away from home and the member’s regular place of business, a member may be allowed travel expenses, as authorized by the Director of the Commission.

“(10) AVAILABILITY OF REPORTS.—The Commission shall transmit to the Secretary a copy of each report submitted under this subsection and shall make such reports available to the public.

“(11) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—Subject to such review as the Secretary, in consultation with the Comptroller General deems necessary to assure the efficient administration of the Commission, the Commission may—

“(A) employ and fix the compensation of an Executive Director (subject to the approval of the Secretary, in consultation with the Comptroller General) and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

“(B) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

“(C) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

“(D) make advance, progress, and other payments which relate to the work of the Commission;

“(E) provide transportation and subsistence for persons serving without compensation; and

“(F) prescribe such rules and regulations as it deems necessary with respect to the internal organization and operation of the Commission.

“(12) POWERS.—

“(A) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Executive Director, the head of that department or agency shall furnish that information to the Commission on an agreed upon schedule.

“(B) DATA COLLECTION.—In order to carry out its functions, the Commission shall—

“(i) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section,

“(ii) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate, and

“(iii) adopt procedures allowing any interested party to submit information for the Commission’s use in making reports and recommendations.

“(C) ACCESS OF GAO TO INFORMATION.—The Comptroller General shall have unrestricted access to all deliberations, records, and nonproprietary data of the Commission, immediately upon request.

“(D) PERIODIC AUDIT.—The Commission shall be subject to periodic audit by the Comptroller General.

“(c) RESEARCH REQUIREMENTS.—Any research conducted, supported, or synthesized under this section shall meet the following requirements:

“(1) ENSURING TRANSPARENCY, CREDIBILITY, AND ACCESS.—

“(A) The establishment of the agenda and conduct of the research shall be insulated from inappropriate political or stakeholder influence.

“(B) Methods of conducting such research shall be scientifically based.

"(C) All aspects of the prioritization of research, conduct of the research, and development of conclusions based on the research shall be transparent to all stakeholders.

"(D) The process and methods for conducting such research shall be publicly documented and available to all stakeholders.

"(E) Throughout the process of such research, the Center shall provide opportunities for all stakeholders involved to review and provide comment on the methods and findings of such research.

"(2) USE OF CLINICAL PERSPECTIVE ADVISORY PANELS.—The research shall meet a national research priority determined under subsection (b)(2)(A) and shall examine the specific research inquiry framed by the clinical perspective advisory panel for the national research priority.

"(3) STAKEHOLDER INPUT.—The priorities of the research, the research, and the dissemination of the research shall involve the consultation of patients, health care providers, and health care consumer representatives through transparent mechanisms recommended by the Commission.

"(d) PUBLIC ACCESS TO COMPARATIVE EFFECTIVENESS INFORMATION.—

"(1) IN GENERAL.—Not later than 90 days after receipt by the Center or Commission, as applicable, of a relevant report described in paragraph (2) made by the Center, Commission, or clinical perspective advisory panel under this section, appropriate information contained in such report shall be posted on the official public Internet site of the Center and of the Commission, as applicable.

"(2) RELEVANT REPORTS DESCRIBED.—For purposes of this section, a relevant report is each of the following submitted by a grantee or contractor of the Center:

"(A) An interim progress report.

"(B) A draft final comparative effectiveness review.

"(C) A final progress report on new research submitted for publication by a peer review journal.

"(D) Stakeholder comments.

"(E) A final report.

"(3) ACCESS BY CONGRESS AND THE COMMISSION TO THE CENTER'S INFORMATION.—Congress and the Commission shall each have unrestricted access to all deliberations, records, and nonproprietary data of the Center, immediately upon request.

"(e) DISSEMINATION AND INCORPORATION OF COMPARATIVE EFFECTIVENESS INFORMATION.—

"(1) DISSEMINATION.—The Center shall provide for the dissemination of appropriate findings produced by research supported, conducted, or synthesized under this section to health care providers, patients, vendors of health information technology focused on clinical decision support, appropriate professional associations, and Federal and private health plans.

"(2) INCORPORATION.—The Center shall assist users of health information technology focused on clinical decision support to promote the timely incorporation of the findings described in paragraph (1) into clinical practices and to promote the ease of use of such incorporation.

"(f) REPORTS TO CONGRESS.—

"(1) ANNUAL REPORTS.—Beginning not later than one year after the date of the enactment of this section, the Director of the Agency of Healthcare Research and Quality and the Commission shall submit to Congress an annual report on the activities of the Center and the Commission, as well as the research, conducted under this section.

"(2) RECOMMENDATION FOR FAIR SHARE PER CAPITA AMOUNT FOR ALL-PAYER FINANCING.—Beginning not later than December 31, 2009, the Secretary shall submit to Congress an annual recommendation for a fair share per capita amount described in subsection (c)(1) of section 9511 of the Internal Revenue Code of 1986 for purposes of funding the CERTF under such section.

"(3) ANALYSIS AND REVIEW.—Not later than December 31, 2011, the Secretary, in consultation with the Commission, shall submit to Congress a report on all activities conducted or supported under this section as of such date. Such report shall include an evaluation of the return on investment resulting from such activities, the overall costs of such activities, and an analysis of the backlog of any research proposals approved by the Commission but not funded. Such report shall also address whether Congress should expand the responsibilities of the Center and of the Commission to include studies of the effectiveness of various aspects of the health care delivery system, including health plans and delivery models, such as health plan features, benefit designs and performance, and the ways in which health services are organized, managed, and delivered.

"(g) COORDINATING COUNCIL FOR HEALTH SERVICES RESEARCH.—

"(1) ESTABLISHMENT.—The Secretary shall establish a permanent council (in this section referred to as the 'Council') for the purpose of—

"(A) assisting the offices and agencies of the Department of Health and Human Services, the Department of Veterans Affairs, the Department of Defense, and any other Federal department or agency to coordinate the conduct or support of health services research; and

"(B) advising the President and Congress on—

"(i) the national health services research agenda;

"(ii) strategies with respect to infrastructure needs of health services research; and

"(iii) appropriate organizational expenditures in health services research by relevant Federal departments and agencies.

"(2) MEMBERSHIP.—

"(A) NUMBER AND APPOINTMENT.—The Council shall be composed of 20 members. One member shall be the Director of the Agency for Healthcare Research and Quality. The Director shall appoint the other members not later than 30 days after the enactment of this Act.

"(B) TERMS.—

"(i) IN GENERAL.—Except as provided in clause (ii), each member of the Council shall be appointed for a term of 4 years.

"(ii) TERMS OF INITIAL APPOINTEES.—Of the members first appointed—

"(I) 10 shall be appointed for a term of 4 years; and

"(II) 9 shall be appointed for a term of 3 years.

"(iii) VACANCIES.—Any vacancies shall not affect the power and duties of the Council and shall be filled in the same manner as the original appointment.

"(C) QUALIFICATIONS.—

"(i) IN GENERAL.—The members of the Council shall include one senior official from each of the following agencies:

"(I) The Veterans Health Administration.

"(II) The Department of Defense Military Health Care System.

"(III) The Centers for Disease Control and Prevention.

"(IV) The National Center for Health Statistics.

"(V) The National Institutes of Health.

"(VI) The Center for Medicare & Medicaid Services.

"(VII) The Federal Employees Health Benefits Program.

"(ii) NATIONAL PHILANTHROPIC FOUNDATIONS.—The members of the Council shall include 4 senior leaders from major national, philanthropic foundations that fund and use health services research.

"(iii) STAKEHOLDERS.—The remaining members of the Council shall be representatives of other stakeholders in health services research, including private purchasers, health plans, hospitals and other health facilities, and health consumer groups.

"(3) ANNUAL REPORT.—The Council shall submit to Congress an annual report on the progress of the implementation of the national health services research agenda.

"(h) FUNDING OF COMPARATIVE EFFECTIVENESS RESEARCH.—For fiscal year 2008 and each subsequent fiscal year, amounts in the Comparative Effectiveness Research Trust Fund (referred to in this section as the 'CERTF') under section 9511 of the Internal Revenue Code of 1986 shall be available to the Secretary to carry out this section.".

(b) COMPARATIVE EFFECTIVENESS RESEARCH TRUST FUND; FINANCING FOR TRUST FUND.—

(1) ESTABLISHMENT OF TRUST FUND.—

(A) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9511. HEALTH CARE COMPARATIVE EFFECTIVENESS RESEARCH TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Health Care Comparative Effectiveness Research Trust Fund' (hereinafter in this section referred to as the 'CERTF'), consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section and section 9602(b).

"(b) TRANSFERS TO FUND.—There are hereby appropriated to the Trust Fund the following:

"(1) For fiscal year 2008, $90,000,000.

"(2) For fiscal year 2009, $100,000,000.

"(3) For fiscal year 2010, $110,000,000.

"(4) For each fiscal year beginning with fiscal year 2011—

"(A) an amount equivalent to the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans) for such fiscal year; and

"(B) subject to subsection (c)(2), amounts determined by the Secretary of Health and Human Services to be equivalent to the fair share per capita amount computed under subsection (c)(1) for the fiscal year multiplied by the average number of individuals entitled to benefits under part A, or enrolled under part B, of title XVIII of the Social Security Act during such fiscal year.

The amounts appropriated under paragraphs (1), (2), (3), and (4)(B) shall be transferred from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund (established under section 1841 of such Act), and from the Medicare Prescription Drug Account within such Trust Fund, in proportion (as estimated by the Secretary) to the total expenditures during such fiscal year that are made under title XVIII of such Act from the respective trust fund or account.

"(c) FAIR SHARE PER CAPITA AMOUNT.—

"(1) COMPUTATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the fair share per capita amount under this paragraph for a fiscal year (beginning with fiscal year 2011) is an amount computed by the Secretary of Health and Human Services for such fiscal year that, when applied under this section and subchapter B of chapter 34 of the Internal Revenue Code of 1986, will result in revenues to the CERTF of $375,000,000 for the fiscal year.

"(B) ALTERNATIVE COMPUTATION.—

"(i) IN GENERAL.—If the Secretary is unable to compute the fair share per capita amount under

subparagraph (A) for a fiscal year, the fair share per capita amount under this paragraph for the fiscal year shall be the default amount determined under clause (ii) for the fiscal year.

"(ii) DEFAULT AMOUNT.—The default amount under this clause for—

"(I) fiscal year 2011 is equal to $2; or

"(II) a subsequent year is equal to the default amount under this clause for the preceeding fiscal year increased by the annual percentage increase in the medical care component of the consumer price index (United States city average) for the 12-month period ending with April of the preceding fiscal year.

Any amount determined under subclause (II) shall be rounded to the nearest penny.

"(2) LIMITATION ON MEDICARE FUNDING.—In no case shall the amount transferred under subsection (b)(4)(B) for any fiscal year exceed $90,000,000.

"(d) EXPENDITURES FROM FUND.—

"(1) IN GENERAL.—Subject to paragraph (2), amounts in the CERTF are available to the Secretary of Health and Human Services for carrying out section 1822 of the Social Security Act.

"(2) ALLOCATION FOR COMMISSION.—Not less than the following amounts in the CERTF for a fiscal year shall be available to carry out the activities of the Comparative Effectiveness Research Commission established under section 1822(b) of the Social Security Act for such fiscal year:

"(A) For fiscal year 2008, $7,000,000.

"(B) For fiscal year 2009, $9,000,000.

"(C) For each fiscal year beginning with 2010, $10,000,000.

Nothing in this paragraph shall be construed as preventing additional amounts in the CERTF from being made available to the Comparative Effectiveness Research Commission for such activities.

"(e) NET REVENUES.—For purposes of this section, the term 'net revenues' means the amount estimated by the Secretary based on the excess of—

"(1) the fees received in the Treasury under subchapter B of chapter 34, over

"(2) the decrease in the tax imposed by chapter 1 resulting from the fees imposed by such subchapter.".

(B) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

"Sec. 9511. Health Care Comparative Effectiveness Research Trust Fund.".

(2) FINANCING FOR FUND FROM FEES ON INSURED AND SELF-INSURED HEALTH PLANS.—

(A) GENERAL RULE.—Chapter 34 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

"Subchapter B—Insured and Self-Insured Health Plans

"Sec. 4375. Health insurance.
"Sec. 4376. Self-insured health plans
"Sec. 4377. Definitions and special rules

"SEC. 4375. HEALTH INSURANCE.

"(a) IMPOSITION OF FEE.—There is hereby imposed on each specified health insurance policy for each policy year a fee equal to the fair share per capita amount determined under section 9511(c)(1) multiplied by the average number of lives covered under the policy.

"(b) LIABILITY FOR FEE.—The fee imposed by subsection (a) shall be paid by the issuer of the policy.

"(c) SPECIFIED HEALTH INSURANCE POLICY.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this section, the term 'specified health insurance policy' means any accident or health insurance policy issued with respect to individuals residing in the United States.

"(2) EXEMPTION OF CERTAIN POLICIES.—The term 'specified health insurance policy' does not include any insurance policy if substantially all of its coverage is of excepted benefits described in section 9832(c).

"(A) liabilities incurred under workers' compensation laws,

"(B) tort liabilities,

"(C) liabilities relating to ownership or use of property,

"(D) credit insurance,

"(E) medicare supplemental coverage, or

"(F) such other similar liabilities as the Secretary may specify by regulations.

"(3) TREATMENT OF PREPAID HEALTH COVERAGE ARRANGEMENTS.—

"(A) IN GENERAL.—In the case of any arrangement described in subparagraph (B)—

"(i) such arrangement shall be treated as a specified health insurance policy, and .

"(ii) the person referred to in such subparagraph shall be treated as the issuer.

"(B) DESCRIPTION OF ARRANGEMENTS.—An arrangement is described in this subparagraph if under such arrangement fixed payments or premiums are received as consideration for any person's agreement to provide or arrange for the provision of accident or health coverage to residents of the United States, regardless of how such coverage is provided or arranged to be provided.

"SEC. 4376. SELF-INSURED HEALTH PLANS.

"(a) IMPOSITION OF FEE.—In the case of any applicable self-insured health plan for each plan year, there is hereby imposed a fee equal to the fair share per capita amount determined under section 9511(c)(1) multiplied by the average number of lives covered under the plan.

"(b) LIABILITY FOR FEE.—

"(1) IN GENERAL.—The fee imposed by subsection (a) shall be paid by the plan sponsor.

"(2) PLAN SPONSOR.—For purposes of paragraph (1) the term 'plan sponsor' means—

"(A) the employer in the case of a plan established or maintained by a single employer,

"(B) the employee organization in the case of a plan established or maintained by an employee organization,

"(C) in the case of—

"(i) a plan established or maintained by 2 or more employers or jointly by 1 or more employers and 1 or more employee organizations,

"(ii) a multiple employer welfare arrangement, or

"(iii) a voluntary employees' beneficiary association described in section 501(c)(9).

the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan, or

"(D) the cooperative or association described in subsection (c)(2)(F) in the case of a plan established or maintained by such a cooperative or association.

"(c) APPLICABLE SELF-INSURED HEALTH PLAN.—For purposes of this section, the term 'applicable self-insured health plan' means any plan for providing accident or health coverage if—

"(1) any portion of such coverage is provided other than through an insurance policy, and

"(2) such plan is established or maintained—

"(A) by one or more employers for the benefit of their employees or former employees,

"(B) by one or more employee organizations for the benefit of their members or former members,

"(C) jointly by 1 or more employers and 1 or more employee organizations for the benefit of employees or former employees,

"(D) by a voluntary employees' beneficiary association described in section 501(c)(9).

"(E) by any organization described in section 501(c)(6), or

"(F) in the case of a plan not described in the preceding subparagraphs, by a multiple employer welfare arrangement (as defined in section 3(40) of Employee Retirement Income Security Act of 1974), a rural electric cooperative (as defined in section 3(40)(B)(iv) of such Act), or a rural telephone cooperative association (as defined in section 3(40)(B)(v) of such Act).

"SEC. 4377. DEFINITIONS AND SPECIAL RULES.

"(a) DEFINITIONS.—For purposes of this subchapter—

"(1) ACCIDENT AND HEALTH COVERAGE.—The term 'accident and health coverage' means any coverage which, if provided by an insurance policy, would cause such policy to be a specified health insurance policy (as defined in section 4375(c)).

"(2) INSURANCE POLICY.—The term 'insurance policy' means any policy or other instrument whereby a contract of insurance is issued, renewed, or extended.

"(3) UNITED STATES.—The term 'United States' includes any possession of the United States. .

"(b) TREATMENT OF GOVERNMENTAL ENTITIES.—

"(1) IN GENERAL.—For purposes of this subchapter—

"(A) the term 'person' includes any governmental entity, and

"(B) notwithstanding any other law or rule of law, governmental entities shall not be exempt from the fees imposed by this subchapter except as provided in paragraph (2).

"(2) TREATMENT OF EXEMPT GOVERNMENTAL PROGRAMS.—In the case of an exempt governmental program, no fee shall be imposed under section 4375 or section 4376 on any covered life under such program.

"(3) EXEMPT GOVERNMENTAL PROGRAM DEFINED.—For purposes of this subchapter, the term 'exempt governmental program' means—

"(A) any insurance program established under title XVIII of the Social Security Act,

"(B) the medical assistance program established by title XIX or XXI of the Social Security Act,

"(C) any program established by Federal law for providing medical care (other than through insurance policies) to individuals (or the spouses and dependents thereof) by reason of such individuals being—

"(i) members of the Armed Forces of the United States, or

"(ii) veterans, and

"(D) any program established by Federal law for providing medical care (other than through insurance policies) to members of Indian tribes (as defined in section 4(d) of the Indian Health Care Improvement Act).

"(c) TREATMENT AS TAX.—For purposes of subtitle F, the fees imposed by this subchapter shall be treated as if they were taxes.

"(d) NO COVER OVER TO POSSESSIONS.—Notwithstanding any other provision of law, no amount collected under this subchapter shall be covered over to any possession of the United States."

(B) CLERICAL AMENDMENTS.—

(i) Chapter 34 of such Code is amended by striking the chapter heading and inserting the following:

"CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES

"SUBCHAPTER A. POLICIES ISSUED BY FOREIGN INSURERS

"SUBCHAPTER B. INSURED AND SELF-INSURED HEALTH PLANS

"Subchapter A—Policies Issued By Foreign Insurers".

(ii) The table of chapters for subtitle D of such Code is amended by striking the item relating to chapter 34 and inserting the following new item:

"CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES".

(C) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to policies and plans for portions of policy or plan years beginning on or after October 1, 2010.

SEC. 905. IMPLEMENTATION OF HEALTH INFORMATION TECHNOLOGY (IT) UNDER MEDICARE.

(a) IN GENERAL.—Not later than January 1, 2010, the Secretary of Health and Human Services shall submit to Congress a report that includes—

(1) a plan to develop and implement a health information technology (health IT) system for all health care providers under the Medicare program that meets the specifications described in subsection (b); and

(2) an analysis of the impact, feasibility, and costs associated with the use of health information technology in medically underserved communities.

(b) PLAN SPECIFICATION.—The specifications described in this subsection, with respect to a health information technology system described in subsection (a), are the following:

(1) The system protects the privacy and security of individually identifiable health information.

(2) The system maintains and provides permitted access to health information in an electronic format (such as through computerized patient records or a clinical data repository).

(3) The system utilizes interface software that allows for interoperability.

(4) The system includes clinical decision support.

(5) The system incorporates e-prescribing and computerized physician order entry.

(6) The system incorporates patient tracking and reminders.

(7) The system utilizes technology that is open source (if available) or technology that has been developed by the government.

The report shall include an analysis of the financial and administrative resources necessary to develop such system and recommendations regarding the level of subsidies needed for all such health care providers to adopt the system.

SEC. 906. DEVELOPMENT, REPORTING, AND USE OF HEALTH CARE MEASURES.

(a) IN GENERAL.—Part E of title XVIII of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by inserting after section 1889 the following:

"DEVELOPMENT, REPORTING, AND USE OF HEALTH CARE MEASURES

"SEC. 1890. (a) FOSTERING DEVELOPMENT OF HEALTH CARE MEASURES.—The Secretary shall designate, and have in effect an arrangement with, a single organization (such as the National Quality Forum) that meets the requirements described in subsection (c), under which such organization provides the Secretary with advice on, and recommendations with respect to, the key elements and priorities of a national system for establishing health care measures. The arrangement shall be effective beginning no sooner than January 1, 2008, and no later than September 30, 2008.

"(b) DUTIES.—The duties of the organization designated under subsection (a) (in this title referred to as the 'designated organization') shall, in accordance with subsection (d), include—

"(1) establishing and managing an integrated national strategy and process for setting priorities and goals in establishing health care measures;

"(2) coordinating the development and specifications of such measures;

"(3) establishing standards for the development and testing of such measures;

"(4) endorsing national consensus health care measures; and

"(5) advancing the use of electronic health records for automating the collection, aggregation, and transmission of measurement information.

"(c) REQUIREMENTS DESCRIBED.—For purposes of subsection (a), the requirements described in this subsection, with respect to an organization, are the following:

"(1) PRIVATE NONPROFIT.—The organization is a private nonprofit entity governed by a board and an individual designated as president and chief executive officer.

"(2) BOARD MEMBERSHIP.—The members of the board of the organization include representatives of—

"(A) health care providers or groups representing such providers;

"(B) health plans or groups representing health plans;

"(C) groups representing health care consumers;

"(D) health care purchasers and employers or groups representing such purchasers or employers; and

"(E) health care practitioners or groups representing practitioners.

"(3) OTHER MEMBERSHIP REQUIREMENTS.—The membership of the organization is representative of individuals with experience with—

"(A) urban health care issues;

"(B) safety net health care issues;

"(C) rural and frontier health care issues; and

"(D) health care quality and safety issues.

"(4) OPEN AND TRANSPARENT.—With respect to matters related to the arrangement described in subsection (a), the organization conducts its business in an open and transparent manner and provides the opportunity for public comment.

"(5) VOLUNTARY CONSENSUS STANDARDS SETTING ORGANIZATION.—The organization operates as a voluntary consensus standards setting organization as defined for purposes of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113) and Office of Management and Budget Revised Circular A–119 (published in the Federal Register on February 10, 1998).

"(6) EXPERIENCE.—The organization has at least 7 years experience in establishing national consensus standards.

"(d) REQUIREMENTS FOR HEALTH CARE MEASURES.—In carrying out its duties under subsection (b), the designated organization shall ensure the following:

"(1) MEASURES.—The designated organization shall ensure that the measures established or endorsed under subsection (b) are evidence-based, reliable, and valid; and include—

"(A) measures of clinical processes and outcomes, patient experience, efficiency, and equity;

"(B) measures to assess effectiveness, timeliness, patient self-management, patient centeredness, and safety; and

"(C) measures of under use and over use.

"(2) PRIORITIES.—

"(A) IN GENERAL.—The designated organization shall ensure that priority is given to establishing and endorsing—

"(i) measures with the greatest potential impact for improving the effectiveness and efficiency of health care;

"(ii) measures that may be rapidly implemented by group health plans, health insurance issuers, physicians, hospitals, nursing homes, long-term care providers, and other providers;

"(iii) measures which may inform health care decisions made by consumers and patients; and

"(iv) measures that apply to multiple services furnished by different providers during an episode of care.

"(B) ANNUAL REPORT ON PRIORITIES; SECRETARIAL PUBLICATION AND COMMENT.—

"(i) ANNUAL REPORT.—The designated organization shall issue and submit to the Secretary a report by March 31 of each year (beginning with 2009) on the organization's recommendations for priorities and goals in establishing and endorsing health care measures under this section over the next five years.

"(ii) SECRETARIAL REVIEW AND COMMENT.—After receipt of the report under clause (i) for a year, the Secretary shall publish the report in the Federal Register, including any comments of the Secretary on the priorities and goals set forth in the report.

"(3) RISK ADJUSTMENT.—The designated organization, in consultation with health care measure developers and other stakeholders, shall establish procedures to assure that health care measures established and endorsed under this section account for differences in patient health status, patient characteristics, and geographic location, as appropriate.

"(4) MAINTENANCE.—The designated organization, in consultation with owners and developers of health care measures, shall require the owners or developers of such measures to update and enhance such measures, including the development of more accurate and precise specifications, and retire existing outdated measures. Such updating shall occur not more often than once during each 12-month period, except in the case of emergent circumstances requiring a more immediate update to a measure.

"(e) USE OF HEALTH CARE MEASURES; REPORTING.—

"(1) USE OF MEASURES.—For purposes of activities authorized or required under this title, the Secretary shall select from health care measures—

"(A) recommended by multi-stakeholder groups; and

"(B) endorsed by the designated organization under subsection (b)(4).

"(2) REPORTING.—The Secretary shall implement procedures, consistent with generally accepted standards, to enable the Department of Health and Human Services to accept the electronic submission of data for purposes of—

"(A) effectiveness measurement using the health care measures developed pursuant to this section; and

"(B) reporting to the Secretary measures used to make value-based payments under this title.

"(f) CONTRACTS.—The Secretary, acting through the Agency for Healthcare Research and Quality, may contract with organizations to support the development and testing of health care measures meeting the standards established by the designated organization.

"(g) DISSEMINATION OF INFORMATION.—In order to make information on health care measures available to health care consumers, health professionals, public health officials, oversight organizations, researchers, and other appropriate individuals and entities, the Secretary shall work with multi-stakeholder groups to provide for the dissemination of information developed pursuant to this title.

"(h) FUNDING.—For purposes of carrying out subsections (a), (b), (c), and (d), including for expenses incurred for the arrangement under subsection (a) with the designated organization, there is payable from the Federal Hospital Insurance Trust Fund (established under section 1817) and the Federal Supplementary Medical Insurance Trust Fund (established under section 1841)—

"(1) for fiscal year 2008, $15,000,000, multiplied by the ratio of the total number of months in the year to the number of months (and portions of months) of such year during which the arrangement under subsection (a) is effective; and

"(2) for each of the fiscal years, 2009 through 2012, $15,000,000.".

SEC. 907. IMPROVEMENTS TO THE MEDIGAP PROGRAM.

(a) IMPLEMENTATION OF NAIC RECOMMENDATIONS.—The Secretary of Health and Human Services shall provide, under subsections *(p)(1)(E) of section 1882 of the Social Security Act (42 U.S.C. 1395s), for implementation of the changes in the NAIC model law and regulations recommended by the National Association of Insurance Commissioners in its Model #651 ("Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act") on March 11, 2007, as modified to reflect the changes made under this Act. In carrying out the previous sentence, the benefit packages classified as "K" and "L" shall be eliminated and such NAIC recommendations shall be treated as having been adopted by such Association as of January 1, 2008.*

(b) REQUIRED OFFERING OF A RANGE OF POLICIES.—

(1) IN GENERAL.—Subsection (o) of such section is amended by adding at the end the following new paragraph:

"(4) In addition to the requirement of paragraph (2), the issuer of the policy must make available to the individual at least medicare supplemental policies with benefit packages classified as 'C' or 'F'.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to medicare supplemental policies issued on or after January 1, 2008.

(c) REMOVAL OF NEW BENEFIT PACKAGES.—Such section is further amended—

(1) in subsection (o)(1), by striking "(p), (v), and (w)" and inserting "(p) and (v)";

(2) in subsection (v)(3)(A)(i), by striking "or a benefit package described in subparagraph (A) or (B) of subsection (w)(2)"; and

(3) in subsection (w)—

(A) by striking "POLICIES" and all that follows through "The Secretary" and inserting "POLICIES.—The Secretary";

(B) by striking the second sentence; and

(C) by striking paragraph (2) .

SEC. 908. IMPLEMENTATION FUNDING.

For purposes of implementing the provisions of this Act (other than title X), the Secretary of Health and Human Services shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395t), of $40,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2008.

SEC. 909. ACCESS TO DATA ON PRESCRIPTION DRUG PLANS AND MEDICARE ADVANTAGE PLANS.

(a) IN GENERAL.—Section 1875 of the Social Security Act (42 U.S.C. 1395ll) is amended—

(1) in the heading, by inserting "TO CONGRESS; PROVIDING INFORMATION TO CONGRESSIONAL SUPPORT AGENCIES" after "AND RECOMMENDATIONS"; and

(2) by adding at the end the following new subsection:

"(c) PROVIDING INFORMATION TO CONGRESSIONAL SUPPORT AGENCIES.—

"(1) IN GENERAL.—Notwithstanding any provision under part D that limits the use of prescription drug data collected under such part, upon the request of a Congressional support agency, the Secretary shall provide such agency with information submitted to, or compiled by, the Secretary under part D (subject to the restriction on disclosure under paragraph (2)), including—

"(A) only with respect to Congressional support agencies that make official baseline spending projections, conduct oversight studies mandated by Congress, or make official recommendations on the program under this title to Congress—

"(i) aggregate negotiated prices for drugs covered under prescription drug plans and MA-PD plans;

"(ii) negotiated rebates, discounts, and other price concessions by drug and by contract or plan (as reported under section 1860D-2(d)(2));

"(iii) bid information (described in section 1860D-11(b)(2)(C)) submitted by such plans;

"(iv) data or a representative sample of data regarding drug claims and other data submitted under section 1860D-15(c)(1)(C) (as determined necessary and appropriate by the Congressional support agency to carry out the legislatively mandated duties of the agency);

"(v) the amount of reinsurance payments paid under section 1860D-15(a)(2), provided at the plan level; and

"(vi) the amount of any adjustments of payments made under subparagraph (B) or (C) of section 1860D-15(e)(2), provided at the plan level aggregate negotiated prices for drugs covered under prescription drug plans and MA-PD plans; and

"(B) access to drug event data submitted by such plans under section 1860D-15(d)(2)(A), except, with respect to data that reveals prices negotiated with drug manufacturers, such data shall only be available to Congressional support agencies that make official baseline spending projections, conduct oversight studies mandated by Congress, or make official recommendations on the program under this title to Congress.

"(2) RESTRICTION ON DATA DISCLOSURE.—

"(A) IN GENERAL.—Data provided to a Congressional support agency under this subsection shall not be disclosed, reported, or released in identifiable form.

"(B) IDENTIFIABLE FORM.—For purposes of subparagraph (A), the term 'identifiable form' means any representation of information that permits identification of a specific prescription drug plan, MA-PD plan, pharmacy benefit manager, drug manufacturer, drug wholesaler, or individual enrolled in a prescription drug plan or an MA-PD plan under part D.

"(3) TIMING.—The Secretary shall release data under this subsection in a timeframe that enables Congressional support agencies to complete congressional requests.

"(4) USE OF THE DATA PROVIDED.—Data provided to a Congressional support agency under this subsection shall only be used by such agency for carrying out the functions and activities of the agency mandated by Congress.

"(5) CONFIDENTIALITY.—The Secretary shall establish safeguards to protect the confidentiality of data released under this subsection. Such safeguards shall not provide for greater disclosure than is permitted under any of the following:

"(A) The Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

"(B) Sections 552 or 552a of title 5, United States Code, with regard to the privacy of individually identifiable beneficiary health information.

"(6) DEFINITIONS.—In this subsection:

"(A) CONGRESSIONAL SUPPORT AGENCY.—The term 'Congressional support agency' means—

"(i) the Medicare Payment Advisory Commission;

"(ii) the Government Accountability Office; and

"(iii) the Congressional Budget Office.

"(B) MA-PD PLAN.—The term 'MA-PD plan' has the meaning given such term in section 1860D-1(a)(3)(C).

"(C) PRESCRIPTION DRUG PLAN.—The term 'prescription drug plan' has the meaning given such term in section 1860D-41(a)(14).".

(b) CONFORMING AMENDMENT.—Section 1805(b)(2) of the Social Security Act (42 U.S.C. 1395b-6(b)(2)) is amended by adding at the end the following new subparagraph:

"(D) PART D.—Specifically, the Commission shall review payment policies with respect to the Voluntary Prescription Drug Benefit Program under part D, including—

"(i) the factors affecting expenditures;

"(ii) payment methodologies; and

"(iii) their relationship to access and quality of care for Medicare beneficiaries.".

SEC. 910. ABSTINENCE EDUCATION.

Section 510 of the Social Security Act (42 U.S.C. 710) is amended to read as follows:

"SEC. 510. SEPARATE PROGRAM FOR ABSTINENCE EDUCATION.

"(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary shall, for fiscal year 2008 and fiscal year 2009, allot to each State which has transmitted an application for the fiscal year under section 505(a) an amount equal to the product of—

"(1) the amount appropriated in subsection (d) for the fiscal year; and

"(2) the percentage determined for the State under section 502(c)(1)(B)(ii).

"(b) PURPOSE OF ALLOTMENT.—

"(1) PURPOSE.—The purpose of an allotment under subsection (a) to a State is to enable the State to provide abstinence education, and where appropriate, mentoring, counseling, and adult supervision to promote abstinence from sexual activity, with a focus on those groups which are most likely to bear children out-of-wedlock.

"(2) DEFINITION; STATE OPTION.—For purposes of this section, the term 'abstinence education' has, at the option of each State receiving an allotment under subsection (a), the meaning given such term in subparagraph (A), or the meaning given such term in subparagraph (B), as follows:

"(A) Such term means a medically and scientifically accurate educational or motivational program which—

"(i) has as its exclusive purpose, teaching the social, psychological, and health gains to be realized by abstaining from sexual activity;

"(ii) teaches abstinence from sexual activity outside marriage as the expected standard for all school age children;

"(iii) teaches that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems;

"(iv) teaches that a mutually faithful monogamous relationship in context of marriage is the expected standard of human sexual activity;

"(v) teaches that sexual activity outside of the context of marriage is likely to have harmful psychological and physical effects;

"(vi) teaches that bearing children out-of-wedlock is likely to have harmful consequences for the child, the child's parents, and society;

"(vii) teaches young people how to reject sexual advances and how alcohol and drug use increases vulnerability to sexual advances; and

"(viii) teaches the importance of attaining self-sufficiency before engaging in sexual activity.

"(B) Such term means a medically and scientifically accurate educational or motivational program which promotes abstinence and educates those who are currently sexually active or at risk of sexual activity about additional methods to prevent unintended pregnancy or reduce other health risks.

"(3) CERTAIN REQUIREMENTS.—

"(A) LIMITATION REGARDING INACCURATE INFORMATION.—None of the funds made available under this section may be used to provide abstinence education that includes information that is medically and scientifically inaccurate. For purposes of this section, the term 'medically and scientifically inaccurate' means information that is unsupported or contradicted by a preponderance of peer-reviewed research by leading medical, psychological, psychiatric, and public health publications, organizations and agencies.

"(B) EFFECTIVENESS REGARDING CERTAIN MATTERS.—None of the funds made available under

this section may be used for a program unless the program is based on a model that has been demonstrated to be effective in preventing unintended pregnancy, or in reducing the transmission of a sexually transmitted disease, including the human immunodeficiency virus. The preceding sentence does not apply to any program that was approved and funded under this section on or before September 30, 2007.

"(c) APPLICABILITY OF CERTAIN SECTIONS.—

"(1) REQUIREMENTS.—Sections 503, 507, and 508 apply to allotments under subsection (a) to the same extent and in the same manner as such sections apply to allotments under section 502(c).

"(2) DISCRETION OF SECRETARY.—Sections 505 and 506 apply to allotments under subsection (a) to the extent determined by the Secretary to be appropriate.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of allotments under subsection (a), there is authorized to be appropriated $50,000,000 for each of fiscal years 2008 and 2009.".

TITLE X—REVENUES

SEC. 1001. INCREASE IN RATE OF EXCISE TAXES ON TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES.

(a) SMALL CIGARETTES.—Paragraph (1) of section 5701(b) of the Internal Revenue Code of 1986 is amended by striking "$19.50 per thousand ($17 per thousand on cigarettes removed during 2000 or 2001)" and inserting "$42 per thousand".

(b) LARGE CIGARETTES.—Paragraph (2) of section 5701(b) of such Code is amended by striking "$40.95 per thousand ($35.70 per thousand on cigarettes removed during 2000 or 2001)" and inserting "$88.20 per thousand".

(c) SMALL CIGARS.—Paragraph (1) of section 5701(a) of such Code is amended by striking "$1.828 cents per thousand ($1.594 cents per thousand on cigars removed during 2000 or 2001)" and inserting "$42 per thousand".

(d) LARGE CIGARS.—Paragraph (2) of section 5701(a) of such Code is amended—

(1) by striking "20.719 percent (18.063 percent on cigars removed during 2000 or 2001)" and inserting 40 percent (33 percent on cigars removed after December 31, 2007, and before October 1, 2013).

(2) by striking "$48.75 per thousand ($42.50 per thousand on cigars removed during 2000 or 2001)" and inserting "$1 per cigar".

(e) CIGARETTE PAPERS.—Subsection (c) of section 5701 of such Code is amended by striking "1.22 cents (1.06 cents on cigarette papers removed during 2000 or 2001)" and inserting "2.63 cents".

(f) CIGARETTE TUBES.—Subsection (d) of section 5701 of such Code is amended by striking "2.44 cents (2.13 cents on cigarette tubes removed during 2000 or 2001)" and inserting "5.26 cents".

(g) SNUFF.—Paragraph (1) of section 5701(e) of such Code is amended by striking "58.5 cents (51 cents on snuff removed during 2000 or 2001)" and inserting "$1.26".

(h) CHEWING TOBACCO.—Paragraph (2) of section 5701(e) of such Code is amended by striking "19.5 cents (17 cents on chewing tobacco removed during 2000 or 2001)" and inserting "42 cents".

(i) PIPE TOBACCO.—Subsection (f) of section 5701 of such Code is amended by striking "$1.0969 cents (95.67 cents on pipe tobacco removed during 2000 or 2001)" and inserting "$2.36".

(j) ROLL-YOUR-OWN TOBACCO.—

(1) IN GENERAL.—Subsection (g) of section 5701 of such Code is amended by striking "$1.0969 cents (95.67 cents on roll-your-own tobacco removed during 2000 or 2001)" and inserting "$7.4667".

(2) INCLUSION OF CIGAR TOBACCO.—Subsection (o) of section 5702 of such Code is amended by inserting "or cigars, or for use as wrappers for making cigars" before the period at the end.

(k) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed after December 31, 2007.

(l) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On cigarettes manufactured in or imported into the United States which are removed before January 1, 2008, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) AUTHORITY TO EXEMPT CIGARETTES HELD IN VENDING MACHINES.—To the extent provided in regulations prescribed by the Secretary, no tax shall be imposed by paragraph (1) on cigarettes held for retail sale on January 1, 2008, by any person in any vending machine. If the Secretary provides such a benefit with respect to any person, the Secretary may reduce the $500 amount in paragraph (3) with respect to such person.

(3) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) for which such person is liable.

(4) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding cigarettes on January 1, 2008, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before April 14, 2008.

(5) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (48 Stat. 998, 19 U.S.C. 81a) and any other provision of law, any article which is located in a foreign trade zone on January 1, 2008, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of a customs officer pursuant to the 2d proviso of such section 3(a).

(6) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Terms used in this subsection which are also used in section 5702 of the Internal Revenue Code of 1986 shall have the respective meanings such terms have in such section.

(B) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(7) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(8) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

SEC. 1002. EXEMPTION FOR EMERGENCY MEDICAL SERVICES TRANSPORTATION.

(a) IN GENERAL.—Subsection (l) of section 4041 of the Internal Revenue Code of 1986 is amended to read as follows:

"(l) EXEMPTION FOR CERTAIN USES.—

"(1) CERTAIN AIRCRAFT.—No tax shall be imposed under this section on any liquid sold for use in, or used in, a helicopter or a fixed-wing aircraft for purposes of providing transportation with respect to which the requirements of subsection (f) or (g) of section 4261 are met.

"(2) EMERGENCY MEDICAL SERVICES.—No tax shall be imposed under this section on any liquid sold for use in, or used in, any ambulance for purposes of providing transportation for emergency medical services. The preceding sentence shall not apply to any liquid used after December 31, 2012.".

(b) FUELS NOT USED FOR TAXABLE PURPOSES.—Section 6427 of such Code is amended by inserting after subsection (e) the following new subsection:

"(f) USE TO PROVIDE EMERGENCY MEDICAL SERVICES.—Except as provided in subsection (k), if any fuel on which tax was imposed by section 4081 or 4041 is used in an ambulance for a purpose described in section 4041(l)(2), the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the aggregate amount of the tax imposed on such fuel. The preceding sentence shall not apply to any liquid used after December 31, 2012.".

(c) TIME FOR FILING CLAIMS; PERIOD COVERED.—Paragraphs (1) and (2)(A) of section 6427(i) of such Code are each amended by inserting "(f)," after "(d),".

(d) CONFORMING AMENDMENT.—Section 6427(d) of such Code is amended by striking "4041(l)" and inserting "4041(l)(1)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel used in transportation provided in quarters beginning after the date of the enactment of this Act.

The SPEAKER pro tempore. Debate shall not exceed 2 hours, with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

The gentleman from New York (Mr. RANGEL), the gentleman from Louisiana (Mr. MCCRERY), the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I rise in support of this great piece of legislation that this august body has the privilege of supporting.

There may be some concerns in the House, some with merit, about procedure, but we on the Ways and Means Committee are so proud of the work that has been done by the subcommittee, led by Mr. STARK, working with Mr. CAMP, that we had 15 hearings on what was involved in this bill and a half a dozen sessions where we just talked with the professionals to make certain that not only did we support the great work that had been done by the Dean of our House in terms of education, in terms of Energy and Commerce and the SCHIP bill, but so at the same time we could preserve the benefits that are provided to our senior citizens through medical programs.

Mr. STARK did one great job at making certain that we worked with the administration, tried to find out where the abuses were and, where we could, we were able to raise $15 billion so that the poorest of our seniors would have the ability to receive health care enhanced.

☐ 1415

Of course, those who live in rural areas and who for years have not be able to receive the type of access to health care, we found $5 billion to do it.

I am not thoroughly convinced as to what PAYGO is going to mean in the future, but it is the rules of our party. It seems now that it makes some sense. But when you say that you have to enlarge this program so that an additional 6 million people, kids, that are already on the program, adding 5 million people to it, nobody, Republican or Democrat, liberal or conservative, does not believe that these children should be entitled to health care.

It is not just the right and moral thing to do. But in terms of being fiscally responsible, everyone would tell you that having a kid in the family exposed to preventive care actually costs less money than just ignoring the care of our children. I could go even further in saying that, even kids that go to school, if they are not well, they can't learn. And God knows we have millions of people in the street that had health impediments, that they thought they were educational impediments, and they are out there. I personally believe that a stronger country is a healthier country and a well-educated country.

Now, it is true when you have these PAYGO rules and you don't want to raise taxes that you have to find the money. And so it is a great deal of empathy that I have for our poor cigarette smokers, because I used to be one; and, two, I just don't like the idea of regressive taxes where the poor are penalized. But I am learning to live with it in such a sense that these cigarette smokers, these addicts, they hate themselves for smoking. And I have stretched it to the point that when I talk with them and tell them what we are about to do, after they finish coughing and spitting, they said, "I have got to stop this smoking." Then, when you look at the little kids, this is the one thing that an increase in prices sharply reduces, it is kids going to smoke.

So, I am trying to get myself to think that maybe I am doing it for the tobacco companies, because they advertise they don't want kids to smoke, and we are going to help them by increasing the price of cigarettes, which one thing is abundantly clear, it will stop a lot of children from smoking.

Mr. Speaker, I am going to yield the rest of my time to the gentleman from California, PETE STARK, who has done such a fantastic job in finding out where the problems were and bringing to this floor not only a great child insurance bill, but also improving Medicare, increasing the benefits of our seniors who are poor and help into rural areas.

While we may have a lot of procedural differences, and I understand that, I just hope that whether you are Republican or Democrat that you feel comfortable being able to say that there may be some pain for cigarette smokers who really are costing us a lot of money with these lung transplants and whatnot. But that is painful enough.

So you may have some problem with your smokers. But just think about 11 million children and their families that love them so much and a country that wants them healthy, and I am certain that at the end of the day that the kids are going to win, we will have a better health care delivery system, and you will feel very, very comfortable in talking about the procedural differences that you differed with. But, in your heart, you would know that every major advocate for children and health and hospitals and doctors have signed up saying, "do the right thing." I personally believe that that is what you are going to do today.

Mr. Speaker, I yield the balance of my time to the gentleman from California, PETE STARK, the chairman of the Subcommittee on Health, and I thank him publicly, and the staff, for the fantastic job that they have done in having hearings and letting all Members have a better understanding of the problem, but, better than that, in being able to bring a solution to this floor today.

The SPEAKER pro tempore. Without objection, the gentleman from California will manage the remainder of the time for the Ways and Means Committee majority.

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that there be one 1 hour of additional debate, equally divided between the majority and the minority, and within each of those subsegments, equally divided between the Ways and Means Committee and the Energy and Commerce Committee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. STARK. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The time will remain the same.

Mr. DINGELL. Mr. Speaker, I hope that my good friend from California will not object.

Mr. BARTON of Texas. Mr. Speaker, I would repeat that unanimous consent request.

Mr. DINGELL. Mr. Speaker, I would hope my good friend would not object.

Mr. STARK. Mr. Speaker, I reserve the right to object. I may discuss it at a later point, but at this time, I must object.

The SPEAKER pro tempore. The gentleman from California reserves the right to object.

Mr. BARTON of Texas. Mr. Speaker, does that mean we discuss the reservation now?

Mr. DINGELL. Mr. Speaker, reserving the right to object.

Mr. STARK. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from California has reserved the right to object.

Mr. STARK. Mr. Speaker, I object.

The SPEAKER pro tempore. Now he objects. The gentleman from California objects.

Does the gentleman from California rise to object?

Mr. STARK. Yes, Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. RANGEL. Mr. Speaker, may I be recognized to respond?

The SPEAKER pro tempore. For what purpose does the gentleman from New York rise?

Mr. RANGEL. Mr. Speaker, it appears as though the decision for extra time should be one that our leadership should have decided on. It just seems to me that since our leader has not been conferred with, that if you just reserve the opportunity, that in a very short while we will be able to discuss this.

Mr. BARTON of Texas. Mr. Speaker, if the gentleman will yield, we have, just from the Energy and Commerce Committee on the minority side, a request for 25 speakers, plus several of our leadership. So if this unanimous consent request were to be agreed to, it would give each committee on both sides of the aisle an additional 15 minutes. I am sure there are many Members on the majority side, as on the minority, that wish to speak. I will offer it later on if you want to check on it.

Mr. RANGEL. Well, Mr. Speaker, the minority somehow manages to find time to speak on this and many other subjects. But I am saying that under normal conditions, you would think that your leadership would have discussed this issue with ours so that at some times the Members would know exactly what to expect.

Now, I don't see any reason why this should not be agreed upon, but I just don't think Members can come to the floor by unanimous consent and ask for an hour or 2 hours or 3 hours. We don't even know whether or not the minority intends to follow any other procedures that could kind of take away floor time in terms of debates and exchanges. Just based on some of the things that I've seen from your committee, it appears to me that we have to find out what you want to do with that hour.

Mr. BARTON of Texas. Mr. Speaker, if the gentleman will yield, the gentleman has every right to be suspicious of the ranking member of the Energy and Commerce Committee. I am a devious fellow and I reserve all my options. But on this one, we were shooting straight and dealing off the top of the deck.

The SPEAKER pro tempore. The gentleman from California has objected. Does the gentleman stand to object, or does he withdraw his objection?

Mr. STARK. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. DINGELL. Mr. Speaker, I am going to make the same unanimous consent request, and then I will withdraw it. But first I want to make an observation here for the benefit of all of my colleagues and friends.

This is a very important piece of legislation. I am not going to defend the behavior of any Member here, and I am not going to criticize the behavior of any Member, but I am going to make an observation that I think is important.

This is a very important piece of legislation. Twelve million of our kids are going to have their health insurance increased or not depending on how we conduct ourselves today. I want to have a broad exposition. If you look at the time that we have to give to Members who wish to be heard on this, we are talking about a minute or 30 seconds, hardly enough time for any Member to adequately make a position on something which is important to him and to the kids.

I think that we have a chance to do a great deal of good for our young people. I don't think that it is excessive to say we are going to give enough time so that this matter can be properly discussed, nor do I think there is any benefit in denying our Members the time to do this and denying the Members a chance to be heard.

Now, I am going to withdraw this.

The SPEAKER pro tempore. The gentleman withdraws his request. Members may engage in debate by using their time.

Mr. DINGELL. Mr. Speaker, I have asked unanimous consent and I reserved the right to object.

The SPEAKER pro tempore. The gentleman cannot reserve the right to object on his own request. The gentleman reiterates a unanimous consent request.

Is there objection?

Mr. WAXMAN. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from California.

Mr. WAXMAN. Mr. Speaker and my colleagues, for goodwill, I would see it a wise course of action to give additional time, since the minority requests it, but I wouldn't be prepared to give them that time now.

The reason we are starting so late today on this bill is because we have been interrupted with procedural votes to delay us from debating this issue. In our own committee, the Energy and Commerce Committee, the gentleman from Texas said he had a lot of people from our committee who wanted to speak on the issue. They wouldn't let us debate any single issue of merit. They made us read the bill, to frustrate the committee from meeting at all.

Let's renew this request for additional time later as a reward for good behavior, if we can see some good behavior. But right now, to this point, I haven't seen a lot of good behavior from the other side.

The SPEAKER pro tempore. Does the gentleman object or does he withdraw his reservation of the right to object?

Mr. WAXMAN. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. BARTON of Texas. Mr. Speaker, I proudly stand for the First Amendment rights of even the Members of the minority, and I also stand for honoring the rules and the procedures developed over 200 years in the most Democratic body the free world has ever known, the House of Representatives.

With that, I yield 1 minute to the distinguished minority leader from the great State of Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, let me thank my colleague for yielding.

Mr. Speaker and my colleagues, the State Children's Health Insurance Program was created 10 years ago by a Republican Congress, along with our Democrat colleagues and a Democrat President. It clearly was a very bipartisan process from the beginning, and as we reauthorize this important program that Republicans, Democrats, the White House, everyone supports, I am saddened that we are here today with a very partisan bill done in a very partisan way.

I thought in this reauthorization process, I know on our side, Mr. BARTON, Mr. MCCRERY, their respective committees, wanted to work with our Democrat colleagues to develop a bill that we could all vote for. But that process never even got started. While there may have been some hearings in the Ways and Means Committee on this bill, there were no hearings in the Energy and Commerce Committee. We were presented with a 488-page bill the night before the markup. Now we have brought this to the floor without a markup in committee, no amendments allowed to be offered by the minority and a limited time for debate. This saddens me and disappoints me. It did not have to be this way.

The result of this flawed process is a bill that expands government-run health care beyond anything that any one of us could have imagined over the last 10 years. I really do believe that Republicans and Democrats can work together to reauthorize this program in a way that will receive bipartisan support.

Last November, the American people sent us a message here in Congress, but I don't think that message was, "I want you to cut my Medicare and I want you to raise taxes. I did not want you to raise my taxes."

When you look at the bill that we have before us, we have $193 billion worth of cuts to Medicare, a program to provide health insurance for our seniors. We are going to cut this $193 billion over 10 years, and we are going to raise tobacco taxes, which affects the poorest of America's citizens, and lay more of this tax burden on their backs.

□ 1430

In my district alone, some 14,267 seniors are going to have their Medicare costs increased, and about 73 percent of that number are likely to lose their Medicare Advantage Program altogether.

That is not what the voters sent us here to do; and, believe me, the seniors in my district who take advantage of this very valuable program don't want to lose their benefits which will result from the passage of this bill.

And so I say to my colleagues, we have a flawed bill on the floor today; and the flawed bill is the result of a flawed process. As I said last night to all of my colleagues, we represent nearly half of the American people. We have a right to be heard. We have a right to participate. And through the process over the last couple of weeks we have been denied the right to be involved in the process, denied the right today to be involved in trying to amend the bill to a point where we can have a bipartisan product to send to the other body. I am disappointed by that.

Later today, Republicans will offer a motion to recommit this bill, the only option that we have. And that motion to recommit will do this: It will reauthorize the SCHIP program for 1 year. There will be no Medicare cuts involved in this program, no benefits will go to illegal immigrants, and we will see to that in the motion to recommit.

Fourthly, it will have a sense of the Congress that this bill should go back to the committee and, over the course of the next year, have the Republicans and Democrats on the respective committees work together to produce a bipartisan product that the President can sign into law. I think that is a responsible course of action, given what we have dealt with here over the last couple of weeks.

I would ask my colleagues to reject the underlying bill and vote for the motion to recommit.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the Children's Health and Medicare Protection Act, the CHAMP Act, is a good piece of legislation. It expands and improves a most successful program, bipartisan in character, created in 1997. That program has cut the rate of uninsured children by a full third. Some States have been able to ensure as many as 60 percent of the children who previously had no health insurance.

This bill is about taking care of our kids. It is about taking care of the future of the country. Today, 6 million of our youngsters get their health care through the program. With this legislation, an additional 5 million previously uninsured children will be able to see doctors, receive immunizations, and get dental and mental health coverage.

The bill requires that children receive priority in coverage. It allows States to cover pregnant women, recognizing that healthy moms make for healthy babies. I am certain my Republican colleagues on Energy and Commerce understood this point, because our clerk read this bill to them. As I am sure all of us there will recall, all some 486 pages were to be read.

The CHAMP Act does not allow one thin dime to be spent on illegal aliens. You will find this prohibition in section 135 of the bill. Nor does it create a government-run health insurance system. Coverage under CHIP and Medicaid are provided primarily through private health insurance. All but two States use some form of managed care for their programs. Nothing here will change that, and the newly covered children will be exactly the same kind of child in the same situation that every one of the children now covered happens to be.

The CHAMP Act also covers and secures Medicare for the future. This past Monday marked the 42nd anniversary of President Johnson signing that wonderful piece of legislation into law. I was there.

The CHAMP Act shores up the Medicare trust fund, improves benefits for seniors, protects their ability to choose their own doctors, and these reforms effectively provide low-income seniors on Medicare with an additional $1,200 in benefits.

The CHAMP Act is an act of fiscal responsibility. Seniors in traditional Medicare will pay approximately three-quarters of a billion dollars in excess premiums to cover the overpayments now being made to HMOs, a great injustice. The things that my Republican colleagues are complaining about are that we stop that evil practice. The CHAMP Act also adds 3 years to the life of the trust fund by stopping these overpayments which are accelerating the insolvency of the Medicare trust fund.

I know that President Bush has pledged to veto counterpart legislation in the Senate that is much more modest in its ambitions.

I include the rest of my speech for the RECORD and urge my Republican colleagues to read it. It is an excellent speech.

The legislation before us accomplishes two critical goals. It will provide health care to as many as 12 million children. And it will allow our elderly to continue seeing their own doctors.

The CHAMP Act—the Children's Health and Medicare Protection Act—improves a most successful program created with bipartisan support in 1997. That program has cut the rate of low-income uninsured children by one-third. Some States have been able to insure as many as 60 percent of their children who previously had no health insurance.

Today, six million children get their health care through this program. With this legislation, five million previously uninsured children will be able to see doctors, receive immunizations, get dental care, and other coverage.

This legislation requires that children receive priority in coverage. It allows States to cover pregnant women, recognizing that healthy moms make for healthy babies.

While I am certain that my Republican colleagues on the Committee on Energy and Commerce understand this point—because our wonderful clerk read the bill to them—I will restate it for others listening:

The CHAMP Act does not allow one Federal dime to be spent on illegal aliens. You will find this prohibition in section 135 of the bill.

Nor does the bill create a "government run" health care system. Coverage under CHIP and Medicaid are provided primarily through private insurance—all but two States use some form of managed care for their programs. Nothing here would change that. And the newly covered children are exactly the same as those now covered.

The CHAMP Act also secures Medicare for the future. This past Monday marked the 42nd anniversary of President Johnson signing Medicare into law. The CHAMP Act shores up the Medicare trust fund, improves benefits for seniors, and protects their ability to choose their own doctors. These reforms will effectively provide low-income seniors on Medicare with an additional $1,200 in their pockets.

The CHAMP Act is an act of fiscal responsibility. This year, seniors in traditional Medicare will pay nearly three-quarters of a billion dollars in excess premiums to finance overpayments to HMOs. Those overpayments will accelerate the insolvency of the Medicare trust fund. The CHAMP Act adds three years to the life of the Trust Fund.

I am well aware that President Bush has pledged to veto counterpart legislation in the Senate that is much more modest in its ambitions, and I have received my own veto letter from the Secretary of the Department of Health and Human Services. They stand on one side of the debate.

Let's look at who stands on the other side: 12 million children. The American Medical Association. The American Academy of Pediatrics. The National Rural Health Association. The National Council on Aging. The AARP. The Federation of American Hospitals. The March of Dimes. The Children's Defense Fund. The NAACP. The National Governors Association, including the Governors of New York, Michigan, California, Illinois, and Maryland, and the Catholic Health Association—which notes that "the most important pro-life thing the Congress can do right now is ensure that the State Children's Health Insurance Program is reauthorized."

A vote against this bill is a vote to deprive six million children of healthcare. A vote against this bill is a vote to continue the plunder of the Medicare Trust Fund by bloated private interests. A vote against this bill is a vote to deny seniors in Medicare additional benefits.

I urge all of my colleagues to stand up for what's right for children, seniors, people with disabilities, and taxpayers: support the speedy passage of the CHAMP Act.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2 minutes.

To follow up on our distinguished minority leader, I want to say what the Republicans are for in this debate before we talk about some of the flaws in the pending bill.

We are for authorization of the SCHIP legislation. We are for covering low-income and near-low-income children so they have health care benefits.

We are for making sure that the States that are out of funding receive additional funds beginning October, 2007.

So we want to reauthorize the SCHIP program. We do believe that it should be maintained as a block grant program and not become an entitlement program. We believe it should be reauthorized for a specific period of time, not become an open-ended entitlement.

We believe that SCHIP payments should be restricted to citizens of the United States and legal residents who have been here at least 5 years. We do not believe SCHIP payments should be allowed for illegal aliens who have come into this country without the proper documentation. So we are for reauthorization of SCHIP. We are for covering our low-income and near-low-income children.

We disagree with our friends on the majority side on the number of individuals that we are talking about. We believe that children below 200 percent of poverty that do not have health insurance or health coverage today are in the neighborhood of 700,000, not 7 million.

But we do understand that if you raise the level to 400 percent, if you allow States to self-certify above that level so there really is no income test, we do understand if you do that, almost every child in America, 78 million children, could be eligible for some sort of SCHIP assistance under the majority Democratic plan. But if you restrict it to low-income and near-low-income children below 200 percent of poverty, we believe that the Republican substitute, which was not made in order by the Rules Committee at 2 a.m. this morning, solves that.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Much has been said by the distinguished chairman of the Energy and Commerce Committee, by the distinguished chairman of the Ways and Means Committee on how this bill helps Americans. Five million kids will receive medical coverage insurance that they don't now have. Seniors will receive preventative care with no copayments. They will receive mental health care at parity. Rural benefits will be extended to the rural communities that need assistance for access to their population. Low-income seniors will receive assistance in paying for their co-pays and their premiums.

This bill is fully funded over 10 years, something my Republican colleagues never did in the past. I want to remind my colleagues that there are many myths being floated around here today. It is important to note that 83 of my Republican friends in 1997 voted for an identical bill. The bill that they voted on has the exact same income eligibility that was passed in 1997. The minority leader, the ranking member of the Ways and Means Committee, the ranking member of the Health Subcommittee on the Ways and Means Committee, all voted for this and included a cigarette tax to pay for it.

And I might added that the reductions that they put in their Medicare bill were five times greater than the adjustments we made in the bill today. It included an increase in the Federal tobacco tax.

Now I don't know what has changed. Maybe they have learned to hate children in the interim, but nothing has changed in the eligibility. It is the same bill. If it was good for you, then it is better now. And it does a fair thing.

The public is sick of radical ranting. They want health care for kids and seniors, and the way to get that is to support the bill before us today.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the ranking member of the Health Subcommittee on the Energy and Commerce Committee, the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, this is a program that started 10 years ago with a $40 billion Federal authorization of expenditures. The current bill before us would spend $128.7 billion over the next 10 years. When added with the State money, that is over $255 billion in taxpayer money over the next 10 years. That is over a quarter of a trillion dollars. And what do you get for it?

CBO says you will cover 600,000 more eligible children. 600,000 children. You would be better off to give each one of them $80,000 in cash, and they would probably get better results.

In 1996, we had an immigration bill that provided that if you wanted to bring somebody and sponsor somebody to come into this country legally, you would have to say they would not go on the public rolls of Medicaid and other programs for 5 years. This bill removes that. CBO says that alone will cost $2.2 billion, and we let sponsors off the hook and we put them on the public payroll.

If we have a bill like the Senate was considering that would make 20 million illegals legal, that cost alone would be $140 billion a year. What it does, too, is it says, in the area of immigration, we are going to spend $400 billion paying for translators, not just to serve people but to enroll them in the program. That is $400 million.

Now they can say this does not open it up to illegal immigrants just by saying that. CBO says it will cost $2 billion because they think that is the cost that it is. What they are saying is just sign an affidavit that says you are legally in this country. I have speeders who would just like to sign an affidavit saying they have a driver's license. I have taxpayers who would like on April 15 to sign an affidavit saying they didn't have any taxable income; just take my word for it. And if you believe just signing an affidavit is a deterrent to people illegally in the country, then you also believe we can just put a sign at the Mexican border saying, if you don't have permission, just don't come in.

This is a ridiculous piece of legislation. It will undermine the purposes of the original bill.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I want to congratulate Mr. DINGELL and Mr. PALLONE on crafting a well-balanced bill and for all of the hard work you and your staff have spent on the CHAMP Act.

The State Children's Health Initiative Program was enacted with bipartisan support a decade ago to reduce the number of low-income, uninsured children by expanding eligibility levels and simplifying application procedures.

In 2006, SCHIP provided insurance to 6.7 million children. In Michigan, roughly 118,000 children are enrolled in SCHIP. Eighty-six percent of these SCHIP children are of working parents who are unable to afford private health insurance for their children.

SCHIP is vitally important to children living in our country's rural areas. Of the 50 counties with the highest rates of uninsured children, 44 are rural counties.

This legislation commits $50 billion to reauthorize and improve the SCHIP program to protect and continue coverage for 6 million children. In addition, this legislation ensures coverage for an additional 5 million children that are eligible but currently uninsured.

I am also very pleased to see the rural investments in the CHAMP Act which maintains Congress's commitment to rural America by extending a number of provisions that, if left to expire, would negatively affect rural beneficiaries' access to Medicare health services.

The CHAMP Act provides health care for children, expands preventive Medicare medicine for our seniors and helps make health care more affordable, available and accessible in rural America.

Mr. Speaker, I urge my colleagues to vote in favor of this legislation.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished former Speaker of the House and currently the ranking member of the Energy and Air Quality Subcommittee of the Energy and Commerce Committee, the gentleman from the great State of Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Speaker, I stand somewhat chagrined that we bring this bill to the floor of this great House, the floor that deliberates on the issues that take care of the needs of people, but this bill comes under a charade, a charade that we are going to help the poorest and most disadvantaged children.

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The SCHIP program that we put in place 10 years ago started to do that, and we can't expand that, but this bill covers people up to four times of poverty. That is a family of four earning $82,000 a year.

What it does is say if you go out into the private sector and you continue to buy health care for you and your family, you're going to pay a tax, and that tax will fund other people, not just children, but expand the amount of adults covered by SCHIP, which is supposed to be for children.

In the State of Illinois, my State, 60 percent of the people on SCHIP are adults, not children; 40 percent are covered by children. If we want to cover children, let's change it so we cover children. This bill doesn't do that. This bill expands what we do for adults, adults that should be able to be paying their own way in American society.

What this bill does is open the doors for all other types of people to be able to be involved in government-paid health care, and that's the bottom line. It's government-paid health care. It's Hillary care all over again.

And what we do is take, at the cost of seniors who get Medicare Advantage, who get choices of their own health care plans, we take it away. We wipe it out, and we give it to people who are illegal aliens and aliens. And don't kid yourself, it's going to happen.

So, if we want to take health care on the backs and take it away from seniors and give it to people who haven't made their way in this country, who haven't got their citizenship, then this bill does it. It's a bad bill for a bad time, and it's coming under the false pretences of trying to do something for children.

Vote "no."

Mr. Speaker, it's unfortunate that today we are considering legislation which was rushed through the House without proper consideration in the Energy and Commerce Committee. There were no legislative hearings held by the Subcommittee or full committee on a bill that could cost taxpayers over $300 billion. That is simply unacceptable and the American people have the right to know what this bill is really about.

This Congress has the opportunity to correct flaws in SCHIP and bring spending in the program under control. Rather than return the focus back to our most vulnerable children, the CHAMP Act would greatly expand coverage.

First, it changes law to now define a child as someone as old as 21. It also expands coverage to more adults, and families with incomes upwards of 400 percent of the poverty line. This equates to an annual salary of over $82,000.

We are sending the message to families across the country—drop your children from your private insurance—the American taxpayer will foot the bill.

Furthermore, at a time when Americans look to Congress to secure our borders and enforce our existing immigration laws, the Democrat leadership, through the CHAMP Act, is taking leaps in the opposite direction by opening the door to free health insurance for illegal aliens.

It does so by removing language from the Deficit Reduction Act requiring proof of citizenship to receive SCHIP and Medicaid. This will make it nearly impossible for the Federal Government to prevent illegal immigrants from accessing these programs.

The American people are getting a clear message today from the new majority. They want your tax dollars to provide incentives to those who choose to break our laws and enter this country illegally.

And our Democrat colleagues would pay for this reckless expansion of SCHIP by cutting Medicare Advantage plans and significantly raising premiums on seniors.

Millions of seniors depend on Medicare Advantage plans to provide the benefits they need and services they can't otherwise get with traditional Medicare. Especially our seniors in rural and underserved communities. The CHAMP Act will immediately eliminate these enhanced benefits and choices so many have come to rely on.

Our Democrat friends are once again attempting to empower the Government to ration healthcare in this country. This will take choices out of every American's hands when it comes to their well-being and leaves the decisions to a government-run managed care system.

Instead, we should be encouraging the participation of private plans regardless if it is for children, families, or seniors. This creates competition in the marketplace, which we know lowers out-of-pocket costs while expanding benefits for the insured.

I believe, given the opportunity to properly debate and offer amendments, we could ensure coverage to our most vulnerable children in a fiscally responsible way without raising taxes and sacrificing Medicare services for our seniors. Unfortunately Republicans were denied that right today. I urge my colleagues to vote "no" on the CHAMP Act.

Mr. STARK. Mr. Speaker, I just remind the former Speaker that he voted for the same benefits in 1997, and nothing has changed since then.

I yield 1 minute to the gentleman from Michigan (Mr. LEVIN), who remembers what happened in 1997.

Mr. LEVIN. Mr. Speaker, some issues are complicated. This one is quite simple. It's kids and more benefits for seniors.

Five million more kids. I just wonder how many on the minority side are going to stand up and say no to 5 million kids, including kids where you live. Benefits for seniors are improved. And then we hear there will be benefits for illegal aliens, illegal immigrants? It's false. It's a lie.

This does not go to illegal immigrants. I did read the bill, and I also read the minds of the American people.

I also read the minds of the American people. They want the children of America covered by health insurance, and the Republicans have failed to do it in their years here.

We're going to do it today for the 5 million kids in the United States of America. That's what this is all about.

I rise in strong support of the Children's Health and Medicare Improvement Act of 2007. This legislation re-authorizes the State Children's Health Insurance Program and improves Medicare for all beneficiaries.

Some of the issues we debate in Congress are complicated. This issue is quite simple. It is about kids getting health care and seniors getting better Medicare benefits. The American people want the children of America covered by health msurance.

The current health insurance program covers 6 million children nationwide, including 55,000 kids in my home State of Michigan. But when two-thirds of the 9 million uninsured kids in America are eligible, but not participating, we need to extend the reach of the program. Extending this program means giving States the resources they need to reach out and cover these 6 million kids.

This important legislation not only allows more kids to have health insurance, but it also makes long-needed improvements to the Medicare program. Improvements include ensuring physician access for Medicare beneficiaries, lowering the cost of mental health care for seniors, eliminating co-pays and deductibles for preventative services like mammograms and colonoscopy screenings, and expanding programs that help low-income seniors pay for their health care and prescriptions.

The Republicans reject this bill because it does not fit their rigid ideology. This bill is about a program that works and kids that need health care.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Nashville, Tennessee (Mrs. BLACKBURN), a member of the committee.

Mrs. BLACKBURN. Mr. Speaker, I support the original intent of SCHIP to cover our low-income children at 200 percent of the Federal poverty level; yet the bill before us really strays from that, and we all know it.

And we're debating this under a lockdown rule because the Rules Committee refused to allow Republican amendments to this bill, and I will tell you, I found that 1 a.m. meeting for the Rules Committee informative and entertaining in an unfortunate sense.

The debate on this, as my colleague said, is pretty simple: Who will manage and control the health care sector that comprises one-seventh of our Nation's economy. That's what this is about today. Are individual Americans going to have the freedom to make those choices or are those Americans going to be relegated to being a faceless file on a bureaucrat's desk with that bureaucrat making those life-and-death decisions? Our future health care system is going to be shaped by the way we answer those questions on this floor today.

Under this Democrat bill, there will be billions spent to enroll children into SCHIP.

I encourage my colleagues to oppose this bill.

Mr. DINGELL. Mr. Speaker, my good Republican friends will be discussing process, and we want to discuss kids and the future of the country.

For that purpose, I yield 2 minutes to the distinguished chairman of the subcommittee, my friend, Mr. PALLONE of New Jersey.

Mr. PALLONE. Mr. Speaker, there shouldn't be any doubt here today about what the Republicans are trying to do. They are trying to destroy the SCHIP program.

We spent 18 hours in our committee where they wouldn't let the bill come up. The substitute that they had in the committee would put so many barriers in the program that, in effect, the program would die.

Don't believe them. They don't want to provide the additional funds. They know that this expires on September 30, and it will if we don't do something today; that there will be a million kids that will automatically not have their health insurance.

We're not changing any of the eligibility today. It's they that want to change the eligibility.

The fact of the matter is CBO tells us, and I have it right here, that this bill would cover another 5 million children who are currently uninsured.

Now, my colleagues on the other side know that the States have run out of money. Georgia ran out of money in March. They came to us and begged us for more money. States ran out each month of money. We had to put money in the supplemental appropriations bill because the States ran out of money.

We need a lot more money to make sure that these 5 million kids are covered. They want to stop that. They're not proposing to cover any additional kids. They want to cut that.

There's no illegal aliens covered in this bill. There never were. There's no language in here that says that.

This is not an entitlement. It's a block grant set up by Newt Gingrich. Newt Gingrich was the guy who set it up as a block grant, giving the States flexibility. The States want flexibility. Some of them want to go a little higher. Well, it's George Bush, the President of the United States, that granted the waiver so they could have some adults or kids at higher incomes.

Who are you kidding? This is a Republican program, but you are now walking away from it. You don't want to fund it. You want to deny eligibility. You want to kill the program. That's what you're all about here today.

And don't let anybody kid you. Eighteen hours we had to listen while the bill was being read. Today, they want to delay. They're kidding no one saying that they want an SCHIP program. Don't believe what they say. It's simply not true.

You vote for this bill today to expand this program to provide more kids, not more eligibility. And if you don't, this will die and those kids are not going to have health insurance.

We have health insurance for our kids as Members of Congress. That's okay for our own kids but not for the rest of these poor kids.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to direct their comments to the Chair.

Mr. BARTON of Texas. Mr. Speaker, page 76 and 77, section 143 of the original committee print repeals the requirement for documentation presentation for children covered under SCHIP.

With that, I yield 1 minute to the gentleman from Michigan, a member of the committee, Mr. ROGERS.

Mr. ROGERS of Michigan. Mr. Speaker, a letter recently from the NAACP says: We strongly support maintaining adequate funding for the Medicare Advantage program that serves as a critical funding for accessing health care services, particularly for low-income and minority Medicare beneficiaries.

Talk about what's in the bill. Don't use children as your shield. This is the single largest cut to Medicare in the program's history. Absolutely, it is, and let me tell you what you are cutting. Read the bill.

You're cutting stroke victims from inpatient rehab. You're cutting doctors. You're cutting oxygen equipment and wheelchair services to seniors. You're cutting seniors' home health care, cutting hospital payments, cutting skilled nursing care for the sickest seniors in nursing homes. You're cutting dialysis services for kidney cancer patients. You're cutting imaging services for cancer and cardiac patients.

The list goes on. You're telling seniors once we slash the Medicare Advantage payments, we're going to push you on to part B, and guess what, your premiums are going up. We can work this out.

This was a Republican-generated idea when it started, SCHIP, to include those 200 percent or below of children in poverty, and I will tell you that there's not one thing that helps those kids under 200 percent of poverty, and you will get more of illegal immigrants at the expense of seniors. This is a bad bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The time has expired. Would the gentleman please refrain from talking on.

The gentleman from California.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington (Mr. McDERMOTT), a member of the Ways and Means Committee. Pending that, I would like to point out that he understands that in 1997 the Republican bill had five times greater reduction in Medicare spending than this bill does today, which 83 Members of the Republican party who are still in Congress voted for at that time.

Mr. McDERMOTT. Mr. Speaker, the debate comes down to this: Do you favor big tobacco or children? Do you favor big tobacco and insurance company profits or seniors? We come down on the side of children and seniors, and that's what this bill is all about.

You've heard over and over and over again there is no change of eligibility, but you insist on saying the same untruth because you want to make a point in the press. That is wrong. There are not any illegal aliens going to get in here. What we took out was what you put in. The fact is that we took out your requirement that people bring in papers when their kid is sick and dying, and you're saying to a parent, now you've got to prove you're a citizen before we'll take care of your kid.

That's what you're doing. You've taken your clothes off in public. You don't want to take care of children.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to please address their remarks to the Chair.

The gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I'd like to point out CBO scores this as $1.9 billion. So somebody is not telling the truth on the floor.

I yield 1 minute to a distinguished member of the committee, Mr. BURGESS of Texas.

Mr. BURGESS. Mr. Speaker, I thank the chairman. One minute is scarcely enough time to discuss what we need to discuss today. So I would, just like the chairman of the full committee, put my entire statement into the RECORD.

Mr. Speaker, I want to confine my comments today to issues that surround issues for physician reimbursement. I had two amendments last night in Rules Committee that were not made in order that would have vastly improved physician reimbursement. Instead, we have language in the Democratic underlying bill that provides a small uptick for the next 2 years, then you fall off the cliff, and then you're frozen for the next 10 years. Hardly measures that will encourage people to go into the practice of medicine in the future.

I also want to reference section 651, the whole hospital exemption. Mr. Speaker, I would just point out that in the Rules Committee it was made in order that several hospitals would actually be grandfathered out or carved out of that exemption, and most of these hospitals lie in Democratic districts. I have a letter from 75 constituents, physicians back in my home State of Texas, who strongly object to the whole hospital exemption in this bill, and I will submit that for the RECORD as well.

The Democratic party is prepared to take its first step toward cradle to grave government involvement in the lives of all Americans. The 40-plus page SCHIP bill that was unveiled to this committee in the wee hours of last Wednesday represents legislative malpractice. We shouldn't be surprised because we've been here before. A handful of Democratic staff, working behind closed doors, without any input from the real world have produced just what we should expect: a bloated and complicated proposal that grows the size of government, diminishes state fiscal accountability and an individual's personal responsibility, and likely erodes the independent practice of medicine.

I doubt anybody in this body, Republican or Democrat, really understands what is in this proposal. We've not had one legislative hearing on this bill and haven't even taken this bill through regular order in the Energy and Commerce Committee. As a member of the Health Subcommittee of that panel, I'm disappointed in that fact because the subcommittee has shown an ability to come together and work out partisan differences. I haven't spoken with Chairman PALLONE, but I imagine he shares that sentiment to some degree.

Just recently, Republicans and Democrats came together to report out a bill that improves drug safety and FDA review of new drugs and devices. We worked through our differences and produced superior legislation. But all that bipartisan comity has been thrown out the window. Any rationalization of how we can vote on this bill and report to our constituents that we conducted an in-depth review of this legislation would be farcical at best, especially when we have learned that the Rules Committee plans to report out a completely different measure in the dark and early hours this coming Wednesday.

Kids need a safety net, but the safety net shouldn't apply to those that can and should help themselves. Taking money from taxpayers to give it to families that have the resources to purchase health insurance for their children is irresponsible. And if affordable options don't exist for these families, well forget it, because this bill doesn't lift a finger to reform an insurance market burdened by regulation and lack of choice.

On immigration, this bill all but ensures that states like mine and other border states will be saddled with more cost as it rewards those that illegally enter our country. The debate on illegal immigration is often ruled by emotion but the provisions in this bill relating to immigrant health care are equally suited—this bill makes little to no effort to understand this dynamic and only serves to pour gasoline on an inferno.

On Medicare, this bill misses the mark widely. This bill would make a bad investment in an attempt to fix Medicare physician payment and in doing so, members will find themselves in the position of spending billions more in the future to fix the problem again.

We shouldn't fool ourselves that this is realistic policy making. For those members about to head home and face their constituents at coffees, lunches, and town halls they should be wary of what Speaker PELOSI is force feeding this body.

BAYLOR MEDICAL CENTER AT FRISCO,
Frisco, TX, August 1, 2007.

Hon. MICHAEL C. BURGESS, MD,
U.S. Congressman,
Washington, DC.

DEAR CONGRESSMAN BURGESS: We are physicians that practice at Baylor Medical Center at Frisco. Today, we are writing to express our deep concern about the language in the S-CHIP bill (CHAMP Act) once again attempting to prohibit physicians from owning or investing in any hospital. While this legislation contains many important and generous provisions, such as the reauthorization of SCHIP and the SGR fix, Section 651 virtually eliminates physician owned hospitals for no reason other than the enmity of certain competitors.

Much has been written about the negative effect this ownership has had on our community hospitals where we also practice. Many of the large hospital systems claim they are being harmed by physician-owned specialty hospitals in their communities. Yet none of them has provided any factual data to support their claim that they are unable to provide "essential services" as a result of specialty hospitals. In fact each of the last 6 years the American Hospital Association has reported a 6% increase in profits in their member hospitals. And many of their arguments (e.g. "specialty hospitals typically do not provide emergency care") simply is not accurate.

The benefits of the physician ownership model are so convincing that a growing number of not-for-profit healthcare systems, including some of the largest members of the American Hospital Association, have embraced the concept of physician ownership.

MedPAC, CMS, and GAO have all studied this issue. Not one of them has concluded that physician owned hospitals represent a threat to the community hospitals where they exist. To the contrary, some have concluded that the overall increase in quality of care greatly benefits the communities in which they exist.

We believe that a major part of our success is due to the fact that individual physicians are partners in the ownership in the facility. As any business owner, we take pride in our facility and have worked hard to make sure the quality of medical care remains high. And frankly, we are much more aware of the costs and how to better deliver care more cost effectively. Through disclosure policies our patients are aware of the physician ownership and our surveys reveal very high patient satisfaction.

The best way to manage health care costs is to encourage physicians to become involved in the development of new models for the delivery of surgical and other health services. Maintaining the status quo by giving acute care hospitals protection from market forces will only lead to higher health care costs for us all.

When voting, please consider carefully the decision you will be asked to make regarding physician ownership, it will not only affect your constituents' rights as a patient to have the most convenient cost effective care, it will affect the delivery of health care for generations to come.

Sincere regards,

Benton Ellis, MD; James Gill, MD; David Layden, MD; James Montgomery, MD; Mark Allen, MD; Dawn Bankston, MD; F. Alan Barber, MD; Richard Bowman, MD; Dale Burleson, MD; Cameron Carmody, MD; John Schweers, MD; William Cobb, MD; Stephen Courtney, MD; A. Joe Cribbins, MD; Bruce Douthit, MD; Dennis Eisenberg, MD; Berry Fleming, MD; Richard Guyer, MD; Lloyd Haggard, MD; Stephen Hamn, MD; Andrea Ku, MD; Briant Herzog, MD; Stephen Hochschuler, MD; James Hudguns, MD; Fawzia Jaffee, MD; Warrett Kennard, MD; Adam Kouyoumjian, DO; Jimmy Laferney, MD; Stephen Lieman, MD; Samuel Lifshitz, MD; Earl Lund, MD; Gary Mashigian, DPM; Mark McQuaid, MD; William Mitchell, MD; Dr. Keith Matheny; William Montgomery, MD; John Moore, MD; Mickey Morgan, MD; William Mulchin, MD; John Peloza, MD; Ralph Rashbaum, MD; Jon Ricks, MD; Alfred Rodriguez, MD; Vince Rogenes, MD; David Rogers, MD; Ivan Rovner, MD; Michael Schwartz, MD; James Smrekar, MD; Robert Taylor, DPM; Ewen Tseng, MD; Gary Webb, MD; Stanley Whisenant, MD; Michael Wierschem, MD; Kathryn White, MD; Kathryn Wood, MD; Iddriss Yusufali, MD; Roger Skiles, MD; Scott Fitzgerald, MD; Leonard Bays, MD; Donald Mackenzie, MD; Lloyd Haggard, MD; David Holder, MD; Joe Hughes, MD; David Perkins; Robert Purnell, MD; Eddie Pybatt, MD; Elaine Allen, MD; Steven Michelsen, DO.

AMENDMENT TO H.R. 3162

This amendment would modify Title III of H.R. 3162 that addresses Medicare physician reimbursement. While H.R. 3162 provides temporary relief to address scheduled Medicare physician payment cuts, it does nothing to address the problem in the long-term, and would in fact exacerbate the problem in the long-term. The amendment does the following:

1. Reset to 2007 the base year for application of the Sustainable Growth Rate (SGR), and eliminates the Sustainable Growth Rate in 2010. The practical effect of this on Medicare physician payment would provide physicians with over a 1 percentage increase in 2008 and 2009, and stable and sustainable growth rate in payment from 2010 and into the future.

2. Makes available incentive payments for increased quality reporting and implementation of health information technology.

3. Provides annual reports to physicians on billing patterns under Medicare.

4. Provides an annual report to Medicare beneficiaries on annual Medicare expenditures.

5. Mandates a study on whether quality reporting requirements on health care disparities.

AMENDMENT TO H.R. 3162, AS REPORTED [BY THE COMMITTEE ON WAYS AND MEANS] OFFERED BY MR. BURGESS OF TEXAS

(CHAMP amendment)

Strike sections 301, 302, 303, 304, and 307, and insert the following sections (and redesignate sections 305 and 306 accordingly):

SEC. 301. RESETTING TO 2007 THE BASE YEAR FOR APPLICATION OF SUSTAINABLE GROWTH RATE FORMULA; ELIMINATION OF SUSTAINABLE GROWTH RATE FORMULA IN 2010.

(a) IN GENERAL.—Section 1848(d)(4) of the Social Security Act (42 U.S.C. 1395w-4(d)(4)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (B), by striking "subparagraph (D)" and inserting "subparagraphs (D) and (G)"; and

(B) by adding at the end the following new subparagraph:

"(G) REBASING TO 2007 FOR UPDATE ADJUSTMENTS BEGINNING WITH 2008.—In determining the update adjustment factor under subparagraph (B) for 2008 and 2009—

"(i) the allowed expenditures for 2007 shall be equal to the amount of the actual expenditures for physicians' services during 2007;

"(ii) subparagraph (B)(ii) shall not apply to 2008; and

"(iii) the reference in subparagraph (B)(ii)(I) to 'April 1, 1996' shall be treated, beginning with 2009, as a reference to 'January 1, 2007'."; and

(2) by adding at the end the following new paragraph:

"(8) UPDATING BEGINNING WITH 2010.—The update to the single conversion factor for each year beginning with 2010 shall be the percentage increase in the MEI (as defined in section 1842(i)(3)) for that year.".

(b) CONFORMING SUNSET.—Section 1848(f)(1)(B) of such Act is amended by inserting "(ending with 2008)" after "each succeeding year".

SEC. 302. QUALITY INCENTIVES.

(a) EXTENSION OF CURRENT QUALITY REPORTING SYSTEM AND TRANSITIONAL BONUS INCENTIVE PAYMENTS FOR 2008 AND 2009.—

(1) EXTENSION OF QUALITY REPORTING SYSTEM THROUGH 2009.—Section 1848(k) of the Social Security Act (42 U.S.C. 1395w(k)) is amended—

(A) in the heading of paragraph (2)(B), by inserting "AND 2009" after "2008"; and

(B) in paragraphs (2)(B) and (4), by inserting "and 2009" after "2008" each place it appears.

(2) EXTENSION OF AND INCREASE IN BONUS PAYMENTS FOR 2008 AND 2009.—Section 101(c) of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109-432) is amended—

(A) in the heading, by inserting ", 2008, AND 2009" after "2007";

(B) in paragraph (1), by inserting "(or 3 percent in the case of reporting periods beginning after December 31, 2007)" after "1.5 percent";

(C) in paragraph (4), by striking "single consolidated payment." and inserting "single consolidated payment for each reporting period. Such payment shall be made for a reporting period within 30 days after the date that required information has been submitted with respect to claims for such period."; and

(D) in paragraph (6)(C), by striking "the period beginning on July 1, 2007, and ending on December 31, 2007" and inserting "each of the five consecutive 6-month periods beginning on July 1, 2007, and ending on December 31, 2009".

(b) ESTABLISHMENT OF NEW QUALITY INCENTIVE SYSTEM EFFECTIVE IN 2010.—

(1) IN GENERAL.—Section 1848 of the Social Security Act (42 U.S.C. 1395w) is amended by striking subsection (k) and inserting the following:

"(k) PHYSICIAN QUALITY INCENTIVE SYSTEM.—

"(1) IN GENERAL.—The Secretary shall establish a reporting system (in this subsection referred to as the 'Physician Quality Incentive System' or 'System') for quality measures relating to physicians' services that focuses on disease-specific high cost conditions. Not later than January 1, 2010, the Secretary shall—

"(A) identify the 10 health conditions that have the highest proportion of spending under this part, due in part to a gap in patient care, and for which reporting measures are feasible; and

"(B) adopt reporting measures on these conditions, based on measures developed by the Physician Consortium of the American Medical Association.

"(2) ADD-ON PAYMENT.—

"(A) IN GENERAL.—The Secretary shall provide, in a form and manner specified by the Secretary, for a bonus or other add-on payment for physicians that submit information required on the conditions identified under paragraph (1).

"(B) AMOUNT.—Such a bonus or add-on payment shall be equal to 1.0 percent of the payment amount otherwise computed under this section.

"(C) TIMELY PAYMENTS.—Such a payment shall be made, with respect to information submitted for a month, by not later than 30 days after the date the information is submitted for such month.

"(D) DEDUCTIBLE AND COINSURANCE NOT APPLICABLE.—Such payment shall not be subject to the deductible or coinsurance otherwise applicable to physicians' services under this part.

"(E) USE OF REGISTRY.—In carrying out subparagraph (A), the Secretary shall allow the submission of the required information through an appropriate medical registry identified by the Secretary.

"(3) MONITORING.—The Secretary shall monitor and report to Congress on an annual basis physician participation in the Physician Quality Incentive System, administrative burden encountered by participants, barriers to participation, as well as savings accrued to the Medicare program due to quality care improvements based on measures established under the Physician Quality Incentive System.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to payment for physicians' services for services furnished in years beginning with 2010.

SEC. 303. HEALTH INFORMATION TECHNOLOGY (HIT) PAYMENT INCENTIVE.

Section 1848 of the Social Security Act is amended by adding at the end the following new subsection:

"(m) HEALTH INFORMATION TECHNOLOGY PAYMENT INCENTIVES.—

"(1) STANDARDS.—Not later than January 1, 2008, the Secretary shall create standards for the certification of health information technology used in the furnishing of physicians' services.

"(2) ADD-ON PAYMENT.—The Secretary shall provide for a bonus or other add-on payment for physicians that implement a health information technology system that is certified under paragraph (1). Such a bonus shall be equal to 3.0 percent of the payment amount otherwise computed under this section, except that—

"(A) in no case may total of such bonus and the bonus provided under subsection (k)(2) exceed 6 percent of such payment amount; and

"(B) such payments with respect to a physician shall only apply to physicians' services furnished during a period of 36 consecutive months beginning with the first day of the first month after the date of such certification.

The bonus payment under this paragraph shall not be subject to the deductible or coinsurance otherwise applicable to physicians' services under this part.".

SEC. 304. INFORMATION FOR PHYSICIANS ON MEDICARE BILLINGS.

(a) IN GENERAL.—Section 1848 of the Social Security Act, as amended by section 201, is further amended by adding at the end the following new subsection:

"(n) ANNUAL REPORTING OF INFORMATION TO PHYSICIANS.—

"(1) IN GENERAL.—The Secretary shall annually report to each physician information on total billings by the physician (including laboratory tests and other items and services ordered by the physician) under this title. Such information shall be provided in a comparative format by code, weighting for practice size, number of Medicare patients treated, and relative number of Medicare beneficiaries in the geographical area.

"(2) CONFIDENTIALITY.—Information reported under paragraph (1) is confidential and shall not be disclosed to other than the physician to whom the information relates.".

(b) EFFECTIVE DATE.—The Secretary of Health and Human Services shall first provide for reporting of information under the amendment made by subsection (a) for billings during 2007.

SEC. 305. INFORMATION FOR BENEFICIARIES ON MEDICARE EXPENDITURES.

(a) IN GENERAL.—Section 1804 of the Social Security Act is amended by adding at the end the following new subsection:

"(d) ANNUAL REPORT ON INDIVIDUAL RESOURCE UTILIZATION.—The Secretary shall provide for the reporting, on an annual basis, to each individual entitled to benefits under part A or enrolled under part B, on the amount of payments made to or on behalf of the individual under this title during the year involved. Such information shall be provided in a format that compares such amount with the average per capita expenditures in the region or area involved.".

(b) EFFECTIVE DATE.—The Secretary of Health and Human Services shall first provide for reporting of information under the amendment made by subsection (a) for payments made during 2007.

SEC. 306. COLLECTION OF DATA ON MEDICARE SAVINGS FROM PHYSICIANS' SERVICES DIVERSION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall collect data on annual savings in expenditures in the Medicare program due to physicians' services that resulted in hospital or in-patient diversion.

(b) REPORT.—The Secretary shall transmit to Congress annually a summary of the data collected under subsection (a).

SEC. 307. STUDY OF REPORTING REQUIREMENTS ON HEALTH CARE DISPARITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall provide for a study of health care disparities in high-risk health condition areas and minority communities about the impact reporting requirements may have on physician penetration in such communities.

(b) REPORT.—The Secretary shall provide for the completion of the study by not later than January 1, 2011, and shall submit to Congress a report on the study upon its completion.

"(m) HEALTH INFORMATION TECHNOLOGY PAYMENT INCENTIVES.—

"(1) STANDARDS.—Not later than January 1, 2008, the Secretary shall create standards for the certification of health information technology used in the furnishing of physicians' services.

"(2) ADD-ON PAYMENT.—The Secretary shall provide for a bonus or other add-on payment for physicians that implement a health information technology system that is certified under paragraph (1). Such a bonus shall be equal to 3.0 percent of the payment amount otherwise computed under this section, except that—

"(A) in no case may total of such bonus and the bonus provided under subsection (k)(2) exceed 6 percent of such payment amount; and

"(B) such payments with respect to a physician shall only apply to physicians' services furnished during a period of 36 consecutive months beginning with the first day of the first month after the date of such certification.

The bonus payment under this paragraph shall not be subject to the deductible or coinsurance otherwise applicable to physicians' services under this part.".

AMENDMENT TO H.R. 3162

This amendment would modify section 704 of H.R. 3162 that would require the Secretary of HHS to develop a plan to implement for never events. Never events, pursuant to H.R. 3162, are defined as an event involving the delivery of (or failure to deliver) physician services in which there is an error in medical care that is clearly identifiable, usually preventable, and serious in consequences to patients and that indicates a deficiency in the safety and process controls of the services furnished with respect to the physician, hospital, or ambulatory surgical center involved. This amendment would ensure that the identification of a never event is confidential in nature, as it applies to patient work product under Section 922 of the Public Health Service Act.

NEVER EVENTS

This amendment would ensure that the identification of never events as required by CHAMP does not lead to frivolous lawsuits against physicians.

While I may not agree with how "never events" are defined by this bill, I agree that physicians should be able to operate in an environment that supports improvement of processes and outcomes and not a punitive legal environment.

Under the bill, "never events" are defined as an event involving the delivery of (or failure to deliver) physician services in which there is an error in medical care that is clearly identifiable, usually preventable, and serious in consequences to patients and that indicates a deficiency in the safety and process controls of the services furnished with respect to the physician, hospital, or ambulatory surgical center involved.

This simple amendment ensures that identification of these "never events" would not be used in a legal proceeding and would be considered patient work product as they are under other areas of federal law.

AMENDMENT TO H.R. 3162, AS REPORTED [BY THE COMMITTEE ON WAYS AND MEANS]

OFFERED BY MR. BURGESS OF TEXAS

(CHAMP Amendment)

Amend section 704 (relating to never events plan) by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following:

(d) LIABILITY PROTECTION.—

(1) IN GENERAL.—Section 922 of the Public Health Service Act (42 U.S.C. 299b-22) (relating to liability and confidentiality protections) shall apply to never event information under this section in the same manner as it applies to patient work product under such section 922.

(2) NEVER EVENT INFORMATION DEFINED.—For purposes of this subsection the term "never event information" means information required to be provided by a hospital, ambulatory surgical center, or physician under the never events plan with respect to a determination to reduce or deny payment under title XVIII of the Social Security Act for services furnished by the hospital, ambulatory surgical center, or physician, respectively, on the basis of the finding of a never event.

AMENDMENT TO H.R. 3162

This amendment would prohibit the Secretary of Health and Human Services from approving future State waivers that would cover adults other than pregnant adults under the State Children's Health Insurance Program. This amendment would also terminate existing State waivers that cover adults other than pregnant adults under a State's Children's Health Insurance Program. SCHIP is designed to cover uninsured children, and taxpayer funds used to cover adults cannot achieve that goal. This amendment would save State and Federal Governments hundreds of millions of dollars that could be used to cover more uninsured children.

ADULTS

Since Congress enacted SCHIP in 1997, States have been successful in making affordable health insurance available to millions of low-income children.

Prior to the enactment of SCHIP, low-income families that made too much money to be eligible for Medicaid coverage found it difficult to find affordable coverage for their children. Several million children were left without health coverage for important preventative health services, forcing their families to seek care in emergency departments and lacking vital continuity of care.

With the Federal and State partnership that is the cornerstone of SCHIP, needy families were able to obtain health coverage for their children that was previously just out of reach.

Unfortunately some States have extended coverage to adults under their SCHIP program, taking limited dollars away from the needs of the children the program was intended to meet. One dollar a State spends on an adult is $1 not spent on a needy child. This amendment would eliminate this inequitable development that needs to be stopped dead in its tracks.

My bill would prohibit States from spending even a single SCHIP dollar on anyone but a child or a pregnant woman. Currently, 14 States extend SCHIP coverage to adults and four of those States cover more adults than children in their programs.

We can debate coverage of adults and affordable options and States can take this responsibility upon their shoulders as well. But we shouldn't spend a dollar dedicated to a child on an adult. It does a disservice to the very needy children we're trying to provide coverage to.

AMENDMENT TO H.R. 3162, AS REPORTED [BY THE COMMITTEE ON WAYS AND MEANS]

OFFERED BY MR. BURGESS OF TEXAS

(CHAMP amendment)

At the end of subtitle D of title I add the following new section:

SEC. _____. PROHIBITION OF SECTION 1115 WAIVERS FOR COVERAGE OF NONPREGNANT ADULTS UNDER SCHIP.

(a) IN GENERAL.—Section 2107(f) of the Social Security Act (42 U.S.C. 1397gg) is amended, as added by section 6102(a) of the Deficit Reduction Act of 2005 (Public law 109-171) is amended—

(1) in the first sentence, by striking "childless"; and

(2) by striking the second sentence.

(b) CONFORMING AMENDMENTS.—Section 2105(c)(1) of the Social Security Act (42 U.S.C. 1397ee(c)(1)) is amended—

(1) in the first sentence, by striking "childless"; and

(2) by striking the second sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TERMINATION OF FUNDING OF COVERAGE UNDER CURRENT WAIVERS.—In the case of any waiver, experimental, pilot, or demonstration project that would allow funds made available under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) to be used to provide child health assistance or other health benefits coverage to an adult (other than pregnant adult) that is approved as of the date of the enactment of this Act, on and after such date the Secretary of Health and Human Services shall not extend or renew such a waiver or project in a manner that permits funds under the waiver or project to be used for such purpose and shall otherwise take such action as is necessary to prevent the use of funds under the waiver or project to be used for such purpose on and after January 1, 2008.

AMENDMENT TO H.R. 3162

This amendment would require a State submitting a SCHIP waiver request to the Secretary of Health and Human Services to certify that children in that state have access to an adequate level of pediatricians, pediatric specialists and pediatric sub-specialists for targeted low-income children covered under the State's child health plan.

The State must include a survey conducted by the American Academy of Pediatrics, a state professional medical society, or other qualified organization and the Secretary may not approve a waiver application unless the survey is included in the State's submission.

ACCESS

This amendment would ensure that as states seek to expand their CHIP programs, that an adequate number of pediatricians, pediatric specialists and sub-specialists are available to meet increased demand by new patients.

To quote the American Academy of Pediatrics Workforce Committee, "an appropriate pediatrician workforce is essential to attain the optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults. To fully realize such a workforce requires careful examination of the needs of children and the consequences of policies that influence the pediatrician workforce."

This amendment would attempt to achieve this goal, by requiring adequate access to these medical professionals as a condition approval of a waiver submission.

The amendment would require the American Academy of Pediatrics or other state medical society to survey and certify that the state's children have access to a sufficient number of pediatricians and specialists, should a state request a waiver from federal SCHIP requirements.

States have a variety of policy options to ensure that an adequate physician workforce is available in the state and this amendment would encourage those states to exercise those options.

The growth of the number of pediatricians per child has been positive over the past decade.

We should ensure that this momentum is sustained and this amendment will do just that.

I think this is an amendment that should have broad bipartisan support because its goal is ensuring access to needed medical professionals for our children.

More broadly, in the coming years this country will face a physician workforce shortage and this committee and this Congress needs to begin addressing this now.

I look forward to working with the members of this committee on this very broad and complicated issue, but this amendment would be a good first step.

AMENDMENT TO H.R. 3162, AS REPORTED [BY THE COMMITTEE ON WAYS AND MEANS]

Offered by Mr. Burgess of Texas

(CHAMP amendment)

Add at the end of subtitle E of title I the following new section:

SEC. _____. LIMITATION ON APPROVAL OF SCHIP WAIVERS.

The Secretary of Health and Human Services shall not approve any application submitted by a State for a waiver of any provision of title XXI of the Social Security Act unless—

(1) the State has certified that there is access to an adequate level of pediatricians, pediatric specialists and pediatric sub-specialists for targeted low-income children covered under the State child health plan under such title; and

(2) the State includes in such application the results of a survey, that may be conducted by the American Academy of Pediatrics, a State professional medical society, or other qualified organization, that establishes that such an adequate level exists on a per capita child basis.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentleman from Virginia (Mr. MORAN) for purposes of a unanimous consent request.

Mr. MORAN of Virginia. Mr. Speaker, I ask unanimous consent to insert a statement for the RECORD refuting the fact that this has anything to do with undocumented children. The fact is that the current provision prohibits undocumented children from getting health care, but if we don't pass it, it will deny tens of thousands of children who are legally eligible.

Mr. BURGESS. I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Speaker, parliamentary inquiry, where are we?

The SPEAKER pro tempore. Objection has been heard. The gentleman objected. It's for the gentleman from Michigan to yield time.

Mr. BARTON of Texas. So Mr. DINGELL controls the time?

The SPEAKER pro tempore. That's correct.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentlewoman from California (Ms. ESHOO) 1 minute.

Ms. ESHOO. Mr. Speaker, I thank the distinguished chairman of the Energy and Commerce Committee.

Mr. Speaker, today is one of the most exciting days since I've come to the Congress, having been elected first in 1992. I think today is a day of history, a day of history for the children of our country, because the fact is that there are nearly 9 million American children without guaranteed access to health care in our Nation today. I think that is a national shame.

Today, we correct that. We build on a successful bipartisan program of Republican and Democratic Governors, of leaders in the Congress past, of a program that has worked.

It has not been riddled by fraud, and what we do today very simply is add 5 million American children in the rolls of health care. It is private insurance for almost all of the States.

We also strengthen Medicare. I would suggest that my friends on this side of the aisle are on the wrong side of history.

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Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentleman of the committee from the great State of Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I would say to the gentlelady from California who said this is a great day in history, it was a great day in history when, in 1997, the Republicans, who had the majority, initiated and started this program. The Democrats are saying this is a great day, what a great day, when the Republicans started the SCHIP program.

Now, this bill, you have heard it all before. Obviously, it creates a new entitlement, crowds out private insurance with government coverage, offers perverse incentives to States; and, my friends, it contains a huge tax increase, with more on the way. Lastly, it punishes Medicare beneficiaries. This is very troubling, particularly in Florida. We have so many seniors that actually use Medicare Advantage.

The fact that they are going to eliminate this program to pay for this is really outrageous. It will disproportionately harm racial minorities and rural senior citizens by taking funds away from Medicare Advantage, a successful, lower-cost option for health care for seniors and use it to enroll and federally insure adult men and women who have the ability to work and receive health care from their employers in the open market.

Mr. STARK. Mr. Speaker, I yield to the distinguished member of the Ways and Means Committee, a member of the Health Subcommittee, the gentleman from Georgia (Mr. LEWIS).

Pending that, I would explain that he knows that the NAACP, in a letter of endorsement, has said that this legislation fills a much-needed gap that currently exists in health care services for some of the most vulnerable citizens, low-income children, seniors and the disabled.

Mr. LEWIS of Georgia. Mr. Speaker, health care is a basic human right. It is unacceptable to see a young child die because his family could not afford for him to see a dentist. This should never, ever, happen in the United States of America. It is wrong. It must not be tolerated any longer, and today we said "no more".

This bill would give 6 million children access to health care. For our seniors who rely on Medicare, this bill helps our low-income seniors and makes prevention more affordable.

I applaud the work of Chairman RANGEL and Chairman STARK for making these important improvements. I am proud to have worked on this bill to help those who suffer from chronic kidney disease and end-stage renal disease receive the highest quality care and to take the first of many steps towards preventing these terrible diseases.

Until we can make health care right for every American, we have a moral mission, a mission and a mandate to start with the most vulnerable among us, our children and our seniors. We can do no less. Vote "yes" on the CHAMP Act. Do it now. Do it today.

Mr. BARTON of Texas. Mr. Speaker, could I inquire of the time remaining on each side on this part of the bill?

The SPEAKER pro tempore. The gentleman from Texas has 18 minutes remaining, and the gentleman from Michigan has 22½ minutes remaining.

The gentleman from California has 19 minutes remaining, and the gentleman from Louisiana has 30 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to a distinguished member of the committee from the great State of Illinois (Mr. SHIMKUS), the winning pitcher on the congressional baseball team.

Mr. SHIMKUS. Mr. Speaker, under the current Illinois SCHIP program, it covers up to 200 percent of poverty, $41,300 in annual income for a family of four; 26,830, or 31 percent of all families with children under the age of 18, in my district are already eligible for either Medicaid or SCHIP.

In this bill, Democrats have opposed cutting at least $194 billion in Medicare spending. Specifically, the Democrats have proposed cutting Medicare spending for 6,070 seniors in my district who are currently enrolled in Medicare Advantage. Payments for hospital inpatient care will be cut $2.7 billion; inpatient rehabilitation services, $6.6 billion; skilled nursing facilities, a $6.5 billion cut; certain drugs, $1.9 billion in cuts; home health care, $7.2 billion; end-stage renal disease cut by $3.6 billion; motorized wheelchair and oxygen cuts.

Mr. STARK. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of the Children's Health and Medicare Protection Act.

This is the best piece of legislation since 1997 when the children's health care was created, but this time we will cover 5 million more children if we vote "yes" today for this bill.

I want to particularly thank the committee, although we didn't get to have a markup in ours because the Republican minority refused to let us even have votes on our amendments, so we have to have it on the floor today. We have to have that discussion. I am just glad they included that it would cover 12 months of insurability for our children, because some States have made 6 months the way to cut children off of health care.

Let me say one other thing. I have heard, particularly last night, I think it was insulting to say that this bill takes money away from seniors to give to illegal alien children. You ought to be ashamed of yourself. That's just outrageous. When you look at the bill and actually current law that we don't change, it prohibits undocumented children from getting any assistance.

Now the States are going to be the ones that have to prove that. If the States can't do it, they have to pay for it. It is just outrageous that you throw out the "illegals" every time you don't have any other argument.

I am particularly proud of the SCHIP provisions in this legislation, which would provide much-needed health insurance coverage to low-income children in need.

Currently, the SCHIP program provides coverage to 6 million low-income American children.

Unfortunately, an additional 6 million children are eligible for SCHIP benefits, yet remain uninsured.

This legislation would reach about 5 million of those children by putting in place a more efficient funding formula based on projected enrollment and providing states with incentives to find eligible children and get them enrolled.

I am particularly thankful for the committee's support of our language to ensure that children in SCHIP get 12 months of continuous eligibility.

This provision is critical to ensuring that eligible SCHIP children remain in the program and are not dropped due to cumbersome bureaucratic requirements imposed on families whose primary focus is on making ends meet.

A recent Health Affairs article underscores the importance of continuous eligibility in addressing retention problems in SCHIP.

Of the policy options suggested, the authors state that "[f]irst and foremost, the renewal process should be simplified as much as possible, by reducing the frequency of renewal to once a year."

This bill does just that.

For many states, this bill reaffirms the compassionate and effective policies currently in place.

But for a state like mine, this bill will ensure that the State of Texas does right by Texas children and doesn't use the flexibility inherent in the program to kick them off the rolls on a budgetary whim.

I encourage my colleagues to stand up for low-income children and pass this important legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to please address their remarks through the Chair.

Mr. BARTON of Texas. Mr. Speaker, the CBO baseline score shows that Medicare cuts total $157 billion over the 10-year period.

Mr. Speaker, I yield 1 minute to the gentleman from Staten Island, a member of the committee, Mr. FOSSELLA.

Mr. FOSSELLA. Mr. Speaker, Mr. Addison Good is an 80 year-old retired cook from Staten Island. He survives on a very limited income of Social Security and a small pension. Through every step of his hip operations, his Medicare Advantage plan paid for the services and drugs that he needed. He switched to a new plan that provides even better benefits at lower cost. He says he does not know how he would get the care he needs without his Medicare Advantage.

Let me say up front, we will consider Mr. Addison Good as we consider the legislation; and I support the SCHIP program, I support its reauthorization, I support expanding access to health care for low-income children.

I do not support this ill-conceived plan that pits parents against their grandchildren. Make no mistake, the bill cuts Medicare by more than $190 billion. In my district alone, it will reduce funds for Medicare Advantage by $58 million for the 38,000 enrollees in just the first year.

The real-world impact of slashing $58 million in Medicare in Staten Island, Brooklyn, for seniors enrolled in this program could result in the following: either denied access to the program altogether, to lose health care benefits like hearing, vision and dental services or have to pay more out of pocket. We should not gut Medicare or punish seniors to achieve a Democratic goal.

Mr. STARK. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, we reserve the balance of our time.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to another member of the committee, Mr. SULLIVAN of Oklahoma.

Mr. SULLIVAN. Mr. Speaker, it's really astounding that there is nothing in this bill that stops States from covering illegal immigrations in this bill. People have come up to me and said, you know, the Democrats, the people in the Senate wanted to allow illegal aliens to get free Social Security benefits. Now they want to give free health care, and that's wrong.

There is nothing in this bill that prevents adults, States from covering adults, giving them health care. There's nothing in this bill that prevents States from even covering the children of the Members of Congress in this bill.

I think this is a bill that should not happen. I rise today in strong opposition to it.

One of my problems is that it eliminates the 5-year waiting period for immigrants who deserve to be eligible for Medicare and SCHIP. Congress wisely created this waiting period, and eliminating this waiting period will exacerbate our current immigration problems and further endanger government health care programs. By repealing this current law, millions of citizens will be eligible for Medicaid and SCHIP immediately.

Had this bill been brought to the committee, the proper thing, I had an amendment that would have saved taxpayers $2.2 billion having this waiting period.

I urge my colleagues to vote "no."

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to another distinguished member of the Energy and Commerce Committee, the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. I thought I would use my time to talk about the Ag approps bill. Just kidding.

Mr. Speaker, we must ensure that all children who qualify for the SCHIP program are taken care of, but I have grave concerns about the SCHIP reauthorization bill, which doesn't target low-income kids but does increase mandatory spending by almost $130 billion over 10 years. This is not the way to provide coverage for anybody.

I am particularly concerned that the CHAMP bill defines children as up to the age of 25. I am not aware of any other Federal program that defines the term "children" this broadly, and I certainly don't think that my constituents could agree that governments should be using health care funds intended for low-income children to cover a 25-year-old.

This is not what SCHIP is supposed to be about. I don't believe that the creation of a new entitlement program costing hundreds of billions of dollars is in the best interests of our children. Are we going to encourage people and make it easier for them to take advantage of the private health care market, or are we going to have the government grabbing for control of all health care services?

This legislation certainly indicates where our majority is trying to go. These are not procedural differences but major philosophical differences. Under this bill, Donald Trump's daughter, Ivanka, will be enrolled in the SCHIP program.

Mr. BARTON of Texas. Mr. Speaker, might I inquire as to the time?

The SPEAKER pro tempore. The gentleman from Texas has 14 minutes remaining, the gentleman from Michigan has 21½ minutes remaining, the gentleman from California has 19 minutes remaining, and the gentleman from Louisiana has 30 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, our problem is a simple one, and I say this with respect and affection to my colleague. Our Republican colleagues have chosen to allocate time with two committees on this side and one committee on that side. The end result is that there is one committee on the Republican side which is not using its time. In order to balance out the time use, Mr. STARK and I are reserving our time at this time.

Mr. BARTON of Texas. Mr. Speaker, the gentleman from Texas is in a quandary. I am not aware we were able to determine anything for the other side. I don't know why they are allocating their time.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, it was just my intent to accommodate my friends in the minority who have been asking for all this extra time, but I guess if they have lost their speakers, they really don't need any.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMPSON), a member of the Health Subcommittee of the Ways and Means Committee, who recognizes that the American Medical Association has, in their endorsement, has said that this legislation addresses two of the AMA's highest priorities, providing health insurance coverage for low-income coverage and protecting seniors' access to care by preventing drastic cuts in the Medicare funding for physician services.

Mr. THOMPSON of California. Mr. Speaker, keeping kids healthy today means that the government will inherit a healthier Medicare population tomorrow. Investing in our children is both common sense and it's cost-effective.

It was very difficult to watch the former majority allow the national debt to grow to record heights. Today, I am proud that the new Democratic leadership has said no to deficit spending.

The CHAMP Act is emblematic of that shift. It is completely paid for. The CHAMP Act guarantees that both eligible children and Medicare seniors can access qualify health care.

Make no mistake. Without this legislation, 5 million new kids won't be able to get health care, and millions more already in the program will see their benefits cut.

Without this legislation, physicians will take the biggest rate cut in the history of the Medicare program.

Without this legislation, Medicare benefits that are critical to rural communities will expire.

Today, with the passage of the CHAMP Act, Congress has taken an historic step. So be a champion for kids, be a champion for seniors and be a champion for common sense.

Vote "aye" on the CHAMP Act.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the distinguished leader of the Republican Study Committee, Mr. HENSARLING of Texas.

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Mr. HENSARLING. Mr. Speaker, today the Democrat majority in Congress will no doubt ram through a bill representing the single largest step in Washington-controlled, bureaucratized, rationed, socialized health care, and they will do this under the guise of insuring needy children who are already insured under Medicaid or are already insured under the SCHIP program, which we could reauthorize. And they do this by turning SCHIP into a new entitlement, threatening to bankrupt the very children they claim to be helping. They do this by cutting Medicare, hastening the bankruptcy of the Medicare trust fund. They do this by cutting Medicare Advantage plan, threatening the health care choices of millions of our seniors. They do this by increasing taxes on working Americans.

This is a threat to our children's fiscal health, it is a threat to our Nation's and children's physical health. It should be rejected.

Mr. BARTON of Texas. Mr. Speaker, I renew my unanimous consent for 1 additional hour of time equally divided between the majority and the minority.

Ms. DEGETTE. I object.

The SPEAKER pro tempore. Objection is heard.

Does the gentleman from Texas wish to yield time?

Mr. BARTON of Texas. Who objected, Mr. Speaker?

The gentleman has to be on his feet to object.

The SPEAKER pro tempore. The gentlewoman from Colorado has objected. She is on her feet.

Mr. BARTON of Texas. I reserve the balance of my time.

Mr. STARK. I reserve the balance of my time.

Mr. DINGELL. I reserve the balance of my time.

Mr. Speaker, it would appear at this time that many of the difficulties that confront us could be addressed by the appearance of our good friends on the minority side of the Ways and Means.

Mr. BARTON of Texas. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. Pursuant to House Resolution 594, the previous question is ordered to final passage without such an intervening motion.

A motion to adjourn may not be entertained.

Mr. BARTON of Texas. Parliamentary inquiry. I thought a motion to adjourn was in order at any time.

The SPEAKER pro tempore. Pursuant to House Resolution 594, the previous question is ordered to final passage without intervening motion other than recommittal. As such, a motion to adjourn may not be entertained.

Mr. BARTON of Texas. Parliamentary inquiry. What is House Resolution 594? Is that the closed rule?

The SPEAKER pro tempore. The rule for consideration of this bill.

Mr. BARTON of Texas. Then I suggest the absence of a quorum, Mr. Speaker.

The SPEAKER pro tempore. That may not be entertained unless the Chair is putting the question, in accord with clause 7 of rule XX.

Mr. BARTON of Texas. Then I yield 1 minute to a member of the committee, Mr. TERRY of Nebraska.

Mr. TERRY. Mr. Speaker, first of all, I want to state that I believe that we should cover our low-income uninsured children, and I do believe we should make efforts to get them all in. If it was just that, we would be all in agreement. But that is not before us today. And I do believe that part of this attacks health insurance as we know it today.

Number one, they defund Medicare Advantage, which is where people can opt out of Medicare and actually go into a managed program by a health insurance company. So they defund that, attacking that.

Next is, for the first time, they are going to place a tax on health insurance policies, driving up the costs, so making it more unaffordable so more people drop out.

Then probably just as egregious as the other, an amendment that was denied, a Republican amendment, that says if there is a child that is eligible by the requirements but already insured can't drop that insurance or their insurer can't drop them, forcing them to go into the State-run free health insurance. That was denied.

So what we see here is a step-by-step process of making health insurance companies less effective and nationalizing health care.

Mr. BARTON of Texas. I reserve the balance of my time.

Mr. STARK. I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentlewoman from California (Ms. HARMAN) for purposes of a unanimous consent request.

Ms. HARMAN. Mr. Speaker, I rise in strong support of this bill and commend Chairman DINGELL for his enormous work.

Regardless of the business before the House, for the past two weeks, a drumbeat of dire predictions has been maintained on this floor about the so-called terrorism gap—the failure of Democrats to fix the Foreign Intelligence Surveillance Act, or FISA, to permit our intelligence agencies to intercept foreign-to-foreign communications related to international terrorism. The argument is specious on its face. Democrats are just as committed as our colleagues on the other side of the aisle to preventing another terrorist attack on the United States.

As a member of the Gang of Eight from 2002–2006, I am very familiar with FISA and our Terrorist Surveillance Program. While I agree that some technical adjustments are appropriate, the core principle of FISA and the 4th Amendment—that individualized court warrants are required if the communications of a U.S. person are involved—must be preserved.

But my question is, in the context of the CHAMP Act now before us: where is the outrage for the 5 million American kids who have no health insurance and no prospect of getting it unless we pass this bill?

What is the real objective of Members who continue to clutter an essential debate on improving health outcomes for our neediest children with alarmist exchanges on the surveillance of potential terrorists? Perhaps it is to jam Democrats and score partisan points before the August recess instead of reaching out to the most vulnerable among us.

The CHAMP Act reaches out by providing insurance to 11 million children, covering mental health and dental benefits, and by allowing States to cover pregnant women and family planning.

It reauthorizes Title V abstinence education, but requires that it be medically and scientifically accurate, as well as proven effective. I expect every Member agrees that no Federal program should use taxpayer dollars to give inaccurate information to young people.

The CHAMP Act makes improvements to the Medicare program, too, providing our most vulnerable seniors with better coverage for cost-saving preventive care and by making it easier to apply for benefits.

Let me bring the issue close to home. The Venice Family Clinic, located in my congressional district, is the largest free clinic in the Nation. They know something about reaching out to the most vulnerable in our communities.

Clinic staff told me today about an 8-year-old boy and his younger brother. Both of them are on the waiting list for SCHIP because the program is maxed-out—and their working mother doesn't earn enough to buy health insurance.

This child suffers epileptic seizures every couple of weeks. He worries constantly about when the next one will occur, when and if he will be able to see a doctor or have access to medication that could help him. These are not things an 8-year-old in a country as rich as ours should be worrying about.

Expanding SCHIP will cover these children. It will change their lives, and the lives of 11 million other low income American kids.

FISA can, should and will be fixed—and we can fix health insurance for kids, too. Every child deserves the health insurance that my four children and one grandchild have. And I have two more grandchildren on the way. Hopefully, the CHAMP Act will be law before they are born early next year.

Mr. DINGELL. Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to another distinguished member of the Energy and Commerce Committee, Mr. PITTS of Pennsylvania.

Mr. PITTS. Mr. Speaker, I would like to focus on one important failure of this legislation that I think the prolifers on the other side of the aisle would be interested in.

Since 2002, the present administration has granted the States the option of providing SCHIP coverage to the child before birth, the unborn child, prenatal care and other health services for the unborn child and the pregnant mother. Unfortunately, the bill offered today would override current regulation and extend coverage in the name of the pregnant woman only. My amendment to codify the words "unborn child" was disallowed, not made in order last night.

Protecting only the pregnant woman could lead to a greater number of abortions. It would make the woman eligible for all publicly-funded services, including State-funded elective abortions. In States with Medicaid expansion programs, this could increase the number of women eligible for free abortions, thus promoting more abortions of unborn children in the name of children's health. This bill's language essentially classifies the pregnant woman herself. It does not make sense.

Mr. BARTON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I ask unanimous consent that the time allotted to the minority members of the Ways and Means Committee be forfeited.

Mr. BARTON of Texas. I object to that.

The SPEAKER pro tempore. Objection is heard.

Mr. STARK. I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan? Does anybody wish to yield time?

Mr. DOGGETT. Mr. Speaker, could you give us a time report? How much time remains for each?

The SPEAKER pro tempore. The gentleman from Louisiana has 30 minutes; the gentleman from California has 17½ minutes; the gentleman from Texas has 11 minutes; the gentleman from Michigan has 21½ minutes.

Mr. DOGGETT. How much does the gentleman from Louisiana have?

The SPEAKER pro tempore. 30 minutes.

Mr. DOGGETT. None of it has been used.

PARLIAMENTARY INQUIRY

Mr. LINDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. LINDER. Would you tell us how much time they have combined, the two committees and our two committees combined, left?

The SPEAKER pro tempore. The gentleman from Michigan has 21½ minutes remaining; the gentleman from California has 17½ minutes remaining; the gentleman from Louisiana has 30 minutes remaining; and the gentleman from Texas has 11 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to proceed out of order and engage in a colloquy with Mr. STARK and Mr. DINGELL for purposes of trying to understand what is going on.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. STARK. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. STARK. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter from the Catholic Health Association of the United States, which in part states that: We believe the most important pro-life thing that Congress can do right now is to ensure that the State Children's Health Insurance Program is reauthorized.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. BARTON of Texas. Reserving the right to object, Mr. Speaker, I will not object if the gentleman from California will explain to me why we are fighting over what was in a pre-agreed-upon time arrangement. We have got six or seven speakers from the Energy and Commerce Committee. We are simply trying to do it in a balanced way. The gentleman from California has 17 minutes; the gentleman from Michigan has, I believe, 21 minutes. We just wish that the time go down in a balanced way. I don't understand why that should be a problem.

The SPEAKER pro tempore. The gentleman from Texas will suspend.

The Chair will clarify. The gentleman from Michigan has 21½ minutes remaining; the gentleman from California has 17½ minutes remaining; the gentleman from Louisiana has 30 minutes remaining; and the gentleman from Texas has 11 minutes remaining.

Mr. BARTON of Texas. I yield to my friend from California to explain to me why they don't want to use some of their time right now.

Mr. STARK. I am happy to respond. You are a couple minutes ahead of us, and of course I am dying to hear what my colleagues on the Republican side of the Ways and Means have to say.

Mr. BARTON of Texas. Reclaiming my reservation, my understanding was that the Energy and Commerce Committee was going to go first, and then the Ways and Means Committee was going to go in the second hour. That is why Mr. MCCRERY is reserving his 30 minutes.

Mr. STARK. If the gentleman would yield.

Mr. BARTON of Texas. I would be happy to yield.

Mr. STARK. I think you have just touched on a misunderstanding. We had been led to believe that we would be rotating around among the various committees, and so that now we are kind of out of balance. Our understanding is that we would rotate back and forth between Energy and Commerce and Ways and Means for the full time. I apologize to the gentleman if we misled. Our concern was that we would be out of balance in the time between the two committees.

The SPEAKER pro tempore. The Chair will clarify that the gentlemen from California and from Michigan have a combined total of 39 minutes remaining; the gentlemen from Louisiana and from Texas have a total of 41 minutes remaining.

Mr. BARTON of Texas. I withdraw my reservation on the gentleman's unanimous consent request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. PRICE of Georgia. Reserving the right to object, Mr. Speaker, it is apparent that that was the letter that was requested to be inserted earlier, and the gentleman himself objected to it.

Mr. STARK. Mr. Speaker, I withdraw my unanimous consent request.

The SPEAKER pro tempore. The request is withdrawn.

Does the gentleman from Texas wish to yield time?

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona, a distinguished member of the committee, Mr. SHADEGG.

Mr. SHADEGG. I thank the gentleman for yielding, and I really wish this debate was about what my colleagues on the other side want to make it about. I wish this bill was a debate about the uninsured children of the near poor or the working poor. I wish it was a debate like we had 10 years ago about insuring children too well off to get Medicaid but not well enough to buy insurance. But that is not what it is about. It is about cutting Medicare to provide health care services to middle- and upper middle-income children and to provide health care services to adults.

And when you hear SCHIP, children, you don't expect that. When you think it is to go to the uninsured, you don't expect that.

The median income in America, listen carefully, is $45,000. This bill will extend SCHIP benefits to families earning $60,000 and up to $80,000. That means it does not provide money for health insurance to the poor or the near poor or the working poor. We are all for that. That is why we initiated the program. We just don't think it ought to go to upper middle-income Americans.

And let's see what the program has done. Sixty-one percent of the children who are in the SCHIP program today had private health insurance before the program was created. They dropped their private health insurance to take SCHIP. Is that what generous, compassionate Americans want to do for the poor? I don't think so. They dropped their private insurance to take SCHIP.

CBO says that the Democrats' billions of dollars larger program will produce one person dropping private insurance for every one person who gets SCHIP insurance. Speaker after speaker on the other side has said this will insure 5 million more children.

□ 1530

What they don't tell you is that 5 million children, according to SCHIP, will drop their private insurance. Obviously, what they want is to take people off of private insurance and put them on SCHIP. That's not what the American people understand when they understand that that is supposed to be a bill about the children of the working poor.

I urge my colleagues to oppose this bill. It's a fraud.

Mr. STARK. Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. KENNEDY) for a unanimous consent request.

Mr. KENNEDY. Mr. Speaker, I rise in support of this legislation that raises parity for mental health for Medicare enrollees from 50 percent to 80 percent and for SCHIP from 75 percent to 100 percent, an additional $3 billion in this bill for mental health care. That's why we ought to support it.

Mr. STARK. Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to another distinguished member of the committee, the ranking member of the Veterans Affairs Committee, the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I don't consider this a high-water mark for Congress in the 15 years I've been here. I don't consider it a high-water mark because I'm very disappointed in us, in how we have conducted ourselves with regard to our process, in how we have treated ourselves to each other, the lack of intolerance with regard to how we view each others' opinions. I don't think this is a high-water mark. A lot of this is taking place at the committee levels, and I have to reiterate my disappointment.

We can battle it out. The democratic process is never meant to be pretty and easy. It's a difficult process, but it's exactly what it was meant to do so we wouldn't have capricious actions, that we wouldn't have power centralized and imperialistic from the top down. And that's what kind of happened here, and I'm very bothered by it.

There is no "time of the essence." Yes, this is a program that we came together in a bipartisan fashion and passed almost 10 years ago to care for children, poor and impoverished and to take care of them; and we've done that.

We can extend that existing program and work together in a bipartisan fashion, if that's what this was really about. But it's not.

Mr. BARTON of Texas. Mr. Speaker, in addition to myself, I only have one additional speaker that's currently on the floor. I would encourage my friend from Michigan, if he has any speakers, to use some of his time at this point in time.

The SPEAKER pro tempore. The gentleman from Michigan has 21½ minutes remaining. Does he wish to yield any time?

Mr. DINGELL. The gentleman from Michigan will continue to reserve.

Mr. STARK. I continue to reserve, Mr. Speaker.

Mr. BARTON of Texas. I reserve.

The SPEAKER pro tempore. The gentleman from Louisiana has 30 minutes remaining. The gentleman from Texas has 8 minutes remaining. So 38 minutes total on the minority side, 39 minutes total on the majority side.

Mr. DINGELL. Mr. Speaker, out of a surcease of good will for my Republican colleagues, at this time I yield 1 minute to the distinguished gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, children who receive well-child care begin their lives healthy and ready to learn in school; and this care is cheaper and more humane than reliance on the emergency room.

Because of SCHIP, 6 million children of the working poor get the care they need for a healthy start to their lives. Despite the success, our work is not complete. Six million uninsured children are still eligible for SCHIP but not currently enrolled. The CHAMP Act will build on the strong bipartisan foundation of SCHIP and insure these remaining children.

Those on the other side of the aisle will put forth a proposal in the motion to recommit that not only fails to cover these 6 million remaining children, but it will result in current beneficiaries losing coverage.

We are halfway to covering the uninsured children in this country, and the Republicans want to pack up and go home. Thank goodness they weren't in charge of the mission to the moon. Neil Armstrong would have gone halfway to the moon and been ordered back to earth. Mission accomplished.

Mr. Speaker, halfway is not mission accomplished. Vote "yes" for kids, vote "yes" on this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to a distinguished member of the committee, Mr. WALDEN of the great State of Oregon.

Mr. WALDEN of Oregon. Mr. Speaker, I agree that the SCHIP program is a good program, as it was created in a bipartisan manner many years ago. Its extension would be a good thing. But what we have before us today on the floor is not, because it robs from senior citizens in my district and elsewhere to provide extraordinary and expanded coverage of health care to people who may already have it, as well as much higher income levels. Eighty to one hundred thousand dollars you could be making, your kids could be eligible for your current health insurance from your employer, and this program, as proposed by the Democrats, would actually take those off, or potentially could take those kids off, as well as take away the Medicare choice that seniors in my district, some 31,798 seniors in my district run the potential of losing the choice they have for Medicare.

I was at a town meeting in the eastern part of my district about 2 weeks ago; and a woman said, please, Congressman, don't let them take away my Medicare. And that's what's happening today. And it's unfortunate the process has been so usurped that we didn't have time other than 1 minute to talk about it.

The SPEAKER pro tempore. The gentleman from Michigan has 20½ minutes remaining. The gentleman from California has 17½ minutes remaining, for a total of 38 minutes. The gentleman from Louisiana has a total of 30 minutes remaining. The gentleman from Texas has 7 minutes remaining.

Mr. DINGELL. Mr. Speaker, I would yield 1 minute at this time to the distinguished gentlewoman from California, my dear friend, Mrs. CAPPS.

Mrs. CAPPS. Mr. Speaker, this bill is the reason I came to Congress, to continue my work for children's health.

It's a blight on our Nation that millions of children in hardworking families still have no access to health care, and today we can undo that wrong. Through this fiscally responsible bill we ensure that millions more eligible children will be able to get primary care, manage life-threatening illnesses, improve their school attendance and grow into healthy, productive adults. And how fitting that at the same time we will improve Medicare for seniors.

I wish to submit for the RECORD the piece by Ron Brownstein in today's L.A. Times where he calls the Bush and Republican arguments against this bill as not much more than stealing health care from babies.

We do have a choice today. We can continue to ignore the health of millions of babies and children, or we can take the high moral ground and pass this bill which will provide health care to those who need it most.

I want to commend Chairmen DINGELL, PALLONE, RANGEL, AND STARK for all the hard work they and the committee staff have done. I urge my colleagues to vote "yes" on the CHAMP Act. Do something positive today for America's children.

[From the Los Angeles Times, Aug. 1, 2007]

STEALING HEALTHCARE FROM BABIES

(By Ronald Brownstein)

Does President Bush really believe what he's saying about the effort from congressional Democrats and some leading Senate Republicans to provide health coverage for millions of uninsured children? He's portraying it as the first step on a slippery slope toward "government-run healthcare," as if senior senators in both parties were conspiring with Michael Moore to import Cuban doctors to inoculate and indoctrinate American children.

In fact, Congress is moving responsibly to remove a blot on the nation: the 8 million children without health insurance. It is doing so by expanding the State Children's Health Insurance Program, or SCHIP, a state-federal partnership that the Republican Congress and President Clinton created in 1997 to cover kids in working-poor families. Final votes on the House and Senate floors could come this week.

Bush, seemingly determined to provoke every possible confrontation with congressional Democrats, has pledged to veto the bills. And with the GOP congressional leadership, he is fighting the proposals with a swarm of misleading and hypocritical arguments.

Bush complains that expanding the program costs too much. But cost was no object when Bush and congressional Republicans sought to court seniors by creating the Medicare prescription drug benefit in 2003.

Under the bipartisan Senate bill, Washington would spend about $56 billion over the next five years to cover almost half of the nation's uninsured children. Over the same period, the Medicare entitlement that Bush signed (after more than four-fifths of House and Senate Republicans voted for it) will cost nearly $330 billion. Is social spending affordable only when it benefits constituencies Republicans prize in elections?

Next, Bush complains that the SCHIP expansion would require "a huge tax increase." Actually, both the House and Senate plans would raise taxes just on tobacco. And the sponsors are increasing taxes only because they have committed to the novel notion of paying for their program. When Bush and the Republican Congress created the expensive Medicare drug benefit, they did not provide any new revenue to fund it. They just billed the cost to the next generation through higher federal deficits. Now Bush is condemning Democrats for displaying more responsibility.

Bush also disparages the SCHIP expansion as an attempt "to encourage people to transfer from the private sector to government healthcare plans." But studies have found that three-fourths of children covered under the current program receive their care through private insurance plans that contract with the states, notes Edwin Park of the liberal Center on Budget and Policy Priorities. In that way, the program is no different than Bush's prescription drug plan: The government pays for services delivered by private insurance companies.

Bush's argument that the SCHIP changes will unacceptably "crowd out" private insurance is misleading in another respect. It's true, as Bush charges, that if the program is expanded, some eligible families would shift their children into it from private coverage, hoping to save money or improve care. The Congressional Budget Office estimates that children making such a switch would account for about one-third of the 6 million kids expected to enroll in the expanded SCHIP program under the Senate plan, and hence one-third of the added cost.

But as CBO Director Peter Orszag notes, all efforts to expand coverage for the uninsured inevitably spill some benefits on those who already have insurance. And the Senate SCHIP plan, by limiting that spillover to one-third of its cost, is actually more efficient than most alternatives for expanding coverage.

Bush, for instance, wants to reduce the number of uninsured by providing new tax incentives for buying coverage. But the Lewin Group, an independent consulting firm, recently calculated that 80 percent of the benefits from Bush's plan would flow to people who already have insurance. Such numbers help explain why Orszag recently said that, dollar for dollar, expanding SCHIP "is pretty much as efficient as you can possibly get" to insure more kids.

Bush's most outrageous argument is that expanding SCHIP "empower[s] bureaucrats." In reality, covering more children would empower parents like Sheila Miguel of Sun Valley, Calif.

Miguel used to spend hours in emergency rooms trying to obtain asthma medicine for her daughter, Chelsea, but since enrolling her in a SCHIP-funded program, Miguel can take her to reliably scheduled clinic visits.

Bush says he wants "to put more power" over healthcare "in the hands of individuals." By freeing Miguel's family from the worry and drudgery of repeated emergency room visits, that's exactly what SCHIP does.

Few of the lower-income working families that rely on this program have the time to follow this week's legislative struggle, much less analyze how it serves the White House's apparent strategy of embroiling congressional Democrats in unrelenting conflicts with Bush that alienate swing voters. In that political skirmishing, these families have been reduced to collateral damage. They deserve something better from a president who once called himself a "compassionate conservative."

Mr. BARTON of Texas. I would like to yield 2 minutes to the distinguished Republican whip and a member of the committee who is on leave, Mr. BLUNT of Missouri.

Mr. BLUNT. Mr. Speaker, I'm thankful to the former chairman and the ranking member for yielding to me on this bill.

It seems to me that what we have here is a bill that has not benefited from the process of hearings. Most of our friends in the majority today, I assume, will vote for this bill. Most of our friends on our side are going to vote against this bill, and I believe that during the month of August the voters will have the hearings that we should have had in advance. I believe what we'll find out is this bill has needless problems in it in the name of expanding SCHIP.

My good friend, Ms. DEGETTE, mentioned the moon mission. It does seem to me that, in this bill now, the moon is the limit. The original bill said 200 percent of poverty, with some flexibility to the States. We're in favor of extending these guidelines.

The original proposal, as we understood it from the majority, was 400 percent of poverty. Families who made 80, $85,000 would get free health insurance for their children. I don't think that limit is there any more. I believe it's up to the States under this bill. If you made 1,000 times the poverty rate and your State wanted to insure you, they could do that and your initial payment from the Federal Government would be 95 cents on every dollar.

We're going to offer a recommital today that extends the current SCHIP program; that gives us the time to talk about it and ways that make it better; that reinstates the current law on immigrants, where, if you come to this country, you have to have a sponsor, and you can't participate in programs like this for the first 5 years. That's been one of the workable parts of our immigration policy.

We would propose we don't have self-verification, where people who are here illegally just can walk up and sign up and say I'm legally here.

We'll have a doctor fix. We'll do something about the therapy caps. And, in my district, 21,033 people who would lose their choice of Medicare don't lose their choice of Medicare. Restricting Medicare benefits to pay for children's health care is not the right thing.

Mr. STARK. I reserve the balance of my time.

Mr. BARTON of Texas. I'm going to try one more time here.

Mr. Speaker, I ask unanimous consent that there be 1 hour of additional time allotted on the pending legislation, equally divided between the majority and the minority, and, within that, equally divided between the Ways and Means Committee and the Energy and Commerce Committee.

Mr. STARK. Reserving the right to object.

The SPEAKER pro tempore. The gentleman reserves the right to object.

Mr. DINGELL. And I make a similar reservation.

Mr. STARK. If I could inquire of the distinguished gentleman from Texas, it's my understanding that this unanimous consent request has been negotiated between the majority and minority leadership.

Mr. BARTON of Texas. We share the same understanding.

Mr. STARK. And as part of it that we would proceed expeditiously to use the debate, move to passage, and without intervening stalling motions.

Mr. BARTON of Texas. We have the same understanding.

Mr. STARK. Then I withdraw my reservation.

Mr. DINGELL. I have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Hallelujah.

Mr. Speaker, at this point in time, I reserve my time.

Mr. STARK. Mr. Speaker, with this new-found wealth of time, I'm happy to yield 1 minute to the senior member of the Health Ways and Means Subcommittee, the gentleman from Texas (Mr. DOGGETT), who understands that the Lance Armstrong Foundation has urged a vote in favor of 3162, a legislation scored as a key vote for people affected by cancer; and Mr. Armstrong is a constituent of Mr. DOGGETT.

Mr. DOGGETT. Surely if Lance Armstrong can overcome mountains in France, we can overcome the mountains of obstructionism and of excuses to provide our children and our seniors the health coverage that they need.

By including significant portions of two Medicare bills that I filed, today's legislation supports grandparents as well as grandchildren. All seniors would get preventive care, and many of the 3.3 million poor seniors not receiving any help today would get the extra help for which they qualify.

Today, those seniors most in need are often least aware that help exists. We must identify and notify those entitled to extra help with prescription drugs and simplify the application process.

We also ensure that drug coverage is not lost by our seniors who saved a small nest egg or receive help and groceries from their children—behavior that we ought to encourage, not punish.

□ 1545

Importantly, we mandate that patients suffering from cancer, AIDS, and mental illness receive access to life-saving medications. Without this protection, vulnerable patients are held hostage by "cost cutting decisions" by private insurance companies.

While Lance inspires us to live strong, we can "vote strong" and improve the lives of children, seniors, and Americans fighting to get well again. Approve this important legislation.

Mr. BARTON of Texas. Mr. Speaker, could I inquire as to how much time there is remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 34½ minutes remaining; the gentleman from California has 31½ minutes remaining; the gentleman from Texas has 20 minutes remaining; and the gentleman from Louisiana has 45 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield 2½ minutes to a distinguished member from the great State of Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to talk about policy and process.

This is a situation where in the process the voices on both sides of the aisle have literally been shut down by bringing forward one of the most important pieces of legislation, I think, that I have had to discuss in the 4½ years that I have been a Member of this Congress. To say to the 11 position Members, almost equally divided between the Democrats and the Republicans, that we don't want to hear your voice, we don't want to hear some amendments that you might want to proffer because you have spent maybe 30 years, in my case maybe 25 years, 250 years in the aggregate of these 11 physicians' practicing medicine, no one being able to bring meaningful amendments to this issue.

The other side has talked many times about the Republican former majority running up this massive debt and borrowing money from the Chinese. I am going to tell you something. This might be a time, Mr. Speaker, where the new majority should borrow this $75 billion massive expansion of the SCHIP program from the Chinese rather than getting the money off the backs of our Medicare recipients under Medicare Advantage, 8 million of whom choose that option, and many of those are the lowest income; and also encouraging 22 million people to become addicted to smoking so they could raise this revenue. The chairman says it is a modest increase in tax on a pack of cigarettes. Indeed, Mr. Speaker, it doubles the tax on a pack of cigarettes.

So we have a better idea. I am opposed to this bill in its present form, and I support the Republican motion to recommit, which is the Barton-Deal bill, which says, look, we will cover children that are slipping through the cracks. The CBO estimates, Mr. Speaker, that 600,000 children have fallen through the cracks. They are in that group 100 to 200 percent of the Federal poverty level. Under the Barton-Deal plan, we can cover them and we will do that. We don't need to increase the funding by $50 billion and start covering children who already have health insurance because their families make more than $100,000 a year.

Mr. DINGELL. Mr. Speaker, at this time, I yield 2 minutes to the distinguished gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, there are 11 million reasons to vote for this bill, and each is a child in a working-class family who will grow up healthier and stronger as a result of its passage.

Every dollar we invest in the SCHIP program saves money over time. The children we cover are far less likely to require more expensive health care later on, far more likely to be better achievers in school and much better prepared to become productive adults.

SCHIP today provides health care to 6 million children. This bill will cover an additional 5 million children who qualify for SCHIP but today lack coverage.

Maine has developed one of the best SCHIP programs in the Nation. This bill offers States the flexibility to tailor outreach efforts to their specific needs and capacities. Failure to pass this legislation would mean the loss of health coverage for millions of children. But every child should have access to quality, affordable health care.

I am proud of the comparative effectiveness research provision in this bill. It will reduce health care costs and improve quality for all Americans. It does that by providing doctors and their patients with valid evidence-based information on how different treatments for particular medical conditions compare to one another. This data can help doctors and their patients determine whether or not new or high-priced drugs, devices, and other medical treatments provide better clinical outcomes.

This is a critically important piece of legislation. It helps our kids. It preserves Medicare for our seniors. It makes sure our physicians and other providers are adequately reimbursed. I urge my colleagues to support this legislation.

Mr. BARTON of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the opportunity.

I have in my hand here a letter from the American Association for Homecare, Coalition for Pulmonary Fibrosis, the COPD Alert, the Council for Quality Respiratory Care, and the National Emphysema/COPD Association asking us not to vote for this bill that would enact cuts in their programs.

As a physician, I understand the negative consequences of greater governmental involvement in health care. This bill will cut Medicare benefits. It will tax every single American with private health insurance.

Now, why would they do this? Why would they pass a bill like this? The answer, Mr. Speaker, is because they can. But their motives are laid bare. Their motives are laid today.

The true desire of those on the left is to gradually and enticingly move all Americans to Washington-controlled bureaucratic health care. Read the bill. Read the bill. It's right there.

It's not what we ought to be doing. It's not what Americans want. I urge my colleagues to oppose this bill.

Mr. STARK. Mr. Speaker, I would like to yield 1 minute to the distinguished gentleman from California, a member of the Ways and Means Committee (Mr. BECERRA). Pending that, I would point out that he is well aware that the National Hispanic Medical Association has endorsed the bill, and I would like to submit their endorsing letter into the RECORD.

NHMA, NATIONAL HISPANIC
MEDICAL ASSOCIATION,
Washington, DC, July 25, 2007.

Hon. JOHN DINGELL,
Chairman, House Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN DINGELL: On behalf of the National Hispanic Medical Association (NHMA), a non-profit association representing 36,000 licensed Hispanic physicians in the United States, we write to express our strong support for the Children's Health and Medicare Protection Act, H.R. 3162, which will allow the State Children's Health Insurance Program (SCHIP), Medicare, and Medicaid to expand enrollment of Hispanic children and elderly. Since one in five Hispanic children are currently uninsured and only 10 percent of Hispanics eligible for Medicare are enrolled, these programs are vital to increasing access to health care.

The mission of NHMA is to improve the health of Hispanics and other underserved populations. We support the SCHIP section that allows states to cover legal immigrant children and legal immigrant pregnant women, covers dental care and mental health care, provides state performance bonuses if they can demonstrate that they have enrolled new children who are currently eligible, but not enrolled, and creates the Children's Access, Payment and Equity Commission, that will examine issues of health disparities. We support the Medicare section that calls for reducing health disparities through demonstrations for language services reimbursement and targeted outreach, new quality data relating to disparities, expands the Low Income Subsidy and Medicare Savings Programs, and mandates a report on Culturally and Linguistically Appropriate Standards use by providers. We do not support total elimination of Medicare Advantage with a Hispanic enrollment of 21 percent receiving comprehensive care management and with Puerto Rico covering dual eligibles. Finally, we support the Medicaid section that increases funds for transition to work, disabilities, family planning, adult day care and Puerto Rico.

In summary, the National Hispanic Medical Association supports the Children's Health and Medicare Protection Act, H.R. 3161, because it will increase access to health insurance for Hispanics and will, thus, improve the health of all Americans.

Sincerely,
ELENA RIOS, M.D., M.S.P.H.,
President and CEO.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding.

The CHAMP Act is a victory for children's health, it is a victory for seniors' health, and it is a victory for American taxpayers who expect us to be fiscally responsible.

Why shouldn't 11 million American children from working families in this country have the same access to health care that the children of every single Member of Congress has? The taxpayers pay our salary and they make it possible for us to get health care benefits. Why shouldn't 11 million American children who live with parents who are working day to day have the same access?

Like our victory this year in increasing the minimum wage for America's workers, expanding health care coverage to 5 million children is long overdue.

My colleagues on the Republican side of the aisle voted a few years ago to add a prescription drug benefit under Medicare that costs about eight times as much as the benefit we would offer to the 11 million children would cost. Why not do it for our kids?

We are doing this in a way that is fiscally responsible. The CHAMP Act will not add a single cent to the Federal deficit that the Bush administration has created.

This is sound policy. Let's vote for the CHAMP Act for our kids and our seniors.

Mr. BARTON of Texas. Mr. Speaker, I would like to yield 1 minute to the distinguished gentleman from the great State of Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Speaker, everyone agrees that children deserve proper health care. The SCHIP program is an important program that provides health insurance for over 6.6 million of America's neediest children. I supported its renewal, but I believe it must be done responsibly.

This legislation overreaches. It cuts Medicare and also allows some adults to claim health care coverage meant for children. Good public policy should not pit the children against their grandparents.

This 465-page bill makes sweeping changes to American health care and tax policies. It needs thorough, thoughtful, and deliberate analysis, and time has not been provided for adequate examination. The SCHIP bill could have clear bipartisan support, I believe, but instead it contains a labyrinth of provisions, some of which hurts seniors. Mr. Speaker, I believe this Congress can do better.

Mr. DINGELL. Mr. Speaker, I yield at this time 1 minute to my very dear friend, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, somewhere in America right now an 8-year-old girl comes home to her mother and father and says she has a numbness and ache in her right arm, and they worry about it, wondering whether it is just a strain from playing on the playground or whether she has a serious disease of her nervous system. But they can't send her to the pediatrician because they do not have enough money left in the family budget this week and they have no health insurance.

The question before the House is whether or not to provide health insurance for that family and that little girl. Yes or no?

The bill says "yes." It pays for it responsibly by a modest increase in the cigarette tax and by eliminating subsidies to health insurance companies. You can say whatever you want, but the question comes down to that: yes or no? It is time we voted "yes" for that little girl and her family, voted "yes" on this bill.

Mr. BARTON of Texas. Mr. Speaker, I want to yield 1 minute to the Member of Congress with the largest number of Social Security recipients, the gentlewoman from the great State of Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today on behalf of the 43,000 senior citizens living in my congressional district who will lose their Medicare benefits if the bill before us today becomes law.

Everyone in this Chamber wants to extend SCHIP because it has helped many children, but not at the expense of their grandparents. Let me repeat: 43,000 of my constituents, 693,000 Floridians, and 8.3 million seniors nationwide will be pushed off of Medicare plans in favor of other priorities.

Today we are seeing the biggest raid on the Medicare trust fund seniors have ever seen, with no regard to those who rely on Medicare Advantage for their only access in many rural areas to health care benefits.

Some of the specific cuts that are in this bill are a 43 percent cut to patients who rent lifesaving oxygen equipment, a $7.2 billion cut for home health services, a $6.5 billion cut for skilled nursing facilities.

Mr. Speaker, cutting the only health care program many of my constituents use would be unconscionable.

The SPEAKER pro tempore. The gentleman from Michigan has a total of 31½ minutes remaining, and the gentleman from California has 30 minutes remaining, for an aggregate total of 61½ minutes. The gentleman from Texas has 14 minutes, and the gentleman from Louisiana has 45 minutes, for an aggregate total of 59 minutes.

Mr. DINGELL. Mr. Speaker, I continue to reserve the balance of my time.

Mr. STARK. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I respectfully reserve the balance of my time at this time.

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Mr. DINGELL. Mr. Speaker, I note that Mr. MCCRERY has time remaining.

He is a very valuable Member of this body, and I'm sure he would make very good use of the time that's available to him, and I would suggest that the business of the House could be expedited by having Mr. MCCRERY proceed to yield time to members of the Ways and Means Committee on the minority side.

Mr. BARTON of Texas. Mr. Speaker, I just wish to make an observation that the tradition of normal procedure is to alternate between majority and minority. We just had a minority speaker. It should be the opportunity of the majority to tell their side of the story.

The SPEAKER pro tempore. The Chair notes that it was an alternation between two committees on one side and two committees on the other side of the House.

The gentleman from Michigan has 31½ minutes remaining, the gentleman from California has 30½ minutes remaining, for an aggregate of 61½ minutes.

The gentleman from Texas has 14 minutes remaining, the gentleman from Louisiana continues to have his full 45 minutes remaining, for an aggregate of 59 minutes.

Mr. DINGELL. Mr. Speaker, I would then yield, with the understanding that the Democrats want to give the choice of the doctor, while our good Republican friends want to give a choice of HMOs.

With that, I yield 2 minutes to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman.

Mr. Speaker, the reauthorization of State Children's Health Insurance is unquestionably one of the most important bills we will pass this year. This bill will protect six million kids currently covered by SCHIP and provide coverage for an additional five million children.

This bill provides aggressive outreach to enroll children by simplifying enrollment procedures and awarding States bonuses for finding more children. This is important since two-thirds of the uninsured children in our Nation are actually eligible but not enrolled in Medicaid or SCHIP.

What is the response of our Republican friends? Block the bill from coming up in our committee; create phony issues because they're against insuring children. Illegal amnesty? Give me a break. No hearings? We've had seven hearings on this bill. Eligible for private insurance? 93.5 percent of the children we cover in this bill would have no private insurance without this bill.

What is the President's response? Under the President's plan, this program would see its funding cut from last year; and, worse, the amount allocated for its reauthorization would be less than half of the amount required to maintain coverage for current beneficiaries.

He says he will veto this bill because it covers too many children. This is unconscionable. Sixty-one national advocacy groups devoted to improving children's health request that we fund the SCHIP program at 60 billion additional dollars. The President countered with $4.8 billion. Clearly, there is a disconnect.

We are proud that, despite budgetary constraints, we will be able to reauthorize our SCHIP program at $50 billion. I am proud that we will be covering 11 million low-income children under this reauthorization, and I know our Nation will be better off for it.

This is an amazing feat. Passing bills like this is why we should all feel honored to be Members of Congress. I'm sorry that my Republican friends just continue to say no. We say yes, yes to 11 million children, yes to saying that our children ought to be insured, yes to saying that America's children need our help. Pass this bill. It is good for all our children.

Mr. BARTON of Texas. Mr. Speaker, I wish to yield 2 minutes to the distinguished gentleman from Georgia (Mr. DEAL), ranking member of the Health Subcommittee.

Mr. DEAL of Georgia. I thank the gentleman for yielding.

Mr. Speaker, we've heard a lot of opinions today about the effects of this bill; and opinions are, of course, of different perspectives on the bill. But there is an agency that we all rely on, supposedly, to give us the facts, and that is the Congressional Budget Office.

Now, there has been an argument about whether or not this bill, in its reforms, will go back to a system that would allow illegal immigrants to be covered. Now, we can say that it doesn't, but CBO says that, by changing that provision back to the way it used to be, that over the next 5 years it will cost $800 million and over the next 10 years it will cost $1.9 billion.

Now, CBO is simply saying that if you make it easier for illegals to enter the program, that's the price tag. They wouldn't say that if they didn't have some basis for coming up with those numbers. They didn't just pull them out of the air.

The other part deals with legal immigrants. We have had a policy in this country that if someone wants to bring a family member, a friend, or sponsor somebody to come in and we give that person coming in legal status, that they are not eligible to participate in our social programs, such as Medicaid, for the first 5 years. Their sponsor signs an affidavit that they will be personally responsible for that.

This bill removes that waiting time. So when you bring someone in, they can immediately sign up for the Medicaid rolls. Now, CBO says that that will cost $900 million over the next 5 years and $2.2 billion over the next 10 years. Now, the truth of the matter is that this bill gives incentives to States to allow this to happen.

I urge a "no" vote.

CONFERENCE REPORT ON H.R. 2272, AMERICA COMPETES ACT

Mr. GORDON of Tennessee submitted the following conference report and statement on the bill (H.R. 2272) to invest in innovation through research and development, and to improve the competitiveness of the United States:

CONFERENCE REPORT (H. REPT. 110–289)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2272), to invest in innovation through research and development, and to improve the competitiveness of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "America COMPETES Act" or the "America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

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Sec. 1001. National Science and Technology Summit.
Sec. 1002. Study on barriers to innovation.
Sec. 1003. National Technology and Innovation Medal.
Sec. 1004. Semiannual Science, Technology, Engineering, and Mathematics Days.
Sec. 1005. Study of service science.
Sec. 1006. President's Council on Innovation and Competitiveness.
Sec. 1007. National coordination of research infrastructure.
Sec. 1008. Sense of Congress on innovation acceleration research.
Sec. 1009. Release of scientific research results.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sec. 2001. NASA's contribution to innovation.
Sec. 2002. Aeronautics.
Sec. 2003. Basic research enhancement.
Sec. 2004. Aging workforce issues program.
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Sec. 2006. Use of International Space Station National Laboratory to support math and science education and competitiveness.

TITLE III—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Sec. 3001. Authorization of appropriations.
Sec. 3002. Amendments to the Stevenson-Wydler Technology Innovation Act of 1980.
Sec. 3003. Manufacturing Extension Partnership.
Sec. 3004. Institute-wide planning report.

Sec. 3005. Report by Visiting Committee.
Sec. 3006. Meetings of Visiting Committee on Advanced Technology.
Sec. 3007. Collaborative manufacturing research pilot grants.
Sec. 3008. Manufacturing Fellowship Program.
Sec. 3009. Procurement of temporary and intermittent services.
Sec. 3010. Malcolm Baldrige awards.
Sec. 3011. Report on National Institute of Standards and Technology efforts to recruit and retain early career science and engineering researchers.
Sec. 3012. Technology Innovation Program.
Sec. 3013. Technical amendments to the National Institute of Standards and Technology Act and other technical amendments.
Sec. 3014. Retention of depreciation surcharge.
Sec. 3015. Post-doctoral fellows.
TITLE IV—OCEAN AND ATMOSPHERIC PROGRAMS
Sec. 4001. Ocean and atmospheric Research and development Program.
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TITLE V—DEPARTMENT OF ENERGY
Sec. 5001. Short title.
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Sec. 5003. Science, engineering, and mathematics education at the Department of Energy.
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Sec. 5005. Hydrocarbon systems science talent expansion program for institutions of higher education.
Sec. 5006. Department of Energy early career awards for science, engineering, and mathematics researchers.
Sec. 5007. Authorization of appropriations for Department of Energy for basic research.
Sec. 5008. Discovery science and engineering innovation institutes.
Sec. 5009. Protecting America's Competitive Edge (PACE) graduate fellowship program.
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TITLE VI—EDUCATION
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Sec. 6112. Definitions.
Sec. 6113. Programs for baccalaureate degrees in science, technology, engineering, mathematics, or critical foreign languages, with concurrent teacher certification.
Sec. 6114. Programs for master's degrees in science, technology, engineering, mathematics, or critical foreign language education.
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PART II—ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS
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Sec. 6122. Definitions.
Sec. 6123. Advanced Placement and International Baccalaureate Programs.
PART III—PROMISING PRACTICES IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS TEACHING
Sec. 6131. Promising practices.
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Sec. 6201. Math Now for elementary school and middle school students program.
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Sec. 8007. Sense of the Senate regarding capital markets.
Sec. 8008. Accountability and transparency of activities authorized by this Act.

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

SEC. 1001. NATIONAL SCIENCE AND TECHNOLOGY SUMMIT.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the President shall convene a National Science and Technology Summit to examine the health and direction of the United States' science, technology, engineering, and mathematics enterprises. The Summit shall include representatives of industry, small business, labor, academia, State government, Federal research and development agencies, non-profit environmental and energy policy groups concerned with science and technology issues, and other nongovernmental organizations, including representatives of science, technology, and engineering organizations and associations that represent individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(b) Report.—Not later than 90 days after the date of the conclusion of the Summit, the President shall submit to Congress a report on the results of the Summit. The report shall identify key research and technology challenges and recommendations, including recommendations to increase the representation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, engineering, and technology enterprises, for areas of investment for Federal research and technology programs to be carried out during the 5-year period beginning on the date the report is issued.

(c) Annual Evaluation.—Beginning with the President's budget submission for the fiscal year following the conclusion of the National Science and Technology Summit and for each of the following 4 budget submissions, the Analytical Perspectives component of the budget document that describes the Research and Development budget priorities shall include a description of how those priorities relate to the conclusions and recommendations of the Summit contained in the report required under subsection (b).

SEC. 1002. STUDY ON BARRIERS TO INNOVATION.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall enter into a contract with the National Academy of Sciences to conduct and complete a study to identify, and to review methods to mitigate, new forms of risk for businesses beyond

conventional operational and financial risk that affect the ability to innovate, including studying and reviewing—

(1) incentive and compensation structures that could effectively encourage long-term value creation and innovation;

(2) methods of voluntary and supplemental disclosure by industry of intellectual capital, innovation performance, and indicators of future valuation;

(3) means by which government could work with industry to enhance the legal and regulatory framework to encourage the disclosures described in paragraph (2);

(4) practices that may be significant deterrents to United States businesses engaging in innovation risk-taking compared to foreign competitors;

(5) costs faced by United States businesses engaging in innovation compared to foreign competitors, including the burden placed on businesses by high and rising health care costs;

(6) means by which industry, trade associations, and universities could collaborate to support research on management practices and methodologies for assessing the value and risks of longer term innovation strategies;

(7) means to encourage new, open, and collaborative dialogue between industry associations, regulatory authorities, management, shareholders, labor, and other concerned interests to encourage appropriate approaches to innovation risk-taking;

(8) incentives to encourage participation among institutions of higher education, especially those in rural and underserved areas, to engage in innovation;

(9) relevant Federal regulations that may discourage or encourage innovation;

(10) all provisions of the Internal Revenue Code of 1986, including tax provisions, compliance costs, and reporting requirements, that discourage innovation;

(11) the extent to which Federal funding promotes or hinders innovation; and

(12) the extent to which individuals are being equipped with the knowledge and skills necessary for success in the 21st century workforce, as measured by—

(A) elementary school and secondary school student academic achievement on the State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 (b)(3)), especially in mathematics, science, and reading, identified by ethnicity, race, and gender;

(B) the rate of student entrance into institutions of higher education, identified by ethnicity, race, and gender, by type of institution, and barriers to access to institutions of higher education;

(C) the rates of—

(i) students successfully completing postsecondary education programs, identified by ethnicity, race, and gender; and

(ii) certificates, associate degrees, and baccalaureate degrees awarded in the fields of science, technology, engineering, and mathematics, identified by ethnicity, race, and gender; and

(D) access to, and availability of, high quality job training programs.

(b) REPORT REQUIRED.—Not later than 1 year after entering into the contract required by subsection (a) and 4 years after entering into such contract, the National Academy of Sciences shall submit to Congress a report on the study conducted under such subsection.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Science and Technology Policy $1,000,000 for fiscal year 2008 for the purpose of carrying out the study required under this section.

SEC. 1003. NATIONAL TECHNOLOGY AND INNOVATION MEDAL.

Section 16 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711) is amended—

*(1) in the section heading, by striking "**NATIONAL MEDAL**" and inserting "**NATIONAL TECHNOLOGY AND INNOVATION MEDAL**"; and*

(2) in subsection (a), by striking "Technology Medal" and inserting "Technology and Innovation Medal".

SEC. 1004. SEMIANNUAL SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS DAYS.

It is the sense of Congress that the Director of the Office of Science and Technology Policy should—

(1) encourage all elementary and middle schools to observe a Science, Technology, Engineering, and Mathematics Day twice in every school year for the purpose of bringing in science, technology, engineering, and mathematics mentors to provide hands-on lessons to excite and inspire students to pursue the science, technology, engineering, and mathematics fields (including continuing education and career paths);

(2) initiate a program, in consultation with Federal agencies and departments, to provide support systems, tools (from existing outreach offices), and mechanisms to allow and encourage Federal employees with scientific, technological, engineering, or mathematical responsibilities to reach out to local classrooms on such Science, Technology, Engineering, and Mathematics Days to instruct and inspire school children, focusing on real life science, technology, engineering, and mathematics-related applicable experiences along with hands-on demonstrations in order to demonstrate the advantages and direct applications of studying the science, technology, engineering, and mathematics fields; and

(3) promote Science, Technology, Engineering, and Mathematics Days involvement by private sector and institutions of higher education employees, including partnerships with scientific, engineering, and mathematical professional organizations representing individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b), in a manner similar to the Federal employee involvement described in paragraph (2).

SEC. 1005. STUDY OF SERVICE SCIENCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, in order to strengthen the competitiveness of United States enterprises and institutions and to prepare the people of the United States for high-wage, high-skill employment, the Federal Government should better understand and respond strategically to the emerging management and learning discipline known as service science.

(b) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall, through the National Academy of Sciences, conduct a study and report to Congress on how the Federal Government should support, through research, education, and training, the emerging management and learning discipline known as service science.

(c) OUTSIDE RESOURCES.—In conducting the study under subsection (b), the National Academy of Sciences shall consult with leaders from 2- and 4-year institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), leaders from corporations, and other relevant parties.

(d) SERVICE SCIENCE DEFINED.—In this section, the term "service science" means curricula, training, and research programs that are designed to teach individuals to apply scientific, engineering, and management disciplines that integrate elements of computer science, operations research, industrial engineering, business strategy, management sciences, and social and legal sciences, in order to encourage innovation in how organizations create value for customers and shareholders that could not be achieved through such disciplines working in isolation.

SEC. 1006. PRESIDENT'S COUNCIL ON INNOVATION AND COMPETITIVENESS.

(a) IN GENERAL.—The President shall establish a President's Council on Innovation and Competitiveness.

(b) DUTIES.—The duties of the Council shall include—

(1) monitoring implementation of public laws and initiatives for promoting innovation, including policies related to research funding, taxation, immigration, trade, and education that are proposed in this Act or in any other Act;

(2) providing advice to the President with respect to global trends in competitiveness and innovation and allocation of Federal resources in education, job training, and technology research and development considering such global trends in competitiveness and innovation;

(3) in consultation with the Director of the Office of Management and Budget, developing a process for using metrics to assess the impact of existing and proposed policies and rules that affect innovation capabilities in the United States;

(4) identifying opportunities and making recommendations for the heads of executive agencies to improve innovation, monitoring, and reporting on the implementation of such recommendations;

(5) developing metrics for measuring the progress of the Federal Government with respect to improving conditions for innovation, including through talent development, investment, and infrastructure improvements; and

(6) submitting to the President and Congress an annual report on such progress.

(c) MEMBERSHIP AND COORDINATION.—

(1) MEMBERSHIP.—The Council shall be composed of the Secretary or head of each of the following:

(A) The Department of Commerce.

(B) The Department of Defense.

(C) The Department of Education.

(D) The Department of Energy.

(E) The Department of Health and Human Services.

(F) The Department of Homeland Security.

(G) The Department of Labor.

(H) The Department of the Treasury.

(I) The National Aeronautics and Space Administration.

(J) The Securities and Exchange Commission.

(K) The National Science Foundation.

(L) The Office of the United States Trade Representative.

(M) The Office of Management and Budget.

(N) The Office of Science and Technology Policy.

(O) The Environmental Protection Agency.

(P) The Small Business Administration.

(Q) Any other department or agency designated by the President.

(2) CHAIRPERSON.—The Secretary of Commerce shall serve as Chairperson of the Council.

(3) COORDINATION.—The Chairperson of the Council shall ensure appropriate coordination between the Council and the National Economic Council, the National Security Council, and the National Science and Technology Council.

(4) MEETINGS.—The Council shall meet on a semi-annual basis at the call of the Chairperson and the initial meeting of the Council shall occur not later than 6 months after the date of the enactment of this Act.

(d) DEVELOPMENT OF INNOVATION AGENDA.—

(1) IN GENERAL.—The Council shall develop a comprehensive agenda for strengthening the innovation and competitiveness capabilities of the

Federal Government, State governments, academia, and the private sector in the United States.

(2) CONTENTS.—The comprehensive agenda required by paragraph (1) shall include the following:

(A) An assessment of current strengths and weaknesses of the United States investment in research and development.

(B) Recommendations for addressing weaknesses and maintaining the United States as a world leader in research and development and technological innovation, including strategies for increasing the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics fields.

(C) Recommendations for strengthening the innovation and competitiveness capabilities of the Federal Government, State governments, academia, and the private sector in the United States.

(3) ADVISORS.—

(A) RECOMMENDATION.—Not later than 30 days after the date of the enactment of this Act, the National Academy of Sciences, in consultation with the National Academy of Engineering, the Institute of Medicine, and the National Research Council, shall develop and submit to the President a list of 50 individuals that are recommended to serve as advisors to the Council during the development of the comprehensive agenda required by paragraph (1). The list of advisors shall include appropriate representatives from the following:

(i) The private sector of the economy.

(ii) Labor.

(iii) Various fields including information technology, energy, engineering, high-technology manufacturing, health care, and education.

(iv) Scientific organizations.

(v) Academic organizations and other nongovernmental organizations working in the area of science or technology.

(vi) Nongovernmental organizations, such as professional organizations, that represent individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in the areas of science, engineering, technology, and mathematics.

(B) DESIGNATION.—Not later than 30 days after the date that the National Academy of Sciences submits the list of recommended individuals to serve as advisors, the President shall designate 50 individuals to serve as advisors to the Council.

(C) REQUIREMENT TO CONSULT.—The Council shall develop the comprehensive agenda required by paragraph (1) in consultation with the advisors.

(4) INITIAL SUBMISSION AND UPDATES.—

(A) INITIAL SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, the Council shall submit to Congress and the President the comprehensive agenda required by paragraph (1).

(B) UPDATES.—At least once every 2 years, the Council shall update the comprehensive agenda required by paragraph (1) and submit each such update to Congress and the President.

(e) OPTIONAL ASSIGNMENT.—Notwithstanding subsection (a) and paragraphs (1) and (2) of subsection (c), the President may designate an existing council to carry out the requirements of this section.

SEC. 1007. NATIONAL COORDINATION OF RESEARCH INFRASTRUCTURE.

(a) IDENTIFICATION AND PRIORITIZATION OF DEFICIENCIES IN FEDERAL RESEARCH FACILITIES.—Each year the Director of the Office of Science and Technology Policy shall, through the National Science and Technology Council, identify and prioritize the deficiencies in research facilities and major instrumentation located at Federal laboratories and national user facilities at academic institutions that are widely accessible for use by researchers in the United States. In prioritizing such deficiencies, the Director shall consider research needs in areas relevant to the specific mission requirements of Federal agencies.

(b) PLANNING FOR ACQUISITION, REFURBISHMENT, AND MAINTENANCE OF RESEARCH FACILITIES AND MAJOR INSTRUMENTATION.—The Director shall, through the National Science and Technology Council, coordinate the planning by Federal agencies for the acquisition, refurbishment, and maintenance of research facilities and major instrumentation to address the deficiencies identified under subsection (a).

(c) REPORT.—The Director shall submit to Congress each year, together with documents submitted to Congress in support of the budget of the President for the fiscal year beginning in such year (as submitted pursuant to section 1105 of title 31, United States Code), a report, current as of the fiscal year ending in the year before such report is submitted, setting forth the following:

(1) A description of the deficiencies in research infrastructure identified in accordance with subsection (a).

(2) A list of projects and budget proposals of Federal research facilities, set forth by agency, for major instrumentation acquisitions that are included in the budget proposal of the President.

(3) An explanation of how the projects and instrumentation acquisitions described in paragraph (2) relate to the deficiencies and priorities identified pursuant to subsection (a).

SEC. 1008. SENSE OF CONGRESS ON INNOVATION ACCELERATION RESEARCH.

(a) SENSE OF CONGRESS ON SUPPORT AND PROMOTION OF INNOVATION IN THE UNITED STATES.—It is the sense of Congress that each Federal research agency should strive to support and promote innovation in the United States through high-risk, high-reward basic research projects that—

(1) meet fundamental technological or scientific challenges;

(2) involve multidisciplinary work; and

(3) involve a high degree of novelty.

(b) SENSE OF CONGRESS ON SETTING ANNUAL FUNDING GOALS FOR BASIC RESEARCH.—It is the sense of Congress that each Executive agency that funds research in science, technology, engineering, or mathematics should set a goal of allocating an appropriate percentage of the annual basic research budget of such agency to funding high-risk, high-reward basic research projects described in subsection (a).

(c) REPORT.—Each Executive agency described in subsection (b) shall submit to Congress each year, together with documents submitted to Congress in support of the budget of the President for the fiscal year beginning in such year (as submitted pursuant to section 1105 of title 31, United States Code), a report describing whether a funding goal as described in subsection (b) has been established, and if such a goal has been established, the following:

(1) A description of such funding goal.

(2) Whether such funding goal is being met by the agency.

(3) A description of activities supported by amounts allocated in accordance with such funding goal.

(d) DEFINITIONS.—In this section:

(1) BASIC RESEARCH.—The term "basic research" has the meaning given such term in the Office of Management and Budget Circular No. A-11.

(2) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given such term in section 105 of title 5, United States Code.

SEC. 1009. RELEASE OF SCIENTIFIC RESEARCH RESULTS.

(a) PRINCIPLES.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with the Director of the Office of Management and Budget and the heads of all Federal civilian agencies that conduct scientific research, shall develop and issue an overarching set of principles to ensure the communication and open exchange of data and results to other agencies, policymakers, and the public of research conducted by a scientist employed by a Federal civilian agency and to prevent the intentional or unintentional suppression or distortion of such research findings. The principles shall encourage the open exchange of data and results of research undertaken by a scientist employed by such an agency and shall be consistent with existing Federal laws, including chapter 18 of title 35, United States Code (commonly known as the "Bayh-Dole Act"). The principles shall also take into consideration the policies of peer-reviewed scientific journals in which Federal scientists may currently publish results.

(b) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall ensure that all civilian Federal agencies that conduct scientific research develop specific policies and procedures regarding the public release of data and results of research conducted by a scientist employed by such an agency consistent with the principles established under subsection (a). Such polices and procedures shall—

(1) specifically address what is and what is not permitted or recommended under such policies and procedures;

(2) be specifically designed for each such agency;

(3) be applied uniformly throughout each such agency; and

(4) be widely communicated and readily accessible to all employees of each such agency and the public.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 2001. NASA'S CONTRIBUTION TO INNOVATION.

(a) PARTICIPATION IN INTERAGENCY ACTIVITIES.—The National Aeronautics and Space Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education, consistent with the National Aeronautics and Space Administration's mission, including authorized activities.

(b) HISTORIC FOUNDATION.—In order to carry out the participation described in subsection (a), the Administrator of the National Aeronautics and Space Administration shall build on the historic role of the National Aeronautics and Space Administration in stimulating excellence in the advancement of physical science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

(c) BALANCED SCIENCE PROGRAM AND ROBUST AUTHORIZATION LEVELS.—The balanced science program authorized by section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611) shall be an element of the contribution by the National Aeronautics and Space Administration to such interagency programs.

(d) SENSE OF CONGRESS ON CONTRIBUTION OF APPROPRIATELY FUNDED NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—It is the *sense of Congress that a robust National Aeronautics and Space Administration, funded at the levels authorized for fiscal years 2007 and 2008 under sections 202 and 203 of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16631 and 16632) and at appropriate levels in subsequent fiscal years—*

(1) can contribute significantly to innovation in, and the competitiveness of, the United States;

(2) would enable a fair balance among science, aeronautics, education, exploration, and human space flight programs; and

(3) would allow full participation in any interagency efforts to promote innovation and economic competitiveness.

(e) ANNUAL REPORT.—

(1) REQUIREMENT.—The Administrator shall submit to Congress and the President an annual report describing the activities conducted pursuant to this section, including a description of the goals and the objective metrics upon which funding decisions were made.

(2) CONTENT.—Each report submitted pursuant to paragraph (1) shall include, with regard to science, technology, engineering, and mathematics education programs, at a minimum, the following:

(A) A description of each program.

(B) The amount spent on each program.

(C) The number of students or teachers served by each program.

(f) ASSESSMENT PLAN.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to Congress a report on its plan for instituting assessments of the effectiveness of the National Aeronautics and Space Administration's science, technology, engineering, and mathematics education programs in improving student achievement, including with regard to challenging State achievement standards.

SEC. 2002. AERONAUTICS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the aeronautics research and development program of the National Aeronautics and Space Administration has been an important contributor to innovation and to the competitiveness of the United States and the National Aeronautics and Space Administration should maintain its capabilities to advance the state of aeronautics.

(b) COOPERATION WITH OTHER AGENCIES ON AERONAUTICS ACTIVITIES.—The Administrator shall coordinate, as appropriate, the National Aeronautics and Space Administration's aeronautics activities with relevant programs in the Department of Transportation, the Department of Defense, the Department of Commerce, and the Department of Homeland Security, including the activities of the Joint Planning and Development Office established under section 709 of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 117 Stat. 2582).

SEC. 2003. BASIC RESEARCH ENHANCEMENT.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Secretary of Energy, the Secretary of Defense, and Secretary of Commerce shall, to the extent practicable, coordinate basic research activities related to physical sciences, technology, engineering, and mathematics.

(b) BASIC RESEARCH DEFINED.—In this section, the term "basic research" has the meaning given such term in Office of Management and Budget Circular No. A–11.

SEC. 2004. AGING WORKFORCE ISSUES PROGRAM.

It is the sense of Congress that the Administrator of the National Aeronautics and Space Administration should implement a program to address aging work force issues in aerospace that—

(1) documents technical and management experiences before senior people leave the National Aeronautics and Space Administration, including—

(A) documenting lessons learned;

(B) briefing organizations;

(C) providing opportunities for archiving lessons in a database; and

(D) providing opportunities for near-term retirees to transition out early from their primary assignment in order to document their career lessons learned and brief new employees prior to their separation from the National Aeronautics and Space Administration;

(2) provides incentives for retirees to return and teach new employees about their career lessons and experiences; and

(3) provides for the development of an award to recognize and reward outstanding senior employees for their contributions to knowledge sharing.

SEC. 2005. SENSE OF CONGRESS REGARDING NASA'S UNDERGRADUATE STUDENT RESEARCH PROGRAM.

It is the sense of Congress that in order to generate interest in careers in science, technology, engineering, and mathematics and to help train the next generation of space and aeronautical scientists, technologists, engineers, and mathematicians the Administrator of the National Aeronautics and Space Administration should utilize the existing Undergraduate Student Research Program of the National Aeronautics and Space Administration to support basic research projects on subjects of relevance to the National Aeronautics and Space Administration that—

(1) are to be carried out primarily by undergraduate students; and

(2) combine undergraduate research with other research supported by the National Aeronautics and Space Administration.

SEC. 2006. USE OF INTERNATIONAL SPACE STATION NATIONAL LABORATORY TO SUPPORT MATH AND SCIENCE EDUCATION AND COMPETITIVENESS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the International Space Station National Laboratory offers unique opportunities for educational activities and provides a unique resource for research and development in science, technology, and engineering, which can enhance the global competitiveness of the United States.

(b) DEVELOPMENT OF EDUCATIONAL PROJECTS.—The Administrator of the National Aeronautics and Space Administration shall develop a detailed plan for implementation of 1 or more education projects that utilize the resources offered by the International Space Station. In developing any detailed plan according to this paragraph, the Administrator shall make use of the findings and recommendations of the International Space Station National Laboratory Education Concept Development Task Force.

(c) DEVELOPMENT OF RESEARCH PLANS FOR COMPETITIVENESS ENHANCEMENT.—The Administrator shall develop a detailed plan for identification and support of research to be conducted aboard the International Space Station, which offers the potential for enhancement of United States competitiveness in science, technology, and engineering. In developing any detailed plan pursuant to this subsection, the Administrator shall consult with agencies and entities with which cooperative agreements have been reached regarding utilization of International Space Station National Laboratory facilities.

TITLE III—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.

(a) SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.—

(1) LABORATORY ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce for the scientific and technical research and services laboratory activities of the National Institute of Standards and Technology—

(A) $502,100,000 for fiscal year 2008;

(B) $541,900,000 for fiscal year 2009; and

(C) $584,800,000 for fiscal year 2010.

(2) CONSTRUCTION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(A) $150,900,000 for fiscal year 2008;

(B) $86,400,000 for fiscal year 2009; and

(C) $49,700,000 for fiscal year 2010.

(b) INDUSTRIAL TECHNOLOGY SERVICES.—There are authorized to be appropriated to the Secretary of Commerce for Industrial Technology Services activities of the National Institute of Standards and Technology—

(1) $210,000,000 for fiscal year 2008, of which—

(A) $100,000,000 shall be for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), of which at least $40,000,000 shall be for new awards; and

(B) $110,000,000 shall be for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), of which not more than $1,000,000 shall be for the competitive grant program under section 25(f) of such Act;

(2) $253,500,000 for fiscal year 2009, of which—

(A) $131,500,000 shall be for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), of which at least $40,000,000 shall be for new awards; and

(B) $122,000,000 shall be for the Manufacturing Extension Partnership Program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), of which not more than $4,000,000 shall be for the competitive grant program under section 25(f) of such Act; and

(3) $272,300,000 for fiscal year 2010, of which—

(A) $140,500,000 shall be for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), of which at least $40,000,000 shall be for new awards; and

(B) $131,800,000 shall be for the Manufacturing Extension Partnership Program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), of which not more than $4,000,000 shall be for the competitive grant program under section 25(f) of such Act.

SEC. 3002. AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

(a) IN GENERAL.—Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended—

(1) by striking subsections (a) through (e);

(2) by redesignating subsection (f) as subsection (a);

(3) in subsection (a), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking "The Secretary, acting through the Under Secretary, shall establish for fiscal year 1999" and inserting "Beginning in fiscal year 1999, the Secretary shall establish";

(B) by striking ", acting through the Under Secretary," each place it appears;

(C) by redesignating paragraph (6) as subsection (b);

(D) by striking paragraph (7); and

(E) in the subsection heading, by striking "EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY" and inserting "PROGRAM ESTABLISHMENT";

(4) in subsection (b), as redesignated by paragraph (3)(C), by striking "this subsection" and inserting "subsection (a)"; and

(5) in the section heading by striking "**COMMERCE AND TECHNOLOGICAL INNOVATION**" and inserting "**EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY**".

(b) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to eliminate the National Institute of Standards and Technology or the National Technical Information Service.

(c) CONFORMING AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Commerce for Technology.".

(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(A) in section 2 of such Act (15 U.S.C. 272)—

(i) in subsection (b), by striking "and, if appropriate, through other officials,"; and

(ii) in subsection (c), by striking "and, if appropriate, through other appropriate officials,"; and

(B) in section 5 of such Act (15 U.S.C. 274), by striking "The Director shall have the general" and inserting "The Director shall report directly to the Secretary and shall have the general".

(3) DEFINITIONS.—Section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended—

(A) by striking paragraphs (1) and (3); and

(B) by redesignating paragraphs (2) through (13) as paragraphs (1) through (11), respectively.

(4) FUNCTIONS OF SECRETARY.—Section 11(g)(1) of such Act (15 U.S.C. 3710(g)(1)) is amended by striking "through the Under Secretary, and".

(5) REPEAL OF AUTHORIZATION.—Section 21(a) of such Act (15 U.S.C. 3713(a)) is amended—

(A) in paragraph (1), by striking "sections 5, 11(g), and 16" and inserting "sections 11(g) and 16"; and

(B) in paragraph (2), by striking "$500,000 is authorized only for the purpose of carrying out the requirements of the Japanese technical literature program established under section 5(d) of this Act;".

(6) HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(7) ASSISTIVE TECHNOLOGY ACT OF 1998.—Section 6(b)(4)(B)(v) of the Assistive Technology Act of 1998 (29 U.S.C. 3005(b)(4)(B)(v)) is amended by striking "the Technology Administration of the Department of Commerce," and inserting "the National Institute of Standards and Technology,".

SEC. 3003. MANUFACTURING EXTENSION PARTNERSHIP.

(a) CLARIFICATION OF ELIGIBLE CONTRIBUTIONS IN CONNECTION WITH REGIONAL CENTERS RESPONSIBLE FOR IMPLEMENTING THE OBJECTIVES OF THE PROGRAM.—Paragraph (3) of section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(3)) is amended to read as follows:

"(3)(A) Any nonprofit institution, or group thereof, or consortia of nonprofit institutions, including entities existing on August 23, 1988, may submit to the Secretary an application for financial support under this subsection, in accordance with the procedures established by the Secretary and published in the Federal Register under paragraph (2).

"(B) In order to receive assistance under this section, an applicant for financial assistance under subparagraph (A) shall provide adequate assurances that non-Federal assets obtained from the applicant and the applicant's partnering organizations will be used as a funding source to meet not less than 50 percent of the costs incurred for the first 3 years and an increasing share for each of the last 3 years. For purposes of the preceding sentence, the costs incurred means the costs incurred in connection with the activities undertaken to improve the management, productivity, and technological performance of small- and medium-sized manufacturing companies.

"(C) In meeting the 50 percent requirement, it is anticipated that a Center will enter into agreements with other entities such as private industry, universities, and State governments to accomplish programmatic objectives and access new and existing resources that will further the impact of the Federal investment made on behalf of small- and medium-sized manufacturing companies. All non-Federal costs, contributed by such entities and determined by a Center as programmatically reasonable and allocable under MEP program procedures are includable as a portion of the Center's contribution.

"(D) Each applicant under subparagraph (A) shall also submit a proposal for the allocation of the legal rights associated with any invention which may result from the proposed Center's activities.".

(b) MANUFACTURING CENTER EVALUATION.—Paragraph (5) of section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting "A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and shall be placed on probation for one year, after which time the panel shall reevaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director shall conduct a new competition to select an operator for the Center or may close the Center." after "at declining levels.".

(c) FEDERAL SHARE.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by striking subsection (d) and inserting the following:

"(d) ACCEPTANCE OF FUNDS.—

"(1) IN GENERAL.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing.

"(2) ALLOCATION OF FUNDS.—

"(A) FUNDS ACCEPTED FROM OTHER FEDERAL DEPARTMENTS OR AGENCIES.—The Director shall determine whether funds accepted from other Federal departments or agencies shall be counted in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).

"(B) FUNDS ACCEPTED FROM THE PRIVATE SECTOR.—Funds accepted from the private sector under section 2(c)(7), if allocated to a Center, shall not be considered in the calculation of the Federal share under subsection (c) of this section.".

(d) MEP ADVISORY BOARD.—Such section 25 is further amended by adding at the end the following:

"(e) MEP ADVISORY BOARD.—

"(1) ESTABLISHMENT.—There is established within the Institute a Manufacturing Extension Partnership Advisory Board (in this subsection referred to as the 'MEP Advisory Board').

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The MEP Advisory Board shall consist of 10 members broadly representative of stakeholders, to be appointed by the Director. At least 2 members shall be employed by or on an advisory board for the Centers, and at least 5 other members shall be from United States small businesses in the manufacturing sector. No member shall be an employee of the Federal Government.

"(B) TERM.—Except as provided in subparagraph (C) or (D), the term of office of each member of the MEP Advisory Board shall be 3 years.

"(C) CLASSES.—The original members of the MEP Advisory Board shall be appointed to 3 classes. One class of 3 members shall have an initial term of 1 year, one class of 3 members shall have an initial term of 2 years, and one class of 4 members shall have an initial term of 3 years.

"(D) VACANCIES.—Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(E) SERVING CONSECUTIVE TERMS.—Any person who has completed two consecutive full terms of service on the MEP Advisory Board shall thereafter be ineligible for appointment during the one-year period following the expiration of the second such term.

"(3) MEETINGS.—The MEP Advisory Board shall meet not less than 2 times annually, and provide to the Director—

"(A) advice on Manufacturing Extension Partnership programs, plans, and policies;

"(B) assessments of the soundness of Manufacturing Extension Partnership plans and strategies; and

"(C) assessments of current performance against Manufacturing Extension Partnership program plans.

"(4) FEDERAL ADVISORY COMMITTEE ACT.—In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

"(5) REPORT.—The MEP Advisory Board shall transmit an annual report to the Secretary for transmittal to Congress within 30 days after the submission to Congress of the President's annual budget request in each year. Such report shall address the status of the program established pursuant to this section and comment on the relevant sections of the programmatic planning document and updates thereto transmitted to Congress by the Director under subsections (c) and (d) of section 23.".

(e) MANUFACTURING EXTENSION CENTER COMPETITIVE GRANT PROGRAM.—Such section 25 is further amended by adding at the end the following:

"(f) COMPETITIVE GRANT PROGRAM.—

"(1) ESTABLISHMENT.—The Director shall establish, within the Centers program under this section and section 26 of this Act, a program of competitive awards among participants described in paragraph (2) for the purposes described in paragraph (3).

"(2) PARTICIPANTS.—Participants receiving awards under this subsection shall be the Centers, or a consortium of such Centers.

"(3) PURPOSE.—The purpose of the program under this subsection is to develop projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Centers program, the Manufacturing Extension Partnership Advisory Board, and small and medium-sized manufacturers. One or more themes for the competition may be identified, which may vary from year to year, depending on the needs of manufacturers and the success of previous competitions. These themes shall be related to projects associated with manufacturing extension activities, including supply chain integration and quality management, and including the transfer of technology based on the technological needs of manufacturers and available technologies from institutions of higher education, laboratories, and other technology producing entities, or extend beyond these traditional areas.

"(4) APPLICATIONS.—Applications for awards under this subsection shall be submitted in such manner, at such time, and containing such information as the Director shall require, in consultation with the Manufacturing Extension Partnership Advisory Board.

"(5) SELECTION.—Awards under this subsection shall be peer reviewed and competitively awarded. The Director shall select proposals to receive awards—

"(A) that utilize innovative or collaborative approaches to solving the problem described in the competition;

"(B) that will improve the competitiveness of industries in the region in which the Center or Centers are located; and

"(C) that will contribute to the long-term economic stability of that region.

"(6) PROGRAM CONTRIBUTION.—Recipients of awards under this subsection shall not be required to provide a matching contribution.".

SEC. 3004. INSTITUTE-WIDE PLANNING REPORT.

Section 23 of the National Institute of Standards and Technology Act (15 U.S.C. 278i) is amended by adding at the end the following:

"(c) THREE-YEAR PROGRAMMATIC PLANNING DOCUMENT.—Concurrent with the submission to Congress of the President's annual budget request in the first year after the date of enactment of this subsection, the Director shall submit to Congress a 3-year programmatic planning document for the Institute, including programs under the Scientific and Technical Research and Services, Industrial Technology Services, and Construction of Research Facilities functions.

"(d) ANNUAL UPDATE ON THREE-YEAR PROGRAMMATIC PLANNING DOCUMENT.—Concurrent with the submission to the Congress of the President's annual budget request in each year after the date of enactment of this subsection, the Director shall submit to Congress an update to the 3-year programmatic planning document submitted under subsection (c), revised to cover the first 3 fiscal years after the date of that update.".

SEC. 3005. REPORT BY VISITING COMMITTEE.

Section 10(h)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278(h)(1)) is amended—

(1) by striking "on or before January 31 in each year" and inserting "not later than 30 days after the submittal to Congress of the President's annual budget request in each year"; and

(2) by adding to the end the following: "Such report also shall comment on the programmatic planning document and updates thereto submitted to Congress by the Director under subsections (c) and (d) of section 23.".

SEC. 3006. MEETINGS OF VISITING COMMITTEE ON ADVANCED TECHNOLOGY.

Section 10(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278(d)) is amended by striking "quarterly" and inserting "twice each year".

SEC. 3007. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

The National Institute of Standards and Technology Act is amended—

(1) by redesignating the first section 32 (15 U.S.C. 271 note) as section 34 and moving it to the end of the Act; and

(2) by inserting before the section moved by paragraph (1) the following new section:

"SEC. 33. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

"(a) AUTHORITY.—

"(1) ESTABLISHMENT.—The Director shall establish a pilot program of awards to partnerships among participants described in paragraph (2) for the purposes described in paragraph (3). Awards shall be made on a peer-reviewed, competitive basis.

"(2) PARTICIPANTS.—Such partnerships shall include at least—

"(A) 1 manufacturing industry partner; and

"(B) 1 nonindustry partner.

"(3) PURPOSE.—The purpose of the program under this section is to foster cost-shared collaborations among firms, educational institutions, research institutions, State agencies, and nonprofit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies. Partnerships receiving awards under this section shall conduct applied research to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and competitiveness of United States manufacturing, and build lasting alliances among collaborators.

"(b) PROGRAM CONTRIBUTION.—Awards under this section shall provide for not more than one-third of the costs of a partnership. Not more than an additional one-third of such costs may be obtained directly or indirectly from other Federal sources.

"(c) APPLICATIONS.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require. Such applications shall describe at a minimum—

"(1) how each partner will participate in developing and carrying out the research agenda of the partnership;

"(2) the research that the grant would fund; and

"(3) how the research to be funded with the award would contribute to improved performance, productivity, and competitiveness of the United States manufacturing industry.

"(d) SELECTION CRITERIA.—In selecting applications for awards under this section, the Director shall consider at a minimum—

"(1) the degree to which projects will have a broad impact on manufacturing;

"(2) the novelty and scientific and technical merit of the proposed projects; and

"(3) the demonstrated capabilities of the applicants to successfully carry out the proposed research.

"(e) DISTRIBUTION.—In selecting applications under this section the Director shall ensure, to the extent practicable, a distribution of overall awards among a variety of manufacturing industry sectors and a range of firm sizes.

"(f) DURATION.—In carrying out this section, the Director shall run a single pilot competition to solicit and make awards. Each award shall be for a 3-year period.".

SEC. 3008. MANUFACTURING FELLOWSHIP PROGRAM.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Director is authorized"; and

(2) by adding at the end the following new subsection:

"(b) MANUFACTURING FELLOWSHIP PROGRAM.—

"(1) ESTABLISHMENT.—To promote the development of a robust research community working at the leading edge of manufacturing sciences, the Director shall establish a program to award—

"(A) postdoctoral research fellowships at the Institute for research activities related to manufacturing sciences; and

"(B) senior research fellowships to established researchers in industry or at institutions of higher education who wish to pursue studies related to the manufacturing sciences at the Institute.

"(2) APPLICATIONS.—To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(3) STIPEND LEVELS.—Under this subsection, the Director shall provide stipends for postdoctoral research fellowships at a level consistent with the National Institute of Standards and Technology Postdoctoral Research Fellowship Program, and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.".

SEC. 3009. PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology may procure the temporary or intermittent services of experts or consultants (or organizations thereof) in accordance with section 3109(b) of title 5, United States Code, to assist with urgent or short-term research projects.

(b) EXTENT OF AUTHORITY.—A procurement under this section may not exceed 1 year in duration, and the Director shall procure no more than 200 experts and consultants per year.

(c) SUNSET.—This section shall cease to be effective after September 30, 2010.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on whether additional safeguards would be needed with respect to the use of authorities granted under this section if such authorities were to be made permanent.

SEC. 3010. MALCOLM BALDRIGE AWARDS.

Section 17(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(3)) is amended to read as follows:

"(3) In any year, not more than 18 awards may be made under this section to recipients who have not previously received an award under this section, and no award shall be made within any category described in paragraph (1) if there are no qualifying enterprises in that category.".

SEC. 3011. REPORT ON NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY EFFORTS TO RECRUIT AND RETAIN EARLY CAREER SCIENCE AND ENGINEERING RESEARCHERS.

Not later than 3 months after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall submit to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report on efforts to recruit and retain young scientists and engineers at the early stages of their careers at the National Institute of Standards and Technology laboratories and joint institutes. The report shall include—

(1) a description of National Institute of Standards and Technology policies and procedures, including financial incentives, awards, promotions, time set aside for independent research, access to equipment or facilities, and other forms of recognition, designed to attract and retain young scientists and engineers;

(2) an evaluation of the impact of these incentives on the careers of young scientists and engineers at the National Institute of Standards and Technology, and also on the quality of the research at the National Institute of Standards and Technology's laboratories and in the National Institute of Standards and Technology's programs;

(3) a description of what barriers, if any, exist to efforts to recruit and retain young scientists and engineers, including limited availability of full time equivalent positions, legal and procedural requirements, and pay grading systems; and

(4) the amount of funding devoted to efforts to recruit and retain young researchers and the source of such funds.

SEC. 3012. TECHNOLOGY INNOVATION PROGRAM.

(a) REPEAL OF ADVANCED TECHNOLOGY PROGRAM.—Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is repealed.

(b) ESTABLISHMENT OF TECHNOLOGY INNOVATION PROGRAM.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 27 the following:

“SEC. 28. TECHNOLOGY INNOVATION PROGRAM.

“(a) ESTABLISHMENT.—There is established within the Institute a program linked to the purpose and functions of the Institute, to be known as the ‘Technology Innovation Program’ for the purpose of assisting United States businesses and institutions of higher education or other organizations, such as national laboratories and nonprofit research institutions, to support, promote, and accelerate innovation in the United States through high-risk, high-reward research in areas of critical national need.

“(b) EXTERNAL FUNDING.—

“(1) IN GENERAL.—The Director shall award competitive, merit-reviewed grants, cooperative agreements, or contracts to—

“(A) eligible companies that are small-sized businesses or medium-sized businesses; or

“(B) joint ventures.

“(2) SINGLE COMPANY AWARDS.—No award given to a single company shall exceed $3,000,000 over 3 years.

“(3) JOINT VENTURE AWARDS.—No award given to a joint venture shall exceed $9,000,000 over 5 years.

“(4) FEDERAL COST SHARE.—The Federal share of a project funded by an award under the program shall not be more than 50 percent of total project costs.

“(5) PROHIBITIONS.—Federal funds awarded under this program may be used only for direct costs and not for indirect costs, profits, or management fees of a contractor. Any business that is not a small-sized or medium-sized business may not receive any funding under this program.

“(c) AWARD CRITERIA.—The Director shall only provide assistance under this section to an entity—

“(1) whose proposal has scientific and technical merit and may result in intellectual property vesting in a United States entity that can commercialize the technology in a timely manner;

“(2) whose application establishes that the proposed technology has strong potential to address critical national needs through transforming the Nation's capacity to deal with major societal challenges that are not currently being addressed, and generate substantial benefits to the Nation that extend significantly beyond the direct return to the applicant;

“(3) whose application establishes that the research has strong potential for advancing the state-of-the-art and contributing significantly to the United States science and technology knowledge base;

“(4) whose proposal explains why Technology Innovation Program support is necessary, including evidence that the research will not be conducted within a reasonable time period in the absence of financial assistance under this section;

“(5) whose application demonstrates that reasonable efforts have been made to secure funding from alternative funding sources and no other alternative funding sources are reasonably available to support the proposal; and

“(6) whose application explains the novelty of the technology and demonstrates that other entities have not already developed, commercialized, marketed, distributed, or sold similar technologies.

“(d) COMPETITIONS.—The Director shall solicit proposals at least annually to address areas of critical national need for high-risk, high-reward projects.

“(e) INTELLECTUAL PROPERTY RIGHTS OWNERSHIP.—

“(1) IN GENERAL.—Title to any intellectual property developed by a joint venture from assistance provided under this section may vest in any participant in the joint venture, as agreed by the members of the joint venture, notwithstanding section 202 (a) and (b) of title 35, United States Code. The United States may reserve a nonexclusive, nontransferable, irrevocable paid-up license, to have practice for or on behalf of the United States in connection with any such intellectual property, but shall not in the exercise of such license publicly disclose proprietary information related to the license. Title to any such intellectual property shall not be transferred or passed, except to a participant in the joint venture, until the expiration of the first patent obtained in connection with such intellectual property.

“(2) LICENSING.—Nothing in this subsection shall be construed to prohibit the licensing to any company of intellectual property rights arising from assistance provided under this section.

“(3) DEFINITION.—For purposes of this subsection, the term ‘intellectual property’ means an invention patentable under title 35, United States Code, or any patent on such an invention, or any work for which copyright protection is available under title 17, United States Code.

“(f) PROGRAM OPERATION.—Not later than 9 months after the date of the enactment of this section, the Director shall promulgate regulations—

“(1) establishing criteria for the selection of recipients of assistance under this section;

“(2) establishing procedures regarding financial reporting and auditing to ensure that awards are used for the purposes specified in this section, are in accordance with sound accounting practices, and are not funding existing or planned research programs that would be conducted within a reasonable time period in the absence of financial assistance under this section; and

“(3) providing for appropriate dissemination of Technology Innovation Program research results.

“(g) ANNUAL REPORT.—The Director shall submit annually to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the Technology Innovation Program's activities, including a description of the metrics upon which award funding decisions were made in the previous fiscal year, any proposed changes to those metrics, metrics for evaluating the success of ongoing and completed awards, and an evaluation of ongoing and completed awards. The first annual report shall include best practices for management of programs to stimulate high-risk, high-reward research.

“(h) CONTINUATION OF ATP GRANTS.—The Director shall, through the Technology Innovation Program, continue to provide support originally awarded under the Advanced Technology Program, in accordance with the terms of the original award and consistent with the goals of the Technology Innovation Program.

“(i) COORDINATION WITH OTHER STATE AND FEDERAL TECHNOLOGY PROGRAMS.—In carrying out this section, the Director shall, as appropriate, coordinate with other senior State and Federal officials to ensure cooperation and coordination in State and Federal technology programs and to avoid unnecessary duplication of efforts.

“(j) ACCEPTANCE OF FUNDS FROM OTHER FEDERAL AGENCIES.—In addition to amounts appropriated to carry out this section, the Secretary and the Director may accept funds from other Federal agencies to support awards under the Technology Innovation Program. Any award under this section which is supported with funds from other Federal agencies shall be selected and carried out according to the provisions of this section. Funds accepted from other Federal agencies shall be included as part of the Federal cost share of any project funded under this section.

“(k) TIP ADVISORY BOARD.—

“(1) ESTABLISHMENT.—There is established within the Institute a TIP Advisory Board.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The TIP Advisory Board shall consist of 10 members appointed by the Director, at least 7 of whom shall be from United States industry, chosen to reflect the wide diversity of technical disciplines and industrial sectors represented in Technology Innovation Program projects. No member shall be an employee of the Federal Government.

“(B) TERM.—Except as provided in subparagraph (C) or (D), the term of office of each member of the TIP Advisory Board shall be 3 years.

“(C) CLASSES.—The original members of the TIP Advisory Board shall be appointed to 3 classes. One class of 3 members shall have an initial term of 1 year, one class of 3 members shall have an initial term of 2 years, and one class of 4 members shall have an initial term of 3 years.

“(D) VACANCIES.—Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

“(E) SERVING CONSECUTIVE TERMS.—Any person who has completed 2 consecutive full terms of service on the TIP Advisory Board shall thereafter be ineligible for appointment during the 1-year period following the expiration of the second such term.

“(3) PURPOSE.—The TIP Advisory Board shall meet not less than 2 times annually, and provide the Director—

“(A) advice on programs, plans, and policies of the Technology Innovation Program;

“(B) reviews of the Technology Innovation Program's efforts to accelerate the research and development of challenging, high-risk, high-reward technologies in areas of critical national need;

“(C) reports on the general health of the program and its effectiveness in achieving its legislatively mandated mission; and

“(D) guidance on investment areas that are appropriate for Technology Innovation Program funding;

“(4) ADVISORY CAPACITY.—In discharging its duties under this subsection, the TIP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

“(5) ANNUAL REPORT.—The TIP Advisory Board shall transmit an annual report to the Secretary for transmittal to the Congress not later than 30 days after the submission to Congress of the President's annual budget request in each year. Such report shall address the status of the Technology Innovation Program and comment on the relevant sections of the programmatic planning document and updates thereto transmitted to Congress by the Director under subsections (c) and (d) of section 23.

“(l) DEFINITIONS.—In this section—

“(1) the term ‘eligible company’ means a small-sized or medium-sized business that is incorporated in the United States and does a majority of its business in the United States, and that either—

"(A) is majority owned by citizens of the United States; or

"(B) is owned by a parent company incorporated in another country and the Director finds that—

"(i) the company's participation in the Technology Innovation Program would be in the economic interest of the United States, as evidenced by—

"(I) investments in the United States in research and manufacturing;

"(II) significant contributions to employment in the United States; and

"(III) agreement with respect to any technology arising from assistance provided under this section to promote the manufacture within the United States of products resulting from that technology; and

"(ii) the company is incorporated in a country which—

"(I) affords to United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those receiving funding under this section;

"(II) affords to United States-owned companies local investment opportunities comparable to those afforded any other company; and

"(III) affords adequate and effective protection for intellectual property rights of United States-owned companies;

"(2) the term 'high-risk, high-reward research' means research that—

"(A) has the potential for yielding transformational results with far-ranging or wide-ranging implications;

"(B) addresses critical national needs within the National Institute of Standards and Technology's areas of technical competence; and

"(C) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer-review process;

"(3) the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

"(4) the term 'joint venture' means a joint venture that—

"(A) includes either—

"(i) at least 2 separately owned for-profit companies that are both substantially involved in the project and both of which are contributing to the cost-sharing required under this section, with the lead entity of the joint venture being one of those companies that is a small-sized or medium-sized business; or

"(ii) at least 1 small-sized or medium-sized business and 1 institution of higher education or other organization, such as a national laboratory or nonprofit research institute, that are both substantially involved in the project and both of which are contributing to the cost-sharing required under this section, with the lead entity of the joint venture being either that small-sized or medium-sized business or that institution of higher education; and

"(B) may include additional for-profit companies, institutions of higher education, and other organizations, such as national laboratories and nonprofit research institutes, that may or may not contribute non-Federal funds to the project; and

"(5) the term 'TIP Advisory Board' means the advisory board established under subsection (k).".

(c) TRANSITION.—Notwithstanding the repeal made by subsection (a), the Director shall carry out section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) as such section was in effect on the day before the date of the enactment of this Act, with respect to applications for grants under such section submitted before such date, until the earlier of—

(1) the date that the Director promulgates the regulations required under section 28(f) of the National Institute of Standards and Technology Act, as added by subsection (b); or

(2) December 31, 2007.

SEC. 3013. TECHNICAL AMENDMENTS TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AND OTHER TECHNICAL AMENDMENTS.

(a) RESEARCH FELLOWSHIPS.—Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended by striking "up to 1 per centum of the" and inserting "up to 1.5 percent of the".

(b) FINANCIAL AGREEMENTS CLARIFICATION.—Section 2(b)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(4)) is amended by inserting "and grants and cooperative agreements," after "arrangements,".

(c) OUTDATED SPECIFICATIONS.—

(1) REDEFINITION OF THE METRIC SYSTEM.—Section 3570 of the Revised Statutes of the United States (derived from section 2 of the Act of July 28, 1866, entitled "An Act to authorize the Use of the Metric System of Weights and Measures" (15 U.S.C. 205; 14 Stat. 339)) is amended to read as follows:

"SEC. 3570. METRIC SYSTEM DEFINED.

"The metric system of measurement shall be defined as the International System of Units as established in 1960, and subsequently maintained, by the General Conference of Weights and Measures, and as interpreted or modified for the United States by the Secretary of Commerce.".

(2) REPEAL OF REDUNDANT AND OBSOLETE AUTHORITY.—The Act of July 21, 1950, entitled, "An Act To redefine the units and establish the standards of electrical and photometric measurements." (15 U.S.C. 223 and 224) is hereby repealed.

(3) STANDARD TIME.—Section 1 of the Act of March 19, 1918, (commonly known as the "Calder Act") (15 U.S.C. 261) is amended—

(A) by inserting "(a) IN GENERAL.—" before "For the purpose";

(B) by striking the second sentence and the extra period after it and inserting "Except as provided in section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a), the standard time of the first zone shall be Coordinated Universal Time retarded by 4 hours; that of the second zone retarded by 5 hours; that of the third zone retarded by 6 hours; that of the fourth zone retarded by 7 hours; that of the fifth zone retarded 8 hours; that of the sixth zone retarded by 9 hours; that of the seventh zone retarded by 10 hours; that of the eighth zone retarded by 11 hours; and that of the ninth zone shall be Coordinated Universal Time advanced by 10 hours."; and

(C) by adding at the end the following:

"(b) COORDINATED UNIVERSAL TIME DEFINED.—In this section, the term 'Coordinated Universal Time' means the time scale maintained through the General Conference of Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce in coordination with the Secretary of the Navy.".

(4) IDAHO TIME ZONE.—Section 3 of the Act of March 19, 1918, (commonly known as the "Calder Act") (15 U.S.C. 264) is amended by striking "third zone" and inserting "fourth zone".

(d) NON-ENERGY INVENTIONS PROGRAM.—Section 27 of the National Institute of Standards and Technology Act (15 U.S.C. 278m) is repealed.

SEC. 3014. RETENTION OF DEPRECIATION SURCHARGE.

Section 14 of the National Institute of Standards and Technology Act (15 U.S.C. 278d) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Within"; and

(2) by adding at the end the following:

"(b) RETENTION OF FEES.—The Director is authorized to retain all building use and depreciation surcharge fees collected pursuant to OMB Circular A–25. Such fees shall be collected and credited to the Construction of Research Facilities Appropriation Account for use in maintenance and repair of the Institute's existing facilities.".

SEC. 3015. POST-DOCTORAL FELLOWS.

Section 19 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–2) is amended by striking "nor more than 60 new fellows" and inserting "nor more than 120 new fellows".

TITLE IV—OCEAN AND ATMOSPHERIC PROGRAMS

SEC. 4001. OCEAN AND ATMOSPHERIC RESEARCH AND DEVELOPMENT PROGRAM.

The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Director of the National Science Foundation and the Administrator of the National Aeronautics and Space Administration, shall establish a coordinated program of ocean, coastal, Great Lakes, and atmospheric research and development, in collaboration with academic institutions and other nongovernmental entities, that shall focus on the development of advanced technologies and analytical methods that will promote United States leadership in ocean and atmospheric science and competitiveness in the applied uses of such knowledge.

SEC. 4002. NOAA OCEAN AND ATMOSPHERIC SCIENCE EDUCATION PROGRAMS.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall conduct, develop, support, promote, and coordinate formal and informal educational activities at all levels to enhance public awareness and understanding of ocean, coastal, Great Lakes, and atmospheric science and stewardship by the general public and other coastal stakeholders, including underrepresented groups in ocean and atmospheric science and policy careers. In conducting those activities, the Administrator shall build upon the educational programs and activities of the agency.

(b) NOAA SCIENCE EDUCATION PLAN.—The Administrator, appropriate National Oceanic and Atmospheric Administration programs, ocean atmospheric science and education experts, and interested members of the public shall develop a science education plan setting forth education goals and strategies for the Administration, as well as programmatic actions to carry out such goals and priorities over the next 20 years, and evaluate and update such plan every 5 years.

(c) CONSTRUCTION.—Nothing in this section may be construed to affect the application of section 438 of the General Education Provisions Act (20 U.S.C. 1232a) or sections 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794 and 794d).

SEC. 4003. NOAA'S CONTRIBUTION TO INNOVATION.

(a) PARTICIPATION IN INTERAGENCY ACTIVITIES.—The National Oceanic and Atmospheric Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education, consistent with the agency mission, including authorized activities.

(b) HISTORIC FOUNDATION.—In order to carry out the participation described in subsection (a), the Administrator of the National Oceanic and Atmospheric Administration shall build on the historic role of the National Oceanic and Atmospheric Administration in stimulating excellence

in the advancement of ocean and atmospheric science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

TITLE V—DEPARTMENT OF ENERGY

SEC. 5001. SHORT TITLE.

This title may be cited as the "Protecting America's Competitive Edge Through Energy Act" or the "PACE–Energy Act".

SEC. 5002. DEFINITIONS.

In this title:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) NATIONAL LABORATORY.—The term "National Laboratory" has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(4) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 5003. SCIENCE, ENGINEERING, AND MATHEMATICS EDUCATION AT THE DEPARTMENT OF ENERGY.

(a) SCIENCE EDUCATION PROGRAMS.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (f), respectively;

(2) by inserting after subsection (a) the following:

"(b) ORGANIZATION OF SCIENCE, ENGINEERING, AND MATHEMATICS EDUCATION PROGRAMS.—

"(1) DIRECTOR OF SCIENCE, ENGINEERING, AND MATHEMATICS EDUCATION.—Notwithstanding any other provision of law, the Secretary, acting through the Under Secretary for Science (referred to in this subsection as the 'Under Secretary'), shall appoint a Director of Science, Engineering, and Mathematics Education (referred to in this subsection as the 'Director') with the principal responsibility for administering science, engineering, and mathematics education programs across all functions of the Department.

"(2) QUALIFICATIONS.—The Director shall be an individual, who by reason of professional background and experience, is specially qualified to advise the Under Secretary on all matters pertaining to science, engineering, and mathematics education at the Department.

"(3) DUTIES.—The Director shall—

"(A) oversee all science, engineering, and mathematics education programs of the Department;

"(B) represent the Department as the principal interagency liaison for all science, engineering, and mathematics education programs, unless otherwise represented by the Secretary or the Under Secretary;

"(C) prepare the annual budget and advise the Under Secretary on all budgetary issues for science, engineering, and mathematics education programs of the Department;

"(D) increase, to the maximum extent practicable, the participation and advancement of women and underrepresented minorities at every level of science, technology, engineering, and mathematics education; and

"(E) perform other such matters relating to science, engineering, and mathematics education as are required by the Secretary or the Under Secretary.

"(4) STAFF AND OTHER RESOURCES.—The Secretary shall assign to the Director such personnel and other resources as the Secretary considers necessary to permit the Director to carry out the duties of the Director.

"(5) ASSESSMENT.—

"(A) IN GENERAL.—The Secretary shall offer to enter into a contract with the National Academy of Sciences under which the National Academy, not later than 5 years after, and not later than 10 years after, the date of enactment of this paragraph, shall assess the performance of the science, engineering, and mathematics education programs of the Department.

"(B) CONSIDERATIONS.—An assessment under this paragraph shall be conducted taking into consideration, where applicable, the effect of science, engineering, and mathematics education programs of the Department on student academic achievement in science and mathematics.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection."; and

(3) by striking subsection (d) (as redesignated by paragraph (1)) and inserting the following:

"(d) SCIENCE, ENGINEERING, AND MATHEMATICS EDUCATION FUND.—The Secretary shall establish a Science, Engineering, and Mathematics Education Fund, using not less than 0.3 percent of the amount made available to the Department for research, development, demonstration, and commercial application for each fiscal year, to carry out sections 3165, 3166, and 3167.

"(e) ANNUAL PLAN FOR ALLOCATION OF EDUCATION FUNDING.—The Secretary shall submit to Congress as part of the annual budget submission for a fiscal year a report describing the manner in which the Department has complied with subsection (d) for the prior fiscal year and the manner in which the Department proposes to comply with subsection (d) during the following fiscal year, including—

"(1) the total amount of funding for research, development, demonstration, and commercial application activities for the corresponding fiscal year;

"(2) the amounts set aside for the Science, Engineering, and Mathematics Education Fund under subsection (d) from funding for research activities, development activities, demonstration activities, and commercial application activities for the corresponding fiscal year; and

"(3) a description of how the funds set aside under subsection (d) were allocated for the prior fiscal year and will be allocated for the following fiscal year.".

(b) CONSULTATION.—The Secretary shall—

(1) consult with the Secretary of Education and the Director of the National Science Foundation regarding activities authorized under subpart B of the Department of Energy Science Education Enhancement Act (as added by subsection (d)(3)) to improve science and mathematics education; and

(2) otherwise make available to the Secretary of Education reports associated with programs authorized under that section.

(c) DEFINITION.—Section 3168 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381d) is amended by adding at the end the following:

"(5) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).".

(d) SCIENCE, ENGINEERING, AND MATHEMATICS EDUCATION PROGRAMS.—The Department of Energy Science Education Enhancement Act (42 U.S.C. 7381 et seq.) is amended—

(1) by inserting after section 3162 (42 U.S.C. 7381) the following:

"Subpart A—Science Education Enhancement";

(2) in section 3169 (42 U.S.C. 7381e), by striking "part" and inserting "subpart"; and

(3) by adding at the end the following:

"Subpart B—Science, Engineering, and Mathematics Education Programs

"SEC. 3170. DEFINITIONS.

"In this subpart:

"(1) DIRECTOR.—The term 'Director' means the Director of Science, Engineering, and Mathematics Education.

"(2) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

"CHAPTER 1—PILOT PROGRAM OF GRANTS TO SPECIALTY SCHOOLS FOR SCIENCE AND MATHEMATICS

"SEC. 3171. PILOT PROGRAM OF GRANTS TO SPECIALTY SCHOOLS FOR SCIENCE AND MATHEMATICS.

"(a) PURPOSE.—The purpose of this section is to establish a pilot program of grants to States to help establish or expand public, statewide specialty secondary schools that provide comprehensive science and mathematics (including technology and engineering) education to improve the academic achievement of students in science and mathematics.

"(b) DEFINITION OF SPECIALTY SCHOOL FOR SCIENCE AND MATHEMATICS.—In this chapter, the term 'specialty school for science and mathematics' means a public secondary school (including a school that provides residential services to students) that—

"(1) serves students residing in the State in which the school is located; and

"(2) offers to those students a high-quality, comprehensive science and mathematics (including technology and engineering) curriculum designed to improve the academic achievement of students in science and mathematics.

"(c) PILOT PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—From the amounts authorized under subsection (i), the Secretary, acting through the Director and in consultation with the Director of the National Science Foundation, shall award grants, on a competitive basis, to States in order to provide assistance to the States for the costs of establishing or expanding public, statewide specialty schools for science and mathematics.

"(2) RESOURCES.—The Director shall ensure that appropriate resources of the Department, including the National Laboratories, are available to schools funded under this section in order to—

"(A) increase experiential, hands-on learning opportunities in science, technology, engineering, and mathematics for students attending such schools; and

"(B) provide ongoing professional development opportunities for teachers employed at such schools.

"(3) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available from funds authorized in this section to carry out a program using scientific and engineering staff of the National Laboratories, during which the staff—

"(A) assists teachers in teaching courses at the schools funded under this section;

"(B) uses National Laboratory scientific equipment in teaching the courses; and

"(C) uses distance education and other technologies to provide assistance described in subparagraphs (A) and (B) to schools funded under this section that are not located near the National Laboratories.

"(4) RESTRICTIONS.—

"(A) MAXIMUM NUMBER OF FUNDED SPECIALTY SCHOOLS PER STATE.—No State shall receive funding for more than 1 specialty school for science and mathematics for a fiscal year.

"(B) MAXIMUM AMOUNT AND DURATION OF GRANTS.—A grant awarded to a State for a specialty school for science and mathematics under this section—

"(i) shall not exceed $2,000,000 for a fiscal year; and

"(ii) shall not be provided for more than 3 fiscal years.

"(d) FEDERAL AND NON-FEDERAL SHARES.—

"(1) FEDERAL SHARE.—The Federal share of the costs described in subsection (c)(1) shall not exceed 33 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the costs described in subsection (c)(1) shall be—

"(A) not less than 67 percent; and

"(B) provided from non-Federal sources, in cash or in kind, fairly evaluated, including services.

"(e) APPLICATION.—To be eligible to receive a grant under this section, a State shall submit to the Director an application at such time, in such manner, and containing such information as the Director may require that describes—

"(1) the process by which and selection criteria with which the State will select and designate a school as a specialty school for science and mathematics in accordance with this section;

"(2) how the State will ensure that funds made available under this section are used to establish or expand a specialty school for science and mathematics—

"(A) in accordance with the activities described in subsection (g); and

"(B) that has the capacity to improve the academic achievement of all students in all core academic subjects, and particularly in science and mathematics;

"(3) how the State will measure the extent to which the school increases student academic achievement on State academic achievement standards in science, mathematics, and, to the maximum extent applicable, technology and engineering;

"(4) the curricula and materials to be used in the school;

"(5) the availability of funds from non-Federal sources for the costs of the activities authorized under this section; and

"(6) how the State will use technical assistance and support from the Department, including the National Laboratories, and other entities with experience and expertise in science, technology, engineering, and mathematics education, including institutions of higher education.

"(f) DISTRIBUTION.—In awarding grants under this section, the Director shall—

"(1) ensure a wide, equitable distribution among States that propose to serve students from urban and rural areas; and

"(2) provide equal consideration to States without National Laboratories.

"(g) USES OF FUNDS.—

"(1) REQUIREMENT.—A State that receives a grant under this section shall use the funds made available through the grant to—

"(A) employ proven strategies and methods for improving student learning and teaching in science, technology, engineering, and mathematics;

"(B) integrate into the curriculum of the school comprehensive science and mathematics education, including instruction and assessments in science, mathematics, and to the extent applicable, technology and engineering that are aligned with the academic content and student academic achievement standards of the State, within the meaning of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311);

"(C) create opportunities for enhanced and ongoing professional development for teachers that improves the science, technology, engineering, and mathematics content knowledge of the teachers; and

"(D) design and implement hands-on laboratory experiences to help prepare students to pursue postsecondary studies in science, technology, engineering, and mathematics fields.

"(2) SPECIAL RULE.—Grant funds under this section may be used for activities described in paragraph (1) only if the activities are directly relating to improving student academic achievement in science, mathematics, and to the extent applicable, technology and engineering.

"(h) EVALUATION AND REPORT.—

"(1) STATE EVALUATION AND REPORT.—

"(A) EVALUATION.—Each State that receives a grant under this section shall develop and carry out an evaluation and accountability plan for the activities funded through the grant that measures the impact of the activities, including measurable objectives for improved student academic achievement on State science, mathematics, and, to the maximum extent applicable, technology and engineering assessments.

"(B) REPORT.—The State shall submit to the Director a report containing the results of the evaluation and accountability plan.

"(2) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the PACE-Energy Act, the Director shall submit a report detailing the impact of the activities assisted with funds made available under this section to—

"(A) the Committee on Science and Technology of the House of Representatives;

"(B) the Committee on Energy and Natural Resources of the Senate; and

"(C) the Committee on Health, Education, Labor, and Pensions of the Senate.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $14,000,000 for fiscal year 2008;

"(2) $22,500,000 for fiscal year 2009; and

"(3) $30,000,000 for fiscal year 2010.

"CHAPTER 2—EXPERIENTIAL-BASED LEARNING OPPORTUNITIES

"SEC. 3175. EXPERIENTIAL-BASED LEARNING OPPORTUNITIES.

"(a) INTERNSHIPS AUTHORIZED.—

"(1) IN GENERAL.—From the amounts authorized under subsection (f), the Secretary, acting through the Director, shall establish a summer internship program for middle school and secondary school students that shall—

"(A) provide the students with internships at the National Laboratories;

"(B) promote experiential, hands-on learning in science, technology, engineering, or mathematics; and

"(C) be of at least 2 weeks in duration.

"(2) RESIDENTIAL SERVICES.—The Director may provide residential services to students participating in the internship program authorized under paragraph (1).

"(b) SELECTION CRITERIA.—

"(1) IN GENERAL.—The Director shall establish criteria to determine the sufficient level of academic preparedness necessary for a student to be eligible for an internship under this section.

"(2) PARTICIPATION.—The Director shall ensure the participation of students from a wide distribution of States, including States without National Laboratories.

"(3) STUDENT ACHIEVEMENT.—The Director may consider the academic achievement of middle and secondary school students in determining eligibility under this section, in accordance with paragraphs (1) and (2).

"(c) PRIORITY.—

"(1) IN GENERAL.—The Director shall give priority for an internship under this section to a student who meets the eligibility criteria described in subsection (b) and who attends a school—

"(A)(i) in which not less than 30 percent of the children enrolled in the school are from low-income families; or

"(ii) that is designated with a school locale code of 41, 42, or 43, as determined by the Secretary of Education; and

"(B) for which there is—

"(i) a high percentage of teachers who are not teaching in the academic subject areas or grade levels in which the teachers were trained to teach;

"(ii) a high teacher turnover rate; or

"(iii) a high percentage of teachers with emergency, provisional, or temporary certification or licenses.

"(2) COORDINATION.—The Director shall consult with the Secretary of Education in order to determine whether a student meets the priority requirements of this subsection.

"(d) OUTREACH AND EXPERIENTIAL-BASED PROGRAMS FOR MINORITY STUDENTS.—

"(1) IN GENERAL.—The Secretary, acting through the Director, in cooperation with Hispanic-serving institutions, historically Black colleges and universities, tribally controlled colleges and universities, Alaska Native- and Native Hawaiian-serving institutions, and other minority-serving institutions and nonprofit entities with substantial experience relating to outreach and experiential-based learning projects, shall establish outreach and experiential-based learning programs that will encourage underrepresented minority students in kindergarten through grade 12 to pursue careers in science, engineering, and mathematics.

"(2) COMMUNITY INVOLVEMENT.—The Secretary shall ensure that the programs established under paragraph (1) involve, to the maximum extent practicable—

"(A) participation by parents and educators; and

"(B) the establishment of partnerships with business organizations and appropriate Federal, State, and local agencies.

"(3) DISTRIBUTION.—The Secretary shall ensure that the programs established under paragraph (1) are located in diverse geographic regions of the United States, to the maximum extent practicable.

"(e) EVALUATION AND ACCOUNTABILITY PLAN.—The Director shall develop an evaluation and accountability plan for the activities funded under this chapter that objectively measures the impact of the activities.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,500,000 for each of fiscal years 2008 through 2010.

"CHAPTER 3—NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION

"SEC. 3181. NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION.

"(a) DEFINITION OF HIGH-NEED PUBLIC SECONDARY SCHOOL.—In this section, the term 'high-need public secondary school' means a secondary school—

"(1) with a high concentration of low-income individuals (as defined in section 1707 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537)); or

"(2) designated with a school locale code of 41, 42, or 43, as determined by the Secretary of Education.

"(b) ESTABLISHMENT.—The Secretary shall establish at each of the National Laboratories a program to support a Center of Excellence in Science, Technology, Engineering, and Mathematics (referred to in this section as a 'Center of Excellence') in at least 1 high-need public secondary school located in the region served by the National Laboratory to provide assistance in accordance with subsection (f).

"(c) COLLABORATION.—

"(1) IN GENERAL.—To comply with subsection (g), each high-need public secondary school selected as a Center of Excellence and the National Laboratory shall form a partnership with a school, department, or program of education at an institution of higher education.

"(2) NONPROFIT ENTITIES.—The partnership may include a nonprofit entity with demonstrated experience and effectiveness in science or mathematics, as agreed to by other members of the partnership.

"(d) SELECTION.—

"(1) IN GENERAL.—The Secretary, acting through the Director, shall establish criteria to guide the National Laboratories in selecting the sites for Centers of Excellence.

"(2) PROCESS.—A National Laboratory shall select a site for a Center of Excellence through an open, widely-publicized, and competitive process.

"(e) GOALS.—The Secretary shall establish goals and performance assessments for each Center of Excellence authorized under subsection (b).

"(f) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary assistance for a program established under this section through the use of scientific and engineering staff of a National Laboratory, including the use of staff—

"(1) to assist teachers in teaching a course at a Center of Excellence in Science, Technology, Engineering, and Mathematics; and

"(2) to use National Laboratory scientific equipment in the teaching of the course.

"(g) SPECIAL RULES.—A Center of Excellence in a region shall ensure—

"(1) provision of clinical practicum, student teaching, or internship experiences for science, technology, and mathematics teacher candidates as part of the teacher preparation program of the Center of Excellence;

"(2) provision of supervision and mentoring for teacher candidates in the teacher preparation program; and

"(3) to the maximum extent practicable, provision of professional development for veteran teachers in the public secondary schools in the region.

"(h) EVALUATION.—The Secretary shall consider the results of performance assessments required under subsection (e) in determining the contract award fee of a National Laboratory management and operations contractor.

"(i) PLAN.—The Director shall—

"(1) develop an evaluation and accountability plan for the activities funded under this section that objectively measures the impact of the activities; and

"(2) disseminate information obtained from those measurements.

"(j) NO EFFECT ON SIMILAR PROGRAMS.—Nothing in this section displaces or otherwise affects any similar program being carried out as of the date of enactment of this section at any National Laboratory under any other provision of law.

"CHAPTER 4—SUMMER INSTITUTES

"SEC. 3185. SUMMER INSTITUTES.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE PARTNER.—The term 'eligible partner' means—

"(A) the science, engineering, or mathematics department at an institution of higher education, acting in coordination with a school, department, or program of education at an institution of higher education that provides training for teachers and principals; or

"(B) a nonprofit entity with expertise in providing professional development for science, technology, engineering, or mathematics teachers.

"(2) SUMMER INSTITUTE.—The term 'summer institute' means an institute, operated during the summer, that—

"(A) is hosted by a National Laboratory or an eligible partner;

"(B) is operated for a period of not less than 2 weeks;

"(C) includes, as a component, a program that provides direct interaction between students and faculty, including personnel of 1 or more National Laboratories who have scientific expertise;

"(D) provides for follow-up training, during the academic year, that is conducted in the classroom; and

"(E) provides hands-on science, technology, engineering, or mathematics laboratory experience for not less than 2 days.

"(b) SUMMER INSTITUTE PROGRAMS AUTHORIZED.—

"(1) PROGRAMS AT THE NATIONAL LABORATORIES.—The Secretary, acting through the Director, shall establish or expand programs of summer institutes at each of the National Laboratories to provide additional training to strengthen the science, technology, engineering, and mathematics teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under paragraphs (3) and (4).

"(2) PROGRAMS WITH ELIGIBLE PARTNERS.—

"(A) IN GENERAL.—The Secretary, acting through the Director, shall identify and provide assistance as described in subparagraph (C) to eligible partners to establish or expand programs of summer institutes that provide additional training to strengthen the science, technology, engineering, and mathematics teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with paragraphs (3) and (4).

"(B) SELECTION CRITERIA.—In identifying eligible partners under subparagraph (A), the Secretary shall require that partner institutions describe—

"(i) how the partner institution has the capability to administer the program in accordance with this section, which may include a description of any existing programs at the institution of the applicant that are targeted at education of science and mathematics teachers and the number of teachers graduated annually from the programs; and

"(ii) how the partner institution will assist the National Laboratory in carrying out the activities described in paragraphs (3) and (4).

"(C) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available funds authorized under this section to carry out a program using scientific and engineering staff of the National Laboratories, during which the staff—

"(i) assists in providing training to teachers at summer institutes; and

"(ii) uses National Laboratory scientific equipment in the training.

"(3) REQUIRED ACTIVITIES.—Funds authorized under this section shall be used for—

"(A) creating opportunities for enhanced and ongoing professional development for teachers that improves the science, technology, engineering, and mathematics content knowledge of the teachers;

"(B) training to improve the ability of science, technology, engineering, and mathematics teachers to translate content knowledge and recent developments in pedagogy into classroom practice, including training to use curricula that are—

"(i) based on scientific research; and

"(ii) aligned with challenging State academic content standards;

"(C) training on the use and integration of technology in the classrooms; and

"(D) supplemental and follow-up professional development activities as described in subsection (a)(2)(D).

"(4) ADDITIONAL USES OF FUNDS.—Funds authorized under this section may be used for—

"(A) training and classroom materials to assist in carrying out paragraph (3);

"(B) expenses associated with scientific and engineering staff at the National Laboratories assisting in providing training to teachers at summer institutes;

"(C) instruction in the use and integration of data and assessments to inform and instruct classroom practice; and

"(D) stipends and travel expenses for teachers participating in the program.

"(c) PRIORITY.—To the maximum extent practicable, the Director shall ensure that each summer institute program authorized under subsection (b) provides training to—

"(1) teachers from a wide range of school districts;

"(2) teachers from high-need school districts; and

"(3) teachers from groups underrepresented in the fields of science, technology, engineering, and mathematics teaching, including women and members of minority groups.

"(d) COORDINATION AND CONSULTATION.—The Director shall consult and coordinate with the Secretary of Education and the Director of the National Science Foundation regarding the implementation of the programs authorized under subsection (b).

"(e) EVALUATION AND ACCOUNTABILITY PLAN.—

"(1) IN GENERAL.—The Director shall develop an evaluation and accountability plan for the activities funded under this section that measures the impact of the activities.

"(2) CONTENTS.—The evaluation and accountability plan shall include—

"(A) measurable objectives to increase the number of science, technology, and mathematics teachers who participate in the summer institutes involved; and

"(B) measurable objectives for improved student academic achievement on State science, mathematics, and to the maximum extent applicable, technology and engineering assessments.

"(3) REPORT TO CONGRESS.—The Secretary shall submit to Congress with the annual budget submission of the Secretary a report on how the activities assisted under this section improve the science, technology, engineering, and mathematics teaching skills of participating teachers.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $15,000,000 for fiscal year 2008;

"(2) $20,000,000 for fiscal year 2009; and

"(3) $25,000,000 for fiscal year 2010.

"CHAPTER 5—NATIONAL ENERGY EDUCATION DEVELOPMENT

"SEC. 3191. NATIONAL ENERGY EDUCATION DEVELOPMENT.

"(a) IN GENERAL.—The Secretary, acting through the Director and in consultation with the Director of the National Science Foundation, shall establish a program to coordinate and make available to teachers and students web-based kindergarten through high school science, technology, engineering, and mathematics education resources relating to the science and energy mission of the Department, including existing instruction materials and protocols for classroom laboratory experiments.

"(b) ENERGY EDUCATION.—The materials and other resources required under subsection (a) shall include instruction relating to—

"(1) the science of energy;

"(2) the sources of energy;

"(3) the uses of energy in society; and

"(4) the environmental consequences and benefits of all energy sources and uses.

"(c) DISSEMINATION.—The Secretary, acting through the Director, shall take all steps necessary, such as through participation in education association conferences, to advertise the program authorized under this section to K-12 teachers and science education coordinators across the United States.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $500,000 for fiscal year 2008; and

"(2) such sums as necessary for each fiscal year thereafter.

"CHAPTER 6—ADMINISTRATION

"SEC. 3195. MENTORING PROGRAM.

"(a) IN GENERAL.—As part of the programs established under chapters 1, 3, and 4, the Director shall establish a program to recruit and provide mentors for women and underrepresented minorities who are interested in careers in science, engineering, and mathematics.

"(b) PAIRING.—The program shall pair mentors with women and minorities who are in programs of study at specialty schools for science and mathematics, Centers of Excellence, and summer institutes established under chapters 1, 3, and 4, respectively.

"(c) PROGRAM EVALUATION.—The Secretary shall annually—

"(1) use metrics to evaluate the success of the programs established under subsection (a); and

"(2) submit to Congress a report that describes the results of each evaluation.".

SEC. 5004. NUCLEAR SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.

(a) PURPOSES.—The purposes of this section are—

(1) to address the decline in the number of and resources available to nuclear science programs at institutions of higher education; and

(2) to increase the number of graduates with degrees in nuclear science, an area of strategic importance to the economic competitiveness and energy security of the United States.

(b) DEFINITION OF NUCLEAR SCIENCE.—In this section, the term "nuclear science" includes—

(1) nuclear science;

(2) nuclear engineering;

(3) nuclear chemistry;

(4) radio chemistry; and

(5) health physics.

(c) ESTABLISHMENT.—The Secretary shall establish, in accordance with this section, a program to expand and enhance institution of higher education nuclear science educational capabilities.

(d) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

(1) IN GENERAL.—The Secretary shall award up to 3 competitive grants for each fiscal year to institutions of higher education that establish new academic degree programs in nuclear science.

(2) PRIORITY.—In evaluating grants under this subsection, the Secretary shall give priority to proposals that involve partnerships with a National Laboratory or other eligible nuclear-related entity, as determined by the Secretary.

(3) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on—

(A) the potential to attract new students to the program;

(B) academic rigor; and

(C) the ability to offer hands-on learning opportunities.

(4) DURATION AND AMOUNT.—

(A) DURATION.—A grant under this subsection may be up to 5 years in duration.

(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to $1,000,000 for each year of the grant period.

(5) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

(A) recruit and retain new faculty;

(B) develop core and specialized course content;

(C) encourage collaboration between faculty and researchers in the nuclear science field; and

(D) support outreach efforts to recruit students.

(e) NUCLEAR SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

(1) IN GENERAL.—The Secretary shall award up to 5 competitive grants for each fiscal year to institutions of higher education with existing academic degree programs that produce graduates in nuclear science.

(2) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on the potential for increasing the number and academic quality of graduates in the nuclear sciences who enter into careers in nuclear-related fields.

(3) DURATION AND AMOUNT.—

(A) DURATION.—A grant under this subsection may be up to 5 years in duration.

(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to $500,000 for each year of the grant period.

(4) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

(A) increase the number of graduates in nuclear science that enter into careers in the nuclear science field;

(B) enhance the teaching of advanced nuclear technologies;

(C) aggressively pursue collaboration opportunities with industry and National Laboratories;

(D) bolster or sustain nuclear infrastructure and research facilities of the institution of higher education, such as research and training reactors or laboratories; and

(E) provide tuition assistance and stipends to undergraduate and graduate students.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (d)—

(A) $3,500,000 for fiscal year 2008;

(B) $6,500,000 for fiscal year 2009; and

(C) $9,500,000 for fiscal year 2010.

(2) NUCLEAR SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (e)—

(A) $3,000,000 for fiscal year 2008;

(B) $5,500,000 for fiscal year 2009; and

(C) $8,000,000 for fiscal year 2010.

SEC. 5005. HYDROCARBON SYSTEMS SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.

(a) PURPOSES.—The purposes of this section are—

(1) to address the decline in the number of and resources available to hydrocarbon systems science programs at institutions of higher education; and

(2) to increase the number of graduates with degrees in hydrocarbon systems science, an area of strategic importance to the economic competitiveness and energy security of the United States.

(b) DEFINITION OF HYDROCARBON SYSTEMS SCIENCE.—In this section:

(1) IN GENERAL.—The term "hydrocarbon systems science" means a science involving natural gas or other petroleum exploration, development, or production.

(2) INCLUSIONS.—The term "hydrocarbon systems science" includes—

(A) petroleum or reservoir engineering;

(B) environmental geoscience;

(C) petrophysics;

(D) geophysics;

(E) geochemistry;

(F) petroleum geology;

(G) ocean engineering;

(H) environmental engineering; and

(I) computer science, as computer science relates to a science described in this subsection.

(c) ESTABLISHMENT.—The Secretary shall establish, in accordance with this section, a program to expand and enhance institution of higher education hydrocarbon systems science educational capabilities.

(d) HYDROCARBON SYSTEMS SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

(1) IN GENERAL.—The Secretary shall award up to 3 competitive grants for each fiscal year to institutions of higher education that establish new academic degree programs in hydrocarbon systems science.

(2) ELIGIBILITY.—In evaluating grants under this subsection, the Secretary shall give priority to proposals that involve partnerships with the National Laboratories, including the National Energy Technology Laboratory, or other hydrocarbon systems scientific entities, as determined by the Secretary.

(3) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on—

(A) the potential to attract new students to the program;

(B) academic rigor; and

(C) the ability to offer hands-on learning opportunities.

(4) DURATION AND AMOUNT.—

(A) DURATION.—A grant under this subsection may be up to 5 years in duration.

(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to $1,000,000 for each year of the grant period.

(5) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

(A) recruit and retain new faculty;

(B) develop core and specialized course content;

(C) encourage collaboration between faculty and researchers in the hydrocarbon systems science field; and

(D) support outreach efforts to recruit students.

(e) HYDROCARBON SYSTEMS SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

(1) IN GENERAL.—The Secretary shall award up to 5 competitive grants for each fiscal year to institutions of higher education with existing academic degree programs that produce graduates in hydrocarbon systems science.

(2) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on the potential for increasing the number and academic quality of graduates in hydrocarbon systems sciences who enter into careers in natural gas and other petroleum exploration, development, and production related fields.

(3) DURATION AND AMOUNT.—

(A) DURATION.—A grant under this subsection may be up to 5 years in duration.

(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to $500,000 for each year of the grant period.

(4) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

(A) increase the number of graduates in the hydrocarbon systems sciences that enter into careers in the natural gas and other petroleum exploration, development, and production science fields;

(B) enhance the teaching of advanced natural gas and other petroleum exploration, development, and production technologies;

(C) aggressively pursue collaboration opportunities with industry and the National Laboratories, including the National Energy Technology Laboratory;

(D) bolster or sustain natural gas and other petroleum exploration, development, and production infrastructure and research facilities of the institution of higher education, such as research and training or laboratories; and

(E) provide tuition assistance and stipends to undergraduate and graduate students.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) HYDROCARBON SYSTEMS SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (d)—

(A) $3,500,000 for fiscal year 2008;

(B) $6,500,000 for fiscal year 2009; and

(C) $9,500,000 for fiscal year 2010.

(2) HYDROCARBON SYSTEMS SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (e)—

(A) $3,000,000 for fiscal year 2008;

(B) $5,500,000 for fiscal year 2009; and

(C) $8,000,000 for fiscal year 2010.

SEC. 5006. DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE. ENGINEERING, AND MATHEMATICS RESEARCHERS.

(a) GRANT AWARDS.—The Director of the Office of Science of the Department (referred to in this section as the "Director") shall carry out a program to award grants to scientists and engineers at an early career stage at institutions of higher education and organizations described in subsection (c) to conduct research in fields relevant to the mission of the Department.

(b) AMOUNT AND DURATION.—

(1) AMOUNT.—The amount of a grant awarded under this section shall be—

(A) not less than $80,000; and

(B) not more than $125,000.

(2) DURATION.—The term of a grant awarded under this section shall be not more than 5 years.

(c) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, an individual shall, as determined by the Director—

(A) subject to paragraph (2), have completed a doctorate or other terminal degree not more than 10 years before the date on which the proposal for a grant is submitted under subsection (e)(1);

(B) have demonstrated promise in a science, engineering, or mathematics field relevant to the missions of the Department; and

(C) be employed—

(i) in a tenure track-position as an assistant professor or equivalent title at an institution of higher education in the United States;

(ii) at an organization in the United States that is a nonprofit, nondegree-granting research organization such as a museum, observatory, or research laboratory; or

(iii) as a scientist at a National Laboratory.

(2) WAIVER.—Notwithstanding paragraph (1)(A), the Director may determine that an individual who has completed a doctorate more than 10 years before the date of submission of a proposal under subsection (e)(1) is eligible to receive a grant under this section if the individual was unable to conduct research for a period of time because of extenuating circumstances, including military service or family responsibilities, as determined by the Director.

(d) SELECTION.—Grant recipients shall be selected on a competitive, merit-reviewed basis.

(e) SELECTION PROCESS AND CRITERIA.—

(1) PROPOSAL.—To be eligible to receive a grant under this section, an individual shall submit to the Director a proposal at such time, in such manner, and containing such information as the Director may require.

(2) EVALUATION.—In evaluating the proposals submitted under paragraph (1), the Director shall take into consideration, at a minimum—

(A) the intellectual merit of the proposed project;

(B) the innovative or transformative nature of the proposed research;

(C) the extent to which the proposal integrates research and education, including undergraduate education in science and engineering disciplines; and

(D) the potential of the applicant for leadership at the frontiers of knowledge.

(f) DIVERSITY REQUIREMENT.—

(1) IN GENERAL.—In awarding grants under this section, the Director shall endeavor to ensure that the grant recipients represent a variety of types of institutions of higher education and nonprofit, nondegree-granting research organizations.

(2) REQUIREMENT.—In support of the goal described in paragraph (1), the Director shall broadly disseminate information regarding the deadlines applicable to, and manner in which to submit, proposals for grants under this section, including by conducting outreach activities for—

(A) part B institutions, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061); and

(B) minority institutions, as defined in section 365 of that Act (20 U.S.C. 1067k).

(g) REPORT ON RECRUITING AND RETAINING EARLY CAREER SCIENCE AND ENGINEERING RESEARCHERS AT NATIONAL LABORATORIES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing efforts of the Director to recruit and retain young scientists and engineers at early career stages at the National Laboratories.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) a description of applicable Department and National Laboratory policies and procedures, including policies and procedures relating to financial incentives, awards, promotions, time reserved for independent research, access to equipment or facilities, and other forms of recognition, designed to attract and retain young scientists and engineers;

(B) an evaluation of the impact of the incentives described in subparagraph (A) on—

(i) the careers of young scientists and engineers at the National Laboratories; and

(ii) the quality of the research at the National Laboratories and in Department programs;

(C) a description of barriers, if any, that exist with respect to efforts to recruit and retain young scientists and engineers, including the limited availability of full-time equivalent positions, legal and procedural requirements, and pay grading systems; and

(D) the amount of funding devoted to efforts to recruit and retain young researchers, and the source of the funds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary, acting through the Director, to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 5007. AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF ENERGY FOR BASIC RESEARCH.

Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) $5,814,000,000 for fiscal year 2010.".

SEC. 5008. DISCOVERY SCIENCE AND ENGINEERING INNOVATION INSTITUTES.

(a) IN GENERAL.—The Secretary shall establish distributed, multidisciplinary institutes (referred to in this section as "Institutes") centered at National Laboratories to apply fundamental science and engineering discoveries to technological innovations relating to—

(1) the missions of the Department; and

(2) the global competitiveness of the United States.

(b) TOPICAL AREAS.—The Institutes shall support scientific and engineering research and education activities on critical emerging technologies determined by the Secretary to be essential to global competitiveness, including activities relating to—

(1) sustainable energy technologies;

(2) multiscale materials and processes;

(3) micro- and nano-engineering;

(4) computational and information engineering; and

(5) genomics and proteomics.

(c) PARTNERSHIPS.—In carrying out this section, the Secretary shall establish partnerships between the Institutes and—

(1) institutions of higher education—

(A) to train undergraduate and graduate science and engineering students;

(B) to develop innovative undergraduate and graduate educational curricula; and

(C) to conduct research within the topical areas described in subsection (b); and

(2) private industry to develop innovative technologies within the topical areas described in subsection (b).

(d) GRANTS.—

(1) IN GENERAL.—For each fiscal year, the Secretary may select not more than 3 Institutes to receive a grant under this section.

(2) MERIT-BASED SELECTION.—The selection of Institutes under paragraph (1) shall be—

(A) merit-based; and

(B) made through an open, competitive selection process.

(3) TERM.—An Institute shall receive a grant under this section for not more than 3 fiscal years.

(e) REVIEW.—The Secretary shall offer to enter into an agreement with the National Academy of Sciences under which the Academy shall, by not later than 3 years after the date of enactment of this Act—

(1) review the performance of the Institutes under this section; and

(2) submit to Congress and the Secretary a report describing the results of the review.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to provide grants to each Institute selected under this section $10,000,000 for each of fiscal years 2008 through 2010.

SEC. 5009. PROTECTING AMERICA'S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.

(a) DEFINITION OF ELIGIBLE STUDENT.—In this section, the term "eligible student" means a student who attends an institution of higher education that offers a doctoral degree in a field relevant to a mission area of the Department.

(b) ESTABLISHMENT.—The Secretary shall establish a graduate fellowship program for eligible students pursuing a doctoral degree in a mission area of the Department.

(c) SELECTION.—

(1) IN GENERAL.—The Secretary shall award fellowships to eligible students under this section through a competitive merit review process, involving written and oral interviews, that will result in a wide distribution of awards throughout the United States, as determined by the Secretary.

(2) CRITERIA.—The Secretary shall establish selection criteria for awarding fellowships under this section that require an eligible student—

(A) to pursue a field of science or engineering of importance to a mission area of the Department;

(B) to demonstrate to the Secretary—

(i) the capacity of the eligible student to understand technical topics relating to the fellowship that can be derived from the first principles of the technical topics;

(ii) imagination and creativity;

(iii) leadership skills in organizations or intellectual endeavors, demonstrated through awards and past experience; and

(iv) excellent verbal and communication skills to explain, defend, and demonstrate an understanding of technical subjects relating to the fellowship; and

(C) to be a citizen or legal permanent resident of the United States.

(d) AWARDS.—

(1) AMOUNT.—A fellowship awarded under this section shall—

(A) provide an annual living stipend; and

(B) cover—

(i) graduate tuition at an institution of higher education described in subsection (a); and

(ii) incidental expenses associated with curricula and research at the institution of higher education (including books, computers, and software).

(2) DURATION.—A fellowship awarded under this section shall be up to 3 years duration within a 5-year period.

(3) PORTABILITY.—A fellowship awarded under this section shall be portable with the eligible student.

(e) ADMINISTRATION.—The Secretary, acting through the Director of Science, Engineering, and Mathematics Education—

(1) shall administer the program established under this section; and

(2) may enter into a contract with a nonprofit entity to administer the program, including the selection and award of fellowships.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $7,500,000 for fiscal year 2008;

(2) $12,000,000 for fiscal year 2009, including nonexpiring fellowships for the preceding fiscal year; and

(3) $20,000,000 for fiscal year 2010, including nonexpiring fellowships for preceding fiscal years.

SEC. 5010. SENSE OF CONGRESS REGARDING CERTAIN RECOMMENDATIONS AND REVIEWS.

It is the sense of Congress that—

(1) the Department of Energy should implement the recommendations contained in the report of the Government Accountability Office numbered 04-639; and

(2) the Secretary of Energy should annually conduct reviews in accordance with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) of at least 2 recipients of grants provided by the Department of Energy.

SEC. 5011. DISTINGUISHED SCIENTIST PROGRAM.

(a) PURPOSE.—The purpose of this section is to promote scientific and academic excellence through collaborations between institutions of higher education and National Laboratories.

(b) ESTABLISHMENT.—The Secretary shall establish a program to support the joint appointment of distinguished scientists by institutions of higher education and National Laboratories.

(c) QUALIFICATIONS.—To be eligible for appointment as a distinguished scientist under this section, an individual, by reason of professional background and experience, shall be able to bring international recognition to the appointing institution of higher education or National Laboratory in the field of scientific endeavor of the individual.

(d) SELECTION.—A distinguished scientist appointed under this section shall be selected through an open, competitive process.

(e) APPOINTMENT.—

(1) INSTITUTION OF HIGHER EDUCATION.—An appointment by an institution of higher education under this section shall be filled within the tenure allotment of the institution of higher education, at a minimum rank of professor.

(2) NATIONAL LABORATORY.—An appointment by a National Laboratory under this section shall be at the rank of the highest grade of distinguished scientist or technical staff of the National Laboratory.

(f) DURATION.—An appointment under this section shall—

(1) be for a term of 6 years; and

(2) consist of 2 3-year funding allotments.

(g) USE OF FUNDS.—Funds made available under this section may be used for—

(1) the salary of the distinguished scientist and support staff;

(2) undergraduate, graduate, and post-doctoral appointments;

(3) research-related equipment;

(4) professional travel; and

(5) such other requirements as the Secretary determines to be necessary to carry out the purpose of the program.

(h) REVIEW.—

(1) IN GENERAL.—The appointment of a distinguished scientist under this section shall be reviewed at the end of the first 3-year allotment for the distinguished scientist through an open peer-review process to determine whether the appointment is meeting the purpose of this section under subsection (a).

(2) FUNDING.—Funding of the appointment of the distinguished scientist for the second 3-year allotment shall be determined based on the review conducted under paragraph (1).

(i) COST SHARING.—To be eligible for assistance under this section, an appointing institution of higher education shall pay at least 50 percent of the total costs of the appointment.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $15,000,000 for fiscal year 2008;

(2) $20,000,000 for fiscal year 2009; and

(3) $30,000,000 for fiscal year 2010.

SEC. 5012. ADVANCED RESEARCH PROJECTS AGENCY—ENERGY.

(a) DEFINITIONS.—In this section:

(1) ARPA-E.—The term "ARPA-E" means the Advanced Research Projects Agency—Energy established by subsection (b).

(2) DIRECTOR.—The term "Director" means the Director of ARPA-E appointed under subsection (d).

(3) FUND.—The term "Fund" means the Energy Transformation Acceleration Fund established under subsection (m)(1).

(b) ESTABLISHMENT.—There is established the Advanced Research Projects Agency—Energy within the Department to overcome the long-term and high-risk technological barriers in the development of energy technologies.

(c) GOALS.—

(1) IN GENERAL.—The goals of ARPA-E shall be—

(A) to enhance the economic and energy security of the United States through the development of energy technologies that result in—

(i) reductions of imports of energy from foreign sources;

(ii) reductions of energy-related emissions, including greenhouse gases; and

(iii) improvement in the energy efficiency of all economic sectors; and

(B) to ensure that the United States maintains a technological lead in developing and deploying advanced energy technologies.

(2) MEANS.—ARPA-E shall achieve the goals established under paragraph (1) through energy technology projects by—

(A) identifying and promoting revolutionary advances in fundamental sciences;

(B) translating scientific discoveries and cutting-edge inventions into technological innovations; and

(C) accelerating transformational technological advances in areas that industry by itself is not likely to undertake because of technical and financial uncertainty.

(d) DIRECTOR.—

(1) APPOINTMENT.—There shall be in the Department of Energy a Director of ARPA-E, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Director shall be an individual who, by reason of professional background and experience, is especially qualified to advise the Secretary on, and manage research programs addressing, matters pertaining to long-term and high-risk technological barriers to the development of energy technologies.

(3) RELATIONSHIP TO SECRETARY.—The Director shall report to the Secretary.

(4) RELATIONSHIP TO OTHER PROGRAMS.—No other programs within the Department shall report to the Director.

(e) RESPONSIBILITIES.—The responsibilities of the Director shall include—

(1) approving all new programs within ARPA-E;

(2) developing funding criteria and assessing the success of programs through the establishment of technical milestones;

(3) administering the Fund through awards to institutions of higher education, companies, research foundations, trade and industry research collaborations, or consortia of such entities, which may include federally-funded research and development centers, to achieve the goals described in subsection (c) through targeted acceleration of—

(A) novel early-stage energy research with possible technology applications;

(B) development of techniques, processes, and technologies, and related testing and evaluation;

(C) research and development of manufacturing processes for novel energy technologies; and

(D) coordination with nongovernmental entities for demonstration of technologies and research applications to facilitate technology transfer; and

(4) terminating programs carried out under this section that are not achieving the goals of the programs.

(f) PERSONNEL.—

(1) PROGRAM MANAGERS.—

(A) IN GENERAL.—The Director shall designate employees to serve as program managers for each of the programs established pursuant to the responsibilities established for ARPA-E under subsection (e).

(B) RESPONSIBILITIES.—A program manager of a program shall be responsible for—

(i) establishing research and development goals for the program, including through the convening of workshops and conferring with outside experts, and publicizing the goals of the program to the public and private sectors;

(ii) soliciting applications for specific areas of particular promise, especially areas that the private sector or the Federal Government are not likely to undertake alone;

(iii) building research collaborations for carrying out the program;

(iv) selecting on the basis of merit, with advice under subsection (j) as appropriate, each of the projects to be supported under the program after considering—

(I) the novelty and scientific and technical merit of the proposed projects;

(II) the demonstrated capabilities of the applicants to successfully carry out the proposed project;

(III) the consideration by the applicant of future commercial applications of the project, including the feasibility of partnering with 1 or more commercial entities; and

(IV) such other criteria as are established by the Director;

(v) monitoring the progress of projects supported under the program; and

(vi) recommending program restructure or termination of research partnerships or whole projects.

(C) TERM.—The term of a program manager shall be 3 years and may be renewed.

(2) HIRING AND MANAGEMENT.—

(A) IN GENERAL.—The Director shall have the authority to—

(i) make appointments of scientific, engineering, and professional personnel without regard to the civil service laws; and

(ii) fix the compensation of such personnel at a rate to be determined by the Director.

(B) NUMBER.—The Director shall appoint not less than 70, and not more than 120, personnel under this section.

(C) PRIVATE RECRUITING FIRMS.—The Secretary, or the Director serving as an agent of the Secretary, may contract with private recruiting firms for the hiring of qualified technical staff to carry out this section.

(D) ADDITIONAL STAFF.—The Director may use all authorities in existence on the date of enactment of this Act that are provided to the Secretary to hire administrative, financial, and clerical staff as necessary to carry out this section.

(g) REPORTS AND ROADMAPS.—

(1) ANNUAL REPORT.—As part of the annual budget request submitted for each fiscal year, the Director shall provide to the relevant authorizing and appropriations committees of Congress a report describing projects supported by ARPA-E during the previous fiscal year.

(2) STRATEGIC VISION ROADMAP.—Not later than October 1, 2008, and October 1, 2011, the Director shall provide to the relevant authorizing and appropriations committees of Congress a roadmap describing the strategic vision that ARPA-E will use to guide the choices of ARPA-E for future technology investments over the following 3 fiscal years.

(h) COORDINATION AND NONDUPLICATION.—

(1) IN GENERAL.—To the maximum extent practicable, the Director shall ensure that the activities of ARPA-E are coordinated with, and do not duplicate the efforts of, programs and laboratories within the Department and other relevant research agencies.

(2) TECHNOLOGY TRANSFER COORDINATOR.—To the extent appropriate, the Director may coordinate technology transfer efforts with the Technology Transfer Coordinator appointed under section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391).

(i) FEDERAL DEMONSTRATION OF TECHNOLOGIES.—The Secretary shall make information available to purchasing and procurement programs of Federal agencies regarding the potential to demonstrate technologies resulting from activities funded through ARPA-E.

(j) ADVICE.—

(1) ADVISORY COMMITTEES.—The Director may seek advice on any aspect of ARPA-E from—

(A) an existing Department of Energy advisory committee; and

(B) a new advisory committee organized to support the programs of ARPA-E and to provide advice and assistance on—

(i) specific program tasks; or

(ii) overall direction of ARPA-E.

(2) ADDITIONAL SOURCES OF ADVICE.—In carrying out this section, the Director may seek advice and review from—

(A) the President's Committee of Advisors on Science and Technology; and

(B) any professional or scientific organization with expertise in specific processes or technologies under development by ARPA-E.

(k) ARPA-E EVALUATION.—

(1) IN GENERAL.—After ARPA-E has been in operation for 4 years, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the National Academy shall conduct an evaluation of how well ARPA-E is achieving the goals and mission of ARPA-E.

(2) INCLUSIONS.—The evaluation shall include—

(A) the recommendation of the National Academy of Sciences on whether ARPA-E should be continued or terminated; and

(B) a description of lessons learned from operation of ARPA-E.

(3) AVAILABILITY.—On completion of the evaluation, the evaluation shall be made available to Congress and the public.

(l) EXISTING AUTHORITIES.—The authorities granted by this section are—

(1) in addition to existing authorities granted to the Secretary; and

(2) are not intended to supersede or modify any existing authorities.

(m) FUNDING.—

(1) FUND.—There is established in the Treasury of the United States a fund, to be known as the "Energy Transformation Acceleration Fund", which shall be administered by the Director for the purposes of carrying out this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraphs (4) and (5), there are authorized to be appropriated to the Director for deposit in the Fund, without fiscal year limitation—

(A) $300,000,000 for fiscal year 2008; and

(B) such sums as are necessary for each of fiscal years 2009 and 2010.

(3) SEPARATE BUDGET AND APPROPRIATION.—

(A) BUDGET REQUEST.—The budget request for ARPA-E shall be separate from the rest of the budget of the Department.

(B) APPROPRIATIONS.—Appropriations to the Fund shall be separate and distinct from the rest of the budget for the Department.

(4) LIMITATION.—No amounts may be appropriated for ARPA-E for fiscal year 2008 unless the amount appropriated for the activities of the Office of Science of the Department for fiscal year 2008 exceeds the amount appropriated for the Office for fiscal year 2007, as adjusted for inflation in accordance with the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.

(5) ALLOCATION.—Of the amounts appropriated for a fiscal year under paragraph (2)—

(A) not more than 50 percent of the amount shall be used to carry out subsection (e)(3)(D);

(B) at least 2.5 percent of the amount shall be used for technology transfer and outreach activities; and

(C) no funds may be used for construction of new buildings or facilities during the 5-year period beginning on the date of enactment of this Act.

TITLE VI—EDUCATION

SEC. 6001. FINDINGS.

Congress makes the following findings:

(1) A well-educated population is essential to retaining America's competitiveness in the global economy.

(2) The United States needs to build on and expand the impact of existing programs by taking additional, well-coordinated steps to ensure that all students are able to obtain the knowledge the students need to obtain postsecondary education and participate successfully in the workforce or the Armed Forces.

(3) The next steps must be informed by independent information on the effectiveness of current programs in science, technology, engineering, mathematics, and critical foreign language education, and by identification of best practices that can be replicated.

(4) Teacher preparation and elementary school and secondary school programs and activities must be aligned with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the requirements of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(5) The ever increasing knowledge and skill demands of the 21st century require that secondary school preparation and requirements be better aligned with the knowledge and skills needed to succeed in postsecondary education and the workforce, and States need better data systems to track educational achievement from prekindergarten through baccalaureate degrees.

SEC. 6002. DEFINITIONS.

(a) ESEA DEFINITIONS.—Unless otherwise specified in this title, the terms used in this title have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) OTHER DEFINITIONS.—In this title:

(1) CRITICAL FOREIGN LANGUAGE.—The term "critical foreign language" means a foreign language that the Secretary determines, in consultation with the heads of such Federal departments and agencies as the Secretary determines appropriate, is critical to the national security and economic competitiveness of the United States.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

(4) SCIENTIFICALLY VALID RESEARCH.—The term "scientifically valid research" includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with accepted principles of scientific research.

Subtitle A—Teacher Assistance

PART I—TEACHERS FOR A COMPETITIVE TOMORROW

SEC. 6111. PURPOSE.

The purpose of this part is—

(1) to develop and implement programs to provide integrated courses of study in science, technology, engineering, mathematics, or critical foreign languages, and teacher education, that lead to a baccalaureate degree in science, technology, engineering, mathematics, or a critical foreign language, with concurrent teacher certification;

(2) to develop and implement 2- or 3-year part-time master's degree programs in science, technology, engineering, mathematics, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and pedagogical skills; and

(3) to develop programs for professionals in science, technology, engineering, mathematics, or critical foreign language education that lead to a master's degree in teaching that results in teacher certification.

SEC. 6112. DEFINITIONS.

In this part:

(1) CHILDREN FROM LOW-INCOME FAMILIES.—The term "children from low-income families" means children described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)).

(2) ELIGIBLE RECIPIENT.—The term "eligible recipient" means an institution of higher education that receives grant funds under this part on behalf of a department of science, technology, engineering, mathematics, or a critical foreign language, or on behalf of a department or school with a competency-based degree program (in science, technology, engineering, mathematics, or a critical foreign language) that includes teacher certification, for use in carrying out activities assisted under this part.

(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational agency" means a local educational agency or educational service agency—

(A)(i) that serves not fewer than 10,000 children from low-income families;

(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 41, 42, or 43, as determined by the Secretary; and

(B)(i) for which there is a high percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

(4) HIGHLY QUALIFIED.—The term "highly qualified" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(5) PARTNERSHIP.—The term "partnership" means a partnership that—

(A) shall include—

(i) an eligible recipient;

(ii)(I)(aa) a department within the eligible recipient that provides a program of study in science, technology, engineering, mathematics, or a critical foreign language; and

(bb) a school, department, or program of education within the eligible recipient, or a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible recipient; or

(II) a department or school within the eligible recipient with a competency-based degree program (in science, technology, engineering, mathematics, or a critical foreign language) that includes teacher certification; and

(iii) not less than 1 high-need local educational agency and a public school or a consortium of public schools served by the agency; and

(B) may include a nonprofit organization that has a demonstrated record of providing expertise or support to meet the purposes of this part.

(6) TEACHING SKILLS.—The term "teaching skills" means the ability to—

(A) increase student achievement and learning and increase a student's ability to apply knowledge;

(B) effectively convey and explain academic subject matter;

(C) employ strategies grounded in the disciplines of teaching and learning that—

(i) are based on scientifically valid research;

(ii) are specific to academic subject matter; and

(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

(D) conduct ongoing assessment of student learning;

(E) effectively manage a classroom; and

(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education.

SEC. 6113. PROGRAMS FOR BACCALAUREATE DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, OR CRITICAL FOREIGN LANGUAGES, WITH CONCURRENT TEACHER CERTIFICATION.

(a) PROGRAM AUTHORIZED.—From the amounts made available to carry out this section under section 6116(1) and not reserved under section 6115(d) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable partnerships served by the eligible recipients to develop and implement programs to provide courses of study in science, technology, engineering, mathematics, or critical foreign languages that—

(1) are integrated with teacher education; and

(2) lead to a baccalaureate degree in science, technology, engineering, mathematics, or a critical foreign language with concurrent teacher certification.

(b) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall—

(1) describe the program for which assistance is sought;

(2) describe how a department of science, technology, engineering, mathematics, or a critical foreign language participating in the partnership will ensure significant collaboration with a teacher preparation program in the development of undergraduate degrees in science, technology, engineering, mathematics, or a critical foreign language, with concurrent teacher certification, including providing student teaching and other clinical classroom experiences or how a department or school participating in the partnership with a competency-based degree program has ensured, in the development of a baccalaureate degree program in science, technology, engineering, mathematics, or a critical foreign language, the provision of concurrent teacher certification, including providing student teaching and other clinical classroom experiences;

(3) describe the high-quality research, laboratory, or internship experiences, integrated with coursework, that will be provided under the program;

(4) describe how members of groups that are underrepresented in the teaching of science, technology, engineering, mathematics, or critical foreign languages will be encouraged to participate in the program;

(5) describe how program participants will be encouraged to teach in schools determined by the partnership to be most in need, and the assistance in finding employment in such schools that will be provided;

(6) describe the ongoing activities and services that will be provided to graduates of the program;

(7) describe how the activities of the partnership will be coordinated with any activities funded through other Federal grants, and how the partnership will continue the activities assisted under the program when the grant period ends;

(8) describe how the partnership will assess the content knowledge and teaching skills of the program participants; and

(9) provide any other information the Secretary may reasonably require.

(c) PRIORITY.—Priority shall be given to applications whose primary focus is on placing participants in high-need local educational agencies.

(d) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Each eligible recipient receiving a grant under this section shall use the grant funds to enable a partnership to develop and implement a program to provide courses of study in science, technology, engineering, mathematics, or a critical foreign language that—

(A) are integrated with teacher education programs that promote effective teaching skills; and

(B) lead to a baccalaureate degree in science, technology, engineering, mathematics, or a critical foreign language with concurrent teacher certification.

(2) PROGRAM REQUIREMENTS.—The program shall—

(A) provide high-quality research, laboratory, or internship experiences for program participants;

(B) provide student teaching or other clinical classroom experiences that—

(i) are integrated with coursework; and

(ii) lead to the participants' ability to demonstrate effective teaching skills;

(C) if implementing a program in which program participants are prepared to teach science, technology, engineering, mathematics, or critical foreign language courses, include strategies for improving student literacy;

(D) encourage the participation of individuals who are members of groups that are underrepresented in the teaching of science, technology, engineering, mathematics, or critical foreign languages;

(E) encourage participants to teach in schools determined by the partnership to be most in need, and actively assist the participants in finding employment in such schools;

(F) offer training in the use of and integration of educational technology;

(G) collect data regarding and evaluate, using measurable objectives and benchmarks, the extent to which the program succeeded in—

(i) increasing the percentage of highly qualified mathematics, science, or critical foreign language teachers, including increasing the percentage of such teachers teaching in those schools determined by the partnership to be most in need;

(ii) improving student academic achievement in mathematics, science, and where applicable, technology and engineering;

(iii) increasing the number of students in secondary schools enrolled in upper level mathematics, science, and, where available, technology and engineering courses; and

(iv) increasing the numbers of elementary school and secondary school students enrolled in and continuing in critical foreign language courses;

(H) collect data on the employment placement and retention of all graduates of the program, including information on how many graduates are teaching and in what kinds of schools;

(I) provide ongoing activities and services to graduates of the program who teach elementary school or secondary school, by—

(i) keeping the graduates informed of the latest developments in their respective academic fields; and

(ii) supporting the graduates of the program who are employed in schools in the local educational agency participating in the partnership during the initial years of teaching through—

(I) induction programs;

(II) promotion of effective teaching skills; and

(III) providing opportunities for regular professional development; and

(J) develop recommendations to improve the school, department, or program of education participating in the partnership.

(e) ANNUAL REPORT.—Each eligible recipient receiving a grant under this section shall collect and report to the Secretary annually such information as the Secretary may reasonably require, including—

(1) the number of participants in the program;

(2) information on the academic majors of participating students;

(3) the race, gender, income, and disability status of program participants;

(4) the placement of program participants as teachers in schools determined by the partnership to be most in need;

(5) the extent to which the program succeeded in meeting the objectives and benchmarks described in subsection (d)(2)(G); and

(6) the data collected under subparagraphs (G) and (H) of subsection (d)(2).

(f) TECHNICAL ASSISTANCE.—From the funds made available under section 6116(1), the Secretary may provide technical assistance to an eligible recipient developing a baccalaureate degree program with concurrent teacher certification, including technical assistance provided through a grant or contract awarded on a competitive basis to an institution of higher education or a technical assistance center.

(g) COMPLIANCE WITH FERPA.—Any activity under this section shall be carried out in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the Family Educational Rights and Privacy Act of 1974).

(h) INDUCTION PROGRAM DEFINED.—In this section, the term "induction program" means a formalized program for new teachers during not less than the teachers' first 2 years of teaching that is designed to provide support for, and improve the professional performance and advance the retention in the teaching field of, beginning teachers. Such program shall promote effective teaching skills and shall include the following components:

(1) High-quality teacher mentoring.

(2) Periodic, structured time for collaboration with teachers in the same department or field, as well as time for information-sharing among teachers, principals, administrators, and participating faculty in the partner institution.

(3) The application of empirically based practice and scientifically valid research on instructional practices.

(4) Opportunities for new teachers to draw directly upon the expertise of teacher mentors, faculty, and researchers to support the integration of empirically based practice and scientifically valid research with practice.

(5) The development of skills in instructional and behavioral interventions derived from empirically based practice and, where applicable, scientifically valid research.

(6) Faculty who—

(A) model the integration of research and practice in the classroom; and

(B) assist new teachers with the effective use and integration of technology in the classroom.

(7) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers on the learning process and the assessment of learning.

(8) Assistance with the understanding of data, particularly student achievement data, and the data's applicability in classroom instruction.

(9) Regular evaluation of the new teacher.

SEC. 6114. PROGRAMS FOR MASTER'S DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, OR CRITICAL FOREIGN LANGUAGE EDUCATION.

(a) PROGRAM AUTHORIZED.—From the amounts made available to carry out this section under section 6116(2) and not reserved under section 6115(d) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable the partnerships served by the eligible recipients to develop and implement—

(1) 2- or 3-year part-time master's degree programs in science, technology, engineering, mathematics, or critical foreign language education for teachers in order to enhance the teacher's content knowledge and teaching skills; or

(2) programs for professionals in science, technology, engineering, mathematics, or a critical foreign language that lead to a 1-year master's degree in teaching that results in teacher certification.

(b) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall describe—

(1) how a department of science, technology, engineering, mathematics, or a critical foreign language will ensure significant collaboration with a school, department, or program of education in the development of the master's degree programs authorized under subsection (a), or how a department or school with a competency-based degree program has ensured, in the development of a master's degree program, the provision of rigorous studies in science, technology, engineering, mathematics, or a critical foreign language that enhance the teachers' content knowledge and teaching skills;

(2) the role of the local educational agency in the partnership in developing and administering the program and how feedback from the local educational agency, school, and participants will be used to improve the program;

(3) how the program will help increase the percentage of highly qualified mathematics, science, or critical foreign language teachers, including increasing the percentage of such teachers teaching in schools determined by the partnership to be most in need;

(4) how the program will—

(A) improve student academic achievement in mathematics, science, and, where applicable, technology and engineering and increase the number of students taking upper-level courses in such subjects; or

(B) increase the numbers of elementary school and secondary school students enrolled and continuing in critical foreign language courses;

(5) how the program will prepare participants to become more effective science, technology, engineering, mathematics, or critical foreign language teachers;

(6) how the program will prepare participants to assume leadership roles in their schools;

(7) how teachers (or science, technology, engineering, mathematics, or critical foreign language professionals) who are members of groups that are underrepresented in the teaching of science, technology, engineering, mathematics, or critical foreign languages and teachers from schools determined by the partnership to be most in need will be encouraged to apply for and participate in the program;

(8) the ongoing activities and services that will be provided to graduates of the program;

(9) how the partnership will continue the activities assisted under the grant when the grant period ends;

(10) how the partnership will assess, during the program, the content knowledge and teaching skills of the program participants; and

(11) methods to ensure applicants to the master's degree program for professionals in science, technology, engineering, mathematics, or a critical foreign language demonstrate advanced knowledge in the relevant subject.

(c) AUTHORIZED ACTIVITIES.—Each eligible recipient receiving a grant under this section shall use the grant funds to develop and implement a 2- or 3-year part-time master's degree program in science, technology, engineering, mathematics, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and teaching skills, or programs for professionals in science, technology, engineering, mathematics, or a critical foreign language that lead to a 1-year master's degree in teaching that results in teacher certification. The program shall—

(1) promote effective teaching skills so that program participants become more effective science, technology, engineering, mathematics, or critical foreign language teachers;

(2) prepare teachers to assume leadership roles in their schools by participating in activities such as teacher mentoring, development of curricula that integrate state of the art applications of science, technology, engineering, mathematics, or critical foreign language into the classroom, working with school administrators in establishing in-service professional development of teachers, and assisting in evaluating data and assessments to improve student academic achievement;

(3) use high-quality research, laboratory, or internship experiences for program participants that are integrated with coursework;

(4) provide student teaching or clinical classroom experience;

(5) if implementing a program in which participants are prepared to teach science, technology, engineering, mathematics, or critical foreign language courses, provide strategies for improving student literacy;

(6) align the content knowledge in the master's degree program with challenging student academic achievement standards and challenging academic content standards established by the State in which the program is conducted;

(7) encourage the participation of—

(A) individuals who are members of groups that are underrepresented in the teaching of science, technology, engineering, mathematics, or critical foreign languages;

(B) members of the Armed Forces who are transitioning to civilian life; and

(C) teachers teaching in schools determined by the partnership to be most in need;

(8) offer tuition assistance, based on need, as appropriate;

(9) create opportunities for enhanced and ongoing professional development for teachers that improves the science, technology, engineering, mathematics, and critical foreign language content knowledge and teaching skills of such teachers; and

(10) evaluate and report on the impact of the program, in accordance with subsection (d).

(d) EVALUATION AND REPORT.—Each eligible recipient receiving a grant under this section shall evaluate, using measurable objectives and benchmarks, and provide an annual report to the Secretary regarding, the extent to which the program assisted under this section succeeded in the following:

(1) Increasing the number and percentage of science, technology, engineering, mathematics, or critical foreign language teachers who have a master's degree and meet 1 or more of the following requirements:

(A) Are teaching in schools determined by the partnership to be most in need, and taught in such schools prior to participation in the program.

(B) Are teaching in schools determined by the partnership to be most in need, and did not teach in such schools prior to participation in the program.

(C) Are members of a group underrepresented in the teaching of science, technology, engineering, mathematics, or a critical foreign language.

(2) Bringing professionals in science, technology, engineering, mathematics, or a critical foreign language into the field of teaching.

(3) Retaining teachers who participate in the program.

SEC. 6115. GENERAL PROVISIONS.

(a) DURATION OF GRANTS.—The Secretary shall award each grant under this part for a period of not more than 5 years.

(b) MATCHING REQUIREMENT.—Each eligible recipient that receives a grant under this part shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in kind) to carry out the activities supported by the grant.

(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this part shall be used to supplement, and not supplant, other Federal or State funds.

(d) EVALUATION.—From amounts made available for any fiscal year under section 6116, the Secretary shall reserve such sums as may be necessary—

(1) to provide for the conduct of an annual independent evaluation, by grant or by contract, of the activities assisted under this part, which shall include an assessment of the impact of the activities on student academic achievement; and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 6116. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section $276,200,000 for fiscal year 2008, and such sums as may be necessary for each of the 2 succeeding fiscal years, of which—

(1) $151,200,000 shall be available to carry out section 6113 for fiscal year 2008 and each succeeding fiscal year; and

(2) $125,000,000 shall be available to carry out section 6114 for fiscal year 2008 and each succeeding fiscal year.

PART II—ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS

SEC. 6121. PURPOSE.

It is the purpose of this part—

(1) to raise academic achievement through Advanced Placement and International Baccalaureate programs by increasing, by 70,000, over a 4-year period beginning in 2008, the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages;

(2) to increase, to 700,000 per year, the number of students attending high-need schools who—

(A) take and score a 3, 4, or 5 on an Advanced Placement examination in mathematics, science, or a critical foreign language administered by the College Board; or

(B) achieve a passing score on an examination administered by the International Baccalaureate Organization in such a subject;

(3) to increase the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(4) to support statewide efforts to increase the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools.

SEC. 6122. DEFINITIONS.

In this part:

(1) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE COURSE.—The term "Advanced Placement or International Baccalaureate course" means—

(A) a course of college-level instruction provided to secondary school students, terminating in an examination administered by the College Board or the International Baccalaureate Organization, or another such examination approved by the Secretary; or

(B) another highly rigorous, evidence-based, postsecondary preparatory program terminating in an examination administered by another nationally recognized educational organization that has a demonstrated record of effectiveness in assessing secondary school students, or another such examination approved by the Secretary.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State educational agency;

(B) a local educational agency; or

(C) a partnership consisting of—

(i) a national, regional, or statewide nonprofit organization, with expertise and experience in providing Advanced Placement or International Baccalaureate services; and

(ii) a State educational agency or local educational agency.

(3) LOW-INCOME STUDENT.—The term "low-income student" has the meaning given the term "low-income individual" in section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)).

(4) HIGH CONCENTRATION OF LOW-INCOME STUDENTS.—The term "high concentration of low-income students" has the meaning given the term in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(2)).

(5) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational agency" means a local educational agency or educational service agency described in 6112(3)(A).

(6) HIGH-NEED SCHOOL.—The term "high-need school" means a secondary school—

(A) with a pervasive need for Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages, or for additional Advanced Placement or International Baccalaureate courses in such a subject; and

(B)(i) with a high concentration of low-income students; or

(ii) designated with a school locale code of 41, 42, or 43, as determined by the Secretary.

SEC. 6123. ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS.

(a) PROGRAM AUTHORIZED.—From the amounts appropriated under subsection (l), the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (g).

(b) DURATION OF GRANTS.—The Secretary may award grants under this section for a period of not more than 5 years.

(c) COORDINATION.—The Secretary shall coordinate the activities carried out under this section with the activities carried out under section 1705 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6535).

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that are part of a statewide strategy for increasing—

(1) the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(2) the number of students who participate in Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign language in high-need schools, and take and score a 3, 4, or 5 on an Advanced Placement examination in such a subject, or pass an examination administered by the International Baccalaureate Organization in such a subject in such schools.

(e) EQUITABLE DISTRIBUTION.—The Secretary, to the extent practicable, shall—

(1) ensure an equitable geographic distribution of grants under this section among the States; and

(2) promote an increase in participation in Advanced Placement or International Baccalaureate mathematics, science, and critical foreign language courses and examinations in all States.

(f) APPLICATION.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) CONTENTS.—The application shall, at a minimum, include a description of—

(A) the goals and objectives for the project, including—

(i) increasing the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(ii) increasing the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in the high-need schools;

(iii) increasing the number of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages that are available to students attending high-need schools; and

(iv) increasing the number of students attending a high-need school, particularly low-income students, who enroll in and pass—

(I) Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(II) pre-Advanced Placement or pre-International Baccalaureate courses in such a subject (where provided in accordance with subparagraph (B));

(B) how the eligible entity will ensure that students have access to courses, including pre-Advanced Placement and pre-International Baccalaureate courses, that will prepare the students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(C) how the eligible entity will provide professional development for teachers assisted under this section;

(D) how the eligible entity will ensure that teachers serving high-need schools are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(E) how the eligible entity will provide for the involvement of business and community organizations and other entities, including institutions of higher education, in the activities to be assisted; and

(F) how the eligible entity will use funds received under this section, including how the eligible entity will evaluate the success of its project.

(g) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out activities designed to increase—

(A) the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(B) the number of students attending high-need schools who enroll in, and pass, the examinations for such Advanced Placement or International Baccalaureate courses.

(2) PERMISSIVE ACTIVITIES.—The activities described in paragraph (1) may include—

(A) teacher professional development, in order to expand the pool of teachers in the participating State, local educational agency, or high-need school who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(B) pre-Advanced Placement or pre-International Baccalaureate course development and professional development;

(C) coordination and articulation between grade levels to prepare students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(D) purchase of instructional materials;

(E) activities to increase the availability of, and participation in, online Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages;

(F) reimbursing low-income students attending high-need schools for part or all of the cost of Advanced Placement or International Baccalaureate examination fees;

(G) carrying out subsection (j), relating to collecting and reporting data;

(H) in the case of a State educational agency that receives a grant under this section, awarding subgrants to local educational agencies to enable the local educational agencies to carry out authorized activities described in subparagraphs (A) through (G); and

(I) providing salary increments or bonuses to teachers serving high-need schools who—

(i) become qualified to teach, and teach, Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; or

(ii) increase the number of low-income students, who take Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language with the goal of successfully passing such examinations.

(h) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (2), each eligible entity that receives a grant under this section shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 200 percent of the amount of the grant, except that an eligible entity that is a high-need local educational agency shall provide an amount equal to not more than 100 percent of the amount of the grant.

(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity described in subparagraph (A) or (B) of section 6122(2), if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (g).

(i) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (g).

(j) COLLECTING AND REPORTING REQUIREMENTS.—

(1) REPORT.—Each eligible entity receiving a grant under this section shall collect and report to the Secretary annually such data on the results of the grant as the Secretary may reasonably require, including data regarding—

(A) the number of students enrolling in Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language, and pre-Advanced Placement or pre-International Baccalaureate courses in such a subject, by the grade the student is enrolled in, and the distribution of grades those students receive;

(B) the number of students taking Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language, and the distribution of scores on those examinations by the grade the student is enrolled in at the time of the examination;

(C) the number of teachers receiving training in teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language who will be teaching such courses in the next school year;

(D) the number of teachers becoming qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; and

(E) the number of qualified teachers who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in a high-need school.

(2) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall report data required under paragraph (1)—

(A) disaggregated by subject area;

(B) in the case of student data, disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)); and

(C) to the extent feasible, in a manner that allows comparison of conditions before, during, and after the project.

(k) EVALUATION AND REPORT.—From the amount made available for any fiscal year under subsection (l), the Secretary shall reserve such sums as may be necessary—

(1) to conduct an annual independent evaluation, by grant or by contract, of the program carried out under this section, which shall include an assessment of the impact of the program on student academic achievement; and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $75,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 2 succeeding fiscal years.

PART III—PROMISING PRACTICES IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS TEACHING

SEC. 6131. PROMISING PRACTICES.

(a) PURPOSE.—The purpose of this section is to establish an expert panel to provide information on promising practices for strengthening teaching and learning in science, technology, engineering, and mathematics at the elementary school and secondary school levels. The panel shall build on prior Federal efforts, such as efforts by the National Mathematics Advisory Panel, and shall synthesize scientific evidence pertaining to the improvement of science, technology, engineering, and mathematics teaching and learning.

(b) NATIONAL PANEL ON PROMISING PRACTICES IN K-12 STEM TEACHING AND LEARNING.—

(1) IN GENERAL.—The Secretary shall enter into a contract with the Center for Education of the National Academy of Sciences to establish and convene, not later than 1 year after the date of enactment of this Act, an expert panel to—

(A) identify promising practices for improving teaching and student achievement in science, technology, engineering, and mathematics in kindergarten through grade 12; and

(B) examine and synthesize the scientific evidence pertaining to the improvement of science, technology, engineering, and mathematics teaching and learning.

(2) COMPOSITION OF NATIONAL PANEL.—The National Academy of Sciences shall ensure that the panel established under paragraph (1) represents scientists, engineers, mathematicians, technologists, computer and information technology experts, educators, principals, researchers with expertise in teaching and learning (including experts in cognitive science), and others with relevant expertise. The National Academy of Sciences shall ensure that the panel includes the following:

(A) Representation of teachers and principals directly involved in teaching science, technology, engineering, and mathematics in kindergarten through grade 12.

(B) Representation of teachers and principals from diverse demographic groups and geographic areas, including urban, suburban, and rural schools.

(C) Representation of teachers and principals from public and private schools.

(3) QUALIFICATION OF MEMBERS.—The members of the panel established under paragraph (1) shall be individuals who have expertise and experience relating to—

(A) existing science, technology, engineering, and mathematics education programs;

(B) developing and improving science, technology, engineering, and mathematics curricula content;

(C) improving the academic achievement of students who are below grade level in science, technology, engineering, and mathematics fields; and

(D) research on teaching or learning.

(c) AUTHORIZED ACTIVITIES OF NATIONAL PANEL.—The panel established under subsection (b) shall identify—

(1) promising practices in the effective teaching and learning of science, technology, engineering, and mathematics topics in kindergarten through grade 12;

(2) promising training and professional development techniques designed to help teachers increase their skills and expertise in improving student achievement in science, technology, engineering, and mathematics in kindergarten through grade 12;

(3) critical skills and skills progressions needed to enable students to acquire competence in science, technology, engineering, and mathematics and readiness for advanced secondary school and college level science, technology, engineering, and mathematics coursework;

(4) processes by which students with varying degrees of prior academic achievement and backgrounds learn effectively in the science, technology, engineering, and mathematics fields; and

(5) areas in which existing data about promising practices in science, technology, engineering, and mathematics education are insufficient.

(d) REPORT.—The panel established under subsection (b) shall prepare a written report for the Secretary that presents the findings of the panel pursuant to this section and includes recommendations, based on the findings of the panel, to strengthen science, technology, engineering, and mathematics teaching and learning in kindergarten through grade 12.

(e) DISSEMINATION.—The Secretary shall disseminate the report under subsection (d) to the public, State educational agencies, and local educational agencies, and shall make the information in such report available, in an easy to understand format, on the website of the Department.

(f) SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS PROMISING PRACTICES.—

(1) RELIABILITY AND MEASUREMENT.—The promising practices in the teaching of science, technology, engineering, and mathematics in elementary schools and secondary schools collected under this section shall be—

(A) reliable, valid, and grounded in scientifically valid research;

(B) inclusive of the critical skills and skill progressions needed for students to acquire competence in science, technology, engineering, and mathematics;

(C) reviewed regularly to assess effectiveness; and

(D) reviewed in the context of State academic assessments and student academic achievement standards.

(2) STUDENTS WITH DIVERSE LEARNING NEEDS.—In identifying promising practices under this section, the panel established under subsection (b) shall take into account the needs of students with diverse learning needs, particularly students with disabilities and students who are limited English proficient.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,200,000 for fiscal year 2008.

Subtitle B—Mathematics

SEC. 6201. MATH NOW FOR ELEMENTARY SCHOOL AND MIDDLE SCHOOL STUDENTS PROGRAM.

(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to prepare the students to enroll in and pass algebra courses by—

(1) improving instruction in mathematics for students in kindergarten through grade 9 through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are research-based and reflect a demonstrated record of effectiveness; and

(2) providing targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level.

(b) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term "eligible local educational agency" means a high-need local educational agency (as defined in section 6112(3)) serving 1 or more schools—

(1) with significant numbers or percentages of students whose mathematics skills are below grade level;

(2) that are not making adequate yearly progress in mathematics under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); or

(3) in which students are receiving instruction in mathematics from teachers who do not have mathematical content knowledge or expertise in the teaching of mathematics.

(c) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From the amounts appropriated under subsection (k) for any fiscal year, the Secretary is authorized to award grants, on a competitive basis, for a period of 3 years, to State educational agencies to enable the State educational agencies to award grants to eligible local educational agencies to carry out the activities described in subsection (e) for students in any of the grades kindergarten through grade 9.

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications for projects that will implement statewide strategies for improving mathematics instruction and raising the mathematics achievement of students, particularly students in grades 4 through 8.

(d) STATE USES OF FUNDS.—

(1) IN GENERAL.—Each State educational agency that receives a grant under this section for a fiscal year—

(A) shall expend not more than a total of 10 percent of the grant funds to carry out the activities described in paragraphs (2) or (3) for the fiscal year; and

(B) shall use not less than 90 percent of the grant funds to award grants, on a competitive basis, to eligible local educational agencies to enable the eligible local educational agencies to carry out the activities described in subsection (e) for the fiscal year.

(2) MANDATORY USES OF FUNDS.—A State educational agency shall use the grant funds made available under paragraph (1)(A) to carry out each of the following activities:

(A) PLANNING AND ADMINISTRATION.—Planning and administration, including—

(i) evaluating applications from eligible local educational agencies using peer review teams described in subsection (f)(1)(D);

(ii) administering the distribution of grants to eligible local educational agencies; and

(iii) assessing and evaluating, on a regular basis, eligible local educational agency activities assisted under this section, with respect to whether the activities have been effective in increasing the number of students—

(I) making progress toward meeting grade-level mathematics achievement; and

(II) meeting or exceeding grade-level mathematics achievement.

(B) REPORTING.—Annually providing the Secretary with a report on the implementation of this section as described in subsection (i).

(3) PERMISSIVE USES OF FUNDS; TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—A State educational agency may use the grant funds made available under paragraph (1)(A) for 1 or more of the following technical assistance activities that assist an eligible local educational agency, upon request by the eligible local educational agency, in accomplishing the tasks required to design and implement a project under this section, including assistance in—

(i) implementing mathematics programs or comprehensive mathematics initiatives that are research-based and reflect a demonstrated record of effectiveness;

(ii) evaluating and selecting diagnostic and classroom based instructional mathematics assessments; and

(iii) identifying eligible professional development providers to conduct the professional development activities described in subsection (e)(1)(B).

(B) GUIDANCE.—The technical assistance described in subparagraph (A) shall be guided by researchers with expertise in the pedagogy of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools and eligible local educational agencies.

(e) LOCAL USES OF FUNDS.—

(1) MANDATORY USES OF FUNDS.—Each eligible local educational agency receiving a grant under this section shall use the grant funds to carry out each of the following activities for students in any of the grades kindergarten through grade 9:

(A) To implement mathematics programs or comprehensive mathematics initiatives—

(i) for students in the grades of a participating school as identified in the application submitted under subsection (f)(2)(B); and

(ii) that are research-based and reflect a demonstrated record of effectiveness.

(B) To provide professional development and instructional leadership activities for teachers and, if appropriate, for administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

(i) to improve the achievement of students performing significantly below grade level;

(ii) to improve the mathematical content knowledge of the teachers, administrators, and other school staff;

(iii) to increase the use of effective instructional practices; and

(iv) to monitor student progress.

(C) To conduct continuous progress monitoring, which may include the adoption and use of assessments that—

(i) measure student progress and identify areas in which students need help in learning mathematics; and

(ii) reflect mathematics content that is consistent with State academic achievement standards in mathematics described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)).

(2) PERMISSIVE USES OF FUNDS.—An eligible local educational agency may use grant funds under this section to—

(A) adopt and use mathematics instructional materials and assessments;

(B) implement classroom-based assessments, including diagnostic or formative assessments;

(C) provide remedial coursework and interventions for students, which may be provided before or after school;

(D) provide small groups with individualized instruction in mathematics;

(E) conduct activities designed to improve the content knowledge and expertise of teachers, such as the use of a mathematics coach, enrichment activities, and interdisciplinary methods of mathematics instruction; and

(F) collect and report performance data.

(f) APPLICATIONS.—

(1) STATE EDUCATIONAL AGENCY.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(A) an assurance that the core mathematics instructional program, supplemental instructional materials, and intervention programs used by the eligible local educational agencies for the project, are research-based and reflect a demonstrated record of effectiveness and are aligned with State academic achievement standards;

(B) an assurance that eligible local educational agencies will meet the requirements described in paragraph (2);

(C) an assurance that local applications will be evaluated using a peer review process;

(D) a description of the qualifications of the peer review teams, which shall consist of—

(i) researchers with expertise in the pedagogy of mathematics;

(ii) mathematicians; and

(iii) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies; and

(E) an assurance that the State has a process to safeguard against conflicts of interest consistent with subsection (j)(2) and section 6204 for individuals providing technical assistance on behalf of the State educational agency or participating in the State peer review process under this subtitle.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—Each eligible local educational agency desiring a grant under this section shall submit an application to the State educational agency at such time and in such manner as the State educational agency may require. Each application shall include—

(A) an assurance that the eligible local educational agency will provide assistance to 1 or more schools that are—

(i) served by the eligible local educational agency; and

(ii) described in section 6201(b);

(B) a description of the grades, and of the schools, that will be served;

(C) information, on an aggregate basis, on each school to be served by the project, including such demographic, socioeconomic, and mathematics achievement data as the State educational agency may request;

(D) a description of the core mathematics instructional program, supplemental instructional materials, and intervention programs or strategies that will be used for the project, including an assurance that the programs or strategies are research-based and reflect a demonstrated record of effectiveness and are aligned with State academic achievement standards;

(E) a description of the activities that will be carried out under the grant, including a description of the professional development that will be provided to teachers, and, if appropriate, administrators and other school staff, and a description of how the activities will support achievement of the purpose of this section;

(F) an assurance that the eligible local educational agency will report to the State educational agency all data on student academic achievement that is necessary for the State educational agency's report under subsection (i);

(G) a description of the eligible entity's plans for evaluating the impact of professional development and leadership activities in mathematics on the content knowledge and expertise of teachers, administrators, or other school staff; and

(H) any other information the State educational agency may reasonably require.

(g) PROHIBITIONS.—

(1) IN GENERAL.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to authorize or permit the Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(h) MATCHING REQUIREMENTS.—

(1) STATE EDUCATIONAL AGENCY.—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) WAIVER.—The Secretary may waive all of or a portion of the matching requirement described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(i) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

(1) INFORMATION.—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school district wide, or classroom-based, assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at grade level or above in mathematics;

(II) significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving at grade level or above in mathematics;

(III) significantly increased the number of students making significant progress toward meeting grade-level mathematics achievement standards; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in algebra courses and the percentage of such students who pass algebra courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) REPORTING AND DISAGGREGATION.—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

(3) PRIVACY PROTECTION.—The data in the report shall be reported in a manner that—

(A) protects the privacy of individuals; and

(B) complies with the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the Family Educational Rights and Privacy Act of 1974).

(j) EVALUATION AND TECHNICAL ASSISTANCE.—

(1) EVALUATION.—

(A) IN GENERAL.—The Secretary shall conduct an annual independent evaluation, by grant or by contract, of the program assisted under this section, which shall include an assessment of the impact of the program on student academic achievement and teacher performance, and may use funds available to carry out this section to conduct the evaluation.

(B) REPORT.—The Secretary shall annually submit, to the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, a report on the results of the evaluation.

(C) LIMITATIONS.—

(i) IN GENERAL.—The Secretary shall ensure that the organization selected to carry out the independent evaluation under subparagraph (A) does not hold a contract or subcontract to implement any aspect of the program under this section.

(ii) SUBCONTRACTORS.—Any contract entered into under subparagraph (A) shall prohibit the organization conducting the evaluation from subcontracting with any entity that holds a contract or subcontract for any aspect of the implementation of this section.

(iii) WAIVER.—Subject to clause (iv), the Secretary may waive the application of clause (i) or (ii), or both, in accordance with the requirements under section 9.503 of title 48, Code of Federal Regulations, if the Secretary determines that their application in a particular situation would not be in the Federal Government's interest.

(iv) SPECIAL RULE REGARDING WAIVERS.—No organization or subcontractor under this paragraph shall receive a waiver that allows the organization or subcontractor to evaluate any aspect of the program under this section that the organization or subcontractor was involved in implementing.

(2) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may use funds made available under paragraph (3) to provide technical assistance to prospective applicants and to eligible local educational agencies receiving a grant under this section.

(B) CONFLICTS OF INTEREST.—If the Secretary carries out subparagraph (A) through any contracts, the Secretary, in consultation with the Office of the General Counsel of the Department, shall ensure that each contract requires the contractor to—

(i) screen for conflicts of interest when hiring individuals to carry out the responsibilities under the contract;

(ii) include the requirement of clause (i) in any subcontracts the contractor enters into under the contract; and

(iii) establish and follow a schedule for carrying out clause (i) and subparagraph (C) and reporting to the Secretary on the contractor's actions under those provisions.

(C) SCREENING PROCESS.—Subject to subparagraph (D), the screening process described in subparagraph (B)(i) shall—

(i) include, at a minimum, a review of—

(I) each individual performing duties under the contract or subcontract for connections to any State's program under this section;

(II) such individual's potential financial interests in, or other connection to, products, activities, or services that might be purchased by a State educational agency or local educational agency in the course of the agency's implementation of the program under this section; and

(III) such individual's connections to teaching methodologies that might require the use of specific products, activities, or services; and

(ii) ensure that individuals performing duties under the contract do not maintain significant financial interests in products, activities, or services supported under this section.

(D) WAIVER.—

(i) IN GENERAL.—The Secretary may, in consultation with the Office of the General Counsel of the Department, waive the requirements of subparagraph (C).

(ii) REPORT.—The Secretary shall—

(I) establish criteria for the waivers under clause (i); and

(II) report any waivers under clause (i), and the criteria under which such waivers are allowed, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(E) INFORMATION DISSEMINATION.—

(i) IN GENERAL.—If the Secretary enters into contracts to provide technical assistance under subparagraph (A), and if a contractor enters into subcontracts for that purpose, each such contract and subcontract shall require the provider of technical assistance to clearly separate technical assistance provided under the contract or subcontract from information provided, or activities engaged in, as part of the normal operations of the contractor or subcontractor.

(ii) METHODS OF COMPLIANCE.—Efforts to comply with clause (i) may include the creation of separate webpages for the purpose of fulfilling a contract or subcontract entered into under subparagraph (A).

(3) RESERVATION OF FUNDS.—The Secretary may reserve not more than 2.5 percent of funds appropriated under subsection (k) for a fiscal year to carry out this subsection.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $95,000,000 for fiscal year 2008,

and such sums as may be necessary for each of the 2 succeeding fiscal years.

SEC. 6202. SUMMER TERM EDUCATION PROGRAMS.

(a) PURPOSE.—The purpose of this section is to create opportunities for summer learning by providing students with access to summer learning in mathematics, technology, and problem-solving to ensure that students do not experience learning losses over the summer and to remedy, reinforce, and accelerate the learning of mathematics and problem-solving.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that—

(A) desires to participate in a summer learning grant program under this section by providing summer learning opportunities described in subsection (d)(4)(A)(ii) to eligible students; and

(B) is—

(i) a high-need local educational agency; or

(ii) a consortium consisting of a high-need local educational agency and 1 or more of the following entities:

(I) Another local educational agency.

(II) A community-based youth development organization with a demonstrated record of effectiveness in helping students learn.

(III) An institution of higher education.

(IV) An educational service agency.

(V) A for-profit educational provider, nonprofit organization, science center, museum, or summer enrichment camp, that has been approved by the State educational agency to provide the summer learning opportunity described in subsection (d)(4)(A)(ii).

(2) ELIGIBLE STUDENT.—The term "eligible student" means a student who—

(A) is eligible for a free lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(B) is served by a local educational agency identified by the State educational agency in the application described in subsection (c)(2).

(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational agency" has the meaning given the term in section 6112.

(c) DEMONSTRATION GRANT PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—From the funds appropriated under subsection (f) for a fiscal year, the Secretary shall carry out a demonstration grant program in which the Secretary awards grants, on a competitive basis, to State educational agencies to enable the State educational agencies to pay the Federal share of summer learning grants for eligible students.

(B) NUMBER OF GRANTS.—For each fiscal year, the Secretary shall award not more than 5 grants under this section.

(2) APPLICATION.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall identify the areas in the State where the summer learning grant program will be offered and the local educational agencies that serve such areas.

(3) AWARD BASIS.—

(A) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to a State educational agency that agrees, to the extent possible, to enter into agreements with eligible entities that are consortia described in subsection (b)(1)(B)(ii) and that proposes to target services to children in grades kindergarten through grade 8.

(B) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall take into consideration an equitable geographic distribution of the grants.

(d) SUMMER LEARNING GRANTS.—

(1) USE OF GRANTS FOR SUMMER LEARNING GRANTS.—

(A) IN GENERAL.—Each State educational agency that receives a grant under subsection (c) for a fiscal year shall use the grant funds to provide summer learning grants for the fiscal year to eligible students in the State who desire to attend a summer learning opportunity offered by an eligible entity that enters into an agreement with the State educational agency under paragraph (4)(A).

(B) AMOUNT; FEDERAL AND NON-FEDERAL SHARES.—

(i) AMOUNT.—The amount of a summer learning grant provided under this section shall be—

(I) for each of the fiscal years 2008 through 2011, $1,600; and

(II) for fiscal year 2012, $1,800.

(ii) FEDERAL SHARE.—The Federal share of each summer learning grant shall be not more than 50 percent of the amount of the summer learning grant determined under clause (i).

(iii) NON-FEDERAL SHARE.—The non-Federal share of each summer learning grant shall be not less than 50 percent of the amount of the summer learning grant determined under clause (i), and shall be provided from non-Federal sources.

(2) DESIGNATION OF SUMMER SCHOLARS.—Eligible students who receive summer learning grants under this section shall be known as "summer scholars".

(3) SELECTION OF SUMMER LEARNING OPPORTUNITY.—

(A) DISSEMINATION OF INFORMATION.—A State educational agency that receives a grant under subsection (c) shall disseminate information about summer learning opportunities and summer learning grants to the families of eligible students in the State.

(B) APPLICATION.—The parents of an eligible student who are interested in having their child participate in a summer learning opportunity and receive a summer learning grant shall submit an application to the State educational agency that includes a ranked list of preferred summer learning opportunities.

(C) PROCESS.—A State educational agency that receives an application under subparagraph (B) shall—

(i) process such application;

(ii) determine whether the eligible student shall receive a summer learning grant;

(iii) coordinate the assignment of eligible students receiving summer learning grants with summer learning opportunities; and

(iv) if demand for a summer learning opportunity exceeds capacity, the State educational agency shall prioritize applications to low-achieving eligible students.

(D) FLEXIBILITY.—A State educational agency may assign a summer scholar to a summer learning opportunity program that is offered in an area served by a local educational agency that is not the local educational agency serving the area where such scholar resides.

(E) REQUIREMENT OF ACCEPTANCE.—An eligible entity shall accept, enroll, and provide the summer learning opportunity of such entity to, any summer scholar assigned to such summer learning opportunity by a State educational agency pursuant to this subsection.

(4) AGREEMENT WITH ELIGIBLE ENTITY.—

(A) IN GENERAL.—A State educational agency shall enter into an agreement with one or more eligible entities offering a summer learning opportunity, under which—

(i) the State educational agency shall agree to make payments to the eligible entity, in accordance with subparagraph (B), for a summer scholar; and

(ii) the eligible entity shall agree to provide the summer scholar with a summer learning opportunity that—

(I) provides a total of not less than the equivalent of 30 full days of instruction (or not less than the equivalent of 25 full days of instruction, if the equivalent of an additional 5 days is devoted to field trips or other enrichment opportunities) to the summer scholar;

(II) employs small-group, research-based educational programs, materials, curricula, and practices;

(III) provides a curriculum that—

(aa) emphasizes mathematics, technology, engineering, and problem-solving through experiential learning opportunities;

(bb) is primarily designed to increase the numeracy and problem-solving skills of the summer scholar; and

(cc) is aligned with State academic content standards and goals of the local educational agency serving the summer scholar;

(IV) measures student progress to determine the gains made by summer scholars in the summer learning opportunity, and disaggregates the results of such progress for summer scholars by race and ethnicity, economic status, limited English proficiency status, and disability status, in order to determine the opportunity's impact on each subgroup of summer scholars;

(V) collects daily attendance data on each summer scholar;

(VI) provides professional development opportunities for teachers to improve their practice in teaching numeracy, and in integrating problem-solving techniques into the curriculum; and

(VII) meets all applicable Federal, State, and local civil rights laws.

(B) AMOUNT OF PAYMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), a State educational agency shall make a payment to an eligible entity for a summer scholar in the amount determined under paragraph (1)(B)(i).

(ii) ADJUSTMENT.—In the case in which a summer scholar does not attend the full summer learning opportunity, the State educational agency shall reduce the amount provided to the eligible entity pursuant to clause (i) by a percentage that is equal to the percentage of the summer learning opportunity not attended by such scholar.

(5) ADMINISTRATIVE COSTS.—A State educational agency or eligible entity receiving funding under this section may use not more than 5 percent of such funding for administrative costs associated with carrying out this section.

(e) EVALUATIONS; REPORT; WEBSITE.—

(1) EVALUATION AND ASSESSMENT.—For each year that an eligible entity enters into an agreement under subsection (d)(4), the eligible entity shall prepare and submit to the Secretary a report on the activities and outcomes of each summer learning opportunity that enrolled a summer scholar, including—

(A) information on the design of the summer learning opportunity;

(B) the alignment of the summer learning opportunity with State standards; and

(C) data from assessments of student mathematics and problem-solving skills for the summer scholars and on the attendance of the scholars, disaggregated by the subgroups described in subsection (d)(4)(A)(ii)(IV).

(2) REPORT.—For each year funds are appropriated under subsection (f) for this section, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on the summer learning grant programs, including the effectiveness of the summer learning opportunities in improving student achievement and learning.

(3) SUMMER LEARNING GRANTS WEBSITE.—The Secretary shall make accessible, on the Department of Education website, information for parents and school personnel on successful programs and curricula, and best practices, for summer learning opportunities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 2 succeeding fiscal years.

SEC. 6203. MATH SKILLS FOR SECONDARY SCHOOL STUDENTS.

(a) PURPOSES.—The purposes of this section are—

(1) to provide assistance to State educational agencies and local educational agencies in implementing effective research-based mathematics programs for students in secondary schools, including students with disabilities and students with limited English proficiency;

(2) to improve instruction in mathematics for students in secondary school through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are based on the best available evidence of effectiveness;

(3) to provide targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level; and

(4) to provide in-service training for mathematics coaches who can assist secondary school teachers to utilize research-based mathematics instruction to develop and improve students' mathematical abilities and knowledge, and assist teachers in assessing and improving student academic achievement.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency that is eligible to receive funds, and that is receiving funds, under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(2) MATHEMATICS COACH.—The term "mathematics coach" means a certified or licensed teacher, with a demonstrated effectiveness in teaching mathematics to students with specialized needs in mathematics and improving student academic achievement in mathematics, a command of mathematical content knowledge, and the ability to work with classroom teachers to improve the teachers' instructional techniques to support mathematics improvement, who works on site at a school—

(A) to train teachers to better assess student learning in mathematics;

(B) to train teachers to assess students' mathematics skills and identify students who need remediation; and

(C) to provide or assess remedial mathematics instruction, including for—

(i) students in after-school and summer school programs;

(ii) students requiring additional instruction;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

(c) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From funds appropriated under subsection (o) for a fiscal year, the Secretary shall establish a program, in accordance with the requirements of this section, that will provide grants on a competitive basis to State educational agencies to award grants and subgrants to eligible local educational agencies for the purpose of establishing mathematics programs to improve the overall mathematics performance of secondary school students in the State.

(2) LENGTH OF GRANT.—A grant to a State educational agency under this section shall be awarded for a period of 3 years.

(d) RESERVATION OF FUNDS BY THE SECRETARY.—From amounts appropriated under subsection (o) for a fiscal year, the Secretary may reserve—

(1) not more than 3 percent of such amounts to fund national activities in support of the programs assisted under this section, such as research and dissemination of best practices, except that the Secretary may not use the reserved funds to award grants directly to local educational agencies; and

(2) not more than ½ of 1 percent of such amounts for the Bureau of Indian Education of the Department of the Interior to carry out the services and activities described in subsection (k)(3) for Indian children.

(e) GRANT FORMULAS.—

(1) COMPETITIVE GRANTS TO STATE EDUCATIONAL AGENCIES.—From amounts appropriated under subsection (o) and not reserved under subsection (d), the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to establish mathematics programs for the purpose of improving overall mathematics performance among students in secondary school in the State.

(2) MINIMUM GRANT.—The Secretary shall ensure that the minimum grant made to any State educational agency under this section shall be not less than $500,000.

(f) APPLICATIONS.—In order to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall meet the following conditions:

(1) A State educational agency shall not include the application for assistance under this section in a consolidated application submitted under section 9302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7842).

(2) The State educational agency's application shall include assurances that such application and any technical assistance provided by the State will be guided by a peer review team, which shall consist of—

(A) researchers with expertise in the pedagogy of mathematics;

(B) mathematicians; and

(C) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies.

(3) The State educational agency shall include an assurance that the State has a process to safeguard against conflicts of interest consistent with subsection (m)(2) and section 6204 for individuals providing technical assistance on behalf of the State educational agency or participating in the State peer review process under this subtitle.

(4) The State educational agency will participate, if requested, in any evaluation of the State educational agency's program under this section.

(5) The State educational agency's application shall include a program plan that contains a description of the following:

(A) How the State educational agency will assist eligible local educational agencies in implementing subgrants, including providing ongoing professional development for mathematics coaches, teachers, paraprofessionals, and administrators.

(B) How the State educational agency will help eligible local educational agencies identify high-quality screening, diagnostic, and classroom-based instructional mathematics assessments.

(C) How the State educational agency will help eligible local educational agencies identify high-quality research-based mathematics materials and programs.

(D) How the State educational agency will help eligible local educational agencies identify appropriate and effective materials, programs, and assessments for students with disabilities and students with limited English proficiency.

(E) How the State educational agency will ensure that professional development funded under this section—

(i) is based on mathematics research;

(ii) will effectively improve instructional practices for mathematics for secondary school students;

(iii) will improve student academic achievement in mathematics; and

(iv) is coordinated with professional development activities funded through other programs, including section 2113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613).

(F) How funded activities will help teachers and other instructional staff to implement research-based components of mathematics instruction and improve student academic achievement.

(G) The subgrant process the State educational agency will use to ensure that eligible local educational agencies receiving subgrants implement programs and practices based on mathematics research.

(H) How the State educational agency will build on and promote coordination among mathematics programs in the State to increase overall effectiveness in improving mathematics instruction and student academic achievement, including for students with disabilities and students with limited English proficiency.

(I) How the State educational agency will regularly assess and evaluate the effectiveness of the eligible local educational agency activities funded under this section.

(g) STATE USE OF FUNDS.—Each State educational agency receiving a grant under this section shall—

(1) establish a peer review team comprised of researchers with expertise in the pedagogy of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools, to provide guidance to eligible local educational agencies in selecting or developing and implementing appropriate, research-based mathematics programs for secondary school students;

(2) use 80 percent of the grant funds received under this section for a fiscal year to fund high-quality applications for subgrants to eligible local educational agencies having applications approved under subsection (k); and

(3) use 20 percent of the grant funds received under this section—

(A) to carry out State-level activities described in the application submitted under subsection (f);

(B) to provide—

(i) technical assistance to eligible local educational agencies; and

(ii) high-quality professional development to teachers and mathematics coaches in the State;

(C) to oversee and evaluate subgrant services and activities undertaken by the eligible local educational agencies as described in subsection (k)(3); and

(D) for administrative costs, of which not more than 5 percent of the grant funds may be used for planning, administration, and reporting.

(h) NOTICE TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this section shall provide notice to all eligible local educational agencies in the State about the availability of subgrants under this section.

(i) PROHIBITIONS.—

(1) IN GENERAL.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize or permit the Secretary, Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(j) SUPPLEMENT NOT SUPPLANT.—Each State educational agency receiving a grant under this section shall use the grant funds to supplement, not supplant, State funding for activities authorized under this section or for other educational activities.

(k) SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(1) APPLICATION.—

(A) IN GENERAL.—Each eligible local educational agency desiring a subgrant under this subsection shall submit an application to the State educational agency in the form and according to the schedule established by the State educational agency.

(B) CONTENTS.—In addition to any information required by the State educational agency, each application under subparagraph (A) shall demonstrate how the eligible local educational agency will carry out the following required activities:

(i) Development or selection and implementation of research-based mathematics assessments.

(ii) Development or selection and implementation of research-based mathematics programs, including programs for students with disabilities and students with limited English proficiency.

(iii) Selection of instructional materials based on mathematics research.

(iv) High-quality professional development for mathematics coaches and teachers based on mathematics research.

(v) Evaluation and assessment strategies.

(vi) Reporting.

(vii) Providing access to research-based mathematics materials.

(C) CONSORTIA.—Consistent with State law, an eligible local educational agency may apply to the State educational agency for a subgrant as a member of a consortium of local educational agencies if each member of the consortium is an eligible local educational agency.

(2) AWARD BASIS.—

(A) PRIORITY.—A State educational agency awarding subgrants under this subsection shall give priority to eligible local educational agencies that—

(i) are among the local educational agencies in the State with the lowest graduation rates, as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

(ii) have the highest number or percentage of students who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(B) AMOUNT OF GRANTS.—Subgrants under this subsection shall be of sufficient size and scope to enable eligible local educational agencies to fully implement activities assisted under this subsection.

(3) LOCAL USE OF FUNDS.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to carry out, at the secondary school level, the following services and activities:

(A) Hiring mathematics coaches and providing professional development for mathematics coaches—

(i) at a level to provide effective coaching to classroom teachers;

(ii) to work with classroom teachers to better assess student academic achievement in mathematics;

(iii) to work with classroom teachers to identify students with mathematics problems and, where appropriate, refer students to available programs for remediation and additional services;

(iv) to work with classroom teachers to diagnose and remediate mathematics difficulties of the lowest-performing students, so that those teachers can provide intensive, research-based instruction, including during after-school and summer sessions, geared toward ensuring that those students can access and be successful in rigorous academic coursework; and

(v) to assess and organize student data on mathematics and communicate that data to school administrators to inform school reform efforts.

(B) Reviewing, analyzing, developing, and, where possible, adapting curricula to make sure mathematics skills are taught within other core academic subjects.

(C) Providing mathematics professional development for all relevant teachers in secondary school, as necessary, that addresses both remedial and higher level mathematics skills for students in the applicable curriculum.

(D) Providing professional development for teachers, administrators, and paraprofessionals serving secondary schools to help the teachers, administrators, and paraprofessionals improve student academic achievement in mathematics.

(E) Procuring and implementing programs and instructional materials based on mathematics research, including software and other education technology related to mathematics instruction with demonstrated effectiveness in improving mathematics instruction and student academic achievement.

(F) Building on and promoting coordination among mathematics programs in the eligible local educational agency to increase overall effectiveness in—

(i) improving mathematics instruction; and

(ii) increasing student academic achievement, including for students with disabilities and students with limited English proficiency.

(G) Evaluating the effectiveness of the instructional strategies, teacher professional development programs, and other interventions that are implemented under the subgrant.

(H) Measuring improvement in student academic achievement, including through progress monitoring or other assessments.

(4) SUPPLEMENT NOT SUPPLANT.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to supplement, not supplant, the eligible local educational agency's funding for activities authorized under this section or for other educational activities.

(5) NEW SERVICES AND ACTIVITIES.—Subgrant funds provided under this subsection may be used only to provide services and activities authorized under this section that were not provided on the day before the date of enactment of this Act.

(6) EVALUATIONS.—Each eligible local educational agency receiving a grant under this subsection shall participate, as requested by the State educational agency or the Secretary, in reviews and evaluations of the programs of the eligible local educational agency and the effectiveness of such programs, and shall provide such reports as are requested by the State educational agency and the Secretary.

(l) MATCHING REQUIREMENTS.—

(1) STATE EDUCATIONAL AGENCY REQUIREMENTS.—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in-kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) WAIVER.—The Secretary may waive all or a portion of the matching requirements described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(m) EVALUATION AND TECHNICAL ASSISTANCE.—

(1) EVALUATION.—

(A) IN GENERAL.—The Secretary shall conduct an annual independent evaluation, by grant or by contract, of the program assisted under this section, which shall include an assessment of the impact of the program on student academic achievement and teacher performance, and may use funds available to carry out this section to conduct the evaluation.

(B) REPORT.—The Secretary shall annually submit to the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, a report on the results of the evaluation.

(C) LIMITATIONS.—

(i) IN GENERAL.—The Secretary shall ensure that the organization selected to carry out the independent evaluation under subparagraph (A) does not hold a contract or subcontract to implement any aspect of the program under this section.

(ii) SUBCONTRACTORS.—Any contract entered into under subparagraph (A) shall prohibit the organization conducting the evaluation from subcontracting with any entity that holds a contract or subcontract for any aspect of the implementation of this section.

(iii) WAIVER.—Subject to clause (iv), the Secretary may waive the application of clause (i) or (ii), or both, in accordance with the requirements under section 9.503 of title 48, Code of Federal Regulations, if the Secretary determines that their application in a particular situation would not be in the Federal Government's interest.

(iv) SPECIAL RULE REGARDING WAIVERS.—No organization or subcontractor under this paragraph shall receive a waiver that allows the organization or subcontractor to evaluate any aspect of the program under this section that the organization or subcontractor was involved in implementing.

(2) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may use funds made available under paragraph (3) to provide technical assistance to prospective applicants and to State educational agencies and eligible local educational agencies receiving grants or subgrants under this section.

(B) CONFLICTS OF INTEREST.—If the Secretary carries out subparagraph (A) through any contracts, the Secretary, in consultation with the Office of the General Counsel of the Department, shall ensure that each contract requires the contractor to—

(i) screen for conflicts of interest when hiring individuals to carry out the responsibilities under the contract;

(ii) include the requirement of clause (i) in any subcontracts the contractor enters into under the contract; and

(iii) establish and follow a schedule for carrying out clause (i) and subparagraph (C) and reporting to the Secretary on the contractor's actions under those provisions.

(C) SCREENING PROCESS.—Subject to subparagraph (D), the screening process described in subparagraph (B)(i) shall—

(i) include, at a minimum, a review of—

(I) each individual performing duties under the contract or subcontract for connections to any State's program under this section;

(II) such individual's potential financial interests in, or other connection to, products, activities, or services that might be purchased by a State educational agency or local educational agency in the course of the agency's implementation of the program under this section; and

(III) such individual's connections to teaching methodologies that might require the use of specific products, activities, or services; and

(ii) ensure that individuals performing duties under the contract do not maintain significant financial interests in products, activities, or services supported under this section.

(D) WAIVER.—

(i) IN GENERAL.—The Secretary may, in consultation with the Office of the General Counsel of the Department, waive the requirements of subparagraph (C).

(ii) REPORT.—The Secretary shall—

(I) establish criteria for the waivers under clause (i); and

(II) report any waivers under clause (i), and the criteria under which such waivers are allowed, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(E) INFORMATION DISSEMINATION.—

(i) IN GENERAL.—If the Secretary enters into contracts to provide technical assistance under subparagraph (A), and if a contractor enters into subcontracts for that purpose, each such contract and subcontract shall require the provider of technical assistance to clearly separate technical assistance provided under the contract or subcontract from information provided, or activities engaged in, as part of the normal operations of the contractor or subcontractor.

(ii) METHODS OF COMPLIANCE.—Efforts to comply with clause (i) may include the creation of separate webpages for the purpose of fulfilling a contract or subcontract entered into under subparagraph (A).

(3) RESERVATION OF FUNDS.—The Secretary may reserve not more than 2.5 percent of funds appropriated under subsection (o) for a fiscal year to carry out this subsection.

(n) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

(1) INFORMATION.—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school districtwide, or classroom-based monitoring reports or assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at the proficient or advanced level on the State student academic achievement standards in mathematics under section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii));

(II) significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving proficiency or advanced levels on such State academic content standards in mathematics;

(III) significantly increased the number of students making significant progress toward meeting such State academic content and achievement standards in mathematics; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in advanced mathematics courses in grades 9 through 12, including the percentage of such students who pass such courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) REPORTING AND DISAGGREGATION.—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

(o) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $95,000,000 for fiscal year 2008 and each of the 2 succeeding fiscal years.

SEC. 6204. PEER REVIEW OF STATE APPLICATIONS.

(a) PEER REVIEW OF STATE APPLICATIONS.—The Secretary shall establish peer review panels to review State educational agency applications submitted pursuant to sections 6201 and 6203 and shall consider the recommendation of the peer review panels in deciding whether to approve the applications.

(b) SCREENING.—

(1) IN GENERAL.—The Secretary shall establish a process through which individuals on the peer review panels who review State applications under sections 6201 and 6203 (referred to in this section as "reviewers") are screened for potential conflicts of interest.

(2) SCREENING REQUIREMENTS.—The screening process described in paragraph (1) shall, subject to paragraph (3)—

(A) be reviewed and approved by the Office of the General Counsel of the Department;

(B) include, at a minimum, a review of each reviewer's—

(i) professional connection to any State's program under such sections, including a disclosure of any connection to publishers, entities, private individuals, or organizations related to such State's program;

(ii) potential financial interest in products, activities, or services that might be purchased by a State educational agency or local educational agency in the course of the agency's implementation of the programs under such sections; and

(iii) professional connections to teaching methodologies that might require the use of specific products, activities, or services; and

(C) ensure that reviewers do not maintain significant financial interests in products, activities, or services supported under such sections.

(3) WAIVER.—

(A) IN GENERAL.—The Secretary may, in consultation with the Office of the General Counsel of the Department, waive the requirements of paragraph (2)(C).

(B) REPORT OF WAIVERS.—The Secretary shall—

(i) establish criteria for the waivers permitted under subparagraph (A); and

(ii) report any waivers allowed under subparagraph (A), and the criteria under which such waivers are allowed, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(c) GUIDANCE.—

(1) IN GENERAL.—The Secretary shall develop procedures for, and issue guidance regarding, how reviewers will review applications submitted under sections 6201 and 6203 and provide feedback to State educational agencies and recommendations to the Secretary. The Secretary shall also develop guidance for how the Secretary will review those recommendations and make final determinations of approval or disapproval of those applications.

(2) REQUIREMENTS.—Such procedures shall, at a minimum—

(A) create a transparent process through which review panels provide clear, consistent, and publicly available documentation and explanations in support of all recommendations, including the final reviews of the individual reviewers, except that a final review shall not reveal any personally identifiable information about the reviewer;

(B) ensure that a State educational agency has the opportunity for direct interaction with any review panel that reviewed the agency's application under section 6201 or 6203 when revising that application as a result of feedback from the panel, including the disclosure of the identities of the reviewers;

(C) require that any review panel and the Secretary clearly and consistently document that all required elements of an application under section 6201 or 6203 are included before the application is approved; and

(D) create a transparent process through which the Secretary clearly, consistently, and publicly documents decisions to approve or disapprove applications under such sections and the reasons for those decisions.

Subtitle C—Foreign Language Partnership Program

SEC. 6301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States faces a shortage of skilled professionals with higher levels of proficiency in foreign languages and area knowledge critical to the Nation's security.

(2) Given the Nation's economic competitiveness interests, it is crucial that our Nation expand the number of Americans who are able to function effectively in the environments in which critical foreign languages are spoken.

(3) Students' ability to become proficient in foreign languages can be addressed by starting language learning at a younger age and expanding opportunities for continuous foreign language education from elementary school through postsecondary education.

(b) PURPOSE.—The purpose of this subtitle is to significantly increase—

(1) the opportunities to study critical foreign languages and the context in which the critical foreign languages are spoken; and

(2) the number of American students who achieve the highest level of proficiency in critical foreign languages.

SEC. 6302. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE RECIPIENT.—The term "eligible recipient" means an entity mutually agreed upon by a partnership that shall receive grant funds under this subtitle on behalf of the partnership for use in carrying out the activities assisted under this subtitle.

(2) Partnership.—The term "partnership" means a partnership that—

(A) shall include—

(i) an institution of higher education; and

(ii) 1 or more local educational agencies; and

(B) may include 1 or more entities that support the purposes of this subtitle.

(3) Superior level of proficiency.—The term "superior level of proficiency" means level 3, the professional working level, as measured by the Federal Interagency Language Roundtable (ILR) or by other generally recognized measures of superior standards.

SEC. 6303. PROGRAM AUTHORIZED.

(a) Program Authorized.—

(1) In general.—The Secretary is authorized to award grants to eligible recipients to enable partnerships served by the eligible recipients to establish articulated programs of study in critical foreign languages that will enable students to advance successfully from elementary school through postsecondary education and achieve higher levels of proficiency in a critical foreign language.

(2) Duration.—A grant awarded under paragraph (1) shall be for a period of not more than 5 years, of which 2 years may be for planning and development. A grant may be renewed for not more than 2 additional 5-year periods, if the Secretary determines that the partnership's program is effective and the renewal will best serve the purposes of this subtitle.

(b) Applications.—

(1) In general.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) Contents.—Each application shall—

(A) identify each local educational agency partner, including contact information and letters of commitment, and describe the responsibilities of each member of the partnership, including—

(i) how each of the partners will be involved in planning, developing, and implementing—

(I) program curriculum and materials; and

(II) teacher professional development;

(ii) what resources each of the partners will provide; and

(iii) how the partners will contribute to ensuring the continuity of student progress from elementary school through the postsecondary level;

(B) describe how an articulated curriculum for students will be developed and implemented, which may include the use and integration of technology into such curriculum;

(C) identify target proficiency levels for students at critical benchmarks (such as grades 4, 8, and 12), and describe how progress toward those proficiency levels will be assessed at the benchmarks, and how the program will use the results of the assessments to ensure continuous progress toward achieving a superior level of proficiency at the postsecondary level;

(D) describe how the partnership will—

(i) ensure that students from a program assisted under this subtitle who are beginning postsecondary education will be assessed and enabled to progress to a superior level of proficiency;

(ii) address the needs of students already at, or near, the superior level of proficiency, which may include diagnostic assessments for placement purposes, customized and individualized language learning opportunities, and experimental and interdisciplinary language learning; and

(iii) identify and describe how the partnership will work with institutions of higher education outside the partnership to provide participating students with multiple options for postsecondary education consistent with the purposes of this subtitle;

(E) describe how the partnership will support and continue the program after the grant has expired, including how the partnership will seek support from other sources, such as State and local governments, foundations, and the private sector; and

(F) describe what assessments will be used or, if assessments not available, how assessments will be developed.

(c) Uses of Funds.—Grant funds awarded under this subtitle—

(1) shall be used to plan, develop, and implement programs at the elementary school level through postsecondary education, consistent with the purpose of this subtitle, including—

(A) the development of curriculum and instructional materials; and

(B) recruitment of students; and

(2) may be used for—

(A) teacher recruitment (including recruitment from other professions and recruitment of native-language speakers in the community) and professional development directly related to the purposes of this subtitle at the elementary school through secondary school levels;

(B) development of appropriate assessments;

(C) opportunities for maximum language exposure for students in the program, such as the creation of immersion environments (such as language houses, language tables, immersion classrooms, and weekend and summer experiences) and special tutoring and academic support;

(D) dual language immersion programs;

(E) scholarships and study-abroad opportunities, related to the program, for postsecondary students and newly recruited teachers who have advanced levels of proficiency in a critical foreign language, except that not more than 20 percent of the grant funds provided to an eligible recipient under this section for a fiscal year may be used to carry out this subparagraph;

(F) activities to encourage community involvement to assist in meeting the purposes of this subtitle;

(G) summer institutes for students and teachers;

(H) bridge programs that allow dual enrollment for secondary school students in institutions of higher education;

(I) programs that expand the understanding and knowledge of historic, geographic, and contextual factors within countries with populations who speak critical foreign languages, if such programs are carried out in conjunction with language instruction;

(J) research on, and evaluation of, the teaching of critical foreign languages;

(K) data collection and analysis regarding the results of—

(i) various student recruitment strategies;

(ii) program design; and

(iii) curricular approaches;

(L) the impact of the strategies, program design, and curricular approaches described in subparagraph (K) on increasing—

(i) the number of students studying critical foreign languages; and

(ii) the proficiency of the students in the critical foreign languages; and

(M) distance learning projects for critical foreign language learning.

(d) Matching Requirement.—

(1) In general.—An eligible recipient that receives a grant under this subtitle shall provide, toward the cost of carrying out the activities supported by the grant, from non-Federal sources, an amount equal to—

(A) 20 percent of the amount of the grant payment for the first fiscal year for which a grant payment is made;

(B) 30 percent of the amount of the grant payment for the second such fiscal year;

(C) 40 percent of the amount of the grant payment for the third such fiscal year; and

(D) 50 percent of the amount of the grant payment for each of the fourth and fifth such fiscal years.

(2) Non-Federal share.—The non-Federal share required under paragraph (1) may be provided in cash or in-kind.

(3) Waiver.—The Secretary may waive all or part of the matching requirement of paragraph (1), for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the partnership; or

(B) the waiver will best serve the purposes of this subtitle.

(e) Supplement Not Supplant.—Grant funds provided under this subtitle shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (c).

(f) Technical Assistance.—The Secretary shall enter into a contract to establish a technical assistance center to provide technical assistance to partnerships developing critical foreign language programs assisted under this subtitle. The center shall—

(1) assist the partnerships in the development of critical foreign language instructional materials and assessments; and

(2) disseminate promising foreign language instructional practices.

(g) Program Evaluation.—

(1) In general.—The Secretary may reserve not more than 5 percent of the total amount appropriated for this subtitle for any fiscal year to annually evaluate the programs under this subtitle.

(2) Report.—The Secretary shall prepare and annually submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives, a report—

(A) on the results of any program evaluation conducted under this subsection; and

(B) that includes best practices on the teaching and learning of foreign languages based on the findings from the evaluation.

SEC. 6304. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this subtitle, there are authorized to be appropriated $28,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 2 succeeding fiscal years.

Subtitle D—Alignment of Education Programs

SEC. 6401. ALIGNMENT OF SECONDARY SCHOOL GRADUATION REQUIREMENTS WITH THE DEMANDS OF 21ST CENTURY POSTSECONDARY ENDEAVORS AND SUPPORT FOR P–16 EDUCATION DATA SYSTEMS.

(a) Purpose.—It is the purpose of this section—

(1) to promote more accountability with respect to preparation for higher education, the 21st century workforce, and the Armed Forces, by aligning—

(A) student knowledge, student skills, State academic content standards and assessments, and curricula, in elementary and secondary education, especially with respect to mathematics, science, reading, and, where applicable, engineering and technology; with

(B) the demands of higher education, the 21st century workforce, and the Armed Forces;

(2) to support the establishment or improvement of statewide P–16 education data systems that—

(A) assist States in improving the rigor and quality of State academic content standards and assessments;

(B) ensure students are prepared to succeed in—

(i) academic credit-bearing coursework in higher education without the need for remediation;

(ii) the 21st century workforce; or

(iii) the Armed Forces; and

(3) enable States to have valid and reliable information to inform education policy and practice.

(b) DEFINITIONS.—In this section:

(1) P–16 EDUCATION.—The term "P–16 education" means the educational system from preschool through the conferring of a baccalaureate degree.

(2) STATEWIDE PARTNERSHIP.—The term "statewide partnership" means a partnership that—

(A) shall include—

(i) the Governor of the State or the designee of the Governor;

(ii) the heads of the State systems for public higher education, or, if such a position does not exist, not less than 1 representative of a public degree-granting institution of higher education;

(iii) a representative of the agencies in the State that administer Federal or State-funded early childhood education programs;

(iv) not less than 1 representative of a public community college;

(v) not less than 1 representative of a technical school;

(vi) not less than 1 representative of a public secondary school;

(vii) the chief State school officer;

(viii) the chief executive officer of the State higher education coordinating board;

(ix) not less than 1 public elementary school teacher employed in the State;

(x) not less than 1 early childhood educator in the State;

(xi) not less than 1 public secondary school teacher employed in the State;

(xii) not less than 1 representative of the business community in the State; and

(xiii) not less than 1 member of the Armed Forces; and

(B) may include other individuals or representatives of other organizations, such as a school administrator, a faculty member at an institution of higher education, a member of a civic or community organization, a representative from a private institution of higher education, a dean or similar representative of a school of education at an institution of higher education or a similar teacher certification or licensure program, or the State official responsible for economic development.

(c) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to States to enable each such State to work with a statewide partnership—

(1) to promote better alignment of content knowledge requirements for secondary school graduation with the knowledge and skills needed to succeed in postsecondary education, the 21st century workforce, or the Armed Forces; or

(2) to establish or improve a statewide P–16 education data system.

(d) PERIOD OF GRANTS; NON-RENEWABILITY.—

(1) GRANT PERIOD.—The Secretary shall award a grant under this section for a period of not more than 3 years.

(2) NON-RENEWABILITY.—The Secretary shall not award a State more than 1 grant under this section.

(e) AUTHORIZED ACTIVITIES.—

(1) GRANTS FOR P–16 ALIGNMENT.—Each State receiving a grant under subsection (c)(1)—

(A) shall use the grant funds for—

(i) identifying and describing the content knowledge and skills students who enter institutions of higher education, the workforce, and the Armed Forces need to have in order to succeed without any remediation based on detailed requirements obtained from institutions of higher education, employers, and the Armed Forces;

(ii) identifying and making changes that need to be made to a State's secondary school graduation requirements, academic content standards, academic achievement standards, and assessments preceding graduation from secondary school in order to align the requirements, standards, and assessments with the knowledge and skills necessary for success in academic credit-bearing coursework in postsecondary education, in the 21st century workforce, and in the Armed Forces without the need for remediation;

(iii) convening stakeholders within the State and creating a forum for identifying and deliberating on education issues that—

(I) involve preschool through grade 12 education, postsecondary education, the 21st century workforce, and the Armed Forces; and

(II) transcend any single system of education's ability to address; and

(iv) implementing activities designed to ensure the enrollment of all elementary school and secondary school students in rigorous coursework, which may include—

(I) specifying the courses and performance levels necessary for acceptance into institutions of higher education; and

(II) developing or providing guidance to local educational agencies within the State on the adoption of curricula and assessments aligned with State academic content standards, which assessments may be used as measures of student academic achievement in secondary school as well as for entrance or placement at institutions of higher education, including through collaboration with institutions of higher education in, or State educational agencies serving, other States; and

(B) may use the grant funds for—

(i) developing and making available specific opportunities for extensive professional development for teachers, paraprofessionals, principals, and school administrators, including collection and dissemination of effective teaching practices to improve instruction and instructional support mechanisms;

(ii) identifying changes in State academic content standards, academic achievement standards, and assessments for students in grades preceding secondary school in order to ensure such standards and assessments are appropriately aligned and adequately reflect the content needed to prepare students to enter secondary school;

(iii) developing a plan to provide remediation and additional learning opportunities for students who are performing below grade level to ensure that all students will have the opportunity to meet secondary school graduation requirements;

(iv) identifying and addressing teacher certification needs; or

(v) incorporating 21st century learning skills into the State plan, which skills shall include critical thinking, problem solving, communication, collaboration, global awareness, and business and financial literacy.

(2) GRANTS FOR STATEWIDE P–16 EDUCATION DATA SYSTEMS.—

(A) ESTABLISHMENT OF SYSTEM.—Each State that receives a grant under subsection (c)(2) shall establish a statewide P–16 education longitudinal data system that—

(i) provides each student, upon enrollment in a public elementary school or secondary school in the State, with a unique identifier, such as a bar code, that—

(I) does not permit a student to be individually identified by users of the system; and

(II) is retained throughout the student's enrollment in P–16 education in the State; and

(ii) meets the requirements of subparagraphs (B) through (E).

(B) IMPROVEMENT OF EXISTING SYSTEM.—Each State that receives a grant under subsection (c)(2) for the improvement of a statewide P–16 education data system may employ, coordinate, or revise an existing statewide data system to establish a statewide longitudinal P–16 education data system that meets the requirements of subparagraph (A), if the statewide longitudinal P–16 education data system produces valid and reliable data.

(C) PRIVACY AND ACCESS TO DATA.—

(i) IN GENERAL.—Each State that receives a grant under subsection (c)(2) shall implement measures to—

(I) ensure that the statewide P–16 education data system meets the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the Family Educational Rights and Privacy Act of 1974);

(II) limit the use of information in the statewide P–16 education data system by institutions of higher education and State or local educational agencies or institutions to the activities set forth in paragraph (1) or State law regarding education, consistent with the purposes of this subtitle;

(III) prohibit the disclosure of personally identifiable information except as permitted under section 444 of the General Education Provisions Act and any additional limitations set forth in State law;

(IV) keep an accurate accounting of the date, nature, and purpose of each disclosure of personally identifiable information in the statewide P–16 education data system, a description of the information disclosed, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(V) notwithstanding section 444 of the General Education Provisions Act, require any non-governmental party obtaining personally identifiable information to sign a data use agreement prior to disclosure that—

(aa) prohibits the party from further disclosing the information;

(bb) prohibits the party from using the information for any purpose other than the purpose specified in the agreement; and

(cc) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(VI) maintain adequate security measures to ensure the confidentiality and integrity of the statewide P–16 education data system, such as protecting a student record from identification by a unique identifier;

(VII) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(VIII) ensure adequate enforcement of the requirements of this clause.

(ii) USE OF UNIQUE IDENTIFIERS.—

(I) GOVERNMENTAL USE OF UNIQUE IDENTIFIERS.—It shall be unlawful for any Federal, State, or local governmental agency to use the unique identifiers employed in the statewide P–16 education data systems for any purpose other than as authorized by Federal or State law regarding education, or to deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

(II) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations governing the use by governmental and non-governmental entities of the unique identifiers employed in statewide P–16 education data systems, including, where necessary, regulations requiring

States desiring grants for statewide P–16 education data systems under this section to implement specified measures, with the goal of safeguarding individual privacy to the maximum extent practicable consistent with the uses of the information authorized in this Act or other Federal or State law regarding education.

(D) REQUIRED ELEMENTS OF A STATEWIDE P–16 EDUCATION DATA SYSTEM.—The State shall ensure that the statewide P–16 education data system includes the following elements:

(i) PRESCHOOL THROUGH GRADE 12 EDUCATION AND POSTSECONDARY EDUCATION.—With respect to preschool through grade 12 education and postsecondary education—

(I) a unique statewide student identifier that does not permit a student to be individually identified by users of the system;

(II) student-level enrollment, demographic, and program participation information;

(III) student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete P–16 education programs;

(IV) the capacity to communicate with higher education data systems; and

(V) a State data audit system assessing data quality, validity, and reliability.

(ii) PRESCHOOL THROUGH GRADE 12 EDUCATION.—With respect to preschool through grade 12 education—

(I) yearly test records of individual students with respect to assessments under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b));

(II) information on students not tested by grade and subject;

(III) a teacher identifier system with the ability to match teachers to students;

(IV) student-level transcript information, including information on courses completed and grades earned; and

(V) student-level college readiness test scores.

(iii) POSTSECONDARY EDUCATION.—With respect to postsecondary education, data that provide—

(I) information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework; and

(II) other information determined necessary to address alignment and adequate preparation for success in postsecondary education.

(E) FUNCTIONS OF THE STATEWIDE P–16 EDUCATION DATA SYSTEM.—In implementing the statewide P–16 education data system, the State shall—

(i) identify factors that correlate to students' ability to successfully engage in and complete postsecondary-level general education coursework without the need for prior developmental coursework;

(ii) identify factors to increase the percentage of low-income and minority students who are academically prepared to enter and successfully complete postsecondary-level general education coursework; and

(iii) use the data in the system to otherwise inform education policy and practice in order to better align State academic content standards, and curricula, with the demands of postsecondary education, the 21st century workforce, and the Armed Forces.

(f) APPLICATION.—

(1) IN GENERAL.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) APPLICATION CONTENTS.—Each application submitted under this section shall specify whether the State application is for the conduct of P–16 education alignment activities, or the establishment or improvement of a statewide P–16 education data system. The application shall include, at a minimum, the following:

(A) A description of the activities and programs to be carried out with the grant funds and a comprehensive plan for carrying out the activities.

(B) A description of how the concerns and interests of the larger education community, including parents, students, teachers, teacher educators, principals, and preschool administrators will be represented in carrying out the authorized activities described in subsection (e).

(C) In the case of a State applying for funding for P–16 education alignment, a description of how the State will provide assistance to local educational agencies in implementing rigorous State academic content standards, substantive curricula, remediation, and acceleration opportunities for students, as well as other changes determined necessary by the State.

(D) In the case of a State applying for funding to establish or improve a statewide P–16 education data system—

(i) a description of the privacy protection and enforcement measures that the State has implemented or will implement pursuant to subsection (e)(2)(C), and assurances that these measures will be in place prior to the establishment or improvement of the statewide P–16 education data system; and

(ii) an assurance that the State will continue to fund the statewide P–16 education data system after the end of the grant period.

(g) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal, State, and local funds available to carry out the authorized activities described in subsection (e).

(h) MATCHING REQUIREMENT.—Each State that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant.

(i) RULE OF CONSTRUCTION.—

(1) NO RAW DATA REQUIREMENT.—Nothing in this section shall be construed to require States to provide raw data to the Secretary.

(2) PRIVATE OR HOME SCHOOLS.—Nothing in this section shall be construed to affect any private school that does not receive funds or services under this Act or any home school, whether or not the home school is treated as a home school or a private school under State law, including imposing new requirements for students educated through a home school seeking admission to institutions of higher education.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $120,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal year 2009.

Subtitle E—Mathematics and Science Partnership Bonus Grants

SEC. 6501. MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

(a) IN GENERAL.—From amounts appropriated under section 6502, the Secretary shall award a grant—

(1) for each of the school years 2007–2008 through 2010–2011, to each of the 3 elementary schools, and each of the 3 secondary schools, each of which has a high concentration of low income students as defined in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(2)), in each State whose students demonstrate the most improvement in mathematics, as measured by the improvement in the students' average score on the State's assessments in mathematics for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded; and

(2) for each of the school years 2008–2009 through 2010–2011, to each of the 3 elementary schools, and each of the 3 secondary schools, each of which has a high concentration of low income students as defined in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(2)), in each State whose students demonstrate the most improvement in science, as measured by the improvement in the students' average score on the State's assessments in science for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded.

(b) GRANT AMOUNT.—The amount of each grant awarded under this section shall be $50,000.

SEC. 6502. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for fiscal years 2008 and each of the 2 succeeding fiscal years.

TITLE VII—NATIONAL SCIENCE FOUNDATION

SEC. 7001. DEFINITIONS.

In this title:

(1) BASIC RESEARCH.—The term "basic research" has the meaning given such term in the Office of Management and Budget circular No. A–11.

(2) BOARD.—The term "Board" means the National Science Board established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(3) DIRECTOR.—The term "Director" means the Director of the Foundation.

(4) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) FOUNDATION.—The term "Foundation" means the National Science Foundation.

(6) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(7) SECONDARY SCHOOL.—The term "secondary school" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 7002. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2008.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $6,600,000,000 for fiscal year 2008.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $5.156,000,000 shall be made available for research and related activities, of which—

(i) $115,000,000 shall be made available for the Major Research Instrumentation program;

(ii) $165,400,000 shall be made available for the Faculty Early Career Development (CAREER) Program;

(iii) $61.600,000 shall be made available for the Research Experiences for Undergraduates program;

(iv) $120,000,000 shall be made available for the Experimental Program to Stimulate Competitive Research;

(v) $47,300,000 shall be made available for the Integrative Graduate Education and Research Traineeship program;

(vi) $9,000,000 shall be made available for the Graduate Research Fellowship program; and

(vii) $10,000,000 shall be made available for the professional science master's degree program under section 7034;

(B) $896,000,000 shall be made available for education and human resources, of which—

(i) $100.000,000 shall be for Mathematics and Science Education Partnerships established

under section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n);

(ii) $89,800,000 shall be for the Robert Noyce Scholarship Program established under section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1);

(iii) $40,000,000 shall be for the Science, Mathematics, Engineering, and Technology Talent Expansion Program established under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368);

(iv) $52,000,000 shall be for the Advanced Technological Education program established by section 3(a) of the Scientific and Advanced-Technology Act of 1992 (Public Law 102–476);

(v) $27,100,000 shall be made available for the Integrative Graduate Education and Research Traineeship program; and

(vi) $96,600,000 shall be made available for the Graduate Research Fellowship program;

(C) $245,000,000 shall be made available for major research equipment and facilities construction;

(D) $285,600,000 shall be made available for agency operations and award management;

(E) $4,050,000 shall be made available for the Office of the National Science Board; and

(F) $12,350,000 shall be made available for the Office of Inspector General.

(b) FISCAL YEAR 2009.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $7,326,000,000 for fiscal year 2009.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $5,742,300,000 shall be made available for research and related activities, of which—

(i) $123,100,000 shall be made available for the Major Research Instrumentation program;

(ii) $183,600,000 shall be made available for the Faculty Early Career Development (CAREER) Program;

(iii) $68,400,000 shall be made available for the Research Experiences for Undergraduates program;

(iv) $133,200,000 shall be made available for the Experimental Program to Stimulate Competitive Research;

(v) $52,500,000 shall be made available for the Integrative Graduate Education and Research Traineeship program;

(vi) $10,000,000 shall be made available for the Graduate Research Fellowship program; and

(vii) $12,000,000 shall be made available for the professional science master's degree program under section 7034;

(B) $995,000,000 shall be made available for education and human resources, of which—

(i) $111,000,000 shall be for Mathematics and Science Education Partnerships established under section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n);

(ii) $115,000,000 shall be for the Robert Noyce Scholarship Program established under section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1);

(iii) $50,000,000 shall be for the Science, Mathematics, Engineering, and Technology Talent Expansion Program established under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368);

(iv) $57,700,000 shall be for the Advanced Technological Education program as established by section 3(a) of the Scientific and Advanced-Technology Act of 1992 (Public Law 102–476);

(v) $30,100,000 shall be made available for the Integrative Graduate Education and Research Traineeship program; and

(vi) $107,200,000 shall be made available for the Graduate Research Fellowship program;

(C) $262,000,000 shall be made available for major research equipment and facilities construction;

(D) $309,760,000 shall be made available for agency operations and award management;

(E) $4,190,000 shall be made available for the Office of the National Science Board; and

(F) $12,750,000 shall be made available for the Office of Inspector General.

(c) FISCAL YEAR 2010.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $8,132,000,000 for fiscal year 2010.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $6,401,000,000 shall be made available for research and related activities, of which—

(i) $131,700,000 shall be made available for the Major Research Instrumentation program;

(ii) $203,800,000 shall be made available for the Faculty Early Career Development (CAREER) Program;

(iii) $75,900,000 shall be made available for the Research Experiences for Undergraduates program;

(iv) $147,800,000 shall be made available for the Experimental Program to Stimulate Competitive Research;

(v) $58,300,000 shall be made available for the Integrative Graduate Education and Research Traineeship program;

(vi) $11,100,000 shall be made available for the Graduate Research Fellowship program; and

(vii) $15,000,000 shall be made available for the professional science master's degree program under section 7034;

(B) $1,104,000,000 shall be made available for education and human resources, of which—

(i) $123,200,000 shall be for Mathematics and Science Education Partnerships established under section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n);

(ii) $140,500,000 shall be for the Robert Noyce Scholarship Program established under section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1);

(iii) $55,000,000 shall be for the Science, Mathematics, Engineering, and Technology Talent Expansion Program established under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368);

(iv) $64,000,000 shall be for the Advanced Technological Education program as established by section 3(a) of the Scientific and Advanced-Technology Act of 1992 (Public Law 102–476);

(v) $33,400,000 shall be made available for the Integrative Graduate Education and Research Traineeship program; and

(vi) $119,000,000 shall be made available for the Graduate Research Fellowship program;

(C) $280,000,000 shall be made available for major research equipment and facilities construction;

(D) $329,450,000 shall be made available for agency operations and award management;

(E) $4,340,000 shall be made available for the Office of the National Science Board; and

(F) $13,210,000 shall be made available for the Office of Inspector General.

SEC. 7003. REAFFIRMATION OF THE MERIT-REVIEW PROCESS OF THE NATIONAL SCIENCE FOUNDATION.

Nothing in this title or title I, or the amendments made by this title or title I, shall be interpreted to require or recommend that the Foundation—

(1) alter or modify its merit-review system or peer-review process; or

(2) exclude the awarding of any proposal by means of the merit-review or peer-review process.

SEC. 7004. SENSE OF THE CONGRESS REGARDING THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAMS OF THE DEPARTMENT OF EDUCATION AND THE NATIONAL SCIENCE FOUNDATION.

It is the sense of the Congress that—

(1) although the mathematics and science education partnership program at the Foundation and the mathematics and science partnership program at the Department of Education practically share the same name, the 2 programs are intended to be complementary, not duplicative;

(2) the Foundation partnership programs are innovative, model reform initiatives that move promising ideas in education from research into practice to improve teacher quality, develop challenging curricula, and increase student achievement in mathematics and science, and Congress intends that the Foundation peer-reviewed partnership programs found to be effective should be put into wider practice by dissemination through the Department of Education partnership programs; and

(3) the Director and the Secretary of Education should have ongoing collaboration to ensure that the 2 components of this priority effort for mathematics and science education continue to work in concert for the benefit of States and local practitioners nationwide.

SEC. 7005. CURRICULA.

Nothing in this title, or the amendments made by this title, shall be construed to limit the authority of State governments or local school boards to determine the curricula of their students.

SEC. 7006. CENTERS FOR RESEARCH ON LEARNING AND EDUCATION IMPROVEMENT.

(a) FUNDING FOR CENTERS.—The Director shall continue to carry out the program of Centers for Research on Learning and Education Improvement as established in section 11 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–2).

(b) ELIGIBILITY FOR CENTERS.—Section 11 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–2) is amended—

(1) in subsection (a)(1), by inserting "or eligible nonprofit organizations" after "institutions of higher education";

(2) in subsection (b)(1), by inserting "or an eligible nonprofit organization" after "institution of higher education"; and

(3) in subsection (b)(1), by striking "of such institutions" and inserting "thereof".

SEC. 7007. INTERDISCIPLINARY RESEARCH.

(a) IN GENERAL.—The Board shall evaluate the role of the Foundation in supporting interdisciplinary research, including through the Major Research Instrumentation program, the effectiveness of the Foundation's efforts in providing information to the scientific community about opportunities for funding of interdisciplinary research proposals, and the process through which interdisciplinary proposals are selected for support. The Board shall also evaluate the effectiveness of the Foundation's efforts to engage undergraduate students in research experiences in interdisciplinary settings, including through the Research in Undergraduate Institutions program and the Research Experiences for Undergraduates program.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Board shall provide the results of its evaluation under subsection (a), including a recommendation for the proportion of the Foundation's research and related activities funding that should be allocated for interdisciplinary research, to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 7008. POSTDOCTORAL RESEARCH FELLOWS.

(a) MENTORING.—The Director shall require that all grant applications that include funding to support postdoctoral researchers include a description of the mentoring activities that will be provided for such individuals, and shall ensure that this part of the application is evaluated under the Foundation's broader impacts merit

review criterion. Mentoring activities may include career counseling, training in preparing grant applications, guidance on ways to improve teaching skills, and training in research ethics.

(b) REPORTS.—The Director shall require that annual reports and the final report for research grants that include funding to support postdoctoral researchers include a description of the mentoring activities provided to such researchers.

SEC. 7009. RESPONSIBLE CONDUCT OF RESEARCH.

The Director shall require that each institution that applies for financial assistance from the Foundation for science and engineering research or education describe in its grant proposal a plan to provide appropriate training and oversight in the responsible and ethical conduct of research to undergraduate students, graduate students, and postdoctoral researchers participating in the proposed research project.

SEC. 7010. REPORTING OF RESEARCH RESULTS.

The Director shall ensure that all final project reports and citations of published research documents resulting from research funded, in whole or in part, by the Foundation, are made available to the public in a timely manner and in electronic form through the Foundation's Web site.

SEC. 7011. SHARING RESEARCH RESULTS.

An investigator supported under a Foundation award, whom the Director determines has failed to comply with the provisions of section 734 of the Foundation Grant Policy Manual, shall be ineligible for a future award under any Foundation supported program or activity. The Director may restore the eligibility of such an investigator on the basis of the investigator's subsequent compliance with the provisions of section 734 of the Foundation Grant Policy Manual and with such other terms and conditions as the Director may impose.

SEC. 7012. FUNDING FOR SUCCESSFUL SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION PROGRAMS.

(a) EVALUATION OF PROGRAMS.—The Director shall, on an annual basis, evaluate all of the Foundation's grants that are scheduled to expire within 1 year and—

(1) that have the primary purpose of meeting the objectives of the Science and Engineering Equal Opportunity Act (42 U.S.C. 1885 et seq.); or

(2) that have the primary purpose of providing teacher professional development.

(b) CONTINUATION OF FUNDING.—For grants that are identified under subsection (a) and that are determined by the Director to be successful in meeting the objectives of the initial grant solicitation, the Director may extend the duration of those grants for not more than 3 additional years beyond their scheduled expiration without the requirement for a recompetition.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director shall submit a report to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate that—

(1) lists the grants that have been extended in duration by the authority provided under this section; and

(2) provides any recommendations the Director may have regarding the extension of the authority provided under this section to programs other than those specified in subsection (a).

SEC. 7013. COST SHARING.

(a) IN GENERAL.—The Board shall evaluate the impact of its policy to eliminate cost sharing for research grants and cooperative agreements for existing programs that were developed around industry partnerships and historically required industry cost sharing, such as the Engineering Research Centers and Industry/University Cooperative Research Centers. The Board shall also consider the impact that the cost sharing policy has on initiating new programs for which industry interest and participation are sought.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Board shall report to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate, on the results of the evaluation under subsection (a).

SEC. 7014. ADDITIONAL REPORTS.

(a) REPORT ON FUNDING FOR MAJOR FACILITIES.—

(1) PRECONSTRUCTION FUNDING.—The Board shall evaluate the appropriateness of the requirement that funding for detailed design work and other preconstruction activities for major research equipment and facilities come exclusively from the sponsoring research division rather than being available, at least in part, from the Major Research Equipment and Facilities Construction account.

(2) MAINTENANCE AND OPERATION COSTS.—The Board shall evaluate the appropriateness of the Foundation's policies for allocation of costs for, and oversight of, maintenance and operation of major research equipment and facilities.

(3) REPORT.—Not later than 6 months after the date of enactment of this Act, the Board shall report on the results of the evaluations under paragraphs (1) and (2) and on any recommendations for modifying the current policies related to allocation of funding for major research equipment and facilities to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives, and to the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.

(b) INCLUSION OF POLAR FACILITIES UPGRADES IN MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION PLAN.—Section 201(a)(2)(D) of the National Science Foundation Authorization Act of 1998 (42 U.S.C. 1862l(a)(2)(D)) is amended by inserting "and for major upgrades of facilities in support of Antarctic research programs" after "facilities construction account".

(c) REPORT ON EDUCATION PROGRAMS WITHIN THE RESEARCH DIRECTORATES.—Not later than 6 months after the date of enactment of this Act, the Director shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate a report cataloging all elementary school and secondary school, informal, and undergraduate educational programs and activities supported through appropriations for Research and Related Activities. The report shall display the programs and activities by directorate, along with estimated funding levels for the fiscal years 2006, 2007, and 2008, and shall provide a description of the goals of each program and activity. The report shall also describe how the programs and activities relate to or are coordinated with the programs supported by the Education and Human Resources Directorate.

(d) REPORT ON RESEARCH IN UNDERGRADUATE INSTITUTIONS PROGRAM.—The Director shall transmit to Congress, as part of the President's fiscal year 2011 budget submission under section 1105 of title 31, United States Code, a report listing the funding success rates and distribution of awards for the Research in Undergraduate Institutions program, by type of institution based on the highest academic degree conferred by the institution, for fiscal years 2008, 2009, and 2010.

(e) ANNUAL PLAN FOR ALLOCATION OF EDUCATION AND HUMAN RESOURCES FUNDING.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of legislation providing for the annual appropriation of funds for the Foundation, the Director shall submit to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives, and to the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate, a plan for the allocation of education and human resources funds authorized by this title for the corresponding fiscal year, including any funds from within the research and related activities account used to support activities that have the primary purpose of improving education or broadening participation.

(2) SPECIFIC REQUIREMENTS.—The plan shall include a description of how the allocation of funding—

(A) will affect the average size and duration of education and human resources grants supported by the Foundation;

(B) will affect trends in research support for the effective instruction of science, technology, engineering, and mathematics;

(C) will affect the kindergarten through grade 20 pipeline for the study of science, technology, engineering, and mathematics; and

(D) will encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics, and help prepare such individuals to pursue postsecondary studies in these fields.

SEC. 7015. ADMINISTRATIVE AMENDMENTS.

(a) TRIANNUAL AUDIT OF THE OFFICE OF THE NATIONAL SCIENCE BOARD.—Section 15(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–5) is amended—

(1) in paragraph (3), by striking "an annual audit" and inserting "an audit every three years";

(2) in paragraph (4), by striking "each year" and inserting "every third year"; and

(3) by inserting after paragraph (4) the following:

"(5) MATERIALS RELATING TO CLOSED PORTIONS OF MEETINGS.—To facilitate the audit required under paragraph (3) of this subsection, the Office of the National Science Board shall maintain the General Counsel's certificate, the presiding officer's statement, and a transcript or recording of any closed meeting, for at least 3 years after such meeting.".

(b) LIMITED TERM PERSONNEL FOR THE NATIONAL SCIENCE BOARD.—Subsection (g) of section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863(g)) is amended to read as follows:

"(g) The Board may, with the concurrence of a majority of its members, permit the appointment of a staff consisting of not more than 5 professional staff members, technical and professional personnel on leave of absence from academic, industrial, or research institutions for a limited term, and such operations and support staff members as may be necessary. Such staff shall be appointed by the Chairman and assigned at the direction of the Board. The professional members and limited term technical and professional personnel of such staff may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 of such title relating to classification,

and shall be compensated at a rate not exceeding the maximum rate payable under section 5376 of such title, as may be necessary to provide for the performance of such duties as may be prescribed by the Board in connection with the exercise of its powers and functions under this Act. Section 14(a)(3) shall apply to each limited term appointment of technical and professional personnel under this subsection. Each appointment under this subsection shall be subject to the same security requirements as those required for personnel of the Foundation appointed under section 14(a).".

(c) Increase in Number of Waterman Awards to Three.—Section 6(c) of the National Science Foundation Authorization Act, 1976 (42 U.S.C. 1881a) is amended to read as follows:

"(c) Not more than three awards may be made under this section in any one fiscal year.".

SEC. 7016. NATIONAL SCIENCE BOARD REPORTS.

Paragraphs (1) and (2) of section 4(j) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1) and (2)) are amended by striking ", for submission to" and "for submission to", respectively, and inserting "and".

SEC. 7017. PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986 AMENDMENT.

Section 3801(a)(1) of title 31, United States Code (commonly known as the "Program Fraud Civil Remedies Act of 1986") is amended—

(1) in subparagraph (C), by striking "and" after the semicolon;

(2) in subparagraph (D), by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(E) the National Science Foundation.".

SEC. 7018. MEETING CRITICAL NATIONAL SCIENCE NEEDS.

(a) In General.—In addition to any other criteria, the Director shall include consideration of the degree to which awards and research activities that otherwise qualify for support by the Foundation may assist in meeting critical national needs in innovation, competitiveness, safety and security, the physical and natural sciences, technology, engineering, social sciences, and mathematics.

(b) Priority Treatment.—The Director shall give priority in the selection of awards and the allocation of Foundation resources to proposed research activities, and grants funded under the Foundation's Research and Related Activities Account, that can be expected to make contributions in physical or natural science, technology, engineering, social sciences, or mathematics, or that enhance competitiveness, innovation, or safety and security in the United States.

(c) Limitation.—Nothing in this section shall be construed to restrict or bias the grant selection process against funding other areas of research deemed by the Foundation to be consistent with its mandate nor to change the core mission of the Foundation.

SEC. 7019. RESEARCH ON INNOVATION AND INVENTIVENESS.

In carrying out its research programs on science policy and on the science of learning, the Foundation may support research on the process of innovation and the teaching of inventiveness.

SEC. 7020. CYBERINFRASTRUCTURE.

In order to continue and expand efforts to ensure that research institutions throughout the Nation can fully participate in research programs of the Foundation and collaborate with colleagues throughout the Nation, the Director, not later than 180 days after the date of enactment of this Act, shall develop and publish a plan that—

(1) describes the current status of broadband access for scientific research purposes at institutions in EPSCoR-eligible States, at institutions in rural areas, and at minority serving institutions; and

(2) outlines actions that can be taken to ensure that such connections are available to enable participation in those Foundation programs that rely heavily on high-speed networking and collaborations across institutions and regions.

SEC. 7021. PILOT PROGRAM OF GRANTS FOR NEW INVESTIGATORS.

(a) In General.—The Director shall carry out a pilot program to award 1-year grants to individuals to assist them in improving research proposals that were previously submitted to the Foundation but not selected for funding.

(b) Eligibility.—To be eligible to receive a grant under this section, an individual—

(1) may not have previously received funding as the principal investigator of a research grant from the Foundation; and

(2) shall have submitted a proposal to the Foundation, which may include a proposal submitted to the Research in Undergraduate Institutions program, that was rated excellent under the Foundation's competitive merit review process.

(c) Selection Process.—The Director shall make awards under this section based on the advice of the program officers of the Foundation.

(d) Use of Funds.—Grants awarded under this section shall be used to enable an individual to resubmit an updated research proposal for review by the Foundation through the agency's competitive merit review process. Uses of funds made available under this section may include the generation of new data and the performance of additional analysis.

(e) Program Administration.—The Director shall carry out this section through the Small Grants for Exploratory Research program.

(f) National Science Board Review.—The Board shall conduct a review and assessment of the pilot program under this section, including the number of new investigators funded, the distribution of awards by type of institution of higher education, and the success rate upon resubmittal of proposals by new investigators funded through such pilot program. Not later than 3 years after the date of enactment of this Act, the Board shall summarize its findings and any recommendations regarding changes to, the termination of, or the continuation of the pilot program in a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 7022. BROADER IMPACTS MERIT REVIEW CRITERION.

(a) In General.—Among the types of activities that the Foundation shall consider as appropriate for meeting the requirements of its broader impacts criterion for the evaluation of research proposals are partnerships between academic researchers and industrial scientists and engineers that address research areas identified as having high importance for future national economic competitiveness, such as nanotechnology.

(b) Report on Broader Impacts Criterion.—Not later than 1 year after the date of enactment of this Act, the Director shall transmit to Congress a report on the impact of the broader impacts grant criterion used by the Foundation. The report shall—

(1) identify the criteria that each division and directorate of the Foundation uses to evaluate the broader impacts aspects of research proposals;

(2) provide a breakdown of the types of activities by division that awardees have proposed to carry out to meet the broader impacts criterion;

(3) provide any evaluations performed by the Foundation to assess the degree to which the broader impacts aspects of research proposals were carried out and how effective they have been at meeting the goals described in the research proposals;

(4) describe what national goals, such as improving undergraduate science, technology, engineering, and mathematics education, improving kindergarten through grade 12 science and mathematics education, promoting university-industry collaboration, and broadening participation of underrepresented groups, the broader impacts criterion is best suited to promote; and

(5) describe what steps the Foundation is taking and should take to use the broader impacts criterion to improve undergraduate science, technology, engineering, and mathematics education.

SEC. 7023. DONATIONS.

Section 11(f) of the National Science Foundation Act of 1950 (42 U.S.C. 1870(f)) is amended by inserting before the semicolon ", except that funds may be donated for specific prize competitions for 'basic research' as defined in the Office of Management and Budget Circular No. A–11".

SEC. 7024. HIGH-PERFORMANCE COMPUTING AND NETWORKING.

(a) High-Performance Computing Act of 1991.—

(1) Amendments.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended—

(A) in the title heading, by striking "**AND THE NATIONAL RESEARCH AND EDUCATION NETWORK**" and inserting "**RESEARCH AND DEVELOPMENT**";

(B) in section 101(a) (15 U.S.C. 5511(a))—

(i) by striking subparagraphs (A) and (B) of paragraph (1) and inserting the following:

"(A) provide for long-term basic and applied research on high-performance computing, including networking;

"(B) provide for research and development on, and demonstration of, technologies to advance the capacity and capabilities of high-performance computing and networking systems, and related software;

"(C) provide for sustained access by the research community throughout the United States to high-performance computing and networking systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, including provision for technical support for users of such systems;

"(D) provide for widely dispersed efforts to increase software availability, productivity, capability, security, portability, and reliability;

"(E) provide for high-performance networks, including experimental testbed networks, to enable research and development on, and demonstration of, advanced applications enabled by such networks;

"(F) provide for computational science and engineering research on mathematical modeling and algorithms for applications in all fields of science and engineering;

"(G) provide for the technical support of, and research and development on, high-performance computing systems and software required to address Grand Challenges;

"(H) provide for educating and training additional undergraduate and graduate students in software engineering, computer science, computer and network security, applied mathematics, library and information science, and computational science; and

"(I) provide for improving the security of computing and networking systems, including Federal systems, including providing for research required to establish security standards and practices for these systems.";

(ii) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(iii) in paragraph (2), as redesignated by clause (ii)—

(I) by striking subparagraph (B);

(II) by redesignating subparagraphs (A) and (C) as subparagraphs (D) and (F), respectively;

(III) by inserting before subparagraph (D), as redesignated by subclause (II), the following:

"(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities;

"(B) establish Program Component Areas that implement the goals established under subparagraph (A), and identify the Grand Challenges that the Program should address;

"(C) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program;"; and

(IV) by inserting after subparagraph (D), as redesignated by subclause (II) of this clause, the following:

"(E) develop and maintain a research, development, and deployment roadmap covering all States and regions for the provision of high-performance computing and networking systems under paragraph (1)(C); and"; and

(iv) in paragraph (3), as so redesignated by clause (ii) of this subparagraph—

(I) by striking "paragraph (3)(A)" and inserting "paragraph (2)(D)";

(II) by amending subparagraph (A) to read as follows:

"(A) provide a detailed description of the Program Component Areas, including a description of any changes in the definition of or activities under the Program Component Areas from the preceding report, and the reasons for such changes, and a description of Grand Challenges addressed under the Program;";

(III) in subparagraph (C), by striking "specific activities" and all that follows through "the Network" and inserting "each Program Component Area";

(IV) in subparagraph (D), by inserting ", and for each Program Component Area," after "participating in the Program";

(V) in subparagraph (D), by striking "applies;" and inserting "applies; and";

(VI) by striking subparagraph (E) and redesignating subparagraph (F) as subparagraph (E); and

(VII) in subparagraph (E), as redesignated by subclause (VI), by inserting "and the extent to which the Program incorporates the recommendations of the advisory committee established under subsection (b)" after "for the Program";

(C) by striking subsection (b) of section 101 (15 U.S.C. 5511) and inserting the following:

"(b) ADVISORY COMMITTEE.—(1) The President shall establish an advisory committee on high-performance computing, consisting of geographically dispersed non-Federal members, including representatives of the research, education, and library communities, network and related software providers, and industry representatives in the Program Component Areas, who are specially qualified to provide the Director with advice and information on high-performance computing. The recommendations of the advisory committee shall be considered in reviewing and revising the Program. The advisory committee shall provide the Director with an independent assessment of—

"(A) progress made in implementing the Program;

"(B) the need to revise the Program;

"(C) the balance between the components of the Program, including funding levels for the Program Component Areas;

"(D) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in high-performance computing, networking technology, and related software; and

"(E) other issues identified by the Director.

"(2) In addition to the duties outlined in paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report not less frequently than once every 2 fiscal years to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on its findings and recommendations. The first report shall be due within 1 year after the date of enactment of the America COMPETES Act.

"(3) Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this subsection."; and

(D) in section 101(c) (15 U.S.C. 5511(c))—

(i) in paragraph (1)(A), by striking "Program or" and inserting "Program Component Areas or"; and

(ii) in paragraph (2), by striking "subsection (a)(3)(A)" and inserting "subsection (a)(2)(D)".

(2) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(A) in paragraph (2), by inserting "and multidisciplinary teams of researchers" after "high-performance computing resources";

(B) in paragraph (3)—

(i) by striking "scientific workstations,";

(ii) by striking "(including vector supercomputers and large scale parallel systems)";

(iii) by striking "and applications" and inserting "applications"; and

(iv) by inserting ", and the management of large data sets" after "systems software";

(C) in paragraph (4), by striking "packet switched";

(D) by striking "and" at the end of paragraph (5);

(E) by striking the period at the end of paragraph (6) and inserting "; and"; and

(F) by adding at the end the following:

"(7) 'Program Component Areas' means the major subject areas under which related individual projects and activities carried out under the Program are grouped.".

(3) CONFORMING AMENDMENT.—Section 1(26) of the Act entitled "An Act to prevent the elimination of certain reports", approved November 28, 2001 (31 U.S.C. 3113 note) is amended—

(A) by striking "101(a)(3)" and inserting "101(a)(2)"; and

(B) by striking "(15 U.S.C. 5511(a)(3))" and inserting "(15 U.S.C. 5511(a)(2))".

(b) ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.—

(1) IN GENERAL.—As part of the Program described in title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), the Foundation shall support basic research related to advanced information and communications technologies that will contribute to enhancing or facilitating the availability and affordability of advanced communications services for all people of the United States. Areas of research to be supported may include research on—

(A) affordable broadband access, including wireless technologies;

(B) network security and reliability;

(C) communications interoperability;

(D) networking protocols and architectures, including resilience to outages or attacks;

(E) trusted software;

(F) privacy;

(G) nanoelectronics for communications applications;

(H) low-power communications electronics;

(I) implementation of equitable access to national advanced fiber optic research and educational networks in noncontiguous States; and

(J) such other related areas as the Director finds appropriate.

(2) CENTERS.—The Director shall award multiyear grants, subject to the availability of appropriations and on a merit-reviewed competitive basis, to institutions of higher education, nonprofit research institutions affiliated with institutions of higher education, or consortia of either type of institution to establish multidisciplinary Centers for Communications Research. The purpose of the Centers shall be to generate innovative approaches to problems in information and communications technology research, including the research areas described in paragraph (1). Institutions of higher education, nonprofit research institutions affiliated with institutions of higher education, or consortia receiving such grants may partner with 1 or more government laboratories, for-profit entities, or other institutions of higher education or nonprofit research institutions.

(3) FUNDING ALLOCATION.—The Director shall increase funding for the basic research activities described in paragraph (1), which shall include support for the Centers described in paragraph (2), in proportion to the increase in the total amount appropriated to the Foundation for research and related activities for the fiscal years 2008 through 2010.

(4) REPORT TO CONGRESS.—The Director shall transmit to Congress, as part of the President's annual budget submission under section 1105 of title 31, United States Code, a report on the amounts allocated for support of research under this subsection for the fiscal year during which such report is submitted and the levels proposed for the fiscal year with respect to which the budget submission applies.

SEC. 7025. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS TALENT EXPANSION PROGRAM.

(a) AMENDMENTS.—Section 8(7) of the National Science Foundation Authorization Act of 2002 is amended—

(1) in subparagraph (A), by striking "competitive, merit-based" and all that follows through "in recent years." and inserting "competitive, merit-based multiyear grants for eligible applicants to improve undergraduate education in science, technology, engineering, and mathematics through—

"(i) the creation of programs to increase the number of students studying toward and completing associate's or bachelor's degrees in science, technology, engineering, and mathematics, particularly in fields that have faced declining enrollment in recent years; and

"(ii) the creation of not more than 5 centers (in this paragraph referred to as 'Centers') to increase the number of students completing undergraduate courses in science, technology, engineering, and mathematics, including the number of nonmajors, and to improve student academic achievement in those courses, by developing—

"(I) undergraduate educational material, including curricula and courses of study;

"(II) teaching methods for undergraduate courses; and

"(III) methods to improve the professional development of professors and teaching assistants who teach undergraduate courses.

Grants made under clause (ii) shall be awarded jointly through the Education and Human Resources Directorate and at least 1 research directorate of the Foundation.";

(2) by amending subparagraph (B) to read as follows:

"(B) In selecting projects under subparagraph (A)(i), the Director shall strive to increase the number of students studying toward and completing associate's or bachelor's degrees, concentrations, or certificates in science, technology, engineering, or mathematics by giving priority to programs that heavily recruit individuals who are—

"(i) individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b); or

"(ii) graduates of a public secondary school that—

"(I) is among the highest 25 percent of schools served by the local educational agency that serves the school, in terms of the percentage of students from families with incomes below the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), applicable to a family of the size involved; or

"(II) is designated with a school locale code of 41, 42, or 43, as determined by the Secretary of Education.";

(3) by striking subparagraph (C) and inserting the following:

"(C)(i) The types of projects the Foundation may support under subparagraph (A)(i) include those programs that—

"(I) promote high quality—

"(aa) interdisciplinary teaching;

"(bb) undergraduate-conducted research;

"(cc) mentor relationships for students, especially underrepresented minority and female science, technology, engineering, and mathematics students;

"(dd) bridge programs that enable students at community colleges to matriculate directly into baccalaureate science, technology, engineering, or mathematics programs;

"(ee) internships carried out in partnership with industry;

"(ff) innovative uses of digital technologies, particularly at institutions of higher education that serve high numbers or percentages of economically disadvantaged students; and

"(gg) bridge programs that enable underrepresented minority and female secondary school students to obtain extra science, technology, engineering, and mathematics instruction prior to entering an institution of higher education;

"(II) finance summer internships for science, technology, engineering, and mathematics undergraduate students; and

"(III) conduct outreach programs that provide secondary school students and their science, technology, engineering, and mathematics teachers opportunities to increase the students' and teachers' exposure to engineering and technology.

"(ii) The types of activities the Foundation may support under subparagraph (A)(ii) include—

"(I) creating model curricula and laboratory programs;

"(II) developing and demonstrating research-based instructional methods and technologies;

"(III) developing methods to train graduate students and faculty to be more effective teachers of undergraduates;

"(IV) conducting programs to disseminate curricula, instructional methods, or training methods to faculty at the grantee institutions and at other institutions;

"(V) conducting assessments of the effectiveness of the Center at accomplishing the goals described in subparagraph (A)(ii); and

"(VI) conducting any other activities the Director determines will accomplish the goals described in subparagraph (A)(ii).";

(4) in subparagraph (D)(i), by striking "under this paragraph" and inserting "under subparagraph (A)(i)";

(5) in subparagraph (D)(ii), by striking "under this paragraph" and inserting "under subparagraph (A)(i)";

(6) after subparagraph (D)(iii), by adding at the end the following:

"(iv) A grant under subparagraph (A)(ii) shall be awarded for up to 5 years.";

(7) in subparagraph (E), by striking "under this paragraph" both places it appears and inserting "under subparagraph (A)(i)";

(8) by redesignating subparagraph (F) as subparagraph (J); and

(9) by inserting after subparagraph (E) the following:

"(F) Grants awarded under subparagraph (A)(ii) shall be carried out by a department or departments of science, technology, engineering, or mathematics at institutions of higher education (or a consortia thereof), which may partner with the department, college, or school of education at the institution. Applications for awards under subparagraph (A)(ii) shall be submitted to the Director at such time, in such manner, and containing such information as the Director may require. At a minimum, the application shall include—

"(i) a description of the activities to be carried out by the Center;

"(ii) a plan for disseminating programs related to the activities carried out by the Center to faculty at the grantee institution and at other institutions;

"(iii) an estimate of the number of faculty, graduate students (if any), and undergraduate students who will be affected by the activities carried out by the Center; and

"(iv) a plan for assessing the effectiveness of the Center at accomplishing the goals described in subparagraph (A)(ii).

"(G) In evaluating the applications submitted under subparagraph (F), the Director shall consider, at a minimum—

"(i) the ability of the applicant to effectively carry out the proposed activities, including the dissemination activities described in subparagraph (C)(ii)(IV); and

"(ii) the extent to which the faculty, staff, and administrators of the applicant institution are committed to improving undergraduate science, technology, engineering, and mathematics education.

"(H) In awarding grants under subparagraph (A)(ii), the Director shall ensure that a wide variety of science, technology, engineering, and mathematics fields and types of institutions of higher education, including 2-year colleges and minority-serving institutions, are covered, and that—

"(i) at least 1 Center is housed at a Doctoral/Research University as defined by the Carnegie Foundation for the Advancement of Teaching; and

"(ii) at least 1 Center is focused on improving undergraduate education in an interdisciplinary area.

"(I) The Director shall convene an annual meeting of the awardees under this paragraph to foster collaboration and to disseminate the results of the Centers and the other activities funded under this paragraph.".

(b) REPORT ON DATA COLLECTION.—Not later than 180 days after the date of enactment of this Act, the Director shall transmit to Congress a report on how the Director is determining whether current grant recipients in the Science, Technology, Engineering, and Mathematics Talent Expansion Program are making satisfactory progress as required by section 8(7)(D)(ii) of the National Science Foundation Authorization Act of 2002 and what funding actions have been taken as a result of the Director's determinations.

SEC. 7026. LABORATORY SCIENCE PILOT PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) To remain competitive in science and technology in the global economy, the United States must increase the number of students graduating from high school prepared to pursue postsecondary education in science, technology, engineering, and mathematics.

(2) There is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that laboratory experience is so integral to the nature of science that it must be included in every science program for every science student.

(3) In America's Lab Report, the National Research Council concluded that the current quality of laboratory experiences is poor for most students and that educators and researchers do not agree on how to define high school science laboratories or on their purpose, hampering the accumulation of research on how to improve laboratories.

(4) The National Research Council found that schools with higher concentrations of non-Asian minorities and schools with higher concentrations of poor students are less likely to have adequate laboratory facilities than other schools.

(5) The Government Accountability Office reported that 49.1 percent of schools where the minority student population is greater than 50.5 percent reported not meeting functional requirements for laboratory science well or at all.

(6) 40 percent of those college students who left the science fields reported some problems related to high school science preparation, including lack of laboratory experience and no introduction to theoretical or to analytical modes of thought.

(7) It is in the national interest for the Federal Government to invest in research and demonstration projects to improve the teaching of laboratory science in the Nation's high schools.

(b) GRANT PROGRAM.—Section 8(8) of the National Science Foundation Authorization Act of 2002 is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively;

(2) by inserting "(A)" before "A program of competitive"; and

(3) by adding at the end the following:

"(B) In accordance with subparagraph (A)(v), the Director shall establish a research pilot program designated as 'Partnerships for Access to Laboratory Science' to award grants to partnerships to improve laboratories and provide instrumentation as part of a comprehensive program to enhance the quality of science, technology, engineering, and mathematics instruction at the secondary school level. Grants under this subparagraph may be used for—

"(i) professional development and training for teachers aligned with activities supported under section 2123 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6623);

"(ii) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

"(iii) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science and, to the extent applicable, technology and engineering, academic achievement standards;

"(iv) training in laboratory safety for school personnel;

"(v) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics and help prepare such individuals to pursue postsecondary studies in these fields; and

"(vi) assessment of the activities funded under this subparagraph.

"(C) Grants may be made under subparagraph (B) only to a partnership—

"(i) for a project that includes significant teacher preparation and professional development components; or

"(ii) that establishes that appropriate teacher preparation and professional development is being addressed, or has been addressed, through other means.

"(D) Grants awarded under subparagraph (B) shall be to a partnership that—

"(i) includes a 2-year or 4-year degree granting institution of higher education;

"(ii) includes a high need local educational agency (as defined in section 201 of the Higher Education Act of 1965);

"(iii) includes a business or eligible nonprofit organization; and

"(iv) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

"(E) The Federal share of the cost of activities carried out using amounts from a grant under subparagraph (B) shall not exceed 40 percent.

"(F) The Director shall require grant recipients under subparagraph (B) to submit a report to the Director on the results of the project supported by the grant.".

(c) REPORT.—The Director shall evaluate the effectiveness of activities carried out under the research pilot projects funded by the grant program established pursuant to the amendment made by subsection (b) in improving student achievement in science, technology, engineering, and mathematics. A report documenting the results of that evaluation shall be submitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate not later than 5 years after the date of enactment of this Act. The report shall identify best practices and materials developed and demonstrated by grant awardees.

(d) SUNSET.—The provisions of this section shall cease to have force or effect on the last day of fiscal year 2010.

(e) AUTHORIZATION OF APPROPRIATIONS.—From the amounts authorized under subsections (a)(2)(B), (b)(2)(B), and (c)(2)(B) of section 7002, there are authorized to be appropriated to carry out this section and the amendments made by this section $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 2 succeeding fiscal years.

SEC. 7027. STUDY ON LABORATORY EQUIPMENT DONATIONS FOR SCHOOLS.

Not later than 2 years after the date of enactment of this Act, the Director shall transmit a report to Congress examining the extent to which institutions of higher education and entities in the private sector are donating used laboratory equipment to elementary schools and secondary schools. The Director, in consultation with the Secretary of Education, shall survey institutions of higher education and entities in the private sector to determine—

(1) how often, how much, and what type of equipment is donated;

(2) what criteria or guidelines the institutions and entities are using to determine what types of equipment can be donated, what condition the equipment should be in, and which schools receive the equipment;

(3) whether the institutions and entities provide any support to, or follow-up with the schools; and

(4) how appropriate donations can be encouraged.

SEC. 7028. MATHEMATICS AND SCIENCE EDUCATION PARTNERSHIPS AMENDMENTS.

Section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n) is amended—

(1) in subsection (a)(2)(A), by striking "a State educational agency" and inserting "the department, college, or program of education at an institution of higher education, a State educational agency,";

(2) by striking subparagraph (B) of subsection (a)(3) and inserting the following:

"(B) offering professional development programs, including—

"(i) teacher institutes for the 21st century, as described in paragraph (10); and

"(ii) academic year institutes or workshops that—

"(I) are designed to strengthen the capabilities of mathematics and science teachers; and

"(II) may include professional development activities to prepare mathematics and science teachers to teach challenging mathematics, science, and technology college-preparatory courses;";

(3) in subsection (a)(3)(C)—

(A) by inserting "and laboratory experiences" after "technology"; and

(B) by inserting "and laboratory" after "provide technical";

(4) in subsection (a)(3)(I), by inserting "including the use of induction programs, as defined in section 6113(h) of the America COMPETES Act, for teachers in their first 2 years of teaching," after "and science,";

(5) by striking subparagraph (K) of section (a)(3) and inserting the following:

"(K) developing science, technology, engineering, and mathematics educational programs and materials and conducting science, technology, engineering, and mathematics enrichment programs for students, including after-school programs and summer programs, with an emphasis on including and serving students described in subsection (b)(2)(G);";

(6) in subsection (a), by adding at the end the following:

"(8) MENTORS FOR TEACHERS AND STUDENTS OF CHALLENGING COURSES.—Partnerships carrying out activities to prepare mathematics and science teachers to teach challenging mathematics, science, and technology college-preparatory courses in accordance with paragraph (3)(B) shall encourage companies employing scientists, technologists, engineers, or mathematicians to provide mentors to teachers and students and provide for the coordination of such mentoring activities.

"(9) INNOVATION.—Activities carried out in accordance with paragraph (3)(H) may include the development and dissemination of curriculum tools that will help foster inventiveness and innovation.";

(7) in subsection (b)(2)—

(A) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(B) by inserting after subparagraph (D) the following:

"(E) the extent to which the evaluation described in paragraph (1)(E) will be independent and based on objective measures;";

(8) by striking paragraph (2) of subsection (c) and inserting the following:

"(2) REPORT ON EVALUATIONS.—Not later than 4 years after the date of enactment of the America COMPETES Act, the Director shall transmit a report summarizing the evaluations required under subsection (b)(1)(E) of grants received under this program and describing any changes to the program recommended as a result of these evaluations to the Committee on Science and Technology and the Committee on Education and Labor of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate. Such report shall be made widely available to the public."; and

(9) by adding at the end the following:

"(d) DEFINITIONS.—In this section—

"(1) the term 'mathematics and science teacher' means a science, technology, engineering, or mathematics teacher at the elementary school or secondary school level; and

"(2) the term 'science', in the context of elementary and secondary education, includes technology and pre-engineering.".

SEC. 7029. NATIONAL SCIENCE FOUNDATION TEACHER INSTITUTES FOR THE 21ST CENTURY.

Section 9(a) of the National Science Foundation Authorization Act of 2002 (as amended by section 7028) (42 U.S.C. 1862n(a)) is further amended by adding at the end the following:

"(10) TEACHER INSTITUTES FOR THE 21ST CENTURY.—

"(A) IN GENERAL.—Teacher institutes for the 21st century carried out in accordance with paragraph (3)(B) shall—

"(i) be carried out in conjunction with a school served by the local educational agency in the partnership;

"(ii) be science, technology, engineering, and mathematics focused institutes that provide professional development to elementary school and secondary school teachers;

"(iii) serve teachers who—

"(I) are considered highly qualified (as defined in section 9101 of the Elementary and Secondary Education Act of 1965);

"(II) teach high-need subjects in science, technology, engineering, or mathematics; and

"(III) teach in high-need schools (as described in section 1114(a)(1) of the Elementary and Secondary Education Act of 1965);

"(iv) focus on the priorities developed by the Director in consultation with a broad group of relevant educational organizations;

"(v) be content-based and build on school year curricula that are experiment-oriented, content-based, and grounded in current research;

"(vi) ensure that the pedagogy component is designed around specific strategies that are relevant to teaching the subject and content on which teachers are being trained, which may include training teachers in the essential components of reading instruction for adolescents in order to improve student reading skills within the subject areas of science, technology, engineering, and mathematics;

"(vii) be a multiyear program that is conducted for a period of not less than 2 weeks per year;

"(viii) provide for direct interaction between participants in and faculty of the teacher institute;

"(ix) have a component that includes the use of the Internet;

"(x) provide for followup training in the classroom during the academic year for a period of not less than 3 days, which may or may not be consecutive, for participants in the teacher institute, except that for teachers in rural local educational agencies, the followup training may be provided through the Internet;

"(xi) provide teachers participating in the teacher institute with travel expense reimbursement and classroom materials related to the teacher institute, and may include providing stipends as necessary; and

"(xii) establish a mechanism to provide supplemental support during the academic year for teacher institute participants to apply the knowledge and skills gained at the teacher institute.

"(B) OPTIONAL MEMBERS OF THE PARTNERSHIP.—In addition to the partnership requirement under paragraph (2), an institution of higher education or eligible nonprofit organization (or consortium) desiring a grant for a teacher institute for the 21st century may also partner with a teacher organization, museum, or educational partnership organization.".

SEC. 7030. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-1) is amended to read as follows:

"SEC. 10. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

"(a) SCHOLARSHIP PROGRAM.—

"(1) IN GENERAL.—The Director shall carry out a program to award grants to eligible entities to recruit and train mathematics and science teachers and to provide scholarships and stipends to individuals participating in the program. Such program shall be known as the 'Robert Noyce Teacher Scholarship Program'.

"(2) MERIT REVIEW.—Grants shall be provided under this section on a competitive, merit-reviewed basis.

"(3) USE OF GRANTS.—A grant provided under this section shall be used by the eligible entity—

"(A) to develop and implement a program to recruit and prepare undergraduate students majoring in science, technology, engineering, and mathematics at the eligible entity (and participating institutions of higher education of the consortium, if applicable) to become qualified as mathematics and science teachers, through—

"(i) administering scholarships in accordance with subsection (c);

"(ii) offering academic courses and early clinical teaching experiences designed to prepare students participating in the program to teach in elementary schools and secondary schools, including such preparation as is necessary to meet requirements for teacher certification or licensing;

"(iii) offering programs to students participating in the program, both before and after the students receive their baccalaureate degree, to enable the students to become better mathematics and science teachers, to fulfill the service requirements of this section, and to exchange ideas with others in the students' fields; and

"(iv) providing summer internships for freshman and sophomore students participating in the program; or

"(B) to develop and implement a program to recruit and prepare science, technology, engineering, or mathematics professionals to become qualified as mathematics and science teachers, through—

"(i) administering stipends in accordance with subsection (d);

"(ii) offering academic courses and clinical teaching experiences designed to prepare stipend recipients to teach in elementary schools and secondary schools served by a high need local educational agency, including such preparation as is necessary to meet requirements for teacher certification or licensing; and

"(iii) offering programs to stipend recipients, both during and after matriculation in the program for which the stipend is received, to enable recipients to become better mathematics and science teachers, to fulfill the service requirements of this section, and to exchange ideas with others in the students' fields.

"(4) ELIGIBILITY REQUIREMENT.—

"(A) IN GENERAL.—To be eligible to receive a grant under this section, an eligible entity shall ensure that specific faculty members and staff from the science, technology, engineering, and mathematics departments and specific education faculty of the eligible entity (and participating institutions of higher education of the consortium, if applicable) are designated to carry out the development and implementation of the program.

"(B) INCLUSION OF MASTER TEACHERS.—An eligible entity (and participating institutions of higher education of the consortium, if applicable) receiving a grant under this section may also include master teachers in the development of the pedagogical content of the program and in the supervision of students participating in the program in their clinical teaching experiences.

"(C) ACTIVE PARTICIPANTS.—No eligible entity (or participating institution of higher education of the consortium, if applicable) shall be eligible for a grant under this section unless faculty from the science, technology, engineering, and mathematics departments of the eligible entity (and participating institutions of higher education of the consortium, if applicable) are active participants in the program.

"(5) AWARDS.—In awarding grants under this section, the Director shall ensure that the eligible entities (and participating institutions of higher education of the consortia, if applicable) represent a variety of types of institutions of higher education. In support of this goal, the Director shall broadly disseminate information about when and how to apply for grants under this section, including by conducting outreach to—

"(A) historically Black colleges and universities that are part B institutions, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)); and

"(B) minority institutions, as defined in section 365(3) of the Higher Education Act of 1965 (20 U.S.C. 1067k(3)).

"(6) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, and not supplant, other Federal or State funds available for the type of activities supported by the grant.

"(b) SELECTION PROCESS.—

"(1) APPLICATION.—An eligible entity seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

"(A) in the case of an applicant that is submitting an application on behalf of a consortium of institutions of higher education, a description of the participating institutions of higher education and the roles and responsibilities of each such institution;

"(B) a description of the program that the applicant intends to operate, including the number of scholarships and summer internships or the size and number of stipends the applicant intends to award, the type of activities proposed for the recruitment of students to the program, and the selection process that will be used in awarding the scholarships or stipends;

"(C) evidence that the applicant has the capability to administer the program in accordance with the provisions of this section, which may include a description of any existing programs at the applicant eligible entity (and participating institutions of higher education of the consortium, if applicable) that are targeted to the education of mathematics and science teachers and the number of teachers graduated annually from such programs;

"(D) a description of the academic courses and clinical teaching experiences required under subparagraphs (A)(ii) and (B)(ii) of subsection (a)(3), as applicable, including—

"(i) a description of the undergraduate program that will enable a student to graduate within 5 years with a major in science, technology, engineering, or mathematics and to obtain teacher certification or licensing;

"(ii) a description of the clinical teaching experiences proposed; and

"(iii) evidence of agreements between the applicant and the schools or local educational agencies that are identified as the locations at which clinical teaching experiences will occur;

"(E) a description of the programs required under subparagraphs (A)(iii) and (B)(iii) of subsection (a)(3), including activities to assist new teachers in fulfilling the teachers' service requirements under this section;

"(F) an identification of the applicant eligible entity's science, technology, engineering, and mathematics faculty and its education faculty (and such faculty of participating institutions of higher education of the consortium, if applicable) who will carry out the development and implementation of the program as required under subsection (a)(4); and

"(G) a description of the process the applicant will use to fulfill the requirements of subsection (f).

"(2) REVIEW OF APPLICATIONS.—In evaluating the applications submitted under paragraph (1), the Director shall consider, at a minimum—

"(A) the ability of the applicant (and the participating institutions of higher education of the consortium, if applicable) to effectively carry out the program;

"(B) the extent to which the applicant's science, technology, engineering, and mathematics faculty and its education faculty (and such faculty of participating institutions of higher education of the consortium, if applicable) have worked or will work collaboratively to design new or revised curricula that recognize the specialized pedagogy required to teach science, technology, engineering, and mathematics effectively in elementary schools and secondary schools;

"(C) the extent to which the applicant (and the participating institutions of higher education of the consortium, if applicable) is committed to making the program a central organizational focus;

"(D) the degree to which the proposed programming will enable scholarship or stipend recipients to become successful mathematics and science teachers;

"(E) the number and academic qualifications of the students who will be served by the program; and

"(F) the ability of the applicant (and the participating institutions of higher education of the consortium, if applicable) to recruit students who would otherwise not pursue a career in teaching in elementary schools or secondary schools and students who are individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

"(c) SCHOLARSHIP REQUIREMENTS.—

"(1) IN GENERAL.—Scholarships under this section shall be available only to students who—

"(A) are majoring in science, technology, engineering, or mathematics; and

"(B) have attained at least junior status in a baccalaureate degree program.

"(2) SELECTION.—Individuals shall be selected to receive scholarships primarily on the basis of academic merit, with consideration given to financial need and to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

"(3) AMOUNT.—The Director shall establish for each year the amount to be awarded for scholarships under this section for that year, which shall be not less than $10,000 per year, except that no individual shall receive for any year more than the cost of attendance at that individual's institution. Full-time students may receive annual scholarships through the completion of a baccalaureate degree program, not to exceed a maximum of 3 years. Part-time students may receive scholarships that are prorated according to such students' enrollment status, not to exceed 6 years of scholarship support.

"(4) SERVICE OBLIGATION.—If an individual receives a scholarship under this section, such individual shall be required to complete, within 8 years after graduation from the baccalaureate degree program for which the scholarship was awarded, 2 years of service as a mathematics or science teacher for each full scholarship award received, with a maximum service requirement of 6 years. Service required under this paragraph shall be performed in a high need local educational agency.

"(d) STIPENDS.—

"(1) IN GENERAL.—Stipends under this section shall be available only to science, technology, engineering, or mathematics professionals who, while receiving the stipend, are enrolled in a program established under subsection (a)(3)(B).

"(2) SELECTION.—Individuals shall be selected to receive stipends under this section primarily *on the basis of academic merit and professional achievement, with consideration given to financial need and to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).*

"(3) AMOUNT AND DURATION.—Stipends under this section shall be not less than $10,000 per year, except that no individual shall receive for any year more than the cost of attendance at such individual's institution. Individuals may receive a maximum of 1 year of stipend support, except that if an individual is enrolled in a part-time program, such amount shall be prorated according to the length of the program.

"(4) SERVICE OBLIGATION.—If an individual receives a stipend under this section, such individual shall be required to complete, within 4 years after graduation from the program for which the stipend was awarded, 2 years of service as a mathematics or science teacher. Service required under this paragraph shall be performed in a high need local educational agency.

"(e) CONDITIONS OF SUPPORT.—As a condition of acceptance of a scholarship or stipend under this section, a recipient of a scholarship or stipend shall enter into an agreement with the eligible entity—

"(1) accepting the terms of the scholarship or stipend pursuant to subsection (c) or subsection (d);

"(2) agreeing to provide the eligible entity with annual certification of employment and up-to-date contact information and to participate in surveys conducted by the eligible entity as part of an ongoing assessment program; and

"(3) establishing that if the service obligation required under this section is not completed, all or a portion of the scholarship or stipend received under this section shall be repaid in accordance with subsection (g).

"(f) COLLECTION FOR NONCOMPLIANCE.—

"(1) MONITORING COMPLIANCE.—An eligible entity receiving a grant under this section shall, as a condition of participating in the program, enter into an agreement with the Director to monitor the compliance of scholarship or stipend recipients with their respective service requirements.

"(2) COLLECTION OF REPAYMENT.—

"(A) IN GENERAL.—In the event that a scholarship or stipend recipient is required to repay the scholarship or stipend under subsection (g), the eligible entity shall—

"(i) be responsible for determining the repayment amounts and for notifying the recipient and the Director of the amount owed; and

"(ii) collect such repayment amount within a period of time as determined under the agreement described in paragraph (1), or the repayment amount shall be treated as a loan in accordance with subparagraph (C).

"(B) RETURNED TO TREASURY.—Except as provided in subparagraph (C), any such repayment shall be returned to the Treasury of the United States.

"(C) RETAIN PERCENTAGE.—An eligible entity may retain a percentage of any repayment the eligible entity collects to defray administrative costs associated with the collection. The Director shall establish a single, fixed percentage that will apply to all eligible entities.

"(g) FAILURE TO COMPLETE SERVICE OBLIGATION.—

"(1) GENERAL RULE.—If an individual who has received a scholarship or stipend under this section—

"(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

"(B) is dismissed from such educational institution for disciplinary reasons;

"(C) withdraws from the program for which the award was made before the completion of such program;

"(D) declares that the individual does not intend to fulfill the service obligation under this section; or

"(E) fails to fulfill the service obligation of the individual under this section,

such individual shall be liable to the United States as provided in paragraph (2).

"(2) AMOUNT OF REPAYMENT.—

"(A) LESS THAN ONE YEAR OF SERVICE.—If a circumstance described in paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid or such amount shall be treated as a loan to be repaid in accordance with subparagraph (C).

"(B) MORE THAN ONE YEAR OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section—

"(i) for a scholarship recipient, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid or such amount shall be treated as a loan to be repaid in accordance with subparagraph (C); and

"(ii) for a stipend recipient, ½ of the total amount of stipends received by the individual under this section shall be repaid or such amount shall be treated as a loan to be repaid in accordance with subparagraph (C).

"(C) REPAYMENTS.—The loans described under subparagraphs (A) and (B) shall be payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Director (in consultation with the Secretary of Education) in regulations promulgated to carry out this paragraph.

"(3) EXCEPTIONS.—The Director may provide for the partial or total waiver or suspension of any service or payment obligation by an individual under this section whenever compliance by the individual with the obligation is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be unconscionable.

"(h) DATA COLLECTION.—An eligible entity receiving a grant under this section shall supply to the Director any relevant statistical and demographic data on scholarship and stipend recipients the Director may request, including information on employment required under this section.

"(i) DEFINITIONS.—In this section—

"(1) the term 'cost of attendance' has the meaning given such term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll);

"(2) the term 'eligible entity' means—

"(A) an institution of higher education; or

"(B) an institution of higher education that receives grant funds on behalf of a consortium of institutions of higher education;

"(3) the term 'fellowship' means an award to an individual under section 10A;

"(4) the term 'high need local educational agency' has the meaning given such term in section 201 of the Higher Education Act of 1965 (20 U.S.C. 1021);

"(5) the term 'mathematics and science teacher' means a science, technology, engineering, or mathematics teacher at the elementary school or secondary school level;

"(6) the term 'scholarship' means an award under subsection (c);

"(7) the term 'science, technology, engineering, or mathematics professional' means a person who holds a baccalaureate, master's, or doctoral degree in science, technology, engineering, or mathematics, and is working in or had a career in such field or a related area; and

"(8) the term 'stipend' means an award under subsection (d).

"(j) MATHEMATICS AND SCIENCE SCHOLARSHIP GIFT FUND.—In accordance with section 11(f) of the National Science Foundation Act of 1950 (42 U.S.C. 1870(f)), the Director is authorized to accept donations from the private sector to supplement but not supplant scholarships, stipends, internships, or fellowships associated with programs under this section or section 10A.

"(k) ASSESSMENT OF TEACHER SERVICE AND RETENTION.—Not later than 4 years after the date of enactment of the America COMPETES Act, the Director shall transmit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effectiveness of the programs carried out under this section and section 10A. The report shall include the proportion of individuals receiving scholarships, stipends, or fellowships under the program who—

"(1) fulfill the individuals' service obligation required under this section or section 10A;

"(2) remain in the teaching profession beyond the individuals' service obligation; and

"(3) remain in the teaching profession in a high need local educational agency beyond the individuals' service obligation.

"(l) EVALUATION.—Not less than 2 years after the date of enactment of the America COMPETES Act, the Director, in consultation with the Secretary of Education, shall conduct an evaluation to determine whether the scholarships, stipends, and fellowships authorized under this section and section 10A have been effective in increasing the numbers of high-quality mathematics and science teachers teaching in high need local educational agencies and whether there continue to exist significant shortages of such teachers in high need local educational agencies.

"SEC. 10A. NATIONAL SCIENCE FOUNDATION TEACHING FELLOWSHIPS AND MASTER TEACHING FELLOWSHIPS.

"(a) IN GENERAL.—

"(1) GRANTS.—

"(A) IN GENERAL.—As part of the Robert Noyce Teacher Scholarship Program established under section 10, the Director shall establish a separate program to award grants to eligible entities to enable such entities to administer fellowships in accordance with this section.

"(B) DEFINITIONS.—The terms used in this section have the meanings given the terms in section 10.

"(2) FELLOWSHIPS.—Fellowships under this section shall be available only to—

"(A) science, technology, engineering, or mathematics professionals, who shall be referred to as 'National Science Foundation Teaching Fellows' and who, in the first year of the fellowship, are enrolled in a master's degree program leading to teacher certification or licensing; and

"(B) mathematics and science teachers, who shall be referred to as 'National Science Foundation Master Teaching Fellows' and who possess a master's degree in their field.

"(b) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an eligible entity shall enter into a partnership that shall include—

"(1) a department within an institution of higher education participating in the partnership that provides an advanced program of study in mathematics and science;

"(2)(A) a school or department within an institution of higher education participating in the partnership that provides a teacher preparation program; or

"(B) a 2-year institution of higher education that has a teacher preparation offering or a

dual enrollment program with an institution of higher education participating in the partnership;

"(3) not less than 1 high need local educational agency and a public school or a consortium of public schools served by the agency; and

"(4) 1 or more nonprofit organizations that have a demonstrated record of capacity to provide expertise or support to meet the purposes of this section.

"(c) USE OF GRANTS.—Grants awarded under this section shall be used by the eligible entity (and participating institutions of higher education of the consortium, if applicable) to develop and implement a program for National Science Foundation Teaching Fellows or National Science Foundation Master Teaching Fellows, through—

"(1) administering fellowships in accordance with this section, including providing the teaching fellowship salary supplements described in subsection (f);

"(2) in the case of National Science Foundation Teaching Fellowships—

"(A) offering academic courses and clinical teaching experiences leading to a master's degree and designed to prepare individuals to teach in elementary schools and secondary schools, including such preparation as is necessary to meet the requirements for certification or licensing; and

"(B) offering programs both during and after matriculation in the program for which the fellowship is received to enable fellows to become highly effective mathematics and science teachers, including mentoring, training, induction, and professional development activities, to fulfill the service requirements of this section, including the requirements of subsection (e), and to exchange ideas with others in their fields; and

"(3) in the case of National Science Foundation Master Teaching Fellowships—

"(A) offering academic courses and leadership training to prepare individuals to become master teachers in elementary schools and secondary schools; and

"(B) offering programs both during and after matriculation in the program for which the fellowship is received to enable fellows to become highly effective mathematics and science teachers, including mentoring, training, induction, and professional development activities, to fulfill the service requirements of this section, including the requirements of subsection (e), and to exchange ideas with others in their fields.

"(d) SELECTION PROCESS.—

"(1) MERIT REVIEW.—Grants shall be awarded under this section on a competitive, merit-reviewed basis.

"(2) APPLICATIONS.—An eligible entity desiring a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

"(A) in the case of an applicant that is submitting an application on behalf of a consortium of institutions of higher education, a description of the participating institutions of higher education and the roles and responsibilities of each such institution;

"(B) a description of the program that the applicant intends to operate, including the number of fellowships the applicant intends to award, the type of activities proposed for the recruitment of students to the program, and the amount of the teaching fellowship salary supplements to be provided in accordance with subsection (f);

"(C) evidence that the applicant has the capability to administer the program in accordance with the provisions of this section, which may include a description of any existing programs at the applicant eligible entity (and participating institutions of higher education of the consortium, if applicable) that are targeted to the education of mathematics and science teachers and the number of teachers graduated annually from such programs;

"(D) in the case of National Science Foundation Teaching Fellowships, a description of—

"(i) the selection process that will be used in awarding fellowships, including a description of the rigorous measures to be used, including the rigorous, nationally recognized assessments to be used, in order to determine whether individuals applying for fellowships have advanced content knowledge of science, technology, engineering, or mathematics;

"(ii) the academic courses and clinical teaching experiences described in subsection (c)(2)(A), including—

"(I) a description of an educational program that will enable a student to obtain a master's degree and teacher certification or licensing within 1 year; and

"(II) evidence of agreements between the applicant and the schools or local educational agencies that are identified as the locations at which clinical teaching experiences will occur;

"(iii) a description of the programs described in subsection (c)(2)(B), including activities to assist individuals in fulfilling their service requirements under this section;

"(E) evidence that the eligible entity will provide the teaching supplements required under subsection (f); and

"(F) a description of the process the applicant will use to fulfill the requirements of section 10(f).

"(3) CRITERIA.—In evaluating the applications submitted under paragraph (2), the Director shall consider, at a minimum—

"(A) the ability of the applicant (and participating institutions of higher education of the consortium, if applicable) to effectively carry out the program and to meet the requirements of subsection (f);

"(B) the extent to which the mathematics, science, or engineering faculty and the education faculty at the eligible entity (and participating institutions of higher education of the consortium, if applicable) have worked or will work collaboratively to design new or revised curricula that recognizes the specialized pedagogy required to teach science, technology, engineering, and mathematics effectively in elementary schools and secondary schools;

"(C) the extent to which the applicant (and participating institutions of higher education of the consortium, if applicable) is committed to making the program a central organizational focus;

"(D) the degree to which the proposed programming will enable participants to become highly effective mathematics and science teachers and prepare such participants to assume leadership roles in their schools, in addition to their regular classroom duties, including serving as mentor or master teachers, developing curriculum, and assisting in the development and implementation of professional development activities;

"(E) the number and quality of the individuals that will be served by the program; and

"(F) in the case of the National Science Foundation Teaching Fellowship, the ability of the applicant (and participating institutions of higher education of the consortium, if applicable) to recruit individuals who would otherwise not pursue a career in teaching and individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1855a or 1855b).

"(4) SELECTION OF FELLOWS.—

"(A) IN GENERAL.—Individuals shall be selected to receive fellowships under this section primarily on the basis of—

"(i) professional achievement;

"(ii) academic merit;

"(iii) content knowledge of science, technology, engineering, or mathematics, as demonstrated by their performance on an assessment in accordance with paragraph (2)(D)(i); and

"(iv) in the case of National Science Foundation Master Teaching Fellows, demonstrated success in improving student academic achievement in science, technology, engineering, or mathematics.

"(B) PROMOTING PARTICIPATION OF CERTAIN INDIVIDUALS.—Among individuals demonstrating equivalent qualifications, consideration may be given to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

"(e) DUTIES OF NATIONAL SCIENCE FOUNDATION TEACHING FELLOWS AND MASTER TEACHING FELLOWS.—A National Science Foundation Teaching Fellow or a National Science Foundation Master Teaching Fellow, while fulfilling the service obligation under subsection (g) and in addition to regular classroom activities, shall take on a leadership role within the school or local educational agency in which the fellow is employed, as defined by the partnership according to such fellow's expertise, including serving as a mentor or master teacher, developing curricula, and assisting in the development and implementation of professional development activities.

"(f) TEACHING FELLOWSHIP SALARY SUPPLEMENTS.—

"(1) IN GENERAL.—An eligible entity receiving a grant under this section shall provide salary supplements to individuals who participate in the program under this section during the period of their service obligation under subsection (g). A local educational agency through which the service obligation is fulfilled shall agree not to reduce the base salary normally paid to an individual solely because such individual receives a salary supplement under this subsection.

"(2) AMOUNT AND DURATION.—

"(A) AMOUNT.—Salary supplements provided under paragraph (1) shall be not less than $10,000 per year, except that, in the case of a National Science Foundation Teaching Fellow, while enrolled in the master's degree program as described in subsection (c)(2)(A), such fellow shall receive not more than the cost of attendance at such fellow's institution.

"(B) SUPPORT WHILE ENROLLED IN MASTER'S DEGREE PROGRAM.—A National Science Foundation Teaching Fellow may receive a maximum of 1 year of fellowship support while enrolled in a master's degree program as described in subsection (c)(2)(A), except that if such fellow is enrolled in a part-time program, such amount shall be prorated according to the length of the program.

"(C) DURATION OF SUPPORT.—An eligible entity receiving a grant under this section shall provide teaching fellowship salary supplements through the period of the fellow's service obligation under subsection (g).

"(g) SERVICE OBLIGATION.—An individual awarded a fellowship under this section shall serve as a mathematics or science teacher in an elementary school or secondary school served by a high need local educational agency for—

"(1) in the case of a National Science Foundation Teaching Fellow, 4 years, to be fulfilled within 6 years of completing the master's program described in subsection (c)(2)(A); and

"(2) in the case of a National Science Foundation Master Teaching Fellow, 5 years, to be fulfilled within 7 years of the start of participation in the program under subsection (c)(3).

"(h) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—An eligible entity receiving a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in-kind) to carry out the activities supported by the grant.

"(2) WAIVER.—The Director may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity receiving a grant under this section, if the Director determines that applying the matching requirement would result in serious hardship or inability to carry out the authorized activities described in this section.

"(i) CONDITIONS OF SUPPORT; COLLECTION FOR NONCOMPLIANCE; FAILURE TO COMPLETE SERVICE OBLIGATION; DATA COLLECTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), subsections (e), (f), (g), and (h) of section 10 shall apply to eligible entities and recipients of fellowships under this section, as applicable, in the same manner as such subsections apply to eligible entities and recipients of scholarships and stipends under section 10, as applicable.

"(2) AMOUNT OF REPAYMENT.—If a circumstance described in subparagraph (D) or (E) of section 10(g)(1) occurs after the completion of 1 year of a service obligation under this section—

"(A) for a National Science Foundation Teaching Fellow, the total amount of fellowship award received by the individual under this section while enrolled in the master's degree program, reduced by ¼ of the total amount for each year of service completed, plus ½ of the total teaching fellowship salary supplements received by such individual under this section, shall be repaid or such amount shall be treated as a loan to be repaid in accordance with section 10(g)(1)(C); and

"(B) for a National Science Foundation Master Teaching Fellow, the total amount of teaching fellowship salary supplements received by the individual under this section, reduced by ½, shall be repaid or such amount shall be treated as a loan to be repaid in accordance with section 10(g)(1)(C).".

SEC. 7031. ENCOURAGING PARTICIPATION.

(a) COMMUNITY COLLEGE PROGRAM.—Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) in subparagraph (B), by striking the semicolon and inserting "; and"; and

(C) by adding at the end the following:

"(C) encourage participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b);"; and

(2) in subsection (c), by adding at the end the following:

"(3) MENTOR TRAINING GRANTS.—The Director shall—

"(A) establish a program to encourage and make grants available to institutions of higher education that award associate degrees to recruit and train individuals from the fields of science, technology, engineering, and mathematics to mentor students who are described in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in order to assist those students in identifying, qualifying for, and entering higher-paying technical jobs in those fields; and

"(B) make grants available to associate-degree-granting colleges to carry out the program identified in subsection (A).".

(b) EVALUATION AND REPORT.—The Director shall establish metrics to evaluate the success of the programs established by the Foundation for encouraging individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) to study and prepare for careers in science, technology, engineering, and mathematics, including programs that provide for mentoring for such individuals. The Director shall carry out evaluations based on the metrics developed and report to Congress annually on the findings and conclusions of the evaluations.

SEC. 7032. NATIONAL ACADEMY OF SCIENCES REPORT ON DIVERSITY IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS FIELDS.

(a) IN GENERAL.—The Director shall enter into an arrangement with the National Academy of Sciences for a report, to be transmitted to the Congress not later than 1 year after the date of enactment of this Act, about barriers to increasing the number of underrepresented minorities in science, technology, engineering, and mathematics fields and to identify strategies for bringing more underrepresented minorities into the science, technology, engineering, and mathematics workforce.

(b) SPECIFIC REQUIREMENTS.—The Director shall ensure that the report described in subsection (a) addresses—

(1) social and institutional factors that shape the decisions of minority students to commit to education and careers in the science, technology, engineering, and mathematics fields;

(2) specific barriers preventing greater minority student participation in the science, technology, engineering, and mathematics fields;

(3) primary focus points for policy intervention to increase the recruitment and retention of underrepresented minorities in the future workforce of the United States;

(4) programs already underway to increase diversity in the science, technology, engineering, and mathematics fields, and their level of effectiveness;

(5) factors that make such programs effective, and how to expand and improve upon existing programs;

(6) the role of minority-serving institutions in the diversification of the workforce of the United States in these fields and how that role can be supported and strengthened; and

(7) how the public and private sectors can better assist minority students in their efforts to join the workforce of the United States in these fields.

SEC. 7033. HISPANIC-SERVING INSTITUTIONS UNDERGRADUATE PROGRAM.

(a) IN GENERAL.—The Director is authorized to establish a new program to award grants on a competitive, merit-reviewed basis to Hispanic-serving institutions (as defined in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a)) to enhance the quality of undergraduate science, technology, engineering, and mathematics education at such institutions and to increase the retention and graduation rates of students pursuing associate's or baccalaureate degrees in science, technology, engineering, and mathematics.

(b) PROGRAM COMPONENTS.—Grants awarded under this section shall support—

(1) activities to improve courses and curriculum in science, technology, engineering, and mathematics;

(2) faculty development;

(3) stipends for undergraduate students participating in research; and

(4) other activities consistent with subsection (a), as determined by the Director.

(c) INSTRUMENTATION.—Funding for instrumentation is an allowed use of grants awarded under this section.

SEC. 7034. PROFESSIONAL SCIENCE MASTER'S DEGREE PROGRAMS.

(a) CLEARINGHOUSE.—

(1) DEVELOPMENT.—The Director shall establish a clearinghouse, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, to share program elements used in successful professional science master's degree programs and other advanced degree programs related to science, technology, engineering, and mathematics.

(2) AVAILABILITY.—The Director shall make the clearinghouse of program elements developed under paragraph (1) available to institutions of higher education that are developing professional science master's degree programs.

(b) PROGRAMS.—

(1) PROGRAMS AUTHORIZED.—The Director shall award grants to 4-year institutions of higher education to facilitate the institutions' creation or improvement of professional science master's degree programs that may include linkages between institutions of higher education and industries that employ science-trained personnel, with an emphasis on practical training and preparation for the workforce in high-need fields.

(2) APPLICATION.—A 4-year institution of higher education desiring a grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require. The application shall include—

(A) a description of the professional science master's degree program that the institution of higher education will implement;

(B) a description of how the professional science master's degree program at the institution of higher education will produce individuals for the workforce in high-need fields;

(C) the amount of funding from non-Federal sources, including from private industries, that the institution of higher education shall use to support the professional science master's degree program; and

(D) an assurance that the institution of higher education shall encourage students in the professional science master's degree program to apply for all forms of Federal assistance available to such students, including applicable graduate fellowships and student financial assistance under titles IV and VII of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq., 1133 et seq.).

(3) PREFERENCES.—The Director shall give preference in making awards to 4-year institutions of higher education seeking Federal funding to create or improve professional science master's degree programs, to those applicants—

(A) located in States with low percentages of citizens with graduate or professional degrees, as determined by the Bureau of the Census, that demonstrate success in meeting the unique needs of the corporate, non-profit, and government communities in the State, as evidenced by providing internships for professional science master's degree students or similar partnership arrangements; or

(B) that secure more than ⅔ of the funding for such professional science master's degree programs from sources other than the Federal Government.

(4) NUMBER OF GRANTS; TIME PERIOD OF GRANTS.—

(A) NUMBER OF GRANTS.—Subject to the availability of appropriated funds, the Director shall award grants under paragraph (1) to a maximum of 200 4-year institutions of higher education.

(B) TIME PERIOD OF GRANTS.—Grants awarded under this section shall be for one 3-year term. Grants may be renewed only once for a maximum of 2 additional years.

(5) EVALUATION AND REPORTS.—

(A) DEVELOPMENT OF PERFORMANCE BENCHMARKS.—Prior to the start of the grant program,

the Director, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, shall develop performance benchmarks to evaluate the pilot programs assisted by grants under this section.

(B) EVALUATION.—For each year of the grant period, the Director, in consultation with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, shall complete an evaluation of each program assisted by grants under this section. Any program that fails to satisfy the performance benchmarks developed under subparagraph (A) shall not be eligible for further funding.

(C) REPORT.—Not later than 180 days after the completion of an evaluation described in subparagraph (B), the Director shall submit a report to Congress that includes—

(i) the results of the evaluation; and

(ii) recommendations for administrative and legislative action that could optimize the effectiveness of the pilot programs, as the Director determines to be appropriate.

SEC. 7035. SENSE OF CONGRESS ON COMMUNICATIONS TRAINING FOR SCIENTISTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that institutions of higher education receiving awards under the Integrative Graduate Education and Research Traineeship program of the Foundation should, among the activities supported under these awards, train graduate students in the communication of the substance and importance of their research to nonscientist audiences.

(b) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Director shall transmit a report to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate, describing the training programs described in subsection (a) provided to graduate students who participated in the Integrative Graduate Education and Research Traineeship program. The report shall include data on the number of graduate students trained and a description of the types of activities funded.

SEC. 7036. MAJOR RESEARCH INSTRUMENTATION.

(a) AWARD AMOUNT.—The minimum amount of an award under the Major Research Instrumentation program shall be $100,000. The maximum amount of an award under the program shall be $4,000,000 except if the total amount appropriated for the program for a fiscal year exceeds $125,000,000, in which case the maximum amount of an award shall be $6,000,000.

(b) USE OF FUNDS.—In addition to the acquisition of instrumentation and equipment, funds made available by awards under the Major Research Instrumentation program may be used to support the operations and maintenance of such instrumentation and equipment.

(c) COST SHARING.—

(1) IN GENERAL.—An institution of higher education receiving an award under the Major Research Instrumentation program shall provide at least 30 percent of the cost from private or non-Federal sources.

(2) EXCEPTIONS.—Institutions of higher education that are not Ph.D.-granting institutions are exempt from the cost sharing requirement in paragraph (1), and the Director may reduce or waive the cost sharing requirement for—

(A) institutions—

(i) that are not ranked among the top 100 institutions receiving Federal research and development funding, as documented by the statistical data published by the Foundation; and

(ii) for which the proposed project will make a substantial improvement in the institution's capabilities to conduct leading edge research, to provide research experiences for undergraduate students using leading edge facilities, and to broaden the participation in science and engineering research by individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b); and

(B) consortia of institutions of higher education that include at least one institution that is not a Ph.D.-granting institution.

SEC. 7037. LIMIT ON PROPOSALS.

(a) POLICY.—For programs supported by the Foundation that require as part of the selection process for awards the submission of preproposals and that also limit the number of preproposals that may be submitted by an institution, the Director shall allow the subsequent submission of a full proposal based on each preproposal that is determined to have merit following the Foundation's merit review process.

(b) REVIEW AND ASSESSMENT OF POLICIES.—The Board shall review and assess the effects on institutions of higher education of the policies of the Foundation regarding the imposition of limitations on the number of proposals that may be submitted by a single institution for programs supported by the Foundation. The Board shall determine whether current policies are well justified and appropriate for the types of programs that limit the number of proposal submissions. Not later than 1 year after the date of enactment of this Act, the Board shall summarize the Board's findings and any recommendations regarding changes to the current policy on the restriction of proposal submissions in a report to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate.

TITLE VIII—GENERAL PROVISIONS

SEC. 8001. COLLECTION OF DATA RELATING TO TRADE IN SERVICES.

(a) REPORT.—Not later than January 31, 2008, the Secretary of Commerce, acting through the Director of the Bureau of Economic Analysis, shall report to Congress on the feasibility, annual cost, and potential benefits of a program to collect and study data relating to export and import of services.

(b) PROGRAM.—The proposed program to be studied under subsection (a) shall include requirements that the Secretary annually—

(1) provide data collection and analysis relating to export and import of services;

(2) collect and analyze data for service imports and exports in not less than 40 service industry categories, on a State-by-State basis;

(3) collect data on, and analyze, the employment effects of exports and imports on the service industry; and

(4) integrate ongoing and planned data collection and analysis initiatives in research and development and innovation.

SEC. 8002. SENSE OF THE SENATE REGARDING SMALL BUSINESS GROWTH AND CAPITAL MARKETS.

(a) FINDINGS.—Congress finds that—

(1) the United States has the most fair, most transparent, and most efficient capital markets in the world, in part due to its strong securities statutory and regulatory scheme;

(2) it is of paramount importance for the continued growth of the economy of the Nation, that our capital markets retain their leading position in the world;

(3) small businesses are vital participants in United States capital markets, and play a critical role in future economic growth and high-wage job creation;

(4) section 404 of the Sarbanes-Oxley Act of 2002 has greatly enhanced the quality of corporate governance and financial reporting for public companies and increased investor confidence;

(5) the Securities and Exchange Commission (referred to in this section as the "Commission") and the Public Company Accounting Oversight Board (referred to in this section as the "PCAOB") have both determined that the current auditing standard implementing section 404 of the Sarbanes-Oxley Act of 2002 has imposed unnecessary and unintended cost burdens on small and mid-sized public companies;

(6) the Commission and the PCAOB are now near completion of a 2-year process intended to revise the auditing standard in order to provide more efficient and effective regulation; and

(7) the Chairman of the Commission recently has said, with respect to section 404 of the Sarbanes-Oxley Act of 2002, that, "We don't need to change the law, we need to change the way the law is implemented. It is the implementation of the law that has caused the excessive burden, not the law itself. That's an important distinction. I don't believe these important investor protections, which are even now only a few years old, should be opened up for amendment, or that they need to be.".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Commission and the PCAOB should complete promulgation of the final rules implementing section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262).

SEC. 8003. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ACTIVITIES, GRANTS, AND PROGRAMS.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) assesses and evaluates the effectiveness of a representative sample of the new or expanded programs and activities (including programs and activities carried out under grants) required to be carried out under this Act; and

(2) includes such recommendations as the Comptroller General determines are appropriate to ensure effectiveness of, or improvements to, the programs and activities, including termination of programs or activities.

SEC. 8004. SENSE OF THE SENATE REGARDING ANTI-COMPETITIVE TAX POLICY.

It is the sense of the Senate that Federal funds should not be provided to any organization or entity that advocates against a United States tax policy that is internationally competitive.

SEC. 8005. STUDY OF THE PROVISION OF ONLINE DEGREE PROGRAMS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Education shall enter into an arrangement with the National Academy of Sciences to conduct a study and provide a report to the Secretary, the Secretary of Commerce, and Congress. The study shall consider the mechanisms and supports needed for an institution of higher education (as defined in section 7001) or nonprofit organization to develop and maintain a program to provide free access to online educational content as part of a degree program, especially in science, technology, engineering, mathematics, or foreign languages, without using Federal funds, including funds provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) The study shall consider whether such a program could be developed and managed by such institution of higher education or nonprofit organization and sustained through private funding. The study shall examine how such program can—

(1) build on existing online programs, including making use of existing online courses;

(2) modify or expand traditional course content for online educational content;

(3) develop original course content for online courses and degree programs;

(4) provide necessary laboratory experience for science, technology, and engineering courses;

(5) be accepted for full credit by other institutions of higher education; and

(6) provide credentials that would be recognized by employers, enabling program participants to attain employment.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008.

SEC. 8006. SENSE OF THE SENATE REGARDING DEEMED EXPORTS.

It is the sense of the Senate that—

(1) the policies of the United States Government relating to deemed exports should safeguard the national security of the United States and protect fundamental research;

(2) the Department of Commerce has established the Deemed Export Advisory Committee to develop recommendations for improving current controls on deemed exports; and

(3) the President and Congress should consider the recommendations of the Deemed Export Advisory Committee in the development and implementation of export control policies.

SEC. 8007. SENSE OF THE SENATE REGARDING CAPITAL MARKETS.

It is the sense of the Senate that—

(1) Congress, the President, regulators, industry leaders, and other stakeholders should take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace;

(2) the Federal and State financial regulatory agencies should, to the maximum extent possible—

(A) coordinate activities on significant policy matters, so as not to impose regulations that may have adverse unintended consequences on innovativeness with respect to financial products, instruments, and services, or that impose regulatory costs that are disproportionate to their benefits; and

(B) at the same time, ensure that the regulatory framework overseeing the United States capital markets continues to promote and protect the interests of investors in those markets; and

(3) given the complexity of the financial services marketplace, Congress should exercise vigorous oversight over Federal regulatory and statutory requirements affecting the financial services industry and consumers, with the goal of eliminating excessive regulation and problematic implementation of existing laws and regulations, while ensuring that necessary investor protections are not compromised.

SEC. 8008. ACCOUNTABILITY AND TRANSPARENCY OF ACTIVITIES AUTHORIZED BY THIS ACT.

(a) PROHIBITED USE OF FUNDS.—A grant or contract funded by amounts authorized by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded. A directly and programmatically related banquet or conference includes a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract. Records of the total costs related to, and justifications for, all banquets and conferences shall be reported to the appropriate Department, Administration, or Foundation. Not later than 60 days after receipt of such records, the appropriate Department, Administration, or Foundation shall make the records available to the public.

(b) CONFLICT OF INTEREST STATEMENT.—Any person awarded a grant or contract funded by amounts authorized by this Act shall submit a statement to the Secretary of Commerce, the Secretary of Energy, the Secretary of Education, the Administrator, or the Director, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest or other conflict of interest in the person awarded the grant or contract, unless such conflict is previously disclosed and approved in the process of entering into a contract or awarding a grant. Not later than 60 days after receipt of the certification, the appropriate Secretary, Administrator, or Director shall make all documents received that relate to the certification available to the public.

(c) APPLICATION TO FEDERAL GRANTS AND CONTRACTS.—Subsections (a) and (b) shall take effect 360 days after the date of enactment of this Act.

(d) EXCEPTION.—Subsections (a) and (b) shall not apply to grants or contracts authorized under sections 6201 and 6203.

And the Senate agree to the same.

From the Committee on Science and Technology, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

BART GORDON,
DANIEL LIPINSKI,
BRIAN BAIRD,
DAVID WU,
NICK LAMPSON,
MARK UDALL,
GABRIELLE GIFFORDS,
JERRY MCNERNEY,
VERNON J. EHLERS,

From the Committee on Education and Labor, for consideration of Division C of the Senate amendment, and modifications committed to conference:

GEORGE MILLER,
RUSH HOLT,
Managers on the Part of the House.

JEFF BINGAMAN,
DANIEL K. INOUYE,
EDWARD KENNEDY,
JOSEPH LIEBERMAN,
BARBARA A. MIKULSKI,
JOHN F. KERRY,
BILL NELSON,
PETE V. DOMENICI,
TED STEVENS,
MICHAEL B. ENZI,
LAMAR ALEXANDER,
JOHN ENSIGN,
NORM COLEMAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2272) to invest in innovation through research and development, and to improve the competitiveness of the United States, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

NATIONAL SCIENCE AND TECHNOLOGY SUMMIT (SEC. 1001)

The Senate amendment contained a provision (sec. 1101) that would require the President to convene a National Science and Technology Summit within 180 days of enactment to evaluate the health and direction of the nation's science, technology, engineering, and mathematics enterprises and to identify key research and technology challenges and recommendations for research and development investment over the next five years.

The House bill contained no similar provision.

The House recedes to subsections (a) and (b) and agrees to modified text for subsection (c).

STUDY ON BARRIERS TO INNOVATION (SEC. 1002)

The Senate amendment contained a provision (sec. 1102) that requires the Director of the Office of Science and Technology Policy (OSTP) to enter into a contract with the National Academy of Sciences one year after enactment and four years after enactment to conduct a study to identify forms of risk that create barriers to innovation. The study is intended to review the long-term value of innovation to the business community and to identify means to mitigate risks presently associated with such innovation activities.

The House bill contained no similar provision.

The House recedes to the Senate provision with the removal of paragraphs (a)(13) and (a)(14).

NATIONAL TECHNOLOGY AND INNOVATION MEDAL (SEC. 1003)

The Senate amendment contained a provision (sec. 1103) that amends Section 16 of the Stevenson-Wydler Technology Innovation Act of 1980 to rename the "National Technology Medal" as the "National Technology and Innovation Medal."

The House bill contained a provision (sec. 205) that establishes the Presidential Innovation Award to be presented periodically, on the basis of recommendations from the director of the Office of Science and Technology Policy, to citizens or permanent residents of the United States who develop unique scientific or engineering ideas judged to stimulate scientific and engineering advances in the national interest, to illustrate the linkage between science and engineering and national needs, and to provide an example to excite the interest of students in science or engineering professions.

The House recedes.

SEMIANNUAL SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS DAYS (SEC. 1004)

The Senate amendment contained a provision (sec. 1105) that expresses the Sense of Congress that OSTP should encourage all elementary and middle schools to observe a Science, Technology, Engineering, and Mathematics Day twice in every school year for the purpose of facilitating the interaction between science, technology, engineering, and mathematics mentors and grade school students. This section also expresses a Sense of Congress that OSTP should encourage involvement of federal employees, the private sector, and institutions of higher learning in such days.

The House bill contained no similar provision.

The House recedes.

STUDY OF SERVICE SCIENCE (SEC. 1005)

The Senate amendment contained a provision (sec. 1106) that would express a Sense of Congress that the Federal Government should better understand and respond strategically to the emerging management and learning discipline known as "service science." The provision would require the Director of OSTP, through the National Academy of Sciences, to conduct a study on how the Federal Government should best support service science through research, education, and training.

The House bill contained no similar provision.

The House recedes with an amendment to change the report requirement from 270 days to 1 year.

PRESIDENT'S COUNCIL ON INNOVATION AND COMPETITIVENESS (SEC. 1006)

The Senate amendment contained a provision (sec. 1201) that would require the President to establish a President's Council on Innovation and Competitiveness to develop a comprehensive agenda to promote innovation in the public and private sectors. The Council, which could be constituted by designating an existing body to perform its functions, would include the Secretaries of Commerce, Defense, Education, Health and Human Services, Homeland Security, Labor, and Treasury along with the heads of the National Aeronautics and Space Administration, the Securities and Exchange Commission, the National Science Foundation, the Office of the United States Trade Representative, the Office of Management and Budget, the Office of Science and Technology Policy, the Environmental Protection Agency, the Small Business Administration, and other relevant federal agencies involved in innovation. As the President's Council on Innovation and Competitiveness develops a comprehensive agenda for strengthening innovation and competitiveness it should consult with advisors from the private sector, labor, scientific organizations, academic organizations, and other nongovernmental organizations working in the area of science or technology.

The House bill contained no similar provision.

The House recedes.

NATIONAL COORDINATION OF RESEARCH INFRASTRUCTURE (SEC. 1007)

The House bill contained a provision (sec. 206) that establishes a National Coordination Office for Research Infrastructure under the OSTP to identify and prioritize deficiencies in research facilities and instrumentation in academic institutions and national laboratories and to make recommendations for use of funding authorized. The Office is directed to report to Congress annually at the time of the Administration's budget proposal.

The Senate amendment contained no similar provision.

The Conferees agree to modified language that directs the Director of the OSTP to identify and prioritize the deficiencies in research facilities and major instrumentation located at Federal laboratories and national user facilities at academic institutions that are widely accessible for use by researchers in the United States. The provision also requires the Director of OSTP to annually submit to Congress, in support of the President's budget, a report setting forth the deficiencies in research infrastructure, projects, and budget proposals of Federal research facilities for major instrumentation acquisitions that are included in the budget and an explanation of how the projects and instrumentation acquisitions relate to the identified deficiencies and priorities.

SENSE OF CONGRESS ON INNOVATION ACCELERATION RESEARCH (SEC. 1008)

The Senate amendment contained a provision (sec. 1202) that would require the President, through the head of each Federal research agency, to establish the "Innovation Acceleration Research Program" to support and promote innovation in the United States by requiring each department or agency that sponsors scientific research to set as a goal 8 percent of its annual research budget to be directed toward innovation acceleration research.

The House bill contained no similar provision.

The Conferees agree to a modified provision that expresses the Sense of Congress that each Federal research agency should strive to support and promote innovation through high-risk, high-reward basic research and set a goal of allocating an appropriate percentage of its annual basic research budget to funding high-risk, high-reward basic research projects.

RELEASE OF SCIENTIFIC RESEARCH RESULTS (SEC. 1009)

The Senate amendment contained a provision (sec. 1104) that would require the Director of OSTP, in consultation with the Director of the Office of Management and Budget (OMB) and the heads of all Federal civilian agencies that conduct scientific research, to develop and issue a set of principles for the communication of scientific information by government scientists, policy makers, and managers to the public within 90 days after the date of enactment.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NASA'S CONTRIBUTION TO INNOVATION (SEC. 2001)

The House bill contained a provision (sec. 209) that expresses the Sense of the Congress that a balanced and robust program in science, aeronautics, exploration, and human space flight at NASA, as authorized in the NASA Authorization Act of 2005, contributes significantly to national innovation and competitiveness. It also directs the NASA Administrator to participate fully in interagency efforts to promote innovation and economic competitiveness through scientific research and development.

The Senate amendment contained a provision (sec. 1301) that directs that NASA be regarded as a full participant in interagency activities to promote competitiveness and innovation and to enhance science, technology, engineering, and mathematics education, provided that such efforts are consistent with NASA's mission, including authorized activities. It also identifies NASA's balanced science program as an essential part of NASA's contribution to innovation in and the economic competitiveness of the United States and that funding NASA at the levels authorized in the NASA Authorization Act of 2005 would enable NASA's programs to contribute to U.S. innovation and competitiveness.

The House recedes with modifications.

AERONAUTICS (SEC.2002)

The Senate amendment contained a provision (sec. 1302) that would consolidate NASA's aeronautics research authorized under the NASA Authorization Act of 2005 into an Aeronautics Institute for Research within NASA. It would require the Institute to cooperate with relevant programs in the Department of Transportation, the Department of Defense, the Department of Commerce, and the Department of Homeland Security, including the Joint Planning and Development Office established under the VISION 100-Century of Aviation Reauthorization Act. The Aeronautics Institute would be allowed to accept assistance, staff, and funding from other federal departments and agencies.

The House bill contained no similar provision.

The Conferees agree to modified language that includes a Sense of Congress that NASA's aeronautics research and development program has been an important contributor to innovation and to the competitiveness of the United States, and that NASA should maintain its capabilities to advance the state of aeronautics. The provision also includes language that directs the Administrator to coordinate NASA's aeronautics activities with relevant departments and agencies.

BASIC RESEARCH ENHANCEMENT (SEC. 2003)

The Senate amendment contained a provision (sec. 1303) that establishes, within NASA, a Basic Research Executive council to oversee the distribution and management of programs and resources engaged in support of basic research activity including the most senior agency official representing the space science, earth science, life and microgravity sciences, and aeronautical research areas. The duties of the Council will be to set criteria for identification of basic research, set priority of research activity, review and evaluate research activity, make recommendations regarding needed adjustments in research activities, and provide annual reports to Congress on research activities.

The House bill contained no similar provision.

The Conferees agree to strike all but subsection (a) as amended.

AGING WORKFORCE ISSUES PROGRAM (SEC. 2004)

The Senate amendment contained a provision (sec. 1304) that expresses the Sense of Congress that the NASA Administrator should implement a program to address aging workforce issues in aerospace that would document technical and management experiences of senior NASA employees before they leave the Administration, provide incentives for retirees to return to NASA to teach new NASA employees about their lessons and experiences, and provide for the development of an award to recognize and reward senior NASA employees for their contribution to knowledge sharing.

The House bill contained no similar provision.

The House recedes.

SENSE OF THE CONGRESS REGARDING NASA'S UNDERGRADUATE STUDENT RESEARCH PROGRAM (SEC. 2005)

The Senate amendment contained no provision.

The House bill contained no provision.

The Conferees agree to include a provision to express the Sense of Congress that in order to generate interest in careers in science, technology, engineering, and mathematics and to help train the next generation of space and aeronautics scientists, technologists, engineers, and mathematicians, the Administrator should utilize NASA's existing Undergraduate Student Research Program to support basic research projects on subjects relevant to NASA.

USE OF INTERNATIONAL SPACE STATION NATIONAL LABORATORY TO SUPPORT MATH AND SCIENCE EDUCATION AND COMPETITIVENESS (SEC. 2006)

The Senate amendment contained no provision.

The House bill contained no provision.

The Conferees agree to include a provision to express the Sense of Congress that the International Space Station National Laboratory offers unique opportunities for educational activities and provides a unique resource for research and development in science, technology, and engineering which can enhance the global competitiveness of the United States. The provision also directs the Administrator to develop detailed plans for implementing one or more education projects that utilize the International Space Station and identifying and supporting research to be conducted aboard the International Space Station.

Fiscal Year 2008 basic science and research funding

The Senate amendment contained a provision (sec. 1306) that increases funding for basic science and research, including for the Explorer program, for fiscal year 2008 by $160 million by transferring such amount for such purpose from NASA accounts. The availability of these funds is made contingent upon unobligated balances being available to NASA.

The House bill contained no similar provision.

The Senate recedes.

Conforming amendments

The Senate amendment contained a provision (sec. 1305) that would amend Section 101(d) of the NASA Authorization Act of 2005 by adding that the assessment undertaken by NASA examines the number and content of science activities which may be considered as fundamental, or basic research, whether incorporated within specific missions or conducted independently of any specific mission. In addition, this section would require NASA to assess how NASA science activities can best be structured to ensure that basic and fundamental research can be effectively maintained and coordinated in response to national goals in competitiveness and innovation.

The House bill contained no similar provision.

The Senate recedes.

TITLE III—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

AUTHORIZATION OF APPROPRIATIONS (SEC. 3001)

The House bill contained provisions (sec. 411 and 412) that authorize appropriations for the next three fiscal years. Included in the House provisions were authorizations for Science and Technical Research and Services of $470.9 million for Laboratory Activities, $7.9 million for the Malcolm Baldrige National Quality Award Program, and $93.9 million for Construction and Maintenance in FY08; $497.8 million for Laboratory Activities, $8.1 million for the Malcolm Baldrige National Quality Award Program, and $86.4 million for Construction and Maintenance in FY09; and $537.6 million for Laboratory Activities, $8.3 million for the Malcolm Baldrige National Quality Award Program, and $49.7 million for Construction and Maintenance in FY10. In addition, the House provision authorizes for Industrial Technology Services: $223-million for FY08, of which $110 million is for the Technology Innovation Program (TIP) of which at least $45 million shall be for new awards, and $113 million is for the Manufacturing Extension Partnership (MEP) Program of which not more than $1 million is for the MEP competitive grant program; $263.5 million for FY09, of which $141.5 million is for the TIP of which at least $45 million shall be for new awards, and $122 million is for the MEP of which not more than $4 million is for the MEP competitive grant program; and $282.3 million for FY10, of which $150.5 million is for the TIP of which at least $45 million shall be for new awards, and $131.8 million is for the MEP of which not more than $4 million is for the MEP competitive grant program.

The Senate amendment contained a provision (sec. 1401) that authorized appropriations for the next four fiscal years. The Senate provision authorizes $703.6 million in FY08 of which $115 million is for the MEP; $774 million in FY09 of which $122 million is for the MEP; $851.4 million in FY10 of which $131.8 million is for the MEP; and $936.5 million in FY11 of which $142.3 million is for the MEP.

The Conferees agree to alternate language that authorizes NIST appropriations for three years and at sums for Science and Technical Research and Services of $502.1 million for Laboratory Activities and $150.9 million for Construction and Maintenance in FY08; $541.9 million for Laboratory Activities and $86.4 million for Construction and Maintenance in FY09; and $584.8 million for Laboratory Activities and $49.7 million for Construction and Maintenance in FY10. In addition, the Conferees authorize for Industrial Technology Services: $210 million for FY08, of which $100 million is for the Technology Innovation Program (TIP) of which at least $40 million shall be for new awards, and $110 million is for the Manufacturing Extension Partnership (MEP) Program of which not more than $1 million is for the MEP competitive grant program; $253.5 million for FY09, of which $131.5 million is for the TIP of which at least $40 million shall be for new awards, and $122 million is for the MEP of which not more than $4 million is for the MEP competitive grant program; and $272.3 million for FY10, of which $140.5 million is for the TIP of which at least $40 million shall be for new awards, and $131.8 million is for the MEP of which not more than $4 million is for the MEP competitive grant program.

AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980 (SEC.3002)

The Senate amendment contained a provision (sec. 1402) that eliminates the Technology Administration and the Under Secretary of Commerce for Technology at the Department of Commerce, and makes conforming amendments.

The House bill contained no similar provision.

The Conferees agree to a modified provision that restructures the Technology Administration Authority and makes appropriate conforming amendments, including clarification that the Directors of the National Institute of Standards and Technology and the National Technical Information Service shall report directly to the Secretary of Commerce.

The Senate amendment contained a provision (sec. 1405) that re-establishes the Experimental Program to Stimulate Competitive Technology (EPSCoT), which was previously managed by the Technology Administration, at NIST. In making awards under this section the NIST Director is directed to ensure that the awards are made on a competitive basis. Special emphasis would be given to projects which would increase the participation of women, Native Americans (including Native Hawaiians and Alaska Natives) and other under-represented groups in science and technology. The program has a matching requirement of not less than 50 percent.

The House bill contains no similar provision.

The Conferees agree to a modified provision that transfers the responsibility of the EPSCoT to the Secretary of Commerce rather than the Director of the National Institute of Standards and Technology as in the original Senate provision.

MANUFACTURING EXTENSION PARTNERSHIP (SEC. 3003)

The Senate amendment contained a provision (sec. 1407) that would amend paragraph 3 of section 25(c) of the National Institute of Standards and Technology Act to clarify that a MEP Center that receives Federal aid must pay for at least 50 percent of the costs incurred in operating the Center with funding from non-Federal sources for the first 3 years and an increasing percentage for the last three years in which the Center is receiving aid under the program. All non-Federal funding that a Center receives from private industry, universities, and State governments, may be included as a portion of the Center's 50 percent or greater funding obligation, if it is determined by the Center to be programmatically reasonable and allocable.

The House bill contained no similar provision.

The House recedes to a modified provision.

The House bill contained a provision (sec. 423(A)) that creates an independent and outside Advisory Board for the MEP to assess and provide advice on MEP programs, plans, policies, and performance.

The Senate amendment contained no similar provision.

The Senate recedes.

The House bill contained a provision (sec. 423(B)) that allows the MEP to accept funds from the private sector and other Federal departments and agencies. The provision specifies that these funds shall not be considered in the calculation of the Federal cost-share.

The Senate amendment contained a similar provision (sec. 1404 (b)) that allows the MEP to accept funds from the private sector and other Federal departments and agencies and stipulates that any private sector funding would not be considered a part of the Federal share in the calculation of the Federal cost-share. Funding accepted from other Federal departments or agencies may be considered in the calculation of the Federal cost share.

The Conferees agree to a modified provision that allows the MEP to accept funds from the private sector and other Federal departments and agencies. Any private sector funding would not be considered a part of the Federal share in the calculation of the Federal cost-share. When funds are accepted from other Federal departments or agencies, the provision specifies that the Director shall make the determination if funds from other Federal departments and agencies shall be considered a part of the Federal share in the calculation of the Federal cost share.

The Senate amendment contained a provision (sec. 1404(a)) that amends section 25(c)(5) of the National Institute of Standards and Technology Act (15 USC 278(c)(5)) by inserting a probationary program for MEP Centers that have not received a satisfactory rating. If a Center's performance has not improved in one year, the Director would be required to conduct a competition to select a new operator for the Center.

The House bill contained no similar provision.

The House recedes.

The House bill contained a provision (sec. 423(C)) that establishes a competitive grants program for MEP Centers or consortia of Centers. The grants are for Centers to conduct projects to solve new or emerging manufacturing problems. Awardees are not required to provide matching funds.

The Senate amendment contained no similar provision.

The Senate recedes.

INSTITUTE-WIDE PLANNING REPORT (SEC. 3004)

The House bill contained a provision (sec. 421) that requires the Director of NIST to submit a 3-year programmatic planning document for NIST to Congress and submit yearly updates thereafter.

The Senate amendment contained no similar provision.

The Senate recedes.

REPORT BY VISITING COMMITTEE (SEC. 3005)

The House bill contained a provision (sec. 422) that changes the reporting requirement for the Visiting Committee on Advanced Technology to be due 30 days after the budget submission and to comment on the NIST Director's 3-year planning document.

The Senate amendment contained no similar provision.

The Senate recedes.

MEETINGS OF VISITING COMMITTEE ON ADVANCED TECHNOLOGY (SEC. 3006)

The House bill contained a provision (sec. 428) that reduces the frequency of meetings for the Visiting Committee on Advanced Technology from quarterly to twice annually.

The Senate amendment contained no similar provision.

The Senate recedes.

COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS (SEC. 3007)

The House bill contained a provision (sec. 426) that establishes a collaborative manufacturing research pilot grant program for partnerships between at least one industry and one non-industry partner, with the purpose of fostering collaboration and conducting applied research on manufacturing. The award can be no more than one-third of the cost of the partnership, with no more than an additional one-third coming from other Federal sources. NIST will run one pilot competition and awards will be for three years.

The Senate amendment contained no similar provision

The Senate recedes.

MANUFACTURING FELLOWSHIP PROGRAM (SEC. 3008)

The House bill contained a provision (sec. 427) that establishes a program of postdoctoral and senior research fellowships at NIST in manufacturing sciences.

The Senate amendment contained no similar provision.

The Senate recedes.

PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES (SEC. 3009)

The House bill contained a provision (sec. 449) that authorizes NIST to issue up to 200 personal services contracts per year to procure the temporary or intermittent services of scientific and technical experts and consultants. The authority expires in 2010.

The Senate amendment contained no similar provision.

The Senate recedes.

MALCOLM BALDRIGE AWARDS (SEC. 3010)

The House bill contained a provision (sec. 450) that raises to 18 the limit on the number of annual awards under the Malcolm Baldrige National Quality Award Program and removes category restrictions.

The Senate amendment contained no similar provision.

The Senate recedes.

REPORT ON NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY EFFORTS TO RECRUIT AND RETAIN EARLY CAREER SCIENCE AND ENGINEERING RESEARCHERS (SEC. 3011)

The House bill contained a provision (sec. 208) that requires the Director of NIST to report on efforts to recruit and retain young scientists and engineers at the early stages of their careers.

The Senate amendment contained no similar provision.

The Senate recedes.

TECHNOLOGY INNOVATION PROGRAM (SEC. 3012)

The House bill contained a provision (sec. 424) that repeals the existing Advanced Technology Program (ATP) statute and creates the Technology Innovation Program (TIP). The purpose of TIP is to assist businesses and universities to accelerate the development of high-risk technologies that will have broad-based economic impact. The TIP will make awards to either small- or medium-sized businesses or joint ventures. Awards made to single companies can be for no more than $3 million over three years. Awards made to joint ventures may not exceed $9 million over five years. (A joint venture includes either two separately owned for-profit companies with the lead being a small- or medium-sized business, or at least one small- or medium-sized business and one institution of higher education.) The Federal share of a project shall not exceed 50 percent. To participate in the TIP an eligible company must be majority owned by U.S. citizens or owned by a parent company incorporated in another country provided that the company's participation is in U.S. economic interests. The provision establishes minimum criteria for the selection of awards based upon scientific and technological merit, the project's potential for benefits that extend beyond direct return to the applicant, the applicant's ability to manage the award successfully and an explanation of why TIP support is necessary. In the case of joint ventures, language is included to ensure that intellectual property is to vest in any participant as agreed to by the joint venture participants. The provisions requires the TIP to continue funding awards made under the prior Advanced Technology Program, requires the Director to coordinate with other Federal agencies to ensure there is no duplication of efforts, and allows the TIP to accept funds from other Federal agencies. An Advisory board is established to provide independent advice on TIP operations and planning.

The Senate amendment contained no similar provision.

The Conferees agree to accept a modified version of the House provision. The modifications clarify that the focus of the program is to support, promote, and accelerate innovation in the United States through high-risk, high-reward research in areas of critical national need, and establish that large companies may not receive any TIP funding. The modified version also includes a list of award criteria requiring the applicant to: establish that the proposed technology has strong potential to address critical national needs through transforming the Nation's capacity to deal with major societal challenges that are not currently being addressed; provide evidence that the research will not be conducted within a reasonable time period without TIP assistance; demonstrate that reasonable efforts were made by the applicant to secure funding from alternative sources and that no other alternative funding sources were reasonably available; and demonstrate that other entities have not already developed, commercialized, marketed, distributed or sold similar technologies. In addition, the Director shall transmit to Congress an annual report on the program's activities. The TIP may accept funds from other Federal agencies, and these funds will be included as part of the Federal cost share of any TIP project. The section also provides a definition of "high-risk, high-reward research."

TECHNICAL AMENDMENTS TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AND OTHER TECHNICAL AMENDMENTS (SEC. 3013)

The House bill contained several provisions (sec. 425, 442, 443, 445, 446, 447, and 448) that make technical amendments to the NIST Act. These provisions: raise the limitation on the amount NIST can spend on research fellowships from 1 percent to 1.5 percent of the total appropriations; authorize NIST to enter into grants and cooperative agreements in addition to its current authority to enter into contracts and cooperative research and development agreements; authorize NIST to transfer up to 0.25 percent of its total appropriations, and any funds from other agencies given to NIST to produce Standard Reference Materials, into the Working Capital Fund; repeal an outdated statute requiring the NIST Director to establish a program to evaluate non-energy inventions; clarify in statute that the metric system used in the U.S. is the modern system of metric measurement units; eliminate archaic, special-case language related to the definition of units of electrical and light measurement; and specify that standard time in the US is Coordinated Universal Time and fix technical problems in statute with the time zone definitions.

The Senate amendment contained a provision (sec. 1406) that makes technical amendments to the NIST Act as requested in previous years by the President. These provisions: eliminate the limitation on the amount NIST can spend on research fellowships; authorize NIST to enter in grants and cooperative agreements in addition to its current authority to enter in contracts and cooperative research and development agreements; authorize NIST to purchase memberships in scientific organizations and pay registration fees for NIST employees' attendance at conferences; clarify in statute that the metric system used in the U.S. is the modern system of metric measurement units; eliminate archaic, special-case language related to the definition of units of electrical and light measurement; specify that standard time in the U.S. is Coordinated Universal Time and fix technical problems in statute with the time zone definitions; and repeal an outdated statute requiring the NIST Director to establish a program to evaluate non-energy inventions.

The Senate recedes to sec 425 of the House bill.

The Conferees agree to include all House and Senate provisions, except the Working Capital Fund Transfers (sec. 443 of the House bill) and the authorization for NIST to purchase memberships in scientific organizations and pay registration fees for NIST employees' attendance at conferences (sec. 1406(b)(2) of the Senate amendment).

RETENTION OF DEPRECIATION SURCHARGE (SEC. 3014)

The House bill contained a provision (sec. 444) that allows NIST to retain the building use and depreciation surcharge fees that are charged by the General Services Administration.

The Senate amendment contained no similar provision.

The Senate recedes.

POST-DOCTORAL FELLOWS (SEC. 3015)

The House bill contained a provision (sec. 441) that raises the cap on the number of post-doctoral fellows that NIST can accept each year from 60 to 120.

The Senate amendment contained no similar provision.

The Senate recedes.

Innovation acceleration

The Senate amendment contained a provision (sec. 1403) that establishes an Innovation Acceleration grants program at NIST to be known as the "Standards and Technology Acceleration Research Program." The purpose of the program is to support and promote innovation in the United States through high-risk, high-reward research. No less than 8 percent of the funds available to NIST are for this program, and they shall be taken from the funds available to NIST for Laboratory Activities. At least 80 percent of the funds available to the program shall be used to award competitive, merit-reviewed grants, cooperative agreements or contracts to public or private entities, including businesses and universities. The Director is required to ensure that any resulting intellectual property from awards under the program shall vest in a United States entity that can commercialize the technology in a timely manner. Each funded project would be required to have a least one small- or medium-sized business and would receive priority when educational institutions are involved. The Director is required to solicit proposals annually to address areas of national need for high-risk, high-reward research. "High-risk, high-reward research" is defined as research that: 1) has the potential for yielding results with far-ranging or wide-ranging implications, 2) addresses critical national needs related to measurement standards and technology, and 3) is too novel or too interdisciplinary to fare well in the traditional peer-review process.

The House bill contained no similar provision.

The Senate recedes.

Manufacturing research database

The House bill contained a provision (sec. 429) that requires NIST to establish a manufacturing research database to enable private sector individuals and Federal officials to access a broad range of information on manufacturing research supported by Federal funding. NIST may charge a nominal fee for use of the database. This section authorizes $2 million for these activities.

The Senate amendment contained no similar provision.

The House recedes.

TITLE IV—OCEAN AND ATMOSPHERIC PROGRAMS

OCEAN AND ATMOSPHERIC RESEARCH AND DEVELOPMENT PROGRAM (SEC. 4001)

The Senate amendment contained a provision (sec. 1501) that directs the Administrator of NOAA, in consultation with the NASA and the NSF, to establish a coordinated program of ocean, coastal, Great Lakes, and atmospheric research, in collaboration with academic and nongovernmental entities, that is focused on the development of advanced technologies and analytic methods to promote U.S. leadership in ocean and atmospheric science and competitiveness in the uses of such knowledge.

The House bill contains no similar provision.

The House recedes.

NOAA OCEAN AND ATMOSPHERIC SCIENCE EDUCATION PROGRAMS (SEC. 4002)

The Senate amendment contained a provision (sec. 1502) that directs the Administrator of NOAA to develop, conduct, and coordinate education activities, built upon existing NOAA programs, to increase public awareness of ocean, coastal, Great Lakes, and atmospheric science and stewardship. The Administrator of NOAA is also directed to develop a science education plan for the next twenty years and evaluate and update the education plan every five years thereafter.

The House bill contains no similar provision.

The House recedes.

NOAA'S CONTRIBUTION TO INNOVATION (SEC. 4003)

The Senate amendment contained a provision (sec. 1503) that directs that NOAA is to be a full participant in interagency efforts to promote innovation and economic competitiveness, consistent with the agency mission.

The House contains no similar provision.

The House recedes.

TITLE V—DEPARTMENT OF ENERGY

MATHEMATICS, SCIENCE AND ENGINEERING EDUCATION AT THE DEPARTMENT OF ENERGY (SEC. 5003)

The Senate amendment (section 2003) contained a provision that would amend the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) to establish a Director of Mathematics, Science and Engineering Education, reporting to the Undersecretary of Science. The Director would be responsible for coordinating Mathematics, Science and Engineering Education across the Department of Energy; preparing unified budgets; and acting as the interagency liaison for this area. The Secretary is directed to establish a separate fund to which 0.3 percent of funds made available to the Department for research, development, demonstration and commercial application activities for each fiscal year are made available to carry out activities authorized in this Act.

The House bill contained no similar provision.

The House recedes to the Senate with an amendment requiring along with the Department's annual budget proposal a description of how funds were spent from this fund in the prior fiscal year and a proposal for how they will be spent in the fiscal year of the budget proposal.

PILOT PROGRAM OF GRANTS TO SPECIALTY SCHOOLS FOR MATHEMATICS AND SCIENCE (SEC. 5003, CHPT. 1)

The Senate amendment contained a provision to establish a competitive grant program to assist States in establishing or expanding public, statewide specialty schools that provide comprehensive mathematics, science, engineering and technology education. The provision authorized scientific and engineering staff of the National Laboratories to assist in teaching courses in statewide specialty schools in mathematics and science education, and to use National Laboratory scientific equipment in the teaching of courses. The Federal share of the costs of establishing or expanding public statewide specialty schools for mathematics and science would not exceed 50 percent. The Senate amendment provided $140 million over 4 years for these schools.

The House bill contained no similar provision.

The House recedes with an amendment authorizing a 3-year pilot program; setting a cap on the award amount and duration for each State; reducing the Federal share; clarifying the required uses of funds; and reducing the total authorization to $66.5 million over fiscal years 2008 through 2010.

The conferees intend for all 50 states to be eligible to participate in the pilot program, and that schools serve students residing in the State where the school is located and offer a high quality comprehensive math, science, engineering and technology curriculum designed to improve academic achievement in those areas. The conferees intend for the specialty schools to integrate parental involvement into curricula.

EXPERIENTIAL-BASED LEARNING OPPORTUNITIES (SEC. 5003, CHPT. 2)

The Senate amendment contained a provision to establish summer internships, including internships at the National Laboratories, for middle and high school students to promote experiential, hands-on learning in math and science. The Senate amendment provided $60 million over 4 years for these internships.

The House bill contained no similar provision.

The House recedes with an amendment to reduce the total authorization to $22.5 million over fiscal years 2008 through 2010.

The conferees do not intend for this provision to override any policies of the Department as they pertain to liability concerns with hosting minors onsite at the National Laboratories.

NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS EDUCATION (SEC. 5003, CHPT. 3)

The Senate amendment contained a provision to establish a program at each of the National Laboratories to support a Center of Excellence in Mathematics and Science at one high need public secondary school located in the region of the National Laboratory.

The House bill contained no similar provision.

The House recedes with an amendment providing the National Laboratories flexibility to designate more than 1 high-need school in the region as a Center of Excellence; clarifying the eligibility requirement for partnerships with institutions of higher education; and permitting nonprofit entities to participate in the partnerships.

The conferees intend for the institutions of higher education and any nonprofit partners in this program to have long-standing expertise in teacher training, including pre-service preparation and postgraduate professional development of teachers and other school personnel. In addition, the conferees intend that the schools and students throughout the region benefit from the Centers of Excellence through the distribution of best practices and teacher training at the Centers.

SUMMER INSTITUTES (SEC. 5003, CHPT. 4)

The Senate amendment contained a provision to establish programs of summer institutes, at both the National Laboratories and at eligible partner institutions, including universities and certain nonprofits, to strengthen the teaching skills of K-12 math and science teachers. The provision gave priority to the establishment of summer institutes that provide training to teachers from a wide range of high need school districts. The Senate amendment provided $190 million over 4 years for these institutes.

The House bill contained no similar provision.

The House recedes with an amendment clarifying the definitions of "eligible partner" and "summer institute"; establishing selection criteria for eligible partners; clarifying the assistance provided by the National Laboratories to the eligible partners; specifying the required and allowable uses of funds under this program; and reducing the total authorization to $60 million over fiscal years 2008 through 2010.

The conferees intend for this provision to create two programs. The first program would provide funds to the National Laboratories to establish or expand existing summer institutes on-site. The conferees encourage the National Laboratories to leverage the federal contribution by continuing to solicit state and local government support along with that of the private sector for these summer institutes. The second program would allow National Laboratory resources, including staff and equipment, to be used to assist eligible partner institutions seeking to establish or expand their own summer institutes. Provision of such assistance may require travel and other expenditures by the National Laboratories. However, the conferees do not intend for any of the funds authorized under this program to be made available directly to eligible partners but that funds shall be made available through the National Laboratories to the eligible partner for the costs associated with hosting an institute provided that the Department of Energy shall ensure adequate oversight of such funds. It is the intent of the conferees that the National Laboratory seek partnerships in which the National Laboratory contributes unique expertise and resources. Under the definition of eligible partners the conferees intend for the institution of higher education that provides training for teachers and principals to have strong and longstanding expertise in teacher training, including pre-service preparation and postgraduate professional development for teachers and other school personnel.

NUCLEAR SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION (SEC. 5004) AND HYDROCARBON SYSTEMS SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION (SEC. 5005)

The Senate bill contained a provision, Section 2003, Chapter 5 that would create a program of grants to institutions of higher education to create or expand research and education programs in nuclear science. The Senate provision placed the authority for this program under the newly created Director of Mathematics, Science and Engineering Education, a position reporting to the Undersecretary for Science. The Senate bill provided $139.5 million over 4 years for these grants.

The House bill contained no similar provision.

The House recedes with an amendment removing this program from the authority of the newly created Director and elevating it to the level of the Secretary; giving the Secretary more flexibility in determining the duration of grants; creating an additional program for hydrocarbon systems sciences; and reducing the overall authorizations for the program.

The conferees believe that the Office of Science and the Office of Nuclear Energy have distinct roles in supporting nuclear science research and education. Accordingly, the conferees do not intend the new program created in this provision to be a replacement for the existing University Nuclear Science and Engineering Support program authorized in Sec. 954 of the Energy Policy Act of 2005 (EPACT). In particular, the conferees believe that the Office of Nuclear Energy has the responsibility to support university research and training reactors and associated infrastructure, as described in subsection (d) of Sec. 954. In addition, while nuclear sciences has been defined broadly in Sec. 5004 to include a range of fields with varying degrees of relevance to the nuclear energy mission of the Department, it is the intent of the conferees that the Office of Nuclear Energy maintain its primary responsibility for supporting research and human infrastructure development in areas identified by the Secretary as critical to the near term nuclear energy mission. Such support may be in the form of fellowships or research grants as authorized in Sec. 954 of EPACT, or in the form of institutional grants authorized under this Act. The conferees believe that the Office of Science should participate in the new program only in support of basic sciences, which may include fields like separations chemistry that are relevant to the long-term nuclear energy research plan. The conferees encourage the Secretary to allocate responsibilities under this provision accordingly.

The conferees intend for the program of grants to institutions of higher education to create or expand research and education programs in hydrocarbon systems science authorized in Section 5005 to begin to address the decline in resources dedicated to hydrocarbons systems science education at institutions of higher education and bolster the number of graduates with degrees in hydrocarbon systems science. The conferees believe that increasing hydrocarbon systems science programs at institutions of higher education will rebuild the science and engineering capabilities of the nation in this critical energy sector. Programs to educate and create graduates of hydrocarbon systems science are needed to replace forecasted workforce shortages in this area due to retirements of aging hydrocarbon systems science professionals. The conferees seek to address this workforce challenge in the nation's energy industry.

EARLY CAREER GRANTS (SEC. 5006)

The House bill contained a provision (section 203) to award grants to scientists and engineers at the early stage of their careers in academia or in nonprofit, non-degree granting research organizations to conduct research in fields relevant to the mission of the Department, giving priority to grants expanding energy production and use through coal-to-liquids technology and advanced nuclear reprocessing. The grants provide 5 years of research funding support at a minimum of $80 thousand per year per award and are based upon merit.

The Senate amendment contained a similar provision (section 2004) to award early career grants of not more than $100 thousand annually for up to 5 years to scientists and engineers within 10 years of completing their doctorate, particularly at National Laboratories or other federally funded research and development centers.

The Senate recedes to the House provision with an amendment expanding eligibility for early career awards to include scientists at the National Laboratories; requiring an award ceiling of $125 thousand per year; [and striking the priority given to coal-to-liquids technology and advanced nuclear reprocessing.]

OFFICE OF SCIENCE AUTHORIZATION (SEC. 5007)

The Senate amendment contained a provision (section 2006) that amended section 971(b) of the Energy Policy Act (42 U.S.C. 16311(B)) by lowering the authorization for the Office of Science in fiscal year 2009 from $5.2 billion to $4.8 billion and extending the authorization out to fiscal year 2010 to $4.945 billion and fiscal year 2011 to $5.265 billion consistent with the President's American Competitiveness Initiative.

The House bill contained no similar provision.

The House recedes to the Senate with an amendment that retains the authorization levels for the Office of Science found in the Energy Policy Act of 2005 and adds an additional year of authorization in Fiscal Year 2010, increasing it to $5.814 billion.

DISCOVERY SCIENCE INSTITUTES (SEC. 5008)

The Senate amendment contained a provision (section 2007) to select, based upon merit, 3 multidisciplinary institutes centered at National Laboratories to apply fundamental science and engineering discoveries to technological innovations related to missions of the Department and the global competitiveness of the United States. The institutes would partner with institutions of higher education to train engineering students and work with private industry, state and local governments and financing entities, such as venture capital funds, to transition innovative technologies from the institutes to the private sector.

The House bill contained no similar provision.

The House recedes with an amendment striking the partnership with state and local governments as well as financing entities and limiting the funding of any one institute to three years in duration.

PROTECTING AMERICA'S COMPETITIVE EDGE FELLOWSHIPS (SEC. 5009)

The Senate amendment contained a provision (section 2008) that would award competitive, merit-based, portable fellowships not exceeding 5 years in duration to students pursuing a Ph.D. at an institution of higher education in a field relevant to the mission of the Department. Selection criteria included that the applicants be in the upper 10 percent of their class. Funding was authorized based on a fellowship of $40 thousand—$50 thousand per year, including a stipend, tuition and incidentals. The enumerated authorizations were to fund in fiscal year 2008 200 fellowships, increasing in fiscal year 2011 to 700 fellowships. A limit on a fee for a third party administrator was placed on the program to approximately 10 percent of the fellowship program.

The House bill contained no similar provision.

The House recedes with an amendment limiting the duration of the fellowship to 3 years within a 5 year period; eliminating the criterion that applicants be in the upper 10 percent of their class; removing the cap on administrative fees; and reducing the total authorization for the program such that the number of fellowships available is approximately 160 in fiscal year 2008 (assuming the same fellowship amount as above), increasing to approximately 430 in fiscal year 2010.

SENSE OF CONGRESS REGARDING CERTAIN RECOMMENDATIONS AND REVIEWS (SEC. 5010)

The Senate amendment contained a provision (section 2009) requiring the Secretary of Energy to implement the recommendations of Government Accountability Report number 04–639 and annually conduct compliance reviews of at least 2 recipients of Department grants in order to comply with Title IX of the Education Amendments of 1972.

The House bill contained no similar provision.

The House recedes with an amendment expressing a Sense of Congress that the Department comply with the recommendations of GAO report 04–639 and annually conduct reviews in accordance with Title IX of at least 2 grant recipients.

DISTINGUISHED SCIENTIST PROGRAM (SEC. 5011)

The Senate amendment contained a provision (section 2011) to establish a program to support the joint appointment of distinguished scientists by institutions of higher education and National Laboratories. The provision authorized $30 million in fiscal year 2008 to support 30 appointments, increasing to $100 million in fiscal year 2010 and 2011 to support 100 appointments at $1 million each, with a requirement for a $1 million cost-match by the institution of higher education.

The House bill contained no similar provision.

The House recedes with an amendment reducing the total authorization level to $65 million over fiscal years 2008 through 2010.

It is the intent of the conferees that the amounts authorized for each of fiscal years 2008 through 2010 support appointments at approximately $1 million with an equal or greater cost-match by the institution of higher education.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY (SEC. 5012)

The Senate amendment contained a provision (section 2005) that establishes an Advanced Research Projects Authority—Energy, enabling the Secretary acting through a Director to fund projects to overcome long-term and high-risk technological barriers to the development of energy technologies. Authorization of the authority was established based on such sum as necessary to carry out this section for Fiscal Years 2008 through 2011. An authorization for ARPA-E was previously contained in Senate bill S. 2197 in the 109th Congress at $250 million annually for Fiscal Years 2008 through 2011.

The House bill contained no such provision.

The House recedes with an amendment that establishes an Advanced Research Projects Agency—Energy, or ARPA-E, whose purpose is to fund collaborative research and development to overcome long-term or high-risk technological barriers in energy technologies that industry by itself will not undertake because of technical and financial uncertainty. ARPA-E is to be headed by a Director nominated by the President and confirmed by the Senate. The conferees expect the President to appoint an acting Director who shall have the full authority allowed to the Director under this Act, to serve from the time ARPA-E is established until the Senate acts to confirm a Director. Similar to the Defense Advanced Research Projects Agency the Director is to establish and monitor project milestones, initiate research projects quickly, and just as quickly terminate or restructure projects if such milestones are not achieved. The Director is to utilize the existing authorities granted to the Department of Energy by Congress to fund projects. Projects should be conducted through teams that utilize the talent, resources and facilities found in the nation?s universities, National Laboratories and the private sector. In the case of awards to consortia that include one or more of the National Laboratories, the conferees intend that the unique, taxpayer-funded resources and facilities of the National Laboratories be used to complement the abilities of companies, nonprofits, institutions of higher learning, or other participants in the consortia. The Director is given hiring authority to hire 70 to 120 scientific, engineering personnel to act as program managers without regard to civil service laws to quickly offer competitive salaries rivaling those of industry. Use of this hiring authority is limited to a 3 year appointment which may be extended. This ensures that technical program managers pass through ARPA-E with the intent of executing technically challenging projects during their tenure, while circulating new talent and ideas through ARPA-E. A fund is established in the United States Treasury without fiscal year limitation, for ARPA-E, to be included as a separate line item in the annual budget request to the Congress. Likewise, with this separate fund it is the intent that ARPA-E should be a semi-autonomous agency outside the Department of Energy bureaucracy, able to react quickly to the most challenging energy problems in the 21st century to reduce foreign imports of energy, develop revolutionary energy efficient and low-emitting technologies, and ensure the United States leads the world in energy technology competitiveness. The conferees intend that funding for ARPA-E be provided through the same appropriations process and subcommittee consideration used for other semi-autonomous agencies of the Department at the time of enactment of this Act. It is the strong intent of the conferees that ARPA-E should not be established at the expense of on-going programs at the Department of Energy. In particular, the conferees intend that ARPA-E be funded to the full extent practicable provided that the Office of Science, the National Nuclear Security Agency (NNSA), and laboratory directed research and development (LDRD) at the National Laboratories maintain the funding levels they would have received in the absence of ARPA-E. In this regard, the provision contains language specifying that no funds for ARPA-E shall be appropriated unless the appropriation for the Office of Science increases by inflation over Fiscal Year 2007. Authorization of appropriations for ARPA-E is established in FY 2008 at $300 million and such sums thereafter for fiscal years 2009 and 2010.

Provisions deleted

HIGH-RISK, HIGH REWARD RESEARCH

The Senate amendment contained a provision (section 2010) that required the Secretary of Energy and the Director of the United States Geological Survey to establish a grant program to conduct high-risk, high-reward research.

The House bill contained no similar provision.

The Senate recedes to the House.

FINAL STATEMENT OF MANAGERS FOR TITLE VI—EDUCATION

FINDINGS OF CONGRESS (SEC. 6001)

The Senate amendment included findings regarding the importance of improving education to ensure that the nation remains competitive in the global economy.

The House bill had no similar provision.

The House recedes.

DEFINITIONS (SEC. 6002)

The Senate amendment provided that, unless otherwise specified, all terms used in the division have the same meanings given in section 9101 of the Elementary and Secondary Education Act. It also defined critical foreign languages and the Secretary.

The House bill had no similar provision.

The House recedes.

SUBTITLE A—TEACHER ASSISTANCE

Part I—Teachers for a Competitive Tomorrow

PURPOSE (SEC. 6111)

The Senate amendment stated that the purposes of this Part were: to develop and implement programs to provide integrated courses of study in mathematics, science, engineering, or critical foreign languages, and teacher education that lead to a baccalaureate degree with concurrent teacher certification; to develop and implement master's degree programs that enhance science, mathematics, technology, or critical foreign language teachers? content knowledge and pedagogical skills; and to develop master's degree programs in education for professionals in science, mathematics or critical foreign language fields to become teachers.

The House bill had no similar provision.

The House recedes with an amendment to clarify that technology and engineering fields should be supported by the programs in this Part.

DEFINITIONS (SEC. 6112)

The Senate amendment defined Children from Low-income Families, Eligible Recipient, High-Need Local Educational Agencies, Highly Qualified, Partnership, and Teaching Skills.

The House bill had no similar provision.

The House recedes with an amendment to clarify the definition of teaching skills.

Programs for baccalaureate degrees in science, technology, engineering, mathematics, or critical foreign languages, with concurrent teacher certification (sec. 6113)

The Senate amendment authorized competitive grants that enable partnerships to develop and implement programs to provide courses of study in mathematics, science, engineering, or critical foreign language in ways that are integrated with teacher education and that lead to a baccalaureate degree with concurrent teacher certification.

The House bill had no similar provision.

The House recedes with an amendment to collect data on the retention of program graduates, placing a priority on applications with a focus on placing participants in high need local educational agencies clarifying that technology programs also should be supported and to include a rule of construction maintaining compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

PROGRAMS FOR MASTER'S DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, OR CRITICAL FOREIGN LANGUAGE (SEC. 6114)

The Senate amendment authorized competitive grants for partnerships to develop and implement 2- or 3-year part-time master's degree programs in mathematics, science, technology, or critical foreign language education for current teachers to improve their content knowledge and pedagogical skills, and programs for professionals in mathematics, science, engineering, or critical foreign languages that lead to 1-year master's degree in teaching that results in teacher certification. The partnerships consist of institutions of higher education, departments of mathematics, engineering, science or critical foreign languages, teacher preparation programs and high-need local educational agencies and their schools.

The House bill had no similar provision.

The House recedes with an amendment that technology and engineering fields should be supported by both programs.

GENERAL PROVISIONS (SEC. 6115)

The Senate amendment includes provisions requiring the programs under sections 6113 and 6114 to provide grants for five years, require applicants to provide matching funds and ensure that grants supplement existing state and federal funding. The Secretary is also required to evaluate the programs and provide an annual report to Congress.

The House bill had no similar provision.

The House recedes with an amendment to change House Committee on Education and the Workforce to House Committee on Education and Labor.

AUTHORIZATION OF APPROPRIATIONS (SEC. 6116)

The Senate amendment authorized $210,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years, of which 57.1 percent will be available to carry out section 3113 for fiscal year 2008 and each succeeding fiscal year; and 42.9 percent will be available to carry out section 3114 for fiscal year 2008 and each succeeding fiscal year.

The House bill had no similar provision.

The House recedes with an amendment changing the amounts authorize to $276 million for fiscal year 2008 and such sums for the two succeeding years, with $151,200,000 for section 6113 and $125,000,000 for section 6114.

PART II—ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS

PURPOSE (SEC. 6121)

The Senate amendment stated that the purpose of the section was to increase the number of students taking Advanced Placement (AP) and International Baccalaureate (IB) classes and to increase the number of students passing AP and IB tests, and to increase the number of qualified AP and IB teachers serving in high-need schools teaching mathematics, science, and critical foreign languages.

The House bill had no similar provision.

The House recedes.

DEFINITIONS (SEC. 6122)

The Senate amendment defined Advanced Placement or International Baccalaureate courses as courses of college-level instruction provided to middle or secondary school students, terminating in an examination administered by the College Board or the International Baccalaureate Organization, or another highly rigorous, evidence-based, postsecondary preparatory program terminating in an examination administered by another nationally recognized educational organization that has a demonstrated record of effectiveness in assessing secondary school students.

The House had no similar provision.

The House recedes with an amendment to update the definition to include the additional program that may be allowed and to strike the reference to middle school students from the definition because such students are included in the definition of "secondary school" students used in this bill.

ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS (SEC. 6123)

The Senate amendment authorized competitive grants to expand access to AP and IB and pre-AP and pre-IB classes and to increase the number of qualified AP and IB teachers in high-need schools. The Senate amendment outlined allowable uses of funds, terms of grants and application requirements. It also authorized appropriations of $58,000,000 for fiscal year 2008 and such sums as may be necessary for each of the three succeeding fiscal years.

The House had no similar provision.

The House recedes with an amendment to change the reference to the House Committee on Education and the Workforce to the House Committee on Education and Labor and to increase the authorized appropriation to $65,000,000 for 2008 and such sums for each of the next 2 succeeding fiscal years. The amendment also places a priority on grant applications that increase the number of students in high need schools who participate in and pass IB and AP courses.

PART III—PROMISING PRACTICES IN MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING TEACHING

PROMISING PRACTICES (SEC. 6131)

The Senate amendment authorized the Secretary of Education to contract with the National Academy of Sciences to convene a national panel within a year after the enactment of this Act to identify promising practices in the teaching of science, technology, engineering and mathematics in elementary and secondary education. Scientists, practitioners, teachers, principals, and representatives from entities with expertise in education, mathematics, and science would participate in the panel.

The House bill had no similar provision.

The House recedes with an amendment clarifying the provision, including that promising practices identified under this program should be grounded in scientifically valid research as that term is defined in the Higher Education Act of 1965. The House amendment also authorizes appropriations of $1,200,000 for fiscal year 2008.

SUBTITLE B—MATHEMATICS

MATH NOW FOR ELEMENTARY SCHOOL AND MIDDLE SCHOOL STUDENTS PROGRAM (SEC. 6201)

The Senate amendment authorized a grant program to improve instruction in elementary and middle school mathematics and provided targeted help for students struggling with mathematics to reach or exceed grade-level academic achievement standards. Grants would be awarded to implement mathematics instructional materials and interventions, provide professional development activities, and monitor the progress of students in mathematics. State educational agencies would be awarded grants on a competitive basis to enable them to award grants to eligible local educational agencies. Priority would be given to applications for projects that would implement statewide strategies for improving mathematics instruction and raising the mathematics achievement of students, particularly those in grades 4 through 8. The provision requires a match, but the Secretary is given the authority to waive all or part of it in cases of serious hardship. The section authorized $146,700,000 for fiscal year 2008, and such sums as may be necessary for each of the three succeeding fiscal years.

The House bill had no similar provision.

The House recedes with an amendment to decrease the duration of the grants from five years to three years and to authorize $95,000,000 in fiscal year 2008 and such sums in the succeeding two, not three, years. The amendment also requires the Secretary of Education to establish a screening process to ensure that those providing technical assistance to states and school districts under this program do not have financial interests in the products, activities or services that grant recipients might purchase with grant funding.

SUMMER TERM EDUCATION PROGRAMS (SEC. 6202)

The Senate amendment authorized the Secretary of Education to provide grants to support summer learning opportunities for low income students in the fields of mathematics, technology, and problem-solving to mitigate learning losses experienced over the summer. The Senate bill authorized such sums as may be necessary for fiscal years 2008 through 2012.

The House bill had no similar provision.

The House recedes with an amendment to authorize such sums as may be necessary to carry out the program for 2008 and each of the succeeding two succeeding fiscal years.

MATH SKILLS FOR SECONDARY SCHOOL STUDENTS (SEC. 6203)

The Senate amendment authorized the Secretary of Education to provide grants supporting the following activities: (1) assistance to State and local education agencies in implementing research-based mathematics programs for students in secondary schools; (2) improving the instruction of mathematics programs based on best practices; (3) providing targeted help to low-income students who are struggling with mathematics; and (4) providing in-service training to instructors to improve the teaching of mathematics to students.

The House bill had no similar provision.

The House recedes with an amendment to decrease the duration of the grants from a period of four years to a period of three years and to authorize $95,000,000 for fiscal year 2008 and such sums for the succeeding two, not three, fiscal years. The amendment also requires the Secretary of Education to establish a screening process that would ensure that those providing technical assistance to states and school districts under this program do not have financial interests in the products, activities or services that recipients could purchase with grant funding.

PEER REVIEW OF STATE APPLICATIONS (SEC. 6204)

The Senate amendment banned conflict of interests for those reviewing grant applications for the Math Now program (sec. 3201).

The House bill had no similar provisions.

The House recedes with an amendment adding a section prohibiting conflicts of interest and establishing a screening process for identifying such conflicts under the Math Now and Math Skills programs. The amendment requires the Secretary of Education to establish peer review panels to review State applications and further requires that the Secretary and the Office of General Counsel establish a process for screening reviewers to prevent conflicts arising from professional connections to teaching methodologies, connections to state programs, or financial interests. The amendment requires that the review process be transparent and that reviewer's reports be available to the public but not reveal any personally identifiable information about the reviewer. However, State educational agencies shall have the opportunity for direct interaction with the review panel including the disclosure of the identities of the reviewers.

SUBTITLE C—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

FINDINGS AND PURPOSE (SEC. 6301)

The Senate amendment included findings regarding the shortage of skilled professionals with higher levels of proficiency in foreign language and the need to provide language instruction at younger ages, starting in elementary school and carrying through to postsecondary education. The Senate amendment stated that the purpose of the subtitle was to significantly increase both the opportunities to study critical foreign languages programs and the number of students who obtain the highest levels of foreign language proficiency.

The House bill had no similar provision.

The House recedes.

DEFINITIONS (SEC. 6302)

The Senate amendment contained definitions for eligible recipient and superior level of proficiency.

The House bill had no similar provision.

The House recedes with an amendment to revise the definition of the term 'eligible entity' to mean an entity mutually agreed upon by a partnership that shall receive grant funds under this subtitle on behalf of the partnership for use in carrying out the activities assisted under this title.

PROGRAM AUTHORIZED (SEC. 6303)

The Senate amendment authorizes a competitive grant program to enable institutions of higher education and local educational agencies working in partnership to establish articulated programs of study in critical foreign languages so that students from elementary school through postsecondary education can advance their knowledge successfully and achieve higher levels of proficiency in a critical foreign language.

The House bill had no similar provision.

The House recedes with an amendment to change the reference to the House Committee on Education and the Workforce to the House Committee on Education and Labor. The amendment also requires that the evaluation required by the Senate bill identify best practices on teaching and learning of foreign languages. The amendment also clarifies that 2 of the 5 years of the grant duration may be used for planning and development.

AUTHORIZATION OF APPROPRIATIONS (SEC. 6304)

The Senate amendment authorizes $22,000,000 for fiscal year 2008 and such sums as may be necessary for each of the three succeeding fiscal years.

The House bill had no similar provision.

The House recedes with an amendment to authorize $28,000,000 for fiscal year 2008 and such sums as may be necessary for each of the succeeding two, not three, fiscal years.

SUBTITLE D—ALIGNMENT OF EDUCATION PROGRAMS

ALIGNMENT OF SECONDARY SCHOOL GRADUATION REQUIREMENTS WITH THE DEMANDS OF 21ST CENTURY POSTSECONDARY ENDEAVORS AND SUPPORT FOR P–16 EDUCATION DATA SYSTEMS (SEC. 6401)

The Senate amendment authorized the Secretary of Education to award competitive grants to States to promote better alignment of elementary and secondary education with the knowledge and skills needed to succeed in academic credit-bearing coursework in institutions of higher education, in the 21st century workforce and in the Armed Forces. The Senate amendment also authorized competitive grants to support the establishment or improvement of statewide P–16 educational longitudinal data systems to assist States in improving the rigor and quality of content knowledge requirements and assessments, ensure that students are prepared to succeed in postsecondary endeavors, and enable States to have valid and reliable information to inform education policy and practice. The Senate amendment authorized $100,000,000 for fiscal year 2008, and such sums as may be necessary for fiscal year 2009.

The House bill had no similar provision.

The House recedes with an amendment to add the requirement that access to personally identifiable information be limited by the provisions of the General Education Provisions Act (20 USC 1232g) and to authorize $120,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal year 2009.

SUBTITLE E—MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS

MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS (SEC. 6501)

The Senate amendment directed the Secretary of Education to award grants of $50,000 to three elementary and three secondary schools, each of which has a high concentration of low income students, in each State whose students demonstrate the largest improvement in mathematics and science.

The House bill had no similar provision.

The House recedes.

AUTHORIZATION OF APPROPRIATIONS (SEC. 6502)

The Senate amendment authorized such sums as may be necessary for fiscal years 2008-2011 to carry out the activities under Title V.

The House bill had no similar provision.

The House recedes with an amendment to authorize such sums as may be necessary for fiscal year 2008 and each of the two succeeding fiscal years.

TITLE VII—NATIONAL SCIENCE FOUNDATION

DEFINITIONS (SEC. 7001)

The House bill contained a provision (sec. 302) that defined a number of terms used in this Title.

The Senate amendment contained no similar provision.

The Senate recedes with the addition of a definition for the term basic research.

TOTAL AMOUNT AND LENGTH OF NSF AUTHORIZATION (SEC. 7002)

The House bill contained a provision authorizing total appropriations for NSF as follows: $6.5 billion for FY 2008, $6.98 billion for FY 2009, and $7.49 billion for FY 2010 (sec. 303).

The Senate amendment contained a provision authorizing total appropriations as follows: $6.73 billion for FY 2008, $7.74 billion for FY 2009, $8.9 billion for FY 2010, and $10.2 billion for FY 2011 (sec. 4001).

The Conference substitute provides $6.6 billion for FY 2008, $7.33 billion for FY 2009, and $8.13 billion for FY 2010, which would place NSF on a path to achieve budget doubling in approximately 7 years (sec. 7002).

The conferees intend that the rate of budget increase for the education activities supported by NSF keep pace with the rate of increase for the research activities for FY 2009 and beyond.

RESEARCH AND RELATED ACTIVITIES (R&RA) AUTHORIZATION (SEC. 7002)

The House bill contained a provision authorizing appropriations for Research and Related Activities (R&RA) as follows: $5.08 billion for FY 2008, of which $115 million is provided for Major Research Instrumentation (MRI); $5.46 billion for FY 2009, of which $123.1 million is provided for MRI; and $5.86 billion for FY 2010, of which $131.7 million is provided for MRI (sec. 303). In addition, the provision required NSF to increase funding for Research Experiences for Undergraduates (REU) in proportion to appropriations received for R&RA (sec. 303(g)); and required NSF to allocate at least 3.5 percent of appropriations received for R&RA for the CAREER program (sec. 202).

The Senate amendment contained no provision for authorizing the overall R&RA budget. However, it contained authorization amounts for specified programs: for the Professional Science Master's program, it provided $15 million for FY 2008, $18 million for FY 2009, and $20 million for each of FY 2010 and FY 2011 (sec. 4004); for the EPSCoR program, it provided $125 million for FY 2008 and provided for increases above that amount in proportion to overall appropriations increases in each year thereafter (sec. 4008); and for communications technology research, it provided $45 million for FY 2008, $50 million for FY 2009, $55 million for FY 2010, and $60 million for FY 2011 (sec. 4011).

The Senate recedes on sections 303(g) and 202 with an amendment to authorize specific amounts for REU and CAREER. The Conference substitute (sec. 7002) provides the following authorizations of appropriations for R&RA:

- $5.156 billion for FY 2008, of which $115 million is provided for Major Research Instrumentation (MRI), $165.4 million for early-career (CAREER) grants, $61.6 million for Research Experiences for Undergraduates (REU), $120.0 million for Experimental Program to Stimulate Competitive Research (EPSCoR), $47.3 million for the R&RA share of the Integrated Graduate Education and Research Traineeship (IGERT) program, $9.0 million for the R&RA share of the Graduate Research Fellowship (GRF) program, and $10.0 million for the Professional Science Masters (PSM) program.
- $5.742 billion for FY 2009, of which $123.1 million is provided for MRI, $183.6 million for CAREER grants, $68.4 million for REU, $133.2 million for EPSCoR, $52.5 million for the R&RA share of IGERT, $10.0 million for the R&RA share of GRF, and $12.0 million for PSM.
- $6.401 billion for FY 2010, of which $131.7 million is provided for MRI, $203.8 million for CAREER grants, $75.9 million for REU, $147.8 million for EPSCoR, $58.3 million for the R&RA share of IGERT, $11.1 million for the R&RA share of GRF, and $15.0 million for PSM.

SUMMARY OF R&RA AUTHORIZATIONS, IN MILLIONS OF DOLLARS

	FY08	FY09	FY10
R&RA	5156	5742	6401
MRI	115	123.1	131.7
CAREER	165.4	183.6	203.8
REU	61.6	68.4	75.9
EPSCoR	120.0	133.2	147.8
IGERT	47.3	52.5	58.3
GRF	9.0	10.0	11.1
PSM	10.0	12.0	15.0

EDUCATION AND HUMAN RESOURCES (EHR) AUTHORIZATION (SEC. 7002)

The House bill contained a provision authorizing appropriations for Education and Human Resources (EHR) as follows (sec 303):

- $873 million for FY08, of which $94 million was provided for Math and Science Partnerships (MSP), $70 million for the Noyce Scholarship Program (Noyce), $44 million for the STEM Talent Expansion Program (STEP), and $51.6 million for the Advanced Technological Education (ATE) program.
- $934 million for FY09, of which $100.6 million was provided for MSP, $101 million for Noyce, $55 million for STEP, and $55.2 million for ATE.
- $1.003 billion for FY10, of which $107.6 million was provided for MSP, $133 million for Noycé, $60 million for STEP, and $59.1 million for ATE.

In addition, the House bill required NSF to increase funding for undergraduate education programs in proportion to appropriations received for the entire Foundation (sec. 303(e)); and required NSF to support activities to create informal educational materials relevant to global warming (sec: 303(h)).

The Senate amendment contained a provision authorizing $1050 million for EHR for FY08, with the rate of increase for the three subsequent years equal to the rate of increase for the entire Foundation (sec 4002). It also authorized specific amounts for the following programs:

- For STEP, provided $40 million for FY08; $45 million for FY 09, $50 million for FY 10, and $55 million for FY 11 (sec. 4005);
- For Noyce, provided $117 million for FY 08, $130 million for FY 09, $148 million for FY 10, and $200 million for FY 11 (sec. 4012);
- For the Teacher Institutes for the 21st Century, provided $84 million for FY 08, $94 million for FY 09, $106 million for FY 10, and $140 million for FY 11 (sec. 4014)

The House recedes to the Senate on sections 303 (e) and (h). The Conference substitute provides (sec. 7002):

- $896.0 million for FY 2008, of which $100.0 million is provided for MSP, $89.8 million for

Noyce, $40.0 million for STEP, $52.0 million for ATE, $27.1 million for the EHR share of the Integrated Graduate Education and Research Traineeship (IGERT) program, and $96.6 million for the EHR share of the Graduate Research Fellowship (GRF) program.

- $995.0 million for FY 2009, of which $111.0 million is provided for MSP, $115.0 million for Noyce, $50.0 million for STEP, $57.7 million for ATE, $30.1 million for the EHR share of the IGERT, and $107.2 million for the EHR share of GRF.
- $1.104 billion for FY 2010, of which $123.2 million is provided for MSP, $140.5 million for Noyce, $55.0 million for STEP, $64.0 million for ATE, $33.4 million for the EHR share of the IGERT, and $119.0 million for the EHR share of GRF.

The conferees intend that a significant proportion of the appropriation for the Math and Science Partnerships be used to support the Teacher Training Institutes for the 21st Century (sec. 7029).

SUMMARY OF EHR AUTHORIZATIONS, IN MILLIONS OF DOLLARS

	FY08	FY09	FY10
EHR	896.0	995.0	1104.0
MSP	100.0	111.0	123.2
Noyce	89.8	115.0	140.5
STEP	40.0	50.0	55.0
ATE	52.0	57.7	64.0
IGERT	27.1	30.1	33.4
GRF	96.6	107.2	119.0

OTHER PROGRAMS AUTHORIZATIONS (SEC. 7002)

The House bill (sec. 303) contained a provision authorizing appropriations for other accounts as follows:

- For FY 2008, $245.0 million for Major Research Equipment and Facilities Construction (MREFC), $285.6 million for the Agency Operations & Award Management (AOAM), $4.05 million for the National Science Board (NSB), and $12.35 million for the Office of the Inspector General (IG).
- For FY 2009, $262.0 million for MREFC, $309.8 million for the AOAM, $4.12 million for NSB, and $12.72 million for the IG.
- For FY 2010, $280.0 million for MREFC, $329.5 million for the AOAM, $4.25 million for NSB, and $13.1 million for the IG.

The Senate amendment contained no similar provision.

The Conference Substitute provides (sec. 7002):

- For FY 2008, $245.0 million for MREFC, $286.6 million for AOAM, $4.05 million for NSB, and $12.35 million for the IG.
- For FY 2009, $262.0 million for MREFC, $309.8 million for the AOAM, $4.19 million for NSB, and $12.75 million for the IG.
- For FY 2010, $280.0 million for MREFC, $329.5 million for the AOAM, $4.34 million for NSB, and $13.21 million for the IG.

SUMMARY OF NSF AUTHORIZATIONS OTHER THAN R&RA OR EHR, IN MILLIONS OF DOLLARS

	FY08	FY09	FY10
MREFC	245.0	262.0	280.0
AOAM	285.6	309.8	329.5
NSB	4.05	4.19	4.34
IG	12.35	12.75	13.21

REAFFIRMATION OF THE MERIT-REVIEW PROCESS OF THE NATIONAL SCIENCE FOUNDATION (SEC. 7003)

The House bill contained no provision.

The Senate amendment contained a provision clarifying that the Act does not change NSF?s merit-review system or peer review process (sec. 4007).

The House recedes.

SENSE OF THE CONGRESS REGARDING THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAMS OF THE DEPARTMENT OF EDUCATION AND THE NATIONAL SCIENCE FOUNDATION (SEC. 7004)

The House bill contained a provision expressing a sense of the Congress that the Math and Science Partnerships programs at NSF and the Department of Education are complementary and not duplicative and that the two agencies should have ongoing collaboration to ensure the two programs continue to work in concert (sec. 319).

The Senate amendment contained a provision expressing a sense of the Senate with language identical to the House provision (sec. 4013).

The Senate recedes.

CURRICULA (SEC. 7005)

The House bill contained a provision clarifying that nothing in the Act limits the authority of state or local governments to determine curricula (sec. 124).

The Senate amendment contained no similar provision.

The Senate recedes.

CENTERS FOR RESEARCH ON LEARNING AND EDUCATION IMPROVEMENT (SEC. 7006)

The House bill contained a provision requiring NSF to continue funding Centers for Research on Learning and Education Improvement (sec. 304).

Senate amendment contained no similar provision.

The Senate recedes.

INTERDISCIPLINARY RESEARCH (SEC. 7007)

The House bill contained a provision requiring the National Science Board to evaluate NSF's role and effectiveness in supporting interdisciplinary research and to report to Congress on its findings (sec. 305).

The Senate amendment contained no similar provision.

The Senate recedes.

POSTDOCTORAL RESEARCH FELLOWS (SEC. 7008)

The House bill contained a provision requiring all research proposals that support postdoctoral researchers to include a description of the mentoring activities that will be provided and to require that this aspect of the proposal be evaluated under NSF's "broader impacts" criterion (sec. 308). It also required that the grant annual and final reports describe the mentoring activities that were provided

The Senate amendment contained no similar provision.

The Senate recedes.

RESPONSIBLE CONDUCT OF RESEARCH (SEC. 7009)

The House bill contained a provision requiring institutions funded by NSF to provide training in the responsible conduct of research to students participating in research projects (sec. 309).

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees recognize that what constitutes "appropriate training" may not be the same for undergraduate students as for graduate students or postdocs. The conferees prefer to give NSF maximum flexibility in determining the full range of activities that would constitute appropriate training; however, the conferees do expect NSF to promptly develop and provide written guidelines and/or templates for universities to follow so that compliance can be verified by all parties. The conferees intend for NSF, when developing guidelines, to consider the financial impact that these measures will have on institutions and seek to minimize such impacts accordingly.

REPORTING OF RESEARCH RESULTS (SEC. 7010)

The House bill contained a provision requiring NSF to make available to the public in electronic form final project reports and citations to NSF-funded research (sec. 310).

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees intend for NSF to provide to the public a readily accessible summary of the outcomes of NSF-sponsored research projects. In addition to citations to journal publications, the conferees intend for NSF to make available research project summaries, not including any proprietary or otherwise sensitive information.

SHARING RESEARCH RESULTS (SEC. 7011)

The House bill contained a provision making investigators who fail to comply with existing NSF policy on sharing of research results ineligible for future NSF awards until they come into compliance (sec. 311).

The Senate amendment contained no similar provision.

The Senate recedes.

In deciding if and when to reinstate eligibility, the conferees urge the Director to weigh heavily whether the research results being requested were withheld deliberately and were critical to a policy decision being made at the time of the denied request.

FUNDING FOR SUCCESSFUL SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION PROGRAMS (SEC. 7012)

The House bill contained a provision authorizing NSF to exempt from re-competition and renew for up to 3 years, with the possibility of a second extension of 3 years, grants that are for teacher professional development or that have the primary purpose of increasing diversity in STEM fields. Such grant extensions are to be based on the success of the project in meeting the objectives of the initial grant proposal (sec. 312).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to allow only one extension of a grant under this exemption for a total of 3 years beyond the initial period of support.

COST SHARING (SEC. 7013)

The House bill contained a provision requiring the National Science Board to evaluate and report to Congress on the impact of its ruling to eliminate all cost-sharing for NSF's awards as it affects programs that involve industry partnerships and historically have required industry cost sharing (sec. 313).

The Senate amendment contained no similar provision.

The Senate recedes.

ADDITIONAL REPORTS (SEC. 7014)

The House bill contained a provision requiring the National Science Board to report to Congress on options for supporting the cost of detailed design for major research facilities construction projects; requiring NSF to include plans for polar research facilities in its annual facilities report; requiring NSF to report on education programs carried out through the research directorates' programs; requiring NSF to report on the success rates and distribution of awards by type of institution under the Research in Undergraduate Institutions program; and requiring NSF to provide an annual plan for all its STEM education activities (sec. 315).

The Senate amendment contained no similar provision.

The Senate recedes.

ADMINISTRATIVE AMENDMENTS (SEC. 7015)

The House bill contained a provision changing from annual to triannual the Inspector General's audit requirement for assessing the compliance of the National Science Board with the Government in Sunshine Act; authorizing the NSB to employ individuals in rotator positions; and authorizing up to 3 Waterman awards in any year (sec. 316).

The Senate amendment contained no similar provision.

The Senate recedes.

NATIONAL SCIENCE BOARD REPORTS (SEC. 7016)

The House bill contained a provision requiring certain NSB reports to be submitted directly to Congress (sec. 317).

The Senate amendment contained no similar provision.

The Senate recedes.

PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986 AMENDMENT (SEC. 7017)

The Senate amendment contained no provision.

The House bill contained no provision.

The Conferees agree to include a provision amending the Program Fraud and Civil Remedies Act (PFCRA) to include NSF. This provision will authorize the agency to recover funds and assess penalties under PFCRA's provisions.

MEETING CRITICAL NATIONAL SCIENCE NEEDS (SEC. 7018)

The House bill contained no similar provision.

The Senate amendment contained a provision requiring NSF to give priority in making research awards to proposals that assist in meeting critical national needs by advancing physical or natural science, technology, engineering, mathematics, or national competitiveness or innovation and specifying that the provision does not inhibit NSF's support for other areas of research that are within the agency's mandate or change the core mission of NSF (sec. 4006).

The House recedes with an amendment to add social sciences to the list of priority areas for making research awards and to add safety and security as areas of critical national needs.

The conferees cite the National Academies "Rising Above the Gathering Storm Report" on which this Act is based in calling attention to the unique contribution of research in the social sciences, which have "increased understanding of the nature of competent performance and the principles of knowledge organization that underlie people's abilities to solve problems in a wide variety of fields, including mathematics and science." The conferees further agree with the statement in the report that "special investment in physical sciences, engineering, mathematics and information sciences does not mean that there should be a disinvestment in such important fields as the life sciences or the social sciences." It is the intent of the conferees to ensure support for research in areas that will address the critical national needs identified in the "Gathering Storm" report. The conferees do not intend the language contained in subsections (a) and (b) of this provision to in any way devalue the contributions of other fields or to signal any desire on the part of the conferees to disinvest in any field currently supported by the Foundation, as is made clear in subsection (c).

RESEARCH ON INNOVATION AND INVENTIVENESS (SEC. 7019)

The House bill contained a provision authorizing NSF to support research on the process of innovation and the teaching of inventiveness as part of its research programs on science policy and the science of learning (sec. 207).

The Senate amendment contained no similar provision.

The Senate recedes.

CYBERINFRASTRUCTURE (SEC. 7020)

The House bill contained no similar provision.

The Senate amendment contained a provision requiring NSF to develop a plan that describes the status of broadband access for scientific research purposes for institutions in EPSCoR-eligible jurisdictions (sec. 4010).

The House recedes with amendment to expand the report to include all rural areas and minority-serving institutions.

PILOT PROGRAM OF GRANTS FOR NEW INVESTIGATORS (SEC. 7021)

The House bill contained a provision establishing a pilot program of one-year seed grants for new investigators whose research proposals are rated "excellent" or "very good" but who are nevertheless not funded, specifying that grants are to support the eligible individuals in generating additional data and performing additional analysis to enable them to submit strengthened proposals to NSF. The provision also required the National Science Board to evaluate the program and report to Congress within 3 years with any recommendations regarding the pilot program (sec. 306).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment authorizing such seed grants only for new investigators whose initial, unsuccessful proposals are rated "excellent" and requiring the Board's report to Congress to state explicitly whether the pilot program should be continued or terminated.

BROADER IMPACTS MERIT REVIEW CRITERION (SEC. 7022)

The House bill contained a provision requiring NSF, in applying its "broader impacts" criterion in evaluating research proposals, to give special consideration to proposals involving partnerships with industry and to encourage proposals that involve partnerships with industry, including cost-sharing by industrial partners (sec. 307).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment specifying that NSF must consider as appropriate, among other types of possible activities for meeting its broader impacts criterion, proposals involving partnerships with industry and deleting language in the House bill on encouraging proposals involving industry partnerships.

The conferees affirm that the primary mission of NSF is to support discovery research, research that asks questions about how the world works before any particular problem or application has been identified. In specifying that research proposals involving partnerships with industry should be considered as appropriate for meeting the requirements of the "broader impacts" proposal review criterion, the conferees do not intend to devalue other appropriate activities, such as promoting learning or broadening participation in STEM fields. The conferees simply point out that industry interest and involvement in proposed basic research projects is one indication of the potential value of the research and may arise in areas important to innovation and technological competitiveness, such as nanotechnology or information technology.

DONATIONS (SEC. 7023)

The House bill contained a provision authorizing NSF to accept private funds for specific prize competitions (sec. 314).

The Senate amendment contained no similar provision.

The Senate recedes with amendment to ensure that prizes are for "basic research".

HIGH-PERFORMANCE COMPUTING AND NETWORKING (SEC. 7024)

The House bill contained a provision amending the High-Performance Computing Act of 1991 to clarify the program's goals and content; to require a regularly updated plan for the development and deployment of high-end computing systems; and to reestablish a dedicated external advisory committee for the interagency program and specify its responsibilities (sec. 501 and 502).

The Senate amendment contained a provision authorizing a communications research grant program; establishing a board within the NSF to oversee the research program; authorizing university-based research centers; and authorizing appropriations for the program (sec. 4011).

The conference agreement accepts the House amendments to the 1991 Act with minor language changes. The Senate provision is replaced with a requirement for the interagency program carried out under the 1991 Act to support communications research in areas designated by section 4011 and to report to Congress annually on the funding allocated to these areas. NSF is directed to increase funding for these research areas in proportion to appropriations received for its research and related activities account. The House recedes on the centers program, and the Senate recedes on creation of the new board.

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS TALENT EXPANSION PROGRAM (SEC. 7025)

The House bill contained a provision amending the NSF STEM Talent Expansion Program (STEP) to create centers for improvement of undergraduate education in STEM fields, specifying that centers may support activities to help train faculty and graduate students to be more effective teachers and to develop more effective educational materials and methods targeted for undergraduate instruction (sec. 125).

The Senate amendment contained a provision amending the STEP Program to establish outreach programs for middle and high school students and teachers to expand their exposure to engineering and technology; provide summer internships for STEM undergraduate students; facilitate hiring of STEM faculty; and provide programs that bridge the transition to college for students from underrepresented groups (sec. 4005).

The conference agreement amends the STEP Program to establish a grant program to create up to 5 centers for the improvement of undergraduate STEM education. It also amends the current program to make the changes included in the Senate amendment, except the provision regarding hiring of faculty.

LABORATORY SCIENCE PILOT PROGRAM (SEC. 7026)

The House bill contained a provision establishing a "Partnerships for Access to Laboratory Science" (PALS) program at NSF to determine how best to integrate laboratory experiences with STEM classroom instruction in secondary schools. The provision specified that the pilot program should support teacher training, development of instructional programs, and acquisition and maintenance of equipment. The provision required a 50 percent cost-share from non-Federal sources (sec. 128).

The Senate amendment contained a provision establishing a program that is similar to that in the House bill, except that it included a sunset provision that would terminate the program after FY 2011 and required a 70 percent cost-share from non-Federal sources (sec. 4015).

The Senate recedes with an amendment requiring a 60 percent cost-share from non-Federal sources and including a provision to sunset the program after FY 2010.

STUDY ON LABORATORY EQUIPMENT DONATIONS FOR SCHOOLS (SEC. 7027)

The House bill contained a provision directing NSF to report to Congress on the extent to which institutions of higher education are donating used laboratory equipment to schools (sec. 129).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to extend the study on donations of equipment to include other private sector entities.

MATHEMATICS AND SCIENCE EDUCATION PARTNERSHIPS AMENDMENTS (SEC. 7028)

The House bill contained a provision amending the Math and Science Partnerships program (sec. 121), authorizing the development of master's degree programs for in-service teachers, after school and summer programs, mentoring programs for teachers and students involved in STEM college-preparatory courses, and development of curriculum tools for teaching innovation. The provision also amended the program by setting award size limits and requiring the identification and reporting of model projects ready for wider replication. An additional provision required NSF to develop a master's degree program for in-service teachers through the Math and Science Partnerships program (sec. 123).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment striking the authorization for the master's degree program for teachers, the limits on award size, and the requirement for identification and reporting of model programs. The House recedes on the section 123 provision.

The conferees strongly support the creation of master's degree programs for in-service teachers to improve content knowledge in science, technology, engineering and mathematics and include a provision to fund such programs in section 6114 of this bill.

NATIONAL SCIENCE FOUNDATION TEACHER INSTITUTES FOR THE 21ST CENTURY (SEC. 7029)

The House bill contained a provision directing NSF to establish a grant program to support teacher institutes and authorizing grantees under the Teacher Institutes for the 21st Century program to carry out summer teacher institutes (sec. 122).

The Senate amendment contained a provision authorizing the Teacher Institutes for the 21st Century program at NSF to provide professional development for math and science teachers in high-need schools (sec. 4014).

The House recedes with an amendment to specify what comprise "high-need subjects" and to clarify how priorities are established for the institutes.

ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM (SEC. 7030)

The House bill contained a provision stating as a policy objective the education of 10,000 highly qualified K–12 science, technology, engineering and mathematics (STEM) teachers each year (sec. 113). The bill also amended and expanded the NSF Noyce Teacher Scholarship Program as follows (sec. 114): required collaboration between science and education faculty to establish STEM teacher education programs, required early classroom experiences for teachers in training, increased scholarships and stipends to at least $10,000 per year, and allowed for up to 3 years of scholarship support, beginning with the sophomore year. Further, it replaced the requirement for Noyce Scholars to serve their teaching obligation in high-need schools with an incentive for teaching in such schools; changed from 4 to 5 the number of years within which Noyce Scholars must graduate with certification to teach; and created a new partnership program for attracting STEM professionals to teaching careers and provides for salary supplements for such individuals, from non-Federal sources through the partnership, during the period of their teaching obligation.

The Senate amendment contained a provision amending and expanding the NSF Noyce Teacher Scholarship Program in a way similar to the House bill, except: it established NSF Teaching Fellowships for attracting accomplished STEM professionals to teaching and NSF Master Teaching Fellowships for creating master teachers from among current exemplary STEM teachers having master's degrees (in each case providing salary supplements for the teaching obligation period); required a 50 percent cost share from non-Federal funds for all types of Noyce awards; required that teaching obligations be served in high-need schools; and limited scholarships to 2 years (sec. 4012).

The conference agreement amends and expands the Noyce program: requires collaboration between science and education faculty to establish STEM teacher education programs, requires early classroom experiences for teachers in training, increases scholarships and stipends to at least $10,000 per year, and allows for up to 3 years of scholarship support, beginning with the junior year. In addition it retains the requirement for Noyce Scholars to serve their teaching obligation in high-need schools; changes from 4 to 5 the number of years within which Noyce Scholars must graduate with certification to teach; and creates a new partnership program for attracting STEM professionals to teaching careers (NSF Teaching Fellows) and for preparing master teachers (NSF Master Teaching Fellows). The agreement specifies that annual scholarship, stipend, and fellowship awards may be granted on a pro-rated basis to students in school part time and that scholarship and stipend recipients' service obligation is based on the number of full annual scholarships or stipends received, regardless of the number of years over which such amounts are pro-rated. For the two fellowship programs, the agreement requires 50 percent cost sharing from non-federal sources and the provision for salary supplements for fellows during the period of their teaching obligation. The House recedes on the section 113 provision.

The agreement also clarifies the process for repayment in the event that scholarship, stipend, or fellowship recipients fail to maintain good status in the program or fail to meet their service requirements. The conferees intend that the Director consult with the Secretary of Education in developing policies regarding the effective enforcement of the service requirement under this section. The conferees note that the changes made in the system of repayment collection are intended to clarify such system but do not presume the creation of an entirely new system of repayment collection.

The conferees anticipate that the Noyce program will grow to become a major source of effective STEM teachers, which is the reason for the large increases in authorizations of appropriations provided for the program. The conferees have required that teachers educated through the Noyce program carry out their teaching obligations in high-need schools because survey results have documented that such schools have the highest percentages of poorly qualified STEM teachers on their faculties. This requirement is appropriate during the period of initial growth of the Noyce program but the conferees intend for this national program to benefit all students. As the scale of the program grows and the numbers of teachers educated under the program increases substantially, the conferees expect this policy to be reviewed in 2 years and when the program is next reauthorized to ensure that all children have equal access to high-quality teachers with strong subject matter knowledge.

The conferees note that eligibility for awards under the Noyce program includes 2-year colleges and that such institutions are specifically included among the institutions that may form partnerships for carrying out the NSF Teaching Fellowship and NSF Master Teaching Fellowship programs. The conferees urge NSF, in soliciting applications for awards under the Noyce program, to encourage participation by 2-year institutions.

ENCOURAGING PARTICIPATION (SEC. 7031)

The House bill contained had no similar provision.

The Senate amendment contained a provision establishing at 2-year colleges a mentoring program to increase the participation of women in STEM fields, including recruiting and training of mentors.

The House recedes with an amendment to place the program within the existing NSF Advanced Technological Education program.

NATIONAL ACADEMY OF SCIENCES REPORT ON DIVERSITY IN SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS FIELDS (SEC. 7032)

The House bill contained a provision requiring NSF to contract with the National Academy of Sciences (NAS) for a report on barriers to and strategies for increasing the participation of underrepresented minorities in STEM fields (sec. 318).

The Senate amendment contained a provision with a similar requirement as part of a study that the Office of Science and Technology Policy is required to conduct through the NAS (sec. 1102).

The Senate recedes.

HISPANIC-SERVING INSTITUTIONS UNDERGRADUATE PROGRAM (SEC. 7033)

The House bill contained a provision establishing a program to improve STEM undergraduate education at Hispanic-serving institutions through activities that may include improved courses and curriculum, faculty development, and support for research experiences for undergraduates (sec. 320).

The Senate amendment contained no similar provision.

The Senate recedes.

PROFESSIONAL SCIENCE MASTER'S DEGREE PROGRAMS (SEC. 7034)

The House bill contained no similar provision.

The Senate amendment contained a provision requiring NSF to award grants to facilitate the creation or improvement of Professional Science Master's degree programs at institutions of higher education (sec. 4004).

The House recedes with an amendment that clarifies that such programs may include linkages in the program between institutions of higher education and industry and requires such programs to describe how they will produce individuals for the workforce in high need fields. The conferees intend that the term "high need fields" take into account needs on a state, regional and national basis.

SENSE OF CONGRESS ON COMMUNICATIONS TRAINING FOR SCIENTISTS (SEC. 7035)

The House bill contained a provision requiring NSF to provide supplements, on a competitive, merit-reviewed basis, to holders of IGERT grants to train graduate students in the communication of the substance and importance of their research to non-scientist audiences and to report to Congress on how the funds are used (sec. 321).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to transform the provision to a Sense of Congress statement that such communications training should be part of the activities carried out using IGERT grants. The report to Congress on how IGERT grants are used for communications training is retained.

MAJOR RESEARCH INSTRUMENTATION (SEC. 7036)

The House bill contained a provision setting a minimum and maximum award amounts for major research instrumentation (MRI) grants, specifying that MRI funds may be used for operations and maintenance, and requiring cost-sharing by grantees (sec. 303(d)).

The Senate amendment contained no similar provision.

The Senate recedes.

LIMIT ON PROPOSALS (SEC. 7037)

The House bill contained a provision requiring the Director allow submission of a full proposal for each pre-proposal that is determined to have merit and requiring a review and assessment of Foundation policies regarding the imposition of limitations on the numbers of proposals that may be submitted by an institution of higher education.

The Senate amendment contained no similar provision.

The Senate recedes.

TITLE VIII—GENERAL PROVISIONS

COLLECTION OF DATA RELATING TO TRADE IN SERVICES (SECTION 8001)

The Senate amendment contained a provision (section 5001) that established a five year program within the Bureau of Economic Analysis to collect and study data relating to export and import services.

The House bill contained no similar provision.

The House recedes to the Senate with an amendment that would have the Secretary of Commerce acting through the Director of the Bureau of Economic Analysis to prepare a report to Congress, no later than January 31, 2008 on the feasibility, cost and potential benefits of a program to collect and study data relating to the export and import of services.

SENSE OF THE SENATE REGARDING SMALL BUSINESS GROWTH AND CAPITAL MARKETS (SECTION 8002)

The Senate amendment contained a sense of the Senate (section 5002) that Securities and Exchange Commission and the Public Company Accounting Oversight Board should promulgate final rules implementing section 404 of the Sarbanes Oxley Act of 2002 (15 U.S.C. 7262).

The House bill contained no similar provision.

The House recedes to the Senate provision.

GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ACTIVITIES, GRANTS AND PROGRAMS (SECTION 8003)

The Senate amendment contained a provision (section 5003) that required no later than 3 years after date of enactment that the Comptroller General of the United States examine each interim report submitted to the Congress under the Act and assess or evaluate the effectiveness of the new or expanded activities under the Act and include recommendations to improve the effectiveness of activities under the Act including termination.

The House bill contained no similar provision.

The House recedes to the Senate with an amendment that selects a representative sample of new or expanded activities required to be carried out under the Act and includes such recommendations as the Comptroller General determines appropriate to ensure effectiveness of, or improvements to the programs and activities, including termination.

SENSE OF THE SENATE REGARDING ANTI-COMPETITIVE TAX POLICY (SECTION 8004)

The Senate amendment contained a provision (section 5004) that notwithstanding any other provision of law, would prohibit federal funds to any organization or entity that advocates against tax competition or United States tax competitiveness. The amendment notes that advocating for effective tax information or advocating for effective tax transfer, and advocating for income tax treaties is not considered to be advocating against tax competition or the United States' tax competitiveness.

The House had no similar provision.

The House recedes to the Senate with an amendment that it is a sense of the Senate that Federal funds should not be provided to any organization or entity that advocates against United States tax policy that is internationally competitive.

STUDY OF THE PROVISION OF ONLINE DEGREE PROGRAMS (SECTION 8005)

The Senate amendment contained a provision (section 5005) that would require the Secretary of Commerce to enter into a contract with the National Academy of Sciences to conduct a feasibility study on creating a national, free online degree program that would enable all individuals described under section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5)) who wish to pursue a degree in a field of strategic importance to the United States and where expertise is in demand such as mathematics, science and foreign languages.

The House bill contained no similar provision.

The House recedes to the Senate with an amendment that the Secretary of Education shall enter into an arrangement with the National Academy of Sciences to conduct a study and provide a report to the Secretary, Secretary of Commerce and Congress on the mechanisms and support needed for an institution of higher education or nonprofit organization to develop and maintain a program to provide free access to online educational content as part of a degree program, especially in science, technology, engineering and mathematics or foreign language without using Federal funds including funds provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070).

SENSE OF THE SENATE REGARDING DEEMED EXPORTS (SECTION 8006)

The Senate amendment contained a sense of the Senate that the Deemed Export Advisory Committee of the Department of Commerce develop recommendations for improving current controls on deemed exports and that the President and the Congress should consider the recommendations of the Committee in developing and implementing export control policies.

The House bill contained no similar provision.

The House recedes to the Senate provision.

ACCOUNTABILITY AND TRANSPARENCY OF ACTIVITIES AUTHORIZED BY THIS ACT (SECTION 8008)

The Senate amendment contained a provision (section 1504) that would have required the Inspector General of the Department of Commerce to conduct routine independent, publicly available reviews of activities carried out with grants and other financial assistance made available by the Administrator of the National Oceanic and Atmospheric Administration, NOAA. The provision would have prohibited NOAA funds under a grant or contract to be used by the person who receives the grant or contract, including any subcontractor, for a banquet or conference, other than a conference relating to the training or a routine meeting with officers or employees of the Administration to discuss an ongoing project. The provision would also require that each person who receives funds from the NOAA Administrator through a grant or contract shall submit to the Administrator a certification stating that none of such funds will be made available through a subcontract in any other manner to another person who has a financial interest or other conflict with the person who received such funds from the Administrator.

The House bill contains no similar provision.

The House recedes with an amendment specifying that, 360 days after enactment of the Act, a grant or contract funded by amounts authorized under the Act may not be used to defray the costs of a banquet or conference not directly and programmatically related to the purpose for which the grant or contract was awarded where a directly and programmatically related banquet or conference includes a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract. The amendment also requires that any person awarded a grant or contract funded by amounts authorized by this Act shall submit a statement to the Secretary of Commerce, the Secretary of Energy, the Secretary of Education, the Administrator, or the Director, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest or other conflict of interest in the person awarded the grant or contract, unless previously disclosed and approved in the process of entering into a contract or awarding a grant. The amendment does not apply to sections 6201 and 6203 which contain separate conflict of interest provisions.

From the Committee on Science and Technology, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

BART GORDON,
DANIEL LIPINSKI,
BRIAN BAIRD,
DAVID WU,
NICK LAMPSON,
MARK UDALL,
GABRIELLE GIFFORDS,

Jerry McNerney,
Vernon J. Ehlers,

From the Committee on Education and Labor, for consideration of Division C of the Senate amendment, and modifications committed to conference:

George Miller,
Rush Holt,
Managers on the Part of the House.

Jeff Bingaman,
Daniel K. Inouye,
Edward Kennedy,
Joseph Lieberman,
Barbara A. Mikulski,
John F. Kerry,
Bill Nelson,
Pete V. Domenici,
Ted Stevens,
Michael B. Enzi,
Lamar Alexander,
John Ensign,
Norm Coleman,
Managers on the Part of the Senate.

Mr. STARK. Mr. Speaker, at this time, I'm pleased to recognize the gentleman from North Dakota (Mr. Pomeroy) for 1 minute. Pending that, I would note that, as a former insurance commissioner, he understands that the endorsement of the National Association of Insurance Commissions is necessary to prevent fraud in the Medicare Advantage program.

Mr. POMEROY. I cannot get out of my mind a picture that appeared in a newspaper a few months ago of a young boy with a toothache. The horrible story running alongside this picture was that this young fellow later contracted a brain infection from the tooth infection, and he later died. Because his family couldn't afford the tooth extraction, this young fellow lost his life. We don't have any more urgent national priority than making sure our children have access to the health care they need.

There is another feature of this bill as well. It's rural health care. If we don't pass this bill, there are very steep cuts slated for doctors of hospitals practicing in our rural areas.

It's hard keeping essential health services available for kids, for seniors, for everyone else in these rural areas. We have got to stop these cuts, help our kids, keep rural medicine thriving. Pass this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished Member from New Jersey, Congressman Garrett.

Mr. GARRETT of New Jersey. Mr. Speaker, throughout this debate, we have heard a vote against this bill is a vote against the children, a vote against the poor, a vote against those who need the help most; and had this legislation merely reauthorized the current law, the arguments might have had an element of truth to them. But with this unconstrained growth in a welfare entitlement bill that this expansion has become, what we do know is that this bill now undermines the health care of millions of uninsured children and insured children and does so at the expense of American seniors.

Supporters of this bill would say that by no means is this a back door to a mandatory, socialized, government-run health care system. I say, not the back door, but, as Paul Ryan might say, it's a front-door approach to a socialized, government-run health care system. Also, it opens the windows and the garage door as well.

This bill does not set a cap on the annual income levels of the families it covers, it does not include an asset test to ensure that millionaires are not eligible, and it expands the program to cover childless adults.

It is entirely conceivable, and, actually, it probably will occur, that the States can enroll as many people in this program as local politics will make expedient. A benchmark figure that has been bandied about is 300 percent. They want to enroll families up to 300 percent above the poverty level.

Just what would that system look like? According to the Census Bureau, and I just got these numbers a little while ago, of the 300 million or so people in this country, 48.3 percent, or roughly 145 million people, live at or below the 300 percent of the Federal poverty level. So we're now considering a new entitlement program for nearly half of the entire population of this country. And if you add to that number the 44 million people who are currently enrolled in Medicare, what does that mean? That means, with this bill, almost two-thirds of the entire population of this country will be on a government-run, socialized health care system, two-thirds paid for by one-third.

Mr. Speaker, make no mistake about it. This proposal is a large step towards a single-payer, Washington-run State health care system.

Mr. DINGELL. Mr. Speaker, before I call up the next speaker, I would like to point out that this bill will save 12 million kids from losing their health insurance and that it will prevent New Jersey from having a $200 billion shortfall in their SCHIP program.

At this time, I yield 2 minutes to the distinguished gentlewoman from California (Ms. Solis).

Ms. SOLIS. Mr. Speaker, today I rise very proudly in strong support of H.R. 3162, the CHAMP Act.

As policymakers, we have an obligation to make sure that children who are in the program do not lose their coverage and that those who are eligible for coverage but are not enrolled receive that care.

Millions of low-income children and seniors are depending on us to pass a bill so they can receive health care. The CHAMP Act will provide health care to 11 million poor children, reduce health care disparities in communities of color, and protect senior citizens who rightfully need access to their physicians.

Insured children are more likely to receive cost-effective, preventative services and are healthier, which leads to greater success in school and later on in life.

Although programs such as SCHIP and Medicaid have decreased the number of uninsured children, the lack of funding over the last 10 years and outreach efforts have left millions of children who are eligible from receiving this care.

More than 80 percent of uninsured African American and 70 percent of uninsured Latino children are eligible currently for public coverage but are not currently enrolled. In my district alone, 18,000 children go uninsured. The bill ensures that these children will receive that health care coverage.

Some would argue that this bill is a vote on immigration. I'm sorry, but they are absolutely wrong. The bill restores State's options to provide the coverage that they need; and the bill ensures that citizens who have lost their birth certificates and other identification are not immediately denied care, like the more than 11,000 children in Virginia and 14,000 children in Kansas who have lost their coverage.

The bill helps one-third of Asian and Pacific Islander American seniors who live in linguistic isolation understand health care.

The bill does not provide services, and I underscore, does not provide services to undocumented immigrants. Those who say that are blatantly wrong.

I urge support of the bill. Let's move on. Let's do the right thing for our children. Vote for the CHAMP Act.

Mr. BARTON of Texas. Mr. Speaker, could I inquire as to how much time I still control?

The SPEAKER pro tempore. The gentleman from Texas controls 10½ minutes of time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to recapitulate the debate as I see it today and start off, as I've already said, with what the Republicans are for.

We are for reauthorization of the SCHIP program. This program has been in existence for 10 years. It is a block grant program between the Federal Government and the States where we spend approximately $5 billion each year to help States provide health care and health insurance for low-income and near-low-income children in their States. Some States have received waivers to provide health insurance for adults and for children that are not really in the low income.

We, on the Republican side, support reauthorization of the straightforward SCHIP program.

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We believe that SCHIP should be for children. A Republican substitute, which was not made in order at the

Rules Committee last evening, would limit SCHIP to children; that is, individuals in this country that are under 19 years of age or under.

We believe that SCHIP should be for low-income and near low-income children. The Republican substitute, again, allowed SCHIP eligibility for up to 200 percent of poverty. We believe that SCHIP should be for citizens of the United States and legal residents of the United States who have been here at least 5 years.

We believe that SCHIP should be funded without cutting senior citizens' health care, so the Republican substitute had no cuts in Medicare for our senior citizens. We also believe that we should fund SCHIP without tax increases. The Republican substitute had no tax increases to fund our SCHIP reauthorization.

The problems with the pending bill before us have become almost too numerous to mention. But just to go through some of them, first of all, the pending bill changes SCHIP from a block grant program for a limited duration of time to an open-ended entitlement. It has authorized such sums, and there is no time limit on the bill before us.

It removes the limitation on income at the Federal level. If a State chose to certify that millionaires were eligible for SCHIP, as far as we can tell, there is no restriction on covering millionaires, if a State chooses to make that certification.

There are tax increases in the Democratic-sponsored bill. There is a tobacco tax increase that CBO scores at least $52 billion. And there is a cut in Medicare that CBO scores over a 10-year period at $157 billion.

While there is disagreement among my friends on the majority side about this requirement, there are sections of the pending bill that removes the requirement that was put in place several years ago that States have to certify the citizenship of eligible citizens for SCHIP.

Of the 465-page bill that was produced in the Energy and Commerce Committee last week, three-fourths of that bill does not deal with children. The Democratic bill is not just about the children. According to the CBO score that we just received today, the pending bill before us in the SCHIP program, by expanding eligibility requirements, would add an additional 1.1 million children, and by adding enrollment within existing eligibility, another 1 million.

The SCHIP bill that the Democrats are putting before us, according to the CBO, adds 2.1 million children in the SCHIP categories, so that all the other money and all the other things that they are doing, it is not about the children. It is about a lot of other things.

So, I have great respect for the people that are trying to reauthorize SCHIP. I know that at some time this fall, some time in September or maybe in October, we will have a bipartisan effort to reauthorize and send to the President an SCHIP bill that he will sign. But this is not that bill. This bill won't come up in the Senate. This bill won't come up in conference between the House and the Senate in all probability. This bill will be voted on one time, and that is sometime this evening. And then it will just sit there.

So I would rather, as Chairman DINGELL and I talked about back in November, the day after the election when I called to congratulate him on becoming the new chairman of the Energy and Commerce Committee, I would have rather we spent this spring working on a bipartisan basis to come to an agreement on what we could agree on and bring before this body a bipartisan bill on SCHIP. That has not happened.

This bill was presented to the Energy and Commerce Committee at 11:36 last Tuesday evening and the markup was scheduled the next day at 10 a.m. It was presented to the Rules Committee this morning at 12:30 a.m. It was reported out of the Rules Committee at approximately 2:30 a.m. this morning with no amendments and with self-executing changes that nobody had seen, until we had time to look at it this morning.

There have been no amendments on either side; not just on our side, but on their side. So the only people that really know what is in the bill, and the only people that really have input into the bill, are those people on the majority side that are working behind the scenes in the dark of night to craft this bill.

Mr. Speaker, I hope we vote "no" on the bill. I hope we vote "yes" on the motion to recommit. I hope eventually we will get in a bipartisan mode, work with our friends on the other side of the body, work with the President of the United States, and send to the President some time this fall a bipartisan SCHIP reauthorization bill that is just about the children.

Mr. Speaker, today the Democratic majority will make claims that they support reauthorizing the SCHIP program and, by implication, that Republicans do not. I, for one, fully support reauthorizing the State Children's Health Insurance Program. I also believe we should ensure that the program is covering the population it was intended to serve, and that's low-income children who don't have health insurance. It isn't for adults or for bureaucrats who think adults should pretend to be children. It isn't for men and women making $100,000 salaries. And it shouldn't be an incentive to pull families out of private health insurance coverage and into a public welfare program.

States have used the gaping loopholes in the current SCHIP program to expand coverage to include adults and people with the kinds of salaries that are still a dream to most working people. Our friends on the majority think those are blessings, not problems, and that explains why they've written legislation that makes the list of blessings longer instead of shorter. Their bill is the first giant leap towards government-run, universal health care since Hillarycare collapsed under the weight of its own bureaucracy and deception. More bureaucracy? They're for it. More welfare? They're for it. Rationing health care? They're for it. A blank check? They're for it. In reality, the check isn't exactly blank. The CBO indicates that the cost of this Democratic welfare bill will top $200 billion, and that's only for Federal taxpayers. The States' share of SCHIP will cost the state taxpayers another $300 billion.

The majority would spend hundreds of billions of dollars saying that they are trying to cover low-income children who don't have insurance. That's not what CBO says. According to the Congressional Budget Office, of the newly eligible individuals, 60 percent already had private health insurance coverage.

Democrats say they are not raising the eligibility levels for SCHIP in this bill. They fail to mention that they allow states to determine income and they also do away with the block-grant nature of the program by providing states swollen Federal matching funds, even for families making above $200,000 a year. Now, some will say I've got it all wrong, but if I'm wrong and they're right, show me. I challenge my friends on the majority to point to the place in the bill where that would be prohibited. Further evidence that this bill is not about low-income children is that their bill actually allows for bonus payments to states if they eliminate asset tests. It looks like they do want welfare for the rich, and the richer, the better. I ask, should a millionaire's child be on SCHIP or Medicaid? I don't think the American people believe so, but the majority's bill encourages it.

Yesterday, on the floor some members spoke about how this bill would pay for services for illegal immigrants. With no true way to refute that assertion the majority, in the managers' amendment that was released after midnight this morning, added a new section that states that no Federal funding can go towards paying for care for illegal immigrants. That was a nice restatement of current law, but it does not change the fact that this bill eliminates the requirement that States verify a person's citizenship before they are enrolled. If we don't verify citizenship, this new section is meaningless. The bill even eliminates the 5-year waiting period that legal immigrants must wait before being enrolled in Medicaid, effectively inviting more illegal immigration.

During the morning session, member after member of the majority rose to say that this bill is about children. I ask my colleagues to show me where in this bill limits this Children's Health Program to children. They can't, because the bill will continue the discredited practice of siphoning off money from children's health care to buy health care for adults. We had amendments filed at the Rules Committee to ensure that SCHIP dollars go toward children, not adults, but these amendments were banned.

The majority also says this isn't kids versus senior citizens, but Democrats pay for their enormous expansion by cutting $200 billion from Medicare. The Democratic bill makes a particular target of the senior citizens who picked Medicare Advantage, and takes over $150 billion away from them. That means more than 8 million of our seniors will have their choice in health care coverage sharply restricted. This bill disproportionately harms rural and low-income Medicare beneficiaries in particular since it cuts payments in these areas so drastically that plans will be driven out of these markets.

The draconian cuts that the Democrats expect the Medicare Advantage program to take will obliterate the benefit. Again, no wonder the Democrats kept this bill away from the public eye. It is hard to explain to seniors why you are cutting their benefits.

These plans are an important option for low-income and minority beneficiaries—57 percent of enrolled beneficiaries have incomes less than $30,000. These plans can reduce cost-sharing relative to traditional Medicare. These plans also offer better access to care—more than 80 percent of plans provide coverage for hospital stays beyond the traditional Medicare benefit, and more than 75 percent cover routine eye and hearing tests. Over 98 percent of beneficiaries can enroll in a plan offering preventive dental benefits.

These are our most vulnerable seniors. Yes, the Democrats would cut their benefits to pay for the higher income children and adults. They made this decision with no legislative hearings and developing the bill behind closed doors. My friends on the majority claim that they have had seven hearings on this. I would like to set the record straight that the Energy and Commerce Committee held one hearing on SCHIP back in February to discuss the general program, and did not discuss anything that is incorporated in this bill. They did not even invite the people who administer SCHIP at the Department of Health and Human Services to testify.

This bill was written in secret, delivered at midnight, and then rewritten from 1 to 3 a.m. this morning.

We have had little time to examine this bill, and we have found glaring weaknesses, I urge all members to be very cautious about what you are voting for because the rhetoric of the authors of the bill doesn't match the substance. The majority adjourned the Full Committee markup without disposing of a single amendment or reporting the bill. The rules Committee allowed no amendments in order. We have had more Committee process in this Congress on bills naming post offices.

It should come as no surprise that the majority wants to ram this through with no public process provided and no changes allowed. They don't want people to know what's in it, and they certainly don't want people to change it. They claim that they have to do this because the program will expire. They have had 8 months to reauthorize the program since the day that Chairman DINGELL and I agreed that SCHIP was to be a high priority in the Energy and Commerce Committee. Where have the Democrats been? They claim that this is of the highest priority, but yet they sat on it until they could create an artificial crisis and then blame Republicans for daring to read their bill. I question why they would treat the reauthorization of SCHIP as a last-minute concern.

I feel it's important to note that SCHIP is only part of the Democrats' bill, which also is laden with attacks on Medicare and Medicaid. The legislation pits children against the elderly. It was brought here today out of the night, when no one was looking.

I urge Members to vote against this bad bill so we can reauthorize this program in a responsible, transparent, and open way that the powerful Democrat leadership promised to conduct the business of the Nation.

PRELIMINARY CBO ESTIMATE OF CHANGES SCHIP AND MEDICAID ENROLLMENT OF CHILDREN UNDER H.R. 3162, THE CHILDREN'S HEALTH AND MEDICARE PROTECTION ACT

[All figures are average monthly enrollment, in millions of individuals. Components may not sum to totals because of rounding.]

	SCHIP[a]				Medicaid[b]				SCHIP/Medicaid total		
	Enrollees moved to SCHIP	Reduction in the uninsured	Reduction in other coverage[c]	Total	Enrollees moved to SCHIP	Reduction in the uninsured	Reduction in other coverage[c]	Total	Reduction in the uninsured	Reduction in other coverage[c]	Total
FISCAL YEAR 2012:											
CBO's baseline projections				3.3							28.3
Effect of providing funding to maintain current SCHIP programs	0.6	0.8	0.5	1.9	−0.6	n.a.	n.a.	−0.6	0.8	0.5	1.3
Effect of additional SCHIP funding and other provisions:											
Additional enrollment within existing eligibility groups[d]	n.a.	0.6	0.4	1.1	n.a.	3.1	0.8	3.9	3.8	1.2	5.0
Expansion of SCHIP and Medicaid eligibility to new populations	n.a.	0.5	0.5	1.0	n.a.	0	0.2	0.2	0.5	0.7	1.2
Subtotal	n.a.	1.1	0.9	2.1	n.a.	3.1	1.0	4.1	4.2	1.9	6.2
Total proposed changes	0.6	1.9	1.5	4.0	−0.6	3.1	1.0	3.5	5.0	2.4	7.5
Estimated enrollment under proposal				7.3				28.4			35.8

Note: These estimates are based on the bill as ordered reported by the Committee on Ways and Means on July 27, 2007, and modified by the amendments in the legislative language RULES—005, (dated August 1,2007, at 12:25 AM)

[a] The figures in this table include the program's adult enrollees, who account for less than 10 percent of total SCHIP enrollment.

[b] The figures in this table do not include children who receive Medicaid because they are disabled. The figures for "additional enrollment within existing eligibility groups" include about 120,000 adults who would gain eligibility under section 801 of the bill.

[c] "Other coverage" is largely private coverage, but also includes about 200,000 legal immigrant children who now receive coverage under state-funded programs.

[d] For simplicity of display, the Medicaid figures in this line include the additional children enrolled as a side effect of expansions of SCHIP eligibility.

n.a. = not applicable

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas has 4 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I would ask unanimous consent that my 4 minutes be controlled by Mr. MCCRERY of Louisiana.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. MCCRERY) now controls 49 minutes, the gentleman from Michigan (Mr. DINGELL) controls 27.5 minutes, and the gentleman from California (Mr. STARK) controls 29.5 minutes.

Mr. DINGELL. Mr. Speaker, I will defer to my good friend from Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my colleague, the ranking member of the Energy and Commerce Committee, said earlier this afternoon, we in the minority want to reauthorize the Children's Health Insurance Program. Our motion to recommit, which we will offer later today, will do that.

SCHIP should be about a bipartisan program. We think it should focus on low-income children. That was the concept when both parties agreed to create this program back in 1997. But the bill that is on the floor today loses sight of that focus, and, therefore, we cannot support it.

We could support it with significant changes. Unfortunately, the Rules Committee did not allow us the opportunity to offer amendments to change the bill, so we are left to our only device as the minority, and that is a motion to recommit. So that motion will act as kind of a sum of our amendments that we would have offered and hoped to have passed, to put the bill in a form that we hope will pass in a bipartisan manner.

The bill that is before us today, though, without amendment raises taxes by at least $54 billion. We believe it raises those taxes to fund a massive expansion of government-controlled health care. This is not just about helping low-income children. This bill today seems to be spending government funds to lower middle-class, upper middle-class, even wealthy, perhaps, families to opt out of private health coverage and go to government health coverage.

I regret that we have not been able to work together in a bipartisan fashion on this issue. Perhaps when this motion to recommit comes up, we will have enough converts to adopt it, bring it right back to the floor of the House, and we will have a bipartisan bill. Or perhaps if this bill passes and something like it comes back to us in the form of a conference report and the President vetoes it and we sustain the veto, then we will have a chance to operate on a bipartisan basis and reauthorize this program in a timely manner. I hope so.

But this bill before us today, in addition to having a substantial increase on the tobacco tax, they try to hide, at least it appeared that the majority tried to hide, a secret tax increase on health insurance plans.

When it came before the Ways and Means Committee, we did have a markup. We did have the opportunity to explore this bill, at least the part that was in the jurisdiction of the Ways and Means Committee. We discovered this tax increase. It wasn't in the Joint Tax score of the bill. It wasn't listed as a revenue raiser in their report. We asked CBO. They couldn't tell us about it, but we discovered it in the fine print. It is a tax on health insurance policies.

Well, what is that going to do? It is going to raise the cost of private health insurance. Maybe that is what the majority wants, to raise the cost of private health insurance, to drive even more people from private insurance into government health care.

This new tax is going to generate money sufficient to accumulate to about a $3 billion pot of money over the next 10 years. That is a substantial sum of money. And, as we have seen from past experience, a tax like this, while it may not be big at first, it is awfully hard to get rid of, and it is awfully easy to increase.

This legislation also cuts Medicare funding by about $200 billion. It effectively eliminates the Medicare Advantage program. Now, I know the majority is going to say no, no, no, it doesn't cut Medicare by $20 billion. We add back some Medicare benefits, so the net is not nearly that much.

But for the people whose programs are going to be cut, they see it as a cut. They don't understand this "net" thing. Medicare Advantage is going to be cut substantially, and Medicare Advantage programs will go away in most rural parts of this country and in a great many inner-city areas serving low-income populations. This bill would effectively eliminate options for millions of seniors who have depended on Medicare Advantage to get better benefits and lower costs for their health care.

In addition, the bill cuts $7.2 billion in home health care benefits and $6.5 billion in nursing home care benefits. These are cuts that are real. They are going to be felt by people utilizing those services.

These cuts are not necessary. I want to stress, these cuts are not necessary to cover needy children. The majority has deliberately chosen to reduce Medicare funding for some of our neediest seniors in order to expand SCHIP to cover anyone up to the age of 21, including, I have heard here today, people up to 300 percent of poverty, 400 percent of poverty.

I would tell my colleagues that have said that, they are wrong. This bill doesn't say you can go up to 300 percent or 400 percent of poverty. It says you can go anywhere you want to. You can cover anybody. If a State chooses under this bill, they can not only choose to cover people of unlimited income, $100,000, $150,000, $200,000. They are entitled to the money.

There is also a bonus program in this bill that says if you get a new enrollee, a new child, maybe he comes from having private insurance, maybe he doesn't, but if he is new to this program, you are going to get a bonus, which means you are going to get an even higher Federal share to fund that new enrollee.

The State can waive the income eligibility as high as they want. So we create a new entitlement program that guarantees States they can get as much money as they want to cover anybody they want under their government health care program. That is what this bill is all about. That is why the minority is intent on stopping its passage today and getting a better alternative for reauthorization for low-income children.

This bill is about expanding government health care. Nothing more, nothing less. The minority's motion to recommit will reauthorize the SCHIP program in its bipartisan form. I urge all of us to wait until that motion comes up, vote for that, and then we will truly have a good program for low-income children in this country.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume to respond briefly to the distinguished ranking member of the Ways and Means Committee, just to suggest that AHIP, representing America's Health Insurance Plans, wrote to us recognizing "the ambitious effort will require significant resources. We believe that comparative effective research should be carried out as a public-private partnership, with funding from public sources and support from private sources, including health insurance plans, employers and manufacturers." And also to suggest that any recognition of children above the previously stated levels had to be done with waivers from the Bush administration to Governors requesting it.

Mr. Speaker, I reserve the balance of my time.

□ 1630

Mr. McCRERY. Mr. Speaker, just in brief response to my good friend from California, our understanding of the provisions of this bill and provisions of the law would allow a State to present a State plan amendment to the administration that is not subject to approval. They have to approve it. So it is not up to the administration to approve that. The States can do that at their own will.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, I thank the gentleman from Louisiana.

Mr. Speaker, there seems to be a lot of self-congratulations, at least on one side of this Chamber. Let me congratulate some who have spoken here for what appears to this Member to be a pretty breath-taking lack of consistency. My good friend from Fremont Hills has pointed the finger to this side and said we Republicans, we don't care about children.

I would remind my chairman, Mr. Speaker, that the children's health program was created by a Republican majority. The gentleman points out that this bill today is funded, as the gentleman is nodding, as that bill was funded. And I would say, Mr. Speaker, 10 years ago and 2 days on July 30, rollcall vote no. 345, on this floor, on the conference report creating the Children's Health Insurance Program, I was proud to be one of 346 "aye" votes. There were 85 "no" votes. The gentleman from California was a "no" vote. The chairman of the Ways and Means Committee was a "no" vote. I find that a bit interesting. Because, today, the gentleman from California talks about this being the identical bill. This is not the identical bill.

As my friend from Louisiana has said, we would love to reauthorize the program for needy children. But should we allow a family in New York making $80,000 a year free health care, free to them, but paid for by 15,000 constituents I am privileged to represent who would have their vision care or dental benefits or oxygen services cut, and the savings then given to that couple making $80,000 in New York City?

One-half of the new enrollees under the majority's bill, those new enrollees would be people who already have health insurance coverage. There is, as the gentleman pointed out, a brand new, per capita tax on every health plan in America that raises $2 billion. There are rifle-shot reimbursements for hospitals in order, presumably, to sway undecided Members from Michigan and New York and Tennessee.

And can anyone really defend the children's health program for childless adults, childless adults now being able to qualify for the children's health insurance program?

Needy children, absolutely. Well-to-do adults, I suggest no, certainly not at the expense of cuts to senior citizens. We can do better. I urge a "no" vote.

Mr. DINGELL. I yield myself 15 seconds to point out to my dear friend from Louisiana (Mr. McCRERY) that it is the administration which gives waivers to cover parents and adults. The States do not have the authority to do so, and they must get the authority from the Federal Government, and it is from the Department of HHS that these kinds of waivers come, not elsewhere.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from Michigan for yielding to me.

Mr. Speaker, 9 million children in this country lack health insurance coverage, so it shouldn't come as a big surprise that 91 percent of voters support extending to SCHIP coverage to 5 million more children. That is 5 million more children according to the Congressional Budget Office, and that Governors from both sides of the aisle are supporting this legislation across the country.

The real surprise is that our President has threatened to veto this bill, a bill to cover children and to improve Medicare for our Nation's seniors and for people with disabilities. My question is, why are the President and so many of our colleagues saying "no" to basic health care to children, for adequate payments to doctors, for protecting Medicare?

In yesterday's New York Times, I think Paul Krugman hit the nail on the head when he said that President Bush must fear the intent of this bill, which is to cover more children, because he fears that it actually might work. That if America sees government helping children, they will wonder why we can't do the same for everyone.

The President said he opposes expanding children's health care because it will hurt private insurance companies. Astounding. Forget uninsured kids. The President is the champion of insurance companies.

And people across the aisle are saying it is really about seniors when they are talking about the Medicare Advantage programs. But let's be clear. The Medicare Advantage HMOs are reaping overpayments of up to 40 percent. The overpayments are being subsidized by 80 percent of the seniors and disabled people who are not in Medicare Advantage plans through higher part B premiums.

I want to urge the former Speaker of the House to cease giving patently false information about the Illinois SCHIP program which insures far more children than their parents.

Let's be on the side of children.

Mr. MCCRERY. Mr. Speaker, I yield myself such time as I may consume.

Perhaps if we had had a hearing on this bill, we could have discovered what the truth is about this discussion of waivers and State plan amendments.

But our appreciation of the law is that this is not a waiver. I'm not talking about a waiver so it does not have to be approved by the administration. I am talking about a State plan amendment that is simply presented to the administration and it can contain what is known as an income disregard. The attorneys with CMS tell us that the administration does not have the discretion to turn down an income disregard that is presented by a State.

What an income disregard means, in essence, is a State can cover kids from families as rich as they want. And that is our understanding of the law. It is too bad we didn't have, or at least the Energy and Commerce Committee didn't have, a full-blown hearing on this provision or other provisions of the bill so we could have explored that.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER), a member of the committee.

Mr. WELLER of Illinois. Mr. Speaker, in 1997, I voted "yes" to create the Children's Health Insurance Program. I was proud a Republican Congress put this plan into place, and I support reauthorization of this program, but I oppose this bill before us.

Why? This bill contains big tax increases. What is interesting, when we want to make health insurance more affordable, they put a new $2 billion tax, they call it a per capita tax, on health insurance policies, causing them to be more expensive.

Then there are some big Medicare cuts, in fact, almost $200 billion in Medicare cuts, probably the biggest cut in Medicare in the history of the program. They want to expand the program, but they want to pay for it on the backs of senior citizens by cutting Medicare. So you wonder who gets hurt when you cut Medicare to pay for the expansion of this program.

If you just take the $7.6 billion in cuts to home health care, you think of that elderly woman that many of us have met. We have been in her home. She is an elderly woman with an easy chair by the window, by the television. She has a tray or table there. It is filled with pill bottles. She is homebound. She watches the world go by. And if she is lucky, she has a cat or a dog for a pet and a companion. But, for her, home health care is important, because not only is it contact with the outside world, but home health care allows her to live in her home in dignity even though she is homebound.

This plan today that is going to be voted on includes a $7.6 billion cut in home health care. So if you vote "yes" for this legislation, I hope you keep in mind that elderly woman stuck at home, homebound, who is dependent on home health care; and today she will suffer when this House passes this bill. Vote "no."

Mr. STARK. Mr. Speaker, I just make a comment that not all committees are so blessed with ranking members who are so cooperative, and perhaps there might have been hearings in other committees if that were the case.

I yield 1 minute to the gentleman from Massachusetts (Mr. NEAL), and Mr. NEAL recognizes that the American Academy of Pediatrics has said in their letter that they want to stand with us on this important legislation, and they will work for its passage.

Mr. NEAL of Massachusetts. Mr. Speaker, I think there is one acknowledgment that we all ought to come to very quickly, and it goes like this: The wealthy, the healthy and the strong have had a great run of it for the last 6 years.

Think of that terror that overcomes that family with that child who needs health care. Think of that child who died because he had not gotten to a dentist in America in the year 2007. Think of what we are doing today, advancing an opportunity for health care for all members of the American family.

My friend, Mr. MCCRERY, said if we had had an opportunity to vet this issue. Let me remind the audience, the Republicans required us to read the bill. The Ways and Means Committee spent 6 hours reading the bill. To argue that somehow there was not an opportunity to vet the issue when we read the bill is akin to setting the fire and calling the fire department. That is the argument we are being asked to embrace.

This is a good piece of legislation. It ought to have bipartisan support. Use the model of the National Governors Association. That is a bipartisan organization.

Mr. MCCRERY. Mr. Speaker, it is apparent to me from the misunderstandings apparent in this Chamber on this bill that perhaps we should have read the whole bill in greater detail. Maybe we would know more about it.

Mr. Speaker, I yield 2 minutes to another member of the Ways and Means Committee, the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today on behalf of the millions of seniors who will be hurt by this bill. In my home State of Kentucky, over 73,000 seniors are enrolled in Medicare Advantage plans, as well as all 19,000 of Kentucky's retired teachers. Each and every one of these seniors will have their benefits cut as a result of this bill, and some will find themselves without any Medicare Advantage options at all.

It is unconscionable to me that this body would even consider robbing seniors by cutting $197 billion out of the Medicare trust fund to give to families making $80,000, or even more, free health insurance, many of whom already have coverage.

This bill also cuts home health, hospitals, skilled nursing facilities and dialysis centers. It is clear that this bill harms many of our Nation's most vulnerable population. This bill should be about providing poor children with health care, but it rations our Nation's health care, taking from seniors and working-class families to shift Americans from private health insurance into a big, liberal, tax-and-spend government program. Folks, they're back.

I urge my colleagues to stand by their seniors and defeat this bill. Let's get back to helping poor children, not a Michael-Moore-endorsed health care system.

Mr. DINGELL. Mr. Speaker, before I yield to the distinguished gentlewoman from Oregon (Ms. HOOLEY), I would like to point out, in spite of what has been said by some of my Republican colleagues, this is not an entitlement bill. It does, however, protect 11 million kids.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY)..

Ms. HOOLEY. Mr. Speaker, I thank my good friend from Michigan for yielding.

This bill is important to children. It was important to our legislature. It was important to our governor. That is why they passed it this session.

But I want to tell you why health insurance for children is so important by telling you about Katelyn, a 6-year-old from Corvallis. Katelyn's hardworking parents make too much money to qualify for SCHIP under current Oregon eligibility levels but far too little to afford the $520-a-month premium for insurance through her father's employer.

□ 1645

Katelyn was ill for several days and her parents had been trying all night to help her stop coughing. Without insurance, the couple had no doctor.

However, the county health department offered pediatric services for low-income children every Monday at reduced costs. So Katelyn's parents decided to wait and take her to the clinic on Monday, 3 days later. By Sunday, Katelyn was worse. Through tears, Katelyn complained that her sides hurt.

When she was able to get to the doctor on Monday, Katelyn was diagnosed with pneumonia. With insurance, Katelyn's parents could have taken her right away to the doctor. Instead, she suffered for days.

This story could have had dire consequences. It is why SCHIP is critically important. The CHAMP Act will provide Oregon with the resources they need to expand health insurance coverage to more children, and hopefully, stories like Katelyn will rarely exist.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. EMANUEL) who helped create the CHIP bill. I can't say he was a midwife for it, but he was there at its inception and was instrumental in negotiating it.

Mr. EMANUEL. Mr. Speaker, in 2002 when I ran for Congress, I met Dolores Sweeney. She works full time in an insurance company, but for years she and her three children did not have health insurance until SCHIP. Her children are enrolled in the health care program.

She did right by her family. She worked full-time, had three children. She's trying to be both a good worker and a good parent, and SCHIP allowed her to do both of those and do them well.

I just talked to her the other day. She has a 19-year-old now and a 14-year-old and a 12-year-old. This bill did right by her because her children are three success stories out of the 6 million who did right.

So we stare at the 11 million children and ask, whose parents work full-time, that are too wealthy for Medicaid, yet cannot afford private insurance, are we just going to throw up our hands to them? Dolores Sweeney and the other parents, they will get the same health insurance that we ourselves will get and our children get. And the question before us will be, are we better than these 11 million children?

You know, DICK CHENEY gets a check-up every other day. Don't America's kids deserve a visit to the doctor, I ask you.

And also I just want to say something to my colleagues who now say they're for SCHIP. I was there when President Clinton proposed it. Speaker Gingrich was against it. You were against it before you became for it. I appreciate your conversion, but you originally were opposed to it.

When President Clinton said that, you said you opposed it. Then you said only pediatric care. Then you agreed to pediatric care, and then eye and dental visits which is what President Clinton proposed, and I do appreciate that you're for it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded that comments must be made through the Chair.

Mr. EMANUEL. Mr. Speaker, Republicans were opposed to this bill before they were for this bill, and what has happened is that pediatric care and the eye and dental care that is in this bill was a principle that President Clinton had and there would be no agreement on a balanced budget until those kids had that bill.

You said then it was an entitlement program. Now you have Governors, Senators of both parties, who are for this. The American Medical Association is for this. Pediatric care is for this. AARP is for this.

And the ultimate question to those children who don't have health care, this time we leave no child behind and give these children the health care they deserve and the parents work full time and do right by their children.

Mr. MCCRERY. Mr. Speaker, in a continuing dialogue with the distinguished chairman of the Energy and Commerce Committee, at least in the manager's amendment presented to the Ways and Means Committee during markup on page 10, this is under section 101 of our bill, it states: if a State's expenditures, under this title, exceed the total amount with allotments available, and if the average number of children enrolled under the State plan exceeds its target average number of such enrollees, the allotment under this section shall be increased. Not may, shall. That is an entitlement to the States for as much money as they want for this program. It is no wonder, I would say to my good friend from Illinois, that the Governors are for this. Duh.

And with that, I yield 2½ minutes to a distinguished member of the committee, Mr. CANTOR.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are again reminded their remarks should be addressed through the Chair.

Mr. CANTOR. Mr. Speaker, I thank the gentleman. I rise in opposition to this bill.

And, Mr. Speaker, I want to speak to some of the remarks that were just made about somehow the Republicans are against insuring poor children and offering them access to health care.

I can tell you one thing, this Republican was not in this body when President Clinton was in office. So I could never have been against this program before I'm for it. So I take issue with that.

I am for, as I believe most of my colleagues are for, a program that provides access to health care for poor children, but what we have here is a 400 percent increase in the SCHIP price tag because what the majority has done has increased eligibility to the 400 percent level over poverty. In many areas of this country, we're well in excess of families who are making $100,000 a year. These are children, 90 percent of whom already have health care coverage.

So what that means is the price that we pay for this type of expansion is a dangerous lurch forward toward a Washington-based, bureaucratic-controlled health care system. Which medicines will we get? Which surgeries will be available? And when? And when? Which disease is worth treating? These are the vital choices that right now American families are able to make, but frankly, the majority wants the government to make.

But how do they pay for this? They pay for this largely by cutting Medicare. That's what we're about here, choosing to cut Medicare, cut seniors' ability to have a choice under the Medicare program so we can provide access to insurance for children whose parents make over $100,000 a year. That just doesn't make any sense.

Now, secondly, Mr. Speaker, I would say as my colleagues before me, another way that this bill is funded is a brand-new tax on health insurance for all Americans that have health insurance policies.

Again, the bill creates a health care competitiveness-affected research trust fund. That's another attempt basically to allow perhaps, if not run right, a government bureaucrat to dictate which therapies a physician can use.

The bottom line, this bill is misguided. We need to take a much better look at this, and frankly, the last point I was going to make, Mr. Speaker, is this bill makes it up to the States, optional, whether to require documentation as to anyone who is legal who wants to receive benefits under this. This is another attempt, Mr. Speaker, at allowing our SCHIP benefits to go to illegal immigrants, something that I don't believe the American public is in favor of.

Mr. DINGELL. Mr. Speaker, I yield to an extremely valuable and respected member of the Commerce Committee, my good friend from Utah (Mr. MATHESON) 2 minutes.

Mr. MATHESON. Thank you, Mr. Chairman.

My wife and I are very fortunate. We have two wonderful little boys. Their names are William and Harris, and they're really fortunate because they have access to health care because, as a Congressman, I have access to the Federal employee health insurance program. And that's how it is for all of us as Members of Congress. See, we have health insurance and our kids have health insurance.

This debate isn't about us, and as we get caught up in these discussions, this rhetoric about process and concerns about the way this bill has come to the floor, I think we're losing sight about who this issue is really about because we've got 11 million kids in this country who are involved in households where they make enough money they don't qualify for Medicare. How do we get them access to health care?

The CHIP program's done a great job in the past 10 years, and we've got about 6 million of them covered, but there are 5 million kids out there who still aren't.

That's what this debate is about, and I think when you have something sometimes you take it for granted, and all of us take for granted the fact that we have health insurance.

Now, let me tell you why I don't take this for granted because, in my household, my wife happens to be a pediatrician, and she works at a children's hospital in Salt Lake City. She tells me the stories about kids who come into that hospital who have not had access to preventive care, who have health problems that escalated into far more serious circumstances because they didn't have access to health care, and I hear those stories all the time.

That's what we ought to be focused on in this debate. That's what this debate is about. Vote for this bill. Let's do the right thing for our country's children.

Mr. McCRERY. Mr. Speaker, may I inquire as to the remaining time.

The SPEAKER pro tempore. The gentleman from Louisiana has 30 minutes remaining.

Mr. McCRERY. And what about the majority?

The SPEAKER pro tempore. The gentleman from California has 25½ minutes remaining. The gentleman from Michigan has 21½ minutes remaining.

Mr. McCRERY. I think, Mr. Speaker, in order to kind of even out the remaining time, I will yield to my colleagues in the majority if that's okay.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER), and he's a gentleman who understands that most of us in Congress whose children are insured are insured by a government-run, taxpayer-funded health insurance plan which we like quite well.

Mr. BLUMENAUER. Mr. Speaker, actually, I'm not. I rely on my wife.

Mr. Speaker, the same framework that our friends have been complaining about on the other side of the aisle is a State block grant program has been retained. It's successful, but underfunded.

Their complaints of enhanced programs ring hollow when you examine them. I heard my friend the distinguished minority whip come to the floor and talking about his opposition to higher income levels, and I find some irony in that because his State is one of them, Missouri where there was a request by his son, the Republican Governor, for a waiver from the Republican Bush administration which has been granted that allows a level 3 times higher than the poverty level.

They don't feel comfortable with the requests that are coming from the State level for the innovation. However, that's what it was about in the first place.

This program is not about putting Medicare Advantage at risk. It's being adjusted. This bill helps with reform. I am pleased that 157 counties in 27 States are being rewarded with an efficiency bonus. My State's medical system is strengthened by helping kids.

I urge all to vote for this bill.

Mr. McCRERY. Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I'm pleased to yield 1 minute to the gentleman from Wisconsin (Mr. KIND) who understands that the National Rural Health Association has endorsed the 2007 CHAMP Act as critical to rural children and seniors across the Nation.

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, last fall, my 8-year-old son Matt, while he was sleeping, fell off the top of his bunkbed, broke his clavicle. As Tawni and I were driving to the emergency room to get treatment to this kid in excruciating pain, I thought of the numerous parents throughout America who fear the financial consequences of taking care of their child in an emergency or if they had an ear infection or an abscessed tooth or an asthma attack because they didn't have adequate health care coverage for that child. That is wrong. That is unacceptable. And we change that today.

The CHAMP Act expands health coverage to 5 million more children, and with the reforms we make under the Medicare system, we extend the solvency of Medicare for three additional years, unlike the Republican-passed Medicare reform bill passed just a few years ago that called for the largest expansion of entitlement funding in over 40 years, with no ability to pay for it.

We pay for this bill with a modest increase in the cigarette tax, which is also the best thing we can do to prevent these kids from being addicted to that poison and incurring smoking-related illness with associated life-long health costs.

I ask my colleagues to support the bill.

□ 1700

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to control the time of the gentleman from Michigan.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I rise in support of the CHAMP Act of 2007.

I am disappointed that my Republican colleagues won't stand up to the HMOs and won't stand up for healthy children. In the words of Dr. Martin Luther King, "Justice delayed is justice denied." The Republicans just don't get it. Delay is not debate. Health care delayed is health care denied.

There is no power like the power of a made-up mind; and, early on, the Republicans in the Commerce Committee markup made up their mind to forestall health care for our children. Then, last night and this morning, on this very floor, they made up their mind to stall health care for 12 million uninsured children.

Now it remains up to us, the Democrats in this House, to make up our minds and to install health care for children, for those 11 million children and low-income pregnant women. Now is the time. There is no other time like this time, so now, most definitely, now is the right time.

I urge my colleagues to support this bill for America's babies. We must champion health care coverage for 11 million children. They need us. They depend on us. They need this health care coverage.

We must pass the CHAMP Act of 2007. We must put our poor children in the winner's circle.

Mr. STARK. Mr. Speaker, I yield 3 minutes to the distinguished majority whip, Mr. CLYBURN.

Mr. CLYBURN. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today to urge my colleagues to support H.R. 3162, the Children's Health and Medicare Protection Act of 2007.

I want to commend Chairs RANGEL, DINGELL, STARK and PALLONE for working with all of our caucuses in drafting this piece of legislation. I also rise to explain why I and many of my colleagues are unequivocal on the need for Congress to cover all eligible kids.

There is an old judicial axiom that says "Justice delayed is justice denied." The same is true for health care, and there is no better example on how health care delay is health care denied than the story of Devante Johnson from Houston, Texas. Thirteen-year-old Devante Johnson from Houston, Texas, had advanced kidney cancer and could not afford to be without health care coverage. But, last year, the Johnson family spent 4 desperate months uninsured while his mother tried to renew his Medicare coverage.

For years, Devante and his two brothers were covered by Medicaid. Texas families who qualify for Medicaid or CHIP are required to renew their coverage every 6 months. Devante's mother, Tamika, had tried to get a head start by sending their paperwork 2 months before Medicaid was set to expire.

That application sat for 6 weeks until it was processed and then transferred to CHIP, because an employee believed the family no longer qualified for Medicaid. At that point, the paperwork got lost in the system.

For 4 months, Devante went without health insurance as employees unsuccessfully attempted to reinstate his coverage. As a result, he could no longer receive regular treatment and had to rely on clinical trials for care. Meanwhile, his tumors grew.

It wasn't until the State representative intervened that Devante's coverage was immediately reinstated. But it was too late. Devante Johnson died on March 1, 2007.

I want you to look at him. He has to mean something to you. For, in the words of Martin Luther King, Jr., "There is nothing more dangerous than sincere ignorance and conscious stupidity."

We cannot allow this to continue. Support the Devantes of our great country and give health care to all of our children.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LINDER), a member of the committee.

Mr. LINDER. Thank you for yielding.

Mr. Speaker, about 2 years ago, the Government Accountability Office brought before the Ways and Means Committee a study that said if we continue to tax at the current percentage of the economy and continue to spend in discretionary spending at the current percentage of the economy that just 33 years from today the entire Federal revenue stream will be insufficient to just pay the interest on the debt.

I know the Democrats will say raise taxes. In 100 percent of the time in the last 60 times that we have raised taxes, we have slowed the economy and slowed revenues.

This Congress will not reduce spending. So what is their solution to our dilemma? The problems are, as the GAO said, three entitlement programs, Medicare, Social Security and Medicaid. They propose to give us another one, with no caps, expanding coverage to illegal immigrants, by the language from the CBO, expanding coverage to adults with no children, by the definition of their act, and allowing the States to lift the ceiling on eligibility entirely.

This is a back-door or front-door entrance for Hillary care, national health care. You will recall that in that program if a doctor treated a patient for free outside the system, they are liable for criminal fines. That isn't in this bill, yet.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. I thank the gentleman from New Jersey for yielding, also for his outstanding leadership on this issue.

Mr. Speaker, I rise in support of this bill. I operate from a very simple premise, and that is this, that if America is the greatest country in the world, then all of our children should have health insurance.

It's that simple. This bill does that. It covers 5 million additional children of the working poor; and it gives them health care, dental care and access to mental care health services. That's what's needed in this country.

It's amazing to listen to the scare tactics of Republicans. It's almost amusing.

First, they start talking about illegal aliens. No, that's not what this bill is about. They said, well you are going to kill our private insurance. These are working poor people. They don't have insurance.

They said, well, it's $100,000 families. No, it's the existing eligibility limit. Then they say, well, you are going to create a massive new entitlement program. No, it's a grant program with bonuses for States that do a good job of insuring more people.

Finally, they resort to Hillary care. We are all supposed to be scared.

We are taking this issue very seriously, because we understand that there are working poor people in America that work every day. Half of them are women. They work in the service industries, they work in labor jobs, and those jobs do not offer health insurance. That's why we are here.

We are here because when they don't have health insurance. Their children don't get screenings. Their children don't get check-ups. They can't get treated for asthma. When their children are in severe pain, they go to the emergency room, and that costs more money.

I will give you example from my district. Deamonte Driver, he had a toothache, tooth decay. It would have cost $80. He didn't get it. The tooth became infected. The infection traveled to his brain.

Two surgeries costing $250,000 were attempted to save his life. They were unsuccessful. Deamonte Driver died. We need to prevent these types of tragedies in America.

I am appalled when I think about it, that if a third-world Communist country like Cuba can offer health insurance to the families of factory workers, we have to be able to do it here in America, the greatest country in the world.

Mr. McCRERY. Mr. Speaker, before I recognize our next speaker, I want to point out two things. Number one, there has been a couple of references to this child who died because of a tooth problem. According to the Washington Post story, I don't know this, but according to the Washington Post story, this child was actually on Medicaid. He was covered by Medicaid. But because so few dentists in that State accepted Medicaid patients because of the poor quality of the Medicaid program, this child didn't get access. But he was covered.

I don't see how it's relevant to the discussion we are having on SCHIP.

Mr. Speaker, I yield 3 minutes to a distinguished member of the Ways and Means committee and the ranking member of the Budget Committee, Mr. RYAN.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

Mr. Speaker, this debate is really puzzling. If this was a status quo bill, if this was the same law that we already have in place, no new people, then why does it cost $130 billion in more money? Why does it cost so much more?

This bill goes way beyond insuring low-income children. If this was all about just giving health insurance to uninsured low-income children, no problem. You would have a near unanimous vote out of here. That's not what this bill does.

They say this bill doesn't have those income limits. This bill has no income limits. This bill says to the States, give it to whomever you want, no asset test, no income limits. That's why this test costs so much money.

In fact, the Congressional Budget Office is saying in analyzing this bill that they will push 2.4 million kids off of private insurance onto government health care, not my statistics, the Congressional Budget Office.

They are already acknowledging that this is more about insuring low-income, uninsured kids. This is really about putting people on government health care, especially those who even have health insurance today.

My friends, our constituents, the U.S. taxpayer, don't want to pay for health care that's already being paid for by someone else. But that is what this bill does. This bill creates an enormous budget mess.

I find it kind of ironic that the majority that could not find $1 worth of entitlement savings in their budget comes to this floor with $200 billion of cuts to Medicare to pay for expanding this new program. When it came time to reducing the deficit and keeping taxes low, no savings to be found. Now, hey, $200 billion in Medicare cuts, cut 3 million seniors off the Medicare Advantage program to grow a new entitlement.

Yes, this is a new entitlement program, a new entitlement for States. It gives them a never-ending spigot of new money. But what's so, so critical, what's so hypocritical about this bill is, after cranking up spending for 5 years, after putting 5 million children on health care, kicking 2.4 million off of private health insurance, what do they do to conform with their PAYGO rules? What do they do to shoehorn this huge program into their budget? They just kick everybody off. They just rescind the program. They just turn the spigot money off.

Does anybody believe that after putting 5 million people on health insurance we are just going to take it away from them in 2014? No, we're not.

So this whole thing really is a bug sham. What they are saying is, with this legislation, we want to give 5 million people health insurance for kids, no matter what income limit. But, in 2014, we are taking it away from them. That's crazy. That's not budgeting. That's creating a new program, a new entitlement, and not paying for it.

This puts our fiscal house, which is already messed up, in serious jeopardy.

I urge a "no" vote on this bill.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, one of the great falsehoods I have heard today, unfortunately, is this attempt by one side of the aisle who is against trying to get kids health insurance here keep saying somehow we are raising the eligibility to those folks who are hanging out at the country club. That is simply not true. That is bogus. We are maintaining the same levels of eligibility in America that exist today, yesterday and tomorrow in this bill.

What we are doing is simply allowing our State governments, our local governments, the ones that I know many of my Republican friends believe are effective and more efficient than the Federal Government, to fulfill their desire to reach these kids who are eligible today, but the Federal Government is not actually reaching to provide this insurance.

Now, where is the criminality in that in that? Where is the inefficiency in that? We have simply said federally that children of a certain income level should have health insurance, and we are simply saying those same children of the same exact economic considerations are now going to actually get it. That's all we are doing.

I want to mention another thing we are doing here. We have 11 States that have really been ahead of the Federal Government in providing health insurance for their kids. As a result, for a decade now, they have been punished in that they haven't been able to use the same resources to reach the kid they have already insured.

We fix that, 100 percent fix today. The States, if you are from the States of Washington, Wisconsin, New Mexico, Connecticut, Hawaii, Rhode Island, Minnesota, Maryland, New Hampshire, Vermont and Tennessee, do not vote against this bill, because it finally, finally restores this inequity that finally we will be able to get fair treatment for your States and your children.

So, today, we have got a fair bill all the way around.

Mr. McCRERY. Mr. Speaker, I ask unanimous consent to have the gentleman from Michigan (Mr. CAMP), the distinguished ranking member of the Health Subcommittee of the Ways and Means Committee, control the remainder of the time for the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

□ 1715

Mr. CAMP of Michigan. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Pennsylvania, a member of the Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today I rise in reluctant opposition to H.R. 3162.

Yesterday, I joined my colleague, the gentlelady from New Mexico (Mrs. WILSON) in the introduction of a bill which embodied the Senate version of SCHIP reauthorization. I am proud to be an original cosponsor; I fully support that legislation.

Unlike the bill we are debating today, the Senate version is far less pernicious and does not raid low-income seniors to pay for an expansion of coverage for middle-class families.

Proposed Medicare cuts in this legislation could have a devastating impact on access to Medicare Advantage plans. The seniors that use these plans, if they didn't experience an outright loss of coverage, would, at minimum, experience higher premiums, benefit cuts, or both.

According to an April 2007 study by Emory University researchers Ken Thorpe and Adam Atherly, 3 million people would lose their access to MA coverage if Congress sets MA payments at the same level as payments for traditional Medicare.

Moving from the macro numbers to the practical effects of seniors in my district, it causes even more concern. Over 15,000 seniors in Butler County, Pennsylvania would experience a 15 percent cut in their plan's reimbursement. Nearly 15,000 seniors in Erie County would experience a 29 percent cut, and over 8,000 seniors in Mercer County would be impacted by a 17 percent cut in their plan's reimbursement should this bill be passed.

This blatant raid on seniors' pocketbooks contained in this bill is enough to warrant a vote in opposition. But, Mr. Speaker, the most troubling factor in this bill is that this raid on seniors is being used to pay, in many cases, for families with incomes as high as over $82,000 a year. At a time when so many seniors are tightening their belts on fixed incomes, raiding their pocketbooks to pay for health care for middle-class households is simply not right.

I have been a supporter of SCHIP from the beginning. I have trumpeted its success. But this SCHIP reauthorization has been hijacked by people who have a different agenda. We will have another vote on this when it comes back from the other Chamber and from conference. I am voting "no" on this wrongheaded approach on a very important issue.

Mr. STARK. Mr. Speaker, at this time I am happy to recognize the gentleman from New Jersey (Mr. PASCRELL) for 1½ minutes, and, pending that, point out that he recognizes that the hospitals and physicians in Pennsylvania overwhelmingly endorse this bill.

Mr. PASCRELL. Mr. Speaker, we could certainly slow the aging process down if it had to work its way through Congress.

This year, 6 million children will have access to quality affordable health insurance because of the program we know as the SCHIP. These children are in working families with parents who either can't afford insurance or hold jobs that lack health care benefits. We have an opportunity today.

In New Jersey, we have over 100,000 of eligible kids who aren't enrolled in

New Jersey alone. Are we going to do the same thing on health care that we did to those kids in Head Start? So many eligible, not enough resources, wrongheaded priorities?

Contrary to what my friends on the other side said, the Ways and Means Committee has also worked to protect the integrity and solvency of Medicare and to approve the benefits for all beneficiaries within this bill.

The fully paid for CHAMP Act protects Medicare from privatization, promotes fiscal responsibility, you have got to read the bill, by reducing overpayments to private plans. I see nothing wrong with that. Adding 3 years to the Medicare trust fund solvency, I think that is a home run. Limiting premium increases, two home runs, and improving access and benefits for all Medicare participants.

Mr. Speaker, this bill needs everyone's support in here. It should be and will be bipartisan.

Mr. CAMP of Michigan. Mr. Speaker, may I ask how much time remains?

The SPEAKER pro tempore. The gentleman from Michigan has 22½ minutes remaining; the gentleman from California has 19 minutes remaining; the gentleman from New Jersey has 15½ minutes remaining.

Mr. CAMP of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, at this time, I am happy to yield 1 minute to the distinguished lady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman for yielding.

I rise in support of the CHAMP Act, and I want to tell you why. This bill will ensure continued coverage for the 39,000 kids already covered by SCHIP in my State of Nevada, while providing resources to reach the 70,000 children currently eligible but that remain uninsured because there is not enough money.

This bill also makes needed updates and improvements to Medicare to ensure that our seniors receive preventative services, mental health care, and physical speech and occupational therapies that they need. Almost 98,000 low-income seniors in Nevada will benefit from improvements in Medicare savings programs and low-income subsidy programs as well.

Passing this bill is also necessary to ensure access to physicians for Medicare patients. The CHAMP Act restores funding necessary to reimburse the doctors for their services.

My district has the fastest growing senior population in the United States. It is essential that these seniors have access to their doctors under the Medicare program. This bill ensures they will.

Mr. CAMP of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I am delighted to yield 1 minute to the distinguished lady from Pennsylvania (Ms. SCHWARTZ), who understands that the National Committee to Preserve Social Security and Medicare has overwhelmingly endorsed the 2007 CHAMP Act.

Ms. SCHWARTZ. Mr. Speaker, I rise proudly in strong support of the Children's Health and Medicare Protection Act.

As someone who helped to create one of the first CHIP programs in the country in Pennsylvania in 1992, I know what a difference it has made in the lives of literally hundreds of thousands of children in Pennsylvania. And since 1997, it has made a difference in the lives of 6 million children across this country.

Today, we build on the success of CHIP. It is a public-private, Federal-State partnership and secures access to coverage for 11 million children of hardworking American families.

At a time of rising health care costs for working families and increasing numbers of uninsured children, today we have an answer for American families. The action we take today will sustain health coverage for 6 million children currently enrolled, and will make available affordable coverage for an additional 5 million American children.

This is an extraordinary step forward in ensuring access to health coverage for American children. It is simply not good enough to say you support improving access to health coverage for children and then vote "no." Rather, vote with children of this country and their parents. I urge passage of this legislation.

Mr. STARK. Mr. Speaker, I am delighted at this time to recognize the distinguished gentleman from Connecticut (Mr. LARSON) for 1 minute, who understands well how private health insurance companies have overprofited from their overpayment.

Mr. LARSON of Connecticut. Mr. Speaker, I want to applaud Mr. STARK, Mr. RANGEL, Mr. DINGELL, and Mr. PALLONE for their outstanding leadership in bringing this bill before us today.

I turn to my colleagues on the other side of the aisle and say to them, do not remain frozen in the ice of your own indifference towards the needs of children in this country.

It is imperative that we pass this bill. It is imperative not because of the statistics and the numbers, but because these are our children and our kids. That you find the time and the money to blindly put forward into reconstruction efforts in Iraq, but not the time, not the effort to make sure that kids in our own country receive the necessary funding that they need.

It is written that the difference between CHAMP and CHUMP is "U." Do not become the vote that turns away the children in this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to address their remarks through the Chair.

Mr. CAMP of Michigan. Mr. Speaker, at this time I yield 2 minutes to a distinguished member of the Ways and Means Committee, Mr. TIBERI.

Mr. TIBERI. Mr. Speaker, I rise in reluctant opposition to this bill today.

I support the Children's Health Insurance Program. The original goal was worthy, Mr. Speaker: Cover poor children. Unfortunately this bill does much more than that. It expands the program to more adults and to children of middle-class parents who may already have insurance, and funds this expansion through relying on tobacco taxes that are going to bring in less revenues through the years, including tax increases on private health care plans, cuts to community hospitals, nursing homes, home health care providers, and, yes, cuts to Medicare beneficiaries.

Democrats are cutting Medicare, specifically the Medicare Advantage program. Seniors in my district have been writing and calling me, and I have been talking to them.

One said to me, "The quality of our health coverage is greatly improved through Medicare Advantage." Another said, "I cannot afford higher out-of-pocket costs. I get preventative care. I also get some dental coverage and eye care that I would not be entitled to under original Medicare." And, lastly, "Please, in the name of decency, do not vote to change my health care."

Mr. Speaker, over 13,000 of my constituents benefit from Medicare Advantage. I will not vote to cut their benefits today. I will not, Mr. Speaker, support this bill which pits grandparents versus their grandkids.

Mr. DINGELL. Mr. Speaker, at this time I yield to the distinguished gentlewoman from Wisconsin (Ms. BALDWIN) 2 minutes.

Ms. BALDWIN. Mr. Speaker, I rise in strong support of the CHAMP Act, and our chairmen who have worked so hard to craft this bill deserve great credit. It is a very strong measure.

There are many reasons to support this bill, but chief among them is the fact that this bill will provide health care coverage for an additional 5 million low income children, bringing the total to 11 million insured infants and children covered under SCHIP. This represents real progress at reducing America's 46.6 million uninsured people, and I am proud to support this progress.

Mr. Speaker, I am also proud to note that the CHAMP Act does not pit children against seniors, as has been suggested by many of the Republicans, but instead works to improve health care for both children and seniors.

The bill includes many investments in Medicare that will directly benefit the health of our seniors. The bill includes a physician fix so that our doctors will not be subjected to the harsh 10 percent scheduled cut in reimbursement, and, providing this fix will ensure that beneficiaries have continued access to their physicians.

In addition, this bill provides many more protections to Medicare beneficiaries by expanding and improving the programs which ensure that Medicare remains affordable to those with lower income. The CHAMP Act also expands access to preventative benefits and mental health benefits for all Medicare seniors.

But back to my first point. If this Congress stands for anything, it should stand for children, for providing them with comprehensive health care, for giving them the support and care they need for a healthy life.

I am reminded of the first day of this session when Speaker PELOSI invited all the children to join her at the podium. This Congress should be judged based on how we protect our Nation's children. That is this vote.

□ 1730

Mr. STARK. Mr. Speaker, I'm happy to yield 1 minute to the distinguished lady from Ohio (Ms. TUBBS JONES). And, pending that, I suggest that she understands that the American Nurses Association has expressed their undying support for the Children's Health and Medicare Protection Act.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of H.R. 3162, the Children's Health and Medicare Protection Act. And for the RECORD, I want to compliment the Chair, Mr. RANGEL; the ranking member, Mr. STARK; and the staff of the Ways and Means Committee for all of their hard work, because I was one of those at the table battling on behalf of a whole lot of people.

This piece of legislation will be critically important to children. But while expanding access to health care for children is my key focus, I remain watchful of the provisions that could have adversely affected persons with end-stage renal disease. I'm pleased that there are provisions in the bill that will help measure and, hopefully, reduce racial and ethnic disparities in kidney care, bolster the health and health care of our low-income seniors and protect our Nation's hardworking health providers.

As I have said many times before, the CHAMP Act is an example of a socially responsible and medically appropriate health policy that will improve the health and well-being of our Nation's most vulnerable residents.

I call upon all of my colleagues to join us in supporting this legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must observe that if Members yielding time in debate also include extensive comments, the Chair may have to charge the time consumed by such remarks against that Member's time for debate.

Mr. DINGELL. Mr. Speaker, at this time, I yield 2 minutes to my distinguished colleague from North Carolina, Mr. BUTTERFIELD.

Mr. BUTTERFIELD. Mr. Speaker, I rise today to thank Chairmen DINGELL, RANGEL, PALLONE and STARK for their bold leadership in bringing this legislation to the House floor. As Congressman for the 15th poorest district in the Nation, a district where 50 percent of the children qualify for SCHIP, I enthusiastically support passage.

The CHAMP Act of 2007 reflects what should be our Nation's priorities. It is the duty of Congress to keep the promise of our Constitution, to provide for the general welfare of our people. What better way, Mr. Speaker, to keep that promise than to guarantee that our children are afforded adequate health insurance.

The sad fact is that a majority of uninsured children are minority, including 1.4 million black children and 3.4 million Hispanic children. In my State of North Carolina, 195,000 children are eligible but not enrolled in the program. We have a moral obligation to ensure all children who are unable to afford insurance have that insurance. To do less would be shameful.

Let me close, Mr. Speaker, by thanking the gentleman for giving me this time and also expressing disappointment with my Republican friends who have engaged in nothing but obstructionism and filibuster as we have struggled to bring this legislation to the floor.

You insisted on reading a 495-page bill, consuming 18 hours of our committee time. You have made your adjournment motions this week, and you have wrongfully suggested that we want to insure illegal aliens. That's wrong. And then you accuse us of taking Medicare benefits from our seniors; and then you use that worn out phrase, "tax increase".

The American people have figured it out. You are doing every conceivable thing to prevent giving insurance coverage to 5 million children of the working poor.

My friends, you are wrong.

Mr. STARK. Mr. Speaker, as quickly as I can, I would like to recognize the distinguished gentleman from Alabama (Mr. DAVIS) for 1½ minutes.

Mr. DAVIS of Alabama. I've listened to a lot of allegations, Mr. Speaker, that the Democratic Party, the party that crafted Medicare and Social Security and Medicaid, is somehow cutting health care benefits. I don't want this debate to end without putting a few simple facts in perspective.

There is one party in this Chamber that said to 13 million working class families on Medicaid for the first time, you have to make a co-pay for your kids to go to the doctor.

There is one party in this Chamber that, 4 years ago, in the Medicare Modernization Act, tucked in the fine print of the bill a requirement of guaranteed Medicare cuts in the next several years.

There is one party in this Chamber that passed the prescription drug bill that contained a massive doughnut hole for seniors which allowed them to lose their coverage for a period of time.

There's one party in this Chamber that has sent five budgets, just in my tenure, to the floor of the Congress cutting Medicaid benefits.

There is one party in this Chamber that has proposed to cut, that has passed a guaranteed 10 percent cut for reimbursements for doctors, set to go into effect beginning on January 1.

It is the Republican party.

Let there be no debate, Mr. Speaker. There is one party that has its bona fides on the question of health care. It is the party that is moving today a bill that will provide universal coverage for all children who need it.

It is shameful for this debate to have been twisted and distorted in the manner that it has.

Mr. CAMP of Michigan. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 21 minutes. The gentleman from California has 13½ minutes. The gentleman from Michigan (Mr. DINGELL) has 11½ minutes.

Mr. CAMP of Michigan. At this time, Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in strong opposition to the CHAMP Act. The message of this bill is, Washington knows best.

I recently received a letter from one of my over 4,500 seniors in my district who could lose their Medicare Advantage benefits under this bill. Kathleen Lopez of Marysville, California, writes, "I chose a Medicare Advantage plan because I receive Social Security benefits less than $700 net per month. This plan encourages preventive care, has some vision and dental coverage. This type of plan eliminates costly monthly expenses for health coverage."

In addition to slashing Medicare Advantage, this bill contains massive expansion of SCHIP that takes kids from middle-class and even upper-class families off private insurance and puts them into a government-paid program.

All of us support reauthorization of SCHIP. Everyone supports health care for low-income children. But what we are debating here today is whether to turn this successful anti-poverty program into an open-ended entitlement with effectively no limits on eligibility.

Mr. Speaker, we have a choice. We can move towards a 21st century patient-centered health care system driven by competition and innovation, or we can go backwards towards a system of socialized medicine like the one that the Canadian doctors come here to escape.

Mr. Speaker, this bill goes in the wrong direction. I urge my colleagues to reject it.

Mr. STARK. Mr. Speaker, at this time, I'm delighted to yield 1½ minutes to the gentlelady from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, we all pay the price when 46 million Americans, 9 million of them children, have no health insurance. We all have a responsibility, a moral responsibility to make sure that our most vulnerable get the health care coverage they need.

The State Children's Health Insurance Program is perhaps the best social policy success story of the last decade. At a time when most Americans want to see this program reach more of the 6 million children who are eligible but still uninsured, the administration's proposal would result in hundreds of thousands of children losing their coverage. That is the wrong direction and the wrong choice for our country.

The Children's Health and Medicare Protection Act will take us in the right direction, reaching children most in need, while improving Medicare for 44 million seniors and people with disabilities.

This is about embracing our Nation's most serious challenge, a challenge the Federal government has the ability, the capacity, the resources and the moral obligation to help us meet.

We all have a stake in solving this crisis. No one, not even the President, should be able to undermine the great promise of a healthy future for our kids.

Mr. DINGELL. Mr. Speaker, I'm delighted to yield 1 minute to my good friend and colleague from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Mr. Speaker, I rise in strong support of the Children's Health and Medicare Protection Act. This bill provides health care to those who most need it, our children. That's what this bill is about.

The CHAMP Act means that the coverage of almost 50,000 children enrolled in Iowa's CHIP Program, called the Hawkeye program, will be secured. This bill also provides essential funding for the State to reach the almost 30,000 children who are eligible for the program but remain uninsured.

In addition, the CHAMP Act would provide the State of Iowa with a new option to cover an additional 47,000 children who are aging out of Medicare and CHIP.

No child should go without health care. No child should go without regular checkups, preventive care and treatment of illnesses. The CHAMP Act serves as a crucial health care safety net for low-income, uninsured children. That's what it's all about. And I urge my colleagues to support its passage.

Mr. CAMP of Michigan. Mr. Speaker, at this time, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, for the RECORD, there is only one party that fought hard to make sure our seniors had life-saving drugs, even though our colleagues across the aisle had 8 years of the White House and control of the Senate and never brought a bill to the floor to help our seniors with their medicines.

And I'd point out that while many lobbyists in Washington support this bill, I've not heard from one hospital, not one nurse, not one physician, not one senior who supports this bill.

380,000, that's how many Texas elderly will likely lose their personal Medicare plan as a result of this bill. 107,000, that's how many seniors in the Houston-Beaumont-Huntsville region will see serious cuts in their Medicare Advantage plan, or be forced into other plans with less health care coverage as a result of $50 billion of unnecessary and drastic Medicare cuts.

This is kid care versus Medicare. And only in the poisonous environment of Washington do politicians pit children against their grandparents. It is a cynical and a false choice that will leave many seniors stranded without the health care plan that fits their needs.

I, like others, support covering more children for health insurance, but not at the expense of elderly.

I sit on the committee charged with preserving Medicare, keeping seniors healthy; and these Medicare Advantage plans are the preferred plan for many of our Texas elderly. They're especially critical to our rural and low-income and minority seniors because they provide a comprehensive plan with medicines and emphasis on prevention.

I also believe that before Congress expands CHIP to higher-income families, it should first help the children of low-income families which the program was designed to serve. Maybe we should subsidize the coverage for the bank president's kids, but shouldn't we first help the health care for the bank teller's kids?

Texas, like many States, barely covers half of the children already eligible for this; and, as a Congress, our goal should be to cover the children of working poor first.

Mr. STARK. Mr. Speaker, at this time, I'm privileged to yield 1 minute to the Delegate from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. I'm proud to be here, Mr. Speaker, to stand in strong support of the Children's Health and Medicare Protection Act of 2007.

We also have additional champs in Chairmen DINGELL, RANGEL, STARK and PALLONE, as well as the Speaker and the Democratic leadership.

Today, we're fulfilling a commitment we made on the first day of this Congress to take care of America's children. By passing H.R. 3162, we will take the first step to insuring the 6 million low-income, now uninsured children in this country, including many who are racial and ethnic minorities; and we'll be investing in a healthier future for them and our country by ensuring they get comprehensive care.

□ 1745

In CHAMP we also fulfill a commitment to our seniors and persons with disabilities, especially those of low income, to remove some of the remaining barriers to Medicare. This bill helps children and seniors.

And we are beginning to help bring provider payments in line with the rising cost of providing medical care as well as to start the reform this country needs. This legislation is not only good for our children, our seniors, and our disabled, it is good for our country.

If we only extended CHIP, as our Republican colleagues suggested, it would cause 800,000 children to lose coverage. We can't do that.

Support this bill. Reject the motion to recommit.

Mr. CAMP of Michigan. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding.

I have heard a lot of generosity on the floor today, Mr. Speaker. People can always be generous with other people's money. And it seems that the new majority back in power has already gone the way of the old Democratic majority and, in fairness, along the way of mistakes that we made.

I was one of the Republicans that opposed our effort to vastly expand Medicare with the prescription drug entitlement. I think voters actually put some of us on the pavement because, with an $8 trillion national debt, they are tired of reckless and runaway spending in Washington, D.C.

This bill is a massive increase in the government's role in health care. It makes millions of middle-class families eligible for government insurance, many of which are already covered under private plans. I don't think taxpayers should be required to pay for government insurance for the children of parents who earn up to $80,000 a year. And we do this at the expense of seniors, cutting into the Medicare Advantage program.

And I would say to you American taxpayers should not have to support a system that provides health insurance coverage for illegal immigrants. This legislation allows funding of illegal immigrants in health care. It cuts health care for millions of senior citizens in the Medicare Advantage program. It provides government insurance for higher-income families, and it drastically expands the role of the government in America's health care system.

It just seems to me this new majority does well when it reminds the American people that we have a moral obligation to come to terms with an $8 trillion national debt. The next time I hear one of those speeches on the floor, Mr. Speaker, you will forgive me if I run to the floor to remind people of a $47 billion middle-class entitlement that passed the Congress today.

I urge my colleagues to oppose the CHAMP Act, to oppose middle-class entitlements.

Mr. STARK. Mr. Speaker, at this time I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, on the other hand unlike the minority, I rise to champion the CHAMP Act. Let me thank Chairman STARK, let me thank Mr. DINGELL, and Mr. RANGEL for providing the threesome who understood that our children are in need!

Mr. Speaker, it is a crisis. The CHIPS is getting ready to expire. I am very glad that we did something monumental in 1997 by implementing a program to help America's children—CHIP. Five million children will be added. It will make it a total of 11 million children. Also seniors will have their choice of hospitals an doctors and they will be able to get all of their benefits under Medicare.

We will follow the current immigration law so the argument regarding undocumented immigrants is unfounded. But a sick person is a sick person, a sick baby is a sick baby, and Texas needs dollars, and America needs this health coverage.

At the same time, I look forward to working with the committee so that our doctor-owned hospitals in rural and underserved areas will be able to get a waiver so that they can continue to serve in those areas. But I am proud that we are providing more benefits, not fewer benefits, and we are providing more dollars for the State of Texas' most neediest residents—children and seniors—they need good health care now.

I urge my colleagues to support the CHAMP Act.

Mr. Speaker, I rise today in strong support of the Children's Health and Medicare Protection Act of 2007 (CHAMP Act). I would like to thank my colleague Mr. DINGELL for introducing this legislation, and for his leadership, together with that of Mr. RANGEL, in shepherding this legislation through both the Energy and Commerce and the Ways and Means Committees.

This important legislation commits $50 billion to reauthorize and improve the State Children's Health Insurance Program, SCHIP, and it also makes critical investments in Medicare to protect the health care available to our Nation's senior citizens. I strongly urge my colleagues to join me in supporting this excellent bill.

Mr. Speaker, SCHIP was created in 1997, with broad bipartisan support, to address the critical issue of the large numbers of children in our country without access to health care. It serves the children of working families who earn too much money to qualify for Medicaid, but who either are not able to afford health insurance or whose parents hold jobs without health care benefits.

Children without health insurance often forgo crucial preventative treatment. They cannot go to the doctor for annual checkups or to receive treatment for relatively minor illnesses, allowing easily treatable ailments to become serious medical emergencies. They must instead rely on costly emergency care. This has serious health implications for these children, and it creates additional financial burdens on their families, communities, and the entire Nation.

This year alone, 6 million children are receiving health care as a result of SCHIP. However, funding for this visionary program expires September 30. Congress must act now to ensure that these millions of children can continue to receive quality, affordable health insurance. President Bush has employed rhetoric in support of this program while on the campaign trail, stating in 2004 that "In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for government health insurance programs." Unfortunately, however, in practice both the Administration and my colleagues on the other side of the aisle in Congress have proposed significant cuts in the program. If these are approved, millions of children will lose health coverage.

As chair of the Congressional Children's Caucus, I can think of few goals more important than ensuring that our children have access to health coverage. It costs us less than $3.50 a day to cover a child through SCHIP. For this small sum, we can ensure that a child from a working family can receive crucial preventative care, allowing them to be more successful in school and in life. Without this program, millions of children will lose health coverage, further straining our already tenuous healthcare safety net.

Additionally, through this legislation, we have an opportunity to make health care even more available to America's children. The majority of uninsured children are currently eligible for coverage, either through SCHIP or through Medicaid. We must demonstrate our commitment to identifying and enrolling these children, through both increased funding and a campaign of concerted outreach. This legislation provides States with the tools and incentives they need to reach these unenrolled children without expanding the program to make more children eligible.

In my home State of Texas, as of June 2006, SCHIP was benefiting 293,000 children. This is a decline of over 33,000 children from the previous year. We must continue to work to ensure that all eligible children can participate in this important program. To this end, Texas Governor Rick Perry signed legislation in June to, among other things, create a community outreach campaign for SCHIP.

In addition to reauthorizing and improving the SCHIP program, this legislation also protects and improves Medicare. Due to a broken payment formula, access to medical services for senior citizens and people with disabilities is currently in jeopardy. Physicians who provide healthcare to Medicare beneficiaries face a 10 percent cut in their reimbursement rates next year, with the prospect of further reductions in years to come looming on the horizon. The budget proposed by the Bush administration does not help these doctors, or the patients that they serve.

Mr. Speaker, I believe that senior citizens and individuals with disabilities deserve access to quality and affordable healthcare. Currently, there are 35 million seniors without private health plans, and, at current rates, the Medicare Trust Fund will be depleted early because of excess payments to HMOs. This legislation reverses Republican efforts to privatize Medicare, and it ensures that seniors will have access to the doctor of their choice.

This is extremely important legislation providing for the health coverage of 11 million low-income children, as well as protecting the health services available to senior citizens and persons with disabilities. I strongly support this bill, and I urge my colleagues to do the same.

Mr. DINGELL. Mr. Speaker, at this time I yield 1 minute to the distinguished gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I am astonished at what I have heard from the other side of the aisle: disingenuous talk about great deficit; the deficit caused by the Republican majority's work or lack of work over the last 12 years; giving tax breaks to the rich while sending our troops to a war that has cost us half a trillion dollars and approaching a trillion dollars. That is where the deficit has come from, and this disingenuous talk is shocking to hear.

And the admission that they are against giving children of middle-class families health care. The Republican party, Mr. Speaker, used to say they cared about the middle class. Now they say they don't want to give health benefits to their children. That is amazing. And doctors, who used to be one of their main interest groups, would get reimbursement that they are entitled so that they can continue to participate in Medicare under this plan, and they oppose that.

I would ask you to look at the wall and Daniel Webster, who says, engraved in stone here: Do something of monumental proportions. Do something that generations will remember, something great.

That is what this bill will do. I am happy to be here in support of the CHAMP bill. Hubert Humphrey was a champion of children, and I am happy to stand here for him.

Mr. CAMP of Michigan. Mr. Speaker, I yield 2¼ minutes to the distinguished gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, if there ever was a bill that should have bipartisan support, it is this SCHIP bill. All of us support health care for children.

But the problem that we have in this process is that this is a bill that really did not receive the full vent of the Congress. And so here we find ourselves on the floor debating a bill that is going to be a dramatic change and expansion of government health care.

The original SCHIP program was designed for 250 percent of the poverty level and above. This bill removes that limit so that States can do whatever they want to.

Today there are 700,000 adults on the Children's Health Program. This bill is going to greatly expand the number of adults on the program. There even are incentives so that children will leave their parents' health plan and go to the government health plan, and in doing so, since children are generally a healthy group, the private health plan premiums are going to increase in cost. They are also imposing a fee on every private health plan in America, every self-insured health plan in America.

In addition to that, they are going to lower the reimbursement for the Medicare Advantage program, which is particularly strong in rural areas, which will hurt the seniors on the Medicare Advantage program.

So the bottom line, and philosophically we are not questioning anyone's motives, but there should be a full debate on this. This is dramatically expanding government health care and diminishing private health care. And that is what this debate is really all about.

And I would say this: We need a strong private health system. That has been the tradition in America. And last year, for example, the MD Anderson Cancer Center in Texas spent more money on research and development in health care and health needs and curing diseases than all of the entities in the Canadian health plan. That is why we are upset about this program. Not that we don't want to cover children.

I thank the gentleman for his generosity of time.

Mr. STARK. Mr. Speaker, at this time I yield for the purpose of making a unanimous consent request to the distinguished gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise in support of the CHAMP Act and the reauthorization of the State Children's Health Insurance Program, or SCHIP.

This bill will cover the nearly 11 million children who fall into the gap between Medicaid and private insurance.

Not only will the CHAMP Act provide health insurance for millions of additional children, but also the peace of mind for millions of families who work hard to provide all of life's essentials for their families.

For my state of Oregon the passage of the CHAMP Act means many of the 107,000 uninsured children will have access to health care. And while the legislation before us today is a suitable and necessary short-term solution, the long-term need remains: America is falling short of our moral obligation to provide all children with access to health care.

Access to health care is not only a struggle for those with the lowest incomes; it now also is a struggle for those we have traditionally considered middle-class, and therefore should be able to afford health insurance.

Since 1965 Medicare has ensured our Nation's senior citizens have access to health care. That success should be extended to cover our youngest citizens. I am developing new legislation will do just that.

My MediKids legislation would provide access to comprehensive health care for all children and expecting mothers. Every child would be automatically enrolled at birth. But parents would retain the right to choose to enroll their children in private plans or others such as SCHIP or Medicaid.

MediKids also would act as a safety net. If parents have a lapse in other insurance, a common concern and constant worry among many families, MediKids would provide coverage.

America has the best health care in the world, but fewer and fewer families can actually afford it. We should not make our children, and their parents, wait any longer.

I urge my colleagues to support the legislation before us, but to continue to work toward a long-term solution for today's and tomorrow's youngest citizens.

Mr. DINGELL. Mr. Speaker, at this time I am delighted to yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, I continue to hear my colleagues on the other side of the aisle say that this bill is a move towards government-run health care that will cause seniors to lose their Medicare.

I would suggest to my colleagues who complain inaccurately that Medicare beneficiaries will lose coverage under this bill that, if my colleagues are so worried about that, they should consider the implications of doctors refusing to see Medicare patients, which is exactly what could happen if we don't pass this bill and fix physician reimbursement.

SCHIP is a State block grant program and will remain so under this bill. Nearly every State contracts out the SCHIP program to private insurers. That is far from a government-run program.

These are children who live in families where the head of household works but they don't make enough money to afford health insurance. These are families that work hard and play by the rules but still can't afford health care for their kids. That is what we are talking about here today, Mr. Speaker.

This bill protects and strengthens the Medicare trust fund and invests in our children, and I ask my colleagues to support this bill.

Mr. CAMP of Michigan. Mr. Speaker, I yield myself 2 minutes.

First, I would like to make one point perfectly clear. Republicans support health care for low-income children. We support reauthorizing the program we passed in 1997. And that shouldn't come as a surprise to anyone. After all, it was the Republican majority that created the State Children's Health Insurance Program, and we did it in a bipartisan manner.

Today, sadly, we do not have a bipartisan bill before us. When we talk about insuring the Nation's needy children, we should talk about it in a bipartisan way. And if the majority had crafted a bill that was just about helping low-income children, we would stand here today ready to overwhelmingly approve that legislation.

Unfortunately, this bill doesn't focus on low-income children. Instead, it draws scarce resources away from these needy children in order to take a giant leap toward universal, government-controlled health care.

Worst of all, this dramatic step comes at the expense of Medicare, seniors' health insurance, in order to give middle-class and even upper middle-class families a new Federal health benefit.

These are not minor cuts in senior health care. The majority's bill cuts or eliminates many Medicare benefits and services: $157 billion in cuts to Medicare Advantage, which are health plans that offer additional benefits to low-income seniors like disease management, vision, dental, and hearing benefits, and improves the quality of care they receive; billions in cuts to hospitals; billions in cuts to home health care services, to wheelchairs, to patient rehab facilities, to nursing homes, to dialysis patients, and to oxygen treatment. And because of a new insurance tax on every insured American, health costs to seniors and all Americans will go up.

I don't know about you, but I can't look a 75-year-old widow in the eye in my district and honestly ask her to give up her benefits so that a 45-year-old couple making $80,000 a year or more with a 21-year-old can receive government health care.

This bill did not have to be this way. It should not be this way. I urge my colleagues to vote against this bill, and I urge the majority to bring us back a bill that focuses on helping low-income children. That is a bill we can all support.

Mr. STARK. Mr. Speaker, I would like to yield 1 minute to the distinguished gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Mr. Speaker, I thank my friend from California for yielding.

We talked a lot about how this bill is great for kids. I want to join Mr. ALTMIRE in talking about this bill is great for seniors as well.

Four years ago this House passed an expansion of the Medicare program to cover drugs. It should have done it a long time ago. The problem was when you finally did it under Republican control, it ended up benefiting the drug companies and insurance companies and really being a burden for many senior citizens. That ends in large part today with the passage of this bill.

The underlying CHAMP Act today is going to finally allow seniors to be able to switch their plans when the plans change the drugs that they cover. It is going to begin to remove the doughnut hole, especially for the most vulnerable Medicare recipients out there. And it is finally going to get rid of those burdensome late penalties for the lowest of income seniors.

This bill is undoubtedly a great bill for kids. This bill is also going to be a great step forward for the millions of seniors around this country who have been struggling with the Medicare part D program for the last 4 years.

I thank the gentleman for his work on this bill.

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Mr. CAMP of Michigan. At this time, Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. I thank the gentleman for yielding.

I rise in opposition to a bill that is more about politics than children's health insurance. The so-called CHAMP Act represents a missed opportunity to expand SCHIP in a focused manner to help provide health care to our Nation's neediest kids.

I'm extremely disappointed that this bill raises taxes and cuts Medicare to expand the program well beyond its original intent. This bill would cut Medicare benefits to more than 45,000 of my constituents who rely on their Medicare Advantage plans for services and benefits they otherwise could not afford.

Mr. Speaker, I urge our colleagues to, instead, support the motion to recommit, which will extend the SCHIP program and stop scheduled Medicare physician payment cuts without raising taxes or cutting Medicare.

I will oppose this bill if the motion to recommit fails because I oppose politicizing an issue that should be above the partisan differences that too often divide us.

Mr. DINGELL. Mr. Speaker, at this time, I am delighted to yield 1 minute to the distinguished gentleman from Georgia (Mr. SCOTT) and to note that he provided extraordinary leadership in the creation of a program of this type in Georgia. He is entitled to speak, I think, with real wisdom. We thank you.

Mr. SCOTT of Georgia. I thank the distinguished gentleman, Mr. DINGELL, for his courtesies.

This is, indeed, our finest hour of opportunity, and I urge my Republican friends not to blow this.

Now, I have come to this well because I come from Georgia, a State that is in dire need of this bill being passed. We have nearly 300,000 children who are affected by this program. And I want to take just a minute because there is so much I want to say I have only a minute to say it.

There are so many reasons that the Republicans have used to try to come up against this bill. I cannot for the life of me understand why you are not standing forefront in favor of getting health care for our children. But perhaps the most devious one of all that you use is to try to fight the immigration fight on this bill.

In this law, it clearly states, "No Federal funding for illegal aliens." Nothing in this act allows Federal payment for individuals who are not legal residents. Gentlemen, that is a false, false horse to ride.

Vote for the children. Vote for this bill.

Mr. CAMP of Michigan. Mr. Speaker, at this time, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Yesterday, we passed lobby reform legislation that deals with earmarks, gives Members certain notice. You have to put your name next to it. There is certain transparency and accountability, some of which is good.

I should note, with this legislation, in the middle of the night last night we did the equivalent of earmarking on an authorization bill. We, in the middle of the night, designated some 25 hospitals, giving them a different designation, which will save those hospitals millions and millions of dollars. That's the equivalent of appropriation earmarks in an authorization bill, done without debate, without notice. We're getting it now.

And there is a process within the executive branch to deal with this. We have circumvented that process and said we're going to do it legislatively. That is simply not right and certainly not in keeping with the spirit of legislation that was passed just yesterday.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume to respond to my distinguished friend from Arizona.

And I have to admit, in honesty, that there are earmarks in this bill. There are 11 million earmarks, six million children whose names we now have and five million children to be added to the bill. And I'm proud to say those earmarks are in the bill.

Mr. Speaker, I am pleased to yield 30 seconds to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. I want to compliment my colleague on his concern about earmarks; and I hate to see your record and credibility shattered merely because many Members, Republicans and Democrats, did not want certain hospitals to suffer the cuts, as has been recommended by this administration. And where we could and where there appeared to be some doubt, I gave my word to the members of the Ways and Means Committee, as did Mr. McCRERY, that PETE STARK and I would be taking a look at each and every one of them. But it would be a tremendous stretch of anyone's imagination to call that an earmark.

Mr. CAMP of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I appreciate the gentleman for yielding.

Mr. Speaker, I have been listening to the debate, and I haven't heard of any way that this is going to be paid for, the 130 something billion dollars over 10 years, except for 45 cent a pack increase in the tax on tobacco. So while I heard some Members over there talking about this is going to be a deterrent to people smoking, you better hope a bunch of people start smoking because you're going to have to sell a ton of cigarettes to come up with $132 billion. But then the closer you look at it, you find out that this is, again, smoke and mirrors from this majority in Congress.

What this is going to do in 2011 is actually cut doctors' pay 12 percent. Now, if anybody really believes in this room that we're going to cut doctors' pay by 10 or 12 percent, they're kidding themselves. This is another gimmick, more smoke and mirrors, more illusion for the people of this country.

The people of this country are smarter than that. When they recognize what this is, then I think that the majority is going to find out that they do not want the CHUMP bill passed.

Mr. STARK. Mr. Speaker, at this time, I'm pleased to yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. It's been said that it is how we treat the least of these that we will be judged. I think about my own four children, Francis and Chip and Cameron and Chandler. I think about the night I spent at the Children's Hospital all night long with my daughter because she suffered from dehydration. It's wonderful that she has insurance and we can provide for the best coverage at the best Children's Hospital, I think, anywhere in the world. But this bill is about helping all of our children, the six million that will continue to have coverage and the five million that we're adding.

The AMA, the AARP, the National Committee to Preserve and Protect Social Security, the Children's Defense Fund, all of these entities that represent these interests have lined up on behalf of this bill. And we need to line up this House on the right side of history.

I want to commend the chairmen, RANGEL and DINGELL and PALLONE and

STARK, for their work and ask for a unanimous vote on behalf of the CHAMP Act.

Mr. CAMP of Michigan. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, what a fascinating debate it is that we are having; and I thank the gentleman for yielding a few moments of time.

You know, we're beginning to hear from some of the nearly 54,000 Medicare beneficiaries that we have in our district because they have figured out that this is going to be financed on their back; and we have nearly 9,000 Medicare Advantage beneficiaries that are in our district. Our Congressional Budget Office estimates are telling us that this looks like it's going to end up costing us over $11 million in our district.

Now, we know that we're going to see the tax on private insurance. We've heard from some of our individuals who are questioning why in the world are you putting a tax, you've got a tax on everything, why are you taxing our health insurance benefits?

We're hearing from our tobacco farmers and our friends in the agriculture community that are quite upset about cigarette and cigar and tobacco taxes there. And as the gentleman from Georgia just said, this grand plan basically says, seniors, we need you to smoke more so that you can help pay for this plan to expand SCHIP to middle- and upper-income families.

And being a mother, I can tell you that a 25-year-old probably is a little bit offended to be called a child, because 25-year-olds are adults. They are young adults, and they are working, and they do not need to be on those programs.

Mr. STARK. Mr. Speaker, at this time, I am pleased to yield as much time as he may consume to the distinguished chairman of the Ways and Means Committee, Mr. RANGEL.

Mr. RANGEL. Let me extend an olive leaf to my friends on the Republican side, because it just wouldn't be fair for you to be going home thinking that people will be talking about politics and process when the bottom line is: Where were you when this government, as big as it is, wanted to protect 11 million kids in health insurance? That's going to really be the bottom line.

And if you think that government is really so big that $50 billion is just too much money to invest in these little kids, then kind of think about what you're willing to invest in Afghanistan, in Baghdad, in improving its schools and its hospitals.

And think of what we get back. Just think of what we get back in preventing these kids from getting diseases and illnesses that would not only cost us billions of dollars in health care, but the lost competition, the inability to learn and to be productive. What a heck of an investment this is, even for our United States Government, to be concerned with 11 million Americans becoming healthy, better educated and competitive.

This is not a question of Democrats being so dumb, so stupid, so apolitical that we want to hurt our own folks. Unlike children, they vote. And every organization that has dedicated themselves to older Americans for health services have endorsed this: the hospitals, the doctors, the nurses, the Catholics, the Protestants, the Jews, the gentiles. People who are concerned about human lives are concerned that we do these things.

What do you think we are? We were born yesterday? No. I don't know what the President intends to do, but you can't hurt this President anymore. You don't have to do this to yourselves. Just think about your explanations: The bill wasn't ready; it didn't come out of committee. I don't know. How are you going to pay for it in 2012? Or maybe some of you youngsters have to think about it. But just think about how many people are going to get health care between now and 2012 before we look at the President's tax cuts. Somehow they kind of broke it off at 2010. So it's not the first time people had these creative ideas.

But let me suggest this to you: This bill expires on September 30. Now, I don't know whether they have town hall meetings on the other side or not, STENY, but I would hate to be at one of them when they explain why there is not going to be insurance for these six million, and additional five. I hate for them to say how they were reading the bill because they didn't participate.

These are things that we can improve upon. And Mr. MCCRERY and I work every day to see whether we can do a better job on communication. But don't you let our lack of communication interfere with having coverage for 11 million kids who deserve better than what we've given them in terms of the debates and the discussion on this historical piece of legislation.

So we have the opportunity to join with hundreds of Americans that are concerned about our young people, our old people, a better America. Our educators, our teachers want to do this. I cannot think of anything that's more important for our national security and our national defense than investing in these young people who carry the torch of freedom for the generations that follow us.

But if you don't do this, if they find themselves without health care, if their parents cannot be productive on the job because they're worried about their kids and not being able to get to a clinic, if they can't enjoy the preventive care that you enjoy and I enjoy and our children and grandchildren enjoy, you explain it, that we weren't talking to each other, we didn't cooperate, and the program just expired.

No. I don't want you to go that way. I don't even think the President wants to go that way. I want you to think about the bottom line: 11 million kids, an improved Medicare system, $15 billion helping citizens or older that don't have the funds to get insurance, 5 billion for those in the rural areas that don't have access to health care. This is what we're doing.

You may not have liked the roadmap, but you can't walk away from what we've done. You can never say anything that's wrong about helping children. So let us try to think about how we end this up, because come this November people will be asking the questions. I don't think it's going to be on process. I don't think it's going to be how long you kept us up at night. I don't think it's going to be how many parliamentary maneuvers we had. I don't think it's whether we missed our Easter recess. Did you let this program expire and were you there when the children called on you?

I hope we can count on your vote.

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Mr. CAMP of Michigan. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, everyone who is about to vote for this bill needs to read it.

Mr. Speaker, on page 3 of the bill, on the bottom of the page, each State is going to conduct its own audit of eligibility of people that they are providing federally funded health insurance for.

Now, we know already the State of California has said they want to provide health insurance coverage to all children in the State, regardless of whether they are here legally or not. But they can't do that. California cannot extend health insurance to people who are undocumented, because Federal law currently requires that you must prove you are here legally or that you are a citizen under existing law. But this bill repeals that verification requirement. The bill specifically allows each State "shall audit itself."

Under State law, States can use any verification method they wish to determine whether or not somebody is a citizen or they are here legally. Obviously, this law repeals the verification requirement and allows the State to provide health insurance coverage to people who are here illegally or undocumented aliens. In fact, there is no way to even verify their income level.

This is an open-ended faucet that the States are going to be able to tap into the Federal treasury. This is a creation of "HillaryCare" where everyone in this Nation under the age of 25, we are going to kick seniors off of Medicaid and Medicare and allow States to sign up people who are undocumented aliens for the first time in this Nation's history, at a time of record debt, record deficit, and at a time the taxpayers cannot afford it.

Mr. Speaker, this spendthrift majority is going to bankrupt this Nation.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I take this opportunity before we have closing remarks to thank the ranking member of the Ways and Means Committee and the ranking member of the Health Subcommittee for their comity during all of our discussions and the hearings in the past.

I also want to take the chance and take the time to thank our staff, Cybele Bjorklund; Debbie Curtis; Deb Mizeur; Jennifer Friedman; Chad Shearer; Dr. Gene Rich, one of the most overpaid physicians in the country; Drew Dawson; Dana Sun, our intern from the Massachusetts Institute of Technology; Karen McAfee; Ed Grossman; Jessica Shapiro; Mark Miller and the MedPAC staff.

I would also like to thank Chuck Clapton, Joelle Oishi and Dan Elling from the minority staff.

I would like to thank also the staff of the Energy and Commerce Committee: Bridgett Taylor, Amy Hall, Yvette Fontenot, Heather Foster, and Christie Houlihan. All of these people contributed to work to see that we could be as fair and as equitable as we could in drafting this bill. I think they can all be proud of both the work and their efforts to see that this bill was fair and equitable.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, could I ask how much time remains to the different Members?

The SPEAKER pro tempore. The gentleman from California has 30 seconds remaining, the gentleman from Michigan (Mr. CAMP) has 4¾ minutes remaining, and the gentleman from Michigan (Mr. DINGELL) has 7½ minutes remaining.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished majority leader (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I want to thank my extraordinarily generous friend from Michigan, for whom I have not only great respect but great affection as well. I want to thank him for his more than half a century of leadership on issues of health care in America, on extending health care and insurance to every American, to ensuring that in this great country of ours every American has the opportunity to receive the extraordinary quality health care that we have available in this great country.

I also want to thank my good friend, the chairman of the Ways and Means Committee, CHARLIE RANGEL, who has for so many years fought the good fight. As he said on this floor, this is an opportunity for us to extend to children the benefits of health care. I want to mention the President's intent as well.

I want to thank my friend from California, PETE STARK, who has been the Chair of this subcommittee and who has been so faithful.

And I want to thank Mr. McCRERY and the ranking member of this subcommittee. I understand we may have a difference of view, but we are working together now, as the American people expect us to do.

I said on this floor last night that we would have a robust debate on this important legislation, the Children's Health and Medicare Protection Act. I think we have had that robust debate.

While we may disagree on elements of this bill, I believe that virtually all of us agree that it is unacceptable and, indeed, immoral that millions of children in the wealthiest Nation on the face of the Earth do not have health insurance. That is unlike every industrialized nation in the world, other than ourselves.

This historic legislation addresses this national challenge, building upon the successes of the State Children's Health Insurance Program, which received strong bipartisan support in the Republican-led Congress in 1997 and which was signed into law by a Democratic President, President Clinton.

Under this bill, 11 million American children, six million who currently are covered under SCHIP and an additional five million children who currently lack health insurance, will have access to quality, affordable health insurance. It seems to me that is why so many of us serve in this body, to ensure that our people have that access.

Let us be clear. Contrary to the claims of some, including, sadly, at this point in time, President Bush, this legislation does not expand the SCHIP program. Let me repeat that. This legislation does not expand the SCHIP program. Instead, this legislation provides the resources needed to enroll children who are eligible under existing law but who are currently not enrolled. Let me reiterate. The CHAMP Act maintains current law regarding eligibility for SCHIP.

Furthermore, this legislation ensures seniors access to the doctors of their choice by stopping a scheduled 10 percent payment cut to doctors. It phases out overpayments to private plans.

My friends on the other side, of course, want to make sure that the government is very careful in its expenditure of funds, and it urges us to adopt the practices of the private sector, which are driven by competition on price. However, in this case, we have mandated by law that the competitors receive 100 percent reimbursement while the competitors that are favored receive 111 to 130-plus percent. That is a little bit like the prescription drug bill where we can't negotiate for price.

This bill maintains competition and access, and in so doing, the bill would extend Medicare solvency by 3 years, while protecting seniors and people from disabilities from having to pay higher monthly premiums. In addition, my friends, this bill improves Medicare by, among other things, providing new preventive benefits.

I must note, Mr. Speaker, that nearly 3 years ago, in the middle of a presidential campaign, President Bush said the following, and I quote. And this, by the way, was at the 2004 Republican national convention when President Bush was seeking the votes of Americans throughout this country to be reelected President.

This is what he said: "America's children must have a healthy start in life," to which clearly all of us as we watched the television said, Amen. "In a new term," he said, "we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for government health insurance programs."

Mr. President, that is what we are doing this afternoon.

But now, unfortunately, a mere 36 months later, the President is threatening to veto legislation that does precisely what he said he wanted to do in 2004 as he was running for President and seeking the votes in that convention.

Mr. Speaker, contrary to the claims of the President and other opponents of this bill, it does not constitute a government takeover of health care. That is a straw man. That is a shibboleth. That is not accurate. In fact, three-fourths of the children in the SCHIP program receive care today through private insurance plans that contract with the States.

Nor is the bill fiscally irresponsible. A curious claim, I would say, coming from the President and congressional Republicans whose policies added more than $3 trillion to the debt. I got a letter just a few days ago, maybe you got it as well, Mr. McCRERY, from Secretary Paulson. He said, "you know, we are running up against the debt limit."

Does anybody here know in the 4 years preceding this Bush administration's policies how many times we raised the debt? Not once. But we have raised it five times in the last 6 years, if we raise it again.

So when we talk about fiscal responsibility, it is fiscally responsible to invest in the health care of our children, because they will be healthier citizens, more productive citizens, and we will have a better, more economically viable country. In fact, the Democratic majority has taken pains to pay for this legislation and abide by pay-as-you-go budget rules which provided for 4 years of surplus immediately preceding this administration.

Mr. Speaker, in the final analysis, the question before the Members of this body really is this: Do you support reauthorizing this critical program and providing health insurance to eligible children, eligible children, eligible children, or not? I urge my colleagues, vote to provide health care for our children. Vote to improve and protect Medicare. Vote for the CHAMP Act.

Mr. CAMP of Michigan. Mr. Speaker, I yield to the distinguished gentleman from Florida (Mr. YOUNG) for the purpose of making a unanimous consent request.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of children and older Americans this afternoon because I have supported and initiated many legislative efforts in this House to provide health care benefits to both groups.

Yet I must oppose this legislation today because the process under which we are considering it is a disservice to young and old alike. We have before us a major expansion of a Federal entitlement program, a $54 billion tax increase, and the largest cut in the history of the Medicare program under a procedure that allows no member—Republican or Democrat—to offer an amendment to improve this bill. This is the people's House, and yet only a handful of our 435 members have had a chance to write this legislation. Two major committees—Ways and Means and Energy and Commerce—had primary jurisdiction over this matter, but the Energy and Commerce Committee did not even hold public hearings on this important issue.

The State Children's Health Insurance Program (SCHIP) was established with my support in 1997 through a bipartisan effort of this Congress. It has been an unqualified success in providing life-saving medical care to children throughout our Nation. The SCHIP program in Florida now covers children in families with annual incomes of up to 200 percent of the poverty level. In the 10th Congressional District I have the privilege to represent, 21,779 families, or 34 percent of all families with children under the age of 18, are already eligible for Medicaid or SCHIP.

While we could have extended the current, very successful program and modified it to make some program improvements in the coverage of those children who have no insurance, those who wrote this legislation seek to expand the program to include children who come from families that already have health insurance. Children from families with incomes as high as $82,000 could become eligible for health care benefits. And the authors of this legislation pay for this new coverage by cutting Medicare benefits upon which thousands of seniors in my district rely on for their health care needs. It is estimated that these cuts total upwards of $194 billion over the next 10 years.

This would cut funding for the 42,843 seniors in my district who are currently enrolled in a Medicare Advantage Program.

This legislation cuts payments for seniors' hospital and inpatient care by $2.7 billion.

This legislation cuts payments for seniors' inpatient rehabilitation services by $6.6 billion.

This legislation cuts payments for seniors' skilled nursing facilities by $6.5 billion.

This legislation cuts payments for seniors' home health care services by $7.2 billion.

This legislation cuts payments for those of all ages with End Stage Renal Disease by $3.6 billion.

This legislation would impede the mobility of seniors by making them wait a full month to receive Medicare coverage for a motorized wheelchair.

And this legislation would reduce the amount of time seniors can receive Medicare coverage of home oxygen equipment from 36 to 13 months.

Mr. Speaker, my district is home to All Children's Hospital in St. Petersburg, Florida. My wife Beverly and I have spent countless hours there with children and their families, as well as with their doctors and medical staff. You can be sure we understand the special needs of children, particularly those without health insurance coverage. The program we established 10 years ago was a major improvement in expanding the health care options of children. It also provided important reassurance for their parents.

There is no doubt that we could have improved this legislation by working together. Republicans and Democrats alike support providing health care coverage for children and seniors. Instead, this reauthorization of what was a major bipartisan health care initiative has been rewritten with the input and ideas of just a select few members without the opportunity of amendment by all the members of this House.

In fact, the last changes to this legislation were made at 3 this morning. Those changes even wrote into this bill specific program carve outs for 36 hospitals identified by name or location. None are in Florida. How were those hospitals selected?

Mr. Speaker, when it comes to providing health care for young or old alike we should work together in a bipartisan manner to create the best program possible. The best ideas do not reside in just one committee or one political party. We should all have the opportunity to contribute to this legislation, to debate amendments, and to vote on those amendments. A majority of members, not a majority party, should determine what is best for the American people.

While I will vote against this legislation today in large part because of the procedure under which it is being considered and my concern about the negative impact it will have on older Americans, it is my hope that when it returns from the Senate and a conference between the House and Senate, it will be something that I can support, that the majority of my colleagues can support, and most importantly that Americans of all ages can support.

Mr. CAMP of Michigan. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, it is clear, the Democrat majority will soon ram through this Congress the single largest step in Washington-controlled, bureaucratized, rationed, socialized health care. And they are going to do it all under the guise of helping the neediest of our children. But by passing this bill, they are threatening the quality, the access and the choice of health care for all children in America. It is a sad day indeed for our children's physical health. It is a sad day for their fiscal health.

We all know, Mr. Speaker, that Medicaid is the program for the neediest of our children, and we know that SCHIP today is providing for the health care of those low-income working parents.

This is about something else. This is about taking adults off of private health care and putting them on public health care. It is about creating a new permanent entitlement, no matter what the majority may say. There will be no income limit on SCHIP eligibility, no sunset of the program, no annual allotment for the States. It shifts children participating in private insurance that their parents have chosen to that run by the government.

In creating a new entitlement, we are on the verge of leaving the next generation with a lower standard of living. Defeat this program.

□ 1830

Mr. DINGELL. Mr. Speaker, I believe here we have two remaining speakers. As I understand the practices of the House, it is, of course, the right of the chairman of the committee of jurisdiction to close.

I am the only speaker other than our Speaker who wishes to speak and from whom we wish to hear. I would ask first my colleagues on the minority side how many more speakers they have.

Mr. CAMP of Michigan. I just have one speaker remaining, Mr. Speaker.

The SPEAKER pro tempore. The Chair will recognize Members to close in the following order: the gentleman from California, the gentleman from Michigan (Mr. CAMP), and then the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. I would ask unanimous consent that I be able to speak but that our Speaker be able to close for this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. CAMP of Michigan. Reserving the right to object, if I can inquire of the gentleman, are there only two speakers?

Mr. STARK. I will be glad to yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from California may reserve the ½ minute to recognize the Speaker if he wishes.

Mr. STARK. I would like to do that if I may.

Mr. CAMP of Michigan. I withdraw my reservation of objection.

Mr. SPEAKER pro tempore. The reservation is withdrawn.

The Chair will note that the gentleman from California will yield his ½ minute to the Speaker. The gentleman from Michigan (Mr. DINGELL) has 6½ minutes remaining. The gentleman from Michigan (Mr. CAMP) has 3¼ minutes remaining.

Mr. DINGELL. If the gentleman from Michigan so desires, I would defer to him and allow him to speak now, then I will have my remarks, and then the Speaker will close.

The SPEAKER pro tempore. The gentleman from California will be first recognized to close. The gentleman from Michigan (Mr. CAMP) will be next recognized to close. The gentleman from Michigan (Mr. DINGELL) will be recognized to close. Mr. DINGELL can reserve 1 minute at the end of his time to recognize the Speaker to close if he wishes.

Mr. DINGELL. That is my unanimous consent request.

The SPEAKER pro tempore. In that case the gentleman from California (Mr. STARK) has 30 seconds.

Mr. STARK. Mr. Speaker, I am happy to yield back the balance of my time.

Mr. CAMP of Michigan. Mr. Speaker, I yield the balance of my time to the gentleman from Louisiana (Mr. MCCRERY), the distinguished ranking member of the Ways and Means Committee.

The SPEAKER pro tempore. The gentleman from Louisiana is recognized for 3¼ minutes.

Mr. MCCRERY. Mr. Speaker, I think this has been a good debate today. It has been a good debate in part because I believe a number of Members on both sides of the aisle have learned things about this legislation that they didn't know before this debate. I think there are enough questions that were raised today about exactly what is and is not in this bill to warrant this House taking more time to get it right.

The motion to recommit that we will offer in just a few minutes will give this House that opportunity because we in the motion to recommit ask the committee to report back forthwith, which means that this House can today pass what is in our motion to recommit. And in that motion to recommit we will reauthorize the current SCHIP program for 1 year, and we will do a fix for the doctors' reimbursement for 1 year. That will allow this House to give the appropriate amount of time to discover what is and what is not in this legislation that the majority has presented us today and figure out, perhaps in a bipartisan way, the best manner in which to proceed on a long-term basis with the SCHIP program.

I would ask those fiscal conservatives in the majority, some of whom have in good conscience complained about some of the actions of the former majority, there are signs in the hall talking about the national debt, and I ask those Members to think before they vote for this bill. Do they really want to establish a new entitlement program that is open-ended in this country, that is not properly funded? It is funded with a tobacco tax. That is going to be a decreasing source of revenue for this country, not increasing. It is funded with changes to the Medicare program, cuts to the Medicare Advantage program. That is not going to have long-lasting consequences? So, really, I want those people who are concerned about the deficit and concerned about the debt to think before they vote for this bill.

We are giving you an opportunity in the motion to recommit to sustain the SCHIP program, do what you've talked about doing, fix the doctors' reimbursement for a year, and give us more time to talk back and forth a little bit and explore the consequences of some of the provisions that are in this bill that we think would do injury to the fitness of this country, and we think that we can work together to provide a better way for insuring children in this country, not the way that is in this bill.

I believe that this bill is fiscally irresponsible. It is too bad we didn't have fuller hearings and fuller opportunities in committees, in both the Ways and Means Committee and the Energy and Commerce Committee, to explore some of the particulars that the majority decided to put into this bill and just informed the House about within the last 24 hours or so.

Had we had that opportunity, I believe Members with goodwill on both sides of the aisle could have worked out what I believe would have been a much, much better bill than what I perceive to be a hastily put together bill that is before us today.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that every Member have 5 legislative days in which to revise and extend their remarks and include extraneous material on the legislation now before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 6 minutes, and I yield the balance of the time to our distinguished Speaker for purposes of closing.

Mr. Speaker, we have had a good debate. I believe the Members have become understanding of not only the situation but of the legislation before us.

I want to particularly commend the staff of the Energy and Commerce Committee: Amy Hall, Yvette Fonteno, Christie Houlihan, Heather Foster, Jessica McNiece and Bridgett Taylor, who all did a superb job on behalf of the Congress.

I also want to thank Cybele Bjorklund, Deb Mizeur, Jennifer Friedman, Chad Shearer, Brian Biles, Bobby Clark, Debbie Curtis, Ed Grossman and Jessica Shapiro from the Ways and Means Committee staff. Their really valuable contribution did much to make this possible.

I want to commend my colleagues on the minority side, Mr. CAMP and Mr. MCCRERY and Mr. BARTON, and my special friend, Mr. STARK, and the distinguished Chairman RANGEL for the superb job they have done. I also thank the subcommittee chairman in the Energy and Commerce Committee, Mr. PALLONE, for his outstanding job.

The legislation before us is really very simple. The issues before us are not procedure. Rather, they are: Are we going to take care of our kids?

For this Congress, this is perhaps the greatest opportunity we will have. We have three responsibilities to the country and to our kids: See that they are properly nourished, see that they are properly educated, and see to it that they have the health that they need so they can be meaningful contributors to the future of this country. It is not only a humanitarian and compassionate concern of this country, it is the future of the country.

I know the President has indicated that he thinks that this is bad legislation. I grieve that he has come to that conclusion. He has no reason to do so.

First of all, we have the pay-fors. We have taken care of the cost of this. We are seeing to it that, first of all, a modest tax on tobacco comes into play.

Second, we are seeing to it that HMOs that are getting as much as 30 percent more than other HMOs are going to get 100 percent of what other HMOs get, no more, no less. We are not taking anything away from senior citizens. I think we are just taking it out of the pocket of a few people who have too much in the HMO business.

Having said that, let's look to see who supports this legislation. I think that tells us as much or more as anything we can get. The NAACP, the AMA, the different health organizations, the hospital associations, the National Rural Health Association, the American Academy of Pediatrics, the March of Dimes, the Children's Defense Fund, and the National Governor's Association whose meeting I attended last weekend in Traverse City where a major concern was how are we going to provide them the means that they desperately need to provide for the health care for the children under CHIP? That was on the lips, the mind, and in the heart of every one of the governors who spoke there.

I would observe that the Catholic Health Association also speaks to this because they have a concern that this is the best way we can take care of the children and we can see to it that we give a decent right to life to every American.

I would offer to my colleagues, any or all of them, a list of those who do, the organizations who are supportive of this legislation; and I point out that you will find almost every organization that cares about kids or health or the well-being of our young people as supporters of this bill, including the great American labor organizations, the AFL–CIO and the UAW. That should speak clearly to us of the needs.

I would point out that there are a number of misunderstandings that have been stated here. It has been said this is going to raise costs and it is going to raise the amount that is paid to individual recipients. Not so. This is a program which is going to be governed by the costs which were fixed when the legislation was first offered and first introduced and first put into law under the leadership of, for example, Newt Gingrich and Dick Armey. So it is not fiscally irresponsible.

The legislation is going to do something else. It is not going to take care of illegals, nor is it going to engage in any weird practices. If there are waivers given, and they can be given, they will be given in the same fashion as they were given before, and that is by this administration saying this is something that is justified, justifiable and proper and which will help kids. I will note that they have not been overly generous in giving those particular waivers.

So what we have a chance to do today, Mr. Speaker, and my friends and colleagues, is to take care of the kids, to support those who are least able to look to their own well-being and who are most defenseless and to suit them best for a healthy, growing adult life so they may contribute to a better, richer, stronger and safer America.

We are doing something else. We are seeing to it that we are compassionate, and we may best be judged by that because, in doing that, we are best looked at by being those who really care for those who have the least.

I urge my colleagues to vote for the CHAMP legislation. It is good. It is in the public interest.

I now yield to the distinguished Speaker. Madam Speaker.

The SPEAKER pro tempore. The gentlewoman from California, the distinguished Speaker of the House of Representatives, is recognized for 1 minute.

Ms. PELOSI. Mr. Speaker, as I rise here today, something after 6:30 p.m., I was reminded as I listened to the presentations of a poem that most of us memorized when we were young by Henry Wadsworth Longfellow:

Between the dark and the daylight,
When the night is beginning to lower,
Comes a pause in the day's occupations,
That is known as the Children's Hour.

That's this time of day. This is the children's hour. Because of the leadership of so many of our colleagues, we are able to meet our moral obligation to our children. It isn't a pause in our occupation. It is our mission, this moral obligation that we have to the future.

When I was sworn in as Speaker, I was surrounded by children. It was very exhilarating, and I called the House of Representatives to order on behalf of all of America's children, establishing this Chamber as the champion for our children and for the future.

Our legislation is called CHAMP because it does just that. It champions quality health care for America's children and for our seniors, strengthening families. It is just one way in which this new direction Congress is putting health care and particularly the needs of our children at the top of the Nation's agenda.

With the passage of this legislation, the new-direction Congress will ensure that 11 million of America's children receive health care coverage, and seniors will receive improved benefits under Medicare.

I want to join those of my colleagues who have expressed their appreciation for the exceptional leadership of our chairmen of the full committees and the subcommittees and the ranking members of the full committees and the subcommittees for the honest debate that we are having about this legislation today.

□ 1845

I think it's important to note, because it's history, that our distinguished chairman of the Energy and Commerce Committee, Mr. DINGELL, when he was a new Member of Congress gaveled down the Medicare bill. That's his family tradition, looking out for health care for all Americans. His father was a leader on that subject in this Congress, and imagine that he as a young Member, well still a young Member, but a younger Member of Congress, gaveled down Medicare. And today, he is in the lead on this legislation that will strengthen Medicare for America's seniors.

And at the same time, thank you, Mr. Chairman and Mr. RANGEL. Between the two of them, Mr. RANGEL and Mr. DINGELL, they had 22 hearings on the subject of SCHIP. So this Congress has had a thorough review of this subject, and this excellent legislation is the product of that.

I was inspired by your speech, Mr. RANGEL. You persuaded me, not persuaded me to vote for the bill. I always intended to do that, but persuaded me that it was possible that we might have a strong bipartisan support for this bill because it is so much the right thing to do.

I thank Congressman STARK and Congressman PALLONE, Chairs of the appropriate subcommittees of their committees, for their leadership, their intense knowledge of this subject, the judgment they were able to bring on decisions that we had to make about what would be in this bill. Thank you, Mr. STARK and Mr. PALLONE, and thank you again, Mr. RANGEL.

And I thank again Mr. MCCRERY for his, again, comity and the dignity and the knowledge that he brings to this debate. Thank you. Mr. MCCRERY.

And to all of the staff on both sides of the aisle, thank you for your hard work on this. Their efforts will help millions of American children and seniors live better lives.

SCHIP, created by a Republican Congress and a Democratic President, signed into law by President Clinton, SCHIP has dramatically reduced the number of poor, uninsured children in America. The legislation before us today will improve SCHIP and the lives of millions of working families in America by improving coverage for all 6 million children currently insured under SCHIP and by extending that coverage to 5 million additional children. Those children will receive dental care and, thanks to Congressman Patrick Kennedy, mental health services.

Dental care, we so take it for granted for our own children, but after this legislation is passed, no more will we have the Demonte Driver where we have to have a situation like that where a child will die because he had an abscessed tooth that turned into a brain infection. We're all familiar with the details of that sad story. Today, we are doing something about it.

Let us be clear, most SCHIP beneficiaries receive their coverage through private managed care plans, not through the government.

And let us be clear, as the chairman just pointed out, this legislation is paid for; no new deficit spending, no heaping mountain of debt on these children to pay for the health care they so rightly deserve.

In addition to providing coverage to children, the CHAMP Act also, as we know, strengthens and improves Medicare for every senior by eliminating coinsurance requirements and deductibles for preventive care. Imagine that, for preventive care, how important that is. The legislation reduces copayments and provides for mental health parity, and many more seniors will no longer face the doughnut hole. Remember our old friend, the doughnut hole. Well, many more seniors will no longer face the doughnut hole in the prescription drug benefit. We do all of this and more for seniors and, I repeat, with pay-as-you-go budget rules and extend the life of the Medicare trust fund by 3 years.

By passing the CHAMP Act, the New Direction Congress is keeping our promise to seniors on Medicare and meeting our obligation to our future, our children. Again, and it is paid for. I can't say that enough.

The distinguished chairman of the Energy and Commerce Committee read a long list. There are pages and pages. I would submit them for the RECORD, except it would be very expensive to print. There are so many names that are endorsing this legislation. They range from the Children's Defense Fund, as was mentioned, the Catholic Hospitals Association, National Committee to Preserve Social Security and Medicare, the old, the young, everyone across the board, all the health organizations that administer to the needs of our children and our seniors.

I just say in conclusion, Mr. Speaker, as Pearl Buck said, "If our American way of life fails the child, it fails us all." With this CHAMP Act, we are not going to fail America's children. We are championing them and their grandparents.

This legislation has fiscal soundness. It has a values base, and it should have the support of everyone in this body.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the CHAMP Act, the Children's Health and Medicare Protection Act.

The CHAMP Act reauthorizes and improves the very successful State Children's Health Insurance Program, SCHIP. Created in 1997 by Congress with broad bipartisan support, the SCHIP program currently covers 6 million children who otherwise would have no access to health insurance. Despite its many successes, there are still more than five million children who are eligible for SCHIP, but not yet enrolled in the program. This bill seeks to cover those vulnerable children.

Unfortunately, President Bush's proposal seeks to turn back the clock and take us in the wrong direction. The President has proposed funding SCHIP at a rate that does not even take into account any increases for inflation or population growth. Under the President's proposal, more than 1.5 million children will lose SCHIP coverage and many States, including Maryland, will continue to face funding shortfalls. Indeed, the non-partisan Congressional Budget Office, CBO, has confirmed that the President's proposal would be too little to keep covering the children who are currently enrolled in SCHIP.

In contrast to President Bush's proposal, this bill will extend coverage to an additional 5 million children who are currently eligible for SCHIP but are not yet enrolled. I am also pleased that the bill provides for guaranteed dental coverage in SCHIP—good oral health care is integral to the health of children and no child should have to suffer because they cannot access adequate dental care. No family should have to suffer the loss of a child because they lack access to dental care, as happened in the tragic case of Deamonte Driver, a 12-year old Marylander who died earlier this year when an infection from an untreated abscessed tooth spread to his brain. I am also pleased that this bill provides important mental health coverage for children.

The reauthorization and improvement of SCHIP will benefit the approximately 136,000 children who are currently enrolled in Maryland's CHIP program and prevent Maryland from facing further funding shortfalls in its SCHIP allotment as has been the case in recent years. The CHAMP Act will also provide essential funding to Maryland to enroll 68,000 children in families with incomes under 200 percent of the federal poverty level who remain uninsured. It will also provide Maryland with a new option to cover more than 65,000 children who are aging out of Medicaid and SCHIP. And because of the bill, Maryland will have an increase in its SCHIP allotment of $99.7 million from last year, allowing it room to reach additional eligible but uninsured children.

Not so long ago, President Bush promised to expand coverage of SCHIP to include eligible children who are not yet enrolled. In his September 2004 speech to the Republican National Convention, the President stated—and I am quoting here, "America's children must also have a healthy start in life. In the new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance programs. We will not allow a lack of attention, or information, to stand between these children and the health care they need."

Now, the President has reversed course. In his July 10, 2007, speech in Cleveland, Ohio, he forgot his 2004 pledge and stated, "I mean, people have access to health care in America. After all, you just go to an emergency room."

I hope the President will reconsider his position and help Congress provide health insurance to 11 million children who are one of the most vulnerable segments of our society.

In addition to reauthorizing SCHIP, the CHAMP Act makes improvements in Medicare that will strengthen that important program. The legislation reduces overpayments to Medicare Advantage plans, which are paid, according to non-partisan CBO and other independent entities analysis, on average, 12 percent more than the cost of care in traditional Medicare. This will increase Medicare's solvency by two years. In addition, the legislation prevents the impending physician reimbursement cuts and provides positive updates in 2008 and 2009. Also, the bill will increase Medicare beneficiaries' access to preventive services by eliminating co-payments and deductibles for current and future preventive benefits and authorizing Medicare to add additional preventive services.

The CHAMP Act also increases the tobacco tax by 45 cents to a total of 84 cents. Increasing the tobacco tax will save billions in health costs and is one of the most effective ways to reduce tobacco use, especially among children. In short, raising the tobacco tax will prevent thousands of children from starting to smoke and the proceeds of the tax will be used to expand health coverage for children. That is a win-win result.

Mr. Speaker, the clock is ticking. I urge all of my colleagues to vote for this much needed legislation.

Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 3162, the Children's Health and Medicare Protection Act. I know that this was not an easy piece of legislation to put together and I appreciate the hard work of my colleagues on the Committees on Rules, Energy & Commerce and Ways & Means.

This bill is an important step in addressing the health care crisis faced by millions of families. Access to affordable insurance and quality preventive care is critical to the well-being and security of all Americans. The CHAMP Act will ensure that all eligible children are afforded the opportunity to enroll in State Children's Health Insurance Programs and takes important steps to improve efficiency and secure the solvency of the Medicare program, relied on by so many of our seniors.

The State Children's Health Insurance Program SCHIP, known as RIte Care in Rhode Island, has made health insurance a reality for over 12,000 children in my home State this year—the majority of them in families where one or more adult is part of the workforce. It is a critical component of health care delivery in Rhode Island, as it is across the country. I am so honored to be part of a Congress that is taking steps to ensure that all children who are eligible for this program are able to participate. By reauthorizing the SCHIP program, we renew our national commitment to achieving the goal of insuring all children whose parents cannot afford private health insurance coverage.

This bill also contains important components for Medicare beneficiaries. The elimination of overpayments to private plans that participate in Medicare delivery is a necessary step to increasing efficiency of this program. This action will go a long way in preventing premium increases for Medicare beneficiaries and will strengthen Medicare's finances for the future. While we still have work to do in improving certain aspects of the Medicare program—particularly the prescription drug benefit—this bill will ease the process for seniors who wish to change their prescription drug plan, and it will increase access to preventive services, saving lives and money.

Finally, I would also note that this legislation contains a fix to the scheduled 10 percent cut in physician payments under Medicare. I am pleased to support this fix and look forward to working with my colleagues to craft a permanent solution to the flawed funding formula that continues to recommend such cuts. We cannot offer high quality health care to our Nation's seniors if health care providers cannot afford to see Medicare patients.

I am pleased that this Congress has made access to health care a priority, particularly for our Nation's children and seniors. I urge all my colleagues to vote in favor of the CHAMP Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I rise in strong support of H.R. 3162, which represents the agreement between the House and Senate on the "Honest Leadership and Open Government Act of 2007," which the House passed in May 2007. With the adoption of this legislation, we begin to make good on our pledge to "drain the swamp" and end the "culture of corruption" that pervaded the 109th Congress.

It is critically important that we adopt the reforms contained in H.R. 3162 because Americans are paying for the cost of corruption in Washington with skyrocketing prices at the pump, spiraling drug costs, and the waste, fraud and no-bid contracts in the Gulf Coast and Iraq for Administration cronies.

The cozy relationship between Congress and special interests we saw during the 109th resulted in serious lobbying scandals, such as those involving Republican super lobbyist Jack Abramoff. In this scandal, several congressional staff members and a former congressman pleaded guilty to conspiring to commit fraud—accepting all-expense-paid trips to play golf in Scotland and accepting meals, sports and concert tickets, while providing legislative favors for Abramoff's clients.

But that is not all. Under the previous Republican leadership of the House, lobbyists were permitted to write legislation, 15-minute votes were held open for hours, and entirely new legislation was sneaked into signed conference reports in the dead of night.

The American people registered their disgust at this sordid way of running the Congress last November and voted for reform. Democrats picked up 30 seats held by Republicans and exit polls indicated that 74 percent of voters cited corruption as an extremely important or a very important issue in their choice at the polls.

Ending the culture of corruption and delivering ethics reform is one of the top priorities of the new majority of House Democrats. That is why, as our first responsibility in fulfilling the mandate given the new majority by the voters, Democrats are offering an aggressive ethics reform package. We seek to end the excesses we witnessed under the Republican leadership and to restore the public's trust in the Congress of the United States.

Mr. Speaker, Federal lobbying is a multi-billion dollar industry, and spending to influence members of Congress and executive branch officials has increased greatly in the last decade. While the Lobbying Disclosure Act of 1995, LDA, is one of the main laws to promote transparency and accountability in the federal lobbying industry and represents the most comprehensive overhaul of the laws regulating lobbying practices in 50 years prior to 1995, it falls far short of a complete solution, as even recognized by its staunchest supporters, during congressional hearings on the issue.

The need for further reform was highlighted by a major study of the federal lobbying industry published in April 2006 by the Center for Public Integrity, which found that since 1998, lobbyists have spent nearly $13 billion to influence members of Congress and other federal officials on legislation and regulations. The same study found that in 2003 alone, lobbyists spent $2.4 billion, with expenditures for 2004 estimated to grow to at least $3 billion. This is roughly twice as much as the already vast amount that was spent on federal political campaigns in the same time period.

The LDA contains a number of measures to help prevent inappropriate influence in the lobbying arena and promote sunshine on lobbying activities. However, according to the Center's study, compliance with these requirements has been less than exemplary.

For example, the report found: during the last six years, 49 out of the top 50 lobbying firms have failed to file one or more of the required forms; nearly 14,000 documents that should have been filed are missing; almost 300 individuals, companies, or associates have lobbied without being registered; more than 2,000 initial registrations were filed after the legal deadline; and in more than 2,000 instances, lobbyists never filed the required termination documents at all.

Under the LDA, the Secretary of the Senate and the Clerk of the House must notify in writing any lobbyist or lobbying firm of noncompliance with registration and reporting requirements, and they must also notify the U.S. Attorney for the District of Columbia of the noncompliance if the lobbyist or lobbying firm fails to respond within 60 days of its notification. It appears that until very recently, however, these cases of noncompliance were not being referred to the Department of Justice for enforcement. It is also clear that the infractions that are actually being investigated by the Secretary or the Clerk do not coincide with the extent of noncompliance, and it is entirely unknown whether enforcement actions are being effectively pursued by the Department of Justice. Clearly, further reform is needed.

Mr. Speaker, I commend the leadership of Speaker PELOSI and her team for the excellent work in preparing this lobbying reform package. The reforms contained in the package are tough but not nearly too tough for persons elected to represent the interests of the 600,000 constituents in their congressional districts. Indeed, similar bipartisan lobbying and government reform proposals were debated and passed by the House and Senate in 2006 but the Congress failed to reconcile the two versions.

Mr Speaker, I support H.R. 3162 because it closes the "Revolving Door," requires full public disclosure of lobbying activities, provides tougher enforcement of lobbying restrictions, and requires increased disclosure.

H.R. 3162 closes the "Revolving Door" by retaining the current one-year ban on lobbying by former members and senior staff and requires them to notify the Committee on Standards of Official Conduct within three days of engaging in any negotiations or reaching any agreements regarding future employment or salary. The members' notification will be publicly disclosed.

The bill also requires members and senior staff to recuse themselves during negotiations regarding future employment from any matter in which there is a conflict of interest or an appearance of a conflict.

Mr. Speaker, this legislation also ends the "K Street Project," made notorious during the 12 years of Republican control of Congress. Members and senior staff are prohibited from influencing employment decisions or practices of private entities for partisan political gain. Violators of this provision will be fined or imprisoned for a term of up to 15 years.

Second, H.R. 3162 requires full public disclosure of lobbying activities by strengthening lobbying disclosure requirements. It does this by mandating quarterly, rather than semiannual, disclosure of lobbying reports. It covers more lobbyists by reducing the contribution thresholds from $5,000 to $2,500 in income from lobbying activities and from $20,000 to $10,000 in total lobbying expenses. It also reduces the contribution threshold of any organization other than client that contributes to lobbying activities to $5000, $10,000 under current law.

Third, the legislation increases disclosure of lobbyists' contributions to lawmakers and entities controlled by lawmakers, including contributions to members' charities, to pay the cost of events or entities honoring members, contributions intended to pay the cost of a meeting or a retreat, and contributions disclosed under FECA relating to reports by conduits.

Fourth, the bill requires the House Clerk to provide public Internet access to lobbying reports within 48 hours of electronic filing and requires that the lobbyist/employing firm provide a certification or disclosure report attesting that it did not violate House/Senate gift ban rules. And it makes it a violation of the LDA for a lobbyist to provide a gift or travel to a member/officer or employee of Congress with knowledge that the gift or travel is in violation of House/Senate rules.

Transparency is increased by the requirements in the bill that lobbyists to disclose past Executive and Congressional employment and that lobbying reports be filed electronically and maintained in a searchable, downloadable database. For good reason, the bill also requires disclosure of lobbying activities by certain coalitions but expressly exempts 501(c) and 527 organizations.

Finally, Mr. Speaker, H.R. 3162 increases civil penalties for violation of the Lobby Disclosure Act from $50,000 to $200,000 and adds a criminal penalty of up to 5 years for knowing and corrupt failure to comply. Finally, the bill requires members to prohibit their staff from having any official contact with the member's spouse who is a registered lobbyist or is employed or retained by such an individual and establishes a public database of member Travel and Personal Financial Disclosure Forms.

Mr. Speaker, it is wholly fitting and proper that at the beginning of this new 110th Congress, the Members of this House, along with all of the American people, paid fitting tribute to the late President Gerald R. "Jerry" Ford, a former leader in this House, who did so much to heal our Nation in the aftermath of Watergate. Upon assuming the Presidency, President Ford assured the Nation: "My fellow Americans, our long national nightmare is over." By his words and deeds, President Ford helped turn the country back on the right track. He will be forever remembered for his integrity, good character, and commitment to the national interest.

This House today faces a similar challenge. To restore public confidence in this institution we must commit ourselves to being the most honest, most ethical, most responsive, most transparent Congress in history. We can end the nightmare of the last 6 years by putting the needs of the American people before those of the lobbyists and special interests. To do that, we can start by adopting by H.R. 3162.

Ms. CORRINE BROWN of Florida. Mr. Speaker, today I rise in strong support of the CHAMP Act. The CHAMP Act is another achievement that the Democratic Congress can point to that is fulfilling the needs of the American people.

In my home State of Florida, KidCare—Florida's CHIP program—covered 303,595 children in 2006, but 718,603 children remain uninsured. The CHAMP Act could provide Florida with approximately $2.54 billion in new federal funding and an opportunity to get more children covered. States like Florida need to step up to the plate and fund their CHIP program to the fullest extent.

The CHAMP Act would provide continued health insurance to six million children already covered and add an additional five million children who currently lack health insurance nationwide. That alone should be enough to vote for this bill, but the Republicans continue to play political games.

Fortunately, the Republicans have no ground to stand on this bill and they know it. They are trapped in a corner crying about tax increases instead of supporting health care for five million children. Let me tell you, this is why your party is no longer in control—you've stopped listening to the people.

Opponents also say this is a fiscally irresponsible bill. Let me say that your party doesn't understand fiscal responsibility. The Republican party has run up the largest deficits in history and they call this bill fiscally irresponsible. We have spent over $600 billion on the President's war in Iraq and we can't spend less than $3.50 a day to cover a child through CHIP. Seventy-six percent of Americans believe that access to health insurance is more important than cutting taxes.

This bill will be one of the most important healthcare issues this Congress will deal with and the American public will know who voted for it. The number of uninsured children in the country is an embarrassment. The Democrats are making the American public a priority again and I encourage all of my colleagues to support this bill and vote for the children.

Mr. ORTIZ. Mr. Speaker, today's CHAMP bill is one of the best pieces of legislation the house has considered in a decade. It illustrates the difference between how this Congress writes legislation and how the Republican Congress wrote bills; today's bill favors children, the Republican bill favored insurance companies.

This bill will provide health care to 11 million kids—five million who currently lack health insurance and six million who are currently covered by the Children's Health Insurance Program, SCHIP—by reauthorizing and improving SCHIP. In Texas, more than 120,000 will benefit.

This bill also reverses the Republican drive to privatize Medicare and strengthens Medicare to: ensure beneficiaries' access to their doctors; expand preventive benefits, mental health services and physical, occupational and speech therapies; reduce costs for seniors and people with disabilities with low incomes; protect consumers; and extend policies that protect access to health care in rural communities.

Congress created SCHIP in 1997 with broad bipartisan support. This year, six million children have health care because of SCHIP. The program has worked well in Texas. This is an excellent investment for this Nation given that health care costs without insurance would be much more expensive.

The funding for SCHIP expires September 30. If Congress does not act, these six million children will no longer have access to quality, affordable health insurance. These children are in working families with parents who either cannot afford insurance or hold jobs that lack health care benefits.

The President highlighted his support for SCHIP while running for re-election in 2004, yet the Bush Administration and our Republican colleagues propose underfunding the program significantly, which would cause millions of children to lose coverage.

The CHAMP Act protects Medicare from privatization and promotes fiscal responsibility by reducing overpayments to private plans. Current overpayments to private plans cost taxpayers tens of billions of dollars. According to nonpartisan analysts, private plans are paid, on average, 12 percent more than traditional Medicare—and overpayments to certain plans exceed 50 percent.

These overpayments are the result of a decade-long campaign by President Bush and Republicans in Congress to privatize Medicare by undermining traditional Medicare and promoting private insurance. Republicans believe that the greater the number of beneficiaries enrolled in private plans, the easier it will be to privatize Medicare.

The CHAMP Act guarantees seniors and people with disabilities can continue to see their doctors by preventing scheduled physician payment cuts from taking place.

The CHAMP Act extends expiring provisions that, if left unchanged, would negatively affect rural beneficiaries' access to physicians, hospitals, home health, ambulances, and lab services—all of which are important to south Texas.

The bill also adds important consumer protections to Medicare. It provides States with the authority to regulate private plans' marketing abuses and increases penalties for violations, enables all beneficiaries to switch Part D plans if plans alter their formulas. This empowers low-income beneficiaries to change plans at any time. It also requires greater quality reporting to ensure patients are getting the best care available.

I urge my colleagues to support this important bill—and I encourage the President to do the right thing and sign it, our children and their grandparents are waiting.

Mr. CONYERS. Mr. Speaker, I rise in strong support of H.R. 3162, the Children's Health and Medicare Protection Act (CHAMP Act). This legislation will reauthorize the State Children's Health Insurance Program, ensuring that millions of children receive the care they need, and will protect Medicare for America's seniors.

Even though I support this legislation, I rise today with a heavy heart. It is nothing short of a disgrace that here, in the wealthiest country on earth, eight million children lack health insurance coverage. We ought to be ashamed that we are having this debate at all.

I am absolutely stunned that Congressional Republicans and the President are opposing this legislation, particularly in light of the fact that the President used CHIP as part of his campaign platform in 2004. Talk about shock and awe! I am shocked beyond belief that they can stand before the American people with straight faces and refuse health care for children. I am in awe of the gall required to base the denial of these vital, life-saving services on an ideological talking point. Madam Speaker, the ideology of my colleagues on the other side of the aisle has not provided health care for these children yet. It is impossible for any serious person to believe that if this legislation is defeated the Republican ideology will suddenly start working its magic and provide health care for these children whose parents can't afford to buy it in the open market.

In my years fighting for universal health care, we have often said, "Covering children is easy. How could anyone publicly refuse to support coverage for children?" It was coverage for adults that was always perceived as the real challenge.

But today, the Republicans have stooped lower than even I thought was possible. Not only are they saying "We can't afford to give our children health care." This is the same party, by the way, that finds money for tax cuts for the rich, that finds money to fund a disaster of a war. Many times more money than what is needed to cover these children, in fact.

Not only are the Republicans admitting that they prioritize tax cuts for the wealthy and feeding the military industrial complex over insuring our children. They are now standing before the American people and saying "It is not our job to guarantee health insurance coverage for America's children." They are refusing to make that promise. Instead, they propose that our children's health should be subject to the ups and downs of the stock market, that it should depend on their parents' employment status, or how much they have in a bank account. It is utterly beyond conception how the Republicans can possibly think these ideas will be accepted by the American people. But I will leave my colleagues on the other side of the aisle to face the repercussions of this folly next November.

Let me move on to a more positive subject: the bill under consideration today, which we will pass over these shameful objections. The Children's Health and Medicare Protection Act, also known as the CHAMP Act, reauthorizes the State Children's Health Insurance Program (CHIP) and protects coverage for 6 million children, including 89,257 in Michigan, while extending health care coverage to another 5 million low-income children. All told, this bill will ensure essential health care coverage for 11 million of our most vulnerable children.

The Children's Health and Medicare Protection Act also makes needed fixes to the Medicare program. It stops a 10 percent payment cut to doctors, thereby ensuring that I, we seniors will continue to have access to the doctors of their choice. It encourages seniors to seek preventive health benefits by eliminating co-payments and deductibles for these services. The bill protects low-income seniors by expanding and improving programs that help keep Medicare affordable for those with lower incomes. It stops overpayments to HMOs that are draining money away from health care and into their profit margins. And it also shores up Medicare's finances by extending the solvency of the Medicare Trust Fund by two years.

Failing to pass this legislation would have real consequences for children and seniors. If the State Children's Health Insurance Program is not reauthorized by September 30th, 2007, millions of children could lose their health insurance. Seniors will lose access to their doctors and pay higher Medicare premiums to subsidize overpayments to HMOs. I find it quite interesting that we haven't heard these so-called fiscally responsible Republicans lamenting the fact that their friends in the HMO industry are overbilling our government to line their pockets. It seems that fiscal responsibility only applies when poor children are on the receiving end.

Let's defeat the sham S–CHIP bill offered by Representatives BARTON, SHIMKUS and BLACKBURN that would leave millions of children without health care while slashing Medicare and harming our seniors. Let's tell the White House and Congressional Republicans that it's time to stop playing political games. Let's tell them it's time to work together to ensure more children across the country have the high-quality medical care they deserve and strengthen Medicare for our seniors. They might not be able to understand that it's the right thing to do, but the American people certainly will.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this bill.

Dr. Martin Luther King, Jr. said "of all the forms of inequality, injustice in health care is the most shocking and inhumane." The CHAMP Act addresses many problems that we currently have in our health care system. It does not end health care inequality, but it will increase coverage for low income children, and it will stave off payment cuts for hard-working physicians, while increasing choices for seniors and strengthening traditional Medicare.

I believe that health care should be a right, not a privilege, and this act is a step in the right direction. The Children's Health Insurance Program (CHIP) is set to expire on September 30, 2007. This year, six million children have health care because of CHIP. If Congress does not act, these six million will no longer have access to quality, affordable health insurance. This legislation also provides coverage for an additional 5 million children who currently qualify but who are not yet enrolled under CHIP. These children are in working families with parents who either can't afford insurance or have jobs that lack health care benefits.

Despite claims by some, this bill does nothing to "expand" the CHIP program. Instead, it maintains current eligibility requirements for CHIP. The majority of uninsured children are currently eligible for coverage—but better outreach and adequate funding are needed to identify and enroll them. This bill gives states the tools and incentives necessary to reach millions of uninsured children who are eligible for, but not enrolled in, the program.

It has been said that the CHAMP Act creates an entitlement for illegal immigrants. But in fact the CHAMP Act does not change existing law, which states that undocumented immigrants are not eligible for CHIP or regular Medicaid. And the CHAMP Act explicitly states that it provides no federal funding for Medicaid or CHIP for undocumented immigrants and requires audits of all State programs to ensure that federal funds are not being spent on undocumented children.

The CHAMP Act will protect and improve Medicare by increasing fiscal responsibility and ensuring access to doctors for seniors and those with disabilities. Currently experts agree that Medicare Advantage (MA) plans receive, on average, 12 percent more than the cost of care in traditional Medicare. Overpayments to certain plans can exceed 50 percent. By phasing out these overpayments over the next four years the Congressional Budget Office estimates that billions of dollars will be saved each year. While, increasing the solvency of Medicare and simultaneously reversing the catastrophic 10% payment cuts to physicians who serve Medicare patients. By reducing overpayments to Medicare Advantage plans, wasteful spending will be reduced while increasing patient access to physicians.

Medicare Advantage plans originally sought to give beneficiaries more choices at a lower cost. However, overpayments to MA plans do not increase benefits but rather pay for the administrative costs, marketing costs and profits for private plans. The CHAMP Act levels the playing field by decreasing premiums for those enrolled in traditional Medicare.

By curbing the overpayments to Medicare Advantage plans, this legislation decreases the cost for preventative health services for seniors, eliminating co-payments and deductibles for these vital services while saving lives and money. Further, this bill includes $3 billion for the rural health care safety net. This ensures access to quality care for those in rural America.

The health of our children is vital to the success of our society. The CHAMP act will raise the federal tobacco tax by 45 cents. According to the Campaign for Tobacco-Free Kids, a 45-cent increase means that 1,381,000 fewer children will take up smoking. Adults, too, would be less likely to smoke, which means fewer smoking-related illnesses and lower health costs. Estimates are that this tobacco tax increase will result in long-term health savings of $32.4 billion and 669,000 fewer smoking related deaths.

The CHAMP Act has the support of the American Medical Association, American Association of Retired Persons, Catholic Health Association, National Rural Health Association, American Hospital Association, Federation of American Hospitals, American Nurses Association, Families USA, National Partnership for Women and Families, Children's Defense Fund, Child Welfare League of America, and the National Committee to Preserve Social Security & Medicare.

I am proud to vote for this bill that seeks to protect those that are most vulnerable in our society by increasing health insurance coverage for low-income children and protecting and improving coverage for those enrolled in Medicare and Medicaid.

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise in opposition to the Rule. Mr. Speaker, I strongly believe we must ensure access to quality and affordable health care; this has been a top priority for me as eastern Washington's Representative in this House. I wholeheartedly support renewing the SCHIP program, which was originally created under Republican control of Congress in a bipartisan fashion. Ensuring health care for low income children who need it the most should be our priority.

I also wholeheartedly support access to health care for seniors—but unfortunately, because of partisan politics, a vote for this proposal is a vote to kick over 157,000 seniors off their Medicare advantage plans in Washington state.

Further, if this rule and this bill pass the House today, two hospitals in my district, North Valley Hospital in Tonasket and Mid-Valley Hospital in Omak, would be forced to close their doors to our community.

These hospitals were started by concerned physicians who banded together to provide health care in a remote region that is largely comprised of Medicare and Medicaid beneficiaries. This bill forces these doctors to sell their "share" of the hospital—which is less than 1 percent a piece—because it incorrectly assumes they are unethically self-referring patients.

That may be a problem in other parts of the country but not in Okanogan County. These two hospitals are the closest hospitals within 5,000 square miles and serve the county's 40,000 residents. There has to be a better way to prohibit unethical practices. Shutting down the only vehicle for health care delivery is not the answer, which is why I cosponsored an amendment to this rule that would have allowed these hospitals to continue to serve all residents—from kids to seniors—in Okanogan County. Unfortunately, this amendment was not allowed under the Democratic leadership.

Not only does this bill devastate the already delicate rural health care infrastructure in parts of eastern Washington, but it cuts deep in the pocket of seniors in order to pay for a runaway expansion of this children's health program that covers a 25-year-old adult.

Proponents of this bill might argue that it is necessary to kick seniors off of their Medicare plans in order to cover poor children. I would then ask them: do you consider a family of four making $82,000 dollars a year, a poor family? That is who we are covering here.

In eastern Washington alone, over 10,000 seniors would lose their choice in Medicare coverage to pay for this reckless expansion. They will be forced to find and pay out of pocket for their own prescription drug plans, pay for rapidly increased premiums, lose direct senior services, and have a harder time finding a primary care doctor because most prefer the Medicare Advantage payment rate.

Meanwhile, this rule and the underlying bill will make it easier for illegal immigrants to get health care—funded on the backs of middle class families and small businesses. Not only do this bill and the underlying rule slash $193 billion from seniors' health care, but its stealth tax increases will draw off money from every American with a health insurance plan. This rule endangers seniors in my community—Mr. Speaker, we can and must do better.

Mr. BOUSTANY. Mr. Speaker, I rise in opposition to H.R. 3162. Last night, I offered an amendment in the Rules Committee that would require states to report their plan to target the lowest income families for enrollment first and to report their plan to avoid displacing private insurance coverage that families already enjoy. Unfortunately, the Majority does not want to encourage states to work to cover the neediest children first.

Many low income families in hurricane damaged areas of my own district remain eligible but not enrolled in SCHIP. According to the State of Louisiana, more than 68,000 children in families that make less than 200 percent of the federal poverty level remained eligible but unenrolled in SCHIP as of May 2007.

Instead of targeting sufficient outreach to low income families, the bill wastes scarce outreach dollars by encouraging states like New York to enroll families making more than $82,000 who already have insurance. Research by the Kaiser Family Foundation shows that half of the children in families making 300 percent above the federal poverty level who currently have private insurance could be pushed out of that coverage and onto new government programs.

The bill also harms rural seniors who will be harmed by cuts to Medicare Advantage. Don't forget that more than 2,000 seniors in Calcasieu Parish lost coverage after Washington's last cuts to that program, and now Washington is poised to do it again.

Scarce federal tax dollars should be used to target the neediest children first. I urge my colleagues to oppose the bill.

Ms. DEGETTE. Mr, Speaker, as co-chair of the bipartisan Congressional Diabetes Caucus, one of the largest House Caucuses-with over 250 members, I want to highlight the increased investment in diabetes research included in the "Children's Health and Medicare Protection Act," As the single most costly chronic disease in the United States, diabetes places a tremendous economic burden on our country, costing more than $132 billion annually and accounting for one out of every three Medicare dollars.

Diabetes inflicts an enormous personal toll on individuals and their families. Individuals with diabetes have more than twice the prevalence of disability from amputation, loss of vision, and other serious complications such as stroke, kidney failure and heart disease. Even with continuous and vigilant management, patients are still susceptible to developing serious, long-term complications.

Absent a significant federal investment in conquering this disease, the personal and economic toll of diabetes will continue to grow. It is estimated that one out of every three children who are born in the year 2000 will develop diabetes during their lifetime.

Despite this alarming trend, real advances are being made and tremendous research opportunities exist, in large part due to the Special Statutory Funding Program for Type 1 Diabetes Research which was originally created as a provision of the State Children's Health Insurance Program in 1997. This program has produced tangible results that are improving people's lives today as we continue towards our ultimate goal of a cure. However, unless this program is reauthorized, there will be a 35% reduction in federal support for type 1 diabetes research.

Chairman DINGELL, I want to thank you for including a one year extension at current funding levels for this program. I know that difficult choices had to be made to accomplish multiple goals within a tight budget, and his support for this critical program is greatly appreciated.

It is important to note, however, that because the program has previously provided continuity of funding over multiple years, the National Institutes of Health has been able to support longer-term, innovative research projects that have led to significant advances. Such efforts would not be continued if the program was not extended for multiple years.

I am committed to continuing my work with Chairman JOHN DINGELL and the rest of my colleagues on this issue to ensure that we can adequately fund this program in upcoming years.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 3162, the Children's Health and Medicare Protection Act.

Texas has the highest rate of uninsured children in the nation. Twenty-five percent of Texas kids have no health insurance.

The Texas state legislature has done a great disservice to these children, and they are working to remedy the problems but have a long way to go.

The Federal Government can help by expanding SCHIP so that States can enroll more kids into the program. These are children of the working poor.

I support generous expansion of this program.

Children with health insurance are more likely to be up to date on immunizations and to receive treatment for sore throats, ear aches and other illnesses.

Good health means fewer sick days and better school performance—and less burden on our emergency rooms.

I urge my colleagues to avoid delay in passing this bill, that is critical for the health of so many children.

Mrs. JONES of Ohio. Mr. Speaker, the House Ways and Means Democrats have put our nose to the grindstone and produced a well-balanced piece of legislation that will ultimately provide necessary and much improved care for both children and seniors.

Along with providing health care to 11 million children, including five million who currently lack health insurance, it eliminates pending physician cuts in 2008 and 2009 and enacts a positive .5 percent increase in both years, providing for stability in reimbursement and ensuring that beneficiaries can continue to see the doctor of their choice. Additionally, the legislation expands preventive benefits including mental health services and physical, occupational and speech therapies, and reduces costs for seniors, people with disabilities and low incomes.

Some of the most encouraging provisions of this legislation relate to health disparities. The legislation provides both incentives and instructions to our national health care providers on addressing the critical and debilitating phenomenon of health care disparities in the minority community. For the first time we identify, codify and target health care disparities with a goal toward eradicating these problems. Additionally, the bill proposes significant changes to the treatment of patients in End Stage Renal Disease and I have proposed a study on its impact on the African American community. Through this study we will learn how best to provide this most critical service to some of the nation's most vulnerable patients.

I am pleased that we were able to secure a Medicare waiver for the Ireland Cancer Center of University Hospital Health Systems that will allow them to provide immediate care to Medicare patients upon operation.

While I do have some concerns regarding provisions regarding wheel-chair access, oxygen and imaging services, I am confident that as we move toward enhancing our healthcare systems that these issues will be adequately addressed.

Mrs. BIGGERT. Mr. Speaker, I rise in opposition to the CHAMP Act.

I am a strong supporter of the State Children's Health Insurance Program—or SCHIP as it is commonly called. In my State of Illinois, there are approximately 167,000 low-income children who are enrolled in the program. Many of these children are in families where their parents work hard each month to make ends meet. And for many of these families, SCHIP is the safety net they need when they cannot afford private health insurance.

I support reauthorization of the SCHIP Program when the goals of the reauthorization are to cover low- to moderate-income children that do not already have health insurance. However, I cannot support legislation that will provide government-sponsored insurance for higher-income families at the expense of seniors.

The legislation we are considering today would allow States to cover children and adults well above the poverty level. A little-know provision in current law known as "income disregard" allows States to determine what is and is not income for the purposes of determining eligibility. This loophole allows States to provide SCHIP coverage to a family of four making more than $72,000 a year, or 350 percent of the Federal poverty level. While $72,000 a year may not get you on the cover of Forbes magazine, it is a level that most Americans would agree is above poverty.

For families with private health insurance making $72,000 a year, this legislation would provide them with an incentive to shift from their private insurance to the Government program. And who can blame them? But I don't think that the taxpayers in my district would support a bill that shifts individuals from private insurance to Government programs.

To expand coverage to middle-income families, the legislation would cut coverage to seniors in the Medicare Advantage program. In my district, there are more than 5,000 seniors who are enrolled in Medicare Advantage plans. I often hear about the additional benefits that these individuals enjoy that are otherwise unavailable or available at a much higher cost.

We should not be forced to choose between seniors and children—particularly when the majority does not allow the minority to properly review the legislation, debate it in the committee or on the floor, or allow amendments and alternative ideas to be considered.

I support reauthorizing the SCHIP program when that legislation is focused on the most vulnerable population—the population the program was intended to help—poor children. But I cannot support legislation that will eliminate coverage for senior in order to provide coverage to middle-income adults and children—many of whom already have health insurance.

I urge my colleagues to oppose this legislation.

Mr. MARKEY. Mr. Speaker, I rise today in strong support of the Children's Health and Medicare Protection Act.

The United States has the highest gross domestic product in the world. We have the most advanced technology, the strongest research program, and for some, the best medicine in the world.

But last year, 18,000 Americans died because they were uninsured and did not have access to health care. Many of them were children.

Providing health care for poor children used to be a bipartisan issue. But today the Republicans say that they philosophically object to this bill claiming that it is a massive expansion of Government-run healthcare.

But this bill does not change the structure of the program that the Republicans voted for in 1997. The only explanation is that they philosophically object to spending the $50 billion necessary to find and give healthcare to all 11 million poor, eligible children. What kind of philosophy is that?

President Bush used to talk about compassionate conservatism, but this debate has exposed a Republican Party that is neither compassionate nor conservative.

Instead, we are seeing some on the other side of the aisle choosing corporations over children. They demand that we continue Federal subsidies for their friends in the big, for-profit, insurance companies, while denying uninsured children the healthcare they need.

If you kick these Republicans in the heart, you'll break your toe.

I urge you to vote "yes" on this critical children's health bill.

Mr. TOWNS. Mr. Speaker, I believe that we have a good bill that will help provide needed health insurance for 5 million more low-income children, that helps us reduce health disparities, equalizes payments under Medicare to allied health professions, acknowleges the role of schools in health care service delivery and protects senior citizens from deceptive and aggressive marketing tactics by private Medicare sales people. I applaud the inclusion of health information technology in this bill. I have a draft bill in this area related to connecting medically underserved communities to reduce health disparities and I believe this bill could further that process.

I applaud this bill for making a number of efforts to collect racial and ethnic health data. Numerous groups including the Rand Corporation, the Congressional Black Caucus, and the Kaiser Family Foundation and others have stressed that efforts to reduce and eliminate racial and ethnic health disparities cannot proceed without comprehensive data collection.

I am pleased that this bill creates payment fixes under Medicare for a number of allied health professions, including midwives and marriage and family therapists. I had hoped a similar provision for physicians' assistants could have been included. However, this bill can address the ability of physicians to delegate hospice care to physicians' assistants without any further cost considerations.

I am particularly pleased that the overall tone of the bill is to help children improve their lives and their health by offering a guaranteed dental benefit and helping States enroll and retain more eligible children, including the children of legal immigrants. I am fully supportive of the idea of allowing "qualifying States" to use their CHIP allotments for Medicaid if that will cover more kids.

I believe that the attempt to categorize this bill as cutting Medicare is nothing more than a sham. Thousands of seniors who need part "D" assistance will benefit from easier enrollement procedures. Almost 550,000 seniors in my State will be protected on limitations to out-of-pocket costs for prescription drugs. Companies have for 3 years overcharged Medicare from 19 to 70 percent and have told seniors that cutting these over payments will cut their benefits. That is simply not true. It is not necessary to choose between funding health care for children and health care for seniors. This legislation does both.

Urban and rural districts will benefit from the proactive approach in this bill to reach out to "hard-to-reach" communities to spread the word about enrolling in SCHIP. That makes good sense and is supported by a wide range of groups in our community, including the National Medical Association.

My city, State and many stakeholder groups are also fully supportive of simplifying the applications process and speeding up and streamlining eligibility determinations. In addition, States like New York that fund SCHIP beyond 200 percent of Federal poverty levels are appreciative of the ability to earn bonus payments available to States that have implemented 5 of 7 practices that would increase outreach, enrollment, and retention efforts.

In addition, I am supportive of the option to enroll children who would otherwise age out of Medicaid or CHIP.

The majority tried very hard to include all medically necessary services, but cost factors did not make that fully possible. Indeed, I am appreciative that you were able to include dental and mental health services in this bill as a State mandate because these services are predictors of good health status. In fact when these services are not readily available it can be tragic. We witnessed the unfortunate demise of young Deamonte Driver in Maryland from a tooth abscess this past winter, preventable by extracting a tooth at the cost of about $80. Instead, he suffered a brain infection that cost the system $250,000 in surgery bills and Deamonte his life because he could not receive treatment in time. This bill will help avoid these types of tragedies.

I am very supportive of the creation of the Children's Access Payment and Equity Commission because I believe that with a good balance of commissioners, including those from medically underserved communities, we can more closely monitor access to care from these communities.

Other features of this bill that I fully support include: coverage of pregnant women; the increase for allowable resources for asset testing; continuous enrollment and the encouragement of culturally appropriate enrollment and retention practices.

I do, however, have a number of concerns. I am very concerned that New York's public hospital system stands to lose up to $350 million if the moratorium on intergovernment tax transfers is not extended. In addition, our State and city will lose even more than that if we eliminate graduate medical education payments. I hope that we can work together to prevent this tragedy, not rust for my own State and city, but for others as well.

I am still concerned that we need to give a date certain to the Secretary of Health and Human Services to begin an additional compendia to support coverage of off-label uses of cancer drugs.

I am concerned that the freeze on payments to the home health industry will continue to have negative effects in my State and city.

I am also concerned that Medicare beneficiaries will not receive all of the necessary treatments available to them. Further, I would prefer they have the broadest formulary coverage so that seniors are not forced to switch to other medications which are not rated as therapeutic equivalents.

Mr. WELDON of Florida. I rise to express my opposition to the bill before us. As a physician who still sees patients I find this piece of legislation to be completely unacceptable and extremely irresponsible.

The Democrat majority—under the guise of providing insurance to uninsured lower-income children—has chosen to expand the State Children Health Insurance Program (SCHIP) far beyond its original intent of insuring low-income children. What is worse, they've chosen to pay for it by cutting benefits for Seniors and other Medicare beneficiaries by more than $157 billion.

They have rushed this 500-page bill to the House floor without first allowing the committees of jurisdiction to fully debate and amend the bill. They introduced their bill last night just before midnight. Shortly after midnight, they added a 45-page amendment. This morning they made this available to Members of the House. Now they have only allowed two hours of debate and denied Members of Congress any opportunity to offer amendments to the bill. In fact, they are brazenly complaining that by giving Members time to read the bill, it would unnecessarily delay moving this bill forward.

What is so offensive about suggesting that Members of Congress have an opportunity to read the bill before being asked to vote on it? Why the rush? Why the secrecy? Why are they shutting down the legislative process and rushing this bill through before anyone can read it?

It is because they don't want the American people to know what they are doing until it is too late. And they don't want Members of Congress to know what they are voting on and what the true effects of the legislation will be.

They don't want the 780,000 seniors in the state of Florida—including over 40,000 seniors in my congressional district—to know that their Medicare benefits will be cut in order to provide health insurance to non-U.S. citizens, including illegal immigrants, and millions of children who already have health coverage.

They don't want 8 million seniors enrolled in Medicare Advantage plans across this Nation to know that their benefits are being cut so that the SCHIP program can be expanded to subsidize health care benefits for adults in states like New Jersey, some with annual incomes of $80,000 per year.

They want to hide from America's seniors the fact that Medicare benefits are being cut in order to subsidize health care benefits to a new group of "children" who happen to be between 18 and 25 years of age.

They don't want seniors to know that budget experts in Congress estimate that nearly one-half of the children who will be signed up to the SCHIP program after this bill passes—using money that is being cut from Medicare—are simply dropping their private health care coverage in order to get the federal subsidy under the SCHIP program.

Earlier this year, I was troubled by the fact that Democrats planned to significantly expand the SCHIP program and I offered an amendment in the House Appropriations Committee that would have focused the program so that states would first be required to ensure that all children in homes earning below 200 percent of the poverty level were covered. My amendment was rejected by the Democrat majority in that Committee who said they opposed it because my amendment would focus the program on serving uninsured children. They made it clear that they had no intent of focusing this program on lower income children, but rather planned to expand the program to those well above the poverty level and to include adults and non-citizens.

What else is in this bill that they are trying to hide from the American people?

They repeal the requirement that individuals must prove citizenship in order to enroll in Medicaid and SCHIP. This opens the program to fraud and the enrollment of illegal immigrants. In 2006, the Inspector General (IG) of the Department of Health and Human Services found that 46 states allowed anyone seeking Medicaid or SCHIP to simply state they were citizens. The IG found that 27 states never sought to verify that enrollees were indeed citizens. The Congressional Budget Office (CBO) estimates that repealing this requirement will cost $1.9 billion.

The bill provides a bonus payment to states that choose not to implement an asset test for those enrolling in SCHIP. In other words, a family could hold assets of as much as $1 million (a house, car, mutual fund) but could still qualify for SCHIP if their income for that year fell within the amount allowed for SCHIP enrollment. For example, a family of four living in a $1 million home in New York with an annual income of $80,000 could qualify for enrollment in SCHIP. And if New York does this—they get a bonus!

It is my understanding that this 500-plus-page bill imposes a tax on private health insurance. Certainly, they want to hide that from the American people.

Mr. Speaker, it is clear that they don't want the American people to know that they are creating a massive new entitlement program just at the time when the financial strains of the Social Security and Medicare entitlements are being stretched as Baby Boomers retire. They are putting this Nation on a path to bankruptcy by creating a huge new entitlement program that they have no way of sustaining long-term. This is the wrong time to be saddling the American taxpayers with a gigantic new program.

Additionally, I am concerned that this bill fails to secure the senior's long-term access to quality physicians. The 1997 Budget Act (a bill I voted against) created a formula that has resulted in payment to doctors being cut. As a result, today some doctors (typically the best doctors with the busiest practices) are starting to refuse to see new Medicare patients. This SCHIP bill does not fix this problem. It provides doctors with a 1 percent increase over 2 years then cuts doctor reimbursement by 12 percent in 2010 and 12 percent in 2011, or 23 percent over 2 years. The effect of these cuts could be devastating with many doctors facing the possibility of losing money when they see Medicare patients. The result will be seniors will not be able to see a doctor.

Mr. Speaker, I could go on about the additional cuts to Medicare, including cuts to the following Medicare benefits: home health, end stage renal disease, oxygen therapy, imaging services, dialysis, and skilled nursing facilities.

By cutting Medicare and spending the money elsewhere, this bill will make the challenge of securing the long-term solvency of Medicare even more difficult.

Mr. Speaker, it is disappointing that the Democrat leaders have chosen to pit health care benefits for America's senior citizens against those of children. There is a better way. Had the Democrat leadership chosen to consider this bill under the regular legislative process, we could have worked through this in a bipartisan manner. Unfortunately, Speaker PELOSI has chosen to put politics before prudence. This bill goes far beyond the bill passed by the Senate, and the President has vowed to veto the House bill. This bill should be sent back to committee and debated in regular order. America's seniors, uninsured children, and the American taxpayer deserve better.

Mr. ETHERIDGE. Mr. Speaker, I rise reluctantly in opposition to the Children's Health and Medicare Preservation Act. I fully support the goals of this legislation—to provide healthcare to millions of uninsured children, to improve Medicare benefits for our seniors, and to help rural areas provide healthcare. Unfortunately, however, I cannot support legislation that unfairly impacts the second district and all of North Carolina with the burdens of this cost.

I have been a long-time supporter of the State Children's Health Insurance Program, or SCHIP, and I am proud that the Budget Committee on which I serve authorized the increase reflected in this bill. I support reauthorizing and strengthening SCHIP, without which nearly six million children will lose access to healthcare. In North Carolina, NC Health Choice provides cost-effective and high-quality health services to 250,000 at-risk children. An additional 180,000 uninsured children in North Carolina are eligible for coverage, and the $50 billion in the budget I helped write would enable more of these children to be covered.

It is also vital that we enable physicians to provide health services, in SCHIP, Medicaid, .and in Medicare. This legislation implements a 2-year fix that enables doctors to continue their participation in the program without going bankrupt. Without this fix, North Carolina physicians will lose $460 million for the care of elderly and disabled patients over the next 2 years, and face a 1.6 percent geographic cut above the baseline reductions in other parts of the country. I appreciate Medicare physicians who have made many sacrifices to continue to cover the Medicare population, and without a fix this year doctors may start dropping out and refuse to see Medicare patients. We must maintain our commitment to universal coverage for our Nation's seniors and people with disabilities. This legislation takes a positive step in that direction.

There are many other positive provisions in this legislation: Fixes that strengthen the Medicare Trust Fund, provide more access to preventative care, and provide lower premiums for many seniors; extensions for important rural health care initiatives that ensure access to care for people across the country, especially in the second district of North Carolina; support for the Special Diabetes Programs, which provide essential funding for research and innovative diabetes prevention activities for thousands of children in communities throughout the country; provides parity for mental health coverage under Medicare; the list goes on and on. I understand what these improvements mean to the people of North Carolina, and I wholeheartedly support them.

These provisions have a cost, however, and as important as these priorities are we also must value the principle of fairness. I do not support smoking, and I have never smoked, but this bill is not fair to those who grow or use tobacco. The cigarette tax is regressive; falling hardest on those who can least afford it. Although it is a national tax, it also unevenly impacts the country, with North Carolina and a few other states footing the bill for the benefits the CHAMP Act seeks to deliver. North Carolina's citizens pay over four percent of the costs of this legislation while receiving about two percent of the benefit.

Researchers at North Carolina State University estimate that North Carolina's economy would lose at least $540 million a year through the tax's indirect impact as well. North Carolina's tobacco farmers grow a legal crop. These hard working farm families have suffered greatly from transformations in the global economy. Because my district is the second largest tobacco producing district in the country, H.R. 3162 disproportionately affects my constituents who work hard to be able to pay their bills and provide a better life for their children. This just doesn't pass the fairness test.

Mr. Speaker, I wish I could support this bill for all of its laudable goals. I join with my colleagues in my desire to provide healthcare for children, strengthen Medicare and protect it from privatization, and improve health services for rural communities, diabetes patients, and others. When we are able to do so without placing undue burden on North Carolina's farmers and low-income families, I will gladly vote in favor of doing so. With the current funding mechanism, however, I cannot support this bill.

Mr. MORAN of Virginia. Mr. Speaker, Republicans have attacked a provision in the CHAMP Act that would allow states flexibility in how they verify the citizenship of the American children applying for or renewing coverage under Medicaid, claiming that language in the 2005 Deficit Reduction Act (DRA) that imposed harsher citizenship verification requirements on state Medicaid programs is the only barrier protecting taxpayer dollars from being spent on healthcare for illegal immigrants.

Empirical evidence from the first nine months of the implementation of this rule demonstrates, in fact, that the new requirements have denied tens of thousands of American children access to health care.

In my own state of Virginia, this draconian requirement has adversely affected thousands of U.S. citizen children, children who are among the most medically vulnerable in the state. In the first nine months of implementation, there was a net decline of more than 11,000 children enrolled in Medicaid. Had growth in enrollment continued at the same rate it had during the previous 2 years, the state would have seen a net increase of 9,000 poor children, suggesting that overall, at least 20,000 have been denied access to health coverage.

Among those who do receive coverage, the average wait time for processing has increased from sixteen days to four to six months.

Twenty-one other states also reported declines in enrollment since the implementation of the DRA, including a net decline of 14,000 children in Kansas.

While the DRA's requirements have unfortunately limited access to care for so many low-income U.S. citizen children, they also have imposed enormous administrative costs on the states, our financial partners in this program. In Virginia, the number of "pending" cases awaiting further documentation skyrocketed from about 50 per month to 4000. The DRA requirements have made measures to increase the efficiency of the Medicaid application process (including mail-in, phone and online applications) impossible.

The DRA requirements don't seem to be succeeding in fulfilling its objective: in the first nine months of implementation, six states spent $17 million implementing the DRA requirements, but only identified eight undocumented immigrants out of a total of 3.6 million Medicaid beneficiaries.

In addition, enrollment has fallen significantly in these states among white and African-American children, while enrollment among Latino children has increased—which would not be occurring if the provision were affecting undocumented immigrants, 78% of whom are from Mexico, Central America or South America, according to the Pew Hispanic Center.

The DRA requirements imposed substantial bureaucratic costs on the states, but have produced almost no cost savings. Instead, millions of dollars spent implementing the DRA requirements have served only to deny care to tens of thousands of American children.

The costs of care denied to low-income U.S. citizen children are passed on to taxpayers in the form of uncompensated emergency room visits and costs to treat the infectious diseases that these children may contract and unknowingly pass on while awaiting access to treatment.

The debate about CHAMP should be about the public health and improving the health of our children. Attacks on this provision come from Members who are grasping at straws, trying to come up with reasons to oppose this bill, which takes monumental steps to improve the health of low-income children in this country.

In a recent survey, 90 percent of parents applying for Medicaid for their children indicated that they have no other health coverage available. Allowing state flexibility in citizenship verification is sound public health policy that would enable thousands of American children access to vital health services to help them live better, healthier, and more productive lives. Because Medicaid is now the single largest cost to state taxpayers, we ought to make a concerted effort to support state flexibility.

State flexibility is widely supported. Twenty-four Senators signed letters to Chairman BAUCUS asking him to include this measure in the Senate's bipartisan SCHIP bill, and fifty-one other House Members joined me in requesting that Chairman DINGELL include this provision in the bill. I urge your support of this landmark legislation to protect the health of our most vulnerable low-income children, and your support of state flexibility in citizenship verification.

Mr. HERGER. Mr. Speaker, I rise in strong opposition to the "CHAMP Act." I do support averting the 10 percent cut in physician payments scheduled for next year, and I am pleased that the bill reforms the Medicare geographic cost payments index for California and holds rural counties harmless through 2010—although I would have preferred to see a permanent fix so that the physicians I represent do not face the prospect of a 5 to 7 percent cut a few years down the road.

However, I am very troubled by the overall thrust of the CHAMP Act, which is to expand big government health care at the expense of competition and consumer choice. This bill would effectively destroy the Medicare Advantage program, especially in rural areas like the district I represent.

I would like to read to my colleagues from a letter I received just the other day from one of my constituents, Kathleen Lopez of Marysville, California. Kathleen writes, "I chose a Medicare Advantage plan because I receive Social Security benefits less than $700 net per month; our annual income hovers around $20 thousand. This plan encourages preventive care, has Plan D Medicare, has some vision and dental coverage. . . . This type of plan eliminates costly monthly expenses for health coverage as well as prescription drug coverage." Over 4,500 other senior citizens in my district are receiving similar benefits. Most—if not all—of them will lose their benefits under this bill.

Mr. Speaker, not only does this bill sharply reduce incentives for Medicare Advantage plans to offer coverage to low-income rural seniors like Kathleen Lopez, it also imposes new constraints and regulations to prevent Medicare Advantage plans from offering better deals. The message of this bill is "Washington knows best." Instead of promoting competition and choice, we are going to push everybody into a one-size-fits-all plan.

That message is reinforced with the massive expansion of SCHIP that takes kids from middle-class and possibly even upper-class families off private insurance and puts them into a government program. Mr. Speaker, all of us support reauthorizing SCHIP. Everyone supports providing health care for low income children. But let us be clear: That is not the question we are discussing today. What we are debating is whether to turn SCHIP into a massive new entitlement under which every child in America—even if their families are well-off, even if they already have good health coverage—can become eligible for health care provided by the Federal Government.

Don't be fooled—this bill is the first step toward the Federal Government taking over health care. Some members who were closely involved in writing this bill have even openly stated their support for creating a government-run health care system and literally banning market-driven health care providers. We have a decision before us: We can move toward a 21st-century, patient-centered health care system driven by competition, choice, and innovation. Or we can go backwards toward a system of socialized medicine, like the ones that are crumbling in Europe or the one that Canadian doctors come to our country to escape.

Mr. Speaker, this bill goes in the wrong direction, and I urge my colleagues to reject it.

Ms. PRYCE of Ohio. Mr. Speaker, this legislation wasted an opportunity to reauthorize a bipartisan health care program for low-income children. I support SCHIP and would welcome its renewal and improvement. But this House is abandoning its mission of providing needed health care coverage for low-income children who otherwise would go without, and instead enrolling millions of middle class families—even adults—with income upwards of $80,000, some who already have private insurance, in this government-run health care plan.

Why are we pushing our middle class into government health care when there are so many low-income kids who still need help? And why are we asking seniors to pay for it? In Ohio, 70 percent of uninsured children who are currently eligible for SCHIP are not enrolled in the program. Congress should work to cover these children before it pursues this overly ambitious and costly entitlement expansion on the backs of our senior citizens.

In my district, some 13,000 seniors would be dropped from their Medicare plan to pay for this bill. Additionally, many of the services seniors rely on most will be cut under this bill—from cuts to skilled nursing facilities, to oxygen, to wheelchairs, to home health care. This is simply unnecessary and unfair.

I have devoted much of my career in the House to giving a voice to children and promoting programs to help them. It is therefore truly unfortunate and disappointing that the Democrat majority has rushed this bill to the floor, with no Republican input and no chance of improving it through the amendment process. And, I regret, that due to this unnecessary over-reaching, one-sided legislative process, I was compelled to oppose this irresponsible bill. We can do better. Our kids and our seniors deserve better.

Mr. PETRI. Mr. Speaker, I am a strong supporter of the State Children's Health Insurance Program (SCHIP) that provides needed health care coverage to millions of children across this nation. It is vital to our nation's children and is in need of expansion in order to cover all eligible uninsured children.

In fact, this February I joined many of my colleagues in sending a letter to the Budget Committee requesting that the fiscal year 2008 budget include sufficient funding to maintain existing SCHIP caseloads, as well as make reauthorization of the program a high priority.

Unfortunately, I believe that H.R. 3162 takes the wrong approach and goes beyond what is necessary to cover uninsured children in America. Furthermore, the legislation puts seniors in my district at risk by making cuts to the Medicare Program. By trying to do too much in this bill, we have shifted our focus from helping our nation's children and now have a bill that has become mired in controversy.

I believe the Senate's stand-alone reauthorization legislation is a more reasonable approach. It focuses solely on strengthening SCHIP by implementing measures to expand the enrollment of low-income children as well as to improve the quality of health care that children in the program receive.

House passage today is not the final step in the legislative process, of course. While I cannot support the bill before us today, I hope that when a conference report is brought before us, it will be a reasonable compromise that provides needed expansion of SCHIP without the troublesome provisions of this bill. We need to reauthorize and strengthen this important and necessary program.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of H.R. 3162, the

Children's Health and Medicare Protection Act (CHAMP Act).

This important legislation will provide health care to 11 million children by reauthorizing and strengthening the Children's Health Insurance Program (CHIP).

Insuring America's children is an affordable goal. It costs less than $3.50 a day—about the cost of a Starbucks Frappuccino—to cover a child through CHIP. Certainly we can all agree that this is an investment worth making.

In addition to providing health coverage to children, this bill strengthens Medicare to ensure beneficiaries have access to their doctors and improves benefits to cover preventative and mental health services.

This bill lays the groundwork for a long-term solution to the physician payment system.

Medicare physician payment rates are set to be cut by 10 percent in 2008 and a 5 percent cut each year thereafter under current law. This bill eliminates pending cuts and enacts a .5 percent increase in both 2008 and 2009.

Congress has a responsibility to protect our children's access to affordable health care and strengthen Medicare for patients and physicians.

This bill accomplishes both these goals.

I urge my colleagues to support this important legislation.

Mr. BISHOP of Georgia. Mr. Speaker, since its inception in 1997, I have been a steadfast proponent of SCHIP. This was perhaps most evident in January of this year when PeachCare, Georgia's SCHIP funded program, faced a $131 million shortfall. I hosted a bipartisan delegation of Georgia lawmakers and public health officials who came to Washington to persuade the House leadership to fix the problem. In May, Congress approved and the President signed into law legislation which eliminated this shortfall faced by Georgia and other states.

While my support of children's health care has never been in question, my vote today in favor of the bill was a difficult choice. I'm very uncomfortable with voting for any excise tax, especially one as regressive as a tobacco tax. The CHAMP Act presents a dilemma: improve access to health insurance for our youngest and most vulnerable citizens, or oppose the legislation to avoid causing harm to the many retailers and employees whose livelihoods depend upon the sale of tobacco, as well as the state and local governments that depend upon revenues generated from tobacco sales.

This is not a perfect bill. But let us not let the "perfect" be the enemy of the "good." This bill will ensure our children grow up healthy and strong, save millions of dollars for the taxpayers who pick up the tab for indigent care in emergency rooms, strengthen access to health care in rural America, and protect our nation's seniors by giving them the healthcare they deserve

Mr. LATHAM. Mr. Speaker, I rise today in opposition to R.R. 3162. First, I fully support reauthorizing the SCHIP program and preserving this important program intended to provide health insurance to low-income children.

Having said that, I cannot support a bill that robs America's seniors of their Medicare benefits in order to give taxpayer-financed health care to illegal immigrants. The bill before us eliminates requirements that applicants show proof of citizenship, potentially allowing millions of illegal immigrants access to Medicaid and SCHIP.

Furthermore, there is no requirement to ensure that eligible children from low-income families are enrolled before expanding coverage to children from middle-class or wealthier families. No limits on income eligibility are included, allowing a virtually open-ended expansion of the program to children that already have private health insurance. Meanwhile, 70 percent of uninsured children are already eligible for Medicaid or SCHIP and most of these are in the low-income category. The original intent of SCHIP was to cover low-income children, and we need to give these kids priority.

To pay for the expansion of SCHIP, Democrats are cutting over $157 billion from Medicare Advantage, which provides enhanced benefits like prescription drug, vision and dental coverage, as well as lower out-of-pocket costs, for almost 51,000 Iowa seniors. This will result in a reduction of benefits for seniors enrolled in Medicare Advantage, and an increase in their costs. These drastic cuts will even force 3 million current beneficiaries out of the program.

Pitting grandparents against their grandchildren is simply wrong. I urge my colleagues to reject this bill. Let's go back to the drawing board to produce a more responsible bill focused on providing health insurance to children from low-income families.

Mrs. BONO. Mr. Speaker, I would like to express my strong support for the State Children's Health Insurance Program, or SCHIP, and the need for this program to be reauthorized. But, unfortunately, I must also state my opposition to the proposals that we have before us on the floor today.

Since its enactment in 1997, SCHIP has been a tremendous success. SCHIP has been adopted in one form or another in every state across the nation. In my own state of California, we have enacted a combination of the SCHIP and Medicaid program to optimize coverage in the state. This program is better known as Healthy Families and currently provides coverage to more than 800,000 children. I strongly support the coverage that currently exists in California and voice my continued commitment to maintaining that coverage.

I was heartened to see the bipartisan compromise that emerged from the Senate Health, Education, Labor, and Pensions (HELP) Committee earlier this month and that is currently being debated on the Senate floor. This legislation ensures that states will have adequate federal funding to continue their existing programs, while allowing others to expand coverage to more children. The bill also allows states to cover pregnant women and includes provisions to transition childless adults into Medicaid. The Congressional Budget Office (CBO) estimates that this bill will lead to the coverage of three and a half million new children. And all this was done at $15 billion less than the SCHIP portion of the proposal that we have before us today. While I recognize that the Senate proposal is still a work in progress, I am supportive of many of the principles laid forth in this legislation and appreciate the flexibility with which states are allowed to continue operating this program.

This CHAMP Act that is before us includes many provisions that are positive and attempt to address some very real and very serious problems facing the health care community. I know that my own state would benefit greatly from the Adult Day Health Care Services provision within the bill and would allow California and 7 other states to continue operating their long standing and successful programs. There are provisions that will amend Medicare Part D to aid patients relying on the AIDS Drug Assistance Program or ADAP to pay for their drugs. Perhaps most importantly, this legislation also includes a two year update for payments to physicians under the Medicare fee schedule. If current law is allowed to move forward doctors will be forced to absorb a nearly 10% cut in reimbursements. As the daughter of a doctor, I am sympathetic to this cause and have been supportive of efforts to stave off devastating cuts that have been pending in years past. I strongly believe that the problems we face as a result of the Sustainable Growth Rate (SGR) deserve our full and careful attention. I do not, however, believe that this is the vehicle to do so.

While I support many, if not most of the provisions in this bill, I have a responsibility to vote for programs and policies that are necessary for the public and affordable for the taxpayer. This bill is typical of what we have come to expect from a Congress that refuses to put limits on what they are willing to support and ask the taxpayers to fund.

I joined with several of my colleagues in cosponsoring H.R. 3269, the Children's Health Insurance Program Reauthorization Act of 2007, which was introduced by Representative HEATHER WILSON yesterday afternoon. I am proud to have co-sponsored this legislation that will do what needs to be done in an affordable and responsible manner. It would be a tragedy if this bill, that has bipartisan support in the Senate, were to lose and so many important projects pushed off track because this Congress refuses to deal with everyday realities of taxpayers struggling to make ends meet. I am deeply disappointed in the decision made by my colleagues on the Rules Committee to not only allow rejection of this amendment but every other amendment that may have helped to improve and reign in this irresponsible bill.

To help pay for the obscene $90 billion price tag of this legislation, cuts have been proposed to hospital payments, inpatient rehabilitation services, skilled nursing facilities, and home health care services to name a few. I am very alarmed that a lion's share of these cutbacks will be felt by Medicare Advantage and the 8 million Medicare beneficiaries currently enrolled. In Riverside County alone, nearly 50 percent of Medicare beneficiaries have chosen to participate in a Medicare Advantage plan, more than 100,000 seniors. The bill that we have before us today will put each of us in the position of having to choose between children and seniors.

As I have often stated, SCHIP must be reauthorized; 6.6 million children who are currently enrolled will find their coverage jeopardized if Congress does not act. We have long known that September 30th was looming and instead of acting, the leadership of the various Committee's of jurisdiction have chosen to wait until the 11th hour, and not just act on SCHIP, but to create a veritable Christmas tree of major health care policy reforms with no legislative hearings. We can and should act on behalf of SCHIP. I encourage my colleagues in the House to follow the example of the Senate and consider a bill that is clean and focused and allows members to vote their conscience on coverage for children.

I will not be voting for the CHAMP Act today for these reasons. I hope that my colleagues on both sides of the aisle will come together during Conference, put aside partisanship, put aside a grab bag of legislation and bring back a bill that is truly for our children.

Mr. KIND. Mr. Speaker, I rise today in support of HR 3162, the Children's Health and Medicare Protection Act. The CHAMP Act makes crucial investments in children's health, preventive care, rural providers, and improved services for Medicare beneficiaries. I urge all of my colleagues to support this important legislation.

Over the past several months, this Congress has debated how best to resolve serious problems facing this country's healthcare system: how do we provide responsible, reasonable healthcare coverage to children of working families? How do we modernize the benefits package provided to seniors under Medicare? How do we ensure that physicians and other providers caring for these seniors are paid fairly under Medicare? And finally, how do we accomplish all of these goals while at the same time adhering to the responsible budgeting rules this Congress has adopted for itself through pay-as-you-go budgeting rules?

As a member of the Ways and Means Committee faced with these issues, I can tell you that it has not been easy. I do not believe, however, that our constituents elected us to come to Washington and make the easy decisions. We are here to govern, to balance competing and often equally deserving interests, and to arrive at a solution that we think is best for this country. I believe the CHAMP Act accomplishes all of these goals.

This legislation will expand health care coverage to some 5 million new children across the country, allowing them to receive the vital preventive care that we know is essential for a healthy future. The CHAMP Act pays for this new investment through an increase in the federal tobacco tax, a move that itself will improve the health of our children by making cigarettes more expensive to buy. The forty-five cent tobacco tax increase included in this bill will reduce youth smoking rates by almost seven percent and will result in significant future savings in healthcare costs.

The CHAMP Act also invests in this country's seniors by eliminating cost-sharing for preventive services under Medicare. This move will allow seniors to get essential services—such as check-ups, cancer and diabetes screenings, and flu and pneumonia vaccines—for no out-of-pocket costs.

We know that in order to improve seniors' quality of life and to prevent and detect life-threatening diseases, we must make this investment in prevention and primary care. I am proud of this important advance.

Lastly, this legislation ensures that rural healthcare providers are paid fairly for the services they provide to seniors. The Medicare program provides a vital healthcare safety net for seniors living in rural areas. The CHAMP Act ensures that this level of care can continue by providing fair payments to physicians, ambulance providers, home health agencies, and other practitioners who care for the more than 9 million seniors living in rural areas.

The CHAMP Act is the right choice for Wisconsin and the right choice for this country.

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of H.R. 3162, the Children's Health and Medicare Protection Act. This bill invests $50 billion in our children and our seniors. The minority has had no objections to spending half a trillion dollars in Iraq but objects to $50 billion over 5 years for our children and seniors? Where are their priorities?

Passing this bill will mean that 5 million more children who are already eligible for SCHIP will be enrolled. That will bring the total number of children covered by SCHIP to 11 million. Passing this bill will mean a real investment for our children, our seniors, and, indeed, our Nation.

I urge you to vote "yes" on the CHAMP Act.

Mr. HOLT. Mr. Speaker, I rise today in support of our Nation's children, a strong and secure Medicare program, and for passage of the Children's Health and Medicare Protection Act of 2007, CHAMP Act, H.R. 3162.

More than 6.6 million children today have health insurance because of the creation a decade ago of the State Children's Health Insurance Program SCHIP. However, these children will lose their access to good, affordable health insurance if the Congress does not act to reauthorize the SCHIP program by September 30, 2007.

Today, the House will vote on the CHAMP Act, H.R. 3162, which will reauthorize and expand the SCHIP program to ensure even more children have access to the health care their parents cannot afford or who work in jobs that do not provide health care benefits. The CHAMP Act will provide 11 million children with health care, by expanding SCHIP to include an additional 5 million children who currently have no health insurance.

The CHAMP Act also provides the tools needed and creates incentives for States to reach the millions of children who are eligible but not currently enrolled in the SCHIP program. The bill ensures that children have 12 months of continuous eligibility, so their parents do not frequently have to complete a complex renewal process. Additionally, dental coverage and parity for mental health will also be provided to children under the CHAMP Act.

According to the Henry J. Kaiser Family Foundation, more than 44 million Americans lack health care coverage, including more than 14 percent of New Jersey's residents. Many of these Americans are children. It is simply unconscionable that in our country millions of children are uninsured.

The SCHIP program is strongly supported by our Nation's governors who have managed the State-run programs over the past decade and understand that SCHIP allows States to cover low-income children who lack health insurance in families of the working poor.

New Jersey uses its SCHIP funds to run a program called FamilyCare. Our State is a leader in extending FamilyCare eligibility and currently 125,000 children as well as 85,000 low income-parents are enrolled in New Jersey's program. Without SCHIP all of these residents of New Jersey would again be uninsured.

The CHAMP Act will allow States, like New Jersey, to continue set income eligibility for the SCHIP program. Because the cost of living is so high in New Jersey, it is important that our State has the flexibility needed to establish realistic eligibility guidelines.

Additionally, the CHAMP Act will allow New Jersey to continue to enroll parents along with their children. According to research by the Institute of Medicine of the National Academies of Sciences, one highly effective way of boosting coverage among low-income children is to broaden health insurance to their parents. Currently, New Jersey is one of nine States that covers low-income parents.

Because the new Democratic majority is committed to balanced budgets and opposed to deficit spending, this bill pays for this historic commitment to our Nation's children with an appropriate increase in the Federal tobacco tax and reductions to the overpayments that have been paid to the privately run Medicare Advantage plans. Contrary to their euphemistic name, these plans have not been so advantageous for our Nation's seniors.

According to the Campaign for Tobacco-free Kids, the 45 cent-per-pack increase in the tobacco tax that is included in the CHAMP Act will result in 1,381,000 less children who will become smokers. This will improve their health and result in long-term healthcare savings of $32.4 billion, 669,000 fewer smoking related deaths and 171,800 fewer newborn children harmed by smoking over the next 5 years.

Further, by reducing overpayments to the privately run Medicare Advantage plans, the CHAMP Act increases Medicare's solvency, and helps protect Medicare beneficiaries from higher premiums.

For our Nation's seniors the CHAMP Act makes much needed improvements to Medicare. I am pleased the CHAMP Act contains a provision I wrote when I introduced the Helping Fill the Medicare Rx Gap Act, H.R. 2058, to include costs incurred by AIDS Drug Assistance Programs, ADAPs, in calculating a Medicare Part D beneficiary's true out-of-pocket, Troop, costs. Medicare Part D pays 75 percent of a beneficiary's drug costs until their expenses reach $2,400. Part D then stops paying and individual beneficiaries must pay for all of their drugs until total expenses reach $5,451. This leaves a coverage gap of $3,051—the "donut hole." "True out-of-pocket" costs, Troop in the donut hole determine when a beneficiary becomes eligible for catastrophic coverage.

Individuals suffering from HIV and AIDS need help. By including ADAP costs in calculating out-of-pocket expenses, we make them eligible sooner for help with their prescription drugs and we fix a loophole in Medicare Part D that discriminates against HIV and AIDS victims.

Additionally, under this bill the Medicare Part D late enrollment penalty for beneficiaries eligible for the Low-Income Subsidy program is eliminated and our Nation's seniors will be allowed to change their Part D plan during the year to meet their prescription needs. It also reduces the discriminatory copayments that Medicare charged for mental health services to the standard 20 percent copayment and adds additional mental health providers to Medicare so services are more easily available. Under this legislation, Medicare beneficiaries will have increased access to preventative services. The CHAMP Act also ensures that seniors have access to world class doctors by blocking a devastating cut in Medicare physician payments over the next 2 years.

The CHAMP Act is supported by the AARP, the American Medical Association, the Catholic Health Association, the National Rural Health Association, the American Hospital Association, the American Nurses Association, Families USA, the National Partnership for Women and Families, Children's Defense Fund, Child Welfare League of America, and the National Committee to Preserve Social Security and Medicare. All of these organizations understand that the CHAMP Act will ensure more American children have health insurance and that Medicare remains strong for decades to come.

There are 11 million reasons to vote for this bill, each one a child who will move out of the ranks of the uninsured with the health care provided in the CHAMP Act. Medicare beneficiaries will also see important improvements to their benefits. A measure of a Nation's greatness is how it treats its most vulnerable citizens. By making health insurance available for 11 million children, we live up to our moral obligation to keep children healthy and we make our society stronger. The CHAMP Act is historic legislation and I implore the President to drop his objections to this bill and join us in ensuring more Americans are healthy.

Ms. LEE. Mr. Speaker, I rise today in strong support of the rule and underlying bill, the CHAMP Act. I want to thank our leadership for their vision and commitment in bringing this critical legislation before us today.

Mr. Speaker, as one of the primary authors of California's version of children's health insurance, the Healthy Families Act, I know this bill will help reverse the neglect and devastation to our health care system that has been inflicted over the last dozen years.

The CHAMP Act will finally provide much needed care for the 5 million uninsured children across this Nation.

The CHAMP Act will finally allow millions of seniors the access to affordable, quality health care that the Bush administration's Medicare cuts have denied.

Finally, while I remain opposed to scientifically unsound abstinence-only programs I support the CHAMP Act's acknowledgment that these programs in their current form are not serving the needs of our young people who deserve access to medically-accurate, life-saving comprehensive sex education.

Mr. Speaker, as important a step forward as this bill is, our goal must remain providing universal health care to all Americans. The future of our Nation depends on it.

Ms. MATSUI. Mr. Speaker, today's debate is about promises and responsibility. It is about the promise of an American childhood. It is about our responsibility to protect the health and well-being of those who grow up in the world's most prosperous Nation.

It is about the promise of a better world for our children and grandchildren. We have a responsibility to create a healthcare system that is fair, equitable, and affordable for all Americans, regardless of their income.

Mr. Speaker, the Children's Health and Medicare Protection Act delivers on these promises and fulfills these responsibilities. It revitalizes and expands one of the most successful and cost-effective health initiatives we have: the State Children's Health Insurance Program.

SCHIP is a model for how government programs should work. It has saved money for taxpayers by helping children avoid costly hospital and emergency room trips. It has made states equal partners in the program's administration, giving them flexibility and a stake in the outcome. Most critically, it has provided six million kids with health care that they would not otherwise have.

Because of SCHIP, six million American kids are healthier and more vibrant. Six million young lives are better because of this program. Isn't this what good government is supposed to accomplish?

There is still more for us to do, though. Millions of children in our country cannot go to a doctor when they feel sick. In my hometown of Sacramento, 17,000 kids cannot get the medicines they need until they go to an emergency room. This is unacceptable to me, Madam Speaker. It should be unacceptable to every single Member of Congress.

When I cast my vote for this bill today, it will be a vote for the future of our country. It will be an investment in the children who are the future.

Mr. Speaker, I stand before this House today as a colleague, but also as a proud grandmother. My two beautiful grandchildren are named Anna and Robby, and most of what I do here in Congress is colored by how it will affect them and their generation.

Anna and Robby are fortunate in that they have stable, reliable health insurance. Millions of their peers are not so lucky.

I am confident that if we all do so, we will see that voting "Yes" on the CHAMP Act is not only the right thing to do. It is the smart thing to do. It will secure our country's future by providing healthcare for the millions of American kids who literally are our country's future.

Mr. SCHIFF. Mr. Speaker, I rise in support of the Children's Health and Medicare Protection Act. This is a landmark measure which touches on many aspects of our national health care system. It forestalls a potentially devastating cut to physician payments through Medicare that would imperil our senior's access to their doctors. It also expands assistance to our lowest income seniors so they get the help they need to afford life-saving medication.

But most important, the bill we are debating today will extend the life changing benefit of health insurance to five million more American children. That means five million parents who won't have to bring their child to the emergency room because they're running a fever. Five million parents who can take their child to a dentist if their teeth hurt. Five million parents who can take care of their children in a way we all take for granted—that when they're sick, they can go to the doctor.

SCHIP has been an incredible success story, extending the benefits of health care to six million children, about 750,000 in California alone. These are children whose families have incomes that are too high to qualify for Medicaid, but who do not receive health insurance through their employment and can't afford it on their own. SCHIP is based on a simple premise: Insuring kids is the right thing to do. And it's much cheaper to insure a child, who is relatively healthy, than an adult or a senior citizen. The experience of the 10 years since SCHIP was originally created proves the wisdom of providing health insurance for children.

In addition to reauthorizing the program, this bill improves SCHIP by creating new incentives to seek out millions of children around the nation who are eligible but not enrolled. It includes a group of seven best practices, developed and implemented in states, that should be followed to get kids into the program and keep them there. That's the right approach. In the past, I've called for a simplified enrollment system so that families applying for a range of means-tested benefits, such as subsidized school lunches, can automatically apply for SCHIP. We accomplish that with this bill, and it will mean that more kids who are eligible will get enrolled and stay enrolled for a benefit that they are entitled.

The Committee on the Budget has certified that this legislation complies with the PAYGO rules we set earlier this year to ensure fiscal discipline. It pays for these important reforms to children's health and Medicare by an increase in the tax on cigarettes a provision that I hope will help discourage youth smoking. And it cuts back on subsidies to privately run Medicare plans. Contrary to the statements of the minority, we are not cutting one dime from Medicare. In fact, this bill today will extend the lifespan of the Medicare Trust Fund.

A vote for this bill is a vote for an America that takes care of its children. In the richest Nation in the history of the world, it is simply wrong that millions of children, our most vulnerable citizens, go without basic access to health care. With a "yes" vote, five million more children will enjoy the benefits of a healthy future and a real chance in life. I urge a "yes" vote.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today applaud the action of the House of Representatives in standing up for our children. H.R. 3162—Children's Health and Medicare Protection Act of 2007 provides needed additional funding for the State Children's Health Insurance Program (SCHIP) nationally, and in my State, it will allow the continuation of the successful PeachCare program currently serving 270,000 children.

Early on, I advocated for the full reauthorization of SCHIP, at a minimum, so that childhood healthcare is not compromised. This bill accomplishes that and even expands the program. However, this particular bill also forces cuts to Medicare Part C, a program in which over 8,000 seniors in my district are enrolled.

I have heard from these seniors in person, through the mail, on the phone, and over fax about their support for this program and the difference it has made in their lives. I wish there were another option for House consideration today that would enable this program to continue in its current state. While I am supporting this legislation today to expand SCHIP, I want to assure the seniors from the 4th district that their words have not fallen on deaf ears.

I believe Congress will have an opportunity to take another look at this legislation after conferencing with the Senate, and I hope the package presented will take care of those in greatest need at both the dawn and dusk of their lives.

Ms. ROYBAL-ALLARD. Mr. Speaker, on behalf of the millions of children without health insurance, and the millions of seniors who need the added Medicare benefits in this bill, I rise in support of HR 3162, the Children's Health and Medicare Protection Act of 2007.

Because the CHAMP Act will have such a huge impact on improving the health and well-being of millions of America's children and seniors, it is without doubt one of the most important pieces of legislation this Congress will pass.

As a mother and grandmother, I believe one of our country's greatest responsibilities is to ensure the health and well-being of our children. The CHAMP Act honors that responsibility by providing states with $50 billion in new funds to provide an additional 5.1 million children with health care coverage.

The bill also provides comprehensive Early and Periodic Screening, Diagnostic, and Treatment health services to all infants, children, and adolescents enrolled in Medicaid. These services, weakened by a Republican-controlled Congress in the Deficit Reduction Act of 2006, will help ensure vulnerable children have health problems diagnosed early and avoid more complex and costly treatment.

In addition, the CHAMP Act establishes a pediatric health care quality measurement program which will provide a long-overdue federal investment in quality and performance measurements. The grants made available to States will improve the delivery of health care services to children under Medicaid and SCHIP.

As a daughter, I have watched with concern the health challenges my parents have faced as they aged. Luckily, they have had the resources to receive the care and medication they have needed.

Sadly, this is not the case for a vast majority of seniors such as those in my congressional district. While they face many of the same health challenges that my parents experienced, they struggle every day to make ends meet, often unable to afford their costly medications.

The CHAMP Act helps these seniors by extending the solvency of the Medicare Trust Fund, and simplifying and expanding the existing programs designed to help low-income Medicare beneficiaries pay for Medicare premiums and prescription drugs.

Of great importance is also the fact that this bill encourages wellness by extending badly needed preventive and therapeutic services. The CHAMP Act eliminates co-payments and deductibles for current and future evidence-based preventive benefits, gives parity to mental health services by reducing the 50 percent co-payment on outpatient mental health treatment, and ensures our seniors have access to physical, occupational, and speech therapies.

The CHAMP Act also extends agreements with the Centers for Medicare & Medicaid Services to allow states, including my home state of California, to continue providing services to our most vulnerable seniors through adult day care health programs.

As a Latina and a Member of Congress who represents a large multicultural constituency, I am also concerned about the barriers that prevent minorities from enrolling in Medicaid and SCHIP. For example in the Latino community, barriers such as the lack of culturally sensitive outreach efforts have resulted in keeping more than 70 percent of eligible Latino children uninsured.

The CHAMP Act addresses this deficiency by encouraging culturally appropriate enrollment and retention practices. The bill funds translation and interpretation services for families where English is not the primary language and authorizes community health workers to provide outreach services.

Finally, the CHAMP Act restores the states' option to cover legal immigrant children and legal immigrant pregnant women in SCHIP or Medicaid. It also amends the requirements for documentation of citizenship to allow a reasonable amount of time for families to gather the necessary papers and information.

As a proud American who cherishes the values upon which our country was founded, I believe this bill takes a giant step forward in honoring our moral imperative to ensure that age, race and income do not determine the health status of our children, seniors, and citizens with disabilities.

With the expansion of SCHIP coverage to millions of children, and the additional benefits made available to Medicare beneficiaries, the CHAMP Act may well be the most important pro-life bill the 110th Congress will pass in 2007.

I commend Chairman DINGELL from the Energy and Commerce Committee, and Chairman RANGEL from the Ways and Means Committee, as well as the dedicated staff members who have invested so much time and effort to craft this very important legislation.

Mr. Speaker, I am proud to vote for its passage today, to honor our commitment to our children, our seniors and our citizens with disabilities, and to offer them the promise of a healthier tomorrow.

Mr. TANNER. Mr. Speaker, I rise today with regard to H.R. 3162, The Children's Health and Medicare Protection Act of 2007, and in particular with regard to Section 502, "Payment Inpatient Rehabilitation Facility (IRF) Services."

Section 502 takes critically important steps towards ensuring that Medicare beneficiaries have access to medically necessary inpatient rehabilitation in an appropriate treatment setting by permanently extending the 60 percent compliance threshold and by retaining co-morbidities in these provisions. Section 502 prevents further negative impacts from the Centers for Medicare and Medicaid Services' (CMS) 70 Percent Rule policy, which since the Rule's implementation, has deprived more than 100,000 Medicare beneficiaries access to inpatient rehabilitation care despite their meeting medical necessity standards. I strongly support this permanent extension of the 60 percent compliance threshold.

Section 502 also provides for a permanent extension in co-morbidities policy in ascertaining compliance with the rule. An estimated seven percent of the inpatient rehabilitation cases obtain eligibility through co-morbidities. Reversing this policy would adversely impact both beneficiaries and providers. CMS, in promulgating its Final Rule for the Inpatient Rehabilitation Facility (IRF) Prospective Payment System (PPS) which will be published in the Federal Register on August 7, 2007, has determined that effective July 1, 2008, co-morbidities may no longer be used to determine whether a provider meets the compliance threshold. The importance of Section 502 is particularly urgent in light of this recent regulatory action.

I urge the House to take a firm stance when conferencing with respect to the inpatient rehabilitation provisions of Section 502. More than half of the House has joined as co-sponsors of H.R. 1459, which I—along with my Colleagues Mr. HULSHOF of Missouri, Mrs. LOWEY of New York, and Mr. LOBIONDO of New Jersey—introduced to ensure that the 60 percent compliance threshold is made permanent and that the co-morbidities provision is extended. I take seriously the trust that has been placed in me by these other 221 House co-sponsors, and I ask that the Conferees do the same.

I also ask that the House safeguard the important provisions of H.R. 3162 that will yield critically important new information and data by requiring the Secretary to report on beneficiaries' access to medically necessary rehabilitative care and variation in that care across treatment settings. The reporting requirements also call for consideration of patients' length of stay and the frequency of readmission in evaluating cost effectiveness for an entire episode of care. These requirements accurately reflect the information necessary for educated decision-making, and we commend their inclusion in Section 502.

There are two issues related to the legislation which I respectfully request our colleagues consider in any future conference negotiations. The House bill currently fails to fix Local Coverage Determinations (LCD) and medical necessity criteria issues which have become apparent in various areas throughout the country. We should not deliver a bill that addresses the compliance threshold but fails to deal with the simultaneous problems apparent in large areas of the country—where Medicare Fiscal Intermediaries are imposing narrow and restrictive interpretations which further limit access to medically necessary rehabilitation care and disregard physician judgments. I appreciate the commitment to addressing these issues demonstrated in Committee. As CMS and its contractors persist in imposing oversight requirements on the inpatient rehabilitation field which are far in excess of those imposed on any other health care sector under Medicare, a more reasonable approach is needed. Congress should codify Ruling 85-2, as called for in H.R. 1459. I appreciate that Chairman STARK has shown his willingness to continue working towards a resolution of our concerns.

In addition, we strongly believe that Section 502 moves in precisely the wrong direction in making radical changes to payment rates for hip and knee replacement and hip fracture cases. We believe neither CMS nor Congress has the clinical data and comparative research necessary either on which to base this policy or to understand the impact of this decision. We should support accurate payments by the Medicare program that are based on sound analysis, clinical evidence, and aligned with the actual cost of providing high quality care. Instead, Section 502 uses the average per-stay skilled nursing facility payment rate as a baseline for calculating repayment in the inpatient rehabilitation context. Inpatient rehabilitation is fundamentally different and clinically more advanced than skilled nursing care. For patients requiring medical rehabilitation, these settings are not interchangeable. Therefore, the payments should not be interchangeable. Paying inpatient rehabilitation providers a lower amount bases on the rate for nursing facilities is contrary to the principles of pay-for-performance.

Finally, we believe that the overall changes in payment rates called for in Section 502 results in a disproportionate financial impact for the rehabilitation hospital sector. Inpatient medical rehabilitation accounts for $6 billion in annual Medicare spending out of a total estimated $437 billion in 2007. Scoring by the Congressional Budget Office (CBO) confirms that payments to the sector will be reduced by $2.4 billion over a 5-year period, and $6.6 billion over 10 years. In other words, inpatient rehabilitation hospital reductions represent 41 percent of Part A spending cuts currently in the bill for a sector that represents a mere 1.4 percent of total Medicare spending. Inflicting 41 percent of the Part A spending cuts on this sector appears to be disproportionate.

In addition, it should be noted that the rehab hospital sector has already absorbed substantial cuts as a result of the phased implementation of the 75 Percent Rule policy. Data from the Centers from Medicare and Medicaid Services (CMS) confirm that rehabilitation providers experienced cuts of at least $300 million in the first year of implementation alone.

The Department of Health and Human Services and CMS initiated the 75 Percent Rule without direction from Congress, and have moved forward with the policy in an unbridled way. It is imperative that this Congress take the necessary steps to protect patient access to inpatient rehabilitation hospital-level services. A final bill must be more reasonable for the rehabilitation sector and fairer to Medicare beneficiaries.

I look forward to continuing to work with my colleagues to retain the 60 percent compliance threshold and co-morbidities and address the remaining problematic issues relating to local coverage determinations and medical necessity criteria, and our payment policies for hip and knee conditions, as the legislative process moves forward.

Mr. ANDREWS. Mr. Speaker, today I rise in strong support of the "Children's Health and Medicare Protection Act of 2007" (CHAMP or H.R. 3162) and would like to take this opportunity to thank the distinguished chairman of the House Energy and Commerce Committee, Mr. JOHN DINGELL for the inclusion of my State Health Insurance Program (SCHIP) small employer buy-in proposal. He is a good friend and an invaluable leader in providing adequate health insurance to all of America's children.

Today, it is estimated that of the 9.4 million uninsured children, 7 million of them are eligible for SCHIP, but are not enrolled. Furthermore, approximately 37 percent of the 6.6 million children currently enrolled in SCHIP have parents who work in businesses with fewer than 100 employees. Due to the high cost of health insurance in the private small group and individual market, many of these parents do not have access to affordable health insurance for themselves. To help cover these parents and enroll the 7 million uninsured children eligible for SCHIP, I believe that one viable solution is for Congress to provide small employers access to buy into a public health care program, such as the State Children's Health Insurance Program (SCHIP).

With the support of Chairman DINGELL, the CHAMP Act does just that—it establishes a demonstration program for up to 10 States to offer employers and their employees the option to buy into a State's children' health insurance program.

In order for a State to participate in the demonstration program it may not impose a waiting list, enrollment cap, or any other enrollment limitation on low-income children at or below 200 percent of the Federal poverty level (FPL). As for the employer qualifications, 50 percent of his or her workforce must comprise of full-time employees with family incomes at or below 200 percent of the poverty line. Furthermore, eligible employees must have at least one eligible SCHIP child in their family.

If an employer agrees to participate, the program requires the employer to make a contribution no less than 50 percent of the premium toward the family coverage. The employee is required to make a contribution no greater than 5 percent of their entire income of the premium toward family coverage. The SCHIP funds used to cover the eligible children are the only allowable SCHIP funds that may be applied toward the family coverage. At the State's discretion, any remaining cost of the family coverage may be covered by the employer or the State. Specifically, the State may use its own funds or apply an access fee to the employer for utilizing the purchasing pooling power of their children's health care program.

As the CHAMP Act moves to conference, I hope my colleagues on both sides of the aisle will view this demonstration as one viable solution to addressing the health care crisis. Again, I thank Chairman DINGELL for his outstanding leadership and support. At the end of the day, I am confident we will accomplish our goal of insuring as many children as possible.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 594, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. GRANGER

Ms. GRANGER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. GRANGER. I am, Mr. Speaker, in its present form.

Mr. DINGELL. Mr. Speaker, I reserve a point of order. After the motion is read, I will know whether to insist on the point of order or not.

The SPEAKER pro tempore. The point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Granger moves to recommit the bill, H.R. 3162, to the Committees on Energy and Commerce and Ways and Means with instructions to report the same back to the House forthwith with the following amendments:

Amend title I to read as follows:

TITLE I—EXTENSION OF STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP)

SEC. 101. EXTENSION OF SCHIP.

Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10); and

(3) by adding at the end the following new paragraph:

"(11) for fiscal year 2008, $5,000,000,000.".

SEC. 102. ADDITIONAL ALLOTMENTS TO ADDRESS SCHIP FUNDING SHORTFALLS FOR FISCAL YEAR 2008.

Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

"(i) AMOUNTS TO ELIMINATE FISCAL YEAR 2008 FUNDING SHORTFALLS.—

"(1) IN GENERAL.—From the amounts appropriated under paragraph (4), the Secretary shall allot to each shortfall State described in paragraph (2) such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State for fiscal year 2008.

"(2) SHORTFALL STATE DESCRIBED.—For purposes of paragraph (1), a shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of a date (specified by the Secretary) during fiscal year 2008, that the projected Federal expenditures under such plan for the State for fiscal year 2008 will exceed the sum of—

"(A) the amount of the State's allotments for each of fiscal years 2006 and 2007 that will not be expended by the end of fiscal year 2007;

"(B) the amount of the State's allotment for fiscal year 2008; and

"(C) the amounts, if any, that are to be redistributed to the State during fiscal year 2008 in accordance with subsection (f).

"(3) PRORATION RULE.—If the amount available under paragraph (4) is less than the total amount of the estimated shortfalls determined by the Secretary under paragraph (1), the amount of the estimated shortfall for each shortfall State determined under such paragraph shall be reduced proportionally.

"(4) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments to shortfall States under this subsection, there is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary for fiscal year 2008, but not to exceed $1,500,000,000.".

SEC. 103. OPTION FOR QUALIFYING STATES TO RECEIVE THE ENHANCED PORTION OF THE CHIP MATCHING RATE FOR MEDICAID COVERAGE OF CERTAIN CHILDREN.

Section 2105(g) of the Social Security Act (42 U.S.C. 1397ee(g)) is amended—

(1) in paragraph (1)(A), by inserting "subject to paragraph (4)," after "Notwithstanding any other provision of law,"; and

(2) by adding at the end the following new paragraph:

"(4) OPTION FOR ALLOTMENTS FOR FISCAL YEARS 2008 THROUGH 2012.—

"(A) PAYMENT OF ENHANCED PORTION OF MATCHING RATE FOR CERTAIN EXPENDITURES.—In the case of expenditures described in subparagraph (B), a qualifying State (as defined in paragraph (2)) may elect to be paid from the State's allotment made under section 2104 for any of fiscal years 2008 through 2012 (insofar as the allotment is available to the State under subsections (e) and (i) of such section) an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to such expenditures if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

"(B) EXPENDITURES DESCRIBED.—For purposes of subparagraph (A), the expenditures described in this subparagraph are expenditures made after the date of the enactment of this paragraph and during the period in which funds are available to the qualifying State for use under subparagraph (A), for the provision of medical assistance to individuals residing in the State who are eligible for medical assistance under the State plan under title XIX or under a waiver of such plan and who have not attained age 19, and whose family income equals or exceeds 133 percent of the poverty line but does not exceed the Medicaid applicable income level.".

SEC. 104. MAINTAINING LIMITATION ON ELIGIBILITY FOR ALIENS.

Nothing in this Act shall be construed as changing the limitations imposed under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 on eligibility of aliens for medical or child health assistance benefits.

SEC. 105. MAINTAINING CITIZENSHIP DOCUMENTATION REQUIREMENTS.

Nothing in this Act shall be construed as changing the citizenship documentation requirements under the Medicaid program under title XIX of the Social Security Act, as originally provided under the amendments made by section 6036 of the Deficit Reduction Act of 2005 and as subsequently amended.

SEC. 106. BIPARTISAN AND OPEN, TRANSPARENT PROCESS.

It is the sense of Congress that the State Children's Health Insurance Program (SCHIP) under title XXI of the Social Security Act should be reauthorized and reformed through a bipartisan, open, fiscally responsible process.

In title II, strike all section but sections 201 and 202.

Amend title III to read as follows:

TITLE III—PHYSICIAN PAYMENT UPDATE

SEC. 301. UPDATE FOR PHYSICIANS' SERVICES FOR 2008.

(a) UPDATE FOR 2006.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w(d)) is amended—

(1) in paragraph (4)(B), in the matter preceding clause (i), by striking "and (6)" and inserting ", (6), and (8)"; and

(2) by adding at the end the following new paragraph:

"(8) UPDATE FOR 2008.—The update to the single conversion factor established in paragraph (1)(C) for 2008 is 0 percent.".

(b) TREATMENT.—The amendments made by subsection (a) shall not be treated as a change in law for purposes of applying section 1848(f)(2)(D) of the Social Security Act (42 U.S.C. 1395w-4(f)(2)(D)) and, for purposes of calculating the per capita rate of growth in expenditures under section 1853 of such Act for 2009 and subsequent years, such rate of growth in expenditures shall be calculated as if such amendments had not been enacted. In carrying out the previous sentence, the Secretary of Health and Human Services shall make such calculation for 2009 in conjunction with the promulgation of the physician fee schedule under section 1848 of such Act for that year and shall use such calculation for subsequent years in computing payment rates under part C of title XVIII of such Act.

SEC. 302. FIXING PHYSICIAN SGR PROBLEM.

It is the sense of the House of Representatives that Congress should permanently fix the problem of the physician fee schedule update under section 1848 of the Social Security Act being tied to a sustainable growth rate (SGR).

In title IV, strike all sections but sections 431 and 432.

In title V, strike all section but sections 504, 505, 508, and 509.

In the matter inserted by section 601(a), strike "2009" and insert "2008".

In subtitle A of title VI, strike all sections but sections 601, 605, and 611.

In subtitle C of title VI, strike sections 635 through 639.

Strike subtitle D of title VI.

In title VII, strike all sections but sections 702, 705, 706, and 707.

Strike title VIII.

Strike title IX.

Strike section 1002.

Ms. GRANGER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

Mr. STARK. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read.

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. STARK. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read.

Mr. STARK (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Does the gentleman from Michigan wish to maintain his reservation?

Mr. DINGELL. Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The point of order is withdrawn.

Pursuant to the rule, the gentlewoman from Texas is recognized for 5 minutes in support of her motion.

Ms. GRANGER. Mr. Speaker, my motion to recommit corrects a Democrat bill that will do great harm to America's seniors and working class. It's also the only chance that the minority's been given in this disappointing process to amend the bill before us today. This is not the House that was promised in November.

My motion to recommit reauthorizes the SCHIP program for 1 year and provides States with the resources they need to be able to continue to provide needed health care coverage for children. The SCHIP program is a good program. It insures mental care is available to children who are needy but who are not poor enough to qualify for Medicaid.

☐ 1900

Currently, approximately 6.7 million children receive health care through the SCHIP program, which is broadly supported.

Let there be no doubt, Republicans support SCHIP, because we were instrumental in its creation 10 years ago. We don't support the reckless underlying bill that raises taxes and cuts Medicare by $200 billion, taking health care away from some of our neediest seniors.

The underlying bill is the first step to government-controlled health care and takes America in the wrong direction. It's the most blatant attempt to expand government-run health care we have seen since HillaryCare. It takes a sensible, bipartisan program aimed at helping low-income children and turns it into a monster that will suck millions of middle-class Americans into government-run health care. The bill would create a massive new entitlement with totally inadequate funding. At a time when we already face a $40 trillion unfunded obligation for Medicare and Social Security over the next 75 years, that's the exact opposite of responsible public policy.

The Democrat bill takes SCHIP far beyond what it was intended to do by reversing the existing status that does not allow adults to be enrolled. The Democrats not only allow States to enroll childless adults but also eliminates a requirement for illegal immigrants to wait 5 years before receiving welfare benefits. The Republican motion to recommit continues current law enforcing the 5-year wait.

The bill in its current form also eliminates verification of citizenship status. This means that persons who come here illegally could be provided SCHIP because we don't want to ask the right questions.

Taking benefits from seniors to expand government-run health care to adults and illegal immigrants is unconscionable. Our motion to recommit keeps the 5-year wait for SCHIP. It also maintains the standards to verify citizenship. This motion requires citizenship documentation verification for eligibility for SCHIP and welfare benefits.

While taking care of our children, Republicans also value our seniors and have taken care in providing Medicare benefits. Medicare Advantage is a critical source of comprehensive medical coverage for over 8 million individuals. It provides coverage for seniors, and a recent bipartisan poll this year found that 90 percent of enrollees are satisfied with their Medicare plans.

The underlying bill cuts payments to Medicare Advantage plans and cuts Medicare payments to Medicare providers, including hospitals, nursing homes and home health agencies.

The cuts proposed by the Democrats in Medicare will result in nearly 3.2 million seniors losing their Medicare Advantage coverage. We would be providing coverage for children whose parents make $100,000 a year on the backs of seniors and the Medicare coverage they chose. This would be the largest cut of Medicare in history.

In my district, 17,279 Medicare Advantage enrollees will lose their benefits if the Democrat CHAMP Act passes. This motion to recommit protects our seniors by eliminating the Medicare cuts in the bill.

Perhaps most alarming in this bill is the establishment of a new mandatory tax on private health insurance plans. While Republicans have been trying to level the playing field and eliminate the uninsured, this bill places a tax on health care plans, except those provided by the government.

The Democrat bill raises taxes by $54 billion in an attempt to lure middle-class families to opt out of private coverage by establishing a new mandatory tax on private health insurance plans. Our motion to recommit eliminates the Democrats' new tax on America's health insurance plans.

In addition to eliminating the Medicare cuts in the Democrat bill, the motion to recommit maintains Medicare changes that improve services for Medicare beneficiaries.

These changes will ensure improved service in rural areas, an extension of the therapy cap, special needs plans, and demonstration projects on end stage renal disease services.

I urge my colleagues to vote for this motion to recommit that will protect our seniors, prevent massive tax increases, and reauthorize the current SCHIP program.

If the motion to recommit passes, the House will be able to vote on a bill that protects America's seniors and hard working citizens while also providing health care for our neediest children.

If the motion fails, I strongly urge my colleagues to vote against the Democrat CHAMP Act.

Mr. EDWARDS. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, on behalf of 11 million children in our Nation and their families, I rise in opposition to this ill-advised motion to recommit.

Unbelievably, this motion would only reauthorize the children's health insurance program for only 1 year, only 1 year. So what we have here is the same Members of Congress who fought passionately to guarantee a permanent $220,000 tax break for people making over $1 million a year are saying right now we should only guarantee health care for children from low-income working families for 1 year.

What's fair about that? Think about it. Permanent tax breaks for the wealthiest 1 percent, but only a 1-year extension of health care for children of low-income working families. Is that the new face of passionate conservatism?

If my Republican colleagues actually think for one moment that this proposal to cut millions of children short reflects American family values, it is clear proof just how out of touch they have become with the values and priorities of hard-working American families.

Let me clear up one myth, the myth that this motion is somehow about keeping illegal immigrants from receiving SCHIP insurance. The truth is that under present law and in this reauthorization, illegal immigrants do not qualify for SCHIP benefits, period.

This is nothing more than an overused, worn-out, divisive fear-driven tactic with no basis in fact. It's a transparent fig leaf to hide the real purpose of this motion, which is to take care of the powerful special interests who put their profits above the interest of 11 million American children.

We have a very clear choice before us right now. The motion to recommit continued the sound bite politics of the past, the politics of fear, and the politics of catering to powerful special interests. In contrast, we can vote for a new day, a new politics. We can vote to put the interests of the 11 million children and the families who love them above the special interest of the powerful insurance companies, who sometimes care more about their huge profits at taxpayers' expense and helping so many children.

The choice is clear: Either vote for our children, 11 million of them, or vote to take care of a handful of well-heeled special interests who support this motion to recommit.

This choice is about real people, people such as Jamie Jones. Listen to her words with me spoken 3 years ago after the Texas legislature had cut off CHIP insurance for her child.

"I am Jamie Jones. I am 28 years old.

"I live in Teague, Texas. I have a little girl that's three, Bailey.

"Two years ago in March, my husband was killed in a house fire. She was put on CHIPS, and I knew no matter what happened, she was going to be ok.

"And then about 6 months ago she was denied. I haven't changed, I haven't gotten a raise at work—she was just denied.

"There are so many people out there who work so hard. I do not want Welfare, I just want good insurance for my child.

"And I am working hard. Yeah, I could quit my job tomorrow and she would be set—but I am not going to do that.

"And there are a lot of people out there who are not going to do that. And why that group has to get hurt—I don't know.

"Look at my little girl, look into her eyes and tell her why she is not good enough to be taken care of."

Tonight we have a chance to do something right and good. We can say to Jamie Jones and her little daughter Bailey that we value them and millions of other working Americans like them.

By opposing this motion to recommit and by voting for this bill, we can turn the politics of the past into the politics of hope, hope for 11 million American children. Let us at long last put the interest of our children above the politics of special interests. It is the right thing to do. The time is now. Our children are waiting.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. GRANGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 202, nays 226, not voting 5, as follows:

[Roll No. 786]

YEAS—202

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle

Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal

Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)

Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen

Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez

Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)

Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha

Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter

Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—5

Clarke
Crenshaw

Davis, Jo Ann
Johnson, Sam

Sessions

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes are remaining in this vote.

□ 1929

Ms. HOOLEY changed her vote from "yea" to "nay."

Messrs. GOODE, GALLEGLY, FRELINGHUYSEN, JOHNSON of Illinois, and MARSHALL changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McCRERY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 204, not voting 4, as follows:

[Roll No. 787]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow

Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher

Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza

Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)

Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)

Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—204

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny

Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly

Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert

Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Clarke
Crenshaw
Davis, Jo Ann
Johnson, Sam

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1937

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

BLOCKING PROPERTY OF PERSONS UNDERMINING THE SOVEREIGNTY OF LEBANON OR ITS DEMOCRATIC PROCESSES AND INSTITUTIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–53)

The SPEAKER pro tempore (Mr. ROSS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order declaring a national emergency to deal with the threat in Lebanon posed by the actions of certain persons to undermine Lebanon's legitimate and democratically elected government or democratic institutions, to contribute to the deliberate breakdown in the rule of law in Lebanon, including through politically motivated violence and intimidation, to reassert Syrian control or contribute to Syrian interference in Lebanon or to infringe upon or undermine Lebanese sovereignty, contributing to political and economic instability in that country and the region. Such actions constitute an unusual and extraordinary threat to the national security and foreign policy of the United States.

This order will block the property and interests in property of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to have taken, or to pose a significant risk of taking, actions, including acts of violence, that have the purpose or effect of undermining Lebanon's democratic processes or institutions or contributing to the breakdown of the rule of law in Lebanon, supporting the reassertion of Syrian control or contributing to Syrian interference in Lebanon, or infringing upon or undermining Lebanese sovereignty. The order further authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to block the property and interests in property of those persons determined to have materially assisted, sponsored, or provided financing, material, logistical, or technical support for, or goods or services in support of, such actions or any person whose property and interests in property are blocked pursuant to the order; to be a spouse or dependent child of any person whose property and interests in property are blocked pursuant to the order; or to be owned or controlled by, or to act or purport to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order.

I delegated to the Secretary of the Treasury, in consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *August 1, 2007.*

☐ 1945

PROVIDING FOR CONSIDERATION OF H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 597 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 597

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 597 provides for consideration of the conference report to accompany H.R. 1495, the Water Resources Development Act of 2007. The rule waives all points of order against the conference report and its consideration and considers the conference report as read.

Mr. Speaker, it has been well-documented that our country has not had a WRDA bill in over 7 years. Seven years is perilously close to an entire generation passing without a national water resources policy being signed into law by the President. We are taking a big step in that direction today.

WRDA authorizes upwards of $20 billion for the construction of water resource development projects and studies by the Army Corps of Engineers for flood control, navigation, and environmental restoration. Additionally, H.R. 1495 authorizes hurricane recovery activities along the gulf coast that would cost an estimated $2 billion. Furthermore, the bill requires an external peer review for studies and projects that would cost more than $45 million. The bill also coordinates environmental analyses and other permit processes among Federal and State agencies and authorizes environmental quality initiatives.

In my district in Sacramento, California, this WRDA bill is one of the most important pieces of legislation that will pass Congress this year. We have been waiting a long time for this bill. Sacramento is the most at-risk river city for catastrophic flooding. Located at the confluence of the Sacramento and American Rivers, the Sacramento floodplain contains: 165,000 homes; over 488,000 residents; 1,300 government facilities, including the State capitol; and businesses providing 200,000 jobs. It is a hub of a six-county regional economy that provides 800,000 jobs for 1.5 million people.

A major flood along the American River or the Sacramento River would have catastrophic ripple effects regionally and nationally; cost upwards of $35 billion in direct property damages; and likely would result in significant loss of life to our families, friends, and neighbors. In my district we understand the need and urgency for an overarching water resources policy to protect our homes, businesses, and families. Sacramento needs this bill, but so do countless other communities across the Nation.

This bill, the projects and policy it contains, goes a long way in addressing our country's flood vulnerabilities. Nationally, regions across the country are starving for a Federal partner in water resources policy. Our country is confronted with population growth, climate change, and growing demands on our water infrastructure. Our districts across the country need this bill, and the Members in this Chamber have repeatedly supported WRDA bills.

In the 108th Congress, WRDA passed the House by a vote of 412-8. In the 109th Congress, WRDA passed the House 406-14. In the 110th Congress, WRDA passed the House 394-25.

There is a strong history of support and bipartisanship for WRDA bills. It is my hope that this support continues and that we move forward on this very important work.

I also want to congratulate and thank Water Resources Environment Subcommittee Chairwoman EDDIE BERNICE JOHNSON and full committee Chairman JIM OBERSTAR for their commitment to make this bill a priority in the 110th Congress.

Finally, I want to make a point that WRDA bills are traditionally intended to be 2-year authorization bills. It is important that we get our water policy back on track and address these ongoing challenges on a regular basis. It is my belief that the best protection that we can provide our communities is to be prepared. I look forward to passing this WRDA conference report and moving on to the next WRDA bill.

I strongly urge my colleagues to support this rule and final passage of the conference report to accompany H.R. 1495, the Water Resources Development Act of 2007.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlewoman from California (Ms. MATSUI) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this rule will allow the House to consider a conference report that provides for the conservation and development of water and related resources and authorizes the construction of various projects in order to improve rivers and harbors in the United States.

Our Nation's water resource infrastructure is critical to our economy, transportation system, power generation, flood control, and environmental protection and restoration. This is especially true in the Pacific Northwest. Our region's river system is a great resource, one that must be well managed and protected.

Hydroelectric dams provide clean, low-cost, renewable power. These facilities also provide a system of locks that allow for the efficient transport of tons of agricultural products to coastal ports, which reduces congestion on our highways and our rail systems.

The coastal ports that receive the river-barged goods and products are the gateways to overseas markets and also need very careful attention. The success of farmers and manufacturers throughout the Northwest depend upon these ports being navigable and appropriately maintained.

Mr. Speaker, there are several provisions of this conference report that are important to the communities and individuals that I represent in central Washington that I would like to highlight. Like the WRDA bill that passed the House in the last Congress and the one that passed in April of this year, I am particularly pleased that the conference report includes a provision to permit the Corps of Engineers employees working at the dams in the Pacific Northwest to participate in wage surveys that are conducted to determine their rate of pay. This important provision will allow these employees the same participation allowed to similar employees at dams in the region operated by the Bonneville Power Administration and the Bureau of Reclamation.

This conference report also includes language that will allow the Corps to specifically give credit to the Port of Sunnyside in my district for funding it has invested to maintain progress on its wetland restoration and wastewater treatment project. This project is a creative initiative by the Port of Sunnyside to improve the river habitat and provide for greater economic growth in the local community. This provision ensures that the Port of Sunnyside gets proper credit for the funds it invests as it works with the Corps to make this project a reality.

Finally, this legislation lifts Corps restrictions on the development of several Port of Pasco properties. I am very hopeful that the elimination of these flowage easements will allow beneficial uses of this prime riverfront property to move forward for the betterment of the city of Pasco and the Tri-Cities.

But, Mr. Speaker, I am troubled by a change in a law inserted into this final bill that expressly authorizes the Secretary of the Army to approve removal of small dams under the Corps of Engineers Section 206 program.

The House is expected to consider a Democrat energy bill at some point this week, and I believe it doesn't bode well that we start off with making the removal of dams easier in this country. Dams provide power, drinking water, irrigation, transportation, and flood control. We need to value these benefits and recognize that hydropower dams are a clean and renewable energy resource.

Mr. Speaker, this conference report provides regular review and updating of congressional direction to the Corps of Engineers and ensures that existing projects are maintained and that new needs are met.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas, who is our subcommittee Chair of the Water Resources and Environment Subcommittee.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the Rules Committee leader, Congresswoman MATSUI, for yielding.

I am pleased to support the rule for the conference report for H.R. 1495, the Water Resources Development Act of 2007.

The bill authorizes water resources projects and U.S. Army Corps of Engineers policy and programmatic changes that our Congress has failed to consider for far too long. Water resources legislation is most effective when it is considered every 2 years. I support this 2-year cycle as it provides stability to the program and assurance to the non-Federal sponsors who support Corps projects.

□ 2000

Unfortunately, no Water Resources bill has been enacted since year 2000, the entire term of the current administration.

The authorizations in the language are time sensitive, and there should be no surprise that this bill contains a substantial number of provisions. Many of these authorizations have been waiting for action more than 6 years.

I urge my colleagues to vote "yes" on the rule, as well as the underlying conference report, so that we may, once and for all, advance this vitally important legislation for the American people.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from South

Carolina, a member of the Transportation and Infrastructure Committee, Mr. BROWN.

Mr. BROWN of South Carolina. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this rule and this critical legislation. While today is, unfortunately, a day several years overdue, it should not diminish the importance of this legislation.

When I came to Congress in 2001, I was excited to be a part of the Water Resources Subcommittee as we began to work on the next Water Resources Development Act. Water is critical to my district, not just because of the projects it authorizes but also because of the important guidance it gives the Army Corps of Engineers. The reforms contained in this bill, which are the results of that process started in 2001, represents meaningful change that will ensure that our limited dollars are spent wisely.

Improving infrastructure is not a partisan issue. It is a commitment we as a Nation must ensure is met. If we do not, then we as a Nation will be facing significantly greater environmental and economic challenges than we do currently.

I cannot think of a group of individuals more committed to improving our Nation's infrastructure than my colleagues on the Transportation Committee. Chairman OBERSTAR and Ranking Member MICA have shown true leadership in guiding this legislation forward, especially as we worked to merge our bill with the one passed by the Senate.

Chairwoman JOHNSON and Ranking Member BAKER have stepped up to their new positions this year with true energy and passion about the issue before our subcommittee. And a special word of thanks must go to my friends, DON YOUNG, JERRY COSTELLO and JIMMY DUNCAN, who led the fight for this bill the past few Congresses. So much of this bill is because of their work and leadership.

Mr. Speaker, I want to close by urging all of my colleagues to support this rule and this critical legislation so we can get the Corps to work. To those who complain about the cost of this legislature, let me remind you that this one bill is doing the work of three WRDA bills.

If you missed a payment on your house, would the bank allow you to pay only the next month's payment, forgetting the payment you missed? Would the bank allow you to do the same thing if you missed two monthly payments? Of course not. You would have to make your catch-up payment, plus make the payments for the current month. That is what this legislation represents, a catch-up of two bills that went uncompleted, while also addressing our current needs.

For the good of our Nation's economy and environment, I urge my colleagues to support this overdue catch-up and pass this rule and the WRDA Conference report.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy in permitting me to speak on this measure, because I strongly support the rule and look forward to the enactment of the Conference Committee Report. It represents hard work and has been acknowledged by my former colleagues on the Transportation and Infrastructure Committee, whom I miss a great deal.

Like many Members, I have some projects in here that I, too, am pleased to see move forward, particularly some environmental restoration in the State of Oregon that is going to smooth fish passages.

I must say that, in terms of the thing that excites me most about the bill, though, is the movement towards the reform of our Water Resources policies. I have long talked about this on the floor. I have attempted, as a member of the committee, to support them and continue to move this work forward.

As I look at the bill in its totality, there were some good things from the Senate, and some good things in the House version. I think the conferees worked to enhance the overall reform aspects of this legislation.

I am particularly pleased that we've been able to retain the update of the principles and guidelines which have not been changed since 1983. I think this is absolutely essential and look forward to the progress that the Corps can make in this area.

I appreciate the fact that the conferees worked to strengthen and refine language on independence review for large projects. Much of the time, at least some of the controversy that we have faced in the political arena would have been avoided if we would have had this independent review mechanism in place. But I think there is a lesson that we all must pay attention to, that once we have the independent review, it's very important that we listen to what the independent review concludes.

One project that I'm less than totally enthusiastic about, the Upper Mississippi Lock and Dam Project, had independent reviews from the GAO, from the National Academy of Sciences, from the Army's Inspector General that all were negative but somehow the project continues to move forward.

It is important that we are sensitive to this. I take modest exception to my good friend from Washington being concerned about the language here to make it easier for dam removal. We have 60,000 dams that relate to the Depression era, for instance. We found last year that there are a number of dams in the Northeast; we don't know who is responsible for their maintenance. It is important in many cases to be able to sensitively, environmentally decommission dams in order to protect the public safety.

As it relates to the Everglades, bear in mind we are spending billions of dollars undoing an earlier Corps of Engineers project. As it relates to the areas around New Orleans in Louisiana, there was a three-quarters of a billion dollar navigation project in an area where river traffic was static or declining at the very point of the levee failure. That money could have been better spent protecting New Orleans. In fact, the LSU Hurricane Research Center thinks that that navigation project actually may have amplified the surge and put more people at risk. At a time when we are dealing with global warming and climate change, the stakes are higher than ever.

This bill represents an important step forward. I hope that we're able to work with the committee in its implementation and its oversight so we can build on this foundation and be better off as we move forward.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. BLUMENAUER. I would be happy to yield.

Mr. HASTINGS of Washington. As the gentleman knows, because we're both from the Northwest, we have large dams that I alluded to in my remarks that provide hydroelectric power for all of the Northwest. And I know the provision in this bill does not apply to those dams. But, nevertheless, I think we in the Northwest need to be cognizant of the fact that, once you start these things, sometime in the future it may go up.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. MATSUI. Mr. Speaker, I yield the gentleman 1½ additional minutes.

Mr. HASTINGS of Washington. Will the gentleman continue to yield?

Mr. BLUMENAUER. I will continue to yield. I would like 20 seconds at the end though, Doc.

Mr. HASTINGS of Washington. A point that I am simply making is that that is a major part, those dams on the Snake River and the Columbia River are major power sources for all of our electrical power and, therefore, for our economy. And I am just simply concerned because sometimes we don't look longer term enough. But if we look longer term enough and we start putting provisions in where it is a regular thing of takeout dams, then perhaps in the future, I hope not, I will do everything I can, but perhaps in the future that all of a sudden somebody will take a shot at those larger dams. I think that would be detrimental to our economy in the Northwest.

I yield back to my friend.

Mr. BLUMENAUER. Thank you. I appreciate the gentleman from Washington's clarification.

My point was that this is important because there comes a time when many dams outlive their usefulness. They either have to be restored or removed. They can actually pose a danger to the public. I don't want us to be frozen in place, unable to respond in the best way.

There may come a time when people want to reassess big dams, small dams. What is in this committee report, however, is something I think is long overdue, to give the Corps flexibility in areas where there is little or no controversy; and I think it's important, that we need to be focusing more attention.

I will continue to work with the gentleman to make sure that we do the right thing in the Northwest and make sure that we don't have any unintended consequences, and I will work with him to make sure that this is not an unintended consequence.

Mr. HASTINGS of Washington. I yield myself 30 seconds.

I appreciate the gentleman's remarks, and I appreciate the gentleman simply saying that this is intended to go after dams that probably need to be looked at for a variety of reasons. And, in that sense, I obviously don't have a problem. My problem is long term, as I suggested, but I appreciate the gentleman working with me.

And with that, Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Tennessee, a member of the T&I Committee, Mr. DUNCAN.

Mr. DUNCAN. Mr. Speaker, I rise in strong support of the Water Resources Development Act, one of the most important bills we will take up in this Congress and I think certainly one of the most important environmental bills; and I thank my good friend, the gentleman from Washington (Mr. HASTINGS) for yielding me this time.

This bill contains flood control projects, environmental restoration projects, wastewater system improvements, water projects all over the country in rural areas, small towns, medium-size cities and large cities. And in many of these areas, our water systems are 50 or 75 or even 100 years old and are in desperate need for work and improvement and, many times, new construction.

I had the privilege, as my friend from South Carolina (Mr. BROWN) mentioned, of serving as chairman of the Water Resources and Environment Subcommittee for 6 years; and during that time, as the gentlelady from California (Ms. MATSUI) mentioned, we passed the WRDA bill twice, once with only 8 votes against it, once with only 14 votes against it. Unfortunately, the bill did not pass in the Senate.

In this Congress, under the leadership of my good friend, Chairwoman EDDIE BERNICE JOHNSON, and my friend, the gentleman from Louisiana (Mr. BAKER), and certainly under the leadership of our full committee chairman, our outstanding chairman, Mr. OBERSTAR, the gentleman from Minnesota, and the Ranking Member MICA from Florida, this bill passed not only the House, but it passed the Senate by a vote of 91-4. So there is tremendous support, bipartisan support, for this legislation from people all over the country.

You know, if an automobile needs an oil change and you don't get it, a very low-cost matter, an engine can later explode and cost thousands of dollars; and that's sort of the situation we're in with many of our water systems from around the country. As several people have noted, this is a 7-year bill, and it deals with these water needs that have built up over all of that time.

I think it's a very fiscally conservative bill. As expensive as it is in one way, it's only a little over a month and a half of what we're spending in Iraq. And comparing these 7 years of built-up needs to what we're doing in the little over 1½ and a half months in Iraq, I think makes this a very conservative bill.

I had the privilege of chairing the Aviation Subcommittee for 6 years before I chaired the Water Resources and Environment Subcommittee for 6 years, and in both of those areas I saw that there were very strong, competing interests in those areas. But, in this bill, we brought all these competing interests together. There was a great deal of compromise that went on and a great deal of work was put into this legislation.

I'm very proud to support this bill. I think it's good for this Nation. I know it's good for my home area of east Tennessee, where we have so many water needs.

Mr. Speaker, I just want to commend everybody who has worked so hard on this legislation. It's very important for this country. There is nothing that the people in this country take for granted like we do our clean water and wastewater systems, and we desperately need this work to be done.

I think this is a bipartisan legislation that all of our colleagues can and should support.

Ms. MATSUI. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding, and I'm very pleased to speak on this bill.

Actually, this is a happy day for this Chamber that we are discussing this bill after 7 years of work, very hard work.

In the midst of all of the difficulties we've had in the past few days, the arguments, the debates, the disagreements, to take a brief pause and pass a bill or a conference report that we almost all will agree on is a good piece of work for our Nation. It's a good piece of work for the people of this Nation. It will help in innumerable areas.

□ 2015

I am especially pleased that we have addressed some of the problems in the Great Lakes which have been too neglected in the past. We have taken good care of the Everglades, the Chesapeake and Louisiana areas, lots of other water-filled areas, but not the Great Lakes, where 40 million people depend on the lakes for their drinking water, for their industry and so forth.

Mr. Speaker, I also want to commend Mr. OBERSTAR, who grabbed hold of this as soon as he became chairman of the Transportation and Infrastructure Committee and made a total and complete commitment to getting this bill out. He deserves credit for having done so.

I want to publicly express my appreciation to him and, of course, to Mr. MICA, who is the ranking member on the committee and worked equally hard on this. RICHARD BAKER of our committee also put in many, many hours putting this bill together. So thank you to one and all.

Mr. Speaker, the Nation will be the better for it. The Nation will be grateful for it.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to our distinguished chairman, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, in light of the discussion, the exchange that took place between the gentleman from Washington and the gentleman from Oregon, I just want to observe that the committee will hold hearings on the issue of dams. Tomorrow, in full committee, we will take up a bill to give the Corps new authorities and direction to conduct inspections of dam safety. But on the broader issue of dams that has been in our work portfolio for quite some time, we will have hearings and explore the broad issue in terms of what the gentleman raised and in terms of what the gentleman from Oregon raised.

Mr. Speaker, this is not something that will be taken lightly or swept under the rug in any way or forgotten when this bill was passed.

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, I appreciate that. Again, I am particularly sensitive, because of the nature of the dams that we are talking about on the Snake River and on the Columbia River in my State. But there's also larger dams throughout the Pacific Northwest. My understanding of this legislation, it was talking about dams, as the gentleman from Oregon described. I understand that. So I appreciate the chairman's consideration.

Mr. OBERSTAR. Mr. Speaker, the Corps has long had authority to terminate dams, but it has been reluctant to use it. In the conference report, we make that authority explicit with the intention that the Corps will be invigorated to evaluate dams in a broader context.

But I think it is important for us to hold hearings so that the issues are aired fairly, equitably, scientifically, and engineeringwise, so rather than just have these things go on and conducted by bloggers and in some other unscientific way, let's put the issues on the record, and we will consult with the gentleman and the gentleman from Oregon on appropriate subjects and witnesses as we go through and proceed toward these hearings.

Mr. HASTINGS of Washington. Mr. Speaker, if the gentleman will yield further, I appreciate that. I think it is something we need to look at. We have oversight nevertheless, anyway.

If the gentlewoman is prepared to close, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as was said, this bill is long overdue. Our country needs a comprehensive water resources policy, and WRDA is the framework that can meet this need.

We have 7 years of backlogged water projects that must be addressed. There is a growing demand on our already overburdened water infrastructure. The sooner we move forward on this conference report, the sooner our communities across the country will be healthier and safer. This conference report has bipartisan support. In fact, every member of the conference signed off on it.

Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

SAFETEA-LU TECHNICAL CORRECTIONS ACT OF 2007

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3248) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SAFETEA-LU Technical Corrections Act of 2007".

TITLE I—HIGHWAY PROVISIONS

SEC. 101. SURFACE TRANSPORTATION TECHNICAL CORRECTIONS.

(a) CORRECTION OF INTERNAL REFERENCES IN DISADVANTAGED BUSINESS ENTERPRISES.—Paragraphs (3)(A) and (5) of section 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1156) are amended by striking "paragraph (1)" each place it appears and inserting "paragraph (2)".

(b) CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY.—Section 1102(c)(5) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1158) is amended by striking "among the States".

(c) CORRECTION OF FEDERAL LANDS HIGHWAYS.—Section 1119 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1190) is amended by striking subsection (m) and inserting the following:

"(m) FOREST HIGHWAYS.—Of the amounts made available for public lands highways under section 1101—

"(1) not more than $20,000,000 for each fiscal year may be used for the maintenance of forest highways;

"(2) not more than $1,000,000 for each fiscal year may be used for signage identifying public hunting and fishing access; and

"(3) not more than $10,000,000 for each fiscal year shall be used by the Secretary of Agriculture to pay the costs of facilitating the passage of aquatic species beneath forest roads (as defined in section 101(a) of title 23, United States Code), including the costs of constructing, maintaining, replacing, and removing culverts and bridges, as appropriate.".

(d) CORRECTION OF DESCRIPTION OF NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—Item number 1 of the table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in the State column by inserting "LA," after "TX,".

(e) CORRECTION OF INTERSTATE ROUTE 376 HIGH PRIORITY DESIGNATION.—

(1) IN GENERAL.—Section 1105(c)(79) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1213) is amended by striking "and on United States Route 422".

(2) CONFORMING AMENDMENT.—Section 1105(e)(5)(B)(i)(I) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) is amended by striking "and United States Route 422".

(f) CORRECTION OF INFRASTRUCTURE FINANCE SECTION.—Section 1602(d)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1247) is amended by striking "through 189 as sections 601 through 609, respectively" and inserting "through 190 as sections 601 through 610, respectively".

(g) CORRECTION OF PROJECT FEDERAL SHARE.—Section 1964(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1519) is amended—

(1) by striking "only for the States of Alaska, Montana, Nevada, North Dakota, Oregon, and South Dakota,"; and

(2) by striking "section 120(b)" and inserting "section 120".

(h) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS DEFINED.—Section 101(a) of title 23, United States Code, is amended by adding at the end the following:

"(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

"(A) IN GENERAL.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

"(B) INCLUSIONS.—The term 'transportation systems management and operations' includes—

"(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

"(ii) improvements to the transportation system, such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.".

(i) CORRECTION OF REFERENCE IN APPORTIONMENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS.—Effective October 1, 2006, section 104(b)(5)(A)(iii) of title 23, United States Code, is amended by striking "the Federal-aid system" each place it appears and inserting "Federal-aid highways".

(j) CORRECTION OF AMENDMENT TO ADVANCE CONSTRUCTION.—Section 115 of title 23, United States Code, is amended by redesignating subsection (d) as subsection (c).

(k) CORRECTION OF HIGH PRIORITY PROJECTS.—Section 117 of title 23, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

(2) by redesignating the second subsection (c) (relating to Federal share) as subsection (d);

(3) in subsection (a)(2)(A) by inserting "(112 Stat. 257)" after "21st Century"; and

(4) in subsection (a)(2)(B)—

(A) by striking "subsection (b)" and inserting "subsection (c)"; and

(B) by striking "SAFETEA-LU" and inserting "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256)".

(l) CORRECTION OF TRANSFER OF UNUSED PROTECTIVE-DEVICE FUNDS TO OTHER HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECTS.—Section 130(e)(2) of title 23, United States Code, is amended by striking "purposes under this subsection" and inserting "highway safety improvement program purposes".

(m) Correction of Highway Bridge Program.—

(1) In general.—Section 144 of title 23, United States Code, is amended—

(A) in the section heading by striking "**replacement and rehabilitation**";

(B) in subsections (b), (c)(1), and (e) by striking "Federal-aid system" each place it appears and inserting "Federal-aid highway";

(C) in subsections (c)(2) and (o) by striking "the Federal-aid system" each place it appears and inserting "Federal-aid highways";

(D) in the heading to paragraph (4) of subsection (d) by inserting "SYSTEMATIC" before "PREVENTIVE";

(E) in subsection (e) by striking "off-system bridges" each place it appears and inserting "bridges not on Federal-aid highways";

(F) by striking subsection (f);

(G) by redesignating subsections (g) through (s) as subsections (f) through (r), respectively;

(H) in paragraph (1)(A)(vi) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by inserting ", except that any unobligated funds remaining upon completion of the project under this clause shall be transferred to and used to carry out the project described in clause (vii)" after "Vermont";

(I) in paragraph (2) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by striking the paragraph heading and inserting "Bridges not on Federal-aid highways";

(J) in subsection (m) (as redesignated by subparagraph (G) of this paragraph) by striking the subsection heading and inserting "Program for Bridges Not on Federal-Aid Highways"; and

(K) in subsection (n)(4)(B) (as redesignated by subparagraph (G) of this paragraph) by striking "State highway agency" and inserting "State transportation department".

(2) Conforming amendments.—

(A) Metropolitan planning.—Section 104(f)(1) of such title is amended by striking "replacement and rehabilitation".

(B) Equity bonus program.—Subsections (a)(2)(C) and (b)(2)(C) of section 105 of such title are amended by striking "replacement and rehabilitation" each place it appears.

(C) Analysis.—The analysis for chapter 1 of such title is amended in the item relating to section 144 by striking "replacement and rehabilitation".

(n) Metropolitan Transportation Planning.—Section 134 of title 23, United States Code, is amended—

(1) in subsection (f)(3)(C)(ii) by striking subclause (II) and inserting the following:

"(II) Funding.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this title and chapter 53 of title 49, prior to any allocation under section 202 of this title and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96-551 (94 Stat. 3233) and this paragraph.";

(2) in subsection (j)(3)(D) by inserting "or the identified phase" after "the project" each place it appears; and

(3) in subsection (k)(2) by striking "a metropolitan planning area serving".

(o) Correction of National Scenic Byways Program Coverage.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(3)(B) by striking "a National Scenic Byway under subparagraph (A)" and inserting "a National Scenic Byway, an All-American Road, or one of America's Byways under paragraph (1)"; and

(2) in subsection (c)(3) by striking "or All-American Road" each place it appears and inserting "All-American Road, or one of America's Byways".

(p) Correction of Reference in Toll Provision.—Section 166(b)(5)(C) of title 23, United States Code, is amended by striking "paragraph (3)" and inserting "paragraph (4)".

(q) Correction of Recreational Trails Program Apportionment Exceptions.—Section 206(d)(3)(A) of title 23, United States Code, is amended by striking "(B), (C), and (D)" and inserting "(B) and (C)".

(r) Correction of Infrastructure Finance.—Section 601(a)(3) of title 23, United States Code, is amended by inserting "bbb minus, BBB (low)," after "Baa3,".

(s) Correction of Miscellaneous Typographical Errors.—

(1) Section 1401 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1226) is amended by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) Section 1404(e) of such Act (119 Stat. 1229) is amended by inserting "tribal," after "local,".

(3) Section 10211(b)(2) of such Act (119 Stat. 1937) is amended by striking "plan administer" and inserting "plan and administer".

(4) Section 10212(a) of such Act (119 Stat. 1937) is amended—

(A) by inserting "equity bonus," after "minimum guarantee,";

(B) by striking "freight intermodal connectors" and inserting "railway-highway crossings";

(C) by striking "high risk rural road,"; and

(D) by inserting after "highway safety improvement programs" the following: "(and separately the set aside for the high risk rural road program)".

SEC. 102. MAGLEV.

(a) Funding.—Section 1101(a)(18) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1155) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) $20,000,000 for fiscal year 2007; and

"(B) $35,000,000 for each of fiscal years 2008 and 2009.".

(b) Contract Authority.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by adding at the end the following:

"(e) Contract Authority.—Funds authorized under section 1101(a)(18) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project to be carried out with such funds shall be 80 percent.".

(c) Allocation.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by striking subsection (d) and inserting the following:

"(d) Allocation.—Of the amounts made available to carry out this section for a fiscal year, the Secretary shall allocate—

"(1) 50 percent to the Nevada department of transportation who shall cooperate with the California-Nevada Super Speed Train Commission for the MAGLEV project between Las Vegas and Primm, Nevada, as a segment of the high-speed MAGLEV system between Las Vegas, Nevada, and Anaheim, California; and

"(2) 50 percent for existing MAGLEV projects located east of the Mississippi River using such criteria as the Secretary deems appropriate.".

(d) Effective Date.—The amendments made by this section take effect on October 1, 2006.

SEC. 103. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECTS.

(a) Project of National and Regional Significance.—The table contained in section 1301(m) of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1203) is amended—

(1) in item number 4 by striking the project description and inserting "$7,400,000 for planning, design, and construction of a new American border plaza at the Blue Water Bridge in or near Port Huron; $12,600,000 for integrated highway realignment and grade separations at Port Huron to eliminate road blockages from NAFTA rail traffic";

(2) in item number 19 by striking the project description and inserting "For purposes of construction and other related transportation improvements associated with the rail yard relocation in the vicinity of Santa Teresa"; and

(3) in item number 22 by striking the project description and inserting "Redesign and reconstruction of interchanges 298 and 299 of I-80 and accompanying improvements to any other public roads in the vicinity, Monroe County".

(b) National Corridor Infrastructure Improvement Project.—The table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in item number 23 by striking the project description and inserting "Improvements to State Road 312, Hammond".

SEC. 104. IDLING REDUCTION FACILITIES.

Section 111(d) of title 23, United States Code, is repealed.

SEC. 105. PROJECT AUTHORIZATIONS.

(a) Project Modifications.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(1) in item number 34 by striking the project description and inserting "Removal and Reconfiguration of Interstate ramps, I-40, Memphis";

(2) by striking item number 61;

(3) in item number 87 by striking the project description and inserting "M-291 highway outer road improvement project";

(4) in item number 128 by striking "$2,400,000" and inserting "$4,800,000";

(5) in item number 154 by striking "Virginia" and inserting "Eveleth";

(6) in item number 193 by striking the project description and inserting "Improvements to or access to Route 108 to enhance access to the business park near Rumford";

(7) in item number 240 by striking "$800,000" and inserting "$2,400,000";

(8) by striking item number 248;

(9) in item number 274 by striking the project description and inserting "Intersection improvements at Belleville and Ecorse Roads and approach roadways, and widen Belleville Road from Ecorse to Tyler, Van Buren Township, Michigan";

(10) in item number 277 by striking the project description and inserting "Construct connector road from Rushing Drive North to Grand Ave., Williamson County";

(11) in item number 395 by striking the project description and inserting "Plan and construct interchange at I–65, from existing SR–109 to I–65";

(12) in item number 463 by striking "Cookeville" and inserting "Putnam County";

(13) in item number 576 by striking the project description and inserting "Design, right-of-way acquisition, and construction of Nebraska Highway 35 between Norfolk and South Sioux City, including an interchange at Milepost 1 on I–129";

(14) in item number 595 by striking "Street Closure at" and inserting "Transportation improvement project near";

(15) in item number 649 by striking the project description and inserting "Construction and enhancement of the Fillmore Avenue Corridor, Buffalo";

(16) in item number 655 by inserting ", safety improvement construction," after "Environmental studies";

(17) in item number 676 by striking the project description and inserting "St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County";

(18) in item number 770 by striking the project description and inserting "Improve existing Horns Hill Road in North Newark, Ohio, from Waterworks Road to Licking Springs Road";

(19) in item number 777 by striking the project description and inserting "Akutan Airport access";

(20) in item number 829 by striking the project description and inserting "$400,000 to conduct New Bedford/Fairhaven Bridge modernization study; $1,000,000 to design and build New Bedford Business Park access road";

(21) in item number 881 by striking the project description and inserting "Pedestrian safety improvements near North Atlantic Boulevard, Monterey Park";

(22) in item number 923 by striking the project description and inserting "Improve safety of a horizontal curve on Clarksville St. 0.25 miles north of 275th Rd. in Grandview Township, Edgar County";

(23) in item number 947 by striking the project description and inserting "Third East/West River Crossing, St. Lucie River";

(24) in item numbers 959 and 3327 by striking "Northern Section," each place it appears;

(25) in item number 963 by striking the project description and inserting "For engineering, right-of-way acquisition, and reconstruction of 2 existing lanes on Manhattan Road from Baseline Road to Route 53";

(26) in item number 983 by striking the project description and inserting "Land acquisition for highway mitigation in Cecil, Kent, Queen Annes, and Worcester Counties";

(27) in item number 1039 by striking the project description and inserting "Widen State Route 98, including storm drain developments, from D. Navarro Avenue to State Route 111";

(28) in item number 1047 by striking the project description and inserting "Bridge and road work at Little Susitna River Access road in Matanuska-Susitna Borough";

(29) in item number 1124 by striking "bridge over Stillwater River, Orono" and inserting "routes";

(30) in item number 1206 by striking "Pleasantville" and inserting "Briarcliff Manor";

(31) in item number 1281 by striking the project description and inserting "Upgrade roads in Attala County District 4 (Roads 4211 and 4204), Kosciusko, Ward 2, and Ethel, Attala County";

(32) in item number 1487 by striking "$800,000" and inserting "$1,600,000";

(33) in item number 1575 by striking the project description and inserting "Highway and road signage, and traffic signal synchronization and upgrades, in Shippensburg Boro, Shippensburg Township, and surrounding municipalities";

(34) in item number 1661 by striking the project description and inserting "Sheldon West Extension in Matanuska-Susitna Borough";

(35) in item number 1810 by striking the project description and inserting "Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch";

(36) in item number 1852 by striking "Milepost 9.3" and inserting "Milepost 24.3";

(37) in item numbers 1926 and 2893 by striking the project descriptions and inserting "Grading, paving roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio";

(38) in item number 1933 by striking the project description and inserting "Enhance Byzantine Latino Quarter transit plazas at Normandie and Pico, and Hoover and Pico, Los Angeles, by improving streetscapes, including expanding concrete and paving";

(39) in item number 1975 by striking the project description and inserting "Point MacKenzie Access Road improvements in Matanuska-Susitna Borough";

(40) in item number 2015 by striking the project description and inserting "Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements";

(41) in item number 2087 by striking the project description and inserting "Railroad crossing improvement on Illinois Route 82 in Geneseo";

(42) in item number 2211 by striking the project description and inserting "Construct road projects and transportation enhancements as part of or connected to RiverScape Phase III, Montgomery County, Ohio";

(43) in item number 2234 by striking the project description and amount and inserting "North Atherton Signal Coordination Project in Centre County" and "$400,000", respectively;

(44) in item number 2316 by striking the project description and inserting "Construct a new bridge at Indian Street, Martin County";

(45) in item number 2420 by striking the project description and inserting "Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia";

(46) in item number 2482 by striking "Country" and inserting "County";

(47) in item number 2663 by striking the project description and inserting "Rosemead Boulevard safety enhancement and beautification, Temple City";

(48) in item number 2671 by striking "from 2 to 5 lanes and improve alignment within rights-of-way in St. George" and inserting ", St. George";

(49) in item number 2743 by striking the project description and inserting "Improve safety of culvert replacement on 250th Rd. between 460th St. and Cty Hwy 20 in Grandview Township, Edgar County";

(50) by striking item number 2800;

(51) in item number 2826 by striking "State Street and Cajon Boulevard" and inserting "Palm Avenue";

(52) in item number 2931 by striking "Frazho Road" and inserting "Martin Road";

(53) in item number 3047 by inserting "and roadway improvements" after "safety project" ;

(54) in item number 3078 by striking the project description and inserting "U.S. 2/Sultan Basin Road improvements in Sultan";

(55) in item number 3174 by striking the project description and inserting "Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor";

(56) in item number 3219 by striking "Forest" and inserting "Warren";

(57) in item number 3254 by striking the project description and inserting "Reconstruct PA Route 274/34 Corridor, Perry County";

(58) in item number 3260 by striking "Lake Shore Drive" and inserting "Lakeshore Drive and parking facility/entrance improvements serving the Museum of Science and Industry";

(59) in item number 3368 by striking the project description and inserting "Plan, design, and engineering, Ludlam Trail, Miami";

(60) in item number 3410 by striking the project description and inserting "Design, purchase land, and construct sound walls along the west side of I–65 from approximately 950 feet south of the Harding Place interchange south to Hogan Road";

(61) in item number 3537 by inserting "and the study of alternatives along the North South Corridor," after "Valley";

(62) in item number 3582 by striking the project description and inserting "Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor";

(63) in item number 3604 by inserting "/ Kane Creek Boulevard" after "500 West";

(64) in item number 3632 by striking the State, project description, and amount and inserting "FL", "Pine Island Road pedestrian overpass, city of Tamarac", and "$610,000", respectively;

(65) in item number 3634 by striking the matters in the State, project description, and amount columns and inserting "FL", "West Avenue Bridge, city of Miami Beach", and "$620,000", respectively;

(66) in item number 3673 by striking the project description and inserting "Improve

marine dry-dock and facilities in Ketchikan";

(67) in item number 2942 by striking the project description and inserting "Redesigning the intersection of Business U.S. 322/High Street and Rosedale Avenue and constructing a new East Campus Drive between High Street (U.S. 322) and Matlock Street at West Chester University, West Chester, Pennsylvania";

(68) in item number 2781 by striking the project description and inserting "Highway and road signage, road construction, and other transportation improvement and enhancement projects on or near Highway 26, in Riverton and surrounding areas";

(69) in item number 2430 by striking "200 South Interchange" and inserting "400 South Interchange";

(70) by striking item number 20;

(71) in item number 424 by striking "$264,000" and inserting "$644,000";

(72) in item number 1210 by striking the project description and inserting "Town of New Windsor—Riley Road, Shore Drive, and area road improvements";

(73) by striking item numbers 68, 905, and 1742;

(74) in item number 1059 by striking "$240,000" and inserting "$420,000";

(75) in item number 2974 by striking "$120,000" and inserting "$220,000";

(76) by striking item numbers 841, 960, and 2030;

(77) in item number 1278 by striking "$740,000" and inserting "$989,600";

(78) in item number 207 by striking "$13,600,000" and inserting "$13,200,000";

(79) in item number 2656 by striking "$12.228,000" and inserting "$8,970,000";

(80) in item number 1983 by striking "$1,600,000" and inserting "$1,000,000";

(81) in item number 753 by striking "$2,700,000" and inserting "$3,200,000";

(82) in item number 64 by striking "$6,560,000" and inserting "$8,480,000";

(83) in item number 2338 by striking "$1,600,000" and inserting "$1,800,000";

(84) in item number 1533 by striking "$392,000" and inserting "$490,000";

(85) in item number 1354 by striking "$40,000" and inserting "$50,000";

(86) in item number 3106 by striking "$400,000" and inserting "$500,000";

(87) in item number 799 by striking "$1,600,000" and inserting "$2,000,000";

(88) in item number 159—

(A) by striking "Construct interchange for 146th St. and I–69" and inserting "Upgrade 146th St. to I–69 Access"; and

(B) by striking "$2.400.000" and inserting "$3,200,000";

(89) by striking item number 2936;

(90) in item number 3138 by striking the project description and inserting "Elimination of highway-railway crossing along the KO railroad from Salina to Osborne to increase safety and reduce congestion";

(91) in item number 2274 by striking "between Farmington and Merriman" and inserting "between Hines Drive and Inkster, Flamingo Street between Ann Arbor Trail and Joy Road, and the intersection of Warren Road and Newburgh Road";

(92) in item number 52 by striking the project description and inserting "Pontiac Trail between E. Liberty and McHattie Street";

(93) in item number 1544 by striking "connector";

(94) in item number 2573 by striking the project description and inserting "Rehabilitation of Sugar Hill Road in North Salem, NY";

(95) in item number 1450 by striking "III–VI" and inserting "III–VII";

(96) in item number 2637 by striking the project description and inserting "Construction, road and safety improvements in Geauga County, OH";

(97) in item number 2342 by striking the project description and inserting "Streetscaping, bicycle trails, and related improvements to the I-90/SR-615 interchange and adjacent area and Heisley Road in Mentor, including acquisition of necessary right-of-way within the Newell Creek development to build future bicycle trails and bicycle staging areas that will connect into the existing bicycle trail system at I-90/SR-615, widening the Garfield Road Bridge over I-90 to provide connectivity to the existing bicycle trail system between the I-90/SR-615 interchange and Lakeland Community College, and acquisition of additional land needed for the preservation of the Lake Metroparks Greenspace Corridor with the Newell Creek development adjacent to the I-90/SR-615 interchange";

(98) in item number 161 by striking the project description and inserting "Construct False Pass causeway and road to the terminus of the south arm breakwater project";

(99) in item number 2002 by striking the project description and inserting "Dowling Road extension/reconstruction west from Minnesota Drive to Old Seward Highway, Anchorage";

(100) in item number 2023 by striking the project description and inserting "Biking and pedestrian trail construction, Kentland";

(101) in item number 2035 by striking "Replace" and inserting "Repair";

(102) in item number 2511 by striking "Replace" and inserting "Rehabilitate";

(103) in item number 2981 by striking the project description and inserting "Roadway improvements on Highway 262 on the Navajo Nation in Aneth";

(104) in item number 2068 by inserting "and approaches" after "capacity";

(105) in item number 98 by striking the project description and inserting "Right-of-way acquisition and construction for the 77th Street reconstruction project, including the Lyndale Avenue Bridge over I–494, Richfield";

(106) in item number 1783 by striking the project description and inserting "Clark Road access improvements, Jacksonville";

(107) in item number 2711 by striking the project description and inserting "Main Street Road Improvements through Springfield, Jacksonville";

(108) in item number 3485 by striking the project description and inserting "Improve SR 105 (Hecksher Drive) from Drummond Point to August Road, including bridges across the Broward River and Dunns Creek, Jacksonville";

(109) in item number 3486 by striking the project description and inserting "Construct improvements to NE 19th Street/NE 19th Terrace from NE 3rd Avenue to NE 8th Avenue, Gainesville";

(110) in item number 3487 by striking the project description and inserting "Construct improvements to NE 25th Street from SR 26 (University Blvd.) to NE 8th Avenue, Gainesville";

(111) in item number 803 by striking "St. Clair County" and inserting "city of Madison";

(112) in item number 615 by striking the project description and inserting "Roadway improvements to Jackson Avenue between Jericho Turnpike and Teibrook Avenue";

(113) in item number 889 by striking the project description and inserting "U.S. 160, State Highway 3 to east of the Florida River";

(114) in item number 324 by striking the project description and inserting "Paving a portion of H–58 from Buck Hill to 4,000 feet east of Hurricane River";

(115) in item number 301 by striking the project description and inserting "Improvements for St. Georges Avenue between East Baltimore Avenue on the southwest and Chandler Avenue on the northeast";

(116) in item number 1519 by inserting "at the intersection of Quincy/West Drinker/Electric Streets near the Dunmore School complex" after "roadway redesign";

(117) in item number 2604 by inserting "on Coolidge, Bridge (from Main to Monroe), Skytop (from Gedding to Skytop), Atwell (from Bear Creek Rd. to Pittston Township), Wood (to Bear Creek Rd.), Pine, Oak (from Penn Avenue to Lackawanna Avenue), McLean, Second, and Lolli Lane" after "roadway redesign";

(118) in item number 1157 by inserting "on Mill Street from Prince Street to Roberts Street, John Street from Roberts Street to end, Thomas Street from Roberts Street to end, Williams Street from Roberts Street to end, Charles Street from Roberts Street to end, Fair Street from Roberts Street to end, Newport Avenue from East Kirmar Avenue to end" after "roadway redesign";

(119) in item number 805 by inserting "on Oak Street from Stark Street to the township line at Mayock Street and on East Mountain Boulevard" after "roadway redesign";

(120) in item number 2704 by inserting "on West Cemetery Street and Frederick Courts" after "roadway redesign";

(121) in item number 3136 by inserting "on Walden Drive and Greenwood Hills Drive" after "roadway redesign";

(122) in item number 1363 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, handicap access ramps, parking, and roadway redesign on Bilbow Street from Church Street to Pugh Street, on Pugh Street from Swallow Street to Main Street, Jones Lane from Main Street to Hoblak Street, Cherry Street from Green Street to Church Street, Main Street from Jackson Street to end, Short Street from Cherry Street to Main Street, and Hillside Avenue in Edwardsville Borough, Luzerne County";

(123) in item number 883 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, parking, roadway redesign, and safety improvements (including curbing, stop signs, crosswalks, and pedestrian sidewalks) at and around the 3-way intersection involving Susquehanna Avenue, Erie Street, and Second Street in West Pittston, Luzerne County";

(124) in item number 625 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Sampson Street, Dunn Avenue, Powell Street, Josephine Street, Pittston Avenue, Railroad Street, McClure Avenue, and Baker Street in Old Forge Borough, Lackawanna County";

(125) in item number 372 by inserting ", replacement of the Nesbitt Street Bridge, and placement of a guard rail adjacent to St.

Vladimir's Cemetery on Mountain Road (S.R. 1007)" after "roadway redesign";

(126) in item number 2308 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign, including a project to establish emergency access to Catherino Drive from South Valley Avenue in Throop Borough, Lackawanna County";

(127) in item number 967 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and catch basin restoration and replacement on Cherry Street, Willow Street, Eno Street, Flat Road, Krispin Street, Parrish Street, Carver Street, Church Street, Franklin Street, Carolina Street, East Main Street, and Rear Shawnee Avenue in Plymouth Borough, Luzerne County";

(128) in item number 969 by inserting "on Old Ashley Road, Ashley Street, Phillips Street, First Street, Ferry Road, and Division Street" after "roadway redesign";

(129) in item number 342 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and cross pipe and catch basin restoration and replacement on Northgate, Mandy Court, Vine Street, and 36th Street in Milnesville West, and on Hillside Drive (including the widening of the bridge on Hillside Drive), Club 40 Road, Sunburst and Venisa Drives, and Stockton #7 Road in Hazle Township, Luzerne County";

(130) in item number 2332 by striking "Monroe County" and inserting "Carbon, Monroe, Pike, and Wayne Counties";

(131) in item number 2436 by striking the project description and amount and inserting "For Wilkes-Barre to design, acquire land, and construct a parking garage or parkade, streetscaping enhancements, paving, lighting, safety improvements, and roadway redesign at and around the Sterling Hotel in Wilkes-Barre, including on River Street, Market Street, or Franklin Street (or any combination thereof) to the vicinity of the Irem Temple" and "$3,000,000", respectively;

(132) in item number 2723 by striking "$4,000,000" and inserting "$3,150,000";

(133) in item number 61 by striking the matters in the State, project description, and amount columns and inserting "AL", "Grade crossing improvements along Wiregrass Central RR at Boll Weevil Bypass in Enterprise, AL", and "$250,000", respectively;

(134) in item number 314 by striking the project description and amount and inserting "Streetscape enhancements to the transit and pedestrian corridor, Fort Lauderdale, Downtown Development Authority" and "$610,000", respectively;

(135) in item number 1639 by striking the project description and inserting "Operational and highway safety improvements on Hwy 94 between the 20 mile marker post in Jamul and Hwy 188 in Tecate";

(136) in item number 2860 by striking the project description and inserting "Roadway improvements from Halchita to Mexican Hat on the Navajo Nation";

(137) in item number 2549 by striking "on Navy Pier";

(138) in item number 2804 by striking "on Navy Pier";

(139) in item number 1328 by striking the project description and inserting "Construct public access roadways and pedestrian safety improvements in and around Montclair State University in Clifton";

(140) in item number 2559 by striking the project description and inserting "Construct sound walls on Route 164 at and near the Maersk interchange";

(141) in item number 1849 by striking the project description and inserting "Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh";

(142) in item number 697 by striking the project description and inserting "Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh";

(143) in item number 3597 by striking the project description and inserting "Road Alignment from IL Route 159 to Sullivan Drive, Swansea";

(144) in item number 2352 by striking the project description and inserting "Streetscaping and transportation enhancements on 7th Street in Calexico, traffic signalization on Highway 78, construction of the Renewable Energy and Transportation Learning Center, improve and enlarge parking lot, and create bus stop, Brawley";

(145) in item number 3482 by striking the project description and inserting "Conduct a study to examine multi-modal improvements to the I-5 corridor between the Main Street Interchange and State Route 54";

(146) in item number 1275 by striking the project description and inserting "Scoping, permitting, engineering, construction management, and construction of Riverbank Park Bike Trail, Kearny";

(147) in item number 726 by striking the project description and inserting "Grade Separation at Vanowen and Clybourn, Burbank";

(148) in item number 1579 by striking the project description and inserting "San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel";

(149) in item number 2690 by striking the project description and inserting "San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel";

(150) in item number 2811 by striking the project description and inserting "San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel";

(151) in item number 259 by striking the project description and inserting "Design and construction of the Clair Nelson Intermodal Center in Finland, Lake County";

(152) in item number 3456 by striking the project description and inserting "Completion of Phase II/Part I of a project on Elizabeth Avenue in Coleraine to west of Itasca County State Aid Highway 15 in Itasca County";

(153) in item number 2429 by striking the project description and inserting "Upgrade streets, undertake streetscaping, and implement traffic and pedestrian safety signalization improvements and highway-rail crossing safety improvements, Oak Lawn";

(154) in item number 766 by striking the project description and inserting "Design and construction of the walking path at Ellis Pond, Norwood";

(155) in item number 3474 by striking the project description and inserting "Yellow River Trail, Newton County";

(156) in item number 3291 by striking the amount and inserting "$200,000";

(157) in item number 3635 by striking the matters in the State, project description, and amount columns and inserting "GA", "Access Road in Montezuma", and "$200,000", respectively;

(158) in item number 716 by striking the project description and inserting "Conduct a project study report for new Highway 99 Interchange between SR 165 and Bradbury Road, and safety improvements/realignment of SR 165, serving Turlock/Hilmar region";

(159) in item number 1386 by striking the project description and amount and inserting "Pedestrian and bicycle facilities, and street lighting in Haddon Heights" and "$300,000", respectively;

(160) in item number 2720 by striking the project description and amount and inserting "Pedestrian and bicycle facilities and street lighting in Barrington and streetscape improvements to Clements Bridge Road from the circle at the White Horse Pike to NJ Turnpike overpass in Barrington" and "$700,000", respectively;

(161) in item number 2523 by striking the project description and inserting "Penobscot Riverfront Development for bicycle trails, amenities, traffic circulation improvements, and waterfront access or stabilization, Bangor and Brewer";

(162) in item number 545 by striking the project description and inserting "Planning, design, and construction of improvements to the highway systems connecting to Lewistown and Auburn downtowns";

(163) in item number 2168 by striking the project description and amount and inserting "Study and design, engineering, right-of-way acquisition, and construction of street improvements, streetscaping enhancements, paving, lighting, safety improvements, along the Rt. 315 corridor from Dupont to Wilkes Barre" and "$1,000,000", respectively;

(164) in item number 170 by striking the project description and amount and inserting "Study of a Maglev train route from Northeast Pennsylvania through New Jersey and New York" and "$1,600,000", respectively;

(165) in item number 2366 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and paving of the parking lot at the Casey Plaza in Wilkes-Barre Township";

(166) in item number 826 by striking "and Interstate 81" and inserting "and exit 168 on Interstate 81 or the intersection of the connector road with Northampton St.";

(167) in item number 2144 by striking the project description and inserting "Design, engineering, right-of-way acquisition and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Third Street from Pittston Avenue to Packer Street; Swift Street from Packer Street to Railroad Street; Clark Street from Main Street to South Street; School Street from Main Street to South Street; Plane Street from Grove Street to William Street; John Street from 4 John Street to William Street; Grove Street from Plane Street to Duryea Borough line; Wood Street from Cherry Street to Hawthorne Street in Avoca Borough, Luzerne County";

(168) in item number 1765 by striking the project description and amount and inserting "Design, engineering, right-of-way acquisition, and construction of street improvements, streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign in Pittston, including right-of-way acquisition, structure demolition, and intersection safety improvements in the vicinity and including the intersection of Main and William Streets in Pittston" and "$1,600,000", respectively;

(169) in item number 2957 by striking the project description and amount and inserting "Design, engineering, land acquisition, right-of-way acquisition, and construction of

a parking garage, streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign in the city of Wilkes-Barre" and "$2,800,000", respectively;

(170) in item number 3283 by striking the project description and amount and inserting "Pedestrian access improvements, including installation of infrastructure and equipment for security and surveillance purposes at subway stations in Astoria, New York" and "$1,300,000", respectively;

(171) in item number 3556 by striking the project description and amount and inserting "Design and rehabilitate staircases used as streets due to the steep grade of terrain in Bronx County" and "$1,100,000", respectively;

(172) by striking item number 203;

(173) by striking item number 552;

(174) by striking item number 590;

(175) by striking item number 759;

(176) by striking item number 879;

(177) by striking item number 1071;

(178) by striking item number 1382;

(179) by striking item number 1897;

(180) by striking item number 2553;

(181) in item number 3014 by striking the project description and amount and inserting "Design and Construct school safety projects in New York City" and "$2,500,000", respectively;

(182) in item number 2375 by striking the project description and amount and inserting "Subsurface environmental study to measure presence of methane and benzene gasses in vicinity of Greenpoint, Brooklyn, and the Kosciusko Bridge, resulting from the Newtown Creek oil spill" and "$100,000";

(183) in item number 221 by striking the project description and inserting "Study and Implement transportation improvements on Flatbush Ave. between Avenue U and the Marine Park Bridge in front of Gateway National Park in Kings County, New York";

(184) in item number 2732 striking the project description and inserting "Pedestrian safety improvements in the vicinity of LIRR stations";

(185) by striking item number 99;

(186) in item number 398 by striking the project description and inserting "Construct a new 2-lane road extending north from University Park Drive and improvements to University Park Drive";

(187) in item number 446 by striking the project description and inserting "Transportation improvements for development of the Williamsport-Pile Bay Road corridor";

(188) in item number 671 by striking "and Pedestrian Trail Expansion" and inserting ", including parking facilities and Pedestrian Trail Expansion";

(189) in item number 674 by striking the matters in the State, project description, and amount columns and inserting "AL", "Grade crossing improvements along Conecuh Valley RR at Henderson Highway (CR-21) in Troy, AL", and "$300,000", respectively;

(190) in item number 739 by striking the matters in the State, project description, and amount columns and inserting "AL", "Grade crossing improvements along Luxapalila Valley RR in Lamar and Fayette Counties, AL (Crossings at CR-6, CR-20, SH-7, James Street, and College Drive)", and "$300,000", respectively;

(191) in item number 746 by striking "Planning and construction of a bicycle trail adjacent to the I-90 and SR 615 Interchange in" and inserting "Planning, construction, and extension of bicycle trails adjacent to the I-90 and SR 615 Interchange, along the Greenway Corridor and throughout";

(192) in item number 749 by striking the matters in the State, project description, and amount columns and inserting "PA", "UPMC Heliport in Bedford", and "$750,000", respectively;

(193) in item number 813 by striking the project description and inserting "Preliminary design and study of long-term roadway approach alternatives to TH 36/SH 64 St. Croix River Crossing Project";

(194) in item number 816 by striking "$800,000" and inserting "$880,000";

(195) in item number 852 by striking "Acquire Right-of-Way for Ludlam Trail, Miami, Florida" and inserting "Planning, design, and engineering, Ludlam Trail, Miami";

(196) in item number 994 by striking the matters in the State, project description, and amount columns and inserting "PA", "Construct 2 flyover ramps and S. Linden Street exit for access to industrial sites in the cities of McKeesport and Duquesne", and "$500,000", respectively;

(197) in item number 1015 by striking the project description and inserting "Mississippi River Crossing connecting I-94 and US 10 between US 160 and TH 101, MN";

(198) in item number 1101 by striking the project description and inserting "I-285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs";

(199) in item number 1211 by striking the matters in the State, project description, and amount columns and inserting "PA", "Road improvements and upgrades related to the Pennsylvania State Baseball Stadium", and "$500,000", respectively;

(200) in item number 1345 by striking "to Stony Creek Park, 25 Mile Road in Shelby Township" and inserting "south to the city of Utica";

(201) in item number 1501 by striking the project description and inserting "Construction and right-of-way acquisition of TH 241, CSAH 35 and associated streets in the city of St. Michael";

(202) in item number 1525 by striking "north of CSX RR Bridge" and inserting "US Highway 90";

(203) in item number 1847 by striking the project description and inserting "Improve roads, sidewalks, and road drainage, City of Seward";

(204) in item number 2031 by striking the project description and inserting "Construct and improve Westside Parkway in Fulton County";

(205) in item number 2103 by striking "$2,000,000" and inserting "$3,000,000";

(206) in item number 2219 by striking "SR 91 in City of Twinsburg, OH" and inserting "Center Valley Parkway in Twinsburg, OH";

(207) in item number 2302 by inserting "and other road improvements to Safford Street" after "crossings";

(208) in item number 2560 by striking the project description and inserting "I-285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs";

(209) in item number 2563 by striking the project description and amount and inserting "Construct hike and bike path as part of Bridgeview Bridge replacement in Macomb County" and "$486,400", respectively;

(210) in item number 2698 by striking the project description and inserting "Interchanges at I-95/Ellis Road and between Grant Road and Micco Road, Brevard County";

(211) in item number 3141 by striking "$2,800,000" and inserting "$1,800,000";

(212) by striking item number 3160;

(213) in item number 3353 by inserting "and construction" after "mitigation";

(214) in item number 996 by striking "$2,000,000" and inserting "$687,000";

(215) in item number 2166 by striking the project description and inserting "Design, right-of-way acquisition, and construction for I-35 and CSAH2 interchange and CSAH2 corridor to TH61 in Forest Lake";

(216) in item number 3251 by striking the project description and inserting "I-94 and Radio Drive Interchange and frontage road project, design, right-of-way acquisition, and construction, Woodbury";

(217) in item number 1488 by striking the project description and inserting "Construct a 4-lane highway between Maverick Junction and the Nebraska border";

(218) in item number 3240 by striking the project description and inserting "Railroad-highway crossings in Pierre";

(219) in item number 1738 by striking "Paving" and inserting "Planning, design, and construction";

(220) in item number 3672 by striking the project description and inserting "Pave remaining stretch of BIA Route 4 from the junction of the BIA Route 4 and N8031 in Pinon, AZ, to the Navajo and Hopi border";

(221) in item number 2424 by striking "Construction" and inserting "preconstruction (including survey and archeological clearances) and construction";

(222) in item number 1216 by striking the matters in the State, project description, and amount columns and inserting "PA", "For roadway construction improvements to Route 222 relocation, Lehigh County", and "$1,313,000", respectively;

(223) in item number 2956 by striking "$1,360,000" and inserting "$2,080,000";

(224) in item number 1256 by striking the matters in the State, project description, and amount columns and inserting "PA", "Construction of a bridge over Brandywine Creek as part of the Boot Road extension project, Downingtown Borough", and "$700,000", respectively;

(225) in item number 1291 by striking the matters in the State, project description, and amount columns and inserting "PA", "Enhance parking facilities in Chester Springs, Historic Yellow Springs", and "$20,000", respectively;

(226) in item number 1304 by striking the matters in the State, project description, and amount columns and inserting "PA", "Improve the intersection at SR 100/SR 4003 (Kernsville Road), Lehigh County", and "$250,000", respectively;

(227) in item number 1357 by striking the matters in the State, project description, and amount columns and inserting "PA", "Intersection signalization at SR 3020 (Newburg Road)/Country Club Road, Northampton County", and "$250,000", respectively;

(228) in item number 1395 by striking the matters in the State, project description, and amount columns and inserting "PA", "Improve the intersection at SR 100/SR 29, Lehigh County", and "$220,000", respectively;

(229) in item number 80 by striking "$4,544,000" and inserting "$4,731,200";

(230) in item number 2096 by striking "$4,800,000" and inserting "$5,217,600";

(231) in item number 1496 by striking the matters in the State, project description, and amount columns and inserting "PA", "Study future needs of East-West road infrastructure in Adams County", and "$115,200", respectively;

(232) in item number 2193 by striking the project description and inserting "710 Freeway Study to comprehensively evaluate the technical feasibility of a tunnel alternative

to close the 710 Freeway gap, considering all practicable routes, in addition to any potential route previously considered, and with no funds to be used for preliminary engineering or environmental review except to the extent necessary to determine feasibility'';

(233) in item number 2445 by striking the project description and inserting ''$600,000 for road and pedestrian safety improvements on Main Street in the Village of Patchogue; $900,000 for road and pedestrian safety improvements on Montauk Highway, between NYS Route 112 and Suffolk County Road 101 in Suffolk County'';

(234) in item number 346 by striking the project description and inserting ''Hansen Dam Recreation Area access improvements, including hillside stabilization and parking lot rehabilitation along Osborne Street between Glenoaks Boulevard and Dronfield Avenue'';

(235) in item number 449 by striking the project description and inserting ''Route 30 and Mount Pleasant Road Interchange Safety Improvements, Westmoreland County, install light installations at intersection and consolidate entrances and exits to Route 30'';

(236) in item number 3688 by striking ''road'' and inserting ''trail'';

(237) in item number 3695 by striking ''in Soldotna'' and inserting ''in the Kenai River corridor'';

(238) in item number 3699 by striking ''to improve fish habitat'';

(239) in item number 3700 by inserting ''and ferry facilities'' after ''a ferry'';

(240) in item number 3703 by inserting ''or other roads'' after ''Cape Blossom Road'';

(241) in item number 3704 by striking ''Fairbanks'' and inserting ''Alaska Highway'';

(242) in item number 3705 by striking ''in Cook Inlet for the Westside development/Williamsport-Pile Bay Road'' and inserting ''for development of the Williamsport-Pile Bay Road corridor'';

(243) in item number 3828 by striking ''$2,000,000'' and inserting ''$11,000,000'';

(244) by striking item number 3829;

(245) by striking item number 3832;

(246) in item number 3861 by striking the project description and inserting ''Creation of a greenway path along the Naugatuck River in Waterbury'';

(247) in item number 3883 by striking the project description and inserting ''Wilmington Riverfront Access and Street Grid Redesign'';

(248) in item number 3892 by striking ''$5,000,000'' and inserting ''$8,800,000'';

(249) in item number 3894 by striking ''$5,000,000'' and inserting ''$1,200,000'';

(250) in item number 3909 by striking the project description and inserting ''S.R. 281, the Avalon Boulevard Expansion Project from Interstate 10 to U.S. Highway 91'';

(251) in item number 3911 by striking the project description and inserting ''Construct a new bridge at Indian Street, Martin County'';

(252) in item number 3916 by striking the project description and inserting ''City of Hollywood for U.S. 1/Federal Highway, north of Young Circle'';

(253) in item number 3937 by striking the project description and inserting ''Kingsland bypass from CR 61 to I–95, Camden County'';

(254) in item number 3945 by striking ''CR 293 to CS 5231'' and inserting ''SR 371 to SR 400'';

(255) in item number 3965 by striking ''transportation projects'' and inserting ''and air quality projects'';

(256) in item number 3986 by striking the project description and inserting ''Extension of Sugarloaf Parkway, Gwinnett County'';

(257) in item number 3999 by striking ''Bridges'' and inserting ''Bridge and Corridor'';

(258) in item number 4003 by striking the project description and inserting ''City of Council Bluffs and Pottawattamie County East Beltway Roadway and Connectors Project'';

(259) in item number 4043 by striking ''MP 9.3, Segment I, II, and III'' and inserting ''Milepost 24.3'';

(260) in item number 4050 by striking the project description and inserting ''Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia'';

(261) in item number 4058 by striking the project description and inserting ''For improvements to the road between Brighton and Bunker Hill in Macoupin County'';

(262) in each of item numbers 4062 and 4084 by striking the project description and inserting ''Preconstruction, construction, and related research and studies of I–290 Cap the Ike project in the village of Oak Park'';

(263) in item number 4089 by inserting ''and parking facility/entrance improvements serving the Museum of Science and Industry'' after ''Lakeshore Drive'';

(264) in item number 4103 by inserting ''and adjacent to the'' before ''Shawnee'';

(265) in item number 4110 by striking the project description and inserting ''For improvements to the road between Brighton and Bunker Hill in Macoupin County'';

(266) in item number 4120 by striking the matters in the project description and amount columns and inserting ''Upgrade 146th Street to Improve I–69 Access'' and ''$800,000'', respectively;

(267) in item number 4125 by striking ''$250,000'' and inserting ''$1,650,000'';

(268) by striking item number 4170;

(269) by striking item number 4179;

(270) in item number 4185 by striking the project description and inserting ''Replace the Clinton Street Bridge spanning St. Mary's River in downtown Fort Wayne'';

(271) in item number 4299 by striking the project description and inserting ''Improve U.S. 40, MD 715 interchange and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth'';

(272) in item number 4313 by striking ''Maryland Avenue'' and all that follows through ''Rd. corridor'' and inserting ''intermodal access, streetscape, and pedestrian safety improvements'';

(273) in item number 4315 by striking ''stormwater mitigation project'' and inserting ''environmental preservation project'';

(274) in item number 4318 by striking the project description and inserting ''Planning, design, and construction of improvements to the highway systems connecting to Lewiston and Auburn downtowns'';

(275) in item number 4323 by striking the project description and inserting ''MaineDOT Acadia intermodal passenger and maintenance facility'';

(276) in item number 4338 by striking the project description and inserting ''Construct 1 or more grade-separated crossings of I–75, and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282'';

(277) in item number 4355 by striking the project description and inserting ''Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch'';

(278) in item number 4357 by striking the project description and inserting ''Design, construct, ROW, and expand TH 241 and CSAH 35 and associated streets in the city of St. Michael'';

(279) in item number 4360 by striking the project description and inserting ''Planning, design, and construction for Twin Cities Bioscience Corridor in St. Paul'';

(280) in item number 4362 by striking the project description and inserting ''I–494/U.S. 169 interchange reconstruction including U.S. 169/Valley View Road interchange, Twin Cities Metropolitan Area'';

(281) in item number 4365 by striking the project description and inserting ''34th Street realignment and 34th Street and I–94 interchange, including retention and reconstruction of the SE Main Avenue/CSAH 52 interchange ramps at I–94, and other transportation improvements for the city of Moorhead. including the SE Main Avenue GSI and Moorhead Comprehensive Rail Safety Program'';

(282) in item number 4369 by striking the project description and inserting ''Construction of 8th Street North, Stearns C.R. 120 to TH 15 in St. Cloud'';

(283) in item number 4371 by striking the project description and inserting ''Construction and ROW of TH 241, CSAH 35 and associated streets in the city of St. Michael'';

(284) in item number 4411 by striking ''Southaven'' and inserting ''DeSoto County'';

(285) in item number 4424 by striking the project description and inserting ''U.S. 93 Evaro to Polson transportation improvement projects'';

(286) in item number 4428 by striking the project description and inserting ''US 76 improvements'';

(287) in item number 4457 by striking the project description and inserting ''Construct an interchange at an existing grade separation at SR 1602 (Old Stantonsburg Rd.) and U.S. 264 Bypass in Wilson County'';

(288) in item number 4461 by striking the project description and inserting ''Transportation and related improvements at Queens University of Charlotte, including the Queens Science Center and the Marion Diehl Center, Charlotte'';

(289) in item number 4507 by striking the project description and inserting ''Design. right-of-way acquisition, and construction of Highway 35 between Norfolk and South Sioux City, including an interchange at milepost 1 on U.S. I–129'';

(290) in item number 4555 by inserting ''Canal Street and'' after ''Reconstruction of'';

(291) in item number 4565 by striking the project description and inserting ''Railroad Construction and Acquisition, Ely and White Pine County'';

(292) in item number 4588 by inserting ''Private Parking and'' before ''Transportation'';

(293) in item number 4596 by striking the project description and inserting ''Centerway Bridge and Bike Trail Project, Corning'';

(294) in item number 4610 by striking the project description and inserting ''Preparation, demolition, disposal, and site restoration of Alert Facility on Access Road to Plattsburgh International Airport'';

(295) in item number 4649 by striking the project description and inserting ''Fairfield County, OH U.S. 33 and old U.S. 33 safety improvements and related construction, city of Lancaster and surrounding areas'';

(296) in item number 4651 by striking "for the transfer of rail to truck for the intermodal" and inserting ", and construction of an intermodal freight";

(297) in item number 4691 by striking the project description and inserting "Transportation improvements to Idabel Industrial Park Rail Spur, Idabel";

(298) in item number 4722 by striking the project description and inserting "Highway, traffic, pedestrian, and riverfront improvements, Pittsburgh";

(299) in item number 4749 by striking "study" and inserting "improvements";

(300) in item number 4821 by striking "highway grade crossing project, Clearfield and Clinton Counties" and inserting "Project for highway grade crossings and other purposes relating to the Project in Cambria, Centre, Clearfield, Clinton, Indiana, and Jefferson Counties";

(301) in item number 4838 by striking "study" and inserting "improvements";

(302) in item number 4839 by striking "fuel-celled" and inserting "fueled";

(303) in item number 4866 by striking "$11,000,000" and inserting "$9,400,000";

(304) by inserting after item number 4866 the following:

"4866A	RI	Repair and restore railroad bridge in Westerly	$1,600,000";

(305) in item number 4892 by striking the project description and inserting "Construct a 4-lane highway between maverick Junction and the Nebraska border";

(306) in item number 4915 by striking the project description and inserting "For projects of highest priority, as determined by the South Dakota DOT";

(307) in item number 4916 by striking "$1,000,000" and inserting "$328,000";

(308) in item number 4924 by striking "$3,450,000" and inserting "$4,122,000";

(309) in item number 4927 by striking the project description and inserting "Construction and Improvements to the College Street Corridor, Great Smoky Mountain Heritage Highway Cultural and Visitors Center in Maryville";

(310) in item number 4960 by inserting "of which $50,000 shall be used for a street paving project, Calhoun" after "County";

(311) in item number 4974 by striking ", Sevier County";

(312) in item number 5008 by inserting "/ Kane Creek Boulevard" after "500 West";

(313) in each of item numbers 5011 and 5033 by striking "200 South Interchange" and inserting "400 South Interchange";

(314) in item number 5021 by striking "Pine View Dam,";

(315) in item number 5026 by striking the project description and inserting "Roadway improvements on Washington Fields Road/300 East, Washington";

(316) in item number 5027 by inserting "and roadway improvements" after "safety project";

(317) in item number 5028 by inserting "and roadway improvements" after "lighting";

(318) in item number 5029 by inserting "and roadway improvements" after "lights";

(319) in number 5032 by striking the project description and inserting "Expand Redhills Parkway, St. George";

(320) in item number 5132 by striking the project description and inserting "St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County";

(321) in item number 5161 by striking the project description and inserting "Raleigh Street Extension Project in Martinsburg";

(322) in item number 1824 by striking the project description and inserting "U.S. Route 10 expansion in Wadena and Ottertail Counties";

(323) in item number 1194 by striking the project description and inserting "Roadway and pedestrian design and improvements for Pennsylvania Avenue, Brooklyn";

(324) in item number 2286 by striking the project description and inserting "Road improvements for Church Street between NY State Route 25A and Hilden Street in Kings Park";

(325) in item number 1724 by striking the project description and amount and inserting "For road resurfacing and upgrades to Old Nichols Road and road repairs in the Nissequogue River watershed in Smithtown" and "$1,500,000", respectively;

(326) in item number 3636 by striking the matters in the State, project description, and amount columns and inserting "NY", "Road repair and maintenance in the Town of Southampton", and "$500,000", respectively;

(327) in item number 3638 by striking the matters in the State, project description, and amount columns and inserting "NY", "Improve NY State Route 112 from Old Town Road to NY State Route 347", and "$6,000,000", respectively;

(328) in item number 3479 by striking the project description and inserting "Road improvements and utility relocations within the city of Jackson";

(329) in item number 141 by striking "construction of pedestrian and bicycle improvements" and inserting "transportation enhancement activities";

(330) in item number 1204 by striking "at SR 283";

(331) in item number 2896 by striking the project description and inserting "Improve streetscape and signage and pave roads in McMinn County, including $50,000 that may be used for paving local roads in the city of Calhoun";

(332) in item number 3017 by striking ", Pine View Dam";

(333) in item number 3188 insert after "Reconstruction" the following: "including U.S. 169/Valley View Road Interchange,";

(334) in item number 1772 by striking the project description and inserting "Reconstruction of Historic Eastern Parkway";

(335) in item number 2610 by striking the project description and inserting "Reconstruction of Times and Duffy Squares in New York City";

(336) in item number 2462—

(A) by striking "of the New Jersey Turnpike, Carteret" and inserting "and the Tremley Point Connector Road of the New Jersey Turnpike"; and

(B) by striking "$1,200,000" and inserting "$450,000";

(337) in item number 2871 by striking the amount and inserting "$2,430,000";

(338) in item number 3381 by striking the project description and inserting "Determine scope, design, engineering, and construction of Western Boulevard Extension from Northern Boulevard to Route 9 in Ocean County, New Jersey";

(339) in item number 2703 by striking the project description and inserting "Upgrading existing railroad crossings with installation of active signals and gates and to study the feasibility and necessity of rail grade separation";

(340) in item number 1004 by inserting "SR 71 near" after "turn lane on";

(341) in item number 2824 by striking the project description and inserting the following: "Sevier County, TN, SR 35 near SR 449 intersection";

(342) in item number 373 by striking the project description and inserting "Widening existing Highway 226, including a bypass of Cash and a new connection to Highway 49";

(343) in item number 1486, by striking the project description and inserting "Bridge reconstruction and road widening on Route 252 and Route 30 in Tredyffrin Township, PA, in conjunction with the Paoli Transportation Center Project";

(344) in item number 4541 by striking "of the New Jersey Turnpike, Carteret" and inserting "and the Tremley Point Connector Road of the New Jersey Turnpike";

(345) in item number 4006 by striking the project description and inserting "Improvement to Alice's Road/105th Street Corridor including bridge, interchange, roadway, right-of-way, and enhancements"; and

(346) in item number 2901 by striking the project description and inserting "Purchase of land and conservation easements within U.S. 24 study area in Lucas, Henry, and Fulton Counties, Ohio".

(b) UNUSED OBLIGATION AUTHORITY.—Notwithstanding any other provision of law, unused obligation authority made available for an item in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) that is repealed, or authorized funding for such an item that is reduced, by this section shall be made available—

(1) for an item in section 1702 of that Act that is added or increased by this section and that is in the same State as the item for which obligation authority or funding is repealed or reduced;

(2) in an amount proportional to the amount of obligation authority or funding that is so repealed or reduced; and

(3) individually for projects numbered 1 through 3676 pursuant to section 1102(c)(4)(A) of that Act (119 Stat. 1158).

(c) TRANSFER OF PROJECT FUNDS.—The Secretary of Transportation shall transfer to the Commandant of the Coast Guard amounts made available to carry out the project described in item number 4985 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1447) to carry out that project, in accordance with the Act of June 21, 1940, commonly known as the "Truman-Hobbs Act", (33 U.S.C. 511 et seq.).

(d) ADDITIONAL DISCRETIONARY USE OF SURFACE TRANSPORTATION PROGRAM FUNDS.—Of the funds apportioned to each State under section 104(b)(3) of title 23, United States Code, a State may expend for each of fiscal years 2007 through 2009 not more than $1,000,000 for the following activities:

(1) Participation in the Joint Operation Center for Fuel Compliance established under section 143(b)(4)(H) of title 23, United States Code, within the Department of the Treasury, including the funding of additional positions for motor fuel tax enforcement officers and other staff dedicated on a full-time basis to participation in the activities of the Center.

(2) Development, operation, and maintenance of electronic filing systems to coordinate data exchange with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(3) Development, operation, and maintenance of electronic single point of filing in

conjunction with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(4) Development, operation, and maintenance of a certification system by a State of any fuel sold to a State or local government (as defined in section 4221(d)(4) of the Internal Revenue Code of 1986) for the exclusive use of the State or local government or sold to a qualified volunteer fire department (as defined in section 150(e)(2) of such Code) for its exclusive use.

(5) Development, operation, and maintenance of a certification system by a State of any fuel sold to a nonprofit educational organization (as defined in section 4221(d)(5) of such Code) that includes verification of the good standing of the organization in the State in which the organization is providing educational services.

(e) PROJECT FEDERAL SHARE.—Section 1964 of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1519) is amended by adding at the end the following:

"(c) SPECIAL RULE.—Notwithstanding any other provision of law, the Federal share of the cost of the projects described in item numbers 1284 and 3093 in the table contained in section 1702 of this Act shall be 100 percent.".

SEC. 106. NONMOTORIZED TRANSPORTATION PILOT PROGRAM.

Section 1807(a)(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1460) is amended by striking "Minneapolis-St. Paul, Minnesota" and inserting "Minneapolis, Minnesota".

SEC. 107. CORRECTION OF INTERSTATE AND NATIONAL HIGHWAY SYSTEM DESIGNATIONS.

(a) TREATMENT.—Section 1908(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1469) is amended by striking paragraph (3).

(b) NATIONAL HIGHWAY SYSTEM.—Section 1908(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1470) is amended by striking "from the Arkansas State line" and inserting "from Interstate Route 540".

SEC. 108. FUTURE OF SURFACE TRANSPORTATION SYSTEM.

Section 1909(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1471) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (9) by striking "July 1, 2007" and inserting "December 31, 2007";

(2) in paragraph (11)(C) by striking "the Administrator of the Federal Highway Administration" and inserting "the Secretary";

(3) in paragraph (11)(D)(i) by striking ", on a reimbursable basis,";

(4) in paragraph (15) by striking "$1,400,000 for each of fiscal years 2006 and 2007" and inserting "$1,400,000 for fiscal year 2006 and $3,400,000 for fiscal year 2007";

(5) by redesignating paragraphs (14), (15), (16), and (17) as paragraphs (15), (16), (17), and (18), respectively; and

(6) by inserting after paragraph (13) the following:

"(14) LIMITATIONS.—Funds made available to carry out this section may be expended only to support the activities of the Commission. No data, analyses, reports, or any other documents prepared for the Commission to fulfill its duties may be provided to or shared with other commissions or task forces until such data, analyses, reports, or documents have been made available to the public.".

SEC. 109. BUDGET JUSTIFICATION; BUY AMERICA.

(a) BUDGET JUSTIFICATION.—Section 1926 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1483) is amended by striking "The Department" and inserting "Notwithstanding any other provision of law, the Department".

(b) BUY AMERICA.—Section 1928 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1484) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) the current application by the Federal Highway Administration of the Buy America test, that is only applied to components or parts of a bridge project and not the entire bridge project, is inconsistent with this sense of Congress;".

SEC. 110. TRANSPORTATION IMPROVEMENTS.

The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1486) is amended—

(1) in item number 436 by inserting ", Saole," after "Sua";

(2) in item number 448 by inserting "by removing asphalt and concrete and reinstalling blue cobblestones" after "streets";

(3) by striking item number 451;

(4) in item number 452 by striking "$2,000,000" and inserting "$3,000,000";

(5) in item number 12 by striking "Yukon River" and inserting "Kuskokwim River";

(6) in item number 18 by striking "Engineering and Construction in Merced County" and inserting "and safety improvements/realignment of SR 165 project study report and environmental studies in Merced and Stanislaus Counties";

(7) in item number 38 by striking the project description and inserting "Relocation of the Newark Train Station";

(8) in item number 57 by striking the project description and inserting "Kingsland bypass from CR 61 to I–95, Camden County";

(9) in item number 114 by striking "IA-32" and inserting "SW" after "Construct";

(10) in item number 122 by striking the project description and inserting "Design, right-of-way acquisition, and construction of the SW Arterial and connections to U.S. 20, Dubuque County";

(11) in item number 130 by striking the project description and inserting "Improvements and rehabilitation to rail and bridges on the Appanoose County Community Railroad";

(12) in item number 133 by striking "IA-32";

(13) in item number 138 by striking the project description and inserting "West Spencer Beltway Project";

(14) in item number 142 by striking "MP 9.3, Segment I, II, and III" and inserting "Milepost 24.3";

(15) in item number 161 by striking "Bridge replacement on Johnson Drive and Nall Ave." and inserting "Construction improvements";

(16) in item number 182 by striking the project description and inserting "Improve U.S. 40, M.D. 715 interchange, and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth";

(17) in item number 198 by striking the project description and inserting "Construct 1 or more grade separated crossings of I–75 and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282";

(18) in item number 201 by striking the project description and inserting "Alger County, paving a portion of H–58 from Buck Hill to a point located 4,000 feet east of the Hurricane River";

(19) in item number 238 by striking the project description and inserting "Develop and construct the St. Mary water project road and bridge infrastructure, including a new bridge and approaches across St. Mary River, stabilization and improvements to United States Route 89, and road/canal from Siphon Bridge to Spider Lake, on the condition that $2,500,000 of the amount made available to carry out this item may be made available to the Bureau of Reclamation for use for the Swift Current Creek and Boulder Creek bank and bed stabilization project in the Lower St. Mary Lake drainage";

(20) in item number 329 by inserting ", Tulsa" after "technology";

(21) in item number 358 by striking "fuel-celled" and inserting "fueled";

(22) in item number 374 by striking the project description and inserting "Construct a 4-lane highway between Maverick Junction and the Nebraska border"; and

(23) in item number 402 by striking "from 2 to 5 lanes and improve alignment within rights-of-way in St. George" and inserting ", St. George".

SEC. 111. I–95/CONTEE ROAD INTERCHANGE DESIGN.

Section 1961 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1518) is amended—

(1) in the section heading by striking "**STUDY**" and inserting "**DESIGN**";

(2) by striking subsections (a), (b), and (c) and inserting the following:

"(a) DESIGN.—The Secretary shall make available the funds authorized to be appropriated by this section for the design of the I–95/Contee Road interchange in Prince George's County, Maryland.";

(3) by redesignating subsection (d) as subsection (b); and

(4) in subsection (b)(1) (as so redesignated) by striking "2006" and inserting "2007".

SEC. 112. HIGHWAY RESEARCH FUNDING.

(a) F-SHRP FUNDING.—Notwithstanding any other provision of law, for each of fiscal years 2007 through 2009, at any time at which an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, or the highway safety improvement program, the Secretary of Transportation shall—

(1) deduct from each apportionment an amount not to exceed 0.205 percent of the apportionment; and

(2) transfer or otherwise make that amount available to carry out section 510 of title 23, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) FUNDING.—Section 5101 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779) is amended—

(A) in subsection (a)(1) by striking "509, and 510" and inserting "and 509";

(B) in subsection (a)(4) by striking "$69,700,000" and all that follows through "2009" and inserting "$40,400,000 for fiscal year 2005, $69,700,000 for fiscal year 2006,

$76,400,000 for each of fiscal years 2007 and 2008, and $78,900,000 for fiscal year 2009''; and

(C) in subsection (b) by inserting after "50 percent" the following "or, in the case of funds appropriated by subsection (a) to carry out section 5201, 5202, or 5203 of this Act, 80 percent".

(2) FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—Section 5210 of such Act (119 Stat. 1804) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(c) CONTRACT AUTHORITY.—Funds made available under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined under section 510(f) of that title.

(d) APPLICABILITY OF OBLIGATION LIMITATION.—Funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs under section 1102 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; 119 Stat. 1157) or any other Act.

(e) EQUITY BONUS FORMULA.—Notwithstanding any other provision of law, in allocating funds for the equity bonus program under section 105 of title 23, United States Code, for each of fiscal years 2007 through 2009, the Secretary of Transportation shall make the required calculations under that section as if this section had not been enacted.

(f) FUNDING FOR RESEARCH ACTIVITIES.—Of the amount made available by section 5101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779)—

(1) at least $1,000,000 shall be made available for each of fiscal years 2007 through 2009 to carry out section 502(h) of title 23, United States Code; and

(2) at least $4,900,000 shall be made available for each of fiscal years 2007 through 2009 to carry out section 502(i) of that title.

(g) TECHNICAL AMENDMENTS.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 502 of title 23, United States Code, is amended by striking the first subsection (h), relating to infrastructure investment needs reports beginning with the report for January 31, 1999.

(2) ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.—Section 5512(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1829) is amended by striking "PROGRAM APPRECIATION.—" and inserting "PROGRAM APPLICATION.—".

(3) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5506 of title 49, United States Code, is amended—

(A) in subsection (c)(2)(B) by striking "tier" and inserting "Tier";

(B) in subsection (i)—

(i) by striking "In order to" and inserting the following:

"(1) IN GENERAL.—In order to"; and

(ii) by adding at the end the following:

"(2) SPECIAL RULE.—Nothing in paragraph (1) requires a nonprofit institution of higher learning designated as a Tier II university transportation center to maintain total expenditures as described in paragraph (1) in excess of the amount of the grant awarded to the institution."; and

(C) in subsection (k)(3) by striking "The Secretary" and all that follows through "to carry out this section" and inserting "For each of fiscal years 2007 through 2009, the Secretary shall expend not more than 1.5 percent of amounts made available to carry out this section".

SEC. 113. RESCISSION.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as amended by section 1302 of the Pension Protection Act of 2006 (Public Law 109-280)) (119 Stat. 1937; 120 Stat. 780) is amended by striking "$8,593,000,000" each place it appears and inserting "$8,710,000,000".

SEC. 114. TEA-21 TECHNICAL CORRECTIONS.

(a) SURFACE TRANSPORTATION PROGRAM.—Section 1108(f)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 133 note; 112 Stat. 141) is amended by striking "2003" and inserting "2009".

(b) PROJECT AUTHORIZATIONS.—The table contained in section 1602 of such Act (112 Stat. 257) is amended—

(1) in item number 1096 (as amended by section 1703(a)(11) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1454)) by inserting ", and planning and construction to Heisley Road," before "in Mentor, Ohio";

(2) in item number 1646 by striking "and construction" and inserting "construction, reconstruction, resurfacing, restoration, rehabilitation, and repaving"; and

(3) in item number 614 by inserting "and for NJ Carteret, NJ Ferry Service Terminal" after "east".

SEC. 115. HIGH PRIORITY CORRIDOR AND INNOVATIVE PROJECT TECHNICAL CORRECTIONS.

(a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1212) is amended—

(1) in paragraph (63) by striking "and United States Routes 1, 3, 9, 17, and 46," and inserting "United States Routes 1, 9, and 46, and State Routes 3 and 17,"; and

(2) in paragraph (64)—

(A) by striking "United States Route 42" and inserting "State Route 42"; and

(B) by striking "Interstate Route 676" and inserting "Interstate Routes 76 and 676".

(b) INNOVATIVE PROJECTS.—Item number 89 of the table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2052) is amended in the matter under the column with the heading "INNOVATIVE PROJECTS" by inserting "and contiguous counties" after "Michigan".

SEC. 116. DEFINITION OF REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(5) of title 23, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) receive—

"(i) a driver's license suspension for not less than 1 year; or

"(ii) a combination of suspension of all driving privileges for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the purpose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;

"(B) be subject to the impoundment or immobilization of, or the installation of an ignition interlock system on, each motor vehicle owned or operated, or both, by the individual;".

SEC. 117. RESEARCH TECHNICAL CORRECTION.

Section 5506(e)(5)(C) of title 49, United States Code, is amended by striking "$2,225,000" and inserting "$2,250,000".

SEC. 118. BUY AMERICA WAIVER NOTIFICATION AND ANNUAL REPORTS.

(a) WAIVER NOTIFICATION.—

(1) IN GENERAL.—If the Secretary of Transportation makes a finding under section 313(b) of title 23, United States Code, with respect to a project, the Secretary shall—

(A) publish in the Federal Register, before the date on which such finding takes effect, a detailed written justification as to the reasons that such finding is needed; and

(B) provide notice of such finding and an opportunity for public comment on such finding for a period of not to exceed 60 days.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in paragraph (1) shall be construed to require the effective date of a finding referred to in paragraph (1) to be delayed until after the close of the public comment period referred to in paragraph (1)(B).

(b) ANNUAL REPORTS.—Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects for which the Secretary made findings under section 313(b) of title 23, United States Code, during the preceding calendar year and the justifications for such findings.

SEC. 119. EFFICIENT USE OF EXISTING HIGHWAY CAPACITY.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the impacts of converting left and right highway safety shoulders to travel lanes.

(b) CONTENTS.—In conducting the study, the Secretary shall—

(1) analyze instances in which safety shoulders are used for general purpose vehicle traffic, high occupancy vehicles, and public transportation vehicles;

(2) analyze instances in which safety shoulders are not part of the roadway design;

(3) evaluate whether or not conversion of safety shoulders or the lack of a safety shoulder in the original roadway design has a significant impact on the number of accidents or has any other impact on highway safety; and

(4) compile relevant statistics.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 120. FUTURE INTERSTATE DESIGNATION.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation shall designate, as a future Interstate Route 69 Spur, the Audubon Parkway and, as a future Interstate Route 66 Spur, the Natcher Parkway in Owensboro, Kentucky. Any segment of such routes shall become part of the Interstate System (as defined in section 101 of title 23, United States Code) at such time as the Secretary determines that the segment—

(1) meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

(2) connects to an existing Interstate System segment.

(b) SIGNS.—Section 103(c)(4)(B)(iv) of title 23, United States Code, shall apply to the designations under subsection (a); except that a State may install signs on the 2 parkways that are to be designated under subsection (a) indicating the approximate location of each of the future Interstate System highways.

(c) REMOVAL OF DESIGNATION.—The Secretary shall remove designation of a highway referred to in subsection (a) as a future Interstate System route if the Secretary, as of the last day of the 25-year period beginning on the date of enactment of this Act, has not made the determinations under paragraphs (1) and (2) of subsection (a) with respect to such highway.

SEC. 121. EMERGENCY RELIEF.

Section 1112 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1171) is amended—

(1) by inserting "(a) IN GENERAL.—" before "There"; and

(2) by adding at the end the following:

"(b) CALIFORNIA.—Notwithstanding any provision of chapter 1 of title 23, United States Code, the Secretary may use funds authorized to carry out the emergency relief program under section 125 of such title to reimburse the California State department of transportation for actual and necessary costs of maintenance and operation, less the amount of fares earned, for additional public transportation services and traveler information services which were provided by such department of transportation as a temporary substitute for highway traffic service following the freeway collapse at the interchange connecting Interstate Routes 80, 580, and 880 near the San Francisco-Oakland Bay Bridge, on April 29, 2007, until the reopening of that facility on June 29, 2007. The Federal share of the cost of activities reimbursed under this subsection shall be 100 percent.".

SEC. 122. PROJECT FLEXIBILITY.

Section 1935(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1510) is amended by inserting "project numbered 1322 and the" after "the".

SEC. 123. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act (including subsection (b)), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) EXCEPTION.—

(1) IN GENERAL.—The amendments made by this Act (other than the amendments made by sections 101(g), 103, 105, 110, and 201(o)) to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) shall—

(A) take effect as of the date of enactment of that Act; and

(B) be treated as being included in that Act as of that date.

(2) EFFECT OF AMENDMENTS.—Each provision of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) (including the amendments made by that Act) (as in effect on the day before the date of enactment of this Act) that is amended by this Act (other than sections 101(g), 103, 105, 110, and 201(o)) shall be treated as not being enacted.

TITLE II—TRANSIT PROVISIONS

SEC. 201. TRANSIT TECHNICAL CORRECTIONS.

(a) SECTION 5302.—Section 5302(a)(10) of title 49, United States Code, is amended by striking "charter," and inserting "charter, sightseeing,".

(b) SECTION 5303.—

(1) Section 5303(f)(3)(C)(ii) of such title is amended by striking subclause (II) and inserting the following:

"(II) FUNDING.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this chapter and title 23, prior to any allocation under section 202 of this title and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96-551 (94 Stat. 3233) and this paragraph.".

(2) Section 5303(j)(3)(D) of such title is amended—

(A) by inserting "or the identified phase" before "within the time"; and

(B) by inserting "or the identified phase" before the period at the end.

(3) Section 5303(k)(2) of such title is amended by striking "a metropolitan planning area serving".

(c) SECTION 5307.—Section 5307(b) of such title is amended—

(1) in the heading for paragraph (2) by striking "2007" and inserting "2009";

(2) in paragraph (2)(A)—

(A) by striking "2007" and inserting "2009"; and

(B) by striking "mass" and inserting "public";

(3) by adding at the end of paragraph (2) the following:

"(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

"(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

"(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

"(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002."; and

(4) in paragraph (3) by striking "section 5305(a)" and inserting "section 5303(k)".

(d) SECTION 5309.—Section 5309 of such title is amended—

(1) in subsection (d)(5)(B) by striking "regulation." and inserting "this subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.";

(2) in subsection (e)(6)(B) by striking "subsection." and inserting "subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.";

(3) in the heading for paragraph (2)(A) of subsection (m) by striking "MAJOR CAPITAL" and inserting "CAPITAL"; and

(4) in subsection (m)(7)(B) by striking "section 3039" and inserting "section 3045".

(e) SECTION 5311.—Section 5311 of such title is amended—

(1) in subsection (g)(1)(A) by striking "for any purpose other than operating assistance" and inserting "for a capital project or project administrative expenses";

(2) in subsections (g)(1)(A) and (g)(1)(B) by striking "capital" after "net"; and

(3) in subsection (i)(1) by striking "Sections 5323(a)(1)(D) and 5333(b) of this title apply" and inserting "Section 5333(b) applies".

(f) SECTION 5312.—The heading for section 5312(c) of such title is amended by striking "MASS TRANSPORTATION" and inserting "PUBLIC TRANSPORTATION".

(g) SECTION 5314.—Section 5314(a)(3) is amended by striking "section 5323(a)(1)(D)" and inserting "section 5333(b)".

(h) SECTION 5319.—Section 5319 of such title is amended by striking "section 5307(k)" and inserting "section 5307(d)(1)(K)".

(i) SECTION 5320.—Section 5320 of such title is amended—

(1) in subsection (a)(1)(A) by striking "intra—agency" and inserting "intraagency";

(2) in subsection (b)(5)(A) by striking "5302(a)(1)(A)" and inserting "5302(a)(1)";

(3) in subsection (d)(1) by inserting "to administer this section and" after "5338(b)(2)(J)";

(4) by adding at the end of subsection (d) the following:

"(4) TRANSFERS TO LAND MANAGEMENT AGENCIES.—The Secretary may transfer amounts available under paragraph (1) to the appropriate Federal land management agency to pay necessary costs of the agency for such activities described in paragraph (1) in connection with activities being carried out under this section.";

(5) in subsection (k)(3) by striking "subsection (d)(1)" and inserting "subsection (e)(1)";

(6) by redesignating subsections (a) through (m) as subsections (b) through (n), respectively; and

(7) by inserting before subsection (b) (as so redesignated) the following:

"(a) PROGRAM NAME.—The program authorized by this section shall be known as the Paul S. Sarbanes Transit in Parks Program.".

(j) SECTION 5323.—Section 5323(n) of such title is amended by striking "section 5336(e)(2)" and inserting "section 5336(d)(2)".

(k) SECTION 5325.—Section 5325(b) of such title is amended—

(1) in paragraph (1) by inserting before the period at the end "adopted before August 10, 2005";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(l) SECTION 5336.—

(1) APPORTIONMENTS OF FORMULA GRANTS.—Section 5336 of such title is amended—

(A) in subsection (a) by striking "Of the amount" and all that follows before paragraph (1) and inserting "Of the amount apportioned under subsection (i)(2) to carry out section 5307—";

(B) in subsection (d)(1) by striking "subsections (a) and (h)(2) of section 5338" and inserting "subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338"; and

(C) by redesignating subsection (c), as added by section 3034(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1628), as subsection (k).

(2) TECHNICAL AMENDMENTS.—Section 3034(d)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1629), is amended by striking "paragraph (2)" and inserting "subsection (a)(2)".

(m) SECTION 5337.—Section 5337(a) of title 49, United States Code, is amended by striking “for each of fiscal years 1998 through 2003” and inserting “for each of fiscal years 2005 through 2009”.

(n) SECTION 5338.—Section 5338(d)(1)(B) of such title is amended by striking “section 5315(a)(16)” and inserting “section 5315(b)(2)(P)”.

(o) SAFETEA-LU.—

(1) SECTION 3011.—Section 3011(f) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1589) is amended by adding to the end the following:

“(5) Central Florida Commuter Rail Transit Project.”.

(2) SECTION 3037.—Section 3037(c) of such Act (119 Stat. 1636) is amended—

(A) in paragraph (3) by striking “Phase II”; and

(B) by striking paragraph (10).

(3) SECTION 3040.—Section 3040(4) of such Act (119 Stat. 1639) is amended by striking “$7,871,895,000” and inserting “$7,872,893,000”.

(4) SECTION 3043.—

(A) PORTLAND, OREGON.—Section 3043(b)(27) of such Act (119 Stat. 1642) is amended by inserting “/Milwaukie” after “Mall”.

(B) LOS ANGELES.—

(i) PHASE 1.—Section 3043(b)(13) of such Act (119 Stat. 1642) is amended to read as follows:

“(13) Los Angeles—Exposition LRT (Phase 1).”.

(ii) PHASE 2.—Section 3043(c) of such Act (119 Stat. 1645) is amended by inserting after paragraph (104) the following:

“(104A) Los Angeles—Exposition LRT (Phase 2).”.

(C) SAN DIEGO.—Section 3043(c)(105) of such Act (119 Stat. 1645) is amended by striking “LOSSAN Del Mar-San Diego—Rail Corridor Improvements” and inserting “LOSSAN Rail Corridor Improvements” .

(D) SAN DIEGO.—Section 3043(c)(217) of such Act (119 Stat. 1648) is amended by striking “San Diego” and inserting “San Diego Transit”.

(E) SACRAMENTO.—Section 3043(c)(204) of such Act (119 Stat. 647) is amended by striking “Downtown”.

(F) BOSTON.—Section 3043(d)(6) of such Act (119 Stat. 1649) is amended to read as follows:

“(6) Boston-Silver Line Phase III, $20,000,000.”.

(G) PROJECT CONSTRUCTION GRANTS.—Section 3043(e) of such Act (119 Stat. 1651) is amended by adding at the end the following:

“(4) PROJECT CONSTRUCTION GRANTS.—Projects recommended by the Secretary for a project construction grant agreement under section 5309(e) of title 49, United States Code, or for funding under section 5309(m)(2)(A)(i) of such title during fiscal year 2008 and fiscal year 2009 are authorized for preliminary engineering, final design, and construction for fiscal years 2007 through 2009 upon the completion of the notification process for each such project under section 5309(g)(5).”.

(H) LOS ANGELES AND SAN GABRIEL VALLEY.—Section 3043 of such Act (119 Stat. 1640) is amended by adding at the end the following:

“(k) LOS ANGELES EXTENSION.—In evaluating the local share of the project authorized by subsection (c)(104A) in the new starts rating process, the Secretary shall give consideration to project elements of the project authorized by subsection (b)(13) advanced with 100 percent non-Federal funds.

“(l) SAN GABRIEL VALLEY—GOLD LINE FOOTHILL EXTENSION PHASE II.—In evaluating the local share of the San Gabriel Valley—Gold Line Foothill Extension Phase II project authorized by subsection (b)(33) in the new starts rating process, the Secretary shall give consideration to project elements of the San Gabriel Valley—Gold Line Foothill Extension Phase I project advanced with 100 percent non-Federal funds.”.

(5) SECTION 3044.—

(A) PROJECTS.—The table contained in section 3044(a) of such Act (119 Stat. 1652) is amended—

(i) in item 25—

(I) by striking “$217,360” and inserting “$167,360”; and

(II) by striking “$225,720” and inserting “$175,720”;

(ii) in item number 36 by striking the project description and inserting “Los Angeles County Metropolitan Transportation Authority (LACMTA) for bus and bus-related facilities in the LACMTA's service area”;

(iii) in item number 71 by inserting “Metropolitan Bus Authority” after “Puerto Rico”;

(iv) in item number 84 by striking the project description and inserting “Improvements to the existing Sacramento Intermodal Facility (Sacramento Valley Station)”;

(v) in item number 94 by striking the project description and inserting “Pacific Transit, WA Vehicle Replacement”;

(vi) in item number 120 by striking “Dayton Airport Intermodal Rail Feasibility Study” and inserting “Greater Dayton Regional Transit Authority buses and bus facilities”;

(vii) in item number 152 by inserting “Metropolitan Bus Authority” after “Puerto Rico”;

(viii) in item number 416 by striking “Improve marine intermodal” and inserting “Improve marine dry-dock and”;

(ix) by adding at the end—

(I) in the project description column “666. New York City, NY, rehabilitation of subway stations to include passenger access improvements including escalators or installation of infrastructure for security and surveillance purposes”; and

(II) in the FY08 column and the FY09 column by inserting “$50,000”;

(x) in item number 457—

(I) by striking “$65,000” and inserting “$0”; and

(II) by striking “$67,500” and inserting “$0”; and

(xi) in item number 458—

(I) by striking “$65,000” and inserting “$130,000”;

(II) by striking “$67,500” and inserting “$135,000”; and

(xii) in item number 57 by striking the project description and inserting “Wilmington, NC, maintenance, operations and administration, transfer facilities”;

(xiii) in item number 460 by striking the matters in the project description, FY08 column, and FY09 column and inserting “460. Mid-Region Council of Governments, New Mexico, public transportation buses, bus-related equipment and facilities, and intermodal terminals in Albuquerque and Santa Fe”, “$500,000”, and “$500,000”, respectively.

(xiv) in item number 138 strike “Design” and insert “Determine scope, engineering, design,”;

(xv) in item number 23 by striking “Construct” and inserting “Design, engineering, right-of-way acquisition, and construction”;

(xvi) in item number 439 by inserting before “Central” the following: “Design, engineering, right-of-way acquisition, and construction”;

(xvii) in item number 453 by inserting before “Central” the following: “Design, engineering, right-of-way acquisition, and construction”;

(xviii) in item number 371 by striking the project description and inserting “Regional Transportation Commission of Southern Nevada, Sunset Bus Maintenance Facility”;

(xix) in item number 487 by striking “Central Arkansas Transit Authority Facility Upgrades” and inserting “Central Arkansas Transit Authority Bus Acquisition”;

(xx) in item number 491 by striking the project description and inserting “Pace, IL, Cermak Road, Bus Rapid Transit, and related bus projects, and alternatives analysis”;

(xxi) in item number 512 by striking “Corning, NY, Phase II Corning Preserve Transportation Enhancement Project” and inserting “Transportation Center Enhancements, Corning, NY”;

(xxii) in item number 534 by striking “Community Buses” and inserting “Bus and Bus Facilities”; and

(xxiii) in item number 570 by striking “Maine Department of Transportation-Acadia Intermodal Facility” and inserting “MaineDOT Acadia Intermodal Passenger and Maintenance Facility”.

(B) SPECIAL RULE.—Section 3044(c) of such Act (119 Stat. 1705) is amended—

(i) by inserting “, or other entity,” after “State or local governmental authority”; and

(ii) by striking “projects numbered 258 and 347” and inserting “projects numbered 258, 347, and 411”; and

(iii) by striking the period at the end and inserting: “, and funds made available for fiscal year 2006 for the bus and bus-related facilities projects numbered 176 and 652 under subsection (a) shall remain available until September 30, 2009.”.

(6) SECTION 3046.—Section 3046(a)(7) of such Act (119 Stat. 1708) is amended—

(A) by striking “hydrogen fuel cell vehicles” and inserting “hydrogen fueled vehicles”;

(B) by striking “hydrogen fuel cell employee shuttle vans” and inserting “hydrogen fueled employee shuttle vans”; and

(C) by striking “in Allentown, Pennsylvania” and inserting “to the DaVinci Center in Allentown, Pennsylvania”.

(7) SECTION 3050.—Section 3050(b) of such Act (119 Stat. 1713) is amended by inserting “by negotiating the extension of the existing agreement between mile post 191.13 and mile post 185.1 to mile post 165.9 in Rhode Island” before the period at the end.

(p) TRANSIT TUNNELS.—In carrying out section 5309(d)(3)(D) of title 49, United States Code, the Secretary of Transportation shall specifically analyze, evaluate, and consider—

(1) the congestion relief, improved mobility, and other benefits of transit tunnels in those projects which include a transit tunnel, and

(2) the associated ancillary and mitigation costs necessary to relieve congestion, improve mobility, and decrease air and noise pollution in those projects which do not include a transit tunnel, but where a transit tunnel was one of the alternatives analyzed.

(q) REPEAL OF PROHIBITION.—The second sentence of section 321 of the Department of Transportation and Related Agencies Appropriations Act, 1986 (99 Stat. 1287) is repealed.

(r) KNOXVILLE, TENNESSEE, PROPERTY ACQUISITION.—The acquisition of property for the city of Knoxville, Tennessee, for the Knoxville, Tennessee, Central Station project shall be deemed to qualify as an acquisition of land for protective purposes pursuant to section 622.101 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act. The Secretary of Transportation may allow the costs of such acquisition to be credited toward the non-Federal share for the project.

TITLE III—OTHER SURFACE TRANSPORTATION PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO MOTOR CARRIER SAFETY.

(a) CONFORMING AMENDMENT RELATING TO HIGH-PRIORITY ACTIVITIES.—Section 31104(f) of title 49, United States Code, is amended by striking the designation and heading for paragraph (1) and by striking paragraph (2).

(b) NEW ENTRANT AUDITS.—

(1) CORRECTIONS OF REFERENCES.—Section 4107(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1720) is amended—

(A) by striking "Section 31104" and inserting "Section 31144"; and

(B) in paragraph (1) by inserting "(c)" after "the second subsection".

(2) CONFORMING AMENDMENT.—Section 7112 of such Act (119 Stat. 1899) is amended by striking subsection (c).

(c) PROHIBITED TRANSPORTATION.—Section 4114(c)(1) of the such Act (119 Stat. 1726) is amended by striking "the second subsection (c)" and inserting "(f)".

(d) EFFECTIVE DATE RELATING TO MEDICAL EXAMINERS.—Section 4116(f) of such Act (119 Stat. 1728) is amended by striking "amendment made by subsection (a)" and inserting "amendments made by subsections (a) and (b)".

(e) ROADABILITY TECHNICAL CORRECTION.—Section 31151(a)(3)(E)(ii) of title 49, United States Code, is amended by striking "Act" and inserting "section".

(f) CORRECTION OF SUBSECTION REFERENCE.—Section 4121 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1734) is amended by striking "31139(f)(5)" and inserting "31139(g)(5)".

(g) CDL LEARNER'S PERMIT PROGRAM TECHNICAL CORRECTION.—Section 4122(2)(A) of such Act (119 Stat. 1734) is amended by striking "license" and inserting "licenses".

(h) CDL INFORMATION SYSTEM FUNDING REFERENCE.—Section 31309(f) of title 49, United States Code, is amended by striking "31318" and inserting "31313".

(i) CLARIFICATION OF REFERENCE.—Section 229(a)(1) of the Federal Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note; 119 Stat. 1743) is amended by inserting "of title 49, United States Code," after "31502".

(j) REGISTRATION OF BROKERS.—Section 4142(c)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1747) is amended by inserting "each place it appears" before the semicolon.

(k) REDESIGNATION OF SECTION.—The second section 39 of chapter 2 of title 18, United States Code, relating to commercial motor vehicles required to stop for inspections, and the item relating to such section in the analysis for such chapter, are redesignated as section 40.

(l) OFFICE OF INTERMODALISM.—Section 5503 of title 49, United States Code, is amended—

(1) in subsection (f)(2) by striking "Surface Transportation Safety Improvement Act of 2005", and inserting "Motor Carrier Safety Reauthorization Act of 2005"; and

(2) by redesignating the first subsection (h), relating to authorization of appropriations, as subsection (i) and moving it after the second subsection (h).

(m) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Section 13908 of title 49, United States Code, is amended by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following:

"(e) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Fees collected under this section may be credited to the Department of Transportation appropriations account for purposes for which such fees are collected and shall be available for expenditure for such purposes until expended.".

(n) COMMERCIAL MOTOR VEHICLE DEFINITION.—Section 14504a(a)(1)(B) of title 49, United States Code, is amended by striking "a motor carrier required to make any filing or pay any fee to a State with respect to the motor carrier's authority or insurance related to operation within such State, the motor carrier" and inserting "determining the size of a motor carrier or motor private carrier's fleet in calculating the fee to be paid by a motor carrier or motor private carrier pursuant to subsection (f)(1), the motor carrier or motor private carrier".

(o) CLARIFICATION OF UNREASONABLE BURDEN.—Section 14504a(c)(2) of title 49, United States Code, is amended by striking "interstate" the last place it appears and inserting "intrastate".

(p) CONTENTS OF AGREEMENT TYPO.—Section 14504a(f)(1)(A)(ii) of title 49, United States Code, is amended by striking "or" the last place it appears.

(q) OTHER UNIFIED CARRIER REGISTRATION SYSTEM TECHNICAL CORRECTIONS.—Section 14504a of title 49, United States Code, is amended—

(1) in subsection (c)(1)(B) by striking "the a" and inserting "a";

(2) in subsection (f)(1)(A)(i) by striking "in connection with the filing of proof of financial responsibility"; and

(3) in subsection (f)(1)(A)(ii) by striking "in connection with such a filing" and inserting "under the UCR agreement".

(r) IDENTIFICATION OF VEHICLES.—Section 14506(b)(2) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: "or under an applicable State law if, on October 1, 2006, the State has a form of highway use taxation not subject to collection through the International Fuel Tax Agreement".

(s) DRIVEAWAY SADDLEMOUNT VEHICLE.—

(1) DEFINITION.—Section 31111(a)(4) of title 49, United States Code, is amended—

(A) in the paragraph heading by striking "DRIVE-AWAY SADDLEMOUNT WITH FULLMOUNT" and inserting "DRIVEAWAY SADDLEMOUNT";

(B) by striking "drive-away saddlemount with fullmount" and inserting "driveaway saddlemount"; and

(C) by inserting "Such combination may include one fullmount." after the period at the end.

(2) IN GENERAL.—Section 31111(b)(1)(D) of such title is amended by striking "a driveaway saddlemount with fullmount" and inserting "all driveaway saddlemount".

SEC. 302. TECHNICAL AMENDMENTS RELATING TO HAZARDOUS MATERIALS TRANSPORTATION.

(a) DEFINITION OF HAZMAT EMPLOYEES.—Section 7102(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1892) is amended—

(1) by striking "(3)(A)" and inserting "(3)";

(2) in subparagraph (A) by striking "clause (i)" and inserting "clause (i) of subparagraph (A)"; and

(3) in subparagraph (B) by striking "clause (ii)" and inserting "subparagraph (A)(ii)".

(b) TECHNICAL CORRECTION.—Section 5103a(g)(1)(B)(ii) of title 49, United States Code, is amended by striking "Act" and inserting "subsection".

(c) PREEMPTION CORRECTION.—Section 5125 of title 49, United States Code, is amended—

(1) in subsection (d)(1) by striking "5119(e)" and inserting "5119(f)";

(2) in each of subsections (e) and (g) by striking "5119(b)" and inserting "5119(f)"; and

(3) in subsection (g) by striking "(b), (c)(1), or (d)" and inserting "(a), (b)(1), or (c)".

(d) RELATIONSHIP TO OTHER LAWS.—Section 7124(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1908) is amended by inserting "the first place it appears" before "and inserting".

(e) REPORT.—Section 5121(h) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking "exemptions" and inserting "special permits"; and

(2) in paragraph (3) by striking "exemption" and inserting "special permit".

(f) SECTION HEADING.—Section 5128 of title 49, United States Code, is amended by striking the section designation and heading and inserting the following:

"§ 5128. Authorization of appropriations".

(g) CHAPTER ANALYSIS.—The analysis for chapter 57 of title 49, United States Code, is amended in the item relating to section 5701 by striking "Transportation" and inserting "transportation".

(h) NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS IMPROVEMENT ACT.—Section 5(b) of the Norman Y. Mineta Research and Special Programs Improvement Act (49 U.S.C. 108 note; 118 Stat. 2427) is amended by inserting "(including delegations by the Secretary of Transportation)" after "All orders".

(i) SHIPPING PAPERS.—Section 5110(d)(1) of title 49, United States Code, is amended—

(1) in the subsection heading by striking "SHIPPERS" and inserting "OFFERORS"; and

(2) by striking "shipper's" and inserting "offeror's".

(j) NTSB RECOMMENDATIONS.—Section 19(1) of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (49 U.S.C. 60102 note; 120 Stat. 3498) is amended by striking "165" and inserting "1165".

SEC. 303. HIGHWAY SAFETY.

(a) STATE MINIMUM APPORTIONMENTS FOR HIGHWAY SAFETY PROGRAMS.—Effective October 1, 2007, section 402(c) of the title 23, United States Code, is amended by striking "The annual apportionment to each State shall not be less than one-half of 1 per centum" and inserting "The annual apportionment to each State shall not be less than three-quarters of 1 percent".

(b) CONSOLIDATION OF GRANT APPLICATIONS.—Section 402(m) of title 23, United States Code, is amended in the first sentence—

(1) by striking "through" and inserting "for which"; and

(2) by inserting "is appropriate" before the period at the end.

(c) TECHNICAL CORRECTIONS.—

(1) Section 2002(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1521) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as (2) and (3), respectively.

(2) Section 2007(b)(1) of such Act (119 Stat. 1529) is amended—

(A) by inserting "and" after the semicolon at the end of subparagraph (A);

(B) by striking "and" at the end of subparagraph (B); and

(C) by striking subparagraph (C).

(3) Effective August 10, 2005, section 410(c)(7)(B) of title 23, United States Code, is amended by striking "clause (i)" and inserting "clauses (i) and (ii)".

(4) Section 411 of title 23, United States Code, is amended by redesignating the second subsection (c), relating to administration expenses, and subsection (d) as subsections (d) and (e), respectively.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. INSTALLATION OF PHOTOVOLTAIC SYSTEM AT DEPARTMENT OF ENERGY HEADQUARTERS BUILDING.

(a) IN GENERAL.—The Administrator of General Services shall install a photovoltaic system, as set forth in the Sun Wall Design Project, for the headquarters building of the Department of Energy located at 1000 Independence Avenue, Southwest, Washington, D.C., commonly known as the Forrestal Building.

(b) FUNDING.—There shall be available from the Federal Buildings Fund established by section 592 of title 40, United States Code, $30,000,000 to carry out this section. Such sums shall be derived from the unobligated balance of amounts made available from the Fund for fiscal year 2007, and prior fiscal years, for repairs and alterations and other activities (excluding amounts made available for the energy program). Such sums shall remain available until expended.

(c) OBLIGATION OF FUNDS.—None of the funds made available pursuant to subsection (b) may be obligated prior to September 30, 2007.

SEC. 402. CONVEYANCE OF GSA FLEET MANAGEMENT CENTER TO ALASKA RAILROAD CORPORATION.

(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of General Services shall convey, not later than 2 years after the date of enactment of this Act, by quitclaim deed, to the Alaska Railroad Corporation, an entity of the State of Alaska (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), known as the GSA Fleet Management Center.

(b) GSA FLEET MANAGEMENT CENTER.—The parcel to be conveyed under subsection (a) is the parcel located at the intersection of 2nd Avenue and Christensen Avenue in Anchorage, Alaska, consisting of approximately 78,000 square feet of land and the improvements thereon.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the parcel to be conveyed under subsection (a), the Administrator shall require the Corporation to—

(A) convey replacement property in accordance with paragraph (2); or

(B) pay the purchase price for the parcel in accordance with paragraph (3).

(2) REPLACEMENT PROPERTY.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(A), the Corporation shall—

(A) convey, and pay the cost of conveying, to the United States, acting by and through the Administrator, fee simple title to real property, including a building, that the Administrator determines to be suitable as a replacement facility for the parcel to be conveyed under subsection (a); and

(B) provide such other consideration as the Administrator and the Corporation may agree, including payment of the costs of relocating the occupants vacating the parcel to be conveyed under subsection (a).

(3) PURCHASE PRICE.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(B), the Corporation shall pay to the Administrator the fair market value of the parcel to be conveyed under subsection (a) based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Corporation.

(d) APPRAISAL.—In the case of an appraisal under subsection (c)(3)—

(1) the appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Corporation; and

(2) the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Corporation.

(e) PROCEEDS.—

(1) DEPOSIT.—Any proceeds received under subsection (c) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) EXPENDITURE.—Funds paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator; except that the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate 30 days advance written notice of any expenditure of the proceeds.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(g) DESCRIPTION OF PROPERTY AND SURVEY.—The exact acreage and legal description of the parcels to be conveyed under subsections (a) and (c)(2) shall be determined by surveys satisfactory to the Administrator and the Corporation.

SEC. 403. CONVEYANCE OF RETAINED INTEREST IN ST. JOSEPH MEMORIAL HALL.

(a) IN GENERAL.—Subject to the terms and conditions of subsection (c), the Administrator of General Services shall convey to the city of St. Joseph, Michigan, by quitclaim deed, any interest retained by the United States in St. Joseph Memorial Hall.

(b) ST. JOSEPH MEMORIAL HALL DEFINED.—In this section, the term "St. Joseph Memorial Hall" means the property subject to a conveyance from the Secretary of Commerce to the city of St. Joseph, Michigan, by quitclaim deed dated May 9, 1936, recorded in Liber 310, at page 404, in the Register of Deeds for Berrien County, Michigan.

(c) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to the following terms and conditions:

(1) CONSIDERATION.—As consideration for the conveyance under subsection (a), the city of St. Joseph, Michigan, shall pay $10,000 to the United States.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions for the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

TITLE V—OTHER PROVISIONS

SEC. 501. DE SOTO COUNTY, MISSISSIPPI.

Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 114 Stat. 2763A-220; 119 Stat. 282; 119 Stat. 2257) is amended by striking "$55,000,000" and inserting "$75,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous and tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is one that has not only bipartisan but bicameral agreement among all the committees of jurisdiction over the Nation's highways, highway safety and public transportation programs. Our Committee on Transportation and Infrastructure, the Senate Committees on Environment and Public Works, Banking and Housing and Urban Affairs and Commerce, Science and Transportation, all of us met, discussed, agreed on these technical corrections.

In fact, in the last Congress, we were so much in agreement that we passed this bill five times in the House. They passed it a couple of times in the other body. But somehow it just never got to the point of being sent to the President.

We took it up again this year. We were going to include it in the Water Resources Development Act, but at the last moment, technical glitches arose in the other body.

So we are taking it up separately in this body in order to pass it and send it over to the other body. Hopefully, they will be able to act on it before the end of the week and send it to the President for the President's signature.

There are over 400 technical corrections, really, truly technical in nature, waiting for 2 years to be adjusted and to be enacted. Tonight we can do that.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, first of all, I would like to thank Chairman OBERSTAR, Ranking Member DUNCAN, Mr. DEFAZIO, who is the chairman of the Highways and Transit Subcommittee, everyone, including staff, for their work on this important technical corrections bill.

I am pleased to rise tonight and voice my support for H.R. 3248 and encourage my colleagues to do the same. This, in fact, is the fourth time we have brought this bill to the floor in the past 18 months. It is imperative that we pass this measure and for the Senate to follow our lead and pass it as well. I think we have a pretty good agreement with the Senate to do just that.

Once the President signs this legislation, SAFETEA–LU, which is the major transportation and highway transit funding bill that we passed less than 2 years ago, all the provisions of that will finally be able to accomplish what Congress set out to do. There are many minor errors, and that was a pretty massive bill, and there are some minor changes in policy, tweaks in policy and in Member projects in the SAFETEA–LU bill that we passed that need this technical correction.

We have heard from the Department of Transportation and also several State DOTs regarding fixes to different programs and also high-priority projects. I believe this bill tonight addresses most of the issues that have been brought to the attention of our committee.

This bill also makes critical corrections to the Federal Highway Research Program to ensure that the department can continue essential research programs, including the Future Strategic Highway Research Program and the University Transportation Center Research Program.

The bill also extends the deadline for the National Surface Transportation and Policy and Review Study Commission and corrects several drafting errors regarding the Magnetic Levitation Transportation Deployment Program. Extending the deadline on the National Transportation Surface Policy and Review Study Commission is very important, particularly as we take on in 2009 the important responsibility of putting in place another bill that will replace SAFETEA–LU to set our policy and projects and transportation priorities for the future.

So, it is important to note that this bill does not make any substantial policy changes to the SAFETEA–LU bill, but, again, it deals with technical corrections. Again, this bill corrects provisions that were not workable by the States or by the Department of Transportation. They have relayed their concerns and we have addressed them in this bill.

It also is important to note that the Congressional Budget Office has scored this bill and estimates that, over the 2007–2012 period, this bill will reduce contract authority by $1 million and will increase receipts by less than $500,000.

There is one purely technical correction that is not included in this package. SAFETEA–LU inadvertently changes certain regulations for trucks with a gross vehicle weight of less than 10,000 pounds. When Congress passed SAFETEA–LU, this change was not a policy change that Congress knew about or intended to make. If Congress wanted to make this change, we would have debated and discussed it. Rather, this was something we were not aware of, and this change has had, in effect, very serious unintended consequences, especially for our small businesses.

I had hoped to fix this problem with a technical fix. However, some groups who have benefited from this error have, unfortunately, prevented us from doing so tonight and in this legislation. It is unfortunate a policy change that no Member anticipated and voted on will not be corrected in this legislation tonight.

Despite this particular shortcoming and oversight, again, I am pleased to have worked with Chairman OBERSTAR, Ranking Member DUNCAN in revitalizing this very necessary technical corrections bill, and I hope my colleagues will join me in supporting the bill tonight.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 1 minute to observe a very tragic occurrence that happened just 2 hours ago in Minneapolis.

The bridge on Interstate 35 over the Mississippi River near the University of Minnesota collapsed just 2 hours ago, dropping at least eight cars and a truck in the water. A school bus that had just barely missed crashing into the water was damaged, and students on board were bloodied and injured.

☐ 2030

The crumbled wreckage of the bridge is on the east bank and in the water. The concrete roadway is in the river gorge. It is a 40-year-old bridge, and it is a tragic occurrence, and I make that observation during the midst of technical corrections as an indication of how vitally important it is for us to continue our vigilance on the integrity and condition of the Nation's roadways.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, at this time, I am very pleased to yield 3 minutes to one of the most distinguished Members of the House, a former Speaker of the House of Representatives, the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Speaker, I thank the ranking member, and I would like to ask the chairman of the Committee on Transportation and Infrastructure if he would enter into a colloquy with me.

Mr. OBERSTAR. Of course.

Mr. HASTERT. Mr. Chairman, I have been informed by the Illinois Department of Transportation that there may be some confusion regarding the intent of one of the Illinois projects included in SAFETEA–LU. Funding provided for project number 12 in section 1302(e) of SAFETEA–LU was intended to be for the construction of Route 34 in Illinois, including interchanges and other improvements.

The Federal Highway Administration has told the Illinois Department of Transportation that the language currently in SAFETEA–LU may restrict the scope of the project to only funding interchange improvements, when the intent of the language was also to fund other improvements along the Route 34 corridor.

As a result, I would like to clarify the intent of the language and work with the chairman and the ranking member to make sure that the language interpreted by the FHWA is done correctly in this manner.

Mr. OBERSTAR. Mr. Speaker, if the gentleman would yield.

Mr. HASTERT. I would be happy to yield.

Mr. OBERSTAR. Mr. Speaker, I recall very well when crafting SAFETEA–LU, the project that the gentleman has raised, it was never the intention of the committee nor the intention of the language to restrict the scope of the project only to the interchange when it is clear from the thrust of the project that it was intended to cover other improvements along the Route 34 corridor.

Along with Mr. MICA, I will work with the Speaker to make adjustments. It is a little late for us to get it into this bill. If we had known about it sufficiently in advance, we certainly could have made an adjustment. But there will be other vehicles where we will be able to accomplish that, and we will work with the gentleman.

Mr. HASTERT. Once again, I thank you and look forward to working with you and Mr. MICA on this matter.

Mr. MICA. Mr. Speaker, I yield myself 30 seconds.

I want to reiterate for the RECORD that the issue that former Speaker HASTERT has brought before the floor, it is my understanding that we did not intend to restrict the scope of the project to only funding for interchange improvements, and the intent of the language was to also fund the other improvements on Route 34, and we will work with the gentleman from Illinois to make certain that point is clarified.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), the chairman of the Surface Transportation Subcommittee.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding.

It was just about 2 years ago this month that we were struggling with the final details of the SAFETEA–LU legislation, in my opinion the signature legislation of the last Congress, bipartisan legislation, to improve the transportation efficiency of the United States of America, investing nearly $300 billion.

But, as good as the bill was, there were technical problems, and we are correcting those here; and, as good as that bill was, we must do better in the future.

As chairman of the subcommittee, I have already begun hearings looking toward the reauthorization which we would hope to have accomplished by the expiration of this legislation, October 1, 2009. We hope not to go through multiple continuations and extensions as we did in the last Congress.

We also need to find new resources to better address the infrastructure needs of our country. The Bush administration's own Department of Transportation estimated before the consideration of the last bill that we needed $375 billion, not $283 billion, just to keep up with the deterioration and the growth needs of the country, as pointed out by the gentleman from Minnesota.

We need to deal with congestion to improve American's lives, to become more fuel efficient, and to deal with just-in-time delivery for our businesses, to become a better competitor in the international community. Other nations are investing much more. We must do better. This is an interim step as we correct the bill from the last Congress, and I look forward to working with both sides of the aisle as we develop the next bill for 2009.

Mr. MICA. Mr. Speaker, I am delighted to yield at this time to the gentleman from Tennessee (Mr. DUNCAN). And, actually, he is our ranking member of the Highway Subcommittee and has done an incredible job on this and also leading the Highway Subcommittee and former chairman of Water Resources and former chairman of Aviation, and he should have handled this bill, but I am delighted to yield 3 minutes to Mr. DUNCAN.

Mr. DUNCAN. Mr. Speaker, I thank my good friend from Florida, the ranking member, for yielding me this time; and I thank him for giving me the privilege of serving as the ranking member of the Highway and Transit Subcommittee. It is a pleasure to work with him and Chairman OBERSTAR and with my good friend, Chairman PETER DEFAZIO, on the Highway and Transit Subcommittee.

Mr. Speaker, H.R. 3248 make technical corrections to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, or what we typically call SAFETEA-LU.

This is the fourth time we have worked to finalize these technical corrections to SAFETEA-LU. During the 109th Congress, the House passed H.R. 5689, a bill to make technical corrections to SAFETEA-LU in June, 2006. During the summer and fall of 2006, we worked with the Senate to create the bipartisan H.R. 6233, which was a very similar product to the bill that we passed at the beginning of this Congress. Now we are trying again; and hopefully this bill, H.R. 3248, will go to the President for his signature of this very necessary bill.

As my colleagues have said, this bill makes numerous technical corrections to the Federal Surface Transportation Programs authorized by SAFETEA-LU. The technical corrections included in this bill have been identified by the Department of Transportation and State DOTs and are mostly of a conforming nature or to correct drafting errors.

The most important correction we are making is to strengthen the Federal Highway Research Program by ensuring the continuation of the legacy research programs carried out by the Department of Transportation. This research hopefully will lead to not only safer highways but also less congestion, which is very, very important to this Nation, that we work on that.

The largest section of this bill is section 105, which makes changes to almost 350 of the high-priority projects in section 1702 of SAFETEA-LU. These changes address "broken" surface transportation projects, clarifying recipients and increasing certain project funding levels and decreasing others to achieve budget neutrality.

I especially appreciate the fact that Chairman OBERSTAR and Ranking Member MICA have allowed me to put in language that will allow the city of Knoxville to go forward with a very important transit center project; and, also, I am very pleased that we are rearranging some funding so that the very small town of Calhoun, Tennessee, in my district, can pave some roads. This is very, very important to them. So often we leave out the small towns in rural areas or they don't get nearly as much attention and funding as the big cities do.

This is a very good bill, and I urge the support of all of my colleagues. I think it is one that will pass with total bipartisan support.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I do have one additional speaker, Mr. MCHENRY, from Spruce Pine and Hickory and other wonderful locations in the great State of North Carolina; and I yield him 3 minutes.

Mr. MCHENRY. Mr. Speaker, I thank the ranking member for yielding me this time.

The trial lawyers have an uncanny way of making their living. Although the title of this legislation is a technical corrections bill, one glaring technical correction that needs to be made is left out.

As the ranking member said earlier tonight, the original SAFETEA-LU bill amended the definition of a commercial motor vehicle to exclude vehicles 10,000 pounds and less. The Department of Transportation had never issued regulations of this type of vehicle, which is essentially a small van or something smaller. It seemed to clear up the books and just make sense when it was done at the time. All too often what seems to be a simple idea ends up having much more significant consequences.

What was considered a cleaning up of the books turned out to be a dramatic shift in labor law. The Fair Labor Standards Act exempts drivers of vehicles that can be regulated by the Secretary of Transportation. The definitional change of a commercial vehicle unwittingly brought a whole new class of employee under that act.

In writing the provision, neither Congress nor the administration intended to fundamentally alter our national labor policies, but that is exactly what happened.

What are the consequences? As I said, the trial lawyers have an uncanny ability to find sources to make money off of. Companies across the country that believed that their business model was and is perfectly legal because it had been may get a knock on the door from their friendly neighborhood trial lawyer informing them that they are now liable for overtime wages dating back to August 15, 2005, when SAFETEA-LU was signed into law.

Congress didn't know what they had done. The administration didn't know they had done this. How can we expect a small delivery service or some satellite dish installer or plumber to know that their business model is no longer viable?

No one will argue that people aren't entitled to a fair and equitable, appropriate wage, but if we are going to significantly alter national labor law, we should have a full and open debate and we should do it intentionally, not by accident and not by trial lawyers. I think that is the one glaring omission from this act. If we would fix that, we would have a number of employers from around this country who would be safe from more trial lawyer, frivolous lawsuits.

Shouldn't we ensure that companies are held liable? Sure, but we should do it as a Congress in a knowing way, a way that is befitting of this body, not by accident. We should not make them pay for our Congress' mistakes.

Mr. MICA. Mr. Speaker, I have no further speakers. I was hoping the gentleman from Arkansas (Mr. BOOZMAN) would make it to the floor. We took this bill out of the order we anticipated it coming up in, and the gentleman from Arkansas would have been recognized.

Again, I thank Mr. OBERSTAR working with our side of the aisle; Mr. DUNCAN, my ranking member; the lead Republican on the Highway Subcommittee, Mr. DEFAZIO; and all of the staff on both sides. They worked real hard on this and over some weekends.

We had originally planned to tack this onto the WRDA bill, but that was not meant to be. Actually, that might work out quite well because this might become law before WRDA, given the comments I have gotten from the White House on the WRDA legislation.

But I thank all those involved in making certain that the laws that we pass have the intent and the content and the necessary corrections.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I listened thoughtfully to the comments of the gentleman from North Carolina. Those are issues that can be addressed in another time and another venue. We will most certainly address those matters in good order.

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As I said at the outset, this is the seventh time the House has passed this technical corrections bill. We've been waiting patiently for the other body to join us in meaningful action on the bill, and so I know there's going to be a recorded vote. That's going to be reaffirmation of the strong stand the House has taken on these, and they truly are technical matters. We ought to just get them passed so that we can get over, so the States and the Federal Government agencies can get on with the work they need to undertake and that these adjustments to Members' projects can be made and be carried forward.

That's really what this is all about, and other matters that go beyond the scope of this current technical correction we will address in future legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I rise to clarify an ambiguity in a provision in the SAFETEA–LU Technical Corrections Act of 2007. Specifically, section 105(a)(99) of the bill refers to a project known as "Dowling Road Extension/Reconstruction West," which goes in a west-east direction from Minnesota Drive to Old Seward Highway in Anchorage, AK. Unfortunately, the provision could be read to mean that the project goes in a westerly direction from Minnesota Drive to Old Seward Highway, which would create a result that would be completely incompatible with the project since it would put the road in the middle of a lake and a bog. The word "west" as used in section 105(a)(99) is part of the name of the project, and is not intended to indicate the direction in which the project should be built.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time and ask for an "aye" vote on the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 3248.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MICA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONFERENCE REPORT ON H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

Mr. OBERSTAR. Mr. Speaker, pursuant to the rule, I call up the conference report on the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 597, the conference report is considered read.

(For conference report and statement, see proceedings of the House of July 31, 2007, at page 21755.)

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman Florida (Mr. MICA) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report on H.R. 1495.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

At the very outset, I want to, on this historic day and historic occasion, express my great appreciation to the gentleman from Florida, the ranking member of the full committee, Mr. MICA, for the time that he has devoted and the close cooperation that we've enjoyed in crafting this legislation.

We reached an agreement at the very outset of this session that we would take up the work of the last 6, really 7 years on three previous Congresses on the Water Resources Development Act and limit action in this Congress to only those measures that were in the previous three Congresses and not take up new measures, not take up new initiatives by Members, not even adjusting the cost of previously approved projects on which cost escalation may have occurred, and limit the scope of the legislation to the work of three previous Congresses, and also to comply with the rules of the House in getting sign-offs from Members on both sides as the ethics rules require.

We crafted our sign-off sheet in advance of that done by any other committee in the House, got it approved by the Ethics Committee and by the Parliamentarian. We went through all these sign-off sheets, did everything according to the book, and in roughly 6 weeks from the beginning of the session, we were ready to go to the floor in March with the House version of the Water Resources Development Act.

Regrettably, it took quite some time thereafter for the other body, because of the difference in procedures and rules in their body from those in ours, for them to get to this point, but they eventually moved through committee and through the other body their version of WRDA.

We've concluded a conference, and I have to say, in 6 years, this is a very extraordinary, historic accomplishment, and I'm very grateful for the cooperation we've had and the participation every step of the way on the Republican side on this committee in the historic tradition of our committee, a very bipartisan approach.

I express great appreciation to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), Chair of the Subcommittee on Water Resources. She devoted an enormous amount of her time in working through all of the 900-plus projects that come to the floor in this conference report, the 600-plus projects that were in the original House bill; and to the gentleman from Louisiana (Mr. BAKER), who equally devoted an enormous amount of his time to the subject matter before us.

It's that kind of time and effort and consideration that brought us to the point where we have a bill that I expect will pass with an overwhelming vote.

I will make a further observation, and that is, for me, as I said at the opening meeting of our committee on January 17, a very historic and nostalgic moment. I started in this body 44 years ago as clerk of the Subcommittee on Rivers and Harbors, and now I'm chairman of the full committee. That's not happened before in the House nor the other body, and I feel very privileged, very honored, very deeply moved to be here at this moment to see passage of this impressive legislation that will make significant changes in Corps policy and programs, review of Corps projects that will deal with the restoration of the wetlands in the gulf from Texas through Louisiana and Mississippi; restoration of the Everglades, one of the Nation's greatest water resource treasures; will deal with locks and dams on the Mississippi River to expedite passage of our agricultural commodities and international trade in which grain moves on as little as an eighth of a cent a bushel.

It now takes 820 hours round trip for a barge tow to move from Clinton, Iowa, to New Orleans, the world's most important grain export facility. We can take 60-plus hours of time off that transit and make our agriculture commodities more competitive in the international marketplace.

We can restore the efficiency of commerce on the Great Lakes by accelerating the dredging of the Great

Lakes during this period of drought where we have harbor depths that are down 58 inches in Cleveland, 18 inches in St. Mary's Canal, 54 inches in Ashtebula Harbor, preventing the movement of iron ore to the steel mills, coal to the power plants at competitive prices. We're having to make two, three, four more voyages per vessel in the Great Lakes because the Corps has not been doing the dredging it needs to do. It will do that under the provisions of this legislation.

We address the issues of invasive species in the Great Lakes, and the east and the west coast and the gulf coast parts are now being invaded by species brought in from waters foreign to our lands. Mr. EHLERS, for whom I have a great admiration and respect, has been such a strong advocate.

There's much, much more in this legislation. We need not be exhaustive in discussing it. I just say I'm very grateful to all our colleagues on the committee for this very special moment, and especially to the committee staff on both sides who have worked so diligently. And in particular, I want to express my great admiration for Ryan Seiger, for he has steered the ship of state for us on this matter; John Anderson on the minority side who was has been diligent and forthright and helpful with his years of experience.

GREAT LAKES NAVIGATION

The conference report includes language to address the backlog of maintenance dredging needs in the Great Lakes and connecting channels, and ensure the long-term viability of the lakes for the movement of goods and services.

The Great Lakes region is home to 25 of the Nation's top 100 ports, when measured on the basis of tons of cargo, as well as many smaller and rural ports. Unfortunately, over the past few years, declining water levels in the lakes and a lack of adequate maintenance dredging has hindered the overall efficiency of the Great Lakes system, and has made the movement of goods through the Great Lakes more difficult, with ports throughout the lakes being between 18 and 84 inches below their authorized depths.

These shallow depths have caused three out of every four vessels loaded in the Great Lakes over the last 5 years to have been forced to "light load" to safely travel through the reduced depths of the Great Lakes and navigation channels. "Light loading" forces shippers to take on less cargo, and reduces the overall efficiencies and cost-savings related to the movement of goods by ship—increasing the overall cost of goods.

Section 5014(a) provides authority for the Corps of Engineers, "Corps", using available appropriations, to address these emergency dredging needs. The Corps should immediately begin work on addressing this dredging backlog, and restore the authorized depths for the Great Lakes and connecting channels to sustain commercial navigation throughout the lakes.

SECOND LOCK AT SAULT STE. MARIE, MI

The conference report also ensures that the Corps will finally build the second lock at Sault Ste. Marie, MI. The Soo locks are situated on the St. Marys River at Sault Ste. Marie, MI. The St. Marys River, a water bridge connecting Lake Superior with Lake Huron, is a critical link in the Great Lakes/St. Lawrence Seaway system.

Over 80 million tons of commercial commodities pass through the Soo lock annually. The primary commodity group is iron ore and taconite, comprising more than 50 percent of the total annual tonnage. The Corps estimates that the water route provided by the Soo locks reduces transportation costs by an average of more than $4.90 per ton based on fourth quarter 1998 cost levels. Based on 1998 tonnage, this represents an annual transportation cost savings to the Nation of approximately $420 million. Of the four U.S. locks, only the Poe lock is capable of handling vessels with beams in excess of 76 feet. Any disruption of service at the Poe lock would result in delays to the system's largest vessels and could cause serious disruption to the industries and companies that rely on the Poe-restricted vessels for shipment of raw materials, especially iron ore and coal.

In 1985, the Corps studied the construction of a replacement lock at the sites of the Davis and Sabin locks, and recommended a replacement lock at 1,200 feet by 110 feet. The project was authorized in the Water Resources Development Act of 1986, and reauthorized in the Water Resources Development Act of 1990.

The Water Resources Development Act of 2007 authorizes the construction of the second lock funded at Federal expense. The revised cost of the project, in accordance with the limited reevaluation report dated February 2004, is $341,714,000. Section 3091 provides the Corps sufficient authority to carry out this project at the authorized dimensions. The Corps should budget for this project in the administration's fiscal year 2009 budget request, and immediately proceed to construction of this project, without regard to administrative policy.

ST. LAWRENCE SEAWAY

Currently, two independent studies are close to completion on the infrastructure needs of the Great Lakes/St. Lawrence Seaway system, specifically the engineering, economic, and environmental implications of those needs as they pertain to the marine transportation infrastructure on which commercial navigation depends. Both of these studies have identified huge capital needs for restoration, operation, and maintenance of the seaway. According to the seaway, approximately $135 million in unmet operations, maintenance, repair, and rehabilitation of the existing Eisenhower and Snell lock related facilities and related navigational infrastructure is necessary to ensure the continued, long-term viability of the system. Over the past 50 years, since completion of the seaway, there is about $83 million in deferred maintenance costs that have left large portions of the infrastructure in poor condition and in immediate need of repair, replacement, or upgrading.

The conference report authorizes the Corps to assist the Saint Lawrence Seaway Development Corporation by carrying out projects to address the capital infrastructure and dredging maintenance needs of the seaway, either through appropriations of the Seaway Development Corporation or through the Harbor Maintenance Trust Fund. Funding for projects under this section should not come from the budget of the Corps.

PROGRAMMATIC CHANGES

The conference agreement includes important programmatic changes that address concerns with the existing Corps' study, design, review, and mitigation processes.

Independent peer review

The Independent Peer Review requirements provide that project studies shall be subject to peer review by an independent panel of experts. The conference agreement is a combination of independent peer review proposals passed by the United States Senate and the House of Representatives. The conference agreement improves upon both the House and Senate proposals to create a strong, workable, and independent process for review of project studies carried out by the Corps. For example, the conference agreement authorizes the independent peer review to run concurrent with the project study period, and requires that the peer review panel remain beyond the release of the independent peer review report to allow the expertise gained during the review period to be utilized by the Corps up to the release of the draft report of the Chief of Engineers, "Chief."

There are two categories for independent peer review—project studies for which independent peer review is mandatory, and project studies for which such review is discretionary. The criteria for mandatory review of project studies includes an estimated total project cost of more than $45 million, project studies for which the Governor of an affected State requests. an independent peer review, and project studies that the Chief determines are controversial.

The conference report also provides for discretionary independent peer review of project studies for which the head of a Federal or State agency charged with reviewing the project study determines that the proposed project is likely to have a significant adverse impact on environmental, cultural, or other natural resources under the jurisdiction of the agency after implementation of the proposed mitigation plans.

The conference agreement also includes a. narrow provision for the Chief to exclude a very limited number of project studies from independent peer review. The expectation is that project studies that could be excluded from independent peer review are so limited in scope or impact, that they would not significantly benefit from an independent peer review. Project studies subject to independent peer review based on the request of the Governor of an affected State may not be excluded from review under any condition.

The conference agreement directs the Chief to contract with an external entity, such as the National Academy of Sciences or a similar independent scientific and technical advisory organization to establish the panel of independent experts. The bill ensures that independent experts with potential conflicts of interest in a project are excluded from serving on the peer review panel.

The conference report requires independent peer review to occur during the period beginning on the date of the signing of the feasibility cost-sharing agreement, and will be conducted concurrent with the development of the project study. Having the independent peer review carried out concurrently with the development of the project study will allow the independent peer review panel to receive relevant information from the Corps, on a timely basis, and allow the independent peer review panel to provide ongoing input into the development of the project study. The conference expects that this process will provide the independent peer review panel with sufficient information to conduct its review, as well as allow the peer review panel to recommend mid-course corrections to the ongoing project study, and avoid the potential for significant issues or delay to arise at the end of the project study period. As noted in the statement of managers, the managers recognize that the recommendations of the independent peer review panel are advisory; however, the managers expect the Corps to give full consideration to the findings of the independent peer review panel.

The independent peer review panel should conclude its peer review, and submit a report to the Chief, not more than 60 days after the close of the public comment period for the draft project study. The Chief may extend the period for the peer review panel to conclude its peer review if the Chief determines that additional time is necessary. The conference has included language to terminate the peer review panel on the date of the initiation of the State and agency review, which is conterminous with the release of the draft Report of the Chief of Engineers for the project, and which is after the issuance of the peer review report. Recognizing that the Corps intends to allow a member or members of the peer review panel to participate on the Civil Works Review Board, which requires District Commanders to present their final reports and recommendations for review, the bill requires the independent peer review to remain impaneled beyond the issuance of the peer review report and allows a member of the panel to participate on the Civil Works Review Board, and to be available as experts, if needed, for additional consultation on the project study.

The conference agreement applies the review process to project studies initiated in the two years prior to enactment and for any study initiated in the seven years following enactment. The two-year look back applies to projects where the array of alternatives has not been identified. In including this language, it was our intent that "array of alternatives" be interpreted as when the alternatives are identified for public comment in a draft feasibility report. This should be quite late in the study process, resulting in the maximum number of ongoing studies being subject to the independent review process.

In the prospective application of the independent review process, all established independent review panels will not end after seven years. If a project study is initiated any time during the next seven years, the entire study process is subject to independent review, no matter how long it takes to complete the study.

Mitigation for fish and wildlife and wetlands losses

Typically, Corps' projects impact more wetlands than any other agency or entity in the country. Various organizations, including the U.S. Government Accountability Office, have raised concerns with the mitigation conducted by the Corps related to their projects. This legislation ensures that potential impacts from Corps' projects are provided timely and adequate mitigation. In addition to mitigating the impacts to fish and wildlife habitat, the conference agreement amendment to section 906(d) of the Water Resources Development Act of 1986 intends for the Corps to mitigate for any potential loss of flood damage reduction capabilities for activities impacted waters, including wetlands.

The conference agreement specifically amends section 906(d) of the Water Resources Development Act of 1986 to specify the elements that must be identified in a mitigation plan required under that section. Mitigation requirements now require mitigating losses to fish and wildlife, and mitigation must now include losses to flood damage reduction capabilities of the project area. The specific mitigation plan must provide a description of the physical action to be undertaken. The plan also must include a description of the lands or interests in lands to be acquired for mitigation, and the basis for a determination that such lands are available. The conference agreement requires the mitigation plan to identify the quantity and type of lands needed, and include a determination that lands of such quantity and type are available for acquisition. The plan also must include the type, amount, and characteristics of the habitat to be restored. The plan must include success criteria based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics. Finally, if monitoring is necessary to determine success of the mitigation, the plan must include a monitoring plan and to the extent practicable, identification of the entities responsible for monitoring. As monitoring is part of operation and maintenance of a project, in most cases the entity responsible for any monitoring will be the non-Federal sponsor. Such person must be identified no later than entering into partnership agreement entered into with the non-Federal interest.

The conference agreement supports more specificity in Corps reporting documents concerning expected mitigation efforts. This section also directs the Secretary to submit to Congress a report on the status of mitigation concurrent with the submission of reports on the status of project construction, as part of the President's budget submission.

The conference agreement also directs the Secretary, when carrying out water resources projects, to first consider the use of a mitigation bank if the bank has sufficient and appropriate (including ecologically appropriate) credit to offset the impact, and the mitigation bank meets certain criteria. To the maximum extent practicable, the service area of the mitigation bank shall be in the same watershed as the project activity for which mitigation is required. The intent term "watershed" is to be the immediate, localized watershed in which the impact occurs and not the much larger watershed or watersheds that might be included in the service area of a mitigation bank. This is especially critical to address potential impacts in higher order streams, including headwater streams, where the mitigation activities should be proximate to the impacted areas.

Principles and guidelines

The conference agreement also directs the Secretary of the Army to undertake a review and revise the principles and guidelines used by the Corps for formulation, evaluation, and implementation of water resources projects.

The current principles and guidelines focuses predominantly on the national economic development ("NED") benefits of Corps projects, requiring a project to achieve a positive economic benefit cost ratio before projects are recommended. In many cases, however, the Corps has struggled with utilizing a traditional NED analysis in the evaluation of projects within environmental restoration mission of the Corps. The NED analysis works well on traditional Corps projects such as navigation and flood damage reduction, but is not always appropriate in the development of benefit cost analyses for environmental restoration products. The Corps demonstrated its awareness of this issue through the issuance of regulatory guidance materials that encourage, to the maximum extent practicable, the inclusion of the national ecosystem restoration ("NER") benefits for ecosystem restoration projects.

The conference agreement directs the Corps to revise its existing principles and guidelines to incorporate the unique needs for evaluating environmental restoration projects into its current master planning guidance. This is intended to enable the Corps to build better projects. As is evident in this legislation, many of the recent Reports of the Chief of Engineers recommend multipurpose projects that appropriately address multiple concerns in a single project. A revised principles and guidelines should enable the Corps to better weigh the values of the different components of a multipurpose project.

EARMARK DISCLOSURE

In the preparation of the table of Congressional earmarks that accompanies the Statement of Managers for the conference report, a limited number of earmark disclosures were inadvertently deleted from the table. The following Members of Congress have provided the Committee with earmark disclosure forms for the following projects:

Representative STEPHANIE HERSETH SANDLIN (SD) for section 5158(253) Cheyenne River Sioux Reservation (Dewey and Zeibach Counties) and Perkins and Meade Counties, South Dakota.

Representative PATRICK MURPHY (PA–08) for section 5003(a)(12) Ingham Spring Dam, Solebury Township, Pennsylvania.

Representative SOLOMON ORTIZ (TX–27) for section 3150 Lower Rio Grande Basin, Texas.

Representative CHARLES W. DENT (PA–15) for section 5003(a)(14) Stillwater Dam, Monroe County, Pennsylvania.

Representative BARBARA LEE (CA–09) for section 3182(b) Oakland Inner Harbor Tidal Canal, California.

Representative FRANK PALLONE, Jr. (NJ–06) for section 1001(34) South River, Raritan River Basin, New Jersey.

Representative RUSH D. HOLT (NJ–12) for section 1001(34) South River, Raritan River Basin, New Jersey.

The following Member of Congress was inadvertently listed in the earmark disclosure report for the Statement on Managers for the conference report:

Representative ROBERT ANDREWS (NJ–01) for section 1001(34) South River, Raritan River Basin, New Jersey.

Mr. Speaker, I reserve the balance my time.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Well, first of all, I can't begin this debate on this water resources legislation without congratulating Mr. OBERSTAR. As you heard Mr. OBERSTAR say that some 44 years ago he was a staffer for Chairman Blatnik, I think his name was, at that time and tonight he chairs the Transportation and Infrastructure Committee, and I'm pleased to be the Republican ranking member to have worked with him to bring forth a bill that is very important, not only to Mr. OBERSTAR, and his efforts and others in trying to bring a bill forward.

You know, we have not passed a water resources infrastructure bill since the year 2000. Normally, we pass it every 2 years in a cycle legislation that sets forth the projects and the policy and the priorities for building the Nation's infrastructure, and we haven't done that.

Now, one of the problems that we've had is that we've had a bad name given to earmarks, and this bill contains some 950 projects, almost all of them earmarks. There are a very significant number of earmarks in this bill.

From the time I assumed responsibility for the T&I Committee on the Republican side and in my discussions with Mr. OBERSTAR, I said we've got to make certain this process is open, this process is transparent and that we restore faith in this process. The choice is that we could pass a bill tonight for $20 billion and authorizing projects and not name those projects but let some bureaucrats down the street that are unelected make the decisions, but that's not way this process works.

The people sent us here, they send us here to renew the contract every 2 years to decide what the priorities are for our districts, and that's what this legislation is about.

There are 950 projects in this legislation, again a very high number, and the bill is a very high number, probably $20 billion when you total up all those projects in authorization. Now, all of them won't get funded, but we have a responsibility to set the priorities, and the people are setting the priorities through their elected representative, not some appointed bureaucrat.

I tried to make this a transparent process from the beginning. These are all of the Republican Water Resource Development Act of 2007 requests. These have been on file. These have been open to the public. The press has been in. They have been carefully vetted. Mr. OBERSTAR and I attempted to vet every single project on the House side, and the staff and others have been working to make certain that we vetted the Senate and all the projects in this bill. And I think we've done about as good a job and opened the process up to sunshine, to again a fair and open honest process and hopefully restored some of the faith in this process.

Now, I did receive today a communication notifying me that the White House will probably veto this legislation. That's unfortunate, and I've talked to the White House. We've tried to keep the dollars number down, but I tell the White House and anyone else, and I will support Mr. OBERSTAR and others if we have to override that veto. We need to do that. Our job is to make certain that we build the infrastructure of this country and we do it in a responsible manner.

We haven't had a bill since 2000. All you have to do is do the math. The math is simple. The bills in the past have been about $6 billion, 6X3 is 18, and you add a few billion dollars more for inflation, and this is the number we're at and the number of projects we're at. I've told this to the President's advisers, and I regret that we're in this situation, but we'll have to do what we have to do. The President's going to have to do what he has to do.

But let me tell you now, and Katrina should be a lesson to us all, you either pay now or you will pay later.

□ 2100

These are projects that will determine whether dams break, whether levees are secure, whether water resources for this Nation are available, whether we do important environmental restoration that's been left behind.

Again, I repeat that this is authorization, not funding. But we have a responsibility to pick and set those priorities as the people's elected representatives.

Let me tell you also again critical needs in this bill. I have had Members literally come to me with tears in their eyes and say that, in fact, a project is so important that people's homes, lives and properties may be destroyed if we don't move forward with authorizing their projects.

In my own State of Florida, I am pleased tonight, and there are ironies tonight, I remember working with Senator DOLE when we tried to do the Everglades restoration. That was talked about for years, even when I was in the legislature back in Florida in the 1970s.

Tonight, in this bill is the authorization for the first construction money to restore Florida's Everglades, a national environmental treasure that, unfortunately, man and sometimes the Corps of Engineers in some unwise policies have nearly ruined. But we have a chance now to restore that through this legislation.

In 2000, we authorized study money. This is the actual work money, the first work money for that. In my own community, and I close on this, I have A1A, scenic and national highway designation A1A, through Flagler County, which is literally falling into the ocean. The beach has eroded. We have no more beach there. We need to restore that. Those are the kinds of projects that are in this bill, even for me as a ranking member.

I strongly support this measure. I think it's responsible. I don't want to get into a contest with the White House, but, again, I thank the staff; Mr. BAKER, I will yield to in a few minutes; Ms. JOHNSON; Mr. DUNCAN, the former chairman of the water resources; and all others who have worked on this.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 1 minute to express my appreciation to the gentleman from Florida for his splendid cooperation, his heartfelt earnestness on getting this legislation through and understanding the great significance it represents for all of us.

I want to emphasize once again, we exercise great discipline in this body in shaping the legislation, keeping the costs within containment, within the previous 6, almost 7 years of projects that had already been vetted through the House, passed by this body and yet, unfortunately, didn't make it through the Senate.

I read with heavy heart the administration statement of veto. I think that it's a misunderstanding on their part. We will do our part, we will do our role, and the other body will do its part. Then we will see whether, in fact, a veto comes forward. If it does, we will deal with it just straightforwardly, without rancor, without discussion. These are the right investments for America.

Mr. Speaker, I yield 7 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the distinguished Chair of the Subcommittee on Water Resources and Environment and thank her once again for the splendid work.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of the conference report for H.R. 1495, the Water Resources Development Act of 2007.

I congratulate Chairman OBERSTAR, Ranking Member MICA and the ranking member of the Subcommittee on Water Resources and Environment, Mr. BAKER, for your work on reaching this agreement in the vital infrastructure investment bill for the Nation's water resources needs.

I especially express my appreciation to the staff, to Congressman YOUNG, Congressman DUNCAN, and Congressman COSTELLO and other distinguished members of this committee, because we have all worked together in a bipartisan manner.

All of us assembled here this evening understand the magnitude of this moment. The clock is working against the infrastructure of our country. The 7 years we have waited to enact a water resources development bill have led to significant increases in cost to adequately address the Nation's deteriorating water resources and flood control infrastructure.

As such, I am delighted that we as conferees have come to an agreement on the issues independent of review, environmental issues, environmental infrastructure and individual projects that have, up until now, prevented us from crafting a final conference report.

We do right and good by this country when we invest in its infrastructure. I agree with the chairman that enactment of a water resources bill this year is critical to economic prosperity, job creation, protection of the environment and public safety.

Since Congress last passed a Water Resources Development Act, we have seen Hurricane Katrina and Hurricane Rita devastate the gulf coast and my home State of Texas, flooding cities, damaging economies and businesses and threatening public health.

No water resources bill has been enacted since the year 2000, the entire term of this current administration. While I am fully aware of the veto threat that this administration has issued on the conference report, I want to remind my colleagues that since the start of the Iraq conflict in 2003, nearly $42 billion has been appropriated at the request of the administration for Iraqi reconstruction, one-third of which, or $14 billion, is going towards Iraqi economic infrastructure.

I would daresay that if this level of attention is adequate for Iraqi water and road infrastructure, my State, as well as my constituents, who are constantly beleaguered by outdated flood protection, are as equally deserving of the attention afforded by H.R. 1495. I deeply regret that the administration has decided to turn its back on a bill that would put Americans to work with good-paying jobs, protect lives and property and bolster our Nation's infrastructure.

A recent report by the Texas Section of Civil Engineers assessed my State's infrastructure and rendered a dismal cumulative grade of below average. The assessment of the State's flood control fared even worse, with the State receiving a failing grade of D minus.

Over the past decade, Texas has experienced 15 federally declared disasters, most involving flooding. Moreover, Texas leads the Nation in terms of dollars paid for flood claims, second only to the State of Louisiana.

The population of Texas is expected to double in the next 30 to 40 years. Development in and near flood plains can be expected to increase, as developers continue to build near the State's rivers, lakes and coastlines.

In my district, the Dallas Floodway accepts 1,600 square miles of Trinity River watershed runoff and safely moves the floodwaters through the City of Dallas by virtue of levees that form both sides of the 2,000-foot-wide Floodway. The Floodway levees protect the downtown vicinity from a potential flood damage loss to properties and infrastructure at a price of $8 billion or more. This is a major economic area.

The 23 miles of levees for the Dallas Floodway were originally constructed by local interests in 1932 and reconstructed by the Corps in 1960. But, since 1960, the upstream watershed has experienced exploding population growth, and that was not expected, which has significantly increased runoff, overwhelmed our antiquated drainage pumps, and greatly reduced the flood protection afforded by the Dallas Floodway levees.

My district's flood control needs are great; and, like the other communities across this Nation, they are anxiously anticipating the resumption of a predictable, consistent, and 2-year water plan.

I am glad our work here today brings us one step closer to this reality. The product before us authorizes a number of studies and projects, particularly for the restoration of coastal Louisiana, the restoration of Florida Everglades and the restoration of the upper Mississippi River and the Illinois Waterway System.

Again, we do right by this country when we invest in its infrastructure. Communities across the country have been waiting 7 long years to begin their noteworthy flood control and water infrastructure projects. I am pleased that we have been able to put our heads together and once and for all advance this vitally important and long-overdue legislation for the American people.

I want to extend my thanks again to the bipartisan committee leadership of both Chambers and, most especially, the efforts of our dedicated staff persons who have spent countless hours in crafting the conference report.

I strongly urge my colleagues to vote "yes" on this conference report to H.R. 1495. The time to act is now.

Mr. MICA. Mr. Speaker, I yield myself 30 seconds to introduce the gentleman from Louisiana.

Sometimes in this business you have the opportunity to decide who is going to work with you on different projects. I had that opportunity in January, and I chose RICHARD BAKER.

If you don't know RICHARD BAKER, let me tell you, the good Lord sent RICHARD BAKER to us at the right time, because there is probably nobody in the Congress that could have been a better steward or done a better job in handling the Water Resources Committee responsibilities.

Mr. Speaker, I yield 3½ minutes to the gentleman from Louisiana (Mr. BAKER), just an absolutely outstanding representative, who has done a good job on this great bill that is so important to Louisiana.

Mr. BAKER. Mr. Ranking Member, I am humbled by your comments. I thank you for that courtesy, and I am deeply appreciative.

I have enjoyed very much the opportunity not only to work with you in this capacity but to work with our chairman, who has deep roots and ties to New Orleans, and the gracious gentlelady from Texas, the chairman of our subcommittee.

Mr. Speaker, it has been a terrific team from which there has been a terrific product developed that all Members who have spoken this evening have made clear as to the scope of the projects, the need for the projects, the clarity of the process, which our ranking member insisted on and opening up to public scrutiny the projects which ultimately are contained in this report.

I wish to make just one observation as a representative of Louisiana and make clear that the Governor, the congressional delegation and, most importantly, the people of Louisiana recognize what this legislation means to us tonight. It is not merely the elimination of an inconvenience or the restoration of some public service that we would like to have. This bill goes to the point of restoring our culture and our ability to live as people along the coast of the great State of Louisiana. For that, all of us are deeply grateful to the Members who have made this possible and to this Congress.

There is one notable development I would like to memorialize in the discussion of the conference report tonight, and that is a problem which had been long-standing for many years with the representatives of the great State of Mississippi, particularly that of Senator LOTT, to whom I would like to express deep appreciation.

The gentleman has had for many years concerns about the salinity levels of the water off the gulf coast affecting the productivity of his own fisheries. Likewise, we in Louisiana had concerns about some of the proposed remedies which, in our view, would have had an adverse water quality effect on our own fisheries.

In the course of the debate with the conferees, I was assigned the duty to work with the Senator and come to some resolution thereon, which will enable both States to seek the benefit they are entitled to.

I am pleased that with the coastal area impact program, we have identified a source of funding, we have agreed to the terms of construction for the Violet Canal project, and I tonight want to say tonight, on behalf of the congressional delegation and for those who follow us here, that it is our intent to honor and abide by the terms and agreement that Senator LOTT negotiated with us and in good faith ultimately seek closure of this most difficult project, which I understand has led to difficulty and the consideration of prior WRDA legislative efforts. It is important, I believe, for us to recognize the contributions made by that delegation and their willingness to assist us in Louisiana in coming to final agreement.

With that, I am just pleased to be a small part this process and to have enabled the ability to participate in a small way getting a vital piece of legislation virtually for every congressional district in this country.

□ 2115

Mr. OBERSTAR. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished Chair of the Railroad Subcommittee, Ms. BROWN from Florida.

Ms. CORRINE BROWN of Florida. I want to thank Chairman OBERSTAR and Chairwoman JOHNSON as well as Mr. MICA and Mr. BAKER for their hard work in completing this long-awaited bill. With the new leadership in the House and on the committee, this legislation will soon be on the way to the President's desk for his signature.

These water projects and these projects are extremely important to my home State of Florida and for the Nation as a whole and have been held hostage for far too long. Like all transportation projects, these included in this bill will put people back to work, improve our communities, and create economic activity. This legislation also ensures that workers are paid a fair rate for their hard work. It is these workers' taxes that pay for these projects, and they deserve fair wages that allow them to adequately provide for their families.

By delaying the passage of this much-needed legislation any further, we are doing a disservice to the people we represent. I encourage my colleagues to support this conference report so we can move forward with these critical projects this bill contains and so that we can begin to work on the next WRDA reauthorization so we don't have to wait another 6 years to fund these critical water infrastructure projects.

Again, I want to thank Chairman OBERSTAR, especially Chairwoman JOHNSON for making this conference a reality. I want to thank Mr. MICA and Mr. BAKER again. And I am just very excited that after 6 years we are going to have a bill. And, as Mr. OBERSTAR always says, that our committee, Transportation is the committee that actually put America to work. And so not only do we put them to work, but we are protecting the infrastructure.

Mr. MICA. Mr. Speaker, I am pleased to yield 4 minutes to one of the very distinguished members of the Missouri delegation, Mr. HULSHOF.

Mr. HULSHOF. I thank the gentleman for yielding. To the chairman of the full committee, I would say as difficult and partisan as this day has begun, I think we are going to end on a very bipartisan high note, and certainly thank the gentleman, the gentlelady from Texas, certainly Mr. MICA and the gentleman from Louisiana who just spoke. Congratulations to all in finally passing this WRDA bill.

I would like to spend just a moment to talk about the legislation, the modernization of the 5 locks on the Mississippi River and the 2 on the Illinois River; the gentleman from Minnesota mentioned that earlier as far as the modernization of locks and dams. And I want to do this in a little different way.

Last week, we considered and passed the farm bill. Perhaps I took a little bit of heat for actually supporting that bill. In part, I supported it because it provides an important safety net for our farmers. And, interestingly, the bill we are considering tonight will go a long way to ensuring that farmers don't need to rely upon subsidies to survive.

How is that, you ask? Well, the ability to transport crops to export markets via the Mississippi River provides our Midwestern farmers a better price for crops than if that river was not available. Witness Hurricane Katrina as an unfortunate real world example of that specific example. A recent study conducted on behalf of a river stakeholder calculated that, if we fail to increase the size of our locks and if we were to allow river congestion to increase, farmers would lose $562 million a year. That income would need to be replaced by subsidy payments on the farms or the farms would fail. As such, the $1 billion in taxpayer dollars that this bill includes to modernize our locks is a hedge against the multiple billions of dollars of future farm subsidies and allows our farmers to continue to farm for the markets and not for a government check.

This bill, as has been noticed, is long overdue. The modernization of our outdated locks is also long overdue. These locks are standing out of habit. They were built in the 1930s to accommodate steamboats. Since 1975, the Corps has spent $900 million under fix-it-as-it-fails scenarios, hoping to push major problems a little way down the river. But despite the Corps' best efforts, and I would have to say an amazing job of maintenance on a shoestring budget, the River continues to lose about 10 percent of its capacity every year due to unplanned maintenance closures.

Now, as a last point, a gentle point, I would say to my friend from Oregon, who spoke earlier on the rule, he and I have discussed on several occasions the modernization of locks and dams on the Upper Mississippi, and I want to be kind to him as I say he is not as ardent of a supporter of those modernization efforts as I, and he spoke of the independent review process. I concur with him, but I would remind the gentleman that the independent review that examined the locks and dams modernization woefully underestimated the demand variable for corn and ethanol.

This year alone in my district, tens of millions of additional bushels of corn will be harvested this fall and will need a viable navigable waterway. The study by the National Academy of Sciences did not adequately anticipate this increased demand. So while independent review, I agree, is important, it is not infallible. But I thank the diligent work of the committee to include this modernization. I urge every Member to support the conference report.

Mr. OBERSTAR. Mr. Speaker, I yield the gentleman 2 additional minutes, and ask if the gentleman would yield?

Mr. HULSHOF. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I compliment the gentleman on his statement and his recognition of underscoring the importance of the Mississippi River-Illinois-Ohio River system as the water highway for our midcontinent grain producers.

If you look at a map of the north and south hemisphere, the furthest point of Brazil sticks out of the South Atlantic Ocean, and that is Recife. From that port are exported soybeans. That is 2,500 miles further out in the Atlantic than New Orleans. They market to the same destinations that we do for soybeans, we in the great Midwest, to east and west Africa, and to the Pacific rim. They have a 5-day or 6-day sail advantage.

If we don't do the modernization on the locks, we continue to lose market share in the world marketplace. As I said earlier, grain moves on as little as an eighth of a cent a bushel.

So we have to do this, and it is going to be done. It has waited far too long.

Mr. HULSHOF. I appreciate my friend from Minnesota.

I would tell the gentleman that I grew up in the shadows of the levees of the Mississippi River, and I am the son of a Missouri farm family. We are about 8 miles from the Mississippi River as the crow flies, and the ability to have that navigable waterway means the difference between being in the black or being in the red for our family farm. So that lesson has imprinted itself upon me. And I am pleased to support the gentleman in this conference report, and I thank the gentleman for the additional courtesies.

Mr. MICA. Mr. Speaker, I am pleased to yield to an outstanding member of the T&I Committee on the Republican side of the aisle, the gentleman from Beaumont, Texas (Mr. POE) for 3½ minutes.

Mr. POE. I thank the gentleman for yielding. I want to congratulate the chairman, Mr. OBERSTAR, and Ranking Member MICA for their work on getting this long-delayed bill to the House floor, and I certainly support it. Both the ranking member and the chairman have said, as long as I have been on this committee, that this is the most cooperative committee even though it is the largest committee in Congress. And it is true. It is a bipartisan committee that gets things done. We disagree, but we do it in a civil manner.

I am also impressed with Mr. OBERSTAR's knowledge of transportation history. He knows more about transportation that has occurred in the United States probably than all of us put together.

I do want to thank the committee for including in this WRDA bill the expedited completion of the study for the Sabine-Neches Waterway Project. I have been frustrated for the lack of progress by the Army Corps of Engineers to finalize this completion study.

The study report was started by the Corps in the year 2000, with a completion date of 2004. It was supposed to cost $6 million. And now it is 2007, and this project study is still not completed, and estimates on final cost of the project have now risen to $13 million. I appreciate the chairman's support for this study to be completed as soon as possible.

The Sabine-Neches Waterway is the riverway that separates Texas from Louisiana and flows into the Gulf of Mexico. Sabine-Neches is vital to not only southeast Texas, but it is essential for the national security needs of our Nation. It is the home of America's largest commercial military port and the Port of Beaumont, and it is second largest in the world. It is crucial for shipping military cargo to our troops in Iraq and Afghanistan and is America's largest importer of crude oil by tonnage. Approximately 20 to 30 percent of the Nation's jet fuel is produced by refineries on this waterway, including 80 percent of the jet fuel used by our military. This riverway supplies petrochemical and energy needs for southeast Texas and the rest of the Nation.

Section 508 requires the Army Corps of Engineers to expedite completion of this study whether or not to expand, widen, and deepen the riverway for the Sabine-Neches Waterway, and the joint statement further directs that this would be done as soon as possible. I hope this study is finished this year so that it will be included in next year's full WRDA bill and we can start moving dirt to widen, deepen, and make this riverway important not only for southeast Texas but for national security reasons as well. It is important for our economy, it is important for our recovering economy after Rita in southeast Texas, and I look forward to working on the next WRDA bill after this one is passed to have it completed.

Once again, I want to thank the ranking member and the chairman for their full support.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. MAHONEY). And I thank the gentleman from Texas for his kind remarks.

Mr. MAHONEY of Florida. Mr. Speaker, I rise today in support of the Water Resources Development Act of 2007.

I want to begin by thanking Chairman OBERSTAR, Congresswoman JOHNSON, and my colleague, Ranking Member MICA and their staffs on behalf of Palm Beach, Martin, and St. Lucie County for all the efforts that they have done to ensure that one of our Nation's greatest treasures is preserved for future generations, the Everglades.

Seven years ago, Congress authorized the largest environmental restoration plan in the Nation's history, the Comprehensive Everglades Restoration Plan. Despite its broad bipartisan support for the plan in 2000, Congress has not honored its commitment to the Everglades. As a result, this plan once envisioned as an equal partnership between State and Federal Government has become the sole responsibility of Florida, whose citizens have invested over $2 billion. Today, Congress has an historic opportunity to renew its promise to be an equal partner in Everglades restoration by passing the WRDA conference report for the first time in 7 years.

The conference report would authorize funding for numerous projects that are a part of the Comprehensive Everglades Restoration Plan, most notably the Indian River Lagoon and Picayune Strand. The Indian River Lagoon project located in my district is not only critical to the success of the Everglades, but it is critical to the economic well-being to the Treasure Coast of Florida.

Mr. Speaker, I urge Congress to pass this long overdue legislation and renew Congress' commitment to restoring one of our Nation's greatest treasures, the Everglades. And, once passed, I urge my colleagues to join me in telling the President, after 7 years of neglect, it is time to do the people's business and sign this bill into law.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. ELLISON), whose district I mentioned earlier on the transportation bill had a terrible tragedy this afternoon.

Mr. ELLISON. Mr. Speaker, of course I rise in very strong support of the bill tonight, and it is a very tragic irony that it is over a body of water that a tragedy occurred in Minneapolis today.

I rise tonight with every Member of that Minneapolis delegation. We stand united in our heartfelt concerns over the news of the collapse of the 35W Bridge spanning the Mississippi River in my hometown of Minneapolis, which occurred early this evening. I spoke with Mayor Rybak regarding this tragic situation, and I pledge to work with him in every possible way to recover from this disaster.

As of now, we simply do not know the magnitude of the tragedy. Early reports are that eight cars and one truck are in the river. About 50 school children very narrowly avoided falling into the river. I do not know the depth of the injured. As of now, we know there are three confirmed dead. We pray for the deceased, for those still in peril, and for the families who have not yet heard the news from their loved ones.

□ 2130

Our delegation stands united in marshaling the resources for our Minneapolis emergency forces in need of search and rescue efforts.

I want to express my profound thanks for the dedicated work of the responders who are on the scene risking their own lives to save others.

We are grateful for those who we know have survived this tragedy, including, miraculously, the school bus containing perhaps as many as 50 youngsters.

Again, I am very saddened by the depth of this tragedy, stand together with all eight members of the Minnesota delegation, and I intend to return home tomorrow morning to Minneapolis on the earliest possible flight to do everything I can to help the citizens of my city recover from this horrible tragedy.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Speaker, I thank the chairman for yielding, the dean of our delegation, Mr. OBERSTAR; and I strongly support this Water Resources Development Act and thank, again, Chairman OBERSTAR for yielding.

I rise with tremendous sadness and grief about an awful tragedy that took place this evening in Minnesota. Full details on the tragedy are still sketchy, but we know that, as of 6:10 p.m. Minnesota time, during the midst of evening rush hour, a bridge on Interstate Highway 35W in downtown Minneapolis, very close to the Metrodome, collapsed, causing at least 40 cars to fall into the Mississippi River.

As my colleague, KEITH ELLISON, mentioned, at least three people are confirmed dead. A number of others have been hospitalized at the nearby Hennepin County Medical Center, and now we get word at five other hospitals as well. Rescue operations are still under way at this late hour, as fires continue to burn and people remain unaccounted for.

The Minnesota Congressional Delegation, thanks to our dean, Mr. OBERSTAR, has already met and pledged our total support to obtain whatever Federal assistance is needed.

In addition, on behalf of Governor Pawlenty, with whom I've been in constant contact, I want to offer the gratitude of all Minnesotans to Speaker PELOSI, who has already pledged her full support for any Federal assistance our State needs to address this bridge disaster.

I also want to pay special thanks to the first responders who are on the scene at the moment and rescue operations and other services. Every single Fire Department in the seven county metro area is there on the scene, as well as all the Police Departments, emergency medical personnel. And, again, we all thank those brave first responders.

Our thoughts and prayers, Mr. Speaker, finally, are with the families of all those affected by this horrible disaster. We will continue to monitor the situation very closely, of course; and we ask all Americans to pray for the victims, the survivors and their families.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. The words of my colleagues from Minnesota reflect how we all feel at this time; and those of you in the Chamber, I know, are sharing our grief on this very, very sad day.

We need to stand united to make sure that infrastructure all around this country is properly maintained and cared for. We don't know the cause of the accident as of yet, but I know that we will do a thorough investigation and do whatever we can to prevent tragedies like this from happening in the future.

And to my congressional colleague from the other twin city, Minneapolis, please know that the City of St. Paul stands in solidarity. This is a time for grief for both cities, and we'll do whatever we can to be supportive.

Mr. OBERSTAR. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I want to acknowledge the tragedy that occurred today in Minnesota and assure our colleagues from Minnesota and the families of Minnesota victims that we stand in solidarity with them.

Thank you, Chairman OBERSTAR and Ranking Member MICA for all your hard work to finalize what would be the first WRDA bill to become law since the year 2000. I would also like to thank the staff for their diligence in finalizing the details of this important legislation.

Simply put, enactment of this bill is long overdue, not just because we have billions of dollars of water infrastructure projects that desperately need to be completed but because this bill means more jobs throughout the country and each project we undertake provides a net benefit to the economy in terms of improved commerce, new jobs and a cleaner environment.

In particular, this bill is vitally important to my State, and the chairman and members of the California delegation know all too well that much of Northern California that I represent is held together by a fragile web of 100-year-old levees with varying degrees of stability. As a source of drinking water for 25 million Californians, the mix of natural and manmade channels in the San Joaquin Delta need constant oversight and perpetual maintenance to remain functional.

Of particular importance is a flood protection project near the city of Morgan Hill in my district that improves the Llagas Creek, a waterway that runs several miles through Morgan Hill south to Gilroy. I'm very pleased that we are correcting a jurisdictional issue in this legislation that stopped the Corps from completing work on Llagas Creek for years. Specifically, we are now directing the Corps to complete the Llagas Creek.

Mr. Speaker, as a conference member on this legislation, I want the RECORD to indicate that the Llagas Creek project is meant to be completed under the national directive language we included in the bill and under the cost-sharing ratio we have explicitly included in H.R. 1495.

I'm hopeful the Corps will expeditiously complete the project so the residents of Morgan Hill can rest easy in the knowledge that we're protecting them from periodic flood damage.

Again, I want to compliment the chairman for his hard work.

Mr. MICA. Mr. Speaker, may I inquire as to the time remaining on both sides?

The SPEAKER pro tempore. The gentleman from Florida has 12 minutes remaining; the gentleman from Minnesota, 2.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time; and I'll be pleased, if the gentleman from Minnesota (Mr. OBERSTAR) needs additional time, to yield to him in light of the tragedy that has struck his State.

Mr. Speaker, again, my heartfelt sympathies are expressed to any of the Members from Minnesota as they deal with this very difficult tragedy and also to the families who've lost loved ones in the collapse of the span of Interstate 35 West, which I understand connects Minneapolis and St. Paul.

The information I have is that some of the sections were under construction, and the span was closed last night for construction and reopened this morning and scheduled to be closed again tonight. But, unfortunately, we have seen from news accounts a very significant disaster and loss of life in the failure of that infrastructure.

I, too, would pledge my support in working with Chairman OBERSTAR, with the Minnesota delegation and working with this administration and the Congress to bring whatever resources to reopen that span and try to repair that infrastructure.

While we can replace the infrastructure, we can't replace the lives; and, again, our sympathy goes to those who mourn their loved ones tonight.

As we conclude debate on this water resources infrastructure bill, once again we're reminded of the importance of infrastructure, whether it's bridges, dams, the highways that are along our beaches, the natural reserves we have in this country that depend on Congress to protect them and protect that water resource infrastructure.

I yielded earlier to our ranking member and thank him again, Mr. BAKER; and I said the Good Lord sent us Mr. BAKER to lead the Republican side of the Water Resources Committee. And again, we have the example of the failure of water resource infrastructure, the levees and some of the infrastructure in New Orleans and Louisiana. No one is more knowledgeable, has a better firsthand experience than Mr. BAKER. And this bill also contains a considerable amount of authorization for projects in Louisiana and New Orleans.

Finally, I want to thank, again, Ms. JOHNSON. Next week, I'll get to travel to her district. Under her leadership they bring together all the transportation leaders in the State of Texas for probably one of the country's largest, it's grown to the country's largest infrastructure conferences, and they've asked me to come down and speak and be with them as they plan Texas' policy and transportation projects for the future. I look forward to that opportunity of being with her, and I thank her again for her distinguished leadership and working in a bipartisan fashion to craft this long-overdue legislation.

So again, I thank all of those. I have John Anderson, Mr. Speaker, with me, who represents all of the staff on the Republican side; and I thank the staff on the majority side for their hard work in trying to make this bill a reality.

And, again, I thought of one of the most important projects, as the gentleman from Florida, other gentleman from Florida pointed out tonight, that restoration, the first work on the Everglades being in this bill, important not only to Florida and our districts in Florida but also to the Nation because of the environmental treasure that we're trying to preserve. We do make positive steps towards its restoration and preservation for future generations.

So it's a good bill. I know the President's probably going to veto it. It'll be back here. We're going to, unfortunately, have to override that veto to make this a reality.

But, as I said earlier, the President has to do what he has to do, Congress has to do what the Congress has to do, and we will work together again to make certain that the infrastructure of this country and water resources are preserved for the future.

For the first time since 2000, the Congress is on the verge of passing a major bill authorizing projects, studies, policies, and programs related to the Army Corps of Engineers.

There has been a WRDA introduced in every Congress since 2000, however, controversy always seemed to arise that dashed our hopes for a new authorization bill. Over the years we have worked to bridge the gaps created by those controversies and have arrived at the point where we now have a product that the Congress can approve and send to the President.

This bill has been under development for many years. It is the result of much debate and much compromise. This is not the bill that any of us in the room would have written, if we were writing a bill by ourselves. However, it is a bill that all of us can support because it addresses important needs of our Nation.

This is a good bill that represents investments in America. These investments will improve trade, protect our homes and businesses from flood damages, and enhance our quality of life by restoring aquatic ecosystems. This legislation ensures our ports and waterways remain viable in the international marketplace by authorizing critical navigation deepening projects. Without these projects shippers will go to other foreign ports like those in Canada and Central America.

For some goods, as much as 50% of the ultimate price paid by the consumer is attributable to transportation costs. Keeping these costs low not only benefits consumers here in the United States, it also makes products produced in the United States more competitive on the world market. Congestion at an outdated lock on a waterway can result in increased costs that rob the farmer of his or her profit. Delay and its associated costs also can rob a farmer of his or her market. This is not a speculative concern.

Recently, improved transportation systems in South America have allowed farmers there to keep their costs low enough to underbid United States grain farmers for customers located in the United States! America's farmers, like the rest of the United States economy, depend on modern and efficient waterways as an integral part of the intermodal transportation system.

Trade builds wealth. But to realize the economic benefits of trade, we must have a modern transportation system. To maintain our place in the global economy, the United States must have modern ports and waterways that can bring the world's goods to our door and make America's products competitive on the world market. Our ports and waterways need to be improved to handle the additional traffic and larger class of ships that we know are coming. This Conference Report addresses these needs in several ways including authorizing improvements to waterways in my home State of Florida, as well as in Texas, Louisiana, and Virginia. In addition, it authorizes 7 new locks and other navigation improvements on the upper Mississippi River.

The WRDA Conference Report authorizes critical projects to provide flood protection to millions of Americans. Flood damage reduction projects save Federal dollars by reducing the probability that disaster relief will have to be used in the future. This bill includes a multitude of projects that protect our cities from floods and coastal storms.

As our Nation has become more environmentally conscious, and sought ways to improve aquatic ecosystems, the Corps of Engineers has become a leader in planning and carrying our environmental restoration projects. This Conference Report is by far the "greenest", most environmentally-friendly Water Resources Development Act ever. The most frequent purpose of new Corps of Engineers project authorizations in this bill is environmental restoration.

This Conference Report contains critical provisions to restore the Everglades. Everglades restoration has been talked about for years, but with the projects authorized in this bill, actual work and construction of projects can begin. Not only is the Everglades vital to the economy, environment and people of Florida, it is a national treasure that must be cared for and protected for future generations of Americans.

These projects have been brought forward by the Corps in partnership with the State of Florida. The State of Florida has stepped up with their share of funds for these projects. Now that we have these first authorizations, Congress should be supportive of funding this important effort to save a national treasure. These are just the first of what will be many projects over the next several decades to clean up, store, and redirect water for the Everglades.

This bill does not provide guaranteed funding—money will have to be appropriated to meet these authorization levels, but it represents a critical commitment by the Congress to restore an ecological jewel of the United States. This legislation will help ensure a revitalized Everglades for generations to come.

Also addressed in this bill are policy issues that improve how the Corps of Engineers does projects. We have instituted an Independent Peer Review into the Corps' planning process to enhance the agency's credibility. We are improving project monitoring to determine if the projects are performing as designed.

I know that some are not happy with the size of this bill; however, we must remember that the Conference Report represents the pent-up demand of 3 WRDA bills. This legislation is overdue by 5 years. And if we wait any longer it will just be a bigger bill, because the Nation's needs are not going away by themselves. We must address them like we are doing here today.

I want to thank Don YOUNG, the former chairman of this Committee, who worked for many years to resolve the difficult issues surrounding this bill; and also Jimmy Duncan who chaired our Water Resources and Environment Subcommittee for 6 years and worked closely with the Ranking Members JERRY COSTELLO and PETER DEFAZIO to create many of the compromises that made this Conference Report possible.

I certainly want to thank you, Chairman OBERSTAR, for your leadership over the years both as Ranking Member and now as Chairman of the Full Committee. It has been very rewarding to work with you on this bill and it shows what we can accomplish when we work together in a bipartisan way to address the Nation's needs.

Under the leadership of Senator BOXER and Senator INHOFE, the Senate passed a bill that included many of the same projects addressed in the House bill. I think it is appropriate that the package before us today represents a compromise of the House and Senate bills into a good product that both chambers can proudly support.

Lastly, I want to thank the staff of the Full Committee, Jim Coon, Amy Steinmann, Charlie Ziegler, and Jason Rosa. I also want to thank the staff of the Subcommittee on Water Resources and Environment, John Anderson, Geoff Bowman, and William Collum for their dedication in finishing the Water Resources Development Act of 2007.

And on Mr. OBERSTAR'S staff, I want to thank David Heymsfeld and Ward McCarragher of the Full Committee, and especially the Subcommittee staff of Ryan Seiger, Ted Illston, Beth Goldstein, and Mike Brain.

I urge all Members to support the Conference Report.

With that, Mr. Speaker, I would like to yield the balance of my time to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman very much for his kind words, for his prayers and his thoughts about our fellow Minnesotans and the tragedy that's occurred this evening; and I join my prayers with his and those of my colleagues who spoke earlier this evening on that bridge collapse. We certainly keep the members, the family members and the victims in our prayers as we go forth this evening.

We reach a milestone this evening with this legislation. I said at the outset and I say it again, this is a historic moment. We have accomplished in 7 months what it has taken 7 years to put together, but it is a good bill, and it is evidence that this body can and does work together constructively for the common good, for the purpose of building a better Nation, for moving people and goods efficiently and effectively in the domestic economy.

Getting us to this point was not easy. The staff had to put in long hours, as the gentleman from Florida already expressed.

☐ 2145

I want to specifically mention Ryan Seiger, Beth Goldstein, Ted Illston and Mike Brain on the Democratic side; John Anderson, Geoff Bowman, William Collum and Tracy Mosebey on the Republican side; Rod Hall, Chairwoman JOHNSON'S staff member; Stewart Crigler, staffer for Ranking Member BAKER.

From the Office of Legislative Counsel: David Mendelsohn, Curt Haensel, Heather Arpin over in the Senate, and Rosemary Gallagher.

And from the Senate staff: Ken Kopocis, Jeff Rosato, Tyler Rushford, Angie Giancarlo, Jo-Ellen Darcy, Mike Quiello and Let Mon Lee.

All worked very closely together to craft this legislation, spending enormous amounts of time, weekends. While Members were back home in their respective districts, staff were here in this oppressive heat of Washington, although, I think, comforted by air conditioning at least, but putting in extraordinarily long hours to craft this bill, bridge the gaps, reach agreements, report back to Members so that we could be here this evening.

It is a significant moment for America, for this Congress to have this comprehensive water resources bill together. And, again, I express great appreciation to the gentleman from Florida (Mr. MICA) for the time that he has spent and the cooperation that we have had; the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for the time that she has devoted, for her care, concern, and energy; and the gentleman from Louisiana (Mr. BAKER), who put his heart and soul into this legislation.

Mr. Speaker, I yield to the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to submit into the RECORD a letter from E.G. Pittman, Chairman of the Texas Water Development Board, strongly supporting the passage of this conference report.

The State of Texas has recently completed a nationally recognized comprehensive water plan. Provisions in H.R. 1495 would greatly assist the State in addressing changes in the population, water availability and quality, technological improvements, and promotes increased collaboration with the Corps of Engineers.

TEXAS WATER DEVELOPMENT BOARD,
Austin, TX, August 1, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. JAMES L. OBERSTAR,
Chairman, House Committee on Transportation and Infrastructure, Washington, DC.
Hon. JOHN A. BOEHNER,
House of Representatives,
Washington, DC.
Hon. JOHN L. MICA,
Ranking Member, House Committee on Transportation and Infrastructure, Washington, DC.

DEAR HOUSE LEADERS: The Texas Water Development Board (TWDB) strongly supports the passage of H.R. 1495 by the end of this week. The conference report on the Water Resources Development Act (WRDA) embodies seven years of deliberations on this important and urgent issue. Further delays are incomprehensible after such protracted discussions have finally resulted in a bill that is a crucial step towards addressing the nation's water resources needs, which have accumulated since the last WRDA was enacted.

The Nation can no longer wait for passage of this important piece of legislation. We are faced with numerous water resources challenges that over time have increased and cohtinue to increase in cost and urgency. We cannot afford to neglect this flood of needs because they will only grow and not dissipate.

WRDA's time is now. I appreciate your leadership in acknowledging the importance of H.R. 1495, and I look forward to a successful House vote on the bill this week. If you or your staffs would like to further discuss this issue, please do not hesitate to contact me, or Dave Mitamura of my staff.

Respectfully,
E. G. ROD PITTMAN,
Chairman.

Mr. GENE GREEN of Texas. Mr. Speaker, I want to congratulate the Subcommittee on Water Resources and the full Transportation and Infrastructure Committee for reporting out the Water Resources Development Act (WRDA) and getting through conference so we can send a bill to the President.

The previous two Congresses have failed to do so, and because of that, much needed flood control projects in Houston, TX, had been put on hold. I appreciate the inclusion of our language for the Halls Bayou Federal Flood Control Project in Houston, which will allow the Harris County Flood Control District, HCFCD, to start work on this project in the near future.

Historic flooding along Halls Bayou has been severe and frequent in some neighborhoods. During Tropical Storm Allison in June 2001, Halls Bayou was hit very hard, with more than 8,000 homes flooding within the watershed. No project can keep all homes from flooding, but a project can help reduce the risk of flooding for a significant number of families, reducing the need for Federal assistance, property damage, and loss of life.

The purpose of section 5157 of this legislation which pertains to Halls Bayou is to allow the HCFCD to conduct the General Reevaluation Review, GRR, and any subsequent Federal interest project on Halls Bayou. The Corps is limited in its staff, resources, and time with the many projects in the Galveston District and the Southwest Division. Local project sponsors with the necessary expertise, like Harris County, can provide efficiency by becoming more involved.

Halls Bayou, a major tributary of Greens Bayou, was authorized in WRDA 1990 as part of the Buffalo Bayou and Tributaries Project. The original Halls Bayou authorization assumed the Greens Bayou project in place, which is now finishing a GRR. Results indicate that the work on Greens Bayou downstream of Halls Bayou will not have Federal work, although it will have significant local projects. Therefore, a GRR is now needed for Halls Bayou as well.

While conducting the GRR to find a possible Federal interest, Harris County can begin project implementation in order to reduce future flood damage as soon as possible. Adding Halls Bayou to Section 211(f) allows Harris County to be reimbursed if the project is later approved by the Secretary. I thank the Subcommittee, full Committee, and the Conference for their work on this issue.

I support this bill and the balance that it strikes between the need to improve water resources for human purposes and to preserve our water uses for the environment and future generations. The projects in this bill are much needed, and I'm pleased the conference committee was able to complete its work so we can get a bill to the President.

Mr. BISHOP of New York. Mr. Speaker, I would like to thank Chairman OBERSTAR and Ranking Member MICA, as well as Subcommittee Chairwoman JOHNSON and Ranking Member BAKER and the committee staffs for their hard work and leadership on this important legislation—the first water improvement and conservation package in seven years.

Following several earlier impasses, I want to take this opportunity to commend the spirit of bipartisan and bicameral compromise on this important measure.

This bill benefits all Americans and their families who use and enjoy our Nation's waterways, public beaches—including over 300 miles of coastline along my district—and for U.S. businesses that depend on healthy and viable waterways throughout the country.

My district benefits from the good work that the Army Corps of Engineers does for coastal communities by helping small towns deal with multiple concerns ranging from erosion to longstanding environmental challenges. WRDA will allow the Corps to continue work on several projects on eastern Long Island that will protect the TWA Flight 800 Memorial, restore the quality of the Long Island Sound watershed, protect the famous Montauk Lighthouse, and continue environmental monitoring of the Atlantic coast of Long Island.

In addition, H.R. 1495 will go a long way toward supplying the Corps with all the resources it needs to protect coastal communities and vacationers by modernizing project planning and approval.

Mr. Speaker, I thank the chairman and ranking member again for their hard work on this issue, and I look forward to working with my colleagues to make sure that we get a WRDA bill to the President as soon as we can. We simply cannot afford to let another year go by without passing this legislation.

Mr. COSTELLO. Mr. Speaker, today we are considering the conference report for the Water Resources Development Act of 2007. This has been 7 years in the making to enact a WRDA bill that addresses the critical infrastructure needs of our country.

I would like to thank Chairman OBERSTAR, Chairwoman JOHNSON, Mr. MICA, and Mr. BAKER for a job well done in bringing this conference report to the floor today.

Without their strong leadership, dedication, and persistence we would not have a final conference report on the floor today.

I am pleased that projects for major flood control, navigation, environmental restoration, and other water resource projects, including projects in my congressional district, are being authorized.

I am also pleased we are finally authorizing the Upper Mississippi and Illinois Waterway system project. This project is extremely vital to the State of Illinois and the Nation because we are going to be able to move commerce more efficiently and effectively.

Modernizing that infrastructure is the right thing to do—it is a necessity—and I am glad to see this bill is moving forward on such a significant project to our economy and commerce.

Mr. Speaker, I again salute and thank Chairman OBERSTAR, Chairwoman JOHNSON, Mr. MICA, and Mr. BAKER for their leadership and hard work. I strongly support this conference report and urge my colleagues to do the same.

Mr. BAKER. Mr. Speaker, on behalf of the Port of New Orleans and the economic and business interests throughout the State of Louisiana that rely on the maritime trade and commerce through the Port, I am especially pleased today to commend the conferees on H.R. 1495, the Water Resources Development Act of 2007, WRDA, for their support of the navigation project to improve access to the Port's Napoleon Avenue Container Terminal. Section 1004(a)(7) of the WRDA conference report will allow the Army Corps of Engineers to dredge and maintain a channel leading to the Napoleon Avenue Container Terminal berthing area at a depth not to exceed the authorized channel depth of the Mississippi River Ship Channel. This will ensure that the transportation benefits of the authorized channel depth of the Mississippi River Ship Channel will continue to be realized by the adjacent Port terminal and the larger container and other oceangoing vessels that desire to use that facility. This small navigation enhancement project will create significant economic and business benefits for the Port, and aid in the continuing recovery of the greater New Orleans area. I thank Chairman JIM OBERSTAR and Ranking Member JOHN MICA of the House Transportation and Infrastructure Committee for their support of this initiative in the vital WRDA legislation.

Mr. WELLER of Illinois. Mr. Speaker, during the last set of votes I unintentionally voted against the conference report on H.R. 1495, the Water Resources Development Act of 2007.

I ask that it be put into the permanent RECORD that I fully support the passage of the conference report and ask that my vote be changed in the record from a "nay" vote to a "yea" vote.

For the 11th Congressional District that I represent as well as for all of Illinois, passage of this legislation is of the utmost importance. WRDA contains instructions at my request for the Army Corps of Engineers to carry out studies and projects within my district at LaSalle and at Ballard's Island in the Illinois River. The conference report also contains the critical updating of the lock and dam system on the Upper Mississippi and Illinois Rivers, vital to Illinois farmers and exports.

In closing, I want to commend Chairman OBERSTAR and Ranking Member MICA for producing a good bipartisan bill again and I am hopeful that this year we can finally get this bill to the President for his signature.

Mr. MACK. Mr. Speaker, I rise today to talk about a bill that is critical to improving our country's water quality and infrastructure, the Water Resources Development Act.

I am glad we're finally able to pass a WRDA conference report. For far too long, Congress has stalled on moving this critical legislation, creating a backlog of projects in the country, including many in Southwest Florida.

This legislation is vital to protecting our environment and improving water quality in Florida and the rest of the country. The bill will help to restore the Everglades and parts of coastal Louisiana affected by hurricanes. It will also assist in protecting our beaches and coastal areas from floods and storms and is vital in facilitating commerce at our Nation's waterways and ports.

Mr. Speaker, this bill will pay untold dividends in the years to come. We all agree that our children and grandchildren deserve to inherit a fiscally responsible government, but we also agree that they deserve to inherit clean water, clean air and a healthy environment.

I hope that the President won't act on his veto threat and instead will sign WRDA into law. We need this legislation to protect our environment for future generations. We can't delay in moving forward on these critical infrastructure projects.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the conference report on H.R. 1495.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. OBERSTAR. Mr. Speaker, pursuant to clause 4 of rule XVI, I move that when the House adjourns on this legislative day, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. The question is on the motion.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MICA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to change the convening time will be followed by 5-minute votes on the motion to suspend the rules and agree to H.R. 3248; and adoption of the conference report on H.R. 1495.

The vote was taken by electronic device, and there were—yeas 403, nays 15, not voting 14, as follows:

[Roll No. 788]

YEAS—403

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary

Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—15

Barton (TX)
Bishop (UT)
Davis, Tom
English (PA)
McCaul (TX)
McHenry
Pastor
Pearce
Sali
Souder
Tancredo
Weldon (FL)
Weller
Westmoreland
Wicker

NOT VOTING—14

Abercrombie
Bachmann
Clarke
Crenshaw
Davis, Jo Ann
Grijalva
Hastert
Jefferson
Johnson, Sam
Larson (CT)
Neugebauer
Pryce (OH)
Tanner
Young (AK)

☐ 2210

Mr. SMITH of Texas and Mr. LATHAM changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

SAFETEA-LU TECHNICAL CORRECTIONS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3248, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 3248.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 1, not voting 9, as follows:

[Roll No. 789]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—1

Flake

NOT VOTING—9

Clarke
Crenshaw
Davis, Jo Ann
Hastert
Hastings (WA)
Johnson, Sam
Pryce (OH)
Terry
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker Pro Tempore (during the vote). Members are advised 2 minutes remain on this vote.

☐ 2217

Mr. FLAKE changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT OF THE HOUSE FOR THOSE AFFECTED BY THE BRIDGE COLLAPSE IN MINNEAPOLIS, MINNESOTA

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute.)

Mrs. BACHMANN. Mr. Speaker, at 7:10 this evening, 6:10 Central Standard Time, a tragedy occurred with the collapse of one of the most highly traveled bridges in Minneapolis, Minnesota.

While Minnesotans were making their way home from work and on to the Minnesota Twins game, the I-35W bridge suddenly came down. Even now, as we stand here this evening, search and rescue teams are searching the waters of the Mississippi River for survivors.

The Minnesota delegation remains committed to ensuring that Minnesota receives the resources necessary for recovery. I want to thank the House leadership, in particular Speaker PELOSI and Leader BOEHNER, for responding so quickly and agreeing to lend their support.

I would ask that all Americans would join with the Minnesota delegation in praying for those that are impacted by this disaster.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CONFERENCE REPORT ON H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the question on adoption of the conference report on H.R. 1495, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 381, nays 40, not voting 11, as follows:

[Roll No. 790]

YEAS—381

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—40

Barrett (SC)
Bartlett (MD)
Blackburn
Blunt
Boehner
Brady (TX)
Broun (GA)
Burton (IN)
Campbell (CA)
Cantor
Chabot
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Gohmert
Goode
Goodlatte
Hensarling
Hobson
Inglis (SC)
Issa
Jordan
Kingston
McHenry
McKeon
Miller (FL)
Myrick
Neugebauer
Pence
Pitts
Putnam
Royce
Sensenbrenner
Shadegg
Stearns
Tancredo
Tiberi
Weller

NOT VOTING—11

Abercrombie
Clarke
Crenshaw
Davis, Jo Ann
Filner
Hastert
Johnson, Sam
Murtha
Paul
Smith (NE)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain on this vote.

☐ 2225

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Nebraska. Mr. Speaker, on rollcall No. 790. I was detained in a meeting. Had I been present, I would have voted "yes."

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3161, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–290) on the resolution (H. Res. 599) providing for further consideration of the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–291) on the resolution (H. Res. 600) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3159, ENSURING MILITARY READINESS THROUGH STABILITY AND PREDICTABILITY DEPLOYMENT POLICY ACT OF 2007

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110-292) on the resolution (H. Res. 601) providing for consideration of the bill (H.R. 3159) to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2272, AMERICA COMPETES ACT

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110-293) on the resolution (H. Res. 602) providing for consideration of the conference report to accompany the bill (H.R. 2272) to invest in innovation through research and development, and to improve the competitiveness of the United States, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HODES). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 2230

BRING OUR TROOPS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the sound of gunshots could be heard throughout Iraq last week. Unlike most days, however, it was not the sound of civil war. Instead, it was the sounds of celebration as Iraq won a pivotal soccer match over their Saudi rivals. The return to violence that is the new Iraqi way of life did not take long, however.

Most Iraqi families are living in unimaginable circumstances. Nearly one-third of the children are malnourished, and some 15 percent of Iraqis regularly cannot afford to eat. That's according to a recent Oxfam report.

The high for Baghdad today was forecast at 121 degrees. Electricity is available for about 2 hours a day. Children are out of school, and regular employment is becoming harder and harder to come by. In these conditions, it is hard to sustain hope. For a country so rich in resources, it is disturbing to hear the stories of families trapped in slums begging for clean drinking water. Mothers scourge to find books and paper for school lessons. It is no wonder. Over 4 million Iraqis have been displaced from their homes and have sought refuge in neighboring provinces or nations.

The United Nations estimates that 50,000 Iraqis leave their homes and become refugees every single month. That is the equivalent of one Biloxi or one Idaho Falls every month. It hits home even more when we think of a population the size of San Rafael or Petaluma, both in my congressional district. This is each month, Mr. Speaker; and the situation isn't getting any better.

We have spent half a trillion dollars on this occupation. Where has it gotten us? If only a fraction of the money we were spending on tanks and bombs was redirected to reconstruction and reconciliation, what a different country Iraq could be.

In my district in Marin and Sonoma counties alone, the taxpayers have shelled out $1.5 billion for this Iraqi occupation. If we really wanted to make America safer, this same amount, just the money from my district alone, could have paid for nearly 29,000 public safety officers or 20,000 port container inspectors. That's the real way to defend our homeland.

We don't need to wait until September to see if the administration's efforts in Iraq are working. They haven't worked from the beginning. We were not met as liberators. We are not making America safer. Our continuing presence only serves as a recruiting tool for new terrorists. How can anyone think to put our troops in harm's way merely to serve a political legacy?

Both the American and Iraqi people have consistently sent the clear message: Bring the troops home. Not in 2009 or whenever a new President comes along. The time is now, and we must not delay.

This will require bold actions, but our troops deserve nothing less than to be brought safely home to their families.

RECLAIMING DR. BERNARD SIEGAN'S REPUTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, today, I rise to correct the record concerning a great economist and a friend, the late Bernard Siegan, a distinguished professor of law at the University of San Diego. It will be remembered that in 1988 Dr. Siegan was nominated by President Ronald Reagan to the U.S. Court of Appeals. He promptly came under attack, one of the worst from Professor Lawrence Tribe of Harvard University.

Tribe wrote in a public letter on May 28, 1987, to Senator BIDEN attacking the academic views of Dr. Siegan as being outside the mainstream of American jurisprudence.

In a widely quoted section of his letter, Professor Tribe assailed Dr. Siegan's assertion that the Brown v. Board of Education ruling was "a component of the right to travel, a right long secured by the Federal courts."

At this time Professor Tribe claimed that this legal view was "tortured" and part of "Mr. Siegan's radical revisionism . . . so bizarre and strained . . . as to bring into question both Mr. Siegan's competence as a constitutional lawyer and his sincerity as a scholar." This type of assault was typical of the attacks that preceded the defeat of Dr. Siegan's nomination.

That was 1987, and much has changed since then.

Dr. Bernard Siegan died in March 2006. His many books, speeches and articles made him one of the most prolific and respected legal and constitutional scholars on the political right.

Recently, in sorting through the files of her last husband, Mrs. Shelley Siegan came upon a series of written exchanges between her husband and Professor Lawrence Tribe. Tribe wrote on September 6, 1991, "I have reconsidered my description of your analysis of Brown v. Board of Education. I agree with your general approach that Brown can be justified by arguing from the 'liberty' component of the 14th amendment."

Tribe further wrote Dr. Siegan, "although I do not reach the same conclusions you do, the issues you raise are important enough to be worthy of scholarly discussion."

Unfortunately for Dr. Siegan's reputation, Professor Tribe's reevaluation was never publicly documented. However, in a letter to Mrs. Siegan on September 21, 2006, he wrote, "Please permit me to apologize to you here for the unnecessary and ad hominem character of what I wrote to Senator Biden in May 1987.

"I am sorry to have caused him, or you, any distress, and I am grateful for the opportunity your letter affords me to set the letter straight as best I could do at this late date."

All this tells us much about the ugly period of personal attack this country experienced during the judicial nominations of the 1980s.

I hope this review of the above-cited letters makes it clear that Professor Bernard Siegan was a distinguished and respected scholar, a champion of personal liberty and private property. And contrary to the assertions made during his nomination hearings in 1987, Professor Bernard Siegan would have been made an excellent addition to the 9th District Circuit Court of Appeals.

And now the record is set straight.

RESPONSIBLE FATHERHOOD AND HEALTHY FAMILIES ACT OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, there is broad agreement that fathers matter in the upbringing of children. Studies show that children raised in the absence of a father are more likely to live in poverty. Children whose fathers interact with them on a regular basis on such daily activities as helping with homework, enjoying recreational opportunities and sharing meals have higher self-esteem and are better learners.

Children raised in the absence of a father are more likely to engage in risky behaviors such as early sexual activities, as well as drug and alcohol use. Statistics demonstrate that boys raised in fatherless homes are more likely to become violent.

No one argues that there is any one model of family structure, but the elimination of government barriers to healthy relationships and healthy marriages, the promotion of cooperative parenting skills, and the fostering of economic stability and the provision of incentives to noncustodial parents to fulfill financial and emotional support responsibilities are clearly in the best interest of millions of children.

What we have learned is that even effective fatherhood programs cannot by themselves address the growing crisis arising out of the trend toward a single-parent home. What is required is a national social infrastructure which supports effective fatherhood. Therefore, on Friday of this week, I, with Representative ARTUR DAVIS, JULIA CARSON, BOBBY RUSH and others shall introduce the Responsible Healthy Fatherhood Act.

The Responsible Fatherhood and Healthy Families Act of 2007 restores cuts in Federal child support and requires States to pass through 100 percent of collected child support payments. It prohibits unfair and unequal treatment of two-parent families receiving TANF. It provides grants to help reduce barriers to healthy family relationships and obstacles to sustainable employment.

The Responsible Fatherhood and Healthy Families Act of 2007 ensures equal funding for programs such as mediation and conflict resolution. It provides funding for partnership between domestic violence prevention organizations and fatherhood or marriage programs to train staff in domestic violence and domestic violence prevention.

Mr. Speaker, this legislation is designed to promote healthy family living; and I encourage all of my colleagues to take a hard look at it and support it.

□ 2245

A LETTER TO CONGRESS FROM JENIFER ALLBAUGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, I received a letter from a mother of a Marine who was killed on July 5 of this year. She asked that I make this letter known to the Members of the House, and that is what I will do at this time. I will read directly from her letter.

"Let me first tell you about myself. My name is Jenifer Allbaugh, my husband is Jon Allbaugh and we have three children together. My son, 2nd Lt. Army Jason Allbaugh (24), my daughter Alicia Allbaugh, college sophomore (19) and Cpl. Jeremy Allbaugh, USMC (21). Jeremy was killed in Iraq on July 5, 2007 while on a mission in a Humvee that was hit by an IED.

"Jeremy enlisted in the Marine Corps before he graduated from high school in 2004. We were at war but he very much wanted to serve his country. He believed very much in what he was doing and what his country was trying to accomplish in Iraq and Afghanistan.

"While we as a family are struggling greatly with the loss of our hero, I feel a great need to express my concerns in regards to our military.

"I do not understand why our government has to be pushed to equip our military with the best equipment technology has to offer. We are one of the greatest Nations on this earth, but yet it took parents and other individuals to get our military up-armored Humvees and better body armor. Now we need Mine Resistant Ambush Protected Vehicles and the debate is on again.

"First of all, these vehicles were available for years before this war began, but yet we are just now realizing the need for them. This is shameful, and there is no excuse for it. I would like one person to look me and other mothers in the eye and explain why our sons were not in the these vehicles. According to Secretary of Defense Robert Gates, approximately 700 American heroes would be alive today if they had been in an MRAP, my son included.

"I'm not smartest or most educated woman in the world, but it doesn't take a genius to figure out that there should be no debate over supplying our military with these vehicles.

"IEDs seem to be one of the most effective weapons terrorists have against our troops. Money should not be an issue. This country has been selfish long enough. It shouldn't matter how much it costs. If you are going to ask our military to put their lives on the line for our freedoms, then again, money should not matter. We as a country can go without perfectly paved roads and other such luxuries we seem to think we need for awhile. We gripe about the cost of gas, milk and cup of coffee. If Americans would quit being selfish, maybe funding this war wouldn't be so hard.

"Our Congress and Senate need to stop the finger pointing, back biting, back stabbing and name calling and do their jobs. Work together. As hard as that sounds, the rest of us in the 'real world' have to do it every day.

"It is also time for what I believe is a silent majority to stand up and be heard. Since the death of our son, we have heard from people all over the country who appreciate what he did for his country. They also appreciate what our military is doing in Iraq and Afghanistan. But we as a country only hear from the ones who complain the most. The rich and famous, who don't know what they're talking about, get to tell their opinions, but not those of us who support our sons and daughters who have volunteered to serve this country.

"I had long conversations with my son while he was in Iraq. I was one of the lucky Moms who got to talk to her son quite frequently. He told me of the good things they were doing, for example opening schools, hospitals, clinics and helping recruit men into the Iraqi Army. The vast majority of the Iraqi people in the area Jeremy was in, loved and appreciated the Marines. They understood why we are there. He told me how the locals were voluntarily giving info on the terrorists and their activities and that neighborhood watch programs had been started.

"Do we hear of this? No. Because it isn't sensational enough and it doesn't get votes.

"This war has had a lot of mistakes made, but to me it's neither here or there. We are there and there are good things being done. I want no more excuses and explanations. Write the check with no attachments and give our men what they need. MRAP's should have been there from the beginning and should be there now. Secretary of Defense Robert Gates is asking for more money for MRAP's. This is a no brainer and there should no excuse for thousands to be built. I as a Mother do not care what the obstacles are. We built ships faster than this during World War II. It can be done if we want to. Don't attach pork and other stupid stuff to it either. Just do it. Until we finish our job in Iraq and Afghanistan these vehicles shouldn't be under debate and should be top priority in the manufacturing industry. If you had done this in the first place, my son and many others would be alive today. He was in a Humvee every day he was in Iraq as are thousands of others.

"Jeremy was a bigger man at 21 than any of the men and women that are running this country. He went to war without hesitation or reservation. He did his job well and was sorely overworked and underpaid. I ask that you all start earning your paycheck and do what is right. As my son said, 'We are doing good things here and we need to finish.'"

Please honor our military and give them the equipment and time in Iraq and Afghanistan that they need. Please save another Soldier or Marine in a Humvee by putting them in MRAP's.

"The Iraqi people where my son was appreciated him and his fellow Marines. Too bad our own politicians don't. Quit using words of support and do it with deeds."

I realize my time is expired, and I thank the Speaker.

PASSAGE OF THE DEEPWATER BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, yesterday, the House of Representatives resoundingly supported efforts to strengthen the management of the Coast Guard's $24 billion, 25-year Deepwater procurement effort by passing the Integrated Deepwater Program Reform Act, H.R. 2722, which I authored, and they voted by a sum of 426-0 for that bill.

I want to again thank Congressman JAMES OBERSTAR, the chairman of the Committee on Transportation and Infrastructure, for his leadership on this legislation. I thank the ranking member of the full committee, Congressman MICA, and ranking member of the Subcommittee on Coast Guard and Maritime Transportation, Congressman LATOURETTE, for their work on this bill.

And certainly I thank the chairman of the Homeland Security Committee, BENNIE THOMPSON, for his wise counsel and his efforts to get the bill to the floor.

Mr. Speaker, I'm confident that the enactment of H.R. 2722 will help restore the trust of the American people in the ability of the United States Coast Guard to manage taxpayers' resources and to hold contractors accountable for the quality of the assets that they produce.

I look forward to continuing to work with my colleagues in the House and with my colleagues in the Senate, particularly Senator MARIA CANTWELL, the chair of the Oceans, Atmosphere, Fisheries and Coast Guard Subcommittee, to take the steps necessary to put legislation forward to strengthen the Coast Guard's management of Deepwater on the President's desk.

The Subcommittee on Coast Guard and Maritime Transportation, which it is my honor to chair, continues to work diligently to oversee not only the Deepwater project but, indeed, all of the operations of the United States Coast Guard.

Yesterday, the subcommittee held a hearing to examine the Coast Guard's administrative law system, which weighs allegations of misconduct or negligence to determine whether a mariner's credentials should be suspended or even revoked.

The subcommittee received testimony from two former administrative law judges suggesting that during their tenure they worked in an atmosphere that did not support their exercise of judicial independence in the consideration of their cases.

Additionally, serious allegations were raised that, if true, would imply that improper actions may have been committed to direct an ALJ to decide matters in the Coast Guard's favor.

Such testimony is obviously deeply disturbing, and again, I emphasize, if true, we suggest that the scales of the Coast Guard's justice and administrative law system are not evenly balanced.

While we continue investigating the allegations raised, I do know that any administrative law system must not only ensure that there is no impropriety in the conduct of administrative proceedings but that there is not even the appearance of unfairness in the system.

I now believe that the administrative law system reviewing cases against mariners should be separated from the Coast Guard, and I look forward to continuing to work with the ranking member of the subcommittee and with all subcommittee members to consider how best to achieve that objective.

Our subcommittee will conduct a second oversight hearing this week. Tomorrow, we will examine the Coast Guard's marine safety program. This hearing will provide a comprehensive examination of whether the Coast Guard personnel have the expertise, the experience and the continuity necessary to effectively inspect vessels, license mariners and develop the regulations that will make vessels safer and protect our natural environment.

The Coast Guard is our thin blue line at sea and a critical part of our Nation's homeland security system. The Deepwater bill passed by the House and the oversight hearings held by the subcommittee this week will help to ensure that this thin blue line is as strong as it possibly can be and that the service is working effectively and efficiently to meet the highest expectations of the American people.

Again, I applaud the passage of the Deepwater bill and express my gratitude for the dedication of the great men and brave women that serve in the Coast Guard.

SCHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, I asked to speak this evening on SCHIP, the bill that was passed today. Unfortunately, I was unable to be there during the day here on the House floor during the debate, but I wanted to speak about the importance of it to me personally and why I think it is important to this Nation.

Two years ago this month, or just around this month, having served 31 years in our military, my 4-year-old daughter, my only daughter, was diagnosed with a malignant brain tumor and given 3 to 9 months to live. We began a series of brain operations and then chemotherapy.

Down the street in Children's Hospital, we began that treatment, and about January when we were done and began to think about what to do with the rest of my life, having then retired from the military to live with my daughter on an oncology ward, it became very important to me to remember what I saw when we began that chemotherapy treatment.

We were in a small room like anybody else who has been in a hospital. We had a roommate. It was a young 2½-year-old boy here from Washington, DC, who had entered the hospital that day because he had been diagnosed with acute leukemia.

And for about 6 hours as my daughter was undergoing her first chemotherapy, vomiting about, as I remember, 19 times that day, we could not help but overhear through this thin curtain that separated the bed from my daughter's social workers who came and went, working with the parents of that young child to see if he might remain there in the hospital to be treated for his cancer. And they had to do that because he was uninsured.

Here I had been in the navy for 31 years, and the one time I had a personal challenge, and I had many professional challenges, this Nation gave my daughter an opportunity.

I took her pathology slides everywhere, Children's, Mass General, John Hopkins, Children's in Philadelphia, and then we sought the best out to give her an opportunity, having been challenged for just 3 to 9 months to live.

I went away to an 11-month war and never worried that my daughter and my wife would be taken care of. I don't understand how that young child, 2½ years old, sitting in that room next to my daughter did not have the same opportunity. Where was the Nation for him?

So, therefore, I just rose to speak today thats why I entered the race for Congress after 31 years in the military was not, as many assumed, because of the Iraqi war, that tragic misadventure, but rather, it was to give every child the same opportunity mine had.

Hubert Humphrey said it well: The moral test of a government is how well it takes care of those in the dawn of life, the children; those in the twilight of life, the elderly; and those in the shadows of life, the sick, the disabled, the handicapped.

But for me, it was more personal. This Nation was here for me. I owe it. And I intend to pay it back by continuing to work for programs like SCHIP where that young 2½-year-old boy, uninsured, had to wait for the social workers to convince an administration that he might have the opportunity to live.

That's why SCHIP to me is so important.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, under sections 211, 301(b), 304(a), 305(b), 314(d), 320(a), and 320(c) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2007, 2008, and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to the bill made in order by the Committee on Rules, H.R. 3162 (Children's Health and Medicare Protection Act of 2007). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure (H.R. 3162) is under consideration. The adjustments will take effect upon enactment of the measure (H.R. 3162). For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House committee	2007		2008		2008–2012 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Energy and Commerce	−1	−1	134	132	89	87
Ways and Means	0	0	−38	−38	−98	−98
Change for Children's Health and Medicare Protection Act of 2007 (H.R. 3162):						
Energy and Commerce	0	0	2,872	2,872	51,798	51,798
Ways and Means	0	0	2,939	2,939	−26,190	−26,190
Total	0	0	5,811	5,811	25,608	25,608
Revised allocation:						
Energy and Commerce	−1	−1	3,006	3,004	51,887	51,885
Ways and Means	0	0	2,901	2,901	−26,288	−26,288

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year 2007	Fiscal year 2008[1]	Fiscal years 2008–2012
Current Aggregates:[2]			
Budget Authority	2,255,570	2,350,357	n.a.
Outlays	2,268,649	2,353,992	n.a.
Revenues	1,900,340	2,015,841	11,137,671
Change for Children's Health and Medicare Protection Act of 2007 (H.R. 3162):			
Budget Authority	0	5,811	n.a.
Outlays	0	5,811	n.a.
Revenues	0	4,516	27,368
Revised Aggregates:			
Budget Authority	2,255,570	2,356,168	n.a.
Outlays	2,268,649	2,359,803	n.a.
Revenues	1,900,340	2,020,357	11,165,039

n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 32 minutes, which is half the time until midnight, as the designee of the minority leader.

Mr. PETERSON of Pennsylvania. Mr. Speaker, tonight I'd like to share with the House what I think is the most important issue facing this country. Later this week we will have an energy bill, or a so-called energy bill, because the number one issue facing America, in my view, is available, affordable energy.

First, I'd like to look at my chart on my left here, and this is the energy as we utilized it in 2005. It has not changed much in 2006. It changed very little in 2007.

The number one form of energy that we use is oil, 40 percent.

The second item is natural gas, 23 percent. Now, natural gas is used to heat our homes, to heat our businesses. It's used by many people. Many people are not aware that it's used in making many goods. Petrochemicals use it as a fuel and use it as an ingredient. Fertilizer uses it as a fuel and as an ingredient and so does polymers and plastics. In fact, most of the man-made materials today have natural gas in them as an ingredient, and they also use natural gas as a fuel to make the product. Plus, we also now generate more than 20 percent of our electricity with natural gas. So natural gas is the one that's been growing in use but not in production.

Coal is an equal amount which we use a lot to generate electricity mostly, 23 percent, heat a few factories. Nuclear, again to generate electricity. Hydroelectric, again to generate electricity.

Biomass is the one that's been growing. Nobody talks much about it. But it's woody waste, it's used in the pellet industry for pellet stoves to heat our homes. It's one of the new uses of wood waste made out of saw dust. Also, biomass is used in power generation. It is used to top coal loads so that they bring the air standards down because it burns cleaner, and many factories are now using waste pallets and waste wood to heat their factories because it's a cheap fuel.

Geothermal is one that's growing slowly. It's usually with new construction, not old, because of the underground work that's needed to use geothermal to heat your home or business.

Wind and solar are the ones we hear a lot about. Hydrogen is not even on here, but hydrogen vehicles is another one I should mention.

But this shows you, and I guess the part that is worrisome is that all of our energy bill deals with the last four:

biomass, geothermal, wind and solar, or hydrogen.

☐ 2300

The numbers in them are so small. We are all for them. The energy bill also does some good things. It does deal with conservation, wiser use of all of our forms of energy, better CAFE standards, although I am not sure that's in the bill, although there is talk about that being there, use, getting more fuel efficient cars.

But there's a lot of things in this bill that are very alarming. I believe that our 66 percent dependence on foreign oil will increase under the proposed legislation, because this bill goes in the wrong direction. Today, oil reached $79 a barrel, closed at $78.77, record high. I talked to some energy people this evening at a dinner, and they would be surprised if it doesn't reach $100 this summer or this fall.

Everything is in place. There is a world shortage of oil. We are not producing as much as we should be, and the tremendous consumption by countries like China and India and all the developing nations are now using huge amounts of oil. They are roaming around the world, signing up contracts, while we sort of sit along the sidelines dealing with the lower four.

The Wall Street Journal yesterday reports that the Organization of Petroleum Exporting Countries posted record revenues of 650 billion last year on high crude prices and increased oil production, 650 billion, many of those our dollars.

Another move to use energy as a political weapon, Russia announced today that it's cutting off Belarus off from its natural gas supply. At the same time, Russia is trying to annex the North Pole in a very controversial move, contravention of international law, to feed its energy lust.

Yesterday, it was announced that Venezuela has joined China, Norway, Canada and Spain to produce energy right off the Florida coast.

The Iranians and the Chinese are inking new energy production agreements with Venezuela. Dow Chemical just announced that it's going to build a $22 billion chemical facility in Saudi Arabia because natural gas supplies in this country are too tight, energy prices are too high.

What most people don't realize is that natural gas is not a world price. We had $78 oil today. The whole world does. We have had the highest natural gas prices in America of the whole world for 6 years, and that has endangered the financial stability of chemical companies and fertilizer companies and plastic and polymer companies and steel and aluminum and bricks and glass that use huge amounts of natural gas to make them.

Recently, the Business Roundtable, which represents 160 CEOs of the leading companies in America that use energy, 4.5 trillion in annual revenues, with 10 million employees, wrote in a letter recently, "None of the House [energy] bills addresses the critical need to increase domestic supplies of petroleum liquids and natural gas. Energy security means having well diversified sources of energy—not putting all of our eggs in one basket. Alternative fuels will not eliminate the need for traditional energy resources and, without additional supply, the tight market conditions that have put pressure on prices are likely to persist. The result may well be greater reliance on imports," and there are many who predict that we have been increasing our dependence, 2 percent every year. Some think we will spurt up to 70 real quickly, because of the energy bill.

The result, the unnecessary and counterproductive impediments to oil and gas leasing, on Federal lands, contained in this bill, report by the Natural Resources Committee, will have an immediate negative effect on domestic production and should not be adopted by the House.

It will cut off 9 trillion cubic feet of natural gas from the Colorado Roan. It will cut off 2 trillion barrels of oil shale from oil shale resources. It will cut off 18 percent in Federal on-shore production, because it is removing the redundant NEPAs.

Currently, we have off limits the Outer Continental Shelf, and this little spot in the middle here is the new Colorado Roan Plateau. It's a huge, clean natural gas field in Colorado that was set aside as the Naval Oil Shell Reserves in 1912 because of its rich energy resources. There is more natural gas there than was in the bill that was passed last year in the gulf.

Cutting off the Roan Plateau was not the subject of any hearings, markups, and was done at the 11th hour. It also cuts off 2 trillion barrels of oil shale from oil reserves in some of the similar areas there, 2 trillion barrels. Now, that's the largest oil reserve known left. Like coal oil shale may prove to be our key to hundreds of years of energy security. This bill throws the key away by neutering the current oil shale program. Meanwhile, China is developing its oil shale.

The NEPA program, NEPA studies, redundant NEPA study was legislation that I helped to get in the energy bill which says that redundant NEPAs are not necessary. Historically, groups who are trying to prevent drilling from happening would force producers into multiple NEPA studies, a NEPA study, an environmental impact statement. Many times before they were allowed to drill a well, they would have done 3, 4 or 5 of them, each taking a year.

I had talked to people who had leased land, and 7 years later had not produced any oil. That will not serve America well. The bill we are going to be considering cuts off 10 billion barrels from the National Petroleum Reserve in Alaska. This is an interesting one, cuts off interagency communication for oil and gas permitting.

Historically, all of the agencies, when they were permitting oil and gas, like Bureau of Land Management, Forest Service, EPA, Fish and Wildlife Service, Army Corps of Engineers, would all work together in their permitting process and would all work together collectively in enforcing them. This legislation says they must all deal with the person separately, which makes it much more difficult to produce energy.

I want to next bring up the next chart here. Total net U.S. petroleum imports. Prior to this energy bill, I believe it was called energy independence. Folks, the legislation we are going to consider this week will increase energy dependence. It will give us no independence.

This shows you the study path of dependence. Many of us predict this bill put another spike here because it locks up good reserves, and it takes away what opportunities we have.

It's vital to America that we produce fossil fuels.

In my view, we ought to be opening up the Outer Continental Shelf, and I will talk about that in a minute, which is, for natural gas, I have a bill to do that, and I will talk about it in a few minutes. But we also ought to have a program promoting coal to liquids, because the Germans fought us in the war when we blockaded them and prevented them from buying energy, any oil. They made their energy out of coal. Their processes are still known.

There are several processes that have been developed, but these processes need to be streamlined. We need to build some pilot plants. We need to make sure that in the future we are not growing our dependence to 70 and 80 percent on foreign countries.

Interestingly enough, the Air Force is doing their own work. They have been experimenting with coal to liquid. They have been experimenting with natural gas to gas liquid, which would make natural gas prices even higher because there is not enough supply, because they don't want to be dependent in the Air Force. They use 2½ billion gallons of jet fuel a year, and they want at least at least 60 percent of that to be from American products. They can't do that today. They are dependent on foreign oil.

The interesting thing we need to know, where does the foreign oil come from? Exxon is the 14th largest oil company in the world. The 13 larger are government-run oil companies. Most of the companies like Iran, Iraq, Russia, Saudi Arabia, the government owns the oil company, owns the oil, opens the refineries, owns the marketing strategy, and even countries like nearby Mexico.

We have all of these countries in the world. Most of the ones that are the big oil producers are not democracies. They are not particularly close friends of ours. There is much concern in the world today that 80 some percent of the known oil and gas reserves are opened by governments that are monopolies that own the whole shebang. They own it in the ground. They own the refineries. They own the marketing systems.

Unfortunately, the fear is that Venezuela is going down the same road that Mexico went. Mexico has huge reserves, but they have always been a government monopoly. They don't put money back into the oil fields, and so today they can't produce enough of their own. We actually export oil and gas both to Mexico when they ought to be exporting to us and to the rest of the world because they have huge reserves.

Because they are government run, they are corrupt. They steal from the oil reserves, money, and use it for other purposes and don't invest back. So their fields are so antiquated that they can't produce. There are many that are afraid today because in the last 3 or 4 years, three or four or five countries have taken over what were partly owned companies from the big oil companies, chased them out, taken over their equipment, taken over their refineries, taken over their operations, taken over their ownership, and they are now government-run monopolies.

That's unfortunate, because they are doing the same thing that Mexico and other countries have done. They are not putting their money back. They have kicked out the smartest people in the country on how to produce oil, how to do refineries, how to produce the energy we need, and so there is great concern around the world that, as they continue to do this, their ability to produce will decrease and decrease, and the oil supply will be shorter and shorter.

We sit here today with $78, $79 oil, $78.87, and we are storming the gulf away from probably $90 oil or any little blip in one of these big producing companies, and $100 oil. In fact, someone was telling me today of a pipeline he was worried about that produces 2 million barrels a day, and he said that pipeline is too long, in a very dangerous situation in the world. If it was blown up, we would have $100 oil in a couple of days.

Should America be dependent on foreign, unstable countries, not democracies, not our friends, for the lifeblood of our country? I don't think so.

Let's bring the chart back up on energy here. I am for all of these renewables. I want all the wind we can get, all the solar we can get, all the ethanol and biodiesel we can get, geothermal. Why we aren't putting more hydroelectric in because we have dams all over this country that have never had hydroelectric hooked up to them. We should be expanding nuclear.

With the greatest coal reserves in the world, we should be force feeding coal to liquids and coal to gas mass. Now, some of the arguments I have had is, because of carbon sequestration, we can't do coal. Well, folks, we better do coal. We can work on the carbon sequestration as we refine the process of developing liquids and natural gas from coal.

Now, natural gas, I believe, is our road to the future, for the immediate future. We have huge reserves of natural gas, Outer Continental Shelf. Let's bring that world map back up here or the United States map back up here again.

We have huge reserves offshore. We only produce in the gulf, but we have huge reserves up and down the coast line.

Now, I have legislation that will open up the Outer Continental Shelf, and it's vital that we do that. It's vital that we produce, because we, every electric generating plant we have built recently is natural gas. So if we continue to have a hot summer, we will use a tremendous amount of electricity. In hot weather, they turn on the gas plants, peaker plants. Before, 12 years ago, we only used natural gas for peaking plants. That was high use in the morning and high use at night, but where they were not allowed to run during the day, only in emergency.

But then we took that restriction off, so now 98 percent of all the plants built in 12 years have been natural gas plants. They are cheaper, they are easier, but it's the most expensive electricity we are producing today. They are 22 percent of the volume, and they are 55 percent of the cost of electricity, because natural gas is so much higher than it used to be, because we have not produced natural gas in adequate numbers. But if we produced our offshore, if we continued to produce more in the West, we could bring natural gas prices down so we are not the highest in the world.

□ 2315

When Dow Chemical moved its big plant to Saudi Arabia that they are building right now, they didn't want to do that, but their natural gas bill went from $8 billion per year to $22 billion per year and continues to rise; $8 billion to $22 billion. Nobody talks about that.

Clean, green natural gas, it heats 50-some percent of our homes, 60-some percent of our businesses. It is used to make ethanol, it is used to make biodiesel, it is used to make hydrogen, and it could be fueling one-third of our vehicles. And if we did that, because you can burn natural gas in a gasoline engine. You have to use a different fuel system, but it is just a change. We know how to do that. But it has to be affordable, there has to be financial incentives there, and so we need to do that.

But the unfortunate part is America is just kind of going along like we have always had cheap energy. And I sometimes get angry at Congress and I get angry at the administration because energy has not been as high a priority as I think it should have been. But then 6 years ago, we had $2 natural gas and we had $10 oil; the world was awash in it. The only concern people had was we were importing too much of it from foreign countries and we weren't producing our own. But as cheap as it was, it didn't really matter.

But we are a long way from $2 natural gas and $10 oil. The average price of natural gas to the home last year was $12.50 per thousand and the current price of oil is almost $79, and expected to go higher.

So it seems to me that there would be a sense of urgency in this Congress and that legislation that we would be looking at this week would really deal with availability and affordability of energy. But, unfortunately, people keep saying that renewables must take over. Well, I wish they could. I am for them all, clean renewables. But clean, green natural gas can really bridge us until we have renewables playing a more significant role, until we have some new break-throughs.

My legislation to open up the Outer Continental Shelf will allow the first 25 miles to be locked up by law. Today, we are locked up for 200 miles. We are the only country in the world that I know of that has locked up the Outer Continental Shelf, and that is from 3 miles to 200 miles; that is considered our territory to produce. Everybody, Canada, Norway, Sweden, Denmark, these are pretty green countries, New Zealand, Australia. They all produce there.

Everybody talks about Brazil being energy independent. They are, because of ethanol. But it is not just ethanol. Ethanol was just a little piece of it. They also produced energy on their Outer Continental Shelf, and they don't now depend on anybody else for energy.

Unfortunately, we can't ever get there. We will always be dependent on foreign countries for energy. There is no way America can be self-sufficient, but we sure ought to be trying. We sure ought to be moving in the right direction instead of continuing to be more dependent. We are now 17 percent dependent on natural gas. Thank God for friendly Canada to the north. They produce about 15 percent, and we get about 2 percent of LNG. That is liquefied natural gas. That is another whole issue. I am not opposed to it. It is very expensive. You have to build new sending ports, you have to build huge sending ports, you have to build huge receiving ports that nobody wants; and there has been great resistance to that. And you have to build the biggest ships known to man to bring that natural gas here.

But, again, we are buying it from foreign, unstable, nondemocratic countries. Some say, it is okay for emergency, but don't we have enough of that? But clean, green natural gas, if we produced, opened up the Outer Continental Shelf, my bill, 25 miles remains closed; the second 25 miles, States' rights. They can open it if they choose to. The next 50 is open, but the States still have a say. If they don't want it produced, they can pass a law that their Governor signs that keeps them in the moratorium. And then the second 100 miles would be open.

Now, I would like to open it for oil because I think we should, but we haven't been able to pass clean, green natural gas. A natural gas well has never polluted a beach. A natural gas well has never polluted anything. It is a simple six-inch hole drilled in the ground with a steel casing put in behind it and the pipe is rigged up to allow natural gas to flow into a system.

Offshore, if you are past 25 miles, you will never see it. You only can see 11 to 12 miles. It will never be seen. You will never know it is there. And you can check with the people in the gulf, the best fishing in the gulf is where we produce gas and oil. The fish are attracted to the rigs. It helps make new reefs; it helps make barriers to protect them. It does not hurt aquatic life. In fact, it is probably the most environmentally friendly place to produce energy, and we as a country have said we are not going to do that. We are not going to produce energy there. In fact, we are not going to produce energy at all if we can help it.

The bill before us this week will restrict the production of energy in a whole lot of ways. I have already listed them. And that is very unfortunate for America, because there is a lot of incentives for renewables. But if you double wind from one-sixteenth of a percent, you now have one-eighth of a percent for energy. That doesn't change much. That doesn't really change anything.

And solar, we keep hoping for breakthroughs, but it is even a smaller fraction. And geothermal is a big expense, and it is usually done with new construction. But in my country, I find out that when it gets below 10 degrees or 15 degrees into really hard, cold winter weather, it doesn't work well enough and people start looking for other kinds of heat.

Let's have the chart here on my bill. The NEED Act is the bill we hope we can amend into the energy bill. It would open up the Outer Continental Shelf for gas only. And we do some things here that we think are important. States will get 37.5 percent. That will be up to 150 billion. That is with the known reserves. And we have never done modern seismographic out there, so most people who produce oil figure there is three times as much out there than we think because the old seismographic of 40 years ago wasn't very good and today we have much more sensitive seismic that will tell us exactly what's out there.

We are going to give 100 billion to the government for the Treasury; $32 billion will go into a fund for renewable energy that will help us promote the renewables of the future; $32 billion will go into carbon capture and sequestration research, because there are those who determined that we must capture carbon. I am not sold totally on that; I am still somewhat skeptic, but let's provide the money so we can capture the carbon and we can produce energy without putting carbon in the atmosphere if that is what they believe to be correct.

We put $20 billion to clean up the path of the Chesapeake Bay, the exact amount of money they say they need to clean up the Chesapeake Bay; $20 billion to restore the Great Lakes, exactly what they said they needed to restore the Great Lakes; $12 billion for the Everglade restoration; $12 billion for the Colorado River basin restoration; $12 billion for the San Francisco Bay restoration; and $10 billion for LIHEAP and weatherization, which we have to fund because energy prices today are forcing people out of their homes.

I come from rural America. We have big old farmhouses, and people hate to leave their original farmhouses. Some of them, their parents and their grandparents were raised there. They like it there, they are comfortable there, it is a nice location. But they are hard to heat. They are big old plank houses, they are not built like houses today, and it takes a lot of energy to heat them. And people, with today's oil prices and natural gas prices, are forced out of their homes. That shouldn't be in America.

With the energy prices that are facing us this year, this winter, by the time Americans drive their vehicles with possibly $3.50, $4 gasoline, and very high gas and fuel oil to heat their homes, they will be choosing between being warm, having adequate food, and other staples of life. I know last winter, which was a very mild winter in my area in Pennsylvania, up until January and then it was very, very cold from January 15 on for about 3 months; but overall, it was considered a mild winter because the first half was very mild. I know people that kept their homes at 58 degrees. Seniors in America shouldn't have to live in a 58-degree house. That is not how it ought to be. They ought to be able to afford to heat their homes.

And the tragedy is if we were allowed to produce, if this Congress would stop locking up the Outer Continental Shelf, if they would open up the reserves in the Midwest which some of them are taking off in the energy bill, we could have adequate natural gas in this country; the price could be affordable; Americans could be warm; and, the very best jobs in America like petrochemical and polymers and plastic and fertilizer and glass and steel plants and bricks could be made in America, and middle-class working Americans could continue to have the jobs that have historically allowed them to live a quality of life and raise their families.

Natural gas and energy prices overall are going to change the American economy. We are right on the verge of how much this economy can absorb. I was talking to someone who has worked on this all their life. They said they are astounded that $70 oil has not stalled our economy. They are just holding their breath because they know it can't get much higher without stalling our economy and putting our economy into a recession and possibly a world recession. These kind of energy prices.

America has to get busy. China is building coal plants weekly, nuclear plants monthly, building the largest hydro dams in the world and cutting deals all over the world for gas and oil and coal. They are out there because they know, like so many other countries know, energy is scarce today, it is high priced, and they have to be about securing their future.

This Congress has been negligent year after year in dealing with energy, and here we are now facing an energy bill that is actually going to move us backwards. The Pelosi energy plan has no energy in it. In fact, it takes energy out of the supply stream we have today and will force dependence up on foreign unstable parts of the world, with false hopes that we can conserve.

And I am for conservation. I am for all of the better light bulbs and more efficient appliances and all the things and more efficient cars. All of those things. But they move the pendulum very slowly. New CAFE standards take 10 to 15 years for the new fleet to fully be here. All of these other appliance changes, it is only when a person buys a new appliance does it impact. And I know people who have refrigerators that are 15 and 20 years old, and until they replace that they are using an older, wasteful refrigerator.

Folks, we need to have energy as the number one issue facing this Congress, energy availability and affordability. We became the strongest Nation in the world because we were the first to discover oil, harness oil, and give us an energy source that started the Industrial Revolution. The whole transportation revolution came from this country because we produced energy. We are choosing today to not produce energy, and we will fritter away, we will become a second rate nation in a very few years if we continue the wrong energy policy. And if we pass the energy bill that we are going to be facing on Friday, I believe we will increase dependence quickly, we will actually cause Americans to be forced to move out of their homes in the near future, not be able to live in the homestead because they can't afford to heat it.

We will continue to force millions of jobs overseas as we have in the past. Chemical plants have been built overseas in the last few years; they will continue to be rebuilt overseas. They can't move quickly, or they would have already been gone. It is a $2 billion, $3 billion, and $4 billion investment to build a small chemical plant, and $10 billion and $20 billion to build a large one. Folks, they are in the process of doing that.

We now make 50 percent of our fertilizer offshore. In fact, the ethanol issue is an interesting one, because we are taking food stock, corn. And to grow the corn, we have to have lots of fertilizer. It takes a lot of fertilizer to grow corn. And 50 percent of the fertilizer that we are using to grow corn is coming from foreign imports. Does that make any sense? I don't think so. Because clean green natural gas can solve all those problems.

I look at natural gas as the clean fuel that bridges us to the future. No NO_X, no SO_X, a third of the CO_2 if you are worried about CO_2. And why the environmental groups are against clean green natural gas, I will never know, because some of the renewables are not nearly as clean as clean, green natural gas.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HAYES (at the request of Mr. BOEHNER) for July 31 until 1 p.m. on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. SUTTON, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Ms. FOXX, for 5 minutes, today.

Mr. BRADY of Texas, for 5 minutes, today and August 2 and 3.

Mr. MCHENRY, for 5 minutes, today and August 2 and 3.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 7. Joint resolution providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

S.J. Res. 8. Joint resolution providing for the reappointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1. An act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

ADJOURNMENT

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, August 2, 2007, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2816. A letter from the Comptroller, Department of Defense, transmitting the Secretary's certification that the current Future Years Defense Program (FYDP) fully funds the support costs associated with the MH-60R helicopter mission avionics multiyear procurement program, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on Armed Services.

2817. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's certification that the F-22 multiyear procurement meets all requirements of the law, pursuant to 10 U.S.C. 134; to the Committee on Armed Services.

2818. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting a copy of the "Annual Report on the Department of Defense Mentor-Protege Program" for FY 2006, pursuant to Public Law 101-510, section 831; to the Committee on Armed Services.

2819. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral David C. Nichols, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

2820. A letter from the Director, Office of Standards and Variances, Department of Labor, transmitting the Department's final rule — Sealing of Abandoned Areas (RIN: 1219-AB52) received July 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2821. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Implementation of the Office of OMB Guidance on Nonprocurement Debarment and Suspension — received June 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2822. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Correction [EPA-R05-OAR-2006-0046; EPA-R05-OAR-2006-0891; EPA-R05-OAR-2006-0892; FRL-8335-6] received July 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2823. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky: Redesignation of the Kentucky Portion of the Louisville 8-Hour Ozone Nonattainment Area to Attainment for Ozone [EPA-R04-OAR-2006-0584-200723; FRL-8335-4] received July 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2824. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio Rules to Control Emissions from Hospital, Medical, and Infectious Waste Incinerators [EPA-R05-OAR-2006-0560; FRL-8335-5] received July 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2825. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the Hampton Roads Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory; Correction [EPA-R03-OAR-2006-0919; FRL-8335-1] received July 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2826. A letter from the Chair, Acquisition Advisory Panel, transmitting the Panel's Final Report including recommendations regarding small business, the Federal acquisition workforce, and the appropriate role of contractors supporting the federal government, as required by Section 1423 of the Services Acquisition Reform Act of 2003; to the Committee on Oversight and Government Reform.

2827. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's 2006 inventory of activities that are not inherently governmental functions as required by Section 2 of the Federal Activities Inventory Reform (FAIR) Act of 1998, Public Law 105-270; to the Committee on Oversight and Government Reform.

2828. A letter from the General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2829. A letter from the Under Secretary for Management, Department of Homeland Security, transmitting in accordance with the Federal Activities Inventory Reform Act of 1998, the Department's FY 2006 inventory of commercial and inherently governmental activities; to the Committee on Oversight and Government Reform.

2830. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report on the amount of acquisitions made from entities that manufacture the articles, materials, or supplies outside the United States in Fiscal Years 2005 and 2006; to the Committee on Oversight and Government Reform.

2831. A letter from the Pricipal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report on the use of the Category Rating System during calendar year 2006, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

2832. A letter from the Procurement Executive, Department of State, transmitting the Department's final rule — Department of State Acquisition Regulation; Technical Amendments (RIN: 1400-AC34) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2833. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2834. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2835. A letter from the Special Assistant to the Secretary, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2836. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2837. A letter from the Assistant Director, Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2838. A letter from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting the Office's final rule — Revision of Freedom of Information Act regulations of the U.S. Office of Special Council — received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2839. A letter from the Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2840. A letter from the Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2841. A letter from the Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2842. A letter from the Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Audit of Advisory Neighborhood Commission 3D for Fiscal Years 2005 through 2007, as of March 31, 2007"; to the Committee on Oversight and Government Reform.

2843. A letter from the Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Audit of Advisory Neighborhood Commission 3C for Fiscal Years 2005 through 2007, as of March 31, 2007"; to the Committee on Oversight and Government Reform.

2844. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Certification of the Sufficiency of the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2008"; to the Committee on Oversight and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON: Committee of Conference. Conference report on H.R. 2272. A bill to invest in innovation through research and development, and to improve the competitiveness of the United States (Rept. 110–289). Order to be printed.

Mr. McGOVERN: Committee on Rules. House Resolution 599. Resolution providing for further consideration of the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–290). Referred to the House Calendar.

Mr. WELCH: Committee on Rules. House Resolution 600. Resolution providing for consideration of motions to suspend the rules (Rept. 110–291). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 601. Resolution providing for consideration of the bill (H.R. 3159) to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom (Rept. 110–292). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 602. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2272) to invest in innovation through research and development, and to improve the competitiveness of the United States (Rept. 110–293). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 3270. A bill to amend the Immigration and Nationality Act to permit certain Mexican children, and accompanying adults, to obtain a waiver of the documentation requirements otherwise required to enter the United States as a temporary visitor; to the Committee on the Judiciary.

By Ms. SHEA-PORTER:

H.R. 3271. A bill to prohibit the solicitation and display of Social Security account numbers, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. LARSEN of Washington, Mr. ISRAEL, Mrs. DAVIS of California, and Mr. BOUSTANY):

H.R. 3272. A bill to provide for increased funding and support for diplomatic engagement with the People's Republic of China; to the Committee on Foreign Affairs.

By Mr. LARSEN of Washington (for himself, Mr. KIRK, Mrs. DAVIS of California, Mr. ISRAEL, and Mr. BOUSTANY):

H.R. 3273. A bill to authorize assistance to small- and medium-sized businesses to promote exports to the People's Republic of China, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Mr. LARSEN of Washington, Mr. KIRK, Mrs. DAVIS of California, and Mr. BOUSTANY):

H.R. 3274. A bill to authorize the Secretary of Energy to make grants to encourage cooperation between the United States and China on joint research, development, or commercialization of carbon capture and sequestration technology, improved energy efficiency, or renewable energy sources; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. LARSEN of Washington, Mr. KIRK, Mr. ISRAEL, and Mr. BOUSTANY):

H.R. 3275. A bill to support programs that offer instruction in Chinese language and culture, and for other purposes; to the Committee on Education and Labor.

By Mr. KIRK (for himself, Ms. BEAN, Mr. EMANUEL, Mr. HINCHEY, Mr.

Gutierrez, Mr. Roskam, Mr. Petri, Mr. LaHood, Mr. Kucinich, Mr. Davis of Illinois, Mr. Jackson of Illinois, Mr. Hare, and Mr. Carney):

H.R. 3276. A bill to amend the Internal Revenue Code of 1986 to deny refinery expensing to owners of refineries that are permitted to increase the discharge of pollutants into the Great Lakes; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 3277. A bill to suspend temporarily the duty on butanedioic acid, dimethylester, polymer with 4-hydroxy-2,2,6,6-tetramethyl-1-piperidine ethanol; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 3278. A bill to suspend temporarily the duty on a mixture of 1,3,5-Triazine-2,4,6-triamine,N,N'''-[1,2-ethane-diyl-bis [[[4,6-bis-[butyl (1,2,2,6,6-pentamethyl-4-piperidinyl)amino]-1,3,5-triazine-2 yl] imino]-3,1-propanediyl]] bis[N',N''- dibutyl-N',N''-bis(1,2,2,6,6-pentamethyl-4-piperidinyl)- and Butanedioic acid, dimethylester polymer with 4-hyroxy-2,2,6,6-tetramethyl-1-piperdine ethanol; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 3279. A bill to suspend temporarily the duty on 4-chloro-benzonitrile; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 3280. A bill to suspend temporarily the duty on othro nitro aniline; to the Committee on Ways and Means.

By Mr. BOUCHER (for himself and Mr. Upton):

H.R. 3281. A bill to promote competition, to preserve the ability of local governments to provide broadband capability and services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAMP of Michigan (for himself, Mr. Kind, Mr. Burgess, Mr. Weller, Mr. Clay, Mr. Latham, Mr. Hinchey, Mr. Costa, and Mr. Barrow):

H.R. 3282. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA:

H.R. 3283. A bill to amend part E of title IV of the Social Security Act to require States to provide foster children with court-appointed special advocates who meet national standards, and for other purposes; to the Committee on Ways and Means.

By Mr. CARNEY (for himself, Ms. Jackson-Lee of Texas, Mr. Thompson of Mississippi, Mr. DeFazio, Ms. Norton, Ms. Clarke, Mr. Al Green of Texas, and Mr. Perlmutter):

H.R. 3284. A bill to amend title 49, United States Code, by repealing the provision regarding the acquisition management system for the Transportation Security Administration; to the Committee on Homeland Security.

By Mr. COHEN:

H.R. 3285. A bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 3286. A bill to amend title 38, United States Code, to reduce the period of time for which a veteran must be totally disabled before the veteran's survivors are eligible for the benefits provided by the Secretary of Veterans Affairs for survivors of certain veterans rated totally disabled at time of death; to the Committee on Veterans' Affairs.

By Mr. GRIJALVA:

H.R. 3287. A bill to expand the Pajarita Wilderness and designate the Tumacacori Highlands Wilderness in Coronado National Forest, Arizona, and for other purposes; to the Committee on Natural Resources.

By Mr. GRIJALVA:

H.R. 3288. A bill to authorize appropriations for the U.S. Institute for Environmental Conflict Resolution, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HIRONO (for herself, Mr. George Miller of California, Mr. Andrews, Mr. Tierney, and Mrs. Davis of California):

H.R. 3289. A bill to amend the Elementary and Secondary Education Act of 1965 to improve early education; to the Committee on Education and Labor.

By Mr. HOLT:

H.R. 3290. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes; to the Committee on Agriculture.

By Mr. KIRK (for himself, Mr. Davis of Kentucky, Mr. Carney, Mr. Sessions, Mrs. Biggert, Mr. Terry, Mr. Roskam, Mr. Gingrey, Mr. Reichert, Mr. Kuhl of New York, Mr. Gerlach, Mr. Shays, Mr. Shimkus, Mr. Boustany, Mr. Tom Davis of Virginia, Mr. Ferguson, Mr. Gilchrest, Mrs. Miller of Michigan, Mr. Saxton, Mr. Wamp, Mr. McCotter, Mr. Brady of Texas, Mr. Lincoln Diaz-Balart of Florida, Mr. English of Pennsylvania, Mr. Frelinghuysen, Ms. Pryce of Ohio, Mr. Rogers of Michigan, Mr. Tiberi, and Mr. Weller):

H.R. 3291. A bill to protect students and teachers; to the Committee on Education and Labor.

By Mr. KIRK (for himself and Mr. Carney):

H.R. 3292. A bill to amend the Elementary and Secondary Education Act of 1965 to clarify Federal requirements under that Act; to the Committee on Education and Labor.

By Mr. LAMBORN:

H.R. 3293. A bill to direct the Secretary of Homeland Security to establish an Immigration and Customs Enforcement office in El Paso County, Colorado; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. Towns, Ms. Roybal-Allard, Mr. Davis of Illinois, Ms. Bordallo, and Ms. Carson):

H.R. 3294. A bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCRERY (for himself and Mr. Melancon):

H.R. 3295. A bill to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes; to the Committee on Energy and Commerce.

By Mr. MURPHY of Connecticut:

H.R. 3296. A bill to amend the Truth in Lending Act to establish transparency and accountability requirements for mortgage brokers, and for other purposes; to the Committee on Financial Services.

By Mr. PATRICK MURPHY of Pennsylvania (for himself, Mr. Holden, Mr. Altmire, Mr. Dent, Mr. Murtha, Mr. Tim Murphy of Pennsylvania, Mr. Doyle, Mr. Sestak, Mr. Pitts, Mr. Platts, Mr. Fattah, Mr. Kanjorski, Ms. Schwartz, Mr. Gerlach, Mr. Carney, Mr. Brady of Pennsylvania, Mr. Shuster, and Mr. English of Pennsylvania):

H.R. 3297. A bill to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the "Nate DeTample Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. PATRICK MURPHY of Pennsylvania (for himself and Mr. Walz of Minnesota):

H.R. 3298. A bill to amend the Servicemembers Civil Relief Act to allow individuals called to military service to terminate or suspend certain service contracts entered into before the individual receives notice of a permanent change of station or deployment orders and to provide penalties for violations of interest rate limitations; to the Committee on Veterans' Affairs.

By Mrs. MUSGRAVE:

H.R. 3299. A bill to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land; to the Committee on Natural Resources.

By Mr. NUNES:

H.R. 3300. A bill to provide for the development of a market for coal-to-liquid fuel; to the Committee on Energy and Commerce.

By Mr. PASTOR (for himself, Mr. Flake, Mr. Mitchell, and Mr. Shadegg):

H.R. 3301. A bill to authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona; to the Committee on Natural Resources.

By Mr. PAUL:

H.R. 3302. A bill to amend title 5, United States Code, to prohibit agencies from enforcing rules that result in a specified economic impact until the requirements of those rules are enacted into law by an Act of Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 3303. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for police officers and professional firefighters, and to exclude from income certain benefits received by public safety volunteers; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3304. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit for law enforcement officers who purchase armor vests, and for other purposes; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3305. A bill to provide for the safety of United States aviation and the suppression of terrorism; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE:

H.R. 3306. A bill to amend the Internal Revenue Code of 1986 to allow amounts in a health flexible spending arrangement that are unused during a plan year to be carried over to subsequent plan years or deposited into certain health or retirement plans; to the Committee on Ways and Means.

By Mr. SIRES (for himself, Mr. ANDREWS, Mr. HOLT, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. ROTHMAN, Mr. FERGUSON, Mr. FRELINGHUYSEN, Mr. GARRETT of New Jersey, Mr. LOBIONDO, Mr. SAXTON, and Mr. SMITH of New Jersey):

H.R. 3307. A bill to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the "Dennis P. Collins Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. SOUDER (for himself, Mr. DONNELLY, Mr. ELLSWORTH, Mr. BURTON of Indiana, Mr. BUYER, Mr. HILL, Mr. PENCE, Mr. VISCLOSKY, and Ms. CARSON):

H.R. 3308. A bill to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the "Lance Corporal David K. Fribley Post Office"; to the Committee on Oversight and Government Reform.

By Mr. VAN HOLLEN (for himself, Mr. ALLEN, Mr. STARK, Mr. WELCH of Vermont, and Mr. RAHALL):

H.R. 3309. A bill to amend title XIX of the Social Security Act to require, at the option of a State, drug manufacturers to pay rebates to State prescription drug discount programs as a condition of participation in a rebate agreement for outpatient prescription drugs under the Medicaid Program; to the Committee on Energy and Commerce.

By Ms. VELÁZQUEZ:

H.R. 3310. A bill to amend the Housing and Urban Development Act of 1968 to ensure improved access to employment opportunities for low-income people; to the Committee on Financial Services.

By Mr. BRADY of Pennsylvania (for himself, Mr. LANTOS, and Ms. ROS-LEHTINEN):

H. Con. Res. 196. Concurrent resolution authorizing the use of the rotunda and grounds of the Capitol for a ceremony to award the Congressional Gold Medal to Tenzin Gyatso, the Fourteenth Dalai Lama; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H. Con. Res. 197. Concurrent resolution commending the Hispanic Heritage Foundation for recognizing the next generation of Latino role models for their academic achievements and community service; to the Committee on Oversight and Government Reform.

By Ms. LEE (for herself, Mr. BACA, Mr. BUTTERFIELD, Mr. CONYERS, Mr. ELLISON, Mr. GRIJALVA, Mr. HARE, Mr. HONDA, Ms. KILPATRICK, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. SOLIS, Ms. WATSON, and Ms. WOOLSEY):

H. Con. Res. 198. Concurrent resolution expressing the sense of Congress that the United States has a moral responsibility to meet the needs of those persons, groups and communities that are impoverished, disadvantaged or otherwise in poverty; to the Committee on Oversight and Government Reform.

By Mr. AKIN (for himself, Mr. DOOLITTLE, Mrs. MYRICK, Mrs. BLACKBURN, Mr. NEUGEBAUER, Mr. MARCHANT, Mr. LAMBORN, Mr. BURGESS, Mr. SOUDER, Mr. KING of Iowa, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. PRICE of Georgia, Mr. BILBRAY, Mr. KINGSTON, Mr. CARTER, Mr. WESTMORELAND, Mr. GARRETT of New Jersey, Mr. JORDAN, Mr. ROSKAM, Mr. BARTLETT of Maryland, Mr. BURTON of Indiana, Mr. PENCE, Mr. FRANKS of Arizona, and Mr. MILLER of Florida):

H. Res. 596. A resolution supporting the goals of the Ten Commandments Commission and congratulating such Commission and its supporters for their key role in promoting and ensuring recognition of the Ten Commandments as the cornerstone of Western law; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida:

H. Res. 603. A resolution expressing the sense of the House of Representatives on the announcement of the Government of the Russian Federation of its intention to suspend implementation of the Treaty on Conventional Armed Forces in Europe; to the Committee on Foreign Affairs.

By Mr. MCCOTTER:

H. Res. 604. A resolution expressing the nation's sincerest appreciation and thanks for the service of the members of the 303rd Bombardment Group (Heavy) upon the occasion of the final reunion of the 303rd Bomb Group (H) Association; to the Committee on Armed Services.

By Mr. ROSKAM (for himself, Mr. ETHERIDGE, Mr. HASTINGS of Florida, Mr. GINGREY, Mr. KINGSTON, Mr. CARTER, Mr. RAMSTAD, Mr. HOLDEN, and Mr. GOODLATTE):

H. Res. 605. A resolution supporting the goals and ideals of Gold Star Mothers Day; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. DAVIS of Illinois.

H.R. 358: Mr. FRANK of Massachusetts.

H.R. 538: Mr. SALAZAR.

H.R. 583: Mr. MARKEY.

H.R. 601: Mr. FORTENBERRY, Mr. ROSKAM, and Mr. KIRK.

H.R. 745: Mr. KILDEE, Mr. DOGGETT, Mrs. EMERSON, and Mr. DAVID DAVIS of Tennessee.

H.R. 760: Mr. DOYLE.

H.R. 819: Mr. BISHOP of Georgia and Mr. PASCRELL.

H.R. 900: Mrs. LOWEY.

H.R. 946: Ms. HIRONO and Mr. SERRANO.

H.R. 983: Mr. SPACE.

H.R. 989: Mrs. BIGGERT.

H.R. 1000: Mr. WELCH of Vermont, Mr. WYNN, Mr. BRADY of Pennsylvania, Mr. MELANCON, Mr. HINCHEY, and Mr. HONDA.

H.R. 1089: Mr. MCCOTTER.

H.R. 1125: Ms. LINDA T. SÁNCHEZ of California, Mr. WYNN, Mr. JOHNSON of Illinois, Mr. GOHMERT, Ms. MATSUI, Mr. SHERMAN, Mr. SMITH of New Jersey, Mr. KINGSTON, Ms. SOLIS, Mr. ROTHMAN, Mr. BOOZMAN, Mr. HASTERT, Mr. REYES, Mr. GARRETT of New Jersey, Mr. MCKEON, Mr. NEAL of Massachusetts, and Mr. DAVID DAVIS of Tennessee.

H.R. 1154: Mr. JEFFERSON, Ms. KILPATRICK, Ms. SOLIS, Ms. NORTON, Mr. HINCHEY, Ms. LINDA T. SÁNCHEZ of California, Mr. ISSA, Mr. ROSS, Mr. GOODE, Mr. CARDOZA, Mr. ELLSWORTH, Mr. LUCAS, Mr. COBLE, Mr. DOOLITTLE, Mr. GERLACH, Mr. TIM MURPHY of Pennsylvania, Mr. LOBIONDO, Mr. FERGUSON, Mr. MCKEON, Mr. TIAHRT, Mr. LEWIS of California, Mr. FRELINGHUYSEN, Mr. SIMPSON, Mr. MORAN of Kansas, Mr. TOM DAVIS of Virginia, Ms. WASSERMAN SCHULTZ, Mr. DANIEL E. LUNGREN of California, Mr. WAXMAN, Mr. SNYDER, Mr. GALLEGLY, Mr. DAVIS of Kentucky, Mr. REGULA, Mr. WOLF, Mr. SHAYS, Mr. MCCOTTER, Mr. WALSH of New York, Mr. MCHUGH, Mr. DAVID DAVIS of Tennessee, Mr. JORDAN, Mr. SMITH of Nebraska, Mr. KNOLLENBERG, Mr. KLINE of Minnesota, Mr. KINGSTON, Ms. ROS-LEHTINEN, Ms. PRYCE of Ohio, Mr. WHITFIELD, and Mr. BROUN of Georgia.

H.R. 1190: Mr. LINCOLN DIAZ-BALART of Florida, Mr. KENNEDY, Mr. COLE of Oklahoma, and Mr. GOHMERT.

H.R. 1216: Mr. KAGEN and Mrs. BOYDA of Kansas.

H.R. 1232: Mr. ALEXANDER, Mr. PERLMUTTER, Mr. BAKER, Mr. RANGEL, and Mr. SALAZAR.

H.R. 1236: Mr. DOYLE, Mr. DOGGETT, Ms. MCCOLLUM of Minnesota, and Mr. HINCHEY.

H.R. 1275: Ms. WASSERMAN SCHULTZ.

H.R. 1304: Mr. BONNER.

H.R. 1342: Mrs. BOYDA of Kansas.

H.R. 1359: Mr. HELLER.

H.R. 1366: Mr. GOODLATTE.

H.R. 1400: Mr. GOODLATTE.

H.R. 1420: Mr. COURTNEY, Mr. BRADY of Pennsylvania, and Mr. HINCHEY.

H.R. 1422: Mr. PLATTS and Mr. PAYNE.

H.R. 1426: Mr. HOEKSTRA.

H.R. 1440: Mr. ISSA, Mr. SNYDER, and Mr. CASTLE.

H.R. 1461: Mr. WATT.

H.R. 1514: Mr. OBERSTAR.

H.R. 1537: Mr. DAVIS of Illinois.

H.R. 1576: Mr. PERLMUTTER and Mrs. LOWEY.

H.R. 1609: Mr. TOM DAVIS of Virginia, Mr. LAMPSON, Mr. KENNEDY, and Ms. NORTON.

H.R. 1665: Mr. SHUSTER and Ms. SCHWARTZ.

H.R. 1687: Mr. MICHAUD.

H.R. 1717: Mr. BROUN of Georgia.

H.R. 1727: Mrs. NAPOLITANO, Mr. ALTMIRE, and Mr. KILDEE.

H.R. 1742: Mr. FERGUSON.

H.R. 1746: Mrs. MYRICK, Mr. ISRAEL, and Mr. ROTHMAN.

H.R. 1748: Mr. PAUL, Mr. WILSON of South Carolina, Mr. MACK, Mr. -ENGLISH of Pennsylvania, and Mr. SMITH of New Jersey.

H.R. 1755: Ms. HIRONO.

H.R. 1767: Mr. BACHUS.

H.R. 1809: Mr. MARSHALL and Mr. MCGOVERN.

H.R. 1876: Mr. FILNER and Mr. MCCOTTER.

H.R. 1878: Mrs. WILSON of New Mexico.

H.R. 1881: Mr. SCHIFF, and Mr. PETERSON of Minnesota.

H.R. 1926: Mr. DELAHUNT and Mr. RUPPERSBERGER.

H.R. 1955: Mr. DENT.

H.R. 1959: Ms. BORDALLO.

H.R. 1977: Mr. SAXTON.

H.R. 1983: Mr. RODRIGUEZ and Mr. HARE.

H.R. 2005: Mr. BOUCHER and Mr. PLATTS.

H.R. 2015: Mr. RYAN of Ohio and Mr. HALL of New York.

H.R. 2042: Mr. DEFAZIO.

H.R. 2052: Mr. HALL of New York and Mr. SERRANO.

H.R. 2053: Mr. ELLISON, Ms. GIFFORDS, Mr. DOGGETT, and Mr. LEWIS of Georgia.

H.R. 2061: Mr. FATTAH and Ms. SCHAKOWSKY.

H.R. 2095: Mr. COSTELLO, Ms. SCHAKOWSKY, and Mr. COSTA.

H.R. 2108: Ms. SUTTON.

H.R. 2109: Mr. DAVID DAVIS of Tennessee.

H.R. 2169: Mrs. DAVIS of California and Mr. SCOTT of Virginia.

H.R. 2220: Mr. ALTMIRE.

H.R. 2255: Mr. PERLMUTTER, Mr. LOEBSACK, and Ms. BERKLEY.

H.R. 2327: Ms. SHEA-PORTER.

H.R. 2353: Mr. SNYDER.

H.R. 2380: Mr. BUYER.

H.R. 2443: Ms. SOLIS.

H.R. 2452: Ms. LEE.

H.R. 2495: Mr. COURTNEY.

H.R. 2518: Mr. POE.

H.R. 2550: Mrs. CHRISTENSEN.

H.R. 2566: Mrs. LOWEY.

H.R. 2668: Mr. AL GREEN of Texas.

H.R. 2677: Ms. SHEA-PORTER.

H.R. 2682: Mr. WILSON of Ohio, Mrs. CHRISTENSEN, Mr. TIM MURPHY of Pennsylvania, Mr. GENE GREEN of Texas, Mrs. EMERSON, Mr. GORDON, and Mr. BACHUS.

H.R. 2694: Mr. BERMAN, Mr. WYNN, Mr. HASTINGS of Florida, and Mr. PAYNE.

H.R. 2700: Mr. ALLEN.

H.R. 2702: Ms. BORDALLO.

H.R. 2712: Mr. BONNER, Mr. INGLIS of South Carolina, Mr. CARTER, and Mr. WAMP.

H.R. 2734: Mr. COBLE and Mrs. JO ANN DAVIS of Virginia.

H.R. 2758: Mr. HASTINGS of Florida and Mr. SIRES.

H.R. 2761: Mr. HINOJOSA.

H.R. 2774: Mr. LANTOS.

H.R. 2784: Mr. KING of New York, Mr. WHITFIELD, Mr. PORTER, Mrs. BLACKBURN, Mr. MCCRERY, Mr. GALLEGLY, Mrs. MUSGRAVE, Mrs. MILLER of Michigan, Mr. BOREN, and Mr. HERGER.

H.R. 2790: Ms. CARSON.

H.R. 2802: Mr. MURTHA, Mr. WYNN, Ms. BALDWIN, and Ms. HIRONO.

H.R. 2805: Mr. SOUDER and Mr. MARSHALL.

H.R. 2818: Mr. CUMMINGS, Mr. PASTOR, Mr. UDALL of Colorado, Ms. HIRONO, Ms. BERKLEY, Mr. CLYBURN, Mr. KINGSTON, Mr. MARSHALL, Mr. SPRATT, and Mr. WAMP.

H.R. 2821: Mr. BERRY.

H.R. 2881: Mr. CLEAVER.

H.R. 2899: Mr. BROUN of Georgia, Mr. MARSHALL, and Mr. BARROW.

H.R. 2905: Mr. YARMUTH, Mr. ALEXANDER, Mrs. WILSON of New Mexico, Mr. HAYES, Mr. LOBIONDO, Mr. ROHRABACHER, Mr. SAXTON, Mr. BAKER, Mrs. BIGGERT, Mr. BONNER, Mrs. CAPITO, Mr. CASTLE, Mr. DENT, Mr. GERLACH, Mr. GILLMOR, Mr. KING of New York, Mr. KNOLLENBERG, Mr. LATOURETTE, Mr. MICA, Mr. PORTER, Mr. REICHERT, Mr. SHAYS, Mr. THORNBERRY, Mr. WALSH of New York, Mr. YOUNG of Florida, Mr. LAHOOD, and Mr. JONES of North Carolina.

H.R. 2922: Mr. MARSHALL.

H.R. 2934: Mr. BOREN and Mr. EDWARDS.

H.R. 2942: Mr. DOYLE, Mr. MANZULLO, Mr. MOLLOHAN, Mr. ADERHOLT, and Mr. STUPAK.

H.R. 2943: Ms. DEGETTE, and Mr. EDWARDS.

H.R. 2948: Mr. BURTON of Indiana, Mr. SOUDER, and Mr. PAUL.

H.R. 2954: Mr. BAKER, and Mr. ALEXANDER.

H.R. 3004: Ms. HIRONO, Mr. SMITH of Nebraska, Mrs. EMERSON, Mr. MCHUGH, Mr. NUNES, Mr. PETERSON of Minnesota, Mr. RAHALL, Mr. POMEROY, Ms. HERSETH SANDLIN, Mr. MURTHA, and Mr. BERRY.

H.R. 3008: Mr. MAHONEY of Florida.

H.R. 3012: Mrs. BIGGERT.

H.R. 3026: Mr. MCGOVERN, Mr. SCOTT of Virginia, Ms. FOXX, Mr. DAVIS of Kentucky, Mrs. MALONEY of New York, Mr. REGULA, Mr. KINGSTON, Mr. CAMPBELL of California, Mr. MCHENRY, Mr. KING of Iowa, Mr. TURNER, Ms. WATERS, Mrs. MYRICK, and Mr. HAYES.

H.R. 3035: Mr. JACKSON of Illinois, Mr. ISSA, Mr. LAHOOD, Mr. YOUNG of Alaska, Ms. GIFFORDS, and Mr. RAMSTAD.

H.R. 3045: Ms. CARSON, Ms. CASTOR, Mr. HARE, Mr. KAGEN, Mr. LOEBSACK, Mr. PERLMUTTER, Mr. TIERNEY, Mr. VAN HOLLEN, Ms. HIRONO, Ms. SCHAKOWSKY, Ms. SUTTON, and Mr. SIRES.

H.R. 3046: Mrs. LOWEY, and Mrs. MCCARTHY of New York.

H.R. 3084: Mr. DAVIS of Illinois.

H.R. 3098: Mr. ROGERS of Alabama, Mr. BONNER, and Mr. BACHUS.

H.R. 3103: Mr. MILLER of Florida.

H.R. 3109: Mr. PORTER.

H.R. 3114: Mr. FRANK of Massachusetts, Mr. BRADY of Pennsylvania, Ms. SOLIS, and Mr. KUHL of New York.

H.R. 3121: Mr. PICKERING.

H.R. 3138: Mr. CAMPBELL of California, Mr. PRICE of Georgia, Mr. KING of New York, Mr. CAMP of Michigan, Mr. BARRETT of South Carolina, Mr. CONAWAY, Mr. CANNON, Mr. MCCAUL of Texas, Mr. ROSKAM, Mr. CARTER, Mr. BURTON of Indiana, Mr. SHUSTER, and Mr. CHABOT.

H.R. 3143: Mr. GERLACH, Mr. BLUNT, and Mr. BURTON of Indiana.

H.R. 3145: Mr. PLATTS, and Mr. MILLER of Florida.

H.R. 3149: Mr. GERLACH.

H.R. 3157: Mrs. EMERSON.

H.R. 3168: Mr. TOWNS.

H.R. 3175: Mr. MCNULTY, Mr. STARK, and Mr. MCGOVERN.

H.R. 3189: Mr. DEFAZIO, Mr. GUTIERREZ, Mr. KENNEDY, and Mr. DAVIS of Illinois.

H.R. 3204: Mr. LEWIS of Georgia.

H.R. 3213: Mr. BONNER, Mr. SIMPSON, Mr. TERRY, and Mr. YOUNG of Alaska.

H.R. 3224: Mr. ARCURI, Mr. HALL of New York, Mr. LOBIONDO, Mr. MOORE of Kansas, Mr. CARNEY, Ms. BERKLEY, Mr. ABERCROMBIE, Mr. COSTA, and Mr. BOUCHER.

H.R. 3245: Mr. CULBERSON.

H.R. 3269: Mr. REICHERT, Mrs. EMERSON, Mr. SHAYS, Mr. WALSH of New York, and Mr. MCHUGH.

H.J. Res. 16: Mr. TANCREDO.

H.J. Res. 40: Mr. WELCH of Vermont.

H.J. Res. 47: Mr. REYES and Mr. BACA.

H. Con. Res. 37: Mr. CAMPBELL of California.

H. Con. Res. 75: Mr. MORAN of Kansas.

H. Con. Res. 134: Mr. BUTTERFIELD, Mr. CLAY, Mr. BISHOP of Georgia, Ms. NORTON, Mr. PAYNE, Mr. MEEK of Florida, Mr. TOWNS, Mr. SCOTT of Virginia, Mr. CONYERS, Mr. AL GREEN of Texas, Mr. JEFFERSON, and Mr. JOHNSON of Georgia.

H. Con. Res. 154: Mr. BURTON of Indiana.

H. Con. Res. 162: Ms. BERKLEY.

H. Con. Res. 181: Mrs. DAVIS of California and Mr. ROGERS of Alabama.

H. Con. Res. 183: Mr. COSTA.

H. Con. Res. 193: Mr. WILSON of Ohio, Mr. ALLEN, Mr. HILL, Mr. KAGEN, Mr. BOREN, Mr. MURTHA, and Mr. MILLER of Florida.

H. Res. 111: Mr. KING of Iowa. Mr. ALEXANDER, Mr. DOYLE, Mr. PAYNE, and Mr. WYNN.

H. Res. 169: Mr. BOSWELL.

H. Res. 333: Ms. BALDWIN and Mr. PAYNE.

H. Res. 356: Mr. ACKERMAN.

H. Res. 389: Mr. MILLER of North Carolina.

H. Res. 405: Ms. LEE.

H. Res. 443: Ms. BORDALLO, Ms. HERSETH SANDLIN, and Mr. GUTIERREZ.

H. Res. 457: Mr. INGLIS of South Carolina.

H. Res. 497: Mr. INGLIS of South Carolina.

H. Res. 508: Mr. HASTERT and Mr. SHERMAN.

H. Res. 548: Ms. Linda T. SÁNCHEZ of California, Mr. FERGUSON, Mr. SCOTT of Georgia, and Mr. GONZALEZ.

H. Res. 555: Mr. HIGGINS, Ms. NORTON, Mr. TOWNS, and Mr. BARROW.

H. Res. 557: Mr. MARSHALL and Mrs. MCMORRIS RODGERS.

H. Res. 563: Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Ms. LEE, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. WATT, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Ms. MOORE of Wisconsin, Mr. CLYBURN, Mr. HASTINGS of Florida, Ms. WATERS, Mr. JEFFERSON, Ms. KILPATRICK, Mr. CUMMINGS, Mr. AL GREEN of Texas, Mr. CLAY, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. DAVIS of Alabama, Mr. OBERSTAR, Mr. ELLISON, Mr. TOWNS, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, and Mr. BUTTERFIELD.

H. Res. 564: Ms. SCHAKOWSKY and Ms. WATSON.

H. Res. 572: Mr. DAVIS of Illinois.

H. Res. 576: Mr. MATHESON.

H. Res. 583: Ms. BORDALLO and Ms. SHEA-PORTER.

H. Res. 589: Mr. GRIJALVA, Mr. FRANK of Massachusetts, Ms. BERKLEY, Ms. BALDWIN, and Mrs. TAUSCHER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. BART GORDON

The Conference Report accompanying H.R. 2272, America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science Act, "does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI."

OFFERED BY MR. BART GORDON

Among the provisions that warranted a referral to the Committee on Science and Technology, H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. COLLIN C. PETERSON

Among the provisions that warranted a referral to the Committee on Agriculture, H.R.

3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MS. NYDIA M. VELÁZQUEZ

Among the provisions that warranted a referral to the Committee on Small Business, H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. HENRY A. WAXMAN

Among the provisions that warranted a referral to the Committee on Oversight and Government Reform, H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3161

OFFERED BY: MR. BOOZMAN

AMENDMENT NO. 56: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to implement the National Animal Identification System where the participation by livestock owners in such a system is mandatory.

H.R. 3222

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 9: In section 8027, page 61, starting on line 1, strike "*Provided further*" and all that follows through the period on line 4.

H.R. 3222

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 10: Strike section 8020.

H.R. 3222

OFFERED BY: MS. MOORE OF WISCONSIN

AMENDMENT NO. 11: In title VI, in the item relating to "Office of the Inspector General", after the first dollar amount, insert "(increased by $500,000) (reduced by $500,000)".

H.R. 3222

OFFERED BY: MS. MOORE OF WISCONSIN

AMENDMENT NO. 12: In title II, in the item relating to "Operation and Maintenance, Defense-Wide", after the first dollar amount, insert "(increased by $2,000,000) (reduced by $2,000,000)".

H.R. 3222

OFFERED BY: MS. MOORE OF WISCONSIN

AMENDMENT NO. 13: In title II, in the item relating to "Operation and Maintenance, Defense-Wide", after the first dollar amount, insert "(increased by $2,000,000)".

In title IV, in the item relating to "Research, Development, Test and Evaluation, Defense-Wide", after the dollar amount, insert "(reduced by $2,000,000)".

In title IV, in the item relating to "Research, Development, Test and Evaluation, Defense-Wide", after the dollar amount, insert "(reduced by $2,000,000)".

H.R. 3222

OFFERED BY: MS. MOORE OF WISCONSIN

AMENDMENT NO. 14: In title II, in the item relating to "Operation and Maintenance, Defense-Wide", after the first dollar amount, insert "(increased by $2,000,000)".

In title IV, in the item relating to "Research, Development, Test and Evaluation, Army", after the dollar amount, insert "(reduced by $2,000,000)".

H.R. 3222

OFFERED BY: MR. CASTLE

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be obligated or expended by the Department of Defense to award a contract in an amount greater than $5,000,000 to any entity that does not have in place an internal ethics compliance program.

H.R. 3222

OFFERED BY: MR. CASTLE

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

SEC. 8110. Funds made available under title II of this Act shall be used to credit each member of the Armed Forces, including each member of a reserve component, with one additional day of leave for every month of the member's most recent previous deployment in a combat zone.

H.R. 3222

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 17: AT THE END OF THE BILL (BEFORE THE SHORT TITLE), INSERT THE FOLLOWING:

SEC. ____. None of the funds made available in this Act under the heading "Research, Development, Test and Evaluation, Navy" may be used for the Swimmer Detection Sonar Network.

H.R. 3222

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 18: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act under the heading "Research, Development, Test and Evaluation, Army" may be used for the Paint Shield for Protecting People from Microbial Threats.

EXTENSIONS OF REMARKS

ATTORNEY GENERAL ALBERTO GONZALES IMPEACHMENT INQUIRY RESOLUTION

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. INSLEE. Madam Speaker, I rise today with several of my colleagues to introduce a resolution that would require that the Judiciary Committee initiate an impeachment investigation of Attorney General Alberto Gonzales. I have introduced this resolution only after careful consideration and exercising a great deal of caution.

Alexander Hamilton in Federalist Paper No. 66 stated, "the powers relating to impeachments are . . . an essential check in the hands of that body upon the encroachments of the executive." The "encroachments" made by this Attorney General subvert several core constitutional values.

I believe that it is clear the Attorney General was involved in the decisions to fire several U.S. Attorneys for not pursuing public corruption cases based on partisan political factors. I also believe that the Attorney General has made false or misleading statements to Congress in order to minimize his role in the warrantless surveillance program, the U.S. Attorney firings, and to otherwise obstruct congressional investigations.

Our judicial system must operate outside of the political process in order to preserve justice. The American people deserve an independent Justice Department that is not controlled by the political strategists at the White House. Gonzales' lack of candor before Congress perverts and undermines the ability of Congress to trust assurances made by the executive branch and it also retards Congress' ability to carry out its constitutionally mandated functions.

Based on the facts we know today, I believe that an investigation will reveal that the level of malfeasance of the Attorney General is impeachable. With the President showing no sign of replacing the Attorney General, Congress must assert itself and remove him from office. His removal is essential to preserve the strength of the Congress and to send the clear unambiguous message to future Attorneys General that the politicization of prosecutions and the U.S. Attorneys across the country is a repugnant degradation of the law.

IN HONOR OF THE MONTEREY JAZZ FESTIVAL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. FARR. Madam Speaker, I rise today to honor the Monterey Jazz Festival, which will celebrate its 50th anniversary this September in remarkable style. The Monterey Jazz Festival is a nonprofit organization that provides year-round jazz education programs locally, regionally, nationally, and internationally. The festival is famous for being the longest running jazz festival in the world and deserves recognition for its dedication to enabling the uniquely American form of music to remain alive in our community and country.

The Monterey Jazz Festival began as a dream for cofounders Jimmy Lyons and Ralph Gleason. In 1958, the dream finally became a reality with the commencement of the first Monterey Jazz Festival. The festival attracted many brilliant artists to the stage such as Dizzy Gillespie, Louis Armstrong, John Lewis, Shelly Manne, Gerry Mulligan, Art Farmer, Ernestine Anderson, Harry James, Max Roach and Billie Holiday. Ever since that initial festival, one full weekend in September is devoted to the Monterey Jazz Festival, which presents the best jazz performers in the world for a 3-day celebration. The Monterey Jazz Festival not only presents live performances, but it also features jazz conversations, panel discussions, workshops, exhibitions, clinics, and an international array of food, shopping and festivities spread across the 3-day extravaganza.

Although the Monterey Jazz Festival is mostly recognized for its importance to the legacy of jazz, it is also devoted to keeping jazz alive in future generations and has donated its proceeds to musical education since its beginning. In fact, every spring, the Monterey Jazz Festival holds the "Next Generation Festival" which invites top student bands from across the country to compete in several music competitions, attend clinics and concerts, and even audition for the Next Generation Jazz Orchestra. By conferring so many educational scholarships to deserving students, the Monterey Jazz Festival displays its commitment to music and education. After 50 years of incredible jazz performances, the Monterey Jazz Festival continues to keep the tradition alive.

Madam Speaker, it is an honor to recognize an organization that is so deeply devoted to the perpetuation and education of jazz. I am excited for this year's celebration and look forward to many more years of jazz in the Monterey Peninsula.

TRIBUTE TO THE MERCHANT MARINES

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to honor the great forgotten heroes of our country, the United States merchant marines who bravely served our Nation during World War II. For too long, these servicemen have been denied the recognition they deserve and the benefits they have earned, and I am proud to support H.R. 23, the Belated Thank You to the Merchant Mariners of World War II Act, which rights this historic wrong.

During World War II, civilians and merchant seamen served alongside our Armed Forces in the Pacific and Atlantic oceans to bring vital goods, materials, and manpower to the theaters of combat. Many former merchant seamen returned to serve during the war while others left school to volunteer in the merchant marine. At the end of the war, the merchant mariners were instrumental in safely transporting millions of members of the Armed Forces back home to the U.S. Although these men were not considered part of our Nation's "active duty" military service, their missions were characterized by more than 9,000 casualties as a result of attacks from enemy forces, the highest of any branch of armed service.

As a grateful nation, we cannot deny the heavy sacrifices endured by these important members of the greatest generation. The merchant mariners deserve compensation for having been refused access to G.I. bill benefits at the conclusion of World War II and a pension as a reward for their service. H.R. 23 will establish Merchant Mariner Equity Compensation Fund to provide monthly payments of $1,000 to eligible members of the merchant marine or their survivors who served during World War II. We can no longer ignore our responsibility to repay those who have defended and preserved our Nation.

Madam Speaker, I am proud that the House passed H.R. 23 and sent the bold message that we will support all of America's veterans. We owe the merchant mariners so much, and it's about time we give them the thank you they deserve.

ON THE RETIREMENT OF PAUL CULLINAN

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. SPRATT. Madam Speaker, Mr. RYAN of Wisconsin and I would like to gratefully acknowledge the expert assistance that the U.S.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Congress has received from Paul Cullinan at the Congressional Budget Office. Paul is retiring from congressional service in August, and this institution will sorely miss him.

Dr. Cullinan arrived at CBO in 1981, and has contributed to a vast range of policy analyses, budget projections, and legislative cost estimates over the past 26 years. But more important than the amount and variety of such work is the consistently high quality of that work and Paul's continual dedication to providing the Congress with thorough and timely analysis.

For the past 13 years, Paul Cullinan has served as the Manager of CBO's Human Resources Cost Estimates Unit, a role in which he has excelled and one that has allowed CBO to provide critical support to the consideration of numerous and varied pieces of legislation including efforts to reauthorize and extend higher education programs and the Food Stamps program, potential changes to Social Security, proposals to reform U.S. immigration policies, and changes, both big and small, to a large host of income security programs. Moreover, Paul has been a key contributor and coordinator of CBO work on long-term budget projections, which we have come to increasingly consider as we move towards the pending retirement of the baby-boom generation.

In addition to his superb analysis of legislative proposals, Paul has provided valued support to the House and Senate Budget Committees on a bipartisan and bicameral basis. In short, Paul Cullinan ranks among the top budget experts here on Capitol Hill, and we will miss his input, careful judgment, and dedication to providing the best budgetary information possible for congressional consideration.

INTRODUCTION OF H.R. 3235, THE NANOTECHNOLOGY ADVANCEMENT AND NEW OPPORTUNITIES ACT

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. HONDA. Madam Speaker, I rise today upon the introduction of H.R. 3235, the Nanotechnology Advancement and New Opportunities (NANO) Act.

The NANO Act is comprehensive bill to promote the development and responsible stewardship of nanotechnology in the United States. The legislation draws upon the recommendations of the Blue Ribbon Task Force on Nanotechnology, a panel of California nanotechnology experts with backgrounds in established industry, startup companies, consulting groups, non-profits, academia, government, medical research, and venture capital that I convened with then-California State Controller Steve Westly during 2005.

Nanotechnology has the potential to create entirely new industries and radically transform the basis of competition in other fields, and I am proud of my work with former Science Committee Chairman Sherwood Boehlert on the Nanotechnology Research and Development Act of 2003 to foster research in this area.

But one of the things policymakers have heard from experts is that while the United States is a leader in nanotechnology research, our foreign competitors are focusing more resources and effort on the commercialization of those research results than we are.

In its report Thinking Big About Thinking Small, which can be found on my website, the Blue Ribbon Task Force on Nanotechnology made a series of recommendations for ways that the Nation can promote the development and commercialization of nanotechnology, a number of which are included in H.R. 3235.

In addition, the bill addresses concerns that have been raised in recent months about whether the Federal Government is doing enough to address potential health and safety risks associated with nanotechnology. The NANO Act requires the development of a nanotechnology research strategy that establishes research priorities for the Federal Government and industry that will ensure the development and responsible stewardship of nanotechnology. This strategy will help to resolve the uncertainty that is one of the major obstacles to the commercialization of nanotechnology—uncertainty about what the risks might be and uncertainty about how the Federal Government might regulate nanotechnology in the future.

H.R. 3235 includes a number of provisions to create partnerships, raise awareness, and implement strategic policies to resolve obstacles and promote nanotechnology. It will: create a public-private investment partnership to address the nanotechnology commercialization gap; establish a tax credit for investment in nanotechnology firms; authorize a grant program to support the establishment and development of nanotechnology incubators; establish a Nanoscale Science and Engineering Center for "nano-CAD" tools; establish grant programs for nanotechnology research to address specific challenges in the areas of energy, environment, homeland security, and health; establish a tax credit for nanotechnology education and training program expenses; establish a grant program to support the development of curriculum materials for interdisciplinary nanotechnology courses at higher education institutions; direct NSF to establish a program to encourage manufacturing companies to enter into partnerships with occupational training centers for the development of training to support nanotechnology manufacturing; and call for the development of a strategy for increasing interaction on nanotechnology interests between DOE national labs and the informal science education community.

I look forward to working with my colleagues on the Science and Technology Committee to incorporate these provisions as we work to reauthorize the Nation's nanotechnology research and development program.

STATEMENT ON THE ELECTION OF PRATIBHA PATIL

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. CROWLEY. Madam Speaker, I rise to congratulate predident Pratibha Patil on her historic election.

On July 19, 2007, delegates from the Indian Parliament and various State legislatures elected Pratibha Patil the new president of India. She is the first female elected to the office of the presidency since India gained independence from the British in 1947. This is a monumental achievement for this emerging democracy, and it demonstrates the progressive ideals and forward-thinking ways of the people of India.

President Patil represents the United Progressive Alliance (UPA), the present coalition of ruling political parties that has had a strong and lasting presence in the Government of India since 2004, and she is a member of the Indian National Congress, which led the nation to Independence.

She won by nearly two-thirds of votes cast by the election body, representing the overwhelming support that President Patil has garnered while being a member of the UAP.

She has had a long history in elected office, her first victory coming in 1962 when she was elected the state of Maharashtra's legislature. Since then, she has demonstrated great skill in governing on both the state and national level. The turning point in her political career came in 2004 when she was elected the first female governor to the state of Rajasthan.

As President, Patil will not only serve as the First Citizen and Head of State of India, but she will be the Supreme Commander of the Indian Army and hold all executive powers of the Central Government.

The election of President Patil represents the merger of diversity and equality within the Government of India. She is not only the first woman president elected in the country, but also the first Maharashtrian to hold the position.

As a strong advocate of India-U.S. relations, I believe the election of President Patil signifies the pluralism that drives and provides efficient functioning of democratic systems.

I wish President Patil great success. She is a role model for all women around the world, and I hope her presidency helps to diminish some of the lingering discrimination against women in India. I also look forward to working with her and the Indian government on further developing a strong and lasting relationship between our two great democracies.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mrs. McCARTHY of New York. Madam Speaker, on July 30, I was unavoidably detained in my district and missed several votes.

Rollcall No. 758, H.R. 2750, NASA Coin Act, "yea";

Rollcall No. 759, previous question, H. Res. 580, "yea";

Rollcall No. 760, H. Res. 580, "yea";

Rollcall No. 761, previous question, H. Res. 579, "yea"; and

Rollcall No. 762, H. Res. 579, "yea."

INTRODUCING THE TEDDY ROOSEVELT BRING BACK OUR PUBLIC LANDS ACT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. HUNTER. Madam Speaker, in 1909, when President Theodore Roosevelt signed the last piece of legislation successfully creating over 42 million acres of national forest, the American outdoorsman came into his own. Our great "outdoor President," with a stroke of his pen, dedicated more land to American citizens for hunting and fishing than all the royal estates of Europe combined.

From the Adirondacks and the Blue Ridge of the East to the Sierra Nevada of California, every outdoorsman could now be the master of enormous sporting opportunities. The only price was a stretch of the legs and an investment of time and a modicum of woodsmanship.

Because of Teddy Roosevelt's leadership and efforts, the public land of the Federal Government became truly the "estate" of the average American.

A carpenter in Indiana or Iowa could saddle up the old Chevy pick-up and take his sons elk or deer hunting on a long weekend in Colorado. A steel worker in Pennsylvania could drive "straight through" with his pals to that certain Aspen grove in western Wyoming where big bucks always abounded on opening morning. Thus, until a few years ago, the outdoor legacy of Teddy Roosevelt and the birthright of outdoor Americans were secure.

Not any more.

Today, bureaucracies in State governments are closing down the outdoor opportunities for average Americans. They are slamming the door on outdoor families the old-fashioned way: with outrageous fees for non-resident hunters, even when the hunting is done exclusively on Federal land.

For example, the out-of-State license fee in Wyoming is $281 for deer, $481 for elk; in Colorado it is $301 for deer, $501 for elk; in Montana, it is $643 for both. In New Mexico, if two sons decide to take their dad on a weekend getaway, they each face fees of $355 for deer and $766 for elk.

What makes these high prices so unfair is that they are applied to out-of-State American outdoorsmen who hunt exclusively on Federal property. The 190 million acres of national forest and 258 million acres of BLM are the birthright of all Americans. The notion that they are viewed as the domain of State legislatures runs against the principle of public usage of Federal property.

Certainly, individual States have the right to regulate the private land and state-owned property within their boundaries. No one quarrels with that. But placing prohibitive fees on hunting that is conducted on Federal public lands quickly becomes a method of exclusion.

What happens, for example, if New Mexico should raise its out-of-State fees to $2,000 for bull elk? This increase would have the same effect as a locked gate for thousands of average Americans who want to hunt elk on any of the six national forests in New Mexico, over 11 million acres of federally owned land.

The bill I am introducing today will restore acres for all American hunters to Theodore Roosevelt's "Great Estate" of national forests and other public land. I acknowledge that some small amount of States' wildlife resources are expended on federally owned and managed lands. Therefore, it is only right that out-of-State hunters share in this minimal expense.

My bill, therefore, says this: No State may charge more than $200 for a big game license, specifically, elk, deer, antelope or bear, for hunting that is carried out exclusively on national forest or BLM Federal land.

The $200 fee strikes a balance between two interests. The first interest is the State's legitimate need to recoup the few dollars that it expends in the management of Federal land. The second, and most important, is the interest of helping that father with two teenagers who does not have the $2,300 the State of New Mexico will charge this year for a family of three to hunt on national forest for bull elk.

In most cases, even a $200 fee will be a windfall for States, far out-pacing any help they give the Federal Government for wildlife management in national forests. Any American, from any State, should be allowed to earn a fall morning hunting elk in the Rockies with a healthy hike and a good shooting eye, regardless if he has a large bank account. My bill restores that opportunity.

IN HONOR OF CASCADES FALLS

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. WALBERG. Madam Speaker, Let it be known, that it is my special privilege to congratulate the Cascades Falls on its 75th anniversary. I congratulate everyone who has been involved in the life of the falls for the last 75 years.

Cascades Falls is the result of a man's dream to do something for the people of Jackson and to build an attraction that would provide visitors with a positive impression of the city. That man was CPT William Sparks.

The falls opened on May 9, 1932, to a crowd of 25,000 people. Guy C. Core described the Cascades Falls premiere: "As gloom of dusk thickened, water splashed down concrete falls into reflecting pools. Powerful lights flashed on, and the colorful, fast-changing spectacle drew gasps of admiration from the assembled crowd."

Today the Cascades Falls are still described the same way by its visitors; the warm summer nights lit by the lights of the Cascades and the sky glowing with fireworks. The Cascades Falls are a monument of beauty and distinction that has remained a source of enjoyment and fond memories to millions of visitors.

In 1943, the Sparks family gifted the 465-acre Park and Cascades Falls to Jackson County.

The life of the Cascades Falls is dependent on the community and all of those at the County Parks and Recreation who dedicate themselves to the protection of the falls.

In special tribute, therefore, this document is signed and dedicated to honor the Cascades Falls on its 75th anniversary. May others know of my high regard for the Cascades Falls, and may generations to come enjoy this spectacular attraction.

CONGRATULATING R.L. POSEY ON CELEBRATION OF HIS 80TH BIRTHDAY

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. PEARCE. Madam Speaker, I rise today to recognize R.L. Posey on his 80th birthday. Although simply making it to his 80th birthday is truly a milestone, this has not been Mr. Posey's only accomplishment; throughout his life he has taken on one challenge after another and refused to quit until the job was done.

R.L. was brought into the world on August 21, 1927, in Alamogordo, NM. After attending grade school and graduating from Cloudcroft High School, R.L. answered the call to duty, and was commissioned as a second lieutenant in the United States Army. Second Lieutenant Posey served with the 384th Ordinance Tank Maintenance Company from February 22, 1946 to March 25, 1947. R.L. later attended New Mexico College of Agriculture and Mechanic Arts where he received a bachelor of science degree in mechanical engineering.

After returning home to New Mexico, he met and later married his wife Patty, in June of 1949. During their 58 years of marriage, R.L and Patty have brought up a wonderful, loving family of six. His family has since grown up and he now has 21 grandchildren and 12 great grandchildren.

After starting and raising his family R.L. returned to service and faithfully served in the civil service. He was appointed director of safety at the Air Force Operational Test and Evaluation Center, Kirtland Air Force Base, Albuquerque, NM. R.L retired from his position and now spends ample amounts of time with his family and friends. Aside from work Mr. Posey is an activist in his community, focusing on the environment and land issues.

Adventurer is not quite the word to describe Mr. Posey; servant and community leader is more his style. Whether serving as a husband to his wife, a father to his children, an activist in his community, as director of safety or an officer in the U.S. Army, R.L. has continuously placed the welfare of others before his own. Congratulations R.L, and happy birthday.

COMMENDING DR. JOHN ROBERT CAVANAUGH FOR HIS OUTSTANDING ACCOMPLISHMENTS AND DEDICATION WHILE CHANCELLOR OF LOUISIANA STATE UNIVERSITY AT ALEXANDRIA

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. ALEXANDER. Madam Speaker, I rise today as Dr. John Robert Cavanaugh merits heartfelt recognition and commendation for his highly significant contributions as an extraordinary educator and citizen, as he prepares for retirement from this vital position.

Dr. Cavanaugh, currently the longest serving chancellor in the LSU system, has served as chancellor of Louisiana State University in Alexandria since 1994 and will retire on August 17, 2007. In the 13 years he has served as chancellor, Louisiana State University at Alexandria has grown from a 2-year community college with 2,500 students offering four associate degree programs to an institution of more than 3,000 students offering six baccalaureate degrees and seven associate degrees.

He earned his bachelor's degree in 1967, master's degree in 1968, and Ph.D. in 1971 in health and physical education from Louisiana State University. He held a graduate fellowship in special education at LSU as well. He served as an instructor, assistant professor, associate professor, Coordinator of the Education Selection, professor of Health and Physical Education, acting head of the Division of Liberal Arts, coordinator of Planning and Development, and vice chancellor of Academic Affairs before he was appointed as chancellor.

Dr. Cavanaugh is a remarkable man who represents all that is good in Louisiana.

Those who have worked closely with him throughout his exemplary career will continue to respect and admire him for the indelible mark he has left on higher education in Louisiana. Under his tenure as chancellor, Louisiana State University at Alexandria has risen to a place of prominence in higher education for central Louisiana.

Madam Speaker, I ask my colleagues to join me in celebrating his outstanding accomplishments and dedication of Dr. John Robert Cavanaugh while chancellor of Louisiana State University at Alexandria. I acknowledge his invaluable and significant contribution to not only the State of Louisiana, but our Nation as well.

CONGRATULATING OUR NATION'S BUSINESS PUBLICATION EDITORS ON THEIR CODE OF ETHICS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mrs. MALONEY of New York. Madam Speaker, on August 2nd and 3rd, the American Society of Business Publication Editors (ASBPE) will be holding its national editorial conference in New York City for the first time in its almost 40-year history. I wanted to use this occasion to congratulate ASBPE for its outstanding efforts to increase the professionalization of our nation's trade press editors.

The work of trade publication editors is vitally important to not only our democracy but to the commercial success of our country as well. Each and every industry in the United States is served by an array of magazines, newsletters, newspapers, and Web publications whose only mission is to facilitate the free exchange of information among professionals in an industry. As the knowledgeable and highly trained specialists who create the content for and manage those publications, business editors are the key to the continued free flow of news, best practices, and technical research that's so critical to ensuring the continued success of American professionals and industry in a rapidly globalizing world. Trade editors are the indispensable knowledge workers who help shape the environment in which businesses and nonprofit organizations operate. These knowledge workers combine expertise in their subject matter with their skills as writers and editors to tell the stories that professionals in an industry rely on to grow their own expertise. Without our trade press editors, companies and organizations would operate in a black hole, devoid of information and unable to grow. In our post-industrial world, information is the currency of success.

It's especially fitting that ASBPE be acknowledged at this time, because it has recently released its revised Code of Ethics, which is unique in the scope of its effort to come to grips with the rapidly changing digital environment in which editors must work. Professionals throughout the world of business journalism have appropriately acknowledged the thoughtful, balanced approach taken by ASBPE to set guidelines for editors struggling to understand what's appropriate, and what's not, in today's highly digitalized world. Already ASBPE has received kudos from publishers and editors for balancing the needs of advertisers and the inviolable need for journalism objectivity in our brave new world of digital media, but I'd like to add my own congratulations for its admirable work in this area. ASBPE's Code of Ethics truly represents one of the first comprehensive efforts to give editors the same level of guidance in the digital world that they have had in the print world.

I have been very involved in many issues considered by this Congress that impact the job of journalism professionals like those who belong to ASBPE. As you know, as a member of the Subcommittee on Government Management, Finance, and Accountability, I have tried to ensure the rights of journalists to maintain access to government information, as intended in the first amendment to the U.S. Constitution. Among other things, I recognized early on the impact of digital communications on journalism by advocating passage of E–FOIA, a law that eases public access to information in an electronic format under the Freedom of Information Act. In the 109th Congress I was an early cosponsor of the OPEN Government Act, which would help independent bloggers and other new-media communicators obtain government information by expanding FOIA provisions to journalists not affiliated with institutions. Time and again I have called for openness over secrecy in the dissemination of information by the executive branch of the federal government, whether it involves testimony from former government officials on homeland security matters, or scientists' recommendations on contraceptive safety. In these efforts, I share many of the goals of the editorial professionals in the trade press.

It is with great pleasure that I welcome ASBPE to my city and congratulate its president, Roy Harris, Jr., of CFO Magazine in Boston, and its incoming president, Steven Roll of the Bureau of National Affairs in Washington, D.C., for the success of their growing organization. I also want to congratulate Warren Hersch, ASBPE's New York City chapter president, for hosting his organization in our great city. A congratulatory note, too, to ASBPE's two most recent past presidents, Paul Heney of Hydraulics & Pneumatics Magazine in Cleveland, and Robert Freedman of Realtor Magazine in Washington, D.C. Finally, a hearty good luck to ASBPE's other national officers, Vice President Portia Stewart of Firstline Magazine, in Kansas City, Kans., and Treasurer Ira Pilchin of the American Bar Association in Chicago, and the incoming vice president, Amy Fischbach of Kansas City, and Jyme Mariani of GMPRO in Fort Worth, Texas.

TRIBUTE TO TOBIAS "TOBY" GIACOMINI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Ms. WOOLSEY. Madam Speaker, I rise with sadness today to honor Tobias "Toby" Giacomini who died July 17, 2007, at the age of 88. Toby was a long-time businessman and leader in the West Marin community whose warmth and generosity were as legendary as his' feed store and trucking enterprises.

Born in Petaluma in 1918, Toby moved to Point Reyes Station almost 70 years ago to manage the produce department in the Palace Market, which was purchased by his brother Waldo. A few years later, he acquired a truck and began a milk pick-up business, serving the far-flung ranches of the area. He soon expanded to include delivery of supplies and hay, later growing his own in Nevada, and opened Toby's Feed Barn to augment the delivery service.

The trucking and feed barn businesses grew into two of the largest in the area, developing in new directions to meet the changing needs of the community. And Toby always claimed his success was due to conducting business with his word and a handshake, not formal contracts.

In 1983, after a heart attack, Toby turned the businesses over to his sons, Joe, Toby, and Chris. However, he supervised both the business and Point Reyes Station's Main Street, from a rocking chair on the porch, where he always had a friendly word or a light-hearted joke to dispense along with a fresh selection from the store's produce stand. The accompanying twinkle in his eye never dimmed.

Locals enjoyed stopping by for a friendly chat because they appreciated his care for his community and its future.

Toby helped organize the West Marin Lions Club and was active in its Western Weekend Parade and Barbecue for many years. His support for the Halleck Creek Riding Club, which provides therapeutic horseback riding for the disabled, was crucial to the group's ability to serve an expanding need. He was a member of the Native Sons of the Golden West, the Young Men's Institute's Petaluma Council, and the Sacred Heart Catholic Church, and always supported the schools and other local nonprofits. Seeing working families getting priced out of the community, he advocated for affordable housing, making it possible for a housing project to acquire land he owned to construct rental homes.

Toby is survived by a loving family including his wife Vetalena "Vet"; daughter Carol; sons Joe, Toby, and Chris; a brother Ralph and sister Esther; as well as 15 grandchildren and 18 great-grandchildren.

Madam Speaker, Tobias Giacomini will be missed in West Marin. His memory will live on in his good works and in Toby's Feed Barn, now a gathering place on Main Street which is host to a community garden, a summer farmer's market, an art gallery, and many popular events and classes. He exemplifies what caring people who follow their hearts mean to a community.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent yesterday afternoon, July 30, on very urgent business. Had I been present for the three votes which occurred yesterday evening, I would have voted "aye" on H.R. 2750, rollcall vote No. 758; I would have voted "aye" on H. Res. 580, rollcall vote No. 759; I would have voted "aye" on H. Res. 580, rollcall vote No. 760; I would have voted "aye" on H. Res. 579, rollcall vote No. 761; and I would have voted "aye" on H. Res. 579, rollcall vote No. 762.

INTRODUCTION OF THE UNIVERSAL PRE-KINDERGARTEN AND EARLY CHILDHOOD EDUCATION ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Ms. NORTON. Madam Speaker, I am introducing today the Universal Pre-kindergarten and Early Childhood Education Act of 2007 (Universal Pre-K) to begin the process of providing universal, public school pre-kindergarten education for every child, regardless of income.

The bill is meant to fill the gaping hole in the President's No Child Left Behind law, which requires elementary and secondary school children to meet more rigorous standards while ignoring the preschool years which can best prepare them to do so. My bill would provide a breakthrough in elementary school education by taking a step at the Federal level to provide initial funding, and using such funding to encourage school districts themselves to add a grade to elementary schooling at ages three and four as an option for every child.

We cannot afford to continue to blithely let the most fertile years for reading go by while we wonder why we can't teach Johnny to read. As the President presses No Child Left Behind into high schools, my bill asks him to begin at the beginning when children should begin their education.

The Universal Pre-K Act responds both to the huge and growing needs of parents for educational childcare and to the new science showing that a child's brain development, which sets the stage for lifelong learning, begins much earlier than previously believed. However, parents who need childcare for their pre-K aged children are rarely able to afford the stimulating educational environment necessary to ensure optimal brain development. Universal pre-K education would be a part of school systems, adding a new grade for three- and four-year-olds similar to five-year-old kindergarten programs now routinely available in the United States. The bill would eliminate some of the major shortcomings of the uneven commercial daycare now available and would assure the qualified teachers and safe facilities of public schools.

This bill's introduction is particularly timely here in the District of Columbia, where more extensive integration of early childhood education is planned as part of a larger effort to improve D.C. public schools. A recent report highlighted the economic benefits of early childhood education, generating $221 million each year in the District while starting early to expand job, career, income, and academic prospects of children, decreasing the amount spent on social programs to address teen pregnancy, crime, and the like.

Compare the cost of daycare, most of it offered today with an inadequate educational emphasis, at an average cost of $6,171 per year, to the cost of in-state tuition at the University of Virginia, which costs $6,785 per year. Yet, more than 60 percent of mothers with children under age six work. That proportion is rapidly increasing as more mothers enter the labor force, including mothers leaving welfare, who also have no long term access to child care.

Because of decades of refusal by Congress to approve the large sums necessary for universal health coverage, the Universal Pre-K Act encourages school districts across the United States to apply to the Department of Education for grants to establish three and four-year-old kindergartens. Grants funded under Title IV of the Elementary and Secondary Education Act, ESEA, would be available to school systems which agree in turn to use the experience acquired with the Federal funding provided by my bill to then move forward, where possible, to phase in three and four-year-old kindergartens for all children in the school district in regular classrooms with teachers equivalent to those in other grades as part of their annual school district budgets.

The success of high quality Head Start and other pre-kindergarten programs combined with new scientific evidence concerning the importance of brain development in the early years virtually mandate the expansion of early childhood education to all of our children. Traditionally, early learning programs have been available only to the affluent and to lower income families in programs such as Head Start. My bill provides a practiced way to gradually move to universal pre-school education. The goal of the Universal Pre-K Act is to bring the benefits of educational pre-K within reach of the great majority of American working poor, lower middle class, and middle class families, most of whom have been left out.

Considering the staggering cost of daycare, the inaccessibility of early education, and the opportunity earlier education offers to improve a child's chances in life, three and four-year-old kindergarten is overdue. The absence of viable options for working families demands our immediate attention.

I strongly urge my colleagues to support this legislation.

TRIBUTE TO JOHN L. PUGH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. KILDEE. Madam Speaker, I rise today to recognize the accomplishments of John L. Pugh as he retires from Delta College after 36 years of service. John will be honored at a party of Friday, August 3, in Saginaw, MI.

John Pugh was born in Shubuta, MS, where he attended public school through eighth grade. He completed his secondary education in Newton, MS. He received his B.A. degree, cum laude, in economics from Florida Agricultural and Mechanical University, Tallahassee, FL, and his master degree from the University of Toledo in 1971. He also attended Tougaloo College, Tougaloo, MS, and spent 4 years in the U.S. Air Force before entering Florida A and M University.

John Pugh became involved in politics, economic empowerment, and civil rights efforts as a freshman at Tougaloo College, where he worked with Medgar Evers on a successful public boycott that encouraged businesses in Jackson, MS, to hire African-American employees. He continued his community involvement during his 3 years as a student at Florida A and M University as he worked on local campaigns for Black mayoral candidates and helped develop a student magazine.

He has managed several successful local and State political campaigns. Mr. Pugh served as chair of the Saginaw County Reverend Jesse Jackson for President Committee in 1984 and 1988. Rev. Jesse Jackson won in Saginaw County in 1984. In 1988, again under Mr. Pugh's leadership, Jackson won the Saginaw district. Mr. Pugh served as a delegate to the National Democratic Convention in 1988 and 1992.

His community involvement includes: founding board member of the Ruben Daniels Educational Foundation, member of Saginaw County Mental Health Authority, chair of the Saginaw Branch NAACP ACT–SO Program, member of Zion Missionary Baptist Church Deacon Board, chair of New You Design Men's Apparel Store, managed local campaign efforts for Rev. Jesse Jackson, President Bill Clinton and Democratic presidential nominee John Kerry.

During his 36 years at Delta College, he developed a wide range of programs and initiatives to assist students and the Saginaw urban community. Delta College's faculty and staff recognized Mr. Pugh in 1980 and 1995 for his extensive service to the college and community when he was presented the American Association of University Professor, AAUP, Award, the highest honor bestowed upon college administrators.

Mr. Pugh is married to Carolyn. They have 3 daughters, Yvette, Pamela, and Canika, and 3 grandchildren, Andrea, Delyn, and Kevin John.

Madam Speaker, I ask the House of Representatives to join me in congratulating John Pugh on his retirement from Delta College. He has devoted his life to nurturing the next generation of our country's leaders and has made the world a better place.

COUNCIL OF KHALISTAN WRITES TO CHIEF MINISTER TO DEMAND WITHDRAWAL OF WARRANT AGAINST DR. UDHOKE AND RELEASE OF MANN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. TOWNS. Madam Speaker, as I have discussed recently, the Punjab Government has issued an arrest warrant against Dr. Sukhpreet Singh Udhoke for the crime of writing about Sikh freedom and criticizing the chief minister. Mr. Mann's crime was placing a picture at the statue of the brutal late chief minister, Beant Singh.

The Council of Khalistan has recently written to Chief Minister Parkash Singh Badal to demand the withdrawal of the warrant against Dr. Udhoke and the release of Mr. Mann. We should join in that demand, Madam Speaker. We should stop aid and trade with India to support rights for everyone and we should demand a free and fair vote on freedom for Khalistan, the Sikh homeland, for Nagalim, for Kashmir, and for the other nations seeking their freedom.

I would like to add that letter to the RECORD, Madam Speaker.

COUNCIL OF KHALISTAN,
Washington, DC, June 28, 2007.

Hon. PARKASH SINGH BADAL,
Chief Minister of Punjab,
Chandigarh, Punjab, India.

DEAR CHIEF MINISTER BADAL: I am writing to you regarding the recent arrest warrant for Dr. Sukhpreet Singh Udhoke and the arrests of Sardar Simranjit Singh Mann and his associates. As you know, both were involved in peaceful political action, which is protected under the Indian constitution. at the time the warrants for their arrests were issued by your government. Dr. Udhoke's offense was publishing articles critical of you. Sardar Mann's was protesting and placing a picture of a Sikh martyr at the statue of the brutal, genocidal Beant Singh, who presided over the murders of over 50,000 Sikhs. Mann had previously been arrested for the dangerous crimes of making a speech and raising a flag.

You have been in opposition. You have engaged in political activities while in opposition. What would you think if you were arrested for those activities? That is exactly what your government is doing to S.S. Mann and proposes to do to Dr. Udhoke as soon as you can find him.

When did the right to protest peacefully disappear in Punjab, Khalistan? Are you determined to prove the late General Narinder Singh right that "Punjab is a police state"?

On behalf of the 25 million strong Sikh Nation in Punjab, in India, and around the world, I am writing to demand the withdrawal of the arrest order against Dr. Udhoke and his associates and the immediate release of Simranjit Singh Mann and his associates. I do not do this for political reasons; Mann has been a vocal critic of this office and has cooperated with the Indian government. But if you truly believe in democracy—the system that put you back in power earlier this year—then you cannot in good conscience arrest people for dissent.

Indeed, Mann's arrest shows what can happen to a Sikh even if he cooperates with the Indian government, as you have done throughout your political career to the detriment of the Sikh Nation. One day, your utility to them will be exhausted and they may then have you thrown in jail for a peaceful political activity—simply because you are a Sikh. Who will you turn to defend you then? To this office?

Yet while you seem intent on prosecuting peaceful dissent, you are unwilling to take action against those who commit murder and other serious crimes. Is that because of your alliance with the BJP, which is the political arm of the pro-Fascist, militant Hindu nationalist, anti-Sikh RSS?

When you were elected in 1997, you promised the Sikhs of Punjab that you would appoint a commission to inquire into the atrocities in Punjab and prosecute the police officers who murdered Sikhs. Instead, you protected SSP Swaran Singh Ghotna, who murdered Akal Takht Jathedar Gurdev Singh Kaunke.

Just recently, Gurmit Ram Rahim Singh was fraudulently dressing as Guru Gobind Singh, performing baptisms that are reserved for the Panj Piaras, and advertising it in the newspaper. This was a desecration of the Sikh religion and a fraud. Yet you met with Ram Rahim to ask for his political support. But you couldn't even succeed in persuading this corrupt baba to support you! Yet when he perpetrated this fraud, you protected him until the political pressure to prosecute him got too intense. He still has not been arrested, nor has an arrest warrant been issued. I guess the jails are too crowded from holding the likes of Dr. Sukhbir Singh Udhoke and Simranjil Singh Mann.

In 1978, during your Chief Ministership, the Nirankari cult had a meeting and desecrated the Guru Granlh Sahib. Sant Jarnail Singh Bhindranwale and his supporters peacefully protested outside. Your police fired on the protestors, killing 13 of them, then your police escorted the Nirankari leader, Gurbachan Singh, safely out of Punjab.

Apparently, you were not through trying to destroy Sant Bhindranwale. According to letters reprinted in the book Chakravyuh: Web of Indian Secularism, you, along with Harcharan Singh Longowal and the late Gurcharan Singh Tohra, invited the Indian government to attack the Golden Temple in June 1984 to kill Sant Bhindranwale. 37 other Gurdwaras were attacked simultaneously. Over 20,000 Sikhs were killed in those attacks. Their blood is on your hands, Mr. Chief Minister.

Furthermore, your government in your previous term was the most corrupt in Punjab's history. You creatively invented a new term for bribery; "fee for service." No fee, no service. The sale of government offices was standard operating procedure. Your wife even developed the handy skill of being able to tell how much money was in a bag just picking it up.

Furthermore, your operatives are calling this office repeatedly and harassing me about my website because it exposes you. You may be able to suppress the freedom of Sikhs in Punjab, but you cannot stop the Sikh diaspora from exposing your brutal and corrupt acts. Remember that Sikhs have a long memory of those who are traitors and murderers and who cooperate with the oppressors of the Sikh Nation. K.P.S. Gill's turban is still preserved in Belgium. When Khalsitan is free, it will be on display so that the Sikh Nation will never forget those who committed atrocities against us.

Punjab's water is being taken away by non-riparian states without compensation. At least your predecessor, who is from the Congress Party, the enemy of all Sikhs, tried to do something about it. He cancelled the water agreements. The bill passed by the Legislative Assembly expressly affirmed the sovereignty of Punjab.

Under your rule, the economy of Punjab is deteriorating. Sikh farmers are committing suicide because they cannot make a living, due to the fact that your friends in Delhi force them to pay exorbitant prices for fertilizer and seeds, but forces them to sell their crop at substandard prices. And you, who as Chief Minister and head of the Akali Dal are supposed to protect the interests of the Sikhs, sit there and kowtow to these criminals.

Even though the government of Pakistan said it would build a road to Kartapur, where Guru Nanak went to his heavenly abode, with no visas, your government has refused to build the Punjab side of the road so that Sikhs can go freely to this sacred site.

From these actions, it is clear where your loyalties lie, and they are not with the Sikh Nation or with the Sikh religion or with the people of Punjab, but with the violent, pro-Fascist, murderous Hinducrat thugs from Delhi who sponsor you and your career. But remember the warning I gave you earlier; when they are through with you. when you no longer have any usefulness to them, they will dispense with you as they have dispensed with so many other Sikhs who have served them.

That is why it is incumbent on every Sikh to engage in the "long struggle" to free Khalistan. Only then will Sikhs such as Dr. Udhoke, Sardar Mann, and even the likes of you be protected from the violent and brutal whims of the oppressive Hindustani regime. It is crucial to protect the Sikh religion and the Sikh Nation from this oppression by liberating Khalistan today, in accord with our declaration of October 7, 1987. For your good, Mr. Badal, I urge you to get on the right side of history today. Or would you rather be remembered as an enemy of the Sikh Nation?

Sincerely,

GURMIT SINGH AULAKH,
President, Council of Khalistan.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber yesterday. Had I been present, I would have voted "yea" on rollcall votes 758, 759, 760, 761, and 762.

INTRODUCTION OF THE "POVERTY MEASUREMENT IMPROVEMENT ACT"

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. WELLER of Illinois. Madam Speaker, today I am introducing the "Poverty Measurement Improvement Act." This legislation is designed to improve the way our Nation counts various antipoverty benefits we currently provide low-income families—to better understand both who is poor and how effective those antipoverty efforts are.

The Ways and Means Committee and its Income Security and Family Support Subcommittee, on which I serve as ranking member, has recently held a series of hearings on poverty, reviewing the cost of poverty, how U.S. poverty measurement differs from other countries, and possible solutions to poverty.

As several Members noted in those hearings, one of the first failings of our current poverty measure is the fact it does not count tens of billions of dollars in taxpayer funded assistance provided to reduce poverty for literally millions of families each year.

This omission limits the usefulness of today's poverty measure. It also devalues the sacrifices of taxpayers who pay for those benefits with their hard-earned tax dollars. And it increases the apparent number of families in poverty.

On August 1 the Income Security Subcommittee will hold another hearing on how poverty is measured in the U.S. Several witnesses will suggest counting the value of more antipoverty benefits to determine whether families are poor or not. That is exactly what the "Poverty Measurement Improvement Act" would do. Major assistance not counted today includes food stamps, public housing, earned income tax credits, and health coverage. These also constitute the fastest growing portions of our Nation's safety net designed to help low-income families escape poverty. So unless we act, more and more of our effort to alleviate poverty will be ignored each passing year.

Consider what this means for families.

Let's say the Jones family of 4 has an annual income of $30,000—all from wages. Current rules count wages as income for purposes of judging whether a family is poor. Since the poverty threshold for a family of 4 is about $20,000, and the income of the Jones family is above that level, the Jones family is officially "not poor."

Now let's say their neighbors the Smith family also is a family of 4. The Smith family also has a total of $30,000 in annual income. But the Smith's income comes from multiple sources—$18,000 from wages, plus a total of $12,000 in housing, health care, food stamp, and earned income tax credit benefits provided by taxpayers. Under current rules, none of the $12,000 in taxpayer benefits provided the Smith family is counted as income. So since their $18,000 in wages falls short of the $20,000 poverty threshold for a family of 4, the Smith family is "officially" poor.

This makes little sense.

The "Poverty Measurement Improvement Act" would direct the Census Bureau to report on poverty as measured three ways. First, Census would retitle the current official poverty rate as the "partial benefits poverty rate," which is what it is. The second measure, called the "full benefits poverty rate" would include means-tested food, housing and health care benefits as income. The final measure, called the "full benefits and taxes poverty rate," would also add in the value tax credits like the EITC, and subtract taxes paid.

This legislation would help us better understand both who is poor and the effectiveness of current antipoverty benefits. And it would put income from earnings and income from government benefits on the same level, so that the Jones and Smith families would be recognized as having the same disposable incomes, regardless of its source.

More needs to be done to help families lift themselves out of poverty. That means pressing on with more of what works to reduce poverty. As we saw in the progress against poverty following the 1996 welfare reform law, that starts with promoting more full-time work instead of welfare dependence. And it includes promoting more healthy marriage, which also reduces poverty and welfare dependence for the long run.

But we also should do a better job understanding how current antipoverty efforts are working, and the effect of means-tested benefits in improving the incomes and wellbeing of families. The "Poverty Measurement Improvement Act" I am introducing today does just that, and I urge all Members to support it.

RECOGNIZING THE STONE GARDENS HOLOCAUST MEMORIAL

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today to applaud the efforts of Mr. Albert Blitstein and the Mitzvah Corps of Stone Gardens in Menorah Park who decided to commemorate the Holocaust with a living memorial. With donations from Mr. Blitstein's children and the residents of Stone Gardens, a memorial consisting of six weeping cherry trees representing the six million men, women, and children of the Jewish faith who perished during the Holocaust, was planted in a peaceful and reflecting setting.

A published author, Mr. Blitstein provided the quote that was placed on the commemorative plaque:

> This living memorial is dedicated to the six million Jews who died in the Holocaust. It is to verify that we will never forget them. The six living trees planted in their memory are called weeping cherry trees. Although six decades have passed since the Holocaust, we still weep for them.

I join with the residents of the Stone Gardens, family, friends and the Stone Garden Mitzvah Corps in dedicating the Stone Gardens Holocaust Memorial. As a world community may we never forget the lives of those who died and may their memories never stray far from our minds as we affirm that we will never forget.

On behalf of the United States Congress and the residents of the Eleventh Congressional District, Ohio, I salute the Stone Gardens Mitzvah Corps for their dedication and generosity in the construction of this great memorial. May the Stone Gardens Holocaust Memorial be a lasting reminder and a living tribute to those who perished in one of the world's greatest tragedies.

50TH ANNIVERSARY OF SCLC

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. RUSH. Madam Speaker, we are here tonight to pay tribute to an historic American institution. This August the Southern Christian Leadership Conference, the SCLC, will celebrate its 50th anniversary.

The SCLC is one of the oldest and most influential civil rights organizations in American history. From its storied beginning, under the leadership of Dr. Martin Luther King, Jr., the SCLC has practiced the cornerstone of its founding principles: nonviolence in the fight for civil and human rights.

Originating from the Montgomery Bus Boycott that began after Rosa Parks was arrested for refusing to give up her seat, the SCLC has been a stalwart in the struggle for equal rights and human dignity for all.

The bus boycott organized under the leadership of Dr. King and Ralph David Abernathy signaled to Black America the beginning of a new phase in the long struggle in what has come to be known as the modern civil rights movement.

Bombings, threats, and arrests could not dissuade church leaders from all over the Deep South from coming together and organizing under a simple mission and platform.

At its first convention in Montgomery, Alabama in August 1957, the Southern Leadership Conference adopted the current name, the Southern Christian Leadership Conference, and the newly-formed group issued a document declaring that civil rights were essential to democracy, that segregation must end, and that all Black people should reject segregation absolutely and nonviolently.

Founders at these early meetings adopted nonviolent mass action as the centerpiece of their strategy against segregation and inequality. Additionally, the organization made the determination to open up the SCLC movement to people of all races, religions, and backgrounds.

At that time in American history there were many of us who questioned solely using nonviolent protest as a tactic in the fight for civil rights. However, today there can be no question that the strategy was effective.

One of the most dramatic moments in America history occurred during a SCLC campaign in Birmingham, Alabama. On May 2, 1957 more than 1,000 Black school children joined in the peaceful demonstrations where hundreds were arrested. The following day, 2,500 more students showed up, and Public Safety Commissioner Bull Connor met them with police dogs and high-pressure fire hoses.

That evening, television news programs showed the nation, and the world, scenes of fire hoses knocking down school children and dogs attacking individual demonstrators, who had no means of protecting themselves.

Public outrage led the Kennedy administration to intervene more forcefully. A settlement was announced on May 10, under which the downtown Birmingham businesses would desegregate and eliminate discriminatory hiring practices, and the city would release the jailed protesters.

During this turbulent episode, the brutal response of local police and "Bull" Connor stood in stark contrast to the nonviolent civil disobedience of the activists, and public sentiment came down on the side of justice.

Madam Speaker, I take pride in doing my part to continue the work of Dr. King and other prominent SCLC members and moving the civil rights agenda forward.

Tonight my colleagues and I would like to salute the efforts and hard work of the SCLC. The world is a better place today because of their actions throughout these past fifty years. I want to extend my heartfelt congratulations and gratitude for the legacy the SCLC has established, here in America and around the globe.

PERSONAL EXPLANATION

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. SIRES. Madam Speaker, on July 30, 2007, I missed rollcall vote Nos. 758, 759, 760, 761, and 762. Had I been present, I would have voted "yes" on rollcall 758, "yes" on rollcall 759, "yes" on rollcall 760, "yes" on rollcall 761, and "yes" on rollcall 762.

RESOLUTION FROM THE CITIZENS OF WASHINGTON, CONNECTICUT

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. MURPHY of Connecticut. Madam Speaker, when we invaded Iraq in March of 2003, we were told that we did so only to prevent the spread of weapons of mass destruction and to enforce compliance with a United Nations resolution. Now, four years and over 3,600 American lives later, we are mired in a bloody civil war that only grows more intractable every day. Despite overwhelming evidence and an increasingly broad public consensus, the Bush Administration refuses to yield to the reality that our presence in Iraq is not only failing to accomplish our goals, it is hindering them.

So many of the reasons and explanations given to justify this war have proven woefully misleading, were prefaced on faulty intelligence and inaccurate information and—in some cases—wishful thinking. The grave threat posed by Saddam Hussein's burgeoning chemical, nuclear and biological weapons arsenal is now believed never to have existed. Iraq's oil infrastructure, which was supposed to fully fund the country's postwar reconstruction efforts, remains severely damaged and in some cases, actively supporting the Iraqi insurgency. We have been saddled with a war that now actively fuels the forces of terror it was waged to prevent.

While the war's greatest cost lies in human lives, it continues to drain our Nation's treasury at an alarming rate. Nearly $600 billion has been spent toward the Iraq war thus far, and we continue to expend tens of billions of dollars in funding it every month. Equally disheartening is the estimated $10 billion in missing Iraq reconstruction funds that simply cannot be accounted for.

Meanwhile, the Bush administration refuses to abandon its hopelessly naive belief that major progress is just around the corner in Iraq, despite the conclusions of its own interim report released days ago on the troop "surge" strategy, which found only 8 of 18 major benchmarks had been met by the Iraqi government to date.

As the secret NSA wiretapping program and his use of so-called "signing statements" have demonstrated, the President's irresponsibility in office extends beyond calamitous military decisions to Iraq to an outright disregard for the rule of law. Tragically, this has led an unprecedented number of Americans to lose their trust and belief in government. Where Americans once believed that government had the potential to affect meaningful change, they now see it largely as a tool for cronyism, corruption and deception at the hands of their leaders.

I have seen and heard that disillusion firsthand from my constituents, neighbors and friends. The outcry against our wrongheaded strategy in Iraq and the President's disregard for the rule of law comes not merely from opinion makers, retired generals and former cabinet members, but from the very people who elected us to represent them in our Nation's capitol. My office receives dozens of phone calls every week from people so distraught by this President that they can see no other choice but to call for his impeachment.

On April 2, 2007, a coalition of concerned citizens from Washington, Connecticut banded together to pass a resolution calling for the President's impeachment. These citizens include Janet Buonaiuto, John Buonaiuto, Sandra Canning, Ken Cornet, Bill C. Davis, Diane Dupuis, Rita Frenkel, Paul Frenkel, Helen Gray, Diana Hardee, Joe Mustich, Mildred Pond, Davyne Verstandig. These conscientious residents of Connecticut's Fifth District presented me with their resolution and asked me to raise their concerns to the full House. I commend them for their activism and concern, and wish to register their views before Congress here today.

Thankfully, with the new Democratic majorities here in both houses of the 110th Congress, we now have the ability and the will to take a stand against this administration and its reckless conduct at home and abroad. We will continue to confront this President at every turn on his mismanagement of this war, and we will not cease to challenge the corrosive secrecy and corruption that his lack of leadership has spawned. While the battle is proving to be a hard-fought one, I am confident that we can bring the will of the people to the people's house of Congress.

IN HONOR OF DR. JOHN GARANG DE MABIOR

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. WOLF. Madam Speaker, I rise in honor of the late Dr. John Garang de Mabior, known to those close to him as "Dr. John." Dr. John was president of the Government of Southern Sudan and chairman of the Sudan People's Liberation Movement/Army, SPLM/A. Yesterday was the second anniversary of Dr. John's sudden death in a helicopter crash.

Dr. John led a heroic life, leading the South of Sudan through the decades-long war with the tyrannical northern government eventually to peace, culminating in the signing of the Comprehensive Peace Agreement on January 9, 2005. The southerners saw him as their founding father, their leader, their inspiration. Dr. John transformed his guerilla movement into an organized rebel force, and then into a political party, and eventually into a partner in the coalition government with the North. His influence over the South's destiny was clear; his leadership set the country on a track toward an agreement to share Sudan's vast wealth and power.

While Dr. John's passing deeply saddened us all, those who desire a bright future for Sudan hold in their memories the strength of Dr. John's character, and his strong and abiding belief that Sudan will indeed one day find peace.

HONORING NORMAN MOLLARD, JR.

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. HENSARLING. Madam Speaker, today I would like to honor LCDR Norman Mollard, Jr. Lieutenant Commander Mollard is an asset to the City of Palestine and one of our country's true patriots. When he joined the Navy in September of 1942, Norman began a journey that would earn him the prestigious Navy Cross, the Distinguished Flying Cross, and the Presidential Unit Citation with three stars among many other honors. During World War II, he was stationed aboard the USS *San Jacinto*, where he received the honorable designation of Fighter Ace.

After retiring from the Navy in July 1969, LCDR Mollard returned to Palestine where he continues to work to preserve the history and culture of east Texas. He is an active member of the Palestine Chamber of Commerce and spends much of his time volunteering at the Museum for East Texas Culture, the YMCA, and the Humane Society. He also participates in the Downtown Merchants Association, the Lions Club, and the local Masonic Lodge. LCDR Mollard's active life has been a service both to the City of Palestine and to our Nation.

Madam Speaker, as the Representative of the City of Palestine, Texas, it is my pleasure to congratulate Norman Mollard on his many accomplishments. I am sure that Norman's 6 children and many grandchildren are very proud of what he has accomplished in such a long and distinguished lifetime.

RETIREMENT ANNOUNCEMENT

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. LAHOOD. Madam Speaker, this year marks my 30th year in public service. On November 8, 1994, I was honored to be elected to represent the citizens of the 18th District. After working for Congressman Bob Michel and Congressman Tom Railsback for 17 years in the minority party, I never imagined that first election night would cap the day that swept the Republican Party back into the majority on Capitol Hill.

Since that first election almost 13 years ago, I have always maintained that this was not a lifetime job. The time has come to honor that commitment.

Therefore, today I am announcing that I will not run for re-election in 2008. There is still much to be done in the 110th Congress, and I look forward to that work, but I will retire from public life at the conclusion of this term in January of 2009.

I truly believe that public service is a noble profession. The citizens of the 18th District, by electing me as their Representative in the U.S. House, have given me a wonderful opportunity to serve not only them, but all the people of Illinois and of our great country. Being chosen by one's neighbors to represent them in Congress is one of the greatest honors free people can bestow on a fellow citizen. I owe a great debt of gratitude to my supporters for this chance to serve.

It is hard to express in words what it means to have the opportunity to represent a district which was once represented by such political giants as Abraham Lincoln, Everett Dirksen, and Bob Michel.

Today I cannot help but think of my parents who instilled in me an ethic of hard work and my grandparents, who immigrated to the U.S. through Ellis Island and eventually settled in Peoria. They were welcomed with the typical generosity and warmth that characterizes our part of the world. They were good citizens, who worked hard, and raised a great family. That their grandson was able to become a U.S. Representative is proof that "the American dream" is not just a slogan but a continuing living reality to those who are willing to make it work. I know that is true, because my fellow citizens helped me live that dream.

In the end it is my family to whom I will be forever indebted. During the past 30 years, my family, and particularly my wife Kathy, has carried many burdens and responsibilities alone as I spent time away from them in an effort to live out my political dream and fulfill my obligations as a public servant. They have supported and encouraged me over the past three decades.

It is time for me to attempt to repay that debt, and I truly look forward to many wonderful years with my wife, my children, and my grandchildren.

God bless the citizens of Illinois who have given me this wonderful opportunity. God bless my family for everything they have endured, and God bless the United States of America.

"MARVIN ZINDLER—EYEWITNESS NEWS"

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. POE. Madam Speaker, to the residents of Houston and the surrounding cities, the name "Marvin Zindler" was synonymous with "champion" and "crusader." You see, Marvin Zindler has just as many stories as the Lone Ranger himself—just as many tales about his struggles for justice too. He was a fighter for the "little man," defending those who were swindled or scammed—seeking retribution the only way he knew how, with a bright light, an all-seeing camera lens, and a television audience.

For the last thirty-four years, Marvin has been the much loved and revered face of television station KTRK Channel 13 in Houston, Texas. He was known for his consumer reporting—one of the first in the business to do so—letting the unsuspecting public in on the down and dirty dealing of local businesses throughout Southeast Texas. It was his thirst for integrity and justice among his fellow citizens that led Marvin to work day in and out to unmask the unscrupulous. But to truly understand Marvin, you have to understand the man behind the camera—who he was before he became "The Marvin Zindler."

Marvin was born into the wealth and privilege of society in 1921 and he was not sure where he wanted to go in his life. Torn between careers, Marvin came roaring into the media world as a DJ and spot reporter for a former, local radio station. He moved onto a career with a former Houston newspaper and did spot news reports for a local television station. It was during his early stint in the media that Marvin began to lean towards the law enforcement profession. In the early 1950s, he was a volunteer police officer—all while continuing to be a voice in the media.

In 1962, Marvin put aside his media career and became a member of the Sheriffs Department. Assigned to the fugitive apprehension unit, it was his responsibility to round and rope up those who sought to flee American justice. Madam Speaker, legend has it that Marvin Zindler once chased a Texas fugitive through the heat of the Mexican deserts and into the rainforests of Central America, where he caught up with the Texas outlaw in what was then the U.S. held territory of the Panama Canal Zone. Marvin had a U.S. warrant for this criminal's arrest, but it was not sufficient enough to arrest him in Mexico or Central America. So he just waited until the fugitive touched U.S. soil—the Panama Canal. He then brought him back to face the Texas courts.

I first met Marvin back when I was a prosecutor. I have the honor and privilege of calling him a personal friend of mine and remained so throughout my judicial career. I can attest to his larger than life personality and his determination to make a difference in the world.

With the Sheriff's Department, Marvin established and ran the consumer fraud division. He was good at his job, perhaps a little too good as rumor has it. In 1972, Marvin was fired from the Sheriff's Department because local businesses were angered by his consumer fraud investigations. It was soon after his abrupt departure from law enforcement, he was hired by Channel 13 to be their on-air consumer reporter. From then on, a star was born.

Marvin Zindler stalked unscrupulous businesses like a lion stalks its prey. He was famous for his "rat and roach reports" on health inspections of local restaurants. He stood up to the bureaucrats who tried to walk on the backs of poor Houston residents, who did not have 2 dimes to rub together and had been swindled. He sought out immoral used car salesmen who made double-crossing deals of one-sided contracts and high interest rates—milking the consumers out of hundreds of dollars.

While the Houston public adored their TV crusader, Marvin did make some enemies, including a local county sheriff. In 1973, not yet a year into his TV career, Marvin exposed the State's best kept secret, a brothel called the Chicken Ranch in La Grange, Texas. His news story not only led to several ladies of the night being out of a job and national notoriety for his efforts and the embarrassment of local patrons, but a public fist fight with a county sheriff—who also happened to be a dishearten customer. The sheriff broke 2 of Marvin's ribs and snatched the toupee right off his head. It was this story that the famous long-running Broadway hit musical and eventual movie, "The Best Little Whorehouse in Texas," was based on.

Marvin Zindler had a heart of gold. Using his fame and his voice, Marvin began "Marvin's Angels"—a group of doctors who specialized in plastic and reconstructive surgery. These doctors then performed surgery on children who were born with facial deformities, such as a clef palate, and of course, at no charge to the child's family. He was the worshiped face of Houston. In fact, he was so beloved that Channel 13 signed him to a lifetime contract in 1988—a rarity in the television world. It was something he always honored.

Even when he was diagnosed with cancer in July, Marvin continued to make on-air appearances for Channel 13. Either from his sick bed or clothed in a robe and slippers, citizens could breathe easier knowing that Marvin was still fighting the good fight for them—the ordinary, everyday individuals, the people he cared the most for.

Madam Speaker, on Sunday, July 29th, Marvin Zindler, the crusader of Houston, Texas, passed away from pancreatic cancer. He was 85 years old.

Robert Pelton, Marvin's good friend, had this to say about this extraordinary champion of the little guy, "Marvin Zindler was the Lone Ranger and Superman, not just in Houston, but in the world. Marvin Zindler was a one man army for the underdog. With Marvin Zindler, there was no Governmental Red Tape.—He walked right through it. If he heard of an injustice or public corruption, he was there to expose and stop it. Marvin was a hero to every man, woman, and child who was a victim of discrimination and wrongdoing. He helped the crippled, blind, poor, and sick get help wherever they were. 'I'll Call Marvin Zindler' was the battle cry of the underdog and it always worked. Being his lawyer, friend, and angel for 31 years was the highest honor anyone could have."

Madam Speaker, people in the Great State of Texas fondly recall a man who was their champion—their "Lone Ranger." For wherever Marvin Zindler went, unscrupulous business owners quaked in fear, trepidation, apprehension, and panic knowing that they were being caught with "Slime in the Ice Machine"—one of Marvin's most famous sayings. Tonight, my thoughts and prayers are with his wife, his children, grandchildren, great-grandchildren, and the entire Houston community as we mourn the loss of our dear friend, consumer advocate, Marvin Zindler. He was a man who served our Houston community and the people with honor and duty. He will be gravely missed.

Madam Speaker, Each night Marvin signed off with the same words on his nightly newscast and I quote them for the last time, "Marvin Zindler—Eyewitness News."

And That's Just The Way It Is.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, August 2, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 3

8 a.m.

Armed Services

To receive a closed briefing regarding the treatment of detainees.

SR-222

HOUSE OF REPRESENTATIVES—*Thursday, August 2, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. HOLDEN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 2, 2007.

I hereby appoint the Honorable TIM HOLDEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Heavenly Father, may everything that we do bring consolation, security, and hope to Your people. By Your holy inspiration, this Nation has begun the good work of justice and freedom with government by the people.

In these days, let us continue to be a stronghold of God-fearing people who fashion law and policy not out of expediency or self-interest, but on firm principles that will strengthen personal virtue, assure tranquility, and serve the common good of all in the Nation.

For we believe, in serving Your people with dedication and personal integrity, we serve You, Almighty God, and give You glory now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. POE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. SIRES) come forward and lead the House in the Pledge of Allegiance.

Mr. SIRES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side.

110TH CONGRESS DELIVERS CHANGE AND A NEW DIRECTION

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, last November, people in Wisconsin and all across America asked for a positive change and a new direction, and the Democratically led 110th Congress has delivered.

We have been working hard to build a better nation by forcing Congress to be fiscally responsible, by increasing the minimum wage, and enhancing our security with the enactment of the 9/11 Commission recommendations.

We've cut costs for higher education. We've increased veterans' benefits, and in Wisconsin, we saved SeniorCare, the best prescription drug plan in America. And yesterday, we passed legislation to guarantee access to health care for our elders and for those among us who need it most, our children.

And next, forward-thinking Democrats will guide us towards energy independence and confront global climate change. There is hope again all across America. We are headed in a positive and fiscally responsible direction.

THIRD WORLD WAR

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last week, General Jack Keane, a retired four-star general and former Vice Chief of Staff of the United States Army, urged the Armed Services Committee to "find the courage that our troops display so openly, to deserve their honorable and selfless sacrifice, and to not squander their sacrifices and the gains they have made."

General Keane reviewed that the counteroffensive led by General David Petraeus is reducing sectarian violence. Sunnis are rejecting al Qaeda, and more Iraqis are working with our troops.

Osama bin Laden has described Iraq, quote, "The most important and serious issue today for the whole world is this third world war. It is raging in the land of the 2 rivers. The world's millstone and pillar is in Baghdad, the capital of the caliphate."

We must have resolve to stop our enemies and support our brave troops who are fighting to defend our freedom and protect American families.

In conclusion, God bless our troops, and we will never forget September the 11th.

AMERICA NEEDS A PLAN TO PROVIDE FOR CONTINUITY OF GOVERNMENT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Most Americans would agree that it would be prudent to have a plan to provide for the continuity of government and the rule of law in case of a devastating terrorist attack or natural disaster, a plan to provide for the cooperation, the coordination and continued functioning of all three branches of the government.

The Bush administration tells us they have such a plan. They have introduced a little sketchy public version that is clearly inadequate and doesn't really tell us what they have in mind, but they said, don't worry; there's a detailed classified version. But now they've denied the entire Homeland Security Committee of the United States House of Representatives access to their so-called detailed plan to provide for continuity of government. They say, trust us. Trust us, the people who brought us Katrina, to be competent in the face of a disaster? Trust us, the people who brought us warrantless wiretapping and other excesses eroding our civil liberties? Trust us?

Maybe the plan just really doesn't exist and that's why they won't show it

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to us. I don't know. Or maybe there's something there that's outrageous. The American people need their elected representatives to review this plan for the continuity of government.

MORE GOVERNMENT CONTROL OF OUR LIVES

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, our path to energy independence is anything but that. We have become more energy dependent on foreign governments, and our own government continues to find new ways to control our lives regarding energy use. The government is in the toilet bowl control business. Now toilets must meet strict Federal regulations, but these expensive toilets must be flushed more than once to be effective.

The government now polices our washing machines. But new regulations that limit water usage are so ineffective with these new gizmos that Consumer Reports states the government machines don't get dirty clothes clean unless they're washed multiple times. So much for saving energy.

And now the government is in the light bulb police business, requiring expensive new bulbs to be used that are only made, ironically, in China. Instead of finding new ways to punish and police Americans for using energy, we should find new efficient sources of more energy.

I doubt if our forefathers fought for independence at Valley Forge just to give us an all-controlling government that demands how citizens use washing machines, light bulbs and toilet bowls.

And that's just the way it is.

IN SUPPORT OF H.R. 3162

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, I rise proudly this morning to tell this Nation and the children of the State of New Jersey that this House has heard their call for help.

Yesterday's passage of H.R. 3162, the Children's Health and Medicare Protection Act of 2007, was a significant achievement for the children of working Americans throughout this country. In New Jersey alone, this legislation will maintain coverage for over 120,000 children currently enrolled in New Jersey's FamilyCare program, while also helping the State provide care for the 136,000 children currently eligible for the program but not enrolled in it. The New Jersey FamilyCare program would also be allowed to extend coverage to 126,000 young men and women who are aging out of the program but still need access to health care.

I am especially glad that the CHAMP Act will also help 80,000 of the lowest income and most wonderful adults in my State keep their coverage through this program.

Mr. Speaker, the SCHIP program that we passed yesterday has the potential to have a significant impact on improving children's health care across this Nation.

"HOLD-ON-TO-YOUR-WALLET" CONGRESS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I rise this morning to speak about the Ag approps bill that is going to come before us, and the culture of tax and spend that is just running unabated in this House.

And why should we expect the Ag approps bill to be any different? Well, of course it is not any different. It is going to be more of the same; it is going to be more of the same tax and spend.

And again we see a piece of legislation that is spending more than what the President requested, which many of us think was too much in the first place; 5.6 percent more than the President requested and 5.9 percent more than last year. You know what, Mr. Speaker? There are a lot of Americans that would like to see a 5.9 percent increase in their paycheck.

It is time for this House to get its fiscal house in order. It is time for the liberal left to stop spending the taxpayer's money. This is the "Hold-On-To-Your-Wallet" Congress. They're proving it every single day.

RENEWABLE PORTFOLIO STANDARD FOR AMERICA

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, on May 9, 1961, John F. Kennedy stood behind me and said that the U.S. was going to put a man on the moon in 10 years. That was very ambitious, but we did it. And we're going to have a similar moment of goal setting and aspirations and vision tomorrow when we vote to adopt a renewable portfolio standard for America, where we will guarantee Americans that we will have 15 percent of our electricity coming from clean, renewable sources by the year 2020.

This is something we know we can do; States are doing it, whole nations in Europe have over 20 percent clean, renewable energy today. And we should follow the spirit of Oak Ridge, Texas, which 2 months ago became the first city in the United States to have all their electricity from clean, renewable, 100 percent biodiesel. This is something the States can do for a variety of reasons. Let's have another "Apollo-John F. Kennedy" moment tomorrow when we pass the renewable portfolio standard.

EXPRESSING SYMPATHY FOR MINNESOTA TRAGEDY

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, the people of Minnesota and, indeed, the people of this country have suffered a great tragedy. And I think this is one of the few times when I can say that I speak for all of the Members of the House when I say that our sympathies and our desire to be of assistance is with them. We want them to know that they are not alone in this moment of tragedy.

I also want to say this, Mr. Speaker. Yesterday, the House voted 225–204 to provide a health care safety net for the children in this country. This will help the children in the State of Texas, where I happen to represent the Ninth Congressional District, and we have the largest portion of uninsured children in the entire Nation.

This is the safety net that children need. Children don't decide where they're born and to what families they come. Children need health care. This will help Texas to do what it should have done when it lost $830 million to other States because it didn't spend CHIP funds.

Mr. Speaker, I'm grateful to the Members who voted to help children, 11 million in this country who are uninsured. I thank each of you. And our sympathies are with the people of Minnesota.

CHAMP ACT AND DEMOCRATIC EFFORTS TO ENSURE MORE CHILDREN HAVE ACCESS TO HEALTH INSURANCE

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Mr. Speaker, yesterday the House approved the CHAMP Act, a comprehensive health care bill that sustains and strengthens both the Children's Health Insurance Program and Medicare. In one bill, we are insuring quality health care coverage for America's seniors and children.

Under the CHAMP Act, the nonpartisan Congressional Budget Office estimates that 5 million children will gain health care coverage through the SCHIP program. Any time when the number of uninsured children is increasing, Congress should do everything in its power to provide health care services to more children.

The CHAMP Act strengthens the CHIP program so that we finally reach nearly every child who is eligible for health insurance. The CHAMP Act will also take care of seniors by protecting Medicare beneficiaries' access to their physicians, providing new preventive benefits, expanding programs, and assisting low-income seniors with out-of-pocket costs, and protecting rural communities' access to health care.

Mr. Speaker, by supporting the CHAMP Act, this House showed its commitment to assist this Nation's two most vulnerable groups, our children and our seniors.

PROVIDING FOR CONSIDERATION OF H.R. 3159, ENSURING MILITARY READINESS THROUGH STABILITY AND PREDICTABILITY DEPLOYMENT POLICY ACT OF 2007

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 601 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 601

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3159) to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3159 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I am pleased to yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

First, Mr. Speaker, this morning I want to continue to express our great sorrow to the people of Minnesota on their tragic loss. In a way, they're almost victims of war. A Nation in perpetual war does not have the money to meet its infrastructure needs. And as we heard this morning, there are bridges that are in serious condition all over the United States. So I express my great sorrow for the families who are suffering and for all the people who have been lost.

Mr. DREIER. Will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from California.

Mr. DREIER. I thank my distinguished Chair for yielding. I would like to join her in extending the thoughts and prayers of every Member of this institution to those, I know at this moment there are families who are waiting, living with this moment with the uncertainty as to whether or not their loved ones have survived the tragedy in the Twin Cities.

☐ 0920

Last night, when our colleague, Mrs. BACHMANN, stood here to report this, it came as a huge shock. I agree completely with my colleague about the need to ensure that the bridges in our country are safe and secure as we deal with these challenges.

I thank my friend for yielding.

Ms. SLAUGHTER. Thank you, Mr. DREIER.

Mr. Speaker, H. Res. 601 provides for consideration of H.R. 3159, the Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007, under a closed rule. The rule provides 1 hour of debate, equally divided and controlled by the chairman and ranking member of the Committee on Armed Services. The rule waives all points of order against consideration of the bill, except those arising under clause 9 or 10 of rule XXI. The rule considers as adopted the Armed Services Committee amendment in the nature of a substitute. The rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the war in Iraq has taken us into uncharted territory as a Nation and as a society. During the Vietnam war, 4 percent of the general population served in the military. During World War II, fully 12 percent of our people served. Forms of personal sacrifice and national service were to be found everywhere, planted in victory gardens or held in war bonds. Even during the Civil War, a conflict from a different age, more than one in ten Americans fought.

Never in our history has America fought a war of this magnitude, or one that is this difficult, with an entirely voluntary military force composed of only 1 percent of the general population. And while so much of what is going on in Iraq hearkens back to past conflicts, what is occurring within our society does not.

It is true that the historically high percentage of National Guard troops fighting abroad has spread the reach of this war farther than some anticipated. But for nearly all Americans the immediacy of the war has been dulled by distance. We have never been asked to sacrifice as people. We have, instead, been told to go about our lives as usual and ask merely to support the troops in a vague sense.

Within this mass of normality lies the lives of those Americans who have actually fought in Iraq, the mothers, husbands, sons, daughters and siblings who have been sent there and who have seen things that few of us can relate to or even imagine. They have been asked to fight in a conflict whose architects have largely receded from the public view, but not before the failures of these officials made themselves felt every time a soldier was forced to enter a battle without proper body armor or without a vehicle that would keep him or her safe. In a very real sense, the families of these soldiers have been asked to endure the same reality and forced to live every moment of their deployment with the fear that their loved one will be injured, or worse.

Despite it all, despite everything that the members of our military and their families have been asked to bear for year after year, the talk of what is to be done in Iraq is often clinical: We should increase troop numbers; we should lower them; we should place more troops here, send more troops there. Troops are spoken of as if they were simply another machine to be moved about and to be used at our will.

Our soldiers are human beings. They are our fellow citizens. They have dignity. They have rights. They do not deserve to be cast around as the administration stumbles forward seeking to find a solution to a problem of its own creation.

Already, a flawed war plan has forced the members of our military to endure not just the brunt of battle but also to make up for miscalculation at home. Tours have been extended and then extended again in an unprecedented way. Previously unknown burdens have been placed on our men and women in uniform as a result. At a certain point, we as a society have to say enough is enough.

The legislation before us is supported by men like Senator JIM WEBB and Representative JOHN MURTHA for a reason: Former soldiers know what current deployment schedules are doing to our soldiers and to their families. It will restore some order to the process by prohibiting the deployment of any active military unit to Iraq unless that unit's soldiers have rested for at least as long as they have fought. It is a simple premise that was followed in virtually every war America has fought. It should be followed again today.

Mr. Speaker, this bill should not tie the hands of generals. If national security or the safety of our troops would be put at risk by shortened deployment, the bill's requirements can be waived. But the President will have to do so publicly and certify to Congress that his decision is vitally important. With everything our soldiers are asked to do, it is long past time that the President was forced to explain to Congress and to the American people why it is all necessary.

Mr. Speaker, this bill is about who we are as a society and about the values we hold. Our fellow citizens have been sent to fight in this conflict and have asked nothing from us in return. But we certainly owe them everything. We owe them our support, not in a rhetorical sense or in blind allegiance to the administration's claims but in a real sense, by making sure that they are given the proper training and armor, by making sure they are allowed to rest for an adequate amount of time between deployments.

Mr. Speaker, we have a chance to live up to our responsibilities as a people today. I hope this body is ready to face that challenge.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank my very good friend from Rochester, New York (Ms. SLAUGHTER), the very distinguished Chair of the Committee on Rules, for yielding me this time. I am compelled to rise in the strongest possible opposition to this rule and the underlying legislation. Once again, the Democratic majority is running scared from openness and transparency because they know that their policies cannot withstand any scrutiny. They have shut off all meaningful debate, amendments and alternatives.

Mr. Speaker, I will say that no matter how intense, no matter how bitter, no matter how hate-filled the vitriol is that comes towards us, I will continue to strive to work in a bipartisan way to deal with this very important issue and other issues as well.

I think we evidenced that last night when we offered an amendment in the Rules Committee that would have allowed the Members of this body to replace this proposal with one that actually enjoys strong, bipartisan support. I am referring, of course, to the Iraq Study Group recommendations, the so-called Baker-Hamilton Commission.

This group spent literally months, Democrats and Republicans together. A former Member of this house as the Democratic leader, the former Secretary of State, James Baker, as the Republican leader, and an equal number of Republicans and an equal number of Democrats came up with bipartisan recommendations as to how we, as a Nation, could move forward.

Knowing that this sound and very responsible policy would very easily trump the inferior proposal that my colleagues on the other side of the aisle are hoping to move on the floor today, they took the only route that they seem to know, and they have a great deal of experience at this, Mr. Speaker. They just shut down the process completely.

They seemed to know, Mr. Speaker, that, unfortunately, this very thoughtful work product, which is not supported by everyone, but it enjoys strong bipartisan support. Again, our former colleague, the very respected former Chair of the Committee on Foreign Affairs it is now called, it was the International Relations Committee and Foreign Affairs Committee before that, Mr. Hamilton, and the highly regarded Secretary of State, James Baker, came up with this package.

And what is it our colleagues did? With a very passionate statement made by our friend from Virginia, my classmate, Mr. FRANK WOLF, who was really the progenitor of this Iraq Study Group, working with a wide range of people to come up with just the establishment of the group, and now this work product has come forward, heralded by people all across this country, and what is it that they have done? They have chosen to take this inferior proposal and say, we are not going to even allow consideration of the Iraq Study Group.

Now, having precluded any real debate, they have nothing to fall back on but really cheap political ploys. The announcement was made several weeks ago that every single week leading up to Congress' adjournment for the month of August, we would have votes on Iraq.

One of the Democratic majority's favorite gimmicks is to give their ill-conceived bills grand-sounding names and shroud them in warm, fuzzy ideas that no one could possibly oppose.

Earlier this week, they rammed through the House is a massive giveaway to trial lawyers. And what was it called? The anti-discrimination bill.

Just yesterday, we considered a bill that slashes Medicare coverage for millions. What was it called, Mr. Speaker? The Children's Health and Medicare Protection Act. The audacity of cutting Medicare with a bill that has "Medicare protection" right in the title is, to me, absolutely staggering.

Now, Mr. Speaker, I am proud that we, as Republicans, worked to address important issues with prudence and deliberation, issues that affect the quality of life and standard of living for all Americans. Unfortunately, my colleagues on the other side, we will witness it in just a few minutes once again, they resort to demagoguery and name calling and all kinds of other vitriol.

When we refuse to be suckered by their slipshod efforts and poor policies, they accuse us of being pro-discrimination, or anti-children's health, or any other awful-sounding label that they can come up with. They will make some great and fascinating political ads. As this season goes on, we will see some of them on YouTube, I am sure, and other places. And if you look at these votes on discrimination and on the issue of Medicare and children's healthcare, obviously, we will be hearing a lot about the things that have been done here on the House floor during the campaign season, which obviously is under way right now.

They will no doubt continue with this tired approach here today. We are going to hear about how the underlying bill before us today is about "troop welfare." We are going to hear about the "terrible strain" the war in Iraq has put on the members of our Armed Forces and their families.

I want to make sure it is absolutely clear that we are all, all, very concerned, Mr. Speaker, about the welfare of our troops. It is a bipartisan concern, and anyone who would argue that we are somehow not concerned about the welfare of our troops is barking up the wrong tree. We see with sobering clarity, Mr. Speaker, the magnitude the impact the war has on their families. No American deserves more support than those who put their lives on the line to protect each and every one of us, and no one is more determined to fulfill our commitment to these men and women than my Republican colleagues and I are.

That is precisely, precisely, Mr. Speaker, why I stand in opposition to both this rule and the underlying legislation. The Democratic majority can slap any old bill together and say it promotes troop welfare. But, Mr. Speaker, that does not make it so. And they can slap any old bill together and accuse its opponents of undermining troop welfare. But that doesn't make it so.

The reality is that this bill undermines our military leadership, who are already committed to the welfare of our troops and their families. And to imply in any way that our Nation's civilian and military leadership is not committed to the welfare of our troops and their families is again a very specious argument.

The reality is that this bill undermines our military leadership who are committed to the troops; and, in fact, it opens up the potential to force troops to stay in the field longer, handle missions for which they are not prepared, and ultimately create greater risks for our men and women who are in harm's way.

Mr. Speaker, our Armed Forces are already working toward the goal of ensuring that every servicemember spends 2 years at home after each year in the field, and that Reservists get 5 years at home after each 1 year of deployment.

Mr. Speaker, the Marine Corps is already providing what this bill would mandate, time at home at least equal to time deployed. The Commandant of the Marine Corps must approve any deviation from this policy.

Let me say once again, Mr. Speaker, I don't understand why it is that we are here dealing with this issue when we could in fact pass the recommendations of the Iraq Study Group. We instead are doing something that the Marine Corps is doing right now. Again, the Commandant of the Marine Corps would have to approve any deviation from this policy.

What this bill does is to remove any flexibility that allows our military leaders to make deployment decisions that best provide for both troop welfare and, Mr. Speaker, something that we never hear discussed from our colleagues on the other side the aisle, and that is mission completion, completing our mission, making sure that we have success and victory. It adds another layer of bureaucratic red tape. Ironically, and tragically, it could actually force our commanders in the field to extend deployments and force our troops to take on missions for which they are not fully prepared.

Mr. Speaker, preventing our commanders from being able to task each unit to take on the mission for which it is best prepared and best trained would needlessly risk the lives of our troops.

I know that we all want the ultimate desire of every member of our armed services: that they be speedily and, as I said a moment ago, victoriously returned to the loving arms of their families and the accolades of a grateful Nation. But, Mr. Speaker, this bill is not, this bill is not the way to ensure that.

The Democratic majority can keep playing these games. They can continue to claim that this bill will improve the quality of life of our troops and their families. They can continue to accuse its opponents of callousness and indifference to servicemen and servicewomen. But I don't believe the American people will be fooled, Mr. Speaker. They are quite capable of seeing past clever bill titles and phony rhetoric.

This Democratic majority has got to learn that it takes more than demagoguery to lead this body and to lead this country.

Mr. Speaker, I urge my colleagues to oppose this rule, as well as the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Massachusetts (Mr. McGOVERN), whose compassion and conviction on this issue is probably unsurpassed in the House.

Mr. McGOVERN. I thank the distinguished chairwoman of the Rules Committee for yielding me the time.

Mr. Speaker, H.R. 3159 is a very straightforward bill with a very straightforward message. Like its name implies, this is a bill to ensure that our military is ready to carry out combat and combat-related missions by having a stable, predictable deployment policy.

H.R. 3159 would require that our uniformed men and women, our military units, receive minimum periods of rest and recuperation between their deployments to Iraq. We have been hearing for over a year now about the strain on our active duty, Reserve and Guard units caused by multiple redeployments to Iraq and the ever-shrinking time at home provided by many units between deployments.

So why did this legislation work its way through the Armed Services Committee at this time? There is a very simple reason, Mr. Speaker, why this bill is so timely now. On May 9, Secretary of Defense Robert Gates announced a change to deployment policy. Secretary Gates changed the current policy for active Army units from 1 year at home for 1 year deployed to a policy of 15 months deployed for every 12 months at home.

Mr. Speaker, this is a change that is moving in the wrong direction. Rather than taking care of our troops, this change increases the stress and strain on our servicemen and servicewomen. This change has raised serious concerns about the sustainability and readiness of our active duty Army and whether such a reduced period at their home bases allows sufficient time for units and individuals to adequately train, equip, recover and reconstitute for the next deployment.

If anyone in this Chamber is not concerned about the physical, mental, emotional and logistical strain placed on every combat unit and individual subject to multiple deployments to Iraq, then I hope they will stand up during this debate.

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We hear a lot of talk in this House about "supporting the troops." Only a handful of Members in this body have had to lay it on the line in Iraq. Only a handful had to bid their families farewell and face combat in Iraq.

For the rest of us, there is no sacrifice, no strain, no stress placed on us personally or on our families and loved ones.

Well, here is our chance to show that we genuinely do understand what we have been asking our troops to do in Iraq, that we genuinely do understand the toll that it takes on each of them individually, as a unit and as a service, that we genuinely do understand the sacrifice that we ask of their families, and that we will require the Pentagon to provide our uniformed men and women a minimum amount of time to recover from combat to reconnect with their families and to prepare again for a return to battle.

There are some in this Chamber who will yelp and yowl that this is just a ploy to end the war.

Mr. Speaker, as someone who is clearly on record as wanting to end this war as quickly as humanly possible, I can testify that this is not the case.

I opposed this war with every fiber of my being, but I strongly believe that for as long as this war endures, the bare minimum this Congress must do is take care of the troops who carry out this mission and make sure this war does not shatter our military from the strain of multiple deployments.

I urge my colleagues to support the rule and the underlying bill.

Mr. DREIER. Mr. Speaker, as one who joins with my colleague from Worcester in stating that we all want to see this war end as quickly as we possibly can, and we want to see this mission be victorious, I am happy to yield 2 minutes to the former Governor of Delaware (Mr. CASTLE) who offered a very thoughtful amendment in the Committee on Rules.

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman for yielding.

I do rise in opposition to what I consider to be a closed rule. I do support the underlying bill, but I object to the leadership's decision to prevent any substantive debate.

I offered an amendment yesterday that would have credited soldiers with one additional day of leave for every month that they are deployed in a combat zone. All members of the Armed Forces, including those serving the Guard and Reserve, receive 2½ days of leave time per month, regardless whether they are deployed in Iraq or back in the U.S. at their home base.

I developed this legislation, an extra day per month, not from anything out of my mind but in correspondence with a soldier who had been in the combat zone. We feel very strongly that spending time with family and loved ones after returning from deployment is essential to a soldier's mental health, and that is why I prepared the amendment and introduced it.

We think that it is small step to help the troops, but this amendment was denied in the rule. For that reason, I oppose the rule as we have it.

But I am also very disappointed that this House continues to prevent consideration of the Iraq Study Group Recommendations Implementation Act.

They are now getting close to 60 Members, almost evenly divided between Republicans and Democrats, who support the concepts in this.

My decision is that the time has come to have the discussion of the Iraq Study Group's recommendations on the floor of the House of Representatives, and I hope that can happen sooner rather than later.

Mr. DREIER. Would the gentleman yield?

Mr. CASTLE. I would be happy to yield.

Mr. DREIER. I thank my friend for yielding, and I would like to congratulate him not only for his amendment, but also for the comments that the former Governor of Delaware has just offered on the work of the Iraq Study Group.

Again, this was a bipartisan effort that was launched by the gentleman from Virginia (Mr. WOLF), who, as we all know, speaks passionately and eloquently on this and other issues.

We all want to see this war come to an end. President Bush stood right here in this Chamber in January delivering his State of the Union message, and he said the following: I wish this war was over and we had won.

So there is a shared goal of our trying to bring this war to an end as quickly as possible and to bring our men and women home to their families.

Frankly, I join my colleague from Delaware in stating that I believe that the opportunity for implementation, if not all, most of the work of the Iraq Study Group, this great bipartisan gathering, would go a long way towards achieving that goal to which both Democrats and Republicans claim to aspire.

So I would just like to thank my friend for his remarks, and I thank him for yielding to me.

Mr. CASTLE. In closing, I think both of these amendments are extremely important. I sometimes understand the writing on the wall when it comes to votes on rules, but I would hope that we in this House would consider the amendment that I put forward on the extra day leave in the Iraq Study Group recommendations sooner rather than later. I think it is an important way to move towards actually ending the war.

So I oppose the rule and urge Members to vote against the rule.

Mr. Speaker, I rise in opposition to this closed rule.

While Members of this body will have differing views regarding the U.S. policy in Iraq and Afghanistan, we can all agree that the American soldiers who have been deployed into these combat zones have bravely risked their lives in the service of their Nation. These men and women have done everything we have asked of them, and as we all know, many returning soldiers experience some form of post-traumatic stress.

Under the current Pentagon policies, all members of the Armed Forces, including those serving in the Guard and Reserve, receive 2.5 days of leave time per month—regardless of whether they are deployed in Iraq or back in the U.S. at their home base. My amendment would have simply credited soldiers 1 additional day of leave time for every month that they are deployed in a combat zone. For example, if a soldier serves 12 months in Baghdad, that soldier would be credited 12 additional days of leave to be used when he or she returns stateside.

Although I am obviously the sponsor of this amendment, I cannot take credit for the idea. My staff developed this legislation after talking with a soldier who as we speak is deployed in a combat zone. Corresponding via e-mail, this soldier shared his experiences in combat and offered his opinion that many of the troops returning home after a deployment would benefit from being credited with additional leave time based on the number of months they served in a combat zone. This soldier noted that the opportunity to spend some time away from military life once returning stateside would be important in terms of both mental and physical recovery.

In fact, the Director of the U.S. Army Medical Command's Office for Behavioral Health has stated that 15 to 30 percent of troops returning home from combat experience post-traumatic stress or other mental health symptoms. While the Army Medical Command notes that this is not unusual after combat, it underscores that in addition to receiving treatment, it is critical for soldiers returning home from a combat zone to "spend time with family," "avoid a busy schedule," and "resume family routines" as soon as possible.

It is clear that my amendment would not solve every problem that troops face when they return stateside. Receiving appropriate diagnosis and treatment is also vital in dealing with post-traumatic stress. And this amendment is not meant to diminish the efforts of our military leaders to provide care for soldiers once they return to the U.S. The Army's Medical Command and its corresponding services have in many cases gone above and beyond the call of duty to diagnose, treat, and prevent post-traumatic stress disorder. Still, in many cases spending time away from military life and reconnecting with friends and family is the best way for individuals to prepare to resume their service in the military.

Mr. Chairman, my amendment recognizes the difficulties faced by soldiers who serve time in a combat zone and would assist them in their homecoming by providing additional leave time to help improve their transition. The men and women who have sacrificed so much to serve our Nation in combat have earned this additional time to spend with their loved ones. Unfortunately the rule before us prevented any substantive debate, including debate on my important amendment.

Ms. SLAUGHTER. Mr. Speaker, does the gentleman have any other speakers?

Mr. DREIER. May I inquire of the Chair how much time remains on each side.

The SPEAKER pro tempore. The gentleman from California has 16½ minutes remaining, and the gentlewoman from New York has 19½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I am very happy to yield 3 minutes to my very good friend from Morristown, New Jersey, who is a hardworking member of the House Committee on Appropriations, Mr. FRELINGHUYSEN.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding.

While I support the military goals of this legislation, all of us do, I rise in opposition to this rule and this bill. We all want to see the dwell times for our troops expanded to meet Department of Defense standards, but this legislation would place handcuffs on our military commanders as they work to stabilize Iraq.

My colleagues, in many senses this is a political document, pure and simple. The dwell time requirements appear to be not so much efforts to improve the readiness of units and quality of life of servicemembers in our Armed Forces; rather, these requirements are designed to force a withdrawal and reduction of U.S. forces committed to Operation Iraqi Freedom.

The proof: This bill slaps deployment prohibitions only on forces destined for Iraq, but would allow those very same forces, regardless of dwell time, to be committed to combat in Afghanistan or anywhere else in the world where they might be needed.

Over the past few weeks, we have heard Members of the majority speak with varying levels of clarity about their plans to "end the war" or "bring the troops home." Of course, we all desire to bring the troops home. One even proclaimed the "war is lost."

But that is not the message we are hearing from Iraq today. Both General Petraeus and General Odierno have stated that initial assessments of the new strategy are encouraging as the Iraqi Army is taking a much more prominent role in the fighting.

In recent days, many of us have read the op-ed in the New York Times written by two self-described critics of the war effort. From John Burns, Baghdad bureau chief, New York Times: "I think there's no doubt that those extra 30,000 American troops are making a difference. They are definitely making a difference in Baghdad."

And from USA Today, "Coalition forces have uncovered more insurgent weapons caches in the first 6 months of this year than the entire previous year."

Mr. Speaker, we have seen an increase in security, a decrease in killing, fewer car bombs, lower levels of civilian casualties; all good things. And what is this House's response to this demonstrable progress? They would offer legislation that would hamstring and handcuff our military commanders, short-circuit the training of

Iraqi soldiers, and endanger further security progress.

Mr. Speaker, I have always said that I want our war fighters' deployments to be short and as safe as possible. I do want our troops out of Iraq and Afghanistan, and anywhere in the world where they are in harm's way, soon. But this is not the way to do it.

I rise in opposition to this, the rule, and to this type of thinking that endangers not only our soldiers but endangers the civilians that we are there to help.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 5 minutes to my good friend from Bridgeport, Connecticut (Mr. SHAYS), who next weekend will be making his 18th trip to Iraq. I know he shares my concern over the fact that, unfortunately, this rule fails to allow this House to consider the work of the bipartisan Iraq Study Group.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a closed rule. It is a continuation of closed rules on an issue that should be a very open. We went into Iraq on a bipartisan basis; that cannot be denied. Two-thirds of the House voted to go into Iraq, three-quarters of the Senate voted to go into Iraq.

The Senate is allowing open debate on the issue of Iraq. There was the Webb-Hagel amendment, which is basically this underlying bill. There was the Hagel-Levin amendment, which talked about troops not being sent in for more than 12 months if they are in the Army and 7 months if they are in the Marines. That was an amendment I would have liked to have introduced to this bill. Why couldn't we have had a debate on it? If it doesn't make sense, and there would have been a number on my side of the aisle who would have voted against it, it would have defeated it. But we would have started to have some dialogue about the condition of our troops. That would be a healthy thing to have.

But the most important amendment that was presented was the effort by Mr. WOLF to have support for the Iraq Study Group. The thing that is astonishing is, when we voted about the Iraq Study Group a few weeks ago, only 69 Members in the Chamber voted against it, but it was attached to an appropriation. And being attached to an appropriation, we can't get the Senate to act until Lord knows when, probably after October when we are supposed to have our budgets done. We need another vehicle.

Mr. DREIER. Will the gentleman yield?

Mr. SHAYS. Absolutely.

Mr. DREIER. I thank the gentleman for yielding, Mr. Speaker.

I will say again that it really baffles me as to why this majority will not allow us to have an opportunity to consider this bipartisan work product of the Iraq Study Group.

On the opening day, Mr. Speaker, the new Speaker of the House of Representatives stood and talked about this new sense of bipartisanship. We all know that the war in Iraq was the key issue in the November election. We know that the war in Iraq was the key issue in last November's election, and it is on the minds of all of our constituents. We are all concerned about the future that this war on terror holds for all of us, and that's why the Iraq Study Group was established.

Our former colleague, the former chairman of the Committee on Foreign Affairs, Lee Hamilton, the former Secretary of State, a Democrat and Republican led eight other Democrats and Republicans, highly regarded in this country, strongly partisan individuals, they came together with a bipartisan proposal. Unfortunately, the supposedly new bipartisan spirit that exists here in the House denies us a chance to even consider that.

No one demonstrates more passion on this issue than Mr. WOLF. When he made the arguments before the Rules Committee, they were very compelling and very strong as only FRANK WOLF can offer them. Unfortunately, Mr. Speaker, we have not seen a chance to do that.

Mr. SHAYS. I thank the gentleman for making this point. The bottom line is: In this Chamber, only 69 Members voted against having the Iraq Study Group revisit Iraq so they could come out with a report that could complement, either agree with or disagree with, what General Petraeus and Ambassador Crocker are going to conclude.

It seems to me it would be in the best interest of both Republicans and Democrats to find areas where we can agree, where we can work together. I cannot, for the life of me, understand why this Democratic Congress is opposed to bringing the Iraq Study Group up for a vote.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and I do so to say that just this week we all saw a great deal of attention focused on an op-ed piece written in the New York Times by two of the harshest critics of the war in Iraq. I am referring, of course, to the Brookings Institution Fellows Michael O'Hanlon and Kenneth Pollack. And I saw Ken Pollack with Wolf Blitzer on CNN the other day saying he did not write the headline in the New York Times which talked about this is a war we might win. He did stand by every word in that piece that was written, and I am going to ask to include that piece in the CONGRESSIONAL RECORD.

[From the New York Times, July 30, 2007]

A WAR WE JUST MIGHT WIN

(By Michael E. O'Hanlon and Kenneth M. Pollack)

WASHINGTON.—Viewed from Iraq, where we just spent eight days meeting with American and Iraqi military and civilian personnel, the political debate in Washington is surreal. The Bush administration has over four years lost essentially all credibility. Yet now the administration's critics, in part as a result, seem unaware of the significant changes taking place.

Here is the most important thing Americans need to understand: We are finally getting somewhere in Iraq, at least in military terms. As two analysts who have harshly criticized the Bush administration's miserable handling of Iraq, we were surprised by the gains we saw and the potential to produce not necessarily "victory" but a sustainable stability that both we and the Iraqis could live with.

After the furnace-like heat, the first thing you notice when you land in Baghdad is the morale of our troops. In previous trips to Iraq we often found American troops angry and frustrated—many sensed they had the wrong strategy, were using the wrong tactics and were risking their lives in pursuit of an approach that could not work.

Today, morale is high. The soldiers and marines told us they feel that they now have a superb commander in Gen. David Petraeus; they are confident in his strategy, they see real results, and they feel now they have the numbers needed to make a real difference.

Everywhere, Army and Marine units were focused on securing the Iraqi population, working with Iraqi security units, creating new political and economic arrangements at the local level and providing basic services—electricity, fuel, clean water and sanitation—to the people. Yet in each place, operations had been appropriately tailored to the specific needs of the community. As a result, civilian fatality rates are down roughly a third since the surge began—though they remain very high, underscoring how much more still needs to be done.

In Ramadi, for example, we talked with an outstanding Marine captain whose company was living in harmony in a complex with a (largely Sunni) Iraqi police company and a (largely Shiite) Iraqi Army unit. He and his men had built an Arab-style living room, where he met with the local Sunni sheiks—all formerly allies of Al Qaeda and other jihadist groups—who were now competing to secure his friendship.

In Baghdad's Ghazaliya neighborhood, which has seen some of the worst sectarian combat, we walked a street slowly coming back to life with stores and shoppers. The Sunni residents were unhappy with the nearby police checkpoint, where Shiite officers reportedly abused them, but they seemed genuinely happy with the American soldiers and a mostly Kurdish Iraqi Army company patrolling the street. The local Sunni militia even had agreed to confine itself to its compound once the Americans and Iraqi units arrived.

We traveled to the northern cities of Tal Afar and Mosul. This is an ethnically rich area, with large numbers of Sunni Arabs, Kurds and Turkmens. American troop levels in both cities now number only in the hundreds because the Iraqis have stepped up to the plate. Reliable police officers man the checkpoints in the cities, while Iraqi Army troops cover the countryside. A local mayor told us his greatest fear was an overly rapid American departure from Iraq. All across the country, the dependability of Iraqi security forces over the long term remains a major question mark.

But for now, things look much better than before. American advisers told us that many of the corrupt and sectarian Iraqi commanders who once infested the force have been removed. The American high command assesses that more than three-quarters of the Iraqi Army battalion commanders in Baghdad are now reliable partners (at least for as long as American forces remain in Iraq).

In addition, far more Iraqi units are well integrated in terms of ethnicity and religion. The Iraqi Army's highly effective Third Infantry Division started out as overwhelmingly Kurdish in 2005. Today, it is 45 percent Shiite, 28 percent Kurdish, and 27 percent Sunni Arab.

In the past, few Iraqi units could do more than provide a few "jundis" (soldiers) to put a thin Iraqi face on largely American operations. Today, in only a few sectors did we find American commanders complaining that their Iraqi formations were useless—something that was the rule, not the exception, on a previous trip to Iraq in late 2005.

The additional American military formations brought in as part of the surge, General Petraeus's determination to hold areas until they are truly secure before redeploying units, and the increasing competence of the Iraqis has had another critical effect: no more whack-a-mole, with insurgents popping back up after the Americans leave.

In war, sometimes it's important to pick the right adversary, and in Iraq we seem to have done so. A major factor in the sudden change in American fortunes has been the outpouring of popular animus against Al Qaeda and other Salafist groups, as well as (to a lesser extent) against Moktada al-Sadr's Mahdi Army.

These groups have tried to impose Shariah law, brutalized average Iraqis to keep them in line, killed important local leaders and seized young women to marry off to their loyalists. The result has been that in the last six months Iraqis have begun to turn on the extremists and turn to the Americans for security and help. The most important and best-known example of this is in Anbar Province, which in less than six months has gone from the worst part of Iraq to the best (outside the Kurdish areas). Today the Sunni sheiks there are close to crippling Al Qaeda and its Salafist allies. Just a few months ago, American marines were fighting for every yard of Ramadi; last week we strolled down its streets without body armor.

Another surprise was how well the coalition's new Embedded Provincial Reconstruction Teams are working. Wherever we found a fully staffed team, we also found local Iraqi leaders and businessmen cooperating with it to revive the local economy and build new political structures. Although much more needs to be done to create jobs, a new emphasis on microloans and small-scale projects was having some success where the previous aid programs often built white elephants.

In some places where we have failed to provide the civilian manpower to fill out the reconstruction teams, the surge has still allowed the military to fashion its own advisory groups from battalion, brigade and division staffs. We talked to dozens of military officers who before the war had known little about governance or business but were now ably immersing themselves in projects to provide the average Iraqi with a decent life.

Outside Baghdad, one of the biggest factors in the progress so far has been the efforts to decentralize power to the provinces and local governments. But more must be done. For example, the Iraqi National Police, which are controlled by the Interior Ministry, remain mostly a disaster. In response, many towns and neighborhoods are standing up local police forces, which generally prove more effective, less corrupt and less sectarian. The coalition has to force the warlords in Baghdad to allow the creation of neutral security forces beyond their control.

In the end, the situation in Iraq remains grave. In particular, we still face huge hurdles on the political front. Iraqi politicians of all stripes continue to dawdle and maneuver for position against one another when major steps towards reconciliation—or at least accommodation—are needed. This cannot continue indefinitely. Otherwise, once we begin to downsize, important communities may not feel committed to the status quo, and Iraqi security forces may splinter along ethnic and religious lines.

How much longer should American troops keep fighting and dying to build a new Iraq while Iraqi leaders fail to do their part? And how much longer can we wear down our forces in this mission? These haunting questions underscore the reality that the surge cannot go on forever. But there is enough good happening on the battlefields of Iraq today that Congress should plan on sustaining the effort at least into 2008.

I will say that as one reads the O'Hanlon-Pollack article, it is clear that there are many very important challenges that lie ahead in Iraq. But the fact that we have seen a quelling of the violence in the al-Anbar Province, as we look at the difficulty that we face, but the fact that we've seen Sunni leaders unite with us in fighting al Qaeda, we, I believe, are making progress.

War is a very, very ugly thing, and this war is no exception. No one can say exactly what the outcome will be, but I do know that the cause of freedom is worth fighting for, and I do know that these constant attempts to prevent this House from looking at, working on, and considering the work of the Iraq Study Group, the bipartisan work product of the Iraq Study Group, is just plain wrong, so I am going to continue to strongly oppose this rule and these continued efforts to politicize our quest for victory and bringing our troops home.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, despite our great respect and affection for those who brought their amendments to the Rules Committee yesterday, it is well known in this House and in the country that the Democrat majority intends to bring the war to a close as quickly as possible and as quick as it is practicable to do so.

To reinstitute the Iraq Study Committee, to refinance it, put it back together, wait for a report would take far longer than we frankly are willing to give.

But this bill before us today, the underlying bill before us, is humane. And it says, for goodness sake, don't redeploy troops over and over and over again unless they have had at least as much time at home to rest as they have had in combat.

This is a different kind of combat, Mr. Speaker. Soldiers before have always been given recreation and rest after intense combat. Not this time. The soldiers in Iraq and all the military people of Iraq face almost instantaneous death every moment of the day and night without any respite at all. We are seeing the results of that brought home with the posttraumatic stress syndrome which is rising so rapidly.

In addition to that, we are demanding at last, because we didn't have the opportunity before by not being in the majority, that these troops be equipped properly.

The New York Times said on a front page story recently that 80 percent, Mr. Speaker, of the marines that died in Iraq would have lived, those with upper body wounds would have lived with the proper equipment. How can we live with that?

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We know now that instead of sending useless Humvees that were of no use at all to them against the IEDs, if we had always sent MRAPs, a technology we have known for 30 years, heaven knows how many of the nearly 4,000 who died would have been saved and how many of the more than 30,000 who have been wounded would have been spared that.

That weighs heavily on the conscience of those of us in the House of Representatives, and it angers the people that we represent.

We've talked to the parents of those who have been sent back two, three, four times. I have talked to one father who told me as his son was being deployed for the fourth time; if he gets killed, I will kill somebody. The anguish of these parents is palpable; and, as I stated before in my earlier statement, we don't fight this war. The 1 percent of the military people and their families are fighting this war. We've been asked for no sacrifice of any kind.

How glib it is for us to stand on this floor and say, leave it to the generals and look how well they're doing. The number of generals who have resigned their commission so that they could speak out against this carnage and this despicable war that was unplanned and planned by people who have left the scene cannot go on any longer.

And I will tell you that we have to go and look families in the face, and there are a number of times that I've gone to services, and my position on the war is well-known, and I've wondered if the families, how they would accept my presence. I have never been to a single one where they didn't say to me, bring them home, bring them home.

For heaven's sake, Mr. Speaker, if it's not just for that alone, those of us here have that obligation to bring them home.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume; and I will say again to my colleagues that, as we look at this challenge, this is a very difficult one. It is one that we seek to address in a bipartisan way, Mr. Speaker, Democrats and Republicans coming together.

Now, our former colleague, Mr. Hamilton, co-chairman of the Iraq Study Group, has made it very clear that the work product which was unleashed, turned over last December, is still applicable today. This notion of saying that we need to look at bringing this group back together, I don't have it with me here, but I have one downstairs in my office. We have the volume, the work of the Iraq Study Group, that we've all gotten copies of; and all we're asking, Mr. Speaker, is that this bipartisan work product be able to be voted on and supported here.

Now, what is it that we have before us? We have a closed rule. And I'm saddened greatly to report to the House, by virtue of this closed rule having come from the Rules Committee, reported out last night, we have by far exceeded the doubling, the doubling of the number of closed rules in this Democratic majority than we had in the Republican majority at this time at the beginning of the last Congress. It saddens me.

Again, I will say that, Mr. Speaker, while we hear about this great new day, a sense of openness, transparency, accountability, what is it that we've gotten? We may not have been perfect when we were in the majority, but under this new majority that promised all of these great things to the American people, we have gotten now more than twice as many closed rules in the first 7 months of the year than we had in the first 7 months of the 109th Congress, and I just think it's a sad commentary on where we are.

Now to the issue at hand, Mr. Speaker. As we look at the challenge that the families of those loved ones face, I would like to share the remarks of some of the families that I have heard.

There is a young man who was killed tragically in the battle of Fallujah. His name is J.P. Blecksmith from San Marino, California. His father, like J.P., was a Marine; and after his son was tragically killed, Ed Blecksmith said to me, he said, David, if we don't complete our mission in Iraq, my son J.P. will have died in vain. And he said, we need to do everything that we possibly can to ensure victory.

And I will tell you that what we're doing here today under this closed rule, I believe, creates the potential for undermining the success that, as was pointed out and as I said in my last statement, is outlined in the remarks in the article in the New York Times, the op-ed piece written by Ken Pollack and Mike O'Hanlon, and there's another statement that was made.

I met a woman just a couple of months ago. Denise Codnot is her name. She came here to Washington, and she walked into my office, Mr. Speaker, and her son Kyle was killed in Iraq, 19 years old. He was in the Army. And she looked me in the eye and said, my son wasn't killed in Iraq. My son proudly gave his life, proudly gave his life for the cause of freedom. And she said to me, we must do everything within our power to ensure success and victory.

This war on terror has been very painful for us, Mr. Speaker, very, very painful for everyone involved, especially the families of those men and women in uniform. But we know there is an interconnectedness of this war on terror, and that is the reason that on this rule we are going to continue our quest to deal with modernization of the Foreign Intelligence Surveillance Act.

Now, I know that my colleagues last night in the Rules Committee, we passed out a special rule that will allow for consideration of possible negotiations that would take place on this issue, but, Mr. Speaker, we have been waiting since April of this year when the statements began to come forward from the Director of National Intelligence, Mike McConnell; from the Director of the Central Intelligence Agency, Michael Hayden; from the Secretary of Homeland Security, Michael Chertoff, the three Michaels I call them, who have come forward with this urgent plea for us to take the very antiquated, three-decade-old, three-decade-old 1978 Foreign Intelligence Surveillance Act and modernize it.

I am going to move, Mr. Speaker, to defeat the previous question, and I would like to yield 1½ minutes to my colleague from Albuquerque, New Mexico (Mrs. WILSON) whose legislation will be made in order if we are successful in defeating the previous question.

Mrs. WILSON of New Mexico. I thank my colleague from California.

This is something we've been trying to get addressed since April, since the Director of National Intelligence came to this Congress and said we need to fix the Foreign Intelligence Surveillance Act. There are things we should be listening to that we are not listening to, that we are missing, and it is hurting the security of this country. It continues to imperil the security of this country, and it is only because we are now forcing the Democrats to deal with this publicly that we may be making progress on this issue.

I am disappointed, though, to hear some of my colleagues in this House suggest in these negotiations that we should have a judge overseeing foreign intelligence collection overseas that does not involve any Americans. That has never been the role of the Foreign Intelligence Surveillance Court. The whole point in making these changes is to make sure that we don't have counterterrorism analysts who are very valuable, highly trained people, expert in languages in regions, in organizations, spending their time developing probable cause statements for foreigners in foreign countries who are communicating with other foreigners. There's absolutely no reason for any court to be involved in that kind of an effort.

Speed matters. It matters in a war on terrorism where terrorists are using our communications networks in order to try to kill us. It is vital, absolutely vital that we fix the Foreign Intelligence Surveillance Act before the House adjourns for the August recess.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida, a member of the Rules Committee and a member of the Intelligence Committee, Mr. HASTINGS, to assure everyone that the FISA bill is on the calendar for this week.

Mr. HASTINGS of Florida. Thank you very much, Madam Chair.

You know, for over a year now the Intelligence Committee and Members of this body have been in negotiations with the administration regarding FISA. When I hear my colleague talk about it, I know that, in the realm of the American public, she's persuasive enough to make it appear that there's something that's happening that is dreadful and America's about to be attacked because we don't have sufficient information that we are receiving from those persons who would do us harm overseas.

The simple fact of the matter is that JANE HARMAN, the former Chair of this committee, and BUD CRAMER have been actively involved. It is not as if nothing has been going on with reference to FISA.

I don't have that same fear. I serve on the same committee that she does. I have every reason to believe that the negotiations are not causing this country to not receive the information that is necessary; and if anyone would argue that this Nation's FISA program is not under courts at this particular time and that the issue is that the administration wishes to move it from under the courts, then I would have them to know that there needs to be greater discussion.

One of the things that has happened is some of the stuff we can't talk about is being nuanced, and I rather think that that is not the way to go about trying to change a law. Yes, it's important that we receive the information about those who are going to do us harm, if they can. And, yes, it's important that we be able to intercept their foreign-to-foreign communications. But to give the general impression that there is this necessity that it be done yesterday is not what the reality is.

Mr. DREIER. Mr. Speaker, I understand that I only have 1 minute remaining, and I know that my colleague from Albuquerque would very much like to have an opportunity to be heard on this issue. I have some closing remarks. I wonder if the distinguished chairman of the Committee on Rules has any time she might yield to the gentlewoman from Albuquerque to respond.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time I have left?

The SPEAKER pro tempore. The gentlewoman from New York has 13½ minutes remaining.

Ms. SLAUGHTER. I yield 30 seconds to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from New York for her graciousness.

I would just tell my colleagues that the Director of National Intelligence, Michael McConnell, has said we are missing things we should be getting. In classified session in this House yesterday, he was much more specific about just what the magnitude is of what we are missing.

Mr. DREIER. Mr. Speaker, I'm planning to close, if the gentlewoman from New York has no further requests.

Ms. SLAUGHTER. I have no other speakers.

Mr. DREIER. Mr. Speaker, I think it's been very, very clear here this is a closed rule. It's outrageous that we have continued down this pattern of closed rules; and we were promised, the American people were promised much better than that. The underlying legislation is legislation that the administration just announced the President would veto if it were to pass. We should be debating the work of the Iraq Study Group, the bipartisan package; and, unfortunately, with this closed rule, we're denied a chance to do that.

I also believe that my colleague from New Mexico, while debate seemed to be very personal among members of the Intelligence Committee, it comes down to the very strong statements that have been made by the Secretary of Homeland Security, the Director of National Intelligence and the Director of the Central Intelligence Agency. We need to immediately modernize the three-decade-old Foreign Intelligence Surveillance Act.

So I urge my colleagues to vote "no" on the previous question so that we'll have an opportunity to make in order the very thoughtful legislation that has been introduced by our colleague from Albuquerque, Mrs. WILSON.

Mr. Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I again want to assure my colleagues that FISA is on the calendar before we go home, which may be the middle of next week. We're not going to leave here without getting that fixed.

Let me also state that, in addition to the dreadful, awful loss of our service persons and the terrible wounding and mangled 30,000 or more, there's another cost to this war, Mr. Speaker. A new estimate is that the war in Iraq will cost the taxpayers of the United States $1 trillion. We are spending at the rate of $10 billion a month. Obviously, this is money that we don't have.

We're borrowing mainly from four sources, the first one being China, Japan, South Korea; and, Mr. Speaker, as this debt piles up, it will take generations for our children, our grandchildren, our great-grandchildren and our great-great-grandchildren simply to pay off.

So let me stop as I began, to again express my sorrow to the people of Minnesota and make it clear that the spending on this war, which is rife with corruption, I do need to say, that in addition to 160,000 military persons in Iraq, we have 185,000 contractors, spending tax money at an enormous rate. We are beginning for the first time in 6 years, as we've taken the majority, to really look at where that money has gone and try to ferret out the corruption, the cronyism, the unbid contracts and all of the other scandals that have gone on there.

Just this week again we learned that millions of dollars spent in construction to turn things over to the Iraqi people is unacceptable to the people of Iraq because of the shoddy workmanship. This is a scandal of major proportions, Mr. Speaker. It really is important that we bring this to an end and try to clean up and maybe hopefully get our international reputation back to some degree.

But the most important thing is that this bill says simply this: Our soldiers need rest. How dare we send people into the battle day after day, night after night, without saying from this House and from this government that what we want for them is what the military always had in the past, an opportunity to rest and renew? It's not only critical for them personally, but it's critical for the units in which they serve that they are in top form. The fact is that we could do that quite simply here just today with this bill and also make certain that we don't ever again send one of them out on one of those roads to patrol unprepared, untrained and unprotected because we failed to spend the enormous amount of money on the right kind of equipment.

It's time, Mr. Speaker. We owe it; and I'm ashamed that all these years, that for the past 6 years, no oversight, not any, no hearings, have been held on this war. No hearings have been held on where all of that money has gone, and we're just beginning now to scratch the surface.

But the first obligation that we have, far more than money involved, the largest obligation we have is to the men and women that we say would you please set your life aside and go and fight. We owe them everything in the world that we can give them.

I'm happy that we have put a lot of money this year on our side into the Veterans Administration, and certainly it's for traumatic brain injury which we see so much of it and that the Veterans Administration is in no way equipped to handle. We have enough money now in the bills so we can send them to the places where they can get the very best help available. But young men and women that are 18, 19, 20 years old, maimed for life. And Mr. Speaker, it is time some intelligence here in the House reigned.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 601 OFFERED BY MR. DREIER OF CALIFORNIA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 3138) to amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

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PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2272, AMERICA COMPETES ACT

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 602 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 602

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2272) to invest in innovation through research and development, and to improve the competitiveness of the United States. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 602 provides for the consideration of the conference report to accompany H.R. 2272, the 21st Century Competitiveness Act. The rule waives all points of order against the conference report and its consideration and considers the conference report as read.

Mr. Speaker, I rise today in support of House Resolution 602 and the underlying conference report on the 21st Century Competitiveness Act. Too often, we hear that our Nation is struggling to properly educate our students in math and science, and as a result we are falling behind in this world. This is unacceptable to me, and it should be unacceptable to this Congress.

But today we have the chance to change this. Today we make a true commitment to our future. Today we can make it clear that we support American innovation and understand the vital need for our Nation to remain competitive in the global economy.

The 21st Century Competitiveness Act will help ensure that our students, teachers, businesses and workers are prepared to continue to keep this country at the forefront of research and development. Our bill increases funding and makes improvements for the National Science Foundation, the National Institutes of Standards and Technology, and at the Department of Energy Office of Science. The bill increases funding for science, technology, engineering and math, also known as STEM research and education programs.

This bill also allocates funding for the Manufacturing Extension Partnership. These MEP programs leverage Federal, State, local and private investments to stimulate new manufacturing processes and technologies. It's through these new processes and technologies that we can ensure American manufacturers have the tools to compete effectively and efficiently against overseas manufacturers.

The MEP program has proven to be remarkably effective in my home State of Ohio where small and midsize manufacturers face limited budgets, lack of in-house expertise and lack of access to the newest technologies. MEP assistance provided training, expertise and services tailored to the critical needs of Ohio's small and midsize manufacturers.

Through this assistance, many manufacturers in Ohio have increased productivity, achieved higher profits, and remain competitive by providing the latest and most efficient technologies, processes and business practices. In 2006, in fact, as a direct result of MEP assistance, my State enjoyed over $150 million of new investment and over $500 million in increased or retained sales. Companies in Ohio participating in the MEP reported cost savings of over $100 million.

Through the continued funding of this vital program, we can bring these vast benefits to even more small manufacturers across the country. Our efforts here today are vital to stopping the offshoring and outsourcing as well that may have hurt many communities in my home State of Ohio and all across this Nation.

This Congress can send a strong message today that we want to ensure that our Nation is prepared for the future. Let's pass this rule and the 21st Century Competitiveness Act.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

I want to thank the gentlewoman from Ohio (Ms. SUTTON) for yielding me the customary 30 minutes.

Mr. Speaker, this rule will allow the House to consider a conference report that incorporates several similar measures that have passed the House and Senate authorizing funding for scientific research and increasing the number of students majoring in math, science, engineering and foreign languages.

The several bills that passed both Houses were approved by overwhelming bipartisan votes. The authorization level for all of these bipartisan bills combined a total $24 billion in the House. I am concerned, however, that the conference report today contains over $43 billion in overall authorizations, nearly double.

It is vital that the United States continue to grow more globally competitive in the areas of scientific research and technology. Federal and private investment in supporting research and development is essential to the health of our economy and our competitiveness as a Nation.

We must plan for the future by areas of basic research and science today.

However, there is also something we must do today, and that is update our Foreign Intelligence Surveillance Act laws. This body has missed several important opportunities to consider changing our laws to account for technological advances, and now we are faced with a limited time remaining before Congress recesses for the August district work period.

You can all agree or disagree that our FISA laws need to be updated. All I will be asking my colleagues to do is to vote "no" on the previous question so that Members will have the opportunity to debate and consider fixing our outdated FISA law that currently requires our intelligence community to ask a judge permission before listening to telephone conversations of foreign terrorists in foreign countries who threaten our Nation's security.

Let me be clear also. If the previous question is defeated, the America COMPETES conference report will still be on the floor today. This is not an attempt whatsoever to delay this conference report. It is only an attempt to bring this issue to the floor as soon as possible, but, more importantly, before the Congress recesses.

Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, before I yield, I just want to make it clear, as has been stated on this House floor many times in recent days, that the FISA legislation will be on the floor of this House before the August recess. We're happy that we are here today to pass this rule and this legislation, and we are also able to deal with FISA.

Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. I thank my colleague from the Rules Committee from Ohio.

First of all, I want to congratulate the outstanding work of the Science Committee under the leadership of Mr. GORDON and Mr. HALL. That committee has produced more bipartisan useful legislation, maybe, than any other committee so far in this body. They are to be commended.

Mr. Speaker, this bill is yet another nail in the ladder of creating opportunity and making this country competitive in the 21st century global economy.

I want to talk a little bit about what can happen if you have companies, large and small, that make a difference and commit themselves to training the workforce, commit themselves to participating in a local community to advance science and math.

We have small companies in Vermont that have done this. We also have a big company, IBM. It is celebrating its 50th anniversary in Vermont, and that will be later this summer. IBM is a major employer. It is a company that transformed itself from computers to services in a whole array of activities that has been beneficial and relied on having the best training for new employees, the best science and math.

That company has not only helped provide good jobs to Vermonters as well as people around the world, it has participated very actively in our State efforts to improve science and math training. This legislation is going to focus resources on that effort in Vermont and across the country.

My congratulations to the Science Committee for the good work that it's done and to the companies large and small across this State that have helped be a partner on these policies that are essential for the future.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to a real doctor from Georgia, a member of the Science and Technology Committee, and a former member of the Rules Committee, Dr. GINGREY, for 5 minutes.

Mr. GINGREY. I want to thank Doc for yielding, the gentleman from Washington, I thank him very much.

Mr. Speaker, I rise to express my deep concern over the process, really, with which we are proceeding today on such an important matter.

I recognize, as a member of the Science Committee, all the hard work that has gone into the America COMPETES Act to maintain and enhance our Nation's investment in the core STEM field, science, technology, engineering and mathematics. I believe that every member of our committee understands well that the future of our competitive economic edge rests in energizing our students at every level so they can pursue these fields of study.

I want to commend my chairman, Mr. GORDON, and Ranking Member HALL. The bills that came before us in committee, all four bills, which we combined to be part of this conference report, I wholeheartedly support every step of the way. But I am very concerned with this conference report and the process, this lightning speed quickness that it has been brought to the floor of this House is absurd.

I want to ask what is the rush. As ranking member of the Technology and Innovation Subcommittee, I was very pleased to be picked as a conferee. I don't get that opportunity often in the 5 years that I have been a Member of this Congress. However, I was only made aware of the appointment Tuesday at 3:30 and, immediately, that the full conference committee would be holding the one and only formal meeting at 5 o'clock, an hour and a half later.

This is a 470-page document that was not even available to conferees until 4:30 yesterday. I can't speak for my colleagues on the other side of the aisle, but I don't want to go back home to Georgia next week and explain to my constituents that I spent, as Representative HASTINGS just said, $43 billion of their tax money on this measure that neither I nor most of the Members of this House on both sides of the aisle even had an opportunity to read, much less think about, before casting that vote. Further, I am extremely concerned with the cavalier attitude with which the majority appears bent on bringing this report to the floor today.

The rules require, and I noticed that earlier the chairman of the Rules Committee was on the floor. She knows the rules require that it shall not be in order to consider a conference report that has not been available to Members, Delegates and Resident Commissioner in the CONGRESSIONAL RECORD for at least 3 calendar days. This report was filed yesterday, yet here we are today preparing to vote on a negotiated deal that is incorrectly being labeled as bipartisan. It was bipartisan in the House. It's not bipartisan in this conference report.

It was only bipartisan to the extent we were invited to the party, but we were told to please just observe the dancing, and, by the way, don't eat any of the refreshments.

The House did not use proxy votes, and yet that rule was also waived yesterday for the purpose of the formal conference.

In addition, by a vote of 258–167, this House passed a motion to instruct conferees Tuesday to insist on the House authorization levels and to restore language on coal-to-liquids technology that had previously been accepted in this House by a vote of 264–154. Both instructions were ignored in conference. The coal-to-liquids technology provision was offered as an amendment in the conference yesterday and was voted down, despite the wishes of this whole House.

What's the point of having rules if we're not going to follow them, and what's the use of holding votes if we are not going to adhere to their outcome and insist on a conference committee report? It's extremely unfortunate that again this week we are faced with the regrettable fruits of the Democratic leadership's rush to adjourn.

My point is, this rush to get things done so you can go home and say that you accomplished this, and that's fine, but we've got to get it right and we have got to follow the rules. I mean, whether this side, we were in the majority, if we are guilty of doing the same thing on occasion, and maybe that was done on appropriations bills, but when you are dealing with something like this, and this is the policy in science education and trying to stimulate our young people and make this country more competitive in the global economy, we have got to get it right.

When we have a bill coming out of the House that very generously authorizes almost $23 billion, $24 billion, $25 billion, and all of a sudden it's $43 billion, I have some real concerns about that. So it's extremely unfortunate that we are rushing this through, and it is the American public who is being left with an ever-increasing bill for this attitude.

I asked my colleagues on the policy, or on the process. I am not talking about the issues that others have raised, but I am saying vote "no" to this rule and the underlying report.

Ms. SUTTON. Mr. Speaker, at this time it is my great pleasure to yield 20 minutes to the distinguished gentleman from Tennessee, the chairman of the Committee on Science and Technology, Mr. GORDON, whose leadership brought us here to this great day.

Mr. GORDON of Tennessee. Thank you, Lady SUTTON. I will grace you by not taking that full 20 minutes.

I want to thank Mr. WELCH for his kind words. I want to thank Mr. HASTINGS for not being too ugly about this bill, and I want to make my friend on the Science Committee, Mr. GINGREY, feel better about this bill.

Mr. Speaker, in the last few hours of every session, it doesn't matter who is in the majority or who is in the minority, things get a little bit tense. Folks want to get going for their district work period, and so this is an opportunity for us all to come together.

This is a bill that was based on a suspension that passed out of this House unanimously, based on a bill out of the Senate that passed 88–8. This is a bipartisan, bicameral bill.

The National Chamber of Commerce supports this bill. The National Association of Manufacturers supports this bill. The Business Roundtable supports this bill. Every university that is represented in this body supports this bill because it is a good bill. It's going to help American workers, businesses. It's going to help students and teachers be able to compete in the world. It's going to help us regain and maintain a leadership in research, innovation and technology.

Let me just take a moment and tell you a little bit about the bill.

Well, it's also based on, of course, Sherry Boehlert, the former, very good Republican chairman of our Science Committee, myself when I was ranking member, LAMAR ALEXANDER, who has done Herculean work in the Senate, as well as JEFF BINGAMAN asked the National Academy of Science to do a report on the competitiveness of America in the 21st century. Norm Augustine, the former head of Lockheed Martin, Craig Barrett at Intel, many other scholars, as well as academic and business individuals, came together and they told us in a very sobering way that America was heading in the wrong direction in terms of competitiveness in the 21st century.

Now, this is not just an idle thought for the ones of us that have kids and grandkids, because I am very concerned that the next generation of Americans could be the first generation of Americans that inherit a national standard of living less than our parents if we don't do something. This bill will help change the corner, turn that corner.

Let me tell you about it; it deals really with three main areas. First of all, following the recommendations of the rising above the gathering storm, we are going to increase our expenditures and research in this country, in the National Science Foundation that does such a good job, the National Institute of Standards and Technology. And, again, for my friend from Georgia, these are just authorizations.

If they can't justify what they are doing, then the appropriations will not appropriate those funds. This is just authorization. It doesn't spend any money, but it does give us a great blueprint.

The next thing we are going to do, we have to recognize that there are about 7 billion people in the world, half of which make less than $2 a day. We can't compete with that. We don't want to compete with that. We don't want our kids and grandkids to have to be in that situation.

What do we do? We have to compete at a higher level. If they are going to make one widget in China or India or elsewhere, we have got to make 50 in this country at the same time. We need to be inventing the widget maker and we need to be manufacturing the widget maker. That's what this bill is going to help us do. But to do that, our workers have to perform at a higher skill level. We have to help them do that.

When you look, and it's a sad situation right now, but only Cyprus and South Africa have lower overall math and science scores than we have in this country right now. What is the reason for that? Is it that we are not as smart as other countries? No, that's not the case.

The problem is we have very good and talented teachers in this country, but unfortunately, when it comes to math and science, about 63 percent of the math teachers at the middle school have neither a major or a certification to teach math.

The science teachers in this country are trying to do a good job, but 87 percent of them have neither a major or certification to teach the physical sciences. It's hard to inspire. It's hard to really convey information when you don't have a good background. I want to give you an example of that.

My father was a farmer. He went to World War II, and he came back, and because of the GI Bill, he was able to go to college. He got a degree in agriculture. I come along, and my mother had to give up her job at the cafeteria, so my father needed a second job.

So he applied to teach, and he got the last teaching job at Smyrna High School in my home county. So since he was the last person to get a job, they assigned him to teach high school science and to coach girls basketball.

I am not sure which one my father knew the least about. He was a bright, able fellow, but they put him in a difficult situation. And it was tough for his students, I am sure.

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Well, we have got to do better than that. And so what this bill is going to do is really two things in that area. We are going to take those good teachers like my father, bring them back into school. We will do it in the summer, so they can get their certification, hopefully go ahead and get a master's, get an AP certification so they can do a better job.

We are also going to provide scholarships for approximately 10,000 students each year on a competitive basis that want to go into math, science, and education and agree to teach for 5 years in high-need areas. This is going to go a long way to helping our skills.

And so, finally, we are going to look at one other area, one other area that Rising Above the Gathering Storm mentioned, was we have to become energy independent in this country. We have been talking about a lot of energy bills and are going to hopefully pass an energy bill at least in the House. The Senate has done. It is a long way to getting something completed.

But, today, this is a conference report. This is not just a bill that then goes to the other body and goes to conference. This is a conference report that was passed out of that conference on a bipartisan, bicameral basis, and it does something about energy independence today. And let me tell you about that, and this is a recommendation that came from the National Academies of Science.

We are going to set up an agency within the Department of Energy modeled after DARPA, which is in the Defense Department, a high-risk, high-reward group. It is going to look at the the seven or eight most cutting-edge types of new technologies. And we are going to bring our private sector, the public sector, the national labs, the universities all together with a very narrow bit of management that is only going to be like project directors to bring all these folks together. And, just like in the Department of Defense, the Internet was developed, stealth and technology was developed, but there were a lot of things that didn't work out, because they weren't afraid to try. High risk, high reward. That is what we are going to do.

We are going to get in there, and we are going to find those areas that are new technologies that are going to bump our ability to create renewable energy in this country, which is going to help us become energy independent, it is going to create jobs, and it is going to create exports.

This is a very good bipartisan, bicameral bill that is endorsed by the Chamber of Commerce, by the National Association of Manufacturers, by the Business Roundtable, universities. And this afternoon we will talk about this some more. I am going to bring you a list of businesses and organizations that support this that is going to go on and on and on.

So, my friends, let's put aside I guess just the natural bit of tenseness that goes with ending a session. Let's work together and get something good today and pass this bipartisan, bicameral bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Michigan (Dr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding.

You heard one speaker say this was a bad bill and should not be passed. You heard another one say it is a good bill and should be passed. There are good points on both sides of that argument. But I would point out that I have never seen a perfect bill reach the floor of this House; and, on balance, I believe this bill is good and should be passed, and I will be supporting the bill and presumably the rule that is presenting it to us.

I do this in spite of the fact that Dr. GINGREY and Ranking Member HALL, whom I have great respect for, have serious doubts about the bill.

Let me explain why I am supporting this. America is in trouble. It is in trouble in several areas. It is in trouble in science, and it is in trouble in education, manufacturing, outsourcing. Let me examine some of those.

Just an example, science education. Had I the time I could give you chart after chart after chart showing you where American students stand on the international scale compared to other high school graduate students:

In physics, dead last of all developed nations.

High school mathematics graduates, second from the bottom of all developed countries.

General science, about fifth from the the bottom.

In the PITA studies, United States last of 21 nations in mathematics.

We think we are the leading nation. We think we are doing a good job of educating our students. We are not, and we must face that. This bill addresses much of that problem by improving the education and training for teachers, both incoming teachers and existing teachers. It will improve the curricula, it will help students achieve better, and we must achieve higher levels again.

China and India recognized this issue 20 years ago, that the future belonged to the nations that educated their children in mathematics and science. China did it the dictator's way: You will learn math and science. India did it through inducements. But, as a result, they are now ahead of us, and we are now losing jobs to those nations because we have neglected our math and science education.

In our research efforts, we have always been the leader in scientific research for half a century, ever since World War II. We are losing ground. Believe it or not, South Korea is starting to put more than we are, as a percent of GDP, into basic research efforts, and that is being joined by other countries as well.

Manufacturing is a tremendous problem. We are losing jobs to other countries. And it is not just the wage base. I come from a manufacturing district. I have many conversations with manufacturers. It is not just the wage base. They are getting better quality, more highly educated workers abroad for lower pay. That is a hard combination to beat. And we really have to work hard in this Nation to improve education and improve manufacturing.

Now, how does that affect this bill? This bill is designed to affect and improve all of those areas. It does not do it ideally. I disagree with a number of things in the bill. I join my Republican colleagues in doing that. But, on balance, it is a start. If this were an appropriations bill, I might have some reservations, but it is an authorization bill. We get another bite of the apple each time we decide which programs we are actually going to fund.

I could mention ARPA–E in here. I am less than enthusiastic about it. If it works, I am delighted. I am skeptical. But why not authorize it, let the appropriators work with us, and decide whether or not we should fund it.

America as a Nation is based on competition. We are not afraid of competition, and this bill will engender competition. It will give us the opportunity to compete face-to-face at level-to-level with other countries and give us an opportunity to restore our manufacturing base, improve our science education, improve our manufacturing facilities and really do a better job.

You have heard before, this is endorsed by many major organizations in this country, all of whom have a deep interest in improving manufacturing and improving our competitiveness. This bill was suggested by President Bush in his American Competitiveness Initiative in his State of the Union speech last year. This is not a fly-by-night idea. This is something that I have been working on for almost every year since I came here 14 years ago and particularly the last 10 years. It is coming to fruition.

I have worked with the White House on it. I have worked with many scientific societies, and much of the genesis of this comes from the the National Academy of Sciences and The Gathering Storm Report, which is headed very ably by Norman Augustine, one of our leading industrialists and scientists.

It is not a perfect bill. I wish it were, but it is not. But in this process this is the best we can get, and it gives us a base to build on. And through appropriate use of this authorization and the appropriations bills, we will strengthen our Nation, we will strengthen our manufacturing base, we will strengthen our schools, we will strengthen our math and science education, and we will have a better Nation and a stronger Nation as a result.

One last comment. We spend a tremendous amount of money on defense, a tremendous amount of money on defense. We have always managed to succeed in situations like Iraq because of our superior knowledge, our superior research, and our superior resources. We are in danger of losing that edge. And I have met with people from the the Pentagon suggesting scientific ideas to them that they can use to improve the situation in Iraq. We need that kind of interaction between the scientific community and the military community, and I hope that will also result from this and give us a stronger Nation.

Ms. SUTTON. Mr. Speaker, at this time, it is my privilege to yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentlelady from Ohio, and I thank her for her leadership not only on the Rules Committee but on the Judiciary Committee. It is a pleasure to have the opportunity to work with her.

Mr. Speaker, let me acknowledge the chairman of the Science Committee, Mr. GORDON, and the ranking member of the Science Committee. As an alumnus of this committee, let me applaud this effort and indicate that this is not the end but it is the beginning. It has been a long journey, but it is premised on very important challenges.

We begin to look around the world, and we notice that nations who in years past were looking to the United States for the cutting edge of technology now are graduating more mathematicians and engineers in 1 month, such as China, than we might be graduating in 1 year. We understand the premise of this competitive legislation. H.R. 2272 is long overdue, and it is reaching to answer a crisis.

Earlier this morning, we heard reference to President John F. Kennedy about his pronouncement that America was going into space. It was said at that time that the President didn't know how we were going into space, did not have a grasp of the possible technology, but yet by his pronouncement it opened the doors of America's inventiveness to be able to create this pathway to space.

Well, now that we have statistics behind us of Leave No Child Behind, a bill that we hope we will truly reform, we do have numbers suggesting that America's children are shortchanged in math and science. We do know that America's schools are failing with respect to equipment in science laboratories; and we do know America's schools need the kind of trained teachers, master teachers who can emphasize math and science. So I am very grateful that this particular legislation allows for 25,000 new teachers over the next 3 years through Professional Development Summer Training Institute's graduate education focusing on math and science.

Today, in my own district, I am working with private-to-public sector to help fund one of the failing school districts to give them what you call master teachers in math and science to build up their laboratories. But we are using private dollars because we can't get the public dollars. This maintains the importance of qualified teachers in mathematics and science. It does something that is key, that many of us have been working on who have been advocating for NASA for many years, and that is a partnership between the public and private.

I hope that NASA will be one of those who can be utilized to engage more heavily in the community on the issues of math, science, and engineering.

And something that we have worked on and I have worked on all my years on the Science Committee, working with historically black colleges and Hispanic-serving colleges, we now have a focus on minorities and women in the science area.

When I first came to this Congress, I passed legislation that would allow excess equipment from the Nation's laboratories to be used in our secondary and primary schools, anything to put a nexus between research and science and development to the Nation's education system. This puts it squarely on the front burner. And I think what also happens is that we have revitalized the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy's Office of Science.

The key element of this legislation is that, without ideas, we are not competitive. That is why it is so named. And I hope that as this bill moves forward the President and Presidents to come will make this a cornerstone of their administration; that is, that America fails when her inventiveness, when her scientists and engineers are stifled and America fails when its people, are, in essence, divided and some go forward and some do not. So the idea that we must see again the emphasis on math and science for girls as we do boys is crucial.

Let me just simply say, as a partner to this effort, we recently passed my NASA Coin Bill. Interestingly enough, in that legislation there are opportunities to embrace children-focused programs that would encourage the research or the science at a primary school level so that children grow up saying, "I want to be." And I know they want to be basketball players and they want to be maybe astronauts because they look great, but I want them to grow up and say, "I want to be a math teacher or mathematician. I want to be a biologist or a chemist or a nuclear physicist or an engineer of many different types." As we reflect on the tragedy of the Minnesota bridge collapse, we need engineers and technicians to help build America and to create jobs.

I close, Mr. Speaker, by simply saying science is the work of the 21st century. This is what this bill is about.

Mr. HASTINGS of Washington. Mr. Speaker, I mentioned in my opening remarks that I will urge my colleagues to vote "no" on the previous question so we can address the very, very important issue of reform of FISA.

I yield 5 minutes to the gentlelady from New Mexico, a member of the Intelligence Committee, Mrs. WILSON.

Mrs. WILSON of New Mexico. Mr. Speaker, we now have 2 days left before the August break, and I would ask my colleagues to oppose the previous question on this conference report so that we may immediately address the problems in the Foreign Intelligence Surveillance Act.

We have now reached a point where the majority is committed to bring legislation to the floor, and that is a very big step forward, and I regret that it has taken so much public pressure to get us to this point. I am actually a believer that intelligence matters are best dealt with quietly, but when quiet encouragement does not work and national security is at stake, we have an obligation to increase the public pressure in order to get a political decision to move and get things done when it is important to this country.

Now that that political decision has been made and the majority has said they will bring legislation to the floor, we need to make sure that that legislation fixes the problem. In other words, we have to get this right. It is critical to get this right. Several Democrat leaders have put forward some ideas, but there are two of them that don't make any sense to me.

□ 1100

They want, first, only temporary authority to listen to foreigners in foreign countries. And, second, they want to still be in a situation where you have to get a court order to approve eavesdropping on foreigners in foreign countries.

Let's look at that for a second. My colleagues want two things. They want only temporary authority to listen to foreigners in foreign countries. The war on terrorism is not a temporary thing, and spying is not new. As early as the invention of the telegraph and reading people's mail during World War I that was going back and forth to Europe, in World War II much of the war was won because we broke codes that the Germans and Japanese were using and listened to their communications. During the Cold War we listened to our enemies. We have a foreign intelligence apparatus, and we spy on our enemies. Foreign intelligence collection is not new, and it is not temporary. We need to fix this law and get it right now.

Secondly, several of my Democrat colleagues have put forward the idea that you should still need court approval to eavesdrop on foreigners in foreign countries. It takes about 200 man-hours to develop a probable cause statement, a packet to go to the court, it's about that thick, to get approval from a court to do a wiretap.

Now, these people who have to put these together are not clerks or even lawyers. They are experts in counterterrorism, and their time is much better spent tracking these people than putting together paperwork.

More importantly, the Foreign Intelligence Surveillance Act was never intended to put a U.S. judge in charge of deciding whether we can listen to foreigners in foreign countries. That is why we spy and what we do. We don't need judges to be considering those kinds of things. And the only reason they are is because technology has changed faster than the law.

FISA, the Foreign Intelligence Surveillance Act, was never intended to require warrants to listen to foreigners in foreign countries. In 1978, when the law was written, almost all long-haul communications were over the air. That's where international calls were. Almost all local calls were on a wire. When they wrote the act, they froze the law in time. They required a warrant for anything on a wire. And over-the-air communications didn't require a warrant at all because that's where we collect foreign intelligence.

In a bill that comes to this floor, we need to do two things. First, no warrant or court intervention should be required to listen to foreign terrorists in foreign countries. Speed matters. And, second, we must continue to require warrants to listen to people in the United States. The Foreign Intelligence Surveillance law was intended to protect the civil liberties of Americans. It was intended, and has done actually a very good job at rolling back the abuses that the intelligence community was involved in in the 1950s and 1960s.

Let's get this court back to focusing what it was intended to do, which is to protect the civil liberties of Americans, and allow our intelligence community to do what they are intended to do, which is to keep this country safe and prevent the next terrorist attack.

Ms. SUTTON. Mr. Speaker, at this time it's my honor to yield 2 minutes to the distinguished gentleman from Florida, a member of both the Rules Committee and the Select Committee on Intelligence (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my good friend from Ohio for yielding.

If it is that we must say that my friend from New Mexico, Mr. Speaker, is to receive credit for a discussion of FISA, it should also attend the facts that for over a year the Intelligence Committees of this Congress have been in negotiations with the administration regarding matters having to do with FISA.

Just so we assure everybody that the matter of FISA is on the agenda, it will be taken up before we leave. And I can only say that there are many of us in this body who do not feel that it is inappropriate to establish an appropriate entity for oversight, no matter where information may be coming from.

The thing that I wish to dispel is that there is no reason for us to be fearful of us not having information that is needed. It is true that the Director of National Intelligence has said that there are matters that we may be missing. But there may be matters that we may be missing even if we fix FISA if we hurry to judgment and not do it correctly.

So civil liberties are important to Americans. Civil liberties are paramount when it comes to our consideration of gathering information. We don't want to troll and catch some American citizens and have their information poorly used.

Now, I don't know about anybody else, but there is one provision that considers giving the Attorney General this power and not courts. If it was this Attorney General, then I'm awfully glad that we're in the present posture that we're in, because I would not want this Attorney General making those decisions.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 1 minute to the gentlelady from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, the Director of National Intelligence has said that there are things we should be listening to which we are not getting.

All of us remember where we were on the morning of 9/11, remember who we were with, what we were wearing, what we had for breakfast.

I would guess that nobody listening to me here today, or very few, remember where they were the day that the British Government arrested 16 people who were within 48 hours of walking on to airliners at Heathrow and blowing them up over the Atlantic. It was successful intelligence cooperation between the British, Pakistani and American Governments that prevented that attack. And you don't remember it because it didn't happen.

Intelligence is the first line of defense in the war on terror, and we must fix this law and get it right.

Ms. SUTTON. Mr. Speaker, I would inquire of the gentleman if he has any remaining speakers. I'm the last speaker on this side, and I'll reserve my time until the gentleman has closed for his side.

Mr. HASTINGS of Washington. If the gentlelady is prepared to close, I am prepared to close on my side.

Mr. Speaker, I yield myself the balance of time.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question. By defeating the previous question we will give Members the ability to vote today on the merits of changing current law to ensure our intelligence community has the tools they need to protect our Nation from potentially imminent terrorist attack.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, it is time that we make a commitment to our students who want to succeed in the fields of math and science. It's time that we help our manufacturers and promote innovation and industrial competitiveness. With this legislation, we are setting our course.

While there are many things that must be done on many different issues to see real improvements, passing the 21st Century Competitiveness Act today is one very positive and enormous step in the right direction. We are saying we want to invest in our teachers. We want to invest in our students, invest in science and research and development and innovation. We are developing our workforce for the jobs of today and tomorrow.

Mr. Speaker, we are preparing our Nation for a bright future. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 602 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

Sec. 2. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 3138) to amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 602, if ordered; ordering the previous question on House Resolution 601; and adoption of House Resolution 601, if ordered.

The vote was taken by electronic device, and there were—yeas 225, nays 198, not voting 9, as follows:

[Roll No. 791]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey.
Wu
Wynn
Yarmuth

NAYS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Clarke
Crenshaw
Cubin
Davis, Jo Ann
Ellison
Johnson, Sam
Lee
Olver
Paul

☐ 1132

Messrs. COLE of Oklahoma, TERRY, and HUNTER changed their vote from "yea" to "nay."

Mr. COOPER and Mr. SERRANO changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 194, not voting 9, as follows:

[Roll No. 792]

YEAS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)

Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—9

Cannon
Clarke
Crenshaw
Cubin
Davis, Jo Ann
Ellison
Johnson, Sam
Mahoney (FL)
Meeks (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1140

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3159, ENSURING MILITARY READINESS THROUGH STABILITY AND PREDICTABILITY DEPLOYMENT POLICY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 601, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 201, not voting 6, as follows:

[Roll No. 793]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—201

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Clarke
Crenshaw
Cubin
Davis, Jo Ann
Ellison
Johnson, Sam

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1147

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 200, not voting 8, as follows:

[Roll No. 794]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—200

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Clarke
Crenshaw
Cubin
Davis, Jo Ann
Ellison
Johnson, Sam
Perlmutter
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There are 2 minutes remaining in this vote.

□ 1153

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 845. An act to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy:

The Senator from Utah (Mr. BENNETT), from the Committee on Appropriations.

The Senator from Nebraska (Mr. NELSON), from the Committee on Appropriations.

The Senator from Colorado (Mr. ALLARD), At Large.

The message also announced that pursuant to section 6968(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the U.S. Naval Academy:

The Senator from Mississippi (Mr. COCHRAN), from the Committee on Appropriations.

The Senator from Maryland (Ms. MIKULSKI), from the Committee on Appropriations.

The Senator from Arizona (Mr. MCCAIN), designated by the Chairman of the Committee on Armed Services.

The Senator from Maryland (Mr. CARDIN), At Large.

The message also announced that pursuant to section 1295b(h), of title 46 App., United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy:

The Senator from Hawaii (Mr. INOUYE), ex officio as Chairman of the Committee on Commerce, Science and Transportation.

The Senator from New Jersey (Mr. LAUTENBERG), from the Committee on Commerce, Science and Transportation.

The Senator from Alaska (Mr. STEVENS), from the Committee on Commerce, Science and Transportation.

The Senator from South Carolina (Mr. GRAHAM), At Large.

The message also announced that pursuant to section 4355(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the U.S. Military Academy:

The Senator from Texas (Mrs. HUTCHISON), from the Committee on Appropriations.

The Senator from Louisiana (Ms. LANDRIEU), from the Committee on Appropriations.

The Senator from Rhode Island (Mr. REED), designated by the Chairman of the Committee on Armed Services.

The Senator from Maine (Ms. COLLINS), At Large.

ENSURING MILITARY READINESS THROUGH STABILITY AND PREDICTABILITY DEPLOYMENT POLICY ACT OF 2007

Mr. SKELTON. Mr. Speaker, pursuant to House Resolution 601, I call up the bill (H.R. 3159) to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINIMUM PERIODS OF REST AND RECUPERATION FOR UNITS AND MEMBERS OF THE ARMED FORCES BETWEEN DEPLOYMENTS.

(a) REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) unless the period between the deployment of the unit or member is equal to or longer than the period of such previous deployment.

(2) SENSE OF CONGRESS ON OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be equal to or longer than twice the period of such previous deployment.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the regular Army.

(B) Units and members of the regular Marine Corps.

(C) Units and members of the regular Navy.

(D) Units and members of the regular Air Force.

(E) Units and members of the regular Coast Guard.

(b) RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) if the unit or member has been deployed at any time within the three years preceding the date of the deployment covered by this subsection.

(2) SENSE OF CONGRESS ON MOBILIZATION AND OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the units and members of the reserve components of the Armed Forces should not be mobilized continuously for more than one year; and the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be five years.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the Army Reserve.

(B) Units and members of the Army National Guard.

(C) Units and members of the Marine Corps Reserve.

(D) Units and members of the Navy Reserve.

(E) Units and members of the Air Force Reserve.

(F) Units and members of the Air National Guard.

(G) Units and members of the Coast Guard Reserve.

(c) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (a) or (b) with respect to the deployment of a unit or member of the Armed Forces if the President certifies to Congress that the deployment of the unit or member is necessary to meet an operational emergency posing a threat to vital national security interests of the United States.

(d) WAIVER BY MILITARY CHIEF OF STAFF OR COMMANDANT FOR VOLUNTARY MOBILIZATIONS.—

(1) ARMY.—With respect to the deployment of a member of the Army who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Army.

(2) NAVY.—With respect to the deployment of a member of the Navy who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Naval Operations.

(3) MARINE CORPS.—With respect to the deployment of a member of the Marine Corps who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Marine Corps.

(4) AIR FORCE.—With respect to the deployment of a member of the Air Force who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Air Force.

(5) COAST GUARD.—With respect to the deployment of a member of the Coast Guard who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Coast Guard.

The SPEAKER pro tempore (Mr. WEINER). Pursuant to House Resolution 601, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007".

SEC. 2. MINIMUM PERIODS OF REST AND RECUPERATION FOR UNITS OF THE ARMED FORCES BETWEEN DEPLOYMENTS.

(a) REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit of the Armed Forces specified in paragraph (3) may be deployed in support of Operation Iraqi Freedom unless the period between the most recent previous deployment of the unit and a subsequent deployment of the unit is equal to or longer than the period of such most recent previous deployment.

(2) SENSE OF CONGRESS ON OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the optimal minimum period between the most recent previous deployment of a unit of the Armed Forces specified in paragraph (3) and a subsequent deployment of the unit in support of Operation Iraqi Freedom should be equal to or longer than twice the period of such most recent previous deployment.

(3) COVERED UNITS.—Subject to subsection (c), the units of the Armed Forces specified in this paragraph are as follows:

(A) Units of the regular Army and members assigned to those units.

(B) Units of the regular Marine Corps and members assigned to those units.

(C) Units of the regular Navy and members assigned to those units.

(D) Units of the regular Air Force and members assigned to those units.

(b) RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit of the Armed Forces specified in paragraph (3) may be deployed in support of Operation Iraqi Freedom unless the period between the most recent previous deployment of the unit and a subsequent deployment of the unit is at least three times longer than the period of such most recent previous deployment.

(2) SENSE OF CONGRESS ON MOBILIZATION AND OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the units of the reserve components of the Armed Forces should not be mobilized continuously for more than one year, and the optimal minimum period between the previous deployment of a unit of the Armed Forces specified in paragraph (3) and a subsequent deployment of the unit in support of Operation Iraqi Freedom should be five years.

(3) COVERED UNITS.—The units of the Armed Forces specified in this paragraph are as follows:

(A) Units of the Army Reserve and members assigned to those units.

(B) Units of the Army National Guard and members assigned to those units.

(C) Units of the Marine Corps Reserve and members assigned to those units.

(D) Units of the Navy Reserve and members assigned to those units.

(E) Units of the Air Force Reserve and members assigned to those units.

(F) Units of the Air National Guard and members assigned to those units.

(c) EXEMPTIONS.—The limitations in subsections (a) and (b) do not apply—

(1) to special operations forces as identified pursuant to section 167(i) of title 10, United States Code; and

(2) to units of the Armed Forces needed, as determined by the Secretary of Defense, to assist in the redeployment of members of the Armed

Forces from Iraq to another operational requirement or back to their home stations.

(d) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (a) or (b) with respect to the deployment of a unit of the Armed Forces to meet a threat to the national security interests of the United States if the President certifies to Congress within 30 days that the deployment of the unit is necessary for such purposes.

(e) WAIVER BY MILITARY CHIEF OF STAFF OR COMMANDANT FOR VOLUNTARY MOBILIZATIONS.—

(1) ARMY.—With respect to the deployment of a member of the Army who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Army.

(2) NAVY.—With respect to the deployment of a member of the Navy who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Naval Operations.

(3) MARINE CORPS.—With respect to the deployment of a member of the Marine Corps who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Marine Corps.

(4) AIR FORCE.—With respect to the deployment of a member of the Air Force who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Air Force.

(f) DEFINITIONS.—In this Act:

(1) DEPLOYMENT.—The term "deployment" or "deployed" means the relocation of forces and materiel to desired areas of operations and encompasses all activities from origin or home station through destination, including staging, holding, and movement in and through the United States and all theaters of operation.

(2) UNIT.—The term "unit" means a unit that is deployable and is commanded by a commissioned officer of the Army, Navy, Air Force, or Marine Corps serving in the grade of major or, in the case of the Navy, lieutenant commander, or a higher grade.

(g) EFFECTIVE DATE.—This Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3159, introduced by my colleague on the House Armed Services Committee, ELLEN TAUSCHER, the gentlelady from California, as well as other Members of the House.

Our troops and their families are stressed and they are under pressure. Yesterday, the USA Today newspaper had an article entitled, "Stress of War Hits Army Kids Hard." The article, sadly, was about the increasing number of child abuse and neglect cases among deployed Army families. The article quotes Amy Lambert, an Army wife living at Fort Stewart, Georgia. She states, "I firmly believe that more time at home between deployments would be the most beneficial solution." I think that quote sums up the reason we're here and why this bill is before the House.

Our troops and their families are tired. They are being stressed by the continued and extended deployments. It's time that Congress takes a stand on behalf of our families and states in a clear, unequivocal voice that it is time that servicemembers have a minimum dwell time between deployments.

This bill would require that active component units and members be provided at least the same time at home as they are deployed. It would also require that Reserve and National Guardsmen who are called to deploy are given at least three times at home as they are deployed.

This proposed minimum period of deployment is less than the Department's own goal, which provides that active duty servicemembers should be deployed for 1 year, with 2 years back in home station, and Reservists and Guardsmen should have 5 years between deployments.

The Army recently implemented a policy that requires active duty units to deploy for 15 months and only spend 12 months back at their home station. This is a troubling sign, Mr. Speaker, since the time back at home station is used to reset, retrain and re-equip forces.

Servicemembers and their families are entitled to a predictable and stable time between deployments. Congress needs to step up on behalf of the troops, as well as their families, and say enough is enough.

We need to hold the Department accountable to their own policies and protect the readiness of our forces. That's no small thing. We have a moral responsibility to our troops to ensure that their quality of life is reflective of the sacrifices that we ask them to make.

We need to ensure that our active forces have at least the same amount of time deployed that they have back home with their families, and that our citizen-soldiers have at least three times the amount home as that time deployed.

This bill is also about our national security and its readiness, and it's about strategic risk. This bill will help to ensure that our military can deal not only with Iraq, where they have been serving remarkably under extraordinarily difficult conditions for 4 years, but wherever the next conflict occurs, our force must have adequate time to train if it is to be prepared.

And in this exceptional all-volunteer force, we must keep our retention levels up if we are to insure that our military will be able to succeed both now and in the next fight, which, of course, is very unpredictable.

H.R. 3159 is a step in the right direction. I urge my colleagues to stand with us in support of our troops and in support of our families.

Before I reserve the balance of my time, I ask unanimous consent that the gentlelady from California (Mrs. TAUSCHER) control the time on my behalf.

The SPEAKER pro tempore (Mr. LYNCH). Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I rise in opposition to the bill.

The SPEAKER pro tempore. The gentleman from California is recognized for 30 minutes.

Mr. HUNTER. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, this is a well-motivated bill. I want to commend my colleagues on the Armed Services Committee for all the great work that they do, Democrat and Republican. Most of the time we're on common ground. In this case, I think that this bill does not accrue to the benefit of the troops. I think it hurts the troops.

□ 1200

I think that is a question every Member of the House has to ask themselves: Is this going to be good for the troops, or is it going to be bad for the troops?

I think it will be bad for the troops, for this reason: We are fighting a war in Iraq which requires innovation, flexibility and experience. This bill, which will put a straitjacket on our ability to deploy troops on the basis that their clock has not yet expired back in the United States before they go over, is going to have an incredibly detrimental affect on our ability to project a well-rounded, effective fighting team in the warfighting theater in Iraq.

Let me talk about that a little bit, Mr. Speaker.

You are going to have units which desperately require specialties. Some of the specialties, I would remind my friend, are IEDs, the ability to operate jammers, the ability perhaps to decontaminate if you come into contact with some of the chemical weapons stockpiles that were left by the old regime. Military effectiveness is built on dozens and dozens of specialities, all of which support the other.

The idea that you can't put this team together, that the Marines or the Army can't put their warfighting team together because they looked at the list of people who are most able to fill those roles, most able to move in and stand next to their fellow Marine, their fellow soldier, their fellow airman, the guy that is doing the mechanic work on that important helicopter that is going to be the transportation vehicle, the guy that is doing the repair work on that particular weapons system, those people are not going to be able to flow over into the theater because their clock hasn't moved appropriately on the one-to-one ratio.

Now, we consulted the U.S. Marines on this provision. We didn't consult political people in the White House. We didn't consult people who had an opinion on whether or not we should be in Iraq. We consulted the people who have the job of putting together these packages of personnel which are required in the warfighting theater and transporting them to the theater.

Of course, the Deputy Commandant of the Marine Corps for Plans and Operations is Lieutenant General Richard Natonski. Here is his statement he gave to the committee. He said, "In order to support OIF requirements during Fiscal Year 2008 and comply with the minimum period between deployments proposed by provisions like H.R. 3159, a one-to-one ratio, the Marine Corps would have to adjust force generation plans. These plan adjustments would include extending unit deployments."

Somebody has to stay on the battlefield. The battlefield is not going to be empty. So if you are not going to allow new Marines to come in, the Marines that are there right now are going to have to stay there.

It is the same with the Army. These plan adjustments could include extending unit deployments, creating provisional units. That means you are going to have to put new units together because the old unit hasn't had its meter expire yet. And forcing units to execute missions as in-lieu-of forces, meaning that units that don't have that specialty are going to have to become units that have that specialty. That means "quickie" training and moving people immediately into the battlefield to fill a role that otherwise could be filled by people who have a deep specialty in that capability.

Mr. Speaker, he finishes with this statement that every Member of Congress should listen to very carefully. He said, each of these adjustments that will be required by Mrs. TAUSCHER's bill, among others, incurs higher risk than that associated with deploying the unit at a deployment-to-dwell time of seven to six.

I want to remind my colleagues, higher risk means higher risk of casualties. That is what happens when the guy that is supporting you on the battlefield doesn't have as much experience as you would like him to have, doesn't have that specialty, hasn't been there before, doesn't have that insight that is going to keep you alive.

Mr. Speaker, this is a well-meaning bill. But if you ask this question, does it help the troops or hurt the troops, this bill hurts the troops.

Mr. Speaker, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am honored to offer H.R. 3159, a bipartisan bill to mandate minimum periods of rest, training and recuperation for units and members of the regular and Reserve components of our Armed Forces between deployment. Fixing our troops' unpredictable rest and retraining policy is long overdue.

In an interview last Monday, Marine Corps Commander General James Conway highlighted repeated deployments and short periods of time between them to rest as factors contributing to increased mental stress and burdens on families of service men and women.

As a member of the Armed Services Committee, I am intimately acquainted with how this war has damaged our national security, our diplomatic standing and the readiness of our military; and, as a Californian, I am well aware of how it is draining the defense and security resources of my home State and others.

As we speak, a unit from Walnut Creek, California, in my district, is leading a task force comprised of six units that come from armories throughout the East Bay and Northern California. The California Army National Guard indicates that the unit of 824 soldiers is the largest single California National Guard unit to be deployed since the Korean War. These are men and women who will benefit from this legislation in real time.

We are sending more and more men and women to Iraq every day. The Bush administration is failing to accurately account for all of the costs of these repeated deployments. On the microlevel, our deployed men and women are being taken away from their families in a revolving door of service because the war has gone on much longer than the President believed it would. And on a larger scale, we are damaging the readiness for our Armed Forces to defend against future attacks here at home and around the world, as well as national emergencies here at home.

Mr. Speaker, my bill simply states that if a unit or a member of a regular component of the Armed Forces deploys to Iraq, they will have an equivalent amount of time at home before they are redeployed. No unit or member of a Reserve component, including the National Guard, could be redeployed to Iraq within 3 years of their previous deployment. In the event of an operational emergency posing a threat to vital national security interests, the President may waive the amendment's limitations by certifying to Congress that deployment of the unit or a member is necessary for national security.

The military departments also are provided waiver authority in the bill for individual volunteers who seek to redeploy before the expiration of the mandated time of rest between the deployments. This bill in no way, shape or form hinders the Commander in Chief's ability to manage military personnel.

Mr. Speaker, it is critical that we come together and take a very critical step to preserve the readiness of our men and women in uniform for them and for our national security.

If we are honest about wanting to support our troops, there is no better place to start than to correct our troop rotation policy. For far too long, the members of the Guard and Reserve have been unrepresented in Congress. Today, every Member has an opportunity to help them.

Mr. Speaker, I include the following letters of support for my bill from the Reserve Enlisted Association and Veterans for America.

RESERVE ENLISTED ASSOCIATION,
July 27, 2007.

Hon. ELLEN TAUSCHER,
Washington, DC.

DEAR CONGRESSWOMAN TAUSCHER: Thank you on behalf of the members of the Reserve Enlisted Association of the United States (REA) for keeping enlisted men and women serving in the Reserve Component in the forefront of your work as evidenced by your introduction of a bill to mandate minimum periods of rest and recuperation between deployments.

REA appreciates the intent of the bill to provide predictability for serving reservists, their families and their employers.

Your continued support of the Reserve Components is greatly appreciated.

Sincerely,

LANI BURNETT,
CMSgt, USAFR (RET),
Executive Director.

VETERANS FOR AMERICA STATEMENT IN SUPPORT OF H.R. 3169

We are compounding the wounds of war.—Bobby Muller, President of Veterans for America.

Veterans for America strongly supports H.R. 3159, sponsored by Rep. Ellen Tauscher, calling for adequate dwell time for our service members serving in Iraq and elsewhere.

Current deployment policies and operational tempo are compounding the wounds of war. It is a medical fact—confirmed by DoD studies such as the Mental Health Advisory Team IV—that repeated exposure to combat greatly increases the likelihood of service-connected mental health problems. The DoD Mental Health Task Force has already reported that almost half of the members of the Guard and Reserve who have served in Iraq are experiencing such problems, as are 38 percent of Soldiers, and 31 percent of Marines.

Inadequate dwell time will cause these numbers to further increase.

Rep. Tauscher's bill will help to ensure that our brave men and women in uniform have the time at home they need to prepare for a return to combat.

Veterans for America urges members of the House Armed Services Committee to support this important legislation. The wellbeing of our service members depends on it.

Mr. Speaker, I would like to briefly comment to my colleague from California when he talks about and laments on behalf of the Pentagon about all of the problems that they are potentially going to have making all these units up and doing all of these things.

I would like to remind my colleague that the Pentagon has plenty of people speaking for them and working for them. It is our job as the Members of the House of Representatives to speak for our Armed Forces and their families to be sure that we have a consistent policy for dwell time and rest. I appreciate the fact that we are all interested in making sure that we have a strong military, but we need to do that in a way that is responsible and responsive to the needs of our military and their families.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I would like to yield 4 minutes to the gentleman from New Jersey (Mr. SAXTON), who is a former chairman of the Terrorism Subcommittee and the ranking member on the Subcommittee on Air and Land Forces.

Mr. SAXTON. I want to thank Mr. HUNTER for yielding time and just say to my friend, Mrs. TAUSCHER, that I very much understand and appreciate the goals that she has in bringing this legislation forward, but, at the same time, I think there are some realities that we have to face relative to the subject that the bill addresses.

The problem here is twofold. Number one, there is the issue of command flexibility. As Mr. HUNTER pointed out just a few minutes ago, we learned in previous wars that making decisions on tactical activities in a war should not probably be made at the White House and probably should even less likely be made here by 435 Members of Congress.

So while I very much appreciate and agree with the goal of making sure that every soldier and Marine and every member of the four services gets time to recharge their batteries between deployments, having a law which stipulates how precisely that is to be done is a very unwise thing to do.

Secondly, let me say that this problem involves the total number of people that we have in the service. We make decisions from time to time, and sometimes those decisions are right, hopefully most of the time those decisions are right, but sometimes they are not.

In 1991 and 1992, when we started to hear about the "peace dividend," we decided, collectively, all of us together, some in disagreement, that it would be okay to reduce the size of the Army from about 18 divisions to the equivalent of 10. We collectively decided to reduce the number of people in the Army significantly, almost by half. So today we are operating with the equivalent of 10 divisions, made up in a different structure, a brigade structure; and today 20 of those brigades, Army and Marine brigades, are deployed in Iraq.

When the Commander in Chief and his military commanders in the field decide they need to make changes, they make them based on need, based on threat, and based on operational plans and operational capabilities. That flexibility must in this situation, in my opinion, be preserved.

So, while those of us on this side of the aisle certainly share the goals of the gentlewoman from California, this bill is most unwise and will do, as Mr. HUNTER said, much more harm than good to our troops in the field.

Mrs. TAUSCHER. Mr. Speaker, at this time, I am happy to yield 1 minute to my friend and colleague from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding and I rise in strong support of her legislation.

Mr. Speaker, there is no disagreement that we should do only what is right for our troops in the field and keep them safe, but there is a disagreement over the meaning of article I of the Constitution of the United States.

Conduct of the foreign policy of this country is not the exclusive purview of the executive branch, but for too long in this institution we have behaved as if it is. So this bill says that it is about time that the Congress of the United States took on our responsibility for assessing the problems in Iraq, took on our responsibility to provide for the common defense. Not to be a spectator as the executive branch makes these decisions in isolation but to be a thoughtful and full partner in that decision-making process.

It is very important for the Members to understand that if the President feels that there is an impairment to the national security of the country, he has the authority to waive the provisions of this bill. But, absent that, he should abide by it.

Please vote "yes."

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank my friend from California for yielding.

Mr. Speaker, I listened with interest to this debate. I think I will start with the constitutional side of this and what I believe is a disagreement and maybe a fundamental and real disagreement in the Constitution.

I will make this statement, that the Constitution grants Congress the power to do three things with regard to war: One of them is to declare it, and that is clear; the second one is to raise an Army and a Navy and, by implication, an Air Force, and that is clear; and the third thing is to fund it. But there is nothing in this Constitution that says that we have the authority to overrule the Commander in Chief, nor to micromanage a war. Nor are there any 535 generals that are somehow or another empowered within article I or any other article of the Constitution it.

So when the gentleman says that it is a constitutional responsibility of Congress to conduct foreign policy, I would ask, where in this Constitution do you find that? I find that all vested in the powers of the President, where he appoints ambassadors, he sets foreign policy. Yes, with the advice and consent of the Senate on the confirmation, but it is the President's foreign policy, it is the President's State Department, and it is the President's military to command.

When we deviate from that, we put ourselves in the condition where our Continental Army was back before we established this Constitution. They knew what was wrong. The Continental Congress was trying to fight a war by consensus, and that is why we have a Commander in Chief, and we must adhere to that.

If you really want to give some rest to these troops, don't tell the President what he has to do. He is doing all he can to give our troops all the rest he can.

I just came back from there. Expand this standing, active duty military so that they can get some rest. Don't pull them out of the field. And if you are sincere about this, don't limit it to Operation Iraqi Freedom. Expand this globally. If you really mean it, they get tired wherever they are, in Afghanistan, Iraq and wherever they happen to be on the globe.

The President knows that. He cares about these troops. I looked him in the eye last week. He is doing everything he can. Everyone is a volunteer, and everyone is a volunteer not just for the military but for this mission. And you cannot separate your support for the troops from support of the mission. You must support their mission. If you are going to ask them to put their lives on the line for us, then you stand for their mission. The least we can do is wait for General Petraeus' report.

Mrs. TAUSCHER. Mr. Speaker, I would like to remind my colleagues that opposing this bill is to ratify the status quo; and if my colleagues choose to say that things are going just great, that we are not damaging our readiness, that we are not damaging the ability for the Guard to be home when they are needed by their Governors to do emergencies here, that we are not overstressing our troops, then I urge my colleagues not to support my bill. They are then ratifying the status quo.

Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I want to thank Mrs. TAUSCHER for this very important legislation, and I support it wholeheartedly.

I want to say to the last gentleman that spoke, it is because we support our troops, because we care about them and their families, that we support this legislation. 159,000 of our troops are currently deployed in battle to stabilize Iraq.

□ 1220

On Tuesday, the United States Department of Defense reported that another 20,000 will be sent to Iraq for rotation duty.

In the meantime, our servicemembers continue to suffer through multiple deployments with little time for rest or to retrain. The DOD has continuously failed to meet the goal of deploying active duty troops for 1 year and allowing them to rest for 2, along with ensuring that Reservists are deployed for 1 year and rest for 5. This failure has often been called a backdoor draft.

Not only has ongoing multiple deployments had a detrimental physical and emotional impact on our troops and their families, but it also has hindered the Armed Forces' ability to reach its retention and recruitment goals. Namely, both the Army and Air Force have failed to reach their retention goals for the mid-career and career personnel. At the current rate, there will be few officers and enlisted soldiers left to lead. Who will be our next generation of soldiers? I urge all of my colleagues to vote in support of this legislation.

Mr. HUNTER. I yield 3 minutes to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, I recognize that this is a contentious issue. I also recognize that some of us will never agree on the question of Iraq and whether our presence there is justified. However, I believe there is common ground, and I introduced a substitute amendment during the Armed Services Committee that highlights the common ground.

My substitute amendment, which is modeled after Senator LINDSEY GRAHAM's alternative to what has come to be known as the Webb amendment, replaced the base text with a sense of Congress that the Department of Defense should strive to meet certain goals concerning dwell time between troop deployment.

My amendment maintained the goals that are outlined in the underlying bill. My amendment represents an alternative that touches on the issues that all of us, Republicans and Democrats, agree on. We all agree that our troops need to rest between deployment. We all agree that a rested fighting force is an effective fighting force. We all agree, hopefully, that these goals should not be limited to troops deployed to Operation Iraqi Freedom, which the underlying bill unfortunately does.

We all agree that this committee must continue, as it has done so effectively in the past, providing the resources to our troops that they need to do their jobs effectively and safely.

I believe this bill creates an unrealistic expectation on the part of our families and our military members. The bill does not define threat to national security interests, and the Presidential waiver is simply paperwork with no minimum standard.

I also believe this bill violates the separation of powers as defined in our Constitution. Unfortunately, the Democrat majority decided to consider this bill under a closed rule with no room for debate on alternatives.

Mr. Speaker, there is common ground on this issue, but, unfortunately, it is not represented in this bill, and I urge my colleagues to vote against H.R. 3159.

Mrs. TAUSCHER. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentlewoman for introducing this legislation and giving me 1 minute.

Deployed, depleted, desperate. Deployed, depleted, desperate. A news article in the Raleigh, North Carolina, paper in April of this year, and I read: "The volunteer military, especially the Army and the Marine Corps, has been ground down by endless combat deployments." Deployed, depleted, desperate. They desperately need this bill to pass so they can spend time with their families.

One other quick point. An Army study found that the more often soldiers are deployed, the longer they are deployed each time. And the less time they spend at home, the more likely they are to suffer mental health problems, such as combat trauma, anxiety, and depression.

I close by saying again, deployed, depleted, desperate. We have got to pass this legislation. God bless our men and women in uniform. As Barry McCaffrey said in the spring of this year, the Army and the Marine Corps are going to unravel if we don't help them.

Mr. HUNTER. Mr. Speaker, I want to address my remarks to the gentleman, for a second, to the gentleman who just spoke.

My son is a marine who is doing his third tour. He is calm. He is determined. He loves his country, just like all of his fellow marines. The constant illustrating or projecting of our Armed Forces as somehow victims is something that finds absolutely no truth when you go out among our uniformed personnel.

The Marine Corps has never been more effective. They have never had higher morale. They have excellent reenlistment rates. Interestingly, there are high reenlistment rates among the people that are in combat. They are not deployed to the point where they are depleted, and they are not desperate and their families are not desperate.

With those happy words, I would like to yield 3 minutes to the gentleman from California (Mr. MCKEON), a member of the committee.

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding, and I thank him and his family and son, especially, who joined the Marines the day after 9/11 and is now serving his third deployment.

I rise today in opposition to the cleverly dubbed troop readiness bill being considered. While none of us here want to be at war, the fact remains that we are. And we owe it to the honorable men and women in uniform to provide the proper tools, resources and atmosphere for victory.

So it is beyond my comprehension that my colleagues on the other side of the aisle must insist on limiting the authority of our military leaders and General Petraeus.

From the outset, this poorly crafted dwell time bill may have the faint appearance of trying to improve the readiness of units and quality of life of members in the Armed Forces, but it is just another example of the disingenuous goal masked by a clever name. In truth, the bill is a backhanded attempt to force an American withdrawal from Iraq.

In doing so, the bill limits the flexibility of the U.S. military commanders to conduct operations in the field and only prohibits troops deployed in Iraq. This is a point that should not be overlooked. The true intent of this legislation is obvious. There are mandates that only apply to the U.S. forces committed to Operation Iraqi Freedom. Afghanistan, another active theater in this war against terror, is not even mentioned. If this were a sincere effort on the part of my Democrat counterparts, it would apply to all deployments.

Mr. Speaker, the harsh realities in this bill would have lasting negative effects on our military and would inappropriately infringe upon the constitutional duties of the President of the United States as Commander in Chief. If this bill were to become law, it would paralyze our military. It would increase stress on our Armed Forces by reducing the pool of forces available and would intensify the risk of our soldiers remaining in Iraq. Moreover, it could theoretically extend the amount of time forces remain on the ground in Iraq, which would negatively impact the morale of our soldiers and their families at home.

Mr. Speaker, H.R. 3159 is bad policy, and I urge my colleagues to oppose it. Churchill once said in the midst of another war, "Give us the tools and we will finish the job."

Mr. Speaker, it is the duty of this House and of this Congress and of this Nation to give our men and women the resources they need to see this conflict through to the end. While our troops are fighting in Iraq, Democrat leadership is crafting thinly veiled legislation to weaken their ability to succeed, and I think we must ask ourselves why. I urge my colleagues to join me in opposing this bill.

Mrs. TAUSCHER. Mr. Speaker, I remind my colleagues that voting against this bill is to vote for the status quo.

At this time I am very happy to yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, to paraphrase an old ad, when ELLEN TAUSCHER and IKE SKELTON speak, I listen. They work together carefully on important legislation, and this is a piece of important legislation.

I don't know about others in this Chamber, but I am tired. We have been working all day and all night for weeks to try to get to an August recess after accomplishing as much as possible. It is 100 degrees outside. The humidity level is very high, but we are in an air-conditioned place.

In contrast to us, over 100,000 American troops, very brave kids, are in 120 degree weather with 40 to 75 pounds of equipment on their backs, bravely defending America. I think as tired as I am, this bill strikes the right tone and says that in order to fulfill our constitutional duty to provide for the common defense, our constitutional duty to provide for the common defense, we have to make sure that we have a ready military.

Mr. Speaker, we don't. It is broken. Every expert we have heard from knows that. Our failure to plan adequately for the post-military phase in Iraq and Afghanistan and elsewhere has created a broken military.

So I commend the sponsor of this bill and the others who have helped draft it. I am proud to be a cosponsor in the effort to state clearly that the kids we have sent into harm's way should get the rest and training they deserve.

I would close by saying there was a lot of conversation this morning about FISA and how we are at heightened risk and we are doing the wrong things. Well, I know what is the right thing to do about FISA, and I know what is the right thing to do about a broken military. Pass this bill.

Mr. HUNTER. Mr. Speaker, I am just constrained again, and I yield myself 30 seconds.

The military is not broken. The Army is not broken. The Marine Corps is not broken. This continued depiction of our military people as victims who are totally desperate, as the last Member of Congress who spoke on the other side depicted them, that they are somehow desperate, their families are desperate, they are ineffective, they are broken, is totally in error.

We have never had better morale. We have never been more effective. The interesting thing is the people who are reenlisting are reenlisting from the combat units. That means that they think that their mission has value, and that means that they have high morale.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I don't think you can find a single Member in this House who does not want the war in Iraq to end. We pray every day, every day that the war ends. And we are all so very proud of the brave men and women who serve us in the Armed Forces. We all want them to come home to their families safe and secure.

But unfortunately, the terrorists don't really care what we want. Like it or not, the terrorists' war against us is going to continue through the end of this administration and into the next. Whatever you think of George W. Bush, after his time is up, this war will not end.

I can understand the consternation that some have for the way the Bush administration has prosecuted this war. I can understand the desire of some who want to tie his hands. But for the life of me, I cannot understand why we would want to tie the hands of the next administration, of the next President, as he, or she, takes on the mantle of responsibility to lead our Armed Forces as Commander in Chief.

In fact, I just heard the other day one of the major Democrat Presidential contenders, Senator OBAMA, who said that as President he might order an invasion into Pakistan. This, of course, would be a major escalation of the war. How would this legislation affect his ability to do that? What impact would it have on our troops, because this legislation only refers to Iraq deployments.

Could some troops who just returned from Iraq, could they immediately be deployed to Pakistan by "President Obama". I believe it would allow that, regardless of their need for dwell time.

All of us need to think through everything we are doing and how our actions affect our troops and their families. Military families should not be given false hope of decreased deployments and longer dwell times, because any President forced to take on the tremendous responsibility of leading our Armed Forces in this war will just utilize the waiver provisions in this bill and make it meaningless.

You would think any President would just give their Secretary of Defense a blanket waiver. So really, what is the point of this legislation?

Mr. Speaker, in September, General Petraeus will be coming to Congress with his unvarnished assessment in his report on progress in Iraq. Recent reports fortunately have been more positive about the progress being made by our military; although, I will note that the lack of progress by the Iraqi Government on the political front remains a huge problem. The fact that the Iraqi Parliament is taking a recess is cause for great consternation.

But let us all pray that real progress is happening which will allow our troops to come home, and complete their mission and come home soon. I would ask my colleagues to wait to hear the assessment from General Petraeus and then make a judgment on how to move forward in Iraq. I don't believe this legislation is fair to our troops.

And I also want to make a point that I have very high regard and respect for my colleague, the gentlewoman from California, who brings this to the floor today. I do not question her motives for a moment on this, but I do urge my colleagues to defeat this legislation.

Mrs. TAUSCHER. Mr. Speaker, at this time I am very happy to yield 1½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentlewoman for yielding.

I want to say as a marine combat veteran 40 years ago in Vietnam, I sometimes wonder, as I look around this Chamber, which Members would I follow into combat. Those of you who are sitting here now, those of you who are sitting here now, are you competent enough to lead soldiers into this very difficult human endeavor?

The troops are doing a stunningly competent job and they continue to do so. Are we as Members of this House doing a stunningly competent job to be thoroughly informed about the problems of the war in Iraq and the Middle East?

Part of our competence must be to understand the psychological and physical stress our soldiers in real combat must endure. Experience in combat, those of us who have been there, know how valuable that is to one soldier and the next soldier. But we as policymakers must come up with a policy, and we weigh that experience that is necessary with the physical and psychological endurance of those soldiers that is necessary.

Respecting the troops means we are responsible and competent in developing a policy that is worthy of those young men and women. I urge support for this legislation.

Mr. HUNTER. Mr. Speaker, I would like to yield 3 minutes to the gentleman from Missouri (Mr. AKIN) whose son has served as a marine in Iraq.

Mr. AKIN. Mr. Speaker, I have to say in terms of sympathy, I understand the motivation I believe and the interest in our troops that this legislation is designed to deal with. I have two marines that are my sons. I have visited the one when he was in Fallujah. I talked to a number of their troops. I think I understand the stresses that are involved in warfare, also as somebody who served as an officer myself.

That said, however, I think there is a danger when we take a look at a specific problem and we try to micromanage a solution from the position of Congress. It didn't work during the War of Independence. And the tradeoffs as to whether or not you are going to leave somebody in theater longer, there are a lot of different factors that you have to balance and a lot of special situations.

To give you one that seems a little bit obvious, I suspect that General Petraeus and other generals have been in theater a pretty long time. They probably would have to get a special waiver from the President to do their jobs.

We understand it would be better if they could take a break and see their families more, but the specific situation in their situation calls for the fact that this sort of blanket rule we are going to top-down impose as Congressmen or Congresswomen doesn't make a whole lot of sense.

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To try to set up a policy now and to hamstring all the military planners and to apply it just specifically to the situation in Iraq effectively reduces our options, makes it more complicated for us to get our job done, and effectively makes it so that we have less practical combat strength.

I think all of us have agreed that we've seen that we need more troops, and that's something that we need to deal with and have the courage to put that into the budgets in the future. But I think this is a micromanagement. While it may be inspired by good intentions, and I do know that there is a lot of stress on Marine families and Army families as well, I think this is the wrong to go, and I would urge my colleagues to vote "no."

Mrs. TAUSCHER. Mr. Speaker, I'm so happy to yield 1 minute to my friend and colleague, the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the gentlewoman from California for yielding.

Mr. Speaker, I rise today in very strong support of H.R. 3159, of which I'm a proud cosponsor.

I would like to thank the gentlewoman from California and the chairman of the Armed Services Committee for their leadership on this issue.

Just 14 months after returning from deployment in support of Operation Iraqi Freedom, the 833rd Engineer Company of the Iowa Army National Guard was again mobilized for combat duty in Iraq. The men and women of the 833rd have served with distinction. Yet, by providing inadequate and unpredictable rest between deployments, the Bush administration has broken our contract with our citizen soldiers. We have strained our troops, endangering both our men and women in uniform and our national security.

Our servicemembers must have the dwell time necessary to be fully rested, trained and equipped. This bill provides the rest and predictability necessary to ensure the health of our Armed Forces, and I strongly urge its passage.

Mr. HUNTER. Mr. Speaker, I yield to Mr. SHIMKUS, the gentleman from Illinois, 3 minutes.

Mr. SHIMKUS. Mr. Speaker, I thank the ranking member and my good friend, Congresswoman TAUSCHER.

This is a tough bill, and I appreciate it being brought to the floor. People know I come here heartfelt because of my 25 years connected with the United States Army. I don't like to throw that out. You know that. An Army Ranger and Army paratrooper, still an active reservist, but I have become frustrated that we are losing sight of why we have a military.

The mission of the United States military is to fight and win our Nation's wars. Now, many people don't want us to have a military, I understand that, but I think the best hope for democracy and freedom in the world today, even in our work with NATO, is a strong, powerful, committed, professional United States military, and we work on that with our NATO allies.

The mission of the infantry is to get close with and destroy our enemies. Destroy our enemies, to go after them and fight them and send down the message that we're going to fight you until you leave us alone.

Now, there are folks on the other side who don't want us to have that. I am one that thinks it's necessary to have in this country. So I don't think we're in conflict. I do think that we have lost some faith in our leadership in the military. I still have it. I still think our career military officers will make the tough call to deploy and use their troops.

I'm going a little bit slower than I hoped because I'm talking from the heart, but more than just the officer rank, it's the career enlisted leaders. In the Army, it's the command sergeant majors all the way up, from the commanding down to the first sergeant in the company. You have to believe that they will raise the issue about whether their troops cannot perform the mission. That is part of who they are. And when you fight in the trenches and you develop that bond that makes you an effective fighting force, how dare they not think about their soldiers first. I think they do.

I believe in the military. I think their heart's right, and our volunteer military is the best on the face of the earth today. I know we want to keep it that way.

I'm not sure this is the right way to go, but I just wanted to come down and talk from the military's perspective.

GENERAL LEAVE

Mrs. TAUSCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3159.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. TAUSCHER. Mr. Speaker, at this time, I'm honored to yield 2 minutes to my friend and colleague, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) who's a cosponsor of this legislation.

Ms. SHEA-PORTER. Mr. Speaker, I thank the gentlewoman from California for the opportunity.

I stand here today in strong support of H.R. 3159. As a former military spouse and the proud wife of a veteran, I know how important this is to military families. The President's policies have failed on many levels, but they certainly have failed on the soldiers, the troops who are suffering this great strain right now.

I find it ironic that the Iraqi parliament is on vacation for a month while we stand here and tell our troops that they cannot have a break, that they need to stay in the field in the heat and keep fighting the battle for the Iraqis.

The Army's available, active duty combat brigades, along with 80 percent of the Reserves and National Guard, have served at least one tour in Iraq and Afghanistan; and the strain is starting to show.

Recruiting and reenlistment are down, especially in the Army which has reported about a 7 percent first retention drop, and we're having to offer greater bonuses to attract people. Reports of traumatic brain injury and post-traumatic stress syndrome are up; and this spring the Secretary of Defense announced that active duty soldiers can expect to spend more time in Iraq than they spend at home, with only 12-month breaks between 15-month deployments.

We hear a lot of talk from the White House about supporting our troops. That is what this bill does. This bill will support our troops by supporting their right to have a break from combat, and it will support our military families by protecting their rights to spend time with their loved ones.

I urge my colleagues, regardless of how they feel about this war and the President's policies, to support H.R. 3159.

Mrs. TAUSCHER. Mr. Speaker, at this time, I'm happy to yield 1 minute to my friend, colleague and neighbor from California (Ms. LEE).

Ms. LEE. Mr. Speaker, let me just say thank you to the gentlewoman from California (Mrs. TAUSCHER) for putting forth this bill, which I believe will take a significant step forward in ending this occupation in Iraq.

This administration professes to care about our troops, so let me tell you, why have about 250,000 of our troops served more than one tour? Tell me this, why have tours in Iraq been extended for all active duty Army soldiers from 12 months to 15 months?

I will tell you why. This administration, after nearly 5 years, nearly half a trillion dollars, and nearly 3,700 brave American lives, is willing to sacrifice the health and safety of our troops and the security of our Nation in a last-ditch effort to save face for its failed policies in Iraq.

Enough is enough, Mr. Speaker. The price is simply too high. The least we can do is give our troops this badly needed break. That's the least we can do.

I congratulate Congresswoman TAUSCHER for this legislation and urge my colleagues to support it. Our troops need this, and both sides of the aisle should vote for this in a bipartisan fashion.

Mrs. TAUSCHER. Mr. Speaker, at this time, I'm happy to yield 1 minute to my friend and colleague, the gentleman from Georgia, who is the vice chairman of the Subcommittee on Terrorism on the Foreign Affairs Committee, Mr. SCOTT.

Mr. SCOTT of Georgia. Mr. Speaker, I thank very much Mrs. TAUSCHER. It's such a pleasure to be here.

This is an extraordinarily important bill, and it is timely. I think it's very important to answer one of my colleague's questions about the constitutional responsibilities. It's clear in Article I, section 2, of the Constitution. Both James Madison as well as Hamilton concurred when they mentioned not only to declare war is the duty of the Congress, not only to raise the Army, but to support the Army. Those words are there, Mr. Speaker.

Now, I have been over to Iraq and Afghanistan and talked and looked at the soldiers themselves. I've gone throughout my district and talked to soldiers' families. The stress is in their eyes as you go.

I've gone to Landstuhl in Germany and sat with our soldiers on every trip. I've been three times over there and three times we've been to Germany and talked. The stress is there.

In the military report that was just issued, Mr. Speaker, it said that the extension of the duty, the longer the time and the stress of combat, the longer and the greater occurrences of psychological stress. Our Army may not be broken, Mr. Speaker, but it's at the breaking point, and we need to give ample time for our soldiers to come home and rest.

If you care about the soldiers, vote for this bill.

Mr. HUNTER. Mr. Speaker, I yield to Dr. GINGREY, the gentleman from Georgia, 3½ minutes.

Mr. GINGREY. Mr. Speaker, I want to refer to my colleague from Georgia who just spoke. I reference article II, section 2, of the Constitution where it says the President shall be Commander in Chief of the Army and the Navy of the United States and of a militia of the several States.

Mr. Speaker, I rise today in strong opposition to this legislation. It's rather outrageously being hailed by the Democrats as a readiness measure. Unfortunately, I fear this becomes nothing more than another attempt by this majority to pander to their liberal base and capitalize on public opinion polls by once again, this time a little more subtlety, attempting to draw down the troops in Iraq.

This is because the readiness provision within this bill apply only to troops returning from Iraq. While a unit which just completed a 15-month tour in Iraq could not be deployed for 15 months, they could be deployed to combat in Afghanistan or, for that matter, Mr. Speaker, anywhere else in the world tomorrow without any regard for dwell time or readiness.

Inexplicably, while we're engaged in a worldwide campaign against terror, this majority is only concerned with the readiness of the troops deploying to Iraq.

Further, Mr. Speaker, by legislating the military deployment cycle, this bill would hamper the Department of Defense and bar the deployment of units that may be needed to reinforce our efforts in Iraq. Any constitutional scholar would tell you that these decisions, by their very nature, are the job of the Commander in Chief, not 435 would-be commanders in chief.

Now, to get around these unfortunate facts, my friends on the other side of the aisle included in their bill a Presidential waiver. During consideration of the bill in committee, the dangerous implications it could have on our ability to fight and win this global war on terror were often dismissed by the Democrats, my colleagues on the House Armed Services Committee, because of the presence of a waiver in the bill.

In reality, Mr. Speaker, not only will this bill make it more difficult to prosecute the global war on terror, the waiver adds another layer of bureaucracy that could potentially disrupt the deployment preparation cycle.

Mr. Speaker, all of this comes, unfortunately, during a time when we are just now starting to see marked progress and the momentum swinging in our favor in Iraq. Sadly, what is great news for America and for our troops is consequently bad news for the Democratic majority and this defeatist attitude.

Just this week, a New York Times editorial authored by Mike O'Hanlon and Kenneth Pollack reflected this progress. Make no mistake, Mr. Speaker, these two men have steadily criticized the prosecution of the war and lack of progress in Iraq over the past 4 years. However, just this week they wrote, "We are finally getting somewhere in Iraq, at least in military terms. Today, morale is high. The soldiers and the Marines told us they feel that they now have a superb commander in General David Petraeus; they are confident in his strategy, they see real results, they feel now they have the numbers needed to make a real difference."

And thankfully, U.S. casualties in Iraq are the lowest in 8 months.

Mr. Speaker, I know we are all passionate about this issue, and I care deeply about our troops and our Nation, and I know Mrs. TAUSCHER and my colleagues on the other side of the aisle do as well. But now is not the time to risk impeding the progress that we are making. Now is the time to continue building on the turnaround we have made in the Anbar Province and the improvement we are seeing in Baghdad.

I urge my colleagues to vote "no."

Mrs. TAUSCHER. Mr. Speaker, at this time, I'm happy to yield 2 minutes to my friend and colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank my good friend and thank her for her leadership on the Armed Services Committee; and to my friends on the other side of the aisle, it is great news that we have a new direction in the Armed Services Committee that takes seriously the issues of readiness and the quality of life for our troops.

Some would ask the question, troops are in battle, why are you worrying about the quality of life? Because my friend who cited the Constitution failed to recognize Article I, Section 8, that indicates that Congress does have the authority to declare war. Embodied in that declaration is a responsibility for our troops.

And might I refer my friend to the letter by the Reserve Enlisted Association which is thanking Congresswoman TAUSCHER for acknowledging the importance of rest time, rest time between battles. These soldiers are battle worn, mentally and physically. The first part of their duty they were over there with no equipment, no Humvees that were reinforced, no equipment that protected them from those weapons they were being shot at by. The Veterans for America emphasizes we are compounding the wounds of war.

When I visited Iraq, I would talk to individuals who are carpenters and painters. They were given a gun, and they were told to get into battle. Readiness is a key.

I just was home in my district, and a mother came to me crying. Her son is a naval Reserve officer who's been in the Reserves for some 20 years or so, 38 years old, is being handed a gun and said go off to war. There are disciplines and there are training that we must give to these individuals.

And just a few appropriation cycles ago, I offered an amendment dealing with the time frame for redeployment. We're seeing soldiers being redeployed once, twice, three times, four times with no rest. And so we have a balance here for active duty, Reserve, National Guard forces, and others.

We are clearly doing the right thing in this bill, and I ask my colleagues to support it.

Mr. Speaker, I rise today in strong support of H.R. 3159, the Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007. I would like to thank my colleague Ms. TAUSCHER for introducing this legislation, and the Chairman of the Armed Services Committee, Mr. SKELTON, for his leadership on this issue.

Mr. Speaker, no issue will define this Congress more than how we handle the ongoing conflict in Iraq. In recent weeks and months, this Congress has taken definitive action to end what we, and the people of the United States, believe to be a conflict without tangible goals and targets. The American people made their views clear last November: The time has come to end U.S. military involvement in Iraq.

And yet, the Bush Administration has decided to instead increase the numbers of American soldiers in Iraq. President Bush's "New Way Forward" strategy, announced in January, calls for the deployment of over 20,000 additional U.S. combat forces, to be used to stabilize Baghdad and the Anbar Province. This is coming at a time when, according to an NBC News/Wall Street Journal Poll, 59 percent of Americans believe we should be reducing the number of troops in Iraq.

Mr. Speaker, at the heart of this effort are our brave troops, the men and women who courageously risk and too often lose their lives thousands of miles from home. The Iraq war has already cost over 3,500 American lives. More than 25,000 Americans have been injured. Thousands of U.S. personnel have lost limbs or suffered debilitating mental and physical injuries. Yet as casualties rise, the Bush Administration pushes for the escalation of American soldiers into the most hostile communities in Iraq. In addition to the enormous expenditure of lives, American taxpayers have paid more than $400 billion to sustain this misadventure.

When a soldier is deployed away from home for lengthy periods of time, his or her entire family suffers. Earlier this week, the United States Army released a report that stated that the children of enlisted soldiers are 60% more likely to be abused or neglected when a parent is deployed to a combat zone. The author of this study commented, "The surprising finding was that the effect of deployment was so consistent. Just about any way we could divide the population, we found increased rates of child maltreatment during deployment. We looked at pay grade, rank, single or multiple deployments, whether the family lives on or off post—all showed increases." Researchers attributed this to the increasing trend of continuous deployment of our soldiers. As Chair of the Congressional Children's Caucus, I would like to register my strong concern about the impact this war is having on American children and families.

This bill, H.R. 3159, contains important provisions to ensure that those who are sent to fight in what I have always considered to be an ill-advised war have adequate time to rest and recover between deployments: time to spend with their families and loved ones, and time to recover from the mental and psychological problems that are all too common after combat deployment. As we continue to work here in Congress to bring this war to a speedy and comprehensive conclusion, I believe we must make every effort to provide consideration for those who bear the brunt of this Administration's ill-advised preemptive war in Iraq.

Mr. Speaker, I believe that our service men and women deserve enough time to rest and recover at home between combat deployments for Operation Iraqi Freedom. This legislation reaffirms the stated Department of Defense policy for deployment, which is currently being waived for Iraq, calling for a 1:2 deployment ratio for active duty and a 1:5 ratio for reserve soldiers. It continues to allow the President and the Chiefs of the Military services to waive these requirements, if unforeseen circumstances arise.

Four years after our ill-advised invasion, the evidence is clear and irrefutable: The invasion of Iraq, while a spectacularly executed military operation, was a strategic blunder without parallel in the history of American foreign policy. This is what can happen when the Congress allows itself to be stampeded into authorizing a president to launch a preemptive war of choice. It is time to rethink our strategy in Iraq, to encourage and engage in diplomacy, and to sit down with the various players in the Middle East and make real strides towards securing Iraq, the Iraqi people, and most importantly our most precious resource: the troops we love so dearly.

Mr. Speaker, I will continue to strongly oppose this war until we are finally able to end this conflict. In the meantime, I believe it is our responsibility, here in Congress, to make sure that those we send to fight and risk their lives in Iraq receive the very best care and services. This includes adequate time to rest and recover between deployments.

I strongly urge my colleagues to join me in supporting this legislation.

Mrs. TAUSCHER. Mr. Speaker, at this time, I'm happy to yield 2 minutes to my friend and colleague, the gentleman from Pennsylvania, Admiral SESTAK.

Mr. SESTAK. Mr. Speaker, this is a tough bill. We found out after Vietnam that, instead of rotating our forces, if we had just stayed there with the same force, as we did in World War II, our fighting would have been more effective and less lives would have been lost. But this war is different.

We found out in World War II that, on average, a man in that combat did 182 days of combat, horrific combat, but 182 days on average. In this war, in those 15 months, our men and women are overseas in Iraq. Every day of those 15 months those men and women go outside the wire, into combat. This is a different war.

I am taken, first and foremost, by the reports that more are coming home with post-traumatic syndrome. I am, second, taken with our constitutional responsibility to make rules for the government and regulation of our armed services. And then third, I'm taken by the waiver, the national security waiver that is placed within this bill that our national command authorities, the President and the Secretary of Defense may waiver for national security reasons the requirement to send troops forward if they have even been home less than they were in combat.

Our national command authorities every day must approve every deployment. They must, therefore, only turn to us and say it is a national requirement that they must redeploy less than they have been over there in Iraq.

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This is a different war, and I am glad to see we are taking seriously our responsibility to provide for the rules, the regulation, the government of our armed services in what is truly a different war and yet give our President the right to ensure that the risks are weighed for a national security waiver.

Mrs. TAUSCHER. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentlelady from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. I would like to thank my colleague, Mrs. TAUSCHER, for her leadership on this committee and on this issue. When I went to Congress, I never thought that I would be deploying troops or welcoming caskets back to my congressional district. What I am learning is most of the young men and women who get killed in Iraq are on their second or third or fourth tour. Clearly it must indicate that they need some rest and down time.

I am here to say I understand, Mr. Leadership in the military, you think you know what you are doing, but I am telling you I sit with mothers and fathers and sisters and brothers and aunts and uncles who have lost people in the military. If all it takes to help them save their lives is to give them some rest, give them some rest.

Does it need to be mandated? Apparently so. Let's mandate it. Let's give our young men and women the time they need, down time, to be able to do a good job. I support your resolution and am glad to stand up with you.

Mrs. TAUSCHER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, what I continuously hear from my colleagues on the other side of the aisle are arguments that speak for poor Pentagon planners that are going to have to work a little harder to put units together and handcuffing the Commander in Chief.

Let me remind my colleagues that this Presidential waiver, which is inside of this bill, is not only substantive, but it is there to prevent further degrading of our military readiness. I think we all understand that we have heard from people like General McCaffrey, who most recently reported to Congress that 88 percent of nondeployed Army Guard units are rated not ready or poorly equipped, that the Army is overextended, and that we will soon be unable to meet our Homeland Security commitments and meet any new threats if we maintain the current abusive and untenable dwell-time policy.

The question for the Members of the House today is who do you stand for. Do you stand for military planners or other members of the Pentagon who have the executive branch to speak for them, or do you stand with the American people, the families of our troops, and the troops themselves, to be sure that we increase our readiness to make sure that we honor their service and their valor and their sacrifice by making sure that they are not only retrained and ready, but they have time to be home with their family before they are redeployed.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, could you tell us how much time we have left.

The SPEAKER pro tempore. The gentleman from California has 1 minute, and the gentlewoman from California has 3½ minutes.

Mr. HUNTER. Mr. Speaker, let me make this point: we are in two warfighting theaters right now, Afghanistan and Iraq. We have troops deployed.

We are, by all accounts at this point, doing well in those warfighting theaters. Somebody stays in battle space. For the gentlelady who asked me, who do you stand with, the planner in the Pentagon, or the troops in the field, I would answer very firmly, I stand for the troops in the field. I stand for that marine corporal who needs to have that gunnery sergeant, who's been there before, who understands how you avoid that roadside bomb, who understands how you approach that village, who understands how you work that cannon, who understands how you interrogate people without risking your own troops.

That comes from experience, and the idea that we are going to deny these experienced, noncommissioned officers, these old hands whose experience can make the difference between life and death because their meter didn't expire when they were back home, and they only got 6 months' worth of dwell time in country, rather than 7, is the wrong reason to vote for this bill.

Please oppose this bill, readiness mandates, with a "no."

Mrs. TAUSCHER. Mr. Speaker, I want to respond to my colleague, because I think it's important that we make sure that we have everything on the table and that we are very clear about who we are standing for and who we are putting the burdens on.

What is clear to me is that we have the finest military in the world, that we have men and women, sons and daughters, spouses, brothers and sisters, employees, friends and neighbors that have decided to give their country their time, ultimately, perhaps, pay the sacrifice, the ultimate sacrifice, and go fight for the American people and their ideals to protect us here at home.

We have an opportunity today to do what is right, to do what the Pentagon has not done for many reasons. I know my colleagues want to make this about the Iraq war, but I know this is really about our families and our troops.

If we cannot guarantee them some predictability for their dwell time at home, for retraining and rest, we are going to continue to degrade the readiness of our military. We are in no shape in this very dangerous world to continue on that path.

Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentlelady from California (Ms. WATERS).

Ms. WATERS. I would like to commend the gentlelady from California for the tremendous work that she has done, not only to deal with all of the problems of our being in Iraq, but for bringing this legislation to the floor.

The U.S. has been at war in Afghanistan since October 7, 2001, and in Iraq since March 19, 2003. Since that time, over 1 million troops have been deployed to Iraq, in total, with 500,000 having been deployed at least twice. These numbers are rapidly growing at the detriment of the military. There are currently 160,000 troops on active duty in Iraq.

To keep up this level of deployment with an all-volunteer military, the administration is cutting corners on previous rules on troop deployment limits and rest times. Our military is being ground down to the hilt, and it's near the breaking point.

In recent briefings, Major General Batiste said young officers and noncommissioned officers are leaving the service at an alarming rate. Equipment is in dismal shape, requiring hundreds of billions of dollars to refit the force to preinvasion conditions. Active duty companies preparing for deployment to Iraq within the next 6 months are at less than 50 percent strength, are commanded by young and sometimes inexperienced lieutenants, and are lacking the equipment needed for training. Our all-volunteer force cannot sustain the current attempt for much longer.

The lack of deployment limits and dwell times have taken an incredible strain on the individuals who have been asked to shoulder this burden. Post-traumatic stress disorder and similar illnesses are significantly amplified by enduring or repeated deployments to Iraq.

Consequently, our men and women in uniform are returning with levels of mental illness not seen since Vietnam. According to a recent study by the Department of Defense, 49 percent of National Guardsmen report mental health problems. Let us not forget the hidden casualties of the war in Iraq, the families.

Ms. ESHOO. Mr. Speaker, I rise in support of this bill to provide minimum "dwell-time" for our troops who have served in Iraq.

Madam Chairwoman, I opposed the war in Iraq from the outset and will continue to do so.

In 4 years, the war has done great damage to our global prestige, our national morale, and our national security. More than anything, it has damaged our military and their families.

It is Congress's duty to ensure that our troops are treated with respect and that they have resources for the missions they perform. Equally important, it is Congress's job to ensure our troops have the rest and training they need. With this bill, we will do right by our military personnel and their families by ensuring they have adequate time at home between deployments.

The Defense Department has established a goal to provide active duty service personnel with 2 years at home between each year they are deployed, and 5 years at home for every year of deployment for reserves.

Regrettably that goal has not been achieved. In fact, the policy has been waived by the Defense Department for those serving in Iraq.

In the last 4 years our troops and reserves have shouldered the burden of multiple deployments overseas with professionalism and courage. The strain on them and their families grows with each day they are away from home, yet tours of duty have been extended time and again. Just this past April, Secretary Gates announced that tours of duty for the Army would be increased from 12 months to 15 months.

The strain is not only being felt by our troops and their families, it's also affected the Armed Forces, particularly the Army, in meet recruiting and retention goals.

With this bill, we call for time between deployments for active-duty personnel in Iraq to equal to or exceed the length of their most recent deployment. For National Guard and Reserve units and members, the bill calls for time between deployments of at least three times longer than the length of their most recent deployment.

This may seem like a small step, but for our troops it's essential.

I urge my colleague to vote yes on this bill.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H.R. 3159 and thank Congresswoman TAUSCHER for her leadership.

We have had a lot of disagreement on the occupation of Iraq. There is one thing we all agree upon, however—the support of our troops.

The toll that has been taken on our men and women in uniform is unimaginable. They have volunteered to sacrifice so much in service to their Nation.

Unfortunately, political decisions by this administration have prevented us from bringing this misguided occupation to an end.

Today, we try to fulfill our commitment to the brave troops who are out there serving on the front line. The least we can do is to ensure that every service member gets the right amount of training and rest. It is our moral obligation.

I support H.R. 3159 and look forward to the day when we can bring our troops home for good.

Ms. WATSON. Mr. Speaker, we have had some fierce debates here in the Congress about our occupation of Iraq. Many Republicans insist that redeploying our troops from Iraq will lead to failure there. My Democratic colleagues and I see it much differently. We see clearly that our continued occupation is a debacle that prevents Iraqis taking control of their own nation and destiny.

But what Democrats and Republicans can agree on is that Iraq is not America's only national security concern. America faces several potent strategic challenges: al Qaeda. Afghanistan. Iran. North Korea. If we continue to exhaust our military in Iraq, we risk being at a disadvantage facing these other dangerous threats.

This bill ensures that our troops get the rest, recuperation and retraining they need to be most effective. If we fail to provide our troops with the time they need to rest, refit, and retrain at home, we are putting them at a disadvantage when they return to theater.

Furthermore, the common sense provisions in this bill mean that we are paying attention to another group that has borne the brunt of this war: our soldiers' families. It has been said that there are two ways to break the military: you can break the soldier, or you can break the family. Our troops agreed to accept a certain level of hardship when they enlisted. The least we can do in return is make sure that we have their back, and are giving them the time they need to recuperate.

The strength of our armed forces comes from the strength of our men and women in uniform. If we fail to pass this bill, we risk weakening American national security. We face a host of threats beyond Iraq. Pass this bill to keep America strong and prepared.

Mr. PAUL. Mr. Speaker, I rise in support of this legislation to provide some Congressional oversight over the deployment and maintenance of our troops stationed overseas. As the Constitution states in Article I Section 8., Congress has the power "to make rules for the government and regulation of the land and naval forces," and therefore Congress has an obligation to speak on such matters. I have been and remain extremely concerned about the deployment extensions and stop-loss programs that have kept our troops deployed and engaged for increasingly extended periods of time. My constituents who are affected by this policy have contacted me with their concerns as well.

The legislation at least seeks to provide some guidance and relief to our troops who have been stretched to the limit by the increasing duration of deployment overseas and the decreasing duration of time back home between deployments. Several military experts, including General Barry McCaffrey, have commented on this problem and the challenges it poses to the health and safety of our troops.

Although I am voting for this bill, I am increasingly concerned about Congress's approach to the issue of our continued involvement in Iraq. Rather than a substantive move to end the US military presence in Iraq, this bill and others that have passed recently seem to be merely symbolic moves to further criticize the war in Iraq. Clearly the American public is overwhelmingly in favor of a withdrawal from Iraq, but Congress is not listening. At best, the House seems willing to consider only such half-measures as so-called re-deployment. We need a real solution that puts the safety of our troops above politics. We need to simply bring them home. As I said recently on the Floor of the House, we just marched in so we can just march out.

The proper method for ending the war is for Congress to meet its responsibility to de-authorize and defend the war. Micromanaging a troop deployment is not the answer since it overstays the bounds of Congressional authority.

Mr. HOLT. Mr. Speaker, the House is taking action today to bring some sanity back to our military deployment and rotation policies. I intend to vote for this bill.

We all know that because of these repeated deployments, the divorce rates of military families are up, and the financial burdens faced by our Guard and Reserve families have been enormous. While this bill cannot address all of the deployment-related problems confronting our military families, it would address one of the most glaring: insufficient down time and retraining between deployments.

If this bill becomes law, it would mandate dedicated periods of time between deployments for all servicemembers. For active duty personnel, the intervals between deployments would have to be at least as long as the last deployment itself. For our Guard and Reserve forces, the interval between deployments would have to be at least three times the length of a servicemember's last tour.

Every Member of this House can tell multiple stories they've heard from servicemembers or their family members about the toll that these multiple, sometimes back-to-back deployments take on our military families. Let me quickly relate one story I've heard, one of many reasons I'm voting for this bill today.

Bill Potter is an attorney and lecturer in politics at both Princeton University and Rutgers University. Just over a year ago, he wrote an op-ed in the Trenton Times regarding the situation of his nephew, a Marine Corps captain, who had been blinded in his right eye after being fired on by an Iraqi policeman-turned-insurgent—one of many Iraqi policemen-turned-insurgents that we have trained and armed with an inadequate counterintelligence effort by the Iraqi government to weed out such bad actors.

Bill's nephew is a remarkable young man. Wounded twice in Iraq on his first tour in 2005, recovered sufficiently to go on a deployment to the Pacific in 2006 and is now facing the prospect of a second tour in Iraq beginning in January 2008—and of leaving his now nine year-old son behind for a third time in as many years.

This young Marine—like so many others—has already paid too high a price for this President's misguided war in Iraq. This bill, if enacted, would at least give our servicemembers and their families some real down time between deployments—time to reconnect with each other, and time for these gallant Americans to get the rest and refresher training that they will need to face the future. It's for all of those reasons that I'm voting for this bill, and I urge my colleagues to do the same.

Mr. WOLF. Mr. Speaker, I went to the Rules Committee yesterday for the fourth time since January asking that my amendment be made in order to allow the House to discuss and vote on the recommendations of the bipartisan Iraq Study Group as the way forward in Iraq.

For the fourth time this year, the Rules Committee said no. I can only assume from that action that the Democrat leadership instead prefers to continue to lock down the House and deny the opportunity to take the bipartisan road on Iraq policy.

On the question of finding solutions in Iraq, this House cannot continue to just blindly follow the White House or the leadership of the Congress.

The Washington Post has editorialized that the debate on Iraq in recent weeks is all about political gamesmanship. Every member in this House knows that's true and that is what's been going on here. More importantly, I believe that the American people know what's going on. Just look at the polls on where Congress stands.

We owe it to the men and women in our armed forces who are putting their lives on the line every day in Iraq to at least take the time to discuss the recommendations of the Iraq Study Group.

We also owe it to their families.

We need to have a honest, true debate on the recommendations of the Iraq Study Group.

To not vote on the recommendations of such a distinguished group that took over eight months looking at this issue and talking to dozens of military officers, regional experts, academics, journalists and high-level government officials from America and abroad just doesn't make sense. Take a look at the Iraq Study Group report for the extensive lists of those who advised the ISG, including the military senior advisor panel—retired Navy Admiral James O. Ellis, Jr., retired Army General John M. Keane, retired Army General Edward C. Meyer, retired Air Force General Joseph W. Ralston, and retired Army Lt. General Roger C. Schultz, Sr.

As I have said time and time again, the Iraq Study Group is the way forward and what I believe is the best and most appropriate way to be successful in Iraq.

It was bipartisan and all of its 79 recommendations were unanimous.

Two of its members—Lee Hamilton, the co-chair, and Leon Panetta—served in this body. Two others—Alan Simpson and Chuck Robb—served in the Senate.

Co-chair Jim Baker and Lawrence Eagleburger served as secretary of State.

Bill Perry was President Clinton's secretary of Defense.

Bob Gates served on the panel for seven months—stepping down to become the current secretary of Defense.

H.R. 2574, the Iraq Study Group Recommendation Implementation Act of 2007, which was the basis of the amendment I asked to be made in order under the bill we are debating today, has 59 cosponsors—34 Republicans and 25 Democrats.

We all know the war has created a bitter divide in our country. The ISG allows us to come together.

I will say it again: the best way forward is for both the Congress and the president to embrace the recommendations of the Iraq Study Group.

Mr. Speaker, in the final analysis, it comes down to doing the right thing. The question is, when will the leadership in Congress show the courage that the American people expect and do the right thing—not for me or for the members of this House, but for the thousands of brave men and women serving in uniform, their families and the good of our country?

Mr. CONYERS. Mr. Speaker, I rise in support of this bill.

We continue to fight to end the war in Iraq. However, in the meantime, we must ensure that our troops are provided with the time to return home, rest, recuperate and train before they return to battle. Our troops have risked their lives and Congress has a responsibility to stand up for them.

The legislation we are considering today strengthens the American military by mandating minimum periods of rest and recuperation for units and members of regular and reserve components of our Armed Forces between deployments. The bill states that if a unit or member of a regular component of the Armed Forces deploys to Iraq, they will have an equivalent amount of time at home before they are redeployed.

The legislation will help alleviate a significant military readiness crisis. When the Bush Administration took office in 2001, all active duty Army divisions were rated at the highest readiness levels and were fully manned, equipped, and trained. Now, the Administration's failed policies in Iraq have depleted our military and put a tremendous strain on our troops. Already, an estimated 250,000 soldiers in the Army and Marine Corps have served more than one tour in Iraq and each one of the Army's available active duty combat brigades has served at least a 12-month tour in Iraq or Afghanistan. And this spring, the Defense Secretary announced that all active duty Army soldiers would have their tours in Iraq extended from 12 to 15 months.

The war in Iraq has had disastrous consequences for our Armed Forces and our troops. By reducing the stress on our men and women in uniform and ensuring they get the training they need to stay safe, this legislation makes support for the troops into more than an empty slogan.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong opposition to H.R. 3159. If it were a sincere attempt to address deployment-to-dwell schedules, I would be inclined to support it. Our troops have been rotating frequently; it is a serious issue that calls for a serious discussion.

H.R. 3159, however, is yet another sound bite masquerading as policy, and is illustrative of the entire congressional debate on Iraq thus far.

Not once have we had a serious deliberation regarding how to extricate ourselves from our current dilemma. We have only considered take-it-or-leave-it measures designed to inflict political damage; we have yet to make a serious attempt to find consensus on the most vexing foreign policy conundrum of our time.

I am dissatisfied with the conduct of the war, and I am eager to see an end to the casualties. Regardless, we must accept the fact that our actions will have long term consequences for the United States, for Iraq, and the entire Middle East. We must put more thought into our exit than we did our entrance to Iraq; legislation like H.R. 3159 does not suffice.

Yesterday at the Rules Committee, my colleague FRANK WOLF offered an amendment expressing the sense of Congress that the way forward in Iraq would be to implement the recommendations of the Iraq Study Group. I was a cosponsor of this amendment, and I was disappointed the Rules Committee yet again denied us an opportunity to debate this important measure.

Mr. Speaker, we are in a difficult spot in Iraq. In such circumstances, it makes sense to gather the best minds our country has to offer, from across the political spectrum, and ask their advice as to how we should proceed. That's what we did when we created the Iraq Study Group, and their recommendations represent a blueprint for an orderly way out of Iraq.

In my opinion, we should embrace these recommendations. At a minimum, we should debate them. I continue to look forward to the day that occurs.

Despite my misgivings, I would have supported this legislation had the majority supported the motion to recommit. This stipulated the deployment timetables proposed by the Democratic majority could go into effect. The Secretary of Defense, however, would have to certify they would not cause the tour of any unit already deployed to be extended. He would also have to certify they would not increase the operational risk to any deployed unit.

These were common sense measures worthy of support. Unfortunately, my colleagues on the other side of the aisle rejected them, and I am compelled to vote against the bill.

Mr. BLUMENAUER. Mr. Speaker, today I voted in support of the Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007, which mandates a minimum period of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments to Iraq.

At a time when our generals warn that the Army is at a breaking point, this is an important stand in support of troop readiness and keeping faith with our military families. It is also another step forward in forcing the responsible drawdown of our troops from Iraq and ending the war. I believe we must bring our troops home as quickly as possible and work to stabilize Iraq through political and diplomatic efforts. I will continue to support any legislation that moves us closer to the end of this national nightmare.

Mr. TIAHRT. Mr. Speaker, I rise in opposition to H.R. 3159, the so-called "Ensuring Military Readiness through Stability and Predictability Deployment Policy Act of 2007." This ill-conceived and dangerous piece of legislation will lead to American troops stuck in Iraq with no reinforcements and no replacements.

All Americans long for the day when our troops can return from foreign lands. With U.S. troops deployed in over 35 countries around the world, their families count the days until their loved ones come home. However, our Nation must never lose sight that each soldier, sailor, airmen, and marine has a mission to complete: to protect the citizens and interests of the United States.

H.R. 3159 has a lofty goal that is supported by every American, every Member of Congress, the Secretary of Defense and the President: to provide time at home to Iraq for our men and women in uniform between deployments. This legislation would require a one-to-one ratio between deployments in Iraq and home station for active duty forces, and a one-to-three ratio for National Guard and Reserve. However, the Department of Defense, DoD, currently has higher standards of a one-to-two ratio between all deployments, regardless of location, for active forces and a one-to-five ratio for Reserve forces.

So, the question must be asked, why has H.R. 3159, with its lesser standards than DoD's own standards, elicited a Presidential veto, opposition from the U.S. Military leadership, and widespread resistance in Congress? Because this legislation is a political ruse and would do serious harm to our troops in Iraq and our national security.

Although this legislation would prohibit back-to-back deployments to Iraq, H.R. 3159 still would allow troops to deploy to Iraq and then to another nation, such as Afghanistan or the Philippines, without restriction. Let me be clear, contrary to the arguments of the Democrats, this legislation would not ensure dwell times for our troops.

However, it will do real harm to our troops in Iraq—leaving our troops without reinforcements and without replacements. H.R. 3159 would hinder the flexibility of Pentagon leaders to place troops where they are needed, and when they are needed. This legislation would not change the mission in Iraq or decrease the required number of troops. But it will force our troops to stay in Iraq longer—waiting for their replacements. And if additional troops are required—this bill would hinder any reinforcements from arriving in a timely fashion. Holding our troops without replacements or reinforcements does not constitute support, as Democrats have asserted.

Although it is true this bill includes a waiver provision—it only allows troops to be deployed after a 30-day congressional notification. During war, time is always of the essence. Throughout history, many battles and lives have been lost due to delays in reinforcements or replacements. When our military commanders urgently request a special operations or explosive ordinance disposal team, our President and military leadership needs to have the flexibility to send that team immediately. Under this legislation, the President would have to provide notification to Congress, wait 30 days, and then send these urgently needed forces. This is unacceptable.

Mr. Speaker, these are dangerous times for our troops and for our Nation. Our military commanders need the flexibility to effectively and safely carry out the will of this Nation. We must not hamstring our Nation's warriors. Therefore, I ask all my colleagues to join with me in opposition to this bill.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 601, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HUNTER. Yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hunter moves to recommit the bill H.R. 3159 to the Committee on Armed Services with instructions to report the same back to the House forthwith, with the following amendments:

In subsections (a)(1) and (b)(1) of section 2, strike "No unit" each place it appears and insert the following: "Subject to section 3, no unit".

Add at the end of the bill the following new section:

SEC. 3. CERTIFICATION REQUIREMENT.

Subsections (a)(1) and (b)(1) of section 2 may not be implemented unless the Secretary of Defense certifies to the President and to Congress that implementation of those subsections—

(1) would not cause the tour length of any deployed unit (or members assigned to that unit) to be extended; and

(2) would not increase the operational risk to any deployed unit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. HUNTER. Mr. Speaker, thank you. I want to thank my colleagues on both sides of the aisle for their decorum during this debate and for their true interest and their motivation in support of our troops.

We all want to conclude this war. We all want to do everything that we can for military families. We simply have a difference of opinion as to whether or not mandating certain rest periods before a soldier or a marine can go back to battle is in the interest of the war fighting troops.

My answer is, it's not in the interest. It will not raise their morale. What it will do is it will deprive our war fighting troops. It will deprive that corporal, it will deprive that squad in Fallujah or Baghdad or up in Mosul. That experienced old hand, that NCO, who is in the military for a career, and who knows that particular area, and he knows how to avoid roadside bombs, and he knows how to interrogate insurgents, and he knows how to approach a certain canyon so that you don't expose yourself to fire. He won't be there if the gentlelady's motion passes, because he will only have spent 6 months instead of 7 months back at Camp Pendleton, and he won't be available to move to the field of battle.

Now, you know, this is a war of specialties, and I notice that one thing that the majority did, which I think was a good move, was that they excluded the special operations forces from this particular law. The reason they excluded them is because they are special operations forces who have to move back and forth in the theater and have to move out of the theater on a regular basis, sometimes going back and forth between Afghanistan and Iraq, because they have specialties which mean life or death to our war fighters in both of those theaters, and they can't be held back, chained back by this law.

I have got news for my colleagues. There are a lot of people in the regular forces whose presence also means life or death to the combatants in those forces. You have to have experience.

Even the line units are full of specialties. If you have a person who is an expert in roadside bombs, and he comes back after a 7-month tour, if he is a marine, or after a 1-year tour, if he is an Army soldier, he comes back and he gets the latest schooling on a jamming device that will keep that 152 round from blowing up, that roadside bomb, and destroying a Humvee and destroying American soldiers.

He has that capability. But he now cannot go back into theater because the Tauscher amendment has passed, and he can't be deployed. So he stays here with that particular insight, that particular capability, and probably the Marines or the Army will rush a team in. They will try to give them a fast learning period and rush them in, to be a poor substitute for this guy who really has the expertise of telling our people how to jam those signals that detonate those deadly roadside bombs.

Now, what if we need decontamination, we have got a decontamination team in the regular military. They can't go over unless they get a waiver from the President.

Well, it was argued that these waivers will be easy to get. But you know the Marines have told us that they can't plan for a waiver, because they can only follow along. The law will say you can't go.

I have got a picture that I have kept in the Armed Services Committee for a long time, as the former chairman of the committee, and now ranking member, serving alongside my great friend, Mr. SKELTON.

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It is a picture of a 5-ton truck that was struck by a Humvee with a particular armor equipment and an armor package that this committee sent those soldiers. And there is a letter attached to it and it is a letter of thanks that says, "Thanks to you on the Armed Services Committee for making sure that we got this armor." And this was after this 5-ton truck has been blown up. And it said, "We owe our lives, the fact that all eight of us were able to escape, to you on the Armed Services Committee," but it also says, "to our gunnery sergeant." That gunnery sergeant that had the capability, that had that certain expertise of being able to do what it took to make sure that all eight of his people survived.

Mrs. TAUSCHER has said, who do you stand with, the big Pentagon planners or the troops?

The worst thing you can do, Mrs. TAUSCHER, for my son who is on his third deployment, or anybody else's son, is to take away that gunnery sergeant or that senior NCO or that expert who can stand by their side and help them to survive in this very dangerous warfighting theater.

Please vote for this motion to recommit. This motion to recommit says that you cannot make this law certain unless you——

The SPEAKER pro tempore (Mr. LYNCH). The gentleman's time has expired.

Mr. HUNTER. I would ask the gentlelady for 30 additional seconds.

Mrs. TAUSCHER. I don't have the time, sir.

Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes.

Mrs. TAUSCHER. Mr. Speaker, I want to make it very clear what this motion to recommit does. This motion to recommit guts our bill and prevents us from giving the dwell time necessary to our troops so that they are not overcommitted, that they can be rested, that they can be retrained, and that they can be resuscitated and spend time with their family.

This motion to recommit prevents us from having the readiness that we need for our national security. It prevents the 50 Governors from having their National Guard back home and rested, with good equipment, to deal with contingencies here at home.

This motion to commit is just another delaying tactic by the minority to deny our troops the dwell time that they need to train, equip, and rest.

The best part about this is the motion to recommit is absolutely unnecessary. If the Secretary of Defense determines that the proposed dwell times in this bill will cause tour lengths of currently deployed units to be extended, or increases the operational risk to deployed units, the underlying bill already provides the President's ability to waive the deployment mandate.

So this motion to recommit is not necessary. It is, once again, perhaps the last fig leaf on the last fig tree that my colleagues can find to not stand with the troops and their families to provide them the dwell time they need at home to be ready for the next deployment.

At this time, Mr. Speaker, I close by saying I urge my colleagues to defeat the motion to recommit and vote "aye" on H.R. 3159.

I yield to the chairman of the committee.

Mr. SKELTON. Mr. Speaker, I rise to oppose the motion to recommit offered by my friend, my colleague from California who has served with me through the years on the Armed Services Committee.

The ground forces of the United States in particular are being stretched and strained as never before. For instance, during the Second World War, those that were involved with active combat after 3 or 4 months at the most would be taken off line for rest and recoupment. The young men and young women today that are in Iraq are on point in combat and now are extended up to 15 months. I think this bill helps alleviate that point and helps keep the readiness at a higher level.

The stretching and straining of the ground forces, in particular the Army, will have a breaking point. We already know about the equipment shortage of nondeployed units. Why stretch these young people? Why not bring them home? This is a reasonable proposal, reasonable, and should be enacted into law. And, as the gentlelady from California points out, should there be any problem with any unit, there are waivers provided for in this legislation.

This is simple and straightforward. It is about protecting our military readiness, it is protecting the health of the troops and, by the way, helping those families recoup with their loved ones as they come back home with predictability, knowing when they will be home and knowing when they will be due to be deployed once again.

So I find myself having to vote against this motion to recommit for all those reasons: the families, the troops, and the need for predictability; and I compliment the gentlelady on this proposal to bring about predictability for our troops.

Mrs. TAUSCHER. Mr. Speaker, I urge my colleagues to defeat the motion to recommit, which will deny our troops the dwell time that they desperately need and will deny the American people the readiness in their military. I urge my colleagues to support H.R. 3159, and vote for its passage.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HUNTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit H.R. 3159 will be followed by 5-minute votes on passage of H.R. 3159, if ordered, and the approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 207, nays 217, answered "present" 1, not voting 7, as follows:

[Roll No. 795]

YEAS—207

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jordan
Keller
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—217

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

ANSWERED "PRESENT"—1

King (IA)

NOT VOTING—7

Clarke
Crenshaw
Davis, Jo Ann
Ellison
Johnson, Sam
Oberstar
Walz (MN)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

☐ 1344

Messrs. OLVER, CUELLAR, JOHNSON of Georgia and AL GREEN of Texas changed their vote from "yea" to "nay."

Mr. CAMPBELL of California and Mr. MORAN of Kansas changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. TAUSCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 194, answered "present" 3, not voting 6, as follows:

[Roll No. 796]

AYES—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—3

Davis (KY)
English (PA)
Murphy, Tim

NOT VOTING—6

Clarke
Crenshaw
Davis, Jo Ann
Ellison
Johnson, Sam
Oberstar

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1353

Ms. BERKLEY changed her vote from "no" to "aye."

Mr. TIM MURPHY of Pennsylvania changed his vote from "no" to "present."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. TAUSCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 186, answered "present" 2, not voting 12, as follows:

[Roll No. 797]

AYES—232

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Forbes
Frank (MA)
Gerlach
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter

Pomeroy
Porter
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—186

Aderholt
Akin
Alexander
Altmire
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Gohmert
Tancredo

NOT VOTING—12

Clarke
Crenshaw
Davis, Jo Ann
DeFazio
Ellison
English (PA)
Johnson, Sam
Marshall
Oberstar
Rangel
Schmidt
Udall (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1400

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated against:

Ms. SCHMIDT. Mr. Speaker, I missed the last vote due to an appointment. Had I been present I would have voted "no" on the Journal.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3161, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 599 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 599

Resolved, That during further consideration of the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, the bill shall be considered as read. No further debate on any pending amendment shall be in order. A further period of general debate shall be confined to the bill and shall not exceed 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The amendments printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Notwithstanding clause 11 of rule XVIII, no further amendment shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After a motion that the Committee rise has been rejected on a legislative day, the Chair may entertain another such motion on that day only if offered by the chairman of the Committee on Appropriations or the Majority Leader or designee. After a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chair may not entertain another such motion during further consideration of the bill.

The SPEAKER pro tempore (Mr. ROSS). The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from California, my very good, good friend, Mr. DREIER. All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MCGOVERN. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 599.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 599 provides for further consideration of the FY 2008 Agriculture, Rural Development, Food and Drug Administration appropriations.

Mr. Speaker, I rise in support of the rule, and I rise in strong support of the underlying bill.

I want to thank my dear friend from Connecticut, ROSA DELAURO, the chairwoman of the Agriculture Appropriations Subcommittee for her work on this bill and her passion for fighting hunger in this country and around the world. I also want to commend Ranking Member KINGSTON and Chairman OBEY and Ranking Member LEWIS for all of their efforts and their hard work.

I very much regret that we have gotten to this point. I do not take the idea of structuring debate on appropriation bills lightly. Unfortunately, we have gotten to the point where structuring debate on the Agriculture appropriations bill is the only way to pass the bill before we break for the district work period.

As the distinguished majority leader so eloquently noted the other day, we have spent hours and hours and hours, beyond historical norms, to complete our work on the appropriations bills. Last June, Democratic and Republican leaders came to an agreement that, in exchange for allowing full and fair debate with up or down votes on dozens of amendments, Republicans would allow the appropriation bills to proceed through the House. We have been able to come to unanimous consents to consider those bills, and they have largely passed with large bipartisan majorities.

Now, I know that some of my friends on the other side of the aisle were upset with the process used to consider the SCHIP bill, and after our discussion in the Rules Committee last night, I understand their concerns. But they have decided to use that frustration as an excuse to prevent completion of our important appropriations work, and we do not believe that that is in the best interest of the Nation. Clearly, my friends on the other side have decided to abandon the June agreement, and that is their right. But it is our responsibility, in the majority, to complete these bills in a timely way.

Unfortunately, it has become clear that a small number of Members on the other side was willing to use a filibuster-by-amendment strategy to shut down the House and prevent us from completing our work. Mr. Speaker, if Members wish to filibuster bills, they should run for the United States Senate.

There is a difference between serious legislating and obstructionism. And I believe that offering amendments to cut bills by $50,000 and then $100,000 and then $101,000 and so on, and debating these bills forever and ever and ever and using procedural mechanisms to unjustifiably delay the consideration of bills, not to move serious legislation forward, but to delay the consideration of bills, I think that's obstructionism. And I think what we saw on the floor the other day was obstructionism.

This rule makes in order 12 amendments, all of them Republican amendments on a variety of issues. Many of what I would call the "usual suspect" amendments were made in order, amendments by members of the Republican Study Committee to cut certain programs in the bill, an amendment to cut funding across the board, an amendment from my good friend, Mr. FLAKE, to eliminate earmarks.

Mr. Speaker, I also regret that tensions have risen over the last several days. Perhaps it's inevitable before a break, and perhaps it's the heat and humidity, but I hope that all of us can come back after Labor Day refreshed and rededicated to doing the people's business in a civil way.

Mr. Speaker, HILLARY CLINTON says "it takes a village." Maybe for us it takes a recess. In this business, your word is everything; without it, there is no trust. And without any trust, this would be a very, very unhappy place to work.

I thought we had a very good discussion in the Rules Committee last night. I believe we understand each other and where we're coming from a bit better. I know my friend, Mr. DREIER, and other members of the Rules Committee are eager to look for ways that we can make this process better. They have my word and I think the word of all of us on the Democratic side that we want to work with them to make that happen.

In the meantime, however, we have a responsibility to do the people's business. And the rule before us allows us to do that in an orderly way that allows for vigorous debate and votes on amendments.

So, Mr. Speaker, I urge my colleagues to support the rule and the underlying bill.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I begin by expressing my great appreciation to my friend from Worcester for yielding me the customary 30 minutes.

I have to ask myself exactly why it is that we are here. One might think that this is Groundhog Day. We've already passed a rule on the Agriculture appropriations bill, and I would say to my friend, we've already passed the so-called SCHIP bill, which proposes a cut for seniors on the Medicare program and a massive tax increase for people all across this country and perpetuates this generational warfare challenge. That bill is behind us.

We have not had a single dilatory motion that I've seen since passage of this SCHIP legislation, and yet the Rules Committee chose last night to do something that, from all of the research that we have done, has never been done in the history of the Republic.

It is true that on occasion we have, after lengthy debate, come back with second rules when we were in the majority. For example, in 1995, we came back with a rule on the Interior appropriations bill that, by the definition of the new majority, would have been defined as an open rule. It simply said there would be a preprinting requirement that was put in order for all of the other amendments that would be offered during the measure.

Mr. Speaker, never before have we seen a rule on an appropriations bill come from the Rules Committee to the floor that self-executes one amendment. But this rule doesn't self-execute one amendment; it self-executes six amendments. This has never, ever been done.

We did, as my friend from Worcester said, have an interesting long discussion last night. We were here until nearly 3:30 in the morning yesterday, and then we had a lengthy discussion as we were waiting for votes here on the floor last night up in the Rules Committee. And I talked about the fact and my colleagues on our side talked about the fact that this was unprecedented. And Mr. HASTINGS, the gentleman from Fort Lauderdale, said, oh, well, will the world come to an end? The world isn't going to come to an end. But one of the great privileges that I have is working with our colleague, DAVID PRICE, on our House Democracy Assistance Commission. And we are, right now, engaged with 12 new and reemerging democracies around the world. I like to argue that one election a democracy does not make.

It's really hard work building democracies. And in countries like Lebanon, Afghanistan, Liberia, Kenya, Macedonia, the Republic of Georgia, the Ukraine, Haiti, Colombia, East Timor, Indonesia, Mongolia, countries that are moving towards democracy or have relatively young democracies, we have been working with their new parliaments because we know how important it is to have parliaments that have committee structure, oversight of the executive branch, libraries, members who can work to provide constituent services. That's what this 20-member Commission that DAVID PRICE now chairs, and I'm privileged to serve as the ranking minority member on, has been working on.

What we've done, Mr. Speaker, is we've said we have a 220-year history in the United States House of Representatives. We don't claim to have a corner on the truth, we don't know exactly how it's done, but we do have experience. And Mr. Speaker, it saddens me greatly that as we continue to work with these new and reemerging democracies for these countries that are just beginning to have a taste of political pluralism, the rule of law, and the opportunity to build democratic institutions, that we, today, are once again restricting the opportunity that the minority has had.

I will say that my friend has talked about breaking an agreement. You know, there was an agreement, a bond that was talked about in last year's election and a bond that was made with the opening speech that was delivered by my California colleague, the gentlewoman from San Francisco, our new Speaker, the first woman Speaker of the House of Representatives. I regularly laud the fact that she has done that, the first Californian and the first Italian American. I am very proud as a Californian.

□ 1415

But I will tell you that commitment was made on the opening day, and has been made repeatedly, by my very good friend from Maryland (Mr. HOYER), the distinguished majority leader, time and time again. We have continued to hear about this promise that we will have a great new sense of openness. We will have transparency. We will have accountability. We will have the things to which we all supposedly aspire. But what is it we have gotten here, Mr. Speaker?

As bad as you all say that we were when we were in the majority, as bad as the now majority says that we were, Mr. Speaker, when we were in the majority, we would have never contemplated self-executing five amendments in a rule for an appropriations bill.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Wisconsin.

Mr. OBEY. I'm sorry, but the record shows that in the year 2000, when you were chairman, on three occasions, Transportation, Labor-H and Agriculture, you reported self-executing rules.

Mr. DREIER. If I can reclaim my time, Mr. Speaker, I would just say, were there six amendments that were self-executing in the passage of any of those rules?

Mr. Speaker, I am happy to yield back to the gentleman from Wisconsin.

Mr. OBEY. No. They were always Republican amendments, in contrast to this, which are both Republican and Democrat.

Mr. DREIER. Mr. Speaker, reclaiming my time, never before have we had an action such as this, self-executing six amendments in passage of the rule and completely shutting down the process. Mr. Speaker, never before has this been done. I have a litany of colleagues who share my outrage. They want to be heard.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, facts are a stubborn thing. At this point, I would like to yield 1 minute to the gentleman from Maryland (Mr. HOYER), the majority leader.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, we have proceeded for 10 appropriation bills with an open rule with an agreement we would reach a unanimous consent agreement on those rules within the framework of the time that we spent last year.

I said on the floor that we spent approximately 52 hours longer on the first 10 bills than we had last year under unanimous consents that Mr. OBEY agreed to. I am informed by Mr. OBEY that our staff has recomputed the time, and when one includes the Agriculture bill, it is closer to 80-plus hours longer under open rules. That was certainly not shutting anybody down or out. That was not our intent. In fact, it was not our practice. As I pointed out then, we complied, we think, with the letter of that to which we agreed.

We now find ourselves in the context of trying to move forward on very important legislation. This bill was open, of course, for debate and amendment for an extended period of time. The debate was not used for amendments or debate about the substance of the bill before us.

In fact, it is my understanding the Rules Committee talked to those who wanted to offer amendments in this rule. It is not shutting out all amendments. In fact, what it is doing is including a number of amendments on both sides of the aisle. It includes in the self-executing, to which the gentleman refers, a balanced group of amendments, all of which, we think, will be agreed to.

Mr. FLAKE is going to offer some amendments, one I have a particular interest in. He was given the choice of what amendments that he wanted to offer. Yes, we have limited amendments, because we have limited time and we want to complete this bill.

When we complete the debate on this bill, it will be just a little shorter than the bill that was considered last year. Just a little. We think it is fair. But we are here because we did not pursue the agreement that we thought we had with the open-rule process.

Now, we still have one additional bill to go, the Defense bill. We are discussing that. We are hopeful that perhaps we can proceed as we have proceeded in the past, with an open rule on that bill.

But we are trying to facilitate the doing of the people's business. We said we would do that. That is what we are doing. We believe that Members have been treated fairly.

Yesterday, on SCHIP, there was a request of me to include an additional hour of debate. That was agreed to. I think that was a good and full debate. We had very significant differences on that bill. The bill was approved by the House. I think this bill will be approved by the House and moved. That will leave us just one appropriation bill. I think by the end of this week, we will have passed all of our appropriation bills.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I know that my very good friend, the distinguished majority leader, as am I, is an institutionalist. He is just a little junior to me in this House. I came here just a few months before he did in his special election in 1981.

Mr. HOYER. I will try to show the gentleman the appropriate respect, given that seniority.

Mr. DREIER. That is the reason I reminded my friend of that, of course, Mr. Speaker.

Let me just say that getting the people's business done is a priority for every Member of this House. I recognize the responsibility of ensuring that we move through with our appropriations work. As the gentleman knows very well, we were able to complete the House's work on appropriations bills in the past. The distinguished majority leader wants to do that as well.

I do believe that if we look at the, you can call it a bump in the road, we have had very, very strong disagreement, as I said earlier, over the SCHIP bill. There was a lot of consternation about this. But the fact of the matter is, the additional hour was granted. We have now moved beyond that bill. We are now at nearly 2:30 in the afternoon, and things have moved certainly relatively smoothly today on the floor. I am just saying that I am very, very concerned about setting this kind of precedent to the appropriations process itself.

I recognize we came forward with closed rules in the past. You all, unfortunately, have had twice as many closed rules at this point from the beginning of the last Congress. But on the appropriations process, I just hope, for the good of the institution, that being the half of the American people who won't be able to be heard, there were more than 60 amendments that were in the queue to be considered for this measure, that we don't go down to only 12 amendments. I just find that very troubling.

Mr. Speaker, I thank my friend for yielding.

Mr. HOYER. Mr. Speaker, I thank my friend for his observations, and I reclaim my time.

Mr. Speaker, very frankly, as I have said, we have spent almost 80 hours more on the first 10 bills than we spent last year under the unanimous consents we granted to you under Mr. OBEY's leadership. Given that fact, we considered a lot of amendments.

From my perspective, frankly, in a group of 435, the reason you have a Rules Committee is because you can't possibly accommodate all 435 Members if they want to offer one.

Mr. DREIER. Thanks for telling me that. I was wondering.

Mr. HOYER. As the former chairman of the Rules Committee, you know that.

Mr. Speaker, in fact, in my opinion, although we allowed it, there were an extraordinary number of redundant amendments, 1.25 percent, 1 percent, .75 percent. I understand that. They were message amendments. I understand making messages. That is part of what we are about.

This rule that the gentleman is very concerned about is a precedent. Frankly, we argued for following the precedent of last year. That was not done.

We are now trying to get the business of the people done, while at the same time giving a fair number of amendments, as we do on almost every other bill, but not every amendment. We think that we have done that. We think that we are fair in terms of the amendments that are included in the self-execution, because they are not just Democratic amendments. There are a balanced, equal number of amendments, and one other significant amendment I think will be unanimously supported, I hope and believe, and will facilitate the consideration of this bill and substantively move ahead the work of our country and our people.

Mr. DREIER. Mr. Speaker, if the gentleman will yield further, I mentioned the fact that this is the 27th year for the two of us to be serving in this great institution. If one goes back and looks beyond last year but instead at the appropriations process which during our 27-year period has been considered under an open process, there are times when we would be here late at night voting on appropriations bills in the past. It has allowed Members to work their will as they have gone through this.

So while you have looked at the precedent of last year as part of this agreement that you and Mr. BOEHNER had, the concern that I have is that this is setting a precedent for the future, which is a very, very troubling one.

Mr. Speaker, I thank my friend for yielding.

Mr. HOYER. Mr. Speaker, I will repeat: We are hopeful that we will be able to move forward in the future, next year, as we do the appropriation process, consistent with what we did on the first 10 bills and what we may do on the twelfth bill, in a manner that honors and respects one another's ability to make their point but also to do the business of the people. That is what they expect us to do. That is what we are going to do.

Mr. DREIER. Mr. Speaker, I yield 5 minutes to the gentleman from Dallas, Texas (Mr. SESSIONS), a hard-working member of the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I rise in strong opposition to this highly unorthodox rule and the unnecessary limiting process that is being proposed and that was even talked about here on the House floor today.

Mr. Speaker, today, for the first time since my service in Congress, the House is considering a rule for the Agriculture appropriations bill that is something other than an open rule. It is also the first time since I began my service that the Rules Committee reported out a limited rule for an appropriations bill that self-executes amendments and revisions to the base text of the bill that may not have withstood the scrutiny of this Congress.

One of the self-executing amendments of particular concern that was inserted late last night in the Rules Committee is included in part A of this rule. It is described as adding a limitation, and I quote, to effectively eliminate three West Virginia earmarks from the committee report accompanying the bill.

Upon further review, it turns out that these three earmarks total more than $1.5 million and were requested by Congressman ALAN MOLLOHAN and would benefit the Canaan Valley Institute, a nonprofit established by Congressman MOLLOHAN.

This highly irregular inclusion of this self-executing provision of the rule is particularly troubling, because the Canaan Valley Institute is currently under investigation by the FBI. In March, when he requested this funding, Congressman MOLLOHAN certified that he had no financial interest in any of the earmarks and affirmed the worthiness of each project.

I strongly believe that this late-night maneuver was not properly vetted through the regular order processes. As a result of that, several serious questions have arisen.

I would like to engage the Democrat Member of the Rules Committee, my friend from Massachusetts (Mr. McGOVERN), on a few questions about this process.

The first question that I would yield to the gentleman on is, who asked the Rules Committee to take this highly unusual action and what explanation did they provide to justify the removal of Representative MOLLOHAN's earmarks?

Mr. McGOVERN. If the gentleman will yield, the distinguished chairman of the Appropriations Committee, who is on the floor here today, Mr. OBEY, did. If you would like to ask him questions, you may.

Mr. SESSIONS. I am going to continue asking you questions, and I will continue yielding to you. I appreciate the gentleman.

Did anyone on the Rules Committee inquire as to whether Mr. MOLLOHAN's certification of no financial interest had been proven in any way deficient or inaccurate?

□ 1430

Mr. OBEY. Would the gentleman yield?

Mr. SESSIONS. I yield to the chairman.

Mr. OBEY. Let me simply say the reason these amendments are in the self-executing rule is that we agree with you that under the circumstances they should not be in the bill.

As I warned the House when we first started bringing appropriation bills to the floor, our committee did not have enough time to adequately get all of these amendments that were coming at us, and so we asked for a process which would allow us during the month of August to review all of them.

In the end the House decided they did not want to do that. One of the major reasons is because Members of your party wanted to make certain that we had an opportunity to deal with them on the floor now. I warned at the time that meant that mistakes would be made. They were. When we caught the mistake, I went to the Rules Committee and Mr. MOLLOHAN agreed that under the circumstances they ought to come out.

We ought to be congratulated for it, rather than being questioned about it.

Mr. SESSIONS. Reclaiming my time and continuing my dialogue with the gentleman, in other words, you had figured out that they were inappropriately inserted?

Mr. OBEY. No, we had determined that because they were in controversy, for the good of the House they should not be considered at this time.

Mr. SESSIONS. Continuing my dialogue with either gentleman, in as much as the Mollohan earmarks were approved by the entire Appropriations Committee, does the gentleman know whether the appropriation Members on both sides of the aisle have been advised about the reasons for canceling funding for the projects which they have overwhelmingly approved with the knowledge that it was appropriate at the time?

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Let me simply say to the gentleman that I very much regret the tone that the gentleman is taking here today.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DREIER. Mr. Speaker, I rise to yield the gentleman from Dallas an additional minute.

Mr. SESSIONS. Mr. Speaker, another question which I wish to ask is whether the Rules Committee could advise Members seeking to remove Member-supported earmarks from other pieces of legislation, whether they might take advantage of the precedent we are setting here today and whether they might expect the Rules Committee to look favorably on similar requests for self-executing provisions in the future?

Mr. Speaker, the reason why we ask these questions is because the self-executing provisions of this rule are highly unusual and I believe raise lots of questions. We look forward to asking these questions and hope we get forthright answers.

Mr. McGOVERN. Mr. Speaker, let me finish what I was about to say to the gentleman from Texas.

I very much regret the tone of his remarks here on the floor today. Last night the gentleman talked about the need for civility and the need for us to have more comity in this Chamber. It is clear today that he obviously lost sight of at least the spirit of his remarks last night. I regret that very much.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I think we again need to remind ourselves why we are here in this situation. And I don't like it, but we are here because people need to experience the consequences of their own actions, at least adults do.

Why are we here? We are here because as the distinguished majority leader pointed out, despite the agreement that we felt we had reached for consideration of the appropriation bills, we had seen more than 4 hours of dilatory action the last time this bill was on the floor. As a result, this House was not able to complete action on a single provision in the agriculture appropriation bill even though we were told that the minority was really unhappy about something else totally unrelated to that bill.

So they dragged this out for 4 hours during which we were able to accomplish nothing. At the same time, the

President is on the other end of Pennsylvania Avenue. At the same time we have had foot-dragging on the part of the minority on this bill, the President held a press conference this morning in which he is attacking the Congress for not moving these bills at a sufficiently rapid speed.

Secondly, I would point out that, as the distinguished majority leader indicated, we have spent some 86 hours more debating appropriation bills this session than we spent debating appropriation bills the previous session when the now-minority party was then in control. Why was that the case? Because last year we considered 144 amendments to those appropriation bills, whereas this year we have considered 339 amendments. That is a 77 percent increase. It illustrates why I keep referring to filibuster by way of amendment.

There comes a time when we have to face the fact that if the public's work is to be done, we need to move these bills forward. It was very clear that this bill was going nowhere the last time it was on the floor. The distinguished majority leader informed the minority if that was the case, we would have to go to the Rules Committee in order to move the people's business forward. That is exactly what we have done.

With respect to his criticism about this rule containing self-executing provisions, I would simply point out that on eight occasions when the gentleman from California was chairman, his committee reported out, and this House passed, self-executing rules.

In 2000, it occurred on the Transportation, Labor-HHS and Agriculture bills.

In 2001, it occurred on Agriculture, Treasury-Postal, Foreign Ops and Energy and Water.

In 2002, it occurred on the Interior bill. And I have them before me.

In each case, they contain the magic words "provides that the amendment or amendments printed in the Rules Committee report accompanying the rule shall be considered as adopted."

Let me simply point out that I think it is indeed regrettable that we have had to adopt this approach in order to finish the public's business on time. But in fact, if Members of the minority want to know why it was required, all they have to do is look in the mirror.

Now I would yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. I will say in response to the assessment that the gentleman provided of my service as chairman of the Rules Committee, I never reported out a rule that shut down the entire process, which is exactly what this rule is doing. With regard to self-executing items——

Mr. OBEY. Reclaiming my time, with all due respect, this amendment makes in order 14 amendments. The majority of those amendments are Republican amendments. One of them is an amendment by the gentleman from Arizona that in fact goes after a project in the district of the majority leader. That is hardly shutting down the process.

Mr. Speaker, they were the ones who shut down the process 2 days ago when they refused to allow us to consider a single new amendment during a 4-hour period.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the distinguished minority leader.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague from California for yielding.

I come to the floor today to express my disappointment over where this process has led us and the fact that we are going to shut down the appropriations process and go to what we would refer to as martial law.

Now over the last several days it has become clear that our Members are concerned about what has happened to the process of due deliberation in the House. Over the last several days my name has been taken in vain over the fact that there was an agreement reached earlier this year between Mr. HOYER and myself and Mr. OBEY. And there was an agreement we would bring earmark reform to the appropriation process, and as part of that agreement that we would work towards a unanimous consent request on each of the appropriation bills.

I want to tell my friend, Mr. Speaker, tell my friend from Wisconsin that I feel as though I have kept my part of the deal. I have worked diligently with our Members to try to come to an agreement that our Members felt was fair. The gentleman outlined the number of hours that we have taken on the appropriations bills this year. There is no question that more time has been taken. And that is because we have had a change in the majority here in Congress. We have had a serious change in each of the appropriation bills in terms of the priorities of the new majority versus the priorities of the former majority. So one would expect that more time was going to be taken on these appropriations bills this year.

But what brought all of this to an end was the process by which the State Children's Health Insurance reauthorization was coming to the floor where our Members were shut out of debate, where we were presented with a 488-page bill at 11:30 one night and expected to be in committee the next day ready to have committee action on a bill that had never ever had a hearing.

Now as I mentioned to the gentleman the other night, all we seek on this side is fairness. And so the tactics employed on the Ag appropriations bill the other night was an opportunity for our Members to try to come down and talk about their concerns with the process and their concerns with that work product.

But the actions taken here today to shut the whole appropriations process down, lock it under a rule, self-execute six amendments into this process is unprecedented. I heard the gentleman over the last several years talk about process and how the minority ought to be treated. I heard it day after day.

And I might add to my friend that I had some sympathy for the concerns that he raised. But as I mentioned the other night, all we seek is to be treated the way you asked to be treated. That's all we ask. We could have had a discussion about trying to come to a unanimous consent request on the balance of this bill. We could have sat down and tried to work through the process on the Defense appropriation bill so we wouldn't have to go through this; but that opportunity wasn't presented. So I stand here today with regret that we have had to come to this point.

I am one who believes that there is a way we can disagree on our policy differences here without being disagreeable: that there is a way that the two sides can make their points without cutting the legs off the other side.

But the actions here that are being taken will do nothing more than stifle the ability of the minority to make its case, the minority who represent nearly half of American people, to effectively make our case on this bill, and I think it is regrettable.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman.

Let me simply say the gentleman says we have "shut down the appropriations process." That is absolute nonsense. We are making in order 12 amendments, all of them Republican amendments. Three of the six self-executing amendments are amendments that are sponsored in all or in part by Republicans.

If anyone shut down the process, it was the minority party which filibustered for 4 hours the last time this bill was on the floor and didn't allow us to complete consideration of a single item in the bill. Not one. In addition to which when we tried to pursue a unanimous consent agreement before that bill hit the floor, we were denied that opportunity by the minority party.

We had an understanding with the minority party that these bills would be finished in roughly equivalent time to that which was taken last year. The minority party was so angry about a bill that was going to extend health care to 5 million additional kids they walked away from that agreement, and that's why we are here today.

Mr. McGOVERN. Mr. Speaker, I would like to yield 8 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman. I might just add to the count of amendments, lest it be forgotten on Tuesday night, that I accepted both the Gingrey and the McHenry amendments.

□ 1445

So that is 14 Republican amendments that have been allowed for debate and discussion.

I'm saddened by the path that we've taken to find our way here today, but I must also say that, yes, I'm glad. I'm glad that we've arrived here today because this Agriculture appropriations bill is a good bill, it's a fair bill, and it has the potential to do so much for people and for our communities who are in such need. And, yes, in fact, over the last several months it has been a product of hard work, of honest partnership, of an ongoing collaboration over a number of weeks from my colleagues on both sides of the aisle.

I'm sorry that I don't see the ranking member of this subcommittee, Mr. KINGSTON, on the floor. Mr. KINGSTON can attest to the kind of work we have done together to produce and to craft a very solid piece of legislation that, in fact, will make a difference in people's lives.

And we should not forget how much that we have put into this bill and why. At the subcommittee level, the full committee level, even, as I said, this past Tuesday, this bill has been a bipartisan process, giving every single member of the subcommittee and of the full committee the opportunity to engage, to propose amendments, to ask for a vote if they wanted to. It has been a totally open process.

As a matter of fact, in the full committee there was not even one vote called because there was such a sense of agreement on every single amendment and the process that we went through in that committee. For that, I stand here very proud as the Chair of this subcommittee, and the first time that I have served as the Chair of this committee, we produced a bill that has such support. I defy any of the other 11 subcommittees to have that same kind of bipartisanship that we had.

This bill is too important. There's critical responsibilities. And maybe people don't view this bill as that important, but speak to rural America, speak to people who care about what's happening in nutrition, speak to people who care about conservation in this country. That is what is in this bill, renewable sources of energy. To let it be filibustered, to play political games, to let that take precedent over this bill is what's happened.

The minority shut down this process. The minority's tactics, 4 hours, 4 hours, and I appreciate the minority leader's disappointment with SCHIP, but on Tuesday night SCHIP was not the legislation that we were discussing. Four hours. Those tactics, tied to other legislation, have stood in the way of this process, even as the American people; in fact, do insist that we get to work fulfilling our obligations to consumers who want safe drugs and food.

It's good to see the gentleman from Georgia on the floor because JACK KINGSTON and I have worked very well together, as I said, to produce a good bill, one of which I stand here proudly to support and to carry on with today.

Our priorities have been to have safe drugs and food, farmers who rely on fair and functioning markets, children who need healthy food to meet their potential, and rural communities who need opportunities to thrive. And our priority has been to move with swift purpose, clear direction on several key goals: strengthening rural America, protecting the public health, improving nutrition for more Americans, transforming our energy future, supporting conservation, investing in research and enhancing oversight.

The bill provides discretionary resources of $18.8 billion. It is $1 billion above 2007, $987.4 million above the budget request, and to be sure and to make it very clear, 95 percent of the increase over the budget request, $940 million, is used to restore funding that was eliminated or cut in the President's budget, to acknowledge that we have, in fact, the obligation to meet the needs of hundreds of our communities and millions of Americans.

It is about strengthening rural America. And what we do in terms of facilitating growth, softening the impact of population loss, this bill includes $728.8 million to support community facilities, water and waste disposal systems, and business grants to protect our public health. We provide $1.7 billion for the FDA, $62 million over the budget request, the first step in a fundamental food safety transformation at FDA.

We include $39.8 billion for food stamps, a program to meet increased participation and to ensure rising food prices. We fund the Women, Infants and Children program above the President's request. We step up to priorities like investing in research, which many of you have requested in earmarks in this bill, and conservation; and when it comes to transforming energy, this budget includes bioenergy, renewable energy research, $1.2 billion, including loans and grants in rural areas of this country.

I'm proud of the bill. I'm proud of its priorities and the goals that we set out to accomplish. We have obligations here, and that is to discuss and to recognize what our roles are and what we do here in order to meet the needs of the American public, not to interrupt for 4 hours for political gain or for whatever is annoying you that day, to disrupt the process, shut it down. And we're going to move forward, we're going to discuss this bill, we're going to pass the bill and achieve the goals. You choose delay. We choose to proceed to go forward in a responsible way.

I urge my colleagues to support this rule.

Mr. DREIER. Mr. Speaker, with the utmost respect for my good friend from New Haven, the distinguished Chair of the subcommittee, I will say that we could at this moment be debating this bill if we continued with this open amendment process.

The SCHIP measure is over and done. My friends on the other side of the aisle have won this debate. We are prepared to move ahead with an open amendment process that will allow for a free-flowing debate.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. We have no guarantees with regard to the process.

Mr. DREIER. If I can reclaim my time, let me just tell you the guarantee of the process. I was very happy to yield to my friend, and I will be happy to yield to her again, but I will say, Mr. Speaker, the fact of the matter is we have not had any dilatory tactics put into place since passage of the SCHIP bill. All the time we spend on this rule could have been spent discussing exactly what the gentlewoman has been speaking about.

Mr. Speaker, with that, I yield 2 minutes to my very good friend from Morristown, New Jersey, a hardworking member on the Committee on Appropriations, Mr. FRELINGHUYSEN.

Mr. FRELINGHUYSEN. Mr. Speaker, I respectfully change the subject.

Mr. Speaker, all Members should be aware that there's language in this bill that greatly expands existing U.S. policy on importing drugs from other countries by allowing the wholesale importation of medicines not just for personal use but now for commercial use. Implementation of this new language would legalize the practice of reimportation of even more undocumented prescription drugs of unknown origin into the United States.

Mr. Speaker, existing Federal policies allow for importation of prescription drugs for personal use, but this new provision opens the floodgates to the unknown. This is a risk we should not take, not for prescription drugs nor for any products that might do harm to our loved ones.

Mr. McGOVERN. Mr. Speaker, may I inquire how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Massachusetts has 9½ minutes remaining. The gentleman from California, 14 minutes remaining.

Mr. McGOVERN. We will reserve our time at this point.

Mr. DREIER. Mr. Speaker, I'm very happy to yield 2 minutes to our colleague from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding.

I rise in opposition to this rule as well. I don't think it's a good precedent to set to move away from open rules on appropriations. I'm one that's often accused of dilatory tactics on these bills, having so many amendments on earmarks. These aren't dilatory at all.

I should note that on the bill that we had a couple of weeks ago, the Energy and Water bill, I believe I offered seven or eight. With that, one Member came to the floor before I offered and withdrew or asked for an amendment which he received to strike his own earmark.

We're seeing the same here, three earmarks stricken from the bill in the Rules Committee because an amendment was going to be offered to strike them on the floor.

My understanding is with the Defense bill tomorrow that there will be another amendment, self-executing rule to strike another earmark that was going to be challenged on the floor.

So this is not dilatory at all to come to the floor and say, hey, there are earmarks here that might be questionable. There are a lot of earmarks that would go to private companies. These are, in essence, sole source contracts.

I sympathize with the chairman of the Appropriations Committee, Mr. OBEY, who said many times that we simply don't have the staff to police this many earmarks. I don't think you could have policed the 15,000 we had a couple of years ago. If this Congress is successful in cutting that down by half, we can't come close to policing that number either.

We have former Members in jail because of earmarks that we approved in this body. We simply can't go on like this, and if we shut down this process in a manner where we're only allowed to question a certain number of earmarks, I wanted to question 10 on this bill. There are 410 in the bill. Ten is not an unreasonable number. I was only allowed five.

Who knows on the bill that we do tomorrow if we have a closed rule. If we aren't able to question these, where are we able to do it?

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very good friend from Mariposa, California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I thank the gentleman from California.

I rise in opposition to this new structured rule for the Ag appropriations bill. I'm very disappointed that the Rules Committee decided to shut down a free and open amendment process on this bill. My constituents at home deserve the right to have their opinions for or against any provision of this bill heard.

One of those provisions would be an amendment that was offered to strike section 738 in H.R. 3161. This amendment was found out of order by the Rules Committee. Section 738's intent is to stop horse slaughter. However, the unintended consequences of this section will have a detrimental effect on the entire equine industry.

Should this amendment become law, the breeding industry will be negatively affected when foreign buyers are not able to transport their American horses to another country. International and domestic racing events will also be adversely impacted by this provision when racing horses are not able to move across borders.

The economic detriment that would occur if this bill passes without our amendment is almost as expansive as the actual language of section 738. Every industry, from television revenues gained from major horse races to the small, family equine breeder, would feel the impact. In fact, the U.S. horse industry supports 1.4 million jobs and has an annual economic impact of $102 billion.

In addition, restricting USDA funding to inspect horses will spread animal disease.

How the Rules Committee determined this amendment was out of order, when it is clearly an important and germane amendment to the Ag appropriations bill, is beyond my comprehension. In deeming this amendment out of order, they have closed out an entire industry from being able to have their views expressed through their representatives on legislation that would have huge economic impacts.

I urge my colleagues to join me in voting against the rule to the Ag appropriations bill.

□ 1500

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my colleague from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I want to thank the gentleman for yielding.

Mr. Speaker, I want to say that I support one of the self-executing amendments in this rule, and it's my understanding that in the original Ag appropriations bill, there was very broad language relating to horse slaughter intending to stop horse slaughter in the U.S. that has passed this House overwhelmingly on six different occasions.

And the gentlelady from Connecticut in responding to the concerns that that amendment was overbroad has asked that a self-executing amendment be included in this rule that is sponsored by three Democrats and myself. I would say that she addressed our concerns, and I would commend her for that.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. I thank the gentleman for yielding his time on this issue we have just mentioned here.

I would first like to thank the Agriculture appropriations committee for their hard work on this legislation. It's a thoughtful piece of legislation, and I do plan to support it.

Mr. Speaker, I do need to express my concern and disappointment on an amendment I was planning to offer along with Representatives COSTA, KING, SALAZAR, and RADANOVICH that was not made in order.

Even though Representative SPRATT's amendment, which replaced section 738 dealing with horse slaughter, was accepted by the Ag appropriations committee and addresses some of the large issues, including transportation and animal health inspection, it fails to address one major issue. With 100,000 horses abandoned each year in the United States, and animal adoption facilities overflowing, how, how are we supposed to deal with these animals?

Having spent most of my life involved in animal agriculture, I understand many of the issues firsthand. I have worked with a variety of animals, dairy cows, feeder pigs, to my current cow-calf operation, and we have always had horses on the farm, even today. In fact, I can share with you that on the 4th of July, this past 4th in my hometown of Lamoni, Iowa, I was awarded first place in the horse hitch category, a beautiful horse and buggy.

Mr. SPRATT's amendment that was accepted by the committee does not address this issue of what to do with the additional 100,000 unwanted horses with nowhere to go and no one to take care of them. The burden will fall to the American taxpayer. Just housing and fitting one horse costs around $1,900 per year. Mr. SPRATT's amendment will cost $127 million in just the first year alone for these animals.

I want to be very clear: I love horses. I have owned horses my entire life, and they have been some of the most loyal companions over the years.

But I do have major concerns to the fact that we are making it illegal for horses to be slaughtered for human consumption, but not addressing what we are going to do with these horses and how we are going to care for them. We all should have a major concern and do something about it. This problem is not simply going to go away. I thank the gentleman for the time.

I would again like to reiterate my disappointment over not being allowed to offer my amendment, but I do support the bill.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend from Marietta, Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I appreciate the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to this modified closed rule on an appropriations bill.

I had two very substantial amendments. The gentlelady from Connecticut, the distinguished chairman, said that she was going to accept my message amendment, my 1 percent cut, the $50,000 amendment that I brought on Tuesday. Of course, it was a dilatory amendment to try to get an opportunity to speak about the CHIP legislation that we knew was coming under a closed rule.

But now I have 2 good amendments that were not made in order. One amendment would say no money in this bill would be allowed to grant food stamps or WIC money to anybody but United States citizens, not to immigrants, not to illegal immigrants. In some cases, the current law is very vague on that issue, a very substantive amendment that was not made in order.

Finally, one other amendment, the Farm Service Agency in my district, in Gordon County, Calhoun, Georgia. In fact, that Farm Service Agency serves several counties and is doing a great job.

I am denied the opportunity to argue on behalf of the citizens of Gordon County to keep that Farm Service Agency open. I am denied that by this modified closed rule.

Regretfully, I have to stand and say that I am going to vote "no" on this rule, urge my colleagues to vote "no."

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me simply say that of all people, the gentleman who just spoke is way off base when he cries about being denied an opportunity to deal with an amendment.

It was his amendment for $50,000 that this House debated for 4 hours without coming to a resolution thereon because of the filibuster that was being conducted on that side of the aisle. To suggest that somehow that Member, who single-handedly held us up for 4 hours, to suggest that he was denied, is a joke.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from California has 8 minutes remaining. The gentleman from Massachusetts has 6½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to a hardworking member of the Committee on Appropriations, the gentleman from Alexander, Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman from California in recognizing the huge town of 160 people of Alexander, Iowa.

Mr. Speaker, I rise in opposition to the rule because it does cut off and stifle debate on an appropriations bill. This really violates the open rule tradition on appropriation bill debate in the House and runs counter to the way we ought to be deciding to spend the taxpayers' resources.

Having said that, I want to commend the gentlelady from Connecticut for her great work, and the ranking member from Georgia really did an outstanding job.

There is one particular component of the new rule I would like to make a comment on. The reported bill contains a provision, section 746, stating that "no funds in this act may be used to authorize qualified health claims for conventional foods."

This provision means that none of the funds in the bill can be used to give permission to display important health information, irrespective of whether or not the information is scientifically valid.

The provision, as reported, would clearly stifle the FDA's ability to put forth information on health benefits in foods.

This new rule self-executes a provision which narrows a reported version of section 746 to stipulate that the funding prohibition applies only to the FDA. The problem is that the change doesn't really address the problem.

If this provision is intended to help FDA avoid wasted time and resources on frivolous petitions, it misses the mark. Nothing in this revised language removes or alters FDA's responsibility to review these petitions as required by law. The provision only denies final approval or authorization of the use of valid claims as to the risks and benefits of foods sold in the U.S.

This means that FDA still must carry out its mission of reviewing petitions on claims, but just cannot issue approvals, even if they are warranted. The problem is that if FDA does not do it, nobody will.

Mr. MCGOVERN. Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairwoman of this subcommittee and the chairman of the full committee.

Mr. Speaker, I think that we have waited long enough for energy reform and for nutrition reform, which is what this bill tackles. I rise today to support working for American farmers, but also working for those who get up every day without a meal.

To recognize that it is important to have food safety, it's important to have an improved food and lunch program and food stamps, it's important to focus on nutrition, and that is what we have done here.

I am glad to see that there is an aspect that deals with alternative fuels; and having written a bill dealing with cellulosic ethanol, I know that we have to move in a more effective direction. But I am also glad that we recognize a particular viable aspect of the importance of dealing with hunger in America.

I am concerned and hope that as we move forward, one of our vital assets, the Hunger Center, will move toward authorization, as I understand, and then increase funding so that it can be a tool to the Department of Agriculture in dealing with the question of hunger in America and around the world. This particular bill also provides more help for USAID, and I believe that it is an important asset.

In the short time that I have I would like to yield to the gentlelady from Connecticut to ask a question, and that is to comment on a point I made about the Hunger Center, and the fact that it is moving towards authorization that we will see in the years to come, an opportunity for more work on its part and more resources.

Ms. DELAURO. First of all, I want to thank the gentlelady for her comments. I think we have worked very hard in this bill, in fact, to increase the opportunity for nutrition. I would be happy to work with the gentlelady from Texas. We have $2 million in the bill for the Hunger Center and will look forward to working with you as we move forward to try to increase those funds.

Ms. JACKSON-LEE of Texas. I ask my colleagues to support the bill.

Mr. Speaker, I rise today in support of H.R. 3161, which strengthens our rural communities, while making sure that the American people have adequate, safe and nutritious food to eat. Let me commend the Chairwoman of the Subcommittee, Ms. DELAURO, for her exceptional leadership in crafting such extraordinary legislation to combat hunger, obesity and malnutrition in our nation and around the world. That is why I strongly support this bill.

Mr. Speaker, H.R. 3161 allows us to reinvest in the often forgotten but most vitally important rural areas of America. H.R. 3161 is designed to sustain the vitality of rural America, as well as protecting public health and food safety, improving nutrition and healthy eating, and promoting renewable energy and conservation in America.

Mr. Speaker, more than 3 million households in the rural America continue to have inadequate or no water or sewer service at all. H.R. 3161 is the solution to this disparity in that it provides $500 million for rural water and waste disposal grants, a 14 percent increase over 2007, and $1 billion for water and waste direct loans for the fiscal year.

Mr. Speaker, energy independence and protecting our environment are universal concerns to us all. The Energy Information Administration estimates that the United States imports nearly 60 percent of the oil it consumes. A bill that I have proposed, the 21st Century Energy Independence Act acknowledges this issue and aims to replace oil imports with domestic alternatives such as traditional and cellulosic ethanol that can help reduce the $180 billion that oil contributes to our annual trade deficit, and end our addiction to foreign oil.

My bill alleviates our dependence on foreign oil and fossil fuels by utilizing loan guarantees to promote the development of traditional and cellulosic ethanol technology. In addition to ensuring access to more abundant sources of energy, replacing petroleum use with ethanol will help reduce U.S. carbon emissions, which are otherwise expected to increase by 80 percent by 2025. Cellulosic ethanol can also reduce greenhouse gas emissions by 87 percent. Thus, transitioning from foreign oil to ethanol will protect our environment from dangerous carbon and greenhouse gas emissions.

Mr. Speaker, H.R. 3161 supports an innovative solution to our national energy crisis as well. H.R. 3161 ensures that America achieves energy independence and improves our environment by establishing a loan guarantee program which supports projects for the harvesting, storing, and delivery of agriculture residues for use in cellulosic or traditional ethanol production plants. H.R. 3161 supports energy and conservation, nearly doubles funding for renewable energy loans and grants to businesses to grow our economy, create new jobs, lower energy prices, and reduce global warming. The bill provides resources for research, aid to farmers and ranchers, and loans to businesses, restores many vital programs such as the Grazing Lands Conservation Initiative, Resource Conservation and Development, and the watershed programs.

Mr. Speaker, recent food scares—about peanut butter and lettuce—have made Americans nervous about where their food originates. H.R. 3161 tackles these concerns and addresses the importance of food safety. This bill fully funds the Food Safety and Inspection Service at USDA, shifts funds to fill vacancies in federal meat inspector positions, invests in research, and funds a transformation of FDA food safety regulations. It also prohibits imported poultry products from China, and sets a timeline for USDA to implement critical country of origin labeling for our meat supply after six years of Republican delays.

In addition, H.R. 3161 provides a special supplemental nutritional program for women, infants, and children other known as (WIC). This provision is so essential because it affords many women, especially women of color in lower income brackets, the opportunity to care for themselves and their newborns after birth. Without programs such as WIC, many mothers would not be able to maintain a healthy lifestyle during pregnancies and after childbirth. Because of WIC, mothers can afford their nutritional foods they need to sustain their pregnancies and avoid miscarriages, stillbirths and defects caused by malnourishment during pregnancy. H.R. 3161 invests $233.4 million (4 percent) more than the President to feed more than 8 million pregnant women, mothers and children next year.

Mr. Speaker, I believe in the importance of multilateral engagement, and in the immense value of working with other concerned parties. Hunger and malnutrition are truly global problems, and, while I strongly urge the United States to be a leader in combating both, it is not the only world actor. International organizations, like the United Nations, are actively combating global hunger through a number of different organs including the World Food Programme, the Food and Agriculture Organization, and the World Health Organization. Additionally, regional organizations, such as the African Union (AU) and the New Partnership for Africa's Development (NEPAD), play a crucial role in efforts to eradicate hunger.

I have an amendment that requires coordination and integration between different foreign assistance programs, and it states that assistance shall also be coordinated and integrated in the recipient country with other donors, including international and regional organizations and other donor countries.

Nonetheless, hunger is not a problem facing not only the international community faces, but it is also a problem in our own country. Many women, children, and the elderly should not wake and go to bed hungry in our great nation, but tragically this happens all too often in the cities and villages and small towns of our great country. Too many Americans continue to suffer from food shortages, hunger, and insecurity. According to 2005 figures, 35.1 million people live in households that are "food insecure," or they do not know where their next meal will come from.

The commodity supplemental food program incorporated into H.R. 3161 provides $500,000 monthly in the year 2007 to combat hunger and increases funding in this area to allow people in five additional states to participate in the program and expand those getting food in states already in the program. In addition, under the Food Stamp Benefit provision, H.R. 3161 protects the most vulnerable and helpless; families of soldiers in combat. Like the recently passed Farm bill, the measure ensures that the families of soldiers in combat are not penalized under the Food Stamp program. It also rejects the Administration's proposal to restrict eligibility for food stamps by excluding needy families who are receiving certain other services.

Mr. Speaker, let us remember that 1 in 3 American adults is overweight or obese and more than 9 million children are struggling with obesity. H.R. 3161 aims to improve the eating habits of Americans, particularly our children, through programs that teach children about healthy eating. H.R. 3161 increases funding for nutrition programs, including the Expanded Food and Nutrition Education Program, which broadens Fresh Fruit and Vegetable and Simplified Summer Food programs to all states to provide nutritious foods to children in low-income families, and specialty crop grants to encourage more fruit and vegetable consumption.

Obesity is associated with 35 major diseases including chronic and life-threatening conditions such as cancer, diabetes and heart disease. It is important to keep our Nation healthy by providing access to high consumption of vegetables and fruits to the future of our great country, our children. By supporting H.R. 3161 we assure a healthy consumption of nutritional foods for children whose only crime is that their families are poor.

Mr. Speaker, H.R. 3161 is essential because it addresses one of the most staggering causes of death in children: malnutrition. Malnutrition remains a significant problem worldwide, particularly among children. According to the United Nations World Food Programme, severe acute malnutrition affects an estimated 20 million children under the age of five worldwide and is responsible in whole or in part for more than half of all deaths of children. Malnutrition kills approximately one million children each year, or an average of one every thirty seconds.

These statistics are absolutely frightening and simply intolerable. They are also avoidable. The World Food Programme estimates that, when implemented on a large scale and combined with hospital treatment for children who suffer complications, a community-based approach to combating malnutrition could save the lives of hundreds of thousands of children each year.

Mr. Speaker, H.R. 3161 recognizes the importance of helping our neighbors in combating the hunger. H.R. 3161 provides funding for the Foreign Agricultural Service in the amount of $159,136,000 and transfers of $4,985,000, for a total salaries and expenses level of $164,121,000, an increase of $2,817,000 above the amount available for fiscal year 2007 and a decrease of $9,073,000 below the budget request.

In addition, H.R. 3161 permits the United States Agency for International Development (USAID) to use up to 25 percent of the funds appropriated for local or regional purchase of food to assist people threatened by a food security crisis.

Mr. Speaker, if it were not for grants such as the McGovern-Dole International Food for Education and Child Nutrition Program, many foreigners would have no other choice than to leave their native country in pursuit of a better life. H.R. 3161 reminds us that it is important for the United States to foster a relationship with other parts of the world, so that citizens of developing countries can also have basic rights such as sufficient amount of food. The McGovern-Dole International Food program is funded in this bill in the amount of $100,000,000, an increase of $1,000,000 above the amount available for fiscal year 2007, and the same as the budget request.

The George McGovern-Robert Dole International Food for Education and Child Nutrition Program fights child hunger and poverty by supporting school feeding operations, which provide nutritious meals to children in schools. This simple formula has been proven to be a success. Because of such programs, students are better able to concentrate and learn more quickly on a full stomach. Enrollment and attendance rates have skyrocketed as a result of school feeding programs, particularly among girls who are too often denied an education.

Mr. Speaker, there are 110 million school-aged children suffering from hunger every day, and they are counting on America's leadership and generosity to provide them with an opportunity to break the cycle of poverty. This bill provides that leadership and generosity, and it is for this reason that I urge my colleagues to join me in voting for its passage by an overwhelming margin.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very good friend from Kiron, Iowa (Mr. KING).

Mr. KING of Iowa. I thank the ranking member from California for yielding and for his leadership on the Rules Committee. That has been an important model leadership for our conference.

Mr. Speaker, I rise in opposition to this modified closed rule for a number of things, but the issues that I may be able to raise in this amount of time is that as the chairman of the Appropriations Committee said, the amendments that are approved under this rule are Republican amendments, but I would point out that those which are adopted under the rule, the self-executing amendments, are not Republican amendments for the most part.

I have in my hand an amendment that says "offered by Mr. MOLLOHAN of West Virginia," the one that was the subject of Mr. SESSIONS' remarks that strikes those three earmarks that were in there.

Now, they were stricken because, according to the chairman, they were in controversy. Now, this controversy has not been something that has been a large area of discussion here on this floor. But the gentleman from West Virginia has said he is unaware of any investigations. He may be the only one in this Congress that's unaware.

I would point out that the Speaker handed the gentleman from West Virginia the gavel to the appropriations subcommittee that he chairs. He held and still holds the purse strings of the agency that's been reported as looking into this that has brought out this controversy.

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That is why we are here on this. These three earmarks that came from West Virginia from Mr. MOLLOHAN stricken by a self-enacting rule, now is this also going to be the policy in the case on the Department of Defense appropriations bill that comes up? Because there are at least nine earmarks in that bill as well. So these are the consequences of a closed rule. There is friction, there is controversy, there is 4½ hours of debate, which is greatly to the resentment of the gentlelady from Connecticut.

But I would say we got through Justice approps through an open rule, and we did so with legitimate debate, and we were here to perfect the legislation, and we did so to the extent and we executed the will of this body. This rule does not execute the will of this body. This rule self-enacts. Vote down the rule.

Mr. McGOVERN. Mr. Speaker, I regret the fact that the gentleman feels he needs to personalize this debate; and I would only ask the gentleman, how many ranking Republicans are right now under investigation who continue to serve in their capacity?

I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I thank the gentleman for yielding, and I thank Chairman ROSA DELAURO for an incredible bill that I would like to get to so we can vote on it.

The debate on this rule I think just shows what is going on here, which is a reason to stall, a reason to just eat up the time so that we really don't get to the underlying issues. Because they know when we pass this bill it is going to pass with a bipartisan vote.

Mr. DREIER. Will the gentleman yield?

Mr. FARR. No, I will not yield; and I want to say why.

In law, you learn an old adage that says, in order to get equity, you have got to show equity.

The other night we were on the floor with a bunch of amendments, and the amendment was debated, and it was accepted by the chairwoman. And then we went on and debated with motions to adjourn, motions to rise for a number of hours.

The gentleman who offered the original amendment that was adopted also had 11 other amendments. This is a $100 billion operation, the U.S. Department of Agriculture, $100 billion. His amendments were to cut $50,000, another amendment for $60,000, another amendment for $7,000, another amendment for $39,000. And it went on. The list went on and on. He could have put all of those into one amendment. It still wouldn't have even matched $1 million.

So the point is that these were all dilatory amendments to just try to delay the time; and I think that equity was not shown, partnership was not shown, bipartisanship was not shown. And that is why we have a rule that is fair, allows these amendments, 12 more, to be debated, and the self-executing rule did self-execute some Republican amendments as well.

I urge the adoption of this rule.

Mr. DREIER. Mr. Speaker, at this time, I am happy to yield 1 minute to my friend from Hobbs, New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman from California for yielding.

Mr. Speaker, I rise to oppose this unduly restrictive rule. I had two amendments that I was prepared to offer to this legislation, neither of which will be considered here today. They were pretty simple, really.

My first amendment would have increased funding for the Wildlife Services by $500,000 to support the Mexican Wolf Recovery Program in New Mexico and Arizona. This program is teetering on the edge of failure. My attempt to add a modest amount of additional funding to manage dangerous problem wolves was rejected by the majority.

My second amendment was an attempt to bring protections to the endangered wolves in the Northeast United States, where many in the conservation community believe they are being killed by Wildlife Services.

My amendments were filed in a timely fashion. The committee was alerted to my intentions all along. Yet this is the result of the rule that we have before us today.

Mr. Speaker, I ask unanimous consent that the rule be amended to allow me to offer my two amendments which have been placed at the desk, which were also filed with the Rules Committee, were provided to the Appropriations Committee and are critically important to my constituents in New Mexico.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. PEARCE. Mr. Speaker, I have a unanimous consent request.

The SPEAKER pro tempore. Does the gentleman from Massachusetts yield for that purpose?

Mr. McGOVERN. No, I do not, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has not yielded for that purpose.

The gentleman's time has expired.

Mr. McGOVERN. Mr. Speaker, I am reserving at this time because I am the last speaker on my side.

MOTION TO ADJOURN

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 165, nays 254, not voting 13, as follows:

[Roll No. 798]

YEAS—165

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Roskam
Royce
Ryan (WI)
Sali

Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Westmoreland
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—254

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Clarke
Crenshaw
Davis, Jo Ann
Davis, Lincoln
Ellison
Gohmert
Jackson-Lee (TX)
Johnson, Sam
Jones (OH)
Miller, George
Olver
Sullivan
Taylor

□ 1544

Mr. KLEIN of Florida, Mr. WYNN, Mrs. CAPPS, Mr. HALL of Texas and Mr. VAN HOLLEN changed their vote from "yea" to "nay."

Mr. NEUGEBAUER and Mr. TURNER changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3161, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. DREIER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to apologize to the House for calling for the motion to adjourn, and I do so because in 15 minutes a memorial service is going to be held for our former colleague, Guy VanderJagt, over in the Ways and Means Committee room.

And I will say that Guy VanderJagt is someone who served longer in the minority than any Member on the other side of the aisle. But no one understood about the rights of the minority better than Guy VanderJagt; and I will tell you, Mr. Speaker, those rights are outlined very clearly in the opening of Jefferson's Manual.

Now, we have been excoriated over the past hour for having used what have been called dilatory tactics 2 days ago before we passed the SCHIP bill. The fact of the matter is that is now ancient history. We have been struggling to ensure that we continue with the debate on this very important bill under an open amendment process.

I am going to urge my colleagues to defeat the previous question so that we will have the opportunity to table this measure and go back to an open amendment process. Why? Because this rule represents the trifecta of bad process. It has shut down the amendment process, it has restricted the period of time for debate, and it has rewritten the bill through self-execution in this rule. And I am going to urge my colleagues to defeat the previous question so that we can go back to what was promised on the opening day, and that is an open process.

With that, Mr. Speaker, I yield the balance of my time to the distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker and my colleagues, this is disappointing, disappointing that the House has had to resort to a martial law to further stifle the voices of those of us in the minority who represent nearly half the American people.

We have had a debate on this rule. I have listened to the debate. I even participated in part of the debate and listened to my colleagues in the majority complain about the fact that we spent 3 or 4 hours the other day trying to debate a measure that we were not going to have much time to debate on because we didn't have a committee process, it was going to be brought to the House under a closed rule. And my colleagues pulled the bill and have been whining now for days that we spent 3 or 4 hours doing dilatory tactics.

Now, some of you were here in 1998 when the Ag appropriations bill was on the floor of the House, and that bill was held up for 9 hours by the then minority over the fact that there was an amendment that a Member wanted to have heard on the Foreign Operations bill. It just so happened it was the distinguished gentlewoman from California (Ms. PELOSI) who wanted an abortion amendment on the Foreign Operations bill and wasn't sure she was going to be able to get her amendment; and, as a result, she and some of her colleagues held up the bill with dilatory tactics for 9 hours.

Now, who were those Members who held that bill for 9 hours on this floor?

It was the gentlewoman from Connecticut (Ms. DELAURO), it was the gentleman from Wisconsin (Mr. OBEY), it was the gentlewoman from New York (Ms. SLAUGHTER), and it was who is now the distinguished Speaker of the House, Ms. PELOSI.

Nine hours of dilatory tactics over 3 days. So what did the Republican majority do? They went to the Rules Committee, and they got a rule. And do you know what they did in the rule? They told all Members any amendment that is filed will be made in order under the rule, and we came back to the floor and we spent 9 hours debating every amendment that Members wanted to offer, and we completed the bill.

Now, if you want to bring a rule out here, at least allow us to be heard, at least allow us to participate, at least allow the 202 of us on this side of the aisle to represent the millions of American people that have sent us here to do their work.

All I have asked and all my colleagues have asked all year is for fairness. All we want is fairness. I know how you wanted to be treated when you were in the minority. I say to my colleagues on the both sides of the aisle we have both been in a minority. We both know what it is like to not have many tools at your disposal. I, when I was chairing the Education and Workforce Committee, made sure that all of our members were treated fairly and treated honestly; and I think my work with the gentleman from California (Mr. GEORGE MILLER) demonstrates that, while we had differences, we had a very fair process.

I understand that over the last 12 years some of my predecessors may have handled, may have handled, this floor in a less than delicate way. Over the last several years, my colleagues in the majority now complained that we ought to have a more fair and open process here. I agreed with many of you, and you know it. And all I am asking for on behalf of the Republican Members, the minority Members here, is to be treated fairly and honestly.

The rule that we have before us that shuts us down is unfair, it's unwise, it's undemocratic, and it does not deserve the support of any Member in this House.

Mr. DREIER. Mr. Speaker, I urge a "no" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself the balance of my time.

I agree with the distinguished minority leader that this is disappointing. As a member of the Rules Committee, I regret this rule and I don't like it.

But what I like less are efforts to obstruct and stop the people's business. There is a difference between legislating and obstructionism. And I would say to the distinguished minority leader that fairness is a two-way street and what happened in this House on Tuesday, in my opinion, was pathetic.

What is at stake here is a bill to feed hungry people, is a bill to help rural America, is a bill to provide for better food security, and a bill to help our economy. This is serious business, and this is what we were sent here to deal with.

What happened on Tuesday, as I said, was pathetic. It stalled consideration of the Agriculture appropriations bill. It dismantled an agreement that worked well during consideration of the last 10 appropriations bills.

And let me say to my friends on the other side of the aisle, where I come from in Massachusetts, a deal is a deal. Your word is everything. So, please, when you break your word, don't act shocked when there is a reaction from this side of the aisle.

I will close by saying to my colleagues that it is important for us to move beyond this. It is important for us to work together. It is important for us to be more civil. I will concede to my friends on the other side of the aisle that my side of the aisle can do better, but you need to concede that your side can do better as well. And that is the way we restore the trust that, unfortunately, has been lost.

I urge a "yes" on the previous question and on the rule.

Mr. LEWIS of California, this is a sad day in the history of the Appropriations Committee and the House of Representatives. Meaningful, legitimate debate is being stifled and the voice of the Republican minority is being silenced. Sadly, this is the day that will be remembered as the day that the Democrat majority imposed martial law on the People's House.

My colleagues know that I have the highest level of respect for the chairman of the Appropriations Committee, Mr. OBEY. Together, we worked as partners during the 109th Congress, passing Appropriations bills through our committee and through the House. Our committee, and indeed, the House, is at its very best when we work together across patty lines and rise above purely partisan politics.

During the last Congress, I was privileged to serve as chairman of the House Appropriations Committee and Mr. OBEY was our distinguished ranking member.

During my tenure as chairman, the House considered 22 regular order appropriations bills. In each and every instance, I worked closely with my leadership and Chairman DREIER in seeking a rule that allowed for a maximum level of open debate, including amendments, on the House floor. Every one—every one—of those 22 annual spending bills was considered under an open rule.

We allowed and even encouraged dissenting voices to be heard on these bills. The result was often vigorous and lively debate on the House floor. But that's precisely why our constituents send us to Washington.

I was disappointed that Mr. OBEY's first bills as chairman—the fiscal year 2007 continuing resolution and the emergency supplemental—were both considered under a closed rule. Mr. OBEY, under direction from his leadership, is now heading down the same road yet gain.

The Democrat leadership, with absolutely no consultation with the minority, has adopted a closed rule for the consideration of the Agriculture Appropriations bill. As a result, scores of legitimate policy amendments offered by the minority have not been made in order.

This is a dangerous and perilous precedent that sets precisely the wrong tone as we attempt to complete work on our annual spending bills. A closed rule leaves the minority little choice but to walk away from the tradition of comity that has marked our longstaning work on this committee.

I find it interesting that we had only spent 3–4 hours debating this bill before the Democrat majority decided to pull the plug. I find it troubling that the decision was made by the Democrat leadership to impose a martial law, closed rule on the Ag bill in their rush to begin their month-long August vacation.

This legislation is simply too important to have it rushed through the House with no debate and no opportunity for the body to consider amendments. An open rule is the only proper way for the House to consider this legislation.

I certainly hope that this lock-down martial law rule on the Ag Appropriations bill isn't a preview of what the House can expect tomorrow as we consider the DoD Appropriations bill, legislation that comprises roughly one-half of all discretionary spending.

The Democratic leadership, which promised the most open and transparent legislative process in history, is now showing its true colors. It has failed to fulfill its commitment to the Members of this body by not affording all Members an opportunity to openly amend and debate this bill.

I urge my I colleagues to oppose this rule and adopt a rule that will allow free and open debate on this and other pending spending bills.

Mr. McGOVERN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 225, nays 197, not voting to 10, as follows:

[Roll No. 799]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey

Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Clarke
Crenshaw
Davis, Jo Ann
Davis, Lincoln
Ellison
Hoyer
Johnson, Sam
Rangel
Reyes
Schmidt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1614

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 194, not voting 14, as follows:

[Roll No. 800]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
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Shuster

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1622

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ELLISON. Madam Speaker, for most of August 2nd I was back in Minneapolis surveying the damage from the tragic collapse of the Interstate 35W bridge located in my district and missed Rollcall Votes 791–800. Had I been present, I would have voted "yea" on Rollcall No. 791; I would have voted "yea" on Rollcall No. 792; I would have voted "yea" on Rollcall No. 793; I would have voted "yea" on Rollcall No. 794; I would have voted "nay" on Rollcall No. 795; I would have voted "aye" on Rollcall No. 796; I would have voted "aye" on Rollcall No. 797; I would have voted "no" on Rollcall No. 798; I would have voted "aye" on Rollcall No. 799; and I would have voted "aye" on Rollcall No. 800.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1172

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 1172, a bill originally introduced by Representative Millender-McDonald of California, for the purposes of adding cosponsors and requesting reprints pursuant to clause 7 of rule XII.

The SPEAKER pro tempore (Mr. PASTOR). Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 2272, AMERICA COMPETES ACT

Mr. GORDON of Tennessee. Mr. Speaker, pursuant to the rule, I call up the conference report on the bill (H.R. 2272) to invest in innovation through research and development, and to improve the competitiveness of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 602, the conference report is considered read.

(For conference report and statement, see proceedings of the House of August 1, 2007, at page 22294.)

The SPEAKER pro tempore. The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield to the gentleman from California (Mr. GEORGE MILLER) for the purpose of making a unanimous consent request, and also to thank him for his help on this bill we are going to be taking up.

Mr. GEORGE MILLER of California. I thank the chairman.

Mr. Speaker, I rise in support of the conference report. I want to applaud the work of Chairman GORDON, the conferees and the staff for getting us to this historic place in time on behalf of this COMPETES Act, which will make a great difference in America's economy in the future.

The issue of competitiveness has been at the top of our agenda since November 2005 when the House Democrats under the leadership of Speaker PELOSI, unveiled the Innovation Agenda.

The Innovation Agenda, which was developed in consultation with the business community, is aimed at keeping America competitive in our ever growing global economy.

In addition to the work by the Speaker, the Committee on Education and Labor focused the first hearings of this Congress on how to address the challenges posed by the middle class squeeze.

Through the Innovation Agenda and through our hearings, a common denominator was the desire by the business community to engage in ways to create a more innovative workforce that is better prepared to enter the growing high tech industry.

This conference bill meets this objective through partnerships that will engage the business community with higher education to create programs that will educate and train individuals to meet the industry's needs.

Additionally, I am particularly pleased that the conference bill addresses another key goal of the Innovation Agenda, which is to ensure a highly qualified teacher is in every classroom.

The new programs in the National Science Foundation and the Department of Education, modeled after the successful UTEACH and CalTEACH programs, will go a long way to better preparing teachers for the classroom.

I am also pleased to see a true vision for education in this bill with programs that encourage math education, ensuring access to advanced placement/IB courses, and the creation of P–16 councils which will help states better understand where students start and where they need to go.

Again, I applaud the work of the conferees. I look forward to continue working on securing funding for these valuable programs.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I recognize that we have had differences of opinion, differences of policy and differences concerning procedure for the last couple of days. You have that at the end of a session before you go into a work period, and I am afraid we are going to have some more, and that is unfortunate. But we have an opportunity, at least for the next hour, to have a little window of civility, a little window to work together on a bill, a conference report that is bipartisan and bicameral. It is a competitiveness bill. It is a bill that is going to make America a better place for all of our kids and grandkids. I want to take just a little time to tell you about it.

This bill is a compilation of five bills that we passed out of the Science Committee on a bipartisan basis that came to the House floor, none of which received more than 23 votes against them. Then we piled them all together as a suspension and it passed unanimously.

LAMAR ALEXANDER in the Senate did yeoman's work by going to the Senators and getting 70 cosponsors. It passed in the Senate 88–8. Truly this is a bipartisan, bicameral bill.

The reason is, it is a good bill that is going to help manufacturers and businesses, it is going to help workers, it is going to help teachers, it is going to help students, to be able to help America to be in the lead in the world in terms of manufacturing, research, technology and innovation.

Again, I want to tell you how this bill came about. Three years ago, Sherry Boehlert, then the chairman of the Science Committee; LAMAR ALEXANDER, who was chairman of the Science Committee in the Senate; myself and JEFF BINGAMAN, we all asked the National Academies to do a report on the competitiveness of America in the 21st Century. It was a sobering report.

Norm Augustine, the former chairman of Lockheed, Craig Barrett, the chairman of Intel, and several noted scholars and other business individuals came together and said America was on a losing track, which meant that my 6-year-old daughter, many of your children and grandchildren, these two children right here, could be the first generation of Americans to inherit a national standard of living less than their parents, a complete reversal of the American dream. That is why so many of us came together to try to do something.

This is not a Democratic bill. It is not a Republican bill. This simply is a compilation of the recommendations of the report "Rising Above the Gathering Storm."

Let me tell you a little bit about this bill. It really composes three general areas.

The first is they said we have got to lead the world in terms of our science and our research, our innovation. So this bill is an authorization that is going to double over the next 7 years the National Science Foundation, the

Office of Science and the Department of Energy, as well as the National Institute of Standards and Technology.

Let me remind you, because I know there are some folks who are going to say this is going to be too much money. This is an authorization. My friend from Tennessee and the other appropriators will determine whether it is going to be too much. We will work together to make that determination. This is a responsible, I think, 7-year increase.

Then they came back to us and they said that American manufacturers and American workers have to work at a higher skill level. There are 7 billion people in the world right now, and half of them make less than $2 a day. We don't want to compete like that. We can't compete like that. So that means if they are making one widget in India or China, we have got to make 50 widgets here in America. And we need to be not only making the widgets, we need to be inventing the widget maker and manufacturing that widget maker here in this country.

If we are going to do that, then whether you are a high school graduate, a junior college graduate, a college graduate, you have got to work at a higher level, which means you are going to have to have science and math skills.

But the report tells us we are not doing very well in that area. As a matter of fact, right now, only Cyprus and South Africa have lower scores than we do in the science and math areas.

□ 1630

So what do we do about this? Well, they looked around and tried to figure out what the problem is. Are Americans just not as smart? No, that is not the problem. Do we need maybe smaller classrooms or more equipment? Those things would help. But the real problem is this, and listen to this: The fact is 67 percent of the teachers that teach in middle school in this country have neither a major nor a certification to teach math. And 87 percent of the physical science teachers in this country have neither a certification nor a major to teach those subjects. So it is very difficult to teach or inspire if you haven't had an opportunity to really understand those courses. This is not a slur to those good teachers. I want to give you a personal story.

My father was a farmer. World War II comes along. He enlists, comes back, and he wants to be even a better farmer. So he takes advantage of the GI bill and goes to college at Middle Tennessee State University. He gets a degree in agriculture. Well, a few years later I come along and my mother had to give up her job. She was working at a high school cafeteria. So my father applied to be a teacher in addition to being a farmer. He was the last person hired to teach at Smyrna High School in my home county. So since he was the last person hired, you might imagine, he was assigned to teach high school science and to coach girls basketball. I am not sure which he knew the least about, which really wasn't fair to him or his students.

And so we want to take care of those good smart people, those good smart teachers, and help them do a better job. So we are going to bring those kinds of teachers during the summer and, with stipends, allow them to get their certifications, hopefully AP, IB. Hopefully they will get a master's.

We are also going to have a whole new corps of teachers. We want to provide competitive scholarships for 10,000 students a year that will go into math, science and education and agree to teach for 5 years. And 5 years is important, because we find that half the teachers quit teaching in the first 5 years. We have to get them over that hump.

Next they said, and this may sound familiar, they said that America needs to be energy independent. This was before we started talking about the price of oil going up. This was before that. They gave us a way to do that. They suggested we look at the Department of Defense, DARPA, for a model. There is something in the Department of Defense called DARPA. It is an advanced research operation that takes high risk, high rewards. It is where the Internet was discovered and developed, and it is where stealth technology was developed.

They said this is a proven model. Take it over to the Department of Energy and set up a high-risk, high-reward agency there, but have very narrow management. Have a few employees and let them manage programs. Take the seven or eight most cutting-edge types of technologies, those that can really jump us ahead, and let's crash on them. Let's bring in the national labs, the private sector, the public sector and our universities, and let's make some real breakthroughs. Now, if one doesn't work, fine; pull the plug. But let's not be afraid to fail because we have to make these types of jumps in technology so we can have not only energy independence, but we will also have new jobs and new exports for America.

That is what we did. We brought all of these things together, and that is why we have a bipartisan, bicameral bill. I encourage my colleagues to support this bill.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak on the conference report on H.R. 2272, the COMPETES Act. This legislation is based on President Bush's American Competitiveness Initiative and is aimed at improving our competitive edge throughout science, technology and engineering, math education, research and innovation. I supported this legislation when passed by a voice vote in the House 3 months ago because we needed to take the steps to ensure our future competitiveness.

There are several good things in the conference agreement. I am pleased that H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007, which I am an original cosponsor of, formed the basis of the NIST provisions in the House bill. In addition, the House bill includes language for manufacturing grant programs that have passed the House three times. Finally, our bill authorized the Technology Innovation Program.

I wish to thank Chairman GORDON and thank Dr. EHLERS and Dr. GINGREY, who contributed their expertise to the NIST provisions.

I would also like to mention the High Performance Computing Act language of Mrs. BIGGERT that is included in the House bill. I also thank Mr. SENSENBRENNER for his protection of the bill legally throughout the course. These excellent provisions have been retained in this conference report.

In regard to NASA, the House bill contains important provisions to address the National Aeronautics and Space Administration, directing NASA to be a full participant in any interagency effort to promote innovation and competitiveness through basic scientific research and development and promotion of science, technology and engineering and mathematics education.

While these and other programs move us in the right direction, I have serious concerns about other provisions in the conference report, and tried in committee and in conference to address these concerns. I had the honor of serving as a conferee and met informally with the two Senators and Chairman BART GORDON in an effort to work out our differences.

When we met with the entire conference committee on the Senate side, we were given only 1 hour to meet with the entire conference and come with the final agreement.

Our concerns, unfortunately, were not addressed, and I, along with most of the House Republican conferees, did not sign the conference agreement.

First and foremost was the cost. The House passed a $24 billion bill that roughly mirrored the President's ACI initiative and even increased the budget in many areas. However, the conference report goes way beyond that amount to authorize $43.3 billion in spending. That is close to $20 billion over the House-passed bill.

Finally, I think the report includes the creation of an Advanced Research Projects Agency—Energy, called ARPA-E. I remain opposed to establishing an unnecessary bureaucracy at

DOE that the agency itself does not want and does not support. I share concerns with some of the Department of Energy education provisions. I believe new programs in this bill go way beyond where DOE and our national laboratories should be involved.

At the end of the day, however, it is difficult for me on final passage to refuse to support a bill that contains many provisions good for my district, good for my State, and I think good for the Nation and that advances some of the President's American Competitiveness Initiative.

I will support a motion to recommit, however, that contains the same provisions that I offered in a motion to instruct that passed the House just 2 days ago. I will reluctantly vote "aye" to pass this bill on to the President for his signature.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, first I want to thank my friend and ranking member for the work that he did in bringing this bill before us today. I also want to thank him on all of the good things that he said about this bill. It sounds like we almost got him.

We did have a conference, and when you have a conference, you have to make compromises. This is probably not a perfect bill, but as Dr. EHLERS said earlier, he has never seen that perfect bill. But I will remind everyone that every Senator, Democrat and Republican, signed the conference report, and it was bipartisanly signed in the House.

Mr. Speaker, I yield 3½ minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise in support of the conference report on H.R. 2272, the 21st Century Competitiveness Act of 2007. I was pleased to have served on the conference committee that produced this conference report, and it is the result of a 6 months or more longer process that began on the House side with a series of bills in the Science and Technology Committee.

I especially want to recognize the leadership of Chairman GORDON and Ranking Member HALL, and on the subcommittee which I chair, Dr. GINGREY, for their leadership and cooperation in producing this bill, and also the very hardworking staff who helped produce this bill. I frequently said that you don't have to be a rocket scientist to be on the Science Committee, but you need to be a rocket scientist to be on the Science Committee staff.

These many bills were ultimately packaged into H.R. 2272, which reflect a bipartisan consensus in the House on the immediate actions and funding we need to keep American innovation strong.

The conference agreement before us today preserves the key provisions of H.R. 2272 and lays the foundation for benefits that will be reaped by our children: good jobs, strong economic competitiveness, and a better quality of life.

I want to talk specifically about title III of the conference agreement, which reauthorizes the activities of the National Institute of Standards and Technology, or NIST. NIST's mission is to promote innovation and industrial competitiveness by advancing measurement science, standards and technology. The new technologies that are producing global winners in the 21st century, including nanotechnology, advanced manufacturing and information systems, rely on tools developed by NIST to measure, evaluate and standardize. These tools are enabling U.S. companies to innovate and remain competitive, which is why NIST's mission has never been more urgent than it is today.

This conference agreement puts NIST's budget on a 10-year path to doubling as an investment in the future of American innovation. It substantially increases the NIST lab budget to enable it to expand its work in new technical areas, and it funds the completion of current laboratory construction projects in both Boulder and Gaithersburg.

Title III also places the Manufacturing Extension Partnership, MEP, on a 10-year path to doubling. The MEP is a proven and highly successful public-private partnership that provides technical assistance to small and medium-sized manufacturers to improve their productivity and competitiveness. A fully funded MEP will go far to reinvigorate our manufacturing sector, which has lost almost 3 million jobs since 2001.

Title III also responds to changes in global competition by establishing the new Technology Innovation Program, TIP, to replace the old Advanced Technology Program. TIP will help small, high-tech firms with big ideas cross the technologic valley of death by providing them with limited cost-shared funding to develop technologies that address critical national needs either alone or in joint ventures.

If you support American jobs, maintaining our economic competitiveness and a high standard of living, you should support the conference report on H.R. 2272.

Mr. HALL of Texas. Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a conferee.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to this conference report. While I applaud the overall goal of this legislation to ensure that America remains competitive in a global economy, particularly in the areas of math and science, research and education, several provisions included in the report remain of concern to me and should be of concern to the entire House.

The conference report authorizes $43.3 billion over 3 years. I appreciate that the conferees were willing to compromise by bringing the overall funding closer to the House version, but this agreement remains $20 billion above the House-passed level.

Members of this Chamber spoke in favor of the lower level of $24 billion when the House overwhelmingly passed the motion to instruct earlier this week. How soon we forget.

It is not fiscally responsible to pass a conference report that nearly doubles the House-passed authorization. We need to foster American science and mathematics innovation, but we shouldn't be breaking the bank to do so. I am afraid this bill will be another example of congressional over-promising and heightening expectations because the appropriators will never come close to funding these amounts.

Roughly half of the spending authorization included in the 21st Century Competitiveness Act conference report is designated for the National Science Foundation.

☐ 1645

When I was chairman of this committee, I fought to increase funding for the NSF because I recognized that this agency is the foundation for new advances in medicine and technology. When the House passed H.R. 2272, we included language to double the NSF's budget over a 10-year period, a goal I support, thereby meeting the President's American Competitiveness Initiative's goal.

But the conference report goes well above and beyond this initiative, adding billions of dollars to the bill's final price tag. Finding ways to save is never a fun task, but given that our Federal deficit is expanding by the minute, increasing the NSF budget well above double over 10 years is not in our Nation's best financial interests.

If the economy is wrecked due to deficit spending and inability to manage the national debt, all of the good things that the sponsors of this legislation hope will come about will end up being ruined because the economy is not able to sustain what we propose here.

I'm also disappointed to see that the grants promoting coal-to-liquids technology and advanced nuclear reprocessing research were not included in the conference report. Language passed by the House would have given priority to grants to expand domestic energy production through coal-to-liquids and nuclear reprocessing research. With energy prices in constant flux, now more than ever we must find ways to reduce our dependence on foreign energy and encourage energy production here at home, also a keystone to continued economic prosperity.

A comprehensive, balanced energy policy is necessary to improve and sustain America's energy infrastructure.

It's regrettable that the conference report does not reflect this objective.

For these reasons, I am opposed to this report. I will support the motion to recommit offered by the gentleman from Illinois (Mr. SHIMKUS).

Mr. GORDON of Tennessee. Mr. Speaker, I certainly understand my friend from Wisconsin's concerns. In the House, we did pass a 10-year doubling of the National Science Foundation. In the Senate, they passed an authorization for 5 years. Seven was a compromise, I think a reasonable compromise, and I remind everyone that we're in a pay-as-you-go budget, and the appropriators know they have to pay for what they appropriate. So I think that was a good and fair compromise.

Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY), a very valued member of the Science Committee.

Ms. HOOLEY. Mr. Speaker, I thank Chairman GORDON for giving me a chance to speak on this important legislation. I applaud your leadership and that of your subcommittee Chairs on these issues and for the expediency by which this conference report was put together.

America's greatest resource for innovation resides within our classrooms in Oregon and across this country. We must give our students more opportunities to be highly trained in math and science and technology so they can turn ideas into innovation.

Too many of our family wage jobs go overseas and too many of our children are falling behind their international counterparts in math and science achievement. With this legislation, we've taken bold steps to increase America's global competitiveness and to ensure that we have a robust, world-class science and technology workforce here in America.

The key to the United States maintaining its position at the forefront of global innovation and technology is to get more students interested in the science and math fields. This legislation does just that.

I urge the passage of this conference report.

Mr. HALL of Texas. Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the ranking member for yielding.

We've heard a lot of discussion, pro and con, on this bill. It is a good bill. Now, it spends more money than I would like. It actually lists more money than we will ever spend. This is an authorization bill; it is not an appropriations bill. And I know from 14 years of trying to get the appropriators to spend more money on science research that they will not appropriate anywhere near the money that we are authorizing in this bill. So, please don't think because it's a bigger bill than we expected that it's actually going to result in those expenditures.

Let me also comment about the investment aspect. I get tired of the word "investment" here. Everyone says we're going to invest money in this, we're going to invest in that, when actually we are just spending money. But this is a bill where we're clearly investing money, and there is a return on the investment in this money, because we are investing in research with a return on it.

When I first came to the Congress I was commissioned by Chairman SENSENBRENNER and by Speaker Gingrich to write a report on where we should be going in science in this country. I did so and I examined this investment issue. I tried to pin it down.

There are lots of expert estimates on the return on investment on scientific research. The lowest figure I found was 25 percent annual return. The biggest number I found was 4,000 percent annual return. Take your pick between, but it's better than any other investment you can do. There is substantial return on science investment.

Let me give you one example. Years ago, when I was a graduate student, a friend of mine, Charles Townes, now a Nobel Prize winner, developed a laser. We all knew the principles of it. We knew he would likely succeed at some point. He operated with government funding, through a research contract. I don't know the exact amount, but I doubt if it was a great deal more than $10 million in the dollars of that day. He did develop the laser.

Today, the laser has created a multi-, multi-, multibillion dollar industry. The clothes you are wearing were cut out with lasers. Many of you have had laser surgery in hospitals or in doctors' offices. Every pipeline laid in this country is laid with directional laser beams. Every ceiling hung in this country and throughout the world is hung with the use of lasers.

The first laser I had cost about $1,000. I used it for research in the lab. Today, for $15.00 I can buy an equivalent laser in the gift shop in the Longworth building to use as a pointer. All of that, this multibillions of dollars simply from a $10 million Federal grant. That is the type of return we're talking about here.

This bill is a blueprint for the direction we want to go. We will by no means do all the projects in here. We will by no means invest all the money that is authorized here. Science is a progressive field. We will do the research. We'll find what pays off, and what doesn't pay off. This progressive process of science will allow us to efficiently allocate our resources as we determine the results.

Now, there are some things in this bill I don't think are that good. ARPA-E receives a lot of mention. I don't know if it will work. It worked fantastically in the Defense Department when we did it there. Will it work here? We don't know. We'll find out. If not, we kill the project.

We spent a lot of money here in the first years the Republicans took over this majority in doubling the investment in the National Institutes of Health. The amount of money we put into the National Institutes of Health alone during that period is greater than the total sum of money authorized in this bill. We put it in. It has paid off. Better health products, better analytical techniques to determine illness, to find cures. Very rarely, if you do the science carefully and it's peer-reviewed, very rarely do you find out that it is a bad investment.

Another aspect, we are losing out to other nations in international competition. We are losing out in science and math education. We're losing out in innovation. We're losing out, obviously, in manufacturing because of outsourcing.

If you look at the proof of that, simply examine the scores of our students in 12th grade classes in math and science in international tests across the entire world. Where do we come out? You've heard Chairman GORDON mention some of that a little while ago, but we are not proud of the results.

In physics, we are last of the developed countries in our student scores in 12th grade physics. We are second from the last to all developed nations in the scores for mathematics in 12th grade. We are about fifth from the bottom in general science, just a composite of science subject. In the PITA studies which were completed recently in mathematics comparing students in developed nations, the United States was last out of 21 nations.

We cannot compete in this world if we don't improve. We have to teach our students better. We have to train our teachers better. We have to train the teachers coming out of college so that they can teach in the high schools. We have to train the teachers who are already teaching, who from my experience I know want to teach better, but they have never been properly taught science and math or how to teach it. That again is part of this bill.

America is based on competition. We are a competitive Nation. We survive on competition. We thrive on it. Give us a chance. Give our kids a chance by properly training them to be able to do the scientific research and the technical work that this world needs.

We have to conquer this manufacturing problem we have now. We talk about jobs going overseas because there are cheaper wages. I have talked to manufacturers. I have a manufacturing district. That's not it. They're going overseas to get the talent, not to get the cheap salaries.

With our cutback on H-1B visas, many of my manufacturers are being forced to go abroad to get the work done. I don't like it. They don't like it. And if we do the job right, we will once again bring those jobs back to this country.

Finally, I just want to mention the huge number of endorsements this bill has received. The Chamber of Commerce has endorsed it and is scoring it. The National Association of Manufacturers has endorsed and is scoring it. And I've a list here and Chairman GORDON has also handed out a list of some 30 different scientific organizations supporting this bill.

This is not a fly-by-night bill. It may be more expensive than we want, but we won't spend all the money, I can guarantee that, because the research will be thriftily done and through a progressive scientific method of handing the money out and doing the research step by step.

This conference report represents the culmination of years of work by many people. Expert reports from the National Academies, Business Roundtable, National Association of Manufacturers and Business Higher Education Forum—just to name a few—kept telling Congress that the federal government must increase its investment in basic research and in science and math education, and must ensure that the funds it invests are spent on programs that will keep the U.S. competitive in the global economy. These reports had an enormous impact on the White House's thinking about competitiveness, and resulted in the President's introduction of the "American Competitiveness Initiative." Congress has responded to the recommendations about precisely what steps the government should take in the 21st Century Competitiveness Act of 2007 before us.

Beginning in 2006, the President's American Competitiveness Initiative (ACI), launched a three-pronged approach to competitiveness by strengthening research at the National Science Foundation, the Office of Science at the Department of Energy, and the laboratories and construction of the National Institute of Standards and Technology (NIST). This bill fully supports the ACI-requested improvements as well as strengthens programs focused on teacher training and education in science, technology, engineering and math.

The 21st Century Competitiveness Act of 2007 also includes some new ideas, such as the establishment of a DARPA-like agency at the Department of Energy. While I have been skeptical of this idea, it did originate with the experts at the National Academies, and, if it is able to achieve its goals of overcoming some of the great technology hurdles needed to solve our energy problems, it would be revolutionary. The conference committee recommended $300 million to get this idea off the ground, a much lower amount than was originally proposed.

Last but not least, the bill also addresses the long-term problems facing our nation's manufacturers by broadening and strengthening manufacturing extension services and reviving manufacturing innovation through collaborative research and development. Although manufacturing has experienced tremendous technological gains over the last few years, international competition has exacted a toll on our nation's manufacturers. There is no evidence that these pressures are likely to go away, but this bill takes steps to help our manufacturing workforce grow and innovate.

It is clear that our nation is at a crossroads. The U.S. will either invest in innovation or witness the gradual erosion of our economic position and, quite possibly, the quality of life to which Americans have become accustomed. I recognize that many of my colleagues are concerned that this bill spends more than $40 billion dollars over the next three years. If there is ever an investment that will guarantee an economic return, this is it. To quote from the executive summary of the National Academy of Science (NAS) report, Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future:

> Having reviewed trends in the United States and abroad, the committee is deeply concerned that the scientific and technical building blocks of our economic leadership are eroding at a time when many other nations are gathering strength . . . [W]e are worried about the future prosperity of the United States . . . We fear the abruptness with which a lead in science and technology can be lost—and the difficulty of recovering a lead once lost.

Science and technology are the fundamental movers of our economy, and if we want to remain globally competitive, this bill is the sure fire way to guarantee results. The dividends paid by training scientists, engineers, and teachers will multiply throughout all sectors of our economy.

I want to thank Chairman GORDON and Ranking Member HALL for working on all of the bills that have become a part of the 21st Century Competitiveness Act. I hope my colleagues will support this investment in our nation's future.

Mr. GORDON of Tennessee. Mr. Speaker, I want to concur with the eloquent remarks of Mr. EHLERS. He's a great addition to our committee.

Mr. Speaker, would you report on the time remaining?

The SPEAKER pro tempore. The gentleman from Tennessee has 16 minutes remaining. The gentleman from Texas has 15 minutes remaining.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 2 minutes to the vice chairman of the Science Committee, Mr. LIPINSKI.

Mr. LIPINSKI. Mr. Speaker, I'd first like to thank Chairman GORDON for all his work on this bill and also Ranking Member HALL.

As vice chairman of the Science and Technology Committee, as an engineer, as a former professor, and just as an American who's concerned about our future, I stand today in strong support of H.R. 2272.

Today, America faces an enormous challenge. Two years ago, the National Academies warned us of a gathering storm that threatened our Nation in the 21st century. Their report told us that without immediate action the U.S. could lose its competitive technological edge in the world, meaning a dimmed future for our Nation. This bill will give us the jolt that we need to keep America in the lead, increasing our support for American researchers, scientists, engineers, educators and, most importantly, students, all of whom will turn their ideas into innovative new technologies which will advance our economy and ensure a brighter future for our Nation.

Dr. EHLERS very eloquently talked about how important investment is and what a great investment this bill is. As a former educator and researcher, I understand the immense value of investing in our future but especially in our children's education.

This bill provides $150 million for K-12 science, technology, engineering and math education, ensuring that American children won't be left behind as the world moves forward with new technology. These critical investments will create and equip thousands of new teachers and give current teachers the skills they need in order to be effective teachers of science and math.

The Competitiveness Act also creates an Advanced Research Projects Agency for Energy, which will invest in high-risk, high-reward R&D to help us overcome the technological barriers in the development of new energy technologies. These revolutionary new technologies will play a major role in securing our national energy security and protecting our environment.

And, finally, increasing NSF funding is a great advance and investment, and I urge my colleagues to support this conference report.

□ 1700

Mr. HALL of Texas. Mr. Speaker, I yield 4 minutes to Dr. GINGREY, the gentleman from Georgia and a conferee.

Mr. GINGREY. I thank the gentleman from Texas for yielding.

Mr. Speaker, I was on the floor earlier today railing against the rule on this conference report, and I voted against the rule. The reason I did that is because I thought the rule and the bill, in fact, were rushed to the floor and didn't follow regular order. I thought it was appropriate that I voted against the rule.

But I am here today to tell you that I am going to vote for this conference report.

As a member of the Science Committee, and as a conferee, I am very proud of the work that has come through the Science Committee. I commend Chairman GORDON. I have been enjoyed being on the Science Committee. This is my second term serving on the Science Committee, first with Chairman Boehlert and now with BART GORDON and serving with DAVID WU on the Technology and Innovation Subcommittee. I think we do great work on the Science Committee.

Now, I typically associate myself with the more conservative, fiscally conservative members of the Republican conference. I know that some of my colleagues are going to vote against this conference report because they are concerned with the level of authorized spending, and they are maybe going to be a little surprised that I am voting in favor of it.

My good friend back in Georgia, Joe McCutchen from Ellijay, Joe from Ellijay, I bet you Joe is watching right now cringing that I am going to vote for this bill that increases spending. It does authorize more spending than I am comfortable with, but I am very, very hopeful that when we get to the point of appropriating, I will be standing here asking, probably, for 1 or 2 percent cut in the amount of money that's appropriated, as I have done on most every spending bill that has been brought before the 110th Congress.

But I think this is one of those situations where it's better that we spend a little too much than not quite enough, because we are at war in this country on an economic level. We are in an economic war.

We are also in a shooting war, and we all know that. Every Member on both sides of aisle is committed to funding and supporting our troops, give them the equipment and what they need to win.

Well, this is the same situation, the analogy is we need to give our soldiers, in this economic war, the equipment that they need to win. These soldiers are our students, particularly at the K–12 level. That's why it is important that we support this conference report.

I hope my colleagues on this side of the aisle will understand that. I hope that I will not lose my brand as being a strong fiscal conservative.

Now, it was mentioned earlier that there are some score cards going around, and I will do pretty well on some of them, and I will do rather poorly on others. But we can't always worry about score cards. Like I say, in this situation, you got both sides kind of tugging at you one way or another. You have to, in the final analysis, do the right thing.

We have members on this committee, on both sides of the aisle, I think there are five Ph.D.s, Dr. BAIRD, Dr. EHLERS, Dr. BARTLETT, Dr. MCNERNEY, Professor LIPINSKI, Dr. GINGREY. I am not a Ph.D. I am as much a doctor of art as I am a scientist. This is some serious business, as has already been stated. It's important for us to understand that.

We can remain to our fiscal conservative principles, but in a situation like this, let's give our kids a chance to compete so we can win this global war, this economic war we are in. I am going to support this conference report. I encourage all my colleagues to do the same.

Mr. GORDON of Tennessee. I thank my friend from Georgia, Dr. GINGREY, for not only his support for this bill but his very active, passionate work on the Science Committee. He is a valued member.

Also let me point out that I think the endorsements of this bill, by the National Chamber of Commerce, by the National Association of Manufacturers, by Business Roundtable indicate very well that this bill very much is in the economic scope.

Mr. Speaker, I yield 2 minutes to a valued member of the Science Committee, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Let me express my appreciation to Mr. GORDON and Mr. HALL, Dr. GINGREY, Dr. EHLERS and others who have been active on the other side and shown interest, not just recently, but over the years.

Mr. Speaker, my colleagues and I in the Science and Technology Committee have held numerous hearings and markups to prepare the legislation that is before us today in the form of a conference report. Today this bill authorizes $33 billion over fiscal years 2008–2010.

You know, I grew up with my father saying nothing is free, and you get what you pay for. If you invest, you will get a return, and that's just where we are. We are in need of stimulating our teachers and our students to specialize in these areas so that we can be competitive in the world.

We have allowed ourselves to get behind, we are investing less than almost any other developed country, and we must step up to the plate now, the time has come. It will help to prepare thousands of new teachers and provide teachers with better materials and skills through our expanded Noyce Teacher Scholarship Program and through the Math and Science Partnerships Program.

In my district are the number one and number two public schools in the Nation, as Newsweek says. Texas Instruments has invested numerous dollars, thousands, in that school, and it is very good. We put out some of the best students in the Nation from our schools, but it only has about 20 to 25 percent of the students that need all of this. It is needed across the Nation. We are not going to get it until we provide for it. We will not get competitive until we do this.

So I would say please support the conference committee for H.R. 2272. It only provides what we need, and we cannot get it for free.

I know that we have spent a lot of money on this war, a lot more than they are asking for in here; but we have got to take care of this Nation.

Mr. HALL of Texas. Mr. Speaker, may I ask how much time we have left.

The SPEAKER pro tempore. The gentleman from Texas has 11 minutes.

Mr. HALL of Texas. Mr. Speaker, I recognize the gentleman from Illinois (Mr. SHIMKUS) for 3 minutes.

Mr. SHIMKUS. Mr. Speaker, upon conclusion of this debate, I will be offering the motion to recommit.

The motion to recommit will require the House conferees to adopt the House position, which was supported in a motion to instruct conferees on this floor only 2 days ago by a vote of 258–167, 69 of them being Democrats, including nine Science Committee Democrats.

For fiscal conservatives, this would require the conferees to insist on the overall House authorization level, which is $20 billion less. For the second part of this motion, it would require the House conferees to again support the previously adopted House position with regard to giving priority grants to expand domestic energy production through the use of coal-to-liquid technology and advanced nuclear reprocessing.

Again, this was the exact motion to recommit of 2 days ago.

I have heard the debate of my friends: if we want to have a blueprint to where we want to go, we want to go for energy security. We are going to take up a bill on the House floor in a day or two that has no energy production. So how are we going to go advance science research, the next generation, if we don't have priority grants in nuclear reprocessing and coal-to-liquid technology?

We heard the debate. We know that people want to go to coal-to-liquid technologies, but we don't know if it's going to work. We don't know if we can sequester. We don't know if we can refine it less than the barrel of crude oil. That's what this energy is for. Energy security.

Let's get our best minds on this, but the conference report pulled it out. That's why I will offer the motion to recommit.

Two things on coal-to-liquid, I could talk about nuclear reprocessing all day. It should be in this bill. But I want to focus on coal-to-liquid technology, economic security, national security.

Look what coal-to-liquid does, are 80,000 barrels, 1,000 new jobs, 2,500 to 5,000 construction jobs, 15 million tons of coal per year, up to 500 coal mining jobs in one coal-to-liquid refinery.

Talk about national security? Here's national security for you. Are you tired of our reliance on imported crude oil from the Middle East? If you are tired of it, then you go to coal-to-liquid technologies. You take our coal that's under our ground. You move it up to a refinery that's not on the gulf coast, that's in the Midwest, or wherever there are coal fields in this country, you refine it, you put it in our pipelines, and as this shows, you know where it goes? To our jet fighter planes, to our jet cargo planes.

The Department of Defense is crying for us to provide jet fuel for them through this technology. But, no, we can't do it.

Here you got a science bill, you want to give grants to help us move in the next generation, you pull out nuclear reprocessing, and you pull out coal-to-liquid technology. You are going to bring to the bill an energy bill with no energy. That's why I am moving this motion to recommit.

Mr. GORDON of Tennessee. Mr. Speaker, I will remind my friend from Illinois that there is nothing, nothing in this bill that says that the Department of Energy, the Office of Science, or RPE cannot do research on coal-to-liquid. Nothing in this bill stops that.

Mr. Speaker, I yield 2 minutes to the chairman of the Subcommittee on Energy and Science, Mr. LAMPSON from Texas.

Mr. LAMPSON. Thank you, Chairman GORDON, for your time and also for your great leadership on the Science Committee. All of us on the committee are doing great work.

Mr. Speaker, I am honored to support the America COMPETES Act and to be a conferee on this important legislation. We are now showing that we are dedicated to investing in America's future.

More specifically, we are investing in students and teachers and businesses and hardworking Americans to keep our great Nation the leader in the sciences. This bill, the product of hard work and bipartisan efforts, is inspired, some might say, by the National Academies' report, "Rising Above the Gathering Storm," which raised the alarm that America could lose its competitive edge in sciences and academics unless we, the Congress, acted quickly.

Well, we have acted, and this package of key bills addresses numerous areas, including stronger support for National Science Foundation and the National Institute for Standards and Technology, funding for more teachers in undergraduate education in science and engineering. Academics, industry and our economy all depend on strong Federal support.

By authorizing billions for our research and education programs, technology, career and academic development programs, we ensure that America sets the gold standard in these various fields.

I, of course, know the importance of this funding firsthand, having been a former teacher. My colleagues know how much of an advocate I am for NASA with the Johnson Space Center being in my district.

I am proud to represent many of the Nation's best and brightest minds who continue to turn our dreams of further scientific knowledge and technological advancement into reality.

It's not just talking about space travel. The energy industry plays a significant presence in my district, and the future of alternative fuels and higher fuel efficiency and stronger and more reliable infrastructure depends on training the energy experts of tomorrow.

Well, the Texas Medical Center, also located in southeast Texas, is a leader in cutting-edge health care and technology and needs future health care providers who have a strong science background. Therefore, I know that the America COMPETES Act, by supporting both academics and science, will be a boon to southeast Texas for our Nation.

□ 1715

Mr. HALL of Texas. Mr. Speaker, I recognize the minority leader, Mr. BOEHNER, for 1 minute.

Mr. BOEHNER. Let me thank my colleague from Texas for yielding, and say to my colleagues, the issue of competitiveness is an important issue in America. We are competing with countries all over the world and, as a result, real competition brings out the best in all of us.

When I look at the bill that we have before us, it really shows me everything that is wrong with Washington. This bill left the House with a $23 billion authorization. It comes back with a $43 billion authorization, creating 40 new programs.

Now, these are well-intentioned programs. I am sure there are some very good things in this bill. But when you begin to think about 40 new programs that are being authorized, there is no spending available for these. We authorize all kinds of bills, but then we have to go find the money to pay for them.

We know what the appropriations process is like, and I will just point out one tiny example. There are 208 math and science programs that are operated by 13 Federal agencies: 208 math and science programs, 13 different agencies. And guess what we do in this bill. We create five or six new ones.

Now, I have been trying to get my arms around this for about the last 5 years. Why can't we find a way to take these programs and the money that we are spending on them and try to do some coordinated approach that really will produce more math and science majors? That is not what we do. We just keep adding new programs. It happened last year. It is going to happen again this year.

It just reminds me of the old adage: If you throw enough mud against the wall, some of it is sure to stick. In Washington, that adage has been turned around: If you throw enough money at the wall, some of it is bound to stick. But at the end of the day I don't think that is what the American taxpayers want us to do. I think they want us to do things that pass the straight-face test. And adding five more or six more math and science programs to the 208 that we have makes no sense to me at this time.

If we are serious about competitiveness and serious about allowing our manufacturers and our companies, our software companies and others in our country to be able to compete, let's look at the regulatory burden that we put on our companies that doesn't exist around the world. We regulate things until it can't hardly breathe, and we wonder why our companies can't compete as well around the world.

Why don't we talk about extending and making permanent the tax cuts, giving companies in America certainty about the reasons to invest in the American economy, reasons to invest in their own future? And if we were to make those tax cuts permanent, people would have some feeling and some certainty about what the tax regime is going to be in our country so that we can in fact allow them to put greater investment here.

What about tort reform? Nowhere in the world do our companies get beat up by the courts and the trial lawyers and no place any more than here in America. If we want to be able to compete around the world, if we want to bring the cost of doing business down, why don't we do something about tort reform?

Let's talk about expanding free trade and markets around the world. We have got three or four trade bills that are laying around here languishing for countries in Central and South America. Again, we want to be competitive, but why don't we help work with countries around the world to reduce those barriers so that we have more markets for our companies to go out and compete in?

And, at the end of the day, if we are serious about being able to compete in a worldwide market, we have got to do something about educating our children. I think most of us that are here today know that we educate about half of America's kids. Maybe a little more than half get a high school diploma. Some of them can't read it. But the fact is that we have never been serious in this country about providing all of America's children a chance for a decent education.

And that doesn't mean that Washington has to drive all of it. But we as a country, as a Nation, need to get serious about finding ways to give every person in this country a chance at a good education. Because if we educate more of America's kids, we will have more math teachers, we will have more scientists, we will have more engineers, we will have more teachers. But we can't do that if we don't get serious about improving our schools and making sure that all kids have a chance.

This bill creates a lot of Washington bureaucracies and a lot of Washington bureaucrats, and the only thing competitive about this bill will be the competition for office space created by all the new bureaucrats that will be employed as a result of this bill.

I know there are some good things in this bill, and I know my colleagues worked hard at it. But at the end of the day, this looks too much to me like Washington as usual and, as a result, I am unable to support this bill.

Mr. GORDON of Tennessee. Mr. Speaker, I know the minority leader is very sincere about his concerns here. I wish I had the time to address them one by one.

Let me just quickly remind everyone that we look at this bill, the American Chamber of Commerce thinks it is a good investment, the National Association of Manufacturers thinks it is a good investment, the Business Roundtable thinks it is a good business. Virtually every business major in America thinks this is a good investment. All the universities and research agencies thinks it is a good investment. But there can be sincere differences of opinion.

Mr. Speaker, could you report to me the time I have left?

The SPEAKER pro tempore. The gentleman has 8½ minutes remaining.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 1¾ minutes of those to my friend and colleague from the Energy and Commerce Committee, Ms. ESHOO.

Ms. ESHOO. Mr. Speaker, I thank the distinguished Member, the chairman of the House Science and Space Committee.

Mr. Speaker, Americans of my generation and my parents' generation as well have always accepted it as an article of faith that the United States of America would lead the world in innovation, in ingenuity, and in invention. And, no matter what the challenge would be, that we as a Nation would rise to that test, we would meet the competition, and we would come out on top.

It was true in the 1930s, when President Roosevelt responded to the concerns of scientists in our country about the Nazi government and what they might develop with the Manhattan Project. It was true in 1961, when America awoke to the fact that a Soviet cosmonaut had been launched into space, and President Kennedy responded by saying as a Nation we have to commit ourselves to achieving the goal that, before the decade was out, that we would land a man on the moon and return him safely to Earth. And we did when Neil Armstrong landed on the moon in 1969 and took a giant leap for mankind.

We know that there is a gathering storm when it comes to innovation and competition for our country, and that is what this legislation directs itself to.

We have to perform. We have to produce more scientists, more mathematicians, educate our children, invest in science, and research. That is what this bill is about.

I have an optimistic view of America. I don't share the somewhat depressed view that the distinguished minority leader offered. We can, we have in the past, we will in the future. This legislation today helps to lay the groundwork for our sure economic footing so that the 21st century is an American century.

Mr. HALL of Texas. Mr. Speaker, I recognize the gentleman from Texas (Mr. HENSARLING) for 2 minutes.

Mr. HENSARLING. I thank the gentleman for yielding, and I thank him for his leadership. I know of no other Member who is kinder or wiser than the gentleman from Texas (Mr. HALL), and I appreciate that.

I also appreciate the earlier comments of the gentleman from Georgia who sits beside me. I want to assure, Mr. Speaker, all the people of Georgia that he is one of the great leaders of fiscal conservativism in this body, and his fellow fiscal conservatives understand if he is wrong once a year.

I somewhat reluctantly rise in opposition to this conference report. The goals contained within this conference report are very lofty goals. I know that many good things could be done with this money and that there are many good programs contained within it. But I have to ask a most inconvenient question, which I frequently find myself asking on this House floor: How are you going to pay for it?

Mr. Speaker, we continue to run deficit, which means now, by definition, when you are running a deficit, the first money is coming from raiding the Social Security Trust Fund. Is this program worth that?

I have Members coming to the floor to decry, well, we are borrowing money from China. Well, if you are floating T-bills and they are buying that debt, yes, then you are borrowing money from China. Is this worth borrowing money from China?

We know within the budget resolution passed by the Democrat majority, it contains the single largest tax increase in American history, which, over the course of 5 years, can amount to a $3,000 per American family tax burden. Is that where we are going to take the money from?

Mr. Speaker, there are already 10,000 Federal programs spread across 600 agencies; and since I have been here for almost 5 years, we are adding them at an alarming rate, and I see very few go away. How are we going to pay for it?

We are on the road right now to leave the next generation with a lower standard of living if we don't correct our spending ways. Let's get rid of some of the old programs before we add some new programs, no matter how worthy they may be.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 1 minute to my friend from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of the conference report for the America COMPETES Act. I am pleased that the new Democratic majority in Congress is providing this new direction for our country.

As an active member of the New Democratic Coalition, I support this bill that will help ensure our Nation's global economic competitiveness through investment in math, science, engineering, and technological education and a renewed commitment to basic research.

As a former member of the House Committee on Science, I have worked for years working with the committee to get here. I want to thank them for this piece of legislation. I want to congratulate Chairman BART GORDON and Ranking Member RALPH HALL and the staff of the Science Committee for their hard work in producing this outstanding product.

As a former State school chief now serving in Congress, I am pleased that this bill will invest in 25,000 new teachers through professional development, Summer Institute training, graduate education assistance, and NSF scholarships. The bill also broadens the participation of minorities and women in science and engineering fields at all levels from kindergarten to advanced researchers. I urge my colleagues to support this legislation.

Mr. Speaker, I rise in strong support of the conference report on H.R. 2272, the America COMPETES Act.

I am pleased that the new Democratic Majority in Congress is providing a new direction for our country. As an active Member of the New Democrats' Coalition, I support this bill that will help ensure our nation's global economic competitiveness through investment in math, science, engineering, and technology education and a renewed commitment to basic research.

As a former Member of the House Committee on Science, I have worked for many years to pass legislation to encourage innovators and develop the most valuable workforce in the world. I want to congratulate Chairman BART GORDON and Ranking Member RALPH HALL and the staff of the Science Committee for their hard work in producing this outstanding product.

As the only former state schools chief serving in Congress, I am pleased that this bill will invest in 25,000 new teachers through professional development, summer training institutes, graduate education assistance, and NSF scholarships. The bill also broadens the participation of minorities and women in science and engineering fields at all levels from kindergarten students to advanced researchers.

Mr. Speaker, I congratulate the authors of this legislation for their success on this fine product, and I urge my colleagues to join me in voting to pass it.

Mr. HALL of Texas. I yield ZACH WAMP, the gentleman from Tennessee, 2 minutes.

Mr. WAMP. Mr. Speaker, I rise in support of the conference report, and I thank the leadership from Tennessee for the role they played in formulating this bill. The chairman of the Science Committee, Mr. GORDON, and Senator LAMAR ALEXANDER listened.

If being fiscally conservative means turning a deaf ear to the leaders of our extraordinary free enterprise system, like the Augustine participants who recommended these solutions, then we are being penny wise and pound foolish as fiscal conservatives. If we do not invest, you will not balance the budget again.

I was here in 1995 when the budget wasn't balanced, and then it became balanced. Not by cutting spending but by rightly slowing the growth of spending and restraining government spending. But we balanced the budget with a dynamic growth economy.

The chairman of the Science Committee pointed out that the Internet itself came out of a DARPA investment through programs like this, and it was telecommunications that gave the United States this dynamic global economy where revenues soared. If we want to lead the world in energy technologies, you had better invest now.

This is not a social program transferring wealth from one to the other. This is an investment in the next generation. This reaps the highest return of investments we make in the Federal Government, and this is an authorization. I am an appropriator. We might not be able to appropriate all this money, but the authorization allows us to try every year as the priorities come to the committee.

What is important? Is it important to invest in the next generation? You bet it is. Are we falling behind? You bet we are. Are we going to do something about it? We had better. And you can't vote "no" all the time. All year, I have come down here at the committee and on the floor and voted to restrain spending or even cut spending. Not now. Not on this. It is too important. This is a generational legacy.

I am proud of what we are doing in our national laboratories, and we need to stoke that fire and allow this country to be all that it can be.

Vote "yes" on this conference report in a bipartisan way and say to the next generation we are going to lead the world.

Mr. GORDON of Tennessee. I say to my friend from Tennessee, "Well said."

And now I am pleased to yield 30 seconds to the great Speaker of the House of Representatives (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding.

What an exciting day for the Congress. Some of you are too young to know this, but you have read about it in the history books. Mr. HALL and I remember when President Kennedy came forward and said that he was going to inaugurate a program that would send a man to the moon and back, safely, within 10 years.

Now, for those of you who weren't born yet, you have read about it in history, you have to know that sending a man to the moon as an idea was such an impossibility. It would be almost like a magician cutting somebody in half and then putting them together again.

□ 1730

How could this possibly happen, that somebody would go into the sky, to the moon and come back?

At the time that he did that, it was a remarkable lift to the American people because it had followed upon Sputnik, as many of you know or have read in the history books and some of us remember. When he did that, President Kennedy made the following statement. He said, "The vows of this Nation can only be fulfilled if we are first, and therefore, we intend to be first. Our leadership in science and in industry, our hopes for peace and security, our obligations to ourselves as well as others all require us to make this effort," hearkening back to our Founders, those magnificent, courageous, optimistic, confident people, and President Kennedy referenced our vows to their great work.

This is our innovation agenda which is reflected in the legislation before us today. In answering President Kennedy's call, at that time, to put a man on the Moon, America unleashed unprecedented technological advances that built the world's most vibrant economy. The talent, intellect and entrepreneurial spirit of the American people that made this country the leader is being seriously challenged today by other countries. Americans must continue to innovate in order to create new, thriving industries that will produce millions of good jobs here at home and a better future for the next generation.

The distinguished chairman of the Science and Technology Committee and the distinguished ranking member, in bringing this bill to the floor today, are giving us our opportunity at our time to meet the challenge for the future. Today Congress has the opportunity to make a decision for the future.

Nearly 2 years ago, House Democrats created our innovation agenda in a very bipartisan way, which guarantees our national security and our economic prosperity, expands markets for American products, and asserts our leadership throughout the world in the decades to come. Already this year the New Direction Congress has led the way in promoting innovation and investments in education, science, research and development.

Today, with the COMPETES Act, we have bipartisan, bicameral legislation that implements much of the innovation agenda. Again, I want to recognize the extraordinary leadership of Chairman BART GORDON and the Science and Technology Committee and the ranking member for their leadership on this conference report. Chairman GORDON has energized this committee, ensuring that our Nation will continue to be the world leader in education, innovation and economic growth.

The COMPETES Act focuses on four key areas, as has been referenced: education, research and development, energy independence, and small business.

In education, the COMPETES Act recognized that America's greatest resources for innovation are in the classrooms across this country. This legislation invests in creating the most highly qualified teachers and training the next generations of scientists, mathematicians and engineers through public-private partnerships. This bill also takes steps to ensure that future innovators reflect the diversity of our country.

What I love about this bill and this legislation is that it's market-oriented, public-private entrepreneurial partnerships to keep us number one.

We know that innovation begins in the classroom and that scientific research provides the foundation for innovation and future technologies. The COMPETES Act makes a sustained commitment to research and development by putting us on a path to doubling funding for the National Science Foundation and the National Institutes of Standards and Technology and the Department of Energy's Office of Science.

I heard Congressman WAMP with great enthusiasm talk about the ARPA—Energy. I'm excited about it as well. To help achieve energy independence, the COMPETES Act focuses on energy research and innovation by creating a new Advanced Research Projects Agency for Energy, ARPA-E.

Mr. Chairman, I know your enthusiasm for that issue for a long time, and congratulations on bringing it to fulfillment here. This initiative will provide talent and resources for high-risk, high-reward energy research and technology development and attract investment for the next generation of revolutionary technologies.

And finally, the COMPETES Act recognizes that small businesses are often the catalyst for technological innovation and the backbone of the strong economy. It puts us on a path to doubling the funding for the Manufacturing Extension Partnership and creates a new initiative, the Technology Innovation Program, to support high-risk, high-reward, pre-competitive technology for small and medium-sized companies.

Because this bill is a decision in favor of future jobs and future economic strength, it's earned the endorsement of the Chamber of Commerce, many university presidents, ITI, TechNet, and the National Association of Manufacturers, among others.

I urge all of my colleagues on both sides of the aisle to support it. And before I close, I want to acknowledge the great leadership of Congresswoman ANNA ESHOO, Congresswoman ZOE LOFGREN and Congressman GEORGE MILLER, who is the Chair of our Policy Committee, for the work they did bringing people together, Democrats and Republicans, entrepreneurs, high tech, biotech, academics, people in the work force, students, venture capitalists, entrepreneurs, all to come to bear, all over the country. Meetings were held all over the country to put together the innovation agenda which is reflected in this legislation. Mr. BAIRD had an event in Washington State. As I look around, I could name so many Members who had events in their States. In doing so today, in passing this bill, we will assert our global economic leadership, create new business ventures and jobs, and give future generations the opportunity to achieve the American Dream.

I began my remarks, Mr. Speaker, by quoting President Kennedy, who was an inspiration to so many of us of a certain generation who are active in public service today.

He hearkened back to our Founders and our vows to our Nation, and I want to hearken back to that place too, because our Founders were among the earliest American entrepreneurs. They were magnificent disrupters. They thought new and fresh and different ways. They came together. Imagine the confidence. They came together, declared their independence from the greatest naval power in existence at the time, did so in a declaration that asserted the equality of all people, and then went forward to win the Revolutionary War, write a Constitution that made us the freest people in the world. Thank heavens they made it amendable so that we could even become freer. And when they did so, they designed the Great Seal of the United States. And on it, it's in your pocket. You're carrying it around if you don't know it. It's on the dollar bill. And on that great seal it says, "Novus Ordo Seclorum."

These people, with all that revolutionary spirit, with all that disruption of the status quo, had so much confidence in what they were doing, so much faith in themselves, faith in this country to be and faith in God that they said that what they were establishing was for the centuries, for the ages, "seclorum." Those of you who know Latin know that that means "forever." And it was that optimism, that confidence that built America. And it is in that spirit of disruption, of change, of doing something different, of having a big goal of aspiring to greatness, that we, as President Kennedy said, do honor the vows of our Nation. And this legislation is very much in their pioneer and entrepreneurial spirit.

I thank you again, Chairman GORDON, for your tremendous leadership.

Mr. HALL of Texas. Mr. Speaker, before I close, I want to thank the Speaker. I thank BART GORDON, the very capable Dr. BAIRD, who has given good advice and good leadership.

I want to especially, though, point out the work of a highly talented and dedicated staffer who will be leaving the committee next week to join the ranks in the Senate. Amy Carroll, we thank you for your hard work and dedication as a public servant for our Nation.

Also want to thank Dr. Lesslee Gilbert; our counsel, Margaret Caravelli; Attorney Katy Crooks; Mele Williams for her good work; Ed Feddeman; Elizabeth Stack, our energy advisor. And as has been pointed out by Dr. GINGREY and by Dr. EHLERS, this is an authorization, and this culminates a work of a program that started 3 years ago, and it's a good program.

I thank Representative HENSARLING for his warning and his admonition, his pointing out the cost, and of course, the minority leader's position. I respect that.

But I would say this, that we fought the soaring cost at every hedgerow. We fought the new agency created within DOD against their wishes as best we could. We took a position, as we all met together for the conference committee. And at the end of the day, I have to say that this is a good program for a deserving generation.

Mr. Speaker, I reserve the remainder of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 1 minute to a new but valued member of our committee, Mr. MCNERNEY from California.

Mr. MCNERNEY. Mr. Speaker, I want to thank the distinguished chairman for his diligent work in passing the conference report on the America COMPETES Act. This is an important day for the Congress, it's important for the educators, and it's important for the students across this great land.

When the National Academies report, "Rising Above the Gathering Storm," was presented to Congress, it painted a sobering picture of how dependent America's economy is on an educated public and how easily we could fall behind the rest of the world. Thankfully, the report also provides specific recommendations on how to increase educational achievement, which is the backbone of our economy.

As a mathematician and an engineer, I understand clearly the advantage of having a STEM education. This COMPETES Act will spur the creation of high-quality jobs and ensure that American companies won't have to look overseas for talented employees.

Again, I thank the chairman. I thank the ranking member.

Mr. HALL of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 3 minutes to one of our very able subcommittee chairmen, Mr. BAIRD.

Mr. BAIRD. Mr. Speaker, as Chair of the Subcommittee on Research and Education, as a scientist, as an educator, and perhaps most importantly of all, as a parent, I commend this legislation. I'm very proud to support it fervently.

I want to focus in particular on some of the sections of the bill that we authored along with my dear friend, Dr. EHLERS, on the Science Committee. I especially want to commend Ranking Member HALL and Mr. GORDON for his great leadership.

Title VII of this bill reauthorizes the National Science Foundation and is based on legislation authored by Mr. EHLERS and myself. This title includes some very exciting provisions. It helps ensure the strength and vitality of basic research at U.S. colleges. It strengthens and expands K–12 science, technology and math education. It provides additional support for new investigators to help keep the best and brightest in the STEM pipeline. It strengthens STEM programs for 2-year institutions. It focuses attention on interdisciplinary research, and to stretch our Federal dollars, it encourages university and industry partnerships to make every dollar go further. It expands the range of state-of-the-art research tools supported by the foundations. It requires NSF grantees to train their students in responsible and ethical conduct. It specifically recognizes the importance of social science to our Nation's security and competitiveness. And it acknowledges the increasing importance of service science to our Nation's competitiveness.

Finally, it includes needed improvements to planning and coordination for the major Federal interagency research program in information technology.

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I am grateful to all the committee members and to our staff: Chuck Atkins, Jim Wilson; Dahlia Sokolov; Alisa Ferguson; Lewis Finkel; Hilary Cain on my own staff; and soon to depart but with much gratitude, Marc Korman on my staff.

Mr. Speaker, our Nation was founded by scientists. We don't talk about that often enough. But Franklin, Jefferson, and Washington were passionate about science. They would be proud of what we are doing today.

In the Dome of this magnificent Capitol, if you look up and see the great picture of the Apotheosis of Washington, he is surrounded by images in many cases representing the science and engineering achievements of this great Nation.

For the sake of our future, for the sake of our children, for the sake of our economy and our security, pass this good bill.

I commend all those who participated in making it a success.

Mr. HALL of Texas. Mr. Speaker, I thank Chairman GORDON, Chairman BAIRD, and all of my staff.

Mr. Speaker, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, Mr. HALL earlier in the presentation said that he was going to have a motion to recommit on coal to liquid. Let me just remind all of my colleagues there is not one word, not one single word, in this bill that would stop any investment, any research in coal to liquid.

Finally, Mr. Speaker, I want to say thank you to the Democratic and Republican Members that attended all those meetings where we could develop this good bill. I want to say thank you to subcommittee Chairmen BAIRD, LAMPSON, UDALL, and WU; Ranking Members EHLERS, INGLIS, FEENEY, and GINGREY for their effort in putting this bill together.

Let me also say we have 70 Democratic and Republican staff members that have worked on this bill, and that is basically what we have been doing for the last few months. I would like to thank every one of them personally, but there is not going to be the time. So let me just say thanks to Chuck Atkins, our chief of Staff; Leslie Gilbert; and Mr. HALL's chief of staff for all the work they have put together. I hope that the staff's thank you is seeing this bill enacted, seeing the good work that is going to come from this, knowing that their kids and grandkids are going to live in a better America. I don't know a better thank you.

Mr. MANZULLO. Mr. Speaker I reluctantly rise today in opposition to the America COMPETES Act of 2007, H.R. 2272. I am a firm supporter of education and innovation in the fields of science, technology, engineering and math. Unfortunately, I cannot endorse a bill that creates 40 new programs and spends tens of billions of dollars.

I devote a great amount of my time working on manufacturing issues. The congressional district I represent has over 2,500 industries. Manufacturing has several components, one of which is getting workers with adequate skills to be machinists, plus having an adequate supply of engineers and others involved in that aspect of manufacturing. At present I am involved in trying to solve workforce problems, which in turn, in many cases, depend upon people who have a good understanding of science, tech, engineering and math. I am a member of the Council on Competitiveness, a co-chair of the Manufacturing Caucus, and Chairman of the Republican Policy Committee Task Force on Manufacturing. As previous Chairman of the House Committee on Small Business, I held countless hearings on competitiveness. I travel this country and overseas studying machine tools, manufacturing efficiencies, global supply chains, manufacturing financing, IP protection, export controls, etc. I've also lectured extensively on America's need to be globally competitive.

In a good faith effort by both parties to make America more competitive, I believe we may be sliding a slope very few realize even exists. For example, this bill forgives student loans for individuals who teach math and science. While this is a noble idea, this sets the precedent for other vocations to receive loan forgiveness. When will we draw the line? Will we forgive loans for firefighters, policemen, Federal Government employees, doctors, and lawyers? Who decides which profession deserves preferential treatment? Extending the years of loan payment or perhaps reducing interest rates on critical professions in underserved areas may be a consideration, but loan forgiveness can put us on the road to "free" federal education for everybody. The price tag is unimaginable.

Furthermore, today's bill is a composite of five different bills which have already passed the House. Attaching these bills together is not prudent legislation because it forces a Member of Congress to vote for or against the entire package even though he may have been in favor of a more modest approach. For example, I voted in favor of the authorizations for the National Science Foundation (H.R. 1867) and the National Institute for Standards and Technology (H.R. 1868)—two agencies whose missions are vital to America's competitiveness. In addition, a third bill, H.R. 1068, updating research goals of the National High-Performance Computing Program, is also worthy and actually passed on a voice vote. However, these three bills were combined with: H.R. 362, 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act and H.R. 363, Sowing the Seeds through Science and Engineering Research Act. These two latter bills forced me to reluctantly vote against the whole package—especially since this combined bill contains $20.3 billion more than the five original bills and creates forty new science, tech, engineering and math (STEM) programs. I find this to be particularly wasteful when considering the fact that scores of current programs have not been found to be effective as evidenced in three separate studies by the Government Accountability Office (GAO), the US Department of Education (DOE), and the Office of Management and Budget (OMB).

The GAO in October, 2005, issued a report stating that in fiscal year 2004 there were over 207 different science, technology, engineering, and mathematics (STEM) programs spending approximately $2.8 billion annually spread throughout 13 agencies. Only half of the programs have been internally evaluated, with the reporting agencies stating the programs were effective and met established goals of attracting more students to study STEM courses, but, GAO added, "some programs that have not been evaluated have operated for many years." These agencies made suggestions to GAO, but GAO concluded that before adopting any suggestions "it is important to know the extent to which existing STEM education programs are appropriately targeted" so as to make the best use of available federal resources. The purpose of GAO is to determine whether taxpayers' money is being spent wisely. GAO's language indicates there is no basis to make that conclusion because too many programs simply have never been evaluated for efficiency.

The second study—a Report of the Academic Competitiveness Council conducted by the U.S. Department of Education in May of 2007—showed 115 evaluations were submitted for 105 STEM programs and only ten evaluations were found to be "scientifically rigorous." The report went on to say that, "[b]ased on the 115 evaluations, the ACC's review that despite decades of significant federal investment in science and math education, there is a general dearth of evidence of effective practices and activities in STEM education (emphasis original)."

The third study was conducted by the OMB through a Program Assessment Rating Tool (PART) Analysis of 88 programs within the Department of Education and only four were proven to be effective. Among those programs whose results were not demonstrated was the Department of Education Mathematics and Science Partnership program. This program provides grants to state and local education agencies to improve student's academic achievement in math and sciences. The program was not found to be well managed, and it did not establish performance measures.

On the basis of the information provided by GAO, DOE, and OMB, I am surprised that we are considering the creation of 40 additional STEM programs. We should be evaluating and consolidating all existing STEM programs, and save money at the same time. Instead, the House of Representatives is adding more programs and spending tens of billions more.

While I continue to remain a firm supporter of U.S. industry and competitiveness, I believe that there are better ways to accomplish this than spending billions of dollars on new and unproven programs while hundreds of programs continue with little or no accountability. That is why I encourage my colleagues to vote for the Motion to Recommit, which still spends too much money, but as opposed to the combined bill reduces the overall spending of the combined bill by $20.3 billion.

Mr. WELDON of Florida. Mr. Speaker, I rise to express my concerns about the final conference report on H.R. 2272.

There are many good provision in the bill, and as a medical doctor, I share the goal of increasing participation in math and science education and in fostering research in these critical areas. In particular, I applaud funding for the National Science Foundation.

However, I am concerned about the level of increase that is in this bill for the National Science Foundation—amounting to a 12 percent increase in each of the next 4 years. The NSF bill that the House approved earlier this year, and which I voted for, provided about an 8 percent annual increase for NSF. I was concerned over the fact that because NSF and the National Aeronautics and Space Administration (NASA) compete for the same pot of money, increasing NSF by more than this amount might cause problems for our national space program. Now that the bill has come back from the Senate and the House-Senate

Conference Committee with a 13 percent annual increase for NSF each year through 2011, I am very concerned about the threat this poses to our human space flight program.

While this bill says that it is the sense of the Congress that NASA should be funded at the 2005 authorization level in FY08, the Democrat Majority could not even accomplish this goal for FY07 when the new Democrat leadership cut over a half a billion dollars for the space exploration account and funded NASA at only $16.2 billion—$1.7 billion below the authorized level. In addition, the House-passed Commerce State Justice Appropriations Bill for FY 2008 actually funded NASA at $17.6 billion—$1.2 billion below the authorized level. So, while H.R. 2272 includes nice rhetoric about fully funding NASA, the authors of H.R. 2272 know that such rhetoric is empty.

Additionally, I am concerned that the bill creates 40 new federal programs, 20 more than were in the House-passed version. Many of these new programs are duplicative of over 200 existing federal science, technology, engineering and math (STEM) programs and will siphon money away from research in order to fund bloated bureaucracies.

My belief is that there is no program that inspires interest and study in math and the sciences like our nation's space program. So recognition of this fact should follow with adequate and fair funding levels. This bill jeopardizes that and, unfortunately, I cannot support it.

Mrs. DRAKE. Mr. Speaker, I rise today in strong support of the conference report on the "Water Resources Development Act of 2007," and in particular Section 1001, which authorizes approximately $712 million for the Craney Island Eastward Expansion in Norfolk Harbor at a Federal cost share of 50 percent, or approximately $356 million. The Virginia Port Authority's Eastward Expansion is a project of national significance and is vital to the efficient movement of goods for our country.

At the outset, I would like to acknowledge the contributions of those individuals whose strong commitment and tireless efforts made Section 1001 possible. First and foremost, I would like to recognize my distinguished leader of the Committee on Transportation and Infrastructure, Ranking Member JOHN MICA for once again delivering on his promise to support the needs of his Committee members on issues of importance to them and their districts; also, Congressman RICHARD BAKER, Ranking Republican on the Subcommittee on Water Resources and Environment, for his leadership and legislative expertise without which WRDA would have once again gone unauthorized; and Senator JOHN WARNER, Craney Island's champion and the Commonwealth of Virginia's leader in the Senate; for his steadfast dedication to seeing this vision to fruition.

Also, Mr. Speaker, I would like to pay special tribute to two other individuals, not Members of Congress, but without whom we would not be here today. As Governor of Virginia and then Senator, George Allen always supported the expansion of Craney Island, recognizing its impact not only on the Commonwealth but the Nation. Robert "Bobby" Bray, who retired this year after 29 years as Executive Director of the Virginia Port Authority, always saw the Craney Island Eastward Expansion not only as a major port development project but also as an opportunity to enhance the quality of life for all Americans. To these and countless others, on behalf of the 2nd District of Virginia, the Commonwealth of Virginia, and our Nation, I extend my sincere gratitude.

The Eastward Expansion of Craney Island is truly a matter of national significance. When complete, this landmark project will provide capacity for additional material dredged to maintain navigability of the region's shipping channels in addition to providing land on which to build a much-needed fourth marine terminal in Hampton Roads.

In 1997, the U.S. House of Representatives passed a resolution that directed the U.S. Army Corps of Engineers to conduct a study of Craney Island. The study has been completed and the Eastward Expansion of Craney Island was recommended as the best alternative. Initially, the project costs considered for Federal participation comprised. only the design and construction of the dredged material placement site, known as the Eastward Expansion. At that time, the Federal cost share for the project was identified as approximately 4 percent, and the Virginia Port Authority share as approximately 96 percent. It is important to note that the cost of the marine terminal construction (approximately $1.6 billion) will be solely the responsibility of the Virginia Port Authority.

Because the Corps had been constrained by policies that did not take into account the unique dual nature of the Craney Island Project, the initial plan formulation and cost share were determined based only on the Federal interest in the least cost for dredge material placement only part of the authorization to conduct the study. This method of determining the cost share did not take into account the substantial National transportation savings benefits associated with the port construction on the Eastward Expansion of Craney Island, which is the second part of the study authorization.

This Craney Island Marine Terminal will provide national economic development benefits of nearly $6 billion in transportation savings. The Port of Virginia is a major international gateway to the Midwest. In fact, more than 55 percent of the cargo handled by the Port originates in or is destined for locations outside the Commonwealth. More than 3,000 companies outside Virginia use the Port because of the cost-effective and reliable movement of freight to and from the Port of Virginia.

Container traffic in Hampton Roads is projected to triple by 2030 and will exceed the Port's capacity by 2011. Without the additional capacity created by a new marine terminal at Craney Island, cargo that would otherwise use the Port of Virginia will be rerouted to other ports, resulting in freight moving over longer distances at a higher cost. This increase will generate a total of $6 billion in additional transportation costs when applied to the amount of cargo that would be rerouted to other ports over a 50-year period.

However, with a new marine terminal at Craney Island, this additional $6 billion cost is avoided and becomes an origin-to-destination cost savings to the Nation in terms of maintaining the efficient, low-cost transportation afforded through the Port of Virginia.

The Eastward Expansion of Craney Island also meets National Defense needs. The ability of the United States to respond to military contingencies requires the availability of adequate U.S. commercial port facilities. The Port of Virginia is one of 14 port facilities designated by the Department of Defense as a strategic port through which military deployments are conducted. The Port of Virginia is expected to be able to make its facilities available to the military within 48 hours of written notification. When complete, the Craney Island project will provide additional capacity to meet military logistical needs and ensure the safe, secure, and smooth flow of military cargo through the Port of Virginia while minimizing commercial cargo disruptions.

Mr. Speaker, the Virginia Port Authority has been working for many years in partnership with the U.S. Army Corps of Engineers to develop a plan for the Eastward Expansion of Craney Island. By authorizing the Federal cost share at 50 percent, the WRDA Conference Report acknowledges the importance of expanding Craney Island to both Hampton Roads and to the entire Nation. I am grateful the Congress has supported this endeavor. And, I look forward to seeing the same support from the President.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of the conference report on H.R. 2272, the America COMPETES Act. I urge my colleagues to join me in voting for it.

I am pleased that the new Democratic Majority in Congress is providing a new direction for our country through common sense legislation. As an active Member of the New Democrats' Coalition, I support this bill that will help ensure our nation's global economic competitiveness through investment in math, science, engineering, and technology education and a renewed commitment to basic research.

The conference report on H.R. 2272 is a bipartisan measure to implement an Innovation Agenda boldly responds to the global economic challenges identified in the 2005 National Academy of Science report, "Rising Above the Gathering Storm." As a former member of the House Committee on Science, I have worked for many years to pass legislation to encourage innovators and develop the most valuable workforce in the world. I want to congratulate Chairman BART GORDON and Ranking Member RALPH HALL and the staff of the Science Committee for their hard work in producing this outstanding product.

As the only former state schools chief serving in Congress, I am pleased that this bill will invest in 25,000 new teachers through professional development, summer training institutes, graduate education assistance, and National Science Foundation scholarships. It ensures more highly qualified teachers in the classroom, in the fields of mathematics, science, engineering, technology and critical foreign languages.

H.R. 2272 establishes a public-private partnership with the business community and institutions of higher education to develop efforts to educate and train mathematicians, scientists and engineers to meet the workforce demands of the business community. The bill expands access to Advanced Placement and

International Baccalaureate classes and increases the number of qualified AP/IB teachers. The conference report enhances the ability of states to build more competitive workforces to meet the challenges of recruiting and retaining students in innovative fields.

The bill also broadens the participation of minorities and women in science and engineering fields at all levels from kindergarten students to advanced researchers. The bill focuses on small business innovation by doubling funding for the Manufacturing Extension Partnership and creates a new Technology Innovation Program for small and medium-sized companies. Finally, this legislation creates a ground-breaking initiative, the Advanced Research Projects for Energy (ARPA-E), modeled after DARPA that has brought us such innovations as the Internet, to provide talent and resources for high-risk, high-reward energy and research and technology development, and to help attract investment for the next generation of revolutionary technologies.

Mr. Speaker, I congratulate the authors of this legislation for their success on this fine product, and I urge my colleagues to join me in voting to pass it.

Mr. VAN HOLLEN. Mr. Speaker, in 2005, the National Academies released a report, Rising Above the Gathering Storm. Its authors, a team of scientists, academic leaders, and business executives, gave Congress a strong warning—unless we take comprehensive action, America will lose its competitive edge in the world economy.

Today, I am proud to join my colleagues in a bipartisan effort to respond to that call to action with the 21st Century Competitiveness Act. This bill addresses this century's challenges with new investments in education, research, and small businesses. It is a comprehensive way to ensure that America remains at the forefront of discovery and innovation.

We recognize the need to foster student potential and encourage them to enter the fields of science, math, technology and engineering. This bill invests in 25,000 new teachers, helping them pay for school and training them to enter our nation's classrooms and engage students in math and science. It increases the number of teachers who can teach Advanced Placement and International Baccalaureate classes and push our students to work with more challenging curricula. It puts new science and math teachers in high-needs schools so we can reach more students. And it establishes public-private partnerships so business and community leaders can identify high-needs fields and help students pursue innovative careers.

We recognize the need to push the boundaries of current research, explore new ideas, and foster innovation. This bill puts us on a path to double funding for our research institutions—the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy's Office of Science. Our scientists at these institutions are engaged in remarkable, ground-breaking work, and we must redouble our support to ensure that America continues to be a leader in scientific advances. This bill will also provide grants to young researchers at the early stages of their careers to allow them to pursue their ideas and encourage them to continue their study in U.S. institutions. And, recognizing the importance of research into new energy technology as we work to combat global warming and reduce our dependence on foreign oil, this bill creates a new Advanced Research Projects Agency for Energy.

Finally, we recognize the importance of small businesses and entrepreneurial success in the development of our economy. This bill will double funding for the Manufacturing Extension Partnership over 10 years and will create a Technology Innovation Program to support revolutionary technology development at small and medium sized companies.

Mr. Speaker, we must take proactive steps to secure America's place in an era of global economic and scientific competition. This bill, by increasing the number of students entering STEM fields and stimulating exciting research at our national scientific institutions and in our business community, will do just that. I urge my colleagues to support this bill.

Mr. HOLT. Mr. Speaker, I rise today in support of the 21st Century Competitiveness Act of 2007. Taking most of its content from the National Academies Report "Rising Above the Gathering Storm," H.R. 2272 is the compilation of an ambitious legislative portfolio that will fulfill the Innovation Agenda. I was proud to help craft the Innovation Agenda, on which our nation is dependent for its future prosperity, and to serve on the conference committee of H.R. 2272.

As a scientist and educator, I have had the opportunity to work at several stages of our Nation's science research pipeline. This bill contains sound strategies for addressing our lagging competitiveness at every stage of this pipeline, from K–12 education to research and development. Such a comprehensive approach is badly needed. H.R. 2272 creates programs for training teachers and for encouraging students to enter into fields where there is national need. It sets us on a necessary path to doubling our investment in the National Science Foundation, the Department of Energy Office of Science, and the National Institute of Standards and Technology. To ensure we are harnessing all available talent, this bill encourages underrepresented students to enter science and technology. It ensures that we do not lose talent at the early career bottleneck that follows completion of a terminal research-based degree.

I am also pleased that the two initiatives that I have championed in the House of Representatives have made it into the conference report. The first is the Foreign Language Partnership, which is a competitive grant program to enable institutions of higher education and local educational agencies working in partnership to establish articulated programs of study in critical foreign languages so that students from the elementary through postsecondary level can advance their knowledge successfully and achieve higher levels of proficiency in a critical foreign language.

The second is State P–16 Councils—that is, primary school through college. The bill authorizes the Secretary of Education to award competitive grants to states to promote better alignment of elementary and secondary education with the knowledge and skills needed to succeed in academic credit-bearing coursework in institutions of higher education, in the 21st century workforce.

This bill will make us not only successful, but also a nation more worthy of success. It gives students with financial need better access to science and technology careers, empowering them to improve their lives and contribute to society. It makes necessary investments in energy research that will give our children a world we are proud for them to inherit.

I encourage my colleagues to support this resolution. Without its reforms, we will continue to lose our global lead in science, technology, and quality of life.

Mr. HINOJOSA. I rise in strong support of the Conference Report on H.R. 2272, the America COMPETES Act.

There has been a steady drumbeat across the country to call the nation to action to renew its leadership in the Science, Technology, Engineering, and Mathematics (STEM) fields. The National Academies of Science Report, "Rising above the Gathering Storm" has become the rallying cry that Sputnik was a generation ago.

Today, with the passage of this conference report, the 110th Congress answers the call.

The America COMPETES Act ensures that American students, teachers, businesses, and workers are prepared to continue leading the world in innovation, research, and technology well into the future. It takes a comprehensive approach with investments in education, research and development. It moves us towards energy independence and harnesses the potential of small businesses to drive innovation.

The American COMPETES Act recognizes that America needs to draw on all of its talent—especially a growing population of minority students who continue to be under-represented in the STEM fields.

According to the U.S. Census, 39 percent of the population under the age of 18 is a racial or ethnic minority. That percentage is on a path to pass 50 percent by the year 2050. Yet, in 2000, only 4.4 percent of the science and engineering jobs were held by African Americans and only 3.4 percent by Hispanics. Women constitute over half of the postsecondary students in the nation, but represent a little more than one-quarter of our science and engineering workforce.

The America COMPETES Act tackles these disparities head on. Throughout the legislation, there is an emphasis on increasing the numbers of minorities and women in the STEM fields and on expanding the minority-serving institutions' participation in education, research and development.

The America COMPETES Act makes strategic investments in improving the STEM pipeline through education.

This legislation invests in 25,000 new teachers through professional development, summer training institutes, graduate education assistance, and scholarships through NSF's Noyce Teacher Scholarship Program and Math and Science Partnerships Program. In exchange for their scholarship, these teachers go to our highest need schools.

The America COMPETES Act includes provisions modeled after the successful U-Teach program at the University of Texas where students earn degrees in the STEM fields and teaching certificates at the same time. These newly minted teachers are placed, mentored, and supported in the schools where they are needed the most.

This legislation expands access to Advanced Placement and International Baccalaureate programs. It also establishes P–16 councils to coordinate education and workforce goals with industry and community leaders, and to identify the challenges of recruiting and retaining students in innovative fields.

I am especially pleased that this legislation addresses a quiet crisis in our high need high schools—the lack of quality laboratory science opportunities.

The National Research Council's report on America's High School Labs found that experience in high school labs was poor for most students and practically non-existent for students in low-income or minority communities. We will never produce enough STEM professionals if we do not address this issue.

I am very pleased that the legislation before us today includes the provisions of my bill, H.R. 524 Partnerships for Access to Laboratory Science Act. This legislation will establish a pilot program that will partner high need school districts with colleges and universities, and the private sector to improve high school laboratories. Through these pilots, we will be able to develop models and test effective practices for improving laboratory science in high need schools. We will leverage resources from the local community and the private sector, and build on our base of knowledge of what works in teaching science.

The America COMPETES Act is about our vision for the future of this country. It is about our belief in this nation's unlimited potential and our willingness to invest in it.

I would like to commend Chairman GORDON, Chairman MILLER and all of the members of the conference committee for their excellent work.

I urge my colleague to unanimously pass this legislation.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 2272, the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science (COMPETES) Act. We have recently learned that in the coming years, children in India and China may be better prepared for the jobs of the future than our own children here in the United States: Further, the 2005 National Academies report, "Rising Above the Gathering Storm", emphasized the United States could lose its competitive edge without immediate action being taken. In response to these alarming reports, Congress has shifted focus to strengthening our science technology, engineering, and mathematics (STEM) fields.

Today, H.R. 2272, legislation to ensure that the students, teachers, and workers will not be left behind as the world moves forward in new technology development and innovation, is being considered. The bill authorizes funding for programs to create more qualified teachers in science and math fields and to support scientific research and innovation through the National Science Foundation, the Department of Energy and the National Institute of Standards and Technology.

I believe our teachers are the cornerstone to leading future generations in STEM fields and I believe we must give them the proper resources to meet this goal. This legislation stands to create and equip thousands of new teachers and give current teachers the content and instructional skills they need in order to teach science and mathematics.

The legislation authorizes a total of $22 billion over fiscal years 2008–2010 for research, education, and other programs at the National Science Foundation; $2.65 billion for the research labs, the Manufacturing Extension Partnership, and other activities at the National Institutes of Standards and Technology (NIST); and $17 billion for programs at the Department of Energy.

Mr. Speaker, we must set policies that ensure the United States will remain competitive in the future. I support this legislation and urge my colleagues to do the same.

Mr. KUCINICH, Mr. Speaker, there is much to be excited about in H.R. 2272, the America COMPETES Act, a bill that endeavors to maintain America's preeminence in math and science. It doubles funding for the National Science Foundation, the Department of Energy's Office of Science, the National Institute of Standards and Technology, and the Manufacturing Extension Partnership. It establishes a number of initiatives to encourage diversity in energy choices and participation. It also establishes a new Advanced Research Projects Agency for Energy, ARPA–E, to overcome the long-term and high-risk technological barriers in the development of energy technologies.

However, the directive of ARPA–E explicitly includes provisions for the advancement of nuclear energy. The perils of nuclear energy are numerous. Indeed, in March 2002, workers at the Davis Besse nuclear power plant discovered a deep cavity in the head of the nuclear reactor, leaving only a thin stainless steel lining. Experts have concluded that if the hole were not discovered, the reactor could have ruptured within the next year of operation. Furthermore, the lack of a long-term solution to dispose of nuclear waste necessitates that we dump tons of highly toxic waste on several generations to came. Finally, the economics of nuclear power requires billions of dollars in Federal subsidies, which would be far better spent on development of truly renewable energy technologies.

For these reasons, I voted against H.R. 2272, the America COMPETES Act.

Mr. UDALL of Colorado. Mr. Speaker, today I am pleased to strongly support the conference report for H.R. 2272, the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science, COMPETES, Act of 2007.

Science, technology, engineering, and math STEM, research and education are the key to much of our country's success for the last 200 years. America has long been a center for science and engineering discovery—in the last few decades alone, American ingenuity has transformed our Nation and the world with the personal computer and the internet. Going forward, new innovations will continue to be critical, both in maintaining a solid industrial and economic base and increasing our standard of living.

Federal agencies, such as the National Science Foundation, NSF, the National Institute of Standards and Technology, NIST, and the Department of Energy's Office of Science, play a key role by funding cutting-edge research and training the next generation of scientists and engineers. And nothing will occur without federal investment in STEM research and education—we must continue this strong Federal support to reinforce our global competitiveness and our prosperity.

As a cosponsor of H.R. 2272 and a House conferee, I am proud to say that this legislation will set us in the right direction. It will help strengthen and improve research and education efforts at NSF, NIST, DOE's Office of Science, and the Department of Education, as well as update the High Performance Computing Act of 1991 and recognize the important role that the National Aeronautics and Space Administration, NASA, plays in STEM education and research. This bill will help to ensure that the United States continues to be a science and technology leader.

H.R. 2272 includes a needed funding increase for overall laboratory research at NIST. As part of the American Competitiveness initiative, NIST will use these funds to expand upon its world-class research, ensuring that the United States will continue to be globally competitive in many industries.

NIST is particularly important to me because one of its key laboratories is located in Boulder, Colorado, in my district. The Boulder labs employ more than 350 people and serve as a science and engineering center for significant research across the Nation. The increase in research funding will help the scientists here expand our knowledge about topics ranging from nanotechnology to material science.

A critical component of this legislation is that it includes funding for construction at these laboratories. NIST's Boulder facilities have contributed to great scientific advances, but they are now over 50 years old and have not been well maintained. Many environmental factors such as the humidity and vibrations from traffic can affect the quality of research performed at NIST. In fiscal year 2007, NIST-Boulder will begin an extension of Building 1 to make room for a Precision Metrology lab. This new facility will allow for incredibly precise control of temperature, relative humidity, air filtration and vibration to advance research on critical technologies, such as atomic clocks telecommunications, and nanomaterials. To complete this extension, NIST will need further funding in fiscal years 2008 and 2009. H.R. 2272 authorizes this critical funding.

I am also pleased to see that the legislation reauthorizes and gradually increases funding for key technology transfer programs like the Manufacturing Extension Partnership, MEP, program and the Technology Innovation Program, TIP, formerly known as the Advanced Technology Program, ATP.

For NSF, H.R. 2272 will continue the effort to double its funding over a 10-year time period by authorizing almost $22 billion for fiscal years 2008–2010. The bill will also encourage the participation of more scientists who have not received NSF funding in the past through 1-year seed grants. By targeting these grants toward these new recipients, the legislation will help support early career researchers and encourage higher-risk research.

As co-chair of the STEM Education Caucus, I am also pleased that H.R. 2272 contains support and funding for NSF's STEM education programs. These programs include the Math and Science Partnerships program and the Noyce Scholarships Program, as well as several STEM education grants that focus on teacher professional development. These programs will help increase the number of well-qualified science and math teachers across the country, both through creating more teachers from current college students and by providing better training for the teachers already in our schools.

The bill will increase funding for the Department of Energy's Office of Science, providing nearly $17 million over fiscal years 2008–2010. The Office of Science funds much of our country's physical science and has helped advance our knowledge about energy, a critical issue of both national and economic security. This increase will keep the Office of Science on track to double its funding over 10 years.

As chairman of the House Science and Technology Committee Subcommittee on Space and Aeronautics, I am pleased that H.R. 2272 contains a number of provisions that highlight the important role that the NASA can and does play in promoting innovation and competitiveness. To that end, the conference report includes language to ensure that NASA will be a full participant in all interagency innovation and competitiveness initiatives as well as STEM initiatives. That's important, because the record shows that past NASA R&D activities have contributed to the vitality of today's economy through NASA's development of a host of innovative technologies. In addition, NASA still has a "brand" that can inspire young people to pursue careers in science and engineering, and we should capitalize on that fact by involving NASA in interagency STEM initiatives whenever appropriate. The conference report does just that, and it also encourages NASA to use its undergraduate student research program to more directly engage college and university students in NASA-related research.

In addition to NASA's basic science and research programs, H.R. 2272 recognizes and endorses the significant role that NASA's aeronautics programs play in ensuring America's competitiveness. However, I think it is clear that investing in aeronautics is critical not only to our competitiveness, but also to our quality of life, the safety and efficiency of our Nation's air transportation system, and our military strength. We need to ensure that NASA continues to maintain its commitment to a meaningful and robust aeronautics R&D program.

Finally, H.R. 2272 notes the role that the International Space Station, ISS, if properly utilized, can play in helping to promote interest in math and science. It thus directs NASA to make concrete plans to implement at least some of the innovative educational projects proposed by an interagency task force that looked at the contributions that the ISS could make to STEM education. In addition, the conference report also directs NASA to come up with a clear plan to identify and support ISS research that can contribute to innovation and competitiveness. As was made clear at a recent hearing held by my subcommittee, NASA needs to do much more than it has been doing to get a good return on the sizeable investment that the Nation has made in the ISS. As was further pointed out at the hearing, the ISS offers a unique capability for research in a number of disciplines that could benefit both NASA as well as our citizens back here on Earth—but NASA needs to step up to the challenge of making sure that research is adequately supported.

I would like to thank House Science and Technology Committee Chairman GORDON and Ranking Member HALL, Senate Energy and Natural Resources Committee Chairman BINGAMAN and Ranking Member DOMENICI, House Education and Labor Committee Chairman MILLER and Ranking Member MCKEON, Senate Commerce, Science, and Transportation Committee Chairman INOUYE and Ranking Member STEVENS, and the other conferees, for their work on this critical bipartisan legislation.

I think we all recognize that investing in basic research and STEM education is critical for a strong economy and national security, and H.R. 2272 will help us improve the critical support for STEM education and research. I encourage all of my colleagues to vote for this important legislation.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in support of H.R. 2272, the 21st Century Competitiveness Act.

I want to commend my colleagues on both sides of the aisle for working together on this important legislation that responds to the global economic challenges our country faces. This bill ensures that American students, teachers, businesses, and workers are prepared to continue leading the world in innovation, research, and technology well into the future.

In order for the United States to remain competitive in the global economy, we must invest in education. This bill will allow more students to be trained in math, science, engineering, and technology education through quality, innovative teacher-training programs. As a result, our future generation will be able to transform ideas into new technologies that will boost our economy and create good jobs here at home.

Sadly over the last decade, U.S. Federal funding for research and development has declined steadily. H.R. 2272 makes a renewed commitment to independent scientific research by increasing funding for the National Science Foundation, NSF, the National Institute of Standards and Technology, NIST, and the Department of Energy's Office of Science. This bill provides grants for outstanding researchers and coordinates research ideas and infrastructure needs between universities, national labs, and Government agencies.

In addition, creating a new energy policy is a top priority for the new Democratic majority. Clean energy technologies will create high-paying American jobs, strengthen our national security, lower costs for consumers, and reduce global warming. The 21st Century Competitiveness Act strengthens our national commitment to energy research and innovation by creating a new Advanced Research Agency for Energy, ARPA–E.

Finally, H.R. 2272 increases support for innovative entrepreneurs. Small businesses are often the catalyst for new innovations; however these businesses face significant obstacles that limit their efforts to transform ideas into reality. This bill increases funding for the Manufacturing Extension Partnership, MEP, and also creates the Technology Innovation Program, TIP, that supports small businesses that are developing technologies that will benefit our country and world.

I urge my colleagues to join me in support of this critical legislation that ensures the United States' global competitiveness.

Mr. GORDON of Tennessee. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. SHIMKUS

Mr. SHIMKUS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. SHIMKUS. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Shimkus moves to recommit the conference report on the bill, H.R. 2272, with instructions to the managers on the part of the House to:

(1) insist on the lower overall authorization level as set forth by the House in H.R. 2272: and

(2) insist on the language of subsection (a) of section 203 of the House bill, relating to prioritization of early career grants to science and engineering researchers for the expansion of domestic energy production and use through coal-to-liquids technology and advanced nuclear reprocessing.

Mr. SHIMKUS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SHIMKUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 199, nays 227, not voting 6, as follows:

[Roll No. 801]

YEAS—199

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Costello
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—227

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Ramstad
Rangel
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—6

Clarke
Crenshaw
Davis, Jo Ann
Dicks
Johnson, Sam
Schakowsky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There are 2 minutes remaining on this vote.

☐ 1812

Mr. HALL of New York, Mrs. BOYDA of Kansas and Mr. LANGEVIN changed their vote from "yea" to "nay."

Mr. McKEON and Mr. SPACE changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 367, noes 57, not voting 9, as follows:

[Roll No. 802]

AYES—367

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert

Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—57

Bachmann
Bachus
Barrett (SC)
Blunt
Boehner
Brady (TX)
Broun (GA)
Buyer
Campbell (CA)
Cantor
Carter
Chabot
Conaway
Cubin
Deal (GA)
Doolittle
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Granger
Hensarling
Herger
Issa
Jordan
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Linder
Mack
Manzullo
McHenry
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Poe
Putnam
Radanovich
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Shimkus
Sullivan
Tancredo
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—9

Boyd (FL)
Clarke
Crenshaw
Davis, Jo Ann
Dicks
Doggett
Johnson, Sam
Reyes
Slaughter

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER (during the vote). Members are advised 1 minute remains in the vote.

Mr. ROYCE changed his vote from "aye" to "no."

☐ 1818

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER. Pursuant to House Resolution 581 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3161.

☐ 1821

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3161), as amended, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, with Mr. SNYDER (Acting Chairman) in the chair.

The Clerk read the title of the bill.

Ms. DELAURO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CLEAVER) having assumed the chair, Mr. SNYDER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 3161

Ms. DELAURO. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 3161 pursuant to House Resolution 581 and House Resolution 599, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 581 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3161.

☐ 1823

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3161), as amended, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, with Mr. SNYDER (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 31, 2007, the bill had been read through page 2, line 12, and pending was the amendment by the gentleman from North Carolina (Mr. MCHENRY) to amendment No. 3 printed in the CONGRESSIONAL RECORD by the gentleman from Georgia (Mr. GINGREY).

Pursuant to House Resolution 599, the amendments printed in part A of House Report 110-290 are adopted and the bill is considered read for amendment under the 5-minute rule.

The text of the remainder of the bill is as follows:

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $10,847,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $15,056,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,622,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, $2,252,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $16,723,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $6,076,000: *Provided*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $897,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $23,147,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $709,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $196,616,000, to remain available until expended, of which $156,590,000 shall be for payments to the General Services Administration for rent and the Department of Homeland Security for building security: *Provided*, That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $12,200,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $23,913,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,936,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,720,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $85,996,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125.000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $40,964,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $626,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, $79,282,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, $166,099,000, of which up to $52,725,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,076,340,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: *Provided further*, That none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $64,000.000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $671,419,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $195,817,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $23,318,000; for payments to eligible institutions (7 U.S.C. 3222), $42,000,000, of which $944,737 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $94,242,000; for competitive grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,973,000; for competitive research grants (7 U.S.C. 450i(b)), $190,229,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5.006,000; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,544,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,701.000, to remain available until expended (7 U.S.C. 2209b); for a veterinary medicine loan repayment program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.), $1,000,000; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,423,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $988,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $6,237,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,218,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $990,000; for aquaculture grants (7 U.S.C. 3322), $3,956,000; for sustainable agriculture research and education (7 U.S.C. 5811), $14,000,000; for a program of capacity building grants (7 U.S.C.

3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $15,000,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $3,342,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $1,000,000; and for necessary expenses of Research and Education Activities, $44,435,000, of which $2,723,000 for the Research, Education, and Economics Information System and $2,151,000 for the Electronic Grants Information System, are to remain available until expended: *Provided*, That none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: *Provided further*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $463,886,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $281,429,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,321,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $68,500,000; payments for the pest management program under section 3(d) of the Act, $9,860,000; payments for the farm safety program under section 3(d) of the Act, $5,000,000; payments for New Technologies for Ag Extension under Section 3(d) of the Act, $1,485,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $18,000,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,396,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $494,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,052,000; payments for the federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $3,000,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,200,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), $37,000,000, of which $1,113,333 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, $1,980,000; and for necessary expenses of Extension Activities, $17,169,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $57,244,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $42,286,000, including $12,738,000 for the water quality program, $14,699,000 for the food safety program, $4,125,000 for the regional pest management centers program, $4,419,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,375,000 for the crops affected by Food Quality Protection Act implementation, $3,075,000 for the methyl bromide transition program, and $1,855,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $3,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $737,000, to remain available until September 30, 2009, for the critical issues program; $1,321,000 for the regional rural development centers program; and $9,900,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2009.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $6,930,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $759,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $874,643,000, of which $4,113,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $36,269,000 shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which $57,044,000 shall be used to conduct a surveillance and preparedness program for highly pathogenic avian influenza: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2008, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,946,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $79,945,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $61,233,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than $20,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $16,798,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,334,000.

Grain Inspection, Packers and Stockyards Administration

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $41,115,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

Office of the Under Secretary for Food Safety

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $632,000.

Food Safety and Inspection Service

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $930,120,000, of which no less than $830,057,000 shall be available for Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That of the total amount made available under this heading, no less than $20,653,000 shall be obligated for regulatory and scientific training: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Farm Assistance Programs

Office of the Under Secretary for Farm and Foreign Agricultural Services

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $666,000.

Farm Service Agency

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,127,409,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That none of the funds made available by this Act may be used to pay the salary or expenses of any officer or employee of the Department of Agriculture to close or relocate any county or field office of the Farm Service Agency (other than a county or field office that had zero employees as of February 7, 2007), or to develop, submit, consider, or approve any plan for any such closure or relocation before the expiration of the six month period following the date of the enactment of an omnibus authorization law to provide for the continuation of agricultural programs for fiscal years after 2007: *Provided further*, That after the expiration of the six month period following the date of the enactment of an omnibus authorization law to provide for the continuation of agricultural programs for fiscal years after 2007 none of the funds made available by this Act may be used to pay the salaries or expenses of any officer or employee of the Department of Agriculture to close any local or county office of the Farm Service Agency unless the Secretary of Agriculture, not later than 30 days after the date on which the Secretary proposed the closure, holds a public meeting about the proposed closure in the county in which the local or county office is located, and, after the public meeting but not later than 120 days before the date on which the Secretary approves the closure, notifies the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, and the members of Congress from the State in which the local or county office is located of the proposed closure.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,000,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $3,713,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,423,857,000, of which $1,200,000,000 shall be for unsubsidized guaranteed loans and $223,857,000 shall be for direct loans; operating loans, $1,879,595,000, of which $1,000,000,000 shall be for unsubsidized guaranteed loans, $250,000,000 shall be for subsidized guaranteed loans and $629,595,000 shall be for direct loans; Indian tribe land acquisition loans, $3,960,000; and for boll weevil eradication program loans, $100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $14,762,000, of which $4,800,000 shall be for unsubsidized guaranteed loans, and $9,962,000 shall be for direct loans; operating loans, $137,446,000, of which $24,200,000 shall be for unsubsidized guaranteed loans, $33,350,000 shall be for subsidized guaranteed loans, and $79,896,000 shall be for direct loans; and Indian tribe land acquisition loans, $125,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $318,150,000, of which $310,230,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

Risk Management Agency

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $78,833,000: *Provided*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

Federal Crop Insurance Corporation Fund

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C.

1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $781,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $851,910,000, to remain available until June 30, 2009, of which not less than $10,840,000 is for snow survey and water forecasting, and not less than $10,779,000 is for operation and establishment of the plant materials centers, and of which not less than $27,225,000 shall be for the grazing lands conservation initiative: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $6,556,000.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $37,000,000, to remain available until expended; of which up to $10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): *Provided*, That not to exceed $18,500,000 of this appropriation shall be available for technical assistance.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $31,586,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $52,370,000, to remain available until expended: Provided, That not to exceed $3,073,000 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service, $666,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $728,807,000, to remain available until expended, of which $55,742,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $573,065,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $100,000,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; $3,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; $18,250,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which $5,600,000 shall be for Rural Community Assistance Programs; and not to exceed $14,000,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed $22,800,000 shall be available through June 30, 2008, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,100,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $13,400,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,300,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Jtilities Service, High Energy Costs Grants Account".

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $175,382,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,845,816,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,129,391,000 shall be for direct loans, and of which $3,716,425,000 shall be for unsubsidized guaranteed loans; $34,652,000 for section 504 housing repair loans; $99,000,000 for section 515 rental housing; $99,000,000 for section 538 guaranteed multi-family housing loans; $5,046,000 for section 524 site loans; $11,486,000 for credit sales of acquired property, of which up to $1,486,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $150,183,000, of which $105,824,000 shall be for direct loans, and of which $44,359,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $9,796,000; repair, rehabilitation, and new construction of section 515 rental housing, $42,184,000; section 538 multi-family housing guaranteed loans, $9,306,000; credit sales of acquired property, $552,000; and section 523 self-help housing and development loans, $142,000: *Provided*, That of the total amount appropriated in this paragraph, $2,500,000 shall be available through June 30, 2008, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized in Public Law 109–97 shall be transferred to and merged with the "Rural Housing Service, Multifamily Housing Revitalization Program Account".

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $462,521,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $533,020,000, to remain available through September 30, 2009; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, up to $7,920,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance that is recovered from projects that are subject to prepayment shall be deobligated and reallocated for vouchers and debt forgiveness or payments consistent with the requirements of this Act for purposes authorized under section 542 and section 502(c)(5)(D) of the Housing Act of 1949, as amended: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2008 for a section 514/516 project may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another section 514/516 project.

MULTIFAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949 (without regard to section 542(b)), for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties, $27,800,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $10,000,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers, shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable for section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds): *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of the section 515 multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, $3,000,000 shall be available for loans to private non-profit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: *Provided further*, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: *Provided further*, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: *Provided further*, That of the funds made available under this heading, $14,800,000 shall be available for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties to restructure existing section 515 loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances and incentives required by the Secretary: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That if Congress enacts legislation to permanently authorize a section 515 multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $40,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2008, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $39,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2008, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects authorized in Public Law 108–447 and Public Law 109–97 shall be transferred to and merged with

"Rural Housing Service, Multifamily Housing Revitalization Program Account".

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $46,630,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $33,772,000.

For the cost of direct loans, $14,485,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2008, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2008, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, $880,000 shall be available through June 30, 2008, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,861,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $29,193,000, of which $495,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which $2,475,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $1,473,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which $20,295,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, $11,088,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277).

RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $46,000,000 for direct and guaranteed renewable energy loans and grants: *Provided*, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $4,500,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $295,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $120,000, and the cost of telecommunications loans, $3,620,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $39,405,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $300,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $35,000,000, to remain available until expended.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., $6,450,000, to remain available until September 30, 2009: *Provided*, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $17,820,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $628,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $13,903,213,000, to remain available through September 30, 2009, of which $7,668,156,000 is hereby appropriated and $6,235,057,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That up to $5,505,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $5,620,000,000, to remain available through September 30, 2009, of which such sums as are necessary to restore the contingency reserve to $125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: *Provided*, That of the total amount available, the Secretary shall obligate not less than $15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): *Provided further*, That only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2008; including $14,000,000 for the purposes specified in section 17(h)(10)(B)(i) and $30,000,000 for the purposes specified in section 17(h)(10)(B)(ii): *Provided further*, That funds made available for the purposes specified in section 17(h)(10)(B)(ii) shall only be made available upon a determination by the Secretary that funds are available to meet caseload requirements without the use of the contingency reserve funds: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $39,816,223,000, of which $3,000,000,000 to remain available through September 30, 2009, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: *Provided further*, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $221,070,000, to remain available through September 30, 2009: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2008 to support the Seniors Farmers' Market Nutrition Program (SFMNP), such funds shall remain available through September 30, 2009: *Provided further*, That of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, $146,926,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $159,136,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, $2,749,000, to be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

In addition, the funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,219,400,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $5,338,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $4,985,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $353,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $100,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $1,683,405,000: *Provided*, That of the amount provided under this heading, $13,696,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from animal drug assessments received during fiscal year 2008, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2008 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $475,726,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $348,438,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $155,073,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $94,809,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $240,122,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $36,455,000 shall be for the National Center for Toxicological Research; (7) $97,976,000 shall be for Rent and Related activities, of which $38,808,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) $131,533,000 shall be for payments to the General Services Administration for rent; and (9) $89,577,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

In addition, $28,000,000 shall be for the Center for Food Safety and Applied Nutrition, to remain available from July 1, 2008, through September 30, 2009.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $4,950,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $102,550,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $46,000,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 182 passenger motor vehicles, of which

142 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, avian influenza programs, up to $4,505,000 in the pest and disease management program to control grasshoppers and Mormon cricket, up to $1,500,000 in the scrapie program for indemnities, up to $3,000,000 in the emergency management systems program for the vaccine bank, up to $1,000,000 for wildlife services methods development, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, Public Health Data Communication Infrastructure System; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System, and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, financial management modernization initiative, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 707. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 708. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 709. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 710. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 711. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 712. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 713. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, which ever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 714. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2009 appropriations Act.

SEC. 715. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and enhancement of program delivery: *Provided*, That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes in detail the justifications for such closures and relocations.

SEC. 716. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 22 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 717. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,017,000,000.

SEC. 718. None of the funds made available in fiscal year 2008 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 719. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer the program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 720. Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $34,000,000 shall not be obligated and $34,000,000 are rescinded.

SEC. 721. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02–062–1; 68 Fed. Reg. 40541).

SEC. 722. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year, and are not available for new obligations. Funds made available under section 524(b) of the Federal Crop Insurance Act, 7 U.S.C. 1524(b), in fiscal years 2004, 2005, 2006, 2007, and 2008 shall remain available until expended to disburse obligations made in fiscal years 2004, 2005, 2006, 2007, and 2008 respectively, and except for fiscal year 2008 funds, are not available for new obligations.

SEC. 723. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 724. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 725. In addition to other amounts appropriated or otherwise made available by this Act, there is hereby appropriated to the Secretary of Agriculture $10,000,000, of which not to exceed 5 percent may be available for administrative expenses, to remain available until expended, to make specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

SEC. 726. None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug (as defined in section 804(a)(3) of such Act) which complies with sections 501, 502, and 505 of such Act.

SEC. 727. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 728. Of the amount available for Estimated Future Needs under section 32 of the Act of August 24, 1935, $63,361,000 are hereby rescinded: *Provided*, That in addition, of the unobligated balances under section 32 of the Act of August 24, 1935, $147,000,000 are hereby rescinded.

SEC. 729. None of the funds made available in this Act may be used to—

(1) grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)(4)) for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

SEC. 730. Of the appropriations available for payments for the nutrition and family education program for low-income areas under section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)), if the payment allocation pursuant to section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)) would be less than $100,000 for any institution eligible under section 3(d)(2) of the Smith-Lever Act, the Secretary shall adjust payment allocations under section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to ensure that each institution receives a payment of not less than $100,000.

SEC. 731. None of the funds made available in this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China.

SEC. 732. Of the unobligated balances available in the High Energy Cost Grants account, $25,740,000 is hereby rescinded.

SEC. 733. None of the funds made available to the Department of Agriculture in this Act may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

SEC. 734. Not more than $11,166,000 of the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for program compliance and integrity purposes, including the data mining project, and for the Common Information Management System.

SEC. 735. The Secretary of Agriculture shall continue the Water and Waste Systems Direct Loan Program under the authority and conditions (including the fees, borrower interest rate, and the President's economic assumptions for the 2008 Fiscal Year, as of June 1, 2007) provided by the "Continuing Appropriations Resolution, 2007".

SEC. 736. (a) Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;

(C) in subparagraph (A) (as redesignated by subparagraph (B)), striking "(B)" and all that follows through "shall not exceed" and inserting the following:

"(A) IN GENERAL.—Subject to subparagraph (B) and in addition to amounts made available under paragraph (3), payments to service institutions shall be";

(D) in subparagraph (B) (as redesignated by subparagraph (B)), by striking "subparagraph (B)" and inserting "subparagraph (A)"; and

(E) in subparagraph (C) (as redesignated by subparagraph (B)), by striking "(A), (B), and (C)" and inserting "(A) and (B)"; and

(2) in the second sentence of paragraph (3), by striking "full amount of State approved" and all that follows through "maximum allowable".

(b) CONFORMING AMENDMENT.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) through (k) as subsections (f) through (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1 of the first full calendar year following the date of enactment of this Act.

SEC. 737. There is hereby appropriated $21,000,000, to remain available until September 30, 2009, of which not to exceed 5 percent may be available for Federal and/or State administrative expenses, as determined by the Secretary of Agriculture, to carry out a program similar to section 18(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)) in each State not currently served by the authorized program.

SEC. 738. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to—

(1) inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) implement or enforce section 352.19 of title 9, Code of Federal Regulations.

SEC. 739. Of the unobligated balances available in the Special Supplemental Nutrition Program for Women, Infants, and Children reserve account, $16,069,000 is hereby rescinded.

SEC. 740. In addition to amounts otherwise appropriated or made available by this Act, $2,475,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 741. From the unobligated balances of funds transferred to the Department of Homeland Security when the Department was established pursuant to the Homeland Security Act of 2002 (Public Law 107–296), excluding mandatory appropriations, $8,000,000 is rescinded.

SEC. 742. Effective as of May 25, 2007, section 9012 of Public Law 110–28 (121 Stat. 218) is repealed.

SEC. 743. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

(1) by striking "seven" and inserting "eight";

(2) by striking "five" and inserting "six"; and

(3) by inserting "West Virginia," after the first instance of "States shall be".

SEC. 744. Hereafter, notwithstanding any other provision of law, of the funds made available for the Commodity Assistance Program under division B of Public Law 109–148, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006, all unexpended funds shall be made available to support normal program operations of the Commodity Supplemental Food Program under the Agriculture and Consumer Protection Act of 1973 and of the Emergency Food Assistance Program under the Emergency Food Assistance Act of 1983: *Provided*, That any commodities purchased with funds made available under Public Law 109–148 and remaining undistributed shall be used to support normal program operations under the authorities cited in this section.

SEC. 745. Notwithstanding any other provision of law, and until receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the City of Alamo, Texas; the City of Mercedes, Texas; the City of Weslaco, Texas; the City of Donna, Texas; and the City of La Feria, Texas, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the rural business and cooperative development programs in the Rural Community Advancement Program account;

(2) the City of Bainbridge Island, Washington; and the City of Havelock, North Carolina, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the rural community programs in the Rural Community Advancement Program account;

(3) the City of Freeport, Illinois; Kitsap County (except the City of Bremerton), Washington; the City of Atascadero, California; and the City of Paso Robles, California, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the Rural Housing Insurance Fund Program account and the Rural Housing Assistance Grants account; and

(4) the City of Canton, Mississippi, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the rural utilities programs in the Rural Community Advancement Program account.

SEC. 746. No funds in this Act for the Food and Drug Administration may be used to authorize qualified health claims for conventional foods.

SEC. 747. None of the funds made available in this Act may be used to enter into a contract with an entity that does not participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. ____. None of the funds in this Act shall be available for the Canaan Valley Institute (CVI) in Thomas, West Virginia.

SEC. ____. None of the funds made available in this Act may be used—

(1) to terminate any of the 13 field laboratories that are operated by the Food and Drug Administration as of January 1, 2007, or 20 District Offices, or any of the inspection or compliance functions of any of the 20 District Offices, of the Food and Drug Administration functioning as of January 1, 2007; or

(2) to consolidate any such laboratory with any other laboratory, or any such District Office, or any of the inspection or compliance functions of any District Office, with any other District Office.

SEC. ____. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" or "Federal Energy Management Program" designation.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2008".

The Acting CHAIRMAN. No further debate on any pending amendment being in order, the question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY) to the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment to the amendment was agreed to.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY), as amended.

The amendment, as amended, was agreed to.

The Acting CHAIRMAN. Pursuant to House Resolution 599, a further period of general debate is in order.

The gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Georgia (Mr. KINGSTON) each will control 15 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I rise to engage in a colloquy with my colleagues, Mr. FOSSELLA and Mr. CROWLEY of New York, and commend the committee for increasing the APHIS budget to more vigorously attack the national challenge of the invasive species that are ravaging our plants and trees.

As you know, New York City is waging a war to stop the Asian Longhorned Beetle. Yes, Madam Chair, a tree grows in Brooklyn, thousands of them in fact, just as they do in Staten Island, the Bronx, Queens and Manhattan. Sadly, the Asian Longhorned Beetle has been advancing steadily.

Given that the USDA's work to defeat the ALB elsewhere has been successful and thus will require less funding going forward, can I ask for the commitment of the committee to endeavor in conference to grant the metropolitan area a larger portion of the Asian Longhorned Beetle account than it has received in the past?

Ms. DELAURO. I pledge to work with the gentlemen from New York on this issue.

Mr. WEINER. Thank you.

I yield now, if it is appropriate, to the gentleman from Staten Island, Mr. FOSSELLA.

The Acting CHAIRMAN. The time of the gentleman has expired.

Ms. DELAURO. Mr. Chairman, I would just ask the gentlemen from New York to place their material into the RECORD.

Mr. NADLER. Mr. Chairman, I ask unanimous consent that the time of the gentlewoman be extended by 1 minute.

The Acting CHAIRMAN. The Chair may not entertain that kind of request.

Mr. KINGSTON. Mr. Chairman, I reserve the right to object.

Mr. Chairman, I am sure that Mr. NADLER is concerned equally with Mr. FOSSELLA, but I wanted to make sure that Mr. FOSSELLA wasn't being cut out of the colloquy. So the reason why I reserved the right to object is I just wanted a better explanation from the gentleman.

Mr. NADLER. Mr. Chairman, I was asking for unanimous consent so the gentlewoman would have 1 additional minute, which I would hope she would yield to Mr. CROWLEY, Mr. WEINER, Mr. FOSSELLA and myself.

The Acting CHAIRMAN. Under the structured rule in the Committee of the Whole, this kind of unanimous consent agreement cannot be entertained.

PARLIAMENTARY INQUIRIES

Mr. KINGSTON. Mr. Chairman, I have a parliamentary inquiry. Is the unanimous consent request in order under the closed rule?

The Acting CHAIRMAN. A request to extend general debate ordered by the House is not in order in the Committee of the Whole.

Mr. KINGSTON. Mr. Chairman, further parliamentary inquiry. In other words, out of the 15 minutes of general debate, that is where the time would come from?

The Acting CHAIRMAN. From the remaining 29 minutes of general debate ordered by the House.

Ms. DELAURO. I yield an additional 1 minute for both, not each, but for both Mr. CROWLEY and Mr. FOSSELLA to address this issue.

The Acting CHAIRMAN. Does the gentlewoman from Connecticut yield time to the gentleman from New York (Mr. CROWLEY)?

Ms. DELAURO. I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

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Mr. KINGSTON. Further parliamentary inquiry, Mr. Chairman.

The Acting CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. KINGSTON. I don't have a way to say this directly to my friend from Connecticut, but I will be glad to yield 1 minute of our time to Mr. FOSSELLA and that way we can bring this to 2 minutes, but I don't know how to get there unless I ask a question like this.

The Acting CHAIRMAN. After Mr. CROWLEY is recognized for 1 minute, then the gentleman from Georgia may yield to the gentleman from New York (Mr. FOSSELLA).

Ms. DELAURO. Mr. Chairman, I yield 1 minute to Mr. CROWLEY and Mr. NADLER, 1 minute between the two.

Mr. CROWLEY. Mr. Chairman, I thank the gentlewoman for yielding me this time.

The Asian Longhorned Beetle is a continuing and growing problem in Queens County in New York. We appreciate your working for additional resources. I have heard from my constituents, like Jimmy Lanza of Woodside Queens, who are begging us for more resources to beat the beetle and protect the trees and green space of Queens County and New York City. I thank the Chair for her great work on this issue, and this overall excellent bill.

The Acting CHAIRMAN. The gentleman from New York (Mr. NADLER) is recognized for the remainder of the time.

Mr. NADLER. I just want to say that I associate myself with the sentiments expressed by Mr. WEINER and Mr. CROWLEY. The Asian Longhorned Beetle is a serious problem, and we have to devote as much resources as possible to deal with it. I hope the committee will take that into consideration.

Mr. KINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I would like to thank Mr. KINGSTON and Ms. DELAURO. And of course my colleagues, Mr. CROWLEY, Mr. WEINER, and Mr. NADLER, because despite this being a national problem, as you can imagine, are very specific to New York, and in my case, Staten Island has been under attack by the Asian Longhorned Beetle. The beetles have already killed 8,400 trees. Officials are expected to destroy 10,000 trees to keep the beetle from spreading throughout the U.S.

We know that 35 percent of all urban trees are at risk. Replacement value is $669 billion. The first evidence was found on a silver maple tree on March 22 by USDA tree climbers. This early detection gives hope the threat can be contained before it spreads to the nearby Greenbelt, which is an urban forest comparable to Rock Creek.

The bill before us today provides a little over $20 million to help eradicate the beetle, a far cry from the $48 million the USDA says is needed annually.

This a serious problem for Staten Island and the rest of New York City. I look forward to working with you, Madam Chair, and Mr. KINGSTON in an effort to provide additional funding in conference. Will you be willing to work with me on this issue?

Ms. DELAURO. I would be happy to work with the gentleman.

Mr. FOSSELLA. I thank the gentlewoman.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I want to take this opportunity to express my appreciation to you, Chairman DELAURO, Ranking Member KINGSTON, and both of your respective staffs for all of the hard work that has been put in this bill, a bill I expect to support.

I would like to address an issue of great importance not only to my constituents, but to the Nation's agricultural industry.

In 2006, the potato cyst nematode was discovered in our country for the first time on approximately 1,000 acres in eastern Idaho. PCN is one of the most destructive potato pests, and if left uncontrolled, can result in devastating crop losses of up to 80 percent.

This spring, the USDA, the Idaho Department of Agriculture began an aggressive eradication program. Due to the confined area and early detection of the infestation, we are optimistic that the eradication program will prove successful. However, the funding level designated for the potato cyst nematode in this bill falls short of the necessary funding levels to continue this eradication effort.

The Senate Appropriations Committee on Agriculture recently recommended that this program be fully funded at $12.8 million. While I appreciate the constraints the House Agriculture Subcommittee has worked under, I hope that the chairwoman would work with me to try to find the necessary funds to fully fund this program.

Ms. DELAURO. I understand the importance of the issue and will work with you in conference to address the funding needs of this eradication effort.

Mr. SIMPSON. I thank Chairman DELAURO.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. I thank the chairwoman for yielding. I have an amendment that I will not offer today per our earlier conversation.

My amendment would allow residents of neighborhoods to purchase properties that are vacant and, for the most part, are not suitable for renovation. These properties would be razed, the grounds cleared, covered with topsoil and planted with the seeds of produce to create urban gardens.

The produce would be harvested and distributed to the residents of the neighborhoods who would be able to purchase them at less than the market rates. I would love to have the gentlewoman's support in the future for this concept.

Ms. DELAURO. I appreciate the concept and recognize its importance and will work with the gentleman on this important issue.

Mr. CLAY. I thank the gentlewoman.

Ms. DELAURO. Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I thank the gentleman for yielding me this time. I regret that it is necessary for me to come down and talk during the time for general debate because this is an amendment that should have been made in order by the Rules Committee, and I frankly do not understand when it so significantly affects food safety and would have been a perfecting amendment on the underlying bill, I frankly do not understand the inattention of the Rules Committee to this important issue.

We hear time and again the United States being besieged with dangerous food from certain countries. According to testimony before the Energy and Commerce Subcommittee on Oversight and Investigations on July 17, 2007, former FDA Associate Commissioner William Hubbard testified that in 1999 the FDA drafted a legislative proposal that would have given the Food and Drug Administration authority to require certain foreign countries to take more responsibility for the foods that they send into this country.

The agency proposal would have allowed the FDA to embargo a given food from a given country if there were repeated instances of that food being found contaminated when it arrived in the United States. Countries that send safe food, they have no reason to be concerned. They would be unaffected. But countries that demonstrated a pattern of disregard of United States safety standards would have to increase their oversight of foods exported from their country. Have we heard of any examples of that in the past 6 months?

Unfortunately, Congress did not accept the recommendation, and the situation with some imported foods from some countries has only gotten worse. On page 96 of the committee report for H.R. 3161, it states that "the Committee believes that the Food and Drug Administration is failing to do what is needed to ensure the safety of our food supply." Furthermore, "the Committee directs the Food and Drug Administration to develop a performance plan that establishes measurable benchmarks for concrete improvements in the performance of food safety missions."

In formulating the plan, the FDA is to look at the process for reviewing food safety systems in countries that export to the United States, and that these proposals are not dissimilar to measures the Food and Drug Administration has proposed in the past or may be considering currently.

On page 97, the committee report states that "the Committee provides for an additional $7 million for increased activities to protect the safety of imported foods."

My amendment would not have allocated any new funds to the FDA. But instead, it seeks to direct a portion of these funds already allocated towards increased activities to protect the safety of imported foods and on formulating an embargo plan. This plan would allow the FDA to prohibit a specified food from a specified country from entering into the United States if there were repeated instances that that food was found contaminated when it arrived in the United States.

Again I submit, we have heard several news report over the last 6 months where exactly this scenario has played out. We have to stop them from sending harmful food into our country. This would have been a good amendment, and I don't understand why it was not taken up by the Rules Committee.

Ms. DELAURO. Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I rise this evening to address two important issues that USDA provides in serving my farmers and ranchers in Kansas and across the country, the desire to see that those services are provided at the local level.

The first issue, although not very glamorous, is very important. It is the funding of nondiscretionary FSA technology expenses. This winter, many of my producers went to their local FSA office only to discover the computers were not working. In many instances they had to set aside all of the other computers so they could try to allow the farmers to access the computer system and sign up for the programs. The delays were for months.

In the President's budget, $23.8 million was requested for fixed IT operating expenses. Those operating expenses are required to operate and maintain FSA's existing computer system. In this bill the committee only appropriates $10 million. FSA does not have a choice in paying its fixed IT operating expenses. If sufficient funding is not appropriated, FSA will be forced to reduce its staff to keep its IT system operating, and I believe that would adversely affect the services provided by our local offices.

The second issue is our NRCS county offices. The bill we are considering today has two provisions halting county office closures for NRCS's sister agencies, FSA and Rural Development, RD. The primary reason for delaying county office closures is we are currently in the midst of writing a new farm bill. And while I am glad to see that this bill addresses the FSA and RD office closures, I would also like to see the same approach taken with NRCS.

I look forward to working with the chairwoman and the ranking member and I would ask for the chairwoman to enter into a colloquy with me to indicate her interest in this topic.

Ms. DELAURO. I am very interested in working with you, as we have talked about in the past, and will continue to do that as we move forward.

Mr. MORAN of Kansas. I thank the chairwoman and look forward to a successful conclusion.

Mr. KINGSTON. And I want to say, we will certainly work with the gentleman from Kansas. I know you are an advocate on this.

Ms. DELAURO. I yield 1 minute to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. First, I want to congratulate you for your work on this bill. Sincerely, you have balanced a number of issues. Particularly, I am concerned about the plight of my farmers in the Deep South and north Alabama as well. ROBERT ADERHOLT might be able to be on the floor here tonight. We share all of north Alabama.

Mr. Chairman, in the South we have experienced in many areas an unprecedented drought. On the drought monitor, our target area in the Deep South has been designated as a D4 drought area. That is not a situation we have seen in many, many decades.

Consequently, the farmers are exhausting all of their resources. They are sacrificing generations of resources that have been built up. They need help. It is not just a matter of low-interest loans; it is a matter of a plan.

We know we have certain areas to look to, but the safety net is not entirely there. So as we struggle to find relief, I would like to discuss with the gentlewoman her commitment to working with me and my colleague on this very important issue.

Ms. DELAURO. I want to assure the gentleman that we appreciate the gentleman's hard work on this issue and understand and will be willing to work with you as we proceed.

Mr. KINGSTON. Mr. Chairman, I yield myself 1 minute.

On this subject, the gentleman from Alabama and the gentlewoman from Connecticut and I have spoken about the fires we have had in south Georgia and the fires we have had in north Florida and Mr. BOYD's district to the tune of 580,000 acres. We have talked during the committee discussions about the possibility of obtaining some emergency conservation reserve program money for the private landowners who lost approximately $45 million, and then also the State fire departments and the municipalities that spent about $45 million fighting these fires. And I wanted to ask the gentlewoman if we were still on one accord working on our drought/fire situation as we have discussed with Mr. CRAMER earlier.

I yield to the gentlewoman from Connecticut.

Ms. DELAURO. As we talked about in the full committee with both Mr. CRAMER and yourself, Mr. KINGSTON, and Mr. ADERHOLT, I talked about working with you on this issue. I commend you for bringing it to our attention.

Mr. KINGSTON. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, first let me just say to the gentlelady from Connecticut, thank you so much for your hard work and dedication to moving our Nation forward in the area of agriculture, nutrition, health safety and all of the other issues that you tackle each and every day.

I come today to enter into a colloquy to raise the important issue regarding the lifetime ban on food stamp eligibility for formerly incarcerated persons who were convicted of drug offenses. This is a serious moral issue of concern to me. Quite frankly, this ought to be for each and every Member of Congress.

After they have served their time, Mr. Chairman, the formerly incarcerated reenter society looking to improve themselves and their lives. In these instances, however, the current policy prevents them access to food stamps. This just makes no sense. This absurd policy is the result of an overzealous congressional effort to appear tough on crime in 1996.

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Once someone has paid their debt to society they should be able to have the resources that will help them put their lives together. I hope that we can work together to ensure that this inequity is addressed.

Ms. DELAURO. If the gentlewoman would yield, I assure the gentlewoman that we will work together on correcting the inequity.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. JACKSON of Illinois) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 1) "An Act to provide greater transparency in the legislative process.".

The SPEAKER pro tempore. The Committee will resume its sitting.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The Committee resumed its sitting.

The Acting CHAIRMAN. Who seeks time?

Ms. DELAURO. Mr. Chairman, how much time is left?

The Acting CHAIRMAN. The gentlewoman from Connecticut has 9 minutes. The gentleman from Georgia has 8 minutes.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I commend the subcommittee and its chair for a good bill, and I wish to enter into a colloquy with the gentlewoman from Connecticut regarding funding for Community Food Projects and organic transitions research.

The 2007 farm bill that passed this House on Friday substantially increased the authorized funding for Community Food Projects, but it changed it from mandatory to discretionary. The CFP supports hundreds of innovative projects selected competitively, such as community kitchens, farmers markets, farm-to-school programs, in Connecticut among other States. I'm hoping that we can work toward finding discretionary funds for CFP.

Similarly, while the 2007 farm bill authorized a substantial increase in funding for various organic programs, funding for the organic transitions research program remained flat for the fiscal year. The market for organic food has reached $15 billion and is growing. Yet farmers need help making the transition from traditional to organic methods of farming, and without that help we will increasingly be dependent on overseas sources for organic products.

I ask the Chair to consider an increased level of funding for these programs.

Mr. Speaker, I rise today to express my support for the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill for Fiscal Year 2008, and to commend the Committee and Subcommittee leadership for their efforts on the bill, but also to express my concern about the lack of funding for community food projects and the lack of an increase in funding for the organic transitions research program for Fiscal Year 2008.

The 2007 Farm Bill that passed the House on Friday substantially increased the authorization for Community Food Projects (CFP) funding, from $5 million to $30 million annually. However, it also changed the funding from mandatory to discretionary, and funding for CFP was not included in the FY 2008 Agriculture Appropriations bill that is before us today.

Hundreds of civic groups and associations throughout the country, as well as low-income consumers and farmers who produce for local and regional markets, benefit from this program. The program facilitates and builds the capacity of non-profit, community-based organizations so they can establish projects that meet the food needs of low-income populations; identify and address weakness in urban food systems, such as insufficient retail food stores in densely populations neighborhoods and poor access to healthy and fresh foods for schools; and promote comprehensive responses to food, farm, and nutrition issues by combining the resources of multiple sectors of the food system. From its inception in 1996 through 2007, CFP received mandatory funding under the Food Stamp Program and it has funded more than 240 innovative projects such as certified community kitchens, community supported agricultural operations, farmer's markets, agri-business incubators, farm-to-school programs and other projects.

I regret that the 2007 Farm Bill made CFP funding discretionary, if it remains so in the enacted bill, I hope that the Senate and House conferees will work to ensure that the prevailing level of funding for CFP will be provided in the enacted Fiscal Year 2008 Agriculture Appropriations bill.

In addition, I wish to stress the urgency of increasing funding for organic transitions research in Fiscal Year 2008. While the 2007 Farm bill will substantially increase funding for various organic programs, funding for the organic transitions research program has again remained flat for Fiscal Year 2008. The market for organic food has reached $15 billion and, according to the Organic Trade Association, growth in sales of organic food has been 15 percent to 21 percent each year since 1998, compared with 2 percent to 4 percent for total food sales. Although there are now 10,000 organic farms in the United States, that is not enough to keep pace with demand. As a result, organic food suppliers must increasingly look for organic produce and other agricultural products from overseas locations.

The Organic Transitions Program is a highly competitive grants program established as part of the Department of Agriculture's Cooperative State Research, Education, and Extension Service. This national program has been extremely important to the organic farming community in funding research to assist farmers in overcoming the barriers to transitioning their farm operations into organic production. Through grants awarded under the program, for example, a university in the West has been funded to research ecological soil community management for enhanced nutrient cycling; a Northeastern university has been funded to research reducing off-farm grain inputs on northeast organic dairy farms; and another—a university in a Great Plains state—to fund research into the transition to sustainability.

The demand for research on a wide variety of topics related to organic agriculture has been increasing in proportion to the surging growth in the demand for organic agricultural products, and the benefits of this research accrue not simply to organic and other farmers, but to the entire health-conscious population. Notwithstanding this surge in demand, funding for organic research to facilitate the transition into organic farming methods has been holding steady at just under $2 million for the last few fiscal years, which represents only one-hundredth of one percent of the size of the industry the research is intended to support.

The organic transitions program has been extremely important to the organic farming community in funding research to assist farmers in overcoming the barriers to transitioning their farm operations into organic production. My amendment to increase funding for this program to $5 million passed in the House last year, and I hope to see this level of funding included in the enacted Agriculture Appropriations bill for Fiscal Year 2008.

Ms. DELAURO. If the gentleman would yield, these are both very, very worthy efforts, and I look forward to working with the gentleman on these programs.

Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I reserve the balance of the time.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HARE).

Mr. HARE. Mr. Chairman, I rise to engage our respected chairwoman of the House Agriculture appropriations subcommittee in a colloquy to raise an issue of importance to a group of struggling workers in the almond industry. At issue is whether a company or cooperative should continue to be funded through the Market Access Program in light of being found guilty of labor violations here at home.

During a recent organizing drive, Blue Diamond Growers, a past recipient of these MAP funds, was found guilty by the National Labor Relations Board of more than 20 labor law violations, including firings. These were serious offenses.

Would the gentlewoman agree with me that the Secretary of Agriculture has the authority to deny serious labor lawbreakers taxpayer funds which are distributed from the Market Access Program?

Ms. DELAURO. If the gentleman would yield, I, too, am concerned about treatment of workers at Blue Diamond Growers. I'm aware that the Secretary of Agriculture has the discretion to deny funding to a coop if it is in the best interest of the program. I further note that USDA regulations require that MAP participants adhere to the laws and customs abroad when they hire foreign workers to market their product. We'll work with you on this critical issue of real importance to our workers.

Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding, and I rise to oppose this particular bill.

But before I do, I do want to say I think there are a number of good things, a number of good provisions in the bill. As one who has come to the floor on numerous occasions to attempt to champion fiscal responsibility and earmark reform, I do take note that under the chairwoman's leadership, the gentlewoman from Connecticut, that the number of earmarks are actually reduced in this bill. I consider that progress, and she should be commended for that.

Having said that, Mr. Chairman, I also note that the bill increases spending over last year by 5.9 percent, 5.9 percent. Now the people who are ultimately going to be called to pay for this bill, my guess is their salaries didn't go up 5.9 percent. And I know throughout this debate we always point out all the good things that are in the bill, and occasionally we have to point out this very inconvenient question, and that is, who's going to pay for it all? Who's going to pay for it all?

Right now, the Federal Government is still spending roughly $23,000 per family. It's one of the largest levels in our Nation's history and the largest since World War II. Although it's down, the deficit is still very high, and Member after Member comes to the floor to decry raiding the Social Security Trust Fund, but we know if we're going to grow the Federal budget, including this bill, way beyond the growth of the family budget, that you continue to raid the Social Security Trust Fund.

Members come to this floor to decry borrowing money from China to pay for the national debt, but, again, if we increase this spending 5.9 percent, it's exactly what this body is going to do.

Now, we've already had a robust debate over the farm bill last week, and I know that many provisions in this bill will help rural America, and as one who represents six rural east Texas counties, I'm glad for that. As somebody who comes from three generations of people who made their living from agriculture, I appreciate the challenges in agriculture.

But I might observe that if we were really, really serious about trying to help all the different people involved in agriculture, maybe what we'd do is end the death tax, something our friends from the other side of the aisle have fought every step of the way. Somebody works their entire life to put together a ranch or a farm. Uncle Sam can come in and take 55 percent. Maybe we would stand up for private property rights and let these people dispose of their livestock as they wish. Maybe we would actually work to open up more markets for all of our food and fiber. But, no, instead, we're going to increase spending 5.9 percent.

That's the wrong approach, Mr. Chairman. We should defeat this bill.

Ms. DELAURO. Mr. Chairman, I yield to Congresswoman KAPTUR for a unanimous-consent request.

Ms. KAPTUR. Mr. Chairman, I rise in support of this excellent bill to support food, fiber, fuel and forest production across this Nation.

Mr. Chairman, I would like to thank the Chairwoman Ms. DELAURO, a longstanding colleague, for the excellent bill she has assembled. As the former ranking member of the Agriculture Appropriations subcommittee, it has been a pleasure to see my colleague bring together our subcommittee through a form of collegiality unrivaled in this day of partisanship. This year's agriculture appropriations bill has been many years in coming, investing in the critical resources necessary to move agriculture and much of rural America fully into the 21st Century.

Ms. DELAURO has been a true leader and has produced a bill that should make all members of the Subcommittee proud. This bill invests in energy independence, secures our Nation's food supply, provides nutritional assistance for those living on the edge and link production from local small farmers with our urban consumers. The bill helps to grow America's economy through investing in rural America's potential for food, fiber, fuel and forest production.

Along with breakthrough investments in energy that will result from the recent farm bill, this measure moves America forward with a plan to use agriculture to solve our energy crisis. This legislation provides $350 million for biomass and renewable energy projects and $500 million to electrify America with wind power. This bill also provides $46 million for an innovative USDA grant program to help America transition to renewable energy sources, a program that has a long record of investing in the technologies of tomorrow. Agriculture holds the key if we are going to wean our Country from our dangerous dependence on foreign oil. This bill provides important incentive to transition us into the economy of tomorrow.

The Department of Agriculture dedicates almost ⅔ of its budget to nutrition, yet, there have been scarce few attempts to link local producers with urban consumers. This bill confronts those challenges and directs the Department of Agriculture to connect local farmers with procurement from USDA major nutrition programs. In addition, this bill also provides $20 million for the senior farmers market nutrition program, an approach so wildly successful with the elderly and with farmers that it regularly has more requests than funds available. For our Nation's farmers markets, this bill also provides $1,000,000 for the Farmers' Market Promotion Program to establish, expand, and promote farmers' markets to connect local production to the local marketplace.

I am also pleased to rise in support of the $150 million for the Commodity Supplemental Food Program that this legislation provides. This bill provides enough money to expand CSFP in 5 new states, providing a food supplement for those who cannot make ends meet.

These agriculture nutrition programs bridge the gap between urban and rural, linking consumers with local producers—helping to provide fresh produce, vegetables and commodities to those with little access to nutritious foods.

On food safety, this bill confronts critical challenges to the integrity of our food system. This bill blocks implementation of a rule which would allow poultry importation from China and provides funds to implement the long awaited process of labeling the country of origin for food in our marketplace. It has taken many years to bring this issue to the forefront. But now it appears that Congress is finally giving consumers the tools for making effective decisions on what they choose to eat.

Before I close, I would like to advise the administration of language which clearly expresses the intent of Congress on the failed policy of Farm Service Agency closures. In both the Agriculture Appropriations bill and in the recently passed Farm Bill, the House of Representatives expressed its discontent with efforts to move forward with these closures. As there seems to be significant confusion on the intent of Congress on Farm Service Agency office closures, I respectfully refer the FSA Administration to two sections in recent legislation passed in the House of Representatives which clearly provide the intent of Congress on this issue.

In H.R. 2419 Section 11306 and Page 56 of the House Appropriations Report from H.R. 3161 clearly express the intent of Congress. As FSA moves forward with office closures in Ohio and across the Country, I strongly urge the administration to recognize the clear intent of the House Appropriations Committee, the House Agriculture Committee and the full House of Representatives.

In sum, this bill takes a major step forward for our Nation in opening new markets for farmers, makes major strides in conservation of our natural resources, attends to the food needs of all of America's needy families and children, moves rural America into renewable energy production, addresses challenges posed by serious environmental invasive species, and expands our food safety efforts. America must dedicate itself to food self sufficiency here at home and displace the rising levels of food imports. This bill invests in our Nation and our producers and consumers. I urge my colleagues to support it.

Ms. DELAURO. Does the gentleman from Georgia have any additional speakers?

Mr. KINGSTON. I do, but they're not here quite yet.

Ms. DELAURO. We have no other speakers.

Mr. KINGSTON. Mr. Chairman, let me yield myself 1 minute, and maybe somebody will percolate and maybe they won't.

I wanted to make a comment. Mr. HENSARLING had noticed that the earmarks were down. I think this is a good thing. I think that our job is going to have to be to make sure the earmarks stay down as this thing goes through the process, but I also think we need to be concerned about what can happen that will add costs to this bill.

It's interesting we just had a bill that had about 50 people vote against it. It was a popular bill that created a number of new programs, and I was thinking that so often on appropriation bill there's always a standard 100 to 150 people who vote "no," and yet here was an authorizing bill, suddenly it's okay to spend money on an authorizing bill because it doesn't count. But on an appropriation bill, those same people who voted "yes" an hour ago will be voting "no" on the appropriation bill, except for Mr. HENSARLING, who's pretty consistent on everything.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, we have no additional speakers on our side except for myself in terms of closing. So, if the gentleman from Georgia would close, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I think I have one more in the wing. So let me again enlighten you with some of my wisdom, if I may yield myself 1 minute.

One of the amendments that we have been working on in this bill is the insistence that those who sell or contract to the Federal Government use Social Security verification. There's a program called the Basic Pilot Program, and we have that amendment in the bill.

I think it's important people realize that the idea is that if you're doing business with the Federal Government you should be in compliance with the law of the land, which is to have legal employees; and what this does is requires those vendors and sales corporations and contractors and subcontractors to show that they are in compliance by having Social Security verification.

I'm excited about this amendment. I think it's very important. President Clinton actually did the same thing February 13, 1996, by executive order; and I am hoping that if there's some problems with this amendment that as this bill moves through the process we may need to tinker with it a little bit but that we can keep the gist of it.

Mr. Chairman, we have no more speakers around, and I yield back my time.

Ms. DELAURO. Mr. Chairman, in closing, I just want to say I think we need to be very excited about this bill. We set out to accomplish several goals, including strengthening rural America, having the opportunity to protect our public health, improving nutrition for more Americans, and we tried to be concerned particularly about rural areas. But we're looking at 40 percent of the children in rural areas who are dependent on food stamps. We look to transforming our energy future to $1.2 billion in loans and grants, particularly in rural areas, supporting conservation, investing in research, which keeps our agriculture on the cutting edge and, finally, enhancing oversight.

Most importantly, what I believe about this bill is it brings our Nation back to its most fundamental principles and that is the strength of our communities. We have an obligation to keep these things and to get them right, and I'm assuming we will take that responsibility today.

Ms. WOOLSEY. Mr. Chairman, thank you for giving me this opportunity to talk about the importance of purchasing domestically grown and processed foods for school meals.

We all heard the recent reports about toxic products coming from China—everything from food to toothpaste. The last thing we want is to have any of that making its way into our children's school lunches.

Already, Congress has approved legislation encouraging schools to "Buy American." This not only supports our farm communities, but also puts locally-grown products on our students' lunch trays.

It serves our farmers and producers as much as it serves schoolchildren throughout this country.

I am concerned, however, that the Department of Agriculture has failed to follow directives given to them by Congress.

This serious problem surfaced again recently. Earlier this year, at a convention hosted by the School Nutrition Association, one prominent school food display marketed products that were not only produced overseas but also processed overseas.

Nancy Montanez Johner, the Under Secretary for Food, Nutrition and Consumer Services, and several other Government officials were there.

I hope now that they have seen this problem for themselves, the Department will move quickly to take immediate action to correct it, and stop purchasing foreign agricultural products for use in the School Lunch Program.

The Department should be promoting products from our U.S. farmers and producers. The Buy American provision should not be some secret Government provision buried low in the small type.

Chairwoman DELAURO assured me she would work with me on this important issue.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise to speak on H.R. 3161, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2008, and discuss the great need for cattle research in this bill.

The Southeast, particularly the gulf coast, is home to almost 40 percent of the Nation's beef cow herd.

Cattle production in this region has unique problems that come from heat, humidity, disease, and the environment.

The USDA is currently conducting research on major issues affecting beef cattle at the Subtropical Agricultural Research Station in Florida.

However, to keep our cattle supply abundant and healthy, there is a growing need to increase the scope of the research and find creative solutions to the unique subtropical environment stressors that are affecting herd production.

I recognize that there are many important programs like this one throughout the Nation, but I urge the Appropriations Committee to work with me to ensure adequate funding for this vital program in the future.

Mr. WAXMAN. Mr. Chairman, funding for the Food and Drug Administration is incredibly important—FDA oversees products that make up one quarter of all consumer spending in the U.S. and it is vital to protecting the public health.

But for all that we ask of this agency, I am concerned that we do not give FDA what it needs to do its job. For years, FDA has been underfunded—its costs have risen dramatically while its appropriations have barely increased. In fact, the number of staff at FDA has actually dropped since 2003, despite rapidly expanding burdens.

I know that the chairwoman is a staunch defender of food safety, and I share her concerns. I have my own doubts about whether this administration is doing all that it can to protect our food supply. But I also know that FDA cannot keep our food safe if it doesn't have the people to make decisions or conduct inspections. Because FDA's food programs do not involve user fees, unlike the drug and device programs, food safety is one of the most neglected functions at the agency. Partly as a result of this shortage, FDA's ability to ensure a safe food supply is severely limited. The effect of this is simple: Less money for food safety means fewer staff working to protect the food supply; fewer inspections; a diminished ability to respond to outbreaks, and—most important—a limited ability to develop policies that can prevent future catastrophes.

FDA is facing a shortfall of crisis proportions, and I believe that greater funding is imperative. We ask a great deal of FDA, and we need to support it with the funds necessary to do its job. I know that the chairwoman has taken the first step in this bill to reverse the trend of shortchanging FDA. But I think we can do more to begin restoring FDA to its proper role. That will require a multi-year commitment to greater funding.

I recognize that Chairwoman DELAURO is concerned about existing problems at FDA and I share her concerns. My committee's investigations of FDA have identified significant problems at FDA, some of which have nothing to do with funding. For example, we've seen political interference in scientific decision-making and a failure to conduct vigorous enforcement of the law. Both of these interfere with FDA's ability to protect the public health, and they cannot be fixed with money alone. But these issues are matched with problems that are purely a matter of resources.

I think we need to provide greater resources for FDA at the same time that we provide greater oversight.

Currently, the Senate bill appropriates $1.75 billion to FDA, with $522 million for food safety. The House bill appropriates roughly $57 million less than that overall, and $48 million less for foods. I think the Senate level of funding is a good start to restoring FDA to its proper level of funding. I urge the chairwoman to seek the highest level of funding that is feasible in conference.

As I said, I think this will be a multi-year effort, and I would like to work with the chairwoman on restoring FDA in the years ahead with even greater funding.

Mr. LANGEVIN. Mr. Chairman, I rise today in support of H.R. 3161, the Agriculture Appropriations Act for Fiscal Year 2008. This bill provides funding to support our farmers, protect the environment, ensure a safe and stable food supply, and care for the most vulnerable members of our society. H.R. 3161 also fulfills the reforms included in the recently passed Farm Bill, by increasing funding for nutrition, conservation and energy programs.

I am pleased to support funding increases for important conservation programs for my home state of Rhode Island, including the Environmental Quality Incentive Program, the Farm and Ranchland Protection Program, and the Wildlife Habitat Incentive Program. This legislation also restores funding for many programs that the Bush Administration's budget would have cut or eliminated, including Resource Conservation and Development and watershed programs. H.R. 3161 also encourages the expansion of renewable energy research and production by nearly doubling funding for renewable energy loans to businesses, resources for research, and grants to farmers and ranchers.

After recent food scares, Americans have become more concerned about where their food is produced. After six years of delays, I am pleased that H.R. 3161 includes a time line for implementation of country of origin labeling for our meat. This legislation fully funds the Food Safety and Inspection Service at the Department of Agriculture in order to fill vacancies and invest in research, and will also fund a transformation of Food and Drug Administration (FDA) food safety regulations. This measure also prevents cuts to FDA field operations and provides additional funding for processing generic drug applications and drug safety reviews.

H.R. 3161 increases funding for the nutrition title, which includes food stamps and other programs aimed to combat hunger and improve nutrition for children, the elderly and low-income Americans. This includes the Special Supplemental Nutrition Program for Women, Infants and Children, as well as the Community Food Projects program, which awards grants to non-profit groups that establish community food projects targeted to low-income individuals. This measure also increases funding for school nutrition programs for purchasing fruits, vegetables and nuts, and creates more avenues for produce to flow from local farmers to schools. H.R. 3161 also includes funding to help improve the eating habits of Americans, particularly our children. It also expands the Simplified Summer Food program to all states to provide nutritious foods to children in low-income families through the summer.

Mr. Chairman, this legislation helps farmers meet growing environmental challenges, increases safety monitoring of our food supply, gives consumers more healthy food choices, and promotes critical renewable energy development. I look forward to passing this measure into law and urge my colleagues to vote in favor of H.R. 3161.

Ms. DELAURO. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to House Resolution 599, no further amendment shall be in order except the amendments printed in part B of House Report 110–290. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110–290.

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SESSIONS: Page 3, line 9, strike ": *Provided*" and all that follows through "budgets for contracting out".

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, my amendment would strike language included on page 3 of this legislation, which would have the same anti-competitive effect as language already included in almost every other one of the Democrat majority's appropriations bills, by preventing funds from being spent to conduct public-private competitions.

In this case, it would prevent funds from being used to allow the private sector to compete against the government for jobs by limiting the Agriculture Department's Chief Financial Officer's ability to spend money on this taxpayer-friendly activity until he provides a redundant report back to Congress on the Department's contracting policies.

While this policy may be good for increasing dues payments to public sector union bosses, it is unquestionably bad for taxpayers and for Federal agencies because agencies are left with less money to spend on their core missions when Congress takes the opportunity to use competition and takes that ability away from them.

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In 2006, Federal agencies competed only 1.7 percent of their commercial workforce, which makes up less than one-half of 1 percent of the entire civilian workforce. This very small use of competition for services is expected to generate savings of over $1.3 billion over the next 10 years by closing performance gaps and improving efficiencies.

Competitions, completed since 2003, are expected to produce almost $7 billion in savings for taxpayers over the next 10 years. This means that taxpayers will receive a return of about $31 for every $1 spent on the competition with an annualized savings of more than $1 billion.

This provision is obviously needed to stall public, private competitions for an entire fiscal year, rather than allowing a proven process to work, as it was intended, and it would harm taxpayers by denying the Department of Agriculture the ability to focus its scarce resources and expertise on core missions.

This concerted effort to prevent competition sourcing from taking place at the Department of Agriculture comes just a week after the House passed an agriculture bill that goes way beyond the Federal scope and strips States of their ability to use competitive sourcing to improve their own food stamp programs, demonstrating that the Democrat leadership is hearing clearly from labor bosses that the Agriculture appropriations bill represents yet another good opportunity to increase their power at the expense of taxpayers and good government.

In this time of stretched budgets and bloated Federal spending, Congress should be looking to use all the tools it can to find taxpayer savings and reduce the cost of savings that are already being provided by thousands of hard-working companies nationwide.

Mr. Chairman, I include in the RECORD letters of support for this amendment from the Fair Competition Coalition.

THE FAIR COMPETITION COALITION,
August 2, 2007.

Hon. PETE SESSIONS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SESSIONS: The Fair Competition Coalition supports your efforts to remove from Title I the anti-A–76 language from the Fiscal Year 2008 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act (H.R. 3161).

We are writing to express our strong opposition to the language in Title I under the Chief Financial Officer section, which would stop all funding of the Department's FAIR Act Inventories and all A–76 competitive studies. On behalf of the thousands of companies and hundreds of thousands of employees represented by the associations listed below, we urge adoption of this amendment.

The Federal Activities Inventory Reform (FAIR) Act was enacted during the Clinton Administration, and received strong bi-partisan support in the Congress as well as union and industry support. The law simply requires each Federal agency to publish an inventory of all its commercial activities.

This prohibition will hinder the agency's ability to identify and access the best and most efficient sources for the performance of its commercial activities. All relevant studies have shown that the competition process itself, regardless of outcome, results in savings exceeding 20%. The prohibition on identifying and studying these positions is thus highly inappropriate and unfortunate for the taxpayer, as well as a restriction on the ability of any President to manage the Federal government.

FCC supports adoption of your amendment to remove this harmful language from HR. 3161.

Sincerely,

Aerospace Industries Association, American Congress on Surveying and Mapping, Airport Consultants Council, American Council of Independent Laboratories, American Council of Engineering Companies, American Electronics Association, American Institute of Architects, Associated General Contractors of America, Business Executives for National Security, Construction Management Association of America, Contract Services Association of America, Design Professionals Coalition, Electronic Industries Alliance, Information Technology Association of America, Management Association for Private Photogrammetric Surveyors, National Association of RV Parks and Campgrounds, National Defense Industrial Association, National Federation of Independent Business, Professional Services Council, Small Business Legislative Council, Textile Rental Services Association of America, The National Auctioneers Association, United States Chamber of Commerce.

I urge all of my colleagues to support this commonsense taxpayer first amendment to oppose the underlying provision to benefit public union sector bosses by keeping cost savings competition alive to the government.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition.

The Acting CHAIRMAN. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I rise in opposition to the Sessions amendment, and I am astounded that the gentleman is taking the time of the House with this amendment.

The only requirement in the language that the amendment seeks to strike is for the USDA, the U.S. Department of Agriculture to provide a report on contracting out policies and expenditures, to the appropriations and the Oversight and Government Reform committees.

This is a bipartisan provision, included when the gentleman's party was in the majority and a long-standing provision that was first part of the Agriculture bill for fiscal year 2004.

If the gentleman's aim is to allow USDA to continue contracting out, this amendment is not the way to accomplish that. The language that we have included in the bill does not prevent USDA from carrying out the outsourcing of Federal work. What it simply aims to do is to establish a much-needed oversight on the related costs to contracting out.

Regardless of how one feels about the role of the Federal workforce and the outsourcing of Federal jobs to private contractors, why would we object to transparency in this area? We are talking about a report.

Now, after the comment about the report being burdensome, this is the report, it is hardly burdensome, four paragraphs and a chart. It really defies the imagination.

The fact is that we need to exercise our responsibility. We need to increase oversight in this area. We all know that the administration's guidelines for public-private competitions, OMB circular 876, has long favored contractors and stacked the deck against Federal employees.

The Bush White House has pushed privatization so much that the Los Angeles Times reported earlier this month that there are more private contractors in Iraq than U.S. troops. More than 180,000 civilians, including Americans, foreigners and Iraqis, are working in Iraq under U.S. contracts, according to State and Defense Department figures obtained by the newspaper.

I believe we should know the costs associated with contracting-out policies. That is all, again, that is all the language in the report is about, and I cannot understand why the gentleman objects to a report.

I urge a "no" vote on the amendment.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Chairman, may I ask what time remains.

The Acting CHAIRMAN. The gentleman from Texas has 90 seconds.

Mr. SESSIONS. Mr. Chairman, I yield 90 seconds to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman for yielding.

Mr. Chairman, I had an amendment that was not made in order that would have allowed us to have a conversation about States' rights.

There is a provision in the bill that severely rejects States' abilities to run their food stamp programs in ways they see fit in ways that are economical, provide benefits to beneficiaries in a respectful way; and it was not made in order.

I think States' rights and a conversation about that is a worthy topic this evening to have this discussion. It's unfortunate that a select few on the Rules Committee, on the majority, are afraid of that conversation.

I don't know if I would have won it or lost it. I think every time we trample on a State's rights to do things, the 10th amendment to the Constitution, that that's worthy of a conversation for this floor.

I am flabbergasted that the majority on the Rules Committee were afraid of having that conversation tonight. So let me add my voice to the long line of Members on this side who whined about being cut out of this process.

This is a legitimate issue, the right of a State to run its business the way that it sees fit, and if it does things correctly, and we develop new ways to do things, allowing other States to adopt those same models. This bill prohibits that from happening. This tramples on States' rights. It's an issue we should have had a full debate on, at least 5 minutes on each side, but we are not going to because of some fear on the other side.

Ms. DELAURO. Mr. Chairman, how much time is remaining?

The Acting CHAIRMAN. The gentlewoman from Connecticut has 2 minutes.

Ms. DELAURO. Mr. Chairman, again, let me just notify the gentleman who just spoke, there is truly nothing in our bill that deals with the issue of privatization or with States and privatization. I think the gentleman is confused with the Agriculture appropriations bill and with the farm bill which occurred a week ago. That was addressed in the farm bill. There is nothing in our bill that deals with the issue of privatization.

I think it's again worth noting that all we are speaking about here is a report. What I can't understand is why we would not want to know about the cost of contracting out and what is happening. That is what our responsibility is, to ask questions. We have oversight responsibility of these Federal agencies.

As I pointed out before, you have 21,000 Americans, 43,000 foreign contractors, 118,000 Iraqis all employed in Iraq by U.S. tax dollars, according to the most recent government data. You have got the massive privatization of military jobs which have been taken up with construction, security, weapons systems, maintenance, and, in fact, we can't even keep track of that effort. We have a responsibility, whether it is Department of Agriculture, whether it is Department of Defense, whatever Department it is.

If we want to hold the jobs that we have, we ought to be asking questions about how taxpayers' dollars are being spent by these agencies. And it's fiscally responsible, and it is what we are charged with doing. You may choose not to know what they are doing because you concur that that's the thing to do, to replace Federal employees and their jobs. You can hold that view, but let's get the information. Let's get a mere report to do it.

I ask for a "no" vote on this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

It is now in order to consider amendment No. 2 printed in part B of House Report 110-290.

AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110-290.

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HENSARLING:

Page 33, line 16, after the first dollar amount, insert "(reduced by $6,287,000)".

Page 33, line 17, after the first dollar amount, insert "(reduced by $6,287,000)".

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment that may be modest in the dollars involved, but I believe it is very, very important in the principle that underlies it.

The amendment would simply level fund the Community Facilities Grant Program, level funding. It would spend the same amount of money next year that we have spent last year.

Instead, what we see in this appropriations bill is that the amount is going to be increased 37 percent, 37 percent. Now, again, the people who are going to be expected to pay for this, I seriously doubt that they saw their paychecks increase 37 percent.

Now, I have no doubt that good things can be done with this money. Those who want to spend more of the taxpayers' hard-earned dollars always have some very good rationale for doing it.

But the question is, any time you create a Federal investment, by definition you are going to be creating a family divestment, because somebody has to pay for this. In this particular case, when it is the Heritage Foundation, as is noted, by at least one count we have 10,000 Federal programs spread across 600 different agencies. I defy any human being to tell me what they do. The Office of Management and Budget has noted in their budget report: "This program is redundant with other Federal programs at the Department of Commerce and Housing and Urban Development."

Now, my reading of this bill, and I would certainly let the chairman correct me if I am wrong, I don't think one single program is terminated in this particular bill. Everybody is going to get more money except the people who have to pay for it, and that is the poor beleaguered taxpayer.

I have a lot of respect for the chairman of the subcommittee, and we serve on the House Budget Committee together. I know she hears the same testimony that I hear. That testimony is this Nation has a huge spending problem.

Already with the government that we have, we are on track to double taxes on the next generation or, for all intents and purposes, there will be no Federal Government in the next generation, save Medicare, Medicaid and Social Security.

I know it's a problem that doesn't manifest itself tomorrow, but how long is this Congress going to kick the can down the road? I mean, we have heard the testimony. Our Comptroller General has said that the rising cost of government is "a fiscal cancer" that threatens "catastrophic consequences for our country and could bankrupt America."

Yet here we have a bill increasing one program 37 percent and terminating none, none. I mean, where does it all stop?

Now, I know the subject matter is important. I have the honor and privilege of representing a fair amount of rural Texas in the Fifth Congressional District, but those are the same people who are being asked to pay for this. They are the ones who are going to be subjected to the single largest tax increase in American history of roughly $3,000 per family.

So here we have out of 10,000 Federal programs one that OMB has said is redundant, does the same thing that other programs do. Unfortunately, the committee's response is to increase it 37 percent.

Now, maybe the savings is modest to the taxpayer, but the principle is huge, because ultimately the Federal budget cannot grow beyond the family's budget ability to pay for it. There is a very important precedent that could be set here. Let's take one program and tell the American people who have to pay for it, know what, it can do with the same amount of money last year that it had this year. Let's protect, let's protect the family budget from the Federal budget. Let's adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

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Ms. DELAURO. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I yield myself 2 minutes.

I rise in strong opposition to this amendment from the gentleman from Texas to cut the Community Facility grant program.

These are grants, please understand, that assist in the development of central community facilities in rural areas and towns of up to 20,000 in population. These are small communities, low populations, low income, and they receive a higher percentage of the grants.

What are they used for? To construct, enlarge, improve community facilities. What are those community facilities? It is about health care, public safety, community, public services. When you have seen what has happened to rural America with the loss of jobs, globalization, you have families and livelihoods which have become marginal, you also see the fabric of the community and those institutions cannot be sustained, and these things go away. And so that the local community has an opportunity to create some of these services that are necessary, it is vital to small communities, to impoverished communities. And they build fire stations, hospitals. They purchase ambulances and other critical facilities.

And if you don't deal with the health care where they have limited availability and accessibility, we are going to continually have a shortage of health care providers in rural America, and that is a disaster.

Major investments in transportation, telecommunications, and other critical services are necessary in many rural areas, and local tax bases are unable to support necessary investments and improvements. And we know what the topography is in rural areas with the remoteness from metropolitan areas adds only to their difficulties.

This is essential, this program, to really help communities get a critical infrastructure. This is building infrastructure in rural America, which every report, every study says we need to do in order to reenergize and revitalize rural America. I urge you not to vote for this amendment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, let's hear from some of the people in rural America whose health care is going to be impacted by this bill.

More spending fuels more taxes. Let's hear it from the McConathy family in Mineola, Texas. "We are retired and on a fixed income. If our taxes are raised almost $3,000, we will not be able to afford the medication we need."

Mr. Chairman, that is coming from the people who have to pay the taxes to help pay for the 37 percent increase in this program that the Democrat majority wants. Maybe they can spend their money better for their health care; and, because of that, I urge adoption of this amendment.

The Acting CHAIRMAN. The gentleman's time has expired.

Ms. DELAURO. I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise in opposition to this amendment.

Let's be practical. This is about rural America. These are about towns that are under 20,000 people who have come together and decided they want to build community facilities, community centers so people can get together and solve problems. They have to put up the money for their match, and they are asking for a competitive grant program, means that their ideas have got to compete with other ideas in small towns around the Nation.

This gentleman gets up and berates the fact that he is taking all this time to cut this money out of rural America for something that they want. You go back and tell your taxpayers that, while we are sitting here, we spent $13,732,620 in Iraq in one hour, in one hour. And they are building community centers over there for the Iraqis. We can build community centers for our communities in the United States.

I oppose this amendment.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are advised to address their remarks to the Chair.

Ms. DELAURO. Mr. Chairman, I yield 1¼ minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Let me rise in strong opposition to the gentleman from Texas's amendment, and I am hoping that the gentleman might engage me in a brief question.

These grants assist in the development of essential community facilities in rural towns of up to 20,000 in population. We talked about them in great detail in a number of hearings on the Agricultural Appropriations Subcommittee, and witness after witness suggested that these Federal funds, in conjunction with local funds, made it possible for them to advance the idea of health conversations and broader conversations about fire stations and hospitals and purchasing ambulances and other critical community facilities.

I was going to ask the gentleman if he wouldn't mind engaging in just a brief colloquy with me. A brief question: Does the gentleman support the President's budget?

I yield to the gentleman from Texas.

Mr. HENSARLING. No, I do not.

Mr. JACKSON of Illinois. The gentleman does not support the President's budget. Well, that is important, because let us be clear that the gentleman's amendment is proposing $16.8 million more than the President is proposing in this program.

The President has zeroed this program out. The committee sought to increase the number in this program. And if the gentleman's amendment returns it to the 2007 level, the 2007 level is $16.8 million more.

I encourage you to vote against the Hensarling amendment and support the Community Facilities program.

Ms. DELAURO. Mr. Chairman, let me close by saying that, again, this is about building infrastructure in rural America.

The facts are that the demographics are changing in rural America. We are looking at communities that have lost jobs, that have lost because they can't sustain them, community institutions. These community facility grants allow for these communities to access resources in order to create the kinds of services that they and their families need in order to be able to survive.

The demographics are going in one direction, and the administration will take away all of the opportunities, as with the gentleman from Texas, for these communities to be able to thrive. It is wrong, and I urge my colleagues to vote against this amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 110–290.

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HENSARLING:

Page 48, line 12, after the first dollar amount, insert "(reduced by $8,910,000)".

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, the purpose of this amendment is, frankly, identical to the purpose of the previous amendment; and that is, let's show the American people that, out of these 10,000 Federal programs spread across 600 different agencies, that maybe one of them, one of them can do with the same amount of money next year that they had last year.

Instead, this particular program that is involved, the Broadband Grants program, in H.R. 3061, spending on the program has doubled, increased 100 percent. Again, are people who are expecting to pay for this, did their family income go up 100 percent?

And I have listened carefully to several of the previous speakers, and I will be measuring my comments. But, Mr. Chairman, I grew up working on my father's family farm. I am the son of a farmer. I am the grandson of a farmer. I am the great grandson of a farmer. I grew up in rural communities in Texas like Slaton and Naples and Lingelville. So, Mr. Chairman, I don't take a back seat to anybody to my commitment to rural America. It is where my roots are.

And so maybe some of the people on the other side of the aisle, maybe their constituents are a little different than mine. Maybe the people they grew up with and their surroundings and circumstances were different than mine. But I spend a lot of time talking to people in rural Texas in the counties that I have the pleasure of representing, those counties that help comprise the Fifth District of Texas. And they would love to all have broadband. They would love to have it.

And do you know what else they love even more? They would love not to have the single largest tax increase in American history imposed upon them. They would love to get rid of the death tax that can take away the family farm or ranch it took generations to build. That is what they would love. They would love the ability to be able to dispose of their private property, as they struggle to make their family farms and ranches successful. Each one of these has been opposed by the Democrat majority. That is what rural America needs. That is what people on the farm and ranch need.

Now, again, the goal of helping bring broadband to rural America is a very worthy goal. It is a very lofty goal. And I am sure in just a couple minutes we will hear how the entire rural America will come to a complete halt if we don't have any Federal, a Federal Government program dealing with broadband, notwithstanding the fact that the Office of Management and Budget has already noted, "This program is duplicative of the Broadband Loan Program authorized in the 2002 farm bill. The areas eligible for grants are also eligible for low-cost broadband loans through the RUS."

The program is already there. So what are we doing spending double on this program, being completely oblivious to the people who have to pay for it?

Again, there is great, great focus on the benefits of this program. But where is the focus on the cost?

Again, I know the gentlelady from Connecticut hears the same testimony I do in the Budget Committee, but already we are on track, we are on track to double taxes for the next generation. The Comptroller General has said that we are on the verge of being the first generation in America's history to leave the next generation with a lower standard of living. And so what do we do? We don't even sit idly by. We double spending on this particular program, completely oblivious to those who have to pay for it, especially future generations.

If there is anybody who qualifies today for the least of these in the political process, it is future generations. And because of that, although the principle is large, the sum is modest, I encourage adoption of the amendment.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise again in strong opposition to this amendment from the gentleman from Texas. This would cut in half the Broadband Community Connect program.

This funding level will help. First, let me quote to you from something called the Carsey Institute Report, Rural America and the Twenty-First Century Prospectus from the Field. And this is the quote. This is June, 2007: "Expanded broadband telecommunication is essential, is essential, if rural areas are to be competitive in a global economy."

I can't believe the gentleman would want to move us backward and not forward in terms of allowing our communities to move into the 21st century and to be able to compete globally. This funding level helps more families in rural communities get the access that they need to technology. This helps to increase business, employment opportunities, greater access to educational and lifesaving medical services.

This is not a partisan issue. We all support providing increased broadband services to rural America. Communities that are selected to receive grant funds do not currently have access to broadband connectivity for central services of police, fire protection, hospitals, local governments, libraries, schools. In return, what the communities do, because it is a partnership, they provide a community center where you have at least 10 computers to be available to the public with hours set for instruction and on the use of the Internet.

This is about economic opportunity and revitalization and the potential for improving the quality of life for residents in these areas that need to have this infrastructure. The technology is going to be the key to the ability of rural businesses and rural economies.

Mr. HENSARLING. Mr. Chairman, number one, with all due respect to the gentlelady from Connecticut, this amendment would cut nothing. It would level fund the program from one year to the next.

And, again, let's hear the voice of rural America. Let's hear from the Peterson family in Van who is going to have to pay for this.

"I am a widow, a full-time college student, single mother of a growing teen boy. This amount would be impossible to squeeze out. The monthly amount is more than half of my monthly vehicle installment and more than a third of my monthly housing expense and exceeds my already bare bones monthly grocery budget."

Let's adopt the amendment.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. JACKSON).

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Mr. JACKSON of Illinois. Thank you, Madam Chair.

Let's put a face on this program. In Horseshoe Bend, Idaho, no company had invested in providing broadband delivery to the residents until a company called Bitsmart applied for a USDA Community Connect Grant. 770 people live in Horseshoe Bend, Idaho. Now, Bitsmart has established wireless Internet accessibility and availability, an integrated system connecting law enforcement, health care providers and school and government offices.

The USDA Rural Development mission is to increase economic opportunity and improve the quality of life for rural residents. To level fund a program that connects rural Americans to the rest of our country would be a moral disgrace. We are under an obligation in this Congress to bring rural communities, where large corporations and medium-sized corporations do not invest in them, into the information age and make them part of our more perfect union.

I encourage my colleagues to reject the Hensarling amendment.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise in opposition to this amendment, and I hope the author will tell that mother in rural America that his money cuts grants to rural areas, to her local schools in rural areas, to her hospitals and to her rural businesses who all want to get access to broadband. They're leaving the rural area because they don't have this.

Also tell that mother that the same amount of money is being spent in Iraq in 45 minutes, in 45 minutes. In just the time of this debate, we're spending more money than this amendment cuts in Iraq to build those things that he wants to cut away from rural America.

This amendment is wrong. I oppose it.

Ms. DELAURO. How much time, Mr. Chairman, remains on our side?

The Acting CHAIRMAN. The gentlelady from Connecticut has 1 minute. The gentleman from Texas' time has expired.

Mr. JACKSON of Illinois. I was hoping the gentlelady from Connecticut would yield for just a brief question.

Would the gentlelady care to share with the committee what the President's proposal was for this particular program in this particular budget?

Ms. DELAURO. The President's proposal was to zero out the broadband program, telemedicine, which is really quite extraordinary in an age of technology, an age of trying to bring our communities together and particularly rural America. One of the things that we do in this bill is we're examining why we have so many underserved areas in terms of rural America. And we're going to request that the Inspector General do a study of why money isn't going into the underserved areas.

I don't think that there's an individual in this House, on either side of the aisle, that doesn't believe that that is the key to the future; the Internet, broadband, telecommunications. It's for urban areas. It is particularly for the rural areas which are underserved. Again, these are communities population under 20,000. Libraries, educational centers.

The Acting CHAIRMAN. The time of the gentlelady has expired.

Ms. DELAURO. I urge my colleagues to vote against this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. KINGSTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110–290.

Mr. KINGSTON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 5 offered by Mr. KINGSTON:
> Strike section 726.

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Georgia (Mr. KINGSTON) and the gentlewoman from Connecticut (Ms. DELAURO) each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I yield my time to the gentleman from Michigan (Mr. ROGERS).

The Acting CHAIRMAN. Without objection, the gentleman from Michigan will control the 5 minutes.

There was no objection.

Mr. ROGERS of Michigan. Mr. Chairman, I'm going to cut right to the chase. We have so little time.

I yield myself 2 minutes.

You know, the New York Times highlighted in an investigation in May, the global and deadly epidemic of counterfeit drugs. Counterfeit product diethylene glycol, an industrial solvent ingredient in antifreeze, found its way into cough medicine on our shelves. It was traced from Panama, through Spain, from China, all countries that would be permitted under this bill.

We must remember how dangerous this is. And I understand everybody's intention to try to lower drug prices to our seniors. That's critically important.

But what we are doing is throwing open the gates to every counterfeiter in the world, and the top five countries, China, Russia, India, Colombia, the other countries who are trying purposely to adulterate our prescription drug safety in the United States of America.

Seventy years ago the same diethylene glycol killed more than 100 people in the United States. That's why we have the FDA today. And guess what? It just happened again in May.

This is the wrong time to throw away all of those institutional years that we've developed to protect our drug supply in America. And I want to quickly show, and I apologize for the speed here, Mr. Chairman, but we have so little time on such an issue that is so important to the United States of America.

This is one of the facilities that was making drugs in China. How many of you would ask your mother to take a drug coming out of this facility? None of you. None of you would do it. And it's wrong for us just to throw it open for a political gamesmanship to say we're going to try to lower drugs. It's dangerous.

Aricept, to treat Alzheimer's disease, was found to be counterfeit. And it looks unbelievably uncanny like the real thing. Let me show you real quickly. Look, you cannot tell the difference. Are you going to ask an Alzheimer's patient to tell the difference between the real and the counterfeit?

And guess what? This isn't 70 years ago. This is today. They're trying to do this today. I cannot tell you how dangerous this is. We should take the opportunity to undo this and go back and use common sense.

I reserve the balance of my time.

Ms. DELAURO. I yield 1½ minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, first of all, because we are under such tight time constraints, I might add, and I understand the points that the gentleman from Michigan was making.

But of course, let me also mention, and I'll submit this for the RECORD, that the foreign facilities inspected for approval by the Food and Drug Administration include those from 65 countries, and I'll name just a couple: China, Macau, Niue. I don't know if anybody here has heard of the country Niue. I'm embarrassed to say that I don't know where Niue is. Russia, India and several other countries that at one point in time may have been questionable.

I also want to point out to the gentleman, and I know that he must be aware, that 40 percent of all drugs that come into this country that we take on an everyday basis, whether it is cholesterol medicine like Lipitor, which is made in Ireland, or Prilosec, which is made in Sweden, all of these drugs are already imported into the United States. So how do we really know if these drugs that are sold by the brand name manufacturers actually have ingredients that are safe?

And I would also say to my colleague from Michigan, who is very, very lucky, because Michigan is right next to Canada, and your senior citizens are able to cross that border there at Detroit, go into Canada, and they can buy their prescription drugs for 40 percent less, 50 percent less than American citizens can.

U.S. FOOD AND DRUG ADMINISTRATION

Foreign Facilities inspected for approval by FDA (65 countries)

Argentina, Austria, Australia, Belgium, Bahamas, Brazil, Bulgaria, Canada, China, Croatia, Czech Republic, Denmark, Finland, France, Germany, Haiti, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Latvia, Macau, Malta, Mexico, Netherlands, Niue, Norway, Poland, Portugal, Republic of Korea, Romania, Russia, Signapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Taiwan, Turkey, United Kingdom.

Mr. ROGERS of Michigan. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN), who knows that 30 percent of the prescription medicines in the areas of Latin America, Asia and sub-Saharan Africa are counterfeit, all of which would be permitted under this bill.

Mr. ROTHMAN. Mr. Chairman, I support the Kingston amendment which upholds existing law which allows for the importation of a personal-use quantity, a 90-day supply of a prescription medicine from Canada.

What the Kingston amendment will not allow, though, is the bulk importation of pharmaceuticals for the use of so-called Internet pharmacies. Internet pharmacies, you don't know where they're getting their drugs. They could come and have come from every single continent, from nearly every continent on the planet.

If we want to reduce the price of drugs, we ought to encourage the drug companies to eliminate or minimize the price disparity between what our citizens pay in the United States and what people around the world pay for their prescription drugs. And, Mr. Chairman, we ought to reform Medicare part D.

The Republican plan would subsidize the insurance industry and subsidize the drug companies instead of using that money for cheaper drugs for our own people in the United States.

But the Kingston amendment will assure a personal supply that you can get from Canada, but will also assure a safe product comes to the people of the United States when they get their prescription drugs.

Mr. ROGERS of Michigan. Mr. Chairman, I reserve.

Ms. DELAURO. I yield 30 seconds to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. I would just like to point out, 1, as I was starting to say, that our senior citizens, even with Medicare part D, cannot afford their prescription drugs. There is no competition in the marketplace.

And it was very interesting, today I ran into one of the pharmaceutical lobbyists who happened to tell me, Oh, my gosh, the Kingston amendment is getting us all engaged again in this issue, and, you know, we're going to pull out all the stops.

And I dare say that I would prefer to stand up for my constituents in Missouri as opposed to the pharmaceutical companies keeping competition and low prices out of this country.

Mr. ROGERS of Michigan. It's unfortunate the gentlelady would take personal comments, when you know that there are Americans and a Canadian who was just killed using counterfeit drugs, very unfortunate indeed.

I yield 1 minute to the distinguished gentleman from Michigan, the chairman of the Energy and Commerce Committee, a good friend and a great friend of the American people, Mr. DINGELL.

Mr. DINGELL. Mr. Chairman, this is a good amendment and it should be adopted.

How many of my colleagues saw television last Sunday night when they saw the hundreds of thousands of fraudulent counterfeit pharmaceuticals, pills that could be imported into the United States from China, and saw Chinese entrepreneurs bragging about how many of these they could make available?

You can kill people with bad drugs two ways. One is by giving them adulterated, contaminated unsafe drugs. That'll kill them. The other way is to give them drugs that don't do anything. And these drugs, although cleverly marked and wonderfully packaged, don't do anything.

How many of you want the blood on your hands of having people killed by allowing drugs to be imported which are not safe or which do not do what they're supposed to do?

How many people here want to see to it that your constituents are getting drugs which won't deal with hypertension or which won't address the problems of cancer or which won't deal with other life-threatening drugs, with life-threatening conditions?

I urge you to support this amendment.

I commend my good friend from Michigan for his leadership, and I say thank you. The Nation owes you a debt.

The Nation is watching this Congress to see whether or not this Congress is going to protect the people or whether we're going to expose them to great risk. I challenge my colleagues to do what is right.

Ms. DELAURO. I yield 1½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I rise to oppose the gentleman's amendment and to allow the importation of safe prescription drugs into our country.

You know, the pharmaceutical companies are making record profits. I represent a district along the Canadian border. Hundreds and hundreds and hundreds and hundreds of sick people from our district have to drive up over that bridge, the Windsor Bridge, up into Canada in order to take care of their mentally ill kids. The senior citizens that can't afford drugs, or they've been thrown out of a job, to try to keep house and home together as they have to purchase various pharmaceutical products.

What do we have an FDA for if it isn't for certification? That's what we want them to do. These drugs are being bought from certified pharmacies.

You know, the seniors that come through the supermarket aisle in the place where I shop back home, they're choosing between food and medicine. What kind of a choice is that, really?

You don't have to buy unsafe drugs. You can buy safe drugs. We want the FDA to regulate. I'd prefer to see drug prices reach an affordable level in our Nation and to make sure that all of our people have full prescription drug coverage under Medicare, and that's the direction we ought to move, including drug coverage under our insurance programs.

But there's absolutely no reason to buy the red herring that if you buy pharmaceuticals in Canada they're not safe. There isn't a single person in my district that has ever gotten sick, because they go to certified pharmacies. The tragedy is they cannot afford those drugs in this country.

And I want to compliment Congresswoman DELAURO, who has fought on this, Congresswoman EMERSON, who has fought on this. It seems like we keep fighting this because the pharmaceutical companies keep fighting us to do what's right for this country.

Mr. ROGERS of Michigan. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. Thirty seconds.

Mr. ROGERS of Michigan. I yield the remaining time, as I remind the gentlelady from Ohio that this bill would actually eliminate the enforcement of the FDA of all the rules, which makes it so dangerous. And nobody knows more about the dangers of counterfeit imported drugs than the gentleman from New Jersey. I yield my remaining 30 seconds to the distinguished gentleman from New Jersey (Mr. FERGUSON).

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Mr. FERGUSON. Mr. Chairman, I rise in strong support of the Kingston amendment.

I have got short time, but earlier this year the Energy and Commerce Committee had a hearing on drug safety, and my good friend, the gentlewoman from Colorado (Ms. DEGETTE), summarized the problem with drug importation by referencing a New York Times article just that week. She said, "Counterfeit drugs made in China were exported to Panama for sale, and they included a deadly toxin . . . 365 families reported deaths as a result of the tainted cough syrup and fever medication."

My friend, Ms. DEGETTE, continued: "Mr. Chairman, the dangers from counterfeit and contaminated drugs are frighteningly real, even under the current construct. Permitting reimportation would significantly increase the risk of counterfeit, misbranded, and adulterated drugs that would end up in my constituents' homes."

I agree with my friend from the other side of the aisle, the dangers related to drug importation the FDA needs the authority to prevent counterfeit medicines from coming into America.

I urge my colleaues to support the Kingston Amendment.

Ms. DELAURO. How much time is left, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from Michigan has no time left. The gentlewoman from Connecticut has 90 seconds.

Ms. DELAURO. I yield 30 seconds to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentlewoman for the time.

I want to say this is a major policy change. That is why we are here debating it. It is unfortunate we don't have a full Chamber. But the reason that I offer this amendment is because I think we should have the floor engaged on it, and we will have that opportunity tonight.

Number two, people are doing this. There are 1 to 3 million people who are buying Canadian drugs and drugs from other countries right now. If we are interested in safety, we will find a way to make this safe. This is a country that just invented the iFone, the iPod, the navigation system, and all this stuff. We can figure out how to make these drugs safe.

Finally, as Ms. KAPTUR said, these are certified drugs made in the United States in most cases.

Ms. DELAURO. Mr. Chairman, I yield myself the balance of my time.

I reiterate: These are FDA-approved drugs from FDA-approved facilities. Let's set the record straight.

The Congress has been misled by the pharmaceutical industry. They have stood in the way of keeping safe and affordable prescription drugs out of the hands of consumers. They are now misleading us in this campaign to scare the American public on the issue of drug importation. Prescription drugs can be imported into the United States safely. It has been done for decades. Reimportation needs to stay on the table. It needs to stay in this bill.

The drug companies have repeatedly demonstrated the influence that they have gained within the FDA and the Bush administration. It is time for the Congress and the American people to demonstrate that we are not easily swayed. Oppose this amendment.

Ms. ESHOO. Mr. Chairman, I rise in support of the Kingston Amendment which would strike language from the bill to implement a fundamental change to the FDA's drug safety laws by allowing the commercial re-importation of prescription drugs.

The bill is a vast expansion of current policy. Besides allowing individuals to bring drugs across the border for their personal use, the bill would allow pharmacists and wholesalers to re-import prescription drugs for sale in the U.S.

Let me address the myth that allowing prescription drug reimportation will dramatically reduce drug costs for Americans. This has never been proven and according to a 2004 report by the Department of Health and Human Services, estimated savings to individuals would be less than 1 percent. I'm concerned about taking serious risks to patient health for little or no gain.

It's important to remember why prescription drug re-importation was banned in the first place. Nearly 20 years ago, Congressman JOHN DINGELL introduced and passed the Prescription Drug Marketing Act. He did so on the heels of a multi-year investigation by the Energy and Commerce Committee's Oversight and Investigation Subcommittee.

The Subcommittee's investigation uncovered a string of abuses that were harming patients, including widespread importation of counterfeit drugs, drugs that had been tampered with and drugs that were incorrectly dosed or wrongly labeled. It showed that wholesalers who brought drugs back into the U.S. had no idea where the drugs originated, who they were buying them from and whether they were stored properly.

These problems have only worsened in the years that have followed. In 2003 the FDA and Customs Service found that 88 percent of imported medicines entering the U.S. were unapproved or otherwise illegal.

Mr. Chairman, the FDA is already a beleaguered and underfunded agency, a fact which was borne out by the recent incidents involving the importation of dangerous food and drug products from abroad, including tainted dog food and toothpaste, and Congress continues to struggle to find revenue for this vital agency. To require the FDA to take on the additional mandate of policing imported drugs will only place additional burdens on an already strapped agency.

I understand the concern of many of my colleagues about the cost of prescription drugs, particularly for elderly Americans, and I believe there are ways to address these issues without endangering public health. We cannot and should not jeopardize the safety of our rug supply on the unproven mechanism of reimportation.

I urge my colleagues to join me in voting yes on the Kingston Amendment.

Mr. BUYER. Mr. Chairman, I am very concerned about a highly controversial provision that allows for commercial importation of prescription drugs from any country, regardless of the safety of their prescription drug supply, and includes no safety mechanisms to protect Americans from potentially harmful drug imports.

My greatest concern is the number of counterfeit, illegal, and unapproved drugs flowing into the United States right now under a system which is closed to prescription drug imports. Today, Customs and Border Protection estimates that 273,000 prescription drug imports enter our country every single day—of which less than one percent are screened before being sent to Americans' homes. A 2003 report by the FDA found that 88 percent of the medicines imported into the United States were unapproved or otherwise illegal.

Mr. Chairman, administration after administration, regardless of the party in control of the White House, has been unable to certify the safety of our prescription drug supply in a market open to prescription drug imports. I strongly oppose prescription drug importation and encourage my colleagues to support the Kingston amendment to strip the appropriations bill of the harmful importation provision.

Mr. PRICE of North Carolina. Mr. Chairman, as we consider H.R. 3161, the FY 2008 Agriculture Appropriations bill, I want to voice my serious concerns about the provision in the bill that would prevent the U.S. Food and Drug Administration, FDA, from protecting U.S. consumers from the import of unsafe pharmaceuticals.

While we have had a de facto policy of allowing the importation of personal use quantities of prescription drugs from Canada, the bill before us would for the first time allow wholesalers and pharmacists to import bulk quantities of prescription drugs from any country, regardless of origin. The resulting increase in unregulated drug imports into this country would be exponential.

Such an increase would almost certainly lead to a rise in the number of counterfeit drugs and drugs shipped without adequate shipping safety precautions, creating serious health risks for patients.

I understand the need, sometimes the desperate need, for less expensive medications. To a great extent, this need is a function of the failure of our health care system to uniformly provide adequate health care coverage. For some 44 million Americans, the system fails to provide any coverage at all. And the Medicare Part D doughnut hole continues to make medications unaffordable for many seniors.

We clearly must find a way to make health care, including prescription drugs, affordable to more Americans. But reimportation on this scale is simply the wrong prescription for what ails us.

Even if we were to focus more narrowly on imports from Canada—and keep in mind that this bill would allow imports from any country—no one should assume that the safety issues would be resolved.

Many American consumers who order prescription drugs from Canadian pharmacies assume those medicines are coming from Canada. However, this is often not the case.

In December 2005, FDA announced the results of an operation to confiscate parcels containing pharmaceuticals from India, Israel, Costa Rica and Vanuatu, 43 percent of which had been ordered from Canadian Internet pharmacies. Of the drugs being promoted as "Canadian," 85 percent actually came from 27 countries around the globe.

In response to the investigation, then Acting FDA Commissioner Andrew C. von Eschenbach said, "These results make clear there are Internet sites that claim to be Canadian that in fact are peddling drugs of dubious origin, safety and efficacy."

This investigation raises serious questions about the form such an importation program would take. Who are the "wholesalers" and "pharmacies" that would be importing in large quantities and how would they be regulated? How would their operations interface with the existing supply chain? How would FDA protect consumers from fraud or drug contamination?

Congress has previously given HHS the authority to permit bulk drug reimportation, but both the Clinton and Bush administrations declined to use this authority because of the intractable safety issues involved.

I simply cannot support tying the hands of the FDA with regard to the importation of prescription drugs when their safety and effectiveness cannot be guaranteed. I urge a yes vote on the Kingston amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise today in support of the Kingston amendment.

I understand the arguments in favor of importation, but I don't believe that the remedy to solve these problems is to open up our Nation's pharmaceutical supply and distribution system to potentially counterfeit drugs.

Now is simply not the time to open U.S. borders to counterfeit prescription medicines. A new report by the Center for Medicines in the Public Interest scheduled to be released September 30, 2007, projects counterfeit drug sales to reach $75 billion in 2010, a shocking 92 percent increase from 2005.

According to Peter Pitts, senior fellow for health care studies at the Pacific Research Institute and Director of the Center for Medicines in the Public Interest, "The business of selling fake prescription drugs to unsuspecting consumers is burgeoning, and is a global industry. This underground industry represents a major public health risk for citizens of the world."

The new report estimates counterfeit drug sales will grow 13 percent annually through 2010, compared to just 7.5 percent estimated annual growth for global pharmaceutical commerce.

This amendment is a first step towards opening wide the doors at our borders to drug imports—and thus to counterfeit and adulterated medicines that will jeopardize Americans' health and safety.

We should not compromise the public's faith in the quality and safety of our Nation's pharmaceuticals by opening our borders, dramatically increasing the availability of counterfeit medicines.

Mr. Chairman, I urge strong support for this motion.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. KINGSTON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KINGSTON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. KINGSTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110-290.

Mr. KINGSTON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KINGSTON:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture who would require contracts to construct renewable energy systems to be carried out in compliance with the provisions of the Davis-Bacon Act.

The SPEAKER pro tempore. Pursuant to House Resolution 599, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman I yield myself 45 seconds.

Mr. Chairman, we are at a time right now when people are paying $3.10 for gas, $3.30 a gas. Gas is on the rise, and our options are limited. We are importing 60 percent of our oil.

It is ironic that on an Ag policy where 2 percent of the population is feeding all 100 percent, if we were importing 50 percent of our food, it would be a national security crisis, and yet oil, which is just as important, we are importing 60 percent of it.

During this time when we are in desperate need for alternative energy options, we should not increase the price of making cellulosic ethanol. And yet in the Ag bill, there was a clause that says if you are building an ethanol plant, you have to have prevailing wages, which drives up the cost of the plant and, therefore, drives up the cost of ethanol.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise to claim the time in opposition to the gentleman's amendment.

The Acting CHAIRMAN. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I rise to strongly oppose this amendment.

This amendment smacks right at heart of our wage structure, of fair wages and protected wages. Long before Taft-Hartley, before the Wagner Act, this was put on the books in 1931, 76 years ago.

And I might add Davis-Bacon was put on the books by a Republican administration, President Hoover, because at that time it was needed to have wage stabilization. Davis-Bacon is the cornerstone of the wage protection structure in this country that has produced the middle class that has been the backbone of this country. Davis-Bacon prevents underbidding of any contractor coming in on a government contract, low bidding and attempting to bring in a contract and hire workers below the prevailing wage. It is most important. And I might say, Mr. Chairman, this amendment was dealt with in the Agriculture Committee and soundly defeated at that time.

Essentially, what they are proposing is this: In the Ag bill, we have dedicated $4 billion for loan guarantees to set up ethanol plants. Now, Mr. Chairman, these are highly sophisticated operations. In order to come in and to be able to have the opportunity to be able to process an Internet technology, a foreign operation and a product that is clearly into the future, clearly we need the best talent, the best skills. We don't need not to protect the prevailing wage in this community.

Now, my opponents are going to come and say they are probably talking about union wages. Nothing in here says that. It says prevailing wages, prevailing wages that are set by a scientific survey that goes in and takes a survey of the wages in that local community. Why should the government be an instrument to come in and undermine a local community's labor standards? That is what Davis-Bacon was put in to protect, and that is why this is so important here today.

We need not be a thief coming in to take away from a local community what they have earned and their wage standards at their level. Why should the government come in and allow for this to happen? These protections were put in to prevent fly-by-night operations from coming into a community. Because so many government contracts are to the lower bidder and sometimes they bid low so they can go out and pay these low wages that are below the prevailing wage in that community. It is wrong to do that and, quite honestly, unAmerican. Because this law, Davis-Bacon, has been on the books for 75 years and has done this country good, and we deserve to keep it in.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from Georgia for yielding.

I listened attentively to the other gentleman from Georgia, who spoke with such confidence and authority on the Davis-Bacon wage scale. I may be the only Member of Congress, I know of no others, who has earned Davis-Bacon wages and paid Davis-Bacon wages, and I have lived underneath that for over 30 years, 28 years writing paychecks, over 14 consecutive months meeting payroll. I know what this does.

But I can tell you the history of it also goes back to an Iowan, an Iowan President, as the gentleman said, Herbert Hoover.

But this is the last remaining Jim Crow law on the books that I know of. It was designed to keep blacks out of the construction trade in New York. And I would ask the gentleman from Georgia to join me in helping to start the repeal of this process because this is the aspect of freedom between the employer and the employee.

Prevailing wage by definition, union scale in practice, there is no other way to analyze this. Union scale is what gets produced when the Department of Labor produces the proposed prevailing wage.

And when you talk about $4 billion set up for cellulosic and its being a highly sophisticated project, yes, it is; and we build these projects without its being union labor sometimes. If they can compete, we do it with union labor. My former crews have done so, and they are highly skilled and highly trained, and they get paid a wage that often is a 12-month-a-year wage, not something for just the hours they are on the job but wages and benefits so they can make a good wage and stay with you year round.

There was over a billion dollars invested in renewable energy in my district last year. There will be over a billion dollars invested this year. We are number one in biodiesel production in America of the 435 districts. We will be number one in ethanol by the end of this year. And there is no way that any other district in the country has a hope of catching up with the Fifth Congressional District of Iowa if you are going to impose Davis-Bacon wage scales on this and burn up at least 20 percent of the capital that will go into this. The cellulosic is experimental, and it is in my neighborhood. We need to invest the dollar as well.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise in opposition to this amendment for a very practical reason. The State of California, which is probably the most populous State in the United States, has done more for cutting energy costs by doing energy conservation and renewable energy. It has built all kinds of plants, all kinds of opportunities for renewable energy. It has reduced the per capita energy use in the United States to the lowest per capita in the country, doing the best job. And every one of those facilities was built under Davis-Bacon law.

It is not a problem. We have built every courthouse, every schoolhouse, every road, every capital in this country. It has been on the books for a long, long time. And this is just a get at labor, get at people, try to cut wages, go to the lowest cost. Essentially, it increases all kinds of imported labor.

This is the wrong way to do it. It is a mean amendment, and it should be defeated.

Mr. KINGSTON. Mr. Chairman, I yield myself 1¼ minutes.

I wanted to say what we are talking about here is if a business goes and gets a loan, then the government, because it is a government loan, turns around then and basically dictates what they have to pay, and what they have to pay is a higher wage than it is in most communities. Otherwise, the Democrats would not be putting it in here. If this was about free enterprise, this clause would not be in the farm bill.

And my biggest gripe is that it is making energy costs go up because it is making the construction of alternative energy facilities higher. As Mr. KING says, it is about a 20 percent bump in the cost of construction of a cellulosic ethanol plant. That's why I think it is a concern.

Who is going to pay for this? The consumers at the pump. And, in the meantime, there might be fewer alternatives.

In Georgia right now my good friend, Mr. SCOTT, knows we have three ethanol plants on the books, another two coming, and potentially 70 to 80 that will be built in the next 2 to 3 years. Now those are not all cellulosic ethanol plants, but why should we increase the cost of those?

I am excited about this because it does represent a new avenue in alternative fuels, and I don't think we should make anything increase the cost of that.

Ms. DELAURO. Mr. Chairman, I yield 15 seconds to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I thank the gentlewoman for yielding.

I had to come back to respond to Mr. KING's assertion that Davis-Bacon was put in for some reason to prevent black workers from working.

I went back to the point of the law so I could make sure I could clarify that. This is what the law says: Adopted in 1931 by President Hoover as an emergency measure intended to help stabilize the construction industry and to encourage employment at fair wages, not less than those prevailing in the locality of the construction work and not to keep black people from working.

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Mr. KINGSTON. Mr. Chairman, may I inquire as to how much time is remaining.

The Acting CHAIRMAN. The gentleman from Georgia controls 1 minute. The gentlewoman from Connecticut has 45 seconds.

Mr. KINGSTON. I yield the remainder of my time to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Georgia.

It's interesting to me how the components of history don't match up the same from what I read and what the other gentleman from Georgia (Mr. SCOTT) reads. And I've read through a fair amount of this history.

But the foundation of the Davis-Bacon wage scale went back to a Federal building contract that was awarded on low bid in New York City. And there was a contractor that brought in labor from Alabama, and it was African American labor from Alabama because they would work cheaper than the union labor in New York City. That's an historical fact.

This is a Jim Crow law. And I would appreciate it if the gentleman would join me in repealing it from the books. But it's a practical application today. It's 8–35 percent more money when you go Davis-Bacon wage scale. I average it out to 20 percent.

My company, that I sold to my oldest son, has done work on these sites, and we know the costs and we know the skills that are there. And we're developing the skills within our region and our neighborhood because we keep those people 12 months out of the year. They don't always go in and out of the union hall; if they can compete, they do. But we need to develop the skills and intellectual property. We need to develop our fuel so that we aren't importing oil from the Middle East.

I urge adoption of this amendment.

Ms. DELAURO. I urge my colleagues to oppose this amendment. Why? Why would we want to deny American workers, including those involved in rural development, the opportunity to receive fair prevailing wage protection? It's a matter of fairness for working men and women.

This is a program that is 75 years old, started by a Republican Congress in a Republican administration. The amendment attempts to undo what the House farm bill passed last week.

Mr. Chairman, Davis-Bacon prevents our workers from being exploited, and it encourages high-quality work. Again, I urge the rejection of this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. KINGSTON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KINGSTON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. JORDAN OF OHIO

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 110–290.

Mr. JORDAN of Ohio. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5.5 percent.

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Mr. Chairman, Members of the House, government spends too much money. Ask any American family, is government so lean, so efficient, has it tightened its belt so much that it just can't cut anymore, it has to spend what this bill purports to spend and wants to spend? And if you ask a typical American family that, you're going to get an overwhelmingly, No, government is too big; it spends too much.

And if you don't believe the American people and American families, look at the numbers. We have a $3 trillion budget we're dealing with here. We have an $8 trillion national debt. The government spends $23,000 per American household. We have an entitlement crisis that everybody knows is going to happen here in the next 10 to 15 years when you think about what we face in Medicare, Medicaid, and Social Security. And then this bill grows, over last year's spending level, 2½ times the rate of inflation, 5.9 percent increase over last year, $1 billion increase in spending over what we did last year.

My amendment is real simple. Frankly, it's the same amendment I've offered, now this is the ninth time. All non-defense related appropriations bills we have offered this amendment to, and the amendment is real simple. It says we're not going to cut anything; we're just going to spend what we spent last year. A pretty modest first step in beginning to get a handle on the spending that is out of control with the Federal Government.

Because one thing I know for certain, I've said this several times, but it's so true in my time in public life. We always hear about tax and spend politicians. The truth is, it's spend and tax. Spending always drives the equation. More and more spending inevitably leads to higher taxes and more taxes. In fact, we've seen that from this body over the last several weeks, tax increases on American families, American business owners, tax increases that hurt those families, hurt our businesses, and ultimately hurt our economy.

This is a simple amendment which says, let's spend what we spent last year; after all, all kinds of families, all kinds of taxpayers, all kinds of business owners have had to do that time and time again. It's not too much to ask the Federal Government that has a $3 trillion budget, an $8 trillion debt, and spends $23,000 per household, it is not too much to ask the Federal Government to do the same thing.

And with that, Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I rise in strong opposition to the gentleman's amendment, which would cut all of the agencies and programs in the bill by 5.5 percent to stay at the 2007 level.

This would represent a cut of more than $1 billion from the bill. Now is exactly the wrong time to cut funding for the critical programs under this bill. It is not the way to restore fiscal discipline and balance the budget.

Rather than using targeted precision cuts, as we have done with the bill, an across-the-board cut hurts core programs, increases the investment deficits our communities across the country have had to overcome in the past years, regardless of the value of the program. We face investment deficits in fundamental programs, rural and economic development, nutrition.

international food assistance, agriculture exports, conservation, food and drug safety.

I mentioned in my opening remarks that the fiscal year 2008 mark provides total discretionary resources of $18.8 billion, $1 billion above 2007, $982 million above the budget request. These are modest increases, but critical to provide basic services to rural communities to feed those in need and support conservation efforts. And 95 percent of the increase in this bill is used precisely to restore these programs.

If we cut $1 billion from the bill, as the gentleman is proposing, this is what would happen: we would not be able to fund these efforts in rural development. Direct loans for the section 515 Rural Multi-Family Rental Housing Program; section 502 directs single family housing programs; broadband grants, the Community Connect Broadband Program; Empowerment Zone; Enterprise Community Program; Community Facility Grant Program; Rural Business Enterprise and Opportunity Grants Program. We would have to significantly cut funding for water and waste grants, mutual self-help housing grant programs, farm labor housing loans and grants. In conservation, we will eliminate funding for the Watershed Flood Prevention Operation.

Watershed surveys and planning. Cut funding for the Watershed Rehabilitation Program, Grazing Lands Conservation Initiative, and the Resources Conservation and Development Program.

Nutrition. Without $1 billion, we may not be able to restore funding for the Commodities Supplemental Food Program. We may have to cut WIC administrative grants to States.

The increases needed and provided in this bill are not based on the belief that we should just throw money at the challenges that we face. The modest increases are about meeting the Federal Government's obligation.

I oppose the gentleman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. JORDAN of Ohio. I appreciate the Chair of the subcommittee and her work. But, frankly, the other side has got to get a new playbook. Every time we do this, they talk about devastating cuts and how it's going to ruin this, the sky is going to fall, the world is going to end, everything's going to go to, you know. They always use that. It's not even a cut. We're going to spend what we spent last year.

And just let me ask the question of the American people: Do you think, instead of spending $18.8 billion, do you think government can get along with spending $17.7 billion? We made it last year on that; didn't seem to be too much to ask before. We always hear it is a devastating cut when it's not even a cut.

Mr. Chairman, could I inquire as to the amount of time that we have remaining on each side.

The Acting CHAIRMAN. Both sides have 2½ minutes remaining.

Mr. JORDAN of Ohio. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. I would just concur that I think what we need to do is to look at core programs. Whether it is at the USDA or at the FDA, the gentleman's amendment would force all of these agencies that cover rural development, and I laid out the programs. Again, if you take a look at the demographics of rural America and their needs, which have to do with water and conservation and transportation and broadband and housing, by the very nature of your amendment, we've cut $1 billion from all those very, very critically important programs that are meeting the needs today of rural America in an effort that they may be able to re-energize and revitalize their communities, put together the kinds of community institutions that will help people in rural America to be able to thrive. They have taken a terrible blow in wages and in globalization. And what you would do with your amendment is just snatch that money from these kinds of efforts.

And I will just say this to you: quite honestly, what we've tried to do is, because the administration, and I'm presuming that this is something that you support along with the administration, is to say to rural America, You're on your own. If you don't have it, forget about it, we're not going to be there to help you. Government has a responsibility, a moral responsibility, to engage when people are facing challenges in their lives.

I believe everyone in this Chamber on both sides of the aisle would concur on what we are seeing happening in rural America and what is happening to the economic stability of this area and of these communities and of these individuals. It's not statistics; it's people. It's people's lives; it's people's abilities to have health care, to take their kids to school, to be able to afford education and transportation costs. Why would you want to take that away?

Why would you want to decimate nutrition programs when 40 percent of children in rural America are dependent upon food stamps? Why would you want to say no to nutrition when one out of eight families with an infant in this Nation is food insecure?

Let me tell you what food insecure means. It means they're hungry. They're hungry in the richest country in the world; and that is wrong, which is why your amendment really should be defeated, and it makes no sense.

Mr. Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are reminded to address their remarks to the Chair.

Mr. JORDAN of Ohio. Before yielding to my friend from Georgia, let me say this: the lady used the term "take away." For the umpteenth time, we're not taking away anything. We want to spend what we spent last year. The reason we don't want to increase spending is because everybody knows, the American people know this, when you increase spending and spend and spend and spend, it leads to tax and tax and tax. And that's what hurts those same families the gentlelady was talking about.

When you take more of their money, money that they could invest in their kids, pay for their kids' education, pay for that vacation they want to take as a family, all kinds of things they want to spend it on, when you take that away from them, that's what really taking away from families is all about. That's what we want to stop.

With that, Mr. Chairman, I yield to the ranking member, my good friend from Georgia (Mr. KINGSTON), for the remainder of our time.

Mr. KINGSTON. I thank the gentleman from Ohio for yielding.

I want to say that I support this for two reasons. Number one, this bill will be vetoed by the President should it make it through the United States Senate, which is doubtful to begin with, but that's nothing we can control over here. But we know the President has sent out a veto message that the spending level is too high.

We have debated this in committee before. I offered a similar amendment that failed. But I think we need to be realistic. The bill that we're spending tonight is not realistic.

Number two, I want to point out something. This is actually not a 5.5 percent cut because it's not an $18 billion bill. It's really a $90 billion bill. However, because of what I would call negligence on the part of the House, practiced by Republicans and Democrats over the years, we have decided to put about three-quarters of this bill on automatic spending. We call it mandatory. Now, nothing is mandatory when you make the laws. Nothing is mandatory. So it's kind of lazy. It's just sort of "spend as is."

And my friend from Connecticut has said that the gentleman from Ohio's amendment would actually take the nutrition and food programs away from children, yet most of them fall into this red category, which isn't even touched by his amendment.

His amendment is actually very conservative. It only affects about the $18 billion portion of this bill. And again, that's not where most of these food programs are, these critical programs. Now, I'm a believer that we should be debating both the red and the yellow portions of this bill and look at it realistically because this is a $90 billion bill, and the 5.5 percent only affects $18 billion.

And with that, I want to say that's why I think that it is important for us to always look into the authorizing side of a spending bill and the discretionary side.

I do support the amendment. And we have had this amendment, a similar amendment, in committee already. My friends on the committee have known my position on this.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in part B of House Report 110-290.

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 Offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available to the Auburn University for the Catfish Pathogen Genomic Project, Auburn, AL.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Agricultural Research Service—Salaries and Expenses" is hereby reduced by $878,046.

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, it's my intent to offer a number of earmark limitation amendments to the FY 2008 Agriculture appropriation bill.

In offering these earmark limitation amendments, I hope that my colleagues will join me in finally grabbing the reins on runaway earmark spending, and if you will pardon the pun, plant the seed of fiscal discipline in the appropriation process.

In its present form, this bill is under veto threat because it jumps the rails of the President's plan to have a balanced budget by 2012 by close to $1 billion. Part of the $1 billion increase in spending over last year's levels is caused by over 400 earmarks in the bill worth over $300 million that direct taxpayer dollars to congressionally selected projects.

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As my colleagues have heard me say a few too many times, I am sure, passing appropriation bills that contain hundreds of earmarks worth millions of dollars that are simply noted by phrases in the committee report shortchanges the legislative process of authorization, appropriation and oversight. The earmarking process is fraught with a lack of transparency, fiscal responsibility and equity for taxpayers, all too often rewarding the districts of powerful Members of Congress in the Appropriations Committee at the expense of the rest of the body.

Let me just note that, according to a review of the bill in a report by Taxpayers for Common Sense, members of the Agriculture Appropriations Subcommittee and party leadership, who make up 5 percent of the House, will take home one-third of the dollar value of agricultural earmarks, nearly $100 million.

If you assume that earmarks with multiple sponsors are shared equally, members of the Agriculture Appropriations Subcommittee and party leadership will send an average of about 4 million earmarked dollars back to their districts.

In contrast, if you look at the remaining earmarked funds and distribute them evenly over the remaining 400-plus House districts, at best they would value slightly less than $500,000. As I have said repeatedly, we are creating winners and losers here.

I'm usually referring to industries that are refunded by the earmarks. But it is true also here in Congress, if you are a seasoned Member in a position of influence, you typically get a lot more. It is simply not right for all the high-minded purpose we give to the contemporary practice of earmarks, talking about Article 1 of the Constitution and the authority it gives us, to then turn around and the leadership and the members of the Appropriations Subcommittee that control the bill get so much more than anyone else. It hardly seems fair. It hardly seems right.

In particular, this amendment would prohibit $878,046 in Federal funds from being used for catfish genome research in Auburn, Alabama, and would reduce the cost of the bill by a commensurate amount. I think that this is definitely one earmark that the taxpayers would love to throw back.

According to the earmark description in the certification letter, the funding would go to Auburn University "to help continue important research into the genomic behavior of catfish in order to resist and cope with virulent disease strains." It appears to me that the earmark is intended to make a genetic map of catfish.

Mr. Chairman, there are so many earmarks in this bill related to genetic research, I feel I am on some kind of farm-based CSI episode. Unfortunately, this isn't a creative drama. This spending is far too real. This seems to be a perennial earmark. It has received over $1 million in the last 3 fiscal years alone.

Where is the Federal nexus here? Why are we funding catfish research and not trout research? What about sunfish out there? Don't they deserve something? How do we choose here? How do we choose which university gets the funding? It is simply an arbitrary process based on your position on a committee or in the Congress.

Mr. Chairman, that seems wrong to me.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Alabama. Mr. Chairman, I would like to first start by yielding 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, every year, the administration has castigated the Congress for funding these items. In fiscal year 2007, in the continuing resolution, we left the decision up to the administration. In order to decide what to do, the administration conducted an extensive review of all of the "earmarks" in the Agriculture Research Service account. Do you know what? They decided that the vast, overwhelming proportion of the earmarks were worth funding. This one on catfish genomics was approved by the administration. It may have a funny name, but it makes a good sound bite.

I am sure that the members of each party that requested this funding can tell the House a lot about the importance of the catfish industry to their State and the economic losses from the disease in a very serious way.

We also have recently witnessed what is happening with imported product in terms of catfish from China and, in fact, what that has done to that market in these communities.

Mr. FLAKE. Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from Arizona for bringing attention to this vitally important research being conducted at Auburn University, an outstanding university in my district.

As my colleagues from Alabama know, and specifically my friend and colleague, Mr. DAVIS from the Seventh District, Auburn University is the home to USDA Aquatic Animal Health Research Laboratory. This laboratory conducts important research to help solve challenges in aquaculture that diminish productivity, lower the quality of catfish products, and hurt the long-term health of our domestic producers.

As my colleagues on the Agriculture Committee know, catfish is the leading aquaculture industry in the United States. In 2005, according to USDA, domestic producers sold 650 million pounds of catfish valued at $460 million. That total is only expected to grow. Today, catfish production has become one of the most important agricultural activities in States such as Mississippi, Arkansas, Louisiana and, of course, my home State of Alabama.

In recent years, the American catfish industry has been faced with intense competition from foreign producers, specifically countries like China and Vietnam. This not only poses serious challenges to our economy but, as we have seen in recent news reports about tainted Chinese food products, also to our health. In 2005, Alabama, Louisiana and Mississippi banned Vietnamese catfish after U.S. health officials detected a banned antibiotic in Vietnamese imports. That ban remains in effect. In May of this year, Alabama banned Chinese catfish over the same concern.

As with many agricultural imports, we have no control over what drugs these foreign countries are giving to their catfish, nor do we know what diseases they are trying to prevent. But one thing we do know is that we do not want these products, these diseases and those threats to our food and our health in our country.

That is why the funding included in this bill for the Catfish Pathogen Genomic Project is so important. It helps protect the safety and health of our food supply, it helps protect and strengthen important American products and an industry critical to the economics of several States, and it helps carry on the tradition of university based research supported by the Federal Government that benefits our economy and society.

Mr. Chairman, I strongly oppose the gentleman's amendment and ask the support of my colleagues for this important research program.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining.

The Acting CHAIRMAN. The gentleman from Arizona has 1 minute. The gentleman from Alabama has 90 seconds.

Mr. FLAKE. Let me just say there is over at the Department of Agriculture something called the Agricultural Research Service, or ARS, account, and it is being funded at over $1 billion for fiscal year 2008. Now, we may not like the programs they choose to fund. If we don't like it and we don't think they have a good process, we should exercise the oversight that we are supposed to exercise and change it. But to circumvent that process and say because you may not have given us a grant in one particular year then we are simply going to go around you and earmark, that simply seems wrong.

We are getting away from the authorization, appropriation, oversight program and process that has been the hallmark of this Congress forever. With earmarking, the contemporary process of earmarking, we are circumventing that and we do very little oversight of the Federal agencies, because we are seeking to compete with them.

We set up a program over there and we say you have a merit-based program, a competitive grant program, and then, when they don't choose what we want to, we circumvent it.

Mr. ROGERS of Alabama. Mr. Chairman, I yield 1 minute to my friend and colleague from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, I just want to stand in defense of the subcommittee and its work. We tried to be as responsive to members on this committee as possible, given that many members of the committee do not understand the specific details of every congressional district. But this is what Congressman ARTUR DAVIS had to say:

"Auburn University is seeking funding to continue research on endemic and emerging pathogens of catfish. Because the prevalence of catfish diseases constitutes $90–100 million in annual losses for catfish farmers, it is important to prevent these diseases to ensure a healthy national food supply and a successful economic development activity. This funding will allow Auburn University to conduct outreach to farmers and ensure that these vaccines make it into the field to protect the food supply of the American people. Earlier research from this project has already led to the commercialization of two vaccines that are now helping in the reduction of these disease losses."

Mr. Chairman, I want to thank Mr. ROGERS, and I also want to thank Congressman ARTUR DAVIS for looking out for the interests of this vital industry in their State. The committee did its work and honored their request. We should vote down the gentleman's amendment.

Mr. ROGERS of Alabama. Mr. Chairman, I would like to close by saying to my friend from Arizona, I share his concerns over some of our fiscal behavior in this Congress in recent years, but clearly this kind of USDA research university partnership is exactly what we should be fostering, given our concerns in this country about our food supply and its safety.

Mr. JACKSON did make reference to the fact that, in 2003, half of our catfish production was being affected by two diseases that this partnership has now alleviated. We can continue to ensure that supply is safe with this kind of expenditure.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in part B of House Report 110-290.

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available to Cornell University for Grape Genetics research, Geneva, NY.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Agricultural Research Service—Salaries and Expenses" is hereby reduced by $628,843.

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would eliminate $628,843 for the Grape Genetics Program at Cornell University and reduce the cost of the bill by a corresponding amount.

Mr. Chairman, it would seem that Congress is a one-stop shop for the wine industry. There is in this bill here $628,843 earmarked for the Grape Genetics Program, as mentioned, in addition to a $2.6 million earmark to actually construct the Center for Grape Genetics.

The earmark description in the certification letter submitted to the committee by the sponsor of the earmark informs us that this earmark would fund a full-time grape geneticist at the Grape Genetics Research Unit and support the viability of the grape and wine industry.

Now, according to some, the wine industry faces a growing demand for new technologies and varieties in order to be a player in the global marketplace. I don't doubt that at all. I don't deny that research and development is important to the wine and grape industry. I simply question why the Federal Government is expected to foot the bill for a private industry.

According to recent reports, direct sales of wine to consumers are up 30 percent this year. Let me repeat that. Direct sales of wine to consumers are up 30 percent this year.

According to a study unveiled by the Congressional Wine Caucus earlier this year, the U.S. wine, grape and grape products industry contributes more than $160 billion annually to the U.S. economy, $160 billion annually.

This study indicated that the industry supports more than 1 million full-time equivalent positions and that there are more than 900,000 grape-bearing acres in the U.S. In addition, according to the 2006 report by the USDA, New York has 239 wineries currently, as opposed to 17 in 1976. I would submit that this looks like an industry that is thriving.

If the Federal Government is going to support genetic research for one industry, why doesn't the Federal Government provide support for all of them? What mechanism is there to stop Congress from funding mold research on gourmet cheese, or soil research for truffle farming? Where does it stop? Where is the Federal nexus here? Why do we continue to fund these profitable industries?

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH of New York. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I thank the gentleman for offering this amendment because, if nothing else, it points out the essentially beneficial nature of public-private partnerships. Just as the Federal Government paid for the marvelous water projects in the West which helped Mr. FLAKE's State to grow and prosper, these research dollars have made the United States the global power in agriculture.

The Agriculture Research Service established the Grape Genetics Research Unit in Geneva, New York, at the center of New York's grape-growing region in conjunction with Cornell University.

☐ 2030

The goals of this program are to reduce losses to crop yield and quality that result from disease, pests and environmental stress, and to improve grape and grape product quality and utilization.

The genetic research unit's primary research areas are development of resistance to pests and diseases, superior adaptation of grapes to growing conditions and tolerances for environmental and weather-related stress, and improved product quality through enhanced knowledge of genetic factors governing color, flavor, aroma, sensory characteristics and yield.

The grape genetics research unit works with growers both in New York and nationally to develop root stocks and grape varieties that are pest and disease resistant.

The explosive growth that my friend from Arizona mentioned is a direct result of the research that is being done here and elsewhere in the United States thanks to the support of the American taxpayer. The plant genetic research unit in Geneva works very closely with farmers in all parts of the country. In fact, 1,200 varieties of grapes are growing at the Geneva ag station today.

Nationally, it is a $30 billion industry, the wine industry. There are 23,000 growers; 5,000 wineries; and in New York State, it is a $7 billion industry. This industry is paying back to the Federal Government, the State and communities $17 billion in taxes.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, let me just say, nobody questions the validity or the importance of research. Every industry needs to do it, and do a lot of it. But we have a lot of high-tech industries that are vital to this country. Why aren't we funding a company like Intel, for example, for issues related to testing of circuit boards? That is important. They face international competition.

Why do we say all right here, only we are going to fund grape research? Also, when we have a program over at the Department of Agriculture that we fund to the tune of a billion dollars this year to actually provide grants in this area, and still it is not enough. Still we say we have to earmark funds to go around that process. It seems like overkill, and I think the taxpayer deserves a break here at some point.

Mr. WALSH of New York. Mr. Chairman, I yield 1½ minutes to my friend and colleague from Utica, New York, in whose district Geneva resides, Mr. ARCURI.

Mr. ARCURI. I thank my colleague from New York, and I thank the distinguished chairwoman from Connecticut.

Mr. Chairman, I have only been here for 7 months, but in that short time it has become overwhelmingly clear to me that some of my colleagues are more concerned with establishing a reputation than addressing the needs of the American people.

Over and over, some of these colleagues from the other side of the aisle march down to the floor and take aim at appropriations projects that they feel aren't worthy of Federal support, as if people at one end of the country know what is important for people on the other end of the country.

I hear them talk about these earmarks and try to demonize them, talk about them being hidden and going to powerful Members of Congress. Well, there is nothing hidden about this. It is very clear what this project is. And as for powerful Members of Congress, I would like to be impressed, but I know as a freshman I am certainly not a powerful Member of Congress.

There are no winners or losers here. They talk about winners or losers here. The only winners are the American people. This program is for the American people. It is to ensure that our grapes and our wines that are so important to so many people in this country continue to be high quality and the kind of quality that makes America competitive.

The benefit of this project is not limited to my congressional district, but to people all over the country. Mr. Chairman, it is not about making a point or establishing a reputation; it is about conducting important research that protects the safety of our food supply, helps our domestic economy and the grape industry.

Mr. FLAKE. Mr. Chairman, let me just say to close, again, research is important in every industry, but there are industries all over the country in agriculture, in high tech, in storage, in transportation, you name it. It is going on all over, and not everyone is looking to the Federal Government to pay their research costs.

Why here? Why do we have an organization that gets earmarks virtually every year for the same thing over and over and over again? When does the taxpayer get a break? When is this industry weaned?

We just had a farm bill pass last week with subsidies going on and on and on. Here are more agricultural subsidies. I don't know where it stops, particularly with the deficit we have, the ongoing debt that we carry. It is time to give the taxpayers a break. I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WALSH of New York. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I want to express my appreciation to my dear friend and colleague for providing me with this time to say a couple of things in opposition to this amendment. I think the person who is proposing this amendment simply does not understand what is being done here.

The agricultural industry is a very important part of the economy of New York State, one of the most essential parts of the economy of New York State. The grape industry is an important part of the agricultural industry. This Grape Genetics Research Center, which has been established as a result of legislation which was put forward by Mr. WALSH and myself and others in 2005, is an important part of the way grape production is advancing in the United States and becoming a more important part of American agriculture. It is providing jobs for our citizens, and it is providing more and more economic growth in a number of parts of our country all across our country.

It enables grape growers to deal with the cold winters in the Northeast and enables grape growers to deal with the arid circumstances that they confront in certain parts of southern California and the other forms of diverse issues that need to be dealt with by grape growers in many places across the country.

This means of searching into this industry and providing better ways of doing it is an important part in the way in which we are protecting and growing our agricultural economy.

I would hope that the offeror of this amendment would spend a few moments to look more closely at these circumstances, because I think if he does, he might begin to understand the value of agriculture and the value of this kind of genetics research.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in part B of House Report 110–290.

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Alternative Uses for Tobacco, Maryland grant.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Cooperative State Research, Education, and Extension Service—Research and Education Activities" (and the amount specified under such heading for special grants for agricultural research) are hereby reduced by $400,000.

The CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit $400,000 in Federal funds from being used for alternative uses for tobacco in Maryland and reduces the cost of the bill by a consistent amount.

I would suggest to my colleagues that we can find some better alternative uses for the taxpayers' money, like paying down the national debt, for example.

In fact, just yesterday, Treasury Secretary Paulson predicted that the Treasury will reach the nearly $9 trillion statutory debt limit in early October. I would argue that this is a sign that we need to spend less on appropriation bills just like this one.

The certification letter submitted to the Appropriations Committee stated that the funding will go to the University of Maryland College of Agriculture and Natural Resources for the Alternative Uses of Tobacco Research Project.

The funding for this earmark is through the Cooperative State Research, Education, and Extension Service Special Research Grants account, which are congressionally directed and noncompetitive research earmarks.

The Alternative Uses of Tobacco Research Project is focused on finding new, nonsmoking uses for tobacco, such as pharmaceutical or biotechnology applications.

I am not denying that there aren't potential benefits for this research for the tobacco industry, for pharmaceutical industry, or for other biotechnology industries, but how long is the taxpayer going to be expected to fund specific research for the benefit of these industries?

This is not a new earmark. In fact, the project has received earmarks of between $320,000 and $400,000 each year since fiscal year 2002. Including this earmark, the University of Maryland will have received over $2 million in Federal earmarks for their alternative use project.

Why are we singling out this program and this school and earmarking funds for it year after year after year? What makes this program at the University of Maryland more deserving than Federal funds at other schools or organizations in Virginia, Tennessee, Arizona, California or elsewhere around the country? There are many other earmark projects that we are funding at the University of Maryland as well.

According to research done by Citizens Against Government Waste, from 2001 to 2006, the University of Maryland received just under $17 million in Federal earmarks. I think it is interesting to note in 2006 the University of Maryland paid lobbying firms more than $200,000 for various lobbying activities. Are these lobbyists lobbying Congress for additional earmarks?

When do we say enough is enough? When the smoke clears, the taxpayers are still being asked to fund tobacco research.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Maryland is recognized for 5 minutes.

Mr. HOYER. My friend from Arizona is having a good time. I don't blame him, but this is something that is good for the country. It is good for literally millions of people who have grown tobacco.

Let me say to my friend from Arizona: A, I don't smoke; B, I have never smoked. And when redistricting occurred and I got most of the tobacco-growing areas of Maryland, I went down and met with the Farm Bureau. I said, Look, I'm new to you. You don't know me. Actually, they did know me because I had been in office for some time. But I said, I want to tell you something right out front; I think smoking is bad for people's health, and I am not for it.

About eight of the 10 to 15 tobacco farmers that were there said to me after the meeting, they came up to me and said, You know what, we don't smoke and we don't want our kids to smoke.

That aside, Maryland has had one of the most successful tobacco buyout programs in America. In my district, the tobacco-growing area of Maryland, 90-plus percent, almost 95 percent of the farmers have taken the buyout, which means they can no longer ever on the property they own have tobacco grown for the purposes of smoking tobacco.

There were literally, as you can imagine, hundreds, and across the country there are thousands and thousands of farmers so situated, families who have been involved in this process for most of their lives and who produce a product, used alternatively, can have extraordinary value. But the problem is the research has not been done on it. Why has it not been done on it? Because the tobacco product was a very valuable product for a bad purpose; that is, smoking. Harmful to health and a destroyer of life.

Very frankly, some of the Farm Bureau came to me and said, Do you think we can find an alternative use, because we have a lot of expertise in growing this product, and we have facilities to do so. We think it can have some beneficial effect. My good friend said he thought that was the case. He is correct. There are a lot of good things in life that can happen, and his proposition is why this money, why here?

Well, because I represent my district. But I also believe this has national implications that if we can get a product from tobacco that is useful, and I want to discuss some of them, that will be good for our country, good for our economy, good for jobs, and good for people who have been displaced from the very lucrative but harmful vocation and who are now put to perhaps not having nearly the livelihood they expected to have.

The amendment seeks to eliminate funding for an important research project being undertaken at the University of Maryland. One of America's extraordinary research institutions, a land grant college established in the mid part of the 19th century, it seeks to develop safe and beneficial nonsmoking uses for tobacco.

The Alternative Uses of Tobacco Project has several very important objectives. First, we are seeking to take advantage of the many beneficial nonsmoking uses of tobacco. Most people would not think of the tobacco plant as having a use beyond smoking. They would be wrong. I didn't know that either, frankly.

Tobacco naturally produces high-nutrition proteins, one of the highest of any product, industrial raw materials and large amounts of biomass which can be used for renewable energy. Think of it. We talk about corn, we talk about other things, and we want to talk about cellulosic to produce energy. We just passed a farm bill seeking to do that. Think if all of the tobacco farms in America could be turned into energy producers, an extraordinarily positive contribution to the economy of our country.

□ 2045

Secondly, we're trying to revitalize tobacco-producing communities across the southeastern United States by shifting their focus away from the traditional use of the crop and generating new markets and new industries for beneficial new nonsmoking purposes.

Unlike Maryland, the Federal buyout, as you know, didn't eliminate the growing of tobacco; and in many States that have buyout programs they didn't eliminate the use of tobacco for smoking purposes. Maryland did. So that if we could give alternative uses for a product and get it out of the sale of use for smoking products, what a health benefit that would be for America.

So I suggest that this $400,000 is an extraordinarily good investment in health care, in the economy for our people.

Third, we are attempting to develop new technologies for producing leaf proteins. Leaf proteins are as nutritious as milk protein, but, unlike other protein sources, they are generally nonallergenic. Tobacco may be the largest producer of leaf proteins of any agricultural crop, but its historically inadequate processing technologies have limited their development.

Now, let me tell you something. The tobacco companies do not grow tobacco. They sell cigarettes. So they do not have an incentive to do this. The people who have an incentive to do it are the tobacco farmers, but, guess what, the tobacco farmers don't have a lot of money. It's the tobacco companies that have a lot of money.

So the tobacco companies rely on, I'm sure in your State as they do in mine, land grant institutions who have focused on agricultural research, as does the University of Maryland, as does the Beltsville Agricultural Research Center.

So I have some other things to say, but I think you get the point.

Mr. FLAKE is a friend of mine. I have great respect for Mr. FLAKE. Not only that, I think he offers his amendments in a very positive way. I've never seen him get mad at anybody. I've never seen him criticize anybody. I've never seen him say a cross word to anybody. He sets forth what is a correct proposition, that, look, we could save a lot of money by not having any of these earmarks and we wouldn't do this research or maybe the State could do it or maybe somehow the farmers could get together in a cooperative and do it. But they haven't done it and the Federal Government has historically invested in long-term progress.

Now, very frankly, the best example is the space program. The space program has made an extraordinary contribution in the creation of jobs outside of the space program, and agricultural research colleges have done the same for farming and feeding the world. We honored with a gold medal a university professor who fed the world, billions.

So I ask my friends, this is $400,000. We will spend $400,000 in Baghdad in the next hour or so. I don't know what the Citizens Against Government Waste think of that, and I frankly don't think they think of this particular item. I understand that. They think generally we ought to stop wasting government money. I agree absolutely.

And if you think research in a product to turn it to pharmaceutical use, if you think that research in a product to turn it to better energy production, if you think research in a product that may be available to give us better protein production, then I think, my friends, Mr. OBEY has said, we get the point. So I say this, and I'm laughing, this is a serious investment in good things for all people.

I hope that, notwithstanding the fact that he is my friend, that you will reject the gentleman's amendment, and I thank you for the time.

Mr. FLAKE. Mr. Chairman, I have great respect for the gentleman from Maryland, and I appreciate the tone which this debate has been conducted in.

I heard some new things here that I didn't know before. This was a Maryland-initiated buyout for the tobacco industry, a buyout which limited the uses of tobacco afterwards. That's great. It should probably be the State of Maryland that funds this kind of research then, instead of the Federal Government.

Another thing I heard that I hadn't heard before is I guess we are moving toward tobacco-based ethanol or something of some such. My old car smokes enough, thank you. I'm not sure that's the way to go, but, in any event, there are limits to what you can do. The truth is you can make ethanol out of an old boot if you expend enough energy doing it, but it doesn't mean that we ought to fund research again and again, over and over and over. There are limits to what the taxpayer ought to do.

And let me just say, given that, I mean, we imposed another tax on tobacco just a day ago, and I think there are plenty of incentives there within the industry, be it the growing side or be it on the marketing side or whatever, to find alternative uses for tobacco. I think it ought to be left with them and not the Federal taxpayer.

Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. FLAKE

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–290.

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Ruminant Nutrition Consortium (MT, ND, SD, WY) grant.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Cooperative State Research, Education, and Extension Service—Research and Education Activities" (and the amount specified under such heading for special grants for agricultural research) are hereby reduced by $489,000.

The CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I rise to prohibit funding for an earmark for the Ruminant Nutrition Consortium. This earmark would provide $489,000 for ruminant livestock production research, rangeland integration and other livestock resources.

A press release issued from this earmark in a previous year described it as an effort in the northern plains to further develop beef, dairy and sheep finish-feeding, which may lead to more jobs and more value-added agriculture.

Mr. Chairman, I know a little about cattle nutrition. I spent a lot of years on a ranch and a farm; and, in fact, I spent years on what we call bloat watch, where we'd sit at the edge of a field and have to watch while cattle, being the type of ruminant digestive system that they have, might bloat. And you'd have to run and stab the left side and hopefully relieve the suffering and relieve the certain death that comes.

I think this is an effort to relieve a little bloat that is here in this Agricultural appropriation bill and certainly in this budget.

There is simply no reason we should continue to fund research like this when we have, as mentioned already many times tonight, we have an account over at the Department of Agriculture that is for this purpose to dispense research dollars based on competition, where there are groups that are out there will compete for grants. We've told the Department of Agriculture to set up that program, and here we're saying it's not good enough. We're going to have that program; and then, in addition, we're going to give what essentially is a sole-source contract, single bidder. One university or one entity will get this earmark grant.

So it's simply not right.

Mr. Chairman, I reserve the balance of my time.

Ms. HERSETH SANDLIN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from South Dakota is recognized for 5 minutes.

Ms. HERSETH SANDLIN. Mr. Chairman, let me say at the outset, the gentleman from Arizona said this is a sole-source contract to one entity and we already have an entity in USDA an agency that would make these grants based on competition.

This is not a sole-source contract. Four universities are involved in the consortium, and it's a competitive-based program.

So my colleague from Arizona's attempting to strike from the bill an extremely modest amount of funding for an outstanding program that's provided tremendous benefits to ranch families in one of the most remote and economically challenged corners of the United States.

The economy of this area of the country, western North and South Dakota and eastern Wyoming and Montana, is probably more dependent on animal agriculture than any other region of the country. It's beautiful rangeland and beautiful country, for that matter, but it isn't suitable to grow much other than grass.

We have dozens of small, rural communities in that area that rely almost completely on the ability of ranchers to raise cattle and sheep and bison; and I consider them to be among the best livestock producers in the country, given the climate they have to contend with as well.

This modest program, again funded at $489,000 in this year's bill, is a model of what we should be trying to fund in our appropriations bills. This program stretches a few dollars a very long way. It targets its efforts on addressing specific needs. The results of the program benefit all regions of the country and its collaborative effort among four highly respected universities: South Dakota State University, North Dakota State University, the University of Wyoming and Montana State University.

By distributing grants through a competitive awards process, let me repeat, the program is competitively awarded, the consortium promotes interstate cooperation and collaboration among ranchers, farmers, scientists and educators. Research addresses subject areas that are identified as needs by producers living in the target region, which means results are directly applicable to those producers; and I'm proud of my efforts to secure funding for this program.

Research funded by this consortium is developing new methods to add value to common grain and forage crops through the use of ruminant livestock, again cattle, sheep and bison. The projects enhance economic return and positively impact the regional environment by integrating rangeland, annual crops, and livestock resources.

Like many, if not all, of my colleagues, I carefully vet the projects for which I request funding to ensure that the program requests that I make are effective, important, valuable projects. I'm proud to put my name on this project and on the handful of other projects that I've supported in this bill. I know my State. I make every effort to know the needs of the farmers and ranchers I represent and ensure that we are spending their tax dollars wisely on programs that get results.

This is one of those programs, and I urge my colleagues to join me in supporting it and rejecting this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, let me just say that the gentlewoman mentioned that this is not a single-source contract or single-bid contract. I have the certification letter. It says I'm requesting funding for South Dakota State University in Brookings, South Dakota, to conduct research into production of environmental aspects of ruminant livestock production, et cetera, et cetera.

What used to be a competitive grant process is no longer with this earmark. We do have a competitive grant process at the Department of Agriculture. Now, this school may choose to have a competitive grant process beyond that, but we're using Federal dollars to give to one university to perhaps disburse among other universities.

If we don't like the process over at the Department of Agriculture, we should end it. We should say we're not going to fund that account anymore, that billion dollars we're giving you is not being disbursed equitably nor wisely. If we believe that, we should tell them. We'd save a lot of money and instead contract with others at the local level and just give it out.

But what we're doing here is we're funding both. We're having a process over there where a billion dollars is handed out competitively with some kind of process, merit-based process, and we're going around that and earmarking funds for specific institutions.

It simply seems wrong.

Mr. Chairman, I reserve the balance of my time.

Ms. HERSETH SANDLIN. May I inquire how much time I have remaining?

The CHAIRMAN. The gentlewoman from South Dakota has 2 minutes remaining.

Ms. HERSETH SANDLIN. Mr. Chairman, I will yield the balance of the time to the gentleman from California, but let me just say, he can point to the certification letter, but this is a consortium. There is a lead university, but it's a consortium of four.

With that, I yield the balance of the time to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentlewoman for yielding.

None of this money comes to my State or the universities in California involved in this consortia, but the State of California and other States, including Mr. FLAKE's own, are very interested in the outcome of this. I will tell you why. Because the rangelands of America are under great threat; and certainly in those rangelands in the rural areas, you raise cattle and sheep and bison, which we don't raise in our State.

But what this grant does, why you ought to be interested in it, is that they're learning new ways in which to graze. What they're doing is studying the effects of grazing herds of cattle, horses, sheep all together, because they eat different kinds of grass, and if you herd them essentially, move them on, you can preserve and bring back the native grasses, which is what we want to do.

Our cattlemen are very interested in this process, and this is the place to do that study. You get kind of a funny name for some of these things like this Ruminant Nutrition Consortium, but, in fact, it's a grant program. It is competitive, and the benefits of it are I think what keeps America strong. We've got to keep putting money into research dollars.

□ 2100

You know, if this was medical research, you wouldn't be criticizing it, but it's agricultural research, and it sounds funny. But, you know, you didn't take on my earmark, which was about lettuce and germ plasma. That's a pretty funny one, but it's very important if you like lettuce and you want to keep America ahead in the lettuce world.

So striking these few earmarks, by your time, trying to do this, fortunately, I think you are a great Member and you get an A for effort; but you also get A for 100 percent failure in being able to strike earmarks, because these are good earmarks.

Mr. FLAKE. Mr. Chairman, well, I should say I haven't been very successful here. I have noted before I have been beaten like a rented mule here quite a bit. But I must say the majority of Democrats did join me in actually striking an earmark a couple of weeks ago, one Member, and I had the occasion just today of one earmark that I had planned to strike was stricken by the Member himself before I could strike it.

So there are occasions when the Appropriations Committee, for whatever reason, I sympathize with them. They simply don't have the time to vet all of these. I would suggest, when you have 410 earmarks in one bill like this, you simply don't have a lot of time to vet them.

I know a little bit about cattle ranching. As I mentioned, I grew up on a cattle ranch. The gentleman mentioned the process of moving cattle from one cell to another. Actually, we started doing that on the F-Bar some 30 years ago and are still doing it to some extent.

The gentlelady mentioned this is a consortium, four universities, I believe, getting these research dollars, but it's earmarked for that consortium. That consortium could apply to the Department of Agriculture for universities like this. I suppose, cattle have four stomachs, four universities, only makes sense, but they can apply directly to the Department of Agriculture. They don't have to get earmark dollars.

Mr. Chairman, I reserve the balance of my time.

Ms. HERSETH SANDLIN. Would the gentleman yield?

Mr. FLAKE. Is the gentlelady out of time?

The CHAIRMAN. The gentlewoman's time has expired.

The gentleman has 30 seconds remaining.

Mr. FLAKE. I yield 15 seconds to the gentlewoman.

Ms. HERSETH SANDLIN. I thank the gentleman.

Mr. Chairman, I too grew up on a farm. I have moved my share of cattle. We still have cattle on that farm, but it's in eastern South Dakota. It's not nearly as remote as the region that we are talking about. There are different types of grasses than the grasses we are talking about.

This is a consortium. I think it's very important we recognize the uniqueness of this particular area of the country.

Mr. FLAKE. I urge adoption of the amendment. We simply cannot afford everything. Let's give the taxpayer a break.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. FLAKE

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in part B of House Report 110-290.

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Wood Utilization (OR, MS, NC, MN, ME, MI, ID, TN, AK, WV) grant.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Cooperative State Research, Education, and Extension Service—Research and Education Activities" (and the amount specified under such heading for special grants for agricultural research) are hereby reduced by $6,371,000.

The CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit $6,371,000 and reduce the cost of the bill by a commensurate amount from being used to research wood utilization.

This is the second year in a row I have stood to address this earmark. It seems that not much has changed in the past year of wood utilization research. The committee provided precisely the same amount of funding last year, $6,371,000, for a variety of projects around the country that frankly seem designed to provide a solution in search of a problem.

This is another example of an earmark that has persisted for years that can only be terminated by Congress. The wood utilization program has received Federal funds since 1985 and has received more than $90 million in appropriations.

The United States is the world's largest producer of lumber and wood products used in residential construction and in commercial wood products such as furniture and containers.

The United States is also a leader in the pulp and paper business, producing about 34 percent of the world's pulp and 29 percent of the world's output in paper and paper board. About 1.3 million people are directly employed in the planning, growing, managing, and harvesting of trees and the production of wood and paper products in all 50 States.

The forest industry ranks among the top 10 manufacturing employers in about 42 States with an annual payroll of about $60 billion. This is an industry that dates back hundreds of years and has shown itself remarkably capable to adapt to change. It obviously continues to thrive today.

I sincerely question why the Federal Government needs to involve itself in a program that educates students about the utility of wood as a renewable resource.

What happened to the free market? What happened to common sense? I think we have had it out there for a while. After 1985, we have been doing this same earmark or this same program for the past several years, or it has been earmarked for the past several years. I would say it's time to reconsider the project.

I think the taxpayers may want to take us to the woodshed themselves for continuing to fund at a price of $6,371,000 this same earmark year after year after year.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the Flake amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, the wood utilization consortium is made up of 10 universities in 10 different States around the country with varying missions.

I am familiar with the program mainly because of the involvement of North Carolina State University. NC State's contribution to the consortium is focused on wood machining and tooling. The programs help develop innovative production methods and use stronger, longer-lasting tools which are allowing U.S. manufacturers to maintain domestic production and compete in the global economy.

Such work is critical to support the U.S. furniture and lumber industries. North Carolina's furniture industry alone is estimated to contribute $10 billion to the economy.

North Carolina State University's contribution to increased manufacturing efficiency and global competitiveness within this major industry represents only a small component of the wood utilization program. Continued funding is a wise national investment.

I urge defeat of the amendment.

Mr. Chairman, I yield 1½ minutes to my colleague from North Carolina, who represents the main campus of North Carolina State University (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank my friend for yielding.

Mr. Chairman, my friend from Arizona has already made a statement why this earmark ought to stay in here. It really is making a difference for the industry, and it's employing people. I rise in strong opposition to this amendment.

The funding for this wood utilization grant helps fund the Wood Machining and Tooling Research Program, as you have just heard. Part of it is really on the campus of NC State University, a land grant university. It has been matched more than dollar for dollar, every Federal dollar by private dollar.

This is not a giveaway program but, rather, one that has been designed to work to make the Southeastern furniture industry more competitive, as you have heard, in the global economy. This research program investigates and solves problems related to manufacturing tools used in the wood machining and manufacturing operations.

Other than Wood Machining and Tooling Research Program, there is no other Federal research program to support U.S. wood manufacturing and tooling companies who are competing with low-wage jobs on the other side of the world with other countries. It is only right to invest in the industries we have remaining in our rural parts of this country when outsourcing these industries overseas has hurt States all across America.

I strongly urge my colleagues to vote against this amendment.

Mr. PRICE of North Carolina. I yield 1 minute to our colleague from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Chairman, I want to give just one example why this investment is important to our Nation.

The Module Ballistic Protection System, developed at the University of Maine, is made of light, strong-as-metal wood composite panels that are inserted into tents to protect our soldiers over in Iraq and Afghanistan. This life-saving technology would not have been possible without the initial investment from the wood utilization funding.

In fact, this funding spurred advances in many different industries. It creates jobs and, in some cases, it will save American lives. This funding benefits the entire Nation.

I urge the rejection of the gentleman's amendment.

I rise in strong opposition to the gentleman from Arizona's amendment.

Investment in Wood Utilization Research at these locations including the University of Maine supports education and economic development across our country.

The funding encourages students to pursue careers in advanced wood science and engineering at a time when international competition in these fields is growing. This type of research is important to a growing number of industrial applications and to our national economy.

At U–Maine, every dollar appropriated to the Center generates an additional $7 in economic output. The research has promoted important advances in fields as diverse and important as biofuels and advanced wood composites.

I want to highlight one program in particular that was born from this funding. The Modular Ballistic Protection System, developed at the U–Maine Advanced Engineered Wood Composites Center, is a series of lightweight, strong-as-metal, wood composite panels that are inserted into tents to protect our soldiers from mortars and other incoming fire in Iraq and Afghanistan. This lifesaving technology would not have been possible without the initial investment from the Wood Utilization funding.

I appreciate the gentleman's intent but I believe it is misguided. In offering these kinds of amendments, the gentleman has frequently asked: what is the federal interest?

Well, in this case, it is clear. This is a project with national implications that helps our competitiveness, our industries, and our national defense. It is an investment that the Federal Government should be making so that America can lead the way in a variety of important R&D fields, create jobs, and in some cases, save American lives.

We do not pick any winners and losers here with this project—in fact, we all win with this research. So I urge the rejection of the gentleman's amendment.

Mr. PRICE of North Carolina. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from North Carolina has 1½ minutes remaining.

Mr. PRICE of North Carolina. Mr. Chairman, I yield 45 seconds to my colleague from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I agree with what my colleagues have said previously. I would take it from a slightly different angle. We are concerned about value added to American forest products.

I have watched in the Northwest the development of wood utilization research to deal with plywood and particle wood that are formaldehyde-free. It enables us to be able to provide a superior environmental product, adds greater value, protects the public and competes against foreign products where they are cutting corners. It wouldn't be possible without this type of partnership, from an environmental perspective, from an economic perspective, from a research perspective. I strongly urge rejection and look at that and suggest people look at how the $6 million has been spent in the past.

Mr. PRICE of North Carolina. I thank the gentleman for this most persuasive argument.

Mr. Chairman, I yield 45 seconds to our colleague from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I rise in strong opposition to this amendment.

Research funded by this program has provided blast-proof wood hybrid materials to the Coast Guard and the Army to strengthen their facilities. In fact, some wood composites engineered by the University of Maine and developed by research conducted under this grant program are being used by the Army Corps of Engineers in Iraq, Afghanistan and worldwide.

This funding will allow the University of Maine to continue its strong support of traditional wood products production and enhance the competitiveness of our domestic industry.

I strongly oppose this amendment, and I would add simply that I don't know of any program that spins off more small businesses than this wood composite program at the University of Maine.

Mr. PRICE of North Carolina. Mr. Chairman, we yield back the balance of our time.

Mr. FLAKE. Mr. Chairman, nobody here is questioning the need for research. Every industry does it. Every industry has to do it to survive because of competition.

What I question here is why the taxpayer is spending $6 million every year on this same earmark for a $60 billion industry. This money goes to universities all over the country, so does research money from paper companies that are in the department next door.

There is research being funded. This is a pittance compared to the other research dollars that are being spent.

Thank goodness, private industry knows that they have to do it. But why does a taxpayer have to be on the hook again and again and again year after year after year for this same earmark for wood utilization?

Mr. ROGERS of Michigan. Mr. Chairman, I rise today in strong opposition to the gentleman from Arizona's amendment to cut funding for the USDA grant for Wood Utilization Research.

For the past 15 years, Michigan State University and other universities have used grants for Wood Utilization Research to strengthen and improve the United States wood product industry. Jointly, these universities have addressed major problems in all of the forest regions of the United States. This collaboration has provided important advances that have helped to make our wood product industry more competitive around the globe, and our forests healthier here at home. Specifically, grant funding has been used to expand sustainable, environmentally sound forest practices and develop renewable wood-based materials.

The United States wood products industry is fragmented and composed of many small firms whose only access to advanced technology is through government or university laboratories. A major benefit of the USDA Wood Utilization grant has been the flexibility of universities to rapidly respond to critical regional or national research needs. In addition, the availability of grant funding has leveraged additional funds from state and private sources.

Michigan State University, located in Michigan's 8th District, continues to be a leader in this vital research. Today, they are performing research on wood materials that will shape the future of this industry for years to come. Projects include the conversion of wood residuals into biofuels, the development of environmentally safe preservative systems to lengthen the life of wood products (thus lessening the demand for harvest), the creation of wood materials that can substitute petroleum-based plastics, and the utilization of trees killed by emerald ash borer. Many of these projects will help reduce our nation's dependence on foreign sources of petroleum, create manufacturing and research jobs, and further strengthen our wood product industry.

Mr. Chairman, this research grant is critically important not only for Michigan State University and my district, but clearly for the United States wood product industry and our national energy needs. I thank the Committee for funding the grant, and I urge my colleagues to oppose this dangerous amendment.

Mr. FLAKE. Mr. Chairman, I yield back the balance of my time and urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 110–290 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. SESSIONS of Texas.

Amendment No. 3 by Mr. HENSARLING of Texas.

Amendment No. 4 by Mr. HENSARLING of Texas.

Amendment No. 5 by Mr. KINGSTON of Georgia.

Amendment No. 6 by Mr. KINGSTON of Georgia.

Amendment No. 7 by Mr. JORDAN of Ohio.

Amendment No. 8 by Mr. FLAKE of Arizona.

Amendment No. 9 by Mr. FLAKE of Arizona.

Amendment No. 10 by Mr. FLAKE of Arizona.

Amendment No. 11 by Mr. FLAKE of Arizona.

Amendment No. 12 by Mr. FLAKE of Arizona.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 2-minute votes.

AMENDMENT NO. 1 OFFERED BY MR. SESSIONS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 254, not voting 15, as follows:

[Roll No. 803]

AYES—168

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (FL)

NOES—254

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Abercrombie
Clarke
Costello
Crenshaw
Davis, Jo Ann
Ellison
Faleomavaega
Gutierrez
Hastert
Johnson, Sam
Kennedy
McGovern
Neal (MA)
Schwartz
Young (AK)

□ 2139

Mr. ORTIZ, Ms. CARSON, Ms. HIRONO, Mr. GRIJALVA and Mr. NADLER changed their vote from "aye" to "no."

Mr. BRADY of Texas and Mr. MARIO DIAZ-BALART of Florida changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. ELLISON. Madam Speaker, on August 2, I inadvertently failed to vote on Sessions amendment to H.R. 3161 (rollcall No. 803). Had I voted, I would have voted "no."

AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 90, noes 337, not voting 10, as follows:

[Roll No. 804]

AYES—90

Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Blackburn
Boehner
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Conaway
Culberson
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Feeney
Flake
Fortuño
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Granger
Hastert
Heller
Hensarling
Herger
Hoekstra
Inglis (SC)
Issa
Jordan
Keller
Kingston
Kline (MN)
Lamborn
Lungren, Daniel E.
Mack
Manzullo
Marchant
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Myrick
Nunes
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shays
Smith (TX)
Sullivan
Tancredo
Taylor
Terry
Tiahrt
Walberg
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—337

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—10

Clarke
Crenshaw
Davis, Jo Ann
Faleomavaega
Giffords
Gordon
Johnson, Sam
Kennedy
Pickering
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members have 1 minute to vote.

□ 2143

Mr. FORBES changed his vote from "aye" to "no."

Mr. SHAYS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY HENSARLING

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 66, noes 360, not voting 11, as follows:

[Roll No. 805]

AYES—66

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Blackburn
Boehner
Broun (GA)
Brown-Waite, Ginny
Buyer
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Culberson
Deal (GA)
Drake
Dreier
Duncan
Ehlers
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Hall (TX)
Hensarling
Inglis (SC)
Jordan
Keller
Kingston
Kline (MN)
Lamborn
Mack
Marchant
McCarthy (CA)
McKeon
Miller (FL)
Miller, Gary
Myrick
Paul
Pence
Petri
Poe
Price (GA)
Putnam
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shays
Sullivan
Tancredo
Taylor
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—360

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blunt
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano

Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—11

Bishop (UT)
Blumenauer
Clarke
Crenshaw
Davis, Jo Ann
Faleomavaega
Hirono
Johnson, Sam
Kennedy
McHugh
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 2148

Mr. LINCOLN DIAZ-BALART of Florida changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MCHUGH. Mr. Chairman, on rollcall No. 805 I was detained off the floor on a matter involving the Intelligence Committee. Had I been present, I would have voted "no."

Mrs. DRAKE. Mr. Chairman, on rollcall No. 805 I am reported as voting "yes"—It was my intention to vote "no."

AMENDMENT NO. 5 OFFERED BY MR. KINGSTON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. KINGSTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 146, noes 283, not voting 8, as follows:

[Roll No. 806]

AYES—146

Alexander
Andrews
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boustany
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Christensen
Clyburn
Coble
Cole (OK)
Conaway
Cubin
Davis (KY)
Davis, David
Deal (GA)
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Ellsworth
Eshoo
Etheridge
Fallin
Feeney
Ferguson
Fossella
Frelinghuysen
Gallegly
Gerlach
Gingrey
Gohmert
Graves
Hall (TX)
Hastert
Hayes
Herger
Hill
Hobson
Hoekstra
Holt
Honda
Hulshof
Inglis (SC)
Issa
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Jordan
King (NY)
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (KY)
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
Meek (FL)
Meeks (NY)
Melancon
Miller (FL)
Miller, Gary
Murphy, Patrick
Myrick
Nunes
Pascrell
Pearce
Pence
Pitts
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman
Rush
Sali
Saxton
Schmidt
Scott (GA)
Sessions
Sestak
Shimkus
Shuler
Shuster
Sires
Smith (NE)
Smith (WA)
Souder
Sullivan
Tanner
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Watt
Waxman
Weller
Whitfield
Wilson (SC)
Young (FL)

NOES—283

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Duncan
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
English (PA)
Everett
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Fortuño
Foxx
Frank (MA)
Franks (AZ)
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Loebsack
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McKeon
McMorris Rodgers
McNerney
McNulty
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton

Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rohrabacher
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Shea-Porter
Sherman
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tauscher
Taylor
Thornberry
Tiberi
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Clarke
Crenshaw
Davis, Jo Ann
Faleomavaega
Johnson, Sam
Kennedy
McHugh
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 2152

Messrs. SESTAK, COLE of Oklahoma, and WALBERG changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. TIM MURPHY of Pennsylvania. Mr. Chairman, on rollcall No. 806, I inadvertently voted "no" while I intended to vote "aye."

Stated against:

Mr. COLE of Oklahoma. Mr. Chairman, on rollcall No. 806, I inadvertently voted "aye." I meant to vote "no."

Mr. MCHUGH. Mr. Chairman, on rollcall No. 806, I was detained off the floor on a matter involving the Intelligence Committee. Had I been present, I would have voted "no."

AMENDMENT NO. 6 OFFERED BY MR. KINGSTON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. KINGSTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 278, not voting 7, as follows:

[Roll No. 807]

AYES—152

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Sali
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—278

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortuño
Fossella
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—7

Clarke
Crenshaw
Davis, Jo Ann
Faleomavaega
Johnson, Sam
Kennedy
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members have 1 minute remaining in this vote.

☐ 2156

Mr. LINCOLN DIAZ-BALART of Florida changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KENNEDY. Mr. Chairman, on rollcall Nos. 803–807, I missed votes due to my pager malfunction. Had I been present, I would have voted "no" on each of them.

AMENDMENT NO. 7 OFFERED BY MR. JORDAN OF OHIO

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 146, noes 284, not voting 7, as follows:

[Roll No. 808]

AYES—146

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
English (PA)
Everett
Feeney
Flake
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Patrick
Myrick
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—284

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—7

Clarke
Crenshaw
Davis, Jo Ann
Faleomavaega
Johnson, Sam
Wasserman Schultz
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members have 1 minute to vote.

☐ 2159

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 74, noes 357, not voting 6, as follows:

[Roll No. 809]

AYES—74

Akin
Bachmann
Barrett (SC)
Barton (TX)
Bean
Biggert
Bilirakis
Blackburn
Broun (GA)
Buchanan
Burgess
Buyer
Campbell (CA)
Cannon
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Dreier
Duncan
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gillmor
Hastert
Heller
Hensarling
Hunter
Inglis (SC)
Issa
Jordan
Keller
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Matheson
McCarthy (CA)
Mica
Miller (FL)
Myrick
Nunes
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Tancredo
Terry
Thornberry
Upton
Walberg
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—357

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman

Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—6

Clarke
Crenshaw
Davis, Jo Ann
Faleomavaega
Johnson, Sam
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members have 1 minute remaining to vote.

□ 2203

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 76, noes 353, not voting 8, as follows:

[Roll No. 810]

AYES—76

Akin
Bachmann
Barrett (SC)
Barrow
Barton (TX)
Bean
Biggert
Bilirakis
Bishop (UT)
Blackburn
Broun (GA)
Buchanan
Burgess
Buyer
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Cooper
Davis, David
Deal (GA)
Dreier
Duncan
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Hastert
Heller
Hensarling
Inglis (SC)
Issa
Jindal
Jordan
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marshall
Matheson
Miller (FL)
Musgrave
Myrick
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Ramstad
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Walberg
Westmoreland
Wilson (SC)

NOES—353

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—8

Clarke
Crenshaw
Davis, Jo Ann
Faleomavaega
Johnson, Sam
Murphy (CT)
Nadler
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members have 1 minute to vote.

□ 2206

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 94, noes 337, not voting 6, as follows:

[Roll No. 811]

AYES—94

Akin
Bachmann
Barrett (SC)
Barton (TX)
Biggert
Bishop (UT)
Blackburn
Boehner
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Conaway
Cooper
Deal (GA)
Doggett
Dreier
Duncan
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gingrey
Hall (TX)
Hastert
Heller
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Jindal
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Ramstad
Reynolds
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Upton
Walberg
Westmoreland
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—337

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—6

Clarke
Crenshaw
Davis, Jo Ann
Faleomavaega
Johnson, Sam
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members have less than 1 minute remaining.

☐ 2209

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. ELLISON was allowed to speak out of order.)

CONCERNING THE MINNESOTA BRIDGE COLLAPSE TRAGEDY

Mr. ELLISON. Mr. Chairman, on behalf of all the Members of the Minnesota delegation, including our esteemed Chairman JIM OBERSTAR, JIM RAMSTAD, COLLIN PETERSON, BETTY MCCOLLUM, Congressman KLINE, Congressman BACHMANN and Congressman WALZ, I would simply like to share with the body that we now know the identities of four of the members of our community in Minnesota who were lost at the collapsed bridge. Those individuals include Sheri Lou Engebretson of Shoreview, Minnesota; Julia Blackhawk of Savage, Minnesota; Patricia Holmes of Mounds View, Minnesota; and Artemo Trinidad Mena of Minneapolis, Minnesota. Eight of our fellow community members remain missing and are presumed to be lost and remain in submerged vehicles in the Mississippi River.

This morning, I was able to accompany Secretary of Transportation Peters, along with Senators KLOBUCHAR and COLEMAN, where we met Mayor R.T. Rybak and Governor Pawlenty and many other responsive elected officials. And there, Members, I did see, no doubt, a collapsed bridge spanning about 2,000 feet, which fell 64 feet into the Mississippi River. I saw vehicles that had been crushed. I also saw, not just devastation, but true heroism, Mr. Chairman, people who ran without any thought of their own safety to try to rescue people who had fallen into the Mississippi, rescue workers, first responders who, without any regard to their safety, came to the aid of their fellow community members. I saw unity of purpose, Mr. Chairman, and I saw responsive government meeting the needs of its people.

I also saw members of the community who were looking in need of aid and assistance of their fellow members of the community.

Mr. Chairman, I would like to ask that the Committee observe a moment of silence for those who we have lost, those who are suffering from injury, and the entire community which is struggling to recover at this time.

The CHAIRMAN. All Members will rise and we will observe a moment of silence.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Without objection, 2-minute voting will continue.

There was no objection.

AMENDMENT NO. 11 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 74, noes 355, not voting 8, as follows:

[Roll No. 812]

AYES—74

Akin
Bachmann
Barrett (SC)
Barton (TX)
Biggert
Bishop (UT)
Blackburn
Broun (GA)
Buchanan
Burgess
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Cooper
Davis, David
Deal (GA)
Dreier
Duncan
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey
Hastert
Heller
Hensarling
Herger
Hunter
Inglis (SC)
Issa
Jindal
Jordan
Keller
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
McHenry
Mica
Miller (FL)
Myrick
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Ramstad
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shimkus
Souder
Stearns
Tancredo
Terry
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—355

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—8

Bilbray
Clarke
Crenshaw
Davis, Jo Ann
Faleomavaega
Johnson, Sam
Sullivan
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

☐ 2217

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 68, noes 363, not voting 6, as follows:

[Roll No. 813]

AYES—68

Akin
Bachmann
Barrett (SC)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Broun (GA)
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Chabot
Conaway
Cooper
Deal (GA)
Duncan
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gingrey
Hastert
Heller
Hensarling
Inglis (SC)
Jindal
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Linder
LoBiondo
Mack
Matheson
McCaul (TX)
Mica
Miller (FL)
Myrick
Pence
Petri
Pitts
Poe
Price (GA)
Ramstad
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (NJ)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Westmoreland
Wilson (SC)

NOES—363

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)

Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—6

Clarke
Crenshaw
Davis, Jo Ann
Faleomavaega
Johnson, Sam
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised less than 1 minute remains in this vote.

☐ 2221

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McNULTY) having assumed the chair, Mr. BECERRA, chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, pursuant to House Resolution 599, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. LEWIS of California moves to recommit the bill, H.R. 3161, to the Committee on Appropriations with instructions to report the same back to the House promptly with an amendment that:
>
> (1) Prohibits any funds in the act (including grant funds) from being used to employ an alien who is not authorized to be employed in the United States; and
>
> (2) Prohibits any funds in the act for rental housing assistance programs to provide assistance to an alien not authorized to receive such assistance pursuant to 213A of the Immigration and Nationality Act.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, before going to the business at hand, let me say to my colleagues that that moment of silence earlier was something that each of us should take home with us in our hearts this evening. That which has happened in Minnesota is an obvious tragedy to the people affected, those who lost their lives, those who were injured, and, indeed, those we don't know about.

In turn, it is a reflection of the reality that across the country we have infrastructure exactly like that in Minnesota that we should all try to raise in terms of the priority of our attention. Indeed, that kind of crisis will come again, and we need to pay attention to it soon.

Mr. Speaker, with that, this motion to recommit would send the bill back to the committee and report the bill back promptly with an amendment that prohibits any funds in this act from being used to employ a person who is not authorized to be employed in this country and prohibits funds from being used for rental housing assistance to a person who is not authorized to receive such assistance.

There is nothing, Mr. Speaker, there is nothing dilatory about this motion. This is not a political piece of chicanery. It only requires that funds in this act be implemented in accordance with the current law and to ensure that sufficient diligence be employed by the USDA and its partners to ensure that these current requirements are followed.

Mr. Speaker, we cannot afford to be allocating funds and subsidizing individuals who are not in our country legally.

Similar amendments have been adopted in several appropriations bills passed by the House this year. Had there been regular order on this bill, I am sure they would have been adopted on this bill as well, that is, those individuals who would suggest that we should not have people who are not legally in this country being subsidized.

Now, you are going to hear from my friends on the other side of the aisle that this will kill the bill. That is absolutely not the case. As has been demonstrated by their actions today, they can go to committee, pass these amendments, and then waive procedural issues to bring this bill back to the floor tomorrow.

Mr. Speaker, I urge all Members to vote "aye" on this motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Ms. DELAURO. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I rise to oppose this motion for several reasons, not the least of which is that it derails the bill. There is one word in this motion, "promptly," which, as my colleagues know, takes the bill from the floor without reaching the question of passage.

Let me also add a critical point and be very clear: There are no funds in this bill which would authorize any actions for illegal aliens; not for rural housing, not for employment, not for any of the activities funded under this bill.

The President today accused the Congress of stalling on appropriations bills, yet that is exactly what you are doing with this motion. You are adding to the delay with a motion that means nothing.

As I have said earlier today during debate, this bill is the product of good, bipartisan cooperation and the result of many, many months of hard work; from hearings, to the subcommittee mark and up through the full committee. This bill strengthens rural America, it protects our public health, it improves nutrition in this Nation, it transforms our energy future, it supports conservation, it invests in research and it enhances all of society. We have every reason to move forward on this bill tonight.

Let me take the time to say thank you to the chair of the committee, Mr. OBEY; yes, to the ranking member, Mr. LEWIS; to the subcommittee ranking member, Mr. KINGSTON; to the staff, Martha Foley, Leslie Barrack, Diem-Linh Jones, Adrienne Simonson, Kelly Wade, Brian Ronholm, Ashley Turton, Leticia Mederos; on the Republican side, Martin Delgado, David Gibbons, Jamie Swafford, Merritt Myers, Meg Gilley; and on our side again, Rob Nabors, John Daniel, David Reich, Lesley Turner. They did incredible work to make sure that this bill got passed.

□ 2230

Let me just say to you now that I have had a lot of Members who have come up to tell me that they will vote for whichever side stops talking first. So with that, I end my remarks. Defeat this motion to recommit and pass this bill.

Mr. Chairman, I yield back the balance of my time.

PARLIAMENTARY INQUIRIES

Mr. BARTON of Texas. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. BARTON of Texas. Is the vote that is about to occur a 15-minute vote or a 5-minute vote?

The SPEAKER pro tempore. It will be a 15-minute vote.

Mr. BARTON of Texas. Further parliamentary inquiry. Would it be in order to ask a unanimous consent request to make it a 5-minute vote?

The SPEAKER pro tempore. The Chair cannot entertain that request without proper notice. Proper notice has not been given.

Mr. BARTON of Texas. Further parliamentary inquiry. What would constitute proper notice?

The SPEAKER pro tempore. All Members would have to be given adequate notice.

Mr. BARTON of Texas. I'm sorry, Mr. Speaker. I couldn't hear the answer. I am not being dilatory.

The SPEAKER pro tempore. The Member may consult the leadership on standards of adequate notice.

Mr. BILBRAY. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. BILBRAY. The most gracious gentlelady from Connecticut pointed out that the gentleman from California had cooperated here. Is there any reason that the gentlelady from Connecticut or the majority could accept the amendment and bring it back tomorrow morning at 9 a.m. so the American people could be assured that illegal aliens would not get this benefit, as the gentlelady from Connecticut has assured us?

The SPEAKER pro tempore. The Chair has recently addressed this. It is further in Deschler's Precedents, volume 7, chapter 23, section 32.25.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 212, nays 216, not voting 5, as follows:

[Roll No. 814]

YEAS—212

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—216

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak

Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—5

Clarke
Crenshaw
Davis, Jo Ann
Johnson, Sam
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes in which to vote on the motion to recommit.

☐ 2301

Messrs. SPACE, LAMPSON, MITCHELL, McNERNEY and Mrs. GILLIBRAND changed their vote from "yea" to "nay."

Ms. BEAN, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida and Mr. MARIO DIAZ-BALART of Florida changed their vote from "nay" to "yea."

The SPEAKER pro tempore. On this vote the yeas are 214, the nays are 214. The motion is not agreed to.

The Chair recognizes the majority leader.

Mr. HOYER. Mr. Speaker, I ask unanimous consent to vacate the vote that we have just taken.

Mr. BOEHNER. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. HOYER. Mr. Speaker, I move to reconsider the vote by which the previous vote was taken.

Mr. BOEHNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The Chair first will announce the result. The Chair prematurely announced that the motion was rejected on a tie vote of 214-214. After the cards already submitted in the well were entered in the computer, the result was the same, albeit by a different total, 212-216. The motion is not adopted.

The Chair recognizes the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I move to reconsider the vote by which the previous motion to recommit failed.

The SPEAKER pro tempore. The question is on the motion.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BOEHNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 12, answered "present" 55, not voting 127, as follows:

[Roll No. 815]

YEAS—238

Abercrombie
Ackerman
Allen
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—12

Arcuri
Bartlett (MD)
Capuano
Dreier
Duncan
Filner
Fossella
Hastert
Johnson (IL)
Nunes
Pascrell
Shays

ANSWERED "PRESENT"—55

Alexander
Boustany
Brady (TX)
Burton (IN)
Buyer
Camp (MI)
Chabot
Coble
Cubin
Davis, Tom
Deal (GA)
Dent
Ehlers
Emerson
English (PA)
Everett
Flake
Foxx
Frelinghuysen
Gallegly
Gerlach
Gillmor
Gingrey
Goodlatte
Graves
Hall (TX)
Inglis (SC)
Issa
Jindal
Kirk
Knollenberg
Kuhl (NY)
Latham
Lungren, Daniel
E.
Marchant
McCotter
McCrery
McHugh
Murphy, Tim
Pence
Platts
Poe
Porter
Price (GA)
Regula
Rogers (MI)
Rohrabacher
Schmidt
Sensenbrenner
Stearns
Tiahrt
Upton
Walden (OR)
Walsh (NY)
Young (FL)

NOT VOTING—127

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Clarke
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Fallin
Ferguson
Forbes
Fortenberry
Franks (AZ)
Garrett (NJ)
Gohmert
Granger
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
LaHood
Lamborn
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
McMorris
Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murtha
Musgrave
Myrick
Neugebauer
Pearce
Peterson (PA)
Pickering
Pitts
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Walberg
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

Mr. BOEHNER (during the vote). Mr. Speaker, I move to adjourn.

The SPEAKER pro tempore. The Chair would advise the minority leader that that motion is not proper at this time because we are in a vote on the motion to reconsider the vote on the motion to recommit with the previous question ordered to passage without other intervening motion. The only reason it is not on the board is that the machine is down.

Mr. BOEHNER. Mr. Speaker, I move to adjourn.

The SPEAKER pro tempore. The Chair would remind Members that the vote is on the motion to reconsider.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 1 minute in which to vote on the motion to reconsider.

☐ 2309

Mr. PENCE changed his vote from "nay" to "present."

So the motion to reconsider the vote on the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 237, nays 18, answered "present" 13, not voting 165, as follows:

[Roll No. 816]

YEAS—237

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
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Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

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Cubin
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Shays
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Wolf

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Bachmann
Bachus
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Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
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Carter
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Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
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Ferguson
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Fortenberry
Foxx
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Garrett (NJ)
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Gingrey
Gohmert
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Heller
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Herger
Hobson
Hoekstra
Hulshof
Hunter
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Jindal
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Keller
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Mack
Manzullo
Marchant
McCarthy (CA)
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Roskam
Royce
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Sali
Saxton
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Shadegg
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Sullivan
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Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

□ 2318

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 18 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0844

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCGOVERN) at 8 o'clock and 44 minutes a.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRENSHAW (at the request of Mr. BOEHNER) for August 1 from 6 p.m. through the balance of the week on account of medical reasons.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 845. An act to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. HASTINGS of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 46 minutes a.m.), the House adjourned until today, Friday, August 3, 2007, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2845. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dairy Product Mandatory Reporting [Doc. # AMS-07-0047; DA-06-07] (RIN: 0581-AC66) received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2846. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Gypsy Moth Generally Infested Areas; Addition of Counties in Ohio and West Virginia [Docket No. APHIS-2006-0116] received July 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2847. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Export Certification for Wood Packaging Material [Docket No. APHIS-2006-0122] (RIN: 0579-AC43) received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2848. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Quillaja Saponaria Extract; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0289; FRL-8136-6] received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2849. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bromoxynil, Diclofop-methyl, Dicofol, Diquat, Etridiazole, et al.; Tolerance Actions [EPA-HQ-OPP-2004-0154; FRL-8139-5] received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2850. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Rimsulfuron; Pesticide Tolerance [EPA-HQ-OPP-2006-0209; FRL-8139-1] received July 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2851. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Chlorthalonil; Pesticide Tolerance [EPA-HQ-OPP-2004-0257; FRL-8127-9] received July 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2852. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerance [EPA-HQ-OPP-2006-0523; FRL-8133-6] received June 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2853. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2854. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7722] received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2855. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7722] received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2856. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7716] received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2857. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2858. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2007-0477; FRL-8448-5] received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2859. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Attainment Determination, Redesignation of the Franklin County Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory [EPA-R03-OAR-2007-0174; FRL-8445-6] received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2860. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District and San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2007-0462; FRL-8442-4] received July 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2861. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Clean Air Interstate Rule Nitrogen Oxides Annual Trading Program [EPA-R06-OAR-2007-0252; FRL-8446-3] received July 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2862. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Johnstown (Cambria County) Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory [EPA-R03-OAR-2007-0324; FRL-8447-7] received July 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2863. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2007-0292; FRL-8442-9] received July 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2864. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Altoona 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory [EPA-R03-OAR-2007-0245; FRL-8446-9] received July 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2865. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Closure of the Eastern U.S./Canada Area [Docket No. 040112010-4114-02] (RIN: 0648-XA92) received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2866. A letter from the Writer/Editor, Department of Justice, transmitting the Department's final rule — Searches of Housing Units, Inmates, and Inmate Work Areas; Electronic Devices [BOP-1089-F] (RIN: 1120-AA90) received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2867. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Coast Guard Sector, Marine Inspection Zone, and Captain of the Port Zone Structure; Technical Amendment [USCG-2006-25556] (RIN: 1625-AB07) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2868. A letter from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook-Individual Procurement Action Reports (NF 507). (RIN: 2700-AD34) received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2869. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Surety Bond Guarantee Program-Preferred Surety Qualification, Increased Guarantee for Veteran and Service-Disabled Veteran-Owned Business. Deadline for Payment of Guarantee Fees, Denial of Liability, and Technical Amendments (RIN: 3245-AF39) received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2870. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2007-61] received July 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2871. A letter from the Chief, Publications and Regulations. Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Also Part 1, 102.) (Rev. Proc. 2007-39) received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2872. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deemed IRAs in Governmental Plans/Qualified Nonbank Trustee Rules [TD 9331] (RIN: 1545-BG46) received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANTOS: Committee on Foreign Affairs. H.R. 1400. A bill to enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran, and for other purposes; with an amendment (Rept. 110-294, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1400. Referral to the Committees on Ways and Means, Financial Services, Oversight and Government Reform, and the Judiciary extended for a period ending not later than September 7, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. OBERSTAR (for himself, Mr. ELLISON, Mr. PETERSON of Minnesota, Mr. RAMSTAD, Ms. MCCOLLUM of Minnesota, Mr. KLINE of Minnesota, Mr. WALZ of Minnesota, and Mrs. BACHMANN):

H.R. 3311. A bill to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Alabama (for himself and Mr. MELANCON):

H.R. 3312. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity tax credit for Hurricane Katrina employees; to the Committee on Ways and Means.

By Mr. EHLERS (for himself, Mr. BARTLETT of Maryland, Mr. DAVID DAVIS of Tennessee, and Mr. LAMPSON):

H.R. 3313. A bill to amend provisions of the Elementary and Secondary Education Act of 1965 relating to mathematics and science instruction; to the Committee on Education and Labor.

By Mr. DAVIS of Alabama (for himself and Mr. KING of New York):

H.R. 3314. A bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases; to the Committee on Ways and Means.

By Mr. WAMP (for himself, Mr. JACKSON of Illinois, Mr. ADERHOLT, Mr. ALEXANDER, Mr. ANDREWS, Mr. BACA, Mrs. BACHMANN, Mr. BACHUS, Mr. BECERRA, Mr. BERMAN, Mr. BARRETT of South Carolina, Mrs. BIGGERT, Mr. BISHOP of Utah, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BOOZMAN, Mr. BOREN, Mr. BOUSTANY, Mr. BONNER, Mrs. BONO, Mr. BOYD of Florida, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. BUYER, Mr. CALVERT, Mr. CAMP of Michigan, Mr. CANNON, Mrs. CAPITO, Mr. CARDOZA, Mr. CARTER, Ms. CARSON, Ms. CASTOR, Mr. CLEAVER, Mr. CASTLE, Mrs. CHRISTENSEN, Mr. CLAY, Ms. CLARKE, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. COLE of Oklahoma, Mr. COSTELLO, Mr. CONAWAY, Mr. CRENSHAW, Mr. CROWLEY, Mr. CUMMINGS, Mr. CULBERSON, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVID DAVIS of Tennessee, Mr. LINCOLN DAVIS of Tennessee, Mrs. DAVIS of California, Mr. TOM DAVIS of Virginia, Mr. DELAHUNT, Ms. DELAURO, Mr. MARIO DIAZ-BALART of Florida, Mr. DOGGETT, Mr. DOYLE, Mr. DUNCAN, Mr. ELLISON, Mrs. EMERSON, Mr. EMANUEL, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Ms. FALLIN, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FERGUSON, Mr. FLAKE, Mr. FORTENBERRY, Mr. FOSSELLA, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. GILCHREST, Mr. GINGREY, Mr. GOHMERT, Mr. GONZALEZ, Mr. GOODE, Mr. GORDON, Mr. GOODLATTE, Ms. GRANGER, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Mr. HASTINGS of Florida, Mr. HELLER, Mr. HENSARLING, Mr. HOBSON, Mr. HODES, Mr. HULSHOF, Mr. HUNTER, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. JINDAL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mrs. JONES of Ohio, Mr. SAM JOHNSON of Texas, Mr. JORDAN, Mr. KAGEN, Mr. KANJORSKI, Ms. KAPTUR, Mr. KELLER, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK, Mr. KINGSTON, Mr. KIRK, Mr. KLINE of Minnesota, Mr. KNOLLENBERG, Mr. KUCINICH, Mr. KUHL of New York, Mr. LAHOOD, Mr. LAMBORN, Mr. LARSEN of Washington, Mr. LATHAM, Ms. LEE, Mr. LEWIS of Georgia, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LEVIN, Mr. LOBIONDO, Mr. LOEBSACK, Mrs. LOWEY, Mr. DANIEL E. LUNGREN of California, Mrs. MCCARTHY of New York, Mr. MCCARTHY of California, Mr. MCCAUL of Texas, Ms. MCCOLLUM of Minnesota, Mr. MCCOTTER, Mr. MCCRERY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHENRY, Mr. MCKEON, Mrs. MCMORRIS RODGERS, Mr. MACK, Mr. MANZULLO, Mr. MARKEY, Ms. MATSUI, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. MOLLOHAN, Ms. MOORE of Wisconsin, Mr. MORAN of Kansas, Mrs. MUSGRAVE, Mrs. MYRICK, Ms. NORTON, Mr. OLVER, Mr. ORTIZ, Mr. PALLONE, Mr. PAYNE, Mr. PEARCE, Mr. PENCE, Mr. PERLMUTTER, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. RADANOVICH, Mr. RAHALL, Mr. RAMSTAD, Mr. RANGEL, Mr. REGULA, Mr. REHBERG, Mr. RENZI, Mr. REYES, Mr. RODRIGUEZ, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. ROGERS of Alabama, Mr. ROSKAM, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SESSIONS, Mr. SHAYS, Mr. SHIMKUS, Mr. SIMPSON, Ms. SLAUGHTER, Mr. SMITH of Nebraska, Mr. SMITH of New Jersey, Mr. SNYDER, Ms. SOLIS, Mr. SOUDER, Mr. SPRATT, Mr. STARK, Mr. SULLIVAN, Ms. SUTTON, Mrs. TAUSCHER, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TIAHRT, Mr. TOWNS, Mr. TURNER, Mr. UDALL of New Mexico, Mr. UPTON, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. WALSH of New York, Mr. WALZ of Minnesota, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WEINER, Mr. WELCH of Vermont, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WICKER, Mr. WOLF, Mr. WU, Mr. WYNN, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska):

H.R. 3315. A bill to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY of New York (for herself and Mr. GILLMOR):

H.R. 3316. A bill to amend the Fair Credit Reporting Act to provide individuals the ability to control access to their credit reports, and for other purposes; to the Committee on Financial Services.

By Mr. FATTAH (for himself and Mr. SOUDER):

H.R. 3317. A bill to amend the Higher Education Act of 1965 to improve and enhance the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP); to the Committee on Education and Labor.

By Mrs. MALONEY of New York (for herself, Ms. WATSON, and Mr. SHAYS):

H.R. 3318. A bill to require that the recommended national protocol for sexual assault medical forensic examinations include a recommendation that rape victims be offered information about emergency contraceptives to prevent pregnancy; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mr. HARE, Ms. SUTTON, Mrs. BOYDA of Kansas, Mr. MCNERNEY, Mr. KAGEN, Mr. ELLISON, Mr. RYAN of Ohio, Mr. KILDEE, Ms. SOLIS, Mr. MICHAUD, Ms. WOOLSEY, Mr. DAVIS of Illinois, and Mr. JACKSON of Illinois):

H.R. 3319. A bill to provide Federal contracting preferences for, and a reduction in the rate of income tax imposed on, Patriot corporations, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. BURTON of Indiana, Mr. NADLER, Mr. BERMAN, Mr. ROTHMAN, and Mr. EMANUEL):

H.R. 3320. A bill to provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland; to the Committee on Foreign Affairs.

By Mr. HOEKSTRA (for himself, Mr. BOEHNER, Mr. BLUNT, and Mr. PUTNAM):

H.R. 3321. A bill to update the Foreign Intelligence Surveillance Act of 1978, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL (for himself, Mr. CHANDLER, Ms. BORDALLO, and Mr. PATRICK MURPHY of Pennsylvania):

H.R. 3322. A bill to provide grants to units of local government and States to hire personnel to monitor the activities of sex offenders; to the Committee on the Judiciary.

By Mrs. CAPPS:

H.R. 3323. A bill to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes; to the Committee on Natural Resources.

By Mr. CLYBURN (for himself and Mr. MCKEON):

H.R. 3324. A bill to amend the Elementary and Secondary Education Act of 1965 to establish the First Tee Life Skills Program; to the Committee on Education and Labor.

By Mr. COURTNEY (for himself, Mr. SHAYS, Ms. DELAURO, Mr. LARSON of Connecticut, and Mr. MURPHY of Connecticut):

H.R. 3325. A bill to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office"; to the Committee on Oversight and Government Reform.

By Mr. ENGEL (for himself, Ms. PELOSI, Ms. ROS-LEHTINEN, Mr. WAXMAN, Mr. SHAYS, Mr. MARKEY, Mr. MCCOTTER, Mr. TOWNS, Mrs. BONO, Mr. RUSH, Mr. UPTON, Ms. ESHOO, Mrs. WILSON of New Mexico, Mr. WYNN, Mr. PICKERING, Mr. GENE GREEN of Texas, Mr. FOSSELLA, Ms. DEGETTE, Mr. FERGUSON, Mrs. CAPPS, Mr. SMITH of New Jersey, Mr. DOYLE, Mr. KIRK, Mr. ALLEN, Mr. PAUL, Ms. SCHAKOWSKY, Mr. FORTUÑO, Ms. SOLIS, Mr. WALSH of New York, Mr. INSLEE, Mr. LOBIONDO, Ms. BALDWIN, Mr. MCHUGH, Ms. HOOLEY, Mr. SAXTON, Mr. MATHESON, Mr. FRELINGHUYSEN, Mr. WEINER, Mr. WELLER, Mr. RANGEL, Mr. CASTLE, Mr. CLYBURN, Mr. DENT, Mr. EMANUEL, Mr. PORTER, Mr. MCDERMOTT, Mr. SESSIONS, Mr. HINCHEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LANGEVIN, Mr. MARIO DIAZ-BALART of Florida, Mr. KING of New York, Mr. RAMSTAD, and Ms. LEE):

H.R. 3326. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV; to the Committee on Energy and Commerce.

By Mr. GALLEGLY (for himself, Mr. BLUMENAUER, Mr. SHIMKUS, Mr. CALVERT, Mr. GARY G. MILLER of California, Mr. MARKEY, Mr. BILBRAY, Mr. COSTELLO, Mrs. MILLER of Michigan, Mr. PALLONE, Mr. UPTON, Mr. LEWIS of Kentucky, Mr. DOYLE, Mr. GILCHREST, Mr. KILDEE, Mr. BERMAN, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Mrs. LOWEY, Mr. WOLF, Mr. THOMPSON of California, Mr. ROTHMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. SAXTON, Mr. COBLE, Mr. BURTON of Indiana, Mr. LOBIONDO, Mr. CASTLE, Mr. BAIRD, Mr. WAXMAN, Mr. EVERETT, Mr. BILIRAKIS, Mr. ABERCROMBIE, Mr. SHAYS, Mr. KUCINICH, Mr. JONES of North Carolina, Ms. ESHOO, Ms. WATSON, Mr. MORAN of Virginia, Mr. WHITFIELD, Mr. RAMSTAD, Mr. MCHUGH, Ms. HARMAN, Mr. FORBES, Mr. TOM DAVIS of Virginia, Mr. WEINER, Mr. SCHIFF, Mr. ACKERMAN, Mrs. MYRICK, Ms. HOOLEY, Mr. SMITH of New Jersey, Mr. CAMPBELL of California, Ms. ZOE LOFGREN of California, Mr. LANTOS, and Mrs. BIGGERT):

H.R. 3327. A bill to amend the Animal Welfare Act to prohibit dog fighting ventures; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS:

H.R. 3328. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to conduct a feasibility study of water augmentation alternatives in the Sierra Vista Subwatershed; to the Committee on Natural Resources.

By Mr. AL GREEN of Texas (for himself and Mr. MICHAUD):

H.R. 3329. A bill to provide housing assistance for very low-income veterans; to the Committee on Financial Services.

By Mr. GUTIERREZ (for himself and Mr. FRANK of Massachusetts):

H.R. 3330. A bill to authorize the Secretary of the Treasury to prescribe the weights and the compositions of circulating coins, and for other purposes; to the Committee on Financial Services.

By Mr. HIGGINS:

H.R. 3331. A bill to prohibit, as a banned hazardous substance, certain household dishwashing detergent containing phosphorus; to the Committee on Energy and Commerce.

By Ms. HIRONO (for herself and Mr. ABERCROMBIE):

H.R. 3332. A bill to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes; to the Committee on Natural Resources.

By Mr. JACKSON of Illinois (for himself, Mr. WICKER, Mr. THOMPSON of Mississippi, Mr. PICKERING, Mr. LEWIS of Georgia, Mr. ROGERS of Alabama, Mr. STARK, Mr. KIRK, Mr. DAVIS of Alabama, Mrs. DRAKE, Mr. CONYERS, Mr. BURGESS, Mr. BOYD of Florida, Mr. FORBES, Ms. JACKSON-LEE of Texas, Mr. ALEXANDER, Ms. KILPATRICK, Mr. WAMP, Ms. WATSON, Mr. ENGLISH of Pennsylvania, Mr. SCOTT of Virginia, Mr. LATOURETTE, Ms. NORTON, Mr. BONNER, Mr. SERRANO, Mr. BOOZMAN, Mr. GUTIERREZ, Mr. TIBERI, Ms. WATERS, Mr. MARCHANT, Mr. DAVIS of Illinois, Mr. LOBIONDO, Mr. BISHOP of Georgia, Mr. TIAHRT, Mr. FATTAH, Mrs. EMERSON, Mr. MEEK of Florida, Mr. LATHAM, Mr. BUTTERFIELD, Mr. BOUSTANY, Ms. SCHAKOWSKY, Mr. RENZI, Mr. ORTIZ, Mr. JONES of North Carolina, Ms. WOOLSEY, Mr. WALSH of New York, Ms. LEE, Mr. GINGREY, Mr. JOHNSON of Georgia, Mr. LAHOOD, Mr. RODRIGUEZ, Mr. REGULA, Mr. AL GREEN of Texas, Mr. SHAYS, Mr. COOPER, Mr. HOBSON, and Mr. REYES):

H.R. 3333. A bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups; to the Committee on Energy and Commerce.

By Mr. KENNEDY (for himself and Mr. CANTOR):

H.R. 3334. A bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LAMBORN:

H.R. 3335. A bill to establish the South Park National Heritage Area, and for other purposes; to the Committee on Natural Resources.

By Mr. LAMBORN (for himself and Mr. UDALL of Colorado):

H.R. 3336. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing a historic district to the Camp Hale on parcels of land in the State of Colorado; to the Committee on Natural Resources.

By Ms. LEE (for herself, Mr. GRIJALVA, Mr. WAXMAN, Mrs. CHRISTENSEN, Ms. NORTON, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. FATTAH, Mr. KUCINICH, Mr. BERMAN, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. BLUMENAUER, Ms. SOLIS, and Mr. RUSH):

H.R. 3337. A bill to remove from the Immigration and Nationality Act a provision rendering individuals having HIV inadmissible to the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. LOBIONDO (for himself, Mr. SAXTON, and Mr. SMITH of New Jersey):

H.R. 3338. A bill to direct the Secretary of Veterans Affairs to expand the capability of the Department of Veterans Affairs to provide for the medical-care needs of veterans in southern New Jersey; to the Committee on Veterans' Affairs.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. PETERSON of Minnesota, Mr. RAMSTAD, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. CLYBURN, Mr. LEWIS of Georgia, Ms. MATSUI, Mr. MARKEY, Mr. RAHALL, Ms. WATERS, Ms. WOOLSEY, Mr. KANJORSKI, Mr. WAXMAN, Mr. DEFAZIO, Mr. FARR, Mr. SKELTON, Ms. HOOLEY, Mr. ELLISON, Mr. WALZ of Minnesota, Mr. INSLEE, Ms. KAPTUR, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. COHEN, Mr. HINCHEY, Ms. ESHOO, Mr. NADLER, Mrs. JONES of Ohio, Mr. TIERNEY, Ms. WASSERMAN SCHULTZ, Ms. LEE, Mr. MCDERMOTT, Mr. BRALEY of Iowa, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 3339. A bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OBEY:

H.R. 3340. A bill to amend the Agricultural Manufacturing Act of 1946 to require labeling of raw agricultural forms of ginseng, including the country of harvest, and for other purposes; to the Committee on Agriculture.

By Mr. PAUL (for himself, Mr. PRICE of Georgia, and Mr. GINGREY):

H.R. 3341. A bill to ensure and foster continued patient safety and quality of care by exempting health care professionals from the Federal antitrust laws in their negotiations with health plans and health insurance issuers; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 3342. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for the cost of insurance against negative outcomes from surgery, including against malpractice of a physician; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3343. A bill to amend the Internal Revenue Code of 1986 to make health care coverage more accessible and affordable; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3344. A bill to amend the Internal Revenue Code of 1986 to allow medical care providers a credit against income tax for uncompensated emergency medical care and to allow hospitals a deduction for such care; to the Committee on Ways and Means.

By Mr. PAYNE:

H.R. 3345. A bill to authorize the Secretary of Education to establish a competitive demonstration grant program to provide funds for local educational agencies in order to increase the effectiveness of substitute teaching, and for other purposes; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself and Mr. DELAHUNT):

H.R. 3346. A bill to provide compensation for United States citizens taken hostage by terrorists or state sponsors of terrorism; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself and Mr. DUNCAN):

H.R. 3347. A bill to amend the Truth in Lending Act to prevent credit card issuers from taking unfair advantage of college students and their parents, and for other purposes; to the Committee on Financial Services.

By Mr. WAMP (for himself, Mr. MCCOTTER, Ms. ROS-LEHTINEN, Mr. GARRETT of New Jersey, and Mr. STEARNS):

H.R. 3348. A bill to require the Secretary of State to withhold from the United States contribution to the regularly assessed biennial budget of the United Nations an amount that is equal to the percentage of such contribution that the Secretary determines would be allocated by the United Nations to support the United Nations Economic and Social Council (ECOSOC) until such time as the United Nations and ECOSOC have withdrawn consultative status for all organizations with any affiliations to terrorist organizations; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska:

H.R. 3349. A bill to authorize the Alaska Native Self-Governance in Housing Demonstration Program; to the Committee on Financial Services.

By Mr. YOUNG of Alaska:

H.R. 3350. A bill to amend the Alaska Native Claims Settlement Act to provide for equitable allotment of lands to Alaska Native veterans; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 3351. A bill to adapt the lessons of foreign aid to underdeveloped economies to the provision of Federal economic development assistance to similarly situated remote Native American communities, and for other purposes; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 3352. A bill to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes; to the Committee on Natural Resources.

By Mr. ANDREWS:

H. Con. Res. 199. Concurrent resolution expressing the sense of the Congress regarding Turkey's claims of sovereignty over islands and islets in the Aegean Sea; to the Committee on Foreign Affairs.

By Mr. KING of New York (for himself and Mr. LANTOS):

H. Con. Res. 200. Concurrent resolution expressing the sense of Congress regarding the immediate and unconditional release of Daw Aung San Suu Kyi; to the Committee on Foreign Affairs.

By Mr. ROHRABACHER:

H. Con. Res. 201. Concurrent resolution expressing the sense of Congress that the Government of Iraq should schedule a referendum to determine whether or not the people of Iraq want the Armed Forces of the United States to be withdrawn from Iraq or to remain in Iraq until order is restored to the country; to the Committee on Foreign Affairs.

By Mr. ELLISON (for himself, Mr. OBERSTAR, Ms. MCCOLLUM of Minnesota, Mr. RAMSTAD, Mr. PETERSON of Minnesota, Mr. WALZ of Minnesota, Mr. KLINE of Minnesota, and Mrs. BACHMANN):

H. Res. 606. A resolution honoring the city of Minneapolis, first responders, and the citizens of the State of Minnesota for their valiant efforts in responding to the horrific collapse of the Interstate Route 35W Mississippi River Bridge; to the Committee on Transportation and Infrastructure.

By Mr. MCDERMOTT (for himself and Mr. WILSON of South Carolina):

H. Res. 607. A resolution extending best wishes to the people of India as they celebrate the 60th anniversary of India's independence from the British Empire; to the Committee on Foreign Affairs.

By Mr. ROHRABACHER (for himself, Mr. PITTS, and Mr. SHIMKUS):

H. Res. 608. A resolution expressing the sense of the House of Representatives that the United States Government should take immediate steps to boycott the Summer Olympic Games in Beijing in August 2008 unless the Government of the People's Republic of China stops engaging in serious human rights abuses against its citizens and stops supporting serious human rights abuses by the Governments of Sudan, Burma, and North Korea against their citizens; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

149. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 292 urging the Congress of the United States to provide equitable funding to the United States Department of Housing and Urban Development for the operation of quality affordable housing; to the Committee on Financial Services.

150. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 361 urging the Congress of the United States to address the economic impact of interchange fees and merchant discount charges and develop clear and concise disclosure to consumers and retailers; to the Committee on Financial Services.

151. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 345 urging the Congress of the United States to enact improvements to the No Child Left Behind Act of 2001 (NCLB); to the Committee on Education and Labor.

152. Also, a memorial of the General Court of the State of New Hampshire, relative to Senate Concurrent Resolution No. 2 urging the Congress of the United States to amend the No Child Left Behind Act; to the Committee on Education and Labor.

153. Also, a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Resolution No. 3259 expressing support of the financing of the State Children's Health Insurance Program (SCHIP) through federal funds, and to exhort the Congress of the United States to assure an increase in federal funds for the SCHIP, including the territories; to the Committee on Energy and Commerce.

154. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 8 urging the Congress of the United States to renew the Special Statutory Funding Program for Type 1 Diabetes Research and the Special Diabetes Program for Indians; to the Committee on Energy and Commerce.

155. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 15 memorializing the Congress of the United States to act to commemorate the Armenian Genocide; to the Committee on Foreign Affairs.

156. Also, a memorial of the Senate of the State of Ohio, relative to Senate Resolution No. 18 urging the Congress of the United States to pass legislation establishing a Servitude and Emancipation Archival Research Clearinghouse in the National Archives; to the Committee on Oversight and Government Reform.

157. Also, a memorial of the Legislative Assembly of the State of Oregon, relative to Senate Joint Memorial No. 9 urging the Congress of the United States to pass legislation and appropriate funds for an orderly transition for the National Guard and National Guard Reservists to civilian life following active service; to the Committee on Veterans' Affairs.

158. Also, a memorial of the Senate of the State of Wisconsin, relative to Senate Resolution No. 8 memorializing the Congress of the United States to create a system that ensures that trade agreements are developed and implemented using a democratic, inclusive mechanism that enshrines the principles of federalism and state sovereignty; to the Committee on Ways and Means.

159. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 114 memorializing the Congress of the United States to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement systems or funds; to the Committee on Ways and Means.

160. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 3 urging the Congress of the United States to reauthorize and fund the federal Secure Rural Schools and Community Self-Determination Act of 2000; jointly to the Committees on Agriculture and Natural Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KING of New York:

H.R. 3353. A bill for the relief of Terrence George; to the Committee on the Judiciary.

By Mr. LYNCH:

H.R. 3354. A bill for the relief of Paul Ladd and Jennifer Ladd; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 98: Mrs. BOYDA of Kansas.

H.R. 191: Mr. ADERHOLT.

H.R. 380: Ms. BEAN.

H.R. 463: Mr. SPACE.

H.R. 468: Ms. MCCOLLUM of Minnesota, Ms. LINDA T. SÁNCHEZ of California, and Ms. WATSON.

H.R. 503: Mr. BOUCHER, Mr. FORTUÑO, and Mr. WELLER.

H.R. 513: Mr. HOLDEN, Mr. ABERCROMBIE, and Mr. WU.

H.R. 524: Mr. McCotter.

H.R. 542: Mr. Baca, Mr. Becerra, Mr. Brady of Pennsylvania, Mr. Cummings, Mr. Ellison, Mr. Gonzalez, Mr. Grijalva, Mr. Hinojosa, Mr. Honda, Ms. Matsui, Mr. Ortiz, Mr. Pastor, Mr. Rodriguez, Ms. Roybal-Allard, Mr. Serrano, and Mr. Sires.

H.R. 552: Mr. Moran of Kansas, Mr. George Miller of California, and Mr. Courtney.

H.R. 601: Mrs. Musgrave, Mrs. Capito, and Mr. Manzullo.

H.R. 621: Ms. Hirono and Mrs. Blackburn.

H.R. 636: Mrs. Musgrave.

H.R. 677: Mr. Waxman.

H.R. 687: Mr. Sestak.

H.R. 690: Mr. Ellsworth.

H.R. 715: Mr. Olver.

H.R. 719: Mr. Barrow, Mr. Berman, and Ms. Bean.

H.R. 726: Mr. Kildee.

H.R. 743: Mr. Gerlach.

H.R. 748: Mr. Marchant.

H.R. 896: Mr. Filner.

H.R. 969: Mr. Pitts.

H.R. 1000: Mr. Ruppersberger.

H.R. 1014: Mrs. Emerson.

H.R. 1017: Ms. Zoe Lofgren of California and Mr. Holden.

H.R. 1022: Mr. Honda.

H.R. 1029: Mr. Scott of Georgia.

H.R. 1064: Mrs. Lowey, Mr. Wolf, and Mr. Upton.

H.R. 1102: Mr. Ellsworth.

H.R. 1110: Ms. Baldwin.

H.R. 1154: Mr. Baca, Mr. Berman, Mr. Becerra, Ms. Corrine Brown of Florida, Mr. Bishop of Georgia, Ms. Carson, Mr. Ellison, Mr. Johnson of Georgia, Ms. Lee, Mr. Thompson of Mississippi, Ms. Waters, Mr. Clyburn, Mr. Davis of Alabama, Mr. Fattah, Mr. Payne, Mr. Scott of Virginia, Mr. Scott of Georgia, Mr. Costa, Mrs. Napolitano, Ms. Roybal-Allard, Mr. Salazar, Mr. Sires, Ms. Velázquez, Mr. Abercrombie, Mr. Ackerman, Ms. Bean, Mr. Berry, Mr. Boren, Mr. Boyd of Florida, Mr. Carney, Mr. Lincoln Davis of Tennessee, Mr. Farr, Mr. Higgins, Mr. Kanjorski, Ms. McCollum of Minnesota, Mr. Matheson, Mr. Melancon, Mr. George Miller of California, Mr. Nadler, Mr. Price of North Carolina, Mr. Rothman, Mr. Spratt, Mr. Stupak, and Mr. Weiner.

H.R. 1155: Mr. Price of North Carolina and Ms. Norton.

H.R. 1193: Mr. Michaud and Mr. Ferguson.

H.R. 1194: Mr. Murphy of Connecticut.

H.R. 1229: Mr. Marshall and Mr. Lynch.

H.R. 1230: Mr. David Davis of Tennessee.

H.R. 1244: Mr. Frank of Massachusetts and Mr. Kildee.

H.R. 1279: Mrs. McCarthy of New York, Mr. Oberstar, Mr. Cummings, Mr. Payne, and Mr. Porter.

H.R. 1304: Mr. Boyd of Florida.

H.R. 1317: Mr. Knollenberg and Ms. Sutton.

H.R. 1336: Mr. DeFazio.

H.R. 1386: Ms. Woolsey, Mr. Wilson of Ohio, Mr. Blumenauer, and Mr. Space.

H.R. 1399: Mr. Tim Murphy of Pennsylvania, Mr. Hastert, Mr. Hoekstra, and Mr. McHugh.

H.R. 1420: Mr. Murphy of Connecticut.

H.R. 1481: Mr. Davis of Kentucky.

H.R. 1506: Ms. Loretta Sanchez of California.

H.R. 1518: Ms. Moore of Wisconsin.

H.R. 1540: Mr. LaTourette and Mr. Doggett.

H.R. 1542: Mrs. Capps and Mr. Blumenauer.

H.R. 1552: Mr. Lincoln Davis of Tennessee, Mr. Alexander, and Ms. Loretta Sanchez of California.

H.R. 1567: Mr. Weiner.

H.R. 1584: Mr. Hill, Mr. Boustany, Ms. Corrine Brown of Florida, Mr. Brown of South Carolina, Mr. Wicker, Mrs. Emerson, Mr. Burton of Indiana, Mrs. Cubin, Mr. Johnson of Illinois, Mr. Baird, Mr. Delahunt, Ms. Ros-Lehtinen, Mr. Buyer, Mr. Pence, Mr. Manzullo, Mr. Gillmor, Mr. Paul, Mr. Walden of Oregon, Mr. Mica, Mr. Aderholt, and Mr. Boyd of Florida.

H.R. 1609: Mr. Hastings of Florida, Ms. Berkley, Mr. Ruppersberger, Mr. Gerlach, Mrs. Capps, Mr. Engel, and Mr. Wolf.

H.R. 1610: Mr. Kuhl of New York, Mr. Pastor, Mrs. Drake, Mr. Klein of Florida, Mr. Ryan of Ohio, Mr. Jordan, Mr. Manzullo, Mr. Paul, Mr. McCaul of Texas, Mrs. McMorris Rodgers, Mr. Kanjorski, and Mr. Putnam.

H.R. 1621: Mr. Fattah, Mr. Gene Green of Texas, and Mr. Marshall.

H.R. 1644: Mr. Braley of Iowa, Mr. Welch of Vermont, Mr. Lewis of Georgia, Mr. Gordon, Ms. Schwartz, and Ms. Eshoo.

H.R. 1687: Mrs. Napolitano.

H.R. 1712: Mr. Jefferson.

H.R. 1713: Mr. Van Hollen.

H.R. 1767: Mr. Etheridge.

H.R. 1772: Mr. Space.

H.R. 1781: Mr. Kildee, Mr. Tierney, and Mr. Boren.

H.R. 1807: Ms. Zoe Lofgren of California and Mr. Salazar.

H.R. 1814: Mr. Peterson of Minnesota and Mr. Manzullo.

H.R. 1819: Mr. Allen.

H.R. 1835: Mr. Waxman.

H.R. 1843: Mr. Welch of Vermont and Ms. Bordallo.

H.R. 1908: Mr. Moran of Virginia, Mr. Sali, Ms. Hooley, Mrs. Jo Ann Davis of Virginia, and Mr. Bachus.

H.R. 1921: Ms. Velázquez.

H.R. 1937: Mr. Pearce, Mr. Petri, Mr. Bartlett of Maryland, and Mr. Rogers of Alabama.

H.R. 1940: Mr. Campbell of California, Mr. McHugh, and Mr. Hoekstra.

H.R. 1968: Mr. Gene Green of Texas and Mr. Moran of Virginia.

H.R. 1992: Mr. Jackson of Illinois, Mr. Kanjorski, Mr. Boucher, Mr. Barrow, Mr. Frank of Massachusetts, and Mr. Davis of Illinois.

H.R. 2015: Mr. Davis of Illinois.

H.R. 2086: Mrs. Drake.

H.R. 2087: Mr. Larson of Connecticut.

H.R. 2095: Mr. Lewis of Georgia.

H.R. 2122: Ms. Linda T. Sánchez of California and Mr. Langevin.

H.R. 2164: Ms. McCollum of Minnesota.

H.R. 2183: Mr. Pitts.

H.R. 2265: Ms. Berkley, Mr. Fattah, Mr. Nadler, and Mrs. Davis of California.

H.R. 2325: Mr. Miller of Florida.

H.R. 2353: Mr. Lipinski.

H.R. 2387: Mrs. Bachmann.

H.R. 2447: Ms. Matsui, Mr. Chandler, Ms. Linda T. Sánchez of California, Mr. Clay, Mr. Schiff, Mr. Wexler, and Ms. Zoe Lofgren of California.

H.R. 2452: Mr. Courtney.

H.R. 2490: Mr. Putnam and Mr. English of Pennsylvania.

H.R. 2495: Mr. Ellsworth.

H.R. 2521: Mr. Marshall.

H.R. 2522: Ms. Waters.

H.R. 2542: Mr. Poe.

H.R. 2578: Mr. McNulty and Mrs. Gillibrand.

H.R. 2606: Mr. Gordon and Mr. McHugh.

H.R. 2634: Mr. Doyle.

H.R. 2639: Mrs. Musgrave.

H.R. 2689: Mr. Doggett.

H.R. 2702: Mr. Filner and Mr. Dingell.

H.R. 2729: Mr. Kildee.

H.R. 2738: Mr. Bartlett of Maryland and Mr. McIntyre.

H.R. 2758: Mr. Sherman.

H.R. 2774: Mr. Lampson and Mr. Smith of Texas.

H.R. 2784: Mrs. Bachmann, Mr. Forbes, Mr. Fortuño, Mr. Goodlatte, Mr. Hastings of Washington, Mr. Gary G. Miller of California, Mr. Paul, Mr. Tiberi, Mr. King of Iowa, Mr. Roskam, Mr. Kingston, and Mr. Weller.

H.R. 2807: Mr. Alexander, Mr. Boozman, and Mr. McCotter.

H.R. 2818: Mr. Langevin, Mr. Ellison, and Mr. Allen.

H.R. 2842: Mr. Wu.

H.R. 2894: Mr. Cooper and Mr. Pascrell.

H.R. 2895: Ms. Moore of Wisconsin, Mr. Allen, and Mr. Grijalva.

H.R. 2897: Mr. Nunes.

H.R. 2905: Mr. Frelinghuysen, Mr. Platts, Mr. Bachus, Mr. Bartlett of Maryland, Mr. Bilirakis, Mr. Broun of Georgia, Mr. Chabot, Mr. Coble, Mr. Lincoln Diaz-Balart of Florida, Mr. Dreier, Mrs. Emerson, Mr. Hall of Texas, Mr. Inglis of South Carolina, Mr. Jindal, Mr. Lewis of California, Mr. Manzullo, Mr. McKeon, Mr. Tim Murphy of Pennsylvania, Ms. Pryce of Ohio, Mr. Regula, Mr. Renzi, Mr. Rogers of Michigan, Ms. Ros-Lehtinen, Mr. Smith of New Jersey, Mr. Wamp, Mr. Peterson of Pennsylvania, Mr. Fossella, Mr. Ehlers, Mr. Gilchrest, Mrs. Jo Ann Davis of Virginia, and Mr. Hobson.

H.R. 2910: Mrs. Capps, Mr. Sestak, Mr. Johnson of Georgia, Ms. Lee, Mr. Hinchey, Mr. Loebsack, Mrs. Boyda of Kansas, and Mrs. Tauscher.

H.R. 2923: Mr. Wicker.

H.R. 2927: Mr. Tim Murphy of Pennsylvania, Mr. Herger, Mr. Whitfield, Mr. Pence, Mrs. Schmidt, Mr. Sullivan, Mr. Akin, Mr. Lewis of California, Mr. Rahall, Mr. Nunes, Mr. Brady of Texas, and Mr. Feeney.

H.R. 2928: Mr. Rush.

H.R. 2930: Ms. Clarke, Mr. Emanuel, and Mr. Frank of Massachusetts.

H.R. 2942: Mr. Saxton and Mr. Lynch.

H.R. 2949: Mr. Moran of Virginia, Ms. Schakowsky, and Mrs. Capps.

H.R. 3004: Mr. Udall of New Mexico, Mr. Gonzalez, Mrs. Musgrave, Mr. DeFazio, and Mr. English of Pennsylvania.

H.R. 3014: Mr. Gutierrez.

H.R. 3026: Mrs. Boyda of Kansas, Mr. Peterson of Pennsylvania, Mr. Goode, Mr. Kuhl of New York, Ms. Granger, Ms. Pryce of Ohio, Mr. Marshall, Mr. Rahall, Mr. Jones of North Carolina, and Mr. Abercrombie.

H.R. 3035: Mr. Mario Diaz-Balart of Florida, Mr. Ehlers, Mr. Berman, Mr. Marshall, Mr. Hulshof, and Mr. Nadler.

H.R. 3041: Mr. Langevin.

H.R. 3047: Mr. Garrett of New Jersey.

H.R. 3057: Ms. DeLauro and Mr. Yarmuth.

H.R. 3059: Mr. Brady of Texas and Mr. Feeney.

H.R. 3090: Mrs. McMorris Rodgers.

H.R. 3098: Mr. Skelton.

H.R. 3109: Mr. Paul and Mr. Gerlach.

H.R. 3113: Mr. Rodriguez, Mr. Sires, Mr. Ortiz, Mr. Towns, Ms. Kilpatrick, Mr. Wynn, Mr. Rush, Mr. Hastings of Florida, Mr. Lewis of Georgia, Ms. Solis, Mr. Grijalva, Mr. Israel, Mr. Hinchey, and Ms. Clarke.

H.R. 3133: Mr. Lewis of Georgia.

H.R. 3138: Mr. Ryan of Wisconsin, Mrs. Emerson, Ms. Fallin, Mr. Rogers of Kentucky, and Mr. Pitts.

H.R. 3140: Mr. WELCH of Vermont and Mrs. MCMORRIS RODGERS.

H.R. 3145: Mr. MANZULLO.

H.R. 3147: Mr. GERLACH and Mr. PEARCE.

H.R. 3168: Mrs. CHRISTENSEN.

H.R. 3170: Mr. ABERCROMBIE.

H.R. 3174: Mr. LOEBSACK.

H.R. 3175: Mr. GRIJALVA.

H.R. 3195: Ms. GINNY BROWN-WAITE of Florida, Mr. OLVER, Mr. CASTLE, Mr. GILLMOR, Mr. PASTOR, Mr. GENE GREEN of Texas, Mr. LYNCH, Mr. CARNAHAN, Mr. ORTIZ, Mr. KUCINICH, Mr. GUTIERREZ, Ms. BERKLEY, Mr. DOYLE, Mr. SERRANO, Mr. DOGGETT, Ms. MOORE of Wisconsin, Mr. BRALEY of Iowa, Mr. MICHAUD, Mr. SIRES, Mr. MURPHY of Connecticut, and Ms. CARSON.

H.R. 3209: Mr. LARSON of Connecticut.

H.R. 3213: Mr. SKELTON, Mr. SALAZAR, Mr. ROGERS of Alabama, Mr. BISHOP of Utah, and Mr. CARTER.

H.R. 3220: Mr. INSLEE, Ms. ZOE LOFGREN of California, Mr. LANGEVIN, Mrs. MALONEY of New York, Ms. SOLIS, Mr. SCHIFF, Mrs. CAPPS, Mr. UDALL of Colorado, Mr. ENGEL, Ms. BORDALLO, Ms. BALDWIN, Ms. DEGETTE, Mr. BLUMENAUER, Mr. HOLT, Mr. SHERMAN, Mr. BERMAN, Mr. ACKERMAN, Mr. ALLEN, Ms. LEE, Mr. DAVIS of Illinois, Mr. CHANDLER, Mr. CLAY, Mr. BAIRD, Mr. ANDREWS, Ms. CLARKE, Mr. BOUCHER, Ms. CARSON, Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Mr. BISHOP of New York, Mr. CARNAHAN, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. FILNER, Mr. DICKS, Mr. FARR, Ms. ESHOO, Ms. HERSETH SANDLIN, Mr. FRANK of Massachusetts, Mr. HONDA, Ms. BERKLEY, Mr. MCNERNEY, Ms. MCCOLLUM of Minnesota, Mr. KILDEE, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mrs. MCCARTHY of New York, Mr. FATTAH, Ms. HARMAN, Mr. PALLONE, Mrs. LOWEY, Ms. SCHAKOWSKY, Ms. NORTON, Mr. DELAHUNT, Mr. HODES, Ms. HOOLEY, Mr. KENNEDY, Ms. MATSUI, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. NADLER, Ms. MOORE of Wisconsin, Mr. ISRAEL, Mr. MURPHY of Connecticut, Ms. KILPATRICK, Ms. KAPTUR, and Mr. PASTOR.

H.R. 3223: Mr. DELAHUNT.

H.R. 3224: Mr. LATOURETTE.

H.R. 3233: Mr. TAYLOR, Mr. WICKER, and Mr. LEWIS of Georgia.

H.R. 3249: Mr. GRIJALVA and Mr. NADLER.

H.R. 3269: Mr. GILCHREST.

H.R. 3275: Mr. BLUMENAUER.

H.R. 3276: Mrs. MILLER of Michigan.

H.R. 3298: Mr. MURTHA, Mr. BRALEY of Iowa, Mr. BACA, Mrs. MCCARTHY of New York, Mr. MEEK of Florida, Mr. MICHAUD, Mr. ELLSWORTH, Mrs. JONES of Ohio, Mr. HARE, Mr. CAPUANO, Mrs. BOYDA of Kansas, Mr. LEWIS of Georgia, Ms. KAPTUR, MR. THOMPSON of California, Mr. BRADY of Pennsylvania, and Mr. CARNEY.

H.J. Res. 40: Mr. DONNELLY, Mr. LARSON of Connecticut, and Mr. SARBANES.

H. Con. Res. 37: Mr. MANZULLO.

H. Con. Res. 90: Mr. COHEN.

H. Con. Res. 125: Mr. JONES of North Carolina and Mrs. DAVIS of California.

H, Con. Res. 129: Mr. GRIJALVA and Ms. SOLIS.

H. Con. Res. 181: Mr. AKIN.

H. Con. Res. 183: Mr. BOEHNER, Mr. TERRY, Mr. COBLE, and Mr. RAMSTAD.

H. Con. Res. 193: Mr. SESTAK, Mr. HODES, Mr. WALZ of Minnesota, Mr. ALTMIRE, Mr. PLATTS, Mr. EDWARDS, Mr. CUELLAR, Mr. STUPAK, Mr. SIRES, Mr. BACA, Mr. MCCAUL of Texas, and Mr. PETERSON of Pennsylvania.

H. Res. 37: Mrs. NAPOLITANO, Mr. MCGOVERN, Mr. DAVIS of Illinois, and Mr. MORAN of Virginia.

H. Res. 106: Mr. MCHUGH, Mr. LAHOOD, and Mr. HALL of New York.

H. Res. 111: Ms. LORETTA SANCHEZ of California.

H. Res. 335: Mr. RYAN of Ohio.

H. Res. 499: Mr. MICA, Mr. ISSA, Mr. CALVERT, Mr. WHITFIELD, Mrs. BONO, Mrs. JO ANN DAVIS of Virginia, Mr. FORTENBERRY, Mr. DREIER, Mr. SPACE, Mr. KANJORSKI, and Mr. MANZULLO.

H. Res. 508: Ms. BERKLEY.

H. Res. 549: Mr. ENGLISH of Pennsylvania.

H. Res. 572: Mr. GERLACH and Mr. MARSHALL.

H. Res. 575: Mr. COHEN.

H. Res. 587: Mr. TAYLOR.

H. Res. 589: Mr. PERLMUTTER, Mrs. MALONEY of New York, Mr. BISHOP of New York, and Mr. PASTOR.

H. Res. 590: Mr. ALTMIRE and Mr. HINCHEY.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

141. The SPEAKER presented a petition of the Legislature of Monroe County, New York, relative to Resolution No. 07-0158 memorializing the Congress of the United States to pass the Breast Cancer and Environmental Research Act; to the Committee on Energy and Commerce.

142. Also, a petition of the Legislature of Duchess County, New York, relative to Resolution No. 207145 supporting an Independent Safety Assessment of the Indian Point Nuclear Power Plant; to the Committee on Energy and Commerce.

143. Also, a petition of the United Methodist Church, California, relative to a resolution supporting H.J.Res. 14, Concerning the Use of Military Force by the United States Against Iran; to the Committee on Foreign Affairs.

144. Also, a petition of the Beachside Bungalow Presevation Association, Far Rockaway, New York, relative to requesting an investigation of the National Oceanic and Atmospheric Administration and networked agencies with regards to the management program in Rockaway Queens, New York; to the Committee on Natural Resources.

145. Also, a petition of the Maine Democratic Party, relative to a resolution calling for an investigation of President Bush and Vice-President Cheney leading, if warranted, to their impeachment; to the Committee on the Judiciary.

146. Also, a petition of the Town of New Salem, Massachusetts, relative to a Resolution calling for the impeachment of President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

147. Also, a petition of the Town of Southwest Ranches, Florida, relative to Resolution No. 2007-069 requesting the Congress of the United States appropriate the necessary funds to bring the Herbert Hoover Dike into compliance with current Levee Protection Safety Standards; to the Committee on Transportation and Infrastructure.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3222

OFFERED BY: MR. ROGERS OF MICHIGAN

AMENDMENT NO. 19: Page 19, line 8, after the dollar amount, insert "(increased by $45,000,000)".

Page 35, line 21, after both dollar amounts, insert "(reduced by $45,000,000)".

H.R. 3222

OFFERED BY: MRS. CAPITO

AMENDMENT NO. 20: In title VI, in the item relating to "Defense Health Program", after the first dollar amount, insert "(increased by $25,000,000) (reduced by $25,000,000)".

H.R. 3222

OFFERED BY: MR. FORBES

AMENDMENT NO. 21: Page 4, line 2, after the dollar amount, insert the following: "(reduced by $10,000,000)".

Page 32, line 21, after the dollar amount, insert the following: "(increased by $10,000,000)".

H.R. 3222

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 22: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act may be used by the Department of Defense to continue the operation of the detention facility at United States Naval Station, Guantanamo Bay, Cuba, after March 31, 2008.

SENATE—*Thursday, August 2, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable DIANNE FEINSTEIN, a Senator from the State of California.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, holy, powerful, loving, and good, thank You for Your love expressed in the beauty of the Earth and in the glory of the skies. Use the Members of this body today as instruments of Your providence. Where there is loneliness, let them bring community. Where there is sadness, let them bring joy. Where there is sickness, let them bring health. Where there is poverty, let them bring relief and true wealth. As they seek to serve You, give them the peaceful satisfaction of knowing that they please You. Strengthen them to press on with the work of the day, alert to feel Your hand upon their shoulders.

And, Lord, comfort those who mourn the losses from the bridge collapse in Minnesota.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DIANNE FEINSTEIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, August 2, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DIANNE FEINSTEIN, a Senator from the State of California, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mrs. FEINSTEIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, this morning there will be 2 hours of debate on the motion to invoke cloture on the motion to concur in the House amendment to S. 1, the Lobbying and Ethics Reform Act.

The time is to be equally divided and controlled between the leaders or their designees. Following the 2 hours, the leaders will, if they wish, use leader time to conclude the debate. Therefore, the vote on the motion to invoke cloture is expected to occur at around 11:45, or shortly thereafter.

After that cloture vote, we will remain on the lobbying measure until we complete action.

I have spoken to the participants. It appears they are not going to require a lot of time. That should not take much time, so we can get back to work on the matter relating to children's health.

The manager on our side this morning is going to be the distinguished chair of the Rules Committee, Senator FEINSTEIN. She will be first recognized because she is the manager of the bill.

UNANIMOUS-CONSENT REQUEST—H.R. 2900

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 270, H.R. 2900, the FDA reauthorization bill; that all after the enacting clause be stricken and Senator KENNEDY's substitute amendment be inserted in lieu thereof; that the bill be read the third time and passed, the motion to reconsider be laid on the table, and the Senate insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees, with the conferees being the members of the HELP Committee.

Further, there were tax measures in this matter that we dealt with on the floor. They have been stricken from the bill. That is what Senator KENNEDY's amendment is all about. I hope we could go to conference on this matter.

The PRESIDING OFFICER (Mr. AKAKA). Is there objection?

Mr. ENZI. Mr. President, reserving the right to object, and before I object, I need to understand the rationale of the majority leader to propound the request at this time. I sent a letter last week. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> U.S. SENATE, COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,
> *Washington, DC, July 27, 2007.*
>
> Hon. HARRY REID,
> *Majority Leader, Hart Senate Office Building, Washington, DC.*
> Hon. MITCH MCCONNELL,
> *Minority Leader, Russell Senate Office Building, Washington, DC.*
>
> DEAR SENATOR REID AND SENATOR MCCONNELL: I urge you to appoint conferees as soon as possible to S. 1082, a bill that renews expiring authorities at the Food and Drug Administration (FDA) as well as reforms our drug safety system.
>
> Every day, we hear about a new problem the FDA faces in protecting our health. From contaminated seafood to tainted toothpaste, this agency is in dire need of Congressional support to carry out its mission. Reauthorizing these programs is critical to ensure that new drugs and medical devices reach the patients who need them.
>
> As you know, this work period is nearly over. If the drug and device user fee programs are not renewed prior to the recess, FDA will have no choice but to send what is known as a "Reduction In Force" or layoff notice to hundreds of FDA employees involved in these programs. These highly skilled and dedicated public servants are not likely to wait until Congress musters enough interest to act to maintain the user fee programs. They will find other jobs. A staff exodus would be a disaster for this agency, and for the public health it safeguards so zealously.
>
> This comprehensive bill will provide new authorities for FDA to be able to react in a timely way to any safety problems that arise after a drug has been brought to market. FDA needs these tools both to get drugs to the market quickly and efficiently and to respond to potential problems the same way, especially when lives are on the line and people need new drugs and therapies.
>
> We must think carefully about our priorities for the limited time we have before the recess begins, and take strong action to give the FDA the resources and tools it needs to protect us. Appointing conferees now would send a powerful message that Congress is working as hard as FDA is to make these programs work.
>
> Sincerely,
>
> MICHAEL B. ENZI,
> *Ranking Member, Committee on Health, Education, Labor, and Pensions.*

Mr. ENZI. Mr. President, this letter is asking for a conference to be appointed. But it is my understanding the House never intended to appoint one this week. Had I known that, I would not have delivered the letter. We were working in a very bicameral, bipartisan manner on getting this done.

At that time, the key players for this legislation—Representatives, Senators, Republicans, and Democrats—were engaged in a very productive bicameral, and bipartisan preconference negotiation. We had all rolled up our sleeves and decided that we were going to complete the legislation before the August recess.

We had a good core agreement, focused on good policy. That is not to say that there weren't a few sticking points. There always are a few of those, but we were making significant progress and coming to a better understanding of each other's legislation. Thus, the appointment of conferees would have been a simple step in the process.

However, a week later, we are not in the same place. As the majority leader knows, this body can seemingly operate in Senate dog years. One week can be a lifetime. In that short week, there were a series of unfortunate events. These events made it impossible for us to meet the goal of completing this key legislation before August recess. I don't want these unfortunate events to derail this process.

The first unfortunate event was a discussion on the House floor last Friday afternoon between Representative CANTOR and Representative WASSERMAN-SCHULTZ. In that discussion, the House leadership indicated that they did not intend to have the FDA bill on the House suspension calendar this week. Given that I am not one to watch the House floor, I did not realize that this decision had been made by House leadership last Friday. On Monday, that information was conveyed to my staff by the staff of key Democrats engaged in discussion. The House Democrats did not see how this FDA bill was to get done before recess.

Had I known that this was what the House Democrats wanted a few days before, I would not have hand-delivered that letter to the majority leader and the minority leader.

Partially, I believe the decision by House Democrats was related to other items, other priorities facing the House. Like us, the House has been discussing the SCHIP legislation this week. Unlike the Senate, the House committees overlap such that the same committee that works on FDA issues also works on SCHIP issues. While we pride our staff in being able to do the impossible, forcing both FDA and SCHIP at the same time would be well past impossible. Thus, the House Democrats made a choice—SCHIP over FDA.

Partially, I also believe that the House leadership felt as if they could get a "better deal" if they were to wait until September and build up additional pressure related to reduction in force directly related to the reauthorization of the core of the FDA drug safety bill. I hope to disabuse them of that reality.

If we are to answer to the American people, to give FDA the necessary new authorities, we must do this in a bipartisan manner. We should not politicize this. We should not hold out for "better deals" but work together to forge a strong agreement that every American can support.

Therefore, I urge my colleagues not to politicize this issue. Too much is at stake for us to begin the blame game. Instead of blaming each other for potential failure, we should be working to ensure our success. We should be developing a process agreement for how we are to complete this key legislation. We should begin defining the scope of the conference to ensure that extraneous proposals do not weigh down our ability to quickly respond when we return in September.

As part of that first step, I would like everyone to know what I believe is the appropriate scope of the conference. First, we must include the reauthorizations of user fee programs at the FDA to ensure that nearly 2,000 employees at that agency are not laid off. These staff not only ensure that drugs and devices are appropriately and efficiently reviewed before they are allowed to go to market, but they also are in charge of key postmarket safety monitoring of those products. We must reauthorize the Prescription Drug User Fee Act and the Medical Devices User Fee Modernization Act.

Beyond these items, during our Senate debate on FDA, we discussed key provisions that provided FDA with new authorities to assist the agency in quickly and effectively responding to potential safety issues. These new authorities include requiring labeling changes, requiring postmarket studies to more fully examine potential risks, and to have access to clinical trials information for patients and providers. In addition, we discussed how to address potential conflicts of interest of advisory committee members to ensure greater transparency and preserve scientific integrity. I commend Senator MIKULSKI and Senator GRASSLEY for their work in this area.

In addition, we must include three key provisions that focus on children. The first two—the Best Pharmaceuticals for Children Act and the Pediatric Research Equity Act—ensure that drugs used in children are tested on children. The third proposal would increase our ability to have devices geared toward children.

Beyond those, there were a series of other provisions which were key to our bipartisan agreement. There is the Reagan-Udall Foundation provisions to ensure that FDA has additional tools to advance the science behind its regulations. The Senate also debated and then accepted a variety of important provisions related to citizens petitions, direct-to-consumer advertising, counterfeit drugs, and antibiotics and enantiomers.

Senator STABENOW, Senator BROWN, Senator LOTT, Senator THUNE, Senator HATCH and Senator COBURN developed a proposal on citizens petitions that will end the abuse of the system while preserving FDA's ability to review those petitions that have public health merit. Senator ROBERTS and Senator HARKIN worked together successfully to solve the difficult issue of how to see that direct to consumer advertisements provide effective safety information to patients while meeting the stringent test of constitutionality. Senator DORGAN and Senator SNOWE contributed a proposal on counterfeit drugs that will be included here as well. Senator HATCH, Senator BROWN, and Senator BURR developed key public health provisions to ensure access to new antibiotics and drug enantiomers.

Senator BROWN and Senator BROWNBACK offered an important incentive to encourage the development of drugs for tropical diseases. All of these items are important components to this legislation and speak to the larger bipartisan nature of our agreement. Let me say that again. We worked deliberately to ensure that our bill was bipartisan.

Finally, there were a variety of provisions included within the Senate bill to address key food safety provisions. Senator SESSIONS, Senator STEVENS, and Senator DURBIN and I worked on amendments that addressed issues with food and pet food safety.

While I have discussed several key provisions that have been within the scope of our discussions, we must also discuss what should not be within the scope of this legislation. While a sense of the Senate indicated our desire to make generic biologics—or what I like to call biosimilars—available to American consumers to reduce the costs of some medications while preserving quality, the House has so far made it clear that such legislation would not be welcome on this legislation. They prefer to move through regular order. I understand that desire. I prefer regular order, too.

During our discussion on the Senate floor, there was one provision that I believe put the bill in jeopardy—an importation amendment. The House opted not to include this provision so that they could deal with it at a later date. This bill is not the time for this debate, given that we are focusing on key bipartisan proposals.

So, I turn to the majority leader, and I ask him to refrain from politicizing this issue. I ask him to work with me to define the scope of the conference, to develop a plan for getting this legislation done.

Until the House leadership is in agreement with our plan, we should not force the issue today by appointing conferees too early. If we do this too early, we set ourselves up for the blame game, not for getting this key legislation done. This place should not be about "gotcha" politics when lives are at stake.

Mr. President, I don't know what the logjam is at the moment. I understand there is some concern on the biologics. There isn't any reason this cannot be completed, but I am afraid the motion, if we are doing this, would appear to put the blame on the House, or on the Republicans—I am not sure which—and I don't think we can do that at this point in time. Maybe later in the day.

Mr. REID. Mr. President, if this is the way the Senator feels, I am happy to have him and Senator KENNEDY see if this can be worked out.

I withdraw my unanimous consent request.

TRAGEDY IN MINNESOTA

Mr. REID. Mr. President, I wish to make a brief comment on the tragedy in Minneapolis, MN. Watching those pictures on television and listening to the accounts on the radio and seeing newspaper accounts and the pictures, this is a real tragedy. My heart and the hearts of all Americans go out to the people of Minnesota—to those who have died, those who have been injured, and certainly the families and friends of all those people.

I am confident we will find out why that disaster occurred. Right now, we don't know. There is every reason to believe it was not an act of terrorism. I feel that is the case, based on hearing the Governor of that State making an announcement this morning.

In passing, I say this. After every storm, the sun shines. I think we should look at this tragedy that occurred and make it a wake-up call for us. All over this country, we have crumbling infrastructure—highways, bridges, and dams. We need to take a hard look at that. We need to look at it as the right thing to do and also not only for the fact that the infrastructure needs repairing or rebuilding, but it is good for America in more ways than that.

For every $1 billion we spend in our crumbling infrastructure, 47,000 high-paying jobs are created. I hope we will take a look at our highways, bridges, dams, water systems, and sewer systems, and see if we can do something about this infrastructure that needs such attention.

We have some things coming up in the Senate in the near future we need to focus on. This tragedy is a wake-up call. We will have the Transportation appropriations bill, and we will have WRDA, which should be coming from the House. We will have Energy and Water appropriations and other matters. We need to work in a bipartisan way and also to work with the White House and have them realize there are things that need to be done with our country's infrastructure.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

TRAGEDY IN MINNEAPOLIS

Mr. MCCONNELL. Mr. President, with regard to the tragedy in Minneapolis, our colleagues, Senators COLEMAN and KLOBUCHAR, are either there or on the way there today to not only extend their condolences to their constituents who have been impacted by this but to be as helpful as possible as they go forward with the rescue mission.

I am reminded of the situation in my State, where the Ohio River goes along the northern border of Kentucky, almost for the entire State, and then when it empties into the Mississippi, it goes southward—the same river over which the Minneapolis bridge collapsed.

We have bridges all along both the Ohio and the Mississippi. Bridge construction and safety has been a big issue in the Commonwealth of Kentucky in recent years.

I share the concerns of the majority leader about reports of the state of our infrastructure in America. We all pray for the victims of the Minneapolis tragedy. It may well serve as a reminder of our need to be ever aware of the dangers that confront our infrastructure in this country.

UNANIMOUS CONSENT AGREEMENT—S. 1

Mr. MCCONNELL. Mr. President, with regard to the time allocation on our side during consideration of the lobbying bill, I ask unanimous consent that the time under the control of the Republicans be allocated as follows: Senator COBURN, 10 minutes; Senator DEMINT, 10 minutes; Senator MCCAIN, 10 minutes; Senator GRASSLEY, 5 minutes; and Senator STEVENS, 10 minutes; with the remaining time for myself or my designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ABSENCE OF THE SENATORS FROM MINNESOTA

Mr. REID. Mr. President, I should have mentioned this. I appreciate very much my distinguished counterpart mentioning Senator KLOBUCHAR and Senator COLEMAN. I listened to them being interviewed last night on television. You could tell from their presentations how much this meant to them.

AMY KLOBUCHAR's house is, I think, a mile from where the bridge collapsed. Today, they are where they should be. We have matters in the Senate, and we will certainly miss them. For example, Senator KLOBUCHAR has been heavily involved in this ethics and lobbying reform measure. If there were ever a situation where they should miss votes, this is it.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the amendment of the House to S. 1, which the clerk will report.

The legislative clerk read as follows:

Message from the House of Representatives to accompany S. 1, entitled "An Act To Provide Greater Transparency in the Legislative Process."

Pending:

Senator Reid entered a motion to concur in the amendment of the House to the bill.

Senator Reid entered a motion to concur in the amendment of the House with amendment No. 2589, to change the enactment date.

Reid amendment No. 2590 (to amendment No. 2589), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, there will now be 2 hours of debate prior to the vote on the motion to invoke cloture on the motion to concur, with the time equally divided and controlled between the two leaders or their designees.

The Senator from California is recognized.

TRAGEDY IN MINNESOTA

Mrs. FEINSTEIN. Mr. President, quickly, before I begin, I also wish to send my very deep condolences to those families who will have lost their loved ones in this very tragic bridge collapse. I heard the mayor on the television this morning, and it brought me back to my days as mayor. I know what this kind of difficulty—whether it is an earthquake or a bridge collapse—brings for a city.

I wish to extend my thanks to the wonderful efforts made by the emergency forces and the medical team of the city of Minneapolis. I think it was very special. I saw many acts of heroism.

I very much agree with what the majority leader said about our deteriorating infrastructure. My thoughts went to the great Golden Gate Bridge. I think we need to pay more attention to our homefront and to those items. But at this point I send my very deep condolences to those who will have lost family members and loved ones.

Mr. President, if I may, I wish to present a unanimous consent agreement regarding speakers on our side directly following my remarks: Senator LIEBERMAN, for 10 minutes; Senator OBAMA, for 10 minutes; Senator FEINGOLD, for 10 minutes; Senator DURBIN, for 10 minutes; and Senator REID, for 10 minutes of leader time, I believe.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I rise today to urge the Senate to invoke cloture on this bill, S. 1, the Honest Leadership and Open Government Act. In the last election, the message was loud and clear: It is time to change the way business is done in the Nation's Capital. In response, what is before us this morning is the single most sweeping congressional reform bill since Watergate. I support its passage, and I support its passage despite the fact that I do not like everything that is in this bill. It is a strong bill. I am sure it is too strong for some and it is too weak for others, but, like all conference reports, it is, in effect, to some degree a compromise.

On Tuesday, by a 411-to-8 strongly bipartisan vote, the House passed this legislation, and now it is the Senate's turn. It would be a serious mistake if we do not step up to the plate and demonstrate to the American people that we have heard their message.

As I say, the bill is not perfect. There have been some complaints by the minority party about the process used to bring this bill to the floor, and I wish to begin by addressing that issue.

Last January, the Senate passed S. 1 by a 96-to-2 vote. On May 24, the House passed companion legislation by a 386-to-22 margin. Those were strong bipartisan votes. But when the majority leader sought unanimous consent to name conferees, one member of the minority party objected, and he held fast to his objections, preventing the establishment of a conference committee where Members could have sat down in the light of day and negotiated Member to Member the differences between the two bills. Clearly, that wasn't able to take place.

With few other options available, the majority leader and the Speaker of the House sought consensus on a bill that could be taken up by both Houses, and that consensus bill is what we have before us today.

It may not be every person's wish, and as chairman of the Rules Committee, I commit right now to keep these items on the front burner, and should changes be necessitated, I would be very happy to entertain them. Though I cannot speak for my counterpart, the distinguished ranking member, Senator BENNETT, I believe he would also..

But today, let me say this: I believe this is a good bill—not a perfect bill but a good bill. Its passage today is the most direct action we can take to show the American people that, yes, we want to curb the influence of lobbyists and we want to restore the public trust on how we operate as Senators and Members of the House of Representatives.

In recent years, there has been an explosive growth in the number of registered lobbyists in Washington from 16,342 in 2000 to 34,785 in 2005. So in 5 years, the numbers of lobbyists have doubled, and, according to all reports, the numbers keep growing.

One of the most critical provisions of this bill will now shine new light on the role lobbyists play in political campaigns by requiring the disclosure of funds they bundle on behalf of Members, PACs, and party committees. It will also require that lobbyists disclose all their campaign contributions as well as payments to Presidential libraries, inaugural committees, or entities controlled by, named, or honoring Members of Congress, and it requires lobbyists to file electronic reports quarterly on their lobbying activity, with these reports becoming available on a searchable public database. The bill also increases civil penalties from $50,000 to $200,000 and establishes a criminal penalty of up to 5 years for those lobbyists who knowingly and corruptly fail to comply with these new requirements.

There has been increasing concern about former members of the administration, former lawmakers, and their staff gaining undue access as lobbyists because of the relationships they have made while working for the Government. This bill seeks to address those concerns by increasing the length of time, the so-called cooling-off period, for Senators. Currently, Senators are barred from lobbying Congress for 1 year. With passage of this bill, that would be extended to 2 years.

Cabinet Secretaries and other very senior executive personnel would be prohibited from lobbying the department or agency in which they worked for 2 years after they leave their position. In other words, they cannot lobby the department from which they left for 2 years. That is an increase from 1 to 2 years.

Senior Senate staff and Senate officers would be barred from lobbying the entire Senate for 1 year, instead of just their former employing office. That would be the whole Senate, not just their office.

There has been a lot of talk also about the K Street Project in which lobbyist firms, trade associations, and other business groups were told by former House majority leader Tom Delay and others that they would encounter a closed door in Congress unless they hired members of the then majority party. This bill seeks to end that practice by prohibiting Members of Congress and their staff from influencing hiring decisions of any private organization on the sole basis of partisan political gain, and it carries with it a fine and imprisonment of up to 15 years for violations. That is a stiff penalty, but hopefully it sends a stiff and strong signal that such practices will not be tolerated in the future.

Another issue that recently came to light is that Members of Congress convicted of bribery, perjury, conspiracy, and other related crimes can still receive their congressional pensions. I did not know this. Probably you didn't know this, Mr. President. But, fortunately, this bill ends that practice.

S. 1 also contains a number of major reforms to Senate rules, and I will highlight a few of the most important procedural reforms.

Section 511 amends rule XXVIII to subject "dead of night" additions to conference reports, when the new matter was not approved by either House, to a 60-vote point of order. This is a very important change in the rules, and it has been the bane of many our existence for a long period of time. You go through the process, and then after the process is concluded, in the dead of night, something is stuck into a conference bill. This practice will end.

Currently, when an out-of-scope provision is added to a conference report, we can object, but the objection brings down the whole bill. The reform in this bill will allow a Member to object to just the added provision.

I first proposed this provision in the last Congress and worked closely with Senator LOTT on its development. I am very happy that it is included in the final bill.

Section 512 ends secret Senate holds by requiring the Senator placing a hold on a legislative matter or nomination to publicly disclose that hold within 6 days. This, too, is an important reform. We all know about anonymous holds. We all know what it takes to discover who actually has the hold. It is time those Members who seek to hold up legislation come forward and disclose who they are and why. We do not prohibit their ability to exercise this senatorial prerogative, but we do require that they be transparent and, therefore, public about it.

Section 513 requires that Senate committees and subcommittees post video recordings, audio recordings, or transcripts of all public meetings on the Internet.

A great deal of attention has been given to the dramatic escalation in the number of earmarks awarded by Congress, and I wish to spend a couple of minutes on the earmark provisions.

According to a survey of the Congressional Research Service, CRS, the number of earmarks has skyrocketed from 6,114 to 13,012 in 2006. So in 6 years, the number of earmarks has more than doubled. Henceforth, earmarks which are in effect congressional additions to spending cannot be made in the dark of night but only in the full light of transparent disclosure. That is a big change.

This bill would require that the sponsor or the requester of each and every earmark be publicly identified, and because there is often disagreement about what does and does not constitute an earmark, the bill provides for the first time in Senate rules a definition that does not restrict the disclosure requirement to only appropriations bills. You and I, Madam President, serve on the Appropriations Committee, but there are also these authorizations that, in effect, are requests for added spending.

This new rule XLIV requires that all congressionally directed spending items, limited tax benefits, and limited tariff benefits in bills, resolutions, conference reports, and managers' statements be identified and posted on the Internet at least 48 hours before Senate action. So 48 hours before a bill comes to the floor, all of these additions must be transparently available to the public. It requires for the first time that Senators certify that they and their immediate family will not have a direct pecuniary benefit from the earmark they request as defined by rule XXXVII.

Separately, rule XLIV also subjects new directed spending added to a conference report when the new spending was not approved by either House to a 60-vote point of order so that you, Madam President, I, Senator GRASSLEY, or anyone else can come to the floor and raise a point of order to that congressional add-on, and then that would be subject to a 60-vote point of order. If a Senator objects to the earmark being dropped into the conference report, it then will most likely be stripped out unless 60 Senators vote to keep it in.

Committees would also be required, to the greatest extent practicable, to disclose in unclassified language the funding level and the name of the sponsor of congressionally directed spending included in classified portions of bills, joint resolutions, and conference reports. The chairman of each committee is responsible for certifying that the list of earmarks is correct and properly identified. So there is also a burden placed on the chair of every committee and subcommittee.

Let me speak for a moment about gift and travel reform. The Senate rules have also been reformed to curb the special access that special interests seek to gain by providing Members with gifts, meals, and tickets to entertainment and sports events. This bill prohibits staff and Senators from accepting gifts from registered lobbyists or entities that employ them. The bill prohibits Senators from attending parties in their honor at national party conventions if they have been sponsored by lobbyists, unless the Senator is the party's Presidential or Vice Presidential nominee.

The bill amends rule XXXV by prohibiting Senators and their staff from accepting private travel from registered lobbyists or entities that hire them, and prohibiting lobbyists from organizing, arranging, requesting, or participating in travel by Senators or their staff. However, Senators and their staff, with preapproval from the Ethics Committee, will still be allowed to accept travel by entities that employ lobbyists if it is necessary to participate in a 1-day meeting, a speaking engagement, a fact-finding trip, or similar event. And Senators and their staff can still accept travel provided by 501(c)(3) organizations if the trip has been preapproved by the Ethics Committee.

Finally, Senators will be required to pay the fair market value—that is, the charter rate—for flights on private jets not operating or paid for by an air carrier that is certified by the FAA. Section 601 separately establishes the same requirement for Senate candidates and Presidential and Vice Presidential candidates. This, in itself, is a consequential reform and somewhat controversial.

Finally, before closing, I would like to thank the majority leader for his unyielding determination to bring this bill forward. Without his dogged determination, and that of the Speaker of the House, I don't believe this bill would be before us today, and both are to be commended.

The 2006 election saw the largest congressional shift since 1994, and even with the war in Iraq on many voters' minds, Americans remain seriously concerned about ethics in government. It is time we listen to their concerns. This bill attempts to do so.

It is not always easy, it is not going to please everybody, and as I said in the beginning, Members are either going to feel that this bill is too strong about this part or that part, or too weak about this part or that part. But let me just reinforce that this is a conference report. It is not subject to amendment. It has been put together in an unusual procedure because of the objection from the other side to us going to conference, which would have been a far preferable method of handling this.

I once again repeat my commitment that as chairman of the Rules Committee, I will be happy to consider any amendments that the operation of this bill might indicate are warranted in the future.

I thank the Chair, and I yield the floor at this time.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Iowa.

Mr. GRASSLEY. Madam President, may I claim my time?

The PRESIDING OFFICER. Actually, under previous order, Senator LIEBERMAN was scheduled to follow Senator FEINSTEIN.

Mr. GRASSLEY. We are not going back and forth?

The PRESIDING OFFICER. The Senator from Iowa may proceed.

Mr. GRASSLEY. Also, on behalf of Senator STEVENS, because he was waiting to claim his time, and he had to go to a markup, he asked if I would have his name taken off the list and reserve the time for our side. But I would ask unanimous consent that I have 5 of that 10 minutes he originally had added to my time.

Mrs. FEINSTEIN. Madam President, reserving the right to object, and I won't object, but I misspoke, and if I may just correct the record.

This is not a conference report. It is a bill. But it is still not subject to amendment because the tree is filled. I wanted to make that clear.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. LIEBERMAN. Reserving the right to object, and I will not object, I wanted to ask my friend from Iowa how long he intends to speak.

Mr. GRASSLEY. That would be 10 minutes.

Mr. LIEBERMAN. I thank the Chair, and I have no objection.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I am rising to speak against the compromise that deals with the issue of secret holds. I would agree with the Senator from California, the distinguished chairman of the committee, that what we have in this report is probably better than what we have today because secret holds are secret, and nobody knows who is holding a bill. The public's business ought to be public, and it isn't today. But I do take exception to what is before us in regard to secret holds for the simple reason that there wasn't any necessity whatsoever to compromise.

Secret holds are rules of the Senate, or procedures in the Senate, and this body spoke with 84 votes in favor of what Senator WYDEN and I put before the Senate. Basically, this makes it so liberal that it is practically meaningless what we are doing about secret holds.

Article I, section 5 of the Constitution of the United States reads in part:

> Each House may determine the rules of its proceedings.

That means that the House of Representatives would have no say whatsoever in the Senate rules, but a conference was used for negotiations between the House and Senate. That was used as a rationale for changing what Senator WYDEN and I had previously gotten passed in the Senate. So when the Senate debates and passes changes to its rules, that ought to be the final word. But that wasn't the final word, as we are seeing today. That is what happened with the House package of rules changes that the body passed in the Congress, and we didn't attempt to tell the House what they ought to do.

However, since the ethics reform bill that the Senate passed in January also contained changes to the Lobbying Disclosure Act and other laws, the entire bill needs to pass both Houses of Congress and be signed by the President. Nevertheless, that does not change the fact that under the Constitution, only the Senate determines its rules and procedures, and the Senate, in an overwhelming majority, spoke. So why shouldn't it be left just the way Senator WYDEN and I had originally introduced it.

What has happened is, the Senate had a full open debate about it and passed the changes that we did in Wyden-Grassley. Now we have a situation where the majority leader of the Senate and the Speaker of the House rewrote major provisions in this package, including rewriting Senate rules that had already passed the full Senate.

In conference, one provision that was changed was a provision that I referred to which Senator WYDEN and I had been working on for years to end the practice of secret holds because the public's business ought to always be public. Any Senator who has guts enough to put a hold on a bill ought to be willing to stand up and say who they are. Only in the Senate can a single Member prevent legislation or nominations from being considered under the so-called procedure of holds. Holds do not exist in the House.

Senator WYDEN and I were successful in passing an amendment in last year's ethics reform bill by a vote of 84 to 13 on public disclosure. That same language was included in the bill without a vote in this Congress. But you know how things go on around the Senate. We had prominent Senators, people who run this body, who told Senator WYDEN and I that "they get the message," after 6 or 7 years, and, finally, we were going to end this secrecy. That bill wasn't enacted, but we included those identical provisions in this bill.

Senator WYDEN and I pushed for that provision because we believed the public's business ought to be done in public. Every Senator has the right to object to a unanimous consent request to proceeding to a matter. Senators have every right to object to a unanimous consent request publicly, but I see no legitimate reason Senators should be able to be secret about what they are doing in the Senate. It has been my policy for years to place a brief statement in the CONGRESSIONAL RECORD each time I place a hold, with a short explanation of why I placed that hold. It has never hurt me one bit, and Senators should have no fear following a requirement of the public's business being public. In other words, nothing secret. If you want to hold up a bill, just have guts enough to say so.

So I say the Senate has spoken in passing our very well thought out provision. And I should add that this provision was written with the help and advice of Senator LOTT and Senator BYRD, both former majority leaders with much valuable insight about how the Senate works. Yet even though the Senate has already spoken as a body on this matter, a single Senator has single-handedly rewritten part of this provision, overriding what I consider overwhelming support in the Senate to end secret holds.

In the version that was Senate passed, we allowed 3 days for Senators to submit a simple public disclosure form for the RECORD, just like adding your name as a cosponsor to a bill. The intent is not that it is somehow legitimate to keep a hold secret for 3 days, but we wanted to give Senators ample time to get their disclosure to the floor to be entered into the RECORD. The rewritten provision, as Senator FEINSTEIN has said, gives Senators 6 legislative days instead of those 3 days. It is absurd to think that Senators need over a week to send an intern down to the floor with this simple form.

Of greater concern is that the rewritten language requires Senators to disclose a hold only after a unanimous consent request is made and objected to anonymously on the Senator's behalf, and then they have 6 days after that. That is too late. By that point, particularly at the end of a session, it is going to make this process meaningless. By that point, a hold could have existed for some time, perhaps without the sponsor of the bill even realizing it.

Furthermore, since the majority leader controls the Senate's schedule, he would hardly object to his own request to bring up a bill or nominee. He would simply not bring up a bill or nominee being held up by a Member of his own party. If a Member of the minority party were to attempt to ask unanimous consent to proceed to a matter, he would object on his own behalf to protect the majority leader's prerogative to set the agenda, and any secret holds by members of a majority party would remain secret.

I am deeply disappointed that this provision that Senator WYDEN and I worked so hard on, over a period of at least 6 years, to finally get a vote of 84 Members of this body supporting it, and then, because it was almost a fait accompli as seen by leaders of this body—powerful Senators in this body—just to put it in, in January, in the bill that is before us because it would be done—so-called "getting the message,"—well, who has forgotten that they got the message that they had to change this? And that is what is so irritating.

I am going to vote for this bill, but this was something that didn't need to be in a bill. It didn't need to be negotiated. This was decided by the vast majority of the Senate. But you know what it tells me. There are still people around here who don't want the public's business to be public. They want to do things in secret. They do not have guts enough to say they want to hold up a bill. So we end up with this convoluted thing we have of 6 days, but it isn't even kicked in until after there is an attempt by somebody to ask for a unanimous consent request to bring up a bill, and then only at that point, and then there is 6 days after that.

So I have stated my piece. I am not very happy. I hope Senator WYDEN is as unhappy as I am and will try to do something in the future.

Mrs. FEINSTEIN. Mr. President, I yield 10 minutes to the distinguished Senator from Connecticut, Mr. LIEBERMAN.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from California for her leadership in this very important matter.

We all know, if you read the public opinion polls, Congress is at an all-time low in the estimation of the American people. I am not going to comment about the political impact of that, but more broadly on the fact that this is, in our self-estimation, the greatest democracy in the world, and that means this is a government which depends on the support of those we govern—the consent of the governed. When the level of trust and respect between the people of the United States and the Members of this elected Congress is as low as it is now, our democracy is less than it should be. I don't want to say it is in jeopardy, but I will say that it is weakened by this distrust.

So why does this distrust exist? I am sure everybody has their own favorite explanations. It seems to me that part of it is a pervasive partisanship here that gets in the way of us producing results, producing solutions to problems that people have—the people who are good enough to honor us by sending us here. They are frustrated because they think we too often put partisan interests ahead of public interests, ahead of their interests.

Another reason for the low estimation and opinion the American people have of Congress today is the wave of scandals that has afflicted the Congress and individual Members. When one Member is accused or convicted of an ethical or legal lapse, it affects the attitude of the people toward the entire institution. These seem to have come with increasing frequency.

Ultimately, no law can guarantee that an individual anywhere, including in Congress, will do the right thing and will be ethical. There are always private moments when we will all have to count on our moral compasses and our values center. But we adopt law to try to create a clarity of rules and create incentives for our society overall—and in this case, we ourselves—to guide us, encourage us, hopefully to scare us into doing the right thing. It is in that context that I rise with real enthusiasm to support the Honest Leadership and Open Government Act which is before the Senate today.

This is not only the right thing to do in every substantive way, but it is the right thing to do in the larger sense that I described, of trying to rebuild the respect the American people have for this institution and for all of us who are Members of it. The focus here is on disclosure, as it ought to be.

The American people will naturally view darkly what is done in the shadows. They want to know that what we do in their names here in Congress is done with their best interests at heart rather than the narrow interests of a special few whose money may appear to the public to buy those special few access. Those suspicions, in the context of public cases of ethical and legal violations, grow in the darkness. The American people must know, through disclosure and sunlight—and this bill will shine light on so much of what we do—that the only special interest being represented here in Congress is the interest of the American people who were good enough to honor us by sending us here to serve them. This sweeping legislation shines much needed light in corners and corridors of this Capitol, too long left in the dark. It should help restore the public's trust now, a trust that is in much need of restoration.

I am proud to say that much of the lobbying part of this legislation came from the Homeland Security and Governmental Affairs Committee, last year under the leadership of Senator COLLINS, this year under my chairmanship. We always have worked together on a bipartisan basis.

With regard to lobbying, I wish to cite a few of the key proposals that increase disclosure.

This bill will bring the Lobbying Disclosure Act into the age of the Internet by requiring electronic filings and by requiring quarterly—rather than semiannual—reports detailing lobbying activities that lobbyists perform for specific clients. The reports are going to be right there for the public to see on the House and Senate Web sites.

Second, the bill amends the Lobbying Disclosure Act to require lobbyists to file reports detailing their activities beyond lobbying directly. That includes campaign contributions, payments for events to honor Members or to entities controlled by Members, and donations to Member charities, Presidential libraries or inaugural committees. None of these contributions are currently disclosed under law. This legislation attempts to build a broader wall between what we do here in serving the public and the lobbying world. Lobbying is a constitutionally protected activity. We are not trying to stop it or curtail it. We are trying to make sure it is done in an honorable and honest way.

This legislation increases from 1 to 2 years the cooling-off period before Senators can come back and lobby their colleagues. The bill also adds a provision to the Lobbying Disclosure Act prohibiting lobbyists from knowingly providing gifts or travel to Members in violation of House or Senate ethics rules, putting lobbyists on the hook for civil or criminal penalties if they violate the rules. Amendments to the Lobbying Disclosure Act will also shine a spotlight on so-called stealth coalitions by requiring greater disclosure of the identity of individual organizations that contribute to collective and focused lobbying efforts.

We back all these provisions with teeth—better enforcement. We increase civil penalties under the Lobbying Disclosure Act and create new criminal penalties for knowing and corrupt failure to comply with the act. We will have annual audits. We require annual audits by the Government Accountability Office, GAO, of lobbyists' filings—that is a second tier of review—and regular reporting by the Department of Justice on actions they take against those who violate the rules.

Those are the most significant parts of this legislation that came out of our committee with regard to lobbying. I do wish to compliment my friend and colleague from California, Senator FEINSTEIN, for her work in putting together an extremely tough ethics package. I think it is a very significant accomplishment for her in the first half year of her chairmanship of the Senate Rules Committee. In particular, I am pleased the final package, for the first time, requires so-called bundled campaign contributions made by lobbyists to Federal candidates to be disclosed to the public and published on the Federal Election Commission Web site. I know Senator FEINSTEIN has mentioned, and others will, other reforms here.

I wish to say just a final word about earmarks. This was an issue that came up in my campaign for reelection last year. I was accused by one of my opponents of bringing earmarks back to Connecticut. I thought that was something good to do. I said, like so much else in life, there are good earmarks and bad earmarks. Bad earmarks can often get through if there is not adequate disclosure. If you support an earmark and it is in legislation, you ought to not only be proud to be identified with that earmark in public but, if necessary, to come to the floor and defend the earmark to make sure it has the support of your colleagues.

This legislation requires that all earmarks included in bills and conference reports and their sponsors be identified on the Internet at least 48 hours before the Senate votes. Senators will be required to certify that they and their immediate family members have no financial interest in these earmarks. Dead-of-night additions to conference reports—that is, new earmarks, business that has too often been done here without public scrutiny or even the scrutiny of most Members of Congress—will now be subject to a 60-vote point of order.

I will say, if a Senator from yesteryear—not so far back yesteryear, 15 years, maybe 10 years—came back and saw that we were doing this here, they would wonder where they were. But where they would be is someplace where the American people justifiably want us to be.

Once the elections are over, the American people expect us to come here and do their business. That is exactly what this legislation will make much more likely. In the end, as I said at the beginning, it all comes down to the moral compass each Member of Congress has and the respect we give to the office in which it is our privilege to serve. But government in the shadows with deals cut behind closed doors invites abuse, breeds distrust, and simply must end. This bill goes a long way toward doing exactly that.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished chairman of the Homeland Security and Governmental Affairs Committee. The lobbying portion of this bill falls within Senator LIEBERMAN's jurisdiction. I also thank him for a job well done. He has been steadfast in this pursuit for a number of years.

I will exchange places with the Presiding Officer, and Senator OBAMA will be recognized for 10 minutes.

Mr. OBAMA. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. OBAMA. Madam President, I come to the floor to speak in strong support of the Honest Leadership and Open Government Act of 2007.

First of all, let me commend the Presiding Officer for the outstanding work she has done in helping to shepherd this process through. It is wonderful work. I think the American people very much appreciate the improvements that are being made to our political process as a consequence. I also commend Senator REID for his outstanding leadership on this bill. I especially thank my good friend, Senator FEINGOLD, with whom I have worked closely on this issue over the past year and a half.

The bill before us today could not be more urgently needed. For too long, the American people have seen lobbyists treat the legislative process like a game, using targeted contributions to maximize their leverage. For too long, people have believed their voice and interests have been drowning in a sea of lobbyist money and influence in Washington.

This is not the first time we have faced a crisis of confidence in government. Around the turn of the last century, wealth was becoming more concentrated in the hands of a few robber barons, railroad tycoons, and oil magnates. It was an era known as the Gilded Age. It was made possible by a government that played along. But when President Theodore Roosevelt took office, he wouldn't play along. He devoted his Presidency to busting trusts, breaking up monopolies, and doing his best to give the American people a shot at the American dream once more.

America needs this kind of leadership more than ever. It needs leadership that sees government not as a tool to enrich well-connected friends and high-priced lobbyists but as the defender of fairness and opportunity for every American.

We cannot settle for a second Gilded Age in America. Yet we find ourselves once more in the midst of a new economy, where more wealth is in danger of falling into fewer hands, where CEO pay grows from year to year as the average worker's pay remains stagnant, where Americans are struggling like never before to pay their medical bills or kids' tuition or high gas prices, all the while the profits of drug and insurance and oil industries have never been higher.

Once again we are faced with the politics that makes all of this possible. In recent years, the doors to Congress and the White House have been thrown wide open to an army of Washington lobbyists who turned our Government into a game only they can afford to play. Year after year, they stand in the way of our progress as a country. They stop us from addressing the issues that matter most to our people.

Let's take health care, just as one example. The drug and insurance industry spent $1 billion in lobbying over the last decade. They got what they paid for when their friends in Congress broke the rules and twisted arms to push through a prescription drug bill that actually made it illegal for our own Government to negotiate with the pharmaceutical companies for cheaper drug prices. Because reform has been blocked up until now, there are parents and grandparents in this country who are walking into the drugstore and wondering how their Social Security check is going to cover a prescription that is more expensive than it was a month ago, who are being forced to choose between their medicine and groceries because they can no longer afford both.

Let me be clear. I do not begrudge businesses trying to make a profit. I do not begrudge them hiring lobbyists to plead their case before Congress. It is protected political speech, and we appreciate that there are many lobbyists who represent their clients well and fairly. But it is time we had a Congress that tells drug companies or oil companies or the insurance industry that, while they may get a seat at the table in Washington, they don't get to buy every single chair. We need to put an end to the prevailing culture in this town, and that is what we have been trying to do for the past couple of years.

Last year, Congress came up with a somewhat watered-down version of reform.

I, along with others, such as Senator FEINGOLD and the Senator from Arizona, who is about to speak, Mr. McCAIN, voted against it because we thought we could do better.

In January, I came back with Senator FEINGOLD, and we set a high bar for reform. I am pleased to report that the bill before us today comes very close to what we proposed. By passing this bill, we will ban gifts and meals and end subsidized travel on corporate jets; we will close the revolving door between Pennsylvania Avenue and K Street; and we will make sure the American people can see all the pet projects lawmakers are trying to pass before they are actually voted on.

We will do something more. Over the objections of powerful voices in both parties, we will ensure that our laws shine a bright light on how lobbyists help fill the campaign coffers of Members of Congress by bundling contributions from others. Because an era in which soft money is prohibited, the real measure of a lobbyist's influence is not how much money he has contributed, it is how much money he is raising from others.

For too long, this practice has been hidden from public view. But today we can change that. I am pleased the amendment I have offered on bundling is part of this bill. I wish to thank Representative CHRIS VAN HOLLEN, who fought so hard to get this provision included in the House bill. As the Washington Post described the bundling provision earlier this year:

> No single change would add more public understanding of how money really operates in Washington.

So there is a lot of good in this bill. I truly hope and believe it will change the way we do business in Washington.

Let's not forget, though, there is still some more we need to do. One of the things I have argued is necessary to have on this is an independent entity to enforce ethics rules in Congress. Because no matter how well we police our own conduct, as long as we are our own prosecutor, judge, and jury, the public will never have complete trust in our decisions. So far, that is a fight I have lost. But I will continue to support independent enforcement because I believe it is in our Nation's best interests.

I also believe that if we are serious about change, we need to have a real discussion about public financing for Congressional elections. Because even if we can stop lobbyists from buying us lunch or taking us out on junkets, they will still be able to attend our fundraisers, and that is access the average American does not have.

In our democracy, the price of access and influence should be nothing more than your voice and your vote. That should be enough for health care reform. That should be enough for a real energy policy. That should be enough to ensure our Government is still the defender of fairness and opportunity for every American.

It is time to show the American people we have the courage to change the prevailing culture in this city. It is time to give people confidence in their Government again. We have a chance to start doing it with this bill.

I proudly support this legislation. I once again thank the chair for her outstanding work in moving this forward. I urge all my colleagues to support the legislation.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Madam President, over the last 20 years, I have found myself in a lonely fight against earmarks and porkbarrel spending year after year. I have come to the floor and read list after list of the ridiculous items we are spending money on, hoping enough embarrassment might spur some change.

I was encouraged in January, when this body passed by 96 to 2, an ethics and lobbying reform package which contained real, meaningful earmark reform. I thought at last we would finally enact some effective reforms. Unfortunately, the victory was short-lived.

One of my happier days, I will admit, was when Dr. COBURN was elected to the Senate in 2004. There is no better advocate of earmark reform; no one more consistent in standing firm to fight the worthy fight against wasteful spending, and I am proud to call him my friend.

I would like to commend my friend, Senator DEMINT, and Senator GRAHAM, Senator CORNYN, and others for joining our effort. Sadly, I say to my friends, that given the very watered-down earmark provisions contained in the measure brought to us by the majority, our good fight clearly will have to continue.

Not only does this bill do far too little to rein in wasteful spending, it has completely gutted the earmark reform provisions we passed overwhelming in January. It provides little more than lip service, unless, of course, you happen to be a committee chairman of the majority leader.

Under this majority-written bill, with no input from the Republicans, this bill will, unless you hold one of the top positions, you will now wield even more power, even more power with your porkbarrel pen.

Let me be clear. The ethics and lobbying reform bill has some good provisions which I strongly support: A ban on gifts and travel paid for by lobbyists or groups, although, if you want to get a free meal, count it as a campaign contribution. But, anyway, increased disclosure is welcome reform.

But the bill before us fixes only part of the problem and does not go to the heart of the problem. The heart of the problem that has bred the corruption is the earmark process. We all know that as my friend, Dr. COBURN, has said from time to time, it is the gateway drug to corruption—it is the gateway drug to corruption. I do not throw around the word "corruption" lightly. But there are former Members of Congress in jail. There are investigations going on right now, and you can trace it all back to the influence of money which has corrupted a process which then allows money, our tax dollars, to be given to special interests or even accrue to the benefit of the author of the earmarks.

We come to the floor a lot and talk about a lot of the earmarking. Some of them are fun to talk about, but they make you sad: $225,000 for a historic wagon museum in Utah; $1 million for a DNA study of bears in Montana; $200,000 for the Rock and Roll Hall of Fame.

You notice all these earmarks are geographically designated so there will be no mistake that that money might go someplace else other than where it had been intended by the appropriator.

One of my favorites is the $37 million over 4 years to the Alaska Fisheries Marketing Board to promote and develop fishery products and research pertaining to American fisheries. So how does this board spend the money so generously? I have a picture I will not show. Well, they spent $500,000 of your tax dollars to paint a giant salmon on the side of an Alaska Airlines 747, and nicknamed it the "Salmon Forty Salmon."

So the fact is, we are not going at the heart of the problem. Let me quote from yesterday's Wall Street Journal that says it even better than I can:

> Our favorite switcheroo: Under the previous Senate reform, the Senate parliamentarian would have determined whether a bill complied with earmark disclosure rules. Under Mr. REID's new version, the current majority leader, that is, Mr. REID himself, will decide if a bill is in compliance. When was the last time a Majority Party Leader declared one of his own bills out of order?

I have only been here 20 years, but I have never seen it. I do not think you are going to see it in the future. So while under this new version of the bill earmarks should be disclosed in theory, the fact remains that only the committee chair or the majority leader or his designee can police it.

If they say all the earmarks are identified, we take it as gospel. Our only option is to appeal the ruling of the chair that a certification was made. Of course, that is business as usual, requiring 60 votes.

The new version does retain the requirement that bills and conference reports be available 48 hours before a vote, but the searchable database is no longer a requirement when it comes to conference reports; conference reports, where we have seen inserted some of the most egregious porkbarrel projects in this system as it exists today.

Of course, conveniently the bill was modified between its release Monday morning and another version Monday afternoon. It was a modification to the benefit of the business-as-usual crowd. It would now require a 60-vote threshold to appeal the ruling of the chair, compared to a mere majority vote under the version released a few hours earlier.

Let's be clear. Sixty Members are not going to overrule the majority leader. Fact. Business as usual. Business as usual.

I am a bit saddened, too, because there was an opportunity here. There is enough outrage and anger out there amongst the American people that they are demanding reform. They are not demanding an increase from 1 year to 2 years for disclosure; they are not demanding about meals, they are demanding we fix the earmark process which has led to corruption. We have taken a pass. I regret it very much.

I predict to you now the earmarking and porkbarrel spending will creep back into the process sooner rather than later, and we will not regain the confidence of the American people.

I wish to thank again my colleagues, both Senators from South Carolina, the Senator from Oklahoma, and others who have fought sometimes a lonely fight to try to clean up this mess.

I yield the remainder of my time to the Senator from Oklahoma and the Senator from South Carolina.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from California.

Mrs. FEINSTEIN. Mr. President, the Senator from Wisconsin is next on our list. However, he had a pressing meeting, so we would be happy to go to a Republican.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank Senator MCCAIN for highlighting some of the problems with the bill. The real problem is that we last year spent $434 billion of our grandkids' money that we could not come up with. We did not collect taxes; we lowered their standard of living in the future. How did we get there?

We got there because we use earmarks to buy votes on appropriations bills. So we never look at the appropriations bill, we only look to see if our little thing is in it. Not all earmarks are bad. What is bad is a lack of transparency in our Government.

I know, Mr. President, you have helped me in terms of the Transparency and Accountability Act, but that is all after the fact. What this bill does is create a lie. That is what it is. It is not anything less than that.

We are lying to the American people that we are fixing earmarks, when we are not. The reason is, the vast majority of people in this body do not want their earmarks disclosed because it limits their ability to play the power game with the well connected who get something ahead of everybody else.

The other problem with earmarks is it takes our eye off the priorities for our country. Earmarks cause us not to do what is best for the country as a whole in the long term. It makes us short-term thinkers. It makes us parochial in our interests. I challenge any Member of this body to look at the oath they took and see if it says anything about your State when you swore to uphold the Constitution and serve as a Senator. Your duty is to the country as a whole, not to the well-heeled special interests who are the beneficiaries, whether they are parochial or not, to your earmark.

So there is no question this bill will pass. But the question the Senators have to ask is: Was I intellectually honest when every one of them out there is saying: We will have to fix this later because we do not like it, but we do not have the courage to vote against it—because they know we have not fixed the problem. But they are afraid of the public outrage and the pressure that has been created, in the essence of creating the impression that we fixed the problem.

Now, why do I say we have not fixed the problem? You go through this. What the Senate passed was DICK DURBIN-NANCY PELOSI's bill on transparency and earmarks, brought to the Senate by the Senator from South Carolina.

The first provision prohibits Senators from trading earmarks for votes. In other words, I will give you your earmark if you will vote for my bill. It is gone. It is not there anymore.

Prohibiting Senators and staff from promoting earmarks from which they or their families would receive a direct financial benefit, it is gone. We now say it has to be for that person, even though you may be connected. So we have gutted that. One of the greatest problems we have, we have gutted. So no longer is there a prohibition that your family member cannot benefit from an earmark from Congress. That is the greatest conflict of interest there is. Yet it goes on every day.

Third. Allows the Senate Parliamentarian, not the majority leader, not the chairman of the committee, to determine if a bill complies with earmark disclosure and transparency rules. The American people are never going to be able to hold us accountable until they can see what we are doing.

We have now said that, whoever is the leader, Republican or Democrat, this is not about who is in charge, it is about whether who is in charge will have the courage to go against the whole political power of their own party to certify.

The first appropriations bill we had so far in the Senate, the only one we passed, was certified that it was totally compliant. It missed it by $7 billion. They did not list all the earmarks, and they certainly were not transparent, but they certified they were.

The next provision prohibits consideration of bills, joint resolutions, or conference reports if earmarks are not disclosed. You can't bring it to the floor anymore if they are not disclosed. You still can bring it to the floor under the rules of this new ethics bills.

The next provision requires earmarks attached to a conference report to be publicly available on the Internet in a searchable format 48 hours before consideration. It still says it, but there is an out. The way this place works, we bring conference reports up such as that all the time. So every time it is going to get waived, and we are not going to know. We are going to be voting on bills where the earmarks aren't disclosed.

Next provision: Requires 67 votes to suspend the earmark disclosure rule. That is what we passed 98 to nothing. Now if you want to fight that, you have to have 61 votes to say it doesn't. We have totally put on it the other side. We have totally made it so that you can in fact not disclose earmarks, and the majority will vote with you. We have made it hard for transparency rather than easy.

The next provision requires a full day's notice prior to attempting to suspend the earmark disclosure rule. Not anymore. No notice. So you could suspend it and don't have to notify anybody that you are suspending it.

Finally, it requires all earmark certifications from Senators to be posted on the Internet within 48 hours. Not anymore, not if the chairman of the Appropriations Committee doesn't think they can get it done. They just waive it.

So where are the problems? Why is it that the country has between 14 and 28 percent confidence in the Congress? It is because we continue to use sleight of hand to tell them we are doing something when we are not. I don't have any problems with the other things in the bill basically, but those are symptoms of the disease. The disease is right here. It is called earmarks. If we don't treat the disease rather than the symptoms, we are never going to fix the problem.

I am adamantly opposed to this bill and what it has done to gut earmark disclosure. I have been around here long enough to know what will happen under the time pressures and the constraints and the way we operate. This will all go away. It may not go away on the first bill or the second bill, but it will go away. So we find ourselves with the Senate getting ready to vote on an ethics and disclosure rule, and every Senator is saying: How do we fix the things we don't like? Well, we will do it later.

Nobody loves this bill, but we are going to vote for it, not because we are fixing the problem, but it looks as if we are fixing it. The confidence in Congress isn't going to go up; it is going to go down.

We started this debate 2½ years ago on an amendment on a bridge to 50 people in Alaska of which 15 Members of this body voted with me. But the American people came to realize that the bridge to nowhere stood for something more than the bridge to nowhere. It stood for the lack of character and integrity in this body in terms of making long-term decisions and putting the country first instead of political careers. We haven't solved anything with this ethics bills in terms of that problem and rebuilding confidence. There is a crisis of confidence in this country. There is a rumble that we don't deserve the positions we hold because we haven't earned them, because we are going to use sleight of hand. We are going to lessen confidence in this country. We talk about money. It is great, except what is going to happen is we are going to bundle $14,900 every 6 months and it is not going to be reported. Over a 6-year career, that is $180,000 that one lobbyist can bundle for you that does not have to be reported. So tell me how we fixed the problem? The bundling is a symptom of the earmarks. It is a symptom. Where is the connection between earmarks and campaign contributions? It is there almost every time. You just have to look for it.

With the President's help we passed the post-transparency bill. Senator OBAMA and I, to where we get a look at it after the fact. But now we don't want to have transparency before the fact. We have failed the American people with this bill. We are also failing the Senate and ultimately we fail ourselves.

I ask the American people to look at the pictures of their children and grandchildren. Do you want them to have the same opportunities, the same benefits, the same freedoms and liberties? This is the thing that is going to take it away—the lack of an honest and open debate about priorities, the continued spending of money we don't have, and most of it on the basis that we have a gateway drug to spending addiction called earmarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I yield 10 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this is a proud day for the Senate. I certainly thank the Chair of the committee, the Senator from California, for all her guidance and hard work to make sure this legislation got to this point. I certainly thank the Presiding Officer, Mr. OBAMA of Illinois, who has been a wonderful partner in this effort. I enjoyed working with him, and he was tough all the way through when it counted to make sure we would end up with this kind of strong legislation. I thank the Presiding Officer.

Many months of work on legislation to reform our Nation's lobbying disclosure laws and the rules that govern our conduct as Senators are about to come to a close. The result is a bill that by any measure must be considered landmark legislation. I am pleased to support this bill, and I urge my colleagues to vote for cloture and support the bill. I want to speak for a few minutes about what is in this bill and the forces that brought us to this moment.

I introduced the first comprehensive lobbying and ethics reform package in the Senate in July 2005, about 10 years after enactment of the Lobbying Disclosure Act of 1995 and the last significant changes to the Senate's rules on gifts and travel on which I worked with the senior Senator from Arizona. A decade of experience had exposed the weaknesses in those important pieces of legislation. In light of growing concern about the relationships between certain Members of Congress and Washington lobbyists, I thought it was time to undertake further significant reform.

In the months that followed, the Jack Abramoff scandal consumed more and more space on the front pages of the newspaper. When he was indicted in December, lobbying and ethics reform all of a sudden got a big burst of momentum in Congress. In the first few months of 2006, radical reform seemed not only possible but likely. Hearings were held, and a bidding war for who could sound the most sincere about fixing the problems that had led to the Abramoff scandal ensued.

Unfortunately, the congressional leadership at the time talked a good game, but was not really committed to reform. The bill that passed the Senate last May fell well short not only of what was needed, but also of what had been promised only a few months earlier. The House leadership waited even longer to act and tried to add controversial campaign finance legislation to the package, dooming it to defeat. The conventional wisdom was that the voters didn't care, at least that's what the defenders of the status quo assured themselves as they engineered the stalemate that led to no reform at all being enacted. As we found last November, they were wrong.

The voters sent a clear message in November 2006 that they were fed up with the way things were going in Washington. And the leaders of the new Congress responded to that message by making lobbying and ethics reform their very top priority. Speaker PELOSI included major changes to the ethics rules in the House in a package of rules changes adopted on the very first day of the session. And Majority Leader REID introduced an ethics and lobbying reform package as S. 1 and brought it immediately to the Senate floor.

I am pleased that only 7 months later, we are here today to finish the job. The bill before us is a very strong piece of reform legislation. We have a real ban on gifts from lobbyists, strong new rules governing privately funded travel, a requirement that Senators pay the full charter rate to travel on corporate jets for personal, official or campaign purposes, strengthened revolving door restrictions, and improved lobbying disclosure provisions. And for the first time, the public will get a full accounting, through reports filed by lobbyists, and reports filed by campaigns and party committees, of all the ways that lobbyists provide financial support for the Members of Congress who they lobby.

I am very pleased also that the bill includes provisions to provide greater transparency in the process by which legislation is considered here in the Senate. Finally, after years of failed attempts, secret holds on legislation will be a relic of the past. In addition, out of scope additions to conference reports can be stricken individually rather than bringing down the whole report. All of these items show the seriousness with which this Congress and its new leadership addressed the anger that the American people expressed last November.

Let me say a word about earmarks. I heard my colleagues discussing it, and they know how strong I have been on this issue and how much I opposed the earmark process in my own practices and how many times I supported strong legislation in this regard. I have long been a strong supporter of earmark reform. I have cosponsored legislation on this topic with the Senator from Arizona, Mr. MCCAIN. Back in January, when the Senate first debated this bill, I broke with my leadership and supported the earmark reform amendment authored by the junior Senator from South Carolina, Mr. DEMINT. It is my judgment that the earmark reforms included in the proposal before the Senate today are consistent with the DeMint amendment, much stronger than the original bipartisan leadership proposal that was introduced in January, and an enormous improvement over the way earmarks had been handled by both Democratic and Republican-controlled Congresses in the past. It is simply not accurate to say that the final version of this provision guts the DeMint amendment that the Senate passed early this year. The minor changes that were made certainly do not justify a vote against cloture or against the bill.

The difference between the approach to lobbying and ethics reform this year and last year is this: Last year there was a lot of tough talk, but when it came down to it, the goal was to try to satisfy public outrage but actually do as little as possible. This year, the tough talk was backed up by tough action. This bill includes real reform on things like gifts and earmarks that get a lot of public attention and also on things like secret holds and corporate jets that occur mostly behind the scenes but have a big impact on how things work in Washington.

I especially thank Majority Leader REID for his steadfast insistence on passing strong legislation. This is a great accomplishment for him and for the Senate. I am pleased it is getting done in a timely manner. And I want to thank my colleagues for recognizing that regardless of how reforms might inconvenience us or impact our personal lifestyles, our priority must be to convince our constituents that we are here to advocate their best interests, not those of well-connected lobbyists.

Ethical conduct in government should be more than an aspiration, it should be a requirement. That is what this bill is all about. I am proud to support it, and I urge my colleagues to vote aye on cloture, and on final passage of the bill.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from California.

Mrs. FEINSTEIN. Mr. President, if the Chair would allow me to thank the Senator from Wisconsin, he has been an energetic, enthusiastic advocate for a very long time. He is not always hard to please. I want to particularly say "thank you" to him.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I see we have 30 minutes before the vote. I was offered 10. I ask unanimous consent that I have up to 15 minutes to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. I thank the Chair.

Mr. President, I rise to voice my opposition to the pretense of earmarks reform that is included in this so-called ethics bill and to urge my colleagues to vote "no" on cloture this morning so we can restore the earmark transparency rules we all voted on in January. If, as the majority contends, the differences between that bill and the one we bring to the floor today are minor, there should be no objection to making those rules the same.

Americans know how much Congress loves earmarks. These are the special interest spending items that fill most of our bills. Americans also know that these earmarks are at the center of most of the waste and corruption in Washington. They know money in the form of earmarks is the easiest favor a lawmaker can deliver to a special interest. They know the explosion of earmarks in the last decade has turned Congress into a giant favor factory that turns out favors for special interests, not for the American people.

The Associated Press ran a fascinating article this morning entitled "Earmarks Prove Popular and Dangerous." The article talks about how earmarks have been at the center of corruption in this town, yet Members of Congress continue to embrace earmarks and will do whatever it takes to keep them in the shadows away from public scrutiny.

The article says:

> Even the imprisonment of lobbyists Jack Abramoff and former [Representative] Duke Cunningham . . . on corruption charges that included earmark abuses has not dulled lawmakers' appetite for pet projects. One recent study found that earmarks in House legislation went from 3,000 in 1996 to 15,000 in 2005.

The article highlights that earmark disclosure is at the center of the debate on the so-called ethics bill before us today. It concludes by predicting there will not be enough Senators voting today to restore true earmark reform in this bill. That may be true, but I hope it is not the case.

This bill as it is currently written is a fraud. It is business as usual dressed up like ethics reform. And it is a stunning disappointment and a huge missed opportunity. It completely guts earmark rules we all agreed to back in January and allows us to continue to add secret earmarks to our bills. Even worse, it allows Members of this body to steer millions of tax dollars to themselves and their families. Yet the bill has the title of "ethics reform," so many are going to support it so they can have a sound bite during their election.

This is not really a big surprise. Even though the Democratic leadership campaigned on cleaning up the culture of corruption in Washington, it has never been committed to cleaning up the culture of earmarks. The first version of this bill which came to the floor in January was so inadequate in how it dealt with earmarks, it only covered 5 percent of all the earmarks. The authors of this bill thought they could get away with saying they were providing earmark transparency without actually doing it.

Fortunately, after a lot of public pressure was applied, we were able to come together in a bipartisan way to fix this problem and bring every earmark out into the light of day. The rule we all agreed to not only disclosed all earmarks, but it also gave every Senator the ability to hold the committees accountable if the American people do not get the transparency they deserve.

I thought the Democratic leadership had realized the importance of these reforms, so when the appropriations season began and earmarks started to be added to our bills, I sought consent from my colleagues to formally enact these rules so we could be true to our word and ensure honest, full earmark disclosure. But, as my colleagues know, the Democratic leadership objected to real earmark reform. In fact, they objected on March 29, April 17, June 28, July 9, and July 17—five times in over what has now been 196 days since these earmark rules were passed in January. When it comes to true earmark reform, we have heard nothing but excuses and seen nothing but obstruction.

The majority leader wanted to take this bill to conference with the House back in June so he could kill earmark reform behind closed doors and share the blame with Republicans. I asked him if he would pledge to preserve earmark rules we all agreed to, but he said he could not give me that assurance. He left me no choice but to object to conferencing this bill with the House.

Now the rule is back before us. It has been rewritten in secret by the majority leader and the Speaker of the House, and they did exactly what I was afraid of—they killed earmark reform, only this time they cannot blame this on anyone but themselves.

For some reason, the Democratic leadership does not understand the importance of this issue. They talk a lot about the culture of corruption, but when it comes to reining in the most corrupting practice in Washington, which is earmarking, they only offer lip service.

My colleagues should remember that it was the practice of trading earmarks for bribes that has been at the heart of the corruption scandals here in Washington. Let me say that again because it is very important. We had and still have a process in place that allows Members of this body to trade the public trust for personal gain.

Former Congressman Duke Cunningham was the master at this. He knew the oversight of his activities was so lax that he kept his own earmark "bribe menu." He knew the House and the Senate were not going to police his colleagues and that the earmark process would give them the ability to steer millions of dollars to his friends who were bribing him. The document that charged Duke Cunningham outlined very clearly what he was doing, and I quote:

> Under the very seal of the United States Congress, Cunningham placed this nation's governance up for sale to a defense contractor—detailing the amount of bribes necessary to obtain varying levels of defense appropriations.

Or earmarks.

> In this "broad menu," the left column represented the millions in government contracts that could be "ordered" from Cunningham. The right column was the amount of the bribes that the Congressman was demanding in exchange for the contracts.

The bill we are considering does nothing to stop the earmark factory. This so-called ethics bill does not actually require the Senate to disclose every earmark. All it requires is the chairman of the relevant committee or the majority leader to tell us they have disclosed every earmark. It does nothing to guarantee that earmarks are actually disclosed, and it is therefore unenforceable.

The rule we all agreed to in January that put the Senate Parliamentarian in charge of enforcing this rule has been changed. The Parliamentarian is a nonpartisan referee who works for all Senators, but this bill puts him on the sidelines. It allows the chairman of the committee and the majority leader—two of the most ardent supporters of earmarks and the two people least likely to object to one of their own bills—in charge of enforcing earmark disclosure. This allows the fox to guard the henhouse, and it makes a joke of ethics reform.

This is clearly a sham, and it is a total shame. It has been confirmed by the Senate Parliamentarian and the Congressional Research Service. A memo prepared by CRS states:

> If a point of order is raised under the new rule, it appears that the Chair presumably would base his or her ruling only on whether or not the certification has been made, and not on the contents of the available lists or charts, including the accuracy or completeness of this information.

Mr. President, this has also been confirmed by the Senate Parliamentarian, who says he would not be able to ensure full earmark disclosure.

I hope my colleagues understand what is going on here. The lists of earmarks may only include the ones the Appropriations Committee thinks we should know about. If their certification is inadequate and leaves out 95 percent of the earmarks—like they wanted to do earlier this year—the new rule does not give Senators the ability to raise a point of order to require full earmark disclosure.

But this is not some theory of what could happen. We know without a doubt that secret earmarks will continue because this Democratic leader and Appropriations chairman are already hiding secret earmarks while claiming to be in full compliance with the rule. The nonpartisan Government watchdog group, Taxpayers for Commonsense, has already discovered $7.5 billion in undisclosed earmarks this year, while we are supposedly operating under this rule.

There are several other loopholes in this bill that allow secret earmarks. It allows Senators to trade earmarks for votes. It allows Senators to provide earmarks that financially benefit themselves or their families. It still allows Senators to drop earmarks into bills when they are in conference and cannot be fully debated or voted on. It allows Senators to get around disclosing earmarks on the Internet in a timely way. And it allows Senators to avoid having to put their no-conflict certification letter on the Internet in a timely way.

This so-called ethics bill is a fraud. The majority leader and some of the supporters of this bill want to tell the American people they have fixed the secret earmark problem when they have actually codified the status quo. This bill is actually worse than doing nothing because it preserves business as usual while trying to fool people into thinking everything has been fixed.

I also want to read something that was sent out by nationally syndicated columnist Robert Novak which explains why Republicans are not innocent either. He wrote:

> Yet neither the prospect of several Republicans going to prison nor the disastrous loss of the 2006 election has weakened the party's embrace of the earmark model they ran from while holding the majority, in which each congressman provides for his district or state according to the New Deal model of "Tax, tax! Spend, spend! Elect, elect!"

Mr. President, Democrats wrote this shameful earmark rule, and they will have to take responsibility for that. But Republicans have a responsibility to stop it. Republicans need to learn their lesson from the last election and, at the very least, shine some light on the earmarking process.

I do not know if we will win the vote this morning, but I urge my colleagues to oppose cloture so we can restore the earmark transparency rules we all agreed to in January. This would be an easy fix. It could be done in a matter of minutes. This bill could be quickly sent back to the House for its approval and then on to the President for his signature.

Earmarks are where most of the corruption has come from. It is directing money in return for some favor. If we are not willing to honestly reform this process with this bill, then it will not solve the problem it claims to solve. It will make it worse.

I thank the Chair and reserve the remainder of my time.

The PRESIDING OFFICER. The assistant majority leader is recognized under a previous order for 10 minutes.

Mr. DURBIN. Mr. President, let me first thank the members of the Rules Committee, particularly Chairman DIANNE FEINSTEIN. This is landmark legislation. We have had groups that have been watchdogs over the Congress, that have been the first to complain when there are ethical lapses, that have weighed in and said this bill can make a difference.

It was not easy, trust me. Members of the Senate and Members of the

House—many of them—resisted the changes that are included in this bill. But Senator FEINSTEIN was given the authority and the responsibility to come up with a bill that is going to literally change the climate and the way we do business here on Capitol Hill, and she did it. I thank her for her leadership.

New transparency for lobbying activities; a strong lobbyist gift ban; limits on privately funded travel; restrictions on corporate flights; strong revolving-door restrictions; expanding public disclosure of lobbyist activities; ending the infamous K Street Project, which, unfortunately, for a long time was just acceptable conduct under the previous party's control of Congress; and congressional pension accountability—all of these are dramatic changes.

The Senator from South Carolina has focused on the issue of earmarks. I have been fortunate, in the House and the Senate, to have served on appropriations committees. I chair one of those subcommittees now. I want to tell you that the Senator from South Carolina has, unfortunately, misrepresented what this bill does. The Senator from South Carolina can, undoubtedly, remember when I offered an amendment on the floor, which he supported, which said we could not even proceed to an appropriations spending bill until we had posted on the Internet, for the world to see, every single congressional earmark in the bill 48 hours in advance. That is the type of disclosure which has never occurred on Capitol Hill, and it means that not only will the members of the committee and those who bring the bill to the floor be held accountable, but every person requesting an earmark—every Senator—will have to put their name next to the earmark request. I have just gone through this again. I think it is the right thing to do—full disclosure, full transparency, nothing to hide.

The situations that led to the imprisonment of Members of the House and lobbyists were these secret earmarks that popped up in the dead of night and people did not know what they meant. Change a comma here or put a semicolon there, and all of a sudden millions of dollars were flowing to favored clients of some lobbyist. Well, there is a Congressman from California who is now in jail for that, and there is a lobbyist in jail for it as well. Let me tell you, that era of secrecy in earmarks is over. It is over. Forty-eight hours before the bill comes to the floor, the whole world can take a look at it. And if you failed to put the earmarks in that disclosure, you are subject to a point of order.

Now, who rules on a point of order here? It is the gentleman sitting in front of the Presiding Officer. He is the Parliamentarian. We turn to him and say: All right, was there full disclosure of the earmarks in the bill? And he rules one way or the other. He doesn't have a dog in this fight. He works for both political parties. That is the way it should be. This is going to be an independent judgment as to these earmarks and whether there is full disclosure.

What about conflicts of interest between Senators and those who are requesting these disclosures? We have to file—each Senator, asking for an earmark for a project at home, has to file a statement on the record that we have no personal or pecuniary interest in this earmark we are requesting. That didn't occur before. That didn't occur before this Congressman went to jail and before this lobbyist went to jail. This is a dramatic change, and that disclosure—that denial of any kind of conflict of interest, or I should say acceptance that we won't have any conflict of interest, is public record. It is there to be seen. If someone violates it, they have made this statement to the committee, it has been disclosed to the public, and the whole earmark is there for the world to see. It is a level of transparency and disclosure which we have never had before.

What troubles me the most about the criticism of the Senator from South Carolina is that he is arguing that the writing of this bill was done "behind closed doors, in secret." Well, there was an opportunity to take this bill to a conference committee. That is when House and Senate Members sit in a room at a table, work out their differences, in public, so that the press and the world can hear the deliberations and see the changes that are made. When we came to the floor and asked for that conference committee so the world could see the whole process, one Senator got up and objected. Does anyone want to guess which one? The Senator from South Carolina who just gave the speech this morning about the secrecy of this process. He can't have it both ways. He cannot object to a conference committee which is open and public, and then when the conference committee doesn't occur, object to what follows. We had no choice but to work out this bill and bring it to be considered by the House and the Senate.

So how did this bill fare on the floor of the House of Representatives that was hit so hard by this culture of corruption and ethical scandals? The final vote was 411 to 8, a bipartisan vote on the floor of the House of Representatives for this ethical reform, and now we hear from the Senator from South Carolina that somehow we have stacked the deck on the Democratic side. That wasn't reflected in the House vote.

Many of his Republican colleagues realize, as we do, that as painful as this is, it is necessary. If we don't have the trust of the American people when it comes to the business we do, then, frankly, many of us who have dedicated our lives to public service are going to be the lesser for it. For all this hard work and all the time we put in, people will always be suspicious: Is that Senator voting for that project because his brother-in-law works there or something? Well, that is going to end with this reform.

The Senator from South Carolina may have wanted more. He may have wanted to do it differently. That is his right. He is a Senator from a State, and he has that right, but he has to be honest and acknowledge that what we have done here is significant change. In the 5 years he was serving over in the House of Representatives, he didn't suggest that the Republican majority change their earmark process, ever. We can't find one single instance when he went to the floor of the House and argued for earmark reform when his party was in the majority. Now that the Democrats are in the majority, he has become outspoken on this issue. That, again, is his right to do so. I welcome it. I will say, conceding to the Senator from South Carolina, you have forced some valuable change in this process. You should take credit for that. But to stand here now and tell us this work product is not real reform flies in the face of comments made by people who have been working for reform in Congress for decades.

They believe this is landmark legislation. To put a 48-hour disclosure—48-hour disclosure—before we can even take up a bill, to put it on the Internet for everyone to see is a level of transparency never before seen in the Halls of Congress in our entire history. It never took place. That is a significant change. It is a change which I think moves us in the right direction.

Let me say a word about earmarks because there is a lot of comment about Members of Congress earmarking money on special projects. The bill I just completed, the financial services bill, we took a look at earmarks. Do you know what it turned out? It turned out the earmarks by the President of the United States were two or three times larger than any requested earmarks by Members of Congress. And there are no requirements under our rules that the administration say there is no pecuniary conflict of interest, no disclosure of 48 hours in advance. They put them in the bill.

But when it comes to Members of Congress, we have changed those rules, in my subcommittee and in other appropriations committees, and it will also apply to tax bills as well. Give me the power to change the punctuation in the Tax Code, and I can make a lot of people happy in a hurry.

So we want to get down to the real business and make sure that whether the earmark is in an appropriations bill or a tax bill, the American people see it from the start, and then they decide. When I run for reelection, my opponent—and I am certain the press—will scour through things I have asked for to see if they can be justified. If they find something they question, I am going to have to answer that question. We make that much easier for the public and for the press to get to the bottom of it.

I would say to my colleague from the State of South Carolina, by ending the K Street Project, by restricting lobbyist activities, by adding dramatic transparency to the Senate rules, we are seeing more reform in this bill than at any time in the history of the Senate or the House. How did we reach this point? Out of embarrassment—embarrassment over a culture of corruption that overtook many of the activities of Congress over the last few years. People have gone to jail. They have paid a heavy price. There have been embarrassments, and I am sure a lot of sadness in many families. But the bottom line is, we have kept our word that this bill, through real reform, and that will make a difference in the way we do business, is going to be passed.

I sincerely hope that an overwhelming, bipartisan majority will support this reform, this rules change when it comes before us today.

If one Senator or any group of Senators is successful in stopping this reform of the rules, this reform of ethics, then they better go home and answer to their constituents. When you pick up the morning paper, you know America is counting on us to do the right thing, and I encourage my colleagues to vote for this legislation.

The PRESIDING OFFICER. The time of the majority whip has expired.

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I thank the Senator from Illinois, but I do have to clarify the facts because his representation of this bill has actually been an obvious misrepresentation. He has said if they certify that all the earmarks have been reported 48 hours in advance, and we have verified that family members have no interest in it, that we can challenge that if we don't believe it is true—but we can't challenge those facts.

I would like to ask the Parliamentarian at this point to confirm that because the way the sleight of hand is worked in this bill is, I can no longer object to the accuracy of the certification. I will just have to object to whether or not it has been certified.

I ask the Parliamentarian this specific question: If a point of order is raised under the earmark disclosure rule in this bill, would the Chair—through the Parliamentarian—be permitted to verify the completeness and accuracy of the disclosure, or would the Chair be required to only recognize whether a certification has been made by the chairman or majority leader?

The PRESIDING OFFICER. The Chair is required to only recognize whether a certification has been made by the chairman or the majority leader.

Mr. DEMINT. Mr. President, I just want to explain to my colleagues that is the crux of this issue. If the accuracy makes no difference—as it hasn't this year when we have gotten certification of disclosure or verification there has been no conflict of interest—if all that has to happen to comply with this rule is the majority leader or the chairman of the committee to say it has been complied with, and if I contest it, that I have no standing because it has been certified, that the Parliamentarian has been sidelined on this issue and can no longer verify whether it is true or accurate, what we have done is created this sham of disclosure that can be covered up by one Member of the Senate. That is why I call it a fraud. That is why I call it a sham. We have put all the language in here, except we have allowed it all to be waived by one Member of the Senate. This is not ethics reform at all.

Mr. President, I ask unanimous consent to set the pending amendment aside.

Mrs. FEINSTEIN. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Carolina has the floor.

Mr. DEMINT. Mr. President, I call up amendment No. 2506 and ask that it be adopted.

Mrs. FEINSTEIN. Objection.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Yes, there is.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, I would just like to advise my colleagues that the majority has just objected to adopting the DeMint amendment for earmark reform that has been gutted in this rule. This is all we have been asking for throughout the process, that we put in this ethics bill the exact same language we all voted on that was written by Speaker PELOSI, rewritten by Senator DURBIN, and has been gutted in this process, and it is still being called earmark reform. The Parliamentarian has just confirmed for us and the world that the certification is a complete sham.

I thank the President, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I applaud the good work of the Senator from South Carolina in pointing out the defects in this bill. I know he has been criticized for exercising his rights as a U.S. Senator to object to a unanimous consent request that the bill go to conference committee where, as we all know, Republicans and Democrats would ordinarily sit down together and work out a compromise and would then come back to the floor for a vote. But as a result of the process employed by the majority leader, the Democratic leader, and the Speaker of the House, Speaker PELOSI, Republicans have had no opportunity to have any impact whatsoever on the final language of this bill. The only time we will have a chance to voice our views on this bill will be the vote that is coming up now.

So make no mistake about it, the bill we will be voting on is not the product of bipartisan negotiations; it is exclusively the act of the Democratic majority. I think only time will tell whether this bill operates as advertised or whether, as the Senator from South Carolina points out, it is a complete sham, perhaps presenting a patina or a thin veneer of reform, when, in fact, it really is rotten to the core because of the fact that business as usual will continue to be carried on here when it comes to the nondisclosure of the appropriation of Federal tax dollars for special purposes.

REPORTING OF BUNDLED CONTRIBUTIONS

Mr. FEINGOLD. Mr. President, one of the most important provisions contained in S. 1 when it first passed the Senate in January was an amendment offered by the junior Senator from Illinois, Mr. OBAMA, to require lobbyists to report on a quarterly basis the campaign contributions that they collected or arranged for Members of Congress. I was the primary cosponsor of that amendment. The activity the amendment covered is often called "bundling." S. 1, as passed by the Senate, also required lobbyists to report on fundraisers that they host or cohost.

I am very pleased that the final bill maintains the requirement that this information be disclosed. It is important to note, however, that an agreement was reached to move the duty to report this information from the lobbyists to campaigns, in part to protect Members from unfounded allegations that lobbyists had raised political contributions for them when they actually had not. I would like to ask the Senator from Illinois, who worked hard to make sure that a bundling provision was included in the final bill, if section 204 of the bill is designed to capture the same kind of activity that the Obama amendment covered—lobbyists' bundling of contributions and hosting of fundraisers for Federal candidates?

Mr. OBAMA. Mr. President, I respond to my friend from Wisconsin that that is, indeed, the case. The bill requires candidate committees, political party committees, and leadership PACs to report contributions bundled by lobbyists if those contributions total more than $15,000 in a 6-month period. Persons whose bundling has to be reported include individuals, lobbying firms, or lobbying organizations registered or listed on registrations filed under the Lobbying Disclosure Act and political committees established or administered by each registrant or individual listed lobbyist. These persons also include any agent acting on behalf of a registered lobbyist, lobbying firm, or lobbying organization. Thus, if the CEO of a lobbying organization is raising money as an agent of the organization, his activities are covered by the legislation and must be reported. But employees of a lobbying organization, including a CEO, who are not lobbyists listed on the organization's lobbying disclosure reports are not covered, unless they are acting as agents for the organization.

The definition of bundled contributions includes contributions (i) "forwarded from the contributor or contributors to the committee" and (ii) contributions "received by the committee from a contributor or contributors, but credited by the committee or candidate involved . . . to the [lobbyist] through records, designations, or other means of recognizing that a certain amount of money has been raised by the [lobbyist]."

Part (i) of the definition means that any contributions that are physically handled by the lobbyist and are transferred, delivered, or sent to a campaign are considered to be bundled. But in addition, under part (ii), if contributions sent directly to a campaign by the contributors are "credited" to the lobbyist, they are also bundled. The "credit" doesn't have to be written or recorded because the definition includes "other means of recognizing that a certain amount of money has been raised." So if a lobbyist tells a candidate that he has raised a certain amount of money for the campaign, the lobbyist should be credited with that amount of fundraising, and the bundling must be reported, .assuming, of course, that the threshold amount of contributions is met within the 6-month period. This was what we were trying to get at in the amendment that passed the Senate in January—to cover contributions that were physically collected by a lobbyist and transferred to a campaign, contributions that were formally recorded by a campaign as having been raised by a lobbyist, and contributions that a candidate or a campaign was aware had been raised by a lobbyist.

Mr. FEINGOLD. I agree with that. With respect specifically to fundraisers hosted or cohosted by lobbyists, my view is that virtually all such events would be covered by this provision. Is that how the Senator from Illinois sees it as well?

Mr. OBAMA. Yes, I agree with that view. At many fundraisers, the host of the event collects the checks and gives them to a representative of the campaign. So that would be covered because the contributions have been "forwarded" to the campaign. But at some events, a representative of the campaign, or even the candidate, physically receives checks directly from contributors as they arrive or leave, and of course, some checks may be sent in afterward. In that case, the campaign knows the total amount raised, and knows the lobbyist who hosted the fundraiser is responsible for those contributions. Even if no formal records are kept about the money raised at the event, although most campaigns obviously do keep such records, the campaign has credited the lobbyist with that fundraising and it must be reported, as long as the threshold amount is met.

Mr. FEINGOLD. That is my understanding as well of section 204. It requires, however, that a candidate or campaign know that a lobbyist has raised a certain amount of money, not that they are just generally aware that the lobbyist has been fundraising for the campaign.

And it should be understood as well that the term "raised" in section 204 includes but is broader than the term "solicited," which is defined in the FEC regulations issued to implement the campaign finance laws. For example, even if a lobbyist does not make a solicitation for a contribution, as the term "solicit" has been defined in FEC regulations, the lobbyist will still have "raised" a contribution if the lobbyist facilitated the contribution by hosting or cohosting a fundraising event that brought in the contribution.

Mr. OBAMA. That brings up a question that I wanted to clarify. In a situation when a fundraising event is cohosted by a number of different lobbyists, I am concerned that some might want to avoid reporting bundled contributions by dividing up the total receipts of a fundraising event among many sponsors or cohosts of the event. Certainly, that was not our intention. Does my friend from Wisconsin agree with me?

Mr. FEINGOLD. Yes, the purpose of the bundling reporting provision is to get as much disclosure as possible of bundling by lobbyists. In the provision, we have specifically asked the FEC to keep that purpose in mind as it promulgates regulations. The bill requires a committee to report "each person" who "provided 2 or more bundled contributions" in excess of the "applicable threshold," which is an aggregate amount of $15,000 in a 6-month period. When two or more lobbyists are jointly involved in providing the same bundled contributions—as, for instance, in the case of a fundraising event co-hosted by two or more lobbyists—then each lobbyist is responsible for and should be treated as providing the total amount raised at the event, for purposes of applying the applicable threshold to the funds raised by that lobbyist, and for purposes of reporting by the committee of "the aggregate amount" of bundled contributions "provided by each" registered lobbyist "during the covered period."

It would be acceptable, of course, to report that certain funds were raised jointly in a single event so that by crediting each of the lobbyists involved with the total amount and reporting each lobbyist on the new schedule, the campaign does not suggest that the total amount of contributions bundled is far greater than the amount actually raised. But a campaign should not be able to avoid disclosing, for example, that three lobbyists raised $30,000 in a single fundraiser by claiming that each lobbyist has been credited with only one-third of the total amount. If this evasion were allowed, reporting for any fundraising event could be avoided simply by adding enough lobbyist cohosts for the event so that all of the lobbyists fall below the threshold. We certainly did not intend that result.

Mr. OBAMA. Mr. President, I appreciate the explanations and clarifications offered by the Senator from Wisconsin. The provision in the bill is aimed at requiring the disclosure of bundling, not prohibiting bundling. It must be broadly interpreted by the Federal Election Commission, consistent with its purpose. Indeed, section 204 specifically directs the FEC "to provide for the broadest possible disclosure" of bundling activities.

Mr. FEINGOLD. I agree. The Commission should not allow evasion or game playing of any kind, by campaigns, candidates, or lobbyists, to avoid reporting the activities of lobbyists. Section 204, the bundled contributions reporting section, along with section 203, which requires reports of campaign contributions and other payments by lobbyists themselves, is about giving information to the American people about how lobbyists provide financial assistance to Members of Congress and candidates. This information will allow the public to understand much better how Washington works. I congratulate the Senator from Illinois for successfully seeing his amendment through the process and into the final bill.

Mr. OBAMA. I commend my good friend from Wisconsin for his leadership on this issue. He has championed ethics and lobbying reform for many years, and he deserves much of the credit for the crafting of this important bill.

LIMITED TAX AND TARIFF BENEFITS

Mr. DURBIN. Mr. President, I would like to ask the chairman of the Finance Committee a question regarding the implementation of the provisions of the ethics reform bill as they apply to limited tax and tariff benefits. This legislation establishes the principle that the Members of this body and the American people at large should have full disclosure of the source and beneficiaries of legislative provisions that are directed to benefit a limited number of people or entities. The disclosure requirement would apply to limited tax and tariff benefits as well as to congressionally directed appropriations.

Specifically, the new rule states that it shall not be in order to vote on a motion to proceed to consider a bill or joint resolution unless the chairman of the committee of jurisdiction or the majority leader or his or her designee certifies that each limited tax or tariff benefit, if any, has been identified; that the Senator who submitted the request for such item has been identified; and that this information has been available on a publicly accessible congressional Web site in a searchable format at least 48 hours before such vote.

For the purpose of implementing this requirement, a "limited tax benefit" is defined as a revenue provision that "(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and (B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision." A "limited tariff benefit" is defined as "a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities."

Under the rule, a Senator who requests a limited tax or tariff benefit is required to provide a written statement to the chairman and ranking member of the committee of jurisdiction, including, among other things, the name of the Senator and "in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Senator." It is the responsibility of the requesting Senator to provide such information to the chairman and ranking member of the committee of jurisdiction. The chairman will expect this information to be provided by the requesting Senator and will disclose this information to the public if a requested provision is included in a bill in the chairman's jurisdiction.

The intent of this new rule is to ensure that any Senator who requests a limited tax or tariff benefit discloses to the chairman and ranking member of the Finance Committee the identity of any individual or entities reasonably anticipated to benefit from the provision and that the identity of the Senator who requested the provision and the identity of the individual or entities reasonably anticipated to benefit are made available on a publicly accessible congressional Web site at least 48 hours before a vote on a motion to proceed to the measure that contains the provision. This disclosure applies when a limited number of taxpayers receive a benefit from a provision and the benefit is not uniformly available to other similarly situated taxpayers solely because the provision does not encompass those other similarly situated taxpayers. Does the chairman agree with this understanding of the proposed rule?

Mr. BAUCUS. Yes, the Senator from Illinois has accurately described the proposed rule and its intent.

Mr. DURBIN. If I may inquire further, I would like to have a clear understanding of how the chairman will implement this rule. Once this rule is adopted, I expect that, as bills and joint resolutions that contain tax or tariff provisions are brought to the Senate floor, the chairman will, before a vote on a motion to proceed to such a measure, publish a list of all limited tax or tariff benefits therein, identifying each of these provisions, the Senator or Senators requesting the provision, and the entities reasonably anticipated to benefit, to the extent known to the requesting Senator.

Am I correct in my understanding that the chairman will make such information public for each tax or tariff provision in the measure that provides a benefit to a limited group of beneficiaries where the provision results in those beneficiaries being treated more advantageously than entities that, in the absence of such a provision, would be considered similarly situated with regard to the portion of the Tax Code affected by the provision?

Mr. BAUCUS. Yes, I plan to provide such a list with regard to legislation in my committee's jurisdiction.

DISCLOSURE OF LIMITED TAX BENEFITS

Mr. BAUCUS. Mr. President, I would like to engage in a colloquy with the ranking Republican member of the Finance Committee about language in this bill regarding the disclosure of limited tax benefits. The ranking member and I have each been chairman of the committee in recent years. And we try whenever possible to work together. And nowhere is that more true than with regard to tax policy.

We have worked together to try to join in a policy about how to interpret the provisions in this bill on limited tax benefits. We hope that by explaining this joint policy now, we can help observers of the tax process to know how we intend to apply this new rule. I believe that the policy that I am about to tribe reflects our jointly held views.

Mr. GRASSLEY. I thank the distinguished chairman, my friend from Montana, for initiating this important discussion. I would like to put this discussion into a broader historical context. For over 20 years, chairmen of the Finance Committee have employed a practice of opposing narrow tax provisions, commonly known as "rifleshots." The legislative change we will discuss in some detail is really a formalization of the practice the Finance Committee has maintained over the past two decades.

Mr. BAUCUS. I thank the Senator from Iowa. And I agree.

So here is our view. We wish to clarify the operation of the proposed rule change related to limited tax benefits. We know that it is impossible to foresee every possible application of the proposed disclosure rule for limited tax benefits. But we hope that this discussion will provide a more complete explanation of how the rule will operate.

For more guidance, we also recommend the interpretative guidelines developed by the staff of the Joint Committee on Taxation in response to the prior-law line item veto. These guidelines may also be applicable to the interpretation of the proposed earmark disclosure rules for limited tax benefits in this bill. The Joint Committee on Taxation documents are called, first, the "Draft Analysis of Issues and Procedures for Implementation of Provisions Contained in the Line Item Veto Act, Public Law 104-130, relating to Limited Tax Benefits," that's Joint Committee on Taxation document number JCX-48-96, and second, the "Analysis of Provisions Contained in the Line Item Veto Act, Public Law 104–130, relating to Limited Tax Benefits," that's Joint Committee on Taxation document number JCS-1-97.

The proposed rule in this bill would require the disclosure of limited tax benefits. It would define a limited tax benefit to mean any revenue provision that, first, provides a Federal tax deduction, credit exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and second, contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision.

The proposed rule would apply in most cases where the number of beneficiaries is 10 or fewer for a particular tax benefit. But the Finance Committee will not be bound by an arbitrary numerical limit such as "10 or fewer." Rather, we will apply the standard appropriately within the unique circumstances of each proposal. For example, if a proposal gave a tax benefit directed only to each of the 11 head football coaches in the Big Ten Conference, we may conclude that the rule would nonetheless require disclosure of this benefit, even though the number of beneficiaries would be more than 10.

We will not limit the application of the proposed rule to proposals that result in a reduction in Federal receipts relative to the applicable present-law baseline. We believe that the proposed rule would have application to limited tax benefits that provide a tax cut relative to present law for certain beneficiaries, like, for example, a tax rate reduction for certain beneficiaries. But we also believe that the rule would apply to limited tax benefits that provide a temporary or permanent tax benefit relative to a tax increase provided in the proposal, like, for example, exempting a limited group of beneficiaries from an otherwise applicable across-the board tax rate increase.

For example, a new tax credit for any National Basketball Association players who scored 100 points or more in a single game would be covered by the rule. And the rule would also cover a new income tax surtax on players in the National Hockey League that exempted from the new income surtax any players who were exempted from the league's requirement that players wear helmets when on the ice.

The rule defines a beneficiary as a taxpayer; that is, a person liable for the payment of tax, who is entitled to the deduction, credit, exclusion, or preference. Beneficiaries include entities that are liable for payroll tax, excise tax, and the tax on unrelated business income on certain activities.

The rule does not define a beneficiary as the person bearing the economic incidence of the tax. For example, in some instances, a taxpayer may pass the economic incidence of a tax liability or tax benefit to that taxpayer's customers or shareholders. The proposed rule would look to the number of taxpayers. That number is easier to identify than the number of persons who might bear the incidence of the tax.

In determining the number of beneficiaries of a tax benefit, we will use rules similar to those used in the prior-law line item veto legislation. For example, we will treat a related group of corporations as one beneficiary for these purposes. Without such a rule, a parent corporation could avoid application of the disclosure rule by simply creating a sufficient number of subsidiary corporations to avoid classification as a limited tax benefit under the proposed rule.

For example, if a related group of corporations—like parent-subsidiary corporations or brother-sister corporations—owns a football team, then the related group will be considered one beneficiary. That treatment is analogous to the team being one entity, not separate entities, like the coaching staff, offensive unit, defensive unit, specialty unit, and practice squad.

The time period that we will use for measuring the existence of a limited tax benefit will be the same time period that is used for Budget Act purposes. That is the current fiscal year and 10 succeeding fiscal years. Those are also all the fiscal years for which the Joint Committee on Taxation staff regularly provide a revenue estimate.

For purposes of determining whether eligibility criteria are uniform in application with respect to potential beneficiaries of such a proposal, we will need to determine the class of potential beneficiaries. In the case of a closed class of beneficiaries—for example, all individuals who hit at least 755 career home-runs before July 2007—that class is not subject to interpretation, since only Henry Aaron satisfies this criteria. If, instead, the defined class of beneficiaries is all individuals who hit at least 755 career home-runs, then we will determine the class of potential beneficiaries by assessing the likelihood that others will join that class over the time period for measuring the existence of a limited tax benefit.

Whether the eligibility criteria are not uniform in application with respect to potential beneficiaries will be a factual determination. To continue with the previous hypothetical, a proposal that provides a tax benefit to all individuals who hit at least 755 career home-runs may still not require disclosure if it is uniform in application. If the same proposal is altered so as to exclude otherwise eligible career home-run hitters who played for the Pittsburgh Pirates at some point in their career, then that kind of a limited tax benefit would require disclosure under the proposed rule.

Some of the guidelines in the Joint Taxation Committee's reports numbered JCX-48-96 and JCS-1-97 would not be directly applicable, but may be helpful in determining the class of potential beneficiaries. For example, the same industry, same activity, and same property rules might provide useful analysis.

So that is how we propose to apply the new rule.

Mr. GRASSLEY. I thank Senator Baucus for taking the time today to shed some light on implementing the limited tax benefits standard. I look forward to working with the chairman as we proceed.

Mr. STEVENS. Mr. President, while I support S. 1, I strongly oppose the provision within it which will require members to fully reimburse private plane flights at so-called fair market value. This requirement is unnecessarily excessive for intrastate travel, it places an undue burden on Members from rural States, and its enactment will come at great expense to American taxpayers.

The Senate's current rule requires members to pay the cost of a first-class ticket any time we travel by private plane. In areas with no regularly scheduled air service, Members pay their proportionate cost of chartering the same or similar aircraft. This rule ensures that Members pay the fair market value of traveling on such aircraft, while at the same time recognizing that private air travel is, at times, a necessity. Because these flights often represent the only way to access rural areas, most Members who travel by private plane do so to complete official business.

While I understand the desire to stem the perception and practice of members traveling in lush private jets, in reality, traveling on these types of aircraft is the exception rather than the rule. In my home state, my staff and I routinely travel in propeller and float planes. These are not luxurious jets. If any Member believes differently, I welcome them to travel with me as I traverse the State from Tuntatooliak to Savoonga.

Alaska does not have the transportation infrastructure found in more densely populated areas of the country. More than 70 percent of our State's towns and villages are not accessible by road year-round. We need to fly in order to reach these remote communities. If a private plane with others aboard is going to the same village I am, I should be able to get on that plane at a reasonable price.

During initial consideration of S. 1 in January, Members of the Senate raised concerns regarding the impact that the revised travel rules had on their ability to meet with their constituents. That measure, as drafted, would not have affected lobbyists—it impacted real people and prevented their elected representatives from responding to the issues they face. As such, I offered an amendment designed to address the concerns of rural State Senators in ensuring their ability to continue to travel around their States. I declined to pursue the amendment on the Senate floor when leadership on both sides of the aisle agreed to consider this matter during conference.

Unfortunately, this matter was not addressed because of the Senate's inability to conference the legislation.

While other travel matters were addressed, such as permitting Members to travel on their own planes or on the planes of their family members, the issue of rural transportation costs was not. Given this unfortunate circumstance, I have again introduced an amendment to address this situation. My amendment would require travel on private planes to be precleared by each Chamber's Ethics Committee to avoid even the appearance of a conflict of interest. It would also allow the committee to set and publicly disclose the rate we pay for each trip.

The private plane provision in S. 1 will not produce meaningful reform and will only increase the amount of money Members need from the Treasury to pay for these flights. Ultimately, it will be the taxpayer who foots this bill, and the only real change will be more money in the pockets of those who own and operate private planes.

A perfect example will come later this month, when a Cabinet Secretary and staff travel to Alaska. We plan to visit several western Alaska communities, and private plane is the only way to reach them in a single day.

Under the Senate's current rule, each individual would pay their share of the charter rate or an equivalent first-class fare. This rule is equitable: The operator of the flight would be paid a reasonable expense for our travel.

Under S. 1, my staff and I would pay fair market value—the entire price of the private plane. The Cabinet Secretary and their staff, according to their department's rules, would also reimburse the company for the costs associated with their travel. Any State and local officials who travel with us will likewise be required to pay for their seats.

The end result of this legislation will be a windfall for companies and a travesty for taxpayers—the very opposite of intended effects. Our system needs transparency, not additional financial burdens for hard-working Americans.

I am told that another provision of this legislation may be of interest to many Members of this Chamber—in fact, I may be the only one it will not affect.

Section 601 of S. 1 will require a sitting President, or a President's campaign, to pay for Members who travel on Air Force One. This provision will make campaigns even more expensive than they are today, and again do very little to increase transparency.

Lobbying reform is necessary, but it cannot harm our ability to do our jobs. Members should disclose flights on private planes, provide the reasons for their travel, and receive approval from the Ethics Committee prior to any travel. However, there is absolutely no reason why each seat should be paid for more than once. By requiring the reimbursement of private flights at fair market value, S. 1 will prevent many Members from serving their constituents effectively. While the majority leader's interest in passing this legislation is understandable, the Senate should ensure it does not adversely impact taxpayers. I urge my colleagues to consider these consequences and adopt my amendment.

Mr. CARDIN. Mr. President, I strongly support S. 1, the Legislative Transparency and Accountability Act of 2007. I urge my colleagues to support this measure, which is the most sweeping reform of ethics and lobbying laws and rules in many years.

I am pleased that we have worked in a bipartisan fashion on ethics and lobbying reform. The American people made their views clear in last year's election, and sent a strong message to Congress to clean up our act.

In January the Senate passed this legislation as our first order of business by a vote of 96 to 2, and the House followed suit by a vote of 411 to 8 earlier this week. I hope that the Senate will once again give overwhelming, bipartisan approval of this legislation, and send it to the President for his signature into law.

I have been privileged to serve as a legislator—first in the Maryland House of Delegates, then in the United States House of Representatives, and now in the United States Senate. I appreciate the trust that the people of Maryland placed in me. And I appreciate how important it is that we adhere to the strictest ethical standards. The American people need to believe their Government is on the up and up.

The legislation represents a significant change in the way elected officials, senior staff, and lobbyists would do business.

When it comes to how we treat ourselves, this legislation provides much greater transparency in earmarking. It requires that the sponsors of all earmarks, including limited tax and tariff benefits, that are inserted into bills and conference reports be identified on the Internet at least 48 hours before a Senate vote. The bill requires Senators to certify that they and their immediate family members have no financial interest in the earmark. The bill also creates a point of order against new earmarks added in conference reports for the first time.

When it comes to making how Congress works more transparent, the bill requires conference reports to be available for public review on the Internet 48 hours before a Senate vote. It ends the practice of secret Senate holds which can kill legislation or nominations. It requires all Senate committees and subcommittees to post video recordings, audio recordings, or transcripts of all public meetings on the Internet.

This legislation makes needed reforms to the lobbying industry as well. The bill prohibits lobbyists and their clients from giving gifts, including free meals and tickets, to Senators and their staffs. It requires Senators to pay charter rates for trips on private planes. The bill prohibits Senators and their staff from accepting multiday private travel from registered lobbyists. It requires much greater transparency for lobbyist bundling and political campaign fund activity. The bill requires lobbyists' disclosure filings to be filed quarterly instead of semiannually, and requires these disclosures to be filed electronically and in a publicly searchable Internet database. It increases civil and criminal penalties for lobbyists who break the law.

The bill also takes major stops in slowing the revolving door between Members of Congress, staff, and the private sector. It stops partisan attempts like the K Street Project to influence private-sector hiring. It strengthens the revolving door restrictions by increasing the cooling off period for Senators from 1 to 2 years before they can lobby Congress, and prohibits senior Senate staff from lobbying contacts within the entire Senate for 1 year. It eliminates floor, parking, and gym privileges for former Members who become lobbyists.

Finally, the bill holds Members of Congress and staff accountable by making ongoing ethics training mandatory for Members and staff. It increases civil and criminal penalties for Members of Congress and senior staff who falsify or fail to report items on their financial disclosure forms. It denies congressional retirement benefits to Members of Congress who are convicted of serious crimes related to their official duties, such as bribery.

Former Supreme Court Justice Louis Brandeis' famous dictum still holds true today: "Sunlight is said to be the best of disinfectants." The leadership and Members of Congress will have delivered on their promise to the American people by passing this bill. That is what the American people have asked us to do, and that is what we need to do to regain their trust.

Ms. COLLINS. Mr. President, I rise today to discuss the Honest Leadership and Open Government Act of 2007. This bill has taken on many names and many forms over the last year. While I am pleased to see this Congress at last addressing ethics issues, I am disappointed that the bill is being brought to the floor in this manner and in this form.

Last year, when I was chairman of the Homeland Security and Governmental Affairs Committee, the committee produced a bipartisan bill that the Senate passed in March 2006 by a vote of 90 to 8. That bill never became law, and as a result those issues were never addressed. But when Congress failed to take action, the American people stood up and sent a powerful message. The last election took place in the shadow of far too many revelations of questionable—or downright illegal—conduct by Members of Congress. When we returned to Washington in January, the first priority of this Senate was to take steps to restore the confidence of the American people in their Government.

It is unfortunate that we now find ourselves nearly 7 months later—taking up yet another version of this bill with several provisions that are far weaker than they should be. In particular, I am disappointed that in spite of a 98–0 Senate vote in favor of strong earmark disclosure rules, the provision now before us is weak and riddled with loopholes. I cannot understand why the majority leadership has chosen to ignore the clearly expressed will of the Senate in this way.

I draw my colleagues' attention to the first page of this new bill, in which its purpose is stated as, "To provide greater transparency in the legislative process." This declaration—made without a trace of irony—belies the fact that this version of the bill was developed in closed-door discussions between the majority leader of the Senate and the Speaker of the House. Ethics is not an issue of the right or the left, so why has the process of drafting ethics legislation suddenly become so partisan?

In spite of these reservations, I will support this bill because I believe that it does contain positive provisions that are long overdue. Justice Oliver Wendell Holmes is said to have once noted, "Sunlight is the best disinfectant," and this bill does bring sunlight into some of the dark corners of the legislative process.

The bill requires more frequent filings under the Lobbying Disclosure Act, and more detailed disclosure of lobbyist activities in those reports. In addition, it makes that information readily available to the public via the Internet.

The bill also contains a change to the Senate rules to eliminate, at long last, the undemocratic practice of anonymous holds in the Senate. The hallmark of this body should be free and open debate, and a process that allows a secret hold to kill a bill without a word of debate on the floor is antithetical to that principle.

The bill contains important provisions to slow the so-called revolving door problem where Members of Congress and their senior staffs leave Government jobs and then turn around to lobby the institution they once served.

These provisions—which I note, are substantially the same as those that the Senate passed earlier this year—are a step forward in restoring the American people's confidence in the integrity of their leadership.

In November 2006, the American people sent Congress a message that they had lost faith in the integrity this institution. I will support this bill because it takes a step forward in restoring the people's faith in the work we do here, but unfortunately I am left to conclude that had there been a better process, there would have been a better bill.

Mr. LEVIN. Mr. President, I support the Honest Leadership and Open Government Act.

I have worked for many years to enact meaningful lobbying and ethics reform. In 1995, I helped lead the effort to pass the Lobbying Disclosure Act which helped to open up the world of lobbying, and the billions of dollars spent in it, to the light of day. By requiring paid lobbyists to register and disclose whom they represent, how much they are paid, and the issues on which they are lobbying, this act was a real step forward. A number of scandals over the past few years have illustrated the importance of taking these reforms a step further and this bill does just that.

This bill includes much needed lobbying and ethics reforms, some of which I sought to include in the Lobbying Disclosure Act 12 years ago. It includes provisions to ensure greater transparency and disclosure of lobbyist activities by requiring lobbyists to file their reports quarterly and electronically in an online, public, searchable database. This bill requires lobbyists to disclose to the Federal Election Commission when they bundle or gather over $15,000 in campaign contributions for any Federal elected official, candidate or political action committee. Additionally, lobbyists will be required to disclose their own campaign contributions as well as payments they make to Presidential libraries, inaugural committees or other organization controlled by or named for Members of Congress.

This bill also includes an important provision I authored to require reporting by foreign lobbyists. Foreign lobbyists file their disclosures under the Foreign Agents Registry Act. The forms are difficult to find and hard to understand. This bill will require a publicly accessible, electronic database containing FARA disclosures in the same format that will be in place for registrants under the Lobbying Disclosure Act.

Also included is a strict ban on gifts from lobbyists or their clients to Members of Congress and congressional staff. These perks have no place in Government and I am glad that this legislation will eliminate them.

Strong travel restrictions are also an essential component of this bill. The new rules will ensure that Members traveling on corporate jets would have to pay for them at the charter rate, not at the current level of a first class commercial ticket, which is but a fraction of the cost.

This bill strengthens restrictions on lobbying for former Senators and former senior Senate staff by prohibiting Senators from lobbying Congress for 2 years after they leave office and prohibiting senior Senate staff from lobbying any Senate office for 1 year after leaving Senate employment. Also included is a provision that prohibits Members and their staff from influencing the hiring decision of private organizations in exchange for political access.

This bill strengthens penalties for Members of Congress who are convicted of crimes that involve violations of the public trust by revoking Federal retirement benefits. It also increases the penalties for Members of Congress, senior staff and senior executive officials who falsify or fail to file financial disclosure forms.

I am also pleased that this bill includes earmark reforms to ensure transparency in the legislative process. Requiring that earmarks included in bills and conference reports are available to the public on line will allow the average American the opportunity to know where their tax dollars are going and it is my hope that it will help ensure the quality of the projects which are funded.

I commend my colleagues in both the House of Representatives and the Senate for working in a bipartisan way to pass this important legislation. Though this bill is not perfect, it is a significant improvement over current law. Some will continue to find ways to circumvent it and undermine the safeguards we put in place. Standing for honesty, openness and accountability in Government will forever be an unfinished task. We must continue to be aware of abuses and understand that further legislation may be necessary in the coming years to ensure the integrity of the legislative process.

Mr. KERRY. Mr. President, as elected representatives, I believe we must hold ourselves to the highest ethical standards. The principle is a simple one. I want to take this opportunity to express my appreciation to Majority Leader REID, Chairman LIEBERMAN and Chairman FEINSTEIN for their work to keep that faith by increasing the ethical standards of the Congress in the legislation that the Senate is considering today.

While not perfect, the Honest Leadership and Open Government Act of 2007 will expand public disclosure of lobbyist activities, increase the transparency of the congressional earmarking process, strengthen the existing gift bans and "cooling-off periods" for Members of Congress and their staff, and prohibit Congress from attempting to influence employment decisions in exchange for political access.

I very much appreciate the assistance of Majority Leader REID, Chairman LIEBERMAN, and Senator SALAZAR in including a provision in this legislation that will prohibit Members of Congress who are convicted of serious ethics crimes such as bribery and fraud from receiving Federal pensions. This provision, based on my amendment to the Senate Ethics bill in January, which in turn was based on the Congressional Pension Accountability Act which I introduced with Senator SALAZAR, will go a long way toward rebuilding the trust of the American people. Those who abuse the public trust shouldn't be allowed to exploit the Federal retirement system at taxpayer expense. That is simply unacceptable and this legislation will finally change that inequity in the law.

We all remember just last year, when former Representative Randy "Duke" Cunningham received the longest prison sentence ever imposed on a former Member of Congress. His crime? He collected approximately $2.4 million in homes, yachts, antique furnishings and other bribes including a Rolls Royce from defense contractors. This disgraceful conduct a crime which lies beyond comprehension for honest, hardworking American taxpayers has earned him 8 years and 4 months in a Federal prison and has required him to pay the Government $1.8 million in penalties and $1.85 million in ill-gotten gains.

Unfortunately, the American taxpayer will continue to pay his Federal pension—a pension worth approximately $40,000 per year. Thanks to this legislation, no longer will taxpayers' hard-earned dollars be used to pay for the pensions of Members of Congress who are convicted of serious ethics abuses in the future.

I believe this legislation will significantly improve our Government by changing the way business is done and helping to ensure that Congress once again responds to the needs of our people, not special interests.

Mrs. FEINSTEIN. Mr. President, I rise to support the reauthorization of the State Children's Health Insurance Program. It is critically important that we continue and improve upon this successful effort that has made a difference in the lives of so many children.

I would like to thank my colleagues, Senator BAUCUS, Senator ROCKEFELLER, Senator GRASSLEY and Senator HATCH, as well as their staffs, for the countless hours they have spent in order to bring this bipartisan compromise before us today.

Like all compromises, the bill is not perfect. I, along with several of my colleagues, voted for a budget resolution that included an additional $50 billion for the reauthorization of the Children's Health Insurance Program. I understand that fiscal constraints make it difficult to fund a sum of that magnitude. But at the same time, no dollar spent to insure a child is wasted.

HISTORY OF THE PROGRAM

I am proud to have supported this program since its inception in 1997. At that time, there were too many working families who played by the rules and could not afford health insurance for their children. They had just a little too much to qualify for Medicaid or other Government programs, but not enough income to be able to afford the premiums that private insurance requires.

So a Republican Congress and a Democratic President came together to create the Children's Health Insurance Program, which has enjoyed a decade of broad bipartisan support.

The success has been clear. Twenty-one percent of the children in California were uninsured when the Children's Health Insurance Program launched. Six years later, in 2005, that rate had fallen to 14 percent, despite economic downturns, which commonly lead to increases in the number of uninsured.

It is now time for a Republican President and a Democratic Congress to come to together to allow this program to continue to fulfill its promise.

SUMMARY OF LEGISLATION

The bill we are considering today will allow this program's success to continue and make significant improvements. This legislation would:

Invest $35 billion to provide health insurance coverage to 3.2 million children who are currently uninsured. This will keep the 6.6 million children already enrolled in the program from losing coverage.

Give States the tools they need to find and enroll these uninsured children. Six million of the nine million uninsured children in the United States today are eligible for Medicaid, or they are eligible for the Children's Health Insurance Program. These families deserve to know they are eligible for coverage, and they ought to receive it without unnecessary bureaucracy and additional paperwork.

TOBACCO TAX INCREASE

These improvements are funded with an increase in the Federal tobacco tax, to $1 per package of cigarettes. Not only will this increase fund needed health insurance for children, it will create significant health improvements.

We must be very clear about the serious implications of tobacco use. It has to be understood that:

Tobacco is linked to at least 10 different kinds of cancer.

Tobacco use accounts for about 30 percent of all cancer deaths.

Tobacco use remains the top cause of preventable death in the United States.

According to the Campaign for Tobacco Free Kids, this tax will prevent an additional 1,873,000 children alive today from ever becoming smokers. And this prevents them from becoming cancer victims later in life. Of this I am certain.

During my time in the Senate, I have worked to make the eradication of cancer a top priority. I strongly believe that we can eliminate the death and suffering caused by cancer in my lifetime. I have worked with the American Cancer Society, and the National Cancer Institute. I have spoken to leading cancer researchers, and patients and their families.

And over and over again, I have heard that tobacco is a leading cause of cancer.

There is much about cancer that we still do not understand and that we cannot control. But the relationship between tobacco and cancer could not be clearer.

The one thing we can do, immediately, to stop cancer deaths, is to reduce tobacco use. This legislation takes a step in that direction, while providing health coverage for children in the process.

IMPORTANCE OF HEALTH INSURANCE FOR CHILDREN

We know that when it comes to children, health insurance matters. It can determine whether a child receives appropriate treatment, and even if he lives or dies. According to a Families USA study conducted this year,

An uninsured child admitted to the hospital as the result of an injury is twice as likely to die during his or her hospital stay than a child with insurance.

Uninsured children admitted to the hospital with middle ear infections are less than half as likely to get ear tubes inserted than children with insurance.

These are not rare occurrences. As any parent will attest, children get into plenty of accidents, and children get lots of ear infections. No child should suffer a worse outcome because her parents could not afford health insurance.

CHIP IS NOT GOVERNMENT HEALTH CARE

Frankly, I am quite surprised that the Senate is not unanimously endorsing the compromise we have before us today. I was stunned when President Bush indicated he would veto it.

Unfortunately, some are attempting to use this debate to score political points, and in the process, are portraying the Children's Health Insurance Program in an unfair light.

Let us be clear. The Children's Health Insurance Program is not Government-run health care. Doctors, nurses and parents still make medical decisions. And in California, our Healthy Families program relies on commercial managed care plans.

California offers 24 health plans, 6 dental plans, and 3 vision plans.

In fact, 99.72 percent of Californians in Healthy Families have a choice between two health plans.

In four of our largest counties, families can choose between as many as seven plans.

Twenty-four different health plans in one State. That is certainly not a form of "socialized medicine." Many employers providing private insurance cannot afford to give their workers more than one choice.

This legislation remains targeted at the children and families most in need of assistance. I am from San Francisco, one of the most expensive cities in one of the most expensive States in the Nation. No one will deny that it costs more to live in San Francisco than just about any other place in the country. You spend more on groceries, more on housing, more on transportation, and not surprisingly, more on health care. The California Association of Realtors estimates that in order to purchase the average entry level home in California, a family must have a household income of over $96,000 per year.

Yet, with the exception of Alaska and Hawaii, we have a uniform Federal poverty level, which is $20,650 for a family of four. President Bush insists that no family above twice this poverty level, or $41,300, could possibly need additional help to afford health insurance. I strongly disagree.

I would like to challenge anyone to support two children on $41,300 annual income in California, and find the $11,480 necessary to purchase the average family insurance policy. It is nearly impossible. This is precisely why we created the Children's Health Insurance Program 10 years ago, to prevent hard-working families from falling through the cracks.

This legislation maintains the State flexibility necessary to do just that.

CALIFORNIA STORIES

As a mother and grandmother, I know that there are few things worse than having a sick child. I cannot imagine the dilemma of a mother or father who knows that their child needs medical attention, but must also consider whether that treatment will have a catastrophic impact on their family's finances.

The Herman family from Sonoma County, CA, found themselves in this situation, twice in 1 month. Daughter Amber Herman fell and hurt her arm. Three-year-old Jacob shoved a rock in his ear during a family camping trip. Parents Penny and Peter Herman are self-employed small business owners, unable to afford private insurance.

The Hermans faced a $5000 out-of-pocket medical bill for their care. And Penny was pregnant with the couple's third child, Abraham. The family learned they were eligible for Healthy Families, and enrolled in the program. Penny received coverage for her pregnancy from Medi-Cal. All three children now have comprehensive health care coverage.

The Nunez family in Solano County, California never worried about health insurance; they were always covered under their father Pablo's union health plan. Pablo started his own business and he, wife Sandra, and their four children lost their coverage. Through outreach efforts, the family learned a few months later that their kids might qualify for coverage. They did, and all four Nunez children were enrolled in Healthy Families before they had a health care emergency.

These stories show that a robust Children's Health Insurance Program, coupled with good information and a straightforward enrollment process, makes a real difference in the lives of countless families.

CONCLUSION

Without action, these children and many others will risk losing this insurance coverage. It is my hope that the President will reconsider his ill-advised veto threat and sign this bipartisan legislation into law. While the President may want to advance his own health care reform ideas, it is not fair to hold millions of uninsured children hostage in the process. I welcome a wide-ranging debate on how to reform our health care system, after this bill is signed and the State Children's Health Insurance Program is protected.

This is a successful bipartisan program. It must be reauthorized, and the American people must make it clear to President Bush that they will accept no less.

I urge my colleagues to join me in supporting this important legislation.

Mr. CRAIG. Mr. President, the legislation before us today is labeled as an ethics and lobbying reform measure. Unfortunately, legislative labels don't guarantee performance. Just calling a bill "reform" doesn't guarantee it will improve the transparency of legislative operations so that the American people can better see what Congress is doing and hold its representatives accountable for their actions.

In this case, I am troubled by the bill we are being asked to support today—a bill prepared without input from Republicans and outside the normal bipartisan, consensus-building legislative procedures of the Congress.

While it contains a number of worthwhile provisions, I cannot agree that it makes the kind of fundamental improvements that its label promises in a number of critical areas.

For example, there has been significant focus on how this bill would change Senate rules concerning "earmarks"—that is, congressionally directed funding. As a member of the Appropriations Committee, I have been asked about earmarks and have talked frankly with my Idaho constituents and others about this practice. I don't believe in secret earmarks and, in fact, on my Web site I have published a list of all the earmarks I have secured in appropriations legislation since I have been a member of the committee, so that anybody can review them.

In my opinion, the so-called "earmark reforms" in this bill are more likely to result in misleading people and gaming the process, rather than opening it up to public scrutiny.

There is more to the bill than its earmark provisions—there are other flawed provisions as well as worthwhile provisions. It is not unusual for us to be asked to vote on a package including both provisions we agree with and those we don't. Sometimes we overlook the bad, if the package on balance does more good than harm.

But it would be perverse indeed for me to sanction, with my vote, a measure that I believe will frustrate the very goal of ethics reform that it is supposed to accomplish. I cannot pretend that the earmark provisions or other flaws in this bill are unimportant. I cannot ignore the real harm that some provisions of this bill will likely do. For these reasons, I cannot support this legislation.

Mr. FEINGOLD. Mr. President, the bill before us contains, in section 542, a provision to prohibit Senators from attending parties to honor them at the national party conventions if those parties are paid for by lobbyists or organizations that employ or retain lobbyists. The provision originated with an amendment that I offered to S. 1 when the Senate considered S. 1 at the beginning of the year. My amendment passed the Senate on January 17, 2007, by a vote of 89 to 5. I am pleased that the final bill retains this provision and also contains in section 305 a similar provision that will apply to Members of the House of Representatives. I wanted to take a minute to explain the purpose and operation of the provision and why I believe it was an important addition to the bill.

When the Senate adopted the Reid amendment in January to strengthen the lobbyist gift ban, we took a huge step toward eliminating gifts to Members of Congress from lobbyists and groups that lobby. The final bill retained that language, and it is one of the most significant provisions in the bill. But it is important to remember that the lobbyist gift ban is subject to the same exceptions in the gift rule that now apply. Some of these exceptions, like the personal friendship exception and the informational materials exception, are sensible and limited. Others, particularly the widely attended event exception, sometimes allow items of great value to be given to Members. Over the next few years, the Senate should look closely at whether lobbyists will now flock to these exceptions in order to continue to give us gifts. We may need to revisit some of the exceptions in the future.

One application of the widely attended event exception needed to be addressed immediately. At the political party conventions, which many of us attend, lobbyists and groups that lobby have fine-tuned the widely attended event exception and turned it into almost a competition over who can throw the most lavish, the most over-the-top, the most excessive party in honor of a powerful Member of Congress. These parties have become huge gifts to the honored Members. Essentially they allow a Member to host a gigantic party, with an unlimited expense account granted by the generous lobbyist sponsor.

Mr. President, I will ask to have a USA Today story about these parties at the Republican convention in 2004 printed in the RECORD at the conclusion of my remarks.

Here is how that story begins:

> On Tuesday night, a few fortunate Republicans attending the party's convention will have a chance to try on "the most exclusive and prestigious jewels in the world" at the Cartier Mansion on the edge of New York's Diamond District.
>
> The point is not only to "indulge yourself," as an invitation says. It's also to honor a Republican congressman from Texas, Henry Bonilla, at a cocktail reception under chandeliers that sparkle almost as brightly as the diamonds and emeralds beneath them.
>
> The event is hosted by a group of Washington lobbyists who hope to reinforce their

> ties with Bonilla, a powerful chairman of a House appropriations subcommittee. It's but one among more than 200 lavish parties being thrown this week by corporations, lobbyists, trade groups and other interests whose fortunes rise and fall on the actions of government policymakers.

The article continues:

> Bonilla is just one of many committee chairmen and members of the House and Senate leadership who will be feted at what may be the most expensive round of receptions, dinners, concerts, golf outings and cruises ever at a political convention.

The USA Today story lists some of the other parties. Let me quote again from the article:

> House Speaker Dennis Hastert of Illinois was the honoree at a reception Sunday afternoon sponsored by General Motors at Tavern on the Green, a glittering Victorian gothic restaurant on the edge of Central Park. The Distilled Spirits Council of the United States threw a reception at the New York Yacht Club for Rep. Thomas Reynolds of New York, chairman of the party's House campaign committee. And AT&T. Chevron Texaco, Target and Time Warner were among the sponsors of a martinis-and-bowling night for House Rules Committee Chairman David Dreier of California.
>
> AT&T also is among the sponsors of a Tuesday "Texas Honky Tonk for Joe Barton," the Texas congressman who chairs the House Energy and Commerce Committee. Barton's panel has wide jurisdiction over telecommunications, health and energy. And members of the House Financial Services and Senate Banking committees will be toasted at Madame Tussaud's Tuesday night, sponsored by JPMorgan Chase and Goldman Sachs.

The conventions have thus become giant lobbying festivals. Everyone who wants to get close to powerful Members of Congress is there, or at least everyone with the money to spend on a lavish party honoring a Member.

Here is what one lobbyist said about these parties at the 2004 Republican convention, according to USA Today:

> "The Republicans are the majority party. They run the administration, they run the House, they run the Senate. So anyone who wants to talk to them is there," says David Hoppe, a lobbyist at the Washington firm Quinn Gillespie & Associates. "It is a good time to see people and establish personal relationships."

Another lobbyist commented about the importance of these types of events as follows:

> "You go (to the convention) with a targeted plan of who you need to see, and you can get a lot of work done," says Scott Reed, a Republican lobbyist and political strategist. Approaching policymakers in a social setting puts them more at ease, he says, "unlike in Washington, where you are normally coming to ask a favor or to help get somebody out of trouble."

I don't know about my colleagues, but my stomach turns when I read an article like this. And we all know that similar events take place at the Democratic convention. The brazenness of these events as places where monied interests have special access to lawmakers is just shocking. We simply could not go back to our constituents and claim credit for getting rid of gifts from lobbyists if we allowed these kinds of events to continue at the conventions. And so I offered my amendment, and I am pleased that it was adopted in January and included as section 542 in the final bill.

Section 542 does not prohibit parties at the convention, but it does prohibit Senators from accepting free attendance at parties thrown in their honor at the conventions. If an industry group wants to throw a party, fine, but they won't have a congressional guest of honor to use as a lure to get other lobbyists to pitch in and fund the party. And a Senator won't be able to accept a gift of hosting a huge party at the expense of lobbyists and groups that lobby.

According to USA Today, these huge parties honoring Members date back to 1996, just a year after the gift ban was passed. They have increased in recent years, especially since the soft money ban we passed in 2002 prevents corporations from making huge contributions to the political parties. These convention events are one of the few ways that corporations and the lobbyists they employ can show their loyalty to a Member of Congress in a big way. It is time that we close this brazen evasion of the spirit of the gift rules. I am pleased that section 305 and section 542 will do just that.

Mr. President, I ask unanimous consent that the USA Today article to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOBBYISTS' LURE TO GOP: 'INDULGE YOURSELF'

(By Jim Drinkard)

> NEW YORK.—On Tuesday night, a few fortunate Republicans attending the party's convention will have a chance to try on "the most exclusive and prestigious jewels in the world" at the Cartier Mansion on the edge of New York's Diamond District.
>
> The point is not only to "indulge yourself," as an invitation says. It's also to honor a Republican congressman from Texas, Henry Bonilla, at a cocktail reception under chandeliers that sparkle almost as brightly as the diamonds and emeralds beneath them.
>
> The event is hosted by a group of Washington lobbyists who hope to reinforce their ties with Bonilla, a powerful chairman of a House appropriations subcommittee. It's but one among more than 200 lavish parties being thrown this week by corporations, lobbyists, trade groups and other interests whose fortunes rise and fall on the actions of government policymakers. They are taking advantage of New York's bounty of interesting event sites, from the aircraft carrier USS Intrepid to the 56th floor panorama of the Sky Club on Fifth Avenue.
>
> While similar events were held at the Democratic convention in Boston last month, the New York partying will be more purposeful for one reason: "The Republicans are the majority party. They run the administration, they run the House, they run the Senate. So anyone who wants to talk to them is there," says David Hoppe, a lobbyist at the Washington firm Quinn Gillespie & Associates. "It is a good time to see people and establish personal relationships."
>
> Among the hosts for Bonilla's bash are the Wine Institute, which represents California vintners; Christine Pellerin, a former Bonilla aide who lobbies on appropriations matters; and UST, whose tobacco and wine interests fall under the jurisdiction of Bonilla's agriculture subcommittee. Bonilla is just one of many committee chairmen and members of the House and Senate leadership who will be feted at what may be the most expensive round of receptions, dinners, concerts, golf outings and cruises ever at a political convention.
>
> "The entry fee for participation has gone up dramatically," says David Rehr, president of the National Beer Wholesalers Association, who is contributing either beer or money to help sponsor nine parties this week. To get top billing as a sponsor for an elaborate event can cost $100,000 or more; lower-level sponsorships are available for $50,000 or $25,000.
>
> Rehr attributes that at least in part to a new campaign-finance law that bars corporations, unions and trade groups from giving big checks known as "soft money" to the political parties. Staging lavish parties "is now the only legitimate outlet for soft money," he says. "People have this pool of money and want visibility, or to show their commitment or loyalty, and to advance the reputation of a particular member (of Congress) or cause. So the parties are more lavish, the venues are bigger, the bands are bigger names than ever before."
>
> Top sponsorship for a Wednesday night benefit concert at Rockefeller Center costs $250,000. The event is being organized by Senate Majority Leader Bill Frist of Tennessee for his World of Hope foundation, which seeks to alleviate AIDS and other health problems in Africa. Frist's aides declined to name top sponsors.
>
> The longest-running convention party is the one being thrown all four nights of the convention to honor Rep. John Boehner, R-Ohio, chairman of the House Committee on Education and the Workforce. It's at the Tunnel, a former nightclub on Manhattan's West Side.
>
> The party-every-night tradition goes back to the GOP's San Diego convention in 1996, where nightly bashes for Boehner—then a member of the House leadership—got a reputation as the best events in town. Boehner's lobbyist friends replicated it at a Philadelphia warehouse in 2000 and are doing it again this year. The effort is led by Bruce Gates, a lobbyist for Washington Council Ernst & Young, a firm whose client list includes employers such as General Electric, Ford, AT&T and Verizon.
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> House Speaker Dennis Hastert of Illinois was the honoree at a reception Sunday afternoon sponsored by General Motors at Tavern on the Green, a glittering Victorian gothic restaurant on the edge of Central Park. The Distilled Spirits Council of the United States threw a reception at the New York Yacht Club for Rep. Thomas Reynolds of New York, chairman of the party's House campaign committee. And AT&T, Chevron Texaco, Target and Time Warner were among the sponsors of a martinis-and-bowling night for House Rules Committee Chairman David Dreier of California.
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> AT&T also is among the sponsors of a Tuesday "Texas Honky Tonk for Joe Barton," the Texas congressman who chairs the

House Energy and Commerce Committee. Barton's panel has wide jurisdiction over telecommunications, health and energy. And members of the House Financial Services and Senate Banking committees will be toasted at Madame Tussaud's Tuesday night, sponsored by JPMorgan Chase and Goldman Sachs.

Koch Industries, a Kansas-based oil company, is putting on a reception Thursday for Sen. George Allen of Virginia at the Rainbow Room at Rockefeller Center. BellSouth, Coca-Cola, Home Depot, UST and the Southern Co. are throwing a late-night party on Wednesday for Sens. Lindsey Graham of South Carolina and Saxby Chambliss of Georgia at the Supper Club in midtown Manhattan.

Among the busiest sponsors this week will be the American Gas Association, a trade group that represents 192 local natural gas utilities. They're putting on at least nine shindigs, from a "Wildcatter's Ball" honoring Sen. James Inhofe of Oklahoma, chairman of the Senate Environment and Public Works Committee, to a "Wild West Saloon" with the Charlie Daniels Band for Rep. Richard Pombo of California, chairman of the House panel that oversees natural resources.

All of it provides lobbyists with an efficient way to do their work. "You go (to the convention) with a targeted plan of who you need to see, and you can get a lot of work done," says Scott Reed, a Republican lobbyist and political strategist. Approaching policymakers in a social setting puts them more at ease, he says, "unlike in Washington, where you are normally coming to ask a favor or to help get somebody out of trouble."

GOP'S WEEK EVENT-PACKED

Some of this week's events at the Republican convention:

Welcome reception for party donors aboard the aircraft carrier USS Intrepid, now a museum in the Hudson River with a view of the Manhattan skyline from its flight deck.

Golf tournament for donors at the Trump National Golf Club in Westchester County.

Brunch for Senate candidate John Thune of South Dakota aboard the Enterprise V, Amway Corp.'s gleaming, 165-foot, blue-and-white yacht.

"Space Jam 2004" party for House Majority Leader Tom DeLay of Texas at Studio 450.

Dinner for the staff of the House and Senate commerce committees at Blue Water Grill, one of Manhattan's most popular restaurants with a "sultry downstairs jazz room."

A Metropolitan Museum of Art reception for Senate Majority Leader Bill Frist of Tennessee at the "Temple of Dendur," an Egyptian temple dating to 15 B.C.

A Yankee Stadium fundraiser at the Yankees-Indians baseball game for Rep. Jerry Weller of Illinois. Tickets: $1,500, or two for $2,500.

"Breakfast at Tiffany's" with Libby Pataki, wife of the New York governor.

The Republican Governors Association "Rocks the Planet" at Planet Hollywood in Times Square.

Martina McBride concert for Georgia's congressional delegation at the Roseland Ballroom.

Mr. DODD. Mr. President, earlier this week the House and Senate Democratic Leadership—forced to forgo a formal conference by one Republican Senator's insistence on blocking this bill—made public their comprehensive new ethics reform legislation. This legislation is historic, an important next step in the process of restoring the confidence of Americans in the legislative process. Designed to bolster congressional accountability, make the legislative process fairer and more transparent, and regulate more tightly the relationships between Members of Congress, executive branch officials, and lobbyists, it deserves our full support.

After being stymied by serious procedural hurdles in the last Congress, earlier this year in the Senate we passed a tough, comprehensive, bipartisan bill of which this body can be very proud. Regrettably, this week we had to overcome a filibuster by my Republican colleagues to get this bill to this point—a filibuster on a bill very similar to the earlier Senate-passed bill for which many of them voted. I congratulate my colleagues on voting earlier today to overcome objections from those who attempted to block its progress.

We should adopt this bill today without changes and send it to the President for his signature. It is important that Congress act quickly on this bill to help restore the confidence of all Americans in the legislative process and in the laws we write. That confidence, already low, has been further shaken by recent lobbying scandals and investigations, some involving funding earmarks. Bringing this bill to the floor as the first piece of legislation in this Congress was an indication of the depth of our commitment to restore the confidence of Americans in that process; I commend the majority leader for making this measure a priority and for pressing forward relentlessly, through many obstacles, to get this final version to the floor.

This bill, which passed the House by an overwhelming vote of 411 to 8 earlier this week, reflects the approach we took last year in developing reform legislation. I commend our Rules Committee chair Senator FEINSTEIN, along with Chairman LIEBERMAN of the Homeland Security and Governmental Affairs Committee, for working with our leaders to develop this strong bill. It is the final step in a lobbying reform process which has taken several years to come to fruition.

Let's remember why we are here: because of a need to respond to the crisis in confidence of the American people following the Jack Abramoff scandal in the House, a matter involving the bribery conviction of a Member of that body, and legal proceedings against certain other congressional and administration officials involving allegations of lobbying-related improprieties. The serious violations that have lead to last year's guilty pleas by former House Members and staff and the activities of Abramoff and his cronies in which they violated lobbying, gift, and ethics rules have helped to create a climate of disillusionment and distrust of Congress. Americans made very clear in the last elections that cleaning up this process was a priority for them; it must also be a priority for us.

This comprehensive reform bill will help reduce the risk of future wrongdoing by lobbyists and officeholders. It is important to strengthen our current rules and procedures, where we can, to avoid future problems. But enforcing current rules is not enough; that is why we should adopt these tough new reforms today. And let me say that by making these changes we impugn no one in this body—I know my colleagues, many of whom I have worked with for decades, to be men and women of integrity, their behavior above reproach.

Regulating the relationships between lawmakers and lobbyists is not new. In 1876, the House tried to require lobbyists to register with its clerk, but enforcement was weak and not much came of these efforts. In the early 1930s, Congress held hearings on lobbying abuses, with little result. In 1938, the Foreign Agents Registration Act was enacted, followed by the 1946 Federal Regulation of Lobbying Act, the scope of which the Supreme Court soon narrowed. Additional minor reforms were implemented in the sixties, and then the Lobbying Disclosure Act of 1995 and new Senate gift and travel rules followed. And now this reform measure, the most sweeping of its kind since Watergate, will help shed further sunlight on the legislative process and illuminate how special interests influence that process.

It is clear that real, enforceable ethics reforms do work. Such reforms have over the years worked to improve the way Congress operates. Conflict of interest rules, earned-income limits, lobbying disclosure laws, the McCain-Feingold law and the honoraria ban, both of which I was privileged to play a role in, and other key reforms have helped ensure greater transparency and accountability to those whom we represent. But we must do more, and that is what this effort is about.

When we initially considered this legislation many months ago, Members from both sides of the aisle offered their ideas to improve the bill on the floor, which were incorporated into the final bill. That measure then passed 96 to 2. While some may quibble with the way one or another provision was finalized, virtually all of the bill's major elements have been retained in some form, and that is why this is a very strong product. Our leader rightly called it the strongest reform bill since the Watergate era; we should be proud to support it.

Since others have detailed what is in this bill—including provisions to slow the revolving door between Congress and the lobbying industry; tough new conflict of interest and postemployment rules; expanded disclosure of lobbyists' activities, including campaign-related activities; tightening of gift and travel rules; increased enforcement; requiring Members to pay charter rates to fly on private aircraft, and the like—I will not spend time doing that here. Suffice it to say this is a very strong bill, worthy of our support.

Finally, let me say a word about what I think is the elephant in the room on congressional reform efforts, and that is the need to enact comprehensive reforms of the way we organize and finance campaigns in this country.

As I have said, gift and lobby reforms do matter and are important. But while it is clear serious reform of the way some in Congress and their lobbying allies do business is needed, these changes alone won't address the core problem: the need for campaign finance reform which breaks once and for all the link between legislative favor-seekers and the free flow of inadequately regulated, special interest private money. Ultimately, this is more significant than lobbying, gift and travel rules, or procedural reforms on earmarks and conference procedures and reports.

My preferred reform approach would include a combination of public funding, free or reduced media time, spending limits, and other key reforms. Others will have different views and approaches. But I hope this will be just the first step in a process that will include comprehensive campaign finance reform. It took us years to enact the McCain-Feingold law, and it will likely take at least as long to enact a more comprehensive bill; we should get started on that effort as soon as possible. Real campaign finance reform must address not just congressional campaigns but also the urgent need to renew and repair our Presidential public funding system, which has served Democratic and Republican candidates—and all Americans—for 25 years.

The American public is way ahead of us on this issue. Too many believe the interests of average voters are usurped by the money and influence of lobbyists, powerful individuals, corporations, and interest groups. Too many believe their voices go unheard, drowned out by the din of special interest favor-seekers.

Our system derives its legitimacy from the consent of the governed. That is put at risk if the governed lose faith in the system's fundamental fairness and in its capacity to respond to the most basic needs of our society because narrow special interests hold sway over the public interest. Nowhere is the need for reform more urgent than on campaign finance. In the Rules Committee we held a recent hearing on the issue; I hope we will keep moving forward on it, and I intend to contribute to that debate as I have before.

I end where I began, with a concern about the confidence of Americans in Congress. Our credibility, and the credibility of the legislative process, is at stake. Let's not fool ourselves that these issues will ultimately be resolved without a fundamental overhaul of our campaign finance system. But in the wake of overwhelming approval by the House, let's adopt this measure and get it signed by the President, recognizing that it is an important next step in the reform process.

I again congratulate the majority leader for bringing this legislation back to the Senate floor and look forward to seeing it enacted into law so that we can help to begin to restore the confidence of the American people in the legislative process. I urge my colleagues to join me in voting aye.

Mr. KOHL. Mr. President, in the past few years, the newspapers were consistently laden with stories of scandal at every level of government. In November, the American people told us that they were tired of Congressional corruption. And today, the Senate finally acted. Despite countless hurdles and setbacks, today Congress will pass the most significant overhaul of lobbying and ethics rules in decades, and in doing so will fundamentally change the way we do business here.

Just as I did last year when I spoke on similar legislation, I want to make it clear to my constituents that I take no contributions from special interest PACS or lobbyists. I am beholden to no one except the people of Wisconsin, and I hold myself and my office to the highest standard of conduct regardless of any legislation.

But the growing number of scandals—and the strengthened voice of the American people against that corruption—made clear the need for this legislation. I have heard some of my colleagues on the other side of the aisle argue that this bill does not constitute true change. While these individuals focus on what they see as shortcomings, I choose to focus on the monumental reforms contained in the bill. The bill includes important restrictions on gifts and travel from lobbyists. It prevents a "revolving door" scenario, one in which Senators and senior staff are given complete access to lobby their former colleagues. Finally, the legislation restores common sense in its treatment of convicted Members of Congress by denying them Congressional retirement benefits.

I also support the earmark provisions contained in the bill. These bring an unprecedented amount of transparency to the earmarking process. It requires earmarks included in bills and conference reports to be identified on the Internet at least 48 hours before the Senate votes. Last minute additions to conference reports are subject to a 60-vote point of order under this bill. Every American deserves to know how their tax dollars are being spent, and I believe this bill helps our constituents do just that.

I will continue to represent the people of Wisconsin without regard to special interests. And I will continue to hold myself and my office to the highest levels of accountability. It is my hope that this legislation will restore the trust of the American people, a trust eroded by so many Congressional scandals. It has been a long time coming, but the passage of this legislation today marks a new way of doing business in Washington, one that the voters have demanded and the people deserve.

Mr. SCHUMER. Mr. President, I rise today in support of S. 1, the Honest Leadership and Open Government Act. I would first like to extend my condolences to all those affected by the tragedy in Minneapolis. I watched the dramatic footage with horror and I can only hope we can quickly find the cause of this disaster and do all we can to prevent something like this from happening again.

This ethics bill is the product of many hours of hard work, and I commend Leader REID and Senators FEINSTEIN and LIEBERMAN for their leadership and determination in getting this done. Make no mistake. Today, this body is considering the greatest overhaul of legislative rules and procedure in generations. This ethics bill has passed the House overwhelmingly, and we should do the same without any further delay.

Last November, the American people sent a strong message to its leaders and that message read, "Enough is enough!" The people said, "No more scandals! No more shady dealings!" The people saw that Congress had needed to fix gaping holes in its ethics rules, and they voted for people they believed would make those changes.

So keeping with our promise to the American people, we developed comprehensive ethics and lobbying reform with an eye towards a quick passage. Back in January, this reform passed with a vote of 96–2. Unfortunately, the will of the people and the efforts of the Senate were stymied and we had to return to square one.

With this bill, however, we have overcome this obstruction and have a chance to pass what is being called "landmark" legislation by the reform community. And not a moment too soon. The American people expect their elected leaders to abide by the highest moral and ethical standards. We need to do everything we can to not disappoint them. The conversation at the dinner table should not be about how we let them down. It should not be about how the American people have lost trust in us. And that is why this legislation—and the corresponding message—is so important. It seeks to restore that trust that eroded over the past decade.

With this reform, we are closing loopholes, enacting restrictions, and creating transparency. These new rules are substantively the same as those passed by this body back in January; any statements to the contrary are simply false.

First and foremost, this bill will improve the culture in Washington by substantively changing the way that lobbyists interact with elected officials. The American public neither wants nor deserves another Abramoff scandal. With this bill, they can now be assured of clean and transparent interactions between K Street and the Hill. Rules will be placed on the travel and gifts that legislators can accept from lobbyists, and the revolving door between public and private employment will be slowed.

Additionally, lobbyists now face additional disclosure requirements. They must now file their disclosure forms twice as often, and certify that they have not given gifts of travel in violation of Senate or House rules. Lobbyists' participation in the campaign process must also be disclosed. Lobbyists must list their campaign contributions, and campaign committees must disclose the names of lobbyists that "bundle" contributions to the candidate.

These sweeping changes do not just apply to the lobbyists interactions but also to us and our conduct in the legislative process. This bill will change Senate procedure in various ways and seeks to end "anonymous holds" that hamper and disrupt the business of this body.

Additionally, this bill will shine new light onto the sometimes murky earmark process with new levels of transparency. For the first time, all earmarked appropriations and their sponsors must be disclosed to the public on the Internet at least 48 hours prior to Senate action. Not only will this provide the American people with a greater understanding of how their tax dollars are being spent, but it allows for a more comprehensive debate on the Senate floor to help ensure we are spending those same tax dollars wisely. Furthermore, each Senator must now certify that neither they nor their immediate family members will profit from any earmark they are requesting. This lends legitimacy to the projects that we fund, reassuring Americans that they are indeed necessary, and not just enriching politicians and their friends.

When we were all voted into office, the public enlisted their trust in us to act appropriately. We must not take that responsibility lightly. We must always strive for the high ground—where the process is clean and clear, and where the behavior is exemplary.

America expects nothing less from us.

So, Mr. President, I urge all my colleagues to support this monumental bill, and I hope that the Senate sends a message to the American public that we too are sick of corruption, shady dealings, and lies. This bill will take a giant leap forward to end that behavior. We cannot—and should not—wait any longer.

Mrs. FEINSTEIN. I ask unanimous consent to have printed in the RECORD a section-by-section analysis of the bill we are about to vote on, including legislative history endorsed by the three principal Senate authors of the legislation: myself, Chairman LIEBERMAN and Majority Leader REID.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HONEST LEADERSHIP AND OPEN GOVERNMENT ACT OF 2007 SECTION BY SECTION ANALYSIS AND LEGISLATIVE HISTORY

TITLE I CLOSING THE REVOLVING DOOR

Section 101. Amendments to restrictions on former officers, employees and elected officials of the executive and legislative branches

This section prohibits very senior executive personnel from lobbying the department or agency in which they worked for 2 years after they leave their position. It bans Senators from lobbying Congress for 2 years after they leave office and bans senior Senate staff and officers from lobbying the Senate for 1 year after they leave Senate employment. Senior employees of the Senate are those who, for at least 60 days, during the 1-year period before they leave Senate employment, are paid a rate of basic pay equal to or greater than 75 percent of the basic rate of pay payable to a Senator. Section 101 also makes technical and conforming changes to 18 U.S.C. §207(e).

Section 102. Wrongfully influencing a private entity's employment decisions or practices

Section 102 prohibits members from influencing hiring decisions of private organizations on the sole basis of partisan political gain. It subjects those who violate this provision to a fine and imprisonment for up to 15 years. This section is not intended to preclude Senators from providing references or writing letters of recommendation that speak to the credentials of an individual.

Section 103. Notification of post-employment restrictions

This provision directs the Clerk of the House and the Secretary of the Senate to inform Members, officers, and employees of the beginning and end dates of their post-employment lobbying restrictions under 18 U.S.C. §207. It also requires the Clerk and Secretary to post such notifications on their Internet sites.

Section 104. Exception to restrictions on former officers, employees, and elected officials of the executive and legislative branch

This section removes any confusion as to whether lobbying rules apply to former federal legislative and executive senior staffers who go to work for Indian tribes, tribal organizations and inter-tribal consortia immediately after their federal employment.

The amended tribal provision applies lobbying restrictions to those former federal employees who do not work directly for tribes or the exempted tribal entities or who represent an entity in an unofficial capacity or on non-governmental matters.

Section 104 removes any ambiguity that federal employees who are assigned to Indian tribes, tribal organizations or inter-tribal consortia may represent the Indian entity before a federal agency, department or court without violating lobbying laws. Further, this section removes any ambiguity that only those former federal executive and legislative branch employees who go to work for tribes, tribal organizations and inter-tribal consortia and who perform official governmental duties associated with tribal governmental activities or Indian programs and services are exempt from lobbying laws. Under the provision, only "tribal organizations" (for example, a tribal or village governing body) or "inter-tribal consortia" (defined as, a coalition of tribes who join to undertake self-governance activities) may employ former officials, who may be exempted. And, only employees of these entities who act on behalf of these entities and who participate in matters related to a tribal governmental activity or federal Indian program or service may be exempted.

Importantly, the amendment preserves federal policy that encourages former federal employees to go to work directly for Indian tribes and tribal organizations that provide governmental services.

Section 105. Effective date

The effective date for section 101 is for individuals that leave federal office or employment on or after the date of adjournment of the first session of the 110th Congress sine die, or December 31, 2007, whichever is earlier. Section 102 will become effective upon enactment. Section 103 requires the Secretary to begin issuing notifications after 60 days, and all notifications must be published on the Internet as of January 1, 2008. Section 104 goes into effect upon enactment; however the post-employment restrictions go into effect for individuals that leave federal employment on or after 60 days after enactment.

The new "revolving door" restrictions are effective only for officials or employees that terminate office or employment on or after the relevant effective date. A delayed effective date was deemed more reasonable and practical than an immediate effective date.

TITLE II FULL PUBLIC DISCLOSURE OF LOBBYING

Section 201. Quarterly filing of lobbying disclosure reports

Section 201 increases the frequency of lobbying disclosure reports from semiannually to quarterly filings, with required adjustments to dates, thresholds, etc. A number of practical consequences result from the changes in section 201. For instance, exempted from filing are those whose total income from lobbying activities does not exceed $2,500 or for whom total expenses in connection with lobbying activities do not exceed $10,000. The changes in the section decrease the threshold amounts that trigger required disclosures of earned income or expenses from clients on lobbyist disclosure reports from $10,000 to $5,000, and require registrants to round income and expenses to the nearest $10,000.

Section 202. Additional disclosure

This provision requires that lobbyists disclose whether their client is a State or local government or a department, agency, or other instrumentality of a state or local government on their reports filed under the Lobbying Disclosure Act.

Section 203. Semiannual reports on certain contributions

This section requires lobbyists to disclose semiannually their name, their employer, the names of all political committees that they established or control, the name of each Federal candidate, officeholder, leadership

PAC or political party committee to whom they have contributed more than $200 in that semiannual period, payments for events honoring or recognizing federal officials, payments to an entity named in honor of a covered federal official or to a person or entity in recognition of such official, payments made to organizations controlled by such official, or payments made to pay the costs of retreats, conferences or similar events held by or in the name of one or more covered federal officials, and contributions to Presidential library foundations and Presidential inaugural committees in that semiannual period. To avoid duplicative reporting, the bill provides an exception for payments made to committees regulated by the Federal Election Commission with respect to the provisions relating to disclosure of payments made to events honoring or recognizing federal officials, to entities named in honor or recognition of federal officials, to organizations controlled by such officials, and to pay the costs of meetings, etc. held by officials. All of this information would already be reported elsewhere under provisions in this bill or under reporting required by the Federal Election Commission Act.

Section 203 also requires a certification by the lobbyist filing the disclosure report that the person is familiar with House and Senate gift and travel rules, and has not provided, requested, or directed a gift, including a gift of travel, to a Member, officer, or employee of Congress with knowledge that receipt of the gift would violate the relevant rules.

The bill directs the Clerk of the House and the Secretary of the Senate to submit a report to Congress on the feasibility of requiring such reports to be made on a quarterly rather than semiannual basis and expresses the sense of Congress in favor of moving to quarterly reporting in the future if it is practically feasible to do so. After the report is filed by the Clerk and the Secretary, an affirmative vote of Congress will be required to alter the frequency of the filing period.

Section 204. Disclosure of bundled contributions

This section requires certain political committees to disclose to the Federal Election Commission (FEC) the name, address and employer of each current registered lobbyist who has provided the committee with bundled contributions in excess of $15,000 in each six month period defined in statute. The aggregate amount of contributions is measured on a non-cumulative basis in each six month period.

The definition of "bundled contribution" in this section contains two prongs. Subparagraph 204(a)(8)(A)(i) covers the situation where a lobbyist physically forwards contributions to the campaign. Subparagraph 204(a)(8)(A)(ii) covers the situation where contributions are sent directly by contributors to the committee, but where the committee or candidate credits a registered lobbyist for generating the contributions and where such credit is reflected in some form of record, designation or recognition. An example of such designations would include honorary titles within the committee; examples of such recognition include access to certain events reserved exclusively for those who generate a certain level of contributions or similar benefits provided by the committee as a reward for successful fundraising.

The disclosure requirement is not triggered by general solicitations of contributions, or where a registered lobbyist attends an event or an event is held on the premises of a registrant. An event hosted by a registered lobbyist may trigger the disclosure requirement if the committee credits the lobbyist with the proceeds of the fundraiser through record, designation or other form of recognition, as described in the preceding paragraph.

This provision covers only contributions credited to registered lobbyists, as defined in subsection 204(a)(7). Contributions credited to others, including others who may share a common employer with, or work for a lobbyist, are not covered by this section so long as any credit is genuinely received by the non-lobbyist and not the lobbyist.

Subparagraph 204(a)(8)(A)(ii) requires that the contribution be credited by the committee or "candidate involved." The candidate "involved" in the case of a principal campaign committee is the candidate for whom the committee is the principal campaign committee; the candidate "involved" in the case of a Leadership PAC is the candidate who directly or indirectly establishes, finances, maintains or controls the Leadership PAC; and the candidate "involved" in the case of a political party committee is the chairman of the committee.

The definition of "Leadership PAC" in 204(a)(8)(B) is intended to recognize the FEC rule on a related topic at 68 Fed. Reg. 67013 (December 1, 2003)—a Leadership PAC associated with a given Member of Congress is not deemed to be "affiliated" with that office holder's principal campaign committee for purpose of contribution or expenditure limits under the Federal Election Campaign Act.

Section 205. Electronic filing of lobbying disclosure reports

Section 205 requires lobbying disclosure reports to be filed in electronic form, and directs the Clerk of the House and Secretary of the Senate to use the same electronic software for receipt and recording of the filings.

Section 206. Prohibition on provision of gifts or travel by lobbyists that are registered or required to register under the LDA, to Members of Congress and to congressional employees

This provision prohibits registrants and lobbyists from providing gifts or travel to covered legislative branch officials with knowledge that the gift or travel is in violation of House or Senate rules.

Section 207. Disclosure of lobbying activities by certain coalitions and associations

This section amends existing rules in section 4(b)(3) of the Lobbying Disclosure Act requiring reporting of "affiliated organizations." The bill closes a loophole that has allowed so-called "stealth coalitions," often with innocuous-sounding names, to operate without identifying the interests engaged in the lobbying activities. Section 207 requires registrants to disclose the identity of any organization, other than the client, that contributes more than $5,000 toward the registrant's lobbying activities (either directly to the registrant or indirectly through the client) in a quarterly period and actively participates in the planning, supervision, or control of such lobbying activities.

The new provision includes several exceptions to narrow the rule. First, it does not require disclosure of an organization or entity that would otherwise be identified if the client already lists the organization or entity as a member or contributor on its publicly-accessible website. In such cases, the registrant must report the specific web page that includes the relevant information. If the entity would have been disclosed under the existing rule 4(b)(3) language (as adjusted, i.e., the entity contributes $5,000 per quarter to the lobbying activities and in whole or in major part plans, supervises, or controls the lobbying activities), however, that entity must still be disclosed. Second, the new rule makes clear that it does not require disclosure of individuals that are members of or donors to a client or an entity identified as an affiliated entity.

The provision requires disclosure only of organizations or entities that "actively participate" in the planning, supervision, or control of the lobbying activities described in the report. Entities or organizations that have only a passive role—e.g., mere donors, mere recipients of information and reports, etc.—would not be considered to be "actively participating" in the lobbying activities.

Section 208. Disclosure by registered lobbyists of past executive branch and congressional employment

This provision amends the requirement under the Lobbying Disclosure Act that lobbyists disclose their executive or legislative employment in the preceding two years. Specifically, section 208 extends the disclosure to include executive and legislative branch employment in the preceding 20 years.

Section 209. Public availability of lobbying disclosure information; maintenance of information

Section 209 directs the Secretary of the Senate and the Clerk of the House to maintain and provide online access to an electronic database in a searchable, sortable, and downloadable manner, that includes the information contained in registrations and reports filed under this Act for a period of 6 years after they are filed and provides an electronic link to relevant information in the database of the Federal Election Commission.

Section 210. Disclosure of enforcement for noncompliance

This section requires the Secretary of the Senate and the Clerk of the House to publicly disclose on a semi annual basis the aggregate number of lobbyists and lobbying firms referred to the U.S. Attorney for the District of Columbia for noncompliance with the Lobbying Disclosure Act. It also requires the Attorney General to report semiannually to Congress on the aggregate number of enforcement actions taken by the Department of Justice under the Lobbying Disclosure Act and the amount of fines and prison sentences imposed.

Section 211. Increased civil and criminal penalties for failure to comply with lobbying disclosure requirements

Section 211 increases the civil penalty for violations of the Lobby Disclosure Act from $50,000 to $200,000. It imposes a criminal penalty of up to five years for knowing and corrupt failure to comply with the Act.

Section 212. Electronic filing and public database for lobbyists for foreign governments

This provision amends the Foreign Agents Registration Act (FARA) to require that mandatory registration statements or updates be filed electronically, in addition to any other form that may be required by the Attorney General. It requires the Attorney General to maintain a searchable and sortable electronic database, made publicly available on the Internet, that includes the information contained in registration statements and updates filed under FARA.

Section 213. Comptroller general audit and annual report

Under Section 213, the Comptroller General will annually review random samples of publicly-available registrations and reports filed by lobbyists, lobbying firms, and registrants and evaluate compliance by those individuals and entities with the Lobbying Disclosure Act—i.e., it will review the same registrations and reports that are available to the public. The GAO is required to report annually to Congress on its findings. The report will include recommendations to Congress on improving compliance and providing the Department of Justice with the resources and authorities necessary for effective enforcement. Under this provision, it is intended that the GAO audit lobbyist compliance with the Lobbying Disclosure Act; the provision does not give the GAO authority to audit the Secretary of the Senate or the Clerk of the House's activities under the LDA, including receipt, compilation, dissemination and/or review of information filed under the LDA.

Section 213(c) authorizes the Comptroller General to request and receive information from lobbyists, lobbying firms and registrants. This section provides the Comptroller General with the tools necessary to evaluate whether the information included by lobbyists, lobbying firms and registrants in the reports filed under this Act is accurate and complete, and thus whether these individuals and entities are complying with the Act. Nothing in this section provides authority for the GAO to obtain information protected by the attorney-client privilege.

Section 214. Sense of Congress regarding lobbying by immediate family members

Section 214 expresses the Sense of Congress that the use of family relationships by a lobbyist who is an immediate family member of a Member of Congress to gain special advantage over another lobbyist is inappropriate.

Section 215. Effective date

Sections 201, 202, 205, 207, 208, 209 and 210 apply to information in periods on or after January 1, 2008, and for subsequent registrations and reports. Section 203 goes into effect on the first semi-annual reporting period that begins after enactment. Section 204 goes into effect 90 days after the FEC has promulgated final regulations. Sections 206 and 211 go into effect upon enactment. Section 212 goes into effect 90 days after enactment. Section 213 requires the first audit to be done with respect to filings in the first calendar quarter of 2008 and the report to Congress be completed within 6 months after that quarter, with annual reports thereafter.

TITLE III STANDING RULES OF THE HOUSE

Title III includes changes to the Rules of the House. Information provided with respect to Title III simply summarizes the provisions of the Act and is not meant to be authoritative legislative history with respect to the provisions in that Title.

Section 301. Disclosure by Members and staff of employment negotiations

This provision prohibits House Members from engaging in any agreements or negotiations with regard to future employment or salary until his or her successor has been selected unless he or she, within three business days after the commencement of such negotiations or agreements, files a signed statement disclosing the nature of such negotiations or agreements, the name of the private entity or entities involved, and the date such negotiations commenced with the Committee on Standards of Official Conduct. It requires that Members recuse themselves from any matter in which there is a conflict of interest or an appearance of a conflict, and that Members submit a statement of disclosure to the Clerk for public release in the event that such a recusal is made. It requires senior staff to notify the Committee on Standards of Official Conduct within three days if they engage in negotiations or agreements for future employment or compensation.

Section 302. Prohibition on lobbying contacts with spouse of Member who is a registered lobbyist

Section 302 amends House Rules to require that Members prohibit their staff from having any lobbying contact with the Member's spouse if such individual is a registered lobbyist or is employed or retained by a registered lobbyist to influence legislation.

Section 303. Treatment of firms and other businesses whose members serve as House committee consultants

This section clarifies that when a person is serving as a House committee consultant, other members and employees of that person's employing firm, partnership, or other business organization, shall be subject to the same lobbying restrictions that apply to that individual under the Rules.

Section 304. Posting of travel and financial disclosure reports on public website of Clerk of the House of Representatives

Section 304 directs the Clerk of the House of Representatives to develop a publicly available, searchable, sortable and downloadable website by August 1, 2008 to post Members' travel information that is required to be disclosed under rule XXV of the Rules of the House of Representatives.

It directs the Clerk of the House of Representatives to post on a publicly available website by August 1, 2008 Members' financial disclosure reports required to be filed under section 103(h)(1) of the Ethics in Government Act. Allows Members to omit personally identifiable information from these forms.

Section 305. Participation in lobbyist sponsored events during political conventions

This section prohibits Members from attending parties held in their honor at national party conventions if they have been directly paid for by lobbyists, unless the Member is the party's presidential or vice presidential nominee.

Section 306. Exercise of rulemaking authority

This provision acknowledges that the House adopts the provisions in this title as an exercise of its rule making power with full recognition of the constitutional right of the House to change those rules at any time.

TITLE IV CONGRESSIONAL PENSION ACCOUNTABILITY

Section 401. Loss of pensions accrued during service as a Member of Congress for abusing the public trust

Section 401 prohibits Members from receiving their pension earned while serving in Congress if convicted of bribery, perjury, conspiracy or other related crimes in the course of carrying out their official duties as a Member of Congress.

TITLE V SENATE LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY

Section 511. Amendments to Rule XXVIII

Section 511 amends certain provisions of Rule XXVIII of the Standing Rules of the Senate, and adds a new provision to the Rule. Rule XXVIII currently provides for a point of order to be made against a conference report if the conferees add "new matter" "not committed to them by either House." (The current rule also includes language purporting to prevent conferees from "strik[ing] from the bill matter agreed to by both Houses." The bill authors, in consultation with the Parliamentarian, could not identify a situation in which this language could ever have effect. When there are amendments in disagreement, the conferees have no authority over matter not in disagreement, and thus could not strike such material. When a disagreement to any amendment, including an amendment in the nature of a substitute, has been referred to conferees, nothing has been "agreed to by both Houses.") As Rule XXVIII notes, conferees may include in their report matter which is a germane modification of subjects in disagreement, and the amendments made in this section do not change that rule.

Section 511 does, however, change the parliamentary consequences if conferees violate the rule by adding new matter. Rule XXVIII currently provides a very blunt instrument—if a point of order is sustained, the conference report is rejected or recommitted to the conference if the House has not already acted. Because many times the House will have already acted, successful invocation of Rule XXVIII would often spell the death knell for legislation. This result has two negative consequences. When successfully invoked, Rule XXVIII may derail legislation that otherwise has strong bipartisan support. At the same time, because of the dramatic consequences from making a point of order under Rule XXVIII, it is rarely invoked. In fact, some Senators believe that the very blunt nature of Rule XXVIII has provided conferees more leeway to add new matter on "must pass" bills.

Section 511 amends the current Rule XXVIII point of order in two ways. First, it changes Rule XXVIII from a blunt instrument to a "surgical" one—if new matter is added by conferees, then a point of order may be made and, if successful, the new matter shall be struck, and the Senate will then proceed to consider whether to concur in the bill as so amended by the removal of the material stricken on the point(s) of order, and send it back to the House. Second, Section 511 adds the possibility of 60-vote waivers for points of order under the rule. The language in Section 511 is similar to that used in the so-called "Byrd" rule and is intended to be interpreted similarly—waivers may be as to one, multiple, or all points of order under the rule; waivers may be made after a point of order has been raised or prospectively. Section 511 also ensures that appeals from rulings of the Chair may be sustained only by an affirmative vote of three-fifths of all Senators (generally, 60 votes).

Separately, Section 511 adds a new paragraph 9 to Rule XXVIII, which requires that all conference reports be posted on a publicly accessible website controlled by Congress 48 hours prior to the vote on adoption of the conference report, as reported to the Presiding Officer by the Secretary of the Senate. This new rule is enforceable via a point of order, which may be waived by an affirmative vote of three-fifths of all Senators. The requirements of the rule may be fulfilled by posting the conference report on any publicly accessible website controlled by a Member of Congress, committee of either the House or Senate, the Library of Congress, another office of the House, the Senate, or Congress, or the Government Printing Office. Section 511 directs the Committee on Rules and Administration, in consultation with the Secretary of the Senate and the Clerk of the House, and the GPO to issue regulations to help harmonize practice among conference committees for the convenience of Senators and the public. Paragraph 9 may be waived by an affirmative vote of three-fifths of all Senators. Waivers may be made after a point of order is made or prospectively.

Under well-established Senate precedent, a new directed spending provision added in conference does not constitute "new matter" if it relates to the matter in conference. The modifications to rule XXVIII do not change the well-established rule. The new rule XLIV includes a separate provision relating to the addition of "new directed spending provisions" in conference.

Section 512. Notice of objecting to proceeding

Section 512 relates to the concept of so-called "secret holds." Section 512 provides that the Majority Leader or Minority Leader or their designees shall recognize another Senator's notice of intent to object to proceeding to a measure or matter subsequent to the six-day period described below only if that other Senator complies with the provisions of this section. Under the procedure described in section 512, after an objection has been made to a unanimous consent request to proceeding to or passage of a measure on behalf of a Senator, that Senator must submit the notice of intent to object in writing to his or her respective leader, and within 6 session days after that submit a notice of intent to object, to be published in the Congressional Record and on a special calendar entitled "Notice of Intent to Object to Proceeding." The Senator may specify the reasons for the objection if the Senator wishes.

If the Senator notifies the Majority Leader or Minority Leader (as the case may be) that he or she has withdrawn the notice of intent to object prior to the passage of 6 session days, then no notification need be submitted. A notice once filed may be removed after the objecting Senator submits to the Congressional Record a statement that he or she no longer objects to proceeding.

Section 513. Public availability of Senate committee and subcommittee meetings

Section 513 requires that, 90 days after enactment, Senate committees and subcommittees shall make available through the Internet a video recording, an audio recording or a transcript of all public meetings of the committee not later than 21 business days after the meeting occurs. This requirement may be waived by the Rules Committee upon request should the committee or subcommittee be unable to comply due to technical or logistical issues. To be issued a waiver, a committee will be expected to prove that none of the three means of recording a committee meeting are technically or logistically feasible in the space that the meeting is being held.

Section 514. Amendments and motions to recommit

Section 514 amends Rule XV of the Senate to require that an amendment and any instruction accompanying a motion to recommit be reduced to writing and read, and that identical copies be provided to the desks and the Majority and Minority Leaders before being debated. Section 514 further amends Rule XV to require motions to be reduced to writing if desired by the Presiding Officer or any Senator, and be read before being debated.

Section 515. Sense of the Senate on conference committee protocols

Section 515 expresses the Sense of the Senate that conference committees should hold regular, formal meetings of all conferees that are open to the public, that conferees should be given adequate notice of the time and place of such meetings, and be allowed to participate in full and complete debate on the matter before the committee, and that the text of the report of a conference committee should not be changed after the signature sheets have been signed by a majority of the Senate conferees.

Section 521. Congressionally directed spending

Section 521 establishes a new Senate Rule XLIV, which provides sweeping reforms to the treatment of so-called "earmarks," limited tax benefits, and limited tariff benefits in legislation before the Senate. With respect to "earmarks," the Rule provides a more accurate term—congressionally directed spending items—because congressional "earmarks" merely reflect the spending priorities of Congress, just as Presidential "earmarks" reflect the spending priorities of the President. The Constitution provides Congress control over the appropriations of the federal government, and congressionally directed spending constitutes a legitimate and important exercise of that authority. Rule XLIV also creates rules for "limited tax benefits" and limited tariff benefits in legislation—essentially, tax provisions and tariff suspensions that assist only a small number of beneficiaries. The provisions of Rule XLIV fall into three main categories—transparency, accountability, and discipline.

Paragraphs 1 and 2 of the new rule require the Chairman of the committee of jurisdiction (or the Majority Leader or his or designee) to certify that all congressionally directed spending items, limited tax benefits, and limited tariff benefits in bills and joint resolutions (and accompanying reports), have been identified through lists charts, or other similar means, including the name of each Senate sponsor, on a publicly accessible congressional website, in a searchable format, at least 48 hours before the vote on the motion to proceed to consider the bill or joint resolution. If a point of order is sustained, then the motion to proceed shall be suspended until the sponsor of the motion (or his or her designee) has requested resumption and compliance with the requirements of the relevant paragraph has been achieved. In light of the possibility that it may take a day or more for compliance to be achieved and/or for a request for resumption, suspended motions under these paragraphs shall not terminate when Congress adjourns.

Paragraph 3 establishes a similar rule for conference reports the Chairman of the committee of jurisdiction (or the Majority Leader or his or her designee) must certify that all congressionally directed spending items, limited tax benefits, and limited tariff benefits in bills and joint resolutions (and the accompanying joint statement of managers), have been identified through lists, charts, or other similar means, including the name of each Senate sponsor, on a publicly accessible congressional website at least 48 hours before the vote on adoption of the conference report. If a point of order is sustained under paragraph 3, then the conference report shall be set aside.

The bill follows the basic approach taken by the House, which has ensured broad transparency throughout the appropriations process for the FY08 bills. In each case under paragraphs 1, 2, and 3, the point of order lies as to the existence or not of the certification. Especially given that the definition of "congressionally directed spending" requires that the item be included in the bill "primarily at the request of a Senator," the Parliamentarian has no capacity to determine whether a given item is or is not a "congressionally directed spending" item and thus is not in a position to determine the accuracy of the list. Requiring the Parliamentarian to make such a determination independently is not only unworkable in practice (e.g., even if the Parliamentarian could make a determination, it would take a tremendous amount of time and resources to compile the lists that are already compiled by numerous committees, each with their own staff), it is impossible—the Parliamentarian has no choice but to defer to the Committee Chair in determining why a particular item was included in a bill. Similarly, the Parliamentarian is not in a position to know the number of individuals or entities impacted by a tax or tariff provision, and so must defer to the relevant Committee Chair on that information.

The authors fully expect that Committee Chairs (and in the unusual case that the Majority Leader or his or her designee must provide the certification, the Majority Leader or designee) will fully, honestly, and in good faith, comply with the requirements of the new Rule. Given the role of the Ranking Member in compiling the bill and the list of congressionally directed spending items, a Chairman may request that the Ranking Member (and the Chair and Ranking Member of a relevant subcommittee) join him or her in making the certification. In addition, it is consistent with the spirit of the rule if a Committee Chair chooses to identify Presidential earmark requests.

Rule XLIV provides rules on waivers and appeals from paragraphs 1, 2, and 3. Waivers may be made after a point of order has been raised or prospectively. The rule also places limits on appeals, because a successful appeal would eviscerate the paragraph under which the appealed ruling had been made, eliminating the new transparency to which the Senate has committed itself. Rule XLIV places limits on debate for appeals and waivers, so that these are not used as dilatory measures.

Paragraph 4 of new Rule XLIV requires Senators that propose amendments containing congressionally directed spending items, limited tax benefits, or limited tariff benefits to identify each such item, and the Senate sponsor, in the Congressional Record as soon as practicable. Paragraph 4 also directs Committees to make publicly available on the Internet as soon as practicable after reporting a bill or joint resolution, the list of congressionally directed spending items, limited tax benefits, or limited tariff benefits included in the bill, joint resolution or accompanying report. Finally, paragraph 4 states that, to the extent technically feasible, information provided under paragraphs 3 and 4 shall be provided in a searchable format. The electronic version of the Congressional Record constitutes one option for a "searchable" publication.

Paragraph 7 provides that, for congressionally directed spending items in classified portions of a report accompanying a bill, joint resolution, or conference report, the committee of jurisdiction shall, to the greatest extent practicable consistent with the need to protect national security, provide a general program description, funding level, and name of Senate sponsor.

In addition to the requirement that Senate sponsors of congressionally directed spending items, limited tax benefits, and limited tariff benefits be identified, Rule XLIV requires accountability through paragraphs 6 and 9. Paragraph 6 requires Senators who request congressionally directed spending items, limited tax benefits, and limited tariff benefits to provide a written statement to the relevant Chairman and Ranking Member that identifies the name and location of the intended recipient or activity, the purpose of the item, and a certification that neither the Senator nor the Senator's immediate family has a pecuniary interest in the item, consistent with the requirements of paragraph 9. Paragraph 9 makes the requirements of Rule XXXVII(4)—the longstanding Senate Rule against financial interest by Senators and Senate employees relating to any legislative action—specific to actions relating to congressionally directed spending items, limited tax benefits, and limited tariff benefits. It is anticipated that the Select Committee on Ethics will apply the requirements of paragraph 9 (including as incorporated by reference into paragraph 6) identical to the way in which it has applied Rule XXXVII(4).

Finally, Rule XLIV provides an important tool for disciplining the conference process to ensure that new directed spending provisions—i.e., directed spending provisions not included in either the House or the Senate bill committed to conference—are not added in conference. Specifically, paragraph 8 allows any Senator to raise a point of order against one or more new directed spending provisions added in conference. (It is important to note that the term "new directed spending provision" is defined differently than the term "congressionally directed spending item.") The term "measure" as used in paragraph 8 refers only to the bill or amendment committed to the conferees by either House. If the point of order is sustained, then the provision is struck from the bill and the Senate will then proceed to consider whether to concur in the bill as so amended by the removal of the material stricken on the point(s) of order, and send it back to the House. The rule includes the possibility of 60-vote waivers for points of order under the rule. The language is similar to that used in the so-called "Byrd" rule and is intended to be interpreted similarly—waivers may be as to one, multiple, or all points of order under the rule; waivers may be made after a point of order has been raised or prospectively.

Rule XLIV provides for a number of points of orders, and sets out rules for accompanying waivers and appeals. If Rule XLIV does not expressly provide for a point of order with respect to a provision, then no point of order shall lie under that provision. Rule XLIV also includes in paragraph 11, a waiver of all points of order under the rule with respect to a pending measure. As with other waivers in the rule, it may be made after a point of order has been made or prospectively.

Section 531. Post employment restrictions

Section 531 amends the current "revolving door" restrictions in Rule XXXVII of the Senate Rules. Specifically, Section 531 amends the rule to prohibit Senators from lobbying Congress for two years after they leave office and prohibits officers and senior employees from lobbying the Senate for one year after they leave Senate employment. Senior employees of the Senate are those who, for at least 60 days, during the 1-year period before they leave Senate employment are paid a rate of basic pay equal to or greater than 75 percent of the basic rate of pay payable to a Senator.

The new "revolving door" restrictions are effective only for Senate staff that terminate Senate employment on or after the date that the 1st session of the 110th Congress adjourns sine die or December 31, 2007, whichever is earlier. A delayed effective date was deemed more reasonable and practical than an immediate effective date.

Section 532. Disclosure by Members of Congress and staff of employment negotiations

Section 532 amends Senate Rule XXVIII to add new disclosure requirements for employment negotiations. This provision requires Senators to disclose within 3 business days any negotiations they engage in to secure future employment before their successor is elected. The new addition to Rule XXXVII also prohibits Senators from seeking employment at all as a registered lobbyist until his or her successor has been elected. It requires senior staff to notify the Ethics Committee within 3 days of beginning negotiations for future employment, and to recuse themselves from involvement in a matter should employment negotiations create a conflict of interest or the appearance of a conflict.

Section 533. Elimination of floor privileges for former Members, Senate officers, and Speakers of the House who are lobbyists or seek financial gain

This section amends Senate Rule XXIII to revoke floor privileges and the use of the Members' athletic facilities and parking for former Senators, former Secretaries of the Senate, former Sergeants at Arms of the Senate and former Speakers of the House who are registered lobbyists. The Rules Committee will issue guidelines to allow those affected by this provision to participate in ceremonial functions and events on the Senate floor.

Section 534. Influencing hiring decisions

Section 534 amends Senate Rule XLIII to specifically prohibit members from taking official action or threatening to take official action in an effort to influence hiring decisions of private organizations on the sole basis of partisan political affiliation. This section is not intended to preclude Senators from providing references or writing letters of recommendation that speak to the credentials of an individual.

Section 535. Notification of post-employment restrictions

Section 535 requires the Secretary of the Senate to notify Members, officers or employees of the Senate of the beginning and end dates of their post-employment lobbying restrictions under the Senate Rules. It is expected that the Secretary of the Senate will encourage Senators and staff to contact the Ethics Committee for a full explanation of the terms of their post-employment lobbying restrictions. This provision goes into effect 60 days after the date of enactment.

Section 541. Ban on gifts from lobbyists and entities that hire lobbyists

Section 541 amends the gift rules in Rule XXXV of the Standing Rules of the Senate. This provision prohibits Senators and their staff from accepting gifts from registered lobbyists or entities that hire or employ them. The provision does not alter the exceptions under Rule XXXV(1)(c).

Section 542. National party conventions

This provision prohibits Senators from attending parties held in their honor at national party conventions if they have been directly paid for by lobbyists, unless the Senator is the party's presidential or vice presidential nominee.

Section 543. Proper valuation of tickets to entertainment and sporting events

Section 543 specifies that the market value of a ticket to an entertainment or sporting event shall be the face value of the ticket, or in the case of a ticket without a face value, the value of the highest priced ticket to the event. It allows the ticket holder to establish that a ticket without a face value is equivalent to a ticket priced less than the highest priced ticket by providing information related to the primary features of the ticket to the Ethics Committee. In order for a ticket holder to have the option to establish "equivalency," he or she must provide information to the Ethics Committee prior to attending the event. The Committee may accept information obtained on the Internet from venues and third-party ticket vendors.

Section 544. Restrictions on lobbyist participation in travel and disclosure

Section 544 makes significant changes to the provisions in paragraph 2 of Rule XXXV of the Standing Rules of the Senate relating to reimbursement for travel for Senators and staff from third parties. Section 544 prohibits certain types of travel altogether, restricts other travel, and imposes new requirements applicable to all privately funded travel.

Section 544 generally prohibits privately funded travel paid for by entities that hire lobbyists or foreign agents. It creates two exceptions from this general rule. First, section 544 allows trips paid for by entities that hire lobbyists or foreign agents if they are for one-day's attendance/participation at an appropriate event (exclusive of travel time and an overnight stay). The Select Committee on Ethics is given authority to issue guidelines that would allow a two-night stay when practically required to participate in an event (e.g., an event requiring travel across the country). With respect to these "one day trips," in addition to the other restrictions described below, the new rule prohibits lobbyists from accompanying the Member, officer, or employee on any "segment of the trip" in other than a de minimis way, and requires a trip sponsor to provide a certification to that effect. It is intended that this language be interpreted identically to the interpretation given similar language by the House Committee on Standards of Official Conduct in its memorandum dated March 14, 2007.

Second, section 544 allows trips paid for by 501(c)(3) organizations, regardless of whether the organization hires a lobbyist or foreign agent. The Senate made the judgment that 501(c)(3)s, due to their non-profit and often educational or public-interest nature were not likely to be a source of abuse. In this respect, 501(c)(3)s are treated similar to entities that do not hire lobbyists or foreign agents.

Section 544 also establishes new rules across the board for all trips. It requires preapproval from the Select Committee on Ethics for all trips. The Select Committee on Ethics must issue guidelines on the factors it will use to pre-approve a trip.

Additionally, regardless of trip sponsor, section 544 prohibits Senators, officers, or staff from participating in trips planned, organized, or arranged by or at the request of a lobbyist or foreign agent in other than a de minimis way, and a trip sponsor must provide a certification to that effect. As a general matter, the term "de minimis" means negligible or inconsequential. It would be "negligible or inconsequential" for a lobbyist to respond to a trip sponsor's request that the lobbyist identify Members or staff with a possible interest in a particular issue relevant to a planned trip or to suggest particular aspects of a Member or staffer's interest known to the lobbyist. For instance, if a trip sponsor that was a 501(c)(3) asked a lobbyist which staffers might be most interested in joining a trip to the U.S.-Mexican border and the lobbyist knew that a potential trip participant had a particular interest in the DEA's activities at the border, or in a particular border facility, then the conveyance and receipt of that information (in light of the trip sponsor's request), in and of itself, would not exceed a de minimis level of participation. Additionally, the mere presence of one or more lobbyists on the board of an organization does not exceed a de minimis involvement. If a lobbyist solicits or initiates an exchange of information with a trip sponsor, however, that would go beyond de minimis. Additionally, if the lobbyist has ultimate control over which Members or staff are actually invited on the trip, or determines the trip itinerary, each of these would go beyond de minimis. Certainly, if a lobbyist actually extends or forwards an invitation to a participant, or if an invitation mentions a referral or suggestion of a lobbyist, each of these would go beyond de minimis.

For all trips other than one day trips paid for by entities that hire lobbyists, the new rule prohibits a lobbyist from accompanying the Member, officer, or employee "at any point throughout the trip" in other than a de minimis way. This language should be interpreted in a manner different—and more broadly—than the concept of "any segment of the trip."

Both lobbyist "accompaniment" standards include a de minimis exception. The Act directs the Select Committee on Ethics to issue guidance on what constitutes "de minimis." If the trip includes attendance at an event that meets the definition of a "widely attended event" under Rule XXXV(1)(c)(18), the trip sponsor is unlikely to know all attendees at the event. Accordingly, a lobbyist's attendance at a "widely attended event" also attended on the trip would be a type of de minimis "accompaniment." Similarly, an organization cannot possibly know the other passengers that might be on a common carrier used during a trip if the organization has had no contact or coordination with these other passengers. Accordingly, the new rule does not require a sponsor to certify that it knows for certain that no lobbyist will be on such a common carrier.

Section 544 also improves disclosure of privately funded travel. It requires Members, officers and Senate employees to disclose the expenses reimbursed by a private entity not later than 30 days after the travel is completed and requires disclosure of greater detail on the types of meetings and events attended on the trip.

Section 544 includes a separate provision relating to flights on private jets. This provision requires Senators to pay full market value—defined as charter rates—for flights on private jets, with an exception for jets owned by immediate family members (or non-public corporations in which the Senator or an immediate family member has an ownership interest).

In general, the changes made by section 544 go into effect 60 days after enactment, or the date that the Select Committee on Ethics issues the required guidelines under the rule, whichever is later. Until the new rules take effect, the existing rules for travel will remain in place. In light of the transition to the new rule relating to reimbursement for flights on private jets and the lack of experience in many offices in determining "charter rates," the Select Committee on Ethics may treat reimbursement at current rates as reimbursement at charter rates for a transition period not to exceed 60 days.

Section 544 includes an important caveat—nothing in section 544 or section 541 is meant to alter law or treatment under Senate rules, of gifts and travel that fall under the Foreign Gifts and Decorations Act or the Mutual Educational and Cultural Exchange Act. Gifts and travel under those provisions are governed by a separate regulatory regime.

Section 544 directs the Legislative Branch Appropriations subcommittee, and the Committee on Rules to examine within 90 days whether congressional travel allowances will need to be adjusted in light of the new restrictions on privately funded travel.

Section 545. Free attendance at a constituent event

Section 545 creates a new, narrow exception, to the gift rule for small constituent events. Specifically, section 545 allows Senators, officers or employees to accept free attendance at a conference, convention, symposium, forum, panel discussion, dinner event, site visit, viewing, reception or similar event in their home state if it is sponsored by constituents or a group of constituents, and attended primarily by at least 5 constituents, provided that there are no registered lobbyists in attendance, and that the cost of any meal served is less than $50.

Section 546. Senate privately paid travel public website

This provision directs the Secretary of the Senate to develop a publicly available, searchable website by January 1, 2008 to post Senators' travel information that is required to be disclosed under rule XXXV of the Standing Rules of the Senate.

Section 551. Compliance with Lobbying Disclosure

Section 551 makes clear that former members and staff who are registered lobbyists may contact the staff of the Secretary of the Senate regarding compliance with the lobbying disclosure requirements of the Lobbying Disclosure Act of 1995 despite post-employment lobbying restrictions.

Section 552. Prohibit official contact with spouse or immediate family member who is a registered lobbyist

This provision prohibits Senate spouses who are registered lobbyists from engaging in lobbying contacts with any Senate office, but exempts Senate spouses who were serving as registered lobbyists at least one year prior to the most recent election of their spouse to office, or at least one year prior to their marriage to that Member.

The provision also prohibits a Senator's immediate family members (including a spouse) who are registered lobbyists, from engaging in lobbying contacts with the Senator's staff.

Section 553. Mandatory Senate ethics training for Members and staff

This section requires the Ethics Committee to conduct ongoing ethics training and awareness programs for Senators and Senate staff.

Section 554. Annual report by Select Committee on Ethics

Section 554 directs the Ethics Committee to issue an annual report that describes the number of alleged violations of Senate rules received from any source, a list of the number of alleged violations that were dismissed, the number of alleged violations in which the committee conducted a preliminary inquiry, the number of alleged violations that resulted in an adjudicatory review, the number of alleged violations that the committee dismissed, the number of letters of admonition issued and the number of matters resulting in disciplinary sanction. Nothing in this section requires or allows the Ethics Committee to violate the confidential nature of its proceedings.

Section 555. Exercise of rule making power

This section acknowledges that the Senate adopts the provisions in this title as an exercise of its rule making power with full recognition of the constitutional right of the Senate to change those rules at any time.

Section 556. Effective dates and general provisions

All sections in this title go into effect upon enactment except for section 513, which goes into effect 90 days after enactment; section 531: This title shall take effect on the date of enactment unless otherwise noted.

TITLE VI—PROHIBITED USE OF PRIVATE AIRCRAFT

Section 601. Restrictions on Use of Campaign Funds for Flights on Non Commercial Aircraft

Section 601 amends the Federal Election Campaign Act to require that candidates, other than those running for a seat in the House of Representatives, pay the fair market value of airfare when using non-commercial jets to travel. Fair market value is to be determined by dividing the fair market value of the charter fare of the aircraft, by the number of candidates on the flight. This provision exempts aircraft owned or leased by candidates or candidates' immediate family members (or non-public corporations in which the Senator or his or her immediate family member has an ownership interest). The bill prohibits candidates for the House of Representatives from any campaign use of privately-owned, non-chartered jets.

Many candidates are not accustomed to determining charter rates. The FEC may, during a transition period of no more than 60 days, deem reimbursement at current rates to be charter rates while committees determine how to calculate charter rates.

TITLE VII MISCELLANEOUS PROVISIONS

Section 701. Sense of the Congress that any applicable restrictions on Congressional branch employees should apply to the Executive and Judicial branches

This section expresses the Sense of Congress that any applicable restrictions on Congressional branch employees in this title should apply to the executive and judicial branches.

Section 702. Knowing and willful falsification or failure to report

This provision increases from $10,000 to $50,000 the penalty for knowingly and willfully falsifying or knowingly and willfully failing to report financial disclosure forms required by the Ethics in Government Act. It imposes a criminal penalty of up to one year of imprisonment and/or a fine for knowingly and willfully falsifying such report and imposes a fine for knowingly and willfully failing to file such report.

Section 703. Rule of construction

Section 703 provides that nothing in this Act shall be construed to prohibit any conduct or activities protected by the free speech, free exercise, or free association clauses of the First Amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. Mr. President, how much time does our side have?

The PRESIDING OFFICER. The Senator from California has 3 minutes 19 seconds.

Mrs. FEINSTEIN. Thank you very much, Mr. President. I would like to say something in response.

Basically, the earmark language is formed on the DeMint language that was in the Senate bill. What happened was that staff sat down with all of the Parliamentarians for several hours to determine the workability under Senate rules and procedures of the language. Amendments were made that would make the language workable.

Now the Senator from South Carolina contends that the Parliamentarians should review the entire bill and rule on whether each and every earmark is listed by the Chair and vet that earmark.

When our offices spoke with the Parliamentarian's office, we realized that this was not a workable situation and could lead to gridlock in the Senate. Now, maybe that is what the junior Senator from South Carolina wants, but I, for one, believe the American people want us to carry out their business.

There is full disclosure. There is full transparency. The committee chairs must certify that the earmark list is complete. It must be published on the Internet 48 hours before it comes before the Senate. Disclosure and transparency is what earmark reform is all about. No more dark of night additions to bills, even when the conference committee is often closed.

Once again, if the junior Senator from South Carolina had allowed a conference, Members would have been able to sit down in the full light of day and, Member to Member, House to Senate, discuss this. But instead, he alone—he alone—despite importation after importation to allow the conference to go ahead, would not allow it to go ahead. One Member. That effectively would have stopped the bill—stopped the bill. Instead, the majority leader and the Speaker of the House, after the bill passed the House by a wide margin, believed this was too important to let one Member—one Member—stop it. So they figured a way to bring a bill from the House, which is what is now before us.

To me, this is all sour milk, spoiled milk. He would have stopped the bill dead if he could have his way. But it didn't happen that way. And you know, there is more than one Member of the Senate. There are more than 2, 3, 4 or 5; there are 100 Members. Members' views have to be taken into consideration.

Yes, there was some change in the language, but there is nothing in the change of language that in any way, shape or form stops full disclosure or the certification of the committee chair or stops putting it on the Internet 48 hours before it comes to the board. It is real reform.

I hope there will be the votes here for cloture. I urge the Senate of the United States to vote for cloture on what is the most significant ethics and lobbying reform bill since Watergate.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I thank my colleagues for this good and open debate. I remind them that I supported this bill in the beginning and have asked unanimous consent a number of times that it go to conference. As many of us have pointed out, the earmark provision is a Senate rule that doesn't need to be conferenced with the House. The only reason to make it part of a conference bill is so it can be changed.

I offered all along that if there were changes the majority wanted to make, we were very open to that. We wanted to end up with some real earmark transparency that all of us have voted on. As we have pointed out this morning, it is not disclosed, and it is not transparent if the majority can simply say it is, without having to prove its accuracy. That has been the cause of so much corruption. I think it is certainly worth stopping and looking at what we have done.

This language is hardly minor, as far as the change that has taken place. If it were, the majority would not insist that their version rule today. I urge all my colleagues to vote against cloture—not to vote against ethics reform, which we all support, but to vote against this process that will not allow us to reinsert something we all voted for and we all said in public is the right way to handle earmark reform.

I thank the majority leader for all his work. I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, more than 6 months after the Senate passed its own lobby reform bill, we are now being asked to vote on a Democrat-written alternative that promises to be less effective but in some ways stronger than current law.

I was a cosponsor of the original version, and its passage by an overwhelming vote of 96 to 2 in January marked an early high point of bipartisanship in this session and it was an unmistakable sign of the strength of that original bill.

Americans were right to be outraged by the scandals that surfaced last year. They were right to hold their lawmakers to the highest standards of conduct, and passing this bill will send a strong and necessary signal that the Senate has recommitted itself to that trust.

As I said, in some key areas, this bill is an improvement over the status quo. But this isn't the bill I would have written, and it would have benefited from a lot of Republican input.

The earmarks provision was passed unanimously in January and was supported by every single Democrat in the Senate, and it was strong; the earmarks provision in this bill is not.

Several new provisions make hardly any sense at all. My largest concern is what we are doing to our own staff. It is unclear to me why in this bill we treat House staff more leniently than our most trusted advisers in the Senate or even those in the executive branch, for that matter. I find this provision particularly offensive.

The gift ban and the new travel restrictions are tricky and vague by extending the ban to not just lobbyists but also to any entities that employ or retain them. Does that mean I have to refuse the key to a city, since cities have their own lobbyists and mayors belong to associations that employ and retain them?

How about a 22-year-old staff assistant who has to wait tables to make ends meet? What happens when they wait on a lobbyist or someone who works for an organization that retains one? Do they have to refuse their tips? You get the drift.

This provision is bound to create problems for well-intentioned Members and staff. I look to the Ethics Committee to provide some clarity to what, at the very least, can be described as a rather murky and unworkable provision.

The new rule on charter flights is seriously deficient. Members who are rich enough, or have family members rich enough, to own their own planes have nothing, of course, to worry about. Everybody else does.

For example, all Presidents, who are required by the Secret Service to travel on Air Force One, will have to reimburse the Government at the full charter rate—which is roughly $400,000 per hour—if they use it for campaign travel. That not only means the end of Presidential fundraisers outside Washington for Democrats and Republicans, it means the end of Presidents doing fundraisers for Members outside the District of Columbia. You would have to have a $5 million fundraiser to pay for the trip. I assume this was not the intent of the authors of the bill, but it will be the effect of what they have written. I know some Members, in particular, who might be surprised to learn about this. We have many of them in this body running for President on both sides.

Every one of these weaknesses would have been improved with Republican input, but we were unable to do so because there was not a conference.

I assure you we will return to the earmarks provision. It will be back.

This bill isn't nearly as tough as it would have been on earmarks if Republicans had been involved in writing it. But weighing the good and the bad, many provisions are stronger than current law. I will support its passage.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, it is my understanding that all time has been used.

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, last November, there was a call across this country that culminated in the November election. It was a call for a change in the way Congress does its business. We had nine new Democratic Senators. During the campaign, they called for change—and they will achieve change today.

The legislation before us shows Congress heard this call for change. The change we have in this legislation, in fact, is big-time change. It is the most significant change in lobbying and ethics rules in the history of our country—some have said since Watergate, but I say in the history of our country.

This is S. 1, which was the first bill introduced in this body this year—our first and most important bill of the new Congress. Why was it No. 1? The American people—Democrats, Republicans, and Independents—knew our progress would depend on renewing the people's faith in the integrity of Congress. What does this legislation do?

Among other things, it requires Senators to pay fair market prices for charter flights, putting an end to abuses of corporate travel.

This legislation slows the revolving door by extending the ban on lobbying by former Members of Congress and senior staffers, and it prevents Senators from even negotiating for a job as a lobbyist until their successor has been elected.

It puts an end to pay-to-play schemes such as the notorious K Street Project. It shines the light of day on lobbying activities by vastly increasing disclosure requirements, including disclosure of bundled campaign contributions.

It requires the Senate to disclose all earmarks for the first time ever.

We originally passed it by an overwhelming bipartisan vote of 96 to 2.

In June, I tried to send the bill to conference. I tried and I tried, but we were unable to go to conference because of objections by the minority. Some Republican colleagues expressed concern that this bill might lead to legislation that doesn't achieve the goals of the original bipartisan bill. I assured them then, and I assure them now, this bill has teeth. I asked them to withhold judgment until the final bill was complete.

I have heard a number of statements today about this bill from some of my friends on the other side of the aisle. They say we gutted earmark disclosure, that we have tried to hide earmarks, keep them in the shadows. This claim is just absurd.

For the first time ever, Senate Democrats have required all committees to disclose their earmarks and earmark sponsors. We didn't have to. It wasn't the law. But we did it. Last year, when the Republicans controlled this institution, not one earmark was disclosed. I don't recall a single speech about that failure last year by any of the Republicans who have spoken today.

Now, for the first time ever, we are already being transparent—fully transparent—about earmarks, and we are here to talk about that. But we hear these breathless claims made today that earmarks are being hidden. How can you describe how ridiculous that is? That is what it is.

Thirty-four pages of this legislation deal with earmarks. I might boast a little bit. Other staffs have worked on this, but I had two of the finest legal minds in this community working on it: Ron Weich, a graduate of Yale Law School, who worked on Capitol Hill for many years with Senator KENNEDY, went downtown and became a very successful lawyer. He decided he wanted to engage in more public service, so he came back to Congress to work with me. He is an experienced attorney, and he worked on this. He also worked with a Harvard law graduate, Mike Castellano, a wonderful young man who has spent months—not weeks, not days, not hours but months—working on this. So for anyone to castigate this legislation, they are castigating these two fine men, who have worked with numerous people throughout this body.

For each of the 11 appropriations bills reported so far this year, similar earmark disclosure is available on the Internet. It is already searchable. Those talking about earmarks, my Republican friends, are either ignorant of what is already happening or they are living in a parallel universe.

This legislation puts into the Senate rules the revolution in earmark disclosure and accountability we began this year. It requires all earmarks in bills, joint resolutions, and conference reports be disclosed on the Internet 48 hours prior to action on the floor. We don't intend to have to wait until 48 hours, so the bill directs committees to issue earmark lists as soon as possible after the bill is reported.

The bill requires that earmarks and amendments be posted on the Internet as soon as possible after being introduced. The language originating in S. 1 did not have any rules on amendments. We put them in there. If we were trying to hide amendments and hide earmarks, why would we add that to the bill?

This legislation, for the first time ever, allows a point of order to be raised against new earmarks added in conference.

One of the main arguments used by the opponents of reform is that the certification required by the committee chair or the majority leader would be a sham. We deal all the time with budget points of order. Do my colleagues think the Parliamentarians will say: Let's see, does this amendment exceed scoring levels? No, they have to depend on the chairman of the Budget Committee. The Budget Committee reports to them. They depend on the Budget Committee. The Parliamentarians—that is what they do, they are referees but they get their information from the committee chairman.

The argument of my opponents is beyond the pale. If effect, these Senators are arguing that the committee chairs and the leaders would cheat and lie. Who other than the chairman of the committee, similar to the Budget Committee, can tell the Parliamentarian where there are earmarks? It is impossible for the Parliamentarian to know if a Senator has requested an item. Someone has to tell him. I'm sure these Senators are not saying that Senator BYRD or Senator COCHRAN would lie. That is not a very good argument to use in this body. To say that would be an affront to what we do around here.

Further, the opponents have ignored a simple and unavoidable fact. The definition of "earmark" requires that the provision be added primarily at the request of a Senator. The Parliamentarian can't know that. The only person who could ever know for sure how a provision got added to the bill is the author of the legislation, the committee chair. The Parliamentarian has no capacity to figure out that a provision was added primarily at the request of a Senator, or was added because the President wanted it, or because everyone agreed it was a good policy. Under any circumstances, the Parliamentarian would have no choice but to defer to the committee chair.

I ask my friend, the junior Senator from South Carolina, as an example, to understand the hard work put into this legislation—hard work, really hard work. If there is something that is wrong with the legislation, talk to us about it. We will try to change it in subsequent legislation if this doesn't work. If there is a problem, I am happy to work with him, but don't denigrate this bill. We worked hard on it.

I so appreciate the work of Chairman FEINSTEIN. I so appreciate the work of Chairman LIEBERMAN. They both have reputations that are impeccable. One may not always agree with their policy, but their ability for honesty and integrity is above reproach.

I must also talk about RUSS FEINGOLD. When this session started, I asked RUSS FEINGOLD to draw up legislation, and he did that, and we have worked around that. Does anyone question the integrity of RUSS FEINGOLD? You cannot question his integrity, DIANNE FEINSTEIN's, or JOE LIEBERMAN's integrity. That is what this legislation is all about.

Anyone saying this bill is an obscenity—that is what one Senator said in the press, that this legislation is obscene—is impugning the integrity of three of the finest public servants we have in this country.

Another important leader on this issue is Senator OBAMA. He was in many ways the face of this bill last year. He has played an important role last year and this year, and I appreciate his input into this legislation.

This bill is not just a little bit of reform. Just listen to the outside reformers. Fred Wertheimer, a man who has been in this town since I have been here, talking about how we can improve this body in many different ways, Fred Wertheimer said this is "landmark legislation." Those are his words, not mine.

The effort by opponents to try to denigrate this legislation is shameful. I don't care if they disagree with this legislation, but don't impugn the integrity of the people who are trying to do something that is positive and good.

This is good legislation. We have succeeded, the Democratic majority has succeeded. I appreciate the support of the minority, but the Democrats have succeeded in what Republicans couldn't do last year or the year before, and they have seized on one issue, earmarks, and blown it way out of all proportionality or rationality and have ignored reality to create doubts in people's minds.

The fact is, we have sweeping reform legislation in a whole host of areas—gifts, travel, lobbyist disclosure, stealth coalitions, reporting of lobbyist contributions, the revolving door. It is sweeping. The bill will change the way we do business.

Our work on this issue is done for now. I am confident the judgment of Democrats and Republicans alike will be favorable. The vote was 411 to 8 in the House of Representatives. Let us do the same. Let us send a message from coast to coast that this Congress is serious about delivering to the American people a government as good and as honest as the people it serves.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment on S. 1, the Ethics Reform bill.

JOE LIEBERMAN, HARRY REID, BYRON L. DORGAN, PATTY MURRAY, MARK PRYOR, JEFF BINGAMAN, JACK REED, DICK DURBIN, JON TESTER, TOM CARPER, PAT LEAHY, BENJAMIN L. CARDIN, DEBBIE STABENOW, JOHN KERRY, BARBARA BOXER, TED KENNEDY, KEN SALAZAR.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to S. 1, an act to provide greater transparency in the legislative process, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Ms. KLOBUCHAR) would vote "yea."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 80, nays 17, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—80

Akaka
Alexander
Barrasso
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Collins
Conrad
Corker
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—17

Allard
Bennett
Brownback
Bunning
Burr
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Ensign
Graham
Inhofe
Kyl
Lott
McCain

NOT VOTING—3

Coleman
Johnson
Klobuchar

The PRESIDING OFFICER. On this vote, the yeas are 80, nays are 17. Two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Mr. President, we have two Senators who have requested to speak on this matter. Senator BYRD wishes 20 minutes, Senator MCCASKILL, 10 minutes. Following that, we would return to SCHIP and the vote on this bill—cloture was just invoked—will occur at 1:50 this afternoon. The time between 1:30 and—the time after Senators BYRD and MCCASKILL speak will be controlled by Senators BAUCUS and GRASSLEY.

I ask unanimous consent that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask the motion to concur with the amendments be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, at the beginning of this Congress, I committed to adding transparency and accountability to the process of earmarking funds for specific projects.

I see my friend from Mississippi here, the ranking member, on the Senate floor. I will say that again. Hear me.

At the beginning of this Congress, I committed to adding transparency and accountability to the process of earmarking funds for specific projects. While awaiting action by the Congress on ethics reform legislation, Senator COCHRAN, the able and very highly respected Senator from Mississippi who is on the Appropriations Committee, Senator COCHRAN and I—Senator COCHRAN is on the Senate floor at this point, I say for the record—Senator COCHRAN and I established rigorous standards for increasing such transparency. Based on those standards, the Appropriations Committee has reported, on a bipartisan basis, 11 appropriations bills that have identified the earmarks, and who—in other words, what Senator—requested them, meaning the earmarks.

We have required and we have received certification letters from every Senator who has an earmark that he or she and/or their spouses—meaning he or she and/or his or her spouse—that they have no financial interest in their earmarks. We are talking about Senators, 100 of them, who sit in this Chamber.

I want to say that once again. We, meaning the Senate Appropriations Committee, have required and received certification letters from every Senator who has any earmark—that Senator and his or her spouse—that they have no financial interest in their earmarks. Is that clear?

I have always maintained the highest standards. I will say that again. I have always maintained the highest standards for myself, ROBERT C. BYRD, myself, and for my staff, on ensuring that there are no conflicts of interest for earmarks that I include in any legislation. Consistent with the standards that we established for the appropriations process, S. 1 now establishes a new Senate rule that will impose requirements for transparency and accountability for all bills.

In establishing these rules, the public should not conclude that the rules are somehow a sanction on the Congress for wasteful spending. In recent months there has been considerable attention to the issue of the earmarking of funds by Congress for specific projects. Some Members have asserted that all earmarked funding is wasteful spending or an abuse of power. All Senators endeavor—they had better. All Senators endeavor to weed out wasteful spending. But this notion that earmarked spending is inherently wasteful spending is flat-out wrong.

I am going to say that again. Hear me.

Some Members have asserted that all earmarked funding is wasteful spending or an abuse of power. Hogwash. All Senators endeavor to weed out wasteful spending. But this notion that earmarked spending is inherently wasteful spending is flat-out wrong. This notion that earmarked spending is inherently wasteful spending is flatout wrong.

Congress has the power of the purse and has had the power of the purse. That is the only real power that we Senators and Members of the other body and the President have. Congress has the power of the purse.

Since the beginning of the Republic, Congress has allocated money to specific projects and purposes. Did you get that? Listen.

Since the beginning of the Republic, Congress has allocated money to specific projects and purposes. For example, in 1798, $3,500 was appropriated for firewood and candles for the Treasury Department, and $454.41 was appropriated for rent of a house near Grays Ferry on the Schuylkill River.

Earmarks are arguably the most criticized and the least understood of congressional practices. There is nothing inherently wrong with an earmark. There is nothing inherently wrong with an earmark. An earmark is an explicit direction from the Congress about how the Federal Government should spend the people's money. It is absolutely consistent with the intentions of the Framers, codified in article I of the Constitution of the United States, giving the power of the purse, the power of the purse to the elected representatives of the people.

I shall quote:

> All legislative powers herein granted—

That is the Constitution, the Framers speaking, the words of the Constitution—

> legislative powers herein granted shall—

not may but shall—

> be vested in a Congress of the United States which shall consist of a Senate and House of Representatives.

Those are the words, the immortal words of the Constitution written by the Framers, the Framers of the Constitution. I quote it again:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

In using this power, Congress has an obligation to be good stewards of the Public Treasury and to prevent imprudent expenditures. Congress has an obligation to guard against the corruption of any—I say any—public officials who would sell their soul and the trust of their constituency in order to profit from an official act.

But Congress does not err in using an earmark to designate how the people's money should be spent. This is a power. This is a power that does not belong to the President of the United States or to any of the unelected bureaucrats in the executive branch. It belongs where and to whom? It belongs to the people, the people out there on the hills and in the valleys, across this great land. It belongs to the people through their elected representatives in Congress. That is here. Their elected representatives. I am one of them, the elected representatives.

Earmarks are not specific to appropriations bills. Earmarks can be found in revenue bills. Hear me now. Earmarks can be found in revenue bills. You get that? Hear me now. Earmarks can be found in revenue bills as tax benefits for narrowly defined constituencies. Earmarks can be found in authorization bills. Did you get that? On authorization bills. Those are not bills that come out of the Appropriations Committees in the House and Senate; they are authorization bills. They may come out of the Committee on Ways and Means in the other body or out of the Senate Finance Committee. They can be found in authorization bills.

Earmarks can be found in the President's budget request. Hear that now. Listen. Are you listening? Earmarks can be found in the President's budget request. I want to say that again. I want to hear that again. Earmarks can be found in the President's budget request.

Well-intentioned though they may be, the civil servants making budget decisions in the executive, in agencies and offices of the Federal Government, do not understand the communities Senators represent. They do not meet with the constituencies of Senators. They do not know Members' States and their people. They can be a poor judge of what is necessary and what is frivolous from the perspective of the States and the people. These bureaucrats are not elected; therefore, they are not accountable to the people. I will say that once more. These bureaucrats are not elected; therefore, they are not accountable to the people.

If the Congress does not specify how funds are to be spent, then the decision falls to the executive branch—the executive branch—and the so-called experts at agencies to determine the priorities of this Nation. In such cases, the American people may never know who is responsible for a spending decision. The American people may never know how a spending decision is made. The American people may never hear anything about it. And with the executive bureaucrats, there is far less accountability to the people.

Critics of congressional earmarks—hear me—critics of congressional earmarks often overlook the success stories from earmark spending directed by Congress. Now, listen. Listen, all you skeptics, all you cynics, wherever you are. Do you hear me, the skeptics and the cynics? Congressional earmarks often overlook the success stories from earmark spending directed by Congress.

Let me give an example of earmark spending. Hear me. In the 1969 Agriculture appropriations bill, Congress earmarked funds for a new program to provide critical nutrition to low-income women, infants, and children. This program—are you listening? This program, which is now known as the WIC Program, has since provided nutritional assistance to over 150 million women, infants, and children, a critical contribution to the health of the Nation. That, I say, that is not—n-o-t—wasteful spending.

In 1969 and 1970, Congress earmarked $25 million for a children's hospital in Washington, DC—that is here in Washington, DC, a children's hospital—even overcoming a Presidential veto. In 1969 and 1970, Congress earmarked $25 million for a children's hospital in Washington, DC, even overcoming a Presidential veto. That funding resulted in the construction of what is now known as the Children's National Medical Center. That started out with an earmark, the Children's National Medical Center. The hospital has become a national and international leader in neonatal and pediatric care. Since the hospital opened, over 5 million children have received health care. Last year, Children's Hospital treated over 340,000 young patients and performed over 10,000 surgeries, saving and improving the lives of young children. That is not wasteful spending.

Let me go on. In 1983, Congress earmarked funds for a new emergency food and shelter program. In 2005 alone, the program served 35 million meals and provided 1.3 million nights of lodging to the homeless. The homeless. Have you ever been homeless? That is not wasteful spending.

I ask unanimous consent that I may proceed for an additional 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair, and I thank all Senators.

In 1987, Congress earmarked—hear me—funds for the mapping of the human gene. This project became known as the human genome project. This research has led to completely new strategies for disease prevention and treatment. The human genome project has led to discoveries of dramatic new methods of identifying and treating breast cancer, ovarian cancer, and colon cancer. I will say that once more: The human genome project has led to discoveries of dramatic new methods of identifying and treating breast, ovarian, and colon cancer, saving many, many lives. Senators, hear me: This is not wasteful spending.

In 1988 and 1995, Congress earmarked funds for the development of unmanned aerial vehicles. I have to say that once more. In 1988 and 1995, Congress—that is us, your representatives, out there in the land, in the hills and valleys of this country—earmarked funds for the development of unmanned aerial vehicles. These efforts produced the Predator and the Global Hawk, two of the most effective assets that have been used in the global war on terror. This is not wasteful spending. I am talking about earmarks, the word "earmarks." A lot of things have been said about the word "earmarks."

Each of these earmarks was initiated by Congress and produced lasting gains for the American people—not for me, not for you, but for all of us, the American people. In the rush to label earmarks as the source of our budgetary woes and amid calls to expand the budgetary authorities of the President, Members should remember why deficits have soared to unprecedented levels. Senators will recall that the President has not exercised his current constitutional authority. The President has not submitted a single rescission proposal under the Budget Act. The President has signed every regular appropriations bill that has produced the unprecedented growth in earmarks. What has wrought these ominous budget deficits is the administration's grossly flawed and impossible budget assumptions.

The war in Iraq has required the Congress—that is us—to appropriate $450 billion—billion, I say, billion dollars; there have been approximately 1 billion minutes since Jesus Christ was born; so the war in Iraq has required the Congress to appropriate $450 for every minute since Jesus Christ was born. I am talking about the war in Iraq. I didn't get us into that war. I was against going into Iraq. The war in Iraq has required the Congress to appropriate $450 billion of the people's money. Only 2 to 3 percent of discretionary funds is earmarked. Earmarking is hardly the fiscal wedge driving the deficit. Rather than dealing with these fiscal failures, too many would rather propagate specious argument that enlarging the President's role in the budget process and doing away with congressional earmarks will somehow magically reduce these foreboding and menacing deficits. It will not.

There is no question that the earmarking process has grown to excessive levels in recent years. From 1994 to 2006, the number of earmarks nearly tripled. Between 1956 and 2002—I was here during all of those years—Congress passed 20 highway bills that contained a total of 739 earmarks. In 2005, the Republican Congress passed and the President signed a single highway bill that contained 5,000 earmarks. Talk about earmarks. There is no question that the earmarking process has run amok. There was a single highway bill that contained 5,000 earmarks. This kind of excess in earmarking must end. It must go. That is why the Appropriations Committee took the lead to add transparency and accountability to the process.

In the joint funding resolution for fiscal year 2007, enacted in February, we implemented a 1-year moratorium on earmarks for fiscal year 2007. In that joint resolution, we eliminated over 9,300 earmarks from the fiscal year 2006 bills and reports. No new earmarks were contained in the bill for fiscal year 2007. While awaiting final action on S. 1, the Appropriations Committee took the lead by establishing guidelines for approving earmarks in the fiscal year 2008 bill. The Appropriations Committee has reported 11 of the 12 appropriations bills. For earmarks contained in the fiscal year 2008 bills and reports, the committee reports identify the names of any Member making a request or, where appropriate, the President, and the name and location of the intended recipient of such earmark.

Let me say that once again. The Appropriations Committee has reported 11 of the 12 appropriations bills. For earmarks contained in the fiscal year 2008 bills and reports, the committee reports identify the name of the Member—maybe it is ROBERT C. BYRD; perhaps it could be the distinguished ARLEN SPECTER from Pennsylvania, a great Senator—making the request or, where appropriate, the President, Mr. Bush, and the name and location of the intended recipient of such earmark.

For each earmark contained in the fiscal year 2008 bills and reports, a Member is required to certify in writing that he or she has no pecuniary interest in such earmark, consistent with Senate rule XXXVII, paragraph 4. Such certifications are available to the people, the public. All committee bills and reports, including all of the above information, are available to the people, available to the public, on the Internet and in printed form prior to floor action, meaning action here on this Senate floor.

Through the 11 committee reports, we have identified over 5,700 earmarks, totaling about $28 billion. Of the $28 billion in earmarks, over $23 billion, or over 80 percent of the earmarks, was requested by the President. Now, let me say that once again, please. Through the 11 committee reports, we have identified over 5,700 earmarks, totaling about $28 billion. Of the $28 billion in earmarks, over $23 billion, or over 80 percent of the earmarks, was requested by the President—the President of the United States, President Bush.

The level of nonproject-based earmarks is a substantial reduction below the level approved for 2006. We are not hiding these earmarks. We are highlighting them for the scrutiny of the American people. We are accountable for the decisions in these bills and reports.

The status quo is not satisfactory, and the Appropriations Committee has taken the lead in adding transparency and accountability to the process. Eliminating waste and abuse in the Federal budget process is important. Protecting the character and design of the Constitution is essential. Get it, get it, now. Let us not lose our heads—but keep our heads on our shoulders—let us not lose our heads, and subsequently the safeguards of our rights and liberties as American citizens.

S. 1 strikes the right balance. I urge its adoption.

Madam President, I have a parliamentary inquiry: Section 511 of S. 1 amends rule XXVIII concerning out-of-scope matter in conference reports, and section 521 establishes a new rule XLIV concerning congressionally directed spending in all legislation pending before the Senate. Specifically, section 521 contains rules concerning new congressionally directed spending that might be included in a conference report.

Madam President, am I correct that points of order concerning new directed spending will be considered pursuant to the new rule XLIV, rather than the amended rule XXVIII?

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator is correct.

Mr. BYRD. Excuse me, Madam President.

I will repeat that. Am I correct that points of order concerning new directed spending will be considered pursuant to the new rule XLIV, rather than the amended rule XXVIII?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Inquiring further, Madam President, am I correct that in paragraph 8(e) of the new rule XLIV—the new rule XLIV—the term "measure" refers to the bill or amendment committed to the conferees by either House, and not to the statement of managers?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Inquiring further, Madam President, the new rule XLIV requires the chairman—this is the new rule XLIV—requires the chairman of the committee of jurisdiction to certify that mandated information on congressionally directed spending, limited tax benefits, and limited tariff benefits is available on a publicly accessible congressional Web site at least 48 hours before a vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Am I correct, Madam President, that the Parliamentarian will rely on that certification for determining compliance with paragraphs 1, 2, and 3 of rule XLIV?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Madam President, I yield the floor.

SMALL BUSINESS TAX RELIEF ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 976, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

Pending:

Baucus amendment No. 2530, in the nature of a substitute.

Dorgan amendment No. 2534 (to amendment No. 2530), to revise and extend the Indian Health Care Improvement Act.

McConnell/Specter amendment No. 2599 (to amendment No. 2530), to express the sense of the Senate that Judge Leslie Southwick should receive a vote by the full Senate.

Thune amendment No. 2579 (to amendment No. 2530), to exclude individuals with alternative minimum tax liability from eligibility from SCHIP coverage.

Grassley (for Ensign) amendment No. 2541 (to amendment No. 2530), to prohibit a State from providing child health assistance or health benefits coverage to individuals whose family income exceeds 200 percent of the Federal Poverty Level unless the State demonstrates that it has enrolled 95 percent of the targeted low-income children who reside in the State.

Grassley (for Ensign) amendment No. 2540 (to amendment No. 2530), to prohibit a State from using SCHIP funds to provide coverage for nonpregnant adults until the State first demonstrates that it has adequately covered targeted low-income children who reside in the State.

Grassley (for Graham) amendment No. 2558 (to amendment No. 2530), to sunset the increase in the tax on tobacco products on September 30, 2012.

Grassley (for Kyl) amendment No. 2537 (to amendment No. 2530), to minimize the erosion of private health coverage.

Grassley (for Kyl) amendment No. 2562 (to amendment No. 2530), to amend the Internal Revenue Code of 1986 to extend and modify the 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements and to provide a 15-year straight-line cost recovery for certain improvements to retail space.

Baucus (for Specter) amendment No. 2557 (to amendment No. 2530), to amend the Internal Revenue Code of 1986 to reset the rate of tax under the alternative minimum tax at 24 percent.

Webb amendment No. 2618 (to amendment No. 2530), to eliminate the deferral of taxation on certain income of United States shareholders attributable to controlled foreign corporations.

The PRESIDING OFFICER. The time until 1:40 will be equally divided between the Senator from Montana, Mr. BAUCUS, and the Senator from Iowa, Mr. GRASSLEY.

The Senator from Pennsylvania.

AMENDMENT NO. 2557

Mr. SPECTER. Madam President, I have consulted with both of the managers about bringing up amendment No. 2557. I consulted with Senator GRASSLEY, who advised that we would be going back on the bill at 12:45, but the distinguished Senator from West Virginia had extended his time. But I have been waiting here now for more than an hour. It would be my hope we could proceed with the consideration of this amendment. I am advised the managers want to see the amendment.

I am advised, Madam President, that the Democrats are fine with my calling it up. I just want to be sure—

Mr. SANDERS. Madam President, my understanding is that the Senator from Pennsylvania is correct. He can proceed.

Mr. SPECTER. In that event, Madam President, I ask unanimous consent that the pending amendment be set aside so we may consider amendment No. 2557.

The PRESIDING OFFICER. The amendment has already been offered.

Mr. SPECTER. Yes. Fine.

This amendment would eliminate the 1993 alternative minimum tax rate increase, a remedial step which I suggest to my colleagues is long overdue. The alternative minimum tax was created in 1969 in response to a small number of high-income individuals who had paid little or no Federal income taxes.

Today, because of a lack of indexing for inflation, and the higher AMT tax rates relative to the regular income tax system, we have a parallel tax system which has grown far beyond its intended result.

If there is no legislative action, the number of taxpayers subject to the alternative minimum tax will rise sharply from approximately 3.5 million filers in 2006 to some 23 million in 2007.

This issue has been before the Senate four times this year already. It will hit taxpayers in the moderate range excessively hard. The alternative minimum tax was increased in 1993 from 24 percent to 26 percent for taxable income under $175,000, and from 24 to 28 percent for taxable income in excess of $175,000.

There has been some question as to what is the offset and there is no offset, and none should be looked for where you have a tax which essentially was not expected to be imposed. There was no anticipation, no intention that this alternative minimum tax was going to produce additional revenue. So when the tax law is corrected so the additional taxes will not be imposed because of bracket creep—and this is designed to avoid that, and to redirect the alternative minimum tax to its original intent—that is exactly what tax fairness requires.

Madam President, I ask unanimous consent that the full text of my statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR ARLEN SPECTER

SPECTER AMENDMENT #2557

Mr. President, I have sought recognition to discuss an amendment to H.R. 976, the Small Business Tax Relief bill. H.R. 976 will serve as a vehicle for legislation to reauthorize the State Children's Health Insurance Program (SCHIP) in the Senate. My amendment is identical to legislation (S. 734) I offered on March 1, 2007, to bring the Alternative Minimum Tax (AMT) back "in line" with the regular individual income tax by reducing its rate back to 24 percent. The 1993 AMT rate increase has contributed greatly to the problem of unintended taxpayers seeing increased tax liability.

The AMT is a flawed income tax system and there are many arguments for full repeal. It is important to keep in mind that the first version of the AMT was created in 1969 in response to a small number of high-income individuals who had paid little or no federal income taxes. Today, between a lack of indexing for inflation and higher AMT tax rates relative to the regular income tax system, we have a tax system which has grown far beyond its intended result. Absent legislative action, the number of taxpayers subject to AMT liability will rise sharply from 3.5 million filers in 2006 to 23 million in 2007. According to the Congressional Research Service (CRS), 874,000 taxpayers in Pennsylvania will pay the AMT in 2007 if no action is taken.

The Senate has had ample opportunity to address AMT in 2007. The Senate has already rejected four efforts to provide taxpayers with meaningful relief from the AMT in this first session of the 110th Congress. However, all attempts have been rejected: on July 20, 2007, I voted in support of a Kyl amendment to the Education Reconciliation Bill, which would have fully repealed the AMT; on March 23, 2007, I voted in support of a Lott amendment to the Budget Resolution, which would have allowed for repeal the 1993 AMT rate increase; on March 23, 2007, I voted in support of a Grassley Amendment to the Budget Resolution, which would have allowed a full repeal of the AMT; and On March 23, 2007, I voted in support of a Sessions Amendment to the Budget Resolution, which would have allowed families to deduct personal exemptions when calculating their AMT liability.

This onerous tax is slapped on average American families largely because the AMT is not indexed for inflation (while the regular income tax is indexed) and taxpayers are "pushed" into the AMT through so-called "bracket creep." Temporary increases in the AMT exemption amounts expired at the end of 2006. The Economic Growth and Tax Relief Reconciliation Act of2001 increased the AMT exemption amount effective for tax years between 2001 and 2004; the Working Families Tax Relief Act of 2004 extended the previous increase in the AMT exemption amounts through 2005; and the Tax Increase Prevention and Reconciliation Act of 2005 increased the AMT exemption amount for 2006.

In addition to the well-known issue of the need to index the AMT exemption amount for inflation, the AMT tax rate relative to the regular income tax must also be addressed to keep additional taxpayers who were never intended to pay the AMT from being subject to its burdensome grasp. In 1993, President Clinton and a Democrat-controlled Congress imposed a significant tax hike on Americans through the regular income tax. At the same time, the AMT tax rate was also increased from 24 percent to 26 percent for taxable income under $175,000 and from 24 percent to 28 percent for taxable income that exceeds $175,000. These changes are now slamming the middle-class and have only been made worse by the tax relief enacted in 2001 and 2003. Ironically, by reducing regular income tax liabilities without substantially changing the AMT, many new taxpayers were pushed into these higher AMT tax rates created in 1993. However, the problem is not the 2001/2003 tax relief, it was the 1993 tax increase.

According to revenue estimates calculated by the Joint Committee on Taxation, repeal of the 1993 AMT rate increase would cost $425 billion over the 2007-2017 period. In tax year 2007, 7.6 million filers would be removed from the AMT if the '93 AMT rate is repealed; and 13.2 million filers will be spared in 2017.

Millions of taxpayers have been sucked into AMT liability as a result of the 1993 AMT rate increase, and it would be the wrong approach to "fix" the AMT by increasing taxes yet again. In addition, some may argue that this amendment is fiscally irresponsible because the lost revenue is not fully offset. However, it is highly questionable to justify raising taxes elsewhere to account for lost revenue that was never intended to be collected.

The AMT is a flawed income tax system and there are many arguments for full repeal. At the very least, we should take steps to undo past mistakes, most notably the 1993 AMT rate increase. In what wifl likely be the final attempt to address AMT before we head home to speak with our constituents during the August recess, I implore my colleagues to cast an aye vote for my amendment. Twenty-three million Americans are counting on it.

I ask consent to enter into the record several articles published in the Wall Street Journal advocating for a repeal of the 1993 AMT rate increase. This legislation is supported by Americans for Tax Reform and by the National Taxpayers Union. I ask consent to enter into the record letters of support from Americans for Tax Reform (ATR) and the National Taxpayer Union (NTU).

Mr. SPECTER. It is a pretty simple, open-and-shut matter, and it does not take a whole lot of time to explain. I know the managers are not on the floor, but I did want to have the amendment considered, setting aside the other amendments, so we could engage in argument and be prepared to debate it further.

Unless the Senator from Vermont indicates—with a hand gesture, a time-out, no argument at this time—I will be available to return to the floor when the managers consider it appropriate. But I wanted to get this on the record.

Before departing, might I add my words of congratulations and admiration for the distinguished Senator from West Virginia. I hadn't planned to listen to his extended speech, but I wanted to be here at the moment it concluded, because sometimes when you are not here, half a dozen Senators precede you.

AMENDMENT NO. 2627 TO AMENDMENT NO. 2530

(Purpose: To ensure that children and pregnant women whose family income exceeds 200 percent of the poverty line and who have access to employer-sponsored coverage receive premium assistance)

Madam President, I have been asked to ask unanimous consent to temporarily set aside the pending amendment and call up amendment No. 2627 for Senator COBURN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. COBURN and Mr. DEMINT, proposes an amendment numbered 2627 to amendment No. 2530.

Mr. SPECTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont is recognized.

AMENDMENT NO. 2600 TO AMENDMENT NO. 2530

Mr. SANDERS. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2600, that the amendment be considered as read, and that it be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 2600 to amendment No. 2530.

The amendment is as follows:

AMENDMENT NO. 2600

(Purpose: To amend title XXI of the Social Security Act to limit the use of funds for States that receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children)

On page 83, strike line 2 and insert the following:

level.

"(C) USE OF FUNDS.—Payments under this paragraph may only be used to provide health care coverage or to expand health care access or infrastructure, including, but not limited to, the provision of school-based health services, dental care, mental health services, Federally-qualified health center services, and educational debt forgiveness for health care practitioners in fields experiencing local shortages.".

AMENDMENT NO. 2571 TO AMENDMENT NO. 2530

Mr. SANDERS. Madam President, I ask unanimous consent that the pending amendment be set aside to call up Sanders amendment No. 2571, that the amendment be considered as read, and that it be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment 2571 to amendment No. 2530.

The amendment is as follows:

AMENDMENT NO. 2571

(Purpose: To establish an incentive program for State health access innovations)

At the end of title I, insert the following:

SEC. ___. INCENTIVE PROGRAM FOR STATE HEALTH ACCESS INNOVATIONS.

Section 2104, as amended by section 108, is amended by adding at the end the following new subsection:

"(l) INCENTIVE PROGRAM FOR STATE HEALTH ACCESS INNOVATIONS.—

"(1) ESTABLISHMENT OF STATE HEALTH ACCESS INNOVATIONS INCENTIVE POOL.—

"(A) IN GENERAL.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'CHIP State Health Access Innovations Pool' (in this subsection referred to as the 'SHAI Pool"). Amounts in the SHAI Pool are authorized to be appropriated for payments under this subsection and shall remain available until expended.

"(B) TRANSFER OF FUNDS.—Notwithstanding subsection (j)(1)(B)(i), from the amount appropriated for fiscal year 2008 under such subsection, $250,000,000 of such amount is hereby transferred to the SHAI Pool and made available for expenditure from such pool for the period of fiscal years 2008 through 2012.

"(2) AWARD OF GRANTS.—

"(A) IN GENERAL.—The Secretary shall award grants to eligible States from amounts in the SHAI Pool in accordance with this subsection.

"(B) ELIGIBLE STATE.—For purposes of this subsection, an eligible State is a State—

"(i) for which the percentage of low-income children without health insurance (as determined by the Secretary on the basis of the most recent data available) is less than 10 percent; and

"(ii) that submits an application for a grant from the SHAI Pool for the purpose of carrying out programs and activities that are designed to expand access to health providers and health services for low-income children who are eligible for medical assistance under the State plan under title XIX (or a waiver of such plan) or child health assistance under the State child health plan under this title.

"(3) REQUIREMENTS.—

"(A) PRIORITY IN AWARDING OF GRANTS.—In awarding grants under this subsection, the Secretary shall give preference to grant applications that—

"(i) propose innovative approaches to increasing the availability of health care providers and services;

"(ii) create longer-term improvements in health care infrastructure;

"(iii) have potential application in other States;

"(iv) seek to remedy shortages of health care providers; or

"(v) result in the direct provision of health services.

"(B) PROHIBITIONS.—The Secretary shall not—

"(i) award a grant to carry out programs or activities which the Secretary determines would substitute for services or funds provided by a State or the Federal Government; or

"(ii) disapprove any grant application on the basis that programs or activities to be conducted with funds provided under the grant would be provided through or by an entity that otherwise receives Federal or State funding, such as a Federally-qualified health center.

"(C) TERM, AMOUNT, AND NUMBER OF GRANTS PER ELIGIBLE STATES.—

"(i) TERM.—A grant awarded under this subsection may be renewed each year for a period of up to 5 years, but in no case later than fiscal year 2012.

"(ii) AMOUNT.—No grant awarded under this subsection may exceed $2,000,000 for any fiscal year.

"(iii) NO LIMIT ON NUMBER OF GRANTS PER STATE.—Nothing in this subsection shall be construed as limiting the number of grants that an eligible State may be awarded under this subsection.

"(D) ANNUAL AGGREGATE LIMIT.—The aggregate amount of all grants awarded from the SHAI pool shall not exceed—

"(i) $50,000,000 in fiscal year 2008;

"(ii) $100,000,000 in fiscal year 2009;

"(iii) $150,000,000 in fiscal year 2010;

"(iv) $200,000,000 in fiscal year 2011; and

"(v) $250,000,000 in fiscal year 2012.".

Mr. SANDERS. Madam President, as my colleagues know, this legislation, the SCHIP legislation, includes a $3 billion incentive pool, and the purpose of this pool is to provide States with the funding they need to do outreach efforts in order to attract children into the program. The reality is, however, a number of States today have already enrolled 90 percent of their kids into the SCHIP program, and with the passage of this bill, more States will soon be at that level.

Further, we want to provide strong incentives for States below the 90-percent enrollment to reach that level.

This amendment, in order to incentivize States to reach that level of 90 percent, would allow States to apply for multiple grants of up to $2 million each when they achieve an enrollment rate of greater than 90 percent of children below 200 percent of poverty. These grants would help assure the children we enroll in SCHIP have a place to go to receive medical care and to find the personnel they need to provide that care. These grants would come from a pool of money—the State Health Access Innovations Pool—of $250 million, about 8 percent of the $3 billion incentive pool. This money will be used to find innovative approaches to increasing the availability of health and providers and services and would result in the direct provision of health services.

The reason for this initiative is pretty clear. In Vermont and in many other parts of this country, one can, in fact, have health insurance and yet find it quite difficult to buy or to find providers of that service. So what we are saying is let us make sure that when our kids do have health insurance, there will be doctors, there will be dentists, and there will be other health care providers. This is a good amendment, and I certainly hope it will be supported.

The other amendment I have offered, amendment No. 2600, is a simple amendment to Section 111 of the Children's Health Insurance Program reauthorization. Section 111, as my colleagues know, applies to certain qualifying States that expanded their Medicaid Program to cover kids prior to the enactment of CHIP in 1997. I wish to commend the Finance Committee for working language into the current bill that will no longer penalize these "early expansion States" and will allow States to cover children between 133 percent and 300 percent of the Federal poverty level to be covered under the CHIP program.

My amendment simply states that payments to States to cover these children who were previously covered under Medicaid be used solely to fund health care-related activities. Specifically, the language states that payments may only be used to provide coverage or to expand access for health care infrastructure, including but not limited to the provision of school-based health services, dental care, mental health services, federally qualified health centers, and educational debt forgiveness for health care practitioners in fields experiencing local shortages.

This amendment is a simple provision that will specify that States benefiting from an increased match must use these funds for health care and will allow States to address coverage issues as well as the crucial area of expanding access to services, something that particularly affects rural and inner city communities. I urge support for this amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG COMPANY PAYMENTS TO PHYSICIANS

Mr. GRASSLEY. Madam President, I would like to take a few minutes today to discuss an important issue that affects all Americans who take prescription drugs. Specifically, I am going to speak about the need for greater transparency in the payment that doctors who bill Medicare and Medicaid receive from drug companies.

Over the past few years, it became apparent during my inquiries into the Food and Drug Administration that drug companies pay physicians for a variety of different reasons. Indeed, some of our leading physicians—doctors who have significant influence in their medical fields—receive tens of thousands of dollars every year from drug companies. For some, these payments can make up a considerable amount of their annual income.

The payments can take the form of honoraria for speaking engagements, payments to sit on advisory panels, and funding for research. Further, drug companies spend about $1 billion a year to fund educational courses that doctors are required to take every year called Continuing Medical Education, or CME.

In April, the Finance Committee staff prepared a report on pharmaceutical companies' support of Continuing Medical Education. This report found that some educational courses supported by drug companies have become veiled forms of advertising that encourage off-label use of drugs.

Let's review how this works. Right now, it is possible for a doctor to attend a CME—continuing medical education—course sponsored by a drug company. That same company can make payments to doctors who will teach the course, and the doctor who teaches the course can discuss the findings of research paid for by the company. Now, that may sound like a conflict and unethical, but that is how it happens. The whole field is connected by a tangled web of drug company money.

To try and understand this a little better, I have been exploring the money doctors get from drug companies, especially the doctors who work as academic researchers. Most universities require their academic researchers to report outside income. I have sent letters to a handful of universities to understand how well such a reporting system actually works. I haven't received all the information yet, but I can comment on some of the things I have already found.

Most universities require professors to report outside income that may create a conflict of interest with their research. This means that if a doctor at a university is receiving money from a company either for research, speaking fees or to sit on an advisory panel, then they have to report that income. But there appears to be a couple of problems, and let's say a couple of problems with the whole system, as I found out.

The only person who knows if the reported income is accurate and complete is the doctor who is receiving the money. The university doesn't necessarily police its own people to make sure they are reporting everything they are supposed to report. It seems that some of these academics are getting so much money coming in from so many different companies they need an accountant to be sure everything is reported accurately.

Second, these disclosures are usually kept secret. So if there is a doctor getting thousands of dollars from a drug company, payments that might be affecting his or her objectivity, the only people outside the pharmaceutical industry who will probably ever know about this are the people at that very university, if they are even keeping track of it, and we don't know that they are keeping track of it. But most Americans never get a fair chance to see this information.

To give one example, I sent a letter to the University of Cincinnati asking about how much money the drug companies have been paying one of their psychiatrists, Dr. Melissa DelBello. Back in May, The New York Times reported on the research done by Dr. DelBello to see if adolescents could be treated for bipolar disorder with a powerful drug called Seroquel, which is manufactured by Astra Zeneca. The study was funded by Astra Zeneca and showed that Seroquel was a good choice for treating bipolar disorder in children. Dr. DelBello's study was later cited by a prominent panel of experts who concluded that drugs such as Seroquel should be a first-line treatment for children with bipolar disorder.

Here is where it gets interesting. After Dr. DelBello released her study, Astra Zeneca began hiring her to give several sponsored talks. Another doctor told The New York Times he was persuaded to start prescribing drugs such as Seroquel after listening to Dr. DelBello. But when the reporter from the New York Times asked Dr. DelBello how much money she got from Astra Zeneca, she told the paper: "Trust me. I don't make much."

Well, I decided to find out how much, and I went directly to the University of Cincinnati who, by the way, has been extremely cooperative, helpful, and responsive. Soon I figured out just how much "not that much" money is. Dr. DelBello's study, which helped put Seroquel on the map, was published in 2002. That next year, she got more money than she has ever received from the pharmaceutical companies—at least that is what the documents that I have say.

In 2003, Astra Zeneca alone paid her a little over $100,000 for lectures, consulting fees, travel expenses, and service on advisory boards. In 2004, Astra Zeneca paid her over $80,000 for the same services.

Now I am not saying this money was a payoff or suggesting there is something inherently bad with accepting drug company money, but let me tell you what Dr. Steven E. Hyman, provost, Harvard University and former Director of the National Institute of Mental Health, said.

He said these payments could encourage psychiatrists to use drugs in ways that endanger patients' physical health. Specifically, he said of doctors:

> We don't connect the wires in our own lives about how money is affecting our profession and putting our patients at risk.

I think this is a rather interesting assessment by Dr. Hyman.

But let me continue. Just last March, several leading physicians released a study on pharmaceutical company payments to physicians. They published this study in the Journal of the American Medical Association, one of the most prestigious journals in medicine. I would like to quote what they concluded about the need to provide public disclosure of these payments to doctors:

Full disclosure would better allow the public to appreciate the relationship between industry and the health profession.

And so, for the sake of transparency and accountability, shouldn't the American public know who their doctor is taking money from? After all, anybody can go on the Internet and see who is funding the campaigns for federally elected officials. Because doctors are expected to look out for the health and well-being of their patients, shouldn't we hold doctors to similar standards?

In fact, some of this is already occurring. Minnesota requires drug companies to report any payments they give to doctors in that State. I think that is a good thing. Apparently, so do the citizens of Minnesota.

I think what we really need is a national program that will require all drug companies to report when they make payments to doctors. I don't think it would be all that hard for those companies to do. After all, companies have to make sure they know where every penny is going. So it should not be that hard to report some of it to the Federal Government and to the American people. Besides, they are already doing it in Minnesota.

In closing, I plan to continue my inquiry into drug company payments to doctors. In addition, I look forward to working with my colleagues in the Senate, as well as members of the pharmaceutical industry, to establish a national reporting system.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I ask unanimous consent to be recognized for 7 minutes, and if the Chair would notify me when I have used 6 minutes.

The PRESIDING OFFICER. The Chair will do so. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I take this opportunity to speak in favor of the Children's Health Insurance Program and its reauthorization, which is the legislation that is before us. We hear the numbers that 6 million children benefit from the program today—over 6 million—and this will provide for an additional 3 million children.

I want my colleagues to know that each one of these people are people, they are families, and they are affected by what we do here today. I take this time to acquaint my colleagues to Deamonte Driver. He was a 12-year-old who didn't live far from here—6 miles from here—in Prince Georges County, MD. He had a tooth problem. His mother tried to get him help. He had no insurance, and he fell through the cracks. He had a brother, Dashawn Driver, who had six decaying teeth. They tried to get help for him. The mother thought the older brother was in worse shape than Deamonte. He started having headaches and was rushed to the emergency room. They found out his problem—he could not get to a dentist—was an abscessed tooth.

Before this, a social worker made 20 phone calls in an effort to try to get dental care for the Driver family, without success. They could not find a dentist willing to treat someone without insurance or in the Medicaid system. Deamonte ended up needing emergency surgery, which cost $250,000, and he ended up losing his life because the system did not provide care for a 12-year-old.

Mr. President, we can certainly do better than that. Dr. Koop, a former Surgeon General of the United States, said, "There is no health care without oral health." Medical research has shown the linkage between plaque and heart disease. We know now that gum disease can be a signal of diabetes or a liver ailment or a hormone imbalance. We have to do better than we are doing today.

Dental disease is the most common childhood ailment in the United States to date. One out of five children between the ages of 2 to 4 will have some form of decaying teeth. By the time they reach 15, three out of five will have tooth decay.

There is an imbalance as far as the racial effects. Racial minorities are much more likely to sustain untreated tooth decay. Forty percent of African-American children have untreated tooth decay.

I thank my colleague, Senator BINGAMAN, for his leadership on these issues and for introducing legislation and moving forward to try to provide better oral health care for children. I thank Senator SNOWE for her leadership. I thank Senator BAUCUS and Senator GRASSLEY for including initiatives in the legislation that is before us that will help the States meet this challenge—the $200 million included in the bill. That will have a major impact to try to help American families.

We have an important opportunity before us in the legislation that we are considering to help our children, not only to continue the benefits for 6.6 million children but so that we can add another 3 million out of the 9 million who currently have no health insurance.

We have to do more, but this is our opportunity today, and we have to take advantage of it. Our health care system is in crisis.

Earlier this week, I introduced the Universal Health Coverage Act, which would require everybody in this country to have health insurance. I think it is essential that we address the major problems in our country of so many people being without health insurance. We should start with the children, and we can do that with the legislation that is before us.

Why is that important? Well, we know that children who are enrolled in the Children's Health Insurance Program or have insurance are much more likely to get primary health care. They won't use the emergency rooms as much. If you don't have insurance, you have no choice but to go to the emergency room. We have improved health care outcomes if the child has health insurance. We know they are much more likely to have immunization and primary health care.

I want to comment that—again, talking about families and individuals—the Finance Committee held a hearing on the Children's Health Insurance Program. The Bedford family from my city of Baltimore came down here and testified.

Mrs. Bedford said:

> We no longer have to decide whether a child is really sick enough to warrant a doctor's visit.

The Bedford family enrolled in the Children's Health Insurance Program in Maryland. The program is working. Without this legislation, we will have to reimpose freezes on enrollments and people will lose coverage. It happened in my State. This is a bipartisan bill, and I compliment my colleagues for bringing forward a bill that we can get enacted into law.

In Maryland, we started a program on July 1, 1998. About 38,000 children were enrolled at first, and we are up to 101,000 children enrolled today. Maryland will get an increase in this bill from $67 million to $189 million. We will be able to enroll 42,000 more children in the State of Maryland. It is an important program.

I also compliment the committee for including outreach so that we can reach families who don't know how to enroll, or whether they are qualified to enroll, so we can get more families and children enrolled in the children's health care program.

Mr. President, I urge my colleagues to take advantage of the opportunity that we currently have before us. This is an opportunity in which we can make major progress in dealing with those children in our community who will either lose their coverage because we take no action, and those who currently have no insurance whom we can get enrolled in this program. It is a valuable program. We have an opportunity to move forward. So I urge my colleagues to support the fine effort of the Senate Finance Committee in bringing forward this legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

ETHICS AND LOBBYING REFORM

Mrs. McCASKILL. Mr. President, I rise today to say I am proud, very proud. I came to Washington hoping that we could make a difference in terms of the way business is done here. And I will be honest, I had some moments of doubt over the last 6 months. There were times that I wandered around the floor of the Senate, and even among my own party and the other party, and I heard kind of a murmuring of discontent over the ethics reform that we passed back in January. I got nervous that we weren't serious about it, that we really weren't going to push the kind of cleansing of things that we have done in the legislation before us on which we are about to vote.

This isn't hard, what we are doing. We are trying to live like everybody else in America. Most Americans don't have a corporation they can call for a ride on a jet plane. Most Americans don't have somebody who wants to pay for a fancy trip. Most Americans really don't have the ability to decide that one group in their State gets money when others don't. But we did here. That was wrong.

That is why I am so proud of this legislation. Is it perfect? No. I will wait—probably in vain—for that piece of legislation that we pass that is perfect. But because of our process, because of the glorious nature of a democracy, it is always a matter of give and take, always a matter of finding compromise to find that piece of legislation that can get enough votes so that we can send it to the President's desk. That is what this process was.

Now, I have some friends—and, frankly, some people I agree with—on the other side of the aisle who are unhappy with some of the provisions in this bill. They are willing to look at the bundling provisions, the ban on travel and gifts, and the ban on corporate jets. They are willing to overlook the revolving door reforms—reforms in terms of sneaking provisions into conference bills without them ever being in either piece of legislation in the House and Senate, and focus in on just the inadequacies of the earmark reform.

Well, would I have liked it to be a 67-vote point of order rather than a 60-vote point of order? Yes, I would have. Would I have wished for a system maybe that was even more transparent? Yes. But this is major reform. I will tell you that there are a few Senators who do not participate in the earmarking process, and I am not here to pat them or myself on the back for the fact that we do not do that.

I will say I think it is interesting that the phrase "the fox in the henhouse" was used as to the provisions in this bill. You know, there is a saying, "all hat and no cattle." Well, I think that maybe this is the time to use the phrase "all foxes and no hens," because if you step back from this issue of earmark reform, it is not complicated. It is pretty easy. As one of the cartoons said, "We have met the enemy and it is us."

All we have to do to achieve the transparency that we need is for every Senator to put every earmark request that they are making on their Web site. I will say it again. All we have to do is have every Senator put every earmark request they are making on their own Web site. And then it won't be hard to make sure that the chairman of the committee or the majority floor leader have, in fact, certified all of the earmarks. I am a little offended that there is some assumption that these chairmen and the majority leader would go out of their way to not tell the public there is a congressionally directed expenditure in the bill and will try to hide it. They are going to be caught if they do that. It is going to become public.

Then you will have the kind of accountability that really works around here. So I was disappointed when I heard that one of the Members of the other Chamber said he thought he could put earmarks in this conference report because we needed to vet it. It is not our job to vet them. It is not the Parliamentarian's job. They don't have the staff to do this. That is the job of the people of the United States because, guess what. It is their money.

This is a strong ethics bill. Even though I was a cosponsor along with the Senators who spoke against this on the earmark reform, I want to say this goes a long way in the right direction. It is a great effort. I am proud of Senator REID, Senator FEINSTEIN, Senator FEINGOLD, Senator OBAMA, and all of the other Senators who worked on this bill, and many on the Republican side have as well. I think we are going to pass it by a big number today. It is a moment we should all be proud of, an accomplishment we should herald, and we should remember that if we are worried about foxes, we ought to check in our own closet for that fox outfit before we start pointing the finger at anybody.

I yield back the remainder of my time.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007—Continued

The PRESIDING OFFICER. Under the previous order, the question now occurs on the motion offered by the majority leader to concur in the House amendment to S. 1.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Ms. KLOBUCHAR), would vote "aye."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 14, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—83

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Collins
Conrad
Corker
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—14

Bennett
Burr
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Ensign
Graham
Inhofe
Kyl
Lott
McCain

NOT VOTING—3

Coleman
Johnson
Klobuchar

The motion was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS TAX RELIEF ACT OF 2007—Continued

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from Virginia, Senator WEBB, be recognized for 1 minute; and then following him, the Senator from Oregon would like 3 minutes on the bill, and then Senator VITTER would be No. 3, with no time for Senator VITTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

AMENDMENT NO. 2618

Mr. WEBB. Mr. President, I ask for regular order with respect to my amendment No. 2618, which is a pending amendment to the Children's Health Insurance Program bill.

The PRESIDING OFFICER. The amendment is pending.

AMENDMENT NO. 2618, AS MODIFIED

Mr. WEBB. Mr. President, I ask unanimous consent to modify my amendment, and I now send the modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

Strike Section 701 and insert the following:

SEC. ___. ELIMINATION OF DEFERRAL OF TAXATION OF CERTAIN INCOME OF CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 952 (relating to subpart F income defined) is amended by adding at the end the following new subsection:

"(e) SPECIAL APPLICATION OF SUBPART.—

"(1) IN GENERAL.—For taxable years beginning after December 31, 2007, notwithstanding any other provision of this subpart, the term 'subpart F income' means, in the case of any controlled foreign corporation, the income of such corporation derived from any foreign country.

"(2) APPLICABLE RULES.—Rules similar to the rules under the last sentence of subsection (a) and subsection (d) shall apply to this subsection.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of such corporations end.

Mr. WEBB. Mr. President, the technical modification to my amendment simply makes clear that the amendment strikes section 701 of the bill, which is the tobacco tax revenue-raising section, and replaces section 701 with a section eliminating the current law on tax deferral of foreign corporate income.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2534 WITHDRAWN

Mr. DORGAN. Mr. President, early in the consideration of the children's health insurance bill we are now considering, I offered an amendment, No. 2534. The amendment was to reauthorize the Indian Health Care Improvement Act, a piece of legislation we have moved through the Indian Affairs Committee, an authorization for Indian health care matters that has been proposed 11 times before in the last 8 years but has not passed the Congress.

We have a full-scale emergency and crisis with respect to Indian health care. I will not go on at great length except to say this: This Government has a responsibility for health care for Federal prisoners, and we also have a trust responsibility for health care for American Indians. We spend twice as much per person on health care for Federal prisoners as we do to meet our trust responsibility to provide health care for American Indians. I believe I can say without hesitation that there will be people who will die today and tomorrow in this country because we do not have adequate health care and have not kept our promise to the American Indians with respect to the trust responsibility for health care on Indian reservations.

I have determined we are going to pass this legislation this year. With the cooperation of my colleague from Montana, Senator BAUCUS, who indicated yesterday the Finance Committee will mark up this bill on September 12—it is a very important commitment from someone who shares my passion on this and who is a very strong supporter of American Indians and Indian health care—and with a commitment from Senator REID, who similarly is a very strong supporter of these issues, that he will bring that bill to the floor of the Senate in this session of the Congress—with those commitments, I believe we will now, finally, in the Senate, pass the Indian Health Care Improvement Act, at long last.

With those commitments, I am confident we are on the road to getting done what we need to get done to meet our responsibility. Because of that, I will withdraw my amendment to reauthorize the Indian Health Care Improvement Act on this Children's Health Insurance Program bill, and I ask unanimous consent to withdraw amendment No. 2534.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I very much compliment the Senator from North Dakota. He is absolutely correct. This legislation is on a must-pass list. I have given my commitment to mark the bill up on September 12 in the Finance Committee. The leader has indicated he will give every assurance to try to get the legislation up on the Senate floor and go on to pass it. It has passed before, but it got hung up in the last Congress. It is high time we get this legislation passed, and I thank the Senator for, first, pushing the issue so hard and, second, working with the Senate to find an expeditious way to get this legislation passed.

Mr. President, I ask unanimous consent that after Senator VITTER is recognized, Senator KOHL be recognized for 5 minutes and Senator ALLARD be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

AMENDMENT NO. 2596, AS MODIFIED, TO AMENDMENT NO. 2530

Mr. VITTER. Mr. President, I ask unanimous consent to set aside any pending business so that amendment No. 2596 may be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Now I send a technical modification to the desk.

The PRESIDING OFFICER. The Senator will suspend. The clerk will report.

The Senator from Louisiana [Mr. VITTER], for himself and Mr. DEMINT, proposes an amendment No. 2596, as modified, to amendment No. 2530.

Mr. VITTER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2596), as modified, is as follows:

At the end of title I, insert the following:

SEC. ____. REQUIREMENT THAT INDIVIDUALS WHO ARE ELIGIBLE FOR CHIP AND EMPLOYER-SPONSORED COVERAGE USE THE EMPLOYER-SPONSORED COVERAGE INSTEAD OF CHIP.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 401(a), is amended by adding at the end the following new paragraph:

"(12) REQUIREMENT REGARDING EMPLOYER-SPONSORED COVERAGE.—

"(A) IN GENERAL.—No payment may be made under this title with respect to an individual who is eligible for coverage under qualified employer-sponsored coverage, either as an individual or as part of family coverage, except with respect to expenditures for providing a premium assistance subsidy for such coverage in accordance with the requirements of this paragraph.

"(B) QUALIFIED EMPLOYER SPONSORED COVERAGE.—

"(i) IN GENERAL.—In this paragraph, the term 'qualified employer sponsored coverage' means a group health plan or health insurance coverage offered through an employer that is—

"(I) substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2);

"(II) made similarly available to all of the employer's employees and for which the employer makes a contribution to the premium that is not less for employees receiving a premium assistance subsidy under any option available under the State child health plan under this title or the State plan under title XIX to provide such assistance than the employer contribution provided for all other employees; and

"(III) cost-effective, as determined under clause (ii).

"(ii) COST-EFFECTIVENESS.—A group health plan or health insurance coverage offered through an employer shall be considered to be cost-effective if—

"(I) the marginal premium cost to purchase family coverage through the employer is less than the State cost of providing child health assistance through the State child health plan for all the children in the family who are targeted low-income children; or

"(II) the marginal premium cost between individual coverage and purchasing family coverage through the employer is not greater than 175 percent of the cost to the State to provide child health assistance through the State child health plan for a targeted low-income child.

"(iii) HIGH DEDUCTIBLE HEALTH PLANS INCLUDED.—The term 'qualified employer sponsored coverage' includes a high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986) purchased through a health savings account (as defined under section 223(d) of such Code).

"(C) PREMIUM ASSISTANCE SUBSIDY.—

"(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan, subject to the annual aggregate cost-sharing limit applied under section 2103(e)(3)(B).

"(ii) STATE PAYMENT OPTION.—Subject to clause (iii), a State may provide a premium assistance subsidy directly to an employer or as reimbursement to an employee for out-of-pocket expenditures.

"(iii) REQUIREMENT FOR DIRECT PAYMENT TO EMPLOYEE.—A State shall not pay a premium assistance subsidy directly to the employee, unless the State has established procedures to ensure that the targeted low-income child on whose behalf such payments are made are actually enrolled in the qualified employer sponsored coverage.

"(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

"(v) STATE OPTION TO REQUIRE ACCEPTANCE OF SUBSIDY.—A State may condition the provision of child health assistance under the State child health plan for a targeted low-income child on the receipt of a premium assistance subsidy for enrollment in qualified employer sponsored coverage if the State determines the provision of such a subsidy to be more cost-effective in accordance with subparagraph (B)(ii).

"(vi) NOT TREATED AS INCOME.—Notwithstanding any other provision of law, a premium assistance subsidy provided in accordance with this paragraph shall not be treated as income to the child or the parent of the child for whom such subsidy is provided.

"(D) NO REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND ADDITIONAL COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

"(i) IN GENERAL.—A State that elects the option to provide a premium assistance subsidy under this paragraph shall not be required to provide a targeted low-income child enrolled in qualified employer sponsored coverage with supplemental coverage for items or services that are not covered, or are only partially covered, under the qualified employer sponsored coverage or cost-sharing protection other than the protection required under section 2103(e)(3)(B).

"(ii) NOTICE OF COST-SHARING REQUIREMENTS.—A State shall provide a targeted low-income child or the parent of such a child (as appropriate) who is provided with a premium assistance subsidy in accordance with this paragraph with notice of the cost-sharing requirements and limitations imposed under the qualified employer sponsored coverage in which the child is enrolled upon the enrollment of the child in such coverage and annually thereafter.

"(iii) RECORD KEEPING REQUIREMENTS.—A State may require a parent of a targeted low-income child that is enrolled in qualified employer-sponsored coverage to bear the responsibility for keeping track of out-of-pocket expenditures incurred for cost-sharing imposed under such coverage and to notify the State when the limit on such expenditures imposed under section 2103(e)(3)(B) has been reached for a year from the effective date of enrollment for such year.

"(iv) STATE OPTION FOR REIMBURSEMENT.—A State may retroactively reimburse a parent of a targeted low-income child for out-of-pocket expenditures incurred after reaching the 5 percent cost-sharing limitation imposed under section 2103(e)(3)(B) for a year.

"(E) 6-MONTH WAITING PERIOD REQUIRED.—A State shall impose at least a 6-month waiting period from the time an individual is enrolled in private health insurance prior to the provision of a premium assistance subsidy for a targeted low-income child in accordance with this paragraph.

"(F) NON APPLICATION OF WAITING PERIOD FOR ENROLLMENT IN THE STATE MEDICAID PLAN OR THE STATE CHILD HEALTH PLAN.—A targeted low-income child provided a premium assistance subsidy in accordance with this paragraph who loses eligibility for such subsidy shall not be treated as having been enrolled in private health insurance coverage for purposes of applying any waiting period imposed under the State child health plan or the State plan under title XIX for the enrollment of the child under such plan.

"(G) ASSURANCE OF SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF ELIGIBILITY FOR PREMIUM SUBSIDY ASSISTANCE.—No payment shall be made under subsection (a) for amounts expended for the provision of premium assistance subsidies under this paragraph unless a State provides assurances to the Secretary that the State has in effect laws requiring a group health plan, a health insurance issuer offering group health insurance coverage in connection with a group health plan, and a self-funded health plan, to permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a child of such an employee if the child is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if the employee's child becomes eligible for a premium assistance subsidy under this paragraph.

"(H) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect on June 28, 2007.

"(I) NOTICE OF AVAILABILITY.—A State shall—

"(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer sponsored coverage;

"(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

"(iii) establish such other procedures as the State determines necessary to ensure that parents are informed of the availability of such subsidies under the State child health plan.".

(b) APPLICATION TO MEDICAID.—Section 1906(d) (42 U.S.C. 1396e(d)), as added by section 401(b) is amended by adding at the end the following: "The provisions of section 2105(c)(12) shall apply to a child who is eligible for medical assistance under the State plan in the same manner as such provisions apply to a targeted low-income child under a State child health plan under title XXI. Section 1902(a)(34) shall not apply to a child who is provided a premium assistance subsidy under the State plan in accordance with the preceding sentence.".

Mr. VITTER. Mr. President, I also ask unanimous consent to add Senator DEMINT as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, this is an important amendment in the context of what we are doing with regard to the SCHIP program. It will ensure that families who are now covered by health insurance stay covered and are not, in fact—perhaps unintentionally but are nonetheless—kicked off or encouraged to leave their current health insurance for the SCHIP program. It is an issue called crowding out.

The goal of the amendment is very clear. We want to encourage children who are eligible for SCHIP but currently have access to employer coverage to use that employer coverage. If they have difficulty maintaining that because of costs, we want to give States the flexibility so they can maintain that coverage. What we do not want to do—certainly what I do not want to do, what Senator DEMINT does not want to do, and I hope what the huge majority of Members of this body do not want to do—is create a mechanism to push people off good private insurance or to encourage them to drop good private insurance or to encourage employers to drop that coverage simply because we are reauthorizing and perhaps expanding SCHIP. No child and no family should be forced onto any Government health insurance program if they are currently insured otherwise through the private sector, through the employer, et cetera.

CBO's own numbers show that 40 percent to 50 percent of the kids covered under SCHIP and 40 percent to 50 percent of those who would become eligible under this SCHIP expansion are, in fact, kids who are shifted out of private coverage into SCHIP. The CBO analysis on this issue is very clear on this point. In my mind, there is no reason the taxpayers should be paying for that insurance for folks already on good private sector insurance. We should not be encouraging this very significant shift, this very significant crowding out.

As I suggested, opponents of this amendment might say: We are not for that because it may be too costly for some of these families to pay premiums in private plans even if they are currently on them. We recognize that argument and that reality. Our amendment—this is very significant—our amendment allows premium subsidies for these individuals who need that to keep them on their current private coverage and to ensure that coverage is affordable. We maintain State flexibility in implementing those subsidies. We give the States enough leeway, enough flexibility to create and maintain those subsidies to keep folks on good private insurance. The Vitter-DeMint amendment requires individuals who are eligible for SCHIP but currently have employer coverage to continue to use that coverage. If they truly need help, truly need premium subsidies, States have the flexibility to do that.

I believe the clear majority of the public and the majority of those in Congress support Government help to those who need it. But just as true, a clear majority of the public, a clear majority of us do not want to create an incentive to kick people out of insurance they have. We do not want to create an incentive for employers to end or limit insurance they have. That would be a very negative consequence of these good intentions. Our amendment prevents that to a great extent. In doing so, I have to say I think it draws a clear philosophical divide: Do we give people the resources, the ability to continue with their current quality care in the private sector or are we, in fact, all for pushing people into a one-size-fits-all Government-run program rather than allowing them that choice and that quality care in the private sector? My amendment says absolutely, if they are covered in the private sector, we want to encourage that to continue. We want to make sure that can work. We don't want to kick them out. We don't want to encourage employers to kick them out. But part of that is assisting families who really do need help to maintain that. That is a very important part of the Vitter-DeMint amendment also.

I think this is an idea which should have broad consensus and bipartisan support. I look forward to that on the floor of the Senate and invite my colleagues to look at this and then support the Vitter-DeMint amendment, No. 2596.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise to talk about putting our country on a path to insuring all of its children. For the past decade, the Children's Health Insurance Program—CHIP—has given kids in working families the doctor's visits and medicines they need when they are sick, and the checkups they need to stay well.

Skyrocketing health care costs combined with a decline in employer-sponsored health insurance means that thousands of kids and families would go without basic medical care if CHIP did not fill the need. There are now more than 46 million uninsured Americans—9 million are children. This is simply unacceptable—every child needs health insurance.

Without health insurance, many families must forgo routine checkups, crossing their fingers that their children will stay healthy. If their son or daughter becomes ill, they wait to see if the symptoms go away. But delay can be tragic. If those symptoms linger or get worse, parents are forced to take their kids to the emergency room for help. When a common cold turns into pneumonia, what would have been a simple, cheap fix if caught early, mushrooms into a complicated, lengthy and expensive treatment.

Wisconsin's CHIP program, called BadgerCare, serves 67,000 working families and makes all the difference in a child's future. BadgerCare kids are healthier and more likely to succeed in school—including increased school attendance and a greater ability to pay attention in class.

However, there are over 100,000 kids in Wisconsin who are eligible for BadgerCare, but are left out—in danger of having a small health problem becoming a life threatening illness. In order to reach these kids, Wisconsin received a waiver from this administration to cover their parents. Secretary Leavitt recognized that when the family is insured, children have better access to health care and get the preventative health services they need saving expensive trips to the emergency room. BadgerCare provides seamless coverage for families and works to reduce the number of uninsured children. Strengthening BadgerCare will ensure that this successful program can continue to cover working families in Wisconsin. It is a good investment of our scarce Federal dollars.

The bipartisan Senate Finance Committee agreement to renew CHIP is the right approach. It provides an investment of $35 billion over 5 years to strengthen CHIP and it is completely paid for. No one loses health coverage as a result of this reauthorization. It keeps coverage for the 6.6 million low-income children currently enrolled in CHIP and gives States the resources necessary to reach an additional 3.2

million uninsured children eligible but not enrolled in CHIP.

The initial price tag may seem steep, but, in the long run, it will save money. By catching and treating childhood illnesses early, we will save money that would be spent on emergency care. I want to thank Senators BAUCUS and GRASSLEY for their tireless work on this compromise. It is my hope that the Senate will act to put kids first and support this bill.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 2535, AS MODIFIED

Mr. ALLARD. I ask unanimous consent to modify amendment No. 2535.

The PRESIDING OFFICER. The amendment has not yet been called up.

Mr. ALLARD. I call up amendment No. 2535 and then ask unanimous consent that it be modified, and the modified version is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Colorado [Mr. ALLARD] proposes an amendment No. 2535, as modified, to amendment No. 2530.

Mr. ALLARD. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

> At the appropriate place, insert the following:
>
> **SEC. ___. TREATMENT OF UNBORN CHILDREN.**
>
> (a) CODIFICATION OF CURRENT REGULATIONS.—Section 2110(c)(1) (42 U.S.C. 1397jj(c)(1)) is amended by striking the period at the end and inserting the following: ", and includes, at the option of a State, an unborn child. For purposes of the previous sentence, the term 'unborn child' means a member of the species Homo sapiens, at any stage of development, who is carried in the womb.".
>
> (b) CLARIFICATIONS REGARDING COVERAGE OF MOTHERS.—Section 2103 (42 U.S.C. 1397cc) is amended by adding at the end the following new subsection:
>
> "(g) CLARIFICATIONS REGARDING AUTHORITY TO PROVIDE POSTPARTUM SERVICES AND MATERNAL HEALTH CARE.—Any State that provides child health assistance to an unborn child under the option described in section 2110(c)(1) may continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.".

Mr. ALLARD. Mr. President, I ask Senator McCONNELL be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I come to the floor today to discuss my amendment to codify the unborn child rule in the pending SCHIP legislation. This needs to be done, and it needs to be done in this reauthorization. The unborn child rule is a regulation that since 2002 has allowed States to provide prenatal care to unborn children and their mothers. It recognizes the basic fact that the child is in the womb—the child in the womb is a child.

When a pregnancy is involved, there are at least two patients; there is the mother and there is the baby. It only makes sense to cover the unborn child under a children's health program. The bill before us modifies the SCHIP statute to allow States to cover pregnant women of any age. It also contains language that asserts that the bill does not affirm either the legality or illegality of the 2002 "unborn child" rule. My amendment would codify the principle of the rule by amending the SCHIP law to clarify that a covered child:

> includes, at the option of a State, an unborn child.

The amendment further defines "unborn child" with a definition drawn verbatim from Public Law 108–212, the Unborn Victims of Violence Act. So it is not new language in our statute.

My amendment would also clarify that the coverage for the unborn child may include services to benefit either the mother or unborn child consistent with the health of both. In addition, the amendment clarifies that the States may provide mothers with postpartum services for 60 days after they give birth.

Many States' definition of coverage for pregnant women leads to the strange legal fiction that the adult pregnant woman is a child. Surely it was not the intent of anyone to develop a State Children's Health Insurance Program to allow a loophole for States to define a woman as a child. Surely we can agree that the child in the womb who receives health care is a child receiving care along with his or her mother.

My amendment will also allow for coverage of the mother, whereas the pending legislation only allows for pregnancy-related services. There are many conditions that can affect the mother's health during pregnancy that are not related to her pregnancy. Under the pending legislation, a pregnant mother could not get coverage for any condition that is not related to her pregnancy. We should be allowing mothers to stay healthy so they will have healthy babies.

This also leads to reduced costs associated with premature or low birthweight babies. Eleven States are already using this option to provide such care through the State Children's Health Insurance Program. If the intent of the sponsors is to provide coverage for the pregnant woman and her unborn child, then they should have no problem supporting my amendment.

We should ensure that pregnant women and their unborn children are both treated as patients. This is a matter of common sense. Every obstetrician knows that in treating a pregnant woman, he is treating two patients, the mother and her unborn child.

Keeping this coverage in the name of the adult pregnant woman alone is bad for the integrity of a children's health program, bad for the child, and even bad for some of the neediest of pregnant women.

I am urging my colleagues to support my amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL.) The Senator from Montana.

Mr. BAUCUS. Madam President, as I have said many times in this debate, the Children's Health Insurance Program Reauthorization Act is good for America. I wish to take a few minutes to talk about why this children's health bill is good for my home State of Montana.

Montana ranks fifth highest in the Nation for the percentage of children without health insurance. In 2006, 37,000 Montana children did not have health insurance. That is one in every six children. More than half of those uninsured children, that is 19,000, were either eligible for Medicaid or for CHIP, the Children's Health Insurance Program, but not enrolled.

One of the reasons for our higher rate of uninsured kids is because the percentage of employers offering health care to Montana's working families is quite low. Less than half of all employers in the State of Montana offered health coverage in 2005. This means many working families do not have access to health coverage. Although families who do not have access to coverage through work could buy it on their own, health coverage is often priced out of reach for lower income families. The average cost of a family health plan on the open market in Montana is about $8,000 a year. That is nearly one-fifth of the family's income for a family of four earning $41,300, which is twice the poverty level. Again, the average cost is about $8,000, which is about one-fifth of a family's income for a family of four earning $40,000, and most families simply obviously cannot afford that cost.

CHIP, the legislation before us, offers affordable, comprehensive health coverage for working families. CHIP works, and it has helped thousands of Montana families.

Abigail Tuhy's family is one of those families. Abigail's mom, Fawn, is a mother of four, and Fawn's story tells volumes about why we need CHIP. She writes:

> I don't know what our family of 6 would do without [CHIP]. . . . In one year, my 2½-year-old had nine stitches because she split her head open and my 6 year old broke his

> arm two times. CHIP paid for the surgery, hospital stay and all of the care provided. CHIP has also paid for all of my children to receive all of their shots and their check-ups. Without CHIP, I would not have insurance for my children.

Abigail is only 1 of the more than 38,000 children helped by CHIP over the past decade. Today more than 14,000 Montana children are covered by it and the number is growing.

This year, the Montana legislature, for example, took a positive step forward, changing the CHIP eligibility level from 150 percent to 175 percent of the Federal poverty line. That is just over $36,000 for a family of 4. Montana started implementing this expansion in July, which will bring an additional 2,000 children next year.

> This is clearly good news, but we cannot rest on our laurels. There are more uninsured children who need our help. The CHIP Reauthorization Act will provide Montana with the funding it needs to maintain current CHIP enrollment, fund its expansion, and make significant strides toward covering more of the uninsured children.

Under this legislation, Montana would receive about $28 million next year. That is $12 million more than its allotment for last year. New CHIP allotments, combined with new funds in the State to expand coverage to low-income children, could allow the State to cover as many as 12,000 children who are uninsured today.

The legislation before us also includes new funding to help Montana improve access to health care, including $200 million in new Federal grant money for States to improve the availability and comprehensiveness of dental health for children, and $100 million in Federal grants to improve outreach and enrollment, especially in rural areas.

This bill also includes provisions that specifically target Indian Country. Although Indian children are eligible for coverage through the Indian Health Service and tribal facilities, the IHS, the Indian Health Service, is only funded at 60 percent of need today, leading to tragic denials of care when funds run out. I mean it is abominable. This bill makes important changes to improve the health of Indian children. It provides new funds for outreach and enrollment in Medicaid and in CHIP. It also allows those Indians to use tribal documents to prove citizenship for Medicaid. It gives States a higher Federal match for translation and interpretation services in the program. And it requires the Secretary to monitor racial and ethnic disparities in care. All move us to a healthier future for Indian children in Montana.

As we debate CHIP today, let us remember the uninsured children in our home States, those kids who need help. In Montana, there are mothers whose daughters have cystic fibrosis. There are Native American children without health care coverage because they do not have a birth certificate. So let's keep in mind the children of Montana and every other State who need and deserve our help. Let's reauthorize this Children's Health Insurance Program today and improve the health of all American children.

Madam President, I ask unanimous consent the following Senators be recognized for the following amounts of time: first, Senator DODD for 5 minutes; Senator CLINTON for 5 minutes; and Senator COBURN for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Madam President, reserving the right to object, and I will not object, I wish to inquire, have we gotten an agreement in place for when the next block of votes could come?

Mr. BAUCUS. Madam President, it is being written up right now.

Mr. LOTT. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. We do have a block of votes. It has been agreed to.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2631 TO AMENDMENT NO. 2530

(Purpose: To expand family and medical leave in support of servicemembers with combat-related injuries)

Mr. DODD. Madam President, on behalf of myself and Senator CLINTON, Senator DOLE, Senator GRAHAM, Senator MIKULSKI, Senator CHAMBLISS, Senator BROWN, Senator CARDIN, Senator MENENDEZ, Senator SALAZAR, Senator KENNEDY, Senator REED and Senator BOXER, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Connecticut [Mr. DODD], for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Ms. MIKULSKI, Mr. CHAMBLISS, Mr. BROWN, Mr. CARDIN, Mr. MENENDEZ, Mr. SALAZAR, Mr. KENNEDY, Mr. REED, and Mrs. BOXER, proposes an amendment numbered 2631 to amendment No. 2530.

Mr. DODD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DODD. Madam President, on behalf of myself and Senator CLINTON and the others I have mentioned here, I seek to, as soon as possible, meet the suggestions that have been recommended by the President's Commission on Care for America's Returning Wounded Warriors. I want to express my gratitude to my colleague from New York as well as to others who have joined with us on this effort. This report was submitted to the President by our former colleague, Senator Dole, former Secretary of Health Donna Shalala, and this report is rather extensive on their recommendations on how we might better serve our returning soldiers from the theaters of conflict in Iraq and Afghanistan.

The President's Commission on Care for the Returning Wounded recommended:

> That Congress should amend the Family and Medical Leave Act to allow up to 6 months of leave for a family member of a servicemember who has a combat-related injury and meets the other eligibility requirements in the law.

I am very proud of many things I have done over the last 25 years in the Senate. None exceeds my sense of pride more than passage of the Family and Medical Leave Act. Along with Senator BOND, Senator DAN COATS, Senator SPECTER, Senator KENNEDY, and many others, after 7 years, three American Presidents, and two vetoes, we were able to adopt the Family and Medical Leave Act which, since its passage, has assisted more than 60 million Americans in being away from their jobs to be with family members during critical times in their lives without losing that job. These important life situations include the joyous occasion of a birth or adoption and the difficult circumstance of an illness of a child or another family member for up to 12 weeks of unpaid leave. It has been a remarkable asset to many people.

I suspect there is not a single American family who would not relate to the importance of being able to be with a family member during a time of significant crisis. Obviously, as our wounded warriors coming back from Afghanistan and Iraq are recovering from their injuries, having their families and others with them could be of immeasurable help. Senator Dole and Donna Shalala and other members of the Commission rightly made the recommendation that we should amend the Family and Medical Leave Act to provide for up to 6 months' leave for a family member to be with these individuals without losing their job. That is what we have done with the amendment we are offering to this bill.

Clearly, this bill has nothing to do with family medical leave. My colleagues from Montana and Iowa, have a tremendous responsibility in adopting the legislation before us, of which I am a strong supporter. But, knowing that we only have a short time before we adjourn for more than a month, there is a sense of urgency about providing for these families. I would hope all of us would support this amendment. This is a bipartisan suggestion that will make a difference in the lives of families who are assisting in the recovery of a wounded warrior.

I commend former Senator Dole, former Secretary of Health and Human Services Donna Shalala, and the distinguished members of the Commission for their thoughtfulness and thorough work on this matter. As the author of the underlying law, I have worked to maintain its protections and extend its protections to assist more employees. I agree with the Commission that FMLA is the best method for providing critical support for our returning heroes who are recovering from their war wounds. I am pleased to be joined, as a principal cosponsor, by Senator CLINTON of New York. After more than 7 years of work, as I mentioned earlier, this proposal I made more than 20 years ago became law. It became law within days after January 20, 1993, when President William Jefferson Clinton, as his very first act, signed into law the Family and Medical Leave Act.

I remember with great clarity that bright day overlooking the rose garden at the White House. President Clinton signing that bill into law. Pat Schroeder of the other body was the principal author in the House of Representatives and too often gets neglected in talking about the history of the Family and Medical Leave Act. I will be eternally grateful to Pat Schroeder for the tremendous job she did in the other body in seeing to it that this proposal became the law of the land.

The Commission's findings indicate the critical role that family members play in the recovery of our wounded servicemembers:

> In their survey, 33 percent of active duty, 22 percent of reserve component, and 37 percent of retired/separated servicemembers report that a family member or close friend relocated for extended periods of time to be with them while they are in the hospital.
>
> Twenty-one percent of active duty, 15 percent of reserve component and 24 percent of retired/separated servicemembers say friends or family gave up a job to be with them or act as their caregiver.
>
> More than 3,000 servicemembers have been seriously injured during operations in Iraq and Afghanistan. In virtually every case, a wife, husband, parent, brother, or sister has received the heart stopping telephone call telling them that their loved one is sick, or injured, halfway around the world.
>
> Family or close friends stayed to assist recovery of almost 66 percent of active duty and 54 percent of reserve component servicemembers.

The Support for Injured Servicemembers Act provides up to 6 months of family and medical leave for spouses, children, parents and next of kin of servicemembers who suffer from a combat-related injury or illness. FMLA currently provides for 3 months of unpaid leave to a spouse, parent or child providing care for a person with a serious illness. Our servicemembers need more. These are extraordinary circumstances. The point of the Commission and the Dignified Treatment of Wounded Warriors Act that the Senate recently passed is to take care of our wounded soldiers, sailors, airmen, and marines returning from Iraq and Afghanistan with combat-related injuries. We should support their families in caring for these heroes.

It is essential we do everything possible to support our troops, to allow their loved ones to be with them as they recover from combat-related injuries or illnesses. That is why we should expand and improve benefits for those caring for our servicemembers.

Let me emphasize the major points: You have to have been injured in the theater of combat, Afghanistan or Iraq or in preparation for deployment. Our amendment allows for a parent, spouse, child or next of kin to provide that care-giving role. It would allow them to be with them for up to 6 months without losing their jobs. The leave is without pay. What is the universe we are talking about? It is not the entire Nation, obviously, or anyone who is wearing a uniform who happens to have been injured. You have to have been injured or acquired the illness as a result of being in the combat theater or when preparing to be deployed.

The amendment is specific as to who could be the caregiver. It is very specific about the amount of time an employee acting as a caregiver would be covered. We have tried to narrow this down in a way. I am grateful to Bob Dole. He called me last Thursday early on and remembered that I had spent such an inordinate amount of time, with the help of Senator KENNEDY and others, to adopt the Family and Medical Leave Act so many years ago. Most would agree today it has made a difference in the lives of people. I can't think of any better constituency to serve with expanded family medical leave than our service men and women.

I see my colleague from Georgia. I thank him as well for being a cosponsor of this proposal. Those preparing for deployment obviously would be covered, if they end up being affected as a result of their injuries or illness suffered while in the theater of combat.

Again, as someone who has been a floor manager of many bills over the years, I understand that is not easy to get a particularly difficult bill like this done. I applaud the commitment my colleague from Montana has brought to this legislation. It is my hope that we can achieve the kind of unanimity around this idea of supporting military families, given the fact that the President's Commission is calling for this, our former colleagues calling for it. We have a strong bipartisan group of Senators who believe this is worthwhile to do for this limited group of our fellow citizens who have suffered immeasurably as a result of their contribution. I would hope before we leave here in these next 24 or 48 hours that the very least we could do would be to provide this kind of benefit for them and their families.

I truly appreciate the work of our cosponsors. In particular, their willingness to adopt a provision that would expand the pool of typical caregivers under current law for this specific purpose. Those caregivers are limited to spouses, children, and parents. Our amendment extends the caregiver role to next of kin, a brother, sister or other relative, perhaps.

I gather my colleague from New York, who was very helpful in pulling this together, is on her way to the floor. She might want to be heard on this as well. I was drawing this out while we wait for her arrival.

Mr. BAUCUS. I might say to my good friend, we have noticed.

I don't see the Senator from New York here yet, but she is on her way. In the meantime, I ask unanimous consent that the Senator from Georgia be recognized and, following the Senator from Georgia, Senator CLINTON be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. CHAMBLISS. I thank the Chair.

Since the Senator is running for President, we are glad to accommodate him for what time he needs. He is serious and very emotional about this issue, and he should be. We all should be. I commend the Senator from Connecticut for spending a good bit of time on talking about this issue. I commend the Senator from New York for bringing this issue to the forefront. We are in a war unlike any war we have ever been in before. We are in different times today with respect to military conflicts, and the inclusion of our wounded warriors in the Family and Medical Leave Act is certainly well deserved and something that I hope we get passed before we leave.

I rise to commend the President's Commission on Care for America's Returning Wounded Warriors for their hard, high-quality work in analyzing and recommending improvements for our Nation's treatment of wounded warriors. The Dole-Shalala Commission has boldly addressed one of the most important issues facing our military today and has created a simple roadmap that will help make monumental improvements to the military health care system. I am pleased the Commission's recommendations span agencies, cross services, and take into consideration the needs of both veterans as well as their families.

During their review, they visited 23 health care facilities, including military and VA hospitals and treatment centers nationwide, held 7 public meetings, heard testimony from military health care experts, and communicated directly with servicemembers, their families, and health care professionals. This dialog is greatly needed and must continue. I provided my own input directly to the Commission regarding one of Georgia's own success stories in providing care to wounded warriors through a partnership between the Eisenhower Army Medical Center at Fort Gordon, GA, and the Augusta VA hospital. This Commission untangled a web of complex issues and provided six recommendations based on their findings. Former Senator Dole and Secretary Shalala did what others have been trying to do since World War II. Their joint statement succinctly describes the culmination of these efforts.

The face of our military has changed, as have their needs. Some returning servicemembers, injured in the line of duty, have complex and often multiple injuries placing greater challenges on the DOD and VA as well as family members. Well-meaning attempts over the years to reform health care in the military and VA have produced many positive results that have also made the system more complex and confusing in some areas. In these cases, it is difficult for servicemembers, their families, and caregivers to understand how to navigate the system. The events that brought us to this point were inexcusable and could have been prevented. However, I would be remiss if I did not mention a letter I received from a constituent whose son was a patient at Walter Reed Medical Center, after being evacuated from Iraq due to injuries he sustained in an IED attack. The letter said to the commander and staff at Walter Reed:

> You and your staff are a remarkable team that has the welfare of our soldiers and families foremost in mind as you execute your critically important duties. My family and I owe you and your team our heartfelt thanks and debt of gratitude we can never repay.

This kind of feedback tells me the Army's improvements are taking hold. Through the Commission and recent legislation, these improvements will continue. I applaud the Commission's work and am equally pleased that much of it parallels the initiatives set forth by the Senate's Dignified Treatment of Wounded Warriors Act. The President's Commission recommended that seriously wounded servicemembers receive a patient-centered recovery plan developed by a cadre of highly skilled recovery coordinators. Such a plan can only increase the level of support given to our wounded warriors.

Along these same lines, the Wounded Warrior bill requires development of a unified and comprehensive policy between the VA and the Department of Defense that addresses personnel strength, training, access, standards, family counseling, and creation of a DOD-wide ombudsman. Of central importance, the Commission recommends a complete restructure of the disability and compensation systems. We have all heard case after case of lost paperwork, endless waste, bureaucratic delays, and confusing redundant processes. Both the Commission and the Wounded Warrior bill provide guidance to consolidate systems and streamline this process.

One of the most important recommendations made by the Commission, also addressed in the Wounded Warrior bill, concerns increased support to the families of our Wounded Warriors. Although the Commission did not visit Georgia, I have spent time at Fort Stewart and Fort Benning with family members of deployed troops, and I have spent as much time with the troops themselves in my five visits to Iraq. I can tell you that when it comes to taking care of our servicemembers, the well-being of their families is of paramount, if not greater, importance to them than their own well-being. These troops can count on their families. The more we support the families, the better we are taking care of our troops.

Among other things, the Dole-Shalala report recommends extending privileges under the Family and Medical Leave Act from 12 weeks to 6 months, which will allow family members to take up to 6 months of leave to care for a wounded servicemember. I am proud to be a cosponsor of this bill that introduces legislation that enacts this recommendation.

The bill Senator PRYOR and I cosponsored on this subject, the Wounded Warrior Assistance Act, S. 1283, also contains provisions along these lines, such as advocating counseling and job placement services for family members, as well as the creation of an ombudsman's office which will provide support to members and their families.

So, once again, I commend Senator CLINTON for her initiative in getting this bill on the Family Medical Leave Act introduced and I concur again with the Senator from Connecticut. I hope this legislation is completed before we leave here in the next couple of days.

The global war on terror has brought recognition of the enormous impact of two previously silent and little-noticed conditions to the forefront: post-traumatic stress disorder and traumatic brain injury. Accordingly, both the Commission and the Wounded Warrior bill address these issues. The Dole-Shalala report advocates the most aggressive treatment for both conditions by the DOD and the VA, and also recommends private-sector involvement to capitalize on the most recent and valuable findings and treatments.

Similarly, the Wounded Warrior bill provides comprehensive and coordinated policies between DOD and the VA on PTSD and TBI. The Wounded Warrior bill creates a level of accountability for the DOD and VA by requiring an annual report on PTSD and TBI expenditures and reports assessing progress in the overall treatment of these conditions.

The bill also includes a provision I proposed that builds upon a study at Emory University for TBI treatment and the use of progesterone and directs collaboration between DOD and other Federal agencies in TBI-related research and clinical trials.

The approach taken by the Commission and in the Wounded Warrior Act capitalizes on cooperation among Federal agencies, as well as between the Federal Government and private sector. As part of the fiscal year 2008 National Defense Authorization Act, I proposed a sense-of-the-Senate amendment that DOD continue to encourage collaboration between the Army and the VA in the treatment of wounded warriors.

A prime example of this type of collaboration is in Augusta, GA, between the only Active-Duty rehabilitation unit, located at the Augusta Department of Veterans Affairs Medical Center, and the behavioral health care services program at the Eisenhower Army Medical Center at Fort Gordon, GA. This unique, unprecedented collaboration between the Augusta VA and the Eisenhower Army Medical Center has been growing since its inception in 2004, assisted by GEN Eric Schoomaker, now the head of Walter Reed and former commander of the Eisenhower Army Medical Center. Our wounded warriors deserve the best possible care. The recommendations of the President's Commission and the requirements set forth in the Dignity for Treatment of Wounded Warriors Act pave a clear path for the type of medical treatment and support the people defending our Nation deserve.

I am proud to be a cosponsor of the Wounded Warrior Act, unanimously approved by the Senate. I am pleased with the comprehensive recommendations provided by Senator Dole and Secretary Shalala. I especially thank the servicemembers and their families who have shared openly and bravely about their experiences to this body as well as to the Commission. Their stories made the need for this reform real to all of us, and their experiences can help us transform the quality of military health care. Doing so will be one small way of saying thank you to the men and women in the U.S. military for their service and their sacrifice.

Mr. President, I ask unanimous consent that I have 2 additional minutes to address the bill before the Senator from New York is recognized.

The PRESIDING OFFICER (Mr. CASEY). Is there objection?

Without objection, it is so ordered.

Mr. CHAMBLISS. Thank you, Mr. President.

Mr. President, I would like to address the State Children's Health Insurance

Program, the bill that currently is before the Senate. I have been a strong advocate of this particular program. We, in Georgia, I think, have one of the model SCHIP programs in the country. We call it PeachCare. It provides health insurance to 290,000 uninsured poor children in my State. We cover no adults in Georgia. Every single dime that is spent on this program in Georgia is spent on children, and that is the way it should be.

That is one of the problems I have with the reauthorization of this bill as it came out of committee. It does three things that really bother me.

First of all, the bill that came out of committee does not take all parents off of coverage under the SCHIP program on a national basis. It does remove, over a 2-year period, all adults who are not parents of some of the children who are eligible for this particular subsidy, and that is good. The problem is, it still covers any number of adults. This is a children's program, and that is where the money ought to be spent. Every single dollar we spend on an adult takes money away from children.

Secondly, under this bill, States are authorized to go up to 300 percent of the Federal poverty level for coverage. The previous bill authorized up to 200 percent of the Federal poverty level. In Georgia, we are at 235 percent of the Federal poverty level, which means that a family of four making $48,000 is eligible for coverage under our PeachCare program.

Unfortunately, once you reach the level of 300 percent of the Federal poverty level, you are at almost $62,000 for a family of four in income, and you are still eligible under this program.

Lastly, I would simply say the bill out of the Finance Committee is financed by the creation of new and additional taxes. I think the American taxpayers—I do not care in what form the taxes are—are already an overburdened group of citizens.

From the standpoint of trying to find funding for this program, the Lott amendment did exactly what we needed to do in Georgia to cover all 290,000 of our existing children who are covered, plus all who will be coming on within the next 5 years, which is the term of this bill.

Senator LOTT found offsets in his amendment that would not have required the raising of any taxes to cover those children. That is the type of sensible approach that should have been taken. I regret that it did not pass.

Unfortunately, I am not going to be able to support this bill in its current form.

With that, Mr. President, I thank the chairman for being generous, and thank the Senator from New York for allowing me to extend my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time until 4:30 p.m. today be for debate with respect to the amendments listed below, and that they be debated concurrently; that all time be between the managers; that no amendments be in order to any of the amendments covered in this agreement prior to the votes; that the votes with respect to the amendments occur in the order in which the amendments are listed here; further that after the first vote, the time for votes be limited to 10 minutes, and there be 2 minutes of debate prior to each vote; and that at 4:30, the Senate proceed to vote in relation to the amendments; that the Graham amendment No. 2558 be modified with the changes at the desk; that Senators KYL and GRAHAM be recognized respectively at 3:45 and 4 p.m. The amendments are Specter amendment No. 2557, Graham amendment No. 2558, Ensign amendment No. 2540, Thune amendment No. 2579, and Kyl amendment No. 2537.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, it sounds as if maybe what I understood—what I have here that was going to be in the agreement—was altered a little bit when the Senator read the UC. For instance, on the third line, beginning after the semicolon: "that all time be between Senator BAUCUS and amendment sponsor; that no amendments be in order to any of the amendments"—is that the way you read it?

Mr. BAUCUS. Yes—well, I struck some of those words you read and inserted "the managers." The thought was, it gives more flexibility so the two managers of the bill could then work with the sponsors of the amendments to allocate time. Some may want to speak longer than others. I felt that was just a way to better organize the time.

Mr. LOTT. I just want to make sure the manager on this side really wants to work with the sponsors of these various amendments.

Mr. BAUCUS. I am sure he does.

Mr. LOTT. Well, I am not sure he does. That was the point. But I just wanted to get that clarification.

With that clarification, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2558), as modified, is as follows:

Beginning on page 218, strike line 5 and all that follows through page 220, line 2, and insert the following:

(a) CIGARS.—Section 5701(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking "($1.594 cents per thousand on cigars removed during 2000 or 2001)" in paragraph (1) and inserting "($50.00 per thousand on cigars removed after December 31, 2007, and before October 1, 2012)",

(2) by striking "(18.063 percent on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "(53.13 percent on cigars removed after December 31, 2007, and before October 1, 2012)", and

(3) by striking "($42.50 per thousand on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "($10.00 per cigar removed after December 31, 2007, and before October 1, 2012)".

(b) CIGARETTES.—Section 5701(b) of such Code is amended—

(1) by striking "($17 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (1) and inserting "($50.00 per thousand on cigarettes removed after December 31, 2007, and before October 1, 2012)", and

(2) by striking "($35.70 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (2) and inserting "($104.9999 per thousand on cigarettes removed after December 31, 2007, and before October 1, 2012)".

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking "(1.06 cents on cigarette papers removed during 2000 or 2001)" and inserting "(3.13 cents on cigarette papers removed after December 31, 2007, and before October 1, 2012)".

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking "(2.13 cents on cigarette tubes removed during 2000 or 2001)" and inserting "(6.26 cents on cigarette tubes removed after December 31, 2007, and before October 1, 2012)".

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking "(51 cents on snuff removed during 2000 or 2001)" in paragraph (1) and inserting "($1.50 on snuff removed after December 31, 2007, and before October 1, 2012)", and

(2) by striking "(17 cents on chewing tobacco removed during 2000 or 2001)" in paragraph (2) and inserting "(50 cents on chewing tobacco removed after December 31, 2007, and before October 1, 2012)".

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking "(95.67 cents on pipe tobacco removed during 2000 or 2001)" and inserting "($2.8126 on pipe tobacco removed after December 31, 2007, and before October 1, 2012)".

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking "(95.67 cents on roll-your-own tobacco removed during 2000 or 2001)" and inserting "($8.8889 on roll-your-own tobacco removed after December 31, 2007, and before October 1, 2012)".

Mr. BAUCUS. Mr. President, it is my understanding under the previous order Senator CLINTON is the next to be recognized.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I thank Chairman BAUCUS, and I thank both Senators DODD and Senator CHAMBLISS for their vigorous explanation and advocacy of the bill which we have introduced that we are proposing to have as an amendment to the current legislation pending before the Senate because we think the duty to honor our veterans, our servicemembers, and their families is urgent. This is a duty we take very seriously.

Clearly, based on the recently released report by the Commission on Care for America's Returning Wounded Warriors, chaired by former Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala, it is a matter of grave urgency for our Nation to do everything we can to improve support for our servicemembers and veterans.

The Commission found that one of the most important ways to improve that care is to improve support for families. That is why Senator DODD and I have offered an amendment to the CHIP legislation, the Support for Injured Servicemembers Act.

We are proud to have the bipartisan support of Senators DOLE, GRAHAM, MIKULSKI, CHAMBLISS, BROWN, SALAZAR, CARDIN, MENENDEZ, KENNEDY, BOXER, and JACK REED because this is a matter that goes way beyond politics as usual. It is certainly way beyond partisanship.

During the course of the Dole-Shalala Commission work, they showed what many families across the country already knew, that the Family and Medical Leave Act—which Senator DODD worked so hard on for so many years, and which was the first piece of legislation signed by my husband—has been a godsend to 60 million Americans over the course of the last years—people taking care of newborn babies, a family member with an accident or illness, caring for an aging relative. It has made it possible for so many Americans to balance the difficult responsibilities of family and work.

But what has been abundantly clear—with all of our wounded warriors returning from Iraq and Afghanistan—is it has not been sufficient for family members to care for those young servicemembers who have sustained a combat-related injury.

Currently, spouses, parents, and children can receive only 12 weeks of leave under the Family and Medical Leave Act. All too often, as we have now learned, that is insufficient, as injured servicemembers grapple with traumatic brain injuries, severe physical wounds, learning how to use a prosthetic, trying to understand what post-traumatic stress disorder means to them and to their futures. Indeed, family members have dropped everything. They have tried to be at the bedside, stayed in the area to help their loved one, given up jobs even. That seems to us to be more than the sacrifice their loved one has already made demands.

Imagine if your husband or your wife or your son or your daughter had been injured. You would want to be with them. You would want to take care of them. But you would not want to lose your job in the process. It is not a choice that military families should have to make. Therefore, that is why we are asking our colleagues to join with us to pass the Support for Injured Servicemembers Act, and to allow us to fulfill this duty we all feel to our military families.

I appreciate very much Senator DODD's leadership on this issue for many years, and on this particular piece of legislation. We invite even more cosponsors from both sides of the aisle to join us, and we hope we will have a vote on this legislation before we leave, before we finish the CHIP legislation, so we can go home and tell military families that help is on the way.

Thank you very much, Mr. President.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I see the Senator from Texas is seeking recognition. I ask unanimous consent that she be allowed to speak next for—10 minutes?

Mrs. HUTCHISON. Mr. President, 10 minutes would be fine. I ask to bring my amendment up, set aside the pending, and continue to speak.

Mr. BAUCUS. Certainly.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2620 TO AMENDMENT NO. 2530

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2620 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 2620 to amendment No. 2530.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 2620

(Purpose: To increase access to health insurance for low-income children based on actual need, as adjusted for cost-of-living)

Strike section 110 and insert the following:

SEC. 110. COVERAGE FOR INDIVIDUALS RESIDING IN HIGH COST AREAS WITH FAMILY INCOME ABOVE 200 PERCENT OF THE FEDERAL POVERTY LINE.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) COVERAGE OF INDIVIDUALS RESIDING IN HIGH-COST AREAS.—

"(A) IN GENERAL.—For fiscal years beginning with fiscal year 2008, a State shall receive payments under subsection (a)(1) with respect to child health assistance provided to an individual who resides in a high cost county or metropolitan statistical area (as defined by the Secretary, taking into account the national average cost-of-living) and whose effective family income exceeds 200 percent of the poverty line (as determined under the State child health plan), only if such family income does not exceed 200 percent of the poverty line as adjusted for the cost-of-living in the State under subparagraph (B)).

"(B) ADJUSTED POVERTY LINE.—The Secretary shall adjust the poverty line applicable to a family of the size involved with respect to each State to take into account the cost-of-living for each county or metropolitan statistical area in the State, based on the most recent index data from the Council for Community and Economic Research (previously known as the American Chamber of Commerce Research Association),the 2004 Consumer Expenditure Survey of the Bureau of Labor Statistics, and the Bureau of Economic Analysis of the Department of Commerce.".

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting "or subsection (c)(8)" after "subparagraph (B)".

(c) REGULATIONS.—Not later than 90 days after the date of enactment of this subparagraph, the Secretary shall promulgate interim final regulations to carry out the amendments made by subsections (a) and (b).

Mrs. HUTCHISON. Mr. President, I rise today to offer an amendment that would help address what some view as a serious problem in the underlying legislation, and what others might view as a matter of fairness in the underlying legislation.

The purpose of the SCHIP program is to provide health insurance benefits to children in families who make too much to qualify for Medicaid but not enough to afford private insurance. We define that criteria as families up to 200 percent above the Federal poverty line. The current Federal poverty line for a family of four is $20,650. The Federal poverty line for Hawaii and Alaska is a little higher. Two hundred percent, then, would be $41,300.

My State of Texas maintains its SCHIP program consistent with the original purpose and therefore allows a family of four making $41,300 to qualify for SCHIP coverage. When my constituents see the bill before us allowing families of four making up to 300 percent of the Federal poverty line, which is $61,950, to qualify for Government-supported health care, many believe this is going too far. They certainly take issue with families making up to 400 percent of the poverty line, which would be $82,600, receiving Government-funded health insurance.

I have heard the supporters say that allowing coverage above 200 percent of the Federal poverty line argue that the cost of living in certain areas necessitates higher Federal poverty level coverage. One only has to utilize the various cost-of-living calculators on the Internet such as those found on bankrate.com or CNN/Money to see that a salary in one area of the country can be worth a very different amount than in another. The cost-of-living calculators adjust income by comparing the cost of housing, utilities, and transportation, all of which have a significant impact on the actual need of the family.

For example, in this chart, you see that the cost of living in Austin, TX, would be $40,000, whereas after you add housing, utilities, and transportation, if you compare that to the cost in Washington, DC, it would be $58,697, or rather the salaries would be commensurate after you add the cost-of-living indicators in it.

The bill before us does not make a direct connection between the cost-of-living standards and approvals of SCHIP plans beyond the 200 percent Federal poverty line restrictions. It doesn't seem right to arbitrarily allow coverage of families beyond 200 percent of the Federal line if there is no relationship to the cost of living. If $41,300 of family income in one State is equal to a higher amount in another due to a cost of living that exceeds the national average, my proposal would accommodate that. Why don't we say in this legislation that similarly situated families will be treated similarly. That is what my amendment would do.

Under my amendment, the Secretary of Health and Human Services will be required to factor in the cost of living in States that are seeking to cover families above 200 percent of the poverty line. Utilizing the most recent index data from the Council for Community and Economic Research, the Bureau of Labor Statistics and the Bureau of Economic Analysis, the Secretary shall adjust the Federal poverty line throughout specific areas in those States that reflect the actual cost of living in those specific areas. The Secretary could then approve families up to twice the new adjusted Federal poverty line, accounting for a higher cost of living in that area.

The Secretary would break down the analysis by county or metropolitan statistical area to ensure that States with high-cost areas in some parts of the State and low-cost areas in other parts of the State would not receive the same amount. This does what I think everybody has said we need to do, and that is adjust if there is a cost-of-living increase, but not lump it State by State.

In my State of Texas, there will be metropolitan areas with a higher cost of living. So if my State wanted to go above the 200 percent, the Secretary could factor in where there needed to be an adjustment. If it were over the 200 percent in a metropolitan area such as Dallas, it might be a different calculation than if it is in a rural area, say Lubbock. This seems to me to equalize the unfairness of a whole State getting the higher rate through a waiver which the bill before us is trying to mitigate by putting a limitation on the percent above the poverty line that a State may go, but why not do it by SMSA—the Statistical Metropolitan Area—or by county, where you can get the adjustment that is right and fair.

My amendment is very simple. The 200 percent of the poverty line, when adjusted for the cost of living in a specific area, could equal $45,000, it could equal $50,000, or it could be right at the poverty line. If you needed to go above it, the Secretary would be able to say in New York City, for instance, there should be an adjustment, but in upstate New York, perhaps not.

So this is the amendment. I think this brings reasonableness, rationality, and equity to approvals beyond the nonadjusted Federal poverty limits. If you do not go above the 200 percent which is in the law, you would never have to make these adjustments. There are certainly metropolitan areas that have a legitimate claim to a higher cost of living, but it does not necessarily mean the whole State should be given that kind of adjustment, and it would be more reasonable for the taxpayers throughout America to know that the people were getting the adjustment if they needed it, but not if they didn't.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON. Thank you, Mr. President.

I thank the Senator from Connecticut also for the process, and I certainly would urge my colleagues to support this amendment, which I think is what should end up in the final bill. It is simple, it is clear, and it is fair.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask that the time consumed by the Senator from Texas be charged against the time controlled by the minority, and further, that the time for the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. LOTT. Mr. President, I yield 5 minutes from our side. Is that sufficient time, I ask the Senator?

Mr. ENSIGN. If I need more time, I will ask for it.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2540

Mr. ENSIGN. Mr. President, I wish to talk about my amendment. My amendment says that the Children's Health Insurance Program, which is designed to cover low-income children, should first cover low-income children. Many of the States today are covering nonpregnant adults and I believe this is at the expense of low-income children. This program is called the State Children's Health Insurance Program and it is called that for a reason. It is supposed to be for low-income kids. It was not intended for nonpregnant adults.

My amendment says that you cannot cover nonpregnant adults until you cover 95 percent of the targeted low-income children's population. Some States have extended their SCHIP coverage to nonpregnant adults. According to the Government Accountability Office, SCHIP covered 6 million individuals, including more than 600,000 adults in the year 2005. This means that 1 out of every 10 people covered by SCHIP was an adult. GAO indicated that in Wisconsin, two-thirds of the total SCHIP enrollees in 2005 were adults. Almost half of the enrollees in Rhode Island were adults. It also found that shortfall States are likely to cover a high proportion of adults.

The GAO wrote:

> Adults accounted for an average of 55 percent of enrollees in shortfall States, compared with 24 percent in nonshortfall States.

Covering adults is not the primary purpose of SCHIP. I am seriously concerned that nonpregnant adults may be benefitting from SCHIP funds at the expense of low-income children. We need to refocus the SCHIP program to its original intent—to make low-income children the priority. My amendment today will ensure that SCHIP funds are used to provide health insurance coverage to low-income children. In my opinion, that is the intent of the original law and the way in which SCHIP dollars should be allocated.

This proposal does not deprive States of Federal dollars. What it does say is that a State can't use its SCHIP money to provide health benefits to nonpregnant adults until it has enrolled 95 percent of its targeted low-income children.

We have heard a lot about the need to cover low-income kids, about keeping them healthy, and giving them a chance in life. If the States aren't forced to cover 95 percent of the low-income kids first, they will continue the current policies and many low-income kids won't be reached out to and brought into the SCHIP program. If we require the States to cover 95 percent of low-income kids, we will be amazed at how many of these kids the States will find.

I believe it is important for us to adopt this amendment. If we are going to expand SCHIP, let us make sure low-income children are the priority.

Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, a couple of words with respect to the amendment offered by the Senator from Nevada. I might as well finish them now.

since he spoke. Basically, his amendment means that no State, after the date of enactment, could provide for adults—childless adults or parents, parents of kids. No State. That is what this is.

I also point out that the standard of 95 percent is an impossible standard. No State can meet that standard. There is no State in the Nation that could meet 95 percent. We have mandatory driver's license requirements in States, and even those mandatory requirements average, nationwide, about 85 percent. That is mandatory, and we are talking about something voluntary here.

So no State can possibly reach 95 percent compliance, which would mean, at the beginning of the date of enactment, all adults would be off—right now, immediately; all parents off—right now, immediately. And I don't think that is what we want to do. Why? Because the administration has granted lots of waivers to a lot of States for a lot of adults, and States are reliant on them.

In this legislation, over a 2-year period, we are stopping that, but we give States 2 years to stop providing coverage for childless adults and for parents. States can provide for parents with those waivers, but it is written in a way to discourage the use of CHIP money for parents unless States go the extra mile and seek out more low-income kids to provide coverage for them.

The legislation before us is a good compromise, but the amendment offered by the Senator from Nevada is way too Draconian. I might also add that all experts say if you cover parents, you will cover more kids. If you don't cover more parents, you are going to cover fewer kids. There is a very strong correlation between health insurance coverage for parents and parents getting good health care for their children. Put in reverse, there is a strong correlation of parents who do not have health insurance—we are talking low-income families here—who will not provide good health care, on average, for their kids.

On the basis of policy, I don't think it is a good idea. It totally disrupts the compromise worked out on both sides of the aisle on this legislation. Senator GRASSLEY, Senator HATCH, myself, and Senator ROCKEFELLER worked very hard to get a compromise here. This legislation starts to squeeze down on adults, but it doesn't cold turkey say no. That would be unfair, especially with respect to parents, because parents who have health insurance themselves will tend to provide better health care for their kids.

When the appropriate time comes to vote on this amendment, I think the right thing to do would be not to support this amendment because of the reasons I indicated.

I yield the floor.

Mr. LOTT. Mr. President, I don't believe there is any other Senator wishing to speak right now, so I will rise in support of the amendment by the Senator from Nevada, Mr. ENSIGN.

I believe that Senator BAUCUS, Senator GRASSLEY, Senator HATCH, and those who put together this compromise did want to try to begin to get some control on the explosion of this program. But there are a lot of others who don't want to do that. They want it to go the other way.

Yes, the administration is to blame for a lot of the problems here. They granted the waivers for these States, and they shouldn't have. They started granting waivers for higher and higher and higher income children to be covered, for adults to be covered—and not just pregnant mothers but parents and, in some States, even beyond that.

As I have said before, there is no "A" in SCHIP. It is the State Children's Health Insurance Program—for children, SCHIP as we refer to it here in this Chamber. But I do have every reason to believe there are many who fully intend for this program, the CHIP program, to be the program that covers not only low-income children, middle-income children, but all-income children and adults. That is the goal here.

I voted for this program 10 years ago because I thought there was a need to make sure that truly low-income children had access to health care. A lot of them were not covered, obviously, by private insurance or Medicaid, and I thought there was a need to address this particular area. But it is like so many Washington programs; once they get started, they never end. And once they get started, they grow and grow and grow.

Who is going to help get a grip on this program? Who is going to pay for this program? This is a $60 billion, 5-year program this bill would provide for—the underlying bill. The House just passed a bill that I think is close to at least $80 billion over the next 5 years. They pay for it in the House partially by taxes but also by cutting Medicare. So we are taking elderly off of the Medicare Program so we can put more money into the SCHIP program not just for low-income children but for middle-income children and for adults.

I think the Senator is absolutely right. Let us make sure these States provide at least 95 percent of what they are supposed to supply to the low-income children before any adults can get in it. Yes, they will have to take adults off. Exactly. They should have to. They should have never put them on there.

Now, again, I acknowledge we are hopeful this bill will begin to get this under control. It does take away the waiver that is being used, and has been abused by this administration. But I cannot believe that Senators are ignoring the fact that this program is being exploded, covering people who were never intended to be covered, and paying for it by damaging low-income people or elderly people.

I am glad we have this amendment. If we could at least get the adults off this program, even if it does cover some increased level of children below the 200 percent of poverty, I could see that it would be more acceptable. But that is not what this does.

I fear what is going to happen in conference. I don't know, maybe the Senator from Montana and Senator GRASSLEY can sit there and say, oh, no, no, no, we are not going above what we passed in the Senate. But I think the reverse is going to be true. This is the base. The $60 billion is the beginning. It is obvious, if you have a classic conference, which we are not going to have, and we are at $60 billion and the House is at $80 billion, what is it going to be? Oh, $70 billion. That is the way it works around here. That is the way it used to work, although we don't have conferences anymore now. We dished up a product such as we had on this lobbying and ethics fiasco a while ago.

I don't know how we get through this and help the people we want to help, intend to help, and keep it from covering more and more children and more and more adults. If we want to go to Washington bureaucratic-controlled and managed health care, if we want to go ahead and go to Government-run socialistic medicine, fine, this is it. This is the way it is going to happen.

A few years ago, there was an attempt to come in the front door and say, oh, no, we are only going to provide free health care to everybody. It failed miserably, right here. And by the way, it failed in August of that year, I believe it was 1993. Well, here we are coming through the back door this time. And incredibly, even my colleagues on the Republican side of the aisle are buying this deal.

I will be back. I don't know whether I will be on the floor of the Senate, but I will be back in years to come and say, I warned you. This thing is going to continue to grow. It won't be $60 billion, $70 billion, or $80 billion, it will be $140 billion over 10, or more.

I appreciate the amendment Senator ENSIGN came up with. I support it, and I hope we can pass it. And I wish the managers good luck in trying to keep control of this thing. If you pull it off, even though I still think you have way too big a program here, I will be first in line to congratulate you if you can hold it to where it is now.

I yield the floor.

Mr. BAUCUS. Mr. President, the Senator is always interesting, sometimes entertaining, but the Senator from Mississippi raised a couple of good questions. The real question is what are the answers to the questions.

One question is, what about adults? This is a children's program, and I think most Senators react a little adversely to covering adults. This Senator does too. It is a children's program, not an adult program. The Senator acknowledged graciously that most of the adult coverage problem is due to waivers this administration has given the States. The States want to cover adults. Why do they want to cover adults? Well, basically, because of the match rate, the money the States get under the Children's Health Insurance Program is higher, so they want to cover adults. What we are trying to do is figure how are we going to put the lid back on this. That is what we are trying to do here. It probably gets to the question of what is a fair transition period. What is the fair way to wean the States off of covering adults?

I guess it is important to remember there are a lot of people, adults out in the country who are getting health insurance, and they do not know what we are debating here in Washington, DC. They do not know the difference between CHIP, Medicaid, and match rates. All they know is they are getting some health insurance. And I don't know if it is right to just willy-nilly, automatically, cold turkey cut them off entirely, because they are depending on it.

I do think it is right, however, to wean States off this, and the States can, when their legislatures meet, figure out ways to cover adults they wish to but not on this program. That is what we are doing. That is what this legislation does. It says in the first year you can get a free ride, but in the second year your match rate is way down to the Medicaid match rate, which is basically about 30 percent less than the match rate under the Children's Health Insurance Program. A 30-percent cut will have a real effect on a lot of these States and discourage them from proceeding further.

In addition, legislation not too long ago repealed waivers so the States could no longer apply for waivers to get childless adult coverage. So question No. 1 is, what is the right thing to do about some States adding adults? Let us not forget, 91 percent of beneficiaries under the Children's Health Insurance Program today, 91 percent, are kids under 200 percent of poverty. Today. The vast bulk are kids. So when we talk about adults, we are talking about less than 9 percent, because some States have up to 200 percent of poverty. We are talking not too many people when we are talking about adults. This is kind of a philosophical question as much as anything else.

What is the best way to put the lid back on the can, to keep States from providing it for too many adults? We think we have a fair way to do it, as I just described, a fair transition period, and that is why we negotiated out this position.

Point No. 2 is, what is going to happen in conference. I have no idea. Senators know there are lots of ways to skin a cat around here. On the surface it looks like maybe if the Senate and House go to conference on these two bills—the Senate bill is much less, the House bill is much larger. They contain the Medicare provisions, physicians update provisions, and they are two different animals. When that happens, generally some other solution presents itself. That is why I say to my good friend from Mississippi, I hear what he is saying about the views of many Senators who do not want the conference report to come back with a number that is too difficult for many Senators to swallow, especially on the Republican side of the aisle. But I also say to my good friend, there are ways to do this. We may not go to conference exactly; the House may send back something else, maybe just a CHIP bill, and we will do the physicians update at a later date. There are many kinds of ways to do things around here.

Our goal is to help low-income kids who do not have insurance today so a few more get it. This is not a huge, massive expansion. This has nothing to do with national health insurance, none of that.

We are saying: Here is a program passed in 1997, it is bipartisan, Senators on both sides of the aisle like this program, there have never been any problems with it, it has worked real well, it just came up with reauthorization. The only slight problem is waivers for adults, but we are managing that. That is not a big deal. We can take care of that. So let's just reauthorize it, give it a little bump up to help a few more—not a lot, a few more kids get health insurance, and it costs a few dollars because health care costs are going up so much in this country.

While we are helping a few kids get health insurance, at a later date, next year, the following couple of years—clearly, Congress has to address the rising cost of health insurance in this country. But as a bottom line, this is a good thing to do, to help low-income kids get some health insurance.

Let's remember, in the United States of America there are about 48 million people without health insurance. We are the only industrialized country with that many people without health insurance. It is an outrage. The very least we can do is help our kids get some health insurance, particularly those who are low-income kids. That is what we are trying to do in a fair and reasonable way.

Mr. DORGAN. I wonder if the Senator from Montana will yield for a question?

Mr. BAUCUS. I am honored to yield to my friend from North Dakota.

Mr. DORGAN. As I understand it, this legislation is paid for. The Finance Committee reported out a piece of legislation to provide health care coverage for about 3 million more children, and it is fully paid for; is that correct?

Mr. BAUCUS. That is correct.

Mr. DORGAN. I don't know what is in second place with respect to what is important in people's lives, but if your children are not in the first place, something is wrong. Everybody who is a parent ought to understand the priority is your child—the children of this country.

I ask the Senator from Montana, the circumstances are that we have a lot of people in this country who do not have health insurance coverage. We have substantial problems with respect to dramatically increasing costs of health care. The fact is, we have sick kids in this country who do not get health care. They ought to get health care, but they do not because their parents do not have enough money in their pocketbook or their checkbook, and they are worried what it is going to cost if they take their kid to the doctor.

One of my colleagues and I held a hearing a couple of years ago, and a mother held up a poster with a colored picture of her son. He was dead. He died because he didn't get the health care he needed when he needed it. The fact is, that is happening in our country and, I say to my colleague from Montana, this is not a giant leap forward, but it is a significant step, to say we can do this. We can help children. We can provide health insurance for children who do not have it. We can fully pay for that bill, as the Senator from Montana has done, and his colleagues in the Finance Committee.

I ask my colleague, this is not a health insurance bill that is going to cover all Americans, that is going to dramatically expand, is it? Isn't this just a piece of legislation that takes a step forward in saying to 3 million kids that the days they are sick, no longer will their parents have to make a decision about whether they can afford to take them to a doctor? Isn't that what this is about?

Mr. BAUCUS. The Senator is correct. But not only is it 3 million, it is 3 million low-income kids.

Mr. DORGAN. If I might further inquire, that answer means these are kids who come from families who do not have the resources?

Mr. BAUCUS. And they usually do not have health insurance because they can't afford it, even if their employer provides it.

Mr. DORGAN. Further inquiring, in circumstances where they might believe they have no choice, they don't have any money, and they have a desperately sick child, they are going to show up in an emergency room. If that emergency room doesn't turn them away—and some will—that child will get the most expensive or the costliest health care because that is where it costs the most to provide health care—in the hospital emergency room. That is why this approach is so important.

I hear people say, what a radical thing to do, what an awful thing to do. This ought to be considered a baby step forward, but an important baby step, nonetheless, in doing what we are required to do in this country. Again, that is putting our children first, especially putting sick children first, sick children who come from families that do not have the money to find a way to get them to the doctor. That is what this is about. This ought to be a no brainer.

One final question, if I might. We have been on this for a while, and it has been a wide open discussion, and there have been a lot of amendments. I believe we have four or five additional votes scheduled at 4:30 today. I would like to inquire, what next? What do we anticipate? How many additional amendments might exist?

I hope we can work through this. It is a bipartisan bill. It makes so much sense. What does the Senator from Montana anticipate after the next batch of votes?

Mr. BAUCUS. Mr. President, I expect, frankly, the Senate will finish tonight, late tonight, and get this legislation passed—as well it should. In addition to the five amendments pending beginning at 4:30, there could be at least about 10 more later today—maybe a package about 8:00, another about 10 o'clock, something like that. My hope is some of those will not all be offered.

Mr. DORGAN. It is important to finish the bill tonight. It is a bipartisan bill with strong support. It is a matter of giving everybody an opportunity to offer their amendments, which we have done. At that point I think it will be a significant achievement for all Americans, what we have done for poor, sick children in this country. I thank my colleague from Montana for the leadership he and Senator GRASSLEY and so many others have shown on this bill. This is a very important step for this Congress.

Mr. BAUCUS. Mr. President, I don't know if we have much time left. I am trying to figure out how much time we have.

The PRESIDING OFFICER (Mr. WEBB). Each Senator has 3 minutes remaining.

Mr. CONRAD. Will the Senator yield?

Mr. BAUCUS. Sure. How about 3 minutes?

Mr. CONRAD. If I could ask the Senator a question or two?

Mr. BAUCUS. Sure.

Mr. CONRAD. I was listening to the floor earlier today. I heard colleagues say this SCHIP program is a first step toward socialized medicine. Is this Children's Health Insurance Program a new program?

Mr. BAUCUS. I say to my good friend, this is not a new program. We are just reauthorizing a current program. It is not new.

Mr. CONRAD. How many children are covered under this program?

Mr. BAUCUS. Currently, there are about 6.6 million children covered.

Mr. CONRAD. As I understand it, this would add several million children?

Mr. BAUCUS. About 3.3 million, roughly.

Mr. CONRAD. About 3.3 million, and there are already 6 million. I am wondering if they are suggesting this program should be eliminated, which would mean 6 million children currently covered would no longer be covered?

Mr. BAUCUS. Actually, the Senator is making another point, which is about 6 million kids are eligible today under the current law but just are not covered. So we are saying we are not increasing the eligibility, we just want to help give a little stimulus so those who are currently eligible but not covered—a few more of them will be covered by health insurance.

Mr. CONRAD. Is it my understanding the American Medical Association has endorsed this legislation?

Mr. BAUCUS. The Senator is correct. There are many medical associations that support this bill.

Mr. CONRAD. Does the Senator know of anytime in the history of this country where the American Medical Association has endorsed socialized medicine?

Mr. BAUCUS. I don't know if I want to answer that question, because I can think of one major bill that many thought was socialized medicine but they now strongly support.

Mr. CONRAD. I just say the argument being made out here is one of the most far-fetched arguments I have seen on this floor; No. 1, that this is somehow socialized medicine. Isn't this care provided by private doctors?

Mr. BAUCUS. That is a very good point. I might say, this legislation received endorsements from over 50 different organizations, major organizations—AARP, pharmaceutical companies, the American Medical Association. This bill has wide endorsements.

As the Senator has just implied—yes, this program says: OK, States, you figure out how you want to administer it. It is up to you, the States, not Uncle Sam.

Most States say we are going to utilize health insurance companies, private health insurance companies to administer this, with copays and deductibles, and so forth.

Mr. CONRAD. The fact is, this care is provided by private physicians using private insurance companies, endorsed by the American Medical Association and many other national organizations, including many business organizations; is it not?

Mr. BAUCUS. That is correct. This legislation also provides assistance for States to provide—the fancy term is "premium assistance"; that is, to help families pay the insurance companies.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, there are now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2557 offered by the Senator from Pennsylvania, Mr. SPECTER.

Who yields time?

Mr. BAUCUS. Mr. President, we have five votes now. Senator SPECTER is detained. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the first amendment we vote on in the package would be the Kyl amendment. I see Senator KYL on the floor. I make that request that we proceed immediately to the Kyl amendment, with 2 minutes equally divided prior to the vote, and subsequent to the Kyl amendment, that we go back in the same order; that 10 minutes be allotted between votes.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object. Were you making a unanimous-consent request?

Mr. BAUCUS. Yes.

Mr. LOTT. Senator KYL would like to defer to Senator SPECTER, who should be here momentarily. They are all on the Judiciary Committee. He would like to let Senator SPECTER go first, if he could.

Mr. KYL. Mr. President, I appreciate the courtesy. Because we have been held in the Judiciary Committee until now, I was not able to debate my amendment. Given the fact there are not many people on the floor, I would want my 2 minutes when there are people on the floor. For that reason, if we could set it at one of the later votes, I would appreciate it.

Mr. BAUCUS. I appreciate that. I am trying to move this along. The Judiciary Committee did break up some time ago.

Mr. KYL. Thirty seconds ago.

Mr. BAUCUS. No, longer than that.

Mr. KYL. Well, I was there.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I ask for the regular order.

AMENDMENT NO. 2557

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided prior to the vote in relation to amendment 2557 offered by the Senator from Pennsylvania, Mr. SPECTER.

Mr. SPECTER. Mr. President, the core issue is the repeal of the 1993 alternative minimum tax rate increase. The alternative minimum tax was put into effect in 1969 in order to catch people who paid little or no taxes; people in high brackets who had sufficient loopholes to avoid taxation.

Regrettably, it has grown by bracket creep to be very expansive. In 2006, it covered 3½ million people. If it is not changed, it will cover 23 million people this year. The tax was increased in 1993 from 24 to 26 percent for people making under $175,000, to 2 percent more for people in the upper bracket.

This is a matter that can be explained in a minute. It is a tax which never should have occurred, and now we can correct it for the people in the lower brackets.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I very much share the concerns of the Senator from Pennsylvania, I think every Member of this body does. That is, no one wants the Americans who currently do not pay the alternative minimum tax to have to pay it next year. They will have to unless this body, this Congress, makes the appropriate change in the adjustment.

I am fully committed to finding a solution so anybody who has not paid alternative minimum tax in 2006, when he or she files their tax returns next April, does not have to pay it for 2007.

This is not a good solution. Frankly, with this solution by the Senator from Pennsylvania, many more Americans are going to have to pay the AMT; it is not paid for, it is at a cost of about $420 billion.

Therefore, I raise a point of order that the pending amendment violates section 201 of the Senate Concurrent Resolution 21, the Concurrent Resolution on the Budget for fiscal year 2008.

Mr. SPECTER. Mr. President, I move to waive the applicable points of order under the Congressional Budget Act with respect to the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—47

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Leahy
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Warner

NAYS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coburn
Conrad
Corker
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The PRESIDING OFFICER (Mr. TESTER). On this vote, the yeas are 47, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 2558, AS MODIFIED

Under the previous order, there is now 2 minutes of debate prior to a vote in relation to amendment No. 2558 offered by the Senator from South Carolina, Mr. GRAHAM.

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, the Finance Committee's proposal reauthorizing the SCHIP program for 5 years is funded by a permanent tobacco tax increase. That is a $35.2 billion expansion of SCHIP, which is above the $25 billion in the baseline budget. The money for this comes from a cigarette tax increase of 61 cents to $1 per pack. There will be a tax increase on cigars by 53 percent, with the sales price up to $10 per cigar.

Despite being a 5-year reauthorization, the tax part of it goes in perpetuity. So it is a very simple amendment. When the program itself is sunset to be reviewed, let's sunset the tax part of it to be reviewed. That is all it is. If you are going to sunset the program, sunset the tax increases and make an intelligent decision at that point.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator clearly described his amendment. There is a slight problem that the cost of about $36 billion over 10 years is not paid for. I think we should adhere to the Budget Act and pay for provisions we enact.

So, Mr. President, I raise a point of order that the pending amendment violates section 201 of Senate Concurrent Resolution 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. GRAHAM. Mr. President, I move to waive the applicable points of order under the Congressional Budget Act with respect to the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 39, nays 60, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—39

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
McCain
McConnell
Murkowski
Nelson (NE)
Sessions
Shelby
Stevens
Sununu
Thune
Vitter
Warner
Webb

NAYS—60

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Voinovich
Whitehouse
Wyden

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote, the yeas are 39, the nays are 60.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 2540

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate equally divided prior to the vote in relation to amendment No. 2540 offered by the Senator from Nevada, Mr. ENSIGN.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, this amendment is very simple. It says we should focus on low-income kids before adults. The original intention of the program was the Children's Health Insurance Program. This says 95 percent of all of those targeted—whether they are 200 or 300 percent of poverty; whatever your State is—they have to be covered before you can cover nonpregnant adults.

The chairman of the Finance Committee is going to say no State can meet this. Well, if we don't set the goal for them and don't make them meet it, they won't meet it, of course. So if we are going to have a Children's Health Insurance Program, the money should be focused on the children. This says you cannot spend money on the adults unless they are pregnant adults until 95 percent of those targeted kids are enrolled in the program, and that is where the money is spent. I urge the adoption of the amendment.

Mr. BAUCUS. Mr. President, this is a poison pill. The effect of it is to kill this legislation.

The Senator is correct, no State can meet 95 percent. No state currently meets 95 percent. Driver's license participation, which is mandatory and not voluntary, is 85 percent. Participation in Medicare Part D, which is voluntary and not mandatory, is only 56 percent. There is no way in the world any State can meet a voluntary compliance rate of 95 percent, so this is a killer amendment. It kills the bill. It ostensibly applies to adults, but it kills the bill. I urge Senators not to kill the SCHIP program and vote against the amendment.

Mr. ENSIGN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—43

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Dorgan
Ensign
Enzi
Graham
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Sessions
Shelby
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—55

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Domenici
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Webb
Whitehouse
Wyden

NOT VOTING—2

Dodd
Johnson

The amendment (No. 2540) was rejected.

AMENDMENT NO. 2579

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2579, offered by the Senator from South Dakota, Mr. THUNE.

The Senator from South Dakota is recognized

Mr. THUNE. Mr. President, let me start by saying this amendment is not a poison pill. By voting for this amendment, it doesn't impact any other part of the legislation, except to limit the expansion of SCHIP in the following ways:

To show you how expansive in nature this bill is, this bill would not prevent a State, such as New York, from going to the 400 percent of Federal poverty level, which in New York is about $82,000, which, interestingly enough, would subject over 12,000 people in New York—taxpayers—to the alternative minimum tax.

So, essentially, what we are saying is you are poor enough to qualify for SCHIP, but you are wealthy enough to be subject to the AMT.

My amendment says that for children or adults from families with incomes so high they are going to be subject to the AMT, they cannot also be eligible for SCHIP. Families should not be considered low-income for the purpose of receiving taxpayer-funded health insurance and, at the same time, wealthy enough to have to pay the alternative minimum tax.

The Congressional Budget Office scores this amendment as achieving savings because there will be fewer people qualifying for SCHIP than otherwise under this bill.

This helps us get back to the original intent of the bill, which is to cover low-income children, which I strongly support. I hope Members will support the amendment.

Mr. BAUCUS. Mr. President, the Senator raises two issues, the AMT and this legislation. They are two entirely separate, independent issues. We will deal with the AMT at the appropriate time, not on this bill. The AMT is a huge problem. This Congress and the committee are going to, as sure as I am standing here, make sure we have some kind of AMT patch so taxpayers who did not pay the AMT tax in 2006 will not have to pay it for 2007.

We should not try to solve the AMT problem on the backs of the low-income kids. It is wrong, dead wrong. I strongly urge Senators to keep first things first. This is a kids bill, not an AMT bill. We deal with kids today and help low-income kids and we will deal with the AMT at a later date. Believe me, we will find a solution to that.

I urge Senators to keep their eye on the ball with kids and not to support the amendment.

The PRESIDING OFFICER. All time has expired.

Mr. THUNE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—42

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—57

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey

Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 2579) was rejected.

AMENDMENT NO. 2537

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate prior to a vote in relation to amendment No. 2537 offered by the Senator from Arizona, Mr. KYL.

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, my amendment says that the program is implemented as long as no more than 20 percent of the beneficiaries are crowded out of private insurance; in other words, no more than 20 percent of the beneficiaries already have private insurance.

Here is the problem: The Congressional Budget Office says that between 25 and 50 percent of the people who are going to be covered under this program already have private insurance. What is worse, every one of the newly eligible is already insured. In other words, CBO says 100 percent of the newly eligible, the people we are adding to this program, already have insurance. Now why should the American taxpayer have to pay for people who already have insurance?

Surely, in response to the argument of the other side that it is as efficient as we can get, we can be more efficient than 100 percent inefficient. My amendment says that when we get it down to only 20 percent inefficiency, then the program takes effect; in other words, when only 20 percent of the people we are paying for already have insurance.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, this is plainly, simply, clearly a killer amendment. There is no way in the world that CBO can certify 20 percent crowd-out. They cannot do it.

There are many organizations trying to figure out what is the so-called crowd-out rate. They are all over the lot. It is almost impossible to tell what it is. That is the reason for the big range to which the Senator referred. The one to one is not accurate. If you read the CBO table closely and go down to the next line, you will see it is much less, about one-third under the table. There is no way CBO can certify this. It cannot happen.

If this amendment is adopted, you are basically saying no State can have a Children's Health Insurance Program. This is clearly a killer amendment. We should not kill the Children's Health Insurance Program. We should help more kids get health insurance, kids who are not now getting it.

I urge refusal of this amendment.

Mr. President, before we vote, I wish to set up a series of colloquies among several Senators after this vote. I ask unanimous consent that the following Senators be recognized for the following amounts of time on the Lincoln amendment No. 2621: Senator LINCOLN, 5 minutes; Senator NELSON of Nebraska, 3 minutes; and Senator SNOWE, 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—37

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Sessions
Shelby
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—62

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 2537) was rejected.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, I believe under the current agreement, the Senator from Arkansas, Senator LINCOLN, is next. I ask unanimous consent simply to call up an amendment, if there are no objections.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The assistant Republican leader.

Mr. LOTT. Mr. President, I reserved the right to object to make sure I understand what the request is.

Mr. OBAMA. My only request was to call up the amendment so it would be pending. I will not speak any further.

Mr. DEMINT. I ask the Senator to modify his request to allow me to bring up my amendment No. 2755 and allow me 10 minutes to speak.

Mr. OBAMA. I want to make sure I do not leave the Senator from Arkansas waiting. I was not going to speak on this but simply get my amendment pending.

Mr. DEMINT. I will speak afterwards.

Mr. OBAMA. After the existing order? I have no objection to that.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Further reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I will yield to the Senator from Idaho.

Mr. CRAIG. Senator LINCOLN is already under an operative unanimous consent agreement, as I understand it. There is simply a unanimous consent agreement to bring it up. I have been waiting to speak to an issue I think is critical, and I am happy to accommodate, but I wish to be in that mix, if at all possible, for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, if I could, I object. I think we can work this out.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Objection is heard. The regular order is before the Senate.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The regular order is the recognition of the Senator from Arkansas.

Mr. LOTT. Mr. President, as soon as she completes her statement, we can go back and get this worked out.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 2621 TO AMENDMENT NO. 2530

Mrs. LINCOLN. Mr. President, I remind colleagues under the unanimous consent agreement there was also time for my colleague Senator NELSON.

I ask unanimous consent the pending amendment be set aside and my amendment No. 2621 be called up for consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Ms. SNOWE, Mr. NELSON of Nebraska, Mr. BAUCUS, Mr. GRASSLEY, Mr. KENNEDY, Mr. ENZI, Mr. DURBIN, Mr. CRAPO, Mr. SMITH, and Mr. HATCH, proposes an amendment numbered 2621 to amendment No. 2530.

Mrs. LINCOLN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should enact legislation that improves access to affordable and meaningful health insurance coverage, especially for Americans in the small group and individual health insurance markets)

At the end of title VI, insert the following:

SEC. ___. SENSE OF SENATE REGARDING ACCESS TO AFFORDABLE AND MEANINGFUL HEALTH INSURANCE COVERAGE.

(a) FINDINGS.—The Senate finds the following:

(1) There are approximately 45 million Americans currently without health insurance.

(2) More than half of uninsured workers are employed by businesses with less than 25 employees or are self-employed.

(3) Health insurance premiums continue to rise at more than twice the rate of inflation for all consumer goods.

(4) Individuals in the small group and individual health insurance markets usually pay more for similar coverage than those in the large group market.

(5) The rapid growth in health insurance costs over the last few years has forced many employers, particularly small employers, to increase deductibles and co-pays or to drop coverage completely.

(b) SENSE OF THE SENATE.—The Senate—

(1) recognizes the necessity to improve affordability and access to health insurance for all Americans;

(2) acknowledges the value of building upon the existing private health insurance market; and

(3) affirms its intent to enact legislation this year that, with appropriate protection for consumers, improves access to affordable and meaningful health insurance coverage for employees of small businesses and individuals by—

(A) facilitating pooling mechanisms, including pooling across State lines, and

(B) providing assistance to small businesses and individuals, including financial assistance and tax incentives, for the purchase of private insurance coverage.

Mrs. LINCOLN. Mr. President, I ask one more unanimous consent request and that is to add Senator HATCH as an original cosponsor to our amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I am so pleased to be here today, offering this amendment to affirm this body's commitment to move forward with health care reform in the small group and individual markets this year. We certainly know our focus here is on children. We want it to be. We know that is a priority. We know if we take things one step at a time, we do a much better job at it, so we are glad to be here working on children's health care and the availability and accessibility to that.

But we are also excited with the group of Members who have expressed their concern about the small group market, those of our small businesses and our self-employed, and the real concerns and needs they have in terms of access to health insurance. As is evident from this distinguished list of cosponsors joining me in offering this amendment, it is an extremely important issue, one that Members across the political spectrum in this body are committed to addressing in the coming months.

I know this week has been about children's health care, and rightly so. But we must not get ourselves into believing we are nearly done, because we are not. Much more work is required of us to ensure all Americans have access to affordable and quality health care.

There are now approximately 45 million Americans without health insurance. In my home State of Arkansas, 20 percent of working age adults are uninsured. Additionally, more than half of our uninsured workers are employed by businesses with less than 25 employees or are self-employed. These small business employees are almost always in a small group and individual health insurance market, where similar coverage usually costs more than it would in a large group market. Actually, they end up without anything, in terms of health insurance, because it becomes so costly.

Addressing this problem must be a national priority. That is why we have come together as a group. Those who lack health insurance do not get access to timely and appropriate health care. They have less access to important screenings and state-of-the-art technology and prescription drugs.

This is not a new problem and none of us see it as that, but it is a growing problem and it is one that we must address and we must begin to start to find the solution, the solution using new and innovative ideas to this age-old problem. I, along with each of these distinguished cosponsors on this amendment, have been working for a long time, trying desperately to make progress on this issue. We have not all approached it in the very same way, and, no, we have not necessarily seen the same path to a solution, but that is all right because what is important is that through this amendment we are recognizing and affirming our responsibility to come together in a bipartisan way, to use our individual expertise and perspectives, and to find a workable solution that is going to move the ball down the field and start providing real relief for our working families in this great country this year.

I take a moment to thank my partners on this amendment. I thank them for their determination to move forward in a bipartisan fashion, to make real progress on health insurance reform, specifically for small businesses and the self-employed. I thank them for all their tireless efforts, because each person in this cosponsorship list has taken a tremendous amount of their time over the past several years to devote attention to this critical issue: Senator SNOWE, who is on the Senate Finance Committee and also on the Small Business Committee; Chairman BAUCUS and Ranking Member GRASSLEY have been wonderful, in the midst of all the things they have been facing, to work with us as a group to talk about what we can and cannot do in the Finance Committee; Senator BEN NELSON, who has a tremendous history in dealing with this issue, from the perspective of his State but also here on the HELP Committee; HELP Committee Chairman KENNEDY; and Ranking Member ENZI, who comes with tremendous background; and Senator DURBIN and Senator CRAPO, with whom I have worked on so many different issues, as well as Senator SMITH and Senator HATCH.

We have a lot of work to do. I look forward to rolling up my sleeves, along with each of these cosponsors and each of our colleagues, to make the small businesses and the self-employed working families of this country a priority, as we have the children of this Nation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. LINCOLN. I wish to recognize my good friend from Nebraska, Senator NELSON.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska has 3 minutes.

The Senator from Illinois is recognized.

AMENDMENT NO. 2588 TO AMENDMENT NO. 2530

Mr. OBAMA. I ask unanimous consent the pending amendment be set aside so I may call up amendment No. 2588.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA], for himself, Mrs. MCCASKILL, Mr. HARKIN, Mr. KERRY, and Ms. LANDRIEU, proposes an amendment numbered 2588 to amendment No. 2530.

Mr. OBAMA. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide certain employment protections for family members who are caring for members of the Armed Forces recovering from illnesses and injuries incurred on active duty)

At the end of title VI, insert the following:

SEC. _____. MILITARY FAMILY JOB PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Military Family Job Protection Act".

(b) PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING MEMBERS OF THE ARMED FORCES.—A family member of a recovering servicemember described in subsection (c) shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in that subsection, for a period of not more than 52 workweeks.

(c) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering servicemember who is—

(1) on invitational orders while caring for the recovering servicemember;

(2) a non-medical attendee caring for the recovering servicemember; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering servicemember.

(d) TREATMENT OF ACTIONS.—An employer shall be considered to have engaged in an action prohibited by subsection (b) with respect to a person described in that subsection if the absence from employment of the person as described in that subsection is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of the absence of employment of the person.

(e) DEFINITIONS.—In this section:

(1) BENEFIT OF EMPLOYMENT.—The term "benefit of employment" has the meaning given such term in section 4303 of title 38, United States Code.

(2) CARING FOR.—The term "caring for", used with respect to a recovering servicemember, means providing personal, medical, or convalescent care to the recovering servicemember, under circumstances that substantially interfere with an employee's ability to work.

(3) EMPLOYER.—The term "employer" has the meaning given such term in section 4303 of title 38, United States Code, except that the term does not include any person who is not considered to be an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

(4) FAMILY MEMBER.—The term "family member", with respect to a recovering servicemember, has the meaning given that term in section 411h(b) of title 37, United States Code.

(5) RECOVERING SERVICEMEMBER.—The term "recovering servicemember" means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 2621

Mr. NELSON of Nebraska. Mr. President, I rise today, along with my colleague from Arkansas, my friend Senator LINCOLN, to speak on a separate but overlapping issue related to the challenge of providing health care coverage for the 9 million uninsured American children. Our colleagues Senators BAUCUS, GRASSLEY, ROCKEFELLER, and HATCH have forged a bold agreement to cover millions of children through the SCHIP program, the health program for our kids.

However, another problem remains. These children, by definition, live in households that have not been adequately covered by the private market. In fact, of the 45 to 46 million Americans who are currently uninsured, over 80 percent are employed. These people get up every day and work hard to support their families and keep our economy moving forward but are left praying their family doesn't face a bankrupting health crisis. Fifty percent of these Americans work for small businesses with fewer than 24 employees. The small business workforce is especially important in my State, and I know it is critical for many of my colleagues from other States as well.

I applaud the hard work which has gone into SCHIP, and I intend to vote for this important package. But I am also glad we have the opportunity to show our commitment toward providing market-based relief, which will afford additional coverage for the remaining uninsured Americans.

This is indeed one of our country's greatest challenges. I look forward to turning our focus to solutions for small business, alongside the leaders of the Finance and HELP Committees who have joined us today. I thank the floor managers for affording us this time. I am encouraged by the progress made today.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2577 TO AMENDMENT NO. 2530

(Purpose: To amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce)

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending amendment be set aside, and amendment No. 2577 be called up for immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2577.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DEMINT. Mr. President, one of the best ways we can help millions of American children access quality health coverage is to lower the cost of insurance for their families. Two-thirds of the uninsured have income at or below 200 percent of the Federal poverty level, and they cite a lack of affordability as a top reason for why they do not have coverage.

Our Tax Code already discriminates against Americans whose employers do not offer health benefits. I applaud a number of my colleagues, Senator WYDEN, Senator BURR, and many others, who have talked on the floor extensively about how we can equalize the Tax Code and make health insurance available to everyone.

Another driver of rising health insurance prices is excessive State regulation. These State mandates raise the cost of insurance, which, in turn, increases the number of Americans who are priced out of the health insurance market.

Current law traps Americans by only allowing them to buy health insurance in the State where they live. This is not fair, and it makes very little sense in a time when we are trying to lower the cost of health insurance. My amendment, which we call the Health Care Choice Act, will help millions of American children by allowing their parents to shop for health insurance the same way they shop for many other products: online, by mail, over the phone or in consultation with an insurance agent in their hometown.

This amendment will empower consumers by giving them the ability to purchase an affordable health insurance policy with a full range of options. This amendment would reform the individual health insurance market by allowing individuals and families who reside in one State to buy a more affordable health insurance plan that is offered and licensed in another State. That is an important point.

We are not talking about insurance that is not licensed. Every State has regulatory processes, and insurance products would have to be sold under one of those regulatory regimes in one of our 50 States. Health insurance plans would be able to sell their policies to individuals and families in every State, as other companies do in the sale of a wide variety of goods and services in other sectors of our economy.

Under this amendment, consumers would no longer be limited to picking only those policies that meet their States' regulations and mandated benefits. Instead, they could examine the wide array of insurance policies qualified in States across the country.

Consumers could finally choose the policy that best suited their needs and their budget without being tripped up by State boundaries. This approach would provide more choices and more freedom to all Americans. If they want to purchase a basic, low-cost policy without hundreds of benefit mandates that they do not need, they will be allowed to do it.

Likewise, those Americans who are interested in a particular benefit would be allowed to do that as well. The Health Care Choice amendment will help the uninsured find affordable health insurance while also providing every American with better insurance choices. This amendment harnesses the power of the marketplace to allow Americans to tailor their insurance choices to their individual needs. That is something we should all be able to support.

According to the Heritage Foundation, a nonpartisan think tank, this amendment will broaden and intensify competition across health care plans and medical providers, encourage a serious review of existing health care regulations in every State, and expand the choice of millions of Americans of more affordable health insurance policies.

Mr. LOTT. Will the distinguished Senator yield for a question?

Mr. DEMINT. Yes, I will yield.

Mr. LOTT. Mr. President, I am very interested in what the Senator has to say.

Are you telling me that if I am in Mississippi and I want to buy a health insurance policy in South Carolina, I cannot do that?

Mr. DEMINT. You can't. Your State limits you. The way we have this set up federally, there is really no national market for health insurance.

Mr. LOTT. What is the possible explanation for that, or justification?

Mr. DEMINT. I wish I knew. I think many years ago we didn't have a good regulatory structure for insurance. It was provided to the States. But clearly health insurance is an interstate commerce issue.

Mr. LOTT. Absolutely.

Mr. DEMINT. People move all over the place. Companies have offices all over the place. For us to continue to limit the purchase of health insurance to the State one lives in makes no sense.

Mr. LOTT. I certainly agree. I thank the Senator for bringing this to the attention of the Senate.

Mr. DEMINT. I appreciate the question. I appreciate the support of the Senator.

In New Jersey, the average cost for a single person to buy health insurance is over $4,000 a year. Right across the river in Pennsylvania, the average is less than $1,500 a year. This amendment will give consumers the option of buying the health insurance that meets their needs and is right for them, even if it is right across the border. This amendment will result in significant cost savings.

A recent study found that consumers would save an estimated 77 percent in New Jersey, 22 percent in Washington, 21 percent in Oregon, and 16 percent in Maryland, if those States eliminated some of their mandates.

There will also be cost savings from cutting redtape because insurance plans won't have to go through 50 different certification processes.

By mandating benefits, State legislators have swelled the number of Americans without health insurance, making each health policy's coverage very different. They have added things such as acupuncture and marriage therapists and in vitro fertilization, things that may be important to some people but not to everyone. They should not be mandated to everyone.

Finally, this amendment is widely supported by Americans across the political spectrum. A poll conducted by Zogby International in September of 2004 found that 72 percent of respondents support allowing an individual in one State to buy health insurance from another State, if the insurance is State regulated and approved, as it would be under this amendment. The poll showed that only 12 percent of Democrats opposed it.

People understand intuitively that it doesn't matter. As the Senator from Mississippi just said, it doesn't make sense that we limit people to buying health insurance in only one State.

I encourage my colleagues to support the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment is one that certainly cannot be accepted. Essentially, it allows insurance companies to race to the bottom, race to the State with the lowest level of standards of insurance regulation, to market and sell in any State, irrespective of what the standards would be in the other States. I don't think that is good policy. I understand what the Senator is driving at but certainly not tonight. Without a closer examination of what our State insurance regulation policies should be, this is not the time to get into this issue.

Mr. DEMINT. Will the Senator yield for a question?

Mr. BAUCUS. Certainly.

Mr. DEMINT. Are there particular States that you think the regulations are unacceptable for the people who live there?

Mr. BAUCUS. That is up to people in those States and their insurance commissioners, the decisions they make with respect to how their State sets up insurance regulation and sets up insurance commissioners.

Mr. DEMINT. My amendment does not change any of the State regulations. States continue to control their own regulations. It would allow the residents of the State, if they did not feel that the mandates were appropriate for their family needs, to look at another State for a policy where it was also regulated.

Mr. BAUCUS. That is correct. And that is the problem with the amendment. It would encourage companies to race to the bottom. I don't think we want that encouragement. We want a national program.

Mr. DEMINT. I believe we have had a second on a rollcall vote.

Mr. BAUCUS. At the appropriate time, if the Senator wishes to spend more time—I don't know where we are right now, frankly.

Mr. DEMINT. Parliamentary inquiry: I believe we had a second on the rollcall vote.

The PRESIDING OFFICER. The Senator from Montana has the floor. Does he yield?

Mr. BAUCUS. Mr. President, if the Senator would like to have a vote on his amendment, we will at the appropriate time.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Who yields time? Is there further debate?

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2619 TO AMENDMENT NO. 2530

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside, and I call up amendment No. 2619 on behalf of Senators NELSON of Florida and ALEXANDER; that the amendment be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2619) was agreed to, as follows:

(Purpose: To reduce the cap on the tax on large cigars to $3)

On page 218, line 16, strike "$10.00" and insert "$3.00".

AMENDMENTS NOS. 2631 AND 2588 EN BLOC

Mr. BAUCUS. I ask unanimous consent that the following amendments be agreed to: No. 2631 on behalf of Senators DODD and CLINTON, and No. 2588 on behalf of Senator OBAMA en bloc, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2631 and 2588) were agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that at 7:45 this evening, the Senate proceed to vote in relation to the following amendments; that no amendment be in order to any of the amendments listed here prior to the vote; that there be 2 minutes of debate equally divided prior to each vote; that after the first vote, the vote time be limited to 10 minutes; that the amendments be voted in the order listed: Coburn No. 2627, Vitter No. 2596, Allard No. 2535, Hutchison No. 2620, Kyl No. 2562, and Sanders No. 2600.

The PRESIDING OFFICER. Is there objection?

The Senator from Mississippi.

Mr. LOTT. Mr. President, reserving the right to object, I ask only that the Senator include in his request that Senator COBURN have 5 minutes before his vote, which is the first in the group.

Mr. BAUCUS. I amend that to be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 240

Mr. BAUCUS. Mr. President, I ask unanimous consent that at the conclusion of the next group of votes, the Senate proceed to executive session to consider Calendar No. 240, Timothy DeGiusti, of Oklahoma, to be a U.S. district judge; that there be 2 minutes for debate equally divided between the chairman and ranking member; that the Senate then vote on the nomination, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask that at this time Senators KLOBUCHAR and COLEMAN be granted 10 minutes for a colloquy.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Minnesota.

TRAGEDY IN MINNEAPOLIS

Mr. COLEMAN. Mr. President, my colleague, Senator KLOBUCHAR, and I wish to thank our colleagues in the Senate for their thoughts and prayers for the victims in the almost unconscionable tragedy that struck our State yesterday.

We just returned from the scene of an unprecedented disaster in our State's history. As my colleagues have watched on the news over the last 24 hours, one of the busiest bridges in Minnesota—the I-35W bridge near the University of Minnesota in Minneapolis—collapsed into the Mississippi River yesterday evening.

The Mississippi is not just a river in Minnesota; it is our identity. Right near where the bridge went down, in 1680, Father Louis Hennepin, the first European in the region, first spotted the Falls of St. Anthony. A few years earlier, he "discovered" Niagara Falls as well. As the head of navigation of one of the world's great rivers, the Falls of St. Anthony became the focal point for Minnesota's lumber, textile, and flour-milling businesses that put us on the map.

Many Minnesotans have visited the spot far upstream in northwestern Minnesota, where the "Mighty Mississippi" is a little stream, flowing out of Lake Itasca, that you can walk across. It is why we call ourselves the Headwaters State and pride ourselves of being a place of invention and innovation.

So when the bridge came down 24 hours ago, part of Minnesota's soul fell with it as well. Having visited the site firsthand today, there are three things I would like to join Senator KLOBUCHAR in asking of our colleagues, our fellow Minnesotans, and all Americans this afternoon.

First, and most importantly, please keep the victims of this tragedy and their families in your thoughts and prayers. The courage of the first responders and other citizens who joined together last night in the noblest of rescue efforts will receive our unending respect. Unfortunately, our mission is no longer rescue but recovery.

The days ahead will be incredibly difficult for the families of the victims of those who we know have already left us and the many more who remain missing. For comfort in this time of unspeakable tragedy, we implore each and every one of you to honor their loss by keeping them near to your heart and in your prayers.

Secondly, let us acknowledge the skill, coordination, and courage of those responding to the scene of this horrific event. I was the mayor of St. Paul, Minneapolis's twin city and proud neighbor, when we experienced the tragedy that will define our era—the attacks of 9/11. I remember the challenges we had with communication, with logistics, and with overall preparedness.

Minneapolis, St. Paul, and the State of Minnesota learned the lessons of preparation that day and set out to ensure that if any major emergency should happen again, we would be ready. Mr. President, you hope that day never comes, but yesterday it came for the "Mill City."

Our Governor, Mayor Rybak, Hennepin County Sheriff Rich Stanek's office, other local first responders—police and fire—and hundreds of Twin City residents responded in a manner which those of us who witnessed will carry with us forever.

Mr. President, Senator KLOBUCHAR and I saw the living definition of heroism and leadership today.

We saw and heard stories of bystanders linking arms to pull victims from submerged automobiles, rescue divers braving the dangerous current of the Mississippi to reach vehicles beneath shredded concrete and jagged steel, and the faces of moms and dads reunited with their children after their miraculous escape from a trapped schoolbus. These images will reverberate across our State for years to come, and we owe all those who contributed to those stories of survival our eternal gratitude.

Finally, as we move forward in the coming days and weeks, let us commit ourselves to rebuilding this critical artery in our heartland and to protect against another tragedy such as this from ever occurring in our great Nation. This process will take time, energy, and dedication.

Next, it is absolutely critical we begin a comprehensive evaluation of our Nation's infrastructure immediately. The one thought many of my colleagues have conveyed to me over the last 24 hours is the fear this could have happened to any bridge in their home State or hometown. We need to make sure it never will.

We also need to rebuild. Our Federal Highway Administration operates a program to assist in this type of disaster, providing emergency relief for Federal highways in the wake of tragedy.

Our Governor made a request today to the Secretary of Transportation. Senator KLOBUCHAR and I will join the entire Minnesota delegation in working with the Department of Transportation to transfer this funding as quickly as possible. My colleague will talk a little bit about some of the details of what we are asking. We need, in sum, to make the funding as expeditious as possible. We have some legislative hurdles we believe we can correct.

Senator KLOBUCHAR and I have introduced a bill to waive the cap on emergency highway funds that can be transferred in such a scenario and to allow those funds to be used to help transit routes and facilities in the meantime, as an interim measure.

We do not have much time to rebuild in Minnesota. The construction window is extremely small because of our difficult winters. We need to pass this waiver before we recess, hopefully, tomorrow.

As Minnesota has come to the aid of other States in their time of disaster, we are going to need a lot of help in our home State. I am happy to hear from around this Capitol and throughout the administration that help will be coming very soon.

We must wrap our arms around those who have lost and grieve.

There will be the temptation to turn pain and agony and suffering into anger and blame. Unfortunately, blame will come—responsibility for this tragedy may lie in many places—but I ask all of us today, let prayers and support be the order of the day.

Our obligation and commitment to the victims of the horror of yesterday's tragedy must be to recognize that we can no longer put off our commitment and obligation to our Nation's infrastructure.

I am committed to that cause on behalf of Minnesota and reach out to my colleagues to ask you to join with me in making that commitment to all of America.

At one of the darkest moments of the American Revolution, George Washington wrote these words in a letter:

> Perseverance and spirit have done wonders in all ages.

The people of Minnesota are writing a new chapter in that American story in the aftermath of one of the worst disasters my State has ever seen.

I am honored to be a Minnesotan today, and I look forward to what I trust we will accomplish together tomorrow.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank my colleague, Senator COLEMAN, for those fine words and for his description of the history of the Mississippi River, which is such an important part, as he noted, of our State's history. But for me it is personal. I live only 8 blocks from where this bridge buckled under. This is a place where every day I drive with my husband and our 12-year-old daughter.

As I looked down at that bridge, when I stood on the side and saw that schoolbus barely hanging to the side of that fallen concrete, I thought of those drivers, I thought of those other moms with their kids in the backseat—that on an August day, maybe they were going to a Twins game or maybe they were driving home from work—and never did they expect that a massive eight-lane interstate highway bridge would suddenly buckle to the ground. That is what we saw when we went there this morning.

But the other thing I saw that I come back to tell the Nation is there are little miracles every day—the miracle of that schoolbus, where kids from a very poor neighborhood in Minneapolis were sitting and somehow saved, and acts of heroism. People saw on the news the woman diver who went in and back in and back in, without any safety equipment on, among the concrete and the shards looking for survivors.

This was a disaster that no one expected, but it was something our city and our State had planned for. We learned the lessons from 9/11, and we had many practices for these kinds of disasters. I was the former prosecutor for this area. I remember meeting with the sheriff and the police chief and we planned these drills and we went through them. You could see the results today. You could see the lives that were saved.

When we got in today and drove on this highway, there were actually billboards—actual billboards—already up telling people how to get around the scene. There were actually 24 buses added to the transit service, already, at 6 a.m. in the morning and advertised in the newspaper so people could get to work. This is going to be a model as we go forward for how to handle national disasters.

The Mississippi River starts in Minnesota. In fact, you can walk across it by Lake Itasca, as Senator COLEMAN noted. But then you go down and it gets bigger and bigger and pretty soon it ends in New Orleans.

When I think about what happened today, I think of a much bigger and more massive disaster with Katrina and how that was handled and how people in Washington responded. In some ways, I always think of those people stranded on those roofs. I think the mirror of those people was a reflection of leadership and a lack of leadership. We are not going to let that happen in Minnesota.

We know this is not the massive disaster of Katrina. But it is a huge mess, and it involved a loss of life. So we are coming together, bipartisan, with our colleagues on the other side of the aisle. Senator REID is fully behind this. Senator DURBIN, Senator SCHUMER, Senator MURRAY—they all talked to me already this morning, and they pledged their support.

So what we have proposed, working with Senator COLEMAN—we are working together on this—and working with the Republican leadership, is we get a bill passed tonight to at least authorize a lifting of the cap so we can move forward for emergency disaster relief.

But I think this is also a reminder, as we go forward, that we have to invest in our Nation's infrastructure. We do not know what the cause of this disaster was. One thing I learned as a prosecutor is, you do not come to conclusions unless you know the cause. But this is a reminder that we need to invest in our long-term infrastructure, and we need to have those emergency funds in place, because a bridge such as this in the middle of America should not fall into a river on an August day.

We need to get to the bottom of this and we will rebuild this bridge and we will rebuild this country.

Our prayers are with the families, our thoughts are with the rescue workers. We thank them for working throughout the night. We thank our hospital personnel and our firefighters and our police officers and the ordinary citizens who were walking by—it is right in the middle of the University of Minnesota campus—and dove into that river to help.

This was the true spirit of Minnesota, and the world watched last night.

Thank you, and I thank my colleagues for their support and all the help they have given us as we move forward. This is going to be a long process. It is not going to end tonight. Our goal is to get this bridge rebuilt and to get our city moving again.

Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2621

Mrs. LINCOLN. Mr. President, having visited with certainly the managing Senators for this bill, I would like to call up my amendment No. 2621. I believe it is appropriate at this time to ask unanimous consent for its acceptance.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senator for her efforts on this amendment. She has worked very hard on it, and I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2621) was agreed to.

Mr. GRASSLEY. Mr. President, I ask unanimous consent for possibly 10 minutes to have Senator BURR, Senator BENNETT, and myself engage in a colloquy.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, as my colleagues have stated, we have to make health insurance more affordable. One thing Democrats and Republicans can agree on is that there are inequities in the tax treatment of health insurance. We all agree that Congress should level the playing field and expand access to health insurance; the question gets down to how.

Proposals which have been introduced so far include the President's proposal, which includes a standard deduction for health insurance. Senator BURR, Senator COBURN, Senator MARTINEZ, Senator CORKER, and Senator DOLE have formally introduced a tax credit proposal. Each proposal contemplates eliminating the exclusion for employer-provided coverage to meet this end. Currently, a taxpayer who receives health insurance through his or her employer is not taxed on the cost of the health coverage. Individuals who do not receive health coverage through their employer and are not employed and purchase health insurance on the individual market generally do not receive a tax benefit. As we just discussed, this problem is most acute in the small business context.

Senator WYDEN and Senator BENNETT are also interested in fixing the health care system and making health insurance more affordable. Their proposal also contemplates amending the Tax Code for that purpose. I commend Senators WYDEN and BENNETT for their work in this area.

I wish to ask Senator BURR if he would take an opportunity at this time to comment on this and explain where he is coming from, and then I will call on Senator BENNETT.

Mr. BURR. Mr. President, I thank Senator GRASSLEY for, as a key member of the Finance Committee, acknowledging the fact that it is time we treat all Americans the same; that if you give a tax break on one side, you should give a tax break on the other side; that you should treat everybody alike. I think we approach this in a bipartisan way with Senator WYDEN and Senator BENNETT, and though we disagree about exactly how to implement it, this is tremendous progress.

As the chairman described the difficulty we have today and the challenge in front of us, I think all of us say: When are we going to fix it? Today, we are on the floor talking about an expansion for uninsured children. What we are attempting to do is to take care of the whole uninsured population. Through refundable tax credits, which I believe reach all Americans—not some and not just those with incomes that have tax deductibility at the end of a calendar year but all Americans—I think we accomplish that commitment to say we want to go out and make sure every American has coverage. We want to make sure they have the resources to go in the private marketplace and negotiate coverage that reflects their age, their income, their health condition. We want health care to be portable so you are no longer locked to an employer because of health care. We want individuals to have the capacity to take it with them, regardless of where they work.

We propose that once we reach tax equity, every individual in this country would receive annually a $2,160 refundable flat tax credit, and every family would receive a $5,400 annual refundable flat tax credit, more than enough money to cover the tax consequences of a benefit that is not treated as wages, and for any extra money that is left over if you are on employer plans, it would be deposited in a health savings account where those additional funds could only be used for health care.

For individuals in the market today who don't have coverage, all of a sudden we have provided the money for them to go into the marketplace and to negotiate coverage for themselves or for their families. That check would go directly from the U.S. Treasury to the insurer that is providing that coverage. If there is something left over from their tax credit after they have negotiated for coverage, it would go into their health savings account.

We are maximizing the amount of dollars just by treating Americans the same—not by giving one special favors and others being deprived of that but saying we are going to treat all Americans the same. Then, an amazing thing happens: We no longer have a debate on uninsured Americans because every American has the opportunity through that—it is not under the Government plan—to receive that refundable flat tax credit.

Some may be at home saying: This really doesn't apply to me. But it does because when you eliminate the uninsured in this country, you eliminate the cost shift each one of us who has health insurance today pays for. I tell my colleagues that the cost of every American's health insurance will come down if, in fact, we solve this problem once and for all.

I think the commitment from the ranking member of the Finance Committee is an important first step for us treating the tax side of this in an equitable fashion, and I look forward to working with our other colleagues on exactly what the solution is.

I yield the floor.

Mr. BENNETT. Mr. President, I apologize for my voice. Some people may say I need a little health care, but, in fact, I am in good shape.

I wish to thank the ranking member of the Finance Committee for his diligence in this situation as well as his attention to this issue over more than a decade. As a very freshman Senator in 1994, I participated in the debate we had on comprehensive health care that ended up in a situation President Clinton described in his State of the Union Message the following year. He said: Last year, we almost came to blows over health care, and he wanted to know why we couldn't get together on bipartisan lines.

Well, the ranking member of the Finance Committee has signaled his willingness to get together along bipartisan lines. Senator WYDEN, a member of the committee, has talked to me about this, and I have been more than happy to join with Senator WYDEN, and I thank him for his statesmanship and his willingness to deal with this question in a bipartisan way.

Senator BURR has talked about how universal coverage—the term Republicans always used to hate to use—is now a legitimate concept. Universal coverage used to be code word for a single-payer, government-run system, which Republicans opposed. We now understand that everyone in the country should have access to health care so that the cost shifting Senator BURR talked about can stop and the debates over what can be done for the uninsured can stop, and it can be done if we change the tax laws in an intelligent way.

Our tax laws for the coverage of health insurance go back to the Second World War. I think the economy has changed sufficiently since the Second World War that we can recognize that the tax laws need to be changed. Senator WYDEN's leadership on this issue, opening up the question of how we can use tax credits now to achieve what Democrats have wanted to achieve for a long time, which is universal access to health care, and at the same time provide what Republicans have wanted for a long time, which is real market forces in health care, to me is an idea whose time has come.

So I am looking forward to the opening the ranking member of the Finance Committee has suggested, where the Finance Committee can have hearings on this issue when we come back after August. I know that will require the cooperation of the chairman of the committee, and I am not being presumptuous to try to suggest what the schedule should be. But I am grateful that the conversation is taking place, that the recognition that hands must be joined across the aisle to deal with this question that has been raised, and I look forward to participating in the debate in any way that I can be helpful.

Mr. GRASSLEY. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute.

Mr. GRASSLEY. I am going to not say any more, but I ask unanimous consent for 3 additional minutes, and then I will be done because there are three other Members whom I forgot to mention whom I promised a minute to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I yield 1 minute to Senator CORKER and then 1 minute to Senator MARTINEZ and then 1 minute to the Senator from Oklahoma, or whoever wants to use the last minute.

Mr. CORKER. Mr. President, I appreciate the opportunity to speak to this issue. Certainly, Senator BENNETT and Senator WYDEN, Senator COBURN, Senator BURR, and Senator MARTINEZ and a number of people have joined in this debate, and we have spent a great deal of time talking about the important health care bill, the one we are voting on right now tonight. But the fact is, we all know we need to reform health care so that we have equal tax treatment, so that people have the opportunity to actually buy private health insurance and choose the physicians of their choosing.

We can continue to have these short-term fixes—we now have a fix that takes us through 2012 on this program—or we can have reform that really works. I appreciate the chairman and the ranking member having hearings for us to be able to talk about this in a real way. I hope what has happened with Senators WYDEN, BENNETT, and BURR, and Senators COBURN and MARTINEZ and others, including myself, is that hopefully we will have an opportunity to have a real debate on health care reform so that we can really move toward what this country ought to do, and that is to make sure Americans have the opportunity for affordable, quality health care, and we can move beyond these short-term solutions we are faced with today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I wish to rise also to speak on this issue. It is very important that we talk about children's health care, as we have been doing over the last several days, but it is equally important that we talk about all Americans. In the State of Florida, 17 percent to 20 percent of the people are uninsured on any given day. That is unacceptable. We as a country have to deal with this issue. I want to deal with it in a way that allows for there to be tax equity, for one thing, for those who purchase health insurance through their employer and have tax equity for those who choose to buy a single individual policy of their own. We need to find a way through the tax credit program we have introduced with this bill so that we then make it possible for people to buy health insurance.

So the goal is not to create a single-payer system, to create a government-run system—which we know is not ideal and which we know has not been the way to provide the greatest and best care—but to provide a way for people to become insured and for those who cannot afford it to have an opportunity through the Tax Code to get the help they need so they can purchase it.

I believe there are a lot of good ideas we need to discuss, a lot of debate that needs to take place. At the end of the day, I don't think we should fear a discussion, and we should not fear the possibility that we all are coming to a consensus on the idea that all Americans have to have a place where they can go for their health care. A lot of health care dollars can be saved if people have that kind of maintenance and care all along so that they are not only going to a health care facility in a crisis, in a medical crisis. We would save a lot of dollars in the end, and the quality of life of the American people would increase as well.

I thank the ranking member for his courtesy and yield the remainder of my time to him.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I just want to make two points on the Every American Insured Act, and that is that every American ought to have access to health care, and if we do that, the average American's health care policy right now would go down $1,000 a year. There is over $250 billion in cost shifting that is in the system today that will go away. We ought to be thinking about that. We ought to be looking at it.

What we do know from around the world is that a true competitive market will yield the best quality and the best results and the best outcomes for every American.

Mr. GRASSLEY. Mr. President, the underlying intent of any of these proposals is to put downward pressure on insurance costs, thereby reducing the cost of health care.

If Congress goes in the direction of a tax credit, the tax credit must be structured so that low-income individuals have a meaningful tax subsidy to purchase health insurance.

If Congress goes in the direction of a standard tax deduction, any deduction must be structured to ensure that taxpayers who continue to receive health care coverage through their employer do not see a significant increase in their taxes.

Congress should also contemplate a combination of a tax credit and a deduction.

A combination effectively marries these tax concepts and may serve as a viable compromise.

I believe that the Senate Finance Committee should hold hearings on the various ways we can reform the health care system. We may even be able to mark up a proposal that could be acted upon by this body before the end of the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, there is only about 17 minutes before voting starts. I have an amendment I would like to speak to for 4 or 5 minutes. If there is not somebody else who needs that time right now, let me do that.

This relates to an amendment that will be, I believe, the last one we vote on in this next tranche that simply reinserts into the code the very minimum wage tax provisions the Senate voted on and approved. It was—if not unanimous, it was a very strong vote in favor of those provisions.

Recall that when the minimum wage bill was dealt with in the House, they originally had a bill, but they ended up putting it in the Iraq supplemental appropriation because that was a must-pass bill. So the minimum wage provisions were attached to that bill, and they passed but without all of the Senate-passed tax provisions.

The bill we are literally debating tonight came from the House of Representatives and is that tax bill. Now, we have amended it to include the SCHIP provisions, but what we need to do is to use that House shell bill for its original purpose, also, and that is to add back the exact provisions we passed in this body to help small businesses offset the costs of the minimum wage requirements we imposed upon them. They have to do with depreciation for leaseholds, restaurants, and for some retail construction. I will explain what each of them is.

Under the leasehold restaurant renovation provision, under current law, leasehold and restaurant improvements and renovations are depreciated over a 15-year period, but that only applies through the end of this year. What we did here in the Senate was to extend that treatment through the end of 2008—very reasonable.

New restaurant construction. Current law requires that components of a new restaurant be depreciated over as long as 39 years, if you can believe it. It doesn't make sense to depreciate restaurant renovations over 15 years but new construction over 39. So what the Senate did was to fix this inconsistency and provide for the same appreciation, a 15-year period, and to extend that again through the end of the year 2008. This applies to things such as convenience stores. A direct competitor of a quick-service restaurant can use the 15-year depreciation schedule for all construction; and it is permanent in our Tax Code. If you have a different kind of restaurant, you don't have that same tax treatment. The Senate recognized that inconsistency and put that into the law and extended it until 2008.

Finally, an owner-occupied retail. Improvements made to that were depreciated for as long as 39 years. The Senate recognized that owner-occupied retail space is not renovated and maintained as often as leased space. So our minimum wage bill provided a 15-year recovery period for improvements made to owner-occupied retail spaces. We extended that same treatment through the end of the year 2008.

My point is those three provisions, which we passed in this body—I think they are all supported by members of the Finance Committee—are not law only because they got dropped in the very bill we are debating today that came over from the House. It is, therefore, the perfect opportunity for us to put them back in.

I am sure my friend, the chairman of the committee, will say this is the wrong bill to do it; this is the SCHIP bill. Well, I say we should not have put the SCHIP bill on the tax bill. We should use that tax bill for its original purpose—to have the House have to pass the same tax provisions we passed. We have to deal with these expiring provisions sometime this year. Right now, they expire at the end of this year. We have to do it. We might as well do it in the very bill it was intended to be done on right now.

There may be a commitment to do all of these so-called extender provisions sometime before the end of the year. When we come back in September, things are going to get pretty dicey with the issues relating to foreign policy and, ultimately, probably tax bills such as AMT relief. We have the FAA reauthorization and all these other things, with time running out.

There is no reason we cannot do it now. I suggest that we do it. All this amendment does is extend the current law provisions for restaurants and leaseholds through the end of 2008—the same thing we would be doing with the usual extender package—and adding the new restaurants construction and owner-occupied retail space to the 15-year depreciation category, as we already did when we passed the minimum wage bill in the Senate.

Remember, we have now imposed the minimum wage burden on small businesses, and they are going to expect some relief so they don't have to bear all of the expense of it. They expected that relief. They are not going to get it if we are not able to extend it before the end of this year. This is the place to do it. I hope my colleagues, when they get to this last amendment, No. 2562, relating to depreciation for retail and restaurants and construction, will recall that they have already supported this once before. We have this commitment to our small business constituency, and I think this is the perfect vehicle for us to ensure that that relief actually gets to them and that they, therefore, can take advantage of it beyond the end of this current year.

Mr. COBURN. Mr. President, under the previous order, at 7:45, I had 5 minutes reserved. I wish to start on that amendment now, and that would give me a total of 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I understand we have worked on another amendment, a Senator WYDEN amendment, on juvenile diabetes. I understand it has been worked out all the way around. I urge the Senator to offer it now so we can get that out of the way, and the Senator from Oklahoma can then speak.

Mr. COBURN. I withdraw my request.

AMENDMENT NO. 2570, AS MODIFIED, TO AMENDMENT NO. 2530

Mr. WYDEN. I thank the chairman from the Senate Finance Committee.

I ask unanimous consent to call up my amendment No. 2570, and I send it to the desk with a modification.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon (Mr. WYDEN) proposes an amendment numbered 2570, as modified.

The amendment is as follows:

On page 217, after line 25 insert the following:

SEC. _. DEMONSTRATION PROJECTS RELATING TO DIABETES PREVENTION.

There is authorized to be appropriated $15 million during the period of fiscal years 2008 through 2012 to fund demonstration projects in up to 10 states over 3 years for voluntary incentive programs to promote children's receipt of relevant screenings and improvements in healthy eating and physical activity with the aim of reducing the incidence of type 2 diabetes. Such programs may involve reductions in cost-sharing or premiums when children receive regular screening and reach certain benchmarks in healthy eating and physical activity. Under such programs, a State may also provide financial bonuses for partnerships with entities, such as schools, which increase their education and efforts with respect to reducing the incidence of type 2 diabetes and may also devise incentives for providers serving children covered under this title and title XIX to perform relevant screening and counseling regarding healthy eating and physical activity. Upon completion of these demonstrations the Secretary shall provide a report to Congress on the results of the State demonstration projects and the degree to which they helped improve health outcomes related to type 2 diabetes in children in those States.

Mr. WYDEN. Mr. President, I will be very brief. The amendment has been accepted by the leadership on the Senate Finance Committee. We have been talking a lot about health care. We have a lot of health care in our country, but, unfortunately, not enough prevention or wellness.

This amendment is designed to deal with epidemic juvenile diabetes. We can effect it by encouraging people to change behavior through personal responsibility with a bipartisan agreement to promote that.

I urge its adoption.

Mr. BAUCUS. Mr. President, as the Senator indicated, it has been agreed to by both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2570), as modified, was agreed to.

AMENDMENT NO. 2618 WITHDRAWN

Mr. BAUCUS. Mr. President, before the Senate proceeds, I ask unanimous consent that amendment No. 2618 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 2627

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 2627, and I ask unanimous consent that Senator VITTER be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is pending.

Mr. COBURN. Mr. President, this is a fairly straightforward amendment. I am not sure what the chairman thinks about it. One of the things we know—even from the chairman's words earlier—he rejected the CBO evaluation of the new enrollees in this system. What we do know is that a large number of children who now have insurance with their parents are going to be moved out of that insurance to somewhere else.

In the old SCHIP program, we had a concept of premium assistance. In the two States that have gotten through the very tough parameters of that assistance and have met it to meet the requirements of SCHIP, we found fewer kids go away from their parents' insurance and stay unified in the same clinic, with the same doctors, with continuity of care. And 77 percent of the children between 200 and 300 percent, which is what we are addressing with the new bill, are already covered. For the fully eligible kids up to 200 percent, CBO tells us for every one we add, we will take one off.

This amendment says let's not take them off. Let's use the money for premium assistance to help those parents keep the insurance with them. In Oregon—and the Senator from Oregon might know this—those families who chose the premium assistance option were more likely to receive care in a doctor's office or HMO, rather than a public health clinic or a hospital clinic. Families using the premium assistance option also reported fewer unmet primary and specialty care needs than those in traditional SCHIP. The premium assistance option works. We need to remove the difficulties and barriers so that more individuals eligible for SCHIP have the freedom to access it.

Ensuring that newly eligible populations under the Baucus-Grassley proposal are covered with a premium assistance model will ensure the preservation of market-based health care, rather than decline that system.

Many lower income families already participate in the private health insurance market. Seventy-seven percent, as I said, of those in the 200 to 300 percent of the Federal poverty level are already covered in a private insurance market. So if the purpose of SCHIP is to get kids covered and we are worried that some in this group—those at 200 to 300 percent—why not use premium assistance to help them stay in a contiguous family policy and help the parents maintain them within that policy?

We accomplish the same goal and we do a couple other things. No. 1, we let parents make a decision on who their doctor is going to be for their child, rather than a Government bureaucrat. In many SCHIP programs, there is a limited number of providers, and the child may not be seen now. What this does is use the funds to allow them to stay with their parents, still reaching the goal of covering more kids; but, also, CBO has scored this amendment as saving money because we will cover more children at a lower cost.

It is a fairly commonsense amendment. There are problems with the requirements on the premium assistance model in the old SCHIP program. As a matter of fact, four other States had gone to it and then left because of the complications of getting the waivers and meeting the requirements of the SCHIP, which forced children away from the primary care doctor they and their parents wanted to have.

There is one other thing that I think is important. Whether we like to admit it or not, 60 percent of the primary care doctors in this country don't take SCHIP or Medicaid. So we have limited it down to 40 percent. If we want to have equal access for these children under the SCHIP program, we need to take the Medicaid SCHIP stamp off their forehead. We need to give to them the market so they can go where they want to go. By doing premium assistance, you allow that freedom of choice by the parents of the children. When we don't allow premium assistance, we take choice away—here is what I had and now I don't have the choice. I submit to the body that this will discourage a large number of children from going into the SCHIP program. So if our goal is to increase it from 200 to 300 percent, and over 77 percent of those are already insured, why would we not want to keep those already insured and do a premium assistance model and help the other 23 percent with the SCHIP program?

It is a straightforward amendment. The Massachusetts Institute of Technology economist Amy Finkelstein recently released research about the unintended effect of what happens when the Government controls health care. The summary of that is we pay more, but we don't get better results.

I showed a chart here the other day, actually, of the fully absorbed cost of us buying insurance through the SCHIP program versus what you can buy in the private market. The difference is astounding. It is about $1,800 more to buy a $1,352 policy versus the other.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. COBURN. I ask unanimous consent for an additional 5 minutes, as I did when I requested it from the chairman.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. What did the Senator request?

Mr. COBURN. I requested to start 5 minutes early so I could still have the 7:45 to 7:50 time slot. I will finish up faster than that. I need 2 or 3 minutes.

Mr. BAUCUS. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, America spends 16 percent of its gross domestic product on health care, and that doesn't take into account any research and development. It is important to know that, through the private sector, M.D. Anderson, in Texas, spends more on research than the entire country of Canada. We don't want to disrupt that.

So keeping these children in a private program with their parents, with the continuity of care, I can tell you that as a practicing physician, when you have one child go one place and one child going somewhere else, and a parent going somewhere else, the ability to access health care declines. So I hope the chairman will consider accepting this and look on it favorably. We will actually make the Baucus-Grassley bill much more effective, much like we are seeing in Oregon, which has been effective with children staying on the same health care with their parents.

With that, I yield the floor.

Mr. BAUCUS. Mr. President, we are close to 7:45. I suggest that the voting begin now.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, I understand there is 2 minutes allowed equally divided prior to the vote; is that correct?

The PRESIDING OFFICER. Yes, it is.

Mr. BAUCUS. Does the Senator wish to speak for 1 more minute?

Mr. COBURN. I just spoke.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is not wise. I do not think we should adopt this amendment. What does the amendment do? Basically it would require at least 34 States would have to resign their successful Children's Health Insurance Programs in ways that force children into potentially inferior coverage; that is, their health insurance coverage would be worse than under SCHIP. Why? Because sometimes private health insurance requires deductibles or limits hospital stays, may prevent insulin from being available for diabetes. It forces premium assistance. It forces people into coverage they may not want. I don't think we want to do that.

Second, it would force children to take the premium assistance to purchase HSAs. That is not a good idea. HSAs work better for wealthier Americans, healthier Americans. We are talking about low-income kids, and they have to spend a lot of money on high-deductible HSAs. I don't think it is a good thing to do.

We are here to help kids. We are not here to force kids into private coverage plans and use their premium assistance to buy HSAs.

I urge the amendment not be agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I note a couple points. This does not force any kid, 200 percent or under, to go into the premium assistance program. A family making $62,000 a year—that is not a low-income kid. As a matter of fact, 21 States in this country have less income than that. It is working well where it is being utilized, and it does not force anyone into inferior care.

I understand the chairman's objection. I take that, but the record should show that of those who are on premium assistance today, they have adequate or greater care than the SCHIP program.

Mr. BAUCUS. Mr. President, since the Senator took an extra minute, I ask to respond and then get to the vote.

Essentially, this amendment forces kids to use premium assistance in two negative ways. One, it forces them into private coverage. They may not want it because the private coverage might be worse. Second, this amendment has the effect of forcing premium assistance to buy HSAs.

I don't want to encourage it at this point because HSAs are better for the healthier and wealthier and not low-income kids. I urge the amendment not be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER (Mr. PRYOR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—37

Alexander
Allard
Barrasso
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McCaskill
McConnell
Sessions
Shelby
Sununu
Thune
Vitter
Voinovich

NAYS—62

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Warner
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 2627) was rejected.

AMENDMENT NO. 2596

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2596, as modified, offered by the Senator from Louisiana, Mr. VITTER.

Mr. VITTER. Mr. President, this is also a crowding-out issue, which I think is a very important and central issue in this debate. I am for a safety net. I am for insuring children who aren't insured, who can't get health insurance otherwise. What I am not for is pushing kids who are on perfectly solid ground off that solid ground and into the safety net. That is what, in part, this very large SCHIP expansion would do, perhaps 50 percent of the new SCHIP enrollees being folks—kids—who have private insurance. Now, that is wrong and it is also very expensive to the taxpayer.

What this amendment does is simple: It says we are for a safety net, but we are not for pushing people who are on solid ground into the safety net. And if they have difficulty staying on that solid ground in terms of affording their premiums, we are going to allow States to have premium subsidization, premium support to be able to keep those folks on good private insurance. That is what we should do, rather than push people off solid ground into the safety net at great taxpayer expense.

I yield back my time.

Mr. BAUCUS. Mr. President, I don't think we want to do this. This requires—it mandates—that States deny kids coverage under the program if their employer offers health insurance. It requires it. I don't know where we have those kinds of requirements today in the health care area. Senior citizens are not required to sign up for Medicare Part B. There is no requirement. Why should we require States to prevent children's health insurance coverage if by chance the child's family is offered private health insurance? The private health insurance may be inferior to what the child would otherwise get in the program. The benefits might be much less. Who knows what doctors are available. Who knows?

I don't think we want to require States to prevent families and low-income kids from getting CHIP coverage simply because an employer offers health insurance. That is not a fair choice. I think we should, therefore, reject the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 64, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—35

Alexander
Allard
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Barrasso
Bennett
Domenici
Ensign
Enzi
Graham
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Bond
Brownback
Lott
Martinez
McConnell
Sessions
Shelby
Sununu
Thune
Vitter
Voinovich

NAYS—64

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Warner
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 2596), as modified, was rejected.

AMENDMENT NO. 2535

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2535, as modified, offered by the Senator from Colorado, Mr. ALLARD.

Mr. ALLARD. Mr. President, this amendment codifies the "unborn child" rule. The purpose of this amendment is to provide health care services to benefit either the mother or unborn child, consistent with the health of both.

It has been reported that some States denied health care to the mother for disorders not directly affecting the unborn child. This is just a commonsense amendment. Obstetricians recognize that you are dealing with two separate individuals, that you have to deal with the unborn child as well as the mother. Obviously, you need to have a healthy mother in order to have a healthy unborn child.

I ask for an "aye" vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I urge a "no" vote on the amendment. This amendment is an effort to inject a very highly contentious abortion rights issue into this children's health insurance legislation. I think it is a mistake for us to do that.

The underlying bill which came out of the Finance Committee protects the right of any State in the country to provide health care to pregnant women. It protects the rights specifically of the 11 States that are currently providing coverage under this unborn fetus regulation to continue to do that. So there is no need for this amendment. I urge my colleagues to oppose it.

Mr. ALLARD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Twenty-three seconds.

Mr. ALLARD. Mr. President, this is not unprecedented action. We have passed the Unborn Victims of Violence Act, and so this is basically what we are trying to do, to make sure the mothers have the health care they need.

I yield the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—49

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Casey
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Clinton
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Stevens
Tester
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 2535), as modified, was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Ms. STABENOW. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2620

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2620 offered by the Senator from Texas, Mrs. HUTCHISON.

Mrs. HUTCHISON. Mr. President, we have been talking about having one State or another State have a different cost of living, and therefore having to have a waiver for the whole State. My amendment says the Secretary will look at the cost of living in an area of the State, a county, or a statistical metropolitan area, so you don't have to have a waiver for a whole State, if it is only one city or one area in that State that needs the extra help. That is my amendment. I hope my colleagues will support it.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, just assume that you are a person who is maybe in one city and move to another town or have relatives in one city or town in the same State. You don't know what the match is going to be. You don't know whether you qualify or don't qualify. I don't understand this amendment at all. I am really quite astounded that we would want to even countenance doing something like this. Essentially it says: OK, MSA, State, you don't get the 300 percent match rate in Medicaid. You get 200 percent. You get Medicaid which is adjusted by cost of living, and MSA with a county or a State. I don't get it. I think we have to get some simplicity, some continuity, allow some people to have some idea of what the law is. I urge Senators to not support the amendment.

Mrs. HUTCHISON. Mr. President, it just makes common sense that you would want to help the areas that have a clear cost-of-living adjustment need, but you don't have to do it for a whole State if it isn't needed in the whole State. It would save taxpayer dollars. It is equitable. It is fair, and it is responsible. I hope we can adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER (Mr. PRYOR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 21, nays 78, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—21

Allard
Barrasso
Bennett
Chambliss
Cochran
Cornyn
Craig
Crapo
Dole
Domenici
Enzi
Graham
Hagel
Hutchison
Inhofe
Isakson
Lugar
McCain
Sessions
Shelby
Vitter

NAYS—78

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coburn
Coleman
Collins
Conrad
Corker
DeMint
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Grassley
Gregg
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 2620) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have had a conversation with the two managers of the bill, and we have two or three amendments left, and one of those could go away, which means we will have a couple of votes, maybe three votes before final passage.

The managers, I think we would all acknowledge, have done a very outstanding job on a difficult piece of legislation.

I would also say, Mr. President, we are going to have to be in session tomorrow. At 9:30 in the morning—I told Senator BYRD it would be a 9:45 vote—there will be a 9:30 vote in the morning. We will vote on a judge at 9:30. Then we will proceed on some other matters. We are going to try to complete the WRDA conference. We are going to have a real yeoman's try at completing the competitive matter. I understand there is a hold on that now. We would hope we could complete that by unanimous consent; if not, a short timeframe within which to debate that and vote. It is something that is bipartisan and Members have worked on for well more than a year.

We also have, of course, good news tonight. The mental health parity is being hot-lined tonight. I hope we can complete that tonight. That is legislation Senator DOMENICI and others have been pushing for a long time. I am not going to mention all the people who have been pushing it, but Senator DOMENICI has been talking about it a lot in recent days, and I appreciate his advocacy for that.

The big issue tomorrow is to see what we can do to complete the problems that everyone has read about dealing with the surveillance program that is going on to listen to these bad people who are trying to create problems in our country and around the world. We do not have that worked out yet. I have had a conversation with the distinguished Republican leader. Hopefully, we can have that set up so there is some way of disposing of that issue tomorrow.

Now, that is what we have left before we leave here. It is not an easy agenda, but it is one we can complete with a little cooperation from both sides.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2600 WITHDRAWN

Mr. BAUCUS. Mr. President, I ask unanimous consent that Sanders amendment No. 2600 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2562

Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2562, offered by the Senator from Arizona, Mr. KYL.

The Senator from Arizona.

Mr. KYL. Mr. President, this amendment simply has us do something we have already done. We passed, I believe, unanimously some provisions to help small businesses pay for the minimum wage increase. We all did that. The bill went over to the House of Representatives. You will recall they attached the minimum wage bill to the Iraq supplemental, and they dropped out these tax provisions.

This amendment simply reinstates the same tax provisions for small businesses in three areas: leasehold and restaurant depreciation, extending them from the end of this year through 2008; new restaurant construction, a 15-year depreciation period; owner-occupied retail, a 15-year depreciation period—all just through the end of the year 2008.

As to the first one, it has to be done this year because it expires at the end of this year. As I said, we adopted this. We checked the record. I think it was by unanimous consent. In any event, I believe it was unanimous. We already passed it.

Here is the irony. The underlying bill that the SCHIP bill has been attached to is that minimum wage bill. So to the argument that this is not the right bill, I would say, actually, this is not the right bill for SCHIP, but it is the right bill for this amendment. So I hope we can repeat what we have already done and adopt this small business relief.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, this world is filled with irony. It is ironic, frankly, that we are here in this situation. But, essentially, first, I support what the Senator is trying to do. We reported this same provision out of the Finance Committee, as the Senator stated, at an earlier time as part of that small business-minimum wage package. It was then paid for.

I say to my friends and my colleagues that we will find a time to do this provision. It is part of the extenders package. Extenders are taken up at the end of the year. That is when we put them all together and find out what we want to do, not here on this legislation. It is not paid for. This costs $5 billion. I do not think it belongs on this bill. I, frankly, have to now raise a point of order.

Mr. President, I raise a point of order that the pending amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I move to waive the applicable provisions under the Congressional Budget Act with respect to the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—49

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Warner

NAYS—50

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 2552

Mr. SMITH. Mr. President, I ask unanimous consent that the pending business be set aside, and I further ask to call up amendment No. 2552 and dispense with its reading.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SMITH. Mr. President, may I read this before he objects? I wonder if my colleagues would indulge me.

Mr. President, this amendment is the outgrowth of a bill I introduced with Senator KOHL this year. As many of my colleagues know, Congress modified the Supplemental Security Income Program to include a 7-year time limit on receipt of benefits for disabled refugees and asylees. This policy was intended to balance a desire to have people who immigrate to the United States to become citizens, with an understanding that the naturalization process also takes time to complete.

Unfortunately, the naturalization process often takes longer than 7 years. Applicants are required to live in the United States for a minimum of 5 years prior to applying for citizenship. In addition to that time period, their application process often can take 3 or more years before resolution. Because of this time delay, many individuals are trapped in the system and faced with the loss of their SSI benefits. In fact, we know that to date, more than 7,000 elderly and disabled refugees have lost their SSI benefits and another 16,000 are threatened to lose their benefits as well in the coming years.

Many of these individuals are elderly refugees who fled persecution or torture in their home countries. They include Jews fleeing religious persecution from the former Soviet Union, Iraqi Kurds fleeing from Saddam Hussein's regime, Cubans, and Hmong people from the highlands of Laos who served on the side of the U.S. military during the Vietnam war. They are elderly and unable to work and have become reliant on their SSI benefits as their primary income. To penalize them because of delays encountered through the bureaucratic process is unjust and inappropriate.

The Bush administration in its fiscal year 2008 budget acknowledged the necessity to correct this problem, this injustice, by dedicating funding to extend refugee eligibility for SSI beyond the 7-year limit.

This legislation builds upon those efforts by allowing an additional 2 years of benefits for elderly and disabled refugees, asylees, and other qualified humanitarian immigrants, including those whose benefits have expired in the recent past.

Additionally, benefits could be extended for a third year for those same refugees who are awaiting a decision on a pending naturalization application.

These policies are limited to 2010 and are completely offset in cost by a provision that will work to recapture Federal Government funds due to unemployment insurance fraud.

The offset that is provided was also taken from the President's own budget.

By reducing fraud in the unemployment insurance system, the provision would effectively reduce taxes on employers by $326 million over the next 10 years, according to the CBO estimate.

I thank my colleagues for listening. I hope for your support and ask that this amendment be accepted by unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, I object.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator KERRY be recognized now to offer a sense of the Senate, which will be agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 2529 TO AMENDMENT NO. 2530

Mr. KERRY. Mr. President, this will be very brief. Senator SNOWE and I have joined together, as the chair and ranking member of the Small Business Committee, to put together a task force effort between the Secretary of Health and Human Services, Secretary of Labor, Secretary of the Treasury, and the Small Business Administrator to coordinate and assist in trying to effectively reach out to small businesses to help them be aware of how they can take advantage of the Children's Health Insurance Program.

This has been cleared on both sides. It doesn't cost any additional funds whatsoever. It simply is an effort to try to coordinate and implement this as effectively as possible. I ask for its adoption.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself and Ms. SNOWE, proposes an amendment numbered 2529.

The amendment is as follows:

(Purpose: To establish a multiagency nationwide campaign to educate small business concerns about health insurance options available to children)

At the appropriate place, insert the following:

SEC. ___. OUTREACH REGARDING HEALTH INSURANCE OPTIONS AVAILABLE TO CHILDREN.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" means the Small Business Administration and the Administrator thereof, respectively;

(2) the term "certified development company" means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term "Medicaid program" means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term "State" has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term "State Children's Health Insurance Program" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term "task force" means the task force established under subsection (b)(1); and

(10) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(2) MEMBERSHIP.—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(3) RESPONSIBILITIES.—The campaign conducted under this subsection shall include—

(A) efforts to educate the owners of small business concerns about the value of health coverage for children;

(B) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(C) efforts to educate the owners of small business concerns about assistance available through public programs; and

(D) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(4) IMPLEMENTATION.—In carrying out this subsection, the task force may—

(A) use any business partner of the Administration, including—

(i) a small business development center;

(ii) a certified development company;

(iii) a women's business center; and

(iv) the Service Corps of Retired Executives;

(B) enter into—

(i) a memorandum of understanding with a chamber of commerce; and

(ii) a partnership with any appropriate small business concern or health advocacy group; and

(C) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(5) WEBSITE.—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(6) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2529) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator CARDIN be recognized for the purpose of offering an amendment that also has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland is recognized.

AMENDMENT NO. 2567, AS MODIFIED, TO AMENDMENT NO. 2530

Mr. CARDIN. Mr. President, I send to the desk the modification of amendment 2567.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself, Ms. MIKULSKI, Mr. BINGAMAN, and Ms. COLLINS, proposes an amendment numbered 2567, as modified.

Mr. CARDIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the provisions relating to dental health)

Strike section 608 and insert the following:

SEC. 608. DENTAL HEALTH GRANTS.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 201, is amended by adding at the end the following:

"SEC. 2114. DENTAL HEALTH GRANTS.

"(a) AUTHORITY TO AWARD GRANTS.—

"(1) IN GENERAL.—From the amount appropriated under subsection (f), the Secretary shall award grants from amounts to eligible States for the purpose of carrying out programs and activities that are designed to improve the availability of dental services and strengthen dental coverage for targeted low-income children enrolled in State child health plans.

"(2) ELIGIBLE STATE.—In this section, the term 'eligible State' means a State with an approved State child health plan under this title that submits an application under subsection (b) that is approved by Secretary.

"(b) APPLICATION.—An eligible State that desires to receive a grant under this paragraph shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may require. Such application shall include—

"(1) a detailed description of—

"(A) the dental services (if any) covered under the State child health plan; and

"(B) how the State intends to improve dental coverage and services during fiscal years 2008 through 2012;

"(2) a detailed description of the programs and activities proposed to be conducted with funds awarded under the grant;

"(3) quality and outcomes performance measures to evaluate the effectiveness of such activities; and

"(4) an assurance that the State shall—

"(A) conduct an assessment of the effectiveness of such activities against such performance measures; and

"(B) cooperate with the collection and reporting of data and other information determined as a result of conducting such assessments to the Secretary, in such form and manner as the Secretary shall require.

"(c) USE OF FUNDS.—The programs and activities described in subsection (a)(1) may include the provision of enhanced dental coverage under the State child health plan.

"(d) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

"(1) the State share of funds expended for dental services under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

"(2) no State matching funds shall be required for the State to receive a grant under this section.

"(e) ANNUAL REPORT.—The Secretary shall submit an annual report to the appropriate committees of Congress regarding the grants awarded under this section that includes—

"(1) State specific descriptions of the programs and activities conducted with funds awarded under such grants; and

"(2) information regarding the assessments required of States under subsection (b)(4).

"(f) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated, $200,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended, for the purpose of awarding grants to States under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105.".

(b) IMPROVED ACCESSIBILITY OF DENTAL PROVIDER INFORMATION MORE ACCESSIBLE TO ENROLLEES UNDER MEDICAID AND CHIP.—The Secretary shall—

(1) work with States, pediatric dentists, and other dental providers to include on the

Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1-877-KIDS-NOW) a current and accurate list of all dentists and other dental providers within each State that provide dental services to children enrolled in the State plan (or waiver) under Medicaid or the State child health plan (or waiver) under CHIP, and shall ensure that such list is updated at least quarterly; and

(2) work with States to include a description of the dental services provided under each State plan (or waiver) under Medicaid and each State child health plan (or waiver) under CHIP on such Insure Kids Now website.

(c) GAO STUDY AND REPORT ON ACCESS TO ORAL HEALTH CARE, INCLUDING PREVENTIVE AND RESTORATIVE SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children's access to oral health care, including preventive and restorative services, under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of oral health care, including preventive and restorative services, under such programs; and

(D) as appropriate, information on the degree of availability of oral health care, including preventive and restorative services, for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the appropriate committees of Congress on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to oral health care, including preventive and restorative services, under Medicaid and CHIP that may exist.

(d) INCLUSION OF STATUS OF EFFORTS TO IMPROVE DENTAL CARE IN REPORTS ON THE QUALITY OF CHILDREN'S HEALTH CARE UNDER MEDICAID AND CHIP.—Section 1139A(a)(6)(ii), as added by section 501(a), is amended by inserting "dental care," after "preventive health services,".

Mr. CARDIN. Mr. President, I thank Senator BAUCUS and Senator GRASSLEY who helped on this amendment. It has been cleared. It deals with the dental, or oral, health care in the underlying bill. The bill provides for $200 million to help States expand dental care within the Children's Health Insurance Program.

This amendment adds additional provisions that would require the States to describe these benefits as they do other benefits and how they would improve the benefits to our children. It expands Web information so individuals will have a better understanding as to what providers are available for dental care in their community. It has certain studies as to the status of dental health care and oral health care for our children.

Again, I thank the leadership of the committee for their help. I also offer this amendment on behalf of Senators MIKULSKI, BINGAMAN, and COLLINS. I thank them for their help in putting this amendment together.

Mr. BAUCUS. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment (No. 2567) was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that all pending amendments be withdrawn, with the exception of the DeMint amendment No. 2577; that no further amendments be in order, except a managers' amendment which has been cleared by the managers and the leaders; that upon disposition of the DeMint amendment and the managers' package, Senator DOLE be recognized for 5 minutes to make a budget point of order against the substitute amendment; that once the point of order has been raised, Senator BAUCUS be recognized to move to waive the applicable point of order; that upon disposition of waiver, if waived, then the substitute amendment, as amended, be agreed to, the bill, as amended, be read the third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, it is pretty clear we have one more vote that I am aware of before final passage. There will be a little bit of intervening business that should not take much time. So we are about done.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2577

Mr. DEMINT. Mr. President, as I have talked about this amendment today, I have been surprised that several colleagues were not aware that Americans are not allowed to buy health insurance, except in the State where they live. Americans can buy anything from all over our country. Yet they are limited to where they can buy health insurance.

One way we can lower the cost of health insurance and create more choices for all Americans is to allow each and every American the opportunity to buy a health insurance policy in any State where those policies are certified. Some will say this is a race to the bottom. But I ask those critics, which State does not have the regulations that you approve of? Every State legislature has a set of regulations they have approved. So these products would be safe, but they create more choice.

I encourage my colleagues to support this amendment that would allow Americans to buy health insurance all over the country, to help create a national market and make health insurance more affordable for every American.

Mr. BAUCUS. Mr. President, this amendment effectively eliminates State insurance protections. The States with the least regulation would become the home of private health insurers who sit back and watch a race to the bottom. States would be inclined to—and encouraged to—pass regulations that are very weak, and that would mean the insurer could qualify in that State and then market anyplace else in the country. It is totally opposed to the current system, where each State has its own insurance regulations. One can argue whether that is a good system, but that is what it is.

We should not, at this point, adopt this amendment, which has the effect of appealing the current structure and allowing a race to the bottom in health insurance coverage.

Mr. DEMINT. Will the Senator yield?

Mr. BAUCUS. Yes.

Mr. DEMINT. We don't change any of the State regulations. We only allow the people not to be regulated anymore. They get to buy insurance wherever they want to buy it. But regulations in the States don't change.

Mr. BAUCUS. Mr. President, the Senator made my point. It is a race to the bottom. I urge rejection of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—37

Alexander
Allard
Barrasso
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Hagel
Hutchison
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Sessions
Shelby
Stevens
Sununu
Thune
Vitter
Voinovich

NAYS—62

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Grassley
Gregg
Harkin
Hatch
Inhofe
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez

Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Warner
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 2577) was rejected.

Mr. BAUCUS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2645 TO AMENDMENT NO. 2530

Mr. BAUCUS. Mr. President, I send a managers' technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 2645 to amendment No. 2530.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 22, lines 3 and 4, strike "paragraph" and insert "subsection".

Beginning on page 53, strike line 15 and all that follows through page 54, line 4 and insert the following:

"(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2011 OR 2012.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2011 or 2012 is equal to—

"(I) the REMAP percentage if—

"(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2009; and

"(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for the preceding fiscal year; or

"(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply.

On page 56, line 5, insert "clause (ii) or (iii) of" after "under".

On page 74, lines 15 and 16, strike "13-consecutive week period" and insert "3-month period".

On page 118, strike lines 17 through 21.

Page 120, line 5, strike "section 1902(a)(46)(B)(ii)" and insert "subsection (a)(46)(B)(ii)".

Beginning on page 120, strike line 22 and all that follows through page 121, line 4, and insert the following:

(ii) provides the individual with a period of 90 days from the date on which the notice required under clause (i) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or cure the invalid determination with the Commissioner of Social Security; and

On page 130, strike lines 9 and 10, and insert the following:

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on October 1, 2008.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2996).

On page 142, lines 14 and 15, strike "PREVIOUSLY APPROVED PREMIUM ASSISTANCE" and insert "PREMIUM ASSISTANCE WAIVER".

On page 150, beginning on line 3, strike "issued" and all that follows through line 9 and insert "developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).".

On page 151, line 14, strike "411(b)(2)(C)" and insert "411(b)(1)(C)".

On page 157, line 1, strike "411(b)(2)(C)" and insert "411(b)(1)(C)".

On page 161, between lines 14 and 15, insert the following:

(VII) health insurance issuers;

On page 165, between lines 2 and 3, insert the following:

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) COORDINATION WITH MEDICAID AND CHIP.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

"(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974.

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

On page 205, line 11, strike "2112(b)(2)(A)(i)" and insert "2111(b)(2)(B)(i)".

Mr. BAUCUS. Mr. President, I ask that the amendment be agreed to.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2645) was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Mr. President, this bill seeks revenues for the very laudable State Children's Health Insurance Program by unfairly taxing tobacco products. I urge my colleagues to acknowledge the reality that this tax increase is an irresponsible and fiscally unsound policy.

Tobacco sales have been declining 2 to 3 percent per year and are expected to be slashed by another 6 percent if the Federal excise tax is increased. But in order for this tax increase trick to work, more than 22 million additional Americans will need to take up smoking to keep the SCHIP program running over the next decade.

In addition, according to the Tax Foundation, no other Federal tax hurts the poor more than the cigarette tax. Of the 20 percent of the adult population who smoke, around half are in families earning less than 200 percent of the Federal poverty level. In other words, many of the families SCHIP is meant to help will be disproportionately hit by the Senate's proposed tax hike.

I oppose this tax hike plan not only because it is fiscally unsound but also because it unfairly hurts the economy of my home State of North Carolina. A massive and highly regressive tax increase on an already unstable product is an irresponsible way to fund such an important program.

Mr. President, section 203 of the fiscal year 2008 budget resolution makes it out of order for the Senate to consider legislation that increases the deficit by more than $5 billion in any of the four 10-year periods starting in fiscal year 2018 through 2057. The pending substitute amendment would increase the long-term net deficit in excess of $5 billion. I, therefore, raise a point of order under section 203 of S. Con. Res. 21 against the pending substitute amendment. This legislation clearly violates the Budget Act.

I yield the floor.

Mr. BAUCUS. Mr. President, I very much appreciate the words of the Senator from North Carolina. I know she means well, and is fighting very hard for her State. But pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purpose of the consideration of this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The yeas and nays resulted—yeas 67, nays 32, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—67

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Corker
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama.
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—32

Allard
Barrasso
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Sessions
Shelby
Thune
Vitter
Voinovich

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote the yeas are 67, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

SCHOOL-BASED HEALTH CENTERS

Ms. STABENOW. Mr. President, I rise to engage the distinguished Finance Committee chairman in a colloquy.

Mr. BAUCUS. I would be happy to have a colloquy with the distinguished Senator.

Ms. STABENOW. I want to express my appreciation for the chairman's efforts, and those of Ranking Member GRASSLEY, in working to ensure the health and well-being of our Nation's children.

As the chairman knows, more than 1,700 schools offer on-site, comprehensive well care, illness-related care, and dental care to nearly 2 million students from rural, suburban, urban, and Native American communities where access to such care is limited or nonexistent. A recent article in the March issue of Health Affairs discusses the role of school-based health centers as an effective means of helping children get the care they need.

I was prepared to offer an amendment to the pending Children's Health Insurance Program bill that would ensure that school-based health centers are recognized as a provider under both Medicaid and the Children's Health Insurance Program. While the vast majority of these centers receive Medicaid reimbursement, only one in four receives reimbursement under the Children's Health Insurance Program for the providing the exact same quality services that a child might receive at another provider.

After discussing this with the chairman, we noted that my amendment is included in section 121 of the House version of the Children's Health Insurance Program reauthorization bill. Therefore, to finish the Senate reauthorization as quickly as possible, I am prepared to not offer my amendment. But before I do that, I wanted to ask the chairman if he would support the House provision recognizing school-based health centers in conference?

Mr. BAUCUS. I first thank the Senator from Michigan for her leadership on the Healthy Schools Act and school-based health centers. I, too, recognize the importance of school-based health centers. Clearly, efforts must be made to ensure that not only children have coverage but also access to health care providers. I support this amendment and will work with my colleague to address this issue in conference.

Ms. STABENOW. I thank the chairman for his support and assurance. I will not offer my amendment.

DIABETES

Mr. DOMENICI. Mr. President, I want to begin by complimenting the chairman, the Senator from Montana, Mr. BAUCUS, and the ranking member, the Senator from Iowa, Mr. GRASSLEY, for all their work on this Children's Health Insurance Program. You have taken a very difficult and contentious issue and produced legislation that will help many families. You should be congratulated.

I would like to raise the issue of diabetes as part of the reauthorization of the State Children's Health Insurance Program. I have offered an amendment along with my colleague Senator DORGAN, which would reauthorize the Special Diabetes Program for Indians and the Special Funding Program for type 1 diabetes research. This amendment is identical to the language in S. 1494, which I also introduced with Senator DORGAN.

Diabetes is one of the most serious and devastating health problems of our time. Although diabetes occurs in people of all ethnicities, the diabetes epidemic is particularly acute in our Native American populations. That is why during the negotiations on the 1997 Balanced Budget Act, the same bill that created this SCHIP program, I helped craft an agreement to finance diabetes programs of the Indian Health Service and help raise the profile of tribal health programs. The Special Diabetes Program for Indians began with funding of $30 million annually for 5 years and was later expanded to $150 million a year. This funding has been used widely in Indian country, including among the Navajo Nation and the 19 Pueblos in New Mexico.

These programs are set to expire in 2008, and I believe they need to be a priority in this Congress.

Mr. BAUCUS. I want to thank the Senators from New Mexico and North Dakota for their leadership on this important issue. I have worked hard in previous Congresses to support this program and helped shepherd its last reauthorization as part of the 107th Congress. It is important that we work together to make sure our Native American and rural communities have the resources they need to provide treatment and prevention programs. It is important to support research to work to find a cure for this disease. Although we were not able to include this provision in the bill that is before us on the floor, I am aware that these critical programs expire in 2008; and that the reauthorization of these programs is a priority for the Finance Committee.

Mr. GRASSLEY. I would also like to thank my colleagues for their leadership on this issue. I share your concern with the diabetes epidemic in the United States and especially the effect it is having on our Native American communities. I support the reauthorization of the Special Diabetes Program for Indians and also the reauthorization of the Special Funding Program for type I diabetes research. The prevention and treatment of diabetes has improved greatly over the past decade. These programs have clearly played a major role in these improvements. I also look forward to working with my colleagues to reauthorize these programs during this Congress.

Mr. HATCH. I would also like to speak in support of the reauthorization of the Special Diabetes Program for Indians and the Special Funding Program for type I diabetes research. My record as an advocate for diabetes research and treatment programs is well documented. I have helped to lead the efforts in past years to reauthorize these programs and I look forward to working with my colleagues to make the reauthorization of these programs a priority for the Finance Committee this Congress.

Mr. DOMENICI. I want to thank the Senators for their time. With that I will withdraw my amendment and I ask the chair that my amendment No. 2629 be withdrawn.

AMENDMENT NO. 2535

Mr. SPECTER. Mr. President. I voted against the Allard Amendment for the following reasons.

This amendment sought to codify in law the treatment of unborn children, therefore establishing the fetus as protected separately from the mother. Under the current bill, SCHIP States may treat pregnant mothers. In 2002, the Bush administration issued a regulation that gave States the option of extending SCHIP coverage to unborn children without a waiver.

While I support the waiver policy in the pending legislation, this amendment is an effort to advance a political cause rather than provide a medical necessity because pregnant women are now covered. Under current law, there is ample ground for coverage during pregnancy. In fact, the Senate bill allows States to provide coverage for pregnant women without denominating them as unborn children to advance a political cause.

While the amendment failed by a vote of 49 to 50, there is no practical effect in terms of health care coverage for pregnant women.

AMENDMENT NO. 2557

Mr. BYRD. Mr. President, while I opposed the Specter amendment, I do believe that the alternative minimum tax needs to be reformed. In the coming months, I hope to support efforts to do away with the inequities of the alternative minimum tax that unfairly burden West Virginians.

AMENDMENT NO. 2621

Mr. DURBIN. Mr. President, today the Senate adopted a resolution expressing the sense of the Senate that small business owners should have some help when it comes to providing health insurance for their employees. I am an original cosponsor of the resolution adopted by amendment and strongly support its goals.

The current health insurance system is simply not working for small employers and the self-employed. Employees of small businesses are much more likely to be uninsured than employees of large businesses. They are charged higher premiums for similar coverage. Their premiums can increase dramatically from year to year when a fellow employee gets sick. And employees rarely have a choice when it comes to their health plan.

Over the past several months, I have sought out the opinions of people with a variety of viewpoints, which has resulted in constructive dialogue on how Congress can respond to these challenges. We are making progress. I think a workable compromise can be found.

There is general agreement on what we want to accomplish. We need to create opportunities for small businesses to group together in a large pool. We need to ensure there are choices in private health plans that employees can choose from. And some form of subsidies will be needed to make health coverage more affordable.

We know what we need to put in place, and we are working on how to reach these goals. The resolution demonstrates the Senate's commitment to finding a consensus this year. We won't end up with a Democratic bill, and we won't end up with a Republican bill. It will have to be a bipartisan bill.

We need to work together, take the best ideas that are offered, and develop a proposal that has bipartisan support. That is the only way this Congress can address the need to help small business manage rising health care costs, while making health care coverage available for their employees.

Mr. McCAIN. Mr. President, I am pleased that the Senate is debating the reauthorization of the State Children's Health Insurance Program, SCHIP. This is a vital safety net program that offers health care coverage to one of our most vulnerable populations, low-income children. I support a timely, fiscally responsible reauthorization of this program.

The SCHIP program has served a critical purpose for many years. In 1997, Congress created SCHIP to come to the aid of the millions of children who were going without health insurance because their families were stuck between earning too much money to qualify for Medicaid and not having enough money to purchase private health care coverage. I was pleased to join many of my colleagues in supporting its establishment. Thanks to this program, low-income children have been able to count on a safety net program that can provide them with health care coverage that they might otherwise go without.

I strongly support the central purpose of SCHIP and believe that children of low-income families should have health insurance coverage. In some ways, this program has been a great success, as we have been able to drop the rate of uninsured children by nearly 25 percent from 1996 to 2005 and SCHIP covered about 6.6 million children last year. At the same time, however, I am greatly concerned that the program has expanded beyond what Congress first intended. In some cases, SCHIP coverage has been extended to middle-income children and to certain adult populations. I don't believe that was the intention of Congress when we created this program. This has complicated SCHIP reauthorization, and I believe that if we allow SCHIP to grow beyond its original purpose, SCHIP spending will grow exponentially and jeopardize its future success.

Several options have been proposed to reauthorize the SCHIP program. One, the CHIP Reauthorization Act, which was reported by the Finance Committee, would greatly expand SCHIP beyond its original framework, lead to an explosion in new spending, and reduce private health coverage in our country. The other, the Kids First Act, which I support, would keep SCHIP's focus on providing low-income children with health insurance in a fiscally responsible manner.

I am concerned over the direction that the CHIP Reauthorization Act would take SCHIP and the precedent it would set for future authorization bills. The current SCHIP baseline is currently $25 billion; however, under the Finance Committee's proposal, spending would explode by an additional $35 billion and will end up costing $60 billion over 5 years. Not only that, according to CBO, at the end of 5 years, in order to comply with pay-go rules, this bill reduces the SCHIP allotment in the fifth year 2013 from $8.4 billion to $600 million. If there is anyone who seriously believes Congress will cut SCHIP funding by $8 billion in 1 year and cause millions who would then rely on SCHIP to lose coverage, I have got some beachfront property in Yuma, AZ, that I am willing to sell.

The CBO report also points out that if the costs of the program continue to grow according to enrollment projections, the total cost of the program over the fiscal year 2008–2017 period would be $112 billion. Even the massive tobacco tax increase included in the bill, which would raise about $71 billion from fiscal year 2008–2017, can't cover that cost. I am not sure where the extra money will come from to cover the cost of the bill, and it is unfair that we leave this for a future Congress to figure out how to cover our overspending. In other words, let's put a halt to business as usual.

The CHIP bill also represents a change in the mission of SCHIP by further eroding private health coverage of children. With expanded eligibility for SCHIP, we are likely to see families who already have private coverage drop that coverage and opt for a Government-run, Government-subsidized program. CBO estimates that, among newly eligible populations covered under this bill, each additionally enrolled individual in SCHIP will be matched by one individual leaving private coverage. We will be spending billions and billions of dollars providing coverage for children who already have coverage, and I believe this is a dangerous step toward Government-run health care insurance.

Instead, Congress should remember the central mission of SCHIP and focus the program reauthorization on providing low-income children with health insurance coverage if they don't otherwise have it. Several of my colleagues offered the Kids First Act as a substitute amendment to the CHIP bill. It would reauthorize SCHIP, provide an increase in funding, and avoid a costly regressive tax increase. This bill would ensure that SCHIP mission remains covering low-income children and will focus efforts on enrolling children who are already eligible for SCHIP and Medicaid but are not currently enrolled. It also recognizes that millions of children receive private health coverage and would improve current laws that allow States to offer premium assistance for coverage through private plans. Additionally, the Kids First Act also includes small business health plan reforms. Unfortunately, the Kids First Act failed after it was offered as an amendment during debate earlier this week.

At this time, I cannot support the CHIP Reauthorization Act. While I applaud the sponsors efforts to reauthorize SCHIP, I believe that bill differs drastically from the original intention of the SCHIP law and is fiscally irresponsible. I support the ideas contained in the alternative bill, the Kids First Act, which I believe would keep SCHIP focused on providing health insurance coverage to low-income children and would do so without dramatic increases in Federal spending or higher taxes on Americans.

Mr. AKAKA. Mr. President, I support the Children's Health Insurance Program Reauthorization Act.

According to the Center on Budget and Policy Priorities, the Children's Health Insurance Program has reduced the number of uninsured children by one-third since its enactment in 1997. The administration's opposition to this legislation is a vital mistake that threatens the health and well being of our Nation's children. This program is not partisan and debate on this issue should not be ideological. We simply want children to have access to health care. Making investments in the health care of children will help ensure that they grow up into healthy adults. In order to learn and lead active and healthy lives, children must have access to health care.

As of June 2007, 17,512 children were enrolled in Hawaii's Children's Health Insurance Program. An estimated 5 percent of children in Hawaii do not have health insurance. This is approximately 16,000 children who do not have health insurance. I am proud that my home State, Hawaii, has continued to develop innovative solutions to help increase access to health care. This year, Hawaii enacted legislation establishing the Keiki Care Program. The Keiki Care Program is a public-private partnership intended to make sure that every child in Hawaii has access to health care.

Now is not the time to cut Federal resources provided to States to provide health care for children. The legislation currently before the Senate will preserve the access of health care for the 6.6 million children currently enrolled in the Children's Health Insurance Program. It will also expand health care access to an estimated 3.2 million children.

The Children's Health Insurance Program Reauthorization Act must be enacted. This administration's opposition to this program is shortsighted and threatens the well-being of our Nation's children.

Mr. LIEBERMAN. Mr. President, I rise today to offer my support to not only the reauthorization of the Children's Health Insurance Program, or CHIP, but also to the expansion of this successful program.

CHIP was created a decade ago on a bipartisan basis with the support of a Democratic President and a Republican Congress. Members of both sides of the aisle came together to address the problem of uninsured children across this country. In 1997, over 22 percent uninsured low-income children were uninsured. In 2005, that percentage had decreased to less than 15 percent. It is clear that CHIP has significantly lowered the percentage of low-income children that are uninsured. Overall, CHIP has led to a one-third reduction in the percentage of low-income uninsured children in America.

CHIP covers a total of 6 million children today, and research shows us that these children are doing better than those without insurance. CHIP kids are more likely to have seen a physician, and to have had a well-child visit than uninsured children. They are more likely to receive hospital care and prescription medications for their health conditions. Most importantly, CHIP kids have better health and academic outcomes, such as improved care for asthma; declines in infant mortality, childhood deaths, and low-birth weight; and improved academic performance. These facts make it clear that our bottom line should not be dollar amounts, but the health and success of our children, and it is clear that children enrolled in CHIP are healthier and doing better in the classroom. I see no greater reason than that to expand this successful program.

CHIP is a national success story that we should all take pride in. Unfortunately, it is one the few success stories that we have to report in health care over the last decade. Health care costs are rising at ever increasing rates, employer sponsored coverage is decreasing, the numbers of uninsured is rising, health care quality is not where it should be given the amount we spend on health care, and patients are not involved enough in their own care.

As families, businesses, and providers confront these realities, Washington is in a deadlock about how to solve one of our most daunting domestic challenges. CHIP, however, offers this Congress another opportunity to reduce the number of uninsured children in this country now. Just as importantly, we have an opportunity to also make an investment in our future by improving the health status of our Nation's children. It is imperative to our Nation's future health security to provide these children with the coverage they need to be healthy and productive for years to come.

I know that members of both parties want to cover uninsured children in their States and across the country. Members of both parties want CHIP to function as efficiently as possible and to reach those most in need. Members of both parties want to provide States with flexibility to address their States' unique concerns. Now, we are all faced with a new challenge—to cover the 9 million children that remain uninsured across America, 6 million of whom are eligible for Medicaid or CHIP. This challenge brought a core group of Senators from the Finance Committee together around these common goals, which they used as a foundation for reauthorizing and expanding this successful program to move towards covering all of the 9 million uninsured children that remain in this Nation.

Both sides worked tirelessly together and compromised so that the legislation we are now considering could be brought to the Senate floor and so that we could move towards bringing health security to more of America's uninsured children. If enacted, this legislation would provide coverage to over 3 million more children, again reducing the number of uninsured children by one-third. States would receive new funding for reaching out to eligible children and enrolling them. States will also receive funding based on their spending projections, thereby reducing the likelihood of budget shortfalls as we have seen increasingly in recent years. States will receive incentives to lower the rates of uninsured children in their State. Lastly, States will continue to have the flexibility to design programs that meet their unique needs. In Connecticut, children up to 300 percent of the Federal poverty level are eligible for CHIP and this legislation would allow my State to continue to build on its success and enroll even more children into this successful program. This legislation also establishes a new framework for improving quality, which should be a priority as we consider ways of containing health care costs, by creating a quality initiative to develop, implement, collect measurement data on quality of care.

I know there are some in the Senate that are opposed to this legislation and to the expansion of this program. This week they have spoken extensively on their proposals for health care reform and their willingness to move forward on that larger issue. However, while we wait to reform the health care system in this partisan environment, children in this country are living without access to health care. We have a moral obligation to care for these children and give them the best chance to succeed in school, and at life, by keeping them healthy. There are others that say the program should be expanded even more significantly. While I agree with this latter sentiment, the nature of the work of this body is bipartisan. To progress, we each may have to give something up to our colleagues. I urge them to continue on this course and support this legislation.

The legislation before this Senate body is the product of months of bipartisan negotiation, compromise, and a shared vision and goal across both parties. CHIP reauthorization should be an example to all in this Chamber of what can be accomplished when we put partisanship aside and focus on what we have in common.

Most of all, I urge the President to not veto CHIP reauthorization if a bill were to reach his desk. It would signal a colossal missed opportunity to provide health security to those that are most vulnerable in our Nation.

Mr. ENZI. Mr. President, I rise today to speak about the State Children's Health Insurance Program, or what folks on Capitol Hill are calling S–CHIP.

SCHIP was created by a Republican Congress in 1997 to help low income kids get health insurance. The goal of the program is to help kids that don't qualify for Medicaid, but also can't afford to get health insurance on their own, receive the care they need. This program expires on September 30, 2007, and I am here today to speak about how important it is to reauthorize this critical program in a way that protects private health insurance and keeps kids healthy.

I would like to speak for a few minutes about the how the program works today and how the proposals the Senate is discussing will change what currently happens.

Currently States have three options: they can enroll kids in Medicaid, create a new separate program, or devise a combination of both approaches. SCHIP is financed jointly by the Federal Government and the States, and States receive a higher percentage of Federal money for their SCHIP beneficiaries than they do for their Medicaid beneficiaries. This was originally designed to encourage States to create SCHIP programs. States have 3 years to spend their SCHIP allotments. Funds that aren't spent within 3 years are usually redistributed to States that have spent their allotment and need additional money.

When the Republican-led Congress enacted SCHIP in 1997, the program authorized $40 billion for 10 years. I will come back to this point in a bit, but the underlying bill before us today authorizes $60 billion over 5 years—the baseline spending is $25 billion over 5 years and this bill authorizes an additional $35 billion over 5 years. The budget resolution contained a deficit neutral reserve fund to spend $50 billion over 5 years in addition to the $25 billion in the baseline, so a total in the budget resolution is $75 billion over 5 years. This is a lot of money and Congress needs to ensure the money is being used to pay for health insurance for kids that don't currently have health insurance.

The nonpartisan Congressional Budget Office estimates that Senator BAUCUS' bill will reduce private coverage—that is kids will move from private health insurance to taxpayer-funded public health insurance. This is a highly inefficient policy—especially given how bureaucratic some State programs are structured. This is not an efficient use of the taxpayer's money.

Part of the reason why the crowd out effect is so great under the Finance bill is because the bill allows States to expand coverage to kids up to 400 percent of the Federal poverty level—which by the way translates to an annual income of $82,000 for a family of four. The higher the income expansion, the greater the crowd out effect. This is simple economics.

Now I would be remiss if I didn't mention what a great job my home state of Wyoming is doing in administering SCHIP. Wyoming first implemented its SCHIP program, Kid Care CHIP, in 1999 and in 2003, Wyoming formed a public-private partnership with Blue Cross Blue Shield of Wyoming and Delta Dental of Wyoming to provide the health, vision, and dental benefits to nearly 6,000 kids in Wyoming. These partnerships have made Kid Care CHIP a very successful program in Wyoming. All children enrolled in the program receive a wide range of benefits including inpatient and outpatient hospital services, lab and x-ray services, prescription drugs, mental health and substance abuse services, durable medical equipment, physical therapy, and dental and vision services. Families share in the cost of their children's health care by paying copayments for a portion of the care provided. These copays are capped at $200 a year per family.

Wyoming is also engaged in an outreach campaign targeted at finding and enrolling the additional 6,000 kids that are eligible for Kid Care CHIP but aren't enrolled.

As Congress works to finalize a bill to reauthorize this program, it is essential that we focus on the kids first. Some states SCHIP programs cover parents of kids that are on SCHIP and some States even cover childless adults. Adults without health insurance are a problem in this country, but not a problem this program was originally intended to address. I think there are responsible, market-based things Congress can do to help more American adults get health insurance, but this bill, the State Children's Health Insurance Program, should focus on the C for Children.

Not only does this bill need to focus on kids, we need to focus on low income kids. In July 2005, Wyoming's Kid Care CHIP began covering kids up to 200 percent of the Federal poverty level—those with family incomes below $42,000. The median family income in the United States is about $46,000, so the Wyoming benefit is very generous. Some of my colleagues are advocating for expanding SCHIP to cover kids and adults at 400 percent of the Federal poverty level. That means families making as much as $82,000 a year would have their kid's health insurance paid for by the government. Again, this is an inefficient use of taxpayer dollars. Why should the government provide health care for kids that come from families making $82,000 a year? I'll tell you why my colleagues are advocating for it—they see this as the first step toward government-run health care. They want the U.S. to be more like Canada and Great Britain. They want to take the private sector out of health care. They want to put the government in the exam room and tell you what doctors you can see and when you can see them and what drugs they can prescribe for you. I don't believe in this.

Not only do I not believe in this, I think this goes against all the principles upon which this country was founded.

Now I do agree that our health care system is breaking down, and in fact I don't think we have a health care system, I think we have a sick care system. That is why, earlier this month, I introduced "Ten Steps to Transform Health Care in America," a bold and comprehensive solution that addresses our health care crisis by building on market based ideas to expand access to health insurance for all Americans. I would like to take just a little bit of time to discuss each of Ten Steps.

The first of the Ten Steps is eliminating unfair tax treatment of health insurance, expanding choices and coverage and giving all Americans more control over their own health care. The Joint Committee on Taxation estimated that removing this tax bias and a few related health care tax policies will save the Federal Government $3.6 trillion over the next ten years. That is a lot of money that can and should be used to expand choices and access and give individuals more control over their health care. Ten Steps ensures every American can benefit from this savings—whether they get their health care from their employer, from the individual insurance market, or they decide they want to get off Medicaid and switch to private insurance. Everyone should be treated equally.

The second step of Ten Steps would increase affordable options for working families to purchase health insurance through a standard tax deduction. The national, above-the-line standard deduction for health insurance will equal $15,000 for a family and $7,500 for an individual.

The third step of Ten Steps is what makes this a hybrid approach—I couple the standard deduction with a refundable, advanceable, assignable tax-based subsidy. The tax subsidy is equal to $5,000 for a family, $2,500 for an individual. The full subsidy amount is available to individuals at or below 100 percent of the Federal poverty level, FPL, which is $20,650 for a family of four. The subsidy is phased out as an individual's salary increases, with individuals at 200 percent receiving half of the subsidy and individuals at 301 percent receiving the standard deduction instead of the subsidy.

The fourth key step for health care reform is to provide market-based pooling to reduce growing health care costs and increase access for small businesses, unions, other kinds of organizations, and their workers, members, and families. Those of you who know me well recognize how central this would be to any health care reform proposal of mine.

The fifth step blends the individual and group market to extend important HIPAA portability protections to the individual market so that insurance security can better move with you from job to job.

The sixth step emphasizes preventive benefits and helps individuals with chronic diseases better manage their health. America should have health care, not sick care. Prevention. Prevention. Prevention. This step is modeled after a very successful program in Wyoming. In 2005, Wyoming EqualityCare, our Medicaid Program, began providing one-on-one case management for Medicaid participants with a chronic illness, such as diabetes, asthma, depression, and heart disease, to encourage better self-management of these conditions. The program provides educational information on self-management as well as a nurse health coach that follows up with each patient to ensure they have what they need to take care of themselves.

The seventh step gives individuals the choice to convert the value of their Medicaid and SCHIP program benefits into private health insurance, putting them in control of their health care, not the Federal Government. This is very pertinent to the underlying bill we are discussing today. The rationale for this step is simple. If the market can provide better coverage at a lower price, then why not allow Americans to access that care? This gives low-income individuals more options about where they receive their care and what care is available to them. It is time for people to start making decisions about their care—let's get the government out of the doctor's office.

The eighth step in Ten Steps is a bipartisan proposal which the HELP Committee approved last month—the Wired for Health Care Quality Act. This bill will encourage the adoption of cutting-edge-information technologies in health care to improve patient care, reduce medical errors and cut health care costs. Some of the most serious challenges facing healthcare today—medical errors, inconsistent quality, and rising costs—can be addressed through the effective application of available health information technology linking all elements of the health care system.

The ninth step of Ten Steps helps future providers and nurses pay for their education while encouraging them to serve in areas with great need. The ninth step also ensures appropriate development of rural health systems and access to care for residents of rural areas and gives seniors more options to receive care in their homes and communities.

The final step decreases the skyrocketing costs of health care by restoring reliability in our medical justice system through State-based solutions.

I realize that I have talked for quite a bit about Ten Steps to Transform Health Care in America and that, the underlying legislation is the reauthorization of the State Children's Health Insurance Program. I believe it is important to think bigger than just one program and think about the health care system as a whole. I have spoken a few times on the Senate floor about what I call the 80/20 rule. I always believe that we can agree on 80 percent of the issues and on 80 percent of each issue, and that if we focus on that 80 percent we can do great things for the American people. I believe that if we work together on these proposals we can find that 80 percent. I would like to work with my colleagues on that 80 percent. I want action—real action to provide real coverage for Americans. I support reauthorizing this program in a way that protects private health insurance and keeps kids healthy. I also support looking beyond this single program at reforming the entire health care system.

Mr. LEVIN. Mr. President, I am proud that we have produced a bipartisan bill to continue to provide health care insurance to children of low-income parents. The Children's Health Insurance Program, which we created 10 years ago, has been a great success, but it is set to expire on September 30. This bill to reauthorize and expand the program deserves our strong support.

I urge the President to approve the bipartisan compromise my colleagues worked so hard to achieve and not to carry out his threat to veto a bill, a veto which could result in denying health care coverage to many uninsured children from working families.

The Balanced Budget Act of 1997 created a children's health insurance program under title XXI of the Social Security Act. This program allows states to insure children whose families are above Medicaid eligibility levels through block grants, and it allowed states flexibility in designing how CHIP would be implemented.

Since 1997, CHIP has received about $40 billion in appropriations and has been widely successful. Currently, 6.6 million children are enrolled in CHIP. Seventy percent of those children came from families with incomes below 150 percent of the poverty level, and more than 90 percent were from families with incomes below 200 percent of the poverty level.

CHIP coverage leads to better access to preventative and primary care services, better quality of care, better health outcomes and improved performance in school. Some experts estimate that families with insured children are five times less likely to delay health care because of costs than families with uninsured children. Michigan has had particularly impressive results from CHIP and currently has the second lowest rate of uninsured children in the nation.

Although CHIP has been successful, it still fails to address the problem fully. Too many children qualify for the program but are unable to receive insurance because of inadequate funding. There are still 9 million uninsured children nationwide, 6 million of which are eligible for either Medicaid or CHIP. In Michigan, while 55,000 children are covered under CHIP, 90,000 Michigan children are currently eligible for Medicaid or MIChild, Michigan's CHIP program, but are not receiving services. In addition, according to the Robert Wood Johnson Foundation, the recent decline in employer-sponsored health care coverage is threatening the access to private health care coverage for many more children.

With CHIP set to expire this year, the path we need to take is clear we need to reauthorize and to also expand CHIP.

This bill before us was reported by the Senate Finance Committee with a bipartisan majority of 17-4. It will reauthorize CHIP and increase funding for the program by $35 billion over 5 years. The Children's Health Insurance Program Reauthorization Act of 2007 would ensure that there is sufficient funding to cover the children currently enrolled and to expand the program to additional children in need. This plan would increase outreach and enrollment for uninsured low-income children of the working poor, enhance premium assistance options for low-income families, and improve the quality of health care for our Nation's children.

This reauthorization would also provide $200 million in grants for states to improve access to dental coverage; require that states providing mental health services provide those services on par with medical and surgical benefits under CHIP; and allow states to use information from food stamp programs to find and enroll eligible children. This bill would also help to reduce racial and ethnic health care disparities by improving outreach to minority populations and provide new funding for state translation and interpretation services.

The additional $35 billion in funding is expected to reach an estimated 3.2 million additional uninsured American children from low-income families. Up to 50,000 more Michigan children would be covered over the next 5 years.

There are two aspects of the bill that are disappointing. The current CHIP program allows for flexibility at the State-level in how the program is implemented. The administration has encouraged this flexibility by approving waivers to some States that would allow them to cover services to other needy populations after ensuring that it is not at the expense of enrolling eligible children into CHIP.

Michigan has had a waiver that allows it to cover adults who make less than $3,500 a year—adults who are the "poorest of the poor." But under the bill we passed today, some of these waivers will be phased out

The second disappointment is that this bill does not go as far as we could have to fund and expand CHIP. In the fiscal year 2008 budget resolution, the Senate included an increase of $50 billion for CHIP. However, the bill, as a result of compromises made, provides $35 billion.

I voted for an amendment offered by Senator KERRY that would have provided the additional $15 billion that would have taken us back to $50 billion. With this additional funding, the Kerry amendment would have provided more incentives to increase the enrollment of uninsured children. Unfortunately, this amendment was not agreed to.

On balance, however, this is a strong bill. President Bush's approach would be far worse. The President wants to add only $5 billion over 5 years, which many believe will not even sustain the current levels of coverage and certainly would not help the millions of children still living without health insurance.

President Bush has threatened to veto the Senate's CHIP reauthorization bill, but I hope the Senate's action today will send a strong message to the President that this program has broad bipartisan support.

Here are just a few examples of the way in which CHIP fills a need. A courageous and hardworking mother from Royal Oak, MI, wrote:

> As a single working mother, I could not afford the family insurance that my employer offered, and definitely could not afford private pay. Without this insurance I do not know what I would have done. [SCHIP] offered us options, doctors instead of emergency rooms, less time missed at work and school. Please continue and increase funding for this valuable program. Thank you.

A registered nurse from Berkley, MI wrote:

> I work in Detroit with impoverished, uninsured and underinsured adolescents and the SCHIP program has helped tremendously in getting them the health care they so desperately need.

And a registered nurse from Pleasant Ridge, MI, wrote:

> It is an imperative to continue to support, and expand, health care services to children. These services are the building blocks of personal health leading to healthy, active adults. Health promotion and disease prevention programs have been shown to save significant healthcare dollars later in life by assuring that each individual grows and develops to their fullest potential. Healthy children become healthy adults who then support the growth of communities and the economy.

We have a moral obligation to provide Americans access to affordable and high quality health care. No person, young or old, should be denied access to adequate health care, and the expanded and improved Children's Health Insurance Program is an important step toward achieving that goal.

Ms. COLLINS. Mr. President, one of the first bills that I sponsored when I came to the Senate 10 years ago was the legislation that established the State Child Health Insurance Program—or SCHIP—which provides health care coverage for children of low-income working parents who cannot afford health insurance yet make too much money to qualify for Medicaid.

Since 1997, SCHIP has contributed to a one-third decline in the uninsured rate of low-income children. Today, over 6 million children—including 14,500 in Maine—receive health care coverage from this remarkably effective health care program.

According to a recent assessment by the nonpartisan Center for Children and Families at Georgetown University, "While the coverage news for the nation is generally bleak, the story for children's health coverage stands apart. Of all the health reform efforts, covering children has been resoundingly successful. Since its creation, SCHIP has partnered with Medicaid to help ensure that children have the health care that they need."

Still, there is more that we can do. While Maine ranks among the top 4 States in the Nation in reducing the number of uninsured children, we still have more than 20,000 children who don't have coverage. Nationally, about 9 million children remain uninsured.

Unfortunately, the authorization for SCHIP, which has done so much to help low-income American families to obtain the health care that they need, is about to expire. As the cochair with Senator ROCKEFELLER of the nonpartisan Alliance for Health Reform, I have long been concerned about the need to extend the SCHIP program in order to renew our commitment to meeting the health care needs of children in our Nation's low-income working families.

That is why I am pleased to support this legislation to extend and strengthen this important program. This bipartisan bill increases funding for SCHIP by $35 billion over the next 5 years, a level which is sufficient to maintain coverage for all 6.6 million children currently enrolled, and also allows the program to expand to cover an additional 3.3 million low-income children.

The legislation the Senate is currently debating also improves SCHIP in a number of important ways. I am particularly pleased that the bill includes a requirement for States that offer mental health services through their SCHIP program to provide coverage that is equivalent in scope to benefits for other physician and health services. Treating behavioral and emotional problems and mental illness while children are young is critical to preventing more serious problems later on.

Despite the demonstrated need, children's dental coverage offered by

States isn't always all that it should be. Low-income and rural children suffer disproportionately from oral health problems. In fact, 80 percent of all tooth decay is found in just 25 percent of children. I am, therefore, cosponsoring amendments with Senators SNOWE, BINGAMAN, CARDIN, and MIKULSKI to strengthen the dental coverage offered through SCHIP to ensure that more low-income children have access to the dental services that they need to prevent disease and promote oral health. I am hopeful that these amendments will be included in the final package.

In recognition of the fact that good health begins before birth, the Senate bill also gives States the option of covering low-income pregnant women under SCHIP. Current regulations do permit States to cover unborn children, making reimbursements available for prenatal, labor, and delivery services. Medically necessary postpartum care, however, is not covered. The Senate bill will change that.

The Senate bill will also eliminate the State shortfall problems that have plagued the SCHIP program, and it also provides additional incentives to encourage States to increase outreach and enrollment, particularly of the lowest income children.

In short, Mr. President, the bill before the Senate is a prescription for good health for millions of our Nation's working families, and I urge all of my colleagues to join me in supporting it.

Ms. SNOWE. Mr. President, I want to congratulate Chairman BAUCUS and Ranking Member GRASSLEY, as well as Senators ROCKEFELLER and HATCH, for their visionary leadership and tireless perseverance in crafting an SCHIP package that has received so much bipartisan support. I also want to thank them for never losing sight of the single over-arching goal—obtaining health insurance for uninsured children.

I rise today to strongly support a Senate resolution I have filed with Senator LINCOLN and a host of my colleagues on both sides of the aisle which contains a resounding and inescapable message: Congress must unite to address the small business health insurance crisis—this year.

I am encouraged by the unprecedented level of constructive, bipartisan dialogue currently taking place on the issue of small business health insurance reform. The roster of support on our Small Business Resolution speaks volumes about its viability: Senators BAUCUS and GRASSLEY, KENNEDY and ENZI and Senators BEN NELSON, DURBIN, SMITH, and CRAPO. This diverse, bipartisan group tells me that the will is there. We can get this done—if we don't retreat to partisan corners and if we work together and make tough compromises just as we have done on the SCHIP bill—which this body will soon likely pass—where we sat down, rolled up our sleeves, and worked together to fashion a consensus package.

As past chair and now ranking member of the Small Business Committee, if there is one concern I have heard time and again, it is the exorbitant cost to small businesses of providing health insurance to their employees. Health insurance premiums have increased at double-digit percentage levels in 4 of the past 6 years—far outpacing inflation and wage gains. Is there any question that the small business health insurance crisis is real?

We could not be at a more pivotal juncture on this threshold issue. According to the Kaiser Family Foundation, last year the average group-sponsored health insurance policy for an individual was $4,242—the average family plan cost $11,480. And the figures are dramatically worse for those purchasing health insurance in the individual market. For example, in my home State of Maine, a health insurance plan on the individual market can cost a family of 4 in excess of $24,000 per year. Funds which could be used for other expenses such as saving for college tuition or retirement security or a down payment on a home—not for one year of health care.

This phenomenon perpetuates a cycle of spiraling costs and declining access as fewer and fewer small businesses offer health insurance to their employees. Only 48 percent of our smallest businesses are able to provide this workplace benefit—a 10 percent drop from 5 years ago. Clearly, it is time we started heading in the opposite direction.

Of course, this is easier said than done as small group markets such as those in Maine have no real competition and represent major impediments. No competition means higher costs, and higher costs mean no health insurance.

Making matters more challenging is the fact that across the country, the largest insurers now control 43 percent of the small group markets. In Maine, a sum total of four large insurers now control 98 percent of the small group market.

So the issue isn't whether the United States has the greatest health care system in the world—we do. But with nearly 45 million uninsured in this country, our goal should be nothing less than providing health care access for all. It is all the more incumbent upon this Congress to consider every possible viable avenue and reach across the partisan divide to solve this crisis, an approach that reflects the undeniable will of the American people on this matter.

That is why I have advocated for and championed Small Business Health Plan legislation which would allow small businesses to "pool" together across state lines to provide their employees with health insurance at significantly lower costs. It is an idea which is gaining growing support. A recent study published by the National Association of Realtors concluded that an overwhelming majority of voters—89 percent, including 93 percent of Republicans and 86 percent of Democrats—favor legislation that would allow small businesses to pool together to negotiate lower health insurance costs.

I continue to believe that Small Business Health Plans are a logical solution to the small business health insurance crisis, and I thank Senator ENZI for all of his tremendous efforts in getting legislation passed through the HELP Committee last year, and for having them considered on the Senate floor for the first time ever.

As we move forward in this debate, we must leave no stone unturned in our search for consensus solutions to this crisis as we seek to reform the small group and individual health insurance markets.

We must address how to allow health insurers to provide lower-cost products to small businesses across state lines while maintaining the most widely accepted and necessary benefits and services.

We must figure out how to "rate," or price, these products—and also how and whether this can be done in a uniform manner, without jeopardizing consumer protections.

Finally, we should examine ways to use the tax code as a mechanism for increasing access to health care and injecting competition into the state small group markets.

In conclusion, Congress must consider small business health insurance reform legislation this year, in a bipartisan, comprehensive way that can secure significant consensus support. In the coming months, I look forward to a robust and productive debate on this issue in the Finance Committee.

I yield the floor.

Mr. LEAHY. Mr. President, I wish to express my support for the passage of the Children's Health Insurance Program reauthorization. This is a vitally important program that ensures some of the most vulnerable among us, our children, have access to the health care they deserve. There is no question that we are a country with a health care crisis. In the richest, most powerful country in the world, it is a disgrace that we have 47 million people with no health coverage. Addressing this national priority is long overdue, so I am especially pleased that this new Congress will take action by extending health care coverage to millions of children.

Congress created this program 10 years ago to provide coverage to children whose families earned too much to qualify for Medicaid, but lacked health care coverage through their employer or the private market. At that time, there were more than ten million children who were uninsured. In the last decade, we have seen the success of the Children's Health Insurance Program; it has covered over 6 million low-income children, providing consistent quality health care.

With the success of this program, it is appropriate that we renew it for 5 more years, but also extend it so that millions of additional low-income, uninsured children will now have health coverage. This expansion is critically important because through CHIP children have far better access to preventive and primary care services than they would if they were uninsured. With more routine health care, we know that kids have better health outcomes and perform better in schools.

Studies have also shown that approximately 6 million children are eligible for public coverage but are not enrolled in CHIP. I am pleased that the Finance Committee has been able to craft a bill that would cover 3.2 million children, but I do hope that we can go even further and expand this coverage to additional children. Because uninsured children are nine times less likely to receive needed health care on time and are more likely to go without a visit to a doctor's office, we need to cover as many of them as possible.

My State of Vermont has been a leader when it comes to covering kids. We are referred to an early expansion State because prior to the creation of this program, Vermont extended Medicaid coverage to low-income children through a program known as Dr. Dynasaur. The bill before the Senate would allow Vermont to maintain coverage for the kids currently covered, but also reach out to the remaining children that are eligible but not enrolled in the program.

The Finance Committee proposal would also have a positive impact on health care by increasing the tobacco tax. This action will have a significant affect on our country's health, reducing the rate of cancer, strokes and heart attacks. Further, an increase in the tobacco tax will also reduce the prevalence of smoking, especially among adolescents. We know that when cigarettes become more expensive, both kids and adults will change how much they smoke. This is a positive outcome and one that I support.

I appreciate the hard work that has gone into crafting this bipartisan legislation. I believe it puts the country on the right track towards ensuring all children have health insurance and I strongly support it.

Mr. ROCKEFELLER. Mr. President, this is a monumental day for all Americans but especially children and their families. I am proud of the work we have accomplished over the past few days in the Senate on the Children's Health Insurance Program—or CHIP—Reauthorization Act of 2007. Renewing this program for another 10 years is a fitting way to mark this Sunday, August 5th's 10-year anniversary of the day the first CHIP bill was signed into law.

As you know, this legislation was the result of countless hours of negotiations between Senators BAUCUS, GRASSLEY, and HATCH and I. CHIP legislation has a history of bipartisanship, I am quite proud of it.

Many Members of this Chamber had hoped for something different in this bill.

There were some on the other side of the aisle who wanted to place further restrictions on those covered by this bill and decrease the funding to $15 million. I know that there were others on this side of the aisle who wanted to add benefits and increase the funding to $50 billion. Individually, we were each tempted by some of the suggested changes in the more than 86 amendments to this bill.

But the fundamental goal has been sustained throughout our debates and votes—expanding access to health care for millions of children, including those eligible children who are not yet enrolled.

Each of us knows the statistics in our own State. I am proud that nearly 39,000 West Virginians were enrolled in the program last year.

These kids can see a doctor when they get sick, receive necessary immunizations, and get the preventative screenings they need for a healthy start in life, because of this important program. The passage of this bill means 4,000 more West Virginia children will have affordable and stable health insurance coverage including access to basic preventative care and immunizations.

Bipartisan passage in the Finance Committee was our first "win." Senate passage is the next bold step. Our conference, like all of the CHIP negotiations, will be intense. But if we keep our focus on covering children and bipartisanship, I am confident that we will achieve our vital goal of continuing this successful program for children.

Many individuals have worked long and very hard on this legislation for months. I truly appreciate the efforts of Chairman BAUCUS and Ranking Member GRASSLEY and their professional staff. Senators HATCH and SNOWE and their staff played an essential role in our negotiating team.

But I also want to take a moment to mention the extraordinary work of my health care legislative assistant, Jocelyn Moore. She is enormously dedicated and she has a deep commitment to health care policy, especially the needs of children. Jocelyn is a talented professional who have been working around-the-clock for many months. My legislative director, Ellen Doneski, has also been involved throughout the process and is a real leader. I am grateful for their dedication and commitment and inspired by the intellect and mastery of the issue of children's health policy.

I thank my staff, and my colleagues. Let's get ready for conference negotiations and stay focused on what matters most—covering children.

Mr. McCONNELL. Mr. President, when this debate first began, I came to this floor to say that SCHIP has proved to be, in many ways, a remarkable success for this Nation.

Thanks to a program passed by a Republican-led Congress 10 years ago, the rate of uninsured children in America has dropped by 25 percent from 1996 to 2005. Last year, 6.6 million children had health care because of SCHIP—and over 50,000 of them were in my home State of Kentucky.

SCHIP has accomplished what it was designed to do: protect children in low-income families, families too well off to qualify for Medicaid but still needy enough to have difficulty affording private insurance.

When the program came up for reauthorization, this Senate's goal should have been to retain what works, and to strengthen the law in areas where it has been misused.

Unfortunately, that is not what happened. SCHIP was originally created to help the needy. But it is clear the authors of this new proposal have overreached.

Some have seized the reauthorization of SCHIP as a license to raise taxes, increase spending, and take a giant leap forward into the land of government-run health care.

The problems with this bill are numerous, and I have spelled them out on this floor before. Because of a budgeting gimmick, the current bill, H.R. 976, will end up costing $41 billion more than advertised.

It will raise taxes at a time when the American people are already taxed too much by more than doubling the Federal tax on tobacco.

It will leave open loopholes allowing some States to raid their kids' health funds and use the money for adults. The "C" in "SCHIP" stands for children.

It will allow families in certain States who make as much as four times the Federal poverty level to still qualify for SCHIP insurance. A family of four in New York City making as much as $82,600 could qualify.

That means thousands of families in New York alone will be poor enough to receive SCHIP—yet also rich enough to pay the alternative minimum tax, a tax designed specifically to target the so-called "wealthy."

By luring people away from the private market, H.R. 976 will eventually remove 2 million people from private health coverage.

Senators LOTT, KYL, GREGG, BUNNING and I saw the problems with this bill, and proposed an alternative. The Kids First Act would have reauthorized SCHIP and ensured that states had sufficient resources to cover all of the kids already enrolled.

It would have added an additional 1.3 million children to the program by 2012. And it would have done all of this without raising taxes or increasing the deficit.

The Kids First Act kept the focus on SCHIP's true goal: Protecting low-income children.

Many States, including Kentucky, would actually have had more SCHIP funds to spend on kids under the Kids First Act than under the bill on the floor. I am sorry the Senate did not see fit to adopt our proposal.

I know many Senators worked their hardest during this debate to craft comprehensive solutions for the uninsured in America. I appreciate their efforts. I look forward to continuing that work.

Unfortunately, so much effort has not produced an answer. This bill is unlikely to receive a Presidential signature. Nothing will have been accomplished. We will have to pass a temporary extension of SCHIP, and then go back to the drawing board for a long-term reauthorization.

When we do, I hope the Senate can stay focused like a laser beam on what SCHIP is truly all about: Providing a safety net for kids in low-income families.

I look forward to working with all of my colleagues to craft legislation that can meet that goal, pass this Senate, and be signed into law.

But for now, the bill on the floor will not accomplish that. I intend to vote "no." And I urge my colleagues to do the same.

Mr. BAUCUS. Mr. President, we are about to vote final passage tonight. I am not going to take the time of Senators for all the customary thank-yous. I will do that at a later date. But I do very much want to thank Senators GRASSLEY, HATCH, and ROCKEFELLER and all the great team who helped make this possible.

I also thank the parents across the country who love their children and are determined to provide the best possible health care for them. I say to the parents, to all Americans, I hope this bill helps you provide that health care, and I think it will. I thank all Senators for their cooperation in helping make this happen tonight.

The PRESIDING OFFICER. Under the previous order, the substitute amendment, No. 3520, as amended, is agreed to.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—68

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Corker
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Hutchison
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—31

Allard
Barrasso
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Gregg
Hagel
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Sessions
Shelby
Thune
Vitter
Voinovich

NOT VOTING—1

Johnson

The bill (H.R. 976), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2646

Mr. BAUCUS. Mr. President, I ask unanimous consent that the title amendment at the desk be considered and agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2646) was agreed to, as follows:

Amend the title to read:

A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the order for the vote on the judicial nomination of the judge from Oklahoma be modified for the vote to occur immediately after the Senate convenes tomorrow morning, Friday, under the same conditions provided under the previous order.

I would say this has been cleared with Senator LEAHY and Senate SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICA COMPETES ACT—CONFERENCE REPORT

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report to accompany H.R. 2272, the 21st Century Competitiveness Act of 2007; that the conference report be adopted, the motion to reconsider be laid upon the table, that any statements be printed in the RECORD as if given.

Mr. President, I hope we can, in a minute or two, clear this wonderful piece of legislation. It is something I think people will write about for a long time. It is going to improve America's stature in the world and allow us to be more competitive.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not object, I want to take a brief opportunity to thank the senior Senator from Tennessee, who was the brains behind this effort on the Republican side. It did enjoy broad bipartisan support. But the leader clearly on our side in developing and pushing for this accomplishment was the senior Senator from Tennessee. I just want to, on behalf of all of us who were enthusiastic about this piece of legislation, congratulate him for a spectacular job.

Mr. REID. Mr. President, I certainly also applaud the Senator from Tennessee. He worked hand in glove with Senator BINGAMAN, Senator KENNEDY, Senator INOUYE.

I think it is appropriate to send a bouquet to my friend, the distinguished junior Senator from Nevada, Mr. ENSIGN. This is something he has believed in for a long time. He has worked with a number of individuals, and he has been out front on this going on for well more than a year.

The Republican leader and I have left off people who deserve attention, but we all deserve some credit. As we have said before, when we do something that is good, there is credit to go around. When we fail to accomplish things, there is blame to go around. Tonight, we can all claim a little bit of the credit, and rightfully so.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object, which I will not do, while the majority leader and the Republican leader are on the floor, I would simply like to say that this is the Reid-McConnell bill we are passing, which represents the fact that so many Members of this body have been a part of it.

After the Senator from Iowa makes his remarks, after wrap-up, I plan to make some remarks about this bill. But I would just simply say now that they have created an environment, in a bipartisan way, that permitted this bill to pass. It has been worked on for 2 years. It has had 70 Members—35 Democrats, 35 Republicans—cosponsoring it. I would judge that there will be no more important piece of legislation to the future of the country that passes the Congress in this session. I wish to thank Senator REID, Senator MCCONNELL, and Senator Frist from the last session for creating the environment that made it possible.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

(The conference report is printed in the House proceedings of Wednesday, August 1, 2007.)

ETHICS REFORM

Mr. REID. While my friend, the distinguished chairman of the committee, is not here, the ranking member is here. I think we all owe you a debt of gratitude. The way this bill was managed has been exemplary, and I speak for all of us in extending my appreciation to you and your partner in this very important committee, Senator BAUCUS, for the work you have done.

Mr. GRASSLEY. I would thank the distinguished majority leader too because he allowed this process to work. All the amendments that needed to come up—and there was kind of a convoluted way of putting it together with the tax bill that opened up a lot of other avenues and amendments that were brought up. But it really worked out well, and it is in the tradition of the Senate, and I thank you very much for your leniency in regard to letting everything that needed to be discussed, be discussed. I appreciate that.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for such time as I might consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHIP

Mr. GRASSLEY. Mr. President, before I go to further remarks, I want to give some credit on the passage of H.R. 976 the bill we just had and the cooperation.

The Grassley-Baucus cooperation has been mentioned here. I really compliment Senator BAUCUS for his leadership in working with us. But, also, it took us 3 or 4 months to put together a bill, and Senator HATCH and Senator ROCKEFELLER were very much involved in that effort with many long hours. So I thank them.

I do wish to make the point that what the Senate has done over the past few days has genuinely served the interests of the American people. The Senate passed this bipartisan legislation which will cover an additional 3.2 million children.

The Senate has proceeded in regular order to process amendments. Every amendment that was offered was defeated—I mean every one on which we had a rollcall vote was defeated. So this bill basically has come out of the Senate the same way it came out of the Senate Finance Committee.

This is how we should do business in the Senate. Amendments were debated and voted upon. Members had the opportunity to consider a variety of changes to the Senate Finance Committee bill. Some were adopted by voice vote. Those that took a rollcall, none of those were adopted. But regular order was followed, and the Senate worked its will.

I am pleased with the Senate Committee product, which is a bipartisan product.

I am also pleased with how the majority and minority leaders have handled the process. This has been a tough, complicated piece of legislation. A lot of Members and staff have worked very hard to get us to this point.

I thank the chairman for his tireless efforts and how he worked in a bipartisan manner. I wish to thank his staff: Alice Weiss, Michelle Easton, Bill Dauster, Russ Sullivan, David Swartz, and Rebecca Baxter. I also thank Senator ROCKEFELLER and his staff: Jocelyn Moore and Ellen Doneski. Much is also owed to the Senator from Utah, Mr. HATCH, and his staff. Finally, I wish to thank the staff of the minority—I should say the Republicans on the Finance Committee: Chris Condeluci, Mark Prater, Becky Shipp, Rodney Whitlock, Mark Hayes, and Kolan Davis.

Now, I would like to address the Senate since we passed our bill, since the House last night passed their bill, and soon there will be a conference between the House and Senate. I wish to speak about some things I think the House of Representatives has done that are damaging to Medicare Advantage.

People are saying that Medicare Advantage plans are overpaid. They talk about cutting payments, and that is what the House of Representatives has done in their SCHIP bill. But they do not talk about why Congress set up the payment structure, which was to create choices of plans in Medicare and to expand private plan choices in rural America. They do not talk about why Congress set up that choice. It worries me that those arguing about the plan payments are losing sight of the Medicare beneficiaries.

These beneficiaries, the seniors and disabled of America, are the ones who benefit from having Medicare Advantage plans available to choose from. Congress, in 2003, enacted the Medicare Modernization Act. That is the act that included the prescription drug program as an improvement in Medicare. A major goal of the MMA, the Medicare Modernization Act, was to expand beneficiaries' choice of Medicare plans. Before MMA, rural beneficiaries, such as my people in Iowa and a lot of States that are more sparsely populated than Iowa, rarely had a private Medicare plan to choose from. Now rural and urban Medicare beneficiaries can decide whether a private plan option or traditional Medicare works best for them.

I want to tell you why Medicare Advantage can be a good option for beneficiaries and why the program should not be touched, as it was recently by the House of Representatives in their SCHIP bill. I want to explain at the same time why Congress thought all beneficiaries, whether you were in rural America or urban America, should have a choice of plans.

The original Medicare benefit is set up based on how medicine was practiced in 1964, meaning in 1964 the fee for service that is the traditional Medicare was set up at a time when you went to the doctor. If you were very sick, then you went to the hospital. Medicine was much less specialized. Patients were treated by one doctor at a time, not the teams of people who treat patients now. Under traditional Medicare, dating from 1964, hospital benefits are in Part A of Medicare; physician benefits are financed and delivered separately in Part B of Medicare. Each set of benefits has its own deductible. A hospital deductible alone is a lot higher than most working people have in their health insurance. It is $992, and it goes up a little bit every year. That is a pretty significant amount. That deductible alone can impose a big hardship on a family, if they are relying solely on Medicare for their health coverage. Medicare also only covers a limited number of hospital days each year. It is not great protection if you are severely injured or if you have an illness that has a long hospital stay. Say you happen to end up in the hospital for months at a stretch, you might end up exhausting your Medicare coverage. A lot of people don't realize how limited Medicare benefits can be.

Medicare also does not actually have catastrophic coverage. Traditional fee-for-service Medicare, the Medicare since 1964, by itself does not provide protection against the cost of catastrophic illness. Some beneficiaries then buy Medigap insurance for this catastrophic insurance. Medigap insurance can be expensive for those on fixed incomes. In contrast, and hence why the House of Representatives should not change Medicare Advantage. Medicare Advantage plans have catastrophic coverage for those seniors who want to choose it, and they do it for a much lower premium than the Medigap add-on to traditional fee-for-service Medicare. That is one of the many reasons Medicare Advantage should be an option, not just in metropolitan areas, as it was before we passed the prescription drug bill in 2003. We need rural equity. And through the MMA, we brought rural equity so that people in my State and more sparsely populated States can have a choice between fee-for-service Medicare and Medicare Advantage, which can be a preferred provider organization, HMOs, or fee-for-service Medicare Advantage. Prior to 2003, in my State of Iowa, only 1 of 99 counties had the Medicare Advantage option. That was Pottawatomie County right across the river from Omaha, because they could work in with Omaha, but the other 98 counties did not have choice as they have in Los Angeles and Texas and Arizona, New York and New Jersey, Philadelphia, and Florida. There may be some others but not really rural States. You are stuck with fee-for-service traditional Medicare written in 1964, not much for the practice of medicine in the year 2007.

So I am very concerned that what the House of Representatives did in their SCHIP bill is such that it is going to put in danger the choices we now have in rural America between fee-for-service traditional Medicare and Medicare Advantage such as some of the more metropolitan States have had for a couple decades.

If you are in Medicare Advantage, you don't have to have the Medigap add-on to your traditional Medicare. Another plus is that most Medicare Advantage plans also have a limit on out-of-pocket costs. In Iowa the plans often have a limit of $1,000 or less. In other States, Montana, much of New York and California, that is true as well. In some States and counties, out-of-pocket limits are higher. Traditional Medicare has no out-of-pocket limits. In original Medicare, to keep costs down, Congress imposed caps on types of care. For example, there is a $1,780 annual cap on physical therapy. Once a patient hits that cap on physical therapy, he must pay out of pocket if he needs more therapy, unless he gets approved for an exception. Many patients hit the cap early in the year. These are patients who have had a stroke or a serious accident. After that they have to pay themselves for the service unless they succeed in appealing for more therapy services. Then by contrast, Medicare Advantage plans can base coverage for physical therapy on what the patient needs, not what some bureaucrat in Washington says there is a limit on. They can avoid these arbitrary caps.

In original Medicare, patients may see a doctor whenever they like. That may seem like a good idea. Many patients see a lot of doctors and are prescribed many different drugs. In original Medicare, physician care can be disjointed. No one oversees all the care a patient receives. Some patients prefer it that way. Others welcome having help navigating the health care system. They would like to choose a plan that would help them coordinate their care, and most Medicare Advantage plans do just that. So that is why we don't want the House of Representatives to cripple Medicare Advantage.

Let's say a patient has diabetes. In Medicare fee for service, there is no one to help monitor that she is testing her blood sugar. No one checks to see if she is getting her eyes and feet checked, which are the result of diabetes. And in most Medicare Advantage plans, somebody does that oversight. Somebody does that checking. Plans use teams of people, ranging from doctors to pharmacists to nurses to dieticians to case managers, all to make sure enrollees are getting the care they need. Four out of five Medicare beneficiaries have a chronic illness. In many Medicare Advantage plans, one doctor oversees their care. The plan assigns a case manager. Patients don't have to navigate the system alone. For many patients, this can be preferable, and it is because of Medicare Advantage. We don't want that plan crippled, as the House of Representatives bill does.

Medicare Advantage is a great program for poor and low-income people. Critics of the program argue that poor people qualify for Medicaid. They say Medicare Advantage doesn't help them. I want to make it clear that this is not true. I am going to get to that point later. But even the critics cannot argue with the statistics about lower income or near poor beneficiaries. These beneficiaries can't afford a Medigap policy. For them, Medicare Advantage is a godsend. According to the Centers for Medicare and Medicaid Services, the average Medicare Advantage beneficiary gets $86 a month in extra benefits. Most of those extra benefits are in reduced cost sharing. Medicare Advantage plans often reduce copays and deductibles that beneficiaries otherwise would have to pay.

As I noted, Medicare Advantage plans offer catastrophic coverage. If an enrollee ends up in the hospital for weeks or even a year, the plan covers it. That is not true of traditional Medicare fee-for-service, started in 1964. It doesn't fit the practice of medicine today. But Medicare Advantage offers medicine delivered on the practice of medicine in 2007. The benefits may include an annual physical. They may include lower copays for enrollees needing kidney dialysis. They include unlimited physical therapy based upon patient need.

Ninety-nine percent of the beneficiaries have access to a Medicare Advantage plan that plugs the gap in the Part D drug coverage; 98 percent have access to a plan that offers preventive dental benefits. Beneficiaries in Medicare Advantage plans are more likely to get preventive services. Almost all Medicare beneficiaries have access to a plan with no-cost cancer screening. And for this, many beneficiaries pay no extra premium. They pay only the regular Part B premium, as everybody else does. Eighty-four percent of beneficiaries had access to a zero premium Medicare Advantage plan last year.

Many seniors live on fixed incomes. Medicare Advantage may be the only way they can afford these benefits. It is also easy to use. Many Medicare Advantage plans let seniors use one health care card, their Medicare Advantage plan card, for all of their health care needs. Instead of three cards, they have one card. They pull the same card out when they go to the doctor, same card they use for the hospital, the same card they use for the pharmacist. They don't have to worry about dealing with claim forms from two or three different insurance plans. But that is not the case for beneficiaries in the original 1964 type Medicare. If they have Medigap and Part D prescription drug coverage, they have to deal with multiple plans that don't coordinate their coverage or coordinate their benefits.

I said I would get back to why Medicare Advantage is good for lower income seniors. It is true that many lower income beneficiaries are also covered by Medicaid. These individuals are referred to as dual eligibles, because they are under both Medicare and Medicaid. But we have a program in Medicare Advantage for people who are eligible for both. This program is called a special needs plan. It coordinates the care and the benefits between the Medicaid Program which is run by the States and the Federal Government. It should be seamless to the beneficiaries. Have these special needs plans worked perfectly? Not always. The program is a work in progress. Surely it is a lot better than what happens without it. Without it, health care for poor beneficiaries is siloed. The parts covered by Medicare are never coordinated with the parts Medicaid is responsible for.

Let's say a frail senior is in a nursing home. She has exhausted her savings so

Medicaid is paying. She has Medicare for her health coverage. She enrolls in one of these special needs plans. When she gets a fever or an infection, the Medicare Advantage special needs plan can treat her at the nursing home. In the original Medicare, the nursing home would send her to the more expensive hospital environment. The hospital, after 3 days, would discharge her to a skilled nursing home facility. For her, the Medicare Advantage plan reduces disruptions and keeps her from being exposed to additional infections in the hospital. At the same time, you save a lot of money in Medicare. Both she and Medicare are spared the cost of hospitalization—the most expensive health delivery.

So the critics who say that Medicare Advantage is not helping poor people are mistaken. While the program is small, that is because the program is new. It can be a model for all of us. This is how we want our care to be delivered to us when we are very old and when we are very frail.

So Medicare Advantage can be a good choice for very sick people. It can be a good choice for people with chronic illness. It can be a good choice for lower income people. It can be a good choice for people who want some extra benefits. It can be a good choice for people on fixed incomes. It can be a good choice for rural beneficiaries as well as urban ones.

When the House of Representatives gets done with it all, we will not have it in rural America. But they will still have it in urban America, and that is very unfair. That inequity was meant to be taken care of when we passed the prescription drug bill in 2003, and I am not anxious to let that sort of equity between rural and urban America go away. But it can also be a good choice for seniors.

All Medicare beneficiaries, whether they live in a city, a small town, or on a farm, ought to be able to choose their own plan. They know best what suits their needs—the original 1964 Medicare or the 2003 Medicare Advantage plan. The House bill would gut the Medicare Advantage program. It would take these choices away from our beneficiaries. The Senate SCHIP bill avoids this.

I urge my colleagues to remember why we decided to give Medicare beneficiaries a choice of health plans. I urge my colleagues to reject efforts to cut Medicare Advantage.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, let me ask, through the Chair, the manager of the previous bill, is he finished with what he would like to do this evening? If I could ask the Senator from Iowa, does he need any more time on the subject he has been talking about? I will be glad to wait.

Mr. GRASSLEY. No. I am going home.

Mr. ALEXANDER. Congratulations.

Mr. GRASSLEY. I thank the Senator for listening to me.

Mr. ALEXANDER. Mr. President, I thank the Senator from Iowa.

AMERICA COMPETES ACT

Mr. ALEXANDER. Mr. President, this evening the Senate unanimously passed a piece of legislation which we call the America COMPETES Act. Earlier today, the House of Representatives passed it by a vote of 367 to 57. So anyone watching the work of the U.S. Congress must think: Well, that must either be not very important or not very hard to do.

Nothing could be further from the truth. I would suggest that the America COMPETES Act will be as important as any piece of legislation the Congress passes in this session, and it has taken as much work as any piece of legislation that has been passed in this session.

I would like to spend a few minutes acknowledging the work and describing the importance of the bill, but I think the first thing to do is to say actually what the bill does. The point of the America COMPETES Act is very simple. It helps America keep its brainpower advantage so we can keep our jobs from going overseas to China and India and other countries.

The Presiding Officer is from a State that has benefitted greatly from America's brainpower advantage. There is a great deal of higher education and research in his State, and, as a result of that, a number of jobs. I have been in the Edison Museum in New Jersey, which is a good reminder of exactly what we are talking about.

Thomas Edison used to say he failed 10,000 times until he succeeded once. That one success was the lightbulb, and then a number of other inventions, which created millions of jobs in the United States.

The United States, this year, is producing about a third of all the money in the world. The International Monetary Fund says that almost 30 percent of all the wealth in the world is produced in our country, measured in terms of gross domestic product, for just 5 percent of the world's population. That is how many Americans there are.

So imagine if you are living in China or India or Ireland or any country in the world, and you are looking at the United States. It is not so hard to look at other countries today with the Internet and travel and television the way they are. Someone in one of those countries could say: How can those Americans be producing 30 percent of all the wealth for themselves when they are only 5 percent of the world's population? They have the same brains everybody else does. They cannot work any harder than anybody else does.

What is it? There are a variety of advantages we have in this country. But most people who look at this country, since World War II, believe our standard of living, our family incomes, our great wealth comes primarily from our technological advances, from the fact that it has been in this country that the automobile, the electric lightbulb, the television set, the Internet, Google have been invented. Or the pharmaceutical drugs that help cure disease all over the world, they also have come mostly from this country.

It is that innovation that has given us our standard of living and given the rest of the world a high standard of living. That brainpower advantage we have is located in some pretty obvious places. One place, of course, is our system of higher education, the great university system. We not only have many of the best universities in the world, we have almost all of them. Another place is in the great National Laboratories, from Oak Ridge National Laboratory to Los Alamos and across our country.

Another is in the great corporations of America where research is done whether it is in pharmaceuticals or whether it is in agriculture. Those great engines of research and innovation and the entrepreneurial spirit and free market that we have have given us this great advantage.

We, therefore, talk a lot about progrowth policies. What causes our economy to grow? We, on this side—we Republicans—talk a lot about low taxes. I believe that is important and vote that way. When I was Governor of Tennessee, we had the lowest tax rates in the country. But I found very quickly that low taxes by themselves do not create a high standard of living because we had the lowest taxes in our State but we also were the third poorest State. I also found that better schools and better research were the keys to better jobs. That is what this bill is about. So as a result of the America COMPETES Act, over the next few years, we will have done something pretty remarkable.

We asked the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, as well as other business leaders in our country, exactly what it would take to keep our brainpower advantage, and they have told us, and tonight we have done it. All that has to happen now is for the President of the United States to sign it, and I feel confident he will. I hope what he does is sign it and take credit for a lot of it, because in his State of the Union Address President Bush emphasized the importance of this and talked about his American Competitiveness Initiative 2 years ago.

But this is what we have done. We have authorized the spending, over the next 3 years, of $43 billion to help keep our brainpower advantage by investing in science and technology. Most of that—and this was a part of the President's recommendation—helps to grow research at our major scientific laboratories and Departments by doubling their research budgets over a 7-year term. That would be the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy Office of Science, which among other things, supervises the great National Laboratories in our country.

As I said, the act authorizes a total of $43.3 billion, over the next 3 fiscal years, for science, technology, engineering, and mathematics research and education programs across the Federal Government. It will help to prepare thousands of new teachers and provide current teachers with content and teaching skills in their area of education. It will establish an advanced research projects agency for energy—a nimble and semi-autonomous research agency at the Department of Energy—to engage in high-risk, high-reward energy research. This is modeled after what we call DARPA at the Department of Defense which produced stealth technology and the Internet. Perhaps we can do the same as we look for new energy technologies.

It expands programs at the National Science Foundation to enhance the undergraduate education of our future science and engineering workforce, including at our community colleges. There are many provisions in the bill to broaden participation in science and engineering fields at all levels.

There are new competitive grant programs to enable partnerships to implement courses of study in math, science, engineering, technology, and critical foreign languages. There are competitive grants to increase the number of math and science teachers serving high-need schools. The bill expands access to advanced placement courses and international baccalaureate courses by increasing the number of qualified teachers in high-need schools. In other words, in plain English, it will help more children, including those who come from families with less money, have a chance to take the advanced placement courses that will give them a route into college, high achievement, and the ability to produce jobs not just for themselves but for the rest of us.

It expands early-career research grant programs. It strengthens interagency planning for research infrastructure. It does all of this.

Now, one might say: Where did all these ideas come from? Did the Senator from New Jersey just wander in one day and say, "I have a great idea. Let's stick it in"? Or did the Senator from Arkansas say, "Well, we have a little program over at Little Rock that we all like, so let's have some money for it"? Or did the Senator from Tennessee say, "I was down at the Oak Ridge National Laboratory yesterday, and someone gave me an idea, so let's have $10 million for that"?

That is not the way we did it. What we did is, 2 years ago, Senator BINGAMAN and I, and Representatives BART GORDON and Sherwood Boehlert of the House of Representatives—two Democrats and two Republicans—we literally went to the National Academy of Sciences and we asked this question: Tell us exactly what we need to do to keep our brainpower advantage, to keep our jobs from going to China and India? And they took us seriously.

The National Academy of Sciences and the National Academy of Engineering and the Institute of Medicine appointed a distinguished committee of 21 Americans chaired by Norm Augustine, the former Chairman and CEO of Lockheed Martin and a member of the National Academy of Engineering. On that committee were some of America's most distinguished business leaders, three Nobel laureates, the president emeritus of MIT, teachers, and others, who gave up their summer, reviewed hundreds of proposals, and, in priority order, told us the 20 things we needed to do to keep our brainpower advantage.

All of that was presented to us in a booklet called "Rising Above the Gathering Storm," which is now well-known at universities, in schools, and in the business community as a wakeup call for the United States of America. It says we have been good—in fact, we have been way ahead of the rest of the line—but if we do not watch out, China, India, Ireland, England, and many of the other countries in the world, are going to catch up with us because there is no preordained right for Americans—no matter how bright we think we might be—to produce 30 percent of the world's wealth for just 5 percent of the people. Other people can do the very same thing in their colleges and universities, if they wish.

The members of this commission had countless stories to tell that every American who confronts these issues will find. Every Senator who travels to China sees they have recruited a distinguished professor of Chinese descent at an Ivy League university to come home and help improve a Chinese university. That is happening all over the world, and it is creating a much more competitive environment.

Last summer, Senator INOUYE and Senator STEVENS led a delegation of Senators to China. We were very well received because Senator STEVENS was the first to fly a cargo plane into Beijing in 1944 at the end of World War II. He was flying with the Flying Tigers. Senator INOUYE, of course, was a Congressional Medal of Honor winner in World War II. The Chinese remember well their affection for Americans in that war. So we were treated well and got to see President Hu, and the No. 2 man, Mr. Wu, the Chairman of the National People's Congress, for an hour each. These were interviews that many American delegations had not had before.

What was interesting to me was that in those sessions with the No. 1 and No. 2 man in China, where our conversations ranged from Iraq to Iran to North Korea to Taiwan, all the issues one might expect, the issue that animated the leaders of China the most was their efforts over the next 15 years to create an innovation economy. They wanted to talk about how China caught up with America's brain power advantage because they know their skills, they know they are good, they know they can do it and they did it in their way.

The month before, President Hu had walked over to the Great Hall of the People and assembled their National Academies of Science and Engineering and said: We are going on a 15-year innovation plan. We are going to invest 4 percent of our gross domestic product in research and technology. We are going to improve our colleges and our universities and our schools. We are going to create a brain power advantage for China that gives us a higher standard of living. They understand that.

We did it a little different way. Two years ago, we walked down to our National Academy of Sciences. We invited them to give us this report, "Rising Above the Gathering Storm". We took the recommendations of the Council on Competitiveness which was already working. The President of the United States gave his recommendations in his American Competitiveness Initiative. And then we went to work in the American way. We don't announce 15-year plans here; our way is a little messier. So we had to go through three committees here in the Senate and two in the House of Representatives.

I have to thank the senior Members of this body for the attitude they took toward this. For example, Senators STEVENS and INOUYE, Senators KENNEDY and ENZI, Senators DOMENICI and BINGAMAN, Democrats and Republicans who put aside 3,000 years of seniority and 200 jurisdictional prerogatives and said: Let's just work together and see if we can get this done across party lines. That is not very interesting to people across the country, all this inside baseball about how the Senate works. But it has to work in order for something such as this to happen.

It is not a simple thing to take the recommendations of the National Academy of Sciences and actually do them in both bodies, and yet that is what we have done. Not only did we start 2 years ago, when this was a Republican Congress, but we passed this legislation during a Democratic Congress almost without missing a step.

What happened was a bill that was sponsored by the leaders—last time it was Frist and REID; now it is REID and McCONNELL. They just changed the names because we had worked so well together—not only with ourselves but also with the Bush administration—that it was hard to tell whose bill it was.

At one time, this legislation that Senator DOMENICI and Senator BINGAMAN first introduced had 35 Republican cosponsors and 35 Democratic cosponsors, and the Speaker of the House NANCY PELOSI, when she was the Democratic leader, was one of the first out to support it. It is especially gratifying to me that Tennesseans, if I may say so, have taken such a role in it in the House of Representatives. Representative BART GORDON, who is now chairman of the Science Committee, was the lead conferee on this piece of legislation. Representative ZACH WAMP, who represents the Oak Ridge National Laboratory, gave I thought the best speech on the House floor today on the Republican side. So again, it was bipartisan.

Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks an overview of the conference report we passed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. I mentioned a number of the Senators who had been so deeply involved in this. I mentioned the committee chairmen and the ranking members. But I would like to especially acknowledge the work of Senator JOHN ENSIGN of Nevada, who was especially effective in reminding Republicans that investments in research and technology and science is as pro-growth as tax cuts. Senator ENSIGN was powerful on that subject. I believe it as strongly as he does. I believe he was more effective than I was. Senator HUTCHISON had been working with Senator BINGAMAN for years on advanced placement courses. Senator MIKULSKI was out front from the very beginning on this. There is an enormous list of Senators who made this happen.

There is also a long list of Democratic and Republican staff members who deserve thanks. The list is too long for me to read all those names tonight, but I ask unanimous consent that this list of staff members be printed in the RECORD following my remarks, with the thanks of all of us for their work.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ALEXANDER. I would like to especially thank Matt Sonnesyn who is sitting here beside me. When I was permitted to be on the faculty of the Kennedy School of Government at Harvard at the time when the Senator from Arkansas's father was the Director of the Institute of Politics, Matt Sonnesyn was my course assistant. He came with me to my campaign, and then he came with me to the Senate. For the last 2 years, he has worked on this legislation with Senator BINGAMAN's staff and Senator ENSIGN's staff on this side—a tremendously effective staff group who has made this bill possible.

I see the Senator from Arkansas here, and I know he is going to close out in a few minutes, and I think I am coming toward the end of my remarks.

I would like to conclude by emphasizing two points—one about substance and one about process. I know the Senator from Arkansas and I have talked about this often. We are working together right now on a bipartisan project that has to do with the Iraq war. We believe there shouldn't be any partisan votes on the Iraq war. For example, we, Senator SALAZAR and I, are joined by 6 Republicans and 7 Democrats in cosponsoring legislation that would make the bipartisan Iraq Study Group the law of our country. If the Congress and the President would agree on this bill, we could send to our enemy and our troops and the world the message that as we go forward to wherever we go next in Iraq, we go together; we are united.

Each Tuesday we have a breakfast that Senator LIEBERMAN and I host—no staff, no media, no policy positions adopted—so that in the midst of all our team meetings among Republicans and Democrats, when we talk about what to do to each other, we can have a session where we build relationships and talk about how we move the country ahead. We have had as many as 40 Senators at those breakfasts.

It is important for the people of this country to know that we spend a lot of time working that way. We did tonight on the Children's Health Insurance bill with Senator BAUCUS and Senator GRASSLEY working together in a bipartisan way. For 2 years, we have done that on legislation that goes straight to the heart of how we keep our jobs from going to China and India, which is what we passed tonight.

So the word I wish to say about process is that when the Senate tries and when we focus on big issues, we are perfectly capable of acting the way the rest of the country would hope we would act. We compromise on our differences and come up with a result that benefits family after family.

This legislation, the America COMPETES Act, will mean, for example, in my home State of Tennessee, opportunities for hundreds of math and science teachers and for thousands of students to go to summer academies and institutes of math and science. It will mean opportunities for thousands of students who now can't afford to take advanced placement courses in science and technology to be able to do so and for hundreds of teachers who aren't trained to teach those courses to have that training.

It will mean distinguished scientists will hold joint appointments at the University of Tennessee and Oak Ridge National Laboratory, for example. It will mean support for a residential high school for science and math, which we have wanted to do in our State ever since I was Governor 20 years ago but didn't feel like we had the money. Now other States have it, and this bill provides some support for such a school.

It will mean a steady growth over 7 years in research funding, new support for early-career research grants in science and technology, and more support for all those kinds of studies that create the jobs that will keep our standard of living. That is what it means for my State. It means the same for New Jersey, and it means the same for Arkansas. So that bipartisan consensus we have seen here happens more often than most Americans know, but it doesn't happen as often as it should.

So this has been a privilege for me to work, especially with Senator BINGAMAN and Senator DOMENICI on the committee that I was a part of, to help get this started with BART GORDON, my colleague from the House, the Democratic Congressman who is chairman of the Science Committee, and with all the other Senators. This is the kind of thing I hoped to do when I came to the Senate. I think each of us hopes when we come here to get up every day and do a little something constructive and then go home at night and come back the next day and see if we can find something more to do along that way. If all of us participate in that way in other big issues, as we have in this, the America COMPETES bill, the Senate will be a stronger institution and the country will be a better country.

So I thank my colleagues for their support and for the time tonight. I thank the Senator from Arkansas for staying late so I can make these remarks. This legislation, the America COMPETES Act which passed the House today overwhelmingly and passed the Senate unanimously, is at least as important as any piece of legislation that passes in these 2 years because we have accepted the advice of the wisest men and women in our country about what we ought to do to keep our brain power advantage so we can keep our jobs.

The President has done a big part of it. I am sure he will sign it. I hope he takes some credit because he deserves it. There is plenty of credit to go around. I think the country will be glad we acted.

I yield the floor.

EXHIBIT 1

OVERVIEW OF THE CONFERENCE REPORT ON H.R. 2272, THE AMERICA CREATING OPPORTUNITIES TO MEANINGFULLY PROMOTE EXCELLENCE IN TECHNOLOGY, EDUCATION, AND SCIENCE ACT (COMPETES)

Earlier this year, both the U.S. House and Senate passed comprehensive legislation (H.R. 2272, S. 761) to ensure our nation's competitive position in the world through improvements to math and science education and a strong commitment to research.

The Conference Agreement follows through on a commitment to ensure U.S. students, teachers, businesses and workers are prepared to continue leading the world in innovation, research and technology—well into the future.

In summary, the Conference Agreement:

Keeps research programs at National Science Foundation (NSF), the National Institute of Standards and Technology (NIST) and the Department of Energy (DOE) Office of Science on a near-term doubling path;

Authorizes a total of $43.3 billion over fiscal years 2008–2010 for science, technology, engineering and mathematics (STEM) research and education programs across the federal government;

Helps to prepare thousands of new teachers and provide current teachers with content and teaching skills in their area of education through NSF's Noyce Teacher Scholarship Program and Math and Science Partnerships Program;

Creates the Technology Innovation Program (TIP) at NIST (replacing the existing Advanced Technology Program or ATP) to fund high-risk, high-reward, pre-competitive technology development with high potential for public benefit;

Establishes an Advanced Research Projects Agency for Energy (ARPA–E), a nimble and semiautonomous research agency at the Department of Energy to engage in high-risk, high reward energy research;

Expands programs at NSF to enhance the undergraduate education of the future science and engineering workforce, including at 2-year colleges;

Includes provisions throughout the bill to help broaden participation in science and engineering fields at all levels;

Authorizes two new competitive grant programs that will enable partnerships to implement courses of study in mathematics, science, engineering, technology or critical foreign languages in ways that lead to a baccalaureate degree with concurrent teacher certification;

Authorizes competitive grants to increase the number of teachers serving high-need schools and expand access to AP and IB classes and to increase the number of qualified AP and IB teachers in high-need schools;

Expands early career grant programs and provides additional support for outstanding young investigators at both NSF and DOE; and

Strengthens interagency planning and coordination for research infrastructure and information technology (i.e. high-speed computing).

Following are more detailed summaries of the conference agreement's eight titles:

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY (OSTP)/GOVERNMENT WIDE SCIENCE

The conference agreement directs the President to convene a National Science and Technology Summit to examine the health and direction of the U.S. STEM enterprises; requires a National Academy of Sciences study on barriers to innovation; changes the National Technology Medal to the National Technology and Innovation Medal; establishes a President's Council on Innovation and Competitiveness (akin to the President's Council on Science and Technology); requires prioritization of planning for major research facilities and instrumentation nationwide through the National Science and Technology Council; and expresses a sense of Congress that each federal research agency should support and promote innovation through funding for high-risk, high-reward research.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conference agreement establishes the National Aeronautics and Space Administration (NASA) as a full participant in all interagency activities to promote competitiveness and innovation and to enhance science, technology, engineering and mathematics education. The agreement also affirms the importance of NASA's aeronautics program to innovation and to the competitiveness of the United States. It urges NASA to implement a program to address aging workforce issues at NASA and to utilize NASA's existing Undergraduate Student Research program to support basic research by undergraduates on subjects of relevance to NASA. Finally, the conference agreement expresses the sense of Congress that the International Space Station (ISS) National Laboratory offers unique opportunities for educational activities and provides a unique resource for research and development in science, technology, and engineering which can enhance the global competitiveness of the U.S.

TITLE III—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The conference agreement authorizes a total of $2.652 billion over fiscal years 2008–2010 for NIST. This includes funds for the NIST labs, for lab construction, the TIP program, and the Manufacturing Extension Partnership (MEP) Program: This funding level keeps the NIST labs on a path to doubling in ten years.

The conference agreement funds the NIST Labs at $502.1 million for FY08 and increases the funding by 8% per year (10-year doubling), which result in $541.9 million in FY09 and $584.8 million in FY10. The conferenqe agreement provides $150.9 million in FY08 for lab construction. This funding is reduced in each of the next two fiscal years, with funding provided at $86.4 million in FY09 and $49.7 million FY10. These out-year funding levels will allow the completion of construction projects at NIST's Boulder, CO and Gaithersburg, MD facilities. The MEP program is funded at $110 million in FY08, $122 million in FY09 and $131.8 million FY10.

The conference agreement creates a new initiative, the Technology Innovation Program (TIP) which is based on the proven success of the Advanced Technology Program (ATP), but better reflects global innovation competition by funding high-risk, high-reward, pre-competitive technology develoment, focusing on small- and medium-sized companies. The TIP allows for greater industry input in the operation of the program, allows university participation for the first time, and firmly focuses the program on small- and medium-sized high-tech firms.

TIP will replace ATP and bridge the funding gap between the research lab and the marketplace. The conference agreement provides an authorization of $100 million FY08, $131.5 million FY09 nd $140.5 million in FY10. These funding levels will allow for a viable program, with approximately $40 million per year for new awards.

The agreement includes language to clarify that the focus of TIP is to support, promote and accelerate innovation in the U.S. through high-risk, high-reward research in areas of critical national need. It specifies that large companies may not receive any TIP funding.

Further, it provides a list of award criteria to ensure that the proposed technology has a strong potential to address critical national needs through transforming the nation's capacity to deal with major societal challenges that are not currently being addressed; that the applicant provides evidence that the research will not be conducted within a reasonable time period without TIP assistance; that reasonable efforts were made by the applicant to secure funding from alternative sources and that no other alternative funding sources were reasonably available; and that other entities have not already developed, commercialized, marketed, distributed or sold similar technologies. In addition, the NIST Director shall issue an annual report on the program's activities. TIP may accept funds from other federal agencies, and these funds will be included as part of the federal cost share of any TIP project.

TITLE IV—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement establishes a coordinated ocean, Great Lakes, coastal and atmospheric research and development program for the National Oceanic and Atmospheric Administration NOAA) in consultation with NSF and NASA. In addition, NOAA is required to build upon existing educational programs and activities to enhance public awareness and understanding of the ocean, Great Lakes, and atmospheric science. As a result, a science education plan is to be developed that would set forth the goals and strategies for NOAA, and be reevaluated and updated every 5 years. NOAA would also be recognized for their historic contributions to the innovation and competitiveness of this country, as well as be recognized as a full participant in interagency efforts to promote innovation and competitiveness.

TITLE V—DEPARTMENT OF ENERGY

The conference agreement provides nearly $17 billion to Department of Energy (DOE) programs over fiscal years 2008–2010, keeping Office of Science on a seven-year doubling path and establishes an Advanced Research Projects Agency for Energy, or ARPA-E.

ARPA-E will address long-term and high-risk technological barriers in energy through collaborative research and development that private industry or the DOE are not likely to undertake alone. Because of its autonomy within DOE, and the flexibility and resources afforded to its technical personnel, ARPA-E is structured to respond very quickly to energy research challenges, as well as terminate or restructure programs just as quickly. A fund is established in the U.S. Treasury separate and distinct from DOE appropriations, as will be the budget request for ARPA-E. With this separate fund, ARPA-E will be independent of the DOE bureaucracy, and likewise should not operate at the expense of other programs at DOE, particularly the Office of Science. The conference agreement authorizes $300,000,000 in FY 2008, and such sums as are necessary thereafter for fiscal years 2009 and 2010.

As the nation's largest supporter of the physical sciences, the DOE Office of Science funds basic research and world-class facilities that play an integral role in the effort to maintain the technological competitiveness of the U.S. The conference agreement contains an authorization for the Office of Science which extends the 7 year doubling track prescribed in Energy Policy Act of 2005 by authorizing Fiscal Year 2010 at a funding level of $5.8 billion.

The conference agreement provides $150 million for K–12 science, technology, engineering and mathematics (STEM) education programs that capitalize on the unique scientific and engineering resources of the national laboratories. These programs include a pilot program of grants to states to help establish or expand statewide specialty high schools in STEM education; a program to provide internship opportunities for middle and high-school students at the national labs, with priority given to students from high-needs schools; a program at each national lab to help establish a Center of Excellence in STEM education in at least one high-need public secondary school in each lab region in order to develop and disseminate best practices in STEM education; and a program to establish or expand summer institutes at the national labs and partner universities in order to improve the STEM content knowledge of K–12 teachers throughout the country.

All of these programs would be coordinated by a newly appointed Director for STEM Education at the Department, who would also serve as an interagency liaison for K–12 STEM education. In keeping with ongoing efforts to improve coordination and evaluation of K–12 STEM education programs across the federal government, all of the programs authorized in this conference agreement require evaluation and reporting of program impact.

In addition, the conference agreement highlights the critical role of young investigators working in areas relevant to the mission of DOE by establishing an early career grant program for scientists at both universities and the national labs; and a graduate research fellowship program for outstanding graduate students in these fields. The agreement also brings attention to research and education needs in the nuclear sciences and hydrocarbon systems sciences by establishing programs of grants to Universities to establish or expand degree programs in these areas.

Finally, the conference agreement helps DOE recruit distinguished scientists to the national labs and foster collaboration between universities and the labs by providing competitive grants to support joint appointments between the two.

TITLE VI—DEPARTMENT OF EDUCATION

To enhance teacher education in the STEM fields and critical foreign languages, the conference agreement authorizes two new competitive grant programs. The programs will specifically enable partnerships to implement courses of study in STEM fields and critical foreign language that lead to a baccalaureate degree with concurrent teacher certification and at the graduate level the conference agreement implements 2- or 3-year part-time master's degree programs in these areas for current teachers to improve their content knowledge and pedagogical skills. The conference bill authorizes $151,200,000 for the baccalaureate degree program and $125,000,000 for the master's degree program for fiscal year 2008 and the two succeeding fiscal years.

The conference agreement authorizes competitive grants to increase the number of highly qualified teachers serving high-need schools and expand access to AP and IB classes; as well as authorize the Secretary of Education to contract with the National Academy of Sciences to convene a national panel within a year after the enactment of this Act to identify promising practices in the teaching of science, technology, engineering and mathematics in elementary and secondary schools. It also authorizes appropriations of $65,000,000 for fiscal year 2008 and such sums as may be necessary for each of the two succeeding fiscal years.

The conference agreement authorizes new grant programs to enhance math education in elementary and middle school mathematics and provides grants to support the following activities to assist states to implement programs for secondary schools and in addition to other best practices and in-service training, the bill provides targeted help to low-income students who are struggling with mathematics. The conference agreement also authorizes a competitive grant program to increase the number of students studying critical foreign languages, starting in elementary school and continuing through postsecondary education programs.

The Secretary of Education is authorized to award competitive grants to states to promote better alignment of elementary and secondary education with the knowledge and skills needed to succeed in academic credit-bearing coursework in institutions of higher education, in the 21st century workforce and in the Armed Forces. The Secretary is also authorized to award grants of $50,000 to three elementary and three secondary schools, with a high concentration of low-income students in each state, whose students demonstrate the largest improvement in mathematics and science.

TITLE VII—NATIONAL SCIENCE FOUNDATION

The conference agreement provides $22 billion to the National Science Foundation (NSF) over fiscal years 2008–2010, putting it on a path to double in approximately 7 years. Particularly strong increases are provided in fiscal year 2008 for K–12 STEM education programs at NSF. These programs, including the Noyce Teacher Scholarship program and the Math and Science Partnerships program will help to prepare thousands of new STEM teachers and provide current teachers with content and pedagogical expertise in their area of teaching.

In addition to providing increased support for programs that address the earliest stages of the STEM workforce pipeline, the conference report will help create thousands of new STEM college grduates, including 2-year college graduates, through increased support for the STEM talent expansion (STEP) program and the Advanced Technological Education (ATE) program.

For those STEM graduates who continue on the path toward academic careers, the conferece agreement provides critical support for young, innovative researchers by expanding the graduate research fellowships (GRF) and integrative graduate education and research traineeship (IGERT) programs, strengthening the early career grants (CAREER) program, and creating a new pilot program of seed grants for outstanding new investigators. Such programs have an additional benefit of helping to stimulate high-risk, high-reward research by identifying and taking a chance on the best and brightest young minds.

Finally, the conference agreement includes provisions throughout the bill to help broaden participation in STEM fields at all levels, from kindergarten students through academic researchers. These include several programs of outreach and mentoring for women and minorities, a request for a National Academy of Sciences report to identify barriers to and opportunities for increasing the number of underrepresented minorities in STEM fields, and an emphasis on inclusion of students and teachers from high-needs schools.

TITLE VIII—GENERAL PROVISIONS

The conference agreement includes several general provisions related to the purposes of the legislation, but unrelated to any of the agencies above.

Specifically, the agreement requires the Secretary of Commerce report to Congress on the feasibility, cost and potential benefits of establishing a program to collect and study data on export and import of services; expresses a Sense of the Senate that the Securities and Exchange Commission and the Public Company Accounting Oversight Board should promulgate final regulations implementing the section of the Sarbanes-Oxley Act that are designed to reduce burdens on small businesses; directs the Government Accountability Office, after three years, to assess a representative sample of programs under this Act and make recommendations to ensure their effectiveness; expresses a Sense of the Senate that federal funds should not be provided to any organization or entity that advocates against a U.S. tax policy that is internationally competitive; directs a National Academy of Sciences study on the mechanisms and supports needed for an institution of higher education or non-profit organization to develop and maintain a program to provide free access to on-line educational content as part of a degree program, especially in science, technology, engineering, mathematics and foreign languages, without using federal funds; expresses a Sense of the Senate that deemed exports should safeguard U.S. national security and basic research and that the President and the Congress should consider the recommendations of the Deemed Exports Advisory Committee; and lastly, expresses a Sense of the Senate that U.S. decision-makers should take the necessary steps for the U.S. to reclaim the preeminent position in the global financial services marketplace.

DEMOCRATIC STAFF TO THANK

Jonathan Epstein (Bingaman).
Sam Fowler (Energy Committee).
Chan Lieu (Commerce).
Carmel Martin (HELP Committee).
Melanie Roberts (Bingaman).
Craig Robinson (Lieberman).
Roberto Rodriguez (HELP Committee).
Missy Rohrbach (HELP Committee).
Ilyse Schuman (HELP Committee).
Colleen Shogan (Lieberman).
Bob Simon (Energy).
Rachel Sotsky (Lieberman).
Jean Toal Eisen (Commerce).
Jason Unger (Reid).
Trudy Vincent (Bingaman).
Michael Yudin (Bingaman).

REPUBLICAN STAFF TO THANK

Jeff Bingham (Commerce).
Adam Briddell (HELP Committee).
Beth Buehlmann (HELP Committee).
Kathryn Clay (Energy).
David Cleary (HELP Committee).
Ann Clough (HELP Committee).
Hugh Derr (Commerce).
Floyd DesChamps (Commerce).
Lindsay Hunsicker (HELP Committee).
Libby Jarvis (McConnell).
Christine Kurth (Commerce).
Jason Mulvihill (Commerce).
Sharon Soderstrum (McConnell).
Matt Sonnesyn (Alexander).

Jack Wells (Alexander).

Mr. KENNEDY. Mr. President, our increasingly global economy is creating numerous challenges for America's families nationwide. Across the country, hardworking citizens are being left behind. The value of their wages is declining, their cost of living is going up, and many of their jobs are being shipped overseas.

As a result, the Nation is falling behind in the world economy. Study after study tells us the answer is to invest more in education, research and innovation, if we hope to keep up with other countries whose economies are soaring.

We know that a sound education is more important than ever for today's youth to succeed. Yet studies show, for example, that 15-year-old U.S. students score below average in math and science compared to the youth of other industrial nations. In one study, our 15-year-olds ranked only 24th in math. High school and college graduation rates are also falling behind. Our college graduation rate today has now dropped below the average graduation rate for OECD countries.

We know that Federal investments in research lead to medical, scientific, and technology breakthroughs. But these investments have been shrinking as a share of the economy. In real terms, government spending for research has been flat. Since 1975, we have dropped from third to 15th in the production of scientists and engineers.

It is a serious problem and we can't just tinker at the margins. We have a responsibility to our people, our economy, our security, and our Nation to make the investments to achieve the progress we need in the years ahead.

The America COMPETES Act is a step in the right direction. It will help put America back on track.

It invests in research by doubling the support for research at the Department of Energy and the National Science Foundation over the next 7 years, and will increase funding for the National Institute of Standards and Technology as well.

It invests in innovation by creating a President's Council on Innovation and Competitiveness to determine the most effective ways to create jobs and move our economy forward.

Above all, it will invest in education, especially in math and science, engineering, and technology from the elementary school through high school and beyond, in order to attract more young people to pursue careers in these fields in the years ahead.

The problem today is especially serious for our low-income and minority students. Teachers are the single most important factor in improving student achievement and narrowing the achievement gap. One study found that having a high quality teacher for 5 years in a row can close the average 7th grade achievement gap in math between lower income and higher income children. Yet too often, low-income and minority students are taught by the least prepared, least experienced, and least qualified teachers. Math and science classes in high-poverty schools are much more likely to be taught by teachers who do not have a degree in their field.

We know what we need to do, and this bill will help us do it. We must make sure all students are getting the teachers they need and deserve in the subjects that matter most in the new economy.

This bill addresses the teacher challenge head on by taking strong steps to ensure that all children have access to a high quality teacher with strong content knowledge in math, science, engineering and technology—particularly in high need schools, where such teachers are needed most.

The bill expands the Robert Noyce Teacher Program of the National Science Foundation, NSF, by creating a new NSF teaching fellows program to prepare accomplished math, science, technology and engineering professionals to teach in high need schools. It also creates a master teaching fellows program to leverage the talents of the best teachers to improve instruction in high need schools. Teaching fellows in the program will receive annual salary supplements of $10,000 a year in exchange for a commitment to teach for at least 4 years in a high need school.

The bill also expands the Teacher Institutes for the 21st Century Program at NSF, which provides cutting-edge professional development programs throughout the school year and during the summer for teachers in high-need schools.

In addition, the bill supports impressive new programs in colleges and universities to prepare math, science, technology, engineering and foreign language teachers. These programs will combine bachelor's degrees with concurrent teacher certification in their subjects, and will create master's degree programs for teachers to improve their knowledge in these subjects and to encourage math and science professionals to go into teaching.

Too often today, elementary and secondary school standards are not aligned with the expectations of colleges and employers. In many cases, high school graduates are struggling to keep up in college and the workplace. Remedial education and lost earning potential costs the Nation $3.7 billion a year, because so many students are not adequately prepared for college when they leave high school.

Our bill will help States align their standards with the demands of the 21st century workplace. Grants to States to create P-16 Councils will bring the elementary and secondary schools, college, businesses, and the Armed Forces together to ensure that education standards are better aligned with the expectations of colleges, the workforce, and the military. This alignment is essential if we hope to remain internationally competitive. Support will also be available for new data systems in states to track students' achievement and help them graduate prepared to succeed.

The bill will help give students in low-income districts the same opportunities as those in wealthier districts to enroll and succeed in college preparatory classes by expanding access to advanced placement and international baccalaureate classes.

This bill invests as well in foreign language education, to ensure that students are exposed to foreign languages and cultures. More than 80 Federal agencies now use tens of thousands of employees with skills in 100 foreign languages, and our businesses need the same.

For students to become proficient in foreign languages, they need sustained study, beginning in the early grades. But only a third of students in grades 7 through 12 today and only 5 percent of elementary school students study a foreign language. The bill provides grants to colleges and local educational agencies to create partnerships for students from elementary school through college to study such languages.

Finally, the bill will encourage new interest in nuclear science. Massachusetts has long been a leader in this research. Of three dozen licensed research reactors in the United States, three are located in Massachusetts universities The University of Massachusetts in Lowell, Worcester Polytechnic Institute, and MIT. These colleges will have an increasingly important role as nuclear science expands, and our bill will expand existing programs and establish new ones to meet the growing demand.

All of these programs and investments are designed to help prepare us to compete in the 21st century, but there is more we must do if we intend to keep our nation and our workforce truly competitive. Significant new investments are needed to expand opportunities for higher education. College is more important than ever today, but it is also more expensive than ever. In the Senate 2 weeks ago, we passed the largest increase in student aid since the G.I. bill, and I look forward to delivering that aid for low-income students as quickly as possible.

We must also address the increasingly demanding impact of the global economy on American workers and their families. Our hard-working men and women deserve greater job security today and greater job opportunities in the future.

This bill puts first things first. Increased investments in education, research, and innovation are indispensable to our success as a nation. We have done it before and we must do it again. Let's begin with this bill.

Mr. ROCKEFELLER. Mr. President. I want to add my thanks and congratulations to the conference leaders and the dedicated staff for completing the negotiations on the America Competes Act. This legislation is an important investment in our Nation's strategy to promote competitiveness. It is a bipartisan package with broad support, based on the National Academy of Sciences report known as The Gathering Storm. Many members deserve our thanks and praise, and the report is a strong example that Congress can come together to develop comprehensive public policy.

America Competes is a comprehensive package that includes major sections covering math and science research and education initiatives. I am particularly pleased and proud that the legislation will reauthorize the National Science Foundation, NSF, at $22 billion from fiscal 2008 to fiscal 2010, to support several grant programs intended to encourage more students to teach math and science, as well as grants for college and graduate student science research. I have worked long and hard on programs within NSF. This bill supports the principle that the Experimental Program to Stimulate Competitive Research, EPSCoR, increases in proportion with the overall budget of NSF. Earlier this year, I introduced a bipartisan bill, S. 753, the EPSCoR Research and Competitiveness Act of 2007 which makes a similar recommendation. In my view, if our country seeks to broadly promote competitiveness, every state needs to be part of the effort. The EPSCoR program helps enhance the competitiveness of the 24 States, including West Virginia, that have historically not received as many NSF grants. The NSF continues its strong, peer-reviewed, merit-based competitive grants, but underserved States get support to achieve NSF's high standards.

EPSCoR is an essential part of our national competitiveness strategy. Our country will not do as well if only half of our States are competitive. It is also important to recognize that the EPSCoR States are home to 20 percent of the population and 25 percent of doctoral and research universities. Our States host 18 percent of academic scientists and engineers, and their institutions train nearly 20 percent of science and engineering graduate students. Even more interesting is the fact that 7 of the top 10 energy producing States are EPSCoR States. To be competitive, we must continue to invest in the EPSCoR program and our EPSCoR States for the long term. It is good for the States, but it is also a fundamental building block for our national policy. EPSCoR will enhance science and competitive which will help increase the number of scientists and engineers. It will encourage good science projects in States with unique aspects such as energy resources, proximity to our oceans, and other helpful scientific resources.

Two other programs that received generous support in the final package are the NSF's Math and Science Partnerships and the Noyce Scholarships. Both initiatives were including in the 2001 reauthorization of the National Science Foundation. Having sponsored legislation years ago to develop both programs, I am thrilled by current success of the programs in training teachers and recruiting top math and science majors into teaching. Expanding these programs will help improve math and science education which will be the cornerstone for our future competitiveness. This is a good investment for the future of West Virginia, and our entire country.

Mr. SCHUMER. Mr. President, I rise today in support of the America COMPETES Act. I applaud the bipartisan group that put together the America COMPETES Act, an extraordinary bill that will provide invaluable resources to ensure that the United States does not lose step with our global competitors.

We live in a global marketplace and if our students are to compete with students from around the world, they must have the benefit of a first rate math and science education taught by first rate math and science teachers. This new program will vastly improve the chance that our high school students are taught math and science by the best and the brightest.

That is why I am particularly proud of one provision that I authored that has been included in this conference agreement. This provision will establish a new program called the National Science Foundation Teaching Fellowship within the Robert Noyce Teacher Scholarship Program. I wish to express my deep gratitude to Senators KENNEDY, BINGAMAN, ALEXANDER and ENZI for including this important provision in the bill. I would also like to thank my friend and colleague, Senator CLINTON, for her valuable support.

The provision creating the NSF Teaching Fellowship is modeled on a bill I introduced last Congress, the Math and Science Teaching Corps Act. The Math and Science Teaching Corps was in turn modeled after a highly successful New York City program called Math for America.

Math for America's mission is to improve math education in our Nation's public schools by recruiting top math and science college graduates to become teachers and providing financial incentives to make these jobs competitive with the graduates' other opportunities.

The program has made tremendous strides. Over 100 teachers teach in nearly 60 New York City public schools. By 2011 the program will support at least 440 teachers. I can only hope that the new NSF Teaching Fellowship will be so successful.

The NSF Teaching Fellowship program is about paving the way for the future. It will ensure that leaders in math and science train the next generation of innovators—instead of leaving the classroom for research or other jobs. This model program is working in New York City, and now, with the America COMPETES legislation, it will be expanded to the rest of the country.

We need this program to reverse a dismal trend. Our students are not currently prepared to compete in a technology-intense economy. In the 2003 PISA math assessment that compared 15-year-old students across the world, American students ranked 24th out of the 29 participating countries—here in the U.S., in math, 24th out of 29. How can we compete when our students are falling behind?

A 2005 mathematics assessment of twelfth graders by the National Assessment of Education Progress found that 61 percent of high school seniors performed at or above the basic level, and 23 percent performed at or above the proficient level. For science, 54 percent of twelfth graders scored at or above the basic level. Eighteen percent performed at or above the proficient level. This is unacceptable.

Students currently studying math and science will be the fuel that powers our economy for the next century, and we must give them every chance to achieve, excel and thrive. The NSF Teaching Fellowship is a significant step.

Inspirational and brilliant teachers will make an enormous difference. To attract these role models, we need to level the playing field, and ensure that these future teachers can afford to teach. Only one-third of math teachers and less than two-thirds of science teachers majored or minored in the subject they teach. It is not hard to understand why. Starting salaries for math and science majors can be as much as $20,000 higher in the private sector than they are for public school teachers.

The NSF Teaching Fellowship will help reduce these barriers. The program's structure has a rigorous selection process and incentives built in to improve retention. NSF teaching fellows will have to take a test to prove their strengths in math or science. Then they enroll in a 1-year master's degree program in teaching that will give them teaching certification, and it is all paid for. They will agree to teach for at least 4 years, and for those 4 years, they will receive bonuses on top of their salaries. These individuals will infuse our schools with a deep passion for and an understanding of math and science and will share their knowledge with other teachers in their school.

To retain our current teachers who are outstanding at what they do and can provide expertise in the classroom that our teaching fellows won't yet have, there is another category called NSF master teaching fellows. Master fellows are current teachers who already have a master's degree in math or science education. They will also take a test demonstrating they have a high level understanding of their subject area. For the next 5 years they will serve as leaders in their school, providing mentorship for other teachers in their department as well as assisting with curriculum development and professional development. For these 5 years they also will receive bonuses on top of their salaries.

We all agree that every child deserves effective, high-quality professional teachers. And there are thousands of wonderful teachers in our country. But we need more. Without them, children will have difficulty reaching the high standards we want them to achieve. The federal government has long worked to ensure that all children have equal access to a quality education, no matter where they live. We must encourage and fund well-designed programs, such as the NSF Teaching Fellowship to incite rapid improvement in the quality of the Nation's future teaching workforce.

I urge all my colleagues to support this monumental bill, the America COMPETES Act.

Mr. ENZI. Mr. President, I rise today to speak about the importance of supporting the conference report on the America COMPETES Act. This report represents a unique bipartisan, bicameral collaboration among three committees on the Senate side and our House counterparts to enhance American competitiveness in the 21st century global economy.

This conference report demonstrates that when we set partisan politics aside and work together, we can do great things for the American people. The core of this conference agreement is the Senate's America COMPETES Act, which was the product of bipartisan negotiations and input from the Members of the Senate Commerce, Energy, and Health, Education, Labor and Pensions Committees. Work on this legislation began last year in response to the National Academy of Sciences report "Rising Above the Gathering Storm," which was chaired by Norman Augustine, the "Innovate America" report, and the President's American Competitiveness Initiative. I want to thank all those who worked on this legislation for their hard work and dedication and commend them for the collegial manner in which this bill was crafted.

The focus of the programs in this bill is where it should be: on the knowledge and skills the American people need to have to be successful in the 21st century global economy. I am pleased we were able to keep education as one of the key priorities in this legislation. However, I have said consistently from the beginning that I wanted to hold programs to reasonable funding levels and to avoid duplication of programs. I think we could have gone further toward reducing duplication and overlap of programs, but this bill represents a strong bipartisan, bicameral effort and moves us in the right direction.

Why is this important? This year marks 50 years since Sputnik was launched. That launch sparked huge turmoil in this country and worry about the knowledge and skills necessary to keep our country safe and our economy growing and competitive. I was in junior high at the time. It was a shock to our Nation. Every one of us could recognize it—teachers, parents, and, probably as important, students, recognized it. Russia was beating us. They had put a satellite into orbit. It was hard to accept that we were behind. But it also brought out that American competitive spirit. We said they were not going to beat us. It launched a change in education such as we had not seen in the United States in decades, maybe centuries.

We were ultimately the winners of the space race, but it wasn't just a space race; it was an education race. It was the broad range of education that the United States delved into and the innovation that was brought about at the time that put us ahead of Russia.

Sputnik had a dramatic effect on our education system and made us recognize that a high school diploma was no longer just a nice thing to have. We could no longer rest on our past successes as a nation. We met the challenge of Sputnik through the National Defense Education Act. We looked to education as a path to continued success, and we supported an increase in the number of people who would continue their education beyond high school, particularly in science, technology, engineering, and mathematics.

Today, we are again being challenged. In the 1950s, skilled jobs comprised 20 percent of the U.S. job market. In 2000, 85 percent of all U.S. jobs were categorized as skilled. For millions of Americans, access to an affordable college education is the key to their success in the 21st century global economy. The United States has one of the highest college enrollment rates but college completion rate is average to below average among developed countries in the world. Four out of every five jobs will require postsecondary education or the equivalent, yet only 52 percent of Americans over the age of 25 have achieved this level of education.

We have a huge challenge, not just in K–12 and higher education but in continuing education. It is estimated the average person leaving college will change careers 14 times. I didn't say "change jobs" 14 times, I said "change careers" 14 times. Of those 14 career changes, 10 of them don't even exist now. That is the pace at which things are accelerating.

So we are educating people for a level of jobs that do not exist at the present time. That is quite a challenge. Technology is demanding that everybody continue to learn and gain skills to remain competitive in the workplace. Learning is never over; school is never out. Those who do not get the knowledge and the capability to make the transfer to new careers will be left behind. We do not want that to happen. Education at all levels, including lifelong learning opportunities, is vital to ensuring that America retains its competitive edge in the global economy. Every American can and should be part of our Nation's success.

Because higher education is the on-ramp to success in the global economy, it is our responsibility to make sure everyone can access that on-ramp and reach their goals. This bill includes provisions that improve science, mathematics, and critical foreign language education in our Nation from elementary school through graduate school. It supports improvements to teacher preparation, establishes stronger links between graduate schools and employers, provides funding to support students trained at the doctoral level in science, technology, engineering, and mathematics, and enhances Federal programs that support students in graduate school.

The American system of higher education is renowned throughout the world. I can attest to that after having gone to India. I saw how their educational system works and how it is becoming very competitive with the United States. In India, only 7 percent of their children go on to higher education. That creates a very high level of competition among students to get into higher education. Despite the rigorous emphasis on science, mathematics, engineering and technology, however, India continues to send its graduate students to the United States because it is here that they learn creativity and innovation.

In most of the other countries around the world they learn the basics, can do excellent calculations and have a vast amount of rote knowledge. But what our colleges specialize in is teaching people to think, to come up with new ideas. To date, that is what has kept America ahead. However, the success story of American higher education is at risk of losing the qualities that made it great, which are competition, innovation, and access for all, if we do not invest in those core principles.

It is important to ensure that more students enroll in college prepared to learn and that more students have the support they need to complete college with the knowledge and skills to be successful. Slightly less than one-third—31 percent—of all public high school students are prepared for postsecondary education, as demonstrated by the academic courses they pursue. Well-prepared and well-supported students are more likely to persist to a degree completion and obtain the knowledge and skills they need.

If our students and workers are to have the best chance to succeed in life and employers to remain competitive, we must ensure that everyone has the opportunity to achieve academically and obtain the skills they need to succeed, regardless of their background. To accomplish this, we need to build, strengthen and maintain our educational pipeline, beginning in elementary school. We must also strengthen programs that encourage and enable citizens of all ages to enroll in postsecondary education institutions and obtain or improve their knowledge and skills. The decisions we make about education and workforce development will have a dramatic impact on the economy and our society for generations to come.

The America COMPETES Act is a good starting point, but we need to do more. Maintaining America's competitiveness requires that all students have the opportunity to continue to build their knowledge and skills. We need to find ways to encourage high school students to stay in school and prepare for and enter high-skill fields such as math, science, engineering, health, technology and critical foreign languages. For many, including those at the cutting-edge of science, technology, engineering, and mathematics, acquiring a postsecondary education or training will be the key to their success.

Our Nation needs to make sure that every person has the opportunity to access quality education and training throughout their lives, which is why the America COMPETES bill is only the beginning. I remain committed to reauthorizing the Higher Education Act, the Head Start Act, and the Workforce Investment Act. In addition, we need to focus our efforts on taking what we have learned from 5 years of experience to improve the No Child Left Behind Act. Together these laws form the path for success, so that every American can have the knowledge and skills necessary to be successful in the 21st century global economy, which is only going to become more competitive.

The call for education and skills training is loud and clear. Ingenuity, knowledge, and skills are a beacon for jobs; therefore, we must keep the beacon of innovation shining brightly on our shores. I ask my colleagues to support passage of the conference report on the America COMPETES Act and to work with me to move the companion education and workforce bills through Congress this year.

Mr. HUTCHISON. Mr. President, I rise to express my support for the conference report on the America COMPETES Act, and I congratulate Senators BINGAMAN, ALEXANDER, DOMENICI, ENSIGN, KENNEDY, ENZI, INOUYE, STEVENS, and NELSON and their staff for their tireless and dedicated work to bring this vital and important legislation to final passage.

There is much in this legislation that will enable the United States to secure its leadership position in science, technology, engineering and mathematics education and enhancing our competitiveness and capacity for innovation.

I am especially pleased that the conference report contains the language I included in the original Senate bill, reported last year by the Commerce Committee and eventually incorporated into S. 761, as passed by the Senate.

That provision directs that NASA be included in activities collectively referred to as the American Competitiveness Initiative, or ACI. This corrects what many of us believe was a serious oversight in the original announcement of the ACI, which failed to recognize the long-standing history of NASA's role in inspiring young people to pursue academic and professional careers in science and engineering.

The report also contains new language recognizing the potential contribution to education and competitiveness that can be made by the International Space Station National Laboratory and directs NASA to develop specific plans to realize that potential.

I look forward to working with Senator BILL NELSON, chairman of the Subcommittee on Space, Aeronautics and Related Sciences, in drafting reauthorization legislation for NASA next year, in which we can provide more specific authorization and guidance for NASA in fulfilling its important new role as part of the ACI.

This report also provides vital new authority to the Department of Energy, the Department of Education, the National Institute for Standards and Technology, NOAA, and the National Science Foundation to enable them to address the pressing national needs in science, technology, engineering and mathematics education and enhancing the Nation's competitiveness and innovation capabilities.

It is vital that the new provisions provided by this legislation are used as they are intended. This legislation includes generous new authority for appropriations for the Departments of Energy and Education and for NIST and the National Science Foundation. These additional spending limits are not provided to enable them to continue to do business as usual at an increased level of spending.

My single concern about the conference report is the action taken by the conference to modify section 7018. That provision, which was an amendment I offered during the markup of S. 1280, the original Senate Commerce Committee portion of what became S. 761 and was preserved in the conference chairman's mark considered in the conference, provided that the National Science Foundation take into account the degree to which proposed research contributed to the needs of innovation, competitiveness, the physical and natural sciences, technology, engineering and mathematics. At the same time, that provision included language—consistent with the recommendations of the report "Rising Above the Gathering Storm"—that such prioritization not be used to inhibit investments in other important areas of research or scientific endeavor.

Despite that limitation, the conference adopted an amendment to that section which, essentially, includes virtually all research conducted by the NSF in the prioritization, including research that may or may not contribute to meeting the critical needs outlined in that report and which inspired the creation of this legislation. The awarding of such a "blank check" to NSF removes any assurance that the expanded authority and resources provided through this legislation will actually be used to carry out the purposes for which they have been granted.

While I am disappointed with this change, I am very much in favor of adopting the report. But as a member of the Commerce Subcommittee on Science and Innovation, and the Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies, I will closely follow how the National Science Foundation implements the authority granted by this legislation.

By passing this report, Congress will have taken an extremely important and significant step toward meeting what are clearly and widely recognized as critical national needs. We cannot let that step be compromised by allowing a business-as-usual approach by the departments and agencies we are tasking to meet those needs.

Mr. PRYOR. Mr. President, I would like to join my colleagues in congratulating Senator ALEXANDER of Tennessee for his hard work and his great legislative success on this piece of legislation which passed the Senate tonight. I will just remark, if I may, that once again he has proven himself to be an effective leader and a thoughtful legislator. He is really the kind of Senators who is putting America first and trying to get great things done. And, obviously, you can tell by his speech that he is sharing credit with anybody and everybody.

We all know that it was Senator LAMAR ALEXANDER's hard work and dedication that made that legislation a reality.

BUDGET INFERNO

Mr. CRAIG. Mr. President, I would like to take 10 minutes to talk about a situation that is happening in the West. I thank my colleagues for giving me that opportunity.

I spoke last week, and the background of my speech was this graph called a Budget Inferno. I was en route to Idaho to look at a fire complex known as the Murphy Fire Complex. That is now under control. In other words, a perimeter is around the fire. It happens to be 1,038 square miles of fire, nearly 700,000 acres, and $6.6 million spent. Type 1 teams, 2 of them; 24 crews, 1,230 personnel; 120 engines, 5 helicopters, 27 water tenders, and 10 dozers.

The firefighters who went in harm's way to work and stop this fire were gallant and I honor them. As I speak, there are literally thousands of young men and women out on the fire line in Idaho and Montana and parts of Nevada and elsewhere standing in harm's way to stop raging wildfires that are devastating the West.

This was the largest fire Idaho has had in literally decades. It is now the largest single fire this year in total acreage. Why did it happen? Is there a reason? Was it simply the hot weather or are there other reasons that are creating these huge infernos of wildfire across the West as we speak?

Last year, 10 million acres burned. This year, it appears we are on schedule to have an even greater fire season than we had last year. A month ago, I put a half a billion more dollars in the Interior appropriations budget to fight fire. My guess is when we get back in September, I and others will be on the floor asking for supplemental spending to pay for more wildfire devastation.

The good news, in the great tragedy of the Murphy Fire, was that no one was killed. There were four firefighters injured, there were hundreds of cattle burned up, hundreds of sheep, probably hundreds of wildlife that we simply do not know about.

But we have this huge area, some 600,000 acres that will be of no use to anyone, including cattle grazing, including wildlife, for a period of several years. It is totally burned out. I flew over it in a helicopter with our Governor and Senator CRAPO. None of us has ever experienced anything like that. You fly for half an hour at 100-plus miles an hour across a firescape, and all of it is black, the hilltops, the valleys, no trees, nothing left.

Here is what happened a few years ago. Here is what is happening now in the West. We ought to be doing something about it. Two years ago, there was a fire out there, 200,000 acres right in the same area. We rehabbed it. We grassed it, and the BLM said you cannot graze it for a couple of years now. Cattle might damage it.

Then there was another fire last year, 60,000 acres right beside it. We rehabbed it. We seeded it. You cannot graze it. At least that is what the scientists say. That is not what those who have lived out there for a hundred years say. We left it alone and the fuel built up.

Then we had someone sue us to protect the sage grouse habitat and the slickspot peppergrass, and a judge ruled. So we stopped grazing on half of that area, and the fuel built up.

Now, we are in a fire scenario, with temperatures in the West that we have never seen. So we had 3 weeks of 100-degree temperatures in the Boise Valley, and the dewpoint dropped to nearly zero. You know the rest of the story because I told you that story.

An unprecedented fuel buildup because a judge, and what I now call ecoterrorists, are destroying the landscape by not allowing reasonably managed, multiple-use approaches to our management. That is why the fire destroyed what it destroyed.

An unprecedented fuel loading is on the grasslands of our country. Now, because it is a little hotter, it is a little further into the summer, our timberlands are starting to burn. They, too, are loaded with fuel, and they will burn at unprecedented rates as they did last year and the year before and the year before that.

Here we are spending billions of dollars and destroying millions of acres of wildlife, watershed, wildlife habitat, all of those things combined. Our courts are saying: Get the people off the land, get the livestock off the land, rule in the favor of single-use management, here, there, and everywhere, tying the hands of our managers at the BLM and the Forest Service level, denying them the right to use their knowledge, use their scientific understanding for reasonable flexibility in the management we so desperately need.

That is the story of the Murphy Complex; that is the story of nearly 700,000 acres of total destruction; $6.6 million, and by the time we are done rehabilitating it, it could go to nearly $8 million.

Is there something we can do about it? Well, there will be interest groups who will rush back here, and in the name of the environment say do nothing—in the name of the environment.

Please, let us do something. Because the habitat the judge and the ecoactivists argued for to save the sage grouse and the slickspot peppergrass is no longer there. The enemy, some were the cattle that were grazing, they are no longer the enemy. The fire has become the enemy and that which they who ruled sought to save is now gone.

That story that I have related to you, whether it is played out in the Murphy Complex in Idaho and Nevada, or whether it is in Northern California, or whether it was in the Tahoe Basin this year, or whether it is in Eastern Oregon, or whether it is in the mountains of Idaho, will be played out and millions of acres will burn and billions of dollars will be spent and homes will be destroyed and we will say: Gee, I think we got a problem.

Congress will fail to respond and act to give our managers the flexibility, and we will continue to allow judges in the Ninth Circuit and environmental interests to game us and create these single, unique special kinds of management units that are impossible in any way to manage.

I wanted to relate to you this story. The State BLM director, our Governor, myself, and my colleague, Mike Crapo, flew over this devastation. In the terms of a cowboy who has lived out there all his life and his father before him and his father before him:

> Senator, you ain't never seen anything like this one.

And, boy, we have not. The great tragedy is, more will come, and more is burning now. Several fires are burning in Idaho. We are already nearly over a million acres in my State alone. Yet our hands are tied by a bureaucracy that is strangled by court decision after court decision because Congress will not act in the name of the environment.

We have been scared into environmentalism instead of good and reasonable management. We are allowing our courts and our activist organizations to create the wildfire which has become a budget inferno.

So the reason I give this speech now is because we have entered the fire season. August is our fire season. September is our fire season. My guess is I will be returning as one of the members of the Appropriations Committee and the Interior Appropriations Subcommittee saying: Please, my colleagues, could we have a couple billion more dollars to fight these fires? Because we are burning up out there, and there is not much we seem to be able to do about it because we have decided to allow public land management to be turned over to the activists and the judges instead of the professionals.

Idaho burns tonight. Montana burns tonight. Nevada burns tonight, California, parts of Oregon, parts of Utah. I think it is important you hear this story and try to begin to understand that when we talk about balance and flexibility, you help us get there so we do not have to spend our budget in a useless and irresponsible way.

TRIBUTE TO ELIZABETH S. RUNNER

Mr. MCCONNELL. Mr. President, I rise today to honor a respected Kentuckian, Mrs. Elizabeth S. Runner. On August 25, Mrs. Runner will turn 100 years old.

Mrs. Runner was born in Arkansas and moved to Warren County, KY, when she was just an infant. Her early years were not without struggle. She lost her father at the age of five, and her mother died during the flu epidemic that swept across the country in the early part of the last century. She was raised by her maternal grandmother.

At an early age, Mrs. Runner recognized the importance of a good education, and she pursued her passion for teaching. In 1925, she began her teaching career at Indian Creek, a one-room school in northern Warren County. She later transferred to the Richardsville School, where she taught until 1965. Over the course of her 40-year teaching career, she touched the lives of many Kentucky schoolchildren and their families.

In addition to being a devoted teacher, Mrs. Runner is a wife, mother, grandmother, and great-grandmother. She married J. Elvis Runner on June 28, 1930, and they were happily married until his passing in 1997. They raised two sons, Randall S. Runner and Phillip J. Runner. She has one granddaughter, Karen Elizabeth Runner, and two great-grandsons, Kory and Wren.

Mrs. Runner is a woman of faith and a founding member of the Rays Branch Church of Christ congregation. Kentuckians admire Mrs. Runner for her dedication to teaching, her family, her faith and her zest for life. I understand that Mrs. Runner's family and friends will gather on Sunday, August 26, to celebrate and honor her reaching the rare and marvelous milestone of a 100th birthday. I ask my colleagues to join me in sending Mrs. Runner well-wishes and congratulating her on her centenarian status.

AMERICA'S CRUMBLING INFRASTRUCTURE

Mr. DODD. Mr. President, I rise today in the wake of the terrible tragedy that began unfolding yesterday in the Twin Cities region of Minnesota.

As we all know by now, the bridge carrying Interstate 35W over the Mississippi River near downtown Minneapolis abruptly collapsed during yesterday evening's rush hour. At least 50 vehicles plunged 60 feet into the river. This morning, several people are confirmed dead, dozens of people are injured, and almost two dozen people remain missing. Sadly, first responders expect the death toll to rise as search and rescue missions continue today in earnest.

I would like to extend my thoughts and prayers to Senator COLEMAN, Senator KLOBUCHAR, and all those directly affected by this tragedy. The people of Connecticut can sympathize with the people of Minnesota at a time like this. Just over 24 years ago, a bridge carrying Interstate 95 over the Mianus River in Greenwich, CT, collapsed in the early afternoon. Four vehicles plunged into the river, three people died, and three others sustained serious injuries. It remains the worst transportation disaster in my State's history.

Today, the National Transportation Safety Board will begin investigating the bridge collapse in Minnesota. While it is too early to conclude what exactly caused the collapse, we do know that a catastrophic structural failure of some sort occurred. We also know that this truss bridge was constructed in 1967 and—according to an interview on National Public Radio this morning—likely nearing the end of a 50-year operational lifetime.

The tragedy in Minnesota is the most recent example of our national infrastructure crumbling before our very eyes. Indeed, this is not a problem only affecting Minneapolis or Greenwich or—in the case of the recent steam pipe eruption—New York City. It is a problem affecting every State, county, city, and community between San Diego, CA, and Bangor, ME. For too long we have taken our infrastructure systems—our roads, bridges, mass transit systems, drinking water systems, wastewater systems, and public housing properties—for granted. For too long we have failed to invest adequately in their long-term sustainability. And today, we find ourselves in a precarious position concerning their future viability—a precarious position that is costing lives, endangering lives, and jeopardizing the high quality of life we have come to enjoy and expect as Americans.

According to the American Society of Civil Engineers in their seminal 2005 Infrastructure Report Card, the current condition of our Nation's major infrastructure systems earns a grade point average of D and jeopardizes the prosperity and quality of life of all Americans.

According to the Federal Highway Administration, 27.1 percent of all bridges are structurally deficient or functionally obsolete. The average age of bridges in our country is 40 years. Thirty-three percent of all urban and rural roads are in poor, mediocre or fair condition. Data from the Federal Transit Administration shows our mass transit systems are becoming increasingly unable to handle the growing demands of passengers in a safe and efficient manner. A significant percentage of our Nation's drinking water and wastewater systems are obsolete; the average age of these systems ranges in age from 50 years in smaller cities to 100 years in larger cities. Clearly, these statistics are alarming and they are not getting any better.

In their Infrastructure report Card, the American Society of Civil Engineers estimates that $1.6 trillion is needed over a 5-year period to bring our Nation's infrastructure systems to a good condition.

Regrettably, our current infrastructure financing mechanisms, such as formula grants and earmarks, are not equipped by themselves to absorb this cost or meet fully these growing needs. They largely do not address capacity-building infrastructure projects of regional or national significance; they largely do not encourage an appropriate pooling of Federal, State, local and private resources; and they largely do not provide transparency to ensure the optimal return on public resources.

Early yesterday afternoon, on, I joined with my colleague, Senator HAGEL, in introducing bipartisan legislation to establish a new method through which the Federal Government can finance more effectively large "capacity-building" infrastructure projects of substantial regional or national significance by using public and private capital. I will say to my colleagues that our legislation focuses on the long-term capacity and sustainability of infrastructure facilities just like the bridge that carried Interstate 35W over the Mississippi River.

Fixing our Nation's crumbling infrastructure is an issue that cannot be neglected or deferred any further. This demands our immediate attention and commitment in the Senate. The quality of life in our country hangs in the balance.

Again, I extend my thoughts and prayers to those in Minnesota.

ETHICS REFORM

Ms. KLOBUCHAR. Mr. President, following the tragic collapse of the 35W bridge in Minneapolis that took place yesterday, August 1, 2007, I returned to Minnesota this morning to learn all of the facts, and pledge the necessary Federal resources for the victims, the investigation, and the repair. By returning to Minnesota, I was, unfortunately, unable to be in Washington, DC, to vote on the motion to invoke cloture on the motion to concur in the House Amendment S. 1; and the motion to concur with the House Message to S. 1. Had the tragedy in my State not taken me back to Minnesota, I would have voted for the motion to invoke cloture as well as the underlying bill. In short, I would have voted to change the course in Washington.

When I arrived in Washington in January, my husband, daughter and I pulled up in our family Saturn, loaded with my husband's college dishes and a shower curtain that I found in the basement from 1980. But we brought a little more than dishes and shower curtains. We brought a commitment for change something the people of our

State Democrats, Independents, and Republicans, from Worthington to Moorhead to Duluth to Rochester called for very clearly and loudly in November.

We also brought a Minnesota moral compass, grounded in a simple notion of Minnesota fairness: A notion that all people should be on equal footing in the halls of Congress.

But they can't be on equal footing when their elected representatives are selling their votes for trips to Scotland or have cash in the freezer. They can't be on equal footing unless this new Congress delivers real, meaningful ethics reform.

That's why I came to Washington back in January and why I am delighted to see that the Senate passed a strong, bipartisan ethics reform package today.

Instead of maintaining business-as-usual, this ethics legislation will bring meaningful and robust reform in a number of critical areas.

Among other things, this legislation will bring about more transparency for lobbyist bundling and political campaign fund activity; greater transparency in earmarking; a strong lobbyist gift ban; meaningful limits on privately funded travel; strong revolving door restrictions; and expanded public disclosure of lobbyist activities.

Stated simply, these reforms are needed and they are needed now to restore the American public's faith in the integrity of their government as well as their elected representatives.

It is hard to exaggerate the importance of what's at stake.

Ethics is woven into the very fabric of how our government does business. And ethics reform goes to the very heart of our democracy, to the public trust and respect that's essential to the health of our constitutional system.

Recent scandals have cast a shadow over the legitimacy of the laws and policies that come out of Washington. The American public's receding faith in the integrity of our legislative process means that ethics reform is now central to every public issue that we will consider—whether it's energy policy, or health care reform, tax policy, or even homeland security.

The ability of Congress to deal credibly and forthrightly with these other issues depends on reforming our own ethical rules.

The long-term challenges that we face in this country are enormous. They include high energy prices and a growing dependence on foreign oil; health care costs that have spiraled out of control; global warming that threatens the future of our environment and our economy; a mounting national debt; and a growing middle class squeeze.

I believe that there are solutions to these challenges. We can achieve energy independence by investing smart and having some guts to take on the oil companies. We can get this country back on the right fiscal track, and move forward to more affordable health care. We can deliver much-needed and long overdue relief to the middle class. These are the things that the people of Minnesota sent me to Washington to fight for.

The people of Minnesota also sent me here because they have not yet seen the bold change of direction that we need to make these solutions happen. Instead, they have seen a Washington where the rules are tilted against them and where the interests of well-connected lobbyists come at the expense of the interests of the middle class.

When our energy policy is drafted in secret meetings with the oil companies, we all end up paying more at the pump because they've failed to invest in renewable energy. When our health care legislation is written by the drug companies, we all pay more because they've banned negotiation on prices. The people of this country know corruption when they see it and they saw last November who was benefiting and who was getting hurt.

Business as usual doesn't only generate bad policy and wasteful spending. It also erodes public trust in the integrity of our government institutions, our elected leaders, and the law-making process itself. We the American people know what we want from Washington. It is this: a government that's focused on doing what's best for our nation, and on securing a better and more prosperous future for the people.

This reform legislation gets us there. By passing this legislation, we will make a positive difference in how Congress performs its duties—and these reforms will send a strong, clear message to the American people that we are here for them and focused solely on representing their interests.

And that's the way it should be.

FDA REAUTHORIZATION BILLS

Mr. KENNEDY. Mr. Presdient, as my colleagues know, the Senate passed S. 1082, the FDA Revitalization Act, on May 9 by a near-unanimous vote. The House passed its version of this legislation, H.R. 2900, the FDA Amendments Act, on July 11, also by a near-unanimous vote. Staff of the Senate HELP Committee and the House Energy and Commerce Committee has worked many, many hours a day, 7 days a week, to get to a bipartisan, bicameral agreement on the FDA reauthorization bills.

Working together with Senator ENZI, we have already made a great deal of progress. We have reached agreement or near agreement on several titles and have narrowed the gap on most others. Important issues remain to be resolved, but we will do the work we need to do to have an agreement for the House and Senate to consider in September.

I thank our majority leader, Senator REID, for his leadership and support throughout this process and for making this important legislation an early priority in the Senate. While we were unable to appoint conferees today, our bipartisan deliberations will continue through August, and I hope we can name conferees in September and finalize this legislation that is so important to the safety and health of all Americans.

I also commend my colleagues on both sides of the aisle, from both the House and Senate. They have a deep knowledge of the issues presented by these bills and have been strong advocates of different positions on some of the issues. I believe this process has improved the legislation and will continue to do so and that it will produce an FDA reauthorization bill that the House and Senate can again endorse with broad, bipartisan support.

DROUGHT IN THE STATE OF DELAWARE

Mr. BIDEN. Mr. President, I rise today in support of the farmers in my State of Delaware, and those in other parts of the Nation, who are looking out their windows and seeing the damage caused by a drought. This is the time of year when corn is at its best, at its sweetest, but in Delaware, specifically in Sussex and Kent Counties, where agriculture is king, my guys are in trouble. On some farms, corn is half the size it should be, brown and withered, stalks, with no ears of corn. Losses, I have been told, are 50 percent of the crop or even 100 percent of a farmers total crop. Soybeans are also in jeopardy. And we are facing a forecast with little or no rain.

As I have been telling my colleagues, for more than three decades, agriculture is an enormous and vital part of my State. Delaware is an agricultural State. Almost 50 percent of our total acreage is farmland. Sussex County, the southernmost county in my State, is the largest poultry producing county in the entire country. Delaware is first in production value per farm and first in cash receipts per acre. We are ranked No. 2 in lima bean production, and we have 200,000 acres of soybeans and 175,000 acres of corn.

Sadly, this is not the first time that my State has faced a severe drought. In 2002, our farmers faced similar circumstances and suffered major losses. When a severe drought strikes, the impact on the economy, the environment, and the agricultural sector can be devastating. USDA's assistance during these crucial periods help the livelihoods of our farmers in Delaware.

Farmers, always at the mercy of the weather, are constantly faced with decisions of how to best manage risk.

With Delaware soil, irrigation is oftentimes an option, but it is an expensive one which can be daunting to a farmer trying to make a profit. Another tool which farmers look to is crop insurance. Throughout my tenure in the Senate, I have supported incentives to make such tools attractive and affordable to farmers.

But for now, our Governor has started the process that triggers Federal assistance by calling for the Delaware Farm Service Agency to survey the crops. Because it is essential that the State, or specific counties, be designated as crop disaster areas to make farmers eligible for Federal disaster assistance, I am hopeful that they complete the process soon. If disaster assistance is needed, I hope the Secretary of Agriculture will move swiftly to help.

CLIMATE CHANGE

Mr. BINGAMAN. Mr. President, I seek recognition today to engage in a colloquy with a number of colleagues who have been true leaders on one of the most challenging issues facing the world today climate change.

As I stated on the floor several weeks ago, the time for action is now. According to the latest scientific findings of our world's leading experts—the Intergovernmental Panel on Climate Change—the confidence that humans are altering earth's climate has reached 90 percent certainty.

It is with this sense of urgency that I recently introduced, along with Senator SPECTER, the Low Carbon Economy Act of 2007. S. 1766—which is also supported by Senators AKAKA, MURKOWSKI, CASEY, STEVENS, and HARKIN—is the product of over 2 years of deliberation and analysis and enjoys the support of many in industry, labor and conservation.

Senator SPECTER and I are convinced—and I believe my good colleagues from Connecticut and Virginia would agree—that legislation can only attract the bipartisan support needed to put the United States on a path to a low carbon economy if it contains the following: No. 1. mandatory limits on U.S. greenhouse gas emissions; No. 2, an economy-wide approach that meets the economic test of "no significant harm"; No. 3. increased incentives to accelerate the development and deployment of low and zero emission technologies; No. 4. measures that strongly encourage our major trading partners to begin reducing emissions and that balance U.S. emission-reduction commitments with the necessity of engaging other countries; and No. 5. measures to allocate allowances under the program equitably and efficiently.

Ultimately I am optimistic about our ability to forge bipartisan resolution of all of these issues because there is now such broad agreement within this body and within the business community and the general public about the need for real progress and action on this issue. At the same time, I recognize that we have work left to do. Senator SPECTER and I today hosted a meeting among many of the Nation's leading power producers to explore some new ideas for allocating emission permits within the power sector. We were encouraged by this discussion and plan to broaden the discussion to include a wider array of consumer and environmental perspectives.

While the legislation we have introduced and the outline you are sharing today differ in some important respects, I believe that we have a great deal in common. Senator LIEBERMAN and Senator WARNER, I stand ready to work to address our differences in the interest in forging a broad consensus capable of passing legislation this year.

Mr. LIEBERMAN. Mr. President, I thank my friend, the Senator from New Mexico, for the enormous contribution his efforts have made to move the climate change debate forward. He has taken the time to study and consider many of the nuts-and-bolts issues that are critical to developing a balanced approach, and we all are better informed for his efforts.

Like my friend, I stand here today very optimistic that we can forge bipartisan legislation. It is my honor to chair a subcommittee on climate change in the Environment and Public Works Committee and to have Senator WARNER as my ranking member. Senator BOXER has shown great leadership and commitment to moving climate legislation through our full committee, and I look forward to working with her and all members of our committee to report out a strong bill in the fall. Senator WARNER and I have reached agreement on the salient aspects of our climate proposal. I agree with Senator BINGAMAN's description of the necessary design elements and believe that he and others will find that the legislation we are working on in our committee embraces these same principles.

Much of the debate recently has centered on what level of U.S. emissions reductions are necessary to stabilize atmospheric concentrations of greenhouse gas emissions by midcentury to avoid catastrophic consequences. I believe that it is ultimately our moral responsibility to curb our emissions to avoid these consequences for those who follow us here on Earth. I also agree that we must ensure that our efforts to address climate change are consistent with our commitment to strengthening the U.S. economy and our economic competitiveness.

I note that some labor unions support the Low Carbon Economy Act, and while I also recognize that we are proposing approaches to cost-containment that overlap in part and differ in part, I am optimistic that we may be able to find a common way forward that will protect the environment and the economy. It is my personal belief that reducing climate pollution will ultimately provide a benefit to the U.S. economy; however Senator WARNER and I recognize that there remain many in this body who are deeply concerned about economic impacts from climate regulation. For these reasons, like Senators BINGAMAN and SPECTER, I am convinced that we must have robust cost-control measures in place in order to forge the bipartisan consensus needed for timely and aggressive action.

The world is looking toward the United States for leadership on climate change. Only with bipartisan leadership and quick action will we be able assume this leadership role. I appreciate my colleagues joining me today in this colloquy and pledge that I will work closely with them to ensure that the bill we report out of the Environment and Public Works Committee enjoys the broadest level of bipartisan support possible.

Mr. SPECTER. Mr. President, I would like to join my colleagues in commending the growing bipartisan movement to craft climate legislation that can pass this body. Senator BINGAMAN and I have been striving for some time to develop an approach that provides a deliberative and measured response to climate change. I agree with the criteria outlined today. Several of these elements were critical to my support for the Low Carbon Economy Act.

First, I represent a State that relies heavily on manufacturing and coal production. We must craft climate change legislation that will protect the U.S. economy. It is critical that we not only provide funding to develop and deploy new climate-friendly technologies, but we must also find the most efficient way to drive these new technologies forward. One aspect of the bill I sponsored with Senator BINGAMAN that I want to highlight is designed to drive the development of carbon capture and storage a technology that is critical to coal-producing States such as Pennsylvania. The bill provides a significant economic incentive to innovative companies willing to take on the challenge of building commercial-scale power plants that capture and store carbon dioxide emissions.

Second, while I agree that the United States needs to take more aggressive steps here at home to address this issue, I also believe that any legislation must include provisions to ensure that we periodically review whether other countries are taking comparable action and that we be prepared to apply pressure on nations that continue to avoid implementing emissions limits.

I believe that this is an idea we all embrace and thank the Senators from the Environment and Public Works

Committee for their willingness to work with us as they move legislation through the committee. We must bring together many interest groups in the fight against global warming. Only with broad support inside and outside of this chamber will we develop a bill that can pass.

Mr. WARNER. Mr. President, I am honored to join with my colleagues in this colloquy on developing a bipartisan approach to addressing climate change. As my friend from Connecticut already stated, we have agreed on the principal outlines of a climate change proposal that we intend on moving through the Environment and Public Works Committee this fall. Climate change is a very big problem, and the solution will require a very big tent. In addition to the good work by my colleagues standing here today, we also welcome continued leadership by Senators CARPER and ALEXANDER on our committee, Senators KERRY and SNOWE in the Commerce Committee, Senators BIDEN and LUGAR in Foreign Relations, and many others.

I can say with utmost confidence that Senator LIEBERMAN and I embrace the principles for action described by our colleagues today. As always, the details matter a great deal. Senators BINGAMAN and SPECTER have clearly invested significant time and effort on this issue, and we truly welcome their input as we move legislation through the committee.

Like my colleagues, I believe that as we legislate on climate change we must be careful to protect our economy and pay special attention to those industries and regions that will bear the brunt of achieving necessary reductions. That is why last week I joined Senators LANDRIEU, GRAHAM, and LINCOLN in introducing legislation that I hope will allay the concerns of some Senators about the economic impacts of a cap-and-trade program. We have included this bipartisan measure in the proposal Senator LIEBERMAN and I have agreed to today. While I believe the cost-containment measures we have proposed present a sound basis for legislation, I, too, am open to consider a combination of efforts and ideas so long as the resulting product makes sense ecologically, economically and politically. It will not be easy, but if we can succeed in uniting our coalitions of support, I believe we will have the ability to pass climate legislation in this body.

In my 28 years in the Senate, I have focused above all on issues of national security, and I see the problem of global climate change as fitting within that focus. As with national security concerns, to succeed in addressing the threats of global climate change, we must be united at home.

Mr. BINGAMAN. Mr. President, I thank my friends and colleagues for their remarks and their commitment. We must approach this issue in a thoughtful and constructive way. It is my hope that we can take action on this issue by the end of the year. Let's not wait any longer when we know the one course of action we can't afford or defend is continued paralysis.

Mr. LIEBERMAN. I am committed to working with you and suggest that we bring our key staff together early in the recess to move this discussion forward. I think we all agree that these issues must be resolved and we can only benefit from a serious effort to try and resolve them together.

HONORING OUR ARMED FORCES

CORPORAL DUSTIN LEE WORKMAN II

Mr. NELSON of Nebraska. Mr. President, today I honor Army CPL Dustin Lee Workman II.

Upon his graduation in 2005 from Ashland-Greenwood High School in Ashland, Nebraska, Corporal Workman joined the Nebraska National Guard. His friends and family describe him as an iron-willed person, and as someone who was deeply in touch with his faith. One of his former teachers described him as a talented and creative writer. In fact, Corporal Workman, who was not yet 20 years old, composed a poem, which was set to music by one of his friends and sang at his funeral. I attended the funeral, and it was a moving rendition. The poem follows:

I am from God whose
Hand molded me with only his will.
Conceiving my innocence
As I lay dormant and still.

I am from God who knew
No limits nor fear.
Who gave up his son
Without shedding a tear.

I am from God who granted
Me my soul.
Never to be Hell's among
The others it stole.

I am from God who's my
Shepherd and Lord.
Guiding others and myself
In our herds and our hordes.

I am from God whose
Power and blessing is given as mine
Endowed into me by his hand so divine.

On June 28, 2007, Corporal Workman passed away due to combat injuries sustained from an improvised explosive device while serving in Iraq. He was assigned to the 2nd Battalion, 12th Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, based in Fort Carson, CO.

Corporal Workman is survived by his father, Dustin, Sr.; mother, Valerie; and two younger siblings, Korey and Krysta. I join all Americans in grieving the loss of a patriot and a beloved friend, brother, and son.

SERGEANT NATHAN L. WINDER

Mr. HATCH. Mr. President, today I rise to honor and commemorate one of Utah's fallen sons. SFC Nathan L. Winder was a native of Blanding, Utah, and a member of the 1st Special Forces Group stationed at Fort Lewis, WA. I have been informed that this good soldier tragically lost his life as he and his U.S. Special Forces Quick Reaction team came to the aid of another unit that was ambushed and taking on small-arms fire in Ad Diwaniyah, Iraq.

Shortly after graduating from high school, Sergeant Winder left his home in Blanding, UT, to pursue a career in the Armed Forces. In 2006, he graduated from the special forces qualification course in Fort Bragg, NC, and earned the coveted Green Beret.

As a 2-year-old boy, he was abandoned on the steps of a courthouse in Seoul, South Korea. Shortly after, he was offered a better life and a new beginning in the loving home of Tom and Teri Winder, incredible parents of 20 children. In his parents' eyes, it was from his abandonment and subsequent adoption that he developed the fierce desire to offer others the same kind of hope that was offered him.

Throughout his life, it was clear that Sergeant Winder had a special place in his heart for children. His family remembers how he often remarked in his e-mails that Iraqi children seemed so appreciative of the little things, like a wave from a U.S. soldier, a smile, or even a small piece of candy. Teri Winder said of her son, "He loved the children. He gave them a sense that they were cared about." He did everything he could to offer them the hope he so gratefully received so many years ago. He was known for always carrying toys and candy to hand out to the Iraqi children.

Sergeant Winder was a man who lived his life with a profound purpose, deeply rooted in his convictions of moral reciprocity. His greatest desire was to take the freedom afforded to him and offer it to those who had none. Tom Winder said his son wanted the people in Iraq, if only for a moment, to feel some sense of freedom, however seemingly minute its manifestation.

In addition to two wonderful parents and 19 brothers and sisters, Sergeant Winder is survived by his wife Mechelle and an 11-year-old son. This great soldier and his family will always be in my memory and prayers.

SERGEANT NATHAN S. BARNES

Mr. President, today I also pay tribute to SGT Nathan S. Barnes of American Fork, UT, who recently gave his life during a combat mission in Iraq. Sergeant Barnes was a member of the 10th Mountain Division's 4th Battalion, 31st Infantry Regiment stationed out of Fort Drum, NY.

I have been informed that 400 American flags lined the streets leading to the Sergeant Barnes's family home in American Fork. I also understand that on the day of his funeral, hundreds of Boy Scouts, each bearing a U.S. flag and standing at attention, gathered along either side of the street to honor the fallen soldier.

That is the kind of tribute this brave and selfless soldier merits.

Sergeant Barnes is remembered by his family members and fellow soldiers for his love of friends and family, and for his humor, his commitment to serving the country and his profound dedication to his faith.

Sergeant Barnes was a man who truly lived an abundant life. When not engaged in the service of his country, the soldier enjoyed spending time outdoors jogging, hiking, camping, and hunting. Friends and family recall his insatiable appetite for good literature. All of these interests and hobbies were part of Sergeant Barnes' unique way of exploring what life had to offer him.

I would submit to you this day, Mr. President, that in a time when patriotism is a virtue often overlooked and lost in the midst of the swirl of issues, Sergeant Barnes' sacrifice brings us back to the core of what it means to be a patriot. I hope and pray that his sacrifice will inspire us all to reach for new levels of excellence and citizenship, to recommit ourselves to a greater measure of devotion to family and country, and above all, to continue to pursue ways to provide for a more perfect America.

I am honored and humbled by this opportunity to commemorate the life of SGT Nathan S. Barnes. He served his country with pride and answered its call when it needed him most. I will always remember him and his family in my prayers. Our nation owes SGT Nathan S. Barnes a giant debt of gratitude and for that reason I pay tribute today to his dedicated and selfless service to our Nation.

UNITED ORPHANAGE AND ACADEMY

Mr. INHOFE. Mr. President, today I rise in support of the United Orphanage and Academy in Moi's Bridge, Kenya. As many of my esteemed colleagues know, Africa has a special place in my heart. I visit the continent several times a year to see a number of dear friends. My own granddaughter, Zegita Marie, joined our family through adoption from Ethiopia.

As we hear virtually every day, Sub-Saharan Africa is in crisis; the statistics of devastation are staggering. In 2006, 2.8 million people in Sub-Saharan Africa contracted HIV and nearly 1 million children died from malaria, according to the World Health Organization. The United Nations estimates that in the same year, there were 12 million AIDS orphans living in the region. These pandemics are further compounded by famine, unsafe drinking water, corruption, and war.

Much has been said of these heartwrenching situations, but today my message is one of hope. During my travels, I have found Africa to be a place of beauty, courage, and ingenuity. Kenya alone is home to more than 42 distinct ethnic communities, the soaring heights of Mt. Kenya, and one of the largest drama events in Africa, the annual Kenya Schools and Colleges Drama Festival.

Embodying these characteristics, the United Orphanage and Academy cares for 40 children impacted by the HIV/AIDS pandemic. Founded in 2001, this beacon of hope lies in rural northwest Kenya, near the Ugandan border. Children ages 4 to 14 are provided with food, shelter, clean water, and quality education. One hundred students are currently enrolled in classes from prekindergarten through second grade. Moreover, the home is a place of reconciliation and unity as children from five distinct ethnic backgrounds and numerous tribes learn to work, play, and grow together.

The vision for the orphanage stemmed from humble beginnings, as conversations between Rev. Stephen Chege and Henri Rush, an elder at Westminster Presbyterian Church, evolved into a vision to "develop a caring and spiritual space for children to live and grow when they come to the point of having no family or guardian support available to them." As a result, an ambitious roadmap has been set in place, encompassing everything from procuring a van for vital transportation needs to constructing additional classrooms.

Today, I would like to highlight efforts to expand this mission. Great need requires great hope, and great hope requires great action. Reverend Chege, Mr. RUSH and their partners seek to double the capacity of the orphanage to house up to 80 children. Furthermore, plans exist to expand the school to include grades K–12 and further vocational training. The philosopher Aristotle once said: "All who have meditated on the art of governing mankind have been convinced that the fate of empires depends on the education of youth." In my humble estimation, the fate of Africa depends, in large part, on the education of young men and women who learn to lead their communities with wisdom and integrity.

I am filled with hope when I see individuals and communities coming together to respond to perhaps one of the greatest crises of our time, and I am encouraged when such initiatives emerge from transcontinental friendships. I believe the United Orphanage and Academy embodies the values and provides the tools necessary to equip Africa's youth to embrace a world of challenges and possibilities.

LIFTING HOLD ON NOMINATION OF DENNIS SCHRADER

Mr. WYDEN. Mr. President, on June 18, I announced my intention to object to any unanimous consent request for the Senate to take up the nomination of Dennis Schrader to be Deputy Administrator for National Preparedness in the Department of Homeland Security. I did so because, prior to his confirmation as Secretary of the Department of Homeland Security, Michael Chertoff told me in my office that if confirmed, he would move expeditiously to implement the National Emergency Technology Guard—NET Guard program. Unfortunately, Secretary Chertoff had failed to honor that pledge.

Today, I received a letter from Secretary Chertoff describing how the Department is moving forward with 12-month NET Guard pilots beginning in September 2007, and how the DHS will be requesting funds to continue the program in its 2009 budget request to the Office of Management and Budget.

The Secretary also communicated to me that the Department of Homeland Security will be publicizing NET Guard and seeking involvement from the private sector, a step critical to the success of this vital program.

The Department has also set aside funds to run the pilots for the year and convened a working group of subject matter experts to guide the design of NET Guard. These activities and Secretary Chertoff's letter indicate that he is making a good-faith effort to get NET Guard off the ground.

In light of these actions, I will no longer object to any unanimous-consent request for the Senate to take up Mr. Schrader's nomination. I will, however, continue to closely monitor DHS's actions on NET Guard.

I ask unanimous consent that a copy of Secretary Chertoff's letter be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, August 1, 2007.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: Thank you for taking time this morning to discuss the Department of Homeland Security's plans for the National Emergency Technology Guard (NET Guard) program. Following my June 29, 2007 letter to you that outlined our program approach, and as a prelude to our discussion, members of the Department's NET Guard team briefed your staff on our proposed plan. The positive feedback from your staff, coupled with your positive feedback this morning and the positive feedback that we have received from State, local, and private sector stakeholders, gives us confidence that we are taking the right approach to implementing this important disaster response program.

Accordingly, the Department is moving forward with plans to implement 12-month NET Guard pilots beginning in September 2007. The recommendation to establish pilots in September is consistent with the NET Guard Scoping Initiative Report, which I will provide to you upon its completion this month. To fund our efforts in fiscal years 2007 and 2008, we will continue to work with

Congressional appropriators. I will also submit a request to the White House Office of Management and Budget to fund the NET Guard program in fiscal year 2009. On these and other program matters, the Department's Office of Legislative Affairs will keep your staff apprised of our progress.

I appreciate your interest and support of the Department's disaster response mission and look forward to working with you on this and other issues.

Sincerely.

MICHAEL CHERTOFF.

INTERNET GAMBLING

Mrs. DOLE. Mr. President, I would like to share a letter received by our colleagues in the House of Representatives on the issue of Internet gambling from the National Football League, Major League Baseball, National Basketball Association, National Hockey League, and National Collegiate Athletic Association. I would like to include this letter in the RECORD, which alerts us to the serious threat that H.R. 2046 poses to the integrity of American athletics, as well as our national sovereignty over gambling regulation.

Many of us on this side of the Capitol may not be aware that there are efforts afoot in the House of Representatives to legalize Internet gambling, less than a year after we enacted the Unlawful Internet Gambling Enforcement Act of 2006. I strongly supported UIGEA, and supported its inclusion in the SAFE Ports Act, so that after more than 10 years of overwhelming bipartisan support for doing something to stop illegal Internet gambling in this country, we finally have an enforcement law with teeth.

But now, before the regulations for UIGEA have even been written, international gambling interests are telling our colleagues in the House that Internet gambling can never be stopped, so we might as well legalize, regulate, and tax it. We might as well decide that everyone speeds on the George Washington Parkway, so we should just eliminate the speed limits and make it a toll road. Internet gambling is just as dangerous—its 24/7 accessibility from any location, speed, and anonymity make it the "crack cocaine" of gambling, leading to addiction, young people wrecking their financial futures, family breakdown, and even crime and suicide. The answer is stepping up enforcement efforts, not abandoning the law and government feeding off the trough of personal tragedy.

H.R. 2046 would license Internet gambling companies to do business with U.S. customers and override every other Federal or State law that would interfere with this business. The proponents of this legalization scheme will argue that the bill allows States and sports leagues to "opt out" of legalization, but don't be fooled. The "opt-outs" are vulnerable to legal challenge, both in U.S. courts and in the World Trade Organization. And if the opt-outs fall, H.R. 2046 would result in the greatest expansion of gambling ever enacted in the history of the United States.

The sports organizations are very concerned because H.R. 2046 would reverse decades of Federal policy by endorsing sports gambling. We have all seen in the past couple of weeks how damaging gambling can be to the integrity and image of professional sports. When a player or a referee taints the game for gambling profits, all of the participants and all of the fans are betrayed. And even when there is no fraud, pervasive gambling on a sport robs its character as family entertainment celebrating the pursuit of athletic achievement, turning it into a seedy vehicle for making money at the expense of others. Congress must not in any way endorse this degradation of our national pastimes.

I hope that my colleagues here in the Senate will join me on the lookout for Internet gambling legalization efforts and will firmly reject and rebuff any such proposals.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter prepared by the professional and collegiate sports associations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 30, 2007.

DEAR MEMBER OF CONGRESS: Sports betting is incompatible with preserving the integrity of American athletics. For many decades, we have actively enforced strong policies against sports betting. And the law on this point is consistent. Federal statutes bar sports betting, especially the 1961 Wire Act and the 1992 Professional and Amateur Sports Protection Act. Enforcement of these laws against sports betting was also a significant motive for enacting the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA).

Accordingly, we urge you to reject current proposals to legalize Internet gambling, such as H.R. 2046 sponsored by Rep. Barney Frank. This legislation reverses federal policy on sports betting and would for the first time give such gambling Congressional consent. The bill sends exactly the wrong message to the public about sports gambling and threatens to undermine the integrity of American sports.

On a related point, we believe the Congress should not consider any liberalization of Internet gambling until the U.S. Trade Representative successfully resolves our trade disputes in this area. A rush to judgment on this subject could result in irreversible damage to U.S. sovereignty in the area of gambling regulation, including the capacity to prohibit sports bets.

Though Internet gambling on sports has never been legal, easy access to offshore Internet gambling web sites has created the opposite impression among the general public, particularly before Congress enacted UIGEA last fall. UIGEA emerged from more than a decade of Congressional consideration, in which stand-alone legislation aimed at restricting Internet gambling passed either the Senate or the House in each of five successive Congresses, each time by overwhelming bi-partisan votes. UIGEA also enjoyed a broad array of supporters, including 49 state Attorneys General and other law enforcement associations, several major financial institutions and technology companies, dozens of religious and family organizations, and of course our sports organizations.

Enactment of UIGEA was grounded on concerns about addictive, compulsive, and underage Internet gambling, unlawful sports betting, potential criminal activity, and the wholesale evasion of federal and state laws. When it passed the House a year ago, the vote was 317–93, including majorities of both caucuses and with the affirmative votes of both party leaders.

The final product was a law that did not change the legality of any gambling activity—it simply gave law enforcement new, effective tools for enforcing existing state and federal gambling laws. UIGEA and its predecessor bills could attract such consensus because they adhered to this principle: whether you think gambling liberalization is a bad idea or a good one, the policy judgments of State legislatures and Congress must be respected, not de facto repealed by deliberate evasion of the law by offshore entities via the Internet.

By contrast, H.R. 2046 would put the Treasury Department in charge of issuing licenses to Internet gambling operators, who would then be immunized from prosecution or liability under any Federal or State law that prohibits what the Frank bill permits. The bill would tear apart the fabric of American gambling regulation. By overriding in one stroke dozens of Federal and State gambling laws, this would amount to the greatest expansion of legalized gambling ever enacted.

This legislation contains an "opt-out" that appears to permit individual leagues to prohibit gambling on their sports. But regardless of the "opt-out," the bill breaks terrible new ground, because Congress would for the first time sanction sports betting. That is reason enough to oppose it. In addition, the bill's safeguard opt-out for sports leagues as well as the one for states may well prove illusory and ineffectual. They will be subject to legal challenge before U.S. courts and the World Trade Organization.

In addition, this legislation would dramatically complicate current trade negotiations concerning gambling. In 1994, the United States signed the General Agreement on Trade in Services, which included a commitment to free trade in "other recreational services." In subsequent WTO proceedings, the United States has claimed this commitment never included gambling services. The United States has noted that any such "commitment" would contradict a host of federal and state laws that regulate and restrict gambling. The WTO has not accepted this argument.

Accordingly, the U.S. Trade Representative has initiated negotiations to withdraw gambling from U.S. GATS commitments. Before withdrawal can be finalized, agreement must be reached on trade concessions with interested trading partners. Few concessions should be required because there was never a legal market in Internet gambling in the U.S. If Congress creates a legal market before withdrawal is complete, the withdrawal will become much more complicated and costly. Therefore, we oppose any legislation that would imperil the withdrawal process.

Finally, we have heard the argument that Internet gambling can actually protect the integrity of sports because of the alleged capacity to monitor gambling patterns more closely in a legalized environment. This argument is generally asserted by those who would profit from legalized gambling and the same point was raised in 1992 when PASPA was enacted. Congress dismissed it then and should dismiss it now. The harms caused by government endorsement of sports betting far exceed the alleged benefits.

H.R. 2046 sets aside decades of federal precedent to legalize sports betting and exposes American gambling laws to continuing jeopardy in the WTO. We strongly urge that you oppose it. Thank you for considering our views on this matter.

Sincerely,

RICK BUCHANAN,
Executive VP and General Counsel, National Basketball Association.
ELSA KIRCHER COLE,
General Counsel, National Collegiate Athletic Association.
WILLIAM DALY,
Deputy Commissioner National Hockey League.
TOM OSTERTAG,
Senior VP and General Counsel, Major League Baseball.
JEFFREY PASH,
Executive VP and General Counsel, National Football League.

DARFUR

Mr. DODD. Mr. President, genocide has only one morally tenable answer. This week, the United Nations found that answer: decisive and forceful action to protect the innocent. Tuesday's Security Council resolution put real teeth in the world's effort to stop the Darfur genocide: A paltry contingent of 7,000 African Union peacekeepers will swell with 26,000 more troops in a combined UN/AU force.

The peacekeepers will take command of the region by the end of the year, and their arms will help to shield the people of Darfur from continued murder and rape and displacement.

I applaud this resolution. We all know that it comes 450,000 lives too late. But the UN's action looks positively instantaneous when set against the delay and the equivocation of our own Government. Special Envoy Andrew Natsios assured the world that American action was "imminent" 7 months ago. And it was 2 years ago that President Bush declared the crimes in Darfur "genocide."

But there is still time for America to act, and a vital role for America to play. The Security Council's force resolution, as valuable as it is, came at a price: To mollify China and several African member states, its provisions for multilateral sanctions on Sudan were significantly softened. We can, and must, fill the gap with unilateral sanctions of our own.

Multilateral force combined with American sanctions would show the international system working at its best. The world community has agreed to act against genocide; now, the United States can work in the spirit of that resolution and do its own part to bring the suffering to an end. Our economic muscle can be a potent weapon.

Three sanctions bills are before the Senate. Two S. 831—the Sudan Divestment Authorization Act of 2007, and S. 1563, the Sudan Disclosure and Enforcement Act of 2007—have been authored by my friend and colleague, Senator DURBIN. From the very start, his voice has been the strongest in the Senate on the Darfur genocide, and his tremendous leadership stands in stark contrast to this administration.

A third sanctions bill—H.R. 180, the Darfur Accountability and Divestment Act of 2007—has been authored by Representative BARBARA LEE, whose leadership ranks with Senator DURBIN's. I have asked the majority leader to expedite consideration of all of these bills.

I would like to focus for a moment on Representative LEE's bill. It aims to punish the bloodstained Government of Sudan by assisting divestment from companies that—knowingly or not—have helped to fund the genocide. H.R. 180 requires the Department of the Treasury to develop a list of companies investing in specific sectors of the Sudanese economy: power production, mineral extraction, oil-related industries, and military equipment industries.

Before being put on the list, companies are given 30 days to either rebut the designation or to say that they will be suspending such activities within a year. The bill also removes specific legal barriers to enable mutual fund and corporate pension fund managers to cut ties with these listed companies.

And it allows States and localities to divest their public pension funds from those companies whose financial operations help support the genocidal practices of the Sudanese Government.

In ultimately leading to the withdrawal of funds from the Sudanese military machine, the bill does valuable work. But I am concerned that it entrusts the compilation of the list of companies to the wrong agency, Treasury's Office of Foreign Asset Control. OFAC is an enforcement agency, and such investigation is not in its mission.

I believe the job is better entrusted to an interagency task force combining the varied strengths of the Departments of Treasury, State, and Energy, along with the SEC. This combined approach will mean that our efforts toward divestment are as fair, effective, targeted, and transparent as they can be. So I have proposed amending the divestment bill to that effect; a second amendment authorizes $2 million to make this divestment task force a reality.

But whatever form they take, sanctions need to pass now. As the UN/AU force stabilizes Darfur, we must do our utmost to choke off the money that has oiled the machinery of slaughter. To those of my colleagues who are standing in the way of swift action, I ask:

What more do you need to see?

What more do we need to prove?

What more could it possibly take to move you?

I urge my colleagues to support H.R. 180, as amended, and the two other strong Senate bills.

CROP INSURANCE

Mr. GRASSLEY. Mr. President, my comments here today are to point out the importance of the crop insurance program to America's farmers and America's rural communities.

Congress enacted legislation in 1980 that allowed for the expansion of the program and the involvement of the private insurance sector in the crop insurance program's delivery. Since this time, the program has grown from a small, experimental program to one that insures over 70 percent of the eligible acres in the country. In many States, an even higher percentage of the eligible acres in the State are insured. In my home State of Iowa we have over 90 percent enrollment. This protection has come to be relied on by farmers and their lenders as a vital and necessary part of farming. For most farmers their crop insurance policy is the basis of their risk management, crop marketing and loan collateral.

The success of the crop insurance program can be attributed to two key items. One is the support of the Federal Government. It is no secret that the Government supports the crop insurance program with premium subsidies that encourage farmers to purchase coverage and help pay for its cost. Additionally, rather than further increasing farmers' premium costs, the Government also pays for the delivery of the program. These Government expenditures, while not insignificant, are considerably less than the Government would likely spend in after-the-fact disaster aid if farmers didn't use the program or if the program didn't exist.

The second key item that has contributed to the success of the crop insurance program is the delivery of the program by the private insurance sector. Delivery of the crop insurance program by private companies, using local insurance agents, using modern technology, and with an incentive to do things right and earn underwriting rewards, has allowed for market penetration that was thought impossible by many. But it has occurred, and it continues due to the quality, timely and accurate service being provided to farmers by local agents and companies.

I point out the importance of this program and its successes today, because this body is expected to consider this program during debate of the farm bill. It appears that despite successfully operating under separate legislation for years, the crop insurance program is being pulled into the farm bill discussions. The House farm bill has pulled money from the crop insurance program to offset other spending. I intend to analyze carefully the impact this House action will have on farmer's ability to manage their own risk. While I recognize there are improvements that need to be made to the program, crop insurance brings more stability to rural America.

American farmers deserve a safety net that they can count on each and every crop year. As the Senate prepares to work on our farm bill provisions, I hope we recognize that crop insurance has become ingrained into the fiber of American agriculture, from the farmers and lenders that depend on it to the rural communities whose local economies are bolstered by it in hard times.

BALLOT INTEGRITY ACT

Mrs. FEINSTEIN. Mr. President, I rise today to address an important development in the way our votes our counted. Last November, California elected a new chief election officer—Secretary of State Debra Bowen. Secretary Bowen served in the California Legislature, where she had a reputation as a dedicated advocate for greater protections of our voting systems. Upon becoming secretary of state, she called for a "top-to-bottom" review of all voting systems used in California. This was a dynamic and appropriate step, given the heartburn that electronic voting systems have caused voters nationwide.

The problems with paperless voting systems are clear. Computers are no substitute for a paper record. We want to know where our most important documents are—and we don't leave them on the computer. Votes should be no different.

Many events over the last few years have raised great concerns about paperless voting systems. In a congressional race in Sarasota, FL, about 18,000 ballots had no recorded vote. The final vote count divided the candidates by only 300-odd votes. So-called "under-votes" occur in every election. But the rate in Florida's 13th Congressional District was unusually high. And because there was no verified paper record, we may never know who really won that election.

Some say paper ballots can malfunction or be manipulated just as easily as these computers. I strongly disagree. When paper records fail, we can see that they have failed. If paper records are stolen, or disappear, we will notice their absence. But when malfunctions or security gaps occur in paperless voting systems, there is no easy way for voters or election officials to know that something has gone wrong. It is for this reason I support optical scan paper systems—or, at minimum, voting systems that produce a paper record verified by the voter.

So it is entirely appropriate that Secretary Bowen performed this test. Californians go to the polls in 6 months to cast their votes in the presidential primary. They must have confidence in their voting systems. With the cooperation of several voting system vendors, the University of California assembled several teams to review the systems. The teams examined the systems' source code, their physical and software defenses, and the ability of people with disabilities to use these systems. The systems fell short in all three tests. In a short span of time, computer scientists identified a number of major vulnerabilities with the voting systems. And these experts were able to hack the vote in less than 5 weeks.

It is important to note that many election officials employ security measures to protect their systems from these kinds of attacks. In this test, the focus was on the voting system's defenses alone—no external protections were employed. Even without such protections, the results of this examination clearly indicate we need to improve these systems.

A few examples of what the University of California experts were able to do: First, researchers were able to gain access to the internal computer system by breaking or bypassing the locks in the voting systems. In the case of one voting system, ordinary office objects were used to gain access. Second, researchers were able replace existing software with a new, corrupt virus that fed incorrect election data to the system. This attack used a program that appeared to change the text, but instead replaced the original software with corrupted code. Many small jurisdictions may lack the technical ability to identify and protect against these attacks. Third, while election officials can test these systems, experts noted that software distinguishes between election mode and testing mode. This could allow a virus to instruct the system to run properly during a test—but allow it to be corrupted during an election. Even counties that test their systems often could be vulnerable. Finally, the team was able to develop a device that would allow unauthorized access—and allow someone wishing to corrupt the ballot box to change the system's vote count.

What does all this mean for elections in the United States?

It means we should to follow the lead of Secretary Bowen, and take a very careful look at our voting systems. It means the argument for paper as an essential part of voting systems is becoming more and more convincing. It means we should watch and carefully assess the new standards for testing voting systems that will be employed for the first time in December. I hope these standards have a significant impact, that they catch the vulnerabilities of these systems.

I believe the bill I introduced in May will lead to great improvements in the technology and the processes of elections. The Ballot Integrity Act would immediately prohibit new purchases of paperless voting systems. By 2010, it would require a voter-verified paper record to be produced by all voting systems used in federal elections. It would ensure that laboratories that test voting systems would not be hand-picked by vendors. And it would bar wireless and internet components in voting systems. In addition, States would have to document which individuals have access to voting systems, and they would have to agree on ways to train poll workers on how to operate machinery. This approach deals with all elements of the voting process—and recognizes that good voting equipment cannot be secure without good procedures to protect the integrity of the vote.

While the debate rages over how California should respond to this new report, it is important to stick to the basics. Vote verification is the new consensus. More than half the States use paper records to preserve the vote count.

I know Americans are passionate about ensuring that their votes are counted. California has taken an important step—and uncovered some disturbing information. The Senate should support improving Federal elections by passing the Ballot Integrity Act.

RETIREMENT OF CONGRESSMAN RAY LAHOOD

Mr. OBAMA. Mr. President, I rise today to extend my appreciation and best wishes to my good friend, RAY LAHOOD, who recently announced his intention to retire at the end of the 110th Congress.

His retirement next fall will mark the end of a long, successful career representing the 18th District of Illinois—first as a staffer for 12 years for then-minority leader Bob Michel and then as a distinguished member of Congress for seven terms.

Born in the district he has represented for over 13 years, RAY LAHOOD's constituents have always been his No. 1 priority. Long after RAY leaves office, Illinoisans from Peoria to Jacksonville will benefit from his attention to local infrastructure needs, whether it is the roads, hospitals or arts projects of central Illinois.

He has been a champion for economic development in rural communities, expanded use of alternative energy, and conservation efforts along the Illinois

River. RAY and I also worked together earlier this year to help our Nation's servicemembers and veterans by introducing the Lane Evans Mental Health and Benefits Act.

But beyond his many legislative accomplishments is the distinctive spirit that RAY brought to his job. His time in Washington has been marked by a willingness to speak the truth and work across party lines—traits that have earned him the highest respect and admiration from colleagues on both sides of the aisle.

For several years, RAY hosted bipartisan congressional retreats to bring Members of Congress together for an open dialogue about ways to solve the country's problems in a civil manner. At a time in which Congress is marked by ideological warfare and harsh personal rhetoric, RAY is always searching for ways to bridge the partisan divide and find commonsense solutions to the problems facing average Americans. He was—and is—the ideal successor to Bob Michel, the great statesman who mentored him.

On a personal note, I will always be grateful to him for joining me in opening my Springfield office in January 2005 shortly after I came to the Senate. That small gesture of bipartisanship meant a lot to a freshman Senator and is a reflection of RAY's decency.

The people of central Illinois will miss RAY LAHOOD's hard work on their behalf, and I will miss his friendship.

I thank RAY for his many years of service to Illinois and to his country, and I wish him and his family all the best as he embarks upon this next chapter in his life.

TRIBUTE TO UNCLE HAROLD

Mr. DORGAN. Mr. President, if one is going to boast on the Senate floor, I assume I can be forgiven for boasting about close relatives.

My story is about my Uncle Harold—Harold Bach to be exact.

I called Harold last week and asked him what he had been doing. He said he had just gotten back from Minnesota. I asked, "What were you doing there?" He said, "Well I was running in the Senior Olympics events."

I guess it is not too unusual to have someone tell you that they are engaged in some track and field events. But my uncle is 87 years old. I said, "Harold, what events did you enter?" He said, "I ran in the 50 meter, the 100 meter and the 200 meter." I asked, "How did you do?" Harold said, "I won three medals—a gold, a silver and a bronze."

It wasn't news to me to hear that my uncle was running.

At age 72 Harold went to the Prairie Rose Games in North Dakota and just as a lark he entered races for age 70 and above. He easily won all three races that he entered. Then he decided, you know—I must have a talent here. It appears I can run faster than people my age. So he started running in other States. He ran in the Minnesota Senior Olympics, he ran in the South Dakota Senior Olympics, and then he was in Arizona and California.

He never stopped running. He has now won 100 medals in Senior Olympics events across the country. At age 87, I think he is still angling for more victories.

So I am announcing today that I am going to award my Uncle Harold a certificate, designating him as the oldest, fastest runner in our State's history. No, I have not done any research to demonstrate that, but I am sure it must be true. And besides, he's my uncle.

The message in having an 87-year-old uncle that runs the 100 meter dash in under 20 seconds is inspiring to me, and I hope, to everyone else. It is a message that if you don't know what you can't do, maybe you won't be surprised if you find out you can do it, even if others think it is improbable.

None of us should be limited by our notions of what is impossible. My Uncle Harold has described what is possible for him by trying—and succeeding. It is a lesson that many of us should learn over and over again. Defeat is not about trying and failing. Defeat is failing to try. And when my uncle determined that he was faster than anybody his age, he got himself a pair of running shoes and filled his car with gas. Fifteen years later he has won 100 track and field medals.

So, hats off to my Uncle Harold! His accomplishments in Senior Olympics events are impressive and inspiring.

ADDITIONAL STATEMENTS

CONGRATULATING MISS ASHLEY SAGISI MOSER

• Mr. AKAKA. Mr. President, I congratulate Ashley Sagisi Moser, Miss Teen World United States, for her achievements in the 2007 Miss Teen World pageant. She placed first runner-up in the pageant and won the Miss Congeniality Award.

The pageant was hosted in Queensland, Australia, where representatives from 14 countries competed for the title of Miss Teen World 2007. In addition to winning the Miss Congeniality Award, Ashley placed in the top five in every category, which included Miss Talent, Miss Photogenic, Best Costume, and Best Swimsuit.

I am proud of Ashley's accomplishments, especially because she was one of the youngest contestants in this international pageant. Her stage presence and wit have allowed her to excel in pageants. She embodies the spirit of Aloha, which was noted by the judges and her fellow competitors. She represented the State of Hawaii and the United States very well.

I also want to acknowledge Ashley's impressive leadership qualities, which are evident through her involvement in one of the State's most prestigious preparatory schools, Punahou School, and in her involvement in community activities. I encourage her to aspire to make a difference in the world by continuing to cultivate her leadership skills.

I look forward to hearing more about her successes as she continues to pursue her education and personal goals. Congratulations to her parents Kendall and Sandra Moser, who have raised their daughter to be an exemplary representative of the United States on the international stage. I wish Ashley and her family the very best in their future endeavors.•

COMMENDING THE HONOLULU BULLS

• Mr. AKAKA. Mr. President, I congratulate the Honolulu Bulls Soccer Club's Under-14 Division Girls Team for winning the Dana Cup No. 1 in Hjorring, Denmark. The Dana Cup is an international soccer tournament that takes place every summer and includes 300 girls and boys teams from 30 nations. The Under-14 Division Girls Team was one of 2 teams representing the United States out of 47 teams in that division. This was the first time a team from Hawaii has won this prestigious international tournament.

I wish to acknowledge the girls' skill, hard work, and dedication to soccer that led them to this unprecedented victory. They showed strength and agility as they went undefeated in eight matches without a single goal scored against them. A special congratulations goes to Malia Brennan, who received the Golden Boot Award as the top player in the girls Under-14 Division. I wish to also acknowledge her teammates on their success: Jayci Cabael, Kayla Cabael, Lauren Stollar, Brooke Lovelace, Kianna Akazawa, Caprice Dydasco, Kadi Lee, Staci Mihara, Teisha Nacis, Sierra Nicols, Steffani Tanaka, Gabby Yates, McKenna Davidson, and Tracee Fukunaga. Their parents and families are recognized as well for their commitment, sacrifice, and support that helped shape and instill in them important values that led to their success.

These young women could not have gotten where they are today without the support and knowledge of the game passed down to them from their coaches, Rick Chong and Kerry Miike. I commend these two men on their dedication to teaching, nourishing, and raising our next generation of athletes.

I also congratulate everyone at the Honolulu Bulls Soccer Club for their commitment to educating and developing youth soccer players that strive to be competitive regionally, nationally, and internationally. I wish nothing but the best for the girls, their family, and coaches and wish them success in future endeavors.•

RECOGNIZING THE ARMY VETERINARY CORPS

• Mr. ALLARD. Mr. President, today I wish to recognize the hard work and meritorious sacrifice of the Army Veterinary Corps. Their efforts support the global war on terrorism by protecting not only the military men and women serving our country, but our armed forces' animals as well.

The Army Veterinary Corps was formally established in 1916. However, the need for a military veterinary service was recognized as far back as the Revolutionary War. George Washington knew that if the Army used horses, it needed farriers as well. The program continued through the 19th century and when the Civil War began, the War Department issued orders that provided each cavalry regiment with a veterinary surgeon. As early as the 1890s, army veterinarians were sought to inspect meat, poultry and dairy products destined for the frontier posts.

Veterinary officers were first commissioned following the passage of the National Defense Act of June 3, 1916, and the Army Veterinary Corps became a reality. While providing care to the military's working animals would be part of the Army veterinarian's function, food safety and regulation was a primary mission upon the Army Veterinary Corps creation.

After the start of World War I, veterinarians within the ranks of the Army rose from 57 to 2,313 in just 18 months. Since World War I, the Veterinary Corps has remained an essential asset to our Nation's military by ensuring the health of both our animals and troops. The Air Force formed a veterinary service in 1949 as well, but in 1979, Congress directed changes to Department of Defense's veterinary missions and in 1980 the Army became DOD's Executive Agent for veterinary services.

Today the mission of the Army Veterinary Corps includes maintaining food safety and defense, animal medicine, and medical research support. Part of this mission is protecting the food of deployed soldiers, sailors, airmen and marines. In the global war on terrorism, more than 200 U.S. Army veterinarians have deployed in support of our Nation's efforts. The threat of BSE, the spinach recall due to pathogenic E. coli, and the ongoing pet food recall are just a few examples that illustrate the necessity of having robust food safety programs throughout DOD. Army veterinary service personnel audit more than 3,800 food producers in more than 80 countries annually to ensure safe food for service members and beneficiaries. Approximately 75 percent of emerging pathogens are zoonotic, meaning they are shared by both animals and man, such as avian influenza.

Army veterinarians have actively contributed to military and interagency planning processes as well. They recently participated in the development of the U.S. Department of Agriculture's Avian Influenza Playbook in support of the National Response Plan. Veterinary personnel are also an essential contributor in overseas avian influenza testing and surveillance programs.

The Army Veterinary Corps executes programs to test for, monitor and control other emerging diseases, like West Nile Virus, numerous food borne diseases, certain parasitic infections, and rabies. Army veterinarians direct animal medicine programs that protect both military members and their pets. In the same role, they also provide veterinary medical care for the Government-owned and contractor military working dogs which detect explosives, weapons and other devices. These animals help to literally take these weapons out of the hands of terrorists and insurgents.

Here at home, military veterinary supervision of operational ration assembly plants, supply and distribution points, ports, and other types of subsistence operations are critical to ensuring safe, wholesome food for our soldiers, sailors, airmen, marines, and their family members. The service provided by the Army Veterinary Corps remains an increasingly vital component of our homeland defense.

There are nearly 700 veterinarians serving on active duty, Army Reserve, and National Guard today. These brave service men and women proudly protect our Nation and its animals. I offer my sincere thanks and appreciation to these veterinarians and their staffs who dedicate their time and efforts in aid to the United States of America. As a veterinarian, I am proud to see them portray a positive image of our country, both at home and deployed abroad.•

RECOGNIZING ADMIRAL EDMUND P. GIAMBASTIANI, JR.

• Mrs. CLINTON. Mr. President, I wish to recognize ADM Edmund P. Giambastiani, Jr. for his 37 years of dedicated service to our Nation. Next month, Admiral Giambastiani, or "Admiral G" as he is known by those who have worked closely with him, will retire from his position as Vice Chairman of the Joint Chiefs of Staff. A native New Yorker, Admiral Giambastiani hails from Canastota, a small town near Syracuse. Following his graduation from Canastota High School, he entered the U.S. Naval Academy in the summer of 1966. For the next 4 years, Admiral Giambastiani learned and practiced many of the values and skills that would guide him later in life and ultimately to the most senior levels of the Department of Defense.

Admiral Giambastiani's early career brought him back to the State of New York where he served at the Naval Reserve Training Center in Whitestone and later at the Nuclear-Powered Training Unit in Schenectady. He served his first fleet assignments aboard the USS *Puffer* and USS *Francis Scott Key*. Later, Admiral Giambastiani commanded submarine NR-1, the Navy's only nuclear-powered, deep-diving ocean-engineering and research submarine, as well as the USS *Richard B. Russell*, whose crew was awarded three consecutive Battle Efficiency "E" awards, three Navy Unit Commendations, and two Fleet Commander Silver Anchors for excellence in enlisted retention.

As his career progressed, so too did the assignments that the admiral was given. Admiral Giambastiani led the Submarine Development Squadron Twelve, an attack submarine squadron that serves as the Navy's Warfare Center of Excellence for submarine doctrine and attacks. He was also the first director of strategy and concepts at the Naval Doctrine Command and the commander of the Atlantic Fleet Submarine Force. He served as the commander of the Submarines Allied Command Atlantic; the Anti-Submarine and Reconnaissance Forces Atlantic in Norfolk, VA; and as NATO's first supreme allied commander for transformation. In each of these assignments, Admiral Giambastiani performed his duties with distinction.

On the morning of September 11, 2001, Admiral Giambastiani was working in the Pentagon as the Senior Military Assistant to the Secretary of Defense. On that day and those that followed, Admiral Giambastiani worked tirelessly to respond to the aftermath of that attack.

Admiral Giambastiani served as commander of Joint Forces Command from October of 2002 to August of 2005. During this period, Joint Forces Command deployed headquarters personnel in support of Operation Iraqi Freedom and Operation Enduring Freedom, established assessment teams for global contingency operations to ensure the application of joint doctrine and practices, and provided oversight of numerous training exercises for deploying task force headquarters staffs to Iraq.

During this time, I worked closely with Admiral Giambastiani as a member of Joint Forces Command's Transformation Advisory Group, a body that the admiral formed to provide U.S. Joint Forces Command with independent advice and recommendations on strategic, scientific, technical, intelligence and policy-related issues. I have great personal and intellectual respect for Admiral Giambastiani and admire his openness to new ideas, his commitment to joint transformation, and his dedication to supporting our servicemembers.

In 2005, Admiral Giambastiani was nominated to serve as Vice Chairman of the Joint Chiefs of Staff, and I had the honor of introducing Admiral Giambastiani at his confirmation hearing before the Senate Armed Services Committee. During his tenure as Vice Chairman, Admiral Giambastiani has worked diligently to improve and transform our Nation's defense capabilities. He has served as the chairman of the Joint Requirements Oversight Council, where he worked to make it more responsive to the requests of our military commanders and to synchronize the delivery of resources needed by our servicemembers.

On behalf of my constituents in New York and of all Americans, I want to express my gratitude to Admiral Giambastiani for his many years of public service. I invite my colleagues on both sides of the aisle to join me today in recognizing and honoring Admiral Giambastiani for the service and commitment to the country that he represents.●

TRIBUTE TO WALTER JOHNSON

● Mr. CRAIG. Mr. President, I wish to pay tribute to a great American who spent a little time in my home State of Idaho.

Today marks the 100th anniversary of Hall of Fame pitcher Walter Johnson's Major League debut for the Washington Senators. On this day—August 2—in 1907, Walter "Big Train" Johnson took the field as the starting pitcher for the first time in what would be a 21-year career.

Interestingly enough, I actually have quite a bit in common with Walter Johnson. We both grew up in small towns; we share a connection to Washington County, ID. Johnson played semiprofessional ball in Weiser; I am a Republican, as was Johnson; and both of us are, or were, Senators—Johnson played for the Washington Senators.

Let me explain a little bit about our shared connection to Washington County. Walter Johnson was discovered while playing semiprofessional baseball in the Idaho State League. He played for the team in Weiser, ID; I could almost toss a baseball to Weiser from my hometown of Midvale. Johnson spent 2 years playing in Weiser from 1905 to 1907.

The Washington Senators tried to sign Johnson in 1906, but having grown up in small towns in Kansas and California, Johnson preferred the small-town life and was unsure about moving to Washington, DC.

The following year, the Senators sent their catcher, Cliff Blankenship, to scout Johnson and try to sign him. Blankenship was told to try to get a hit off of Johnson.

Blankenship tried but was unsuccessful. He sent a telegram to his manager back in Washington, saying, "You can't hit what you can't see. I've signed him and he is on his way."

For most of his career, Walter Johnson's pitches were considered to be practically un-hittable. Because the radar gun had not yet been invented, nobody knows for sure just how hard he could throw a baseball. But most experts estimate that he could top 100 miles per hour with ease.

His stature was equally intimidating. Johnson stood 6-foot-1 and weighed in at 200 pounds, earning him the nickname "The Big Train."

Hall of Famer Ty Cobb was arguably the best hitter ever to play the game. Cobb faced Walter Johnson in Johnson's debut game on August 2, 1907. Although Johnson and the Senators lost, 3 to 2, Cobb gave Johnson high praise, saying, "The first time I faced him, I watched him take that easy windup, and then something went past me that made me flinch. I hardly saw the pitch, but I heard it. The thing just hissed with danger. Every one of us knew we'd met the most powerful arm ever turned loose in a ballpark."

Despite playing for teams that were routinely awful, Johnson won 417 games in his career, second only to Cy Young, who won 511.

Johnson won 32 games in one season; compare that to today, where winning 20 games is considered a major accomplishment.

The Big Train also holds a record that will likely never be broken: In 1916, he pitched 369.2 innings without allowing a single home run.

Let me put this in perspective. Simply pitching that many innings in a season today would be a remarkable feat. Most pitchers never come close to 300 innings per season. It is truly phenomenal that Johnson was physically able to pitch that many innings and totally unthinkable that he could do it without allowing a single homerun. My colleague, the Senator from Kentucky, who is a member of the Baseball Hall of Fame himself, could tell you what an extraordinary accomplishment this is.

Many credit Johnson with carrying the Washington Senators to their first and only World Series title in 1924. They defeated the New York Giants, four games to three.

It was truly a different era in America. Senators fans were so ecstatic that Johnson had carried them to the World Series that before the first game, they presented him with a Lincoln Town Car as an expression of their gratitude. At the time, it was the most expensive car made in America and cost $8,000. That wouldn't happen today.

In time, Johnson grew to love Washington, DC and even got involved in local politics after he retired from baseball, winning a seat as a county commissioner in Montgomery County, MD.

He frequently held rallies and political events at his home, and ran—unsuccessfully—for a seat in the U.S. House of Representatives.

Although Walter Johnson only spent a short time in Idaho—just over two seasons-we claim him as one of our own. We feel proud to have played an important role in launching the career of "The Big Train," and I am honored today to mark the 100th anniversary of his Major League debut.●

HATCH CHILE FESTIVAL

● Mr. DOMENICI. Mr. President, today, I would like to mark the annual chile festival in Hatch, NM.

For the last 36 years on Labor Day weekend thousands of New Mexicans and people from around the country converge on Hatch for fun and good food. The Hatch chile festival is the premiere celebration of this fiery food that is near and dear to the hearts of New Mexicans. Chile, both red and green, is one of the distinctive flavors that makes New Mexico such a wonderful place to live and visit. A good deal of that chile originates in Hatch and it has rightly earned the title "chile capital of the world."

I hope this year's chile festival will be a success. I am sure all involved will walk away satisfied and with full stomachs.●

CHAPTER 641 OF THE VIETNAM VETERANS OF AMERICA

● Mr. DOMENICI. Mr. President. I would like to pay tribute to the members of Chapter 641 of the Vietnam Veterans of America, VVA.

Chapter 641 gathers on the first Saturday of every month from April to November to wash the Vietnam Veterans Memorial Wall in Washington DC. The dedication of these veterans helps to ensure the memorial dedicated to all the brave service men and women who gave their lives in the Vietnam war remains worthy of their sacrifice.

In June of this year the Daughters of the American Revolution presented this group with a national service award. I would like to add my praise to Chapter 641 VVA. Thanks in part to their hard work and dedication, we as a nation will never forget those who have sacrificed so much for our freedom.●

10TH ANNIVERSARY OF THE GEORGIA O'KEEFE MUSEUM

● Mr. DOMENICI. Mr. President, today I recognize the Georgia O'Keefe Museum in Santa Fe, NM, on its 10th anniversary. Georgia O'Keefe was, and remains, a New Mexico institution. The work she did while living in my State is held in the highest regard by artists and spectators alike.

Georgia O'Keefe settled in New Mexico in 1945 after being a frequent visitor of the State seeking artistic inspiration. She is famous for her vibrant portrayals of flowers and unique New Mexico landscapes. Ms. O'Keefe has inspired a number of aspiring artists, and she is sure to inspire many more for many years. Her work is timeless. New Mexico is proud to be home to most of her prized work.

The Georgia O'Keefe Museum is the first museum dedicated to the work of a woman artist of international stature. It showcases well over 1,000 pieces of Ms. O'Keefe's work. The museum has opened its doors to over one million visitors just in its first few years of operation; countless others will enjoy it in the future. It also boasts a vast education and outreach program that includes internships, teacher workshops, seminars and even afterschool arts programs. The museum is dedicated to the study and interpretation of her work, as well as American modernism.

The museum will commemorate the anniversary with a 10th anniversary celebration. The celebration will include a dinner dance, entertainment, and obviously art. The event will not only commemorate Georgia O'Keefe but also honor the museum's founders, Anne and John Marion. They have worked tirelessly to see that the artwork of Ms. O'Keefe is available for all to enjoy. Through their vision, the work of Georgia O'Keefe will be available for study and viewing for many years to come.

I commend these two individuals for envisioning a place for Georgia O'Keefe's work to be displayed, and maintaining that vision for the last 10 years. I believe Ms. O'Keefe would be proud of the work they have done and honored to be held in such high regard with respect to her art.•

TRIBUTE TO LEAGUE TO SAVE LAKE TAHOE

• Mrs. FEINSTEIN. Mr. President, today I recognize the 50 years of great work by the League to Save Lake Tahoe.

The League to Save Lake Tahoe has a long history of fighting to protect what I consider to be the crown jewel of the Sierra. The league was founded in 1957 as the Tahoe Improvement and Conservation Association to fight runaway development in one of our Nation's most beautiful regions. Since then, its membership has grown to 4,500 people, but its mission remains the same: to protect Lake Tahoe's famously clear waters and the surrounding area's natural beauty.

Protecting Lake Tahoe is an issue very dear to my heart. My love for Tahoe goes back to my childhood, when I attended camp and rode horses through its beautiful forests. Today however, the lake's health is threatened. Water clarity has declined from 102 feet in 1968 to 68 feet today, and the forests are more susceptible to catastrophic wildfires.

The League to Save Lake Tahoe was influential in developing the Environmental Improvement Program that identified actions that needed to be taken to help restore Lake Tahoe and instrumental in organizing the 1997 Presidential Forum. The league has continued to display an unwavering commitment to protecting the irreplaceable natural resources the Lake Tahoe Basin is blessed with.

I would like to congratulate the League to Save Lake Tahoe on a half century of outstanding environmental stewardship and wish them the best of luck in their continuing mission to Keep Tahoe Blue.•

BEST BUDDIES

• Ms. MIKULSKI. Mr. President, I wish to recognize the Best Buddies Chapter from Walter Johnson High School in Montgomery County, MD, for being named "Chapter of the Year" by Best Buddies International. Best Buddies is a 501(c)(3) nonprofit organization dedicated to enhancing the lives of people with intellectual disabilities by providing opportunities for one-to-one friendships and integrated employment. Founded by Anthony K. Shriver in 1989, Best Buddies focuses on the importance of social integration for a group that is often overlooked by society. They achieve their mission by creating "buddy pairs" in student-run chapters at middle schools, high schools, and colleges around the world.

Every year, Best Buddies holds its international leadership conference at Indiana University in Bloomington, IN, where over 1,300 high school and college students are trained on how to run an effective Best Buddies chapter—skills that will serve them well throughout their academic and professional lives. During the conference the organization acknowledges certain chapters that have achieved a particular level of excellence throughout the past year. The Chapter of the Year is selected by the board of directors and is based on the quality of the one-to-one friendships, chapter leadership, and activities. For 2007, 75 chapters applied, and Walter Johnson High School was awarded this impressive distinction.

This chapter exemplified the true meaning of team work. As a team they worked together and planned incredibly successful events, fundraisers, and group outings. Their great sense of spirit and enthusiasm showed in every activity they undertook and in the deeply rewarding friendships they created. Through the tireless outreach of the chapter members, the general student population at Walter Johnson learned first hand that the similarities between children with and without intellectual disabilities far outweigh the differences.

I hope that you will join me in recognizing the importance of what these high school students are doing through their participation in the Best Buddies program and the excellence with which they do it.•

TRIBUTE TO DON HIGHT

• Mr. THUNE. Mr. President, today I pay tribute to South Dakota rancher Don Hight for being recognized at the Third Annual National Day of the American Cowboy celebration in my home town of Murdo, SD.

Don was born in Mellette County, SD, in 1920. He served as an Army paratrooper in World War II. After his return from the war, Don married Adeline Fott and together they started ranching in Jones County, SD, where they raised their two children Dan and Cheryl.

In January of 1962, the farmer from small-town South Dakota made national news when he began a 70-mile cattle drive, trailing 1800 head of cattle from his Jones County ranch along the White River to Winner, SD. On the third day into the trip, a blizzard hit with temperatures below zero and winds reaching 35 miles per hour. As a result of his accomplishing this difficult drive, his story was picked up by the national news and Don was invited to appear in an episode of "Rawhide" which starred a young Clint Eastwood.

Don Hight displayed his strong patriotism following the September 11, 2001, terrorist attacks, when he sold 100 head of calves to the Fort Pierre Livestock and presented the check to the South Dakota Stock Growers to buy beef certificates, which were given to the Salvation Army for distribution to the victim's families.

Mr. Hight is truly a reflection of the American cowboy and proof that the cowboy way of life is still alive and well in South Dakota. He is a man dedicated to his country, and the values that this country represents such as bravery, honor and respect for his fellow man. It is people like Don that make the state of South Dakota such a great place to live.

It gives me pleasure to rise and pay tribute to Don Hight, a true American cowboy.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:36 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3248. An act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

At 4:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3159. An act to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom.

At 6:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2272) to invest in innovation through research and development, and to improve the competitiveness of the United States.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2831. An act to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

S. 1927. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1974. A bill to make technical corrections related to the Pension Protections Act of 2006.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2767. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Black Stem Rust; Addition of Rust-Resistant Varieties” (Docket No. APHIS–2007–0072) received on July 31, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2768. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General John M. Curran, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2769. A communication from the General Counsel, Department of the Treasury, transmitting, the report of draft legislation intended to amend provisions that specify the weights and compositions of the dollar, half dollar, quarter dollar, dime, 5-cent, and one-cent coins; to the Committee on Banking, Housing, and Urban Affairs.

EC–2770. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “FPA Section 203 Supplemental Policy Statement” (FERC Docket No. PL07–1–000) received on July 29, 2007; to the Committee on Energy and Natural Resources.

EC–2771. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Iowa; Clean Air Interstate Rule” (FRL No. 8450–1) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2772. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; State of Kansas” (FRL No. 8450–5) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2773. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; State of Missouri” (FRL No. 8450–7) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2774. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Determination of Attainment, Approval of Designation of Areas for Air Quality Planning Purposes; Indiana; Correction” (FRL No. 8450–3) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2775. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Dimethenamid; Pesticide Tolerance” (FRL No. 8138–2) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2776. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the Arizona State Implementation Plan, Maricopa County” (FRL No. 8448–6) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2777. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the authorized shore projection project for Lido Key Beach in Sarasota, Florida; to the Committee on Environment and Public Works.

EC–2778. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2008” ((RIN0938–AO63)(Docket No. CMS–1551–F)) received on August 1, 2007; to the Committee on Finance.

EC–2779. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities—Update for Fiscal Year 2008” (RIN0938–AO64) received on August 1, 2007; to the Committee on Finance.

EC–2780. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2008 Rates” (RIN0938–AO70) received on August 1, 2007; to the Committee on Finance.

EC–2781. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Section 1248 Attribution Principles” ((RIN1545–BA93)(TD 9345)) received on July 29, 2007; to the Committee on Finance.

EC–2782. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Return Required by Subchapter T Cooperatives under Section 6012” ((RIN1545–BF82)(TD 9336)) received on July 29, 2007; to the Committee on Finance.

EC–2783. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed technical assistance agreement for the export of technical data, defense services, and articles related to the Laser-based Directional Infrared Countermeasures System to the United Kingdom; to the Committee on Foreign Relations.

EC-2784. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to waiving the restrictions contained in the Cooperative Threat Reduction Act with respect to Uzbekistan; to the Committee on Foreign Relations.

EC-2785. A communication from the Under Secretary of Commerce (Intellectual Property), transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Changes to Trademark Trial and Appeal Board Rules" (RIN0651-AB56) received on July 31, 2007; to the Committee on the Judiciary.

EC-2786. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Changes in the Regulation of Iodine Crystals and Chemical Mixtures Containing Over 2.2 Percent Iodine" (RIN1117-AA93) received on July 31, 2007; to the Committee on the Judiciary.

EC-2787. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report relative to statistics on the operation of the premerger notification program; to the Committee on the Judiciary.

EC-2788. A communication from the Secretary of Veterans Affairs, transmitting, the report of a draft bill intended to clarify the requirements for special monthly pension based on age and disability; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 50. A bill to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 465. A bill to reauthorize the Asian Elephant Conservation Act of 1997.

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 742. A bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes.

S. 775. A bill to establish a National Commission on the Infrastructure of the United States.

S. 1785. A bill to amend the Clean Air Act to establish deadlines by which the Administrator of the Environmental Protection Agency shall issue a decision on whether to grant certain waivers of preemption under that Act.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. David A. Deptula, 6792, to be Lieutenant General.

Air Force nomination of Lt. Gen. Claude R. Kehler, 6600, to be General.

Army nomination of Maj. Gen. Kenneth W. Hunzeker, 4503, to be Lieutenant General.

Army nomination of Lt. Gen. James D. Thurman, 8182, to be Lieutenant General.

Army nomination of Lt. Gen. James J. Lovelace, 0304, to be Lieutenant General.

Army nomination of Maj. Gen. Carter F. Ham, 0921, to be Lieutenant General.

Army nomination of Col. Lawrence A. Haskins, 3608, to be Brigadier General.

Navy nomination of Rear Adm. Richard K. Gallagher, 9308, to be Vice Admiral.

Navy nomination of Rear Adm. Robert T. Moeller, 1217, to be Vice Admiral.

Navy nomination of Rear Adm. James A. Winnefeld, Jr., 5212, to be Vice Admiral.

Navy nomination of Adm. Michael G. Mullen, 9509, to be Admiral.

Marine Corps nomination of Gen. James E. Cartwright, 5961, to be General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Damion T. Gottlieb, 5640, to be Major.

Air Force nomination of Francis E. Lowe, 3894, to be Lieutenant Colonel.

Air Force nominations beginning with Lista M. Benson and ending with Karen L. Weis, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nominations beginning with Kevin C. Blakley and ending with Robert A. Tetla, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nominations beginning with Robert K. Abernathy and ending with Anthony J. Zucco, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nominations beginning with Mary Ann Behan and ending with Paul A. Willingham, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Dawud A. Agbere and ending with Edward J. Yurus, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Blake C. Ortner and ending with Andrew S. Zeller, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Julie A. Bentz and ending with Thomas L. Turpin, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Larry L. Guyton and ending with Linda M. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Jose A. Acosta and ending with Lawrence A. Ramirez, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Douglas P. Barber, Jr. and ending with Thomas J. Welsh, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Susan D. Chacon and ending with Seung C. Yang, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Enein Y. H. Aboul and ending with Kimberly A. Zuzelski, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce.

*Ronald Spoehel, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

*Thomas J. Barrett, of Alaska, to be Deputy Secretary of Transportation.

*Paul R. Brubaker, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nomination of Kristine B. Neeley, 1750, to be Lieutenant.

By Mr. CONRAD for the Committee on the Budget.

*Jim Nussle, of Iowa, to be Director of the Office of Management and Budget.

***Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear andtestify before any duly constituted committee of the Senate.**

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. THUNE, and Mr. JOHNSON):

S. 1934. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWNBACK (for himself, Mr. GREGG, Mr. COBURN, Mr. CRAPO, Mr. SUNUNU, Mr. ALEXANDER, Mr. ALLARD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mrs. DOLE, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. MARTINEZ, Mr. MCCAIN, Mr. SESSIONS, Mr. THUNE, Mr. VITTER, Mr. DEMINT, Mr. KYL, and Mr. CHAMBLISS):

S. 1935. A bill to establish a Commission on Congressional Budgetary Accountability and Review of Federal Agencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SALAZAR (for himself, Mr. MARTINEZ, Mr. AKAKA, Mr. BAYH, Mr.

CARPER, Mr. CRAIG, Mr. INOUYE, Mr. KERRY, Ms. LANDRIEU, Mr. MCCAIN, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. STEVENS, Mr. HAGEL, and Mr. BROWNBACK):

S. 1936. A bill to provide for a plebiscite on the future status of Puerto Rico; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 1937. A bill to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REED:

S. 1938. A bill to provide for the reviewing, updating, and maintenance of National Flood Insurance Program rate maps, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1939. A bill to provide for the conveyance of certain land in the Santa Fe National Forest, New Mexico; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1940. A bill to reauthorize the Rio Puerco Watershed Management Program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 1941. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. CLINTON, and Ms. MIKULSKI):

S. 1942. A bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY:

S. 1943. A bill to establish uniform standards for interrogation techniques applicable to individuals under the custody or physical control of the United States Government; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. SPECTER, Mr. MENENDEZ, Mr. CORNYN, Mr. COLEMAN, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. COLLINS, Mr. GRAHAM, Mr. BIDEN, Mr. STEVENS, and Mrs. FEINSTEIN):

S. 1944. A bill to provide justice for victims of state-sponsored terrorism; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. OBAMA, and Mr. BROWN):

S. 1945. A bill to provide a Federal income tax credit for Patriot employers, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 1946. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1947. A bill to amend title XI of the Social Security Act to improve the quality improvement organization (QIO) program; to the Committee on Finance.

By Mr. VOINOVICH:

S. 1948. A bill to award grants to establish Advanced Multidisciplinary Computing Software Centers, which shall conduct outreach, technology transfer, development, and utilization programs in specific industries and geographic regions for the benefit of small- and medium-size manufacturers and businesses; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. WYDEN, Mr. CRAIG, and Mr. DOMENICI):

S. 1949. A bill to direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself, Mr. KERRY, Mr. LAUTENBERG, Mrs. BOXER, Mr. BROWN, Mr. WHITEHOUSE, Mr. BAYH, and Mr. DODD):

S. 1950. A bill to require a report on contingency planning for the redeployment of United States forces from Iraq; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself, Mrs. LINCOLN, Mr. SALAZAR, Mr. LIEBERMAN, Mr. ROBERTS, Mr. COCHRAN, Mr. SMITH, and Mr. LOTT):

S. 1951. A bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. SMITH, and Ms. CANTWELL):

S. 1952. A bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD:

S. 1953. A bill to amend the Agricultural Manufacturing Act of 1946 to require labeling of raw agricultural forms of ginseng, including the country of harvest, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. ROBERTS, Mr. CONRAD, Mr. ENZI, Mr. SCHUMER, Mr. COCHRAN, Mr. SALAZAR, Mr. SMITH, Mr. BINGAMAN, and Ms. SNOWE):

S. 1954. A bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D; to the Committee on Finance.

By Mr. CONRAD (for himself and Ms. STABENOW):

S. 1955. A bill to authorize the Secretary of Homeland Security to make grants to first responder agencies that have employees in the National Guard or Reserves on active duty; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS (for himself, Mr. DOMENICI, Mr. BINGAMAN, Mr. SMITH, Ms. STABENOW, Mr. MCCAIN, Ms. CANTWELL, and Mr. LEVIN):

S. 1956. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. HATCH, Mr. WHITEHOUSE, Mr. GRAHAM, Mr. KOHL, Mrs. CLINTON, and Ms. SNOWE):

S. 1957. A bill to amend title 17, United States Code, to provide protection for fashion design; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. HATCH, Mr. KERRY, Ms. STABENOW, Mrs. LINCOLN, Mr. CORNYN, Mr. LOTT, Mr. COCHRAN, Mr. DORGAN, Mr. WYDEN, and Mr. COLEMAN):

S. 1958. A bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. COLEMAN):

S. 1959. A bill to establish the National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 1960. A bill to amend the Small Business Investment Act of 1958 to improve surety bond guarantees, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SESSIONS:

S. 1961. A bill to expand the boundaries of the Little River Canyon National Preserve in the State of Alabama; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS:

S. 1962. A bill to amend the Food Security Act of 1985 to authorize a regional water enhancement program in the environmental quality incentives program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself, Mr. CRAPO, Ms. STABENOW, and Mr. CARPER):

S. 1963. A bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1964. A bill to amend title XVIII of the Social Security Act to establish new separate fee schedule areas for physicians' services in States with multiple fee schedule areas to improve Medicare physician geographic payment accuracy, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. INOUYE, Mrs. HUTCHISON, Mr. PRYOR, and Mr. NELSON of Florida):

S. 1965. A bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR:

S. 1966. A bill to reauthorize HIV/AIDS assistance; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself and Mr. SMITH):

S. 1967. A bill to provide administrative ease and incentives for increased saving by Americans, and for other purposes; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. ALLARD, Mr. VITTER, and Mrs. DOLE):

S. 1968. A bill to provide for security at public water systems and publicly owned treatment works; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. BAYH, Mr. NELSON of Florida, Mr. BROWNBACK, Mr. HARKIN, and Mr. CRAPO):

S. 1969. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 1970. A bill to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. BOND, Mr. BAUCUS, Mrs. BOXER, Mr. CASEY, Mr. DODD, and Ms. STABENOW):

S. 1971. A bill to authorize a competitive grant program to assist members of the National Guard and Reserve and former and current members of the Armed Forces in securing employment in the private sector, and for other purposes; to the Committee on Armed Services.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1972. A bill to amend the Federal Power Act to modify a provision relating to the siting of interstate electric transmission; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 1973. A bill to amend the Internal Revenue Code of 1986 to double the period of limitations for returns involving offshore secrecy jurisdictions, to modify certain other provisions relating to the statute of limitations, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. BAUCUS, Mr. GRASSLEY, and Mr. ENZI):

S. 1974. A bill to make technical corrections related to the Pension Protections Act of 2006; read the first time.

By Mr. DODD (for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Mr. KENNEDY, Mr. CHAMBLISS, Mr. REED, Ms. MIKULSKI, Mrs. MURRAY, Mr. SALAZAR, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. BROWN, Mr. NELSON of Nebraska, Mr. CARDIN, and Mr. HARKIN):

S. 1975. A bill to expand family and medical leave in support of servicemembers with combat-related injuries; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself, Mr. LEAHY, and Mr. BAUCUS):

S. 1976. A bill to amend the Food Security Act of 1985 to include a provision on organic conversion in the environmental quality incentives program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. OBAMA (for himself and Mr. HAGEL):

S. 1977. A bill to provide for sustained United States leadership in a cooperative global effort to prevent nuclear terrorism, reduce global nuclear arsenals, stop the spread of nuclear weapons and related material and technology, and support the responsible and peaceful use of nuclear technology; to the Committee on Foreign Relations.

By Mr. REED:

S. 1978. A bill to amend the Elementary and Secondary Education Act of 1965 to award grants to implement a co-teaching model for educating students with disabilities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mrs. MURRAY, Mr. OBAMA, and Mr. BROWN):

S. 1979. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for school improvement, comprehensive, high-quality multi-year induction and mentoring for new teachers, and professional development for experienced teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mrs. LINCOLN, and Ms. COLLINS):

S. 1980. A bill to improve the quality of, and access to, long-term care; to the Committee on Finance.

By Mr. REED:

S. 1981. A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself and Mr. LEAHY):

S. 1982. A bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself and Mr. CHAMBLISS):

S. 1983. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to expand and improve the collection of maintenance fees, and for other purposes; considered and passed.

By Mr. KYL (for himself, Mr. MCCAIN, Mr. CORNYN, Mr. GRAHAM, Mr. SESSIONS, Mr. MARTINEZ, and Mr. SPECTER):

S. 1984. A bill to strengthen immigration enforcement and border security and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO:

S. Res. 292. A resolution designating the week beginning September 9, 2007, as "National Assisted Living Week"; to the Committee on the Judiciary.

By Mr. HATCH:

S. Res. 293. A resolution commending the founder and members of Project Compassion; to the Committee on the Judiciary.

By Mr. BUNNING:

S. Res. 294. A resolution designating September 2007 as "National Bourbon Heritage Month"; considered and agreed to.

By Ms. CANTWELL:

S. Res. 295. A resolution designating September 19, 2007, as "National Attention Deficit Disorder Awareness Day"; considered and agreed to.

By Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. AKAKA, Mr. DOMENICI, Mr. COCHRAN, Mr. BENNETT, Mr. FEINGOLD, Mr. CASEY, Mr. THUNE, Mr. INOUYE, Mr. INHOFE, and Mr. CORNYN):

S. Res. 296. A resolution designating September 2007 as "National Youth Court Month"; considered and agreed to.

By Mr. HATCH (for himself and Mr. BENNETT):

S. Res. 297. A resolution recognizing the 100th anniversary of the Utah League of Cities and Towns; considered and agreed to.

By Mrs. DOLE (for herself and Mr. BURR):

S. Res. 298. A resolution commending the City of Fayetteville, North Carolina for holding a 3-day celebration of the 250th anniversary of the birth of the Marquis de Lafayette, and recognizing that the City of Fayetteville is where North Carolina celebrates the birthday of the Marquis de Lafayette; considered and agreed to.

ADDITIONAL COSPONSORS

S. 289

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 289, a bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes.

S. 334

At the request of Mr. WYDEN, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Florida (Mr. NELSON) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 381

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 381, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 439

At the request of Mr. REID, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 456

At the request of Mrs. FEINSTEIN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 582

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 586

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 586, a bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women and children.

S. 595

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 595, a bill to amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency.

S. 739

At the request of Mr. BINGAMAN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 739, a bill to provide disadvantaged children with access to dental services.

S. 742

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 742, a bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes.

S. 775

At the request of Mr. CARPER, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 775, a bill to establish a National Commission on the Infrastructure of the United States.

S. 781

At the request of Mr. PRYOR, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 781, a bill to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

S. 843

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 843, a bill to provide for the establishment of a national mercury monitoring program.

S. 903

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 911

At the request of Mr. COLEMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 946

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 946, a bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes.

S. 969

At the request of Mr. DODD, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 970

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 988

At the request of Ms. MIKULSKI, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Colorado (Mr. ALLARD) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1015

At the request of Mr. COCHRAN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1015, a bill to reauthorize the National Writing Project.

S. 1060

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1069

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1069, a bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 1160

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1160, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 1161

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1188

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1188, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres.

S. 1213

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1213, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the Medicaid and State Children's Health Insurance Programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1373

At the request of Mr. PRYOR, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1376

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

S. 1382

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1398

At the request of Mr. REID, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1534

At the request of Mr. BROWNBACK, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1534, a bill to hold the current regime in Iran accountable for its human rights record and to support a transition to democracy in Iran.

S. 1572

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1572, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1589

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island (Mr. REED), the Senator from Washington (Mrs. MURRAY) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1589, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 1607

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1672

At the request of Mr. HAGEL, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1672, a bill to direct the Secretary of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in the areas of visual impairment and orientation and mobility.

S. 1708

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1718

At the request of Mr. BROWN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemebers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1755

At the request of Mr. CASEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State.

S. 1784

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1784, a bill to amend the Small Business Act to improve programs for veterans, and for other purposes.

S. 1793

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1793, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards.

S. 1825

At the request of Mr. WEBB, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1825, a bill to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 1833

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1833, a bill to amend the Consumer Product Safety Act to require third-party verification of compliance of children's products with consumer product safety standards promulgated by the Consumer Product Safety Commission and for other purposes.

S. 1847

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1847, a bill to reauthorize the Consumer Product Safety Act, and for other purposes.

S. 1871

At the request of Mr. KENNEDY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1871, a bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws.

S. 1894

At the request of Mr. DODD, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Colorado (Mr. SALAZAR) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1894, a bill to amend the Family and Medical Leave Act of 1993 to provide family and medical leave to primary caregivers of servicemembers with combat-related injuries.

S. 1895

At the request of Mr. REED, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1910

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1910, a bill to amend the Internal Revenue Code of 1986 to provide that amounts derived from Federal grants and State matching funds in connection with revolving funds established in accordance with the Federal Water Pollution Control Act and the Safe Drinking Water Act will not be treated as proceeds or replacement proceeds for purposes of section 148 of such Code.

S. 1920

At the request of Mr. REID, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1920, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1924

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1926

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. CON. RES. 39

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

S. RES. 288

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 288, a resolution designating September 2007 as "National Prostate Cancer Awareness Month".

S. RES. 291

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. Res. 291, a resolution designating the week beginning September 9, 2007, as "National Historically Black Colleges and Universities Week".

AMENDMENT NO. 2535

At the request of Mr. ALLARD, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 2535 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2540

At the request of Mr. ENSIGN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 2540 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2541

At the request of Mr. ENSIGN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 2541 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2557

At the request of Mr. SPECTER, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of amendment No. 2557 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2564

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2564 intended to be proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2565

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2565 intended to be proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2566

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2566 intended to be proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2567

At the request of Mr. CARDIN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 2567 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2588

At the request of Mr. OBAMA, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 2588 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2596

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 2596 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2621

At the request of Mrs. LINCOLN, the names of the Senator from Utah (Mr. HATCH), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. PRYOR), the Senator from Delaware (Mr. CARPER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 2621 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. THUNE, and Mr. JOHNSON):

S. 1934. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CARDIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUATION OF ESSENTIAL AIR SERVICE AT CERTAIN LOCATIONS.

(a) IN GENERAL.—Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 41731 note) is amended by striking "September 30, 2007" and inserting "September 30, 2012".

(b) REQUIREMENT FOR CONTINUATION OF ESSENTIAL AIR SERVICE BY CERTAIN AIR CARRIERS FOR 90 DAYS AFTER TERMINATION OF CONTRACT.—Any air carrier that provides essential air service to a place described in section 409(a) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 41731 note) and has a contract for the provision of such essential air service that expires on September 30, 2007, shall continue to provide such essential air service to such place until at least the earlier of—

(1) January 1, 2008; or

(2) the date on which the Secretary of Transportation identifies a new air carrier to provide such essential air service.

(c) AIR CARRIER DEFINED.—In this section, the term "air carrier" has the meaning provided such term in section 40102 of title 49, United States Code.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1940. A bill to reauthorize the Rio Puerco Watershed Management Program, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation reauthorizing the Río Puerco Watershed Management Program, which became law in 1996. In the 10 years since it was formalized by Congress, the Río Puerco Management Committee has helped facilitate a collaborative approach for the restoration of the highly degraded Río Puerco Watershed, which at 7,000 square miles is the largest tributary to the Río Grande in terms of area and sediment.

The Río Puerco was once known as New Mexico's breadbasket, with water supply and soil tilth to support that reputation. Over time, extensive ecological changes have occurred in the Río Puerco Watershed, some of which have resulted in damage to the watershed that has seriously affected the economic and cultural well-being of its inhabitants. This has resulted in the loss of existing communities that were based on the land and were self-sustaining. According to the Bureau of Land Management, while the Río Puerco contributes less than 10 percent of the total water to the Río Grande, it represents the primary source of sedimentation entering the Upper Río Grande with far reaching effects throughout the lower portions of the river. For example, the Río Puerco contributes the majority of the silt entering Elephant Butte Reservoir about 65 miles downstream of its confluence with the Río Grande.

The Río Puerco Management Committee has become one of the most effective collaborative land management efforts in the Southwest, particularly given the challenges posed by the multi-jurisdictional nature of the watershed. It has successfully developed and implemented proposals for watershed rehabilitation on a collaborative basis with participation from private stakeholders, various Federal agencies, Native American Indian tribes, State agencies, and local governments. For example, the committee took on the bold proposal of returning the Río Puerco to its original streambed, originally altered to accommodate the construction of State Highway 44, now U.S. Highway 550, in the late 1960s. According to the BLM, the channel became a primary contributor of erosion and sediment in the river main stem, and even began advancing toward U.S. 550, threatening the highways stability. This large-scale project is one of only three in the entire country that has attempted to reintroduce a channelized river into its original meander.

I am proud to say that the committee's holistic approach has also facilitated low-tech but time-intensive restoration projects and community outreach initiatives which have actively engaged community members and the Youth Conservation Corps. This has helped develop a sense of ownership and community responsibility for the restoration of the Río Puerco while also providing our State's youth valuable resource management skills and teaching them how to be responsible stewards of the land now and in the future.

I am pleased Senator DOMENICI is a cosponsor of this reauthorization bill, and I thank him for always being a strong advocate for this program. The Río Puerco Management Committee has demonstrated the achievements that can be made by working cooperatively to advance the restoration of and maintenance of this watershed. It is also clear that more work needs to be done, and it is my sincere hope that the Congress and the administration will continue to work in a similar cooperative manner to ensure adequate funding is provided for this important program. I urge my colleagues to support this legislation.

Mr. DOMENICI. Mr. President, the need for targeted restoration work in the Río Puerco watershed came to my attention during the early 1990s. Congress began funding local efforts to improve the Río Puerco area in 1992, and the Río Puerco Management Program was formally authorized by the Omnibus Parks and Public Lands Management Act of 1996.

The Río Puerco Basin is the largest tributary to the Middle Río Grande Basin. The watershed encompasses nearly 5 million acres and acts as drainage for portions of 7 counties in my home State of New Mexico. The Río Puerco watershed is a major source of silt in Elephant Butte Reservoir. In fact, the Department of Interior's U.S. Geological Survey has identified the Río Puerco as having one of the highest sediment concentrations. The objective of the collaborative program is to curtail sedimentation from washing down the Río Puerco to the Río Grande and Elephant Butte. As intended, this program has helped to facilitate cooperation between Federal, State, and local agencies along with local landowners to improve the health of the Río Puerco watershed by working together to implement projects that help control erosion and reduce the flow of sediment into the Río Grande.

I believe the program has accomplished much during its tenure, and I fully support its objectives. I am pleased to join my colleague from New Mexico, Senator BINGAMAN, as a cosponsor of this bill, and I look forward to working with him to see that this important program is reauthorized.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. CLINTON, and Ms. MIKULSKI):

S. 1942. A bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools; to the Committee on Health, Education, labor, and Pensions.

Mr. HARKIN. Mr. President, I rise today to introduce the Public School Repair and Renovation Act. I offer this legislation to meet the urgent need for support to repair crumbling schools in disadvantaged and rural school districts.

We all agree that school infrastructure requires constant maintenance. Unfortunately, far too many schools have been forced to neglect ongoing issues, most likely due to lack of funds, which can lead to health and safety problems for students, educators and staff. The most recent infrastructure report card issued by the American Society of Civil Engineers gives public schools a "D" grade. Now, I don't know many parents who would find "D" grades acceptable for their children. So why on earth would we stand by while the state of the buildings in which our children learn are assigned such a grade?

Despite the declining condition of many public schools, Federal grant funding is generally not available to leverage local spending. In fiscal year 2001, the Senate Labor, Health and Human Services, and Education Appropriations Subcommittee which I then chaired, I was able to secure $1.2 billion for school repair and renovation. I continue to hear nothing but positive feedback from educators across the country about that funding.

But that one-time investment amounted to nothing more than a drop in the bucket compared to the estimated national need. In 1995, the General Accounting Office reported that the nation's K-12 schools needed some $112 billion in repairs and upgrades. A more recent study by the National Education Association put the estimate as high as $322 billion.

I have been heartened by the recent boom in local and State spending on school facilities. However, the distribution of these recent investments has been overwhelmingly slanted to the most affluent communities which are better able to fund new investments without outside assistance. A 2006 study released by the Building Educational Success Together, BEST, coalition found that the quality of your child's school is dependent upon his or her racial or ethnic background and whether they live in a rich or poor neighborhood.

Local spending on school facilities in affluent communities is almost twice as high as in our most disadvantaged communities, as measured on a per-pupil basis. The report also found that school districts with predominantly caucasian enrollment benefited from about $2000 more per student in school repair and construction spending than their peers living in school districts with predominantly minority enrollment.

The Public School Repair and Renovation Act addresses that inequity by targeting school renovation grants to those communities that have struggled to fund needed repairs. The bill builds on the model States found successful in the fiscal year 2001 program. States would receive funding based on their most recent Title I allocation to initiate a competitive grant program targeted to poor and rural school districts. States have the discretion to require matching funds from the local district bringing the potential funding to much more than the $1.6 billion Federal investment.

I would like to thank my colleagues, Senators KENNEDY, CLINTON, and MIKULSKI for signing on to this bill. In addition, I am pleased to report this legislation has the support of a diverse group of national education organizations representing teachers, school boards, school administrators, and principals.

The Public School Repair and Renovation Act takes a much needed step forward in fixing the inequity in public school facilities. Something is seriously wrong when children go to modern, gleaming movie theaters, shopping malls, and sports arenas, but attend public schools with crumbling walls and leaking roofs. This sends exactly the wrong message to children about the importance of education.

I hope that my colleagues will support the Public School Repair and Renovation Act.

By Mr. LAUTENBERG (for himself, Mr. SPECTER, Mr. MENENDEZ, Mr. CORNYN, Mr. COLEMAN, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. COLLINS, Mr. GRAHAM, Mr. BIDEN, Mr. STEVENS, and Mrs. FEINSTEIN):

S. 1944. A bill to provide justice for victims of state-sponsored terrorism; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Justice for Victims of State Sponsored Terrorism Act with my colleagues, Senators SPECTER, MENENDEZ, CORNYN, COLEMAN, LOTT, LIEBERMAN, SCHUMER, CLINTON, CASEY, COLLINS, GRAHAM, BIDEN, STEVENS, and FEINSTEIN.

I am proud to introduce this legislation on behalf of the many Americans who have suffered at the hands of State sponsors of terrorism. This important legislation will allow victims of state sponsored terrorism to have their day in court. It will do so by enabling these individuals to both sue for liability and seek financial compensation from the states, such as Iran, which committed these murderous acts, thereby starving them of the funds that they use to strike at innocent victims.

In 1983, the U.S. Marine Corps barracks in Beirut, Lebanon, was bombed by the Lebanese terrorist organization Hezbollah, killing 241 servicemen and wounding 100 others. In 2003, the U.S. District Court in Washington, DC, found the Republic of Iran, which directly supports Hezbollah, guilty of masterminding that bombing. The victims and their families have the right to sue their tormentors and have judgments against Iran, yet the judgments are not being enforced.

In 1996, the President signed into law legislation that I wrote to amend the Foreign Sovereign Immunities Act to give private American citizens the right to hold U.S. Department of State-designated state sponsors of terrorism liable in U.S. courts. This legislation, also known as the Flatow amendment, needs to be clarified and updated. The bill I am introducing today will bring clarity to this law on behalf of victims of terrorism and reaffirm their right to sue and collect damages from state sponsors of terrorism.

There are several reasons why the law needs to be improved. First, the courts decided in 2004 in Cicippio-Puleo v. Islamic Republic of Iran that, contrary to the intent of the Flatow amendment, there would be no Federal private right of action against foreign governments. The ruling stated that there could only be legal action against individual officials and employees of that government. Second, current law permits judgment holders to only seize assets over which a terrorist state has day-to-day managerial control, thereby allowing terrorist states to hide their assets from the victims who have successful judgments against them. Third, state sponsors of terrorism, such as Libya, which is still responsible for terrorist acts it committed in the past, have consistently abused the appeals process to delay litigation proceedings.

My new legislation will address these issues and improve the ability of victims to hold state sponsors of terrorism accountable. First, it will update the Flatow amendment to improve its enforcement by reaffirming the right of private citizens to sue state sponsors of terrorism. Second, it will allow for the seizure of hidden commercial assets belonging to the terrorist state so that the victims of terrorism can be justly compensated. Third, it will limit the number of appeals that the terrorist state can pursue in U.S. courts. In addition, my legislation will provide foreign nationals working for the U.S. Government, if they are victims of a terrorist attack during their official duties, to be covered by these same provisions.

While nothing can bring back innocent lives lost to terrorism, the state sponsors of these horrific acts must be made to pay for their crimes. We are united in our belief that state-sponsored terrorism is wrong and that the perpetrators of terrorism must be brought to justice. This legislation will also strengthen our national security by combating the desire and ability of foreign nations to both finance and support terrorism. Most importantly, it will empower those innocent victims who have suffered from terrorism to seek justice through the rule of American law.

I urge my colleagues on both sides of the aisle to support justice for victims of state sponsored terrorism by supporting this important bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for Victims of State Sponsored Terrorism Act".

SEC. 2. TERRORISM EXCEPTION TO IMMUNITY.

(a) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605 the following:

"§ 1605A. Terrorism exception to the jurisdictional immunity of a foreign state

"(a) IN GENERAL.—

"(1) NO IMMUNITY.—A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency.

"(2) CLAIM HEARD.—The court shall hear a claim under this section if—

"(A) the foreign state was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405 (j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later designated as a result of such act;

"(B) the claimant or the victim was—

"(i) a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(ii) a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10); or

"(iii) otherwise an employee of the government of the United States or one of its contractors acting within the scope of their employment when the act upon which the claim is based occurred; or

"(C) where the act occurred in the foreign state against which the claim has been brought, the claimant has afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with the accepted international rules of arbitration.

"(b) DEFINITION.—For purposes of this section—

"(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

"(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

"(3) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

"(c) TIME LIMIT.—An action may be brought under this section if the action is commenced not later than the latter of—

"(1) 10 years after April 24, 1996; or

"(2) 10 years from the date on which the cause of action arose.

"(d) PRIVATE RIGHT OF ACTION.—A private cause of action may be brought against a foreign state designated under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)), and any official, employee, or agent of said foreign state while acting within the scope of his or her office, employment, or agency which shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or an employee of the government of the United States or one of its contractors acting within the scope of their employment or the legal representative of such a person for personal injury or death caused by acts of that foreign state or its official, employee, or agent for which the courts of the United States may maintain jurisdiction under this section for money damages which may include economic damages, solatium, pain, and suffering, and punitive damages if the acts were among those described in this section. A foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

"(e) ADDITIONAL DAMAGES.—After an action has been brought under subsection (d), actions may also be brought for reasonably foreseeable property loss, whether insured or uninsured, third party liability, and life and property insurance policy loss claims.

"(f) SPECIAL MASTERS.—

"(1) IN GENERAL.—The Courts of the United States may from time to time appoint special masters to hear damage claims brought under this section.

"(2) TRANSFER OF FUNDS.—The Attorney General shall transfer, from funds available for the program under sections 1404C of the Victims Crime Act of 1984 (42 U.S.C. 10603c) to the Administrator of the United States District Court in which any case is pending which has been brought pursuant to section 1605(a)(7) such funds as may be required to carry out the Orders of that United States District Court appointing Special Masters in any case under this section. Any amount paid in compensation to any such Special Master shall constitute an item of court costs.

"(g) APPEAL.—In an action brought under this section, appeals from orders not conclusively ending the litigation may only be taken pursuant to section 1292(b) of this title.

"(h) PROPERTY DISPOSITION.—

"(1) IN GENERAL.—In every action filed in a United States district court in which jurisdiction is alleged under this section, the filing of a notice of pending action pursuant to this section, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property located within that judicial district that is titled in the name of any defendant, or titled in the name of any entity controlled by any such defendant if such notice contains a statement listing those controlled entities.

"(2) NOTICE.—A notice of pending action pursuant to this section shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant.

"(3) ENFORCEABILITY.—Liens established by reason of this subsection shall be enforceable as provided in chapter 111 of this title.".

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 97 of title 28, United States Code, is amended by inserting after the item for section 1605 the following:

"1605A. Terrorism exception to the jurisdictional immunity of a foreign state.".

SEC. 3. CONFORMING AMENDMENTS.

(a) PROPERTY.—Section 1610 of title 28, United States Code, is amended by adding at the end the following:

"(g) PROPERTY IN CERTAIN ACTIONS.—

"(1) IN GENERAL.—The property of a foreign state, or agency or instrumentality of a foreign state, against which a judgment is entered under this section, including property that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

"(A) the level of economic control over the property by the government of the foreign state;

"(B) whether the profits of the property go to that government;

"(C) the degree to which officials of that government manage the property or otherwise control its daily affairs;

"(D) whether that government is the sole beneficiary in interest of the property; or

"(E) whether establishing the property as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

"(2) UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.—Any property of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under this section because the property is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.".

(b) VICTIMS OF CRIME ACT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking "December 21, 1988, with respect to which an investigation or" and inserting "October 23, 1983, with respect to which an investigation or civil or criminal".

(c) GENERAL EXCEPTION.—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (5)(B), by inserting "or" after the semicolon;

(B) in paragraph (6)(D), by striking "; or" and inserting a period; and

(C) by striking paragraph (7); and

(2) by striking subsections (e) and (f).

SEC. 4. APPLICATION TO PENDING CASES.

(a) IN GENERAL.—The amendments made by this Act shall apply to any claim arising under section 1605A or 1605(g) of title 28, United States Code, as added by this Act.

(b) PRIOR ACTIONS.—Any judgment or action brought under section 1605(a)(7) of title 28, United States Code, or section 101(c) of Public Law 104-208 after the effective date of such provisions relying on either of these provisions as creating a cause of action, which has been adversely affected on the grounds that either or both of these provisions fail to create a cause of action opposable against the state, and which is still before the courts in any form, including appeal or motion under Federal Rule of Civil Procedure 60(b), shall, on motion made to the Federal District Court where the judgment or action was initially entered, be given effect as if it had originally been filed pursuant to section 1605A(d) of title 28, United States Code. The defenses of res judicata, collateral estoppel and limitation period are waived in any re-filed action described in this paragraph and based on the such claim. Any such motion or re-filing must be made not later than 60 days after enactment of this Act.

By Mr. DURBIN (for himself, Mr. OBAMA, and Mr. BROWN)

S. 1945. A bill to provide a Federal income tax credit for Patriot employers, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, when companies make headlines today it is

often for all the wrong reasons: fraud, tax avoidance, profiteering, etc. Yet many of the companies that are currently providing jobs across America are conscientious corporate citizens that strive to treat their workers fairly even as they seek to create good products that consumers want and to maximize profits for their shareholders. I believe that we should reward such companies for providing good jobs to American workers, and create incentives that encourage more companies to do likewise. The Patriot Employers bill does just that.

This legislation, which I am introducing today along with Senators OBAMA and BROWN, would provide a tax credit to reward the companies that treat American workers best. Companies that provide American jobs, pay decent wages; provide good benefits, and support their employees when they are called to active duty should enjoy more favorable tax treatment than companies that are unwilling to make the same commitment to American workers. The Patriot Employers tax credit would put the tax code on the side of those deserving companies by acknowledging their commitments.

The Patriot Employers legislation would provide a tax credit equal to 1 percent of taxable income to employers that meet the following criteria:

First, invest in American jobs, by maintaining or increasing the number of full-time workers in America relative to the number of full-time workers outside of America, by maintaining their corporate headquarters in America if the company has ever been headquartered in America, and by maintaining neutrality in union organizing drives.

Second, pay decent wages, by paying each worker an hourly wage that would ensure that a full-time worker would earn enough to keep a family of three out of poverty, at least $7.80 per hour.

Third, prepare worker's for retirement, either by providing a defined benefit plan or by providing a defined contribution plan that fully matches at least 5 percent of worker contributions for every employee.

Fourth, provide health insurance, by paying at least 60 percent of each worker's health care premiums.

Fifth, support our troops, by paying the difference between the regular salary and the military salary of all National Guard and Reserve employees who are called for active duty, and also by continuing their health insurance coverage.

In recognition of the different business circumstances that small employers face, companies with fewer than 50 employees could achieve Patriot Employer status by fulfilling a smaller number of these criteria.

There is more to the story of corporate American than the widely-publicized wrong-doing. Patriot Employers should be publicly recognized for doing right by their workers even while they do well for their customers and shareholders. I urge my colleagues to join Senator OBAMA, Senator BROWN, and me in supporting this effort. Our best companies, and our American workers, deserve nothing less.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patriot Employers Act".

SEC. 2. REDUCED TAXES FOR PATRIOT EMPLOYERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 45O. REDUCTION IN TAX OF PATRIOT EMPLOYERS.

"(a) IN GENERAL.—In the case of any taxable year with respect to which a taxpayer is certified by the Secretary as a Patriot employer, the Patriot employer credit determined under this section for purposes of section 38 shall be equal to 1 percent of the taxable income of the taxpayer which is properly allocable to all trades or businesses with respect to which the taxpayer is certified as a Patriot employer for the taxable year.

"(b) PATRIOT EMPLOYER.—For purposes of subsection (a), the term 'Patriot employer' means, with respect to any taxable year, any taxpayer which—

"(1) maintains its headquarters in the United States if the taxpayer has ever been headquartered in the United States,

"(2) pays at least 60 percent of each employee's health care premiums,

"(3) has in effect, and operates in accordance with, a policy requiring neutrality in employee organizing drives,

"(4) if such taxpayer employs at least 50 employees on average during the taxable year—

"(A) maintains or increases the number of full-time workers in the United States relative to the number of full-time workers outside of the United States,

"(B) compensates each employee of the taxpayer at an hourly rate (or equivalent thereof) not less than an amount equal to the Federal poverty level for a family of three for the calendar year in which the taxable year begins divided by 2,080,

"(C) provides either—

"(i) a defined contribution plan which for any plan year—

"(I) requires the employer to make nonelective contributions of at least 5 percent of compensation for each employee who is not a highly compensated employee, or

"(II) requires the employer to make matching contributions of 100 percent of the elective contributions of each employee who is not a highly compensated employee to the extent such contributions do not exceed the percentage specified by the plan (not less than 5 percent) of the employee's compensation, or

"(ii) a defined benefit plan which for any plan year requires the employer to make contributions on behalf of each employee who is not a highly compensated employee in an amount which will provide an accrued benefit under the plan for the plan year which is not less than 5 percent of the employee's compensation, and

"(D) provides full differential salary and insurance benefits for all National Guard and Reserve employees who are called for active duty, and

"(5) if such taxpayer employs less than 50 employees on average during the taxable year, either—

"(A) compensates each employee of the taxpayer at an hourly rate (or equivalent thereof) not less than an amount equal to the Federal poverty level for a family of 3 for the calendar year in which the taxable year begins divided by 2,080, or

"(B) provides either—

"(i) a defined contribution plan which for any plan year—

"(I) requires the employer to make nonelective contributions of at least 5 percent of compensation for each employee who is not a highly compensated employee, or

"(II) requires the employer to make matching contributions of 100 percent of the elective contributions of each employee who is not a highly compensated employee to the extent such contributions do not exceed the percentage specified by the plan (not less than 5 percent) of the employee's compensation, or

"(ii) a defined benefit plan which for any plan year requires the employer to make contributions on behalf of each employee who is not a highly compensated employee in an amount which will provide an accrued benefit under the plan for the plan year which is not less than 5 percent of the employee's compensation.".

(b) ALLOWANCE AS GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code or 1986 is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end the following:

"(32) the Patriot employer credit determined under section 45O.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 1946. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join with Senator CORNYN to introduce the Public Corruption Prosecution Improvements Act of 2007, a bill that will strengthen and clarify key aspects of Federal criminal law and provide new tools to help investigators and prosecutors attack public corruption nationwide. This is the time to restore the faith of the American people in their Government. Congress took an important step in that direction today in passing long-awaited ethics and lobbying reforms that will tighten restrictions on those of us who hold public office, and those who seek to lobby us on behalf of private industry. But rooting out the kinds of rampant public corruption we have seen in recent years requires us to go further and to give prosecutors the tools they need to effectively investigate and prosecute criminal public corruption offenses.

The most serious corruption cannot be prevented only by changing our own rules. Bribery and extortion are committed by people bent on getting around the rules and banking that they will not get caught. These offenses are very difficult to detect and even harder to prove. Because they attack the core of our democracy, these offenses must be found out and punished. Congress must send a signal that it will not tolerate this corruption by providing better tools for Federal prosecutors to combat it. This bill will do exactly that.

The bill Senator CORNYN and I introduce today, like a bill that I introduced in the Senate in January, will provide investigators and prosecutors more time and resources to pursue public corruption cases. But it goes a step further by amending several key statutes to broaden their application in corruption contexts and to prevent corrupt public officials and their accomplices from evading or defeating prosecution based on existing legal ambiguities.

The bill will help improve the prosecution of public corruption offenses in three fundamental ways. First, the bill would give investigators and prosecutors more time and resources to uncover, charge, and prove three of the most serious and corrosive public corruption offenses. Specifically, it would extend the statute of limitations from 5 years to 6 years for prosecutions involving bribery, deprivation of honest services by a public official, and extortion by a public official. Public corruption cases are among the most difficult and time-consuming cases to investigate and prosecute. They often require the use of informants and electronic monitoring, as well as review of extensive financial and electronic records, techniques which take time to develop and implement. Bank fraud, arson and passport fraud, among other offenses, all have 10-year statutes of limitations. Public corruption offenses cut to the heart of our democracy, and a more modest increase to the statute of limitations is a reasonable step to help our corruption investigators and prosecutors do their jobs.

The bill would also provide significant additional funding for public corruption enforcement. Since 9/11, FBI resources have been shifted away from the pursuit of public corruption cases to counterterrorism. FBI Director Mueller has recently indicated that public corruption is now a top criminal investigative priority; but a September 2005 report by Department of Justice Inspector General Fine found that, from 2000 to 2004, there was an overall reduction in public corruption matters handled by the FBI. This must be reversed; our bill will give Offices of Inspector General, the FBI, the U.S. Attorney's Offices, and the Public Integrity Section of the Department of Justice additional resources to hire additional public corruption investigators and prosecutors. These offices will finally be able to have the manpower they need to track down and prosecute these difficult but crucially important cases.

Second, the bill contains a series of legislative fixes designed to improve the clarity and enhance the effectiveness of existing Federal corruption statutes, such as the law criminalizing the acceptance of bribes and gratuities, and the law that govern mail and wire fraud. The bribery-gratuities fix resolves ambiguity in the law by making clear that public officials may not accept anything of value, other than what is permitted by existing regulations, that is given to them because of their official position. Similarly, the bill appropriately expands the definition of what it means for a public official to perform an "official act" for the purposes of the bribery statute to include any actions that fall within the duties of that official's public office. The bill also adds two corruption-related crimes as predicates for the Federal wiretap and the racketeering statutes, lowers the transactional amount required for Federal prosecution of bribery involving federally-funded state programs, and expands venue for perjury and obstruction of justice prosecutions.

Third, the bill raises the statutory maximum penalties for theft of Government property and Federal bribery to reflect the serious and corrosive nature of these crimes, and to harmonize these statutory maximums with others for which Congress has already raised penalties. Increasing penalties in appropriate cases sends a message to would-be criminals and to the public that there will be severe consequences for breaching the public trust.

If we are serious about addressing the kinds of egregious misconduct that we have recently witnessed in high-profile public corruption cases, Congress must enact meaningful legislation to give investigators and prosecutors the tools and resources they need to enforce our laws. Passing the ethics and lobbying reform bill is a step in the right direction. But we must finish the job by strengthening the criminal law to enable Federal investigators and prosecutors to bring those who undermine the public trust to justice. I strongly urge Congress to do more to restore the public's faith in their Government.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Corruption Prosecution Improvements Act".

SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS FOR SERIOUS PUBLIC CORRUPTION OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"§ 3299A. Corruption offenses

"Unless an indictment is returned or the information is filed against a person within 6 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

"(1) section 201 or 666;

"(2) section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official;

"(3) section 1951, if the offense involves extortion under color of official right;

"(4) section 1952, to the extent that the unlawful activity involves bribery; or

"(5) section 1962, to the extent that the racketeering activity involves bribery chargeable under State law, involves a violation of section 201 or 666, section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official, or section 1951, if the offense involves extortion under color of official right.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"3299A. Corruption offenses.".

(c) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to any offense committed before the date of enactment of this Act.

SEC. 3. APPLICATION OF MAIL AND WIRE FRAUD STATUTES TO LICENCES AND OTHER INTANGIBLE RIGHTS.

Sections 1341 and 1343 of title 18, United States Code, are each amended by striking "money or property" and inserting "money, property, or any other thing of value".

SEC. 4. VENUE FOR FEDERAL OFFENSES.

(a) IN GENERAL.—The second undesignated paragraph of section 3237(a) of title 18, United States Code, is amended by adding before the period at the end the following: "or in any district in which an act in furtherance of the offense is committed".

(b) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

"§ 3237. Offense taking place in more than one district".

(c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

"3237. Offense taking place in more than one district.".

SEC. 5. THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 666(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by—

(A) striking "anything of value" and inserting "any thing or things of value"; and

(B) striking "of $5,000 or more" and inserting "of $1,000 or more";

(2) by amending paragraph (2) to read as follows:

"(2) corruptly gives, offers, or agrees to give any thing or things of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of $1,000 or more;"; and

(3) in the matter following paragraph (2), by striking "ten years" and inserting "15 years".

SEC. 6. PENALTY FOR SECTION 641 VIOLATIONS.

Section 641 of title 18, United States Code, is amended by striking "ten years" and inserting "15 years".

SEC. 7. PENALTY FOR SECTION 201(b) VIOLATIONS.

Section 201(b) of title 18, United States Code, is amended by striking "fifteen years" and inserting "20 years".

SEC. 8. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.

(a) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a) of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

(b) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking "one year" and inserting "10 years".

(c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking "one year" and inserting "10 years".

(d) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

(e) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking "3 years" and inserting "10 years".

(f) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

SEC. 9. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF PUBLIC MONEY OFFENSE.

Section 641 of title 18, United States Code, is amended by inserting "the District of Columbia or" before "the United States" each place that term appears.

SEC. 10. ADDITIONAL RICO PREDICATES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting "section 641 (relating to embezzlement or theft of public money, property, or records," after "473 (relating to counterfeiting),"; and

(2) by inserting "section 666 (relating to theft or bribery concerning programs receiving Federal funds)," after "section 664 (relating to embezzlement from pension and welfare funds),".

SEC. 11. ADDITIONAL WIRETAP PREDICATES.

Section 2516(1)(C) of title 18, United States Code, is amended by inserting "section 641 (relating to embezzlement or theft of public money, property, or records, section 666 (relating to theft or bribery concerning programs receiving Federal funds)," after "section 224 (relating to bribery in sporting contests),".

SEC. 12. CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.

Section 201(c)(1) of title 18, United States Code, is amended—

(1) by striking the matter before subparagraph (A) and inserting "otherwise than as provided by law for the proper discharge of official duty, or by regulation—";

(2) in subparagraph (A), by inserting after ", or person selected to be a public official," the following: "for or because of the official's or person's official position, or for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official"; and

(3) in subparagraph (B), by striking all after ", anything of value personally," and inserting "for or because of the official's or person's official position, or for or because of any official act performed or to be performed by such official or person;".

SEC. 13. CLARIFICATION OF DEFINITION OF OFFICIAL ACT.

Section 201(a)(3) of title 18, United States Code, is amended to read as follows:

"(3) the term 'official act' means any action within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit. An official act can be a single act, more than one act, or a course of conduct.".

SEC. 14. CLARIFICATION OF COURSE OF CONDUCT BRIBERY.

Section 201 of title 18, United States Code, is amended—

(1) in subsection (b), by striking "anything of value" each place it appears and inserting "any thing or things of value"; and

(2) in subsection (c), by striking "anything of value" each place it appears and inserting "any thing or things of value".

SEC. 15. EXPANDING VENUE FOR PERJURY AND OBSTRUCTION OF JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 1512(i) of title 18, United States Code, is amended by striking "A prosecution under this section or section 1503" and inserting "A prosecution under this chapter".

(b) PERJURY.—

(1) IN GENERAL.—Chapter 79 of title 18, United States Code, is amended by adding at the end the following:

"§ 1624. Venue

"A prosecution under this chapter may be brought in the district in which the oath, declaration, certificate, verification, or statement under penalty of perjury is made or in which a proceeding takes place in connection with the oath, declaration, certificate, verification, or statement.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of title 18, United States Code, is amended by adding at the end the following:

"1624. Venue.".

SEC. 16. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO INVESTIGATE AND PROSECUTE PUBLIC CORRUPTION OFFENSES.

There are authorized to be appropriated to the Offices of the Inspectors General and the Department of Justice, including the United States Attorneys' Offices, the Federal Bureau of Investigation, and the Public Integrity Section of the Criminal Division, $25,000,000 for each of the fiscal years 2008, 2009, 2010, and 2011, to increase the number of personnel to investigate and prosecute public corruption offenses including sections 201, 203 through 209, 641, 654, 666, 1001, 1341, 1343, 1346, and 1951 of title 18, United States Code.

SEC. 17. AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and its policy statements applicable to persons convicted of an offense under sections 201, 641, and 666 of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect Congress' intent that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a), the incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for—

(A) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(B) the level of sophistication and planning involved in the offense;

(C) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(D) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(E) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(F) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

Mr. CORNYN. Mr. President, I am proud to introduce this important legislation with Senator PATRICK LEAHY, the distinguished Chairman of the Judiciary Committee. This bill is yet another example of the great things that can come from bipartisan cooperation.

Public corruption is not a Republican or Democratic problem. It is a Washington, DC problem. It is a problem in statehouses and city halls across this country. Our citizens deserve to be governed by the rule of law, not the rule of man. Unfortunately, human nature being what it is, a few rotten apples have a tendency to spoil the bunch.

The legislation we introduce today, the Public Corruption Prosecution Improvements Act, will strengthen the enforcement of U.S. Federal laws aimed at combating betrayals of public dollars and public trust. Our bill does this both by making substantive changes to public corruption laws and by giving prosecutors new tools to use in their battle against corrupt officials.

The Public Corruption Prosecution Improvements Act increases the maximum punishments on several offenses, including theft and embezzlement of Federal funds, bribery, and a number of corrupt campaign contribution practices. For example, it cracks down on theft or bribery related to entities that receive Federal funds, by increasing the maximum sentence for a conviction from 10 to 15 year and lowering the threshold that prosecutors must prove, from $5,000 to $1,000. It clarifies the law in response to several court decisions narrowly interpreting the public corruption statutes. For example, the bill broadens the definitions of "illegal gratuities" and "official acts," clarified that an entire "course of conduct" can be the result of bribery, and clarified that intangible property interests such as licenses can now trigger the mail and wire fraud provisions.

Federal investigators who seek to root out corrupt officials will benefit from new tools provided in this legislation. The bill would extend the statute of limitations on certain serious public corruption offenses, giving prosecutors more time to investigate and build a case. It expands the criminal venue provisions, allowing prosecutors to bring the case against corrupt officials in any district where any part of the corruption occurred. The bill similarly expands the venue for perjury and obstruction of justice.

Finally, the legislation gives Federal law enforcement what they need most to prosecute public corruption: more resources. Funding of $25 million for each of the fiscal years 2008-2011 will help enhance the ability of the Department of Justice and the Offices of Inspectors General to effectively combat fraud and public corruption.

Importantly, these improvements to current law come with significant input from the career professionals in the Department of Justice.

But this legislation by itself is only a start if we want to clean up Washington, DC. Two additional reforms, in particular, are necessary: the OPEN Government Act, and earmark reform. The operations of Government should be as transparent as possible. Quite simply, refusing to let the public have full access to Government records is a betrayal of public trust. This Senate must live up to its duty to provide transparent government and pass the crucial FOIA reforms contained in the OPEN Government Act.

Similarly, Congress too often permits its members to walk ethical tightropes through questionable earmarking practices. The public sees these for what they too often are: handouts of taxpayer money to special interests. I think it is of the utmost importance that we increase transparency in the earmarking process, exposing the process to the light of the day.

I urge my colleagues to support the Public Corruption Prosecution Improvements Act, as well as these other important reforms. I look forward to debating these issues in Committee and here on the Senate floor. And I thank Chairman LEAHY for his leadership on this and other legislation we have crafted together.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1947. A bill to amend title XI of the Social Security Act to improve the quality improvement organization (QIO) program; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join my good friend and colleague Senator BAUCUS to introduce the Continuing the Advancement of Quality Improvement Act.

The purpose of this legislation is to reform Medicare's troubled Quality Improvement Organization, QIO, program. QIOs and their predecessor organizations have long been responsible for ensuring that the care Medicare beneficiaries receive is medically necessary, meets recognized standards and is provided in appropriate settings. They are currently tasked with a wide variety of important roles ranging from investigating beneficiary complaints of poor quality care to giving technical assistance to Medicare providers for improving health care quality.

I have been an advocate of reforming the QIO program for quite some time. About 2 years ago, I initiated an investigation into a number of the QIOs. Those investigations revealed a program that is in desperate need of reform. This program was running with little or no oversight, and it was expending more than $1 billion every 3 years with little measurable results. In other words, I found trouble. Let me elaborate on a few disturbing things that I discovered. I found that one QIO leased residential properties for board members and a CEO. That same QIO also used Federal funds to lease automobiles for its top executives. I also found other QIOs who had board members and staff attend conferences, many at lavish resorts.

I was not the only one to identify serous concerns with the QIOs. Others identified concerns too. Specifically, the Institute of Medicine, IOM, the General Accountability Office, GAO, and the Department of Health and Human Services, HHS, Office of the Inspector Geheral (OIG) all identified numerous concerns about the effectiveness of this program. These independent organizations also voiced their concerns with the manner in which it is operated and have made recommendations for major reform. Their findings clearly show the need to hold the Centers for Medicare and Medicaid Services, CMS, and the organizations that serve as QIOs accountable for the important tasks they must perform.

The Continuing the Advancement of Quality Improvement Act will ensure that the QIO program is not only effective in improving the quality of care provided to our Medicare beneficiaries, but also that it operates in an effective, efficient and accountable manner. Much of this legislation is based on the investigations that I conducted and the troubling findings that I came across and on the work of the IOM, the GAO, and the HHS OIG.

First, the Continuing the Advancement of Quality Improvement Act would focus the mission of the QIO program on quality improvement. QIOs currently have many diverse responsibilities. As a result, they served conflicting roles of both "regulator" and "technical assistant." This conflict poses significant barriers to QIOs effectively serving either role, and we have come to learn that they really don't perform either function particularly well.

The legislation would also address this conflict by following the IOM's recommendation to make the sole purpose of QIOs to be technical assistants for quality improvement and performance measurement. The HHS Secretary would be required to transfer all other QIO: responsibilities to other entities called Medicare Provider Review Organizations, MPROs, in a manner that will support the needs of beneficiaries and be accountable to them.

Second, the legislation would improve the beneficiary complaint review process that I think is in desperate need of reform. You may recall that in 2006 we read about the plight of Mr. Schiff. Mr. Schiff went to a QIO and filed a complaint about the care provided to his wife, who died. The QIO in that case was unresponsive to Mr. Schiff. He was forced to take legal action to learn what the QIO found out about his wife's death. He should not have had to do that. After all, he was the one who filed the complaint with the QIO in the first place because he thought that someone did something wrong that lead to his wife's death. It was at that juncture that I learned that the beneficiary complaint review process was too opaque and ineffective. More importantly, beneficiaries were not being properly served. In fact, I came to learn that complainants often do not receive the findings of the investigation conducted by the QIO. Now I ask; what sense does that make?

The Continuing the Advancement of Quality Improvement Act would require MPROs to report the investigational findings to the complainant and refer the provider to a QIO for technical assistance and/or the appropriate regulatory body for sanctions. In other words, this part of the bill would bring transparency to a process now shrouded in a cloud of silence.

Third, the Continuing the Advancement of Quality Improvement Act would ensure that limited resources go to providers that need them the most. The GAO recently found that QIOs prioritized their assistance to providers who would be easiest to help rather than the providers who were most in need of help. In other words the QIOs decided it was easier to take a B plus student and make them into an A student rather than putting their resources into the D student to bring them up to par. I guess that way they thought that they would look better and more successful. But if you ask me; that is not the best way to spend limited taxpayer resources. Now, this bill will insure that if demand for technical assistance exceeds available resources, the QIOs would give priority to providers that are in rural or underserved areas, in financial need, have low performance measures or have a significant number of beneficiary complaints. In other words the help is going to go to those who need it most.

Fourth, the Continuing the Advancement of Quality Improvement Act would make QIO data more available to CMS and providers for quality improvement and patient safety purposes. Amazingly enough, QIOs are currently restricted from sharing such data despite the obvious value of this data for improving health care quality. This legislation would permit the sharing of QIO data with providers for quality improvement and patient safety purposes and require CMS to make recommendations on how to improve the data sharing process.

Fifth, the Continuing the Advancement of Quality Improvement Act would promote competition in the QIO program. This is a giant leap forward. These organizations are currently not subject to significant competition because of limitations on who can be a QIO and the availability of non-competitive contract renewals. This lack of competition has led to a gross lack of accountability and stagnation in the QIO program. This legislation would promote competition by allowing other types of organizations to serve as QIOs and eliminate non-competitive renewals.

Sixth, the Continuing the Advancement of Quality Improvement Act would enhance governance at the QIOs. During the course of my investigations I identified repeated failures in governance. I exposed board members who were more interested in helping themselves than helping others.

This bill will also address board member conflicts of interest. My investigations identified numerous incidents of questionable QIO governance practices and board member conflicts of interest. Since the QIO program receives over $400 million in taxpayer funding every year, it is reasonable for us to expect not only that QIOs are governed in an ethical manner free of conflicts of interest, but also that CMS appropriately oversees the program. This legislation would require QIOs to comply with board governance requirements and would require CMS to establish procedures to address conflicts of interest and follow those procedures.

Finally, the Continuing the Advancement of Quality Improvement Act would increase much needed accountability in the QIO program. The IOM, the GAO and the HHS OIG have all questioned the effectiveness of the QIO program. This legislation would require the Secretary to perform interim and final evaluations of program effectiveness not only at the individual QIO level, but at the overall QIO program level as a whole. Also, high performing QIOs would receive financial rewards while low performing QIOs would receive financial penalties. Finally, the Secretary would be required to submit a more detailed annual report showing performance results of QIOs and MPROs and details on how taxpayer dollars are spent.

We have been placing more emphasis on the quality of care that our Medicare beneficiaries receive from providers. You see this as we require more transparency in the Medicare program with the public reporting of provider quality measures. You also see this as we transform Medicare from being a passive payer of services of any quality to a value-based purchaser. These are important reforms that will help improve the quality of care provided in the Medicare program and work toward ensuring that limited resources are used more efficiently and wisely.

As we move toward a payment system based on quality, the reforms in this bill will position the QIO program to support that transformation in Medicare to a quality-based purchaser by making the tools and assistance available to help Medicare providers improve the quality of the care they provide. The Continuing the Advancement of Quality Improvement Act would ensure the QIO program's ability to provide this assistance in an effective, efficient and accountable manner and correct the problems currently plaguing the program.

Mr. BAUCUS. Mr. President, today I am pleased to join Senator GRASSLEY in introducing the Continuing the Advancement of Quality Improvement Act of 2007.

This bill represents another step in our commitment to improving the quality of care provided for Medicare beneficiaries and all Americans.

The Medicare program funds Quality Improvement Organizations, known as QIOs, in part to work with health care providers to help them improve the quality of care they provide.

QIOs have played an evolving role in Medicare. Recently, the QIO program has received a great deal of attention. Not only did Senator GRASSLEY and I have the Senate Finance Committee look into aspects of QIO operations, but the Institute of Medicine, the Government Accountability Office, and the Health and Human Services' Inspector General have all opined about QIOs as well. It seems there is a consensus that the QIO program could be doing more to help improve the quality of care.

That is not to say that QIOs have not been doing good work and providing valuable services up until now. Quite the opposite. However, over the course of time, QIOs have been tasked with a number of responsibilities and the program's mission has become blurred.

What Senator GRASSLEY and I found, as well as the IOM, the GAO, and the HHS, OIG, is that the QIO program needs a sharper focus. Its mission to improve quality must be clear and unambiguous. Therefore, the Continuing the Advancement of Quality Improvement, or CAQI, Act would focus QIOs on providing technical assistance for quality improvement and performance measurement.

The bill would separate the beneficiary complaint process from QIOs and give this responsibility to Medicare Provider Review Organizations, which will be required to report to the complainant and refer the provider to a QIO for technical assistance and/or the appropriate regulatory body for sanctions. This will make the complaint review process stronger.

The CAQI Act would ensure that QIOs devote their attention to the health care providers that need help the most. It would also permit sharing QIO data with providers for quality improvement and patient safety purposes.

The Finance Committee investigation of the QIO program led Senator GRASSLEY and I to include certain provisions we believe will enhance the integrity of the program. So, the CAQI Act would promote competition by allowing other types of organizations to serve as QIOs and eliminating non-competitive renewals.

To ensure "corporate" integrity, the CAQI Act would establish requirements for governance and boards of directors at the QIOs, as well as requiring CMS to establish ways to avoid conflicts of interest.

The CAQI Act aims to ensure greater accountability for individual QIOs, and the QIO program as a whole. It would require the Secretary to perform evaluations of the effectiveness of each QIO and the whole program. QIOs would be evaluated on consistent measures that are based on nationwide priorities for quality improvement. The Secretary would be required to report to Congress annually on QIO performance, including how program funds were spent.

The QIO program is an asset to the Medicare program and the health care system in general. We have an opportunity to improve its effectiveness. We can make it a more useful tool as we continue advancing toward quality improvement. We have a duty to make the Medicare program as strong and robust as it can be. The Continuing the Advancement of Quality Improvement Act presents an opportunity to do just that. Senator GRASSLEY and I urge our Colleagues to support it.

By Mr. REID (for himself, Mr. WYDEN, Mr. CRAIG, and Mr. DOMENICI):

S. 1949. A bill to direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species; to the Committee on Energy and Natural Resources.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "100th Meridian Invasive Species State Revolving Loan Fund".

SEC. 2. PURPOSES.

The purpose of this Act is to encourage partnerships among Federal and State agencies, Indian tribes, academic institutions, and public and private stakeholders—

(1) to prevent against the regrowth and introduction of harmful invasive species;

(2) to protect, enhance, restore, and manage a variety of habitats for native plants, fish, and wildlife; and

(3) to establish a rapid response capability to combat incipient harmful invasive species.

SEC. 3. 100TH MERIDIAN INVASIVE SPECIES STATE REVOLVING FUND.

(a) DEFINITIONS.—In this section:

(1) ECOSYSTEM.—The term "ecosystem" means an area, considered as a whole, that contains living organisms that interact with each other and with the non-living environment.

(2) ELIGIBLE STATE.—The term "eligible State" means any State located in Region 4, as determined by the Census Bureau.

(3) FUND.—The term "Fund" means the 100th Meridian Invasive Species State Revolving Fund established by subsection (b).

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination Act and Education Assistance Act (25 U.S.C. 450b).

(5) INTRODUCTION.—The term "introduction", with respect to a species, means the intentional or unintentional escape, release, dissemination, or placement of the species into an ecosystem as a result of human activity.

(6) INVASIVE SPECIES.—The term "invasive species" means a species—

(A) that is nonnative to a specified ecosystem; and

(B) the introduction to an ecosystem of which causes, or may cause, harm to—

(i) the economy;

(ii) the environment; or

(iii) human, animal, or plant health.

(7) QUALIFIED ORGANIZATION.—

(A) IN GENERAL.—The term "qualified organization" means an organization that—

(i) submits an application for a project in an eligible State; and

(ii) demonstrates an effort to address—

(I) a certain invasive species; or

(II) a certain habitat or ecosystem.

(B) INCLUSIONS.—The term "qualified organization" includes any individual representing, or any combination of—

(i) public or private stakeholders;

(ii) Federal agencies;

(iii) Indian tribes;

(iv) State land, forest, or fish wildlife management agencies;

(v) academic institutions; and

(vi) other organizations, as the Secretary determines to be appropriate.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) STAKEHOLDER.—The term "stakeholder" includes—

(A) State, tribal, and local governmental agencies;

(B) the scientific community; and

(C) nongovernmental entities, including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the "100th Meridian Invasive Species State Revolving Fund", consisting of—

(1) such amounts as are appropriated to the Fund pursuant to subsection (h); and

(2) interest earned on investments of amounts in the Fund under subsection (e).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (f)(1).

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund—

(A) not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of the Department of the Interior to carry out this section; and

(B) not more than 10 percent shall be available for each fiscal year to pay the administrative expenses of a qualified organization to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) INTEREST BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(f) USE OF FUND.—

(1) LOANS.—

(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to Governors of eligible States for distribution to qualified organizations to prevent and remediate the impacts of invasive species on habitats and ecosystems.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible to receive a loan under this paragraph, a qualified organization shall submit to the Governor of the eligible State in which the project of the qualified organization is located an application at such time, in such manner, and containing such information as the Governor may require.

(ii) CRITERIA FOR APPROVAL.—The Governor of an eligible State may approve an application of a qualified organization under clause (i) if the Governor determines that the qualified organization is carrying out or will carry out a project—

(I) designed to fully assess long-term comprehensive severity of the problem or potential problem addressed by the project;

(II) that seeks to prevent—

(aa) the introduction or spread of invasive species from outside the United States into an eligible State; or

(bb) the spread of an established invasive species into an eligible State;

(III) to prevent the regrowth or reintroduction of an invasive species, to the extent to which the qualified organization has achieved progress with respect to reduction or elimination of the invasive species;

(IV) in rare or unique habitats, such as—

(aa) desert terminal lakes;

(bb) rivers that feed desert terminal lakes;

(cc) desert springs; and

(dd) alpine lakes;

(V) that is likely to prevent or resolve a problem relating to invasive species;

(VI) to remediate the spread of aquatic invasive species within important bodies of water, as determined by the Secretary (including the Colorado River);

(VII) to assess and promote wildfire management strategies, increase the supply of native plant materials, and reintroduce native plant species intended to limit or mitigate the impacts of invasive species;

(VIII) to assess and reduce invasive species-related changes in wildlife habitat;

(IX) to assess and reduce negative economic impacts and other impacts associated with control methods and the restoration of a native ecosystem;

(X) to improve the overall capacity of the United States to address invasive species; or

(XI) to promote cooperation and participation between States that have common interests regarding invasive species.

(C) SENSE OF CONGRESS REGARDING MULTISTATE COMPACTS.—It is the sense of Congress that—

(i) Governors of States should enter into multistate compacts in coordination with qualified organizations to prevent, address, and remediate against the spread of animals, plants, or pathogens, or aquatic, wetland, or terrestrial invasive species;

(ii) the Secretary should give special consideration to multistate compacts described in clause (i) in reviewing loan solicitations and applications of the States and qualified organizations that are parties to the compacts; and

(iii) if a multistate compact is entered into under clause (i), the Governors of all States that are parties to the compact should combine to repay to the Secretary of the Treasury a total combined amount equal to not less than 25 percent of the amount of the loan provided under this Act (including interest at a rate less than or equal to the market interest rate).

(D) PETITIONS.—

(i) ACTION BY GOVERNOR.—On approval of an application of a qualified organization under subparagraph (B)(ii), not less frequently than once every 90 days, the Governor of an eligible State shall submit to the Secretary, on behalf of the qualified organization, petitions, together with copies of the applications, to receive a loan under this paragraph.

(ii) APPROVAL.—The Secretary, at the sole discretion of the Secretary, may approve a petition submitted under clause (i) as soon as practicable after the date of submission of the petition.

(iii) ACTION ON APPROVAL.—

(I) ACTION BY SECRETARY.—Not later than 30 days after the date of approval of a petition under clause (ii), the Secretary shall provide to the applicable Governor a loan under this paragraph.

(II) ACTION BY GOVERNOR.—Not later than 30 days after the date of receipt of a loan under subclause (I), a Governor shall transmit to the appropriate qualified organization an amount equal to the amount of the loan.

(E) PRIORITY.—In providing loans under this paragraph, the Secretary shall give priority to applications of qualified organizations carrying out, or that will carry out, more than 1 project described in subparagraph (B)(ii).

(2) REQUIREMENTS.—

(A) LOAN REPAYMENT.—

(i) IN-KIND CONSIDERATION.—With respect to loan repayment under clause (ii), the Secretary may accept, in lieu of monetary payment, in-kind contributions in such form and such quantity as may be acceptable to the Secretary, including contributions in the form of—

(I) maintenance, remediation, prevention, alteration, repair, improvement, or restoration (including environmental restoration) activities for approved projects; and

(II) such other services as the Secretary considers to be appropriate.

(ii) REPAYMENT.—Subject to clause (iv), not later than 10 years after the date on which a qualified organization receives a loan under paragraph (1), the qualified organization or the eligible State in which the qualified organization is located shall repay to the Secretary of the Treasury an amount equal to not less than 5 percent of the amount of the loan (including interest at a rate less than or equal to the market interest rate).

(iii) REPAYMENT BY STATE.—Subject to clause (iv), not later than 10 years after the date on which the qualified organization receives a loan under paragraph (1), the State in which the project is carried out shall repay to the Secretary of the Treasury an amount equal to not less than 25 percent of the amount of the loan (including interest at a rate less than or equal to the market interest rate).

(iv) WAIVER.—Not more frequently than once every 5 years, the Secretary, in consultation with the Secretary of the Treasury, may waive the requirements under clauses (i) through (iii) with respect to 1 qualified organization (including the State in which the project of the qualified organization is carried out, with respect to the requirement under clause (iii)).

(B) LONG-TERM MANAGEMENT AND REMEDIATION STRATEGIES.—The Secretary shall ensure that no loan provided under paragraph (1) is used to carry out a long-term management or remediation strategy, unless the Governor or applicable qualified organization demonstrates either or both a reliable funding stream and in-kind contributions to carry out the strategy over the duration of the project.

(3) RENEWAL.—After reviewing the reports under subsection (g), if the Secretary, in consultation with the Governor of each affected State, determines that a project is making satisfactory progress, the Secretary may renew the loan provided under this subsection for a period of not more than 3 additional fiscal years.

(g) REPORTS.—

(1) REPORTS TO SECRETARY.—For each year during which a qualified organization receives a loan under subsection (f), the qualified organization, in conjunction with the Governor of the eligible State in which the qualified organization is primarily located, shall submit to the Secretary a report describing each project (including the results of the project) carried out by the qualified organization using the loan during that year.

(2) REPORT TO CONGRESS.—Not later than September 30, 2008, and annually thereafter through September 30, 2012, the Secretary shall submit a report describing the total loan amount requested by each eligible State during the preceding fiscal year and the total amount of the loans provided under subsection (f)(1) to each eligible State during that fiscal year, and an evaluation on effectiveness of the Fund and the potential to expand the Fund to other regions, to—

(A) the Committees on Appropriations, Energy and Natural Resources, and Environment and Public Works of the Senate; and

(B) the Committees on Appropriations and Natural Resources of the House of Representatives.

(3) REPORT BY BORROWER.—

(A) IN GENERAL.—Each qualified organization that receives a loan under subsection (f)(1) shall submit to the Secretary a report describing the use of the loan and the success achieved by the qualified organization—

(i) not less frequently than once each year until the date of expiration of the loan; or

(ii) if the loan expires before the date that is 1 year after the date on which the loan is provided, at least once during the term of the loan.

(B) INTERIM UPDATE.—In addition to the reports required under subparagraph (A), each qualified organization that receives a loan under subsection (f)(1) shall submit to the Secretary, electronically or in writing, a report describing the use of the loan and the success achieved by the qualified organization, expressed in chronological order with respect to the date on which each project was initiated—

(i) not less frequently than once every 180 days until the date of expiration of the loan; or

(ii) if the loan expires before the date that is 180 days after the date on which the loan is provided, on the date on which the term of the loan is 50 percent completed.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

(1) $75,000,000 for fiscal year 2008;
(2) $80,000,000 for fiscal year 2009;
(3) $82,500,000 for fiscal year 2010;
(4) $85,000,000 for fiscal year 2011; and
(5) $87,500,000 for fiscal year 2012.

By Mr. FEINGOLD:

S. 1953. A bill to amend the Agricultural Manufacturing Act of 1946 to require labeling of raw agricultural forms of ginseng, including the country of harvest, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, I would like to discuss legislation I am introducing with the Senior Senator from Wisconsin, Mr. KOHL, which would protect ginseng farmers and consumers by ensuring that ginseng is labeled accurately with where the root was harvested. The Ginseng Harvest Labeling Act of 2007 is similar to bills that I introduced in previous Congresses and developed after hearing suggestions from ginseng growers and the Ginseng Board of Wisconsin.

I would like to take the opportunity to discuss American ginseng and the problems facing Wisconsin's ginseng growers so that my colleagues understand the need for this legislation. Chinese and Native American cultures have used ginseng for thousands of years for herbal and medicinal purposes. As a dietary supplement, American ginseng is widely touted for its ability to improve energy and vitality, particularly in fighting fatigue or stress.

In the U.S., ginseng is experiencing increasing popularity as a dietary supplement, and I am proud to say that my home State of Wisconsin is playing a central role in ginseng's resurgence. Wisconsin produces over 90 percent of the ginseng grown in the U.S., with the vast majority of that ginseng grown in just one Wisconsin county, Marathon County. Ginseng is also grown in a number of other states such as Maine, Maryland, New York, North Carolina, Oregon, South Carolina, and West Virginia.

For Wisconsin, ginseng has been an economic boon. Wisconsin ginseng commands a premium price in world markets because it is of the highest quality and because it has a low pesticide and chemical content. In 2002, U.S. exports of ginseng totaled nearly $45 million, much of which was grown in Wisconsin. With a huge market for this high-quality ginseng overseas, and growing popularity for the ancient root here at home, Wisconsin's ginseng industry should have a prosperous future ahead.

Unfortunately, the outlook for ginseng farmers is marred by a serious problem, smuggled and mislabeled ginseng. Wisconsin ginseng is considered so superior to ginseng grown abroad that smugglers will go to great lengths to label ginseng grown in Canada or Asia as "Wisconsin-grown."

Here is how the switch takes place: Wisconsin ginseng is shipped to China to be sorted into various grades. While the sorting process is itself a legitimate part of distributing ginseng, smugglers too often use it as a ruse to switch Wisconsin ginseng with Asian or Canadian-grown ginseng considered inferior by consumers. The lower quality ginseng is then shipped back to the U.S. for sale to American consumers who think they are buying the Wisconsin-grown product.

There is good reason consumers should want to know that the ginseng they buy is American-grown considering that the only accurate way of testing ginseng to determine where it was grown is to test for pesticides that are banned in the U.S. The Ginseng Board of Wisconsin has been testing some ginseng found on store shelves, and in many of the products, residues of chemicals such as DDT, lead, arsenic, and quintozine, PCNB, have been detected. Since the majority of ginseng sold in the U.S. originates from countries with less stringent pesticide standards, it is vitally important that consumers know which ginseng is really grown in the U.S.

To capitalize on their product's preeminence, the Ginseng Board of Wisconsin has developed a voluntary labeling program, stating that the ginseng is "Grown in Wisconsin, U.S.A." However, Wisconsin ginseng is so valuable that counterfeit labels and ginseng smuggling have become widespread around the world. As a result, consumers have no way of knowing the most basic information about the ginseng they purchase—where it was grown, what quality or grade it is, or whether it contains dangerous pesticides.

My legislation, the Ginseng Harvest Labeling Act of 2007, proposes some common sense steps to address some of the challenges facing the ginseng industry. My legislation requires that ginseng, as a raw agricultural commodity, be clearly labeled with the country of harvest at the point of importation or when it is sold at wholesale or retail. "Harvest" is important because some Canadian and Chinese growers have ginseng plants that originated in the U.S., but because these plants were cultivated in a foreign country, they may have been treated with chemicals not allowed for use in the U.S. This label would also allow buyers of ginseng to more easily prevent foreign companies from mixing foreign-produced ginseng with ginseng harvested in the U.S The country of harvest labeling is a simple but effective way to enable consumers to make an informed decision.

I have also made sure that these straight-forward labeling provisions are reasonable for the legitimate importers, wholesalers and retailers of ginseng. My bill only covers ginseng as a raw root, the form in which the majority of the high quality Wisconsin ginseng is sold. I have also clarified the legislation to make it clear that retailers are only responsible for transmitting the country of harvest label that they received from the importer or wholesaler to the consumer. So if the retailer never received the country of harvest label, it is only the wholesaler or importer that is liable. Moreover, I added a provision that requires the USDA to conduct outreach to the wholesalers, importers, retailers, trade associations and other interested parties during the 180 days provided before the labeling requirement takes effect.

Besides the support from the ginseng growers of the Ginseng Board of Wisconsin, I am glad to have the support of the American Herbal Products Association and the United Natural Products Alliance. The support of both the growers of ginseng and these trade associations focused on herbal and natural products are further testament to the broad support for the legislation Senator KOHL and I introduce today.

These commonsense reforms would give ginseng growers the support they deserve and help consumers make informed choices about the ginseng that they consume. We must ensure that when ginseng consumers seek out a high-quality ginseng root—such as Wisconsin-grown ginseng, they are getting the real thing, not a knock-off.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1953

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ginseng Harvest Labeling Act of 2007".

SEC. 2. DISCLOSURE OF COUNTRY OF HARVEST FOR GINSENG.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

"Subtitle E—Ginseng

"SEC. 291. DISCLOSURE OF COUNTRY OF HARVEST.

"(a) DEFINITIONS.—In this section:

"(1) GINSENG.—The term 'ginseng' means an herb or herbal ingredient that is derived from a plant classified within the genus Panax.

"(2) RAW AGRICULTURAL COMMODITY.—The term 'raw agricultural commodity' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(b) DISCLOSURE.—

"(1) IN GENERAL.—A person that offers ginseng for sale as a raw agricultural commodity shall disclose to a potential purchaser the country of harvest of the ginseng.

"(2) IMPORTATION.—A person that imports ginseng as a raw agricultural commodity into the United States shall disclose at the point of entry into the United States, in accordance with section 304 of the Tariff Act of 1930 (19 U.S.C. 1304), the country in which the ginseng was harvested .

"(c) MANNER OF DISCLOSURE.—

"(1) IN GENERAL.—The disclosure required by subsection (b) shall be provided to a potential purchaser by means of a label, stamp, mark, placard, or other easily legible and visible sign on the ginseng or on the package, display, holding unit, or bin containing the ginseng.

"(2) RETAILERS.—A retailer of ginseng as a raw agricultural commodity shall—

"(A) retain the means of disclosure provided under subsection (b); and

"(B) provide the received means of disclosure to a retail purchaser of the ginseng.

"(3) REGULATIONS.—The Secretary shall by regulation prescribe with specificity the manner in which disclosure shall be made in a transaction at the wholesale or retail level (including a transaction by mail, telephone, internet, or in retail stores).

"(d) FAILURE TO DISCLOSE.—The Secretary may impose on a person that fails to comply with subsection (b) a civil penalty in an amount of not more than—

"(1) $1,000 for the first day on which the failure to disclose occurs; and

"(2) $250 for each subsequent day on which the failure to disclose continues.

"(e) INFORMATION.—The Secretary shall make information available to wholesalers, importers, retailers, trade associations, and other interested persons concerning the requirements of this section (including regulations promulgated to carry out this section).".

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 180 days after the date of enactment of this Act.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. ROBERTS, Mr. CONRAD, Mr. ENZI, Mr. SCHUMER, Mr. COCHRAN, Mr. SALAZAR, Mr. SMITH, Mr. BINGAMAN, and Ms. SNOWE):

S. 1954. A bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing the Pharmacy Access Improvement Act of 2007. This is an updated version of a bill I introduced last year, and I am proud to bring it back.

I am excited that this year's bill is bipartisan. I am happy that Senator GRASSLEY has joined me in introducing this bill. Given all of our work together on the Medicare prescription drug benefit, I am glad he is a cosponsor. I also am pleased to have our Senate colleagues join us on this important piece of legislation.

The Medicare prescription drug benefit got off to a bumpy start last year. A lot of the problems have been fixed, and the benefit is providing millions of seniors with access to affordable prescription drugs. Unfortunately, a number of the problems facing pharmacists remain. We need to help them.

The Medicare drug benefit brought about big changes to the pharmacy business. Dual eligible beneficiaries switched from Medicaid to Medicare drug coverage. Many more seniors have drug coverage. Dozens of new private drug plans are available.

I have heard from pharmacists in Montana who are struggling. They are trying to help their patients. But they face great difficulty. The success of the Medicare drug benefit depends on the pharmacists who deliver the drugs. So we have to help them. We must act now, before pharmacists find that they are no longer able to provide drugs to Medicare beneficiaries, or to provide drugs at all.

The Pharmacy Access Improvement Act would do several things to help pharmacies. First, it would strengthen the access standards that drug plans have to meet. It is important that the drug plans contract with broad and far-reaching networks of pharmacies. This bill would ensure that the pharmacies that drug plans count in their networks provide real access to Medicare beneficiaries.

It would also help safety net pharmacies to join drug plan networks. These pharmacies serve the most vulnerable patients and should be able to continue to do so. Drug plans should not be allowed to exclude safety net pharmacies. Excluding them does a huge disservice to needy beneficiaries. This bill would rectify the problems that safety net pharmacies have encountered in participating in the Medicare drug benefit.

The Pharmacy Access Improvement Act would speed up reimbursement to pharmacies. The delays in receiving payment from drug plans have forced pharmacies to seek additional credit, dip into their savings, or worse, as they try to continue operations. This bill would require drug plans to pay promptly. Most claims would be reimbursed within 2 weeks. And the bill would impose a monetary penalty on plans that pay late.

One of the most common complaints from beneficiaries has been how confusing the practice of co-branding is. Co-branding is when a drug plan partners with a pharmacy chain and then includes the pharmacy's logo or name on its marketing materials and identification cards. This is confusing, because it sends the message that drugs are available only from that pharmacy. That is not true. To help end this confusion, the Pharmacy Access Improvement Act would prohibit drug plans from placing pharmacy logos or trademarks on their identification cards and restrict other forms of co-branding.

This bill would also require that plans provide pharmacists with more accurate and updated information about reimbursement rates. Currently, some plans do not divulge to pharmacists how much a particular prescription will be reimbursed prior to dispensing. This bill would require disclosure before a pharmacist dispenses. It would require regular updating and disclosure of pricing standards.

The problems that pharmacists are facing are real. And they are not going away. We must act on the Pharmacy Access Improvement Act before it is too late for many pharmacists and the beneficiaries whom they serve. We have a duty to make the Medicare drug benefit as strong and robust as it can be. And the Pharmacy Access Improvement Act presents an opportunity for us to do just that. My cosponsors and I urge our colleagues to support it.

Mr. GRASSLEY. Mr. President, I am pleased to join my good friend and colleague Senator BAUCUS, as well as Senators LINCOLN, ROBERTS, CONRAD, ENZI, SCHUMER, COCHRAN, SALAZAR, SMITH, BINGAMAN, and SNOWE, to introduce the Pharmacy Access Improvement Act.

I am pleased with how well the Medicare Part D program is working. It has demonstrated how effectively private sector competition can work in delivering an entitlement benefit. The program has defied official predictions and come in under budget by $113 billion compared to the baseline projected in 2006. Premiums, initially estimated at $37 for 2006, in fact averaged $23; in 2007 they fell to an average of $22. We understand that this year's bids are even lower and that premiums are expected to fall again next year. The vast majority of Medicare beneficiaries have enrolled in the program, and while there were some troubling start-up problems initially, beneficiaries are very pleased with their plans.

At the same time, the first years of implementation of the Part D program have revealed some areas in which the program can be improved. One is related to pharmacy participation in the program. Changes are needed to ensure that Part D treats pharmacies as Congress intended and to make the program friendlier to pharmacists and independent pharmacies.

As Senator BAUCUS, Senator LINCOLN, and my other colleagues and I talked to beneficiaries, pharmacists, pharmacy owners and prescription drug plans about changes that would make Medicare Part D work better, many of our discussions centered around how to make sure that Part D works not just for the beneficiaries, the chain drugstores, and the plans, but also for the local, independent pharmacies, the long-term care pharmacies, and the safety net pharmacies that many beneficiaries rely on. That is exactly what this bill is intended to do.

My colleagues and I hope with this bill to improve contracting for pharmacies, increase CMS's and prescription drug plans' customer service, and give beneficiaries better access to pharmacies. Let me give you some of the specifics of the bill.

First, the Pharmacy Access Improvement Act would strengthen standards for ensuring convenient beneficiary access to pharmacies. During the first two years of implementation, CMS has permitted some plans to meet the pharmacy access requirements in the law by counting non-preferred and out-of-network pharmacies. The plans charge higher cost-sharing at these pharmacies to discourage their use and drive utilization to preferred pharmacies. Counting non-preferred and out-of-network pharmacies to meet the access requirements is clearly not what Congress had in mind in establishing the beneficiary access guarantees in the law. To correct this problem, this bill would require that plans, with certain exceptions, count only "open" pharmacies, those that are accessible to the general public, in meeting the Medicare pharmacy access standard.

It also would require plans to count only their preferred in-network pharmacies, not the non-preferred pharmacies, in determining whether they meet the access standard.

The bill would allow pharmacies to initiate negotiations with plans under the "any willing pharmacy" provision regardless of whether they had already rejected, or failed to act on, previous offers from the plan.

The bill also would help ensure the inclusion of safety-net pharmacies in a prescription drug plan's network by preventing plans from specifically excluding 340B entities in the terms of their contracts. 340B entities include federally qualified health centers, migrant health centers, health centers for residents of public housing, school health centers, as well as black lung clinics, entities receiving grants for early intervention for HIV under the Ryan White Act, disproportionate share hospitals, and others. They serve more than ten million people.

Many of these entities operate their own pharmacies, which operate under different constraints than other retail pharmacies. They may have abbreviated hours or be available only to patients of the 340B entity. If 340B entities' pharmacies are not available as in-network pharmacies in Part D, these patients may have difficulty getting their prescription drugs.

The Model Safety Net Pharmacy Addendum was developed by the Centers for Medicare and Medicaid Services and the Health Research and Services Administration to facilitate 340B entities' participation in Medicare Part D. Because it takes the 340B entities' special circumstances into account, it has appropriate contract language for Part D plans to use when contracting with safety net pharmacies. Under the bill, plans would have to apply the Model Safety Net Pharmacy Addendum to their contracts if a 340B entity so requests.

The bill also would require plans to include a contract provision to allow these safety net pharmacies to waive cost-sharing if the entity so requests. Many safety-net pharmacies waive cost-sharing for their patients, but the Part D plan contracts typically prohibit this. Given that 340B entities serve low-income and poor populations, we believe those entities should be able to waive cost sharing for drugs, and our bill would facilitate that.

We have found that long-term care pharmacies similarly operate under conditions different from those of retail pharmacies serving the general population. For institutionalized populations, each resident's daily drugs must be specially packaged to help ensure that each gets the drugs meant for her, not for other residents. Long-term care pharmacies specialize in this, but the Part D rules to date do not adequately reflect how long-term care pharmacies work with long-term care facilities, which affects residents' access to these pharmacies. Our bill would require the Secretary to establish rules that include pharmacy access standards for long-term care residents.

Another problem that has arisen in the implementation of Part D concerns the ability of beneficiaries to obtain extended supplies of their drugs from a local pharmacy. Our bill therefore would ask the Secretary to establish standards for access to pharmacies that dispense extended supplies of covered drugs.

We have also heard from our local independent pharmacies that many, despite contract terms, face delayed payments from prescription drug plans. Given that the pharmacies must pay for their drugs on a more abbreviated schedule, these delays have created cash-flow crises for some pharmacies and put some at risk of closing. As much as I hate to legislate contract terms, I would hate more for the independent pharmacies in my State to close and my beneficiaries to be left without a pharmacy. In our bill, we would require plans to pay most pharmacies within 14 days upon receipt of an electronically submitted clean claim. For paper claims, they would have 30 days. If they were late, the prescription drug plans would have to pay the pharmacies interest. If a pharmacy submitted claims electronically and requested electronic payment, the plan would have to pay electronically.

Because long-term care pharmacies operate under unusual circumstances compared with retail pharmacies, our bill would allow pharmacies in long-term care facilities, or that contract with long-term care facilities, at least 30 days but no more than 90 days to submit their claims for reimbursement to the plans.

Another problem involves how plans use maximum allowable prices as the upper limit of what they will pay a retail pharmacy for the cost of a drug. What has come to light is that some plans will not disclose to the contracting pharmacies exactly what the maximum allowable prices are either when the contract is proposed to them or even after they sign the contract.

It seems unconscionable to me that a pharmacy would be expected to sign a contract where the price term is hidden and not disclosed. In the Medicare program, no other health care providers are subject to signing a contract in which they don't know what they will get paid.

Another abusive practice by some plans occurs when they do not update their maximum allowable prices in a timely manner. When a pharmaceutical company raises its price for a drug the pharmacy has to pay that new higher price right away. But the plan might not update what it pays for weeks. That leaves the pharmacy to absorb the difference. The plans that do this know exactly what they are doing. They know they are making the pharmacies eat the higher cost while they delay updating their payment rates. To address these concerns, the bill would require plans to disclose to pharmacies their "maximum allowable cost" pricing, and also to update those prices as they change, through an Internet website and a toll-free phone number.

Similarly, the bill would require plans to update their prescription drug pricing standard at least every seven days. The drug pricing standard changes frequently, and the price the pharmacy is paid is based on that standard, and so it seemed fair to us that the prescription drug plans' payments should reflect recent changes.

Our bill is intended to improve CMS's and prescription drug plans' service to pharmacies. It would require the HHS Secretary to establish a pharmacists' toll-free hotline. Prescription drug plans would have to establish separate pharmacists' and physicians' toll-free hotlines, and would have to comply with customer service standards established by the Secretary. We hope this will prevent pharmacists being placed on long holds when they have customers standing at the counter waiting for their drugs.

We have some questions about pharmacists' average dispensing fees, and under the bill the HHS Inspector General would conduct a study of dispensing fees, including studying whether the pharmacist is dispensing a standard prescription or an extended one; whether the pharmacist is in a chain store or an independent pharmacy; whether the pharmacy dispenses specialty pharmacy products, or is a long-term care pharmacy. The Inspector General's report would be due October 1, 2008.

I believe that with these changes, the Medicare Part D program will work even better for beneficiaries and for the pharmacies that serve them. As we refine the Medicare Part D program, we want to build on its success even as we hope to make it fairer to all the stakeholders involved, the beneficiaries, the pharmacies, the PDP plans, and the manufacturers. I believe this bill does just that.

By Mr. CONRAD (for himself and Ms. STABENOW): S. 1955. A bill to authorize the Secretary of Homeland Security to make grants to first responder agencies that have employees in the National Guard or Reserves on active duty; to the Committee on Homeland Security and Governmental Affairs.

Mr. CONRAD. Mr. President, our Nation's first responders are vital to protecting our citizens from everyday crime, and to keeping our citizens safe from fire and health-related emergencies. Our first responders are also vital in the event of disaster, whether man-made or natural.

But these same men and women that keep us safe and healthy at home are often called upon to fight for our country abroad with the National Guard and Reserves; or sometimes they are called to active duty within the U.S. The demands on the Guard and Reserves have become extremely heavy during the wars in Iraq and Afghanistan.

However, the demands on first responders here at home do not decrease and local fire, police and ambulance services are forced to manage without key employees.

That is why I am introducing the Reinforce First Responders and Emergency Employees Deployed Overseas in the Military, or Reinforce FREEDOM Act today. My bill will reinforce local first responder agencies whose employees are fighting for our freedom overseas. It establishes a grant program through the Department of Homeland Security for first responder agencies that have employees deployed with the National Guard or Reserves.

The grants are available to law enforcement and fire departments, as well as public and private ambulance services. Agencies are eligible to receive up to $15,000 for each 3 month period they are without employees serving with the military. Primarily volunteer organizations are eligible if they are missing a substantial part of their workforce. The funds from these grants can be used to hire replacement employees or for overtime salary expenses. The funds can also be used for non-salary costs that were created by the employees' deployment with the Guard or Reserves, or which would alleviate the impact of their absence.

Extra funding perhaps cannot fully make up for the loss of crucial employees. But this bill will help ensure that first responder agencies can continue to keep the American people safe when their Guardsmen and Reservist employees are called to defend the United States of America.

By Mr. BAUCUS (for himself, Mr. DOMENICI, Mr. BINGAMAN, Mr. SMITH, Ms. STABENOW, Mr. MCCAIN, Ms. CANTWELL, and Mr. LEVIN):

S. 1956. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I want to begin my remarks by commending the thousands of case workers, foster families, neighbors and friends across the country that work to provide safety, stability, and love for the more than half a million children in the Nation's foster care system. More than a third of foster children in Montana are Native American. Across America, most of the Native American children in foster care are under the jurisdiction of tribal courts. But Native American tribes that want to administer their own child welfare systems are not eligible for Title IV–E funds to run their own foster care and adoption programs.

Today I am proud to introduce with Senators DOMENICI, BINGAMAN, SMITH, STABENOW, MCCAIN, and CANTWELL the Tribal Foster Care and Adoption Act of 2007. This legislation is a demonstration of the commitment on both sides of the aisle to provide tribes with the opportunity to care for their own children. Children that need foster care and adoption services because of the abuse and neglect that they have already suffered. This bill provides tribes with the ability to serve their children directly with culturally appropriate care and understanding. The legislation also recognizes the good work of states and their collaborative efforts with tribes on behalf of tribal children.

This legislation has had a long history in the Senate and I am pleased to have been a part of that history since the 107th congress. It has been introduced in every Congress since then always with bipartisan support. This bill's time has come.

We have worked very hard to fine tune this legislation in away that is fair to states and finally gives Tribes direct access to the child welfare system. We want a system set up to protect those that need our protection the most not to exclude the most vulnerable members of our society from direct participation.

The child welfare system is languishing because of inadequate funding. And the system also suffers from a lack of culturally-appropriate approaches to help tribal children to find loving, permanent homes. I am further committed to working on behalf of our child welfare system with Chairman GRASSLEY and with Senator ROCKEFELLER who have always been dedicated to child welfare issues. The Tribal Foster Care and Adoption Act provides a pivotal opportunity to ensure that tribes across our country have the ability to access the child welfare system. I see this as a first step in making much needed improvements to the country's child welfare system, without significant costs or new federal programs.

We owe the first inhabitants of this great Nation and their children a child welfare system that works for them. We must do all we can to provide help.

By Mr. SCHUMER (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. HATCH, Mr. WHITEHOUSE, Mr. GRAHAM, Mr. KOHL, Mrs. CLINTON, and Ms. SNOWE):

S. 1957. A bill to amend title 17, United States Code, to provide protection for fashion design; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to express my support for S. 1957, the Design Piracy Prohibition Act. As one who has been involved in national intellectual property, patent, copyright and trademark policy development for many years, I can tell you first-hand how difficult it can be to legislate in these areas. The Constitution expressly tasks Congress with the duty to protect the rights of property owners, including intellectual property owners. And we spend a good bit of time here legislating in the areas of music, art, movies, television, radio, books, and so many other things that exist solely because of intellectual property rights.

However, one area of our economy that has been overlooked and not benefited from the legal framework associated with intellectual property law is the area of fashion design. And yet fashion design is one area where America enjoys a trade surplus and has clear leaders in the world market. In fact, much of the world apparel and accessory industry takes follows the lead of our world renowned fashion experts. However, the protections of their designs are not taken as seriously as we take other forms of property rights, thereby, hurting a thriving American industry around the world.

In an effort to bring some balance to the property rights of designers, Senators SCHUMER, HUTCHISON, FEINSTEIN, WHITEHOUSE, GRAHAM, KOHL, CLINTON, SNOWE, and I are introducing this legislation. The goal of S. 1957 is to ensure that those who spend their time and money developing new and innovative fashion designs are able to secure and enforce adequate copyright protections for their hard work. And I support that goal.

As I stated earlier, this is a difficult area of law in which to legislate and the balancing of the rights of property owners and consumers is often difficult. In fact, the U.S. has been changing and refining intellectual property laws for over 200 years and in some areas we still have not gotten it right.

It must be recognized that this bill is not perfect and there are several legitimate concerns with the way this bill attempts to protect designs. I will be working with my colleagues to make improvements to this bill as it goes through the Senate process. Some areas of the bill that need to be improved are: the standard for liability, the definition of designs in the public domain, and the secondary liability provisions. However, I am certain we will be able to work through these issues and move this bill forward.

I want to thank my colleague, Senator SCHUMER, for introducing this bill. It takes a strong will, and a strong stomach, to take on the job of moving intellectual property-related legislation through Congress. I'm sure Senator SCHUMER is up to the task and I look forward to helping him.

By Ms. COLLINS (for herself and Mr. COLEMAN):

S. 1959. A bill to establish the National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007.

Foreign-based terrorism has weighed heavily in the news and in our thoughts for more than a decade. Since the first bombing of the World Trade Center in 1993, we have seen foreign-based terrorists attack our embassies in Tanzania and Kenya, a Navy destroyer in Yemen, the World Trade Center again, and the Pentagon. Timely arrests prevented foreign-based terrorists from carrying out a bombing plot directed at the Los Angeles airport and, more recently, attacks targeting U.S.-bound flights originating in England.

This long-standing and still-deadly threat requires continued surveillance and aggressive action, and will for years to come. But we cannot confine our counter-terrorism efforts to attacks organized in and launched from other countries. As demonstrated by the bloody bombing of the Oklahoma City Federal office building in 1995 and by this year's arrests of suspects in plots directed at JFK International Airport and Fort Dix, NJ, domestic radicalization and violent extremism are also threats to American lives and American society.

The most effective border security will not prevent "home-grown" terrorists from attacking our citizens. We need to better understand the triggers for radicalization and violence in order to counter the threat of terrorists on American soil.

For nearly a year now, Senator LIEBERMAN and I have conducted an investigation and held a series of hearings in the Senate Homeland Security Committee probing different aspects of this domestic danger by examining radicalization in prisons, radicalization trends, the Internet and violent extremism, lessons from the European experience, and the adequacy of government counter-measures.

The harvest of information and insights from these hearings has helped alert us to dangers, guide our oversight activities, and formulate ideas for legislative action. The testimony and evidence we have seen persuade me that we need to undertake an even more in-depth examination of the threats of domestic radicalization and violent extremism.

The Violent Radicalization and Homegrown Terrorism Prevention Act would provide such an examination. It is a companion measure to the bill introduced by Representatives JANE HARMAN of California and DAVE REICHERT of Washington in the House of Representatives. Congresswoman HARMAN has been extraordinarily perceptive in understanding the threat of violent radicalization, and her bill's unanimous approval by the House Homeland Security Committee is a tribute to her leadership.

My bill, like the House measure, includes two key initiatives.

First, it would create a National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism.

Second, it would establish a university-based Center of Excellence for the Study of Radicalization and Homegrown Terrorism in the U.S.

The Commission would devote itself to a survey of what we know, and what we need to learn, about the social and psychological breeding grounds of extremism, the process of radicalization, the factors that cause people to turn to violence, the processes of recruitment and coordination, and the phenomenon of self-radicalization and "lone wolf" terrorism.

To ensure a broad range of input for the commission, members would be selected for their qualifications by the President, the majority and minority leaders of the House and Senate, and the chairman and ranking member of the Homeland Security Committees of the House and Senate.

The commission's final report, to be delivered within 18 months of its initial meeting, would provide a solid base of information and a guide for further research and action against the dangers that we face.

A "final report," however useful, cannot be the last word in the fight against a threat that has been growing for years and may persist for decades. That is why the bill takes the important second step of establishing a university-based Center of Excellence focused on homegrown terrorism, violent radicalization, and ideologically based violence.

The Department of Homeland Security currently has 8 Centers for Excellence focusing on various aspects of homeland security, such as risk-analysis, food protection, and catastrophic-event preparedness and response.

My bill would empower the Secretary of Homeland Security to designate a new center or to expand the mission of an existing center. In either case, such a center will provide an institution dedicated to researching and understanding violent radicalization and homegrown terrorism, and to developing findings that can assist Federal, State, local, and tribal governments in dealing with these threats.

It is vital, that our homeland-security efforts extend to a systematic and comprehensive understanding of the radicalization process that turns people living in our midst to ideologically based violence and terrorism. It is also vital that we create an academically based center to sustain high-quality research efforts on this threat to augment federal initiatives and to expand and supplement Government thinking.

This bill, which closely parallels legislation now moving through the House of Representatives, meets those vital needs. I urge my colleagues to support the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 1960. A bill amend the Small Business Investment Act of 1958 to improve surety bond guarantees, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today o join Senator KERRY in introducing the Surety Bond Improvement Act, a bill which would reinvigorate the Small Business Administration's Surety Bond Guarantee program. I appreciate Senator KERRY's leadership on small business issues and his bipartisan work with me on this bill. Together, our primary purpose is to improve the Surety Bond Guarantee SBG program and ensure that more small businesses are able to secure the surety bonds they require to compete and grow.

Many surety bond companies refuse to bond small businesses because of the greater risks associated with underwriting new, unproven firms. Countless new businesses lack the stable credit histories and assets necessary to obtain a surety bond. Without bonding, small firms cannot secure the contracts they need to survive. For many small businesses, their inability to obtain surety bonds creates a barrier to entry which prevents them from competing in defense contracting, construction, services, and other markets.

In order to reduce the risk to the surety firms issuing the bonds, the SBA promises to cover between 70 and 90 percent of any possible claims on bonds underwritten through the SBG program. Many small contractors are only able to obtain surety bonds through the SBG program and establish a bonding history. Over time, these businesses will out-grow the SBG program and will be able to obtain bonds in the regular, competitive marketplace.

It is critical to understand that the number of participating sureties in the SBG program directly affects the number of small companies that can receive surety bonds. In fiscal year 2000, the SBG program had 28 participating surety bonding companies and issued 7,034 bonds to small businesses. As of fiscal year 2006, there were only 10 participating surety companies that issued 4,709 surety bonds. This downturn represents a 64 percent decline in the number of participating sureties and a decrease of 33 percent in the total number of bonds issued to small businesses. The sureties argue that SBA's outdated fee structure and other actions, such as unwinding bond guarantees and recent fee increases, make it impossible for them to earn a profit and continue participating in the program.

Our bill strives to address the reason behind the program's diminishing participation and increasing inability to help small businesses. To achieve that goal, our measure would 1. prohibit the SBA from underwriting a surety bond guarantee after the agency has already underwritten and approved the bond, 2. direct the SBA to promulgate regulations to allow surety companies to go to non-binding mediation with the SBA in order to resolve disputes over denied claims or other issues, 3. eliminate existing price controls, 4. require the SBA to be transparent in its fee structure, 5. clarify that Congress does not require the Surety Bond Guarantee program to be entirely self-funding or self-sufficient, and 6. raise the principal guarantee amount to $3 million.

We are collaborating with the SBA to reverse the downward trend regarding participating sureties and boost the number of small businesses receiving surety bonding. To accomplish this goal, the SBG program is working to reduce approval times by bolstering the capacity of companies to submit underwriting applications and claim requests online. The program also plans to restructure its field offices and conduct outreach to new sureties and small businesses needing surety bonding. These reforms, along with the necessary legislative changes Senator KERRY and I have proposed today, will help the program attract new sureties and increase the overall number of small companies able to secure sureties underwriting through the program.

I encourage my colleagues to strongly support the Surety Bond Improvement Act which we wrote after consulting with small business owners and surety bonding companies on how best to revitalize this pivotal program. Without these remedies, the number of sureties in the program will continue to fall as will the capability of small businesses to secure surety bonds. For new companies, obtaining a surety bond will become a onerous barrier to entry and competition that they will be unable to overcome. I urge my colleges to work with Senator KERRY and me to assist small businesses by passing this crucial legislation.

By Mr. ROCKEFELLER (for himself, Mr. CRAPO, Ms. STABENOW, and Mr. CARPER):

S. 1963. A bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds; to the Committee on Finance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 1963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BONDS GUARANTEED BY FEDERAL HOME LOAN BANKS.

(a) IN GENERAL.—Clause (i) of section 149(b)(3)(A) of the Internal Revenue Code of 1986 (relating to exceptions for certain insurance programs) is amended—

(1) by striking "or" after "Corporation,", and

(2) by inserting at the end the following: "or any Federal home loan bank,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

By Mrs. FEINSTEIN:

S. 1964. A bill to amend title XVIII of the Social Security Act to establish new separate fee schedule areas for physicians' services in States with multiple fee schedule areas to improve Medicare physician geographic payment accuracy, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to correct a longstanding flaw in the Medicare Geographic Practice Cost Index, GPCI, system that negatively impacts physicians in California and several other states.

This legislation will allow counties that are underpaid by at least 5 percent to be reclassified into a payment locality that reflects their own geographic costs.

It holds harmless the counties, predominately rural ones, whose locality average would otherwise drop as other counties are reclassified.

Finally, this legislation is fully offset by requiring that independent diagnostic laboratories comply with state and federal regulations. This will allow the Centers for Medicare and Medicaid services, CMS, to take action against unscrupulous operators, predominately in California, that seek Medicare reimbursements for inaccurate and unnecessary diagnostic testing.

This legislation would benefit physicians who are currently underpaid in 10 States: California, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Missouri, Texas, and Washington.

Congressman SAM FARR has introduced companion legislation, H.R. 2484, in the House of Representatives, which now has 12 cosponsors.

The Medicare Geographic Practice Cost Index measures the cost of providing a Medicare covered service in a geographic area. Medicare payments are supposed to reflect the varying costs of rent, malpractice insurance, and other expenses necessary to operate a medical process. Counties are assigned to "payment localities" that are supposed to accurately capture these costs.

Here is the problem: some of these payment localities have not changed since 1997. Others have been in place since 1966. Many areas that were rural even 10 years have experienced significant population growth, as metropolitan areas and suburbs have spread. Many counties now find themselves in payment localities that do not accurately reflect their true practice costs.

These payment discrepancies have a real and serious impact on physicians and the Medicare beneficiaries they are unable to serve. My home State of California has been hit particularly hard.

San Diego County physicians are underpaid by 5.5 percent. A number of physicians have left the county and 60 percent of remaining San Diego physicians report that they cannot recruit new doctors to their practices.

Santa Cruz County receives a 10.2 percent underpayment, and as a result, no physicians are accepting new Medicare patients. Instead, they are moving to neighboring Santa Clara, which has similar practice cost expense, but is reimbursed at a rate that is at least 22 percent higher. This means that seniors often need to travel at least 20 miles to see a physician.

Sacramento County, a major metropolitan area, is underpaid by 4.6 percent. The county's population has grown by 9.6 percent, while the number of physicians has declined by 11 percent.

Sonoma County physicians are paid at least 8 percent less than their geographic practice costs. They have experienced at 10 percent decline in specialists and a 9 percent decline in primary care physicians.

Seniors' Medicare cards are of no value if physicians in their community cannot afford to provide them with health care.

The underpayment problem grows more severe every year, and the longer we wait to address it, the more drastic the solution will need to be. This legislation provides a common sense solution, increasing payment for those facing the most drastic underpayments, while protecting other counties from cuts in the process.

This is an issue of equity. It costs more to provide health care in expensive areas, and physicians serving our seniors must be fairly compensated.

I urge my colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF NEW SEPARATE MEDICARE PHYSICIAN FEE SCHEDULE AREAS IN STATES WITH MULTIPLE FEE SCHEDULE AREAS TO IMPROVE MEDICARE PHYSICIAN GEOGRAPHIC PAYMENT ACCURACY.

(a) IN GENERAL.—Section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4(e)) is amended by adding at the end the following new paragraph:

"(6) ESTABLISHMENT OF SEPARATE FEE SCHEDULE AREAS IN STATES WITH MULTIPLE FEE SCHEDULE AREAS TO IMPROVE PHYSICIAN GEOGRAPHIC PAYMENT ACCURACY.—For purposes of computing and applying the geographic adjustment factor under subsection (b)(1)(C) and this subsection in the case of a State that includes more than one fee schedule area—

"(A) the Secretary shall establish as a separate fee schedule area each county or equivalent fee schedule area the geographic adjustment factor for which would (if such separate areas are established and before taking into account the adjustment under this subparagraph) be 5 percent or more above the geographic adjustment factor for such revised locality; and

"(B) for such a locality from which a separate fee schedule area is established under subparagraph (A), the geographic adjustment factor indices shall in no case be less than the geographic adjustment factor otherwise computed if this paragraph did not apply.

The Secretary shall first apply the previous sentence to services furnished during 2008 and shall again apply it each third year thereafter.".

(b) OFFSETTING FUNDING THROUGH REQUIREMENT FOR ANNUAL CERTIFICATION OF COMPLIANCE WITH STATE LICENSURE REQUIREMENTS FOR INDEPENDENT DIAGNOSTIC TESTING FACILITIES (IDTF).—

(1) IN GENERAL.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(A) by striking "or" at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting "; or"; and

(C) by inserting after paragraph (22) the following new paragraph:

"(23) where such expenses are for a diagnostic laboratory test under section 1861(s)(3) performed in an independent diagnostic testing facility in a State or locality described in section 1861(s)(16) unless within the previous 12 months the State or locality (whichever is or are applicable) has certified that the facility is in compliance with all applicable State (or local) licensure requirements.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to tests performed on or after January 1, 2008.

By Mr. LUGAR:

S. 1966. A bill to reauthorize HIV/AIDS assistance; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce legislation to reauthorize the U.S. Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, known as the Leadership Act, the largest international health initiative in history dedicated to a single disease.

Five years ago, there was little hope in Africa and the developing world of an effective response to HIV/AIDS.

Tragically, many of the nations hardest hit by this disease are among those with the fewest resources to draw on for a response. There appeared to be little basis for hope.

Today, the pandemic continues. Yet there has been a change, and the American people have led that change.

The original Leadership Act authorized $15 billion in appropriations over 5 years. And in a significant departure from earlier approaches to development, it linked that funding to accountability for goals: support for treatment of 2 million people, prevention of 7 million new infections, care for 10 million people, including orphans and vulnerable children.

As many Senators will recall, when this legislation was first enacted in 2003, it was done with a certain amount of haste and after a request from the President for quick action. The G–8 summit was fast approaching, but even more importantly, rapid Senate action meant that the program could be established quickly, so that money could start to flow quickly to the fight. Given this, the Senate acted swiftly, passing the bill almost without amendment.

Now we are approaching the expiration of that 5-year authorization at the end of fiscal year 2008. Whatever our misgivings about the Leadership Act as we enacted it in 2003, at this point we need to judge it by the results it has enabled us to deliver. Those results are simply remarkable.

At the time the Leadership Act was announced, only 50,000 people in all of sub-Saharan Africa were receiving antiretroviral treatment. Yet through March of this year, the act has supported treatment for over 1.1 million men, women and children, over a million of them are in Africa, in those 15 countries where AIDS was on the verge of wiping out whole generations. In addition to these focus countries, we are working with one hundred other countries as well touching millions of other lives. Five years ago, HIV was a death sentence. Now there is hope.

During the first 3½ years of the act, U.S. bilateral programs have supported services for pregnant women to avoid transmission of HIV to their babies during more than 6 million pregnancies. In over 533,000 of those pregnancies, the women were found to be HIV-positive and received antiretroviral prophylaxis, preventing an estimated 101,000 infant infections through March 2007.

Before the advent of the Leadership Act, there was little concerted effort to meet the needs of those orphaned by AIDS, or of other children made vulnerable by it. We have now supported care for more than 2 million orphans and vulnerable children, as well as 2.5 million people living with HIV/AIDS, through September 2006.

Effective prevention, treatment and care all depend to a large extent on people knowing their HIV status, so they can take the necessary steps to stay healthy. The U.S. has supported 18.7 million HIV counseling and testing sessions for men, women and children.

Across the act's programs, the majority of services have been provided to women and girls, and a growing number of services are reaching children.

Our financial investment in this fight has been critical to our success, and thanks in large part to the flexibility of the Leadership Act, we have been able to obligate over 94 percent of its available $12.3 billion appropriated through this fiscal year.

In addition to support for the U.S. bilateral programs, the Leadership Act has also authorized support for the Global Fund to Fight AIDS, Tuberculosis, and Malaria. The Global Fund provides an important avenue for the rest of the world to substantially increase its commitment, as we have done. The U.S. is the largest supporter of the Global Fund, having provided some $2 billion so far. It is important for the American people to understand and for the rest of the world to remember, that the American people are responsible for approximately ⅓ of all the funding received by the fund.

As we survey the results achieved by this legislation, it is apparent that our efforts have been exceptionally successful. But to build on that success, we must reauthorize the legislation for another 5 years. As we consider how to accomplish that reauthorization task, it is important to note that the vast majority of the authorities needed for the next phase of our effort are already contained in the current Leadership Act.

The necessity for new authorities is in the eye of the beholder. Many Senators may wish to enhance issues such as TB/HIV, gender, nutrition, human capacity, infrastructure and health systems, and education. But the current law already articulates and authorizes activities in these very same areas, as evidenced by the many activities in these areas that the act has undertaken under existing authorities.

In this case, I believe we should follow the old adage, "If it ain't broke, don't fix it." We have a good, if not perfect, law that is succeeding. In lieu of drafting an entirely new bill, today I introduce a reauthorization which preserves the bulk of the authorities that have enabled the program succeed and makes only minor modifications.

The U.S. Global AIDS Coordinator has interpreted the existing authorities well and has listened to the Congress and many stakeholders. As the Institute of Medicine recently said, the Global Leadership Act is a "learning organization." The Coordinator is the first to admit, as he has before Congressional committees, that we can do better in every area of implementation. But new authorities are not needed; these are issues of implementation. In short, rather than absorbing the time of Congress, the coordinator, as well as stakeholders in drafting an entirely new bill, we should empower them to continue the work they are doing to improve upon program implementation utilizing the experience of these past 3½ years.

Let me highlight the basic changes I am suggesting to the existing legislation. First, it would increase to $30 billion the authorization for the next five fiscal years 2009–2013, a doubling of the initial commitment. I recognize that Senators may wish to revisit that funding level, and I trust that there will be opportunities for them to do so, in committee and on the floor.

Second, as the Institute of Medicine and others have argued, I believe we need to keep the bill as free of funding directives as possible in order to ensure maximum flexibility for implementation. I am proposing that only two funding directives be included, one modified from its current form, the other maintained as is.

The first modification would seek to address the abstinence directive in current law. The current Leadership Act requires that 33 percent of all prevention funding be spent on abstinence-until-marriage programs. The problem with this directive is that some countries need to focus their efforts not on abstinence per se but on, for example, mother-to-child transmission, an activity which is considered to be nonsexual transmission of HIV/AIDS. The original directive thus forced theses countries to either spend money in areas where they did not necessarily need to spend it or to divert funds from areas where they truly needed to.

The administration had interpreted and implemented this provision so as to include both abstinence and faithfulness programs, the 'AB' of 'ABC,' which stands for Abstinence, Be faithful, and the correct and consistent use of condoms. The directive has been helpful in ensuring an evidence-based, comprehensive approach to prevention. The ABC paradigm for prevention was developed in Africa by Africans, in order to address the wide range of risks faced by people within their nations, particularly in the context of generalized epidemics where HIV is widespread throughout the population. Recent evidence from a growing number of African countries shows a correlation between the adoption of all three of the ABC behaviors, and a clear association with declining HIV prevalence.

Before the creation of the U.S. Global Aids Coordinator, the U.S. Government had relatively little experience implementing behavior change programs for global HIV/AIDS that included the whole array of ABC behavior change. This was the rationale for the directive, and I believe it has served a useful purpose. However, I agree with many others that we can improve upon it as we look to the future.

The language I propose would provide that 50 percent of funding for prevention of sexual transmission of HIV, a sub-set all prevention funding, be dedicated to abstinence and faithfulness. This will enable greater flexibility to countries whose situation mirrors the one just described.

At the same time, the language would ensure the continuation of funding for abstinence and faithfulness programs as part of comprehensive, evidence-based ABC activities. I think this compromise approach is the right one that can win support from across the political spectrum and provide increased flexibility while ensuring continued support for comprehensive, evidence-based prevention.

There are a number of other directives in the current law that need no longer be maintained and the new bill does not contain them. The one other directive that I believe must be maintained is that 10 percent of funding be devoted to programs for orphans and vulnerable children, or "OVCs". As I have noted, there were few programs focused on the needs of these children before the Leadership Act of 2005 and we remain in the early stages of the essential effort to serve them. This is one of the aspects of our effort that is most strongly supported by the American people, the maintenance of this directive will help to ensure that this effort remains focused on those who need our support the most. The directive will also help ensure the success of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, a bill I drafted, one cosponsored by eleven of my Senate colleagues, and which the Congress passed in October 2005.

Finally, let me describe some new language proposed for the inclusion regarding the Global Fund; an organization that enjoys wide support here in Congress. The Global Fund is a critically important partner of the U.S. in our fight against HIV/AIDS. Our contributions are not only financial, we are also active on its board, and our U.S. personnel overseas provide the technical assistance needed for the Global Fund's grants to work.

However, the fund is subject to pressures from many donors and in many directions. It has become clear that it would benefit from greater transparency and accountability. In keeping with my concerns with transparency and accountability of international organizations that receive U.S. funding, including the World Bank and International Monetary Fund, my proposed language would establish similar benchmarks for U.S. funding for the Global Fund. I don't believe any of these proposed benchmarks will be controversial, but if Senators have concerns about any of them, I look forward to working with them to address them.

It is also worth noting that the bill would maintain the limitation in the existing Leadership Act that U.S. contributions to the fund may never exceed 33 percent of its funding from all sources. This limitation has proven to be a valuable tool for increasing contributions to the fund from other funding sources, such as other governments, and I believe there is wide agreement that this provision should be maintained as we move forward.

In closing, let me turn to the issue of legislative timing. It is critical to the contents of my approach to reauthorization. It is critically important to reauthorize this bill during 2007, as opposed to awaiting its expiration September 2008.

The US Global Aids Coordinator depends on his implementing partners, including host governments and nongovernmental organizations, including faith- and community-based organizations, to scale up programs rapidly to reach as many people as possible. They have been a critical part of programs success to date.

But HIV and AIDS are different from many diseases: once HIV-positive persons are provided treatment or orphans enrolled in care programs, their treatment and care become ongoing commitments for program partners. Thus, for partners to continue to scale up programs in 2008, they need assurances of a continued U.S. commitment beyond 2008. These partners recognize that at this point, they have only a Presidential proposal, not actual reauthorization.

In fact, some of my staff on the Foreign Relations Committee have recently returned from countries receiving our assistance and verified this concern. Various ministries of health are refusing to expand the number of patients currently receiving antiretroviral medication for fear that they will not receive enough money in the years to come to purchase next year's doses for these new patients.

Without reauthorization in 2007, partners have indicated that they will be unable to scale up programs in 2008, and as my staff have confirmed, there is already evidence that some have begun to slow enrollment in programs. Without continued rapid scale-up this year and next, we may not achieve the ambitious goals for the first phase of PEFPAR, treatment for 2 million, prevention of 7 million new infections, care for 10 million, including orphans and vulnerable children. However, time will be needed to develop sustainable programs with commitments from our partner countries as we move into the next 5-year commitment from the American people.

Thus it is essential that we act before we go out of session this year. I recognize that we face a crowded calendar. But we can do it if we will take the most direct path to passage, a clean bill.

This body can be proud of its contribution to the remarkable turnaround on the issue of global HIV/AIDS, from concern to action. We have represented well the compassion and generosity of the American people and the demand for accountability by the American taxpayer. I call on my colleagues to join me in sponsoring this bill to reauthorize the Leadership Act in 2007, and to extend the authorities that have enabled the American people to make such a difference in the lives of others.

I have no pride of authorship. But we need to start the reauthorization process now. I welcome the involvement and inputs of my colleagues. We should let the mark-up and amendment process work. Secondly, I would welcome the assistance of other Committees and their memberships. Thirdly, I look for strong support and guidance from the NGO and faith-based communities. These organizations will be key to the reauthorization effort. We will require the constructive engagement of the administration in this reauthorization effort.

If we pull together and display the spirit of compromise necessary for good legislation, we can complete the job in 2007.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "HIV/AIDS Assistance Reauthorization Act of 2007".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 401(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671(a)) (in this Act referred to as the "Act") is amended by inserting after "2008" the following: ", $30,000,000,000 for fiscal years 2009 through 2013, and such sums as may be necessary for each fiscal year thereafter".

SEC. 3. MODIFICATIONS TO ALLOCATION OF FUNDS.

(a) PROMOTION OF ABSTINENCE, FIDELITY, AND OTHER PREVENTATIVE MEASURES.—Section 403(a) of the Act (22 U.S.C. 7673(a)) is amended to read as follows:

"(a) PROMOTION OF ABSTINENCE, FIDELITY, AND OTHER PREVENTATIVE MEASURES.—Not less than 50 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 and available for programs and activities that include a priority emphasis on public health measures to prevent the sexual transmission of HIV shall be dedicated to abstinence and fidelity as components of a comprehensive approach including abstinence, fidelity, and the correct and consistent use of condoms, consistent with other provisions of law and the epidemiology of HIV infection in a given country. Programs and activities that implement or purchase new prevention technologies or modalities such as medical male circumcision, pre-exposure prophylaxis, or microbicides shall not be included in determining compliance with this subsection.".

(b) Extension of Orphans and Vulnerable Children Funding Requirement.—Section 403(b) of the Act (22 U.S.C. 7673(b)) is amended by striking "2008" and inserting "2013".

SEC. 4. FINDINGS AND PURPOSE.

(a) Findings.—Congress makes the following findings:

(1) On May 30, 2007, President George W. Bush announced his intent to double the commitment of the United States to fight global HIV/AIDS with a new $30,000,000,000, 5-year proposal to reauthorize the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

(2) With the enactment of the President's fiscal year 2008 budget, the United States Government will have committed $18,000,000,000 to the President's Emergency Plan for AIDS Relief (PEPFAR), which exceeds the original 5-year, $15,000,000,000 commitment.

(3) After 3 years of PEPFAR implementation, the American people have supported treatment of 1,100,000 people in the 15 focus countries, including more than 1,000,000 people in Africa.

(4) PEPFAR is on track to meet its 5-year goals to support treatment for 2,000,000 people, prevention of 7,000,000 new infections, and care for 10,000,000 people, including orphans and vulnerable children.

(5) The success of PEPFAR is rooted in support for country-owned strategies and programs with commitment of resources and dedication to results, achieved through the power of partnerships with governments, with nongovernmental, faith-based, and community-based organizations, and with the private sector.

(6) United States efforts to address global HIV/AIDS will be multiplied by engaging in partnerships with countries dedicating to fighting their HIV epidemics and with multilateral partners, such as the Global Fund, which can help leverage international resources and build upon the efforts of the United States to combat global HIV/AIDS. In his announcement of his intent to double the commitment of the United States to fight global HIV/AIDS, President Bush reiterated his call for developed and developing countries, in particular middle-income countries where projections suggest many new infections will occur, to increase their contributions to fighting AIDS. HIV/AIDS is a global crisis that requires a global response. The United States currently provides as many resources for global HIV/AIDS as all other developed country governments combined. But only together can we turn the tide against the global epidemic.

(b) Purpose.—It is the purpose of this Act to expand PEPFAR, including the expansion of life-saving treatment, comprehensive prevention programs, and care for those in need, including orphans and vulnerable children, in the next 5-year period as a signal of the commitment of the United States to support, strengthen, and expand United States and global efforts to address these health crises in partnership with others.

SEC. 5. UNITED STATES FINANCIAL PARTICIPATION IN THE GLOBAL FUND.

(a) Authority to Increase Proportional Support.—Section 202(d) of the Act (22 U.S.C. 7622(d)) is amended by adding at the end the following new paragraph:

"(5) Authority to increase proportional support.—

"(A) Findings.—Congress makes the following findings:

"(i) The Global Fund to Fight AIDS, Tuberculosis and Malaria is an innovative financing mechanism to combat the three diseases, and it has made progress in many areas.

"(ii) The United States Government is the largest supporter of the Fund, both in terms of resources and technical support.

"(iii) The United States made the founding contribution to the Funds, remains committed to the original vision for the Fund, and is fully committed to its success.

"(B) Authority.—The President may increase proportional support for the Fund, within the amount authorized to be appropriated by this Act, if benchmarks for performance, accountability, and transparency are satisfactorily met, and if the Fund remains committed to its founding principles. The United States Global AIDS Coordinator should consider the benchmarks set forth in subparagraphs (C) and (D) in assessing whether to make the annual contribution of the United States Government to the Fund.

"(C) Benchmarks related to transparency and accountability.—Increased proportional support for the Fund should be based upon achievement of the following benchmarks related to transparency and accountability:

"(i) As recommended by the Government Accountability Office, the Fund Secretariat has established standardized expectations for the performance of Local Fund Agents (LFAs), is undertaking a systematic assessment of the performance of LFAs, and is making available for public review, according to the Fund Board's policies and practices on disclosure of information, a regular collection and analysis of performance data of Fund grants, which shall cover both Principal Recipients and sub-recipients.

"(ii) A well-staffed, independent Office of the Inspector General reports directly to the Board and is responsible for regular, publicly published audits of both financial and programmatic and reporting aspects of the Fund, its grantees, and LFAs.

"(iii) The Fund Secretariat has established and is reporting publicly on standard indicators for all program areas.

"(iv) The Fund Secretariat has established a database that tracks all sub-recipients and the amounts of funds disbursed to each, as well as the distribution of resources, by grant and Principal Recipient, for prevention, care, treatment, the purchases of drugs and commodities, and other purposes.

"(v) The Fund Board has established a penalty to offset tariffs imposed by national governments on all goods and services provided by the Fund.

"(vi) The Fund Board has successfully terminated its Administrative Services Agreement with the World Health Organization and completed the Fund Secretariat's transition to a fully independent status under the Headquarters Agreement the Fund has established with the Government of Switzerland.

"(D) Benchmarks related to principles of fund.—Increased proportional support for the Fund should be based upon achievement of the following benchmarks related to the founding principles of the Fund:

"(i) The Fund must maintain its status as a financing institution.

"(ii) The Fund must remain focused on programs directly related to HIV/AIDS, malaria, and tuberculosis.

"(iii) The Fund Board must maintain its Comprehensive Funding Policy, which requires confirmed pledges to cover the full amount of new grants before the Board approves them.

"(iv) The Fund must maintain and make progress on sustaining its multi-sectoral approach, through Country Coordinating Mechanisms (CCMs) and in the implementation of grants, as reflected in percent and resources allocated to different sectors, including governments, civil society, and faith- and community-based organizations.".

(b) Extension of Authorization.—Section 202(d) of such Act is further amended by striking "2008" each place it appears and inserting "2013".

By Mr. HATCH (for himself, Mr. Rockefeller, Mr. Bayh, Mr. Nelson of Florida, Mr. Brownback, Mr. Harkin, and Mr. Crapo):

S. 1969. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, today I rise to introduce the Alexander Hamilton Boyhood Home Act of 2007, a bill to study the suitability and feasibility of bringing resources related to Alexander Hamilton's boyhood on the island of St. Croix under the National Park System. I would like to thank Senators Rockefeller, Bayh, Bill Nelson, Brownback, Harkin, and Crapo for lending early support to this legislation as original cosponsors. I especially note the strong support of Senator Rockefeller, who along with his family, has a special interest in this part of the U.S.

Too little is known about Hamilton's childhood on the islands. We know he was born as a British subject on the island of Nevis in 1755. By the age of 10 he and his brother James found themselves under Danish rule on the island of St. Croix. Alexander's father had abandoned them, so his mother Rachel Faucett was the primary care giver and bread winner. It is believed they initially spent their days on a sugar plantation at Estate Grange, which was owned by Rachel's sister, Ann, and her husband, James Lytton. The Lyttons generously supported Rachel and her two boys for a short time. When the plantation was sold, the Lyttons helped Rachel to set up a store with an apartment on the upper floor in the nearby town of Christiansted.

They had been there less than a year and Alexander, as an 11-year-old boy, had already taken a job as a clerk at the Beekman and Cruger trading post. This connection would serve him well after his mother died in 1769 and he was left to fend for himself. His early years with Beekman and Cruger not only supported him financially, but they introduced him to business, economics, and trade.

Hamilton learned a great deal from his surroundings on St. Croix, and his political ideologies as an adult were clearly influenced by his boyhood in the West Indies. His mother was known to have the largest library on the island, consisting of 34 classical books of various topics. Everyday life and culture must have left an impression on him, as well. He was constantly exposed to the brutality of slavery, which drove the plantation economy on St. Croix. His distaste for it as a boy would grow into political opposition to it in America. Historians also note that maturing in the West Indies made him unique among other American politicians of the day because he never had any loyalty to a specific State or region. He perceived the U.S. as one unified Nation with a strong central Government. To advocate that belief, Hamilton would later found the Federalist Party in America.

Through his work, Alexander made several connections with influential people in the town. As he grew older, they began to recognize his talent and intellect and they decided to send him to New York with the funds to obtain an education. He left St. Croix at age 17, never to return, and the rest is now a central aspect of our Nation's history.

Hamilton went on to be one of the great statesmen of our history, a Founding Father who was influential in all of the stages of our blossoming Nation. He fought with the colonies during the American Revolution and served as General Washington's personal secretary. After the Revolution he was elected to the Continental Congress. He authored the Federalist Papers to advocate ratification of the Constitution, which he would pen his own name to as a delegate from New York. Of course, he may be remembered most for his appointment as the first Secretary of the Treasury under President George Washington. His visage is perpetuated in history on the $10 bill as one of only two non-presidential faces appearing on U.S. currency.

Alexander Hamilton's immeasurable influence on the progress of our Nation deserves to be remembered and recognized. The remaining links to his boyhood on the island of St. Croix should be preserved and recognized for the benefit of the people. The Great House at Estate Grange is still there today along with a memorial marking the site where Alexander's mother was laid to rest. I urge my colleagues to support this legislation which would establish and fund a study to determine the feasability and suitability of a heritage area on St. Croix in honor of one of our Founding Fathers, Alexander Hamilton.

By Mr. DODD (for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Mr. KENNEDY, Mr. CHAMBLISS, Mr. REED, Ms. MIKULSKI, Mrs. MURRAY, Mr. SALAZAR, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. BROWN, Mr. NELSON of Nebraska, Mr. CARDIN, and Mr. HARKIN):

S. 1975. A bill to expand family and medical leave in support of servicemembers with combat-related injuries; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, 14 years ago, the Family and Medical Leave Act, FMLA, declared the principle that workers should never be forced to choose between the jobs they need and the families they love. In the years since its passage, more than 50 million Americans have taken advantage of its provisions to care for a sick love one, or recover from illness themselves, or welcome a new baby into the family. If ordinary Americans deserve those rights, how much more do they apply to those who risk their lives in the service of our country? Soldiers who have been wounded in our service deserve everything America can give to speed their recoveries, but most of all, they deserve the care of their closest loved ones.

That is exactly what is offered in the Support for Injured Servicemembers Act, a bill I am proud to have authored along with Senator CLINTON. The FMLA was the very first bill that President Clinton signed into law, and I am grateful that his wife, Senator CLINTON, continues to support the principles that I have been fighting for over 20 years. Now, I am also pleased that Senators DOLE, GRAHAM, KENNEDY, CHAMBLISS, REED, MIKULSKI, MURRAY, SALAZAR, LIEBERMAN, MENENDEZ, BROWN, NELSON of Nebraska, and CARDIN are cosponsoring this new legislation today.

Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala have been instrumental in this effort as well, through their thoughtfulness and work on the President's Commission on Care for America's Returning Wounded Warriors.

It is unsurprising that the commission found that family members play a critical role in the recovery of our wounded servicemembers. The commitment shown by the families and friends of our troops is truly inspiring: according to the commission's report, 33 percent of active duty servicemembers report that a family member or close friend relocated for extended periods of time to help in their recoveries. It also points out that 21 percent of active duty servicemembers say that their friends or family members gave up jobs to find the time. To quote from the commission's moving report:

> In virtually every case [of a wounded servicemember], a wife, husband, parent, brother, or sister has received the heart-stopping telephone call telling them that their loved one is sick or injured, halfway around the world.

These loved ones bear a burden almost as sharp as the wound itself. The very least we can give them is the assurance that their jobs will be there when they return.

It is for these reasons that the commission recommend that the FMLA be expanded to provide family members of combat-injured servicemembers up to 6 months of leave to care for their loved ones.

The Support for Injured Servicemembers Act does just that. FMLA currently allows 3 months of unpaid leave. Given the severity of their injuries, and our debt of gratitude, our servicemembers need more.

For the first time, this bill offers FMLA leave not just to parents, spouses, and children, but to next-of-kin, including siblings. Families, not the government, should decide for themselves who takes on the work of caring for their injured loved ones. This bill recognizes that fact, and it is a major accomplishment.

Our troops are laying their bodies on the line for us in Iraq and Afghanistan, every day. Our full debt to them is unpayable. But perhaps the best thing we can do for them is to get out of the way, to make it possible for the love of family to heal their wounds. With their jobs protected, more family members will be able to do just that. What this bill does, then, is break down a barrier, between our troops and the care they need the most.

I urge my colleagues to support this bill.

By Mr. TESTER (for himself, Mr. LEAHY, and Mr. BAUCUS):

S. 1976. A bill to amend the Food Security Act of 1985 to include a provision on organic conversion in the environmental quality incentives program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. TESTER. Mr. President, I rise today with Senators LEAHY and BAUCUS to introduce the Organic Conversion Assistance Act to help provide needed technical and conservation assistance to farmers and ranchers converting to organic agriculture. I wanted to thank Senator LEAHY for his leadership on organic agricultural issues and Senator BAUCUS for his long-time support for Montana's farmers and ranchers.

My wife and I have spent our careers farming organically on our farm near Big Sandy, MT. Nearly 20 years ago we were struggling to get ahead and trying to decide if we could really make it farming while so many of our neighbors were packing up and moving away. We knew at that time that if we didn't make some changes to our business we would end up like so many of our neighbors leaving rural Montana for jobs in town.

In 1988, we took what was then a risk and converted our farm to organic production. Our motivations were mostly economic but partly for health reasons. We wanted to farm on our own terms and to make more money. When I farmed conventionally I felt beholden to one big company after another from buying fertilizers, herbicides, pesticides, fuel, to selling my grain to a corporation and shipping it by rail at high prices and we rarely came out ahead. Every season after I would spray for weeds and bugs. I would feel sick for a week afterwards.

Organic agriculture let us take control of our farm and our livelihood. More and more farmers are converting to organics as consumer demand soars. Organics is now the fastest growing sector of the food industry expanding at a rate of over 20 percent a year. In Montana, we lead the Nation in organic wheat production and are a close second in the production of organic barley, peas and lentils. Consumer demand for organic products is growing so fast that we are now importing a significant portion of the organic food that is found in our grocery stores.

In the U.S. we grow the highest quality and safest food in the world. I believe that increased production of domestically produced organic foods will help meet consumer demand, help keep farmers on the land, and because organic agriculture needs fewer inputs it helps conserve our land, and clean up our air and water. But if the U.S. is going to keep pace with imported organic products we need to get more acreage under organic production here at home.

The legislation I am introducing today will provide conversion assistance to farmers making the transition from conventional to organic agriculture. Currently it takes 3 to 4 years to become certified organic, but during that period of time producers cannot receive the higher price that organics fetch in the market place. Furthermore, the shift towards a new way of farming and ranching creates technical challenges for many producers as they change the way they do things. Offering technical and educational assistance as well as cost-share funds for conservation initiatives under a certified organic plan will provide a needed helping hand to farmers. Making the conversion will help keep farmers on the land by putting a bit more money in their pockets and help our rural communities be viable. Many States have already adopted similar assistance programs and agricultural producers nationwide would benefit from having a consistent and available program in years to come.

I would appreciate the support of my colleagues as this legislation moves forward.

By Mr. OBAMA (for himself and Mr. HAGEL):

S. 1977. A bill to provide for sustained United States leadership in a cooperative global effort to prevent nuclear terrorism, reduce global nuclear arsenals, stop the spread of nuclear weapons and related material and technology, and support the responsible and peaceful use of nuclear technology; to the Committee on Foreign Relations.

Mr. OBAMA. Mr. President, the spread of nuclear weapons and related technology and the possibility that a nuclear weapon could fall into the hands of terrorists constitute the most urgent threat to our national security. As experts on this issue such as Henry Kissinger, George Shultz, Bill Perry, and Sam Nunn have all warned, our current policies to deal with the threat posed by nuclear weapons are simply not adequate.

We know al-Qaida has made it a goal to acquire a nuclear weapon. At the same time, significant quantities of the material necessary to make one remain vulnerable to theft in various parts of the world. And, to make matters worse, the world may be on the brink of a new and dangerous era with a growing number of nuclear-armed states, as illustrated by North Korea's nuclear test last year and Iran's refusal to halt its uranium enrichment program.

So today, along with Senator HAGEL, I am introducing the Nuclear Weapons Threat Reduction Act, which provides for sustained U.S. leadership in a global effort to prevent nuclear terrorism, reduce global nuclear arsenals, and stop the spread of nuclear weapons around the world.

Securing nuclear weapons and weapons-usable material at their source is the most direct and reliable way to prevent nuclear terrorism. Thanks to the leadership of Senators NUNN and LUGAR in creating the Cooperative Threat Reduction program at the Department of Defense, there is no question that we have made significant progress in securing nuclear stockpiles. But there are still significant quantities of weapons-usable nuclear material that remain vulnerable to theft. In the civilian sector alone, there are an estimated 60 tons of highly enriched uranium, enough to make over 1,000 nuclear bombs, spread out at facilities in over 40 countries around the world. Many of these facilities do not have adequate physical security, leaving the material vulnerable to theft.

The insecure storage of nuclear stockpiles has already led to an alarming number of attempted exchanges of small quantities of dangerous nuclear materials. The International Atomic Energy Agency, IAEA, confirmed 16 incidents between 1993 and 2005 that involved trafficking in relatively small amounts of highly enriched uranium and plutonium. That is 16 incidents too many, in my opinion, and 16 incidents that should not have been allowed to happen.

Experts believe that a sophisticated terrorist group could potentially construct a crude nuclear bomb if it obtained the necessary amount of plutonium or highly enriched uranium. The 9/11 Commission concluded that a trained nuclear engineer with an amount of highly enriched uranium or plutonium about the size of a grapefruit or an orange could make a nuclear device that would level Lower Manhattan. Simply put, our ability to secure nuclear stockpiles around the world is what stands between the safety of the American people and a terrorism incident of almost unimaginable horror.

It is imperative that we build and lead a truly global effort to secure all stockpiles of nuclear weapons and weapons-usable material to the highest standards to prevent them from falling into the wrong hands. It is also essential that we make preventing nuclear terrorism a top presidential priority—with the resources, diplomatic effort and funding to match the threat. We need to work with other countries to ensure effective and sustainable security of nuclear stockpiles and to ensure that the highest priority is placed on security of those weapons and materials that pose the greatest risk.

The Nuclear Weapons Threat Reduction Act requires the President to submit to Congress a comprehensive threat reduction plan for ensuring that all nuclear weapons and weapons-usable material at vulnerable sites are secure by 2012. The plan must clearly designate agency responsibility and accountability, specify program goals and metrics for measuring progress, and outline estimated schedules and budget requirements.

To meet this ambitious goal, the bill calls for accelerating U.S. programs to secure, consolidate, and reduce stocks of nuclear weapons and weapons-usable material, including highly enriched uranium at civilian nuclear facilities worldwide. Additional funding is authorized for the Department of Energy's Global Threat Reduction Initiative, an important program that secures and removes high-risk nuclear materials from vulnerable locations around the world.

The bill calls for the United States to work cooperatively with other countries and the International Atomic Energy Agency, IAEA, to develop and implement a comprehensive set of standards and best practices to provide effective physical protection and accounting for all stockpiles of nuclear weapons and weapons-usable material.

The bill also authorizes additional funding to improve our ability to trace the origin of nuclear material that might be transferred or used in a terrorist attack so that responsible parties can be held accountable.

Given the nature of the threat we face from nuclear terrorism, we can't succeed if we act alone. Indeed, the danger of nuclear proliferation and nuclear terrorism reminds us of how critical global cooperation will be to U.S. security in the 21st century. America must lead in rebuilding the alliances and partnerships necessary to meet common challenges and confront common threats. And this legislation seeks to provide the tools to do just that.

While nuclear terrorism remains a dire threat to our security, it is only one part of the overall threat posed by nuclear weapons. The Nuclear Weapons Threat Reduction Act also addresses the need to reduce global arsenals and prevent the emergence of additional nuclear-armed nations. In all too many respects, the essential bargain that stands at the core of the nuclear nonproliferation regime is unraveling. Countries like North Korea and Iran are demonstrating that nuclear technology acquired for ostensibly civilian purposes can provide the basis for producing nuclear weapons. At the same time, established nuclear powers retain large arsenals and are reemphasizing the importance of nuclear weapons to their security.

At the end of the Cold War, many had hoped and believed that the world was moving in the right direction to reduce the threat of nuclear weapons. America and Russia agreed to significant reductions in their massive nuclear arsenals. Belarus, Kazakhstan, and Ukraine were persuaded to give up their post-Soviet nuclear arsenals. The U.S.-Russian Cooperative Threat Reduction or Nunn-Lugar program was established. In 1994, North Korea agreed to halt its plutonium production program. And in 1995, over 180 nations agreed to take further steps to strengthen the Nuclear Nonproliferation Treaty, NPT, and agreed to extend the treaty indefinitely.

In the last 6 years, however, these positive trends have stalled—and in some cases regressed. While promising to leave the Cold War behind, President Bush abandoned the very policies his successors had pursued to bring the Cold War weapons competition to a peaceful and successful end. He unilaterally withdrew the U.S. from the Anti-Ballistic Missile Treaty. He refused to support ratification of the 1996 Comprehensive Nuclear Test Ban Treaty. He opted for an arms reduction agreement with Russia in 2002 that does not include new verification provisions, does not require the dismantling of warheads or missiles, and allows each side to stockpile thousands of nondeployed weapons. And after ignoring the findings of U.N. weapons inspectors on the ground and launching a preemptive war against Iraq, President Bush lost much of the international goodwill that is required to mobilize global support to strengthen the beleaguered nuclear nonproliferation regime.

The Nuclear Weapons Threat Reduction Act calls for a balanced and comprehensive set of initiatives that would strengthen the global nonproliferation regime. The bill authorizes $50 million to support the creation of a low enriched uranium reserve administered by the IAEA that would help guarantee the availability of fuel for commercial nuclear reactors. This international fuel bank can play an important role in dissuading countries from building their own uranium enrichment facilities. Additional funding is also authorized for the IAEA's Department of Safeguards to improve its ability to conduct effective inspections.

To win the struggle against nuclear proliferation, we must also have the courage to lead by example. The bill calls for talks with Russia to reduce the number of nonstrategic nuclear weapons and further reduce the number of strategic nuclear weapons in Russian and U.S stockpiles in a transparent and verifiable fashion, and in a manner consistent with the security of the United States. It also calls for considering changes in the alert status of U.S. and Russian forces to reduce the risk of an accidental, unauthorized, or mistaken launch of nuclear weapons.

Other initiatives called for in the bill include reaffirming support for and strengthening the Nuclear Non-Proliferation Treaty, taking steps to reconsider and ratify a global ban on nuclear testing, pursuing a long-overdue global agreement to verifiably halt the production of fissile material for weapons, and fully implementing the Lugar-Obama initiative that strengthens the ability of friendly foreign countries to stop the transfer of weapons of mass destruction and related material.

With a bold, comprehensive approach and strong U.S. leadership, we can—and must—make significant strides in reducing the threat posed by nuclear weapons. America must lead the way again by marshalling a global effort to meet the challenge that rises above all others in urgency securing, destroying, and stopping the spread of weapons of mass destruction. This bill, I believe, makes a significant contribution toward that goal, and I urge my colleagues to support this legislation.

By Mr. REED:

S. 1978. A bill to amend the Elementary and Secondary Education Act of 1965 to award grants to implement a co-teaching model for educating students with disabilities; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Co-Teaching Educator Professional Development Act of 2007 to help improve the education of children with disabilities.

A result of the enactment of the No Child Left Behind Act, NCLB, and the 2004 reauthorization of the Individuals with Disabilities Education Act, IDEA, is that States, districts, and schools in Rhode Island and nationwide have increasingly begun utilizing a "co-teaching" model to make sure that students with disabilities have the highest quality teachers. Co-teaching is a term that describes a general education teacher and a special education teacher jointly teaching students with and without disabilities in the same classroom. Co-teaching ensures that students with disabilities receive not only the special instruction, supports, and services they are entitled to under IDEA, but also are taught the same rigorous academic content as any other students.

However, achieving this is no easy task. Successful co-teaching requires that educators truly work together so their knowledge and skills truly complement one another. At the end of the day that requires that specialized professional development is provided to these teachers.

As such, the Co-Teaching Educator Professional Development Act of 2007 would amend Title II of the No Child Left Behind Act to award competitive grants to school districts to provide high-quality professional development opportunities for general education teachers, special education teachers, principals, and administrators to ensure that these educators have the necessary pedagogical, collaborative, planning, and interpersonal skills to successfully implement a co-teaching model and increase the achievement of students with disabilities. Such professional development training would help teachers, principals, and administrators address diverse learning and student needs; clearly define classroom, teaching, and decision-making responsibilities; develop effective communication, problem-solving, classroom management, and conflict resolution skills; and jointly develop and plan a student's IEP and overall classroom curriculum.

In short, this bill provides teachers, principals, and administrators with the skills and tools to help ensure that children with disabilities receive the educational assistance and support they need and deserve. I urge my colleagues to cosponsor this legislation and work for its inclusion in the reauthorization of the Elementary and Secondary Education Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Co-Teaching Educator Professional Development Act of 2007".

SEC. 2. CO-TEACHING EDUCATOR PROFESSIONAL DEVELOPMENT.

Section 2151 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6651 et seq.) is amended by adding at the end the following:

"(g) Co-Teaching Educator Professional Development.—

"(1) Purposes.—The purposes of this subsection are to ensure that—

"(A) students with disabilities are educated with their peers in the least restrictive environment;

"(B) students with disabilities have access, with appropriate supports and services, to the same academic content as other students;

"(C) the requirements of section 1119(a) and section 612(a)(14)(C) of the Individuals with Disabilities Education Act are met; and

"(D) general education teachers, special education teachers, principals, and administrators who implement a co-teaching model for instructing students with disabilities are provided with the necessary and effective professional development and support to enhance their pedagogical, collaborative, planning, and interpersonal skills and increase the achievement of such students.

"(2) Definitions.—In this subsection:

"(A) Eligible entity.—The term 'eligible entity' means—

"(i) one or more local educational agencies; or

"(ii) one or more local educational agencies in collaboration with an institution of higher education, a teacher organization, or a State educational agency.

"(B) Co-teaching.—The term 'co-teaching' means an instructional delivery option, offered either full-time or part-time, based on a collaborative professional relationship between a teacher with expertise in delivering instruction to students with disabilities and a teacher with expertise in a specific core content area or a team of such teachers, such as a grade level team or a middle school team, for the purpose of jointly delivering substantive instruction to a diverse, blended group of students in a single general education classroom and ensuring that students with disabilities receive the special instruction, supports, and services to which they are entitled while ensuring that they can access a rigorous general curriculum in the least restrictive environment.

"(3) Program authorized.—

"(A) In general.—The Secretary shall award, on a competitive basis, grants to eligible entities to enable such entities to provide professional development opportunities and high-quality support for general education teachers and special education teachers, principals, and administrators that implement a co-teaching model. Such professional development opportunities and support shall assist teachers, principals, and administrators in—

"(i) clearly defining classroom, teaching, and decision-making roles and responsibilities, shared instructional and educational goals and expectations, and shared accountability for student outcomes;

"(ii) utilizing research-based co-teaching strategies and approaches for differentiated instruction, including accommodations, modifications, and positive behavioral supports to facilitate learning and address diverse learning and student needs;

"(iii) improving the participation and engagement of all students in classes that use co-teaching while meeting the individualized needs of students with disabilities;

"(iv) improving collaboration skills for fostering a constructive professional co-teaching partnership, including development of effective communication, problem-solving, and conflict resolution skills;

"(v) enhancing time, resource, and classroom management skills;

"(vi) effectively scheduling and lesson planning for co-teaching instruction, including common planning time for such purpose;

"(vii) effectively involving parents and families of students with disabilities in co-teaching program development, implementation, and evaluation;

"(viii) jointly developing and planning a student's IEP and overall classroom curriculum for co-teaching instruction;

"(ix) implementing strategies in a class that uses co-teaching for improving student learning gains on required State assessments, including alternate assessments;

"(x) providing constructive feedback and coaching on a regular basis to improve instructional and classroom practices; and

"(xi) developing clear and tailored instructional strategies, plans, procedures, practices, and assessment tools for remediation or developmental specialized instruction designed to meet, in a class that uses co-teaching, the goals and objectives in a student's IEP.

"(4) Application.—An eligible entity that desires a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

"(5) Evaluation.—Each program receiving a grant under this subsection shall report on the effectiveness of the professional development being provided based on not less than the following criteria:

"(A) Student academic learning gains.

"(B) Teacher retention.

"(C) Meeting IEP goals and objectives.

"(D) The increase in the amount of time spent by students with disabilities on general education curriculum in a general education setting.

"(E) Student behavior.

"(F) Evaluation of school professionals.

"(G) Parent, family, and community involvement.

"(H) The support and commitment of principals and administrators.

"(I) Teacher satisfaction.".

By Mr. REED (for himself, Mrs. Murray, Mr. Obama, and Mr. Brown):

S. 1979. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for school improvement, comprehensive, high-quality multi-year induction and mentoring for new teachers, and professional development for experienced teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the School Improvement through Teacher Quality Act of 2007, to foster the development of a highly skilled and effective teacher workforce capable of improving student achievement in this country.

We are slated to reauthorize the Elementary and Secondary Education Act this Congress for the first time since 2001. The key to this reauthorization will be ensuring that states, districts, and schools are given the resources, tools, and support to improve student learning, including targeted, high-quality efforts to improve a school when it is identified as in need of improvement under the law.

Improving teacher quality is the single most effective step we can take to increase student achievement and turnaround failing schools. Studies have found that 40 to 90 percent of the difference in student test scores can be attributed to teacher quality. Unfortunately, new teachers, not just those in hard-to-staff schools, face such challenging working conditions that nearly half leave the profession within their first 5 years, one-third leave within their first 3 years, and 14 percent leave by the end of their first year.

However, research has shown that offering new teachers comprehensive, multi-year mentoring and guidance cuts attrition rates in half, and helps these teachers become high-quality professionals who improve student achievement. At the same time, we know that experienced teachers also need effective, sustained professional development to maintain and improve their teaching skills.

For these reasons, I am introducing the School Improvement through Teacher Quality Act of 2007, cosponsored by Senators Murray, Obama, and Brown. This legislation amends Title II of the No Child Left Behind Act to create a new $500 million formula-based program for school districts to provide targeted assistance so teachers in low-performing, high-poverty schools get comprehensive, high-quality multi-year guidance and mentoring for new teachers and systematic, sustained professional development for experienced teachers.

First, this legislation would direct funding to districts with failing schools to help implement a high-quality induction program for teachers throughout at least their first 2 years of full-time teaching. This intensive support for beginning teachers would incorporate proven strategies such as: Rigorous mentor selection; ongoing mentoring with school-protected release time; research-based professional development for mentors and school leaders; and research-based teaching practices, formative assessments, and teacher portfolios. Research has demonstrated that such mentoring for beginning teachers at institutions like the New Teacher Center at University of California, Santa Cruz provides a return on investment, $1.66 for every $1 spent; increases the new teacher retention rate, to 88 percent after 6 years in some California districts; and strengthens beginning teacher effectiveness to such an extent that their students demonstrate learning gains similar to those students of their more veteran counterparts.

Second, the School Improvement through Teacher Quality Act of 2007 would offer funding for struggling schools to provide their veteran teachers with ongoing professional development and training, including helping such schools develop and implement rigorous curricula aligned to State standards and student needs; design and evaluate assessments; implement strategies to improve student achievement and teacher effectiveness; train teachers, principals, and administrators in effective coaching strategies, analyzing school and student data, and strategies for teaching students with disabilities and English Language Learners; and utilize teacher leaders, coaches, or content experts to support learning and model effective collaboration skills.

This assistance would be tied to a modified definition of professional development based on successful nationwide models such as the National Staff Development Council, with an increased focus on collaboration among teachers, including engaging established teams of teachers to plan and develop instruction across grade level and content area and to evaluate and analyze data on student achievement and learning goals. This professional development would occur multiple times per week during the regular work day, and be supported by school principals through school-based coaches, mentors, or lead teachers who allocate time, resources, and structured facilitation to the learning teams or cohorts.

Lastly, this legislation requires that an external evaluation be conducted of the mentoring and professional development programs authorized and supported under this act. Outcomes would be based on measures such as teacher retention, student learning gains, teacher instructional practice, and parent, family, and community involvement.

We must act on this bill and continue to push for increased Federal investment in improving schools through enhanced teacher quality and professional development. The stakes are too high, not just in terms of meeting the current highly qualified requirements of the No Child Left Behind Act, but to take the next step and ensure that each and every classroom in America is taught by an effective teacher. Teachers are the key to student success and student success will in turn keep our country competitive in today's global economy.

I urge my colleagues to cosponsor this legislation and work for its inclusion in the reauthorization of the Elementary and Secondary Education Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Teacher quality is the single most important factor influencing student learning and achievement.

(2) Studies have found that 40 to 90 percent of the difference in student test scores can be attributed to teacher quality.

(3) New teachers, not just those in hard-to-staff schools, face such challenging working conditions that nearly half leave the profession within their first 5 years, ⅓ leave within their first 3 years, and 14 percent leave by the end of their first year.

(4) The rate of attrition is roughly 50 percent higher in poor schools than in wealthier ones.

(5) A report by the Alliance for Excellent Education estimated that the cost of replacing public school teachers who have dropped out of the profession is $2,600,000,000 per year.

(6) Comprehensive induction cuts attrition rates in half, and helps to develop novice teachers into high-quality professionals who improve student achievement.

(7) Research has demonstrated that comprehensive, multi-year induction—such as that provided by the New Teacher Center at University of California, Santa Cruz—provides a return on investment ($1.66 for every $1 spent); increases the new teacher retention rate (to 88 percent after 6 years in some California districts); and strengthens beginning teacher effectiveness to such an extent that their students demonstrate learning gains similar to those students of their more veteran counterparts.

(b) PURPOSES.—The purposes of this Act are to build capacity and grow effective teachers and principals in our Nation's schools through—

(1) comprehensive, high-quality, rigorous multi-year induction and mentoring programs for beginning teachers; and

(2) systematic, sustained, coherent team-based, job-embedded professional development for experienced teachers.

SEC. 3. SCHOOL IMPROVEMENT.

Section 1003(g)(5) (20 U.S.C. 6303(g)(5)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(D) permitted to be used to supplement the activities required under section 2501.".

SEC. 4. LOCAL SCHOOL IMPROVEMENT ACTIVITIES.

Title II (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"PART E—BUILDING SCHOOL CAPACITY FOR EFFECTIVE TEACHING

"SEC. 2501. LOCAL SCHOOL IMPROVEMENT ACTIVITIES.

"(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—The Secretary shall award grants to States to enable the States to award subgrants to local educational agencies under this part.

"(2) RESERVATION.—A State that receives a grant under this part shall—

"(A) reserve 95 percent of the funds made available through the grant to make subgrants to local educational agencies; and

"(B) use the remainder of the funds for administrative activities in carrying out this part.

"(b) FIRST AWARD.—In awarding subgrants under this part, a State shall first award grants to local educational agencies—

"(1) that serve the lowest achieving schools;

"(2) that demonstrate the greatest need for subgrant funds; and

"(3) in which children counted under section 1124(c) constitute not less than 20 percent of the total population of children aged 5 to 17 served by the agency.

"(c) LOCAL EDUCATIONAL AGENCY APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a subgrant under this part, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include—

"(A) a description of how the local educational agency will assist schools identified under section 1116(b) in implementing induction programs pursuant to subsection (d)(1);

"(B) a description of how the local educational agency will assist, pursuant to subsection (d)(2)(A), schools identified under section 1116(b) in implementing high-impact professional development;

"(C) a description of how the local education agency will select mentors pursuant to the requirements of subsection (d)(1)(A);

"(D) a description of how the local educational agency will assist schools identified under section 1116(b) in providing high-quality mentoring and mentor-teacher interactions pursuant to subsection (d)(1)(B);

"(E) a description of how the local educational agency will ensure schools identified under section 1116(b) provide protected release time for high-quality mentoring that occurs not less than 1.5 hours per week pursuant to subsection (d)(1)(C);

"(F) a description of how the local educational agency will assist schools identified under section 1116(b) in providing ongoing, evidence-based professional development for mentors, principals, and administrators pursuant to subsection (d)(1)(D);

"(G) a description of how the local educational agency will assist schools identified under section 1116(b) in using evidence-based teaching standards, formative assessments, teacher portfolio processes, and teacher development protocols during the induction process pursuant to subsection (d)(1)(E);

"(H) a description of how the local educational agency will evaluate the effectiveness of the programs and assistance provided under paragraphs (1) and (2) of subsection (d) and pursuant to subsection (e);

"(I) a description of how the local educational agency will train teachers, principals, and administrators pursuant to subsection (d)(2)(B);

"(J) a description of how the local educational agency will utilize internal teacher leaders, coaches, or content experts pursuant to subsection (d)(2)(C);

"(K) a description of how the local educational agency will ensure that the induction program required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2) are integrated and aligned;

"(L) where applicable, a description of procedures that the local educational agency will use to ensure flexibility for agency and school leaders to facilitate placement of graduates of teaching residency programs in cohorts that facilitate professional collaboration among graduates of the teaching residency program, as well as between such graduates and mentor teachers in the receiving school;

"(M) a description of how the local education agency will target funds to schools identified under section 1116(b) and within its jurisdiction—

"(i) that serve the lowest achieving schools;

"(ii) that demonstrate the greatest need for subgrant funds; and

"(iii) in which not less than 40 percent of the students served by the school receive or are eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

"(N) a description of how the local educational agency will ensure that the induction program required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2) are integrated and aligned with the State's school improvement efforts under sections 1116 and 1117; and

"(O) a description of how the local educational agency will include experienced administrators and educators, including teacher organizations, in the design and ongoing development, implementation, and evaluation of the induction program required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2).

"(3) JOINT DEVELOPMENT AND SUBMISSION.—To the extent practicable, a local educational agency shall jointly develop and submit such application with local teacher organizations.

"(d) USE OF FUNDS.—A local educational agency that receives a subgrant under this part shall use the subgrant funds to improve teacher and principal quality through a comprehensive system of induction and professional development that is developed, implemented, and evaluated in collaboration with local teacher organizations and that addresses the needs of beginning and experienced teachers by providing assistance, which may be provided through the formation of induction and professional development support teams, to each school identified by such agency pursuant to subsection (c)(2)(M) to—

"(1) implement a comprehensive, coherent, high-quality induction program for teachers in not less than their first 2 years of full-time teaching that shall include—

"(A) rigorous mentor selection by school or local educational agency leaders with mentoring and instructional expertise, and which shall include requirements that the mentor demonstrate—

"(i) mastery of pedagogical and subject matter skills;

"(ii) strong interpersonal skills;

"(iii) exemplary classroom teacher skills;

"(iv) expertise in designing and implementing standards-based instruction;

"(v) exemplary knowledge about content, materials, and methods that support high standards in various curriculum areas;

"(vi) commitment to personal and professional growth and learning, such as National Board for Professional Teaching Standards certification;

"(vii) experience in relating to adult learners;

"(viii) a record of engaging in cooperative and collaborative projects with staff, adults, and administration;

"(ix) skill in collaboration and group dynamics;

"(x) knowledge of staff development practices and in-service education;

"(xi) excellent oral and written communication skills;

"(xii) a commitment to participate in professional development throughout the year to develop the knowledge and skills related to effective mentoring; and

"(xiii) a willingness to engage in formative assessment processes, including non-evaluative, reflective conversations with beginning teachers using evidence of classroom practice and student learning;

"(B) high-quality, intensive, ongoing mentoring and mentor-teacher interactions that—

"(i) establish and maintain a trustful, confidential, non-evaluative relationship with beginning teachers;

"(ii) matches mentors, to the extent applicable and practicable, with beginning teachers by grade level and content area;

"(iii) assist teachers in reflecting on and analyzing their practice and reviewing student work to inform instruction and enhance student achievement;

"(iv) provide opportunities for observation of exemplary practice, model lessons, and conferences with beginning teachers on-site, during, and after school hours;

"(v) model, as appropriate, innovative teaching methodologies through techniques such as team teaching, demonstrations, simulations, and consultations;

"(vi) act as a vehicle for beginning teachers to establish short- and long-term planning goals, and identify instructional resources and support throughout the entire school community; and

"(vii) provide a ratio of not more than 12 teachers per mentor;

"(C) school protected release time for high-quality mentoring and mentor-teacher interactions that occurs not less than 1.5 hours per week;

"(D) ongoing, research-based professional development for mentors, principals, and administrators that—

"(i) supports mentors in responding to each new teacher's developmental and contextual needs and promotes the ongoing examination of classroom practice;

"(ii) assists mentors in the collection and sharing of observation data with professional teaching standards to help new teachers improve their practice;

"(iii) provides mentors with strategies for helping beginning teachers identify student needs, plan for differentiated instruction, and ensure equitable learning outcomes;

"(iv) supports the mentor in coaching strategically and finding solutions to challenging situations;

"(v) helps mentors bring teachers together for meaningful and responsive learning experiences;

"(vi) demonstrates models that create a collaborative learning environment in which mentors can develop skills, gain knowledge, and problem-solve issues of mentoring; and

"(vii) as applicable, supports principals and administrators in identifying beginning teacher developmental needs, selecting high-quality mentors, determining effective strategies to conduct teacher observations, and providing feedback in ways that support new teacher instructional growth; and

"(E) use of research-based teaching standards, formative assessments, teacher portfolio processes, such as the National Board for Professional Teaching Standards certification process, and teacher development protocols that—

"(i) guide beginning teachers in developing and reflecting on student learning and their teaching and classroom practice, including structured self-assessment and examining and analyzing student work;

"(ii) prepare beginning teachers to examine, analyze, and reflect on—

"(I) student learning needs, including tailoring instruction to individual and special learning needs;

"(II) student and classroom academic progress, including effective methods for monitoring and managing such progress;

"(III) achieving the goals of the school, district, and statewide curriculum;

"(IV) effective methods for classroom management;

"(V) representations of student work and curriculum-based diagnostic and performance assessments;

"(VI) instructional methods, the effectiveness of such methods, and ways to improve upon instructional techniques for future lessons;

"(VII) the effectiveness, and ways to improve, lesson planning; and

"(VIII) interaction with students, parents, and administrators, and ways to improve such interactions in order to enhance student learning;

"(iii) formulate professional goals to improve teaching practice, which may include developing an individualized induction plan;

"(iv) guide, monitor, and assess the progress of a teacher's practice toward such professional goals;

"(v) assist teachers in connecting students' prior knowledge, life experience, and interests with learning goals;

"(vi) promote self-directed, reflective learning for all students;

"(vii) engage students in problem solving, critical thinking, and other activities within and across subject matter areas and in ways that encourage students to apply them in real-life contexts that make the subject matter meaningful;

"(viii) use a variety of instructional strategies and resources to respond to students' diverse needs;

"(ix) facilitate learning experiences that promote autonomy, interaction, and choice so students are able to demonstrate, articulate, and evaluate what they learn;

"(x) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

"(xi) employ strategies grounded in the disciplines of teaching and learning on—

"(I) effectively managing a classroom; and

"(II) communicating and working with parents and guardians, and involving parents and guardians in their children's education;

"(xii) involve an ongoing process of data collection and data analysis to inform teaching practice; and

"(xiii) is used to guide professional development, and not for the purpose of teacher evaluation or employment decisions; and

"(2) implement high-impact, professional development that is ongoing and sustained by—

"(A) assisting the school to—

"(i) develop and implement strong curriculum plans aligned to State standards and student needs;

"(ii) clarify school improvement goals;

"(iii) select and implement strategies and interventions to improve student achievement and teacher effectiveness;

"(iv) design, create, and evaluate the results of curriculum-based diagnostic and performance assessments;

"(v) develop and implement professional development plans aligned with student achievement needs and priority learning goals;

"(vi) allocate teacher and principal professional development resources and help develop the revised plan as related to the professional development required under section 1116(b); and

"(vii) make available opportunities for individual and team learning activities that focus on increasing pedagogical and content knowledge in academic subjects that are aligned to student learning goals;

"(B) training teachers, principals, and administrators in—

"(i) analyzing school, teacher, and student data and developing instructional supports to respond to such data;

"(ii) effective coaching strategies;

"(iii) effective strategies for improving and identifying the learning needs of students with disabilities and English language learners;

"(iv) managing the change process, implementing high-impact professional development, and leadership and interpersonal skills, including conflict management and consensus building;

"(v) effectively communicating with, working with, and involving parents in their children's education; and

"(vi) effective classroom management skills; and

"(C) utilizing internal teacher leaders, coaches, or content experts to—

"(i) support classroom learning; and

"(ii) model effective collaboration skills across learning communities and access knowledge from peers teaching and leading at high-performing schools.

"(e) EVALUATION.—

"(1) IN GENERAL.—Both the induction program required under subsection (d)(1) and the professional development program required under subsection (d)(2) shall include a formal evaluation system to determine the effectiveness of the program on not less than—

"(A) teacher retention;

"(B) student learning gains;

"(C) teacher instructional practice;

"(D) student graduation rates, as applicable;

"(E) parent, family, and community involvement;

"(F) student attendance rates;

"(G) teacher satisfaction; and

"(H) student behavior.

"(2) LOCAL EDUCATIONAL AGENCY AND SCHOOL EFFECTIVENESS.—The formal evaluation system described in paragraph (1) shall also measure the local educational agency's and school's effectiveness in—

"(A) implementing the rigorous mentor selection process described in subsection (d)(1)(A);

"(B) ensuring that school protected release time for high-quality mentoring and mentor-teacher interactions occurs not less than 1.5 hours per week pursuant to subsection (d)(1)(C);

"(C) implementing on-going, research-based professional development for mentors, principals, and administrators pursuant to subsection (d)(1)(D);

"(D) ensuring that mentors, teachers, and schools are using data to inform instructional practices;

"(E) ensuring that the comprehensive induction and high-quality mentoring required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2) are integrated and aligned with the State's school improvement efforts under sections 1116 and 1117; and

"(F) ensuring that research-based teaching standards, formative assessments, teacher portfolio processes, and teacher development protocols are used during the induction process pursuant to subsection (d)(1)(E).

"(3) CONDUCT OF EVALUATION.—The evaluation described in subsection (e)(1) shall be conducted by the State, institutions of higher education, or an external agency that is experienced in conducting qualitative research, and shall be developed in collaboration with groups such as—

"(A) experienced educators with track records of success in the classroom;

"(B) institutions of higher education involved with teacher induction and professional development located within the State; and

"(C) local teacher organizations.

"(f) INTEGRATION AND ALIGNMENT.—The comprehensive induction and high-quality mentoring required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2) shall be—

"(1) integrated and aligned; and

"(2) aligned with the State's school improvement efforts under sections 1116 and 1117.

"(g) ELIGIBLE ENTITIES.—The assistance required to be provided under subsection (d) may be provided—

"(1) by the local educational agency; or

"(2) by the local educational agency, in collaboration with the State educational agency, an institution of higher education, a nonprofit organization, a teacher organization, an educational service agency, a teaching residency program, or another entity with experience in helping schools improve student achievement.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $500,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.".

SEC. 5. HIGH IMPACT PROFESSIONAL DEVELOPMENT.

Section 9101(34) (20 U.S.C. 7801(34)) is amended to read as follows:

"(34) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means a systematic school improvement strategy that—

"(A) is designed to—

"(i) improve teachers' and principals' effectiveness in improving student learning;

"(ii) accomplish other important school goals;

"(iii) foster collective responsibility for improved student achievement; and

"(iv) engage established teams of teachers, principals, and other instructional staff in ongoing professional development designed to support and improve their professional practice multiple times per week during the regular work day and to the extent applicable and practicable, by grade level and content area to—

"(I) evaluate student, teacher, and school learning needs through a thorough review of data on student achievement;

"(II) define a clear set of educator learning goals based on the rigorous analysis of the data;

"(III) achieve educator learning goals by implementing coherent, sustained, evidenced-based, and content area specific learning strategies, including lesson study, developing formative assessments, and peer observations;

"(IV) regularly assess the effectiveness in achieving identified learning goals, improving teaching, and assisting all students in meeting challenging State student academic achievement standards or other measures of student achievement; and

"(V) inform ongoing improvements in teaching practice and student learning;

"(B) is sustained, high-quality, intensive, and comprehensive;

"(C) is content-centered, collaborative, school-embedded, tied to practice, focused on student work, supported by evidence-based research, and aligned with and designed to help students meet challenging State academic content standards and challenging State student academic achievement standards;

"(D) includes sustained in-service activities to improve and promote strong teaching skills—

"(i) in the core academic subjects;

"(ii) to integrate technology into the curriculum;

"(iii) to improve understanding and the use of student assessments;

"(iv) to improve classroom management;

"(v) to address the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

"(vi) to apply empirical knowledge about teaching and learning to their teaching practice and to their ongoing classroom assessment of students; and

"(vii) to provide instruction on how to work with, communicate with, and involve parents to foster academic achievement;

"(E) includes sustained training and mentoring opportunities that provide active learning and observational opportunities for teachers to model effective practice, review student work, deliver presentations, and improve lesson planning;

"(F) is supported by school principals, including school-based coaches, mentors, or lead teachers when available, who allocate time, resources, and structured facilitation to the learning teams;

"(G) encourages and supports training of teachers, principals, and administrators to effectively use and integrate technology—

"(i) into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability;

"(ii) to enhance learning by students with specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels; and

"(iii) to improve the ability of teachers and administrators to communicate with, work with, and involve parents in their children's education;

"(H) is focused on content that is aligned with challenging State student academic achievement standards, curricula or curriculum materials, and assessments, as well as related local educational agency and school improvement and instructional goals; and

"(I) improves the academic content knowledge, as well as knowledge to assess the student academic achievement and how to use the results of such assessments to improve instruction, of teachers in the subject matter or academic content areas in which the teachers are considered highly qualified.".

By Mr. SMITH (for himself, Mrs. LINCOLN, and Ms. COLLINS):

S. 1980. A bill to improve the quality of, and access to, long-term care; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce The Long-Term Care Quality and Modernization Act of 2007. I am pleased to be joined by my colleague Senator BLANCHE LINCOLN of Arkansas.

As Ranking Member of the Senate Special Committee on Aging, I am committed to improving the financing and delivery of long-term care. The Centers for Medicare and Medicaid Services estimate that national spending for long-term care was almost $160 billion in 2002, representing about 12 percent of all personal health care expenditures. While those numbers are already staggering, we also know that the need for long-term care is expected to grow significantly in coming decades. Almost two-thirds of people receiving long-term care services are over age 65, with this number expected to double by 2030.

Providing quality long-term care services for America's frail, elderly and disabled is the priority of nursing homes and assisted living facilities. I applaud their work, but recognize we must do more to improve care and contain costs. When you consider that eight of ten nursing home residents rely on Medicare and Medicaid for their long-term care needs, it is apparent that Congress has a responsibility to improve these programs so they are sustainable for years to come.

That is why I am introducing The Long-Term Care Quality and Modernization Act of 2007 with Senator Lincoln. This bill will address several problems nursing homes are experiencing with federal regulations, workforce shortages and taxes related to building depreciation. The issue of long-term care expenditures need not be an insurmountable task. It will require action and cooperation by public officials and private providers as we work to find ways to help Americans become better prepared for their long-term care needs.

However, we cannot do it alone. Individuals must take responsibility and begin planning for their long-term care needs. With our national savings rate in steady decline, I fear the American middle class is woefully unprepared to meet this coming challenges. As we move forward in our effort to help individuals stay financially stable in their later years, we must encourage them to purchase long-term care insurance and save for long-term care services.

Today, millions of Americans are receiving or are in need of long-term care services and supports. Surprisingly, more than 40 percent of persons receiving long-term care are between the ages of 18 and 64. Some were born with disabilities; others came to be disabled through accident or illness. No one can predict their future long-term health care needs. Therefore, everyone needs to be prepared.

Included in the bill I am introducing today is The Long-Term Care Trust Account Act of 2007. My legislation will create a new type of savings vehicle for the purpose of preparing for the costs associated with long-term care services and purchasing long-term care insurance. An individual who establishes a long-term care trust account can contribute up to $5,000 per year to their account and receive a refundable 10 percent tax credit on that contribution. Interest accrued on these accounts will be tax free, and funds can be withdrawn for the purchase of long-term care insurance or to pay for long-term care services. The bill also will allow an individual to make contributions to another family members' Long-Term Care Trust Account. This will help many people in our country who want to help their parents or a loved one prepare for their health care needs.

It is my hope that this legislation will help all Americans save for their long-term care needs. I urge my colleagues on both sides of the aisle to support this important bill.

By Mr. REED:

S. 1981. A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am introducing the No Child Left Inside Act of 2007, which will provide new support for environmental education in our Nation's classrooms. Given the major environmental challenges we face today, teaching our young people about their natural world should be a priority, and this legislation is an important first step.

For more than three decades, environmental education has been a growing part of effective instruction in America's schools. Responding to the need to improve student achievement and prepare students for the 21st century economy, many schools throughout the Nation now offer some form of environmental education. Mr. President, 30 million students and 1.2 million teachers annually are involved in these programs.

Yet, environmental education is facing a significant challenge. Many schools are being forced to scale back or eliminate environmental programs. Fewer and fewer students are able to take part in related classroom instruction and field investigations, however effective or popular. State and local administrators, teachers, and environmental educators point to two factors behind this recent and disturbing shift: the unintended consequences of the No Child Left Behind Act and a lack of funding for these critical programs.

The legislation that I am introducing today would address these two causes. It would provide funding to States to train their teachers in the field of environmental education, and it would provide support for outdoor environmental education programs for children and a model environmental education curriculum. The bill would also create incentives, through new funding, for states to develop environmental literacy plans to make sure students have a solid understanding of our planet and its precious natural resources. Finally, the legislation would reestablish the Office of Environmental Education within the U.S. Department of Education to oversee critical environmental education activities. This legislation has broad support among national and state environmental groups and educational groups.

The American public recognizes that the environment is already one of the dominant issues of the 21st century. In 2003, a National Science Foundation panel noted that "in the coming decades, the public will more frequently be called upon to understand complex environmental issues, assess risk, evaluate proposed environmental plans and understand how individual decisions affect the environment at local and global scales. Creating a scientifically informed citizenry requires a concerted, systemic approach to environmental education ..." In the private sector, business leaders also increasingly believe that an environmentally literate workforce is critical to their long-term success. They recognize that better, more efficient environmental practices improve the bottom line and help position their companies for the future.

Climate change, conservation of precious natural resources, maintaining clean air and water, and other environmental challenges are pressing and complex issues that influence human health, economic development and national security. Finding widespread agreement about the specific steps we need to take to solve these problems is difficult. Environmental education will help ensure that our Nation's children have the knowledge and skills necessary to address these critical issues. In short, the environment should be an important part of the curriculum in our schools.

I know my constituents in Rhode Island, as well as the residents of other States, want their children to be environmentally literate and have a connection with the natural world. I am proud to sponsor this important legislation. I look forward to working with my colleagues to enact the No Child Left Inside Act of 2007. I ask unanimous consent that the text of the bill and a letter of support be printed in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "No Child Left Inside Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Authorization of appropriations.

TITLE I—ENVIRONMENTAL LITERACY PLANS

Sec. 101. Development, approval, and implementation of State environmental literacy plans.

TITLE II—ESTABLISHMENT OF ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAMS

Sec. 201. Environmental education.

TITLE III—ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY

Sec. 301. Environmental education grant program to help build national capacity.

TITLE IV—ELIGIBILITY OF ENVIRONMENTAL EDUCATION AND FIELD-BASED LEARNING ACTIVITIES UNDER EXISTING GRANT AND FUNDING PROGRAMS

Sec. 401. Promotion of field-based learning.
Sec. 402. Environmental education as an authorized program in the fund for the improvement of education.

TITLE V—AMENDMENTS TO OTHER LAWS

Sec. 501. Department of Education Organization Act.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There is authorized to be appropriated to carry out section 5622(g) and part E of title II of the Elementary and Secondary Education Act of 1965, $100,000,000 for fiscal year 2008 and each of the 4 succeeding fiscal years.

(b) DISTRIBUTION.—With respect to any amount appropriated under subsection (a) for a fiscal year—

(1) not more than 70 percent of such amount shall be used to carry out section 5622(g) of the Elementary and Secondary Education Act of 1965 for such fiscal year; and

(2) not less than 30 percent of such amount shall be used to carry out part E of title II of such Act for such fiscal year.

TITLE I—ENVIRONMENTAL LITERACY PLANS

SEC. 101. DEVELOPMENT, APPROVAL, AND IMPLEMENTATION OF STATE ENVIRONMENTAL LITERACY PLANS.

Part D of title V (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

"Subpart 22—Environmental Literacy Plans

"SEC. 5621. ENVIRONMENTAL LITERACY PLAN REQUIREMENTS.

"In order for any State educational agency or a local educational agency served by a State educational agency to receive grant funds, either directly or through participation in a partnership with a recipient of grant funds, under this subpart or part E of title II, the State educational agency shall meet the requirements regarding an environmental literacy plan under section 5622.

"SEC. 5622. STATE ENVIRONMENTAL LITERACY PLANS.

"(a) SUBMISSION OF PLAN.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the No Child Left Inside Act of 2007, a State educational agency subject to the requirements of section 5621 shall, in consultation with State environmental agencies, State natural resource agencies, and with input from the public—

"(A) submit an environmental literacy plan for kindergarten through grade 12 to the Secretary for peer review and approval that will ensure that elementary and secondary school students in the State are environmentally literate; and

"(B) begin the implementation of such plan in the State.

"(2) EXISTING PLANS.—A State may satisfy the requirement of paragraph (1)(A) by submitting to the Secretary for peer review an existing State plan that has been developed by or in cooperation with State environmental organizations, if such plan complies with this section.

"(b) PLAN OBJECTIVES.—A State environmental literacy plan shall meet the following objectives:

"(1) Prepare students to understand, analyze, and address the major environmental challenges facing the United States.

"(2) Provide field experiences as part of the regular school curriculum and create programs that contribute to healthy lifestyles through outdoor recreation and sound nutrition.

"(3) Create opportunities for enhanced and ongoing professional development for teachers that improves the teachers' environmental content knowledge, skill in teaching about environmental issues, and field-based pedagogical skill base.

"(c) CONTENTS OF PLAN.—A State environmental literacy plan shall include each of the following:

"(1) A description of how the State educational agency will measure the environmental literacy of students, including—

"(A) relevant State academic content standards and content areas regarding environmental education, and courses or subjects where environmental education instruction will take place; and

"(B) a description of the relationship of the plan to the secondary school graduation requirements of the State.

"(2) A description of programs for professional development for teachers to improve the teachers'—

"(A) environmental content knowledge;

"(B) skill in teaching about environmental issues; and

"(C) field-based pedagogical skills.

"(3) A description of how the State educational agency will implement the plan, including securing funding and other necessary support.

"(d) PLAN UPDATE.—The State environmental literacy plan shall be revised or updated by the State educational agency and submitted to the Secretary not less often than every 5 years or as appropriate to reflect plan modifications.

"(e) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary shall—

"(1) establish a peer review process to assist in the review of State environmental literacy plans;

"(2) appoint individuals to the peer review process who—

"(A) are representative of parents, teachers, State educational agencies, State environmental agencies, State natural resource agencies, local educational agencies, and non-governmental organizations; and

"(B) are familiar with national environmental issues and the health and educational needs of students;

"(3) approve a State environmental literacy plan within 120 days of the plan's submission unless the Secretary determines that the State environmental literacy plan does not meet the requirements of this section;

"(4) immediately notify the State if the Secretary determines that the State environmental literacy plan does not meet the requirements of this section, and state the reasons for such determination;

"(5) not decline to approve a State environmental literacy plan before—

"(A) offering the State an opportunity to revise the State environmental literacy plan;

"(B) providing technical assistance in order to assist the State to meet the requirements of this section; and

"(C) providing notice and an opportunity for a hearing; and

"(6) have the authority to decline to approve a State environmental literacy plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State environmental literacy plan, to—

"(A) include in, or delete from, such State environmental literacy plan 1 or more specific elements of the State academic content standards under section 1111(b)(1); or

"(B) use specific academic assessment instruments or items.

"(f) STATE REVISIONS.—The State educational agency shall have the opportunity to revise a State environmental literacy plan if such revision is necessary to satisfy the requirements of this section.

"(g) GRANTS FOR IMPLEMENTATION.—

"(1) PROGRAM AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants, through allotments in accordance with the regulations described in paragraph (2), to States to enable the States to award subgrants, on a competitive basis, to local educational agencies and eligible partnerships (as such term is defined in section 2502) to support the implementation of the State environmental literacy plan.

"(2) REGULATIONS.—The Secretary shall promulgate regulations implementing the grant program under paragraph (1), which regulations shall include the development of an allotment formula that best achieves the purposes of this subpart.

"(3) ADMINISTRATIVE EXPENSES.—A State receiving a grant under this subsection may use not more than 2.5 percent of the grant funds for administrative expenses.

"(h) REPORTING.—

"(1) IN GENERAL.—Not later than 2 years after approval of a State environmental literacy plan, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report on the implementation of the State plan.

"(2) REPORT REQUIREMENTS.—The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's ongoing evaluation activities; and

"(C) made readily available to the public.".

TITLE II—ESTABLISHMENT OF ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAMS

SEC. 201. ENVIRONMENTAL EDUCATION.

Title II (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"PART E—ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAM

"SEC. 2501. PURPOSE.

"The purpose of this part is to ensure the academic achievement of students in environmental literacy through the professional development of teachers and educators.

"SEC. 2502. GRANTS FOR ENHANCING EDUCATION THROUGH ENVIRONMENTAL EDUCATION.

"(a) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' means a partnership that—

"(1) shall include a local educational agency; and

"(2) may include—

"(A) the teacher training department of an institution of higher education;

"(B) the environmental department of an institution of higher education;

"(C) another local educational agency, a public charter school, a public elementary school or secondary school, or a consortium of such schools;

"(D) a State environmental or natural resource management agency or a local environmental or natural resource management agency; or

"(E) a nonprofit or for-profit organization of demonstrated effectiveness in improving the quality of environmental education teachers.

"(b) GRANTS AUTHORIZED.—

"(1) PROGRAM AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants, through allotments in accordance with the regulations described in paragraph (2), to States to enable the States to award subgrants under subsection (c).

"(2) REGULATIONS.—The Secretary shall promulgate regulations implementing the grant program under paragraph (1), which regulations shall include the development of an allotment formula that best achieves the purposes of this subpart.

"(3) ADMINISTRATIVE EXPENSES.—A State receiving a grant under this subsection may use not more than 2.5 percent of the grant funds for administrative expenses.

"(c) SUBGRANTS AUTHORIZED.—

"(1) SUBGRANTS TO ELIGIBLE PARTNERSHIPS.—From amounts made available to a State educational agency under subsection (b)(1), the State educational agency shall award subgrants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the authorized activities described in subsection (d) consistent with the approved State environmental literacy plan.

"(2) DURATION.—The State educational agency shall award each subgrant under this part for a period of not more than 3 years beginning on the date of approval of the State's environmental literacy plan under section 5622.

"(3)' SUPPLEMENT, NOT SUPPLANT.—Funds provided to an eligible partnership under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

"(d) APPLICATION REQUIREMENTS.—

"(1) IN GENERAL.—Each eligible partnership desiring a subgrant under this part shall submit an application to the State educational agency, at such time, in such manner, and accompanied by such information as the State educational agency may require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

"(A) the results of a comprehensive assessment of the teacher quality and professional development needs, with respect to the teaching and learning of environmental content;

"(B) a description of how the activities to be carried out by the eligible partnership—

"(i) where applicable, will be aligned with challenging State academic content standards and student academic achievement standards in environmental education; and

"(ii) will advance the teaching of interdisciplinary courses that integrate the study of natural, social, and economic systems and that include strong field components in which students have the opportunity to directly experience nature;

"(C) an explanation of how the activities to be carried out by the eligible partnership are expected to improve student academic achievement and strengthen the quality of environmental instruction;

"(D) a description of how the activities to be carried out by the eligible partnership will ensure that teachers are trained in the use of field-based and service learning to enable the teachers—

"(i) to use the local environment and community as a resource; and

"(ii) to enhance student understanding of the environment and academic achievement;

"(E) a description of—

"(i) how the eligible partnership will carry out the authorized activities described in subsection (d); and

"(ii) the eligible partnership's evaluation and accountability plan described in subsection (e); and

"(F) a description of how the eligible partnership will continue the activities funded under this part after the grant period has expired.

"(e) AUTHORIZED ACTIVITIES.—An eligible partnership shall use the subgrant funds provided under this part for 1 or more of the following activities related to elementary schools or secondary schools:

"(1) Improving the environmental content knowledge of teachers.

"(2) Improving teachers' skills in teaching about environmental issues.

"(3) Improving the field-based pedagogical skill base of all teachers.

"(4) Providing professional development for teachers that encourages the utilization of outdoor facilities.

"(5) Establishing and operating programs to bring teachers into contact with working professionals in environmental fields to expand such teachers' subject matter knowledge of, and research in, environmental issues.

"(6) Creating initiatives that seek to incorporate environmental education within teacher training programs or accreditation standards consistent with the State environmental literacy plan under section 5622.

"(7) Conducting and operating model environmental education programs that utilize outdoor field investigations for students to directly experience nature.

"(f) EVALUATION AND ACCOUNTABILITY PLAN.—

"(1) IN GENERAL.—Each eligible partnership receiving a subgrant under this part shall develop an evaluation and accountability plan for activities assisted under this part that includes rigorous objectives that measure the impact of the activities.

"(2) CONTENTS.—The plan developed under paragraph (1) shall include measurable objectives to increase the number of teachers who participate in environmental education content-based professional development activities.

"(g) REPORT.—Each eligible partnership receiving a subgrant under this part shall report annually to the State educational agency regarding the eligible partnership's progress in meeting the objectives described in the accountability plan of the eligible partnership under subsection (f).".

TITLE III—ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY

SEC. 301. ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY.

Part D of title V (20 U.S.C. 7201 et seq.) (as amended by section 101) is further amended by adding at the end the following:

"Subpart 23—Environmental Education Grant Program

"SEC. 5631. PURPOSE.

"The purpose of this subpart is to prepare children to understand and address major environmental challenges facing the United States and strengthen environmental education as an integral part of the elementary school and secondary school curriculum.

"SEC. 5632. GRANT PROGRAM AUTHORIZED.

"(a) DEFINITION OF ELIGIBLE ENTITY.—The term 'eligible entity' means a nonprofit organization, State educational agency, local educational agency, or institution of higher education, that has demonstrated expertise and experience in the development of the institutional, financial, intellectual, or policy resources needed to help the field of environmental education become more effective and widely practiced.

"(b) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary, acting through the Director of Environmental Education, is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the activities under this section.

"(2) DURATION.—The Secretary shall award each grant under this subpart for a period of not less than 1 year and not more than 3 years.

"SEC. 5633. APPLICATIONS.

"Each eligible entity desiring a grant under this subpart shall submit to the Secretary an application that contains—

"(1) a plan to initiate, expand, or improve environmental education programs in order to make progress toward meeting State standards for environmental learning; and

"(2) an evaluation and accountability plan for activities assisted under this subpart that includes rigorous objectives that measure the impact of activities funded under this subpart.

"SEC. 5634. USE OF FUNDS.

"Grant funds made available under this subpart shall be used for 1 or more of the following:

"(1) Developing and implementing challenging State environmental education academic content standards, student academic achievement standards, and State curriculum frameworks.

"(2) Replicating or disseminating information about proven and tested model environmental education programs that—

"(A) use the environment as an integrating theme or content throughout the curriculum; or

"(B) provide integrated, interdisciplinary instruction about natural, social, and economic systems along with field experience that provides students with opportunities to directly experience nature in ways designed to improve students' overall academic performance, personal health (including addressing child obesity issues), or their understanding of nature.

"(3) Developing and implementing new policy approaches to advancing environmental education at the State and national level.

"(4) Conducting studies of national significance that—

"(A) provide a comprehensive, systematic, and formal assessment of the state of environmental education in the United States;

"(B) evaluate the effectiveness of teaching environmental education as a separate subject, and as an integrating concept or theme; or

"(C) evaluate the effectiveness of using environmental education in helping students improve their assessment scores in mathematics, reading or language arts, and the other core academic subjects.

"(5) Executing projects that advance widespread State and local educational agency adoption and use of environmental education content standards.

"(6) Planning and initiating new national or State sources of environmental education funding.

"SEC. 5635. REPORTS.

"(a) ELIGIBLE ENTITY REPORT.—In order to continue receiving grant funds under this subpart after the first year of a multiyear grant under this subpart, the eligible entity shall submit to the Secretary an annual report that—

"(1) describes the activities assisted under this subpart that were conducted during the preceding year;

"(2) demonstrates that progress has been made in helping schools to meet State standards for environmental education; and

"(3) describes the results of the eligible entity's evaluation and accountability plan.

"(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the No Child Left Inside Act of 2007, the Secretary shall submit a report to Congress that—

"(1) describes the programs assisted under this subpart;

"(2) documents the success of such programs in improving national and State environmental education capacity; and

"(3) makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this subpart.

"SEC. 5636. ADMINISTRATIVE PROVISIONS.

"(a) FEDERAL SHARE.—The Federal share under this subpart shall not exceed—

"(1) 90 percent of the total cost of a program assisted under this subpart for the first year for which the program receives assistance under this subpart; and

"(2) 75 percent of such cost for the second and each subsequent such year.

"(b) ADMINISTRATIVE EXPENSES.—Not more than 7.5 percent of the grant funds made available to a nonprofit organization, State educational agency, local educational agency, or institution of higher education under this subpart for any fiscal year may be used for administrative expenses.

"(c) AVAILABILITY OF FUNDS.—Amounts made available to the Secretary to carry out this subpart shall remain available until expended.

"SEC. 5637. SUPPLEMENT, NOT SUPPLANT.

"Funds made available under this subpart shall be used to supplement, and not supplant, any other Federal, State, or local funds available for environmental education activities.".

TITLE IV—ELIGIBILITY OF ENVIRONMENTAL EDUCATION AND FIELD-BASED LEARNING ACTIVITIES UNDER EXISTING GRANT AND FUNDING PROGRAMS

SEC. 401. PROMOTION OF FIELD-BASED LEARNING.

(a) STATE USE OF FUNDS.—Section 2113(c) (20 U.S.C. 6613(c)) is amended—

(1) in paragraph (10), by inserting "field-based learning, service learning, outdoor experiential learning," after "peer networks,"; and

(2) by adding at the end the following:

"(19) Encouraging and supporting the training of teachers and administrators to incorporate field-based learning, service learning, and outdoor experiential learning into the curricula and instruction.".

(b) LOCAL USE OF FUNDS.—Section 2123(a)(3)(B) (20 U.S.C. 6623(a)(3)(B)) is amended—

(1) in clause (iv), by striking "and" after the semicolon;

(2) in clause (v), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(vi) provide training on how to integrate field-based learning, service learning, and outdoor experiential learning into the curricula and instruction.".

SEC. 402. ENVIRONMENTAL EDUCATION AS AN AUTHORIZED PROGRAM IN THE FUND FOR THE IMPROVEMENT OF EDUCATION.

Section 5411(b) (20 U.S.C. 7243(b)) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following:

"(9) Activities and programs that advance environmental education, including interdisciplinary courses that integrate the study of natural, social, and economic systems and the use of the environment as an integrating theme for a school curriculum, as well as field-based learning, service learning, and outdoor experiential learning.".

TITLE V—AMENDMENTS TO OTHER LAWS

SEC. 501. DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) OFFICE OF ENVIRONMENTAL EDUCATION.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following:

"SEC. 221. OFFICE OF ENVIRONMENTAL EDUCATION.

"(a) OFFICE OF ENVIRONMENTAL EDUCATION.—There shall be in the Department an Office of Environmental Education (referred to in this section as 'the Office').

"(b) DIRECTOR.—

"(1) APPOINTMENT AND REPORTING.—The Office shall be headed by a Director of Environmental Education (in this section referred to as the 'Director'), who shall be appointed by the Secretary.

"(2) DUTIES.—The Director shall—

"(A) develop a national plan for kindergarten through grade 12 environmental education and coordinate the resulting implementation process for the plan;

"(B) coordinate the development of voluntary national standards and a national model curriculum;

"(C) administer the environmental education grant program under subpart 23 of part D of title V of the Elementary and Secondary Education Act of 1965;

"(D) administer the environmental education professional development grant program under part E of title II of the Elementary and Secondary Education Act of 1965; and

"(E) work in partnership with education activities at the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the Department of the Interior, and the National Science Foundation to advance kindergarten through grade 12 environmental education.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Department of Education Organization Act (20 U.S.C. 3401 note) is amended by inserting after the item relating to section 220 the following new item:

"Sec. 221. Office of Environmental Education.".

NO CHILD LEFT INSIDE,
August 1, 2007.

Hon. JACK REED,
Committee on Health, Education, Labor, and Pensions, U.S. Senate,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR REED: As members of the No Child Left Inside Coalition, we are writing to commend you for introducing the No Child Left Inside Act of 2007, and we offer our support for environmental education in the reauthorization of the No Child Left Behind Act. While we applaud the thrust of the No Child Left Behind Act, we believe adjustments are needed to improve environmental consciousness in schools across the country.

Our coalition comprises over two dozen national and regional education and environmental organizations. Together we represent more than 7 million citizens who are passionate about the inclusion of environmental education in students' learning.

The country is facing a host of complicated environmental challenges, but we are not providing an adequate environmental education to our young people. Indeed, over the past few years many schools have cut back on instruction related to the environment, canceling field trips and meaningful outdoor explorations. Three decades of growth in environmental education has been hampered by No Child Left Behind, even as the nation's environmental issues have grown increasingly complex.

We believe it is critical to reverse this trend and provide children with a solid understanding of the planet and the problems it faces. As they will be called upon throughout their lives to sort out various environmental claims and issues impacting their jobs, health, security and transportation, our children need to have the tools to be able to make wise decisions and choices.

To that end, we support several changes to the No Child Left Behind Act that would emphasize the importance of environmental education:

New funding should be available to help states develop rigorous environmental education standards and improve teacher training.

To be eligible for new environmental education funding, states would be required to develop plans to ensure that their students are environmentally literate.

These changes will provide the incentives and support school systems need to offer more and better environmental instruction. The rewards are likely to be great. We know from past research that students who take part in environmental education programs become more engaged with school and do better on standardized tests.

Our coalition urges that the reauthorization of the No Child Left Behind Act not only improve educational offerings but provide new support for environmental education.

Once again, we thank you for your leadership on this important issue.

If you would like additional information, please contact Don Baugh, representing the No Child Left Inside Coalition.

Sincerely,

Pam Gluck, Executive Director, American Trails; Andrew J. Falender, Executive Director, Appalachian Mountain Club; Jen Levy, Executive Director, Association of Nature Center Administrators; Steve Olson, Director of Government Affairs, Association of Zoos and Aquariums; Lori Whalen, Director of Education, Back to Natives Restoration; William C. Baker, President, Chesapeake Bay Foundation; Martin Blank, Staff Director, Coalition for Community Schools; Josetta Hawthorne, Executive Director, Council for Environmental Education; Kathleen Rogers, President, Earth Day Network; Vince Meldrum, President, Earth Force, Inc.; Mark Gold, President, Heal the Bay; Ed Pembleton, Director, Leopold Education Project; Laura A. Johnson, President, Mass Audubon; Tim Merriman, Ph.D., Executive Director, National Association of Interpretation; Judy Braus, Senior Vice President for Education and Centers, National Audubon Society; Joel Packer, Director, Education Policy and Practice, National Education Association; Lori Arguelles, President and CEO, National Marine Sanctuary Foundation; John Thorner, Executive Director, National Recreation and Park Association; Jodi Peterson, Assistant Executive Director, National Science Teachers Association; Nelda Brown, Executive Director, National Service-Learning Partnership; Larry Schweiger, President & CEO, National Wildlife Federation; Brian Day, Executive Director, North American Association for Environmental Education; Howard K. Vincent, President and CEO, Pheasants Forever and Quail Forever; Kathy McGlauflin, Senior Vice President of Education and Director, Project Learning Tree; Shareen Knowlton, President, Rhode Island Environmental Education Association; Jack Mulvena, Executive Director, Rhode Island Zoological Society Roger Williams Park Zoo; David Lewis, Executive Director, Save San Francisco Bay Association (Save The Bay); H. Curtis Spalding, Executive Director, Save The Bay; Anthony D. Cortese, President, Second Nature; Martin LeBlanc, National Youth Education Director, Sierra Club; Lawrence A. Selzer, President & CEO, The Conservation Fund; Bill Mott, Director, The Ocean Project; Maribeth Oakes, Director, The Wilderness Society National Wildlife Refuge Program; John F. Calvelli, Senior Vice President of Public Affairs, Wildlife Conservation Society; Steven A. Culbertson, President & CEO, Youth Service America.

By Mr. SANDERS (for himself and Mr. LEAHY):

S. 1982. A bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SANDERS. Mr. President, I am introducing today with Senator LEAHY the U.S. Employee Ownership Bank Act.

At a time when the U.S. has lost over 3 million manufacturing jobs; at a time when we are on the cusp of losing millions of high-paying information technology jobs, this legislation would begin to reverse that trend by providing employees with the resources they need to purchase their own businesses through Employee Stock Ownership Plans and Eligible Worker Owned Cooperatives.

Specifically, this legislation would authorize $100 million to create a U.S. Employee Ownership Bank within the Department of Treasury to provide loans, loan guarantees, technical assistance, and grants to expand employee ownership throughout the country.

Why is it so important for the Senate to provide incentives to expand employee ownership in this country? The answer is simple: employee ownership is one of the keys to creating a sustainable economy with jobs that pay a living wage.

This legislation has the strong support of the ESOP Association, a nonprofit organization representing approximately 2,500 Employee Stock Ownership Plans throughout the country. Let me quote from a letter they recently sent to my office:

> Your legislation is a modest first step in awakening our Government to the fact that in the 21st Century the inclusion of employees as owners of the companies where they work in a meaningful manner should be a key component of any national competitiveness program. If the Senate adopts your legislation, and it eventually becomes law, we assure you that the ESOP community will work constructively to ensure that the loan and grant program you propose works effectively to benefit the employee owners, the employee owned companies, and our American economy.

Every day we read in the papers about plants that are being moved to China, Mexico, and a number of other low wage countries. Since a number of these factories were making profits, shutting them down was unnecessary and could have been avoided by selling these factories to their employees through ESOPs or worker-owned cooperatives.

Since 2000, the U.S. manufacturing sector has lost 3.2 million decent-paying jobs. Put another way, since George W. Bush has been elected President, this country has seen one out of every six factory jobs disappear.

In addition, the Associated Press recently reported about a study by Moody's which found that "16 percent of the nation's 379 metropolitan areas are in recession, reflecting primarily the troubles in manufacturing."

In other words, about 16 percent of the biggest cities in this country are experiencing a recession, largely due to the loss of decent-paying manufacturing jobs. I suspect that this problem is even worse in rural areas. In my small State of Vermont, we have lost about 20 percent of our manufacturing jobs over the past 6 years representing over 10,000 jobs.

Let me just give you an example of some of the jobs that have been lost. From 2001–2006 the United States of America experienced the loss of 42 percent of our communication equipment jobs; 37 percent of our semiconductor and electronic component manufacturing jobs; 43 percent of our textile jobs; and about half of our apparel jobs.

Not only are we losing decent-paying manufacturing jobs, we are also losing high-paying information technology jobs as well.

While the loss of manufacturing jobs has been well-documented, it may come as a surprise to some that from January of 2001 to January of 2006, the information sector of the U.S. economy lost over 640,000 jobs or more than 17 percent of its workforce.

Unfortunately, the worst may be yet to come. Alan Blinder, an economist at Princeton and the former Vice Chairman of the Federal Reserve has recently concluded that between 30 and 40 million jobs in the United States are vulnerable to overseas outsourcing over the next 10 to 20 years.

Would expanding employee ownership be a cure-all for what ails the manufacturing and information technology sectors? Of course it wouldn't. But I strongly believe that employee ownership can and should be one of the central strategies in combating the outsourcing of American jobs. Simply put, workers who are also owners will not move their own jobs to China.

Today, there are some 11,000 Employee Stock Ownership Plans, hundreds of worker owned cooperatives, and thousands of other companies with some form of employee ownership, and most of them are thriving.

In fact, employee ownership has been proven to increase employment, increase productivity, increase sales, and increase wages in the United States. According to a Rutgers University study, broad based employee ownership boosts company productivity by 4 percent shareholder return by 2 percent and profits by 14 percent. Similar studies have shown that ESOP companies paid their hourly workers between 5 to 12 percent better than non-ESOP companies.

Yet, despite the important role that worker ownership can play in revitalizing our economy, the Federal Government has failed to commit the resources needed to allow employee ownership to realize its true potential, and that is why this legislation is so important.

When I was the Ranking Member of the Financial Institutions and Consumer Credit Subcommittee in the House of Representatives, I was able to hold a hearing on this issue nearly 4 years ago.

During the hearing, a number of witnesses told the Subcommittee that if Federal loans, loan guarantees, technical assistance and grants were made available for the expansion of employee ownership, factories that are now closed and abandoned would be open for business today.

For example, the Subcommittee heard from Larry Owenby who worked at the RFS Ecusta mill in North Carolina for 30 years until one day, the company decided to shut down.

Other witnesses talked about factories that were closed in Mississippi, Alabama and Ohio. All of the witnesses testified in support of Federal loans, loan guarantees and technical assistance for the expansion of employee ownership. In fact, if this assistance had been around before the plants had closed, many of them would still be employed today as employee owners.

The final point that I want to make is that the Federal Government, through the U.S. Export-Import Bank, is already providing billions of dollars in loans, loan guarantees and other assistance to large, multi-national companies, such as Boeing, General Electric, and Halliburton. Many of these companies happen to be some of the largest job cutters in America, as they have moved hundreds of thousands of jobs to China, India, and Mexico.

In my opinion, instead of providing corporate welfare to large corporations that are throwing American workers out on the street as they move overseas, we should be providing employees with the tools they need to create and retain jobs right here in the United States through the expansion of employee ownership.

I urge my colleagues to support this important piece of legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 292—DESIGNATING THE WEEK BEGINNING SEPTEMBER 9, 2007, AS "NATIONAL ASSISTED LIVING WEEK"

Mr. CRAPO submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 292

Whereas the number of elderly and disabled citizens of the United States is increasing dramatically;

Whereas assisted living is a long-term care service that fosters choice, dignity, independence, and autonomy in the elderly and disabled across the United States;

Whereas the National Center for Assisted Living created National Assisted Living Week;

Whereas the theme of National Assisted Living Week 2007 is "Legacies of Love"; and

Whereas this theme highlights the privilege, value, and responsibility of passing the legacies of the lives of the elderly and disabled of the United States down through the generations that care for and love them: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 9, 2007, as "National Assisted Living Week"; and

(2) urges all people of the United States—

(A) to visit friends and loved ones who reside at assisted living facilities; and

(B) to learn more about assisted living services, including how assisted living services benefit communities in the United States.

SENATE RESOLUTION 293—COMMENDING THE FOUNDER AND MEMBERS OF PROJECT COMPASSION

Mr. HATCH submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 293

Whereas it is the responsibility of every citizen of the United States to honor the service and sacrifice of the veterans of the United States, especially those who have made the ultimate sacrifice;

Whereas, in the finest tradition of this sacred responsibility, Kaziah M. Hancock, an artist from central Utah, founded a nonprofit organization called Project Compassion, which endeavors to provide, without charge, to the family of a member of the Armed Forces who has fallen in active duty since the events of September 11, 2001, a museum-quality original oil portrait of that member;

Whereas, to date, Kaziah M. Hancock, four volunteer professional portrait artists, and those who have donated their time to support Project Compassion have presented over 700 paintings to the families of the fallen heroes of the United States; and

Whereas Kaziah M. Hancock and Project Compassion have been honored by the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, and other organizations with the highest public service awards on behalf of fallen members of the Armed Forces and their families: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the members of Project Compassion have demonstrated, and continue to demonstrate, extraordinary patriotism and support for the members of the Armed Forces who have given their lives for the United States in Iraq and Afghanistan and have done so without any expectation of financial gain or recognition for these efforts;

(2) the people of the United States owe the deepest gratitude to the members of Project Compassion; and

(3) the Senate, on behalf of the people of the United States, commends Project Compassion volunteer professional portrait artists and the entire Project Compassion organization for their tireless work in paying tribute to those members of the Armed Forces who have fallen in the service of the United States.

Mr. HATCH. Mr. President, I rise today to pay tribute to Project Compassion. Project Compassion was founded by Ms. Kaziah Hancock in my home State of Utah. She and the other members of Project Compassion volunteer their time to create gallery-quality portraits of soldiers, airmen, sailors, and Marines who have fallen in combat and send them to the families of these troops. These wonderful patriots receive no compensation for their efforts to honor the service and sacrifice of the members of our military.

This gift offers comfort and consolation to the family members of those troops who fall in battle. To date, Ms. Hancock and the other volunteers of Project Compassion have presented over 700 paintings to the families of America's fallen heroes. These portraits provide a real sense of closure and remembrance to the family members of our fallen heroes. Even though the portraits created by Project Compassion members are extremely well done by talented artists, they accept no compensation for their efforts, they merely do it out of love.

It is my belief that Ms. Hancock and the other members of Project Compassion demonstrate extraordinary patriotism and support for our service men and women, and do so without expectation of financial gain or recognition. We owe these wonderful people our heartfelt thanks and deepest respect. I hope my colleagues will support this resolution, and offer their gratitude for the work performed by these remarkable individuals.

SENATE RESOLUTION 294—DESIGNATING SEPTEMBER 2007 AS "NATIONAL BOURBON HERITAGE MONTH"

Mr. BUNNING submitted the following resolution; which was considered and agreed to:

S. RES. 294

Whereas Congress declared bourbon as "America's Native Spirit" in 1964, making it the only spirit distinctive to the United States;

Whereas the history of bourbon-making is interwoven with the history of the United States, from the first settlers of Kentucky in the 1700s, who began the bourbon-making process, to the 2,000 families and farmers distilling bourbon in Kentucky by the 1800s;

Whereas bourbon has been used as a form of currency;

Whereas generations have continued the heritage and tradition of the bourbon-making process, unchanged from the process used by their ancestors centuries before;

Whereas individual recipes for bourbon call for natural ingredients, utilizing the local Kentucky farming community and leading to continued economic development for the Commonwealth of Kentucky;

Whereas generations of people in the United States have traveled to Kentucky to experience the family heritage, tradition, and deep-rooted legacy that the Commonwealth contributes to the United States;

Whereas each year during September visitors from over 13 countries attend a Kentucky-inspired commemoration to celebrate the history of the Commonwealth, the distilleries, and bourbon;

Whereas people who enjoy bourbon should do so responsibly and in moderation; and

Whereas members of the beverage alcohol industry should continue efforts to promote responsible consumption and to eliminate drunk driving and underage drinking: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as "National Bourbon Heritage Month";

(2) recognizes bourbon as "America's Native Spirit" and reinforces its heritage and tradition and its place in the history of the United States; and

(3) recognizes the contributions of the Commonwealth of Kentucky to the culture of the United States.

SENATE RESOLUTION 295—DESIGNATING SEPTEMBER 19, 2007, AS "NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY"

Ms. CANTWELL submitted the following resolution; which was considered and agreed to:

S. RES. 295

Whereas Attention Deficit/Hyperactivity Disorder (also known as ADHD or ADD), is a chronic neurobiological disorder that affects both children and adults, and can significantly interfere with the ability of an individual to regulate activity level, inhibit behavior, and attend to tasks in developmentally-appropriate ways;

Whereas ADHD can cause devastating consequences, including failure in school and the workplace, antisocial behavior, encounters with the criminal justice system, interpersonal difficulties, and substance abuse;

Whereas ADHD, the most extensively studied mental disorder in children, affects an estimated 3 to 7 percent (4,000,000) of young school-age children and an estimated 4 percent (8,000,000) of adults across racial, ethnic, and socio-economic lines;

Whereas scientific studies indicate that between 10 and 35 percent of children with ADHD have a first-degree relative with past or present ADHD, and that approximately one-half of parents who had ADHD have a child with the disorder, suggesting that ADHD runs in families and inheritance is an important risk factor;

Whereas despite the serious consequences that can manifest in the family and life experiences of an individual with ADHD, studies indicate that less than 85 percent of adults with the disorder are diagnosed and less than half of children and adults with the disorder receive treatment and, furthermore, poor and minority communities are particularly underserved by ADHD resources;

Whereas the Surgeon General, the American Medical Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, the American Psychological Association, the American Academy of Pediatrics, the Centers for Disease Control and Prevention, and the National Institutes of Mental Health, among others, recognize the need for proper diagnosis, education, and treatment of ADHD;

Whereas the lack of public knowledge and understanding of the disorder play a significant role in the overwhelming numbers of undiagnosed and untreated cases of ADHD, and the dissemination of inaccurate, misleading information contributes as an obstacle for diagnosis and treatment;

Whereas lack of knowledge combined with issues of stigma have a particularly detrimental effect on the diagnosis and treatment of the disorder;

Whereas there is a need for education of health care professionals, employers, and educators about the disorder and a need for well-trained mental health professionals capable of conducting proper diagnosis and treatment activities; and

Whereas studies by the National Institute of Mental Health and others consistently reveal that through proper comprehensive diagnosis and treatment, the symptoms of ADHD can be substantially decreased and quality of life can be improved: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 19, 2007, as "National Attention Deficit Disorder Awareness Day";

(2) recognizes Attention Deficit/Hyperactivity Disorder (ADHD) as a major public health concern;

(3) encourages all Americans to find out more about ADHD, support ADHD mental health services, and seek the appropriate treatment and support, if necessary;

(4) expresses the sense of the Senate that the Federal Government has a responsibility to—

(A) endeavor to raise awareness about ADHD; and

(B) continue to consider ways to improve access and quality of mental health services dedicated to improving the quality of life of children and adults with ADHD; and

(5) calls on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs and activities.

SENATE RESOLUTION 296—DESIGNATING SEPTEMBER 2007 AS "NATIONAL YOUTH COURT MONTH"

Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. AKAKA, Mr. DOMENICI, Mr. COCHRAN, Mr. BENNETT, Mr. FEINGOLD, Mr. CASEY, Mr. THUNE, Mr. INOUYE, Mr. INHOFE, and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 296

Whereas the United States is built on strong communities in which all citizens play an active role and invest in the success and future of the youth of the United States;

Whereas the sixth National Youth Court Month celebrates the outstanding achievements of youth court programs throughout the country;

Whereas in 2006, more than 120,000 youths volunteered to hear more than 130,000 juvenile cases, and more than 20,000 adults volunteered to facilitate peer justice in youth court programs;

Whereas 1,210 youth court programs in 49 States and the District of Columbia provide restorative justice for juvenile offenders, resulting in effective crime prevention, early intervention and education for all youth participants, and enhanced public safety throughout the United States;

Whereas youth courts address offenses that might otherwise go unaddressed until the offending behavior escalates and reduce caseloads for the juvenile justice system;

Whereas youth courts redirect the efforts of juvenile offenders toward becoming contributing members of their communities by holding juvenile offenders accountable and reconciling victims, communities, juvenile offenders, and their families;

Whereas Federal, State, and local governments, corporations, foundations, service organizations, educational institutions, juvenile justice agencies, and individual adults support youth court programs because these programs actively promote and contribute to building successful, productive lives and futures for the youth of the United States;

Whereas a fundamental correlation exists between youth service and lifelong community involvement;

Whereas volunteer service and related service learning opportunities enable young people to build character and develop and enhance life-skills, such as responsibility, decision-making, time management, teamwork, public speaking, and leadership, which prospective employers will value; and

Whereas youth court programs encourage participants to become valuable members of their communities: Now, therefore, be it

Resolved, That the Senate designates September 2007 as "National Youth Court Month".

SENATE RESOLUTION 297—RECOGNIZING THE 100TH ANNIVERSARY OF THE UTAH LEAGUE OF CITIES AND TOWNS

Mr. HATCH (for himself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 297

Whereas the Utah League of Cities and Towns was created in 1907 as the Utah Municipal League to protect the interests of the municipalities of the State of Utah and to promote an active interest in municipal affairs;

Whereas the Utah League of Cities and Towns was the 9th such State league created in the United States and was one of the earliest members of the National League of Cities;

Whereas one of the primary functions of the Utah League of Cities and Towns during its early years was to organize and facilitate an annual convention, which remains a key function of the Utah League of Cities and Towns;

Whereas nearly 1,000 elected officials and staff from municipalities across the State of Utah attend the Utah League of Cities and Towns Convention each year;

Whereas when the Utah League of Cities and Towns was formed, there were 375,000 residents of Utah and 83 municipalities;

Whereas nearly 2,500,000 people now call Utah home, and the large majority of these people live in the 243 cities and towns across the State;

Whereas, in 1937, the Utah League of Cities and Towns reorganized, employed a full-time staff, expanded its legislative activity, and launched training and other service programs;

Whereas the Utah League of Cities and Towns strives to maintain a strong unity among all Utah municipalities, promoting common interests among municipalities while recognizing each city's unique differences;

Whereas the Utah League of Cities and Towns helped to secure the bid, organize, and host the successful XIX Olympic Winter Games in 2002, and also helped promote a vision of the Olympic Games throughout the region; and

Whereas, as the Utah League of Cities and Towns enters its 2nd century of service, it remains committed to representing the interests of municipal governments with a strong, unified voice at the State and Federal levels and providing information, training, and technical assistance to the leaders of the cities and towns of Utah as they try to make life better for all Utahns: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 100th anniversary of the founding of the Utah League of Cities and Towns; and

(2) expresses its appreciation for the efforts of the Utah League of Cities and Towns to promote civic responsibility and community interest during the past 100 years.

SENATE RESOLUTION 298—COMMENDING THE CITY OF FAYETTEVILLE, NORTH CAROLINA FOR HOLDING A 3-DAY CELEBRATION OF THE 250TH ANNIVERSARY OF THE BIRTH OF THE MARQUIS DE LAFAYETTE, AND RECOGNIZING THAT THE CITY OF FAYETTEVILLE IS WHERE NORTH CAROLINA CELEBRATES THE BIRTHDAY OF THE MARQUIS DE LAFAYETTE

Mrs. DOLE (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 298

Whereas the Marquis de Lafayette, born on September 6, 1757, is considered a national hero in both France and the United States for his participation in the American and French revolutions, and is 1 of only 6 Honorary Citizens of the United States;

Whereas the Marquis de Lafayette served heroically and with distinction during the American Revolution, both as a general and as a diplomat, offering his services as an unpaid volunteer;

Whereas the first battle the Marquis de Lafayette fought in the American Revolution was at Brandywine, where he fought courageously and was wounded;

Whereas the Marquis de Lafayette also served with distinction in various other engagements, including the surrender of the British army at Yorktown;

Whereas, in 1783, the 2 colonial villages of Cross Creek and Campbellton were merged by the legislature of North Carolina and named Fayetteville, North Carolina;

Whereas Fayetteville, North Carolina was the first city in the United States named for the Marquis de Lafayette, and the only city named for him that he actually visited;

Whereas, in 1789, the General Assembly and constitutional convention met in Fayetteville, North Carolina, where delegates ratified the United States Constitution, chartered the University of North Carolina, and ceded the western lands of the State to form the State of Tennessee;

Whereas during the tour of the United States taken by the Marquis de Lafayette as "The Guest of the Nation," the Marquis was entertained in Fayetteville on March 4 and 5, 1825, by leading citizens of the State and community of Fayetteville, including Governor Hutchins G. Burton;

Whereas, on the death of the Marquis de Lafayette in 1834, the City of Fayetteville held a large memorial service with an eloquent eulogium on his character and services;

Whereas, in 1983, on the bicentennial of the naming of Fayetteville, the Lafayette Society and the great-great grandson of the Marquis de Lafayette, Count Rene de Chambrun, unveiled a statue of General Lafayette in the Downtown Historic District; and

Whereas the city of Fayetteville, North Carolina, will hold 3 days of celebration from September 6 through 8, 2007 to honor the 250th anniversary of the birth of the Marquis de Lafayette: Now, therefore, be it

Resolved, That the Senate—

(1) commends the City of Fayetteville, North Carolina for holding a 3-day celebration of the 250th anniversary of the birth of the Marquis de Lafayette; and

(2) recognizes that the great City of Fayetteville is where North Carolina celebrates the birthday of the Marquis de Lafayette.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2624. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table.

SA 2625. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2626. Ms. SNOWE (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2627. Mr. COBURN (for himself, Mr. DEMINT, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2628. Ms. SNOWE (for herself, Mr. BINGAMAN, Mr. CARDIN, Ms. COLLINS, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2629. Mr. DOMENICI (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2630. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2631. Mr. DODD (for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Ms. MIKULSKI, Mr. CHAMBLISS, Mr. BROWN, Mr. CARDIN, Mr. MENENDEZ, Mr. SALAZAR, Mr. KENNEDY, Mr. REED, Mrs. BOXER, Mrs. MURRAY, Mr. LIEBERMAN, and Mr. ROBERTS) proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2632. Mrs. CLINTON (for herself, Mr. BINGAMAN, Mr. KERRY, Mr. MENENDEZ, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. LEVIN, Mr. KENNEDY, Mrs. MURRAY, Mr. NELSON, of Florida, Mr. REID, Mr. LAUTENBERG, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2633. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2567 submitted by Mr. CARDIN and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2634. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2567 submitted by Mr. CARDIN and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2635. Mr. CARDIN (for himself, Mr. BINGAMAN, Ms. COLLINS, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2636. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2637. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2638. Ms. LANDRIEU (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2639. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2640. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2641. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2642. Mr. BINGAMAN (for himself, Ms. COLLINS, Mr. CARDIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2604 submitted by Mrs. HUTCHISON and intended to be proposed to the amendment SA 2530 proposed by Mr.

BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2643. Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2644. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table.

SA 2645. Mr. BAUCUS proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2646. Mr. BAUCUS (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 976, supra.

SA 2647. Mr. DODD (for himself, Mrs. CLINTON, Mr. NELSON, of Nebraska, Mrs. DOLE, Mr. GRAHAM, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. SALAZAR, Mr. MENENDEZ, Mr. REED, Mrs. MURRAY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2648. Mr. PRYOR (for Mrs. BOXER) proposed an amendment to the bill S. 775, to establish a National Commission on the Infrastructure of the United States.

TEXT OF AMENDMENTS

SA 2624. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEMONSTRATION PROJECT TO PROVIDE NURSE HOME VISITATION SERVICES UNDER MEDICAID AND CHIP.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:

(A) Medicaid and CHIP have collectively provided health insurance coverage to over 38,000,000 low-income pregnant women and children.

(B) Evidence-based nurse home visitation programs can improve the health status of low-income pregnant women and children enrolled in Medicaid and CHIP by promoting access to prenatal and well-baby care, reducing pre-term births, reducing high-risk pregnancies, increasing time intervals between first and subsequent births, and improving child cognitive, social, and behavioral skills, and development.

(C) In addition to health benefits, evidence-based nurse home visitation programs have been proven to increase maternal employment and economic self-sufficiency and significantly reduce child abuse and neglect, child arrests, maternal arrests, and involvement in the criminal justice system.

(D) Evidence-based nurse home visitation programs are cost effective, yielding a 5-to-1 return on investment for every dollar spent on services, and producing a net benefit to society of $34,000 per high risk family served.

(2) PURPOSE.—The purpose of this section is to establish a demonstration project to evaluate the cost-effectiveness and impact on the health and well-being of low-income pregnant mothers and children of providing evidence-based nurse home visitation services for low-income pregnant mothers and children under Medicaid and CHIP, particularly with respect to the impact of such services on—

(A) improving the prenatal health of children;

(B) improving pregnancy outcomes;

(C) improving child health and development;

(D) improving child development and mental health related to elementary school readiness;

(E) improving family stability and economic self-sufficiency;

(F) reducing the incidence of child abuse and neglect; and

(G) increasing birth intervals between pregnancies.

(b) REQUIREMENT TO CONDUCT DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary shall establish a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide, in accordance with the provisions of this section, medical assistance under the State plan under title XIX of the Social Security Act, child health assistance under the State child health plan under title XXI of such Act, or both for evidence-based nurse home visitation services to children and pregnant women who are eligible for such assistance under such plans.

(2) LIMITATION ON NUMBER OF APPROVED APPLICATIONS.—The Secretary shall only approve as many State applications to provide medical assistance or child health assistance in accordance with this section as will not exceed the limitation on aggregate payments under subsection (d)(2)(A).

(3) AUTHORITY TO WAIVE RESTRICTIONS ON PAYMENTS TO TERRITORIES.—The Secretary shall waive the limitations on payment under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) in the case of a State that is subject to such limitations and submits an approved application to provide medical assistance, child health assistance, or both in accordance with this section.

(c) LENGTH OF PERIOD FOR PROVISION OF ASSISTANCE.—A State shall not be approved to provide medical assistance or child health assistance for evidence-based nurse home visitation services in accordance with the demonstration project established under this section for a period of more than 5 consecutive years.

(d) LIMITATIONS ON FEDERAL FUNDING.—

(1) APPROPRIATION.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section, $25,000,000 for the period of fiscal years 2008 through 2012.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under that subparagraph.

(2) LIMITATION ON PAYMENTS.—In no case may—

(A) the aggregate amount of payments made by the Secretary to eligible States under this section exceed $25,000,000; or

(B) payments be provided by the Secretary under this section after September 30, 2012.

(3) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States with approved applications under this section based on their applications and the availability of funds.

(4) PAYMENTS TO STATES.—The Secretary shall pay to each State, from its allocation under paragraph (3), an amount each quarter equal to 100 percent of the expenditures in the quarter for medical assistance or child health assistance (as applicable) for evidence-based nurse home visitation services provided to low-income pregnant mothers and children who are eligible for such assistance under a State plan under title XIX or XXI of such Act in accordance with the demonstration project established under this section.

(e) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the demonstration project established under this section. Such evaluation shall include an analysis of the cost-effectiveness of the project and the impact of the programs on Medicaid and CHIP. For purposes of conducting such evaluation, the Secretary shall require a State that submits an application to participate in the demonstration project established under this section to agree, as a condition of approval of such application, to maintain data related to, and be subject to, periodic evaluations based on performance outcomes regarding the following:

(A) Substance abuse during pregnancy.

(B) Prematurity.

(C) Immunizations.

(D) Developmental delay.

(E) Language development.

(F) Emergency room visits and hospitalizations for injury.

(G) Interval between pregnancies.

(H) Workforce participation.

(I) Government assistance use.

(2) REPORT TO CONGRESS.—Not later than December 31, 2012, the Secretary shall submit a report to Congress on the results of the evaluation of the demonstration project established under this section.

(f) DEFINITION.—In this section, the term "evidence-based nurse home visitation services" means services (such as services related to improving prenatal health, pregnancy outcomes, child health and development, school readiness, family stability and economic self-sufficiency, reducing child abuse, neglect, and injury, reducing maternal and child involvement in the criminal justice system, and increasing birth intervals between pregnancies) on behalf of a targeted low-income child who has not attained age 2 and is born to a first-time pregnant mother, but only if such services are provided in accordance with outcome standards that have been replicated in multiple, rigorous, randomized controlled trials in multiple sites, with outcomes that improve prenatal health of children, pregnancy outcomes, child health and development, child development, and mental health related to elementary school readiness, reduce child abuse, neglect, and injury, increase birth intervals between pregnancies, and improve maternal employment.

(g) RULE OF CONSTRUCTION.—Nothing in the demonstration project established under this section shall be construed as affecting the ability of a State under Medicaid or CHIP to provide nurse home visitation services as part of medical assistance, child health assistance, or an administrative expense, for which any State received payment under section 1903(a) or 2105(a) of the Social Security Act (42 U.S.C. 1396b(a), 1397ee(a)) for the provision of such services before, on, or after the date of enactment of this Act.

SA 2625. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 102 and insert the following:

SEC. 102. ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Section 2104 (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

"(i) DETERMINATION OF ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA FOR FISCAL YEARS 2008 THROUGH 2012.—

"(1) COMPUTATION OF ALLOTMENT.—

"(A) IN GENERAL.—The Secretary shall for each of fiscal years 2008 through 2012 allot to each subsection (b) State from the available national allotment for such fiscal year an amount which bears the same ratio to such available national allotment as the sales of cigarettes in such State bears to total sales of cigarettes in all subsection (b) States (based on the most current data available to the Secretary from the Centers for Disease Control).

"(B) AVAILABLE NATIONAL ALLOTMENT.—For purposes of this subsection, the term 'available national allotment' means, with respect to any fiscal year, the amount available for allotment under subsection (a) for the fiscal year, reduced by the amount of the allotments made for the fiscal year under subsection (c). The available national allotment with respect to the amount available under subsection (a)(15)(A) for fiscal year 2012 shall be increased by the amount of the appropriation for the period beginning on October 1 and ending on March 31 of such fiscal year under section 103 of the Children's Health Insurance Program Reauthorization Act of 2007.

"(2) SUBSECTION (b) STATE.—In this subsection, the term 'subsection (b) State' means 1 of the 50 States or the District of Columbia.".

(b) CONFORMING AMENDMENTS.—Section 2104 (42 U.S.C. 1397dd) is amended—

(1) in subsection (a), by striking "subsection (d)" and inserting "subsections (d), (h), and (i)";

(2) in subsection (b)(1), by striking "subsection (d)" and inserting "subsections (d), (h), and (i)"; and

(3) in subsection (c)(1), by striking "subsection (d)" and inserting "subsections (d), (h), and (i)".

SA 2626. Ms. SNOWE (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes, which was ordered to lie on the table; as follows:

Beginning on page 213, strike line 13 and all that follows through page 216, line 6 and insert the following:

SEC. 608. STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.

(a) STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.—

(1) IN GENERAL.——Section 2110(b) (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (1)(C), by inserting ", subject to paragraph (5)," after "under title XIX or"; and

(B) by adding at the end the following new paragraph:

"(5) STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage, if the State satisfies the conditions described in section 2105(c)(12), in order to provide—

"(A) dental services; or

"(B) cost-sharing protection for dental services consistent with section 2103(e)(3)(B).

In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.".

(2) CONDITIONS DESCRIBED.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 602(a)(1), is amended by adding at the end the following new paragraph:

"(12) CONDITIONS FOR PROVISION OF WRAP-AROUND COVERAGE.—For purposes of section 2110(b)(5), the conditions described in this paragraph are the following:

"(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this title)—

"(i) has the highest income eligibility standard permitted under this title as of January 1, 2007;

"(ii) does not limit the acceptance of applications for children or impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan; and

"(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

"(B) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable coverage of dental-only supplemental coverage to the children covered under section 2110(b)(5) than to children otherwise covered under this title.".

(3) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)), as amended by section 107(b)(2), is amended—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iv) at State option, may not apply a waiting period in the case of a child described in section 2110(b)(5), if the State satisfies the requirements of section 2105(c)(12).".

(4) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the fourth sentence, by striking "or (u)(4)" and inserting "(u)(4), or (u)(5)"; and

(B) in subsection (u)—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4) the following new paragraph:

"(5) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5), but only in the case of a State that satisfies the requirements of section 2105(c)(8).".

(b) DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.—

(1) DISALLOWANCE OF DEDUCTION.—

(A) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(iii) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(B) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

(2) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(A) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(B) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(C) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to damages paid or incurred on or after the date of the enactment of this Act.

(c) DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.—

(1) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes—

"(i) constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, or

"(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

"(B) is identified as restitution or as an amount paid to come into compliance with the law, as the case may be, in the court order or settlement agreement.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(2) REPORTING OF DEDUCTIBLE AMOUNTS.—

(A) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

"SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

"(a) REQUIREMENT OF REPORTING.—

"(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

"(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

"(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

"(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

"(2) SUIT OR AGREEMENT DESCRIBED.—

"(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

"(i) it is—

"(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

"(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

"(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

"(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

"(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

"(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

"(B) the date specified Secretary.

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

"(1) the name of the government or entity, and

"(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

"(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.".

(B) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

"Sec. 6050W. Information with respect to certain fines, penalties, and other amounts.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SA 2627. Mr. COBURN (for himself, Mr. DEMINT, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976 to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; as follows:

Beginning on page 133, strike line 4 and all that follows through page 165, line 2, and insert the following:

SEC. 401. PREMIUM ASSISTANCE FOR HIGHER INCOME CHILDREN AND PREGNANT WOMEN WITH ACCESS TO EMPLOYER-SPONSORED COVERAGE.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(c) is amended by adding at the end the following:

"(10) PREMIUM ASSISTANCE.—

"(A) IN GENERAL.—Beginning with fiscal year 2008, a State may only provide child health assistance for a targeted low-income child or a pregnant woman whose family income exceeds 200 percent of the poverty line and who has access to qualified employer sponsored coverage (as defined in subparagraph (B)) through the provision of a premium assistance subsidy in accordance with the requirements of this paragraph.

"(B) QUALIFIED EMPLOYER SPONSORED COVERAGE.—

"(i) IN GENERAL.—In this paragraph, the term 'qualified employer sponsored coverage' means a group health plan or health insurance coverage offered through an employer that is—

"(I) substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2);

"(II) for which the employer contribution toward any premium for such coverage is at least 50 percent (75 percent, in the case of an employer with more than 50 employees);

"(III) made similarly available to all of the employer's employees and for which the employer makes a contribution to the premium that is not less for employees receiving a premium assistance subsidy under any option available under the State child health plan under this title or the State plan under title XIX to provide such assistance than the employer contribution provided for all other employees; and

"(IV) cost-effective, as determined under clause (ii).

"(ii) COST-EFFECTIVENESS.—A group health plan or health insurance coverage offered through an employer shall be considered to be cost-effective if—

"(I) the marginal premium cost to purchase family coverage through the employer is less than the State cost of providing child health assistance through the State child health plan for all the children in the family who are targeted low-income children; or

"(II) the marginal premium cost between individual coverage and purchasing family coverage through the employer is not greater than 175 percent of the cost to the State to provide child health assistance through the State child health plan for a targeted low-income child.

"(iii) HIGH DEDUCTIBLE HEALTH PLANS INCLUDED.—The term 'qualified employer sponsored coverage' includes a high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986) purchased through a health savings account (as defined under section 223(d) of such Code).

"(C) PREMIUM ASSISTANCE SUBSIDY.—

"(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan, subject to the annual aggregate cost-sharing limit applied under section 2103(e)(3)(B).

"(ii) STATE PAYMENT OPTION.—Subject to clause (iii), a State may provide a premium assistance subsidy directly to an employer or as reimbursement to an employee for out-of-pocket expenditures.

"(iii) REQUIREMENT FOR DIRECT PAYMENT TO EMPLOYEE.—A State shall not pay a premium assistance subsidy directly to the employee, unless the State has established procedures to ensure that the targeted low-income child on whose behalf such payments are made are actually enrolled in the qualified employer sponsored coverage.

"(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

"(v) STATE OPTION TO REQUIRE ACCEPTANCE OF SUBSIDY.—A State may condition the provision of child health assistance under the State child health plan for a targeted low-income child on the receipt of a premium assistance subsidy for enrollment in qualified employer sponsored coverage if the State determines the provision of such a subsidy to be more cost-effective in accordance with subparagraph (B)(ii).

"(vi) NOT TREATED AS INCOME.—Notwithstanding any other provision of law, a premium assistance subsidy provided in accordance with this paragraph shall not be treated as income to the child or the parent of the child for whom such subsidy is provided.

"(D) NO REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND ADDITIONAL COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

"(i) IN GENERAL.—A State that elects the option to provide a premium assistance subsidy under this paragraph shall not be required to provide a targeted low-income child enrolled in qualified employer sponsored coverage with supplemental coverage for items or services that are not covered, or are only partially covered, under the qualified employer sponsored coverage or cost-sharing protection other than the protection required under section 2103(e)(3)(B).

"(ii) NOTICE OF COST-SHARING REQUIREMENTS.—A State shall provide a targeted low-income child or the parent of such a child (as appropriate) who is provided with a premium assistance subsidy in accordance with this paragraph with notice of the cost-sharing requirements and limitations imposed under the qualified employer sponsored coverage in which the child is enrolled upon the enrollment of the child in such coverage and annually thereafter.

"(iii) RECORD KEEPING REQUIREMENTS.—A State may require a parent of a targeted low-income child that is enrolled in qualified employer-sponsored coverage to bear the responsibility for keeping track of out-of-pocket expenditures incurred for cost-sharing imposed under such coverage and to notify the State when the limit on such expenditures imposed under section 2103(e)(3)(B) has been reached for a year from the effective date of enrollment for such year.

"(iv) STATE OPTION FOR REIMBURSEMENT.—A State may retroactively reimburse a parent of a targeted low-income child for out-of-pocket expenditures incurred after reaching the 5 percent cost-sharing limitation imposed under section 2103(e)(3)(B) for a year.

"(E) 6-MONTH WAITING PERIOD REQUIRED.—A State shall impose at least a 6-month waiting period from the time an individual is enrolled in private health insurance prior to the provision of a premium assistance subsidy for a targeted low-income child in accordance with this paragraph.

"(F) NON APPLICATION OF WAITING PERIOD FOR ENROLLMENT IN THE STATE MEDICAID PLAN OR THE STATE CHILD HEALTH PLAN.—A targeted low-income child provided a premium assistance subsidy in accordance with this paragraph who loses eligibility for such subsidy shall not be treated as having been enrolled in private health insurance coverage for purposes of applying any waiting period imposed under the State child health plan or the State plan under title XIX for the enrollment of the child under such plan.

"(G) ASSURANCE OF SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF ELIGIBILITY FOR PREMIUM SUBSIDY ASSISTANCE.—No payment shall be made under subsection (a) for amounts expended for the provision of premium assistance subsidies under this paragraph unless a State provides assurances to the Secretary that the State has in effect laws requiring a group health plan, a health insurance issuer offering group health insurance coverage in connection with a group health plan, and a self-funded health plan, to permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a child of such an employee if the child is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if the employee's child becomes eligible for a premium assistance subsidy under this paragraph.

"(H) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect on June 28, 2007, for targeted low-income children or pregnant women whose family income does not exceed 200 percent of the poverty line.

"(I) NOTICE OF AVAILABILITY.—A State shall—

"(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer sponsored coverage and the requirement to provide such subsidies to the individuals described in subparagraph (A);

"(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy, or if required, to obtain such subsidies; and

"(iii) establish such other procedures as the State determines necessary to ensure that parents are informed of the availability of such subsidies under the State child health plan.".

(b) APPLICATION TO MEDICAID.—Section 1906 (42 U.S.C. 1396e) is amended by inserting after subsection (c) the following:

"(d) The provisions of section 2105(c)(10) shall apply to a child who is eligible for medical assistance under the State plan in the same manner as such provisions apply to a targeted low-income child under a State child health plan under title XXI. Section 1902(a)(34) shall not apply to a child who is provided a premium assistance subsidy under the State plan in accordance with the preceding sentence.".

SA 2628. Ms. SNOWE (for herself and Mr. BINGAMAN, Mr. CARDIN, Ms. COLLINS, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 213, strike line 13 and all that follows through page 216, line 6 and insert the following:

SEC. 608. STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.

(a) STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.—

(1) IN GENERAL.—Section 2110(b) (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (1)(C), by inserting ", subject to paragraph (5)," after "under title XIX or"; and

(B) by adding at the end the following new paragraph:

"(5) STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage, if the State satisfies the conditions described in section 2105(c)(12), in order to provide—

"(A) dental services; or

"(B) cost-sharing protection for dental services consistent with section 2103(e)(3)(B). In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.".

(2) CONDITIONS DESCRIBED.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 602(a)(1), is amended by adding at the end the following new paragraph:

"(12) CONDITIONS FOR PROVISION OF WRAP-AROUND COVERAGE.—For purposes of section 2110(b)(5), the conditions described in this paragraph are the following:

"(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this title)—

"(i) has the highest income eligibility standard permitted under this title as of January 1, 2007;

"(ii) does not limit the acceptance of applications for children or impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan; and

"(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

"(B) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable coverage of dental-only supplemental coverage to the children covered under section 2110(b)(5) than to children otherwise covered under this title.".

(3) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C.

1397bb(b)(1)(B)), as amended by section 107(b)(2), is amended—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iv) at State option, may not apply a waiting period in the case of a child described in section 2110(b)(5), if the State satisfies the requirements of section 2105(c)(12).".

(4) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the fourth sentence, by striking "or (u)(4)" and inserting "(u)(4), or (u)(5)"; and

(B) in subsection (u)—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4) the following new paragraph:

"(5) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5), but only in the case of a State that satisfies the requirements of section 2105(c)(8).".

(b) DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.—

(1) DISALLOWANCE OF DEDUCTION.—

(A) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(iii) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(B) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

(2) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(A) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(B) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(C) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to damages paid or incurred on or after the date of the enactment of this Act.

(c) DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.—

(1) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes—

"(i) constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, or

"(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

"(B) is identified as restitution or as an amount paid to come into compliance with the law, as the case may be, in the court order or settlement agreement.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(2) REPORTING OF DEDUCTIBLE AMOUNTS.—

(A) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

"SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

"(a) REQUIREMENT OF REPORTING.—

"(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

"(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

"(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

"(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

"(2) SUIT OR AGREEMENT DESCRIBED.—

"(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

"(i) it is—

"(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

"(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

"(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

"(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

"(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

"(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

"(B) the date specified Secretary.

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

"(1) the name of the government or entity, and

"(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

"(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.".

(B) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

"Sec. 6050W. Information with respect to certain fines, penalties, and other amounts.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SA 2629. Mr. DOMENICI (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REAUTHORIZATION OF SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIAN.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) $200,000,000 for each of fiscal years 2009 through 2013.".

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) $200,000,000 for each of fiscal years 2009 through 2013.".

SA 2630. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary shall not, prior to the date that is 1 year after the date of enactment of this Act, take any action (through promulgation of regulation, issuance of regulatory guidance, use of federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to restrict coverage or payment under title XIX of the Social Security Act for rehabilitation services, or school-based administration, transportation, or medical services if such restrictions are more restrictive in any aspect than those applied to such coverage or payment as of July 1, 2007.

SA 2631. Mr. DODD (for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Ms. MIKULSKI, Mr. CHAMBLISS, Mr. BROWN, Mr. CARDIN, Mr. MENENDEZ, Mr. SALAZAR, Mr. KENNEDY, Mr. REED, Mrs. BOXER, Mrs. MURRAY, Mr. LIEBERMAN, and Mr. ROBERTS) proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; as follows:

At the end of title VI, add the following:

SEC. 610. SUPPORT FOR INJURED SERVICEMEMBERS.

(a) SHORT TITLE.—This section may be cited as the "Support for Injured Servicemembers Act".

(b) SERVICEMEMBER FAMILY LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

"(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

"(16) MEDICAL HOLD OR MEDICAL HOLDOVER STATUS.—The term 'medical hold or medical holdover status' means—

"(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

"(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

"(17) NEXT OF KIN.—The term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual.

"(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.".

(2) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

"(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking "section 103(b)(5)" and inserting "subsection (b)(5) or (f) (as appropriate) of section 103"; and

(II) by inserting "or under subsection (a)(3)" after "subsection (a)(1)"; and

(ii) in paragraph (2), by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) in paragraph (1)—

(I) by inserting "(or 26 workweeks in the case of leave provided under subsection (a)(3))" after "12 workweeks" the first place it appears; and

(II) by inserting "(or 26 workweeks, as appropriate)" after "12 workweeks" the second place it appears; and

(ii) in paragraph (2)(B), by adding at the end the following: "An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.".

(C) NOTICE.—Section 102(e)(2) of such Act (29 U.S.C. 2612(e)(2)) is amended by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(D) SPOUSES EMPLOYED BY SAME EMPLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f)) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and aligning the margins of the subparagraphs with the margins of section 102(e)(2)(A);

(ii) by striking "In any" and inserting the following:

"(1) IN GENERAL.—In any"; and

(iii) by adding at the end the following:

"(2) SERVICEMEMBER FAMILY LEAVE.—

"(A) IN GENERAL.—The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

"(i) leave under subsection (a)(3); or

"(ii) a combination of leave under subsection (a)(3) and leave described in paragraph (1).

"(B) BOTH LIMITATIONS APPLICABLE.—If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).".

(E) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

(F) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting "or under section 102(a)(3)" before the semicolon; and

(ii) in paragraph (3)(A)—

(I) in clause (i), by striking "or" at the end;

(II) in clause (ii), by striking the period and inserting "; or"; and

(III) by adding at the end the following:

"(iii) a certification issued by the health care provider of the servicemember being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).".

(G) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting "(or 26 weeks, in a case involving leave under section 102(a)(3))" after "12 weeks".

(H) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting "or under section 102(a)(3)" after "section 102(a)(1)".

(c) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

"(8) the term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness;

"(9) the term 'medical hold or medical holdover status' means—

"(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

"(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces;

"(10) the term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual; and

"(11) the term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.".

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

"(3) Subject to section 6383, an employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 administrative workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

"(4) During the single 12-month period described in paragraph (3), an employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking "section 6383(b)(5)" and inserting "subsection (b)(5) or (f) (as appropriate) of section 6383"; and

(II) by inserting "or under subsection (a)(3)" after "subsection (a)(1)"; and

(ii) in paragraph (2), by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: "An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.".

(C) NOTICE.—Section 6382(e) of such title is amended by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(D) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SA 2632. Mrs. CLINTON (for herself, Mr. BINGAMAN, Mr. KERRY, Mr. MENENDEZ, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. LEVIN, Mr. KENNEDY, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REID, Mr. LAUTENBERG, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER MEDICAID AND CHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

"(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) CHILDREN.—Individuals under 21 years of age, including optional targeted low-income children described in section 1905(u)(2)(B).

"(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.".

(b) SCHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by section 609, is amended by inserting after subparagraph (B) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

"(C) Section 1903(v)(4) (relating to optional coverage of categories of lawfully residing immigrant children), but only if the State has elected to apply such section to the category of children under title XIX.".

SA 2633. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2567 submitted by Mr. CARDIN and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ______. TO MAKE DENTAL PROVIDER INFORMATION MORE ACCESSIBLE TO ENROLLEES UNDER MEDICAID AND CHIP.

(a) IN GENERAL.—The Secretary shall work with States, pediatric dentists, and other dental providers to include on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1-877-KIDS-NOW) a current and accurate list of all dentists and other dental providers within each State that provide dental services to children enrolled in a State plan under Medicaid or a State child health plan under CHIP.

(b) TIMEFRAME AND UPDATED LIST.—The Secretary shall ensure that—

(1) the list described in subsection (a) is available on such website and hotline by not later than 1 year after the date of enactment of this Act;

(2) such list is updated quarterly; and

(3) such website and hotline use the most up-to-date list.

SA 2634. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2567 submitted by Mr. CARDIN and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. ______. TO MAKE DENTAL PROVIDER INFORMATION MORE ACCESSIBLE TO ENROLLEES UNDER MEDICAID AND CHIP.

(a) IN GENERAL.—The Secretary shall work with States, pediatric dentists, and other dental providers to include on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1-877-KIDS-NOW) a current and accurate list of all dentists and other dental providers within each State that provide dental services to children enrolled in a State plan under Medicaid or a State child health plan under CHIP.

(b) TIMEFRAME AND UPDATED LIST.—The Secretary shall ensure that—

(1) the list described in subsection (a) is available on such website and hotline by not later than 1 year after the date of enactment of this Act;

(2) such list is updated quarterly; and

(3) such website and hotline use the most up-to-date list.

SA 2635. Mr. CARDIN (for himself, Mr. BINGAMAN, Ms. COLLINS, and Ms.

MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2530, proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, between lines 12 and 13, insert the following:

"(j) DEMONSTRATION PROJECTS TO INCREASE ACCESS TO PEDIATRIC DENTAL SERVICES IN UNDESERVED AREAS.—

"(1) IN GENERAL.—During the period of fiscal years 2008 through 2012, the Secretary shall award not more than 10 grants to States and school-based health centers to conduct demonstration projects to evaluate promising ideas for improving access to quality dental health services for children in undeserved areas under title XIX or XXI.".

SA 2636. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530, proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, add the following:

SEC. ___. GAO REPORT REGARDING THE FINANCIAL IMPACT OF HURRICANE KATRINA AND HURRICANE RITA ON LOUISIANA HEALTH CARE FACILITIES.

(a) REPORT.—Not later than 6 months after enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the financial impact of Hurricane Katrina and Hurricane Rita on health care facilities located in Louisiana.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) ASSESSMENT.—An assessment of the continued financial impact on health care facilities located in Louisiana as a direct or indirect result of Hurricane Katrina and Hurricane Rita, including financial losses.

(2) POTENTIAL ROLE OF CONGRESS.—Recommendations regarding the potential role of Congress and the Louisiana State government in mitigating the losses determined under paragraph (1).

SA 2637. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530, proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 9, add at the end the following: "Notwithstanding the preceding sentence, the Secretary may waive the requirements of section 1902(a)(46)(B) of such Act for any State affected by Hurricane Katrina or Hurricane Rita in order to allow the State to conditionally enroll individuals who are working in good faith to secure satisfactory documentation.".

SA 2638. Ms. LANDRIEU (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 2530, proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. ___. COVERAGE OF MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER UNDER GROUP AND INDIVIDUAL HEALTH INSURANCE COVERAGE AND GROUP HEALTH PLANS.

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(A) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

"(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

"(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

"(3) TREATMENT DEFINED.—

"(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

"(i) procedures that do not materially affect the function of the body part being treated; and

"(ii) procedures for secondary conditions and follow-up treatment.

"(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

"(b) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.".

(B) CONFORMING AMENDMENT.—Section 2723(c) of the Public Health Service Act (42 U.S.C. 300gg-23(c)) is amended by striking "section 2704" and inserting "sections 2704 and 2707".

(2) ERISA AMENDMENTS.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

"(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

"(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

"(3) TREATMENT DEFINED.—

"(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

"(i) procedures that do not materially affect the function of the body part being treated; and

"(ii) procedures for secondary conditions and follow-up treatment.

"(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

"(b) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.".

(B) CONFORMING AMENDMENTS.—

(i) Section 731(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(c)) is amended by striking "section 711" and inserting "sections 711 and 714".

(ii) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking "section 711" and inserting "sections 711 and 714".

(iii) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following:

"Sec. 714. Standards relating to benefits for minor child's congenital or developmental deformity or disorder.".

(3) INTERNAL REVENUE CODE AMENDMENTS.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(A) in the table of sections, by inserting after the item relating to section 9812 the following:

"Sec. 9813. Standards relating to benefits for minor child's congenital or developmental deformity or disorder.";

and

(B) by inserting after section 9812 the following:

"SEC. 9813. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

"(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

"(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

"(3) TREATMENT DEFINED.—

"(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

"(i) procedures that do not materially affect the function of the body part being treated; and

"(ii) procedures for secondary conditions and follow-up treatment.

"(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.".

(b) INDIVIDUAL HEALTH INSURANCE.—

(1) IN GENERAL.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2752 the following:

"SEC. 2753. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

"(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

"(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

"(3) TREATMENT DEFINED.—

"(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

"(i) procedures that do not materially affect the function of the body part being treated; and

"(ii) procedures for secondary conditions and follow-up treatment.

"(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

"(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.".

(2) CONFORMING AMENDMENT.—Section 2762(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–62(b)(2)) is amended by striking "section 2751" and inserting "sections 2751 and 2753".

(c) EFFECTIVE DATES.—

(1) GROUP HEALTH COVERAGE.—The amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning on or after January 1, 2008.

(2) INDIVIDUAL HEALTH COVERAGE.—The amendment made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

(d) COORDINATED REGULATIONS.—Section 104(1) of Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 300gg–92 note) is amended by striking "this subtitle (and the amendments made by this subtitle and section 401)" and inserting "the provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, the provisions of parts A and C of title XXVII of the Public Health Service Act, and chapter 100 of the Internal Revenue Code of 1986".

SA 2639. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, line 3, insert "(or, in the case of Louisiana, the average monthly enrollment of low-income children enrolled in the such plan for the second quarter of fiscal year 2007, as determined over a 3-month period on such basis)"after "(MSIS)".

SA 2640. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING THE HEALTH CARE OF CHILDREN DISPLACED DURING A CATASTROPHIC DISASTER.

(a) FINDINGS.—The Senate makes the following findings:

(1) Hurricanes Katrina and Rita of 2005 displaced more that 1,300,000 Louisianans, of those 372,000 were children displaced from schools.

(2) Before the Hurricanes, 48 percent of Louisiana children belonged to low income families.

(3) In New Orleans alone, 28 percent of children lived below the poverty line.

(4) In August of 2006, there were more than 251,000 evacuees still living in Texas, according to a study by the Texas Department of Health and Human Services. The study found that 54 percent of the evacuee households received Federal housing subsidies, 39 percent received food stamps, 32 percent received unemployment benefits, and about half of the households included children covered by Medicaid or the Children's Health Insurance Program. Thirty-nine percent of the evacuees in Texas are children, and 60 percent of the adult evacuees are women.

(5) Disasters of the magnitude of Hurricanes Katrina and Rita will occur again in the future.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the conferees for this bill should review issues concerning the health care of displaced children during a manmade or natural disaster of a catastrophic nature and should consider solutions to the following concerns to prevent future evacuated children from being denied health insurance coverage:

(1) Lack of transferability of health insurance for children who are evacuated from one State to another.

(2) Length of eligibility review processes.

(3) Burdensome eligibility and enrollment requirements.

(4) Sources of funding for services provided by host States that receive evacuees.

SA 2641. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. UNIFORM STANDARDS FOR INTERROGATION TECHNIQUES APPLICABLE TO INDIVIDUALS UNDER CONTROL OR CUSTODY OF THE UNITED STATES GOVERNMENT.

(a) IN GENERAL.—No individual in the custody or under the effective control of the United States Government or any agency or instrumentality thereof, regardless of nationality or physical location, shall be subject to any treatment or technique of interrogation not authorized by sections 5–50 through 5–99 of the United States Army Field Manual on Human Intelligence Collector Operations.

(b) PROHIBITED ACTIONS.—The treatment or techniques of interrogation prohibited under subsection (a) include, but are not limited to, the following:

(1) Forcing an individual to be naked, perform sexual acts, or pose in a sexual manner.

(2) Placing a hood or sack over the head of an individual, or using or placing duct tape over the eyes of an individual.

(3) Applying a beating, electric shock, burns, or other forms of physical pain to an individual.

(4) Subjecting an individual to the procedure known as "waterboarding".

(5) Subjecting an individual to threats or attack from a military working dog.

(6) Inducing hypothermia or heat injury in an individual.

(7) Conducting a mock execution of an individual.

(8) Depriving an individual of necessary food, water, or medical care.

(c) APPLICABILITY.—Subsection (a) shall not apply with respect to any individual in the custody or under the effective control of the United States Government pursuant to a criminal law or immigration law of the United States.

(d) CONSTRUCTION.—Nothing in this section shall be construed to affect the rights under the United States Constitution of any individual in the custody or under the effective control of the United States Government.

SA 2642. Mr. BINGAMAN (for himself, Ms. COLLINS, Mr. CARDIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2604 submitted by Mrs. HUTCHISON and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, between lines 8 and 9, insert the following:

"(ii) limiting the authority a State described in clause (i), or any other State that provides premium assistance under the authority of this paragraph or otherwise, to provide dental coverage to children who would be targeted low-income children but for the application of paragraph (1)(C) of section 2110(b) and who do not otherwise have dental coverage; or".

SA 2643. Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 358. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

"(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

"(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

"(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

"(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and".

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A-76 whether to convert to contractor performance any function of the Department of Defense—

"(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

"(B) may consult with such employees on other matters relating to that determination.

"(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

"(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

"(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of consultation required by paragraph (1).".

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by subsection (a), is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after "2003" the following: ", or any successor circular"; and

(B) in subparagraph (D), by striking "and reliability" and inserting ", reliability, and timeliness"; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting "of" after "examination".

SEC. 359. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A-76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31, United States Code, is amended to read as follows:

"(2) The term 'interested party'—

"(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

"(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, includes—

"(i) any official who submitted the agency tender in such competition; and

"(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.".

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

"SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

"For any protest of a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.".

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

"3557. Expedited action in protests of public-private competitions.".

(c) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.".

(d) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A-76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A-76, or to a decision to convert a

function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

SEC. 360. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

"(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

"(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

"(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A-76, as implemented on May 29, 2003, or any successor circular;

"(C) includes the issuance of a solicitation;

"(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

"(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

"(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

"(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

"(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

"(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

"(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

"(ii) $10,000,000; and

"(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

"(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

"(3) In no case may a function being performed by executive agency personnel be—

"(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

"(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

"(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the executive agency—

"(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

"(B) may consult with such employees on other matters relating to that determination.

"(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

"(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

"(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

"(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

"(A) The function for which such public-private competition is to be conducted.

"(B) The location at which the function is performed by agency civilian employees.

"(C) The number of agency civilian employee positions potentially affected.

"(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

"(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

"(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

"(A) agency civilian employees who would be affected by such a conversion in performance; and

"(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

"(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

"(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

"(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

"(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

"(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial or industrial type function of an executive agency that—

"(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

"(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

"(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.".

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

"Sec. 43. Public-private competition required before conversion to contractor performance.".

SEC. 361. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for new work and work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) have been performed by a contractor pursuant to a contract that was awarded on a noncompetitive basis, either a contract for a function once performed by Federal employees that was awarded without the conduct of a public-private competition or a contract that was last awarded without the conduct of an actual competition between contractors; or

(D) have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years .

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—The Secretary of Defense shall implement the guidelines required under paragraph (1) by not later than 60 days after the date of the enactment of this Act.

(4) ESTABLISHMENT OF CONTRACTOR INVENTORY.—The Secretary of Defense shall establish an inventory of Department of Defense contracts to determine which contracts meet the criteria set forth in paragraph (2).

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required under Office of Management and Budget Circular A–76 or any other provision of law or regulation before the performance of a new requirement by Federal Government employees commences, the performance by Federal Government employees of work pursuant to subparagraphs (B) through (D) of subsection (a)(2) commences, or the scope of an existing activity performed by Federal Government employees is expanded. Office of Management and Budget Circular A–76 shall be revised to ensure that the heads of all Federal agencies give fair consideration to the performance of new requirements by Federal Government employees.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, United States Code, to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term "National Security Personnel System" means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term "inherently governmental function" has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

(f) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking section 343.

SEC. 362. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

SEC. 363. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) A military department or defense agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law at the end of the period specified in the performance agreement entered into in accordance with this section for any function of the Department of Defense performed by Department of Defense civilian employees.".

SA 2644. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. ___. EXPRESSING THE SENSE OF THE SENATE REGARDING THE MEDICARE NATIONAL COVERAGE DETERMINATION ON THE TREATMENT OF ANEMIA IN CANCER PATIENTS.

(a) FINDINGS.—The Senate finds the following:

(1) The Centers for Medicare & Medicaid Services issued a final Medicare National Coverage Determination on the Use of Erythropoiesis Stimulating Agents in Cancer and Related Neoplastic Conditions (CAG–000383N) on July 30, 2007.

(2) Fifty-two United States Senators and 235 Members of the House of Representatives, representing bipartisan majorities in both chambers, have written to the Centers for Medicare & Medicaid Services expressing significant concerns with the proposed National Coverage Determination on the Use of Erythropoiesis Stimulating Agents in Cancer and Related Neoplastic Conditions, issued on May 14, 2007, regarding the use of erythropoiesis stimulating agent therapy for Medicare cancer patients.

(3) Although some improvements have been incorporated into such final National Coverage Determination, the policy continues to raise significant concerns among physicians and patients about the potential impact on the treatment of cancer patients in the United States.

(4) The American Society of Clinical Oncology, the national organization representing physicians who treat patients with cancer, is specifically concerned about a provision in such final National Coverage Determination that restricts coverage whenever a patient's hemoglobin goes above 10 g/dL.

(5) The American Society of Clinical Oncology has written to the Centers for Medicare & Medicaid Services—

(A) to note that such a "restriction is inconsistent with both the FDA-approved labeling and national guidelines";

(B) to express deep concerns about such final National Coverage Determination; and

(C) to urge that the Centers for Medicare & Medicaid Services reconsider such restriction.

(6) Such restriction could increase blood transfusions and severely compromise the high quality of cancer care delivered by physicians in United States.

(7) The Centers for Medicare & Medicaid Services has noted that the agency did not address the impact on the blood supply in such final National Coverage Determination and has specifically stated, "[t]he concern about the adequacy of the nation's blood supply is not a relevant factor for consideration in this national coverage determination".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Centers for Medicare & Medicaid Services should begin an immediate reconsideration of the final National Coverage Determination on the Use of Erythropoiesis Stimulating Agents in Cancer and Related Neoplastic Conditions (CAG–000383N);

(2) the Centers for Medicare & Medicaid Services should consult with members of the clinical oncology community to determine appropriate revisions to such final National Coverage Determination; and

(3) the Centers for Medicare & Medicaid Services should implement appropriate revisions to such final National Coverage Determination as soon as feasible and provide a briefing to Congress in advance of announcing such changes.

SA 2645. Mr. BAUCUS proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; as follows:

On page 22, lines 3 and 4, strike "paragraph" and insert "subsection".

Beginning on page 53, strike line 15 and all that follows through page 54, line 4 and insert the following:

"(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2011 OR 2012.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2011 or 2012 is equal to—

"(I) the REMAP percentage if—

"(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2009; and

"(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for the preceding fiscal year; or

"(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply.

On page 56, line 5, insert "clause (ii) or (iii) of" after "under".

On page 74, lines 15 and 16, strike "13-consecutive week period" and insert "3-month period".

On page 118, strike lines 17 through 21.

Page 120, line 5, strike "section 1902(a)(46)(B)(ii)" and insert "subsection (a)(46)(B)(ii)".

Beginning on page 120, strike line 22 and all that follows through page 121, line 4, and insert the following:

(ii) provides the individual with a period of 90 days from the date on which the notice required under clause (i) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or cure the invalid determination with the Commissioner of Social Security; and

On page 130, strike lines 9 and 10, and insert the following:

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on October 1, 2008.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2996).

On page 142, lines 14 and 15, strike "PREVIOUSLY APPROVED PREMIUM ASSISTANCE" and insert "PREMIUM ASSISTANCE WAIVER".

On page 150, beginning on line 3, strike "issued" and all that follows through line 9 and insert "developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).".

On page 151, line 14, strike "411(b)(2)(C)" and insert "411(b)(1)(C)".

On page 157, line 1, strike "411(b)(2)(C)" and insert "411(b)(1)(C)".

On page 161, between lines 14 and 15, insert the following:

(VII) health insurance issuers;

On page 165, between lines 2 and 3, insert the following:

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) COORDINATION WITH MEDICAID AND CHIP.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

"(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974.

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

On page 205, line 11, strike "2112(b)(2)(A)(i)" and insert "2111(b)(2)(B)(i)".

SA 2646. Mr. BAUCUS (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; as follows:

Amend the title to read:

A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

SA 2647. Mr. DODD (for himself, Mrs. CLINTON, Mr. NELSON of Nebraska, Mrs. DOLE, Mr. GRAHAM, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. SALAZAR, Mr. MENENDEZ, Mr. REED, Mrs. MURRAY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUPPORT FOR INJURED SERVICEMEMBERS.

(a) SHORT TITLE.—This section may be cited as the "Support for Injured Servicemembers Act".

(b) SERVICEMEMBER FAMILY LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

"(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

"(16) MEDICAL HOLD OR MEDICAL HOLDOVER STATUS.—The term 'medical hold or medical holdover status' means—

"(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

"(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

"(17) NEXT OF KIN.—The term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual.

"(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.".

(2) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

"(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking "section 103(b)(5)" and inserting "subsection (b)(5) or (f) (as appropriate) of section 103"; and

(II) by inserting "or under subsection (a)(3)" after "subsection (a)(1)"; and

(ii) in paragraph (2), by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) in paragraph (1)—

(I) by inserting "(or 26 workweeks in the case of leave provided under subsection (a)(3))" after "12 workweeks" the first place it appears; and

(II) by inserting "(or 26 workweeks, as appropriate)" after "12 workweeks" the second place it appears; and

(ii) in paragraph (2)(B), by adding at the end the following: "An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.".

(C) NOTICE.—Section 102(e)(2) of such Act (29 U.S.C. 2612(e)(2)) is amended by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(D) SPOUSES EMPLOYED BY SAME EMPLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f)) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and aligning the margins of the subparagraphs with the margins of section 102(e)(2)(A);

(ii) by striking "In any" and inserting the following:

"(1) IN GENERAL.—In any"; and

(iii) by adding at the end the following:

"(2) SERVICEMEMBER FAMILY LEAVE.—

"(A) IN GENERAL.—The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

"(i) leave under subsection (a)(3); or

"(ii) a combination of leave under subsection (a)(3) and leave described in paragraph (1).

"(B) BOTH LIMITATIONS APPLICABLE.—If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).".

(E) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

(F) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting "or under section 102(a)(3)" before the semicolon; and

(ii) in paragraph (3)(A)—

(I) in clause (i), by striking "or" at the end;

(II) in clause (ii), by striking the period and inserting "; or"; and

(III) by adding at the end the following:

"(iii) a certification issued by the health care provider of the servicemember being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).".

(G) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting "(or 26 weeks, in a case involving leave under section 102(a)(3))" after "12 weeks".

(H) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting "or under section 102(a)(3)" after "section 102(a)(1)".

(c) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

"(8) the term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness;

"(9) the term 'medical hold or medical holdover status' means—

"(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

"(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces;

"(10) the term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual; and

"(11) the term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.".

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

"(3) Subject to section 6383, an employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 administrative workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

"(4) During the single 12-month period described in paragraph (3), an employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking "section 6383(b)(5)" and inserting "subsection (b)(5) or (f) (as appropriate) of section 6383"; and

(II) by inserting "or under subsection (a)(3)" after "subsection (a)(1)"; and

(ii) in paragraph (2), by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: "An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.".

(C) NOTICE.—Section 6382(e) of such title is amended by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(D) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SA 2648. Mr. PRYOR (for Mrs. BOXER) proposed an amendment to the bill S. 775, to establish a National Commission on the Infrastructure of the United States; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Infrastructure Improvement Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) ACQUISITION.—The term "acquisition" includes any necessary activities for siting a facility, equipment, structures, or rolling stock by purchase, lease-purchase, trade, or donation.

(2) COMMISSION.—The term "Commission" means the National Commission on the Infrastructure of the United States established by section 3(a).

(3) CONSTRUCTION.—The term "construction" means—

(A) the design, planning, and erection of new infrastructure;

(B) the expansion of existing infrastructure;

(C) the reconstruction of an infrastructure project at an existing site; and

(D) the installation of initial or replacement infrastructure equipment.

(4) INFRASTRUCTURE.—

(A) IN GENERAL.—The term "infrastructure" means a nonmilitary structure or facility, and any equipment and any nonstructural elements associated with such a structure or facility.

(B) INCLUSIONS.—The term "infrastructure" includes—

(i) a surface transportation facility (such as a road, bridge, highway, public transportation facility, and freight and passenger rail), as the Commission, in consultation with the National Surface Transportation Policy and Revenue Study Commission established by section 1909(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1471), determines to be appropriate;

(ii) a mass transit facility;

(iii) an airport or airway facility;

(iv) a resource recovery facility;

(v) a water supply and distribution system;

(vi) a wastewater collection, conveyance, or treatment system, and related facilities;

(vii) a stormwater treatment system to manage, reduce, treat, or reuse municipal stormwater;

(viii) waterways, locks, dams, and associated facilities;

(ix) a levee and any related flood damage reduction facility;

(x) a dock or port; and

(xi) a solid waste disposal facility.

(5) NONSTRUCTURAL ELEMENTS.—The term "nonstructural elements" includes —

(A) any feature that preserves and restores a natural process, a landform (including a floodplain), a natural vegetated stream side buffer, wetland, or any other topographical feature that can slow, filter, and naturally store storm water runoff and flood waters;

(B) any natural design technique that percolates, filters, stores, evaporates, and detains water close to the source of the water; and

(C) any feature that minimizes or disconnects impervious surfaces to slow runoff or allow precipitation to percolate.

(6) MAINTENANCE.—The term "maintenance" means any regularly scheduled activity, such as a routine repair, intended to ensure that infrastructure continues to operate efficiently and as intended.

(7) REHABILITATION.—The term "rehabilitation" means an action to extend the useful life or improve the effectiveness of existing infrastructure, including—

(A) the correction of a deficiency;

(B) the modernization or replacement of equipment;

(C) the modernization of, or replacement of parts for, rolling stock relating to infrastructure;

(D) the use of nonstructural elements; and

(E) the removal of infrastructure that is deteriorated or no longer useful.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Commission on the Infrastructure of the United States" to ensure that the infrastructure of the United States—

(1) meets current and future demand;

(2) facilitates economic growth;

(3) is maintained in a manner that ensures public safety; and

(4) is developed or modified in a sustainable manner.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 8 members, of whom—

(A) 2 members shall be appointed by the President;

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 1 member shall be appointed by the minority leader of the House of Representatives;

(D) 2 members shall be appointed by the majority leader of the Senate; and

(E) 1 member shall be appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Each member of the Commission shall—

(A) have experience in 1 or more of the fields of economics, public administration, civil engineering, public works, construction, and related design professions, planning, public investment financing, environmental engineering, or water resources engineering; and

(B) represent a cross-section of geographical regions of the United States.

(3) DATE OF APPOINTMENTS.—The members of the Commission shall be appointed under paragraph (1) not later than 90 days after the enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled, not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson or the request of the majority of the Commission members.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

SEC. 4. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than February 15, 2009, the Commission shall complete a study of all matters relating to the state of the infrastructure of the United States.

(2) MATTERS TO BE STUDIED.—In carrying out paragraph (1), the Commission shall study matters such as—

(A) the capacity of infrastructure to sustain current and anticipated economic development and competitiveness, including long-term economic growth, including the potential return to the United States economy on investments in new infrastructure as opposed to investments in existing infrastructure;

(B) the age and condition of public infrastructure (including congestion and changes in the condition of that infrastructure as compared with preceding years);

(C) the methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure (including general obligation bonds, tax-credit bonds, revenue bonds, user fees, excise taxes, direct governmental assistance, and private investment);

(D) any trends or innovations in methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure;

(E) investment requirements, by type of infrastructure, that are necessary to maintain the current condition and performance of the infrastructure and the investment needed (adjusted for inflation and expressed in real dollars) to improve infrastructure in the future;

(F) based on the current level of expenditure (calculated as a percentage of total expenditure and in constant dollars) by Federal, State, and local governments—

(i) the projected amount of need the expenditures will meet 5, 15, 30, and 50 years after the date of enactment of this Act; and

(ii) the levels of investment requirements, as identified under subparagraph (E);

(G) any trends or innovations in infrastructure procurement methods;

(H) any trends or innovations in construction methods or materials for infrastructure;

(I) the impact of local development patterns on demand for Federal funding of infrastructure;

(J) the impact of deferred maintenance; and

(K) the collateral impact of deteriorated infrastructure.

(b) RECOMMENDATIONS.—The Commission shall develop recommendations—

(1) on a Federal infrastructure plan that will detail national infrastructure program priorities, including alternative methods of meeting national infrastructure investment needs to effectuate balanced economic development;

(2) on infrastructure improvements and methods of delivering and providing for infrastructure facilities;

(3) for analysis or criteria and procedures that may be used by Federal agencies and State and local governments in—

(A) inventorying existing and needed infrastructure improvements;

(B) assessing the condition of infrastructure improvements;

(C) developing uniform criteria and procedures for use in conducting the inventories and assessments; and

(D) maintaining publicly accessible data; and

(4) for proposed guidelines for the uniform reporting, by Federal agencies, of construction, acquisition, rehabilitation, and maintenance data with respect to infrastructure improvements.

(c) STATEMENT AND RECOMMENDATIONS.—Not later than February 15, 2010, the Commission shall submit to Congress—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission under subsection (b), including recommendations for such legislation and administrative actions for 5-, 15-, 30-, and 50-year time periods as the Commission considers to be appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) CONTRACTS.—The Commission may enter into contracts with other entities, including contracts under which 1 or more entities, with the guidance of the Commission, conduct the study required under section 4(a).

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(b) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(c) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Secretary of the Army, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this Act.

SEC. 7. REPORTS.

(a) INTERIM REPORTS.—Not later than 1 year after the date of the initial meeting of the Commission, the Commission shall submit an interim report containing a detailed summary of the progress of the Commission, including meetings and hearings conducted during the interim period, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(b) FINAL REPORT.—On termination of the Commission under section 9, the Commission shall submit a final report containing a detailed statement of the findings and conclusions of the Commission and recommendations for legislation and other policies to implement those findings and conclusions, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(c) TRANSPARENCY.—A report submitted under subsection (a) or (b) shall be made available to the public electronically, in a user-friendly format, including on the Internet.

SEC. 8. FUNDING.

For each of fiscal years 2008 through 2010, upon request by the Commission—

(1) using amounts made available to the Secretary of Transportation from any source or account other than the Highway Trust Fund, the Secretary of Transportation shall transfer to the Commission $750,000 for use in carrying out this Act;

(2) using amounts from the General Expenses account of the Corps of Engineers (other than amounts in that account made available through the Department of Defense), the Secretary of the Army, acting through the Chief of Engineers, shall transfer to the Commission $250,000 for use in carrying out this Act; and

(3) the Administrator of the Environmental Protection Agency shall transfer to the Commission $250,000 for use in carrying out this Act.

SEC. 9. TERMINATION OF COMMISSION.

The Commission shall terminate on September 30, 2010.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, August 2, 2007, at 11:30 a.m. in closed session to receive a briefing on drawdown planning for U.S. forces in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on August 2, 2007, at 9:30 a.m. in order to conduct a Hearing on the nominations of the Honorable Randall S. Kroszner, of New Jersey, to be a member of the Board of Governors of the Federal Reserve System; Ms. Elizabeth A. Duke, of Virginia, to be a member of the Board of Governors of the Federal Reserve System: and Mr. Larry A. Klane, of the District of Columbia, to be a member of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, August 2, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. During the Executive Session, Committee members will mark up the following agenda items:

1. S. 781, to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007;

2. S. 602, Child Safe Viewing Act of 2007;

3. S. 1578, Ballast Water Management Act of 2007;

4. S. 1892, Coast Guard Authorization Act of 2007; and

5. Nominations subject to July 31, 2007 Confirmation Hearing. (PN 571) Mr. Ronald Spoehel, to be Chief Financial Officer, National Aeronautics and Space Administration. (PN 522) Mr. William G. Sutton, to be Assistant Secretary of Commerce, U.S. Department of Commerce. (PN 645) Vice Admiral Thomas J. Barrett, to be Deputy Secretary, U.S. Department of Transportation. (PN 656) Mr. Paul R. Brubaker, to be Administrator of the Research and Innovative Technology Administration, U.S. Department of Transportation. (PN 781) Nomination for Promotion in the United States Coast Guard.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part VII" on Thursday, August 2, 2007, at 10 a.m. in the Dirksen Senate Office Building room 226.

Witness list

Karl Rove, The White House; J. Scott Jennings, The White House.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a markup on Thursday, August 2, 2007, at 11:30 a.m. in Dirksen room 226.

Agenda

I. Bills: S____, School Safety and Law Enforcement Improvements Act, (Chairman's mark); S. 1060, Recidivism Reduction & Second Chance Act of 2007, (Biden, Specter, Brownback, Leahy, Kennedy, Schumer, Whitehouse, Durbin); S. 453, Deceptive Practices and Voter Intimidation Prevention Act of 2007; (Obama, Schumer, Leahy, Cardin, Feingold, Feinstein, Kennedy, Whitehouse); S. 1692, A bill to grant a Federal Charter to Korean War Veterans Association, (Cardin, Isakson, Kennedy); S. 1845, A bill to provide for limitations in certain communications between the Department of Justice and the White House; (Whitehouse).

II. Nomination: Rosa Emilia Rodriguez-Velez to be United States Attorney for the District of Puerto Rico.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on August 2, 2007, at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY.

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services and International Security be authorized to meet during the session of the Senate on Thursday, August 2, 2007, at 10 a.m. in order to conduct a hearing entitled "Service Standards at the Postal Service: Are Customers Getting What They Paid For?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, August 2, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on S. 1253, a bill to establish a fund for the National Park Centennial Challenge, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITY AND INTERNATIONAL TRADE AND FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Security and International Trade and Finance be authorized to meet during the session of the Senate on August 2, 2007, at 2:30 p.m., in order to conduct a hearing entitled "Reforming Key International Financial Institutions for the 21st Century."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, on behalf of Senator DODD, I ask unanimous consent that Dr. Carmen Green, a fellow in his office, be granted floor privileges. I ask unanimous consent that Ben Miller of the Finance Committee be granted floor privileges, both for the remainder of debate on this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194, as amended by Public Law 101-595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: the Senator from Alaska (Mr. STEVENS), from the Committee on Commerce, Science and Transportation and the Senator from Maine (Ms. COLLINS), At Large.

DESIGNATING SEPTEMBER 2007 AS "NATIONAL BOURBON HERITAGE MONTH"

DESIGNATING SEPTEMBER 19, 2007, AS "NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY"

DESIGNATING SEPTEMBER 2007 AS "NATIONAL YOUTH COURT MONTH"

RECOGNIZING THE 100TH ANNIVERSARY OF THE UTAH LEAGUE OF CITIES AND TOWNS

COMMENDING FAYETTEVILLE, NORTH CAROLINA, FOR HOLDING A CELEBRATION OF THE 250TH ANNIVERSARY OF THE BIRTH OF THE MARQUIS DE LAFAYETTE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the consideration of the following Senate resolutions which were submitted earlier today: S. Res. 294, S. Res. 295, S. Res. 296, S. Res. 297, and S. Res. 298.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. HATCH. Mr. President, I rise today to speak in honor of an organization that has, over the last century, worked so amazingly hard to serve the people and communities of my home State of Utah. This year, the Utah League of Cities and Towns celebrates its 100th Anniversary.

The Utah League of Cities and Towns, ULCT, has done a wonderful job of representing hundreds of cities and towns throughout a large and growing State for 100 years now. Senator BENNETT and I are very proud of the way it has advocated for the success of each city and town throughout Utah and we would like to honor its wonderful accomplishment by introducing this resolution to celebrate its 100th anniversary. I urge my colleagues to join with me in supporting this resolution and in wishing the members of the ULCT another 100 years of success in the century to come.

Mr. PRYOR. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 294, S. Res. 295, S. Res. 296, S. Res. 297, and S. Res. 298) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 294

Whereas Congress declared bourbon as "America's Native Spirit" in 1964, making it the only spirit distinctive to the United States;

Whereas the history of bourbon-making is interwoven with the history of the United States, from the first settlers of Kentucky in the 1700s, who began the bourbon-making process, to the 2,000 families and farmers distilling bourbon in Kentucky by the 1800s;

Whereas bourbon has been used as a form of currency;

Whereas generations have continued the heritage and tradition of the bourbon-making process, unchanged from the process used by their ancestors centuries before;

Whereas individual recipes for bourbon call for natural ingredients, utilizing the local Kentucky farming community and leading to continued economic development for the Commonwealth of Kentucky;

Whereas generations of people in the United States have traveled to Kentucky to experience the family heritage, tradition, and deep-rooted legacy that the Commonwealth contributes to the United States;

Whereas each year during September visitors from over 13 countries attend a Kentucky-inspired commemoration to celebrate the history of the Commonwealth, the distilleries, and bourbon;

Whereas people who enjoy bourbon should do so responsibly and in moderation; and

Whereas members of the beverage alcohol industry should continue efforts to promote responsible consumption and to eliminate drunk driving and underage drinking: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as "National Bourbon Heritage Month";

(2) recognizes bourbon as "America's Native Spirit" and reinforces its heritage and tradition and its place in the history of the United States; and

(3) recognizes the contributions of the Commonwealth of Kentucky to the culture of the United States.

S. RES. 295

Whereas Attention Deficit/Hyperactivity Disorder (also known as ADHD or ADD), is a chronic neurobiological disorder that affects both children and adults, and can significantly interfere with the ability of an individual to regulate activity level, inhibit behavior, and attend to tasks in developmentally-appropriate ways;

Whereas ADHD can cause devastating consequences, including failure in school and the workplace, antisocial behavior, encounters with the criminal justice system, interpersonal difficulties, and substance abuse;

Whereas ADHD, the most extensively studied mental disorder in children, affects an estimated 3 to 7 percent (4,000,000) of young school-age children and an estimated 4 percent (8,000,000) of adults across racial, ethnic, and socio-economic lines;

Whereas scientific studies indicate that between 10 and 35 percent of children with

ADHD have a first-degree relative with past or present ADHD, and that approximately one-half of parents who had ADHD have a child with the disorder, suggesting that ADHD runs in families and inheritance is an important risk factor;

Whereas despite the serious consequences that can manifest in the family and life experiences of an individual with ADHD, studies indicate that less than 85 percent of adults with the disorder are diagnosed and less than half of children and adults with the disorder receive treatment and, furthermore, poor and minority communities are particularly underserved by ADHD resources;

Whereas the Surgeon General, the American Medical Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, the American Psychological Association, the American Academy of Pediatrics, the Centers for Disease Control and Prevention, and the National Institutes of Mental Health, among others, recognize the need for proper diagnosis, education, and treatment of ADHD;

Whereas the lack of public knowledge and understanding of the disorder play a significant role in the overwhelming numbers of undiagnosed and untreated cases of ADHD, and the dissemination of inaccurate, misleading information contributes as an obstacle for diagnosis and treatment;

Whereas lack of knowledge combined with issues of stigma have a particularly detrimental effect on the diagnosis and treatment of the disorder;

Whereas there is a need for education of health care professionals, employers, and educators about the disorder and a need for well-trained mental health professionals capable of conducting proper diagnosis and treatment activities; and

Whereas studies by the National Institute of Mental Health and others consistently reveal that through proper comprehensive diagnosis and treatment, the symptoms of ADHD can be substantially decreased and quality of life can be improved: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 19, 2007, as "National Attention Deficit Disorder Awareness Day";

(2) recognizes Attention Deficit/Hyperactivity Disorder (ADHD) as a major public health concern;

(3) encourages all Americans to find out more about ADHD, support ADHD mental health services, and seek the appropriate treatment and support, if necessary;

(4) expresses the sense of the Senate that the Federal Government has a responsibility to—

(A) endeavor to raise awareness about ADHD; and

(B) continue to consider ways to improve access and quality of mental health services dedicated to improving the quality of life of children and adults with ADHD; and

(5) calls on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs and activities.

S. RES. 296

Whereas the United States is built on strong communities in which all citizens play an active role and invest in the success and future of the youth of the United States;

Whereas the sixth National Youth Court Month celebrates the outstanding achievements of youth court programs throughout the country;

Whereas in 2006, more than 120,000 youths volunteered to hear more than 130,000 juvenile cases, and more than 20,000 adults volunteered to facilitate peer justice in youth court programs;

Whereas 1,210 youth court programs in 49 States and the District of Columbia provide restorative justice for juvenile offenders, resulting in effective crime prevention, early intervention and education for all youth participants, and enhanced public safety throughout the United States;

Whereas youth courts address offenses that might otherwise go unaddressed until the offending behavior escalates and reduce caseloads for the juvenile justice system;

Whereas youth courts redirect the efforts of juvenile offenders toward becoming contributing members of their communities by holding juvenile offenders accountable and reconciling victims, communities, juvenile offenders, and their families;

Whereas Federal, State, and local governments, corporations, foundations, service organizations, educational institutions, juvenile justice agencies, and individual adults support youth court programs because these programs actively promote and contribute to building successful, productive lives and futures for the youth of the United States;

Whereas a fundamental correlation exists between youth service and lifelong community involvement;

Whereas volunteer service and related service learning opportunities enable young people to build character and develop and enhance life-skills, such as responsibility, decision-making, time management, teamwork, public speaking, and leadership, which prospective employers will value; and

Whereas youth court programs encourage participants to become valuable members of their communities: Now, therefore, be it

Resolved, That the Senate designates September 2007 as "National Youth Court Month".

S. RES. 297

Whereas the Utah League of Cities and Towns was created in 1907 as the Utah Municipal League to protect the interests of the municipalities of the State of Utah and to promote an active interest in municipal affairs;

Whereas the Utah League of Cities and Towns was the 9th such State league created in the United States and was one of the earliest members of the National League of Cities;

Whereas one of the primary functions of the Utah League of Cities and Towns during its early years was to organize and facilitate an annual convention, which remains a key function of the Utah League of Cities and Towns;

Whereas nearly 1,000 elected officials and staff from municipalities across the State of Utah attend the Utah League of Cities and Towns Convention each year;

Whereas when the Utah League of Cities and Towns was formed, there were 375,000 residents of Utah and 83 municipalities;

Whereas nearly 2,500,000 people now call Utah home, and the large majority of these people live in the 243 cities and towns across the State;

Whereas, in 1937, the Utah League of Cities and Towns reorganized, employed a full-time staff, expanded its legislative activity, and launched training and other service programs;

Whereas the Utah League of Cities and Towns strives to maintain a strong unity among all Utah municipalities, promoting common interests among municipalities while recognizing each city's unique differences;

Whereas the Utah League of Cities and Towns helped to secure the bid, organize, and host the successful XIX Olympic Winter Games in 2002, and also helped promote a vision of the Olympic Games throughout the region; and

Whereas, as the Utah League of Cities and Towns enters its 2nd century of service, it remains committed to representing the interests of municipal governments with a strong, unified voice at the State and Federal levels and providing information, training, and technical assistance to the leaders of the cities and towns of Utah as they try to make life better for all Utahns: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 100th anniversary of the founding of the Utah League of Cities and Towns; and

(2) expresses its appreciation for the efforts of the Utah League of Cities and Towns to promote civic responsibility and community interest during the past 100 years.

S. RES. 298

Whereas the Marquis de Lafayette, born on September 6, 1757, is considered a national hero in both France and the United States for his participation in the American and French revolutions, and is 1 of only 6 Honorary Citizens of the United States;

Whereas the Marquis de Lafayette served heroically and with distinction during the American Revolution, both as a general and as a diplomat, offering his services as an unpaid volunteer;

Whereas the first battle the Marquis de Lafayette fought in the American Revolution was at Brandywine, where he fought courageously and was wounded;

Whereas the Marquis de Lafayette also served with distinction in various other engagements, including the surrender of the British army at Yorktown;

Whereas, in 1783, the 2 colonial villages of Cross Creek and Campbellton were merged by the legislature of North Carolina and named Fayetteville, North Carolina;

Whereas Fayetteville, North Carolina was the first city in the United States named for the Marquis de Lafayette, and the only city named for him that he actually visited;

Whereas, in 1789, the General Assembly and constitutional convention met in Fayetteville, North Carolina, where delegates ratified the United States Constitution, chartered the University of North Carolina, and ceded the western lands of the State to form the State of Tennessee;

Whereas during the tour of the United States taken by the Marquis de Lafayette as "The Guest of the Nation," the Marquis was entertained in Fayetteville on March 4 and 5, 1825, by leading citizens of the State and community of Fayetteville, including Governor Hutchins G. Burton;

Whereas, on the death of the Marquis de Lafayette in 1834, the City of Fayetteville held a large memorial service with an eloquent eulogium on his character and services;

Whereas, in 1983, on the bicentennial of the naming of Fayetteville, the Lafayette Society and the great-great grandson of the Marquis de Lafayette, Count Rene de Chambrun, unveiled a statue of General Lafayette in the Downtown Historic District; and

Whereas the city of Fayetteville, North Carolina, will hold 3 days of celebration from September 6 through 8, 2007 to honor the 250th anniversary of the birth of the Marquis de Lafayette: Now, therefore, be it

Resolved, That the Senate—

(1) commends the City of Fayetteville, North Carolina for holding a 3-day celebration of the 250th anniversary of the birth of the Marquis de Lafayette; and

(2) recognizes that the great City of Fayetteville is where North Carolina celebrates the birthday of the Marquis de Lafayette.

URGING THE PRESIDENT TO DECLARE LUNG CANCER A PUBLIC HEALTH PRIORITY

Mr. PRYOR. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 87, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 87) expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program to reduce the lung cancer mortality rate by at least 50 percent by 2015.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 87) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 87

Whereas lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths;

Whereas lung cancer kills more people annually than breast cancer, prostate cancer, colon cancer, liver cancer, melanoma, and kidney cancer combined;

Whereas, since the National Cancer Act of 1971 (Public Law 92-218; 85 Stat. 778), coordinated and comprehensive research has raised the 5-year survival rates for breast cancer to 88 percent, for prostate cancer to 99 percent, and for colon cancer to 64 percent;

Whereas the 5-year survival rate for lung cancer is still only 15 percent and a similar coordinated and comprehensive research effort is required to achieve increases in lung cancer survivability rates;

Whereas 60 percent of lung cancer cases are now diagnosed in nonsmokers or former smokers;

Whereas ⅔ of nonsmokers diagnosed with lung cancer are women;

Whereas certain minority populations, such as Black males, have disproportionately high rates of lung cancer incidence and mortality, notwithstanding their lower smoking rate;

Whereas members of the baby boomer generation are entering their sixties, the most common age at which people develop cancer;

Whereas tobacco addiction and exposure to other lung cancer carcinogens such as Agent Orange and other herbicides and battlefield emissions are serious problems among military personnel and war veterans;

Whereas the August 2001 Report of the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was "far below the levels characterized for other common malignancies and far out of proportion to its massive health impact";

Whereas the Report of the Lung Cancer Progress Review Group identified as its "highest priority" the creation of integrated, multidisciplinary, multi-institutional research consortia organized around the problem of lung cancer rather than around specific research disciplines; and

Whereas the United States must enhance its response to the issues raised in the Report of the Lung Cancer Progress Review Group: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) declare lung cancer a public health priority and immediately lead a coordinated effort to reduce the lung cancer mortality rate by 50 percent by 2015;

(2) direct the Secretary of Health and Human Services to increase funding for lung cancer research and other lung cancer-related programs as part of a coordinated strategy with defined goals, including—

(A) translational research and specialized lung cancer research centers;

(B) expansion of existing multi-institutional, population-based screening programs incorporating state-of-the-art image processing, centralized review, clinical management, and tobacco cessation protocols;

(C) research on disparities in lung cancer incidence and mortality rates;

(D) graduate medical education programs in thoracic medicine and cardiothoracic surgery;

(E) new programs within the Food and Drug Administration to expedite the development of chemoprevention and targeted therapies for lung cancer;

(F) annual reviews by the Agency for Healthcare Research and Quality of lung cancer screening and treatment protocols;

(G) the appointment of a lung cancer director within the Centers for Disease Control and Prevention with authority to improve lung cancer surveillance and screening programs; and

(H) lung cancer screening demonstration programs under the direction of the Centers for Medicare and Medicaid Services;

(3) direct the Secretary of Defense, in conjunction with the Secretary of Veterans Affairs, to develop a broad-based lung cancer screening and disease management program among members of the Armed Forces and veterans, and to develop technologically advanced diagnostic programs for the early detection of lung cancer;

(4) appoint a Lung Cancer Scientific and Medical Advisory Committee, comprised of medical, scientific, pharmaceutical, and patient advocacy representatives, to—

(A) work with the National Lung Cancer Public Health Policy Board described in paragraph (5); and

(B) report to the President and Congress on the progress toward and the obstacles to achieving the goal described in paragraph (1) of reducing the lung cancer mortality rate by 50 percent by 2015; and

(5) convene a National Lung Cancer Public Health Policy Board, comprised of multiagency and multidepartment representatives and at least 3 members of the Lung Cancer Scientific and Medical Advisory Committee, to oversee and coordinate all efforts to accomplish the goal described in paragraph (1) of reducing the lung cancer mortality rate by 50 percent by 2015.

PESTICIDE REGISTRATION IMPROVEMENT RENEWAL ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1983, introduced earlier today by Senators HARKIN and CHAMBLISS.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1983) to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, to extend and improve the collection of maintenance fees, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I am pleased to join with my colleague and committee ranking member, Senator CHAMBLISS, to offer the Pesticide Registration Improvement Renewal Act.

This legislation will reauthorize and amend the Pesticide Registration Improvement Act we enacted in 2003 to control the collection and disbursement of fees collected in the pesticide registration process. This legislation extends the authority for the Environmental Protection Agency to collect maintenance fees for the reregistration of pesticides.

This legislation is agreed upon by a broad array of stakeholders, including the manufacturers, environmental groups and agricultural producers. This legislation ensures that these chemicals are reevaluated in a timely manner, while covering the costs of the EPA workers who carry out this important work. This bill has no budgetary impact and should not be controversial. I ask my colleagues to support this important measure.

Mr. CHAMBLISS. Mr. President, I rise to express my support for the Pesticide Registration Improvement Renewal Act. It reauthorizes the highly successful Pesticide Registration Improvement Act, PRIA, which was modeled on the Prescription Drug User Fee Act and enacted as part of the 2004 omnibus appropriations bill.

PRIA authorized the U.S. Environmental Protection Agency, EPA, to collect service fees in order to help cover the cost of registering new pesticides. It also authorized EPA to continue to collect fees to review older pesticides. PRIA established a fee schedule for pesticide registration requests and set specific time periods for EPA to make regulatory decisions on pesticide registration and tolerance requests. The goal of PRIA was to create a more predictable and effective evaluation process for pesticide registration decisions and link the collection of individual fees with specific decision review periods.

PRIA was developed through the work of a unique coalition of environmental associations and the registrant community, which included agricultural and non-agricultural, antimicrobial, large, small, biotech, and biopesticide companies. This same coalition came together to develop this legislative proposal to reauthorize PRIA.

This is true consensus legislation. It clarifies the intent of the original law and continues the fee-for-service program, with some technical adjustments. Specifically, it increases and clarifies categories covered, uses maintenance fees for registration review, protects funds for grant programs, increases funding, and prevents free-riding.

I am pleased to cosponsor and support this legislation. I urge my colleagues to approve its reauthorization and continue the positive changes PRIA brought to the pesticide registration process.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1983) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pesticide Registration Improvement Renewal Act".

SEC. 2. REVIEW OF APPLICATIONS.

Section 3(c)(3)(B)(ii) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(3)(B)(ii)) is amended—

(1) in subparagraph (I), by striking "within 45 days" and all that follows through "and," and inserting "review the application in accordance with section 33(f)(4)(B) and,"; and

(2) in subparagraph (II), by striking "within" and inserting "not later than the applicable decision review time established pursuant to section 33(f)(4)(B), or, if no review time is established, not later than".

SEC. 3. REGISTRATION REVIEW.

Section 3(g)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence, by striking "The registrations" and inserting the following:

"(i) In General.—The registrations";

(B) in the second sentence, by striking "The Administrator" and inserting the following:

"(ii) Regulations.—In accordance with this subparagraph, the Administrator"; and

(C) by striking "The goal" and all that follows through "No registration" and inserting the following:

"(iii) Initial Registration Review.—The Administrator shall complete the registration review of each pesticide or pesticide case, which may be composed of 1 or more active ingredients and the products associated with the active ingredients, not later than the later of—

"(I) October 1, 2022; or

"(II) the date that is 15 years after the date on which the first pesticide containing a new active ingredient is registered.

"(iv) Subsequent Registration Review.—Not later than 15 years after the date on which the initial registration review is completed under clause (iii) and each 15 years thereafter, the Administrator shall complete a subsequent registration review for each pesticide or pesticide case.

"(v) Cancellation.—No registration";

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

"(B) Docketing.—

"(i) In general.—Subject to clause (ii), after meeting with 1 or more individuals that are not government employees to discuss matters relating to a registration review, the Administrator shall place in the docket minutes of the meeting, a list of attendees, and any documents exchanged at the meeting, not later than the earlier of—

"(I) the date that is 45 days after the meeting; or

"(II) the date of issuance of the registration review decision.

"(ii) Protected Information.—The Administrator shall identify, but not include in the docket, any confidential business information the disclosure of which is prohibited by section 10.".

SEC. 4. MAINTENANCE FEES.

(a) Total Amount of Fees.—Section 4(i)(5)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a—1(i)(5)(C)) is amended by striking "amount of" and all that follows through the end of clause (v) and inserting "amount of $22,000,000 for each of fiscal years 2008 through 2012".

(b) Amounts for Registrants.—Section 4(i)(5) of the Federal Insecticide Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(5) is amended—

(1) in subparagraph (D)—

(A) in clause (i), by striking by striking "shall be" and all that follows through the end of subclause (IV) and inserting "shall be $71,000 for each of fiscal years 2008 through 2012; and"; and

(B) in clause (ii), by striking "shall be" and all that follows through the end of subclause (IV) and inserting "shall be $123,000 for each of fiscal years 2008 through 2012."; and

(2) in subparagraph (E)(i)—

(A) in subclause (I), by striking "shall be" and all that follows through the end of item (dd) and inserting "shall be $50,000 for each of fiscal years 2008 through 2012; and"; and

(B) in subclause (II), by striking "shall be" and all that follows through the end of item (dd) and inserting "shall be $86,000 for each of fiscal years 2008 through 2012.".

(c) Extension of Authority for Collecting Maintenance Fees.—Section 4(i)(5)(H) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(5)(H) is amended by striking "2008" and inserting "2012."

(d) Other Fees.—

(1) In general.—Section 4(i)(6) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(6)) is amended by striking "2010" and inserting "2014".

(2) Prohibition on tolerance fees.—Section 408(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)) is amended by adding at the end the following:

"(3) Prohibition.—During the period beginning on the effective date of the Pesticide Registration Improvement Renewal Act and ending on September 30, 2012, the Administrator shall not collect any tolerance fees under paragraph (1).".

(e) Reregistration and Expedited Processing Fund.—

(1) Source and use.—Section 4(k)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)(2)(A)) is amended—

(A) in the first sentence, by inserting "and to offset the costs of registration review under section 3(g)" after "paragraph (3)";

(B) in clause (i), by inserting "and to offset the costs of registration review under section 3(g)" after "paragraph (3)"; and

(C) in clause (ii), by inserting "and to offset the costs of registration review under section 3(g)" after "paragraph (3)".

(2) Expedited processing of similar applications.—Section 4(k)(3)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)(3)(A)) is amended by striking "2007 and 2008" and inserting "2008 through 2012".

SEC. 5. PESTICIDE REGISTRATION SERVICE FEES.

(a) Documentation.—Section 33(b)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)(2)) is amended—

(1) in subparagraph (C), by striking clause (ii) and inserting the following:

"(ii) payment of at least 25 percent of the registration service fee and a request for a waiver from or reduction of the remaining amount of the registration service fee."; and

(2) by adding at the end the following:

"(D) Payment.—The registration service fee required under this subsection shall be due upon submission of the application.

"(E) Applications subject to additional fees.—An application may be subject to additional fees if—

"(i) the applicant identified the incorrect registration service fee and decision review period;

"(ii) after review of a waiver request, the Administrator denies the waiver request; or

"(iii) after review of the application, the Administrator determines that a different registration service fee and decision review period apply to the application.

"(F) Effect of failure to pay fees.—The Administrator shall reject any application submitted without the required registration service fee.

"(G) Non-refundable portion of fees.—

"(i) In general.—The Administrator shall retain 25 percent of the applicable registration service fee.

"(ii) Limitation.—Any waiver, refund, credit or other reduction in the registration service fee shall not exceed 75 percent of the registration service fee.

"(H) Collection of unpaid fees.—In any case in which the Administrator does not receive payment of a registration service fee (or applicable portion of the registration service fee) by the date that is 30 days after the fee is due, the fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.".

(b) Amount of Fees.—Section 33(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking "Pesticide Registration Improvement Act of 2003" and inserting "Pesticide Registration Improvement Renewal Act"; and

(B) in subparagraph (B), by striking "S11631" and all that follows through the end of the subparagraph and inserting "S10409 through S10411, dated July 31, 2007."; and

(2) by striking paragraph (6) and inserting the following:

"(6) FEE ADJUSTMENT.—

"(A) IN GENERAL.—Effective for a covered pesticide registration application received during the period beginning on October 1, 2008, and ending on September 30, 2010, the Administrator shall increase by 5 percent the registration service fee payable for the application under paragraph (3).

"(B) ADDITIONAL ADJUSTMENT.—Effective for a covered pesticide registration application received on or after October 1, 2010, the Administrator shall increase by an additional 5 percent the registration service fee in effect as of September 30, 2010.

"(C) PUBLICATION.—The Administrator shall publish in the Federal Register the revised registration service fee schedules.".

(c) WAIVERS AND REDUCTIONS.—Section 33(b)(7)(F) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(b)(7)(F)) is amended—

(1) in clause (ii), by striking "all" and inserting "75 percent"; and

(2) in clause (iv)(II), by striking "all" and inserting "75 percent of the applicable.".

(d) REFUNDS.—Section 33(b)(8)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(b)(8)(A)) is amended by striking "10 percent" and inserting "25 percent.".

(e) PESTICIDE REGISTRATION FUND.—Section 33(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(c)) is amended—

(1) in paragraph (1)(B), by striking "paragraph (4)" and inserting "paragraph (5)";

(2) in paragraph (3)—

(A) by striking subparagraph (B) and inserting the following:

"(B) WORKER PROTECTION.—

"(i) IN GENERAL.—For each of fiscal years 2008 through 2012, the Administrator shall use approximately 1/17 of the amount in the Fund (but not less than $1,000,000) to enhance scientific and regulatory activities relating to worker protection.

"(ii) PARTNERSHIP GRANTS.—Of the amounts in the Fund, the Administrator shall use for partnership grants—

"(I) for each of fiscal years 2008 and 2009, $750,000; and

"(II) for each of fiscal years 2010 through 2012, $500,000.

"(iii) PESTICIDE SAFETY EDUCATION PROGRAM.—Of the amounts in the Fund, the Administrator shall use $500,000 for each of fiscal years 2008 through 2012 to carry out the pesticide safety education program."; and

(B) by striking subparagraph (C); and

(3) in paragraph (5)—

(A) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

(B) by striking "Amounts" and inserting the following:

"(A) IN GENERAL.—Amounts"; and

(C) by adding at the end the following:

"(B) USE OF INVESTMENT INCOME.—After consultation with the Secretary of the Treasury, the Administrator may use income from investments described in clauses (ii) and (iii) of subparagraph (A) to carry out this section.".

(f) ASSESSMENT OF FEES.—Section 33(d)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(d)(2)) is amended by striking "For fiscal years 2004, 2005 and 2006 only, registration" and inserting "Registration".

(g) DECISION REVIEW TIMES.—Section 33(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(f)) is amended—

(1) in paragraph (1), by striking "Pesticide Registration Improvement Act of 2003" and inserting "Pesticide Registration Improvement Renewal Act";

(2) in paragraph (2), by striking "S11631" and all that follows through the end of the paragraph and inserting "S10409 through S10411, dated July 31, 2007."; and

(3) in paragraph (4), by striking subparagraph (B) and inserting the following:

"(B) COMPLETENESS OF APPLICATION.—

"(i) IN GENERAL.—Not later than 21 days after receiving an application and the required registration service fee, the Administrator shall conduct an initial screening of the contents of the application in accordance with clause (iii).

"(ii) REJECTION.—If the Administrator determines under clause (i) that the application does not pass the initial screening and cannot be corrected within the 21-day period, the Administrator shall reject the application not later than 10 days after making the determination.

"(iii) REQUIREMENTS OF SCREENING.—In conducting an initial screening of an application, the Administrator shall determine whether—

"(I)(aa) the applicable registration service fee has been paid; or

"(bb) at least 25 percent of the applicable registration service fee has been paid and the application contains a waiver or refund request for the outstanding amount and documentation establishing the basis for the waiver request; and

"(II) the application contains all the necessary forms, data, and draft labeling, formatted in accordance with guidance published by the Administrator.".

(h) REPORTS.—Section 33(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(k)) is amended—

(1) in paragraph (1), by striking "March 1, 2009" and inserting "March 1, 2014"; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by redesignating clauses (ii) through and (iv) as clauses (v) through (vii), respectively;

(ii) by inserting after clause (i) the following

"(ii) the number of label amendments that have been reviewed using electronic means;

"(iii) the amount of money from the Reregistration and Expedited Processing Fund used to carry out inert ingredient review and review of similar applications under section 4(k)(3);

"(iv) the number of applications completed for identical or substantially similar applications under section 3(c)(3)(B), including the number of such applications completed within 90 days pursuant to that section;"; and

(iii) in clause (vi) (as redesignated by clause (i))—

(I) in subclause (II), by striking "and" at the end;

(II) in subclause (III), by striking "and" at the end; and

(III) by adding at the end the following:

"(IV) providing for electronic submission and review of labels, including process improvements to further enhance the procedures used in electronic label review; and

"(V) the allowance and use of summaries of acute toxicity studies; and";

(B) in subparagraph (B), by striking "and" at the end;

(C) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(D) a review of the progress in carrying out section 3(g), including—

"(i) the number of pesticides or pesticide cases reviewed;

"(ii) a description of the staffing and resources relating to the costs associated with the review and decision making relating to reregistration and registration review for compliance with the deadlines specified in this Act;

"(iii) to the extent determined appropriate by the Administrator and consistent with the authorities of the Administrator and limitations on delegation of functions by the Administrator, recommendations for—

"(I) process improvements in the handling of registration review under section 3(g);

"(II) providing for accreditation of outside reviewers and the use of outside reviewers in the registration review process; and

"(III) streamlining the registration review process, consistent with section 3(g);

"(E) a review of the progress in meeting the timeline requirements for the review of antimicrobial pesticide products under section 3(h); and

"(F) a review of the progress in carrying out the review of inert ingredients, including the number of applications pending, the number of new applications, the number of applications reviewed, staffing, and resources devoted to the review of inert ingredients and recommendations to improve the timeliness of review of inert ingredients.".

(i) TERMINATION OF EFFECTIVENESS.—Section 33(m) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(m)) is amended—

(1) in paragraph (1), by striking "2008" and inserting "2012"; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the subparagraph heading, by striking "2009" and inserting "2013"; and

(ii) by striking "2009" and inserting "2013"; and

(B) in subparagraphs (B) and (C)—

(i) in the subparagraph headings, by striking "2010" each place it appears and inserting "2014"; and

(ii) by striking "2010" each place it appears and inserting "2014"; and

(C) in subparagraph (D), by striking "2008" each place it appears and inserting "2012".

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on October 1, 2007.

AUTHORIZING SAGINAW CHIPPEWA TRIBE OF INDIANS TO CONVEY LAND

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2952, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2952) to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2952) was ordered to a third reading, was read the third time, and passed.

AUTHORIZING COQUILLE INDIAN TRIBE TO CONVEY LAND

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2863, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2863) to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2863) was ordered to a third reading, was read the third time, and passed.

NATIONAL INFRASTRUCTURE IMPROVEMENT ACT OF 2007

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 319, S. 775.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 775) to establish a National Commission on the Infrastructure of the United States.

There being no objection, the Senate proceeded to consider the bill which had been reported by the Committee on Environment and Public Works with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Infrastructure Improvement Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) ACQUISITION.—The term "acquisition" includes any necessary activities for siting a facility, equipment, structures, or rolling stock by purchase, lease-purchase, trade, or donation.

(2) COMMISSION.—The term "Commission" means the National Commission on the Infrastructure of the United States established by section 3(a).

(3) CONSTRUCTION.—The term "construction" means—

(A) the design, planning, and erection of new infrastructure;

(B) the expansion of existing infrastructure;

(C) the reconstruction of an infrastructure project at an existing site; and

(D) the installation of initial or replacement infrastructure equipment.

(4) INFRASTRUCTURE.—

(A) IN GENERAL.—The term "infrastructure" means a nonmilitary structure or facility, and any equipment and any nonstructural elements associated with such a structure or facility.

(B) INCLUSIONS.—The term "infrastructure" includes—

(i) a surface transportation facility (such as a road, bridge, highway, public transportation facility, and freight and passenger rail), as the Commission, in consultation with the National Surface Transportation Policy and Revenue Study Commission established by section 1909(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1471), determines to be appropriate;

(ii) a mass transit facility;

(iii) an airport or airway facility;

(iv) a resource recovery facility;

(v) a water supply and distribution system;

(vi) a wastewater collection, conveyance, or treatment system, and related facilities;

(vii) a stormwater treatment system to manage, reduce, treat, or reuse municipal stormwater;

(viii) waterways, locks, dams, and associated facilities;

(ix) a levee and any related flood damage reduction facility;

(x) a dock or port; and

(xi) a solid waste disposal facility.

(5) NONSTRUCTURAL ELEMENTS.—The term "nonstructural elements" includes —

(A) any feature that preserves and restores a natural process, a landform (including a floodplain), a natural vegetated stream side buffer, wetland, or any other topographical feature that can slow, filter, and naturally store storm water runoff and flood waters;

(B) any natural design technique that percolates, filters, stores, evaporates, and detains water close to the source of the water; and

(C) any feature that minimizes or disconnects impervious surfaces to slow runoff or allow precipitation to percolate.

(6) MAINTENANCE.—The term "maintenance" means any regularly scheduled activity, such as a routine repair, intended to ensure that infrastructure continues to operate efficiently and as intended.

(7) REHABILITATION.—The term "rehabilitation" means an action to extend the useful life or improve the effectiveness of existing infrastructure, including—

(A) the correction of a deficiency;

(B) the modernization or replacement of equipment;

(C) the modernization of, or replacement of parts for, rolling stock relating to infrastructure;

(D) the use of nonstructural elements; and

(E) the removal of infrastructure that is deteriorated or no longer useful.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Commission on the Infrastructure of the United States" to ensure that the infrastructure of the United States—

(1) meets current and future demand;

(2) facilitates economic growth;

(3) is maintained in a manner that ensures public safety; and

(4) is developed or modified in a sustainable manner.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 8 members, of whom—

(A) 2 members shall be appointed by the President;

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 1 member shall be appointed by the minority leader of the House of Representatives;

(D) 2 members shall be appointed by the majority leader of the Senate; and

(E) 1 member shall be appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Each member of the Commission shall—

(A) have experience in 1 or more of the fields of economics, public administration, civil engineering, public works, construction, and related design professions, planning, public investment financing, environmental engineering, or water resources engineering; and

(B) represent a cross-section of geographical regions of the United States.

(3) DATE OF APPOINTMENTS.—The members of the Commission shall be appointed under paragraph (1) not later than 90 days after the enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled, not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson or the request of the majority of the Commission members.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

SEC. 4. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than February 15, 2009, the Commission shall complete a study of all matters relating to the state of the infrastructure of the United States.

(2) MATTERS TO BE STUDIED.—In carrying out paragraph (1), the Commission shall study matters such as—

(A) the capacity of infrastructure to sustain current and anticipated economic development and competitiveness, including long-term economic growth, including the potential return to the United States economy on investments in new infrastructure as opposed to investments in existing infrastructure;

(B) the age and condition of public infrastructure (including congestion and changes in the condition of that infrastructure as compared with preceding years);

(C) the methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure (including general obligation bonds, tax-credit bonds, revenue bonds, user fees, excise taxes, direct governmental assistance, and private investment);

(D) any trends or innovations in methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure;

(E) investment requirements, by type of infrastructure, that are necessary to maintain the current condition and performance of the infrastructure and the investment needed (adjusted

for inflation and expressed in real dollars) to improve infrastructure in the future;

(F) based on the current level of expenditure (calculated as a percentage of total expenditure and in constant dollars) by Federal, State, and local governments—

(i) the projected amount of need the expenditures will meet 5, 15, 30, and 50 years after the date of enactment of this Act; and

(ii) the levels of investment requirements, as identified under subparagraph (E);

(G) any trends or innovations in infrastructure procurement methods;

(H) any trends or innovations in construction methods or materials for infrastructure;

(I) the impact of local development patterns on demand for Federal funding of infrastructure;

(J) the impact of deferred maintenance; and

(K) the collateral impact of deteriorated infrastructure.

(b) RECOMMENDATIONS.—The Commission shall develop recommendations—

(1) on a Federal infrastructure plan that will detail national infrastructure program priorities, including alternative methods of meeting national infrastructure investment needs to effectuate balanced economic development;

(2) on infrastructure improvements and methods of delivering and providing for infrastructure facilities;

(3) for analysis or criteria and procedures that may be used by Federal agencies and State and local governments in—

(A) inventorying existing and needed infrastructure improvements;

(B) assessing the condition of infrastructure improvements;

(C) developing uniform criteria and procedures for use in conducting the inventories and assessments; and

(D) maintaining publicly accessible data; and

(4) for proposed guidelines for the uniform reporting, by Federal agencies, of construction, acquisition, rehabilitation, and maintenance data with respect to infrastructure improvements.

(c) STATEMENT AND RECOMMENDATIONS.—Not later than February 15, 2010, the Commission shall submit to Congress—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission under subsection (b), including recommendations for such legislation and administrative actions for 5-, 15-, 30-, and 50-year time periods as the Commission considers to be appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) CONTRACTS.—The Commission may enter into contracts with other entities, including contracts under which 1 or more entities, with the guidance of the Commission, conduct the study required under section 4(a).

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(b) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(c) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Secretary of the Army, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this Act.

SEC. 7. CONGRESSIONAL BUDGET OFFICE REVIEW.

Not later than 90 days after the date on which the report under section 4(c) is submitted to Congress by the Commission, the Congressional Budget Office shall review the report and submit a report on the results of the review to—

(1) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate; and

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives.

SEC. 8. REPORTS.

(a) INTERIM REPORTS.—Not later than 1 year after the date of the initial meeting of the Commission, the Commission shall submit an interim report containing a detailed summary of the progress of the Commission, including meetings and hearings conducted during the interim period, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(b) FINAL REPORT.—On termination of the Commission under section 10, the Commission shall submit a final report containing a detailed statement of the findings and conclusions of the Commission and recommendations for legislation and other policies to implement those findings and conclusions, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(c) TRANSPARENCY.—A report submitted under subsection (a) or (b) shall be made available to the public electronically, in a user-friendly format, including on the Internet.

SEC. 9. FUNDING.

For each of fiscal years 2008 through 2010, upon request by the Commission—

(1) using amounts made available to the Secretary of Transportation from any source or account other than the Highway Trust Fund, the Secretary of Transportation shall transfer to the Commission $750,000 for use in carrying out this Act;

(2) using amounts from the General Expenses account of the Corps of Engineers (other than amounts in that account made available through the Department of Defense), the Secretary of the Army, acting through the Chief of Engineers, shall transfer to the Commission $250,000 for use in carrying out this Act; and

(3) the Administrator of the Environmental Protection Agency shall transfer to the Commission $250,000 for use in carrying out this Act.

SEC. 10. TERMINATION OF COMMISSION.

The Commission shall terminate on September 30, 2010.

Mr. PRYOR. Mr. President, I ask unanimous consent that the amendment that is at the desk be considered and agreed to, the substitute amendment, as amended, be agreed to, the motions to reconsider be laid upon the table, en bloc, the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2648) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 775), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

MEASURES PLACED ON THE CALENDAR—S. 1927 AND H.R. 2831

Mr. PRYOR. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bills by title for the second time en bloc.

The legislative clerk read as follows:

A bill (S. 1927) to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information, and for other purposes.

A bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

Mr. PRYOR. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 1974

Mr. PRYOR. Mr. President, I understand that S. 1974, introduced earlier today by Senator KENNEDY and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1974) to make technical corrections related to the Pension Protection Act of 2006.

Mr. PRYOR. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive a second reading on the next legislative day.

ORDERS FOR FRIDAY, AUGUST 3, 2007

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, August 3; that on Friday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time of the two leaders be reserved for their use later in the day; that the Senate then proceed to executive session, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. PRYOR. Mr. President, I wish everyone a good night, and if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 11:33 p.m., adjourned until Friday, August 3, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

DENNIS W. CARLTON, OF ILLINOIS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE KATHERINE BAICKER, RESIGNED.

FEDERAL MARITIME COMMISSION

CARL B. KRESS, OF CALIFORNIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2011, VICE STEVEN ROBERT BLUST, RESIGNED.

A. PAUL ANDERSON, OF FLORIDA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2012. (REAPPOINTMENT)

DEPARTMENT OF STATE

JOHN A. GASTRIGHT, OF SOUTH CAROLINA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES COORDINATOR FOR AFGHANISTAN, DEPARTMENT OF STATE.

MARGARET SPELLINGS, OF TEXAS, TO BE DESIGNATED A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-FOURTH SESSION OF THE GENERAL CONFERENCE OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARK D. GEARAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 1, 2010. (REAPPOINTMENT)

JULIE FISHER CUMMINGS, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2011, VICE WILLIAM A. SCHAMBRA, TERM EXPIRED.

DONNA N. WILLIAMS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2009, VICE MARC RACICOT, TERM EXPIRED.

TOM OSBORNE, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2012, VICE CYNTHIA BOICH, TERM EXPIRING.

ALAN D. SOLOMONT, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2009. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

JEFFREY WILLIAM RUNGE, OF NORTH CAROLINA, TO BE ASSISTANT SECRETARY FOR HEALTH AFFAIRS AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

DEPARTMENT OF JUSTICE

CYNTHIA DYER, OF TEXAS, TO BE DIRECTOR OF THE VIOLENCE AGAINST WOMEN OFFICE, DEPARTMENT OF JUSTICE, VICE DIANE M. STUART, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TED F. BOWLDS, 8694

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID N. BLACKLEDGE, 1316

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KEITH D. JONES, 6195

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. CARL V. MAUNEY, 8015

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5033:

To be admiral

ADM. GARY ROUGHEAD, 6126

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WILLIAM H. SNEEDER, JR., 4227

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DWAYNE S. TUPPER, 5156

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SUZANNE R. TODD, 2534

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

RALPH C. BEATON, 7048

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KRISTEN M. BAUER, 6356

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTIONS 531:

To be major

JOSE M. TORRES, 3872

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

RICHARD D. ARES, 3906
GARRETT R. BAER, 8211
JOHN E. BALSER, 6885
EARL G. BENSON, 9302
CHRISTINE J. BIGHAM, 4542
WILLA R. BOBBITT, 5544
BONNIE B. EILAT, 2284
SARAH L. FLASH, 0680
MATTHEW B. GARBER, 3971
STEPHEN L. GOFFAR, 8627
DIANNE T. HELINSKI, 6525
JULIE K. HUDSON, 0039
DANNY J. MCMILLIAN, 5263
TIMOTHY L. PENDERGRASS, 2038
ALLYSON E. PRITCHARD, 7631
SHAWN J. SCOTT, 6062
SCOTT W. SHAFFER, 5781
WILLIAM C. WERLING, 9225
PATRICIA M. WILLIAMS, 9362
YVETTE WOODS, 8927

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

KENNETH E. DESPAIN, 3073
THOMAS A. EGGLESTON, 7493
STEPHEN A. FELT, 8523
JAMES F. KOTERSKI, 1076
FELICIA D. LANGEL, 8427
CHRISTOPHER J. LANIER, 0360
JULIO C. MONTERO, 7462
RICHARD J. PROBST, 2209
PEDRO J. RICO, 2359
TIMOTHY SETTLE, 0645
CHERYL D. SOFALY, 4067
THOMAS J. STEINBACH, 9350

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

MARVELLA BAILEY, 8096
TRACY L. BAKER, 0126
JEAN M. BARIDO, 3372
CORINA M. BARROW, 5185
DEBORAH L. BELANGER, 3273
ANNE C. BROWN, 1817
TERRY J. BROWN, 0441
JOSEPH T. CABELL, 1042
RONALD M. CASHION, 6066
RANDEL C. CASSELS, 9370
NAOMI S. CHILDRES, 4613

THOMAS R. COE, 7855
LYNN C. COLLINS, 0099
JENIFER M. CONSTANTIAN, 7410
MICHAEL R. COOPER, 8167
KATHLEEN F. CURRAN, 7318
GWENDOLYN L. DAVIS, 8987
DIANE S. DIEHL, 9839
PROSPERO C. DONAN, JR., 5216
LAURA L. FEIDER, 8732
MARY E. FREYLING, 2925
PABLITO R. GAHOL, 1538
KIMBERLY S. GARCIA, 6799
CHARLINE GEREPKA, 6919
CHAD B. GOODERHAM, 7512
MONTEZ GORRELLGOODE, 7962
JOHN H. GOURLEY, 1593
HEATHER B. GUESS, 4196
ROBERT G. HARMON, 0051
EULYNNE HARRISON, 6331
JUDITH M. HAWKINS, 4755
SHARON M. HEBERER, 4157
JENNIFER D. HINES, 5826
KAREN A. HUTCHINS, 7934
JENNIE M. IRIZARRY, 4775
ANDREA R. JACKSON, 9972
SHELLEY B. JAMES, 8121
LOUISE D. JOHNSON, 4633
VERNELL JORDAN, 9802
CLAIRE A. JOSEPH, 5815
NICOLE L. KERKENBUSH, 5963
JANET R. KROPF, 3911
BRUCE R. LANUM, 8819
LINDA A. LAPOINTE, 7414
PAUL F. LARUE, 7116
MARC A. LEWIS, 4420
DARYL J. MAGOULICK, 3050
LEONARDO M. MARTINEZ, 0027
LEIGH K. MCGRAW, 6485
SANDRA N. MCNAUGHTON, 7024
SUSAN R. MEILER, 5047
ELIZABETH A. MURRAY, 6546
ROBIN L. ODELL, 4281
JAMES L. PERRINE, 0141
BETH J. PETTITWILLIS, 0768
DEBORAH M. PINATHOMAS, 1099
PATRICK B. POLK, 3580
RICHARD M. PRIOR, 9661
ANGELA C. QUINTANILLA, 7529
DAVID C. RINALDI, 1156
NANCY A. SADDLER, 5227
KRYSTAL R. SCOFIELD, 4192
CHAD M. SEKUTERA, 5740
SONYA C. SHAW, 4989
AMELIA M. SMITH, 2565
ROBIN L. SMITH, 9830
MARGARET S. SOBIECK, 5238
CARMEN A. STELLA, 7964
MICHELE R. STONE, 9454
KATHERINE E. TAYLOR, 0554
COMBS D. UPSHAW, 2590
VERONICA A. VILLAFRANCA, 7845
ELIZABETH A. WALL, 8730
TRACY S. WALLACE, 4095
FRANCES K. WARD, 3622
KENDRA P. WHYATT, 5880
GAYLA W. WILSON, 9429

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

CARA M. ALEXANDER, 3151
PATRICIA J. ALLEN, 2940
BRIAN ALMQUIST, 3382
CHARLES A. ASOWATA, 5723
SHAUN M. BAILEY, 2041
STEPHEN A. BARNES, 0337
BEVERLY A. BEAVERS, 0245
DONNA E. BEED, 2319
GRETA L. BENNETT, 9175
WILLIAM J. BETTIN, 8536
LEE W. BEWLEY, 6719
KEVIN M. BONDS, 9980
JOSE A. BONILLA, 5982
CHADWICK A. BOWERS, 1057
LAURA E. BOWERS, 9301
SONYA R. BROWN, 3780
DAVID J. BROYHILL, 6097
JENNIFER B. CACI, 9339
CHERYL Y. CAMERON, 1052
WEYMAN E. CANNINGTON, 5427
PEDRO A. CASAS, 7945
JOHN J. CASEY III, 3146
CHRISTOPHER P. COLEY, 3626
MARY L. CONNELL, 1054
DEREK C. COOPER, 1940
ANTONIO E. COPELAND, 8226
ROBERT S. CORNES, 4446
ANDREW J. CORROW, 2617
BRIAN D. CRANDALL, 4021
ELLEN S. DALY, 1233
SWARTE V. DE, 2140
RALPH W. DEATHERAGE, 3238
MARK W. DICK, 1601
CORRINA A. DIXON, 1110
MARK J. DOLE, 1805
PETER N. EBERHARDT, 2311
AUSTIN W. ELLIOTT, 6434
LAURA M. ELLIOTT, 7729
DERRICK W. FLOWERS, 0364
RONALD S. FOLEY, 5232
CAROLYN E. FOTA, 6829
DAVID J. FUGAZZOTTO, JR., 6970
HAROLD J. GEOLINGO, 0423
DAVID R. GIBSON, 3978
CHERYL B. GOGGINS, 7822
MARJORIE A. GRANTHAM, 5681
ANTHONY L. GREEN, 0571
MICHELLE S. GREENE, 8732
CHRISTOPHER A. GRUBER, 6038
KURT A. GUSTAFSON, 3415
SAM E. HADDAD, JR., 9048
HERMAN HAGGRAY, JR., 8522
KELLY M. HALVERSON, 1142
JAMES A. HAWKINS, JR., 3353
MICHAEL D. HEATH, 3354
MARK L. HOHSTADT, 1181
HENRY E. HOLLIDAY III, 2754
WILLIAM G. HOWARD, 5879
ROBERT F. HOWE, 2475
TIMOTHY D. HOWER, 2188
STEPHEN R. INNANEN, 1621
MARK A. IRELAND, 9532
SUPING JIANG, 5328
WILLIAM D. JUDD, 5826
BRADLEY J. KAMROWSKIPOPPEN, 7777
SHERYL K. KENNEDY, 3872
GREGORY L. KIMM, 2173
ROBERT A. KNEELAND, 6627
ERICH K. LEHNERT, 6701
ROBERT A. LETIZIO, 7596
STEVE J. LEWIS, 5192
BRADLEY A. LIEURANCE, 8255
ERIC M. MAROYKA, 1233
THOMAS M. MARTIN, 1152
ANTHONY L. MCQUEEN, 5074
ROBERT D. MON, 2017
TROY E. MOSLEY, 2483
STEPHEN C. MOSS II, 1929
GERMAINE D. OLIVER, 0321
MACK C. OQUINN, JR., 8050
TERRY G. OWENS, 8430
MEE S. PAEK, 3117
PATRICK J. PIANALTO, 2071
JASON G. PIKE, 9530
ANDRE R. PIPPEN, 9345
CHRISTOPHER W. RICHARDS, 6461
ROBERT S. RICHARDS, 6532
JEFFERY F. RIMMER, 8433
ERIK G. RUDE, 8864
THOMAS R. RYLANDER, JR., 6564
CLINTON W. SCHRECKHISE, 9394
LOUIS J. SCHWARTZ, 4776
SHONNEIL W. SEVERNS, 8402
MAURICE L. SIPOS, 3585
DARIA J. SMITH, 8703
JOHN V. SMITH, 4454
ERIC B. SONES, 9094
PORTIA C. SORRELLS, 9725
MELLISSA R. STANFABREW, 2890
WILLIAM F. STARNES, 4016
KERRY J. SWEET, 1146
BRUCE C. SYVINSKI, 1019
LAURA A. THOMAS, 4618
DAVID M. THOMPSON, 7497
TONY N. TIDWELL, 3238
MARGA TOILLIONSTEFFENSMEIE, 2111
LAURA R. TRINKLE, 3432
RONALD C. VANROEKEL, 5078
KEITH A. WAGNER, 0387
RONALD D. WALKER, 3830
TRAVIS W. WATSON, 3553
RICHARD M. WEBB, 2782
ROBIN M. WHITACRE, 3631
THOMAS S. WIECZOREK, 0488
KRISTIN K. WOOLLEY, 5811
D060492
D060538
D060835

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RONNIE M. CITRO, 4308

EXTENSIONS OF REMARKS

IN HONOR OF TEXAS DISTRICT 22 INTERNS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. LAMPSON. Madam Speaker, interns are often overlooked as we all rush around the Capitol, but I believe that Washington, DC, would come to a halt if there were none. The importance of the interns' role cannot be overstated, for they handle many tasks that, while not particularly glamorous, create a much more efficient workplace and allow legislative staffers to concentrate on policies that benefit our constituents and people across the country.

This summer, my office was fortunate enough to have six great interns: Sue Banerjee, Kelly Boss, Omar Farid, Miles Hilder, Jenna Kubecka, and Kelsey McDowell. Each intern performed exceptionally well and deserves much appreciation for their service to the people of Texas' 22nd Congressional District. Their hard work and determination was noticed by everyone in the office, as well as by constituents, and I am proud to have such a talented and competent group of individuals working in my office. I know that the work ethic they have demonstrated this summer will carry them far in life.

These impressive young men and women are certainly poised to do great things and contribute significantly to our country's future. My staff, constituents, and I thank you all for your service and wish you the best in your future endeavors.

PERSONAL EXPLANATION

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. HAYES. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

July 30, 2007—Rollcall vote 758, I would have voted "yea;" Rollcall vote 759, I would have voted "nay;" Rollcall vote 760, I would have voted "nay;" Rollcall vote 761, I would have voted "nay;" Rollcall vote 762, I would have voted "nay."

July 31, 2007—Rollcall vote 763, I would have voted "yea;" Rollcall vote 764, I would have voted "yea;" Rollcall vote 765, I would have voted "yea."

DR. MOSSMAN NOMINATED AS SUPERINTENDENT OF THE YEAR OF TEXAS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. LAMPSON. Madam Speaker, knowledge is one of the greatest gifts teachers bestow upon students. They play invaluable roles in nurturing and giving young people the encouragement to grow and develop into productive members of society. We see the fruits of their patience and selfless dedication every day in our children and in ourselves. Building a cohesive relationship between teachers and the administration in charge of managing their school district is essential to extracting the most from our talented educators.

This is why I am honored to recognize Dr. Sandra Mossman's contribution to the Clear Creek Independent School District. She has been nominated to receive the 2007 Superintendent of the Year Award given annually since 1984 by the Texas Association of School Boards in Austin. The award is adjudicated based on several criteria relating to the efficient administration of education in the district and is determined by an elected board of members representing over 4.5 million students. She represents one of 17 regional superintendents around the state who have been acknowledged for their outstanding leadership skills and commitment to education. Dr. Mossman has been an innovative superintendent, pursuing initiatives that diversify the educational experiences of her students. She was instrumental in introducing the Early College in High School track that would allow high school students to take classes at a local college and even receive a 2-year college degree after fulfilling all their requirements. This is just one example of Dr. Mossman's important role in raising the standards of education for our children, and I certainly hope she will be recognized for her efforts at the TASB Convention in late August in Dallas. I am sure she will continue to inspire and lead young people and her colleagues alike to strive for the highest goals when examining education in this country.

As noted historian Henry Adams once said, "A teacher affects eternity; they can never tell where their influence stops." It is a thought that should motivate all of us to follow the shining example Dr. Mossman has set of what it means to be a committed leader in education in Texas.

HONORING HOPE FOR VISION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Ms. ROS-LEHTINEN. Madam Speaker, I would like to recognize an organization which is leading the fight against vision loss. Hope for Vision was founded to assist individuals dealing with the loss of vision, and to raise much needed funding for scientific research on retinal degenerative and other blinding diseases, so that future generations will not have to cope with this tragic issue.

I have the distinct pleasure and honor of being involved in this wonderful organization, and serve as an honorary member of the Board of Advisors. I also am proud to call several integral members of this organization including the Lidsky family, my friends. I have known Carlos and Betty Lidsky for many years and their son, Isaac, an attorney here in Washington, serves as the Chairman and President of Hope for Vision.

At the age of 12, Isaac was diagnosed with retinitis pigmentosa, a retinal degenerative disorder. However, this did not slow Isaac down. He attended New World School of the Arts in Miami before receiving a bachelor's and law degree from Harvard University. While at Harvard, he met his wife, Dorothy, who has become a passionate advocate for the vision-impaired.

This family has been deeply impacted with degenerative retinal diseases and they have fought to ensure this horrible condition receives the proper attention and research needed to find a cure. Their tenacity and courage in the face of such adversity and heartbreak is commendable. Inspired by their dedication and hard work, we are working towards a cure.

The Lidsky family has always been an outspoken advocate to raise awareness for issues surrounding inherited vision diseases. Vision loss is a problem which affects millions of Americans. More than 80 million Americans have a potentially blinding eye disease: 3 million have low vision; 1.1 million are legally blind; and an additional 200,000 are severely visually impaired. However, research efforts into vision loss and blindness have already started to pay dividends. For example, scientists have provided vision to the blind through microchip technologies, and clinical trials have started with pharmaceutical treatments to combat vision loss.

Research grants provided by Hope for Vision are providing our scientists with much needed funding to further progress on these initiatives. An example of this progress is the partnership between Hope for Vision and the Bascom Palmer Eye Institute, located at the University of Miami in my Congressional District. These two organizations have teamed up

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to provide the best vision care possible for South Floridians by advancing research and treatment capabilities with two new innovative programs. With the help of the Department of Defense, they have developed the Miami Project for Ophthalmic Innovation to use the remarkable military technological advances to bring new therapies to patients. The goal of this project is to bring together ideas and people from diverse backgrounds to implement research projects aimed at enhancing military ocular health capabilities. It will directly benefit our brave men and women serving in uniform, our veterans, as well as the millions of other Americans who suffer from blinding eye trauma and disease.

Another initiative is the newly-created Center for Hereditary Retinal Diseases at Bascom Palmer, which owes its very existence to Hope for Vision. Its goal is to identify every individual in the state of Florida with an inherited eye disease and to provide them with genetic testing, counseling, and innovative treatments.

Bascom Palmer Eye Institute is recognized as one of the world's finest and most progressive centers for eye care, research and education. This year, U.S. News & World Report's survey rated Bascom Palmer the Number 1 eye hospital in the country. Its dedicated staff provides excellent vision care to more than 200,000 patients annually at their facilities across South Florida.

I am also proud to be a founding member and co-chair of the Congressional Vision Caucus. This organization is a bipartisan coalition dedicated to strengthening and stimulating a national dialogue and policy on vision-related problems and disabilities. Our responsibility is to raise awareness about the increasing number of Americans at risk for age-related diseases, preserve and protect eyesight, and ensure adequate resources are directed towards the research, prevention and treatment of eye disease.

I have worked together with my colleagues in the South Florida Congressional delegation to ensure that Hope for Vision has the funds necessary to continue their work to discover treatments and cures for degenerative retinal diseases. As the baby boom generation reaches retirement age, vision loss will become an increasingly familiar issue for many American families.

Once again, I would to congratulate Hope for Vision on its successes, and look forward to working with this organization as it continues to address an issue of growing importance.

COMMENDING THE FEMALE SOCCER PLAYERS OF THE NORTH JERSEY ALL-STARS

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to New Jersey's 18 newest young ambassadors, the female soccer players of the North Jersey All-Stars. Today, they will set off from JFK Airport in New York for a two-week trip of good will and sportsmanship on the East Coast of Brazil.

While in the coastal cities of Sao Mateus and Jaguare, the team of soccer superstars will play five games with local players, will deliver more than $15,000 in donated soccer equipment and sportsgear, and will spread a message of friendship to the people of Brazil. While most Americans traveling to Brazil, spend their days and nights in the touristy resorts, like Rio de Janeiro, these girls will be visiting a more remote and isolated, and far less wealthy, region.

These high school-aged soccer players will be accompanied by their manager, David Heitman; trainers, Karen Hartigan and Phil Ross; and a local reporter, Brian Farrell. They will also be traveling with their coach, former professional soccer player, Roberto Ferman. The North Jersey All-Stars are: Zoey Talias of Wyckoff, Anna Rothschild of River Edge, Ashley Walker of Mahwah, Nicolle Sanchez of Lyndhurst, Amanda Soto of Mahwah, Faith Tucker of Rutherford, Lexi Hutton of Basking Ridge, Christy Shedlock of North Haledon, Katy Generelli of Spotswood, Karen Schoepflin of Oakland, Brielle Heitman of Mahwah, Janelle Biagini of Wyckoff, Kelly TenEyck of Mahwah, Brooke Bandazian of Wyckoff, Chelsea Marie Wuesthoff of Ironia, Sarah Royse of Northvale, Catherine Wolff of Wyckoff, Mimi Kocela of Waldwick.

I commend these young women for their dedication to their sport and for their efforts to use that sport to spread a message of good will and sportsmanship overseas.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Ms. CLARKE. Madam Speaker, On rollcall No. 763, I was unavoidably absent. Had I been present, I would have voted "yea." On rollcall No. 764, I would have voted "yea." On rollcall No. 765, I would have voted "yea." On rollcall No. 766, I would have voted "nay." On rollcall No. 767, I would have voted "yea." On rollcall No. 768, I would have voted "yea." On rollcall No. 769, I would have voted "yea." On rollcall No. 770, I would have voted "nay." On rollcall No. 771, I would have voted "yea." On rollcall No. 772, I would have voted "yea." On rollcall No. 773, I would have voted "yea." On rollcall No. 774, I would have voted "yea." On rollcall No. 775, I would have voted "present." On rollcall No. 776, I would have voted "nay." On rollcall No. 777, I would have voted "yea." On rollcall No. 778, I would have voted "yea."

IN HONOR OF UNIVERSITY OF HOUSTON SCIENCE AND PHYSICS PROGRAMS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. LAMPSON. Madam Speaker, it is with great pleasure that I introduce a new opportunity for future physicists in Southeast region of Texas. In a collaborative effort, the University of Houston and University of Houston–Clear Lake (UHCL) are implementing a unique program for UHCL students pursuing a Masters of Science in Physics, who wish to continue in the University of Houston's Ph.D. Program.

The program is tailored towards motivated students looking to advance their education in the field of physics. This newly established relationship offers the attainment of a doctoral degree at both campuses, as opposed to the previous arrangement that required students to commute to the University of Houston campus. The faculty will consist of professors from both universities, and the doctoral degree will be presented by the University of Houston.

As a former science teacher, I have always valued education and research, and the potential benefits that arise from such hard work and dedication. This convenient initiative will not only enhance each student's performance, but will also mitigate the strains placed on students, teachers and their families by providing a more localized system in the Clear Lake area.

It is my belief that educational facilities should ensure that the needs of their students are a top priority. University of Houston–Clear Lake and University of Houston have shown that a cohesive approach to education may prove to be both efficient and successful. I hope this recognition will bring awareness to such a distinctive program and facilitate future relationships between universities.

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. ALLEN. Madam Speaker, on July 31, 2007, I was unavoidably absent from the Capitol. Had I been present, I would have voted "yes" on rollcall vote No. 778, to sustain the ruling of the Chair of the Committee of the Whole in her ruling against Mr. SHADEGG of Arizona during debate on the McHenry Amendment to the Gingrey Amendment to H.R. 3161, the Agriculture Appropriations Bill.

I would have voted "yes" on rollcall vote No. 779, the Motion by the Majority Leader for the Committee of the Whole House to Rise from its consideration of H.R. 3161, the Agriculture Appropriations Bill.

HONORING DR. NELSON ADAMS: PRESIDENT, NATIONAL MEDICAL ASSOCIATION

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. MEEK of Florida. Madam Speaker, I rise to offer my congratulations to Dr. Nelson Adams. On August 7, 2007, Dr. Nelson Adams will be installed as the 108th president of the 112-year-old National Medical Association during their annual convention and scientific assembly in Honolulu, Hawaii. The National Medical Association (NMA) promotes the collective interests of physicians and patients of African descent by serving as the collective voice of physicians of African descent and as a leading force for parity in medicine, elimination of health disparities, and promotion of optimal health. Dr. Adams is the recipient of numerous awards and honors, including the Honorary Doctor of Laws, but to me his most important accomplishment is that he was the doctor who delivered my son Kendrick Meek, Jr.

Dr. Adams, a native of Miami, Florida and a product of its public school system, is a medical leader passionately committed to eliminating racial and ethnic inequality in health. He is regarded as an exceptional achiever, earning high recognition both scholastically and among medical peers. An esteemed alumnus of Howard University, Dr. Adams has been recognized in Who's Who in American Colleges and Universities. He earned his medical degree at Meharry Medical College, where he was named Student of the Year in his freshman class and served as President of the Meharry Chapter of the Student NMA. Dr. Adams completed his four-year residency in Obstetrics and Gynecology at Emory University in 1982. Prior to returning home to Miami, Dr. Adams practiced in Mobile, Alabama for three years, where he was a founding member of the Bay Area Medical Association, an affiliate society of the NMA.

A board certified obstetrician-gynecologist, Dr. Adams has a vibrant and challenging practice in North Miami-Dade County. He was the first African-American Chairman of the Department of Obstetrics and Gynecology and the first African-American Chief of Staff of North Shore Medical Center. In 1992, he founded the Maternal Child Health Initiative (MCHI), an award-winning model for providing care to at-risk, low-income, pregnant women.

Today, Dr. Adams is the Chairman of the Department of Obstetrics and Gynecology at Jackson North Medical Center and President of N.L. Adams, M.D. and Associates. He is also President and Chairman of Access Health Solutions (AHS), a managed care company providing services in 26 counties in Florida. Under Dr. Adams' leadership and through his keen focus on both access and quality, AHS has grown from humble beginnings to serving more than 94,000 beneficiaries with 525 healthcare providers.

Throughout his fruitful career, Dr. Adams' leadership and community service has reached across academic, religious, fraternal, and charity institutions. He is the past Chairman of the Executive Committee of the Greater Miami Region of the National Conference of Christian and Jews, a member of the prestigious Orange Bowl Committee, a member of the Board of Trustees of the Florida International University Foundation, Meharry Medical College, Barry University, The Children's Trust and until recently, the Miami Art Museum.

I am also proud to report that Dr. Adams and I are Members of the same fraternity, which we both consider the best fraternity in the country—Omega Psi Phi Fraternity, Inc. Additionally, he is a beloved and active member of the historic St. John Baptist Church where he serves as a Deacon and Chairman of the Board of the church's Community Development Corporation. Dr. Adams has held many positions of leadership in organized medicine at the local, state and national levels. He is the past President of the local and state NMA societies in Florida and has served as Vice President, Secretary of the House of Delegates, and member of the Board of Trustees of the NMA.

Dr. Adams has served on the board of directors of the DCMA for nearly 10 years, and is the past Treasurer, Secretary, Vice-President, and President-elect of this august body. In June 2007 he was installed as the 97th President of the Dade County Medical Association. Dr. Adams is the son of Naomi A. Adams and the late Nelson L. Adams, both of whom were educators in the Dade County School system. Dr. Adams is married to Effie Jones Adams and they are the proud parents of Victoria and Nelson. Sustained by family ties and guided by spiritual values, Dr. Adams abides by the motto: "To whom much is given, much is required."

NFL, MLB, NBA, NHL, AND NCAA OPPOSE SPORTS BETTING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. TOWNS. Madam Speaker, I would like to call attention to a letter that I and my colleagues received this week from the professional and collegiate sports associations. It alerts us to the fact that, at this time when the reputation and integrity of American athletics are keenly threatened by gambling-related scandals, proposals to legalize and sanction sports gambling are being advanced here in the House of Representatives.

I have long been concerned about protecting American athletics from the taint of gambling. I cosponsored the Professional and Amateur Sports Protection Act of 1992, when arrested the growth of state-sponsored sports betting. As Congress said then, "Sports gambling threatens to change the nature of sporting events from wholesome entertainment for all ages to devices for gambling. It undermines public confidence in the character of professional and amateur sports."

Now H.R. 2046 threatens to let offshore online gambling operators do through the backdoor what PASPA shut off to states through the front door. And the proponents of sports gambling are making the same arguments that they did in the early 1990s: legal sportsbooks have the technology and incentive to identify suspicious activity and prevent actual corruption of the game; people are going to gamble on sports anyway, so the government might as well capture tax revenue on the activity.

Congress rejected those arguments then, and they should reject them now. The fundamental issue has never been whether the technology existed to prevent abusive sports gambling. The fundamental issue is this: regardless of what happens between friends or on the black market, Congress should not be in the business of encouraging people to gamble on sports. And sports gambling should be off limits from further exploitation as a "revenue enhancer."

This is an essential principle, that gambling and sports do not mix. Even though H.R. 2046 says sports leagues can "opt out" of allowing gambling on their sport, Congress would still be sending the wrong message about sports gambling. Moreover, the sports associations have very serious concerns that the "opt-outs" could be struck down by U.S. courts or international tribunals, leaving their sports completely unprotected.

As their letter says, "the harms caused by government endorsement of sports betting far exceed the alleged benefits." Therefore, I will not support any movement on H.R. 2046 so long as it poses any threat to the integrity of American athletics.

Madam Speaker, I ask unanimous consent to place in the RECORD the letter signed by the General Counsels of the National Football League, Major League Baseball, National Basketball Association, National Hockey League, and National Collegiate Athletic Association.

JULY 30, 2007.

DEAR MEMBER OF CONGRESS: Sports betting is incompatible with preserving the integrity of American athletics. For many decades, we have actively enforced strong policies against sports betting. And the law on this point is consistent. Federal statutes bar sports betting, especially the 1961 Wire Act and the 1992 Professional and Amateur Sports Protection Act. Enforcement of these laws against sports betting was also a significant motive for enacting the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA).

Accordingly, we urge you to reject current proposals to legalize Internet gambling, such as H.R. 2046 sponsored by Rep. Barney Frank. This legislation reverses federal policy on sports betting and would for the first time give such gambling Congressional consent. The bill sends exactly the wrong message to the public about sports gambling and threatens to undermine the integrity of American sports.

On a related point, we believe the Congress should not consider any liberalization of Internet gambling until the U.S. Trade Representative successfully resolves our trade disputes in this area. A rush to judgment on this subject could result in irreversible damage to U.S. sovereignty in the area of gambling regulation, including the capacity to prohibit sports bets.

Though Internet gambling on sports has never been legal, easy access to offshore Internet gambling websites has created the opposite impression among the general public, particularly before Congress enacted UIGEA last fall. UIGEA emerged from more than a decade of Congressional consideration, in which stand-alone legislation aimed at restricting Internet gambling passed either the Senate or the House in each of five successive Congresses, each time by overwhelming bi-partisan votes. UIGEA also enjoyed a broad array of supporters, including 49 state Attorneys General and other law enforcement associations, several major financial institutions and technology companies, dozens of religious and family organizations, and of course our sports organizations.

Enactment of UIGEA was grounded on concerns about addictive, compulsive, and underage Internet gambling, unlawful sports betting, potential criminal activity, and the wholesale evasion of federal and state laws. When it passed the House a year ago, the vote was 317–93, including majorities of both caucuses and with the affirmative votes of both party leaders.

The final product was a law that did not change the legality of any gambling activity—it simply gave law enforcement new, effective tools for enforcing existing state and federal gambling laws. UIGEA and its predecessor bills could attract such consensus because they adhered to this principle: whether you think gambling liberalization is a bad idea or a good one, the policy judgments of State legislatures and Congress must be respected, not de facto repealed by deliberate evasion of the law by offshore entities via the Internet.

By contrast, H.R. 2046 would put the Treasury Department in charge of issuing licenses to Internet gambling operators, who would then be immunized from prosecution or liability under any Federal or State law that prohibits what the Frank bill permits. The bill would tear apart the fabric of American gambling regulation. By overriding in one stroke dozens of Federal and State gambling laws, this would amount to the greatest expansion of legalized gambling ever enacted.

This legislation contains an "opt-out" that appears to permit individual leagues to prohibit gambling on their sports. But regardless of the "opt-out," the bill breaks terrible new ground, because Congress would for the first time sanction sports betting. That is reason enough to oppose it. In addition, the bill's safeguard opt-out for sports leagues as well as the one for states may well prove illusory and ineffectual. They will be subject to legal challenge before U.S. courts and the World Trade Organization.

In addition, this legislation would dramatically complicate current trade negotiations concerning gambling. In 1994, the United States signed the General Agreement on Trade in Services, which included a commitment to free trade in "other recreational services." In subsequent WTO proceedings, the United States has claimed this commitment never included gambling services. The United States has noted that any such "commitment" would contradict a host of federal and state laws that regulate and restrict gambling. The WTO has not accepted this argument.

Accordingly, the U.S. Trade Representative has initiated negotiations to withdraw gambling from U.S. GATS commitments. Before withdrawal can be finalized, agreement must be reached on trade concessions with interested trading partners. Few concessions should be required because there was never a legal market in Internet gambling in the U.S. If Congress creates a legal market before withdrawal is complete, the withdrawal will become much more complicated and costly. Therefore, we oppose any legislation that would imperil the withdrawal process.

Finally, we have heard the argument that Internet gambling can actually protect the integrity of sports because of the alleged capacity to monitor gambling patterns more closely in a legalized environment. This argument is generally asserted by those who would profit from legalized gambling and the same point was raised in 1992 when PASPA was enacted. Congress dismissed it then and should dismiss it now. The harms caused by government endorsement of sports betting far exceed the alleged benefits.

H.R. 2046 sets aside decades of federal precedent to legalize sports betting and exposes American gambling laws to continuing jeopardy in the WTO. We strongly urge that you oppose it. Thank you for considering our views on this matter.

Sincerely,

RICK BUCHANAN, Executive, *VP and General Counsel, National Basketball Association.*
ELSA KIRCHER COLE, *General Counsel, National Collegiate Athletic Association.*
WILLIAM DALY, *Deputy Commissioner, National Hockey League.*
TOM OSTERTAG, *Senior VP and General Counsel, Major League Baseball.*
JEFFREY PASH, *Executive VP and General Counsel, National Football League.*

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Ms. ROYBAL-ALLARD. Madam Speaker, on rollcall No. 781, had I been present, I would have voted "aye."

SUPPORT OF THE COMMUNITY BROADBAND ACT OF 2007

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. BOUCHER. Madam Speaker, I rise to introduce the Community Broadband Act of 2007 in which I am pleased to be joined by the gentleman from Michigan, Mr. UPTON. I appreciate his co-authorship of the measure and the steps we have taken together to construct the bill.

Our legislation will encourage the deployment of high speed networks by ensuring the ability of local governments to offer community broadband services.

Broadband has changed the way that people in our Nation live, work, transact business and obtain information. The ways people work and play today are fundamentally different from a decade ago, due in significant part to the growth and development of the Internet, faster and more efficient ways to access it and the broad new range of Internet based services now in common use.

But for our citizens to be able to reap the benefits of this transformation, they must have access to broadband, and the United States has fallen woefully behind other developed nations in its deployment. According to the most recent statistics released by the Organization for Economic Cooperation and Development, the United States has dropped from 12th in the world to 15th for broadband penetration. The nation that invented the Internet and today creates its most popular globally utilized applications can and for the sake of our national economy must do better than that.

Most of the areas in the U.S. that lack broadband are lightly populated rural regions. Almost 20 percent of households nationwide are not served by a broadband provider, and others are served by a single provider that may charge higher rates for the service given the absence of competition. In my district, for example, we have a county with a population of 16,000 people where the most populous town has 614 residents. That county has no broadband service. I represent dozens of small communities with populations measuring in the hundreds of people where broadband is absent. That pattern is replicated across rural America, and our current global standing is a reflection of it.

It is no surprise that building out broadband to such areas is a low priority for cable and telephone service providers, but that reality does not make broadband any less essential to the lives of unserved rural residents. If the commercial broadband providers are not willing to deploy in particular areas, local governments should be able to step in and fill the gap.

At the turn of the last century, when the private sector failed to provide electricity services to much of America, thousands of community leaders stepped forward to form their own electric utilities. At that time, opponents to municipally-operated electric utilities argued that local governments were not qualified to meet this task. They also argued that competition from the private sector would be hindered by the entry of municipalities into the market. Those arguments did not prevail because it was deemed to be in the public interest to deploy the then new "essential infrastructure" universally, and today we have thriving municipal electric utilities nationwide that have well served their localities for the past century .

I believe that broadband today is the new essential infrastructure. It is every bit as necessary today as electricity service was 100 years ago, and just as with electricity service 100 years ago, in many instances, the only entity willing to provide the service today is the local government.

The Community Broadband Act of 2007 ensures that local leaders can bring broadband technology to their communities, just as local leaders did with electricity a century ago. More than 14 States have passed laws restricting public communications services. The U.S. Supreme Court has upheld the power of States to enact these barriers. Our legislation removes the barriers. It leaves room for States to enact reasonable terms and conditions under which local governments can deploy broadband, but it overturns absolute bars to localities offering the service.

The bill includes competitive safeguards to ensure that public providers cannot abuse governmental authority by discriminating in favor of a public service to the disadvantage of private competitors.

Community broadband networks have the potential to create jobs and increase economic development, enhance market competition, and accelerate universal, affordable Internet access for all Americans. Let's give localities the freedom to create arrangements that work for them, whether they own the infrastructure and offer the service or whether they deploy the facilities and lease the lines to private service providers. The national interest requires that we harness the willingness of localities to elevate our world standing and to enrich the lives of their constituents and the economic prospects of local businesses that urgently need broadband services.

I encourage our colleagues to join Congressman UPTON and me in enacting the Community Broadband Act of 2007.

TUMACACORI HIGHLANDS WILDERNESS ACT OF 2007

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. GRIJALVA. Madam Speaker, I am pleased to introduce legislation today to protect a magnificently diverse natural landscape in the mountains southwest of Tucson. When enacted, the Tumacacori Highlands Wilderness Act will make a major contribution to the conservation of the natural wonders of Arizona, to the benefit of all of our citizens—those alive today and all the generations to come.

The Tumacacori Highlands is the collective name for two adjacent wilderness areas on public lands that are part of the Coronado National Forest.

These desert peaks and canyons are key parts of the world-renowned Sky Island bioregion, a biological "hotspot" where the southern margin of habitats for many species from the Rocky Mountain west overlaps the northern extent of habitats for many tropical species better known in Mexico. The area is home to subtropical species like the elegant trogon and Chiricahua leopard frog that are found nowhere else in the United States, and offers secluded habitat vital for jaguars, the rare and elusive spotted cat that is now repopulating this portion of its former range.

THE NEW WILDERNESS AREAS

This legislation will expand the existing 7,553-acre Pajarita Wilderness, which Congress protected in 1984 under the leadership of one of America's greatest conservation leaders, Rep. Morris K. Udall, and his close colleague, Sen. JOHN MCCAIN. As the House committee report explained, this "is one of the most delicate and important ecotypes in all of Arizona," providing "an important corridor for life zones to the north and south." My new legislation will afford statutory wilderness protection to some 5,750 additional acres, enhancing overall protection for this rare biological gem.

Just to the north, separated only by an unpaved Forest Service road that crosses the mountains between Nogales and Arivaca, the legislation will also designate the Tumacacori Highlands Wilderness. This larger area comprises some 70,000 acres surrounding Atascosa Peak and the ridges and canyons that fall away from it on all sides. This is important intact habitat—a remaining oasis of what southern Arizona used to be—and protects important parts of the watersheds for both the Santa Cruz River and the world-renowned riparian area of Sycamore Canyon in the core of the expanded Pajarita Wilderness. The area offers outstanding opportunities for recreation and renewal. Some folks hike to Atascosa Peak or other high points for sweeping views hundreds of miles in all directions. Others linger along the highly accessible margins of the area enjoying the scenic wonders of this wilderness landscape from the roadside.

USER-FRIENDLY WILDERNESS

Madam Speaker, along the roads that offer extraordinary access to these wilderness areas, one is surrounded by wild scenery. These "user friendly" wilderness areas offer diverse recreational opportunities for people of all ages, whether for an easy stroll and picnic or a more vigorous extended outing.

For the visitor who craves wild scenery but chooses not to hike, the Ruby Road and its numerous spurs offer a marvelous motoring experience, with the wilderness literally at the roadside untarnished by intervening roadside development beyond turnouts and trailheads that offer inviting picnic stops. As we too often forget, one of the greatest values of preserving our wilderness areas is for the enjoyment of those who use them by viewing their scenic vistas from the edges. And I hasten to add that other public lands in this region are available for those who choose other forms of outdoor recreation, including motorized recreation.

The boundaries proposed in this legislation have been adjusted to ensure plentiful road access to the wilderness for recreation. We emphasize protection of habitat, which is vital to increasing numbers of sportsmen who seek true wilderness hunting. As a result, this proposal has earned the support of Backcountry Hunters and Anglers and the Arizona Wildlife Federation.

COMMUNITY-FRIENDLY WILDERNESS

Protecting open space and scenic wild places like the Tumacacori Highlands contributes directly to the high quality-of-life sought by our people. The dramatic scenic backdrop of these mountains, uncluttered by development creeping up the slopes, entices people to choose to make their homes in these communities, including Green Valley and Rio Rico. Indeed, seven homeowners' associations in Green Valley, representing some 1,400 households, have formally endorsed this proposal.

The wild landscape of the Pajarita and Tumacacori Highlands are an essential asset for our small business owners, a matter of particular importance to me as a member of the Committee on Small Business. A University of Arizona study found that in Santa Cruz County alone, visitors to natural areas spent between $10 million and $16 million annually on travel and accommodations. The natural wonders of this landscape draw artists to artist colonies such as Tubac and Arivaca—and bring art lovers to patronize local galleries and studios. My friends in the local arts community tell me that art that evokes the wild splendors of the southern Arizona landscape is perennially popular with their customers.

Little wonder then that business people have been among the voices urging that we designate these new wilderness areas. More than 100 southern Arizona businesses have endorsed the proposal. In giving their formal support, the board of directors of the Tubac Chamber of Commerce pointed out that protecting open space and wild landscapes such as the Tumacacori Highlands contributes directly to a high quality-of-life and is a key component in drawing local business patrons and tourists dollars to the area.

This is the wildest land in the spectrum of the open spaces and recreational lands we have to offer our increasingly urban population. In this sense, I think of these new wilderness areas as lungs for our city dwellers, and as their preserved public lands where they can go to recreate, to reconnect with family, friends, or personal spirituality. And I think of them, too, as particularly vital classrooms. In these wildest expanses of the natural world, we offer our children the opportunity to experience nature in its most unspoiled state and to learn first-hand how the natural world works. Wilderness inspires awe and offers a living, breathing learning environment that cannot be replicated in a classroom. More than 80 professors and graduate students in fields such as wildlife and fisheries, natural resources management, and environmental science have endorsed designation of these new wilderness areas.

These wildest places in the rapidly growing southern Arizona region offer our people sanctuaries—refuges of quiet offering outstanding opportunities for solitude, high quality recreation, and spiritual reflection. Many of my constituents express the great value they place on protecting these wild sanctuaries, feeling that doing so is part of our responsibility in caring for God's creation and fulfilling the obligation we share to preserve such places for the benefit of future generations. This has led both the Arizona Ecumenical Council and the National Council of Churches to support this proposal.

KEY ISSUES IN THIS LEGISLATION

As we have perfected these wilderness proposals, my staff and I have addressed two major issues that we are sure to discuss carefully when we hold hearings in the Subcommittee on National Parks, Forests and Public Lands, which I have the honor to chair.

First, livestock grazing: my goal is to assure that in protecting these Wilderness areas, we reaffirm the longstanding congressional policy of respecting the use privileges held by local ranchers who have Forest Service permits to graze livestock on these public lands.

This is a common situation in the West, and it is one that Congress understood and accounted for when the Wilderness Act was enacted in 1964. That Act provides that where it was established prior to the designation of an area as wilderness, such existing grazing use shall continue. Over the years, there have been some problems in the practical conformance with this policy by the U.S. Forest Service, prompting complaints from ranchers, some of whom even worked against designation of new wilderness areas for this reason. Our committee has responded to those complaints, and the leader in that response was my revered predecessor, Rep. MORRIS UDALL, the long-time chairman of what is now the Committee on Natural Resources.

Under Chairman UDALL's leadership, Congress adopted very detailed "Congressional Grazing Guidelines" that apply wherever wilderness designations and existing livestock grazing overlap. Those guidelines bring clarity to the situation, protecting both the legitimate practical needs of the ranchers to carry out their permitted grazing use, with the access and facilities that are necessary, and the public interest in preserving wilderness values. Among other things, those guidelines spell out that livestock numbers cannot be reduced solely due to wilderness designation. In the case of this proposed legislation, I appreciate the fact that local conservation groups have taken the initiative to work with cooperative ranchers holding grazing permits within the proposed area to craft a mutually supportable plan consistent with the congressional guidelines.

The other major concern in shaping this legislation is the international border. These new wilderness areas lie adjacent to the border, so it has been my concern to be sure that the agencies charged with border and customs enforcement have the operational flexibility they need to do their jobs. In carrying out this vital work, let us not accept the false choice between protecting our natural heritage or our national security—we can do both. After all, these will not be the first wilderness areas Congress has designated on or very near the Mexican border, only the most recent.

This is a complex matter, which my staff and I have pursued in detail with both the U.S. Forest Service, which administers these lands, and the Department of Homeland Security and its specialized border and customs agencies. This legislation references the highly detailed 2006 Memorandum of Understanding adopted by Homeland Security, the Forest Service, and other land management agencies regarding operations within wilderness areas and other public lands.

WHY WE PRESERVE WILDERNESS

Finally, Madam Speaker, I would like to comment on one of the more philosophical reasons that preserving areas like those proposed in the Tumacacori Highlands Wilderness Act is so important. Yes, we protect wilderness for our fellow Americans, who today treasure it for the opportunities it provides to hike, ride horseback, hunt, photograph or paint, go birding or enjoy the wild scenery. If we have the foresight to protect wilderness, it will be treasured and enjoyed for years to come by our children, grandchildren and future generations.

But we also preserve wilderness because we recognize the role it has played in shaping our Nation and our national character. The wilderness areas we preserve are patches of the original American landscape, protected to the best of our ability so that future generations of Americans will have the chance to know what wild America was and is still. So that future generations will have the opportunity to explore wilderness, to enjoy wilderness, to test themselves and grow in wilderness as did their ancestors. Wilderness is their rightful inheritance from us and we must be certain that they receive it. The public lands that will be given wilderness protection by the Tumacacori Highlands Wilderness Act represent important additions to southern Arizona's protected landscapes and I am pleased to introduce this legislation to preserve it now and for the future.

PERSONAL EXPLANATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, on Tuesday, July 31, 2007, I was unable to make a series of votes. If I had been present I would have voted: "Aye," on rollcall vote No. 763, S. 1, the Honest Leadership and Open Government Act; "Aye," on rollcall vote No. 764, H.R. 180, the Darfur Accountability and Divestment Act; "Aye," on rollcall vote No. 765, H.R. 2346, the Iran Sanctions Enabling Act; "Aye," on rollcall vote No. 776, On a Motion that the Committee Rise.

CELEBRATING THE 109TH BIRTHDAY OF CECELIA M. RUPPERT

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in celebrating the 109th birthday of Cecelia M. Ruppert of Pickneyville, Illinois.

Cecelia Ruppert was born on August 17, 1898 to George and Louisa (Schneider) Ruppert in their home at 602 W. Mulberry Street in Pinckneyville, Illinois. The house, which is still standing, was built by Matthew Schneider for his daughter, Louisa and her husband.

Cecelia was the second oldest of George and Louisa's 8 children. She attended St. Bruno School. While in grammar school, Cecelia took piano lessons and she and her older sister, Magdalen, would entertain neighbors by playing duets on the piano. Cecelia had many chores at home, such as rocking the babies, washing clothes on a washboard, ironing, and peeling potatoes each day.

Cecelia's first job was in Pinckneyville at McCant's General Store, where she sold ladies' dresses and would sometimes go to the basement to fill coal oil cans for sale. At age 21, she moved to St. Louis where she attended Brown's Business College, and took business courses at Washington University. While pursuing her studies in St. Louis, Cecelia also volunteered as a teacher.

After completing school, Cecelia went to work for the Claridge Hotel in St. Louis, starting as a stenographer, and advancing to the bookkeeping department where she learned auditing. She was transferred to the LeClaire Hotel in Moline, Illinois and then was promoted to the Claridge Hotel in Memphis, Tennessee where she served as auditor until her retirement at age 65. After retirement from the Claridge Hotel, Cecelia remained in Memphis, serving as auditor at the Chisca Plaza Hotel until her final retirement at the age of 75.

After retirement, Cecelia returned to the family home in Pinckneyville where she enjoyed the company of her sister, Magdalen Ruppert Mann and the Mann family. Cecelia's sister, Cdr. Margaret Ruppert, NC, USN, Ret., of Pensacola, Florida, would visit frequently.

During her years in business, Cecelia saw many changes and technological advancements. While she used adding machines and calculators in her job, she remarks that now computers have become the primary business tool. Other changes that Cecelia has witnessed involve the expanded opportunities for women in the business world. In 2000, when she was interviewed for The Southern Illinoisan and was asked to name the biggest improvement she had seen in 102 years, Cecelia responded, "That women can go forward in the business world. That's wonderful. Now they can have a job with a man's rank. They can have any occupation."

Cecelia came from a hard working family. Her father was employed at the mill and in the mines and her mother worked diligently to raise and educate their large family. Even though Cecelia was well ahead of her time by pursuing a successful career in the business world, she always remembered the lessons learned during her childhood, respect all people and go to church on Sunday.

Madam Speaker, I ask my colleagues to join me in congratulating Cecelia M. Ruppert on reaching this milestone birthday and wishing her all the best for the future.

APPOINTMENT OF CHARLIE THOMAS TO NAFCU

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. WYNN. Madam Speaker, it is with great pleasure that I rise to recognize Charlie Thomas, the President of Mid-Atlantic Federal Credit Union, headquartered in my district in Germantown, MD, on his recent election to the Board of Directors of the National Association of Federal Credit Unions (NAFCU).

For the past 35 years, Mr. Thomas has dedicated his life on behalf of improving financial institutions in America and currently serves as President of the Alliance of Credit Unions and is also a member of the National Association of Federal Credit Union's Region II Advisory Committee. His illustrious experience further includes service as Maryland's committee chairman for the "Campaign for Consumer Choice" as well as the founding Chairman of the CU Auto Loan Network.

As the President of Mid-Atlantic Federal Credit Union, Mr. Templeton has focused on ensuring his members receive helpful, personal service. Through his credit union, he is continuously educating his members on how to prevent identity theft. He also understands that today's youth must be armed with the knowledge to be financially savvy. He is forever trying to improve the direction and leadership that he provides the Mid-Atlantic FCU, even attending the inaugural Credit Union Executive Society's (CUES) Advanced Leadership Institute at Harvard University.

It is because of the good work of Mr. Thomas and others like him that the credit union movement enjoys the success it has today. Such service is the hallmark of the credit union movement and I know that he will bring this dedication to his service on the NAFCU

Board of Directors. I wish Mr. Thomas the best of luck in this new role and I look forward to working with him in this new capacity.

THE AMERICAN LIFE SCIENCES COMPETITIVENESS ACT OF 2007

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Ms. SCHWARTZ. Madam Speaker, today I am introducing the American Life Sciences Competitiveness Act of 2007. This legislation aims to modernize the Internal Revenue Code so that the U.S. life sciences industry—both biotech and medical device companies—can effectively raise the capital they need to fund the next generation of medicines and medical devices that will lead to longer and healthier lives for Americans and people around the world. I am pleased to be joined in this effort by my distinguished colleagues on the Ways and Means Committee, Representatives KEVIN BRADY, RICHARD NEAL and WALLY HERGER.

This legislation remedies obstacles to future growth and development faced by the American biotechnology and medical device industries. I want to thank the Biotechnology Industry Organization (BIO), the Advanced Medical Technology Association (AdvaMed), the Medical Device Manufacturers Association (MDMA), Pennsylvania BIO, the Texas Healthcare and Bioscience Institute and the California Healthcare Institute for their strong support of our efforts to modernize the tax code for the 21st Century.

The life sciences industry promises to be a key growth sector for the American economy. The biotech industry alone comprises nearly 1,500 companies, located in all 50 states, and employs nearly 200,000 workers. The more than 6,000 medical device companies in the U.S. employ over 350,000 Americans at wages 49 percent greater than the average for private industry.

In my own State of Pennsylvania, the biopharmaceutical industry has roughly 30,000 high-wage employees. Additionally, there are more than 120 medical device companies in Pennsylvania, the majority of which are small companies working on clinical trials prior to seeking marketing approval for their products. These companies offer great employment opportunities, providing good wages and benefits to talented, skilled workers. They are important contributors to Pennsylvania's expanding health care sector and often conduct clinical trials in partnership with academic medical facilities such as the University of Pennsylvania, Penn State, and the University of Pittsburgh as well as Drexel, Temple, Thomas Jefferson and the University of the Sciences in Philadelphia.

America's life sciences sector is one of the most research-intensive industries in the world. U.S. biotech companies alone spent roughly $27 billion on research and development in 2006. There are more than 400 biotech products in clinical trials targeting more than 200 diseases, including various cancers, Alzheimer's disease, heart disease, diabetes, multiple sclerosis, and AIDS.

Small medical device companies are also a leading source of innovation that is providing technologies that address previously unmet medical needs. These companies are transforming health care by providing physicians and their patients with the tools that allow early disease detection, less invasive procedures and more effective treatments.

For all its bright opportunities, America's life sciences industry faces daunting challenges. First is access to capital for development of biotech therapies. Most biotech firms are small businesses with fewer than 50 employees. Because the development of new technologies that can often take 10 years or more and hundreds of millions of dollars to bring a new product to market, these small companies experience years of large cash outlays before they have the opportunity to realize any profit.

In fact, in 2006 the biotech industry generated a total net loss of $5.6 billion. Despite this, R&D expenditures increased by 30 percent in 2005. For every $1 of sales in 2006, there was roughly 60 cents spent on R&D by biotech companies. Without question, capital investment for R&D is essential if these new therapies are to be developed and made available to the market.

Much like the biotech industry, the medical device sector is also overwhelmingly composed of smaller manufacturers, with 90 percent of firms having fewer than 100 employees. Most of these small engines of growth focus on niche products with revenues of less than $100 million, yet they generate 28 percent of the industry's R&D spending. This commitment to R&D often means that these companies are the source of some of the most cutting-edge innovations, which can radically improve treatment options for patients.

To continue to develop and improve the medical devices available to patients, the medical technology industry invests heavily in R&D. Today, the device industry leads global medical technology R&D, both in terms of innovation as well as investment. In absolute terms, R&D spending has increased 20 percent on a cumulative annual basis since 1990. The industry's level of spending on R&D is more than three times the overall U.S. average.

Encouraging new investment in the life sciences industry will enable this key sector of the American economy to grow and flourish in the years ahead. The American Life Sciences Competitiveness Act of 2007 contains both corporate and investor oriented provisions to ensure access to capital and continued vigorous research and development in biotechnology and medical devices.

This comprehensive legislation includes a number of provisions that would remove barriers to capital formation currently in our tax code. Specifically, the legislation modifies the Net Operating Loss (NOL) rules of Section 382, with the goal of enhancing the capacity of life sciences firms to leverage capital for use in high-tech, high-risk cutting-edge research. The legislation ensures that neither the raising of new research capital by biotech companies nor a business-driven merger of two biotech loss companies will trigger the 382 Net Operating Loss (NOL) limitations.

In addition, the legislation contains two important modifications to the existing R&D tax credit. The legislation increases, from 65 percent to 100 percent, the amount of contract research expenses by life sciences firms eligible for the R&D credit. The legislation also increases the amount of basic research payments to universities from life sciences companies that qualifies for the full R&D credit.

Importantly, the legislation recognizes the grave threat the country faces from bio-terrorist attacks and a potential avian flu epidemic and contains tax incentives designed to spur the industry to develop effective countermeasures. This provision provides a 20 percent credit on qualified pre-clinical and clinical trial expenses associated with the development of a countermeasure to combat pandemic flu or bioterrorist attacks.

The bill also makes an important change to the orphan drug tax credit, allowing clinical trial expenses incurred after an application is made to the FDA, but before the orphan designation is received, to qualify for the credit. This change removes the current incentive to delay research and will help speed new orphan drug therapies to the market.

In addition to the corporate-sector incentives, the American Life Sciences Competitiveness Act of 2007 contains two important provisions targeted towards the life sciences investor. One provision allows capital gains on the sale of stock in a life sciences company held for longer than 6 months to be deferred as long as the proceeds are reinvested in another life sciences company within 60 days. The second provision provides a 20 percent credit for investors in biotech firms engaged in incubational research. "Incubational research" refers to early, cutting-edge research that often occurs shortly after university laboratory research and prior to large-scale clinical trials. This stage of research is often termed the "Valley of Death" because the dearth of investment results in promising investigational therapies and products withering on the vine for lack of adequate capital.

America's life sciences industry is strategically and economically vital. We must take every action we can to keep our Nation at the forefront of this emerging technology sector. Countries with significant government investments in their biotech industries, such as India and China, pose a serious long-term challenge to America's biotechnology and medical device industries.

The American Life Sciences Competitiveness Act of 2007 will give American companies important tools to answer this challenge and ensure that our scientists have the opportunities to research, develop and bring to market life-saving treatments.

Biotechnology and medical device products will be in demand from billions of people worldwide, creating a tremendous boon to the economies that create these products. Keeping the United States at the forefront of global life sciences innovation will translate into more and better-paying jobs here at home. The actions we take today will determine the winners and losers in the 21st century global economy. I urge my colleagues to support this important bill and better ensure that our economy continues to compete—and win.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

July 30, 2007—Rollcall vote 758, on motion to suspend the rules and pass—H.R. 2750, NASA 50th Anniversary Commemorative Coin Act—I would have voted "aye"; rollcall vote 759, on ordering the previous question—H. Res. 580, Providing for consideration of the bill H.R. 986, to designate the Eightmile River in the State of Connecticut—I would have voted "nay"; rollcall vote 760, on agreeing to the resolution—H. Res. 580, Providing for consideration of the bill H.R. 986, to designate the Eightmile River in the state of Connecticut—I would have voted "nay"; rollcall vote 761, on ordering the previous question—H. Res. 579, Providing for consideration of the bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision—I would have voted "nay"; and rollcall vote 762, on agreeing to the previous question—Providing for consideration of the bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision—I would have voted "nay."

HONORING THE CITY OF MIDDLETON, WISCONSIN AS THE "BEST PLACE TO LIVE 2007"

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Ms. BALDWIN. Madam Speaker, I rise today to recognize the City of Middleton as the "Best Place to Live 2007," a title presented by Money Magazine that mirrors the thriving civic, commercial, residential, and natural centers of the community.

Middleton, Wisconsin, the "Good Neighbor City," is deserving of this honor as a reflection of the vibrant community it has become since its founding in 1856. The furtrading post that was opened in 1832 by the area's first carpenter, Michael St. Cyr, along with the arrival of the railroad in 1856 and the train depot, Middleton Station, that followed, served as town hubs that encouraged neighborhood growth and subsequent business prosperity.

Today, as a testament of this award, Middleton is flourishing. While Middleton residents still treasure the historic structures of the past, such as the Old Stamm House, a former station on The Underground Railroad, they also are looking forward. At present Middleton is the corporate headquarters for American Girl, Capital Brewery, Electronic Theatre Controls, ETC, and Springs Window Fashions, LLC.

There exist numerous elements that are keys to the community's success, including the Middleton-Cross Plains area school district and its high level of academic and cocurricular achievements; an outstanding performing arts center; 25 percent of land mass designated as "green space;" the home of Middleton Hills, the first "new urbanism" subdivision of the Midwest; a regional employment center; and superb public amenities, including a nationally recognized library, a nationally-accredited senior center, a historical museum, and abundant parks, to name a few.

As the "Best Place to Live 2007," the City of Middleton has much for which it should be proud. I look forward to watching the community as it continues to grow and builds upon the strong foundation that its residents, businesses, and employees have created for themselves.

A TRIBUTE TO THE LIFE OF JOSEPH NICHOLAS ESPINOZA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Ms. ESHOO. Madam Speaker, we rise today with great sorrow to honor the life of Joseph Nicholas Espinoza of Sacramento, California, who died in a tragic accident on July 23, 2007.

Joseph Espinoza was known to his family and friends as Joey. At a family dinner on May 25th, he celebrated his 21st birthday. He was 'best friend' to his brother John, his sister Marina, his cousins Sean, Connor and Michael, and his girlfriend Gina. He admired his father, confided in his mother and always sought their loving advice. He was a musician and an athlete, and was gifted in math and science, and his goal was to become an architect.

Joey was loved and always will be by his childhood friends and their families. His family knew that he was honest and earnest, that he had great energy and a tender and generous heart. He was open and trusting and was the keeper of the secrets of many who counted on his encouragement and courage.

Joey is survived by his parents Kate and John Espinoza of Sacramento, his brother John, and his sisters Marina, Kelly Rose, Jeannie and Mendi. He leaves his loving grandmothers Rose King and Rose Espinoza and he is mourned by his many aunts, uncles and cousins of his parents' families.

Madam Speaker, we hope this tribute to Joey will be a source of comfort to his family. We have known and treasured his grandmother, Rose King, for almost 40 years and we share her immeasurable grief. She has been the great anchor of her family and she has contributed mightily to the well being of Californians through her dedicated public service spanning many decades.

Our Nation has lost a precious citizen and we ask today that the entire House of Representatives join us in honoring the life of Joseph Nicholas Espinoza and extend to his grieving family our deepest sympathy.

IN SUPPORT OF AMENDMENT TO H.R. 3093 REQUIRING USE OF "ENERGY STAR" LIGHT BULBS

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. INSLEE. Madam Speaker, I would like to commend Representative JANE HARMAN (D–CA) and Representative FRED UPTON (R–MI) for their unfailing hard work and dedication to the issue of light bulb efficiency in the United States Congress. Their leadership in this area has greatly contributed to our national effort to prevent global climate change and reduce our dependence on foreign energy sources. Recently Ms. HARMAN and Mr. UPTON offered an amendment to H.R. 3093, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2008. This amendment prohibited funds to be used to purchase light bulbs unless the light bulb has the "ENERGY STAR" or "Federal Energy Management Program" designation. During this vote, Rollcall 738, I erroneously voted against the measure which I wholeheartedly support.

Since indoor and outdoor lighting accounts for up to fifteen percent of energy use in the average residence, inefficient light bulbs can consume large amounts of excess energy.

With the advent of compact fluorescent light bulbs, Americans have been given an alternative to inefficient incandescent bulbs which waste up to ninety-five percent of consumed energy as heat. These long-lasting high-efficiency fluorescent light bulbs provide equivalent illumination as incandescent light bulbs, so neither comfort nor convenience is sacrificed in this energy-saving endeavor. However, they consume up to sixty-six percent less energy, leading to major decreases in energy bills. By simply replacing the light bulbs in their homes, our constituents will be saving money in addition to energy.

Ms. HARMAN and Mr. UPTON have empowered Americans with an uncomplicated, affordable plan that offers only benefits to both individuals and our nation as a whole. As we look to renewable energy sources to minimize our foreign oil dependence and increase national security, each citizen can do his or her part both at home and at work with the nearly effortless action of changing a light bulb.

INTRODUCTORY STATEMENT FOR THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE RESOLUTION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Commission on Security and Cooperation in Europe, otherwise known as the Helsinki Commission, I rise to introduce a resolution which expresses the concern of this body regarding the Russian Federation's suspension of implementation of the Conventional Armed Forces in Europe Treaty (CFE).

Russia's declared suspension of the CFE on last July 14 is troubling to the countries that are parties to the treaty because it may lead to instability in the security situation in Europe.

NATO and the former Warsaw Pact countries ratified the CFE in 1990, under the auspices of the Conference on Security and Cooperation in Europe, predecessor of the current Organization for Security and Cooperation in Europe (OSCE). The CFE has played a major role in European security in the post-Cold War era. The treaty set broad limits on key categories of conventional military equipment in Europe and mandated the destruction of excess weaponry. Under its provisions, over 60,000 pieces of combat material have been destroyed or removed from the arsenals of signatory states, under a rigorous, but mutually acceptable, transparency regime. In sum, it established parity, transparency, and stability among the conventional military forces and equipment in Europe.

The CFE was amended in 1999 to account for the dissolution of the former Soviet Union and the reality that several Warsaw Pact countries had become NATO members. However, NATO members have not yet ratified the amended treaty because Russia has failed to fulfill related commitments to withdraw its troops and weaponry from the territories of Moldova and Georgia, where they I are stationed against the wishes of those governments.

Among other reasons, Russia justified its suspension of the CFE on the basis that the U.S. plans to construct missile defence facilities in Eastern Europe, NATO member states refuse to ratify the 1999 CFE "Adaptation Agreement," and what Moscow sees as further encroachment by NATO toward Russia's border.

Madam Speaker, this resolution is not intended to discount Russia's concerns in the area of national security. However, Russia's actions over the past few months, combined with this latest on the CFE, prompts the question: How much of Russia's decision to suspend the CFE was based on genuine security concerns, and how much of the decision was designed to project President Putin and his United Party as "tough on the West" in the face of upcoming parliamentary and presidential elections?

We believe that Russia's proposed "moratorium" on CFE compliance is a regrettable step that may needlessly increase tensions in Europe.

I am introducing this "sense of the House" resolution urging the Government of the Russian Federation to reconsider its intention to suspend CFE implementation and to engage in dialogue with the other CFE signatory states to resolve outstanding problems and establish a foundation for the eventual implementation of the above-mentioned Adaptation Agreement to the CFE Treaty of 1999. In other words, we urge Russia to reconsider its decision and behave more responsibly.

I urge my colleagues to support this timely resolution as a demonstration of this body's concern for European security.

TRIBUTE TO KATHY CADO

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. McDERMOTT. Madam Speaker, I rise to note, with great sadness, the passing of Kathy Cado, a Seattle activist of great compassion and uncompromising integrity. Kathy was a remarkable woman who lent her considerable organizing and fundraising skills to educational projects, environmental efforts, health care initiatives, community programs, and women's issues. She loved progressive politics, and brought to it verve uniquely hers.

Kathy was that rarest of activists—a person of strong views who nonetheless could establish rapport with almost anyone. She brought humor and kindness to all of her endeavors, and she strove always to better her community. She was creative and witty, energizing countless campaigns and ballot efforts. Kathy was a mentor, and an inspiration, to so many; she leaves a legacy of public engagement matched by few others.

Kathy was a kidney transplant patient who struggled for many years with the consequences of renal disease. Yet, she refused to allow her illness to diminish her activism or her commitment to others. Instead, she embraced a new arena of involvement, learning as much as she could about this challenging field of medicine, and working tirelessly to support more kidney disease research and patient service. And, perhaps most significantly, she was resolute that the excellent treatment she received must be available to all who need it, regardless of resources or circumstances.

Kathy Cado was a very special human being who enriched the lives of everyone fortunate enough to know her. She was, in the very best sense, a public citizen.

TRIBUTE TO MR. AND MRS. DONALD AND ROSEMARY RAHABY UPON THEIR 50TH WEDDING ANNIVERSARY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. McCOTTER. Madam Speaker, today I rise to honor, acknowledge, and congratulate Mr. and Mrs. Donald and Rosemary Rahaby upon their 50th wedding anniversary.

As beloved area leaders, both Donald and Rosemary have dedicated their lives to serving our community. During his distinguished career in the United States Army, Donald met Rosemary while stationed in the Detroit area. Soon after, they were engaged and later married at the Shrine of the Little Flower in Royal Oak, Michigan, on July 6, 1957. After leaving the military, Donald served as the executive vice-president of Masco Corporation before ascending to president of Flint & Walling, Incorporated, which are both Michigan-based manufacturing businesses. Today, Donald is the president of American Dryer, Incorporated, another manufacturing company based in Livonia, Michigan.

Throughout their marriage, Rosemary has been a devoted wife and homemaker. She serves as parishioner in Our Lady of Victory Church in Northville and graciously volunteers her time at Providence Hospital in Southfield, Michigan. Together, Donald and Rosemary are the loving parents of four children, David, Susan, Linda, and Daniel, and of 12 grandchildren, Danielle, Ashley, Paul, Patrick, Alexander, Michael, Brian, Emily, Meghan, Kaitlyn, Matthew, and Jennifer.

Madam Speaker, through their service, guidance, and generosity, Donald and Rosemary have played an important role in their family and community. They have led their children into successful marriages and careers, and helped them become well-respected members of their communities. Today, as we recognize their 50th wedding anniversary, I ask my colleagues to join me in celebrating Mr. and Mrs. Donald and Rosemary Rahaby's eternal dedication to each other and selfless service to our community and our country.

TRIBUTE TO OFFICER JAMES HOWES

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. FARR. Madam Speaker, I rise today to pay tribute to a man who has committed his life to public service. Officer James Howes of the Santa Cruz Police Department in Santa Cruz, California will retire on September 6, 2007, after more than 26 years of personal sacrifice for his community and his country.

Officer Howes was born in Monterey, California and has since spent most of his life in the Monterey Bay area. A graduate of Watsonville High School, he later went on to study at Cabrillo Community College and the University of Phoenix, where he earned a degree in Business Management.

As a young man, Jim enlisted in the United States Marine Corps to defend our homeland. Stationed in Camp Pendleton, California and Okinawa, Japan, he attained the rank of Sergeant while proudly serving our nation.

Throughout his 26-year career at the Santa Cruz Police Department, Officer Howes has protected the public as a Patrol Officer, Field Training Officer, and as a DUI Enforcement Officer, where he helped keep dangerous drunk drivers off of our roads. For 8 years, Officer Howes has served as the Santa Cruz Police Department's Community Service Specialist. He has helped to empower his community and has coordinated the National Night Out, the Citizen's Police Academy, and Business and Neighborhood Watch Programs.

Serving as a member of law enforcement is never easy. Each time a police officer such as Officer Howes reports to the scene, they can rarely know what to expect. The sacrifices they make are shared with their families, who have the same uncertainty every time these brave men and women leave for work. I would therefore like to recognize the sacrifice that Officer Howes' family has also made during his years of service. Officer Howes and his family have certainly made a significant contribution to the city of Santa Cruz, and I truly appreciate their efforts.

In addition to the outstanding work he has done as a member of law enforcement, Officer Howes regularly serves his community while off duty. He teaches vocational programs to local high school and college students, placing an emphasis on law enforcement and career guidance. Through his great efforts to create a better Santa Cruz, Officer Howes has garnered the admiration of his community, and in 2006, was chosen as a Community Hero by the Santa Cruz County Community Assessment Project through the United Way. The service and dedication that Officer Howes has shown throughout the course of his career further proves that he is a hero.

Madam Speaker, I take this opportunity to thank and congratulate Officer James Howes for his many years of commitment and service to the city of Santa Cruz and to the people who live there. Although he will retire soon, I am sure that his commitment to the city of Santa Cruz will last throughout his life.

IN HONOR OR MORGAN GRIER MURPHY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Morgan Grier Murphy, who from 1943 until his death last week at the age of 78, was a faithful servant, leader, and business innovator in Albany, GA.

I am proud to have been able to call Morgan a constituent during my 15 years in Congress. Through his leadership in the banking industry, he strengthened the economy of Dougherty County and Southwest Georgia. With his active involvement in the state and local Chambers of Commerce, his work with various environmental and conservation groups, as well as his commitment to One Albany, which addresses diversity issues within the community, Morgan managed to positively influence every major issue in the public sector. He opened up dialogue between formerly segregated parts of Albany, took difficult stances, and inspired others to make a difference.

Aside from his professional achievements, Morgan was widely known as a devoted husband, father, and grandfather. He was an avid sportsman who was passionate about hunting, fishing, and golfing.

A graduate of Albany High School and Brevard College in North Carolina, Morgan served his country in the United States Air Force during the Korean War. Following his time in the military, he returned to Albany where he began his career as a banker and lifelong public servant.

Morgan's death leaves a void among the Albany community. He had many passions, and managed to make an impact on many organizations. I find it improbable that just one person will fill his shoes in the community.

So, on this the 31st day of July, 2007, I commend Morgan Grier Murphy for his commitment to helping Albany, GA, helping it live up to its name of the "Good Life" city. Morgan truly tried to make life better for everyone.

HONORING THE ACCOMPLISHMENTS OF DR. W. RON DEHAVEN

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. PETERSON of Minnesota. Madam Speaker, I rise today to honor the accomplishments and the retirement of Dr. W. Ron DeHaven of Crofton, MD. Dr. DeHaven has secured his legacy within the U.S. Department of Agriculture (USDA) and with the public he served during his 28 years with Animal and Plant Health Inspection Service (APHIS).

Dr. DeHaven will continue to shape the course of APHIS' work for some time to come due to the integrity and professionalism he brought to his role as APHIS administrator, and the initiatives begun under his leadership. In all of his activities, he repeatedly demonstrated a deep compassion for both animals and humans alike, including the thousands of employees who have served under his leadership.

His recent initiatives include, among others: the ongoing efforts to streamline the regulatory review for the imports of fruits and vegetables; creating electronic permitting systems for APHIS stakeholders; developing supervisory programs to keep the agency well-managed; and building international coordination and capacity for handling animal disease outbreaks.

In combination, Dr. DeHaven's many initiatives and his personal conviction for "doing the right thing" have set a high bar for those who follow him as Administrator. I want to thank Dr. DeHaven for his service to American agriculture and wish him well.

HONORING JONATHAN ADAM HILD

HON. C. A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the memory of Jonathan Adam Hild, who was born on April 27, 1979 and passed away on May 29, 2007. Jonathan attended White Oak Elementary School in Parkville, Maryland and Timonium Elementary School in Timonium, Maryland. He attended Ridgely Middle School in Lutherville, Maryland before graduating from Dulaney High School in Timonium, Maryland. Jonathan graduated with an Associate Degree from Community College of Baltimore County in Catonsville, Maryland.

Jonathan was raised Catholic and received all of the sacraments from being baptized at birth to his confirmation in later years at the Church of the Immaculate Conception in Towson, Maryland. He attended Confraternity of Christian Doctrine at the Church of the Immaculate Conception for his First Communion, Penance and Confirmation classes and services.

Jonathan enjoyed building and fixing things from an early age. He was very mechanically savvy. As a boy he frequently rode his bike and enjoyed the outdoors. Jonathan liked sledding in the winter, and going to the beach in the summer. During his teen years and through his twenties he always wanted the best and loudest music system. In his bedroom he had a sound system that would be suitable for a night club and he had big speakers in the trunks of his cars. It often caused some brotherly confrontations with his brother Damon. He played softball during his elementary school years with Lutherville-Timonium Recreation Council. Jonathan also attended a summer day camp at Towson University during elementary school summer recess.

Jonathan's career included working at a printing and copy company, Cockeysville High School, Pierce's Plantation Restaurant, and as a self-employed licensed automobile wholesaler. Jonathan always loved cars and as an adult his favorite was BMW. He had several of them, but one red BMW 325i convertible was his favorite and for years he worked diligently to insure the car kept its brand new appearance inside and out. He enjoyed the BMW so much he drove it on a trip all the way down to southern Florida.

Jonathan loved spending time during the summer enjoying his jet skiing hobby. He owned his own jet ski and would take it out often near his home with friends. Always thinking of others, Jonathan would bring the jet ski down to Ocean City on vacation to share with all of his family. Jonathan is survived by his father, John Hild, his mother, Linda Hild, and his brother, Damon Hild.

Madam Speaker, I ask that you join with me today to honor the memory of Mr. Jonathan Adam Hild. Jonathan was an exceptional young man from Maryland who will be sorely missed by his family and friends.

HONORING CALVIN COPELAND

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. RANGEL. Madam Speaker, today I rise to pay tribute to Calvin Copeland, the legendary owner of Harlem's Copeland's Restaurant and Reliable Catering. I rise because while the kitchen of this Harlem staple may have served its last meal this past Sunday, it will always be open in the hearts of many a beacon of hope and great cuisine that you could call home.

Calvin Copeland, was born in Smithfield, Virginia, one of eight children and grew up in Newport News, VA with relatives when both his parents died. If you ask him, Copeland still remembers the names and addresses of all the restaurants and establishments where he worked since his first job in Virginia kitchens at the age of 13. He moved to New York in the late 1940s, where he married Rita Copeland, an Irish immigrant, who was a waitress at a New Jersey restaurant where he worked.

When Copeland arrived in New York, he thought, like many recent arrivals and immigrants that dream in our fine city today, that the streets in New York were paved with gold. He took any job he could, from dishwasher to bus boy to cook. Yet no matter where Calvin he was employed, he studied and watched the chefs and tried to pick up techniques. He worked from 3 p.m. to 12 a.m., seven days a week, for six years, and very often, never saw the sun set; and

The first Copeland's restaurant opened in 1967 in a cubbyhole on Broadway, between 148th and 149th Streets, around the comer from his present location. It was a dream that only came about after his Aunt Alma told him to take the money he had saved from working in restaurant kitchens all across Manhattan and open up his own place. By 1980, Copeland's Restaurant and Reliable Catering was established at its current location at 547 West 145th Street, its southern style foods a testament to both to Calvin's proud Virginia roots and his adopted family uptown.

I submit into the record the following two articles from the Associated Press and the New York Times that captures a piece of the important role Copeland played in the city and the neighborhood. For over five decades, Calvin Copeland been committed to his roots and his community, enduring through the riots of the 1960's, the crack epidemic of 1980's, personal financial ruin and even fire. He always found away through his cooking to keep people like me, Muhammad Ali, Richard Pryor, Stevie Wonder, David Dinkin, Harry Belafonte, Dakota Staton, Natalie Cole, Bishop Tutu, Sammy Davis, Jr. and Michael Jackson as frequent and enthusiastic customers.

How? As any great chef will tell you—its not just about the food. It's not just about the presentation. It's about the entire package.

HARLEM RESTAURANT SERVES ITS LAST FRIED CHICKEN BRUNCH

(By Karen Matthews)

NEW YORK.—A soul food restaurant that survived rioting and looting could not survive gentrification.

Copeland's held its last brunch Sunday, closing for good after 50 years and bringing an end to one of the greatest restaurant runs in Harlem history.

"It's a sad occasion," diner Gloria Jackson said. "You feel like a celebrity when you come here. They always cater to your every need."

Owner Calvin Copeland, who opened the place on 145th Street with $850 in savings and saw it overcome hard times such as the riots of 1964, said the neighborhood's changing demographics no longer made it viable.

In recent years, middle-class black and white families have bought Harlem's handsome brownstones and fixed them up. They just didn't crave his savory fried chicken anymore.

"The transformation snuck up on me like a tornado," he said.

Copeland's denouncement brought out many elected officials including the dean of Harlem politicians, House Ways and Means Committee Chairman Charles Rangel. They all paid tribute to Copeland.

Rangel and others heaped praise on Copeland as high as their plates were piled with chicken, cornbread, potato salad and collard greens.

"You are more to us than a restaurateur," Rangel said. "You're a legend. You're hope. And you're inspiration."

The Rev. Calvin Butts, the influential pastor of the Abyssinian Baptist Church, thanked Copeland, 82, for his dedication and hard work and prayed "that this will be a new day for him, a day of relaxation and enjoyment for the rest of his years."

Proclamations were presented from Congress, from Gov. Eliot Spitzer, from the City Council and from the state Senate and Assembly.

"It's an institution," said Deputy Mayor Dennis Walcott, a 30-year patron of Copeland's. "It's important to come out and say thank you and let Mr. Copeland know that we appreciate all he's done for the community."

As Copeland thanked his customers Sunday, he left the door open for a Copeland's rebirth or for starting another restaurant somewhere else.

"With what you've showed me and how you feel about me, I think there's another chapter," he said. "Going home with no place to go and no purpose, I don't think that could work for me."

[From the New York Times, July 23, 2007]

HARLEM MAINSTAY SURVIVED RIOTS, BUT FALLS TO RENEWAL

(By Fernanda Santos)

Calvin Copeland was there when rioters burned and looted stores in 1964, when crack cocaine and AIDS tore families apart, when brownstones were for sale for $50,000 and few outsiders dared move in. He endured fire and financial ruin, yet each time he picked up the pieces and prospered, as bold and resilient as the neighborhood around him.

If he could be the master of his fate, he would live out his days in Harlem, Mr. Copeland, 82, said yesterday, serving soul food from the restaurant he has owned for almost five decades, Copeland's, a relic of the past anchored in a place fast in transition.

Gentrification has pushed away many of the black families who used to patronize his business. "The white people who took their place don't like or don't care for the food I cook," he said. "The transformation snuck up on me like a tornado."

After falling behind on rent and bills a year ago, Mr. Copeland tried to hold on to his business, investing more than $250,000 of his savings, he said. Finally, in May, he acquiesced to defeat.

Copeland's, at 547 West 145th Street, between Broadway and Amsterdam Avenue, where Harlem is known as Hamilton Heights, will hold its last gospel brunch at 1 p.m. on Sunday and then close its doors for good.

"I just can't do it anymore," Mr. Copeland said.

With its smoke-mirrored walls, L-shaped marble bar and carpet the color of honey, Copeland's is at once cozy and de mode, a place where men in polyester suits and women in hats dine alongside European tourists who come to Harlem to experience American black culture.

Yesterday, Fred Staton, 92, a saxophonist with the Harlem Blues and Jazz Band, which plays on Sundays at the restaurant, stopped by to wish Mr. Copeland well. A tour group from the Netherlands had brunch there. Others, however, walked out after learning that the restaurant was not offering its usual Sunday gospel choir. (Mr. Copeland said he was too busy preparing for the final brunch to schedule entertainment.)

"The food here is delicious, and it's so sad to hear they'll be gone," said Martha Marsh, who has lived in Harlem for 40 years and said she regularly eats at Copeland's.

"She's picky," added her husband, John Henry. "If she says she enjoys it, it's because the food is really good."

Mr. Copeland started the business in 1958 as a catering service, one of Harlem's first, in a modest storefront on Broadway north of 148th Street. He had but one worker, Gertrude Clark, who still works for him. Mr. Copeland, who is black, baked and decorated cakes; Ms. Clark, who is white and grew up on a farm in upstate New York, did whatever else was needed, which often included preparing Southern fare.

"I had never eaten collard greens in my life, and there I was making fried chicken and souse meat," said Ms. Clark, 73. She is now Copeland's banquet manager.

Mr. Copeland eventually rented the store next door, opened up a hole in the wall, expanded the kitchen and started serving breakfast and lunch, cafeteria style. It was similar to the one in operation today next to the restaurant on 145th Street, which opened for business in 1980.

In 1981, the restaurant burned to the ground and the insurance company went bankrupt before it reimbursed Mr. Copeland for the losses.

"I lost everything, except for the liquor," he said with a chuckle. "We had it in a separate room with concrete walls, and I guess the fire couldn't get through."

At the time, banks were not prone to lending money to restaurant owners, especially if the restaurant was in a place as volatile as Harlem, which had had two riots prior to the one in 1964, incited by the fatal shooting of a black teenage boy by a white police officer. But Mr. Copeland had many friends, and one of them helped get him approved for a small loan. The rest of the money came from Ms. Clark, who mortgaged an upstate property to help her boss.

"If that thing didn't go, she would have lost her property, she would have lost her job, she would have lost everything of value she had," Mr. Copeland said. "She had a lot of faith in me, and I delivered."

Copeland's became a destination for black families from as far as Philadelphia. Black entertainers and other notables would stop by when in town. Desmond Tutu, the retired Anglican archbishop, ate there once, and so did Muhammad Ali and the comedian Richard Pryor, who threw money in the air when he left the restaurant so as to distract the crowd that had surrounded him, Mr. Copeland said. Natalie Cole is a regular. Michael Jackson came by once, but did not come in; one of the waiters took a plate of food to his vehicle, which was parked outside.

"I never paid attention to this stuff," Mr. Copeland said. "I was too busy cooking."

TRIBUTE TO COLONEL HOWARD CLARK

HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. HODES. Madam Speaker, I rise today to honor the dedicated military service of retired Colonel Howard Clark, of Enfield, New Hampshire. Colonel Clark served his country honorably in the U.S. Army for thirty years, including two courageous tours of duty in Vietnam. He was awarded the Purple Heart for his bravery overseas, and continued his distinguished career in the military, including assignments at the Pentagon and as a Brigade

Commander at Fort Benning, Georgia. His career was recognized with the award of the Legion of Merit for sustained superior performance.

Colonel and Mrs. Howard Clark are also celebrating their 50th Wedding Anniversary this summer. Together, Colonel and Mrs. Clark have served as a model of commitment, sacrifice, and selfless service to our country. It is a privilege to represent these two distinguished individuals in the United States Congress.

HONORING THE LIFE OF LOS ANGELES POLICE OFFICER DAVID RODRIGUEZ

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. SHERMAN. Madam Speaker, I rise today to honor the life and public service of Los Angeles City Police Officer David Rodriguez of the San Fernando Valley, whose achievements merit our recognition.

After graduating with honors from Van Nuys High School, he entered California State University Northridge, where he received a bachelor of arts in political science. During college he held several jobs, including an internship in my district office.

I was honored when I had the opportunity to recommend David for the Los Angeles Police Department Academy. I was proud when in 2003 he entered and graduated. David earned a reputation as an aggressive but by-the-book patrol officer and was recently promoted to the anti-gang unit. At 6 feet 2 and weighing 270 lbs he was a gentle and dedicated family man who took care of his ailing mother.

On July 29th, while on duty, Police Officer Rodriguez died during an automobile accident when his patrol car skidded off the Ventura Freeway.

Words cannot express the sense of sadness we have for his family. David Rodriguez was a model first responder, whose bravery in death merits our admiration and respect.

PERSONAL EXPLANATION

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. GILCHREST. Madam Speaker, please let the record show that had I been present for rollcall vote No. 763, I would have voted "aye."

CELEBRATING THE NEW YORK LATINO FILM FESTIVAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. RANGEL. Madam Speaker, today I rise to congratulate one of my constituents, Calixto Chinchilla, on the completion of what has quickly become a New York film tradition: the New York International Latino Film Festival.

This past Sunday, Chinchilla and a group of dedicated volunteers and sponsors closed out another fantastic 5 days of film screenings and panels for the eighth straight year. Chinchilla, then a young marketing executive, founded the festival in 1999 to showcase the talent of the growing Hispanic community, at home and abroad.

Its crazy to think that despite's New York's immense Latino talent, there has never been a consistent side-by-side display of Spanish-language and English language films from all of Latin America and the U.S. But there wasn't. So he pulled together an event that looked to shatter stereotypes that society had about Latinos with films that came from all over the Hispanic Diaspora and that challenged notions that both mainstream society and the Latino community had when it came to race, ethnicity and class. He sought to do this in an environment where Hollywood could meet independent cinema, so that fresh faces could be brought to the stage and longtime community voices could be heard.

The journey has not been perfect, yet Chinchilla, current co-Executive Director Elizabeth Gardner and enthusiastic mix of veterans and newbie volunteers always seem to pull it off bigger and better each time around. Although many of the films are shown downtown, Chinchilla has made a habit of bringing the festival to other parts of the city during and after the summer festival. The only local festival to feature a night exclusively dedicated to Dominicans, NYILFF this year will also treat my constituents in Washington Heights with a family day filled with games, activities and movies for children.

I submit into the record two articles from the New York Daily News that provide a little more information about this year's showcase. It's just another example of the great body of artistic talent that has called and will continue to call Northern Manhattan home.

[From the New York Daily News, July 25, 2007]

PICTURES OF LATINO LIFE

(By Roberto Dominguez)

It took a few years for aspiring director Bruno Irizarry to get around to making a movie about the trouble many Latino actors have finding quality, nonstereotypical roles.

But Irizarry didn't hesitate when it came to submitting his feature-length film, "Shut Up and Do It!," to the one festival he knew would appreciate it.

The comedy is among the 80 or so features, shorts and documentaries at the New York International Latino Film Festival, now in its eighth year of showcasing new movies by or about Hispanics.

The festival was founded in 1999 by Calixto Chinchilla, at the time a Warner Bros. marketing employee, who felt the need to counteract the dearth of Latino themes and characters in mainstream movies.

"Shut Up and Do It!" is about a down-on-his-luck Latino actor compelled to make his own movie—and cast himself in it—because of a lack of good parts.

"To have my first film accepted into the festival has been a totally amazing experience," says Irizarry, 40, who directed the film together with Veronica Caicedo and also cast himself in a leading role—as a struggling actor.

"Most of the stuff in the movie has really happened to me as an actor trying to make it in New York," adds Irizarry.

"Like the characters, I was fed up and tired of casting directors seeing me for roles like 'Garbage Man No. 1.' But being in this festival has allowed me to start off my directing career with a bang, because it's so well-established."

That wasn't always the case. The first year's festival screened just a handful of movies at a community center in midtown that Chinchilla rented for a couple of nights.

It has since expanded into the largest event of its kind, with movies from both established and emerging filmmakers from across the U.S., Latin America and Spain. They're presented in several Manhattan locations, along with panel discussions, free outdoor screenings of classic movies (like "West Side Story") and themed evenings like Dominican Night—with the backing of corporate sponsors eager to tap into the buying power of the U.S. Latino market.

As the number of submissions from around the world has grown into the hundreds, so has the festival's reputation and prestige.

Director Alfredo De Villa, whose first feature, the low-budget drama "Washington Heights," was a festival darling five years ago, has seen his career grow as a result.

All three of his films have been screened at the fest over the years, and De Villa has gone on to work with several name actors, including Dominic Chianese of "The Sopranos" and Heather Graham, who star in De Villa's drama "Adrift in Manhattan."

"It's definitely like coming home," says De Villa of the festival. "As long as they'll have me, I'll keep bringing them movies."

In recent years, the festival has also become a springboard for bigger-budget projects—"El Cantante," produced by Jennifer Lopez and starring Marc Anthony as troubled salsa singer Hector Lavoe, is premiering at this year's fest before it hits theaters in August.

But according to Chinchilla, the true measure of the festival has been giving locals like Sonia Gonzalez the chance to display their work.

"They've always been very supportive of Latinos, but now it's become a really visible showcase for first-time filmmakers," says Gonzalez, whose documentary on New York stickball, "Bragging Rights," premieres today.

"To have a feature [at the festival]," she adds, "makes you feel like a celebrity."

[From the New York Daily News, July 11, 2007]

CITY'S LATINO FILM FEST IS BACK: BETTER, STRONGER, FEISTIER

(By Lewis Beale)

Talent-driven. That's the word on the eighth annual New York International Latino Film Festival, running for six days from July 24 to July 29 at venues around the city.

"This year is all about growth," says festival Executive Director Calixto Chinchilla. "Filmmakers are doing stronger stories. It's really about new talent; we have a lot of first-time filmmakers, and the stories are amazing."

Chinchilla points, for example, to "The Startup," in which some friends from Queens decide to move to Manhattan and eventually turn their Harlem brownstone into a youth hostel.

Describing the film as "like 'Swingers,'" Chinchilla notes how it shows that local Latino filmmakers "are raising the money, doing it by any means, and doing it well."

And it's not just New Yorkers who are an emerging film force. This year, the festival (nylatinofilm.com) is showcasing movies from Puerto Rico, which is experiencing a cinematic rebirth.

"Puerto Rico has recently begun to offer tax incentives to anyone who shoots on the island," Chinchilla says, "so you are getting stronger filmmakers who are getting the kind of support they've never had before. Puerto Rico is really committed to its cinema now."

But wait. There's more. Much, much more among the 80 films, including full-length features, shorts and documentaries.

Premieres include "El Cantante," the highly anticipated Jennifer López-Marc Anthony bio of salsa singer Héctor Lavoe; "El Muerto," a film Chinchilla describes as "like 'The Crow,'" a comic book adaptation done well, and "Trade," a film about international sex traffickers and featuring Kevin Kline.

"Trade," says Chinchilla, is "real, raw, sad and was written by [José Rivera], the guy who wrote 'The Motorcycle Diaries.' It's not for everybody, but it's a powerful piece and doesn't pull any punches."

Chinchilla, who also co-founded the festival, is particularly proud of this year's edition because of the way it has expanded to include more than just theatrical presentations.

"This year is more event-driven," he says. "There are more activities. There are outdoor screenings. It's become more than just a sit-down-in-a-theater thing. This was not in the original plan, but we've grown with the community."

So those who want to watch the Sharks and the Jets go at it again can see "West Side Story" at a free outdoor screening at Riverbank State Park on Saturday the 28th.

Panel discussions range from subjects dealing with women in film to how to pitch a film project to top producers and directors.

A free family day sponsored by the Cartoon Network features games and outdoor 'toon screenings. Dominican night will highlight the premiere of "Yuniol," a film from the island nation about two young men from wildly different social classes who interact in interesting ways.

And there are numerous documentaries, shorts, a "Rewind" section with screenings of "Carlito's Way" and "Crossover Dreams," plus feature films from Mexico, Chile, Cuba ("El Benny," about orchestra leader Beny Moré), Spain and Brazil.

Add it all up and it comes to this. Chinchilla says: "This is the most exciting roster we've ever had. It's diverse, focused, a solid slate of films."

COMMENDING CORPORAL JACOB L. KAREUS, UNITED STATES MARINE CORPS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. BOOZMAN. Madam Speaker, I wish to recognize and commend the courageous effort of Marine Corporal Jacob L. Kareus by entering into the RECORD the following letter:

MAY 29, 2007.

DEAR CONGRESSMAN BOOZMAN: I am writing to inform you of the performance of one of your constituents, Corporal Jacob L. Kareus, United States Marine Corps, son of John L. and Katherine D. Kareus of 7001 Ellsworth, Fort Smith, AR 72903.

Cpl Kareus recently returned from a seven-month deployment to Haditha, Iraq, with Company E of the Second Battalion, Third Marine Regiment. Upon our arrival, Haditha, a city of approximately 40,000 people on the Euphrates River in the restive Al Anbar Province, had a reputation as one of the most dangerous places in Iraq. Sunni insurgents frequently attacked Cpl Kareus' patrol with small arms fire, sniper fire, grenades and rocket and rifle vehicles. The insurgency maintained a close handle on the populace by an effective murder and intimidation campaign. Through their threatening and pressure of public officials and government workers, insurgents even controlled public works such as water and electricity. Only 15 Iraqi Police remained brave enough to work from the Marine forward operating base, while the recruitment of new policemen was nonexistent. Cpl Kareus and the rest of the Marines in Haditha were the tip of the spear in the Iraq counterinsurgency.

Through the heroic actions of your constituent, Cpl Kareus, the city of Haditha saw unprecedented progress. By his deployment's end, Haditha's police force numbered over 200 policemen and officers—many recruited from the people of Haditha—and they conducted operations independent of the Marines. Attacks on Iraqi Police and Marine patrols decreased from an average of 5–10 per day to a handful per month. Intelligence reports on insurgent activity flowed in regularly from the people. The populace, previously terrified to be associated with the Coalition, eagerly welcomed Marines and policemen into their homes for tea and conversation. The marketplace, or souk, bustled again, children played in the streets, and even teenage girls—previously prohibited by the insurgents from going to school—walked the streets five days per week in their school uniforms.

As his commander, I wanted to ensure you were aware of the hero from your great state of Arkansas. Cpl Kareus's selfless actions in Haditha honored his nation, his state, and his family. In an age where our ideals of courage and commitment and our resolve have waned, your constituent Cpl Kareus exemplifies the principles of self-sacrifice and dedication to a cause greater than himself.

Sincerely,

CAPTAIN M.W. TRACY,
Company Commander, Company E.

I wish to thank Captain Tracy for taking the time to write to me of the heroic service of Corporal Jacob Kareus and the Marines of Echo Company. I applaud Corporal Kareus's service to America, as well as to the people of Haditha.

The motto for the 3rd Marines is Fortes Fortuna Juvat, which translates to Fortune Favors the Strong. It is our good fortune that we have the strength of character of men and women like Corporal Jacob Kareus serving to protect the freedom of all Americans.

IN HONOR OF THE INTERNATIONAL FEDERATION FOR DISABLED SAILING: DISABLED SAILING WORLD CHAMPIONSHIP, 2007

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. WALSH of New York. Madam Speaker, I rise today to recognize the International Association For Disabled Sailing World Championship scheduled to be hosted by the Rochester Yacht Club in Irondequoit, New York. The IFDS World Championship will consist of 170 competitors, including paralympic medalists and past world champions from twenty-eight different countries. These world class athletes will participate in a regatta on the waters of Lake Ontario.

A U.S.A. hosted, sanctioned World Championship, the IFDS World Championship will serve as a country qualifier for the 2008 Beijing Paralympic Games. It will also contribute locally by providing the net proceeds of the event to the Rochester Rehabilitation Center's Sportsnet Program, a collaboration of different clubs and organizations supporting the participation and inclusion of disabled individuals in a variety of sports.

The IFDS World Championship is an inspirational demonstration of strength and perseverance. Participation in this regatta will bring about further inclusion of the disabled in sports and encourage new generations of athletes to work hard in order to achieve what was once deemed impossible.

On behalf of the citizens of the 25th Congressional District of New York, I congratulate the organizers of the IFDS Disabled Sailing World Championship and the world class athletes involved. Best wishes for a successful competition.

IN HONOR OF JACKSON COUNTY'S 175TH ANNIVERSARY

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. WALBERG. Madam Speaker, let it be known, it is my special privilege to congratulate Jackson County on its 175th anniversary.

Jackson County was named after President Andrew Jackson and was formed on August 1, 1832. Growth in Jackson County took off, and the world's largest walled prison was built in 1838, followed by the Michigan Central Railroad in 1841 that sparked growth and led to the discovery and production of coal mining.

The diverse economy of Jackson County has grown the last 175 years to include: manufacturing, industry, medical and educational institutions, small business, and agriculture.

Some of the most beautiful scenery in the Midwest is in Jackson County. Residents and visitors recognize it for its many golf courses, hundreds of lakes, festivals, Michigan International Speedway, and acres of city and county parks.

Jackson County families are at the core of the community, supporting strong schools, family values and superior educational opportunities for everyone. Hundreds of churches and synagogues attest to the moral fabric that makes up Jackson County.

The citizens of Jackson County are its greatest resource. They continue to work together to provide a pleasant place to work, live, play and raise a family.

In special tribute, therefore, this document is signed and dedicated to honor Jackson County on its 175th anniversary. May the members of the Jackson County Community continue to benefit from the many wonderful attributes the county offers and seek to individually contribute to its growth and prosperity.

RECOGNIZING THE ACCOMPLISHMENTS OF JOSE LOZANO

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the U.S. Congress, it is an honor for me to rise today to recognize Jose Lozano for being honored with the American Public Gas Association Personal Achievement Award.

Mr. Lozano started working for Okaloosa Gas District in May of 1972 as a system engineer. He was later promoted to operations manager, then vice president of corporate services and subsequently senior vice president. Then in 2003, after dedicating over 30 years of service, he advanced to the top management position, chief executive officer for Okaloosa Gas District.

Over the years Lozano has seen remarkable growth of Okaloosa Gas District. When he first came to work, the District had around 10,000 customers. Today the District has well over 37,000 customers.

He has served on numerous committees and boards in regional, State and national associations such as American Gas Association, Southern Gas Association, Florida Natural Gas Association, and American Public Gas Association, APGA.

From the start, Jose was an active participant in the APGA serving on committees such as Government Relations, Operations and Safety, Regulatory, and the Transmission Integrity Task Force. He has been a valuable partner in enhancing the prestige of the APGA in both the region and the Nation, and has made substantial contributions towards the attainment of APGA goals. As the APGA has grown so has Jose's involvement with the organization. He currently serves on the board of directors for APGA and as the second vice-chairman for the APGA Research Foundation board of directors.

Madam Speaker, on behalf of the U.S. Congress, I am proud to recognize Jose Lozano for his exemplary career with the Okaloosa Gas District and wish him continued success.

ON THE INTRODUCTION OF VOLUNTARY STATE DISCOUNT PRESCRIPTION DRUG PLAN ACT OF 2007

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. VAN HOLLEN. Madam Speaker, I am pleased to introduce the Voluntary State Discount Prescription Drug Plan Act of 2007—a completely voluntary, commonsense way to offer prescription drugs at affordable prices to millions of Americans currently struggling without prescription drug coverage.

This legislation would enable States, at their option, to create State discount prescription drug plans that extend Medicaid-negotiated rebates to citizens up to 300 percent of the poverty line and thereby provide discounts of roughly 40 percent to 50 million uninsured Americans—all at their local pharmacies, all at no cost to the Federal or State Government. Just like HMOs and insurance plans in the private sector, participating States would simply leverage their purchasing power to secure better prices on behalf of their citizens. In that regard, our bill would explicitly authorize recent prescription drug affordability initiatives in States like Maryland, Maine, and Vermont by removing barriers that have needlessly blocked these efforts in the past.

In 2005, my home State of Maryland passed a State discount prescription drug plan law with the near unanimous support of our General Assembly and our then Republican Governor Robert Ehrlich. Unfortunately, that plan was subsequently blocked by the Bush administration's Center for Medicare & Medicaid Services, CMS, for reasons that have never been credibly explained. As a result, the broad bipartisan will of our State has been thwarted and hundreds of thousands of Marylanders have been deprived needed access to affordable prescription drugs. In fact, according to an analysis of U.S. Census data conducted by Families USA and the Center for Policy Alternatives, an estimated half million Marylanders would become eligible for immediate prescription drug price relief under this legislation.

Since these plans are created at the State level and don't impose any cost on the Federal Government, we don't believe States should have to ask the Federal Government's permission in order to establish them. For that reason, our legislation makes clear that Maryland—and any other State that chooses—can set up a State discount prescription drug plan without petitioning CMS for a section 1115 waiver. Additionally, since these plans rely on government purchasing power rather than government outlays to produce price discounts, we remove CMS's somewhat contrived requirement that states expend some undefined amount of their own money as part of these plans. Beyond modest administrative costs, it simply isn't necessary.

Madam Speaker, this legislation represents a significant opportunity to empower States to deliver prescription drug affordability to millions of our citizens who don't currently have it—at no cost to the Federal Government. I hope Congress seizes this opportunity, and I invite my colleagues' support.

150TH ANNIVERSARY OF JACKSON, COUNTY, MINNESOTA

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. WALZ of Minnesota. Madam Speaker, today I rise to commemorate the 150th anniversary of Jackson County, Minnesota.

The first settlers in what would become Jackson County were three brothers, William, George and Charles Wood. They established a trading post in the town of Springfield, which would later be renamed Jackson.

Jackson County was established on May 23rd, 1857, and named for Hon. Henry Jackson, the first merchant in St. Paul. The earliest years were not easy: Jackson, the county seat, was entirely deserted twice. But in 1865, settlers returned following the Civil War and put down their roots. Homes were built from native timber and prairie sod and a school house was constructed to serve the community.

From those early days, Jackson County has continued to grow. Today it is a leader in agriculture production and home to a beautiful courthouse and an historic state theatre.

I would like to congratulate the residents of Jackson County as they celebrate their 150th anniversary and wish them a bright future.

LEGALIZING INTERNET SPORTS GAMBLING IS DANGEROUS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. PAYNE. Madam Speaker, I would like to address the troubling issue of gambling on sports. In the past couple of weeks, basketball fans throughout the Nation have been shocked and saddened by revelations that a referee was gambling on games he officiated, and may have affected the outcomes of those games. A player or referee gambling on his own game is probably the single greatest betrayal that can be committed against fans of the sport.

The temptation to sports corruption does not come out of nowhere. It comes out of a culture where many people turn a blind eye to the fact that sports gambling is illegal in 49 States. And, as USA Today reported, athletes and officials become vulnerable when they develop a gambling problem on other sports, or even on other types of gambling.

I received a letter this week from the professional and collegiate sports associations—which I believe my colleague, the gentleman from New York (Mr. TOWNS), already placed in the RECORD—that reveals efforts in this Congress to legitimize sports gambling online. This is the last thing we need. We should help raise awareness of the threat that gambling poses to cherished American athletics. We should never put a stamp of approval on sports gambling.

Last year, I voted for the Unlawful Internet Gambling Enforcement Act of 2006, in part because our laws against sports gambling were being evaded and eroded by offshore gambling operators. Now the same companies we shooed out of the illegal marketplace in the U.S. last fall are back supporting H.R. 2046, which would license them to take bets, including sports bets, from Americans.

They have their slick arguments. They say the individual sports leagues can opt out—as if gambling on basketball could possibly be any more or less harmful than gambling on football or hockey or soccer. They say the bill will raise tax revenue. Well, the ways we can raise tax revenue are nearly infinite—that's no excuse for bad policy. They say legal gambling can be better monitored—but it was legal gambling that got Tom Donaghy deep in debt and drove him to turn to criminal gambling.

I agree with the sports associations and my colleague from New York (Mr. Towns) that the harms of sports gambling far outweigh any alleged benefits. I urge my colleagues to reject any efforts to legitimize sports gambling in this Nation.

TSA PROCUREMENT REFORM ACT OF 2007

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. CARNEY. Madam Speaker, today I am introducing the "TSA Procurement Reform Act of 2007." This Act will increase contracting transparency at the Transportation Security Administration (TSA), open opportunities for small businesses, and eliminate wasteful and duplicative bureaucracy. This Act is necessary because TSA was exempted from the near-universal federal contracting system, the Federal Acquisition Regulation (FAR), after the September 11th terrorist attacks.

It makes no sense that every other organization in the Department of Homeland Security—and the vast majority of the federal government—is governed by the Federal Acquisition Regulation, yet TSA plays by its own rules. Even while we are at war, the Department of Defense uses the FAR. This exemption for TSA creates an unnecessary layer of bureaucracy, decreases competition, and shuts out small businesses from too many contracting opportunities.

The legislation will repeal the TSA's exemption from federal contracting laws 180 days after enactment. The legislation is supported by a broad coalition from the oversight and business communities. Citizens Against Government Waste and the Professional Services Council—a trade association representing more than 220 federal contractors—both support the intent of this bill.

Years of contract mismanagement prove that there is no longer justification for the exemption. Over the last several years, the TSA has awarded contracts filled with wasteful spending, including a contract to Boeing that jumped from $508 million to $1.2 billion and a contract to Pearson Government Solutions that first cost $104 million and skyrocketed to $741 million in less than one year.

I look forward to working with my colleagues on both sides of the Capitol and both sides of the aisle to ensure that we strengthen our homeland security as much as possible and eliminate the many deficiencies at DHS and throughout the federal government impeding our Nation from being as safe as we would like.

CONGRATULATING MR. NED NORRIS, JR. ON HIS CHAIRMANSHIP OF THE TOHONO O'ODHAM NATION

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. GRIJALVA. Madam Speaker, I rise today to take the opportunity to honor the new Chairman of the Tohono O'odham Nation.

An exceptional citizen of my community and the Tohono O'odham Nation, Chairman Ned Norris, Jr., is from the remote village of Fresnal Canyon, in the Baboquivari District. He was elected to a 4-year term as the Chairman of the Tohono O'odham Nation earlier this spring.

Chairman Norris is in his 32nd year of serving the Tohono O'odham Nation. In May of 2003, he was elected to serve as Vice Chairman of the Tohono O'odham Nation. Both before and after holding the position of Vice Chairman, he worked with the Tohono O'odham Gaming Enterprise. Chairman Norris served as Assistant Director of Marketing and Public Relations, Director of Marketing & Public Relations, Casino Manager and Director of Community Relations. The Enterprise operates both Desert Diamond Casino locations in Tucson and Golden Ha:san Casino near Why, Arizona.

His service to his Tribe has been ongoing. In addition to holding the position of Chairman and Vice Chairman, he has also served as the Assistant Director of the Tribe's Children's Home; Court Advocate; Children's Court Judge; Court of Appeals Judge; Indian Child Welfare Specialist; Assistant Director of Tribal Social Services and Director of Tribal Government Operations. On February 1, 1993 Chairman Norris completed a 6 year Tohono O'odham Legislative Council appointment as (non-attorney) tribal Judge, the last 3 of those years as Chief Judge for the Judicial Branch.

Chairman Norris is also very involved in the surrounding community of Tucson, AZ. He is currently a board member of the Chicanos Por La Causa, Tucson Urban League, American Indian Association, Inc., and the University of Arizona—Arthritis Center Advisory Board; Tucson Metropolitan Education Commission; KUAT Communications Group-Advisory Board; and the Tucson Airport Authority-Advisory Board. Additionally he is a former board member of the Sunnyside Unified School District Governing Board; and a former Commissioner for the Tohono O'odham Nation's Tribal Employment Rights Office.

I would also like to acknowledge Isidro B. Lopez, as the new vice-chair of the Tohono O'odham Nation. His leadership and experience will serve Chairman Norris and the Nation well.

I would like to offer my congratulations to Ned Norris for his over three decades of service to his Nation and the people of Pima County and southern Arizona.

THE U.S.-CHINA COMPETITIVENESS AGENDA OF 2007

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. KIRK. Madam Speaker, today I am proud to join my good friend, the gentleman from Washington (Mr. LARSEN), in unveiling the bipartisan U.S.-China Competitiveness Agenda of 2007. This agenda includes four legislative priorities to expand America's influence in China and increase American competitiveness in the global marketplace.

As co-chairs of the bipartisan House U.S.-China Working Group, we are working in Congress to elevate the sophistication of our debate on U.S.-China issues. The U.S.-China Competitiveness Agenda provides Congress with a constructive legislative package to expand U.S. engagement with China while supporting key domestic and foreign policy objectives.

Along with two other Working Group members, Congresswoman SUSAN DAVIS (D–Calif.) and Congressman STEVE ISRAEL (D–N.Y.), we are introducing bipartisan legislation to expand America's diplomatic infrastructure in China, boost support to small- and medium-sized businesses exporting to the China market, increase funds for domestic Chinese language instruction and build new cooperative energy ties between the U.S. and China.

The U.S. has one embassy and four consulates in China, leaving more than 200 cities with a population greater than one million people with little to no American representation. Additionally, while 60 percent of U.S. exports go to the Asia-Pacific market, the U.S. contributes 100 times more dollars to Europe's Organization for Economic Cooperation and Development than to the Asia Pacific Economic Cooperation Forum.

My legislation, the U.S.-China Diplomatic Expansion Act of 2007, authorizes the construction of a new consulate in Wuhan (population eight million) and 10 smaller diplomatic posts in cities with more than a million people. The bill triples funding for public diplomacy, boosts funding for a range of language, student and teacher exchange programs, increases funding for rule of law initiatives and more than triples the U.S. contribution to Asia Pacific Economic Cooperation.

If we are serious about intellectual property rights, consumer product safety and economic competitiveness, we need a diplomatic infrastructure in China that reflects those priorities. We can't send more food inspectors to China to ensure the safety of imports if we don't have a place to put them. We can't work on issues like the theft of American patents, environmental protection, human rights and labor standards if we don't fund rule-of-law initiatives. My legislation would expand the diplomatic infrastructure to accomplish these objectives.

I am proud to co-sponsor three other bipartisan bills in the U.S.-China Competitiveness

Agenda, including Mr. LARSEN's U.S.-China Market Engagement and Export Promotion Act of 2007, Ms. DAVIS' U.S.-Chinese Language Engagement Act of 2007 and Mr. ISRAEL's U.S.-China Energy Cooperation Act of 2007.

Mr. LARSEN's bill would help states establish export promotion offices in China and create a new China Market Advocate program at U.S. Export Assistance Centers around the nation. The bill provides assistance to small businesses for China trade missions and authorizes grants for Chinese business education programs.

I strongly support the U.S.-China Market Engagement and Export Promotion Act because we need innovative programs that support our small business exports and arm them with the tools they need to succeed in China.

Roughly 200 million students are learning English in China today. By contrast, only about 50,000 primary and secondary school students study Chinese in America. Ms. DAVIS' bill increases Chinese cultural studies and language acquisition for elementary, high school and college-age students. Grants would be available to fund university joint venture programs, virtual cultural exchanges with Chinese schools and intensive summer language instruction programs.

We have more than just a trade deficit with China—we also have a knowledge deficit. That is why I strongly support the U.S.-Chinese Language Engagement Act. We need additional funding for domestic Chinese language programs, educational exchanges and Chinese teacher exchanges to fix this knowledge imbalance.

Recently declared the world's top polluter, China's power consumption increased more than 15 percent in the first half of 2007 alone. Mr. ISRAEL's bill authorizes new grants to fund U.S.-China energy and climate change education programs, along with joint research and development of carbon capture, sequestration technology, improved energy efficiency, and renewable energy sources.

In my view, China's connections to unstable energy markets like Iran, Sudan and Venezuela could set a foreign policy collision course with the United States. I strongly support the U.S.-China Energy Cooperation Act. To protect our environment and avoid future conflict, we need creative programs to boost U.S.-China energy cooperation.

I want to thank my colleagues for their hard work on this bipartisan agenda. I urge my colleagues to cosponsor all four bills and move quickly to enact this legislation into law.

PUBLIC SAFETY TAX CUT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. PAUL. Madam Speaker, I am pleased to introduce the Public Safety Tax Cut Act. This legislation will achieve two important public policy goals. First, it will effectively overturn a ruling of the Internal Revenue Service which has declared as taxable income the waiving of fees by local governments who provide service for public safety volunteers.

Many local governments use volunteer firefighters and auxiliary police either in place of, or as a supplement to, their public safety professionals. Often as an incentive to would-be volunteers, the local entities might waive all or a portion of the fees typically charged for city services such as the provision of drinking water, sewerage charges, or debris pick up. Local entities make these decisions for the purpose of encouraging folks to volunteer, and seldom do these benefits come anywhere near the level of a true compensation for the many hours of training and service required of the volunteers. This, of course, not even to mention the fact that these volunteers could very possibly be called into a situation where they may have to put their lives on the line.

Rather than encouraging this type of volunteerism, which is so crucial, particularly to America's rural communities, the IRS has decided that the provision of the benefits described above amount to taxable income. Not only does this adversely affect the financial position of the volunteer by foisting new taxes about him or her, it has in fact led local entities to stop providing these benefits, thus taking away a key tool they have used to recruit volunteers. That is why the IRS ruling in this instance has a substantial deleterious impact on the spirit of American volunteerism. How far could this go? For example, would consistent application mean that a local Salvation Army volunteer be taxed for the value of a complimentary ticket to that organization's annual county dinner? This is obviously bad policy.

This legislation would rectify this situation by specifically exempting these types of benefits from Federal taxation.

Next, this legislation would also provide paid professional police and fire officers with a $1,000 per year tax credit. These professional public safety officers put their lives on the line each and every day, and I think we all agree that there is no way to properly compensate them for the fabulous services they provide. In America we have a tradition of local law enforcement and public safety provision. So, while it is not the role of our Federal Government to increase the salaries of these, it certainly is within our authority to increase their take-home pay by reducing the amount of money that we take from their pockets via Federal taxation, and that is something this bill specifically does as well.

President George Bush has called on Americans to volunteer their time and energy to enhancing public safety. Shouldn't Congress do its part by reducing taxes that discourage public safety volunteerism? Shouldn't Congress also show its appreciation to police officers and fire fighters by reducing their taxes? I believe the answer to both of these questions is a resounding "Yes" and therefore I am proud to introduce the Public Safety Tax Cut Act. I request that my fellow Members join in support of this key legislation.

IN MEMORY OF JANE GRAVES

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend Jane Graves of Nashville, Arkansas, who passed away July 30, 2007, at the age of 58.

Jane Graves was a beacon of light and hope to all of those who knew her and were blessed to call her friend. As someone who was determined in her fight against cancer, Jane completed a victory lap less than two months ago at the American Cancer Society's Relay for Life, marking her fourth year as a cancer survivor. As encouragement for countless others fighting cancer, Jane used her talents through her writing to tell of her experiences. Through a series of inspirational articles, she literally changed and impacted the lives of numerous cancer survivors she never even had the opportunity to meet.

The victory lap during the Relay for Life was symbolic of more than Jane's bout with cancer, it was also representative of her selfless nature in life. She took great joy in helping others and worked tirelessly to create a strong sense of community in Nashville. As a cofounder and co-publisher of the Nashville Leader, she was a highly acclaimed and respected journalist who consistently kept the residents of Nashville informed with the latest news and community events. Her coverage earned her awards from the Arkansas Press Association, the National Newspaper Association and the National Federation of Press Women, among others.

During her 35 years in Nashville, Jane was determined to leave her mark not just as a journalist, but also as an activist. She helped found the annual Howard County Children's benefit golf tournament, she was a recipient of the Chamber of Commerce Woman of the Year Award, she was a board member of the Howard County Children's Center and she served as a past President of the Nashville Rotary Club.

I send my deepest condolences to her husband, Louie Graves of Nashville; her daughter Julie Murphy of Little Rock; her mother Glenna Siddon and stepfather Rupert Mobbs of Greenbrier; her brother and sister-in-law Bill and Pam Siddon of Great Falls, Virginia; and several nieces and nephews. Jane Graves will be greatly missed in Nashville, Southwest Arkansas and throughout the state of Arkansas, and I will continue to keep her family in my thoughts and prayers.

STUDENT AND TEACHER SAFETY ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. KIRK. Madam Speaker, I rise today to introduce the Student and Teacher Safety Act. As a former teacher, I understand that when you enter the classroom you develop a sense of feeling safe and protected from the violence of the outside world. The classroom is meant to be a place where our children's minds can be developed and nurtured. Students should be focused on pursuing their dreams, not worrying about drugs and violence in the classroom.

Columbine High School, Colorado; in my own district at Hubbard Wood School in Winnetka; and most recently on the campus of Virginia Tech. Each of these schools and many others had their sense of safety shattered when they were subject to attack by an individual with a gun.

The Student and Teacher Safety Act will help promote a safer school environment by allowing full-time teachers the right to search a student or their property should they have reasonable suspicion that a weapon or illegal drugs have entered their classroom. The legislation simply codifies guidelines established by the U.S. Supreme Court in New Jersey v. TLO (1985), which states that reasonable searches by school officials do not require a warrant signed by a judge if the search would reveal that the student violated the law or school rules and asks school districts to develop and implement a policy on school safety.

Teachers know their students. They know when a student is acting suspicious or that there is a problem. We must trust their instincts when they believe that their classroom is at risk. We also must protect these teachers from the risk of being punished or sued for following their instinct. Students have the right to a safe learning environment and teachers have the right to a safe workplace.

The Student and Teacher Safety Act passed the 109th Congress unopposed. The nation's largest teacher union, the National Education Association, supports the bill and believes "that a safe and effective learning climate is necessary for promoting educational excellence in public schools." As I have said before, if this bill helps one teacher stop one Columbine massacre, then Congress will have served the Nation well and protected its children.

POLICE SECURITY PROTECTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. PAUL. Madam Speaker, I am pleased to help America's law enforcement officers by introducing the Police Security Protection Act. This legislation provides police officers a tax credit for the purchase of armored vests.

Professional law enforcement officers put their lives on the line each and every day. Reducing the tax liability of law enforcement officers so they can afford armored vests is one of the best ways Congress can help and encourage these brave men and women. After all, an armored vest could literally make the difference between life or death for a police officer. I hope my colleagues will join me in helping our Nation's law enforcement officers by cosponsoring the Police Security Protection Act.

RECOGNIZING MR. TOM PRICE

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. TIBERI. Madam Speaker, it is my pleasure to recognize Tom Price for his induction to the Ohio Agricultural Hall of Fame.

Agriculture has always been a cornerstone of our State's way of life. As leaders in the community and the economy, farmers have provided invaluable service to Ohio since its inception. Therefore, those who contribute to the furtherance of agriculture in our State deserve to be placed among the ranks of our finest citizens. The Ohio Agriculture Hall of Fame is an institution that honors individuals who have made outstanding contributions through lifetimes of service and dedication to our State's agriculture industry.

Tom Price has dedicated his life to central Ohio's farming community. Throughout his career he has shared his experiences by teaching classes at The Ohio State University. He has served on numerous councils, continually being recognized by state leaders, county farm bureaus and local agriculture councils for his efforts. Finally, he has made a lasting impression on his community by improving relationships between Delaware County's rural and urban neighbors. In all areas of his career, Tom Price has worked hard to improve Ohio, sharing his expertise and developing partners in our community.

For his life of perseverant service to Ohio and consistent hard work toward the betterment of our fair State, I commend Tom Price upon his induction into the Ohio Agricultural Hall of Fame. He is truly deserving of this honor, one of the greatest our State's agricultural community can bestow.

I am pleased to commend him on this accomplishment.

EASTERN MICHIGAN UNIVERSITY HIDES THE TRUTH

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. POE. Madam Speaker, when they send their son or daughter off to college this fall, millions of parents will be counting on these educational institutions to take the reasonable steps to keep them safe. After reading an editorial, "Campus security is a crime", in USA Today, I'm afraid that trust may be misplaced.

Last December, Eastern Michigan University, EMU, student Laura Dickinson was raped and murdered in her own residence hall room. The campus police immediately opened a homicide investigation and called in the State police for help. Campus officials, however, issued a press release saying there was no reason to suspect foul play. In an especially unconscionable act, they even led the young woman's parents to believe she had died from a preexisting heart condition.

This cover-up was not exposed until more than 2 months later when police arrested another student, apparently unknown to the victim, and charged him in connection with the crimes. For more than 2 months, students were not told that a rapist and murderer was free amongst them lulling them into a false sense of security. When they found out they were outraged and I share their outrage. We owe America's college students and their families better.

As horrific as this is it isn't a new problem. After the chillingly similar rape and murder of Jeanne Clery at Lehigh University in 1986, Congress examined the scope of campus crime and found that cover-ups and violations of victims' rights were rampant. In response, the Crime Awareness and Campus Security Act of 1990 was adopted to require colleges to be up-front about their crime and respect victims' rights. In 1998 it was renamed the Jeanne Clery Act in memory of the student who had inspired it.

The problem, however, as USA Today points out, is that this law isn't being properly enforced. Even though there are more than 6,000 institutions of postsecondary education between 1994 and 2006 only 17 Clery Act specific reviews were conducted by the U.S. Department of Education, the agency charged with enforcing the Act. An even smaller number, three, were fined for violations.

This has led to widespread violations of the Act. Only about a third of all institutions properly comply with the Act according to a report issued by the U.S. Department of Justice in December of 2005. Simply put, their chances of getting caught are very small and the chances of being punished are virtually nonexistent. As a former judge, let me tell you, when there are no consequences for wrongdoing it won't stop.

In an investigation called for by Security On Campus, Inc., a national non-profit victims' rights group co-founded by Jeanne Clery's parents Connie and Howard, the Education Department found that EMU had not only violated the Clery Act by failing to warn their students about the murder, but also had an extensive history of violations. They should face significant fines for these violations and other schools need to know that they too will face a penalty if they lie about campus violence. Once the U.S. Department of Education finally begins taking the Clery Act seriously colleges and universities will too.

That's just the way it is.

THE EDUCATION ASSESSMENT TECHNICAL CORRECTIONS ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. KIRK. Madam Speaker, today I am introducing a bill that will improve No Child Left Behind, NCLB, implementation while maintaining its important accountability provisions.

NCLB provides a crucial level of accountability for the results of study in the classroom. While this change was welcome on both sides of the aisle, this law did present some technical problems in its ground-breaking measurement and assessment of education achievement. I hare worked closely with education specialists at the North Central Education Lab as well as local education professionals as part of my Education Advisory Board to gather data on current NCLB implementation. This work resulted in a White paper detailing areas of concern to my local schools, coupled with practical solutions to these problems.

Specifically, this Education Assessment Technical Corrections Act focuses on highly-qualified teacher requirements, determinations of Annual Yearly Progress, AYP, and NCLB sanctions. My legislation maintains NCLB's important accountability provisions while improving implementation of the law in these key areas.

Every child deserves an excellent teacher. Unfortunately, several schools are experiencing difficultly meeting the highly-qualified teacher requirements in certain hard-to-staff areas. Much like rural teachers were given relief through rules, teachers in "hard to staff" areas should be granted relief for the higly qualified teacher provision in the form of a two year extension. However, schools must demonstrate that they are working towards full compliance in order to qualify for the extension.

Secondly, I strongly support measuring AYP for students. However, current law does not measure individual student improvement, counts students under multiple sub-groups, and creates discrepancies between NCLB and the Individuals with Disabilities Education Act. My legislation ensures that students are compared for consecutive years rather than two different classes for the same school year, places equal weight on each student, and clarifies Individualized Education Program status under NCLB. All these changes still maintain accountbility measures under NCLB but provide more accurate assessments.

Now that this landmark legislation has been in effect for a few years, it is important we revisit its effects. My bill takes into consideration important practical concerns of my local school boards while staying true to the goals of NCLB. I am proud that this bill reflects the advice and counsel of the North Central Education Lab, my Education Advisory Board and the National Education Association. I want to pay special thanks to Dr. Paul Kimmelman, the chairman of our 10th Congressional district Education Advisory Board, who led much of this work.

Madam Speaker, the Education Assessment Technical Corrections Act represents a strong bipartisan consensus, backed by school management and unions, to make the job of defining success and education achievement more accurate and useful.

INTRODUCTION OF THE CONGRESSIONAL RESPONSIBILITY AND ACCOUNTABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Congressional Responsibility and Accountability Act. This bill requires Congress to specifically authorize via legislation any proposed federal regulation that will impose costs on any individual of at least $5,000, impose costs on a business or other private organization of at least $25,000, or impose aggregate costs on the American people of at least $250,000, or cause any American to lose his or her job.

According to some legal experts, at least three-quarters of all federal laws consist of regulations promulgated by federal agencies without the consent, or even the review of, Congress. Allowing unelected, and thus unaccountable, executive agencies to make law undermines democracy. Law-making by executive agencies also violates the intent of the drafters of the Constitution to separate legislative and executive powers. The drafters of the Constitution correctly viewed separation of powers as a cornerstone of republican government and a key to protecting individual liberty from excessive and arbitrary government power.

Congress's delegation of lawmaking authority to unelected bureaucrats has created a system that seems to owe more to the writings of Franz Kafka than to the writings of James Madison. The volume of regulations promulgated by federal agencies and the constant introduction of new rules makes it impossible for most Americans to know with any certainty the federal laws, regulations, and rules they are required to obey. Thus, almost all Americans live with the danger that they may be hauled before a federal agency for an infraction they have no reasonable way of knowing is against the law.

While it is easy for Members of Congress to complain about out of control federal bureaucrats, it was Congress that gave these agencies the ability to create laws. Since Congress created the problem of lawmaking by regulatory agencies, it is up to Congress to fix the problem and make certain that all federal laws are passed by the people's elected representatives. Therefore, Madam Speaker, I urge my colleagues to cosponsor the Congressional Responsibility and Accountability Act.

THE U.S.-CHINA LANGUAGE ENGAGEMENT ACT OF 2007

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the U.S.-China Language Engagement Act of 2007—a bill to close the knowledge deficit when it comes to our relationship with China.

It is little news to anyone that China is on the rise. With a population of over 1.3 billion people and the second largest economy in the world when measured by domestic purchasing power parity, China is poised to become a world power, economically, diplomatically, and militarily.

Yet at a time when China's influence on the world stage is increasing, our national understanding of the "Middle Kingdom" has not kept pace.

While an estimated 200 million Chinese school children are studying our language and culture, less than 50,000 American elementary and secondary students are studying Chinese.

The goal of the U.S.-China Language Engagement Act is to provide our schools with the resources they need to offer Chinese language instruction and cultural studies classes.

This important legislation would instruct the Department of Education to offer competitive grants to Local Education Agencies (LEAs) to develop and implement innovative Chinese language and cultural studies programs.

LEAs, in collaboration with institutions of higher education, may use grant funds to carry out intensive summer Chinese language instruction, link bilingual Chinese and English speakers with students and conduct virtual cultural exchanges with educational institutions in China. This bill is part of a broader legislative package seeking to improve our competitive edge and relationship with China.

Some may view China's resurgence as a threat. But today, Madam Speaker, I ask you to turn China's rise into an opportunity for United States citizens.

Through careful diplomacy, I believe China can become not only a competitor but also a partner. But we cannot have this dialogue if we cannot understand the Chinese people.

This is why I come before you today: to ask for your help in ensuring that the lines of communication between the United States and China stay open. Please support the U.S.-China Language Engagement Act and help bridge the language barrier and cross the cultural gap between future generations of Americans and the Chinese.

TRIBUTE TO WILLIAM ERNEST "BILL" WALSH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. LANTOS. Madam Speaker, I rise today to honor the life of William Ernest "Bill" Walsh. Nicknamed "The Genius", Walsh revolutionized professional football and became a legend in the San Francisco Bay Area.

Recognized as one of the greatest football coaches of all time, he earned a host of awards throughout his career, culminating in his enshrinement in the Pro Football Hall of Fame.

After moving to the Bay Area as a teen, Walsh started his coaching career at Washington High School in Fremont. He quickly moved up the ranks, doing stints as an assistant coach at both the University of California at Berkeley and Stanford University before beginning his professional career with the Oakland Raiders in 1966. The next ten years saw him move on to the Cincinnati Bengals and the San Diego Chargers, until 1977 when Walsh returned to the Bay Area, this time as head coach at Stanford.

Two years later, Walsh received the appointment that was to place him in the top ranks of American professional football coaches—moving up the Peninsula to become head coach of the San Francisco 49ers.

Madam Speaker, when Bill Walsh joined the 49ers, their prospects seemed grim. Their record from the previous season was 2–14; a record that was repeated in Walsh's first season. It was only through his calm determination and intelligence for which he became famous that the 49ers returned to greatness.

Two years later, in 1981, the 49ers won their first Super Bowl, and "The Genius" earned his nickname as an innovative strategist, expert motivator and brilliant coach. His revolutionary tactics were soon known throughout the football world as the "West Coast Offense." Walsh's next seven years with the 49ers saw two more Super Bowl victories, and two legendary Hall of Fame quarterbacks—Joe Montana and Steve Young—who thrived under their brilliant coach's tutelage.

Resigning from his position with the 49ers following his Super Bowl win in early 1989, Walsh moved on to become a broadcaster at NBC. Later he assumed various roles with Stanford's football team and the 49ers. Even after being diagnosed with leukemia in 2004, he worked through 2005 as interim athletic director at Stanford. He wrote two bestselling books, was a motivational speaker, and taught classes at Stanford's business school. No matter what he did, Bill Walsh was always known for his exceptional intelligence and professionalism.

Madam Speaker, Bill Walsh earned respect where ever he went through his intelligent approach to the game and his demeanor, both on and off the field. I am honored to pay tribute to this great professional football icon and a proud son of the Bay Area. With his passing earlier this week, he leaves behind a lasting legacy of successful protégés and reverent fans. I invite my colleagues today, to join me in honoring the life and the legacy of Bill Walsh—coach, leader, teacher and an outstanding American.

ADDRESSES OF SPEAKER OF THE HOUSE OF REPRESENTATIVES NANCY PELOSI AND SPEAKER OF KNESSET AND ACTING PRESIDENT OF ISRAEL DALIA ITZIK AT U.S.-ISRAEL FRIENDSHIP EVENT IN JERUSALEM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. LANTOS. Madam Speaker, earlier this year in Jerusalem in the Israeli Knesset, the Speaker of the House of Representatives, was honored at one of the most moving and significant ceremonies that I have witnessed as a Member of the United States Congress.

The distinguished Speaker of the House, our colleague NANCY PELOSI of California, and the congressional delegation with her as well as other Members of Congress were guests at a state dinner held in the Chagall State Hall of the Knesset in Jerusalem, the capital of Israel. I was honored to join five of our colleagues in the bipartisan delegation that accompanied our Speaker on this very special occasion.

The hall, as you know, Madam Speaker, is dominated by the magnificent tapestry designed by Jewish artist Marc Chagall. It is hard not to be touched emotionally to see in Chagall's tapestry the symbols of Jewish identity and Israeli statehood—Moses holding the tablets of the Ten Commandments, David wearing his crown and dancing as he plays the harp, the seven-branched candelabrum which was the symbol of the Temple of Solomon and today is the symbol of the modern State of Israel.

On this very special occasion Speaker PELOSI was welcomed to Israel by the Speaker of the Knesset Dalia Itzik, who at the time was also the Acting President of Israel. Following her warm and friendly welcoming remarks, Speaker PELOSI gave a moving statement on the strong and enduring ties that have linked the United States of America and the State of Israel since the day Israel was founded in 1948.

Madam Speaker, I ask that the welcoming address of Speaker Itzik and the outstanding address in response of Speaker PELOSI be placed in the RECORD, and I strongly urge my colleagues in the Congress to give these statements the thoughtful attention they deserve as important documents on the warm friendship between our two nations.

ADDRESS OF SPEAKER OF KNESSET AND ACTING PRESIDENT OF ISRAEL DALIA ITZIK

Madam Speaker of the House of Representatives of the United States, Ms. Nancy Pelosi; Members of the Delegation from the House of Representatives, Welcome to our House.

Madam Speaker, More than two hundred years have passed, and the impossible has now become possible. The United States House of Representatives elected a woman Speaker. It is true that there have been precedents in American democracy where women have held very high positions, but this is the first time that the House of Representatives has elected a woman to serve as Speaker. And it was you who achieved this high honor. (It took you over 230 years; it took us 58 years.)

Ms. Pelosi and members of the distinguished delegation, in less than 24 hours, tomorrow evening, the Jewish People will be enveloped in the sanctity of the Passover Festival. Millions of Jews—in Washington and in Jerusalem, in Tashkent and in Buenos Aires, in Sydney and in Budapest—will sit down together at their family Seder table. The Passover Festival is for us Jews our first and most ancient festival in our history, we have been remembering and celebrating this festival for some three thousand two hundred years. It was then that we became a nation. We went out from slavery to freedom. This was a formative event in our lives.

Another name for the Festival of Passover is the Festival of Freedom. Freedom and liberty form the chain that links us, the invisible chain that crosses continents and oceans from Jerusalem to Washington and back.

Madam Speaker, after two hundred and thirty years of independence, liberty is for you a dream that has already been realized. For us, after thousands of years, the dream is still being realized. We are an ancient People, whose roots are in the Bible and whose values are those of the Biblical prophets, while you are, so to speak, a relatively young nation and country. But we share the dream of liberty that ties us together with bonds of love.

We Israelis love the United States of America, not only because of your economic, military and political support and help. We love you because of that shared dream of liberty and the desire for peace. The Bible tells us "Seek peace and pursue it" (Psalms 34, 15), and you are our loyal partners in that unceasing search that has not yet ended.

Madam Speaker, the Members of the Knesset have just begun their Spring Recess. Nevertheless, many of them are here with us. Because of the Recess, we shall not be able to present to you, during your current visit, a day of normal parliamentary routine.

The Knesset is the location where decisions concerning the nation are taken. The Knesset reflects the unique nature of Israeli society in all its diversity. This is a society where Jews, Arabs, Druze and Circassians, veteran Israelis and new immigrants all live together. There are serious disputes between us.

There are disputes, and—although it may be difficult to believe—also points of agreement! And all this happens with complete freedom of expression for all. The one thing that unites all the members of this multi-party and divided House is the hope for peace. In the State of Israel lives a nation that yearns for peace, wants peace and is ready to pay a heavy price for peace. At the same time, we remain aware of every danger. Israel does not have the luxury of allowing itself weakness, even for one moment.

Madam Speaker, you have come to a tiny country. We have only seven million citizens. A tiny country that has not known a single day of quiet since its establishment. A tiny country that appreciates, perhaps more than any other country in the world, the efforts of your country to put an end to terrorism.

You have come to a country that observes with both pain and great hope, the efforts of the great United States of America to eradicate the terrorist bases in Iraq, in Afghanistan and in other places.

We, who wake up each morning fearing for our children, we know how difficult it is for you in this just war, and from here, from Jerusalem, we send you our heartfelt blessing for your success and for the success of the free world.

When I met you in Washington a month ago, I invited you to come to visit Israel, and I am glad that you accepted my invitation. During that visit I invited Karnit Goldwasser to join me at our meeting. I saw how moved you were listening to Karnit. I saw how moved you were by the story of our kidnapped soldiers, Gilad Shalit, Eldad Regev, and Ehud Goldwasser.

I am proud to be the daughter of a nation whose ethical code sanctifies the principle that every soldier is everyone's soldier. Every missing soldier is greatly missed by us all and every prisoner of war is a prisoner who it is our duty to bring back home.

The commitment of the Bush administration to the Peace Process in our region is very important and precious for us. As also is the President's deep friendship for Israel. The intensive activity by the Secretary of State, in the spirit of President Bush's policy, is most important, and is part of an ongoing effort by generations of American Administrations.

This is an opportunity to say a big thank you, through you, to Israel's friends in Congress, and to express our appreciation to you and to them for all their many efforts on behalf of Israel and on behalf of regional stability. We are pleased to discover anew each time, that the support for Israel rises above any inter-party dispute in the United States.

Madam Speaker, distinguished Representatives, during your visit here in Israel you will have the opportunity to see personally the exceptional achievements of Israel during its fifty-eight years. Despite no less than ten wars, between which we experienced many horrifying acts of terrorism, we have set up a model country, with a flourishing modem economy, with ground-breaking research centers, dynamic culture and advanced education, welfare and health systems.

Madam Speaker, You bring here to our region a refreshing breeze of hope. Your upcoming visit to Damascus arouses, naturally, a political debate in your country and of course here too.

I believe in your worthy intentions. Perhaps this step—that may at this stage seem unpopular—that you intend to take when you leave here, will make it clear to the Syrian people and to the Syrian leadership, that they must abandon the axis of evil, that they must stop supporting terrorism and giving shelter to the terrorist's command posts, that they must make a real strategic choice that will bring hope to the citizens of Syria and to the citizens of the whole region.

Israel seeks peace; anyone who speaks of peace and displays an honest intention to seek peace will find an ear in Israel.

Sitting with us here this evening is Mrs. Nadia Cohen, whose husband, Eli Cohen, was executed by hanging in Damascus 42 years ago (in 1965). Nadia, and all of Israel, has been asking the Syrian Government for many long years, to allow the removal of Eli Cohen's bones for burial here in Israel. This would be an elementary human gesture. I hope that your visit will enable the President of Syria to finally take the decision that seems so necessary. By this act the Syrian President could indicate to the world and to us that something can nevertheless change.

Madam Speaker, and our distinguished guests, the members of your delegation, you have come here to a small country. We number only seven million citizens, but fourteen million arms are stretched wide open to receive you with a blessing of Shalom [peace] and with the traditional greeting of welcome—"B'ruchim HaBa'im" [Blessed be those who arrive]. Please look upon this House, the Knesset, the principal and primary institution of Israeli democracy, as though it were your House too.

You are our brothers in the legislature and we see you and your fellow Americans as true friends of Israel. We appreciate your contribution to the strengthening of the security and strength of the State of Israel, and feel gratitude to all the American governments over the years.

B'ruchim atem bevo'achem" [May you be blessed on your arrival]. And to all our other guests, who have come here to the Knesset today, I would like to take this opportunity to wish you a Happy Passover—Festival of Freedom—in the embrace of your families.

ADDRESS OF THE SPEAKER OF THE HOUSE NANCY PELOSI

Madame Speaker, Members of Knesset, Cabinet Ministers, Supreme Court Justices and Honored Guests. Thank you.

Speaker Itzik, I am deeply honored to accept your invitation to address this great democratic body. I salute you for your achievements as the Knesset's first woman Speaker.

I stand with you tonight, conscious of all that you and I owe to the hopes and dreams of generations of Israeli and American women. I think especially of Golda Meir, the stateswoman, leader, mother, and grandmother whose legacy we both share.

Thank you for the opportunity to bring a message from the House of Representatives—which we call the people's house—to this distinguished body and to the Israeli people.

There is an unshakable bond between America and Israel that grows out of our past and the fundamental values we share. That bond forms the foundation of our efforts for peace, for democracy, for human freedom. The bond between our nations points the way to the future—a democratic Israel at peace with her neighbors. That is essential for the stability that this region desires. And the pioneering, entrepreneurial spirit of both our nations is essential for the future all our citizens deserve.

We remember the oldest roots of our friendship today. We stand here in the City of Jerusalem, a home to the world's three major religions. We stand at the threshold of one of the holiest weeks in the Judeo-Christian calendar. Palm Sunday is ending and Passover is about to begin. In this moment, Jews and Christians alike celebrate the possibility of human redemption from slavery into freedom.

"Open for me the gates of righteousness," we sing in one of the season's best-loved Psalms, "I will enter and give thanks to God."

The journey toward freedom and peace is a journey of faith, a journey of hope, a journey of a lifetime or more. It is a journey our deepest values command us to undertake.

When Americans look at Israel, we see the hope and promise of that journey, The creation of Israel stands out as one of the greatest achievements of the 20th century, and as a beacon of hope to the world. President Truman's role in recognizing the new state just 11 minutes after its proclamation is a source of pride for Americans.

Forty years ago another American President, John F. Kennedy, summed up what binds Americans to Israel today when he said that Israel "is the child of hope and the home of the brave. It carries the shield of democracy and it honors the sword of freedom."

Americans have many political differences, but we stand united with Israel now and always. One example of that is the bipartisan Congressional delegation here with me tonight. We speak with one voice, in support of a secure Jewish state of Israel living in peace with her neighbors.

Let me take a moment to recognize them: Delegation Co-Chairman David Hobson; Chairman Tom Lantos, with whom I share representation of the great city of San Francisco; Chairman Henry Waxman; Chairman Nick Rahall; Chairwomen Louise Slaughter; Chairman Robert Wexler; and I am especially proud that our delegation includes Congressman Keith Ellison of Minnesota, the first American Muslim elected to Congress.

We are all honored to be here, and we are honored to be with Karnit Goldwasser, who has given the world the priceless gift of her courage. When I met her in Washington last month with Speaker Itzik, I was struck by the fact that she should be enjoying a young marriage but instead is traveling the world for her husband's sake, Ehud Goldwasser.

We are honored to be here with the families of Israel's kidnapped and missing soldiers. We must not forget any of them.

In the last year three more were kidnapped: Ehud Goldwasser, Eldad Regev and Gilad Shalit. I display their identification tags in the Speaker's office, and I carry them with me today. We must not rest until they are home. We will mention this to the president of Syria.

Americans know what it is to be brave in battle, and what it takes to be strong at home. Respect for Israel's courage and strength has bound our nations together since Israel's earliest days—something I remember from my own childhood and the tradition in which I was raised.

In 1947, a ship bound for Tel Aviv set sail from Baltimore, my native city, with a crew of young American volunteers. History remembers this ship as the Exodus 47. Its mission was to bring war survivors from the camps of Europe to live in Israel. It was one of the first times that Americans made Israel's cause our own.

At that time, my father was a Congressman and later Mayor of Baltimore. His support for a Jewish state began when he was one of a small number of Congressmen who lobbied Presidents Roosevelt and Truman first to do more to rescue Jews in Europe and later to support the creation of Israel.

I was fascinated to learn of Israel as a child through the Bible, where God spoke from a burning bush about a magical "land flowing with milk and honey."

I remember vividly learning about the state of Israel when my parents' friends Simon and Irene Sobeloff came home from a visit to Israel shortly after Israel's birth as a nation.

The Sobeloffs visited our home and regaled us with magnificent tales about this glorious new country in the desert where courageous trailblazers were founding a democratic nation in their historic homeland. As a little girl, I was drawn to the stories of turning sand dunes to orange groves, draining swamps to create farmland, and creating cities where before there had been none.

And, with their stories, the Sobeloffs brought me a ring, which I just adored. It helped create an everlasting bond for me with Israel.

Our shared history and ideals unite us in the challenging present. For this reason, America's commitment to Israel's security is unshakable.

Israel faces existential threats that are also threats to America. We must track down terrorists at their sources; to protect our citizens, homes and businesses. We must counter the terrorists' vision of apocalypse and despair with our own clear pathway toward hope and dignity. We must do this with strength but also with wisdom.

Together, we must make sure that no more rockets rain down on Israel from Lebanon in the north. We must ensure a future in which parents can send their children to school and families can venture to markets without fear.

It has been almost nine months since Hezbollah's unprovoked attack on Israel. Yet, Hezbollah continues to violate the U.N. resolution that set conditions to end the violence. The 10,000 U.N. troops must be successful in preventing the shipments of weapons and supplies allowing Hezbollah to rearm. International forces in Lebanon must implement the U.N. resolution effectively.

Hezbollah must be disarmed.

And together, we must have a simple message for Tehran, whose support of Hezbollah is well known. Iran must not be allowed to have a nuclear weapon. The time to leverage all our power is now, and the way to do it is through diplomacy—with stronger sanctions and smarter policy choices.

Under Chairman Tom Lantos' leadership, the U.S. Congress is moving to put additional pressure on Iran by expanding and tightening our sanctions regime. I am certain that our Administration will use all of its influence with Security Council members and states in the region to see that they do the same.

Iran is not just an Israeli problem or a regional problem. Iran is a problem for the world.

In Iraq, we must move the war beyond the unstable status quo because instability in Iraq serves only the interests of our enemies.

We in Congress have a particular responsibility to make it clear that peace in Iraq must come first and foremost from the political choices of Iraqis. Even a military with the capabilities of the United States cannot create political consensus where none exists.

We in Congress will do everything in our power to seek a policy that makes the United States and our friends safer and the region more stable by sharing the responsibility for Iraq's stability with Iraqis and their neighbors.

Together, we must look to the future.

Israeli democracy is one of the cornerstones of a more stable and democratic Middle East. But that hopeful vision begins with a hard recognition: we all know that we cannot have peace without security, but we also cannot have security without peace.

I am concerned that some of those in the new Palestinian government remain committed to the destruction of Israel.

But I believe that the majority of Israelis, Palestinians, and Americans share our commitment to a future for Israel and the Palestinian people living side by side in peace and security.

Talking with responsible Palestinian partners is a wise investment in Israel's future. I know all of my Congressional colleagues join me in welcoming the agreement announced by Secretary Rice that Prime Minister Olmert and Palestinian Authority President Abbas will meet regularly.

The United States, as Israel's trusted friend and ally, has an irreplaceable role to play in achieving a lasting peace. The United States must have sustained high level engagement in the region to bring us closer to the day we all long for—when the entire Palestinian government is ready for peace.

Our efforts toward peace are part of a rich web of ties between our nations, ties that make not just the desert but a generation bloom.

Americans and Isaelis are pioneers and visionaries—our nations were built by people for whom obstacles like oceans, mountains, and deserts were the journey's beginning, not its end.

Israeli expertise and technology are helping protect cities and airports across America. Israeli medical technology saves the lives of American soldiers on the battlefield. Americans with reflux disease are diagnosed by a camera-in-a-pill developed here.

And American leaders in technology and biotechnology are exchanging their expertise in the global market with Israeli entrepreneurs with stunning results.

But I believe we can and will do more to build even stronger Israeli-American partnership for innovation in areas like alternative energy that are crucial to the future of both our countries.

From the negotiating table to the operating table, from the joy of a little girl's ring to the sadness of a missing soldier's dog tags, we find proofs of our deep friendship in the most unexpected places.

Another one of there places is outside Haifa, where there is a soccer stadium that many of you know as Kiryat Haim. I understand that it has seen better days, but it is used by children everyday and has a special place in the hearts of many Israelis. Older Israelis remember its glory days hosting top Haifa teams. Thousands of younger Israelis themselves learned to play there or follow the careers of star players, Jews and Arabs alike, who got their start there.

That stadium has a place in my heart as well. In 1968, it was named for my brother Thomas D'Alesandro, who, as mayor of Baltimore, carried on my father's support of Israel.

It is a great source of pride to our family that our name is shared with such a beloved Israeli institution. It is one of the reasons it is easy for me to represent America's love for the people of Israel.

Tonight I thank you for the warmth of your hospitality and I applaud you for the example of your courage.

Madam Speaker, please accept my deepest appreciation for this opportunity to express America's commitment to Israel. This occasion is one of the great joys of my life.

America and Israel share a common history—nations founded to be beacons of democracy, forged by pioneers, fulfilled by immigrants. We share a common future—as entrepreneurs and innovators, building the kind of world that we dream of for our children's children. And we share a common cause—a safe and secure Israel living in peace with her neighbors. Let us join together to recommit ourselves to the best of our heritage, and together look to the future.

CONGRATULATING THE PARTICIPANTS OF THE HOUSE FELLOWS PROGRAM

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise today to congratulate the participants of the House Fellows Program on the completion of their weeklong program. As an initiative of the Office of the Historian, this has been a unique opportunity for a select group of secondary education teachers of American history and government.

This week-long workshop is designed to help educators improve the knowledge and understanding of the "People's House." One of the goals of the program is to develop curricular materials on the history and practice of the House for use in schools. Each Fellow will prepare his or her brief lesson plan on a Congressional topic of their choosing, and these plans will become part of a teaching resource database on the House.

During the school year following their participation in the House Fellows Program, each Fellow will have the responsibility to present their experiences and lesson plans to at least one in-service institute for teachers of history and government.

Over the next 5 years, in selecting a teacher from every congressional district, the House Fellows Program will be able to impact over 10,000 high school teachers, providing an inside account of how the House of Representatives functions, energizing thousands of students to become informed and active citizens.

I had the honor of meeting the Fellows last night and know that all Members will join me in congratulating the following teachers who have successfully participated in this week's program:

Mr. Frank Coburn, Red Bird Mission School, Beverly, Kentucky (KY05, Rogers); Ms. Jennifer Collier, Mt. Diablo High School, Concord, California (CA07, Miller); Ms. Deborah Hejl, Fishers High School, Fishers, Indiana (IN05, Burton); Mr. Paul Hodges, PikeView High School, Mercer County, West Virginia (WV03, Rahall); Mr. Rick Kelm, Ripon High School, Ripon, Wisconsin (WI06, Petri); Ms. Tisha Menchhofer, Lakota East High School, Liberty Township, Ohio (OH08, Boehner); Mr. Christopher Lazarski, Wauwatosa West High School, Wauwatosa, Wisconsin (WI05, Sensenbrenner); Mr. Christopher Swanson, Cloquet Senior High School, Cloquet, Minnesota (MN08, Oberstar); Ms. Robin Wanosky, Weston High School, Weston, Massachusetts (MA07, Markey); Ms. Erin Wigginton, Pulaski County High School, Dublin, Virginia (VA09, Boucher).

As many of my colleagues already know, the first bill I sponsored upon becoming a Member of Congress in 1999 was the History of the House Awareness and Preservation Act, which directed the Librarian of Congress to oversee the writing of a history of the House of Representatives. Once this bill was signed into law (P.L. 106–99), the Librarian of Congress very wisely chose the eminent historian and author, Dr. Robert V. Remini, to write the history, which was published in 2006 under the title of The House. The project was so well received that the Speaker of the House re-established the Office of the Historian in 2005 and appointed Dr. Remini as the House Historian.

Madam Speaker, I would like to urge all of my colleagues to join me in thanking the Office of the Historian for sponsoring this program. Under the leadership of Dr. Remini and Dr. Fred Beuttler, along with their staff; Michael Cronin, Anthony Wallis, interns Michael Weiss and Laura Neff; the Office of the Historian is dedicated to fulfilling the goals of the History of the House Awareness and Preservation Act by conserving and presenting the history of the House of Representatives, the "People's House."

BAD POLLUTERS ACT (H.R. 3276)

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. KIRK. Madam Speaker, I am pleased to stand here today with (originals) and introduce legislation that will help protect the Great Lakes from harmful pollution that poisons our water and closes our beaches. The Great Lakes are the world's largest freshwater system and serve as a source of drinking water, food, jobs and recreation for more than forty million Americans. It is critical that we enhance our restoration efforts for this critical resource, not degrade the condition of the lakes even further.

British Petroleum (BP) will soon begin a $3.8 billion expansion of its refinery facility in Whiting, Indiana. Based on a provision in the

Energy Policy Act of 2005, BP is eligible for a tax credit that will allow them half of the capital expense costs in the first year of the expansion. This expansion currently includes a large increase of pollution into the Great Lakes. The facility was recently issued a National Pollutant Discharge Elimination System (NPDES) permit which will allow it to discharge an increase of 54 percent more ammonia and 35 percent more sludge into Lake Michigan per day. This will total a combined increase of more than 1,800 pounds per day of these pollutants which strangle aquatic life and contribute to the increasing number of beach closures each year.

While providing incentives to energy production and refinery expansion helps to lower gas prices and reduce our dependence on foreign oil, we must not do so at the expense of one of America's most treasured natural resources.

That is why I am introducing the Bad Polluters Act which will deny the capital expensing tax credit to any refiner whose facility's NPDES permit allows for an increase in any pollutant above its 2006 levels into the Great Lakes. This will prevent companies, such as BP, from seeking to increase pollution into our drinking water. In order to claim this important tax credit, companies will be forced to search a bit harder for a new solution to water treatment. I urge my colleagues to support this legislation and join in the fight to protect our national treasure.

HOUSE OF REPRESENTATIVES—*Friday, August 3, 2007*

The House met at a 9 a.m. and was called to order by the Speaker pro tempore (Mr. MURTHA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
August 3, 2007.

I hereby appoint the Honorable JOHN P. MURTHA to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, as Infinite Being, You have no beginning. In You there is no end. Have mercy on us who are so bound by time. You know us better than we know ourselves. You are aware how differently we act when we are near the final hour.

Whether it is the end of a lifetime or final moments before a performance or surgery or simply pondering a grave decision, all Your people need Your help at such critical moments. Be with the 110th Congress as it nears the end of this summer session.

The ancients called it final causality. We might refer to: the end product, the ultimate goal, final score or simply the end. Each calls forth judgment and draws us into its own abrupt closure.

As Americans we say, "In God We Trust." So prepare us, strengthen us, and enable us to embrace all endings with grace and finally say with free abandon, "So be it."

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand a division.

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. SENSENBRENNER. Mr. Speaker, could the Chair tell me how many Members rose to request the recorded vote and the total number of Members present in the House upon which the Chair made his decision?

The SPEAKER pro tempore. It's up to the Chair. And let me tell you this: The vote will show that the approval would be approved by the House, as it has been.

That is not a parliamentary inquiry.

Mr. SENSENBRENNER. Mr. Speaker, further parliamentary inquiry.

Mr. Speaker, does not the Constitution require that in order to get a yea and nay vote there has to be one-sixth of the Members present requesting a yea and nay vote?

The SPEAKER pro tempore. One-fifth.

Mr. SENSENBRENNER. Excuse me, one-fifth.

The SPEAKER pro tempore. The gentleman is correct.

Mr. SENSENBRENNER. Further parliamentary inquiry. Does not a recorded vote in the House require the second of 44 Members?

The SPEAKER pro tempore. One-fifth of a quorum is required.

Mr. SENSENBRENNER. Further parliamentary inquiry. Did one-fifth of the Members present stand? And, if so, how is it possible to challenge the call of the Speaker on the accuracy of the count of the Members present?

The SPEAKER pro tempore. The Chair's decision is not subject to question.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I make the point of order that one-fifth of the Members present did not support the demand for a recorded vote or a yea or nay vote.

The SPEAKER pro tempore. The gentleman's point of order is not in order.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. GRANGER) come forward and lead the House in the Pledge of Allegiance.

Ms. GRANGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ORDERING COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO IMMEDIATELY REVIEW EVENTS SURROUNDING VOTE ON H.R. 3161

Mr. HOYER. Mr. Speaker, I have a resolution at the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Resolved, That the Committee on Standards of Official Conduct shall immediately review the regularity of events surrounding the vote on the motion to recommit on H.R. 3161, which occurred on August 2, 2007, and report back to the House.

The SPEAKER pro tempore. Under rule IX, on this question of the privileges of the House, the party leaders will control 30 minutes each.

The Chair recognizes the gentleman from Maryland, the majority leader.

Mr. HOYER. Thank you very much, Mr. Speaker.

Mr. Speaker, on Tuesday night I said this was going to be an unhappy week for all of us. I did not expect what happened last night, however; and I regret what happened last night. Mr. MCNULTY is going to speak as well.

The vote was called. During the course of that vote, eight Members changed their votes after the vote was called 214–214, but the board, as everybody knows, at that point in time had reflected one of the Members who had changed their vote. There were at all times 428 Members voting. The vote went from 214–214, and then 215–213, and then 212–216. Obviously, the 214–214 would have had the motion fail. The 215–213 would have had it to prevail. And then the 212–216 would have had the motion fail. The minority, having been in that place, was understandably angry. I won't use the word "upset", understandably angry. If that happened to us, we would have been angry; I would have been angry.

At that point in time, I clearly believe that what had happened gave the impression that clearly, correctly would have been my impression that

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

this was unfair; and, as a result, as the Members will recall, I asked to vacate the vote. That was objected to. So I then moved to reconsider the vote by which the motion to recommit offered by Mr. LEWIS had failed.

I thought it appropriate that that vote be retaken because of the confusion that occurred during the course of that vote and having three separate tallies indicated. I thought that was appropriate. In fact, that motion prevailed. We did reconsider that vote, and the vote passed, at that point in time, by voice vote, and then final passage of the bill. And the bill passed, the Agriculture appropriation bill.

But, clearly, people were angry. Words were said on this floor, unfortunately, that were not, I think, designed, as I said on Tuesday night, to maintain civility. But I don't blame the minority for being angry at what clearly appeared to them, which would have been the impression that I would have had, that they were being treated in a way that they thought was not fair.

It does no good to this discussion to repeat what has happened over the last 12 years, where we felt aggrieved. But when you feel aggrieved, it is justifiable aggrievement.

Therefore, Mr. Speaker, in the interest of having this matter reviewed by the Ethics Committee to ensure that nothing was done that should not have been done, this motion simply refers this matter to the Ethics Committee.

This is no aspersion, I want to say, on the presiding officer. When he called the vote, that was the vote on the board, but it changed almost instantaneously at that time and clearly would have been something that correctly was interpreted as what's going on here.

We need to know what's going on here. My view is, because eight people change their votes, during the course of that, three Republicans changed their vote, five Democrats changed their vote. There have been a lot of questions about changing votes in the past, so we think it is appropriate that this matter be reviewed.

At this time, Mr. Speaker, I would like to yield 1 minute to my friend, the gentleman from New York (Mr. MCNULTY), someone who has served in this body long and honorably and whose integrity, I think, is unquestioned by Members who have served with him on the Ways and Means Committee and in this House.

Mr. MCNULTY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I believe the majority leader's recounting of what happened last night is correct; and I wish to express my apology to all of the Members of the House for calling the vote prematurely. I called the vote at 214–214. Subsequently, Members of both parties changed their votes.

The majority leader is correct. Very soon after that the board showed a different vote, which was, I believe, in favor of the motion to recommit. And then when all of the Members had been counted, it was 212 in favor and 216 opposed. All of those numbers in those various iterations add up to 428. So all Members had voted, but Members of both parties had changed their votes.

I just want to express regret to all the Members of the House, and especially the minority, for any role that I had in causing that confusion by calling the vote prematurely. The Members who have been around for a long time, and staff, know that I have presided over the House many, many times since 1989, when Jim Wright first put me in the Chair. And all during that time, I have always strived to be scrupulously fair, to the extent where a number of Members of my party in the old days used to criticize me for calling voice votes in favor of the minority when the minority had more Members in the room than the majority did. And Members of the minority party mentioned that to me many times through the years, as did Members of the minority staff.

And so I just want to reiterate that I regret any role that I played in causing the confusion.

□ 0915

I just want to pledge to all of the Members of the House that I will continue to go out of my way to be fair when I am given the privilege of serving as Speaker pro tempore to all Members of the House and to both parties.

Mr. HOYER. Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in January, when this Congress began, there were promises of the most open and ethical Congress in the history of our country. Over the last several weeks, I have been up on numerous occasions talking about the problems of how I believe the minority had been treated, only asking for fairness.

What happened last night not only disenfranchised minority Members, it disenfranchised Members of the majority party as well who had an interest in voting for that measure. I regret what happened last night. I think that it is very unfortunate. But it has been a pattern of activity that has gone on all year.

I think my colleagues on the majority side understand what I am saying. There were promises made, there were commitments made; and not only has none of it happened, but some of the actions taken by the majority over the last 7 months were actions that had never even been contemplated during the 12 years of Republican rule.

Now, I understand there were times when Republicans did things that were heavy-handed, and, in fact, I can understand why the minority was aggrieved at the time. But when you think about the opening several weeks, when we had one rule covering six bills, no amendments, one motion to recommit for six bills, things that we would have never even dreamt of doing have happened. But it has been time after time after time.

When we look at the activities of the State Children's Health Insurance Program, how there were no hearings, the size of the bill and then the conditions under which it was going to be brought to the floor, I think it was the straw that broke the camel's back. At least, I thought it was the straw that broke the camel's back, until last night.

The resolution that we are debating takes this issue and sends it to the Ethics Committee. As we all know, that is the Committee on Standards of Official Conduct that is referred to. Now, that, to me, does not appear, on the surface, to be the right place to send this issue. We all know about the problems of the Ethics Committee. Sending it to the Ethics Committee is sending it into what most people would describe as a "black hole."

Back in January, I suggested in a private meeting with the Speaker that I wanted the Ethics Committee to work, and the only way it was going to work was that if she and I locked arms and told our Members and told the American people that we are going to ensure that the Ethics Committee work.

That hasn't happened. The fact is, the productivity, I don't know whether there is productivity or lack of productivity in the Ethics Committee, because we have not seen anything out of the Ethics Committee thus far this year.

I would suggest to the gentleman that if you are serious about getting to the bottom of what happened and serious about preserving the integrity of the House and ensuring that there is no disenfranchisement of Members on either side of the aisle, that a conversation between the two of us, or the two leaderships, might be a better course of action for the entire House.

I have a privileged resolution that I have drawn up that would set up a select committee of Members to deal with only this issue. It may be, I think, a wiser course of action. I would be happy to discuss this with the gentleman.

I would say to my colleagues on both sides of the aisle that what happened last night happened last night, and that if we could have a commitment of getting to the bottom of what happened last night, that we ought to proceed with the business that the American people sent us here to deal with.

Now, I know that there are those on my side of the aisle, and probably some on the other side of the aisle, who would rather fight all day. But at the end of the day, our responsibility is to the American people. This is the people's House.

I accept the regrets offered by my friend from New York. Having been in the chair myself, I understand how it can happen. He and I are friends. In fact, he is one of the fairest Members who could ever be in the chair. But we need to have some understanding early today, if in fact we are going to proceed today in an orderly fashion, that we are going to do it in a way that dignifies this institution and dignifies our responsibility to the American people to do their work.

So I would ask my friend if he would consider withdrawing the resolution that he has on the floor, allow us an opportunity to sit down and discuss this, and see if we can't come to some mutually agreeable way to proceed on the issue of what happened and how we preserve the integrity of the House and the rights of all Members.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank my friend. I thank my friend for the tone of his remarks, the focus of the substance of those remarks in terms of ensuring that the House runs in a fashion that Members certainly are given full consideration in terms of casting of their votes, and I will certainly look forward to discussing with the gentleman that issue.

Mr. Speaker, the gentleman and I have had an opportunity to discuss various issues in a way that I think was positive. I think the remarks hopefully that both of us are making indicate that we have the ability to continue to do that and want to do that.

I would say to my friend that I, when we complete this action, would look forward to visiting with him in his office or he in mine to discuss that. My suggestion would be that we perhaps unanimously adopt this resolution so that the Ethics Committee can look at it, but not exclusively, as the gentleman indicates and proceed.

Mr. BOEHNER. Mr. Speaker, reclaiming my time, the whole point of the suggestion that I made that we withdraw this to go into a conversation or negotiation where the gentleman has 10 cards in his hand and I have one clearly would put me and my colleagues at a disadvantage.

Mr. HOYER. Mr. Speaker, we don't want to do that. If the gentleman is indicating that he would prefer not to offer any resolutions at this time, I would certainly, at this point in time, if that is our understanding, be prepared to withdraw this resolution.

Mr. BOEHNER. I would be happy to hold off on the resolution that I was planning on offering and look forward to our conversations.

Mr. HOYER. Mr. Speaker, I ask unanimous consent to withdraw the resolution.

The SPEAKER pro tempore. In the House, a proposition may be withdrawn before any action thereon as a matter of right.

The resolution is withdrawn.

LEGISLATIVE PROGRAM

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, I rise today to ask all of my colleagues on both sides of the aisle to proceed with caution. We all know that it has been a tough week. We all know that we are right up against the August recess. And we all know there is a lot of passion in the room.

I don't know what the order of the House will be today. I heard some discussion about going to the Defense appropriation bill. But I would ask my colleagues that we do our work in a businesslike fashion, that we treat each other with respect, and that we proceed in a way that the American people would be proud of.

Mr. Speaker, I would be happy to yield to the gentleman for an update on the schedule.

Mr. HOYER. Mr. Speaker, I thank my friend for that comment, and I share his view.

Mr. Speaker, we have not yet had a meeting of the Rules Committee. I expect the Rules Committee will be meeting as soon as we leave here. I am not sure the exact time that it is scheduled. But we will be providing for rules. We intend to do a number of pieces of legislation. The gentleman has mentioned the Department of Defense bill.

Rules is not yet scheduled, but I presume it will be scheduled shortly.

The Department of Defense appropriation bill is a critical bill. We intend to consider that today. We also intend to consider Foreign Intelligence Surveillance Act legislation to enhance the ability of the Director of National Intelligence and those with whom he works to pursue those who might harm our country.

We also intend, Mr. Leader, to have on the floor a bill which is an emergency bill to respond to the bridge falling in Minneapolis, Minnesota. We also intend to consider an energy bill.

As I said on Tuesday, if we can complete that legislation today, we will do so. If not, we will complete it tomorrow. If we cannot complete it tomorrow, we will complete it on Monday. That is the order of business that we have contemplated.

Mr. BOEHNER. Mr. Speaker, reclaiming my time, is the gentleman planning on having legislation on the floor tomorrow?

Mr. HOYER. As I said on Tuesday night, the legislation that I just mentioned, and there may be some other suspension bills, we intend to finish that business. I would hope it would not take us until Monday. We are going to have a discussion, and perhaps we can pursue that.

Mr. BOEHNER. Mr. Speaker, reclaiming my time, if I could suggest to the majority leader that in the interest of the House and in the interest of trying to find a way to proceed today, that we might recess the House for a few minutes so that we can have this discussion that we have been referring to.

Mr. HOYER. If the gentleman would yield, we will have this discussion as soon as we leave the floor. But there are a number of Members who wanted to do 1-minutes. I suggest we proceed with those at this time, if that is agreeable.

Mr. BOEHNER. Fine.

□ 0930

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PASTOR). The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

CHAMP ACT

(Mr. HARE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARE. Mr. Speaker, on Wednesday, this House passed the Children's Health and Medicare Protection (CHAMP) Act. This bill demonstrates the values that freshmen Members like me and others were elected to bring to this Congress. By reauthorizing the State Children's Health Insurance Program, we expand coverage to an additional 5 million children.

Additionally, the CHAMP Act takes care of America's seniors and the disabled by assisting Medicare recipients with copayments, deductibles, and prescription costs.

In my district, I hear from doctors, patients and hospitals about the strains that cuts to Medicare and Medicaid have placed on our health care system. This bill takes a first step towards rebuilding our social safety net by preventing pay cuts to physicians, ensuring that doctors continue to accept Medicare patients, and seniors are able to see the doctors of their choice.

By passing the CHAMP Act, this Congress showed that we believe hardworking American families should have access to affordable health care for their children and their grandparents.

MOTION TO RECOMMIT AGREED TO

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, let me say when we left here last night, I have left the House frustrated, I have left the House encouraged, I have left the House proud, I have left the House not so proud. I have never the House ashamed before.

Now what I just heard here this morning, I don't agree with it, the idea that somehow we have massively violated the traditions of the House and the only penalty is we will be more careful in the future.

I decided for 4 years when that vote would quit as the whip. That was my job. We never stopped the vote until the Clerk handed the person the piece of paper that said what the vote was, and the vote on the piece of paper was 215–213.

The remedy for the House that would solve this problem is to let the vote stand. A majority of this House voted that illegal immigrants would not receive these benefits. That is what the vote was about. All you've got to do is go back to committee, amend the bill and come back to the floor.

You lost the vote. I didn't hit the gavel. I didn't speak over the Clerk who was trying to read the vote. The Chair did. The Chair decided the vote was over. It doesn't matter what that board says. What matters is what the tally was.

A week of violations of the principles of the House culminated last night in such an excessive way that Republicans walked off the floor, and it was a deserved walkout. And I am ashamed of the House.

MENTAL HEALTH IN SCHOOLS ACT OF 2007

(Mrs. NAPOLITANO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. NAPOLITANO. How quickly we forget.

Mr. Speaker, I rise to introduce the Mental Health Schools Act of 2007, which proposes to expand access to school-based mental health services. It would provide grants to local school districts or coalitions of schools, health providers and communities. It would identify students in need of immediate mental health care on site, require schools to provide culturally and linguistically appropriate training for students, parents and members of the community.

The statistics we have learned in the last few years are alarming, and they tell an alarming truth. Childhood mental illnesses affect nearly one in five adolescents. One in three Latina adolescents contemplate suicide. The time for action was a long time ago, and we need to move forward on this. The need for mental health services has never been greater.

Enacting this legislation will be a great benefit to our society. It would allow mental health professionals to care for our kids in need of immediate health and allow our teachers to concentrate on teaching.

MOTION TO RECOMMIT AGREED TO

(Mr. CANTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANTOR. Mr. Speaker, I want to respond to some of the comments that were just made by my colleagues on the other side of the aisle; notably, "how quickly we forget."

Also what the majority leader just said about our anger, and he understands our anger. Well, you know what? I don't think he understands our anger when he says it does no good to repeat the last 12 years of our feeling aggrieved. Because I can assure you that never once did we in the majority attempt to steal a vote, attempt to steal a vote to make sure, to make sure that illegal immigrants, to make sure that our position, the Republican position to defeat the ability for benefits to flow to illegal immigrants. That is what this is about.

So, Mr. Speaker, as the whip said before me, the gentleman from New York admits a mistake and apologizes. We accept that apology. It was a bad call.

But the price to pay for that bad call should be to admit that the motion to recommit passed, the bill should go back to committee, the committee does its work, and the bill comes back to the floor.

PASS ENERGY BILL TODAY TO MAKE US SAFER

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Mr. Speaker, today there is going to be lots of talks about process and procedures and walkouts and delays. The American people don't want us to focus on process. They don't want us to walk out. They want us to move forward.

One way we can move forward on both sides of the aisle is to pass an energy bill today as a matter of national security. Because 2 years ago the Department of Defense spent $10.6 billion to fuel itself to protect us. The Air Force spent $4.7 billion on one thing: Fuel.

We are in a situation right now where we are borrowing money from China to fund defense budgets to buy oil from the Persian Gulf to protect us from China and the Persian Gulf.

This is not the time to delay or walk out. This is the time for us to work together, move America forward, pass an energy bill and make us safer.

STRENGTH OF DEMOCRACY IS HOW YOU TREAT MINORITY

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I have only been in the House for 23 years, so I guess I am still in some ways still a novice, but I have never seen anything like last night. When you look up on that board over there and over there, it says "215–213 final," that's it. In the 23 years I have been in the House, I have never seen a vote that said "final" and been gaveled reopened until last night.

I mean, how important is it that you win a motion to recommit? My gosh, all you do is take it back to committee, report it back out, muscle your troops in line, and pass the bill as you want it.

Now I know there are men and women of integrity on the Democratic side of the aisle, because last week the dean of the House, JOHN DINGELL of Michigan, in the Energy and Commerce Committee, when I as a ranking member used a procedural rule to force the reading of bill, he read the bill. It is not what he wanted to do, but it is what the rules allowed and required.

The strength of a democracy is how you treat the minority, and the minority's strength is in using the rules. When we are smart enough to use the rules and win, we ought to let it count.

AMERICAN PEOPLE WANT ACTION ON POLICY

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, the 110th Congress came into action with the mandate from the American people to change the way business is done in Washington, and they wanted action on policies. They want action on policies that affect their everyday lives; and this Congress gave it to them with a minimum wage increase for the first time in a decade, with an ethics bill that helps drain the swamp and change the way we do business with lobbyists and make this truly the people's House.

We also did it with the CHAMP bill that gives 6 million more children insurance and gives doctors the reimbursement they deserve, and seniors and people with disability the opportunity for health care.

We passed ethics reforms. We have done things to make this House better.

One thing the President and the people want us to do is work together. They don't want dilatory tactics by either side, and we have seen them, and the people on the other side know they have engaged in them. We need to have order in this House, respect for this

House, and respect for the American people.

CHANGING OUTCOME OF VOTE

(Mr. GOHMERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOHMERT. Mr. Speaker, last night, the Democratic majority leadership was in the process of attempting to violate the House of Representatives' rules by holding a vote open with the sole intent of changing the outcome of the vote.

As the vote changed from 214 "yeas" to 214 "nays" to 215 "yeas" to 213 "nays," the Speaker pro tempore brought down the gavel. Because he then realized the vote was in favor of the Republican motion, he didn't know what to do. The lighted scoreboard at either end of the Chamber showed 215 "yeas" to 213 "nays."

Then the Speaker and Parliamentarian allowed two more Democrats to change their vote. So the vote finally announced was 212 "yeas" and 216 "nays." The Parliamentarian said the vote was actually 214–214 when the vote closed. However, of course, he had no explanation for why the vote was officially called. He allowed the vote switching to continue until the vote became what it was announced. That is clearly because there is no proper explanation other than that, on the way to violating one rule, it became necessary to violate another.

It is also noteworthy that the vote was to further enable people who are breaking the law in America by being here illegally to not only break the law but receive money from those forced to pay taxes.

Then came the astounding news that the record was wiped clean of the computer evidence of what went wrong. When rules and laws don't matter, we change the destiny of history.

REMEMBER OUR MANNERS

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEA-PORTER. I have only been here 6 months as a freshman, but I have to tell you that I know America is watching, and I am wondering if our mothers are watching.

This is very rude behavior, the calling out, the cat-calling; and I think we understand that the American public sent all of us here to work together. Yes, there have been mistakes. I do recall when they were doing the Medicare part D how the vote was kept open by the majority for 3 hours while the Secretary of Health and Human Services walked up and down the aisle. That wasn't right, so all is forgiven.

The point here now is that the American public is watching us. They expect us to get this work done. They expect our behavior to be responsible and respectful. We wouldn't call out like this in a movie theater. We certainly shouldn't be calling out this way in the House of Representatives. I call on all of us to remember our manners.

ISSUE IS WHETHER ILLEGAL IMMIGRANTS CAN GET BENEFITS

(Mr. McHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHENRY. Mr. Speaker, the issue before us is whether or not illegal immigrants can get government benefits, and the Democrat majority in this House has shown that they are willing to cheat in order to win a vote. Cheat in order to win a vote. And——

Mrs. TAUSCHER. Mr. Speaker, I would like the gentleman's words taken down, please.

The SPEAKER pro tempore. The gentleman will suspend.

The Clerk will report the words.

☐ 0945

Mr. McHENRY. Mr. Speaker, I ask unanimous consent to withdraw my words.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina may proceed.

Mr. McHENRY. Mr. Speaker, my point is that the actions of the Democrat majority on the House floor last night besmirches the character of this House, and it's because they support giving benefits to illegal aliens in this country, and it's about the issue of illegal immigration and whether or not illegals in this country can receive government benefits. They're willing to protect some of their freshmen vulnerable Democrats and make them toe the line.

But Mr. Speaker, when they lost the vote on the House floor, the Speaker came down and voted in this well in order to tie that vote, and when that wasn't good enough and when a vote switched and they lost, they lost that vote, they're willing to gavel it down in order to protect themselves from a tough vote demanding that illegals do not receive government benefits.

So, Mr. Speaker, was it a cover-up? Was it a sham? Absolutely. And some, some believe the actions were cheating the facts.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 46 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1318

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PASTOR) at 1 o'clock and 18 minutes p.m.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 600 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 600

Resolved, That it shall be in order at any time through the legislative day of Friday, August 3, 2007, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The bill (H.R. 3087) to require the President, in coordination with the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff, and other senior military leaders, to develop and transmit to Congress a comprehensive strategy for the redeployment of United States Armed Forces in Iraq.

(2) A bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain electronic surveillance.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Thank you very much, Mr. Speaker.

For the purpose of debate only, I yield the customary 30 minutes to my friend the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, additionally, I ask unanimous consent that our colleagues be given 5 legislative days in which to revise and extend their remarks on House Resolution 600.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 600 authorizes the Speaker to entertain motions that the House suspend the rules at any time through the legislative day of Friday, August 3, 2007, on the following measures:

First, H.R. 3087, a bill to require the President, in coordination with the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff, and other military leaders, to develop and transmit to Congress a comprehensive strategy for redeployment of United States Armed Forces in Iraq; and, second, a bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain electronic surveillance.

Mr. Speaker, it is particularly important at this juncture in my remarks that I make it very clear that we have heard a lot of talk from the other side of the aisle about the need to reform FISA. The Director of National Intelligence has identified a specific intelligence collection gap and spoken of "a backlog for things requiring a warrant," and I quote him. He claims that this is hindering our efforts to prevent terrorist attacks.

Congress, Mr. Speaker, takes its responsibilities to protect the Nation seriously. None of us on either side of the aisle want to leave our intelligence professionals short. The Intelligence Committee, the Judiciary Committee, the Homeland Security Committee, and the leadership have been working around the clock to come up with a solution that addresses this particular problem. However, again and again, the administration has overplayed their hand. Each time we get close to an agreement, they ask for more, and I might add the negotiations on this have been going on for over a year.

First they said Congress needed to clarify that the government shouldn't need a warrant to collect foreign communications. There was never ever any disagreement about that.

Then they said they wanted broader authority to conduct electronic surveillance of terrorist communications. We agreed to that.

Then they said they wanted immunity for the telecommunications carriers. We agreed to give them prospective immunity and would consider retrospective immunity when we get back.

But we insist on a couple of things. We want to preserve the role of the FISA Court as an independent check on the government to prevent them from infringing on the rights of Americans, and we insist that this legislation have a sunset. In this rushed environment before recess, we should not make permanent changes to FISA.

Last night, the congressional leadership was willing to make further changes for Director McConnell. He said with those changes he would support the bill because it would "significantly enhance America's security." And I am quoting him again. But after this agreement was reached, congressional Republicans insisted on a much broader, permanent bill, giving the Attorney General, this Attorney General, not the Court, the discretion to make decisions about surveillance involving Americans. Clearly, in my judgment, they are not negotiating in good faith.

If they reject this bill, the other side is saying, in the face of a resurgent al Qaeda, they don't want to plug the collection gap identified by the Director of National Intelligence immediately. They are rejecting "significantly enhancing America's security."

Now, if the other side insists on manufacturing obstructionist delays and rejecting agreements that will enhance our security, we can stay here all August and September and December until we get this done. The security of this Nation deserves no less.

This rule is necessary, Mr. Speaker, because under clause 1(a), rule XV, the Speaker may entertain motions to suspend the rules only on Monday, Tuesday, or Wednesday of each week. In order for suspensions to be considered on other days, as my colleagues well know, the Rules Committee must authorize consideration of these motions.

This is not an unusual procedure, as some on the other side may suggest. In fact, in the 109th Congress, alone, my friends on the other side of the aisle reported at least six rules that provided for additional suspension days.

This rule limits the suspension of rules to only these two bills and will help us move important legislation before we leave for the August recess. Time is, indeed, of the essence. Not because many in this body wish to go home this weekend but, rather, because of the gravity of these situations both here at home and abroad.

I hope that my colleagues will join me in support of this rule and the underlying piece of legislation.

I do wish to put my colleagues on notice that, following the conclusion of debate on this rule, I intend to offer an amendment to the rule. My amendment will permit the House to consider emergency legislation today appropriating $250 million to begin the reconstruction of the I-35 bridge, which collapsed this week in Minnesota. We have properly given our condolences and continue those to those who have lost loved ones and those who are awaiting word regarding those who are still missing and those who have been injured. All of us grieve with all of them.

Without this amendment and this rule, this legislation will not be permitted to proceed; and these emergency funds would be delayed. Realize a vote against this rule and my amendment to the rule will be a vote against providing this emergency assistance to the people of Minnesota, specifically Minneapolis, Minnesota.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I do appreciate the gentleman from Florida yielding me time, and I do know that we are here today, among other things, to seek immediate resolution from the United States Congress to help the wonderful people of Minnesota in their time of grief by authorizing money that will be spent to immediately rebuild the bridge that collapsed over the Mississippi.

All Members of this body watched the horror the other night as we saw not only the collapse but also the heroism of men and women, first responders and others, as they joined in to help the people of Minneapolis-St. Paul as they struggled with this.

I would note that the committee action, regular order, has taken place to make sure that this bill would be before not only the Democrat majority but also we as Republicans participated in each of these activities.

□ 1330

The gentleman stood up and talked about how great and wonderful and what normal and regular things happen around here, but these are not normal times.

Once again today, here we are on the floor of the House of Representatives almost as a new low, I would say, Mr. Speaker, being asked to debate a rule on the Foreign Intelligence Surveillance Act, and we don't even have a copy of the bill. So I would like to ask the gentleman from Florida, can we please see a copy of the bill?

I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. This matter is under suspension. My friend on the Rules Committee and I were there when it passed out of the Rules Committee on suspension, and that requirement is met.

Mr. SESSIONS. Reclaiming my time, Mr. Speaker, I don't understand this. This new Democrat majority that comes to town, talks about open and honesty, ethics above reproach, all the things that they would do differently than what the Republicans have done, and they have not lived up to that.

Mr. HASTINGS of Florida. Will the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman if he will answer the question: Where is the copy of the Foreign Intelligence Surveillance Act that we're doing the rule on today that we're expected to vote on today?

Mr. HASTINGS of Florida. Thank you for yielding. It is in the hopper. The minority members of the Intelligence Committee have the measure.

Mr. SESSIONS. Reclaiming my time, I would yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding, and I see we're joined here by a very distinguished member of the House Committee on Intelligence. I think we have been, for literally months, trying to make in order the legislation that has been introduced by our friend from Albuquerque (Mrs. WILSON), and we believe that that, in fact, is the answer to this problem.

The President of the United States, in the news conference that he held with Mike McConnell about an hour ago, made it crystal clear that he is going to ask the Director one question: If he gets legislation that emerges from this body, will it, in fact, enhance our ability to make sure that foreigners on foreign soil who are trying kill us, if the legislation provides them with the tools to intercept those conversations and prevent them from having the ability to attack the United States of America?

Now, my friend from Dallas has just very correctly said, can we see the legislation that we're expected to vote upon today if this suspension rule is made in order that will do exactly what the President has said is necessary to ensure the safety and the security of the American people?

Mr. SESSIONS. I thank the gentleman from California for his words.

Mr. Speaker, this Democrat majority has simply not lived up to the words that it spoke when it became the new majority. And it was a campaign promise that is reiterated on a regular basis all through this Chamber and all the committees. Most disappointing among these is the forgotten promise that Democrats promised to be the most open, honest and ethical Congress in history.

And I will now quote Speaker PELOSI from page 24 of A New Direction for America, and I quote, "Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute."

I further quote the distinguished chairman of the Rules Committee, LOUISE SLAUGHTER, on November 12, 2006, just a week after election. She said, "My fellow Democrats and I have long felt that the Rules Committee was failing its major obligations. We publically argued that it was being used to shut down the legislative process for partisan purposes. But now that the Democrats will control the committee we will have a chance to change all that."

Mr. Speaker, they have not changed it. They've made it worse.

We do understand right now, as we speak, we have a copy of the Foreign Intelligence Surveillance Act that evidently has only now been given to the minority.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. At this time, I am very pleased to yield to my colleague, with whom I've served 7 years on the Select Committee on Intelligence. She was the ranking member and is now the chairman of the House Permanent Select Committee on Intelligence.

Before yielding to Ms. HARMAN, who has gone down this road for well over a year to get us to this point, I would like to say to my friend from Texas that perhaps it would be helpful if he would ask the minority members of the Intelligence Committee about the bill.

Secondly, the measure that we are dealing with is a rule providing for suspension, not consideration.

That said, I yield 3 minutes to my friend from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding and commend him for his long service, both on the Intelligence and Rules Committees.

I am now the Chair of an Intelligence Subcommittee of Homeland Security. As no one in this Chamber would miss, security is my passion, and I think it is our primary obligation as Members of Congress.

I was sitting here listening to the discussion about where is the bill and why aren't we acting on FISA? It seems a little disingenuous, given the fact that the current ranking member on the Intelligence Committee and former chairman, has an article in USA Today in which he says that this move to get the administration to put its surveillance program under FISA "gives legal protections to foreign enemies who would do us harm."

Excuse me? FISA, the Foreign Intelligence Surveillance Act passed by a large bipartisan majority in 1978. FISA was passed to assure that Americans, not foreigners, would have their constitutional rights protected when the U.S. engages, as it must, in foreign intelligence surveillance.

I don't think there is anyone here, not that I know of, who is against foreign intelligence surveillance. There is no one in this body, I haven't heard one person say that we think that when the U.S. engages in foreign intelligence surveillance, in foreign countries involving communications between foreigners in different foreign countries, that FISA applies. But FISA can and must apply when Americans' constitutional rights are at issue, and that is the issue we will debate a little bit later.

I want to say that it surprises me again that all of a sudden no one knows what we might be talking about. There have been intense negotiations, I have been a part of some of them, for months over what we might do to make FISA work better. In the 109th Congress, all nine Democrats on the Intelligence Committee authored legislation to help FISA work better; and in this Congress I'm aware of both closed and open hearings by the Intelligence Committee to carefully consider these issues.

So it seems to me quite surprising and disingenuous to hear that, for example, the ranking member of the Intelligence Committee doesn't even feel that FISA protects Americans; he thinks that it coddles foreigners.

I am happy to yield to the gentlewoman from New Mexico.

Mrs. WILSON of New Mexico. I thank the gentlelady because I have some confusion over here, and you may be able to help me.

As I look at this, I think this is the bill that was rejected by the Director of National Intelligence 36 hours ago as insufficient. And it is not the bill that, as I understand it, was going to be accepted by the Senate this morning that the DNI proposed.

Is the House offering a different bill than has been accepted by the Senate?

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. HASTINGS of Florida. I yield the gentlelady an additional minute to respond.

Ms. HARMAN. I thank the gentleman for yielding.

Reclaiming my time, I don't have a copy of the latest draft. It may be one I've seen, but I'm not absolutely positive. My understanding is that negotiations have been going on for quite a long time and that the requirements of the DNI have been met.

What is happening, and I think it's a real tragedy for the American people, is that the goalposts keep moving. I just wonder whether the other side wants this to be a wedge issue or wants to solve the problem.

As one Member here who has worked on this for years, I want to solve the problem; and we will attempt to do that under the suspension rules later today.

Mr. SESSIONS. You know, Mr. Speaker, we talk about this genuine desire to solve the problem, but the fact of the matter is we're about as close as midnight and noon in our thoughts and beliefs as parties for doing that.

I hearken back to just a few days ago in the Rules Committee, where some of the questions from my good friends on the Democrat side are: Well, what about the constitutional rights of some of these people who live in other countries who are known terrorists, what about their constitutional rights? And we need to take those into account.

Mr. Speaker, it's amazing how we're sitting here debating something that's in the best interests of this country, and some people are more concerned about the terrorists' rights than they are about protecting this country.

Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank the gentleman for yielding.

Mr. Speaker, I would just like to say that I have the highest regard for my California colleague (Ms. HARMAN). She knows that very well. We share representing Los Angeles County here. And I know that she has worked very hard on intelligence issues.

But I will say that I am very troubled with the exchange that I just saw take place between my friend from Albuquerque here, who has worked on this. She talked about the fact that we have legislation that was just rejected 36 hours ago by the Director of National Intelligence, Mr. McConnell. And my friend from California has just said something to the effect that she's not sure exactly what bill it is that we're looking at. I'm not an expert on this myself.

I would be happy to yield to my friend if she wants to respond at all on this.

Ms. HARMAN. Well, what I meant was that I'm aware that there were negotiations going on with the DNI last evening. So drafts have been shared back and forth. All I said was that I came over to the floor to support the rule to permit this issue to be addressed under suspension, and I don't have in my hand what may be the latest version.

Mr. DREIER. Reclaiming my time, I know my colleague would certainly share this concern to support the rule, but we like the idea of seeing what it is that we're about to vote upon before we do that. I know that may be an unusual request under this majority, but I think that is definitely fair. And I will say that I think that it's right and correct that Members have a chance to see what it is that they're voting upon, rather than having something thrown upon them.

And we have Mrs. WILSON, who has legislation that we've offered probably a dozen times on our quest to defeat the previous question on rules so that we could at least allow consideration of this. And so that has led us, I believe, to this point.

But I think it is just absolute lunacy to believe that we are, at this moment, in a position to go ahead and vote upon something that we don't know what it consists of. And I know my friend would agree with that, that we really shouldn't have a pattern like that.

Ms. HARMAN. Will the gentleman yield?

Mr. DREIER. I would be happy to yield.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HASTINGS of Florida. I yield 30 seconds to Ms. HARMAN.

Ms. HARMAN. Mr. Speaker, just to respond to that, I'm not interested in lunacy, and I know that Mr. DREIER is not, and I'm sure that Ms. WILSON and Mr. HOEKSTRA are not either.

There is a way to solve this problem correctly. I believe that the draft, which I'm certain will be circulated to everybody imminently, I believe that you will see that it is a very careful and balanced effort to address this problem, and it has been shared.

Mr. DREIER. If the gentlewoman would yield, I think I've got it in my hands right now.

Mr. HASTINGS of Florida. The gentleman says he has a copy of the bill in his hand. I would remind the distinguished ranking member of the Rules Committee, who is my good friend, that this rule is to make in order a suspension day.

Mr. DREIER. I understand that.

Mr. HASTINGS of Florida. I'm glad you do understand it.

I would ask the gentleman from Texas to ask his Republican colleagues on the Intelligence Committee why they didn't share the bill with the Rules Committee Republicans. We cannot control what you do or do not do.

And under the circumstances, Ms. HARMAN just made it very clear to you that the goalposts keep moving. You try to act as if you don't know that for a year and a half that this has been going on here in this intelligence community, working with this administration, trying to take care of this matter.

Now understand this. First, you said on that side that Congress needed to clarify that the government shouldn't need a warrant to collect foreign-to-foreign communications. There was never any disagreement about that, and stop saying it to the American public.

Then they said they wanted broader authority to conduct electronic surveillance of terrorist communications. We agreed to that.

Then they said they wanted immunity for the telecommunications carriers. We agreed to give them prospective immunity and consider retrospective immunity when we get back.

Last night, not yesterday, not midnight to noon, and some people have gotten caught in the dark, last night, the congressional leadership was willing to make further changes for Director McConnell. He said that with those changes he would support the bill because it would, in his word, "significantly" enhance America's security.

But after this agreement was reached, congressional Republicans insisted on a much broader bill giving the Attorney General, not the Court, the discretion to make decisions about surveillance involving Americans. Clearly, in my judgment, as I said previously, you're not negotiating in good faith.

I remind you once again that this rule is to make in order a suspension day. You will have all the time you need to do all the reading you need to do.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair.

Mr. SESSIONS. Mr. Speaker, I would like to inquire how much time remains.

The SPEAKER pro tempore. The gentleman from Texas has 21½ minutes. The gentleman from Florida has 13½ minutes.

□ 1345

Mr. SESSIONS. Mr. Speaker, we just heard it straight out: You don't need to see the bill. You will see it whenever we want to give it to you. You don't need it. All we are doing down here is playing tiddlywinks with national security.

Mr. Speaker, I disagree with that. We disagree with that. I think this is an unfair way.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I do not have the privilege to serve on the Intelligence Committee now, but in the 1980s I did. Then, following that, in the 1990s when I served in California as the attorney general, I recall getting security briefings from the intelligence community from Washington, DC.

It was during the Clinton administration that Admiral McConnell was the head of the NSA. I do not recall any partisan or bipartisan dispute about his qualifications, his professionalism or his judgment. He is the man that the President has brought out of retirement to be the Director of National Intelligence. He is the one that has presented to us in open and in closed testimony why we need this.

I think it is fair for us to ask, if we are getting a draft that he has rejected, why it is the draft that is going to be presented to us under the suspension calendar. Unless we have changed the rules of the House in the 16 years I was gone, the whole concept of a suspension bill is that you suspend all the rules for noncontroversial bills. Noncontroversial bills. If the head of our intelligence services believes that this is so controversial we ought to reject this, then why is it being brought up under this kind of a suspension?

Now, I have tried to work and have worked with the gentlewoman from California on many occasions getting bipartisan legislation through this floor. But this is the single most important bill that I have seen brought up in the 3 years that I have been back, and maybe in the 10 years I was here before.

This goes to the question of whether we take our blinders off with respect to intelligence, with respect to what kind of chatter that is going on around the world. And, yes, they say we all agree that foreign-to-foreign communications ought to be not under the purview of the Court, because we understand that has never been protected under the Constitution. We have been informed that the draft that we are talking about would not allow us to do that in the way it is necessary to protect this Nation.

That is why it is so important; not that it is partisan, not that somebody came here under one rule or another, but because the head of intelligence for the United States has said we can't accept this draft. If he says that, we ought to listen to him. We ought to try and get something that will work.

So let's forget about this nonsense of partisanship. Let's not get up here, shake something out here in the hand and say, well, you have had it long enough. I don't know how long it took the Constitution to be written from beginning to end. It wasn't how long it took. It is the words they put there. It is what they actually produced. That is what we are going to be judged by; not by how many hours we were here, but whether we got it right.

The Director of National Intelligence has told us we have gotten it wrong now. All our people back home are in jeopardy. We are in jeopardy because it is wrong, because we are not doing it right. He has asked us to fix it. It is the most solemn obligation we have under our oath of the Constitution to do it right. And to say that we are going to do it under some suspension and don't worry about what it says violates that oath.

Mr. SESSIONS. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I can't tell you how disappointed I am in my friends. And I have the greatest respect for my good friend from Florida and the gentlewoman from California. We have worked so well together on so many issues that, I think, have made a difference in a positive way for national security for this country. I believe that with every fiber of my being.

I almost feel bad for you that you would be sent here on behalf of the Speaker to try to defend this today. I feel bad for you because I know you both. And I know that is not the direction you would have taken, had it been your decision.

Efforts to change this are not new. The level of concern by so many of us who sit in those classified hearings in our Intelligence Committee is not new. Last year, my colleague from New Mexico introduced a bill that would have fixed this problem last year, and it was stopped. Earlier this year, earlier this year, it was introduced again to fix this problem, and it was denied by the majority.

I have to tell you, when I was a young FBI agent, sometimes you would look up at the policies kind of flowing down at you. We were working awfully hard to develop probable cause to get wiretaps, which was the right thing to do. It was a difficult process with lots of vetting, lots of hours, lots of source development and source vetting, lots of surveillance, and putting it all together to make something like that work so that it could rise to the standard to go after a United States citizen and their communication. It is a pretty high standard. I argue, as somebody who did it for a living, it should be.

But what we have been arguing for for the last year is to say, listen, we should not give those rights to terrorists overseas who are conducting terrorist activities to target Americans or our allies, including the United States soldiers. They do not deserve the rights of a U.S. citizen.

This was an easy fix. It said, let's be technology neutral. Times have changed since the 1970s when FISA was written. Technology has changed. People communicate completely differently.

What we said last year is let us change to keep up, because today we have asked soldiers to stand in harm's way. And the thing that I know that my colleagues understand, both Democrats and Republicans, is because this House has failed to act, they have stood in harm's way without all the information that they need and deserve to be safe, successful, and come home to their families.

This gamesmanship is dangerous, and I mean dangerous. My colleagues understand those classified cases that we talk about, that we know because this has not been fixed. Lives may have been lost because of it. Lives may have been lost because of it. We can change that today.

I just got a copy of this. As I go through it, just in my brief cursory look at it, this is not what we have been negotiating. There have been no new demands. This is so easy. This is so simple. It can be about a 2-page bill, and we can begin to protect Americans in harm's way, including the homeland, but, most importantly, the soldiers who are overseas who deserve that protection. And just because we shout and we yell, no, no, no, we believe that terrorists should not have to have a warrant overseas as well doesn't make it so, and you know that. That has been the stumbling block. The Court has said it. The intelligence community has said it. The DNI has said it. We have said it.

I am going to beg all of you, please, for the lives of the soldiers who are at risk today, for the homeland, this is not the place for gamesmanship. This is not the place that we argue about a bill that we have not even seen. This is the time that we should come together. This is the time that this bill should be out and done, negotiated, and free from all of the gamesmanship we see today.

When I go home and look at those families of those folks who have loved ones overseas, I want to be able to tell them we have done everything that we can do to make them safe. When somebody kisses their young child and puts them on the bus, I want to be able to look that family in the eye and say we are doing everything to make sure we get all the information of what the terrorists are up to to protect the United States of America.

We all know in good conscience we can't say that today, and we have not been able to say that for months in good conscience.

This is our chance to come together as people I know and I respect, who know the dangers of the gamesmanship on an issue this important. Let's stop it. Let's go back. Go back and tell the Speaker, I am sorry, we are not playing this game.

People's lives are at stake. We can do this. We can do this together. I know that is why I was sent here. I know that is what you believe in your hearts. Let's do this together. Let's put this stuff aside and fix this problem so that we can begin to listen to the conversations of terrorists we know are planning attacks against our allies and the United States of America.

I strongly urge the reconsideration of this. Let's do this. We can do this. We should do this. We ought to do it. And shame on us if we can't do it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I will yield to the distinguished Chair of the Intelligence Committee in just a moment.

But I would like to respond to my good friend from Michigan, and he is my good friend, and he was correct in asserting that he, Ms. HARMAN, myself, all of the members of the Intelligence Committee that are here, have worked actively for more than a year on this. What he was incorrect about was whether or not there were ongoing negotiations.

I would urge him to know that with staff, the distinguished Chair of the Intelligence Committee and many other Members, and Ms. HARMAN from her Chair on Homeland Security, and countless others in the minority as well, have worked day and night with the administration to produce a bipartisan, bicameral proposal.

Mr. ROGERS just said last night no other negotiations were going on. Last night the DNI asked us to make three changes, three, to our proposal. We made all three changes. They are in this bill. But the administration still rejected our proposal, and they gave us a moving target.

We gave the administration what it told us it needed to protect America. They still said no.

Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. REYES), the distinguished chairman of the Intelligence Committee.

Mr. REYES. Mr. Speaker, I just want to take a minute to respond to my colleague from Michigan.

This is a serious issue. We have worked hard for the last 2 weeks in particular, in addition to the hearings that we have had, with the commitment that we are going to do an overall fix of FISA in the fall. But we wanted to give the administration the three things, as my colleague from Florida just mentioned, that they could work with so they could keep this country safe in this urgent hour. Those three things we gave them. Then the goalposts were moved and we were told that there would be additional issues. That has been our experience.

The difference here is very simple, Mr. Speaker. My colleagues on the other side of the aisle for 6 years have been only too happy to oblige the administration on whatever they need. You got a bill? Let's rubber-stamp it. Need a supplemental? Let's rubber-stamp it.

Well, do you know what? Those days are over. Since we took control of the Congress, we are doing the oversight that was neglected. We are now being part of the process to make sure that not only do we have the tools to keep this country safe, but that we protect the American people and their civil rights. That is the basic fundamental difference.

This bill here does the three things that the DNI asked us to do and that the administration wanted us to do: It is not the all-encompassing changes that FISA needs, but we are committed to doing that in the fall.

□ 1400

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, I ask unanimous consent that the House recess until we get feedback from the Director of National Intelligence that he has seen this legislation and he agrees that it will fix the intelligence gap that is threatening the United States.

Mr. HASTINGS of Florida. I object.

The SPEAKER pro tempore. Objection is heard.

MOTION TO ADJOURN

Mrs. WILSON of New Mexico. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. WILSON of New Mexico. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

PARLIAMENTARY INQUIRIES

Mr. SESSIONS (during the vote). Mr. Speaker, please be advised voting is not available to Members at this time and the Republican minority would request that we have the ability to vote.

The SPEAKER pro tempore. The voting machine is operational, but there is an issue with the display, the Chair has been informed, and the Clerk is working on it.

Mr. SESSIONS. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas.

Mr. SESSIONS. It is my understanding that the Speaker may, has options available to him or her as it relates to electronic voting to where the Speaker could make a decision to have the Clerk record those votes manually by rollcall.

The SPEAKER pro tempore. The voting system is operational and the vote is ongoing.

Mr. SESSIONS. Continuing my request.

The SPEAKER pro tempore. If the gentleman will suspend. The Chair will try to ensure that Members know of time remaining and will have an opportunity to cast their votes, and the Chair will announce the vote a number of times to allow Members to change their vote.

Mr. SESSIONS. Mr. Speaker, how am I recorded?

The SPEAKER pro tempore. If the gentleman will consult with the Clerk, they will tell you how you have voted.

Ms. DEGETTE. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlelady from Colorado.

Ms. DEGETTE. Parliamentary inquiry. To speed this process, Mr. Speaker, are the computers throughout the Chamber on both sides working so Members could check the computers to see how their votes are recorded and how much time is remaining?

The SPEAKER pro tempore. The Chair would recommend that Members check their votes at the voting machine or at the rostrum to ensure that his or her vote is recorded.

Ms. DEGETTE. Mr. Speaker, further parliamentary inquiry. On this side of the aisle the computers in the Chamber seem to be working, and I am wondering if they are working on the other side of the aisle?

The SPEAKER pro tempore. That is not a proper parliamentary inquiry. The voting will continue.

Mr. SESSIONS. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, point of parliamentary inquiry. When the electronic voting system is inoperable or is not used, the Speaker or Chairman may direct the Clerk to conduct a record vote or quorum call as provided in clause 3 or 4; is that correct?

The SPEAKER pro tempore. The gentleman is correct.

The voting system is working. The problem is with the display. The House will continue voting electronically.

Mr. SESSIONS. Point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, would it be correct to say that normal procedures of this House are not currently, as it relates to voting, in place and available to Members at this time?

The SPEAKER pro tempore. The gentleman is correct. There is a problem with the display. The Clerk is working to address that problem. But the voting machines are working, and the tally is being held.

Mr. SESSIONS. Point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, the question is whether the Speaker or the Speaker's designee has the authority to make a decision to enact what we would call to conduct or direct the Clerk to conduct a record vote or quorum call as provided in clause 3 or 4.

The SPEAKER pro tempore. The Chair has alternatives; and when it is proper to use them, the Chair may do so.

Mr. SESSIONS. Point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, could you please outline those options that are available to you and your thinking? Because we are in a circumstance where we believe an inoperable voting system is presently being——

The SPEAKER pro tempore. One is a manual call, one is a vote by tellers, and one is to continue with the electronic vote. And the Chair has chosen to so continue.

Mr. DREIER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California.

Mr. DREIER. Mr. Speaker, parliamentary inquiry. How much time is remaining on the vote that we can't see displayed any place that we are supposed to be casting?

The SPEAKER pro tempore. There are 5 minutes and 30 seconds remaining on this vote, and the Chair will accommodate Members on this vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from California has come to the Chair and reminded the Chair that Members may verify their vote at any one of the various voting stations. The engineers are working on the malfunction on the display, and we will continue electronic voting.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind Members that the House is voting on a motion to adjourn. Members may verify their votes at any of the various voting stations. The engineers are still working on the malfunction of the display.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind the Members that they may use the voting machines, and Members may verify their vote at any one of the various voting stations. The House is presently voting on a motion to adjourn.

PARLIAMENTARY INQUIRIES

Mr. SESSIONS (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, as a result of the Members having an inability to know what time remains, can the Chair please advise us what time remains in this vote?

The SPEAKER pro tempore. The Chair will make every effort to ensure that the Members will have every opportunity to vote, regardless of the time elapsed.

Mr. SESSIONS. Further parliamentary inquiry. Mr. Speaker, can you please advise me how much time remains in this vote?

The SPEAKER pro tempore. Will the gentleman repeat his inquiry?

Mr. SESSIONS. I will, Mr. Speaker. Can you please tell me how much time remains in this vote?

The SPEAKER pro tempore. The Chair has the discretion to close the vote when all Members have voted.

Mr. SESSIONS. Further parliamentary inquiry, Mr. Speaker. Recognizing the circumstances that we are under, can you please advise me how much longer you will hold the vote open for Members?

The SPEAKER pro tempore. The Chair will use his discretion to provide for Members who have not voted or who would like to change their vote when in the Chair's discretion every Member has voted who wants to vote. The Chair will then tally the votes and announce the vote.

Mr. DREIER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. DREIER. Mr. Speaker, I'd like to propound a parliamentary inquiry. I'd like to inquire of the Chair, by what means will the Chair know what the totals are on the vote that we're engaged in at this moment?

The SPEAKER pro tempore. The Chair will use the standard method of verification.

Mr. DREIER. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. DREIER. What is the traditional method of verification? For me, it is to look at the board up there and see how my State delegation had voted.

Mr. Speaker, I was just asking the Chair to enlighten us as to exactly how it is through this traditional procedure of determining what the vote is that you're going to report to us. I usually look up here on the wall and see how my State delegation is voting, how some of my colleagues are voting. We don't have the ability to do that. I'm just wondering exactly how it is that the Chair will be able to make this announcement to us.

The SPEAKER pro tempore. Members can verify their votes at any one of the various voting stations. Engineers are working on the problem.

Mr. HASTINGS of Florida. Parliamentary inquiry, Mr. Speaker. Is it not true, Mr. Speaker, that there are computer terminals on the majority side, the minority side and at the Speaker's desk; and, further, Mr. Speaker, is it not true that the Clerk of the House has the responsibility, when there are engineering problems, to fix the engineering problems?

The SPEAKER pro tempore. The gentleman is correct and the engineers are working on the problem.

Mr. KANJORSKI. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman suspend for a moment before being recognized.

The House is voting on a motion to adjourn. Members may verify their votes at any of the various voting stations.

Ms. FOXX. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized.

Ms. FOXX. Mr. Speaker, can the Chair tell us how much time has elapsed since you began this voting process?

The SPEAKER pro tempore. Approximately 20 minutes.

Mr. SESSIONS. Point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. SESSIONS. Mr. Speaker, can you please at this time tell us the vote total?

The SPEAKER pro tempore. The Chair will not provide the total until every Member has an opportunity to change their vote, or to vote.

The gentleman from Maryland is recognized.

Mr. HOYER. Mr. Speaker, it's obvious we have a technical problem. I know that comes as a great shock and surprise to you. I've talked to the gentleman who's in charge of fixing mechanical problems. He tells me that we need to take the system down for a period of time in order to fix it. He has said he needs approximately 30 minutes to do that with no votes. We are in the process of a vote.

What the Speaker pro tempore has said, I don't know what the vote is. I don't know whether it's coming up on the computers. I do know in my office there was no time coming up on the computer. So Members do not know how much time they have left.

PERMISSION TO VACATE VOTE ON MOTION TO ADJOURN

Mr. HOYER (during the vote). Mr. Speaker, I ask unanimous consent that we vacate this vote, and as soon as the machine is fixed, that we return to cast this vote and then proceed with the proceedings.

Mr. DREIER. Reserving the right to object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. DREIER. Mr. Speaker, I reserve the right to object simply to inquire of the distinguished majority leader, does he intend to recess the House for this 30-minute time? I wonder if he might enlighten us as to what the plan would be. I'm happy to yield to my friend.

Mr. HOYER. For all of us who think that dastardly things are going on, I guess we're all trying to figure out who's doing the dastardly things. In any event, in answer to your question, it would be my intention to rise while the machines are being fixed because we cannot proceed, nor should we proceed, without having Members know how much time they have left to vote.

I want you to be very nice to that gentleman. He represents my daughter and my son-in-law. So be careful and very gentle with him.

Mr. DREIER. Further reserving the right to object, Mr. Speaker, I'd like to inquire further of the majority leader. We're in a very awkward situation here. We don't know what the vote total is at this juncture. The House may have just voted to adjourn so far as we know. So the gentleman has just come to the conclusion that he's going to propose that we recess, or he said rise. We're already in the House. We're not in the Committee of the Whole. I'd be happy to yield to my friend if he would like to respond.

Mr. HOYER. I'm sorry, I was getting some technical information about where we are. The computer printout——

The SPEAKER pro tempore. Will the gentleman suspend.

Mr. DREIER. Now I have the word.

The SPEAKER pro tempore. The gentleman from Maryland.

Mr. DREIER. Continuing to reserve the right to object, Mr. Speaker, and I do so to say that under normal circumstances this would be somewhat entertaining and funny, but this is a very, very serious matter, and the request that has just been made by the gentleman is one which we want to take seriously. We don't know what the outcome of the vote that is being considered at this moment is. Many of us don't know how our colleagues are recorded, and I will tell you this is a very, very difficult time for this institution. And I'm happy to yield to my friend if he would like to respond to the challenging circumstance that we find ourselves in.

Mr. HOYER. I understand the gentleman's proposition.

Mr. DREIER. I am happy to further yield to my friend.

Mr. HOYER. I have been handed a printout. Now, I don't know where the printout comes from, so I am not going to read it, other than I can tell you that I don't know whether you have it on your computer.

May I ask the gentleman whether the computer over there has the totals?

The SPEAKER pro tempore. The Clerks are still tallying votes.

PARLIAMENTARY INQUIRY

Mr. DREIER. Mr. Speaker, parliamentary inquiry, you said the Clerk is still in the process of tallying the votes?

The SPEAKER pro tempore. Some of the ballot cards cast in the well are still being counted. The cards that have been submitted are still being counted.

Mr. DREIER. Mr. Speaker, how long has this vote been open?

I am happy to yield to the distinguished majority leader.

Mr. HOYER. I asked the gentleman a question because I think it is pertinent to whether or not the computers to which the Speaker has referred are working throughout the floor.

Mr. DREIER. Mr. Speaker, as I prepare to yield to the majority leader, I would like to inquire, is the vote still open? If Members want to change their votes now, they can continue to do that? If a Member were to walk into the Chamber now, they could still vote?

The SPEAKER pro tempore. The gentleman is correct. The vote is still open.

Mr. DREIER. I am happy to further yield to the distinguished majority leader.

Mr. HOYER. My question to him is, because I don't know because I am not over there, whether or not your computer, where you are standing, is reflecting for you a vote total.

Mr. DREIER. If I could reclaim my time under parliamentary procedure.

The answer to that is we don't know.

Mr. LINCOLN DAVIS of Tennessee. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. DREIER. Mr. Speaker, might I continue my parliamentary inquiry?

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. DREIER. Mr. Speaker, further parliamentary inquiry, in response to the question from the distinguished majority leader, I will say that we have no way of verifying what it is that is coming out of this computer here.

It is not operating the way it normally does. If Members are able to still vote, we can see this screen here, but it is not operating. I don't normally operate this thing, but our crack team here has told me that it is not operating the way that it normally does.

I am happy to respond to any further questions.

Mr. HOYER. Under those circumstances, under those circumstances, the reason I made the offer to vacate, the request for the unanimous consent to vacate, is because you can't verify it, and I have a list here in front of me. It may or may not be accurate.

The machines are obviously not functioning as we would want them to do, so my suggestion is the way to fix that is to vacate the vote. The machines have to be taken down.

Mr. DREIER. I yield to my friend from Dallas.

Mr. SESSIONS. Mr. Speaker, in response to the majority leader, I would go to the rules of the House. I would quote them on page 32 of the rules of the House: When the electronic voting system is inoperable, or is not used, and I believe it is at this time inoperable and has been for the past 40 minutes or so, the Speaker or the chairman may direct the Clerk to conduct a record vote or quorum call as provided in clause 3 or 4.

I wonder why the gentleman would not suggest we follow the rules of the House.

Mr. HOYER. Would the gentleman yield?

Mr. DREIER. Further reserving the right to object, I am happy to yield to the distinguished majority leader.

Mr. HOYER. The gentleman read the rule correctly. It said "may." The simpler way to do it and the confidence-building way to do that seems to me, because we want to use these machines, is to allow the technicians the opportunity to fix the machines. That is our desire.

Now, we understand that if you don't want to proceed with the business of the House, either the DOD appropriation bill, the FISA bill or the bill trying to give emergency relief to those in Minneapolis, the bridge, we may not want to proceed.

Mr. DREIER. Mr. Speaker, if I could reclaim my time under my reservation, reserving the right to object, I do want to say that we are very committed to ensuring that we get the resources necessary to those who have been victimized in Minnesota. That's a very high priority.

Mr. HASTINGS of Florida. Mr. Speaker, I object. The gentleman is not stating a parliamentary inquiry.

Mr. DREIER. Mr. Speaker, I reserve the right to object.

Mr. HOYER. Ladies and gentlemen, if the gentleman will yield, we need to calm down. We have a heavy responsibility. We have great differences. I understand that everybody's sensibilities are taut. I predicted that last Tuesday, that that would be the case. I regret it.

I regret what happened last night which has generated this. But we do have business to do. All I am saying is I don't want to have a question about this vote, because we cannot assure ourselves, as the gentleman said, that the list I have in front of me or the screen that you have projected to you is projecting the accurate information.

Therefore, I suggest, given that, that we give the technicians an opportunity to facilitate fixing it. I think that's a reasonable request.

I would hope that everybody in the House would think it's a reasonable request.

Mr. DREIER. Mr. Speaker, continuing to reserve the right to object, I yield to my friend from Dallas.

Mr. SESSIONS. Mr. Speaker, I would like to make sure the majority leader understands that, for the last months, this majority that is on this side of the aisle has routinely asked and spoken with the majority about the way we would like to see things happen.

Regularly, we are told that it will be done the way you choose to do it. You are attempting now to make a decision about what you would like to do.

Mr. HOYER. I am trying to make a decision collegially with 435 by unanimous consent.

Mr. SESSIONS. It is our request to the majority leader that we follow the rules of the House at this time, and this minority is making that request at this time.

The SPEAKER pro tempore. The Chair reminds Members the voting is still open. Members may verify their votes at any one of the voting stations.

Have all Members voted? Does any Member wish to change their vote?

Mr. DREIER. Mr. Speaker, continuing to reserve the right to object, I know we have a unanimous consent pending from the distinguished majority leader.

Under my reservation, I would be happy to further yield to the majority leader.

Mr. HOYER. In either event, whether we shut the machine down now and allow them time to fix this by rising or going to the suggestion of the gentleman from Texas as to the rules, in either event you have to vacate this vote.

Frankly, the Speaker can call this vote. I presume, I don't know, because I haven't asked, that the result I have in front of me is the same the Speaker has.

I have no problem with doing that vote, frankly. But I think it would raise in the minds of every Member here, is that the accurate count? I think in light of that, I would prefer not to do that. So I am trying to accommodate the confidence of the Members by vacating this vote.

Mr. DREIER. If I could reclaim my time under my reservation, I would simply ask the majority leader, since we have been talking about DOD, FISA, the tragedy in Minnesota and a wide range of things since the gentleman propounded his unanimous consent request, I wonder if he might repeat it again so that Members might hear what that request consists of.

Mr. HOYER. In consultation with the technical people that we have, who are responsible for ensuring the proper operations of our computer system, which advises all of us on time and computes the votes, that they have to take the system down for approximately a half an hour, maybe slightly longer, for the purpose of fixing the machine. I think the machine needs to be fixed.

So in order to accommodate that objective, I am suggesting that we vacate this vote, allow them to do that, come back and then revote this particular vote and then move on to wherever we are going to move on.

Mr. DREIER. Mr. Speaker, continuing to reserve the right to object, I would ask my friend if, in fact, if, in fact, we were to proceed with vacating this vote, taking this 30-minute period of time, if we reconvene after that, may I ask the distinguished majority leader, in what order and what is it that we will be considering? Will we be considering the FISA issue, or will we be considering the issue that we are all very committed to, and that is ensuring that the bridge in the Twin Cities is addressed?

I see Mrs. BACHMANN here. I know there are other Members of the delegation who want to do that. I just would like to inquire of the majority leader how we would proceed.

Mr. HOYER. I will tell my friend, my first order of business, as I propounded in my unanimous consent request, will be this vote. This is the matter of business before the House, the motion to adjourn.

We cannot resolve it with, I think, the full confidence of the Members. So that would be the first order of the business. We will then proceed with the business as we had been doing.

The SPEAKER pro tempore. The Chair would remind the gentleman from California that there is still debate to be continued on the rule.

Mr. DREIER. Yes, I am aware of that.

Continuing to reserve the right to object, I would like to ask the majority leader, assuming we do reconvene and assuming that the House does not adjourn, what does he anticipate the schedule would be? Are we going to address the priority of assuring that the resources get to the State of Minnesota? Or are we going to move directly to the FISA issue? In what order will we be considering these issues, Mr. Leader?

Mr. HOYER. We are going to consider both of those matters.

Mr. DREIER. May I ask in what order we would be addressing those?

Mr. HOYER. The order we will consider those is we will consider Minnesota first. We believe that is the least contentious of the items, and we think, therefore, it would be good to get the least contentious item out of the way first.

Everybody in this body has great empathy for the State of Minnesota, but, more particularly, the people who lost their lives in that tragic collapse of the bridge. We will go to that first.

Of course, we have the rules to complete, but we will then, in terms of business, go to FISA, as we have expressed.

Mr. DREIER. Mr. Speaker, I will not object. I withdraw my reservation.

Mr. HOYER. I thank the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. BARTON of Texas. Mr. Speaker, reserving the right to object, I just want to offer a suggestion. There is a number on the computer on the minority side, and there is a number on the computer on the majority side. Why don't we compare numbers? If they are the same, accept the vote. We know that we are going to get beat. Let's accept this vote.

Mr. HOYER. Mr. BARTON, I have been waiting at least 15 minutes for you to be here.

Mr. BARTON of Texas. I would recommend that our distinguished minority leader show our number to the majority leader's number, and if they are the same, accept it as this vote. That's my suggestion. I think we could at least expedite this one vote.

I yield to my distinguished minority leader (Mr. BOEHNER).

Mr. BOEHNER. I thank my colleague for yielding.

There is a motion that has been made by the majority leader to vacate the vote. I think we should proceed with a unanimous consent and recess to fix the machine and come back and vote when the machine is ready for us to vote.

The SPEAKER pro tempore. Without objection, the vote is vacated.

There was no objection.

The SPEAKER pro tempore. Without objection, the pending motion to adjourn is considered withdrawn without prejudice.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 2863. An act to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe.

H.R. 2952. An act to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 976. An act to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 775. An act to establish a National Commission on the Infrastructure of the United States.

S. 1983. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, to extend and improve the collection of maintenance fees, and for other purposes.

The message also announced that pursuant to section 194 of title 14, United States Code, as amended by Public Law 101–595, the Chair, on behalf of the Vice President, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy:

The Senator from Alaska (Mr. STEVENS), from the Committee on Commerce, Science and Transportation.

The Senator from Maine (Ms. COLLINS), At Large.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2272) "An Act to invest in innovation through research and development, and to improve the competitiveness of the United States.".

RECESS

The SPEAKER pro tempore. Without objection, the House will stand in recess subject to the call of the Chair.

There was no objection.

Accordingly (at 2 o'clock and 46 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 4 p.m.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS. Madam Speaker, I rise to continue debate on H. Res. 600.

I would like to inquire as to how much time remains on both sides, please.

The SPEAKER pro tempore. The gentleman from Texas has 12½ minutes, and the gentleman from Florida has 11½ minutes remaining.

Mr. HASTINGS of Florida. Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Republican minority is very aware, as a result of Speaker PELOSI's Web site that is called Congress Working for All Americans, WWW.SPEAKER.GOV, that the Speaker has announced very publicly her intention to follow regular order for legislation. I would like to quote from that Web site at this time: "Members should have at least 24 hours to examine a bill in a conference report text prior to floor consideration."

Madam Speaker, just minutes ago, we began the debate on this rule. Just before we began debate, as we began debate on this rule just hours ago probably, but as we began, we received the text of one of the most important bills to come to the floor of the House of Representatives at the time we began debate on the rule, which seems absolutely, just completely backwards from what the Speaker describes on her Web site.

Number two, the Suspension Calendar should be restricted to noncontroversial legislation.

Madam Speaker, here we are today on the floor of the House of Representatives not only with a bill that we had not seen the text to until we began debate but, secondly, the Suspension Calendar has very controversial legislation that we are handling today.

I would have to make a motion if we were in Rules Committee, and we did, we tried, that we should receive all of these bills. And, of course, we have not.

Very interestingly, part of the debate about this bill that we are on with foreign intelligence surveillance activities, there was a discussion just days ago in the Rules Committee whereby a Member of the Democrat majority, as part of the conversation, asked a Republican that was there: "So you're asking to basically reduce probable cause and just basically throw probable cause out as a reason that we are trying to change the FISA rules?"

The Republican answered: "You shouldn't be having to get a warrant to listen into phone conversations between someone from Saudi Arabia calling somebody in Sudan, when neither one of them are Americans." The response from the Democrat was: "Well, I don't know if I agree with that."

Madam Speaker, we are here on the floor today to also talk about the directions we are headed, the directions we are headed for protecting this country. And today, we are on the floor of the House of Representatives with the language only just given to us. On top of that, it is one of the most controversial items that has come to the floor of the House of Representatives in the years that I have been here.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I continue to reserve my time.

Mr. SESSIONS. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. HOEKSTRA), the ranking member of the Intelligence Committee.

Mr. HOEKSTRA. Madam Speaker, I ask unanimous consent that the House recess until we get a response from the Director of National Intelligence as to their feedback on the FISA bill.

Mr. HASTINGS of Florida. Madam Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MOTION TO ADJOURN

Mr. HOEKSTRA. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HOEKSTRA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 180, nays 237, not voting 15, as follows:

[Roll No. 817]

YEAS—180

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Nadler
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—237

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dent
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Brown-Waite, Ginny
Calvert
Clarke
Crenshaw
Davis, Jo Ann
DeGette
Dicks
Hayes
Johnson, Sam
Lynch
Markey
McCrery
Moran (VA)
Paul
Wexler

☐ 1628

Mr. GERLACH and Mr. DENT changed their vote from "yea" to "nay."

Mr. LEWIS of Kentucky and Mr. PICKERING changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Mr. HASTINGS of Florida. Madam Speaker, I continue to reserve my time.

Mr. SESSIONS. Madam Speaker, I yield 4 minutes to the gentlewoman from the Land of Enchantment, Mrs. WILSON.

□ 1630

Mrs. WILSON of New Mexico. Madam Speaker, when we adjourned we were discussing a rule to make in order two bills, one relating to Minnesota and the other relating to the Foreign Intelligence Surveillance Act. The rule does not specify a particular bill number, but my colleague from Florida has made us aware of a bill that was introduced. The bill that the leadership currently intends to bring to the floor is H.R. 3356. I would tell my colleagues that the Director of National Intelligence had not seen this piece of legislation when it was brought to the floor today.

In the intervening time that we've been waiting for the vote tally system to become operational again, they've been able to at least initially take a look at it, and we expect a formal statement from our intelligence community shortly, but I have also taken a look at this bill. If we're trying to fix the intelligence gap, this will not do it. In fact, this will make the intelligence gap wider than it currently is, and I want to explain to my colleagues why.

First, and most importantly, this legislation would continue to require a warrant for the collection of foreign intelligence involving foreign persons in a foreign country. When the Foreign Intelligence Surveillance Act was passed in 1978, the intention was to protect the civil liberties of Americans, and that is what the law should continue to do. Because of changes in technology, the Foreign Intelligence Surveillance Court is now being completely backlogged with requests for warrants that they never used to have to see because telecommunications have changed.

We need to go back to what the Foreign Intelligence Surveillance Act was intended to do, which is to protect the civil liberties of Americans and allow us to rapidly collect foreign intelligence on foreign persons in foreign countries without first having to go to court and get a warrant. That is not too much to ask, and the Director of National Intelligence has warned all of us that there are things we should be getting that we are not listening to.

The leadership does not have to bring, under this rule, this particular piece of legislation to the floor, and as I understand it, negotiations are continuing and are being much more fruitful with our colleagues in the other body. But we must, before we leave here for August break, fix this problem. It's a problem we've known about for some time and tried to work on and quietly fix. I would much prefer that these things be done quietly, but when it was clear that the law was not working, that it was not protecting Americans, and that we were not moving quickly to fix and close this intelligence gap, I decided that I needed to take action and with my colleagues push more publicly to get this fixed.

I believe it is possible here today in this House to find the consensus and something that works for our intelligence agencies to be able to listen to foreigners in foreign countries, who are using the communications systems America has built, to plot, to plan, to kill us.

I would encourage the leadership on the other side of the aisle to work constructively with the Director of National Intelligence, call him and get him up here and work this out so that we can do the right thing for our country.

Mr. HASTINGS of Florida. Madam Speaker, I would remind everyone here that this rule is to make in order a suspension day. This particular measure is not about FISA.

Madam Speaker, I'm very pleased to yield to a woman that I've worked with on the Intelligence Committee when she was the ranking member of the Intelligence Committee and that I worked on that committee with for 6 years. In this body is the distinguished chairman of the Intelligence Committee; in addition, another of my colleagues, Ms. ESHOO, Mr. TURNER, Mr. HOLT. All of us serve on that same committee that Mrs. WILSON serves on, and I rather suspect that she knows that we know that there is no prohibition that she has suggested here.

I yield 2½ minutes to the gentlewoman from California (Ms. HARMAN), the former ranking member of the House Permanent Select Committee and the now-Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment of the Homeland Security Committee.

Ms. HARMAN. Madam Speaker, I thank the gentleman for yielding and commend him again for his service both on the Rules Committee and ongoing on the Intelligence Committee.

It is reassuring that the debate has quieted. As many people have said on both sides, this is a very serious subject. While we were having our break because of a computer glitch, I had the chance to sit on the floor and talk to many colleagues on a bipartisan basis about how this Member who has studied this issue for years sees it.

I point out to colleagues that the bill that has been distributed, H.R. 3356, says on page 2, section 105(a), "a court order is not required for the acquisition of the contents of any communication between persons that are not located within the United States."

It is the intention of this bill, which will be made in order on the suspension calendar under the rule, to exempt foreign-to-foreign communications, and it is the intention, I believe, of every single person sitting here, several hundred of us, to exempt foreign-to-foreign communications from the warrant requirements of the Foreign Intelligence Surveillance Act.

What is really at issue, and I hope this will clarify the subject for some who are still wondering what it is, is whether or not we will have a court approve the parameters, the framework of this entire program, or whether we will leave the dimensions of the program and the activities under the program to the Attorney General or perhaps the Attorney General working with the Director of National Intelligence.

Some of us know the details of this program. It's a valuable program. It's very complicated, and it has many different parts. I, for one, thought that it was being regulated under the Foreign Intelligence Surveillance Act until I learned recently that the administration had chosen not to follow FISA. I think, and I would hope many on the other side would think, that we must have a legal framework around this program. No more blank checks for this Attorney General or for any future Attorneys General.

I urge approval of this rule.

Mr. SESSIONS. Madam Speaker, I would like to inquire as to how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Texas has 5½ minutes. The gentleman from Florida has 8 minutes.

Mr. SESSIONS. Madam Speaker, if I could inquire of the gentleman from Florida if he would like to run down some of his time at this time or if he's through with his speakers.

Mr. HASTINGS of Florida. Excuse me.

Mr. SESSIONS. I would like to inquire of the gentleman if he would like to get the time even and to run down with another speaker. We're a little bit ahead.

Mr. HASTINGS of Florida. Madam Speaker, I continue to reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. HOEKSTRA), the ranking member of the Intelligence Committee.

Mr. HOEKSTRA. Madam Speaker, I thank my colleague for yielding.

As our previous colleague was talking, I think she laid it out pretty well. Are we going to involve the courts in reviewing our foreign intelligence activities? If you take a look at the bill that is out here, it appears that the court is going to be involved in reviewing our intelligence community activities overseas. This becomes the Terrorist Protection Act, not a surveillance program.

Do we want a court reviewing our tactics and strategies for foreign intelligence or foreign individuals in foreign locations and lay it out the way that this bill wants? This is not about theory. This is about protecting the homeland, and it is about protecting our troops in Iraq, Afghanistan, and Pakistan.

Does it make sense that when a commander in the field gets the information or gets leads that may protect their soldiers that, rather than following the lead immediately, the first thing that they do is bring in the lawyers to make sure that they get that information in an appropriate and legal way on the battlefield? Is that giving our troops the tools that they need to keep themselves safe and secure and defeat the enemy?

Does it make sense when our intelligence frontline folks, whether it's in northern Africa or in the Middle East, get a lead as to individuals who may be targeting the United States, that the first thing that they need to do is get the lawyers involved to make sure that foreign intelligence is collected in an appropriate way, rather than focusing on what needs to keep us safe?

After 9/11, we spent a lot of time working together to put together an intelligence community that would, in the future, be able to connect the dots. With this bill that it looks like we're going to consider this afternoon, we won't have to worry about connecting the dots anymore because we will put the barriers in place that means that they will not even be able to collect the dots. But if you believe that this is a bumper sticker war and this is a bumper sticker threat that we face today, this bill is for you.

Take a look at the statement by the Director of National Intelligence. The Director of National Intelligence today is the same individual that served many years under President Bill Clinton as the Director of the National Security Agency. Here's what he has to say about this bill:

> I have reviewed the proposal that the House of Representatives is expected to vote on this afternoon to modify the Foreign Intelligence Surveillance Act. The House proposal is unacceptable. I strongly oppose it. The House proposal would not allow me to carry out my responsibility to provide warning and to protect the Nation, especially in our heightened threat environment. I urge Members of Congress to support the legislation I provided last evening to modify FISA to equip our intelligence community with the tools we need to protect our Nation.

This is an individual who has a 30-year career in this business. He served President Clinton; he's serving President Bush, but most importantly, it is a career that is distinguished because he has served the country and has kept us safe. Let's respect his opinion. Let's give him the tools that will keep us safe, keep us safe in the homeland and keep our troops safe on the battlefield.

□ 1645

Mr. HASTINGS of Florida. Madam Speaker, I continue to be astounded, particularly at the remarks of the distinguished ranking member of the committee that I serve on with him, that he would have us believe something different than what his proposal allows for. His proposal, or the proposal of the minority, would allow the Attorney General to do this, not lawyers.

Madam Speaker, I yield 3½ minutes to the point person for every person in the House of Representatives on intelligence, the distinguished Chair of the Select Committee on Intelligence, Mr. SILVESTRE REYES.

Mr. REYES. I thank the gentleman for yielding.

Madam Speaker, I want to start off by correcting the distinguished gentleman from Michigan. Director McConnell didn't have 30 years, doesn't have 30 years experience in working in intelligence, he has 40 years experience working in intelligence. The reason I know that is for the last couple of weeks we have been working, trying to work together in a bipartisan way with the Senate and the House on this bill that we have here today.

Director McConnell asked us to do three things yesterday, and he sought the very bill that he is rejecting today, three things, and he could support our bill. Those three things were: expand it from relating to terrorism to relating to foreign intelligence; eliminate the requirement that the FISA Court adjudicate how recurring communications into the U.S. from foreign targets would be handled; and, third, allow for foreign targets to be added for the basket warrant after the warrant was approved. We did each and every one of these things.

They say, okay, we got a deal. No. After getting on the phone with the White House and the Republican leadership, he said, oh, I have a few other things that we need.

Well, you know, when we talk about the security of this country, when we talk about a serious issue like giving our intelligence professionals the tools that they need to keep us safe, it is serious business.

Today, we have to decide for ourselves do we want, on a temporary basis for 120 days, to give the Director the tools that he said he needed, the three things that he said he needed included in our bill to keep us safe while we work on the bigger issue, the bigger fix of FISA, or if you vote against this bill, do you make it a political issue?

The choice is simple. Are you interested in giving him the tools that are needed and necessary to keep us safe, or do you want it as a political issue? That's the question before us this afternoon.

The Director yesterday, in answering to the majority leader's inquiry, said this bill, this bill that we have before us today, significantly enhances America's security, the very bill that, according to the ranking member, he is rejecting.

My colleague, the gentlelady from New Mexico, says we didn't show the DNI the bill. We sent that to him. His lawyers dissected it. We were in the same room; and on one occasion, at least one occasion, Mr. HOEKSTRA was with us as we were talking about the issues, along with the Senate, didn't show it to him.

He had a chance to look at it, digest it and make recommendations, like the three issues that I just read, that he agreed to yesterday. Those are important things. Facts matter. The truth matters. Not about obfuscating the truth, it's about doing what's right for our country.

This is the right thing to do, to keep us safe for the next 120 days, so we continue to do the work of this committee.

Mr. SESSIONS. Madam Speaker, it is about doing the right thing. In doing so, I would like to make sure that we get it right this time.

Despite what someone may have been told, I have a statement by the Director of National Intelligence that was issued this afternoon at 4:30. The gentleman says, "I have reviewed the proposal that the House of Representatives is expected to vote on this afternoon to modify the Foreign Intelligence Surveillance Act. The House proposal is unacceptable, and I strongly oppose it.

"The House proposal would not allow me to carry out my responsibility to provide warning and to protect the Nation, especially in our heightened threat environment.

"I urge Members of Congress to support the legislation I provided last evening to modify FISA and to equip our intelligence community with the tools we need to protect our Nation."

They cannot have it both ways. They cannot have it where they say it's a complicated issue. Protecting this country should not be complicated when people who are trying to do the right thing are asking and showing people what to do.

The Republicans have made our choice known today, and that is we are going to stand behind the Director of National Intelligence.

Madam Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Madam Chairman, what the gentleman just read was ordered to the White House by the National Intelligence Director. The Republican logic allows that what was acceptable yesterday is not acceptable today.

PARLIAMENTARY INQUIRY

Mrs. WILSON of New Mexico. Parliamentary inquiry, Madam Chairman.

The SPEAKER pro tempore. The gentlewoman from New Mexico will state her parliamentary inquiry.

Does the gentleman from Florida yield to the gentlewoman from New Mexico?

Mr. HASTINGS of Florida. I do not.

AMENDMENT OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I have an amendment to the rule at the desk.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS of Florida:

Add at the end the following:

(3) A bill to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

Mr. HASTINGS of Florida. Madam Speaker, I want to take this opportunity to briefly describe this amendment to House Resolution 600.

The amendment would add a third suspension measure to this resolution, a bill to provide assistance to Minnesota. This will allow the House to consider the Minnesota bridge disaster emergency relief legislation. I am sure that everyone here would urge that the reconstruction of the bridge that tragically collapsed on Wednesday be undertaken.

While the minority has been engaging in manufactured obstructionism, the House has been denied the opportunity to act on the priorities of the American people.

While the minority has been engaged in manufactured obstructionism, the House has enacted on legislation to require a comprehensive strategy to withdraw our troops from harm's way.

While the minority has been engaged in manufacturing obstructionism, the House has not been able to act on FISA reform.

Finally, while the minority has engaged in manufactured obstructionism, the House has not acted on providing emergency assistance to our fellow Americans who are grieving and suffering in Minnesota.

Manufactured obstructionism is what they are doing, and the American people will not stand for it.

By allowing this bill to come to the floor today, we can get this bill to the President's desk immediately. Whatever differences we have here today, this should be something we all can support.

I hope my colleagues will support the amendment and the rule.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 196, not voting 8, as follows:

[Roll No. 818]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Clarke
Crenshaw
Davis, Jo Ann
Gohmert
Hayes
Johnson, Sam
Markey
Paul

□ 1714

Mrs. BACHMANN, Mrs. MUSGRAVE, and Mr. CANNON changed their vote from "yea" to "nay."

Mr. LINCOLN DAVIS of Tennessee changed his vote from "nay" to "yea."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF HOUSE RESOLUTION 476

Mr. SHAYS. Madam Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H. Res. 476, a bill originally introduced by Representative MARTY MEEHAN of Massachusetts, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

☐ 1715

AUTHORIZING ADDITIONAL FUNDS FOR EMERGENCY REPAIRS AND RECONSTRUCTION OF INTERSTATE I-35 BRIDGE IN MINNEAPOLIS, MINNESOTA

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3311) to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL EMERGENCY RELIEF FUNDING.

(a) IN GENERAL.—The Secretary of Transportation is authorized to carry out a project for the repair and reconstruction of the Interstate I–35W bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007.

(b) FEDERAL SHARE.—The Federal share of the cost of the project carried out under this section shall be 100 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $250,000,000 to carry out this section. Such sums shall remain available until expended.

SEC. 2. WAIVER OF EMERGENCY RELIEF LIMITATION.

The limitation contained in section 125(d)(1) of title 23, United States Code, of $100,000,000 shall not apply to expenditures under section 125 of such title for the repair or reconstruction of the Interstate I–35W bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007.

SEC. 3. EXPANDED ELIGIBILITY FOR TRANSIT AND TRAVEL INFORMATION SERVICES. .

Section 1112 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1171) is amended—

(1) by inserting "(a) IN GENERAL.—" before "There"; and

(2) by adding at the end the following:

"(b) MINNESOTA.—

"(1) IN GENERAL.—Notwithstanding any provision of chapter 1 of title 23, United States Code, the Secretary may—

"(A) use funds authorized to carry out the emergency relief program under section 125 of such title for the repair and reconstruction of the Interstate I–35W bridge in Minneapolis, Minnesota, that collapsed on August 1, 2007; and

"(B) use not to exceed $5,000,000 of the funds authorized to carry out the emergency relief program under section 125 of such title to reimburse the Minnesota State department of transportation for actual and necessary costs of maintenance and operation, less the amount of fares earned, for additional public transportation services and traveler information services which are provided by the Metropolitan Council (of Minnesota) as a temporary substitute for highway traffic service following the collapse of the Interstate I–35W bridge in Minneapolis, Minnesota, on August 1, 2007, until highway traffic service is restored on such bridge.

"(2) FEDERAL SHARE.—The Federal share of the cost of activities reimbursed under this subsection shall be 100 percent.".

The SPEAKER pro tempore (Mr. ROSS). Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 3311, and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset, let me express my great appreciation to my colleagues in the Minnesota delegation for their cohesion and their support of legislative action to respond promptly to the needs of the people of Minneapolis and the State of Minnesota. Mr. RAMSTAD, Mr. KLINE, Mrs. BACHMANN, Mr. ELLISON, in whose district this tragedy occurred, Ms. MCCOLLUM, Mr. WALZ, Mr. PETERSON have all united as one in support of the needs of the people and in common mourning for the tragedy that occurred.

All of us were struck deeply within our souls over this tragedy. Ms. MCCOLLUM's daughter, just miraculously almost, passed over this bridge shortly before it collapsed.

I want to express my great appreciation to the gentleman from Florida, the ranking member of the Committee on Transportation and Infrastructure, Mr. MICA, and his staff and to Mr. PETRI, the ranking member of the Subcommittee on Surface Transportation, Mr. DEFAZIO of Oregon, Chair of the Subcommittee on Surface Transportation, for the cooperation, for the splendid efforts made, and for the common cause in which we all persevered to bring this legislation promptly to the House, as we are doing today.

And, again, I'm very grateful to the gentleman from Florida for his participation.

Bridges are built to last, not forever, but for a very long time. The title, in Latin, of the leader of the Catholic church is Pontifex Maximus, the maximum bridge builder. And when that title was adopted, bridges were built to last. The one in Rome has lasted 2,000 years, a marble arch bridge.

But in our day and time, not much that we build lasts forever, and that is why we have a bridge inspection program. That is why we annually evaluate the condition, structure and structural integrity of bridges and their operational capacity and ability; and why, in the current law, SAFETEA-LU, with the help of then Chairman YOUNG, I included language to authorize the funding of a new technology comparable to the technology used in aviation to determine the structural integrity of aircraft wings, movable surfaces and fuselage, to find hairline cracks using technology that can discover microscopic cracks not visible to the naked eye and then measure their propagation and do the same with bridges.

The Minnesota Department of Transportation was offered the opportunity to use that technology, and I am disappointed that the State rejected the opportunity to use that technology to test the structural integrity of the bridge that collapsed.

In March of 2004, I sent Members of the House a letter and information providing data developed, at my request, by the Bureau of Transportation Statistics showing the number and location of structurally deficient bridges in the national highway system in each Member's congressional district.

Now, not many Members followed up on that, but I just happen to have in front of me the letter addressed to the gentleman from Hawaii (Mr. ABERCROMBIE) who did respond. The letter pointed out the number of structurally deficient bridges in each Member's district and then pointed out that, in 2002, the U.S. Department of Transportation found that 167,566 of the Nation's bridges are structurally deficient or functionally obsolete. Since then, that number has grown to, of the 597,340 bridges in the national bridge inventory, 26 percent are structurally deficient or functionally obsolete.

Then the cost to repair and bring to a good state of maintenance, the cost in 2004, was estimated at $9.4 billion a year to maintain. In the SAFETEA-LU legislation, we provided $4 billion a year. It should have been at $5 billion. If the original introduced bill Mr. YOUNG and I introduced in October of 2003 had prevailed, we'd have been at $5 billion a year. We are where we are.

But this is the map, in smaller form, that we sent out to all Members of the House in 2004. For the State of Minnesota, it lists all the structurally deficient bridges. There are 19 on this list updated today.

The State of Minnesota has 13,000 bridges. 1,135 are structurally deficient. 451 are functionally obsolescent. That's

12.2 percent. That's one of the lowest percentages in the country, but it underscores the serious problem of the State of Minnesota and of the Nation's bridges.

We come to the floor today united in purpose to help the State rebuild this structure. The estimate from the Minnesota Department of Transportation is in the range of $200 plus million, which may grow, depending on the bridge abutments on both sides of the river; and the structural integrity of those facilities has yet to be fully evaluated. So the $250 million is a soundly based estimate, based on engineering evaluations, and is a fair number, and so is the funding that we provide in the legislation to compensate the State for the shift from highway transportation to transit as occurred in California, in Oakland earlier this year in April when their bridge collapsed due to a tanker truck collapse.

Those are the basic figures. Those are the justifications. We've limited, capped the dollar amount for transit at $5 million in response to a question from the other body, and we have a well-supported figure of $250 million for the reconstruction out of general revenue funds.

I appeal for the support of this body for this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3311 and join the gentleman from Minnesota whose State and area has been hit by this terrible, horrible tragedy that's taken lives.

And on our side of the aisle, when we do have a national tragedy of this nature, we do try to pull together in a bipartisan manner to address the needs of people who have suffered this type of, again, horrible disaster.

I know that the gentleman from Minnesota (Mr. OBERSTAR) has taken a leadership role today in approving this money; and I'm pleased, as the Republican leader, to also come forward and lend our support for this authorization.

Now, many people have asked me what we're doing here today. And we are authorizing $250 million for repair and reconstruction of the I-35 bridge over the Mississippi River. Now that's authorization and Federal authorization. It is not funding, and there must be appropriations.

I might say that we're doing that because the authorization fund, the Highway Emergency Relief Fund, unfortunately, we had $100 million and it's depleted. Not only is that $100 million depleted but also the reserve and additional money that was put in in the supplemental is depleted. So that's why we're doing this for our friends and colleagues and those who have suffered this loss in Minnesota.

It's my hope that this bridge will be built in rapid order and replaced; and I know that the good custodians in Minnesota, with their Transportation Department, will work to see that happen.

But let me say that the Minnesota bridge is only, unfortunately, the tip of the iceberg in an aging infrastructure and transportation system that we have in this country. We have, out of almost 600,000 bridges, about 80,000 bridges that are structurally deficient. Twenty-seven percent of our bridges are structurally deficient or obsolete, according to one of the most recent studies; and the infrastructure, not just in bridges but in highways, in ports, in airports, in rail, is inadequate and it's outdated.

I proposed as a solution recently a national strategic transportation plan. The American Council of Civil Engineers has estimated this will take $1.7 trillion.

We need a national plan to restore our infrastructure from sea to shining sea, where we have congestion, where we have bridges falling into our rivers and where we have inadequate infrastructure on which to conduct the business of this country or just get around our congested communities.

So we need a bigger plan, and then we need a way to finance that plan, and I look forward to working with all of the Members in trying to develop that plan and with this administration and the next administration.

☐ 1730

So finally, as I close with my initial thoughts, I want to say that our prayers go out to the people of Minnesota, especially the families of those affected by this tragedy. And I pledge from our side of the aisle again to work with every Member in Congress and with the folks in Minnesota to bring things back to regular order there.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minneapolis (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, let me first thank the distinguished chairman of the Transportation Committee and also thank all the members of the Minneapolis delegation and every single Member of this esteemed body. This is the greatest deliberative body in the world and in the history of the world. And the evidence of that is that not only, not only does this body thoroughly debate issues, but when tragedy strikes one, people respond in the most humanitarian way. Even though we have strong points of difference of opinion, when tragedy strikes America, we have no Republicans, we have no Democrats. We just have Members of Congress who are responsive to the people of this country.

So, Mr. Chair, I want to thank you for your bold, decisive action. I want to thank all the members of the community in Minnesota who have responded, not only the official responders but the good Samaritans as well. And let me urge every Member to support this most important measure that will restore our country.

But, again, it is the tip of the iceberg. We need a new national commitment to the infrastructure of this country.

Mr. MICA. Mr. Speaker, I am pleased to yield 3 minutes to the Republican subcommittee leader on the Highways Subcommittee in the House of Representatives, the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Florida, Ranking Member MICA, for yielding me this time.

I rise in strong support of this bill, offered by our distinguished chairman of the Transportation and Infrastructure Committee, my good friend (Mr. OBERSTAR), along with my good friend (Mr. MICA).

Our condolences, in fact the condolences of the entire Nation, go out to the people of Minnesota who were affected by this terrible tragedy.

And I want to recognize Mr. OBERSTAR's leadership and his efforts to provide an immediate response to this incident. Less than 18 hours after the I-35W bridge collapsed into the Mississippi River, Mr. OBERSTAR introduced this bill, H.R. 3311.

This bill authorizes funding to help the Minneapolis-St. Paul metropolitan area get back on its feet. It authorizes $250 million from the Federal Highway Administration's Emergency Relief Program for the repair and reconstruction of the I-35W bridge that collapsed Wednesday night.

Yesterday, the Secretary of Transportation, Mary Peters, went to Minneapolis, visited the site, and immediately made available $5 million to pay for traffic-flow adjustments and debris removal associated with this disaster. But this bill takes the first step in providing funding to repair and rebuild this bridge.

While we will not know for several months the final cost to repair and rebuild the I-35W bridge, this bill demonstrates the House's support and certainly the strong commitment from our committee to rebuild this bridge and restore some sense of normalcy to the Minneapolis-St. Paul region.

Mr. Speaker, there was a column in The Washington Post today that repeated some of the statistics you have just heard from the gentleman from Georgia about the number of deficient bridges, but this columnist also said this: "It's unrealistic to think this disaster is going to spur the Nation to seriously address all its infrastructure problems. We'll talk about the issue for a while, then go out and buy another TV. But we can, and should, at least do a more rigorous inventory and identify the structures that pose the most peril. Yes, it's boring stuff to even think about. But just look at the alternative."

Those are very true words, Mr. Speaker, and I pledge the support of our subcommittee and to work with all the leadership on our committee to not do what this columnist has said and just forget about this or move on to something else too quickly. We owe that to the people of Minneapolis, Minnesota.

Mr. OBERSTAR. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Speaker, Mr. Chair, 2 days ago my daughter did have a best friend who was crossing the Mississippi River. She crossed long before the bridge collapsed. Only 2 days ago the world witnessed the collapse of a massive bridge that crosses the Mississippi River, America's heartland.

The world is now witnessing America's heroism, our first responders, our community leaders, and all of our citizens coming together to rescue victims, to heal the injured, and to mourn those lost. As of today, we know more than 130 people have been treated for injuries, 5 individuals have lost their lives, including 2 of my constituents.

I would like to extend my deepest sympathies to the families of the known victims: Sherry Lou Engebretsen of Shoreview, Patrick Holmes of Mounds View, Julia Blackhawk of Savage, and Artemeeo Trinidad-Meena of Minneapolis.

Minneapolis and my home of St. Paul, we are the Twin Cities. Together our cities are united, along with all of our surrounding communities, in responding to this disaster and addressing the massive redistribution of traffic to meet the needs of commuters and businesses as a result of the bridge collapse.

My dear friend from Minneapolis, Congressman KEITH ELLISON, has my full support as our communities work together to heal and rebuild. The people of Minneapolis are fortunate to have Congressman ELLISON working for them, and we are all proud to stand with him, as his constituents are.

Minnesota is also blessed to have Chairman OBERSTAR leading the Transportation and Infrastructure Committee in the House. Chairman OBERSTAR is leading this bill and will lead our Nation forward.

Minnesotans are facing the pain, the loss, and the immense transportation challenges resulting from this bridge collapse. But every American in every State now feels an unavoidable fear about everyday risks. This week the phrase "structurally deficient" became part of our Nation's vocabulary. This week millions of Americans use bridges that have been deemed structurally deficient or, even worse, functionally obsolete. Imagine trusting your family's safety and well-being to a bridge that is "functionally obsolete."

American families should not have to worry about this. Passage of this bill will do one small step in rebuilding and uniting a community and a State, but we must make sure that every American family feels safe.

Mr. MICA. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished former Chair of the T&I Committee and the senior Republican on the T&I Committee, Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I first want to congratulate the chairman, Mr. OBERSTAR, and the Minnesota delegation in expediting this process with the leadership of Mr. MICA and the leadership of both sides.

I don't do this often when I say I told you so. As chairman, with Mr. OBERSTAR, we tried to put the money in to identify the weaknesses of the bridges and to repair them, and we were unsuccessful. We ended up with a $286 billion bill instead of a $375 billion bill.

Mr. and Mrs. America, I believe it is time for us to wake up. We have to repair our outdated infrastructure, especially our bridges. You have heard statistics, 11,000 and on and on, how many are deficient. But there are about 500 in the same shape as the bridge in Minnesota right now that are a potential death trap to constituencies.

We have to, as a Congress, grasp this problem and, yes, lo and behold, I would even suggest fund this problem with a tax. May the sky not fall on me, but with a tax. Make it a 3-year tax. Make it a 5-cent tax, and they will say we can't do that. But I would suggest respectfully that the American people will understand the importance if we fund it and if we address the issue of the bridges. We should do this.

And maybe this is a wake-up call, and I hope The Post is wrong, that we all don't go back to sleep and watch football this fall and forget this tragic accident, because if we do so, then we are not fulfilling our obligation and our duty.

So I stand here before you today saying I told you so. But I am also saying let's act as we should to protect our people in every one of our States.

Mr. OBERSTAR. Mr. Speaker, I yield myself 10 seconds.

I want to thank the gentleman from Alaska for his leadership on SAFETEA–LU and for the participation we enjoyed together in crafting that and previous legislation. I thank him for his comments, with which I concur.

Mr. Speaker, I am pleased to yield 1 minute to the Speaker, the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding.

I thank you, Mr. OBERSTAR, you and Mr. MICA, for your leadership in bringing this important legislation to the floor in such an expeditious manner so we can remove all doubt in anyone's mind in Minnesota that we are there for them.

A disaster of this kind, I know, coming from California where we have had our earthquakes and others coming from places that had been struck by one disaster or another, that people wonder if the compact between themselves and the government is real, and today you are telling them that it is so. We can extend all of the sympathy in our hearts to the people who have lost their loved ones or who have been injured or have just been struck by the tragedy in such an extraordinary way, but we also have to not only extend compassion but present assistance. And for that I want to thank you Mr. OBERSTAR, and Mr. WALZ, Congresswoman MCCOLLUM, Mr. ELLISON. My sympathy to you and your constituents for all that you are suffering, Mr. PETERSON, as well from the State of Minnesota and our Republican colleagues from the State of Minnesota as well.

Sometimes in the course of events, there comes a coming together of a person and an event that is almost God given. And I think that is this case, Mr. OBERSTAR. No one in the country knows more than you do about the infrastructure of our country, the needs that we have out there, and the solutions that are the best ones. We are sad that your State was stricken, but maybe it is fortuitous for the country because it hit home for you. The spotlight is on your State. The spotlight is on your committee as we reach out with this $250 million for the highway emergency fund. I think that the opportunity that is there and the knowledge, wisdom, solutions that you know better than anyone will serve our country very well.

I really appreciated the remarks of the gentleman from Alaska. We do have to make an investment in our infrastructure. In this case, no maintenance is the most expensive maintenance, as the people in Minnesota found out as some of their loved ones paid with their lives. So we have to figure out a way to pay as we go, no deficit spending, but understand that a capital budget is necessary to invest in the infrastructure of our country. It is what we owe the American people. It is about our environment, by relieving congestion. It is about quality time for families to spend less time on the roads. And as we learned, of course, and always knew but what was driven home in Minnesota, it is about the safety of our people.

Imagine, to be a mom or dad and to have a loved one leave home, a husband or wife, sister or brother, leave home in the morning or sometime during the day, of all the things you can protect your children from, of all the anticipation that you can have, you would never think. What if the bridge goes down? We want to remove that fear from America's families.

☐ 1745

I know, Mr. OBERSTAR, that you are in a position to do so. I'm sure you will let us know how we can all help. And, Mr. MICA, you as well. This is bringing us together this evening in a very special way. I hope it is a comfort to the families who lost their loved ones that so many people in our country feel this as a personal loss and are praying for them at this very difficult time.

Mr. MICA. Mr. Speaker, I am pleased to yield 2½ minutes to probably one of the most capable and compassionate Members of the House I know and the senior Republican of the Minnesota delegation, the gentleman, Mr. RAMSTAD.

Mr. RAMSTAD. I thank the distinguished ranking member, my friend, for yielding.

Mr. Speaker, no Minnesotan will ever forget August 1, 2007. No Minnesotan will ever forget the day the I–35W bridge collapsed into the Mississippi River. No Minnesotan will forget the tragic loss of life, the serious injuries, and the incredible devastation caused by the falling eight-lane bridge. Our thoughts and prayers are with the victims, the survivors and their families as well as the brave first responders who have worked night and day on rescue and recovery operations.

My special thanks go out to the firefighters, the law enforcement personnel, the EMS personnel as well as the Minnesota National Guard and countless Good Samaritans for their heroic rescue and recovery efforts.

A special thanks, Mr. Speaker, to Governor Pawlenty for his great leadership as well as Hennepin County sheriff Rich Stanek, Minneapolis mayor R.T. Rybak, Representative KEITH ELLISON, and the rest of our Minnesota congressional delegation who have come together. I want to particularly thank the dean of our delegation, Chairman JIM OBERSTAR, for his extraordinary leadership in moving this delegation bill before the House today.

Mr. Speaker, I respectfully ask all of our colleagues for their overwhelming bipartisan support to pass this crucial bill tonight so we can authorize funds for emergency repairs and reconstruction of the I–35 bridge that collapsed last Wednesday. Also, Mr. Speaker, we need the funds for much-needed emergency relief as well.

At this time of great need, Mr. Speaker, the good people of Minnesota are very grateful. We thank all of you for your support. We thank the Nation for their thoughts and prayers. We thank God that we live in a country where we can come together to help each other at our time of greatest need.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. I thank the distinguished gentleman, my fellow Minnesotan, the chairman of Transportation, and, as the Speaker of the House so aptly put, no one in this country knows more about this issue. If there's anyone that comes close, it's the distinguished ranking member from Florida, a gentleman that as sitting on the Transportation Committee, I've come to see the wisdom of his words and the commitment to this country's infrastructure. So I think the Speaker of the House is right, two gentlemen that are showing incredible leadership on this and that our Nation should feel incredibly proud to have you there. I thank you both.

A special thank you to all my colleagues in this House. The citizens of Minnesota in responding to this have witnessed something that I think most of us here should be incredibly proud of. In less than 48 hours of this tragedy, this body came together, crafted a piece of legislation to provide relief, and is prepared tonight to deliver that forward to them. To the people who are out there, those citizens, those first responders, our elected officials, from Governor Pawlenty to Mayor Rybak and right down the line have been there working together, showing that this great Nation when we put our mind to it and come together to relieve the suffering of one another can get exactly that done.

It's with a heavy heart that all of us are here, but it's one of optimism and forward-looking that we will address the needs of Minnesota, and, as the distinguished gentleman from Alaska so aptly put, we're prepared to make sure that this never happens again and another family never has to find out that a bridge collapsed as their family members were coming home.

Mr. MICA. Mr. Speaker, I am pleased to yield 2½ minutes to another outstanding Member of the Minnesota delegation, Mr. KLINE.

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

I want to add my thanks to all of our colleagues here in the House, the Minnesota delegation certainly, and, of course, as Mr. RAMSTAD said, to our dean, the chairman of the Transportation Committee, Mr. OBERSTAR.

While reports continue to be updated due to the ongoing recovery operations, the number of victims is already shocking to us in Minnesota. But these numbers are not simply statistics that might roll off the tongue as a footnote to a tragedy which Governor Tim Pawlenty accurately described as, quote, a catastrophe of historic proportions for Minnesota. Mr. Speaker, these numbers are people. These numbers are the family, friends and neighbors who were simply going home to their loved ones after what appeared to be just another workday. Among the deceased is a mother of two from Savage, Minnesota, in my congressional district, and my heart and prayers go to her family and to all the victims.

Although this is a time of sorrow for many, there are countless stories emerging already about the generosity and compassion of the citizens of Minnesota. From organizing blood drives and volunteers, to caring for the needs of the recovery workers, Minnesotans are going above and beyond the call of duty.

Mr. Speaker, as the citizens of Minnesota have come together during this difficult time, my colleagues in the Minnesota delegation and I remain committed to helping restore the I–35W bridge. Together, we're working to provide the Federal resources necessary to recover from this tragedy, and the fine effort brought forward by our chairman, Mr. OBERSTAR, putting forth $250 million is so important to us in Minnesota.

In the wake of this disaster, it is difficult to imagine when all the questions will be answered, but the day will come when recovery efforts will be complete, investigations will conclude, and eventually a new I–35 bridge will reunite the banks of the Mississippi River.

Mr. Speaker, again our thoughts and prayers continue to be with the victims and their families and with all Minnesotans as we recover and rebuild. Again, I want to thank the gentleman, the chairman, Mr. OBERSTAR, for authoring this legislation.

Mr. OBERSTAR. I would like to inquire how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Minnesota has 5½ minutes remaining. The gentleman from Florida has 7 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin, our neighboring State (Mr. KIND).

Mr. KIND. I thank the gentleman for yielding.

Mr. Speaker, 2 days ago our Nation watched with shock and horror as the I–35 bridge collapsed into the Mississippi River in Minneapolis. Many of the residents of my congressional district in western Wisconsin make a daily commute to their jobs in the Twin Cities. Many of them over this very bridge. Their safety and the safety of all of our residents is our utmost concern. Our thoughts and prayers go out this evening to the victims of that great tragedy along with their families and the community.

But at moments of great tragedy, Mr. Speaker, there are also moments of great triumph, of strangers coming to the aid of strangers, the first responders answering that emergency call, health care providers administering first aid and taking care of the injured during this great tragedy. And now it's our turn. It's our turn as a Nation. It's our turn as a Congress to come together and make sure we pass this authorization for the appropriation of funds so we can begin rebuilding this important bridge but also help the community rebuild and to ensure that this tragedy is never repeated anywhere else throughout the country.

I commend the leadership of the Transportation Committee, the chairman and the ranking member, the members of the committee, but especially the Minnesota delegation for how they've been able to rally amongst themselves but also to get this body to come together during this time of crucial need to do the right thing, step up and to assume our responsibility as a great Nation and come to the aid of those who have suffered during this tragedy.

I encourage my colleagues to support this measure.

Mr. MICA. Mr. Speaker, I am pleased to yield 3 minutes to the newest Member of the Minnesota delegation, a rising star in Congress, and the people of Minnesota are very fortunate to have her here at this time (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, I thank the gentleman for yielding time to me.

In what feels now like a lifetime ago but was in fact only 2 days ago, on August 1, the world changed forever for the people of our State of Minnesota. Our people witnessed an event so unlikely, the sudden and complete collapse of nearly 2,000 feet of eight lanes of highway, propelling nearly 50 cars in midair for a horrific 60-foot plunge into the currents of the Mississippi River. An event so unlikely that we in Minnesota collectively remain shocked and filled with sorrow, knowing the inevitable sad news that is yet to come once our heroic first responders have freed our fellow Americans who even now as we stand here remain trapped underwater.

Minnesota needs the help and the prayers of all Americans and we appreciate the overwhelming support in our time of need. I know I speak for my husband Marcus and myself. We offer our deepest sympathies, as does everyone in our delegation, to the family and the friends of those who were killed.

Mr. Speaker, America believes in extending a helping hand to people who are in trouble due to no fault of their own, and I want to assure the residents of Minnesota today that we will have help in cleaning up and rebuilding. We will have help until the job is done. Because Congress understands, Republicans, Democrats, we're all Americans in this and we understand that this is not just an emergency for a day or for a week. We will provide the support and the work that is necessary to rebuild the lives and the communities that were damaged until this tragedy is over. And that is what makes America so great.

This bill is just our first step toward recovery. I thank Chairman OBERSTAR for his brilliant work, working around the clock to bring this to the floor. It's inspiring the way so many have come together and worked together over these last few days.

I join my colleagues from Minnesota, a great State that each one of us loves so much, in requesting your support to rebuild this bridge. Once again, I know we can count on you, the Members of this great deliberative body, to rebuild the great city of Minneapolis and again to make it whole.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. KAGEN), a member of the Committee on Transportation and Infrastructure.

Mr. KAGEN. Mr. Speaker, I rise in strong support of H.R. 3311, and let's build that bridge together. This is an emergency resolution, to repair and reconstruct a functionally obsolete bridge, the I-35, which spanned two peoples, brought two peoples together, across a divide.

And much in the same way, isn't it time that we begin to work together here in Congress? And by working together we will not just build a bridge across a divide but build a bridge between the parties which some in our land may feel are also functionally obsolete.

☐ 1800

Here in Congress we can build a bridge together, and while we're at it, let's build a better Nation together as well. Because it's not about the party you're in, it's about doing the Nation's business and building a Nation for all of us.

Mr. MICA. Mr. Speaker, I'm pleased to yield 3 minutes to one of the most distinguished and senior Members, not only in Congress, but the senior member of the Florida delegation, former chairman of the Appropriations Committee, Mr. YOUNG, my friend.

Mr. YOUNG of Florida. Mr. Speaker, I thank my colleague from Florida for yielding the time to me.

I rise in strong support of the legislation to provide relief in response to the tragedy surrounding the collapse of Interstate 35W Bridge spanning the Mississippi River in Minneapolis.

The people in my area of Florida remember this type of grief, and we share the grief of the people of Minnesota. It was during a violent storm at 7:38 a.m. the morning of May 9, 1980, that a freighter, the *Summit Venture*, slammed into the Sunshine Skyway Bridge which spans Tampa Bay to connect my district to Manatee County in the south, across Tampa Bay. Thirty-five people in their vehicles fell more than 1,200 feet into the waters of Tampa Bay that morning, fell to their deaths.

The Sunshine Skyway is a Florida landmark. The scenes of the mangled bridge missing 1,260 feet of the center span of the southbound lanes of the bridge was a daily reminder of the tragedy, and we remember, and we remember for the people of Minnesota.

Only two people survived the accident in Florida, one whose car skidded to a halt at the bridge's edge and the other who survived his pick-up truck's fall into the water and swam to safety.

For 7 years, the damaged span stood as a constant reminder. Congress, however, began the healing process very shortly after that tragedy, as we do today for the Minnesota tragedy.

I thank and compliment and commend Chairman OBERSTAR and Mr. MICA, my good friend and colleague from Florida, who worked so hard on all of these issues and for moving this legislation quickly in a bipartisan way to bring support for the people of Minnesota.

The House responded to my request for funding to help rebuild the Sunshine Skyway Bridge quickly in the same type of fashion. So, as I said, we remember and we share the grief that you suffer today because we went through it back in 1980; and this Member stands ready to help in any way that we can to not only pass this authorization bill but to pass the appropriations that go along with it.

I thank my friend, Mr. MICA, for yielding the time to me. He is an outstanding leader in our delegation; and he does, I think, an exceptional job for all of us.

Mr. MICA. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Florida has 2 minutes remaining. The gentleman from Minnesota has 2½ minutes remaining.

Mr. MICA. Mr. Speaker, I will yield myself the balance of our time.

Mr. Speaker, my colleagues, Mr. OBERSTAR, I thank you for paying attention to the important responsibility you have, not only as Chair of the Transportation and Infrastructure Committee but as a good steward for the people of your State in a time of need.

And, you know, it's amazing what we can do in this House. It's absolutely incredible. Mr. YOUNG has been here for many years, and I have always looked up to him as one of our leaders. We started some years ago, senior to me, but I followed his career and what he has been able to do on a bipartisan basis.

And when we do have an emergency, whether it's 9/11 or whether it's a bridge that collapses in Minnesota, it's amazing what this House of Representatives can do when it comes together in a bipartisan fashion. That tragedy just occurred a matter of hours ago, and here we are, in our system, working together, helping those people. We're not going to solve this all by the Federal Government; and, as I said, this is only an authorization. But people are in need, and we came together, as this body is designed to do.

But, as I said, the bridge is just the tip of the iceberg, so to speak. Our Nation's infrastructure is collapsing. Our Nation's infrastructure is obsolete. We have got to come together.

We came together, Mr. OBERSTAR and I, with a Water Resources bill that hadn't been passed in 7 years, but we brought it here, it is now pending final approval, to build the Nation's dams and infrastructure, also important. And we see that if you don't pay now, you will pay later.

So we can do this. We can make the investment to build the infrastructure that makes our economy grow, that makes this a great country and allows free enterprise to give us the great life that we've had in this wonderful country.

So I look forward, Mr. OBERSTAR, to finalizing this with you and helping the people in this time of need and also in taking on a leadership position as we make the investment in our country that is so necessary in our infrastructure.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of our time.

I think the applause on our side for all of the speakers shows the depth of feeling, the depth of appreciation that the Minnesota delegation feels toward each other, toward others in the body who have spoken tonight, toward our ranking member, Mr. MICA, to whom, once again, I express my appreciation for the responsiveness and to prompt action on this matter.

And to the gentleman from Florida, Mr. YOUNG, I remember so well the Sunshine Skyway Bridge tragedy and later included it in a hearing that then Mr. Clinger, my ranking member on the Investigation and Oversight Subcommittee, held hearings that included that tragedy. I was here to vote on the funding for that restoration of that bridge, and I appreciate the gentleman's recollection.

We will look back, I guess, in a few days, on this moment as a welcome respite from the cacophony of dissidence that we have heard in the last several hours in this body. Unfortunately, tragedy, loss of life and injury has brought us together, but it shows the greatness of this House of Representatives, that it can come together and find common cause and move ahead.

I hope that respite from cacophony will prevail in the other body as we send this legislation forward and that there will not be, as has been threatened, procedural issues raised or jurisdictional matters that may be raised that might deter a provision of this legislation to provide respite from the congestion that will result in the reconstruction of this bridge and that already is occurring in the city of Minneapolis.

The House provided respite for Oakland, San Francisco in the collapse of the 580 and 880 structures just earlier this year, in April. We provide almost identical language and support in this legislation. I just hope the other body will not raise objections and move this legislation forward, because those are relatively minor matters that be can resolved in the management by DOT of that transit language.

I want to thank all our colleagues for the dignity of this discussion tonight and for the support expressed for the people of Minnesota by the rest of the Nation. We thank you, thank all our colleagues, and we ask for a wholehearted vote in support of this legislation.

Mr. PETERSON of Minnesota. Mr. Speaker, I rise today to commend the good people of Minnesota who have banded together to begin the healing process. When that bridge fell, every citizen of my State felt the grief and the pain together. It has certainly been a difficult couple of days for everyone, but I am so proud of the first responders, of the volunteers, and of my colleagues here in the House. I'd like to give a special thanks to Chairman OBERSTAR, for acting so quickly. He has represented Minnesota, and the House, very well. I'd also like to say that Representative ELLISON has done a remarkable job in representing his district during these last 48 hours.

It is a shame that it sometimes takes the worst events to bring out the best in people, but I am so proud of the wonderful actions Minnesotans have taken to help the victims of the I35W bridge. I think the people involved in the recovery actions have truly demonstrated the incredible character of Minnesota's citizens.

Nothing can replace what was lost on Wednesday. No amount of money will do that. Neither will a new bridge. But this bill is a strong step on the road to healing. Thank you Chairman OBERSTAR, thank you to the members of the Minnesota Delegation and thank you to all my colleagues who have helped support the citizens of my State.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 3311, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MICA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend will be followed by a 5-minute vote on agreeing to the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 819]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon

Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Bishop (UT)
Clarke
Cleaver
Crenshaw
Davis (KY)
Davis, Jo Ann
Feeney
Hayes
Johnson, Sam
Lewis (CA)
Paul

☐ 1830

Mr. HALL of Texas, Mrs. CUBIN, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SALI changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DAVIS of Kentucky. Mr. Speaker, on rollcall No. 819, I was unavoidably detained dealing with a serious health issue with my ill mother who is being prepared for movement to a long-term care facility; had I been present, I would have voted "yea."

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 199, not voting 17, as follows:

[Roll No. 820]

YEAS—216

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pascrell
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Bishop (UT)
Blunt
Clarke
Crenshaw
Davis, Jo Ann
Gordon
Hastings (WA)
Hayes
Jefferson
Johnson, Sam
LaHood
Lewis (CA)
Paul
Peterson (PA)
Rush
Stark
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain on this vote.

☐ 1839

So the Journal was approved.

The result of the vote was announced as above recorded.

QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Madam Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore (Mrs. TAUSCHER). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 611

Whereas on November 8, 2006, Speaker-Elect Nancy Pelosi said "we will make this the most honest, ethical and open Congress in history.";

Whereas on November 16, 2006, Speaker-Elect Nancy Pelosi said "This leadership team will create the most honest, most open, and most ethical Congress in history.";

Whereas on January 4, 2007, Majority Leader Steny Hoyer said "As we open this new chapter in American history—an era in which we will seek to elevate results over rhetoric and put progress before partisanship—we will affirm our commitment to transparency, accountability and civility, which should be the hallmarks of this great institution.";

Whereas on January 4, 2007, Majority Leader Steny Hoyer said "the Members of this House will ensure the integrity of this institution when we conduct ourselves with integrity and hold accountable those who fail to abide by these rules and the highest ethical standards.";

Whereas on December 8, 2006, Majority Whip-Elect James Clyburn said "Democrats will exercise better leadership in the new Congress and work to raise the standard of ethics in this body.";

Whereas on August 1, 2007, the Majority Leader Steny Hoyer said "What is not fair, from our perspective, is to simply disallow the House to proceed to do its business, to have its disagreements, to make its votes, to express its will";

Whereas the Speaker, as the presiding officer, is supposed to be the fair and impartial arbiter of the proceedings of the House, held to the highest ethical standards in deciding the various questions as they arise with impartiality and courtesy toward all Members, regardless of party affiliation;

Whereas the Members, as duly elected under Article I, section 2 of the Constitution of the United States, represent the people of the United States by casting their votes in the U.S. House of Representatives;

Whereas the Clerk of the House has the specific responsibility of accurately taking and tallying votes of the Members and preserving the records thereof;

Whereas on the evening of August 2, 2007, the House had under consideration H.R. 3161, a bill making appropriations for the Department of Agriculture and Related Agencies;

Whereas following completion of general debate and the reading of the bill for amendment, the gentleman from California (Mr. Lewis) offered a motion to recommit the bill to the Committee on Appropriations with instructions that prohibited any funds in the bill from being used to employ or to provide rental housing assistance to an illegal alien not authorized to receive such assistance under the Immigration and Nationality Act;

Whereas Representative Lewis timely requested the yeas and nays, which once ordered were recorded by electronic device;

Whereas shortly following the expiration of time allotted for the recorded vote, the Chair gaveled the vote closed and announced that the motion had failed by a vote of 214 yeas to 214 nays, while the tally clerk was still processing additional votes through the electronic voting system;

Whereas during said time period, the Majority Leader stated to the Parliamentarian of the House, "We control, not the Parliamentarians."

Whereas the Chair announced the results of the aforementioned vote after reading the totals from the electronic board to the Chair's right without the benefit of the written tally customarily provided by the tally clerks;

Whereas a video recording of the proceedings produced by the Office of the Chief Administrative Officer confirms that, while closing the vote, the Chair banged the gavel and spoke over the voice of the House Reading Clerk seated immediately in front of the Speaker's rostrum, who can clearly be heard attempting to record the vote of another Member;

Whereas contrary to the vote total announced by the Chair, said electronic board, visible to all Members in the Chamber, indicated a final tally of 215 yeas and 213 nays;

Whereas the Majority Leader directed the Chair to reopen the vote, making it possible for Members to change their vote, and thereby altering the outcome;

Whereas several minutes later the Chair again closed the vote and announced that the motion had failed on a vote 212 yeas and 216 nays;

Whereas the Minority Leader immediately directed his staff to gather and review all available records regarding this incident; and

Whereas in the course of such review, the staff discovered that the electronic voting records related to this roll call vote were missing from the electronic voting system and upon inspecting the Clerk's website, found no information regarding the disposition of the motion to recommit contrary to the long standing customary practice of that office: Now therefore be it

(1) Resolved, That—

The Officers of the House of Representatives are immediately directed to preserve all records, documents, recordings, electronic transmissions, or other material, regardless of form, related to the voting irregularities of August 2, 2007.

(2) there is hereby established a select committee to investigate the voting irregularities of August 2, 2007 (hereinafter referred to as the "select committee"). The select committee shall be comprised of 6 Members, of which 3 Members shall be appointed by the Speaker and 3 by the Minority Leader. The select committee shall—

(A) investigate the circumstances surrounding the record vote requested by the gentleman from California (Mr. Lewis) on the motion to recommit to H.R. 3161, including the Chair's ruling over the objections of the Parliamentarian;

(B) make an interim report to the House not later than September 30, 2007 and a final report not later than September 15, 2008—

(i) regarding the actions of any Members, officers, or employees of the House engaged in the disenfranchisement of Members in voting on the question; and

(ii) recommending changes to the rules and procedures of the House of Representatives necessary to protect the voting rights of constitutionally elected Members chosen by the people of the United States of America.

(3) The select committee shall have the same powers to obtain testimony and documents pursuant to subpoena as authorized under clause 2(m) of rule XI.

☐ 1845

The SPEAKER pro tempore. The resolution presents a question of privilege.

Pursuant to rule IX, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Maryland (Mr. HOYER) or his designee each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOEHNER. Madam Speaker, I yield myself such time as I may consume.

I think the resolution that I offer outlines pretty clearly the promises that have been made and the promises I believe that have been broken over the course of the last 7 months. What we seek here is to understand exactly what did happen last night and to what extent changes in the rules need to be made to ensure that all Members are treated fairly.

As was stated in the resolution, myself and my colleagues in the minority believe that, in fact, we won the motion to recommit last night. We asked to bring this resolution that a select committee do, in fact, be impaneled, three Members from each side of the aisle to understand clearly what happened, but also to understand whether there are any changes in the rules that need to be made in order to ensure that all Members are treated fairly.

I and others have begun to believe that there's been a pattern of abuse that has occurred over the last several months. In many of these occurrences it appears the Chair is operating on their own, with little regard to the recommendations of the Parliamentarian. The Parliamentarians are here to preserve the precedents of the House and to ensure that all Members are treated fairly.

And as we watched the tape from last night, we watched from activities earlier this week, watched activities, frankly, earlier today that a pattern of activity continues to occur, and I believe that it's important for this select committee that, if it is created, to not only understand what happened last night, but to understand clearly are there any other changes that need to be made to ensure that all Members' voices are, in fact, heard.

We outline a select committee, we outline a timing for an interim report, but it's something that I believe would be in the best interests of the House, and I would urge my colleagues to support the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. HOYER. Madam Speaker, we had a conversation on the floor of the House today with reference to this matter. I introduced a resolution to investigate this matter. The minority leader asked me to withdraw that resolution. I withdrew it.

The minority leader then asked me to have a meeting with himself and Mr. BLUNT, and Mr. CLYBURN attended that meeting. We discussed the incident of last night, we discussed proceeding to do the people's business, and what would be the conduct today.

The minority leader suggested that I have a member of my staff contact a member of his staff to discuss the creation of this select committee. That was just a few hours ago. Those discussions have not begun obviously and may not begin.

The minority leader talks about patterns. I think this is a pattern. I'm deeply disappointed, not by the resolution itself; although, we think the facts that are stated in the resolution are incorrect. I want to tell every Member of this House that I do not believe that there was any wrongdoing by any party yesterday. I do believe that there was a mistake made. I said that this morning. I repeat that this afternoon, and I regret it. I regret it because that mistake, understandably, angered those who perceived themselves disadvantaged by that mistake. I have a disagreement with the conclusion in here that has been again stated by the minority leader that I think would be disproved by any investigation that occurs.

There was never a call of the vote prevailing at 215–213 with a Republican motion to recommit prevailing. There was never a call by the Chair of that vote, period.

I observed, to the minority leader, that for 2 hours and 45 minutes I sat on this floor, actually, I'm not good at sitting on this floor. I walked around and talked to a lot of Members. For 2 hours and 45 minutes, my side was prevailing; not for 5 minutes, not for 2 minutes, not for 1 minute, as was the case last night. For 2 hours and 45 minutes, my side was prevailing, and the vote lasted another 10 minutes. It was referred to on "60 Minutes" last Sunday.

Now, historically, in the last 12 years, let me tell you what my friends' actions would have been on this motion. Immediately you would have moved to table. I do not do that. I do not accept the premises in your resolution, but I welcome the investigation. I applaud coming to the bottom of what happened because I know what happened.

Now, I wasn't looking behind me; I was looking at the Chair. But I've been informed of what happened, and what happened is eight people changed their votes. Three were Republicans, five were Democrats. There were 428 people who voted last night during that series of three votes. Every time the vote was called, 428 people voted. And the Chair called the vote at 214–214, which as all of you know adds up to 428. So every Member of the House had voted. No one was excluded. But some changed their vote on your side, and then some changed their vote on my side. And so the vote ended up and was finally called at 212–216, and we prevailed.

Now, as I said this morning, I understand the anger that existed and the sense of unfairness that was felt because, on the board electronically, when one of the changes came forward switching from one of the 214 to one of the 215 and reducing the 214 to 213, that was immediately reflected on the electronic board as the Speaker was announcing the vote, and so you were angry. I don't blame you. For 2 hours and 45 minutes as we sat on the prevailing side, the winning side, having more votes than your side, the vote was not closed. So I empathize with the sense of anger and frustration that you have.

And so what did I do? I didn't do what one of your former leaders did, just shrugged my shoulders and said, well, that's the way it goes, folks. I went to that rostrum, and I said we ought to vacate this vote and we ought to give everybody a fair shot at making sure the result is what those 428 votes want to do, because I understood that you had a sense of being wronged, and I wanted, to the extent I could, to try to right that wrong.

So I asked unanimous consent that that vote be vacated. There were many objections on your side of the aisle. I'm not sure why. You thought the vote was improperly cast. I know my friend, and everybody knows he's my friend, but we have a deep disagreement on this conclusion. Mr. BLUNT believes that you won 215–213. We were ahead for 2 hours and 45 minutes. We didn't prevail. Why? Because the Speaker did not call the vote, and the Speaker didn't call the vote at the 215–213 margin. He called it at 214–214; you're absolutely right. But then he said, no, I was premature because there were changing votes, and so that vote was not finalized. You're absolutely right. The vote that was finalized was the accurate vote, 212 for your resolution and 216 against your resolution.

Now, one of those 216, of course, was the minority leader. He switched so he could make the motion, I presume, to reconsider, but it was not necessary for him to do that. I wanted, as I said, to try to make this right because, as I said on Tuesday night, and I repeated this morning, I want to try to have a civil relationship.

□ 1900

I work with a lot of you in this House on that side of the aisle. I like a lot of you on that side of the aisle. Some of you I do not know as well as I know others. More importantly than that, this is about my 40th year in legislative office, and I believe that it is important that we say hi to one another, respect one another and have trust in one another.

After you objected to the vacation of the vote, I moved to reconsider the vote, by which we prevailed on your motion to recommit.

I don't know why you didn't vote on that. It passed. We all voted for it on this side. All the Members on this side voted for it to give you a second chance because you felt the first go-around wasn't fair.

I think it was fair but not appearing so because of the 215–213. Now, this investigation will look into that. As I said, we welcome it. We will not move, therefore, to table.

I have been asked to ask for a unanimous consent to drop all the "whereas" clauses but accept the result. I am not going to do that. Let me tell you why I am not going to do it.

I do not accept those "whereases." I think they are factually inaccurate. They were not reviewed by me, and there has been no meeting of our staffs, I say to my friend, the minority leader, which we discussed at approximately 11:30 this morning.

I withdrew my resolution. My expectation was that the minority leader and I would sit down and our staffs would sit down and discuss this matter and determine how best to investigate this. That's what we discussed. There was no discussion about this resolution coming forward. There was no notice to me that this discussion was going forward; and there was a request to me, which I honored, to withdraw my own resolution offered this morning. I am disappointed.

I am not going to oppose this resolution, and we will have an investigation. We will appoint three on our side, and we will appoint three on your side. We will appoint three fair-minded Members who care about this institution. I hope you will do the same.

Madam Speaker, I reserve the balance of my time.

Mr. BOEHNER. Madam Speaker, I yield myself such time as I may consume.

Last night, when the gentleman from New York was in the chair and beginning to call the question and the electronic board moved to 215–213, my observation of the well of the House is that there was no one in the well of the House attempting to vote at that moment. It's why my colleagues and I, many of us, believed that we won. I think it's fair to say, many of my colleagues and I feel as though the vote was taken from us.

I understand the disagreement, and I appreciate the gentleman coming to an agreement on this Select Committee to get to the bottom of it.

But this morning's conversation was, well, we will talk about it. I am sorry, we could be talking about it for months.

I wanted to bring this resolution to the floor tonight so that there could be real action on this issue. We don't want to sit around here for months and months and talk about it and never come to some agreement and it's all over and done with. I think our Members want to get to the bottom of it as quickly as possible, and I am glad that the gentleman has agreed with us.

If the gentleman would like to work out some resolution dividing the question on the resolution before us, I would be happy to do it. Because at the end of the day, what we want is we want to get to the bottom of what happened and are there any necessary changes that need to be made in order to protect the rights of all Members.

Madam Speaker, I yield to the minority whip, Mr. BLUNT.

Mr. BLUNT. I thank Mr. BOEHNER for yielding; and I also thank my good friend, the majority leader, for being willing to accept this effort to look at the standards of how we do our business in the House.

In fact, I think many of my friends on our side, and obviously your side as well, want to be sure that the work of the House is done in a way that the American people can be proud of.

I think a lot of the problem that we saw last night, to our side, at least, was another indication of deciding that the normal behavior and the normal rules of the House may not apply any more. Last night's vote, I see some of my friends near the front of their House shaking their head, last night's vote is the only vote I am aware of in the House of Representatives in the 10 years and few months that I have been here that the Clerk did not write down a number which is the official end of the vote and hand it to the Speaker.

The Speaker, in fact, is talking over the Clerk while the Clerk is trying to announce votes are being changed.

If any Member on that side or our side, either one, has ever seen a time in the House when a vote was announced or sees one later today where the paper wasn't filled out and you wait for that paper, I would like to know when that was.

You know, as the whip of the House for the last 4 years, the previous two Congresses, I remember many times thinking that I wanted the vote over; and I remember many times thinking the Clerk is writing too slow, the Clerk is turning around too slow, the Speaker is reading the paper too slow, but I don't remember it ever not happening.

If that had happened, we would not have this problem. The vote on the board has nothing to do with the official tally. The Clerk keeps the official tally.

During that vote, someone said to the Parliamentarian, the Parliamentarians don't run the House, the majority does. Well, that's right. The Parliamentarians don't run the House. But the Parliamentarians provide the continuity of how the House is always run.

This is not the great legislative body it is because every Congress decides how they are going to run things. This isn't the great legislative body it is because those of us who, I think, if 78,000 votes in the entire country would have changed would be in the majority or the minority that we have no rights here. This is not the great legislative body it is because the majority just gets to decide.

Now, there are other instances in recent days when we believe the Parliamentarian gave other advice than was taken. I don't want to create a problem for the Parliamentarian. But I do know that one night this week in debate Members of the House were told that their comments were irrelevant. Now, they might not have been the best comments in the world, they might not have been the most on-target comments in the world, but I never remember anybody in the chair ever before ruling that a Member's comments were irrelevant.

We are not irrelevant here. Just because we are in the minority does not mean we are irrelevant. Just because we have a small difference between our numbers and your numbers doesn't mean we are irrelevant. That doesn't mean that the Speaker can decide to end the votes when they want to, no matter what the traditions have been of the House.

It does mean, when the Speaker ends the vote, whatever the official tally is at that moment, which, by the way, is what the Clerk would write down, should be the official tally.

That's why, I may not be quite to the level of outrage, but that's why I am offended by how that process worked. I have never seen it happen before; I hope to never see it happen again.

If it had happened in the right way, we wouldn't be having this discussion right now. But maybe this discussion also allows us to look at our relationships with each other, our relationship with the Parliamentarian, the job of the Speaker in the chair is to create fairness. It's not to ensure that everything goes so that one side is happy and the other side is not.

I welcome the acceptance of my friend Mr. BOEHNER's resolution by the majority leader and, I assume, the majority. I look forward to the report. I hope this creates a moment when we all begin to think about what we are doing here and how we are doing it and the obligations we owed each other.

This is not a one-sided street. I understand that. Respect for each other, appreciation for each other, respect for the way business has been done here for a long time is an important part of what we all need to work to achieve, and hopefully this helps get that done.

Mr. BOEHNER. Madam Speaker, I reserve the balance of my time.

Mr. HOYER. Madam Speaker, I want to take the leader up on his offer, and I don't want to argue the facts more than we have done. Mr. BLUNT knows I disagree with the conclusions he has just expressed. We discussed our disagreements in my office just a few hours ago.

I want to take the leader up on his offer. And pursuant to that, I would ask unanimous consent that the Chair be permitted to divide the question of agreeing to House Resolution 611 between agreeing to the resolution and agreeing to the preambles.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. The preambles are your conclusions. I would therefore, with the question divided, I would hope, very frankly, Mr. Leader, as my resolution did, it did not make conclusions. It simply asserted that we ought to look into the matter. Your resolve clause says that. We will support that, but we will not support the conclusions.

Madam Speaker, I yield back the balance of my time.

Mr. BOEHNER. Madam Speaker, I appreciate the work of the majority leader, and for the benefit of all Members basically, the motion that the gentleman offers would strike the "whereases" contained in the resolution and leave the resolved clauses in place.

I appreciate his support and hope this will allow us to move on.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the previous order of the House, the Chair will first put the question on the matter following the resolved clause, followed by putting the question on the preamble.

The question is on the resolution.

The resolution was agreed to.

The SPEAKER pro tempore. The question is on the preamble.

The preamble was not agreed to.

A motion to reconsider was laid on the table.

□ 1915

IMPROVING FOREIGN INTELLIGENCE SURVEILLANCE TO DEFEND THE NATION AND THE CONSTITUTION ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3356) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain electronic surveillance.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving Foreign Intelligence Surveillance to Defend the Nation and the Constitution Act of 2007".

SEC. 2. PURPOSE.

The purpose of this Act is to facilitate the acquisition of foreign intelligence information by providing for the electronic surveillance of persons reasonably believed to be outside the United States pursuant to methodologies proposed by the Attorney General, reviewed by the Foreign Intelligence Surveillance Court, and applied by the Attorney General without further court approval, unless otherwise required under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

SEC. 3. ADDITIONAL PROCEDURE FOR AUTHORIZING CERTAIN ELECTRONIC SURVEILLANCE.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105 the following:

"CLARIFICATION OF ELECTRONIC SURVEILLANCE OF PERSONS OUTSIDE THE UNITED STATES

"SEC. 105A. Notwithstanding any other provision of this Act, a court order is not required for the acquisition of the contents of any communication between persons that are not located within the United States for the purpose of collecting foreign intelligence information, without respect to whether the communication passes through the United States or the surveillance device is located within the United States.

"ADDITIONAL PROCEDURE FOR AUTHORIZING CERTAIN ELECTRONIC SURVEILLANCE

"SEC. 105B. (a) IN GENERAL.—Notwithstanding any other provision of this title, the Attorney General, upon the authorization of the President, may apply to a judge of the court established under section 103(a) for an ex parte order, or an extension of an order, authorizing electronic surveillance for periods of not more than 1 year, for the purpose of acquiring foreign intelligence information, in accordance with this section.

"(b) APPLICATION.—

"(1) SPECIFIC PERSONS AND PLACES NOT REQUIRED.—An application for an order, or extension of an order, submitted under subsection (a) shall not be required to identify—

"(A) the persons, other than a foreign power, against whom electronic surveillance will be directed; or

"(B) the specific facilities, places, premises, or property at which the electronic surveillance will be directed.

"(2) CONTENTS.—An application for an order, or extension of an order, submitted under subsection (a) shall include—

"(A) a statement that the electronic surveillance is directed at persons reasonably believed to be outside the United States;

"(B) the identity of the Federal officer seeking to conduct such electronic surveillance;

"(C) a description of—

"(i) the methods to be used by the Attorney General to determine, during the duration of the order, that there is a reasonable belief that the targets of the electronic surveillance are persons outside the United States; and

"(ii) the procedures to audit the implementation of the methods described in clause (i) to achieve the objective described in that clause;

"(D) a description of the nature of the information sought, including the identity of any foreign power against whom electronic surveillance will be directed; and

"(E) a statement of the means by which the electronic surveillance will be effected and such other information about the surveillance techniques to be used as may be necessary to assess the proposed minimization procedures.

"(c) APPLICATION APPROVAL; ORDER.—

"(1) APPLICATION APPROVAL.—A judge considering an application for an order, or extension of an order, submitted under subsection (a) shall approve such application if the Attorney General certifies in writing under oath, and the judge upon consideration of the application determines, that—

"(A) the acquisition does not constitute electronic surveillance within the meaning of paragraph (1) or (3) of section 101(f);

"(B) the methods described by the Attorney General under subsection (b)(2)(B)(i) are reasonably designed to determine whether the persons are outside the United States;

"(C) a significant purpose of the electronic surveillance is to obtain foreign intelligence information;

"(D) the proposed minimization procedures meet the definition of minimization procedures under section 101(h).

"(2) ORDER.—A judge approving an application pursuant to paragraph (1) shall issue an order that—

"(A) authorizes electronic surveillance as requested, or as modified by the judge;

"(B) requires a communications service provider, custodian, or other person who has the lawful authority to access the information, facilities, or technical assistance necessary to accomplish the electronic surveillance, upon the request of the applicant, to furnish the applicant forthwith with such information, facilities, or technical assistance in a manner that will protect the secrecy of the electronic surveillance and produce a minimum of interference with the services that provider, custodian, or other person is providing the target of electronic surveillance;

"(C) requires such communications service provider, custodian, or other person, upon the request of the applicant, to maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished;

"(D) directs the Federal Government to compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to such order; and

"(E) directs the applicant to follow the minimization procedures as proposed or as modified by the court.

"(3) ASSESSMENT OF COMPLIANCE WITH MINIMIZATION PROCEDURES.—At or before the end of the period of time for which electronic surveillance is approved by an order or an extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

"(d) GUIDELINES FOR SURVEILLANCE OF UNITED STATES PERSONS.—Not later than 15 days after the date of the enactment of this section, the Attorney General shall establish guidelines that are reasonably designed to ensure that an application is filed under section 104, if otherwise required by this Act, when the Attorney General seeks to initiate electronic surveillance, or continue electronic surveillance that began under this section, of a United States person.

"(e) SUBMISSION OF ORDERS, GUIDELINES, AND AUDITS.—

"(1) ORDERS.—Upon the entry of an order under subsection (c)(2), the Attorney General shall submit to the appropriate committees of Congress such order.

"(2) GUIDELINES.—Upon the establishment of the guidelines under subsection (d), the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) such guidelines.

"(3) AUDITS.—Not later than 60 days after the date of the enactment of this section, and every 60 days thereafter until the expiration of all orders issued under this section, the Inspector General of the Department of Justice shall complete an audit on the compliance with the guidelines established under subsection (d) and shall submit to the appropriate committees of Congress, the Attorney General, the Director of National Intelligence, and the court established under section 103(a)—

"(A) the results of such audit;

"(B) a list of any targets of electronic surveillance under this section determined to be in the United States; and

"(C) the number of persons in the United States whose communications have been intercepted under this section.

"(f) IMMEDIATE EMERGENCY AUTHORIZATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, during the first 15 days following the date of the enactment of this section, upon the authorization of the President, the Attorney General may authorize electronic surveillance without a court order under this title until the date that is 15 days after the date on which the Attorney General authorizes such electronic surveillance if the Attorney General determines—

"(A) that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained; and

"(B) the electronic surveillance will be directed at persons reasonably believed to be outside the United States.

"(2) PENDING ORDER.—

"(A) INITIAL EXTENSION.—If at the end of the period in which the Attorney General authorizes electronic surveillance under paragraph (1), the Attorney General has submitted an application for an order under subsection (a) but the court referred to in section 103(a) has not approved or disapproved such application, such court may authorize the Attorney General to extend the emergency authorization of electronic surveillance under paragraph (1) for not more than 15 days.

"(B) SUBSEQUENT EXTENSION.—If at the end of the extension of the emergency authorization of electronic surveillance under subparagraph (A) the court referred to in section 103(a) has not approved or disapproved the application referred to in subparagraph (A), such court may authorize the Attorney General to extend the emergency authorization of electronic surveillance under paragraph (1) for not more than 15 days.

"(3) MAXIMUM LENGTH OF AUTHORIZATION.—Notwithstanding paragraphs (1) and (2), in no case shall electronic surveillance be authorized under this subsection for a total of more than 45 days without a court order under this title.

"(4) MINIMIZATION PROCEDURES.—The Attorney General shall ensure that any electronic surveillance conducted pursuant to paragraph (1) or (2) is in accordance with minimization procedures that meet the definition of minimization procedures in section 101(h).

"(5) INFORMATION, FACILITIES, AND TECHNICAL ASSISTANCE.—Pursuant to an authorization of electronic surveillance under this subsection, the Attorney General may direct a communications service provider, custodian, or other person who has the lawful authority to access the information, facilities, or technical assistance necessary to accomplish such electronic surveillance to—

"(A) furnish the Attorney General forthwith with such information, facilities, or technical assistance in a manner that will protect the secrecy of the electronic surveillance and produce a minimum of interference with the services that provider, custodian, or other person is providing the target of electronic surveillance; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished.

"(g) PROHIBITION ON LIABILITY FOR PROVIDING ASSISTANCE.—Section 105(i), relating to protection from liability for the furnishing of information, facilities, or technical assistance pursuant to a court order under this Act, shall apply to this section.

"(h) EFFECT OF SECTION ON OTHER AUTHORITIES.—The authority under this section is in addition to the authority to conduct electronic surveillance under sections 104 and 105.

"(i) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Select Committee on Intelligence and the Committee on the Judiciary of the Senate; and

"(2) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 105 the following:

"Sec. 105A. Clarification of electronic surveillance of persons outside the United States.

"Sec. 105B. Additional procedure for authorizing certain electronic surveillance.".

(c) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), effective on the date that is 120 days after the date of the enactment of this Act, sections 105A and 105B of the Foreign Intelligence Surveillance Act of 1978, as added by subsection (a), are hereby repealed.

(2) EXCEPTION.—Any order under section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by this Act, in effect on such date that is 120 days after the date of the enactment of this Act, shall continue in effect until the date of the expiration of such order.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield 10 minutes to the distinguished gentleman from Texas, SILVESTRE REYES, chairman of the Committee on Intelligence, and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

There probably is no Member in this body who has a greater concern about civil rights and civil liberties than this Member. It is a cause I have worked on for all of my years in this body, and it is one that goes to the very heart of the protections provided under the Constitution and our Bill of Rights.

I am equally sensitive to the need to protect our Nation from terrorism and terrorists. I have chaired recently three classified briefings on this matter in the last week and have spent the last period of time seeking to forge common ground on this issue.

That is why we are here today, to ensure that our government has the tools it needs to respond to the threat of terrorism, while at the same time respecting our citizens' right to privacy.

That is why the bill before us permits the Attorney General to apply to the FISA court to obtain a basket of warrants for the surveillance aimed outside of the United States. That is why we provide an emergency exception. That is why we specify that foreign-to-foreign communications do not require a court order. These are all changes to current law that will help our Nation respond to the threat of terrorism.

At the same time, however, the legislation is respectful of our civil liberties. That is why we sunset the bill in 4 months, to see if this stop gap approach is working, how it is working, and allow us to gather further information. That is why we require that the court approve international surveillance procedures. That is why we insist on periodic audits. None of these safeguards exist under the current law, and all will serve to protect our precious rights and liberties.

The bill before us today responds to each and every concern raised by the distinguished Director of National Intelligence in our negotiations. In particular, yesterday he asked us to make three changes: expanding the bill to cover foreign intelligence; allowing the administration to approve guidelines for recurring communications; and allowing additional foreign targets to be added to the warrant by the court. I was concerned that some of these changes may have gone too far, but in the spirit of accommodation we made all three changes. Sometimes people simply don't want to accept "yes" for an answer.

I urge every Member in this body to support this important and balanced measure.

Madam Speaker, I include for the RECORD today's New York Times editorial entitled "Stampeding Congress, Again."

[From the New York Times]

STAMPEDING CONGRESS, AGAIN

Since the 9/11 terrorist attacks, the Bush administration has repeatedly demonstrated that it does not feel bound by the law or the Constitution when it comes to the war on terror. It cannot even be trusted to properly use the enhanced powers it was legally granted after the attacks.

Yet, once again, President Bush has been trying to stampede Congress into a completely unnecessary expansion of his power to spy on Americans. And, hard as it is to believe, Congressional Republicans seem bent on collaborating, while Democrats (who can still be cowed by the White House's with-us-or-against-us baiting) aren't doing enough to stop it.

The fight is over the 1978 Foreign Intelligence Surveillance Act, which requires the government to obtain a warrant before eavesdropping on electronic communications that involve someone in the United States. The test is whether there is probably cause to believe that the person being communicated with is an agent of a foreign power or a terrorist.

Mr. Bush decided after 9/11 that he was no longer going to obey that law. He authorized the National Security Agency to intercept international telephone calls and e-mail messages of Americans and other residents of this country without a court order. He told the public nothing and Congress next to nothing about what he was doing, until The Times disclosed the spying in December 2005.

Ever since, the White House has tried to pressure Congress into legalizing Mr. Bush's rogue operation. Most recently, it seized on a secret court ruling that spotlighted a technical way in which the 1978 law has not kept pace with the Internet era.

The government may freely monitor communications when both parties are outside the United States, but must get a warrant aimed at a specific person for communications that originate or end in his country. The Los Angeles Times reported yesterday that the court that issues such warrants recently ruled that the law also requires that the government seek such an individualized warrant for purely foreign communications that, nevertheless, move through American data networks.

Instead of asking Congress to address this anachronism, as it should, the White House sought to use it to destroy the 1978 spying law. It proposed giving the attorney general carte blanche to order eavesdropping on any international telephone calls or e-mail messages if he decided on his own that there was a "reasonable belief" that the target of the surveillance was outside the United States. The attorney general's decision would not be subject to court approval or any supervision.

The White House, of course, insisted that Congress must do this right away, before the August recess that begins on Monday—the same false urgency it used to manipulate Congress into passing the Patriot Act without reading it and approving the appalling Military Commissions Act of 2006.

Senator Jay Rockefeller, the chairman of the Senate Intelligence Committee, offered a sensible alternative law, as did his fellow Democrat, Senator Russ Feingold. In either case, the attorney general would be able to get a broad warrant to intercept foreign communications routed through American networks for a limited period. Then, he would have to justify the spying in court. This fix would have an expiration date so Congress could then dispassionately consider what permanent changes might be needed to FISA.

Congress was debating this issue yesterday, and the final outcome was unclear. But there are very clear lines that must not be crossed.

First, all electronic surveillance of communication that originates or ends in the United States must be subject to approval and review by the FISA court under the 1978 law. (That court, by the way, has rejected only one warrant in the last two years.)

Second, any measure Congress approves now must have a firm expiration date. Closed-door-meetings under the pressure of a looming vacation are no place for such serious business.

The administration and its Republican supporters in Congress argue that American intelligence is blinded by FISA and have seized on neatly timed warnings of heightened terrorist activity to scare everyone. It is vital for Americans, especially law-makers, to resist that argument. It is pure propaganda.

This is not, and has never been, a debate over whether the United States should conduct effective surveillance of terrorists and their supporters. It is over whether we are a nation ruled by law, or the whims of men in power. Mr. Bush faced that choice and made the wrong one. Congress must not follow him off the cliff.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill should be opposed by anyone who wants to protect America from terrorists.

It is a pitiful sight to see the majority denying the Director of National Intelligence the tools he needs to protect our country from terrorist attacks. The director warned Congress that "the House proposal would not allow me to carry out my responsibility to provide warning and to protect the Nation, especially in our heightened threat environment."

According to the Director, the current Foreign Intelligence Surveillance Act of 1978, or FISA, does not allow the intelligence community to be effective. Specifically, the Director is unable to collect crucial information involving foreign terrorists.

Neither the Constitution nor Federal law restricts the ability of law enforcement or intelligence agents to monitor overseas communications; however, the bill would require the Director to obtain a court order to monitor calls from a foreign country to the United States. For instance, a foreign terrorist in Iraq who calls another terrorist in New York City would require or could require a court order. That jeopardizes American lives.

We are a Nation at war with foreign terrorists who continue to plan deadly attacks against America. We have an urgent need to modernize the Foreign Intelligence Surveillance Act.

Telecommunications technology has evolved dramatically over the last 30 years. Terrorist tactics are constantly changing in response to our efforts to disrupt their plots, and essential tools that we use must be modernized to keep up with this changing environment.

The safety of Americans depends on action by Congress. Al Qaeda recently released a video promising a big surprise in coming weeks. This threat, along with other activity, has heightened the concern among our intelligence agencies. Unfortunately, this bill fails to provide the fix that the Director has repeatedly told us is urgent.

First, the bill sunsets in 120 days. In 4 months, we will be right back where we started, dealing with the issue once again.

Second, the bill imposes bureaucratic requirements on the FISA process that will hamper efforts to protect America.

Third, the bill will interject the FISA court into a role that it has never had before. The bill will make it harder for the Director to do his job.

The majority could have solved the problem months ago. In April, the Director submitted to Congress a comprehensive proposal to modernize FISA. That proposal should already have been enacted. The majority failed to do so.

I hope, Madam Speaker, that there are no attacks before we revisit the issue and do what we should have done today. I urge my colleagues to oppose this legislation.

I reserve the balance of my time.

Mr. REYES. Madam Speaker, we are in times of peril for a great country. All of us I think agree on that.

As I listened to the previous debates, the one providing assistance to Minnesota and also the one discussing the resolution prior to us coming on the floor, I was reflecting on the many men and women around the world that right now are putting their lives on the line to keep this country safe. They don't do it for glory; they don't do it for fame. They do it with an inherent trust in us that we will do the right thing to provide them the proper tools to do their jobs and keep us safe. That is what this bill does.

Mike McConnell, the Director of the National Intelligence Service, came to us and asked us for three things initially.

We gave him those three things. He told us we were at a time of heightened threats. We recognize that; so we worked in a bipartisan manner with the DNI to craft a bill, only to be told that it wasn't everything that he needed, yesterday.

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We can't afford to leave and go on recess without passing this critical piece of legislation. This piece of legislation that sunsets in 120 days gives him the tools that he needs to keep us safe and to keep the trust with those men and women around the world that expect us to do the right thing.

With that, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the distinguished minority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding.

This is clearly a critical debate. The spirit of the chairmen, Chairman REYES and Chairman CONYERS both, are exactly right in our need to solve this. My concern is that we're not in a place where we're about to solve it yet. The very worst thing I actually think we could do is pass a bill, have the Senate pass a separate bill, all go home and say we tried to solve this problem and didn't get it solved.

I'm most concerned, in this effort to get two-thirds of the Members to agree, that the Director of National Intelligence thinks this bill isn't the right bill and apparently our friends on the other side of the building are not in agreement yet that this is the right bill. I just say, whatever we do, let's not cast a vote here only so we can say we did something. Let's figure out how to do something that exactly makes a difference. Let's figure out how to do something that gets signed into law. Let's figure out how to do something so that these enemies of ours, truly we're doing everything we can to listen to what they say, to try to track their actions, to try to anticipate what they're going to do.

This is clearly a very dangerous time for the country and the world. It's easier to follow up on the activities under our law of organized crime or even white collar crime than it is at this moment to follow up on the activities of our enemies in the terrorist camps of the world.

I hope, Madam Speaker, that we don't just take a vote for the sake of having a vote and, if this bill does fail, we all continue to work for however long is necessary to arrive at an agreement in this building that winds up with a bill on the President's desk that winds up with our intelligence agencies doing everything they can.

Mr. CONYERS. I am now pleased to recognize the chairman of the Constitution Subcommittee, the gentleman from New York, JERRY NADLER, for 1 minute.

Mr. NADLER. Madam Speaker, we were told by the administration, by the Director of National Intelligence, a couple of weeks ago that they needed two things: They needed to clarify that we didn't need a court order for a foreign-to-foreign communications. This bill does it. They needed an assurance that telecommunications companies would be compelled to assist in gathering of national security information under this bill. This bill contains it.

Yesterday, we were told they needed three more things: They needed that we should deal with not just relating to terrorism but to matters relating to our foreign intelligence. It's in this bill. We were told we should eliminate the requirement that the FISA Court adjudicate our recurring communications to the U.S. from foreign targets would be handled. It's in this bill. We were told that we should allow for foreign targets to be added to the basket warrant after the warrant was approved. It's in this bill.

The DNI, Admiral McConnell, said that this bill would significantly enhance America's security until he spoke to the White House, and now he changes politically, and he says we need more. This is the bill that gives them everything they said they needed. It's the bill we should pass to protect our civil liberties, and we should go no further.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS), a member of the Judiciary Committee.

Mr. FRANKS of Arizona. I thank the gentleman.

Madam Speaker, over the past three decades, the Foreign Intelligence Surveillance Act has become increasingly archaic, and our intelligence community has been inhibited from acting with speed and agility to conduct necessary surveillance of foreign targets. The consequence of missing terrorist communications materialized before our eyes on the morning of 9/11; and, Madam Speaker, in the eyes of our enemy, 9/11 is only the beginning.

Madam Speaker, if we knew exactly where every terrorist in the world was at this moment, the war on jihad would be, in practical terms, over in about 6 weeks. However, in this 21st century, it is intelligence that is our most critical challenge. Without intelligence, our entire national defense structure is rendered ineffective and the lives of millions of Americans are placed at the mercy of an enemy possessed with a merciless ideology and a relentless vision of the Western World in nuclear flames.

Just this week, Madam Speaker, a new al Qaeda propaganda ad appeared on the Internet entitled, "Wait for the Big Surprise." And it closed with these words: "Soon, God willing."

Just today, Madam Speaker, the Director of National Intelligence issued an unequivocal statement that the bill we are now considering is an unacceptable solution and one that would keep him from fulfilling his duty to anticipate threats and to protect our Nation.

Madam Speaker, al Qaeda will not adjourn when we do. Today, this night, is our opportunity to address this vital issue. If we let partisan bickering cause us to fail, we should start now to write our apology to the children of the next generation who may see nuclear jihad and the generation beyond that that may see dangers beyond our imagination.

Madam Speaker, we must not fail.

Mr. REYES. Madam Speaker, it is now my privilege to yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the gentleman for yielding.

Madam Speaker, for some time now, for months, the administration has been contending that it needed relief from a warrant obligation to intercept communications between a foreign agent and a foreign agent. But we all know that doesn't apply. You don't need a warrant in those situations. So it has long been our contention that that wasn't needed and we did not need to approve the administration's sweeping request for the authority to tap every American citizen based on that premise. We offered legislation to just clarify that fact, and the Republicans voted against it, and the administration turned it down.

Now, last week, the DNI came forward and informed us of a critical collection gap in electronic surveillance. So we went to work again and met with the DNI to try to resolve and identify just what it was and negotiate a resolution. We did that despite the fact the administration has been withholding documentation that would help us do that.

But now the President has started to politicize it. He took to the airwaves and began pressing for essentially warrantless surveillance and searches on all Americans' phone calls, e-mails, homes, offices and personal records for at least 3 months and probably a lot longer than that by virtue of heading all the way through the appeals process.

He also sought authority to search concerning a person abroad. Didn't even have to target a person abroad, a foreign person. In other words, the search did not have to be directed in that direction, just concerning a person abroad.

It would also authorize any search inside the United States if the government can claim it concerns an al Qaeda or affiliate.

And it also sought authority for the Attorney General to authorize surveillance into and out of the United States with a court review only to determine that the procedures of the Attorney General clearly were erroneous; and, even if they found that, it was only advisory, apparently, because there was no remedy. No review or audit by a Department of Justice Inspector General to see how this was implemented. No sunset provision forcing review. Essentially an indefinite suspension of our constitutional rights and our civil liberties. Based on the word of this Attorney General? This one? And this President?

Intercepts United States citizens without finding a foreign agent is involved; rather, only that the conversations were believed. By this Attorney General? To concern people that were involved with al Qaeda? For any foreign intelligence, not just those related to terror or al Qaeda-related. No clerk, no judge, nobody in the balance to review this. No sunset.

The rule of law is still critical in this country. It is exactly when the government thinks that it can be the sole fair arbiter that we most need a judicial system to stand in and strike the balance. Even after our leadership agreed to do what the DNI mostly wanted, this administration still turned it down, still was on TV, still politicizing this effort.

Let's tell the President that we don't need a politician right now in the White House, we need a leader, somebody to stand up and draw this country together, somebody to make sure that we get the intelligence we need, that knows how to say "yes" when the DNI's requests are done.

The President went on TV saying that when the DNI told him that the deal was acceptable, that the war would work, he would accept it. Well, when the DNI talked to Democrats and leadership and said he was fine with what they suggested, a change would work, he went back to the White House and instead we got this sweeping law.

Let's make our Constitution work. We can have security and our civil liberties.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to my friend and colleague from Texas and a member of the Homeland Security Committee (Mr. MCCAUL).

Mr. MCCAUL of Texas. I thank the gentleman for yielding.

Madam Speaker, our most solemn duty in the United States Congress is to protect the American people; and while this bill may be well intentioned, it fails to do that. In fact, just the opposite. It puts the American people in great danger.

Before running for Congress, I worked in the Justice Department. I worked on national security, wiretaps or FISAs. The intention of the FISA Act was never to apply to agents of a foreign power in a foreign country. It was to apply to agents of a foreign power in this country. This bill does just the opposite. It expands it to bar a collection of foreign intelligence on foreign targets in foreign countries.

FISA is a cumbersome and time-consuming process. I am concerned that if we cannot collect intelligence overseas that we cannot protect our war fighter in the battlefield. We put them in danger, and we put the citizens of this country in danger.

We all know that al Qaeda is looking at hitting us again. It may be very soon. And with the anniversary of 9/11 approaching, we must do everything we can to protect her.

Mr. CONYERS. Madam Speaker, I am happy to yield to the Chair of the Immigration subcommittee in the House of Representatives Judiciary Committee, ZOE LOFGREN of California, 1 minute.

Ms. ZOE LOFGREN of California. Madam Speaker, I think that there is common ground here in the House despite some of the comments we have just met. We all know from the press reports and Admiral McConnell himself that there is a need to make sure that we intercept communications, foreign to foreign, and I think there is 100 percent agreement in this House on that point. I would note that line 18 of the second page of the bill makes that abundantly clear.

We all know that, as technology changes, we need to continually update our laws to make sure that they work well in a changing environment. We have this bill for 120 days if we do, as we know we must, pass it. I think of that 120 days as an assignment for the Congress, so that we understand the technology, so that we can make good decisions.

This is a cell phone. If I bring this cell phone to London and call San Jose, the phone company knows I'm in London and the call is made to San Jose.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Arizona, a member of the Energy and Commerce Committee (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding.

I think the gentlelady is correct. I think intellectually we could come to an agreement.

Sadly, the language of this bill is fatally flawed. Page 3, line 18, the language she refers to is not workable for reasons that I think both sides understand. It says that no warrant is required when you know that both persons are outside the United States. It is impossible to know that both the person placing the call and the person receiving the call are outside the United States. So section 3 grants no authority whatsoever. You might as well make it blank paper, because it does not give us any authority, even if well-intended.

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Second, the bill, for the first time in the 200-year history of this Nation, says that when our executive branch wants to gather foreign-to-foreign intelligence, it must first go to the judiciary. That is a violation of the Constitution, and it places the duty for protecting American citizens in the hands of unelected judges.

In reality in this Nation, the duty to protect us from enemies foreign and domestic is in the hands of the executive branch.

This legislation is fatally flawed, even if well intended.

Mr. REYES. Madam Speaker, I now would like to yield 45 seconds to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank the chairman of the committee for yielding.

One of the characteristics of oppressive governments that we detest is that they spy on their own people. The chilling intrusion into people's lives, effects, and relationships must be controlled even if the government's officers think the intrusion is necessary to preserve safety, security, and order. Indeed, civil protections are necessary, especially if the government officers say they are trying to protect safety, security, and order.

Courts must establish that there is a probable cause to believe an American is a threat to society, and it must be the courts, not the Attorney General, not the Director of National Intelligence, who determine that the standard is met.

The issue here is not about foreign-to-foreign intercepts. It is about how our government treats its citizens.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), who is a member of both the Judiciary Committee and the Homeland Security Committee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Madam Speaker, I am dismayed to hear some suggest that Admiral McConnell would somehow yield to political pressure. This is the gentleman who was the NSA Director under President Clinton. I never heard that argument on that side of the aisle or this side of the aisle. Many of us relied on the intelligence that came through his activity at that point in time. I see nothing in his record, I see nothing in his performance that would suggest that he would yield to politics.

He has come before us and said, We have tried to work under what is the legal construct that you are repeating in this bill, and it doesn't work. He has said it has denied him the opportunity to do that kind of foreign-to-foreign intelligence gathering because of the way the law is applied and because of the way the judge has interpreted it. And he even told us the judge said, Go to the Congress to change it.

You don't have to be against civil liberties to suggest that we listen to what he has to say. When he talks about the minimization procedure, it is a time-honored procedure we have used for 28 years in this context and for over 50 years in the criminal justice context.

If people will recall, when FISA was first written, it was specifically written to exclude international signals, intelligence activities, and electronic surveillance conducted outside the United States. What we used to grasp technologically then was never under FISA, he has said, because we take it technologically now in a different way. We shouldn't change it, because if we do that, it does not allow us to respond.

And why are we here? He has said openly, and it has appeared in print, because the chatter has increased to levels that are so serious, we need to act now.

Please, please don't deny what he has suggested to us. Let us pass a proper bill that can be effective.

Mr. CONYERS. Madam Speaker, I am pleased to now yield 1 minute to the distinguished member of the Judiciary, Mr. ADAM SCHIFF.

Mr. SCHIFF. Madam Speaker, I thank the gentleman for yielding.

There really is a lot of common ground in this debate. My friends on the minority side of the aisle want to make sure that when one foreigner is talking to another on foreign soil, that doesn't need to go through a FISA court, and we agree.

The only real area of disagreement is when we make an effort to surveil a foreign suspect, and whether inadvertently or advertently we capture the conversations of Americans, should there be court supervision. If the programs expand and, in fact, we capture the conversations of thousands of Americans, should there be some court oversight of that?

I think on a bipartisan basis the Members of this body feel there should be. The courts should be involved, the Congress should be involved when we are talking about the surveillance of Americans on American soil, whether they were the target or the incidental effect of that surveillance. And I also think that if we got three Members from our side of the aisle and three Members from yours and sat down with the admiral, in about an hour, we could hammer this out.

We ought to do supervision when Americans are surveilled. This bill provides that, and I urge its passage.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. HUNTER), a former chairman of the Armed Services Committee and now ranking member of the Armed Services Committee.

Mr. HUNTER. Madam Speaker, I thank the gentleman for yielding.

Let me just say that I have examined and analyzed a number of battlefield situations and that this bill does not take care of a problem that we have with respect to accessing communications in time to take action in a meaningful way. Whether the insurgents are making a strike, moving people, moving equipment, moving hostages, those first few hours are what you might analogize as the golden hours, the time when you can make a difference. And right now we have a substantial delay on the battlefield that could have been fixed with this bill. It is not fixed with this bill, and I am deeply disappointed because of that. And I hope, my colleagues, that we can fix this in the near future.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. ROGERS), who is also a member of the Intelligence Committee.

Mr. ROGERS of Michigan. Madam Speaker, I was an FBI agent and I worked organized crime in Chicago, and I did criminal title III work, which is equivalent to FISA on the intelligence side. I developed the sources. I did the debriefings. I did the surveillances. I did the interviews. I talked to lawyers. I talked to more lawyers. It is a very high standard to gain probable cause to listen to United States citizens' conversations. And it should be, and we should protect it. It should be that hard.

But I am going to tell you what we are going to do with this bill today. We are going to make it harder for us to go after terrorists who are trying to kill Americans than it was for me to go after organized criminals in Chicago. That is wrong.

And I think the intentions are right, but we did take the time to read the bill that we got this afternoon. There are some real problems with the language in here.

Number one is this whole thing was established so that we could be technology neutral. And I am just going to address the first paragraph. I think others are going to talk about other things. Because often you are referring to section 105 where it says a court order is not required for those who are not located in the United States. But if you read that whole paragraph, it's not technology neutral. You have set the bar beyond what our technology will be allowed in order to comply with the law.

It shouldn't matter if a terrorist is calling a terrorist from Pakistan to Saudi Arabia. We shouldn't care how or what technology they use. It should not matter. If what you say that you don't care that foreign terrorists who are talking to foreign terrorists, that we should not have to have a warrant, this language is wrong. It's wrong. And the people who have to follow the law tell us it's wrong.

If you honestly believe this, then let's sit down. The gentleman from California was right. In about an hour we could have this worked out. Everybody would be happy, and we could protect the citizens of the United States, not only their civil liberties at home but from the terrorists who are today planning attacks against the United States.

And we all know in a classified way the fact that this is not fixed has cost American lives.

No more screwing around. Let's sit down. Let's work it out. Let's get this right.

Mr. CONYERS. Madam Speaker, I yield myself 30 seconds.

I want to relieve the tensions of my friend from Michigan. Foreign to foreign does not require a warrant. I don't know how many times I am going to have to say that. Foreign to foreign does not require a warrant.

The second thing that will make you much happier than you are now: Basket warrants authorized by the court make it easier to get warrants, not harder, Mr. ROGERS.

Madam Speaker, I am happy to yield 1 minute to JANE HARMAN from California, the former ranking member on the Intelligence Committee for many years.

Ms. HARMAN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, only a few of us in this House are fully briefed on the terrorist surveillance program. It gives those who implement it incredible tools to find people who would harm us or to engage in unprecedented violations of Americans' constitutional rights for improper political or ideological reasons.

Most of this bill is not in dispute. But the key disagreement is whether a foreign surveillance program with unprecedented reach into the personal communications of terrorists or innocent Americans should be subject to supervision by an article III court. As you have just heard, that review comes in the form of a single warrant approving the contours of the program, called a "basket warrant." Our bill permits time to get that warrant while engaging in surveillance.

So a vote for our bill is a vote for sophisticated surveillance tools needed to catch terrorists and a vote to assure that those tools are not abused. I urge its bipartisan support.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON), a member of the Intelligence Committee.

Mrs. WILSON of New Mexico. Madam Speaker, the Director of National Intelligence came to the Congress in April and told us that we were not listening to things we needed to be listening to, that we had a problem. And since then we have had numerous hearings, most of them in closed session, about the scope and scale of this problem. And it is worse than we ever thought it was. And, Ms. HARMAN, I would tell you it is much worse than when you served on the committee.

He said, in open session in the Senate Select Committee on Intelligence, "We are missing a significant portion of what we should be getting."

It is imperative that we solve this problem before we leave here.

This morning without any agreement, without any prior discussion, the Democrats' leadership introduced the bill we are considering tonight. There is no agreement on the text with Republicans in the House; there is no agreement with the Senate, Democrat or Republican; and there is no agreement with the Director of National Intelligence or with the President. In fact, the Director of National Intelligence had not seen the bill until after we were discussing the rule here on the floor.

I rise today to oppose this legislation. I must oppose it because it doesn't solve the problem that we must solve. And, in fact, it makes it worse.

The Director of National Intelligence told us this afternoon in writing that "The House proposal is unacceptable and I strongly oppose it." He also said, "The House proposal would not allow me to carry out my responsibility to provide warning and to protect the Nation."

This bill will not allow our Director of National Intelligence, who has 40 years of experience in this field, the former Director of the National Security Agency under President Clinton, it would not allow him to carry out his duties to protect this Nation. We are going in the wrong direction.

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I would urge my colleagues to reject this bill before us tonight; and I would urge the Speaker, Ms. PELOSI, to bring another bill to the floor of this House that can be supported by the Senate, by the Republicans, by the Democrats and by our intelligence community and signed by the President so we can close this intelligence gap.

But what does it matter? Why should people care? We all remember where we were the morning of 9/11 and who we were with, what we were wearing, who we called first, who we checked on. You never remember the crisis that doesn't happen because it's prevented by good intelligence.

Mr. REYES. Madam Speaker, it is my privilege to yield 3 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank our distinguished chairman of the House Intelligence Committee.

I have listened very, very intently to the discussion on the floor this evening, as well as the news programs that have covered the debate about the Foreign Intelligence Surveillance Act, as well as participated in the many, many hearings and discussions at the House Intelligence Committee as a member of that committee and feel very privileged to have done so.

I can't help but think of those whose shoulders we stand on, our predecessors in the House of Representatives in the Congress of over 200 years. Would any of them, would any of them for a moment accuse another Member of not wanting to fully protect the Nation that we are sworn to protect and the Constitution that we are sworn to uphold? That's what this debate is about.

The Foreign Intelligence Surveillance Act was born in 1978. And the reason our predecessors, Republicans and Democrats, set down this law was because of the abuses of those high in our government at that time, Richard Nixon. And Republicans and Democrats in the Congress as well as Republican and Democratic Presidents have honored the law, but they have also seen fit to change it, from 1978 on, to fit the needs of this great Nation.

And so to talk about blood on someone's hands, that there are some that do not love and want to protect this country does not deserve to be debated or even stated in this House. We all take the same oath. We all take the same oath. And when we take that oath, we say "to defend the Constitution of the United States." That is the steel of our Nation. The flag that is behind us is the heart of our Nation, but the Constitution is the soul of our Nation.

And so, in all of this we say "rule of law." This is not to cheapen FISA. This is not, as the ranking member of the Intelligence Committee, making fun of attorneys and saying we're sending it off to people that are going to quibble. We are talking about the rule of law.

The Democratic leadership last night gave the principles to the DNI, Director of National Intelligence, last night. Something happened after that, and it's not satisfactory. But we will not turn over to an Attorney General who has misled the Congress, who has now made a hospital visit famous, who came to the Hill and lobbied for torture, we are not going to give over what we believe should dictate all of this, and that is the rule of law.

Mr. SMITH of Texas. Madam Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. MCHUGH), who is also a member of the Intelligence Committee.

Mr. MCHUGH. I thank the gentleman.

Madam Speaker, I hadn't intended to speak; and I didn't intend to because, right now, the hearts and minds of the 10th Mountain Division family, which includes the district that I represent, are focused on two soldiers who are classified as "missing, captured." And there has been speculation in the press recently whether or not FISA had some application, and I didn't want to cloud that water. But I thought that those soldiers, whatever the circumstances may be related to their condition, would want us to do everything that we could to defend what they fought for, that is, the future, the ability of this country to prosper as the greatest democracy the world has ever known.

I have been listening to the chairman of the Intelligence Committee, a friend of mine, a gentleman and a leader, who said, "This bill gives most of those things that the DNI wanted." I listened to my friend, JERRY NADLER, the gentleman from New York, a colleague of mine in both the State legislature and here: "Most of." This is not a "most of" situation, Madam Speaker. This is a situation where we have to give what the war fighters need to protect them in the field.

Mr. CONYERS. Madam Speaker, I am pleased now to recognize the chairman of the Crime Subcommittee on Judiciary, the distinguished gentleman from Virginia, BOBBY SCOTT, for 1 minute.

Mr. SCOTT of Virginia. Madam Speaker, it would be better to consider complicated wiretap laws in the process with committee consideration, public hearings, markups, and consider amendments with more than just 1 minute of discussion, but we have been told that there is an urgent need for clarification in the wiretap law.

Now, all of those clarifications are in this bill, especially the foreign-to-foreign communications. This bill honors our Constitution and provides the government all of the flexibility that we were told was needed, but it does not leave the decision of when wiretaps are allowed to the imagination of this Attorney General.

The secret FISA court is appropriately involved. It does not restrict the ability of law enforcement to engage in appropriate surveillance, but it does respect our Constitution. We should adopt this very limited clarification in the law.

Mr. SMITH of Texas. Madam Speaker, once again, may I inquire as to how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Texas has 2 minutes; the gentleman from Texas has 1 minute; the gentleman from Michigan has 1 minute, 5 seconds.

Mr. SMITH of Texas. Madam Speaker, I yield the balance of my time to the distinguished gentleman from Michigan (Mr. HOEKSTRA), who is also the ranking member of the Intelligence Committee.

Mr. HOEKSTRA. I thank the gentleman for yielding.

The great track record about the FISA bill designed and passed in 1978 was that the intent was to protect American civil liberties, and it has done a very effective job of protecting American civil liberties.

Nowhere in this debate over the last week, over the last number of months has about there been allegations that FISA did not work. There was a technical problem with FISA because technology has moved and evolved and the law did not. So the question becomes, take a look at the bill. If we're really intent on protecting Americans, read some sections of the bill.

"We require basket warrants for various targets, various countries." How many baskets are we going to put out there and are we going to require the DNI to prepare to bring to the court?

And then take a look at what they require to put into the basket. Does this help protect Americans, where we say the DNI needs to go to a court and provide a description of the nature of the information sought for the various baskets, the China basket, the North Korea basket, the al Qaeda basket, the Syria basket?

What happens if we outline the type of intelligence we want to gather and we're gathering it and we get something else? Do we need to minimize that? That is a ridiculous requirement.

The bill goes on and it says, "a statement of the means by which the electronic surveillance will be effected." This is going to the Court and saying, you need to identify all over the world how you are going to collect intelligence. There are certain intelligence collection methods that only two Members of this House may be aware of. Does that help keep America safe?

This is a bad bill. It protects terrorists, not Americans.

Mr. REYES. Madam Speaker, it is now my privilege to yield the remaining time to the distinguished majority leader from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

As has been stated on this floor, this is an extraordinary and important development and even more important issue.

I want to comment first on the involvement of Mr. REYES, Mr. CONYERS, myself, the Speaker, and others. I have met on at least three occasions with my friend, Mr. BLUNT. Every time we made a draft, I took it to him and discussed it with him. This was not something that I thought ought to be done on a partisan basis.

I talked to the Director of National Intelligence on at least five different occasions individually and then in a conference call with Senator ROCKEFELLER and Senator LEVIN, Mr. REYES, Mr. REID, the Speaker and myself. We talked over a number of hours. The conversation did not last hours. From time to time, we hung up and the DNI went to contact people.

Mr. Speaker, we have spent a substantial amount of time trying to reach what our Founding Fathers wanted us to reach, and that was a balance of power, a balance of making sure that our country was secure and making sure that our individuals were secure. That's what our Founding Fathers were all about. They didn't want King George knocking on the door and coming in just because he wanted to come in. They thought that King George needed to be restrained. So they set up a separation of powers, they set up a judiciary and they set up a Constitution, and 10 amendments thereafter.

Mr. Speaker, our highest duty, as Members of this body, is to defend our Nation, protect our people and uphold the Constitution of the United States, as we've talked about. And one has to be thoughtful in doing that because, at times, it would appear that those three duties may be in conflict with one another. It is our job to harmonize those to accomplish all three objectives. That is, we have a duty to keep this Nation safe from those who seek to harm us.

And let there be no doubt, there are terrorists who seek to harm us. They have harmed us. They are people that we need to stop. They are people that we need to identify. They are people whom we need to act against. And, yes, a duty to ensure that our government abides by the principles upon which it was founded.

In 1978, as has been said, this Congress enacted the Foreign Intelligence Surveillance Act in an effort to balance these critical interests. It is with these principles in mind that we bring this bill to the floor to immediately fill the intelligence gap described to Congress by the Director of National Intelligence.

Among other things, this legislation clarifies that no court order is required, as has been said over and over and over again, to intercept and conduct surveillance on foreign-to-foreign communications that pass through the United States. That's a new technological reality, because that switch is here and so we needed to accommodate that.

The Director of National Intelligence discussed that with us. We made a change in the legislation that was proposed to accommodate that, and he was positive with respect to that change. I do not say he supported that change; I say he was positive.

It reiterates that individual warrants based on probable cause are required when surveillance is directed at people within the United States, not incidental contacts but directed at people in the United States.

It provides for an initial 15-day emergency authority so that international surveillance may begin immediately, so that we can empower the DNI to act now, and it allows for up to two 15-day extensions while the court considers the approval of surveillance procedures.

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No one should be surprised that this majority is concerned about the actions of the administration after the last 4 years. The courts have been concerned. And the courts have acted because they did not believe that the administration was acting consistently with the duty to uphold and protect the laws and Constitution of this country.

That ought to be a serious concern. Frankly, it ought to be a very serious concern for those who label themselves conservatives, who have historically been the most outspoken in their fear of Government exercise of power and their concern for the constraint on the use of that power.

Our legislation also compels the cooperation of communications carriers during emergency periods, while it extends liability protection to those who assist in this intelligence-gathering effort. This was a very important provision. We understood that. It is controversial. But we thought it was important.

The legislation also requires the Inspector General of the Department of Justice to conduct an audit every 60 days of communications involving Americans that are intercepted under "basket warrants," because we know those basket warrants are going to be just that, broad-reaching, because we wanted to give the DNI the authority to reach broadly and not be slowed down bureaucratically by individual requests. But we also thought that we needed to protect those individuals with an aftercheck, if you will, by the Inspector General. We think that is fair. We think conservatives ought to be for that. We think liberals ought to be for that. We think the American people are for that.

Finally, the legislation provides that these provisions sunset in 120 days, because it is imperative that we consider issues of this magnitude in a thoughtful manner.

We have been working hard. I said how often I have talked to the DNI, how often I have been in meetings, and how recently I was in meetings with the DNI. It is imperative that we consider these issues consistent with the magnitude that they present, not only for the safety of our people, but for the integrity of our Constitution and laws.

Now, some will say this bill doesn't go far enough. That may be so. And we ought to thoughtfully consider that in the months ahead as the committee, the ranking member, Republicans and Democrats, consider the permanent laws that may be put in place.

Many of them support the administration's proposal, which would permanently authorize warrantless surveillance and searches of American's telephone calls, e-mails, homes, offices and personal records for at least 3 months and for however long an appeal to the Court of Review in the Supreme Court takes, as long as the search is, and I quote, "concerning a person abroad."

In fact, the administration's proposal practically eliminates the role of the FISA court. That, of course, is the administration's intent. We understand that. The administration, in fact, undertook the TSP program, the Terrorist Surveillance Program, outside the ambit of the check and balance that we contemplated when we adopted the legislation.

Madam Speaker, we have spent hours with the Director of National Intelligence and worked hard to give him the tools that were requested. The DNI asked that we expand the language in the bill from "relating to terrorism" to the much broader "relating to all foreign intelligence." I support that change. I want to make sure that the DNI has a broad reach and view. So that is in this bill.

The DNI asked that we eliminate the requirement that the FISA court adjudicate how recurring communications into the United States from foreign targets would be handled, and we agreed to that change.

Madam Speaker, in closing, let me tell the Members that yesterday in that conference call I asked the Director of National Intelligence, Admiral McConnell, this question: Does this legislation improve or not the situation you find yourself in? I quote you his answer to me just about 24 hours ago. This legislation, which has been so harshly analyzed, I quote the Director of National Intelligence: "It significantly enhances America's security."

That is a quote. It is a direct quote. I do not imply that he said he supported it. And we have a very harsh statement from him that we just got a few hours ago. I will tell you, it doesn't sound like the Admiral McConnell with whom I have talked over the past few weeks.

Madam Speaker, the administration truly seeks a temporary fix to the FISA statute. This legislation provides one.

Madam Speaker, I urge my colleagues on both sides of the aisle to vote for this important legislation. There are some on my side who believe it goes too far. There are some on your side that believe it goes not far enough. But it is, I suggest to you, a compromise that we can make that, as in the words of the Director of National Intelligence, significantly enhances our national security.

Madam Speaker, I urge the support of this legislation.

Mr. CONYERS. Madam Speaker, I am pleased now to yield 30 seconds to the gentlewoman from California (Ms. PELOSI), the honorable Speaker of the House.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding. I thank him for championing civil liberties in our country for such a long, long time. I want to express my admiration and respect for you, Mr. CONYERS, as the distinguished Chair of the Judiciary Committee. And to the distinguished Chair of the House Intelligence Committee, Mr. REYES, congratulations to you for this excellent work. It is difficult, because we have to balance security and liberty. Two great patriots have brought this bill to the floor. Mr. REYES, you have served our country in many capacities to secure our country, and you are doing so in your capacity as Chair of the Intelligence Committee.

Madam Speaker, in my service in Congress I have had the privilege of serving on the Intelligence Committee longer than anyone, 10 years as a member directly and now my fifth year ex officio as leader and now Speaker of the House.

I considered it a service to our country that was important to our national security. I salute the men and women who serve our country in the intelligence community for their bravery and for their patriotism.

Congress has always for many years had a special interest in intelligence. We all recognize that we want our President and our policymakers to have the best possible intelligence. We want to do so in a way, though, that again balances liberty and security. We want to use every tool at our disposal to collect the intelligence that we need, again, to protect the American people, but we must do so under the law. That is what we are talking about here tonight.

In 1978, it was recognized that Congress had a role, the checks and balances, in determining how our intelligence was collected, analyzed and disseminated. Those are the three aspects of intelligence. Tonight, we are talking largely about collection.

In 1978, when the FISA law was passed, we were in a different era. It is clear that as it established Congress' rights in this arena and the checks and balances necessary to protect the American people, we also have to recognize today that technology is vastly different than it was at that time. So Congress has always stood willing, in a bipartisan way, to make amendments to the FISA act that would reflect the change in technology.

If anything in what we do should be nonpartisan, it is intelligence. It should be analyzed in a way that has no political approach to it, and the laws governing it should be written in a nonpartisan way.

That is why so many of us worked so closely, the distinguished Chairs of the committees of jurisdiction, Judiciary and Intelligence, including the majority leader, who just spoke, we worked closely with the Senate leadership, with the administration, trying to work in a bipartisan way to meet the needs of the American people.

As Mr. HOYER indicated, and I won't go into it in detail, this involved a series of communications, both in person, on the telephone and otherwise, with the Director of National Intelligence. He presented to us, as I believe Congresswoman HARMAN has indicated and the chairmen have indicated, he presented us his three must-have provisions in the FISA law, and we wrote a bill that reflected, in fact echoed, the request of the Director of National Security.

When we sent that to him, he came back and said, I have additional changes that I am requesting, and we accommodated them as far as we could under the balance of liberty and security.

As Mr. HOYER said, when we asked in the presence of the majority leader in the Senate, the Speaker of the House, the Chairs of the intelligence committees, House and Senate, and Armed Services from the Senate, the Director of DNI, that group of people gathered said that our bill would make us significantly safer. It was a positive contribution, as the leader said. Not that he endorsed the bill, because by then the administration had a different approach.

It made it seem for some time, why we were going back and forth with this, trying to accommodate the DNI. I know that he was negotiating in good faith. I hope that he will accept what we are proposing in that same good faith.

Some of the things that have been rejected since those conversations, but I hope will reappear in the Senate bill, are to diminish the role of the Attorney General in the decision-making on this. We have always said that there would be a third branch of government, the courts, to issue the warrants. The discretion in this situation is now given to the Attorney General.

Without any reference to the current Attorney General, and there will be some who might question his judgment, I don't want Alberto Gonzales to have this much power, but in a Democratic administration, I would not want that Attorney General to have this much power. It should be a different branch of government.

So we have seen them come up with these pieces of legislation that substitute the Attorney General for the FISA courts. It is just totally unacceptable.

While we are trying to address the emergency concerns of the Director of National Intelligence, we know we will have a bigger bill down the road to go into some other issues of concern, but without the same urgency. That is why this legislation must be sunsetted, because no matter how you look at it, it gives extraordinary power to the administration beyond the intent of the FISA law, and certainly outside the values of our Founding Fathers, to balance liberty and security.

Having made the changes to our proposal that respond to each of the Director's concerns and having him describe our proposal as a significant improvement in his current capabilities, I would have expected that he would be leading the charge for this bill's passage.

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That is not happening, but that does not mean that this bill is inadequate. The judgment of the Director of National Intelligence stands. He knew to whom he was speaking that evening, and he was clear in his assessment.

All of us in Congress want to do everything within our power to protect the American people from terrorism. As I say, as a 15-year member of the Intelligence Committee, both as a member and ex officio, I know full well and sadly the threats to our country. I know full well the capabilities that we have and some that we need. Every person, as Congresswoman HARMAN said, every person in this body is fully committed, is fully committed to collecting the intelligence that we need to protect the American people. But we must do it under the law, and sometimes that's where we differ.

You will hear our colleagues stand on this floor and say, terrorist to terrorist in foreign lands, the Democrats don't want you to collect on them; and they want to make you have a warrant to do it.

When I hear my colleagues say that, I think either they don't know or they don't care about the truth. Because that is patently untrue. And it has always been a mystery to me about this House of Representatives that somebody can misrepresent the facts, some would call, I don't like the word "lie," but if you said they were lying, your words would be taken down. And yet misrepresentations about the intentions of Members of this body are being made here tonight that simply are not true.

So let's put that aside and talk about how we can work together to honor the needs of our people, to recognize the changes in technology and to honor the oath of office that we take here to protect and defend the Constitution of the United States as we protect and defend the American people.

I urge a "yes" vote on this important legislation.

Mr. CONYERS. Madam Speaker, it is my pleasure to yield the remaining time that I have to the gentlewoman from Texas (Ms. JACKSON-LEE).

The SPEAKER pro tempore. The gentlewoman from Texas is recognized for 30 seconds.

Ms. JACKSON-LEE of Texas. Madam Speaker, I have listened to the debate this afternoon and I only have these few words of a message. One great patriot said, "Give me liberty or give me death."

I want to say to this body, the majority that I happen to be a part of will never endanger the American people. We have given to the DNI what he has asked for, but, most importantly, we have given to the American people their liberty, and we now give them their life. We protect them. Terrorists will not get away from us. This bill will protect the American people. I ask my colleagues to vote for this bill.

Madam Speaker, I rise today in strong support of H.R. 3356, the Improving Foreign Intelligence Surveillance to Defend our Nation and Our Constitution Act. I would like to thank my colleagues Mr. REYES and Mr. CONYERS for their leadership on this important issue.

This important legislation addresses the intelligence gap identified by Director of National Intelligence Mike McConnell, by amending the Foreign Intelligence Surveillance Act, or FISA. Madam Speaker, FISA has served the nation well for nearly 30 years, placing electronic surveillance inside the United States for foreign intelligence and counter-intelligence purposes on a sound legal footing.

This legislation contains a number of crucial provisions. It clarifies that no court order is required for foreign-to-foreign communications that pass through the United States. It reiterates that individual warrants, based on probable cause, are required when surveillance is directed at people in the United States. This legislation requires the Attorney General to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, and it allows the Court to issue a "basket warrant" without requiring the Court to make individual determinations about foreign surveillance. It provides for an initial 15-day emergency authority so that international surveillance can begin while the "basket warrant" is submitted to the Court. It allows for congressional oversight, requiring the Department of Justice Inspector General to conduct an audit every 60 days of U.S. person communications intercepted under the "basket warrant," to be submitted to the Intelligence and Judiciary Committees. Finally, this is a short-term legislative fix, sunsetting in 120 days.

In terms of the President's warrantless surveillance programs, there is still nothing on the public record about the nature and effectiveness of those programs to indicate that they require a legislative response, other than to reaffirm the exclusivity of FISA and insist that it be followed. This is accomplished by H.R. 5371, the "Lawful Intelligence and Surveillance of Terrorists in an Emergency by NSA Act, LISTEN Act," which I have co-sponsored last Congress with the Ranking Members of the Judiciary and Intelligence Committees, Mr. CONYERS and Ms. HARMAN.

There is still nothing on the public record about the nature and effectiveness of the President's warrantless surveillance programs to indicate that they require a legislative response, other than to reaffirm the exclusivity of FISA and insist that it be followed. This could have been accomplished last Congress by H.R. 5371, the "Lawful Intelligence and Surveillance of Terrorists in an Emergency by NSA Act" (LISTEN Act)," which I was proud to have cosponsored last Congress with the then-Ranking Members of the Judiciary and Intelligence Committees, Mr. CONYERS and Ms. HARMAN.

The Bush administration has not complied with its legal obligation under the National Security Act of 1947 to keep the Intelligence Committees "fully and currently informed" of U.S. intelligence activities. Congress cannot continue to rely on incomplete information from the Bush administration or revelations in the media. It must conduct a full and complete inquiry into electronic surveillance in the United States and related domestic activities of the NSA, both those that occur within FISA and those that occur outside FISA.

The inquiry must not be limited to the legal questions. It must include the operational details of each program of intelligence surveillance within the United States, including: (1) who the NSA is targeting; (2) how it identifies its targets; (3) the information the program collects and disseminates; and most important; (4) whether the program advances national security interests without unduly compromising the privacy rights of the American people. Given the unprecedented amount of information Americans now transmit electronically and the post–9/11 loosening of regulations governing information sharing, the risk of intercepting and disseminating the communications of ordinary Americans is vastly increased, requiring more precise—not looser—standards, closer oversight, new mechanisms for minimization, and limits on retention of inadvertently intercepted communications.

Madam Speaker, this temporary legislative fix addresses the gap identified by Director McConnell. The Majority of both the House and the Senate have set aside partisan differences to work for the security of our Nation. We must ensure that our intelligence professionals have the tools that they need to protect our Nation, while also safeguarding the rights of law-abiding Americans. This is important legislation, and I strongly encourage my colleagues to join me in supporting it.

Mr. LANGEVIN. Madam Speaker, I rise in support of the bill. Despite the claims of those who support the Administration, this measure does nothing to protect those overseas who intend to do us harm. Instead, it is an important and vital effort to clarify the role of the FISA Court in light of advances in communications technology. As every member of the intelligence committee knows, the FISA Court already supervises aspects of foreign intelligence collection. The bill keeps the FISA Court engaged at the programmatic level, while ensuring that the Administration does not need individual warrants for foreign targets.

The administration's proposal would cut the court out of the process and let the Attorney General decide when American's liberties are infringed. Our legislation establishes meaningful, independent judicial oversight by the FISA Court. It protects America without sacrificing our civil liberties.

Our legislation is the responsible course, and I urge a YES vote.

Mr. FRELINGHUYSEN. Madam Speaker, I rise in opposition to this legislation—H.R. 3356.

The Global War on Terrorism—the Long War—is the first conflict of the information age. With our technical assets and expertise, the United States is far better at gathering information than our enemies. This is an advantage we must exploit each and every hour of the day to better protect the American people from terrorists who are plotting against us at this very moment. We must never lose that technological edge!

Last year, this House passed the Electronic Surveillance Act seeking to update the Foreign Intelligence Act (FISA) of 1978. That bill took into account 21st century technological developments which enable our intelligence agencies to spy on terrorists who may be planning the next attack.

For example, the current FISA law (1978) covers only "wire" and "radio" communications. FISA is a pre-internet, pre-cell phone law. It's a living anachronism! A dinosaur.

That reform bill never became law and since that time various developments have further eroded our intelligence capabilities.

The wording of the outdated FISA law and a court ruling earlier this year prevents our counterintelligence people from listening in on terrorists overseas if that communication is somehow routed thru "nodes" in the United States.

In our effort to "connect-the-dots" to prevent the next attack, this is a huge problem! The Director of National Intelligence has stated unequivocally that we continue to miss significant amounts of information that we should be collecting.

Simply put—we should be fully protecting the American people, and we are not.

The Democratic Leadership has known about these failures and has failed to act to correct them.

Madam Speaker, it is critically important that this Congress immediately reform the FISA.

Intelligence is our first line of defense against terrorists. Good intelligence can save American lives—our soldiers in the war zones and our fellow citizens here at home.

During this summer of heightened threat warnings, there is no more important priority for this Congress today than to modernize FISA—fully and completely.

The lives of our constituents depend on it.

Unfortunately, H.R. 3356 falls short in several specific areas and actually erects new burdens for our counterintelligence personnel as they work to keep Americans safe.

It is opposed by the Director of National Intelligence.

I, too, oppose this legislation.

Mr. WILSON of South Carolina. Madam Speaker, we are debating critical legislation that would update the Foreign Intelligence Surveillance Act (FISA). This law must be updated to allow American agencies to listen to foreigners in foreign countries without a warrant. Like many of my colleagues, I believe that this is crucial to our national security. We must remain on the offense, and updating FISA will help us prevent future terrorist attacks.

Just yesterday, the Director of National Intelligence issued a statement urging Congress to make changes to FISA so we may protect American families. He said, "We must urgently close the gap in our current ability to effectively collect foreign intelligence. The current FISA law does not allow us to be effective. Modernizing this law is essential for the intelligence community to be able to provide warning of threats to the country."

Congress must act immediately to ensure that our intelligence community can do their job successfully. They should not be forced to obtain court orders that hinder them from learning of terrorist threats. We must ensure that those who help our Government and report suspicious activity are protected. I urge my colleagues to act now and help keep your constituents and our country safe from impending terrorist attacks.

I have said many times on the floor of the House of Representatives that I have not forgotten September 11th. I urge my colleagues to act now to protect American families. We must face our enemies overseas so we do not have to face them here at home. Let's enact commonsense real reform that gives our intelligence officers the tools they need to effectively protect us.

Mr. TIAHRT. Madam Speaker, I am extremely concerned about our national security and deeply troubled that our intelligence community has been prevented from doing the job they need to protect Americans, For that reason I strongly oppose H.R. 3356 as it will only further tie the hands of our intelligence community.

The latest National Intelligence Estimate (NIE) clearly states that we are at risk of an attack. We have all read the reports this week about the very real concerns that our enemies intend to attack the in the next month or so. Police forces in the nation's capital have beefed up security in response to these perceived threats. But without good intelligence, they will not know when or how we may be attacked—never mind having a chance to thwart any plots. Due to Democrat undermining of our intelligence of our intelligence community and our military for the past couple of years—through leaks and political games—we are less prepared to uncover terrorist plots and prevent such attacks.

We need to fix the Foreign Intelligence Surveillance Act (FISA) so that the intelligence community can do its job. The American people know we need to fix the loopholes in FISA implementation that allow terrorists to bypass our intelligence capabilities. For several months Administration and Republican Leadership have repeatedly asked the Democrats to address this problem, and they have ignored these requests.

As a member of the House Permanent Select Committee on Intelligence I have been very disturbed by what I have seen this past year. The vitriol that Members on the other side of the aisle have for the President has clouded their judgment. In an effort to embarrass him, they have weakened our intelligence gathering capabilities and caused long term damage to the security of this nation. We do not monitor phone conversations, emails or finances of suspected terrorists and terrorist allies as we used to and the enemy knows it. It is time for us to strengthen, not weaken, terrorist surveillance.

Unfortunately this bill does not address the needs of the intelligence community. The Director of National Intelligence Mike McConnell is strongly opposed to this bill:

I have reviewed the proposal that the House of Representatives is expected to vote on this afternoon to modify the Foreign Intelligence Surveillance Act. The House proposal is unacceptable, and I strongly oppose it.

The House proposal would not allow me to carry out my responsibility to provide warning and to protect the Nation, especially in our heightened threat environment.

I urge Members of Congress to support the legislation I provided last evening to modify FISA and to equip our Intelligence Community with the tools we need to protect our Nation.

I trust the DNI far more than the Democrat leadership that has clearly chosen to put politics over security. I urge my colleagues to vote against this bill and encourage the majority to bring a true FISA reform bin before this body so that the intelligence community can have every tool at its disposal to protect the United States of America.

Mr. UDALL of Colorado. Madam Speaker, I have reservations about this bill, but I will vote for it today.

It has just been introduced, and we have had only a short time to review it. And those of us who do not serve on the Intelligence Committee have had to depend on news reports and the debate on the floor for information regarding the events that have led to its being considered today.

We have been informed that Admiral McConnell, Director of National Intelligence, has asserted that under current law there is a critical collection gap in our electronic surveillance capabilities, and that the administration wants that gap to be addressed through legislation.

The bill before us evidently is intended to respond to that request. It would make clear that no warrant or court order is required for our intelligence agencies to monitor communications between people located outside the United States, even if those communications pass through the United States or the surveillance device is located within the United States. The point of this clarification is to resolve doubts about the status of communications between foreign persons located overseas that pass through routing stations here in the United States.

I have no reservation in supporting this clarification to help resolve questions related to changes in communications technology since enactment of the Foreign Intelligence Surveillance Act, or FISA. And I think it is useful that the bill reiterates that individual warrants, based on probable cause, are required when surveillance is directed at individuals in the United States.

The bill requires the Attorney General to submit procedures for international surveillance to the FISA Court for approval and authorizes the court to issue a "basket warrant" for individuals or foreign powers, including al Qaeda, outside the United States based on a review of those procedures without making separate determinations about individuals to be subject to the surveillance. Under the bill, there would be an initial 15-day period when international surveillance can begin while a "basket warrant" is submitted to the FISA Court. It allows for up to two 15-day extensions while the court rules and allows the court to compel cooperation by carriers during that period. And it requires the Justice Department's Inspector General to conduct and provide to the court and the Congress an audit every 60 days of communications involving any U.S. persons that are intercepted under a "basket warrant."

In general, I am wary of the concept of "basket warrants," which are not normal under our laws. But I am prepared to support this part of the bill on the understanding that it is limited in scope and not applicable within the United States and with the expectation that the question will be revisited if the audits indicate a need for reconsideration of this part of the legislation. In this context, I am glad to note that this legislation will expire in 120 days. I think that is appropriate in light of the very short time we have had to consider the bill and the importance of the subject. This sunset clause means that we will be required to revisit the issue and will reduce the likelihood that any errors caused by today's expedited procedure will persist for an undue period.

Madam Speaker, the administration is not fully supportive of this bill and evidently would prefer a broader grant of authority for surveillance. I am prepared to consider their arguments, but in the meantime I will vote for this bill in order to provide an immediate response to the problem they have identified and to advance the measure to the Senate for further consideration.

Mr. HALL of New York. Madam Speaker, in the interest of national security, I reluctantly voted in favor of H.R. 3356, the Improving Foreign Intelligence Surveillance to Defend the Nation and the Constitution Act of 2007. Although I ultimately supported this bill, I am concerned that this bill provided expanded authority to the Attorney General, who I believe has previously violated U.S. law regarding the FISA courts and has breeched the trust of the American people. If this were a permanent change to law, I would have voted against it because I believe provisions of this bill could be abused and allow the Attorney General to authorize wiretaps on American citizens without a warrant. Since it expires in 120 days, I am willing to support it as a stop-gap measure. Should we hear any evidence that the Attorney General or any other administration official has blatantly abused provisions of H.R. 3356, I will call for and support aggressive investigations into their actions.

Mr. WU. Madam Speaker, one lesson we Americans learn as children is that we should guard our liberty and our security with equal vigor.

The FISA bill before us, while reinstating the power to direct surveillance toward foreigners, protects Americans in two key ways:

1. An independent judge, and not the attorney general or anyone else in the executive branch, will rule on surveillance applications.

2. Nothing in this bill immunizes any potential illegal surveillance.

Americans expect accountability, that their private lives remain private, and that their own government is one they need not fear, especially when we face difficult times. This bill strikes the appropriate balance between liberty and security.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 3356.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 218, nays 207, not voting 8, as follows:

[Roll No. 821]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell

Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Weiner
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—207

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Holt
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Jindal
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Olver
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—8

Clarke
Crenshaw
Davis, Jo Ann
Hayes
Johnson, Sam
LaHood
Paul
Waxman

☐ 2058

Mr. WELCH of Vermont and Mr. JOHNSON of Illinois changed their vote from "yea" to "nay."

Mr. WEINER changed his vote from "nay" to "yea."

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Madam Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 612

Whereas clause one of House rule XXIII (Code of Official Conduct) states, "A Member, Delegate, Resident Commissioner, officer or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House,";

Whereas the House Ethics Manual states that, "The public has a right to expect Members, officers and employees to exercise impartial judgment in performing their duties" and "This Committee has cautioned all Members to avoid situations in which even an inference might be drawn suggesting improper action;

Whereas during proceedings of the House on August 3, 2007, with the gentleman from Pennsylvania (Mr. Murtha) presiding, a question occurred on approval of the Journal of the previous day's proceedings;

Whereas following the vote, the gentleman from Wisconsin, Representative Sensenbrenner, inquired "Could the chair tell me how many Members rose to request a recorded vote and [the] total number of Members present in the House upon which the chair made his decision?";

Whereas Representative Murtha replied, "It is up to the chair. Let me tell you this, the vote will show that the approval would be approved by the House as it has been.";

Whereas the Speaker, as the presiding officer, has a duty to be a fair and impartial arbiter of the proceedings of the House, held to the highest ethical standards in deciding the various questions as they arise with impartiality and courtesy toward all Members, regardless of party affiliation;

Whereas a presiding officer of the House cannot achieve the requisite standard of impartiality while attempting to influence the outcome of a vote, predict the outcome of a vote, or express a preference for a particular outcome of a vote;

Whereas when the chair imbues his parliamentary statements with a partisan hue or with language more appropriate to a participant in the debate than to its presiding officer, Members' essential confidence in the impartiality of the chair is impaired: Now, therefore, be it

Resolved, That by his actions on August 3, 2007, the gentleman from Pennsylvania, Mr. Murtha, has brought dishonor and discredit to the United States House of Representatives by misusing the powers of the chair.

☐ 2100

The SPEAKER pro tempore. The resolution constitutes a question of privilege.

MOTION TO TABLE

Mr. HOYER. Madam Speaker, I move to table the resolution.

POINT OF ORDER

Mr. BOEHNER. Madam Speaker, I raise a point of order that the gentleman from Maryland engaged in debate.

The SPEAKER pro tempore. The question is on the motion to table.

PARLIAMENTARY INQUIRY

Mr. BOEHNER. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BOEHNER. Madam Speaker, isn't it correct that the gentleman from Maryland engaged in debate, which allows the House to then proceed with up to 1 hour of debate on this resolution?

The SPEAKER pro tempore. The gentleman was not recognized as the Chair had not yet ruled that the resolution constituted a question of privilege.

The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 211, nays 178, answered "present" 12, not voting 31, as follows:

[Roll No. 822]

YEAS—211

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd (FL)
Boyda (KS)

Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Hall (NY)
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf

ANSWERED "PRESENT"—12

Bartlett (MD)
Frelinghuysen
Gilchrest
Hobson
Johnson (IL)
Jones (NC)
Kingston
LoBiondo
Rohrabacher
Wicker
Young (AK)
Young (FL)

NOT VOTING—31

Blumenauer
Boren
Clarke
Crenshaw
Cubin
Cummings
Davis, Jo Ann
Dicks
Edwards
Gordon
Gutierrez
Hare
Hayes
Higgins
Hunter
Johnson, Sam
LaHood
Lamborn
Lantos
McDermott
Moore (KS)
Moran (VA)
Murtha
Paul
Peterson (MN)
Radanovich
Sestak
Shuster
Slaughter
Stark
Waxman

□ 2119

Mr. LoBIONDO changed his vote from "nay" to "present."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–298) on the resolution (H. Res. 613) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–299) on the resolution (H. Res. 614) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3221, NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT, AND FOR CONSIDERATION OF H.R. 2776, RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–300) on the resolution (H. Res. 615) providing for consideration of the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and for consideration of the bill (H.R. 2776) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, which was referred to the House Calendar and ordered to be printed.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 775. An act to establish a National Commission on the Infrastructure of the United States; to the Committee on Transportation and Infrastructure.

S. 1983. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, to extend and improve the collection of maintenance fees, and for other purposes; to the Committee on Agriculture.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found a truly enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3206. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 15, 2007, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced her signature to enrolled bills of the Senate of the following titles:

S. 1. An act to provide greater transparency in the legislative process.

S. 375. An act to waive application of the Indian Self-Determination and Education

Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes.

S. 975. An act Granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 1099. An act to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance.

S. 1716. To amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

ADJOURNMENT

Ms. CASTOR. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ISSA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 270, nays 121, not voting 41, as follows:

[Roll No. 823]

YEAS—270

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bono
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Camp (MI)
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doyle
Dreier
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gonzalez
Granger
Green, Al
Grijalva
Hall (NY)
Harman
Hastings (FL)
Hastings (WA)
Heller
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Shea-Porter
Sherman
Shuster
Simpson
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey
Wynn
Yarmuth

NAYS—121

Akin
Bachmann
Bachus
Barton (TX)
Berry
Biggert
Bilirakis
Blackburn
Blunt
Bonner
Boozman
Broun (GA)
Brown (SC)
Burgess
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
Donnelly
Drake
Duncan
Ehlers
Ellsworth
English (PA)
Everett
Fallin
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green, Gene
Hall (TX)
Hastert
Hensarling
Hobson
Hoekstra
Hulshof
Inglis (SC)
Jindal
Johnson (IL)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lungren, Daniel E.
McCarthy (NY)
McCotter
McHenry
Melancon
Mica
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Pascrell
Pearce
Pitts
Platts
Poe
Price (GA)
Putnam
Rahall
Renzi
Reynolds
Rogers (MI)
Rohrabacher
Royce
Sali
Schmidt
Schwartz
Sessions
Shadegg
Shuler
Smith (NE)
Souder
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh (NY)
Watt
Weller
Westmoreland
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—41

Baker
Bilbray
Boehner
Boren
Brady (TX)
Clarke
Crenshaw
Cubin
Cummings
Davis, Jo Ann
Dicks
Doolittle
Edwards
Gordon
Gutierrez
Hare
Hayes
Higgins
Hunter
Johnson, Sam
Kirk
LaHood
Lampson
Lantos
Linder
Lucas
McCrery
McDermott
McNulty
Moran (VA)
Murtha
Musgrave
Paul
Saxton
Sestak
Shimkus
Slaughter
Smith (TX)
Stark
Waxman
Weldon (FL)

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 9 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Saturday, August 4, 2007, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2873. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Rules Relating to Permissable Uses of Official Seal (RIN: 3038-AC42) received June 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2874. A letter from the Regulatory Analyst, Department of Agriculture, transmitting the Department's final rule — United States Standards for Sorghum (RIN: 0580-AA91) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2875. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Black Stem Rust; Addition of Rust-Resistant Varieties [Docket No. APHIS-2007-0072] received July 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2876. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Cattle for Export; Removal of Certain Testing Requirements [Docket No. APHIS-2006-0147] (RIN: 0579Z-AC26) received July 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2877. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Oriental Fruit Fly; Removal of Quarantined Areas [Docket No. APHIS-2006-0151] received July 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2878. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Brucellosis in Cattle; State and Area Classifications; Idaho [Docket No. APHIS-2007-0097] received July 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2879. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dimethenamid; Pesticide Tolerance [EPA-HQ-OPP-2006-0165; FRL-8138-2] received July 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2880. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Diflubenzuron; Pesticide Tolerance for Emergency Exemptions [EPA-HQ-OPP-2007-0446; FRL-8136-7] received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2881. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Glufosinate-ammonium; Pesticide Tolerance [EPA-HQ-OPP-2007-0313; FRL-8137-4] received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2882. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Penoxsulam (2-(2,2-difluoroethoxy) -N-(5,8-dimethoxy[1,2,4]triazolo[1,5-c]pyrimidin-2-yl)-6- (trifluoromethyl)benzenesulfonamide; Pesticide Tolerance [EPA-HQ-OPP-2006-0076; FRL-8137-7] received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2883. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fenazaquin, 4-tert-butylphenethyl Quinazolin-4-yl Ether; Pesticide Import Tolerance [EPA-HQ-OPP-2006-0075; FRL-8141-3] received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2884. A letter from the Director, Education Activity, Department of Defense, transmitting the Department's report on the public-private competition for bus service in the Domestic Dependent Elementary and Secondary Schools at Camp Lejeune, North Carolina, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2885. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John M. Curran, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2886. A letter from the Secretary, Department of Defense, transmitting the Department's report regarding progress in building interagency capacity for national security missions, pursuant to Section 1035 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Pub. L. 109-364; to the Committee on Armed Services.

2887. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation, "To establish a program to revitalize rural multi-family housing"; to the Committee on Financial Services.

2888. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7719] received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2889. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7717] received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2890. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Adjustable Rate and Home Equity Conversion Mortgages-Additional Index [Docket No. FR-4969-F-02] (RIN: 2502-AI32) received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2891. A letter from the Regulatory Specialist Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Management Official Interlocks [Docket ID OTS-2007-0013] (RIN: 1550-AC09) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2892. A letter from the General Counsel, Department of the Treasury, transmitting a copy of a draft bill that seeks to modernize the Treasury Tax and Loan (TT&L) statute; to the Committee on Financial Services.

2893. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2894. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Brazil pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2895. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Truth in Lending [Regulation Z; Docket No. R-1291] received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2896. A letter from the Associate General Counsel, Government Accountability Office, transmitting the Office's final rule — Amendments to Rules Regarding Management's Report on Internal Control Over Financial Reporting (RIN: 3235-AJ58) received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2897. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2898. A letter from the Acting Director/PDRA-RUS/USDA, Department of Agriculture, transmitting the Department's final rule — Public Television Station Digital Transition Grant Program (RIN: 0572-AC02) received July 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2899. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Subject to Certification; D&C Black No. 3 [Docket No. 1995C-0286 (formerly Docket No. 95C-0286)] received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2900. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Amendment to the Interim Final Regulation for Mental Health Parity [CMS-4094-F5] (RIN: 0938-AO83) received July 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2901. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — High Risk Pools [CMS-2260-IFC] (RIN: 0938-A046) received July 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2902. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting the Department's final rule — Changes in the Regulation of Iodine Crystals and Chemical Mixtures Containing Over 2.2 Percent Iodine [Docket No. DEA-257F] (RIN: 1117-AA93) received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2903. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Tire Pressure Monitoring Systems [Docket No. NHTSA 2007-28694, Notice 1] (RIN: 2127-AJ90) received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2904. A letter from the Pricipal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's report entitled. "Guidance for Evaluating the Oral Bioavailability of Metals in Soils for Use in Human Health Risk Assessment"; to the Committee on Energy and Commerce.

2905. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Cross-Media Electronic Reporting Rule Deadline for Authorized Programs [EPA-HQ-OEI-2003-0001; FRL-8449-8] (RIN: 2025-AA07) received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2906. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of Boyd County, Kentucky Portion of the Huntington-Ashland 8-Hour Ozone Nonattainment Area to Attainment for Ozone [EPA-R04-OAR-2006-0362-200702; FRL-8449-5] received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2907. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan [EPA-R05-OAR-2006-0541; FRL-8449-6] received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2908. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Iowa; Clean Air Interstate Rule [EPA-R07-OAR-2007-0347; FRL-8450-1] received July 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2909. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Kansas [EPA-R07-OAR-2007-0620; FRL-8450-5] received July 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2910. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2007-061; FRL-8450-7] received July 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2911. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Louisiana; Clean

Air Interstate Rule Sulfur Dioxide Trading Program [EPA-R06-OAR-2006-0849; FRL-8442-8] received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2912. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizone State Implementation Plan, Maricopa County [EPA-R09-OAR-2007 -0610; FRL-8448-6] received July 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2913. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval of Designation of Areas for Air Quality Planning Purposes; Indiana; Correction [EPA-R05-OAR-2006-0459; FRL-8450-3] received July 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2914. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation; North Dakota; Revisions to New Source Review Rules [(EPA-R08-OAR-2006-0502), FRL-8441-9] received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2915. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Partial Withdrawal of Direct Final Rule Revising the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2007-0236; FRL-8444-3] received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2916. A letter from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 1.80(b)(1) of the Commission's Rules Increase of Forfeiture Maxima for Obscene, Indecent, and Profane Broadcasts to Implement The Broadcast Decency Enforcement Act of 2005 [EB-06-IH-2271] received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2917. A letter from the Acting Legal Advisor to the Chief/WTB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Part 90 of the Commission's Rules [WP Docket No. 07-100] received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2918. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — FPA Section 203 Supplemental Policy Statement [Docket No. PL07-01-000] received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2919. A letter from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities [Docket No. RM04-7-000; Order No. 697] received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2920. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 08-07 informing of an intent to sign the Information Assurance Research Collaboration Agreement between the United States and Argentina, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

2921. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2922. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Antiboycott penalty guidelines [Docket No. 0612242577-7145-01] (RIN: 0694-AD63) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2923. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Technical Corrections to the Export Administration Regulations [Docket No. 070611188-7189-01] (RIN: 0694-AE07) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2924. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Governments of Russia, Ukraine, and Norway (Transmittal No. DDTC 071-07); to the Committee on Foreign Affairs.

2925. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Government of Russia (Transmittal No. DDTC 072-07); to the Committee on Foreign Affairs.

2926. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 068-07); to the Committee on Foreign Affairs.

2927. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled, "Human Rights Report for International Military Education and Training Recipients," in accordance with Section 549 of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

2928. A letter from the Defense Nulcear Facilities Safety Board, transmitting the Board's FY 2006 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

2929. A letter from the Director for Civil Rights, Department of Commerce, transmitting the Department's annual report for FY 2006 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2930. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2931. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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2961. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2962. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2963. A letter from the General Counsel, Office of Management and Budget, transmitting the Office's final rule — Cost Accounting Standards Board (CAS); Applicability of Cost Accounting Standards Coverage — received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2964. A letter from the Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2965. A letter from the Acting Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's final rule — Various Administrative Changes to the USAID Acquisition Regulations (AIDAR) (RIN: 0412-AA60) received June 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2966. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Audit of Advisory Neighborhood Commission 4A for Fiscal Years 2005 Through 2007, as of March 31, 2007"; to the Committee on Oversight and Government Reform.

2967. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Review of Advisory Neighborhood Commission 2C Grant Awards for the Period March 2005 through December 2006"; to the Committee on Oversight and Government Reform.

2968. A letter from the Chair, Election Assistance Commission, transmitting the Commission's report regarding State governments' expenditures of Help America Vote Act (HAVA) funds from December 31, 2006 through September 30, 2006; to the Committee on House Administration.

2969. A letter from the Chair, Election Assistance Commission, transmitting the Commission's report entitled, "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2005-2006"; to the Committee on House Administration.

2970. A letter from the Deputy Secretary, Department of the Interior, transmitting a copy of a draft bill entitled, "Preserve America and Save America's Treasures Act"; to the Committee on Natural Resources.

2971. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting a copy of a draft bill which would amend the Federal Land Transaction Facilitation Act; to the Committee on Natural Resources.

2972. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XB33) received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2973. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Nantucket Lightship Scallop Access Area to General Category Scallop Vessels [Docket No. 060314069-6069-01] (RIN: 0648-XA84) received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2974. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Managment Measures; Inseason Adjustments [Docket No. 060824226-6322-02] (RIN: 0648-AV69) received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2975. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Catcher Processor Rockfish Cooperatives in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XB12) received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2976. A letter from the General Counsel, Department of Commerce, transmitting a copy of a draft bill entitled, "Patent Law Treaty Implementation Act"; to the Committee on the Judiciary.

2977. A letter from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Miscellaneous Changes to Trademark Trial and Appeal Board Rules [Docket No.: PTO-T-2005-014] (RIN: 0651-AB56) received August 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2978. A letter from the Controller, National Society Daughters of the American Revolution, transmitting the Audited Financial Statements of NSDAR for the Fiscal Year ending February 28, 2007, pursuant to 36 U.S.C. 1102; to the Committee on the Judiciary.

2979. A letter from the Assistant Secretary for Civil Works, Department of the Army, Department of Defense, transmitting the Final Feasibility Report and Environmental Assessment for the Lido Key, Sarasota County, Florida, Hurricane and Storm Damage Reduction Project; to the Committee on Transportation and Infrastructure.

2980. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Ocean City, MD [CGD05-07-016] (RIN: 1625-AA08) received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2981. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Delaware River, Delaware City, DE [CGD05-07-020] (RIN: 1625-AA08) received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2982. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Sail Virginia 2007; Port of Hampton Roads, VA [CGD05-07-012] (RIN: 1625-AA08) received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2983. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Recovery of Aircraft, Lake Michigan, Milwaukee, WI. [CGD09-07-032] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2984. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Charles River and its tributaries, Boston, MA [CGD01-07-058] received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2985. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockway Inlet to Shinnecock Canal, Jones Beach, NY. [CGD01-07-046] received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2986. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, Jones Beach, NY. [CGD01-07-045] received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2987. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Waterway from East Rockaway Inlet to Shinnecock Canal, Hempstead, NY. [CGD01-07-044] received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2988. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Raritan River, Arthur Kill, and their tributaries, NJ. [CGD01-07-056] received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2989. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BART Transbay Tube Seismic Upgrade; San Francisco, California [COTP San Francisco Bay 07-025] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2990. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Roostertail Fireworks, Detroit River, Detroit, MI. [CGD09-07-021] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2991. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate America Fundraiser Fireworks, Lake St. Clair, Grosse Pointe Farms, MI. [CGD09-07-030] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2992. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Riverfest 2007, Connecticut River, Hartford, CT. [CGD01-07-064] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2993. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Sand and Sea Festival Fireworks Display, Salisbury, Massachusetts. [CGD01-07-043] (RIN: 1625-AA00) received August 2. 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2994. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Beverly Homecoming Fireworks, Beverly, Massachusetts. [CGD01-07-008] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2995. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Chicago Harbor, Navy Pier East, Chicago, IL. [CGD09-07-007] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2996. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone. [CGD09-07-005] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2997. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL. [CGD09-07-006] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2998. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Milwaukee Harbor, Milwaukee, WI. [CDG09-07-008] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2999. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Town of Weymouth Fourth of July Celebration Fireworks, Weymouth, Massachusetts. [CGD01-07-002] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3000. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Town of Lynn Fourth of July Fireworks Display, Nahant Bay, Massachusetts [CGD01-07-031] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3001. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mercyhurst College "Old Fashion 4th of July" Presque Isle Bay, Erie, PA [CGD09-07-034] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3002. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Independence Day Fireworks Display, St. Lawrence River, Alexandria Bay, NY [CGD09-07-043] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3003. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Richmond July 3rd Fireworks Show, San Francisco Bay, CA [COTP San Francisco Bay 07-027] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3004. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boston Pops Fireworks, Boston, Massachusetts [CGD01-07-072] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3005. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Lake Tahoe Independence Day Celebration, Lake Tahoe, CA and Lake Tahoe, NV [COTP San Francisco Bay 07-020] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3006. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fundation Amistad Fireworks, East Hampton, NY [CGD01-07-079] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3007. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Independence Day Celebration Fireworks [CGD01-07-037] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3008. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Salem Harbor Celebrates the 4th of July Fireworks — Boston, Massachusetts [CGD01-07-073] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3009. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Hingham 4th of July Fireworks Display, Hingham, Massachusetts [CGD01-07-036] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3010. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; York River, Yorktown, VA [CGD05-07-031] (RIN: 1625-AA08) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3011. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Rappahannock River, Essex County, Westmoreland County, Layton, Virginia [CGD05-07-017] (RIN: 1625-AA08) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3012. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Town of Marblehead Fourth of July Fireworks Display, Marblehead Harbor, Massachusetts [CGD01-07-001] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3013. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Northwest and Inner Harbors, Baltimore, MD [CGD05-07-010] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3014. A letter from the Secretary, Department of Transportation, transmitting the Department's summary and detailed breakdown of the disability-related complaints that U.S. and foreign passenger carriers operating to and from the U.S. received during the 2006 calendar year, pursuant to section 707 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century; to the Committee on Transportation and Infrastructure.

3015. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Marshalltown, IA. [Docket No. FAA-2007-27679; Airspace Docket No. 07-ACE-4] received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3016. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Middlesboro, KY. [Docket No. FAA-2007-27262; Airspace Docket No. 07-ASO-1] received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3017. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Hugoton, KS. [Docket No. FAA-2007-27838; Airspace Docket No. 07-ACE-6] received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3018. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Dean Memorial Airport, NH [Docket No. FAA-2007-28010, Airspace Docket No. 07-ANE-91] received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3019. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Series Airplanes [Docket No. FAA-2006-26120; Directorate Identifier 2006-NM-184-AD; Amendment 39-15051; AD 2007-10-10] (RIN: 2120-AA64) received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3020. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robinson Helicopter Company Model R44 and R44 II Helicopters [Docket No. FAA-2006-26696; Directorate Identifier 2006-SW-19-AD; Amendment 39-15058; AD 2007-11-01] (RIN: 2120-AA64) received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3021. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Luftfahrt GmbH Model 228 Series Airplanes [Docket No. FAA-2007-27295 Directorate Identifier 2007-CE-013-AD; Amendment 39-15060; AD 2007-11-03] (RIN: 2120-AA64) received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3022. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Reims Aviation S.A. Model F406 Airplanes [Docket No. FAA-2007-26973 Directorate Identifier 2007-CE-002-AD; Amendment 39-15061; AD 2007-11-04] (RIN: 2120-AA64) received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3023. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No. FAA-2007-28100; Directorate Identifier 2007-NM-103-AD; Amendment 39-15045; AD 2007-10-04] (RIN: 2120-AA64) received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3024. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-80C2B Series Turbofan Engines [Docket No. FAA-2006-25738; Directorate Identifier 2006-NE-27-AD; Amendment 39-15085; AD 2007-12-07] (RIN: 2120-AA64) received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3025. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Dierctives; Diamond Aircraft Industries GmbH Model DA 40 Airplanes [Docket No. FAA-2007-27348; Directorate Identifier 2007-CE-015-AD; Amendment 39-15078; ad 2007-11-21] (RIN: 2120-AA64) received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3026. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate No. A00010WI previously held by Raytheon Aircraft Company) Model 390 Airplanes [Docket No. FAA-2007-28251; Directorate Identifier 2007-CE-049-AD; Amendment 39-15099; AD 2007-12-21] (RIN: 2120-AA64) received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3027. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-10E Series Turbofan Engines [Docket No. FAA-2006-26585; Directorate Identifier 2006-NE-44-AD; Amendment 39-15087; AD 2007-12-09] (RIN: 2120-AA64) received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3028. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Red Dog, AK [Docket No. FAA-2006-26396; Airspace Docket No. 06-AAL-40] received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3029. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Marshalltown, IA. [Docket No. FAA-2007-27679; Airspace Docket No. 07-ACE-4] received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3030. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Front Royal-Warren County, VA [Docket No. FAA-2007-27512, Airspace Docket No. 07-AEA-01] received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3031. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Canby, MN. [Docket No. FAA-2007-27676; Airspace Docket No. 07-AGL-2] received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3032. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Port Heiden, AK [Docket No. FAA-2007-27222; Airspace Docket No. 07-AAL-02] received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3033. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Kodiak, AK [Docket No. FAA-2007-27221; Airspace Docket No. 07-AAL-01] received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3034. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30549 Amdt. 3217] received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3035. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30548 Amdt. No. 3216] received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3036. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Parts and Accessories Necessary for Safe Operations: Surge Brake Requirements [Docket No. FMCSA-2005-21323] (RIN: 2126-AA91) received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3037. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Model AT-602 Airplanes [Docket No. FAA-2006-26775; Directorate Identifier 2007-CE-01-AD; Amendment 39-15042; AD 2007-10-01] (RIN: 2120-AA64) received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3038. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A, B, and C Helicopters [Docket No. FAA-2007-28241; Directorate Identifier 2007-SW-07-AD; Amendment 39-15062; AD 2007-11-05] (RIN: 2120-AA64) received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3039. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-211, -212, -311, and -312 Airplanes [Docket No. FAA-2007-28354; Directorate Identifier 2006-NM-245-AD; Amendment 39-15086; AD 2007-12-08] (RIN: 2120-AA64) received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3040. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Airplanes [Docket No. FAA-2007-28369; Directorate Identifier 2007-NM-076-AD; Amendment 39-15088; AD 2007-12-10] (RIN: 2120-AA64) received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3041. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Monticello, IA. [Docket No. FAA-2007-27678; Airspace Docket No. 07-ACE-3] received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3042. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Manhattan, KS. [Docket No. FAA-2007-27677; Airspace Docket No. 07-ACE-2] received August 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3043. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revised Compliance Dates under the National Pollutant Discharge Elimination System Permit Regulations and Effluent Limitations Guidelines and Standards for Concentrated Animal Feeding Operations [EPA-HQ-OW-2005-0036; FRL-8444-8] (RIN: 2040-AE92) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3044. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill to clarify the requirements for special monthly pension based on age and disability; to the Committee on Veterans' Affairs.

3045. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill entitled, "Agent Orange Equitable Compensation Act"; to the Committee on Veterans' Affairs.

3046. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualifying Advanced Coal Project Program [Notice 2007-52] received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3047. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.707-1: Transactions between partner and partnership. (Rev. Rul. 2007-40) received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3048. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Change to Office to which Notices of Nonjudicial Sale and Requests for Return of Wrongfully Levied Property must be sent. [TD 9344] (RIN: 1545-BG24) received July 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3049. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Entry of Taxable Fuel [TD 9346] (RIN: 1545-BC08) received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3050. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Repayment of Commodity Credit Corporation Loans [Notice 2007-63] received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3051. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2007-44) received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3052. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1248 Attribution Principles [TD 9345] (RIN: 1545-BA93) received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3053. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Return Required by Subchapter T Cooperative Under Section 6012 [TD 9336] (RIN: 1545-BF82) received July 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3054. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — AJCA Modifications to the Section 6112 Regulations [TD 9352] (RIN: 1545-BE28) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3055. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — AJCA Modifications to the Section 6111 Regulations [TD 9351] (RIN: 1545-BE26) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3056. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — AJCA Modifications to the Section 6011 Regulations [TD 9350] (RIN: 1545-BE24) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3057. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified Severance of a Trust for Generation-Skipping Transfer (GST) Tax Purposes [TD 9348] (RIN: 1545-BC50) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3058. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revised Regulations Concerning Section 403(b) Tax-Sheltered Annuity Contracts [TD 9340] (RIN: 1545-BB64) received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3059. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation entitled, "Healthy Forests Partnership Act"; jointly to the Committees on Agriculture and Natural Resources.

3060. A letter from the Assistant Secretary for Civil Rights, Department of Education, transmitting the Department's Fiscal Year 2006 Annual Report to Congress for the Office For Civil Rights, in accordance with the requirements of the Department of Education Organization Act; jointly to the Committees on Education and Labor and the Judiciary.

3061. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2008 [CMS-1545-F] (RIN: 0938-AO64) received August 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3062. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2008 Rates [CMS-1533-FC] (RIN: 0938-AO70) received August 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3063. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2008 [CMS-1551-F] (RIN: 0938-AO63) received August 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3064. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the July 2007 Quarterly Report pursuant to Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-106) as amended by Pub. L. 108-375, Pub. L. 109-102, Pub. L. 109-364, Pub. L. 109-440, and Pub. L. 110-28; jointly to the Committees on Foreign Affairs and Appropriations.

3065. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill entitled. "Veterans' Pride Initiative Act"; jointly to the Committees on Veterans' Affairs and Armed Services.

3066. A letter from the Secretary, Department of Transportation, transmitting a copy of a draft bill entitled, "To amend and enhance certain maritime programs of the Department of Transportation, and for other purposes"; jointly to the Committees on Transportation and Infrastructure, Ways and Means, and Natural Resources.

3067. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a draft bill entitled, "To amend the R.M.S. Titanic Maritime Memorial Act of 1986 to implement the International Agreement Concerning the Shipwrecked Vessel RMS Titanic"; jointly to the

Committees on Natural Resources, Foreign Affairs, Ways and Means, the Judiciary, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK: Committee on Financial Services. H.R. 2786. A bill to reauthorize the programs for housing assistance for Native Americans (Rept. 110–295). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2337. A bill to promote energy policy reforms and public accountability, alternative energy and efficiency, and carbon capture and climate change mitigation, and for other purposes; with an amendment (Rept. 110–296 Pt. 1). Ordered to be printed.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 2635. A bill to reduce the Federal Government's contribution to global warming through measures that promote efficiency in the Federal Government's management and operations, and for other purposes; with an amendment (Rept. 110–297 Pt. 1). Ordered to be printed.

Mr. MCGOVERN: Committee on Rules. House Resolution 613. A resolution providing for consideration of motions to suspend the rules (Rept. 110–298). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 614. A resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–299). Referred to the House Calendar.

Mr. WELCH: Committee on Rules. House Resolution 615. A resolution providing for consideration of the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and for consideration of the bill (H.R. 2776) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation (Rept. 110–300). Referred to the House Calendar.

Mr. GORDON: Committee on Science and Technology. H.R. 1933. A bill to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy, and for other purposes; with an amendment (Rept. 110–301). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Science and Technology. H.R. 2773. A bill to enhance research, development, demonstration, and commercial application of biofuels related technologies, and for other purposes; with an amendment (Rept. 110–302). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Science and Technology. H.R. 2774. A bill to support the research, development, and commercial application of solar energy technologies, and for other purposes; with an amendment (Rept. 110–303). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3236. A bill to promote greater energy efficiency (Rept. 110–304 Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3237. A bill to facilitate the transition to a smart electricity grid (Rept. 110–305 Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3238. A bill to promote the development of renewable fuels infrastructure, and for other purposes (Rept. 110–306 Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3239. A bill to promote advanced plug-in hybrid vehicles and vehicle components (Rept. 110–307 Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3240. A bill to enhance availability of critical energy information (Rept. 110–308). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3241. A bill to clarify the amount of loans to be guaranteed under title XVII of the Energy Policy Act of 2005, and for other purposes (Rept. 110–309 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on Agriculture and Science and Technology discharged from further consideration. H.R. 2337 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on Energy and Commerce, Armed Services, Transportation and Infrastructure, Natural Resources, and Agriculture discharged from further consideration. H.R. 2635 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on Transportation and Infrastructure and Oversight and Government Reform discharged from further consideration. H.R. 3236 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Science and Technology discharged from further consideration. H.R. 3237 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on Science and Technology, Transportation and Infrastructure, and Oversight and Government Reform discharged from further consideration. H.R. 3238 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on Oversight and Government Reform and Science and Technology discharged from further consideration. H.R. 3239 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Science and Technology discharged from further consideration. H.R. 3241 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KLEIN of Florida (for himself and Mr. MAHONEY of Florida):

H.R. 3355. A bill to ensure the availability and affordability of homeowners' insurance coverage for catastrophic events; to the Committee on Financial Services.

By Mr. REYES (for himself, Mr. CONYERS, Mr. SCHIFF, and Mr. FLAKE):

H.R. 3356. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain electronic surveillance; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. MURTHA, Mr. HOLT, Mr. CLEAVER, Mr. VAN HOLLEN, Mrs. MCCARTHY of New York, Mr. GENE GREEN of Texas, Mr. COURTNEY, and Mr. WICKER):

H.R. 3357. A bill to reauthorize the National Writing Project; to the Committee on Education and Labor.

By Mr. UPTON (for himself and Mr. TOWNS):

H.R. 3358. A bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste and to ensure the expansion of clean nuclear power in the United States to reduce greenhouse gas emissions and enhance our domestic energy security; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia (for himself and Mr. CANNON):

H.R. 3359. A bill to limit the authority of States and localities to tax certain income of employees for employment duties performed in other States and localities; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mr. DINGELL, Mr. EMANUEL, Mr. KIRK, Mr. CONYERS, Mr. GUTIERREZ, Mr. KILDEE, Ms. BEAN, Mr. HINCHEY, Mr. KAGEN, Ms. KILPATRICK, Mr. SESTAK, and Ms. SUTTON):

H.R. 3360. A bill to amend the Federal Water Pollution Control Act to require the concurrence of all bordering States when a permit for the discharge of pollutants into one of the Great Lakes is issued; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL (for himself, Mr. GEORGE MILLER of California, Mr. MCCRERY, and Mr. MCKEON):

H.R. 3361. A bill to make technical corrections related to the Pension Protection Act of 2006; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself and Mr. CANTOR):

H.R. 3362. A bill to amend the Internal Revenue Code of 1986 to allow 5-year amortization of goodwill and other section 197 intangibles that are acquired from a small business; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. RAMSTAD, Ms. SCHWARTZ, Mr. HULSHOF, Mr. CROWLEY, Ms. HERSETH

SANDLIN, Mr. MICHAUD, Mr. CAMP of Michigan, Mr. WELLER, Mrs. CAPITO, Mr. ALLEN, Mr. ENGLISH of Pennsylvania, Mr. BLUMENAUER, Mr. THOMPSON of California, Mr. PASCRELL, Mr. LARSON of Connecticut, Mrs. JONES of Ohio, Mr. PORTER, Mr. TERRY, Mr. NEAL of Massachusetts, Mr. HOLT, Mr. BOUSTANY, Ms. BERKLEY, Mr. VAN HOLLEN, and Ms. HOOLEY):

H.R. 3363. A bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance; to the Committee on Ways and Means.

By Mr. POE (for himself and Mr. CHABOT):

H.R. 3364. A bill to amend the Internal Revenue Code of 1986 to allow parents of murdered children to continue to claim the deduction for the personal exemption with respect to such child; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3365. A bill to amend the Clean Air Act to delay the effect of reclassifying certain nonattainment areas adjacent to an international border, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 3366. A bill to amend title 10, United States Code, to require the Department of Defense and all other defense-related agencies of the United States to fully comply with Federal and State environmental laws, including certain laws relating to public health and worker safety, that are designed to protect the environment and the health and safety of the public, particularly those persons most vulnerable to the hazards incident to military operations and installations, such as children, members of the Armed Forces, civilian employees, and persons living in the vicinity of military operations and installations; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Natural Resources, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 3367. A bill to amend the Internal Revenue Code of 1986 to assist in the recovery and development of the Virgin Islands by providing for a reduction in the tax imposed on distributions from certain retirement plans' assets which are invested for at least 30 years, subject to defined withdrawals, under a Virgin Islands investment program; to the Committee on Ways and Means.

By Mr. LANTOS (for himself and Mr. BRADY of Texas):

H.R. 3368. A bill to amend the Public Health Service Act to establish a pulmonary hypertension clinical research network, to expand pulmonary hypertension research and training, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. DELAHUNT, Mr. BURTON of Indiana, and Mr. POE):

H.R. 3369. A bill to provide compensation for United States citizens taken hostage by terrorists or state sponsors of terrorism; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin (for himself and Mr. DAVIS of Alabama):

H.R. 3370. A bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself and Mr. BILBRAY):

H.R. 3371. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program and to re-allocate those visas to certain employment-based immigrants who obtain an advanced degree in the United States; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself, Ms. DEGETTE, Mr. MICHAUD, Mr. RYAN of Ohio, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. ACKERMAN, Mr. ALLEN, Ms. BALDWIN, Mr. BERMAN, Mrs. CAPPS, Ms. CARSON, Mr. CROWLEY, Mrs. DAVIS of California, Mr. ABERCROMBIE, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. KENNEDY, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. OLVER, Mr. PAYNE, Mr. RANGEL, Mr. ROTHMAN, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Mr. TIERNEY, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WYNN, Mr. KUCINICH, Ms. SUTTON, Ms. LEE, Mr. SHAYS, Mr. HONDA, Ms. BERKLEY, Mr. DEFAZIO, Mr. AL GREEN of Texas, Mr. VAN HOLLEN, Mr. LOEBSACK, Ms. SCHAKOWSKY, Ms. LINDA T. SÁNCHEZ of California, Ms. WOOLSEY, Mr. WELCH of Vermont, Ms. DELAURO, Mr. HOLT, and Mr. ISRAEL):

H.R. 3372. A bill to establish a public education and awareness program relating to emergency contraception; to the Committee on Energy and Commerce.

By Mr. SPACE (for himself, Ms. DEGETTE, Mr. GENE GREEN of Texas, and Mr. CASTLE):

H.R. 3373. A bill to catalyze change in the care and treatment of diabetes in the United States; to the Committee on Energy and Commerce.

By Mr. SPACE:

H.R. 3374. A bill to improve the ability of small communities to coordinate with universities and design professionals in developing a vision to address their local needs; to the Committee on Agriculture.

By Mr. HERGER (for himself, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. CAMP of Michigan, Mr. BRADY of Texas, Mr. HULSHOF, Mr. LEWIS of Kentucky, and Mr. REYNOLDS):

H.R. 3375. A bill to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months; to the Committee on Ways and Means.

By Mr. ARCURI:

H.R. 3376. A bill to enhance witness protection; to the Committee on the Judiciary.

By Mr. BACA (for himself and Mr. AL GREEN of Texas):

H.R. 3377. A bill to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf; to the Committee on Financial Services.

By Mr. BAIRD:

H.R. 3378. A bill to establish a demonstration loan program for nontraditional students; to the Committee on Education and Labor.

By Ms. BORDALLO (by request):

H.R. 3379. A bill to amend the Radiation Exposure Compensation Act to include the Territory of Guam in the list of affected areas with respect to which claims relating to atmospheric nuclear testing shall be allowed, and for other purposes; to the Committee on the Judiciary.

By Mr. BOREN:

H.R. 3380. A bill to amend title 4, United States Code, to prescribe that members of the Armed Forces and veterans out of uniform may render the military salute during hoisting, lowering, or passing of flag; to the Committee on the Judiciary.

By Mr. BRALEY of Iowa:

H.R. 3381. A bill to terminate the national security waiver that has been used to deny the payment of the high-deployment allowance to members of the Armed Forces serving lengthy or numerous deployments since September 11, 2001, and to extend the allowance to members who have been deployed since that date in excess of the rotation frequencies for reserve component members of one year mobilized to five years demobilized and for regular component members of one year deployed to two years at the permanent duty station, and for other purposes; to the Committee on Armed Services.

By Mr. BUTTERFIELD (for himself, Mr. SHULER, Mr. ETHERIDGE, Mr. COBLE, Mr. WATT, Mr. PRICE of North Carolina, Mr. MILLER of North Carolina, Ms. FOXX, Mrs. MYRICK, Mr. MCINTYRE, Mr. JONES of North Carolina, Mr. HAYES, and Mr. MCHENRY):

H.R. 3382. A bill to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the "Philip A. Baddour, Sr. Post Office"; to the Committee on Oversight and Government Reform.

By Mr. CASTLE:

H.R. 3383. A bill to require internal ethics compliance programs by Department of Defense contractors, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHANDLER:

H.R. 3384. A bill to expand the Project Safe Neighborhoods program, and for other purposes; to the Committee on the Judiciary.

By Mr. COHEN (for himself, Ms. CARSON, Ms. CLARKE, Mr. ELLISON, Mr. FATTAH, Mr. AL GREEN of Texas, Mr.

KUCINICH, Ms. ZOE LOFGREN of California, and Mr. PAYNE):

H.R. 3385. A bill to establish a task force to examine homelessness in the United States and make recommendations to alleviate the causes and effects of such homelessness; to the Committee on Financial Services.

By Mr. COHEN (for himself, Mr. ENGLISH of Pennsylvania, Mr. DAVIS of Illinois, Mr. GONZALEZ, and Mr. ARCURI):

H.R. 3386. A bill to amend title 18, United States Code, to provide penalties for transporting the corpses of homicide victims across State lines with intent to prevent their use as evidence; to the Committee on the Judiciary.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 3387. A bill to update and improve the codification of title 46, United States Code; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself and Mr. KUHL of New York):

H.R. 3388. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for tuition and related expenses; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself and Mr. HERGER):

H.R. 3389. A bill to amend the Internal Revenue Code of 1986 to make permanent the election to treat the cost of qualified film and television productions as an expense which is not chargeable to capital account; to the Committee on Ways and Means.

By Mr. ISSA:

H.R. 3390. A bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Ways and Means, Oversight and Government Reform, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself and Mr. RAHALL):

H.R. 3391. A bill to amend the Family and Medical Leave Act of 1993 to expand family and medical leave for spouses, sons, daughters, and parents of servicemembers with combat-related injuries; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY (for himself and Mr. LOBIONDO):

H.R. 3392. A bill to clarify the tariff classification of certain fiberboard core and laminate boards and panels; to the Committee on Ways and Means.

By Mr. DAVIS of Alabama (for himself, Mr. WALZ of Minnesota, and Mr. ALTMIRE):

H.R. 3393. A bill to amend title 38, United States Code, to improve veterans' reemployment rights under chapter 43 of such title, to exempt claims brought under that chapter from arbitration under chapter 1 of title 9 of such Code, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. DAVIS of California (for herself and Ms. CASTOR):

H.R. 3394. A bill to amend the Elementary and Secondary Education Act of 1965 to assist underperforming schools to recruit, support, and retain highly qualified and effective teachers by providing grants for participation in the Targeted High Need Initiative program of the National Board for Professional Teaching Standards; to the Committee on Education and Labor.

By Mr. DAVIS of Illinois (for himself, Ms. CARSON, Mr. DAVIS of Alabama, Mr. RUSH, Ms. KILPATRICK, Ms. NORTON, Mr. ELLISON, Mr. CLYBURN, Mr. BISHOP of Georgia, and Mr. ROTHMAN):

H.R. 3395. A bill to amend title IV of the Social Security Act to ensure funding for grants to promote responsible fatherhood and strengthen low-income families, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself, Mr. LAHOOD, and Mr. BACHUS):

H.R. 3396. A bill to promote simplification and fairness in the administration and collection of sales and use taxes; to the Committee on the Judiciary.

By Mr. ELLISON:

H.R. 3397. A bill to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level; to the Committee on Financial Services.

By Mr. ELLISON:

H.R. 3398. A bill to establish a National Commission on the Infrastructure of the United States; to the Committee on Transportation and Infrastructure.

By Mr. ELLISON:

H.R. 3399. A bill to prohibit the use, production, sale, importation, or exportation of any pesticide containing atrazine; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself and Mr. LATOURETTE):

H.R. 3400. A bill to fund capital projects of State and local governments, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON (for himself and Mr. FRANK of Massachusetts):

H.R. 3401. A bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mr. FERGUSON, and Mr. TOWNS):

H.R. 3402. A bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services; to the Committee on Energy and Commerce.

By Mr. GORDON:

H.R. 3403. A bill to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encouraging the nation's transition to a national IP-enabled emergency network and improve 911 and E-911 access to those with disabilities; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas (for himself, Mr. TOWNS, and Ms. DELAURO):

H.R. 3404. A bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas (for himself and Mr. RYAN of Ohio):

H.R. 3405. A bill to require persons to certify that they have not violated foreign corrupt practices statutes before being awarded Government contracts, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA (for himself, Mrs. NAPOLITANO, Mr. HARE, Mr. HINOJOSA, Mr. GENE GREEN of Texas, Mr. YARMUTH, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. FILNER, Ms. SOLIS, Mr. HOLT, and Mrs. MCCARTHY of New York):

H.R. 3406. A bill to provide grants to States to ensure that all students exit the middle grades prepared for success in a high school with an academically rigorous curriculum that prepares students for postsecondary education and the workplace; to the Committee on Education and Labor.

By Mr. HARE (for himself, Mr. LOEBSACK, Ms. WOOLSEY, and Mr. DAVIS of Illinois):

H.R. 3407. A bill to amend the Elementary and Secondary Education Act of 1965 to allow State and local educational agencies and schools to make greater use of early intervening services, particularly schoolwide positive behavior supports; to the Committee on Education and Labor.

By Mr. HASTINGS of Washington:

H.R. 3408. A bill to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. HINOJOSA (for himself, Ms. CARSON, Mr. PAYNE, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DELAURO, Mrs. CHRISTENSEN, Ms. BERKLEY, Mr. AL GREEN of Texas, Mr. STARK, Mr. HOLT, Mrs. DAVIS of California, and Mr. DAVIS of Illinois):

H.R. 3409. A bill to create the conditions, structures, and supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, Energy and Commerce, Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 3410. A bill to amend the Internal Revenue Code of 1986 to exclude overtime pay from gross income; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself, Ms. CARSON, Mr. CLAY, Ms. DELAURO, Mr.

MCDERMOTT, Mr. STARK, Mr. CUMMINGS, and Ms. SOLIS):

H.R. 3411. A bill to improve the treatment of juveniles with mental health or substance abuse disorders by establishing new grant programs for increased training, technical assistance, and coordination of service providers, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa (for himself, Mr. HENSARLING, Mr. PAUL, Mr. MACK, Mr. PITTS, Mr. GOODE, Mr. BARTLETT of Maryland, Mr. AKIN, Mr. PENCE, Mr. FEENEY, Mr. CULBERSON, Mr. CONAWAY, Ms. FOXX, Mrs. CUBIN, Mr. COBLE, Mr. SAM JOHNSON of Texas, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mr. BRADY of Texas, Mrs. BLACKBURN, Mr. FLAKE, Mr. MCCARTHY of California, Mr. MILLER of Florida, Mr. ROHRABACHER, Mr. DEAL of Georgia, Mr. BROUN of Georgia, Mr. GINGREY, Mr. BISHOP of Utah, Mr. PEARCE, Mr. LINDER, and Mr. WESTMORELAND):

H.R. 3412. A bill to repeal the wage rate requirements commonly known as the Davis-Bacon Act; to the Committee on Education and Labor.

By Mr. KLINE of Minnesota (for himself, Mr. MCKEON, Mr. COLE of Oklahoma, Mr. PICKERING, Mr. CALVERT, and Mr. PAUL):

H.R. 3413. A bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. KLINE of Minnesota (for himself, Mr. MCKEON, Mr. WILSON of South Carolina, and Mr. SOUDER):

H.R. 3414. A bill to amend the Higher Education Act of 1965 to extend eligibility for Federal TRIO programs to members of the reserve components serving on active duty in support of contingency operations; to the Committee on Education and Labor.

By Mr. LANGEVIN (for himself, Ms. BERKLEY, Mr. BUTTERFIELD, Mr. KILDEE, and Mr. KENNEDY):

H.R. 3415. A bill to amend title 38, United States Code, to authorize the placement in a national cemetery of memorial markers for the purpose of commemorating servicemembers or other persons whose remains are interred in an American Battle Monuments Commission cemetery; to the Committee on Veterans' Affairs.

By Mr. LARSON of Connecticut:

H.R. 3416. A bill to amend the Internal Revenue Code of 1986 to reduce carbon dioxide emissions in the United States domestic energy supply; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut:

H.R. 3417. A bill to establish the Commission on the Tax Treatment of Hedge Funds and Private Equity; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. ENGLISH of Pennsylvania, Mr. STARK, Mr. SAM JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. WELLER, Mr. MCNULTY, Mr. PORTER, Mr. POMEROY, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BACHUS, Mrs. BLACKBURN, Ms. BORDALLO, Mr. CUELLAR, Mr. DAVIS of Illinois, Ms. DEGETTE, Ms. DELAURO, Mr. DINGELL, Mr. EHLERS, Mr. ETHERIDGE, Mr. GILCHREST, Mr. GENE GREEN of Texas, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. KILDEE, Ms. ZOE LOFGREN of California, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. PAUL, Mr. PRICE of North Carolina, Ms. SLAUGHTER, Ms. SUTTON, and Mr. WEXLER):

H.R. 3418. A bill to provide for a permanent exclusion from gross income for employer-provided educational assistance; to the Committee on Ways and Means.

By Mr. LOEBSACK (for himself, Mr. HARE, Mr. KILDEE, Mr. BARROW, Ms. ROYBAL-ALLARD, Ms. SHEA-PORTER, Ms. VELÁZQUEZ, Ms. WOOLSEY, Mr. YARMUTH, Mr. KENNEDY, Mr. INSLEE, Mr. ROTHMAN, Mr. KAGEN, Ms. MCCOLLUM of Minnesota, Mr. RUPPERSBERGER, Mr. DOGGETT, Mr. LARSEN of Washington, Mr. SIRES, Ms. SOLIS, Mr. SCOTT of Virginia, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. MCNULTY, Mr. WELCH of Vermont, Mr. FILNER, Mr. BECERRA, Mrs. DAVIS of California, Mr. ANDREWS, Mr. COURTNEY, Mr. WAXMAN, and Ms. MATSUI):

H.R. 3419. A bill to establish an Office of Specialized Instructional Support Services in the Department of Education and to provide grants to State educational agencies to reduce barriers to learning; to the Committee on Education and Labor.

By Ms. ZOE LOFGREN of California:

H.R. 3420. A bill to amend the Internal Revenue Code of 1986 to require the use of Federally insured intermediaries for nonrecognition treatment on like-kind exchanges involving cash to be used to acquire the replacement property; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 3421. A bill to amend the Truth in Lending Act to prohibit universal defaults on credit card accounts and to require minimum payment disclosures for accounts under an open end consumer credit plan, and for other purposes; to the Committee on Financial Services.

By Mrs. LOWEY (for herself and Mr. HIGGINS):

H.R. 3422. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that certain tenants are able to return to affordable housing after a major disaster; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY (for herself, Mrs. CAPPS, and Mr. ARCURI):

H.R. 3423. A bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Ms. PRYCE of Ohio, and Ms. WOOLSEY):

H.R. 3424. A bill to authorize appropriations for the purpose of establishing an office within the Internal Revenue Service to focus on violations of the internal revenue laws by persons who are under investigation for conduct relating to commercial sex acts, and to increase the criminal monetary penalty limitations for the underpayment or overpayment of tax due to fraud; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Ms. PRYCE of Ohio, and Mr. BRADY of Pennsylvania):

H.R. 3425. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage of screening for breast, prostate, and colorectal cancer; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON:

H.R. 3426. A bill to modify certain amendments made by the No Child Left Behind Act of 2001; to the Committee on Education and Labor.

By Mr. MCDERMOTT (for himself, Mr. RANGEL, Mr. LEVIN, and Mr. WILSON of South Carolina):

H.R. 3427. A bill to prohibit the revocation of waivers of the competitive need limitation under the Generalized System of Preferences program unless certain conditions are met; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 3428. A bill to bridge the digital divide in rural areas; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PATRICK MURPHY of Pennsylvania:

H.R. 3429. A bill to authorize a competitive grant program to assist members of the National Guard and Reserve and former and current members of the Armed Forces in securing employment in the private sector, and for other purposes; to the Committee on Armed Services.

By Mrs. NAPOLITANO (for herself, Mr. BACA, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CARDOZA, Ms. CARSON, Mr. COHEN, Mr. CONYERS, Mr. CROWLEY, Mr. CUELLAR, Mr. DAVIS of Illinois, Mr. LINCOLN DAVIS of Tennessee, Mrs. DAVIS of California, Mr. ELLISON, Mr. ENGEL, Mr. FARR, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. HONDA, Ms. HOOLEY, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. KAGEN, Ms. KAPTUR, Mr. KENNEDY, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY of New York, Ms. MATSUI, Mr. MCNULTY, Mr. MICHAUD, Mr. MITCHELL, Mr. TIM MURPHY of Pennsylvania, Mr. MURTHA, Mr. NADLER, Mr. ORTIZ, Mr. PERLMUTTER, Mr. REYES, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SIRES, Ms. SOLIS, Mr. STARK, Ms. WATSON, Ms. WATERS, Mr. WAXMAN, Mr. WEINER, Ms. KILPATRICK, Mr. GILCHREST, Ms. MOORE of Wisconsin, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 3430. A bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs; to the Committee on Energy and Commerce.

By Mr. PASCRELL:

H.R. 3431. A bill to amend the Internal Revenue Code of 1986 to make residents of Puerto Rico eligible for the earned income tax credit; to the Committee on Ways and Means.

By Mr. PAYNE (for himself, Mr. JEFFERSON, Ms. LEE, Ms. KILPATRICK, Mr. LEWIS of Georgia, Ms. CLARKE, Mr. RUSH, Mr. CONYERS, and Ms. JACKSON-LEE of Texas):

H.R. 3432. A bill to establish the 200th Anniversary Commemoration Commission of the Abolition of the Transatlantic Slave Trade, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PEARCE (for himself, Mr. BOSWELL, Mr. MICHAUD, Mr. WAMP, and Ms. HOOLEY):

H.R. 3433. A bill to direct the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, to conduct a survey of research available on methamphetamine addiction and treatment; to the Committee on Energy and Commerce.

By Mr. PEARCE (for himself, Mr. CLEAVER, and Mr. BURTON of Indiana):

H.R. 3434. A bill to provide for the issuance of bonds for the benefit of the National Institutes of Health; to the Committee on Ways and Means.

By Mr. PICKERING:

H.R. 3435. A bill to improve energy security of the United States through a reduction in the oil intensity of the economy of the United States and expansion of secure oil supplies, to be achieved by increasing the availability of alternative fuel sources, fostering responsible oil exploration and production, and improving international arrangements to secure the global oil supply, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Science and Technology, Natural Resources, Armed Services, Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYES:

H.R. 3436. A bill to provide for greater judicial discretion in sentencing for certain firearms offenses committed in exceptional circumstances; to the Committee on the Judiciary.

By Mr. SALAZAR:

H.R. 3437. A bill to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado; to the Committee on Natural Resources.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. BORDALLO, Mr. BOUCHER, Mr. COHEN, Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, Mr. HARE, Mr. HINOJOSA, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. ORTIZ, Ms. SLAUGHTER, and Mr. WYNN):

H.R. 3438. A bill to amend the Safe and Drug-Free Schools and Communities Act to authorize the use of grant funds for gang prevention, and for other purposes; to the Committee on Education and Labor.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. BORDALLO, and Ms. CORRINE BROWN of Florida):

H.R. 3439. A bill to amend the Elementary and Secondary Education Act of 1965 to create a demonstration project to fund additional secondary school counselors in troubled title I schools to reduce the dropout rate; to the Committee on Education and Labor.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. CARDOZA, Mr. DOGGETT, Mr. FILNER, Ms. ZOE LOFGREN of California, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. POE, and Mr. WEXLER):

H.R. 3440. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Mr. SARBANES:

H.R. 3441. A bill to amend the Higher Education Act of 1965 to authorize competitive grants to train school principals in instructional leadership skills and to promote the incorporation of standards of instructional leadership into State-level principal certification or licensure; to the Committee on Education and Labor.

By Mr. SMITH of New Jersey (for himself, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BACHUS, Mr. BAKER, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHNER, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BROWN of South Carolina, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CANNON, Mr. CANTOR, Mr. CARTER, Mr. CHABOT, Mr. COSTELLO, Mrs. CUBIN, Mr. DAVIS of Kentucky, Mr. LINCOLN DAVIS of Tennessee, Mrs. JO ANN DAVIS of Virginia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mrs. DRAKE, Mr. EHLERS, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Ms. FALLIN, Mr. FERGUSON, Mr. FORBES, Mr. FORTENBERRY, Mr. FORTUÑO, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOODE, Mr. HALL of Texas, Mr. HERGER, Mr. HOEKSTRA, Mr. HULSHOF, Mr. HUNTER, Mr. INGLIS of South Carolina, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KILDEE, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATHAM, Mr. LINDER, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCINTYRE, Mrs. MCMORRIS RODGERS, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. MOLLOHAN, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PEARCE, Mr. PENCE, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. PLATTS, Mr. PUTNAM, Mr. RADANOVICH, Mr. RAHALL, Mr. RENZI, Mr. ROGERS of Alabama, Mr. ROGERS of Kentucky, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. SALI, Mrs. SCHMIDT, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHUSTER, Mr. SMITH of Texas, Mr. SOUDER, Mr. STEARNS, Mr. STUPAK, Mr. SULLIVAN, Mr. TANCREDO, Mr. TERRY, Mr. TIAHRT, Mr. WAMP, Mr. WELDON of Florida, Mr. WICKER, and Mr. WILSON of South Carolina):

H.R. 3442. A bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child; to the Committee on Energy and Commerce.

By Mr. THOMPSON of California (for himself, Mr. HERGER, Mr. MCDERMOTT, Mr. REYNOLDS, Mr. CROWLEY, Mr. NUNES, and Mr. ISRAEL):

H.R. 3443. A bill to amend the Tariff Act of 1930 to clarify the provisions relating to drawback for exported merchandise; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Mr. MOORE of Kansas, Mrs. BOYDA of Kansas, and Mr. MORAN of Kansas):

H.R. 3444. A bill to extend tax relief to the residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1711-DR) by reason of severe storms and flooding beginning on June 26, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 3445. A bill to establish the Weather Mitigation Operations and Research Board, and for other purposes; to the Committee on Science and Technology.

By Mr. WALBERG (for himself, Mr. EHLERS, Mr. HOEKSTRA, Mr. STUPAK, and Mr. UPTON):

H.R. 3446. A bill to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the "Michael W. Schragg Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. WAXMAN (for himself, Mrs. CAPPS, Ms. SCHAKOWSKY, Ms. LEE, Ms. SLAUGHTER, Ms. SOLIS, Mr. TOWNS, Ms. BALDWIN, Ms. DEGETTE, Mrs. CHRISTENSEN, Mr. COHEN, Ms. HOOLEY, Mr. COOPER, and Mr. LEWIS of Georgia):

H.R. 3447. A bill to amend the Public Health Service Act to ensure the independence of the Surgeon General from political interference; to the Committee on Energy and Commerce.

By Mr. WAXMAN:

H.R. 3448. A bill to reduce emissions of ozone depleting substances in order to protect the climate and stratospheric ozone layer, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina:

H.R. 3449. A bill to amend title 10, United States Code, to provide eligibility for reduced non-regular service military retired pay before age 60, and for other purposes; to the Committee on Armed Services.

By Mr. YARMUTH (for himself, Mr. LOEBSACK, Mr. JEFFERSON, Mr. COHEN, Mr. HOLT, Mr. ELLISON, Mr. DAVIS of Illinois, Mr. BRALEY of Iowa, Mr. SCOTT of Virginia, Mr. HARE, Mr. SARBANES, Mr. GRIJALVA, and Ms. JACKSON-LEE of Texas):

H.R. 3450. A bill to provide grants to universities and colleges for the development of student success services that will improve college persistence and prepare students for the workplace; to the Committee on Education and Labor.

By Mr. COHEN:

H.J. Res. 48. A joint resolution proposing an amendment to the Constitution of the United States regarding the requirement of the approval of a two-thirds majority of the Supreme Court for any pardon or reprieve granted by the President; to the Committee on the Judiciary.

By Mr. DELAHUNT (for himself, Mr. ROHRABACHER, Mr. CROWLEY, and Mr. BERMAN):

H. Con. Res. 202. Concurrent resolution noting the absence of human rights as a topic of discussion in the U.S.-Saudi Strategic Dialogue between the United States and Saudi Arabia, and urging the President to include this subject in working level discussions with Saudi counterparts; to the Committee on Foreign Affairs.

By Mr. HOYER:

H. Res. 609. A resolution raising a question of the privileges of the House.

By Mr. ROHRABACHER (for himself, Mr. PITTS, Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. WOLF, and Mr. SMITH of New Jersey):

H. Res. 610. A resolution expressing the sense of the House of Representatives that the United States Government should take immediate steps to boycott the Summer Olympic Games in Beijing in August 2008 unless the Chinese regime stops engaging in serious human rights abuses against its citizens and stops supporting serious human rights abuses by the Governments of Sudan, Burma, and North Korea against their citizens; to the Committee on Foreign Affairs.

By Mr. BOEHNER:

H. Res. 611. A resolution raising a question of the privileges of the House; considered and agreed to.

By Mr. BOEHNER:

H. Res. 612. A resolution raising a question of the privileges of the House.

By Mrs. MALONEY of New York (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SHERMAN, Mr. SESSIONS, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. WEINER, Mrs. GILLIBRAND, Mr. ISRAEL, Mr. HODES, Mr. FILNER, Mr. HALL of New York, Ms. LORETTA SANCHEZ of California, and Mr. SMITH of Texas):

H. Res. 616. A resolution celebrating the 40th anniversary of Phoenix House, the success and contributions of Phoenix House with respect to the treatment and prevention of substance abuse, and the significant role that Phoenix House has played in raising public awareness and formulating public policy; to the Committee on Energy and Commerce.

By Mr. MARKEY:

H. Res. 617. A resolution supporting the goals and ideals of National Alzheimer's Disease Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAYNE (for himself, Ms. LEE, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. RUSH, Mr. MCGOVERN, Mr. HONDA, and Ms. SOLIS):

H. Res. 618. A resolution recognizing the importance of addressing the plight of Afro-Colombians; to the Committee on Foreign Affairs.

By Mr. SALI (for himself, Mr. GARRETT of New Jersey, Mr. FRANKS of Arizona, Mr. GOODE, Mr. GINGREY, Mr. BISHOP of Utah, Mr. FORTUÑO, Mr. BARTLETT of Maryland, Mr. PITTS, Mr. PAUL, Mr. BURTON of Indiana, Mr. WESTMORELAND, Mr. MILLER of Florida, Mr. CONAWAY, and Mr. MACK):

H. Res. 619. A resolution amending the Rules of the House of Representatives to require that whenever a bill or joint resolution is introduced that amends existing law, the sponsor provide to the Clerk an electronic version of a comparative print, and for other purposes; to the Committee on Rules.

By Mr. SIRES (for himself, Mr. BILIRAKIS, Mr. SARBANES, Mr. SPACE, and Mrs. MALONEY of New York):

H. Res. 620. A resolution expressing the sense of the House of Representatives that Turkey should end its military occupation of the Republic of Cyprus, particularly because Turkey's pretext has been refuted by over 13,000,000 crossings by Turkish-Cypriots and Greek-Cypriots into each other's communities without incident; to the Committee on Foreign Affairs.

By Ms. WATERS:

H. Res. 621. A resolution recognizing the community development block grant program of the Department of Housing and Urban Development, and its role as the Nation's largest and most visible source of financial assistance to support State- and local government-directed neighborhood revitalization, housing rehabilitation, and economic development activities; to the Committee on Financial Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

161. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 212 memorializing the Congress of the United States to take such actions as are necessary to revise the National Flood Insurance Program to extend coverage for other natural disasters; to the Committee on Financial Services.

162. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 15 memorializing the Congress of the United States to take such actions as are necessary to forgive student loans of college graduates who move to Louisiana to support activities to rebuild and revitalize communities damaged by Hurricane Katrina and Rita; to the Committee on Education and Labor.

163. Also, a memorial of the General Court of the State of New Hampshire, relative to Senate Concurrent Resolution No. 2 urging the Congress of the United States to amend the No Child Left Behind Act; to the Committee on Education and Labor.

164. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 274 memorializing the Congress of the United States to take such actions as are necessary to ensure that all-terrain vehicles sold in the United States meet mechanical equipment standards of the Consumer Product Safety Commission and that safety information and training are being provided to all purchasers of all-terrain vehicles; to the Committee on Energy and Commerce.

165. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 258 memorializing the Congress of the United States to take such actions as are necessary to examine the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide prenatal care to immigrants; to the Committee on Energy and Commerce.

166. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 106 memorializing the Congress of the United States to take such actions as are necessary to ensure the passage of the Online Pharmacy Consumer Protection Act of 2007; to the Committee on Energy and Commerce.

167. Also, a memorial of the Legislature of the State of Delaware, relative to Senate Concurrent Resolution No. 19 urging the Congress of the United States to end the practice of "smokestack chasing"; to the Committee on Energy and Commerce.

168. Also, a memorial of the Senate of the State of Ohio, relative to Senate Resolution No. 18 urging the Congress of the United States to pass legislation establishing a Servitude and Emancipation Archival Research Clearinghouse in the National Archives; to the Committee on Oversight and Government Reform.

169. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 107 memorializing the Congress of the United States to provide assistance and relief for Louisiana's commercial fishing industry through emergency supplemental appropriations; to the Committee on Natural Resources.

170. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 80 memorializing the Congress of the United States, the President of the United States, and the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force to fulfill their commitment to address the problem of hypoxia in the Gulf of Mexico; to the Committee on Natural Resources.

171. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 251 memorializing the Congress of the United States to take such actions as are necessary to grant an extension to Louisiana with regard to the deadline for implementing the provisions of the Adam Walsh Child Protection and Safety Act of 2006, and federal guidelines adopted pursuant thereto; to the Committee on the Judiciary.

172. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 176 memorializing the Congress of the United States to instruct the United States Army Corps of Engineers to take such actions as are necessary to include pump station repairs and safe house construction in St. Bernard Parish as a part of the projects authorized for funding under the provisions of Public Law 109-234, Flood Control and Coastal Emergencies; to the Committee on Transportation and Infrastructure.

173. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 70 memorializing the Congress of the United States to take such actions as are necessary to expedite the Federal Emergency Management Agency's provision of advance funding for expenses for hurricane response projects covered by Project Worksheets submitted by local governments and to do everything possible to provide for the adequate and speedy completion of such projects; to the Committee on Transportation and Infrastructure.

174. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 17 memorializing the Congress of the United States to take such actions as are necessary to create a federal catastrophe fund; to the Committee on Transportation and Infrastructure.

175. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 68 memorializing the Congress of the United States to fulfill the commitment to the citizens of Louisiana to fully fund recovery from damages resulting from Hurricanes Katrina and Rita; to the Committee on Transportation and Infrastructure.

176. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 270 urging the reinstatement of federal ocean water quality testing program; to the Committee on Transportation and Infrastructure.

177. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 223 memorializing the Congress of the United States to take such actions as are necessary to provide the same tax breaks and federal financial assistance to Louisiana residents affected by Hurricane Rita as those afforded to Lousiana residents affected by Hurricane Katrina; to the Committee on Ways and Means.

178. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 195 memorializing the Congress of the United States to take such actions as are necessary to extend the deadline to take advantage of certain tax relief for victims of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma, which relief was originally granted pursuant to the Katrina Emergency Tax Relief Act of 2005 and the Gulf Opportunity Zone Act of 2005; to the Committee on Ways and Means.

179. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 13 memorializing the Congress of the United States to take such actions as are necessary to give tax relief to small businesses which provide health insurance for their employees; to the Committee on Ways and Means.

180. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 217 urging the President of the United States and the Congress of the United States to enact legislation to increase, for social security beneficiaries, the levels of provisional income, which include social security benefits, by an amount equal to the federal cost of living allowance granted to federal employees in Hawaii; to the Committee on Ways and Means.

181. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 247 memorializing the Secretary of the Department of Homeland Security to create a unified Urban Area Security Initiative zone for Camden and Philadelphia area; to the Committee on Homeland Security.

182. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 50 memorializing the Congress of the United States to take such actions as are necessary to either extend the Terrorism Risk Insurance Act (TRIA) to include insurance coverage for natural disasters such as earthquakes and hurricanes or, alternatively, to establish a tax inceptive program for insurance companies that provide insurance coverage for natural disasters such as earthquakes and hurricanes; jointly to the Committees on Financial Services and Ways and Means.

183. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Resolution No. 2007 urging the Congress of the United States to enact legislation giving tribal governments jurisdiction over telecommunications services on tribal lands; jointly to the Committees on Natural Resources and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII.

Mr. GUTIERREZ introduced a bill (H.R. 3451) for the relief of Teresa Figueroa; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. NADLER.

H.R. 154: Mr. YOUNG of Alaska and Mr. LAHOOD.

H.R. 193: Mr. SOUDER.

H.R. 246: Mr. PEARCE.

H.R. 321: Mr. HOEKSTRA.

H.R. 333: Mr. KAGEN.

H.R. 358: Mr. SCOTT of Virginia and Mr. HELLER.

H.R. 367: Mr. PLATTS.

H.R. 368: Mr. RODRIGUEZ, Mr. FRANK of Massachusetts, Mr. SESSIONS, and Mr. ROGERS of Alabama.

H.R. 369: Ms. LINDA T. SÁNCHEZ of California.

H.R. 371: Mr. STARK.

H.R. 406: Mr. WATT.

H.R. 411: Mr. BACHUS and Mr. HELLER.

H.R. 428: Mrs. MCCARTHY of New York.

H.R. 464: Mr. HODES.

H.R. 506: Mr. MILLER of North Carolina.

H.R. 507: Mr. HARE, Mr. LARSON of Connecticut, Mr. JOHNSON of Georgia, and Mr. ELLISON.

H.R. 524: Ms. BALDWIN.

H.R. 550: Mrs. BACHMANN.

H.R. 552: Mr. KANJORSKI.

H.R. 583: Mr. ISRAEL.

H.R. 619: Ms. SUTTON.

H.R. 623: Mr. FILNER.

H.R. 643: Mr. MILLER of North Carolina and Mr. DAVID DAVIS of Tennessee.

H.R. 693: Ms. LINDA T. SÁNCHEZ of California.

H.R. 694: Mr. CUELLAR.

H.R. 715: Ms. LINDA T. SÁNCHEZ of California.

H.R. 741: Mr. THOMPSON of Mississippi.

H.R. 748: Mr. ANDREWS.

H.R. 756: Mr. MCGOVERN.

H.R. 760: Mr. LEWIS of Georgia.

H.R. 869: Mr. SHULER.

H.R. 882: Ms. HERSETH SANDLIN.

H.R. 955: Mr. PEARCE.

H.R. 962: Mrs. MCCARTHY of New York.

H.R. 969: Mr. KUHL of New York.

H.R. 997: Mr. HELLER.

H.R. 1023: Mr. CAMPBELL of California.

H.R. 1064: Mr. KUHL of New York and Mr. PICKERING.

H.R. 1073: Mr. CROWLEY.

H.R. 1076: Mr. JOHNSON of Illinois and Mr. BOUCHER.

H.R. 1078: Ms. SOLIS.

H.R. 1105: Ms. HERSETH SANDLIN.

H.R. 1110: Mr. BONNER and Mr. LUCAS.

H.R. 1112: Mr. GOODLATTE.

H.R. 1113: Mr. ALLEN.

H.R. 1117: Ms. DEGETTE.

H.R. 1120: Mrs. MYRICK and Mr. DAVIS of Illinois.

H.R. 1125: Mr. ORTIZ, Mr. TOM DAVIS of Virginia, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. SHADEGG, Mr. ENGLISH of Pennsylvania, Mr. YARMUTH, Ms. CASTOR, Mr. ROGERS of Kentucky, Mr. ACKERMAN, Ms. SCHWARTZ, and Mr. KAGEN.

H.R. 1134: Mr. DAVID DAVIS of Tennessee.

H.R. 1154: Mrs. BOYDA of Kansas, Mr. INSLEE, Mr. MAHONEY of Florida, Ms. LORETTA SANCHEZ of California, Mr. SHULER, Mr. WALZ of Minnesota, Mr. COLE of Oklahoma, Mrs. CAPITO, and Ms. ESHOO.

H.R. 1172: Ms. WATSON, Mr. PAUL, Mr. MCCOTTER, and Mr. PAYNE.

H.R. 1192: Mr. ROTHMAN, Mr. CUMMINGS, Ms. MOORE of Wisconsin, and Mr. MCCOTTER.

H.R. 1193: Mr. KILDEE.

H.R. 1198: Mr. WAXMAN.

H.R. 1211: Mr. OBERSTAR.

H.R. 1229: Mr. STUPAK.

H.R. 1232: Mrs. DAVIS of California and Mr. COURTNEY.

H.R. 1236: Mr. PICKERING, Mr. BOYD of Florida, and Mr. HOLT.

H.R. 1279: Mr. SHAYS.

H.R. 1286: Mr. HOLT.

H.R. 1302: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FRANK of Massachusetts.

H.R. 1304: Mr. ADERHOLT.

H.R. 1320: Ms. CORRINE BROWN of Florida and Mr. HELLER.

H.R. 1329: Mr. SOUDER and Ms. GRANGER.

H.R. 1336: Mr. FORTENBERRY and Mr. ENGLISH of Pennsylvania.

H.R. 1343: Ms. SCHWARTZ and Mr. ROTHMAN.

H.R. 1357: Mrs. JONES of Ohio, Mr. CHANDLER, Mr. STEARNS, Mr. DAVID DAVIS of Tennessee, Mr. SESSIONS, Mr. ROTHMAN, Mr. COLE of Oklahoma, Mr. MAHONEY of Florida, and Mr. WALDEN of Oregon.

H.R. 1363: Mr. TOWNS, Ms. WATSON, Ms. LEE, Mr. COURTNEY, and Mr. PETRI.

H.R. 1373: Mr. AL GREEN of Texas.

H.R. 1386: Mrs. JONES of Ohio.

H.R. 1400: Mr. LEWIS of California.

H.R. 1418: Mr. WAXMAN.

H.R. 1419: Mr. TIBERI and Mr. SMITH of Nebraska.

H.R. 1422: Mr. BRADY of Texas and Mr. ARCURI.

H.R. 1440: Mr. GALLEGLY.

H.R. 1448: Mr. ISRAEL and Mr. MCCOTTER.

H.R. 1459: Mr. FATTAH and Mr. WICKER.

H.R. 1464: Mr. TERRY.

H.R. 1474: Mr. MILLER of Florida, Mrs. MCCARTHY of New York, Mr. EMANUEL, and Mrs. CAPPS.

H.R. 1476: Mr. PLATTS.

H.R. 1481: Mr. FORTENBERRY and Mr. SOUDER.

H.R. 1520: Mr. MCGOVERN.

H.R. 1532: Mr. BERMAN and Ms. LEE.

H.R. 1537: Ms. DEGETTE.

H.R. 1542: Mr. CONYERS.

H.R. 1552: Mr. ANDREWS.

H.R. 1553: Ms. KILPATRICK.

H.R. 1570: Mr. MARKEY.

H.R. 1576: Mr. HODES and Mr. SHULER.

H.R. 1584: Mr. GILCHREST, Mr. HALL of Texas, Mr. JONES of North Carolina, Mr. LAHOOD, Mr. TOWNS, Mr. MCDERMOTT, Mr. NEUGEBAUER, Mr. GRAVES, Mr. LAMPSON, Mrs. MUSGRAVE, Mr. WAMP, Mr. RENZI, Mr. DOOLITTLE, Mr. RAMSTAD, Mr. GERLACH, Mr. TERRY, Mr. GUTIERREZ, Mr. BARRETT of South Carolina, Mr. JINDAL, Mr. SHADEGG, Mr. UPTON, Mr. ROGERS of Alabama, Mr. GARRETT of New Jersey, Mr. PEARCE, Mr. WALSH of New York, Mr. BLUNT, Ms. GINNY BROWN-WAITE of Florida, Ms. GRANGER, Mr. MCHUGH, Mr. POE, Mr. CARTER, Mr. DEAL of Georgia, Mr. BARTON of Texas, Mr. CALVERT, Mr. COSTELLO, Mr. CRAMER, Mr. DAVIS of Illinois, Mr. DOYLE, Mr. FERGUSON, and Mr. WESTMORELAND.

H.R. 1589: Mr. BUCHANAN and Ms. DEGETTE.

H.R. 1609: Mr. FRANK of Massachusetts, Mr. MOLLOHAN, Ms. SCHWARTZ, Mr. TANNER, Mr. BERRY, Ms. ESHOO, Mr. BRADY of Pennsylvania, Mr. PATRICK MURPHY of Pennsylvania, Mr. KANJORSKI, Mr. MURTHA, Mr. WU, Mr. DOYLE, Mr. HOLDEN, Mr. FATTAH, Mr. WEINER, Mr. CHANDLER, Mrs. BIGGERT, Mr. AL GREEN of Texas, Mr. ALLEN, Mr. MICHAUD, Ms. KAPTUR, Mr. INSLEE, Mr. LANGEVIN, Mr. ABERCROMBIE, Mr. SHUSTER, Mr. GOODE, Mr. ANDREWS, Mr. HOBSON, Mr. TIBERI, and Mr. MCNERNEY.

H.R. 1634: Mr. GORDON, Mr. HINOJOSA, Mr. BOUCHER, Mr. WEINER, and Ms. ESHOO.

H.R. 1644: Ms. HIRONO, Mr. KUCINICH, Mr. HARE, Ms. BERKLEY, Mr. DAVIS of Alabama, Mr. UDALL of New Mexico, Mr. CONYERS, Mr. BARROW, and Ms. HARMAN.

H.R. 1647: Mr. WICKER.

H.R. 1651: Mr. BOUCHER.

H.R. 1655: Mrs. LOWEY and Mr. ISRAEL.

H.R. 1665: Mr. TOM DAVIS of Virginia and Mr. RYAN of Ohio.

H.R. 1671: Ms. Linda T. Sánchez of California.

H.R. 1673: Mr. PASCRELL.

H.R. 1687: Mr. WICKER.

H.R. 1707: Ms. SOLIS.

H.R. 1713: Mr. ISRAEL and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1740: Mr. WELCH of Vermont.

H.R. 1746: Mr. HARE.

H.R. 1767: Mr. TAYLOR and Mr. SHIMKUS.

H.R. 1783: Ms. BEAN, Mr. FRANK of Massachusetts, and Mr. WAXMAN.

H.R. 1813: Mr. COHEN.

H.R. 1814: Mr. SMITH of Nebraska.

H.R. 1818: Mr. MILLER of North Carolina and Mr. LANTOS.

H.R. 1819: Mr. HOLT.

H.R. 1823: Mr. MURTHA.

H.R. 1843: Mr. SARBANES and Mr. CAMP of Michigan.

H.R. 1845: Ms. HIRONO and Mr. GOODLATTE.

H.R. 1871: Mr. BOREN, Mr. HOLDEN, and Mr. COSTA.

H.R. 1881: Ms. BERKLEY.

H.R. 1884: Mr. RODRIGUEZ and Mr. HARE.

H.R. 1919: Mr. BISHOP of New York and Mr. ISRAEL.

H.R. 1937: Mr. DEFAZIO and Mr. LOEBSACK.

H.R. 1940: Mr. MANZULLO, Mr. KING of Iowa, Mr. BONNER, Mr. BROUN of Georgia, Mr. WALDEN of Oregon, Mr. EVERETT, Mrs. SCHMIDT, Mr. HELLER, and Mr. TIM MURPHY of Pennsylvania.

H.R. 1941: Mr. CAPUANO.

H.R. 1944: Mr. TIM MURPHY of Pennsylvania and Mr. LEWIS of Georgia.

H.R. 1959: Mr. ENGLISH of Pennsylvania.

H.R. 1992: Mr. YARMUTH.

H.R. 2014: Mr. ABERCROMBIE.

H.R. 2016: Ms. GIFFORDS and Mrs. NAPOLITANO.

H.R. 2033: Ms. WATSON.

H.R. 2045: Ms. CARSON and Mr. ISRAEL.

H.R. 2046: Mr. SCHIFF.

H.R. 2049: Mr. ABERCROMBIE.

H.R. 2050: Mr. WICKER.

H.R. 2052, Ms. CLARKE.

H.R. 2053: Mr. SHADEGG.

H.R. 2061: Ms. NORTON and Mrs. CHRISTENSEN.

H.R. 2063: Ms. DELAURO and Mr. HOLT.

H.R. 2064: Mrs. TAUSCHER.

H.R. 2069: Mr. FILNER.

H.R. 2087: Ms. MOORE of Wisconsin.

H.R. 2091: Mr. MARSHALL.

H.R. 2092: Ms. MOORE of Wisconsin, Ms. WATERS, Mr. KLEIN of Florida, Ms. MCCOLLUM of Minnesota, and Mr. HASTINGS of Florida.

H.R. 2095: Mrs. JONES of Ohio, Mrs. CAPITO, and Mr. PETRI.

H.R. 2102: Mr. WU and Mr. BLUNT.

H.R. 2116: Mr. DEFAZIO, Mr. WESTMORELAND, Mr. PICKERING, and Mr. WICKER.

H.R. 2117: Mrs. MUSGRAVE.

H.R. 2125: Ms. HOOLEY.

H.R. 2131: Mr. SNYDER, Mr. HONDA, and Mr. HASTINGS of Florida.

H.R. 2138: Mr. UDALL of New Mexico, Mr. MCNRNEY, Mr. WU, Mr. SESTAK, Mrs. GILLIBRAND, Mr. PRICE of North Carolina, Mr. SESSIONS, and Mr. HELLER.

H.R. 2164: Mr. KUHL of New York.

H.R. 2188: Mr. OBERSTAR, Mr. LAHOOD, Mr. LATOURETTE, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2205: Ms. CLARKE and Mr. CAMP of Michigan.

H.R. 2210: Mr. ALLEN.

H.R. 2231: Ms. SUTTON and Mr. AKIN.

H.R. 2243: Mr. SHERMAN.

H.R. 2244: Mr. MARSHALL.

H.R. 2247: Ms. ZOE LOFGREN of California, Mr. COURTNEY, Mr. ELLSWORTH, and Mr. LATHAM.

H.R. 2255: Mr. GALLEGLY.

H.R. 2265: Mr. DEFAZIO.

H.R. 2287: Mr. HASTINGS of Florida.

H.R. 2289: Mr. ALEXANDER.

H.R. 2303: Mr. PETRI.

H.R. 2312: Mr. HELLER.

H.R. 2329: Mr. KILDEE and Mr. HALL of Texas.

H.R. 2332: Mrs. JONES of Ohio, Mr. CHANDLER, Mr. STEARNS, Mr. DAVID DAVIS of Tennessee, Mr. SESSIONS, Mrs. MCMORRIS RODGERS, Mr. COLE of Oklahoma, Mr. CONAWAY, and Mr. WALDEN of Oregon.

H.R. 2349: Mr. JEFFERSON.

H.R. 2363: Mr. POE, Mr. FARR, Mrs. JO ANN DAVIS of Virginia, and Ms. WATSON.

H.R. 2371: Mr. SARBANES.

H.R. 2373, Ms. MOORE of Wisconsin.

H.R. 2387: Mrs. MUSGRAVE.

H.R. 2412: Mr. FRANK Massachusetts.

H.R. 2421: Mr. MILLER of North Carolina.

H.R. 2425: Mr. PEARCE.

H.R. 2485: Mr. ABERCROMBIE.

H.R. 2490: Mr. PERLMUTTER and Mr. CARNEY.

H.R. 2510: Mr. ROGERS of Kentucky and Mr. GALLEGLY.

H.R. 2511: Mr. COOPER, Mr. ETHERIDGE, Mr. RUSH, Mrs. CAPPS, Mr. UPTON, Mr. WAXMAN, Mr. ALLEN, and Ms. BERKLEY.

H.R. 2516: Mr. BRALEY of Iowa.

H.R. 2522: Mr. ENGLISH of Pennsylvania.

H.R. 2549: Mr. MILLER of North Carolina.

H.R. 2550: Mr. BERRY and Mr. BOREN.

H.R. 2566: Mr. WEINER and Mr. WELCH of Vermont.

H.R. 2578: Mr. PICKERING and Mr. CAMP of Michigan.

H.R. 2596: Ms. SUTTON.

H.R. 2600: Mr. SPRATT, Mr. WESTMORELAND, Mrs. MYRICK, and Mr. STUPAK.

H.R. 2604. Ms. SOLIS.

H.R. 2609: Mr. GEORGE MILLER of California and Mr. HASTINGS of Florida.

H.R. 2617: Mr. HASTINGS of Florida.

H.R. 2620: Mr. MCGOVERN and Mr. CARDOZA.

H.R. 2702: Mr. SESTAK.

H.R. 2706: Mrs. MUSGRAVE.

H.R. 2712: Mr. GRAVES, Mr. CANTOR, Mr. RENZI, and Mr. WALDEN of Oregon.

H.R. 2744: Mr. PERLMUTTER and Mr. CONYERS.

H.R. 2746: Mr. ALLEN.

H.R. 2761: Ms. BERKLEY and Mr. COURTNEY.

H.R. 2772: Mr. MILLER of Florida.

H.R. 2781: Mr. MCGOVERN and Mr. BRALEY of Iowa.

H.R. 2784: Mr. TURNER, Mrs. SCHMIDT, Mr. FRANKS of Arizona, and Mr. SMITH of Nebraska.

H.R. 2802: Mr. WELCH of Vermont, Mr. HOLDEN, Mr. GUTIERREZ, and Mr. MILLER of North Carolina.

H.R. 2805: Mr. WAXMAN and Mr. BOUCHER.

H.R. 2819: Mr. WEINER.

H.R. 2828: Mr. WATT, Mr. RUSH, Mr. DAVIS of Alabama, Mr. MILLER of North Carolina, Mr. ENGLISH of Pennsylvania, Mr. SCOTT of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLAY, Mr. CUMMINGS, Mr. KING of New York, and Mr. ROTHMAN.

H.R. 2833: Mr. MURPHY of Connecticut and Mr. KENNEDY.

H.R. 2834: Mr. SARBANES, Mr. ABERCROMBIE, and Mr. GUTIERREZ.

H.R. 2842: Mr. DOGGETT.

H.R. 2851: Ms. LEE, Mr. PRICE of North Carolina, and Mr. MARSHALL.

H.R. 2859: Ms. NORTON, Mr. CLEAVER, and Mr. STARK.

H.R. 2865: Ms. SCHAKOWSKY, Mr. SAXTON, Mr. WEXLER, and Mrs. LOWEY.

H.R. 2870: Mr. HASTINGS of Florida.

H.R. 2897: Mr. WAXMAN.

H.R. 2899: Mr. DEAL of Georgia.

H.R. 2905: Mr. HULSHOF.

H.R. 2910: Mr. BRADY of Pennsylvania, Mr. HONDA, Mr. GONZALEZ, Mr. WEXLER, Mr. HOLDEN, Mr. SIRES, and Ms. CORRINE BROWN of Florida.

H.R. 2924: Mr. COHEN.

H.R. 2928: Mr. HASTINGS of Florida and Mr. CONYERS.

H.R. 2930: Mrs. CHRISTENSEN and Mr. GRIJALVA.

H.R. 2941: Mr. LEWIS of Georgia and Mr. LOEBSACK.

H.R. 2943: Ms. WOOLSEY and Mrs. MCMORRIS RODGERS.

H.R. 2951: Mr. WELCH of Vermont, Mr. COHEN, and Mr. VELÂZQUEZ.

H.R. 2955: Mr. CONYERS.

H.R. 2965: Mr. KIRK.

H.R. 2990: Mr. MCDERMOTT, Mr. SHULER, Mr. PERLMUTTER, Ms. BERKLEY, Mr. LUCAS, and Mr. KUHL of New York.

H.R. 2993: Mr. SHERMAN.

H.R. 3005: Mrs. DAVIS of California.

H.R. 3010: Mr. FRANK of Massachusetts.

H.R. 3024: Mr. WAXMAN.

H.R. 3025: Mr. RODRIGUEZ.

H.R. 3026: Mr. BUCHANAN and Mr. MICA.

H.R. 3040: Ms. SUTTON.

H.R. 3046: Ms. WOOLSEY.

H.R. 3054: Mr. ENGLISH of Pennsylvania.

H.R. 3057: Mr. KILDEE.

H.R. 3061: Ms. SCHWARTZ.

H.R. 3090: Mr. CAMP of Michigan.

H.R. 3098: Mr. BOOZMAN. Mr. GRAVES. and Mr. HULSHOF.

H.R. 3103: Mr. ENGLISH of Pennsylvania.

H.R. 3107: Mrs. TAUSCHER, Mr. LOEBSACK, Ms. HIRONO, Mr. SIRES, Ms. MCCOLLUM of Minnesota, Mr. EMANUEL, Mr. MORAN of Virginia, Mr. PAUL, Mr. HALL of New York, Mr. BRALEY of Iowa, and Mr. BISHOP of New York.

H.R. 3109: Mr. MILLER of Florida.

H.R. 3113: Mrs. NAPOLITANO, Mr. WAXMAN, Mr. ABERCROMBIE, Mr. FILNER, Ms. LORETTA SANCHEZ of California, and Mr. FARR.

H.R. 3114: Mr. NADLER, Mr. COURTNEY, and Mr. HODES.

H.R. 3125: Mr. RUSH.

H.R. 3132: Mr. STARK and Mrs. CAPPS.

H.R. 3134: Ms. SCHAKOWSKY.

H.R. 3138: Mr. WALBERG, Mr. AKIN, and Mr. MCKEON.

H.R. 3142: Mr. GERLACH.

H.R. 3143. Mr. PEARCE.

H.R. 3144: Mr. GERLACH. Mr. BLUNT, and Mr. ENGLISH of Pennsylvania.

H.R. 3145: Mrs. MUSGRAVE.

H.R. 3146: Mr. GERLACH, Mr. ROGERS of Kentucky, and Mrs. MUSGRAVE.

H.R. 3147: Mrs. MUSGRAVE.

H.R. 3148: Mr. WOLF.

H.R. 3151: Mr. ENGLISH of Pennsylvania and Mrs. MUSGRAVE.

H.R. 3155: Mr. ENGLISH of Pennsylvania and Mrs. MUSGRAVE.

H.R. 3168: Mr. MCNERNEY.

H.R. 3186: Mr. GERLACH, Mr. BOOZMAN, Ms. SOLIS, and Ms. HOOLEY.

H.R. 3189: Ms. JACKSON-LEE of Texas.

H.R. 3191: Mr. MORAN of Kansas and Mr. FILNER.

H.R. 3195: Mr. WU, Mr. PASCRELL, Ms. HERSETH SANDLIN, Mr. ABERCROMBIE, Mr. REYES, Mr. HODES, and Mr. PETERSON of Minnesota.

H.R. 3198: Mr. ENGLISH of Pennsylvania.

H.R. 3212: Mr. HODES, Mr. ABERCROMBIE, Mr. PERLMUTTER, Mr. FILNER, Mr. BERMAN, MR. MCDERMOTT, Mr. ALLEN, and Ms. SUTTON.

H.R. 3213: Mr. PETERSON of Pennsylvania.

H.R. 3219: Mr. FERGUSON, Mr. CARDOZA, Ms. CARSON, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. GEORGE MILLER of California, Mr. MARKEY, Mr. BARTLETT of Maryland, Mr. DICKS, Mr. DEFAZIO, Mr. COHEN, Mr. ENGEL, Mr. GERLACH, Mr. BURTON of Indiana, Mr. FRANK of Massachusetts, Ms. BERKLEY, Mr. BLUMENAUER, Ms. LINDA T. SÁNCHEZ of California, Mr. GRIJALVA, Mr. MCGOVERN, Ms. MATSUI, Mr. KILDEE, Mr. PERLMUTTER, Mr. GONZALEZ, and Ms. ZOE LOFGREN of California.

H.R. 3220: Ms. JACKSON-LEE of Texas, Mr. BOSWELL, Mr. PASCRELL, Mr. MORAN of Virginia, Mr. LIPINSKI, and Mr. HIGGINS.

H.R. 3229: Mr. PRICE of Georgia, Mr. GINGREY, Mr. DEAL of Georgia, Mrs. DRAKE, Mr. BROUN of Georgia, Mr. LINDER, Mr. KINGSTON, and Mr. CULBERSON.

H.R. 3245: Mr. ENGLISH of Pennsylvania and Mr. SHERMAN.

H.R. 3253: Mr. HINOJOSA, Mr. SESTAK, and Mr. DAVIS of Illinois.

H.R. 3265: Mr. CLEAVER and Mr. CARNAHAN.

H.R. 3273: Mr. BLUMENAUER.

H.R. 3274: Mr. BLUMENAUER.

H.R. 3276: Ms. SCHAKOWSKY.

H.R. 3287: Mr. PASTOR.

H.R. 3291: Mr. PLATTS.

H.R. 3298: Mr. SESTAK and Mrs. TAUSCHER.

H.R. 3319: Mr. HALL of New York.

H.R. 3326: Mr. GRIJALVA, Ms. NORTON, and Mrs. CHRISTENSEN.

H.R. 3327: Mr. GUTIERREZ and Mr. COHEN.

H.R. 3329: Mr. COHEN, Mr. CLEAVER, and Ms. CARSON.

H.R. 3334: Mr. GOODE, Mr. BOREN, Ms. ESHOO, Mr. WYNN, and Mr. MARSHALL.

H.R. 3337: Mrs. CAPPS.

H.R. 3339: Mr. HOLT, and Mr. UDALL of Colorado.

H.J. Res. 40: Mr. KAGEN.

H.J. Res. 47. Mr. AL GREEN of Texas.

H. Con. 25: Mr. RADANOVICH and Mr. KAGEN.

H. Con. 27: Mr. FILNER.

H. Con. 83: Mr. HELLER.

H. Con. Res. 138: Mr. ALLEN.

H. Con. Res. 167: Mr. GRIJLAVA.

H. Con. Res. 176: Mrs. DRAKE, Mr. JEFFERSON, and Mr. GONZALEZ.

H. Con. Res. 185: Ms. HERSETH SANDLIN, Mr. COHEN, Mr. BRADY of Pennsylvania, Mr. ALTMIRE, Mr. WELCH of Vermont, Mr. SARBANES, Ms. SHEA-PORTER, Mr. REICHERT, and Mr. LARSEN of Washington.

H. Con. Res. 189: Mr. ISSA, Ms. CORRINE BROWN of Florida, Ms. KAPTUR, and Mr. DAVIS of Illinois.

H. Con. Res. 193: Mr. LAMBORN, Mr. REYNOLDS, Mr. DAVID DAVIS of Tennessee, Mr. REICHERT, Mr. DEAL of Georgia, Mr. BROUN of Georgia, Mr. GINGREY, Mr. ENGLISH of Pennsylvania, Mr. SMITH of Nebraska, Mr. COLE of Oklahoma, Mr. PUTNAM, Mr. MCINTYRE, Mr. RYAN of Wisconsin, Mr. REHBERG, Mr. MOLLOHAN, Mr. MELANCON, Mr. RAHALL, Ms. HERSETH SANDLIN, Ms. GIFFORDS, Mr. MARSHALL, Mr. CHANDLER, Mr. PETERSON of Minnesota, Mr. RYAN of Ohio, Mr. TAYLOR, Mr. MAHONEY of Florida, and Mr. EMANUEL.

H. Res. 95: Mr. BARROW, Mrs. LOWEY, Ms. BALDWIN, and Mr. RYAN of Ohio.

H. Res. 111: Mr. ARCURI, Mrs. GILLIBRAND, Mr. YOUNG of Alaska, Mr. KELLER, Mr. GOHMERT, and Mr. DEFAZIO.

H. Res. 185: Mr. HASTINGS of Florida.

H. Res. 303: Mr. MATHESON, Mr. BISHOP of Georgia, and Ms. DELAURO.

H. Res. 335: Mr. ISRAEL, Ms. BORDALLO, and Mr. LEWIS of Georgia.

H. Res. 353: Mr. PETERSON of Minnesota.

H. Res. 356: Mr. COSTA, Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. GENE GREEN of Texas, Mr. FOSSELLA, and Ms. HARMAN.

H. Res. 405: Mr. MARIO DIAZ-BALART of Florida.

H. Res. 417: Mr. LANGEVIN.

H. Res. 433: Mr. WAXMAN.

H. Res. 443: Mr. TAYLOR.

H. Res. 444: Mr. MARSHALL.

H. Res. 525: Mr. LEWIS of Georgia.

H. Res. 536: Mr. WELCH of Vermont.

H. Res. 557: Mr. HELLER.

H. Res. 563: Ms. NORTON and Ms. CLARKE.

H. Res. 572: Mr. MCCOTTER.

H. Res. 584: Mr. FORTENBERRY, Mr. ALLEN, Mr. GARY G. MILLER of California, Mr. ROSKAM, Mr. MANZULLO, Mr. JOHNSON of Illinois, Mr. LINDER, Mr. PRICE of Georgia, Mr. DAVID DAVIS of Tennessee, Ms. ROS-LEHTINEN, Mr. MCCARTHY of California, Mr. LAMBORN, Mr. PEARCE, Mr. TURNER, Mr. ROGERS of Michigan, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LAHOOD, Mr. BAKER, Mr. ALEXANDER, Mrs. JO ANN DAVIS of Virginia, Ms. FALLIN, Mr. DENT, Ms. BEAN, Mr. HOLDEN, Mr. CROWLEY, Ms. PRYCE of Ohio, Mr. DAVIS of Kentucky, Mr. BRADY of Texas, Mr. GILCHREST, Mr. EHLERS, Mr. KIRK, Mr. CAMPBELL of California, Mr. CASTLE, Mr. JONES of North Carolina, Mr. PUTNAM, Mr. HENSARLING, Mr. GILLMOR, Mr. SCOTT of Georgia, Mr. LEWIS of California, Mr. RAMSTAD, Mr. PORTER, Mr. SOUDER, and Mr. PETRI.

H. Res. 589: Mr. HOLT and Mr. MCGOVERN.

H. Res. 590: Mr. ENGLISH of Pennsylvania.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

148. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 245 supporting legislation that would mandate that any member of the United States Armed Services, National Guard, Coast Guard, or any other service who is egregiously wounded in combat remain on active duty for the duration of any resulting disability; to the Committee on Armed Services.

149. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 250 supporting Assembly Bill A.2856 and Senate Bill S. 1342, An Act to Amend the Public Health Law, in Relation to Establishing the Age-Appropriate Sex Education Education Grant Program, to be referred to as the Healthy Teens Act; to the Committee on Energy and Commerce.

150. Also, a petition of the Consulate General of the Philippines, relative to a copy of an aide-memoire prepared by the Philippine government that details the nation's commitment to respecting and upholding human rights; to the Committee on Foreign Affairs.

151. Also, a petition of American Immigration Services, relative to petitioning for an investigation of the Department of State issuance of the Visa Bulletin for July, 2007; to the Committee on Foreign Affairs.

152. Also, a petition of Mr. Tony Avella, Council Member of the City of New York, relative to regarding a request from Mr. Richard George, Director of the Beachside Bungalow Preservation Association; to the Committee on Natural Resources.

153. Also, a petition of the Town of New Salem, Massachusetts, relative to a Resolution to impeach President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

154. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 382 requesting the New York Congressional delegation intercede with the Federal Aviation Administration to schedule a public hearing in Rockland County and to not close the public comment period on the new proposed New York/New Jersey/Philadelphia/Metropolitan Area Airspace Redesign; to the Committee on Transportation and Infrastructure.

155. Also, a petition of the Thomas Jefferson Memorial Church, Unitarian Universalist, Virginia, relative to a Resolution calling for a definite timetable and deadline for the complete withdrawl of all U.S. troops from Iraq; jointly to the Committees on Armed Services and Foreign Affairs.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3222

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 23: At the end of the bill (before the short title), insert the following:

SEC. ____. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

H.R. 3222

OFFERED BY MR. UPTON

AMENDMENT NO. 24: At the end of the bill (before the short title), insert the following:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to purchase light bulbs for facilities in the United States unless the light bulbs have the "ENERGY STAR" or "Federal Energy Management Program" designation.

SENATE—*Friday, August 3, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of light, illumine our way. O God of hope, strengthen our resolve. O God of truth, edify our souls, that we may live today for Your glory.

May our lawmakers bring honor to You by being faithful stewards of love, grace, compassion, and patience. Use them to meet the pressing needs of our Nation and world, providing them opportunities to be Your hands and heart in these challenging times. Let them never lack the courage or the will to do Your work. May their words, thoughts, and actions reflect the content of Your character.

And, Lord, while many travel during the August recess, bless and keep them, providing Your traveling mercies.

We particularly thank You for our outgoing page class.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 3, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that prior to the vote on the judge that is scheduled, we have 1 minute of debate by the ranking member of the Judiciary Committee, Senator SPECTER, 1 minute for Senator INHOFE, and 1 minute for Dr. COBURN, the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF TIMOTHY D. DEGIUSTI, TO BE A UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA

The ACTING PRESIDENT pro tempore. The Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Timothy D. DeGiusti, of Oklahoma, to be a United States District Judge for the Western District of Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield my time to the Senators from Oklahoma.

Mr. INHOFE. Mr. President, this morning, as I do every morning, I was taking my aggressive walk around the Capitol. I walked in front of the U.S. Supreme Court, and I looked up at the eight pillars facing west, and I said audibly, "Help is on its way," in the form of a young jurist from Oklahoma named Tim DeGiusti.

I pause for a moment to thank, certainly, Senator SPECTER for his help. I single out Senator LEAHY, who gave me his word a long time ago that this would happen before the August recess. I say the same thing about the majority leader, Senator REID. I thank him for his assistance.

I know my junior Senator would like to say a couple of words and will talk about the qualifications of this man. He has highest ratings in everything. He has strong support from Democrats—our Democratic Governor, and my predecessor here, David Boren, a Democrat.

On a personal note, 41 years ago, I was elected to the State house of representatives with a very bright guy named Ralph Thompson. He ended up being one of the most renowned Federal district judges in the history of Oklahoma. He and his family are watching us right now from a reunion in Ohio. I only suggest, through the Chair, that Ralph Thompson and his wife Barbara had three beautiful little girls. His daughter Elaine married Tim DeGiusti. So there is a connection there. You have a great jurist in Ralph Thompson, and then you have the next generation, his son-in-law, Tim DeGiusti, whose nomination is before us now.

I am so honored to have the opportunity to call for this vote in a few minutes for Tim DeGiusti to be a Federal district court judge in Oklahoma.

The ACTING PRESIDENT pro tempore. The junior Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I am proud to support the nomination of Timothy DeGiusti to be a Federal judge in the Western District of Oklahoma.

Timothy brings impeccable credentials to the table and a solid respect for the rule of law.

Timothy appreciates and understands that a Federal judge's role is not to write the law from the bench but to apply the law as Congress and the President set out.

At his hearing he said it's important for judges to not wish they were legislators when deciding a statute.

At his hearing, Timothy also talked about the importance of judicial integrity and the need for judges to act fairly in court so as to not erode public confidence in the rule of law which is the bedrock of American law.

Timothy brings a unique perspective to the bench as a veteran military lawyer. His expertise in military and intelligence issues will be especially need in this ongoing war on terror.

There is support of his nomination from prominent Democrats in the State, including former U.S. Senator David Boren, current Democratic Governor Brad Henry, former Democratic Attorney General Mike Turpen, and former Democratic State Senate Majority Leader Stratton Taylor.

Mr. President, again, this is a gentleman of extreme experience, intellectual honesty, and absolute character. I am proud that he will be making decisions on the Federal bench in the Western District of Oklahoma.

Mr. LEAHY. Mr. President, the senior Senator from Oklahoma, Mr.

INHOFE. has talked to me about this nominee several times. I am glad he is on the floor with me. He would corral me on the floor, in the corridors, in the Senate elevators, and everywhere else. I am glad we are going through with this nomination.

Mr. INHOFE. Mr. President, if the Senator will yield. I have talked about the Senator's cooperation. When I was elected 12 years ago, Henry Bellman, a good friend of his, said, "Become a good friend of PAT LEAHY. He keeps his word."

Mr. LEAHY. Mr. President, Henry Bellman was one of the finest men I have ever served with. I valued his friendship too. We traveled to Vermont and we traveled out to his home and elsewhere.

Today as we head into the August recess, the Senate considers another nomination for a lifetime appointment to the Federal bench. Timothy D. DeGiusti for the Western District of Oklahoma, a well-qualified nominee with the support of both home State Senators.

When we confirm the nomination we consider today, the Senate will have confirmed 26 nominations for lifetime appointments this year, 4 more than were confirmed in all of 2005 with a Republican chairman and Republican majority and 9 more than were confirmed during the entire 1996 session. The Judiciary Committee has reported out 31 lifetime appointments to the Federal courts since January of this year.

It is a little known fact that during the Bush Presidency, more circuit judges, more district judges and more total judges have been confirmed, in less time, while I served as Judiciary chairman than during the longer tenures of either of the two Republican chairmen working with Republican Senate majorities.

Taking into account today's confirmation, the Administrative Office of the U.S. Courts lists 49 judicial vacancies. The President has sent us only 25 nominations for these 49 remaining vacancies. Twenty-four of these remaining vacancies—almost half—have no nominee. Of the 17 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 8 of them, almost half. Of the 16 circuit court vacancies, exactly half are without a nominee. If the President had worked with the Senators from Michigan, Rhode Island, Maryland, California and New Jersey, we could be in position to make even more progress. And of the 24 vacancies without any nominee, the President has violated the timeline he set for himself at least 13 times—13 have been vacant without so much as a nominee for more than 180 days. The number of violations may in fact be much higher since the President said he would nominate within 180 days of receiving notice that there would be a vacancy or intended retirement rather than from the vacancy itself. We conservatively estimate that he also violated his own rule 11 times in connection with the nominations he has made. That would mean that with respect to the 49 vacancies, the President is out of compliance with his own rule almost half of the time.

Timothy D. DeGiusti is a partner at the law firm of Holladay, Chilton & DeGiusti, PLLC in Oklahoma City, OK. He previously served 3 years in the U.S. Army as a military prosecutor and legal adviser for the Judge Advocate General Corp. Before that he was in private practice and taught as an adjunct professor of law at the University of Oklahoma College of Law. Mr. DeGiusti graduated from the University of Oklahoma and the University of Oklahoma College of Law.

I congratulate the nominee and his family on his confirmation today.

UPDATING THE FREEDOM OF INFORMATION LAW

Mr. President, I have some good news. We are reaching an agreement that should clear the way for Senate passage of the Openness Promotes Effectiveness in Our National Government Act, the OPEN Government Act, S. 849, which is a mouthful. That means we will have a much needed update of the Freedom of Information Act.

This is comprehensive legislation which Senator CORNYN and I introduced earlier this year. A lot of people have not sat by idly while there has been obstruction on this floor. They have pushed for it and demanded it. I think of all of the editorial writers and letter writers who said: Let's do this. I will speak further if we do pass it.

Every administration, Democratic or Republican, will tell you all the things they do right. Most administrations don't want to talk about the things that don't go right. It is usually the press and public citizens, individuals, who find things out through FOIA.

Open government and transparent decisionmaking are bedrock American values. For more than four decades, FOIA has translated those great values into practice by guaranteeing access to government information. Just recently, we witnessed the effectiveness of FOIA in shedding light on the chronic abuse of National Security Letters, NSLs, at the FBI. This disclosure of government documents obtained under FOIA showed the FBI reported an intentional and willful violation of the laws governing NSLs to the President's Intelligence Oversight Board just before the 2004 election, contrary to the impression created by testimony of Attorney General Gonzales.

Although FOIA continues to demonstrate its great value in shedding light on bad government policies and abuses, this open government law is being hampered by excessive delays and lax FOIA compliance. Today, Americans who seek information under FOIA remain less likely to obtain it than during any other time in FOIA's 40-plus year history. According to the National Security Archive, an independent research institute, the oldest outstanding FOIA requests date back to 1989, before the collapse of the Soviet Union. In fact, more than a year after the President's FOIA executive order to improve agency FOIA performance, FOIA backlogs are at an all-time high. According to a recent report by the Government Accountability Office, federal agencies had 43 percent more FOIA requests pending and outstanding in 2006 than in 2002. In addition, the percentage of FOIA requestors who obtained at least some of the information that they requested from the Government declined by 31 percent in 2006, according to a study by the Coalition of Journalists for Open Government. As the first major reform to FOIA in more than a decade, the OPEN Government Act would help to reverse these troubling trends and help to begin to restore the public's trust in their government. This bill also improves transparency in the Federal Government's FOIA process by:

Restoring meaningful deadlines for agency action under FOIA;

Imposing real consequences on Federal agencies for missing FOIA's 20-day statutory deadline;

Clarifying that FOIA applies to government records held by outside private contractors;

Establishing a FOIA hotline service for all federal agencies; and

Creating a FOIA Ombudsman to provide FOIA requestors and Federal agencies with a meaningful alternative to costly litigation.

Let me also be clear about what this bill does not do. This bill does not harm or impede in any way the Government's ability to withhold or protect classified information. Classified, national security and homeland security-related information are all expressly exempt from FOIA's public disclosure mandate and this bill does nothing to alter these important exemptions. Senator CORNYN and I have been proposing an amendment to our own bill that would preserve the right of federal agencies to assert these and other FOIA exemptions, even if agencies miss the 20-day statutory deadline under FOIA.

The OPEN Government Act is cosponsored by a bipartisan group of 14 Senators, including the bill's lead Republican cosponsor, Senator CORNYN. This bill is also endorsed by more than 115 business, public interest, and news organizations from across the political and ideological spectrum, including the American Library Association, the U.S. Chamber of Commerce, OpenTheGovernment.org, Public Citizen, the Republican Liberty Caucus, the Sunshine in Government Initiative and the Vermont Press Association. I thank all of the cosponsors of this bill for their commitment to open government. I also thank the many organizations that have endorsed the OPEN Government Act for their support of this legislation.

I especially want to thank the concerned citizens who have not sat idly by while some have sought to delay and obstruct Senate consideration of this measure. Instead, knowing the importance of this measure to the American people's right to know, they have demanded action and refuse to take no for an answer. That is what led to this breakthrough and to the commitment of Senate opponents of our FOIA bill to come around.

The OPEN Government Act is a good-government bill that Democrats and Republicans, alike, can and should work together to enact. For more than 2 years, I have worked on a bipartisan basis to pass this legislation and I remain committed to work with any Senator, from either party, who is serious about restoring transparency, trust and accountability to our government. Open government should not be a Democratic issue or a Republican issue. It is an American issue and an American value.

I am glad to announce to today that with Senator CORNYN's help we have come to an understanding with Senators KYL and BENNETT that should lead to Senate passage before the August recess.

I ask unanimous consent that a recent USA Today editorial entitled, "Our view on your right to know: Endless delays mar requests for government information," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today]

OUR VIEW ON YOUR RIGHT TO KNOW: ENDLESS DELAYS MAR REQUESTS FOR GOVERNMENT INFORMATION

Federal agencies are supposed to respond to requests for information within 20 business days. In some cases, 20 years has been more like it. A sampling of pending queries:

In 1987, lawyers for the Church of Scientology asked the State Department for information about whether the department had been gathering information about the church or about "cults."

In 1988, steelmaker USX Corp. requested government data on the steel industry in Luxembourg.

And in 1989, the Armenian Assembly of America sought documents on the Armenian genocide that occurred more than 70 years earlier during World War I.

What these queries have in common is that they are among thousands of requests that have been sandbagged, stonewalled or lost by government agencies.

Congress passed the Freedom of Information Act in 1966 to give citizens and taxpayers access to government-held records that they've paid to have gathered. But 40 years later, scores of agencies still can't—or won't—get it right.

Compliance with the 20-day deadline is "an exception rather than a standard practice," according to a report this month from the Knight Foundation and the National Security Archive watchdog group.

Twelve agencies, ranging from the Defense Department to the Environmental Protection Agency, have backlogs of 10 years or more. Only one-fifth of federal agencies are in compliance with a 10-year-old law that was supposed to put so much government information on the Internet that most FOIA requests would no longer be needed.

Long-overdue reforms that sailed through the House in March with a wide bipartisan majority have been stalled in the Senate—largely because of opposition from Sen. Jon Kyl, R-Ariz.—despite a unanimously favorable vote by the Judiciary Committee.

The ugly reality is that the freedom-of-information law has been sabotaged for years by politicians and bureaucrats trying to make it hard, if not impossible, for citizens to obtain information to which they're entitled.

The pending reforms would restore meaningful deadlines for agency action and impose serious consequences on agencies that miss those deadlines. The bill also would establish a freedom-of-information hotline to enable citizens to track the status of their requests. And it seeks to repeal a perverse incentive that encourages agencies to delay compliance with information requests until just before a court decision that is going to be favorable to the requester.

Of the more than 500,000 freedom-of-information requests filed every year, over 90% are from private citizens, businesses or state and local agencies seeking information that's important to them and that in most cases they are entitled to.

Critics of the legislation object to getting tough on agencies that flout the law and claim that some of the proposed reforms would force the disclosure of sensitive information. If so, these are issues that should be thrashed out in Congress, not used as a club to stall consideration of this long-overdue legislation. The public's right to know is too important to remain on hold.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nomination.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Timothy D. DeGiusti, of Oklahoma, to be a United States District Court Judge for the Western District of Oklahoma?

The yeas and nays have been ordered, and the clerk will call the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 308 Ex.]

YEAS—96

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—4

Clinton
Dodd
Johnson
Murray

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to reconsider is laid upon the table, and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

DRUG ABUSE

Mr. GRASSLEY. Mr. President, I express my deep concern about the developing trends in drug abuse among our kids. As cochairman of the Senate Caucus on International Narcotics Control, I am often confronted with reports about the latest drug trends, but recently I have become more alarmed with what these reports contain. Drug dealers are beginning to market their deadly substances to an increasingly younger crowd so they can become hooked at a younger age.

Young people are the most at-risk populations we have in drug abuse, which is why it is disturbing to see highly addictive drugs such as meth, heroin, even prescription pain killers, antidepressants, and steroids marketed and distributed in new ways—with an emphasis upon new ways—to get a greater number of very young people, particularly elementary children, addicted. I want Congress and the American people to know what is going on with our kids and what we need to do to stop these very dangerous trends.

We have things such as candy-flavored methamphetamine. It is one of the biggest and latest gimmicks that drug dealers use to lure our kids into addiction. Flavors such as strawberry, known as “Strawberry Quick,” and chocolate are clearly being used to make methamphetamine seem less harmful and more appealing. This type of meth is also being marketed in smaller amounts, making it cheaper—because money is an issue—and, hence, more accessible to children. At least eight States have reported cases of candy-flavored meth, and many law enforcement officials are expecting Strawberry Quick to infiltrate their States in the near future.

What is even more disturbing is that many kids may not realize they are using a deadly substance. In fact, that is the motivation behind the drug dealers and distributors. According to my colleague Senator FEINSTEIN, some kids reported that they thought Strawberry Quick was an energy drink and were misled by drug dealers into trying meth for the first time.

Methamphetamine abuse has reached epidemic proportions, and the fact that drug dealers are trying to get children addicted at such a young age underscores the importance of taking quick action to eliminate this danger. That is why I joined my colleague Senator FEINSTEIN in introducing the Saving Kids From Dangerous Drugs Act. This legislation will double the Federal criminal penalties for drug dealers who flavor or disguise illegal drugs to make them more appealing to people under age 21, and it will triple the penalties for repeat offenders. I hope my colleagues will take a look at this piece of legislation and join Senator FEINSTEIN and me in passing this legislation soon, because we have to end the practice of purposefully altering illegal drugs to make them more appealing to young people in order to get more people hooked at a very early age.

The ongoing revelations of widespread steroid abuse in professional sports, along with the recent suicide of World Wrestling Entertainment superstar Chris Benoit, highlight a disturbing trend in sports and the entertainment world, and it has a lasting impact upon our kids. It is alleged that Benoit killed his wife and 7-year-old son in what is commonly called a “roid rage,” which is caused by a chemical imbalance in the brain brought on by steroid abuse. If this is proven true, it will be yet another tragic tale of the destructive nature of steroids.

What is even more tragic is the fact that steroid abuse among high schoolers has been rising. The 2006 Monitoring the Future Survey, a study done annually to monitor drug abuse among middle and senior high school students, shows that the percentage of 12th graders who have admitted trying steroids has increased dramatically. Kids look up to these athletes and performers as role models. We know that. When they see their heroes using these terrible substances, they get the impression that it is okay to use steroids.

Steroids are also marketed to kids. Students who participate in sports are facing enormous pressure to perform at high levels, and we are seeing more and more teens turn to steroids to gain an athletic advantage. You can find Web sites encouraging teens to buy substances called DHEA, which has been declared a steroid by the U.S. Anti-Doping Agency, as a new way to bulk up. The major sports leagues, with the exception of Major League Baseball, have banned DHEA, even though it remains legal in this country. Though DHEA is used as a legitimate supplement for thousands of people, teens are using it as an alternative to illegal steroids.

I introduced a bill earlier this year that would reinstate the ban that was imposed on DHEA in the 1980s, but I think we can find a way to keep minors from obtaining this substance while allowing adults to use the drug legitimately. GNC, the world's leading dietary supplement provider, has a policy not to sell DHEA to anyone under 18, and for good reason. We need to pass that legislation as soon as we can.

We should also take note of one of the fastest emerging drug trends among kids today—the abuse of prescription drugs. Most people don't even realize that their medicine cabinets can contain drugs just as powerful, just as addictive as meth and heroin. Because they are prescribed by a doctor, and millions of people use them, kids think anti-anxiety drugs such as Xanax and pain killers such as Vicodin and OxyContin are harmless. Several examples of abuse occur every day when kids come home from school and take a pill to relax. But eventually one pill is not enough to make them feel better. Soon these kids take more pills and try different mixtures until they can obtain a sufficient high, and that is often with deadly results.

What is so troubling about this is a significant number of teens are experimenting with prescription drugs. According to a 2005 study conducted by the Partnership for a Drug-Free America, one in five teens has admitted using pain killers to get high, and the organization reports it is even getting worse. The 2006 Monitoring the Future Survey shows that the abuse of prescription drugs has doubled since 2002. Access to these drugs is widespread. Not only can teens obtain these drugs from home or in school, they can also get them on line and through “pharm parties.”

Law enforcement officials have increasingly broken up pharm parties where teens grab prescription drugs from home and pass them around to friends. These drugs are often pooled in large bowls and young people take a pill or two, but they have no idea what pill they are taking. There are hundreds of Internet video clips where teens appear strung out on pills and alcohol as a result of pharm parties. We need to do a better job as parents and legislators to educate and prevent these fast-growing trends from reaching epidemic proportions. We have to educate the public about the proper ways to dispose of old medicines, and we need to help law enforcement deal with the large amount of illegal purchases at online pharmacies.

Another sad trend is taking hold in Dallas, TX, where earlier this summer a 17-year-old high school student became the 23rd victim of a drug called “cheese.” “Cheese heroin” is a mixture of black tar heroin and Tylenol PM that is usually smoked or snorted and often very deadly. Because it resembles actual cheese and can be purchased for as little as $2 a hit, more kids in the Dallas area have been trying the new drug with terrible results. Though cheese heroin has only been seen in the Dallas area, don't think for a second it is going to stay in the Dallas area. Cheese heroin is cheap and being marketed solely to children.

Law enforcement officials will be the first to tell you that the new drugs tend to emerge in the larger cities and then move out to the suburbs. We should all be concerned about the drug trend in Dallas, because the sooner we can stem it, the better we can prevent it from spreading across the country.

The good news is that the people in the Dallas community are not taking this new drug lightly. We have school officials and police who have been holding assemblies, lectures, PTA meetings, and classroom discussions to get the word out about cheese heroin.

A public service announcement, made in Dallas by local students, is currently airing throughout the area, and a hotline number has been taking a large number of calls for those seeking assistance to keep their loved ones from succumbing to this cheese heroin. Hopefully, their efforts will stop cheese in its tracks and maybe protect the rest of us around the country.

The Greater Dallas Council on Alcohol and Drug Abuse established a task force that is responsible for this effort. The key to this task force's success is that it incorporates all sectors of the Dallas community. Engaging and involving all sectors of our local communities is one of the best solutions to keeping our children from abusing drugs. That is why I formed, about 10 years ago, an organization called the Face It Together Coalition—we call it FIT for short—in my effort to combat drug abuse in my own State of Iowa. My goal with Face It Together is to bring to the same table parents, educators, businesses, religious leaders, law enforcement officials, health care providers, youth groups, and members of the media to promote new ways of thinking about how to reach and educate Iowans about the dangers of drug abuse. With everyone working together, we will make a difference in our communities. Moreover, together we can build healthy children, healthy families, healthy communities, and a healthy future.

In closing, I believe we have a moral obligation to ensure that our young people have a chance to grow up without being accosted by drug dealers at every turn, and particularly when they are in elementary school. We need as a country to create a strong moral context to help our kids know how to make the right choices. Research has shown time and again that if you can keep a child drug free until the age of 20, chances are very slim that they will ever try or become addicted. That is the task we face. We owe it to ourselves and the future of our country to protect our kids from drugs.

Mr. President, I yield the floor

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, consistent with our policy of going back and forth across the aisle, I ask unanimous consent following the remarks of the Senator from Ohio, that I be recognized for up to 10 minutes and that I be followed by the junior Senator from Montana.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Ohio is recognized.

PATRIOT CORPORATIONS

Mr. BROWN. Mr. President, I thank the Senator from Iowa for his leadership on drug abuse issues that he has shown for so long in this institution. We are all appreciative, in Ohio and Iowa and Oklahoma and everywhere else in this country.

We have heard a litany of stories in the last year or so about the steady stream of dangerous imports, especially from China. We have seen contaminated seafood, we have seen defective tires from China, we have seen dangerous ingredients in toothpaste and vitamins and pet food. In the last 24 hours, we have seen a continued problem with a huge number of toys being recalled that were painted with lead-based paint. Lead paint has been abandoned for almost three decades in this country. We know that lead in paint is a potentially terrible thing for children in terms of the development of their brain, especially for young children.

In USA Today this week is an article that sums up what we have allowed to happen, and why this is no surprise, as we have built this trade relationship with China. I would like to read a couple of paragraphs. We went from barely a $10 billion trade deficit with China in 1992, the year I ran for the House of Representatives, which has grown by a factor of almost 25, to $250 billion today. At the same time we were buying so much from China, we understood China is a country with no real rules, no environmental laws that are enforced well, few food safety, toy safety, worker safety rules and regulations. As a result, it should come as no shock to Americans that so many of these products imported from China are defective or dangerous. Let me read this:

> Nearly all the recent alarms raised about Chinese products point fingers solely at the Chinese, neglecting entirely how China's success as an exporter is, in large part, the product of roughly a trillion dollars of foreign investment and limitless expertise that floods into the country in order to escape some standard or other at home.
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> First, of course, are labor standards. Chinese factory workers earn roughly 65 cents an hour, about 1/40 what their American, Western European and Japanese counterparts do. Export companies—and the long chain of companies that supply them—commonly save money by subjecting [Chinese] workers to cramped dorms, long work weeks and often brutal shop bosses, which would be utterly illegal in the United States workplaces.

American business knows what it is doing, as it has offshored its jobs to China and offshored so many American jobs to China, so much of its work to China. Unfortunately, so much of what has happened is due to trade law and tax law. In essence, we are encouraging our businesses to outsource because of the incentives we provided them in the rules that have been written by the global economy, by U.S. trade law, by tax law. We can continue that or we have a choice. We can do something very different. What we offer this week is very different.

Congresswoman SCHAKOWSKY in the House, with Congresswoman SUTTON from Ohio and several other Members of Congress, TIM RYAN, also from Ohio and in the Senate, Senators DURBIN and OBAMA from Illinois, are offering legislation to set up what we call Patriot Corporations. Those are companies that play by the rules, they hire American workers, do most of their production in the United States, they pay their taxes. As I said, they do most of their production in the United States. They provide pensions and they provide health care for their workers. Those companies that do that should be rewarded. We will designate them "Patriot Corporations." They will get a lower tax rate and they also will have a better opportunity to get Government contracts.

Instead of going the way we have gone; that is, giving all kinds of incentives for American corporations to outsource jobs, giving all kinds of incentives for those companies to move overseas and avoid taxes—instead of allowing that, we, instead, should offer to American companies that play by the rules, those companies, again, that provide decent health care, pensions for their workers, do their manufacturing and work in the United States—we should reward them with the designation of "Patriot Corporation." Those companies that are loyal to their workers, loyal to their communities and loyal to their Nation should be rewarded. We should be loyal to them.

That is the choice we face, continuing this outsourcing tax and trade policy that costs us jobs, and we end up bringing in all kinds of unsafe products—whether they are food products at our breakfast table, whether they are toys that can potentially hurt our children. We have that choice; we either continue this policy or we designate corporations that play by the rules as Patriot Corporations.

As I said, if they are loyal to their workers and loyal to their communities and loyal to our Nation, we as a government should be loyal to them and treat them accordingly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

JUDGE TIMOTHY D. DEGIUSTI

Mr. INHOFE. Mr. President, this morning we did a great thing in the confirmation of Tim DeGiusti to the Federal court. Understandably, we are short of time this morning because of what is happening at the White House, but let me finalize a couple of ideas and some comments I was going to make.

First, when you have someone who has the highest rating, whether it is from Martin Dale Hubbell or the American Bar Association, which this candidate did and does, and he also as a military lawyer is familiar with courts-martial procedures—there are a lot of people out there with these qualifications. This individual goes far beyond that. It is interesting that while he is a Republican, our Democratic Governor in Oklahoma, Gov. Brad Henry, is a very strong supporter of this now-confirmed nominee. Also, my predecessor, David Boren, who is now President of the University of Oklahoma, was a very strong supporter of this individual. I quoted him a few times during this process, as to how outstanding this candidate is.

I would like to share an experience I had 41 years ago. A man named Ralph Thompson, who is currently a senior status Federal judge in Oklahoma in the same Western District in which his son-in-law has been confirmed this morning, and I, and another person named David Boren, 41 years ago, were elected to the Oklahoma House of Representatives. I remember it so well because in February of 1967, 40 years ago this year, we all three came to Washington, DC, for the first time. That is, State legislators Ralph Thompson, Dave Boren, and of course myself. David Boren's father was a Congressman so he had a pretty good entree into the Capitol. I remember so well the three of us were walking around the Capitol at night—my first time ever being in the Capitol area of Washington. I remember, after walking through Statuary Hall and all these great features we have in our Capitol, that we kind of professed to each other, we decided one day—Ralph Thompson and David Boren and I—we said we would like to be Members of the Congress, either in the House or in the Senate. But Ralph Thompson said: Or a judge in the U.S. district court.

As it turned out, David Boren was a Member of the Senate; I am a Member of the Senate; and Ralph Thompson became—I believe he will go down in history as maybe being the outstanding Federal district judge in the history of Oklahoma. I have heard so many people talk about that.

I knew Ralph so well at that time—keep in mind, this is 40 years ago—and his beautiful wife Barbara, whom I might add has been Mother of the Year and received every possible honor you could have. Lisa, Maria and Elaine—they cranked out three little girls, and Elaine was the girl who later married Timothy DeGiusti. Get the connection? You have a great judge and then you have a son-in-law who is going into the same Western District of Oklahoma to replace him. It is an unusual situation. But this is one of these wonderful things that can happen in this country of ours. I am so happy this is behind us now and it happened prior to the August recess.

AMERICA'S INFRASTRUCTURE

Mr. INHOFE. Mr. President, let me mention something else I think is critical. I have heard ugly rumors that the President of the United States might end up vetoing what we call the WRDA bill, the Water Resources Development Act. Let me say I don't understand. I am coming from a conservative perspective. I am ranked by the American Conservative Union, No. 1 out of 100 most conservative Member. Yet I am saying to you there are two things we ought to be spending money on in this country. One is national defense and the other is infrastructure.

We have a crisis in our infrastructure. The big bill on transportation infrastructure we passed a year ago is going to do nothing more than maintain what we have now, and it is anticipated in 20 years we will increase our traffic by 50 percent. What are we going to do?

The same thing is true with the Water Resources Development Act. We have not had a reauthorization in 7 years. It should happen every other year.

When you say I don't care if this thing is $10 billion or $20 billion, the amount is not significant because it is not spending money, it is authorizing. If we authorize something—hopefully, we will pass this bill today. If we authorize something, it may never be appropriated or it may be appropriated 10 years down the road. So it does not have any remote effect on the budget today.

I think it is dishonest for people to say this is somehow a spending bill and therefore we should vote against it. That is not true at all. I have the history of this body right here in my hand, and I have given several presentations on this recently. I say to my friend from Montana, who is new in this Chamber, this discussion has been going on between appropriators and authorizers since 1816.

In 1867, they realized they needed to segregate the functions of authorization and appropriations so they established the appropriators, the Appropriations Committee. That was a good thing. But what happened on that, which has been the case for a long time, the appropriators slowly took over a little bit at a time so they ended up authorizing their own appropriations. That is what we don't want.

Let me give an example. In the Senate Armed Services Committee, on which I am honored to sit, we go through all types of items, such as missile defense, as an example. We will have the boost phase and the midcourse phase and the terminal phase and we will have maybe two systems on each one. They are not redundant, but there are many people who say: Wait a minute. Maybe we should do away with that system because we can save this much money.

But take the midcourse. We had the Aegis System and then we had the THAAD system in the terminal phase. These are not redundant because they take care of an incoming missile from different areas with different technologies. You would not know that if you are just an appropriator because you don't have the staff to go in and study and get into the details. But we authorize, in the Senate Armed Services Committee, because we do have that expertise.

I say the same thing is true in my other committee that I used to chair. It was the Environment and Public Works Committee. As it applies to this particular bill, the WRDA bill—we have a set of criteria and evaluated equally all these projects. There will be many projects that have been authorized that I will come on the floor and oppose vigorously when appropriations time comes. But at least we will know they have gone through a process and they meet certain criteria. That is what is important. If you take that away, that is the first line of defense, doing away with superfluous types of earmarking.

This is the only part of that system that offers discipline in the whole appropriations process. That is what this is all about. That is why the WRDA bill is so significant. Yet people who are liberal, conservatives, Democrats, Republicans who come together and realize we have an infrastructure in this country that has been sadly neglected, and we are going to have to do something about it, our opportunity will be today and I hope we can do the responsible thing and pass it.

Then, during the August recess, you are going to hear this person, who is rated the most conservative Member of this body, out talking all over the Nation why this is the conservative approach to logically authorize these projects and then determine which ones are worthwhile.

At least we know these have met a certain criteria.

Mrs. BOXER. Would the Senator yield?

Mr. INHOFE. I will yield to the Senator.

Mrs. BOXER. I am so pleased that my ranking member, Senator INHOFE, the distinguished ranking member—and was the distinguished chair of the EPW Committee—has taken to the floor to state the case.

You know, we fight so much, debate so much about so many issues, but this is one, I would say to my friend, where we have come together because we recognize that to have a great country, you have to have infrastructure that is capable, that is going to meet the needs of our people.

I would say to my friend, is it not true that even though you and I might not agree with every single project—as my friend pointed out, this is the authorizing bill, and we did have criteria here. We did work with Members. I would say to my friend, isn't it true that we were the first committee that actually followed the ethics rules that were not even law? We filled out our conflict of interest forms, we presented the bill, and this bill was 7 years in the making.

I just want to say to my friend, when he goes home and when he speaks about this, does he expect to have a good, receptive audience? I think my friend will. As I go to California, I am going to do the same thing.

Many people will call us the odd couple because we do not agree on everything. But on this one, is it not true that we see eye to eye?

Mr. INHOFE. It is. Reclaiming my time, I think you are being very generous when you say we don't always agree on every issue. In fact, there are no two people who probably disagree more. That tells you something. That tells you we have to do this. This is something this country cannot do without.

Let me give you an example. I spent several years as the mayor of a major city, Tulsa, OK. The greatest problem we had was not crime in the streets, it was not prostitution, it was unfunded mandates. Now, what we do in this is go back to some of these small communities and say: We have mandated that in your drinking water system, your wastewater system, you do these things. And we should be responsible for helping you to comply with these mandates. It is very important.

There is a group called Citizens Against Government Waste. I have right here—and I am going to submit this as part of the RECORD. For 16 years prior to right now, they have identified 76,000 projects they thought were—that fall into this category of being earmarks.

Do you know the interesting thing about this, I ask my friend from California, Senator BOXER. It is interesting that all of these projects, with very few exceptions, were not authorized.

Now, if you look at what the Congressional Research Service comes up with, around 115,000, those include the ones that were authorized. So that tells you where the problem is. The problem is not in projects that were authorized, it is in projects that are not authorized. That is why we are doing the responsible thing today. I am hoping there is no one on either side who will hold up this bill because we have to keep moving with it before the recess.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Before I get into my remarks, I thank the Senator from Oklahoma and the Senator from California for the leadership they have shown on the WRDA bill.

I couldn't agree more; infrastructure is critically important to this country. Infrastructure that revolves around our water resources may be the most important infrastructure we have. And to invest in that is truly a good investment that benefits our kids and grandkids and generations thereafter.

So thank you both for your work on this bill and, hopefully, it can be passed with a good, healthy vote coming out of this body.

WILDFIRE SUPPRESSION

Mr. TESTER. Mr. President, I rise to share some news from my home State. I am anxiously following the wildfires burning across Montana. Over the last few weeks, tens of thousands of acres of the Treasure State have burned. In fact, the top four fires in the West are burning in Montana. Hundreds of folks have been evacuated from their homes. Interestingly enough, today, August 3rd, is traditionally only the third day of the wildfire season. Times are changing.

This past weekend I had the opportunity to visit the front lines of two Montana wildfires, which tell two different fire policy stories. One thing they have clearly got in common: fine, hardworking men and women toughing it out in grueling conditions to protect each other and the public from harm's way. In my State, we are also relying on the hardworking folks in the Montana National Guard. As of today, about 130 guardsmen and women have been called to help fight Montana's fires. Some of these folks cancelled summer plans to answer the call to help. They are working alongside other firefighters to do dangerous, hot, dirty work to protect Montana's people and property.

To all wildland firefighters across this country, I say thank you. We owe them all respect and gratitude. We also owe them policies that will best benefit the landscape they are working so hard to protect.

The two fires I visited both started the same week, in late June. That is really early for Montana. Both are burning in the Bob Marshall Wilderness, a spectacular place where the Rocky Mountains spill onto the plains. The Ahorn fire was 15,000 acres when I visited. It is now over 40,000 acres, burning 30 miles west of the ranching and farming community of Augusta.

The Forest Service is concerned because the Ahorn fire is big and unwieldy. It is burning near a "fire exclusion" area, an area that the Forest Service has not allowed fire to burn over the years in order to protect seasonal cabins on private land east near the forest boundary. As a result of the fuels that built up over the years due to suppressing fire, the Ahorn fire is going to do pretty much what the fire wants to do. The Forest Service threw $1 million at it when it first took off, and that "didn't make a dent," according to the fire officials. The agency says it will not be successful in controlling the perimeter of the fire, though it probably will be successful at protecting those cabins.

This has nothing to do with the agency's abilities. It has everything to do with fires that burn hotter and harder now because of a hotter climate and denser forests. To date, the Ahorn fire has cost nearly $5 million.

Last Saturday, I also got a chance to see the Fool Creek fire. That fire was 6,200 acres when I saw it. Today it is about 22,000 acres. The Fool Creek fire is burning west of Choteau, another ranching and farming community. The Forest Service has been managing the Fool Creek fire as a "Wildland Fire Use For Resource Benefit," which means fire bosses have been mostly allowing it to burn for the benefit of the forest. So far, it has been a lot more manageable because it is moving in and around lands that burned in 1988 and in 2000. It is still hot and dry out there and the fire made a big run yesterday, but all told, the fire has been easier to manage than Ahorn. To date, the Fool Creek fire has cost $1.3 million. That is four times less than the cost of fighting the Ahorn fire, with similar outcomes.

It is not very popular to tell the American people that the Forest Service is letting the woods burn. But what we have learned in the last 20 years is: sometimes, it is the right thing to do.

We have another problem in my home State, and that's the holdover from longstanding fights on how to manage our forests. We will never get back to the timber harvest levels of the 1970s, nor should we. But the pendulum has swung too far, and now we are too often fighting in the courts about cutting down trees. Quite frankly, we don't have enough people working out in the woods. That is a problem economically and ecologically. Throw in climate change, thousands of acres of dead, dry beetle-infested trees, and lots of new houses popping up on the edges of our national forests, and we have a perfect storm brewing.

I don't think it is a coincidence that, with all the fuel buildup in our forests and the hottest summer on record, we're in the middle of a whopper of a fire season. Climatologists tell me that this is becoming the new norm. This is what we can continue to expect. Which means we have to get even smarter about when to fight wildfire, and where, and how best to stretch every dollar spent on battling them. And we have to get serious about supporting the Forest Service as it reduces fuels in the forests.

With the Forest Service spending 45 percent of its budget on fire suppression, it barely has the time or the resources to restore our forests to health. With firefighting costs predicted to go even higher, creating a trust fund for fire management makes a great deal of sense to me. It is something we have to do in order to ensure that funds will be available to do the work of restoring health to our forests. Because when we restore our forests, we will make them more resilient to fire. This is something we have to do, and we have to do it fast, especially around our Western towns and communities.

This issue won't go away when fire season comes to an end. The conversation will continue with my colleagues here in Washington and with all folks in. Montana. We'll be talking about fire and forest health and the opportunities they provide us. They are connected, and they are connected to Montana's well-being and economy.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, while the Senator from Montana is still on the Senate floor, let me, first of all, thank him for his comments, to which I subscribe. We have a problem throughout the Western United States with forest fires, not easily understood by those who don't experience the kind of hot, dry conditions we do in the summer with our forests.

People don't think there are forests in my State of Arizona. There are. In fact, about 5 years ago, we had a fire which burned an area—and this is big Ponderosa Pine country—burned an area almost the size of the State of Rhode Island.

Now, in Arizona and Montana, you can do that. But just think about that if it were in your State. One of the problems is, we have found that the Healthy Forest Act that we passed about 3 years ago, which was designed to limit litigation, has not done as good a job as we had hoped.

I think we need to revisit that in addition to providing more funding. I will conclude this point by saying that one of the best summers of my life was spent in the State of Montana in Glacier National Park helping to put out forest fires in that beautiful place.

I hope all of us can join together in an appropriate way to advance the cause about which the Senator from Montana was speaking.

Mr. TESTER. I thank the Senator from Arizona. I think communication and trust is critical if we are going to address the issues in our forests today. I think if we can develop good communication with all parties involved, we will help move our forests to a healthier level.

I thank the Senator for his comments.

FISA

Mr. KYL. Mr. President, I want to speak briefly to the issue, which, frankly, is keeping us in session right now, and explain a little bit about what is happening. Everyone in this body understands and agrees that we have an emergency on our hands that deals with our intelligence collection, and we need to address that emergency legislatively.

But there is a disagreement on exactly how to do that. We must resolve that disagreement before we leave here. We will be taking a month back in our home States visiting with constituents. When we come back we will be right on the anniversary of 9/11. There are ways that we can prevent another 9/11 by good intelligence collection as to warnings that might tell us what we need to do to prevent such an attack, but we cannot do that the way the law is currently written.

Obviously, this debate cannot get into a great deal of detail. But, suffice it to say, when the law relating to intelligence collection was written, it was written with a different kind of technology in mind. Technology has evolved over the years. In fact, it has evolved quite rapidly, and it is a simple fact that today's law does not match today's technology. It does not permit the kind of intelligence collection that we can and should be doing.

Without, again, getting into details as to how much collection is being lost, it is fair to say that a significant amount, a significant percentage of intelligence that we could be collecting, we are not collecting, simply because of what is, in effect, an old-fashioned law, a law that can be changed, should be changed.

The kind of collection we are talking about is precisely the kind of information we need that can give us warning of an impending attack. I think it is also fair to say, without getting into detail, that at this time we are seeing increasing evidence of efforts on the part of our enemies—I am speaking specifically of groups such as al-Qaida—to find a way to attack the American homeland.

Given this increased effort on their part—and I would also suggest capability on their part—given that we know what they intend to do, and given that we know there is a great deal of intelligence out there we are not collecting simply because of an outmoded law, it is incumbent upon us to act and to act now.

We cannot leave to go back to our home States for a month without resolving this issue because of the nature of the threat and the fact that an entire month will have elapsed not being able to collect information that we deem vital to be able to give us the kind of warning that we need.

Now, there have been negotiations going on, not only in the Intelligence Committee but with leadership and, primarily Admiral McConnell, who is the Director of National Intelligence, who has brought this matter to our attention. But those negotiations have not resulted in an agreement we can pass in the House and the Senate before we leave. Time is running out. We will wait as long as it takes to resolve this problem. Anything less would be a dereliction of our duty.

I will just conclude by saying this: Prior to 9/11, Senator FEINSTEIN and I, as the chairman and ranking member of the Terrorism Subcommittee of the Judiciary Committee, predicted there would be a massive kind of attack on the United States by terrorists if we did not make substantial changes in the law, on which we had held hearings. We had put legislation in the hopper, and I urged our colleagues to take action on the legislation. They did not do so.

Two days after 9/11, we stood on the floor of the Senate and finally got agreement on some of these elements of legislation, some of which became part of the PATRIOT Act, some of which were part of the Tools to Fight Terrorism Act.

Let's do not let that happen again. The warnings are there. We have to be prepared to deal with them. We cannot leave without changing the law to fit the technology that currently exists, and we will not permit this situation to erode to the point where we have to accept something that is not adequate or we have delay in getting the job done before we leave.

Mr. McCONNELL. Mr. President, will the Senator from Arizona yield for a question?

Mr. KYL. Mr. President, I am happy to yield.

Mr. McCONNELL. Isn't it the view of the Senator from Arizona—given the wide respect across this body and in the House as well that Admiral McConnell enjoys—that we should accept his judgment as to what is needed to solve this problem? Is he not, in the view of the Senator from Arizona, the expert on this subject? And is it not clear to everyone that his primary motivation is not to get into a political fight but to protect the homeland from another attack?

Mr. KYL. Mr. President, as usual, the minority leader has made an extraordinarily important point.

Admiral McConnell enjoys the confidence, I am sure, of every one of the Members of this body. When he briefed all of us about the problem, I did not see a dissenting voice in the classified briefing about the fact that we had to quickly do something to solve this problem.

I think everyone recognizes that he not only has the expertise but the motivation—only one motivation—to protect the American people. I do not think there is a political bone in his body. As a result, for anybody here in the Congress to play politics with the issue, to not accept the judgment of a man who is so widely respected and so properly motivated in this regard, would not only be a dereliction of duty but would, frankly, set up a potential threat to the United States from which we might not recover.

What I might do is just close my remarks and turn the floor over to the minority leader. I also know the Senator from New Mexico wants to make some comments. But perhaps he would allow the leader to make some comments.

I just want to make this point. Winston Churchill said after World War II that no war could have been more easily prevented. We all understand what he was talking about. The threat was there. The people who were going to cause the problem—Adolf Hitler, Nazi Germany—were clear in their intentions, but people did not act on the knowledge they had.

Mr. President, I submit the same thing is true here. If there is, God forbid, an attack on our homeland, I cannot imagine something that could have been more easily prevented by the kind of change we can make in this body today to ensure that the law that governs this intelligence collection keeps up with the technology.

It is up to us to take the good judgment of people such as Admiral McConnell, as the minority leader has said, and move on with this and not allow a situation to develop where we would leave for the month of August not having solved this important problem.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, the solution to this problem is at the desk. The senior Senator from Missouri, the vice chair of the Intelligence Committee, and I placed a bill on the calendar earlier this week that Admiral McConnell has certified would give him and our intelligence community the ability to protect the homeland.

As Senator BOND and I pointed out earlier this week, this measure which is at the desk, which could be taken up and passed by the Senate at any time, would give the intelligence community what it needs before we go off for a month, leaving America without this additional protection. This would be a solution to the problem.

The Director of National Intelligence has pleaded with us in person about this issue which involves—as we all now know full well, whether we are on the Intelligence Committee or not—a glitch in the Foreign Intelligence Surveillance Act of 1978, commonly referred to around here as FISA, that is causing our intelligence community to miss significant, actionable intelligence.

Now, the principle behind the FISA law is the same today as it was 30 years ago. It is the principle that foreign terrorists are a legitimate—I repeat, legitimate—target for electronic surveillance. But because of changes in the way terrorists communicate, U.S. intelligence personnel are no longer able to act on this commonsense principle with the speed and the flexibility the law was originally meant to give them.

In a significant number of cases, our intelligence professionals are now in the position of having to obtain court orders to collect foreign intelligence concerning foreign targets overseas in another country. This is absolutely absurd and completely unacceptable. We have never believed the targeting of a foreign terrorist overseas should require a FISA warrant. Let me say that again. We are talking about terrorists overseas. Yet that is the outrageous situation we find ourselves in today. It would be even more outrageous not to correct this glaring problem immediately before we leave town. And we will. We will be here as long as it takes to get this right.

Congress created FISA in 1978 because it believed the terrorist threat was real. That belief has been tragically confirmed since the law was created. Intelligence officials remind us repeatedly that the threat remains real. An unclassified version of the recent National Intelligence Estimate tells us that al-Qaida is reconstituting itself and that its lethal intent is just as strong today as it was on the morning of September 11, 2001.

The legislation could not be more urgent. While the administration submitted FISA modernization language months ago—this has been languishing for months—the only legislation before us is S. 1927, the McConnell-Bond bill, a bill specifically requested by the Director of National Intelligence.

We know this bill provides our intelligence community with the necessary tools to protect our homeland. We know if we pass this measure, the President will sign it into law. We know we have a duty to pass it today to protect the American people. So why wait? Why wait? This job must be done, and done now.

The recent National Intelligence Estimate on terrorism contained a finding that cooperation on the part of our allies may wane as 9/11 becomes a more distant memory and perceptions of the threat tend to recede. Has that memory faded so greatly in our own minds that we would leave for an August recess without taking the reasonable step of revising this law? I certainly hope not. It would be completely unacceptable. The intelligence community assures us that al-Qaida is not taking an August break.

The principle behind our electronic surveillance has not changed since 1978. But the terrorist threat has. As we have tried to adapt to this asymmetrical threat, the terrorists have adapted too—by using increasingly modern and increasingly lethal tools and technologies against us. They have used planes and, if they get their wish, they will use chemical and even nuclear weapons. They have killed our citizens and our soldiers by the thousands. And they have shown their intent to continue to kill on an even larger scale.

We must not let these enemies of America exploit a weakness that we can identify. We understand this weakness exists, and we need to fix it. Didn't we learn this lesson after 9/11? Some have blamed our failure to prevent those attacks on a failure of imagination. Some have said it was because we did not connect the dots. Well, we will never be able to connect the dots if we cannot collect them. Failure to pass this legislation would suggest an indifference on the part of Congress about our ability to connect those very dots.

Mr. President, I hope everybody understands the threat is real; the threat is urgent. We must not, we will not, leave for recess until we pass this urgent and necessary law.

Senator BOND and I and others will have more to say about this issue during the course of the day.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

AMERICA COMPETES ACT

Mr. BINGAMAN. Mr. President, I want to take a very few minutes to comment on the action of the Senate last night in passing and sending to the President the America COMPETES Act.

With the passage of the conference report, I hope we will begin a long-term commitment by the Congress and by the executive branch to ensure our Nation continues to lead the world in innovation and economic competitiveness.

I will put in the record a full statement of the history that has led us to this point of hard work that has gone on by many in the Senate, in the House of Representatives, as well as in the private sector.

Yesterday, the House voted 357 to 57 to pass the conference report and in doing so affirmed that on large issues such as these we can work in a bipartisan way for the benefit of our Nation. Then, later last night, the Senate passed the conference report by unanimous consent.

This bill has been more than 2 years in the making. One primary impetus was in May of 2005, when Senator ALEXANDER and I asked the National Academies of Science to report on steps the Congress could take to keep the United States competitive in a rapidly changing global environment. That report, entitled, "Rising Above the Gathering Storm," was spearheaded by Norm Augustine, former CEO of Lockheed Martin. It was released in October of 2005 and received significant attention in the U.S. media. The report clearly tapped into an increasing concern among many Americans about the challenges we face in competing against the rising national economies of countries such as India and China.

In January of 2006, Senator DOMENICI, Senator ALEXANDER, and I, along with 67 other cosponsors, introduced the Protecting America's Competitiveness Edge Act, or PACE Act. This bill reflected the recommendations of the Augustine commission and covered a wide array of topics related to competitiveness, including increasing funding for research and education and other provisions designed to encourage a climate of entrepreneurship and innovation.

On a separate track, in December 2004, the Council on Competitiveness released their report entitled, "Innovate America." Based upon that report, Senators ENSIGN and LIEBERMAN introduced S. 2802, entitled the American Innovation Act of 2006.

That summer, Senator Frist asked the authors of both bills and other interested Members, including the chairman of HELP, Senator ENZI and Ranking Member KENNEDY, to draft a comprehensive Senate bill which was introduced in the Senate as S. 3936, the National Competitiveness and Innovation Act. S. 3936 was introduced in the final days of the 109th Congress as a Frist-Reid bill.

Continuing this bipartisan effort in the 110th Congress, Senators ALEXANDER, DOMENICI, and I introduced S. 761, the America COMPETES Act, which was taken up by the Senate and passed 88 to 8 in April of this year, with Senators REID and MCCONNELL as the lead sponsors.

Meanwhile, similar efforts were going on in the House with the House Science Committee. The conference report that is on its way to the President is a result of bipartisan, bicameral compromise and cooperation.

Reconciling the House and Senate bills started before Memorial Day and involved the Senate Committees on Commerce, HELP, and Energy. In the House, it involved the Committees on Science and Education and Labor. All in all, it took the efforts of over 70 staff to complete this legislation. I want to thank the members of these committees for their bipartisan effort and long-term vision on keeping our Nation competitive.

I want to thank in particular the staff of these committees, all of whom put in long, hard hours, in many cases juggling the demands of other bills that their committee had on the floor. In the Senate, once things got underway 2 years ago, the process by which we operated was completely transparent—there was never a meeting held that did not include staff from both sides of the aisle. There was a remarkable lack of acrimony, and a striking absence of partisanship. I could not be more proud of this process and the staff that undertook it, and I think the conference report we passed last night reflects that process. It should serve as a model for the way this body should operate.

Mr. President, let me quote from the "Rising Above the Gathering Storm"—

> Without a renewed effort to bolster the foundations of competitiveness, we can expect to lose our privileged position. For the first time in generations, the nation's children could face poorer prospects than their parents and grandparents did. We owe the current prosperity, security, and good health to investments of the past generations, and we are obliged to renew those commitments in education, research, and innovation policies to ensure that the American people continue to benefit from the remarkable opportunities provided by the rapid development of the global economy and its not inconsiderable underpinning in science and technology.

This legislation represents that much-needed renewed commitment to bolstering our national competitiveness

Much of the good work that was contained in the legislation was a result of the report "Rising Above the Gathering Storm," which was issued by the Academies of Science at the urging of several of us in the Senate. This report set out specific actions that needed to be taken by this country in order to keep our economy competitive in the world. Clearly, most of those recommendations have been adopted, and now they have been legislated into law as part of this America COMPETES Act.

I thank my colleagues—Senator ALEXANDER, of course, Senator DOMENICI, Senator ENSIGN, Senator LIEBERMAN, Senator KENNEDY, Senator ENZI, Senator INOUYE, Senator STEVENS. A great many people in the Senate had a major part in this legislation. I thank them.

I also want to particularly thank the staff. The hard work that went into this legislation was truly extraordinary. There were numerous staff from both sides of the aisle who worked very hard to make this effort a success.

From the Commerce Committee: Beth Bacon, Jeff Bingham, Jean Toal-Eisen, Christine Kurth, Chan Lieu, Jason Mulvihill, Floyd Deschamps, and H.J. Derr; from the HELP Committee: Beth Buehlman, David Cleary, Anne Clough, David Gruenbaum, Lindsay Hunsicker, David Johns, Carmel Martin, Roberto Rodriguez, Missy Rohrbach, Ilyse Schuman, and Emma Vadehra; from my personal staff: Michael Yudin, who does the work in our office on education issues, was an essential part of the effort from the very beginning and made enormous contributions to the education sections of the report; Melanie Roberts, an AAAS policy fellow in my office, did as well, worked hard; from the Energy and Natural Resources Committee: Bob Simon, our staff director; Mia Bennett; Kathryn Clay; Sam Fowler; Amanda Kelly; Judy Pensabene, who is the committee counsel for Senator DOMENICI; and Matt Zedler; on Senator ALEXANDER's staff: Matt Sonnesyn and Jack Wells are the two with whom I am most familiar who have worked so hard; from Senator LIEBERMAN's staff: Craig Robinson, Colleen Shogan, and Rachel Sotsky.

I also want to acknowledge the great work done by our leadership staff: Jason Unger and Mark Wetjen on Senator REID's staff, and by Libby Jarvis on Senator MCCONNELL's staff. Let me express my special thanks to the Senate Legislative Counsel's Office for their tireless work in getting this legislation ready so it could be completed before the August recess: Liz King coordinated the conference efforts with the utmost patience; John Baggaley, Gary Endicott, Gary Koster, Amy Gaynor, and Kristin Romero.

Finally, let me mention John Epstein in my own office and who works on the Energy Committee staff. I am convinced that if it were not for John's tireless efforts to move this legislation forward and his unfailing commitment to a collegial, bipartisan process, the bill would not have been able to be passed in this timeframe. I am extremely grateful to him for his persistence and integrity throughout the process. Also, let me particularly thank Trudy Vincent, my legislative director, for the great work she did on this legislation from its inception to its completion.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Missouri is recognized.

FISA MODIFICATIONS

Mr. BOND. Mr. President, I thank the Chair.

I hope I have the attention of all of my colleagues because I believe we have an opportunity—we have an absolute necessity—to pass the Foreign Intelligence Surveillance Act modifications prior to leaving for the August recess. It is absolutely critical for our national security that we change the law which currently, by its application, is denying our intelligence community a very significant portion of the signals intelligence they could collect on al-Qaida and other terrorist sources who may well be planning another 9/11 attack on the United States.

It has been publicly disclosed that al-Qaida's discussions are more active now than they had been since 2001 and even more since 2001, but we are, because of the application of this law, partially deaf to those communications. If we are to protect our homeland, the people of America, as well as our troops in the field, we have to collect better intelligence because that is our only significant weapon to fend off the attacks of those, through their misguided ideas, who want to inspire terror and kill as many Americans as possible.

The Director of National Intelligence, Mike McConnell, whom I believe the people in this body have come to know and respect, told us in April that it was urgent that we reform the FISA law. He sent us a proposal on April 27. He appeared before our committee in open hearings on May 1 and discussed at length the challenges and the threat we face and the need for revision of the FISA law. I had hoped we would move on that at the time, but some wanted to get more Department of Justice opinions. Nothing happened. I offered my version. My version, on behalf of Republican members, drew no response.

The DNI, Director of National Intelligence, Admiral McConnell, came before a session of the entire Senate in S-407, our classified security area, a month ago, and he told us about the need to reform the law and to reform the law now. A significant number—not a majority—of this body was there, but everybody who heard him speak recognized the absolute, compelling necessity to move. Since time was running out, he offered a slimmed-down proposal.

There are a number of things which need to be done with respect to FISA that can wait, and to accommodate the concerns of some on the other side of the aisle, he agreed to hold off dealing with issues such as carrier liability and streamlining FISA. But he presented to us a measure that he said was critically important, that must be passed so we don't remain deaf during August to discussions of threats being carried on by al-Qaida and others seeking to do us harm.

As a result of the submission he made, we had another hearing for all Members of the Senate on Tuesday night, and at that Tuesday night session, several Democratic chairmen raised concerns with him about his proposal and their desire to have a different form. I was not privy to their negotiations, but through the good efforts of Director McConnell, I found out what they were proposing, and it was obvious to me, as it was clear to Director McConnell, that this would not allow him to do what he needed to do and would not allow NSA to move forward on collection of vital information needed for his job to keep America safe.

The next day, the admiral modified his original proposal to take into account some of the reasonable concerns the Democrats raised, things he thought he could live with. Leader McCONNELL and I introduced that on Wednesday evening. Since that time, there have been several more iterations coming from Democratic staff and some Democratic chairmen that have been presented to Director McConnell. He has reviewed them, and they do not meet the needs. He has responded to them, to try to find ways to accommodate them, and he has not been able to accommodate them.

The admiral now is traveling and out of contact. He said that given the lateness of the hour and the fact that this is such a critical issue, the negotiations are over, and he said he would make one more accommodation to meet concerns of the majority party. So he has agreed that he would support and urge the President to sign the McConnell-Bond measure introduced on Wednesday night, with one accommodation; that is, to add a 6-month sunset to provisions of the law allowing the operations to continue under the orders put forward at that time.

It will be my intent, after discussions with the leaders, to attempt to call this measure up so we can go to work on it and get it done, to keep our country safe and to allow us to come back after the recess and work on other portions of the FISA law that may be necessary and I think are very necessary. But right now, to keep the country safe, we need to pass this measure.

The Director of National Intelligence said——

Mr. CHAMBLISS. Mr. President, would the Senator yield for a question?

Mr. BOND. I would be happy to.

Mr. CHAMBLISS. I wish to ask the Senator about really the guts of what we are talking about because I want to make sure the American people thoroughly understand this. The FISA law is the law that deals with the collection of intelligence by our intelligence gatherers through the airways and through any other means we can seek to gather that information, whether it is e-mails, telephone calls, or whatever.

Is it correct that right now our intelligence community is telling us they are not just handicapped but they are hamstrung and they do not have the ability because of the delay of this body and of the House of Representatives in passing this legislation which would give them the tools with which to go out into the bad guys' territory and collect information on those bad guys about what they are saying relative to potential attacks against Americans?

Mr. BOND. Mr. President, the Senator from Georgia—and a valuable member of the Intelligence Committee—is precisely right. What we have before us is what is absolutely necessary to keep our country safe. He asked for the basic provisions.

Basically, what Senator McCONNELL has proposed—which is not a Republican proposal, it is not a Democratic proposal, it is the proposal of Admiral McConnell as the Director of National Intelligence—is that the Government, the intelligence community, can listen in on communications from foreign sources, foreign intelligence, of somebody located overseas. If they find a suspect in the United States—and we call that a U.S. person—then any collection has to go before the FISA Court, which was established in 1978, before any collection can start against that target. It allows the Attorney General, with the Director of National Intelligence, to authorize that collection.

Now, the DNI's proposal has made a number of accommodations to the points raised by our Democratic chairmen at that Tuesday night meeting. It includes having the FISA Court review the procedures to ensure that the targets of our collection without a warrant are overseas. I don't think court review is necessary, but it is an added layer of protection that several key Democratic chairmen wanted.

I have been to NSA. I have seen how the procedures are so carefully monitored, with layers of oversight, supervision, reviews of attorneys, reviews of the inspector general, to make sure that the only intelligence they are collecting without a warrant is where the target is a person reasonably believed to be outside the United States.

Mr. CHAMBLISS. Mr. President, would the Senator yield for another question?

Mr. BOND. I would be happy to.

Mr. CHAMBLISS. Mr. President, is it not true that prior to September 11, certain of the September 11 hijackers were inside the United States and communicating outside the United States to the leaders of al-Qaida, who were giving them instructions, who were sending them money, and who were providing them the details of the circumstances leading up to the events of September 11? We did not have the capability at that time of intercepting those conversations because we did not have this particular program in place. Therefore, is it not true that we missed some of the intercepts of correspondence between the September 11 hijackers and their leadership overseas?

Is it not true that following September 11, the very essence of the program we are talking about now that the DNI says he needs, it was in place following September 11, but because of circumstances beyond his control, it is now not in place? Isn't it true that what he is asking for is the ability to gather information from any prospective terrorist who we know may have the ability and the intent to attack Americans, either on foreign soil or on domestic soil, and that what is sought to be done here is not to intercept conversations between Americans, not to intercept conversations even between terrorists who are in America, but what the DNI needs is the ability to intercept conversations coming out of areas such as Pakistan and Waziristan?

Potential terrorists or actual terrorists who reside in the United States, much like happened prior to September 11—and we are about to get out of here for a month—we know this is a time when the Director and the Secretary of the Department of Homeland Security have said it is a high threat month. Would the Senator not agree that it is imperative that we give the intelligence community the ability to listen to those terrorists' conversations, which may include—and I emphasize "may" because this is a moving target—may include listening in on the planning of potential activity inside the United States?

Mr. BOND. Mr. President, I ask unanimous consent for 5 more minutes to answer the questions that have been raised.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I thank the Chair. I thank my colleague from Georgia for a very fine statement.

I don't remember all of the questions, but I do remember his last question.

which was, is it imperative for national security that we adopt this now. The Senator is correct. We were unable to accept communications prior to September 11, 2001. After that tragedy occurred, the President instituted a program, which he revealed several years later, to intercept foreign calls from al-Qaida coming into the United States and, because of concerns and questions raised in oversight, the President put the program to intercept foreign intelligence under the FISA Court. Now, at this point, because of the change in technology since the time FISA was adopted in 1978, inadvertently the new technology being used comes under FISA and prevents, in many instances, the collection of information on a foreign target.

The foreign targets are the ones, as the Senator from Georgia so correctly pointed out, who were giving information, and still give information and direction and strategic operations, to terrorists who may well be in the United States. Yes, it is vitally important that we change this now. I hope my colleagues will review this and that we can get a large, bipartisan majority. This is not a Republican proposal. I tried my Republican proposal and didn't get a majority to support that. There are Democratic proposals and, to the extent they can be accommodated by the DNI and allow him to take the collections he needs against foreign targets, without a warrant—unless we can change the law, he will be deaf and we will be endangered in August and thereafter.

Regarding the question my colleague from Georgia raised about terrorists communicating in the United States, if there is collection, if we have intelligence that there are terrorists communicating in the United States—they would be non-U.S. persons—we would still have to go to the FISA Court to get an order before anybody can collect on them. If a U.S. person receives a call, the U.S. person's participation is what they call minimized and it is put aside. That person does not become a target if he or she is a U.S. person, unless and until there is a FISA Court order included.

Mr. CHAMBLISS. Will the Senator yield for a final question?

Mr. BOND. Yes.

Mr. CHAMBLISS. First, I thank the Senator for his great leadership. The Senator said we have worked on this in a bipartisan way in the Intelligence Committee since April. The Senator and Senator MCCONNELL have proposed a fix to this particular issue that now is before the Senate. Is it not true that everybody on this side of the aisle is prepared to vote for that, vote their conscience on it, whatever it may be, and that we expect a number of Senators from the other side will also be supportive of that? Are we ready to vote on this, to give the DNI the authority he has asked for?

Mr. BOND. Yes. I have a very important message from the DNI:

> We understand that the FISA court judges urgently support a more appropriate alignment of the court's caseload and jurisdiction away from the focus on non-U.S. persons operating outside of the United States. The judges have clearly expressed both frustration with the fact that so much of their docket is consumed by applications that focus on foreign targets and involve minimal privacy interests of Americans.

That is the end of the statement that has been communicated to us by electronics from the DNI—that FISA Court judges have asked today that we pass a law that gets them out of the business of overseeing foreign target collection.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I ask unanimous consent that following my remarks, the Senator from North Dakota be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object. May I ask the Senator from Missouri, the ranking Republican on the Intelligence Committee, a quick and simple question prior to that? It won't take more than 2 minutes to deal with.

Mr. HATCH. We only have about 8 minutes to go, but that is fine.

Mr. GREGG. I ask the Senator from Missouri if he could give his estimate of how much of a diminution of the ability of the intelligence community occurs if we do not pass adequate FISA authorization? Would it be a 30-percent reduction in their ability, or is it 20 percent? Can the Senator give a ballpark figure?

Mr. BOND. Mr. President, I thank the Senator from New Hampshire. I am not at liberty to disclose the amount, but it is very significant. I cannot give him the percentages, but it is more significant than the Senator has suggested.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I add to that that it is very significant. We do know that.

I thank the distinguished Senator from Missouri for his remarks because he is a leader in this area and certainly has no higher interest than protecting our country and our citizens.

Mr. BOND. I thank the Senator from Utah.

Mr. HATCH. Mr. President, as Congress prepares to adjourn for the traditional August recess, I want to draw continued emphasis to a significant issue: FISA modernization.

I am greatly encouraged by the bipartisan negotiations concerning this topic. However, I remain troubled about the possibility of adjournment without resolution of this vital initiative. It is very—simple passing a bill with limited FISA modernization will contribute to a safer America. If passing this bill means we must delay our recess, then we must do it. We should be able to get together today, though.

Do you think al-Qaida takes a recess? It is essential that we not adjourn until we send an appropriate bill to the President.

While some issues that we debate in Congress necessitate that we persuade Members of a pressing need, this is not one of them. Every Senator in the 110th Congress knows that the current FISA statute has loopholes which are putting our country at increased risk.

How should we tackle this issue? I suggest we take a logical and sound approach: Identify the problem, discuss and debate solutions, implement the solution. In this case, we have identified the problem.

The Foreign Intelligence Surveillance Act has not been changed to reflect the vast technological changes that have occurred since this law was passed in 1978. Since the law has not been appropriately modified, our Nation is missing potentially valuable intelligence that is essential to protect our country. Getting this intelligence is essential for our safety. It is about getting the enemy's secrets—their plans and intentions—without them knowing we've got them.

The Director of National Intelligence, Mike McConnell, has done a tremendous job in explaining the exceptional problems that our intelligence community continues to encounter based on antiquated sections of the law. When the United States Director of National Intelligence says our country is at risk, I hope we are listening. Let me read a quote that Director McConnell recently stated:

> Many Americans would be surprised at just what the current law requires. To state the facts plainly: In a significant number of cases, our intelligence agencies must obtain a court order to monitor the communications of foreigners suspected of terrorist activity who are physically located in foreign countries. We are in this situation because the law simply has not kept pace with technology.

This is a powerful statement that Director McConnell gives. However, I must disagree with one thing he says. I don't think most Americans would be "surprised" by what our current law requires, I think most Americans would be outraged by what our current law requires. A terrorist in Afghanistan speaks with a terrorist in Iraq, and U.S. intelligence agencies need a court order to listen to this conversation?

This is absurd.

We need to bring FISA back to its original intent to protect the rights and privacy of American individuals while allowing us to monitor foreign individuals outside of the United States.

The President of the United States has also recognized the perilous situation in which we find ourselves. In his radio address last weekend, he stated that "Our intelligence community warns that under the current statute, we are missing a significant amount of foreign intelligence that we should be collecting to protect our country."

Let's look closely at this. Our intelligence community is saying that we are missing a significant amount of foreign intelligence. Why are we missing this intelligence? Is it because we don't know how to get it?

No.

Is it because we don't have the ability or funds to get it?

No.

Is it because terrorist groups have technology that we can't exploit?

No.

It is because a law passed in 1978 has not been appropriately amended to conform with the technological advances that we have seen since that time. Why are we handcuffing ourselves?

I believe most Americans would look at this situation and simply shake their heads.

If we know we have a problem, and we know how to fix it, why don't we? Is the excuse that we might not have enough time before recess?

Of course we have time.

We'll make time.

It is outrageous that we would even consider a recess while this problem and other loopholes of the FISA law remain intact.

If we can't get this done, why are we here? It is no wonder that the approval ratings for Congress are approaching all time lows.

Quite simply, we have a problem, but we know how to fix it. I note that Senator BOND has introduced a straight forward measure which we can pass today.

This bill will put the tools back in the hands of the people who work tirelessly in providing a safe environment for American families throughout this great country.

This amendment of FISA simply returns the law to its original intent, which is twofold: first, allowing surveillance of foreign targets, who were never underprotected under FISA; and second, guaranteeing the privacy and rights of U.S. persons, who remain protected.

It is time to address this situation. I would ask my colleagues to join me in pledging to pass legislation in this area before we recess. This is not about partisan politics.

This is about protecting Americans. We are all painfully aware of the continued dangers that our country continues to face at the hands of organized groups and dedicated individuals who desire nothing more than the collapse of our country as a superpower.

This is not a case of the boy who cried wolf. We know the threats are out there. However, each day that passes creates emotional distance between the nightmares of September 11, and each new day provides opportunities to heal.

We don't have to live our lives in fear, but we have to acknowledge that the world changed that day. Rather than obsessing over news reports, let's enjoy the tremendous opportunities that the greatest Nation on Earth provides.

And let's ensure that all of the dedicated and noble professionals who play a part in ensuring our liberty and safety are not hampered by nonpartisan problems that we have the ability to fix.

We always hear that the terrorists have an asymmetrical advantage over us: They do not operate as nation-states, and some of them are willing to die as suicide bombers.

But we have a massive asymmetrical advantage over them: Our technological prowess.

Are we to compromise one of our greatest strengths, when that strength is essential, effective and lawful?

I remind my colleagues that even though we will return to our States for the recess, our enemies and their threats don't go away. They don't adjust their schedules to fit ours.

Make no mistake, inaction on our part needlessly subjects every American to increased danger. We need to act.

We have two options: Cut into August recess if necessary to provide safety to Americans, or go home and leave this vulnerability intact.

The answer is an easy one: Let's ensure that our defenders have all of the tools they need for our continued safety, no matter how long it takes.

I urge my colleagues to join me in pledging to pass FISA modernization legislation before our recess. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

(The remarks of Mr. STEVENS pertaining to the introduction of S.J. Res. 17 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, at 11:33 a.m., the Senate recessed subject to the call of the Chair and reassembled at 8:08 p.m., when called to order by the Presiding Officer (Mr. TESTER).

The PRESIDING OFFICER. The majority leader is recognized.

THANKING THE PRESIDING OFFICER

Mr. REID. Mr. President, first of all, I express my appreciation to you, the Presiding Officer. You have been very patient all day, as have all the Members but you especially, having to be on standby and calling us back into session. I appreciate that very much.

PROTECT AMERICA ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to debate concurrently S. 2011, now at the desk, and S. 1927, as amended with the changes now at the desk; that there be 60 minutes of debate equally divided between the two leaders or their designees; that no amendments or motions be in order with respect to either bill; that at the conclusion or yielding back of time, the bills each be read a third time and the Senate vote on passage of S. 1927, as amended, to be followed by a vote on passage of S. 2011; that if either bill fails to achieve 60 votes, then the vote on passage be vitiated and the bill be placed on the calendar in the case of S. 2011 or returned to the calendar in the case of S. 1927, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 2011) cited as the "Protect America Act of 2007".

A bill (S. 1929) to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes.

The amendment (No. 2649) to S. 1927 is as follows:

(Purpose: To provide a sunset provision)

At the end, add the following:

(c) SUNSET.—Except as provided in subsection (d), sections 2, 3, 4, and 5 of this Act, and the amendments made by this Act, shall cease to have effect 180 days after the date of the enactment of this Act.

(d) AUTHORIZATIONS IN EFFECT.—Authorizations for the acquisition of foreign intelligence information pursuant to the amendments made by this Act, and directives issued pursuant to such authorizations, shall remain in effect until their expiration. Such acquisitions shall be governed by the applicable provisions of such amendments and shall not be deemed to constitute electronic surveillance as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)).

Mr. REID. Mr. President, I ask on our time that Senator ROCKEFELLER be given 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the distinguished majority leader and the distinguished Presiding Officer.

Mr. President, the Rockefeller-Levin bill before the Senate will provide the Director of National Intelligence, Mike McConnell, the temporary authorities he needs to expand his ability to collect time-sensitive intelligence against foreign targets as the Congress continues to work on a more lasting effort to reform the Foreign Intelligence Surveillance Act, or FISA, after 6 months has passed.

I wish to make this very clear. The Rockefeller-Levin bill is the bill of the Director of National Intelligence, who was appointed by the President to be in charge and make all decisions with respect to this matter. In the statement DNI McConnell put out at 4:39 this evening, he said:

> I urge Members of Congress to support the legislation I provided last evening to modify FISA and equip our intelligence community with the tools we need to protect our Nation.

Mr. President, I ask unanimous consent to have printed in the RECORD the DNI's full statement at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROCKEFELLER. He is talking about our bill, the bill I am now talking about. The Rockefeller-Levin bill is the bill the DNI is referring to in his statement. I am not shy about saying that; I am proud of it. The bill he provided to us last evening—that is our bill, not the other one, our bill—is not the Bond bill that was filed 2 days ago. It is our bill.

Our bill takes the DNI's preferred bill and modifies it in a limited number of ways to make it stronger without in any way diminishing the fundamental intelligence authorities the DNI needs. Our bill includes a sunset provision of 6 months, the same sunset provision or period that is contained in the Bond bill, I might add, and we are told that the DNI accepted. In fact, he has told us specifically he accepts it.

Our modified DNI bill—Director of National Intelligence—would allow our intelligence community to begin the surveillance of terrorist suspects, targets located overseas, immediately upon the signing of the bill, even if those targeted calls enter the United States. In other words, you start immediately in the collection. Why is this? Because the collection is not complete. We are not going in all places we should be, and that is the national requirement because of various warnings that have been issued. So there is no delay—immediate collection—provided there has been a determination by the Attorney General and the DNI that the target is foreign.

The only requirement in this bill on the collection is the requirement that the Foreign Intelligence Surveillance Court must be presented, for its review and approval, the Attorney General's guidelines on how the determination is to be made that targets of surveillance are overseas. So the Foreign Surveillance Intelligence Court remains very much a part of our bill, the bill the DNI prefers. This process of court review and authorization of procedures—not individual targeting determinations but a straightforward review that the procedures are reasonable—is at the heart of both the DNI's bill and ours.

While the DNI proposal of last night sets forth a 90-day period during which this intelligence collection can take place before the court needs to issue another authorizing of the collection, our bill modifies the time involved in this process—we thought that was too long—which we believe will be relatively straightforward and noncontroversial, so that the application, including the guidelines, is submitted to the FISA Court within 10 days after surveillance begins and that the court must act within 30 days, which the court could then extend if additional time is, in fact, needed.

All during this 30-day period of application submission and court review, the collection against foreign targets continues. I keep making that point because it was very hard for people to come to terms with that. This is not case-by-case review. Methods are established, authority is given, and collections can continue.

Moreover, once the court approves the guidelines, the Attorney General is not required to return to the court for further approval for the remainder of the 6-month period of this legislation.

This process provides minimal and yet essential oversight while not inhibiting or delaying the intelligence collection from proceeding. The Rockefeller-Levin bill accepts the DNI-requested authority to proceed during this FISA Court review.

The Bond bill, on the other hand—and I greatly respect and have strong affection for my vice chairman, but we have competing bills, and let the difference be known. The Bond bill, on the other hand, provides a weak and practically nonexistent court review of the procedures for how to determine that a target is foreign and not American. The Bond bill would not require the Attorney General to submit the application and guidelines in the FISA Court until 4 months into the 6-month life of the bill, and then the Bond bill would not require court approval until 6 months has gone by.

In other words, under the Bond bill, court approval of these simple and straightforward guidelines on how the Attorney General would determine whether a target is indeed foreign, guidelines that DNI has told me personally exist already—let me repeat, guidelines that he has said exist already—the guidelines that would have to exist before collection could begin in the first place for the surveillance to be legal under the Bond bill.

These guidelines would not have to be submitted until 4 months into the 6-month life of the bill and would not have to be approved by the court until the last day that the law would be in effect.

Is that meaningful court review over what is a straightforward matter of court review and can easily be handled within 30 days? It is, of course, not, and is, frankly, a farce.

The Rockefeller-Levin modified DNI bill makes sure the Attorney General has guidelines in place to address the concerns of many, including our intelligence officials, that surveillance of foreign targets not inadvertently result in the reverse targeting of Americans and their communications based on innocent communications swept up between Americans and individuals overseas. Our modified DNI bill also states right up front that a court order is not required for the surveillance of foreign-to-foreign communications, even if the interception of the communication occurs in the United States.

The DNI and others have made a huge point about keeping the surveillance of foreign-to-foreign communications outside the FISA process, and I agree. The Rockefeller-Bond bill made clear that this is the case.

I could spend additional time explaining why the Bond bill falls short of the bill that the DNI asked us to pass, in public, earlier this evening. I could spend additional time explaining the merits and protections contained in our bill. But time has run out.

Before us now is a very simple question, and I say this with some heat: Will the Senate pass a bill that the DNI wants, a bill that gives him the collection tool he needs for the next 6 months, and then we review the whole process again, a bill which both Republicans and Democrats can support and can rally around, to clearly demonstrate that we put national security above politics and that we are ready to break with the partisan gridlock of the past and produce results, results which give all Americans some comfort that we have our priorities straight? And we do.

I urge my colleagues to support the Rockefeller-Levin modified DNI bill, and I close, with some lack of subtlety, with the words of the DNI earlier this day:

> I urge Members of Congress to support legislation I provided last evening to modified FISA and equip our intelligence community with the tools we need to protect our Nation.

That is our bill; not their bill—our bill. Passage of the Rockefeller-Levin bill—not the Bond amendment, our bill—would give the DNI the tools he needs with the necessary court review and oversight as we continue over the next 6 months on more legislation to reform FISA.

EXHIBIT 1

DIRECTOR OF NATIONAL INTELLIGENCE,
Washington, DC, August 2, 2007.

STATEMENT BY DIRECTOR OF NATIONAL INTELLIGENCE

Subject: Modernization of the Foreign Intelligence Surveillance Act (FISA)

I greatly appreciate the significant time many Members of the Senate and the House of Representatives have taken to discuss with me the urgent need to modernize FISA. I also appreciate the bipartisan support for ensuring the Intelligence Community can effectively collect the necessary intelligence to protect our country from attack. In view of the significance of this issue, its impact on the Intelligence Community's ability to be effective and the continuing dialogue to come to closure on an effective bill, it is important for me to discuss the essential provisions needed by the Intelligence Community.

We must urgently close the gap in our current ability to effectively collect foreign intelligence. The current FISA law does not allow us to be effective. Modernizing this law is essential for the Intelligence Community to be able to provide warning of threats to the country.

CRITICAL CHANGES NEEDED

First, the Intelligence Community should not be required to obtain court orders to effectively collect foreign intelligence from foreign targets located overseas. Simply due to technology changes since 1978, court approval should not now be required for gathering intelligence from foreigners located overseas. This was not deemed appropriate in 1978 and it is not appropriate today.

Second, those who assist the Government in protecting us from harm must be protected from liability. This includes those who are alleged to have assisted the Government after September 11, 2001 and have helped keep the country sate. I understand the leadership in Congress is not able to address before the August recess the issue of liability protection for those who are alleged to have helped the country stay safe after September 11, 2001. However, I appreciate the commitment of the congressional leadership to address this particular issue immediately upon the return of Congress in September 2007.

PROVISIONS THAT HARM INTELLIGENCE COMMUNITY OPERATIONS

The Intelligence Community should not be restricted to effective collection of only certain categories of foreign intelligence when the targets are located overseas. We must ensure that the Intelligence Community can be effective against all who seek to do us harm.

The bill must not require court approval before urgently needed intelligence collection can begin against a foreign target located overseas. The delays of a court process that requires judicial determinations in advance to gather vital intelligence from foreign targets overseas can in some cases prevent the rapid gathering of intelligence necessary to provide warning of threats to the country. This process would also require in practice that we continue to divert scarce intelligence experts to compiling these court submissions. Similarly, critical intelligence gathering on foreign targets should not be halted while court review is pending.

However, to acknowledge the interests of all, I could agree to a procedure that provides for court review—after needed collection has begun—of our procedures for gathering foreign intelligence through classified methods directed at foreigners located overseas. While I would strongly prefer not to engage in such a process, I am prepared to take these additional steps to keep the confidence of Members of Congress and the American people that our processes have been subject to court review and approval.

I appreciate the President's and the congressional leadership's commitment to provide the Intelligence Community the necessary tools to protect our country and keep us safe from those who seek us harm. My most solemn duty is to protect America, provide warning, and ensure that our Intelligence Community acts within our Constitution and laws.

The PRESIDING OFFICER. Who yields time? The majority leader.

Mr. REID. Mr. President, before my distinguished friend leaves the floor, I just spoke with Senator LEAHY. He does not want his name as a sponsor. He is supportive of the deal, but he thinks it should be Rockefeller-Levin.

I yield.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself 5 minutes. First, before my good friend, the chairman of the Intelligence Committee leaves the floor, through the Chair, may I address the chairman of the Intelligence Committee. The Director of National Intelligence is sitting right off the floor here, and he has not seen—he has just seen your bill. He does not support it. I ask if the chairman of the Intel Committee would step outside and talk to the Director of National Intelligence to see whether, in fact, he does or does not support the Rockefeller bill or the bill that we introduced on behalf of the DNI, which is now pending as amendment No. 1927.

Mr. ROCKEFELLER. Has the distinguished vice chairman asked me a question?

Mr. BOND. Yes. Would you be willing to step off the floor to ask the DNI?

Mr. ROCKEFELLER. I don't need to. The head of National Intelligence has made it very clear and has issued a public statement that he supports our bill. He says:

> I reviewed the proposal that the House of Representatives is expected to vote on this afternoon to modify the Foreign Intelligence [et cetera]. The House proposal is unacceptable, and I strongly oppose it. [et cetera] I urge Members of the Senate to support. . . .

Mr. BOND. I, at this time, reclaim my time and thank the chairman for his answer. Let me tell you, none of us have seen this bill that is a total new draft of the measure until just a few minutes ago, and we are absolutely stunned that this bill adds new burdens to the already overburdened process of collecting against foreign targets. This bill says it can only apply to communications between foreign persons without a court order. You can't tell if it is a communication between foreign persons when you target a foreign source because you don't know with whom that person is communicating. That is why there are so many burdens now on the FISA Court.

The DNI has said explicitly—he has told us that he opposes the Rockefeller-Levin bill. The DNI has stated that the bill that Senator McCONNELL and I offered, S. 1927, which we filed on Wednesday night, is the bill that he supports.

Any one of my colleagues who wants to, I invite them to step out this northeast door and talk directly with Admiral McConnell because I think it is extremely important that you find out what his position truly is.

Let me be clear: The bill that was introduced by Senator McCONNELL and me was the bill that Admiral McConnell had modified after having comments to which he listened from several Democratic chairmen on Tuesday evening. He added the provisions for court review—they are court reviews within 120 days, 4 months—that would be adapted to the new requirements in FISA that did not exist before that will take some time to get together. And it also included a provision that there would be, in addition to that—that there would be the DNI who would be one of the people making the certifications—two things that were requested.

There is one other modification that I will ask unanimous consent to make, or offer an amendment to make, when we prepare to debate on the bills, and that is to include a 6-month sunset so we will have the opportunity to review this bill.

With that, I will have more to say about that later, but the DNI explicitly will tell anybody who steps outside that he does not support this bill.

It is in the bill, excuse me.

I thank the distinguished majority leader. But with that, I will yield the floor and allow other Members to communicate.

Mr. ROCKEFELLER. Does the vice chairman yield?

The PRESIDING OFFICER. Who yields time?

Mr. BOND. I reserve the remainder of my time.

Mr. LEAHY. May I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. LEAHY. Mr. President, we have before us two pieces of legislation; am I correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Would the Chair please state who the sponsors are of the two individual pieces of legislation?

The PRESIDING OFFICER. S. 2011 is sponsored by Senator LEVIN and Senator ROCKEFELLER; S. 1927 is sponsored by Senator McCONNELL and Senator BOND.

Mr. LEAHY. I thank the Chair.

Mr. REID. Is Senator LEVIN ready to speak? Is Senator FEINGOLD ready to speak? No.

Mr. BOND. Mr. President, I yield 4 minutes to the distinguished Senator from Virginia.

Mr. WARNER. Mr. President, I want to add a dimension to this debate, and that is that I have had the privilege of knowing Admiral McConnell for some years. He does not have a scintilla of politics. He left a very lucrative position in the private sector to once again join and serve as a public servant. Thus far, I think all of us would say he has handled this challenging new office, Director of National Intelligence, with great distinction.

How well I remember just a week or so ago, I say to my distinguished colleague from Missouri, when he came up in S-407 and spoke to some 30 or so—more than that, close to 40 Senators, bipartisan—and Senator after Senator got up and complimented him on his very straightforward manner of delivery. Without hesitation he called the situations that were before him in question as he saw them. He communicated publicly with the Senate, expressing on the second of August his views of what he believed should be in those revisions that should be made by the Congress.

I find this procedure very disturbing. It is essential for the United States of America to continue to obtain the intelligence under this program. There is every desire to make sure that we will comply with the law, but the law does need some revision. It is incumbent upon this body and, hopefully, the House of Representatives to resolve this situation before we go into the August recess, because it is our own security that will suffer unless we follow the advice of this very distinguished public servant who only wishes to do what is best in the interests of the United States and the people of our country and our troops serving abroad, our troops serving wherever they are in the world.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate everyone's hard work. It has been a very difficult time to get here. I especially wish to extend my appreciation to Senators ROCKEFELLER, LEVIN, LEAHY, FEINGOLD, DURBIN, MIKULSKI, FEINSTEIN, NELSON, and I am sure I have missed some people, but those are the ones whom I have heard from recently—and certainly SHELDON WHITEHOUSE, who put in the graveyard shifts.

I wish to say, before I turn to my prepared remarks, I too have the greatest admiration for Admiral McConnell, but I have to say, I am concerned that we have Admiral McConnell here checking on us. I mean, he should not be—"do you want to go ask him how he feels about this legislation?"

I can't appreciate that. I think it is wrong that this man whom we put in this very important position is here roaming the halls finding out how we are going to vote, sending Senators out to find out how he feels about it?

Mr. BOND. Will the distinguished Senator yield for a question?

Mr. REID. I will in a minute.

Because he supports the legislation offered by my friends Senators MCCONNELL and BOND and does not support this does not mean this is bad legislation.

I will be happy to respond to a question. If you can use your time, that would be great.

Mr. BOND. Very quickly. Does the distinguished majority leader know that Admiral McConnell is here because three of his members specifically asked that he come over and comment on these bills, and at their request we invited him to come here to respond to their questions?

Mr. REID. I appreciate that. I misunderstood. I thought he was waiting in the hall to answer questions. You asked one Senator if he wanted to go ask him how he felt about the legislation. I think that is inappropriate.

Mr. LEAHY. Would the Senator yield for another question? I also note in here S. 1927 basically gives a great deal——

Mr. REID. I have the greatest respect for my friend. I wish to get my statement out while I have time. We are on a very limited timeframe. I know the Senator knows the details of it, but I have a few things I wish to say.

Mr. FEINGOLD. Mr. President, if I could I wish to make one comment about the issue the Senator raised about Admiral McConnell.

The last time we checked, there are 100 Senators elected to enact public policy. The notion that somebody who was confirmed by the Senate to execute these policies is a person who should be able to veto what we do here on the basis that he has a distinguished background is somewhat questionable.

That discounts the qualities of every Member of this body, that discounts the qualities of every hard-working staff member who knows the law and has good ideas about what this public policy should be.

I voted for Admiral McConnell. I respect him. The day we start deferring to someone who is not an elected Member of this body, or hiding behind him when you do not have the arguments to justify your position is a sad day for the Senate. We make the policy, not the executive branch.

Mr. REID. Mr. President, I may have to use a little bit of leader time because our time is fast ending. So I will do that as quickly as I can.

Mr. President, as we know from the briefings we have received from the Director of National Intelligence, the FISA law needs to be updated. But I underscore and certainly want to be made part of the statements made by my friend, the Senator from Wisconsin, Mr. FEINGOLD.

Our intelligence community professionals are currently lacking, we are told, critical information and tools they need to protect this Nation from terrorism.

My goal, when I learned about the intelligence communities' concerns, was to pass the legislation that addresses DNI's legitimate concerns, asserts our oversight responsibility, protects the rights of American citizens, and is temporary in duration.

I believe the legislation offered by Senators ROCKEFELLER and LEVIN achieves each of these goals, gives the communities all the tools they need, but at the same time it makes the independent FISA Court, not the Attorney General, the overseer of the methods and procedures used for collecting foreign intelligence.

Democrats and Republicans want to aggressively pursue al-Qaida and other terrorist organizations and other terrorists. This bill does that, but not at the cost of targeting American citizens without court authorization. We have had many conversations in the last several days with Admiral McConnell. I can say with great confidence that this legislation provides him with everything he asked for in these discussions, everything.

He told us he wanted the tool to collect foreign-to-foreign intelligence communications without a warrant. He got it. He told us he wanted the ability to compel compliance from communications providers with liability protection. He got it.

He told us he wanted the ability to collect all foreign intelligence information, not just intelligence related to terrorism. He got it. He told us he wanted the ability to temporarily begin the collection of intelligence without seeking a court order. He even got that.

In fact, the legislation was provided by the administration to Admiral McConnell, and that legislation, he said in a statement today, he strongly supports—which we have heard—served as the starting point for the Levin-Rockefeller legislation. That is what we have before us; it is a modified McConnell amendment.

What we have before us tonight, with very modest edits, is Admiral McConnell's proposal, what he told us he wanted, and what he gave us in writing.

I would hope it receives the broad support of the Senate. The Bond legislation, on the other hand, is not something I can support. It authorizes, in my opinion, warrantless searches of Americans' phone calls, e-mails, homes, offices and personal records and for however long it is appealed to the court of review and the Supreme Court takes. This process could take months or indeed years.

Even worse, the search does not have to be directed abroad, just concerning a person abroad, any search, any search inside the United States, the Government can claim to be concerning al-Qaida is authorized. I do not believe that is the right way, the strong way or the Constitutional way to fight the war on terrorism. I urge all Members to support the Rockefeller-Levin bill.

It does everything that Admiral McConnell has requested. It strikes the right balance between protecting the American people from terrorism and preserving their Constitutional fundamental rights.

Let the record be clear: Every Senator here tonight is patriotic and wants to get rid of these bad people and find out everything they are talking about, in a way that is in keeping with our Constitution. I appreciate the service of my friend from Missouri. He has been a valiant member of that committee and does a good job.

So let's not question tonight, and I hope I have not done that, anyone's patriotism or what they are trying to do. What we are trying to do is the right thing. But I believe the best way to go is by supporting the second vote, which will be Levin-Rockefeller.

The PRESIDING OFFICER. Who yields time?

Mr. REID. How much time do we have on our side?

The PRESIDING OFFICER. Fifteen minutes.

Mr. REID. I yield 7 minutes to Senator LEVIN, 5 minutes for Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wish to read the key section of our bill. It says that:

> A court order is not required for the acquisition of the contents of any communication between persons that are not located in the United States, for the purpose of collecting foreign intelligence information without respect to whether the communication passes through the United States, or the surveillance device is located within the United States.

That is the heart of the matter. That is what Admiral McConnell has requested. That is what both bills provide, both bills cure the problem that exists. There is a problem. We have to cure it. Our bill, in addition to the Bond bill, both bills do that.

Now, what are the major differences between the bills? What Admiral McConnell has indicated to us in a statement:

> The intelligence community should not be required to obtain court orders to effectively collect foreign intelligence, from foreign targets, located overseas.

That is in both bills. Except our bill is limited to foreign targets limited overseas, unlike the Bond bill, which does not have that key limitation and which, it seems to me, very clearly applies to U.S. citizens overseas. Our bill does not.

Now, if there is an incidental access to U.S. citizens, we obviously will permit that. That is not the problem. It is called minimization. We do not try to affect that. But the key difference between the Rockefeller-Levin bill and the Bond bill is that we carry out what Admiral McConnell has said repeatedly, not just in the statement I read but also in newspaper articles that he has written in the Washington Post.

What does he say there? He says that: In a significant number of cases, our intelligence agencies must obtain a court order to monitor the communications of foreigners suspected of terrorist activities who are physically located in foreign countries.

Now, our bill does that. But what does the Bond bill do? The Bond bill goes beyond that. In its first section it says:

> Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance directed at a person reasonably believed to be located outside of the United States.

Any person. Does not say a foreign person. Admiral McConnell has been very precise. We have all heard him over and over again. He has been precise in his written statements, he has been precise orally. They want access, and we have to give them access.

When foreign persons communicate with foreign persons, even though, as our bill says, the communications might be routed through the United States, that is the problem that must be cured. It is cured in both bills. But we avoid doing, in our bill, what the Bond bill does, which is to say, as it very explicitly does: That if surveillance is directed at a person, which means any person—it could be a U.S. person, reasonably believed to be located outside of the United States—then it is permitted, it is authorized, in that first section of the Bond bill, 105(a). That is one of the critical differences, the most important difference, between Rockefeller-Levin, which does what the Admiral says we must do, find a way with the new technology where calls may be routed through the United States, to get to those communications by foreign persons to foreign persons.

We must do that to defend the country. We must do it. We do it. But we avoid doing what Admiral McConnell says he does not want to do, which is to get to the communications of Americans.

There you have to go for a warrant. That is what he says we should continue to do. He says it eloquently, in writing and orally. We protect that very vital interest.

There are a number of other differences. To give you one: What the Bond bill does is it says that: In terms of reviewing and auditing, the way this works, the audit will be carried out by the Attorney General of the United States, in effect auditing his own work, reviewing his own work.

On a semiannual basis, it says in section 4, the Attorney General shall inform the Select Committee, et cetera. The Attorney General shall give us a report concerning acquisitions—that is the intercepts—during the previous 6-month period. Each report shall include—then it describes all of the reports—a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence; incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence—so the Attorney General, under the Bond provision, is reporting to Congress about his own activities. What kind of an independent report is that?

So in the Rockefeller-Levin bill, we do not say to the Attorney General: Report on your own activities. We say to the inspector generals, three of them, they all have access here and all have a role: We want the independent assessment from you. We want a report to Congress not by an Attorney General reporting on his own activities but by the inspectors general who have that independence, which is so critically important.

I understand my time is up.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield 5 minutes to the distinguished Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank the Senator from Missouri.

May I say first that I regret this debate is happening at all. I regret the news coverage of this discussion. I wish this had been able to be settled among Members of both parties in both Houses and the executive branch. If not, I wish we were debating this in executive session. Why do I regret this debate is occurring? Because we are at war. We were attacked on September 11, 2001 by a brutal, inhumane enemy who killed 3,000 Americans and intends to do so again. They tell us repeatedly. This is about gathering intelligence on that enemy.

I regret we are having this debate. I regret all the publicity, because I fear they will learn something indirectly about the methods of intelligence we have. But here we are.

I want to explain why I will vote for the McConnell-Bond proposal. I am because we are at war. I am because it has been publicly suggested there is increased terrorist activity. We have seen the Web site of threats against the United States, suggesting even threats against the Capitol, the citadel of our democracy, by these extremist Islamist terrorists. Admiral McConnell, whom everyone says they respect—I respect him; I trust him—says to us—and I will be as vague as I need to be and want to be—he is missing for a reason a tool he needs to adequately gather intelligence on the terrorist threat. He has told us what he needs to close that gap. I think we are beyond the point of debating what might be a better way to do this. I feel that particularly because Senator BOND has added the 6-month sunset.

We have a crisis. We are at war. The enemy is plotting to attack us. This proposal will allow us to gather intelligence information on that enemy we otherwise would not gather. This is not the time for striving for legislative perfection. We have the 6 months after this is adopted to work together to try to do something everyone believes is more appropriate. Concerns have been expressed about American citizens, again being as vague as we all ought to be. The fact is, we have been told authoritatively that these acts of surveillance will only touch American citizens coincidentally, and an infinitesimally small number. So you have to balance. What are your concerns about that, a program run by Admiral McConnell and an extraordinary staff at the NSA who work for us? These are our soldiers in the war against terrorism. I want to give them the power and authority they need to find out what our enemy is doing so we can stop them before they attack us.

With all respect to my colleagues, I plead with everyone, let us not strive for perfection. Let us put national security first. Let us understand if this passes, as I pray it will, and the President signs it, as I know he will if it passes both Houses, we are going to have 6 months to reason together to find something better. If we leave Washington for August recess without closing this gap in our Nation's intelligence capabilities at a time of war, it will be quite simply a dereliction of duty by this Congress. It will be a failure to uphold our constitutional responsibility to provide for the common defense.

I appeal to my friends on both sides of the aisle, let's do what we need to do now. Let's do what Admiral Mike McConnell, the Director of National Intelligence, tells us he needs to provide intelligence to our Government to enable our Government to protect us from terrorists.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. REID. I yield the Senator from Wisconsin 5 minutes.

The PRESIDING OFFICER. The Senator was yielded 5 minutes. You have 8 minutes left.

Mr. REID. Would you mind going next, Senator BOND? You have 16 minutes and we have 8.

Mr. BOND. I yield to the Senator from California 2 minutes.

Mr. REID. I will yield her 1 minute.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. FEINGOLD. Let me respond to what the Senator from Connecticut indicated. In times of war, we don't give up our responsibility in the Senate to review and make laws. The notion that we simply defer this to the Director of National Intelligence and whatever he says is an abdication of our duties, especially in times of war. In fact, let's remember why this is here. The Senator regrets we are debating this and some of these very important matters that are generally kept secret are being discussed. I agree. But why are they secret? Because the administration was conducting an illegal wiretapping program and somebody inappropriately blew the lid on that. That wasn't the doing of anybody in this body. That was due to the incompetence and inappropriate conduct of this administration in the first place. That is why we are here with this kind of debate, not because of anything anybody did here.

By the way, this horrible conflict we have with those who attacked us on 9/11, this conflict is something we all agree on. Not a single Senator doesn't think we should be able to get at these foreign calls. Not a single Senator doesn't want to give the admiral what he has asked for that is reasonable. We simply want protection for the civil liberties of people who have done absolutely nothing wrong.

Let's be sure what this debate is about. I thank the majority leader and Senator ROCKEFELLER, Senator LEVIN, Senator LEAHY, and especially Senator WHITEHOUSE, who put tremendous effort into this, for trying to make this as good as possible.

I am going to vote for the Rockefeller-Leahy-Levin bill. I am concerned we are moving too fast and that we have not necessarily come up with the right answer to the problem we all recognize exists. But I am prepared to vote for this because I think it is at least a reasonable approach for addressing legitimate problems without unduly compromising the civil liberties of Americans. I do so with great reluctance, with the expectation that this is an experiment with a short expiration date, an experiment we can assess and modify as we move forward.

But we cannot pass the Bond-McConnell proposal. This bill would go way too far. It would permit the Government, with no court oversight whatsoever, to intercept the communications of calls to and from the United States, as long as it is directed at a person—any person, not a suspected terrorist—reasonably believed to be outside the United States. That means giving free rein to the Government to wiretap anyone, including U.S. citizens who live overseas, servicemembers such as those in Iraq, journalists reporting from overseas, or even Members of Congress who are overseas and can call home to the United States. This is without any court oversight whatsoever. That is unacceptable.

It goes far beyond the identified problem of foreign-to-foreign communications that we all agree on. It goes far, far beyond the public descriptions of the President's warrantless wiretapping program. What little judicial review the bill does provide is essentially meaningless. The FISA Court would decide only whether the Government certification that it has put reasonable procedures in place to direct surveillance against people reasonably believed to be abroad is "clearly erroneous." That is basically a standard that is nothing more than a rubberstamp. It ignores the real issue which is protecting the rights of Americans who may be calling or e-mailing friends, family, or business partners overseas and who have done absolutely nothing wrong.

Let me point out that the so-called court review in the Bond bill will never happen, because the court only has to rule within 180 days of enactment, and there is now a sunset on the bill after 180 days.

A 6-month sunset does not justify voting for this bad version of the bill. We can't just suspend the Constitution for 6 months.

I strongly oppose the Bond bill, and I urge my colleagues to oppose it.

Mr. KENNEDY. Mr. President, there is general agreement on both sides of the aisle that we have a foreign intelligence surveillance problem that should be addressed. The difference between us is that on this side of the aisle we have consistently been willing to work cooperatively to solve the problem.

There is a model. In 1976, we faced a similar problem. The Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, known as the Church Committee, had found disturbing abuses of electronic surveillance. Congress and the administration set out to pass a law to prevent such abuses in the future, while still protecting our national security.

In 1976, I was the principal sponsor of the original bill that became FISA. When my colleagues and I first introduced the bill, we had a Democratic Congress, a Republican President, Gerald Ford, and a Republican Attorney General, Ed Levi. Attorney General Levi understood the need for Congress and the executive branch to work together. Members of the Judiciary Committee went down to the Justice Department at least four times to meet on the bill. There were discussions with Henry Kissinger, Don Rumsfeld, Brent Scowcroft, and George Bush among others.

We worked responsibly and cooperatively to develop legislation to protect our civil liberties and ensure that the Nation could use necessary surveillance. In the end, Attorney General Levi praised the bipartisan spirit of cooperation that characterized the negotiations and produced a good bill. That administration recognized the importance of working with Congress. The final bill was passed by the Senate by a vote of 95 to 1.

As this history demonstrates, our Nation is strongest when we work together for our national security. Unfortunately, the current administration has chosen a very different course. President Bush has refused all along to consult Congress on the development and implementation of its surveillance program, and now we find that it violated the law.

This is not an argument for granting expanded discretion to the administration. There is simply no basis for trusting this administration to respect the privacy of the American people. Nor do we have any confidence in the administration's competence to adopt a lawful and effective program.

When Attorney General Gonzales appeared before the Judiciary Committee in February 2006, I questioned him about FISA and the recently revealed warrantless eavesdropping program. I offered to work with him then. In fact, I asked him why he had not approached Congress sooner, given Attorney General Levi's success and given the cost of getting it wrong. He answered: "We did not think we needed to, quite frankly."

Well, we now know that wasn't true. I pointed out to the Attorney General at the time the benefit of having consensus on this issue and the importance of fostering a cooperative atmosphere. His answer to me was: "I do not think that we are wrong on this." But they were wrong, which is why we are debating this issue at the eleventh hour today.

I told him then that the administration was sending the wrong message to the courts, that they were jeopardizing our ability to convict terrorists by using these illegal intelligence methods. The Attorney General said:

> That is the last thing we want to do. We believe this program is lawful.

He was wrong again. The program is not lawful and administration needs Congress to fix it.

I did not stand alone on these issues. I had the support of many of my colleagues on the committee on both sides of the aisle. Yet the record is clear that the Attorney General repeatedly rebuffed our efforts to work with the Administration to get this legislation right the first time.

Instead, the Attorney General and the President have consistently rejected congressional input and oversight. They have repeatedly demanded that Congress rubberstamp their decisions and trust their discretion. We have seen where that leads, and we owe the Nation a better approach.

We should pass legislation today that closes the gap in current law and preserves the critical role of the Foreign Intelligence Surveillance Court in protecting our civil liberties.

Unfortunately, some of our colleagues, instead of using this opportunity to work together to safeguard the Nation, would prefer to pass yet another partisan assault on the rule of law and American civil liberties. They insist on diminishing the role of the FISA Court and increasing the unsupervised discretion of the Attorney General and the Director of National Intelligence. They want to trust Alberto Gonzales to ensure that the Government does not listen to the phone calls and read the e-mails of Americans without justification. We need to modernize FISA, not undermine it. Their proposal clearly contradicts the fundamental purpose of the initial legislation.

This administration railroaded us into war in Iraq, railroaded us into passing the PATRIOT Act and the Military Commissions Act and now it wants to railroad us into amending FISA without the time or information to consider the need properly.

We take a backseat to no one in wanting to keep our America safe. We know that our families, our friends, and our communities are at stake. We want to give our intelligence agencies the tools they need, but there is a right way and a wrong way to do it. This eleventh-hour grandstanding by administration is the wrong way to do it.

We should remember how we reached this point. For 4 straight years, the Bush administration recklessly conducted warrantless surveillance in violation of FISA. The President acknowledged this surveillance only after it was reported in the press. Until January of this year, the administration refused to bring its surveillance program under the oversight of the FISA Court, despite the clear statutory requirement to do so.

The FISA Court has now reviewed the surveillance and has issued a ruling. It has declared that a significant aspect of the President's warantless surveillance program, in operation for 4 years without any oversight, violates the law and cannot continue. Without bipartisan congressional pressure to force that review, these and other despicable violations of the rule of law would have gone on and on. Even today, the Attorney General continues to mislead Congress on basic information about the program, and he refuses to provide the legal justifications on which he relied.

Now, after the FISA Court's clear ruling, the administration is urgently demanding that we correct their mistake. We can do that. We can reach the appropriate balance between modernizing the legislation to protect our national security and maintaining its basic protection of civil liberties. If the administration and its allies are serious about effectively protecting the country from terrorist threats, and doing so under the rule of law, they should support such legislation.

Mr. LEAHY. Mr. President, the Rockefeller-Levin bill might not be precisely the bill I would have written to fix the problem, but it is a responsible and targeted fix to the Foreign Intelligence Surveillance Act, FISA, problem that has been identified. It is an appropriate response to the need expressed by Director of National Intelligence McConnell regarding our foreign intelligence collection overseas. In addition, it tries to preserve some balance and some protections for the civil liberties of Americans by keeping the FISA Court involved when there are significant communications to and from the United States.

I have been briefed by the DNI and his staff and met with him several times recently about a problem that our intelligence agencies are having in collecting information from overseas. I have said that I am willing to fix this problem, and I am. I have proposed ways to fix this identified problem. It might not be everything he would like, his wish list, but it solves his problem. The Congress has shown that it is willing and able to reform FISA when changes are needed. We have done so many times since FISA was first passed in 1978 and at least half a dozen times since September 11, 2001. I believe such a targeted, responsible fix is justified.

To achieve that fix, I would vote for Rockefeller-Levin. We could enact the needed change immediately. As I have indicated, it is not everything that I would have wanted or drafted precisely as I would have written it. But it does the job and achieves a better balance than any viable alternative. I have worked with Senator ROCKEFELLER for weeks on this matter and appreciate his leadership on this matter, as well as that of Senator LEVIN.

The problem our intelligence agencies are having is with targeting communications overseas. We want them to be able to intercept calls between two people overseas with a minimum of difficulty. Obviously, the situation is complicated when people overseas might be talking to people here in the United States. These calls could be innocent conversations of businesspeople, tourists, our troops overseas to their families, or to other friends or family in the United States. We should want to give the Government great flexibility to listen to foreign-to-foreign calls, while still protecting privacy of innocent Americans by making sure the Government gets warrants when they are involved.

The Rockefeller-Levin bill accomplishes both of these things. It provides a very flexible standard up front for the Government—it is only required to go to the court for approval of procedures for how it will know that the targets are, in fact, overseas. There is no case-by-case application and approval of warrants for these overseas targets. There is even an initial emergency provision that would allow the Government to start these interceptions before the court has done anything.

To protect Americans, the House bill requires the Government to have guidelines—and show them to the Congress—for how it will determine when a target is having regular communications with the United States. Then they need to go back to the regular FISA procedures and show probable cause. Also, the Department of Justice inspector general must do an audit of the conduct under this bill to see how much information about people in the United States is being collected and must provide that audit to the court and Congress. Because this process has been so expedited and the issues involved are so significant, the bill would sunset in 180 days, so the Congress and the administration will have an opportunity to review it and act in a more deliberative way on these important issues.

Some things were added here that I might not have done. It now applies to all foreign intelligence targets, not just those involving international terrorism. It also does not require the court to review and approve the guidelines for handling significant communications with the United States, only the Congress sees this. These aspects trouble me. They are significant. The Director of National Intelligence has said that with these changes, the bill solves his problems and would significantly enhance our national security. This bill should resolve the matter, but this administration does not know how to take "yes" for an answer.

Regrettably, what has come over from the administration and has been introduced here by Senator BOND and Senator MCCONNELL goes far beyond what the DNI said he needs and I fear would be very harmful to the civil liberties of Americans. The bill the administration has proposed is a vast rewrite of the FISA law that undercuts the purposes of that act in significant ways. What the administration has done is leverage a fixable problem into passage of a wish list of ways to give the Attorney General and through him the White House virtual unfettered authority to conduct surveillance. It would take away any meaningful role for the FISA Court for calls between overseas and the United States. In fact, because it is not restricted to terrorism but involves any foreign intelligence, the administration's bill gives them far greater authority than they had claimed in their secret, warrantless surveillance program.

This bill allows Attorney General Gonzales to order surveillance. This Attorney General is in charge of decisions about when to conduct surveillance and can instruct the court to enforce those decisions. In effect, the only role for the court under this bill is as an enforcement agent—it is to rubberstamp the Attorney General's decisions and use its authority to order telephone companies to comply. The court would be stripped of its authority to serve as a check and to protect the privacy of people within the United States. Their bill likewise requires no review or audit by the Justice Department or anyone else about the number of U.S. communications that are being gathered by these orders.

I believe it is important to solve the problem our intelligence agencies are having right now. It is also essential to preserve the critical role of the FISA Court in protecting civil liberties of Americans. The House bill will do both of these things better than its alternatives.

Mrs. BOXER. Mr. President, I believe we need a short-term and long-term fix for FISA. It is important to extend the program now and then finish the job in the weeks and months ahead. Updating FISA has to be done in a meticulous way. The real work will come in the near future when there is time to debate how to update this important tool that we need to protect the American people

● Mrs. MURRAY. Mr. President, today, Senate Democrats offered the Bush administration the tools needed to fight international terrorism while upholding the very liberties that our enemies seek to destroy. That is why I support S. 2011, the Rockefeller-Levin Protect America Act.

The Rockefeller-Levin bill strengthens our ability to protect Americans, while ensuring this authority doesn't undermine our freedoms. Rockefeller-Levin gives the Director of National Intelligence the authority to obtain all essential intelligence information while preserving a role for the independent FISA Court to oversee his methods and protect our constitutional liberties.

To simply legitimize the Bush administration's warrantless wiretap program and provide unchecked authority to invade the personal privacy of all Americans is the wrong message to send to our citizens and the world.

Our Constitution provides for a separation of powers to protect our Nation and our way of life, and I, for one, do not believe we can undermine the liberty our troops have fought for generations to ensure.●

Mr. LAUTENBERG. Mr. President, I rise to speak directly to the American people to tell them that this Senator understands the risks that our country faces and I will do everything in my power to protect them from a terrorist attack.

We have a President whose words do not match his actions and who continues to accuse Democrats of being weak on terrorism and unwilling to do what it takes to secure our nation.

Nothing could be further from the truth.

New Jersey was hit on September 11th we lost 700 people on that fateful day. Not a day goes by when I don't think about it. And it is largely that day that brought me back to this Chamber.

My State is ripe with targets for terrorists, from its ports to its chemical plants and it has the most dangerous 2 miles for terrorism within it borders. So President Bush please don't lecture me on terrorism.

Instead of rhetoric, the Senate has been acting to defend our homeland. Just last month we passed a bill to fund our homeland security needs next year. It would put $38 billion into making our homeland safer and more secure.

What does the President do? He says he will veto it. Why? Because he thinks it costs too much. It costs too much? How do you measure the cost of protecting us from terror?

And President Bush is accusing others of being weak on homeland security?

The President is upset because Congress plans to put $2 billion more into homeland security than he thinks we should do. That is less money for a year of homeland security than we spend in one week in Iraq. This is a critical bill, and the President should have his pen ready to sign it, not continue to shortcut security for millions of people within our borders and within our homeland.

On Wednesday night, we saw a terrible incident when a bridge collapsed in Minnesota, causing fear, death, and injury. It brought to light the serious infrastructure needs of our country. What does President Bush do the next morning? He played raw politics and accused Congress of not working hard enough to fund our transportation needs. Again, nothing could be further from the truth.

The Senate Appropriations Committee has passed a transportation bill that is ready to go the Senate floor. It includes $5 billion for bridge replacement and rehabilitation across the Nation a full $1 billion increase over last year's amount. Guess what. The President is threatening to veto that one as well. Why? Again he thinks it costs too much to protect people domestically.

And now the administration is telling us there are gaps in our ability to gather intelligence about terrorists. So we are trying to make changes to the law dealing with the surveillance of emails and phone calls to make sure we protect the American people. And we must make those necessary changes, even if we stay here through the month of August to do so. But we must do so in a way that balances our national security with our fundamental civil rights.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REID. When she completes her statement, we have 2 or 3 minutes left; is that right?

The PRESIDING OFFICER. That is correct.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I remember well the day I saw the letter from Admiral McConnell. I believe the day was July 24. That is not a long time ago. But it was a kind of wake-up call to us. Because what that letter says in essence is he believes the United States is vulnerable, and he believes we need to move quickly to change FISA.

From an intelligence point of view, many of us believe the chatter is up. It is not necessarily well defined, but during the 9/11 period, this is clearly a period of heightened vulnerability. Therefore, what Admiral McConnell wants to do is be able to better collect foreign intelligence. I very much respect what has happened. I respect the bill that was put together on the Democratic side, and I respect the bill that was put together on the Republican side, which is the McConnell bill on that side.

The Senator from Wisconsin might be interested to know that some of us just met with Admiral McConnell, particularly to discuss Senator FEINGOLD's concern. There is a different point of view. A U.S. citizen in Europe is, in fact, covered. A U.S. citizen in Europe, the minimization under certain specific laws, not FISA, but precisely 12333 point something, which I cannot remember at the present time, comes into play. That U.S. citizen is subject to a warrant from the court.

This is a temporary bill. It is to fill a gap. The court has done something which has said that what has existed for decades with respect to the collection of foreign intelligence now cannot exist under the present law, and we need to change that law.

It is my intention to vote for both bills. The reason I will vote for both bills is to see that some bill acquires the 60 votes to get passed tonight. We are going out of session. There is no time. I think this is unfortunate. I received the Democratic bill about 20 minutes ago. I went into the leader's office, tried to sit down and get briefed. Up to this point I still don't understand it. I spent all afternoon on the McConnell bill. I am just beginning to understand the subtleties in it and the other laws that come into play.

This is not going to be an easy vote for anyone. But what we have to think of right now is, on a temporary basis, how do we best protect the people of the United States against a terrible attack.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I know Members are working in good faith to try and resolve this controversy. I decided to go directly to the source, the Director of National Intelligence, right off the floor here tonight monitoring the debates. I asked him what the difference was between the Rockefeller-Levin proposal and the Bond-McConnell proposal. He said to me the Rockefeller-Levin proposal has, in his view, unrealistic timelines. It creates situations of delay, and it creates other structural problems with regard to monitoring foreign-to-foreign communications which should not be the subject of lengthy court proceedings that are otherwise necessary to monitor domestic communications. The Director of National Intelligence, who is nonpartisan, an individual experienced in military matters and intelligence-gathering matters—I don't know any better source to go to who would give me an objective rendition of the differences between these two bills.

I hope colleagues will support the McConnell-Bond alternative as one that would be superior to the Rockefeller-Levin proposal and one more likely to protect the American people against terrorist attacks by those who want to do us harm.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Who yields time?

Mr. BOND. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Twelve minutes.

Mr. BOND. All right. Mr. President, first, I want to make a point clear. I had referred earlier to comments made by my good friend, the distinguished chairman of the Intelligence Committee, who thought the bill they introduced was a bill that Admiral McConnell had supported. Admiral McConnell has just released a statement saying that he appreciates the efforts to address critical gaps in our current intelligence capabilities: I cannot support the proposal. It creates significant uncertainty in an area where certainty is paramount in order to protect the country. I must have certainty in order to protect the Nation from attacks that are being planned today to inflict mass casualties.

Really, there are a number of problems with the bill that has been presented on the other side. But the main problem is it says you do not need a court order to collect on communications between persons who are not located within the United States, and the rest of the collections are required to have a court order.

Now, this morning, I read on the Senate floor a declassified summary of an order issued by the FISA Court saying this provision, this statute, FISA, must be amended because due to uncertainties and technological changes, they are spending so much time having to work on orders for collection involving the foreign targets—foreign targets whose impact on the privacy rights of Americans is minimal.

Why is that a problem? The problem is, you do not know—if you are targeting a foreigner—whether that foreigner is going to call or communicate with another foreigner. If you do not, under the bill provided by ROCKEFELLER and LEVIN, you would have to get a court order. You would have to get a court order if you could not prove the person they were communicating with was not in the United States. And you cannot do that. That is an impossibility. That is an impossibility. You cannot have an order that tells you they are going to be foreign communications only because you do not know until you intercept the communication to where it is going.

Now, there are a number of other questions about the bill. I just have to say the concerns that have been raised—and they are legitimate privacy concerns—are addressed by minimalization procedures. Under what is called the McConnell-Bond bill—which was requested by Admiral McConnell, who modified his original proposal—under that bill, if an American citizen is caught in a communication from an al-Qaida target or another foreign target, then that person's participation is minimized. And if it is not foreign intelligence, that is completely dumped.

Under our bill, like under the previous FISA provisions, you cannot target an American citizen or a U.S. person, including people here on green cards and here in the country, without getting a court order. That is what the FISA Court was set up to do—just to protect people in the United States.

There are protections for the U.S. persons who are caught, incidentally, and they are minimized. Their names are not even identified unless there is evidence of terrorist activities.

Now, the measure we have provided, the McConnell-Bond bill, S. 1927, is one which does meet the needs that were identified by the FISA Court and by Director McConnell to clear up the backlog because there is a huge backlog they cannot work through. The FISA Court is overburdened. They cannot work through and issue the orders because of the tremendous amount of paperwork.

So we must do this now. We must do this tonight to give the intelligence communities the powers they need to collect information at a time when the threat is heightened. If we do not do that, we are in great danger.

We have to do other things, and we will come back and revisit the other things, such as dealing with carrier liability and streamlining the process. Those we must do. That is why we included the sunset at a year.

Mr. President, I yield 1 minute to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, both bills in front of us allow foreign-to-foreign intelligence collection without a court order. What is going to surprise you is, neither bill protects an American citizen abroad from being collected upon. Neither bill does. That protection comes in the President's Executive order.

What we are going to do, hopefully, is pass one of these bills tonight, which is a temporary measure that will get us past this problem of the increased traffic that is out there and the concern of an attack. Then, with cool deliberation, we are going to have to address the problem that is omitted in both bills.

Mr. President, it is my intention because of that to vote for both of the bills this evening, hoping and praying that one will pass.

The PRESIDING OFFICER (Mr. DURBIN). Who yields time?

The Senator from Missouri.

Mr. BOND. Mr. President, I yield 2 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 2 minutes.

Mr. CHAMBLISS. Mr. President, I thank the ranking member and the minority leader for the introduction of this bill.

It looks to me, Mr. President, like we have boiled this down to a specific issue of both bills saying they cover foreign-to-foreign surveillance. The problem is, when NSA has its eyes and its ears out on the wire, NSA does not know who an individual, who is in a foreign country, is calling—whether they are calling somebody foreign or whether they are calling somebody domestically.

So if they know somebody is a foreign caller, it is imperative we provide our intelligence gatherers with the opportunity to discover the conversations that are taking place between that foreign caller and whomever they may be calling, if—and only if—it involves potential terrorist activity. And we are not going to be listening in to any foreign caller unless we know they are a member of al-Qaida under current law.

So the clear difference in these two bills is this: The bill offered by Senator McCONNELL and Senator BOND says, very clearly, that NSA will have the tools necessary to listen to any conversation from a foreign al-Qaida member to a callee anywhere, whether it is foreign or domestic, versus the bill offered by the Democrats that may say you can have a foreign-to-foreign intercept, but the problem is there is no clarity in the Democratic proposal as to who the callee is.

So it is pretty clear, if we are going to give the NSA the opportunity to protect Americans, we have to pass the bill of Senator McCONNELL and Senator BOND.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Missouri.

Mr. BOND. Mr. President, I yield 2 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, to state the obvious: This is a very troublesome way to legislate. We have been looking at this issue for more than a year. Senator FEINSTEIN introduced legislation, and so did I. And it comes down to the last minute. We have waited in the Chamber all day.

I have just talked to the Director of National Intelligence, Admiral McConnell, who says only the Bond bill is acceptable for our security interests. I heard it from him personally. The President is reportedly prepared to sign only the Bond bill.

I have just had a hurried conversation with the senior Senator from Michigan, who has handled the negotiations on the Rockefeller bill. He has stipulated three points of concern which I think could be ironed out, Director McConnell says in the course of a couple of hours. But we are not having the couple of hours. Perhaps if both bills fail, we will be back to try this again tomorrow.

But as I listened to what Senator LEVIN has had to say: It would be better if in one spot it said "foreign persons"—but I believe that is the intent, although it is not really explicit—I think it would be preferable if the Attorney General was not making the certification—a point I have made repeatedly—and there is an element of delay.

So to say it is not a perfect bill is again to state the obvious. But I think it is time we have to act and, therefore, I am going to support the Bond bill.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, I yield 1 minute to the Senator from Maryland, Ms. MIKULSKI, leaving me with 1 minute.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 1 minute.

Ms. MIKULSKI. Mr. President, our first goal as members of Congress is to protect and safeguard the American people against terrorist attacks. I take my oath to do so very seriously. That is why I support reform of the Foreign Intelligence Surveillance Act. As we approach the anniversary of September 11, this is a time for more intense vigilance. Real threats to our country remain.

As a member of the Senate Intelligence Committee, every day I see how terrorists want to harm the American people. Terrorists still have a predatory intent to harm the United States. Reforming FISA today provides the intelligence community the tools it needs to disrupt ongoing terrorist operations against the United States.

We have two proposals to consider tonight. Both are temporary ways ahead. Each proposal takes important steps to secure the safety of our country by reforming this important law. The Rockefeller-Levin proposal is desirable, while the McConnell proposal is acceptable.

Each proposal provides the intelligence community the key tools it needs to disrupt terrorist plans and intentions, while retaining the legal safeguards that protect the rights of every American.

These proposals are consistent with the principles that the Director of National Intelligence requested to improve the FISA process: enhance intelligence collection against terrorist operatives communicating to each other overseas—foreign to foreign; provide legal safeguards to protect the rights of American citizens—consistent with law, a warrant is still required to monitor communications of American citizens inside the United States—provide prospective liability protection to private-sector companies assisting our efforts in keeping this country safe.

These proposals are time limited. A more comprehensive and permanent solution is necessary. As a member of the Intelligence Committee, I will work with my colleagues on a more comprehensive and permanent solution to reforming FISA.

Al-Qaida continues to want to inflict damage on our country. This proposal gives important tools to the intelligence community to disrupt the terrorists' plans and intentions, while safeguarding the rights and civil liberties of American citizens.

When it comes to protecting America, we don't belong to a political party) we belong to the red, white, and blue party. We are Americans first.

Mr. President, I am a member of the Intelligence Committee, and like all Members, I take my oath to defend this country against all enemies, foreign and domestic, very seriously. Real threats to our country remain. As we approach the anniversary of September 11, this is a time for more vigilance.

We have two proposals tonight. The Rockefeller-Levin proposal is the most desirable, while the McConnell proposal is also acceptable. These proposals are consistent with the principles that the DNI requested to improve the FISA process.

It enhances intel collection against terrorist operatives communicating overseas foreign to foreign. At the same time, it does provide legal safeguards to protect the rights of Americans, consistent with law. A warrant is still required. I think it is time to vote. I think it is time to protect America.

Mr. REID. Mr. President, I yield Senator WHITEHOUSE 1 minute.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. WHITEHOUSE. Mr. President, the question we face fundamentally here is, are we a nation under the rule of law? A nation of laws or a nation of men? We have heard wonderful things said about Admiral McConnell tonight, and I share this body's admiration for Admiral McConnell. But we are not here judging him, we are here judging a piece of legislation.

The piece of legislation that we are asked to judge puts exclusive rights in the Presidency to determine what gets collected against Americans overseas and what gets collected against Americans in this country who have communications from overseas that are intercepted. And it allows that determination to be made, as was just said, pursuant to a Presidential Executive order.

We are a nation of separated powers. We established the FISA Court to have this authority. The court should oversee those processes. That is what this is about.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri.

Mr. BOND. Mr. President, I yield the remaining time on this side to the distinguished minority leader.

Mr. McCONNELL. Mr. President, there is one thing I think virtually everybody in the room will agree with, and that is that we can't leave here without a bill signed into law by the President of the United States. There is only one of these proposals before us that he will sign. He indicated earlier today that he will only sign a bill that Admiral McConnell, whom we all profess to greatly respect, believes will get the job done, at least for the next 6 months. There is one proposal which does that, and only one.

So if we don't want to be back here tomorrow and next week still dealing with this problem—and I think we certainly agree we cannot leave town without addressing it—there is only one way to get a Presidential signature, and that is for the Bond-McConnell proposal, upon which we will vote in a moment, to get 60 votes. That is the only way to get the job done. There may be merit in both proposals, but that is not the way Admiral McConnell sees it. He enjoys widespread respect throughout this body. If we want to get the job done and get the President's signature, the Bond-McConnell proposal is the one that should be supported.

I yield the floor.

Mr. REID. I yield back any remaining time.

Mr. McCONNELL. Is there any time remaining on this side?

The PRESIDING OFFICER (Mr. WHITEHOUSE). There is no time remaining.

The amendment (No. 2649) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. DORGAN), the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), and the Senator from Washington (Mrs. MURRAY), are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "no."

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING), the Senator from New Hampshire (Mr. GREGG), the Senator from Mississippi (Mr. LOTT), the Senator from Indiana (Mr. LUGAR), and the Senator from Arizona (Mr. McCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 28, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—60

Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Burr
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feinstein
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Klobuchar
Kyl
Landrieu
Lieberman
Lincoln
Martinez
McCaskill
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Webb

NAYS—28

Akaka
Baucus
Biden
Bingaman
Brown
Byrd
Cantwell
Cardin
Clinton
Dodd
Durbin
Feingold
Kennedy
Kohl
Lautenberg
Leahy
Levin
Menendez
Obama
Reed
Reid
Rockefeller
Sanders
Schumer
Stabenow
Tester
Whitehouse
Wyden

NOT VOTING—12

Alexander
Boxer
Bunning
Dorgan
Gregg
Harkin
Johnson
Kerry
Lott
Lugar
McCain
Murray

The PRESIDING OFFICER. Under the previous order, 60 Senators having voted in the affirmative, the bill, as amended, is passed.

The bill (S. 1927), as amended, is as follows:

S. 1927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protect America Act of 2007".

SEC. 2. ADDITIONAL PROCEDURE FOR AUTHORIZING CERTAIN ACQUISITIONS OF FOREIGN INTELLIGENCE INFORMATION.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105 the following:

"CLARIFICATION OF ELECTRONIC SURVEILLANCE OF PERSONS OUTSIDE THE UNITED STATES

"SEC. 105A. Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance directed at a person reasonably believed to be located outside of the United States.

"ADDITIONAL PROCEDURE FOR AUTHORIZING CERTAIN ACQUISITIONS CONCERNING PERSONS LOCATED OUTSIDE THE UNITED STATES

"SEC. 105B. (a) Notwithstanding any other law, the Director of National Intelligence and the Attorney General, may for periods of up to one year authorize the acquisition of foreign intelligence information concerning persons reasonably believed to be outside the United States if the Director of National Intelligence and the Attorney General determine, based on the information provided to them, that—

"(1) there are reasonable procedures in place for determining that the acquisition of foreign intelligence information under this section concerns persons reasonably believed to be located outside the United States, and such procedures will be subject to review of the Court pursuant to section 105C of this Act;

"(2) the acquisition does not constitute electronic surveillance;

"(3) the acquisition involves obtaining the foreign intelligence information from or with the assistance of a communications service provider, custodian, or other person (including any officer, employee, agent, or other specified person of such service provider, custodian, or other person) who has access to communications, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

"(4) a significant purpose of the acquisition is to obtain foreign intelligence information; and

"(5) the minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h).

"This determination shall be in the form of a written certification, under oath, supported as appropriate by affidavit of appropriate officials in the national security field occupying positions appointed by the President, by and with the consent of the Senate, or the Head of any Agency of the Intelligence Community, unless immediate action by the Government is required and time does not permit the preparation of a certification. In such a case, the determination of the Director of National Intelligence and the Attorney General shall be reduced to a certification as soon as possible but in no event more than 72 hours after the determination is made.

"(b) A certification under subsection (a) is not required to identify the specific facilities, places, premises, or property at which the acquisition of foreign intelligence information will be directed.

"(c) The Attorney General shall transmit as soon as practicable under seal to the court established under section 103(a) a copy of a certification made under subsection (a). Such certification shall be maintained under security measures established by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence, and shall remain sealed unless the certification is necessary to determine the legality of the acquisition under section 105B.

"(d) An acquisition under this section may be conducted only in accordance with the certification of the Director of National Intelligence and the Attorney General, or their oral instructions if time does not permit the preparation of a certification, and the minimization procedures adopted by the Attorney General. The Director of National Intelligence and the Attorney General shall assess compliance with such procedures and shall report such assessments to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate under section 108(a).

"(e) With respect to an authorization of an acquisition under section 105B, the Director of National Intelligence and Attorney General may direct a person to—

"(1) immediately provide the Government with all information, facilities, and assistance necessary to accomplish the acquisition in such a manner as will protect the secrecy of the acquisition and produce a minimum of interference with the services that such person is providing to the target; and

"(2) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such person wishes to maintain.

"(f) The Government shall compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to subsection (e).

"(g) In the case of a failure to comply with a directive issued pursuant to subsection (e), the Attorney General may invoke the aid of the court established under section 103(a) to compel compliance with the directive. The court shall issue an order requiring the person to comply with the directive if it finds that the directive was issued in accordance with subsection (e) and is otherwise lawful. Failure to obey an order of the court may be punished by the court as contempt of court. Any process under this section may be served in any judicial district in which the person may be found.

"(h)(1)(A) A person receiving a directive issued pursuant to subsection (e) may challenge the legality of that directive by filing a petition with the pool established under section 103(e)(1).

"(B) The presiding judge designated pursuant to section 103(b) shall assign a petition filed under subparagraph (A) to one of the judges serving in the pool established by section 103(e)(1). Not later than 48 hours after the assignment of such petition, the assigned judge shall conduct an initial review of the directive. If the assigned judge determines that the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition. If the assigned judge determines the petition is not frivolous, the assigned judge shall, within 72 hours, consider the petition in accordance with the procedures established under section 103(e)(2) and provide a written statement for the record of the reasons for any determination under this subsection.

"(2) A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that such directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with such directive.

"(3) Any directive not explicitly modified or set aside under this subsection shall remain in full effect.

"(i) The Government or a person receiving a directive reviewed pursuant to subsection (h) may file a petition with the Court of Review established under section 103(b) for review of the decision issued pursuant to subsection (h) not later than 7 days after the issuance of such decision. Such court of review shall have jurisdiction to consider such petitions and shall provide for the record a written statement of the reasons for its decision. On petition for a writ of certiorari by the Government or any person receiving such directive, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

"(j) Judicial proceedings under this section shall be concluded as expeditiously as possible. The record of proceedings, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures established by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(k) All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

"(l) Notwithstanding any other law, no cause of action shall lie in any court against any person for providing any information, facilities, or assistance in accordance with a directive under this section.

"(m) A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.".

SEC. 3. SUBMISSION TO COURT REVIEW AND ASSESSMENT OF PROCEDURES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105B the following:

"SUBMISSION TO COURT REVIEW OF PROCEDURES

"SEC. 105C. (a) No later than 120 days after the effective date of this Act, the Attorney General shall submit to the Court established under section 103(a), the procedures by which the Government determines that acquisitions conducted pursuant to section 105B do not constitute electronic surveillance. The procedures submitted pursuant to this section shall be updated and submitted to the Court on an annual basis.

"(b) No later than 180 days after the effective date of this Act, the court established under section 103(a) shall assess the Government's determination under section 105B(a)(1) that those procedures are reasonably designed to ensure that acquisitions conducted pursuant to section 105B do not constitute electronic surveillance. The court's review shall be limited to whether the Government's determination is clearly erroneous.

"(c) If the court concludes that the determination is not clearly erroneous, it shall enter an order approving the continued use of such procedures. If the court concludes that the determination is clearly erroneous, it shall issue an order directing the Government to submit new procedures within 30 days or cease any acquisitions under section 105B that are implicated by the court's order.

"(d) The Government may appeal any order issued under subsection (c) to the court established under section 103(b). If such court determines that the order was properly entered, the court shall immediately provide for the record a written statement of each reason for its decision, and, on petition of the United States for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision. Any acquisitions affected by the order issued under subsection (c) of this section may continue during the pendency of any appeal, the period during which a petition for writ of certiorari may be pending, and any review by the Supreme Court of the United States.".

SEC. 4. REPORTING TO CONGRESS.

On a semi-annual basis the Attorney General shall inform the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning acquisitions under this section during the previous 6-month period. Each report made under this section shall include—

(1) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under section 105B, to include—

(A) incidents of non-compliance by an element of the Intelligence Community with guidelines or procedures established for determining that the acquisition of foreign intelligence authorized by the Attorney General and Director of National Intelligence concerns persons reasonably to be outside the United States; and

(B) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issue a directive under this section; and

(2) the number of certifications and directives issued during the reporting period.

SEC. 5. TECHNICAL AMENDMENT AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "501(f)(1)" and inserting "105B(h) or 501(f)(1)"; and

(2) in paragraph (2), by striking "501(f)(1)" and inserting "105B(h) or 501(f)(1)".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 105 the following:

"105A. Clarification of electronic surveillance of persons outside the United States.
"105B. Additional procedure for authorizing certain acquisitions concerning persons located outside the United States.
"105C. Submission to court review of procedures.".

SEC. 6. EFFECTIVE DATE; TRANSITION PROCEDURES.

(a) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this Act shall take effect immediately after the date of the enactment of this Act.

(b) TRANSITION PROCEDURES.—Notwithstanding any other provision of this Act, any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall remain in effect until the date of expiration of such order, and, at the request of the applicant, the court established under section 103(a) of such Act (50 U.S.C. 1803(a)) shall reauthorize such order as long as the facts and circumstances continue to justify issuance of such order under the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the applicable effective date of this Act. The Government also may file new applications, and the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall enter orders granting such applications pursuant to such Act, as long as the application meets the requirements set forth under the provisions of such Act as in effect on the day before the effective date of this Act. At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)), shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act. Any surveillance conducted pursuant to an order entered under this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as in effect on the day before the effective date of this Act.

(c) SUNSET.—Except as provided in subsection (d), sections 2, 3, 4, and 5 of this Act, and the amendments made by this Act, shall cease to have effect 180 days after the date of the enactment of this Act.

(d) AUTHORIZATIONS IN EFFECT.—Authorizations for the acquisition of foreign intelligence information pursuant to the amendments made by this Act, and directives issued pursuant to such authorizations, shall remain in effect until their expiration. Such acquisitions shall be governed by the applicable provisions of such amendments and shall not be deemed to constitute electronic surveillance as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)).

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON S. 2011

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. DORGAN), the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING), the Senator from New Hampshire (Mr. GREGG), the Senator from Mississippi (Mr. LOTT), the Senator from Indiana (Mr. LUGAR), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 45, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Durbin
Feingold
Feinstein
Inouye
Kennedy
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Nelson (FL)
Nelson (NE)
Obama
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—45

Allard
Barrasso
Bennett
Bond
Brownback
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Martinez
McConnell
Murkowski
Pryor
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—12

Alexander
Boxer
Bunning
Dorgan
Gregg
Harkin
Johnson
Kerry
Lott
Lugar
McCain
Murray

The PRESIDING OFFICER. Under the previous order, 60 Senators not having voted in the affirmative, the bill is placed on the calendar.

The majority leader.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT REQUEST—H.R. 1495

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to the consideration of the conference report to accompany H.R. 1495, WRDA; that it be considered under the following limitations: that there be 4 hours of debate on the conference report with the time equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on adoption of the conference report, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota is recognized.

AUTHORIZING ADDITIONAL FUNDS FOR EMERGENCY REPAIRS AND RECONSTRUCTION OF THE INTERSTATE I-35 BRIDGE

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3311, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3311) to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the amendment that is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2654) was agreed to, as follows:

(Purpose: To improve expanded eligibility for transit and travel information services)

In section 1112(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as added by section 3), strike subparagraph (B) and insert the following:

"(B) use not to exceed $5,000,000 of the funds made available for fiscal year 2007 for Federal Transit Administration Discretionary Programs, Bus and Bus Facilities (without any local matching funds requirement) for operating expenses of the Minnesota State department of transportation for actual and necessary costs of maintenance and operation, less the amount of fares earned, which are provided by the Metropolitan Council (of Minnesota) as a temporary substitute for highway traffic service following the collapse of the Interstate I-35W bridge in Minneapolis, Minnesota, on August 1, 2007, until highway traffic service is restored on such bridge.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 3311) was read the third time and passed.

Mr. COLEMAN. Mr. President, my colleague from Minnesota is here. I will yield to her if she wishes to proceed first.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I think everyone in this Chamber and the country and the world is aware of the tragedy that befell our State a few days ago. This is a bridge that is not just in my backyard, it is actually in my front yard. It is only 8 blocks away. It is one of the most well-traveled bridges in our State.

Senator COLEMAN and I were on the ground and saw the great damage yesterday. When I looked down and saw that miracle bus on the precipice and I thought about the fear in the eyes of those little children as they watched as the concrete and the road basically fell down below them, I couldn't even imagine what they went through.

But then I met the heroes, the people who dove in the water over and over again looking for survivors. The death toll would have been so much worse if our community had not come together—the police, fire personnel, emergency personnel, and ordinary citizens—to save the lives of our people.

Today we thank our colleagues because it is good news that they stood by us in a bipartisan way to help the people of our State. The vote is good news at the close of a week that has brought so much heartbreak to our State. This was, as I said, the most heavily traveled bridge in our State, and our people and our businesses depend on it.

Today in the Senate, as well as in the House of Representatives, the Congress voted to give us the opportunity to access the funds we are going to need to repair this bridge.

There was also a focus on transit money, which is so important. The day we got into Minnesota, only 12 hours after this happened, our State had already put on 25 extra buses. They had billboards showing people the routes to go. It was an absolutely extraordinary effort. They were prepared. But I don't think anyone, in any State, can ever be prepared for a tragedy such as this.

I thank all my colleagues at the close of a very long week for their words of support. Our thoughts and our prayers are with the victims and with their families. Today, the Congress stood tall and proud and came immediately to their aid.

Mr. President, I yield the floor to my colleague from Minnesota.

Mr. COLEMAN. Mr. President, my colleague from Minnesota has described the spirit of a people confronted with great tragedy. It was horrible to be there by that bridge and see those cars, some in the water, others that had burst on fire—a tractor trailer—to see a school bus on the precipice. I think it had dropped 20 feet. Had it gone a little further to the side, it would gone over the edge. Had it gone a little further forward, it would have been caught between crashing portions of steel and concrete. Had it gone another distance, it would have been in the water. Yet every one of those 60 kids walked away.

We saw tragedy. There are those who have lost their lives and suffered great pain, but we also saw miracles. We saw the reaction of a community that came together at every level—the first responders, the citizens who came together to jump in the water to try and help folks who were in situations that were hard to understand.

In addition to that, when Senator KLOBUCHAR and I got there early in the morning, we sat in on a briefing with the Governor and the mayor and the first responders, the county commissioners, city council members—some Democrats, some Republicans. It didn't matter.

I sat there as a former mayor remembering what it was like on 9/11, remembering how unprepared we were on 9/11. And after 9/11, as a city, we tried to take stock and recognize that our first responders weren't tied into what was going on at hospitals, and various police and fire from different communities could not communicate. What we did is we went about the process of training and training and training, preparing and preparing and preparing, and it came together. I watched in the city of Minneapolis, and as a former mayor I took pride in the way the people responded.

I think the Nation saw it. I think the world saw it, and it made me proud to represent Minnesota.

I say that because I saw the same spirit in the Senate tonight. The people in Minneapolis have some great needs. My colleague in the House, Congressman OBERSTAR, put forth a plan that would provide authorization to rebuild the bridge. There was also provided some extra money on the table to deal with some very immediate needs.

I was there when the Secretary of Transportation made the pledge that "we are going to be there to help," and we had some challenges then in moving that forward. There were some technical issues. But what I found along the way was my colleagues on both sides of the aisle simply said, how can we help? How can we get this done? The chairman of the Budget Committee a little while ago discovered there was one minor technical issue. He said, we are going to take care of this.

I got a call today from the director of the Environmental Protection Agency, the Administrator. I got a call yesterday from the head of the SBA. At the scene yesterday we had the head of the Transportation Safety Board. We had the Secretary of Transportation, the highway administrator. They were all there. Everyone had come together. And on the floor of the Senate I saw that tonight, that spirit, and I simply say thank you to my colleagues. On behalf of the people of Minnesota and the people of Minneapolis, I say thank you for the support you have shown and the spirit in which you have come together.

At times, there is so much rancor in our Nation today—this partisan divide. It is so uplifting to be in this Chamber to see my colleagues on both sides of the aisle come together, and so I say thank you.

Let me end by asking that we not forget there has been a great tragedy; that lives have been lost. Let us keep the families of those who have lost loved ones in our prayers. Let us make sure we continue in the effort to ensure that the resources are there to rebuild, and let us do it quickly. Let us do those things to expedite the process. This is a major thoroughfare, a major piece of the transportation system in the State of Minnesota. We need to get the money back to Minnesota and get the people on the ground who can get the work done.

We can do it, and we can do it quickly. We will rebuild this bridge, we will rebuild quickly, we will find out what caused this terrible, terrible tragedy, and we will keep those who have suffered loss in our prayers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Rhode Island is recognized.

EXTENSION OF TEMPORARY PROTECTIVE STATUS FOR LIBERIANS

Mr. REED. Mr. President, let me first begin by commending Senators COLEMAN and KLOBUCHAR for their very aggressive and appropriate response to a crisis in their home State of Minnesota. We were proud, all of us, to join with the Senators in helping their people in the face of great need.

This is interesting, because I rise for the moment to speak about another measure which both Senator COLEMAN and Senator KLOBUCHAR have joined with me as cosponsors of, and that is the temporary protective status for Liberians. The Presiding Officer, Senator WHITEHOUSE, is also a cosponsor, along with Senators KERRY and LEAHY. It is a bipartisan measure. It is in response to a situation where there are thousands of Liberians here legally, but they are in danger of being deported because their status could change by October 1.

The House of Representatives earlier this week passed unanimously by voice vote H.R. 3123, which would extend for 1 year their temporary protected status. In fact, the minority leader, Mr. BLUNT, was the key leader in this effort, along with our colleague from Rhode Island, Congressman PATRICK KENNEDY, and I again thank Senators COLEMAN and KLOBUCHAR, and all the cosponsors.

The Liberian individuals we are talking about were in the United States in the late 1980s and early 1990s when a brutal civil war broke out in Liberia. They could not go home, and this country granted them protective status. That status, in one form or another, has been continued for now almost 15, 16 years. There are many families of Liberians in this country whose children are American citizens—in fact, who are about on the verge of college or even older.

Today, Liberia has made some progress. It has a democratically elected president. She is a remarkable woman, leading her nation. But, still, it is not a country that is ready to accept individuals who are in the United States, who are part of our community, who have American children, and who are contributing to our communities. We should, I think, give them the opportunity to make a choice of whether they should stay here or go back to their homeland of Liberia.

Every year they face a precipice that comes on October 1, when they worry whether their status will be extended; when they worry whether they will have to leave children behind, give up their jobs, leave their community and be lifted up, literally, to go back to a country which is, quite frankly, not ready to accept them and to use their talents. So each year we have been able to, either through administrative decision or through our efforts here, extend their stay. I urge that my colleagues consider taking up H.R. 3123, and I requested on behalf of my cosponsors a unanimous consent to do that. I am told that on the Democratic side there were no objections, but, apparently, there are some objections on the other side. I want to make it clear to all my colleagues I will renew this request time and time again when we return in September.

We have to act before October 1. It would be unfair, unjust, and unwise not to grant this exemption. It was accepted on a bipartisan basis overwhelmingly in the other body, and I think we should do the same here in the Senate. I urge any of my colleagues who have questions—and I think at this juncture there are many who might have legitimate questions—please, I would be happy to answer them. I would be happy to respond. I believe I can make a compelling case that in terms of fairness, in terms of equity, in terms of recognizing what these individuals have done to contribute to communities all across this country, they should be granted at least 1 more year. This is not a permanent adjustment, this is an additional year.

Let me stress one thing also. We have had a great deal of discussion in this Congress about immigration. These individuals are legally here in the United States, and they have been given the opportunity to work, they pay taxes, and they are not qualified for any social benefits. I am very proud of Rhode Island because we have a large community, relatively speaking, and they have become extraordinarily productive members of our community. So I feel very strongly, and I know my colleague, the Presiding Officer, does, that we are going to do all we can over the several weeks before October 1 to make sure this is adopted; that we follow the other body in doing so. I don't want anyone to mistake my objection to other provisions that are going forward. I am sincerely committed to getting this done. I hope we get it done, and I thank the Presiding Officer for his cosponsorship and leadership.

I yield the floor.

Mr. DODD. Mr. President, the Senator from Rhode Island has been so persuasive in his argument, I ask that he add me as a cosponsor to the bill.

Mr. REED. Mr. President, I ask unanimous consent that the Senator be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

INFRASTRUCTURE

Mr. DODD. Mr. President, both our colleagues from Minnesota have left the floor, but I join with my colleague from Rhode Island and others here in expressing our regrets and our condolences to the people of Minnesota for the tragedy that State has gone through with the collapse of the highway over the Mississippi River. Certainly all of us extend our sympathies to those who lost loved ones and those who were injured. We in Congress will do whatever we can to help out in that situation, as all of us have at one time or another stood in this Chamber and asked for help for our States because of a tragedy that has occurred. It is very much in keeping with the tradition of this body to respond to tragedies such as the one Minnesota has experienced.

I want to take a moment, however, and urge my colleagues during the next few weeks to consider an important bill to try to address the growing problem of deteriorating infrastructure across our nation. For nearly 2 years, the Senator from Nebraska and I, Senator HAGEL, have been working on this bill, along with the Center for Strategic and International Studies, Felix Rohatyn, who has been very involved in the issues of New York City, and our former Senate colleagues Warren Rudman and Bob Kerrey.

The numbers are staggering. There are some 160,000 bridges of the 900,000 in our country that are deficient, to put it mildly. We saw what happened in Minnesota. There are 614 transit systems in deep need of repair. One-third of all our highways are in need of significant repair and improvement. The water systems and wastewater systems in the United States are, on average, almost 100 years old. Clearly, the ability of our appropriations process to maintain the needed infrastructure for our country is inadequate. We all know that. So we have spent time over the last 2, 2½ years working with people on Wall Street and others to come up with ideas on how we might attract capital to the area of infrastructure development.

Ironically, we had talked about delaying this announcement until September, but at the suggestion of Senator HAGEL, we decided Wednesday morning to make the announcement before we left for the August break. I think we had four members of the press in the gallery to cover the initial announcement of this year-and-a-half long effort. And of course by 5 or 6 o'clock that afternoon, we had heard the news of what happened in Minneapolis, which heightened the country's awareness of a problem that was well-known to those of us looking into this over the years.

This should never have happened in the United States. We have been successful over the years because we have understood the relationship of strong infrastructure systems, wastewater treatment systems, highways, bridges, and transit systems, to our ability to grow economically. Of course, some of the major efforts that have increased the prosperity of our country have been big ideas in infrastructure. Certainly the interstate highway system, under Dwight Eisenhower, is a classic example of a project that dramatically improved the economy of our Nation more than 50 years ago.

At any rate, there are a number of examples, and I hope my colleagues will look at this critically important legislation we have presented for their consideration. We look forward to further examining how better to deal with the large problems facing us when we reconvene this fall. As many of my colleagues may know, a $1 billion investment, whether public or private money, would generate as many as 40,000 jobs. So, in addition to addressing major deficiencies in our infrastructure, it will also spur economic development and provide needed work for those in the construction fields and trades.

Again, this is an important issue, and one that is unfortunately receiving more attention than it would otherwise, except for the tragedy in Minnesota. In my home State of Connecticut, we went through a similar tragedy, as my colleague from Rhode Island may recall, on Route 95 along the Mianus River, the corridor running through his State and mine, down to Florida. A whole section of that road in western Connecticut collapsed. Four people lost their lives on that day when the Mianus River bridge fell. So we relate to and understand what has happened in Minnesota.

Again, our invitation is to take a look at this. It is an idea, a big idea, a large idea, creatively financed to be able to do something serious about this growing problem. It is a problem we are going to be hearing more and more about if we fail to take the necessary steps to improve this infrastructure. We must work to construct what needs to be constructed and put our feet back on the ground.

I thank my colleagues.

I am going to make some unanimous consent requests here.

UNANIMOUS-CONSENT REQUEST—H.R. 327

Mr. DODD. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 327 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Reserving the right to object, the Senator from Connecticut is going to put forward a number of unanimous-consent requests. Because of the lateness of the hour, we have a number of Members on our side who, on many of these unanimous-consent requests that he will propound, have concerns about those, and so they have not been cleared on this side. I am going to object to this and to some of the others he will be putting forward.

I object.

UNANIMOUS-CONSENT REQUEST—H.R. 1538

Mr. DODD. Mr. President, I ask unanimous consent that if the Senate receives the message from the House on H.R. 1538, the Wounded Warrior bill, with a request for a conference, the Senate agree to the request and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Reserving the right to object on this, this bill passed the Senate by unanimous consent. This is something everybody on our side supports. It includes a pay raise for members of our military. But again, until such time as we receive this message from the House—at that time, I guess I will ask the majority to renew that request. Until that happens, I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 1257

Mr. DODD. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 257, S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 3159

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 3159, the Dwell Time Act, the bill be considered as having been read three times, passed, and the motion to reconsider be laid on the table without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. I object.

UNANIMOUS-CONSENT REQUEST—S. 742

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 321, S. 742, that the committee-reported amendment be considered and agreed to, the bill as amended be read a third time, passed, and the motion to reconsider be laid on the table and any statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. I object.

UNANIMOUS-CONSENT REQUEST—S. 1785

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 320, S. 1785, that the committee-reported amendment be considered and agreed to, the bill be read a third time, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 558

Mr. DODD. Last, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 93, S. 558, that the amendment at the desk be considered and agreed to, the committee-reported substitute as amended be agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIX POINT PLAN

Mr. McCONNELL. Mr. President, 7 months ago I opened this session by reminding myself and my colleagues that the work we do and the way we do it will be judged not only by the voters but by history.

Future generations are not likely to remember our names, but they will inherit the laws that we pass, the problems we ignore, and the solutions we leave behind. So I rise tonight to take stock of how we have done, to offer an honest assessment of our work, and to propose a course of correction.

When the gavel fell in January, a new party had taken over. It had a simple six-point plan of action involving a list of items that were thought to have popular support. As the majority whip put it last fall, Democrats did not want to overpromise, so they came up with a list that was concise, understandable, and attainable.

He added that if the Democrats were fortunate enough to win the majority, they would be judged primarily on their ability to deliver on those six legislative goals. So by the majority's own standard, our report card should begin with a so-called 6 for '06. They have had more than a half a year to enact them, and so it is fair to ask: How have they done?

We started with lobby reform. As an early gesture of the bipartisanship I hoped would mark this session, I cosponsored the bill along with the majority leader. But less than 2 weeks into the session, the majority decided to cut off debate. It forced an early vote on an unfinished bill, and it failed.

After Republicans were allowed to add a vital amendment that protected the grassroots organizations from burdensome oversight, we voted again, and the bill passed easily 96 to 2.

Minimum wage was next. Republicans supported an increase that included tax relief for the business owners who would have to pay for it. At first the majority balked. They wanted a bill without any tax relief, without any Republican input. It failed. But when they finally agreed to cooperate by including tax relief for small businesses, the bill sailed through by a vote of 94 to 3. Four weeks, two accomplishments, a good start.

Then we turned to the 9/11 bill, and here the tide began to turn. Republicans supported this bill from the start. We saw it as a welcome opportunity to strengthen security, but the majority rejected our efforts to improve it with amendments, and then weakened the bill by inserting a dangerous provision at the insistence of their labor union supporters.

They wanted to give airport security workers at U.S. airports veto power over the Government's rapid response plan to a terrorist attack. It was an absurd request.

Congress rejected a similar provision 5 years earlier on the grounds that it threatened national security. The President promised to veto it this time around as well. The bill ended up passing the Senate, and the provision was ultimately stripped in conference. But by refusing input at the start, both parties would have to wait until just last week to finish this important bill, and the centerpiece of the Democratic plan for improving national security would sit on the shelf literally for months.

Now, there is a pattern here. When the majority has agreed to let Republicans participate and shape legislation, we have achieved good bipartisan results. When they have blocked that cooperation, they have failed. But just like a fly that keeps slamming its head into the same windowpane trying to get outside, the Democratic majority has spent most of the year since those small, early gestures at cooperation trying and failing to advance its agenda by insisting on the path of political advantage.

The problem took root early on. Soon after the 9/11 bill came the first attempt to set a timetable for withdrawing U.S. troops from Iraq. Our Democratic friends knew it had no chance of passing the Senate, let alone being signed into law.

Two weeks earlier, they had forced a vote on the Petraeus plan for securing Baghdad and lost. The President had made clear his opposition to timelines, and Republicans insisted that Congress should not be in the business of literally micromanaging a war.

Yet our friends on the other side persisted anyway, and the first timeline vote failed. It was followed by 14 more political messaging votes on the war, votes that promised to have no practical impact on our military conduct. The Senate would spend 2 months debating legislation that in every case was bound to fail. For the entire spring and summer, the majority insisted on political votes, culminating in the theatrical crescendo of an all-night debate that even Democrats admitted was a stunt.

What seems to have happened here is that at some point in February, after the minimum wage vote, the political left put a hand on the steering wheel, and the unfortunate result was that nearly 5 months would pass before a single item on the 6 for '06 agenda would become law, and even that had to be tacked on to a must-pass emergency spending bill that the Democrats had been slow-rolling for months.

Now it was during those early months that an alternative, harder edged, 6 for '06 agenda seemed to emerge. Indeed, the biggest Senate fights this year have not been over the original 6 for '06 at all. They revolved around the policy proposals of the far left. Fortunately, Republicans have held together to keep these bad ideas from becoming law.

For example, they wanted to eliminate secret ballot elections from union drives. They wanted to spend valuable floor time on a nonbinding resolution about the Attorney General, despite weeks of print and television interviews on the topic already.

They wanted to revive the so-called fairness doctrine, a kind of Federal speech code that was abolished more than two decades ago because it violates the first amendment. They even proposed closing the terrorist detention facility at Guantanamo Bay and sending the inmates to the States.

Then there were the politically motivated investigations which, between the House and Senate, break down to about six hearings a day since the first day of the session. Some seemed to see a plot being hatched behind every filing cabinet in Washington. Others seem ready to hold a White House sofa in contempt for bad fabric. And, of course, there was the endless political grandstanding on Iraq that I have already mentioned.

Now, predictably, this alternative agenda went nowhere. In the effort to get both, they ended up with neither. Editorial writers started to grumble about the lack of achievement. The public took note, too, sending the new Congress's approval ratings to new subterranean lows.

The lesson that emerged was clear. Politics yields headlines; cooperation yields results.

Republicans warned the other side about the consequences of unilateralism early on. We argued for months that the majority had been engaged in a months-long power play by invoking cloture with astonishing frequency. My staff commissioned a CRS study on the issue and found that the majority was on pace to shatter the record for cloture filings in a single Congress.

Yet the cloture stories that started to appear argued that record cloture filings were somehow the fault of the Republicans, as if we had forced the majority to try to cut off debate. This was classic spin, as anyone who has been in the Senate for more than a week will tell you. The majority knows that more than 40 cloture votes in 6 months is not a sign of minority obstruction. It is a sign of a majority that does not like the rules.

The opportunity costs of this failed strategy have been immense. Because it has refused to cooperate with the other side, the majority hasn't brought a single piece of legislation to the floor that would reduce the income tax burden on working Americans. The Senate has not done a thing to address entitlements, despite a looming financial catastrophe. It has done nothing to address the rising cost of health care. Only 1 appropriations bill out of 12 has passed the Senate, and none has been signed into law.

On the first day of the session, the majority whip said the American people had put Democrats in the majority to find solutions, not to play to a draw with nothing to show for it. Yet at times over the last 7 months those words have seemed quaint. The Democratic majority had the right idea early on. It made an early mistake, in my opinion, by succumbing to a round-the-clock political campaign. As any sailor knows, a small deviation at the start takes you far off course over time.

Over the last week, we have seen some conspicuous signs of bipartisan cooperation, including tonight, when the majority chose the road of cooperation to fix a gap in our national intelligence before we left for the August recess. Americans are grateful to the majority for joining us on this critical issue. Under the leadership of my friend the majority leader, Congress has acted on the sound principle that cooperation is a better recipe for success than confrontation and political theater. All of us should be glad about that.

We have seen that we can accomplish good things by working together and cooperating on legislation that Americans support. Politics certainly has its place, but it doesn't steer this ship, at least it shouldn't. There is simply too much to be done, and we have seen the results when it does.

So I would not offer a grade for this Congress. Others have already done that. But I will say that at the beginning of this session, I staked my party to a pledge: When faced with an urgent issue, we would act. When faced with a problem, we would seek solutions, not mere political advantage. That pledge still stands. We have seen what we can do. We have actually seen it tonight. And we have reason to hope we will see it still.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. REID. Mr. President, last week the Iraqi people celebrated a very rare triumph, they won a soccer game. But their celebration had nothing to do with decreased violence, improved distribution of water, electricity or other basic necessities or, of course, political reconciliation. It was a soccer game. Iraqis were celebrating their victory in the Asian Cup soccer championship, as well they should. But even during this rare moment of joy, political realities could not be ignored. After his game-winning shot, team captain Younis Mahmoud told reporters he would not be returning to his home country, and he hoped that the American forces would leave Iraq quickly.

The setting, a great victory for the Iraqi soccer team. Their hero, their captain, says: I am not going home. I am not returning to Iraq, and I want the Americans out.

His words reflect the overwhelming sentiment of the Iraqi people whose hopes he carried on his shoulders. A recent poll showed that 70 percent of Iraqis think American forces make them less safe.

President Bush said 2 weeks ago, the war in Iraq has invited guests, and we would leave if asked. They are asking, we are not going.

Yesterday was a day without water in Baghdad. It was 115 degrees. There was no water because there was insufficient electric generation for water filtration and distribution of water. This was the sixth day in a row with virtually no water in the capital city, this huge metropolitan area, no water. People are drinking water when they can, but it is contaminated, and they are getting sick. Four dead American soldiers yesterday.

Meanwhile new evidence emerges by the day. Prime Minister al-Maliki is utterly failing to achieve the political reconciliation the country so desperately needs. Even worse, there is no evidence he is even trying.

Next month the administration will deliver a progress report on Iraq to us, the Congress of the United States. We, of course, will take that report seriously, but it has been clear for some time that this war and President Bush's troop escalation is a tragic failure. General Petraeus, whom we hear so much about, has said time and time again, the war cannot be won militarily. Many of our colleagues on the other side of the aisle have said for months that September would be the turning point, that in September, if meaningful progress has not been made, they will finally work with us to reach a responsible end to the war.

When we come back in September, the eyes of the world will be on those Republicans who made September their month to draw a line in the sand. I hope they would back their words up with action. Democrats have done everything we can do. All Democrats, we have done everything we can do. We need some help from the Republicans to change the course of that intractable civil war, costing the American people about $350 to $360 million every day. We need to finally take a stand together, Democrats and Republicans, to deliver a responsible end to the war that the American people demand and deserve and turn our military focus to the grave and growing threats we face throughout the world that have been ignored by this administration for far too long.

LEGISLATIVE ACCOMPLISHMENTS

Mr. REID. Mr. President, my friend, the distinguished Republican leader, came to the floor, talked about a number of things tonight. I wish to approach things in a little different direction. I wish to talk about what we have accomplished in these short 7 months. We have worked hard. We have worked long, hard hours, something that hasn't been done for a long time in this body. Let's talk about the bills we have sent to the President of the United States that we have passed.

Minimum wage. We hear a lot about minimum wage, but minimum wage is not for kids flipping hamburgers at McDonald's. Sixty percent of the people who draw the minimum wage are women. For over half those women, that is the only money they get for themselves and their families.

I am glad we passed the minimum wage. After 10 years, we have given this legislation the attention it deserves. It is an issue that deals with women. It does. But also it is an issue that deals with people of color. The majority of the people who draw the minimum wage are people of color. We did the right thing. It is important legislation, and it is now the law.

A short time ago, we finished a vote on terrorism. On 9/11, it was an act of terror that killed over 3,000 Americans. President Bush went to Ground Zero on a number of occasions, but it was thought we should take a look at what really happened on 9/11. What could we do to better prepare for similar attacks? What went wrong? Why weren't we prepared?

So we asked—we Democrats asked—for months and months—that went well into more than 2 years—why don't we have an investigation to find out what went wrong? This was fought by the President. Finally, after an outcry from the survivors of the 9/11 victims and people all over this country, we were able to get a bipartisan commission to study 9/11. Even though the President opposed it, we finally were able to get this done.

They recommended we do certain things to make us safer. They made their recommendations, sent them to the White House, sent them to Congress, and we begged the President to implement these recommendations. They were not implemented. The 9/11 Commissioners came back and graded the President on how he had done—Fs and Ds on everything.

This Congress, in these short 7 months, has passed legislation that implements the 9/11 Commission recommendations. There was a signing ceremony today at the White House. That is now the law. It is going to make our country much safer. The problem is, it is 3 years behind schedule.

We, as Democrats, recognize we had elections last November. There was tremendous turnover. People never believed Democrats would take control of the Senate. There was some talk they would take over the House. The Senate was never thought to be a body that we would take over. We did.

Why did we take over the Senate? We have nine new Democratic Senators, one of whom is presiding over the Senate tonight. Those nine Democratic Senators campaigned on a number of issues. But the one issue they campaigned on all over this country is to do something about the culture of corruption in Washington.

Why were the nine new Democrats concerned? For the first time in 131 years, someone working in the White House was indicted. Scooter Libby has now been convicted and pardoned by the President. Mr. Safavian was appointed by the President to take care of Government contracts. He was a dishonest man. He had sweetheart deals with other people, including Jack Abramoff. He was led away from his office in handcuffs and is now in prison

In the House of Representatives—controlled by the Republicans—the former majority leader of the House of Representatives was convicted three times of ethics violations. They changed the rules for him. He was indicted twice in Texas for crimes. Those are still going forward. A number of Members of the House of Representatives are now in jail: House staff in jail.

The K Street Project. What was the K Street Project? What it was: If you were a lobbyist downtown, you had to do what DeLay and the boys in the House wanted you to do or you could not get a job down there. They had to approve who was hired on K Street. That is what we call the "lobbyist fiefdom."

So there was a reason the nine new Democratic Senators wanted us to move forward quickly on ethics and lobbying reform. S. 1, the first bill we did—the most important bill is listed No. 1—was ethics and lobbying reform; and we passed it. It has been passed. It is the most sweeping ethics and lobbying reform in the history of our country.

I have said publicly, I say again in front of one of the nine new Democratic Senators, thank you for bringing to Washington a new culture. Yesterday, when that passed, we are in that new culture now.

We have sent to the President benchmarks to measure progress in Iraq. We sent to the President and funded mine-resistant combat vehicles. We sent to the President legislation giving the National Guard the equipment they need. The President went to the gulf—Katrina—and looked at it 22 times, I am told. But he would not give them any money. We forced the President to take what we wanted to give him in the supplemental appropriations bill—$7 billion. And we got that to the gulf victims.

We got disaster relief for small businesses and farms—3 years overdue. Wildfires are burning in the West as we speak. In Nevada, last week, we had 20 fires burning at the same time. We have one fire we share with the State of Idaho that is approaching a million acres burning. We got wildfire relief.

We were able to pass a law preserving the U.S. attorneys' independence. Why did we do it? Well, they were firing U.S. attorneys. The Presiding Officer was a U.S. attorney. There is an old saying in the law: What are you trying to do, make a Federal case out of it? Why did we say that? Because U.S. attorneys make cases you cannot beat most of the time.

But these U.S. attorneys, under this administration—under this corrupt administration—had to do what this administration wanted them to do or they had to go look for a new job. We do not know the full extent of what U.S. attorneys did because of political pressure from Karl Rove and others at the White House. I do not know if we will ever know. We know some of it.

What else have we passed? A pay raise for our troops, making college education more affordable. We passed in our reconciliation bill the most significant change in college education since the GI Bill of Rights. We passed CAFE standards, raising the fuel efficiency of vehicles for the first time in 25 years.

We passed, recently—first of all, in the supplemental appropriations bill, we funded SCHIP, the Children's Health Insurance Program, until the 1st of October. And here, yesterday, we passed health insurance for children. The Wounded Warriors legislation passed; a balanced budget with pay as you go. What does that mean? We passed a budget. The Republicans, for 3 years they had a majority of 55 to 45, and they could not pass a budget. We did it with a majority of 1—50 to 49. It is balanced, it is pay as you go. The Republicans, in the past, ran up these astronomical debts for our country, and did it with red ink.

We do not do that. We gave middle-class tax cuts, extended the child tax cut, gave tax relief for small businesses, funded women's health. We expanded eligibility for Head Start.

We had 94 hearings addressing the conduct of the war, and it is so important we have done that. As a result, we were able to take a look at the scandals that took place at Walter Reed, where our veterans were being neglected. We have things in progress we have passed and are waiting for conference reports to come back.

We are going to try—we tried to pass it tonight. There was an objection to reauthorizing the FDA, Food and Drug Administration, WRDA, Water Resources Development Act. We passed the competitive legislation that some say is some of the most important legislation passed in this body in decades, making this country more competitive educationally and in the business world.

The President has vetoed important legislation—stem cell research. Giving hope to millions of Americans has been vetoed by the President. The President vetoed timelines for bringing our troops home from Iraq.

And then, of course, we had a number of things blocked by obstructionism of the Republicans—lower priced prescription drugs. We were prevented from being able to vote because we could not get 60 votes, with the obstructionism of the Republicans on the ability of Medicare to negotiate for lower priced drugs. Insurance companies can do it, HMOs can do it but not Medicare. That is wrong, and we have been blocked from doing that.

We were even stopped from doing an Intelligence authorization bill. It is hard to comprehend, but that is true. This country is at war with the terrorists, but they have prevented us from doing an Intelligence authorization bill; there are a number of agencies in this country that handle our intelligence, our spying, and they stopped us from updating what they need to be able to do.

They twice filibustered antisurge legislation in Iraq, forced 45 cloture votes.

So, Mr. President, we have had a very productive 7 months. I hope we can come back and do more. I have been very happy with the last month or so. It appears bipartisanship is breaking out all over. I hope that can continue. As I said yesterday, when we do something good, there is a lot of credit to go around. When we do not do anything, there is a lot of blame to go around.

THANKING STAFF

Mr. REID. Mr. President, I extend my appreciation to our valiant staff. I wish them a very pleasant August. They worked so hard, along with us. We could not do our work without them. Everyone in this body here tonight—from our pages to our Parliamentarians to all the clerks, court reporters, police officers—I appreciate all the work they do.

FDA

Mr. REID. Mr. President, one thing I failed to mention with FDA, we got a letter from the administration saying: Go to conference on FDA. We tried. It was blocked by three Republicans. They should not have written the letter to me. They should have written it to them.

TRIBUTE TO HAZEL GETTY

Mr. REID. Mr. President, I rise today to join all our Senate colleagues and the Sergeant-at-Arms in honoring a valued, longtime Senate employee, Hazel Getty. Hazel will retire on August 3 from the Senate after 28 years of faithful and successful service.

For a staff member, Hazel has the unusual distinction of having served everyone in the Senate—Members, officers, staff, the Capitol Police and the Architect of the Capitol, and all their constituencies from her office in the Sergeant-at-Arms Printing, Graphics and Direct Mail, PG&DM, branch. In her role as manager of that department, Hazel has supported the people and processes which yield the many excellent printed products we rely on to inform, persuade and delight. Franked mail, floor charts, posters, the beautiful "Welcome to Washington" books we give to visitors, photocopying, and flag packaging are a few major services provided by Hazel's department, and there are many more. The extremely high quality of PG&DM products testifies to Hazel's devotion to excellence, to the Senate, and to the employees who work with her.

Communication with each other and with our constituents is elemental to Senate business and Hazel's group is an essential communication hub here. They are our partners in governance and under Hazel's leadership have performed admirably. We thank Hazel for her leadership and wish her a healthy and happy retirement.

Mr. McCONNELL. Mr. President, I want to join the majority leader and associate myself with his remarks regarding the contributions of Hazel Getty to the operation of the U.S. Senate. Hazel has overseen a remarkable advance in the technological capabilities of the Sergeant at Arms' Printing, Graphics and Direct Mail branch. We will all miss Hazel's excellent leadership and gentle nature. We wish her all the best in this next chapter of her life.

APPLAUDING EDMONSON COUNTY, KENTUCKY

Mr. McCONNELL. Mr. President, I rise today to applaud the patriotism and service of the residents of Edmonson County in my home State of Kentucky. Earlier this week, the local Bowling Green, KY, newspaper, the Daily News, published an article entitled "Edmonson Leads U.S. in Army Recruitment." Edmonson County, located in the central part of the State, has the highest percentage of Army recruits in the country—quite an accomplishment, and a wonderful symbol of patriotism and sense of service that is evident not just in Edmonson County, but throughout the Commonwealth. According to the Army, Edmonson County "produced the most enlistments for the Regular Army, Non-Prior Service" as compared to the total national population of 15–24 year olds.

Kentucky has a proud military heritage. The Bluegrass State is home to widely recognized military installations such as Fort Knox and Fort Campbell. Our Guard and Reserve units continue to proudly serve on the front lines of the global war on terror. The people of Edmonson County are carrying on Kentucky's longstanding history of service and are proving their dedication and support as the United States continues to fight the terrorism. I am proud to represent such loyal and selfless citizens.

Mr. President, I ask that the entire Senate join me in expressing great admiration and gratitude to the people of Edmonson County, KY, for their patriotism and service. I ask unanimous consent that the full article from the Daily News be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Bowling Green Daily News, July 29, 2007]

EDMONSON LEADS U.S. IN ARMY RECRUITMENT

(By Ameerah Cetawayo)

Edmonson County, the home of nationally known Mammoth Cave National Park, made headlines recently for another reason—having the highest percentage of Army recruits in the country.

For every 1,000 young people in the county, about 11 of them decided to join the military in 2006.

For a county of about 12,000 people, the statistics magnify patriotic values, as well as the notion that more people from Edmonson County are leaving for Bowling Green and surrounding areas, according to leaders in the educational and business community.

According to military data analyzed by the National Priorities Project, a nonprofit research organization, Kentucky ranked 27th in the nation for the percentage of Army recruits.

The Army recruited 990 people from the commonwealth last year, about a 3 percent increase from 2005, according to NPP.

Earlier this month, the U.S. Department of Defense said the Army failed to meet its goal of 8,400 recruits for June by about 16 percent, with only 7,031 nationwide joining.

Brian Alexander, principal of Edmonson County High School, said having options for college is one explanation for why Edmonson County ranked high. Alexander said the latest graduating class of a little over 100 earned $250,000 in scholarships.

"Our kids are looking for opportunities. Right now, the military offers substantial financial opportunity to allow young men and women to pursue post-secondary careers," Alexander said, adding that joining the military also gives young people the opportunity to see different parts of the world.

Take a look at Edmonson County's courthouse in Brownsville and it's easy to see that military organizations are very active in the area, according to Edmonson County Schools Superintendent Patrick Waddell.

"One of the biggest reasons we probably have ranked high in that area is we're a very patriotic county," he said. "The different services of the military are very active in the county. They do a lot of programs that are extracurricular activities in the middle school and high school."

Waddell also said the percentage who go to college or a technical or trade school would be about the same as other districts.

"Being proud of your community and proud of your county and being proud of America, that's a very positive attribute of Edmonson County," Waddell said.

Sarah Childress, executive director of the Edmonson County Chamber of Commerce, said small-town values are alive and well in Edmonson County.

"I'm not saying things are different here, but it may have something to do with the way young people have been raised, to have that instilled in them at a young age, to want to serve their country," Childress said.

The appearance of a lesser amount of opportunities in Edmonson County may be a small factor also, she said.

"Anyone can go to Bowling Green, Louisville and Nashville and find a good job and commute. They can move if they want," Childress said. "We don't have a lot of industry here."

The biggest employer in Edmonson County is the board of education, followed by the county's highway department and local banks, Childress said.

"There is something out there for everybody, and Bowling Green is growing so much and moving even closer to southern Edmonson County," he said. "There is so much industry going on in Bowling Green there is plenty out there for everybody."

Other recruiting and retention statistics for the active and reserve components last month showed:

The Navy finished with 3,999 recruits. Its goal was 3,924. The Marine Corps exceeded its goal by recruiting 4,113 new Marines; its goal was 3,742. The Air Force met its goal of 2,233 recruits.

Army, Navy, Marine Corps, and Air Force met or exceeded overall active duty retention missions.

Five of the six reserve components met or exceeded their Reserve forces recruiting goals in June. The Air National Guard was the only reserve component to miss its goal, finishing at 75 percent with 779 of its goal of 1,036. The Army National Guard recruited 5,342 soldiers surpassing its goal of 5,338. The Army Reserve and Navy Reserve finished at 108 percent of their goals with 5,255 and 1,013 recruits, respectively.

The Marine Corps Reserve recruited 1,078 Marines, surpassing its goal of 986 at 109 percent. The Air Force Reserve met its goal of 597 recruits.

Reserve forces retention numbers show Army National Guard retention was 107 percent of the cumulative goal of 26,405, and Air National Guard retention was 98 percent of its cumulative goal of 8,430. Both the Army and Air Guard are currently at 101 percent and 99 percent of their end strength, respectively. Losses in all reserve components for May are well within acceptable limits, according to the DOD.—Source: U.S. Department of Defense

SMALL BUSINESS CHILDREN'S HEALTH EDUCATION ACT

Mr. REID. Mr. President, the 17th century English writer, Izaak Walton, said—

> Look to your health; and if you have it, praise God, and value it next to a good conscience; for health is . . . a blessing that money can't buy.

Today in America, good health is not free. And for many working people, the cost and accessibility of quality health care has become prohibitive.

A decade ago, the Congress and President Clinton made a major downpayment on improving our health care delivery system.

Their new approach was aimed at a gap between children of very low-income families who were covered under Medicaid and children of middle- and upper-income families who could fortunately afford private insurance, usually through their employers.

But between the two, millions of children whose families neither qualify for Medicaid nor can afford private insurance are uninsured.

So in 1997, the Congress passed the Children's Health Insurance Program to fill that void.

When President Clinton signed that legislation into law, he said—

> [The program] strengthens our families by extending health insurance coverage to up to 5 million children. By investing $24 billion, we will be able to provide quality medical care for these children—everything from regular check-ups to major surgery.
>
> I want every child in America to grow up healthy and strong, and this investment takes a major step toward that goal.

Today, 10 years later, the Children's Health Insurance Program has been a smashing success by any measure.

With this innovative program, the number of uninsured children of working families has dropped by almost 35 percent.

Today, 6.6 million children have insurance thanks to this outstanding program.

Many of these kids are now getting regular checkups. They are benefiting from preventive medicine. And their primary care comes from a family doctor, not from an expensive and inefficient emergency room.

Examples of this program's success can be found in every State.

Since 1998, Terry Rasner of Reno, NV, has helped children in Nevada enroll in Nevada Check Up, which is the Nevada Children's Health Insurance Program.

In a 2001 profile, Terry told of a father trying to care for his daughters, ages 2 and 3, both in need of medical attention.

With Terry's help, the father's application for coverage of his daughters was approved within 2 weeks. At the girls' first doctor's appointment, one was diagnosed with a severe heart condition and was immediately scheduled for surgery.

Terry recalled the father telling her staff that this program—funded federally and put into action locally—had literally saved this little girl's life.

And Terry remembered the joy they all shared—the father, the girls and the program staff.

But Terry was quick to point out in a recent email that this story is just one example.

She went on to write:

> There are many stories of children as old as 11 and 12 who were finally able to visit a dentist for the first time in their lives.
>
> Stories of families who finally felt whole because they could access affordable medical and dental care for their children.
>
> School nurses who were acutely involved in supporting and promoting this program from the outset because they were on the frontlines of failed programs—or no programs at all—to address the medical and dental needs of children of low-income working families.
>
> One child in particular was so bad off, he was unable to eat and chew food due to the dramatic decay and gum morbidity in his mouth. Imagine, children for the first time in their lives actually getting to see a doctor or dentist that their parents were able to afford.

Stories like this—examples of the Children's Health Program saving lives—are being told across America, and the statistics bear that out.

Study after study shows that: kids enrolled in the Children's Health Insurance Program are much more likely to have regular doctor and dental care; they report lower rates of unmet need for care; the quality of care they receive is far better than it was before; school performance improves; the plan is helping to close the disparity in care for minority children; and it has become a major source of care for rural children.

So, Mr. President, there is no doubt—no question at all—that the Children's Health Insurance Program is good for kids, good for families and good for America.

Today before us is legislation to reauthorize and improve the Children's Health Insurance Program.

This bill maintains coverage for the 6.6 million children currently enrolled and adds an additional 3.3 million low-income, uninsured children.

It also improves the program by curbing coverage of adults in the program and targeting the lowest income-eligible families as new enrollees.

As good as this bill is, I would have preferred a more robust reauthorization.

I think we should provide coverage for even more low-income children, as we hoped to do in the Budget Resolution.

But we all know that legislating is the art of compromise.

I understand that some of my colleagues balked at a larger bill, and while I am disappointed, I am satisfied that this bipartisan compromise will be a positive step toward better health care for those who need it most.

There is a rival bill that is called the CHIP alternative bill. But this bill is no alternative.

It will leave many families without any options for coverage. It will turn back the clock on all the progress the program has made over the past 10 years. It is not worthy of our support.

Some of my colleagues share my feelings that we could have done more. Still others feel this bill is too generous in that it provides coverage for too many uninsured children.

But the bill before us now has broad support, and back in 2004, during his reelection campaign, President Bush shared the goals that this bill achieves.

He said during the campaign—

> In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for government health insurance programs. We will not allow a lack of attention, or information, to stand between these children and the health care they need.

Now, just 3 years later, President Bush seems to be singing a different tune. He is now threatening to veto this legislation for what he calls "philosophical reasons."

What is the impact of this legislation?

A "no" vote denies the most vulnerable children in our society the chance to live healthy lives.

A "yes" vote gives 10 million children the protection of health care and all the opportunities of a healthy, well-cared-for life.

I can't imagine any of my colleagues—or the President—telling a child: You can't have health coverage. You have to stop seeing your doctor. If you get sick, your parents will have to take you to the emergency room.

If that were to happen—if the Congress were to reject the program or President Bush were to veto it for so-called philosophical reasons—they would be putting the health of millions of children at risk.

But I am hopeful that will not happen. This bill was forged through bipartisanship and a genuine pursuit of common ground.

I so appreciate the work of Chairman BAUCUS and Ranking Member GRASSLEY of the Finance Committee, along with Senators ROCKEFELLER and HATCH.

Their efforts were rewarded in the Finance Committee with an overwhelming 17-to-4 vote in favor of the bill, and I am hopeful that we will mirror that here on the Senate floor.

All too often, we hear about what Government can't do. The Children's Health Insurance Program is a stellar example of what it can.

This program is Government at its best: lending a helping hand, providing a safety net to children who need a boost to reach their full potential.

I couldn't be prouder to support this outstanding program, and I urge all of my colleagues to do the same.

• Mr. KERRY. Mr. President, last night, the Senate voted to reauthorize the vitally important State Children's Health Insurance Program, SCHIP. The legislation, approved by a vote of 68 to 31, demonstrates the Democratic majority's commitment to expanding this successful health insurance program and made a loud and clear statement regarding the importance of children's health as a national priority. During debate on this bill, I offered an amendment to add $15 billion in additional funding to cover over a million additional low-income children. Unfortunately this amendment was not adopted, however I am grateful to my colleagues for voting to include as part of H.R 976 the Small Business Children's Health Education Act, which I introduced in June with Senators SNOWE and LEVIN. This amendment directs the Federal Government to make a concerted effort to reach out to small business owners and employees to enroll eligible children in SCHIP.

In February of 2007, the Urban Institute reported that among those eligible for the State Children's Health Insurance Program, children whose families are self-employed or who work for small business concerns are far less likely to be enrolled. Specifically, one out of every four eligible children with parents who work for a small business or who are self employed are not enrolled. This statistic compares with just one out of every 10 eligible children whose parents work for a large firm.

We need to do a better job of informing and educating America's small business owners and employees of the options that may be available for covering uninsured children. To that effect, the Small Business Children's Health Education Act creates an intergovernmental task force, consisting of the Administrator of the Small Business Administration, the Secretary of Health and Human Services, the Secretary of Labor and the Secretary of

Treasury, to conduct a campaign to enroll kids of small business employees who are eligible for SCHIP and Medicaid but are not currently enrolled. To educate America's small businesses on the availability of SCHIP and Medicaid, the task force is authorized to make use of the Small Business Administration's business partners, including the Service Corps of Retired Executives, the Small Business Development Centers, Certified Development Companies, and Women's Business Centers, and is authorized to enter into memoranda of understanding with chambers of commerce across the country.

Additionally, the Small Business Administration is directed to post SCHIP and Medicaid eligibility criteria and enrollment information on its website, and to report back to the Senate and House Committees on Small Business regarding the status and successes of the task force's efforts to enroll eligible kids.

I would like to thank Finance Committee Chairman BAUCUS and Ranking Member GRASSLEY for their work to include this amendment in the SCHIP Reauthorization Act. I look forward to working with our colleagues in the House of Representatives to send the President a bill that goes a long way toward what should be our unified goal: to cover every child in America.

(At the request of Mr. REID, the folowing statement was ordered to be printed in the RECORD.)

FISA

● Mr. KERRY. Mr. President, I was necessarily absent from the votes related to the reauthorization of FISA. I strongly support the critical efforts to protect our national security and, as I have repeatedly stated in the past, I want the Federal Government to do all that it can to aggressively pursue al-Qaida and other terrorist organizations. I believe the legislation developed by Senators ROCKEFELLER and LEVIN achieves these goals without targeting American citizens without court authorization. I believe the approach by Senators ROCKEFELLER and LEVIN will give the intelligence community all the tools it needs to protect our national security while maintaining the independence of the FISA Court. This legislation will give the intelligence community the tools they need to collect foreign-to-foreign intelligence communications. It will compel compliance from communications providers. It will allow the intelligence community to collect all foreign intelligence information. I hope my colleagues support this important legislation.●

Mr. FEINGOLD. Mr. President, last night, the Senate was able to successfully pass the reauthorization of a popular program that has reduced the number of uninsured children in our country by over 6 million. The Children's Health Insurance Program has helped lower the rate of uninsured low-income children by one-third since its enactment in 1997. That is a huge accomplishment, and has helped address a problem in our country that is unacceptable—the millions of families lacking insurance. Moreover, while the bill has a pricetag of roughly $40 billion over 10 years, it is fully offset and would cover over 3 million more children. This program, according to CBO and numerous economists, is the most efficient method of getting health care insurance to low-income kids and parents, and that means CHIP provides the best coverage available for low-income families.

In my home state of Wisconsin, CHIP is known as BadgerCare and it provides health insurance for over 67,000 families. My State has done an incredible job of covering uninsured families, and the positive effects of this program are felt at schools, in the workforce, and at home. This bill helps support Wisconsin's efforts and provides low-income children in my State with better access to preventive care, primary care, and affordable care. The end result is healthier families. BadgerCare is vital to the well-being of many families in Wisconsin and I am very pleased that this bill supports the program in my State, including Wisconsin's choice to cover parents of CHIP and Medicaid children.

The ability to cover adults in CHIP continues to be a priority for States like Wisconsin. Many States extend coverage to low-income adults and parents of children enrolled in SCHIP. This coverage has been given prior Federal approval—including in the Bush administration—and has significantly lowered the rate of uninsurance in our states. Wisconsin provides family-based coverage, which is an important determinant in children's coverage and use of services.

We know from numerous reports that when we cover parents, we bring more uninsured children into the program as well. States like Wisconsin have proven this time and again. No child is left off the rolls because a parent is covered. Covering parents means covering more kids—bottom line. Wisconsin chose to cover parents because research shows that it is the best way to bring low-income children into BadgerCare. This choice was wisely supported by this administration this May as CMS approved parent coverage in BadgerCare for another 3 years. Despite all the evidence and the widespread support for this policy, a number of Senators wanted to remove all adults from the CHIP program.

I worked with the Senate Finance Committee and a number of other Senators who represent States like Wisconsin on an agreement that will allow our States to keep families in the CHIP program. I am grateful to my colleagues Senator BAUCUS and Senator ROCKEFELLER for working with me to help Wisconsin keep parents on the rolls while also bringing additional tens of millions of dollars to the State. The agreement reflected in this bill ensures that Wisconsin will not have to drop a single person from the insurance rolls, and will even be able to expand coverage to more people in the State. I am happy to support this agreement regarding parents today.

We also have a moral obligation to provide assistance to the very poor, even if they do not have children. When we talk about childless adults in CHIP, we are talking about the very poorest of the poor. Most of the childless adults in the program live well below 100 percent of Federal poverty. An adult at 50 percent of the Federal poverty level must attempt to survive on less than $500 per month. This is not enough to afford adequate food and shelter, let alone health insurance, in any State. We all know a single visit to the emergency room can cost more than someone in this situation makes in a year. Providing coverage to childless adults increases their ability to see a doctor when a problem is small, at a significantly lower cost than if care is delayed, the problem is exacerbated, and the result is an emergency room visit. Covering poor individuals helps to curb the cost of health care and health insurance for all of us, because we all bear emergency room costs through higher hospital and physician charges and then through increased health insurance premiums.

I strongly believe we should continue to cover current populations. CHIP has allowed states to mold the program to meet their specific needs, and while we may not all agree with what each State chooses to do, we should respect that decision. Additionally, we should never impose policies on States that would result in a higher number of uninsured for the State. It is bad policy, and it's the wrong thing to do.

Another issue critical to children's health is to ensure that unnecessary or burdensome barriers to enrollment are removed. The onerous citizenship documentation requirements established in the 2005 Deficit Reduction Act, DRA, are keeping hundreds of thousands of eligible beneficiaries from the health care they need. This provision has created a serious new roadblock to coverage. As a result of the provision, which requires U.S. citizens to document their citizenship and identity when they apply for Medicaid or renew their coverage, a growing number of States are reporting a drop in Medicaid enrollment, particularly among children, but also among pregnant women and low-income parents. Health care coverage is being delayed or denied for tens of thousands of children who are clearly citizens and eligible for Medicaid but who cannot produce the limited forms of documentation prescribed by the regulations. These children are having to go without necessary medical care, essential medicines and therapies. In addition, community health centers are reporting a decline in the number of Medicaid patients due to the documentation requirements and are faced with treating more uninsured patients as a result.

In Wisconsin, more than 26,000 individuals—half of whom were children under age 16—lost Medicaid or were denied coverage solely because they could not satisfy the federal documentation requirements. About two-thirds of these people are known by the state to be U.S. citizens; most of the remainder are likely to be citizens as well, but have yet to prove it.

A study of 300 community health centers, conducted by George Washington University, found that the citizenship documentation requirements have caused a nationwide disruption in Medicaid coverage. Researchers estimate a loss of coverage for as many as 319,500 health center patients, which will result in an immediate financial loss of up to $85 million in Medicaid revenues. The loss of revenue hampers the ability of safety net providers to adequately respond to the medical needs of the communities they serve.

In addition to consequences suffered by eligible U.S. citizens, states have reported incurring substantial new administrative costs associated with implementing the requirement. They have had to hire additional staff, retool computer systems, and pay to obtain birth records. States are also reporting that the extra workload imposed by the new requirement is diverting time and attention that could be devoted to helping more eligible children secure and retain health coverage.

States are in the best position to decide if a documentation requirement is needed and, if so, to determine the most effective and reasonable ways to implement it. States that do not find it necessary to require such documentation could return to the procedures they used prior to the DRA and avoid the considerable administrative and financial burdens associated with implementing the DRA requirement. Most importantly, these states could avoid creating obstacles to Medicaid coverage for eligible U.S. citizens.

Despite significant support for allowing states to determine the best way to document citizenship, that complete fix is not included in the underlying bill. The restrictions are eased, and this is an important first step, but I hope we can continue to move forward on this issue and return this requirement to a State option. I am pleased that this is done in the CHIP reauthorization in the House version of this legislation, and I hope that as we continue to work to support children's health care, we will also work to remove barriers to enrollment that are preventing our children from receiving the care they need.

In addition to these issues that we considered in the Children's Health Insurance Program Reauthorization, I would like to talk about the bigger picture of health care reform. There is a crisis facing our country, a crisis that directly affects the lives of over 45 million people in the United States, and that indirectly affects many more. The crisis is the lack of universal health insurance in America. It is consistently the number one issue that I hear about in Wisconsin, and it is the No. 1 issue for many Americans. Nevertheless, the issue has been largely ignored in the Halls of Congress. We sit idle, locked in a stalemate, refusing to give this life-threatening problem its due attention. We need a way to break that deadlock, and that is why last April, I introduced a bill with the Senator from South Carolina, LINDSEY GRAHAM, that will do just that the State-Based Health Care Reform Act.

Senator GRAHAM and I are from opposite ends of the political spectrum, we are from different areas of the country, and we have different views on health care. But we agree that something needs to be done about health care in our country. In short, our bill establishes a pilot project to provide States with the resources needed to implement universal health care reform. The bill does not dictate what kind of reform the States should implement, it just provides an incentive for action, provided the States meet certain minimum coverage and low-income requirements.

Even though Senator GRAHAM and I support different methods of health care reform, we both agree that this legislation presents a viable solution to the logjam preventing reform.

This bipartisan legislation harnesses the talent and ingenuity of Americans to come up with new solutions. This approach takes advantage of America's greatest resources—the mind power and creativity of the American people—to move our country toward the goal of a working health care system with universal coverage. With help from the Federal Government, States will be able to try new ways of covering all their residents, and our political logjam around health care will begin to loosen.

We are fortunate to live in a country that has been abundantly blessed with democracy and wealth, and yet there are those in our society whose daily health struggles overshadow these blessings. Over the past few days, my colleagues have shared tragic stories of children who have suffered as a result of being uninsured, and we have listened to the heartwarming stories of families who have—quite literally—been saved by the Children's Health Insurance Program. The Children's Health Insurance Program reauthorization marks an important leap forward in getting coverage to those who need it. I was pleased to support this bill's final passage, and I look forward to the day that everyone in our country has access to the basic right of health care.

Mr. DODD. Mr. President, I am in strong support of H.R. 976, the Small Business Tax Relief Act. There are few more important issues facing the Senate than the health and well-being of our nation's children. The vote to pass this legislation is a vote for children. It is a vote to do what's right for our nation's youth.

As the father of two young daughters, I know the importance of having the peace of mind to know that if one of them gets sick they have the health insurance coverage that will provide for them if they break a bone or get a cold. For millions of parents, every slight sniffle or aching tooth could mean the difference between paying the rent or paying for medical care.

It is our national shame that nine million children wake up every day lacking any form of health insurance. For their parents, the lack of access to health insurance means a regular check up is sidelined, a dental exam goes unscheduled, or an early diagnosis of a chronic condition such as asthma or diabetes is postponed. For families, such delays in access to proper health care set the stage for children to grow up underperforming in school, developing preventable or treatable conditions, or worse, permanent disability or even premature death.

The lack of health insurance goes beyond poor health outcomes. Health insurance is inextricably linked with alleviating child poverty. Low-income families without insurance often get stuck in an endless cycle of medical debt. Personal debt due to medical expenses is a primary cause of bankruptcy filings in this country. Parents already struggling to make ends meet should not have to choose between buying medication for their children and putting food on the table.

I commend the chairman and ranking member of the Finance Committee for working so hard to put together a bill that will benefit the lives of millions of children and their families. Through their leadership and that of Senators HATCH, ROCKEFELLER, KENNEDY and many others, since the Children's Health Insurance Program was first enacted, the number of uninsured children has decreased by one-third. The bill passed by the Senate is an important vote for children. Although I supported efforts to broaden the bill to cover an additional one million uninsured children, the bill passed by the Senate is a tremendous investment in the health and future of our children.

Specifically, this bill continues providing coverage for 6.6 million children currently enrolled in CHIP and provides coverage for 3.2 million children who are currently uninsured today. It will reduce the number of uninsured children by one third over the next 5 years.

In my own State of Connecticut, our CHIP program, commonly known as HUSKY B, has brought affordable health insurance to more than 130,000 children in working families since its inception in 1998. H.R. 976 is essential to states like Connecticut so that they may continue to operate programs like HUSKY B and build on their proven success to insure even more children.

I am additionally very pleased that my Support for Injured Servicemembers Act amendment was included in the final SCHIP bill. This amendment provides up to 6 months of Family and Medical Leave Act, FMLA, leave for family members of military personnel who suffer from a combat-related injury or illness. FMLA currently allows three months of unpaid leave. Fourteen years ago, FMLA declared the principle that workers should never be forced to choose between the jobs they need and the families they love. In the years since its passage, more than 50 million Americans have taken advantage of its provisions to care for a sick love one, or recover from illness themselves, or welcome a new baby into the family.

Mr. President, if ordinary Americans deserve those rights, how much more do they apply to those who risk their lives in the service of our country? Soldiers who have been wounded in our service deserve everything America can give to speed their recoveries—but most of all, they deserve the care of their closest loved ones. Given the severity of their injuries, and our debt of gratitude, our servicemembers need more. That is exactly what is offered in the Support for Injured Servicemembers Act.

Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala have been instrumental in this effort as well, through their thoughtfulness and work on the President's Commission on Care for America's Returning Wounded Warriors. It's not surprising that the Commission found that family members play a critical role in the recovery of our wounded servicemembers. The commitment shown by the families and friends of our troops is truly inspiring. According to the Commission's report, 33 percent of active duty servicemembers report that a family member or close friend relocated for extended periods of time to help their recoveries. It also points out that 21 percent of active duty servicemembers say that their friends or family members gave up jobs to find the time.

I am pleased that Senator CLINTON is the lead co-sponsor of my amendment. FMLA was the very first bill that President Clinton signed into law, and I am grateful that his wife, Senator CLINTON, continues to support the principles that I have been fighting for over 20 years. I am pleased that Senators DOLE, GRAHAM, KENNEDY, CHAMBLISS, REED, MIKULSKI, MURRAY, SALAZAR, LIEBERMAN, MENENDEZ, BROWN, NELSON of Nebraska, and CARDIN are co-sponsoring this amendment. I thank Senator BAUCUS and Senator GRASSLEY for accepting this important amendment and appreciate the support of all of my colleagues in this effort.

Mr. President, I am troubled by the comments from the Bush administration about this bill. It is a bill to help children and an overwhelming majority of members on both sides of the aisle have voted to support that goal. The CHIP Program is a model of success and this bill provides sustainable and predictable health care coverage for low income children regardless of their health status. One day soon, the President will make a decision on whether to sign CHIP reauthorization into law. At that moment, all Americans will know whether the President stands for children or would rather stand in the way of children's access to critically needed health care.

BRITISH PETROLEUM REFINERY

Mr. DURBIN. Mr. President, today I rise to speak about the proposed expansion of a British Petroleum refinery in Whiting, IN. BP Amoco has requested, and received, a permit to increase the pollution it dumps into Lake Michigan.

Under this new permit, BP's expanded facility will release 54 percent more ammonia and 35 percent more suspended solids which contain heavy metals, including mercury, into Lake Michigan. Expanding refinery capacity is an important goal and a project with many benefits, but we shouldn't do this at the expense of one of our most precious natural resources.

Congress passed the Clean Water Act to restore and maintain the integrity of our Nation's waters. The express goal of the law is to reduce the amount of pollutants entering the Nation's waterways. The Clean Water Act went so far as to set a very specific target of reaching zero pollutants going into the waters by 1985. Zero discharges. We certainly have not met that target.

But we have been trying to move toward it. Now, BP wants to increase its pollution into Lake Michigan. BP has spent millions and millions of dollars to "green" its image. This company has effectively changed its name from "British Petroleum" to "Beyond Petroleum."

Yet with this "green" image, BP turns around and asks for a permit to dramatically increase the amount of pollutants it dumps into Lake Michigan. BP has worked very hard to make the American public think that the company is an environmental steward, that it is a responsible and sustainable company. And it does have some very good initiatives, but BP stands to lose this image by insisting on dumping more pollution into Lake Michigan.

A Chicago Sun Times article this week referred to BP as "Big Polluters." I don't think that is what the company wants.

The CEO of BP met with me last week. I asked him to take another look at the technology that is currently available to decrease the amount of ammonia and total suspended solids that will be introduced into Lake Michigan. I encouraged BP to find a better solution.

I am calling on BP to live up the standard it has set for itself as a corporate steward of the environment and to stop any additional pollution from being discharged into Lake Michigan.

The Great Lakes are a tremendous and valuable resource. The lakes are a largely closed ecosystem that has a very long water retention time. It takes 106 years for water to be completely flushed through Lake Michigan. Pollutants that are introduced into the lake are likely to stay there for a long time.

The Great Lakes contain more than 20 percent of the Earth's surface fresh water and are a necessary drinking water source for nearly 40 million Americans. Increasing pollution going into the Lakes should worry us all. Twenty-five percent of the U.S. and Canadian populations are within the watershed of the Great Lakes.

Congress appreciates the value of this resource. More than 30 Federal laws have been enacted that specifically focused on restoring the Great Lakes basin.

Government at all levels is working to prevent industrial pollution, sewage discharges, invasive species and water diversion. These efforts are to ensure that future generations will enjoy the beauty of our magnificent Great Lakes.

Dumping more pollution into one of our most important sources of fresh water is a bad idea. The people in my State recognize that. They are willing to forgo the modest increase in refinery expansion to protect Lake Michigan.

At a time when fresh water sources are threatened here and around the globe, we should demand more especially from corporate leaders who flash public relations campaigns about moving "beyond petroleum." BP is not a struggling small business. In the past three years, BP Corporation has earned net profits of over $60 billion. If anyone has the resources to find alternatives, it is BP Amoco.

We respectfully ask BP to live up to the image it has worked so hard to create and use some of the resources they have to prevent additional pollution from entering our drinking water. Please protect our natural resource, don't degrade it.

MENTAL HEALTH PARITY ACT

Mr. CASEY. Mr. President, I rise today to clarify my support for S. 558, the Mental Health Parity Act of 2007. This bipartisan legislation introduced by Senators DOMENICI and KENNEDY, seeks to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services. I join my colleague, the senior Senator from Pennsylvania, Mr. SPECTER, in establishing for the record today the reasons for our joint support for this bill. I also thank Chairman KENNEDY and Senator DOMENICI for joining us in this discussion.

Mr. SPECTER. I thank my colleague Senator CASEY. Mr. President, as a cosponsor of S. 558, I am pleased that the Senate is taking up this important legislation. I thank Health, Education, Labor, and Pensions, HELP, Committee Chairman KENNEDY, Senator DOMENICI, who along with HELP Committee Ranking Member ENZI and others, have worked to establish mental health parity for millions of American citizens.

Mr. KENNEDY. I thank my colleagues from Pennsylvania and appreciate their dedication to and support for the cause of mental health parity. I welcome this opportunity to discuss this critical legislation.

Mr. DOMENICI. I concur with Senator KENNEDY and look forward to Senate action on S. 558.

Mr. CASEY. Mr. President, the Mental Health Parity Act of 2007 amends the Employee Retirement Income Security Act, ERISA, and the Public Health Service Act to require a group health plan that provides both medical and surgical benefits and mental health benefits to ensure that: (1) the financial requirements applicable to such mental health benefits are no more restrictive than those of substantially all medical and surgical benefits covered by the plan, including deductibles and copayments; and (2) the treatment limitations applicable to such mental health benefits are no more restrictive than those applied to substantially all medical and surgical benefits covered by the plan, including limits on the frequency of treatments or similar limits on the scope or duration of treatment.

Mr. SPECTER. In 1989, in the Commonwealth of Pennsylvania, the State legislature passed a bill, Pennsylvania Act 106, which requires all commercial group health insurance plans and health maintenance organization's to provide a full continuum of addiction treatment including detoxification, residential rehabilitation, and outpatient/partial hospitalization. The only lawful prerequisite to this treatment and to coverage is certification to need and referral from a licensed physician or psychologist. Such certifications and referrals in all instances control the nature and duration of treatment. I support existing Pennsylvania law and, before agreeing to support S. 558, assured myself that S. 558 will not serve to supplant greater Pennsylvania protections for those seeking treatment for substance abuse.

Mr. CASEY. I join my esteemed colleague in having assured myself that S. 558 will not serve to preempt in any way the services and benefits provided to the citizens of Pennsylvania by Pennsylvania Act 106. I know that our offices have collaborated extensively in this analysis and have consulted with HELP Committee staff and Senator DOMENICI's staff, and that our views are borne out by extensive legal and scholarly analysis of the preemptive provisions of S. 558.

Mr. KENNEDY. I can assure the Senators from Pennsylvania that we have labored to ensure that S. 558 will serve only to benefit States and the coverage that citizens receive.

Mr. CASEY. I thank Chairman KENNEDY and Senator DOMENICI, and I note in particular that Professor Mila Kofman, Associate Research Professor, Health Policy Institute, Georgetown University, wrote to Senator SPECTER and myself on August 2, 2007, extolling the benefits of S. 558. I ask unanimous consent to print in the RECORD Professor Kofman's letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GEORGETOWN UNIVERSITY
HEALTH POLICY INSTITUTE,
August 3, 2007.

Hon. ROBERT P. CASEY, Jr.,
U.S. Senate, Russell Senate Office Building, Washington DC.

Hon. ARLEN SPECTER.
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CASEY AND SENATOR SPECTER: This is a response to a request for an analysis of the preemption provisions in the Mental Health Parity Act of 2007 (S. 558 as amended 8/3/07 Managers' Amendment).

The changes made to the preemption section in S. 558 mean that the current HIPAA federal floor standard would apply to the new Mental Health Parity law (just like it applies to the current law passed in 1996).

This would mean that more protective (of consumers) state insurance laws would apply to insurers that sell coverage to employers. This bill would also mean new federal protections for people in self-insured ERISA plans.

This would be a tremendous victory for patients who need coverage for mental health services. This approach continues the public policy established in 1996 in HIPAA—an approach that allows states to be more protective of consumers while setting a federal minimum set of protections for workers and their families.

While not every word or phrase is perfect (meaning not 100% litigation proof), using the current HIPAA preemption standard would certainly make it difficult to win a case that seeks to challenge more protective state insurance law.

If enacted, this bill would provide much needed minimum protections for people in self-insured ERISA plans who currently are not protected by states because of ERISA preemption. It also raises the bar for insured products.

If you have additional questions, please contact me at 202-784-4580.

Very truly yours,
MILA KOFMAN, J.D.,
Associate Research Professor.

Mr. CASEY. In the letter, Professor Kofman writes:

> The changes made to the preemption section in S. 558 mean that the current HIPAA federal floor standard would apply to the new Mental Health Parity law (just like it applies to the current law passed in 1996).
>
> This would mean that more protective (of consumers) state insurance laws would apply to insurers that sell coverage to employers. This bill would also mean new federal protections for people in self-insured ERISA plans.
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> This would be a tremendous victory for patients who need coverage for mental health services. This approach continues the public policy established in 1996 in HIPAA—an approach that allows states to be more protective of consumers while setting a federal minimum set of protections for workers and their families.
>
> If enacted, this bill would provide much needed minimum protections for people in self-insured ERISA plans who currently are not protected by states because of ERISA preemption. It also raises the bar for insured products.

Mr. SPECTER For the purpose of further clarifying congressional intent of S. 558 and its application to state law and specifically Pennsylvania Act 106, will the senior Senator from Massachusetts and the senior Senator from New Mexico yield for questions from Senator CASEY and myself?

Mr. KENNEDY I will be happy to do so.

Mr. DOMENICI As will I.

Mr. SPECTER I thank Chairman KENNEDY and Senator DOMENICI. Why doesn't the Mental Health Parity Act have its own preemption provision?

Mr. KENNEDY It is our intention to establish a Federal floor and not a Federal standard or Federal caps. Thus, we decided to use the already-existing language and standard found within part 7 of ERISA, which is where the current mental health parity law already resides, and where S. 558 will be codified. This law contains the narrowest possible preemption language, and is meant to preempt only those state laws that are less beneficial to consumers and insured, from the standpoint of the consumer and insured, than this new Federal law.

Mr. CASEY The Health Insurance and Portability Accountability Act, HIPAA, preemption standard that will apply prevents State laws that "prevent the application of requirements of this part," which refers to part 7 of ERISA. Do the medical management provisions of section 712A(b) constitute "requirements of this part" that might preempt State laws under this standard?

Mr. DOMENICI No. Section 712A(b) says that managed care plans "shall not be prohibited from" carrying out certain activities. It does not require them to do so, and this is not a "requirement of this part." This section recognizes that plans have flexibility. It is not our intention to preempt any State laws that regulate, limit, or even prohibit entirely the medical management of benefits. That is one of the reasons we are using a preemption standard—the existing HIPAA standard that so clearly does not preempt such a law.

Mr. SPECTER Would a State law that establishes a physician or psychologist's certification, as the only lawful prerequisite to managed care coverage of a particular treatment, be preempted?

Mr. KENNEDY Such a law is not preempted, and it is not our intention to preempt any such law.

Mr. CASEY What about a State law requiring insurers or managed care companies to cover an entire continuum of care?

Mr. DOMENICI Mr. President, it is my understanding that such a law would not be preempted. S. 558 is a Federal floor, and nothing in such a State law Senator CASEY describes would prevent the application of any requirements of part 7 of ERISA.

Mr. SPECTER Would State laws that place coverage decisions squarely in the hands of treating clinicians be preempted?

Mr. KENNEDY Absolutely not.

Mr. CASEY Focusing specifically on Pennsylvania, as you may be aware, the citizens of Pennsylvania just received a significant court victory from the Commonwealth Court, upholding a Pennsylvania law that was previously mentioned here, Pennsylvania Act 106. That State law and the recent decision in The Insurance Federation of Pennsylvania, Inc. v. Commonwealth of Pennsylvania Insurance Department, removes managed care barriers to addiction treatment. What effect will S. 558 have on that State law, or on State efforts to enforce that law or to find remedies for violations of that law?

Mr. KENNEDY This bill would have no effect upon that law.

Mr. CASEY Would any State laws be preempted?

Mr. DOMENICI Yes, State law requirements that would prevent the application of a requirement of S. 558 by, for example, endorsing a less consumer-friendly level of coverage or benefits. For example, a State law that prohibited an insurance company from selling policies providing for full parity in coverage for mental health services and medical/surgical services would be preempted.

Mr. CASEY Would the current legislation, S. 558, have any effect on any provisions of Pennsylvania Act 106, or on any State efforts to enforce provisions of that law or to find remedies for violations of any provisions of that law?

Mr. KENNEDY It would have no effect. Pennsylvania's Act 106 is an example of the kind of consumer protection law that is not preempted by the federal floor created in S. 558.

Mr. SPECTER I appreciate this discussion with my colleague from Pennsylvania, Chairman KENNEDY and Senator DOMENICI. I thank Chairman KENNEDY, Ranking Member ENZI, Senator DOMENICI and others on the HELP Committee who have worked so hard to establish these critical benefits for citizens across our great country. And I thank them for this discussion to clarify our support for S. 558.

Mr. CASEY I also want to express my deepest thanks to HELP Committee Chairman KENNEDY, Senator DOMENICI, HELP Committee Ranking Member Enzi, and all members and staff who have worked so hard to make this long time dream a reality. I greatly appreciate this discussion and our establishment of intent regarding S. 558.

AMERICA COMPETES ACT

Mr. INOUYE. Mr. President, America's strength has always been in the innovation, technical skill, and education of its workforce. The economic growth and well-being of the nation relies on the technical innovations achieved by our workforce. To realize growth and success, the United States must continue to support the two critical components vital to the innovation process: education and basic research. Today, Congress takes a significant step toward this commitment.

The National Academy of Sciences and the Council on Competitiveness have identified science and innovation as key drivers of economic growth. The United States has seen a sharp palpable decline in its scientific prowess. The United States is losing the educational battle with Germany, China, and Japan. In the United States, only 32 percent of graduates hold a degree in science and engineering, while Germany boasts 36 percent of graduates with degrees in science and engineering. Outpacing both the United States and Germany is China, with 59 percent of graduates with degrees in math and science, and Japan with 66 percent.

The America COMPETES Act embodies bipartisan, bicameral multicommittee efforts in responding to the Nation's defining economic challenge of how to remain strong and competitive in the face of emerging challenges from India, China, and the rest of the world.

The America COMPETES Act addresses programs within several scientific agencies of which the Senate Committee on Commerce, Science, and Transportation has jurisdiction. Within the Department of Commerce, the National Institutes of Standards and Technology, NIST, promotes U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology. The legislation before us would double the agency's funding over the next 10 years. We also create a new program, the Technology Innovation Program, which will support high-risk, high-reward research. This was one of the major recommendations of the National Academies report, "Rising Above the Gathering Storm."

Also within the Department of Commerce, the National Oceanic and Atmospheric Administration, NOAA, conducts significant basic atmospheric and oceanographic research, including climate change research. Some have argued that the ocean truly is the last frontier on Earth, and ocean research and technology may have broad impacts on improving health and understanding our environment. Toward this end, Congress included provisions on NOAA research and education, as well as, NOAA's continued participation in interagency innovation and competitiveness efforts.

The bill also includes the National Aeronautics and Space Administration, NASA, in the competitiveness agenda. Like the oceans, space serves to inspire young students and attract them to studies in science, technology, engineering, and mathematics.

The need for additional research through the National Science Foundation, NSF, also is addressed in this bill with authorization for appropriations through fiscal year 2010. This bill places NSF on track to double in 7 years. While this is not as aggressive an approach as the Senate sought, it is clear that Congress is united in our belief that the NSF is indeed the Nation's premier scientific research enterprise. We need to support this enterprise to the best of our abilities, so that it can enable our scientists to continue their discovery. Within the NSF, I am proud that the conferees supported the creation of a mentoring program designed to recruit and train science, technology, and engineering professionals to mentor women, and other underrepresented minorities, in these fields. We need to ensure that we do not neglect a segment of the U.S. population, but rather maximize all of this country's great human resources.

A strong national investment in science, education, and technology provides opportunities for Americans to succeed in a whole array of disciplines and professions. Technology and innovation influence many policy problems such as a changing telecommunications landscape, potential improvements to our transportation infrastructure, and the need for advanced technologies to increase our energy independence. The America COMPETES Act directs the Nation on the path to preserve and improve its workforce. This bill demonstrates that Americans are not taking their traditional technological and economic dominance for granted but are continually working to improve and lead

Mr. CARDIN. Mr. President, I am pleased that last night the Senate passed the conference report that accompanies H.R. 2272, the America COMPETES Act of 2007. Innovation resulting from Americans' genius and gift for innovation has revolutionized the global economy and workplace as well as all our everyday lives.

Unfortunately, our education system has failed to keep pace; now, many of our Nation's schools are unable to provide their students with the scientific, technological, engineering, and mathematical knowledge and skills the 21st century economy demands. Without well-trained people and the scientific and technical innovations they produce, this Nation risks losing its place as the epicenter for innovative enterprise that has been one of our proudest traditions.

I applaud Senators BINGAMAN and ALEXANDER and the other leading sponsors of the bill for their action to ensure that this Nation remains a technological leader. I was proud to join them as a cosponsor of the bill and was proud to join them to vote for its final passage.

I am grateful to the academic and business leaders, including Nancy Grasmick, the Maryland State superintendent of schools, and Dr. C.D. Mote, Jr., president of the University of Maryland, who produced both the National Academies' "Rising Above the Gathering Storm" and the Council on Competitiveness's "Innovative America" reports and recommendations that serve as the foundation for this critical legislation.

This legislation is critical for it addresses the growing gap in this country between what is taught in elementary and secondary schools and the skills necessary to succeed in college, graduate school, and today's workforce. This gap threatens the implicit promise we have each made to our own children and those whom we represent: get good grades in school and you will succeed in life.

H.R. 2272 contains provisions that will encourage better alignment of elementary and secondary curricula with the knowledge and skills required by colleges and universities, 21st century employers, and the Armed Forces. There are critical measures that will improve teacher recruitment and training, develop partnerships between schools and laboratories, and encourage internship programs. These provisions will increase students' exposure to inspirational teaching, talented scientists, and real-world experience so that high school graduates students are better prepared to succeed in today's global economy.

But it is not enough to improve science and math education. Those students who choose to pursue high-tech careers require federal funding to conduct research. H.R. 2272 will significantly increase America's investment in research, doubling funding for the National Science Foundation and the Department of Energy's Office of Science over the next 4 years and authorizing a significant increase in funding for the National Institute of Standards and Technology. The legislation goes further toward encouraging scientific and technological discovery by targeting more funds to young researchers and high-risk frontier research.

Today, we face enormous challenges from halting global climate change to curing devastating diseases. This legislation takes critical steps to ensure we arm ourselves with the skills and resources to tackle these problems so that our children and grandchildren may inherit a better world rich with economic opportunities

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HONORING OUR ARMED FORCES

STAFF SERGEANT WILLIAM RYAN FRITSCHE

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of the brave staff sergeant from Martinsville, IN. William Ryan Fritsche, 23 years old, died on July 29, 2007 from injuries sustained on July 27 near Kamu, Afghanistan, when his dismounted patrol received rocket-propelled grenade and small arms fire. With an optimistic future before him, Ryan risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Ryan joined the Army at the age of 17 after graduating from Martinsville High School. After being deployed in Africa in 2004 and receiving several commendations, he was promoted to sergeant in April of 2005. He was chosen to serve in the Old Guard at Arlington National Cemetery, which is the oldest active-duty infantry unit. He was also selected in 2005 to be part of President Bush's inaugural procession in Washington, DC. It was during his most recent assignment to the 1st Squadron, 91st Cavalry Regiment, 173rd Airborne Brigade, based out of Vicenza, Italy, that he was killed while serving his country in Operation Enduring Freedom.

Today, I join Ryan's family and friends in mourning his death. Although he was extremely proud of serving his country through military service, he prided himself most on his family. He was a devoted husband to Brandi and the loving son of Volitta. Ryan was a detective in the Morgan County Sherriff's Department.

Martinsville High School administrators, faculty, and students referred to Ryan as having a quiet intensity while being mature, focused, and determined with the ability to succeed at anything he tried. His high school's athletic director spoke highly of the former basketball player saying, "He was one of those players, that if you were a coach, you loved to have on your team because of his work ethic and obviously as an athletic director, he was one of those kids that you love in your program, because he was such a good kid. He just represented you the way you wanted to be represented."

Ryan's final act was one of leadership and bravery. While other soldiers lay dead and wounded, he led a nine man patrol into battle, and according to the Army, his efforts saved other troops. Today and always, Ryan will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Ryan, a memory that will burn brightly during these continuing days of conflict and grief.

As I search for words to do justice in honoring Ryan's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Ryan's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of William Ryan Fritsche in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that Ryan's family can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Ryan.

Mr. LAUTENBERG. Mr. President, another month has passed, and more American troops lost their lives overseas in Iraq and Afghanistan. It is only right that we take a few moments in the U.S. Senate to honor them. Outside my office here in Washington, we have a tribute called "Faces of the Fallen." Visitors to the Senate from across the country have stopped by the memorial. I encourage my colleagues to come see this tribute on the third floor of the Hart Building.

Since the end of June, the Pentagon has announced the deaths of 88 troops in Iraq and Afghanistan. They will not be forgotten. So today, I will read their names into the RECORD:

SGT Stephen R. Maddies of Elizabethton, TN;

CPL Jason M. Kessler of Mount Vernon, WA;

1LT Benjamin J. Hall, VA;

SPC Camy Florexil of Philadelphia, PA;

CPL Sean A. Stokes of Auburn, CA;

SSG Wilberto Suliveras of Humacao, Puerto Rico;

MAJ Thomas G. Bostick Junior of Llano, TX;

SSG William R. Fritsche of Martinsville, IN;

PFC Cody C. Grater of Spring Hill, FL;

SPC Daniel A. Leckel of Medford, OR;

PVT Michael A. Baloga of Everett, WA;

SGT William R. Howdeshell of Norfolk, VA;

SPC Charles E. Bilbrey Junior of Owego, NY;

SPC Jaime Rodriguez Junior of Oxnard, CA;

PFC Juan S. Restrepo of Pembroke Pines, FL;

SGT Courtney D. Finch of Leavenworth, KS;

SSG Joshua P. Mattero of San Diego, CA;

LCpl Robert A. Lynch of Louisville, KY;

CPL James H. McRae of Springtown, TX;

CPL Matthew R. Zindars of Watertown, WI;

1SG Michael S. Curry Junior of Dania Beach, FL;

SGT Travon T. Johnson of Palmdale, CA;

PFC Adam J. Davis of Twin Falls, ID;

PFC Jessy S. Rogers of Copper Center, AK;

Hospitalman Daniel S. Noble of Whittier, CA;

PFC Zachary R. Endsley of Spring, TX;

LCpl Bobby L. Twitty of Bedias, TX;

SGT Shawn G. Adams of Dixon, CA;

CPL Christopher G. Scherer of East Northport, NY;

SGT Jacob S. Schmuecker of Atkinson, NE;

SFC Luis E. Gutierrez-Rosales of Bakersfield, CA;

SPC Zachary R. Clouser of Dover, PA;

SPC Richard Gilmore the Third of Jasper, AL;

SPC Daniel E. Gomez of Warner Robbins, GA;

CPL Rhett A. Butler of Fort Worth, TX;

PFC Brandon M. Craig of Earleville, MD;

SGT Ronald L. Coffelt of Fair Oaks, CA;

PFC James J. Harrelson of Dadeville, AL;

PFC Ron J. Joshua Junior of Austin, TX;

PFC Brandon K. Bobb of Orlando, FL;

SGT Nathan S. Barnes of American Fork, UT;

CPO Patrick L. Wade of Key West, FL;

PO1 Class Jeffrey L. Chaney of Omaha, NE;

SPC Eric M. Holke of Crestline, CA;

LCpl Shawn V. Starkovich of Arlington, WA;

SGT John R. Massey of Judsonia, AR;

PFC Benjamin B. Bartlett Junior of Manchester, GA;

SPC Robert D. Varga of Monroe City, MO;

PFC Christopher D. Kube of Sterling Heights, MI;

SGT Allen A. Greka of Alpena, MI;

SGT Courtney T. Johnson of Garner, NC;

1SG Jeffrey R. McKinney of Garland, TX;

CAPT Maria I. Ortiz of Bayamon, Puerto Rico;

SGT Eric A. Lill of Chicago, IL;

MSG Randy J. Gillespie of Coaldale, CO;

CPL Kory D. Wiens of Independence, OR;

PFC Bruce C. Salazar Junior of Tracy, CA;

SGT Gene L. Lamie of Homerville, GA;

PFC Le Ron A. Wilson of Queens, NY;

CPL Jeremy D. Allbaugh of Luther, OK;

LCpl Steven A. Stacy of Coos Bay, OR;

LCpl Angel R. Ramirez of Brooklyn, NY;

COL Jon M. Lockey of Fredericksburg, VA;

SFC Sean K. Mitchell of Monterey, CA;

PFC Jason E. Dore of Moscow, ME;

SPC Jeremy L. Stacey of Bismarck, AR;

SPC Anthony M.K. Vinnedge of Okeana, OH;

SPC Roberto J. Causor Junior, of San Jose, CA;

SPC Michelle R. Ring, of Martin, TN;

MAJ James M. Ahearn, CA;

SGT Keith A. Kline of Oak Harbor, OH;

SPC Christopher S. Honaker of Cleveland, NC;

PFC Joseph A. Miracle of Ortonville, MI;

SGT Thomas P. McGee of Hawthorne, CA;

PO1 Jason Dale Lewis of Brookfield, CT;

PO1 Robert Richard McRill of Lake Placid, FL;

PO1 Steven Phillip Daugherty of Barstow, Ca;

CWO Scott A.M. Oswell, WA;

PFC Andrew T. Engstrom of Slaton, TX;

PFC Steven A. Davis of Woodbridge, VA;

1LT Christopher N. Rutherford of Newport, OH;

LCpl William C. Chambers of Ringgold, GA;

LCpl Jeremy L. Tinnel of Mechanicsville, VA;

LCpl Juan M. Garcia Schill of Grants Pass, OR;

SFC Raymond R. Buchan of Johnstown, PA;

SSG Michael L. Ruoff Junior of Yosemite, CA;

SPC Victor A. Garcia of Rialto, CA;

PFC Jonathan M. Rossi of Safety Harbor, FL.

To date, more than 3,600 American men and women have lost their lives in Iraq. And more than 400 have lost their lives in Afghanistan. We will not forget them and the Nation will not forget their sacrifice.

COURT SECURITY IMPROVEMENT ACT

Mr. LEAHY. Mr. President, one of the first actions I took this year was to reintroduce the Court Security Improvement Act of 2007, S. 378, on January 24, 2007. This bipartisan bill has a dozen cosponsors here in the Senate. In February we held a Judiciary Committee hearing at which we heard from Justice Anthony Kennedy. In March the Judiciary Committee considered and then reported the bill by unanimous consent.

I thank the majority leader and the assistant majority leader for their interest in these matters. Each has witnessed violence against judges in their home States. With their leadership, in April the Senate was called upon to consider the measure. I was amazed when it took a cloture motion to proceed to consideration of court security. Cloture on the motion to proceed was obtained by a vote of 93 to 3. Thereafter, this important measure was considered and passed by the Senate on April 19 by a unanimous vote of 97 to 0. Not a single Senator voted against it, not even those Senators who objected to proceeding to the bill initially or the three Senators who voted against cloture on the motion to proceed.

A companion bill was considered by the House of Representatives and passed on a voice vote. To resolve the remaining difference between the Senate-passed measure and the House-passed measure we sought to substitute the Senate-passed text into the House bill and to request a House-Senate conference. This is hardly a novel procedure. It is a standard way to resolve differences and to complete action on legislation. This routine request has cleared the Democratic side of the aisle here in the Senate. No Democratic Senator has objected to proceeding. But, once again, an anonymous objection on the Republican side is thwarting progress. Just as Republican Senators objected to proceeding to consider legislation to bolster court security in April, now, an anonymous Republican objection is preventing the Senate from acting, requesting a conference and moving forward to resolve the differences and enact this long overdue legislation. Despite the broad bipartisan support for both the Senate bill and for the House bill, we are being blocked from going to conference to resolve the minor differences between them by an anonymous Republican Senator.

This obstruction delays the useful provisions in these bills and threatens important safety measures for our Federal judges and their families. For our justice system to function, our judges must be able to dispense justice. They and their families must be free from the fear of retaliation. Witnesses who come forward must be protected, and the courthouses where our laws are enforced must be secure. We are in danger of letting this chance to improve the security of our Federal courts slip through our fingers. I am disappointed and troubled that we will not be improving the security for our Federal judges and courthouses around the Nation before we go into recess.

I hope that the Republican Senator who has placed this anonymous objection would remove it, to let us go to conference, and to let us improve the security that our Federal courts need.

BRIDGE DISASTER RELIEF

Mr. BAUCUS. Mr. President, I would like to enter into a brief colloquy with my colleague on the Environment and Public Works Committee regarding his understanding of congressional intent for monies authorized in the pending Minnesota, bridge disaster relief bill.

I want to clarify that this authorization comes from the general fund rather than the Highway Trust Fund. Is that your understanding?

Mr. INHOFE. If the chairman will yield, I concur completely with your understanding. As I read the language, it clearly comes from the general fund and not the Highway Trust Fund. Given the precarious situation with Highway Trust Fund finances, it would be a mistake to place further burdens on it, and as per SAFETEA-LU, all additional emergency repairs come from the general fund.

Mr. BAUCUS. I thank my colleague for his concurrence.

ASSISTANCE FOR ETHIOPIA

Mr. LEAHY. Mr. President, after the overthrow of Ethiopia's brutal former Prime Minister Mengistu, Prime Minister Meles Zenawi ushered in a period of hope and optimism. On May 15, 2005, Ethiopia held its first open multiparty elections. The international community praised the people of Ethiopia for an astounding 90 percent voter participation rate, an encouraging beginning to a new political process. The Ethiopian people deserve a democratic process in which opposition parties can organize and participate, and journalists can publish freely, without fear of arrest or retribution. Unfortunately, as it turned out, the 2005 election was not the turning point many had hoped for.

Early polls suggested the opposition Coalition for Unity and Democracy Party would make gains in the Ethiopian Parliament that could threaten the control of Prime Minister Meles' ruling Ethiopian People's Revolutionary Democratic Front. These reports were followed by credible allegations of manipulation of the vote-counting process. When the government finally announced results that assured its continued hold on power, thousands of people took to the streets in protest. The police arrested over 30,000 people and some 193 people were killed. Although most of the protesters were released soon after their arrest, 70 opposition leaders and journalists remained in prison.

Following these events, I wrote to Ethiopia's Ambassador Kassahun Ayele and officials at the State Department to express my concern with the imprisonment of the Ethiopian politicians. Human rights organizations and other international figures condemned the detentions and urged Prime Minister Meles to release them. These efforts were to no avail.

Some detainees remained in jail for over 2 years before being brought to trial in a manner that was incompatible with international standards of justice. Last month, they were convicted of such vague charges as "outrage against the constitution" and "inciting armed opposition." They were stripped of their rights to vote and to run for public office. Several were sentenced to life in prison. Nothing was done to prosecute the police officers who fired on the protesters. The situation had gone from bad to worse.

Then suddenly, less than 2 weeks ago, the Ethiopian Government announced the pardon and release of 38 opposition leaders. I am pleased that Prime Minister Meles heeded the pleas of the Ethiopian people and the international community and released these prisoners. The fact is, none of them should have been arrested or tried in the first place. Their release was long overdue and is welcome.

I hope the government acts expeditiously to release the remaining political detainees, and bring to justice police officers who used excessive force. I also hope the negotiations that resulted in the prisoners' release will lead to further discussions between the government and the leaders of the opposition, to ensure that their political rights are fully restored and that future elections are not similarly marred.

While this news is positive, it comes at a time when journalists and representatives of humanitarian organizations report human rights abuses of civilians, including torture, rape and extrajudicial killings, by Ethiopian security forces, including those trained and equipped by the U.S., in the Ogaden region.

Congressman Donald Payne, chairman of the Subcommittee on Africa and Global Health, and a vocal defender of human rights and democracy in Ethiopia, inserted into the Congressional Record a June 18, 2007, New York Times article that described these abuses.

This situation is also addressed in the Senate version of the fiscal year 2008 State, Foreign Operations Appropriations bill and report, which were reported by the Appropriations Committee on July 10. The Appropriations Committee seeks assurance from the State Department that military assistance for Ethiopia is being adequately monitored and is not being used against civilians by units of Ethiopia's security forces. We need to know that the State Department is investigating these reports. We also want to see effective measures by the Ethiopian Government to bring to justice anyone responsible for such abuses.

Unfortunately, it appears that the Bush administration has made little effort to monitor military aid to Ethiopia. It is no excuse that the Ethiopian military has impeded access to the Ogaden, as it has done. In fact, this should give rise to a sense of urgency. If we cannot properly investigate these reports, and if the Leahy law which prohibits U.S. assistance to units of foreign security forces that violate human rights is not being applied because the U.S. Embassy cannot determine the facts, then we should not be supporting these forces.

As if the allegations of human rights violations were not enough, the New York Times reported on July 22 that the Ethiopian military is blocking food aid to the Ogaden region. The article also claimed that the military is "siphoning off millions" of dollars intended for food aid and a UN polio eradication program. A subsequent article on July 26 indicated that the World Food Program and the Ethiopian Government have reached agreement, after weeks of discussions, on a process for getting food aid through the military blockade to civilians in the Ogaden region. But the same article also reported that regional Ethiopian officials have expelled the Red Cross.

During the Cold War we supported some of the world's most brutal, corrupt dictators because they were anti-Communist. Their people, and our reputation, suffered as a result. Now the White House seems to support just about anyone who says they are against terrorism, no matter how undemocratic or corrupt. It is short sighted, it tarnishes our image, and it will cost us dearly in the long term.

Prime Minister Meles has been an ally against Islamic extremism in the Horn of Africa, for which we are grateful. But there are serious concerns with Ethiopia's U.S.-supported military invasion of Somalia. It has led to some of the same problems associated with the Bush administration's misguided decision to invade Iraq without a plan for leaving the country more stable and secure than before the overthrow of Saddam. Iraq's partition now seems only a matter of time, and it is hard to be optimistic that Somalia a year from now will be any more secure, or any less of a threat to regional stability, than before the influx of Ethiopian troops.

Ethiopia is also a poor country that has faced one natural or man-made disaster after another, and the U.S. has responded with hundreds of millions of dollars in humanitarian and other assistance. We have a long history of supporting Ethiopia and its people, and we want to continue that support. But our support to the government is not unconditional. We will not ignore the unlawful imprisonment of political opponents or the mistreatment of journalists. We will not ignore reports of abuses of civilians by Ethiopian security forces

WIRED FOR HEALTH CARE QUALITY ACT

Mr. GRASSLEY. Mr. President, I want to take a few minutes to explain the action I am taking related to S. 1693, the Wired for Health Care Quality Act. Today, with great reluctance, I have asked Republican Leader McConnell to consult with us prior to any action regarding the consideration of this bill, which the Health, Education, Labor, and Pensions Committee reported on August 1, 2007.

The Wired for Health Care Quality Act would encourage the development of interoperable standards for health information technology, IT, offer incentives for providers to acquire qualified health IT systems to improve the quality and efficiency of health care, and facilitate the secure exchange of electronic health information. The bill also includes provisions to require all federal agencies to comply with standards and specifications adopted by the Federal Government for purposes determined appropriate by the Secretary of Health and Human Services, HHS, and to ensure quality measurement and reporting of provider performance under the Public Health Service Act.

I fully support fostering the adoption of health information technology to assist providers in making quality improvements in our health care system. In 2005, Senator BAUCUS and I introduced the Medicare Value Purchasing Act, S. 1356, in conjunction with Senators ENZI and KENNEDY's legislation known as the Better Healthcare Through Information Technology Act, S. 1355. Although the Medicare Value Purchasing Act did not pass in its entirety, provisions based on our bill have been enacted in other legislation.

Medicare is the single largest purchaser of health care in the Nation, so adopting quality payments in Medicare influences the level of quality in all of health care. We have seen time and time again how when Medicare leads, the other public and private purchasers follow. Medicare can drive quality improvement through payment incentives. The adoption of information technology is also desirable, both to facilitate the reporting of quality measures and to increase the efficiency and quality of our health care system. These two concepts should work together.

A number of legislative initiatives have been enacted in Medicare in recent years to promote the development and reporting of quality measures. The Medicare Prescription Drug, Improvement, and Modernization Act of 2003, MMA, included provisions that required the reporting of quality measures for inpatient hospitals. The Deficit Reduction Act of 2005 expanded the reporting of quality measures for inpatient hospital services and extended quality measures to home health settings.

Last year, the Tax Relief and Health Care Act of 2006, TRHCA, extended quality measure reporting to hospital outpatient services and ambulatory service centers. TRHCA also authorized the 2007 Physician Quality Reporting Initiative, PQRI, a voluntary quality reporting system in Medicare for physicians and other eligible health care professionals. Beginning July 1, 2007, the new PQRI program provides Medicare incentive payments for the successful reporting of quality measures that have been adopted or endorsed by a consensus organization. The Centers for Medicare and Medicaid Services, CMS, has worked diligently with the American Medical Association Physician Consortium for Performance Improvement, the Ambulatory Quality Alliance, and the National Quality Forum in the development, adoption, endorsement, and selection of quality measures for this program.

Considerable time and effort have been devoted to the development and reporting of quality measures for various providers in Medicare under the Social Security Act. Many of these programs have now been up and running for some time. This is why I am greatly troubled that, as currently drafted, the Wired for Health Care Quality Act would require the development and reporting of quality measures under the Public Health Service Act.

It is hard to comprehend how the quality measurement system created by S. 1693 would interact with the various quality measurement programs that have already been enacted by Congress under the Social Security Act and implemented by CMS. Creating two different quality measurement systems would have the potential to create differing or even duplicative quality measurement systems which could drastically interfere with our common goal of improving the quality of health care in this country.

Under the bill, the Secretary also would establish Federal standards and implementation specifications for data collection. Within three years of their adoption, all Federal agencies would have to implement these standards according to the specifications. While this sounds appealing, I am concerned about the reality of implementing such standards—across the myriad programs at the Departments of Health and Human Services, Veterans Affairs, Defense, and all the other Federal agencies that may have health care data. It would be an enormous challenge. Agencies collect data for many different purposes, using many different data systems. Six years ago, when Secretary Thompson first arrived at the Department of Health and Human Services, the department had eight different computer systems. Presumably other agencies similarly have multiple systems. All will be expensive and difficult to retrofit to meet new federal standards.

The bill also would require the HHS Secretary to provide federal health data, including the Medicare claims databases, to at least three "Quality Reporting Organizations" that agreed to provide public reports based on the data.

The Quality Reporting Organizations would be required to release regular reports on quality performance that are provider- and supplier-specific. Any organization, including those with commercial interests, could request that the Quality Reporting Organizations compile specific reports based on the requester's methodology. So, for example, drug companies could request data on physician prescribing patterns to determine which physicians their salespeople should target.

In overseeing Medicare, Congress is working to bring more quality reporting into the program. As I mentioned before, just this past December Congress enacted the Tax Relief and Health Care Act of 2006, which implemented a physician pay-for-reporting program in Medicare. The Finance Committee has been working for some time now to phase-in the use of quality measures with various providers. Eventually, I hope that Medicare can compensate providers appropriately for providing high-quality care.

I am, however, concerned about public disclosure of provider-specific information without appropriate safeguards. If not used properly, the data could be misinterpreted. For example, hospitals that specialize in very difficult cases might seem to provide lower quality of care than those treating less severe cases. This would set up the wrong incentives for hospitals and other health care providers.

I agree that it would be helpful to standardize data reporting throughout the federal government, and to use that data appropriately to assess the quality of care provided by clinicians, hospitals, and other health care organizations. At the same time, I have serious concerns about how this bill is structured with respect to the disclosure and use of the data from federal health entitlement programs which are within the sole jurisdiction of the Finance Committee.

I welcome the opportunity to work with the sponsors of S. 1693, Senators KENNEDY, ENZI, CLINTON, and HATCH, along with members of the Health, Education, Labor, and Pensions Committee on this matter. I had hoped we could work out an agreement on legislative language that was acceptable to both the Finance Committee and the HELP Committee before the bill was on the floor. I appreciate the efforts that my colleagues, Senators ENZI and KENNEDY, have undertaken with us over the last month to resolve the concerns of the Finance Committee. However, I remain deeply troubled that, as currently drafted, the Wired for Health Care Quality Act could end up unintentionally delaying or frustrating the goal we all share of improving the quality of health care for all Americans.

REPORT OF SEC INVESTIGATION

Mr. GRASSLEY. Mr. President, today along with Senator SPECTER, I present the findings of a joint investigation by the minority staffs of the Committees on Finance and the Judiciary. It will be posted today on the Finance Committee Web site. I urge all my colleagues to read this important report.

Together, our committees conducted an extensive investigation of allegations raised by former Securities and Exchange Commission attorney Gary Aguirre concerning the SEC and insider trading at a major hedge fund.

During the course of this investigation, the staff reviewed roughly 10,000 pages of documents and conducted over 30 witness interviews. The Judiciary Committee held three related hearings. Our joint findings confirm a series of failures at the SEC: (1) Failures in its enforcement division, (2) failures in personnel practices, and (3) failures at the Office of Inspector General.

There was, however, one bright spot. The Chairman of the Securities and Exchange Commission cooperated fully with our inquiry. I would like to take a moment to thank Chairman Christopher Cox for recognizing the value of congressional oversight instead of resisting it like most other agencies do. In my years in the Senate, I have overseen many investigations of Federal agencies. I am happy to say that Chairman Cox—who inherited these problems in 2005—was a model of transparency and accountability.

I also thank Senator SPECTER for his hard work on this issue, and for the way our committees were able to work together so effectively.

Our investigation focused on three allegations: (1) The SEC mishandled its investigation of a major hedge fund, Pequot Capital Management. (2) The SEC fired Gary Aguirre, the lead attorney in the Pequot investigation, after he reported evidence of political influence corrupting the investigation. (3) The SEC's Office of Inspector General failed to thoroughly investigate Aguirre's allegations.

In 2001, Pequot made about $18 million in just a few weeks of trading in advance of the public announcement that General Electric was acquiring Heller Financial. Pequot accomplished this by buying over a million shares of Heller Financial and shorting GE stock. The New York Stock Exchange highlighted these suspicious and highly profitable trades for the SEC.

When the SEC finally got around to investigating the matter 3 years later, the only full-time attorney working on it, Mr. Aguirre, was up against an army of lawyers from Pequot and Morgan Stanley.

Those lawyers could easily bypass the commission staff and go directly to the Director of Enforcement. In other words, attorneys from Wall Street law firms had better access to SEC management than the staff attorney working on the case, and they used it.

When Aguirre wanted to question Wall Street executive John Mack, his supervisors blocked his efforts and delayed the testimony as long as they could. Mack was about to be hired as the CEO of Morgan Stanley. This raised a critical question in our investigation: Did Mack get special treatment, and if so, why? Gary Aguirre was told by one of his supervisors that it was because of his "political connections."

Our investigation uncovered no evidence that Mack's special treatment was due to partisan politics. However, internal e-mails do show that SEC managers cared about something else: prominence—not partisanship.

They put hurdles in the way of taking Mack's testimony because he was an "industry captain" and well-known on Wall Street. His lawyers would have "juice," according to SEC management—meaning they could easily pick up the phone and talk to senior officials three and four layers above Aguirre. Mack's prominence protected him from the initial SEC inquiry, protection that would not have been afforded to him had he been from Main Street rather than Wall Street.

Our investigation also found that Mr. Aguirre's firing from the SEC was closely connected to his objections to the special treatment afforded to John Mack. Unfortunately, that was not the only retaliation we found at the SEC. Another employee was also penalized for objecting to problems similar to Aguirre's. This sort of retaliatory firing of a whistleblower is not acceptable, and must be stopped.

Finally, our investigation found failures at the SEC's Office of Inspector General. When Mr. Aguirre presented the Inspector General's office with serious allegations, there was no attempt to conduct a serious, credible investigation.

The Inspector General merely interviewed SEC management, accepted their side of the story, and closed the case. This is unacceptable. It is the role of the inspector general to be an independent finder of fact, not a rubberstamp for agency management. I understand that the current inspector general is retiring, and his last day is today. I hope Chairman Cox chooses the next inspector general very carefully.

Our investigation has uncovered real failures at the SEC, and fixing these problems will take real reform. We have proposed six recommendations. These recommendations include the creation of a uniform, comprehensive manual of procedures for conducting enforcement investigations along the lines of the U.S. Attorney's Manual. If the SEC had such a manual, there would have been clear guidance regarding the standard for issuing a subpoena to any suspected tipper, whether John Mack or John Q. Public.

Other recommendations include the reform of the SEC's Office of Inspector General, firmer ethics requirements, and standardized evaluation procedures to prevent the sort of retaliatory personnel practices that took place with Gary Aguirre. By implementing real reforms such as those our report outlines, the SEC can begin to regain public confidence, and I look forward to working with the SEC as these reforms are implemented.

Mr. President, in closing, I ask unanimous consent to print in the RECORD, the report's executive summary and list of recommendations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

II. EXECUTIVE SUMMARY

Pequot's trades in advance of the GE acquisition of Heller Financial were highly suspicious and deserved a thorough investigation. In the weeks after a conversation with John Mack and prior to the public announcement of GE's acquisition of Heller, Pequot CEO Arthur Samberg purchased over one million shares of Heller Financial stock, and also shorted GE shares. On the day the deal was announced, Samberg sold all of the Heller stock. He also covered the short positions in GE shortly thereafter, for a total profit of about $18 million for Pequot in a matter of weeks.

The SEC examined only a fraction of the other suspicious Pequot trading highlighted by Self-Regulatory Organizations (SROs). GE-Heller represented just one of at least 17 sets of suspicious transactions involving Pequot brought to the SEC's attention by organizations like the NYSE and NASD. However, SEC managers ordered the staff to focus on only a few transactions. In addition to GE-Heller, the SEC investigated trades involving (1) Microsoft, (2) Astra Zeneca and Par Pharmaceutical, and (3) various "wash sales."

Staff Attorney Gary Aguirre said that his supervisor warned him that it would be difficult to obtain approval for a subpoena of John Mack due to his "very powerful political connections." Aguirre's claim is corroborated by internal SEC e-mails, including one from his supervisor, Robert Hanson. Hanson also told Aguirre that Mack's counsel would have "juice," meaning they could directly contact the Director or an Associate Director of Enforcement.

Attorneys for Pequot and Morgan Stanley had direct access to the Director and an Associate Director of the SEC's Enforcement Division. In January 2005, Pequot's lead counsel met with the SEC Director of Enforcement Stephen Cutler. Shortly thereafter, SEC managers ordered the case to be narrowed considerably. In June 2005, Morgan Stanley's Board of Directors hired former U.S. Attorney Mary Jo White to determine whether prospective CEO John Mack had any exposure in the Pequot investigation. White contacted Director of Enforcement Linda Thomsen directly, and other Morgan Stanley officials contacted Associate Director Paul Berger. Soon afterward, SEC managers prohibited the staff from asking John Mack about his communications with Arthur Samberg at Pequot.

Seeking John Mack's testimony was a reasonable next step in the investigation. Several SEC staff wished to take Mack's testimony because they believed he: (1) had close ties to Samberg, (2) had potential access to advanced knowledge of the deal, (3) had spoken to Samberg just before Pequot started buying Heller and shorting GE, and (4) was an investor in Pequot funds and was allowed to share in a lucrative direct investment in a (5) start-up company alongside Pequot, possibly as a reward for providing inside information.

SEC management delayed Mack's testimony for over a year, until days after the statute of limitations expired. After Aguirre complained about his supervisor's reference to Mack's "political clout," SEC management offered conflicting and shifting explanations for blocking Mack's testimony. Although Paul Berger claimed that the SEC had always intended to take Mack's testimony, Branch Chief Mark Kreitman said that definitive proof that Mack knew about the GE-Heller deal was the "necessary prerequisite" for taking his testimony. The SEC eventually took Mack's testimony only after the Senate Committees began investigating and after Aguirre's allegations became public, even though it had not met Kreitman's prerequisite.

The SEC fired Gary Aguirre after he reported his supervisor's comments about Mack's "political connections," despite positive performance reviews and a merit pay raise. Just days after Aguirre sent an e-mail to Associate Director Paul Berger detailing his allegations, his supervisors prepared a negative re-evaluation outside the SEC's ordinary performance appraisal process. They prepared a negative re-evaluation of only one other employee. Like Aguirre, that employee had recently sent an e-mail complaining about a similar situation where he believed SEC managers limited an investigation following contact between outside counsel and the Director of Enforcement.

After being contacted by a friend in early September 2005, Associate Director Paul Berger authorized the friend to mention his interest in a job with Debevoise & Plimpton. Although that was the same firm that contacted the SEC for information about John Mack's exposure in the Pequot investigation, Berger did not immediately recuse himself from the Pequot probe. Berger ultimately left the SEC to join Debevoise & Plimpton. When initially questioned, Berger's answers concerning his employment search were less than forthcoming.

The SEC's Office of Inspector General failed to conduct a serious, credible investigation of Aguirre's claims. The OIG did not attempt to contact Aguirre. It merely interviewed his supervisors informally on the telephone, accepted their statements at face-value, and closed the case without obtaining key evidence. The OIG made no written document requests of Aguirre's supervisors and failed to interview SEC witnesses whom Aguirre had identified in his complaint as likely to corroborate his allegations.

III. RECOMMENDATIONS

The controversy over allegations of improper political influence and the firing of SEC attorney Gary Aguirre garnered considerable media attention. The public airing of evidence in support of those allegations undoubtedly had an adverse impact on public confidence in the SEC. The damage to public confidence in the SEC as a fair and impartial regulator must be repaired if the agency is to be effective and able to fulfill its mission.

However, the controversy is more than merely an issue of perception. Our investigation uncovered real failures that need real solutions. Our recommendations focus on improving the Commission's approach to the management of complex securities investigations, personnel problems, the handling of ethics issues, and the role of the Inspector General. A more standardized, professional system for dealing with these issues could have averted much of the controversy. It could also improve employee morale and confidence in management by ensuring more consistent, documented, transparent, and careful internal deliberations.

For these reasons, we offer the following recommendations for consideration:

1. Standardized Investigative Procedures: The SEC should draft and maintain a uniform, comprehensive manual of procedures for conducting enforcement investigations, along the lines of the United States Attorney's Manual. The manual should attempt to address situations or issues likely to recur. It should set a consistent SEC policy where possible and provide general guidance for complex issues that require individual assessment on a case-by-case basis, so that inquiries are handled as uniformly as possible throughout the Enforcement Division.

2. Directing Resources to Significant and Complex Cases: The SEC currently lacks a set of objective criteria for setting staffing levels and has no mechanism for designating a case as critically important. The SEC should set standards for assessing the size, complexity, and importance of cases to ensure that significant cases receive more resources. The Enforcement Division should develop and apply objective criteria for determining how many attorneys, paralegals, and support personnel should be assigned to a particular case.

3. Transparent and Uniform External Communications: The SEC should issue written guidance requiring supervisors to keep complete and reliable records of all outside communications regarding any investigation. The need for a clear record and transparency is especially acute regarding any communications by supervisors that exclude the staff attorney assigned to the case. The SEC's guidance should generally discourage supervisors from engaging in such communications without the knowledge or participation of the lead staff attorney. The SEC needs to present one, consistent position to parties involved in its investigations.

4. Greater Office of Inspector General (OIG) Independence and More Thorough Investigative Procedures: The hallmarks of any good Inspector General are independence and integrity. However, the reputation of the Inspector General within the SEC appears to be that of an office closely aligned with management, lacking independence. In addition to the facts of the Aguirre case, we received numerous complaints about the OIG from both current and former SEC employees. The OIG should develop a plan to ensure independence from SEC management and the General Counsel's Office, and to ensure that its future investigations of allegations against management are thorough, fair, and credible. The SEC needs to implement a directive requiring its Office of Information Technology to provide thorough and timely responses to SEC/OIG document requests. Since the purpose of the OIG is to ensure integrity and efficiency, a document request in connection with an SEC/OIG investigation should be among the highest priorities.

5. Timely and Transparent Recusals: The SEC should review its guidance to employees regarding their obligations to recuse themselves immediately from any matter involving a potential employer with whom the employee has had contact, either directly or indirectly through an agent. Recusals should be communicated in writing to all SEC staff who have official contact with the recused individual, and a record of the recusals should be centrally maintained by a designated ethics officer. The appearance created by having undisclosed contacts with potential employers while still participating in an enforcement matter involving that potential employer undermines public confidence in the fairness and impartiality of the SEC.

6. Standardized Evaluation Procedures: Employee evaluations should be submitted in a timely manner, according to an established schedule. Evaluations should not be prepared outside or apart from the established procedure. Although it is appropriate to document performance issues and to discuss them with the employee as the issues arise, submitting a re-evaluation with substantive changes after the regularly scheduled evaluation is submitted can raise questions. Where the re-evaluation occurs just after an employee reports alleged wrongdoing by a supervisor, it tends to suggest that retaliation is driving the process rather than an honest attempt to evaluate employee performance.

Mr. SPECTER. Mr. President, I seek recognition, along with my colleague from Iowa, Senator GRASSLEY, to inform the full Senate of the conclusion of our joint investigation into allegations of abuse of authority at the Securities and Exchange Commission and of the availability of our findings and recommendations. On January 31, 2007, Senator GRASSLEY and I came to the floor and submitted the "Specter-Grassley Interim Findings on the Investigation Into Potential Abuse of Authority at the Securities and Exchange Commission." Senator GRASSLEY and I did not want to delay in expressing our concerns about, No. 1 the SEC's mishandling of the investigation of potential massive insider trading by a hedge fund which we recommended be reopened; No. 2, the circumstances of the termination of SEC attorney Gary Aguirre, who was leading the investigation; and No. 3, the manner in which the SEC's Inspector General's Office handled Aguirre's allegations that he was terminated for improper reasons, including pressing too hard to interview a witness in the investigation. We were concerned about what appeared to be managerial interference with the independence and doggedness of an SEC attorney who was determined to follow the evidence wherever it might lead.

Today, we file our comprehensive report and recommendations—comprising nearly 100 pages of annotated findings and recommendations—with the Senate Judiciary and Finance Committees. Before I summarize the key findings and recommendations, I must commend the SEC for two aspects of its response to Congress. First, the SEC, despite some initial disputes and letters relating to document production and privilege, ultimately cooperated fully with Congress by producing all requested documents and permitting all witnesses to be interviewed under oath and with a transcript. Second, Chairman Cox, the other Commissioners, and SEC Director of Enforcement Linda Thomsen have clearly been listening to concerns we raised about insider trading in general and in particular suspicious trading ahead of mergers on the part of hedge funds and others with access to material nonpublic information as a result of the intertwined relationships in our financial sector. Since the Judiciary Committee began holding hearings on insider trading and related fraud in June 2006, the SEC has filed a number of substantial civil cases—often in coordination with the Department of Justice, which handles criminal matters. Linda Thomsen testified at the Judiciary Committee hearing on September 26, 2006 that "[r]igorous enforcement of our current statutory and regulatory prohibition on insider trading is an important part of the Commission's mission." This appears to be the case.

In February 2007, the SEC charged seven individuals and two hedge funds with insider trading ahead of announcements by Taro Pharmaceuticals Industries regarding earnings and FDA drug approvals. Four of the individuals were in their early thirties or younger and worked at major accounting and law firms.

In March 2007, the SEC and Federal prosecutors filed charges against a dozen defendants, including a former Morgan Stanley compliance officer who pleaded guilty in May 2007 to charges that she and her husband sold information about four deals—including Adobe Systems Inc.'s $3.4 billion purchase of Macromedia and the $2.1 billion acquisition of Argosy Gaming by Penn National Gaming, Inc.—to individuals who used the information in trading for hedge fund Q Capital Investment Partners and other accounts.

In March 2007, the SEC charged a 41-year-old UBS research executive with selling information about upcoming UBS upgrades and downgrades of the stock of Caterpillar, Goldman Sachs, and other companies. The information was then used in trading on behalf of hedge funds Lyford Cay, Chelsea Capital and Q Capital Investment Partners.

In May 2007, a 37-year-old Credit Suisse investment banker was charged with insider trading for leaking details of acquisitions involving nine publicly traded U.S. companies including the $45 billion takeover of TXU Corp by a private equity firm. He also leaked information on deals involving Northwestern Corporation, Energy Partners, Veritas DGC, Jacuzzi Brands, Trammel Crow Co., Hydril Company, Caremark RX, and John H. Harland Co.

In May 2007, the SEC accused a former analyst at Morgan Stanley and her husband, a former analyst in the hedge fund group at ING, of making more than $600,000 by trading on companies advised by Morgan Stanley's real estate subsidiary.

In May 2007, the SEC obtained a court order requiring Barclays Bank to pay $10.9 million—including a $6 million penalty—for insider trading based on material nonpublic information obtained by its head trader, who served on bankruptcy creditors committees.

In June 2007, the SEC filed a complaint alleging that a former bank vice president had traded in securities of a bank that he learned would be acquired by another bank.

In June 2007, the SEC filed a complaint alleging unlawful insider trading by the former managing partner of the Washington, DC office of a large law firm who learned of an imminent acquisition from a job candidate.

In July 2007, a court sentenced a corporate executive to a 6-year jail term, and ordered him to forfeit $52 million, in a case involving more traditional insider trading executed by a company executive in his own company's stock.

These aggressive enforcement efforts send a strong message to the public, and we commend the SEC for ensuring that action accompanies their assurances to Congress and to the public. I point out the ages of some of those charged because it strikes me that they may not have lived through the insider trading scandals of the 1980s that resulted in jail sentences for some very prominent businessmen. Though time has passed since those scandals, there continues to be a need to reinforce that insider trading is a serious violation of the law. Following our hearings and investigation, the SEC appears to have reasserted itself.

On March 1, 2007, in announcing charges against 14 individuals in a brazen insider trading scheme, Chairman Cox stated: "Our action today is one of several that will make it very clear the SEC is targeting hedge fund insider trading as a top priority." Linda Thomsen, Director of the SEC's Division of Enforcement, recently stated that the SEC has made insider trading ahead of mergers and acquisition one of its top priorities. Peter Bresnan, Deputy Director of the SEC's Division of Enforcement, stated in a CNBC interview on May 11, 2007: "Hedge fund managers are under enormous pressure to show profits for their clients. . . . Not every hedge fund manager can get those kinds of returns through legitimate trading." Bruce Karpati, an Assistant Regional Director in the SEC's New York office stated in May 2007 that the SEC is "actively studying the relationships that hedge funds have both inside the hedge funds and outside" to see how information flows around financial markets and that the SEC is also looking at "more complex trading strategies" at hedge funds. Also in May 2007, when the SEC filed charges against a Hong Kong couple and alleged that they had illegally traded ahead of News Corp.'s offer to buy Dow Jones, Cheryl Scarboro, SEC Associate Enforcement Director, stated: "Cases like this, insider trading ahead of mergers, are a top priority and we will continue our pursuit of it, no matter where it occurs."

Finally, in early 2007 it was widely reported that the SEC had begun a factfinding study of the relationships that hedge fund advisers have with brokerages to determine if those contacts could have led to insider trading. The SEC had specifically requested information about stock and options trading by major firms. It is encouraging to see that the SEC's rhetoric is increasingly matched by real cases against those who subvert our capital markets through insider trading.

On the other hand, we agree with Peter Bresnan, who recently expressed dismay over the number of Wall Street professionals involved in these cases, from investment bankers and advisers to lawyers and accountants. "When we see Wall Street professionals engage in insider trading, it is particularly reprehensible because we rely on them to keep the markets fair and clean." As I stated during the Judiciary Committee hearings, although disgorgement and civil penalties in these cases are a good start, I will continue to press for jail terms for those who engage in fraudulent conduct that harms other investors, especially when those who commit fraud are in positions of trust.

With respect to our investigation and final report, Senator GRASSLEY and I were primarily concerned about three aspects of a single case of insider trading: First, the handling of the investigation of what some at the SEC believed was one of the largest insider trading cases in recent history; second, the timing of the firing of Gary Aguirre, one of the lead investigators on the case; and third, the worse-than-cursory inspector general investigation of Mr. Aguirre's claims of improper discharge. All of this presented a troubling picture that centers on apparently lax enforcement by the SEC.

The alleged insider trading occurred in July 2001, several weeks before the public announcement that GE would purchase Heller Financial. During the lead-up to the announcement, Pequot CEO Arthur Samberg began purchasing large quantities of Heller Financial stock while also shorting GE stock. Two years later, the SEC began an investigation. Despite several promising leads, the investigation was left to wither when the lead attorney, Gary Aguirre, was abruptly fired with little explanation. When Aguirre complained to Commissioner Cox about the circumstances of the termination, Chairman Cox instructed the inspector general to investigate. The inspector general's staff, however, did so with the stated view that they were not going to "second guess" Aguirre's managers. Perhaps for this reason, the inspector general did not interview Aguirre or the other employees named in Aguirre's letters to Chairman Cox.

choosing instead to accept the managers' explanations at face value—even the explanations that were inconsistent with SEC procedures and some of the documentary evidence submitted by Aguirre.

What was Gary Aguirre investigating? As explained at our hearings, when an acquisition like the GE-Heller deal is announced, the price of the purchasing company typically falls and the price of the purchased company typically rises. This is an opportunity for guaranteed, quick and easy profits. Samberg directed the purchase of "a little over a million shares" of Heller stock. On several days, the shares he sought to purchase exceeded the total volume of trading that day. On January 30, 2002, the NYSE "highlighted" these trades for the SEC as a matter that warranted further scrutiny and surveillance. Yet it was not until 2004, when Gary Aguirre joined the Commission, that an investigation began in earnest. Mr. Aguirre became the driving force behind the investigation of the GE Heller trades.

Aguirre's immediate supervisors were initially enthusiastic about the investigation and the identification of John Mack as the possible tipper. On June 14, 2005, Mr. Aguirre's supervisors authorized him to speak to Federal prosecutors concerning the trades. His immediate manager, Robert Hanson, wrote in an e-mail on June 20, 2005, "Okay Gary you've given me the bug. I'm starting to think about the case during my non work hours." But the enthusiasm quickly waned at some point after newspapers reported on June 23, 2005, that Morgan Stanley was considering hiring John Mack as its new CEO. Aguirre testified that the timing was no coincidence and that his supervisor, Robert Hanson, would not let him take Mack's testimony because of his "powerful political contacts." Hanson later sent Aguirre e-mails that mentioned Mack's "juice" and "political clout." Hanson, for his part, later explained that he simply wanted to make sure that the SEC had gotten "their ducks in a row" before taking drastic action.

Although reasonable minds may disagree on an appropriate investigative strategy, the SEC's stated rationale for delaying the taking of Mack's testimony runs counter to the normal approach described to the committees' staff by insider trading experts at the SEC. Hilton Foster, an experienced former SEC investor with knowledge of the Pequot matter, stated that "as the SEC expert on insider trading, if people had asked me when do you take his testimony, I would have said take it yesterday." The explanation offered by Aguirre's supervisors—that without direct evidence that Mack had knowledge of the GE transaction, the deposition would consist simply of a denial by Mack—is not at all convincing since the SEC eventually did question Mack for over 4 hours in August 2006 without such direct evidence.

Mack's testimony was taken 5 days after the statute of limitations expired. We note that shortly after Aguirre's termination, the SEC Market Surveillance Branch Chief sought removal from the Pequot investigation, stating that "something smells rotten." We note that this chief was a reluctant witness who came forward to the committees to do the right thing. Despite a number of such SEC employees, with Aguirre gone and a change in staff on the Pequot case, the trail seems to have grown cold and any evidence likely lost.

With respect to our recommendations, we start by noting that the committees adduced documents and testimony showing that Gary Aguirre, a probationary employee while at the SEC, was an experienced, smart, hardworking, aggressive attorney who was passionately dedicated to the Pequot investigation. These attributes were noted in a June 1, 2005, performance plan and evaluation. A more detailed "Merit Pay" evaluation written by Hanson on January 29, 2005, noted Aguirre's unmatched dedication "to the Pequot investigation" and "contributions of high quality." These evaluations were submitted to the SEC's Compensation Committee, which approved a two-step salary increase recommendation on July 18, 2005. After these favorable reviews, Aguirre's managers wrote a "supplemental evaluation," on August 1 that included negative assessments. The document was never shared with Aguirre, who received a notice of termination exactly 1 month later, on September 1. To the extent that there was contemporaneous documentation, little appears to support the assertion that the decision to terminate was based on poor performance or employee misconduct, which leaves open the possibility that the discharge was for improper reasons.

More disturbing, however, is the cursory investigation of Aguirre's allegations by the SEC's Office of Inspector General, headed by Walter Stachnik. Chairman Cox referred the matter to Stachnik, who failed to interview Aguirre or any of the other SEC employees mentioned in Mr. Aguirre's letter. The IG's investigators repeatedly told staff that in investigating Mr. Aguirre's allegations of improper motivation for his termination that they "don't second guess management decisions . . . [and they] don't second guess why employees are terminated." These statements are troubling. After speaking only to Aguirre's supervisors about the facts and accepting everything they said at face value, the IG staff reviewed only those documents identified by Aguirre's managers.

This is not a recipe for an independent and thorough investigation. Even after committee hearings, Stachnik insisted that his investigation was "professional," but he did reopen the IG investigation. Unfortunately, as part of the reopened investigation, Stachnik sought documents in Aguirre's possession, including documents that were communications between Aguirre and the Senate. When Aguirre balked, Stachnik asked the Department of Justice to petition a Federal court to enforce the subpoena. If Chairman Cox had been able to obtain a timely, objective, and thorough consideration of Aguirre's concerns, the Pequot investigation may have been put back on track shortly after Aguirre's termination. Because the Chairman did not have the benefit of a careful review by the IG, we will never know what would have happened.

In light of this, and based on the committees' investigation, we make certain recommendations intended to help the SEC remedy obvious shortcomings in order for it to avoid an undermining of public confidence in the agency. The reputation of the SEC as a fair and impartial regulator must be restored. I note that through our investigation, we determined that what we have is not merely an issue of perception. There are real failures that need real solutions to improve the management of complex securities investigations; the handling of ethics concerns and issues; and personnel policies and procedures to increase employee morale and confidence in management and to ensure more consistency, transparency, and careful internal deliberations.

The SEC should draft and maintain a comprehensive manual of procedures for conducting enforcement investigations, along the lines of the U.S. Attorney's Manual. The manual should address situations and issues likely to recur, including a section outlining all SEC policies related to the issuance of subpoenas. It should set a consistent SEC policy and provide general guidance for complex issues that require individual assessment on a case-by-case basis.

Among other policy changes, the SEC should begin to conduct regularly scheduled, confidential employee surveys to measure confidence in senior management. Such responses should be reviewed and evaluated by the inspector general as potential predicates for audits, investigations, or recommendations to senior management. The SEC should also revise its policies on disclosing nonpublic information to third parties.

The SEC currently lacks a set of objective criteria for setting staffing levels and has no mechanism for designating a case as mission critical. The SEC should set standards for assessing the size, complexity, and importance of cases to ensure that significant cases receive more resources. The Enforcement Division should develop objective criteria for determining how many attorneys, paralegals, and support personnel should be assigned to a particular case. It may be unavoidable that the SEC often will have fewer resources than the entities the agency regulates, but effective staffing could help the SEC avoid being outmatched when it matters most.

The SEC should issue written guidance requiring supervisors to keep complete records of all external communications regarding any investigation. As a starting point for drafting such a policy, the SEC should review and consider adopting an approach similar to that of the Food and Drug Administration in 21 C.F.R. section 10.65. The need for a clear record and transparency is especially acute regarding any communications by supervisors that exclude the staff attorney assigned to the case. Allowing outside counsel and interested parties to circumvent the staff attorney by dealing separately with higher level officials may undermine the investigation and also undermine the goals of consistency, impartiality, and professionalism.

The SEC Office of Inspector General should develop a plan to ensure independence from SEC management and the General Counsel's Office. Such a plan must ensure that the SEC's investigations of allegations against management are thorough, fair, and credible. The OIG should submit its plan to Congress for review and followup oversight.

Equally as important, employees should have confidence that they have confidential alternate channels of communication through which both real problems and misperceptions may be resolved early and without public controversy. Personnel procedures should be regularly audited and reviewed to ensure that they are fairly and consistently applied.

All SEC inspector general audit and investigation reports should be available to Congress, on a confidential basis when appropriate. The detail, quality, and volume of reports from the Inspector General's Office need to be improved dramatically.

The SEC should review its guidance to employees regarding their obligations to disclose any connections with potential employers and recuse themselves from any matter involving those employers. The appearance created by having undisclosed contacts with potential employers while still participating in an enforcement matter involving that employer undermines public confidence in the fairness and impartiality of the SEC.

Employee evaluations should be submitted in a timely manner, according to an established schedule. Evaluations should not be prepared outside or apart from the established procedure. The process should be audited regularly, and supervisors who fail to follow the procedures should face meaningful consequences. Although it is appropriate to document and discuss performance issues as they arise, submitting a reevaluation with substantive changes after the regularly scheduled evaluation is submitted can raise questions—especially when it occurs just after an employee reports alleged wrongdoing by a supervisor.

In conclusion, I will comment on an issue that was the subject of much discussion during the investigation whether hedge funds should be subject to greater regulation. With baby boomers beginning to retire, pension funds are moving more of their assets out of fairly conservative stocks and bond portfolios and increasing their investments in hedge funds. This shift comes as hedge fund returns are cooling. As just one example, the Amaranth fund, which made risky bets on natural gas, collapsed in September 2006. On July 25, 2007, the Commodity Futures Trading Commission charged the fund and its chief energy trader with trying to manipulate the natural gas markets.

Hedge funds are fiercely protective of their trading strategies, and they are hard to value because they are not actively traded. Unlike mutual funds, they are not required to register with the SEC or disclose their holdings. In addition, they may borrow as much as 10 times their cash holdings to execute their investment strategies. For this reason, many say that there is an inconsistency between the high-risk, high-return concept behind hedge funds and the low-risk, guaranteed return goal of pension funds. Pension funds may have consultants and sophisticated money managers, but even they can be tripped up, as evidenced by the fact that Bear Stearns, a Wall street firm known for its caution and its expertise in bond-treading, notified clients this month that their investment in two prominent hedge funds were worth pennies on the dollar. Those funds made bets on risky bonds backed by subprime mortgages.

Individuals, like managers of the pension funds of middle class workers, have also begun to increase their investments in hedge funds. Once limited to the wealthy, hedge funds are now available to retail investors through funds of funds. By pooling money, funds of funds allow investors who do not have the minimum investments or assets to gain access to the hedge fund club.

Because of my concern for these investors, I will continue to study the question of increased transparency and effective regulation of hedge funds.

OBJECTION TO RIZZO NOMINATION

Mr. WYDEN. Mr. President, most of my colleagues are well aware that I have been pushing for a ban on the practice of anonymous holds for several years. I believe that holds are an acceptable parliamentary tactic, but I firmly believe that it is inappropriate for Senators to use them secretly. If Senators wish to object to the consideration of a particular bill or executive nominee, they should be required to do so publicly, so that their objections can be discussed and debated in full view of the American people. Today, I am announcing my objection to any unanimous consent request to bring the nomination of John Rizzo to the Senate floor for approval.

The President has nominated Mr. Rizzo to be General Counsel of the Central Intelligence Agency, CIA. When Mr. Rizzo appeared before the Senate Select Committee on Intelligence a few weeks ago, I asked him about a now-infamous legal opinion that was prepared by the Department of Justice in 2002. This opinion, commonly known as the "Bybee memo" includes shocking interpretations of U.S. torture laws, and essentially concludes that inflicting any physical pain short of organ failure is not torture. Most Americans would agree that this conclusion is over the line, and this is why the Administration revoked the memo as soon as it became public.

John Rizzo was the acting general counsel of the CIA at that time, and I asked him if, in hindsight, he wished that he had objected to this memo. I was disappointed to hear him say, even with the benefit of five years' hindsight, that he did not.

Much more recently, about 2 weeks ago the President issued an Executive order interpreting Common Article Three of the Geneva Conventions and how it applies to CIA detentions and interrogations. This Executive order refers to classified CIA guidelines. I have read these guidelines, and I believe that they have suffered from a clear lack of effective legal oversight. Since John Rizzo is once again acting general counsel of the CIA, I believe that he bears significant responsibility for this situation. I am not at all convinced that the techniques outlined in these guidelines are effective, nor am I convinced that they stay within the law.

The last thing that I want to see is hard-working, well-intentioned CIA officers breaking the law because they have been given shaky legal guidance. These men and women dedicate their lives to serving their country, and they deserve better than that. They deserve to know that they are on firm legal ground when they are doing their jobs, and that they can rely on the legal advice of their general counsel.

I should also note that I disagree with the President's decision to interpret the Geneva Conventions as broadly as he did, although this does not excuse Mr. Rizzo from responsibility. The

Director of National Intelligence, Mike McConnell, discussed these techniques on television recently and stated that he wouldn't want any Americans to undergo them. I don't think it would be acceptable to use these techniques on Americans either, but the President's new interpretation of the Geneva Conventions says that it is okay for other countries to use them on Americans when they are captured. This is also unacceptable.

I believe that you can fight terrorism ferociously without tossing aside American laws and American values, and I worry that the administration and CIA lawyers may be losing sight of this. I was disappointed to hear John Rizzo say that he did not wish he had objected to the 2002 torture memo, and I was even more disappointed when I read these guidelines. Our intelligence agencies cannot fight terrorism effectively unless programs like this one are on a solid legal footing. Mr. Rizzo's record demonstrates that he is prepared to let major programs go forward without a firm legal foundation in place.

This is why I have come to the conclusion that John Rizzo is not qualified to be the general counsel of the CIA. I plan to vote against Mr. Rizzo's confirmation in committee, and when it comes to the floor I will object to any unanimous consent agreement to consider his nomination until I am satisfied that our national counterterrorism programs, and particularly the CIA detention program, have the solid legal foundation that they need.

CFIUS

Mr. MARTINEZ. Mr. President, I applaud the signing of the Foreign Investment and National Security Act of 2007 by President Bush. After more than a year and a half of work, this critical piece of legislation was finally signed into law on July 26, 2007. I would also like to commend Chairman DODD and Senator SHELBY, my colleagues on the Banking Committee for their leadership in forging bipartisan legislation that will further protect critical U.S. assets and infrastructure from predatory foreign control.

This much needed legislation updates, reforms, and provides transparency to the review process conducted by the Committee on Foreign Investment in the United States, CFIUS. This Act will ensure national security while promoting foreign investment and the creation and maintenance of U.S. jobs. As we have seen over the last couple of years with the Dubai Ports and China National Offshore Oil Corporation, CNOOC, issues, greater oversight and transparency is needed for foreign investment in the United States.

This legislation also clarifies and expands the term "national security" to include those issues related to "homeland security," including its application to critical infrastructure. The Act also lays out additional factors to be considered during the CFIUS review process as they relate to our "national security."

I would like to address two of these factors today as they relate to a real threat in our hemisphere and to the United States. The Act requires that CFIUS review any transaction related to major U.S. energy assets as part of our critical infrastructure and any covered transaction that would result in the control of any critical U.S. infrastructure by a foreign government or an entity controlled by a foreign government.

I raise these issues because I am particularly concerned by the recent, and ongoing, actions of Venezuelan President Hugo Chavez against U.S. oil companies in Venezuela. While Venezuela has undertaken many actions to the detriment of U.S. companies, President Chavez and Petroleos de Venezuela have been courting government-controlled Russian and Iranian oil interests to take their place.

It is no secret that Hugo Chavez is an enemy of the United States, the liberty and freedom we stand for, and the open and honest commerce that is the lifeblood of our economy. It is also no secret that President Chavez will use whatever assets are at his disposal to harm our country. The lone tool in his kit is Venezuela's oil and gas wealth.

Petroleos de Venezuela, S.A. already has a footprint in America through the ownership of CITGO Petroleum Corporation. While the CITGO gas stations you see on the roadsides and corners of American streets are franchised and owned largely by American small business men and women, these gas stations rely upon Petroleos de Venezuela and Hugo Chavez for their gas supply.

Because the revenue it generates supports the Venezuelan economy, we might think it is a far-fetched idea that Hugo Chavez and Petroleos de Venezuela would cut off oil and gas supplies to the United States, or other Nations. Yet one only has to look at the actions of the Russian Government to see how energy supplies can be used as an economic and political weapon against other nations.

The Russian strategy of using the power of energy assets as an economic tool began in 2003 when the Russian Government expropriated the assets of Yukos Oil, at that time, Russia's largest privately owned energy company. The Russian Government took Yukos assets without compensation to Yukos owners or investors and these assets also included $6 billion of U.S. investors' money.

In the winter of 2006, the Russian Government cut off natural gas exports to the Ukraine in an attempt to pressure the Ukrainian Government to slow its democratic reforms and move toward the West. Later in 2006, Russia also cut off crude shipments to Lithuania in an attempt to stop the sale of a refinery to a Polish competitor. And earlier this year, the Russian Government cut off shipments to Belarus to force that country to accept higher prices and turn its pipeline system over to Russian Government-controlled companies.

The Russian Government continues using heavyhanded tactics to move Western companies out of Russia so it can regain control of oil and gas reserves previously sold to these companies for development.

The comparisons of President Chavez's actions to renationalize Venezuela's oil and gas industry are eerily similar to those taken by the Russian Government. As Hugo Chavez increases his government's stranglehold on Venezuela's oil and gas supply, will he cut off supply to the United States, or other nations, in an attempt to influence economic and political events? Will he cut off supply to CITGO stations in the United States?

Reforms to the CFIUS process identifying energy infrastructure and energy security as national security interests, and the inclusion of these as factors to review when foreign-owned companies especially state-controlled companies with histories of using energy assets as political and economic tools will prevent Hugo Chavez and the Venezuelan Government from controlling additional energy assets here in the United States.

I applaud President Bush for signing this important measure and encourage the CFIUS panel to perform stringent reviews of any potential sale of critical U.S. energy infrastructure to a foreign-government controlled company and deny any sale to entities controlled by tyrants like Hugo Chavez who have a history of expropriating U.S. assets and who, no doubt, would be willing to use the control of these assets to threaten U.S. national security and our economic well-being.

MANUFACTURING

Mr. KOHL. Mr. President, the manufacturing sector is under siege from cheap imports, unfair trade agreements, and escalating heath care and energy costs. Instead of working to alleviate this burden, the Bush administration has turned its back on manufacturing. The administration slashed funding for the Manufacturing Extension Partnership, MEP, and the Advanced Technology Program, ATP, in this year's budget. MEP helps manufacturers streamline operations, integrate new technologies, shorten production times, and lower costs. ATP provides grants to support research and development of high-risk, cutting edge technologies. Both MEP and ATP help manufacturers survive and compete with countries such as China.

Today I offer, with Senator VOINOVICH, some help for beleaguered manufacturers. The Advanced Multidisciplinary Computing Software Center Act was drafted from recommendations made by the Council on Competitiveness regarding high-performance computing. The legislation would provide grants for the creation of five Advanced Computing Software Centers throughout the United States that would transfer high-performance computing technologies to small businesses and manufacturers.

High-performance computing will allow manufacturers to visualize and simulate parts and products before they can be created, which will cut the time and cost required to experiment with new materials. General Motors, for example, uses high-performance computing to simulate collisions, saving millions of dollars in development costs and substantially shortening design cycle times.

Presently, only large companies like GM have the resources to reap the benefits of high-performance computing. This bill would provide grants to small and medium manufacturers to implement this technology and create new opportunities for economic growth, job creation, and product development and allow manufacturers and businesses to harness the full potential of high-performance computing

TRIBUTE TO ROGER LANDRY

Ms. SNOWE. Mr. President, I rise today to mourn the passing of Roger Landry of Springvale, ME, and pay tribute to this former Maine State legislator and steadfast advocate for our Nation's veterans. Roger was one-of-a-kind individual who was truly a force of nature who allowed nothing to stand in the way of achieving results and helping others, and he had a unique ability to harness the compassion and empathy he felt so deeply to produce positive and tangible results that truly touched the hearts of so many. Whether serving his country as a highly decorated master sergeant in the U.S. Air Force for 23 years, providing a welcoming presence ceremonies to honor our returning troops, or fighting for better care for our heroic veterans, Roger was truly a benevolent force of nature who placed a premium on helping others, especially those servicemen and women who have given their all for this land.

Those in our State extraordinary enough to have worn our Nation's uniform never had a better friend or ally than Roger. He carried his tireless compassion, disarming humor, and can-do spirit to the Maine House of Representatives where his impact was felt immediately and where he sought common ground to advance the public good. We owe him an exceptional debt of gratitude for his enduring devotion to his State of Maine which he loved.

His service in the Military, in the State legislature, and as a citizen of Maine forged a legacy that should stand as an inspiration to us all—he will be greatly missed and forever remembered. Roger was a remarkable public servant and a dear friend—I will always cherish having known him. My thoughts and prayers continue to be with his wife Jane, his children/Darrin, Dean, and Dawn, his eight grandchildren, and the entire Landry family

ADDITIONAL STATEMENTS

HONORING RON MIZUTANI

• Mr. AKAKA. Mr. President, today I wish to honor a great storyteller with a passion and deep empathy for the people of Hawaii. After a 20-year career in television journalism, Ron Mizutani announced this week that he will be leaving his post as news anchor and reporter for a top rated Honolulu newscast to pursue interests outside of journalism.

Ron exemplifies Hawaii's melting pot, our diverse human landscape rich with the contributions of unique cultures from around the Pacific and across the globe. His desire to make the islands he grew up in a better place for the future, while cherishing the cultures of old, is well known throughout Hawaii. Drawing on his personal heritage from Asia, Europe, and Hawaii's indigenous peoples, Native Hawaiians, Ron crossed cultural lines and played a major role in bringing the diverse people of Hawaii together into a cohesive unit.

In his writing, Ron was true to the language and style of the islands. A proud graduate of my alma mater, Kamehameha Schools, Ron's colleagues routinely turned to him whenever they needed help with the pronunciation of a Hawaiian word or a greater understanding of traditional practices.

Ron started his career as a sportscaster, and with time and experience moved into news reporting. He is one of the only in-studio anchors that would actually go out, get dirty and cover news in the field on location. As Ron's longtime photographer partner Greg Lau proudly recalls a day when an unusual storm generated high surf along the North-East shores of the islands, topping the beaches and coming into people's homes. Ron put his story second, jumping into the dangerous surf and ruining his clothes to help stack sandbags and salvage what could be saved. That was the part of the story viewers never knew, but colleagues certainly did.

Telling stories about the people, places, and issues facing the islands of Hawaii was Ron's kuleana, or duty. Ron took his kuleana seriously. His work captured the soul of the islands and he came to work every day with a mission to tell his story in a way that was compelling while remaining true to the issues at hand. More importantly, he refused to sensationalize the news.

Ron's storytelling ran the gamut: from entering homeless camps to tell the stories of the real people who had hit hard times amidst the islands' soaring property prices, following a local boy turned New York Mets hitter Benny Agbayani in his big moment in the World Series, the bittersweet celebration of a Native Hawaiian man who got his piece of Hawaiian Homelands after 50 years on a waiting list, to flying to the face of hurricanes to keeping Hawaii residents safe and informed, Ron always went to great lengths to shed light on stories he knew needed to be told.

Mr. President, Ron's contribution to Hawaii's understanding of itself and its people will be sorely missed. We wish him well in his future endeavors.•

TRIBUTE TO COLONEL RUSSELL M. OPLAND

• Mr. BIDEN. Mr. President, today I commend a distinguished public servant, the commander of Delaware Civil Air Patrol, COL Russell M. Opland.

Civil Air Patrol, CAP, is the official auxiliary of the U.S. Air Force, and is comprised entirely of civilian volunteers. It was formed on the shores of Delaware and New Jersey in 1941 to patrol coastal waters for enemy submarines. The wing commander is the senior corporate officer within a CAP Wing and is responsible to the Civil Air Patrol Corporation and to the regional commander for ensuring that corporate objectives, policies, and operational directives are executed within the Wing.

CAP has three missions: cadet programs, emergency services, and aerospace education. The cadet program provides youth, ages 12–21, the opportunity to serve their communities and develop into responsible citizens, inspiring them to become the next generation of pilots, engineers, mechanics, and aviation enthusiasts. As part of the emergency services mission, CAP performs 95 percent of inland aerial search and rescue missions in the continental U.S. CAP volunteers also perform homeland security, disaster relief, and counterdrug missions at the request of Federal, State, and local agencies.

Colonel Opland has led the Delaware Wing of the CAP since August 2003 and will step down on September 8, 2007. He has volunteered an average of 38 hours a week to the people of Delaware and the CAP cadets while still keeping his full time job as chief privacy and information security officer for the University of Pennsylvania Health System.

During his tenure as commander, Colonel Opland earned significant awards and honors including the following: four Exceptional Service Awards, three Meritorious Service Awards, the Gill Robb Wilson Award, No. 2074, Delaware Wing Senior Member of the Year, the Air Force Association, AFA, Award for Outstanding CAP Achievements, "Outstanding" rating as Commander, 2005 Wing Compliance Inspection, and "Outstanding" rating as Incident Commander, 2003 Evaluated SAR/DR exercise.

In addition to his personal awards, Colonel Opland led the Delaware Wing to national recognition. Despite the Wing's small size, Colonel Opland's attention to operational detail and discipline allowed the Delaware Wing to log the most flying hours of any CAP wing in the nation, resulting in the wing receiving three new aircraft. For each of the past four years, Delaware cadets participating in national drill team and/or color guard competitions placed third or higher.

I commend Colonel Opland for his dedication to aerospace education, to helping build young enthusiasts who believe in volunteering, and to the vital aerial missions that help keep Delaware and the Nation more secure. It is the tireless work of citizens like him that make this Nation great.

PROJECT COMPASSION

• Mrs. BOXER. Mr. President, today I honor the work of an organization dedicated to preserving the memory of our service men and women who have died on active duty since the terrorist attacks of September 11, 2001.

Project Compassion has dedicated itself to providing one gallery-quality portrait of every one of these fallen heroes to their designated next of kin at no cost to the family. Project Compassion started in the spring of 2003 in the State of Utah, when a local artist named Kaziah Hancock learned of the death of a fellow Utah resident who was serving in Iraq. She located the soldier's family and painted a free portrait for them as a gift of her appreciation. She then decided to paint as many portraits of our fallen men and women as her personal time and savings would allow. For more than 5 years, she has refused to take a single dollar from anyone who has received a painting.

And in these last 5 years, Project Compassion has never faltered in its mission to provide a tangible "thank-you" to the families of the brave men and women who have fallen in service to our country. That mission has required the addition of four more artists, all of whom dedicate their time to be a part of the effort. In November 2004, Project Compassion teamed up with Marie Woolf, a California-based creative media director, who agreed to manage and publicize the project. She worked to establish crucial relationships with the media, government, and the armed services to fulfill the Project Compassion mission.

All of the military services except for the Army now include Project Compassion information with the standard paperwork personally delivered by casualty officers. However, Project Compassion is one of the Army's few third party organizations approved to contact next of kin who have given their consent to be contacted. Project Compassion is also a member of America Supports You, a Defense Department program connecting citizens and corporations with military personnel and their families serving at home and abroad.

As of July, over 600 portraits have been completed and delivered to the families of our fallen servicemen and women. Project Compassion has earned major international, national, local, and military media recognition of its unusual service, including from CNN, CBS, NBC, and PBS, and it is certainly well-deserved.

Mr. President, the story of Project Compassion is one of which we can all be proud. It is a story of everyday Americans bringing comfort to those who have lost a loved one in uniform. Ms. Hancock has taken her gifts as an artist and used them to honor people she has never met and never known. But she has stated that "These soldiers and their families are our buddies, they are our family as Americans, and we love them." I am proud to honor the work of Project Compassion today.

HONORING HAL POTE

• Mr. BROWN. President, today I pay tribute to the life and legacy of Harold Pote. Hal, the founder and president of the Spina Bifida Foundation, SBF, passed away suddenly on June 26, 2007. My staff and I are deeply saddened by this loss, which is felt not only by his friends and family but by many of us on Capitol Hill. My staff and I first had the pleasure of becoming acquainted with Mr. Pote nearly 6 years ago when he began a campaign to increase congressional awareness of—and the national attention paid to—spina bifida, the Nation's most common, permanently disabling birth defect.

Hal's nephew Gregory was born with spina bifida almost 22 years ago. Spina bifida occurs in the first month of pregnancy when the spinal column does not close completely. In the United States, spina bifida occurs in approximately 7 out of 10,000 live births and currently there are 70,000 men, women, adolescents, and children living with spina bifida. Hal supported his nephew through more than 20 surgeries and was there to share in many wonderful moments, including the moment in 2004 when Gregory carried the Olympic torch. Hal was dedicated to ensuring that Gregory and others living with spina bifida enjoy a high quality of life. He also maintained a steadfast commitment to helping prevent spina bifida by promoting efforts to educate women of childbearing age about the importance of daily consumption of a multivitamin containing folic acid.

Hal joined with a group of colleagues to form the Spina Bifida Foundation in 1999. In its 8 years of existence, the SBF, under Hal's steadfast leadership, made remarkable progress on behalf of the spina bifida community. Not so long ago people born with spina bifida did not live past their teenage years. Thanks to research and outreach enabled in part by Hal's exceptionally effective foundation, many children with spina bifida are now living to be adults and are enjoying a higher quality of life than previous generations.

Hal's achievements go beyond his philanthropy and advocacy on behalf of people with spina bifida. He was born in Penns Grove, NJ, in 1946 and received his bachelor's degree in economics from Princeton in 1968, and his M.B.A. from Harvard Business School in 1972. In 1984, at the age of 37, he was named chairman and CEO of Fidelity Bank. Hal left Fidelity in 1989 and that same year co-founded the PFR, a private real estate group, which was later acquired by Prologis. In 1993, Hal cofounded the Beacon Group, a Manhattan-based investment partnership later acquired by Chase Manhattan. He led Chase's regional banking group and after that bank merged with JP Morgan he became chairman of retail financial services for JP Morgan Chase. After retiring from JP Morgan Chase, Hal returned to Philadelphia in 2006 to serve as CEO of the American Financial Realty Trust.

Hal Pote's sudden death is a tragedy. Yet his life was a triumph. I offer my heartfelt condolences to his family—his wife Linda Johnson, his mother Lucille Bock Pote, his two brothers Frank and Corey Pote, and his nephews.

I ask my colleagues to join me in celebrating the life and honoring the many achievements of this extraordinary man.

TRIBUTE TO BRADLEY BUTLER

• Mr. BUNNING. Mr. President, today I pay tribute to Bradley Butler of Paducah, KY, for his accomplishments in the 2007 SkillsUSA State Competition.

SkillsUSA is a national partnership of students, teachers and industry, working together to ensure America has a skilled workforce. SkillsUSA chapters help students who are preparing for careers in technical, skilled and service occupations excel. Formerly known as VICA, Vocational Industrial Clubs of America, SkillsUSA has more than 280,000 students and instructors as members annually.

Mr. Butler, a student at Paducah Area Technology Center and a junior at Paducah Tilghman High School, completed this competition as a gold medalist with a first place finish in related technical math. His success serves as an inspiration for his peers to achieve academically and give back to society.

I now ask my fellow colleagues to join me in congratulating Mr. Butler for his remarkable achievement and commitment to his education.

TRIBUTE TO MAYSVILLE COMMUNITY AND TECHNICAL COLLEGE

• Mr. BUNNING. Mr. President, today I pay tribute to the faculty and staff of Maysville Community and Technical College for their efforts in promoting student engagement, service learning, and community service.

Maysville Community and Technical College is an exceptional venue for Kentucky students wishing to continue their education. M.C.T.C. offers several degree, diploma, and certificate programs to the surrounding region. They also offer several opportunities through the Kentucky Virtual University and degree programs in association with Morehead State University, Lindsey Wilson College, Midway College, and Northern Kentucky University.

This year, Maysville Community and Technical College is working to increase levels of student engagement by promoting organized service activities and community-based partnerships in order to provide a valuable learning experience for its students. This initiative teaches students essential civic responsibility and critical networking skills, while improving the local community.

I now ask my fellow colleagues to join me in congratulating the Maysville Community and Technical College for creating a solid foundation for the future of Kentucky and the United States.

TRIBUTE TO ALLEN THOMPSON

• Mr. BUNNING. Mr. President, today I pay tribute to Allen Thompson of Hickory, KY, for his accomplishments in the 2007 SkillsUSA State Competition.

SkillsUSA is a national partnership of students, teachers and industry, working together to ensure America has a skilled workforce. SkillsUSA chapters help students who are preparing for careers in technical, skilled and service occupations excel. Formerly known as VICA, Vocational Industrial Clubs of America, SkillsUSA has more than 280,000 students and instructors as members annually.

Mr. Thompson, a student at Paducah Area Technology Center and a senior at Graves County High School, completed this competition as a gold medalist with a first place finish in board drafting. His success serves as an inspiration for his peers to achieve academically and give back to society.

I now ask my fellow colleagues to join me in congratulating Mr. Thompson for his remarkable achievement and commitment to his education.

RECOGNIZING ROGER MADSEN

• Mr. CRAPO. Mr. President, I would like to recognize an Idahoan who since 1995 has served four Idaho Governors as director of the Idaho Department of Labor and twice served as interim executive director of the Idaho Commission on the Arts. He also served as an Idaho assistant attorney general and as an Idaho State senator for 4 years. After 12 years, Roger Madsen is among the longest-serving State employment agency directors in the Nation, and he is my friend.

Roger has been a tireless volunteer for the betterment of his community and State. The list of his activities and leadership is long and prestigious. Roger has served as: delegate to the White House Conference on Families; chair of the Governor's task force on unemployment insurance; vice chair of the Multiple Sclerosis Society; chair of the mayor's citizen's advisory panel on public housing; chair of the Governor's advisory council on worker's compensation; member of the job training and workforce development councils; member of the TechHelp science advisory board and the Governor's rural economic development committee; chair of the Idaho State Employee's United Way Campaign; cochair of Idaho Rural Partnership; and, cochair of the "Katrina Evacuee Resettlement" effort in Idaho.

Without hesitation and despite his weighty workload, Roger twice agreed to guide the Idaho Commission on the Arts through difficult periods and did so in an inimitable manner, with much gratitude on behalf of the staff and arts community. Additionally, he served as the interim director of the Idaho Disability Determination Services.

In 2005, the Idaho Department of Commerce and Labor received the William J. Harris Equal Opportunity Award for its "commitment to intensifying assistance to minorities and ensuring those new to the State receive the same quality service as longtime Idaho residents." The annual award honors a work force agency administrator and the agency's equal opportunity officer for outstanding accomplishments. Under Madsen's leadership, the department increased its bilingual staff, doubled the number of female managers in local offices, increased the number of employees with disabilities and launched new programs such as special job search workshops in Spanish.

In June 2007, the International Association of Workforce Professionals named Director Roger Madsen as its Administrator of the Year for his leadership in economic and work force development in 2006, when average wages rose 5.6 percent and Idaho's growth in real gross state product led the Nation.

I recognize and commend Roger for his continued efforts and accomplishments on behalf of all of the citizens of Idaho. He is a great advocate for Idaho and I look forward to continuing to work with him on issues important to Idahoans.

NATIVE AMERICAN STUDENT ART COMPETITION

• Mr. DOMENICI. Mr. President, I would like to recognize three students from New Mexico who entered and were recognized in the Education: A Gift Without Boundaries, 2007 Native American Student Art Competition sponsored by the U.S. Department of Education, Office of Indian Education. There were almost 1,400 entries from 34 States in 6 events divided by age.

Native Americans put a very strong emphasis on their culture and in particular, art. Even though the art may be different from tribe to tribe, the universal importance of art is seen in the number of entrants and from the diverse geographic areas that they come from. The number of entrants also speaks to the immense support from teachers and parents in the Native American communities.

Deidra Lee, an eighth grader from Ceeditai Middle School, won first place in the sixth- to eighth-grade division; Robert Francis, a 10th grader from Grants High School, won third place in the 9th–10th grade division; and Michael Curly, a 10th grader from Pine Hill School, won first place in the 11th–12th grade division. I ask that all three of these students be recognized for their accomplishments in the arts. These New Mexicans demonstrated a clear understanding of the importance of academic, cultural, and artistic education.•

TRIBUTE TO ROXCY O'NEAL BOLTON

• Mr. MARTINEZ. Mr. President, today I wish to commend the service and acts of South Florida's Roxcy O'Neal Bolton. She has made many contributions to women and society both locally and nationally. While she was born in Mississippi in 1926, Roxcy Bolton has made her mark in Florida over many long decades as a leading supporter of women's rights.

Mrs. Bolton has been the founder of many Florida organizations which have helped women. While a strong advocate of increasing opportunities for women in society, she still proudly embraced marriage and family life.

Married to a U.S. Navy commander named David Bolton—now deceased—

they had three children together. In her life she has been an active wife, mother, and homemaker—all while supporting rights for women in Florida and beyond. Her good acts are well known.

A leading defender of, and advocate for, women who have been abused or suffered through domestic violence, Mrs. Bolton founded a nonprofit agency that provides rescue service, assistance to women in personal crisis, and emergency housing. This agency started after she personally took in four children and several women who were in situations of personal distress. I believe that is the definition of service—but it is just one example of Mrs. Bolton's kindness and vision.

At Jackson Memorial Hospital in Miami, she worked to establish one of the country's first rape treatment centers. Providing services and support over the decades to children, adolescents, and adult victims of sexual assault, the Roxcy Bolton Rape Treatment Center has helped more than 42,000 people and their families; and importantly, these services are provided at no cost to the victim.

Today, Roxcy Bolton is still caring for the women of Florida and remains dedicated to the rights of women everywhere. Through her dedicated work, she has lived a life of purpose. I am glad that we can call her one of Florida's own.

COMMENDING ANTHONY BURRUTO

• Mr. MARTINEZ. Mr. President, I rise today to commend a talented and courageous young American named Anthony Burruto. A rising seventh-grade student at Southwest Middle School in Orlando and a pitcher and first baseman for a Dr. Phillips Little League baseball team known as the Yankees, Anthony lives a fairly ordinary life; it is just that he is a rather extraordinary young man. Born without a fibula in his right leg or a shinbone in his left, he had his lower legs amputated as a baby. At the time, Anthony and his family were informed that surgery might one day make it possible for him to walk. Anthony, now 12, decided that walking would not be enough for him.

He started playing baseball nearly 5 years ago; hitting his first home run last November; he just recently finished the spring season with five—two of them Grand Slams. Amongst the league leaders in home runs for the spring season, Anthony has been an inspiration to everyone—his teammates, his opponents, the coaches, parents, and fans alike. Using two titanium and carbon-fiber prostheses, Anthony moves around well; be it on the baseball diamond or while playing baritone with his school's band, he embraces with confidence all of his opportunities.

In an Orlando Sentinel story written about Anthony, published earlier this year, one of his teammates was quoted as saying, "He's always the one who gets everybody up in the dugout . . . He always sticks up for everybody when they have a problem." For a child who was born 2 months premature and weighed just a little more than 3 pounds, the aforementioned says much about his character and personality.

While Anthony and his parents Vinny and Diane long lived in New York, they have now been living in Orlando for the past 2 years. I am certainly proud to call them Floridians. The Burrutos have been very supportive of their only child; their love and devotion have certainly helped this talented young man to shine even more brightly. The Orlando community has also given great support to Anthony. As an Orlando resident, I have yet another reason to be thankful that my family and I call Orlando home.

There are now other people who have been picking up on the rising star that is Anthony Burruto. For instance, earlier this season when Major League Baseball's Tampa Bay Devil Rays hosted a three-game "home stand" at Disney's Wide World of Sports Complex in Orlando—the first regular season major league games ever played in the Orlando area—Anthony was asked to throw out the first pitch of the first game. On this momentous occasion, Anthony threw a strike. Additionally, the Devil Rays won.

The accolades continue to come. Right before the official start of summer, Anthony learned that he had made the Dr. Phillips Little League All-Star team—yet another incredible accomplishment for an impressive young man. His mother reports that he and his team did really well. And as further proof of Anthony's inspiring story, there was even a film crew from This Week in Baseball following him during part of his All-Star run.

Though given all of this praise, Anthony might respond much as he did in that Sentinel article. Commenting on "able-bodied adults who say he's remarkable or inspirational," Anthony's response was, "You just see things differently. To me, it's normal." This can-do attitude has brought Anthony many admirers at an early age—and I have every reason to believe that this young man will continue to inspire and succeed in ever bigger ways. I commend Anthony for his hard work, attitude, and approach to living. I encourage Anthony to keep swinging for the fences—he has already proven that he can knock the ball out of the park. On and off the diamond, we all know that Anthony Burruto is an All-Star.•

HONORING WANDA A. BROWN

• Mrs. McCASKILL. Mr. President, I ask the Senate to join me today in congratulating Wanda A. Brown of Harrisonville, MO. Wanda has devoted her life to community journalism and community service. The Missouri Associated Press will induct Wanda into the Missouri Press Hall of Fame on September 7, 2007.

Wanda began her career in journalism in 1946 as copublisher of the Willow Springs News with her late husband J.W. Brown, Jr. With their purchase of the Harrisonville Democrat-Missourian in 1955, they were able to form the Cass County Publishing Company. Under Wanda's guidance as business manager, Cass County Publishing Company operated many of western Missouri's important publications including the Cass County Democrat-Missourian, Lee's Summit Journal, Belton Star Herald, Bates County Democrat and the Lawrence County Record. Wanda retired from publishing in 1985 after working in community journalism for 30 years.

The State of Missouri has benefited not only from Wanda's prolific career in journalism but also from her dedication to public service and philanthropy. Two generations of Cass County residents have known Wanda as the author of "Wanda's Favorite Recipes" which is a weekly column in the Democrat-Missourian. Wanda then turned these columns into two cookbooks. Proceeds from the first cookbook were donated to a local theater group, the Way Off Broadway Players, and from the second book to the Cass Medical Center Foundation.

The town of Harrisonville and the State of Missouri have been lucky to have Wanda as one of its prominent citizens, awarding her with honors such as the Harrisonville Area Chamber of Commerce President's Award and the Missouri Merit Mother of the Year Award.

Mr. President, I ask that the Senate join me in honoring Wanda A. Brown for her decades of dedicated service to the citizens of Missouri. We congratulate Wanda on her induction into the Missouri Press Hall of Fame.

IN HONOR OF PHYLLIS DUNN

• Mr. NELSON of Nebraska. Mr. President, today I celebrate the life of a beautiful Nebraskan on her 80th birthday.

Phyllis Schroeder Dunn was born on August 18, 1927, in Grand Island, NE. She has called Grand Island her home ever since.

With some help from her late husband Joseph Dunn, she gave birth to nine children, all at St. Francis Medical Center in Grand Island. A graduate of the St. Francis School of Nursing, her career as an emergency and operating room nurse spanned 5 decades.

Even as Phyllis Dunn celebrates her 80th birthday, she remains very active and is heavily involved in St. Leo's Catholic Church, her weekly quilting group at St. Mary's Cathedral, and following the exploits of her 16 grandchildren and 2 great-grandchildren.

Her story is typical of lifelong Nebraskans who are known for living long, healthy, happy and productive lives.

Nebraska is famous for being an agriculture state that helps feed the world but it is the people of Nebraska, like Phyllis Dunn, who are its heart and soul.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 5:34 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following bills:

S. 1. An act to provide greater transparency in the legislative process.

S. 375. An act to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes.

S. 975. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 1099. An act to amend chapter 89 of title 5, United States Code; to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance.

S. 1716. An act to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

H.R. 3206. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 15, 2007, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 6:50 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3311. An act to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

At 8:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3161. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 31. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects; to the Committee on Energy and Natural Resources.

H.R. 176. To authorize the establishment of educational exchange and development programs for member countries of the Caribbean Community (CARICOM); to the Committee on Foreign Relations.

H.R. 180. An act to require the identification of companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 660. An act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; to the Committee on the Judiciary.

H.R. 673. An act to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes; to the Committee on Indian Affairs.

H.R. 735. An act to designate the Federal building under construction at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building"; to the Committee on Environment and Public Works.

H.R. 957. An act to amend the Iran Sanctions Act of 1996 to expand and clarify the entities against which sanctions may be imposed; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 986. An act to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1315. An act to amend title 38, United States Code, to make certain improvements in the benefits provided to veterans under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1696. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo tribe to determine blood quantum requirement for membership in that Tribe; to the Committee on Indian Affairs.

H.R. 1700. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

H.R. 2107. An act to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2120. An act to direct the Secretary of the Interior to proclaim as reservation for the benefit of the Sault Ste. Marie Tribe of Chippewa Indians a parcel of land now held in trust by the United States for that Indian tribe; to the Committee on Indian Affairs.

H.R. 2347. An act to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, companies that sell arms to the Government of Iran, and financial institutions that extend $20,000,000 or more in credit to the Government of Iran for 45 days or more, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2623. An act to amend title 38, United States Code, to prohibit the collection of copayments for all hospice care furnished by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 2707. An act to reauthorize the Underground Railroad Educational and Cultural Program; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2722. An act to restructure the Coast Guard Integrated Deepwater Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2750. To require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2765. An act to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the "Master Sergeant Sean Michael Thomas Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2874. An act to amend title 38, United States Code, to make certain improvements in the provision of health care to veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2963. An act to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes; to the Committee on Indian Affairs.

H.R. 3067. An act to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3095. An act to amend the Adam Walsh Child Protection and Safety Act of 2006 to modify a deadline relating to a certain election by Indian tribes; to the Committee on the Judiciary.

H.R. 3123. An act to extend the designation of Liberia under section 244 of the Immigration and Nationality Act so that Liberians can continue to be eligible for temporary protected status under that section; to the Committee on the Judiciary.

H.R. 3159. An act to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom; to the Committee on Armed Services.

H.R. 3184. An act to authorize the Secretary of Agriculture to carry out a competitive grant program for the Puget Sound area to provide comprehensive conservation planning to address water quality; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3248. An act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; to the Committee on Environment and Public Works.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 49. Concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courage and sacrifice on behalf of the United States; to the Committee on Armed Services.

H. Con. Res. 136. Concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically-elected officials of Taiwan; to the Committee on Foreign Relations.

H. Con. Res. 143. Concurrent resolution honoring National Historic Landmarks; to the Committee on Energy and Natural Resources.

H. Con. Res. 188. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1974. A bill to make technical corrections related to the Pension Protection Act of 2006.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1361. An act to improve the disaster relief programs of the Small Business Administration, and for other purposes.

H.R. 3161. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 3, 2007, she had presented to the President of the United States the following enrolled bills:

S. 375. An act to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes.

S. 975. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 1099. An act to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance.

S. 1716. An act to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2789. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports necessary to support the operation of a greenfield petrochemical plant in Saudi Arabia; to the Committee on Banking, Housing, and Urban Affairs.

EC–2790. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the disability-related complaints that air carriers operating within the United States received during calendar year 2006; to the Committee on Commerce, Science, and Transportation.

EC–2791. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenazaquin, 4-tert-butylphenethyl Quinazolin-4-yl Ether; Pesticide Import Tolerance" (FRL No. 8141–3) received on August 2, 2007; to the Committee on Environment and Public Works.

EC–2792. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Agency's server and data center energy efficiency; to the Committee on Environment and Public Works.

EC–2793. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "AJCA Modifications to the Section 6112 Regulations" ((RIN1545–BE28) (TD 9352)) received on August 2, 2007; to the Committee on Finance.

EC–2794. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "AJCA Modifications to the Section 6111 Regulations" ((RIN1545–BE26) (TD 9351)) received on August 2, 2007; to the Committee on Finance.

EC–2795. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "AJCA Modifications to the Section 6011 Regulations" ((RIN1545–BE24) (TD 9350)) received on August 2, 2007; to the Committee on Finance.

EC–2796. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Severance of a Trust for Generation-Skipping Transfer Tax Purposes" ((RIN1545–BC50) (TD 9348)) received on August 2, 2007; to the Committee on Finance.

EC–2797. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–153—2007–160); to the Committee on Foreign Relations.

EC–2798. A communication from the Chief, Regulatory Management Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Temporary Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule for Certain Adjustment of Status and Related Applications" (RIN1615–AB60) received on August 2, 2007; to the Committee on the Judiciary.

EC–2799. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, a report entitled "Report of the Proceedings of the Judicial Conference of the United States for the March 2007 Session"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs:

Special Report entitled "Legislative and Oversight Activities During the 109th Congress by the Senate Committee on Veterans' Affairs" (Rept. No. 110–141).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 428. A bill to amend the Wireless Communications and Public Safety Act of 1999, and for other purposes (Rept. No. 110–142).

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 1163. A bill to amend title 38, United States Code, to improve compensation and specially adapted housing for veterans in certain cases of impairment of vision involving both eyes, and to provide for the use of the National Directory of New Hires for income verification purposes (Rept. No. 110–143).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1300. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to modernize the air traffic control system, and for other purposes (Rept. No. 110–144).

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship:

Special Report entitled "Summary of Legislative and Oversight Activities During the 109th Congress" (Rept. No. 110–145).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 898. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1183. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Rosa Emilia Rodriguez-Velez, of Puerto Rico, to be United States Attorney for the District of Puerto Rico for the term of 4 years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

EXECUTIVE FINANCIAL DISCLOSURE REPORT

Mark Green, of Wisconsin, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania:

Nominee: Mark Green.

Post: Ambassador to Tanzania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Susan Green, none.
3. Children: Rachel Green, none; Anna Green, none; Alex Green, none.
4. Parents: Jeremy Green, none; Elizabeth Green, $43, 5/27/2003, Green for Congress; $100, 12/12/2003, Green for Congress; $50, 12/15/2003, Green for Congress; $50, 12/16/2004, Green for Congress.
5. Grandparents: Frank Green, deceased; Ruth Green, deceased; Ernest Sidney Roome, deceased; Mary Olive Roome, Deceased.
6. Brothers and spouses: Adam Green, none; Karin Green, none; Chris Green, $100, 5/10/2007, Tommy Thompson for President; Heidi Green, $100, 5/26/2004, Green for Congress.
7. Green for Congress, $500, 4/1/2003, Gingrey for Congress; $500, 4/1/2003, Renzi for Congress; $500, 4/1/2003, Chocola for Congress; $500, 4/1/2003, Burns for Congress; $500, 4/1/2003, Gerlach for Congress; $2,000, 10/1/2003, Bush/Cheney '04; $1,000, 12/22/2003, Alice Forgy Kerr for Congress; $1,000, 10/8/2004, Wohlgemuth for Congress; $12,000, 10/8/2004, National Republican Congressional Committee (NRCC); $13,000, 10/8/2004, National Republican Congressional Committee (NRCC); $12,000, 10/27/2004, National Republican Congressional Committee (NRCC).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLARD (for himself and Mr. REED):

S. 1985. A bill to improve access of senior homeowners to capital; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 1986. A bill to authorize the Secretary of Treasury to prescribe the weights and the compositions of circulating coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself, Mr. KERRY, Mrs. CLINTON, Mr. LEVIN, Ms. MIKULSKI, Mrs. MCCASKILL, and Ms. CANTWELL):

S. 1987. A bill to amend the Internal Revenue Code of 1986 to provide for alternative motor vehicle facility bonds; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. SMITH, Ms. KLOBUCHAR, and Mr. LIEBERMAN):

S. 1988. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Finance.

By Mr. OBAMA:

S. 1989. A bill to provide a mechanism for the determination on the merits of the claims of claimants who met the class criteria in a civil action relating to racial discrimination by the Department of Agriculture but who were denied that determination; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. INOUYE, and Mr. SANDERS):

S. 1990. A bill to amend part D of title III of the Public Health Service Act to authorize grants and loan guarantees for health centers to enable the centers to fund capital needs projects, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BUNNING:

S. 1991. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MCCASKILL:

S. 1992. A bill to preserve the recall rights of airline employees, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 1993. A bill to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself, Mr. ROBERTS, Mrs. FEINSTEIN, and Mr. CRAPO):

S. 1994. A bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax; to the Committee on Finance.

By Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. TESTER, Mr. ISAKSON, and Mr. BURR):

S. 1995. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. BURR, and Mrs. MURRAY):

S. 1996. A bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes; to the Committee on Health , Education, Labor, and Pensions.

By Mrs. MCCASKILL:

S. 1997. A bill to require all new and upgraded fuel pumps to be equipped with automatic temperature compensation equipment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself, Mr. HAGEL, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. DODD, Mrs. MURRAY, and Mr. JOHNSON):

S. 1998. A bill to reduce child marriage, and for other purposes; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Mr. HAGEL, Mr. DOMENICI, and Mr. OBAMA):

S. 1999. A bill to provide for the establishment of a Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries, and for other purposes; to the Committee on Armed Services.

By Mr. DODD (by request):

S. 2000. A bill to amend and extend the Export Administration Act of 1979 and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN (for himself, Ms. LANDRIEU, and Mr. COLEMAN):

S. 2001. A bill to amend the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. SALAZAR, Mr. SMITH, and Mr. KERRY):

S. 2002. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. WARNER, and Mr. VOINOVICH):

S. 2003. A bill to facilitate the part-time reemployment of annuitants, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. MURRAY (for herself and Mr. CRAIG):

S. 2004. A bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. CLINTON (for herself, Mr. SANDERS, and Mrs. MURRAY):

S. 2005. A bill to amend the Public Health Service Act to provide education on the health consequences of exposure to secondhand smoke, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 2006. A bill to provide for disaster assistance for power transmission and distribution facilities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HARKIN:

S. 2007. A bill to amend part B of title XVIII of the Social Security Act to provide a floor of 1.0 for the practice expense and for the work expense geographic practice cost indices (GPCI) under the Medicare Program; to the Committee on Finance.

By Ms. LANDRIEU:

S. 2008. A bill to reform the single family housing loan guarantee program under the Housing Act of 1949; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself and Mr. COLEMAN):

S. 2009. A bill to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN:

S. 2010. A bill to require prisons and other detention facilities holding Federal prisoners or detainees under a contract with the Federal Government to make the same information available to the public that Federal prisons and detention facilities are required to do by law; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. ROCKEFELLER):

S. 2011. A bill entitled "The Protect America Act of 2007"; read twice.

By Mr. THUNE:

S. 2012. A bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to extend the period of emergency financial assistance to certain individuals and entities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2013. A bill to initially apply the required use of tamper-resistant prescription pads under the Medicaid Program to schedule II narcotic drugs and to delay the application of the requirement to other prescription drugs for 18 months; to the Committee on Finance.

By Mr. BROWN (for himself, Mrs. CLINTON, and Mr. SANDERS):

S. 2014. A bill to provide for statewide longitudinal data systems to improve elementary and secondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL:

S. 2015. A bill to increase the economic pressure on terror sponsoring states, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STEVENS (for himself, Mr. INOUYE, Ms. CANTWELL, Ms. SNOWE, Ms. MURKOWSKI, Mr. SUNUNU, Mr. COCHRAN, Mr. KERRY, Ms. COLLINS, Mrs. MURRAY, and Mrs. BOXER):

S.J. Res. 17. A joint resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself and Mr. CORNYN):

S. Res. 299. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Ms. SNOWE, and Mr. OBAMA):

S. Res. 300. A resolution expressing the sense of the Senate that the Former Yugoslav Republic of Macedonia (FYROM) should stop the utilization of materials that violate provisions of the United Nations-brokered Interim Agreement between FYROM and Greece regarding "hostile activities or propaganda" and should work with the United Nations and Greece to achieve longstanding United States and United Nations policy goals of finding a mutually-acceptable official name for FYROM; to the Committee on Foreign Relations.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. Res. 301. A resolution recognizing the 50th anniversary of the desegregation of Little Rock Central High School, one of the most significant events in the American civil rights movement; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. HARKIN, and Mrs. BOXER):

S. Res. 302. A resolution censuring the President and Vice President; to the Committee on Foreign Relations.

By Mr. FEINGOLD (for himself and Mr. HARKIN):

S. Res. 303. A resolution censuring the President and the Attorney General; to the Committee on the Judiciary.

By Mr. SUNUNU (for himself and Mr. GREGG):

S. Res. 304. A resolution congratulating Charles Simic on being named the 15th Poet Laureate of the United States of America by the Library of Congress; considered and agreed to.

By Mr. SPECTER (for himself, Mr. HARKIN, and Mr. LAUTENBERG):

S. Res. 305. A resolution to express the sense of the Senate regarding the Medicare national coverage determination on the treatment of anemia in cancer patients; to the Committee on Finance.

By Mr. REID:

S. Con. Res. 43. A concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS

S. 399

At the request of Mr. BUNNING, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 402

At the request of Mrs. LINCOLN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 402, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 431

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 456

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 558

At the request of Mr. CORKER, his name was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

At the request of Mr. KENNEDY, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 558, supra.

S. 576

At the request of Mr. OBAMA, his name was added as a cosponsor of S. 576, a bill to provide for the effective prosecution of terrorists and guarantee due process rights.

S. 580

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 580, a bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes.

S. 600

At the request of Mr. SMITH, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 771

At the request of Mr. HARKIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 775

At the request of Mr. CARPER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 775, a bill to establish a National Commission on the Infrastructure of the United States.

S. 791

At the request of Mr. DURBIN, his name was added as a cosponsor of S.

791, a bill to establish a collaborative program to protect the Great Lakes, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 814

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 970

At the request of Mr. SMITH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 1015

At the request of Mr. COCHRAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1015, a bill to reauthorize the National Writing Project.

S. 1160

At the request of Ms. STABENOW, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1160, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1196

At the request of Mr. LIEBERMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1196, a bill to improve mental health care for wounded members of the Armed Forces, and for other purposes.

S. 1259

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1338

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1356

At the request of Mr. BROWN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1356, a bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

S. 1390

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1390, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1545

At the request of Mr. ALEXANDER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1545, a bill to implement the recommendations of the Iraq Study Group.

S. 1572

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1572, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1628

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1628, a bill to amend the Public Health Service Act to authorize programs to increase the number of nurse faculty and to increase the domestic nursing and physical therapy workforce, and for other purposes.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1651

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 1651, a bill to assist certain Iraqis who have worked directly with, or are threatened by their association with, the United States, and for other purposes.

S. 1669

At the request of Ms. STABENOW, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1669, a bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program (SCHIP) for covered items and services furnished by school-based health clinics.

S. 1730

At the request of Mr. SMITH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1730, a bill to amend part A of title IV of the Social Security Act, to reward States for engaging individuals with disabilities in work activities, and for other purposes.

S. 1744

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1744, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 1755

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1755, a bill to amend the Richard B.

Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State.

S. 1795

At the request of Mr. KENNEDY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1795, a bill to improve access to workers' compensation programs for injured Federal employees.

S. 1823

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1823, a bill to set the United States on track to ensure children are ready to learn when they begin kindergarten.

S. 1825

At the request of Mr. WEBB, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1825, a bill to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1895

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1898

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1898, a bill to amend the Family and Medical Leave Act of 1993 to expand family and medical leave for spouses, sons, daughters, and parents of servicemembers with combat-related injuries.

S. 1934

At the request of Mr. CARDIN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1934, a bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2012, and for other purposes.

S. 1953

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1953, a bill to amend the Agricultural Manufacturing Act of 1946 to require labeling of raw agricultural forms of ginseng, including the country of harvest, and for other purposes.

S. 1963

At the request of Mr. ROCKEFELLER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1963, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 1970

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1970, a bill to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.

S. 1975

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1975, a bill to expand family and medical leave in support of servicemembers with combat-related injuries.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

S. RES. 269

At the request of Mr. LAUTENBERG, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Res. 269, a resolution expressing the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of former United States Representative Barbara Jordan.

S. RES. 296

At the request of Mr. STEVENS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 296, a resolution designating September 2007 as "National Youth Court Month".

AMENDMENT NO. 2063

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 2063 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2125

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2125 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2208

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 2208 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2647

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. CARDIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 2647 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself, Mr. INOUYE, and Mr. SANDERS):

S. 1990. A bill to amend part D of title III of the Public Health Service Act to authorize grants and loan guarantees for health centers to enable the centers to fund capital needs projects, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, today I rise with Senators INOUYE and SANDERS to introduce a very important bill—the Build, Update, Improve, Lift, and Design Health Centers Act of 2007. Also known as the BUILD Act, this legislation would provide building grants and loan guarantees to community health centers qualified under Section 330 of the Public Health Service Act.

This widely-needed source of funding would be used for clinic renovation, replacement, modernization, and/or expansion in order to support community health centers in their on-going efforts to deliver high-quality health care in medically underserved areas.

Research from the National Association of Community Health Centers and the Robert Graham Center indicates that there are 56 million Americans that do not have access to a primary care provider, regardless of insurance. Another 45 million Americans lack health insurance or the funds to pay out-of-pocket for their basic health care needs. This means that more than 100 million Americans do not get the medical treatment they need each year.

Established over 40 years ago, community health centers are the backbone of America's health care safety net. Encompassing a network of over 1,000 centers, they provide much needed care to nearly 16 million people each year, including one in five children. 40 percent of health center patients are uninsured while Medicaid and CHIP cover approximately 36 percent. More than 70 percent of patients live in poverty. The average annual cost per patient is small, roughly $1.25 per day. However, the benefits of community health centers are great. People in areas served by these clinics are less likely to use emergency room services and have unmet health care needs. Without these centers, many people, particularly those in rural areas, would have nowhere to turn.

Clearly, our Nation's health centers bring health care to those in need, but these health centers are in need as well. Renovation and modernization are important to keep these buildings intact and up-to-date. According to the National Association of Community Health Centers, 30 percent of the buildings are more than 30 years old and 12 percent are more than 50 years old. Narrow operating margins, however, mean that most health centers do not have the resources necessary to pay for the capital improvements or new facilities needed to continue providing effective health care.

In recent years, the President and the Senate have supported dramatic increases in funding to create a number of new community health centers. However, there has been no corresponding commitment to address the desperate need for renovation and modernization of the older centers.

Currently, the Federal Government has no authority to provide grants or loan guarantees to address the building and capacity needs of existing community health centers. The BUILD Act provides such authority and, in doing so, supports the ability of these clinics to continue offering high quality, cost-effective care now and into the future.

I urge my colleagues to join me in support of this critical legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Build, Update, Improve, Lift, and Design Health Centers Act of 2007" or the "BUILD Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Many health care experts believe that lack of access to basic health services is our Nation's single most pressing health care problem. There are 56,000,000 Americans that do not have access to a primary care provider, whether they have health insurance or not. In addition, more than 45,000,000 Americans lack health insurance and have difficulty accessing care due to the inability to pay for such care.

(2) Health centers, including community health centers, migrant health centers, health centers for the homeless, and public housing health centers, address the health care access problem by providing primary care services in thousands of rural and urban medically-underserved communities throughout the United States.

(3) Health centers provide basic health care services to 16,000,000 Americans each year, including nearly 9,500,000 minorities, 850,000 farmworkers, and 750,000 homeless individuals. One in five children from low-income families receives care through health centers.

(4) Studies show that health centers provide high-quality and cost-effective health care. The average yearly cost for a health center patient is approximately $1.25 per day.

(5) One of the most effective ways to address America's health care access problem is by dramatically expanding access to health centers, as both the Senate and the President have proposed.

(6) Many existing health centers operate in facilities that desperately need renovation or modernization. Thirty percent of health centers are located in buildings that are more than 30 years old, with 12 percent of such centers operating out of facilities that are more than 50 years old. In a survey of health centers in 11 States, 2/3 of those centers identified a need to improve, expand, or replace their current facility. An extrapolation based on this survey indicates there may be as much as $2,200,000,000 in unmet capital needs in our Nation's health centers.

(7) Dramatically increasing access to health centers requires building new facilities in communities that have access problems and lack a health center.

(8) Health centers often do not have the means to pay for capital improvements or new facilities. While most health centers raise some funds through private donations, it is difficult to raise sufficient amounts for capital needs without a middle-upper-class donor base similar to other nonprofit organizations like universities and hospitals.

(9) Health centers have a limited ability to support loan payments. Due to an increasing number of uninsured patients and the fact that many health care reimbursements are less than the cost of care, health centers rarely have more than minimal positive operating margins. Yet lenders are rarely willing to take risks on nonprofit organizations without these positive margins.

(10) While the Federal Government currently provides grants to health centers to assist with operational expenses used to provide care to a medically underserved population, there is no authority to provide grants to assist health centers to meet capital needs, such as construction of new facilities or modernization, expansion, or replacement of existing buildings.

(11) To assist health centers with their mission of providing health care to the medically underserved, the Federal Government should supplement local efforts to meet the capital needs of health centers.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) HEALTH CARE FACILITY GRANTS AND LOAN GUARANTEES.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

"SEC. 330R. HEALTH CARE FACILITY GRANTS AND LOAN GUARANTEES.

"(a) ELIGIBLE HEALTH CENTER DEFINED.—In this section, the term 'eligible health center' means a health center that receives—

"(1) a grant, on or after the date of enactment of this section, under subsection (c)(1)(A), (e)(1)(A), (e)(1)(B), (f), (g), (h), or (i) of section 330; or

"(2) a subgrant, on or after the date of enactment of this section, from a grant awarded under such provision of law.

"(b) GRANT PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary may award grants to eligible health centers to pay for the costs described in paragraph (2).

"(2) USE OF FUNDS.—An eligible health center that receives a grant under paragraph (1) may use the grant funds to—

"(A) modernize, expand, and replace existing facilities at such center; and

"(B) construct new facilities at such center.

"(3) LIMITATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Federal share of a grant awarded under paragraph (1) to expand an existing, or construct a new, facility shall not exceed 90 percent of the total cost of the project (including interest payments) proposed by the eligible health center.

"(B) EXCEPTION.—The Federal share maximum under subparagraph (A) shall not apply if—

"(i) the total cost of the project proposed by the eligible health center is less than $750,000; or

"(ii) the Secretary waives such maximum upon a showing of good cause.

"(c) FACILITY LOAN GUARANTEES.—

"(1) IN GENERAL.—

"(A) IN GENERAL.—The Secretary shall establish a program under which the Secretary may guarantee not less than 90 percent of the principal and interest on the total amount of loans made to an eligible health center by non-Federal lenders in order to pay for the costs associated with a capital needs project described in subparagraph (B).

"(B) PROJECTS.—Capital needs projects under this subsection include—

"(i)(I) acquiring, leasing, modernizing, expanding, or replacing existing facilities;

"(II) constructing new facilities; or

"(III) purchasing or leasing equipment; or

"(ii) the costs of refinancing loans made for any of the projects described in clause (i).

"(C) NOT A FEDERAL SUBSIDY.—Any loan guarantee issued pursuant to this subsection shall not be deemed a Federal subsidy for any other purpose.

"(2) AUTHORITY FOR LOAN GUARANTEE PROGRAM.—With respect to the program established under paragraph (1), the Secretary shall assume such authority—

"(A) as the Secretary has under paragraphs (2) and (4) of section 330; and

"(B) under section 1620 as the Secretary determines is necessary and appropriate.

"(3) HEALTH CENTER PROJECT APPLICATIONS.—The Secretary shall require that all applicants for grants and loans under this section—

"(A) comply with the conditions set forth in section 1621, as in effect on the date of enactment of this section, with respect to activities authorized for assistance under subsections (b)(2) and (c)(1)(B) in the same manner that applicants for loans, loan guarantees, or grants for medical facilities projects under such section are required to comply with such conditions, unless such conditions are, by their terms, otherwise inapplicable; and

"(B)(i) give priority to contractors that employ substantial numbers of workers who reside in the area to be served by the health center; and

"(ii) include in the construction contract involved a requirement that the contractor will give priority in hiring new employees to residents of such area.

"(4) DEFINITIONS.—In this subsection:

"(A) FACILITIES.—The term 'facilities' means a building or buildings used by a health center, in whole or in part, to provide services permitted under section 330 and for such other purposes as are not specifically prohibited under such section as long as such use furthers the objectives of the health center.

"(B) NON-FEDERAL LENDER.—The term 'non-Federal lender' means any entity other than an agency or instrumentality of the Federal Government authorized by law to make loans, including a federally-insured bank, a lending institution authorized or licensed to make loans by the State in which it is located, a community development finance institution or community development entity (as designated by the Secretary of the Treasury), any such lender as the Secretary may designate, and a State or municipal bonding authority or such authority's designee.

"(d) EVALUATION.—Not later than 3 years after the date of enactment of this section, the Secretary shall prepare a report containing an evaluation of the programs authorized under this section. Such report shall include recommendations on how this section can be improved to better help health centers meet such centers' capital needs in order to expand access to health care in the United States.

"(e) AUTHORIZATION.—For the purpose of carrying out this section, the Secretary shall use not more than 5 percent of any funds appropriated pursuant to section 330(s) (relating to authorization of appropriations). In addition, funds appropriated for fiscal years 1997 and 1998 under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts of 1997 and 1998, which were made available for loan guarantees for loans made by non-Federal lenders for construction, renovation, and modernization of medical facilities that are owned and operated by health centers and which have not been expended, shall be made available for loan guarantees under this section.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 330(r)(1) of the Public Health Service Act (42 U.S.C. 254b(r)(1)) (relating to authorization of appropriations) is amended by striking "this section" and inserting "this section and section 330R".

By Mr. BUNNING:

S. 1991. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BUNNING. Mr. President, I would like to introduce a bill to authorize the National Park Service to conduct a comprehensive study to examine the extension of the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or return phase of the expedition, commonly known as the "Eastern Legacy."

On May 14, 1804, Lewis and Clark, along with the Corps of Discovery departed from Camp Dubois, IL, to set out on voyage that would shed light on a landscape that had only been considered legend at the time. But this American tale of adventure, determination, and curiosity did not begin there. The 8,000-mile, 32-month expedition through the uncharted West and back to Washington, DC, started more than a year earlier in Virginia.

In 1803, Meriwether Lewis traveled through Maryland, Pennsylvania, Virginia, and West Virginia purchasing supplies and learning everything he could about botany, paleontology, navigation, and field medicine. The intrepid explorer and his growing crew then traveled down the Ohio River through Ohio and Indiana, meeting up with William Clark in Louisville, KY. Along this rich trail are many landmarks and sites that serve to honor and educate about this important event in American history.

Whether it is commemorating the American spirit or teaching about the early Republic, the Lewis and Clark National Historic Trail is an enduring resource for education. A sea-to-sea trail would make it the largest and longest trail in the National Park System, guiding visitors from across the Nation to all parks and interpretive centers.

This extension, a few years after the successful bicentennial celebration, will continue to raise the profile of the Lewis and Clark Trail and increase the potential for tourism revenue in States across the country. Including the eastern portion of the trail will garner greater Lewis and Clark interest east of the Mississippi and bring unity to this American expedition of East meeting West.

By Mr. DURBIN (for himself, Mr. HAGEL, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. DODD, Mrs. MURRAY, and Mr. JOHNSON):

S. 1998. A bill to reduce child marriage, and for other purposes; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Child Marriage Prevention and Protection Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Research shows that child marriage in developing nations is often associated with adverse economic and social consequences and is dangerous to the health, security, and well-being of girls and detrimental to the economic development of communities.

(2) The issue of child marriage is interwoven with broader social and cultural issues and is most effectively addressed as a development challenge through integrated, community-based approaches to promote and support girls' education and skill-building and healthcare, legal rights, and awareness for girls and women.

(3) As Charlotte Ponticelli, Senior Coordinator for International Women's Issues for the Department of State, stated on September 14, 2005: "It is unconscionable that in the 21st century girls as young as 7 or 8 can be sold as brides. There is no denying that extreme poverty is the driving factor that has enabled the practice to continue, even in countries where it has been outlawed . . . We need to be shining the spotlight on early marriage and its underlying causes . . . We must continue to do everything we can to ensure that girls have every opportunity to become agents of change and to expand the 'realm of what is possible' for their societies and the world at large."

(4) The severity of the adverse impact of child marriage increases as the age at marriage and first childbirth decreases.

(5) A Department of State survey in 2005 found that child marriage was a concern in 64 out of 182 countries surveyed and that the practice is especially acute in sub-Saharan Africa and South Asia.

(6) According to the United Nations Children's Fund, in Ethiopia and in parts of West Africa marriage at the age of 7 or 8 is not uncommon.

(7) In developing countries, girls aged 10 to 14 who become pregnant are 5 times more likely to die in pregnancy or childbirth than women aged 20 to 24.

(8) Girls in sub-Saharan Africa are at much higher risk of suffering obstetric fistula.

(9) According to the Department of State: "Pregnancy at an early age often leads to obstetric fistulae and permanent incontinence. In Ethiopia, treatment is available at only 1 hospital in Addis Ababa that performs over 1,000 fistula operations a year. It estimates that for every successful operation performed, 10 other young women need the treatment. The maternal mortality rate is extremely high due, in part, to food taboos for pregnant women, poverty, early marriage, and birth complications related to FGM [Female Genital Mutilation], especially infibulation.".

(10) Adolescents are at greater risk of complications during childbirth that can lead to

fistula because they have less access to health care and are subject to other significant risk factors related to the mother's physical immaturity.

(11) In nearly every case of obstetric fistula, the baby will be stillborn.

(12) The physical symptoms of obstetric fistula include incontinence or constant uncontrollable leaking of urine or feces, frequent bladder infections, infertility, and foul odor. The condition often leads to the desertion of fistula sufferers by husbands and family members and extreme social stigma.

(13) Although data on obstetric fistula are scarce, the World Health Organization (WHO) estimates that there are more than 2,000,000 women living with fistula and 50,000 to 100,000 new cases each year. These figures are based on the number of women who seek medical care. Many more suffer from the disabling condition.

(14) Adolescent girls are more susceptible than mature women to sexually transmitted infections, including HIV, due to both biological and social factors.

(15) Research in several countries with high rates of HIV infection indicates that married girls are at greater risk for HIV than their unmarried peers.

(16) Child marriage can have additional long-term consequences when combined with female genital cutting because the girls who have undergone that procedure can experience greater complications during pregnancy, leading to lasting health problems for themselves and their children.

(17) Child marriage is a leading barrier to girls' education in certain developing countries.

(18) A high incidence of child marriage undermines the efforts of developing countries and donor countries, including the United States, to promote economic and social development.

(19) The causes of child marriage include poverty, custom, and the desire to protect girls from violence or premarital sexual relations.

(20) Child marriage may also be a product of gender violence in which a man abducts and rapes a girl and then, sometimes through negotiations with traditional leaders, negotiates a settlement with the girl's parents, including marriage to the victim.

(21) The practice of child marriage is considered a "harmful traditional practice" by the United Nations Children's Fund.

(22) The Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages, adopted at the United Nations, December 10, 1962, requires the parties to the Convention to overcome all "customs, ancient laws, and practices by ensuring complete freedom in the choice of a spouse, eliminating completely child marriages and the betrothal of young girls before the age of puberty".

(23) The African Charter on the Rights and Welfare of the Child, which entered into force in 1990, provides that "child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be eighteen years".

(24) In Ethiopia, Girls' Activity Committees, community-based groups formed to support girls in school and advocate for girls' education, have conducted community awareness and informational campaigns, enlisted the assistance of traditional clan and religious leaders, discouraged families from practicing child marriage, encouraged girls' school attendance, and taken steps to reduce gender-based violence and create safer environments for girls en route to or from school and in the classroom.

(25) Recognizing the importance of the issue and the effects of child marriage, the Senior Coordinator for International Women's Issues of the Department of State initiated an effort in 2005 to collect and assess information on the incidence of child marriage and on the existence and effectiveness of initiatives funded by the United States to reduce the incidence of child marriage or the negative effects of child marriage and to measure the need for additional programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Agency.

(2) AGENCY.—Except as otherwise provided in this Act, the term "Agency" means the United States Agency for International Development.

(3) CHILD MARRIAGE.—The term "child marriage" means the legal or traditional marriage of a girl or boy who has not yet reached the minimum age for marriage stipulated in law in the country of which they are a citizen.

(4) DEVELOPING NATION.—The term "developing nation" means any nation eligible to receive assistance from the International Development Association or the International Bank for Reconstruction and Development.

(5) HIV.—The term "HIV" has the meaning given that term in section 3 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7602).

(6) HIV/AIDS.—The term "HIV/AIDS" has the meaning given that term in section 3 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7602).

(7) OBSTETRIC FISTULA.—The term "obstetric fistula" means a rupture or hole in tissues surrounding the vagina, bladder, or rectum that occurs during prolonged, obstructed childbirth.

(8) RELEVANT EXECUTIVE BRANCH AGENCIES.—The term "relevant executive branch agencies" means the Department of State, the Agency, the Department of Health and Human Services, and any other department or agency of the United States, including the Millennium Challenge Corporation, that is involved in implementing international health or development policies and programs of the United States.

(9) SECRETARY.—Except as otherwise provided in this Act, the term "Secretary" means the Secretary of State.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the untapped economic and educational potential of girls and women in many developing nations represent an enormous loss to those societies;

(2) expanding educational opportunities for girls and economic opportunities for women and reducing maternal and child mortality are critical to the achievement of internationally recognized health and development goals and of many global health and development objectives of the United States, including efforts to prevent HIV/AIDS;

(3) since child marriage is a leading barrier to the continuation of girl's education in many developing countries, it is important to integrate this issue into new and existing United States-funded efforts to promote education, strengthen legal rights and legal awareness, reduce gender-based violence, and promote skill-building and economic opportunities for girls and young women in regions with a high incidence of child marriage; and

(4) effective community-based efforts to reduce and move toward the elimination of child marriage as part of an integrated strategy to promote girls' education and empowerment will yield long-term dividends in the health and economic sectors in developing countries.

SEC. 5. DEVELOPMENT OF CHILD MARRIAGE PREVENTION STRATEGY.

(a) REQUIREMENTS FOR STRATEGY.—The Secretary shall develop a comprehensive strategy, taking into account the work of the relevant executive branch agencies, to reduce the incidences of child marriage around the world by further integrating this issue into existing and planned relevant United States development efforts.

(b) REPORT ON STRATEGY.—

(1) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on the strategy described in subsection (a), including a discussion of the elements described in paragraph (2).

(2) REPORT ELEMENTS.—The elements referred to in paragraph (1) are the following:

(A) A description of existing or potential approaches to prevent child marriage and address the vulnerabilities of populations who may be at risk of child marriage.

(B) A description of programs funded by the United States that address child marriage, and an assessment of the impact of such programs in the areas of health, education, and access to economic opportunities, including microfinance programs.

(C) A description of programs funded by the United States that are intended to prevent obstetric fistula.

(D) A description of programs funded by the United States that support the surgical treatment of obstetric fistula.

(E) A description of the impact of child marriage on the United States efforts to assist in achieving the goals set out in the United Nations Millennium Declaration adopted by the United Nations General Assembly on September 8, 2000 (resolution 55/2), including specifically the impact on efforts to—

(i) eliminate gender disparity in primary and secondary education;

(ii) reduce child mortality;

(iii) improve maternal health; and

(iv) combat HIV/AIDS, tuberculosis, malaria, and other disease.

(F) A description of the impact of child marriage on achieving the purposes set out in section 602 of the Millennium Challenge Act of 2003 (22 U.S.C. 7701).

(G) A description of how the issue of child marriage can best be integrated into existing or planned United States programs to promote girls' education and skill-building, healthcare, legal rights and awareness, and other relevant programs in developing nations.

(c) REPORT ON CHILD MARRIAGE.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with other appropriate officials, shall submit to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives a report that describes—

(1) United States assistance programs that address child marriage;

(2) the impact of child marriage on maternal mortality and morbidity and on infant

mortality in countries in which child marriage is prevalent;

(3) the projected effect of such programs on increasing the age of marriage, reducing maternal mortality and morbidity, reducing the incidence of obstetric fistula, reducing the incidence of domestic violence, increasing girls' access to and completion of primary and secondary education, reducing the incidence of early childbearing, and reducing HIV infection rates among married and unmarried adolescents;

(4) the scale and scope of the practice of child marriage in developing nations; and

(5) the status of efforts by the government of each developing nation with a high incidence of child marriage to eliminate such practices.

SEC. 6. AUTHORIZATION OF ASSISTANCE TO REDUCE INCIDENCES OF CHILDHOOD MARRIAGE AND OBSTETRIC FISTULA.

The President is authorized to provide assistance, including through international, nongovernmental, or faith-based organizations or through direct assistance to a recipient country, for programs to reduce the incidences of child marriage and promote the empowerment of girls and young woman. Such assistance may include—

(1) improving the access of girls and young women in developing nations to primary and secondary education and vocational training;

(2) supporting community education activities to educate parents, community leaders, and adolescents of the health risks associated with child marriage and the benefits for adolescents, especially girls, of access to education, health care, employment, microfinance, and savings programs;

(3) supporting community-based organizations in encouraging the prevention or delay of child marriage and its replacement with other non-harmful rites of passage;

(4) increasing access of women to economic opportunities, including microfinance and small enterprise development;

(5) supporting efforts to prevent gender-based violence;

(6) improving access of adolescents to adequate health care;

(7) supporting programs to promote educational and economic opportunities and access to health care for adolescents who are already married;

(8) supporting the surgical repair of fistula, including the creation or expansion of centers for the treatment of fistula in countries with high rates of fistula, and the care, support, and transportation of persons in need of such surgery; and

(9) supporting efforts to reduce incidences of fistula, including programs to increase access to skilled birth attendants, and to promote access to family planning where desired by local communities.

SEC. 7. RESEARCH AND DATA COLLECTION.

The Secretary shall work through the Agency and any other relevant agencies of the Department of State, and in conjunction with relevant executive branch agencies as part of their ongoing research and data collection activities, to—

(1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and

(2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

SEC. 8. HUMAN RIGHTS REPORT.

The Secretary shall include in the Department of State's Annual Country Reports on Human Rights Practices a section for each country where child marriage is prevalent, outlining the status of the practice of child marriage in that country.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS AND OTHER FUNDING.

There are authorized to be appropriated to carry out the provisions of this Act, and the amendments made by this Act, in addition to funds otherwise available for such purposes, amounts as follows:

(1) $15,000,000 for fiscal year 2008.

(2) $20,000,000 for fiscal year 2009.

(3) $25,000,000 for fiscal year 2010.

By Mr. LIEBERMAN (for himself, Ms. LANDRIEU, and Mr. COLEMAN):

S. 2001. A bill to amend the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce, together with my colleagues Senator MARY LANDRIEU and Senator NORM COLEMAN, the All Students Can Achieve Act. This bill represents a comprehensive bipartisan proposal to strengthen and improve No Child Left Behind, NCLB. We hope that many of the ideas contained in our proposal will be considered by the HELP Committee as it tackles NCLB reauthorization, and we look forward to working with the committee to that end.

Over 5 years ago, the President and Congress created a watershed moment in American education when we enacted the No Child Left Behind Act. We worked together across party lines and from both ends of Pennsylvania Avenue to address an ongoing crisis in our public schools, especially schools in minority and low-income communities, where students' reading and math achievement was far below that of peers in better off white communities.

Closing these student achievement gaps may be the most important civil rights movement of our time. In No Child Left Behind we made a national commitment to reject as unacceptable a system in which low-income minority students were reading at a grade level 4 years below that of their higher-income peers. We made a national commitment to bring an end to that intolerable gap and to ensure that each and every child, regardless of race, nationality or family income, could develop his or her talents to the fullest.

No Child Left Behind had the goal of bringing all minority and disadvantaged children, including children with disabilities, the attention and support they need to succeed, by holding schools and States accountable for delivering results to all of their students. With passage of NCLB, we made a good start. Progress has occurred but there is much more to be done to close the persistent gaps in student achievement.

No Child Left Behind, which Congress must now reauthorize, provides a foundation, but we now must take new, bold steps to fulfill the national commitments we first made 5 years ago. So that is why today we are presenting a significant reform proposal, which we are calling the All Students Can Achieve Act, and which we ask our colleagues and the President to give serious consideration as we work to reauthorize No Child Left Behind.

I want to touch briefly on some of the key features in this bill that build upon the reforms of the No Child Left Behind Act, and will attach a more detailed summary at the conclusion of my remarks.

Central to our strategy for closing the achievement gap is the pathway our bill creates for getting the very best teachers, teachers who are the best at bringing real learning and real growth in achievement to their students, into the schools and classrooms where they are most needed. No one does more important work in our society today than good teachers. We must attract, train and pay them as the critical professionals that they are. In our proposal, we ask States to move to a "teacher effectiveness" evaluation system. This system would evaluate teacher performance based on results in the classroom. To get to this point, States must develop comprehensive data systems that can track individual student growth and performance, and link student performance to individual teachers. We require and fund the data systems, and permit development of so-called growth models for compliance with Adequate Yearly Progress, AYP. Growth models give schools credit for boosting student performance over time, even where absolute test results are not at required levels. By linking student growth to individual teachers, States can measure teacher effectiveness by determining which teachers demonstrate learning gains in the classroom.

Our proposal allows those States that have developed meritorious teacher effectiveness systems to opt out of the Federal Highly Qualified Teacher requirements, and to benefit from additional flexibilities in the use of Federal funds. Further, since we want to make sure that we can get the best teachers to the students most in need, our bill requires an equitable distribution of effective teachers across all schools and ultimately, after teacher professional development, if teachers are still not effective, we assign them away from our most needy schools. Our bill includes a provision to ensure that future collective bargaining agreements allow this to happen. In fact, because we recognize that there is nobody more important than a teacher, especially the most effective teachers, our bill puts the option of merit pay on the radar screen through a discretionary grant program to support new ideas for teacher professional development, tenure, assignment and compensation policies. We also seek to enrich the quality of education by, among other things, giving schools the option to bring in experienced professionals in math, science and critical foreign languages, as members of an Adjunct Teacher Corps.

We strengthen accountability by closing the existing loopholes that often prevent States and schools from truly measuring the actual achievement of minority students. Instead of allowing minority students to fall through the cracks of underachievement, this will force schools to take the steps needed to close the achievement gap for those students. Our bill gives parents the option of transferring their children in failing schools to other public schools, including schools across district lines if there is not an acceptable option within the original school district. In addition, our bill provides a two-track system for schools missing AYP. Schools missing AYP due to one or more subgroups, but less than 50 percent of the student population, would go through a more targeted attention program to address the problem areas.

Finally, we call for the development of voluntary American standards and assessments. Here we seek to address the need to promote rigorous standards and assessment of student learning to ensure that all students, no matter where they are schooled, are taught the skills they need to succeed in life. We call on the National Assessment Governing Board, with an expanded membership to include more teachers and business leaders, to develop these world class standards. States may choose to adopt these standards, thereby freeing up State resources. Alternatively, states could build their own assessments and standards based on the American standards, keep their own standards and tests, or team together in regional censorial to develop standards and assessments. The Department of Education would report to Congress on the variance between the rigor of state assessments and the American standards and assessments in cases where the voluntary standards are not used. It should be apparent that nothing in our bill would interfere with State flexibility to determine teaching format and substance.

In sum, No Child Left Behind is not just the name of an education law. It remains a solemn and urgent commitment that we made to America's children and parents. Because far too many children are still left behind and denied the opportunity to succeed in our society, we have renewed that commitment by offering this bill.

I want to thank my colleagues and cosponsors, Senators Mary Landrieu and Norm Coleman, and their staffs for their help in shaping this bill.

I ask unanimous consent that the text of the bill and a detailed summary be printed in the RECORD

There being no objection the material was ordered to be printed in the RECORD, as follows:

S. 2001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "All Students Can Achieve Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

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TITLE II—CLOSING THE ACHIEVEMENT GAP

Sec. 201. Purpose.
Sec. 202. Equitable distribution of highly effective teachers and non-Federal funding.
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TITLE III—ACHIEVING HIGH STANDARDS

Sec. 301. Purposes.
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PART A—American Standards and Assessments

Sec. 311. American standards and assessments.

PART B—P–16 Education Stewardship Systems

Sec. 321. P–16 education stewardship commission.
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TITLE I—GROWTH MODELS, DATA SYSTEMS, AND EFFECTIVE TEACHERS

SEC. 101. PURPOSE.

The purposes of this title are to—

(1) require States to measure teacher and principal effectiveness;

(2) develop data systems to measure effectiveness and to permit growth models;

(3) provide States with the opportunity to opt out of the highly qualified teacher requirements of section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) once a State implements a highly effective teacher system; and

(4) provide enhanced funding flexibility for States and local educational agencies with highly effective teacher and principal systems described in section 1119A of such Act (as amended by this Act).

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out sections 104, 105, and 106, and the amendments made by these sections, there are authorized to be appropriated $400,000,000 for fiscal year 2008, $400,000,000 for fiscal year 2009, $500,000,000 for fiscal year 2010, $500,000,000 for fiscal year 2011, and $600,000,000 for fiscal year 2012. The Secretary shall allot to each State—

(a) an amount that bears the same relation to 50 percent of such funds as the number of students in kindergarten through grade 12 in the State bears to the number of all such students in all States; and

(b) an equal share of the remaining 50 percent of such funds.

SEC. 103. REQUIRING STATES TO MEASURE TEACHER EFFECTIVENESS AND PERMITTING GROWTH MODELS.

Section 2112(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6612(b)) is amended by adding at the end the following:

"(13) Not later than 4 years after the date of enactment of the All Students Can Achieve Act, a plan to implement a system of identifying highly effective teachers and principals as required under section 1119A.".

SEC. 104. DATA SYSTEMS.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1120B the following:

"SEC. 1120C. DATA SYSTEMS AND REQUIREMENTS.

"(a) IN GENERAL.—A State receiving assistance under this part shall, not later than 4 years after the date of enactment of the All Students Can Achieve Act—

"(1) develop a longitudinal data system for the State or as part of a State consortium that meets the requirements of this section; and

"(2) implement the data system after submitting to the Secretary an independently conducted audit certifying that the data system meets the requirements of this section.

"(b) DATA SYSTEM ELEMENTS.—The data system required by subsection (a) shall include the following:

"(1) The use of a unique statewide student identifier for each student enrolled in a school in the State that remains stable over time.

"(2) The ability to match the assessment records to each individual student, for each year the student is enrolled in a school in the State.

"(3) The collection and processing of data at the student level, including—

"(A) information on students who have not participated in the State academic assessments described in section 1111(b)(3) and the reasons those students did not participate;

"(B) student enrollment, demographic, including English language proficiency and native language, and academic and intervention program participation information;

"(C) information regarding student participation in supplemental educational services under section 1116(e), including—

"(i) the type of supplemental educational services provided;

"(ii) the dates of such services; and

"(iii) the identification of the providers of such services;

"(D) student transcript data; and

"(E) the existence of an individualized educational plan and other evaluations.

"(4) Data for each group described in section 1111(b)(2)(C)(v)), regarding—

"(A) the graduation rate, as defined in section 1111(b)(2)(C)(vi), and an on-time cohort graduation rate; and

"(B) each other academic indicator used by the State under section 1111(b)(2)(C)(vii) for public elementary school students.

"(5) A statewide audit system to ensure the validity and reliability of data in such system.

"(6) A unique statewide teacher identifier for each teacher employed in the State that—

"(A) remains stable over time and matches student records, including assessments, to the appropriate teacher; and

"(B) provides access to teacher data elements, including—

"(i) grade levels and subjects of teaching assignment;

"(ii) preparation program participation; and

"(iii) professional development program participation.

"(7) Ability to link information from the data system to public higher education data systems in the State, in order to gather information on postsecondary education enrollment, placement, persistence, and attainment.

"(c) DATA SYSTEM REQUIREMENTS.—A State implementing a data system required under this section shall—

"(1) develop and implement such system in a manner to ensure—

"(A) the privacy of student records in the data system, in accordance with the 'Family Educational Rights and Privacy Act of 1974' commonly known as Section 444 of the General Education Provisions Act;

"(B) the use of effective data architecture (including standard definitions and formatting) and warehousing, including the ability to link student records over time and across databases and to produce standardized or customized reports;

"(C) the interoperability among software interfaces used to input, access, and analyze the data of such system;

"(D) the interoperability with the system linking migrant student records required under part C;

"(E) the electronic portability of data and records in the system; and

"(2) provide training for the individuals using and operating such system.

"(d) PREEXISTING DATA SYSTEMS.—A State that has developed and implemented a longitudinal data system before the date of enactment of the All Students Can Achieve Act may utilize such system for purposes of this section, if the State submits to the Secretary an independently conducted audit described in subsection (a)(2).

"(e) COMPLIANCE.—Beginning on the date that is 4 years after the date of enactment of the All Students Can Achieve Act, if the Secretary finds, after notice and an opportunity for a hearing, that a State has failed to meet the requirements of this section, the Secretary may, at the discretion of the Secretary, suspend or limit the State's eligibility for assistance under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

"(f) REGIONAL CONSORTIA DATA SYSTEM GRANT PROGRAM.—

"(1) IN GENERAL.—From amounts authorized under paragraph (5), the Secretary shall award grants, in accordance with paragraph (3), to regional consortia of States for the activities described in paragraph (4).

"(2) APPLICATION.—A regional consortium desiring to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(3) AWARD BASIS AND ALLOTMENTS.—The Secretary shall reserve up to $50,000,000 of the funds authorized under section 102 to award grants, on a competitive basis, to regional consortia of States.

"(4) USE OF FUNDS.—A regional consortium receiving a grant under this subsection shall use grant funds to develop data systems for multi-State use that meet the requirements of this section.".

SEC. 105. HIGHLY EFFECTIVE TEACHERS AND PRINCIPALS.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1119 the following:

"SEC. 1119A. HIGHLY EFFECTIVE TEACHERS AND PRINCIPALS.

"(a) IN GENERAL.—Not later than 2 years after completing the data system requirements in section 1120C and not later than 6 years after the date of enactment of the All Students Can Achieve Act, a State receiving assistance under this title shall implement a highly effective teacher and principal system by—

"(1) determining the requirements necessary to become a highly effective teacher in the State, which shall—

"(A) be based primarily on objective measures of student achievement; and

"(B) at a minimum, include that the teacher has demonstrated success in—

"(i) effectively conveying and explaining academic subject matter, as evidenced by the increased student academic achievement of the teacher's students; and

"(ii) employing strategies that—

"(I) are based on scientifically based research;

"(II) are specific to the academic subject matter being taught; and

"(III) focus on the identification of, and tailoring of academic instruction to, students' specific learning needs, particularly children with disabilities, students with limited English proficient, and students who are gifted and talented;

"(2) determining the requirements necessary to become a highly effective principal in the State, which shall be based primarily on increased student academic achievement of each group described in section 1111(b)(2)(C)(v) in the principal's school, as compared to the achievement growth of other schools with similar student populations to the principal's school, as determined by the State; and

"(3) implementing a system of identifying teachers and principals determined to be highly effective based on the requirements established by the State under paragraphs (1) and (2).

"(b) PEER REVIEW PROCESS.—The Secretary shall establish a peer review process to annually evaluate and rate each State's highly effective teacher and principal requirements, identification system, and resulting data.

"(c) RESERVATION OF FUNDS.—The Secretary shall reserve not more than 10 percent of the funds appropriated for this section or $60,000,000, whichever is less—

"(1) to conduct, commission, and disseminate research to determine the most effective methods of determining teacher effectiveness based on objective measures of growth in student achievement; and

"(2) to study the most effective uses of such data in improving student achievement.

"(d) WAIVER OF HIGHLY QUALIFIED TEACHER REQUIREMENTS.—

"(1) WAIVER APPLICATION.—A State establishing a highly effective teacher and principal system under this section may request a waiver of the highly qualified teacher requirements under subparagraphs (C) and (E) of section 1114(b)(1) and sections 1115(c)(1)(E) and 1119(a) for the State and the local educational agencies within the State, by submitting an application for a waiver to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(2) GRANTING OF WAIVER.—Notwithstanding subparagraphs (C) and (E) of section 1114(b)(1) and sections 1115(c)(1)(E) and 1119(a), the Secretary shall waive the highly qualified teacher requirements under such sections for a State and the local educational agencies within the State—

"(A) if the State demonstrates, in the application described in paragraph (1), that the State—

"(i) has implemented a highly effective teacher and principal system that meets the requirements of subsection (a) for not less than 1 year; and

"(ii) has baseline data regarding student achievement linked to teacher data for the schools in the State for not less than the 2 years preceding the year that the system is implemented; and

"(B) the peer review panel described in subsection (b) has determined the State's system to be meritorious for the preceding year.

"(e) FUNDING FLEXIBILITY.—The Secretary shall waive, upon the request of a State that has a highly effective teacher and principal system that has been determined to be meritorious by the peer review panel described in subsection (b), the limitations on transfers under section 6123(a) and 6123(b).

"(f) CONSEQUENCES FOR TEACHERS WHO ARE NOT HIGHLY EFFECTIVE.—

"(1) PROFESSIONAL DEVELOPMENT.—If a local educational agency receiving assistance under this part evaluates a teacher and finds that the teacher is not highly effective, the local educational agency shall provide the teacher with professional development and other support specifically designed to enable such teacher to produce student learning gains sufficient to become highly effective. Such professional development and support shall be provided during not less than the 4 years following the teacher's identification as not highly effective or until the teacher is evaluated as effective.

"(2) PLACEMENT OF TEACHERS WHO DO NOT BECOME HIGHLY EFFECTIVE.—A local educational agency receiving assistance under this part shall not employ in a school receiving assistance under this part a teacher who has been evaluated as not highly effective and, 4 years after such evaluation, is still evaluated as not highly effective, until such time as the teacher is evaluated as highly effective.

"(g) CONSEQUENCES FOR PRINCIPALS WHO ARE NOT HIGHLY EFFECTIVE.—

"(1) PROFESSIONAL DEVELOPMENT.—If a local educational agency receiving assistance under this part evaluates a principal and finds that the principal is not highly effective, the local educational agency shall provide the principal with professional development and other support specifically designed to enable such principal to produce student learning gains sufficient to become highly effective. Such professional development and support shall be provided during not less than 2 years following the identification as not highly effective or until the principal is evaluated as effective.

"(2) PLACEMENT OF PRINCIPALS WHO DO NOT BECOME HIGHLY EFFECTIVE.—A State or local educational agency receiving assistance under this part shall not employ in a school receiving assistance under this part a principal who has been evaluated as not highly effective and, 3 years after such evaluation, is still evaluated as not highly effective, until such time as the principal is evaluated as highly effective.

"(h) BARGAINING AGREEMENT EXCEPTION AND RESTRICTIONS ON NEW AGREEMENTS.—

"(1) IN GENERAL.—The Secretary shall not determine that a State or local educational agency has failed to comply with section 1119A if the reason for the agency's non-compliance is a contract or collective bargaining agreement that was entered into prior to the date of enactment of this Act.

"(2) RESTRICTIONS.—A local educational agency or State educational agency shall not enter into a new contract or collective bargaining agreement or renew or extend a contract or collective bargaining agreement that prevents the local educational agency or State educational agency from meeting the requirements of section 1119A after the date of enactment of this Act.".

SEC. 106. PERMITTING GROWTH MODEL SYSTEMS.

Section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)) is amended by adding at the end the following:

"(11) USE OF GROWTH MODEL SYSTEMS.—

"(A) DEFINITION OF GROWTH MODEL SYSTEM.—In this paragraph, the term 'growth model system' means a system that—

"(i) calculates the academic growth of each individual student served by a school in the State over time;

"(ii) establishes growth targets for each such student, including students who already meet or exceed the proficient or advanced level of academic achievement on a State assessment required under section 1111(b)(3); and

"(iii) meets the minimum standards regarding data systems and data quality that the Secretary establishes pursuant to regulation, which standards shall include requirements that the system—

"(I) matches the assessment records of a student to the student for each year the student is enrolled in a public school in the State; and

"(II) measures student growth at the classroom and school levels.

"(B) USE OF GROWTH MODEL SYSTEMS.—Notwithstanding any other provision of law, for purposes of any provision that requires the calculation of a number or percentage of students who meet or exceed the proficient level of academic achievement on a State assessment under paragraph (3), a State authorized by the Secretary to use a growth model system under subparagraph (D) shall calculate such number or percentage by counting—

"(i) the students who meet or exceed the proficient level of academic achievement on the State assessment; and

"(ii) the students who are on a 3-year growth trajectory toward meeting or exceeding the proficient level.

"(C) APPLICATION.—A State desiring to develop, enhance, or implement a growth model system shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require. This application shall include a description of how students with disabilities and English language learners will be included in growth models.

"(D) AUTHORIZATION FOR A GROWTH MODEL SYSTEM.—The Secretary shall authorize a State that has submitted an application to use a growth model system for the purposes of calculating adequate yearly progress if the Secretary determines that—

"(i) the State has the capacity to track individual academic growth for not less than the 2 school years preceding the year of application; and

"(ii) the State has developed a plan for implementing a highly effective teacher and principal evaluation system.

"(E) RULE FOR EXISTING GROWTH MODEL PILOT PROGRAMS.—Notwithstanding this section, a State that, as of the day before the date of enactment of the All Students Can Achieve Act, has been approved by the Secretary to carry out a growth model as a pilot program, may continue to participate in the pilot program instead of the requirements of this section, at the Secretary's discretion.".

SEC. 107. INNOVATIVE TEACHER AND SCHOOL INCENTIVE PROGRAMS.

Part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is amended by adding at the end the following:

"Subpart 6—Innovative Teacher and School Incentive Programs

"SEC. 2371. INNOVATIVE TEACHER AND SCHOOL INCENTIVE PROGRAMS.

"(a) GRANT FUND FOR INNOVATIVE TEACHER PROGRAMS.—

"(1) GRANTS AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants to eligible States to enable the eligible States—

"(A) to implement programs to improve professional development for public school educators such as—

"(i) establishing professional development committees, which are primarily composed of teachers, to evaluate the school's professional development activities and develop a plan for future activities that better meet the needs of the teachers and the students the teachers serve; and

"(ii) providing funding to local education agencies to increase the number of professional development release days; and

"(B) to reform teacher compensation, assignment, and tenure policies, including policies providing incentives to encourage the best teachers to teach high-need subjects or in high-need schools.

"(2) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State that, in evaluating teachers, uses objective measures of student learning growth as the primary indicators of teacher performance.

"(3) APPLICATION.—An eligible State desiring a grant under this subsection shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

"(4) USE OF PEER REVIEW PANEL.—In awarding a grant under this subsection, the Secretary shall—

"(A) establish a peer review process to provide recommendations to the Secretary regarding awarding grants under this section; and

"(B) ensure that the participants in the peer review process include experts or researchers with knowledge regarding appropriate statistical methodology for assessing teacher effectiveness.

"(b) GRANTS FOR INNOVATIVE SCHOOL INCENTIVE PROGRAMS.—

"(1) GRANTS AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants, on a competitive basis, to States to enable the States to implement school-based reward systems that recognize the teamwork (for example, among teachers, administrators, counselors, resource staff, media specialists, and other staff) necessary to improve eligible schools in low-income areas receiving assistance under title I.

"(2) APPLICATION.—A State desiring a grant under this subsection shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(3) USE OF FUNDS.—A State receiving a grant under this subsection shall use the grant to implement a school-based reward system described in paragraph (4) for eligible schools.

"(4) SCHOOL-BASED REWARD SYSTEM.—A school-based reward system funded under this subsection shall—

"(A) provide award amounts to eligible schools based on—

"(i) the degree of improvement of student performance;

"(ii) the number of students in the school; and

"(iii) the number of teachers, administrators, and staff serving the school;

"(B) give the eligible school the discretion to determine the appropriate uses described in subparagraph (C), with guidance and oversight provided by the State educational agency; and

"(C) require that the awards be used by the school for any of the following:

"(i) Non-recurring bonuses for teachers, administrators, and staff at the school.

"(ii) The addition of temporary personnel to continue the school's improvement.

"(iii) Providing a limited number of teachers with reduced teaching schedules to permit the teachers to act as mentors at the school or at other schools receiving assistance under title I.

"(5) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term 'eligible school' means an elementary or secondary school that—

"(A) is in the highest third of schools in the State in terms of the percentage of students eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act; and

"(B) shows significant improvement in student performance, as compared to similar schools.

"(c) REPORT.—The Secretary shall annually report to Congress on the grants awarded under subsections (a) and (b) and shall evaluate the effectiveness of such grants.

"(d) AUTHORIZATION.—For the purpose of carrying out this subsection, there are authorized to be appropriated $200,000,000 for fiscal year 2008 and for each of the 4 succeeding fiscal years."

TITLE II—CLOSING THE ACHIEVEMENT GAP

SEC. 201. PURPOSE.

The purposes of this title are to—

(1) require the equitable distribution of effective teachers and non-Federal funding;

(2) increase authorizations for school-improvement funds; and

(3) provide incentives for States to maintain rigorous assessments by distributing these school-improvement funds according to the number of schools in need of improvement.

SEC. 202. EQUITABLE DISTRIBUTION OF HIGHLY EFFECTIVE TEACHERS AND NON-FEDERAL FUNDING.

(a) In General.—Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is further amended by adding at the end the following:

"SEC. 1120D. EQUITABLE DISTRIBUTION OF HIGHLY EFFECTIVE OR HIGHLY QUALIFIED TEACHERS.

"(a) Annual State Educational Agency Report.—

"(1) In general.—Each State educational agency receiving assistance under this part shall annually prepare and submit to the Secretary, and make available to the public, a report on the equitable distribution of—

"(A) highly effective teachers and principals in the State; or

"(B) in the case of a State that has not yet implemented a highly effective teacher system under section 1119A or for which highly effective teacher evaluations have not been completed, highly qualified teachers in the State.

"(2) State report content.—The report described in paragraph (1) shall include the following:

"(A) The percentage of public elementary school and secondary school teachers in the State who are not highly effective or highly qualified, as applicable.

"(B) The specific steps the State educational agency is taking to address any disproportionate assignment of teachers who are not highly effective or highly qualified in the schools and local educational agencies of the State.

"(C) A description of progress made regarding the State's capacity to implement a system for measuring individual teacher effectiveness.

"(D) A comparison between the elementary and secondary schools in the State in the highest quartile in terms of the percentage of students eligible for free and reduced-price lunches under the Richard B. Russell National School Lunch Act, and such schools in the lowest quartile, with respect to each of the following:

"(i) The annual teacher attrition rate.

"(ii) The percentage of classes taught by teachers who are not highly effective or highly qualified, as applicable.

"(iii) The percentage of such schools with principals who are not highly effective, if the State has implemented highly effective principal evaluations under section 1119A.

"(E) A comparison between the public schools in the State in the highest quartile in terms of the percentage of minority student enrollment, and such schools in the lowest quartile, with respect to each category described in clauses (i) through (iii) of subparagraph (D).

"(F) A compendium of statewide data and local educational reports described in subsection (b).

"(G) Such other information as the Secretary may reasonably require.

"(b) Annual Local Educational Agency Report.—

"(1) In general.—Each local educational agency receiving assistance under this part shall annually prepare and submit to the State educational agency, and make available to the public, a report on the equitable distribution of—

"(A) highly effective teachers and principals in the elementary and secondary schools served by the local educational agency; or

"(B) in the case of a local educational agency in a State that is not implementing a highly effective teacher system under section 1119A or for which highly effective teacher evaluations have not been completed, highly qualified teachers in the elementary and secondary schools served by the local educational agency.

"(2) Report contents.—The report required under this subsection shall include—

"(A) The percentage of public elementary school and secondary school teachers employed by the local educational agency who are not highly effective or highly qualified, as applicable.

"(B) The specific steps the local educational agency is taking to address any disproportionate assignment of teachers who are not highly effective or highly qualified, as applicable.

"(C) A comparison between the elementary schools and secondary schools served by the local educational agency in the highest quartile in terms of the percentage of students eligible for free and reduced-price lunches under the Richard B. Russell National School Lunch Act, and such schools in the lowest quartile, with respect to each of the following:

"(i) The annual teacher attrition rate.

"(ii) The percentage of classes taught by teachers who are not highly effective or highly qualified, as applicable.

"(iii) The percentage of public schools with principals who are not highly effective, in States that have implemented highly effective principal evaluations under section 1119A.

"(D) A comparison between the public schools served by the local educational agency in the highest quartile in terms of minority student enrollment, and such schools in the lowest quartile, with respect to each category described in clauses (i) through (iii) of subparagraph (C).

"(E) Specific, measurable, and quantifiable annual goals for achieving equity in the distribution of teachers who are highly effective or highly qualified, as applicable.

"(F) Such other information as the Secretary may reasonably require.

"(c) Local Educational Agency Plans.—Not later than 180 days after the date of enactment of the All Students Can Achieve Act, each local educational agency receiving assistance under this part shall submit a plan to the State educational agency that describes how the local educational agency will achieve equitable assignment of highly effective teachers (or, in the case of a local educational agency in a State that has not yet implemented a highly effective teacher system, highly qualified teachers) to high-poverty and high-minority schools.

"SEC. 1120E. EQUITABLE DISTRIBUTION OF NON-FEDERAL FUNDING.

"(a) Requirements.—

"(1) In general.—Not later than 3 years after the date of enactment of the All Students Can Achieve Act, each State educational agency receiving assistance under this title shall provide evidence to the Secretary that the non-Federal funds used by the State for public elementary and secondary education, including those funds used for actual, and not estimated or averaged, teacher salaries, based upon classroom hours, for each fiscal year, are distributed equitably across the schools within each local educational agency.

"(2) Information on school report cards.—If, for a fiscal year, a school receiving assistance under this part receives significantly less than the average non-Federal school funding provided to schools in the local educational agency for such year, the local educational agency shall include in the school report card required under section 1111(h)(2)(B)(ii) for such school the amount by which the school's non-Federal school funding is significantly below the average non-Federal school funding for schools served by the local educational agency.

"(3) Evaluation.—2 years after the date of enactment of the All Students Can Achieve Act, and every year thereafter, the Inspector General of the Department shall—

"(A) evaluate 5 State educational agencies that receive assistance under this part and 10 local educational agencies that receive assistance under this part, to determine such agencies' progress in meeting the requirements of this section; and

"(B) prepare and distribute a report regarding the findings of the evaluation to the Secretary and to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

"(b) Regulations and Guidelines.—

"(1) State educational agency regulations.—Not later than 180 days after the date of enactment of the All Students Can Achieve Act, the Secretary shall promulgate regulations for State educational agencies regarding how to review the State educational agency's rules and guidelines and work with local educational agencies to establish plans and timelines for providing equitable non-Federal funding to all schools in the State who receive assistance under this title.

"(2) Guidelines for local educational agencies.—Not later than 1 year after the issuance of the regulations described in paragraph (1), each State educational agency receiving assistance under this part shall—

"(A) develop guidelines for local educational agencies regarding the local educational agencies' responsibilities under this section; and

"(B) distribute such guidelines to the local educational agencies and make such guidelines publicly available.

"(3) Local educational agency plans.—Not later than 180 days after the receipt of the State educational agency's guidelines described in paragraph (2), each local educational agency in the State that receives assistance under this part shall develop and submit to the State educational agency a plan that—

"(A) describes how the local educational agency will ensure the equitable distribution of non-Federal funds;

"(B) includes a timeline that provides for the implementation of the plan by not later than 3 years after the local educational agency has received the guidelines under paragraph (3); and

"(C) shall be made publicly available.

"(c) Definition of Non-Federal Funds.—In this section, the term 'non-Federal funds' means the amount of State and local funds provided to a school (including those State and local funds used for teacher salaries but not including any Federal funding).

"SEC. 1120F. MAKE WHOLE PROVISIONS.

"If a State has not achieved an equitable distribution, within local educational agencies, of effective teachers and non-Federal funds 3 years after the date of enactment of the All Students Can Achieve Act, the Secretary may withhold a portion of the State's funds under the All Students Can Achieve Act.".

(b) REPORT CARD.—Section 1111(h)(2)(B)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(2)(B)(ii)) is amended—

(1) in subclause (I), by striking "and" after the semicolon;

(2) in subclause (II), by striking he period and inserting a semicolon and "and "; and

(3) by inserting after clause (II), as so amended, the following:

"(III) the information required under section 1120E(a)(2), if required for such school; and".

SEC. 203. STRENGTHEN AND FOCUS STATE CAPACITY FOR SCHOOL IMPROVEMENT EFFORTS.

(a) SCHOOL IMPROVEMENT GRANT AUTHORIZATION OF APPROPRIATIONS.—Section 1002(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(i)) is amended by striking "appropriated $500,000,000" and all that follows through the period and inserting "appropriated—

"(1) $600,000,000 for fiscal year 2008;

"(2) $700,000,000 for fiscal year 2009;

"(3) $800,000,000 for fiscal year 2010;

"(4) $900,000,000 for fiscal year 2011; and

"(5) $1,000,000,000 for fiscal year 2012.".

(b) STATE ADMINISTRATION.—Section 1003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6303) is amended—

(1) in subsection (g)(2), by striking "the funds received by the States, the Bureau of Indian Affairs, and the outlying areas, respectively, for the fiscal year under parts A, C, and D of this title." and inserting "the number of schools in the States, the Department of Interior, and the outlying areas, respectively, that are not making adequate yearly progress for the most recent school year for which information is available."; and

(2) by adding at the end the following:

"(h) ADDITIONAL AMOUNTS FOR ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—Notwithstanding subsections (a), (b), and (g), in addition to the amounts reserved under subsection (a) but not allocated under subsection (b)(1) and the amounts of a grant award described in subsection (g)(7), a State may use an additional percentage of the amounts reserved under subsection (a) and the grant award under subsection (g), not to exceed 15 percent of the sum of such reserved amounts and grant award, if the State matches the dollar amount of such additional amount with an equal amount of State funds.

"(2) USE OF FUNDS.—A State that elects to use an additional percentage described in paragraph (1) shall use such funds, and the required matching State funds, to build more capacity at the State level to diagnose, intervene in, and assist schools—

"(A) by supporting State personnel in carrying out the responsibilities under this section; or

"(B) by entering into contracts with nonprofit entities with a record of assisting in the improvement of persistently low-performing schools.".

(c) EXTENDING THE FOUR PERCENT SCHOOL IMPROVEMENT STATE RESERVATIONS.—Section 1003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6303) is amended in subsection (a)—

(1) by striking "2 percent" and inserting "4 percent"; and

(2) by striking "for fiscal years 2002" and all that follows through "2007," and inserting "for each fiscal year".

TITLE III—ACHIEVING HIGH STANDARDS

SEC. 301. PURPOSES.

The purposes of this title are to—

(1) enhance the National Assessment Governing Board and the Board's responsibilities to develop 21st century performance-based American standards and assessments, including world-class alternate assessments for students with disabilities and English-language learners, with incentives for States to adopt voluntarily the American standards and assessments;

(2) align State curricula with college and workplace needs through State P–16 commissions covering pre-kindergarten through college in the subjects of reading or language arts, history, science, technology, engineering, and mathematics; and

(3) require the Department of Education to report annually on the quality and rigor of the model American and the State standards and assessments.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this title and the amendments made by this title, in addition to other amounts already authorized, there are authorized to be appropriated $250,000,000 for fiscal year 2008 and for each of the 4 succeeding fiscal years.

PART A—AMERICAN STANDARDS AND ASSESSMENTS

SEC. 311. AMERICAN STANDARDS AND ASSESSMENTS.

(a) NATIONAL ASSESSMENT GOVERNING BOARD.—Section 302 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (G), by striking "Three classroom teachers representing" and inserting "Six classroom teachers with 2 each representing";

(B) in subparagraph (H), by striking "One representative of business or industry" and inserting "Three representatives of business or industry"; and

(C) by adding at the end the following: "(O) Two members from higher education.";

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (I), by striking "and" after the semicolon;

(ii) in subparagraph (J), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(K)(i) create American content and performance standards and assessments in language arts or reading, mathematics, and science for grades 3 through 12;

"(ii) create high-quality alternative assessments for students with disabilities and English-language learners for use by States;

"(iii) provide web-based mechanisms for States to receive timely results from these assessments and alternate assessments;

"(iv) extrapolate such standards and assessments based on the National Assessment of Educational Progress frameworks; and

"(v) ensure that such standards and assessments are aligned with college and workplace readiness skills."; and

(B) by adding at the end the following:

"(7) REPORT ON AMERICAN STANDARDS.—The Assessment Board shall issue a report to the Secretary containing the model standards and describe the assessments specified in paragraph (1)(K).";

(3) in subsection (f)—

(A) in paragraph (2)(B), by striking "not more than six"; and

(B) by adding at the end the following:

"(3) DETAILEES.—Any Federal Government employee may be detailed to the Governing Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of such employee's regular employment without interruption.".

(b) AMENDMENT TO STATE PLANS.—Section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) is amended—

(1) in subsection (c)(2), by striking "reading and mathematics" and inserting "reading, mathematics, and science"; and

(2) by adding at the end the following:

"(n) USE BY STATES OF MODEL AMERICAN STANDARDS AND ASSESSMENTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, upon issuance of the report under section 302(e)(7) of the National Assessment of Educational Progress Authorization Act, each State desiring to receive funding under this part shall—

"(A) adopt the model American standards and assessments specified in that report for use in carrying out this section;

"(B) modify the State's existing academic standards and assessments to align with those model American standards and assessments; or

"(C) continue using the State's existing academic standards and academic assessments or those of a regional consortium.

"(2) SECRETARY TO EVALUATE STANDARDS AND ASSESSMENTS OF STATES NOT ADOPTING MODEL AMERICAN STANDARDS AND ASSESSMENTS.—The Secretary shall—

"(A) analyze the academic standards and assessments of States that do not adopt the model American standards and assessments; and

"(B) compare such academic standards and assessments to the model American standards and assessments, using a common scale.

"(3) ANNUAL REPORT.—The Secretary shall annually report to Congress on any variance in quality and rigor between the model American standards and assessments adopted by the Assessment Board and the standards and assessments used by the States. Until development and implementation of the model American standards and assessments adopted by the Assessment Board, the Secretary shall report annually to the public on differences between State assessment results and results from the National Assessment of Educational Progress.".

(c) AMENDMENT TO LOCAL PLANS.—Section 1112(b)(1)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(F)) is amended by striking "reading and mathematics" and inserting "reading, mathematics, and science".

(d) NATIONAL ASSESSMENT GOVERNING BOARD.—Section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621) is amended—

(1) in subsection (b)(1), by striking "reading, mathematics" and inserting "reading, mathematics, science";

(2) in subsection (b)(2)(B), by striking "reading and mathematics" and inserting "reading, mathematics, and science";

(3) in subsection (b)(2)(C), by striking "reading and mathematics" and inserting "reading, mathematics, and science";

(4) in subsection (b)(2)(E), by striking "reading and mathematics" and inserting "reading, mathematics, and science";

(5) in subsection (b)(3)(A)(i), by striking "reading and mathematics" and inserting "reading, mathematics, and science";

(6) in subsection (b)(3)(A)(ii), by striking "reading and mathematics" and inserting "reading, mathematics, and science"; and

(7) in subsection (b)(3)(C)(ii), by striking "reading and mathematics" and inserting "reading, mathematics, and science".

PART B—P-16 EDUCATION STEWARDSHIP SYSTEMS

SEC. 321. P-16 EDUCATION STEWARDSHIP COMMISSION.

(a) P-16 EDUCATION STEWARDSHIP COMMISSION.—

(1) IN GENERAL.—Each State that receives assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) shall establish a P-16 education stewardship commission that has the policymaking ability to meet the requirements of this section.

(2) EXISTING COMMISSION.—The State may designate an existing coordinating body or commission as the State P-16 education stewardship commission for purposes of this title, if the body or commission meets, or is amended to meet, the basic requirements of this section.

(b) MEMBERSHIP.—

(1) COMPOSITION.—Each P-16 education stewardship commission shall be composed of the Governor of the State, or the designee of the Governor, and the stakeholders of the statewide education community, as determined by the Governor or the designee of the Governor, such as—

(A) the chief State official responsible for administering prekindergarten through grade 12 education in the State;

(B) the chief State official of the entity primarily responsible for the supervision of institutions of higher education in the State;

(C) bipartisan representation from the State legislative committee with jurisdiction over prekindergarten through grade 12 education and higher education;

(D) representatives of 2- and 4-year institutions of higher education in the State;

(E) public elementary and secondary school teachers employed in the State;

(F) representatives of the business community; and

(G) at the discretion of the Governor, or the designee of the Governor, representatives from pre-kindergarten through grade 12 and higher education governing boards and other organizations.

(2) CHAIRPERSON; MEETINGS.—The Governor of the State, or the designee of the Governor, shall serve as chairperson of the P-16 education stewardship commission and shall convene regular meetings of the commission.

(c) DUTIES OF THE COMMISSION.—

(1) MEETINGS.—Each State P-16 education stewardship commission shall convene regular meetings.

(2) COMMISSION RECOMMENDATIONS.—Not later than 18 months after a State receives funds under section 303, and annually thereafter, the State P-16 education stewardship commission informed by the higher education institutions in the State shall—

(A) develop recommendations to better align the content knowledge requirements for secondary school graduates with the knowledge and skills needed to succeed in postsecondary education and the workforce in the subjects of reading or language arts, history, mathematics, science, technology, and engineering, and, at the discretion of the Commission, additional academic content areas;

(B) develop recommendations regarding the prerequisite skills and knowledge, patterns of coursework, and other academic factors including—

(i) the prerequisite skills and knowledge expected of incoming freshmen at institutions of higher education to successfully engage in and complete postsecondary-level general education coursework without the prior need to enroll in developmental coursework; and

(ii) patterns of coursework and other academic factors that demonstrate the highest correlation with success in completing postsecondary-level general education coursework and degree or certification programs, particularly with respect to science, technology, engineering, and mathematics; and

(C) develop recommendations and enact policies to increase the success rate of students in the students' transition from secondary school to postsecondary education, including policies to increase success rates for—

(i) students of economic disadvantage;

(ii) students of racial and ethnic minorities;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

SEC. 322. P-16 EDUCATION STATE PLANS.

(a) IN GENERAL.—Each State receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) shall develop a plan that includes, at a minimum, the following:

(1) A demonstration that the State will work with the State P-16 education stewardship commission and others, as necessary, to examine the relationship among the content of postsecondary education admission and placement exams, the prerequisite skills and knowledge required to successfully take postsecondary-level general education coursework, the pre-kindergarten through grade 12 courses and academic factors associated with academic success at the postsecondary level, particularly with respect to science, technology, engineering, and mathematics, and existing academic standards and aligned academic assessments.

(2) A description of how the State will, using the information from the State P-16 education stewardship commission, increase the percentage of students taking courses that have the highest correlation of academic success at the postsecondary level, for each of the following groups of students:

(A) Economically disadvantaged students.

(B) Students from each major racial and ethnic group within the State.

(C) Students with disabilities.

(D) Students with limited English proficiency.

(3) A description of how the State will distribute the information in the P-16 education stewardship commission's report to the public in the State, including public secondary schools, local educational agencies, school counselors, P-16 educators, institutions of higher education, students, and parents.

(4) An assurance that the State will continue to pursue effective P-16 education alignment strategies.

(b) SUBMISSION.—Each State shall submit the State plan described in subsection (a) to the Secretary not later than 1 year of the date of the enactment of this Act.

SEC. 323. P-16 EDUCATION STEWARDSHIP SYSTEM GRANTS.

(a) PROGRAM AUTHORIZED.—From amounts appropriated under this section, the Secretary shall award grants, from allotments under subsection (b), to States to enable the States—

(1) to establish P-16 education stewardship commissions in accordance with section 321; and

(2) to carry out the activities and programs described in the State plan submitted under section 322.

(b) ALLOTMENTS.—The Secretary shall allot the amounts available for grants under this section equally among the States that have submitted plans described in section 322. Each such plan shall include a demonstration that the State, not later than 5 months after receiving grant funds under this section, will establish a P-16 education stewardship commission described in section 321.

SEC. 324. REPORTS.

(a) IN GENERAL.—Not later than 18 months after a State receives funds under this section, and annually thereafter, the State P-16 education stewardship commission shall prepare and submit to the Governor, and make easily accessible and available to the public, a clear and concise report that shall include the recommendations described in section 321(c)(2).

(b) DISTRIBUTION TO THE PUBLIC.—Not later than 60 days after the submission of a report under subsection (a), each State P-16 education stewardship commission shall publish and widely distribute the information in the report in various concise and understandable formats to targeted audiences such as—

(1) all public secondary schools and local educational agencies;

(2) school counselors;

(3) P-16 educators;

(4) institutions of higher education; and

(5) students and parents, especially students and parents of students listed in subparagraphs (A) through (D) of section 322(a)(2) and those entering grade 9 in the next academic year, to assist students and parents in making informed and strategic course enrollment decisions.

TITLE IV—STRENGTHENING ACCOUNTABILITY

SEC. 401. PURPOSES.

The purposes of this title are—

(1) to divide the accountability structure for schools under the Elementary and Secondary Education Act of 1965 to provide—

(A) comprehensive intervention for schools that do not make adequate yearly progress because groups comprising collectively 50 percent or more of the students in the school have not achieved the State objectives under section 1111(b)(2)(G) of such Act; and

(B) focused intervention for schools that do not make adequate yearly progress because groups comprising collectively less than 50 percent of the students in the school have not achieved such objectives;

(2) to strengthen the program of providing supplemental educational services;

(3) to count all children and increase rigor by ensuring that the State calculations of adequate yearly progress have limits on student thresholds and also on statistical confidence intervals that do not exceed 95 percent confidence;

(4) to add science to the subjects included in the adequate yearly progress calculations in the academic assessments under section 1111(b)(3) of such Act;

(5) to support research and development for mathematics and science partnerships;

(6) to amend the provisions regarding the accountability for students with disabilities and English-language learners;

(7) to screen children entering schools identified as in need of comprehensive intervention under section 1116(b)(1) of such Act; and

(8) to develop the Adjunct Teacher Corps to meet the country's needs for teachers in critical foreign languages and science, technology, engineering, and mathematics.

SEC. 402. AUTHORIZATIONS.

For the purpose of carrying out this title and the amendments made by this title, there are authorized to be appropriated $250,000,000 for fiscal year 2008 and for each of the 4 succeeding fiscal years.

SEC. 403. SCHOOL INTERVENTION PLAN DEVELOPMENT.

Part A of title I of the Elementary and Secondary Education Act of 1965 is further amended by inserting before section 1116 the following:

"SEC. 1115A. SCHOOL INTERVENTION PLAN DEVELOPMENT.

"(a) IN GENERAL.—A school that does not make adequate yearly progress but has not been so identified for the immediate preceding year shall, not later than the end of the first year following such identification—

"(1) develop, in conjunction with the local educational agency and in consultation with parents, teachers, administrators, students, and school-intervention specialists from the local educational agency or the State educational agency, a school-intervention plan;

"(2) obtain approval of the plan from the local educational agency and certification from the superintendent that the plan meets the requirements of this subparagraph and is reasonably designed to ensure that the school will meet adequate yearly progress targets for the following year; and

"(3) after approval, make the school-intervention plan publicly available.

"(b) CONTENTS OF PLAN.—A school plan under this section shall—

"(1) analyze and address systemic causes for the school's inability to make adequate yearly progress;

"(2) identify the specific reasons why the school did not make adequate yearly progress;

"(3) articulate a plan to improve instruction and achievement that addresses how the school will—

"(A) implement curriculum and benchmark assessments that are aligned with the State academic content standards and student academic achievement standards, if collectively more than 50 percent of students are contained within groups that did not meet adequate yearly progress;

"(B) expand instructional time for students who have not met the proficient level or are not making sufficient progress toward reaching such level on the State academic assessments;

"(C) ensure that first-year teachers are not disproportionately assigned to students described in subparagraph (B);

"(D) ensure that all teachers in the school receive assistance and support in implementing the curriculum, evidence-based intervention models, benchmark assessments, and additional instructional time;

"(E) if the subgroup of limited English proficient students does not make adequate yearly progress, articulate how the school will work with the local educational agency to redeploy, as permitted, funds made available to the local educational agency under title III;

"(F) if the subgroup of students with disabilities did not make adequate yearly progress, articulate how the school will work with the local educational agency to redeploy, as permitted, funds made available to the local educational agency under the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);

"(G) include data on the school, relevant to the factors identified in the plan, from the local educational agency's report under section 1120D; and

"(H) identify specific actions that the local educational agency will take to make supplemental educational services and public school transfer available.".

SEC. 404. COMPREHENSIVE AND FOCUSED INTERVENTION.

Section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) is amended)—

(1) in subsection (a)(1)(B)—

(A) by striking "subject to school improvement" and inserting in lieu thereof "subject to comprehensive intervention or focused intervention"; and

(B) by striking "for school improvement" and inserting in lieu thereof "for comprehensive intervention or focused intervention";

(2) by striking subsection (b) and inserting the following:

"(b) SCHOOL INTERVENTION.—

"(1) COMPREHENSIVE INTERVENTIONS.—

"(A) IDENTIFICATION.—

"(i) IN GENERAL.—A local educational agency shall identify as in need of comprehensive intervention, any elementary school or secondary school served under this part that does not make, for 2 or more consecutive years, adequate yearly progress as defined in the State's plan under section 1111(b)(2) because—

"(I) the group of all students at the school did not meet the objectives set by the State under section 1111(b)(2)(G); or

"(II) 1 or more groups of students specified in section 1111(b)(2)(C)(v) that collectively represents 50 percent or more of the students in the school's enrollment did not meet such objectives.

"(ii) TRANSFER TO FOCUSED INTERVENTION.—In the case of a school that has been identified as in need of comprehensive intervention under clause (i), the school shall be transferred to the year under the focused intervention timeline, as defined in paragraph (2)(A)(i), where the school would have fallen if the school had never needed comprehensive intervention, if the school—

"(I) makes adequate yearly progress for 2 consecutive years for groups that collectively contain more than 50 percent of the students; and

"(II) does not make adequate yearly progress for one or more subgroups for 2 or more consecutive years for the same subgroups.

"(iii) EXITING COMPREHENSIVE INTERVENTION.—In the case of a school that has been identified as in need of comprehensive intervention under clause (i), the school shall continue to be identified as in need of comprehensive intervention and subject to the requirements of this section until—

"(I) the school makes adequate yearly progress for 2 consecutive years for groups that collectively contain more than 50 percent of the students; or

"(II) the school year following the implementation of a comprehensive restructuring plan under subparagraph (E).

"(B) HIRING, TRANSFERRING, AND PROFESSIONAL DEVELOPMENT REQUIREMENTS FOR IDENTIFIED SCHOOLS.—

"(i) IN GENERAL.—Subject to clause (iii), a local educational agency or State educational agency receiving assistance under this part shall—

"(I) permit a school identified as being in need of comprehensive intervention under subparagraph (A) to deny transfer requests from teachers;

"(II) provide such school with priority in the hiring timeline for the local educational agency or State educational agency; and

"(III) in the case of a school that has been identified as being in need of comprehensive intervention for 2 or more years, allow the school to add additional professional development hours for teachers if the professional development is included as part of the approved intervention plan defined in this subsection for the school.

"(ii) DETERMINATION BY SECRETARY.—Each local educational agency or State educational agency receiving assistance under this part shall demonstrate to the Secretary that the agency can meet the requirements of clause (i) by not later than 3 years after the date of enactment of this Act. If the Secretary determines that the local educational agency or State educational agency has failed to meet this requirement, the Secretary may withhold a portion of funds to the State educational agency under this title.

"(iii) BARGAINING AGREEMENT EXCEPTION AND RESTRICTIONS ON NEW AGREEMENTS.—

"(I) IN GENERAL.—The Secretary shall not determine that a State educational agency has failed to comply with clause (i) if the reason for the agency's non-compliance is a contract or collective bargaining agreement that was entered into prior to the date of enactment of this Act.

"(II) RESTRICTIONS.—A local educational agency or State educational agency shall not enter into a new contract or collective bargaining agreement, or renew or extend a contract or collective bargaining agreement, that prevents the local educational agency or State educational agency from meeting the requirements of clause (i) after the date of enactment of the All Students Can Achieve Act.

"(C) PLAN IMPLEMENTATION IN YEARS 1, 2, 3, AND 4.—

"'(i) IN GENERAL.—In the case of a school that has been identified as in need of comprehensive intervention for less than 5 consecutive years-

"(I) the school shall implement the approved school intervention plan developed under section 1115A; and

"(II) not later than the beginning of the first school year of intervention plan implementation, and for each of the succeeding years if the school remains in need of comprehensive or focused intervention, the local educational agency shall arrange for the provision of supplemental educational services; and

"(III) by not later than 6 weeks before the start of the first school year of intervention plan implementation, the local educational agency serving the school shall notify the parents of the students attending the school of the parents' right to transfer their child to another public school that is not identified as in need of comprehensive intervention including the out of district transfer program in section 503.

"(ii) PLAN AND PROGRESS REVIEW.—In the case of a school that is required to carry out a comprehensive school improvement plan under this subparagraph, the local educational agency and the State educational agency shall annually review the school's implementation of the plan and progress for each year that the school is designated as in need of comprehensive intervention.

"(D) RESTRUCTURING PLAN DEVELOPMENT IN YEAR 4.—

"(i) IN GENERAL.—In the case of a school identified as in need of comprehensive intervention for 4 consecutive years, the local educational agency, in consultation with the school and in addition to plan implementation as defined in subparagraph (C), shall, by not later than the end of the year—

"(I) develop a comprehensive restructuring plan, in consultation with school intervention specialists, where available, from the State educational agency, parent and community representatives, and local government officials;

"(II) obtain—

"(aa) approval of the plan from a peer review panel selected by the chief State school officer; and

"(bb) certification by the chief State school officer that the plan meets the requirements of this subparagraph and is designed to ensure that the school will make adequate yearly progress in the succeeding years; and

"(III) make the comprehensive restructuring plan public.

"(ii) RESTRUCTURING OPTIONS.—A comprehensive restructuring plan for a school subject to this subparagraph shall include details sufficient to carry out one of the following as consistent with State law:

"(I) Closing and reopening the school as a charter school even if the addition of such school would exceed the State's limit on the number of charter schools that may operate in the State, city, county, or region.

"(II) Closing and reopening the school under the management of a private or non-profit organization with a proven record of improving schools.

"(III) Closing and reopening the school under the direct administration of the State educational agency or the chief executive officer of a State or local government entity, such as a governor or mayor.

"(IV) Reassigning the majority of the staff at the school, and ensuring that in the subsequent year the staff serving the school does not have a greater percentage of teachers who are not highly effective than the average percentage of such teachers in the schools served by the local educational agency.

"(iii) MULTIPLE RESTRUCTURING EXCEPTION.—

"(I) EXCEPTION.—Notwithstanding subparagraph (A) or clause (i), if 10 percent or more of the schools served by a local educational agency are required to develop a comprehensive restructuring plan, the local educational agency, with the approval and cooperation of the State educational agency, may carry out the requirements of this subparagraph for a limited number of the lowest performing of such schools, as described in subclause (II).

"(II) LIMITED NUMBER OF SCHOOLS.—The number of schools described in this subclause shall be not less than the greater of—

"(aa) 10 percent of the number of the schools served by the local educational agency; or

"(bb) 1.

"(III) RULE FOR NONSELECTED SCHOOLS.—A school identified for comprehensive restructuring that is not one of the limited number of lowest performing schools under this clause shall be subject to comprehensive restructuring in subsequent years and comparable expenditures under subparagraph (F) unless the school exits comprehensive intervention.

"(E) YEAR 5—COMPREHENSIVE RESTRUCTURING PLAN IMPLEMENTATION.—A school that has been identified as in need of comprehensive intervention for 5 consecutive years, shall, subject to the exemption in subparagraph (D)(iii), fully implement the comprehensive restructuring plan by not later than the end of the year following such identification.

"(F) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude a local educational agency from implementing a policy of carrying out a comprehensive restructuring of a school more quickly than is required by this section.

"(2) FOCUSED INTERVENTION.—

"(A) IDENTIFICATION.—

"(i) IN GENERAL.—If any elementary school or secondary school served under this part does not, for 2 or more consecutive years, make adequate yearly progress as defined in the State's plan under section 1111(b)(2) but is not identified as in need of comprehensive intervention, the local educational agency shall identify the school as in need of focused intervention with respect to each group of students described in section 1111(b)(2)(C)(v) that did not meet the objectives set by the State under section 1111(b)(2)(G) in the same subject area for both years.

"(ii) TRANSFER TO COMPREHENSIVE INTERVENTION.—In the case of a school that has been identified as in need of focused intervention under clause (i), the school will no longer be under focused intervention if the school does not make adequate yearly progress for 2 consecutive years for groups that collectively contain more than 50 percent of the students.

"(iii) EXITING FOCUSED INTERVENTION.—In the case of a school that has been identified as in need of focused intervention with respect to a focused group and focused subject under clause (i), the school shall continue to be identified as in need of focused intervention and subject to the requirements of this section until the focused group meets or exceeds the objectives set by the State under section 1111(b)(2)(G) for the focused subject for 2 consecutive years.

"(B) DEFINITIONS.—In this paragraph—

"(i) the term 'focused group' means the group of students described in subparagraph (A)(i); and

"(ii) the term 'focused subject' means each subject area for which the focused group did not meet the objectives set by the State under section 1111(b)(2)(G) for both years.

"(C) MULTIPLE GROUPS.—A school may be identified for focused improvement under this paragraph for more than 1 focused group of students and with respect to more than 1 focused subject, and shall carry out the requirements of this paragraph for each such group and subject.

"(D) PLAN IMPLEMENTATION IN YEARS 1, 2, 3, AND 4.—In the case of a school identified as in need of focused intervention for the same focused group and 1 or more of the same focused subjects for 2 consecutive years—

"(i) the school shall implement the school intervention plan under section 1115A and issue an annual progress report regarding the implementation to the public by not later than the following academic year; and

"(ii) the local educational agency shall target supplemental educational services to students in the focused group while allowing other students to participate in accordance with subsection (E) by not later than the following academic year.

"(E) PUBLIC SCHOOL TRANSFER IN YEAR 1.—In the case of a school identified as in need of focused intervention for the same focused group and 1 or more of the same focused subjects for 2 consecutive years—

"(i) the school shall continue to implement the intervention plan and provide annual progress reports, as required under subparagraph (D)(i);

"(ii) the local educational agency shall continue to provide supplemental educational services under subparagraph (D)(ii); and

"(iii) by not later than 6 weeks before the start of the first school year of intervention plan implementation, the local educational agency serving the school shall notify the parents of the students attending the school of the parents' right to transfer the students to another public school that is not identified as in need of comprehensive intervention and shall provide such right.

"(F) FOCUSED RESTRUCTURING PLAN DEVELOPMENT IN YEAR 4.—In the case of a school identified as in need of focused intervention for the same focused group and 1 or more of the same focused subjects for 4 consecutive years, the local educational agency, in consultation with the school and in addition to plan implementation as defined in subparagraph (D), shall carry out clauses (i) and (ii).

"(i) IN GENERAL.—The local educational agency, in consultation with school intervention specialists from the local educational agency and the State educational agency, and parent and community representatives, shall—

"(I) develop a focused restructuring plan that may utilize additional school improvement funding provided to the State educational agency;

"(II) obtain certification of the plan from the chief school officer of the local educational agency and the chief State school officer attesting that the plan meets the requirements of this subparagraph and is reasonably designed to ensure that the school will make adequate yearly progress in the succeeding years; and

"(III) after certification, make the focused restructuring plan publicly available.

"(ii) CONTENTS.—A focused restructuring plan for a school subject to this subparagraph shall include a plan to carry out 1 or more of the following as consistent with State law:

"(I) Reassigning the majority of the staff at the school associated with the subgroups that did not meet adequate yearly progress, and ensuring that, in the subsequent year, the staff serving the students in these subgroups do not have a greater percentage of teachers who are not highly effective than the average percentage of such teachers in the schools served by the local educational agency.

"(II) Entering into an agreement with a private or non-profit organization with a proven record of improving schools and school instruction to manage and staff the instructional areas not meeting adequate yearly progress.

"(G) FOCUSED RESTRUCTURING PLAN IMPLEMENTATION IN YEAR 5.—In the case of a school identified as in need of focused intervention for the same focused group and 1 or more of the same focused subjects for 5 consecutive years, the local educational agency shall implement the certified focused restructuring plan in the following school year.

"(H) CONTINUED PLAN IMPLEMENTATION IN YEAR 6 AND BEYOND.—In the case of a school identified as in need of focused intervention for the same focused group and 1 or more of the same focused subjects for 6 or more consecutive years, the local educational agency shall continue refining the intervention plan and the local educational agency shall use sufficient funds available under this title to carry out extended time instructional programs for students in the focused group.

"(3) GENERAL PROVISIONS.—

"(A) DEADLINE.—The identification of a school as in need of comprehensive intervention under paragraph (1) or focused intervention under paragraph (2) shall take place before the beginning of the school year following the failure to make adequate yearly progress.

"(B) FOCUSED ASSISTANCE SCHOOLS.—To determine if an elementary school or a secondary school that is conducting a targeted assistance program under section 1115 should be identified as in need of comprehensive intervention or focused intervention under this section, a local educational agency may choose to review the progress of only the students in the school who are served, or are eligible for services, under this part.

"(4) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE; TIME LIMIT.—

"(A) IDENTIFICATION.—Before identifying an elementary school or a secondary school as in need of comprehensive intervention or focused intervention under paragraphs (1) or (2), the local educational agency shall provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based.

"(B) EVIDENCE.—If the principal of a school proposed for identification as in need of comprehensive intervention or focused attention under paragraphs (1) or (2) believes, or a majority of the parents of the students enrolled in such school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the State educational agency, which shall consider that evidence before making a final determination within 30 days.

"(5) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—For each school identified as in need of comprehensive intervention or focused intervention under paragraph (1) or (2), the local educational agency serving the school shall ensure the provision of technical assistance as the school develops and implements the school plan under either such paragraph throughout the plan's duration.

"(B) SPECIFIC ASSISTANCE.—Such technical assistance—

"(i) shall include assistance in gathering and analyzing data from assessments and other examples of student work, to identify and address—

"(I) problems in instruction; and

"(II) problems, if any, in implementing the parental involvement requirements described in section 1118, the professional development requirements described in section 1119, and the responsibilities of the school and local educational agency under the school plan; and

"(III) solutions to such problems;

"(ii) shall include assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school-improvement;

"(iii) shall include assistance in analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student academic achievement and to remove the school from school-improvement status; and

"(iv) may be provided—

"(I) by the local educational agency, through mechanisms authorized under section 1117; or

"(II) by the State educational agency, an institution of higher education (that is in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965), a private not-for-profit organization or for-profit organization, an educational service agency, or another entity with experience in helping schools improve academic achievement.

"(C) SCIENTIFICALLY BASED RESEARCH.—Technical assistance provided under this section by a local educational agency or an entity approved by that agency shall be based on scientifically based research.

"(6) INDEPENDENT AUDIT OF SPACE AVAILABILITY.—

"(A) IN GENERAL.—Each local educational agency serving any school identified as in need of comprehensive intervention under paragraph (1) shall annually document (through an independent audit that may be conducted by the State educational agency) the space in public schools served by such agency that are making adequate yearly progress that is available for transfers under paragraph (1)(C) or (2)(E).

"(B) RULE IF INADEQUATE SPACE.—The Secretary shall deem a local educational agency to have met its obligations under paragraph (1)(C) or (2)(E) if—

"(i) an audit under subparagraph (A) determines that the requirements of paragraph (1)(C) or (2)(E) cannot be met because of—

"(I) the lack of physical space, and the inability to reasonably acquire additional physical space (such as the lack of land to place portable classrooms);

"(II) the inability to acquire new classroom space; or

"(III) State and local health or safety laws and regulations; and

"(ii) the local educational agency makes available for transfers under such paragraph all the space determined by the audit to be practically available.

"(7) NOTICE TO PARENTS.—A local educational agency shall promptly provide to a parent or parents of each student enrolled in an elementary school or a secondary school identified for comprehensive intervention or each student in a focused group in an elementary school or secondary school identified for focused intervention (in an understandable and uniform format and, to the extent practicable, in a language the parents can understand)—

"(A) an explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the local educational agency and the State educational agency involved;

"(B) the reasons for the identification;

"(C) an explanation of what the school identified is doing to address the problem of low achievement;

"(D) an explanation of what the local educational agency or State educational agency is doing to help the school address the achievement problem;

"(E) an explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and

"(F) an explanation of the parents' option to transfer their child to another public school under paragraph (1)(C) or (2)(E), (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental educational services for the child, under paragraph (1) or (2) and in accordance with subsection (e).

"(8) DELAY.—Notwithstanding any other provision of this paragraph, the local educational agency may delay, for a period not to exceed 1 year, implementation of restructuring if the school makes adequate yearly progress for 1 year or if its failure to make adequate yearly progress is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school. No such period shall be taken into account in determining the number of consecutive years of failure to make adequate yearly progress.

"(9) TRANSPORTATION.—In the case of any school identified as in need of comprehensive intervention or focused intervention that is required to provide public school transfer under paragraph (1)(C) or (2)(E), the local educational agency shall provide, or shall pay for the provision of, transportation for the student to the public school the student attends.

"(10) FUNDS FOR TRANSPORTATION AND SUPPLEMENTAL EDUCATIONAL SERVICES.—

"(A) IN GENERAL.—Unless a lesser amount is needed to comply with paragraph (9) and to satisfy all requests for supplemental educational services under subsection (e), a local educational agency shall spend an amount equal to 20 percent of its allocation under subpart 2, from which the agency shall spend—

"(i) an amount equal to 5 percent of its allocation under subpart 2 to provide, or pay for, transportation under paragraph (8);

"(ii) an amount equal to 5 percent of its allocation under subpart 2 to provide supplemental educational services under subsection (e); and

"(iii) an amount equal to the remaining 10 percent of its allocation under subpart 2 for transportation under paragraph (8), supplemental educational services under subsection (e), or both, as the agency determines.

"(B) TOTAL AMOUNT.—The total amount described in subparagraph (A)(ii) is the maximum amount the local educational agency shall be required to spend under this part on supplemental educational services described in subsection (e).

"(C) INSUFFICIENT FUNDS.—If the amount of funds described in subparagraph (A)(ii) or (iii) and available to provide services under this subsection is insufficient to provide supplemental educational services to each child whose parents request the services, the local educational agency shall give priority to providing the services to the lowest-achieving children.

"(D) PROHIBITION.—A local educational agency shall not, as a result of the application of this paragraph, reduce by more than 15 percent the total amount made available under section 1113(c) to a school described in paragraph (7)(C) or (8)(A) of subsection (b).

"(11) SPECIAL RULES REGARDING SCHOOL TRANSFER.—

"(A) CONTINUATION OF SCHOOLING.—A local educational agency shall permit a child who transferred to another school under this subsection to remain in that school until the child has completed the highest grade in that school. The obligation of the local educational agency to provide, or to provide for, transportation for the child ends at the end of a school year if the local educational agency determines that the school from which the child transferred is no longer identified for as in need of comprehensive intervention or focused intervention.

"(B) SPECIAL VOLUNTARY SCHOOL CHOICE PROGRAMS.—A local educational agency receiving assistance under this part that offers a voluntary school choice program, other than the program specified in section 1116(i), for students served by the local educational agency, shall not offer such program before first making the voluntary program available to all students in schools served by the local educational agency that are identified as in need of comprehensive intervention or focused intervention, with priority to students in schools identified as in need of comprehensive intervention.

"(C) COOPERATIVE AGREEMENT.—In any case where a local educational agency is required to provide public school transfer under paragraph (1)(C) or (2)(E) and all public schools served by the local educational agency to which a child may transfer are identified as in need of comprehensive intervention, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for a transfer.

"(12) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

"(A) make technical assistance under section 1117 available to schools identified as in need of comprehensive intervention or focused intervention under this subsection consistent with section 1117(a)(2);

"(B) if the State educational agency determines that a local educational agency failed to carry out its responsibilities under this subsection, take such corrective actions as the State educational agency determines to be appropriate and in compliance with State law;

"(C) ensure that academic assessment results under this part are provided to schools before any identification of a school may take place under this subsection; and

"(D) for local educational agencies or schools identified for comprehensive intervention or in need of focused intervention under this subsection, notify the Secretary of major factors that were brought to the attention of the State educational agency under section 1111(b)(9) that have significantly affected student academic achievement.";

(3) by striking paragraph (1) of subsection (c) and inserting the following:

"(1) SUPPLEMENTAL EDUCATIONAL SERVICES.—The local educational agency serving any school required under paragraph (1) or (2) of subsection (b) to provide supplemental educational services shall, subject to this subsection, arrange for the provision of supplemental educational services to eligible children in the school from a provider with a demonstrated record of effectiveness, that is selected by the parents and approved for that purpose by the State educational agency in accordance with reasonable criteria, consistent with paragraph (5), that the State educational agency shall adopt.";

(4) in subsection (g), by striking paragraphs (3) and (4) and inserting the following:

"(3) SCHOOL-IMPROVEMENT FOR DEPARTMENT OF INTERIOR SCHOOLS.—

"(A) CONTRACT AND GRANT SCHOOLS.—For a school funded by the Department of Interior which is operated under a contract issued by the Secretary of the Interior pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.) or under a grant issued by the Secretary of the Interior pursuant to the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), the school board of such school shall be responsible for meeting the requirements of subsection (b) relating to development and implementation of any comprehensive intervention plan or comprehensive restructuring plan as described in subsection (b)(1) or focused intervention plan or focused restructuring plan as described in subsection (b)(2), except for the requirements to provide public school transfer under paragraph (1)(C) or (2)(E) of subsection (b). The Department of Interior shall be responsible for meeting the requirements of subsection (b)(5) relating to technical assistance.

"(B) DEPARTMENT OPERATED SCHOOLS.—For schools operated by the Department of the Interior, the Department shall be responsible for meeting the requirements of subsection (b) relating to development and implementation of any comprehensive intervention plan or comprehensive restructuring plan as described in subsection (b)(1), or focused intervention plan or focused restructuring plan as described in subsection (b)(2), except for the requirements to provide public school transfer under paragraph (1)(C) or (2)(E) of subsection (b).

"(4) CORRECTIVE ACTION AND RESTRUCTURING FOR BUREAU-FUNDED SCHOOLS.—

"(A) CONTRACT AND GRANT SCHOOLS.—For a school funded by the Department of Interior which is operated under a contract issued by the Secretary of the Interior pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.) or under a grant issued by the Secretary of the Interior pursuant to the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), the school board of such school shall be responsible for meeting the requirements of paragraph (1) or (2) of subsection (b). Any action taken by such school board under subsection (b)(1)(D) shall take into account the unique circumstances and structure of the Department of Interior-funded school system and the laws governing that system.

"(B) BUREAU OPERATED SCHOOLS.—For schools operated by the Department of Interior, the Department shall be responsible for meeting the requirements of paragraph (1) or (2) of subsection (b). Any action taken by the Department under subsection (b)(1)(D) shall take into account the unique circumstances and structure of the Department of Interior-funded school system and the laws governing that system.

"(5) ANNUAL REPORT.—On an annual basis, the Secretary of the Interior shall report to the Secretary of Education and to the appropriate committees of Congress regarding any schools funded by the Department of Interior which have been identified for comprehensive intervention or focused intervention. Such report shall include—

"(A) the identity of each school;

"(B) a statement from each affected school board regarding the factors that lead to such identification; and

"(C) an analysis by the Secretary of the Interior, in consultation with the Secretary if the Secretary of Interior requests the consultation, as to whether sufficient resources were available to enable such school to achieve adequate yearly progress."; and (5) in subsection (h), by striking "(b)(14)(D)" and inserting "(b)(12)(D)".

SEC. 405. COUNTING ALL CHILDREN.

(a) CONFIDENCE INTERVALS.—Subparagraph (G) of section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(G)) is amended by adding at the end the following flush sentence:

"Confidence intervals of not greater than 95 percent may be used for purposes of this subparagraph, except that a school that has implemented a growth model system under section 1120D may not use confidence intervals.".

(b) NUMBER OF STUDENTS NECESSARY FOR STATISTICALLY RELIABLE INFORMATION.—Section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) is amended by adding at the end the following:

"(n) INSUFFICIENT NUMBER TO YIELD RELIABLE INFORMATION.—For purposes of this section—

"(1) any group of 20 students or more shall be deemed to be sufficient to yield statistically reliable information; and

"(2) the Secretary may, upon the request of a State educational agency, deem a group of students too small if—

"(A) the group consists of more than 20 but less than 31 students; and

"(B) the Secretary determines that the State educational agency has justified, through documented evidence, the need for such an interpretation.".

SEC. 406. INCLUDING ALREADY-REQUIRED SCIENCE ASSESSMENTS IN ADEQUATE YEARLY PROGRESS.

Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amended—

(1) in subparagraph (E), by inserting "Each State, using data for the 2001–2002 school year for mathematics and reading or language arts and data for the 2007–2008 school year for science," after "Starting Point.";

(2) by amending subparagraph (F) to read as follows:

"(F) TIMELINE.—Each State shall establish a timeline for adequate yearly progress, which shall ensure that, by the end of—

"(i) the 2013–2014 school year, all students in each group described in subparagraph (C)(v) will meet or exceed the State's proficient level of academic achievement on the State assessments of mathematics and reading or language arts under paragraph (3); and

"(ii) the 2019-2020 school year, all students in each group described in subparagraph (C)(v) will meet or exceed the State's proficient level of academic achievement on the State assessments of science under paragraph (3)."; and (3) in paragraph (G)(i), by striking "subsection (a)(3)" and inserting "paragraph (3) and, beginning in the 2008–2009 school year, science;".

SEC. 407. MATHEMATICS AND SCIENCE PARTNERSHIPS.

Section 2202 (20 U.S.C. 6662) is amended—

(1) by striking subparagraph (C) of subsection (b)(2) and inserting the following:

"(C)(i) a description of how the activities to be carried out by the eligible partnership will be based on a review of scientifically based research on mathematics and science education programs that are effective in improving student academic achievement, which may include programs identified by the Director of the National Science Foundation for replication on a more expansive basis; and

"(ii) an explanation of how the activities are expected to improve student academic achievement and strengthen the quality of mathematics and science instruction;";

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(3) by inserting after subsection (b) the following:

"(c) SPECIAL CONSIDERATION.—In awarding grants pursuant to subsection (a)(1) or awarding subgrants pursuant to subsection (a)(2), the Secretary or the State educational agency, respectively, shall give special consideration to eligible partnerships that carry out activities modeled after programs identified by the Director of the National Science Foundation for replication on a more expansive basis.";

(4) by striking paragraph (2) of subsection (e) (as redesignated by paragraph (2)) and inserting the following:

"(2) NATIONAL SCIENCE FOUNDATION.—In carrying out the activities authorized by this part, the Secretary shall—

"(A) consult with the Director of the National Science Foundation, particularly in the conduct of summer workshops, institutes, or partnerships to improve mathematics and science teaching in elementary schools and secondary schools; and

"(B) consult with the Director of the National Science Foundation regarding the dissemination of model programs identified by the Director of the National Science Foundation to be replicated on a more expansive basis.";

(5) in subsection (f) (as redesignated by paragraph (2))—

(A) in paragraph (2)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(D) shall describe how the activities assisted under this section will be coordinated with other programs to improve mathematics and science academic achievement that are being implemented by the local educational agency that is a member of the partnership."; and

(B) by adding at the end the following:

"(3) REPORTS.—

"(A) ELIGIBLE PARTNERSHIP REPORTS.—Each eligible partnership receiving a grant or subgrant under this part shall report annually to the Secretary regarding the eligible partnership's progress in meeting the objectives described in the accountability plan of the partnership under paragraph (2).

"(B) SECRETARY REPORTS.—The Secretary shall annually report to the appropriate committees of Congress on the effectiveness of programs assisted under this part in improving student mathematics and science academic achievement.

"(4) REVOCATION.—If the Secretary or State educational agency, as applicable, determines that an eligible partnership is not making substantial progress in meeting the objectives described in the accountability plan of the partnership under paragraph (2) by the end of the second year of the grant or subgrant under this part, then the Secretary or State educational agency shall not make a grant or subgrant payment under this part to the eligible partnership for the third year of the grant or subgrant.".

SEC. 408. CHILDREN WITH DISABILITIES AND CHILDREN WHO ARE LIMITED ENGLISH PROFICIENT.

(a) STUDENTS WITH DISABILITIES.—Paragraph (2) of section 1111(b) (20 U.S.C. 6311(b)(2)) is amended by inserting after subparagraph (L) the following:

"(M) STUDENTS WITH DISABILITIES.—

"(i) IN GENERAL.—Subject to clause (ii), in determining whether students with disabilities meet or exceed the objectives set by the State under subparagraph (G)—

"(I) students with significant cognitive disabilities may be assessed against alternative standards using alternative assessments; and

"(II) students described in clause (iii) may be assessed against modified achievement standards that measure the same academic content as the regular student academic achievement standards under paragraph (1)(D).

"(ii) NUMERICAL LIMITS.—

"(I) STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES.—A local educational agency may not claim the exception under clause (i)(I) for more than 1 percent of the students attending schools served by the local educational agency for each school year.

"(II) TOTAL LIMIT.—A local educational agency may not claim the exceptions under subclauses (I) and (II) of clause (i) for more than 2 percent of the students attending schools served by the local educational agency.

"(iii) STUDENTS ASSESSED WITH MODIFIED STANDARDS.—A student is described in this clause if—

"(I) the student has a disability other than a significant cognitive disability; and

"(II) the Secretary determines by regulations that the type and level of such disability warrants the use of modified achievement standards.

"(iv) SEPARATE STANDARDS.—The determination of whether subclause (I) or (II) of clause (i) applies to a student shall be made separately from other categorizations of disabilities.

"(v) EXCEPTION.—

"(I) Each State educational agency shall provide for necessary exceptions to permit increased limits in this subparagraph where a larger limit is justified, such as a specialized facility in the local educational agency that results in a larger percentage of students than average requiring alternative assessments with alternative or modified standards.

"(II) The State educational agency must provide notification to the Secretary when providing exceptions to a local educational agency and provide an annual report to the Secretary and to the public on all the local educational agencies receiving exemptions under this paragraph. The report shall include the resulting assessment percentages associated with the approved exemptions and such additional information as the Secretary may reasonably require.

"(III) Exceptions should not be granted on the basis of poor or inaccurate identification or the inappropriate use of alternate achievement standards.

"(IV) Exception requests are appropriate where a local educational agency addresses issues such as high rates of students with the most significant cognitive disabilities; circumstances in the local education agency that would explain the higher rates such as specialized health programs or facilities; and documentation that the local educational agency has implemented safeguards that limit the inappropriate use of alternative achievement standards. These safeguards may include implementing State guidelines through the Individualized Educational Plan process; informing parents about the actual achievement of students; reporting, to the extent possible, on test-taking patterns; including these students in the general curriculum; providing information about the use of appropriate accommodations; and ensuring that teachers and other educators participate in appropriate professional development about alternate assessments.

"(vi) STATE PLAN.—Each State plan shall demonstrate how the provisions of this section are to be communicated to all public school principals and special education teachers in the State. The State plan shall also demonstrate that each local educational agency within the State monitors the implementation of this subparagraph to ensure that the subparagraph is uniformly applied to all schools served by such agency.".

(b) STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT.—Paragraph (2) of section 1111(b) of such Act is amended by inserting after subparagraph (M) the following:

"(N) STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT.—

"(i) IN GENERAL.—Notwithstanding this section, a State may—

"(I) exempt a recently arrived limited English proficient student from taking the assessments during the first year that the student is enrolled in a school in the United States, and not include such student in determining the percentage of students enrolled in a school that are required to take the assessments under subparagraph (I); and

"(II) choose to not include the assessment results of all recently arrived limited English proficient students in the State for the first year in which the students are enrolled in a school in the United States for the purposes of determining if a group described in subparagraph (C)(v) has met or exceeded the objectives set by the State under subparagraph (G) for a school year.

"(ii) RETENTION IN LIMITED ENGLISH PROFICIENT STUDENT GROUP.—

"(I) IN GENERAL.—Notwithstanding this subparagraph, in determining whether the subgroup of limited English proficient students met or exceeded the objectives for a school or local educational agency, a State may include in such subgroup the assessment results of students who—

"(aa) were limited English proficient, as determined by the State; and

"(bb) whose English proficiency has improved so that the students are no longer limited English proficient, as determined by the State.

"(II) TIME PERIOD.—A State may include a student described in subclause (I) in the subgroup of limited English proficient students only during the 3 school years following the determination that the student is no longer limited English proficient.

"(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to relieve a State or local educational agency from its responsibility under applicable law to provide recently arrived limited English proficient students and students who were limited English proficient but who are no longer limited English proficient, as determined by the State, with appropriate instruction to assist such students in gaining English-language proficiency as well as meeting or exceeding the proficient levels of achievement in mathematics, reading or language arts, and science.".

SEC. 409. EARLY CHILDHOOD DEVELOPMENT.

Paragraph (1) of section 1116(b) (20 U.S.C. 6316(b)) is amended by adding at the end the following new subparagraph:

"(G) EARLY CHILDHOOD EDUCATION IMPROVEMENT.—

"(i) IN GENERAL.—In the case of an elementary school identified as in need of comprehensive or focused intervention, the local educational agency shall administer developmental screens and assessments to preschool and kindergarten students who are enrolled in the school or as provided for in clause (iv), for purposes of—

"(I) identifying areas for which instructional intervention is necessary in the areas of pre-literacy and pre-numeracy for each cohort of preschool or kindergarten students;

"(II) improving instruction and services being offered to preschool and kindergarten students; and

"(III) determining whether diagnostic assessments are necessary to identify needed interventions, including in the areas of literacy and mathematics.

"(ii) DEVELOPMENT SCREENS AND ASSESSMENTS.—The developmental screens and assessments described in clause (i) shall be screens and assessments scientifically determined to be valid, reliable, and appropriate for the population for whom the screens and assessments are being used.

"(iii) RESTRICTIONS ON USE.—The results of the screens and assessments described in clause (i) shall be used for improving instruction and services, and shall not be used for accountability-based decisions regarding students, schools, or local educational agencies.

"(iv) EARLIEST GRADE.—An elementary school that does not have preschool or kindergarten shall administer such screens and assessments before or during entrance into the earliest grade offered by the school.".

SEC. 410. ADJUNCT TEACHER CORPS.

Subpart 3 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6711 et seq.) is amended to read as follows:

"Subpart 3—Adjunct Teacher Corps

"SEC. 2341. DECLARATION OF PURPOSE.

"It is the purpose of this subpart to create opportunities for professionals and other individuals with subject-matter expertise to teach secondary school courses in the core academic subjects, particularly mathematics, science, and critical foreign languages, on an adjunct basis.

"SEC. 2342. ADJUNCT TEACHER PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to recruit and train well-qualified individuals to serve as adjunct teachers in secondary school courses in the core academic subjects, and to place such individuals as adjunct teachers in secondary schools.

"(b) ELIGIBLE ENTITY.—For the purpose of this subpart, an eligible entity is—

"(1) a local educational agency;

"(2) a public or private entity (which may be a State educational agency); or

"(3) a partnership consisting of a local educational agency and a public or private entity.

"(c) DURATION OF GRANTS.—The Secretary shall award each grant under this subpart for a period of not more than 5 years.

"(d) PRIORITIES.—In awarding grants under this subpart, the Secretary shall give priority to eligible entities that propose to—

"(1) serve local educational agencies that have a large number or percentage of students performing below grade level, including local educational agencies that are not making adequate yearly progress as defined in the State plan under section 1111(b)(2);

"(2) recruit and train adjunct teachers in mathematics, science, or critical foreign languages, and provide schools with the adjunct teachers; and

"(3) recruit adjunct teachers to serve in schools that have an insufficient number of teachers with expertise in the subjects the adjunct teachers will teach.

"(e) APPLICATION.—

"(1) IN GENERAL.—An eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(2) CONTENTS.—The application shall, at a minimum, include a description of—

"(A) the need for, and expected benefits of using, adjunct teachers in the participating schools, which may include information on the difficulty participating schools face in recruiting effective faculty and the achievement levels of students in those schools;

"(B) the goals and objectives for the project, including the number of adjunct teachers the eligible entity intends to place in classrooms and the specific gains in academic achievement intended to be achieved;

"(C) how the eligible entity will recruit experienced individuals and appropriate public and private entities to participate in the program;

"(D) the participating schools at which, and the grade levels and subjects in which, the eligible entity proposes to have the adjunct faculty teach;

"(E) how the eligible entity will use funds received under this subpart, including how the eligible entity will use funds to evaluate the success of the program;

"(F) how the eligible entity will ensure that low-income students, defined through their eligibility for free and reduced-price lunches under the Richard B. Russell National School Lunch Act, in participating schools and local educational agencies will, during the period of the grant, receive instruction in the core academic subjects from a teacher with expertise in the subject taught;

"(G) the eligible entity's commitment, after the project period ends, to continue to hire and employ adjunct teachers, as needed, to teach secondary school courses, particularly mathematics, science, and critical foreign languages; and

"(H) how the eligible entity will overcome legal, contractual, or administrative barriers to the employment of adjunct faculty in each participating State educational agency or local educational agency.

"(f) USES OF FUNDS.—Each eligible entity that receives a grant under this subpart shall use the grant funds only to carry out 1 or more of the following:

"(1) To develop the capacity of the local educational agency or the State educational agency participating in the eligible entity to identify, recruit, and train qualified individuals outside of the elementary and secondary education system (including individuals in business and government, and individuals who would participate through distance-learning arrangements) to become adjunct teachers.

"(2) To provide financial incentives to adjunct teachers.

"(3) To reimburse outside entities for the costs associated with allowing an employee to serve as an adjunct teacher, except that the costs shall not exceed the corresponding total costs of salary and benefits for teachers with comparable experience or expertise in the local educational agency.

"(4) To collect and report such performance information as the Secretary may require, including information needed for the national evaluation conducted under subsection (h).

"(g) MATCHING REQUIREMENT.—Each eligible entity that receives a grant under this section shall match the grant funds with non-Federal funds, in cash or in kind.

"(h) NATIONAL EVALUATION.—From the amount made available for any fiscal year under subsection (k), the Secretary shall reserve such sums as may be necessary to conduct an independent evaluation, by grant or by contract, of the adjunct teacher corps program carried out under this subpart, which shall include an assessment of the impact of the program on student academic achievement. The Secretary shall report the results of this evaluation to the appropriate committees of Congress.

"(i) PROGRAM PERFORMANCE.—

"(1) FINAL REPORT.—Each eligible entity receiving a grant under this section shall prepare and submit to the Secretary a final report on the results of the grant that shall include—

"(A) information on the academic achievement of students receiving instruction from an adjunct teacher; and

"(B) such other information as the Secretary may require.

"(2) CONTENTS.—The information required for the report under this subsection shall be—

"(A) reported in a manner that provides for a comparison of student achievement data prior to, during, and after implementation of the adjunct teacher corps program under this subpart; and

"(B) disaggregated by race, ethnicity, disability status, limited English proficient status, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which—

"(i) the number of students in a category is insufficient to yield statistically reliable information; or

"(ii) the result would reveal personally identifiable information about an individual student.

"(j) DEFINITIONS.—In this subpart:

"(1) ADJUNCT TEACHER.—The term 'adjunct teacher' means a teacher who—

"(A) possesses, at a minimum, a baccalaureate degree;

"(B) has demonstrated expertise in the subject matter the teacher teaches;

"(C) during the first year assists the teacher of record or shall receive other mentoring services;

"(D) is subject to the same teacher effectiveness provisions as other teachers; and

"(E) is not required to meet the other requirements of section 9101(23).

"(2) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' means a foreign language considered most critical to ensure future United States national security and economic prosperity, as determined by the Secretary.

"(3) SECONDARY SCHOOL COURSE.—The term 'secondary school course' means a course in 1 of the core academic subjects (as that term is defined in section 9101) provided to students in grades 6 through 12.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart $25,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding years.".

TITLE V—ENHANCEMENTS

SEC. 501. PURPOSES.

The purposes of this title are to—

(1) permit low-income students in schools not making adequate yearly progress with the option to go to another public school outside of their own district and have Federal funds follow the child;

(2) provide incentives for the equitable distribution of funds to public charter schools;

(3) improve programs for parental involvement;

(4) provide evidence-based intervention models to improve access to early intervention, early identification, and improved academic outcomes for all students;

(5) incorporate universal design for learning properties to provide a research-based framework for designing curricula including goals, teaching methods, instructional materials, and assessments, that enables all individuals to gain knowledge, skills, and enthusiasm for learning;

(6) double over 3 years the research and development investment to develop innovative education models and strengthen the scientifically based information necessary under the Elementary and Secondary Education Act of 1965;

(7) expand access to supplemental educational services;

(8) increase support for foster children and youth;

(9) disaggregate graduation rates and hold schools accountable for closing the achievement gap in graduation rates; and

(10) develop high school improvement plans.

SEC. 502. AUTHORIZATIONS.

For the purpose of carrying out this title, in addition to other amounts already authorized, there are to be appropriated $750,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.

SEC. 503. PUBLIC SCHOOL CHOICE.

Section 1116 (20 U.S.C. 6316) is amended by adding at the end the following:

"(i) OUT-OF-DISTRICT TRANSFER PROGRAM TO ANOTHER PUBLIC SCHOOL.—

"(1) PROGRAM AUTHORIZED.—From amounts authorized under paragraph (5), the Secretary is authorized to make payments to local education agencies on behalf of eligible students attending schools that are in need of comprehensive intervention, to enable such students to transfer to elementary or secondary schools served by other local educational agencies.

"(2) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE STUDENT.—the term 'eligible student' means an elementary or secondary school student who—

"(i) is from a low-income family as determined by eligibility for free and reduced-price lunches under the Richard B. Russell National School Lunch Act;

"(ii) at the time of application, is enrolled in a school that is in need of comprehensive intervention; and

"(iii) is unable to take advantage of public school choice under subsection (b)(1)(D) because—

"(I) all public schools in the local educational agency for the student's grade are identified as in need of comprehensive intervention; or

"(II) all public schools that are not so identified do not have availability to take additional students.

"(B) RECEIVING SCHOOL.—The term 'receiving school' means a public elementary or secondary school that—

"(i) is served by a local educational agency and is located nearby the student's home school;

"(ii) is not identified as being in need of comprehensive intervention for the school year preceding the year the student participates in the program under this subsection; and

"(iii) agrees to accept students participating in the program under this subsection.

"(3) AWARD BASIS.—If the amounts appropriated under paragraph (5) for a fiscal year are not sufficient to award payments, the Secretary shall give a priority to students in States or localities that offer matching grants or cost sharing with the Federal funding.

"(4) PAYMENTS.—

"(A) IN GENERAL.—For each student that participates in the program under this section, the Secretary shall make a payment to the local educational agency that serves the receiving school that accepts such student, to be used toward the costs of providing a quality public education to the eligible students.

"(B) AMOUNT.—The amount of a payment provided on behalf of a student under this section shall be up to $5,000 a year, of which—

"(i) not more than the average amount of Federal funds per student from title I and title V of the Elementary and Secondary Education Act of 1965 in the originating local educational agency shall be transferred from the originating local educational agency of the school in need of comprehensive intervention to the receiving local educational agency;

"(ii) not more than $4,000 shall be used by the receiving local educational agency for tuition, fees, and transportation related to providing public education to eligible students; and

"(ii) not more than $1,000 shall be used to provide mentoring for eligible students transferring to the new school and to offer parental involvement programs for the eligible student.

"(5) AUTHORIZATION OF APPROPRIATIONS.—From the amounts authorized to be appropriated under section 502 of the All Students Can Achieve Act, there are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2008 and for the 4 succeeding fiscal years.".

SEC. 504. PUBLIC CHARTER SCHOOLS.

(a) IDEA AND CHARTER SCHOOLS.—Section 5205(a) (20 U.S.C. 7221(d)) is amended by adding at the end the following:

"(6) To provide technical assistance to public charter schools on how to meet the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).".

(b) Charter School Equitable Funding.-Section 5202(e)(3) (20 U.S.C. 7221e(e)(3)) is amended by adding at the end the following:

"(D) The State—

"(i) provides public charter schools with funding commensurate with that provided to other public schools, including provision for school facilities; and

"(ii) ensures that each local educational agency sends to the charter schools the Federal, State and local dollars to which the charter schools are entitled in a timely manner.".

(c) AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC CHARTER SCHOOL PROGRAMS.—Section 5211 (20 U.S.C. 7221j) is amended to read as follows:

"SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated—

"(1) to carry out this subpart (except for section 5205(b)), $250,000,000 for fiscal year 2008 and each of the 4 succeeding fiscal years; and

"(2) to carry out section 5205(b), $30,000,000 for fiscal year 2008 and each of the 4 succeeding fiscal years.".

SEC. 505. PARENTAL INVOLVEMENT.

Section 1118 (20 U.S.C. 6318) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (E), by striking "and" after the semicolon;

(B) in subparagraph (F), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(G) in the case of a State where a parental information and resource center is established, integrate the center in the policy and utilize the center to—

"(i) disseminate information and materials to parents; and

"(ii) provide valuable assistance to schools that have not achieved adequate yearly progress."; and

(2) by striking subsection (h) and inserting the following:

"(h) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—

"(1) REVIEW.—Each State educational agency receiving assistance under this part shall review the local educational agency's parental involvement policies and practices to determine if the policies and practices meet the requirements of this section.

"(2) OVERSIGHT.—Each State educational agency receiving assistance under this part shall designate an office or position within the State educational agency that shall—

"(A) oversee the proper implementation of the requirements pertaining to parental involvement of this part;

"(B) maintain records of all comments made to or about any local educational agency in the State with respect to the local educational agency's development and implementation of the parental involvement policy under subsection (a); and

"(C) in the case of a State that has a parental information and resource center, annually prepare and submit a report to the center that includes, for each local educational agency and public school in the State, that—

"(i) lists the scores for each local educational agency and public school in the State on the State academic assessments for each group described in section 1111(b)(2)(C)(v);

"(ii) lists each agency or school's result for each indicator of adequate yearly progress, as defined under section 1111(b)(3)(C), for each such group; and

"(iii) provides information on each agency or school's compliance with the requirements pertaining to parental involvement under this part.".

SEC. 506. RESPONSE TO INTERVENTION.

(a) INCLUSION IN LOCAL EDUCATIONAL AGENCY PLANS UNDER SECTION 1112.—Subparagraph (C) of section 1112(b)(1) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the semicolon ", such as through an evidence-based intervention model described in section 1114(b)(1)(B)(v)".

(b) INCLUSION IN SCHOOLWIDE REFORM STRATEGIES OF SCHOOLS UNDER SECTION 1114.—Subparagraph (B) of section 1114(b)(1) of such Act is amended—

(1) by striking "and" at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting a semicolon; and

(3) by adding at the end the following new clauses:

"(iv) coordinate with early intervening services under section 613(f) of the Individuals with Disabilities Education Act; and

"(v) provide evidence-based intervention models that include high-quality instruction, universal screening, progress monitoring, research-based interventions matched to student needs, and educational decision-making using learning rate over time and level of performance.".

(c) INCLUSION IN READING FIRST STRATEGIES.—Clause (ii) of section 1202(c)(7)(A) of such Act is amended—

(1) by striking "and" at the end of subclause (I);

(2) by striking the period at the end of subclause (II) and inserting "; and"; and

(3) by adding at the end the following new subclause:

"(III) includes an evidence-based intervention model described in section 1114(b)(1)(B)(v) to support the activities required or permitted under this paragraph.".

(d) INCLUSION IN PROFESSIONAL DEVELOPMENT FUNDING.—

(1) SECTION 2113(C)(2).—Paragraph (2) of section 2113(c) of such Act is amended—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

“(C) enable teachers to provide services under an evidence-based intervention model described in section 1114(b)(1)(B)(v).”.

(2) SECTION 2123(A)(3)(B).—Subparagraph (B) of section 2123(a)(3) of such Act is amended—

(A) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(B) by inserting after clause (iii) the following new clause:

“(iv) provide training to enable teachers to provide services under an evidence-based intervention model described in section 1114(b)(1)(B)(v).”.

SEC. 507. UNIVERSAL DESIGN FOR LEARNING.

(a) SECTION 111(B)(1)(D)(I).—Section 1111(b)(1)(D)(i) of such Act is amended—

(1) by striking “and” at the end of subclause (II); and

(2) by adding at the end the following new subclause:

“(IV) may incorporate the principals of universal design for learning;”.

(b) SECTION 1111(B)(3)(C).—Section 1111(b)(3)(C) of such Act is amended—

(1) by striking “and” at the end of clause (xiv);

(2) by striking the period and adding “; and” to the end of clause (xv); and

(3) by adding at the end a new clause:

“(xvi) to the extent feasible, be universally designed assessments that are designed from the outset to enable all students, including those with disabilities, to demonstrate their knowledge, skills, and abilities in accordance with intended learning standards and instructional goals.

Based on the principles of universal design for learning, such assessments—

“(I) minimize the effect of construct-irrelevant factors, such as physical, sensory, cultural, learning, or cognitive disabilities, or language barriers, that may interfere with the accuracy of the assessment; and

“(II) provide appropriate supports for students to demonstrate the knowledge, skills, and abilities according to the intended learning standards.”.

(c) SECTION 1111(C).—Section 1111(c) of such Act is amended—

(1) by striking “and” at the end of paragraph (13);

(2) by striking the period and adding “; and” at the end of paragraph (14); and

(3) by adding at the end a new paragraph:

“(15) the State educational agency, to the extent that it is involved in selecting and recommending textbooks and other instructional materials, will encourage the purchase of textbooks and materials that are consistent with the principles of universal design for learning.”.

(d) SECTION 1111(H)(5).—Section 1111(h)(5) of such Act is amended by striking the period and inserting the following: “a comprehensive plan developed in consultation with the experts in the field and stakeholders to address the implementation of universal design for learning. The plan must be sufficiently detailed to provide substantial guidance for activities that include research, model demonstrations, technical assistance and dissemination, technology innovations, personnel preparation, staff development and other means to develop and apply universal design for learning to standards, curriculum, teaching methods, instructional materials and assessments. The plan shall include proposed funding levels and timelines for implementing the various research, development and dissemination activities, and other components of the plan.”.

(e) SECTION 1112(C)(1).—Section 1112(c)(1) of such Act is amended—

(1) by striking “and” at the end of subclause (N);

(2) by striking the period and adding “; and” at the end of subclause (O); and

(3) by adding at the end the following:

“(P) Encourage the use of curriculum, teaching methods, instructional materials and assessments that are consistent with the principles of universal design for learning.”.

(f) SECTION 2112(B).—Section 2112(b) of such Act is amended by adding at the end the following:

“(12) A description of how the State educational agency will use funds under this part to provide training in the use of teaching methods consistent with the principles of universal design for learning.”.

(g) SECTION 2112(C)(2).—Section 2112(c)(2) of such Act is amended by inserting “general and special education” after “involvement of”, and inserting “consistent with the principle of universal learning” after “teaching skills”.

(h) SECTION 2402(A).—Section 2402(a) of such Act is amended by adding at the end the following:

“(9) To permit the purchase and implementation of universally designed technology, including staff development and technical support; to ensure that all students, including those with disabilities, will have an opportunity to benefit from the integration of technology into the general education curriculum; to provide frequent experiences in the use of universally designed technologies that may be applied to large scale assessments; and to measure the impact of universally designed technologies on the learning and achievement of all learners.”.

(i) SECTION 6111(L).—Section 6111(l) of such Act is amended by inserting “and universally designed assessments under section 1111 (b)(3)(C)(xvi)” after “required by section 1111(b)”.

(j) SECTION 9101.—Section 9101 of such Act is amended by adding at the end the following:

“(44) UNIVERSAL DESIGN.—The term ‘universal design’, as defined in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002), means a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of possible functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

“(45) UNIVERSAL DESIGN FOR LEARNING.—The term ‘universal design for learning’ extends the concept of universal design to the field of education. It is a research-based framework for designing curriculum, including goals, methods, materials, and assessments, that enables all individuals to gain knowledge, skills, and enthusiasm for learning. Universal design for learning provides curricular flexibility (in activities, in the ways information is presented, in the ways students respond or demonstrate knowledge, and in the ways students are engaged) to reduce barriers, provide appropriate supports and challenges, and maintain high achievement standards for all students, including students with disabilities.

“(46) UNIVERSALLY DESIGNED TECHNOLOGY.—The term ‘universally designed technology’ means hardware and software that—

“(A) include the features necessary for use by all learners or supports integration with the necessary assistive hardware and software technologies to ensure that the hardware and software are accessible and optimized for all learners; and

“(B) provide flexibility in the ways that information is presented, in the ways that students respond or demonstrate knowledge, and in the ways in which students are engaged in order to provide appropriate support and challenge and enhance the performance for a typically diverse spectrum of learners.”.

SEC. 508. DOUBLING SCIENTIFIC-BASED EDUCATION RESEARCH AT DEPARTMENT OF EDUCATION.

There are authorized to be appropriated for research, development, and dissemination activities for the Institute of Education Sciences of the Department of Education—

(1) $163,000,000 for fiscal year 2008;
(2) $218,000,000 for fiscal year 2009;
(3) $272,000,000 for fiscal year 2010;
(4) $326,000,000 for fiscal year 2011; and
(5) $380,000,000 for fiscal year 2012;

To enhance research and development on primary and secondary education reform through scientifically based research and innovative models for education and learning.

SEC. 509. SUPPLEMENTAL EDUCATIONAL SERVICES.

(a) USE OF SCHOOL FACILITIES IN PROVIDING SUPPLEMENTAL EDUCATIONAL SERVICES.—Paragraph (2) of section 1116(e) of such Act is amended—

(1) by striking “and” at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(3) by inserting after subparagraph (D) the following new subparagraph:

“(E) establish a process (which may include, after consultation with parents receiving such services, reasonable limits) for approved providers to provide such services at schools which otherwise permit nonschool-affiliated groups to use school facilities.”.

(b) USE OF MULTI-DISTRICT CONSORTIUMS TO SATISFY SES REQUIREMENTS.—Subsection (e) of section 1116 of such Act is amended—

(1) by redesignating paragraph (12) as paragraph (13); and

(2) by inserting after paragraph (11) the following new paragraph:

“(12) CONSORTIUMS.—

“(A) USE OF MULTI-DISTRICT CONSORTIUMS TO SATISFY SES REQUIREMENTS.—Local educational agencies may form consortiums to carry out the functions of such agencies under this subsection.

“(B) POOLING OF ELIGIBLE STUDENTS.—Nothing in this section shall be construed to prohibit students eligible for supplemental educational services from pooling together to attract additional provider options.”.

SEC. 510. INCREASING SUPPORT FOR FOSTER CHILDREN AND YOUTH.

(a) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) SECTION 1112(B)(1)(E)(II).—Section 1112(b)(1)(E)(ii) of the Elementary and Secondary Education Act of 1965 is amended by inserting “foster children and youth,” after “homeless children,”.

(2) SECTION 1112(B)(1)(O).—Section 1112(b)(1)(O) of the Elementary and Secondary Education Act of 1965 is amended by inserting “and foster children and youth” after “homeless children,”.

(3) SECTION 1113(B)(3)(A).—Section 1113(b)(3)(A) of the Elementary and Secondary Education Act of 1965 is amended by inserting “and foster children and youth” after “homeless children”.

(4) SECTION 1115(B)(2).—Section 1115(b)(2) of the Elementary and Secondary Education Act is amended by inserting at the end the following:

“(F) FOSTER CHILDREN AND YOUTH.—A child or youth who is in the foster care system and attending any school served by the local educational agency is eligible for services under this part.”.

"Subtitle B—Education for Eligible Children and Youths

"SEC. 721. STATEMENT OF POLICY.

"The following is the policy of the Congress:

"(1) Each State educational agency shall ensure that each child of a homeless individual and each eligible child or youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.

"(2) In any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of eligible children and youths, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that eligible children and youths are afforded the same free, appropriate public education as provided to other children and youths.

"(3) Homelessness alone is not sufficient reason to separate students from the mainstream school environment.

"(4) Eligible children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State student academic achievement standards to which all students are held.

"SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF ELIGIBLE CHILDREN AND YOUTHS.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d) through (g).

"(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(c) ALLOCATION AND RESERVATIONS.—

"(1) ALLOCATION.—(A) Subject to subparagraph (B), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724(d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except that no State shall receive less than the greater of—

"(i) $150,000;

"(ii) one-fourth of 1 percent of the amount appropriated under section 726 for that year; or

"(iii) the amount such State received under this section for fiscal year 2001.

"(B) If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (A), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

"(2) RESERVATIONS.—(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary.

"(B)(i) The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), that are consistent with the purposes of the programs described in this subtitle.

"(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this subtitle, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in this subtitle. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

"(3) STATE DEFINED.—For purposes of this subsection, the term 'State' does not include the United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

"(d) ACTIVITIES.—Grants under this section shall be used for the following:

"(1) To carry out the policies set forth in section 721 in the State.

"(2) To provide activities for, and services to, eligible children and youths (including eligible children and youths of preschool age) that enable children and youths described in this paragraph to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.

"(3) To establish or designate an Office of Coordinator for Education of Homeless Children and Youths in the State educational agency in accordance with subsection (f).

"(4) To prepare and carry out the State plan described in subsection (g).

"(5) To develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of eligible children and youths.

"(e) STATE AND LOCAL SUBGRANTS.—

"(1) MINIMUM DISBURSEMENTS BY STATES.—From the sums made available each year to carry out this subtitle, the State educational agency shall distribute not less than 75 percent in subgrants to local educational agencies for the purposes of carrying out section 723, except that States funded at the minimum level set forth in subsection (c)(1) shall distribute not less than 50 percent in subgrants to local educational agencies for the purposes of carrying out section 723.

"(2) USE BY STATE EDUCATIONAL AGENCY.—A State educational agency may use funds made available for State use under this subtitle to conduct activities under subsection (f) directly or through grants or contracts.

"(3) PROHIBITION ON SEGREGATING ELIGIBLE CHILDREN AND YOUTHS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free public education to an eligible child or youth, no State receiving funds under this subtitle shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as an eligible child or youth.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), paragraphs (1)(J)(i) and (3) of subsection (g), section 723(a)(2), and any other provision of this subtitle relating to the placement of eligible children or youths in schools, a State that has a separate school for eligible children or youths that was operated in fiscal year 2000 in a covered county shall be eligible to receive funds under this subtitle for programs carried out in such school if—

"(i) the school meets the requirements of subparagraph (C);

"(ii) any local educational agency serving a school that the eligible children and youths enrolled in the separate school are eligible to attend meets the requirements of subparagraph (E); and

"(iii) the State is otherwise eligible to receive funds under this subtitle.

"(C) SCHOOL REQUIREMENTS.—For the State to be eligible under subparagraph (B) to receive funds under this subtitle, the school described in such subparagraph shall—

"(i) provide written notice, at the time any child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that—

"(I) shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth);

"(II) sets forth the general rights provided under this subtitle;

"(III) specifically states—

"(aa) the choice of schools eligible children and youths are eligible to attend, as provided in subsection (g)(3)(A);

"(bb) that no eligible child or youth is required to attend a separate school for eligible children or youths;

"(cc) that eligible children and youths shall be provided comparable services described in subsection (g)(4), including transportation services, educational services, and meals through school meals programs; and

"(dd) that eligible children and youths should not be stigmatized by school personnel; and

"(IV) provides contact information for the local liaison for eligible children and youths and the State Coordinator for Education of Homeless Children and Youths;

"(ii)(I) provide assistance to the parent or guardian of each eligible child or youth (or, in the case of an unaccompanied youth, the youth) to exercise the right to attend the parent's or guardian's (or youth's) choice of schools, as provided in subsection (g)(3)(A); and

"(II) coordinate with the local educational agency with jurisdiction for the school selected by the parent or guardian (or youth), to provide transportation and other necessary services;

"(iii) ensure that the parent or guardian (or, in the case of an unaccompanied youth, the youth) shall receive the information required by this subparagraph in a manner and form understandable to such parent or guardian (or youth), including, if necessary and to the extent feasible, in the native language of such parent or guardian (or youth); and

"(iv) demonstrate in the school's application for funds under this subtitle that such school—

"(I) is complying with clauses (i) and (ii); and

"(II) is meeting (as of the date of submission of the application) the same Federal and State standards, regulations, and mandates as other public schools in the State (such as complying with sections 1111 and 1116 of the Elementary and Secondary Education Act of 1965 and providing a full range of education and related services, including services applicable to students with disabilities).

"(D) SCHOOL INELIGIBILITY.—A separate school described in subparagraph (B) that fails to meet the standards, regulations, and mandates described in subparagraph (C)(iv)(II) shall not be eligible to receive funds under this subtitle for programs carried out in such school after the first date of such failure.

"(E) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—For the State to be eligible to receive the funds described in subparagraph (B), the local educational agency described in subparagraph (B)(ii) shall—

"(i) implement a coordinated system for ensuring that eligible children and youths—

"(I) are advised of the choice of schools provided in subsection (g)(3)(A);

"(II) are immediately enrolled, in accordance with subsection (g)(3)(C), in the school selected under subsection (g)(3)(A); and

"(III) are promptly provided necessary services described in subsection (g)(4), including transportation, to allow eligible children and youths to exercise their choices of schools under subsection (g)(3)(A);

"(ii) document that written notice has been provided—

"(I) in accordance with subparagraph (C)(i) for each child or youth enrolled in a separate school under subparagraph (B); and

"(II) in accordance with subsection (g)(6)(A)(v);

"(iii) prohibit schools within the agency's jurisdiction from referring eligible children or youths to, or requiring eligible children and youths to enroll in or attend, a separate school described in subparagraph (B);

"(iv) identify and remove any barriers that exist in schools within the agency's jurisdiction that may have contributed to the creation or existence of separate schools described in subparagraph (B); and

"(v) not use funds received under this subtitle to establish—

"(I) new or additional separate schools for eligible children or youths; or

"(II) new or additional sites for separate schools for eligible children or youths, other than the sites occupied by the schools described in subparagraph (B) in fiscal year 2000.

"(F) REPORT.—

"(i) PREPARATION.—The Secretary shall prepare a report on the separate schools and local educational agencies described in subparagraph (B) that receive funds under this subtitle in accordance with this paragraph. The report shall contain, at a minimum, information on—

"(I) compliance with all requirements of this paragraph;

"(II) barriers to school access in the school districts served by the local educational agencies; and

"(III) the progress the separate schools are making in integrating eligible children and youths into the mainstream school environment, including the average length of student enrollment in such schools.

"(ii) COMPLIANCE WITH INFORMATION REQUESTS.—For purposes of enabling the Secretary to prepare the report, the separate schools and local educational agencies shall cooperate with the Secretary and the State Coordinator for Education of Homeless Children and Youths established in the State under subsection (d)(3), and shall comply with any requests for information by the Secretary and State Coordinator for such State.

"(iii) SUBMISSION.—Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall submit the report described in clause (i) to—

"(I) the President;

"(II) the Committee on Education and the Workforce of the House of Representatives; and

"(III) the Committee on Health, Education, Labor, and Pensions of the Senate.

"(G) DEFINITION.—For purposes of this paragraph, the term 'covered county' means—

"(i) San Joaquin County, California;

"(ii) Orange County, California;

"(iii) San Diego County, California; and

"(iv) Maricopa County, Arizona.

"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—

"(1) gather reliable, valid, and comprehensive information on the nature and extent of the problems eligible children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools, the difficulties in identifying the special needs of such children and youths, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the programs under this subtitle in allowing eligible children and youths to enroll in, attend, and succeed in, school;

"(2) develop and carry out the State plan described in subsection (g);

"(3) collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing such information as the Secretary determines is necessary to assess the educational needs of eligible children and youths within the State;

"(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies (including agencies providing mental health services) to provide services to eligible children and youths (including eligible children and youths of preschool age), and to families of children and youths described in this paragraph;

"(5) in order to improve the provision of comprehensive education and related services to eligible children and youths and their families, coordinate and collaborate with—

"(A) educators, including child development and preschool program personnel;

"(B) providers of services to foster, runaway, and eligible children and youths, and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for eligible children and youth);

"(C) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for eligible children and youths; and

"(D) community organizations and groups representing eligible children and youths and their families; and

"(6) provide technical assistance to local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of section 722(e)(3) and paragraphs (3) through (7) of subsection (g).

"(g) STATE PLAN.—

"(1) IN GENERAL.—Each State shall submit to the Secretary a plan to provide for the education of eligible children and youths within the State. Such plan shall include the following:

"(A) A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic achievement standards all students are expected to meet.

"(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their special needs.

"(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of eligible children and youths.

"(D) A description of programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of foster, runaway, and eligible children and youths.

"(E) A description of procedures that ensure that eligible children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs.

"(F) A description of procedures that ensure that—

"(i) eligible children and youths of preschool age have equal access to the same public preschool programs, administered by the State agency, as provided to other children in the State;

"(ii) eligible children and youths of secondary school age and youths separated from the public schools are identified and accorded equal access to appropriate secondary education and support services; and

"(iii) eligible children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs.

"(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

"(H) Strategies to address other problems with respect to the education of eligible children and youths, including problems resulting from enrollment delays that are caused by—

"(i) immunization and medical records requirements;

"(ii) residency requirements;

"(iii) lack of birth certificates, school records, or other documentation;

"(iv) guardianship issues; or

"(v) uniform or dress code requirements.

"(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of eligible children and youths in schools in the State.

"(J) Assurances that—

"(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that eligible children and youths are not stigmatized or segregated on the basis of their status as eligible children and youths;

"(ii) local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for eligible children and youths, to carry out the duties described in paragraph (6)(A); and

"(iii) the State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

"(I) If the eligible child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

"(II) If the eligible child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the eligible child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

"(2) COMPLIANCE.—

"(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

"(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

"(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

"(A) IN GENERAL.—The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest—

"(i) continue the child's or youth's education in the school of origin for the duration of homelessness, or jurisdiction of the public child welfare agency, as the case may be—

"(I) in any case in which a family becomes homeless between academic years or during an academic year; or

"(II) in any case in which a child or youth is placed in the jurisdiction of the public child welfare agency between academic years or during an academic year; or

"(III) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

"(ii) enroll the child or youth in any public school that students who are not eligible children and youths and who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

"(i) to the extent feasible, keep an eligible child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

"(ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the eligible child's or youth's parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and

"(iii) in the case of an unaccompanied youth, ensure that the liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

"(C) ENROLLMENT.—(i) The school selected in accordance with this paragraph shall immediately enroll the eligible child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

"(ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

"(iii) If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D).

"(D) RECORDS.—Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each eligible child or youth shall be maintained—

"(i) so that the records are available, in a timely fashion, when a child or youth enters a new school or school district; and

"(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

"(E) ENROLLMENT DISPUTES.—If a dispute arises over eligibility for school services, school selection, enrollment in a school, or any other issue under this subtitle—

"(i) the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;

"(ii)(I) the unaccompanied youth or the parent or guardian of the child or youth shall be provided with written explanations of any related decisions made by the school, the local educational agency, or the State educational agency, which shall include information about the right to appeal the decisions; and

"(II) if the child or youth is in out-of-home care, the responsible local child welfare agency and the court involved shall also be provided with such written explanation and shall, in turn, provide such written explanations to individuals involved in the child's or youth's care, as appropriate;

"(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

"(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute, including all available appeals.

"(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

"(G) SCHOOL OF ORIGIN DEFINED.—In this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

"(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of an eligible child to submit contact information.

"(4) COMPARABLE SERVICES.—Each eligible child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

"(A) Transportation services.

"(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

"(C) Programs in vocational and technical education.

"(D) Programs for gifted and talented students.

"(E) School nutrition programs.

"(5) COORDINATION.—

"(A) IN GENERAL.—Each local educational agency serving eligible children and youths that receives assistance under this subtitle shall coordinate—

"(i) the provision of services under this subtitle with local social services agencies and other agencies or programs providing services to eligible children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

"(ii) with other local educational agencies on interdistrict issues, such as transportation or transfer of school records.

"(B) HOUSING ASSISTANCE.—If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

"(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

"(i) ensure that eligible children and youths have access and reasonable proximity to available education and related support services; and

"(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness and being in the foster care system.

"(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

"(A) DUTIES.—Each local educational agency liaison for eligible children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

"(i) eligible children and youths are identified by school personnel and through coordination activities with other entities and agencies;

"(ii) eligible children and youths enroll in, and have a full and equal opportunity to succeed in. schools of that local educational agency;

"(iii) eligible children and youths and homeless families receive educational services for which such children and youths and families are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

"(iv) the parents or guardians of eligible children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

"(v) public notice of the educational rights of eligible children and youths is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens;

"(vi) enrollment disputes are mediated in accordance with paragraph (3)(E); and

"(vii) the parent or guardian of an eligible child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A).

"(B) NOTICE.—State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the local educational agency liaisons.

"(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for eligible children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to eligible children and youths.

"(7) REVIEW AND REVISIONS.—

"(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of eligible children and youths in schools that are selected under paragraph (3).

"(B) CONSIDERATION.—In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

"(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the enrollment and attendance of eligible children and youths who are not currently attending school.

"SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF ELIGIBLE CHILDREN AND YOUTHS.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 726, make subgrants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of eligible children and youths.

"(2) SERVICES.—

"(A) IN GENERAL.—Services under paragraph (1)—

"(i) may be provided through programs on school grounds or at other facilities;

"(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate eligible children and youths with noneligible children and youths; and

"(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not to replace such services provided under such program.

"(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided on school grounds, schools—

"(i) may use funds under this subtitle to provide the same services to other children and youths who are determined by the local educational agency to be at risk of failing in, or dropping out of, school, subject to the requirements of clause (ii); and

"(ii) except as otherwise provided in section 722(e)(3)(B), shall not provide services in settings within a school that segregate eligible children and youths from other children and youths, except as necessary for short periods of time—

"(I) for health and safety emergencies; or

"(II) to provide temporary, special, and supplementary services to meet the unique needs of eligible children and youths.

"(3) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

"(b) APPLICATION.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Such application shall include the following:

"(1) An assessment of the educational and related needs of eligible children and youths in the area served by such agency (which may be undertaken as part of needs assessments for other disadvantaged groups).

"(2) A description of the services and programs for which assistance is sought to address the needs identified in paragraph (1).

"(3) An assurance that the local educational agency's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

"(4) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).

"(5) A description of policies and procedures, consistent with section 722(e)(3), that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize eligible children and youths.

"(c) AWARDS.—

"(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

"(2) NEED.—In determining need under paragraph (1), the State educational agency may consider the number of eligible children and youths enrolled in preschool, elementary, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youths and the ability of the local educational agency to meet such needs. The State educational agency may also consider the following:

"(A) The extent to which the proposed use of funds will facilitate the enrollment, retention, and educational success of eligible children and youths.

"(B) The extent to which the application—

"(i) reflects coordination with other local and State agencies that serve eligible children and youths; and

"(ii) describes how the applicant will meet the requirements of section 722(g)(3).

"(C) The extent to which the applicant exhibits in the application and in current practice a commitment to education for all eligible children and youths.

"(D) Such other criteria as the State agency determines appropriate.

"(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider the following:

"(A) The applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs.

"(B) The types, intensity, and coordination of the services to be provided under the program.

"(C) The involvement of parents or guardians of eligible children or youths in the education of their children.

"(D) The extent to which eligible children and youths will be integrated within the regular education program.

"(E) The quality of the applicant's evaluation plan for the program.

"(F) The extent to which services provided under this subtitle will be coordinated with other services available to eligible children and youths and their families.

"(G) Such other measures as the State educational agency considers indicative of a high-quality program, such as the extent to which the local educational agency will provide case management or related services to unaccompanied youths.

"(4) DURATION OF GRANTS.—Grants awarded under this section shall be for terms not to exceed 3 years.

"(d) AUTHORIZED ACTIVITIES.—A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:

"(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State academic content standards and challenging State student academic achievement standards the State establishes for other children and youths.

"(2) The provision of expedited evaluations of the strengths and needs of eligible children and youths, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational and technical education, and school nutrition programs).

"(3) Professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of eligible children and youths, the rights of such children and youths under this subtitle, and the specific educational needs of foster, runaway, and eligible children and youths.

"(4) The provision of referral services to eligible children and youths for medical, dental, mental, and other health services.

"(5) The provision of assistance to defray the excess cost of transportation for students under section 722(g)(4)(A), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3).

"(6) The provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for eligible children and youths of preschool age.

"(7) The provision of services and assistance to attract, engage, and retain eligible children and youths, and unaccompanied youths, in public school programs and services provided to noneligible children and youths.

"(8) The provision for eligible children and youths of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.

"(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll eligible children and youths in school, including birth certificates, immunization or medical records, academic records, guardianship records, and evaluations for special programs or services.

"(10) The provision of education and training to the parents of eligible children and youths about the rights of, and resources available to, such children and youths.

"(11) The development of coordination between schools and agencies providing services to eligible children and youths, as described in section 722(g)(5).

"(12) The provision of pupil services (including violence prevention counseling) and referrals for such services.

"(13) Activities to address the particular needs of eligible children and youths that may arise from domestic violence.

"(14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.

"(15) The provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.

"(16) The provision of other extraordinary or emergency assistance needed to enable eligible children and youths to attend school.

"SEC. 724. SECRETARIAL RESPONSIBILITIES.

"(a) REVIEW OF STATE PLANS.—In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of eligible children and youths relating to access to education and placement as described in such plan.

"(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to a State educational agency to assist such agency in carrying out its responsibilities under this subtitle, if requested by the State educational agency.

"(c) NOTICE.—The Secretary shall, before the next school year that begins after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, create and disseminate nationwide a public notice of the educational rights of eligible children and youths and disseminate such notice to other Federal agencies, programs, and grantees, including Head Start grantees, Health Care for the Homeless grantees, Emergency Food and Shelter grantees, and homeless assistance programs administered by the Department of Housing and Urban Development.

"(d) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of eligible children and youths who are elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

"(e) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

"(f) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each eligible child or youth has access to a free appropriate public education, as described in section 721(1).

"(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, school enrollment guidelines for States with respect to eligible children and youths. The guidelines shall describe—

"(1) successful ways in which a State may assist local educational agencies to immediately enroll eligible children and youths in school; and

"(2) how a State can review the State's requirements regarding immunization and medical or school records and make such revisions to the requirements as are appropriate and necessary in order to enroll eligible children and youths in school immediately.

"(h) INFORMATION.—

"(1) IN GENERAL.—From funds appropriated under section 726, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding—

"(A) the number and location of eligible children and youths;

"(B) the education and related services such children and youths receive;

"(C) the extent to which the needs of eligible children and youths are being met; and

"(D) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

"(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

"(i) REPORT.—Not later than 4 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of eligible children and youths, which shall include information on—

"(1) the education of eligible children and youths; and

"(2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

"SEC. 725. DEFINITIONS.

"For purposes of this subtitle:

"(1) The term 'eligible children and youths' includes—

"(A) individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1));

"(B)(i) children and youths who—

"(I) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

"(II) are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

"(III) are living in emergency or transitional shelters;

"(IV) are abandoned in hospitals; or

"(V) are awaiting foster care placement;

"(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

"(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

"(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who are considered eligible for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii); and

"(C) children and youths in out-of-home care under the jurisdiction of the responsible public child welfare agency, including foster care, kinship care, care in a group home, and care in a child care institution.

"(2) The terms 'enroll' and 'enrollment' include attending classes and participating fully in school activities.

"(3) The terms 'local educational agency' and 'State educational agency' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965.

"(4) The term 'parent or guardian', used with respect to a child or youth in out-of-home care, means—

"(A) the person who is the birth or adoptive parent or legal guardian of the child or youth, unless—

"(i) such person's right to make educational decisions for the child or youth has been terminated or suspended by a court; or

"(ii) the person cannot be identified or located after reasonable efforts, is not available with reasonable promptness to assist in enrollment or placement decisions, or is not acting in the best educational interests of the child in enrollment or placement decisions; or

"(B) in a situation described in clause (i) or (ii) of subparagraph (A), a person appointed by a court to make educational decisions for the child or youth under this Act, after considering (in the case of a child or youth who is eligible for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)) whether the person considered to be the parent of the child or youth for purposes of that Act should serve as the person to make those educational decisions.

"(5) The term 'Secretary' means the Secretary of Education.

"(6) The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(7) The term 'unaccompanied youth' includes a youth not in the physical custody of a parent or guardian.

"SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subtitle, there are authorized to be appropriated

$150,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding years .".

SEC. 511. GRADUATION RATES.

(a) Disaggregation of Graduation Rates and Elementary School Indicator in Determining Adequate Yearly Progress.—Subparagraph (D) of section 1111(b)(2) of such Act is amended—

(1) by striking "and" at the end of clause (i);

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following new clause:

"(ii) shall determine adequate yearly progress using graduation rates of public secondary school students (measured separately for each group described in subparagraph (C)(v)); and".

(b) Goals for Increasing Graduation Rates for Groups of Students.—

(1) In general.—Subparagraph (G) of section 1111(b)(2) of such Act is amended—

(A) by striking "and" at the end of clause (iv);

(B) by striking the period at the end of clause (v) and inserting "; and"; and

(C) by adding at the end the following new clause:

"(vi) shall ensure each group of students described in subparagraph (C)(v) meets—

the graduation rate for public secondary school students.

(2) Safe harbor.—Clause (i) of section 1111(b)(2)(I) of such Act is amended to read as follows:

"(i) each group of students described in subparagraph (C)(v) must meet or exceed the objectives set by the State under subparagraph (G), except that if any group described in subparagraph (C)(v) does not meet those objectives in any particular year, the school shall be considered to have made adequate yearly progress if—

"(I) except in the case of the objectives described in subparagraph (G)(vi), the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the State assessments under paragraph (3) for that year decreased by 10 percent of that percentage from the preceding school year and that group made progress on one or more of the academic indicators described in subparagraph (C)(vi) or (vii); and

"(II) in the case of the objectives described in subparagraph (G)(vi)—

"(aa) the school meets the objectives described in subparagraph (G)(vi), or for any school year prior to the school year which is at the end of the timeline described in subparagraph (F), meets the intermediate goals for such objectives described in subparagraph (H); or

"(bb) there is less than a 5 percentage point difference between the group described in subparagraph (C)(v) having the highest rate and the group so described having the lowest rate (except that students with disabilities who are not assessed against grade level content standards shall not be taken into account in determining adequate yearly progress for public secondary school students and public elementary school students); and".

(c) Graduation Rates Determined Using 4-Year Adjusted Cohort Rate.—Subparagraph (C) of section 1111(b)(2) of such Act is amended—

(1) by striking "(defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years)" in clause (vi); and

(2) by adding at the end the following new flush sentence:

"Graduation rates under clause (vi) shall be determined using a 4-year adjusted cohort rate, which compares the number of students enrolling in the 9th grade to the number of students who graduate from the 12th grade 4 years later, controlling for students transferring to other schools and allowing for children with disabilities and limited-English proficient children to have additional time to graduate. The period of additional time described in the preceding sentence shall be defined in regulation by the Secretary. A similar 3-year such cohort rate shall be used for secondary schools with only 3 grades.".

SEC. 512. DISTRICT WIDE HIGH SCHOOLS REFORM.

(a) In General.—Paragraph (1) of section 1112(b) of the Elementary and Secondary Education Act of 1965 is amended—

(1) by striking "and" at the end of subparagraph (P);

(2) by striking the period at the end of subparagraph (Q) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(R) a description of the districtwide school improvement plan (meeting the requirements of paragraph (3)(B)) that the local educational agency will implement if such agency is required by paragraph (3)(A) to implement such a plan as of the beginning of any year.".

(b) Requirements.—Subsection (b) of section 1112 of such Act is amended by adding at the end the following new paragraph:

"(3) Districtwide School Improvement Plans.—

"(A) In general.—A local educational agency shall implement its districtwide school improvement plan as of the beginning of any year if—

"(i)(I) at least 50 percent of the students served by such agency are enrolled in secondary schools which did not make adequate yearly progress (as set out in the State's plan under section 1111(b)(2)) for the preceding year; or

"(II) at least 50 percent of the secondary schools served by such agency did not make such progress for such preceding year; and

"(ii) attendance rates at the secondary schools served by such agency that did not make such progress for such preceding year, and the attendance rates of 8th grade students (or the highest grade before entering secondary school) who would otherwise enter such schools for such preceding year, are in the bottom quartile compared to all schools served by such agency.

"(B) Districtwide plan requirements.—A districtwide school improvement program meets the requirements of this subparagraph if—

"(i) the plan requires the local educational agency, in determining the interventions necessary to improve achievement at secondary schools served by the agency, to consider—

"(I) the status of schools in making adequate yearly progress (as set out in the State's plan under section 1111(b)(2));

"(II) graduation rates (within the meaning of section 1111(b)(2)(C)(vi)) for each group described in section 1111(b)(2)(C)(v);

"(III) assessment results and attendance rates for the highest grade at elementary schools whose students attend such agency's secondary schools; and

"(IV) the level of credit accumulation by students as of the end of the lowest grade in secondary school; and

"(ii) such plan requires the local educational agency—

"(I) to focus on the secondary schools which resulted in meeting the requirement of subparagraph (A)(i) in order to reduce the number of students at those schools who do not meet a proficient level of academic performance;

"(II) to do a resource allocation analysis of the needs of the secondary schools served by such agency with respect to staffing, professional development, instruction, and student attendance and behavior;

"(III) to develop a research-based plan which meets the requirements of subparagraph (C) to address—

"(aa) the instructional, curriculum, and capacity needs of the local educational agency's ability to assist secondary schools in increasing achievement; and

"(bb) the instructional needs of its schools;

"(IV) increase attendance and earned, on-time grade promotion; and

"(V) take steps designed to ensure students graduate from secondary school ready for college and the workplace.

"(C) Plan to meet instructional needs.—A plan meets the requirements of this subparagraph if the plan requires the local educational agency to consider—

"(i) ensuring alignment between the curriculum used by the school district and State standards;

"(ii) the use of formative assessments;

"(iii) the use of data to improve instruction;

"(iv) the incorporation of staff-focused professional development;

"(v) the hiring, placement, and distribution of highly effective principals;

"(vi) the hiring and distribution of highly effective teachers; and

"(vii) the use of an extended school day and school year.

"(D) Peer review before State approval.—The State educational agency may approve a local educational agency's plan under this section only after—

"(i) considering the results of a peer review of the districtwide school improvement plan referred to in paragraph (1)(R); and

"(ii) consulting with State officials responsible for juvenile justice and alternative education placements.

The State educational agency shall provide technical assistance to local educational agencies in the development of such districtwide school improvement plans.".

ALL STUDENTS CAN ACHIEVE ACT

(Senators Lieberman-Landrieu-Coleman)

This legislation strives to improve the quality and equality of our education system. A good education is the best way to help every child realize their American dream. No Child Left Behind must adhere to the basic principle that each child can learn, and that all children, no matter where they live in the country, are entitled to an education that prepares them to succeed in life.

1. Moving to student achievement growth and effective teachers

Teachers are the most important factor in school and student achievement. This section requires states to measure teacher and principal effectiveness. An effective teacher is one that can demonstrate learning in the classroom. Funds are provided for states to assess effectiveness primarily through objective measures of student growth and achievement ("growth models"), while allowing secondary consideration of other factors including peer and principal evaluations. This legislation requires and funds the development of data systems to track individual student performance over time and to link that performance to teachers, programs and services. States with adequate data systems and plans for measuring effectiveness may use growth models for determining Adequate Yearly Progress (AYP). Schools that demonstrate teacher effectiveness will have greater flexibilities to opt out of the Highly Qualified Teacher requirements. States can also gain flexibilities in their use of federal funds as long as those funds principally still target students with the highest needs.

Components:

Require and fund the development of state longitudinal data systems, with common data elements, to track student growth over time and to link student development to key items including teachers, programs and supplemental services. A portion of the funding is available for consortia of states to develop infrastructure and systems for multi-state use.

States will need to complete data systems within four years. If states already have data systems meeting the necessary criteria or complete their systems in less than four years, their funds may be used for the development, enhancement and/or implementation of teacher and principal effectiveness and growth model programs. Up to one-third of the funds appropriated for data systems may go to regional state consortia.

Provide funds for states to implement teacher and principal effectiveness evaluations primarily through objective measures of student learning growth. Teachers not rated as effective will receive professional development. After five years of continuously being rated as ineffective, these teachers would no longer be permitted to teach in Title I schools.

States with a plan to measure teacher effectiveness may adopt a growth model for accountability. Students will need to be on a trajectory toward proficiency in reading/language arts and math by 2014 and science by 2020. The growth model goals must be based on grade-level proficiency, with a limited exception for students with severe cognitive disabilities. States currently in the growth model pilot may continue in that pilot.

Provide flexibility for schools and districts that actually demonstrate effectiveness by allowing them to opt out of the Highly Qualified Teacher (HQT) provisions. These schools and districts would also be able to benefit from greater flexibility in their use of federal funds, as long as those funds still target students with the highest needs and their states adopt or maintain rigorous standards and assessments. States may apply to be permitted to increase from 50 percent to 100 percent the amount that may be transferred from other Titles into Title I where they are making AYP and states have a successfully peer-reviewed teacher and principal effectiveness program.

Provides grant funds for innovative programs to evaluate professional development activities and to reform teacher compensation, assignment, and tenure policies. These reforms may include better pay to better teachers and incentives for the best teachers to teach in high need schools.

2. Closing the achievement gap

This section takes steps to tackle the continuing achievement gap in the country. It addresses the situation where many students do not get a good education simply because of where they live. It promotes the notion that education anywhere should prepare you for life everywhere. Among other things, this section requires the equitable distribution of non-Federal funds within school districts; provides incentives for school professionals through teamwork in the poorest schools to make the greatest improvements in student performance; provides funds for out-of-district transfers to public schools for students without viable alternatives; provide equitable funding and flexibility under the Charter School Program; and disaggregates graduation rate data requiring the gap in graduation rates to be closed.

Components:

Require that Title I and non-Title I schools have an equitable distribution of non-Federal funds. States will perform a needs assessment to identify disproportionate funding.

Provide a school-based rewards system that recognizes the teamwork of teachers, administrators, counselors, librarians and media specialists, and other staff necessary to improve schools. Schools in the bottom third of income of Title I schools in the state that show exemplary growth in student performance will be eligible. Funding may be used for non-recurring bonuses for teachers, administrators and staff; professional development for teachers, administrators and staff; the addition of temporary personnel to continue school improvement; and reduced teaching schedules to permit limited numbers of teachers to act as mentors at their school and/or at other Title I schools.

Grants for students in schools missing AYP for two or more consecutive years with no available alternative public school options, due to all the other schools failing to make AYP within the school district or a lack of room in other schools, to transfer to a public school outside of their district with the federal funds following the student. Students will need to be from low income families. Receiving schools will be public schools within another nearby district agreeing to accept students. Under this pilot program, the receiving district will receive funding, up to $4000, for tuition, fees and transportation; safe harbor against missing AYP due to recent transfers (transferred students may be excluded from AYP calculation for their first year); and provided funds, up to $1000 per student, for mentoring new students and for parental involvement programs.

Require independent audits of space availability for in-district transfers for school districts containing schools in need of improvement.

Disaggregate graduation rate data and work to close the achievement gap where subgroups are significantly falling behind.

Incorporate evidence-based intervention (also known as response to intervention) models to increase the opportunity for all students to meet challenging academic achievement standards through early identification.

Elementary schools identified for school improvement shall administer developmental screens and assessments to incoming preschool and kindergarten. These screens and assessments will be used to plan for and improve instruction and needed services.

Include principles of universal design for learning to reduce barriers, provide appropriate supports and challenges, and maintain high achievement standards for all students, including those with disabilities and English language learners.

Enhance the Charter Schools Program to permit schools under restructuring to close and reopen themselves as charters even if the addition of such schools would exceed the State's limit on the number of charter schools that may operate in the State, city, county, or region. Preference is given under the program to states that fund charter schools commensurate with their funding of other public schools.

3. Setting and achieving high American standards

This section addresses the need to promote rigorous standards and assessments of student learning to ensure that students succeed in life. Nothing in this section would interfere with local flexibility in how to teach. The National Assessment Governing Board, with local, state and national representatives, is expanded with more business leaders and teachers. They will develop world-class voluntary American learning standards and assessments in reading, math and science while ensuring that the standards and assessments are aligned with life, college and workplace readiness skills.

States may choose to adopt these standards and assessments. In return, they will receive the assessments, including alternative assessments designed specifically for students with disabilities and English language learners, and the infrastructure for administering them. This will free these states to concentrate their education resources in other critical need areas. States may also build their own assessments based upon the American learning standards or keep their existing rigorous standards and tests. State standards and tests, however, will be compared to the rigorous voluntary American standards.

State leaders from higher education, schools, businesses and government will work, through P–16 Commissions, to align standards, assessments and curriculum from preschool through college to ensure that high school and college graduates have up-to-date skills needed to succeed in life.

Components:

Directs the National Assessment Governing Board, where more business leaders, teachers and other representatives are added, to develop world-class voluntary American learning standards and assessments in reading, math and science in grades 3–12. Alternate assessments will be developed for students with disabilities and English language learners.

States may adopt the American standards and tests, build their tests to the American standards, join standards and assessments from regional consortia, or keep their current systems. The Secretary of Education will report to the Congress and public annually on the variance between the rigor of state assessments and the Commission's assessment.

Require states to ensure that they have the standards, assessments and curriculum aligned to meet life, college and workplace needs, including critical thinking and problem solving skills, from preschool to college, through P–16 Commissions. These Commissions, headed by the Governor or the Governor's designee, will also address ways that economically disadvantaged students, students from each major racial and ethnic group, students with disabilities, and English language learners will increase their success in postsecondary education.

4. Improvements to accountability

This section distinguishes those schools needing intensive interventions, i.e. schools with a majority of students missing AYP, from schools missing AYP for less than half the student population. This division permits more resources to be directed to those schools with pervasive problems while other schools concentrate on improving learning for specific subgroups or within particular areas of need. This change also alleviates a common criticism that a single subgroup, especially students with disabilities, will single-handedly move a school into restructuring.

The vague restructuring option that permitted "any other major restructuring of the school's governance" is eliminated while a limit is provided on the percentage of schools required to implement comprehensive restructuring within a single school district in a given year. This legislation addresses modified and alternative achievement standards and related assessments for students with disabilities and provides more time in AYP calculations for students exiting the English language learner subgroup. Schools and districts will be held more accountable for students with disabilities and English language learners by placing upper limits on the minimum number of students that need to make up a subgroup. It also limits the practice of using very wide statistical error ranges when determining success.

Funding school improvements continues to be a critical need. This legislation increases the authorization for the School Improvement Grants program and distributes new funds to states according to the number of schools they have under improvement. This distribution provides incentives for a more accurate portrayal of schools not meeting Adequate Yearly Progress as states with more schools under improvement will receive a larger share of funds.

Components:

Schools with a majority of their students missing AYP will follow an intensive program of attention. Supplemental Education Services (SES) will be available in the second year under improvement, one year earlier than under the present law. Schools in the final year of restructuring, limited to no more than 10 percent of schools, as determined by the state, within a given district in a single year, will have similar options to those existing now except that the option for "any other major restructuring of the school's governance" is eliminated.

Schools missing AYP due to one or more subgroups, but less than 50 percent of the student population, will go through a targeted attention program to address the problem areas. This program will include identification of specific actions to address the subgroups in need. SES and school transfers are still offered as options for economically disadvantaged students failing to make AYP.

AYP calculations by states will have limits on student thresholds, N-size no greater than 20-30, and statistical confidence intervals, no greater than 95 percent confidence.

States may develop modified academic achievement standards and use alternate assessments based on those modified grade-level achievement standards for students with persistent academic disabilities for up to 1 percent of students tested (down from current regulations of 2 percent). School districts showing strong evidence of a significantly larger percentage of students than the national average with disabilities within the district or an individual school, perhaps due to a facility focusing on students with disabilities, may apply to the state to use a higher percentage. States may also use alternate assessments based on alternate achievement standards for students with the most significant cognitive disabilities for up to 1 percent of students tested.

Expand, from two to three years, the amount of time English language learners may be included in AYP calculations after they become proficient and exit the subgroup.

Substantially increase funding for the School Improvement Grants program while linking the federal distribution of additional funds to the number of schools under improvement. This provides incentives for a more accurate portrayal of schools not meeting Adequate Yearly Progress as states with more schools under improvement will receive a larger share.

5. Enhancing learning

There are various other ways to support enhancements to student learning and achievement including making it easier to access SES services and providing ways to better inform and involve parents. Innovative approaches to education and successful innovations by charters need to be provided for use in schools. States and districts successful at meeting AYP and at measuring teacher effectiveness should have greater flexibility in transferring funds to the most critical areas they have within No Child Left Behind.

Components:

Districts that permit other non-school-affiliated entities to use school facilities will need to offer, with limitations, space in schools for private providers of SES services.

Permit multi-district cooperatives for administering SES programs and services.

Authorize grants for an Adjunct Teacher Corps program to bring math, science and critical foreign language professionals into public secondary schools to work with teachers and students. These adjunct teachers will provide expertise and assistance to teachers during their first year and in subsequent years will be held accountable under the teacher effectiveness requirements.

Given its importance to American competitiveness, science assessments already required under No Child Left Behind will be added to the accountability system with all students to be proficient by the 2019-2020 school year. Successful models of math and science partnerships expanded and replicated.

Support increased peer-reviewed research and development on innovative approaches to education and ways to improve learning to allow states, districts, schools and students to better meet the goals of No Child Left Behind.

Strengthen parental involvement in and notification by schools including having states designate an office or position responsible for overseeing implementation of parent involvement provisions. Parent Information and Resource Centers will be integrated into increased parental involvement plans.

Amend the McKinney-Vento provisions to protect children in transition, including both children who lack a fixed, regular, and adequate nighttime residence, and children who are in out of home care in the custody of the public child welfare agency.

Ms. LANDRIEU. Mr. President, today I rise to discuss the All Students Can Achieve Act that I am introducing today with Senators LIEBERMAN and COLEMAN.

I was proud to have been a part of developing the No Child Left Behind legislation 5 years ago, which made strides in holding schools accountable and drawing attention to the students who had fallen between the cracks. Senators LIEBERMAN, COLEMAN, and I have come together to build upon the successes of No Child Left Behind, to improve it, and to help our Nation's schools take the next step to help all of our students to achieve and to succeed. Louisiana has made great progress in its standards and accountability, now ranking number one in the Nation. However, of the more than 650,000 students in Louisiana, many are not meeting academic achievement goals. We need to help all of our students meet and exceed achievement expectations.

The All Students Can Achieve Act focuses on the achievements of all students. Recognizing that quality data systems are crucial to measuring the progress of student achievement, we have included a requirement to establish data systems and provided funding authorizations and incentives to support the development of such systems. In order to ensure that all students are achieving, states must create comprehensive data systems that track students' academic progress and other factors that affect their success.

One of the most important factors in school and student achievement is teachers. The quality of teachers should be determined by their effect on students' learning, not just their qualifications. All students should have effective teachers. Thus, these data systems must link student achievement data to teachers, allowing states to measure teacher effectiveness. In addition, this bill requires the equitable distribution of effective teachers and non-federal funding.

States should be held accountable for student achievement. However, students do not progress at the same pace. Louisiana has recognized this and has incorporated growth labels in its accountability system. Louisiana looks at the level of growth achieved by a school and each school's success in meeting its growth targets. The All Students Can Achieve Act allows states to use growth models in calculating adequate yearly progress. It allows states the flexibility to measure student academic growth, rather than strictly looking at test scores.

We must have high expectations for all students. To ensure that all elementary though secondary school students, regardless of where they live, are prepared for success in college or the workplace, states must set high expectations for all students. Academic standards must be designed to prepare students to succeed and assessments must be effective tools to measure students' progress toward meeting these standards. In addition, we need to continue to properly measure the achievement of all students. Thus, this bill will close current loopholes in the law that allow states to avoid counting students or skew achievement data.

The All Students Can Achieve Act aims to close the achievement gap. States need to focus resources on closing the achievement gap. This includes directing their attention to comprehensive interventions where more than 50% of students are not making Adequate Yearly Progress (AYP) or focused interventions where less than 50% of students are not making AYP. The All Students Can Achieve Act increases the amount of funding authorized for these interventions and focuses support where the need is greatest.

Another important measure of academic achievement is high school graduation rates, which should be tracked and reported for all groups of students. High school graduation rates are an important measure of academic achievement, but they must be calculated consistently and accurately. Like other assessments, these rates should be tracked and reported for all groups of students. Nearly 1.2 million students did not graduate from American high schools in 2006; the lost lifetime earnings in America for that class of dropouts alone totals more than $309 billion.

The All Students Can Achieve Act also increases focus on and support for high need students. For example, we have also included foster children and youth. There are over 800,000 foster children and youth. They face many of the same challenges as homeless children and youth. They go through numerous changes in where they live and go to school. They lack stability and permanency. Thus, we have added them to the McKinney-Vento Act, in order to ensure that they do not fall through the cracks. We hope that by giving them access to the services and protections of McKinney-Vento, their schools will become a safe and permanent place in their lives.

Public education is important to Senators LIEBERMAN, COLEMAN, and me. We want our Nation's children to be prepared to compete and succeed once they graduate. We need to improve our schools and hold them accountable for the achievement of all students. Though there has been much discussion about No Child Left Behind Act, there has been little action toward the reauthorization of this law. We have heard from our constituents about the parts of NCLB that work and the parts that do not work for our students at home. Through a nationwide public process, the Aspen Institute has generated concrete, actionable recommendations that will improve schools for the Nation's children. We wanted to take this opportunity to help begin the process of improving this law. We have come together to take a bipartisan approach to improving the education of all students. We have pulled together the proposals that we think will best serve our students and improve public education in America. We want people to actively discuss our proposal. We hope that people will support what we have done or build upon it.

Mr. COLEMAN. Mr. President, today I rise with my colleagues Senators JOE LIEBERMAN and MARY LANDRIEU to introduce the All Students Can Achieve Act of 2007, ASCA, legislation aimed at improving the current No Child Left Behind law.

As a parent and a legislator, improving our Nation's education system has been a top priority for me. Several years ago, we passed the No Child Left Behind Act to bring accountability to our Nation's learning system. While this bill was a step in the right direction, Minnesota's educators have voiced their concerns over an overly restrictive system that still leaves students behind. The All Students Can Achieve Act will change that by giving flexibility to each State and school without diminishing school accountability.

One of the best features of our legislation is that it will allow States to measure individual student growth over time instead of relying on, and teaching for, one test administered on one day. Measuring a student's growth over time benefits both students and teachers because it recognizes that students have different starting points and acknowledges their individual progress. This approach will free teachers from the burden of teaching for one high-stakes test, while still giving parents the assurances they need that their children are learning in a high quality atmosphere. Minnesota has been trying for some time to move to this "growth model" of evaluation and our bill provides the funding to develop and implement the data systems our State would need to move to such a model.

Our bill also addresses something I have been particularly focused on—ensuring that the next generation has the math, science and foreign language skills needed to be competitive in an increasingly globalized economy. As countries like China or India develop increasingly skilled workforces, we must ensure that American students do not fall behind in these critical and highly relevant fields. Our legislation adds a science assessment to the accountability system and gives States the option to bring in qualified science, math, and foreign language practitioners to assist teachers and students.

Another concern I hear in Minnesota is that a school can be, in effect, penalized because a group of new immigrants does not test as well as longtime students. The All Students Can Achieve Act will replace the current all-or-nothing approach with a system that makes a distinction between schools that need comprehensive interventions, versus those that need more focused help. In other words, while current law groups all low performing schools together regardless of how many students miss adequate yearly progress, our legislation offers a more targeted approach, sending additional resources toward schools with pervasive problems, while allowing schools that just have one or more low performing subgroups to focus on closing the achievement gap with that particular group.

A final aspect of our legislation is that it would change the way teachers are evaluated. Currently under No Child Left Behind, good teachers have to jump through a number of bureaucratic hoops to demonstrate on paper that they are "qualified" experts in the subjects they teach. I understand this has been a serious burden particularly in rural communities, where very good teachers provide instruction in more than one subject. I also know as a parent, that a teacher's resume may or may not reflect their actual abilities in the classroom. That is why our legislation provides States with new flexibility in the ways they rate and reward excellent teachers.

At its core, No Child Left Behind is about closing the achievement gap. We still have a long way to go, recent data shows that still only 13 percent of African American and 19 percent of Hispanic 4th graders scored at or above the proficient level on the National Assessment of Educational Progress mathematics test, compared to 47 percent of their white peers. By measuring teacher effectiveness, school quality, and student learning, our legislation will help reduce this unacceptable disparity in America today.

Our bipartisan legislation is based on recommendations from a panel of experts, and has been endorsed by some leading educators. However, we know it is just the beginning of a conversation about how and where to add flexibility to the No Child Left Behind law. As we move forward, I welcome the advice of teachers, parents, and administrators on how best to help all students achieve.

By Mr. HATCH (for himself, Mr. SALAZAR, Mr. SMITH, and Mr. KERRY):

S. 2002. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes; to the Committee on Finance.

Mr. HATCH: Mr. President, I rise today to introduce the REIT Investment Diversification and Empowerment Act of 2007, legislation which would make several important revisions to the current tax law governing real estate investment trusts, or REITs. I am particularly pleased to be joined by my good friend, the distinguished senator from Colorado, Senator SALAZAR, in sponsoring this bipartisan legislation. I am also very happy that Senators SMITH and KERRY are joining us as original cosponsors.

The development of real estate investment trusts is among the true success stories of American business.

Moreover, REIT legislation enacted over the past 47 years presents a remarkable example of how Congress can create the legal framework to liberate entrepreneurs, small investors, and hard working men and women across the country to do what they do best—create wealth and, more importantly, build thriving communities.

When REITs were first created in 1960, small investors had almost no role in commercial real estate ventures. At that time, private partnerships and other groups closed to ordinary investors directed real estate investments, typically using debt, not equity, to finance their ventures. That model not only served small investors poorly, it resulted in the misallocation of capital, and contributed to significant market volatility.

Since that time, REITs have permitted small investors to participate in one of our country's greatest generators of wealth, income producing real estate, and REITs have greatly improved real estate markets by promoting transparency, liquidity, and stability. The growth in REITs has been particularly dramatic and beneficial in the past 15 years, as capital markets responded to a series of changes in the tax rules that modernized the original 1960 REIT legislation to adjust it to new realities of the marketplace.

I am proud of my role in sponsoring legislation that included many of these changes that modernized the REIT rules, and I remain committed to making every effort to ensure that the people of Utah and across our Nation continue to benefit from a dynamic and innovative REIT sector.

I have seen first hand what REITs have done for communities across my State. It is very much in Utah's interests, and in our country's interests, to make sure that REITs continue to work effectively and efficiently to carry out the mission which Congress intended.

As my colleagues know, Utah is known as the "Beehive State", a testament to the hard work and industriousness of its residents. REITs have proven again and again to be a particularly effective means through which Utahns can utilize those attributes, and aggregate needed capital, to create the thriving real estate sector which is essential to our State's economic well being.

Towards that end, I am pleased to report that REITs now account for well over a $1 billion of property in Utah alone, and afford an opportunity for many investors in my State to have an ownership stake in those properties in their communities. This is not an aberration. I believe that my colleagues will find a similarly impressive amount of REIT investment in their home States as well.

I am also pleased to report, that, in an era when companies must compete successfully on a global scale, our Nation's REITs have grown to be leaders in international real estate markets, and our REIT laws are proving to be a model for other countries around the globe. In fact, much of the bill I am introducing today is necessitated by the growing international presence of our domestic REITs. The international expansion of real estate investment trusts is something that could not have been contemplated when the first REIT laws were enacted decades ago.

The bill we are introducing today is based on S. 4030, which I introduced toward the end of the 109 Congress, and is very similar to H.R. 1147, which was introduced in the House this year. I note that H.R. 1147 enjoys the bipartisan sponsorship of more than two-thirds of the House Ways and Means Committee, and I hope that more of my colleagues on the Finance Committee will join us in supporting this bill.

Further, I am grateful that the distinguished Chairman of the Finance Committee stated at our recent markup of the Senate energy tax package that he was aware of my efforts to pass REIT reform legislation this year, and that he and his staff "will continue to work with Senator GRASSLEY and you, Senator HATCH, to find a tax bill later this year in which to include this proposal."

I urge my colleagues to review this bill and lend their support to it. In a small but important way, it will help Americans to better invest for their savings and retirement. I hope we can move this straightforward, bipartisan legislation through as quickly as possible.

I ask unanimous consent that a section-by-section description of the REIT Investment Diversification and Empowerment Act be included in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT ACT OF 2007

SECTION-BY-SECTION DESCRIPTION

The REIT Investment Diversification and Empowerment Act of 2007 (RIDEA) includes the following provisions to help modernize the tax rules governing Real Estate Investment Trusts to permit REITs to better meet the challenges of evolving market conditions and opportunities:

Title I: Foreign currency and other qualified activities

Title I addresses one specific issue and also equips the IRS to handle similar interpretative matters in the future without the need of legislation.

As globalization has accelerated in the past decade, REITs, as with other businesses, have followed their customers abroad and have accessed new opportunities in Canada, Mexico, Europe and Asia. The issue that Title I resolves is how foreign currency gains a REIT earns should be treated under the REIT income and asset tests. For example, if a REIT buys a shopping center in England for a million pounds, operates it for ten years and then sells it for a million pounds, that sale produces no gain (assuming that capital expenditures equal the tax depreciation accruing during that period). If during that 10-year period the U.S. dollar has declined compared to the English pound, U.S. tax law says that the appreciation of the pounds when they are converted back to dollars is a separate gain. Until recently, it wasn't clear how that currency gain should be treated under the REIT tax tests.

In May, 2007, the IRS released Revenue Ruling 2007-33 and Notice 2007-42 to clarify that in the overwhelming majority of cases a REIT's foreign currency gains earned while operating its real estate business qualify as "good income" under the REIT rules. Title I essentially reaches the same result on a more direct basis and also provides some conforming changes in other parts of the REIT rules.

Although the recent guidance was welcome, it took the IRS about four years to issue it because of questions about the extent of the government's regulatory authority in the area. To prevent similar delays in the future, Title I clearly provides the Secretary of the Treasury with the authority to determine what items of income can be treated either as "good income" or disregarded for purposes of the REIT income tests. Under this authority, it is expected that, for example, the IRS would conclude that dividend-like items such as Subpart F deemed dividends and PFIC income would be treated in the same manner as dividends for purposes of the 95 percent gross income test. Further, the IRS could convert many of its rulings it issued to individual taxpayers into public guidance, which could be a more efficient use of its resources.

Title II: Taxable REIT subsidiaries

In 1999, Congress materially changed the REIT rules to allow a REIT to own up to 20 percent of its assets in securities of one or more taxable REIT subsidiaries. The premise is straight-forward: a REIT should be able to engage in activities outside of the scope of renting and financing real estate as permitted by the REIT rules with a single level of tax, but only if the subsidiary is subject to a separate level of tax.

These "TRS" rules have worked quite well. REITs have been able to use their real estate expertise in a number of ways not available under the REIT rules so long as they subjected their profits from these activities to a corporate level of tax, as well as the shareholder level of tax once those profits are distributed to the REIT and its shareholders. Further, the IRS study on TRSs mandated by the 1999 law shows that TRSs formed after the bill was enacted are generating a substantial and increasing amount of tax revenues.

Since both the main asset and income tests are set at 75 percent, the dividing line normally used to demarcate between REIT and non-REIT activities is 25 percent. RIDEA would conform to this dividing line by increasing the limit on TRS size from 20 percent to 25 percent of a REIT's assets, thereby subjecting even more activities conducted by a REIT to two levels of tax.

Title III: Dealer sales

Congress has always wanted REITs to invest in real estate on behalf of their shareholders for the long term. Since the late 1970s, the mechanism to carry out these purposes has been a 100 percent excise tax on a REIT's gain from so-called "dealer sales". Because the 100 percent tax is so severe, Congress created a safe harbor under which a

REIT can be certain that it is not acting as a dealer (and therefore not subject to the excise tax) if it meets a series of objective tests. This provision would update two of these safe harbor requirements.

The current safe harbor requires a REIT to own property for at least four years. This is simply too long a time in today's marketplace. Further, four years departs too much from the most common time requirement for long-term investment—the one-year holding period for an individual's long-term capital gains. Accordingly, this provision uses a more realistic two-year threshold.

Another test under the dealer sales safe harbor restricts the amount of real estate assets a REIT can sell in any taxable year to 10 percent of its portfolio. Current law measures the 10 percent level by reference to the REIT's tax basis in its assets. H.R. 1147 instead would measure the 10 percent level by using fair market value. To allow a REIT to maximize its sales under the safe harbor (and thereby generating more economic activity), RIDEA would allow a REIT to choose either method for any given year. Presumably, the IRS would develop instructions on Form 1120-REIT allowing a REIT to declare which method it selected when it files its tax return for the year in which the sales occur.

Title IV: Health care REITs

In 1999, Congress allowed a REIT to rent lodging facilities to its taxable REIT subsidiary (TRS) while treating the rental payments from the TRS as income that qualifies under the REIT income tests so long as the rents were in line with rents from unrelated third parties. Simultaneously, it required that the TRS use an independent contractor to manage or operate the lodging facilities. These complex rules were adopted because hotel management companies did not want to assume the leasing risk inherent in lodging facilities but rather wanted to be compensated purely for operating the facilities.

A similar situation has arisen with regard to health care properties such as assisted living facilities. Operators that now lease such facilities would rather have a REIT (through its TRS) assume any leasing risk and instead be hired purely to operate the facilities. Accordingly, this provision would extend the exception made in 1999 for lodging facilities to health care facilities. This change should make it easier for health care facilities to be provided to senior citizens and others in need of such services. As with the current rules for lodging facilities, a TRS would continue to need an independent contractor to manage or operate health care facilities.

Title V: Foreign REITs

Since imitation is the sincerest form of flattery, Congress should be proud that about 20 countries have enacted legislation paralleling the U.S. REIT rules after observing the benefits brought to the United States as a result of a vibrant REIT market. Just this year, Germany, Italy and the United Kingdom enacted REIT laws, and Canada codified its long-standing trust rules to adopt U.S.-like REIT tests. Although the tax code treats stock in a U.S. REIT as a real estate asset, so that it is a qualified asset that generates qualifying income, current law does not afford the same treatment to the stock of non-U.S. REITs.

Because of the many tests designed to focus a REIT on commercial real estate, since the original 1960 REIT law a stock interest in a U.S. REIT is treated as real estate when owned by another U.S. REIT. This provision would extend this treatment to a U.S. REIT's ownership in foreign REITs to the extent that the Treasury Department concludes that the rules or market requirements in another country are comparable to the basic tenets defining a U.S. REIT.

By Ms. COLLINS (for herself, Mr. WARNER, and Mr. VOINOVICH):

S. 2003. A bill to facilitate the part-time reemployment of annuitants, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce Senate Bill 2003, a measure that will enhance the Federal Government's ability to perform its duties capably and economically as it faces a wave of retirement of highly experienced Federal employees.

When we think about the coming demographic shock of millions of baby boomers reaching retirement age, we usually focus on the cash-flow implications for the Social Security and Medicare programs. But their aging will also have a profound effect on the Federal workforce.

On average, retirements from the Federal workforce have exceeded 50,000 a year for a decade. The numbers will certainly rise in the near future. The Office of Personnel Management calculates that 60 percent of the current Federal workforce, whose civilian component approaches 3 million people, will be eligible to retire during the coming 10 years.

Federal agencies, which already must hire more than 250,000 new employees each year, will need to work hard to replace those retirees, as the private sector and State and local governments will be facing the same problem and competing for qualified replacements.

The baby boom retirement wave will have another impact. It will cause a sudden acceleration in the loss of accumulated skills and mentoring capabilities that experienced workers uniquely possess.

Human-resources research has repeatedly shown that, in general, older workers equal or outperform younger workers in organizational knowledge, ability to work independently, commitment, productivity, flexibility, and mentoring ability.

Making good use of their talents is, therefore, not charity. It is common sense and sound management.

Federal agencies recognize the value of older workers, as witnessed by the fact that nearly 4,500 retirees have been allowed to return to full-time work on a waiver basis.

Agencies could make use of even more Federal annuitants for short-term projects or part-time work, but for a disincentive embedded in current law.

Title 5 of the United States Code currently mandates that annuitants who return to work for the Federal Government must have their salary reduced by the amount of their annuity during the period of reemployment. The bill I introduce today with the welcome cosponsorship of Senators WARNER and VOINOVICH would provide a limited but vital measure of relief to agencies who could benefit from the skills and knowledge of Federal retirees. It provides a limited opportunity for Federal agencies to reemploy retirees without requiring them to take pay cuts based on their annuity payment.

This simple but powerful reform is a priority item for the Federal Office of Personnel Management. As OPM Director Linda Springer has said, "Modifying the rules to bring talented retirees back to the Government on a part-time basis without penalizing their annuity would allow Federal agencies to rehire recently retired employees to assist with short-term projects, fill critical skill gaps and train the next generation of Federal employees."

Organizations endorsing the reform contemplated in my bill include the National Active and Retired Federal Employees Association, the Federal Managers Association, the Partnership for Public Service, and the Council for Excellence in Government.

I would note two important points about the bill.

First, it will not materially affect the necessary flow of younger workers into Federal agencies. The bill contemplates reemployment for part-time or project work of not more than 520 hours in the first 6 months following the start of annuity payments, not more than 1,040 hours in any 12-month period, and not more than 6,240 hours total for the annuitant's lifetime. In terms of 8-hour days, those figures are equivalent to 65, 130, and 780 days, respectively.

These limits will give agencies flexibility in assigning retirees to limited-time or limited-scope projects, including mentoring and collaboration, without evading or undermining the waiver requirement for substantial or full-time employment. of annuitants.

I would also note that this bill gives no cause for concern about financial impact. Reemployed annuitants would be performing work that the agencies needed to do in any case, but would not require any additional contributions to pension or savings plans. Meanwhile, their retiree health and life insurance benefits would be costs unaffected by their part-time work. Even without making any allowance for the positive effects of their organizational knowledge, commitment, productivity, and mentoring potential, their reemployment is likely to produce net savings.

This measure offers benefits for Federal agencies, for Federal retirees who would welcome the opportunity to perform part-time work, and for taxpayers. I urge my colleagues to support it.

By Mrs. CLINTON (for herself, Mr. SANDERS, and Mrs. MURRAY):

S. 2005. A bill to amend the Public Health Service Act to provide education on the health consequences of exposure to secondhand smoke, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today, I am introducing the Secondhand Smoke Education and Outreach Act of 2007 to provide information to the public about the health consequences of secondhand smoke and support tobacco cessation education.

I want to thank Senators SANDERS and MURRAY for cosponsoring the Secondhand Smoke Education and Outreach Act and recognize them as strong advocates for smoking cessation efforts.

I believe that tobacco use constitutes one of the greatest threats to public health, a conclusion that was also expressed in the 2000 Supreme Court ruling, and I also believe that we have a duty to safeguard our Nation's health against tobacco products.

Every year, an estimated 400,000 smokers die as a result of smoking-related diseases. But nonsmokers also suffer and die from exposure to tobacco smoke.

Last year, the Surgeon General issued the report, The Health Consequences of Involuntary Exposure to Tobacco Smoke, which found that there is no risk-free level of exposure to secondhand smoke. The Surgeon General reported that nearly half of all nonsmoking Americans are still regularly exposed to secondhand smoke, which contains more than 50 carcinogens.

Living with a smoker increases a non-smoker's risk of developing lung cancer by 20 to 30 percent and, according to the California Environmental Protection Agency, exposure to secondhand smoke causes approximately 3,000 lung cancer deaths in the U.S. each year. Secondhand smoke also causes 46,000 cardiac deaths annually in our country.

Studies have shown that exposure to secondhand smoke has both immediate and long-term adverse health consequences on the adult cardiovascular system. Exposure to secondhand smoke for 30 minutes can damage coronary arteries, while sustained exposure can increase the risk of coronary heart disease by 20 to 30 percent.

Although more than 20 States have passed smoke-free laws, including laws that ban smoking in restaurants and bars, Americans of all age groups are involuntarily exposed to tobacco smoke through exposure in workplaces, homes, cars, apartments, and even outdoor public spaces. According to the National Cancer Institute, racial and ethnic minorities in the U.S. have higher rates of occupational exposure to secondhand smoke, with Latinos and Native Americans having the highest rates.

Therefore, it is critical that individuals, especially youth, should not be exposed to secondhand smoke. Further, parents should have access to information about the adverse health consequences so that they can better protect their children and themselves from secondhand smoke.

Education about the dangers of tobacco use and exposure to tobacco smoke is absolutely critical for combating the misleading messages that the tobacco industry propagates through savvy advertising campaigns.

There is strong evidence that tobacco advertisements cynically target advertising to adult and adolescent women. According to an analysis published by the Journal of the American Medical Association in 1994 and a 2001 report by the Surgeon General, the tobacco industry has targeted women with some form of this dangerous promotional strategy for almost a century, beginning in the 1920s. The latest example of this is chronicled in a recent New York Times editorial, entitled "Don't Fall for Hot Pink Camels", which discusses R.J. Reynolds's $25 million to $50 million investment in an advertising campaign behind the new female-friendly Camel No. 9.

In addition to targeting women, tobacco advertisements are also designed to appeal to our youth. In the August 2006 racketeering suit brought by the Justice Department against the tobacco industry, Judge Kessler's Final Opinion concluded that: ". . . Defendants continue to engage in many practices which target youth, and deny that they do so. Despite the provisions of the MSA, Defendants continue to track youth behavior and preferences and market to youth using imagery which appeals to the needs and desires of adolescents." This is an unconscionable, but effective, practice. A study published this year in the Archives of Pediatrics and Adolescent Medicine concluded that youth are more likely to start smoking if exposed to retail cigarette advertising and that cigarette promotions also increase the probability of youth becoming regular smokers.

Finally, racial and ethnic minority communities are disproportionately targeted with advertising campaigns for tobacco products, according to the U.S. Department of Health and Human Services. The tobacco industry has contributed to primary and secondary schools, funded universities and colleges, and supported scholarship programs targeting racial and ethnic minorities. Tobacco companies have also placed advertising in community publications and sponsored cultural events in racial and ethnic minority communities.

Despite the public's growing understanding of the health dangers posed by tobacco, too many still succumb to the lure of these deadly products. According to the Centers for Disease Control and Prevention, over 20 percent of adults currently smoke cigarettes in the U.S. Among racial and ethnic communities, approximately 16 percent of Hispanic adults, 13 percent of Asian American adults, 22 percent of Caucasians adults, 22 percent of African American adults, and 32 percent of American Indians and Alaska Natives currently smoke cigarettes.

As for our Nation's youth, a 2005 National Survey on Drug Use and Health reported that nearly 3 million Americans under the age of 18 currently smoke cigarettes. According to the CDC, unless current rates of youth smoking are reversed, more than 6.3 million children under the age of 18 will die from smoking-related diseases.

That is why health care professionals should have the opportunity to receive training in the delivery of evidence-based tobacco dependence and prevention treatment in order to assist smokers in overcoming their addiction and educating all patients about the harm of secondhand smoke.

That is why I, along with Senators SANDERS and MURRAY, am introducing the Secondhand Smoke Education and Outreach Act. I am grateful to have developed this proposal with the American Lung Association, the American Cancer Society, the American Heart Association, and the Campaign for Tobacco Free Kids.

This bill, through education and outreach, will help reverse the public's underestimation of the harm that secondhand smoke can wreck on one's health and will promote smoking cessation efforts across our nation.

This new legislation would establish grants and demonstration projects, awarded by the Secretary of HHS in consultation with the SAMHSA administrator, for educating the public about the health consequences of secondhand smoke in multi-unit dwellings and in public spaces, such as public parks, playgrounds, and national parks. Special consideration would be given to awarding grants to organizations whose participation includes secondary school or college-age individuals, and to organizations that reach racial or ethnic populations that experience a disproportionate share of the cancer burden.

The Secondhand Smoke Education and Outreach Act would also authorize and fund grants for regional or local tobacco cessation education and counseling for health care workers and providers. The training curricula would assist smokers in quitting through smoking cessation counseling, educate smokers and nonsmokers about the health consequences of secondhand smoke, and help promote self-sustaining networks for the delivery of affordable, accessible, and effective cessation services.

The U.S. spends more on health care than any other industrialized nation and yet we struggle to provide adequate health care for all our citizens. We literally cannot afford the myriad of health problems that we know result from tobacco use: bladder, esophageal, laryngeal, lung, oral, and throat cancers, chronic lung diseases, coronary heart and cardiovascular diseases, as well as reproductive effects and sudden infant death syndrome.

The Secondhand Smoke Education and Outreach Act is an important step in ensuring that our nation's communities have the knowledge they need to keep themselves and their environments healthy, and I look forward to working with my colleagues to enact this legislation during the upcoming reauthorization of the Substance Abuse and Mental Health Services Administration at the Department of Health and Human Services.

I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

AMERICAN HEART ASSOCIATION,
AMERICAN STROKE ASSOCIATION,
August 2, 2007.

Hon. HILLARY RODHAM CLINTON,
Russell Senate Building,
Washington, DC.

DEAR SENATOR CLINTON: The American Heart Association, on behalf of our more than 22 million volunteers and supporters, strongly endorses the Secondhand Smoke Education and Outreach Act of 2007. If enacted, this legislation would provide Federal funds to educate the public about the health consequences of secondhand smoke and create tobacco cessation education and counseling programs.

Secondhand smoke causes death and disease in children and adults who do not choose to smoke. The 2006 Surgeon General's Report The Health Consequences of Involuntary Exposure to Tobacco Smoke found that there is no safe level of secondhand smoke. Secondhand smoke has immediate adverse effects on the cardiovascular system, increasing the risk of coronary heart disease by 25 to 30 percent. An estimated 35,052 nonsmokers die each year as a result of exposure to environmental tobacco smoke.

Secondhand smoke has a particularly adverse effect on children's health. An estimated 150,000-300,000 children younger than 18 months of age have respiratory tract infections due to exposure to secondhand smoke. The educational campaigns and demonstration projects about the health effects of secondhand smoke in multi-unit housing and public spaces that would be funded by the Secondhand Smoke Education and Outreach Act of 2007 would give particular emphasis to programs that would include secondary school and college-age individuals.

We applaud you for your leadership and look forward to working with you to advance this vitally important legislation.

Sincerely,
SUE A. NELSON,
Vice President, Federal Advocacy.

CAMPAIGN FOR TOBACCO-FREE KIDS,
Washington, DC, August 2, 2007.

Hon. HILLARY R. CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The Campaign for Tobacco Free Kids strongly supports your legislation, "Secondhand Smoke Education and Outreach Act." As stated by former Surgeon General Richard Carmona, "The debate is over. The science is clear. Secondhand smoke is not a mere annoyance but a serious health hazard." This legislation will provide timely and accessible educational programs concerning secondhand smoke along with funds to train health professionals to help more Americans quit smoking.

The "Secondhand Smoke Education and Outreach Act" will fund much needed educational campaigns about the dangers of secondhand smoke in the workplace and in multi-unit housing. These campaigns will promote greater awareness on the health consequences of smoking and secondhand smoke and will encourage more communities to go smokefree.

The mission of the Campaign for Tobacco Free Kids is to reduce the harm associated with smoking and exposure to tobacco smoke, preventing children from using tobacco, and helping adults to end their tobacco use. Your initiative will help further these goals by promoting awareness of the harms of secondhand smoke and ways to prevent exposure to it and by supporting people's efforts to quit smoking and improve their quality of life.

This initiative is consistent with your demonstrated commitment to helping protect our nation's children from the harms associated with tobacco use. Your support of re-authorization of the State Children's Health Insurance Program which is funded by an increase in the excise tax on all tobacco products (a proven measure to deter kids from smoking) and your recent vote in the Senate Health Education Labor and Pensions Committee to give the Food and Drug Administration the authority to regulate tobacco products and advertising clearly demonstrates your strong support for reducing the harms of tobacco in this country.

The Campaign for Tobacco Free Kids applauds your leadership on tobacco prevention efforts and we look forward to working with you to move your Secondhand Smoke Education and Outreach Act forward.

Sincerely,
WILLIAM V. CORR,
Executive Director.

AMERICAN CANCER SOCIETY,
CANCER ACTION NETWORK,
Washington, DC, August 1, 2007.

Hon. HILLARY CLINTON,
U. S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The American Cancer Society Cancer Action Network^{SM} (ACS CAN) is pleased to endorse the Secondhand Smoke Education and Outreach Act of 2007. This legislation would make federal funds available for public education campaigns on the dangers of secondhand smoke and the consequences of secondhand smoke in public spaces, as well as fund grants for tobacco cessation education and counseling.

There are devastating health consequences directly attributable to secondhand smoke: Secondhand smoke causes between 35,000 and 40,000 deaths from heart disease every year; 3,000 otherwise healthy nonsmokers will die of lung cancer annually because of their exposure to secondhand smoke; The total annual costs of secondhand smoke exposure are estimated to be at least $5 billion in direct medical costs and at least $5 billion in indirect costs.

The 2006 Surgeon General's Report on The Health Consequences of Involuntary Exposure to Tobacco Smoke documents that: There is no risk-free level of exposure to secondhand smoke; Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), low birthweights, acute respiratory infections, ear problems and more severe asthma; Parents who smoke cause respiratory symptoms and slow lung growth in their children; Exposure to secondhand smoke leads to an increased risk for lung cancer and cardiovascular disease and death; Nonsmokers living with a smoker have a 20 to 30 percent increased risk of lung cancer and a 25 to 30 percent increased risk for coronary heart disease.

We look forward to working with you to secure passage of this important legislation by the 110th Congress.

Sincerely,
DANIEL E. SMITH,
President.
WENDY K. SELIG,
Vice President, Legislative Affairs.

AUGUST 1, 2007.

Hon. HILLARY R. CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The American Lung Association strongly supports your Secondhand Smoke Education and Outreach Act. Despite the irrefutable scientific evidence that secondhand smoke kills, people of every age are exposed to tobacco smoke in the workplace, at home and in other public spaces. This legislation will provide accessible educational programs concerning secondhand smoke and smoking cessation in order to effectively reduce secondhand smoke exposure and promote lung health among Americans.

In June of 2006, the U.S. Surgeon General issued The Health Consequences of Involuntary Exposure to Tobacco Smoke, which concluded that there is no risk-free level of exposure to secondhand smoke. Even short exposure to secondhand smoke can decrease coronary flow and increase the risk of a heart attack in adults; additionally, in children, the risk of developing acute respiratory infections or asthma is elevated. However, despite this conclusive scientific evidence, more education is needed to communicate the dangers of secondhand smoke.

The Secondhand Smoke Education and Outreach Act will fund much needed educational campaigns about the dangers of secondhand smoke in the workplace and in multi-unit housing. These campaigns will promote awareness on the health consequences of smoking and secondhand smoke and promote lung health among the public. The legislation will also authorize grants to health care workers and providers for tobacco cessation education.

The mission of the American Lung Association is to prevent lung disease and promote lung health. The Secondhand Smoke Education and Outreach Act will do both by promoting secondhand smoke awareness and supporting people's efforts to quit smoking and enhance their lives.

The American Lung Association looks forward to working with you to see the Secondhand Smoke Education and Outreach Act enacted into law.

Sincerely,
BERNADETTE A. TOOMEY,
President and CEO.

THE CITY OF WHITE PLAINS,
YOUTH BUREAU,
White Plains, New York, July 31, 2007.
Senator HILLARY RODHAM CLINTON,
Russell Building Suite 476, U.S. Senate, Washington, DC.

Re: Second hand Smoke Education

DEAR SENATOR CLINTON: The White Plains Youth Bureau is writing this letter in support of the Bill you are introducing to amend the Public Health Service Act to provide education on the health consequences of exposure to second hand smoke, and for other purposes.

Studies conducted by various health organizations, as well as the Surgeon General have documented that there are more than 60 million young children still being involuntarily exposed to second hand smoke. Although the passage of laws such as the Clean Indoor Air Act, and other laws passed by individual states, have made significant reductions to smoking rates, involuntary exposure to second hand smoke continues to effect the health of our most vulnerable population—our children. Exposure to second hand smoke in outdoor public spaces as well as in multi unit housing complexes continues to be a significant health risk factor.

This bill is designed to address these very problems by providing support for increased education about the dangers of second hand smoke exposure. Research has proven that continuous education does make a difference. Additionally, the support for increased training of health professionals will help educate parents and other adults about the need to protect vulnerable segment of our population from involuntary exposure to second hand smoke.

We commend you and your staff for taking the initiative in putting together this important Bill that will definitely help to improve the health outcomes for many of our young people as well as continue the battle against the unscrupulous practices of the tobacco industry.

Sincerely Yours,

LINDA PUOPLO,
Deputy Director.

By Ms. LANDRIEU:

S. 2008. A bill to reform the single family housing loan guarantee program under the Housing Act of 1949; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I rise today to introduce the Home Ownership Made Easier Act, or the HOME Act. This bill will revitalize our Nation's rural communities by making it easier to become a homeowner and to provide opportunities to refinance high interest and subprime loans.

Our country has provided many excellent opportunities over the years to individuals living in rural areas to become a homeowner. One of these programs is what is commonly referred to as the 502 program administered by the U.S. Department of Agriculture. This program administers guaranteed loans to low-income families that are backed by the U.S. Government. Families must be able to show that they are without adequate housing and not exceed certain income limits. Currently, these loans last 30 years and do not require a down payment, however the applicant must be able to afford mortgage payments, including taxes, and insurance.

I applaud the success of the 502 program. In Louisiana alone, the program has already administered 1,212 loans for 2007 and nationwide, the program has administered 27,643 loans. While the program does cost the taxpayer approximately $42 million a year, it administers over $3 billion in loans a year. Let me repeat that again, for $42 million a year, our Government is able to provide $3 billion in loans a year to low-income families to become homeowners. The risk extremely low. In 2006, the 502 program has a foreclosure rate of 1.36 percent. Again, I applaud the success of our Government to provide this much-needed help to rural Americans.

Some might ask why should the Federal Government help low-income families become homeowners? The answer is simple. Homeownership provides financial advantages to owners and to their communities. Individuals who own homes have an investment, of those that own homes, on average, one-half of the equity in their homes is one-half of their net worth. Homeowners enjoy tax benefits and they also enjoy financial stability if they are locked into a permanent interest rate. Communities also benefit, those that have a high percentage of homeownership see increased involvement with the community and with the local schools.

Also, maybe most importantly, homeownership by low-income households is linked to a child's educational advancement and future success.

My HOME Act will build upon the success of the 502 program and update the program to reflect current conditions. In some instances, this law hasn't been updated in nearly 30 years.

The HOME Act will do five things. First, it will increase the qualifying income limits for families and set out a three-tiered level of income standard instead of the current eight tiered standard. The first tier will be for families that have one to four individuals, the second tier is established for families of 5 to 8 persons and the third tier is for families larger than eight.

The second change will affect the qualifying population limit. Currently, the population limit is tied to communities of 10,000 or less in an areas contained within a standard metropolitan statistical area, MSA, and communities less than 20,000 if they are not contained within a MSA. My HOME Act will expand the qualifying population limit to encompass rural communities of 40,000 or less.

HOME Act legislation will maintain the guaranteed fee that an applicant is required to pay at 2 percent, instead of raising the fee to 3 percent. This is to keep costs low for the borrower. It will also reduce the redtape involved by allowing an applicant that qualifies for a 502 loan to receive that loan regardless of whether or not the applicant can qualify for another Federal Government housing loan.

Finally, my bill will provide opportunities for individuals inside and outside the 502 program to refinance their loans. These opportunities include refinancing to pay for a first or second purchase mortgage, for repairs to structural deficiencies, to pay for closing costs, and allow a borrower to consolidate debts up to the greater of $10,000 or 10 percent.

The 502 program is an excellent program that has helped many individuals and families afford to purchase a clean, affordable home that increases their quality of life. I want to expand this program and allow more opportunities for low-income rural Americans to become homeowners. This is a good bill and I look forward to working with my colleagues to make this bill a reality.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2013. A bill to initially apply the required use of tamper-resistant prescription pads under the Medicaid Program to schedule II narcotic drugs and to delay the application of the requirement to other prescription drugs for 18 months; to the Committee on Finance.

Mr. BROWN. Mr. President, I am introducing legislation today that would delay for 18 months the requirement that doctors write Medicaid prescriptions on tamper-resistant paper. I am pleased that my colleague and friend, Mr. VOINOVICH, has agreed to cosponsor this important bill.

Let me place the bill in context. The Iraq supplemental signed into law 2 months ago requires all Medicaid prescriptions to be written on tamper-resistant paper effective October 1, 2007.

It is important to understand what tamper-resistant prescribing does and does not do.

First, what it does not do.

Tamper-resistant prescribing does not help prevent medication errors, which occur when a provider writes the wrong prescription, a pharmacist dispenses the wrong medicine, or a patient takes the wrong dose of a medicine.

Tamper-resistant prescribing does, however, help prevent fraud.

Tamper-resistant paper is intended to prevent the fraudulent modification of prescriptions, particularly prescriptions for opiates and other narcotics.

It is a worthy goal, and one we should pursue.

But the October 1, 2007, implementation date simply isn't realistic.

More time is needed to inform physicians and pharmacists about these new requirements and make sure that physicians across America have tamper-resistant pads in their offices.

If we don't delay the requirement, come October 1 pharmacists throughout our Nation will face an impossible situation.

The pharmacist can turn the beneficiary away since they are not going to be paid if they seek payment for a Medicaid prescription that is not written on tamper proof paper. Or they can go ahead and fill it and hope they don't get sued.

And what about the Medicaid beneficiary who needs to fill a prescription? What about the financial integrity of Medicaid itself?

Let us say a Medicaid beneficiary needs insulin.

How much work does she miss and what is the additional cost to Medicaid if, in order to fill her prescription, this beneficiary must: 1. go to her doctor for a prescription; 2. go to her local pharmacy, which is forced to turn her away; 3. go to the emergency room in the hopes she can get a temporary supply; 4. go back to her doctor for a tamper-resistant prescription; and 5. go back to her pharmacy for her medicine?

If you give the health care sector enough time to prepare for the tamper-proof requirement, that requirement will improve the public health and reduce Medicaid costs.

Implemented prematurely, and the equation flips, Medicaid wastes dollars on needless doctor and hospital visits, and Medicaid beneficiaries suffer the consequences of unfilled prescriptions.

Providing more time to ensure smooth implementation of the tamper-resistant prescribing requirement is the smart thing to do and the right thing to do. It is the right thing to do for Medicaid beneficiaries, for community pharmacies, and for U.S. taxpayers.

On behalf of all of these constituencies, we should send this legislation to the President's desk as soon as possible.

By Mr. STEVENS (for himself, Mr. INOUYE, Ms. CANTWELL, Ms. SNOWE, Ms. MURKOWSKI, Mr. SUNUNU, Mr. COCHRAN, Mr. KERRY, Ms. COLLINS, Mrs. MURRAY, and Mrs. BOXER):

S.J. Res. 17. A joint resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean; to the Committee on Foreign Relations.

Mr. STEVENS. Mr. President, I am pleased to introduce a Senate joint resolution directing the United States to initiate efforts with other Nations to negotiate international agreements for managing migratory and transboundary fish stocks in the Arctic Ocean. As we have seen in far too many cases around the world, fish stocks can easily become depleted when the international community fails to develop effective, science based agreements for conserving and managing shared fish stocks. The goal of this resolution is to ensure that we do not repeat that same mistake with any commercial fisheries that develop in the Arctic Ocean.

In many ways, the Arctic Ocean is the final frontier into which the world's commercial fisheries may expand. Currently, industrial fishing in this ocean has been limited by the distribution of fish habitat and the short duration of favorable fishing conditions, but that may change in the coming years. Scientific evidence suggests that as the world's climate changes, ocean temperature regimes may shift and cause many fish stocks to colonize new habitats in the Arctic Ocean.

Similarly, fishing vessels may gain greater access to previously inhospitable areas of the Arctic.

Taken together, these potential shifts may create favorable conditions for expanding commercial fisheries in the United States, Russia, Canada, Norway, Denmark, and other nations that have access to the remote arctic waters.

Having seen the fish stock declines that come when multiple nations target the same stocks without effective coordinated management, it is vital that these nations work together to prevent this outcome.

Given the benefit of foresight and our ability to anticipate the need for international fisheries management systems in the Arctic, we must now begin the process of creating such a system before commercial fisheries become firmly established there.

The North Pacific Regional Fisheries Management Council, the body that manages U.S. fisheries in the North Pacific, recognizes the need to develop an effective management plan for Arctic Ocean fishing before significant fishing activity occurs. In June 2007, the council approved a proposal to close all Federal waters in the Arctic Ocean to fishing until they develop and implement a fisheries management plan. This action should serve as a signal to the rest of the United States and to all nations interested in Arctic Ocean fishing that sound conservation and management plans should be our top priority before moving forward to develop commercial fisheries there.

This Senate joint resolution builds upon the efforts of the North Pacific Regional Fisheries Management Council and takes it a step further by calling on the United States to lead international efforts to develop international fisheries management agreements for the Arctic Ocean. Such agreements should promote management systems for member nations that emphasize science-based limits on harvests, timely and accurate reporting of catch-and-trade data, equitable allocation and access systems, and effective monitoring and enforcement. These fisheries management principles are consistent with the Magnuson-Stevens Fishery Conservation and Management Amendments Act that was enacted last January and the United Nations Fish Stocks Agreement. Such principles are vital for preventing proliferation of illegal, unreported, and unregulated—what we call IUU—fishing which unfortunately continues to plague and undermine other international fisheries.

This resolution contains other important provisions as well. While negotiating any agreements for the arctic fisheries, the United States should consult with the North Pacific Regional Fishery Management Council and Alaska Native subsistence communities in the Arctic. And, of course, consistent with the President's October 2006 Memorandum on Promoting Sustainable Fisheries and Ending Destructive Fishing Practices, this resolution calls on the United States to support international efforts to halt the expansion of commercial fisheries on the high seas of the Arctic Ocean until effective international agreements are enforced.

On behalf of Alaska's subsistence and commercial fishing communities and the organizations that work to sustain our fisheries, I thank the many cosponsors of this resolution for sharing our great concern for sound fisheries management.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. JOINT RES. 17

Whereas the decline of several commercially valuable fish stocks throughout the world's oceans highlights the need for fishing nations to conserve fish stocks and develop management systems that promote fisheries sustainability;

Whereas fish stocks are migratory throughout their habitats, and changing ocean conditions can restructure marine habitats and redistribute the species dependent on those habitats;

Whereas changing global climate regimes may increase ocean water temperature, creating suitable new habitats in areas previously too cold to support certain fish stocks, such as the Arctic Ocean;

Whereas habitat expansion and migration of fish stocks into the Arctic Ocean and the potential for vessel docking and navigation in the Arctic Ocean could create conditions favorable for establishing and expanding commercial fisheries in the future;

Whereas commercial fishing has occurred in several regions of the Arctic Ocean, including the Barents Sea, Kara Sea, Beaufort Sea, Chukchi Sea, and Greenland Sea, although fisheries scientists have only limited data on current and projected future fish stock abundance and distribution patterns throughout the Arctic Ocean;

Whereas remote indigenous communities in all nations that border the Arctic Ocean engage in limited, small scale subsistence fishing and must maintain access to and sustainability of this fishing in order to survive;

Whereas many of these communities depend on a variety of other marine life for social, cultural and subsistence purposes, including marine mammals and seabirds that may be adversely affected by climate change, and emerging fisheries in the Arctic should take into account the social, economic, cultural and subsistence needs of these small coastal communities;

Whereas managing for fisheries sustainability requires that all commercial fishing be conducted in accordance with science-based limits on harvest, timely and accurate reporting of catch data, equitable allocation and access systems, and effective monitoring and enforcement systems;

Whereas migratory fish stocks traverse international boundaries between the exclusive economic zones of fishing nations and the high seas, and ensuring sustainability of fisheries targeting these stocks requires management systems based on international coordination and cooperation;

Whereas international fishing treaties and agreements provide a framework for establishing rules to guide sustainable fishing activities among those nations that are parties to the agreement, and regional fisheries management organizations provide international fora for implementing these agreements and facilitating international cooperation and collaboration;

Whereas under its authorities in the Magnuson-Stevens Fishery Conservation and Management Act, the North Pacific Fishery Management Council has proposed that the United States close all Federal waters in the Chukchi and Beaufort Seas to commercial fishing until a fisheries management plan is fully developed; and

Whereas future commercial fishing and fisheries management activities in the Arctic Ocean should be developed through a coordinated international framework, as provided by international treaties or regional fisheries management organizations, and this framework should be implemented before significant commercial fishing activity expands to the high seas: Now, therefore, be it

Resolved, by the Senate and the House of Representatives in Congress assembled That—

(1) the United States should initiate international discussions and take necessary steps with other Arctic nations to negotiate an agreement or agreements for managing migratory, transboundary, and straddling fish stocks in the Arctic Ocean and establishing a new international fisheries management organization or organizations for the region;

(2) the agreement or agreements negotiated pursuant to paragraph (1) should conform to the requirements of the United Nations Fish Stocks Agreement and contain mechanisms, inter alia, for establishing catch and bycatch limits, harvest allocations, observers, monitoring, data collection and reporting, enforcement, and other elements necessary for sustaining future Arctic fish stocks;

(3) as international fisheries agreements are negotiated and implemented, the United States should consult with the North Pacific Regional Fishery Management Council and Alaska Native subsistence communities of the Arctic; and

(4) until the agreement or agreements negotiated pursuant to paragraph (1) come into force and measures consistent with the United Nations Fish Stocks Agreement are in effect, the United States should support international efforts to halt the expansion of commercial fishing activities in the high seas of the Arctic Ocean.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 299—RECOGNIZING THE RELIGIOUS AND HISTORICAL SIGNIFICANCE OF THE FESTIVAL OF DIWALI

Mr. MENENDEZ (for himself and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 299

Whereas Diwali, a festival of great significance to Indian Americans and South Asian Americans, is celebrated annually by Hindus, Sikhs, and Jains throughout the United States;

Whereas there are nearly 2,000,000 Hindus in the United States, approximately 1,250,000 of which are of Indian and South Asian origin;

Whereas the word "Diwali" is a shortened version of the Sanskrit term "Deepavali", which means "a row of lamps";

Whereas Diwali is a festival of lights, during which celebrants light small oil lamps, place them around the home, and pray for health, knowledge, and peace;

Whereas celebrants of Diwali believe that the rows of lamps symbolize the light within the individual that rids the soul of the darkness of ignorance;

Whereas Diwali falls on the last day of the last month in the lunar calendar and is celebrated as a day of thanksgiving and the beginning of the new year for many Hindus;

Whereas for Hindus, Diwali is a celebration of the victory of good over evil;

Whereas for Sikhs, Diwali is feted as the day that the sixth founding Sikh Guru, or revered teacher, Guru Hargobind, was released from captivity by the Mughal Emperor Jehangir; and

Whereas for Jains, Diwali marks the anniversary of the attainment of moksha, or liberation, by Mahavira, the last of the Tirthankaras (the great teachers of Jain dharma), at the end of his life in 527 B.C.: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the religious and historical significance of the festival of Diwali; and

(2) requests the President to issue a proclamation recognizing Diwali.

SENATE RESOLUTION 300—EXPRESSING THE SENSE OF THE SENATE THAT THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA (FYROM) SHOULD STOP THE UTILIZATION OF MATERIALS THAT VIOLATE PROVISIONS OF THE UNITED NATIONS-BROKERED INTERIM AGREEMENT BETWEEN FYROM AND GREECE REGARDING "HOSTILE ACTIVITIES OR PROPAGANDA" AND SHOULD WORK WITH THE UNITED NATIONS AND GREECE TO ACHIEVE LONGSTANDING UNITED STATES AND UNITED NATIONS POLICY GOALS OF FINDING A MUTUALLY-ACCEPTABLE OFFICIAL NAME FOR FYROM

Mr. MENENDEZ (for himself, Ms. SNOWE and Mr. OBAMA) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 300

Whereas, on April 8, 1993, the United Nations General Assembly admitted as a member the Former Yugoslav Republic of Macedonia (FYROM), under the name the "Former Yugoslav Republic of Macedonia";

Whereas United Nations Security Council Resolution 817 (1993) states that the dispute over the name must be resolved to maintain peaceful relations between Greece and FYROM;

Whereas, on September 13, 1995, Greece and FYROM signed a United Nations-brokered Interim Accord that, among other things, commits them to not "support claims to any part of the territory of the other party or claims for a change of their existing frontiers";

Whereas a pre-eminent goal of the United Nations Interim Accord was to stop FYROM from utilizing, since its admittance to the United Nations in 1993, what the Accord calls "propaganda", including in school textbooks;

Whereas a television report in recent years showed students in a state-run school in FYROM still being taught that parts of Greece, including Greek Macedonia, are rightfully part of FYROM;

Whereas some textbooks, including the Military Academy textbook published in 2004 by the Military Academy "General Mihailo Apostolski" in the FYROM capital city, contain maps showing that a "Greater Macedonia" extends many miles south into Greece to Mount Olympus and miles east to Mount Pirin in Bulgaria;

Whereas, in direct contradiction of the spirit of the United Nations Interim Accord's section "A", entitled "Friendly Relations and Confidence Building Measures", which attempts to eliminate challenges regarding "historic and cultural patrimony", the Government of FYROM recently renamed the capital city's international airport "Alexander the Great Airport";

Whereas the aforementioned acts constitute a breach of FYROM's international obligations deriving from the spirit of the United Nations Interim Accord, which provide that FYROM should abstain from any form of "propaganda" against Greece's historical or cultural heritage;

Whereas such acts are not compatible with Article 10 of the United Nations Interim Accord, which calls for "improving understanding and good neighbourly relations", as well as with European standards and values endorsed by European Union member-states; and

Whereas this information, like that exposed in the media report and elsewhere, being used contrary to the United Nations Interim Accord instills hostility and a rationale for irredentism in portions of the population of FYROM toward Greece and the history of Greece: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Former Yugoslav Republic of Macedonia (FYROM) to observe its obligations under Article 7 of the 1995 United Nations-brokered Interim Accord, which directs the parties to "promptly take effective measures to prohibit hostile activities or propaganda by state-controlled agencies and to discourage acts by private entities likely to incite violence, hatred or hostility" and review the contents of textbooks, maps, and teaching aids to ensure that such tools are stating accurate information; and

(2) urges FYROM to work with Greece within the framework of the United Nations

process to achieve longstanding United States and United Nations policy goals by reaching a mutually-acceptable official name for FYROM.

SENATE RESOLUTION 301—RECOGNIZING THE 50TH ANNIVERSARY OF THE DESEGREGATION OF LITTLE ROCK CENTRAL HIGH SCHOOL, ONE OF THE MOST SIGNIFICANT EVENTS IN THE AMERICAN CIVIL RIGHTS MOVEMENT

Mrs. LINCOLN (for herself and Mr. PRYOR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 301

Whereas the landmark 1954 Supreme Court decision in Brown v. Board of Education of Topeka established that racial segregation in public schools violated the Constitution of the United States;

Whereas, in September 1957, 9 African-American students (Minnijean Brown, Elizabeth Eckford, Ernest Green, Thelma Mothershed, Melba Pattillo, Gloria Ray, Terrence Roberts, Jefferson Thomas, and Carlotta Walls), known as the "Little Rock Nine", became the first African-American students at Little Rock Central High School;

Whereas the Little Rock Nine displayed tremendous strength, determination, and courage despite enduring verbal and physical abuse;

Whereas Little Rock Central High School was listed in the National Register of Historic Places on August 19, 1977, and was designated a National Historic Landmark on May 20, 1982;

Whereas, on November 6, 1998, Congress established the Little Rock Central High School National Historic Site in the State of Arkansas (Public Law 105–356), which is administered in partnership with the National Park Service, the Little Rock Public School System, the City of Little Rock, and other entities;

Whereas, in 2007, Little Rock Central High School and the Little Rock Central High School Integration 50th Anniversary Commission will host events to commemorate the 50th anniversary of the Little Rock Nine entering Little Rock Central High School;

Whereas these events will include the opening of a new visitors' center and museum, which will feature exhibits on the Little Rock Nine and the road to desegregation; and

Whereas Little Rock Central High School continues to be regarded as one of the best public high schools in the United States, with students scoring above the national average on the ACT, PSAT, and PLAN tests and receiving an average of $3,000,000 in academic scholarships each year: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the extraordinary bravery and courage of the Little Rock Nine, who helped expand opportunity and equality in public education in Arkansas and throughout the United States by becoming the first African-American students at Little Rock Central High School;

(2) commemorates the 50th anniversary of the desegregation of Little Rock Central High School, one of the most significant events in the American civil rights movement;

(3) encourages all people of the United States to reflect on the importance of this event; and

(4) acknowledges that continued efforts and resources should be directed to enable all children to achieve equal opportunity in education in the United States.

SENATE RESOLUTION 302—CENSURING THE PRESIDENT AND VICE PRESIDENT

Mr. FEINGOLD (for himself, Mr. HARKIN, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 302

Resolved,

SECTION 1. BASIS FOR CENSURE.

(a) IRAQ'S ALLEGED NUCLEAR PROGRAM.—The Senate finds the following:

(1) In December 2001, the intelligence community assessed that Iraq did not appear to have reconstituted its nuclear weapons program.

(2) The October 2002 National Intelligence Estimate assessed that Iraq did not have a nuclear weapon or sufficient material to make one, and that without sufficient fissile material acquired from abroad, Iraq probably would not be able to make a weapon until 2007 or 2009.

(3) On October 6, 2002, the Central Intelligence Agency advised the White House to remove references to Iraq seeking uranium from Africa from a Presidential speech, citing weak evidence.

(4) In November 2002, the United States Government told the International Atomic Energy Association that "reporting on Iraqi attempts to procure uranium from Africa are fragmentary at best.".

(5) On March 7, 2003, the Director General of the International Atomic Energy Association reported to the United Nations Security Council that inspectors had found "no evidence or plausible indication of the revival of a nuclear weapons program in Iraq.".

(6) On March 11, 2003, the Central Intelligence Agency stated that it did not dispute the International Atomic Energy Association conclusions that the documents on Iraq's agreement to buy uranium from Niger were not authentic.

(7) President George W. Bush and Vice President Richard B. Cheney overstated the nature and urgency of the threat posed by Saddam Hussein by making repeated, unqualified assertions about an Iraqi nuclear program that were not supported by available intelligence, including—

(A) on March 22, 2002, President George W. Bush stated that "[Saddam] is a dangerous man who possesses the world's most dangerous weapons.";

(B) on August 26, 2002, Vice President Richard B. Cheney stated that "[m]any of us are convinced that Saddam will acquire nuclear weapons fairly soon.";

(C) on September 8, 2002, Vice President Richard B. Cheney stated that "[w]e do know, with absolute certainty, that he is using his procurement system to acquire the equipment he needs in order to enrich uranium to build a nuclear weapon.";

(D) on September 20, 2002, Vice President Richard B. Cheney stated that "we now have irrefutable evidence that he has once again set up and reconstituted his program, to take uranium, to enrich it to sufficiently high grade, so that it will function as the base material as a nuclear weapon.";

(E) on October 7, 2002, President George W. Bush stated that "[f]acing clear evidence of peril, we cannot wait for the final proof—the smoking gun—that could come in the form of a mushroom cloud.";

(F) on December 31, 2002, President George W. Bush stated that "[w]e don't know whether or not [Saddam] has a nuclear weapon.";

(G) on January 28, 2003, President George W. Bush stated that "[t]he British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."; and

(H) on March 16, 2003, Vice President Richard B. Cheney stated that "[w]e believe [Hussein] has, in fact, reconstituted nuclear weapons.".

(b) SADDAM'S ALLEGED INTENT TO USE WEAPONS OF MASS DESTRUCTION.—The Senate finds the following:

(1) The October 2002 National Intelligence Estimate assessed that "Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW against the United States, fearing that exposure of Iraqi involvement would provide Washington a stronger cause for making war" and that "Iraq probably would attempt clandestine attacks against the United States Homeland if Baghdad feared an attack that threatened the survival of the regime were imminent or unavoidable, or possibly for revenge.".

(2) President George W. Bush and Vice President Richard B. Cheney made misleading statements, that were not supported by the available intelligence, suggesting that Saddam Hussein sought weapons of mass destruction for the purpose of an unprovoked, offensive attack, including—

(A) on August 26, 2002, Vice President Richard B. Cheney stated that ". . . there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them to use against our friends, against our allies, and against us.";

(B) on August 26, 2002, Vice President Richard B. Cheney stated that "[t]hese are not weapons for the purpose of defending Iraq; these are offensive weapons for the purpose of inflicting death on a massive scale, developed so that Saddam can hold the threat over the head of anyone he chooses, in his own region or beyond."; and

(C) on October 2, 2002, President George W. Bush stated that "On its present course, the Iraqi regime is a threat of unique urgency. We know the treacherous history of the regime. It has waged a war against its neighbors, it has sponsored and sheltered terrorists, it has developed weapons of mass death, it has used them against innocent men, women and children. We know the designs of the Iraqi regime.".

(c) SADDAM'S ALLEGED LINKS TO AL QAEDA AND 9/11.—The Senate finds the following:

(1) Before the war, the Central Intelligence Agency assessed that "Saddam has viewed Islamic extremists operating inside Iraq as a threat, and his regime since its inception has arrested and executed members of both Shia and Sunni groups to disrupt their organizations and limit their influence," that "Saddam Hussain and Usama bin Laden are far from being natural partners," and that assessments about Iraqi links to al Qaeda rest on "a body of fragmented, conflicting reporting from sources of varying reliability.".

(2) President George W. Bush and Vice President Richard B. Cheney overstated the threat posed by Saddam Hussein by making unqualified assertions that were not supported by available intelligence linking Saddam Hussein to the September 11, 2001, terrorist attacks and stating that Saddam Hussein and al Qaeda had a relationship and that

Saddam Hussein would provide al Qaeda with weapons of mass destruction for purposes of an offensive attack against the United States, including—

(A) on September 25, 2002, President George W. Bush stated that "[Y]ou can't distinguish between al Qa'ida and Saddam when you talk about the war on terror.";

(B) on September 26, 2002, President George W. Bush stated that "[t]he dangers we face will only worsen from month to month and from year to year . . . Each passing day could be the one on which the Iraqi regime gives anthrax or VX—nerve gas—or some day a nuclear weapon to a terrorist ally.";

(C) on October 14, 2002, President George W. Bush stated that "[t]his is a man that we know has had connections with al Qa'ida. This is a man who, in my judgment, would like to use al Qa'ida as a forward army.";

(D) on November 7, 2002, President George W. Bush stated that "[Saddam is] a threat because he is dealing with al Qaida . . . [A] true threat facing our country is that an al Qaida-type network trained and armed by Saddam could attack America and not leave one fingerprint.";

(E) on January 31, 2003, President George W. Bush stated that "Saddam Hussein would like nothing more than to use a terrorist network to attack and to kill and leave no fingerprints behind.";

(F) on March 16, 2003, Vice President Richard B. Cheney stated that "we also have to address the question of where might these terrorists acquire weapons of mass destruction, chemical weapons, biological weapons, nuclear weapons? And Saddam Hussein becomes a prime suspect in that regard because of his past track record and because we know he has, in fact, developed these kinds of capabilities, chemical and biological weapons. We know he's used chemical weapons. And we know he's reconstituted these programs since the Gulf War. We know he's out trying once again to produce nuclear weapons and we know that he has a long-standing relationship with various terrorist groups, including the al-Qaeda organization.";

(G) on March 17, 2003, President George W. Bush stated that "The danger is clear: using chemical, biological or, one day, nuclear weapons obtained with the help of Iraq, the terrorists could fulfill their stated ambitions and kill thousands or hundreds of thousands of innocent people in our country or any other.";

(H) on May 1, 2003, President George W. Bush stated that "[t]he liberation of Iraq . . . removed an ally of al Qaeda.";

(I) on September 14, 2003, Vice President Richard B. Cheney stated that "the Iraqi intelligen[ce] service had a relationship with al Qaeda that developed throughout the decade of the 90's. That was clearly official policy.";

(J) on September 14, 2003, Vice President Richard B. Cheney stated that "[i]f we're successful in Iraq . . . we will have struck a major blow right at the heart of the base, if you will, the geographic base of the terrorists who have had us under assault now for many years, but most especially on 9/11."; and

(K) on March 21, 2006, President George W. Bush said at a press conference, "But we realized on September the 11th, 2001, that killers could destroy innocent life. And I'm never going to forget it. And I'm never going to forget the vow I made to the American people that we will do everything in our power to protect our people. Part of that meant to make sure that we didn't allow people to provide safe haven to an enemy. And that's why I went into Iraq.".

(d) INADEQUATE PLANNING AND INSUFFICIENT TROOP LEVELS.—The Senate finds the following:

(1) The intelligence community judged in January 2003 that "[t]he ouster of Iraqi dictator Saddam Hussayn would pose a variety of significant policy challenges for whoever assumes responsibility for governing Iraq" including "political transformation, controlling internal strife, solving economic and humanitarian challenges, and dealing with persistent foreign policy and security concerns.".

(2) The intelligence community judged in January 2003 that "a post-Saddam authority would face a deeply divided society with a significant chance that domestic groups would engage in violent conflict with each other unless an occupying force prevented them from doing so.".

(3) These judgments were delivered to the White House and Office of the Vice President.

(4) Then Army Chief of Staff General Shinseki testified on February 25, 2003, that "something on the order of several hundred thousands soldiers" would be needed to secure Iraq following a successful completion of the war.

(5) General Abizaid, then-CENTCOM commander, testified before the Senate Armed Services Committee on November 15, 2006, that "General Shinseki was right that a greater international force contribution, United States force contribution and Iraqi force contribution should have been available immediately after major combat operations.".

(6) After President George W. Bush declared the end of major combat operations in Iraq, there were insufficient troops to prevent the outbreak of violence and lawlessness that contributed to the flight of millions of Iraqis and the deaths of tens of thousands of Iraqis.

(7) The Government Accountability Office provided testimony to the Subcommittee on National Security and Foreign Affairs, House Committee on Oversight and Government Reform, on March 22, 2007, that due to insufficient troop levels, United States forces were unable to secure conventional weapons stockpiles in Iraq that continue to pose a threat to American servicemembers.

(8) President George W. Bush failed to ensure that plans were prepared and implemented to address the challenges that the intelligence community predicted would occur after the ouster of Saddam Hussein, and in particular failed to ensure that there were sufficient coalition troops in Iraq after major combat operations ended to maintain security and secure weapons stockpiles.

(e) STRAIN ON MILITARY AND UNDERMINING HOMELAND SECURITY.—The Senate finds the following:

(1) Retired Major General John Batiste, former commander of the First Infantry Division in Iraq, testified before the House Committee on Foreign Affairs on June 27, 2007, that "[o]ur Army and Marine Corps are at a breaking point at a time in history when we need a strong military the most. The cycle of deployments is staggering. American formations continue to lose a battalion's worth of dead and wounded every month with little to show for it. The current recruiting system falls drastically short of long-term requirements and our all-volunteer force can not sustain the current tempo for much longer. The military is spending over $1,000,000,000 a year in incentives in a last ditch effort to keep the force together. Young officers and noncommissioned officers are leaving the service at an alarming rate.".

(2) Extended deployments of 15 months, and insufficient time to rest and train between deployments, have undermined the readiness of the Army.

(3) The Army National Guard reported as early as July 2005 that equipment transfers to deploying units "had largely exhausted its inventory of more than 220 critical items, including some items useful to nondeployed units for training and domestic missions.".

(4) The Government Accountability Office found, in September 2006, that "[a]mong the items for which the Army National Guard had shortages of over 80 percent of the authorized inventory were chemical warfare monitoring and decontamination equipment and night vision goggles".

(5) President George W. Bush's policies in Iraq have undermined homeland security by depleting the personnel and equipment needed by the National Guard.

(f) INSURGENCY IN "LAST THROES".—The Senate finds the following:

(1) Multi-National Force-Iraq reports indicate that the number of attacks on coalition forces has increased since the beginning of military action.

(2) The Government Accountability Office, in March 2007, reported that attacks using improvised explosive devices continued to increase between 2005 and July 2006.

(3) On June 23, 2005, General John Abizaid, in his capacity as head of Central Command, testified before the Senate Armed Services Committee about the state of the insurgency that "[i]n terms of comparison from 6 months ago, in terms of foreign fighters I believe there are more foreign fighters coming into Iraq than there were 6 months ago. In terms of the overall strength of the insurgency, I'd say it's about the same as it was.".

(4) President George W. Bush's Initial Benchmark Assessment report from July 12, 2007, states that "[a]s a result of increased offensive operations, Coalition and Iraqi Forces have sustained increased attacks in Iraq, particularly in Baghdad, Diyala, and Salah ad Din.".

(5) Vice President Richard B. Cheney made misleading statements that the insurgency in Iraq was in its "last throes," including—

(A) on May 30, 2005, Vice President Richard B. Cheney said, "The level of activity that we see today from a military standpoint, I think, will clearly decline. I think they're in the last throes, if you will, of the insurgency."; and

(B) on June 19, 2006, Vice President Richard B. Cheney was asked whether he still supported the comment he made in 2005, regarding the fact that the insurgency in Iraq was in its "last throes," to which he responded "I do."

SEC. 2. CENSURE BY THE SENATE.

The Senate censures President George W. Bush and Vice President Richard B. Cheney for—

(1) misleading the American people about the basis for going to war in Iraq;

(2) failing to plan adequately for the war;

(3) pursuing policies in Iraq that have strained our military and undermined our homeland security; and

(4) misleading the American people about the insurgency in Iraq.

Mr. FEINGOLD. Mr. President, today I am introducing two censure resolutions condemning the President, Vice President, and Attorney General for their misconduct relating to the war in Iraq and for their repeated assaults on the rule of law. These censure resolutions are critical steps to hold the administration accountable for the misconduct and egregious abuses of the law that we have witnessed over the past 6½ years.

When future generations look back at the misbehavior of this administration, they need to know that an equal branch of Government stood up and formally repudiated that misbehavior. They need to know that this administration was not allowed to violate with impunity the principles on which our Nation was founded.

Some have said that censure does too little. Others protest that it goes too far. I understand the concerns of those who believe that this administration deserves worse than censure. I agree that censure is not a cure for the devastating toll this administration's actions have had on this country. But it is a step in the right direction and it most certainly is important for the historical record. Because censure does not require multiple impeachments in the House and trials in the Senate, or the support of two-thirds of Senators, it is far less cumbersome than impeachment. We can pass these resolutions without taking significant time away from our efforts to address other pressing matters.

The first resolution, S. Res. 302, cosponsored by Senators Harkin and Boxer, censures the President and Vice President for their misconduct relating to the war in Iraq. It cites their misleading pre-war statements, which were not based on available intelligence, exaggerating the threat posed by Saddam Hussein and the likelihood that he had nuclear weapons, and falsely implying that he had a relationship with al Qaeda and links to 9/11. This resolution also condemns the President's appalling failure to ensure that adequate plans were in place to address the post-Saddam problems predicted by the intelligence community, and in particular his failure to ensure that sufficient troops were deployed to maintain order and secure weapons stockpiles in Iraq. The resolution censures the President for pursuing policies in Iraq that have placed unfair burdens on our brave men and women in uniform and undermined our homeland security. The resolution censures the Vice President for his misleading statements about the Iraqi insurgency being in its "last throes." The Vice President's recent, belated concession that he was incorrect does not mitigate his efforts to mislead the American people on this point.

The second resolution, S. Res. 303, cosponsored by Senator HARKIN, censures the President and Attorney General for undermining the rule of law. The President and Attorney General have shown flagrant disregard for statutes, for treaties ratified by the United States, and for our own Constitution—all in an effort to consolidate more and more power in the executive branch. In the process, they have repeatedly misled the American people. Among the abuses of the rule of law that this censure resolution addresses are the illegal warrantless wiretapping program at the National Security Agency, the administration's interrogation policy, extreme positions taken on treatment of detainees that have been repeatedly rejected by the Supreme Court, misleading statements by the President and the Attorney General on the USA PATRIOT Act, the refusal to recognize and cooperate with Congress's legitimate responsibility to conduct oversight, and the use of signing statements that further demonstrate this President does not believe he has to follow the laws that Congress writes.

More than a year ago, I introduced a resolution to censure the President for breaking the law with his warrantless wiretapping program and for misleading the public and Congress before and after the program was revealed. This time, I am taking a broader approach because evidence of the administration's misconduct, misleading statements and abuses of power has only mounted since then.

While I do not believe impeachment proceedings would be best for the country, I share the public's deep anger at this administration's repeated and serious wrongdoing and its refusal to acknowledge or answer for its actions. These two resolutions give Congress a way to condemn the administration's actions without taking time and energy away from the other critically important work before us.

Passing these resolutions would also make clear, not only to the American people today, but also to future generations, how this President and this administration misserved the country. History will judge them, and us, by our actions, so we must formally condemn the malfeasance of this President and his administration.

Censure is a measured approach that both holds this administration accountable and allows Congress to focus on ending the war in Iraq, protecting the rule of law and addressing the many other needs of the American people. I am pleased to be working with Congressman MAURICE HINCHEY, who is introducing companion legislation.

SENATE RESOLUTION 303—CENSURING THE PRESIDENT AND THE ATTORNEY GENERAL

Mr. FEINGOLD (for himself and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 303

Resolved,

SECTION 1. BASIS FOR CENSURE.

(a) NATIONAL SECURITY AGENCY WIRETAPPING.—The Senate finds the following:

(1) Congress passed the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and in so doing provided the executive branch with clear authority to wiretap suspected terrorists inside the United States.

(2) Section 201 of the Foreign Intelligence Surveillance Act of 1978 states that it and the criminal wiretap law are the "exclusive means by which electronic surveillance" may be conducted by the United States Government, and section 109 of that Act makes it a crime to wiretap individuals without complying with this statutory authority.

(3) The Foreign Intelligence Surveillance Act of 1978 both permits the Government to initiate wiretapping immediately in emergencies as long as the Government obtains approval from the court established under section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) within 72 hours of initiating the wiretap, and authorizes wiretaps without a court order otherwise required by the Foreign Intelligence Surveillance Act of 1978 for the first 15 days following a declaration of war by Congress.

(4) The Authorization for Use of Military Force that became law on September 18, 2001 (Public Law 107-40; 50 U.S.C. 1541 note), did not grant the President the power to authorize wiretaps of Americans within the United States without obtaining the court orders required by the Foreign Intelligence Surveillance Act of 1978.

(5) The President's inherent constitutional authority does not give him the power to violate the explicit statutory prohibition on warrantless wiretaps in the Foreign Intelligence Surveillance Act of 1978.

(6) George W. Bush, President of the United States, authorized the National Security Agency to wiretap Americans within the United States without obtaining the court orders required by the Foreign Intelligence Surveillance Act of 1978 for more than 5 years.

(7) Alberto R. Gonzales, as Attorney General of the United States and as Counsel to the President, reviewed and defended the legality of the President's authorization of wiretaps by the National Security Agency of Americans within the United States without the court orders required by the Foreign Intelligence Surveillance Act of 1978.

(8) President George W. Bush repeatedly misled the public prior to the public disclosure of the National Security Agency warrantless surveillance program by indicating his Administration was relying on court orders to wiretap suspected terrorists inside the United States.

(9) Alberto R. Gonzales misled Congress in January 2005 during the hearing on his nomination to be Attorney General of the United States by indicating that a question about whether the President has the authority to authorize warrantless wiretaps in violation of statutory prohibitions presented a "hypothetical situation," even though he was fully aware that a warrantless wiretapping program had been ongoing for several years.

(10) In statements about the supposed need for the National Security Agency warrantless surveillance program after the public disclosure of the program, President George W. Bush falsely implied that the program was necessary because the executive branch did not otherwise have authority to wiretap suspected terrorists inside the United States.

(11) Attorney General Alberto R. Gonzales, despite his admitted awareness that congressional critics of the program support wiretapping terrorists in accordance with the Foreign Intelligence Surveillance Act of

1978, attempted to create the opposite impression by making public statements such as "[s]ome people will argue that nothing could justify the Government being able to intercept conversations like the ones the Program targets".

(12) President George W. Bush inaccurately stated in his January 31, 2006, State of the Union address that "[p]revious Presidents have used the same constitutional authority I have, and federal courts have approved the use of that authority.", even though the Administration has failed to identify a single instance since the Foreign Intelligence Surveillance Act of 1978 became law in which another President has authorized wiretaps inside the United States without complying with the Foreign Intelligence Surveillance Act of 1978, and no Federal court has evaluated whether the President has the inherent authority to authorize wiretaps inside the United States without complying with the Foreign Intelligence Surveillance Act of 1978.

(13) At a Senate Judiciary Committee hearing on February 6, 2006, Attorney General Alberto R. Gonzales defended the President's misleading statements in the January 31, 2006, State of the Union address.

(14) Attorney General Alberto R. Gonzales has misled Congress and the American people repeatedly by stating that there was no serious disagreement among Government officials "about" or "relate[d] to" the National Security Agency program confirmed by the President.

(15) According to testimony from former Deputy Attorney General James Comey, Alberto R. Gonzales, while serving as Counsel to the President, participated in a visit to then-Attorney General John Ashcroft in the intensive care unit of the hospital in an attempt to convince Mr. Ashcroft to overturn the decision by Mr. Comey, then serving as Acting Attorney General due to Mr. Ashcroft's illness, not to certify the legality of a classified intelligence program, in what Mr. Comey described as "an effort to take advantage of a very sick man".

(b) DETAINEE AND TORTURE POLICY.—The Senate finds the following:

(1) The United States is a party to the Convention Against Torture, the Geneva Conventions, and the International Covenant on Civil and Political Rights.

(2) Common Article 3 of the Geneva Conventions requires that detainees in armed conflicts other than those between nations "shall in all circumstances be treated humanely," and the Third Geneva Convention on the Treatment of Prisoners of War provides additional protections for detainees who qualify as "prisoners of war".

(3) United States law criminalizes any "act specifically intended to inflict severe physical or mental pain or suffering" under sections 2340 and 2340A of title 18, United States Code, and the War Crimes Act (18 U.S.C. 2441) and recognizes the gravity of such offenses by further providing for civil liability under the Torture Victim Protection Act and the Alien Tort Claims Act.

(4) In a draft memorandum dated January 25, 2002, Alberto R. Gonzales, in his capacity as Counsel to the President, argued that the protections of the Third Geneva Convention should not be afforded to Taliban and al Qaeda detainees, and described provisions of the Convention as "quaint" and "obsolete".

(5) The January 25, 2002, memorandum by then-Counsel to the President Alberto R. Gonzales cited "reduc[ing] the threat of domestic criminal prosecution" as a "positive" consequence of disavowing the Geneva Conventions' applicability, asserting that such a disavowal "would provide a solid defense to any future prosecution" in the event a prosecutor brought charges under the domestic War Crimes Act.

(6) Secretary of State Colin Powell responded in a January 26, 2002, memorandum that such an attempt to evade the Geneva Conventions would "reverse over a century of U.S. policy and practice in supporting the Geneva Conventions and undermine the protections of the rule of law for our troops".

(7) Despite the warnings of the Secretary of State and in contravention of the language of the Third Geneva Convention, President George W. Bush announced on February 7, 2002, that—

(A) he did not consider the Convention to apply to al Qaeda fighters; and

(B) Taliban detainees would not be entitled to "prisoner of war" status under the Convention, despite the fact that Article 5 of the Convention and United States Army regulations expressly require such determinations to be made by a "competent tribunal".

(8) The Supreme Court, in Hamdan v. Rumsfeld, confirmed that Common Article 3 of the Geneva Conventions applies to Taliban forces and al Qaeda forces, and characterized a central legal premise by which the President sought to avoid the obligations of international law as "erroneous".

(9) Alberto R. Gonzales, acting as Counsel to the President, solicited and accepted the August 1, 2002, Office of Legal Counsel memorandum entitled "Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A", which took the untenable position that "mere infliction of pain" is not "torture" unless "the victim . . . experiences intense pain or suffering of the kind that is equivalent to the pain that would be associated with serious physical injury so severe that death, organ failure, or permanent damage resulting in a loss of significant body function will likely result.".

(10) According to the "Review of Department of Defense Detention Operations and Detainee Interrogation Techniques" (the "Church Report"), issued on March 7, 2005, then-Secretary of Defense Donald Rumsfeld on December 2, 2002, authorized the use on Guantanamo Bay detainees of harsh interrogation techniques not listed in the Army Field Manual, including stress positions, hooding, the use of military dogs to exploit phobias, prolonged isolation, sensory deprivation, and forcing Muslim men to shave their beards.

(11) According to the "Article 15-6 Investigation of CJSOTF-AP [Combined Joint Special Operations Task Force-Arabian Peninsula] and 5th SF [Special Forces] Group Detention Operation (Formica Report)" and Department of Defense documents released under the Freedom of Information Act, Guantanamo Bay detainees were chained to the floor, subjected to loud music, fed only bread and water, and kept for some period of time in cells measuring 4 feet by 4 feet by 20 inches.

(12) The March 2004 investigative report of Major General Antonio Taguba documented "sadistic, blatant and wanton criminal abuses" against detainees at the Abu Ghraib detention facility, including sexual and physical abuse, the threat of torture, the forcing of detainees to perform degrading acts designed to assault their religious identity, and the use of dogs to frighten detainees.

(13) According to Department of Defense documents released under the Freedom of Information Act, the United States Armed Forces held certain Iraqis as "ghost detainees," who were "not accounted for" and were hidden from the observation of the International Committee of the Red Cross (ICRC).

(14) Military autopsy reports and death certificates released pursuant to the Freedom of Information Act revealed that at least 39 deaths, and probably more, have occurred among detainees in United States custody overseas, approximately half of which were homicides and 7 of which appear to have been caused by "strangulation," "asphyxiation" or fatal "blunt force injuries".

(15) On September 6, 2006, President George W. Bush stated that he had authorized the incommunicado detention of certain suspected terrorist leaders and operatives at secret sites outside the United States under a "separate program" operated by the Central Intelligence Agency.

(16) President George W. Bush has authorized the indefinite detention, without charge or trial, of more than 700 individuals at Guantanamo Bay Naval Base on the ground that they are "enemy combatants" and therefore may be held until the cessation of hostilities under the laws of war.

(17) Department of Justice lawyers, representing President George W. Bush and the Department of Defense in a Federal lawsuit brought on behalf of Guantanamo detainees, took the unprecedented position that the term "enemy combatant" could in theory justify the indefinite detention of a "little old lady in Switzerland who writes checks to what she thinks is [a] charity that helps orphans in Afghanistan but is really a front to finance al-Qaeda activities" and "a person who teaches English to the son of an al Qaeda member".

(18) After the Supreme Court in Hamdi v. Rumsfeld and Rasul v. Bush rejected the claim that an alleged "enemy combatant" could be detained indefinitely without any meaningful opportunity to challenge the designation, the Deputy Secretary of Defense issued an order on July 7, 2004, creating "Combatant Status Review Tribunals" (CSRTs) for the stated purpose of "review[ing] the detainee's status as an enemy combatant".

(19) Such Order—

(A) did not allow detainees to be represented by counsel in Combatant Status Review Tribunal proceedings, but instead specified that a "military officer" would be assigned to "assist[ ]" each detainee and required such military officers to inform the detainees that "I am neither a lawyer nor your advocate," and that "[n]one of the information you provide me shall be held in confidence";

(B) allowed the detainee to be excluded from attendance during review proceedings involving "testimony or other matters that would compromise national security if held in the presence of the detainee";

(C) allowed the decision-maker to rely on hearsay evidence and specified that "[t]he Tribunal is not bound by the rules of evidence such as would apply in a court of law"; and

(D) specified that "there shall be a rebuttable presumption in favor of the Government's evidence".

(20) The Government has relied on the above procedures to deprive individuals of their liberty for an indefinite period of time without a meaningful opportunity to confront and rebut the evidence on which that detention is predicated.

(21) President George W. Bush and the Department of Defense designated at least 2

United States citizens as "enemy combatants," claimed the right to detain them indefinitely on United States soil without charge and without access to counsel, and argued that allowing meaningful judicial review of their detention would be "constitutionally intolerable".

(22) The Supreme Court established in Hamdi v. Rumsfeld that meaningful review by a neutral decisionmaker of the detention of United States citizens is constitutionally required, that "the risk of an erroneous deprivation of a citizen's liberty . . . is very real," and that the Constitution mandates that a United States citizen be given a fair opportunity to rebut the Government's "enemy combatant" designation.

(23) The administration, having consistently claimed that according United States citizens designated as "enemy combatants" the due process protections accorded to criminal defendants in civilian courts would jeopardize national security interests of the utmost importance, elected to pursue criminal charges against alleged "enemy combatant" Jose Padilla in a civilian court after holding him in military custody for 3 years.

(24) The administration, having contended that alleged "enemy combatant" and United States citizen Yaser Esam Hamdi was so dangerous that merely allowing him to meet with counsel "jeopardizes compelling national security interests" because he might "pass concealed messages through unwitting intermediaries," released Mr. Hamdi from custody after 3 years and allowed him to return to Saudi Arabia.

(25) President George W. Bush issued "Military Order of November 13, 2001, Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism," which authorized the creation of military tribunals to try suspected al Qaeda members and other international terrorist suspects for violations of the law of war.

(26) Alberto R. Gonzales, as Counsel to the President, in a November 30, 2001, newspaper editorial, defended these military tribunals and misleadingly represented that they would have adequate procedural safeguards, by stating: "Everyone tried before a military commission will know the charges against him, be represented by qualified counsel and be allowed to present a defense.".

(27) The military tribunals' procedural rules as outlined in Military Commission Order No. 1, issued on March 21, 2002, and as subsequently amended—

(A) permitted the accused and his civilian counsel to be excluded from any part of the proceeding that the presiding officer decided to close, and never learn what was presented during that portion of the proceeding;

(B) permitted the introduction of any evidence that the presiding officer determined would have probative value to a reasonable person, thereby permitting the admission of hearsay and evidence obtained through undue coercion; and

(C) restricted appellate review of the commissions to a panel appointed by the Secretary of Defense, followed by review by the Secretary of Defense and a final decision by the President, with no provision for direct appeal to the Federal courts for review by civilian judges.

(28) Nearly 5 years after the military order was signed, the Supreme Court in Hamdan v. Rumsfeld struck down the military commissions as unlawful, finding that—

(A) the military commissions as constituted were not expressly authorized by any congressional act, including the Authorization for Use of Military Force, the Uniform Code of Military Justice (UCMJ), and the Detainee Treatment Act;

(B) the military commission procedures violated the UCMJ, which mandates that rules governing military commissions be as similar to those governing courts-martial "as practicable," and which affords the accused the right to be present;

(C) the military commission procedures violated Common Article 3 of the Geneva Conventions, which is part of the "law of war" under UCMJ Article 21 and requires trial in "a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples".

(29) President George W. Bush sought to prevent the Guantanamo detainees from obtaining judicial review of their indefinite confinement by claiming that the writ of habeas corpus was categorically unavailable to non-citizens held at Guantanamo Bay.

(30) The Supreme Court in Rasul v. Bush squarely rejected this claim, holding that the legal precedent on which the President relied "plainly does not preclude the exercise of [statutory habeas] jurisdiction" over the detainees' claims, and that the general presumption against extraterritorial application of a statute, cited by the President, "certainly has no application" with respect to detainees at Guantanamo Bay where the United States exercises "complete jurisdiction and control".

(c) UNITED STATES ATTORNEY FIRINGS AND EXECUTIVE PRIVILEGE.—The Senate finds the following:

(1) At least 9 United States Attorneys were told in 2006 that they must step down under the authority of President George W. Bush, who had the final decision-making power in terminating the employment of United States Attorneys.

(2) Attorney General Alberto R. Gonzales and subordinates under his supervision repeatedly misled Congress and attempted to block legitimate congressional oversight efforts concerning the firing of at least nine United States Attorneys.

(3) Attorney General Alberto R. Gonzales repeatedly obscured the true scope of the firings, originally declining to cite a specific number of individuals fired in his testimony on January 18, 2007, acknowledging only seven in his USA Today op-ed published on March 6, 2007, acknowledging eight firings in his testimony on April 19, 2007, tacitly conceding there had been nine individuals fired in his testimony on May 10, 2007, and testifying on July 24, 2007, that "there may have been others" but he did not know the exact number.

(4) Attorney General Alberto R. Gonzales initially characterized the firings as "an overblown personnel matter," claiming that the United States Attorneys had lost his confidence and were fired for "performance reasons" when many of those same individuals had received only the highest performance reviews prior to their dismissal.

(5) Attorney General Alberto R. Gonzales testified before the Senate on January 18, 2007, that he would "never, ever make a change in a United States attorney for political reasons," but in later testimony on April 19, 2007, and July 24, 2007, admitted that he does not know who selected each individual United States Attorney for firing or why they were included on the list of United States Attorneys to be fired.

(6) Prior to their selection for firing, both former New Mexico United States Attorney David Iglesias and former Washington United States Attorney John McKay received inappropriate phone calls from Members of Congress or their staffs regarding ongoing, politically sensitive investigations and the White House received complaints about the manner in which they were conducting those investigations.

(7) Attorney General Alberto R. Gonzales testified before the Senate on January 18, 2007, that he would not fire a United States Attorney "if it would in any way jeopardize an ongoing serious investigation," but later testified, as did his subordinates, that concerns about whether ongoing investigations would be jeopardized were not explored prior to the firings and were specifically ignored when some fired United States Attorneys asked for a delay in their departure dates to allow them to wrap up ongoing investigations.

(8) Attorney General Alberto R. Gonzales publicly stated on March 13, 2007, that he was "not involved in seeing any memos, was not involved in any discussions about what was going on" regarding the process leading up to the firing of the United States Attorneys, but later testimony from his subordinates and documents released by the Department of Justice indicate that the Attorney General was, in fact, regularly briefed on the process and did receive at least one memo in November 2005 regarding the planned firings.

(9) Attorney General Alberto R. Gonzales publicly stated on May 15, 2007, that Deputy Attorney General Paul McNulty's participation in the firing of the United States Attorneys was of central importance to the validity of the process and to the Attorney General's decision to fire the specific individuals, but he had previously testified on April 19, 2007, that he did not discuss the process with Mr. McNulty prior to firing the United States Attorneys, and that "looking back . . . I would have had the deputy attorney general more involved, directly involved".

(10) Attorney General Alberto R. Gonzales testified on May 10, 2007, that, after the start of the congressional investigation into the firings, he had refrained from discussing the firings with anyone involved because he did not want to interfere with the ongoing investigations, but former White House Liaison for the Department of Justice, Monica Goodling, testified on May 23, 2007, that the Attorney General spoke with her in late March of 2007 and "laid out . . . his general recollection . . . of some of the process regarding the replacement of the United States Attorneys."

(11) Former White House Liaison for the Department of Justice, Monica Goodling, also testified on May 23, 2007, that she did not respond to what Attorney General Alberto R. Gonzales said about his recollection because "I did not know if it was appropriate for us to both be discussing our recollections of what had happened, and I just thought maybe we shouldn't have that conversation."

(12) President George W. Bush has consistently stonewalled congressional attempts at oversight by refusing to turn over White House documents relating to the firing of at least 9 United States Attorneys and refusing to allow current or former White House officials to testify before Congress on this matter, based on an excessively broad and legally insufficient assertion of executive privilege.

(13) President George W. Bush has asserted executive privilege in refusing even to turn over correspondence between non-Executive Branch officials and White House officials concerning the firings of at least 9 United

States Attorneys, even though such communications could not reasonably be classified as falling within the privilege.

(14) President George W. Bush has directed at least two staff members, former and current, to ignore congressional subpoenas altogether, ordering former Counsel to the President Harriet Miers and current Deputy Chief of Staff and Senior Adviser to the President Karl Rove not to appear at Congressional oversight hearings based on the assertion that immediate presidential advisors are "immune from compelled Congressional testimony about matters that arose during [their] tenure," rather than simply instructing them to refrain from answering questions that might be covered by a proper assertion of executive privilege.

(15) President George W. Bush has refused to work to find a compromise with Congress or otherwise accommodate legitimate congressional oversight efforts, disregarding the proper relationship between the executive and legislative branches and demonstrating a belief that he and his Administration are above oversight and the rule of law.

(d) MISLEADING STATEMENTS ON THE USA PATRIOT ACT.—The Senate finds the following:

(1) President George W. Bush made misleading claims during the course of the Administration's 2005 campaign to reauthorize the USA PATRIOT Act of 2001, by suggesting that Federal officials did not have access to the same tools to investigate terrorism as they did to investigate other crimes.

(2) In 2005 the Federal Bureau of Investigation transmitted to Attorney General Alberto R. Gonzales multiple reports of violations of law in connection with provisions of the USA PATRIOT Act and related authorities, including unauthorized surveillance and improper collection of communications data that were serious enough to require notification of the President's Intelligence Oversight Board.

(3) Despite these reports, Attorney General Alberto R. Gonzales told Congress and the American people in the course of the Administration's 2005 campaign to reauthorize the USA PATRIOT Act of 2001 that "[t]he track record established over the past three years has demonstrated the effectiveness of the safeguards of civil liberties put in place when the Act was passed," that "[t]here has not been one verified case of civil liberties abuse," and that "no one has provided me with evidence that the Patriot Act is being abused or misused".

(4) The United States Department of Justice sent a 10-page letter to Congress dated November 23, 2005—

(A) stating that a November 6, 2005, Washington Post story detailing the Federal Bureau of Investigation's use of National Security Letters was a "materially misleading portrayal" full of "distortions and factual errors";

(B) defending its use of National Security Letters by pointing to the Department's "robust mechanisms for checking misuse," "significant internal oversight and checks," and reports to Congress regarding the number of National Security Letters issued; and

(C) stating that the November 6, 2005, Washington Post story was inaccurate in stating that "The FBI now issues more than 30,000 National Security Letters a year, . . . a hundredfold increase over historic norms.".

(5) On March 9, 2007, the Inspector General for the United States Department of Justice issued a report on the Federal Bureau of Investigation's use of National Security Letters from 2003 through 2005—

(A) that the Inspector General said found "widespread and serious misuse of the FBI's national security letter authorities" that "in many instances . . . violated NSL statutes, Attorney General Guidelines, or the FBI's own internal policies," and found that "the FBI did not provide adequate guidance, adequate controls, or adequate training on the use of these sensitive authorities"; and

(B) that indicated the Federal Bureau of Investigation issued approximately 39,000 National Security Letter requests in 2003, 56,000 National Security Letter requests in 2004, and 47,000 National Security Letter requests in 2005.

(6) The United States Department of Justice sent a letter on March 9, 2007, to Congress, admitting that it had "determined that certain statements in our November 23, 2005 letter need clarification" in light of the Inspector General's findings and that "the reports [The Department of Justice] provided Congress in response to statutory reporting requirements did not accurately reflect the FBI's use of NSLs".

(e) SIGNING STATEMENTS.—The Senate finds the following:

(1) President George W. Bush has lodged more than 800 challenges to duly enacted provisions of law by issuing signing statements that indicate that the President does not believe he must comply with such provisions of law.

(2) Such signing statements effectively assign to the executive branch alone the decision whether to fully comply with the laws that Congress has passed.

(3) On December 30, 2005, President George W. Bush signed the Department of Defense Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006, title X of which prohibits the Government from subjecting any individual "in the custody or under the physical control of the United States Government, regardless of nationality or physical location" to "cruel, inhuman, or degrading treatment or punishment".

(4) President George W. Bush issued a signing statement to such Act that suggested he believed he did not have to comply with the prohibition on torture and cruel, inhuman and degrading treatment, stating: "The executive branch shall construe Title X in Division A of the Act, relating to detainees, in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power, which will assist in achieving the shared objective of the Congress and the President, evidenced in Title X, of protecting the American people from further terrorist attacks.".

(5) On March 9, 2006, President George W. Bush signed the USA PATRIOT Improvement and Reauthorization Act of 2005, which requires that the executive branch furnish reports to Congress on certain surveillance activities.

(6) President George W. Bush issued a signing statement to such Act that suggested he believed he did not have to comply fully with these reporting requirements, stating: "The executive branch shall construe the provisions of H.R. 3199 that call for furnishing information to entities outside the executive branch, such as sections 106A and 119, in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to withhold information the disclosure of which could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.".

(7) On December 20, 2006, President George W. Bush signed the Postal Accountability and Enhancement Act, which protects certain classes of sealed domestic mail from being opened except in specifically defined circumstances.

(8) President George W. Bush issued a signing statement to such Act that suggested he believed he did not have to comply with this provision, stating: "The executive branch shall construe subsection 404(c) of title 39, as enacted by subsection 1010(e) of the Act, which provides for opening of an item of a class of mail otherwise sealed against inspection, in a manner consistent, to the maximum extent permissible, with the need to conduct searches in exigent circumstances, such as to protect human life and safety against hazardous materials, and the need for physical searches specifically authorized by law for foreign intelligence collection."

(9) The American Bar Association Task Force on Presidential Signing Statements and the Separation of Powers Doctrine concluded that President George W. Bush's misuse of signing statements "weaken[s] our cherished system of checks and balances and separation of powers".

SEC. 2. CENSURE BY THE SENATE.

The Senate censures George W. Bush, President of the United States, and Alberto R. Gonzales, Attorney General of the United States, and condemns their lengthy record of—

(1) undermining the rule of law and the separation of powers;

(2) disregarding statutes, treaties ratified by the United States, and the Constitution; and

(3) repeatedly misleading the American people.

SENATE RESOLUTION 304—CONGRATULATING CHARLES SIMIC ON BEING NAMED THE 15TH POET LAUREATE OF THE UNITED STATES OF AMERICA BY THE LIBRARY OF CONGRESS

Mr. SUNUNU (for himself and Mr. GREGG) submitted the following resolution; which was considered and agreed to:

S. RES. 304

Whereas Charles Simic was born in Yugoslavia on May 9, 1938, and lived through the events of World War II;

Whereas, in 1954, at age 16 Charles Simic immigrated to the United States, and moved to Oak Park, Illinois;

Whereas Charles Simic served in the United States Army from 1961 to 1963;

Whereas Charles Simic received a bachelor's degree from New York University in 1966;

Whereas Charles Simic has been a United States citizen for 36 years and currently resides in Strafford, New Hampshire;

Whereas Charles Simic has authored 18 books of poetry;

Whereas Charles Simic is a professor emeritus of creative writing and literature at the University of New Hampshire, where he taught for 34 years before retiring;

Whereas Charles Simic is the 5th person to be named Poet Laureate with ties to New Hampshire, including Robert Frost, Maxine Kumin, Richard Eberhart, and Donald Hall;

Whereas Charles Simic won the Pulitzer Prize for Poetry in 1990 for his work "The World Doesn't End";

Whereas Charles Simic wrote "Walking the Black Cat" in 1996, which was a finalist for the National Book Award for Poetry;

Whereas Charles Simic won the Griffin Prize in 2005 for "Selected Poems: 1963–2003";

Whereas Charles Simic held a MacArthur Fellowship from 1984 to 1989 and has held fellowships from the Guggenheim Foundation and the National Endowment for the Arts;

Whereas Charles Simic earned the Edgar Allan Poe Award, the PEN Translation Prize, and awards from the American Academy of Arts and Letters and the National Institute of Arts and Letters;

Whereas Charles Simic served as Chancellor of the Academy of American Poets;

Whereas Charles Simic received the 2007 Wallace Stevens Award from the American Academy of Poets; and

Whereas on August 2, 2007, Librarian of Congress James H. Billington announced the appointment of Charles Simic to be the Library's 15th Poet Laureate Consultant in Poetry: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Charles Simic for being named the 15th Poet Laureate of the United States of America by the Library of Congress; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Charles Simic.

SENATE RESOLUTION 305—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE MEDICARE NATIONAL COVERAGE DETERMINATION ON THE TREATMENT OF ANEMIA IN CANCER PATIENTS

Mr. SPECTER (for himself, Mr. HARKIN, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 305

Whereas the Centers for Medicare & Medicaid Services issued a final Medicare National Coverage Determination on the Use of Erythropoiesis Stimulating Agents in Cancer and Related Neoplastic Conditions (CAG–000383N) on July 30, 2007;

Whereas 52 United States Senators and 235 Members of the House of Representatives, representing bipartisan majorities in both chambers, have written to the Centers for Medicare & Medicaid Services expressing significant concerns with the proposed National Coverage Determination on the Use of Erythropoiesis Stimulating Agents in Cancer and Related Neoplastic Conditions, issued on May 14, 2007, regarding the use of erythropoiesis stimulating agent therapy for Medicare cancer patients;

Whereas, although some improvements have been incorporated into such final National Coverage Determination, the policy continues to raise significant concerns among physicians and patients about the potential impact on the treatment of cancer patients in the United States;

Whereas the American Society of Clinical Oncology, the national organization representing physicians who treat patients with cancer, is specifically concerned about a provision in such final National Coverage Determination that restricts coverage whenever a patient's hemoglobin goes above 10 g/dL;

Whereas the American Society of Clinical Oncology has written to the Centers for Medicare & Medicaid Services to note that such a "restriction is inconsistent with both the FDA-approved labeling and national guidelines", to express deep concerns about such final National Coverage Determination, and to urge that the Centers for Medicare & Medicaid Services reconsider such restriction;

Whereas such restriction could increase blood transfusions and severely compromise the high quality of cancer care delivered by physicians in United States; and

Whereas the Centers for Medicare & Medicaid Services has noted that the agency did not address the impact on the blood supply in such final National Coverage Determination and has specifically stated, "[t]he concern about the adequacy of the nation's blood supply is not a relevant factor for consideration in this national coverage determination": Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Centers for Medicare & Medicaid Services should begin an immediate reconsideration of the final National Coverage Determination on the Use of Erythropoiesis Stimulating Agents in Cancer and Related Neoplastic Conditions (CAG–000383N);

(2) the Centers for Medicare & Medicaid Services should consult with members of the clinical oncology community to determine appropriate revisions to such final National Coverage Determination; and

(3) the Centers for Medicare & Medicaid Services should implement appropriate revisions to such final National Coverage Determination as soon as feasible and provide a briefing to Congress in advance of announcing such changes.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce a sense of the Senate regarding a recent Centers for Medicare and Medicaid Services, CMS, national coverage determination on the treatment of anemia in Medicare cancer patients.

On June 29, 2007, I wrote to Secretary of Health and Human Services Michael Leavitt concerning the proposed CMS coverage determination that limits access to erythropoiesis-simulating agents which increases the red blood cell counts of chemotherapy patients who have become anemic. Further, 51 other Senators sent similar letters to Department of Health and Human Services officials.

On July 30, 2007, CMS issued the final coverage determination, and while some of the proposed restrictions were substantially altered in favor of patients, I remain concerned about the impact that this decision will have on Medicare beneficiary access to needed therapies. The new policy requires that patients have lower red blood cell counts before being able to receive treatment with an erythropoiesis-simulating agent, resulting in patients that are unnecessarily weaker and may not be able to maintain their chemotherapy treatment regimens without having to turn to costly and time-consuming blood transfusions.

This restriction is inconsistent with both the FDA-approved label and prescribing instructions and is also contrary to national professional society oncology guidelines. For instance, the American Society of Clinical Oncology, the national organization representing physicians who treat patients with cancer, has written to CMS to express deep concerns about the coverage determination, urging CMS to reconsider these restrictions.

I encourage my colleagues to support this sense of the Senate that I introduce with Senators HARKIN and LAUTENBERG to have CMS reconsider the final national coverage determination on the use of erythropoiesis-simulating agents.

SENATE CONCURRENT RESOLUTION 43—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 43

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Friday, August 3, 2007, through Friday, August 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Tuesday, September 4, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, August 3, 2007, through Wednesday, August 8, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 4, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2649. Mr. MCCONNELL (for himself and Mr. BOND) proposed an amendment to the bill S. 1927, to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes.

SA 2650. Mr. REID (for Mr. KERRY) proposed an amendment to the bill S. 163, to improve the disaster loan program of the Small Business Administration, and for other purposes.

SA 2651. Mr. REID (for Mr. BOND) proposed an amendment to amendment SA 2650 proposed by Mr. REID (for Mr. KERRY) to the bill S. 163, supra.

SA 2652. Mr. REID (for Mr. COBURN) proposed an amendment to amendment SA 2650 proposed by Mr. REID (for Mr. KERRY) to the bill S. 163, supra.

SA 2653. Mr. REID (for Mr. DODD (for himself and Mr. REED)) proposed an amendment to the bill H.R. 2358, to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes.

SA 2654. Mr. COLEMAN (for Mr. BOND (for himself, Mr. COLEMAN, and Ms. KLOBUCHAR)) proposed an amendment to the bill H.R. 3311, to authorize additional funds for emergency repairs and reconstruction of the Interstate I–35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

SA 2655. Mr. REID (for Mr. KYL (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 849, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

TEXT OF AMENDMENTS

SA 2649. Mr. MCCONNELL (for himself and Mr. BOND) proposed an amendment to the bill S. 1927, to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes; as follows:

At the end, add the following:

(c) SUNSET.—Except as provided in subsection (d), sections 2, 3, 4, and 5 of this Act, and the amendments made by this Act, shall cease to have effect 180 days after the date of the enactment of this Act.

(d) AUTHORIZATIONS IN EFFECT.—Authorizations for the acquisition of foreign intelligence information pursuant to the amendments made by this Act, and directives issued pursuant to such authorizations, shall remain in effect until their expiration. Such acquisitions shall be governed by the applicable provisions of such amendments and shall not be deemed to constitute electronic surveillance as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)).

SA 2650. Mr. REID (for Mr. KERRY) proposed an amendment to the bill S. 163, to improve the disaster loan program of the Small Business Administration, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Disaster Response and Loan Improvements Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Extension of program authority.

TITLE I—DISASTER PLANNING AND RESPONSE

Sec. 101. Disaster loans to nonprofits.
Sec. 102. Disaster loan amounts.
Sec. 103. Small business development center portability grants.
Sec. 104. Assistance to out-of-State businesses.
Sec. 105. Outreach programs.
Sec. 106. Small business bonding threshold.
Sec. 107. Termination of program.
Sec. 108. Increasing collateral requirements.
Sec. 109. Public awareness of disaster declaration and application periods.
Sec. 110. Consistency between Administration regulations and standard operating procedures.
Sec. 111. Processing disaster loans.
Sec. 112. Development and implementation of major disaster response plan.
Sec. 113. Disaster planning responsibilities.
Sec. 114. Additional authority for district offices of the Administration.
Sec. 115. Assignment of employees of the Office of Disaster Assistance and Disaster Cadre.
Sec. 116. Report regarding lack of snow fall.

TITLE II—DISASTER LENDING

Sec. 201. Catastrophic national disaster declaration.
Sec. 202. Private disaster loans.
Sec. 203. Technical and conforming amendments.
Sec. 204. Expedited disaster assistance loan program.
Sec. 205. HUBZones.

TITLE III—DISASTER ASSISTANCE OVERSIGHT

Sec. 301. Congressional oversight.

TITLE IV—ENERGY EMERGENCIES

Sec. 401. Findings.
Sec. 402. Small business energy emergency disaster loan program.
Sec. 403. Agricultural producer emergency loans.
Sec. 404. Guidelines and rulemaking.
Sec. 405. Reports.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "catastrophic national disaster" means a catastrophic national disaster declared under section 7(b)(11) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act;

(3) the term "declared disaster" means a major disaster or a catastrophic national disaster;

(4) the term "disaster area" means an area affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), during the period of such declaration;

(5) the term "disaster loan program of the Administration" means assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(6) the term "disaster update period" means the period beginning on the date on which the President declares a major disaster or a catastrophic national disaster and ending on the date on which such declaration terminates;

(7) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(8) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(9) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

SEC. 3. EXTENSION OF PROGRAM AUTHORITY.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), is amended by striking "July 31, 2007" each place it appears and inserting "October 31, 2007".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 31, 2007.

TITLE I—DISASTER PLANNING AND RESPONSE

SEC. 101. DISASTER LOANS TO NONPROFITS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) LOANS TO NONPROFITS.—In addition to any other loan authorized by this subsection, the Administrator may make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a nonprofit organization located or operating in an area affected by a natural or other disaster, as determined under paragraph (1) or (2), or providing services to persons who have evacuated from any such area.".

SEC. 102. DISASTER LOAN AMOUNTS.

(a) INCREASED LOAN CAPS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (4), as added by this title, the following:

"(5) INCREASED LOAN CAPS.—

"(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $2,000,000.

"(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, increase the aggregate loan amount under subparagraph (A) for loans relating to a disaster to a level established by the Administrator, based on appropriate economic indicators for the region in which that disaster occurred.".

(b) DISASTER MITIGATION.—

(1) IN GENERAL.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting "of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)" after "20 per centum".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "the, Administration" and inserting "the Administration";

(2) in paragraph (2)(A), by striking "Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (in this subsection referred to as a 'major disaster')"; and

(3) in the undesignated matter at the end—

(A) by striking ", (2), and (4)" and inserting "and (2)"; and

(B) by striking ", (2), or (4)" and inserting "(2)".

SEC. 103. SMALL BUSINESS DEVELOPMENT CENTER PORTABILITY GRANTS.

Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended—

(1) in the first sentence, by striking "as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability" and inserting "due to events that have resulted or will result in, business or government facility downsizing or closing"; and

(2) by adding at the end "At the discretion of the Administrator, the Administrator may make an award greater than $100,000 to a recipient to accommodate extraordinary occurrences having a catastrophic impact on the small business concerns in a community.".

SEC. 104. ASSISTANCE TO OUT-OF-STATE BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking "At the discretion" and inserting the following: "Small Business Development Centers.—

"(A) In General.—At the discretion"; and

(2) by adding at the end the following:

"(B) During Disasters.—

"(i) In General.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide such assistance to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in a disaster area declared under section 7(b)(2)(A).

"(ii) Continuity of Services.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which such small business development center otherwise provides services.

"(iii) Access to Disaster Recovery Facilities.—For purposes of providing disaster recovery assistance under this subparagraph, the Administrator shall, to the maximum extent practicable, permit small business development center personnel to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.".

SEC. 105. OUTREACH PROGRAMS.

(a) In General.—Not later than 30 days after the date of the declaration of a disaster area, the Administrator may establish a contracting outreach and technical assistance program for small business concerns which have had a primary place of business in, or other significant presence in, such disaster area.

(b) Administrator Action.—The Administrator may carry out subsection (a) by acting through—

(1) the Administration;

(2) the Federal agency small business officials designated under section 15(k)(1) of the Small Business Act (15 U.S.C. 644(k)(1)); or

(3) any Federal, State, or local government entity, higher education institution, procurement technical assistance center, or private nonprofit organization that the Administrator may determine appropriate, upon conclusion of a memorandum of understanding or assistance agreement, as appropriate, with the Administrator.

SEC. 106. SMALL BUSINESS BONDING THRESHOLD.

(a) In General.—Except as provided in subsection (b), and notwithstanding any other provision of law, for any procurement related to a major disaster, the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

(b) Increase of Amount.—Upon request of the head of any Federal agency other than the Administration involved in reconstruction efforts in response to a major disaster, the Administrator may guarantee and enter into a commitment to guarantee any security against loss under subsection (a) on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

SEC. 107. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after "January 1, 1989" the following: ", and shall terminate on the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007".

SEC. 108. INCREASING COLLATERAL REQUIREMENTS.

Section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)) is amended by striking "$10,000 or less" and inserting "$14,000 or less (or such higher amount as the Administrator determines appropriate in the event of a catastrophic national disaster declared under subsection (b)(11))".

SEC. 109. PUBLIC AWARENESS OF DISASTER DECLARATION AND APPLICATION PERIODS.

(a) In General.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

"(6) Coordination with FEMA.—

"(A) In General.—Notwithstanding any other provision of law, for any disaster (including a catastrophic national disaster) declared under this subsection or major disaster, the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act correspond with application deadlines established under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or as extended by the President.

"(B) Deadlines.—Notwithstanding any other provision of law, not later than 10 days before the closing date of an application period for a major disaster (including a catastrophic national disaster), the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

"(i) the deadline for submitting applications for assistance under this Act relating to that major disaster;

"(ii) information regarding the number of loan applications and disbursements processed by the Administrator relating to that major disaster for each day during the period beginning on the date on which that major disaster was declared and ending on the date of that report; and

"(iii) an estimate of the number of potential applicants that have not submitted an application relating to that major disaster.

"(7) Public Awareness of Disasters.—If a disaster (including a catastrophic national disaster) is declared under this subsection, the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan applicants, including—

"(A) the date of such declaration;

"(B) cities and towns within the area of such declaration;

"(C) loan application deadlines related to such disaster;

"(D) all relevant contact information for victim services available through the Administration (including links to small business development center websites);

"(E) links to relevant Federal and State disaster assistance websites, including links to websites providing information regarding assistance available from the Federal Emergency Management Agency;

"(F) information on eligibility criteria for Administration loan programs, including where such applications can be found; and

"(G) application materials that clearly state the function of the Administration as the Federal source of disaster loans for homeowners and renters.".

(b) Marketing and Outreach.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration;

(2) makes clear the services provided by the Administration, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are made available and the eligibility requirements for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

SEC. 110. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARD OPERATING PROCEDURES.

(a) In General.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster loan program.

(b) Report.—Not later than 180 days after the date of enactment of this Act, the Administration shall submit to Congress a report containing all findings and recommendations of the study conducted under subsection (a).

SEC. 111. PROCESSING DISASTER LOANS.

(a) Authority for Qualified Private Contractors To Process Disaster Loans.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (7), as added by this Act, the following:

"(8) Authority for Qualified Private Contractors.—

"(A) Disaster Loan Processing.—The Administrator may enter into an agreement with a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster or a catastrophic national disaster declared under paragraph (11), under which the Administrator shall pay the contractor a fee for each loan processed.

"(B) LOAN LOSS VERIFICATION SERVICES.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this subsection in the event of a major disaster or a catastrophic national disaster declared under paragraph (11), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.".

(b) COORDINATION OF EFFORTS BETWEEN THE ADMINISTRATOR AND THE INTERNAL REVENUE SERVICE TO EXPEDITE LOAN PROCESSING.—The Administrator and the Commissioner of Internal Revenue shall, to the maximum extent practicable, ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner, upon request by the Administrator.

SEC. 112. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) by rule, amend the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the "disaster response plan") to apply to major disasters; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the amendments to the disaster response plan.

(b) CONTENTS.—The report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted to Congress on July 14, 2006;

(2) a description of how the Administrator plans to utilize and integrate District Office personnel of the Administration in the response to a major disaster, including information on the utilization of personnel for loan processing and loan disbursement;

(3) a description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;

(4) a description of how the agency-wide Disaster Oversight Council is structured, which offices comprise its membership, and whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;

(5) a description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government officials, including recommendations on how to better incorporate State initiatives or programs, such as State-administered bridge loan programs, into the disaster response of the Administration;

(6) recommendations, if any, on how the Administration can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;

(7) any surge plan for the disaster loan program of the Administration in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(8) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(9) the in-service and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster;

(11) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and

(12) a plan for how the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.

(c) EXERCISES.—Not later than 6 months after the date of the submission of the report under subsection (a)(2), the Administrator shall develop and execute simulation exercises to demonstrate the effectiveness of the amended disaster response plan required under this section.

SEC. 113. DISASTER PLANNING RESPONSIBILITIES.

(a) ASSIGNMENT OF SMALL BUSINESS ADMINISTRATION DISASTER PLANNING RESPONSIBILITIES.—The Administrator shall specifically assign the disaster planning responsibilities described in subsection (b) to an employee of the Administration who—

(1) is not an employee of the Office of Disaster Assistance of the Administration;

(2) shall report directly to the Administrator; and

(3) has a background and expertise demonstrating significant experience in the area of disaster planning.

(b) RESPONSIBILITIES.—The responsibilities described in this subsection are—

(1) creating and maintaining the comprehensive disaster response plan of the Administration;

(2) ensuring in-service and pre-service training procedures for the disaster response staff of the Administration;

(3) coordinating and directing Administration training exercises, including mock disaster responses, with other Federal agencies; and

(4) other responsibilities, as determined by the Administrator.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(1) a description of the actions of the Administrator to assign an employee under subsection (a);

(2) information detailing the background and expertise of the employee assigned under subsection (a); and

(3) information on the status of the implementation of the responsibilities described in subsection (b).

SEC. 114. ADDITIONAL AUTHORITY FOR DISTRICT OFFICES OF THE ADMINISTRATION.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (8), as added by this Act, the following:

"(9) USE OF DISTRICT OFFICES.—In the event of a major disaster, the Administrator may authorize a district office of the Administration to process loans under paragraph (1) or (2).".

(b) DESIGNATION.—

(1) IN GENERAL.—The Administrator may designate an employee in each district office of the Administration to act as a disaster loan liaison between the disaster processing center and applicants under the disaster loan program of the Administration.

(2) RESPONSIBILITIES.—Each employee designated under paragraph (1) shall—

(A) be responsible for coordinating and facilitating communications between applicants under the disaster loan program of the Administration and disaster loan processing staff regarding documentation and information required for completion of an application; and

(B) provide information to applicants under the disaster loan program of the Administration regarding additional services and benefits that may be available to such applicants to assist with recovery.

(3) OUTREACH.—In providing outreach to disaster victims following a declared disaster, the Administrator shall make disaster victims aware of—

(A) any relevant employee designated under paragraph (1); and

(B) how to contact that employee.

SEC. 115. ASSIGNMENT OF EMPLOYEES OF THE OFFICE OF DISASTER ASSISTANCE AND DISASTER CADRE.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (9), as added by this Act, the following:

"(10) DISASTER ASSISTANCE EMPLOYEES.—

"(A) IN GENERAL.—In carrying out this section, the Administrator shall, where practicable, ensure that the number of full-time equivalent employees—

"(i) in the Office of the Disaster Assistance is not fewer than 800; and

"(ii) in the Disaster Cadre of the Administration is not fewer than 750.

"(B) REPORT.—In carrying out this subsection, if the number of full-time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Administration is below the level described in subparagraph (A) for that office, the Administrator shall, not later than 14 days after the date on which that staffing level decreased below the level described in subparagraph (A), submit a report to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and the Committee on Small Business and the Committee on Appropriations of the House of Representatives—

"(i) detailing the staffing levels on that date; and

"(ii) if determined appropriate by the Administrator, including a request for additional funds for additional employees.".

SEC. 116. REPORT REGARDING LACK OF SNOW FALL.

Not later than 6 months after the date of enactment of this Act, the Administrator shall conduct a study of, and submit a report to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate that describes—

(1) the ability of the Administrator to provide loans under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to small business concerns that depend on high snow fall amounts, and sustain economic injury (as described under that section) due to a lack of snow fall;

(2) the criteria that the Administrator would use to determine whether to provide a

loan under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to a small business concern that has been adversely affected by a lack of snow fall;

(3) other Federal assistance (including loans) available to small business concerns that are adversely affected by a lack of snow fall; and

(4) the history relating to providing loans under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to small business concerns that have been adversely affected by a lack of snow fall.

TITLE II—DISASTER LENDING

SEC. 201. CATASTROPHIC NATIONAL DISASTER DECLARATION.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (10), as added by this Act, the following:

"(11) CATASTROPHIC NATIONAL DISASTERS.—

"(A) PROMULGATION OF RULES.—Not later than 6 months after the date of enactment of this paragraph, the Administrator, in consultation with the Secretary of Homeland Security and the Administrator of the Federal Emergency Management Agency, shall promulgate regulations establishing a threshold for a catastrophic national disaster declaration under this Act, which shall consider—

"(i) the dollar amount per capita of damage to the State, its political subdivisions, or a region;

"(ii) the number of small business concerns damaged, physically or economically, as a direct result of the event;

"(iii) the number of individuals and households displaced from their predisaster residences by the event;

"(iv) the severity of the impact on employment rates in the State, its political subdivisions, or a region;

"(v) the anticipated length and difficulty of the recovery process; and

"(vi) other factors determined relevant by the Administrator.

"(B) AUTHORIZATION.—Following a declaration of a major disaster, if a damage assessment performed by the Administrator indicates that the damage caused by the event qualify as a catastrophic national disaster under subsection (a), the Administrator may make such loans under this paragraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to small business concerns located anywhere in the United States that are economically adversely impacted as a result of that catastrophic national disaster.

"(C) LOAN TERMS.—A loan under this paragraph shall be made on the same terms as a loan under paragraph (2).".

SEC. 202. PRIVATE DISASTER LOANS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) PRIVATE DISASTER LOANS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'disaster area' means a county, parish, or similar unit of general local government in which a disaster was declared under subsection (b);

"(B) the term 'eligible small business concern' means a business concern that is—

"(i) a small business concern, as defined in this Act; or

"(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958; and

"(C) the term 'qualified private lender' means any privately-owned bank or other lending institution that the Administrator determines meets the criteria established under paragraph (9).

"(2) AUTHORIZATION.—The Administrator may guarantee timely payment of principal and interest, as scheduled on any loan issued by a qualified private lender to an eligible small business concern located in a disaster area.

"(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (b).

"(4) ONLINE APPLICATIONS.—

"(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

"(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

"(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

"(5) MAXIMUM AMOUNTS.—

"(A) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

"(B) LOAN AMOUNTS.—The maximum amount of a loan guaranteed under this subsection shall be $2,000,000.

"(6) LOAN TERM.—The longest term of a loan for a loan guaranteed under this subsection shall be—

"(A) 15 years for any loan that is issued without collateral; and

"(B) 25 years for any loan that is issued with collateral.

"(7) FEES.—

"(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

"(B) ORIGINATION FEE.—The Administrator may pay a qualified private lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender and the Administrator.

"(8) DOCUMENTATION.—A qualified private lender may use its own loan documentation for a loan guaranteed by the Administrator, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan guaranteed under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (9).

"(9) IMPLEMENTATION REGULATIONS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

"(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

"(10) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration to carry out subsection (b).

"(B) AUTHORITY TO REDUCE INTEREST RATES.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator, to the extent available, to reduce the rate of interest for any loan guaranteed under this subsection by not more than 3 percentage points.

"(11) PURCHASE OF LOANS.—The Administrator may enter into an agreement with a qualified private lender to purchase any loan issued under this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters declared under section 7(b)(2) of the Small Business Act (631 U.S.C. 636(b)(2)) before, on, or after the date of enactment of this Act.

SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking "7(c)(2)" and inserting "7(d)(2)"; and

(B) in paragraph (2)—

(i) by striking "7(c)(2)" and inserting "7(d)(2)"; and

(ii) by striking "7(e),"; and

(2) in section 7(b), in the undesignated matter following paragraph (3)—

(A) by striking "That the provisions of paragraph (1) of subsection (c)" and inserting "That the provisions of paragraph (1) of subsection (d)"; and

(B) by striking "Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c)," and inserting "Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under subsection (b)".

SEC. 204. EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term "immediate disaster assistance" means assistance provided during the period beginning on the date on which a disaster declaration is made and ending on the date that an impacted small business concern is able to secure funding through insurance claims, Federal assistance programs, or other sources; and

(2) the term "program" means the expedited disaster assistance business loan program established under subsection (b).

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program to provide small business concerns with immediate disaster assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue rules in final form establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the declared disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan made by the Administration under this section—

(A) shall be for not more than $150,000;

(B) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(C) shall have an interest rate not to exceed 1 percentage point above the prime rate of interest that a private lender may charge;

(D) shall have no prepayment penalty;

(E) may only be made to a borrower that meets the requirements for a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(F) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act;

(G) may receive expedited loss verification and loan processing, if the applicant is—

(i) a major source of employment in the disaster area (which shall be determined in the same manner as under section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)(3)(B))); or

(ii) vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials); and

(H) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 205. HUBZONES.

(a) IN GENERAL.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking "or";

(B) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(F) areas in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005, during the time period described in paragraph (8); or

"(G) catastrophic national disaster areas.";

(2) in paragraph (4), by adding at the end the following:

"(E) CATASTROPHIC NATIONAL DISASTER AREA.—

"(i) IN GENERAL.—The term 'catastrophic national disaster area' means an area—

"(I) affected by a catastrophic national disaster declared under section 7(b)(11), during the time period described in clause (ii); and

"(II) for which the Administrator determines that designation as a HUBZone would substantially contribute to the reconstruction and recovery effort in that area.

"(ii) TIME PERIOD.—The time period for the purposes of clause (i)—

"(I) shall be the 2-year period beginning on the date that the applicable catastrophic national disaster was declared under section 7(b)(11); and

"(II) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in subclause (I)."; and

(3) by adding at the end the following:

"(8) TIME PERIOD.—The time period for the purposes of paragraph (1)(F)—

"(A) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

"(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.".

(b) TOLLING OF GRADUATION.—Section 7(j)(10)(C) of the Small Business Act (15 U.S.C. 636(j)(10)(C)) is amended by adding at the end the following:

"(iii)(I) For purposes of this subparagraph, if the Administrator designates an area as a HUBZone under section 3(p)(4)(E)(i)(II), the Administrator shall not count the time period described in subclause (II) of this clause for any small business concern—

"(aa) that is participating in any program, activity, or contract under section 8(a); and

"(bb) the principal place of business of which is located in that area.

"(II) The time period for purposes of subclause (I)—

"(aa) shall be the 2-year period beginning on the date that the applicable catastrophic national disaster was declared under section 7(b)(11); and

"(bb) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in item (aa).".

(c) STUDY OF HUBZONE DISASTER AREAS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives evaluating the designation by the Administrator of catastrophic national disaster areas, as that term is defined in section 3(p)(4)(E) of the Small Business Act (as added by this Act), as HUBZones.

TITLE III—DISASTER ASSISTANCE OVERSIGHT

SEC. 301. CONGRESSIONAL OVERSIGHT.

(a) MONTHLY ACCOUNTING REPORT TO CONGRESS.—

(1) REPORTING REQUIREMENTS.—Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for that major disaster during the preceding month.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(B) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(C) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(D) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding;

(E) an estimate of how long the available funding for such loans will last, based on the spending rate;

(F) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(G) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under paragraph (1);

(H) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding; and

(I) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

(b) DAILY DISASTER UPDATES TO CONGRESS FOR PRESIDENTIALLY DECLARED DISASTERS.—

(1) IN GENERAL.—Each day during a disaster update period, excluding Federal holidays and weekends, the Administration shall provide to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared a major disaster.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the number of Administration staff performing loan processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily amount of loans dispersed, both partially and fully, by the Administration to applicants in the relevant area, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans disbursed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully disbursed, including dollar amounts, since the last report under paragraph (1); and

(M) the declaration date, physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) NOTICE OF THE NEED FOR SUPPLEMENTAL FUNDS.—On the same date that the Administrator notifies any committee of the Senate or the House of Representatives that supplemental funding is necessary for the disaster loan program of the Administration in any fiscal year, the Administrator shall notify in writing the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the need for supplemental funds for that loan program.

(d) REPORT ON CONTRACTING.—

(1) IN GENERAL.—Not later than 6 months after the date on which the President declares a major disaster, and every 6 months thereafter until the date that is 18 months after the date on which the major disaster was declared, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding Federal contracts awarded as a result of that major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the total number of contracts awarded as a result of that major disaster;

(B) the total number of contracts awarded to small business concerns as a result of that major disaster;

(C) the total number of contracts awarded to women and minority-owned businesses as a result of that major disaster; and

(D) the total number of contracts awarded to local businesses as a result of that major disaster.

(e) REPORT ON LOAN APPROVAL RATE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing how the Administration can improve the processing of applications under the disaster loan program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) recommendations, if any, regarding—

(i) staffing levels during a major disaster;

(ii) how to improve the process for processing, approving, and disbursing loans under the disaster loan program of the Administration, to ensure that the maximum assistance is provided to victims in a timely manner;

(iii) the viability of using alternative methods for assessing the ability of an applicant to repay a loan, including the credit score of the applicant on the day before the date on which the disaster for which the applicant is seeking assistance was declared;

(iv) methods, if any, for the Administration to expedite loss verification and loan processing of disaster loans during a major disaster for businesses affected by, and located in the area for which the President declared, the major disaster that are a major source of employment in the area or are vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials);

(v) legislative changes, if any, needed to implement findings from the Accelerated Disaster Response Initiative of the Administration; and

(vi) a description of how the Administration plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration; and

(B) the plans of the Administrator for implementing any recommendation made under subparagraph (A).

TITLE IV—ENERGY EMERGENCIES

SEC. 401. FINDINGS.

Congress finds that—

(1) a significant number of small business concerns in the United States, nonfarm as well as agricultural producers, use heating oil, natural gas, propane, or kerosene to heat their facilities and for other purposes;

(2) a significant number of small business concerns in the United States sell, distribute, market, or otherwise engage in commerce directly related to heating oil, natural gas, propane, and kerosene; and

(3) significant increases in the price of heating oil, natural gas, propane, or kerosene—

(A) disproportionately harm small business concerns dependent on those fuels or that use, sell, or distribute those fuels in the ordinary course of their business, and can cause them substantial economic injury;

(B) can negatively affect the national economy and regional economies;

(C) have occurred in the winters of 1983 to 1984, 1988 to 1989, 1996 to 1997, 1999 to 2000, 2000 to 2001, and 2004 to 2005; and

(D) can be caused by a host of factors, including international conflicts, global or regional supply difficulties, weather conditions, insufficient inventories, refinery capacity, transportation, and competitive structures in the markets, causes that are often unforeseeable to, and beyond the control of, those who own and operate small business concerns.

SEC. 402. SMALL BUSINESS ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (11), as added by this Act, the following:

"(12) ENERGY EMERGENCIES.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

"(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, or propane during the subsequent calendar month, commonly known as the 'front month';

"(iii) the term 'heating fuel' means heating oil, natural gas, propane, or kerosene; and

"(iv) the term 'significant increase' means—

"(I) with respect to the price of heating oil, natural gas, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

"(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

"(B) AUTHORIZATION.—The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of a significant increase in the price of heating fuel occurring on or after October 1, 2004.

"(C) INTEREST RATE.—Any loan or guarantee extended under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

"(D) MAXIMUM AMOUNT.—No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administrator, in which case the Administrator, in the discretion of the Administrator, may waive the $1,500,000 limitation.

"(E) DECLARATIONS.—For purposes of assistance under this paragraph—

"(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

"(ii) if no declaration has been made under clause (i), the Governor of a State in which a significant increase in the price of heating fuel has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

"(F) USE OF FUNDS.—Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating fuel to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.".

(b) CONFORMING AMENDMENTS RELATING TO HEATING FUEL.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(1) by inserting ", significant increase in the price of heating fuel" after "civil disorders"; and

(2) by inserting "other" before "economic".

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Administrator under section 404.

SEC. 403. AGRICULTURAL PRODUCER EMERGENCY LOANS.

(a) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in the first sentence—

(A) by striking "operations have" and inserting "operations (i) have"; and

(B) by inserting before ": *Provided*," the following: ", or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after October 1, 2004, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after October 1, 2004, in connection with an energy emergency declared by the President or the Secretary";

(2) in the third sentence, by inserting before the period at the end the following: "or by an energy emergency declared by the President or the Secretary"; and

(3) in the fourth sentence—

(A) by inserting "or energy emergency" after "natural disaster" each place that term appears; and

(B) by inserting "or declaration" after "emergency designation".

(b) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subsection (a) to meet the needs resulting from energy emergencies.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Secretary of Agriculture under section 404.

SEC. 404. GUIDELINES AND RULEMAKING.

(a) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator and the Secretary of Agriculture shall each issue such guidelines as the Administrator or the Secretary, as applicable, determines to be necessary to carry out this title and the amendments made by this title.

(b) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(12)(A)(iv)(II) of the Small Business Act, as added by this Act.

SEC. 405. REPORTS.

(a) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator issues guidelines under section 404, and annually thereafter until the date that is 12 months after the end of the effective period of section 7(b)(12) of the Small Business Act, as added by this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(12) of the Small Business Act, as added by this Act, including—

(1) the number of small business concerns that applied for a loan under such section and the number of those that received such loans;

(2) the dollar value of those loans;

(3) the States in which the small business concerns that received such loans are located;

(4) the type of heating fuel or energy that caused the significant increase in the cost for the participating small business concerns; and

(5) recommendations for ways to improve the assistance provided under such section 7(b)(12), if any.

(b) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under section 404, and annually thereafter until the date that is 12 months after the end of the effective period of the amendments made to section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) by this title, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(1) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); and

(2) contains recommendations for ways to improve the assistance provided under such section 321(a), if any.

SA 2651. Mr. REID (for Mr. BOND) proposed an amendment to amendment SA 2650 proposed by Mr. REID (for Mr. KERRY) to the bill S. 163, to improve the disaster loan program of the Small Business Administration, and for other purposes; as follows:

On page 50, strike line 15 and all that follows through page 60, line 3.

SA 2652. Mr. REID (for Mr. COBURN) proposed an amendment to amendment SA 2650 proposed by Mr. REID (for Mr. KERRY) to the bill S. 163, to improve the disaster loan program of the Small Business Administration, and for other purposes; as follows:

On page 24, line 2. strike "shall" and insert "may".

On page 24, strike line 9, and all that follows through page 28, line 5, and insert the following:

"(B) REPORT.—In carrying out this subsection, if the number of full-time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Administration is below the level described in subparagraph (A) for that office, not later than 21 days after the date on which that staffing level decreased below the level described in subparagraph (A), the Administrator shall submit to the Committee on Appropriations and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Appropriations and Committee on Small Business of the House of Representatives, a report—

"(i) detailing staffing levels on that date;

"(ii) requesting, if practicable and determined appropriate by the Administrator, additional funds for additional employees; and

"(iii) containing such additional information, as determined appropriate by the Administrator.".

TITLE II—DISASTER LENDING

SEC. 201. CATASTROPHIC NATIONAL DISASTER DECLARATION.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (10), as added by this Act, the following:

"(11) CATASTROPHIC NATIONAL DISASTERS.—

"(A) IN GENERAL.—The President may make a catastrophic national disaster declaration in accordance with this paragraph.

"(B) PROMULGATION OF RULES.—

"(i) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Administrator, with the concurrence of the Secretary of Homeland Security and the Administrator of the Federal Emergency Management Agency, shall promulgate regulations establishing a threshold for a catastrophic national disaster declaration.

"(ii) CONSIDERATIONS.—In promulgating the regulations required under clause (i), the Administrator shall establish a threshold that—

"(I) is similar in size and scope to the events relating to the terrorist attacks of September 11, 2001, and Hurricane Katrina of 2005;

"(II) requires that the President declares a major disaster before making a catastrophic national disaster declaration under this paragraph;

"(III) requires consideration of—

"(aa) the dollar amount per capita of damage to the State, its political subdivisions, or a region;

"(bb) the number of small business concerns damaged, physically or economically, as a direct result of the event;

"(cc) the number of individuals and households displaced from their predisaster residences by the event;

"(dd) the severity of the impact on employment rates in the State, its political subdivisions, or a region;

"(ee) the anticipated length and difficulty of the recovery process;

"(ff) whether the events leading to the relevant major disaster declaration are of an unusually large and calamitous nature that is orders of magnitude larger than for an average major disaster; and

"(gg) any other factor determined relevant by the Administrator.

"(C) AUTHORIZATION.—If the President makes a catastrophic national disaster declaration under this paragraph, the Administrator may make such loans under this paragraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to small business concerns located anywhere in the United States that are economically adversely impacted as a result of that catastrophic national disaster.

"(D) LOAN TERMS.—A loan under this paragraph shall be made on the same terms as a loan under paragraph (2).".

On page 28, strike lines 15 through 18 and insert the following:

"(A) the term 'disaster area' means any area for which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) that subsequently results in the President making a catastrophic national disaster declaration under subsection (b)(11);

On page 34, lines 8 and 9, strike "a disaster declaration is made" and inserting "the President makes a catastrophic disaster declaration under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act,"

On page 34, lines 20 and 21, strike "under section 7(b) of the Small Business Act (15 U.S.C. 636(b))" and insert "under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act".

SA 2653. Mr. REID (for Mr. DODD (for himself and Mr. REED)) proposed an amendment to the bill H.R. 2358, to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American $1 Coin Act".

SEC. 2. NATIVE AMERICAN $1 COIN PROGRAM.

Section 5112 of title 31, United States Code, is amended by adding at the end the following:

"(r) REDESIGN AND ISSUANCE OF CIRCULATING $1 COINS HONORING NATIVE AMERICANS AND THE IMPORTANT CONTRIBUTIONS MADE BY INDIAN TRIBES AND INDIVIDUAL NATIVE AMERICANS IN UNITED STATES HISTORY.—

"(1) REDESIGN BEGINNING IN 2008.—

"(A) IN GENERAL.—Effective beginning January 1, 2008, notwithstanding subsection (d), in addition to the coins to be issued pursuant to subsection (n), and in accordance with this subsection, the Secretary shall mint and issue $1 coins that—

"(i) have as the designs on the obverse the so-called 'Sacagawea design'; and

"(ii) have a design on the reverse selected in accordance with paragraph (2)(A), subject to paragraph (3)(A).

"(B) DELAYED DATE.—If the date of the enactment of the Native American $1 Coin Act is after August 25, 2007, subparagraph (A) shall be applied by substituting '2009' for '2008'.

"(2) DESIGN REQUIREMENTS.—The $1 coins issued in accordance with paragraph (1) shall meet the following design requirements:

"(A) COIN REVERSE.—The design on the reverse shall bear—

"(i) images celebrating the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States;

"(ii) the inscription '$1' ; and

"(iii) the inscription 'United States of America'.

"(B) COIN OBVERSE.—The design on the obverse shall—

"(i) be chosen by the Secretary, after consultation with the Commission of Fine Arts and review by the Citizens Coinage Advisory Committee; and

"(ii) contain the so-called 'Sacagawea design' and the inscription 'Liberty'.

"(C) EDGE-INCUSED INSCRIPTIONS.—

"(i) IN GENERAL.—The inscription of the year of minting and issuance of the coin and the inscriptions 'E Pluribus Unum' and 'In God We Trust' shall be edge-incused into the coin.

"(ii) PRESERVATION OF DISTINCTIVE EDGE.—The edge-incusing of the inscriptions under clause (i) on coins issued under this subsection shall be done in a manner that preserves the distinctive edge of the coin so that the denomination of the coin is readily discernible, including by individuals who are blind or visually impaired.

"(D) REVERSE DESIGN SELECTION.—The designs selected for the reverse of the coins described under this subsection—

"(i) shall be chosen by the Secretary after consultation with the Committee on Indian Affairs of the Senate, the Congressional Native American Caucus of the House of Representatives, the Commission of Fine Arts, and the National Congress of American Indians;

"(ii) shall be reviewed by the Citizens Coinage Advisory Committee;

"(iii) may depict individuals and events such as—

"(I) the creation of Cherokee written language;

"(II) the Iroquois Confederacy;

"(III) Wampanoag Chief Massasoit;

"(IV) the 'Pueblo Revolt';

"(V) Olympian Jim Thorpe;

"(VI) Ely S. Parker, a general on the staff of General Ulysses S. Grant and later head of the Bureau of Indian Affairs; and

"(VII) code talkers who served the United States Armed Forces during World War I and World War II; and

"(iv) in the case of a design depicting the contribution of an individual Native American to the development of the United States and the history of the United States, shall not depict the individual in a size such that the coin could be considered to be a '2-headed' coin.

"(3) ISSUANCE OF COINS COMMEMORATING 1 NATIVE AMERICAN EVENT DURING EACH YEAR.—

"(A) IN GENERAL.—Each design for the reverse of the $1 coins issued during each year shall be emblematic of 1 important Native American or Native American contribution each year.

"(B) ISSUANCE PERIOD.—Each $1 coin minted with a design on the reverse in accordance with this subsection for any year shall be issued during the 1-year period beginning on January 1 of that year and shall be available throughout the entire 1-year period.

"(C) ORDER OF ISSUANCE OF DESIGNS.—Each coin issued under this subsection commemorating Native Americans and their contributions—

"(i) shall be issued, to the maximum extent practicable, in the chronological order in which the Native Americans lived or the events occurred, until the termination of the coin program described in subsection (n); and

"(ii) thereafter shall be issued in any order determined to be appropriate by the Secretary, after consultation with the Committee on Indian Affairs of the Senate, the Congressional Native American Caucus of the House of Representatives, and the National Congress of American Indians.

"(4) ISSUANCE OF NUMISMATIC COINS.—The Secretary may mint and issue such number of $1 coins of each design selected under this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(5) QUANTITY.—The number of $1 coins minted and issued in a year with the Sacagawea-design on the obverse shall be not less than 20 percent of the total number of $1 coins minted and issued in such year.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

Section 5112(n)(1) of title 31, United States Code, is amended—

(1) by striking the paragraph designation and heading and all that follows through "Notwithstanding subsection (d)" and inserting the following:

"(1) REDESIGN BEGINNING IN 2007.—Notwithstanding subsection (d)";

(2) by striking subparagraph (B); and

(3) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately.

SEC. 4. REMOVAL OF BARRIERS TO CIRCULATION OF $1 COIN.

(a) IN GENERAL.—In order to remove barriers to circulation, the Secretary of the Treasury shall carry out an aggressive, cost-effective, continuing campaign to encourage commercial enterprises to accept and dispense $1 coins that have as designs on the obverse the so-called "Sacagawea design".

(b) REPORT.—The Secretary of the Treasury shall submit to Congress an annual report on the success of the efforts described in subsection (a).

SA 2654. Mr. COLEMAN (for Mr. BOND (for himself, Mr. COLEMAN, and Ms. KLOBUCHAR)) proposed an amendment to the bill H.R. 3311, Official Title Not Available; as follows:

In section 1112(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as added by section 3), strike subparagraph (B) and insert the following:

"(B) use not to exceed $5,000,000 of the funds made available for fiscal year 2007 for Federal Transit Administration Discretionary Programs, Bus and Bus Facilities (without any local matching funds requirement) for operating expenses of the Minnesota State department of transportation for actual and necessary costs of maintenance and operation, less the amount of fares earned, which are provided by the Metropolitan Council (of Minnesota) as a temporary substitute for highway traffic service following the collapse of the Interstate I–35W bridge in Minneapolis, Minnesota, on August 1, 2007, until highway traffic service is restored on such bridge.

SA 2655. Mr. REID (for Mr. KYL (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 849, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly to as the Freedom of Information Act), and for other purposes; as follows:

The bill is amended as follows:

(a) NEWS-MEDIA STATUS.—At page 4, strike lines 4 though 15 and insert:

"The term "a representative of the news media" means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news-media entities are television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of "news") who make their products available for purchase by or subscription by or free distribution to the general public. These examples are not all-inclusive. Moreover, as methods of news delivery evolve (for example, the adoption of the electronic dissemination of newspapers through telecommunications services), such alternative media shall be considered to be news-media entities. A freelance journalist shall be regarded as working for a newsmedia entity if the journalist can demonstrate a solid basis for expecting publication through that entity, whether or not the journalist is actually employed by the entity. A publication contract would present a solid basis for such an expectation; the Government may also consider the past publication record of the requester in making such a determination.".

(b) ATTORNEYS' FEES.—At page 5, strike lines 1 through 7 and insert:

"(I) a judicial order, or an enforceable written agreement or consent decree; or

(II) a voluntary or unilateral change in position by the agency, provided that the complainant's claim is not insubstantial.".

(c) COMMENCEMENT OF 20-DAY PERIOD AND TOLLING.—At page 6, lines 1 through 7 and insert:

"(1) IN GENERAL.—Section 552(a)(6)(A)(i) of title 5, United States Code, is amended by striking "determination;" and inserting:

"determination. The 20-day period shall commence on the date on which the request is first received by the appropriate component of the agency, but in any event no later than ten days after the request is first received by any component of the agency that is designated in the agency's FOIA regulations to receive FOIA requests. The 20-day period shall not be tolled by the agency except (I) that the agency may make one request to the requester for information and toll the 20-day period while it is awaiting such information that it has reasonably requested from the FOIA requester or (II) if necessary to clarify with the requester issues regarding fee assessment. In either case, the agency's receipt of the requester's response to the agency's request for information or clarification ends the tolling period;".

(d) COMPLIANCE WITH TIME LIMITS.—At page 6, strike line 11 and all that follows through page 7, line 4, and insert:

"(b) COMPLIANCE WITH TIME LIMITS—

(1)(A) Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end the following:

"(viii) An agency shall not assess search fees under this subparagraph if the agency fails to comply with any time limit under paragraph (6), provided that no unusual or exceptional circumstances (as those terms are defined for purposes of paragraphs (6)(B) and (C), respectively) apply to the processing of the request.".

(B) Section 552(a)(6)(B)(ii) of title 5, United States Code, is amended by inserting between the first and second sentences the following:

"To aid the requester, each agency shall make available its FOIA Public Liaison, who shall assist in the resolution of any disputes between the requester and the agency."

(e) STATUS OF REQUESTS.—At page 7:

(1) strike lines 17 through 22 and insert:

"(A) establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request; and".

(2) at line 23, strike "(C)" and insert "(B)".

(f) CLEAR STATEMENT FOR EXEMPTIONS.—At page 8, strike line 19 and all that follows through the end of the section and insert:

"(A) if enacted prior to the date of enactment of the OPEN Government Act of 2007, requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or establishes particular criteria for withholding or refers to particular types of matters to be withheld; or

"(B) if enacted after the date of enactment of the OPEN Government Act of 2007, specifically cites to the Freedom of Information Act.".

(g) PRIVATE RECORDS MANAGEMENT.—At page 13, lines 14 through 15, strike "a contract between the agency and the entity." and insert "Government contract, for the purposes of records management.".

(h) POLICY REVIEWS, AUDITS, AND CHIEF FOIA OFFICERS AND PUBLIC LIAISONS.—Strike section 11 and insert the following:

"SEC. 11. OFFICE OF GOVERNMENT INFORMATION SERVICES.

"(a) IN GENERAL.—Section 552 of title 5, United States Code, is amended by adding at the end the following:

"(h) There is established the Office of Government Information Services within the National Archives and Records Administration. The Office of Government Information Services shall review policies and procedures of administrative agencies under section 552, shall review compliance with section 552 by administrative agencies, and shall recommend policy changes to Congress and the President to improve the administration of section 552. The Office of Government Information Services shall offer mediation services to resolve disputes between persons making requests under section 552 and administrative agencies as a non-exclusive alternative to litigation and, at the discretion of the Office, may issue advisory opinions if mediation has not resolved the dispute.

"(i) The Government Accountability Office shall conduct audits of administrative agencies on the implementation of section 552 and issue reports detailing the results of such audits.

"(j) Each agency shall—

"(1) Designate a Chief FOIA Officer who shall be a senior official of such agency (at the Assistant Secretary or equivalent level).

GENERAL DUTIES.—The Chief FOIA Officer of each agency shall, subject to the authority of the head of the agency—

"(A) have agency-wide responsibility for efficient and appropriate compliance with the FOIA;

"(B) monitor FOIA implementation throughout the agency and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's performance in implementing the FOIA;

"(C) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to improve its implementation of the FOIA;

"(D) review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing the FOIA; and

"(E) facilitate public understanding of the purposes of the FOIA's statutory exemptions by including concise descriptions of the exemptions in both the agency's FOIA handbook issued under section 552(g) of title 5, United States Code, and the agency's annual FOIA report, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply."

"(2) Designate one or more FOIA Public Liaisons who shall be appointed by the Chief FOIA Officer.

GENERAL DUTIES.—FOIA Public Liaisons shall report to the agency Chief FOIA Officer and shall serve as supervisory officials to whom a FOIA requester can raise concerns about the service the FOIA requester has received from the FOIA Requester Center, following an initial response from the FOIA Requester Center staff. FOIA Public Liaisons shall be responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes."

"(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.".

(i) CRITICAL INFRASTRUCTURE INFORMATION.—Strike section 12 of the bill.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources, Subcommittee on Public Lands and Forests.

The hearing will be held on September 20, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on several bills, including: S. 1377, to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, and for other purposes; S. 1433, to amend the Alaska National Interest Lands Conservation Act to provide competitive status to certain Federal employees in the State of Alaska; S. 1608 and H.R. 815, to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard S. 1740, to amend the Act of February 22, 1889, and the Act of July 2, 1862, to provide for the management of public land trust funds in the State of North Dakota; S. 1802, to adjust the boundaries of the Frank Church River of No Return Wilderness in the State of Idaho; S. 1803, to authorize the exchange of certain land located in the State of Idaho, and for other purposes; S. 1939, to provide for the conveyance of certain land in the Santa Fe National Forest, New Mexico; and S. 1940, to reauthorize the Rio Puerco Watershed Management Program, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks or Rachel Pasternack.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Commiitee on Armed Services be authorized to meet during the session of the Senate on Friday, August 3, 2007, at 8 a.m. in executive session to receive information relating to the treatment of detainees.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS TAX RELIEF ACT OF 2007

On Thursday, August 2, 2007, the Senate passed H.R. 976, as amended, as follows:

H.R. 976

Resolved, That the bill from the House of Representatives (H.R. 976) entitled "An Act to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Health Insurance Program Reauthorization Act of 2007".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) REFERENCES TO MEDICAID; CHIP; SECRETARY.—In this Act:

(1) CHIP.—The term "CHIP" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(2) MEDICAID.—The term "Medicaid" means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(d) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references; table of contents.

TITLE I—FINANCING OF CHIP

Sec. 101. Extension of CHIP.
Sec. 102. Allotments for the 50 States and the District of Columbia.
Sec. 103. One-time appropriation.
Sec. 104. Improving funding for the territories under CHIP and Medicaid.
Sec. 105. Incentive bonuses for States.
Sec. 106. Phase-out of coverage for nonpregnant childless adults under CHIP; conditions for coverage of parents.
Sec. 107. State option to cover low-income pregnant women under CHIP through a State plan amendment.
Sec. 108. CHIP Contingency fund.
Sec. 109. Two-year availability of allotments; expenditures counted against oldest allotments.
Sec. 110. Limitation on matching rate for States that propose to cover children with effective family income that exceeds 300 percent of the poverty line.
Sec. 111. Option for qualifying States to receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children.

TITLE II—OUTREACH AND ENROLLMENT

Sec. 201. Grants for outreach and enrollment.
Sec. 202. Increased outreach and enrollment of Indians.
Sec. 203. Demonstration program to permit States to rely on findings by an Express Lane agency to determine components of a child's eligibility for Medicaid or CHIP.
Sec. 204. Authorization of certain information disclosures to simplify health coverage determinations.

TITLE III—REDUCING BARRIERS TO ENROLLMENT

Sec. 301. Verification of declaration of citizenship or nationality for purposes of eligibility for Medicaid and CHIP.
Sec. 302. Reducing administrative barriers to enrollment.

TITLE IV—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

Sec. 401. Additional State option for providing premium assistance.
Sec. 402. Outreach, education, and enrollment assistance.

Subtitle B—Coordinating Premium Assistance With Private Coverage

Sec. 411. Special enrollment period under group health plans in case of termination of Medicaid or CHIP coverage or eligibility for assistance in purchase of employment-based coverage; coordination of coverage.

TITLE V—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES OF CHILDREN

Sec. 501. Child health quality improvement activities for children enrolled in Medicaid or CHIP.
Sec. 502. Improved information regarding access to coverage under CHIP.
Sec. 503. Application of certain managed care quality safeguards to CHIP.

TITLE VI—MISCELLANEOUS

Sec. 601. Technical correction regarding current State authority under Medicaid.
Sec. 602. Payment error rate measurement ("PERM").
Sec. 603. Elimination of counting medicaid child presumptive eligibility costs against title XXI allotment.
Sec. 604. Improving data collection.
Sec. 605. Deficit Reduction Act technical corrections.
Sec. 606. Elimination of confusing program references.
Sec. 607. Mental health parity in CHIP plans.
Sec. 608. Dental health grants.
Sec. 609. Application of prospective payment system for services provided by Federally-qualified health centers and rural health clinics.
Sec. 610. Support for injured servicemembers.
Sec. 611. Military family job protection.
Sec. 612. Sense of Senate regarding access to affordable and meaningful health insurance coverage.
Sec. 613. Demonstraion projects relating to diabetes prevention.
Sec. 614. Outreach regarding health insurance options available to children.

TITLE VII—REVENUE PROVISIONS

Sec. 701. Increase in excise tax rate on tobacco products.
Sec. 702. Administrative improvements.
Sec. 703. Time for payment of corporate estimated taxes.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective date.

TITLE I—FINANCING OF CHIP

SEC. 101. EXTENSION OF CHIP.

Section 2104(a) (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(11) for fiscal year 2008, $9,125,000,000;

"(12) for fiscal year 2009, $10,675,000,000;

"(13) for fiscal year 2010, $11,850,000,000;

"(14) for fiscal year 2011, $13,750,000,000; and

"(15) for fiscal year 2012, for purposes of making 2 semi-annual allotments—

"(A) $1,750,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012, and

"(B) $1,750,000,000 for the period beginning on April 1, 2012, and ending on September 30, 2012.".

SEC. 102. ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Section 2104 (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

"(i) DETERMINATION OF ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA FOR FISCAL YEARS 2008 THROUGH 2012.—

"(1) COMPUTATION OF ALLOTMENT.—

"(A) IN GENERAL.—Subject to the succeeding paragraphs of this subsection, the Secretary shall for each of fiscal years 2008 through 2012 allot to each subsection (b) State from the available national allotment an amount equal to 110 percent of—

"(i) in the case of fiscal year 2008, the highest of the amounts determined under paragraph (2);

"(ii) in the case of each of fiscal years 2009 through 2011, the Federal share of the expenditures determined under subparagraph (B) for the fiscal year; and

"(iii) beginning with fiscal year 2012, subject to subparagraph (E), each semi-annual allotment determined under subparagraph (D).

"(B) PROJECTED STATE EXPENDITURES FOR THE FISCAL YEAR.—For purposes of subparagraphs (A)(ii) and (D), the expenditures determined under this subparagraph for a fiscal year are the projected expenditures under the State child health plan for the fiscal year (as certified by the State and submitted to the Secretary by not later than August 31 of the preceding fiscal year).

"(C) AVAILABLE NATIONAL ALLOTMENT.—For purposes of this subsection, the term 'available national allotment' means, with respect to any fiscal year, the amount available for allotment under subsection (a) for the fiscal year, reduced by the amount of the allotments made for the fiscal year under subsection (c). Subject to paragraph (3)(B), the available national allotment with respect to the amount available under subsection (a)(15)(A) for fiscal year 2012 shall be increased by the amount of the appropriation for

the period beginning on October 1 and ending on March 31 of such fiscal year under section 103 of the Children's Health Insurance Program Reauthorization Act of 2007.

“(D) SEMI-ANNUAL ALLOTMENTS.—For purposes of subparagraph (A)(iii), the semi-annual allotments determined under this paragraph with respect to a fiscal year are as follows:

“(i) For the period beginning on October 1 and ending on March 31 of the fiscal year, the Federal share of the portion of the expenditures determined under subparagraph (B) for the fiscal year which are allocable to such period.

“(ii) For the period beginning on April 1 and ending on September 30 of the fiscal year, the Federal share of the portion of the expenditures determined under subparagraph (B) for the fiscal year which are allocable to such period.

“(E) AVAILABILITY.—Each semi-annual allotment made under subparagraph (A)(iii) shall remain available for expenditure under this title for periods after the period specified in subparagraph (D) for purposes of determining the allotment in the same manner as the allotment would have been available for expenditure if made for an entire fiscal year.

“(2) SPECIAL RULE FOR FISCAL YEAR 2008.—

“(A) IN GENERAL.—For purposes of paragraph (1)(A)(i), the amounts determined under this paragraph for fiscal year 2008 are as follows:

“(i) The total Federal payments to the State under this title for fiscal year 2007, multiplied by the annual adjustment determined under subparagraph (B) for fiscal year 2008.

“(ii) The Federal share of the amount allotted to the State for fiscal year 2007 under subsection (b), multiplied by the annual adjustment determined under subparagraph (B) for fiscal year 2008.

“(iii) Only in the case of—

“(I) a State that received a payment, redistribution, or allotment under any of paragraphs (1), (2), or (4) of subsection (h), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary;

“(II) a State whose projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the May 2006 estimates certified by the State to the Secretary, were at least $95,000,000 but not more than $96,000,000 higher than the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the November 2006 estimates, the amount of the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the May 2006 estimates; or

“(III) a State whose projected total Federal payments under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary, exceeded all amounts available to the State for expenditure for fiscal year 2007 (including any amounts paid, allotted, or redistributed to the State in prior fiscal years), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary,

multiplied by the annual adjustment determined under subparagraph (B) for fiscal year 2008.

“(iv) The projected total Federal payments to the State under this title for fiscal year 2008, as determined on the basis of the August 2007 projections certified by the State to the Secretary by not later than September 30, 2007.

“(B) ANNUAL ADJUSTMENT FOR HEALTH CARE COST GROWTH AND CHILD POPULATION GROWTH.—The annual adjustment determined under this subparagraph for a fiscal year with respect to a State is equal to the product of the amounts determined under clauses (i) and (ii):

“(i) PER CAPITA HEALTH CARE GROWTH.—1 plus the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year that begins during the fiscal year involved over the preceding calendar year, as most recently published by the Secretary.

“(ii) CHILD POPULATION GROWTH.—1.01 plus the percentage change in the population of children under 19 years of age in the State from July 1 of the fiscal year preceding the fiscal year involved to July 1 of the fiscal year involved, as determined by the Secretary based on the most timely and accurate published estimates of the Bureau of the Census.

“(C) DEFINITION.—For purposes of subparagraph (B), the term 'fiscal year involved' means the fiscal year for which an allotment under this subsection is being determined.

“(D) PRORATION RULE.—If, after the application of this paragraph without regard to this subparagraph, the sum of the State allotments determined under this paragraph for fiscal year 2008 exceeds the available national allotment for fiscal year 2008, the Secretary shall reduce each such allotment on a proportional basis.

“(3) ALTERNATIVE ALLOTMENTS FOR FISCAL YEARS 2009 THROUGH 2012.—

“(A) IN GENERAL.—If the sum of the State allotments determined under paragraph (1)(A)(ii) for any of fiscal years 2009 through 2011 exceeds the available national allotment for the fiscal year, the Secretary shall allot to each subsection (b) State from the available national allotment for the fiscal year an amount equal to the product of—

“(i) the available national allotment for the fiscal year; and

“(ii) the percentage equal to the sum of the State allotment factors for the fiscal year determined under paragraph (4) with respect to the State.

“(B) SPECIAL RULES BEGINNING IN FISCAL YEAR 2012.—Beginning in fiscal year 2012—

“(i) this paragraph shall be applied separately with respect to each of the periods described in clauses (i) and (ii) of paragraph (1)(D) and the available national allotment for each such period shall be the amount appropriated for such period (rather than the amount appropriated for the entire fiscal year), reduced by the amount of the allotments made for the fiscal year under subsection (c) for each such period, and

“(ii) if—

“(I) the sum of the State allotments determined under paragraph (1)(A)(iii) for either such period exceeds the amount of such available national allotment for such period, the Secretary shall make the allotment for each State for such period in the same manner as under subparagraph (A), and

“(II) the amount of such available national allotment for either such period exceeds the sum of the State allotments determined under paragraph (1)(A)(iii) for such period, the Secretary shall increase the allotment for each State for such period by the amount that bears the same ratio to such excess as the State's allotment determined under paragraph (1)(A)(iii) for such period (without regard to this subparagraph) bears to the sum of such allotments for all States.

“(4) WEIGHTED FACTORS.—

“(A) FACTORS DESCRIBED.—For purposes of paragraph (3), the factors described in this subparagraph are the following:

“(i) PROJECTED STATE EXPENDITURES FOR THE FISCAL YEAR.—The ratio of the projected expenditures under the State child health plan for the fiscal year (as certified by the State to the Secretary by not later than August 31 of the preceding fiscal year) to the sum of the projected expenditures under all such plans for all subsection (b) States for the fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

“(ii) NUMBER OF LOW-INCOME CHILDREN IN THE STATE.—The ratio of the number of low-income children in the State, as determined on the basis of the most timely and accurate published estimates of the Bureau of the Census, to the sum of the number of low-income children so determined for all subsection (b) States for such fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

“(iii) PROJECTED STATE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.—The ratio of the projected expenditures under the State child health plan for the preceding fiscal year (as determined on the basis of the projections certified by the State to the Secretary for November of the fiscal year), to the sum of the projected expenditures under all such plans for all subsection (b) States for such preceding fiscal year (as so determined), multiplied by the applicable percentage weight assigned under subparagraph (B).

“(iv) ACTUAL STATE EXPENDITURES FOR THE SECOND PRECEDING FISCAL YEAR.—The ratio of the actual expenditures under the State child health plan for the second preceding fiscal year, as determined by the Secretary on the basis of expenditure data reported by States on CMS Form 64 or CMS Form 21, to such sum of the actual expenditures under all such plans for all subsection (b) States for such second preceding fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

“(B) ASSIGNMENT OF WEIGHTS.—For each of fiscal years 2009 through 2012, the applicable weights assigned under this subparagraph are the following:

“(i) With respect to the factor described in subparagraph (A)(i), a weight of 75 percent for each such fiscal year.

“(ii) With respect to the factor described in subparagraph (A)(ii), a weight of 12½ percent for each such fiscal year.

“(iii) With respect to the factor described in subparagraph (A)(iii), a weight of 7½ percent for each such fiscal year.

“(iv) With respect to the factor described in subparagraph (A)(iv), a weight of 5 percent for each such fiscal year.

“(5) DEMONSTRATION OF NEED FOR INCREASED ALLOTMENT BASED ON PROJECTED STATE EXPENDITURES EXCEEDING 10 PERCENT OF THE PRECEDING FISCAL YEAR ALLOTMENT.—

“(A) IN GENERAL.—If the projected expenditures under the State child health plan described in paragraph (1)(B) for any of fiscal years 2009 through 2012 are at least 10 percent more than the allotment determined for the State for the preceding fiscal year (determined without regard to paragraph (2)(D) or paragraph (3)), and, during the preceding fiscal year, the State did not receive approval for a State plan amendment or waiver to expand coverage under the State child health plan or did not receive a CHIP contingency fund payment under subsection (k)—

“(i) the State shall submit to the Secretary, by not later than August 31 of the preceding fiscal year, information relating to the factors that contributed to the need for the increase in the State's allotment for the fiscal year, as well as any other additional information that the Secretary may require for the State to demonstrate the need for the increase in the State's allotment for the fiscal year;

“(ii) the Secretary shall—

“(I) review the information submitted under clause (i);

“(II) notify the State in writing within 60 days after receipt of the information that—

“(aa) the projected expenditures under the State child health plan are approved or disapproved (and if disapproved, the reasons for disapproval); or

"(bb) specified additional information is needed; and

"(III) if the Secretary disapproved the projected expenditures or determined additional information is needed, provide the State with a reasonable opportunity to submit additional information to demonstrate the need for the increase in the State's allotment for the fiscal year.

"(B) PROVISIONAL AND FINAL ALLOTMENT.—In the case of a State described in subparagraph (A) for which the Secretary has not determined by September 30 of a fiscal year whether the State has demonstrated the need for the increase in the State's allotment for the succeeding fiscal year, the Secretary shall provide the State with a provisional allotment for the fiscal year equal to 110 percent of the allotment determined for the State under this subsection for the preceding fiscal year (determined without regard to paragraph (2)(D) or paragraph (3)), and may, not later than November 30 of the fiscal year, adjust the State's allotment (and the allotments of other subsection (b) States), as necessary (and, if applicable, subject to paragraph (3)), on the basis of information submitted by the State in accordance with subparagraph (A).

"(6) SPECIAL RULES.—

"(A) DEADLINE AND DATA FOR DETERMINING FISCAL YEAR 2008 ALLOTMENTS.—In computing the amounts under paragraph (2)(A) and subsection (c)(5)(A) that determine the allotments to subsection (b) States and territories for fiscal year 2008, the Secretary shall use the most recent data available to the Secretary before the start of that fiscal year. The Secretary may adjust such amounts and allotments, as necessary, on the basis of the expenditure data for the prior year reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2007, but in no case shall the Secretary adjust the allotments provided under paragraph (2)(A) or subsection (c)(5)(A) for fiscal year 2008 after December 31, 2007.

"(B) INCLUSION OF CERTAIN EXPENDITURES.—

"(i) PROJECTED EXPENDITURES OF QUALIFYING STATES.—Payments made or projected to be made to a qualifying State described in paragraph (2) of section 2105(g) for expenditures described in paragraph (1)(B)(ii) or (4)(B) of that section shall be included for purposes of determining the projected expenditures described in paragraph (1)(B) with respect to the allotments determined for each of fiscal years 2009 through 2012 and for purposes of determining the amounts described in clauses (i) and (iv) of paragraph (2)(A) with respect to the allotments determined for fiscal year 2008.

"(ii) PROJECTED EXPENDITURES UNDER BLOCK GRANT SET-ASIDES FOR NONPREGNANT CHILDLESS ADULTS AND PARENTS.—Payments projected to be made to a State under subsection (a) or (b) of section 2111 shall be included for purposes of determining the projected expenditures described in paragraph (1)(B) with respect to the allotments determined for each of fiscal years 2009 through 2012 (to the extent such payments are permitted under such section), including for purposes of allocating such expenditures for purposes of clauses (i) and (ii) of paragraph (1)(D).

"(7) SUBSECTION (b) STATE.—In this subsection, the term 'subsection (b) State' means 1 of the 50 States or the District of Columbia.".

(b) CONFORMING AMENDMENTS.—Section 2104 (42 U.S.C. 1397dd) is amended—

(1) in subsection (a), by striking "subsection (d)" and inserting "subsections (d), (h), and (i)";

(2) in subsection (b)(1), by striking "subsection (d)" and inserting "subsections (d), (h), and (i)"; and

(3) in subsection (c)(1), by striking "subsection (d)" and inserting "subsections (d), (h), and (i)".

SEC. 103. ONE-TIME APPROPRIATION.

There is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $12,500,000,000 to accompany the allotment made for the period beginning on October 1, 2011, and ending on March 31, 2012, under section 2104(a)(15)(A) of the Social Security Act (42 U.S.C. 1397dd(a)(15)(A)) (as added by section 101), to remain available until expended. Such amount shall be used to provide allotments to States under subsections (c)(5) and (i) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for the first 6 months of fiscal year 2012 in the same manner as allotments are provided under subsection (a)(15)(A) of such section and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(15)(A).

SEC. 104. IMPROVING FUNDING FOR THE TERRITORIES UNDER CHIP AND MEDICAID.

(a) UPDATE OF CHIP ALLOTMENTS.—Section 2104(c) (42 U.S.C. 1397dd(c)) is amended—

(1) in paragraph (1), by inserting "and paragraphs (5) and (6)" after "and (i)"; and

(2) by adding at the end the following new paragraphs:

"(5) ANNUAL ALLOTMENTS FOR TERRITORIES BEGINNING WITH FISCAL YEAR 2008.—Of the total allotment amount appropriated under subsection (a) for a fiscal year beginning with fiscal year 2008, the Secretary shall allot to each of the commonwealths and territories described in paragraph (3) the following:

"(A) FISCAL YEAR 2008.—For fiscal year 2008, the highest amount of Federal payments to the commonwealth or territory under this title for any fiscal year occurring during the period of fiscal years 1998 through 2007, multiplied by the annual adjustment determined under subsection (i)(2)(B) for fiscal year 2008, except that clause (ii) thereof shall be applied by substituting 'the United States' for 'the State'.

"(B) FISCAL YEARS 2009 THROUGH 2012.—

"(i) IN GENERAL.—For each of fiscal years 2009 through 2012, except as provided in clause (ii), the amount determined under this paragraph for the preceding fiscal year multiplied by the annual adjustment determined under subsection (i)(2)(B) for the fiscal year, except that clause (ii) thereof shall be applied by substituting 'the United States' for 'the State'.

"(ii) SPECIAL RULE FOR FISCAL YEAR 2012.—In the case of fiscal year 2012—

"(I) 89 percent of the amount allocated to the commonwealth or territory for such fiscal year (without regard to this subclause) shall be allocated for the period beginning on October 1, 2011, and ending on March 31, 2012, and

"(II) 11 percent of such amount shall be allocated for the period beginning on April 1, 2012, and ending on September 30, 2012.".

(b) REMOVAL OF FEDERAL MATCHING PAYMENTS FOR DATA REPORTING SYSTEMS FROM THE OVERALL LIMIT ON PAYMENTS TO TERRITORIES UNDER TITLE XIX.—Section 1108(g) (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

"(4) EXCLUSION OF CERTAIN EXPENDITURES FROM PAYMENT LIMITS.—With respect to fiscal years beginning with fiscal year 2008, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for a payment under subparagraph (A)(i), (B), or (F) of section 1903(a)(3) for a calendar quarter of such fiscal year, the payment shall not be taken into account in applying subsection (f) (as increased in accordance with paragraphs (1), (2), and (3) of this subsection) to such commonwealth or territory for such fiscal year.".

(c) GAO STUDY AND REPORT.—Not later than September 30, 2009, the Comptroller General of the United States shall submit a report to the appropriate committees of Congress regarding Federal funding under Medicaid and CHIP for Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. The report shall include the following:

(1) An analysis of all relevant factors with respect to—

(A) eligible Medicaid and CHIP populations in such commonwealths and territories;

(B) historical and projected spending needs of such commonwealths and territories and the ability of capped funding streams to respond to those spending needs;

(C) the extent to which Federal poverty guidelines are used by such commonwealths and territories to determine Medicaid and CHIP eligibility; and

(D) the extent to which such commonwealths and territories participate in data collection and reporting related to Medicaid and CHIP, including an analysis of territory participation in the Current Population Survey versus the American Community Survey.

(2) Recommendations for improving Federal funding under Medicaid and CHIP for such commonwealths and territories.

SEC. 105. INCENTIVE BONUSES FOR STATES.

(a) IN GENERAL.—Section 2104 (42 U.S.C. 1397dd), as amended by section 102, is amended by adding at the end the following new subsection:

"(j) INCENTIVE BONUSES.—

"(1) ESTABLISHMENT OF INCENTIVE POOL FROM UNOBLIGATED NATIONAL ALLOTMENT AND UNEXPENDED STATE ALLOTMENTS.—

"(A) IN GENERAL.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'CHIP Incentive Bonuses Pool' (in this subsection referred to as the 'Incentive Pool'). Amounts in the Incentive Pool are authorized to be appropriated for payments under this subsection and shall remain available until expended.

"(B) DEPOSITS THROUGH INITIAL APPROPRIATION AND TRANSFERS OF FUNDS.—

"(i) INITIAL APPROPRIATION.—There is appropriated to the Incentive Pool, out of any money in the Treasury not otherwise appropriated, $3,000,000,000 for fiscal year 2008.

"(ii) TRANSFERS.—Notwithstanding any other provision of law, the following amounts are hereby appropriated or transferred to, deposited in, and made available for expenditure from the Incentive Pool on the following dates:

"(I) UNEXPENDED FISCAL YEAR 2006 AND 2007 ALLOTMENTS.—On December 31, 2007, the sum for all States of the excess (if any) for each State of—

"(aa) the aggregate allotments provided for the State under subsection (b) or (c) for fiscal years 2006 and 2007 that are not expended by September 30, 2007, over

"(bb) an amount equal to 50 percent of the allotment provided for the State under subsection (c) or (i) for fiscal year 2008 (as determined in accordance with subsection (i)(6)).

"(II) UNOBLIGATED NATIONAL ALLOTMENT.—

"(aa) FISCAL YEARS 2008 THROUGH 2011.—On December 31 of fiscal year 2008, and on December 31 of each succeeding fiscal year through fiscal year 2011, the portion, if any, of the amount appropriated under subsection (a) for such fiscal year that is unobligated for allotment to a State under subsection (c) or (i) for such fiscal year or set aside under subsection (a)(3) or (b)(2) of section 2111 for such fiscal year.

"(bb) FIRST HALF OF FISCAL YEAR 2012.—On December 31 of fiscal year 2012, the portion, if any, of the sum of the amounts appropriated under subsection (a)(15)(A) and under section 103 of the Children's Health Insurance Program Reauthorization Act of 2007 for the period beginning on October 1, 2011, and ending on March 31, 2012, that is unobligated for allotment *to a State under subsection (c) or (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.*

"(cc) SECOND HALF OF FISCAL YEAR 2012.—On June 30 of fiscal year 2012, the portion, if any, of the amount appropriated under subsection (a)(15)(B) for the period beginning on April 1, 2012, and ending on September 30, 2012, that is unobligated for allotment to a State under subsection (c) or (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

"(III) PERCENTAGE OF STATE ALLOTMENTS THAT ARE UNEXPENDED BY THE END OF THE FIRST YEAR OF AVAILABILITY BEGINNING WITH THE FISCAL YEAR 2009 ALLOTMENTS.—On October 1 of each of fiscal years 2009 through 2012, the sum for all States for such fiscal year (the 'current fiscal year') of the excess (if any) for each State of—

"(aa) the allotment made for the State under subsection (b), (c), or (i) for the fiscal year preceding the current fiscal year (reduced by any amounts set aside under section 2111(a)(3)) that is not expended by the end of such preceding fiscal year, over

"(bb) an amount equal to the applicable percentage (for the fiscal year) of the allotment made for the State under subsection (b), (c), or (i) (as so reduced) for such preceding fiscal year.

For purposes of item (bb), the applicable percentage is 20 percent for fiscal year 2009, and 10 percent for each of fiscal years 2010, 2011, and 2012.

"(IV) REMAINDER OF STATE ALLOTMENTS THAT ARE UNEXPENDED BY THE END OF THE PERIOD OF AVAILABILITY BEGINNING WITH THE FISCAL YEAR 2006 ALLOTMENTS.—On October 1 of each of fiscal years 2009 through 2012, the total amount of allotments made to States under subsection (b), (c), or (i) for the second preceding fiscal year (third preceding fiscal year in the case of the fiscal year 2006 allotments) and remaining after the application of subclause (III) that are not expended by September 30 of the preceding fiscal year.

"(V) UNEXPENDED TRANSITIONAL COVERAGE BLOCK GRANT FOR NONPREGNANT CHILDLESS ADULTS.—On October 1, 2009, any amounts set aside under section 2111(a)(3) that are not expended by September 30, 2009.

"(VI) EXCESS CHIP CONTINGENCY FUNDS.—

"(aa) AMOUNTS IN EXCESS OF THE AGGREGATE CAP.—On October 1 of each of fiscal years 2010 through 2012, any amount in excess of the aggregate cap applicable to the CHIP Contingency Fund for the fiscal year under subsection (k)(2)(B).

"(bb) UNEXPENDED CHIP CONTINGENCY FUND PAYMENTS.—On October 1 of each of fiscal years 2010 through 2012, any portion of a CHIP Contingency Fund payment made to a State that remains unexpended at the end of the period for which the payment is available for expenditure under subsection (e)(3).

"(VII) EXTENSION OF AVAILABILITY FOR PORTION OF UNEXPENDED STATE ALLOTMENTS.—The portion of the allotment made to a State for a fiscal year that is not transferred to the Incentive Pool under subclause (I) or (III) shall remain available for expenditure by the State only during the fiscal year in which such transfer occurs, in accordance with subclause (IV) and subsection (e)(4).

"(C) INVESTMENT OF FUND.—The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Incentive Pool as are not immediately required for payments from the Pool. The income derived from these investments constitutes a part of the Incentive Pool.

"(2) PAYMENTS TO STATES INCREASING ENROLLMENT.—

"(A) IN GENERAL.—Subject to paragraph (3)(D), with respect to each of fiscal years 2009 through 2012, the Secretary shall make payments to States from the Incentive Pool determined under subparagraph (B).

"(B) DETERMINATION OF PAYMENTS.—If, for any coverage period ending in a fiscal year ending after September 30, 2008, the average monthly enrollment of children in the State plan under title XIX exceeds the baseline monthly average for such period, the payment made for the fiscal year shall be equal to the applicable amount determined under subparagraph (C).

"(C) APPLICABLE AMOUNT.—For purposes of subparagraph (B), the applicable amount is the product determined in accordance with the following:

"(i) If such excess with respect to the number of individuals who are enrolled in the State plan under title XIX does not exceed 2 percent, the product of $75 and the number of such individuals included in such excess.

"(ii) If such excess with respect to the number of individuals who are enrolled in the State plan under title XIX exceeds 2, but does not exceed 5 percent, the product of $300 and the number of such individuals included in such excess, less the amount of such excess calculated in clause (i).

"(iii) If such excess with respect to the number of individuals who are enrolled in the State plan under title XIX exceeds 5 percent, the product of $625 and the number of such individuals included in such excess, less the sum of the amount of such excess calculated in clauses (i) and (ii).

"(D) INDEXING OF DOLLAR AMOUNTS.—For each coverage period ending in a fiscal year ending after September 30, 2009, the dollar amounts specified in subparagraph (C) shall be increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year beginning on January 1 of the coverage period over the preceding coverage period, as most recently published by the Secretary before the beginning of the coverage period involved.

"(3) RULES RELATING TO ENROLLMENT INCREASES.—For purposes of paragraph (2)(B)—

"(A) BASELINE MONTHLY AVERAGE.—Except as provided in subparagraph (C), the baseline monthly average for any fiscal year for a State is equal to—

"(i) the baseline monthly average for the preceding fiscal year; multiplied by

"(ii) the sum of 1 plus the sum of—

"(I) 0.01; and

"(II) the percentage increase in the population of low-income children in the State from the preceding fiscal year to the fiscal year involved, as determined by the Secretary based on the most timely and accurate published estimates of the Bureau of the Census before the beginning of the fiscal year involved.

"(B) COVERAGE PERIOD.—Except as provided in subparagraph (C), the coverage period for any fiscal year consists of the last 2 quarters of the preceding fiscal year and the first 2 quarters of the fiscal year.

"(C) SPECIAL RULES FOR FISCAL YEAR 2009.—With respect to fiscal year 2009—

"(i) the coverage period for that fiscal year shall be based on the first 2 quarters of fiscal year 2009; and

"(ii) the baseline monthly average shall be—

"(I) the average monthly enrollment of low-income children enrolled in the State's plan under title XIX for the first 2 quarters of fiscal year 2007 (as determined over a 6-month period on the basis of the most recent information reported through the Medicaid Statistical Information System (MSIS)); multiplied by

"(II) the sum of 1 plus the sum of—

"(aa) 0.02; and

"(bb) the percentage increase in the population of low-income children in the State from fiscal year 2007 to fiscal year 2009, as determined by the Secretary based on the most timely and accurate published estimates of the Bureau of the Census before the beginning of the fiscal year involved.

"(D) ADDITIONAL REQUIREMENT FOR ELIGIBILITY FOR PAYMENT.—For purposes of subparagraphs (B) and (C), the average monthly enrollment shall be determined without regard to children who do not meet the income eligibility criteria in effect on July 19, 2007, for enrollment under the State plan under title XIX or under a waiver of such plan.

"(4) TIME OF PAYMENT.—Payments under paragraph (2) for any fiscal year shall be made during the last quarter of such year.

"(5) USE OF PAYMENTS.—Payments made to a State from the Incentive Pool shall be used for any purpose that the State determines is likely to reduce the percentage of low-income children in the State without health insurance.

"(6) PRORATION RULE.—If the amount available for payment from the Incentive Pool is less than the total amount of payments to be made for such fiscal year, the Secretary shall reduce the payments described in paragraph (2) on a proportional basis.

"(7) REFERENCES.—With respect to a State plan under title XIX, any references to a child in this subsection shall include a reference to any individual provided medical assistance under the plan who has not attained age 19 (or, if a State has so elected under such State plan, age 20 or 21).".

(b) REDISTRIBUTION OF UNEXPENDED FISCAL YEAR 2005 ALLOTMENTS.—Notwithstanding section 2104(f) of the Social Security Act (42 U.S.C. 1397dd(f)), with respect to fiscal year 2008, the Secretary shall provide for a redistribution under such section from the allotments for fiscal year 2005 under subsection (b) and (c) of such section that are not expended by the end of fiscal year 2007, to each State described in clause (iii) of section 2104(i)(2)(A) of the Social Security Act, as added by section 102(a), of an amount that bears the same ratio to such unexpended fiscal year 2005 allotments as the ratio of the fiscal year 2007 allotment determined for each such State under subsection (b) of section 2104 of such Act for fiscal year 2007 (without regard to any amounts paid, allotted, or redistributed to the State under section 2104 for any preceding fiscal year) bears to the total amount of the fiscal year 2007 allotments for all such States (as so determined).

(c) CONFORMING AMENDMENT ELIMINATING RULES FOR REDISTRIBUTION OF UNEXPENDED ALLOTMENTS FOR FISCAL YEARS AFTER 2005.—Effective January 1, 2008, section 2104(f) (42 U.S.C. 1397dd(f)) is amended to read as follows:

"(f) UNALLOCATED PORTION OF NATIONAL ALLOTMENT AND UNUSED ALLOTMENTS.—For provisions relating to the distribution of portions of the unallocated national allotment under subsection (a) for fiscal years beginning with fiscal year 2008, and unexpended allotments for fiscal years beginning with fiscal year 2006, see subsection (j).".

(d) ADDITIONAL FUNDING FOR THE SECRETARY TO IMPROVE TIMELINESS OF DATA REPORTING AND ANALYSIS FOR PURPOSES OF DETERMINING ENROLLMENT INCREASES UNDER MEDICAID AND CHIP.—

(1) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 to the Secretary for fiscal year 2008 for the purpose of improving the timeliness of the data reported and analyzed from the Medicaid Statistical Information System (MSIS) for purposes of carrying out section 2104(j)(2)(B) of the Social Security Act (as added by subsection (a)) and to provide guidance to

States with respect to any new reporting requirements related to such improvements. Amounts appropriated under this paragraph shall remain available until expended.

(2) REQUIREMENTS.—The improvements made by the Secretary under paragraph (1) shall be designed and implemented (including with respect to any necessary guidance for States) so that, beginning no later than October 1, 2008, data regarding the enrollment of low-income children (as defined in section 2110(c)(4) of the Social Security Act (42 U.S.C. 1397jj(c)(4)) of a State enrolled in the State plan under Medicaid or the State child health plan under CHIP with respect to a fiscal year shall be collected and analyzed by the Secretary within 6 months of submission.

SEC. 106. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS UNDER CHIP; CONDITIONS FOR COVERAGE OF PARENTS.

(a) PHASE-OUT RULES.—

(1) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

"SEC. 2111. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS; CONDITIONS FOR COVERAGE OF PARENTS.

"(a) TERMINATION OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

"(1) NO NEW CHIP WAIVERS; AUTOMATIC EXTENSIONS AT STATE OPTION THROUGH FISCAL YEAR 2008.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

"(A) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult; and

"(B) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2008, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

"(2) TERMINATION OF CHIP COVERAGE UNDER APPLICABLE EXISTING WAIVERS AT THE END OF FISCAL YEAR 2008.—

"(A) IN GENERAL.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided to a nonpregnant childless adult under an applicable existing waiver after September 30, 2008.

"(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2008, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only through September 30, 2008.

"(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a nonpregnant childless adult during fiscal year 2008.

"(3) OPTIONAL 1-YEAR TRANSITIONAL COVERAGE BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Subject to paragraph (4)(B), each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may elect to provide nonpregnant childless adults who were provided child health assistance or health benefits coverage under the applicable existing waiver at any time during fiscal year 2008 with such assistance or coverage during fiscal year 2009, as if the authority to provide such assistance or coverage under an applicable existing waiver was extended through that fiscal year, but subject to the following terms and conditions:

"(A) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—The Secretary shall set aside for the State an amount equal to the Federal share of the State's projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all nonpregnant childless adults under such waiver for fiscal year 2008 (as certified by the State and submitted to the Secretary by not later than August 31, 2008, and without regard to whether any such individual lost coverage during fiscal year 2008 and was later provided child health assistance or other health benefits coverage under the waiver in that fiscal year), increased by the annual adjustment for fiscal year 2009 determined under section 2104(i)(2)(B)(i). The Secretary may adjust the amount set aside under the preceding sentence, as necessary, on the basis of the expenditure data for fiscal year 2008 reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2008, but in no case shall the Secretary adjust such amount after December 31, 2008.

"(B) NO COVERAGE FOR NONPREGNANT CHILDLESS ADULTS WHO WERE NOT COVERED DURING FISCAL YEAR 2008.—

"(i) FMAP APPLIED TO EXPENDITURES.—The Secretary shall pay the State for each quarter of fiscal year 2009, from the amount set aside under subparagraph (A), an amount equal to the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) of expenditures in the quarter for providing child health assistance or other health benefits coverage to a nonpregnant childless adult but only if such adult was enrolled in the State program under this title during fiscal year 2008 (without regard to whether the individual lost coverage during fiscal year 2008 and was reenrolled in that fiscal year or in fiscal year 2009).

"(ii) FEDERAL PAYMENTS LIMITED TO AMOUNT OF BLOCK GRANT SET-ASIDE.—No payments shall be made to a State for expenditures described in this subparagraph after the total amount set aside under subparagraph (A) for fiscal year 2009 has been paid to the State.

"(4) STATE OPTION TO APPLY FOR MEDICAID WAIVER TO CONTINUE COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

"(A) IN GENERAL.—Each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may submit, not later than June 30, 2009, an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a nonpregnant childless adult whose coverage is so terminated (in this subsection referred to as a 'Medicaid nonpregnant childless adults waiver').

"(B) DEADLINE FOR APPROVAL.—The Secretary shall make a decision to approve or deny an application for a Medicaid nonpregnant childless adults waiver submitted under subparagraph (A) within 90 days of the date of the submission of the application. If no decision has been made by the Secretary as of September 30, 2009, on the application of a State for a Medicaid nonpregnant childless adults waiver that was submitted to the Secretary by June 30, 2009, the application shall be deemed approved.

"(C) STANDARD FOR BUDGET NEUTRALITY.—The budget neutrality requirement applicable with respect to expenditures for medical assistance under a Medicaid nonpregnant childless adults waiver shall—

"(i) in the case of fiscal year 2010, allow expenditures for medical assistance under title XIX for all such adults to not exceed the total amount of payments made to the State under paragraph (3)(B) for fiscal year 2009, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for calendar year 2010 over calendar year 2009, as most recently published by the Secretary; and

"(ii) in the case of any succeeding fiscal year, allow such expenditures to not exceed the amount in effect under this subparagraph for the preceding fiscal year, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year that begins during the fiscal year involved over the preceding calendar year, as most recently published by the Secretary.

"(b) RULES AND CONDITIONS FOR COVERAGE OF PARENTS OF TARGETED LOW-INCOME CHILDREN.—

"(1) TWO-YEAR TRANSITION PERIOD; AUTOMATIC EXTENSION AT STATE OPTION THROUGH FISCAL YEAR 2009.—

"(A) NO NEW CHIP WAIVERS.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

"(i) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007 approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a parent of a targeted low-income child; and

"(ii) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2009, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

"(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2009, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only, subject to paragraph (2)(A), through September 30, 2009.

"(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a parent of a targeted low-income child during fiscal years 2008 and 2009.

"(2) RULES FOR FISCAL YEARS 2010 THROUGH 2012.—

"(A) PAYMENTS FOR COVERAGE LIMITED TO BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Any State that provides child health assistance or health benefits coverage under an applicable existing waiver for a parent of a targeted low-income child may elect to continue to provide such assistance or coverage through fiscal year 2010, 2011, or 2012, subject to the same terms and conditions that applied under the applicable existing waiver, unless otherwise modified in subparagraph (B).

"(B) TERMS AND CONDITIONS.—

"(i) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—If the State makes an election under subparagraph (A), the Secretary shall set aside for the State for each such fiscal year an amount equal to the Federal share of 110 percent of the State's projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all parents of targeted low-income children enrolled under such waiver for the fiscal year (as certified by the State and submitted to the Secretary by not later than August 31 of the preceding fiscal year). In the case of fiscal year

2012, the set aside for any State shall be computed separately for each period described in clauses (i) and (ii) of subsection (i))(1)(D) and any increase or reduction in the allotment for either such period under subsection (i)(3)(B)(ii) shall be allocated on a pro rata basis to such set aside.

"(ii) PAYMENTS FROM BLOCK GRANT.—The Secretary shall pay the State from the amount set aside under clause (i) for the fiscal year, an amount for each quarter of such fiscal year equal to the applicable percentage determined under clause (iii) or (iv) for expenditures in the quarter for providing child health assistance or other health benefits coverage to a parent of a targeted low-income child.

"(iii) ENHANCED FMAP ONLY IN FISCAL YEAR 2010 FOR STATES WITH SIGNIFICANT CHILD OUTREACH OR THAT ACHIEVE CHILD COVERAGE BENCHMARKS; FMAP FOR ANY OTHER STATES.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2010 is equal to—

"(I) the enhanced FMAP determined under section 2105(b) in the case of a State that meets the outreach or coverage benchmarks described in any of subparagraphs (A), (B), or (C) of paragraph (3) for fiscal year 2009; or

"(II) the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) in the case of any other State.

"(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2011 OR 2012.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2011 or 2012 is equal to—

"(I) the REMAP percentage if—

"(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2009; and

"(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for the preceding fiscal year; or

"(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply.

For purposes of subclause (I), the REMAP percentage is the percentage which is the sum of such Federal medical assistance percentage and a number of percentage points equal to one-half of the difference between such Federal medical assistance percentage and such enhanced FMAP.

"(v) NO FEDERAL PAYMENTS OTHER THAN FROM BLOCK GRANT SET ASIDE.—No payments shall be made to a State for expenditures described in clause (ii) after the total amount set aside under clause (i) for a fiscal year has been paid to the State.

"(vi) NO INCREASE IN INCOME ELIGIBILITY LEVEL FOR PARENTS.—No payments shall be made to a State from the amount set aside under clause (i) for a fiscal year for expenditures for providing child health assistance or health benefits coverage to a parent of a targeted low-income child whose family income exceeds the income eligibility level applied under the applicable existing waiver to parents of targeted low-income children on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

"(3) OUTREACH OR COVERAGE BENCHMARKS.—For purposes of paragraph (2), the outreach or coverage benchmarks described in this paragraph are as follows:

"(A) SIGNIFICANT CHILD OUTREACH CAMPAIGN.—The State—

"(i) was awarded a grant under section 2113 for fiscal year 2009;

"(ii) implemented 1 or more of the process measures described in section 2104(j)(3)(A)(i) for such fiscal year; or

"(iii) has submitted a specific plan for outreach for such fiscal year.

"(B) HIGH-PERFORMING STATE.—The State, on the basis of the most timely and accurate published estimates of the Bureau of the Census, ranks in the lowest ⅓ of States in terms of the State's percentage of low-income children without health insurance.

"(C) STATE INCREASING ENROLLMENT OF LOW-INCOME CHILDREN.—The State qualified for a payment from the Incentive Fund under clause (ii) or (iii) of paragraph (2)(C) of section 2104(j) for the most recent coverage period applicable under such section.

"(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a State from submitting an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a parent of a targeted low-income child that was provided child health assistance or health benefits coverage under an applicable existing waiver.

"(c) APPLICABLE EXISTING WAIVER.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable existing waiver' means a waiver, experimental, pilot, or demonstration project under section 1115, grandfathered under section 6102(c)(3) of the Deficit Reduction Act of 2005, or otherwise conducted under authority that—

"(A) would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to—

"(i) a parent of a targeted low-income child;

"(ii) a nonpregnant childless adult; or

"(iii) individuals described in both clauses (i) and (ii); and

"(B) was in effect during fiscal year 2007.

"(2) DEFINITIONS.—

"(A) PARENT.—The term 'parent' includes a caretaker relative (as such term is used in carrying out section 1931) and a legal guardian.

"(B) NONPREGNANT CHILDLESS ADULT.—The term 'nonpregnant childless adult' has the meaning given such term by section 2107(f).".

(2) CONFORMING AMENDMENTS.—

(A) Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(i) by striking ", the Secretary" and inserting ".

"(1) The Secretary";

(ii) in the first sentence, by inserting "or a parent (as defined in section 2111(c)(2)(A)), who is not pregnant, of a targeted low-income child" before the period;

(iii) by striking the second sentence; and

(iv) by adding at the end the following new paragraph:

"(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2111.".

(B) Section 6102(c) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 131) is amended by striking "Nothing" and inserting "Subject to section 2111 of the Social Security Act, as added by section 106(a)(1) of the Children's Health Insurance Program Reauthorization Act of 2007, nothing".

(b) GAO STUDY AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of whether—

(A) the coverage of a parent, a caretaker relative (as such term is used in carrying out section 1931), or a legal guardian of a targeted low-income child under a State health plan under title XXI of the Social Security Act increases the enrollment of, or the quality of care for, children, and

(B) such parents, relatives, and legal guardians who enroll in such a plan are more likely to enroll their children in such a plan or in a State plan under title XIX of such Act.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall report the results of the study to the appropriate committees of Congress, including recommendations (if any) for changes in legislation.

SEC. 107. STATE OPTION TO COVER LOW-INCOME PREGNANT WOMEN UNDER CHIP THROUGH A STATE PLAN AMENDMENT.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 106(a), is amended by adding at the end the following new section:

"SEC. 2112. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN THROUGH A STATE PLAN AMENDMENT.

"(a) IN GENERAL.—Subject to the succeeding provisions of this section, a State may elect through an amendment to its State child health plan under section 2102 to provide pregnancy-related assistance under such plan for targeted low-income pregnant women.

"(b) CONDITIONS.—A State may only elect the option under subsection (a) if the following conditions are satisfied:

"(1) MEDICAID INCOME ELIGIBILITY LEVEL FOR PREGNANT WOMEN OF AT LEAST 185 PERCENT OF POVERTY.—The State has established an income eligibility level for pregnant women under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902 that is at least 185 percent of the income official poverty line.

"(2) NO CHIP INCOME ELIGIBILITY LEVEL FOR PREGNANT WOMEN LOWER THAN THE STATE'S MEDICAID LEVEL.—The State does not apply an effective income level for pregnant women under the State plan amendment that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902, on the date of enactment of this paragraph to be eligible for medical assistance as a pregnant woman.

"(3) NO COVERAGE FOR HIGHER INCOME PREGNANT WOMEN WITHOUT COVERING LOWER INCOME PREGNANT WOMEN.—The State does not provide coverage for pregnant women with higher family income without covering pregnant women with a lower family income.

"(4) APPLICATION OF REQUIREMENTS FOR COVERAGE OF TARGETED LOW-INCOME CHILDREN.—The State provides pregnancy-related assistance for targeted low-income pregnant women in the same manner, and subject to the same requirements, as the State provides child health assistance for targeted low-income children under the State child health plan, and in addition to providing child health assistance for such women.

"(5) NO PREEXISTING CONDITION EXCLUSION OR WAITING PERIOD.—The State does not apply any exclusion of benefits for pregnancy-related assistance based on any preexisting condition or any waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) for receipt of such assistance.

"(6) APPLICATION OF COST-SHARING PROTECTION.—The State provides pregnancy-related assistance to a targeted low-income woman consistent with the cost-sharing protections under section 2103(e) and applies the limitation on total annual aggregate cost sharing imposed under paragraph (3)(B) of such section to the family of such a woman.

"(c) OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.—A State that elects the option under subsection (a) and satisfies the conditions described in subsection (b) may elect to apply section 1920 (relating to presumptive eligibility for pregnant women) to the State child health plan in the same manner as such section applies to the State plan under title XIX.

"(d) DEFINITIONS.—For purposes of this section:

"(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term 'child health assistance' in section 2110(a) and includes any medical assistance that the State would provide for a pregnant woman under the State plan under title XIX during pregnancy and the period described in paragraph (2)(A).

"(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

"(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

"(B) whose family income does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

"(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b) in the same manner as a child applying for child health assistance would have to satisfy such requirements.

"(e) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).

"(f) STATES PROVIDING ASSISTANCE THROUGH OTHER OPTIONS.—

"(1) CONTINUATION OF OTHER OPTIONS FOR PROVIDING ASSISTANCE.—The option to provide assistance in accordance with the preceding subsections of this section shall not limit any other option for a State to provide—

"(A) child health assistance through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect after the final rule adopted by the Secretary and set forth at 67 Fed. Reg. 61956–61974 (October 2, 2002)), or

"(B) pregnancy-related services through the application of any waiver authority (as in effect on June 1, 2007).

"(2) CLARIFICATION OF AUTHORITY TO PROVIDE POSTPARTUM SERVICES.—Any State that provides child health assistance under any authority described in paragraph (1) may continue to provide such assistance, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of the pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.

"(3) NO INFERENCE.—Nothing in this subsection shall be construed—

"(A) to infer congressional intent regarding the legality or illegality of the content of the sections specified in paragraph (1)(A); or

"(B) to modify the authority to provide pregnancy-related services under a waiver specified in paragraph (1)(B).".

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) NO COST SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the heading, by inserting "OR PREGNANCY-RELATED ASSISTANCE" after "PREVENTIVE SERVICES"; and

(B) by inserting before the period at the end the following: "or for pregnancy-related assistance".

(2) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) in clause (i), by striking ", and" at the end and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman provided pregnancy-related assistance under section 2112.".

SEC. 108. CHIP CONTINGENCY FUND.

Section 2104 (42 U.S.C. 1397dd), as amended by section 105, is amended by adding at the end the following new subsection:

"(k) CHIP CONTINGENCY FUND.—

"(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'CHIP Contingency Fund' (in this subsection referred to as the 'Fund'). Amounts in the Fund are authorized to be appropriated for payments under this subsection.

"(2) DEPOSITS INTO FUND.—

"(A) INITIAL AND SUBSEQUENT APPROPRIATIONS.—Subject to subparagraphs (B) and (E), out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Fund—

"(i) for fiscal year 2009, an amount equal to 12.5 percent of the available national allotment under subsection (i)(1)(C) for the fiscal year; and

"(ii) for each of fiscal years 2010 through 2012, such sums as are necessary for making payments to eligible States for such fiscal year, but not in excess of the aggregate cap described in subparagraph (B).

"(B) AGGREGATE CAP.—Subject to subparagraph (E), the total amount available for payment from the Fund for each of fiscal years 2009 through 2012 (taking into account deposits made under subparagraph (C)), shall not exceed 12.5 percent of the available national allotment under subsection (i)(1)(C) for the fiscal year.

"(C) INVESTMENT OF FUND.—The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

"(D) TRANSFER OF EXCESS FUNDS TO THE INCENTIVE FUND.—The Secretary of the Treasury shall transfer to, and deposit in, the CHIP Incentive Bonuses Pool established under subsection (j) any amounts in excess of the aggregate cap described in subparagraph (B) for a fiscal year.

"(E) SPECIAL RULES FOR AMOUNTS SET ASIDE FOR PARENTS AND CHILDLESS ADULTS.—For purposes of subparagraphs (A) and (B)—

"(i) the available national allotment under subsection (i)(1)(C) shall be reduced by any amount set aside under section 2111(a)(3) for block grant payments for transitional coverage for childless adults; and

"(ii) the Secretary shall establish a separate account in the Fund for the portion of any amount appropriated to the Fund for any fiscal year which is allocable to the portion of the available national allotment under subsection (i)(1)(C) which is set aside for the fiscal year under section 2111(b)(2)(B)(i) for coverage of parents of low-income children.

The Secretary shall include in the account established under clause (ii) any income derived under subparagraph (C) which is allocable to amounts in such account.

"(3) CHIP CONTINGENCY FUND PAYMENTS.—

"(A) PAYMENTS.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii) and the succeeding subparagraphs of this paragraph, the Secretary shall pay from the Fund to a State that is an eligible State for a month of a fiscal year a CHIP contingency fund payment equal to the Federal share of the shortfall determined under subparagraph (D). In the case of an eligible State under subparagraph (D)(i), the Secretary shall not make the payment under this subparagraph until the State makes, and submits to the Secretary, a projection of the amount of the shortfall.

"(ii) SEPARATE DETERMINATIONS OF SHORTFALLS.—The Secretary shall separately compute the shortfall under subparagraph (D) for expenditures for eligible individuals other than nonpregnant childless adults and parents with respect to whom amounts are set aside under section 2111, for expenditures for such childless adults, and for expenditures for such parents.

"(iii) PAYMENTS.—

"(I) NONPREGNANT CHILDLESS ADULTS.—No payments shall be made from the Fund for nonpregnant childless adults with respect to whom amounts are set aside under section 2111(a)(3).

"(II) PARENTS.—Any payments with respect to any shortfall for parents who are paid from amounts set aside under section 2111(b)(2)(B)(i) shall be made only from the account established under paragraph (2)(E)(ii) and not from any other amounts in the Fund. No other payments may be made from such account.

"(iv) SPECIAL RULES.—Subparagraphs (B) and (C) shall be applied separately with respect to shortfalls described in clause (ii).

"(B) USE OF FUNDS.—Amounts paid to an eligible State from the Fund shall be used only to eliminate the Federal share of a shortfall in the State's allotment under subsection (i) for a fiscal year.

"(C) PRORATION RULE.—If the amounts available for payment from the Fund for a fiscal year are less than the total amount of payments determined under subparagraph (A) for the fiscal year, the amount to be paid under such subparagraph to each eligible State shall be reduced proportionally.

"(D) ELIGIBLE STATE.—

"(i) IN GENERAL.—A State is an eligible State for a month if the State is a subsection (b) State (as defined in subsection (i)(7)), the State requests access to the Fund for the month, and it is described in clause (ii) or (iii).

"(ii) SHORTFALL OF FEDERAL ALLOTMENT FUNDING OF NOT MORE THAN 5 PERCENT.—The Secretary estimates, on the basis of the most recent data available to the Secretary or requested from the State by the Secretary, that the State's allotment for the fiscal year is at least 95 percent, but less than 100 percent, of the projected expenditures under the State child health plan for the State for the fiscal year determined under subsection (i) (without regard to incentive bonuses or payments for which the State is eligible for under subsection (j)(2) for the fiscal year).

"(iii) SHORTFALL OF FEDERAL ALLOTMENT FUNDING OF MORE THAN 5 PERCENT CAUSED BY SPECIFIC EVENTS.—The Secretary estimates, on the basis of the most recent data available to the Secretary or requested from the State by the Secretary, that the State's allotment for the fiscal

year is less than 95 percent of the projected expenditures under the State child health plan for the State for the fiscal year determined under subsection (i) (without regard to incentive bonuses or payments for which the State is eligible for under subsection (j)(2) for the fiscal year) and that such shortfall is attributable to 1 or more of the following events:

"(I) STAFFORD ACT OR PUBLIC HEALTH EMERGENCY.—The State has—

"(aa) 1 or more parishes or counties for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) and which the President has determined warrants individual and public assistance from the Federal Government under such Act; or

"(bb) a public health emergency declared by the Secretary under section 319 of the Public Health Service Act.

"(II) STATE ECONOMIC DOWNTURN.—The State unemployment rate is at least 5.5 percent during any 3-month period during the fiscal year and such rate is at least 120 percent of the State unemployment rate for the same period as averaged over the last 3 fiscal years.

"(III) EVENT RESULTING IN RISE IN PERCENTAGE OF LOW-INCOME CHILDREN WITHOUT HEALTH INSURANCE.—The State experienced a recent event that resulted in an increase in the percentage of low-income children in the State without health insurance (as determined on the basis of the most timely and accurate published estimates of the Bureau of the Census) that was outside the control of the State and warrants granting the State access to the Fund (as determined by the Secretary).

"(E) PAYMENTS MADE TO ALL ELIGIBLE STATES ON A MONTHLY BASIS; AUTHORITY FOR PRO RATA PAYMENTS.—The Secretary shall make monthly payments from the Fund to all States that are determined to be eligible States with respect to a month. If the sum of the payments to be made from the Fund for a month exceed the amount in the Fund, the Secretary shall reduce each such payment on a proportional basis.

"(F) PAYMENTS LIMITED TO FISCAL YEAR OF ELIGIBILITY DETERMINATION UNLESS NEW ELIGIBILITY BASIS DETERMINED.—No State shall receive a CHIP contingency fund payment under this section for a month beginning after September 30 of the fiscal year in which the State is determined to be an eligible State under this subsection, except that in the case of an event described in subclause (I) or (III) of subparagraph (D)(iii) that occurred after July 1 of the fiscal year, any such payment with respect to such event shall remain available until September 30 of the subsequent fiscal year. Nothing in the preceding sentence shall be construed as prohibiting a State from being determined to be an eligible State under this subsection for any fiscal year occurring after a fiscal year in which such a determination is made.

"(G) EXEMPTION FROM DETERMINATION OF PERCENTAGE OF ALLOTMENT RETAINED AFTER FIRST YEAR OF AVAILABILITY.—In no event shall payments made to a State under this subsection be treated as part of the allotment determined for a State for a fiscal year under subsection (i) for purposes of subsection (j)(1)(B)(ii)(III).

"(H) APPLICATION OF ALLOTMENT REPORTING RULES.—Rules applicable to States for purposes of receiving payments from an allotment determined under subsection (c) or (i) shall apply in the same manner to an eligible State for purposes of receiving a CHIP contingency fund payment under this subsection.

"(4) ANNUAL REPORTS.—The Secretary shall annually report to the Congress on the amounts in the Fund, the specific events that caused States to apply for payments from the Fund, and the payments made from the Fund.".

SEC. 109. TWO-YEAR AVAILABILITY OF ALLOTMENTS; EXPENDITURES COUNTED AGAINST OLDEST ALLOTMENTS.

Section 2104(e) (42 U.S.C. 1397dd(e)) is amended to read as follows:

"(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

"(1) IN GENERAL.—Except as provided in subsection (j)(1)(B)(ii)(III), amounts allotted to a State pursuant to this section—

"(A) for each of fiscal years 1998 through 2006, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

"(B) for each of fiscal years 2007 through 2012, shall remain available for expenditure by the State only through the end of the succeeding fiscal year for which such amounts are allotted.

"(2) INCENTIVE BONUSES.—Incentive bonuses paid to a State under subsection (j)(2) for a fiscal year shall remain available for expenditure by the State without limitation.

"(3) CHIP CONTINGENCY FUND PAYMENTS.—Except as provided in paragraph (3)(F) of subsection (k), CHIP Contingency Fund payments made to a State under such subsection for a month of a fiscal year shall remain available for expenditure by the State through the end of the fiscal year.

"(4) RULE FOR COUNTING EXPENDITURES AGAINST CHIP CONTINGENCY FUND PAYMENTS, FISCAL YEAR ALLOTMENTS, AND INCENTIVE BONUSES.—

"(A) IN GENERAL.—Expenditures under the State child health plan made on or after October 1, 2007, shall be counted against—

"(i) first, any CHIP Contingency Fund payment made to the State under subsection (k) for the earliest month of the earliest fiscal year for which the payment remains available for expenditure; and

"(ii) second, amounts allotted to the State for the earliest fiscal year for which amounts remain available for expenditure.

"(B) INCENTIVE BONUSES.—A State may elect, but is not required, to count expenditures under the State child health plan against any incentive bonuses paid to the State under subsection (j)(2) for a fiscal year.

"(C) BLOCK GRANT SET-ASIDES.—Expenditures for coverage of—

"(i) nonpregnant childless adults for fiscal year 2009 shall be counted only against the amount set aside for such coverage under section 2111(a)(3); and

"(ii) parents of targeted low-income children for each of fiscal years 2010 through 2012, shall be counted only against the amount set aside for such coverage under section 2111(b)(2)(B)(i).".

SEC. 110. LIMITATION ON MATCHING RATE FOR STATES THAT PROPOSE TO COVER CHILDREN WITH EFFECTIVE FAMILY INCOME THAT EXCEEDS 300 PERCENT OF THE POVERTY LINE.

(a) FMAP APPLIED TO EXPENDITURES.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) LIMITATION ON MATCHING RATE FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE PROVIDED TO CHILDREN WHOSE EFFECTIVE FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.—

"(A) FMAP APPLIED TO EXPENDITURES.—Except as provided in subparagraph (B), for fiscal years beginning with fiscal year 2008, the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose effective family income would exceed 300 percent of the poverty line but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any State that, on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, has an approved State plan amendment or waiver to provide, or has enacted a State law to submit a State plan amendment to provide, expenditures described in such subparagraph under the State child health plan.".

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting "or subsection (c)(8)" after "subparagraph (B)".

SEC. 111. OPTION FOR QUALIFYING STATES TO RECEIVE THE ENHANCED PORTION OF THE CHIP MATCHING RATE FOR MEDICAID COVERAGE OF CERTAIN CHILDREN.

Section 2105(g) (42 U.S.C. 1397ee(g)) is amended—

(1) in paragraph (1)(A), by inserting "subject to paragraph (4)," after "Notwithstanding any other provision of law,"; and

(2) by adding at the end the following new paragraph:

"(4) OPTION FOR ALLOTMENTS FOR FISCAL YEARS 2008 THROUGH 2012.—

"(A) PAYMENT OF ENHANCED PORTION OF MATCHING RATE FOR CERTAIN EXPENDITURES.—In the case of expenditures described in subparagraph (B), a qualifying State (as defined in paragraph (2)) may elect to be paid from the State's allotment made under section 2104 for any of fiscal years 2008 through 2012 (insofar as the allotment is available to the State under subsections (e) and (i) of such section) an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to such expenditures if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

"(B) EXPENDITURES DESCRIBED.—For purposes of subparagraph (A), the expenditures described in this subparagraph are expenditures made after the date of the enactment of this paragraph and during the period in which funds are available to the qualifying State for use under subparagraph (A), for the provision of medical assistance to individuals residing in the State who are eligible for medical assistance under the State plan under title XIX or under a waiver of such plan and who have not attained age 19 (or, if a State has so elected under the State plan under title XIX, age 20 or 21), and whose family income equals or exceeds 133 percent of the poverty line but does not exceed the Medicaid applicable income level.".

TITLE II—OUTREACH AND ENROLLMENT

SEC. 201. GRANTS FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 107, is amended by adding at the end the following:

"SEC. 2113. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.

"(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

"(1) IN GENERAL.—From the amounts appropriated under subsection (g), subject to paragraph (2), the Secretary shall award grants to eligible entities during the period of fiscal years 2008 through 2012 to conduct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

"(2) TEN PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts shall be used by the Secretary for expenditures during such period to *carry out a national enrollment campaign in accordance with subsection (h).*

"(b) PRIORITY FOR AWARD OF GRANTS.—

"(1) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

"(A) propose to target geographic areas with high rates of—

"(i) eligible but unenrolled children, including such children who reside in rural areas; or

"(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

"(B) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

"(2) TEN PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (g) shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

"(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

"(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

"(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

"(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

"(4) an assurance that the eligible entity shall—

"(A) conduct an assessment of the effectiveness of such activities against the performance measures;

"(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments; and

"(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

"(d) DISSEMINATION OF ENROLLMENT DATA AND INFORMATION DETERMINED FROM EFFECTIVENESS ASSESSMENTS; ANNUAL REPORT.—The Secretary shall—

"(1) make publicly available the enrollment data and information collected and reported in accordance with subsection (c)(4)(B); and

"(2) submit an annual report to Congress on the outreach and enrollment activities conducted with funds appropriated under this section.

"(e) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

"(1) the State share of funds expended for outreach and enrollment activities under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

"(2) no State matching funds shall be required for the State to receive a grant under this section.

"(f) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

"(A) A State with an approved child health plan under this title.

"(B) A local government.

"(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

"(D) A Federal health safety net organization.

"(E) A national, State, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

"(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x–65) relating to a grant award to nongovernmental entities.

"(G) An elementary or secondary school.

"(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

"(A) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

"(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

"(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

"(D) any other entity or consortium that serves children under a federally funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

"(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(4) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

"(A) by serving as a liaison between communities and health care agencies;

"(B) by providing guidance and social assistance to community residents;

"(C) by enhancing community residents' ability to effectively communicate with health care providers;

"(D) by providing culturally and linguistically appropriate health or nutrition education;

"(E) by advocating for individual and community health or nutrition needs; and

"(F) by providing referral and followup services.

"(g) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $100,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended, for the purpose of awarding grants under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

"(h) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2), the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

"(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

"(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

"(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

"(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

"(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

"(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.".

(b) ENHANCED ADMINISTRATIVE FUNDING FOR TRANSLATION OR INTERPRETATION SERVICES UNDER CHIP.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)), as amended by section 603, is amended—

(1) in the matter preceding subparagraph (A), by inserting "(or, in the case of expenditures described in subparagraph (D)(iv), the higher of 75 percent or the sum of the enhanced FMAP plus 5 percentage points)" after "enhanced FMAP"; and

(2) in subparagraph (D)—

(A) in clause (iii), by striking "and" at the end;

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following new clause:

"(iv) for translation or interpretation services in connection with the enrollment and use of services under this title by individuals for whom English is not their primary language (as found necessary by the Secretary for the proper and efficient administration of the State plan); and".

(c) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2) (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

"(C) NONAPPLICATION TO CERTAIN EXPENDITURES.—The limitation under subparagraph (A) shall not apply with respect to the following expenditures:

"(i) EXPENDITURES FUNDED UNDER SECTION 2113.—Expenditures for outreach and enrollment activities funded under a grant awarded to the State under section 2113.".

SEC. 202. INCREASED OUTREACH AND ENROLLMENT OF INDIANS.

(a) IN GENERAL.—Section 1139 (42 U.S.C. 1320b–9) is amended to read as follows:

"SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XIX AND XXI.

"(a) AGREEMENTS WITH STATES FOR MEDICAID AND CHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

"(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

"(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

"(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XIX or XXI.

"(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as added by section 201(c), is amended by adding at the end the following new clause:

"(ii) EXPENDITURES TO INCREASE OUTREACH TO, AND THE ENROLLMENT OF, INDIAN CHILDREN UNDER THIS TITLE AND TITLE XIX.—Expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).".

SEC. 203. DEMONSTRATION PROGRAM TO PERMIT STATES TO RELY ON FINDINGS BY AN EXPRESS LANE AGENCY TO DETERMINE COMPONENTS OF A CHILD'S ELIGIBILITY FOR MEDICAID OR CHIP.

(a) REQUIREMENT TO CONDUCT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a 3-year demonstration program under which up to 10 States shall be authorized to rely on a finding made within the preceding 12 months by an Express Lane agency to determine whether a child has met 1 or more of the eligibility requirements, such as income, assets or resources, citizenship status, or other criteria, necessary to determine the child's initial eligibility, eligibility redetermination, or renewal of eligibility, for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan. A State selected to participate in the demonstration program—

(A) shall not be required to direct a child (or a child's family) to submit information or documentation previously submitted by the child or family to an Express Lane agency that the State relies on for its Medicaid or CHIP eligibility determination; and

(B) may rely on information from an Express Lane agency when evaluating a child's eligibility for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan without a separate, independent confirmation of the information at the time of enrollment, redetermination, or renewal.

(2) PAYMENTS TO STATES.—From the amount appropriated under paragraph (1) of subsection (f), after the application of paragraph (2) of that subsection, the Secretary shall pay the States selected to participate in the demonstration program such sums as the Secretary shall determine for expenditures made by the State for systems upgrades and implementation of the demonstration program. In no event shall a payment be made to a State from the amount appropriated under subsection (f) for any expenditures incurred for providing medical assistance or child health assistance to a child enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency.

(b) REQUIREMENTS; OPTIONS FOR APPLICATION.—

(1) STATE REQUIREMENTS.—A State selected to participate in the demonstration program established under this section may rely on a finding of an Express Lane agency only if the following conditions are met:

(A) REQUIREMENT TO DETERMINE ELIGIBILITY USING REGULAR PROCEDURES IF CHILD IS FIRST FOUND INELIGIBLE.—If reliance on a finding from an Express Lane agency results in a child not being found eligible for the State Medicaid plan or the State CHIP plan, the State would be required to determine eligibility under such plan using its regular procedures.

(B) NOTICE.—The State shall inform the families (especially those whose children are enrolled in the State CHIP plan) that they may qualify for lower premium payments or more comprehensive health coverage under the State Medicaid plan if the family's income were directly evaluated for an eligibility determination by the State Medicaid agency, and that, at the family's option, the family may seek an eligibility determination by the State Medicaid agency.

(C) COMPLIANCE WITH DEPARTMENT OF HOMELAND SECURITY PROCEDURES.—The State may rely on an Express Lane agency finding that a child is a qualified alien as long as the Express Lane agency complies with guidance and regulatory procedures issued by the Secretary of Homeland Security for eligibility determinations of qualified aliens (as defined in subsections (b) and (c) of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641)).

(D) VERIFICATION OF CITIZENSHIP OR NATIONALITY STATUS.—The State shall satisfy the requirements of section 1902(a)(46)(B) or 2105(c)(9) of the Social Security Act, as applicable (and as added by section 301 of this Act) for verifications of citizenship or nationality status.

(E) CODING; APPLICATION TO ENROLLMENT ERROR RATES.—

(i) IN GENERAL.—The State agrees to—

(I) assign such codes as the Secretary shall require to the children who are enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency for the duration of the State's participation in the demonstration program;

(II) annually provide the Secretary with a statistically valid sample (that is approved by Secretary) of the children enrolled in such plans through reliance on such a finding by conducting a full Medicaid eligibility review of the children identified for such sample for purposes of determining an eligibility error rate with respect to the enrollment of such children;

(III) submit the error rate determined under subclause (II) to the Secretary;

(IV) if such error rate exceeds 3 percent for either of the first 2 fiscal years in which the State participates in the demonstration program, demonstrate to the satisfaction of the Secretary the specific corrective actions implemented by the State to improve upon such error rate; and

(V) if such error rate exceeds 3 percent for any fiscal year in which the State participates in the demonstration program, a reduction in the amount otherwise payable to the State under section 1903(a) of the Social Security Act (42 Secretary 1396b(a)) for quarters for that fiscal year, equal to the total amount of erroneous excess payments determined for the fiscal year only with respect to the children included in the sample for the fiscal year that are in excess of a 3 percent error rate with respect to such children.

(ii) NO PUNITIVE ACTION BASED ON ERROR RATE.—The Secretary shall not apply the error rate derived from the sample under clause (i) to the entire population of children enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency, or to the population of children enrolled in such plans on the basis of the State's regular procedures for determining eligibility, or penalize the State on the basis of such error rate in any manner other than the reduction of payments provided for under clause (i)(V).

(iii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as relieving a State that participates in the demonstration program established under this section from being subject to a penalty under section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) for payments made under the State Medicaid plan with respect to ineligible individuals and families that are determined to exceed the error rate permitted under that section (as determined without regard to the error rate determined under clause (i)(II)).

(2) STATE OPTIONS FOR APPLICATION.—A State selected to participate in the demonstration program may elect to apply any of the following:

(A) SATISFACTION OF CHIP SCREEN AND ENROLL REQUIREMENTS.—If the State relies on a finding of an Express Lane agency for purposes of determining eligibility under the State CHIP plan, the State may meet the screen and enroll requirements imposed under subparagraphs (A) and (B) of section 2102(b)(3) of the Social Security Act (42 U.S.C. 1397bb(b)(3)) by using any of the following:

(i) Establishing a threshold percentage of the poverty line that is 30 percentage points (or such other higher number of percentage points) as the State determines reflects the income methodologies of the program administered by the Express Lane Agency and the State Medicaid plan.

(ii) Providing that a child satisfies all income requirements for eligibility under the State Medicaid plan.

(iii) Providing that a child has a family income that exceeds the Medicaid applicable income level.

(B) PRESUMPTIVE ELIGIBILITY.—The State may provide for presumptive eligibility under the State CHIP plan for a child who, based on an eligibility determination of an income finding from an Express Lane agency, would qualify for child health assistance under the State CHIP plan. During the period of presumptive eligibility, the State may determine the child's eligibility for child health assistance under the State CHIP plan based on telephone contact with family members, access to data available in electronic or paper format, or other means that minimize to the maximum extent feasible the burden on the family.

(C) AUTOMATIC ENROLLMENT.—

(i) IN GENERAL.—The State may initiate and determine eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan without a program application from, or on behalf of, the child based on data obtained from sources other than the child (or the child's family), but a child can only be automatically enrolled in the State Medicaid plan or the State CHIP plan if the child or the family affirmatively consents to being enrolled through affirmation and signature on an Express Lane agency application.

(ii) INFORMATION REQUIREMENT.—A State that elects the option under clause (i) shall have procedures in place to inform the child or the child's family of the services that will be covered under the State Medicaid plan or the State CHIP plan (as applicable), appropriate methods for using such services, premium or other cost sharing charges (if any) that apply, medical support obligations created by the enrollment (if applicable), and the actions the child or the child's family must take to maintain enrollment and renew coverage.

(iii) OPTION TO WAIVE SIGNATURES.—The State may waive any signature requirements for enrollment for a child who consents to, or on whose behalf consent is provided for, enrollment in the State Medicaid plan or the State CHIP plan.

(3) SIGNATURE REQUIREMENTS.—In the case of a State selected to participate in the demonstration program—

(A) no signature under penalty of perjury shall be required on an application form for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan to attest to any element of the application for which eligibility is based on information received from an Express Lane agency or a source other than an applicant; and

(B) any signature requirement for determination of an application for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan may be satisfied through an electronic signature.

(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) relieve a State of the obligation under section 1902(a)(5) of the Social Security Act (42 U.S.C. 1396a(a)(5)) to determine eligibility for medical assistance under the State Medicaid plan; or

(B) prohibit any State options otherwise permitted under Federal law (without regard to this paragraph or the demonstration program established under this section) that are intended to increase the enrollment of eligible children for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan, including options related to outreach, enrollment, applications, or the determination or redetermination of eligibility.

(c) LIMITED WAIVER OF OTHER APPLICABLE REQUIREMENTS.—

(1) SOCIAL SECURITY ACT.—The Secretary shall waive only such requirements of the Social Security Act as the Secretary determines are necessary to carry out the demonstration program established under this section.

(2) AUTHORIZATION FOR PARTICIPATING STATES TO RECEIVE CERTAIN DATA DIRECTLY RELEVANT TO DETERMINING ELIGIBILITY AND CORRECT AMOUNT OF ASSISTANCE.—For provisions relating to the authority of States participating in the demonstration program to receive certain data directly, see section 204(c).

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct, by grant, contract, or interagency agreement, a comprehensive, independent evaluation of the demonstration program established under this section. Such evaluation shall include an analysis of the effectiveness of the program, and shall include—

(A) obtaining a statistically valid sample of the children who were enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency and determining the percentage of children who were erroneously enrolled in such plans;

(B) determining whether enrolling children in such plans through reliance on a finding made by an Express Lane agency improves the ability of a State to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans;

(C) evaluating the administrative costs or savings related to identifying and enrolling children in such plans through reliance on such findings, and the extent to which such costs differ from the costs that the State otherwise would have incurred to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans; and

(D) any recommendations for legislative or administrative changes that would improve the effectiveness of enrolling children in such plans through reliance on such findings.

(2) REPORT TO CONGRESS.—Not later than September 30, 2012, the Secretary shall submit a report to Congress on the results of the evaluation of the demonstration program established under this section.

(e) DEFINITIONS.—In this section:

(1) CHILD; CHILDREN.—With respect to a State selected to participate in the demonstration program established under this section, the terms "child" and "children" have the meanings given such terms for purposes of the State plans under titles XIX and XXI of the Social Security Act.

(2) EXPRESS LANE AGENCY.—

(A) IN GENERAL.—The term "Express Lane agency" means a public agency that—

(i) is determined by the State Medicaid agency or the State CHIP agency (as applicable) to be capable of making the determinations of 1 or more eligibility requirements described in subsection (a)(1);

(ii) is identified in the State Medicaid plan or the State CHIP plan; and

(iii) notifies the child's family—

(I) of the information which shall be disclosed in accordance with this section;

(II) that the information disclosed will be used solely for purposes of determining eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan; and

(III) that the family may elect to not have the information disclosed for such purposes; and

(iv) enters into, or is subject to, an interagency agreement to limit the disclosure and use of the information disclosed.

(B) INCLUSION OF SPECIFIC PUBLIC AGENCIES.—Such term includes the following:

(i) A public agency that determines eligibility for assistance under any of the following:

(I) The temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(II) A State program funded under part D of title IV of such Act (42 U.S.C. 651 et seq.).

(III) The State Medicaid plan.

(IV) The State CHIP plan.

(V) The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(VI) The Head Start Act (42 U.S.C. 9801 et seq.).

(VII) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(VIII) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(IX) The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

(X) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

(XI) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

(XII) The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

(ii) A State-specified governmental agency that has fiscal liability or legal responsibility for the accuracy of the eligibility determination findings relied on by the State.

(iii) A public agency that is subject to an interagency agreement limiting the disclosure and use of the information disclosed for purposes of determining eligibility under the State Medicaid plan or the State CHIP plan.

(C) EXCLUSIONS.—Such term does not include an agency that determines eligibility for a program established under the Social Services Block Grant established under title XX of the Social Security Act (42 U.S.C. 1397 et seq.) or a private, for-profit organization.

(D) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

(i) affecting the authority of a State Medicaid agency to enter into contracts with nonprofit and for-profit agencies to administer the Medicaid application process;

(ii) exempting a State Medicaid agency from complying with the requirements of section 1902(a)(4) of the Social Security Act (relating to merit-based personnel standards for employees of the State Medicaid agency and safeguards against conflicts of interest); or

(iii) authorizing a State Medicaid agency that participates in the demonstration program established under this section to use the Express Lane option to avoid complying with such requirements for purposes of making eligibility determinations under the State Medicaid plan.

(3) MEDICAID APPLICABLE INCOME LEVEL.—With respect to a State, the term "Medicaid applicable income level" has the meaning given that term for purposes of such State under section 2110(b)(4) of the Social Security Act (42 U.S.C. 1397jj(4)).

(4) POVERTY LINE.—The term "poverty line" has the meaning given that term in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)).

(5) STATE.—The term "State" means 1 of the 50 States or the District of Columbia.

(6) STATE CHIP AGENCY.—The term "State CHIP agency" means the State agency responsible for administering the State CHIP plan.

(7) STATE CHIP PLAN.—The term "State CHIP plan" means the State child health plan established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), and includes any waiver of such plan.

(8) STATE MEDICAID AGENCY.—The term "State Medicaid agency" means the State agency responsible for administering the State Medicaid plan.

(9) STATE MEDICAID PLAN.—The term "State Medicaid plan" means the State plan established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and includes any waiver of such plan.

(f) APPROPRIATION.—

(1) OPERATIONAL FUNDS.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out the demonstration program established under this section, $49,000,000 for the period of fiscal years 2008 through 2012.

(2) EVALUATION FUNDS.—$5,000,000 of the funds appropriated under paragraph (1) shall be used to conduct the evaluation required under subsection (d).

(3) BUDGET AUTHORITY.—Paragraph (1) constitutes budget authority in advance of appropriations Act and represents the obligation of

the Federal Government to provide for the payment to States selected to participate in the demonstration program established under this section of the amounts provided under such paragraph (after the application of paragraph (2)).

SEC. 204. AUTHORIZATION OF CERTAIN INFORMATION DISCLOSURES TO SIMPLIFY HEALTH COVERAGE DETERMINATIONS.

(a) AUTHORIZATION OF INFORMATION DISCLOSURE.—Title XIX (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1939 as section 1940; and

(2) by inserting after section 1938 the following new section:

"AUTHORIZATION TO RECEIVE PERTINENT INFORMATION

"SEC. 1939. (a) IN GENERAL.—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data directly relevant to eligibility determinations under this title (including eligibility files, information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to the State agency administering the State plan under this title, but only if such conveyance meets the requirements of subsection (b).

"(b) REQUIREMENTS FOR CONVEYANCE.—Data or information may be conveyed pursuant to this section only if the following requirements are met:

"(1) The child whose circumstances are described in the data or information (or such child's parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

"(2) Such data or information are used solely for the purposes of—

"(A) identifying children who are eligible or potentially eligible for medical assistance under this title and enrolling (or attempting to enroll) such children in the State plan; and

"(B) verifying the eligibility of children for medical assistance under the State plan.

"(3) An interagency or other agreement, consistent with standards developed by the Secretary—

"(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements for safeguarding privacy and data security; and

"(B) requires the State agency administering the State plan to use the data and information obtained under this section to seek to enroll children in the plan.

"(c) CRIMINAL PENALTY.—A person described in subsection (a) who publishes, divulges, discloses, or makes known in any manner, or to any extent, not authorized by Federal law, any information obtained under this section shall be fined not more than $1,000 or imprisoned not more than 1 year, or both, for each such unauthorized activity.

"(d) RULE OF CONSTRUCTION.—The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).".

(b) CONFORMING AMENDMENT TO TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following new subparagraph:

"(E) Section 1939 (relating to authorization to receive data directly relevant to eligibility determinations).".

(c) AUTHORIZATION FOR STATES PARTICIPATING IN THE EXPRESS LANE DEMONSTRATION PROGRAM TO RECEIVE CERTAIN DATA DIRECTLY RELEVANT TO DETERMINING ELIGIBILITY AND CORRECT AMOUNT OF ASSISTANCE.—Only in the case of a State selected to participate in the Express Lane demonstration program established under section 203, the Secretary shall enter into such agreements as are necessary to permit such a State to receive data directly relevant to eligibility determinations and determining the correct amount of benefits under the State CHIP plan or the State Medicaid plan (as such terms are defined in paragraphs (7) and (9) section 203(e)) from the following:

(1) The National Directory of New Hires established under section 453(i) of the Social Security Act (42 U.S.C. 653(i)).

(2) Data regarding enrollment in insurance that may help to facilitate outreach and enrollment under the State Medicaid plan, the State CHIP plan, and such other programs as the Secretary may specify.

TITLE III—REDUCING BARRIERS TO ENROLLMENT

SEC. 301. VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID AND CHIP.

(a) STATE OPTION TO VERIFY DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID THROUGH VERIFICATION OF NAME AND SOCIAL SECURITY NUMBER.—

(1) ALTERNATIVE TO DOCUMENTATION REQUIREMENT.—

(A) IN GENERAL.—Section 1902 (42 U.S.C. 1396a) is amended—

(i) in subsection (a)(46)—

(I) by inserting "(A)" after "(46)";

(II) by adding "and" after the semicolon; and

(III) by adding at the end the following new subparagraph:

"(B) provide, with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, that the State shall satisfy the requirements of—

"(i) section 1903(x); or

"(ii) subsection (dd);"; and

(ii) by adding at the end the following new subsection:

"(dd)(1) For purposes of subsection (a)(46)(B)(ii), the requirements of this subsection with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, are, in lieu of requiring the individual to present satisfactory documentary evidence of citizenship or nationality under section 1903(x) (if the individual is not described in paragraph (2) of that section), as follows:

"(A) The State submits the name and social security number of the individual to the Commissioner of Social Security as part of the plan established under paragraph (2).

"(B) If the State receives notice from the Commissioner of Social Security that the name or social security number of the individual is invalid, the State—

"(i) notifies the individual of such fact;

(ii) provides the individual with a period of 90 days from the date on which the notice required under clause (i) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or cure the invalid determination with the Commissioner of Social Security; and

"(iii) disenrolls the individual from the State plan under this title within 30 days after the end of such 90-day period if no such documentary evidence is presented.

"(2)(A) Each State electing to satisfy the requirements of this subsection for purposes of section 1902(a)(46)(B) shall establish a program under which the State submits each month to the Commissioner of Social Security for verification the name and social security number of each individual enrolled in the State plan under this title that month who has attained the age of 1 before the date of the enrollment.

"(B) In establishing the State program under this paragraph, the State may enter into an agreement with the Commissioner of Social Security to provide for the electronic submission and verification of the name and social security number of an individual before the individual is enrolled in the State plan.

"(3)(A) The State agency implementing the plan approved under this title shall, at such times and in such form as the Secretary may specify, provide information on the percentage each month that the invalid names and numbers submitted bears to the total submitted for verification.

"(B) If, for any fiscal year, the average monthly percentage determined under subparagraph (A) is greater than 7 percent—

"(i) the State shall develop and adopt a corrective plan to review its procedures for verifying the identities of individuals seeking to enroll in the State plan under this title and to identify and implement changes in such procedures to improve their accuracy; and

"(ii) pay to the Secretary an amount equal to the amount which bears the same ratio to the total payments under the State plan for the fiscal year for providing medical assistance to individuals who provided invalid information as the number of individuals with invalid information in excess of 7 percent of such total submitted bears to the total number of individuals with invalid information.

"(C) The Secretary may waive, in certain limited cases, all or part of the payment under subparagraph (B)(ii) if the State is unable to reach the allowable error rate despite a good faith effort by such State.

"(D) This paragraph shall not apply to a State for a fiscal year if there is an agreement described in paragraph (2)(B) in effect as of the close of the fiscal year.

"(4) Nothing in this subsection shall affect the rights of any individual under this title to appeal any disenrollment from a State plan.".

(B) COSTS OF IMPLEMENTING AND MAINTAINING SYSTEM.—Section 1903(a)(3) (42 U.S.C. 1396b(a)(3)) is amended—

(i) by striking "plus" at the end of subparagraph (E) and inserting "and", and

(ii) by adding at the end the following new subparagraph:

"(F)(i) 90 percent of the sums expended during the quarter as are attributable to the design, development, or installation of such mechanized verification and information retrieval systems as the Secretary determines are necessary to implement section 1902(dd) (including a system described in paragraph (2)(B) thereof), and

"(ii) 75 percent of the sums expended during the quarter as are attributable to the operation of systems to which clause (i) applies, plus".

(2) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(3) CONFORMING AMENDMENTS.—Section 1903 (42 U.S.C. 1396b) is amended—

(A) in subsection (i)(22), by striking "subsection (x)" and inserting "section 1902(a)(46)(B)"; and

(B) in subsection (x)(1), by striking "subsection (i)(22)" and inserting "section 1902(a)(46)(B)(i)".

(b) CLARIFICATION OF REQUIREMENTS RELATING TO PRESENTATION OF SATISFACTORY DOCUMENTARY EVIDENCE OF CITIZENSHIP OR NATIONALITY.—

(1) ACCEPTANCE OF DOCUMENTARY EVIDENCE ISSUED BY A FEDERALLY RECOGNIZED INDIAN TRIBE.—Section 1903(x)(3)(B) (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

“(v)(I) Except as provided in subclause (II), a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

“(II) With respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.”.

(2) REQUIREMENT TO PROVIDE REASONABLE OPPORTUNITY TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE.—Section 1903(x) (42 U.S.C. 1396b(x)) is amended by adding at the end the following new paragraph:

“(4) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B)(i), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.”.

(3) CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.—

(A) CLARIFICATION OF RULES.—Section 1903(x) (42 U.S.C. 1396b(x)), as amended by paragraph (2), is amended—

(i) in paragraph (2)—

(I) in subparagraph (C), by striking “or” at the end;

(II) by redesignating subparagraph (D) as subparagraph (E); and

(III) by inserting after subparagraph (C) the following new subparagraph:

“(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or”; and

(ii) by adding at the end the following new paragraph:

“(5) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.”.

(B) STATE REQUIREMENT TO ISSUE SEPARATE IDENTIFICATION NUMBER.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended by adding at the end the following new sentence: “Notwithstanding the preceding sentence, in the case of a child who is born in the United States to an alien mother for whom medical assistance for the delivery of the child is made available pursuant to section 1903(v), the State immediately shall issue a separate identification number for the child upon notification by the facility at which such delivery occurred of the child's birth.”.

(4) TECHNICAL AMENDMENTS.—Section 1903(x)(2) (42 U.S.C. 1396b(x)) is amended—

(A) in subparagraph (B)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left; and

(B) in subparagraph (C)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left.

(c) APPLICATION OF DOCUMENTATION SYSTEM TO CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 110(a), is amended by adding at the end the following new paragraph:

“(9) CITIZENSHIP DOCUMENTATION REQUIREMENTS.—

“(A) IN GENERAL.—No payment may be made under this section with respect to an individual who has, or is, declared to be a citizen or national of the United States for purposes of establishing eligibility under this title unless the State meets the requirements of section 1902(a)(46)(B) with respect to the individual.

“(B) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures described in clause (i) or (ii) of section 1903(a)(3)(F) necessary to comply with subparagraph (A) shall in no event be less than 90 percent and 75 percent, respectively.”.

(2) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 202(b), is amended by adding at the end the following:

“(iii) EXPENDITURES TO COMPLY WITH CITIZENSHIP OR NATIONALITY VERIFICATION REQUIREMENTS.—Expenditures necessary for the State to comply with paragraph (9)(A).”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on October 1, 2008.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2996).

(2) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on October 1, 2008, was determined to be ineligible for medical assistance under a State Medicaid plan, including any waiver of such plan, solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by subsection (b), had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

(3) SPECIAL TRANSITION RULE FOR INDIANS.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by subsection (b)(1)(B)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

SEC. 302. REDUCING ADMINISTRATIVE BARRIERS TO ENROLLMENT.

Section 2102(b) (42 U.S.C. 1397bb(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

“(4) REDUCTION OF ADMINISTRATIVE BARRIERS TO ENROLLMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), the plan shall include a description of the procedures used to reduce administrative barriers to the enrollment of children and pregnant women who are eligible for medical assistance under title XIX or for child health assistance or health benefits coverage under this title. Such procedures shall be established and revised as often as the State determines appropriate to take into account the most recent information available to the State identifying such barriers.

“(B) DEEMED COMPLIANCE IF JOINT APPLICATION AND RENEWAL PROCESS THAT PERMITS APPLICATION OTHER THAN IN PERSON.—A State shall be deemed to comply with subparagraph (A) if the State's application and renewal forms and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children and pregnant women for medical assistance under title XIX and child health assistance under this title, and such process does not require an application to be made in person or a face-to-face interview.”.

TITLE IV—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

SEC. 401. ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(c), is amended by adding at the end the following:

“(10) STATE OPTION TO OFFER PREMIUM ASSISTANCE.—

“(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph, a State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer-sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph.

“(B) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), in this paragraph, the term ‘qualified employer-sponsored coverage’ means a group health plan or health insurance coverage offered through an employer—

“(I) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

"(II) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

"(III) to all individuals in a manner that would be considered a nondiscriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

"(ii) EXCEPTION.—Such term does not include coverage consisting of—

"(I) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

"(II) a high deductible health plan (as defined in section 223(c)(2) of such Code) purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

"(iii) COST-EFFECTIVENESS ALTERNATIVE TO REQUIRED EMPLOYER CONTRIBUTION.—A group health plan or health insurance coverage offered through an employer that would be considered qualified employer-sponsored coverage but for the application of clause (i)(II) may be deemed to satisfy the requirement of such clause if either of the following applies:

"(I) APPLICATION OF CHILD-BASED OR FAMILY-BASED TEST.—The State establishes to the satisfaction of the Secretary that the cost of such coverage is less than the expenditures that the State would have made to enroll the child or the family (as applicable) in the State child health plan.

"(II) AGGREGATE PROGRAM OPERATIONAL COSTS DO NOT EXCEED THE COST OF PROVIDING COVERAGE UNDER THE STATE CHILD HEALTH PLAN.—If subclause (I) does not apply, the State establishes to the satisfaction of the Secretary that the aggregate amount of expenditures by the State for the purchase of all such coverage for targeted low-income children under the State child health plan (including administrative expenditures) does not exceed the aggregate amount of expenditures that the State would have made for providing coverage under the State child health plan for all such children.

"(C) PREMIUM ASSISTANCE SUBSIDY.—

"(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer-sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan (subject to the limitations imposed under section 2103(e), including the requirement to count the total amount of the employee contribution required for enrollment of the employee and the child in such coverage toward the annual aggregate cost-sharing limit applied under paragraph (3)(B) of such section).

"(ii) STATE PAYMENT OPTION.—A State may provide a premium assistance subsidy either as reimbursement to an employee for out-of-pocket expenditures or, subject to clause (iii), directly to the employee's employer.

"(iii) EMPLOYER OPT-OUT.—An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee. In the event of such a notification, an employer shall withhold the total amount of the employee contribution required for enrollment of the employee and the child in the qualified employer-sponsored coverage and the State shall pay the premium assistance subsidy directly to the employee.

"(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

"(D) APPLICATION OF SECONDARY PAYOR RULES.—The State shall be a secondary payor for any items or services provided under the qualified employer-sponsored coverage for which the State provides child health assistance under the State child health plan.

"(E) REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

"(i) IN GENERAL.—Notwithstanding section 2110(b)(1)(C), the State shall provide for each targeted low-income child enrolled in qualified employer-sponsored coverage, supplemental coverage consisting of—

"(I) items or services that are not covered, or are only partially covered, under the qualified employer-sponsored coverage; and

"(II) cost-sharing protection consistent with section 2103(e).

"(ii) RECORD KEEPING REQUIREMENTS.—For purposes of carrying out clause (i), a State may elect to directly pay out-of-pocket expenditures for cost-sharing imposed under the qualified employer-sponsored coverage and collect or not collect all or any portion of such expenditures from the parent of the child.

"(F) APPLICATION OF WAITING PERIOD IMPOSED UNDER THE STATE.—Any waiting period imposed under the State child health plan prior to the provision of child health assistance to a targeted low-income child under the State plan shall apply to the same extent to the provision of a premium assistance subsidy for the child under this paragraph.

"(G) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of a targeted low-income child receiving a premium assistance subsidy to disenroll the child from the qualified employer-sponsored coverage and enroll the child in, and receive child health assistance under, the State child health plan, effective on the first day of any month for which the child is eligible for such assistance and in a manner that ensures continuity of coverage for the child.

"(H) APPLICATION TO PARENTS.—If a State provides child health assistance or health benefits coverage to parents of a targeted low-income child in accordance with section 2111(b), the State may elect to offer a premium assistance subsidy to a parent of a targeted low-income child who is eligible for such a subsidy under this paragraph in the same manner as the State offers such a subsidy for the enrollment of the child in qualified employer-sponsored coverage, except that—

"(i) the amount of the premium assistance subsidy shall be increased to take into account the cost of the enrollment of the parent in the qualified employer-sponsored coverage or, at the option of the State if the State determines it cost-effective, the cost of the enrollment of the child's family in such coverage; and

"(ii) any reference in this paragraph to a child is deemed to include a reference to the parent or, if applicable under clause (i), the family of the child.

"(I) ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.—

"(i) IN GENERAL.—A State may establish an employer-family premium assistance purchasing pool for employers with less than 250 employees who have at least 1 employee who is a pregnant woman eligible for assistance under the State child health plan (including through the application of an option described in section 2112(f)) or a member of a family with at least 1 targeted low-income child and to provide a premium assistance subsidy under this paragraph for enrollment in coverage made available through such pool.

"(ii) ACCESS TO CHOICE OF COVERAGE.—A State that elects the option under clause (i) shall identify and offer access to not less than 2 private health plans that are health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2) for employees described in clause (i).

"(J) NO EFFECT ON PREMIUM ASSISTANCE WAIVER PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect prior to the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

"(K) NOTICE OF AVAILABILITY.—If a State elects to provide premium assistance subsidies in accordance with this paragraph, the State shall—

"(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer-sponsored coverage;

"(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

"(iii) establish such other procedures as the State determines necessary to ensure that parents are fully informed of the choices for receiving child health assistance under the State child health plan or through the receipt of premium assistance subsidies.

"(L) APPLICATION TO QUALIFIED EMPLOYER-SPONSORED BENCHMARK COVERAGE.—If a group health plan or health insurance coverage offered through an employer is certified by an actuary as health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2), the State may provide premium assistance subsidies for enrollment of targeted low-income children in such group health plan or health insurance coverage in the same manner as such subsidies are provided under this paragraph for enrollment in qualified employer-sponsored coverage, but without regard to the requirement to provide supplemental coverage for benefits and cost-sharing protection provided under the State child health plan under subparagraph (E).".

(b) APPLICATION TO MEDICAID.—Section 1906 (42 U.S.C. 1396e) is amended by inserting after subsection (c) the following:

"(d) A State may elect to offer a premium assistance subsidy (as defined in section 2105(c)(10)(C)) for qualified employer-sponsored coverage (as defined in section 2105(c)(10)(B)) to a child who is eligible for medical assistance under the State plan under this title, to the parent of such a child, and to a pregnant woman, in the same manner as such a subsidy for such coverage may be offered under a State child health plan under title XXI in accordance with section 2105(c)(10) (except that subparagraph (E)(i)(II) of such section shall be applied by substituting '1916 or, if applicable, 1916A' for '2103(e)').".

(c) GAO STUDY AND REPORT.—Not later than January 1, 2009, the Comptroller General of the United States shall study cost and coverage issues relating to any State premium assistance programs for which Federal matching payments are made under title XIX or XXI of the Social Security Act, including under waiver authority, and shall submit a report to the appropriate

committees of Congress on the results of such study.

SEC. 402. OUTREACH, EDUCATION, AND ENROLLMENT ASSISTANCE.

(a) REQUIREMENT TO INCLUDE DESCRIPTION OF OUTREACH, EDUCATION, AND ENROLLMENT EFFORTS RELATED TO PREMIUM ASSISTANCE SUBSIDIES IN STATE CHILD HEALTH PLAN.—Section 2102(c) (42 U.S.C. 1397bb(c)) is amended by adding at the end the following new paragraph:

"(3) PREMIUM ASSISTANCE SUBSIDIES.—Outreach, education, and enrollment assistance for families of children likely to be eligible for premium assistance subsidies under the State child health plan in accordance with paragraphs (2)(B), (3), or (10) of section 2105(c), or a waiver approved under section 1115, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and for employers likely to provide coverage that is eligible for such subsidies, including the specific, significant resources the State intends to apply to educate employers about the availability of premium assistance subsidies under the State child health plan.".

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 301(c)(2), is amended by adding at the end the following new clause:

"(iv) EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF CHILDREN UNDER THIS TITLE AND TITLE XIX THROUGH PREMIUM ASSISTANCE SUBSIDIES.—Expenditures for outreach activities to families of children likely to be eligible for premium assistance subsidies in accordance with paragraphs (2)(B), (3), or (10), or a waiver approved under section 1115, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and to employers likely to provide qualified employer-sponsored coverage (as defined in subparagraph (B) of such paragraph).".

Subtitle B—Coordinating Premium Assistance With Private Coverage

SEC. 411. SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF TERMINATION OF MEDICAID OR CHIP COVERAGE OR ELIGIBILITY FOR ASSISTANCE IN PURCHASE OF EMPLOYMENT-BASED COVERAGE; COORDINATION OF COVERAGE.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—Section 9801(f) of the Internal Revenue Code of 1986 (relating to special enrollment periods) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES RELATING TO MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) EMPLOYEE OUTREACH AND DISCLOSURE.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this clause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

"(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024).

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT.—

(A) IN GENERAL.—Section 701(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) COORDINATION WITH MEDICAID AND CHIP.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents.

"(II) MODEL NOTICE.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary and the Secretary of Health and Human Services, in consultation with Directors of State Medicaid agencies under title XIX of the Social Security Act and Directors of State CHIP agencies under title XXI of such Act, shall jointly develop national and State-specific model notices for purposes of subparagraph (A). The Secretary shall provide employers with such model notices so as to enable employers to timely comply with the requirements of subparagraph (A). Such model notices shall include information regarding how an employee may contact the State in which the employee resides for additional information regarding potential opportunities for such premium assistance, including how to apply for such assistance.

"(III) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b).

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to *make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".*

(B) CONFORMING AMENDMENT.—Section 102(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1022(b)) is amended—

(i) by striking "and the remedies" and inserting ", the remedies"; and

(ii) by inserting before the period the following: ", and if the employer so elects for purposes of complying with section 701(f)(3)(B)(i), the model notice applicable to the State in which the participants and beneficiaries reside".

(C) WORKING GROUP TO DEVELOP MODEL COVERAGE COORDINATION DISCLOSURE FORM.—

(i) MEDICAID, CHIP, AND EMPLOYER-SPONSORED COVERAGE COORDINATION WORKING GROUP.—

(I) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly establish a Medicaid, CHIP, and Employer-Sponsored Coverage Coordination Working Group (in this subparagraph referred to as the "Working Group"). The purpose of the Working Group shall be to develop the model coverage coordination disclosure form described in subclause (II) and to identify the impediments to the effective coordination of coverage available to families that include employees of employers that maintain group health plans and members who are eligible for medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(II) MODEL COVERAGE COORDINATION DISCLOSURE FORM DESCRIBED.—The model form described in this subclause is a form for plan administrators of group health plans to complete for purposes of permitting a State to determine the availability and cost-effectiveness of the coverage available under such plans to employees who have family members who are eligible for premium assistance offered under a State plan under title XIX or XXI of such Act and to allow for coordination of coverage for enrollees of such plans. Such form shall provide the following information in addition to such other information as the Working Group determines appropriate:

(aa) A determination of whether the employee is eligible for coverage under the group health plan.

(bb) The name and contract information of the plan administrator of the group health plan.

(cc) The benefits offered under the plan.

(dd) The premiums and cost-sharing required under the plan.

(ee) Any other information relevant to coverage under the plan.

(ii) MEMBERSHIP.—The Working Group shall consist of not more than 30 members and shall be composed of representatives of—

(I) the Department of Labor;

(II) the Department of Health and Human Services;

(III) State directors of the Medicaid program under title XIX of the Social Security Act;

(IV) State directors of the State Children's Health Insurance Program under title XXI of the Social Security Act;

(V) employers, including owners of small businesses and their trade or industry representatives and certified human resource and payroll professionals;

(VI) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974);

(VII) health insurance issuers; and

(VIII) children and other beneficiaries of medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(iii) COMPENSATION.—The members of the Working Group shall serve without compensation.

(iv) ADMINISTRATIVE SUPPORT.—The Department of Health and Human Services and the Department of Labor shall jointly provide appropriate administrative support to the Working Group, including technical assistance. The Working Group may use the services and facilities of either such Department, with or without reimbursement, as jointly determined by such Departments.

(v) REPORT.—

(I) REPORT BY WORKING GROUP TO THE SECRETARIES.—Not later than 18 months after the date of the enactment of this Act, the Working Group shall submit to the Secretary of Labor and the Secretary of Health and Human Services the model form described in clause (i)(II) along with a report containing recommendations for appropriate measures to address the impediments to the effective coordination of coverage between group health plans and the State plans under titles XIX and XXI of the Social Security Act.

(II) REPORT BY SECRETARIES TO THE CONGRESS.—Not later than 2 months after receipt of the report pursuant to subclause (I), the Secretaries shall jointly submit a report to each House of the Congress regarding the recommendations contained in the report under such subclause.

(vi) TERMINATION.—The Working Group shall terminate 30 days after the date of the issuance of its report under clause (v).

(D) EFFECTIVE DATES.—The Secretary of Labor and the Secretary of Health and Human Services shall develop the initial model notices under section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974, and the Secretary of Labor shall provide such notices to employers, not later than the date that is 1 year after the date of enactment of this Act, and each employer shall provide the initial annual notices to such employer's employees beginning with the first plan year that begins after the date on which such initial model notices are first issued. The model coverage coordination disclosure form developed under subparagraph (C) shall apply with respect to requests made by States beginning with the first plan year that begins after the date on which such model coverage coordination disclosure form is first issued.

(E) ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(i) in subsection (a)(6), by striking "or (8)" and inserting "(8), or (9)"; and

(ii) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following:

"(9)(A) The Secretary may assess a civil penalty against any employer of up to $100 a day from the date of the employer's failure to meet the notice requirement of section 701(f)(3)(B)(i)(I). For purposes of this subparagraph, each violation with respect to any single employee shall be treated as a separate violation.

"(B) The Secretary may assess a civil penalty against any plan administrator of up to $100 a day from the date of the plan administrator's failure to timely provide to any State the information required to be disclosed under section 701(f)(3)(B)(ii). For purposes of this subparagraph, each violation with respect to any single participant or beneficiary shall be treated as a separate violation.".

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) COORDINATION WITH MEDICAID AND CHIP.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

"(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974.

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of

Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

TITLE V—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES OF CHILDREN

SEC. 501. CHILD HEALTH QUALITY IMPROVEMENT ACTIVITIES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.

(a) DEVELOPMENT OF CHILD HEALTH QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1139 the following new section:

"SEC. 1139A. CHILD HEALTH QUALITY MEASURES.

"(a) DEVELOPMENT OF AN INITIAL CORE SET OF HEALTH CARE QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

"(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall identify and publish for general comment an initial, recommended core set of child health quality measures for use by State programs administered under titles XIX and XXI, health insurance issuers and managed care entities that enter into contracts with such programs, and providers of items and services under such programs.

"(2) IDENTIFICATION OF INITIAL CORE MEASURES.—In consultation with the individuals and entities described in subsection (b)(3), the Secretary shall identify existing quality of care measures for children that are in use under public and privately sponsored health care coverage arrangements, or that are part of reporting systems that measure both the presence and duration of health insurance coverage over time.

"(3) RECOMMENDATIONS AND DISSEMINATION.—Based on such existing and identified measures, the Secretary shall publish an initial core set of child health quality measures that includes (but is not limited to) the following:

"(A) The duration of children's health insurance coverage over a 12-month time period.

"(B) The availability of a full range of—

"(i) preventive services, treatments, and services for acute conditions, including services to promote healthy birth and prevent and treat premature birth; and

"(ii) treatments to correct or ameliorate the effects of chronic physical and mental conditions in infants, young children, school-age children, and adolescents.

"(C) The availability of care in a range of ambulatory and inpatient health care settings in which such care is furnished.

"(D) The types of measures that, taken together, can be used to estimate the overall national quality of health care for children and to perform comparative analyses of pediatric health care quality and racial, ethnic, and socioeconomic disparities in child health and health care for children.

"(4) ENCOURAGE VOLUNTARY AND STANDARDIZED REPORTING.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary, in consultation with States, shall develop a standardized format for reporting information and procedures and approaches that encourage States to use the initial core measurement set to voluntarily report information regarding the quality of pediatric health care under titles XIX and XXI.

"(5) ADOPTION OF BEST PRACTICES IN IMPLEMENTING QUALITY PROGRAMS.—The Secretary shall disseminate information to States regarding best practices among States with respect to measuring and reporting on the quality of health care for children, and shall facilitate the adoption of such best practices. In developing best practices approaches, the Secretary shall give particular attention to State measurement techniques that ensure the timeliness and accuracy of provider reporting, encourage provider reporting compliance, encourage successful quality improvement strategies, and improve efficiency in data collection using health information technology.

"(6) REPORTS TO CONGRESS.—Not later than January 1, 2010, and every 3 years thereafter, the Secretary shall report to Congress on—

"(A) the status of the Secretary's efforts to improve—

"(i) quality related to the duration and stability of health insurance coverage for children under titles XIX and XXI;

"(ii) the quality of children's health care under such titles, including preventive health services, health care for acute conditions, chronic health care, and health services to ameliorate the effects of physical and mental conditions and to aid in growth and development of infants, young children, school-age children, and adolescents with special health care needs; and

"(iii) the quality of children's health care under such titles across the domains of quality, including clinical quality, health care safety, family experience with health care, health care in the most integrated setting, and elimination of racial, ethnic, and socioeconomic disparities in health and health care;

"(B) the status of voluntary reporting by States under titles XIX and XXI, utilizing the initial core quality measurement set; and

"(C) any recommendations for legislative changes needed to improve the quality of care provided to children under titles XIX and XXI, including recommendations for quality reporting by States.

"(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States to assist them in adopting and utilizing core child health quality measures in administering the State plans under titles XIX and XXI.

"(8) DEFINITION OF CORE SET.—In this section, the term 'core set' means a group of valid, reliable, and evidence-based quality measures that, taken together—

"(A) provide information regarding the quality of health coverage and health care for children;

"(B) address the needs of children throughout the developmental age span; and

"(C) allow purchasers, families, and health care providers to understand the quality of care in relation to the preventive needs of children, treatments aimed at managing and resolving acute conditions, and diagnostic and treatment services whose purpose is to correct or ameliorate physical, mental, or developmental conditions that could, if untreated or poorly treated, become chronic.

"(b) ADVANCING AND IMPROVING PEDIATRIC QUALITY MEASURES.—

"(1) ESTABLISHMENT OF PEDIATRIC QUALITY MEASURES PROGRAM.—Not later than January 1, 2010, the Secretary shall establish a pediatric quality measures program to—

"(A) improve and strengthen the initial core child health care quality measures established by the Secretary under subsection (a);

"(B) expand on existing pediatric quality measures used by public and private health care purchasers and advance the development of such new and emerging quality measures; and

"(C) increase the portfolio of evidence-based, consensus pediatric quality measures available to public and private purchasers of children's health care services, providers, and consumers.

"(2) EVIDENCE-BASED MEASURES.—The measures developed under the pediatric quality measures program shall, at a minimum, be—

"(A) evidence-based and, where appropriate, risk adjusted;

"(B) designed to identify and eliminate racial and ethnic disparities in child health and the provision of health care;

"(C) designed to ensure that the data required for such measures is collected and reported in a standard format that permits comparison of quality and data at a State, plan, and provider level;

"(D) periodically updated; and

"(E) responsive to the child health needs, services, and domains of health care quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A).

"(3) PROCESS FOR PEDIATRIC QUALITY MEASURES PROGRAM.—In identifying gaps in existing pediatric quality measures and establishing priorities for development and advancement of such measures, the Secretary shall consult with—

"(A) States;

"(B) pediatricians, children's hospitals, and other primary and specialized pediatric health care professionals (including members of the allied health professions) who specialize in the care and treatment of children, particularly children with special physical, mental, and developmental health care needs;

"(C) dental professionals, including pediatric dental professionals;

"(D) health care providers that furnish primary health care to children and families who live in urban and rural medically underserved communities or who are members of distinct population sub-groups at heightened risk for poor health outcomes;

"(E) national organizations representing consumers and purchasers of children's health care;

"(F) national organizations and individuals with expertise in pediatric health quality measurement; and

"(G) voluntary consensus standards setting organizations and other organizations involved in the advancement of evidence-based measures of health care.

"(4) DEVELOPING, VALIDATING, AND TESTING A PORTFOLIO OF PEDIATRIC QUALITY MEASURES.—As part of the program to advance pediatric quality measures, the Secretary shall—

"(A) award grants and contracts for the development, testing, and validation of new, emerging, and innovative evidence-based measures for children's health care services across the domains of quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A); and

"(B) award grants and contracts for—

"(i) the development of consensus on evidence-based measures for children's health care services;

"(ii) the dissemination of such measures to public and private purchasers of health care for children; and

"(iii) the updating of such measures as necessary.

"(5) REVISING, STRENGTHENING, AND IMPROVING INITIAL CORE MEASURES.—Beginning no later than January 1, 2012, and annually thereafter, the Secretary shall publish recommended changes to the core measures described in subsection (a) that shall reflect the testing, validation, and consensus process for the development of pediatric quality measures described in subsection paragraphs (1) through (4).

"(6) DEFINITION OF PEDIATRIC QUALITY MEASURE.—In this subsection, the term 'pediatric quality measure' means a measurement of clinical care that is capable of being examined through the collection and analysis of relevant

information, that is developed in order to assess 1 or more aspects of pediatric health care quality in various institutional and ambulatory health care settings, including the structure of the clinical care system, the process of care, the outcome of care, or patient experiences in care.

"(c) ANNUAL STATE REPORTS REGARDING STATE-SPECIFIC QUALITY OF CARE MEASURES APPLIED UNDER MEDICAID OR CHIP.—

"(1) ANNUAL STATE REPORTS.—Each State with a State plan approved under title XIX or a State child health plan approved under title XXI shall annually report to the Secretary on the—

"(A) State-specific child health quality measures applied by the States under such plans, including measures described in subparagraphs (A) and (B) of subsection (a)(6); and

"(B) State-specific information on the quality of health care furnished to children under such plans, including information collected through external quality reviews of managed care organizations under section 1932 of the Social Security Act (42 U.S.C. 1396u-4) and benchmark plans under sections 1937 and 2103 of such Act (42 U.S.C. 1396u-7, 1397cc).

"(2) PUBLICATION.—Not later than September 30, 2009, and annually thereafter, the Secretary shall collect, analyze, and make publicly available the information reported by States under paragraph (1).

"(d) DEMONSTRATION PROJECTS FOR IMPROVING THE QUALITY OF CHILDREN'S HEALTH CARE AND THE USE OF HEALTH INFORMATION TECHNOLOGY.—

"(1) IN GENERAL.—During the period of fiscal years 2008 through 2012, the Secretary shall award not more than 10 grants to States and child health providers to conduct demonstration projects to evaluate promising ideas for improving the quality of children's health care provided under title XIX or XXI, including projects to—

"(A) experiment with, and evaluate the use of, new measures of the quality of children's health care under such titles (including testing the validity and suitability for reporting of such measures);

"(B) promote the use of health information technology in care delivery for children under such titles;

"(C) evaluate provider-based models which improve the delivery of children's health care services under such titles, including care management for children with chronic conditions and the use of evidence-based approaches to improve the effectiveness, safety, and efficiency of health care services for children; or

"(D) demonstrate the impact of the model electronic health record format for children developed and disseminated under subsection (f) on improving pediatric health, including the effects of chronic childhood health conditions, and pediatric health care quality as well as reducing health care costs.

"(2) REQUIREMENTS.—In awarding grants under this subsection, the Secretary shall ensure that—

"(A) only 1 demonstration project funded under a grant awarded under this subsection shall be conducted in a State; and

"(B) demonstration projects funded under grants awarded under this subsection shall be conducted evenly between States with large urban areas and States with large rural areas.

"(3) AUTHORITY FOR MULTISTATE PROJECTS.—A demonstration project conducted with a grant awarded under this subsection may be conducted on a multistate basis, as needed.

"(4) FUNDING.—$20,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(e) CHILDHOOD OBESITY DEMONSTRATION PROJECT.—

"(1) AUTHORITY TO CONDUCT DEMONSTRATION.—The Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for reducing childhood obesity by awarding grants to eligible entities to carry out such project. Such model shall—

"(A) identify, through self-assessment, behavioral risk factors for obesity among children;

"(B) identify, through self-assessment, needed clinical preventive and screening benefits among those children identified as target individuals on the basis of such risk factors;

"(C) provide ongoing support to such target individuals and their families to reduce risk factors and promote the appropriate use of preventive and screening benefits; and

"(D) be designed to improve health outcomes, satisfaction, quality of life, and appropriate use of items and services for which medical assistance is available under title XIX or child health assistance is available under title XXI among such target individuals.

"(2) ELIGIBILITY ENTITIES.—For purposes of this subsection, an eligible entity is any of the following:

"(A) A city, county, or Indian tribe.

"(B) A local or tribal educational agency.

"(C) An accredited university, college, or community college.

"(D) A Federally-qualified health center.

"(E) A local health department.

"(F) A health care provider.

"(G) A community-based organization.

"(H) Any other entity determined appropriate by the Secretary, including a consortia or partnership of entities described in any of subparagraphs (A) through (G).

"(3) USE OF FUNDS.—An eligible entity awarded a grant under this subsection shall use the funds made available under the grant to—

"(A) carry out community-based activities related to reducing childhood obesity, including by—

"(i) forming partnerships with entities, including schools and other facilities providing recreational services, to establish programs for after school and weekend community activities that are designed to reduce childhood obesity;

"(ii) forming partnerships with daycare facilities to establish programs that promote healthy eating behaviors and physical activity; and

"(iii) developing and evaluating community educational activities targeting good nutrition and promoting healthy eating behaviors;

"(B) carry out age-appropriate school-based activities that are designed to reduce childhood obesity, including by—

"(i) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

"(I) after hours physical activity programs; and

"(II) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problemsolving and decisionmaking skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

"(ii) providing education and training to educational professionals regarding how to promote a healthy lifestyle and a healthy school environment for children;

"(iii) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

"(iv) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity for children;

"(C) carry out educational, counseling, promotional, and training activities through the local health care delivery systems including by—

"(i) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

"(ii) providing patient education and counseling to increase physical activity and promote healthy eating behaviors;

"(iii) training health professionals on how to identify and treat obese and overweight individuals which may include nutrition and physical activity counseling; and

"(iv) providing community education by a health professional on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; and

"(D) provide, through qualified health professionals, training and supervision for community health workers to—

"(i) educate families regarding the relationship between nutrition, eating habits, physical activity, and obesity;

"(ii) educate families about effective strategies to improve nutrition, establish healthy eating patterns, and establish appropriate levels of physical activity; and

"(iii) educate and guide parents regarding the ability to model and communicate positive health behaviors.

"(4) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to awarding grants to eligible entities—

"(A) that demonstrate that they have previously applied successfully for funds to carry out activities that seek to promote individual and community health and to prevent the incidence of chronic disease and that can cite published and peer-reviewed research demonstrating that the activities that the entities propose to carry out with funds made available under the grant are effective;

"(B) that will carry out programs or activities that seek to accomplish a goal or goals set by the State in the Healthy People 2010 plan of the State;

"(C) that provide non-Federal contributions, either in cash or in-kind, to the costs of funding activities under the grants;

"(D) that develop comprehensive plans that include a strategy for extending program activities developed under grants in the years following the fiscal years for which they receive grants under this subsection;

"(E) located in communities that are medically underserved, as determined by the Secretary;

"(F) located in areas in which the average poverty rate is at least 150 percent or higher of the average poverty rate in the State involved, as determined by the Secretary; and

"(G) that submit plans that exhibit multisectoral, cooperative conduct that includes the involvement of a broad range of stakeholders, including—

"(i) community-based organizations;

"(ii) local governments;

"(iii) local educational agencies;

"(iv) the private sector;

"(v) State or local departments of health;

"(vi) accredited colleges, universities, and community colleges;

"(vii) health care providers;

"(viii) State and local departments of transportation and city planning; and

"(ix) other entities determined appropriate by the Secretary.

"(5) PROGRAM DESIGN.—

"(A) INITIAL DESIGN.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall design the demonstration project. The demonstration should draw upon promising, innovative models and incentives to reduce behavioral risk factors. The Administrator of the Centers for Medicare & Medicaid Services shall consult with the Director of the Centers for Disease Control and Prevention, the Director of the Office of Minority Health, the heads of other agencies in the Department of Health and Human Services, and such professional organizations, as the Secretary determines to be appropriate, on the design, conduct, and evaluation of the demonstration.

"(B) NUMBER AND PROJECT AREAS.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall award 1 grant that is specifically designed to determine whether programs similar to programs to be conducted by other grantees under this subsection should be implemented with respect to the general population of children who are eligible for child health assistance under State child health plans under title XXI in order to reduce the incidence of childhood obesity among such population.

"(6) REPORT TO CONGRESS.—Not later than 3 years after the date the Secretary implements the demonstration project under this subsection, the Secretary shall submit to Congress a report that describes the project, evaluates the effectiveness and cost effectiveness of the project, evaluates the beneficiary satisfaction under the project, and includes any such other information as the Secretary determines to be appropriate.

"(7) DEFINITIONS.—In this subsection:

"(A) FEDERALLY-QUALIFIED HEALTH CENTER.—The term 'Federally-qualified health center' has the meaning given that term in section 1905(l)(2)(B).

"(B) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(C) SELF-ASSESSMENT.—The term 'self-assessment' means a form that—

"(i) includes questions regarding—

"(I) behavioral risk factors;

"(II) needed preventive and screening services; and

"(III) target individuals'' preferences for receiving follow-up information;

"(ii) is assessed using such computer generated assessment programs; and

"(iii) allows for the provision of such ongoing support to the individual as the Secretary determines appropriate.

"(D) ONGOING SUPPORT.—The term 'ongoing support' means—

"(i) to provide any target individual with information, feedback, health coaching, and recommendations regarding—

"(I) the results of a self-assessment given to the individual;

"(II) behavior modification based on the self-assessment; and

"(III) any need for clinical preventive and screening services or treatment including medical nutrition therapy;

"(ii) to provide any target individual with referrals to community resources and programs available to assist the target individual in reducing health risks; and

"(iii) to provide the information described in clause (i) to a health care provider, if designated by the target individual to receive such information.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for the period of fiscal years 2008 through 2012.

"(f) DEVELOPMENT OF MODEL ELECTRONIC HEALTH RECORD FORMAT FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

"(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall establish a program to encourage the development and dissemination of a model electronic health record format for children enrolled in the State plan under title XIX or the State child health plan under title XXI that is—

"(A) subject to State laws, accessible to parents, caregivers, and other consumers for the sole purpose of demonstrating compliance with school or leisure activity requirements, such as appropriate immunizations or physicals;

"(B) designed to allow interoperable exchanges that conform with Federal and State privacy and security requirements;

"(C) structured in a manner that permits parents and caregivers to view and understand the extent to which the care their children receive is clinically appropriate and of high quality; and

"(D) capable of being incorporated into, and otherwise compatible with, other standards developed for electronic health records.

"(2) FUNDING.—$5,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(g) STUDY OF PEDIATRIC HEALTH AND HEALTH CARE QUALITY MEASURES.—

"(1) IN GENERAL.—Not later than July 1, 2009, the Institute of Medicine shall study and report to Congress on the extent and quality of efforts to measure child health status and the quality of health care for children across the age span and in relation to preventive care, treatments for acute conditions, and treatments aimed at ameliorating or correcting physical, mental, and developmental conditions in children. In conducting such study and preparing such report, the Institute of Medicine shall—

"(A) consider all of the major national population-based reporting systems sponsored by the Federal Government that are currently in place, including reporting requirements under Federal grant programs and national population surveys and estimates conducted directly by the Federal Government;

"(B) identify the information regarding child health and health care quality that each system is designed to capture and generate, the study and reporting periods covered by each system, and the extent to which the information so generated is made widely available through publication;

"(C) identify gaps in knowledge related to children's health status, health disparities among subgroups of children, the effects of social conditions on children's health status and use and effectiveness of health care, and the relationship between child health status and family income, family stability and preservation, and children's school readiness and educational achievement and attainment; and

"(D) make recommendations regarding improving and strengthening the timeliness, quality, and public transparency and accessibility of information about child health and health care quality.

"(2) FUNDING.—Up to $1,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(h) RULE OF CONSTRUCTION.—Notwithstanding any other provision in this section, no evidence based quality measure developed, published, or used as a basis of measurement or reporting under this section may be used to establish an irrebuttable presumption regarding either the medical necessity of care or the maximum permissible coverage for any individual child who is eligible for and receiving medical assistance under title XIX or child health assistance under title XXI .

"(i) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for each of fiscal years 2008 through 2012, $45,000,000 for the purpose of carrying out this section (other than subsection (e)). Funds appropriated under this subsection shall remain available until expended.".

(b) INCREASED MATCHING RATE FOR COLLECTING AND REPORTING ON CHILD HEALTH MEASURES.—Section 1903(a)(3)(A) (42 U.S.C. 1396b(a)(3)(A)), is amended—

(1) by striking "and" at the end of clause (i); and

(2) by adding at the end the following new clause:

"(iii) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to such developments or modifications of systems of the type described in clause (i) as are necessary for the efficient collection and reporting on child health measures; and".

SEC. 502. IMPROVED INFORMATION REGARDING ACCESS TO COVERAGE UNDER CHIP.

(a) INCLUSION OF PROCESS AND ACCESS MEASURES IN ANNUAL STATE REPORTS.—Section 2108 (42 U.S.C. 1397hh) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "The State" and inserting "Subject to subsection (e), the State"; and

(2) by adding at the end the following new subsection:

"(e) INFORMATION REQUIRED FOR INCLUSION IN STATE ANNUAL REPORT.—The State shall include the following information in the annual report required under subsection (a):

"(1) Eligibility criteria, enrollment, and retention data (including data with respect to continuity of coverage or duration of benefits).

"(2) Data regarding the extent to which the State uses process measures with respect to determining the eligibility of children under the State child health plan, including measures such as 12-month continuous eligibility, self-declaration of income for applications or renewals, or presumptive eligibility.

"(3) Data regarding denials of eligibility and redeterminations of eligibility.

"(4) Data regarding access to primary and specialty services, access to networks of care, and care coordination provided under the State child health plan, using quality care and consumer satisfaction measures included in the Consumer Assessment of Healthcare Providers and Systems (CAHPS) survey.

"(5) If the State provides child health assistance in the form of premium assistance for the purchase of coverage under a group health plan, data regarding the provision of such assistance, including the extent to which employer-sponsored health insurance coverage is available for children eligible for child health assistance under the State child health plan, the range of the monthly amount of such assistance provided on behalf of a child or family, the number of children or families provided such assistance on a monthly basis, the income of the children or families provided such assistance, the benefits and cost-sharing protection provided under the State child health plan to supplement the coverage purchased with such premium assistance, the effective strategies the State engages in to reduce any administrative barriers to the provision of such assistance, and, the effects, if any, of the provision of such assistance on preventing the coverage provided under the State child health plan from substituting for coverage provided under employer-sponsored health insurance offered in the State.

"(6) To the extent applicable, a description of any State activities that are designed to reduce *the number of uncovered children in the State, including through a State health insurance connector program or support for innovative private health coverage initiatives.".*

(b) GAO STUDY AND REPORT ON ACCESS TO PRIMARY AND SPECIALITY SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children's access to primary and specialty services under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of primary and specialty services under such programs;

(D) the extent to which care coordination is provided for children's care under Medicaid and CHIP; and

(E) as appropriate, information on the degree of availability of services for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the appropriate committees of Congress on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to children's care under Medicaid and CHIP that may exist.

SEC. 503. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP.

Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by section 204(b), is amended by redesignating subparagraph (E) (as added by such section) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

"(E) Subsections (a)(4), (a)(5), (b), (c), (d), and (e) of section 1932 (relating to requirements for managed care).".

TITLE VI—MISCELLANEOUS

SEC. 601. TECHNICAL CORRECTION REGARDING CURRENT STATE AUTHORITY UNDER MEDICAID.

(a) IN GENERAL.—Only with respect to expenditures for medical assistance under a State Medicaid plan, including any waiver of such plan, for fiscal years 2007 and 2008, a State may elect, notwithstanding the fourth sentence of subsection (b) of section 1905 of the Social Security Act (42 U.S.C. 1396d) or subsection (u) of such section—

(1) to cover individuals described in section 1902(a)(10)(A)(ii)(IX) of the Social Security Act and, at its option, to apply less restrictive methodologies to such individuals under section 1902(r)(2) of such Act or 1931(b)(2)(C) of such Act and thereby receive Federal financial participation for medical assistance for such individuals under title XIX of the Social Security Act; or

(2) to receive Federal financial participation for expenditures for medical assistance under title XIX of such Act for children described in paragraph (2)(B) or (3) of section 1905(u) of such Act based on the Federal medical assistance percentage, as otherwise determined based on the first and third sentences of subsection (b) of section 1905 of the Social Security Act, rather than on the basis of an enhanced FMAP (as defined in section 2105(b) of such Act).

(b) REPEAL.—Effective October 1, 2008, subsection (a) is repealed.

(c) HOLD HARMLESS.—No State that elects the option described in subsection (a) shall be treated as not having been authorized to make such election and to receive Federal financial participation for expenditures for medical assistance described in that subsection for fiscal years 2007 and 2008 as a result of the repeal of the subsection under subsection (b).

SEC. 602. PAYMENT ERROR RATE MEASUREMENT ("PERM").

(a) EXPENDITURES RELATED TO COMPLIANCE WITH REQUIREMENTS.—

(1) ENHANCED PAYMENTS.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 401(a), is amended by adding at the end the following new paragraph:

"(11) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations) shall in no event be less than 90 percent.".

(2) EXCLUSION OF FROM CAP ON ADMINISTRATIVE EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)C)), as amended by section 402(b), is amended by adding at the end the following:

"(v) PAYMENT ERROR RATE MEASUREMENT (PERM) EXPENDITURES.—Expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations).".

(b) FINAL RULE REQUIRED TO BE IN EFFECT FOR ALL STATES.—Notwithstanding parts 431 and 457 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this Act), the Secretary shall not calculate or publish any national or State-specific error rate based on the application of the payment error rate measurement (in this section referred to as "PERM") requirements to CHIP until after the date that is 6 months after the date on which a final rule implementing such requirements in accordance with the requirements of subsection (c) is in effect for all States. Any calculation of a national error rate or a State specific error rate after such final rule in effect for all States may only be inclusive of errors, as defined in such final rule or in guidance issued within a reasonable time frame after the effective date for such final rule that includes detailed guidance for the specific methodology for error determinations.

(c) REQUIREMENTS FOR FINAL RULE.—For purposes of subsection (b), the requirements of this subsection are that the final rule implementing the PERM requirements shall include—

(1) clearly defined criteria for errors for both States and providers;

(2) a clearly defined process for appealing error determinations by review contractors; and

(3) clearly defined responsibilities and deadlines for States in implementing any corrective action plans.

(d) OPTION FOR APPLICATION OF DATA FOR CERTAIN STATES UNDER THE INTERIM FINAL RULE.—

(1) OPTION FOR STATES IN FIRST APPLICATION CYCLE.—After the final rule implementing the PERM requirements in accordance with the requirements of subsection (c) is in effect for all States, a State for which the PERM requirements were first in effect under an interim final rule for fiscal year 2007 may elect to accept any payment error rate determined in whole or in part for the State on the basis of data for that fiscal year or may elect to not have any payment error rate determined on the basis of such data and, instead, shall be treated as if fiscal year 2010 were the first fiscal year for which the PERM requirements apply to the State.

(2) OPTION FOR STATES IN SECOND APPLICATION CYCLE.—If such final rule is not in effect for all States by July 1, 2008, a State for which the PERM requirements were first in effect under an interim final rule for fiscal year 2008 may elect to accept any payment error rate determined in whole or in part for the State on the basis of data for that fiscal year or may elect to not have any payment error rate determined on the basis of such data and, instead, shall be treated as if fiscal year 2011 were the first fiscal year for which the PERM requirements apply to the State.

(e) HARMONIZATION OF MEQC AND PERM.—

(1) REDUCTION OF REDUNDANCIES.—The Secretary shall review the Medicaid Eligibility Quality Control (in this subsection referred to as the "MEQC") requirements with the PERM requirements and coordinate consistent implementation of both sets of requirements, while reducing redundancies.

(2) STATE OPTION TO APPLY PERM DATA.—A State may elect, for purposes of determining the erroneous excess payments for medical assistance ratio applicable to the State for a fiscal year under section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) to substitute data resulting from the application of the PERM requirements to the State after the final rule implementing such requirements is in effect for all States for data obtained from the application of the MEQC requirements to the State with respect to a fiscal year.

(f) IDENTIFICATION OF IMPROVED STATE-SPECIFIC SAMPLE SIZES.—The Secretary shall establish State-specific sample sizes for application of the PERM requirements with respect to State child health plans for fiscal years beginning with fiscal year 2009, on the basis of such information as the Secretary determines appropriate. In establishing such sample sizes, the Secretary shall, to the greatest extent practicable—

(1) minimize the administrative cost burden on States under Medicaid and CHIP; and

(2) maintain State flexibility to manage such programs.

SEC. 603. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.

Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))"; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) [reserved]".

SEC. 604. IMPROVING DATA COLLECTION.

(a) INCREASED APPROPRIATION.—Section 2109(b)(2) (42 U.S.C. 1397ii(b)(2)) is amended by striking "$10,000,000 for fiscal year 2000" and inserting "$20,000,000 for fiscal year 2008".

(b) USE OF ADDITIONAL FUNDS.—Section 2109(b) (42 U.S.C. 1397ii(b)), as amended by subsection (a), is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1), the following new paragraphs:

"(2) ADDITIONAL REQUIREMENTS.—In addition to making the adjustments required to produce the data described in paragraph (1), with respect to data collection occurring for fiscal years beginning with fiscal year 2008, in appropriate consultation with the Secretary of Health and Human Services, the Secretary of Commerce shall do the following:

"(A) Make appropriate adjustments to the Current Population Survey to develop more accurate State-specific estimates of the number of children enrolled in health coverage under title XIX or this title.

"(B) Make appropriate adjustments to the Current Population Survey to improve the survey estimates used to compile the State-specific

and national number of low-income children without health insurance for purposes of determining allotments under subsections (c) and (i) of section 2104 and making payments to States from the CHIP Incentive Bonuses Pool established under subsection (j) of such section, the CHIP Contingency Fund established under subsection (k) of such section, and, to the extent applicable to a State, from the block grant set aside under section 2111(b)(2)(B)(i) for each of fiscal years 2010 through 2012.

"(C) Include health insurance survey information in the American Community Survey related to children.

"(D) Assess whether American Community Survey estimates, once such survey data are first available, produce more reliable estimates than the Current Population Survey with respect to the purposes described in subparagraph (B).

"(E) On the basis of the assessment required under subparagraph (D), recommend to the Secretary of Health and Human Services whether American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in subparagraph (B).

"(F) Continue making the adjustments described in the last sentence of paragraph (1) with respect to expansion of the sample size used in State sampling units, the number of sampling units in a State, and using an appropriate verification element.

"(3) AUTHORITY FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TRANSITION TO THE USE OF ALL, OR SOME COMBINATION OF, ACS ESTIMATES UPON RECOMMENDATION OF THE SECRETARY OF COMMERCE.—If, on the basis of the assessment required under paragraph (2)(D), the Secretary of Commerce recommends to the Secretary of Health and Human Services that American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in paragraph (2)(B), the Secretary of Health and Human Services may provide for a period during which the Secretary may transition from carrying out such purposes through the use of Current Population Survey estimates to the use of American Community Survey estimates (in lieu of, or in combination with the Current Population Survey estimates, as recommended), provided that any such transition is implemented in a manner that is designed to avoid adverse impacts upon States with approved State child health plans under this title.".

SEC. 605. DEFICIT REDUCTION ACT TECHNICAL CORRECTIONS.

(a) STATE FLEXIBILITY IN BENEFIT PACKAGES.—

(1) CLARIFICATION OF REQUIREMENT TO PROVIDE EPSDT SERVICES FOR ALL CHILDREN IN BENCHMARK BENEFIT PACKAGES.—Section 1937(a)(1) (42 U.S.C. 1396u–7(a)(1)), as inserted by section 6044(a) of the Deficit Reduction Act of 2005 (Public Law 109–171, 120 Stat. 88), is amended—

(A) in subparagraph (A)—

(i) in the matter before clause (i), by striking "enrollment in coverage that provides" and inserting "coverage that";

(ii) in clause (i), by inserting "provides" after "(i)"; and

(iii) by striking clause (ii) and inserting the following:

"(ii) for any individual described in section 1905(a)(4)(B) who is eligible under the State plan in accordance with paragraphs (10) and (17) of section 1902(a), consists of the items and services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with the requirements of section 1902(a)(43).";

(B) in subparagraph (C)—

(i) in the heading, by striking "WRAP-AROUND" and inserting "ADDITIONAL"; and

(ii) by striking "wrap-around or"; and

(C) by adding at the end the following new subparagraph:

"(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

"(i) requiring a State to offer all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2); or

"(ii) preventing a State from offering all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2).".

(2) CORRECTION OF REFERENCE TO CHILDREN IN FOSTER CARE RECEIVING CHILD WELFARE SERVICES.—Section 1937(a)(2)(B)(viii) (42 U.S.C. 1396u–7(a)(2)(B)(viii), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by striking "aid or assistance is made available under part B of title IV to children in foster care and individuals" and inserting "child welfare services are made available under part B of title IV on the basis of being a child in foster care or".

(3) TRANSPARENCY.—Section 1937 (42 U.S.C. 1396u–7), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by adding at the end the following:

"(c) PUBLICATION OF PROVISIONS AFFECTED.—Not later than 30 days after the date the Secretary approves a State plan amendment to provide benchmark benefits in accordance with subsections (a) and (b), the Secretary shall publish in the Federal Register and on the Internet website of the Centers for Medicare & Medicaid Services, a list of the provisions of this title that the Secretary has determined do not apply in order to enable the State to carry out such plan amendment and the reason for each such determination.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6044(a) of the Deficit Reduction Act of 2005.

SEC. 606. ELIMINATION OF CONFUSING PROGRAM REFERENCES.

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by division B of Public Law 106–113 (113 Stat. 1501A–402) is repealed.

SEC. 607. MENTAL HEALTH PARITY IN CHIP PLANS.

(a) ASSURANCE OF PARITY.—Section 2103(c) (42 U.S.C. 1397cc(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4), the following:

"(5) MENTAL HEALTH SERVICES PARITY.—

"(A) IN GENERAL.—In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance abuse benefits, such plan shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance abuse benefits are no more restrictive than the financial requirements and treatment limitations applied to substantially all medical and surgical benefits covered by the plan.

"(B) DEEMED COMPLIANCE.—To the extent that a State child health plan includes coverage with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with section 1902(a)(43), such plan shall be deemed to satisfy the requirements of subparagraph (A).".

(b) CONFORMING AMENDMENTS.—Section 2103 (42 U.S.C. 1397cc) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "subsection (c)(5)" and inserting "paragraphs (5) and (6) of subsection (c)"; and

(2) in subsection (c)(2), by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

SEC. 608. DENTAL HEALTH GRANTS.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 201, is amended by adding at the end the following:

"SEC. 2114. DENTAL HEALTH GRANTS.

"(a) AUTHORITY TO AWARD GRANTS.—

"(1) IN GENERAL.—From the amount appropriated under subsection (f), the Secretary shall award grants from amounts to eligible States for the purpose of carrying out programs and activities that are designed to improve the availability of dental services and strengthen dental coverage for targeted low-income children enrolled in State child health plans.

"(2) ELIGIBLE STATE.—In this section, the term 'eligible State' means a State with an approved State child health plan under this title that submits an application under subsection (b) that is approved by Secretary.

"(b) APPLICATION.—An eligible State that desires to receive a grant under this paragraph shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may require. Such application shall include—

"(1) a detailed description of—

"(A) the dental services (if any) covered under the State child health plan; and

"(B) how the State intends to improve dental coverage and services during fiscal years 2008 through 2012;

"(2) a detailed description of the programs and activities proposed to be conducted with funds awarded under the grant;

"(3) quality and outcomes performance measures to evaluate the effectiveness of such activities; and

"(4) an assurance that the State shall—

"(A) conduct an assessment of the effectiveness of such activities against such performance measures; and

"(B) cooperate with the collection and reporting of data and other information determined as a result of conducting such assessments to the Secretary, in such form and manner as the Secretary shall require.

"(c) USE OF FUNDS.—The programs and activities described in subsection (a)(1) may include the provision of enhanced dental coverage under the State child health plan.

"(d) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

"(1) the State share of funds expended for dental services under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

"(2) no State matching funds shall be required for the State to receive a grant under this section.

"(e) ANNUAL REPORT.—The Secretary shall submit an annual report to the appropriate committees of Congress regarding the grants awarded under this section that includes—

"(1) State specific descriptions of the programs and activities conducted with funds awarded under such grants; and

"(2) information regarding the assessments required of States under subsection (b)(4).

"(f) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated, $200,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended, for the purpose of awarding grants to States under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105.".

(b) IMPROVED ACCESSIBILITY OF DENTAL PROVIDER INFORMATION MORE ACCESSIBLE TO ENROLLEES UNDER MEDICAID AND CHIP.—The Secretary shall—

(1) work with States, pediatric dentists, and other dental providers to include on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1–877–KIDS–NOW) a current and accurate list of all dentists and other dental providers within each State that provide dental services to children enrolled in the State plan (or waiver) under Medicaid or the State child health plan (or waiver) under CHIP, and shall ensure that such list is updated at least quarterly; and

(2) work with States to include a description of the dental services provided under each State plan (or waiver) under Medicaid and each State child health plan (or waiver) under CHIP on such Insure Kids Now website.

(c) GAO STUDY AND REPORT ON ACCESS TO ORAL HEALTH CARE, INCLUDING PREVENTIVE AND RESTORATIVE SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children's access to oral health care, including preventive and restorative services, under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of oral health care, including preventive and restorative services, under such programs; and

(D) as appropriate, information on the degree of availability of oral health care, including preventive and restorative services, for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the appropriate committees of Congress on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to oral health care, including preventive and restorative services, under Medicaid and CHIP that may exist.

(d) INCLUSION OF STATUS OF EFFORTS TO IMPROVE DENTAL CARE IN REPORTS ON THE QUALITY OF CHILDREN'S HEALTH CARE UNDER MEDICAID AND CHIP.—Section 1139A(a)(6)(ii), as added by section 501(a), is amended by inserting "dental care," after "preventive health services,".

SEC. 609. APPLICATION OF PROSPECTIVE PAYMENT SYSTEM FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) APPLICATION OF PROSPECTIVE PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by sections 204(b) and 503, is amended by inserting after subparagraph (A) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

"(B) Section 1902(bb) (relating to payment for services provided by Federally-qualified health centers and rural health clinics).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services provided on or after October 1, 2008.

(b) TRANSITION GRANTS.—

(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary for fiscal year 2008, $5,000,000, to remain available until expended, for the purpose of awarding grants to States with State child health plans under CHIP that are operated separately from the State Medicaid plan under title XIX of the Social Security Act (including any waiver of such plan), or in combination with the State Medicaid plan, for expenditures related to transitioning to compliance with the requirement of section 2107(e)(1)(B) of the Social Security Act (as added by subsection (a)) to apply the prospective payment system established under section 1902(bb) of the such Act (42 U.S.C. 1396a(bb)) to services provided by Federally-qualified health centers and rural health clinics.

(2) MONITORING AND REPORT.—The Secretary shall monitor the impact of the application of such prospective payment system on the States described in paragraph (1) and, not later than October 1, 2010, shall report to Congress on any effect on access to benefits, provider payment rates, or scope of benefits offered by such States as a result of the application of such payment system.

SEC. 610. SUPPORT FOR INJURED SERVICEMEMBERS.

(a) SHORT TITLE.—This section may be cited as the "Support for Injured Servicemembers Act".

(b) SERVICEMEMBER FAMILY LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

"(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

"(16) MEDICAL HOLD OR MEDICAL HOLDOVER STATUS.—The term 'medical hold or medical holdover status' means—

"(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

"(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

"(17) NEXT OF KIN.—The term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual.

"(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.".

(2) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

"(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking "section 103(b)(5)" and inserting "subsection (b)(5) or (f) (as appropriate) of section 103"; and

(II) by inserting "or under subsection (a)(3)" after "subsection (a)(1)"; and

(ii) in paragraph (2), by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) in paragraph (1)—

(I) by inserting "(or 26 workweeks in the case of leave provided under subsection (a)(3))" after "12 workweeks" the first place it appears; and

(II) by inserting "(or 26 workweeks, as appropriate)" after "12 workweeks" the second place it appears; and

(ii) in paragraph (2)(B), by adding at the end the following: "An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.".

(C) NOTICE.—Section 102(e)(2) of such Act (29 U.S.C. 2612(e)(2)) is amended by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(D) SPOUSES EMPLOYED BY SAME EMPLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f)) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and aligning the margins of the subparagraphs with the margins of section 102(e)(2)(A);

(ii) by striking "In any" and inserting the following:

"(1) IN GENERAL.—In any"; and

(iii) by adding at the end the following:

"(2) SERVICEMEMBER FAMILY LEAVE.—

"(A) IN GENERAL.—The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

"(i) leave under subsection (a)(3); or

"(ii) a combination of leave under subsection (a)(3) and leave described in paragraph (1).

"(B) BOTH LIMITATIONS APPLICABLE.—If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).".

(E) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

(F) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting "or under section 102(a)(3)" before the semicolon; and

(ii) in paragraph (3)(A)—

(I) in clause (i), by striking "or" at the end;

(II) in clause (ii), by striking the period and inserting "; or"; and

(III) by adding at the end the following:

"(iii) a certification issued by the health care provider of the servicemember being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).".

(G) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting "(or 26 weeks, in a case involving leave under section 102(a)(3))" after "12 weeks".

(H) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting "or under section 102(a)(3)" after "section 102(a)(1)".

(c) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

"(8) the term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness;

"(9) the term 'medical hold or medical holdover status' means—

"(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

"(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces;

"(10) the term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual; and

"(11) the term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.".

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

"(3) Subject to section 6383, an employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 administrative workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

"(4) During the single 12-month period described in paragraph (3), an employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking "section 6383(b)(5)" and inserting "subsection (b)(5) or (f) (as appropriate) of section 6383"; and

(II) by inserting "or under subsection (a)(3)" after "subsection (a)(1)"; and

(ii) in paragraph (2), by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: "An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.".

(C) NOTICE.—Section 6382(e) of such title is amended by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(D) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SEC. 611. MILITARY FAMILY JOB PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Military Family Job Protection Act".

(b) PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING MEMBERS OF THE ARMED FORCES.—A family member of a recovering servicemember described in subsection (c) shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in that subsection, for a period of not more than 52 workweeks.

(c) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering servicemember who is—

(1) on invitational orders while caring for the recovering servicemember;

(2) a non-medical attendee caring for the recovering servicemember; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering servicemember.

(d) TREATMENT OF ACTIONS.—An employer shall be considered to have engaged in an action prohibited by subsection (b) with respect to a person described in that subsection if the absence from employment of the person as described in that subsection is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of the absence of employment of the person.

(e) DEFINITIONS.—In this section:

(1) BENEFIT OF EMPLOYMENT.—The term "benefit of employment" has the meaning given such term in section 4303 of title 38, United States Code.

(2) CARING FOR.—The term "caring for", used with respect to a recovering servicemember, means providing personal, medical, or convalescent care to the recovering servicemember, under circumstances that substantially interfere with an employee's ability to work.

(3) EMPLOYER.—The term "employer" has the meaning given such term in section 4303 of title 38, United States Code, except that the term does not include any person who is not considered to be an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

(4) FAMILY MEMBER.—The term "family member", with respect to a recovering servicemember, has the meaning given that term in section 411h(b) of title 37, United States Code.

(5) RECOVERING SERVICEMEMBER.—The term "recovering servicemember" means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

SEC. 612. SENSE OF SENATE REGARDING ACCESS TO AFFORDABLE AND MEANINGFUL HEALTH INSURANCE COVERAGE.

(a) FINDINGS.—The Senate finds the following:

(1) There are approximately 45 million Americans currently without health insurance.

(2) More than half of uninsured workers are employed by businesses with less than 25 employees or are self-employed.

(3) Health insurance premiums continue to rise at more than twice the rate of inflation for all consumer goods.

(4) Individuals in the small group and individual health insurance markets usually pay more for similar coverage than those in the large group market.

(5) The rapid growth in health insurance costs over the last few years has forced many employers, particularly small employers, to increase deductibles and co-pays or to drop coverage completely.

(b) SENSE OF THE SENATE.—The Senate—

(1) recognizes the necessity to improve affordability and access to health insurance for all Americans;

(2) acknowledges the value of building upon the existing private health insurance market; and

(3) affirms its intent to enact legislation this year that, with appropriate protection for consumers, improves access to affordable and meaningful health insurance coverage for employees of small businesses and individuals by—

(A) facilitating pooling mechanisms, including pooling across State lines, and

(B) providing assistance to small businesses and individuals, including financial assistance and tax incentives, for the purchase of private insurance coverage.

SEC. 613. DEMONSTRATION PROJECTS RELATING TO DIABETES PREVENTION.

There is authorized to be appropriated $15,000,000 during the period of fiscal years 2008 through 2012 to fund demonstration projects in up to 10 States over 3 years for voluntary incentive programs to promote children's receipt of relevant screenings and improvements in healthy eating and physical activity with the aim of reducing the incidence of type 2 diabetes. Such programs may involve reductions in cost-sharing or premiums when children receive regular screening and reach certain benchmarks in healthy eating and physical activity. Under such programs, a State may also provide financial bonuses for partnerships with entities, such as schools, which increase their education and efforts with respect to reducing the incidence of type 2 diabetes and may also devise incentives for providers serving children covered under this title and title XIX to perform relevant screening and counseling regarding healthy eating and physical activity. Upon completion of these demonstrations, the Secretary shall provide a report to Congress on the results of the State demonstration projects and the degree to which they helped improve health outcomes related to type 2 diabetes in children in those States.".

SEC. 614. OUTREACH REGARDING HEALTH INSURANCE OPTIONS AVAILABLE TO CHILDREN.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" means the Small Business Administration and the Administrator thereof, respectively;

(2) the term "certified development company" means a development company participating in

the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term "Medicaid program" means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term "State" has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term "State Children's Health Insurance Program" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term "task force" means the task force established under subsection (b)(1); and

(10) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(2) MEMBERSHIP.—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(3) RESPONSIBILITIES.—The campaign conducted under this subsection shall include—

(A) efforts to educate the owners of small business concerns about the value of health coverage for children;

(B) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(C) efforts to educate the owners of small business concerns about assistance available through public programs; and

(D) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(4) IMPLEMENTATION.—In carrying out this subsection, the task force may—

(A) use any business partner of the Administration, including—

(i) a small business development center;

(ii) a certified development company;

(iii) a women's business center; and

(iv) the Service Corps of Retired Executives;

(B) enter into—

(i) a memorandum of understanding with a chamber of commerce; and

(ii) a partnership with any appropriate small business concern or health advocacy group; and

(C) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(5) WEBSITE.—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(6) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

TITLE VII—REVENUE PROVISIONS

SEC. 701. INCREASE IN EXCISE TAX RATE ON TOBACCO PRODUCTS.

(a) CIGARS.—Section 5701(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$1.828 cents per thousand ($1.594 cents per thousand on cigars removed during 2000 or 2001)" in paragraph (1) and inserting "$50.00 per thousand",

(2) by striking "20.719 percent (18.063 percent on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "53.13 percent", and

(3) by striking "$48.75 per thousand ($42.50 per thousand on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "$3.00 per cigar".

(b) CIGARETTES.—Section 5701(b) of such Code is amended—

(1) by striking "$19.50 per thousand ($17 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (1) and inserting "$50.00 per thousand", and

(2) by striking "$40.95 per thousand ($35.70 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (2) and inserting "$104.9999 cents per thousand".

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking "1.22 cents (1.06 cents on cigarette papers removed during 2000 or 2001)" and inserting "3.13 cents".

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking "2.44 cents (2.13 cents on cigarette tubes removed during 2000 or 2001)" and inserting "6.26 cents".

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking "58.5 cents (51 cents on snuff removed during 2000 or 2001)" in paragraph (1) and inserting "$1.50", and

(2) by striking "19.5 cents (17 cents on chewing tobacco removed during 2000 or 2001)" in paragraph (2) and inserting "50 cents".

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking "$1.0969 cents (95.67 cents on pipe tobacco removed during 2000 or 2001)" and inserting "$2.8126 cents".

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking "$1.0969 cents (95.67 cents on roll-your-own tobacco removed during 2000 or 2001)" and inserting "$8.8889 cents".

(h) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products and cigarette papers and tubes manufactured in or imported into the United States which are removed before January 1, 2008, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on January 1, 2008, for which such person is liable.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding tobacco products, cigarette papers, or cigarette tubes on January 1, 2008, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before April 1, 2008.

(4) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.) or any other provision of law, any article which is located in a foreign trade zone on January 1, 2008, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).

(5) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Any term used in this subsection which is also used in section 5702 of the Internal Revenue Code of 1986 shall have the same meaning as such term has in such section.

(B) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(6) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

SEC. 702. ADMINISTRATIVE IMPROVEMENTS.

(a) PERMIT, REPORT, AND RECORD REQUIREMENTS FOR MANUFACTURERS AND IMPORTERS OF PROCESSED TOBACCO.—

(1) PERMITS.—

(A) APPLICATION.—Section 5712 of the Internal Revenue Code of 1986 is amended by inserting "or processed tobacco" after "tobacco products".

(B) ISSUANCE.—Section 5713(a) of such Code is amended by inserting "or processed tobacco" after "tobacco products".

(2) INVENTORIES AND REPORTS.—

(A) INVENTORIES.—Section 5721 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

(B) REPORTS.—Section 5722 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

(3) RECORDS.—Section 5741 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

(4) MANUFACTURER OF PROCESSED TOBACCO.—Section 5702 of such Code is amended by adding at the end the following new subsection:

"(p) MANUFACTURER OF PROCESSED TOBACCO.—

"(1) IN GENERAL.—The term 'manufacturer of processed tobacco' means any person who processes any tobacco other than tobacco products.

"(2) PROCESSED TOBACCO.—The processing of tobacco shall not include the farming or growing of tobacco or the handling of tobacco solely for sale, shipment, or delivery to a manufacturer of tobacco products or processed tobacco.".

(5) CONFORMING AMENDMENT.—Section 5702(k) of such Code is amended by inserting ", or any processed tobacco," after "nontaxpaid tobacco products or cigarette papers or tubes".

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

(b) BASIS FOR DENIAL, SUSPENSION, OR REVOCATION OF PERMITS.—

(1) DENIAL.—Paragraph (3) of section 5712 of such Code is amended to read as follows:

"(3) such person (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner)—

"(A) is, by reason of his business experience, financial standing, or trade connections or by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter,

"(B) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes, or

"(C) has failed to disclose any material information required or made any material false statement in the application therefor.".

(2) SUSPENSION OR REVOCATION.—Subsection (b) of section 5713 of such Code is amended to read as follows:

"(b) SUSPENSION OR REVOCATION.—

"(1) SHOW CAUSE HEARING.—If the Secretary has reason to believe that any person holding a permit—

"(A) has not in good faith complied with this chapter, or with any other provision of this title involving intent to defraud,

"(B) has violated the conditions of such permit,

"(C) has failed to disclose any material information required or made any material false statement in the application for such permit,

"(D) has failed to maintain his premises in such manner as to protect the revenue,

"(E) is, by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter, or

"(F) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes,

the Secretary shall issue an order, stating the facts charged, citing such person to show cause why his permit should not be suspended or revoked.

"(2) ACTION FOLLOWING HEARING.—If, after hearing, the Secretary finds that such person has not shown cause why his permit should not be suspended or revoked, such permit shall be suspended for such period as the Secretary deems proper or shall be revoked.".

(c) APPLICATION OF INTERNAL REVENUE CODE STATUTE OF LIMITATIONS FOR ALCOHOL AND TOBACCO EXCISE TAXES.—Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking "and section 520 (relating to refunds)" and inserting "section 520 (relating to refunds), and section 6501 of the Internal Revenue Code of 1986 (but only with respect to taxes imposed under chapters 51 and 52 of such Code)".

(d) EXPANSION OF DEFINITION OF ROLL-YOUR-OWN TOBACCO.—

(1) IN GENERAL.—Section 5702(o) of the Internal Revenue Code of 1986 is amended by inserting "or cigars, or for use as wrappers thereof" before the period at the end.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

(e) TIME OF TAX FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—Section 5703(b)(2) of such Code is amended by adding at the end the following new subparagraph:

"(F) SPECIAL RULE FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—In the case of any tobacco products, cigarette paper, or cigarette tubes produced in the United States at any place other than the premises of a manufacturer of tobacco products, cigarette paper, or cigarette tubes that has filed the bond and obtained the permit required under this chapter, tax shall be due and payable immediately upon manufacture.".

SEC. 703. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "114.50 percent" and inserting "113.25 percent".

TITLE VIII—EFFECTIVE DATE

SEC. 801. EFFECTIVE DATE.

(a) IN GENERAL.—Unless otherwise provided in this Act, subject to subsection (b), the amendments made by this Act shall take effect on October 1, 2007, and shall apply to child health assistance and medical assistance provided on or after that date without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or XXI of the Social Security Act, which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by an amendment made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

Amend the title so as to read: "An Act to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.".

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 278

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, September 4, at 2:30 p.m., the Senate proceed to executive session to consider Executive Calendar No. 278, Jim Nussle, to be Director of the Office of Management and Budget; that there be a time limit of 3 hours for debate on the nomination, 2 hours equally divided between the chairman and ranking member, 1 hour under the control of Senator SANDERS; that at the conclusion or yielding back of the time, the Senate vote on confirmation of the nomination, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDER AND NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 245, 246, 247, 248, 249, 256, 273, 274, 276, 277, 279 through 290, and all nominations placed on the Secretary's desk; further that the HELP Committee be discharged from the following nominations: PN659, David W. James to be an Assistant Secretary of Labor; and PN485, Bradford Campbell to be an Assistant Secretary of Labor; that the Foreign Relations Committee be discharged from further consideration of PN641, Mark Green to be Ambassador to Tanzania; that the nominations be confirmed, the motions to reconsider be laid on the table, that any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF THE INTERIOR

Brent T. Wahlquist, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement.

James L. Caswell, of Idaho, to be Director of the Bureau of Land Management.

DEPARTMENT OF ENERGY

Lisa E. Epifani, of Texas, to be an Assistant Secretary of Energy (Congressional and Intergovernment Affairs).

Kevin M. Kolevar, of Michigan, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability).

Clarence H. Albright, of South Carolina, to be Under Secretary of Energy.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Robert Boldrey, of Michigan, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring May 26, 2013.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Dennis R. Schrader, of Maryland, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security.

[NEW REPORTS]

DEPARTMENT OF COMMERCE

William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF TRANSPORTATION

Thomas J. Barrett, of Alaska, to be Deputy Secretary of Transportation.

Paul R. Brubaker, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David A. Deptula, 6792

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Claude R. Kehler, 6600

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Kenneth W. Hunzeker, 4503

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. James D. Thurman, 8182

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. James J. Lovelace, 0304

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Carter F. Ham, 0921

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Lawrence A. Haskins, 3608

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Richard K. Gallagher, 9308

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Robert T. Moeller, 1217

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. James A. Winnefeld, Jr., 5212

The following named officer for appointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 152 and 601:

To be admiral

Adm. Michael G. Mullen, 9509

IN THE MARINE CORPS

The following named officer for appointment as the Vice Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 154:

To be general

Gen. James E. Cartwright, 5961

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN793 AIR FORCE nomination of Damion T. Gottlieb, which was received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN794 AIR FORCE nomination of Francis E. Lowe, which was received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN795 AIR FORCE nominations (25) beginning LISTA M. BENSON, and ending KAREN L. WEIS, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

P796 AIR FORCE nominations (17) beginning KEVIN C. BLAKLEY, and ending ROBERT A. TETLA, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN797 AIR FORCE nominations (556) beginning ROBERT K. ABERNATHY, and ending ANTHONY J. ZUCCO, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN800 AIR FORCE nominations (36) beginning MARY ANN BEHAN, and ending PAUL A. WILLINGHAM, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

IN THE ARMY

PN801 ARMY nominations (53) beginning DAWUD A. AGBERE, and ending EDWARD J. YURUS, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN802 ARMY nominations (2) beginning BLAKE C. ORTNER, and ending ANDREW S. ZELLER, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN803 ARMY nominations (2) beginning JULIE A. BENTZ, and ending THOMAS L. TURPIN JR., which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN804 ARMY nominations (5) beginning LARRY L. GUYTON, and ending LINDA M. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

IN THE COAST GUARD

PN781 COAST GUARD nomination of Kristine B. Neeley, which was received by the Senate and appeared in the Congressional Record of July 25, 2007.

IN THE NAVY

PN805 NAVY nominations (14) beginning JOSE A. ACOSTA, and ending LAWRENCE A. RAMIREZ, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN806 NAVY nominations (20) beginning DOUGLAS P. BARBER JR., and ending THOMAS J. WELSH, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN807 NAVY nominations (10) beginning SUSAN D. CHACON, and ending SEUNG C. YANG, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN808 NAVY nominations (56) beginning ENEIN Y. H. ABOUL, and ending KIMBERLY A. ZUZELSKI, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

DEPARTMENT OF LABOR

David W. James, of Missouri, to be an Assistant Secretary of Labor.

Bradford P. Campbell, of Virginia, to be an Assistant Secretary of Labor.

DEPARTMENT OF STATE

Mark Green, of Wisconsin, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDER FOR STATUS OF NOMINATIONS TO REMAIN IN STATUS QUO

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that the provisions of rule XXXI, section 5 notwithstanding, all nominations remain in status quo except the following: Reed Verne Hillman, of Massachusetts, to be United States Marshal for the District of Massachusetts for the term of 4 years.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 43, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 43) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 43) was agreed to, as follows:

S. CON. RES. 43

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Friday, August 3, 2007, through Friday, August 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Tuesday, September 4, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, August 3, 2007, through Wednesday, August 8, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 4, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

MEASURE PLACED ON THE CALENDAR—S. 1974

Mr. REID. Mr. President, it is my understanding that S. 1974 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for a second time.

The legislative clerk read as follows:

A bill (S. 1974) to make technical corrections related to the Pension Protection Act of 2006.

Mr. REID. Mr. President, I object to any further proceedings.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

IMPROVING THE USE OF LAND TO THE STATE OF IDAHO FOR USE AS AN AGRICULTURAL COLLEGE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3006.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3006) to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider laid on the table, and that any statements thereon be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3006) was read the third time, and passed.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that it be in order for the Senate to proceed, en bloc, to the consideration of the following calendar items: Calendar Nos. 299, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, and H.R. 2309, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read the third time and passed en bloc; that the motions to reconsider be laid on the table en bloc; that the consideration of these items appear separately in the Record; and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVATE FIRST CLASS SHANE R. AUSTIN POST OFFICE

The bill (S. 1772) to designate the facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, as the "Private First Class Shane R. Austin Post office," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRIVATE FIRST CLASS SHANE R. AUSTIN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, shall be known and designated as the "Private First Class Shane R. Austin Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Private First Class Shane R. Austin Post Office".

OFFICER JEREMY TODD CHARRON POST OFFICE

The bill (S. 1896) to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charron Post Office," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICER JEREMY TODD CHARRON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, shall be known and designated as the "Officer Jeremy Todd Charron Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Officer Jeremy Todd Charron Post Office".

CLAUDE RAMSEY POST OFFICE

The bill (H.R. 1260) to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the "Claude Ramsey Post Office," was considered, ordered to a third reading, read the third time, and passed.

S/SGT LEWIS G. WATKINS POST OFFICE BUILDING

The bill (H.R. 1335) to designate the facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the "S/Sgt Lewis G. Watkins Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

STAFF SERGEANT MARVIN "REX" YOUNG POST OFFICE BUILDING

The bill (H.R. 1425) to designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the "Staff Sergeant Marvin 'Rex' Young Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

RACHEL CARSON POST OFFICE BUILDING

The bill (H.R. 1434) to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the "Rachel Carson Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

HARRIETT F. WOODS POST OFFICE BUILDING

The bill (H.R. 1617) to designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the Harriett F. Woods Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

LEONARD W. HERMAN POST OFFICE

The bill (H.R. 1722) to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the "Leonard

W. Herman Post Office," was considered, ordered to a third reading, read the third time, and passed.

WILLYE B. WHITE POST OFFICE BUILDING

The bill (H.R. 2025) to designate the facility of the United States Postal Service 10C 11033 South State Street in Chicago, Illinois, as the "Willye B. White Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

GEORGE B. LEWIS POST OFFICE BUILDING

The bill (H.R. 2077) to designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the "George B. Lewis Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

STAFF SERGEANT OMER 'O.T.' HAWKINS POST OFFICE

The bill (H.R. 2078) to designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the "Staff Sergeant Omer 'O.T.' Hawkins Post Office," was considered, ordered to a third reading, read the third time, and passed.

CLEM ROGERS McSPADDEN POST OFFICE BUILDING

The bill (H.R. 2127) to designate the facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, as the "Clem Rogers McSpadden Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

MAJOR SCOTT NISELY POST OFFICE

The bill (H.R. 2563) to designate the facility of the United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, as the "Major Scott Nisely Post Office," was considered, ordered to a third reading, read the third time, and passed.

DR. KARL E. CARSON POST OFFICE BUILDING

The bill (H.R. 2570) to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the "Dr. Karl E. Carson Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

BUCK OWENS POST OFFICE

The bill (H.R. 1384) to designate the facility of the United States Postal Service located at 118 Minner Street in Bakersfield, California, as the "Buck Owens Post Office," was considered, ordered to a third reading, read the third time, and passed.

DOLPH BRISCOE, JR. POST OFFICE BUILDING

The bill (H.R. 2688) to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the "Dolph S. Briscoe, Jr. Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

FRANK G. LUMPKIN, JR. POST OFFICE BUILDING

The bill (H.R. 2309) to designate the facility of the United States Postal Service located at 3916 Milgen Road in Columbus, Georgia, as the "Frank G. Lumpkin, Jr. Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

NATIVE AMERICAN $1 COIN ACT

Mr. REID. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 2358, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2358) to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I understand there is an amendment at the desk. I ask unanimous consent that the amendment be considered and agreed to; that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2653) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American $1 Coin Act".

SEC. 2. NATIVE AMERICAN $1 COIN PROGRAM.

Section 5112 of title 31, United States Code, is amended by adding at the end the following:

"(r) REDESIGN AND ISSUANCE OF CIRCULATING $1 COINS HONORING NATIVE AMERICANS AND THE IMPORTANT CONTRIBUTIONS MADE BY INDIAN TRIBES AND INDIVIDUAL NATIVE AMERICANS IN UNITED STATES HISTORY.—

"(1) REDESIGN BEGINNING IN 2008.—

"(A) IN GENERAL.—Effective beginning January 1, 2008, notwithstanding subsection (d), in addition to the coins to be issued pursuant to subsection (n), and in accordance with this subsection, the Secretary shall mint and issue $1 coins that—

"(i) have as the designs on the obverse the so-called 'Sacagawea design'; and

"(ii) have a design on the reverse selected in accordance with paragraph (2)(A), subject to paragraph (3)(A).

"(B) DELAYED DATE.—If the date of the enactment of the Native American $1 Coin Act is after August 25, 2007, subparagraph (A) shall be applied by substituting '2009' for '2008'.

"(2) DESIGN REQUIREMENTS.—The $1 coins issued in accordance with paragraph (1) shall meet the following design requirements:

"(A) COIN REVERSE.—The design on the reverse shall bear—

"(i) images celebrating the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States;

"(ii) the inscription '$1' ; and

"(iii) the inscription 'United States of America'.

"(B) COIN OBVERSE.—The design on the obverse shall—

"(i) be chosen by the Secretary, after consultation with the Commission of Fine Arts and review by the Citizens Coinage Advisory Committee; and

"(ii) contain the so-called 'Sacagawea design' and the inscription 'Liberty'.

"(C) EDGE-INCUSED INSCRIPTIONS.—

"(i) IN GENERAL.—The inscription of the year of minting and issuance of the coin and the inscriptions 'E Pluribus Unum' and 'In God We Trust' shall be edge-incused into the coin.

"(ii) PRESERVATION OF DISTINCTIVE EDGE.—The edge-incusing of the inscriptions under clause (i) on coins issued under this subsection shall be done in a manner that preserves the distinctive edge of the coin so that the denomination of the coin is readily discernible, including by individuals who are blind or visually impaired.

"(D) REVERSE DESIGN SELECTION.—The designs selected for the reverse of the coins described under this subsection—

"(i) shall be chosen by the Secretary after consultation with the Committee on Indian Affairs of the Senate, the Congressional Native American Caucus of the House of Representatives, the Commission of Fine Arts, and the National Congress of American Indians;

"(ii) shall be reviewed by the Citizens Coinage Advisory Committee;

"(iii) may depict individuals and events such as—

"(I) the creation of Cherokee written language;

"(II) the Iroquois Confederacy;

"(III) Wampanoag Chief Massasoit;

"(IV) the 'Pueblo Revolt';

"(V) Olympian Jim Thorpe;

"(VI) Ely S. Parker, a general on the staff of General Ulysses S. Grant and later head of the Bureau of Indian Affairs; and

"(VII) code talkers who served the United States Armed Forces during World War I and World War II; and

"(iv) in the case of a design depicting the contribution of an individual Native American to the development of the United States and the history of the United States, shall not depict the individual in a size such that the coin could be considered to be a '2-headed' coin.

"(3) ISSUANCE OF COINS COMMEMORATING 1 NATIVE AMERICAN EVENT DURING EACH YEAR.—

"(A) IN GENERAL.—Each design for the reverse of the $1 coins issued during each year shall be emblematic of 1 important Native American or Native American contribution each year.

"(B) ISSUANCE PERIOD.—Each $1 coin minted with a design on the reverse in accordance with this subsection for any year shall be issued during the 1-year period beginning on January 1 of that year and shall be available throughout the entire 1-year period.

"(C) ORDER OF ISSUANCE OF DESIGNS.—Each coin issued under this subsection commemorating Native Americans and their contributions—

"(i) shall be issued, to the maximum extent practicable, in the chronological order in which the Native Americans lived or the events occurred, until the termination of the coin program described in subsection (n); and

"(ii) thereafter shall be issued in any order determined to be appropriate by the Secretary, after consultation with the Committee on Indian Affairs of the Senate, the Congressional Native American Caucus of the House of Representatives, and the National Congress of American Indians.

"(4) ISSUANCE OF NUMISMATIC COINS.—The Secretary may mint and issue such number of $1 coins of each design selected under this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(5) QUANTITY.—The number of $1 coins minted and issued in a year with the Sacagawea-design on the obverse shall be not less than 20 percent of the total number of $1 coins minted and issued in such year.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

Section 5112(n)(1) of title 31, United States Code, is amended—

(1) by striking the paragraph designation and heading and all that follows through "Notwithstanding subsection (d)" and inserting the following:

"(1) REDESIGN BEGINNING IN 2007.—Notwithstanding subsection (d)";

(2) by striking subparagraph (B); and

(3) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately.

SEC. 4. REMOVAL OF BARRIERS TO CIRCULATION OF $1 COIN.

(a) IN GENERAL.—In order to remove barriers to circulation, the Secretary of the Treasury shall carry out an aggressive, cost-effective, continuing campaign to encourage commercial enterprises to accept and dispense $1 coins that have as designs on the obverse the so-called "Sacagawea design".

(b) REPORT.—The Secretary of the Treasury shall submit to Congress an annual report on the success of the efforts described in subsection (a).

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 2358) was read the third time and passed.

SMALL BUSINESS DISASTER RESPONSE AND LOAN IMPROVEMENT ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 139, S. 163, the Small Business Disaster Response and Loan Improvement Act of 2007; that the committee-reported amendment be withdrawn, and that the substitute amendment that is at the desk be considered; that the Bond and Coburn amendments, which are at the desk, be considered and agreed to, en bloc; that the substitute amendment, as amended, be agreed to; that the bill, as amended, be read a third time and passed; that the motions to reconsider be laid upon the table, en bloc; and that any statements relating to the bill be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment was withdrawn.

The amendment (No. 2650) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendments (Nos. 2651 and 2652) were agreed to, as follows:

AMENDMENT NO. 2651 TO AMENDMENT NO. 2650

(Purpose: To strike the title relating to energy emergencies)

On page 50, strike line 15 and all that follows through page 60, line 3.

AMENDMENT NO. 2652 TO AMENDMENT NO. 2650

(Purpose: To require appropriate reporting regarding the number of full-time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Small Business Administration, to provide appropriate assistance in the event of a catastrophic national disaster, and for other purposes)

On page 24, line 2, strike "shall" and insert "may".

On page 24, strike line 9, and all that follows through page 28, line 5, and insert the following:

"(B) REPORT.—In carrying out this subsection, if the number of full-time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Administration is below the level described in subparagraph (A) for that office, not later than 21 days after the date on which that staffing level decreased below the level described in subparagraph (A), the Administrator shall submit to the Committee on Appropriations and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Appropriations and Committee on Small Business of the House of Representatives, a report—

"(i) detailing staffing levels on that date;

"(ii) requesting, if practicable and determined appropriate by the Administrator, additional funds for additional employees; and

"(iii) containing such additional information, as determined appropriate by the Administrator.".

TITLE II—DISASTER LENDING

SEC. 201. CATASTROPHIC NATIONAL DISASTER DECLARATION.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (10), as added by this Act, the following:

"(11) CATASTROPHIC NATIONAL DISASTERS.—

"(A) IN GENERAL.—The President may make a catastrophic national disaster declaration in accordance with this paragraph.

"(B) PROMULGATION OF RULES.—

"(i) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Administrator, with the concurrence of the Secretary of Homeland Security and the Administrator of the Federal Emergency Management Agency, shall promulgate regulations establishing a threshold for a catastrophic national disaster declaration.

"(ii) CONSIDERATIONS.—In promulgating the regulations required under clause (i), the Administrator shall establish a threshold that—

"(I) is similar in size and scope to the events relating to the terrorist attacks of September 11, 2001, and Hurricane Katrina of 2005;

"(II) requires that the President declares a major disaster before making a catastrophic national disaster declaration under this paragraph;

"(III) requires consideration of—

"(aa) the dollar amount per capita of damage to the State, its political subdivisions, or a region;

"(bb) the number of small business concerns damaged, physically or economically, as a direct result of the event;

"(cc) the number of individuals and households displaced from their predisaster residences by the event;

"(dd) the severity of the impact on employment rates in the State, its political subdivisions, or a region;

"(ee) the anticipated length and difficulty of the recovery process;

"(ff) whether the events leading to the relevant major disaster declaration are of an unusually large and calamitous nature that is orders of magnitude larger than for an average major disaster; and

"(gg) any other factor determined relevant by the Administrator.

"(C) AUTHORIZATION.—If the President makes a catastrophic national disaster declaration under this paragraph, the Administrator may make such loans under this paragraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to small business concerns located anywhere in the United States that are economically adversely impacted as a result of that catastrophic national disaster.

"(D) LOAN TERMS.—A loan under this paragraph shall be made on the same terms as a loan under paragraph (2).".

On page 28, strike lines 15 through 18 and insert the following:

"(A) the term 'disaster area' means any area for which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) that subsequently results in the President making a catastrophic national disaster declaration under subsection (b)(11);

On page 34, lines 8 and 9, strike "a disaster declaration is made" and inserting "the President makes a catastrophic disaster declaration under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act,"

On page 34, lines 20 and 21, strike "under section 7(b) of the Small Business Act (15 U.S.C. 636(b))" and insert "under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act".

Mr. KERRY. Mr. President, this month marks the 2-year anniversary of Hurricane Katrina, and still thousands of small business owners in New Orleans and across the gulf coast are still struggling to keep their doors open, keep their employees working, and get the economy back on its feet.

Since the days immediately following the storm, I have worked with Senators SNOWE, LANDRIEU, and VITTER to produce a comprehensive package to reform the SBA's Disaster Assistance program. Nearly 2 years of bipartisan negotiations have produced a piece of legislation that has broad bipartisan support as well as the support of the administration. Today that legislation will pass the Senate, and is one step closer to authorizing the tools needed by the SBA to respond to large scale disasters.

This bill includes directives for the SBA to create a private disaster loan program, to allow for lenders to issue guaranteed disaster loans in the aftermath of a catastrophic disaster. To ensure that these loans are borrower-friendly, we provide authorization for appropriations so that the agency can subsidize the interest rates. In addition, the administrator is authorized to enter into agreements with private contractors in order to expedite loan application processing for direct disaster loans.

The bill also includes language directing SBA to create an expedited disaster assistance loan program to provide businesses with short-term loans so that they may keep their doors open until they receive alternative forms of assistance. The days immediately following a disaster are crucial for business owners—statistics show that once they close their doors, they likely will not open them again. These short-term will be available following a disaster of catastrophic proportions so that processing delays such as the ones experienced after the 2005 gulf coast storms will not result in widespread business failure.

A presidential declaration of catastrophic national disaster will allow the Administrator to offer economic injury disaster loans to adversely affected business owners beyond the geographic reach of the disaster area. In the event of a large-scale disaster, businesses located far from the physical reach of the disaster can be affected by the magnitude of a localized destruction. We saw this when the terrorist attacks of September 11, 2001 affected businesses from coast to coast, and we saw it again with the 2005 gulf coast hurricanes. Should another catastrophic disaster strike, the President should have the authority to provide businesses across the country with access to the same low-interest economic injury loans available to businesses within the declared disaster area.

Nonprofit entities working to provide services to victims should be rewarded and given access to the capital they require to continue their services. To this end, the administrator is authorized to make disaster loans to nonprofit entities, including religious organizations.

Construction and rebuilding contracts being awarded are likely to be larger than the current $2 million threshold currently applied to the SBA Surety Bond Program, which helps small construction firms gain access to contracts. This bill increases the guarantee against loss for small business contracts up to $5 million and allows the administrator to increase that level to $10 million, if required.

The bill also provides for small business development centers to offer business counseling in disaster areas and to travel beyond traditional geographic boundaries to provide services during declared disasters. To encourage small business development centers located in disaster areas to keep their doors open, the maximum grant amount of $100,000 is waived.

So that Congress may remain better aware of the status of the administration's Disaster Loan Program, this bill directs the administration to report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regularly on the fiscal status of the disaster loan program as well as the need for supplemental funding. The administration is also directed to report on the number of Federal contracts awarded to small businesses, minority-owned small businesses, women-owned businesses, and local businesses during a disaster declaration.

Though it took many, many months to pass this much-needed legislation, I am confident that our extensive negotiations have produced a piece of legislation that, when enacted, will provide the tools that the administrator requires to swiftly and effectively respond to future disasters, both large and small. I thank Ranking Member SNOWE as well as Senators LANDRIEU, and VITTER for their extraordinary efforts over the past 2 years. I also thank Senators BOND and COBURN for their ability to see the need for this important legislation and to work through disagreements in order to get this bill passed. I look forward to working with the House of Representatives to address any differences that remain between the House and Senate versions of the bill so that we can put in place a more comprehensive disaster response program at the SBA as quickly as possible.

Ms. LANDRIEU. Mr. President, as we all know, there was a tremendous amount of criticism of the Federal Government's response to Hurricanes Katrina and Rita of 2005. Things are better now, and the region is slowly recovering. But as I stand here tonight, we are exactly 63 days into the 2007 Atlantic hurricane season. Two years ago, the U.S. Small Business Administration's, SBA, response to Hurricanes Katrina and Rita was too slow and lacking in urgency, threatening the very survival of impacted businesses and homeowners. This failure occurred because SBA lacked the necessary tools and resources to respond swiftly and effectively to a large-scale disaster. Thanks in part to the efforts of Administrator Steven Preston, much has been done to improve the SBA disaster assistance program in the past year. However, many in Congress remain concerned that despite these efforts, the agency lacks the additional legislative authority and resources required to respond to a large-scale disaster. This is because we must be sure that if we have another disaster, the Federal Government's response will be better this time around. Disaster response agencies have to be better organized, more efficient, and more responsive in order to avoid the problems, the delays, mismanagement, and the seeming incompetence that occurred in 2005.

I am proud that legislation, of which I am an original cosponsor, is passing the Senate tonight. This is because I strongly believe that we cannot afford to adjourn for August, the heart of hurricane season, without moving this important legislation forward—legislation which would immediately provide SBA with the resources it needs to effectively respond to natural or manmade disasters. In particular, this legislation improves the disaster response of one agency that had a great deal of problems last year, the SBA. This bill, S. 163, the Small Business Disaster Response and Loan Improvements Act, makes major improvements to the SBA's disaster response and provides them with essential tools to ensure that they are more efficient and better prepared for future disasters—big and small.

I should also note that this bill is a result of intensive bipartisan work over 2 years and was introduced shortly before the 109th Congress adjourned as S. 4097 by Senator SNOWE. Unfortunately, there was no action on that bill, so it was reintroduced in January 2007, at the start of the 110th Congress, by Senator KERRY as S. 163. On May 7, 2007, the Committee on Small Business and Entrepreneurship unanimously reported out S. 163 and sent it to the full Senate for consideration. This bipartisan legislation features comprehensive SBA reforms as outlined in the attached summary. S. 163 also has the full support of the SBA, who assisted the committee in drafting many of the provisions as well as the support of our Louisiana business community. As mentioned above, although this bill was reported out of committee 86 days ago, S. 163 was blocked from passage, most recently on July 17 due to a Republican objection. The committee worked closely with the Republican

Senator to address his specific concerns, but unfortunately after this hold was lifted last night, it appeared as if there would be an additional hold from the Republican side. Given the urgent nature of this legislation, in addition to the fact that the House of Representatives passed companion legislation on April 18, 2007, my colleagues and I were pleased that we could work out these remaining issues and pass this bill tonight because stalling this legislation would send the wrong signal to America's small businesses.

As mentioned previously, this bill is reflective of my priorities as well as those from Senators KERRY and SNOWE, respectively chair and ranking member of the Senate Small Business Committee. For my part, I have heard loudly and clearly from our impacted businesses that SBA reforms should be implemented as soon as possible. In fact, as of August 29, 2007, these reforms will be 2 years overdue. That is why I have worked tirelessly alongside my colleagues on the Small Business Committee to secure passage of this legislation. Like my colleagues, I have led when appropriate, pushed back when pushed, and negotiated when needed so that S. 163 could pass the Senate before we adjourn for August recess.

This legislation offers new tools to enhance SBA's disaster assistance programs. In every disaster, the SBA disaster loan program is a lifeline for businesses and homeowners who want to rebuild their lives after a catastrophe. When Katrina hit, our businesses and homeowners had to wait months for loan approvals. I do not know how many businesses we lost because help did not come in time. Because of the scale of this disaster, what these businesses needed was immediate, short-term assistance to hold them over until SBA was ready to process the tens of thousands of loan applications it received.

That is why this legislation provides the SBA Administrator with the ability to set up an expedited disaster assistance business loan program to make short-term, low-interest loans to keep them afloat. These loans will allow businesses to make payroll, begin making repairs, and address other immediate needs while they are awaiting insurance payouts or regular SBA disaster loans. However, I realize that every disaster is different and could range from a disaster on the scale of Hurricane Katrina or 9/11, to an ice storm or drought. This legislation gives the SBA additional options and flexibility in the kinds of relief they can offer a community. When a tornado destroys 20 businesses in a small town in the Midwest, SBA can get the regular disaster program up and running fairly quickly. You may not need short-term loans in this instance. But if you know that SBA's resources would be overwhelmed by a storm—just as they were initially with Katrina—these expedited business loans would be very helpful.

This legislation also would direct SBA to study ways to expedite disaster loans for those businesses in a disaster area that have a good, solid track record with the SBA or can provide vital recovery efforts. We had many businesses in the gulf coast that had paid off previous SBA loans, were major sources of employment in their communities, but had to wait months for decisions on their SBA disaster loan applications. I do not want to get rid of the SBA's current practice of reviewing applications on a first-come first-served basis, but there should be some mechanism in place for major disasters to get expedited loans out the door to specific businesses that have a positive record with SBA or those who could serve a vital role in the recovery efforts. Expedited loans would jumpstart impacted economies, get vital capital out to businesses, and retain essential jobs following future disasters.

This bill also makes an important modification to the collateral requirements for disaster loans. The SBA cannot disburse more than $10,000 for an approved loan without showing collateral. This is to limit the loss to the SBA in the event that a loan defaults. However, this disbursement amount has not been increased since 1998 and these days, $10,000 is not enough to get a business up and running. That is why this bill increases this collateral requirement to $14,000 and gives the administrator the ability to increase that amount, in the event of another large-scale disaster. I believe this is a reasonable and fiscally responsible increase, and at the same time gives the administrator flexibility for future disasters which will inevitably occur.

As you may know, I pushed to get language in the last hurricane supplemental appropriations bill in June 2006 to require SBA to develop a disaster plan and report to Congress on its contents by July 15, 2006. SBA provided this status report in July, and I am pleased that, due to my request, the agency provided the completed disaster response plan to our committee on June 1, 2007. That said, it is one thing to draft up a plan but it is not worth the time and effort if there is no one to monitor its implementation and update it when needed. For this reason, I included a provision in this bill to require the administrator to designate one agency employee, who would report directly to him/her, to be responsible for this plan. This disaster planning designee would be responsible for the plan, and more importantly, would be accountable to Congress if it fails. Following Hurricanes Katrina and Rita, not only is execution important but also just as important is clear accountability if these best laid plans fail.

The Small Business Disaster Response and Loan Improvements Act will provide essential tools to make the SBA more proactive, flexible, and most important, more efficient during future disasters. Again, I look forward to working with both Senator SNOWE and Senator KERRY in the coming weeks to begin discussions with our House colleagues to resolve differences on both the Senate-passed bill and the House-passed bill. The goal of both these bills is to ensure that the SBA has everything it needs to better respond following future disasters, so I am hopeful that we can work out a reasonable agreement.

I ask unanimous consent that a copy of a June 29, 2007, letter of support from Administrator Preston, along with a July 31, 2007, letter from Greater New Orleans, Inc. be printed in the RECORD at the conclusion of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS ADMINISTRATION,
Washington, DC, June 29, 2007.

Hon. JOHN F. KERRY,
Chairman, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my thanks for the efforts you and your colleagues have made to work with the U.S. Small Business Administration and to address the Administration's concerns with some of the provisions in S. 163, "The Small Business Disaster Response and Loan Improvements Act of 2007".

At this point, if amended by the Bond Amendment, the Administration has no objections to Senate passage of S. 163. However, the Administration would request a longer extension of the authorization language in Section 3 to avoid the need for concern over unintended expiration of programs and activities. We would also recommend clarifying that the Administrator would have flexibility under Section 205 to designate portions of a declared catastrophic national disaster area as a HUBZone area, without extending this designation to an entire disaster area.

We look forward to working with you when the bill goes into conference discussions with the U.S. House of Representatives. If you have any questions or comments, please contact me directly.

Sincerely yours,
STEVEN C. PRESTON,
Administrator.

GREATER NEW ORLEANS, INC.,
New Orleans, LA, July 31, 2007.

Hon. JOHN KERRY,
Chairman, Senate Committee on Small Business and Entrepreneurship, Russell Senate Office Building, Washington, DC.

Hon. OLYMPIA SNOWE,
Ranking Member, Senate Committee on Small Business and Entrepreneurship, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN KERRY AND RANKING MEMBER SNOWE: Greater New Orleans, Inc., the 10-parish economic development organization for the New Orleans, Louisiana region, would like to express strong support of S. 163, The Small Business Disaster Response and Loan Improvements Act of 2007 reported unanimously by the Senate Small Business Committee in May of this year, after months of thorough committee deliberations.

In our assessment, S. 163 sponsored by Senator Kerry and co-sponsored by five other Senators represents significant legislation to improve SBA's response to future storm events, as part of overall Congressional efforts to improve the federal government's role, learning from the catastrophic hurricanes of 2004 and 2005.

More specifically, the legislation would provide a new level of SBA response for catastrophic disasters, expedited assistance to small businesses, adjustment of the loan guarantee levels and loan caps, a better coordination process with FEMA, increased response resources, improved access and overall accountability of SBA services. These policy changes will go a long way to helping local communities get back on their feet in future federally declared disasters.

Two years after the tragedy of Hurricane Katrina, our region is still struggling to restore our population, housing stock, healthcare services, infrastructure, and basic economy. 18,000 small businesses in our area were directly impacted by the hurricane, experiencing significant physical and economic damages. As these businesses fight to restore operations, hire adequate staff, find affordable insurance, and meet payroll, it seems appropriate to have their trials and tribulations be cause for new federal policies.

By many accounts and measures the SBA capacity, resources, process and policies following Hurricane Katrina were inadequate to meet the needs of the devastated business community. However, rather than complain about the past, it would be more productive to make every effort to improve the SBA disaster program and protocols, changes requiring aggressive congressional action. It appears that S. 163 is a significant step in that direction.

We applaud your leadership of this issue, and that of our Louisiana Senators Landrieu and Vitter, in forwarding this important legislation to step up federal efforts and capacity in future storms to protect our nation's assets and citizens who may be impacted in the coming months and years. As we approach the peak of the 2007 hurricane season, we urge the full Senate to expedite this legislation in order to pass these vital SBA reforms.

Thank you for your consideration.

Sincerely,

MARK C. DRENNEN,
President & CEO.

The bill (S. 163), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

(The bill will be printed in a future edition of the RECORD.)

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 136, S. 496.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 496) to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Appalachian Regional Development Act Amendments of 2007".

SEC. 2. LIMITATION ON AVAILABLE AMOUNTS; MAXIMUM COMMISSION CONTRIBUTION.

(a) GRANTS AND OTHER ASSISTANCE.—Section 14321(a) of title 40, United States Code, is amended—

(1) in paragraph (1)(A), by striking clause (i) and inserting the following:

"(i) the amount of the grant shall not exceed—

"(I) 50 percent of administrative expenses;

"(II) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which a distressed county designation is in effect under section 14526, 75 percent of administrative expenses; or

"(III) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which an at-risk county designation is in effect under section 14526, 70 percent of administrative expenses;"; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), of the cost of any project eligible for financial assistance under this section, not more than—

"(i) 50 percent may be provided from amounts made available to carry out this subtitle;

"(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts made available to carry out this subtitle; or

"(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts made available to carry out this subtitle.".

(b) DEMONSTRATION HEALTH PROJECTS.—Section 14502 of title 40, United States Code, is amended—

(1) in subsection (d), by striking paragraph (2) and inserting the following:

"(2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized to be appropriated by this section, may be provided for up to—

"(A) 50 percent of the cost of that operation;

"(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of the cost of that operation; or

"(C) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of the cost of that operation."; and

(2) in subsection (f), by adding at the end the following:

"(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to the lesser of—

"(A) 70 percent; or

"(B) the maximum Federal contribution percentage authorized by this section.".

(c) ASSISTANCE FOR PROPOSED LOW- AND MIDDLE-INCOME HOUSING PROJECTS.—Section 14503 of title 40, United States Code, is amended—

(1) in subsection (d), by striking paragraph (1) and inserting the following:

"(1) LIMITATION ON AVAILABLE AMOUNTS.—A loan under subsection (b) for the cost of planning and obtaining financing (including the cost of preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts) of a project described in that subsection may be made for up to—

"(A) 50 percent of that cost;

"(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of that cost; or

"(C) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of that cost."; and

(2) in subsection (e), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—A grant under this section for expenses incidental to planning and obtaining financing for a project under this section that the Secretary considers to be unrecoverable from the proceeds of a permanent loan made to finance the project shall—

"(A) not be made to an organization established for profit; and

"(B) except as provided in paragraph (2), not exceed—

"(i) 50 percent of those expenses;

"(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of those expenses; or

"(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of those expenses.".

(d) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Section 14504 of title 40, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any project eligible for a grant under this section, not more than—

"(1) 50 percent may be provided from amounts made available to carry out this section;

"(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts made available to carry out this section; or

"(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts made available to carry out this section.".

(e) ENTREPRENEURSHIP INITIATIVE.—Section 14505 of title 40, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any project eligible for a grant under this section, not more than—

"(1) 50 percent may be provided from amounts made available to carry out this section;

"(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts made available to carry out this section; or

"(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts made available to carry out this section.".

(f) REGIONAL SKILLS PARTNERSHIPS.—Section 14506 of title 40, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any project eligible for a grant under this section, not more than—

"(1) 50 percent may be provided from amounts made available to carry out this section;

"(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts made available to carry out this section; or

"(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts made available to carry out this section.".

(g) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 14507(g) of title 40, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following:

"(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to 70 percent.".

SEC. 3. ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.

(a) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

"§14508. Economic and energy development initiative

"(a) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission may provide technical assistance, provide grants, enter into contracts, or otherwise provide amounts to individuals or entities in the Appalachian region for use in carrying out projects and activities—

"(1) to promote energy efficiency in the Appalachian region to enhance the economic competitiveness of the Appalachian region; *and*

"(2) to increase the use of renewable energy resources, particularly biomass, in the Appalachian region to produce alternative transportation fuels, electricity, and heat.[; *and]*

["(3) to support the development of conventional energy resources, particularly advanced clean coal, in the Appalachian region to produce alternative transportation fuels, electricity, and heat.]

"(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any project eligible to be funded by a grant under this section, not more than—

"(1) 50 percent may be provided from amounts made available to carry out this section;

"(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts made available to carry out this section; and

"(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts made available to carry out this section.

"(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), grants provided under this section may be provided—

"(1) entirely from amounts made available to carry out this section; or

"(2) from amounts made available to carry out this section, in combination with amounts made available under other Federal programs or from any other source.

"(d) FEDERAL SHARE.—Notwithstanding any other provision of law limiting a Federal share of the cost of a project under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission determines to be appropriate.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14507 the following:

"14508. Economic and energy development initiative.".

SEC. 4. DISTRESSED, AT-RISK, AND ECONOMICALLY STRONG COUNTIES.

(a) DESIGNATION OF AT-RISK COUNTIES.—Section 14526 of title 40, United States Code, is amended—

(1) in the section heading, by inserting ", **at-risk,**" after "**Distressed**"; and

(2) in subsection (a)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in subparagraph (A), by striking "and" at the end; and

(C) by inserting after subparagraph (A) the following:

"(B) designate as 'at-risk counties' those counties in the Appalachian region that are most at risk of becoming economically distressed; and".

(b) CONFORMING AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by striking the item relating to section 14526 and inserting the following:

"14526. Distressed, at-risk, and economically strong counties.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 14703 of title 40, United States Code, is amended to read as follows:

"§14703. Authorization of appropriations

"(a) IN GENERAL.—In addition to the amounts made available under section 14501, there are authorized to be appropriated to the Appalachian Regional Commission to carry out this subtitle—

"(1) $95,200,000 for fiscal year 2007;

"(2) $98,600,000 for fiscal year 2008;

"(3) $102,000,000 for fiscal year 2009;

"(4) $105,700,000 for fiscal year 2010; and

"(5) $109,400,000 for fiscal year 2011.

"(b) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Of the amounts made available under subsection (a), the following amounts may be used to carry out section 14504:

"(1) $10,000,000 for fiscal year 2007.

"(2) $8,000,000 for fiscal year 2008.

"(3) $5,000,000 for each of fiscal years 2009 through 2011.

"(c) ECONOMIC AND ENERGY INITIATIVE.—Of the amounts made available under subsection (a), the following amounts may be used to carry out section 14508:

"(1) $12,000,000 for fiscal year 2007.

"(2) $12,400,000 for fiscal year 2008.

"(3) $12,900,000 for fiscal year 2009.

"(4) $13,300,000 for fiscal year 2010.

"(5) $13,800,000 for fiscal year 2011.

"(d) AVAILABILITY.—Amounts made available under subsection (a) shall remain available until expended.

"(e) ALLOCATION OF FUNDS.—Funds approved by the Appalachian Regional Commission for a project in an Appalachian State pursuant to a congressional directive shall be derived from the total amount allocated to the State by the Appalachian Regional Commission from amounts made available to carry out this subtitle.".

SEC. 6. TERMINATION.

Section 14704 of title 40, United States Code, is amended by striking "[2006] *2007*" and inserting "2011".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act take effect on October 1, 2006.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendments be considered and agreed to; that the bill, as amended, be read a third time, passed, and the motion to reconsider laid upon the table; and that any statements relating to the bill be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 496), as amended, was ordered to be engrossed for a third read, was read the third time, and passed.

S. 496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Appalachian Regional Development Act Amendments of 2007".

SEC. 2. LIMITATION ON AVAILABLE AMOUNTS; MAXIMUM COMMISSION CONTRIBUTION.

(a) GRANTS AND OTHER ASSISTANCE.—Section 14321(a) of title 40, United States Code, is amended—

(1) in paragraph (1)(A), by striking clause (i) and inserting the following:

"(i) the amount of the grant shall not exceed—

"(I) 50 percent of administrative expenses;

"(II) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which a distressed county designation is in effect under section 14526, 75 percent of administrative expenses; or

"(III) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which an at-risk county designation is in effect under section 14526, 70 percent of administrative expenses;"; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), of the cost of any project eligible for financial assistance under this section, not more than—

"(i) 50 percent may be provided from amounts made available to carry out this subtitle;

"(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts made available to carry out this subtitle; or

"(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts made available to carry out this subtitle.".

(b) DEMONSTRATION HEALTH PROJECTS.—Section 14502 of title 40, United States Code, is amended—

(1) in subsection (d), by striking paragraph (2) and inserting the following:

"(2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized to be appropriated by this section, may be provided for up to—

"(A) 50 percent of the cost of that operation;

"(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of the cost of that operation; or

"(C) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of the cost of that operation."; and

(2) in subsection (f), by adding at the end the following:

"(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to the lesser of—

"(A) 70 percent; or

"(B) the maximum Federal contribution percentage authorized by this section.".

(c) ASSISTANCE FOR PROPOSED LOW- AND MIDDLE-INCOME HOUSING PROJECTS.—Section 14503 of title 40, United States Code, is amended—

(1) in subsection (d), by striking paragraph (1) and inserting the following:

"(1) LIMITATION ON AVAILABLE AMOUNTS.—A loan under subsection (b) for the cost of planning and obtaining financing (including the cost of preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts) of a project described in that subsection may be made for up to—

"(A) 50 percent of that cost;

"(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of that cost; or

"(C) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of that cost."; and

(2) in subsection (e), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—A grant under this section for expenses incidental to planning and obtaining financing for a project under this section that the Secretary considers to be unrecoverable from the proceeds of a permanent loan made to finance the project shall—

"(A) not be made to an organization established for profit; and

"(B) except as provided in paragraph (2), not exceed—

"(i) 50 percent of those expenses;

"(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of those expenses; or

"(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of those expenses.".

(d) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Section 14504 of title 40, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any project eligible for a grant under this section, not more than—

"(1) 50 percent may be provided from amounts made available to carry out this section;

"(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts made available to carry out this section; or

"(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts made available to carry out this section.".

(e) ENTREPRENEURSHIP INITIATIVE.—Section 14505 of title 40, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any project eligible for a grant under this section, not more than—

"(1) 50 percent may be provided from amounts made available to carry out this section;

"(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts made available to carry out this section; or

"(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts made available to carry out this section.".

(f) REGIONAL SKILLS PARTNERSHIPS.—Section 14506 of title 40, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any project eligible for a grant under this section, not more than—

"(1) 50 percent may be provided from amounts made available to carry out this section;

"(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts made available to carry out this section; or

"(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts made available to carry out this section.".

(g) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 14507(g) of title 40, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following:

"(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to 70 percent.".

SEC. 3. ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.

(a) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

"§ 14508. Economic and energy development initiative

"(a) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission may provide technical assistance, provide grants, enter into contracts, or otherwise provide amounts to individuals or entities in the Appalachian region for use in carrying out projects and activities—

"(1) to promote energy efficiency in the Appalachian region to enhance the economic competitiveness of the Appalachian region; and

"(2) to increase the use of renewable energy resources, particularly biomass, in the Appalachian region to produce alternative transportation fuels, electricity, and heat.

"(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any project eligible to be funded by a grant under this section, not more than—

"(1) 50 percent may be provided from amounts made available to carry out this section;

"(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts made available to carry out this section; and

"(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts made available to carry out this section.

"(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), grants provided under this section may be provided—

"(1) entirely from amounts made available to carry out this section; or

"(2) from amounts made available to carry out this section, in combination with amounts made available under other Federal programs or from any other source.

"(d) FEDERAL SHARE.—Notwithstanding any other provision of law limiting a Federal share of the cost of a project under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission determines to be appropriate.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14507 the following:

"14508. Economic and energy development initiative.".

SEC. 4. DISTRESSED, AT-RISK, AND ECONOMICALLY STRONG COUNTIES.

(a) DESIGNATION OF AT-RISK COUNTIES.—Section 14526 of title 40, United States Code, is amended—

(1) in the section heading, by inserting ", **at-risk,**" after "**Distressed**"; and

(2) in subsection (a)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in subparagraph (A), by striking "and" at the end; and

(C) by inserting after subparagraph (A) the following:

"(B) designate as 'at-risk counties' those counties in the Appalachian region that are most at risk of becoming economically distressed; and".

(b) CONFORMING AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by striking the item relating to section 14526 and inserting the following:

"14526. Distressed, at-risk, and economically strong counties.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 14703 of title 40, United States Code, is amended to read as follows:

"§ 14703. Authorization of appropriations

"(a) IN GENERAL.—In addition to the amounts made available under section 14501, there are authorized to be appropriated to the Appalachian Regional Commission to carry out this subtitle—

"(1) $95,200,000 for fiscal year 2007;

"(2) $98,600,000 for fiscal year 2008;

"(3) $102,000,000 for fiscal year 2009;

"(4) $105,700,000 for fiscal year 2010; and

"(5) $109,400,000 for fiscal year 2011.

"(b) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Of the amounts made available under subsection (a), the following amounts may be used to carry out section 14504:

"(1) $10,000,000 for fiscal year 2007.

"(2) $8,000,000 for fiscal year 2008.

"(3) $5,000,000 for each of fiscal years 2009 through 2011.

"(c) ECONOMIC AND ENERGY INITIATIVE.—Of the amounts made available under subsection (a), the following amounts may be used to carry out section 14508:

"(1) $12,000,000 for fiscal year 2007.

"(2) $12,400,000 for fiscal year 2008.

"(3) $12,900,000 for fiscal year 2009.

"(4) $13,300,000 for fiscal year 2010.

"(5) $13,800,000 for fiscal year 2011.

"(d) AVAILABILITY.—Amounts made available under subsection (a) shall remain available until expended.

"(e) ALLOCATION OF FUNDS.—Funds approved by the Appalachian Regional Commission for a project in an Appalachian State pursuant to a congressional directive shall be derived from the total amount allocated to the State by the Appalachian Regional Commission from amounts made available to carry out this subtitle.".

SEC. 6. TERMINATION.

Section 14704 of title 40, United States Code, is amended by striking "2007" and inserting "2011".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act take effect on October 1, 2006.

CONGRATULATING THE 15TH POET LAUREATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to S. Res. 304.

The PRESIDING OFFICER. The clerk will report the title of the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 304) congratulating Charles Simic on being named the 15th Poet Laureate of the United States of America by the Library of Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 304) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 304

Whereas Charles Simic was born in Yugoslavia on May 9, 1938, and lived through the events of World War II;

Whereas, in 1954, at age 16 Charles Simic immigrated to the United States, and moved to Oak Park, Illinois;

Whereas Charles Simic served in the United States Army from 1961 to 1963;

Whereas Charles Simic received a bachelor's degree from New York University in 1966;

Whereas Charles Simic has been a United States citizen for 36 years and currently resides in Strafford, New Hampshire;

Whereas Charles Simic has authored 18 books of poetry;

Whereas Charles Simic is a professor emeritus of creative writing and literature at the University of New Hampshire, where he taught for 34 years before retiring;

Whereas Charles Simic is the 5th person to be named Poet Laureate with ties to New Hampshire, including Robert Frost, Maxine Kumin, Richard Eberhart, and Donald Hall;

Whereas Charles Simic won the Pulitzer Prize for Poetry in 1990 for his work "The World Doesn't End";

Whereas Charles Simic wrote "Walking the Black Cat" in 1996, which was a finalist for the National Book Award for Poetry;

Whereas Charles Simic won the Griffin Prize in 2005 for "Selected Poems: 1963-2003";

Whereas Charles Simic held a MacArthur Fellowship from 1984 to 1989 and has held fellowships from the Guggenheim Foundation and the National Endowment for the Arts;

Whereas Charles Simic earned the Edgar Allan Poe Award, the PEN Translation Prize, and awards from the American Academy of Arts and Letters and the National Institute of Arts and Letters;

Whereas Charles Simic served as Chancellor of the Academy of American Poets;

Whereas Charles Simic received the 2007 Wallace Stevens Award from the American Academy of Poets; and

Whereas on August 2, 2007, Librarian of Congress James H. Billington announced the appointment of Charles Simic to be the Library's 15th Poet Laureate Consultant in Poetry: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Charles Simic for being named the 15th Poet Laureate of the United States of America by the Library of Congress; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Charles Simic.

OPEN GOVERNMENT ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 127, S. 849.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 849) to promote accessibility, accountability, and openness in Government by strengthening section 552 of title V, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate has passed the Leahy-Cornyn Openness Promotes Effectiveness in our National Government Act" (the "OPEN Government Act"), S. 849, before adjourning for the August recess. This important Freedom of Information Act legislation will strengthen and reinvigorate FOIA for all Americans.

For more than four decades, FOIA has translated the great American values of openness and accountability into practice by guaranteeing access to government information. The OPEN Government Act will help ensure that these important values remain a cornerstone of our American democracy.

I commend the bill's chief Republican cosponsor, Senator JOHN CORNYN, for his commitment and dedication to passing FOIA reform legislation this year. Since he joined the Senate 5 years ago, Senator CORNYN and I have worked closely together on the Judiciary Committee to ensure that FOIA and other open government laws are preserved for future generations. The passage of the OPEN Government Act is a fitting tribute to our bipartisan partnership and to openness, transparency and accountability in our government.

I also thank the many cosponsors of this legislation for their dedication to open government and I thank the Majority Leader for his strong support of this legislation. I am also appreciative of the efforts of Senator KYL and Senator BENNETT in helping us to reach a compromise on this legislation, so that the Senate could consider and pass meaningful FOIA reform this legislation before the August recess.

But, most importantly, I especially want to thank the many concerned citizens who, knowing the importance of this measure to the American people's right to know, have demanded action on this bill. This bill is endorsed by more than 115 business, public interest, and news organizations from across the political and ideological spectrum, including the American Library Association, the U.S. Chamber of Commerce, OpenTheGovernment.org, Public Citizen, the Republican Liberty Caucus, the Sunshine in Government Initiative and the Vermont Press Association. The invaluable support of these and many other organizations is what led the opponents of this bill to come around and support this legislation.

As the first major reform to FOIA in more than a decade, the OPEN Government Act will help to reverse the troubling trends of excessive delays and lax FOIA compliance in our government and help to restore the public's trust in their government. This bill will also improve transparency in the Federal Government's FOIA process by:

Restoring meaningful deadlines for agency action under FOIA;

Imposing real consequences on federal agencies for missing FOIA's 20-day statutory deadline;

Clarifying that FOIA applies to government records held by outside private contractors;

Establishing a FOIA hotline service for all federal agencies; and

Creating a FOIA Ombudsman to provide FOIA requestors and federal agencies with a meaningful alternative to costly litigation.

Specifically, the OPEN Government Act will protect the public's right to know, by ensuring that anyone who gathers information to inform the public, including freelance journalist and bloggers, may seek a fee waiver when they request information under FOIA. The bill ensures that federal agencies will not automatically exclude Internet blogs and other Web-based forms of media when deciding whether to waive FOIA fees. In addition, the bill also clarifies that the definition of news media, for purposes of FOIA fee waivers, includes free newspapers and individuals performing a media function who do not necessarily have a prior history of publication.

The bill also restores meaningful deadlines for agency action, by ensuring that the 20-day statutory clock under FOIA starts when a request is received by the appropriate component of the agency and requiring that agency FOIA offices get FOIA requests to the appropriate agency component within 10 days of the receipt of such requests. The bill allows federal agencies to toll the 20-day clock while they are awaiting a response to a reasonable request for information from a FOIA requester on one occasion, or while the agency is awaiting clarification regarding a FOIA fee assessment. In addition, to encourage agencies to meet the 20-day time limit, the bill prohibits an agency from collecting search fees if it fails to meet the 20-day deadline, except in the case of exceptional circumstances as defined by the FOIA statute.

The bill also addresses a relatively new concern that, under current law, federal agencies have an incentive to delay compliance with FOIA requests until just before a court decision that is favorable to a FOIA requestor. The Supreme Court's decision in Buckhannon Board and Care Home, Inc. v. West Virginia Dep't of Health and Human Resources, 532 U.S. 598 (2001), eliminated the "catalyst theory" for attorneys' fees recovery under certain federal civil rights laws. When applied to FOIA cases, Buckhannon precludes FOIA requesters from ever being eligible to recover attorneys fees under circumstances where an agency provides the records requested in the litigation just prior to a court decision that would have been favorable to the FOIA requestor. The bill clarifies that Buckhannon does not apply to FOIA cases. Under the bill, a FOIA requester can obtain attorneys' fees when he or she files a lawsuit to obtain records from the government and the government releases those records before the court orders them to do so. But, this provision would not allow the requester to recover attorneys' fees if the requester's claim is wholly insubstantial.

To address concerns about the growing costs of FOIA litigation, the bill also creates an Office of Government Information Services in the National Archives and creates an ombudsman to mediate agency-level FOIA disputes. In addition the bill ensures that each federal agency will appoint a Chief FOIA Officer, who will monitor the agency's compliance with FOIA requests, and a FOIA Public Liaison who will be available to FOIA to resolve FOIA related disputes.

Finally, the bill does several things to enhance the agency reporting and tracking requirements under FOIA. Tracking numbers are not required for FOIA requests that are anticipated to take ten days or less to process. The bill creates a tracking system for FOIA requests to assist members of the public and the media. The bill also establishes a FOIA hotline service for all federal agencies, either by telephone or on the Internet, to enable requestors to track the status of their FOIA requests.

In addition, the bill also clarifies that FOIA applies to agency records that are held by outside private contractors, no matter where these records are located. And to create more transparency about the use of statutory exemptions under FOIA, the bill ensures that FOIA statutory exemptions that are included in legislation enacted after the passage of this bill clearly cite the FOIA statute and clearly state the intent to be exempt from FOIA.

The Freedom of Information Act is critical to ensuring that all American citizens can access information about the workings of their government. But, after four decades this open government law needs to be strengthened. I am pleased that the reforms contained in the OPEN Government Act will ensure that FOIA is reinvigorated so that it works more effectively for the American people.

I am also pleased that, by passing this important reform legislation today, the Senate has reaffirmed the principle that open government is not a Democratic issue or a Republican issue. But, rather, it is an American issue and an American value. I commend all of my Senate colleagues, on both sides of the aisle, for unanimously passing this historic FOIA reform measure. I hope that the House of Representatives, which overwhelmingly passed a similar measure earlier this year, will promptly take up and pass this bill and that the President will then promptly sign it into law.

Mr. KYL. Mr. President, I rise today to comment on S. 849, the OPEN Government Act. As a result of negotiations between Senators CORNYN, LEAHY, and me, we have reached an agreement on an amendment to this bill that addresses my concerns about the legislation while keeping true to the bill's intended purposes. When this bill was marked up in the Senate Judiciary Committee several months ago, I filed a number of amendments intended to address problems with the bill. Senator LEAHY asked me at the mark up to withhold offering my amendments in favor of addressing my concerns through negotiations with him and with Senator CORNYN. I agreed to do so, and later submitted a statement of additional views to the committee report for this bill that described the nature of some of my concerns, and that included as an attachment the Justice Department's lengthy Views Letter on this bill. After follow-up meetings with the Justice Department and Office of Management and Budget to elucidate the nature of some of those agencies' concerns and to try to come up with compromise language, negotiations among members of the Senate began. I am pleased to report that those negotiations have proved fruitful. Our negotiations have benefited from extensive assistance from the Justice Department and other parts of the executive branch, as well as from the input of various journalists' organizations. While none of these parties has gotten exactly what it wants, I do believe that we now have a bill that strikes the right balance with regard to FOIA—a bill that will make FOIA work more smoothly and efficiently.

Allow me to describe some of the changes that my amendment will make to the underlying bill. Section three of the original bill broadened the definition of media requesters to include anyone who "intends" to broadly disseminate information. My concern, which was also expressed by the Justice Department, was that in the age of the internet, anyone can plausibly state that he "intends" to broadly disseminate the information that he obtains through FOIA. The media-requester category is important because requesters who receive this status are exempt from search fees. Search fees are one of the principal tools that agencies use to encourage requesters to clarify and sharpen their requests. When someone makes a broad and vague request, the agency will come back with an estimate of the cost of conducting such a search. Often, the individual will then sharpen that request. This saves the agency time and the requester money. According to some FOIA administrators, legitimate media requesters rarely make vague requests. These requesters usually know what they want and they want to get it quickly. But if virtually any requester could be exempted from search fees by claiming that he intends to widely disseminate the information, search fees would no longer serve as a tool for encouraging requesters to focus their requests. Overall, this would waste FOIA resources and slow down processing of all requests. Such a result would not be in anyone's interest.

The compromise language included in my amendment clarifies the definition of media requester in a way that protects internet publications and freelance journalists but that still preserves commonsense limits on who can claim to be a journalist. At the suggestion of some media representatives, we have incorporated into the amendment the definition of media requester that was announced by the DC Circuit in *National Security Archive* v. *U.S. Department of Defense*. 880 F.2d 1381 (D.C. Cir. 1989). That definition focuses on public interest in the collected information, the use of editorial skill to process that information into news, and the distribution of that news to an audience. It would appear in my view to protect publishers of newsletters and other smaller news sources, as well as, obviously, the types of organizations described in that opinion. On the other hand, given that this construction of the term news media as used in FOIA has been in effect for 17 years, I do not think that anyone can reasonably fear that codifying it will turn the world upside down. I was amused to see that Judge Ginsburg's analysis of the statute's definition of news media relied in part on conflicting legislative statements made by Senators HATCH and LEAHY, two members with whom I currently serve on the Senate Judiciary Committee, regarding the meaning of the 1986 amendments to FOIA. By incorporating a judicially crafted definition of news media, I believe that my amendment spares the courts the indignity of being compelled to parse conflicting Senate floor statements in order to divine the meaning of that term.

The remainder of my amendment's changes to section 3 codify language that has been adopted by some administrative agencies to clarify who is a media requester. Other than stylistic edits, that agency language has been modified in my amendment only to make express that news-media entities include periodicals that are distributed for free to the public. This will protect the fee status of the numerous free newspapers that have become common in American cities in recent years. The agency language codified here also extends express protection to freelance journalists.

Overall, this language should guarantee news-media status for new electronic formats and for anyone who would logically be considered a journalist, even when that journalist's method of news distribution takes on new means and forms. But the language should also prevent gamesmanship by individuals who cannot logically be considered journalists but who are willing to assert that they are journalists in order to avoid paying search fees.

The modified bill also makes important changes to section 6 of the bill. The original version of this section eliminated certain important FOIA exemptions as a penalty for an agency's failure to comply with FOIA's 20-day response deadline. I commented at length on this provision of the bill at the beginning of my additional views to the committee report for the bill. This provision was far and away the most problematic provision of the original bill and I am relieved that Senators LEAHY and CORNYN have agreed to abandon this approach to deadline enforcement.

My amendment adopts a modified version of an approach to deadline enforcement that was suggested by Senators CORNYN and LEAHY. Their approach denies search fees to agencies that do not meet FOIA deadlines. I have modified my colleagues' proposal by including an exception allowing an agency to still collect search fees if a delay in processing the request was the result of unusual or exceptional circumstances. These exceptions have been part of FOIA for many years now and have a reasonably well-known meaning. I expect that these exceptions will account for virtually all of the cases where an agency cannot reasonably be expected to process a particular FOIA request within the paragraph (6) time limits.

Preserving this type of flexibility is important. A penalty that seriously punishes an agency, which I believe that denying search fees would do, would likely backfire if the penalty did not account for complex or broad requests that cannot reasonably be processed within the FOIA deadlines. If the penalties for not processing a request within the deadlines are harsh and include no exceptions, the agency will process every request within 20 or 30 days. It will simply do a sloppy job. That would not improve the operation of the FOIA and would not be in anyone's interest.

The original bill also made FOIA's 20-day clock run from the time when any part of a government agency or department received a FOIA request. Again, the modified bill exempts FOIA requesters from search fees if the 20-day deadline is not met and no unusual or exceptional circumstances are present. These provisions in combination would have created a perverse incentive for a FOIA requester to ignore the addressing instructions on an agency's website and send his request to some distant outpost of an agency or department, in the hope that doing so would prevent the agency from meeting the 20-day deadline and the requester would be exempted from search fees. I would not expect more than a very small portion of FOIA requesters to engage in such gamesmanship. But given the large number of individuals and institutions that make FOIA requests, it is inevitable that some bad apples would abuse the rules if Congress were to create an incentive to do so.

My amendment makes the FOIA deadline run only from the time when the appropriate component of an agency receives the request. To address concerns that an agency might unreasonably delay in routing a request to the appropriate component, I have added language providing that the deadline shall begin to run from no later than ten days after some designated FOIA component receives the request. I think that it is reasonable to expect that requesters send their requests to some designated FOIA-receiving component of an agency, and I think that it is reasonable to expect that once a FOIA component of the agency gets the request, it will expeditiously route that request to the appropriate FOIA component.

My amendment also changes the bill's standard for awarding attorney's fees to FOIA requesters when litigation is ended short of a judgement or court-approved settlement. The original bill would have entitled a requester to fees whenever an agency voluntarily or unilaterally changed its position and handed over the requested information after litigation had commenced. As I noted in my statement of additional views to the committee report, I am concerned that such a standard would discourage agencies from releasing documents in situations where the agency is fully within its rights to withhold a record—for example, because some clear exception applies—but senior personnel at the agency decide to produce the documents anyway. To impose fees in such a situation would be to adopt a rule of no good deed goes unpunished. It would also likely discourage some disclosures. If an exemption clearly applied to the records in question, the only way that the agency could avoid being assessed fees would be to continue litigating. Also, in my view attorney's fee shifting should only reward litigation that was meritorious. A baseless lawsuit should not be rewarded with attorney's fees. There is enough bad lawyering around already. The government should not be paying litigants for bringing claims that lack legal merit.

On the other hand, Senator CORNYN has presented compelling arguments that since the time when the Buckhannon standard was extended to FOIA, some agencies have begun denying clearly meritorious requests and then unilaterally settling the case on the eve of trial to avoid paying attorney's fees. Obviously, such behavior should not be encouraged. Or at the very least, the requester should be compensated for the legal expense of forcing agency compliance with a meritorious request. Senator CORNYN has made a strong case that the current standard denies the public access to important information about the operations of the Federal Government.

In the spirit of compromise, and out of deference to Senator CORNYN's arguments and persistence, I have agreed to incorporate language into my amendment that does not fully address my concerns about this part of the bill and that is very generous to FOIA requesters. The language of the amendment entitles a requester to fees unless the court finds that the requester's claims were not substantial. This is a pretty low standard. It would allow the requester to be deemed a prevailing party for fee-assessment purposes even if the government's litigating position was entirely reasonable—or even if the government's arguments were meritorious and the government would have won had the case been litigated to a judgment.

Substantiality is a test that is employed in the Federal courts to determine whether a federal claim is adequate to justify retaining jurisdiction over supplemental or other State law claims. It is generally understood to require only that the plaintiff's complaint not be clearly nonmeritorious on its face and not be clearly precluded by controlling precedent. The classic and most-quoted statement of the substantiality standard appears to be that in the Supreme Court's decision in *Levering & Garrigues Co.* v. *Morrin*, 289 U.S. 103, 105 (1933), in which Justice Sutherland explained that a claim may be "plainly unsubstantial either because obviously without merit, or because its unsoundness so clearly results from the previous decisions of this court as to foreclose the subject and leave no room for the inference that the questions sought to be raised can be the subject of controversy." The same principle is expressed through different words in *Oneida Indian Nation* v. *County of Oneida*, 414 U.S. 661, 666 (1974), as whether the claim is "so insubstantial, implausible, foreclosed by prior decisions of this Court, or otherwise completely devoid of merit as not to involve a Federal controversy," and in *Kaz Manufacturing* v. *Chesebrough-Pond's, Inc.*, 211 F.Supp. 815, 822 (S.D.N.Y. 1962), as whether "it cannot be said that the claim is obviously without merit or that its invalidity clearly results from the previous decisions of this court or, where the claim is pretty clearly unfounded."

One aspect of this test that makes it well-suited to evaluating attorney's fee requests is that the "insubstantiality" of a claim is a quality "which is apparent at the outset." *Rosado* v. *Wyman*, 397 U.S. 397, 404 (1970). It is a standard that courts should be able to apply without further factual inquiry into the nature of a complaint. It thus addresses one of the Supreme Court's major concerns in the Buckhannon case, that "a request for attorney's fees should not result in a second major litigation."

Part of the very definition of the substantiality test is that courts can evaluate the complaint on its pleadings or without resolving factual disputes. A claim is substantial so long as "it cannot be said that [it] is obviously without merit, or clearly foreclosed by prior Supreme Court decisions, or a matter that should be dismissed on the pleadings alone without the presentation of some evidence." *Rumbaugh* v. *Winifrede Railroad Company*, 331 F.2d 530, 539–40 (4th Cir. 1964). "The substantiality of the Federal claim is ordinarily determined on the basis of the pleadings"—on whether "it appears that the Federal claim is subject to dismissal under F.R.Civ.P. 12(b)(6) or could be disposed of on a motion for summary judgment under F.R.Civ.P. 56." *Tully* v. *Mott Supermarkets, Inc.*, 540 F.2d 187, 196 (3d Cir. 1976). Other cases articulating these principles are *Kavit* v. *A.L. Stam & Co.*, 491 F.2d 1176, 1179–80 (2d Cir. 1974) (Friendly, J.); *Scholz Homes, Inc.* v. *Maddox*, 379 F.2d 84, 87 (6th Cir. 1967); *Smith* v. *Metropolitan Development Housing Agency*, 857 F.Supp. 597, 601 (M.D. Tenn. 1994); *In the Matter of Union National Bank & Trust Company of Souderton, Pennsylvania*, 298 F.Supp. 422, 424 (E.D. Pa. 1969).

I hope that these comments on my understanding of the law in this area are of assistance to courts and litigants who will now be forced to adapt to the application of the substantiality test to FOIA fee shifting. Obviously this transition would be easier had we adopted a test more familiar to this area of the law, but the exigencies of legislative compromise have precluded such an outcome. For some recent and very thorough examples of how a substantiality analysis is actually conducted, courts and litigants should also look to Judge Williams's panel opinion in *Decatur Liquors, Inc.* v. *District of Columbia*, 478 F.3d 360, 363–63 (D.C. Cir. 2007), and to the Sixth Circuit's opinion in *Wal-Juice Bar, Inc.* v. *Elliott*, 899 F.2d 1502, 1505–07 (6th Cir. 1990).

Again, I would have preferred that the Senate select some standard that protects from fee assessments an agency that releases information when the law clearly applied an exemption to the requested information. Agencies will still be protected by the discretionary factors considered in the fee-shifting system, but the lacks-a-reasonable-legal-basis factor is not always controlling and does not create a guaranteed safe harbor. I fear that the standard that we adopt today will lead some agency employees to withhold information that they would otherwise be inclined to release out of concern that unilaterally releasing the information would make the agencies subject to fee assessments.

I would also note that the substantiality test would have been unacceptable were this a fee-shifting statute that assessed fees against private parties. If a private party adopts a meritorious position in litigation but then unilaterally settles, the Federal Government could not rightfully force that party to pay attorney's fees. The occasional unfairness of this provision—the fact that it will sometimes require the payment of fees to a party whose litigation position lacked merit—is tolerable only because the only party that will be forced to pay fees under this provision even when that party was in the right is the government.

I would also like to emphasize for the legislative record that I had originally proposed formulating this standard as "provided that the complainant's claim is substantial"—and I would have been equally content with language along the lines of "unless the complainant's claim is insubstantial." The double negative in the amendment was not my proposal and I accept no responsibility for that grammatical infraction. It is only because others have insisted on that formulation and I can perceive no substantive difference between "not insubstantial" and "substantial" that the double negative appears in my amendment.

My amendment also makes one other important change to section 4 of the bill. The original bill allowed a requester to be deemed a prevailing party if the requester obtained relief through "an administrative action." Agency administrative appeals of FOIA decisions do not require lawyers, and FOIA requesters should not be compensated for or encouraged to bring lawyers into these proceedings. An agency appeal simply means that the plaintiff asks the agency to reconsider its denial of a request. Every agency has an appeal procedure in which it assigns the case to another agency employee trained in FOIA who then reevaluates the request. These appeals are most often successful when the plaintiff provides more information about his request. Legal arguments are not appropriate to these appeals. There is no reason to bring attorneys-fee shifting into this stage of FOIA. Thus my amendment eliminates the fee-shifting section's reference to relief obtained through an administrative action.

Mr. CORNYN. Mr. President, since coming to the U.S. Senate in 2002, I have made it my mission to bring a little "Texas sunshine" to Washington.

The State of Texas has one of the strongest laws expanding the right of every citizen to access records documenting what the government is up to. As attorney general of Texas, I was responsible for enforcing Texas's open government laws. I have always been proud that Texas is known for having one of the strongest and most robust freedom of information laws in the country.

Unfortunately, the Sun doesn't shine as brightly in Washington. The Federal Freedom of Information Act, or FOIA, which was signed into law 41 years ago, was designed to guarantee public access to records that explain what the Government is doing.

Some Federal agencies are taking years to even start working on requests. Far too often when citizens seek records from our Government, they are met with long delays, denials and difficulties. Federal agencies can routinely and repeatedly deny requests for information with near impunity. Making the situation worse, requestors have few alternatives to lawsuits for appealing an agency's decision.

And when requestors do sue agencies, the deck is stacked in the Government's favor.

Courts have ruled that requestors cannot recover legal fees from agencies who improperly withhold information until a judge rules for the requestor. That means an agency can withhold documents without any consequences until the day before a judge's ruling. Then the agency can suddenly send a box full of documents, render the lawsuit moot and leave the requestor with a hefty legal bill. And the agency gets away scot-free.

In the meantime, the delay can keep mismanagement and wasteful practices hidden and unfixed. Documents obtained through FOIA helped reporters for Knight Ridder—now part of McClatchy Company—show the public that veterans who fought bravely for our country have trouble obtaining the medical benefits they deserve upon returning home. Thousands died waiting for their benefits, many more received wrong information. Legal fees alone topped $100,000 along with the time and effort. Few citizens have such time and budgets.

To address problems of long delays and strengthen the ability of every citizen to know what its government is up to, Senator PATRICK LEAHY and I introduced bipartisan legislation to reform FOIA.

There are, unfortunately, many issues in the Senate Judiciary Committee that have become partisan and divisive. So it is especially gratifying to be able to have worked so closely with Chairman LEAHY on an issue as important and as fundamental to our Nation as openness in government.

Today we are making history by passing the Openness Promotes Effectiveness in our National Government Act of 2007, also known as the OPEN Government Act.

I am grateful to Senator LEAHY and to his staff for all their hard work on these issues of mutual interest and national interest. A special thanks to Lydia Griggsby, Senator LEAHY's counsel, for her diligence and hard work. And I would like to thank and to commend Senator LEAHY for his decadeslong commitment to freedom of information.

I also want to especially thank Senators KYL and BENNETT and their respective staff members, Joe Matal and Shawn Gunnarson for their good faith efforts to resolve differences and move this bill out of the Senate. We couldn't have done it without their cooperation and fair-mindedness.

Open-government reforms should be embraced by conservatives, liberals, and anyone who believes in the freedom and the dignity of the individual.

Passage of this important legislation is a victory for the American people. From my vantage point here in Washington, DC, it is about holding accountable the politicians who continue to grow the size and scope of the Federal Government. And it is about holding accountable the bureaucrats who populate the Federal Government's ever-expanding reach over individual liberty.

This legislation contains important congressional findings to reiterate and reinforce our belief that FOIA establishes a presumption of openness, and that our government is based not on the need to know, but upon the fundamental right to know. In addition, the act contains over a dozen substantive provisions, designed to achieve four important objectives: (1) to strengthen FOIA and close loopholes, (2) to help FOIA requestors obtain timely responses to their requests, (3) to ensure that agencies have strong incentives to act on FOIA requests in a timely fashion, and (4) to provide FOIA officials with all of the tools they need to ensure that our government remains open and accessible.

The OPEN Government Act is not just pro-openness, pro-accountability, and pro-accessibility—it is also pro-Internet. It requires government agencies to establish a hotline to enable citizens to track their FOIA requests, including Internet tracking, and it grants the same privileged FOIA fee status currently enjoyed by traditional media outlets to bloggers and others who publish reports on the Internet.

The act has the support of business groups, such as the U.S. Chamber of Commerce and National Association of Manufacturers, media groups and more than 100 advocacy organizations from across the political spectrum. Without their help, this legislation would have been impossible.

We owe it to all Americans to help them know what their government is up to and to make our great democracy even stronger and more accountable to its citizens

Mr. REID. Mr. President, I wish the record to reflect how much I appreciate the work of Senator LEAHY on this very important matter. The Freedom of Information Act is something that has needed amending for some time, and I am happy we are able to do it tonight.

I ask unanimous consent that the amendment at the desk be considered and agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that any statements be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2655) was agreed to, as follows:

The bill is amended as follows:

(a) NEWS-MEDIA STATUS.—At page 4, strike lines 4 though 15 and insert:

"The term "a representative of the news media" means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news-media entities are television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of "news") who make their products available for purchase by or subscription by or free distribution to the general public. These examples are not all-inclusive. Moreover, as methods of news delivery evolve (for example, the adoption of the electronic dissemination of newspapers through telecommunications services), such alternative media shall be considered to be news-media entities. A freelance journalist shall be regarded as working for a news-media entity if the journalist can demonstrate a solid basis for expecting publication through that entity, whether or not the journalist is actually employed by the entity. A publication contract would present a solid basis for such an expectation; the Government may also consider the past publication record of the requester in making such a determination.".

(b) ATTORNEYS' FEES.—At page 5, strike lines 1 through 7 and insert:

"(I) a judicial order, or an enforceable written agreement or consent decree; or

(II) a voluntary or unilateral change in position by the agency, provided that the complainant's claim is not insubstantial.".

(c) COMMENCEMENT OF 20-DAY PERIOD AND TOLLING.—At page 6, lines 1 through 7 and insert:

"(1) IN GENERAL.—Section 552(a)(6)(A)(i) of title 5, United States Code, is amended by striking "determination;" and inserting:

"determination. The 20-day period shall commence on the date on which the request is first received by the appropriate component of the agency, but in any event no later than ten days after the request is first received by any component of the agency that is designated in the agency's FOIA regulations to receive FOIA requests. The 20-day period shall not be tolled by the agency except (I) that the agency may make one request to the requester for information and toll the 20-day period while it is awaiting such information that it has reasonably requested from the FOIA requester or (II) if necessary to clarify with the requester issues regarding fee assessment. In either case, the agency's receipt of the requester's response to the agency's request for information or clarification ends the tolling period;".

(d) COMPLIANCE WITH TIME LIMITS.—At page 6, strike line II and all that follows through page 7, line 4, and insert:

"(b) COMPLIANCE WITH TIME LIMITS.—

(1)(A) Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end the following:

"(viii) An agency shall not assess search fees under this subparagraph if the agency fails to comply with any time limit under paragraph (6), provided that no unusual or exceptional circumstances (as those terms are defined for purposes of paragraphs (6)(B) and (C), respectively) apply to the processing of the request.".

(B) Section 552(a)(6)(B)(ii) of title 5, United States Code, is amended by inserting between the first and second sentences the following:

"To aid the requester, each agency shall make available its FOIA Public Liaison, who shall assist in the resolution of any disputes between the requester and the agency."

(e) STATUS OF REQUESTS.—At page 7:

(1) strike lines 17 through 22 and insert:

"(A) establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request; and".

(2) at line 23, strike "(C)" and insert "(B)".

(f) CLEAR STATEMENT FOR EXEMPTIONS.—At page 8, strike line 19 and all that follows through the end of the section and insert:

"(A) if enacted prior to the date of enactment of the OPEN Government Act of 2007, requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or establishes particular criteria for withholding or refers to particular types of matters to be withheld; or

"(B) if enacted after the date of enactment of the OPEN Government Act of 2007, specifically cites to the Freedom of Information Act.".

(g) PRIVATE RECORDS MANAGEMENT.—At page 13, lines 14 through 15, strike "a contract between the agency and the entity." and insert "Government contract, for the purposes of records management.".

(h) POLICY REVIEWS, AUDITS, AND CHIEF FOIA OFFICERS AND PUBLIC LIAISONS.—Strike section 11 and insert the following:

"SEC. 11. OFFICE OF GOVERNMENT INFORMATION SERVICES.

"(a) IN GENERAL.—Section 552 of title 5, United States Code, is amended by adding at the end the following:

"(h) There is established the Office of Government Information Services within the National Archives and Records Administration. The Office of Government Information Services shall review policies and procedures of administrative agencies under section 552, shall review compliance with section 552 by administrative agencies, and shall recommend policy changes to Congress and the President to improve the administration of section 552. The Office of Government Infonnation Services shall offer mediation services to resolve disputes between persons making requests under section 552 and administrative agencies as a non-exclusive alternative to litigation and, at the discretion of the Office, may issue advisory opinions if mediation has not resolved the dispute.

"(i) The Government Accountability Office shall conduct audits of administrative agencies on the implementation of section 552 and issue reports detailing the results of such audits.

"(j) Each agency shall—

"(1) Designate a Chief FOIA Officer who shall be a senior official of such agency (at the Assistant Secretary or equivalent level).

GENERAL DUTIES.—The Chief FOIA Officer of each agency shall, subject to the authority of the head of the agency—

"(A) have agency-wide responsibility for efficient and appropriate compliance with the FOIA;

"(B) monitor FOIA implementation throughout the agency and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's performance in implementing the FOIA;

"(C) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to improve its implementation of the FOIA;

"(D) review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing the FOIA; and

"(E) facilitate public understanding of the purposes of the FOIA's statutory exemptions by including concise descriptions of the exemptions in both the agency's FOIA handbook issued under section 552(g) of title 5, United States Code, and the agency's annual FOIA report, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply."

"(2) Designate one or more FOIA Public Liaisons who shall be appointed by the Chief FOIA Officer.

GENERAL DUTIES—FOIA Public Liaisons shall report to the agency Chief FOIA Officer and shall serve as supervisory officials to whom a FOIA requester can raise concerns about the service the FOIA requester has received from the FOIA Requester Center, following an initial response from the FOIA Requester Center staff. FOIA Public Liaisons shall be responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes."

"(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.".

(i) CRITICAL INFRASTRUCTURE INFORMATION.—Strike section 12 of the bill.

The bill (S. 849) was ordered to be engrossed for a third reading, was read the third time, and passed.

(The bill will be printed in a future edition of the RECORD.)

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Mr. President, I ask unanimous consent that during the recess/adjournment of the Senate, Senate committees may file committee-reported Legislative and Executive Calendar business on Wednesday, August 29, 2007, during the hours of 10 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOLDEN GAVEL AWARD

Mr. REID. Mr. President, I have been informed the Presiding Officer has received something I have never gotten in all the many years I have been in the Senate, the Golden Gavel Award. For those who are listening, it is given to those people who preside 100 hours, and you have done that. That is tremendous. It is only July, but it shows what a workhorse the Senator from Rhode Island is. There is no better indication than that—presiding. Of course, we will present this award to Senator WHITEHOUSE in the first caucus we have in September.

On this, the most important legislation we dealt with today, FISA—no one worked on it any more than you. The hours you put in on that, well past midnight—you were the talk of the Judiciary Committee. Even though you are a junior member of that committee, your experience as attorney general and as a U.S. attorney, doing all the good things you have done, certainly qualified you, and people looked to you for guidance on that most important piece of legislation.

I say to my friend from Rhode Island how fortunate we are to have you in the Senate.

EXECUTIVE SESSION

NOMINATION OF TEVI DAVID TROY TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session, that the Finance Committee be discharged from the nomination of Tevi David Troy to be Deputy Secretary of Health and Human Services; that the nomination be confirmed, the motion to reconsider be laid on the table, that any statements be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed, as follows:

Tevi David Troy, of New York, to be Deputy Secretary of Health and Human Services.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.

ORDERS FOR TUESDAY, SEPTEMBER 4, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon, Tuesday, September 4; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, and that the time be equally divided and controlled between the leaders or their designees; that at 1 p.m. the Senate proceed to the consideration of Calendar No. 207, H.R. 2642, the Military Construction/Veterans Affairs appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TUESDAY, SEPTEMBER 4, 2007

Mr. REID. Well, it has been a long hard struggle. We have accomplished a lot. I am so glad it is time that I say: If there is no further business, I ask unanimous consent that the Senate stand adjourned under the provisions of S. Con. Res. 43.

There being no objection, the Senate, at 11:08 p.m., adjourned until Tuesday, September 4, 2007, at 12 noon.

NOMINATION RETURNED TO THE PRESIDENT

Friday, August 3, 2007

The following nomination transmitted by the President of the United States to the Senate during the first session of the 110th Congress, and upon which no action was had at the time of the August adjournment of the Senate, failed of confirmation under the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate.

DEPARTMENT OF JUSTICE

REED VERNE HILLMAN, OF MASSACHUSETTS, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS.

NOMINATIONS

Executive nominations received by the Senate:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

STUART ISHIMARU, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2012. (REAPPOINTMENT)

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KATHLEEN M. BALDWIN, 3735
DUANE C. FRIST, 4178
TANYA D. LEHMANN, 1839

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL L. FARMER, 9750
MATTHEW J. LEDRIDGE, 5731
THOMAS S. PRICE, 6258

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SUZANNA G. BRUGLER, 2148
MARTIN T. CLARK, 1448
WILLIAM H. CLINTON, 3221
STEVE M. CURRY, 3365
JOHN E. GAY, 6483
SUSAN D. HENSON, 0067
MARK C. JONES, 0653
WILLIAM M. KAFKA, 5881
JAMES T. KROHNE, JR., 2911
TAMARA D. LAWRENCE, 9904
ALLISON J. MYRICK, 8429
JOHN P. PERKINS, 8784
ERIK J. REYNOLDS, 7179

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ALDRITH L. BAKER, 7857
SADYRAY M. CARINO, 0927
JEREMY L. DUEHRING, 5658
JASON A. HUDSON, 8488
TERRI N. JONES, 0522
CLAUDE M. MCROBERTS, 3883
LAURA J. MURRELL, 6343
MARIA V. NAVARRO, 5888
RAJSHAKER G. REDDY, 1879
HERMAN L. REED, 8382
LOREN S. REINKE, 7945
SHANE D. RICE, 0878
BRENDA M. STENCIL, 5626
DEREK A. VESTAL, 3723
ENNIS E. WILLIAMS, 5815

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

VICTOR ALLENDE, 4791
DION V. ANDERSON, 2225
DEREK D. BREEDING, 9006
STANLEY J. BURROW, 7771
JAMES S. CARMICHAEL, 1331
JAMES C. CHERRY, 9969
JAMES M. CHISHOLM, 5633
MICHAEL A. CORRIGAN, 4090
HOLLY M. FALCONIERI, 0836
FRANCIS J. GAULT, 2734
RAYMOND K. HANNA, 9500
BRANTON M. JOAQUIN, JR., 9508
SCOTT LEVKULICH, 3002
CHRISTOPHER A. MILLER, 6665
LUIS E. RIVERA, 2288
GREGGORY D. RUSSELL, 3772
KIMBERLY E. SCOTT, 0138
MATTHEW M. SCOTT, 6502
JACINTO TORIBIO, JR., 5011
DARREN B. WRIGHT, 3946

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ERIK E. ANDERSON, 1653
SCOTT P. BAILEY, 5172
HN L. BEAVER, 3976
OSCAR E. BOWLIN, 6285
REMIL J. CAPILI, 6219
MATTHEW A. CRYER, 3894
RODNEY H. ESTWICK, 0241
STEPHEN E. FISHER, 4725
ANDREW J. GILLESPY, 0058
RICHARD A. JONES, 3260
BRIAN A. KAROSICH, 8686
BRYAN D. MILLER, 0747
DAVID L. MURRAY, 3254
CHRISTOPHER J. PETERSON, 6956
CHARLA W. SCHREIBER, 0225
MATTHEW L. TARDY, 2080
SCOTT A. TRACEY, 1192
DANIEL Y. WANG, 0257
JOHN B. WEBER, 4585
EDWARD G. WEST, 1265
WILLIAM WRIGHT, 9796

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

LANE C. ASKEW, 5545
ROLAN T. BANGALAN, 0638
JOSHUA J. BURKHOLDER, 5139
ALISSA N. CLAWSON, 2093
RICHARD W. CLEMENT, 4439
JOSE CRUZ, JR., 7023
DANIEL K. FISHER, 8101
TRISHA N. FRANCIS, 4461
MATTHEW L. GHEN, 3238
ANDREW C. GRUBLER, 1082
JOSEPH S. HENDERSON, 4801
JOSEPH F. HERZIG, 2859
PAUL G. HUGHES, 4438
BRIAN E. JONES, 9469
PATRICK E. LANCASTER, 0946
SYLVIA M. LAYNE, 6893
ROBERT P. LEOPOLD, 9365
ALICE Y. LIBURD, 0321
JAMES M. MAHER, 9832
ROBERT D. MATTHIAS, 7890
SIMON R. MCLAREN, 6392
THOMAS R. MERKLE, 3614
DAMIAN N. NGO, 2449
JASON T. NICHOLS, 8817
ROBERT R. PATTO, JR., 1711
DAVID P. PERRY, 4773
PAUL M. SALEVSKI, 1877
ANTHONY T. SAXON, 3610
WILLIAM D. SEEGAR, JR., 8589
DALE H. SHIGEKANE, 5175
KEVIN J. SMITH, 6824
JIMMY J. STORK, 3872
SAMUEL E. TIMMONS, JR., 8022
NATHAN A. WALKER, 2768
SHALALIA I. WESLEY, 1782
RICHARD M. ZAMORA, 7071

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SHARON D. BARNES, 7647
ADRIAN Z. BEJAR, 3732
JOSE E. BERRIOS, 3693
CHRISTOPHER M. BIGGS, 7217
SCOTT T. BROWN, 3270
ROBERT C. CADENA, 9172
FRANK R. COWAN IV, 2273
DEMARIUS DAVIS, 4778
JOSEPH G. DELAROSA, 8046
GABRIEL T. DENNIS, 6181
VICTOR R. FIGUEROA, 9583
KALLIE D. FINK, 3739
DAVID C. FLETCHER, 6126
GENE D. GALLAHER, 4153
JARED X. GOODWIN, 6465
MICHAEL K. GREGOIRE, 9435
JARROD L. HANZLIK, 4523
BRIAN A. HARDING, 8508
FREDERICK M. HELSEL III, 7213
AARON L. HILL, 2446
JOHN M. ISHIKAWA, 4744
ROBERT A. LEWIS, 6652
JEFFERY L. LINDHOLM, 1236
DAVID L. MCDEVITT, 4442
ERIN E. MEEHAN, 6913
BRAD D. MELICHAR, 5817
DAVID M. MICHALAK, 6674
SCOTT D. MILNER, 9249
ROBERT A. MOORE, 1450
JOHN J. NELSON, 1451
JOHN C. PHILLIPS, 2564
ANDREW T. REEVES, 4175
MICHAEL S. SALEHI, 4262
CRAIG T. SARAVO, 5753
MARK D. SENSANO, 2907
JOSEPH E. SISSON, 9841
CHAD M. SMITH III, 8348
JEREMY A. SPEER III, 5095
JOSEPH M. SRODA, 2970
EDDIE F. THOMPSON, 8757
MICHAEL A. VITHA, 7114
ROBERT W. WEDGEWORTH, 0958
DEBORAH B. YUSKO, 6870

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAY P. ALDEA, 1673
THOMAS R. ALLEN, 4673
MICHAEL R. ANDERSON, 9210
DAVID J. BERGESEN, 0508
ISMAEL BETANCOURT, 8516
BERNARD BILLINGSLEY, 5543
JOHN A. BOEHNKE, 5119
RICHARD L. BOSWORTH, 4281
RICHARD D. BUNTING, 9719
JESSICA J. BURNS, 7896
JEFFREY P. BUSCHMANN, 3048
DERRICK L. CLARK, 2434
ELIZABETH M. COCCARO, 8093
MATTHEW A. CRUMP, 0235
JASON H. DAVIS, 3556
WADE A. DRAWDY, 1535
WENDY R. DRIVER, 8612
TYLER L. GOAD, 8115
RICHARD D. GOGAL, 5491
RICHARD E. GREEN III, 1494
NIKOLAUS F. GREVEN, 9165
JOHN B. HANSEN, 9980
PENNY L. HARRIS, 6954
JOEL W. HILL, 5958
JAMES C. IRELAND, 8893
COREY M. JACOBS, 2023
ADAM K. JOHNSON, 8753
DAVID C. JONES, 4517
CHRISTOS A. KOUTSOGIANNAKIS, 8694
JEFFERY T. LAUBAUGH, 8119
PAUL M. LEWIS, 8905
DUANE H. LINN, 4187
DANIELLE M. LUKICH, 0593
SCOTT W. MILLS, 1175
MARCELLE L. MOLETT, 0914

HEATHER M. MYERS, 3250
MANUEL A. ORELLANA, 9638
WILLIAM D. RICHMOND, 5513
KELLY M. ROBBINS, 4858
CHARLEESE R. SAMPA, 9163
DAVID J. SANCHEZ, 4064
ROLAND T. SASAKI, 9443
WILLIAM T. SAWHILL, 5496
ANDREW M. SCHIMENTI, 2959
JONATHAN D. SCHROEDER, 7774
KEVIN A. SHEEHAN, 5822
CHAD E. SIMPSON, 5559
ROBERT K. SMITH, 0002
THOMAS A. SMITH, 2011
DAVID L. SOBBA, 7606
MICHAEL P. STEAD, 4794
ANDREW T. STEELE, 2420
MARK A. STELIGA, 8767
BRADLEY J. STOREY, 5561
LEA G. SUTTON, 2502
MICHAEL S. TERKANIAN, 6500
JASON W. VANFOEKEN, 1691
DAVID C. VARONA, 0910
FRANK W. VEGERITA II, 6781
LAWRENCE C. WILCOCK, 3235
JOHNATHAN L. WILLIAMS, 4094
CHRISTOPHER J. WORRET, 5562
ERIC D. WYATT, 9329

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DARYL G. ADAMSON, 8885
JEFFREY D. ADKINS, 3329
RICHARD T. ALLEN, 7081
RONNIE E. ARGILLANDER, 6837
PETER AZZOPARDI, 8503
DOUGLAS E. BAILLIE, 0243
TONY C. BAKER, 6191
MICHAEL E. BALL, 8625
MICHAEL J. BEAL, 8036
STEVEN G. BEALL, 5290
DOUGLAS S. BEAN, 3962
MATTHEW P. BEARE, 0408
KEVIN R. BECK, 4822
RAFAEL BELLIARD, 7403
RALPH E. BETTS, 5251
JOHN C. BLACKBURN, 1134
KENNETH E. BLAIR, 4089
SCOTT R. BONSER, 8372
SHAUN J. BOYD, 5615
RONALD J. BRABANT, 5059
CHARLES H. BRAGG, 2368
ROBERT T. BRANDT, 3862
STEPHENS BROUSSARD, 6046
HENRY R. BROWN, 8858
MICHAEL D. BROWN, 7268
RUSSELL D. BROWN, 2682
DUSTIN M. BRUMAGIN, 3892
DAVID A. BRYANT, 7266
PETER J. BURGOS, 3475
REGINAL J. CALLES, 5908
GEORGE F. CHAMPION, JR., 4764
KEVIN P. CHILDRE, 5558
BRUCE C. COLKITT, 6197
KENNETH C. COLLINS II, 8402
MARVIN D. COLLINS, 5597
MICHAEL G. CONNER, 9079
ROGER M. COUTU, JR., 6650
CATHERINE A. COWELL, 3902
PETER CRESCENTI, 3313
DONALD F. CRUMPACKER, 6860
GUS R. CUYLER, JR., 7010
JAMES S. DANCER, 9503
BILLY M. DANIELS, 4767
FREDERICK V. DEHNER, 3339
WILLIAM R. DONNELL, JR., 3244
LAWRENCE D. DOWLING, JR., 6550
ROBERT E. DUCOTE, 4198
DUANE E. DUNIVAN, 3783
JOHN J. DUNNE, 1410
ARTHUR M. DUVALL, 7363
MARTIN J. EBERHARDT, 0713
WILLIAM E. EDENBECK, 8841
STEVEN D. ELIAS, 2891
PAUL S. ELLIS, 6698
DENNIS EVANS, 9407
ALAN D. FEENSTRA, 5672
STEVEN T. FILES, 2523
JOHN J. FORD, 2559
DAVID P. FREDRICKSON, 4876
ARTHUR C. FULLER, 8372
JOHN J. GALLAGHER, JR., 7950
GREGORY G. GALYO, 1417
DONALD W. GIBSON, 6035
KARL G. GILES, 8151
JOSELITO O. GONZALES, 3075
CORY M. GROOM, 1634
RICHARD R. GROVE, JR., 9192
GARY G. GUNLOCK, 0913
PHILLIP A. GUTIERREZ, 9433
ROGER A. HAHN, 9084
JAMES D. HAIR, 0586
WILLIAM P. HARRAH, 2169
DAVID A. HARRIS, 1849
DONALD W. HARTSELL, JR., 1786
KEVIN M. HAYDEN, 5760
OLIVER R. HERION, 2413
JAMES B. HICKS, 0042
NICHOLAS W. HILL, 3017
JAMES E. HOCH, 6088
DAVID G. HOFFMAN, 9694
KENNETH L. HOLLAND, 7471
DOUGLAS E. HOUSER, 5902
BOBBY C. JACKSON, 8714
EDWARD G. JASO, 0678
MARK D. KAES, 1278
MARK J. KERN, 8132
NORMAN G. KOSTUCK, JR., 3979
LURA L. LARSEN, 3634
WILLIAM J. LAURENT, 4554
STEVEN P. LEARO, 5253
CHRISTOPHER LEDLOW, 6311
EDWARD M. LEE, 3938
RANDALL G. LEE, 8516
JEFFREY LETSINGER, 7767
DAVID N. LEWIS, 6031
GERALD D. LEWIS, 0083
TAMI M. LINDQUIST, 7931
DAVID D. LITTLE, 7092
THOMAS J. LONGINO, 1334
ALAN G. MACNEIL, 4474
LAURA L. MALLORY, 0794
DENNIS S. MARION, 8064
PAUL J. MARTIN, JR., 7715
WANDA D. MARTIN, 5971
ANTHONY J. MATA, 8708
GREGORY L. MCGILL, 9377
BRADLEY H. MCGUIRE, 9428
TODD A. MCINTYRE, 2327
DANIEL F. MCKIM, 1411
TIMOTHY J. MEAD, 6065
LEO C. MELODY, 6314
ROBERT E. MERRILL, 6743
JACK D. MILLER, 8295
ROCCO F. MINGIONE, JR., 8318
OLIVER C. MINIMO, 3107
DENNIS MOJICA, 6723
KEVIN A. MORGAN, 9724
DENIS E. MURPHY, 7733
STEPHEN J. NADOLNY, 0528
SCOTT A. NOE, 1184
BRIAN S. NORRIS, 7706
RODNEY J. NORTON, 6553
BRIAN A. NOVAK, 4298
MARK A. NOWALK, 1948
ANTONIO M. OCAMPO, 7068
JOHN A. OMAN, 7351
JOSE W. OTERO, 0530
RAYMOND F. PARIS, 9985
GREG M. PASSONS, 0471
DAVID C. PAYNE, 0911
ANTHONY M. PECORARO, 7256
PAUL H. PLATTSMIER, 5617
BARRY A. POLK, 8894
GEORGE A. PORTER, 0601
ROBERT L. PROSSER, 5244
DAVID T. PURKISS, 0355
RORY S. REAGAN, 3565
SHAWN J. REAMS, 7502
JAMES C. REEVES, 6468
STEVEN T. REITH, 3867
JOHN M. REYNOLDS, 1822
MICHAEL P. RILEY, 2932
TODD D. RILEY, 2635
DAVID P. ROBERTS, 2826
JAMES M. ROBINSON, 3306
DEAN R. RODRIGUEZ, 6137
VICTOR H. ROMANO, 5568
CHRISTOPHER G. ROSS, 3900
LEANDER J. SACKEY, 7547
DAVID W. SALAK, 0542
KENNETH B. SANCHEZ, 6184
WESLEY S. SANDERS, 6775
ROBERT P. SAUNDERS, JR., 7886
JOHN L. SCALES, 7165
RONALD A. SCHNEIDER, 7303
THOMAS R. SCHROCK, 9296
JACKIE A. SCHWEITZER, 7163
MICHAEL K. SEATON, 1237
LAWRENCE A. SECHTMAN, 4303
MARTIN D. SHARPE, 9134
SCOTT E. SHEA, 3860
JEFFREY R. SHIPMAN, 3602
GARY K. SMITH, 0679
WAYNE D. SMITH, 6991
STEVEN L. SOLES, 2362
TIMOTHY C. SPENCE, 2807
PAUL B. SPRACKLEN, 4448
WILLIAM C. STAMEY, 3757
VINCENT T. STANLEY, 0215
MARK A. STONE, 9490
FREDDIE D. STRAIN, 6334
MALCOLM L. STRUTCHEN, 4227
WENDY M. SUESS, 0003
ROBIN L. SUNTHEIMER, 5207
PATRICK H. SUTTON, 4276
QUINTIN G. TAN, 4206
REYNALDO T. TANAP, 5453
STEVEN C. TERREAULT, 6247
KIMBALL B. TERRES, 3908
ANTHONY E. THARPE, 1766
CHARLES THOMAS, JR., 9376
MICHAEL L. THOMPSON, 2300
ROBERT E. THOMPSON, 9480
KEITH A. TUKES, 0977
JOHNNY L. TURNER, 2529
EDWARD TWIGG III, 3814
LAWRENCE W. UPCHURCH, 9448
JOEL A. VARGAS, 9879
JOSEPH A. VARONE, 9486
GREGORY A. VERLINDE, 4570
ALEC C. VILLEGAS, 7854
TIMOTHY VONDERHARR, 2859
SCOTT H. WADE, 0395
DAVID L. WALKER, 4876
MATTHEW W. WALSH, 2683
STEVEN T. WALTNER, 2885
DAVID G. WATSON, 4597
TODD A. WEAVER, 9272
THOMAS M. WEISHAR, 4019
SELVIN A. WHITE, 8414
WILLIAM H. WHITE, 8608
DWAINE C. WHITHAM, 8025
EDWARD E. WILBUR II, 8840
WILLIAM J. WILBURN, 9627
CHRISTOPHER G. WILLIAMS, 3625
JAMES M. WINFREY, 9499
FRANKLIN C. WOLFF, 4082
EARL A. WOOTEN, 5415
TONI Y. WRIGHT, 7264
ALEJANDRO D. YANZA, 6822
MICHAEL D. YELANJIAN, 1940

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JEFFREY J. ABBADINI, 9849
REBECCA M. D. ADAMS, 9897
RYAN P. AHLER, 5553
JAMES T. AIKIN II, 7206
EVERETT M. ALCORN, JR., 0548
STEPHEN W. ALDRIDGE, 2370
CHRISTOPHER T. ALEXANDER, 8769
TIMOTHY J. ALIM, 6474
LAUREN B. ALLEN, 4918
ERNESTO R. ALMONTE, 6756
GERVY J. ALOTA, 9143
GALEN R. ALSOP, 9539
BRIAN S. AMADOR, 8212
PETER AMENDOLARE, 1104
DAVID W. ANDERSON, 1272
ERIC W. ANDERSON, 8833
JEFFREY A. ANDERSON, 8479
JUSTIN W. ANDERSON, 6443
SCOTT T. ANDERSON, 9919
EDWARD A. ANGELINAS, 6753
MARK A. ANGELO, 3207
JASON L. ARGANBRIGHT, 3941
MATTHEW T. ARMSTRONG, 8505
JOHN B. ARNAUD, 6430
EDWARD B. ARNOLD, 4458
CHRISTOPHER W. ARTIS, 0946
MARK S. ASAHARA, 3502
AARON J. ASCHENBRENNER, 4663
JARED T. ASMAN, 8782
ANTHONY C. ASP, 8099
EPI ATENCIO, 1587
KENNETH M. ATHANS, 6402
MICHAEL L. ATWELL, 7081
STEPHEN A. AUDELO, 8241
SPENCER P. AUSTIN, 8783
GILBERT AYAN, 2938
BRIAN L. BABIN, 2320
JOHN A. BACHMORE, 6191
SHELBY Y. BAECKER, 5431
JOSEPH A. BAGGETT, 8271
CASEY B. BAKER, 4229
EDGAR M. BAKER, 3511
JEFFREY D. BAKER, 0158
ZATHAN S. BAKER, 6372
ANDREW J. BALLINGER, 2508
ROBERTO A. BARBOSA, 8669
ADAM W. BARNES, 3573
CHRISTOPHER R. BARNES, 4175
RAYMOND F. BARNES, JR., 6154
RYAN C. BARNES, 8218
THOMAS A. BAUMSTARK, 2949
JONATHAN R. BEAR, 9203
QUINCY E. BEASLEY, 9821
WILLIAM M. BEATY, 3391
JOHN R. BECKER, 6666
THOMAS A. BELL, 2405
NOAH S. BELLRINGER, 8881
WILLIAM A. BEST, 7747
RYAN K. BETTON, 0226
MANUEL A. BIASCOECHEA, 0755
JOSHUA D. BIGHAM, 9847
BRYAN J. BILLINGTON, 9215
BRIAN A. BINDER, 7279
BLAINE S. BITTERMAN, 0370
NATHAN R. BITZ, 3699
R. W. BLIZZARD, 3157
THOMAS T. BODINE, 3400
ERIK BODISCOMASSINK, 2579
TIMOTHY C. BOEHME, 5841
MATTHEW A. BOGUE, 3363
EUGENE N. BOLTON, 5132
CHARLES J. BORGES, 4329
MICHAEL P. BORRELLI, 4008
PATRICK W. BOSSERMAN, 3951
DAVID S. BOUGH, 0260
EDWIN W. BOUNDS, 6665
SILAS L. BOUYER II, 6688
COLIN K. BOYNTON, 9720
JARED S. BRADEL, 1253
BRIAN A. BRADFORD, 3944
CHARLES B. BRADY III, 2737
DEREK BRADY, 4074
JAMES S. BRADY, 9560
JASON E. BRAGG, 5074
PAUL S. BRANTUAS, 5576

SAMUEL P. BRASFIELD III, 2499
ANTHONY W. BRINKLEY, 4644
CYNTHIA J. BRITTINGHAM, 0004
DANIEL E. BROADHURST, 5602
JOSEPH M. BROMLEY, 5372
DAVID P. BROOKS, 4724
MARK J. BROPHY, 5610
RANDALL D. BROUSSARD, 0589
CHRISTOPHER A. BROWN, 2948
EUGENE L. BROWN, 6814
LEE C. BROWN, 3097
NATHANIEL H. BROWN, 8767
ELAINE A. BRUNELLE, 7502
SCOTT P. BRUNSON, 6612
MATHEW C. BRYANT, 7742
JACOB J. BRYNJELSEN, 9729
JASON A. BUCKLEY, 2014
TIMOTHY J. BUCKLEY, 9457
HOMER E. BUEN, 1791
DOUGLAS J. BURFIELD, 3519
JAY A. BURGESS, 1472
JASON F. BURK, 0091
MICHAEL J. BURKS, 1513
ROBERT S. BURNS, 7477
PATRICK BURRUS, 3860
JOHN R. BUSH, 9219
MILTON BUTLER III, 8916
KIMBERLY D. BYNUM, 4885
RUSSELL J. CALDWELL, 6734
SHANNON L. CALLAHAN, 3317
WILLIAM CALLAHAN, 6309
DAVID R. CAMBURN, 9023
ROBERT A. CAMPBELL, 6349
BURT J. CANFIELD, 5139
TIMOTHY D. CANNADA, 6161
CHRISTOPHER L. CANNIFF, 7457
MARCOS D. CANTU, 2268
DARREL J. CAPO, 0275
JOEL M. CAPONIGRO, 0843
ROBERT L. CAPRARO, 5806
PAOLO CARCAVALLO, JR., 9894
NICK A. CARDENAS, 0138
KEVIN L. CARLISLE, 4682
JESSE E. CARPENTER, 9807
JAMES M. CARRIERE, 8473
JAMES N. CARROLL, 9887
TODD D. CARROLL, 3060
CHRISTOPHER D. CARTER, 3922
MARK A. CARTER, 9291
THOMAS B. CARTER, 1232
JAMES K. CARVER, 7371
DAVID J. CASTEEL, 0232
CAREY F. CASTELEIN, 8107
JOHN D. CASTILLO, 6437
GABRIEL B. CAVAZOS, 7015
BRIAN J. CEPAITIS, 1268
BLAKE L. CHANEY, 9939
DEWON M. CHANEY, 8654
JONATHAN S. CHANNELL, 7966
MICHAEL R. CHAPARRO, 2375
MATTHEW E. CHAPMAN, 3402
CHRISTOPHER CHARLEYSALE, 1056
MATTHEW R. CHASTEEN, 9241
PETER J. CHAVERIAT 3603
TONY CHAVEZ, 0719
ADAM G. CHEATHAM, 2344
THOMAS G. CHEKOURAS, 1166
SCOTT M. CHIEREPKO, 6595
JARED B. CHIUROURMAN, 5059
CHARLES M. CHOATE III, 0325
KENNETH Y. CHONG, 6567
MATTHEW W. CIESLUKOWSKI, 3126
MICHAEL F. CLAPP, 0623
GILBERT E. CLARK, JR., 0793
TIMOTHY M. CLARK, 0902
PAUL D. CLARKE, 6403
ADAM C. CLAYBROOK, 0317
MARK A. CLOSE, 2103
CHRISTOPHER A. COCHRAN, 0207
DANIEL D. COCHRAN, 0160
DAVID J. COE, 3837
JOHN D. COKER, 2522
ERIC D. COLE, 6288
PATRICK E. COLE, 3949
BENJAMIN D. CONE, 5219
BRIAN D. CONWAY, 3179
GREGORY R. COOKE, 3670
NAKIA M. COOPER, 2002
ALAN M. COPELAND, 9630
JOHN C. CORRELL, 1134
JOSEPH W. CORTOPASSI, 4719
BRENT J. COTTON, 3891
ADAN J. COVARRUBIAS, 9321
SHAWN M. COWAN, 3985
DAVID S. COX, 8546
TIMOTHY G. CRAIG, 9857
BRADFORD P. CRAIN, 6384
JASON R. CRAIN, 3223
CLARKE S. CRAMER, 6922
RUSSELL N. CRAWFORD, JR., 9994
CURTIS W. CRONIN, 2019
MICHAEL C. CROUSE, 2156
CURTIS W. CRUTHIRDS, 1110
MATTHEW D. CULP, 3337
BRIAN G. CUNNINGHAM, 5185
CHRISTOPHER J. DAHL, 1771
CHARLES E. DALE III, 4061
CHRISTINA L. DALMAU, 7106
ROBERT B. DANBERG, JR., 2820
SCOTT E. DANTZSCHER, 3333
DWIGHT M. DAVIS, 0081
MARC E. DAVIS, 6597

TIMOTHY P. DAVIS II, 4640
DANA A. DECOSTER, 7649
SARAH H. DEGROOT, 3430
BRIAN S. DEJARNETT, 2108
ADAM C. DEJESUS, 1990
CHRISTOPHER H. DELGADO, 9455
WILLIAM G. DELMAR, 9817
MARC R. DELTETE, 8380
RORKE T. DENVER, 6665
KENDRA M. DEPPE, 0558
MICHAEL P. DESMOND, 3233
DOUGLAS D. DIEHL, 3896
TIMOTHY J. DIERKS, 2363
DARYL M. DODD, 3569
CHRISTOPHER J. DOMENCIC, 2013
MARK D. DOMENICO, 4392
JARROD D. DONALDSON, 5275
CHRISTOPHER D. DOTSON, 2231
KENNETH S. DOUGLAS, 1526
CLINTON L. DOWNING, 5182
MATTHEW E. DOYLE, 6217
MARC A. DRAGE, 0233
BRIAN M. DRECHSLER, 0884
JOSEPH M. DROLL, 1952
DERRICK A. DUDASH, 8115
DARREN T. DUGAN, 9449
DANIEL P. DUHAN, 5184
ROBERT A. DULIN, 3499
MICHAEL G. DULONG, 2772
DAVID P. DURKIN, 1478
PHILLIP A. DYE, 3373
JENNIFER L. EATON, 0723
MATTHEW J. EBERHARDT, 1574
DAVID L. EDGERTON, 3932
JAMES A. EDMONDS, 5076
MICHAEL A. EDWARDS, 9744
TREVOR D. ELLIS, 5336
SCOTT H. ELROD, 6185
ERIC M. EMERY, 5199
BRIAN C. EMME, 7376
JASON T. ERICKSON, 9469
JOHN D. ERICKSON, 2965
RICARDO A. ESCALANTE, 4458
MICHAEL A. ESPARZA, 4458
THEODORE E. ESSENFELD, 6576
JOHN E. ETHRIDGE II, 0895
ROY C. EVANS, 5045
JOHN EVEGES III, 8260
RANDALL E. EVERLY, 9348
ANTHONY FACCHINELLO, 6534
LOUIS A. FAIELLA, 5114
AUSTIN D. FALL, 7147
WILLIAM P. FALLON, 4084
MICHEL C. FALZONE, 7609
CHRISTOPHER M. FARRICKER, 8212
RYAN M. FARRIS, 1201
ANTHONY V. FARRUGIA, 5028
RICK A. FEESE, 6527
CHAD A. FELLA, 7074
PAUL J. FENECH, 5481
SEAN M. FERGUSON, 0020
PATRICE J. P. FERNANDES, 4345
NICHOLAS P. FERRATELLA, JR., 5198
ARJUNA FIELDS, 0145
LUIS M. FIGUEROA, 8347
JOSEPH M. FIKSMAN, 8683
MICHAEL B. FINN, 6259
JOHN K. FLEMING, 3829
EDWARD K. FLOYD, 1798
STEVEN W. FOLEY, 3715
BENJAMIN J. FOLKERS, JR., 0249
JENNIFER L. FORBUS, 1230
TONREY M. FORD, 2050
MEGHAN B. FOREHAND, 7480
DAVID S. FORMAN, 1904
MARK T. FORSTNER, 0353
STEPHEN C. FORTMANN, 0892
VINCENT A. FORTSON, 4711
HANS A. FOSSER, 8561
JASON P. FOX, 9415
WILLIAM D. FRANCIS, JR., 3289
SHAWN E. FRAZIER, 3480
MARK B. FREITAG, 0144
BRIAN D. FREMMING, 8804
KENNETH J. FROBERG, 1668
JOHN T. FRYE, 2478
JOHN D. GAINEY IV, 0832
RUBEN GALVAN, 5863
NEAL T. GARBETT, 0231
MICHAEL J. GARCIA, 2898
ANTHONY M. GARRETT, 9175
CHRISTOPHER W. GAVIN, 8262
ALBERT H. GEIS, JR., 2535
ROBERT J. GELINAS, 2283
ANDREW D. GEPHART, 7018
CHRISTOPHER M. GIACOMARO, 0185
CHRISTOPHER M. GIGGI, 3916
ANDREW H. GILBERT, 1089
HORACE E. GILCHRIST II, 8910
CHRISTOPHER S. GILMORE, 7063
ADAM M. GOLDBERG, 5037
TARA S. GOLDEN, 3038
CHRISTIAN P. GOODMAN, 4508
DEMIAN C. GOUGH, 8385
WILLIAM N. GRANTHAM, 9033
DAVID C. GRATTAN, 9888
BRIAN W. GRAVES, 1455
DOUGLAS T. GRAY, 6710
JOSEPH M. GREENSLADE, 3735
ANDREW J. GREENWOOD, 4635
ROBERT J. GRIFFITH, 6564
CHRISTOPHER C. GROVES, 3650

JASON P. GROWER, 3800
BRIAN C. GUISE, 3046
LUCAS B. GUNNELS, 2929
KAITAN P. GUPTA, 4633
JASON M. GUSTIN, 9461
BRIAN J. HAGGERTY, 0508
DONALD G. HALEY, 4519
ERIK W. HALL, 0098
JOHN J. HALL, 9941
MICHAEL D. HALL, 3492
SHAWN D. HALL; 6132
PETER F. HALVORSEN, 3094
JOHN T. HAMITER, JR., 7570
EDMUND J. HANDLEY, 3722
DAVID J. HANEY, 2495
MARK W. HANEY, 3217
RICHARD T. HANNA, JR., 5203
THOMAS S. HANRAHAN, 4304
PETER L. HANSEN, 4699
GARY A. HARRINGTON II, 4859
CHRISTOPHER W. HARRIS, 2819
DAVID F. HARRIS, 6116
ROBERT E. HART, JR., 7435
JUSTIN L. HARTS, 1260
MICHAEL P. HARVEY II, 2476
KAZUNORI S. HASHIGAMI, 2725
HEIDI D. HASKINS, 4821
AMANDA A. M. HAWKINS, 5062
CHRISTOPHER N. HAYTER, 5965
GARETH J. HEALY, 9209
THOMAS H. HEALY, 4153
ROBERT A. HEELY, JR., 6252
TRACY L. HEGGLUND, 4025
KURT A. HELGEMOE, 9613
KEITH A. HENDERSON, 9329
NATALIA C. HENRIQUEZ, 1287
TIMOTHY S. HENRY, 7356
NORMAN K. HEPLER, JR., 5651
ALEJANDRO M. HERNANDEZ, 1972
EDWARD A. HERTY IV, 6275
DAVID L. HICKEY, 0015
JEFFREY W. HIGHERS, 9712
CHRISTOPHER J. HIGHLEY, 8143
RYAN D. HILL, 9307
EDWARD A. HOAK, 5911
MARK T. HOBDY, 5908
JEFFREY E. HOBERG, 2658
ROBERT A. HOCHSTEDLER, 3902
ANDREW A. HOEKSTRA, 8629
KEVIN J. HOFFMAN, 2995
BRIAN L. HOLMES, 2553
DAVID C. HOLMES, 5031
PASCAL W. HOLMES, 9954
RONALD M. HOLMES, 8828
TODD H. HOMAN, 9155
STEVEN N. HOOD, 9089
CHRISTOPHER T. HORGAN, 1957
KYLE M. HORLACHER, 9821
KARL G. HORNER III, 6466
BRAD D. HORNING, 4420
PATRICK W. HOURIGAN, 6092
MICHAEL P. HOWE, 3980
JAMES B. HOWELL, 3138
HOLLY A. HOXSIE, 5131
JAMES M. HOYSRADT II, 5735
DAVID S. HUGHES, 3264
GEOFFREY D. HUGHES, 3209
MARK A. HUGHES, 3815
SCOTT H. HULETT, 8222
CHRISTOPHER S. HULITT, 2261
ROBERT S. HUSCHAK, 3107
ABIGAIL A. HUTCHINS, 8785
JASON HYND, 8698
JEFFREY J. IMMEL, 3060
RICHARD J. ISAAK, 0956
MICHAEL H. JACKSON, 1108
ROGER S. JACOBS, 1709
TODD A. JACOBS, 1128
CHARLES J. JAMESON, 9946
JONATHAN A. JECK, 7438
BRUCE L. JENNINGS, 7061
KENNETH M. JENSEN, 6706
JAMES P. JEROME, 8387
KENNETH L. JIPPING, 0695
WILLIAM A. JOHANSSON, 8781
CORY P. JOHNSON, 8489
MARK A. JOHNSON, 8177
MICHAEL R. JOHNSON, 8327
SHAWN E. JOHNSON, 6248
GARTH A. JOHNSTON, 6896
RUSSELL W. JOHNSTON, 1604
HOWARD L. JONES, 3392
JAMES R. JONES, 5337
STEVEN C. JONES, 6239
MICHAEL D. KAMPFE, 5622
ALLAN B. KARLSON, 4953
PETER H. KARVOUNIS, 4676
BRANDON S. KASER, 0257
KEITH C. KAUFFMAN, 2062
REGINA P. F. KAUFFMAN, 9513
PAUL J. KAYLOR, 9615
DANIEL J. KEELER, 5860
JOSHUA L. KEEVER, 1552
PATRICK A. KELLER, 8760
KENNETH M. KERR, 2632
STEPHEN J. KERR, 4533
JASON T. KETELSEN, 0315
DAVID K. KILLIAN, 0268
ROBERT B. KIMNACH III, 2507
TERENCE K. KING, 6257
MICHAEL J. KINSELLA, 4374
JASON D. KIPP, 6036

JEFFREY A. KJENAAS, 7319
JOSEPH P. KLAPATCH, 0948
THEODORE B. KLEINBERG, 7288
KEN J. KLEINSCHNITTGER, 3813
WILLIAM C. KLUTTZ, 0580
THOMAS J. KNEALE, JR., 5838
DAVID V. KNEELAND, 2137
SEAN P. KNIGHT, 5800
MELVIN L. KNOX III, 7548
RAYMOND T. KOEMP, 8221
JEFFREY R. KORZATKOWSKI, 1702
COLLEEN M. KOSLOSKI, 0350
SANDRA L. KOSLOSKI, 3644
CHRISTOPHER J. KREIER, 3589
ERIC C. KRUEGER, 7326
WILLIAM W. KURTZ, JR., 1011
KYLE D. LACEY, 7426
TODD I. LADWIG, 5158
WILLIAM LAMPING III, 3345
JEREMY M. LANEY, 9322
PAULA A. LANGILLE, 3715
SHANE A. LANSFORD, 2360
THOMAS E. LANSLEY, 4660
BRIAN LARMON, 7940
SCOTT W. LARSON, 9423
RYAN E. LAWRENZ, 1306
LAY C. LAY, 7845
DAVID N. LEATHER, 2301
CHRISTOPHER LEE, 7565
DUSTIN E. LEE, 5353
PAUL LEE, 8930
JEREMY L. LEIBY, 9530
DAVID C. LEIKER, 1461
DANA M. LEINBERGER, 8637
CHARLES LEONARD, 2070
KENT M. LEONARD, 5452
JOSEPH L. LEPPO, 5393
SHANE M. LESTEBERG, 8368
ANDRE B. LESTER, 8828
BRETT M. LEVANDER, 4348
JOSEPH M. LEVY, 7184
BENJAMIN M. LIBBY, 4358
KENNETH R. LIEBERMAN, 1431
MATTHEW E. LIGON, 9535
RYAN J. LILLEY, 4686
HENRY H. LIN, 9862
CHRISTOPHER C. LINDBERG, 3714
ERIC D. LINDGREN, 9534
CHAD J. LIVINGSTON, 1244
MICHAEL S. LLENZA, 8190
JAMES P. LOMAX, 3206
JOHN M. LONG, 3507
TIMOTHY J. LONG, 6015
DEWEY A. LOPES, 9324
CHRISTOPHER J. LORD, 7458
CHRISTOPHER A. LOVELACE, 1568
ERIC H. LULL, 0133
ROBERT D. LUSK, 0899
WILLIAM T. LUTGEN, JR., 1827
JOHN W. LYNCH, 6832
JOSEPH K. LYON, 7618
MATTHEW R. MAASDAM, 5596
BRIAN K. MABRY, 6775
WALTER C. MAINOR, 2339
GEORGE S. MAJOR, 2461
GREGORY P. MALANDRINO, 5366
JAMES R. MALONE, 2216
SHAWN M. MALONE, 8147
BRIAN M. MALONEY, 3812
CARINA E. MALONEY, 0891
MATTHEW J. MALONEY, 4965
DENNIS N. MALZACHER, JR., 4675
JODY W. MANDEVILLE, 8384
RICHARD MANGLONA, 2721
SHANE T. MARCHESI, 5215
JEREMY J. MARKIN, 9507
CHRISTOPHER L. MARKS, 4564
CHARLES P. MARRONE, 5170
HARRY L. MARSH, 2450
MICHAEL J. MARTHALER, 2390
JOSHUA G. MARTIN, 7723
SHANNON A. MARTIN, 8232
BRIAN A. MARTINEZ, 0796
MIGUEL R. MARTINEZ, 1555
JONATHAN A. MARVELL, 3081
CHRISTOPHER E. MARVIN, 6138
BENJAMIN J. MASOG, 6811
WALTER B. MASSENBURG, JR., 2514
GABRIEL A. MAULDIN, 3049
MITCHELL S. MCCALLISTER, 6692
GILL H. MCCARTHY, 9214
MILTON B. MCCAULEY, 0757
CARLTON J. MCCLAIN, 6114
CHRISTOPHER MCCONNAUGHAY, 9974
RYAN D. MCCRILLIS, 4942
GRADY S. MCDONALD, 6134
JAMES D. MCDONALD, 5565
JONATHAN A. MCELLROY, 2802
KALAN M. MCEUEN, 2001
DANIEL B. MCFALL, 4460
JOHN E. MCGEE III, 5959
KEVIN T. MCGEE, 8482
ROBERT A. MCGILL, 7563
SHANTI H. MCGOVERN, 6160
AARON N. MCGOWAN, 8175
THOMAS S. MCGOWAN, 7201
JEFFREY M. MCGRADY, 5981
MATTHEW S. MCGRAW, 1804
ROBERT A. MCGREGOR, 1799
BRIAN W. MCGUIRK, 8914
AMY M. MCINNIS, 5517
JAMES F. MCKENNA, 2426
SIMON C. MCKEON, 7350
WILLIAM M. MCKEOWN, 8773
ANDREW R. MCLEAN, 4309
MICAJAH T. MCLENDON III, 0931
ERIC L. MCMULLEN, 3674
ANDREW J. MCNIVEN, 4117
MICHAEL A. MCPHAIL, 9457
RALPH L. MCQUEEN III, 2729
DOUGLAS K. MEAGHER, 0308
JAVIER MEDINAMONTALVO, 5773
HOWARD V. MEEHAN, 8120
JOSHUA M. MENZEL, 4639
DENNIS METZ, 2888
ROBERT D. MEYER, JR., 6590
WILLIAM A. MEYERS, JR., 7389
SEAN J. MICHAELS, 5478
STEVEN F. MILGAZO, 1299
GREGORY J. MILICIC, 8210
ALAN D. MILLER, 5084
GARRETT H. MILLER, 4284
MAX F. MILLER, 6489
ZACHARY J. MILLER, 1968
VERONICA G. MILLIGAN, 1960
STEPHEN J. MINIHANE, 6696
ANDREW B. MIROFF, 7806
CHRISTOPHER J. MITCHELL, 1683
MICHAEL S. MITCHELL, 4709
STEPHEN T. MITCHELL, JR., 3116
JAMES M. MOBERLY, 3729
DANIEL R. MOLL, 4281
DENNIS C. MONAGLE, 5221
KENNETH E. MONFORE III, 7037
DANIEL J. MONLUX, 6745
DAVID P. MOORE, 7720
KEVIN F. MOORE, 7376
ANTHONY MORALES, 5927
MICHAEL M. MORGAN, 6224
WILLIAM C. MORGAN, 8944
CHRISTOPHER M. MORINELLI, 7175
JAMES M. MORTON III, 5921
STEVEN S. MOSS, 2001
ERIC N. MOYER, 7692
CHRISTOPHER L. MOYLAN, 8899
ARTHUR A. MUELLER III, 8088
JUAN F. MULLEN, 5730
DARRIN R. MULLINS, 7578
PAUL B. MULLINS, JR., 0242
JORGE MUNIZ, JR., 9565
BRANDON L. MURRAY, 5581
ROBERT D. MYERS, 9472
STACY L. MYERS, 2335
JACQUELINE A. NATTER, 5321
DUANE E. NEAL, 9909
ALAN A. NELSON, 9708
WOODROW M. NESBITT, JR., 3095
MICHAEL G. NEWTON, 9604
MICHAEL D. NORDEEN, 7617
WENDY K. NOWAK, 4901
EDUARDO E. NUNEZ, 9118
HEATHER L. ODONNELL, 0805
THOMAS M. OGDEN, 2110
JACK B. ONEILL II, 2286
MICHAEL P. ONEILL, 2348
DANIEL V. ORNELAS, 9754
MATTHEW H. ORT, 2824
ANDREW W. OSBORNE, 8750
BRETT R. OSTER, 1272
TRAVIS R. OVERSTREET, 0333
CHRISTOPHER J. PACENTRILLI, 5686
JUAN C. PALLARES, 8001
CHRISTOPHER A. PAPAIOANU, 0493
GREGORY M. PARADIS, 2844
PHILIP L. PARMLEY, 5551
JOHN G. PARQUETTE, 3611
JACOB R. PARSONS, 0881
KURT R. PARSONS, 8798
CHAD A. PARVIN, 2780
WAYNE A. PATRAS, 9079
JASON P. PATTERSON, 4274
JOHN C. PATTERSON, 5392
JOHN E. PATTERSON, 1883
MICHAEL S. PAYNE, 6539
RICHARD D. PAYNE, 8618
STEVEN M. PEACE, 9506
DAVID L. PEDERSEN, 7301
BRIAN E. PEDROTTY, 0931
DOUGLAS J. PEGHER, 8569
BRIAN J. PELLETIER, 9069
CLAYTON M. PENDERGRASS, 7764
CHRISTOPHER D. PEPPEL, 5084
NOLAN K. PERRY, JR., 1559
ERICK A. PETERSON, 3355
JOSHUA H. PETERSON, 1696
EDWIN L. PHILLIPS, 2280
MARC A. PICARD, 6957
SCOTT A. PICHETTE, 3197
KENNETH S. PICKARD, 4950
NICHOLAS A. PINSON, 0636
LEIGHTON J. PITRE, 4506
JASON C. PITTMAN, 1355
MATTHEW R. PLAISIER, 3694
MATTHEW V. POLZIN, 7623
JASON R. POMPONIO, 0160
DALLAS L. POPE, 8692
JOHN D. PORADO, 0325
MICHAEL M. POSEY, 8195
MARK E. POSTILL, 1273
JASON S. PREISS, 0439
DANIEL E. PRICE, JR., 6279
CHARLES T. PRIM, 7350
ROBERT S. PUDNEY IV, 2559
MICHAEL T. PUFFER, 4575
THEODORE M. O. QUIDEM, 6419
ROBERT L. RADAK, JR., 9149
JOSEPH A. RAEZ, 4581
ROBERT E. RALPHS, 8138
VICTORIO A. RAMIREZ, 8636
DOUGLAS E. RAMSEY, 2986
MICHAEL RAMSEY, 5483
DANIEL C. RAPHAEL, 1448
DONALD V. RAUCH, 1002
KELLY J. REAVY, 2166
MICHAEL E. REED, 9729
DANIEL J. REISS, 6132
JAMES REYNOLDS, 4708
BRIAN A. RIBOTA, 0931
DARREN E. RICE, 1635
KEVIN S. RICE, 3288
ROBERT R. RICHARDSON, 4507
JOHN P. RICHERSON, 7542
DAVID E. RIDINGS, 9831
CHRISTOPHER J. RIERSON, 4046
JACK C. RIGGINS, 2615
RICHARD A. RIISMA, 3060
JOHN J. RIOS, 2075
DONOVAN C. RIVERA, 7445
JUAN C. RIVERA, 7300
KENNETH C. ROBB, 2331
KEVIN E. ROBB, 0453
DARYL ROBBIN, 6684
REMY P. ROBERT, 1203
STEVEN W. ROBERTS, 8931
MARTIN L. ROBERTSON, 0469
JESSE W. ROBINSON, JR., 0814
JOEL RODRIGUEZ, 5720
NOEL RODRIGUEZ, 5003
DARREN C. ROE, 7139
HENRY M. ROENKE IV, 2150
SCOTT D. ROSE, 8893
SCOTT A. ROSETTI, 9563
PAUL E. ROTSCH, 8097
GREGORY L. ROWLAND, 2610
KEITH M. ROXO, 7757
COLEMAN V. RUIZ, JR., 1368
MALCOLM J. RUMPH, 8211
KENNETH R. RUSSELL, 3297
LUKE A. RUSSELL, 5016
MATTHEW D. RUSSELL, 0422
GARY A. RYALS, 5266
CHRISTOPHER J. SACRA, 0186
ERIC M. SAGER, 5882
DAVID L. SAGUNSKY, 3402
PETER J. SALVAGGIO, JR., 9796
ALFREDO J. SANCHEZ, 2829
JOSE A. SANCHEZ, 1456
KARL S. SANDER, 0742
GREGG S. SANDERS, 1082
BRIAN D. SANDERSON, 3821
TODD A. SANTALA, 0461
SERGIO T. SANTILLAN, 2373
BRIAN M. SANTIROSA, 2754
JEFFERSON P. SARGENT, 3336
KENNETH D. SAUNDERS, 2389
MICHAEL J. SAVARESE, 4480
ROBERT W. SAVERING, 5142
BRIAN J. SAWICKI, 3385
BRIAN L. SCARAMUCCI, 2402
MATTHEW D. SCARLETT, 4173
WILLIAM A. SCHENCK III, 6968
JOHN M. SCHILLER, 8448
RYAN C. SCHLEICHER, 9171
LUKE D. SCHMIDT, 4037
JACOB D. SCHMITTER, 8309
DUSTIN J. SCHOUTEN, 7946
ADAM T. SCHULTZ, 5853
BRYAN L. SCHULTZ, 0697
CHAD C. SCHUMACHER, 1748
ANTHONY J. SCHWARZ, 0702
STEPHEN P. SCHWEDHELM, 4765
DAVID A. SCHWIND, 7517
WINSTON E. SCOTT II, 4832
DEAN G. SEARS, 8318
JOSEPH M. SEEBURGER, 2029
SHAUN S. SERVAES, 3977
GENE G. SEVERTSON II, 5098
CHRISTIAN M. SEWELL, 6873
MATTHEW S. SHAFFER, 0892
CLAYTON G. SHANE, 3849
ISAAC SHAREEF, 9782
TERRENCE M. SHASHATY, 6808
SOJOURN D. SHELTON, 2492
KEITH J. SHERER, 0309
COLBY W. SHERWOOD, 4967
JAMES E. SHIPMAN, 0847
JOSEPH B. SHIPP, 7249
AARON F. SHOEMAKER, 4238
PETER M. SHOEMAKER, 9727
HOLLY B. SHOGER, 1963
AARON P. SHULER, 2039
ANDREW J. SHULMAN, 7382
DAVID A. SIGLER, 8914
BENJAMIN C. SIGURDSON, 4762
RICHARD A. SILVA, 3481
DAVID K. SILVERMAN, 3110
SCOTT A. SIM, 0181
BRIAN G. SIMS, 3543
TODD M. SINCLAIR, 3781
DAVID W. SKAROSI, 4458
BRIAN L. SKUBIN, 9897
SEAN L. SLAPPY, 4284
KENDALL SLATTON, 8478
ANDRIA L. SLOUGH, 6277
ALBERT SMITH, 9142
ANTHONY F. SMITH, 2559

CHARLES A. SMITH, JR., 5754
CHRISTOPHER E. SMITH, 5526
CHRISTOPHER T. SMITH, 4856
JOSHUA A. SMITH, 4732
KEEVIN L. SMITH, 6422
KENT D. SMITH, 0890
WARREN D. SMITH, 6519
JOSEPH W. SMOTHERMAN, 6373
GUY M. SNODGRASS, 5579
MATTHEW A. SOBECKI, 1703
JOSEPH B. SORRELL, 6816
JEFFREY D. SOWERS, 1880
MARION B. SPENCER, 1899
KARSTEN E. SPIES, 3510
KEVIN J. SPROGE, 7591
LANCE A. SRP, 9173
JASON R. STAHL, 3564
JACOB P. STAUB, 7921
JUSTIN E. STEENSON, 5872
MARK B. STEFANIK, 1255
JASON T. STEPP, 3649
BRETT A. STEVENSON, 0059
MATTHEW A. STEVENSON, 7559
ADAM C. STIEVE, 3733
SARA A. STIRES, 7998
RYAN M. STODDARD, 8925
KRISTOPHER W. STONAKER, 5157
ADAM H. STONE, 6708
GEOFFREY S. STOW, 0493
SCOTT E. STRADER, 1504
JOSEPH V. STRASSBERGER, 1832
GREGORY W. STREET, 4234
HARRY A. STROTHER II, 5366
TEAGUE J. SUAREZ, 6558
JAMES E. SUCKART, 7550
BRIAN D. SUMMERS, 7854
DINYI SUN, 1485
SCOTT T. SUNDEM, 2973
STEVEN J. SUSALLA, 0973
LISA A. SUTTER, 9369
GREGORY E. SUTTON, 1782
MICHAEL SYPNIEWSKI, 0702
MATTHEW A. SZOKA, 2060
AARON M. TABOR, 8479
SHANE P. TANNER, 6470
TODD D. TAVOLAZZI, 0757
AARON J. TAYLOR, 4913
DONALD O. TAYLOR, JR., 3708
ERIC L. TAYLOR, 5280
RICK T. TAYLOR, 6461
HERNESTO TELLEZ, 1443
DANIEL W. TESTA, 8249
CRAIG T. THAYER, 1089
JOHN P. THOMAS, 4899
MEGAN A. THOMAS, 2793
TRENT M. THOMPSON, 7831
CHRISTOPHER R. THRELKELD, 8233
PETER THRIFT, 7680
PAUL J. TILL, 1481
GLENN R. TODD, 1549
THOMAS A. TODD, 3777
WARREN W. TOMLINSON, 3195
JOSEPH A. TORRES, 5210
ROBERT M. TOTH, 8791
LEE R. TOTTEN, 4684
DAVID B. TOWNLEY, 5329
MATTHEW A. TRACY, 3007
DARYL E. TRENT, 8155
AUGUST J. TROTTMAN, 4605
BRADY W. TURNAGE, 3666
CHARLES W. TURNER, 1068
BRIAN T. TURNEY, 4669
DEVIN R. TYLER, 7975
KURT C. UHLMANN, 2244
ANDREW J. URBANSKI, 7508
NICHOLAS A. VANDEGRIEND, 7096
BRIAN E. VANDIVER, 7984
JASON R. VANPIETERSOM, 9266
THOMAS M. VANSCOTEN, 5976
JEREMY E. VELLON, 0606
CASE S. VERNON, 0323
JONATHAN L. VIELEY, 2894
MARJORIE E. VIGAL, 1331
THOMAS A. VILEVAC, 7599
BLANDINO A. VILLANUEVA, 4173
MICHAEL A. VIOLETTE, 9466
STEVEN A. WAGGONER, 7311
MICHEAL K. WAGNER, 0664
DAVID B. WAIDELICH, 9480
STEFAN L. WALCH, 4322
SCOTT A. WALGREN, 2113
FRANCIS J. WALTER III, 6579
GREGORY E. WALTERS, 3832
JASON L. WARD, 8505
KENNETH P. WARD, 5674
CHRISTOPHER J. WARDEN, 1016
COLIN P. WARFIELD, 2469
BRANDON W. WARREN, 7140
CLINTON J. WARREN, 4372
HOWARD A. WARREN, 8597
SCOTT A. WASHBURN, 2522
GLENN K. WASHINGTON, 8492
KENNETH D. WASSON II, 6897
SCOTT A. WASTAK, 7162
ARCHIBALD WATKINS, 5563
CURTIS E. WEBSTER, 8003
STEPHEN R. WEEKS, 5649
CHAD E. WELBORN, 2450
ORION P. WELCH, 4268
STEVEN C. WESSNER, 6984
MARK B. WEST, 3075
MARTIN L. WEYENBERG, 9054
SCOTT V. WHELPLEY, 6483
IAN D. WHITCOMB, 3209
EDDIE F. WHITLEY, JR., 5360
JUSTIN K. WHITT, 3070
ROBERT G. WICKMAN, 8868
ADAM D. WIEDER, 9554
TED W. WIEDERHOLT, 6465
PAUL F. WILEY, 8343
DONALD J. WILLIAMS, 6240
ROBERT A. WILLIAMS, 5768
JASON J. WILLIAMSON, 6005
MICHAEL A. WILSON, 0452
DONALD M. WINGARD, 8904
WILLIAM C. WIRTZ, 4620
TERRY P. WISE, JR., 9276
MICHAEL D. WISECUP, 5438
FREDERICK WISSEN, 8802
SEAN Z. WOJTEK, 6884
CHRISTOPHER J. WOOD, 4366
KEITH C. WOODLEY, 1851
MATTHEW A. WRIGHT, 0473
RAFE K. WYSHAM, 9750
TIMOTHY J. YANIK, 3752
PETER YAO, 8944
JARED H. YEE, 3506
BRIAN A. YOUNG, 2295
CURTIS E. YOUNG, 0170
JASON P. YOUNG, 3776
JODY K. YOUNG, 4842
RYAN S. YUSKO, 1122
JOHN T. ZABLOCKI, 5329
MICHAEL J. ZAIKO, 1562
TODD D. ZENTNER, 1918
TRAVIS W. ZETTEL, 1360
DAVID M. ZIELINSKI, 7569
RONALD W. ZITZMAN, 1731

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHARLES R. ALLEN, 3842
JODI C. BEATTIE, 9136
JOHN C. BLEIDORN, 7053
LAUREN A. BROSS, 6536
JEREMY J. BRUCH, 3650
JILLENE M. BUSHNELL, 4879
JEREMY J. CALLAHAN, 7734
HARTWELL F. COKE, 4055
JAMES E. COLEMAN, JR., 3901
JACQUELYN C. CROOK, 5801
JOHN P. GARSTKA, 4860
KIMBERLY M. HAUN, 2280
TARA D. LAMBERT, 5534
JOHN M. MARBURGER, 8908
CHRISTI S. MONTGOMERY, 7412
JODY M. POWERS, 8050
WILLIAM H. ROETING IV, 3965
MAXSIMO SALAZAR, 9831
ELIZABETH M. SCHEIDECKER, 5200
DWIGHT E. SMITH, JR., 4357
MICHAEL D. VANCAS, 9658

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, August 3, 2007:

DEPARTMENT OF THE INTERIOR

BRENT T. WAHLQUIST, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT.

JAMES L. CASWELL, OF IDAHO, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT.

DEPARTMENT OF ENERGY

LISA E. EPIFANI, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY (CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS).

KEVIN M. KOLEVAR, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF ENERGY (ELECTRICITY DELIVERY AND ENERGY RELIABILITY).

CLARENCE H. ALBRIGHT, OF SOUTH CAROLINA, TO BE UNDER SECRETARY OF ENERGY.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

ROBERT BOLDREY, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING MAY 26, 2013.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DENNIS R. SCHRADER, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR FOR NATIONAL PREPAREDNESS, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF COMMERCE

WILLIAM G. SUTTON, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF TRANSPORTATION

THOMAS J. BARRETT, OF ALASKA, TO BE DEPUTY SECRETARY OF TRANSPORTATION.

PAUL R. BRUBAKER, OF VIRGINIA, TO BE ADMINISTRATOR OF THE RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

TEVI DAVID TROY, OF NEW YORK, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF LABOR

BRADFORD P. CAMPBELL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

DAVID W. JAMES, OF MISSOURI, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF STATE

MARK GREEN, OF WISCONSIN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

THE JUDICIARY

TIMOTHY D. DEGIUSTI, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID A. DEPTULA, 6792

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CLAUDE R. KEHLER, 6600

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KENNETH W. HUNZEKER, 4503

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES D. THURMAN, 8182

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES J. LOVELACE, 0304

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CARTER F. HAM, 0921

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LAWRENCE A. HASKINS, 3608

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RICHARD K. GALLAGHER, 9308

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ROBERT T. MOELLER, 1217

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES A. WINNEFELD, JR., 5212

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 152 AND 601:

To be admiral

ADM. MICHAEL G. MULLEN, 9069

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 154:

To be general

GEN. JAMES E. CARTWRIGHT, 5961

IN THE AIR FORCE

AIR FORCE NOMINATION OF DAMION T. GOTTLIEB, 5640, TO BE MAJOR.

AIR FORCE NOMINATION OF FRANCIS E. LOWE, 3894, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH LISTA M. BENSON AND ENDING WITH KAREN L. WEIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH KEVIN C. BLAKLEY AND ENDING WITH ROBERT A. TETLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT K. ABERNATHY AND ENDING WITH ANTHONY J. ZUCCO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH MARY ANN BEHAN AND ENDING WITH PAUL A. WILLINGHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2007.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH DAWUD A. AGBERE AND ENDING WITH EDWARD J. YURUS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2007.

ARMY NOMINATIONS BEGINNING WITH BLAKE C. ORTNER AND ENDING WITH ANDREW S. ZELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2007.

ARMY NOMINATIONS BEGINNING WITH JULIE A. BENTZ AND ENDING WITH THOMAS L. TURPIN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2007.

ARMY NOMINATIONS BEGINNING WITH LARRY L. GUYTON AND ENDING WITH LINDA M. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2007.

IN THE COAST GUARD

COAST GUARD NOMINATION OF KRISTINE B. NEELEY, 1750, TO BE LIEUTENANT.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH JOSE A. ACOSTA AND ENDING WITH LAWRENCE A. RAMIREZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2007.

NAVY NOMINATIONS BEGINNING WITH DOUGLAS P. BARBER, JR. AND ENDING WITH THOMAS J. WELSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2007.

NAVY NOMINATIONS BEGINNING WITH SUSAN D. CHACON AND ENDING WITH SEUNG C. YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2007.

NAVY NOMINATIONS BEGINNING WITH ENEIN Y. H. ABOUL AND ENDING WITH KIMBERLY A. ZUZELSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2007.

WITHDRAWAL

Executive message transmitted by the President to the Senate on August 3, 2007 withdrawing from further Senate consideration the following nomination:

RICHARD E. HOAGLAND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were confirmed:

BRADFORD P. CAMPBELL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

DAVID W. JAMES, OF MISSOURI, TO BE AN ASSISTANT SECRETARY OF LABOR.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination and the nomination was confirmed:

MARK GREEN, OF WISCONSIN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

The Senate Committee on Finance was discharged from further consideration of the following nomination and the nomination was confirmed:

TEVI DAVID TROY, OF NEW YORK, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES.

EXTENSIONS OF REMARKS

IN RECOGNITION OF DR. PHILIP R. LEE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Ms. PELOSI. Madam Speaker, today I rise to recognize Dr. Philip R. Lee, who has been a dynamic leader in health policy for more than 40 years. He has served during challenging times and has shown leadership as a physician, advocate, teacher, researcher, and policymaker.

This September, the health policy program that Dr. Lee founded 35 years ago at the University of California, San Francisco, will be renamed the Philip R. Lee Institute for Health Policy Studies in recognition of his significant contributions at the international, national, State, and local levels.

Dr. Lee contributed to global health as Director of Health Services at the U.S. Agency for International Development, USAID, by advising health policymakers in many countries. At USAID he drafted the first U.S. policies for international family planning services and helped to strengthen the Agency's health and nutrition initiative.

Dr. Lee contributed to the health of our Nation serving as Assistant Secretary for Health and Human Services during the Johnson and Clinton administrations. He was involved in the passage of many landmark bills in 1965, including Medicare and Medicaid; Health Professions Education Assistance Amendments; Heart Disease, Cancer, and Stroke Amendments; the War on Poverty; Job Corps; Food Stamps; and Head Start. Especially significant was Dr. Lee's work to establish the National Center for Health Services Research, now the Agency for Healthcare Research and Quality, to fund graduate medical education under Medicare, and his efforts to desegregate 1,000 of the Nation's 7,000 hospitals in compliance with the Civil Rights Act. .

Dr. Lee has contributed to the health of Californians, especially during his tenure as the third chancellor of UCSF, where he was known for his commitment to academic excellence and affirmative action. Dr. Lee continues to help policymakers and others understand that California is a rapidly growing and increasingly diverse State, and that both its educational and health care institutions must meet the needs of a diverse population.

Dr. Lee has also worked to improve the health of people in my district of San Francisco, particularly during his term, 1985–1989, as president of the newly established Health Commission of the City and County of San Francisco.

Dr. Lee is a rare role model in his exceptional accomplishments, as well as in his enthusiasm, tenacity, integrity, imagination, and compassion. His unwavering commitment to the needs of the disadvantaged, including the elderly, the disabled, and those without access to care has inspired a new generation of leaders in key positions as researchers and teachers in academia, and as leaders of professional associations, public health agencies, foundations, and in the private sector. We in California owe him a debt of gratitude for his service to the State and to the Nation.

TRIBUTE TO AMANDA SIEWERT

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Amanda Siewert who has been awarded the Curtis Garrett Scholarship of Jefferson County Colorado in the amount of $1,000.00. Amanda will use this scholarship to help in the expense of her education at Metropolitan State College of Denver in Denver, Colorado. She will by majoring in education.

Amanda is a 2007 graduate of Pomona High School of Arvada, Colorado. Amanda graduated eighth in her class out of 410 seniors with a 3.8 overall grade point average.

In addition to her exemplary dedication to her academics, Amanda also worked full-time during her senior year, working with special needs children. Her particular hard work and dedication were apparent while working with an autistic child, whom she tutors on a regular basis. When the schools had exercised all learning options for the student, Amanda stepped in, and as a result of her tutoring, the child has made remarkable progress.

The dedication demonstrated by Amanda Siewert is an excellent example of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive for their personal bests in their education to develop a sense of responsibility and pride in their work that will guide them for the rest of their lives.

I extend my deepest congratulations to Amanda Siewert for winning the Curtis Garrett Scholarship. I have no doubt Amanda will exhibit the same dedication she has shown in her high school career to her academic career at Metropolitan State College and future career in education.

RECOGNIZING CENTROMED

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. RODRIGUEZ. Madam Speaker, on the occasion of Health Center Week I wish to recognize CentroMed. CentroMed provides important medical services to residents of San Antonio and other parts of Bexar County. CentroMed, along with other community health centers in Texas, provides much needed healthcare to uninsured and medically underserved populations. Health centers like this one expand access to quality care for all people and contain healthcare costs by promoting preventative healthcare and primary care services. Health centers are essential to our Nation's healthcare system, providing high standards of care, reducing unmet needs in underserved communities and encouraging preventative care through outreach activities, Health centers guarantee access for all individuals, helping to eliminate health disparities and achieve healthcare for all. Again, I recognize CentroMed for its important contributions to healthcare and for improving the health and quality of life of the people of the 23d Congressional District of Texas.

THANKING MR. WILLIAM "DAVID" CRUDUP III FOR HIS SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement in July, 2007, I rise to thank William "David" Crudup III for his 36 years of outstanding service to the U. S. House of Representatives.

David began working for the House in 1971 in the Longworth Bake Shop where he served many of our Nation's leaders and foreign visitors. One of his most memorable events was when he had the opportunity to bake a birthday cake for then-First Lady Betty Ford. Upon leaving the Longworth Bake Shop, David worked the next 20 years for the Clerk of the House in the Office Furnishings division. He served as a Logistics and Distribution Specialist performing a wide range of duties including furniture delivery to Congressional offices, warehouse inventory management and assisting with the proper disposal of excess furniture.

In September 1991, David took a position with Office Systems Management, also under the Clerk. He was responsible for a wide range of duties including the delivery and removal of office equipment from Congressional offices, as well as performing and reconciling equipment inventories and assisting with the proper disposal of excess equipment.

Throughout his career, David has been admired by House staff and his co-workers for his enthusiasm, professionalism and willingness to help others. He frequently went above and beyond the call of duty. His dedication and hard work should be commended. On behalf of the entire House community, we extend

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

congratulations to David for his years of outstanding service and contributions to the U.S. House of Representatives. We wish him many wonderful years in fulfilling his retirement dreams.

INTRODUCTION OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT TO PROVIDE EQUITABLE TREATMENT OF ALASKA NATIVE VIETNAM VETERANS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. YOUNG of Alaska. Madam Speaker, I am pleased to introduce legislation today to correct an inequity for my Alaska Native Vietnam Veterans with regard to their native allotment issues.

Approximately 2,800 Alaska Natives served in the military during the Vietnam conflict and therefore did not have an opportunity to apply for their Native allotment. In 1998, P.L. 105–276 amended the Alaska Native Claims Settlement Act (ANCSA) to provide Alaska Native Vietnam veterans an opportunity to obtain an allotment of up to 160 acres of land under the Native Allotment Act.

P.L. 105–276 contains three major obstacles that prevent Alaska Native Vietnam veterans from selecting and obtaining their Native allotment. First, Alaska Native Vietnam veterans can only apply for land that was vacant, unappropriated, and unreserved when their use first began. Second, Alaska Native Vietnam veterans can only apply if they served in active military duty from January 1, 1969 to December 31, 1971 (even though the Vietnam conflict began August 5, 1964 and ended May 7, 1975). Third, Alaska Native Vietnam veterans must prove they used the land (applied for in their native allotment application) in a substantially continuous and independent manner, at least potentially exclusive of others, for five or more years. This requirement was not in the original Native Allotment Act, nor has it been required of other Alaska Native applicants in applying for their native allotment. Further, adjudication of use and occupancy issues will take years and will be very costly.

My bill will increase the available land by authorizing Alaska Native Vietnam veterans to apply for land that is federally owned and vacant. The lack of available land under existing law nullifies the very purpose of granting Alaska Native Vietnam veterans an allotment benefit. This is true because most land in Alaska is not available for Alaska Native Vietnam veteran allotment applications under existing laws. For example, there is no land available in southeast Alaska because it either is within the Tongass National Forest or has been selected or conveyed to the State of Alaska or ANCSA Native Corporations.

My bill will also expand the military service dates to coincide with the entire Vietnam conflict: August 5, 1964 through May 7, 1975. The expansion of military service dates to include all Alaska Natives who served in the military during the Vietnam conflict is consistent with the federal government's policy of providing benefits to veterans of the Vietnam War. The federal government has given public land benefits to veterans (or their widows or heirs) of every war beginning with the Indian Wars of 1790 and ending with the Korean conflict in 1955. Incidentally, Alaska Native veterans were not eligible for these public land benefits until 1924 because the courts had determined Alaska Natives were not United States citizens.

My bill would extend the deadline of the allotment application to three years after the Secretary of the Interior issues final regulations under Section 3 of this bill. It also would correct the dates of Approval of Allotments to accommodate the extension of the application process of an Alaska Native Vietnam veteran.

My bill would also assure ANCSA Regional and Village Corporations that if an Alaska Native Vietnam veteran makes his or her allotment selection within lands selected (and not necessarily conveyed) by those Corporations said Corporation's lands entitlement will remain intact.

My bill would prohibit an Alaska Native Vietnam veteran from selecting lands within the right of way granted for the TransAlaska Pipeline or the inner and outer corridor of that right-of-way withdrawal (for security reasons after 9/11 attacks). It also would prohibit a veteran from selecting lands containing a building, permanent structure, or other development owned or controlled by the United States, another unit of government, or reserved for national defense purposes other than National Petroleum Reserve-Alaska.

My bill would also allow a veteran who made an allotment selection under Section 2(g) of this bill, before the date of the enactment of this bill, may withdraw that selection and reselect lands under this section if the land originally selected were not conveyed to that person prior to enactment of this bill.

My bill will also replace existing use and occupancy requirements with legislative approval of allotment applications. Use and occupancy requirements would be replaced for several reasons: (1) Congress has made legislative approval available to all other allotment applicants under 43 U.S.C. Section 1634(a) (1) (A); (2) legislative approval of allotments prevents costly and lengthy adjudication of use and occupancy issues; and (3) many Alaska Native Vietnam veterans could not meet use and occupancy requirements as a result of military service. For example, the application of a deserving Alaska Native Vietnam veteran who was paralyzed during the Vietnam conflict would be rejected if that veteran were unable to complete the five years of use of the claimed land and had not used the land for five years before the war.

I urge my colleagues to support this important legislation for Alaska Native Vietnam veterans who served their country in a time of conflict. I want to remind my colleagues that we owe our veterans the respect, dignity and honor them so well deserve for fulfilling their duty and commitment to this great nation. Please do not deprive my Alaska Native Vietnam veterans their rightful opportunity to apply for their native allotment as was afforded other Alaska natives in my great State.

TRIBUTE TO EMILY ALLEN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Emily Allen who has been awarded the Curtis Garrett Scholarship of Jefferson County, Colorado, in the amount of $1,000. Emily will use this scholarship to attend McPherson College in McPherson, Kansas, majoring in education.

Emily is a 2007 graduate of Alameda High School of Lakewood, Colorado and has had a very accomplished academic career. She graduated seventh in her class with an overall grade point average of 3.8. Emily was very involved in her high school career and that involvement only adds to the recognition this young woman deserves.

Emily was very involved with the cheerleading squad at Alameda High School, and will continue that involvement at McPherson College. Deciding on an education degree, she will be following in the footsteps of her parents, both of whom are Jefferson County teachers.

The dedication demonstrated by Emily Allen is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive for their best in their education to develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Emily Allen for winning the Curtis Garrett scholarship. I have no doubt she will exhibit the same dedication she has shown in her high school career to her athletic and academic careers at McPherson College.

RECOGNIZING UNITED MEDICAL CENTERS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. RODRIGUEZ. Madam Speaker, on the occasion of Health Center Week I wish to recognize United Medical Centers. United Medical Centers serve Kinney, Maverick and Val Verde Counties, three rural communities where access to healthcare is often limited. United Medical Centers, along with other community health centers in Texas, provide much needed healthcare to uninsured and medically underserved populations. In rural communities, community health centers are often the only medical facility within miles, and the health professionals there serve as the family doctors for everyone in the community. Health centers like this one expand access to quality care for all people and contain healthcare costs by promoting preventative healthcare and primary care services. Health centers are essential to our nation's healthcare system, providing high standards of care, reducing unmet needs in underserved communities and encouraging preventative care through outreach activities. Health centers guarantee access for all individuals, helping to eliminate health disparities and achieve healthcare for all. Again, I recognize United Medical Centers for its important contributions to healthcare and for improving the health and quality of life of the people of the 23d Congressional District of Texas.

THANKING MR. PHIL NICHOLS FOR HIS SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement in May, I rise today to thank Mr. Phil Nichols for his long career of outstanding service to the U.S. House of Representatives.

Phil Nichols has been an employee of the House for 31 years. During that time, he has earned the respect and admiration of his fellow co-workers. Phil is a person of great character and will leave behind a legacy of professionalism, hard work and dedication to the institution. His accomplishments while serving the House were many. One of his most notable contributions was as a member of the team responsible for reupholstering the two chairs on the dais in the House Chamber which are used by the Vice President of the United States and the Speaker of the House during every State of the Union speech.

Phil's retirement is bittersweet. The House will lose an individual who from day one of his employment made a long term commitment to excellence. His performance has always been exceptional and beyond expectations. His legacy will live on in the Chamber of the U.S. House of Representatives. We wish Phil many wonderful years in fulfilling his retirement dreams.

THE NATIVE AMERICAN CHALLENGE DEMONSTRATION PROJECT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. YOUNG of Alaska. Madam Speaker, I am happy to introduce today the Native American Challenge Demonstration Project Act of 2007. This legislation acknowledges the special historical and legal relationship of the United States to Native American people and builds on the lessons we as a Nation have learned in the international arena and our often-failed efforts to bring jobs, income and hope to Native people here at home.

Anyone who has visited Alaska Native communities or Indian reservations in the continental U.S. knows that Native people continue to lag behind their countrymen despite a rich cultural legacy and in some instances abundant natural resources on and under their lands. Native economies face a number of hurdles including geographic remoteness, distance from markets and population centers, and lack of or poor physical infrastructure. After decades of failed Federal efforts to revitalize Native economies, I believe the time is right to use what we know is working to reduce poverty, increase incomes, and encourage transparent governments in the developing world. Initiated in 2003, the Millennium Challenge Act has put forth ration has developed a model for reducing poverty and promoting sustainable economic growth.

The bill I am introducing today would use these same principles to enhance the long-term job creation and revenue generation potential of Native economies by creating investment-favorable climates and increasing Native productivity. It would also administer Federal economic development assistance in a new way to promote economic growth, eliminate poverty, and strengthen good governance, entrepreneurship, and investment in Native communities.

The Native American Challenge rests on four key principles that are as relevant to Native communities as they are to the developing world: (1) reducing poverty through vigorous private sector economic growth is a proven method of success; (2) rewarding constructive policies that are initiated and followed by the host government is a legitimate tool of United States policy; (3) operating as true partners with eligible entities increases the chances of success by maximizing communication and identifying and pursuing whatever mid-course corrections might be needed in tailoring an eligible entity's development plan; and (4) focusing on clearly-articulated criteria and concrete results by funneling Corporation attention and resources on those countries that have clear objectives, are willing and able to measure progress, and can therefore ensure accountability in their development plan.

A critical component of the Native American Challenge is in its demand for accountability in the performance of the Compact terms and use of financial resources and this legislation would require that not later than March 15, 2008, and annually thereafter, the eligible entities shall prepare and submit to the Secretary written reports regarding the assistance provided under this Act during the previous fiscal year. These reports, with any additional information the Secretary deems relevant, will then be transmitted to Congress by May 15 of each year.

I urge my colleagues to support this important legislation.

TRIBUTE TO MELISSA FLEMING

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Melissa Fleming who has been awarded the Curtis Garrett Scholarship of Jefferson County, Colorado, in the amount of $1,000. Melissa will use this scholarship to continue her education at the University of Northern Colorado in Greeley, Colorado.

This is truly an incredible honor for Melissa, because this is the second year that she has been awarded the Curtis Garrett Scholarship. The selection committee for the scholarship was so impressed with Melissa's dedication to her degree at the University of Colorado, they decided to award her a second time, an unprecedented milestone in the history of the scholarship award.

The Curtis Garrett Scholarship is based on two criteria that Melissa has fulfilled, those being a demonstrated financial need and the desire to pursue a career in political science or education. Melissa has chosen special education as her future career.

I encourage all students at every level of education to give their personal best to their studies and educational pursuits; that they may develop a work ethic and sense of pride in their work, characteristics that will guide and help them through every step of their lives.

I extend my deepest congratulations to Melissa Fleming for winning the Curtis Garrett Scholarship, for an unprecedented 2 years. I am proud of the dedication Melissa has shown in her first year of college and have no doubt she will exhibit the same dedication in her successive years at the University of Northern Colorado and to her future career in education.

RECOGNIZING CACTUS HEALTH SERVICES

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. RODRIGUEZ. Madam Speaker, on the occasion of Health Center Week I wish to recognize Cactus Health Services. Cactus Health Services serves Terrell and Pecos Counties, two rural communities where access to healthcare is often limited. Cactus Health Services, along with other community health centers in Texas, provides much needed healthcare to uninsured and medically underserved populations. Health centers like this one expand access to quality care for all people and contain healthcare costs by promoting preventative healthcare and primary care services. Health centers are essential to our Nation's healthcare system, providing high standards of care, reducing unmet needs in underserved communities and encouraging preventative care through outreach activities. Health centers guarantee access for all individuals, helping to eliminate health disparities and achieve healthcare for all. Again, I recognize Cactus Health Services for its important contributions to healthcare and for improving the health and quality of life of the people of the 23d Congressional District of Texas.

THANKING MR. ARTHUR "ART" BALTRYM FOR HIS SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement on July 24, 2007, I rise today to thank Arthur

"Art" Baltrym for over 32 years of outstanding service to the United States House of Representatives.

Art began his career with the House in 1966 as a Congressional Page. After completing his education at St. John's University in New York and Georgetown University in Washington, DC, he graduated with a bachelors degree in Political Science. At that time, he returned to the U.S. Capitol and worked as a Capitol Police Officer.

Art left the Capitol Police in 1971 to pursue a challenging opportunity to work for the Education and Labor Committee, where he worked for the next seven years. In January 1978, Art was hired by the Clerk of the House as a cabinetmaker for the former Property Supply department. Over the next 32 years, he was promoted to various positions and eventually became manager of the CAO Furnishings department. Art's accomplishments are far too lengthy to list in this tribute. However, two examples of his contributions are worthy of recognition.

After the original Speaker's Chair was given to then Speaker Thomas P. ("Tip") O'Neal for placement in his official library, the Clerk of the House commissioned the construction of a replacement chair. Art was a key member of the team that hand-built the replacement Speaker's Chair. He personally spent numerous hours hand-carving the exquisite detail that is displayed on much of the chair. Another significant contribution was his oversight of the team which constructed the two hydraulic-controlled lecterns currently used today on the House floor.

On a more personal note and equally worthy of recognition, Art has dedicated his life to making the CAO and the U.S. House of Representatives a better place. He has served as a tutor for the CAO's literacy program since its inception. He also serves his community by working as a "Food for Others" volunteer and assisting the Arlington Street People's Assistance Network. After his retirement, it is Art's goal to pursue more volunteer opportunities and to perform community services in order to continue making a difference in the lives of others.

On behalf of the entire House community, we extend congratulations to Art for his many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish him many wonderful years in fulfilling his retirement dreams.

TRIBUTE TO THE DEVELOPMENTAL DISABILITIES RESOURCE CENTER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize the Developmental Disabilities Resource Center for being the recipient of the Golden Rotary Ethics in Business Award.

The DDRC is one of the largest nonprofit human services agencies in Colorado with resources and services designed to provide positive choices, individualized to enhance quality of life and help people help themselves. DDRC has quietly made an incredible difference for the thousands of people it has touched with developmental disabilities and their families by its responsiveness and expanding to meet their needs.

The organization offers services and support in many forms, including resource coordination, children and family services, Medicaid support, adult vocational services, graduate activities program, quality living options, supported living services, and recreation services. All of these programs are of incredibly high quality and only further exemplify the DDRC's deservingness of this prestigious award.

The DDRC has a long history of holding a high standard of ethics. It has continually received the Better Business Gold Star Award and its code of ethics has been used as a model by the Association of Community Centered Boards.

Organizations such as the Developmental Disabilities Resource Center are an imperative in communities across the United States, because they provide a source of support for individuals and their families. Congratulations to Dr. Art Hogling, for his leadership of the DDRC. I offer my strong encouragement to the DDRC to continue their dedicated and excellent work and to all the individuals who make the Developmental Disabilities Resource Center what it is today.

RECOGNIZING COMMUNITY HEALTH DEVELOPMENT

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. RODRIGUEZ. Madam Speaker, on the occasion of Health Center Week I wish to recognize Community Health Development. Community Health Development centers serve Edwards, Real, Uvalde and Zavala Counties, four rural communities where access to healthcare is often limited. Community Health Development, along with other community health centers in Texas, provides much needed healthcare to uninsured and medically underserved populations. In rural communities, community health centers are often the only medical facility within miles, and the health professionals there serve as the family doctors for everyone in the community. Health centers like this one expand access to quality care for all people and contain healthcare costs by promoting preventative healthcare and primary care services. Health centers are essential to our Nation's healthcare system, providing high standards of care, reducing unmet needs in underserved communities and encouraging preventative care through outreach activities. Health centers guarantee access for all individuals, helping to eliminate health disparities and achieve healthcare for all. Again, I recognize Community Health Development for its important contributions to healthcare and for improving the health and quality of life of the people of the 23d Congressional District of Texas.

TRIBUTE TO US STEEL'S 100TH ANNIVERSARY

HON. ARTUR DAVIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. DAVIS of Alabama. Madam Speaker, I rise today to congratulate US Steel on their 100th anniversary of production in the State of Alabama.

In 1907, the United States was in the midst of a "financial panic" that threatened the future of the Tennessee Coal, Iron and Railroad Company (TC&I) and the jobs of thousands of people employed by the company in Alabama. The United States Steel Corporation (US Steel), the Nation's first billion dollar business enterprise, agreed to purchase a majority of the capital stock of TC&I, preserving thousands of Alabama jobs. President Theodore Roosevelt and the U.S. Justice Department gave their approval on November 4, 1907 for the merger of US Steel and TC&I to help restore public confidence in the Nation's economy, thus ending the financial panic.

Soon after the merger, US Steel significantly expanded iron and steel production in Alabama, creating thousands of new jobs, and initiating social reforms for company employees, such as: building new homes for workers, establishing community schools, and building the Lloyd Noland Hospital.

US Steel was the first steel company in America to embrace collective bargaining in 1937 by recognizing the Steel Workers Organizing Committee which became the United Steel Workers of America. The steel produced at US Steel by its Alabama employees built the ships, tanks and other military armaments that defended the United States in two world wars, as well as in the Korean War and Vietnam War.

In the past 100 years, generations of Alabama residents—estimated to exceed a million people—worked at U.S. Steel mills, coal and iron mines, barge rail lines and other commercial facilities.

US Steel continues to create quality family-supporting jobs, with health care benefits for some 2,500 skilled employees in Alabama. These employees work at plants and offices including the Fairfield Works, the largest steel making plant in the South; the Fairfield Works Seamless Pipe Mill; US Steel Realty, a major land developer in the Birmingham area; and US Steel's Transtar subsidiary that includes the Birmingham Southern Railroad, Warrior & Gulf Navigation Company, and the Mobile River Terminal at Mobile.

Despite the fierce competitive challenges in a global steel market, including unfair competition from heavily subsidized foreign steel producers, US Steel has continued to make job-creating and job-retaining capital investments in Alabama.

US Steel has a long history of supporting philanthropic and community projects to enhance the quality of life in Alabama such as the Red Mountain Oak in Birmingham, which will be the largest urban park in America. This project represents a contribution from US Steel exceeding $10 million.

Madam Speaker, I wish to officially mark the centennial observance of the United States

Steel Corporation in Alabama. I congratulate the company for 100 years of steelmaking and job-producing commercial activity in my State. Through its 100 years, US Steel and its skilled employees have made a tremendous contribution to the State's economy, and to Alabama's future as a major manufacturing center in America.

NO EARMARK REQUESTED

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. COLE of Oklahoma. Madam Speaker, the Conference Report for H.R. 1495, the Water Resources Development Act of 2007, indicates that I requested an earmark project in Conference Section 2014(24) for Lake Rodgers, Creedmoor, North Carolina.

I never submitted for nor requested from the House Transportation and Infrastructure Committee or the Conference Committee for the Water Resources Development Act this project.

TRIBUTE TO THE 150TH HARFORD FAIR

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. CARNEY. Madam Speaker, I rise today to recognize the 150th Harford Fair to be held from August 20th to August 25th of the year Two Thousand and Seven, in Harford, Pennsylvania. The Harford Agricultural Society has held the fair as an annual tradition since 1857.

The first fair was held on November 9, 1858, in the sheds around the First Congregational Church. Seventy-six people attended. One of the first recorded exhibits was five heads of cabbage. Each weighed seventeen pounds. A few years later the fair was moved to October. The entrance fee was 10 cents and the main attractions were speakers, brass bands, plowing matches and agricultural displays.

In 1865 the fair doubled in length, spilling over to two bright October days. By 1880, 3,500 people and 1,000 teams of oxen were flocking to the 117 acres of fairground. In the early 1900s the fair hosted the first automobile and victrola, merry-go-rounds, wire walkers, drum corps and the occasional circus. The Lenoxville Band first performed in 1940 and continues to entertain fair-goers.

Now, every year on the third week of August, 65,000 visitors pour into tiny Harford to enjoy one of the few agricultural fairs left in the nation. It has grown into a six day event that allows both the young and old to present handcrafts, agricultural items, fruits, vegetables, baked goods, animals, photography and art work. Last year's fair featured 7,519 items.

The Harford Fair is my hometown fair in Susquehanna County and I am proud to recognize the fair as an enduring tribute to community pride and cooperation. I salute the many tireless volunteers who maintain the Harford Fair and its rich traditions.

In closing, Madam Speaker, I ask my colleagues to join me in recognizing the Harford Fair for 150 years of family entertainment, agricultural displays and community fellowship.

A SPECIAL TRIBUTE TO THE VILLAGE OF PANDORA, OHIO ON THE OCCASION OF ITS 175TH ANNIVERSARY CELEBRATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. GILLMOR. Madam Speaker, it is my distinct privilege to pay tribute to a special community in Ohio's Fifth Congressional District. On August 10 and 11, 2007, the Village of Pandora, Ohio will begin celebrating a truly monumental event—its 175th anniversary.

Madam Speaker, The Village of Pandora is one of a number of wonderful communities in Northwest, Ohio. As early as 1832, with the completion of the surveying of the rich and fertile woodlands of the Black Swamp region, numerous settlers, including many from Switzerland, seeking religious freedom and rich farm land chose to make their home along Riley Creek. Then in 1835, with the construction of a gristmill by pioneer John Stout, an industrious village was born. Throughout its long and tradition-filled history, Pandora has established itself as a model community.

We in Ohio's Fifth Congressional district are blessed to have such warm towns and villages like Pandora. The individuals who live in these towns and villages are truly wonderful people. They are good friends and neighbors, colleagues and coworkers, and together they form a close knit family, all sharing a common-bond centered on their dedication to their community.

Over the many years that I have served in elected office, I have had numerous opportunities to travel to Pandora. Each time I visit, I am greeted by friendly people who truly know how to make one feel at home.

Madam Speaker, the individuality of the American culture and the freedom of the American spirit are embodied in small towns and villages like Pandora, Ohio. For 175 years, the Village of Pandora has served as a model by which other communities can pattern themselves. As we begin this 175th Anniversary celebration, I urge my colleagues to stand and join me in this special tribute to Pandora, Ohio.

HONORING EMMETT SHEPPARD ON HIS RETIREMENT AND CAREER OF SERVICE TO WORKING FAMILIES

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. EDWARDS. Madam Speaker, I rise today to honor a lifelong friend of working men and women, Emmett Sheppard, who has given decades of his life in service to the Labor movement. Emmett is retiring as President of the Texas AFL–CIO, but his work on behalf of working people in the Lone Star State will be felt for many years to come.

Emmett has worn many hats over the years. He served as a City Council Member and Mayor Pro Tem in his hometown of Groves, Texas. Emmett worked for the Gulf Oil Corporation, and in this capacity, he took on various responsibilities for his union, the Oil, Chemical and Atomic Workers Local 4–23.

In 1982, Emmett was elected President of the Sabine Area Central Labor Council, which includes a large portion of Southeast Texas. In 1989, Emmett went to work for the Texas AFL–CIO as its legislative director, where he worked hard for the interests of working men and women at the Texas Capitol.

In 1993, Emmett was elected Secretary-Treasurer of the Texas AFL–CIO. In this capacity, Emmett worked tirelessly for workers' rights in Texas, traveling the state and listening and responding to the needs of working men and women.

In 2003, the Texas AFL–CIO recognized Emmett's leadership and dedication by unanimously electing him President of the 220,000 member organization. As President, Emmett has been an effective leader and tenacious advocate for the rights of all Texas workers.

Emmett has also served on the executive board of the Workers' Assistance Program, which assists workers with a variety of problems, and on the executive advisory board of Project SAFE Texas.

If I had to say what the secret of Emmett's success all these years has been, I would have to say that it comes down to one word: respect. Emmett respects others, and treats them accordingly. That is one of many reasons I am honored to call him my friend.

As Emmett retires, he can look forward to spending more time with his wife, Kathy, their two daughters and a granddaughter, who I understand Emmett is fond of spoiling.

Emmett, on behalf of myself and the Texas Democratic Congressional Delegation, we thank you for your service and most importantly, I thank you for your friendship. Enjoy your retirement—you have more than earned it, and I wish you all the best in the years ahead.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. COHEN. Madam Speaker, on Tuesday, July 31, I was unable to vote on roll No. 777 to sustain the ruling of the Chair. Had I been present, I would have voted "aye" on this motion.

ON THE RETIREMENT OF DR. RON DEHAVEN, ADMINISTRATOR, USDA ANIMAL AND PLANT HEALTH INSPECTION SERVICE

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. GOODLATTE. Madam Speaker, as Administrator of the Animal and Plant Health Inspection Service, APHIS, and throughout his career, Dr. W. Ron DeHaven has worked tirelessly to protect animal and plant health in the United States and advance the veterinary medical profession.

His accomplishments are numerous. In 2002–2003, Dr. DeHaven led a campaign to successfully contain and eradicate an outbreak of exotic Newcastle disease in the southwest in one-third the time and half the cost of the response to the prior outbreak in 1971.

He was the public face of the Nation's response to BSE—first with the Canadian detection in May 2003, and then the U.S. discovery of the disease later that year. Dr. DeHaven led the U.S. efforts to address domestic and international concerns as he headed the epidemiological investigation, and he appeared on television almost daily. His steady leadership and forthright communication during the crisis ensured that the public was constantly kept informed, and, as a result, consumer confidence in U.S. beef did not waiver.

Dr. DeHaven was at the helm in 2004 when USDA successfully controlled an outbreak of highly pathogenic avian influenza in Texas. This set the stage for his work with international animal health officials to address the currently circulating strain of Asian H5NI highly pathogenic avian influenza. He has spread the important message that we need to respond to this potential human health threat while the virus remains primarily a disease of poultry. Dr. DeHaven has also been a strong advocate for increasing veterinary infrastructure in developing nations to prevent the emergence of zoonotics—diseases that can pass from animals to humans—that increasingly jeopardize public health.

Dr. DeHaven has forged improved relationships between veterinary professionals, the agricultural community, and wildlife biologists to address diseases that affect both wildlife and livestock. One tangible product of this cooperation is the ongoing surveillance of wild birds for H5NI highly pathogenic avian influenza that is being conducted by a combination of wildlife and veterinary professionals.

In other important areas, under Dr. DeHaven's leadership as Administrator over the past 3 years, APHIS has strengthened its regulation of agricultural products derived from biotechnology to ensure that they are safe for release into the environment. The strong, science-based regulatory system forged under Dr. DeHaven's management is helping to ensure that U.S. producers and trading partners are confident in the safety of these products.

Dr. DeHaven is also reknowned for his commitment to animal welfare. He served as Deputy Administrator of APHIS's Animal Care program for 5 years, ensuring that millions of animals regulated under the Animal Welfare Act are provided adequate care under the law. Dr. DeHaven also implemented an innovative risk-based inspection system for the Animal Care program, targeting investigative and enforcement resources on bad actors.

Throughout his career, Dr. DeHaven has exhibited creativity and commitment to ensuring animal welfare and promoting U.S. agriculture. This Congress and this Nation is grateful.

HONORING MESQUITE'S NEWEST TEACHERS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. HENSARLING. Madam Speaker, today I would like to honor the Mesquite Independent School District's new teachers for the 2007–2008 school year.

An excellent education is fundamental to the growth and development of our Nation's youth. With over 35,000 children in the Mesquite community, it is imperative that we continue to acquire high-quality teachers.

As a father of 2 young children, I understand and appreciate the impact teachers have on the lives of our children. We are gratefully indebted to them for enriching the lives of our students. Our teachers can make a difference in the lives of each and every child they teach.

As the Congressional representative of Mesquite, Texas, it is my distinct pleasure to honor Mesquite's newest teachers in the United States House of Representatives.

BELATED THANK YOU TO MERCHANT MARINERS OF WWII ACT OF 2007

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. BUYER. Madam Speaker, I have reservations regarding H.R. 23, as amended, the Belated Thank You to Merchant Mariners of World War II Act of 2007. I believe that H.R. 23, as amended, sets a poor precedent by awarding a $1,000 monthly payment to World War II Merchant Mariners. The authorization described in the bill has no requirement for the Merchant Mariner to have a disability or suffer from financial hardship. Currently, the only veterans authorized to receive a service pension are Medal of Honor recipients.

Whether or not to grant an unprecedented new service pension to World War II Merchant Mariners is not a question of bravery or contributions to victory over the Axis in 1945. Those questions have long been settled to the resounding credit of the mariners who braved unspeakable dangers to transport cargo that kept the Atlantic Alliance alive and fighting.

The Merchant Mariners serving during World War II were given veteran status under a system established by Congress in the G.I. Bill Improvement Act of 1977, Public Law 95–202. This process determined if civilian groups of World War II, like Merchant Mariners, should receive veteran status based on their service during the war. As of 1992, all World War II Merchant Mariners who served from the beginning of the war through victory in Japan day received full veteran status under this system. This means that all of these World War II Merchant Mariners are veterans and qualify for all VA benefits and services including healthcare and old age pension.

An objective and carefully researched report on the contributions of Merchant Mariners during World War II and post-war benefits for which they were eligible can be found in the Congressional Research Service Report for Congress, Veterans Benefits: Merchant Seamen, May 8, 2007 (Order Code: RL33992: http://www.congress.gov/erp/r1/pdf/RL33992.pdf), by Christine Scott and Douglas Reid Weimer.

Thirty other groups that provided military-related service to the U.S. in World War II have received veteran status in the same manner as the Merchant Mariners. However, this bill ignores their service to the nation; it focuses only on the service provided by Merchant Mariners who served during that same period. These groups include the Women's Air Force Service Pilots, the Women's Army Auxiliary Corps, the famed Flying Tigers and many others who gained their status decades after their service. They served loyally, selflessly, and courageously. Their service contributed directly to victory in 1945. Yet this bill does nothing for them.

During the full Committee markup of H.R. 23, I offered an amendment that would include these groups, which was defeated by voice vote. I attach a list of the other veteran groups that received veteran status under the Servicemen's Readjustment Act of 1944 (P.L. 78–346) [Attachment A].

I also find the funding mechanism for this bill to be of concern. When this bill was introduced in previous Congresses, it was determined that because the benefit was an entitlement, it was subject to PAYGO offset requirements. However, the current bill uses a compensation fund to turn this entitlement into discretionary spending. This side-steps budget rules and places an unnecessary burden on the Appropriations Committees.

There is no current appropriations measure that would fund this benefit. The Committee on Veterans' Affairs, which is unable to identify the necessary PAYGO offsets to fund this benefit, is simply passing the buck to the Appropriations Committee. I do not believe this is a fiscally sound way to legislate. Further, if insufficient funds were to be appropriated, only some Merchant Mariners would receive the benefit, while others would not.

The Military Officers Association of America (MOAA), in opposing this bill said, "If these measures were approved, the annuity payable for even a single month of Merchant Marine service in World War II would significantly exceed those payable to thousands of World War II combat veterans who served far longer and suffered significant combat disabilities . . ." MOAA also wrote, "A World War II military veteran who served 20 years and retired in 1955 at the grade of E–5 [sergeant] is entitled to a military retired pay check of only $900 today."

I believe this legislation, though well-meaning, breaches precedent of pension policy law and does not make the best use of taxpayer dollars. I fear that it will have unintended consequences for future Congresses.

ATTACHMENT A

RECOGNIZED GROUPS UNDER PUBLIC LAW 95-202

1. 8 Mar 79—Women's Air Force Service Pilots (WWII).

2. 22 Jan 81—Civilian Employees, Pacific Naval Air Bases, Who Actively Participated in the Defense of Wake Island during WWII.

3. 17 Jul 81—Male Civilian Ferry Pilots (WWII).

4. 7 Apr 82—Wake Island defenders from Guam (WWII).

5. 27 Dec 82—Civilian Personnel Assigned to the Secret Intelligence Element of the OSS (WWII).

6. 10 May 83—Guam Combat Patrol (WWII).

7. 7 Feb 84—Quartermaster Corps Keswick Crew on Corregidor (WWII).

8. 7 Feb 84—U.S. Civilian Volunteers Who Actively Participated in the Defense of Bataan (WWII).

9. 18 Oct 85—U.S. Merchant Seamen Who Served on Blockships in Support of Operation Mulberry (WWII).

10. 19 Jan 88—American Merchant Marine in Oceangoing Service during the Period of Armed Conflict, December 7, 1941, to August 15, 1945 (WWII).

11. 2 Aug 88—Civilian U.S. Navy IFF Technicians Who Served in the Combat Areas of the Pacific during World War II (December 7, 1941, to August 15, 1945) (WWII).

12. 30 Aug 90—U.S. Civilians of the American Field Service (AFS) Who Served Overseas Under U.S. Armies and U.S. Army Groups in World War II During the Period December 7, 1941, through May 8,1945 (WWII).

13. 5 Oct 90—U.S. Civilian Flight Crew and Aviation Ground Support Employees of American Airlines Who Served Overseas as a result of American Airlines' Contract with Air Transport Command during the Period December 14, 1941, through August 14, 1945 (WWII).

14. 8 Apr 91—Civilian Crewmen of the United States Coast and Geodetic Survey vessels who performed their service in areas of immediate military hazard while conducting cooperative operations with and for the United States Armed Forces within a time frame of December 7, 1941, to August 15, 1945 (WWII).

15. 3 May 91—Honorably Discharged Members of the American Volunteer Group (Flying Tigers) Who Served During the Period December 7, 1941, to July 18, 1942 (WWII).

16. 12 May 92—U.S. Civilian Flight Crew and Aviation Ground Support Employees of United Air Lines (UAL), Who Served Overseas as a Result of UAL's Contract With the Air Transport Command During the Period December 14, 1941, through August 14, 1945 (WWII).

17. 12 May 92—U.S. Civilian Flight Crew and Aviation Ground Support Employees of Transcontinental and Western Air (TWA), Inc., Who Served Overseas as a Result of TWA's Contract with the Air Transport Command during the Period December 14, 1941, through August 14, 1945 (WWII).

18. 14 May 92—American Field Service (AFS) who served honorably on flights with the 3d Combat Cargo Squadron, Army Air Forces, December 7, 1941, through August 14, 1945 (Addendum to August 30, 1990 AFS (WWII) SAF decision) (WWII).

19. 14 May 92—Addendum which adds three ships (Oceanographer, Hydrographer, and Pathfinder) to the April 8, 1991, USCGS SAF decision (WWII).

20. 29 Jun 92—U.S. Civilian Flight Crew and Aviation Ground Support Employees of Consolidated Vultee Aircraft Corporation (Convair Division), Who Served Overseas as a Result of a Contract with the Air Transport Comnand during the Period (WWII) U.S. Civilian Flight Crew and Aviation Ground Support during the Period December 7, 1941, through August 14, 1945 (WWII).

21. 29 Jun 92—Honorably Discharged Members of the American Volunteer Guard, Eritrea Service Command during the Period June 21, 1942 to March 31, 1943 (WWII).

22. 29 Jun 92—Addendum for "oceangoing" merchant marine (includes U.S. Army Corps Engineers, U.S. Army Coast Artillery Corps, or U.S. Army Air Force) (WWII).

23. 17 Jul 92—U.S. Civilian Flight Crew and Aviation Ground Support Employees of Pan American World Airways and its subsidiaries and affiliates, Who Served Overseas as a Result of Pan American's Contract with the Air Transport Command and Naval Air Transport Service during the Period December 14, 1941 through August 14, 1945 (WWII).

24. 4 Nov. 92—U.S. Civilian Flight Crew and Aviation Ground Support Employees of Eastern Air Lines-Military Transport Division (EAL-MTD), Who Served Overseas as a Result of EAL-MTD's Contract With the Air Transport Command During the Period December 14, 1941, through August 14, 1945 (WWII).

25. 13 Dec 92—U.S. Civilian Flight Crew and Aviation Ground Support Employees of Northwest Airlines, Who Served Overseas as a Result of Northwest Airline's Contract with the Air Transport Command during the Period December 14, 1941, through August 14, 1945 (WWII).

26. 13 Dec 93—U.S. Civilian Female Employees of the U.S. Army Nurse Corps While Serving in the Defense of Bataan and Corregidor During the Period January 2, 1942, to June 12, 1945 (WWII).

27. 2 Jun 97—U.S. Civilian Flight Crew and Aviation Ground Support Employees of Braniff Airways, who served overseas in the North Atlantic or under the jurisdiction of the North Atlantic Wing as a result of a contract with Air Transport Command during the period February 26, 1942, to August 14, 1945 (WWII).

28. 2 Jun 97—U.S. Civilian Flight Crew and Aviation Ground Support Employees of Northeast Airlines Atlantic Division, who served overseas as a result of Northeast Airlines' contract with the Air Transport Command during the Period December 7, 1941, to August 14, 1945 (WWII).

29. 27 Aug 99—Operational Analysis Group of the Office of Scientific Research and Development, who served overseas from December 7, 1941, through August 15, 1945.

30. 30 Sep 99— Three scout/guides assisting U.S. Marines in offensive operations in Northern Mariana Islands from June 19, 1944, through September 2, 1945.

31. 30 Sep 99—Approximately 50 Chamorro and Carolinian policemen, who received military training and under the command of the 6th Provisional Military Police Battalion, to accompany U.S. Marines in combat patrol activity from August 19, 1945, to September 2, 1945.

32. 21 Feb 03—Reconsideration of "Pursers" as part of the Flight Crews of U.S. Civilian Flight Crew and Aviation Ground Support Employees of Transcontinental and Western Air (TWA), Inc., Who Served Overseas as a Result of TWA's Contract with the Air Transport Command during the Period December 14, 1941, through August 14, 1945.

RECOGNIZING 30 YEARS OF PUBLIC SERVICE BY KENT KEYSER

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. RAHALL. Madam Speaker, I want to take this opportunity to recognize 30 years of public service by my Chief of Staff, Kent Keyser. Kent started as one of my first 2 summer interns in 1977. He then volunteered in my Huntington office for several weeks before I offered him a part time position, while he was attending Marshall University. He worked in Huntington doing constituent services, before becoming my District Representative and eventually my Federal Programs Coordinator. In December 1988 he came to Washington as my Chief of Staff. He continues to assist my constituents of the Third Congressional District with the highest caliber of service. His trustworthiness and dependability over the years have guided me and my staff through many challenges. Kent is well known for greeting members of my Washington staff with the question "What have you done for West Virginia today?" His loyalty to our State and my staff and me is obvious to everyone who knows him. One of the historical figures he most admires is Thomas Jefferson, whom he likes to quote, "All things are changeable except the inalienable rights of man." And truly he is helping me work to change the Third District of West Virginia for the better. Kent is an asset to my staff, and also a personal friend. I want to publicly thank him for his service and tireless efforts on behalf of West Virginians. From Kenova, WV to the Nation's Capitol, while a long distance, he has never journeyed far from his upbringing near the banks of the Big Sandy and Ohio rivers. On behalf of the people in the great State of West Virginia we thank you for 3 decades of giving of your self to our State and Nation.

IN HONOR OF THE 120TH BIRTHDAY AND LIFE OF MARCUS MOSIAH GARVEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the life and contributions of the late Marcus Mosiah Garvey and to acknowledge the 120th anniversary of the day of his birth, August 17, 1887, a day which will be celebrated later this month in the United States, the Caribbean, and throughout the diaspora.

One hundred and twenty years ago, on August 17, the revolutionary, Marcus Mosiah Garvey was born in Saint Ann Bay, Jamaica. His father was a mason and his mother was a farmer. Although his dad used his hands to make a living, he loved literature and created a large library. The library became the initial information source that cultivated young Marcus's love of reading and hunger for knowledge.

At approximately the age of 14, he left Saint Ann's Bay and became an apprentice. He held the positions of Master Printer and Foreman at P.A. Benjamin Printery. In a short time, he was elected to serve as vice president of the Kingston Union, participated in a printers strike, was fired from his job, created The Watchman newspaper and found a new job at the Government Printing Office. All of this advocacy on behalf of the rights of workers prepared him for becoming an outspoken leader against oppression and an advocate for freedom and self determination.

From 1910 to 1913, he traveled throughout Central America and London. During this time, he attended Birkbeck College and held jobs as a timekeeper and newspaper editor. While in London, he spoke at Hyde's Park Speaker's Corner, where his public speaking skills, developed in Jamaica, were honed before ever larger audiences.

He returned to Jamaica in 1914 and founded the Universal Negro Improvement and Conservation Association and African Communities League. The mission of the organization was to "unite all people of African ancestry of the world to one great body to establish a country and absolute government of their own."

He came to the United States and established himself in Harlem, New York, to share the mission of the organization in 1916. Initially he spoke out on the street corners of New York and later went on a nationwide speaking tour. The late Adam Clayton Powell declared that Garvey "awakened a race consciousness that made Harlem felt around the world." Through speaking and the newspaper he created, the Negro World, membership in the organization grew to an amazing 2 million plus. To further support the ideas of the organization's mission, he incorporated a shipping line, Black Star Lines to transport goods and people of African descent back to Africa. An investigation of the organization and Black Star Lines led to a wrongful indictment and arrest of Mr. Garvey. This investigation marked the beginning of an effort to destroy him and the organization.

In 1919, he was shot by a man who committed suicide immediately after the shooting. In that same year, he and others were unjustly investigated by the FBI and charged with mail fraud in connection with Black Star Lines. Only Mr. Garvey was found guilty and received a sentence of five years. He adamantly proclaimed his innocence and many believed then and now that he was set up for political reasons. He served time in Atlanta and his sentence was commuted by President Calvin Coolidge in 1927. Upon his release, he was deported to Jamaica.

He continued to serve as a revolutionary and political activist by establishing Jamaica's first political party, the People's Political Party, serving as the Councillor for the Allman Town Division of the Capitol City, Kingston. In 1935, he moved to London and worked on issues that involved Ethiopia and set up a school to train leaders for the organization he founded. In 1940, he passed away from a stroke after reading a false obituary of himself published in the Chicago Defender.

Mr. Garvey was a bold visionary. His idea and commitment to move people of African descent back to Africa and establish a government of self-determination are still inspiring today. Since he was investigated and convicted, his vision and efforts to mobilize people of African descent to return to Africa did not materialize. President Coolidge's action could be interpreted as an admission of wrongdoing by the U.S. government. However, his name has not been formally cleared.

On August 17, 2007, people will celebrate the birth and life of Mr. Garvey. I applaud and encourage people all over the world to celebrate the life of such a great man. I also urge my colleagues to support my bill, H. Con. Res. 24, which calls for expressing the sense of the Congress that the President should grant a pardon to Marcus Mosiah Garvey to clear his name and affirm his innocence of crimes for which he was unjustly prosecuted and convicted.

INTRODUCTION OF THE EARLY TREATMENT FOR HIV ACT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. ENGEL. Madam Speaker, today is an exciting day as I join with you and Representative ROS-LEHTINEN and over 50 bipartisan cosponsors—27 Democrats and 27 Republicans to re-introduce the Early Treatment for HIV Act.

Today is just one day in a long journey to promoting common sense health care in the Medicaid program. Medicaid coverage for people living with HIV is contingent on two factors; qualifying as low income and meeting the Social Security definition of disability. What this means for uninsured HIV Positive people is that outside of the Ryan White CARE ACT, HIV positive people must wait for their health status to be compromised beyond repair, to deteriorate to full blown AIDS before they can get healthcare coverage under Medicaid. This defies logic as current Federal guidelines call for early access to medical care and treatment including the use of combination antiretroviral therapy.

The Early Treatment for HIV Act, ETHA, gives states the OPTION of amending their Medicaid eligibility requirements to include uninsured, pre-disabled low-income people living with HIV. ETHA is modeled after the successful Breast and Cervical Cancer Prevention and Treatment Act, BCCA, that allows States to provide early access to Medicaid to women with cancer. As with the BCCA, participating States would receive an enhanced Federal matching rate, the same that is provided through the breast and cervical cancer Medicaid project and SCHIP.

Earlier access to health care for people with HIV/AIDS is cost effective. It improves both the health and quality of life of many people living with HIV. By keeping people healthy, the government saves money on expensive medical interventions, such as emergency care or hospitalizations. Furthermore, new medications now allow people with HIV to remain in the workforce longer, and reduces the need for support from government income subsidy programs like SSI and SSDI.

Will the cost-savings be immediate? No. But after a number of years, when early, effective treatment will limit the number of people whose health status progresses to full-blown AIDS, health care costs will be minimized, and best of all there will be a 50 percent decrease in lives lost to this terrible disease.

As all of you know, I have been advocating for improving access to quality healthcare for those with HIV/AIDS for my entire career in public service.

I was deeply troubled 2 years ago when the Energy and Commerce Committee "reformed" Medicaid during the Deficit Reduction Act. I offered ETHA as an amendment during that mark up and secured the first ever vote on that bill. As I said to then Chairman JOE BARTON "if our committee is sincere about Medicaid reform outside of this budget driven reconciliation process, than we should seriously consider the huge improvements in health outcomes and long term cost-savings that will be realized over time through the Early Treatment to HIV." Unfortunately, the amendment was not agreed to.

In the past Congress, I was deeply involved in the negotiations of the Ryan White Care Act. Those initially writing the Reauthorization shifted huge numbers in funding away from the epicenters of the AIDS epidemic to other emerging communities and added language that would make it harder for providers to serve those most in need. A common sense approach would have been to just fund the bill at higher levels to keep states from being pit against each other for scarce funding. We righted some of the wrongs in that bill though, and will continue to work to strengthen the Ryan White program.

Madam Speaker, today is a new day though and a new Congress. With an equal number of Democrats and Republicans pushing for Early Treatment for HIV in the Medicaid program today, we have a new opportunity to enact common sense, life-saving treatment.

ON THE DEATH OF PATRIARCH TEOCTIST

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. SMITH of New Jersey. Madam Speaker, on Monday, July 30, Patriarch Teoctist, the head of the Romanian Orthodox Church, died in Bucharest of complications after a surgery. He was 92 years old and had not been in good health for several weeks.

As a member of the Foreign Affairs Committee and the Helsinki Commission, I have been very concerned and active on issues regarding the promotion of human rights and children's rights in Romania. I have visited Romania five times—both when it was under Communist rule and since 1990—and I know Patriarch Teoctist was respected and beloved by millions of Romanians. He became patriarch in 1986, resigned immediately after the revolution in 1989 that overthrew the dictatorship of Nicolae Ceauçescu, but was recalled by the Holy Synod of the Romanian Orthodox Church.

Madam Speaker, after 1990 Teoctist promoted ecumenical dialogue. He invited Pope John Paul II to visit Romania. This visit took place in 1999 in Bucharest, where Teoctist met with Pope John Paul II, embraced him fraternally and prayed with him. What a magnificent gesture! It was the first time the Roman pontiff visited a predominantly Orthodox country since the schism of 1054.

At this time of sorrow, I wish to express my condolences to the Romanian Orthodox believers and confidence and prayers that Teoctist rest in peace.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Ms. CLARKE. Madam Speaker, on rollcall No. 779, I was unavoidably absent. Had I been present, I would have voted "nay."

On rollcall No. 780, I would have voted "yea." On rollcall No. 781, I would have voted "nay." On rollcall No. 782, I would have voted "yea." On rollcall No. 783, I would have voted "nay." On rollcall No. 784, I would have voted "yea." On rollcall No. 785, I would have voted "yea." On rollcall No. 786, I would have voted "nay." On rollcall No. 787, I would have voted "yea." On rollcall No. 788, I would have voted "yea." On rollcall No. 789, I would have voted "yea." On rollcall No. 790, I would have voted "yea."

HONORING DR. KAY HILL ON THE OCCASION OF HER RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to join the family, friends and colleagues who have gathered this evening to celebrate the retirement and the remarkable contributions to our community of Dr. Kay Hill—one of my dearest friends. An educator, mentor, advocate, and friend, Kay has touched the lives of tens of thousands through her teaching, writing, and constant self-learning, even as she devoted herself to her family, through tough times and good times.

Upon graduation from Yale University, Kay began her career with the New Haven Public Schools system as an English as a Second Language instructor at the Welch School. Just a year later, she became the Supervisor of the World Language Program for 38 elementary, middle and high schools. Through intelligence, a strong work ethic, and compassion, Kay has earned the love and respect of her students and colleagues alike. It has been under her leadership that the program has grown from 24 to 80 teachers and currently has 6,370 foreign language students and 690 dual language students enrolled. Perhaps the most telling examples of the success of this program have been the outstanding achievements of its students who have excelled at the state COLT poetry recitation contest as well as on national and state exams.

Kay has always had a passion for foreign language and education. To understand her enthusiasm and her deep commitment to education, one only has to look to the inspiration she received from her parents. Her mother traveled to Paraguay at a young age on a missionary trip sponsored by her Mennonite church. It was during her time with this program that she learned the Spanish language—a passion which she passed on to Kay. Kay's father had an illustrious career as a minister with the Church Center for the United Nations and later as a minister for world peace in Tampa, FL. Even in his retirement, he continued to make a difference as writer and editor of a social justice newsletter. Like so many of us, Kay took the lessons she learned as a child and made her own mark on the world.

In her position as supervisor for the World Language Program, she traveled extensively, opening the doors of opportunity for her students. Her first trip was to Russia where she and 30 students spent 3½ weeks touring the country visiting Moscow, St. Petersburg, and Nizhny Novgorod. Kay's dedication to education—especially foreign language education—has been recognized on many levels. She attended an international conference for compensatory education in Paris where she was the only educator representing the United States and was sent by the Connecticut Department of Education to recruit and interview prospective educators. Just last year, Kay traveled to China with a group sponsored by the Chinese government aimed at learning more about their culture and to promote Chinese language education.

As an educator, Kay's leadership and vision opened many doors to her students, however, it is through her dedication and love as a parent that one truly sees the difference she can make in the life of a young person. As the mother of an autistic child, Kay has diligently sought out every possible program and opportunity for her son, Peter, to learn and grow—and what a young man he is. She and her husband, Mitch, make each other stronger, as they knock down the barriers that fate has put in front of them. Reflecting their determination and leadership, their daughter, Lily, recently co-chaired the annual State Prejudice Reduction Conference—a leadership conference of more than 1,000 students from across the state.

I also must take this opportunity to thank Kay for her many years of special friendship. As an educator, parent, and colleague, Kay has inspired greatness in others, including myself—leaving an indelible mark on their lives. I am proud to join her husband, Mitch, her children, Peter and Lily, as well as all of the friends and colleagues who have gathered this evening to extend my sincere congratulations to Dr. Kay Hill as she celebrates her retirement.

TURKEY PARLIAMENTARY ELECTION

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. RUPPERSBERGER. Madam Speaker, as a Member of the Intelligence Committee, I congratulate the nation of Turkey on its recent elections. On July 22, 2007, 43 million Turkish citizens—over 80 percent of Turkey's population—exercised their civic responsibility and went to the polls to elect Turkey's 550-member parliament for the next 5 years. The election occurred without incident or allegations of impropriety. With this election, Turkey affirmed that its democracy is alive and well, and provided an inspiring example to other nations in the region.

The election will seat three parties in Parliament: the Justice and Development Party (AKP), the Republican People's Party (CHP), and the National Action Party (MHP). In addition, 27 seats will be filled by independents.

Turkey's financial markets reacted with enthusiasm to the elections. On Monday, July 23, the Istanbul Stock Exchange (IMKB) rose by 5.08 percent, hitting a record high at one point during the day, reacting to expectations of continued stability and increased economic prosperity.

Foreign governments and world leaders praised the election process as free and fair. Numerous major media outlets, including The Wall Street Journal and The New York Times here in the United States, published positive editorials praising the "wisdom of the Turks" and noting that "democracy was affirmed."

America must cultivate and support our allies. We must reach out to moderate Muslim nations in the Middle East and build stronger relationships to repair our reputation abroad. Allies like Turkey can help foster economic and regional security. Turkey supports the Global War on Terrorism and is a critical ally in keeping nuclear weapons out of the hands of terrorists.

As the only democracy in the Middle East with a predominantly Muslim population, the significance of this election cannot be understated. The U.S.-Turkey relationship is critical to both nations' security. Turkey is and will continue to be an important and strategic ally of the United States. I ask my colleagues to join me in congratulating Turkey on this impressive achievement of democracy.

HONORING THE AFRICAN METHODIST EPISCOPAL CHURCH SUNDAY SCHOOL UNION ON ITS 125TH ANNIVERSARY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. COOPER. Madam Speaker, I rise today to honor the African Methodist Episcopal Church Sunday School Union on the occasion of its 125th anniversary. The Sunday School

Union has played a critical role not only in preserving the church's history, but also in educating its members and providing an encouraging vision for the future. For over a century, the Union has been a fine contributor to the Nashville community, to the State of Tennessee, and to many parts of the world that have benefited from this organization's publications and services.

As far back as 1818, there grew a call within the African Methodist Episcopal Church for an organization that would produce suitable literature for its youth and would advocate training for its Sunday school teachers. Richard Allen, the church's founder, knew that in order for the church to grow, effective circulation of the information would be essential.

In 1847, the A.M.E. Church began considering several proposals for an organization that could achieve these goals. In 1882, after over 60 years of preparation, Reverend Charles Smith presented the final plan to the bishop in Cape May, NJ. The Department of Publications and Book Concern was created, publishing the first Sunday school literature by African-Americans. In a letter to Reverend Smith, Frederick Douglass wrote that the Union "will doubtless be a luminous point in the moral and intellectual progress of the colored people of the South."

In 1886, Reverend Smith purchased a five-story brick building on the square in Nashville for the newly founded organization. Madam Speaker, I take great pride in the fact that, since that time, Nashville has been the headquarters for the Sunday School Union.

In the years that followed, a number of dedicated and capable men led the Union, They sought to innovate the production process and to improve the quality of the publications. Reverend William Chappelle took over for Reverend Smith in 1900 as secretary-treasurer and served for 8 years. He was followed by Ira Bryant, under whose leadership the Union acquired additional property and purchased a modern printing plant. Then in 1936, E.A Selby headed the Union, and it was during his term that the Department of Publications and the Book Concern merged with the Sunday School Union.

Reverend Charles Spivey, Sr., was elected in 1964 and served until his retirement in 1972. Upon the announcement of his retirement, Reverend Spivey made a generous donation of $20,000 to the A.M.E. Church to help support its continued growth. Reverend Henry Belin, Jr., who followed Spivey, secured a new publishing house for the Union. Under his leadership, the Union published not only denominational materials, but also several scholarly works covering topics such as theology and history.

Reverend Belin was ordained as a bishop in 1984, and Reverend A. Lee Henderson was elected in his stead. Henderson revamped the Union's publications, giving the Sunday school literature and other publications a new look through the use of brilliant color and creative graphics.

In 2000, Reverend Dr. Johnny Barbour was elected. The efforts of Secretary-Treasurer Barbour and of Bishops Philip Cousin, Sr., McKinley Young, Gregory Ingram, and Vashti McKenzie have combined to lead the Union to its current strong state on its 125th anniversary. Because of their passion, the Union can look forward to a bright future.

This anniversary marks real accomplishment that years of perseverance have made possible. For decades, the African Methodist Episcopal Sunday School Union has focused its energy and its talent, making itself a first-class publishing institution. Today, the A.M.E. Sunday School Union continues its mission, publishing the highest quality hymnals, study courses, and church materials.

Madam Speaker, I rise today to recognize the African Methodist Episcopal Sunday School Union, whose exemplary publications have strengthened the church and have fostered intellectual growth for over a century. I would like to ask the House to join me in extending warm congratulations to the Sunday School Union on its 125th anniversary. May it enjoy many years of continued success.

HONORING THE NEW HAVEN COUNTY BAR ASSOCIATION AS THEY CELEBRATE THEIR CENTENNIAL ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Ms. DELAURO. Madam Speaker, it gives me great pleasure to rise today to join the community of my hometown, New Haven, CT, as friends, colleagues, and community leaders gather to celebrate a remarkable milestone—the 100th anniversary of the New Haven County Bar Association. Founded in the late 18th century and incorporated in 1907, this organization serves as the professional association for judges, attorneys, and legal paraprofessionals throughout the greater New Haven area.

As one can see from the historical exhibition currently on display at the New Haven Museum and Historical Society, the legal community has long played a unique and integral role in the rich history of New Haven. From the earliest days of the colony and the *Amistad* case in the 1840s through the Black Panther trial in the 1970s and Connecticut v. Griswold in 1965, New Haven attorneys and judges have been at the center of legal decisions which have helped to define our Nation. Beyond those cases which garnered national attention, the exhibit also reminds us of the many local lawyers who had a significant impact on the character of our community. Theophilus Eaton wrote the laws of the New Haven Colony in the 1600s, Joseph Sheldon actively hired African-American law students in the 1880s and was influential in the development of the American Red Cross, Geroge Dudley Seymour who was known for his dedication to civic duty in the 1900s, and Mary Manchester, who, in 1938, was the first woman to be named a law partner in Connecticut.

Today, the New Haven County Bar Association is more than simply a professional association. It supports its members in many ways including continuing legal education programs, new attorney mentoring opportunities, annual social events and working to foster relations between its members and the courts. The Bar Association is also the sponsor of the New Haven County Lawyer Referral Service—a not-for-profit public service that, for more than 50 years, has referred members of the public to private attorneys experienced in the appropriate field of law. The Bar Association also works closely with its charitable arm, the New Haven County Bar Foundation, Inc., which provides charitable outreach and educational programming.

As members gather this evening in celebration of the New Haven County Bar Association's 100th anniversary, we pay tribute to the many invaluable contributions the legal minds of our community have made locally, statewide, and nationally—but most importantly for the countless hours of hard work they do every day for their clients. While New Haven certainly has had its share of compelling legal cases which have caught the public's attention, more often than not, our lawyers, judges, and legal paraprofessionals are working on cases which—while they may not make national headlines—have a real impact on the lives of those they are representing. For the outstanding work they do every day and for the many contributions they make to our community, I am honored to stand today to extend my sincere congratulations to the New Haven County Bar Association and its membership as they celebrate their centennial anniversary.

INTRODUCTION OF THE COINAGE MATERIALS MODERNIZATION ACT OF 2007

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. GUTIERREZ. Madam Speaker, along with my distinguished colleague from Massachusetts, Mr. FRANK, I am proud to introduce the Coinage Materials Modernization Act of 2007.

This legislation, which is supported by the Treasury Department, would update the law governing the materials used to mint U.S. coins by authorizing the Treasury Secretary to change the composition of coins to less expensive materials.

The immediate purpose of this legislation is to address the rising cost to taxpayers of minting pennies and nickels. Currently pennies are made mostly of zinc and have a copper-plated surface. Nickels are made up of an alloy of 75 percent copper and 25 percent nickel. Since March of 2003, world demand for core metals has driven up the price of copper and nickel by 300 percent and of zinc by 450 percent. At the current specifications for these coins, it costs the Government 1.7 cents to make a penny and 10 cents to make a nickel.

Other coin denominations continue to be made at costs well below their face values, but metal cost is increasing for them as well. This legislation will allow Treasury to change the composition of all U.S. coins to less expensive alternatives and dramatically reduce the costs of producing these coins.

The Treasury Department estimates that by changing the composition of pennies and nickels, we will save the Government over $100 million a year; and by making similar changes to the half dollar, quarter and dime, the Government can save as much as $400 million annually.

Under current law, the Treasury Secretary cannot change the base metals used to make our Nation's coinage without congressional action. The Secretary has the authority to vary the alloy of copper and zinc comprising the penny, but there is little room for further adjustment. This legislation would grant the Secretary the authority to change the base metals used to mint coins, potentially saving taxpayers hundreds of millions of dollars, without changing the visual features of our coinage.

After this bill is enacted, the United States Mint, which is a bureau within the Treasury Department, will seek public and industry comment on possible alternative composition for the penny and the nickel. Following the comment period, there will be a competitive public bidding process for new coinage materials. Congress, particularly the Committee on Financial Services, chaired by my cosponsor, Mr. FRANK, and the Subcommittee on Domestic and International Monetary Policy, Trade and Technology, which I chair, will exercise strong oversight over this process.

I encourage my colleagues to join me in supporting this legislation, which has the potential to save the Federal Government hundreds of millions of dollars annually. The financial resources of the Federal Government are limited, and it is rare when we have the opportunity to make a simple legislative fix with the potential to save the taxpayers so much. We should take full advantage of this opportunity and pass this legislation in an expeditious manner.

IN HONOR OF THE EXTRAORDINARY PUBLIC SERVICE OF PHOEBE AND RALPH SHOTWELL OF SUSSEX COUNTY, NJ

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend two longtime public servants in Sussex County, NJ: Phoebe and Ralph Shotwell. Both are pillars of the 4–H in Sussex County, having spent a lifetime working with its programs.

Phoebe Hunt Shotwell, who first became a part of 4–H as a child, has been a volunteer leader for the 4–H cooking club, the Yeastie Beasties, for 55 years. She is on the Sussex County 4–H Advisory Council and is on the Executive Committee for the New Jersey State Fair/Sussex County Farm and Horse Show. Phoebe is also a director for the Sussex County 4–H Foundation, where she reviews scholarship applications, a job for which this former assistant teacher and library aide is very well qualified. She has also volunteered her time with a number of community organizations, such as the local PTA and the Green Township Hospital Auxiliary.

Ralph Shotwell first joined his local Pequest Dairy 4–H Club in 1928 at the age of 11. Over the years, he has served as president of the Sussex County 4–H Council and has participated in a number of related efforts, including the Pomona Grange, New Jersey State Grange, Farmer's Enterprise Grange, Sussex County Agricultural Society, Sussex County Milk Producers, and Sussex County Board of Agriculture. He has also found time to serve as an elder in his church and as a volunteer firefighter and chief with the Green Township Fire Department.

It is due to the dedication and hard work of the Shotwells and volunteers like them that the 4–H program in Sussex County has grown to more than 700 members participating in 63 clubs.

Today, at the Sussex County Fairgrounds in Augusta, NJ, the Sussex County 4–H Educational Exhibit Hall Committee will dedicate the Phoebe and Ralph Shotwell 4–H Exhibit Hall. During the upcoming State Fair, the facility will be used for clinics, demonstrations, presentations, shows, educational programming, and—most importantly—proud displays by 4–H members. I regret that I cannot be with these honored guests today as their 4–H colleagues demonstrate their extraordinary gratitude for the humble, yet outstanding public service of this Sussex County couple.

IN CELEBRATION OF HOUSE OF TRICKS TWENTIETH ANNIVERSARY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the twentieth anniversary of House of Tricks, a historic landmark restaurant in my hometown of Tempe, Arizona.

House of Tricks was established in 1987 and has since become an important and lively part of downtown Tempe. It has served innovative cuisine and fine wines for twenty years and continually attracts patrons; this is true for both those just discovering House of Tricks, as well as those who return time after time. The success of the restaurant is due to its owners, Bob and Robin Trick. Their dedication to Tempe and to their patrons has made House of Tricks a highly acclaimed destination.

The success of House of Tricks can be attributed to Robin and Bob's desire to make their restaurant a lasting part of the historical landscape. The Tricks bought a small 1920's cottage in 1987 and expanded their restaurant in 1994 to an additional cottage. The Tricks then restored this building to its original turn of the century splendor. The gardens that connect the two cottages add to its charm and make it a peaceful and beautiful place away from the hustle and bustle of busy city life.

The success and longevity of this local restaurant is a model for independent businesses. It is for these reasons and more that I join in congratulating the Tricks on this accomplishment and wish them many more years of prosperous business.

LOWER ALSACE FIRE COMPANY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. GERLACH. Madam Speaker, I rise today to honor the Lower Alsace Fire Company on the occasion of its 80th anniversary.

On September 24, 1927, local citizens met at the Pleasant View Hotel to form the Community Volunteer Fire Company of Lower Alsace Township. In April 1928, the Company broke ground for the original building and, in September 1928, the building was dedicated. Soon after, the Company created the Ladies' Auxiliary, which faithfully served the community until 2001. The Company and the Auxiliary worked together to raise funds for the needed start-up firefighting equipment and continue to work hard to raise funds to maintain and acquire equipment necessary to protect the public.

This fire company serves an area of six square miles with over 2,500 residents. Currently, there are over 30 active firemen and five well-maintained pieces of equipment that protect and serve the local community. This Company is equipped and trained to fight fires, respond to hazardous material incidents, provide advanced life support emergency medical services, participate in vehicle rescues, and partake in search and rescue missions.

Madam Speaker, I ask that my colleagues join me today in honoring the members of the Community Volunteer Fire Company of Lower Alsace Township, Pennsylvania as they celebrate their 80th anniversary. We all extend our best wishes and heartfelt congratulations for the Company's years of exemplary community service and outstanding dedication to protecting the lives and property of area citizens.

CONGRATULATING THE EBUSUA CLUB OF SAN BRUNO FOR ITS EXTRAORDINARY GENEROSITY TOWARD THE PEOPLE OF GHANA AND ITS DEEP COMMITMENT TO BUILDING COMMUNITY IN THE BAY AREA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. LANTOS. Madam Speaker, I rise today to recognize an exceptional organization based in San Bruno, California. The Ebusua Club is a truly unique and outstanding group, made up of 18 Ghanaian-American families. Together, they work to improve lives in the Republic of Ghana, which was once their home, while building community in the San Francisco Bay Area where they have put down roots. Ebusua's annual events and charitable activities set a singular example for the people of both countries. By sponsoring projects that range from micro-enterprise in Ghana to soccer teams in the Bay Area, Ebusua has created a truly global community of compassion and generosity.

Among many other important projects, the members of the Ebusua Club have dedicated themselves to anti-malaria initiatives aimed at eradicating a disease that tragically kills 3,000 children each day, the majority in sub-Saharan Africa, despite the availability of prevention and treatment options.

Additionally, the club annually participates in the Multiple Myeloma Research Foundation's Race for Research to honor a member lost to this terrible disease, Chaka Impraim. To honor his memory, the Ebusua team runs every year under the name "Chaka's Champions."

And the members of this group truly are champions, Madam Speaker, as they have also worked with Rotary International to train about 100 Ghanaian farmers in agriculture, food preservation and nutrition; organized materials, equipment and medical assistance to rehabilitate street children; dispensed polio vaccines to over two million infants and children; supported literacy programs by providing much-needed books for rural schools; and developed a low cost solar oven industry to efficiently replace chopped firewood.

This month, the Ebusua Club will hold a very special event—the Jubilee Ball, which not only marks the 10th anniversary of this successful organization, but also the 50th anniversary of the independence of Ghana, the first African country south of the Sahara to gain independence from colonial rule. This event promises to be a celebration of family, community and culture, and to live up to the primary purpose of the Ebusua Club—promoting Ghanaian culture and fostering an appreciation of how small contributions can make a tremendous impact on the well-being of others. In keeping with the group's charitable character, proceeds from the Jubilee Ball will be donated to help fight malaria in Ghana.

The name "Ebusua" itself is informative of the spirit of this marvelous organization. Among the Akan people of Ghana, the extended family, or "Ebusua," is the foundation of society. The members of this San Bruno group constitute a social network, collectively responsible for the material and spiritual welfare, physical protection, and the social security of each other. They exemplify the old adage that "it takes a village," and the village this group has created is nothing short of extraordinary. It is my pleasure to recognize their accomplishments, and wish them all the best as they prepare for their 2007 Jubilee Ball.

TRIBUTE TO AAAG

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, there are many organizations that strive to make a difference in the lives of youth.

The African American Association of Georgia, AAAG, gives the opportunity for our youth to work with positive professional athletes in an up close and personal setting. The AAAG has demonstrated a spirit of giving, service and leadership to our district. Our district, families and community have benefited from the AAAG working to build a strong foundation in the lives of our youth mentally and physically.

The AAAG has worked tirelessly to give their best to preserve integrity, mentor our children and to build our future. The AAAG is currently sponsoring the 2007 Sports Festival Track and Field Meet and I was pleased to proclaim July 21, 2007 and July 22, 2007 as African American Association of Georgia Days in the Fourth Congressional District.

TRIBUTE TO CONTINENTAL AIR SERVICE, INC.

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to recognize a group of Americans who should have been honored years ago for their service and sacrifice to the United States during the Vietnam war. For a period of 10 dangerous years, between 1965 and 1975, over 260 pilots and ground crew members flew over regions in Southeast Asia. They were the Continental Air Service Inc., CASI, personnel.

CASI was a subsidiary of Continental Airlines created at the request of the CIA to back up air service in Southeast Asia for another CIA airline, Air America. CASI personnel flew support missions for U.S. Agency for International Development, U.S. Operations Mission, the CIA, and other government agencies. The countries CASI covered include Laos, Vietnam, Thailand, Cambodia, and Singapore.

CASI pilots deserve to be recognized by our Government. These pilots played a vital role during the Vietnam war delivering hard rice, food, medicine, and other supplies. Moreover, CASI pilots were sent on many secret missions to rescue American troops. Madam Speaker, I would like to point out these were not easy missions. CASI pilots flew for 10 years in the most unfavorable conditions: there were limited air traffic controllers in most regions, the unpredictable weather made flying dangerous, and their planes were constantly under enemy fire. As most of their flights were covert operations, the pilots could not even talk about their experiences with their own families.

CASI pilots flew the same missions, shared the same airstrips, and sacrificed their lives in America's war effort as did Air America pilots. In fact, CASI and Air America operated side by side for U.S. AID during the war. On June 2, 2001, the CIA honored Air America and Civil Air Transport for their part in the war effort: however, the CASI pilots and crew did not receive the same recognition. Many CASI pilots have passed away and some air crews are still missing in action in Laos.

After 32 years, the time has come to honor these individuals who sacrificed their own safety for the safety of our American soldiers and for our country.

Madam Speaker, please join me in honoring the gallant pilots and crew members of Continental Air Service Inc.

TRIBUTE TO THE ASIAN CULTURAL EXPERIENCE

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, many organizations strive to bring awareness and enlightenment to our community.

The Asian Cultural Experience has been a unique showcase for different Asian cultures in the Metro Atlanta area.

The past 14 years have been and continue to be a great gift of music, dance, food, art, native crafts, and fashion of the many different Asian countries from around the world.

We have found a jewel in this annual event that touches the minds and hearts of so many. Our community has been strengthened, our lives have been touched, and our spirits uplifted.

The 2007 Asian Cultural Experience is being presented at the Atlanta Botanical Garden on July 14–15, 2007. I was pleased to proclaim July 14, 2007, and July 15, 2007, as the Asian Cultural Experience Days in the 4th Congressional District.

TRIBUTE TO WALTER HART UPON EARNING THE RANK OF EAGLE SCOUT

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. MACK. Madam Speaker, I rise today to honor Mr. Walter Hart of Lehigh Acres, Florida upon earning the rank of Eagle Scout in the Boys Scouts of America.

Mr. Hart's honor is truly significant because he earned the rank 70 years after completing the requirements for the award. Before he could collect his award, Mr. Hart joined the Navy and served for 2 years aboard the USS *Alfred A. Cunningham* during World War II.

Mr. Hart earned 23 merit badges during his time as a Boy Scout, fulfilling requirements in the areas of leadership, service, and outdoor skills. As only 5 percent of Boy Scouts earn the rank of Eagle Scout, Mr. Hart's accomplishment is quite notable and worthy of distinction.

Mr. Hart's service didn't end with the Boy Scouts. He fought for our country overseas during World War II and continued to serve his community at home when he returned from the war—no doubt in part because of the skills and values he learned as a member of the Boy Scouts. Mr. Hart is part of a prestigious group of accomplished men who have served our country well.

Madam Speaker, I know the people of Southwest Florida join me in offering our heartiest congratulations to Mr. Hart upon this great honor. We're proud of him and all of his accomplishments. I wish Mr. Hart and his family all the best as he continues to serve our community as an official Eagle Scout.

TRIBUTE TO DEKALB COMMUNITY SERVICE BOARD

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, many community organizations are called to aid in sustaining a healthy lifestyle for all citizens.

Under the leadership and guidance of the Dekalb Community Service Board, thousands have been assisted with treatment and support for Mental Health, Development Disabilities and Addiction Services.

The Dekalb Community Service Board has demonstrated the will and desire to aid citizens in need since 1994 and continues today to be a beacon of light to our country.

Our beloved county and community benefit from the fruits of the labor that the Dekalb Service Board members and staff have invested.

This unique board has given of themselves tirelessly and unconditionally to preserve integrity, uplift their fellow citizens and make this a better place.

The community service board has created an Annual Walk of Heroes to allow everyone to come out in support of the work of the Service Board.

I was pleased to proclaim July 21, 2007 as Dekalb Community Service Board Foundation Day in the 4th Congressional District.

TRIBUTE TO APPLEWOOD PLUMBING, HEATING, AND ELECTRIC

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize Applewood Plumbing, Heating, and Electric for being the recipient of the Golden Rotary Ethics in Business Award.

Applewood Plumbing, Heating, and Electric has adhered to high standards of business ethics for over 35 years and employs ethical behavior as a philosophy in daily business.

Owner John Ward is the principal source behind this philosophy and serves as the role model for over 40 employees. To maintain the high code of ethics at Applewood Plumbing, Heating, and Electric the company has weekly customer service sessions that address the best way to resolve issues that may arise in addition to trainings specifically devoted to ethics. As a result of these training sessions, the company has received zero complaints from customers regarding customer service.

Applewood Plumbing, Heating, and Electric is listed as one of the top 10 service companies in the Nation with a spotless record with the Better Business Bureau. This is due to their dedication to high ethical standards.

The Applewood Plumbing, Heating, and Electric model for outstanding ethics in business is an example for all business in America to emulate. I once again congratulate Applewood Plumbing, Heating, and Electric for their receipt of this award and encourage them to keep doing "the right thing."

TRIBUTE TO BISHOP EDDIE L. LONG

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service.

Bishop Eddie L. Long has given of himself since August of 1987 to lead New Birth Missionary Baptist Church.

Bishop Eddie L. Long, under the guidance of God has pioneered and sustained New Birth Missionary Baptist Church as an instrument in our community that betters the spiritual, physical and mental welfare of our citizens.

This remarkable and tenacious man of God has shared his time and talents for the betterment of our community for the past 20 years by preaching the gospel and living the gospel.

Bishop Eddie L. Long is a spiritual warrior, a man of compassion, a man of great courage, a fearless leader and a servant to all, but most of all a visionary who has shared with not only New Birth Missionary Baptist Church, but with Dekalb County and the world his passion to spread the gospel of Jesus Christ.

I am pleased to proclaim August 17, 2007 as Bishop Eddie L. Long Day in the Fourth Congressional District.

RECOGNIZING THE 75TH ANNIVERSARY OF GENOA NATIONAL FISH HATCHERY

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. KIND. Madam Speaker, I rise today to congratulate the Genoa National Fish Hatchery for 75 years of dedicated aquatic resource conservation.

Established in 1932 through the Upper Mississippi River Wildlife and Fish Act, Genoa National Fish Hatchery is one of 69 Federal hatcheries managed by the U.S. Fish & Wildlife Service. The location was selected because of its proximity to the Mississippi River and its reliable source of broodfish and artesian well water, both of which are used to raise fish and fill ponds. Hatchery construction was completed in 1939 by Franklin Delano Roosevelt's Works Progress Administration during the Great Depression.

To support ongoing fish management and restoration programs, Genoa provides millions of eggs, fry, and fingerlings to State fishery stations, Federal hatcheries, National Wildlife refuges, Department of Army installations, and seven Native American Tribes.

Genoa's location and its ability to create different rearing environments and water temperatures makes it one of the most diverse hatcheries in the Nation. Nineteen ponds ranging in size from one-tenth of one acre to thirty-three acres, six raceways, and seven intensive rearing buildings make it capable of collecting, culturing, and rearing cold, cool, and warm water fish species. Genoa raises, holds, and rears more species of fish and freshwater mussels than almost any other Federal fish hatchery in the Nation.

Genoa's mission has changed and evolved over the years. Initially, its purpose was to raise bass and panfish for area waters. In the 1950s, it evolved to sportfish restoration, predominantly northern pike and walleye. As science developed and needs for fishery conservation in the country changed, so did the hatchery's mission. In the 1990s, the value of hatcheries as important tools for recovering and restoring threatened and endangered fish and aquatic species was recognized. Genoa expanded its traditional missions to include recovering and restoring endangered mussels, lake sturgeon and coaster brook trout. Today, eggs, and fry are still provided to State conservation agencies to assist them in their fishery management programs.

On multiple occasions, I toured this amazing facility and witnessed the ongoing and award-winning research performed by its hardworking, dedicated staff. Two staff members have received awards this year through the U.S. Fish and Wildlife Service. Doug Aloisi received the Project Leader of the Year Award for his leadership on imperiled native mussels and lake sturgeon and his strong outreach efforts. Roger Gordon received the National Recovery Champion Award for being the driving force behind mussel conservation. I am proud to have the hatchery in Wisconsin's Third Congressional District.

A SPECIAL TRIBUTE TO THE CREW'S NEST ON THE OCCASION OF ITS 35TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. GILLMOR. Madam Speaker, it is my distinct pleasure to pay tribute to a special facility in the great State of Ohio. This year, The Crew's Nest in Put-in-Bay, Ohio celebrates thirty-five years of dedicated service.

Madam Speaker, the Crew's Nest in Put-in-Bay, Ohio, is one of the finest destinations on the Great Lakes. Located in Put-in-Bay, Ohio, on South Bass Island, the Crews Nest is part of the rich and historic past of Lake Erie.

Dating back to the War of 1812, Put-in-Bay and South Bass Island served our great Nation as the key base of operations for Commodore Oliver H. Perry. Through this port-of-call, Commodore Perry was able to ensure our independence and our place among nations. Even today, we acknowledge the heroic actions of Commodore Perry with a granite memorial that towers some 352 feet above the island.

And, it is in this very harbor, with Perry's Victory and International Peace Memorial as a backdrop, that you will find one of the Great

Lake's finest private boating clubs. From the time of its inception in 1968, the Crew's Nest has continued to provide vacationers with the finest accommodations on Lake Erie. Today, the Crew's Nest provides members and nonmembers alike with a safe and enjoyable stay on this historic island.

Madam Speaker, the real success of the Crew's Nest facility comes not only from its first class accommodations, but its employees. I have visited this facility many times with my family and can tell you first-hand what makes the Crew's Nest in Put-in-Bay, Ohio, so special are its employees. The staff's attention to service and boundless enthusiasm continue to make the Crew's Nest a required visit for guests to Put-in-Bay.

Madam Speaker, I ask my colleagues to join me in paying special tribute to the employees and the legacy of the Crew's Nest in Put-in-Bay, Ohio. As all who benefit from this fine establishment gather to celebrate its 35th anniversary of service, I am confident that the excellent employees will continue the success of The Crew's Nest into the future.

CONGRATULATIONS TO CAPTAIN LARRY G. WEDEKIND

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. WILSON of South Carolina. Madam Speaker, today, I wish to congratulate Assistant Solicitor Larry G. Wedekind of Lexington County's eleventh Judicial Circuit for being sworn in as a Captain in the South Carolina Army National Guard. He will be joining the Judge Advocate General Corps

Captain Wedekind of Chapin has devoted his career to public service. After graduating from The Citadel—The Military College of South Carolina, he served 8 years in the U.S. Marine Corps as a communications officer and as a surface warfare officer in the U.S. Navy. A 1997 graduate of the University of South Carolina's School of Law, Captain Wedekind has worked as a lawyer for the Fifth and Eleventh Judicial Circuit courts as well as in the office of the Attorney General.

As a soldier and lawyer, Larry remains committed to the citizens of his country and his State of South Carolina. He is a true role-model. I applaud his tremendous sense of duty. I want to wish him and his wife, Angie, all the best in the years to come.

TRIBUTE TO EMPLOYEES OF TRANSPORTATION SECURITY ADMINISTRATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. KING of New York. Madam Speaker, today I rise to honor the employees of the Transportation Security Administration.

When Congress created the TSA, we intended to form a security force that could quickly adapt and respond to crises in order to protect our nation's transportation system.

On August 10, 2006, TSA demonstrated that it can perform its mission admirably.

As we now know, 21 terrorists from London were conspiring to detonate liquid explosives aboard transatlantic flights bound for the United States. They wanted to create a catastrophe that could have rivaled the horror of September 11th. Though their plot was foiled, the event should serve to remind us that we must remain vigilant in the ongoing war against terror.

The TSA's response to this imminent threat helped guide our nation through that crisis. In the evening hours of August 9, 2006, TSA quickly responded. As British authorities began arresting the terrorist suspects, TSA altered its screening to ensure that the plot would be foiled.

Within four hours—before the first flight took off on August 10th—TSA implemented new security procedures, trained and deployed more than 43,000 Transportation Security Officers to execute these new procedures, and deployed Federal Air Marshals to multiple locations overseas. The dedication that the employees of TSA demonstrated in response to this terrorist plot should not be forgotten.

Notably, the work attendance for Transportation Security Officers on August l0th was an all-time high in the history of TSA. As one Federal Security Director recalled, "All our security officers came in; every single one of them. Anytime something happens . . . you have to fight them off. Mission is never our problem."

On this anniversary of that failed attempt of terror, I want to thank the employees of the Transportation Security Administration. We owe them great gratitude.

RECOGNIZING PROVIDENCE HOOD RIVER MEMORIAL HOSPITAL'S 75 YEARS OF SERVICE

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. WALDEN of Oregon. Madam Speaker, I rise today to bring the honor associated with the United States House of Representatives to Providence Hood River Memorial Hospital. On August 4, 2007, the hospital, located at 13th and May Streets in my hometown of Hood River, Oregon, will officially celebrate 75 years of service. I was fortunate enough to serve on the hospital's Board of Directors for five years and that experience provided me the opportunity to see firsthand the dedication and commitment of the staff and administration to the health of the entire community.

At the turn of the 20th century, 622 people inhabited Hood River. The advent of the railroad transformed this once isolated community into a hub for some of the nation's finest timber and fruit producers. Within five years, the population tripled. Today, 20,500 people call Hood River County home and timber and fruit produces remain a significant element of the region's fabric but so do windsurfers, skiers and hikers.

In 1905, local physicians came together to open Cottage Hospital at 716 Oak Street. Hood River's first hospital served the community for 19 years, before it was declared structurally unsafe and closed by the fire marshal in 1924.

Although a disappointing loss to the community, the closure of Cottage Hospital set into motion a tremendous local commitment to health care that carries on today. The Hood River Hospital Association organized for the purpose of building a new community hospital to replace Cottage Hospital. Successful fundraising efforts netted enough money to begin construction on a new hospital in 1931. Hood River Hospital admitted 501 patients during its first year of operation in 1932.

In the late 1940s, Hood River Hospital's surgery department owned all the latest equipment: an operating table, a spotlight, basins, forceps, knives, probes, clips and clamps. However, the medical field did not yet know the convenience of disposable items. Following surgery, rubber gloves were washed, dried and powdered to sterilize them. Surgery needles were sharpened, sterilized and reused.

As the population of Hood River grew after World War II, the patient population soon outpaced hospital capacity. The residents of Hood River swung into action again and with generous donations from community members the hospital was enlarged in 1958. In response to the abundant donations that were made in memory of those whose lives were touched by the hospital, the name of the facility was officially changed to Hood River Memorial Hospital.

A cycle was becoming clear; every two to three decades the hospital outgrew its space and an expansion was necessary to keep pace with the needs of patients and technological advancements. It happened in the late 1950s and again in the 1980s when community donations allowed for the construction of new patient care wings. In the 1990s the hospital footprint was expanded, allowing for the addition of a new family birthing center and the Ray T. Yasui Dialysis Center, the first dialysis center in the Columbia Gorge. All of these efforts were made possible by unwavering donations of time, talent and treasure from the Hood River community.

As Providence Hood River Memorial Hospital celebrates 75 years in a structure that no longer physically resembles the original hospital that opened its doors in 1932, another much-needed expansion and renovation project begins. This new phase of development will feature a new entrance and lobby. it also will allow the diagnostic imaging department to operate from one location. The short stay surgery department will be transformed to include 18 private rooms. The family birthing center will add a dedicated cesarean section operating room and other features to comfort laboring mothers.

Construction is set to begin in the fall and should be completed in about a year. At that time, the current building will be renovated and modernized to include a 10 bed rehabilitation center which will allow patients who have experienced a stroke or heart attack to recover and rehabilitate close to home.

Milestones such as anniversaries cause us to pause and reflect on history, achievements and the individuals that contributed to the successes that have brought us to where we are today. Madam Speaker, indeed it is important for us to celebrate milestones. However, it is my hope that we will all strive to acknowledge the extraordinary care and compassion that is provided each and every day by those who staff and support community hospitals throughout the year, not just during milestone celebrations.

My colleagues, please join me in congratulating Providence Hood River Memorial Hospital for their exemplary service over the past 75 years and in wishing them very well as they break ground on the next 75 years.

PERSONAL EXPLANATION

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Ms. BEAN. Madam Speaker, due to circumstances beyond my control, I was unable to vote on the amendment offered by Mr. SESSION to H.R. 3093 (rollcall No. 721) on Wednesday, July 25, 2007. Had I been present, I would have voted "no."

INTRODUCTION OF THE KALAUPAPA MEMORIAL ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Ms. HIRONO. Madam Speaker, I rise today to introduce a bill to authorize establishment of a memorial at Kalaupapa National Historical Park on the island of Moloka'i, HI, to honor the memory and sacrifices of the some 8,000 Hansen's disease patients who were forcibly relocated to the Kalaupapa peninsula between 1866 and 1969. I want to thank my friend and colleague Congressman NEIL ABERCROMBIE for cosponsoring this legislation.

The policy of exiling persons with the disease that was then known as leprosy began under the Kingdom of Hawaii and continued under the governments of the Republic of Hawaii, the Territory of Hawaii, and the State of Hawaii. Children, mothers, and fathers were forcibly separated and sent to the isolated peninsula of Kalaupapa, which for most of its history could only be accessed by water or via a steep mule trail. Children born to parents at Kalaupapa were taken away from their mothers and sent to orphanages or to other family members outside of Kalaupapa. Hawaii's isolation laws for people with Hansen's disease were not repealed until 1969, even though medications to control the disease had been available since the late 1940s.

While most of us know about the sacrifices of Father Damien, who dedicated his life to care for those exiled to Kalaupapa, fewer know of the courage and sacrifices of the patients who were torn from their families and left to make a life in this isolated area. It is important that their lives be remembered.

Of the some 8,000 former patients buried in Kalaupapa, only some 1,300 have marked graves. A memorial listing the names of those who were exiled to Kalaupapa and died there is a fitting tribute and is consistent with the primary purpose of the park, which is "to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations."

Ka 'Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park and their family members and friends, was established in August 2003 to promote the value and dignity of the more than 8,000 persons—some 90 percent of who were Native Hawaiian—who were forcibly relocated to the Kalaupapa peninsula. A central goal of Ka 'Ohana O Kalaupapa is to make certain that the lives of these individuals are honored and remembered through the establishment of a memorial or memorials within the boundaries of the park at Kalawao or Kalaupapa.

Ka 'Ohana O Kalaupapa has made a commitment to raise the funds needed to design and build the memorial and will work with the National Park Service on design and location of the memorial.

The House Resources Subcommittee on National Parks held a hearing on the 109th Congress version of this bill, H.R. 4529, on September 28, 2006. I have read the heartfelt and compelling testimony submitted by current patients and family members of former patients who want to make sure not only that the story of Kalaupapa is told but that the patients are recognized as individuals by having the names of each of those exiled to Kalaupapa and buried there recorded for posterity. Families that have visited Kalaupapa and Kalawao searching in vain for the graves of their family members will find comfort in seeing those names recorded on a memorial.

I urge my colleagues to join me in supporting this important legislation.

INTRODUCING THE QUALITY HEALTH CARE COALITION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. PAUL. Madam Speaker, I am pleased to introduce the Quality Health Care Coalition Act, which takes a first step towards restoring a true free market in health care by restoring the rights of freedom of contract and association to health care professionals. Over the past few years, we have had much debate in Congress about the difficulties medical professionals and patients are having with Health Maintenance Organizations (HMOs). HMOs are devices used by insurance industries to ration health care. While it is politically popular for members of Congress to bash the HMOs and the insurance industry, the growth of the HMOs are rooted in past government interventions in the health care market though the tax code, the Employment Retirement Security Act (ERSIA), and the federal anti-trust laws. These interventions took control of the health care dollar away from individual patients and providers, thus making it inevitable that something like the HMOs would emerge as a means to control costs.

Many of my well-meaning colleagues would deal with the problems created by the HMOs by expanding the federal government's control over the health care market. These interventions will inevitably drive up the cost of health care and further erode the ability of patients and providers to determine the best health treatments free of government and third-party interference. In contrast, the Quality Health Care Coalition Act addresses the problems associated with HMOs by restoring medical professionals' freedom to form voluntary organizations for the purpose of negotiating contracts with an HMO or an insurance company.

As an OB–GYN who spent over 30 years practicing medicine, I am well aware of how young physicians coming out of medical school feel compelled to sign contracts with HMOs that may contain clauses that compromise their professional integrity. For example, many physicians are contractually forbidden from discussing all available treatment options with their patients because the HMO gatekeeper has deemed certain treatment options too expensive. In my own practice, I tried hard not to sign contracts with any health insurance company that infringed on my ability to practice medicine in the best interests of my patients and I always counseled my professional colleagues to do the same. Unfortunately, because of the dominance of the HMO in today's health care market, many health care professionals cannot sustain a medical practice unless they agree to conform their practice to the dictates of some HMO.

One way health care professionals could counter the power of the HMOs would be to form a voluntary association for the purpose of negotiating with an HMO or an insurance company. However, health care professionals who attempt to form such a group run the risk of persecution under federal anti-trust laws. This not only reduces the ability of health care professionals to negotiate with HMOs on a level playing field, but also constitutes an unconstitutional violation of medical professionals' freedom of contract and association.

Under the United States Constitution, the federal government has no authority to interfere with the private contracts of American citizens. Furthermore, the prohibitions on contracting contained in the Sherman antitrust laws are based on a flawed economic theory which holds that federal regulators can improve upon market outcomes by restricting the rights of certain market participants deemed too powerful by the government. In fact, antitrust laws harm consumers by preventing the operation of the free-market, causing prices to rise, quality to suffer, and, as is certainly the case with the relationship between the HMOs and medical professionals, favoring certain industries over others.

By restoring the freedom of medical professionals to voluntarily come together to negotiate as a group with HMOs and insurance companies, this bill removes a government-imposed barrier to a true free market in health care. Of course, this bill does not infringe on the rights of health care professionals by forcing them to join a bargaining organization against their will. While Congress should protect the rights of all Americans to join organizations for the purpose of bargaining collectively, Congress also has a moral responsibility to ensure that no worker is forced by law to join or financially support such an organization.

Madam Speaker, it is my hope that Congress will not only remove the restraints on medical professionals' freedom of contract, but will also empower patients to control their health care by passing my Comprehensive Health Care Reform Act. The Comprehensive Health Care Reform Act puts individuals back in charge of their own health care by providing Americans with large tax credits and tax deductions for their health care expenses, including a deduction for premiums for a high-deductible insurance policy purchased in combination with a Health Savings Account. Putting individuals back in charge of their own health care decisions will enable patients to work with providers to ensure they receive the best possible health care at the lowest possible price. If providers and patients have the ability to form the contractual arrangements that they find most beneficial to them, the HMO monster will wither on the vine without the imposition of new federal regulations on the insurance industry.

In conclusion, I urge my colleagues to support the Quality Health Care Coalition Act and restore the freedom of contract and association to America's health care professionals. I also urge my colleagues to join me in working to promote a true free market in health care by putting patients back in charge of the health care dollar by supporting my Comprehensive Health Care Reform Act.

IN CELEBRATION OF THE LIFE OF THADDEUS EDGAR OWENS, SR.

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise in celebration of the life of Thaddeus Edgar Owens, Sr., a great citizen, father, and friend who recently passed away at the age of 88.

Thaddeus was born on January 7, 1919 to Alex Owens and Carrie Brown in Pine Bluff, Arkansas. He enjoyed a happy childhood with his sister, Cleopatra, and a large extended family. An attentive student, he received a scholarship to attend Morehouse College in Atlanta, enrolling at the young age of sixteen. There, he played football and pledged Kappa Alpha Psi Fraternity, Inc.

After graduation, Thaddeus lived and worked in New York until 1941 when he was drafted into the armed forces. He achieved the rank of a sergeant and worked as a clerk in the office of the Quartermaster. In preparation for work with the French Underground, Thaddeus was chosen to participate in a secret project at Hamilton College where he studied and became fluent in French. Despite their training, Thaddeus and his fellow African American soldiers were never permitted to participate in this aspect of the war. Thaddeus confronted the injustices existing within the segregated armed forces protesting the railroading of a fellow soldier. His actions resulted in him being accused of mutiny and reduced in rank. Despite this incident, he was honorably discharged in 1945 after receiving the Asiatic Pacific Service, Good Conduct and World War II Victory Medals.

After the war, Thaddeus went on to obtain his law degree from Brooklyn Law School. He led an active life in local politics and community affairs for many years, serving on the Legal Redress Committee of the Brooklyn NAACP and a legal advisor in the Brooklyn Democratic Party. His legal career progressed when he won the election for Judge of the Civil Court of New York City in 1975. He became the first African American man appointed to the Supreme Court of Staten Island, and then returned to Brooklyn to serve as a fully appointed State Supreme Court Justice in 1982. Thaddeus retired in 1995.

Thaddeus loved to read and was appreciated for his intellectual brilliance. Charming and outgoing, he was known for his quick wit and playful sense of humor. Thaddeus always put the care and well-being of his family first, his wife, Emma Louise Owens, his two sons, Thaddeus Jr. and David, and his two daughters, Michele and Priscilla. On behalf of the United States Congress and the people of the 11th District of Ohio, I express my sincerest condolences to the family of Thaddeus Edgar Owens, Sr. May his legacy of compassion forever live in our hearts.

COLLEGE STUDENT CREDIT CARD PROTECTION ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Ms. SLAUGHTER. Madam Speaker, today I am proud to introduce the College Student Credit Card Protection Act. This bill seeks to address a growing problem among college students in the United States: Devastating credit card debt.

Nellie Mae's Student Credit Card Usage Analysis in 2005 found that the outstanding balance for the average college student was $2,169. Final year students carried an average balance of $2,864 while freshmen carry an average balance of$1,585. Additionally, as students progress through school, credit card usage swells. Ninety-one percent of final year students have a credit card compared to 42% of freshmen. The study also found that the average American college student is graduating with more than 4 credit cards to their name.

College freshmen are typically offered eight credit cards during their first semester. Semester after semester, students open their mail boxes to find envelopes notifying them that they are pre-approved for credit cards with a $500 limit and no annual fee. When they check their e-mail, there are more credit card offers. When they answer the phone in their dorm room, there are even more offers.

Credit card companies pay college students generously to stand outside dining halls, dorms, and academic buildings and encourage their peers to apply for credit cards. With each completed application, the student applicant receives free gifts—from t-shirts to indoor basketball hoops—and the credit card company receives another interest-paying customer.

I have heard horror stories from my district about college students overwhelmed by credit card debt. One third-year college student had amassed a whopping $14,000 of debt. The question that cries out for an answer is: Why are we making it so easy for our young people to amass such outrageous amounts of debt?

With interest rates climbing, fees increasing, and the number of credit card holders going up every day, credit card companies should not be allowed to expand their unfair, predatory business practices by exploiting our Nation's future. College students are often inexperienced consumers who can get sucked into unfair credit card deals or simply get in over their heads with the numerous underlying and unknown fees. Many simply sign up for a credit card without any knowledge of the interest rate, fees, and penalties that come along with their card. We must address these unfair lending practices and fees to help American college students avoid enormous financial burdens from which, as adults, they may never recover.

College graduation should be a time of excitement and new beginnings; a time when students can watch the skills they have learned in college manifest into successful careers and happy lives. But instead of seeing endless possibilities, too many students are burdened with endless debt. Studies now show that the likelihood of homeownership decreases as student debt increases. It is heartbreaking to me to think that recent graduates could jeopardize their future because we have allowed creditors to lend them sums of money they have no hope of paying back.

That is why I, along with Congressman DUNCAN, my friend from Tennessee, have reintroduced the College Student Credit Card Protection Act. The bill will take important steps toward reducing credit card debts to college students by requiring credit card companies to determine whether a student applicant has the financial means to pay off a credit card balance before they are approved. It would restrict the credit limit to minimum balances if the student has no independent income, and require parental approval for credit limit increases in the event that a parent cosigns the account.

It is time for credit card companies to be responsible lenders. For the sake of our college students and their futures, it is critical that we pass legislation that prevents credit card companies from plunging young men and women into debt.

Madam Speaker, I thank you for the opportunity to address this critical issue facing college students nation-wide, and I urge the House to consider and pass this bill quickly.

INTRODUCTION OF TREAT PHYSICIANS FAIRLY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. PAUL. Madam Speaker, I rise today to introduce the Treat Physicians Fairly Act, legislation providing tax credits to physicians to compensate for the costs of providing uncompensated care. This legislation helps compensate medical professionals for the costs imposed on them by Federal laws forcing doctors to provide uncompensated medical care. The legislation also provides a tax deduction for hospitals that incur costs related to providing uncompensated care.

Under the Emergency Medical Treatment and Active Labor Act (EMTALA) physicians who work in emergency rooms are required to provide care, regardless of a person's ability to pay, to anyone who comes into an emergency room. Hospitals are also required by law to bear the full costs of providing free care to anyone who seeks emergency care. Thus, EMTALA forces medical professionals and hospitals to bear the entire cost of caring for the indigent. According to the June 2/9, 2003 edition of AM News, emergency physicians lose an average of $138,000 in revenue per year because of EMTALA. EMTALA also forces physicians and hospitals to follow costly rules and regulations. Physicians can be fined $50,000 for technical EMTALA violations.

The professional skills with which one earns a living are property. Therefore, the clear language of the Takings Clause of the Fifth Amendment prevents Congress from mandating that physicians and hospitals bear the entire costs of providing health care to any group.

Ironically, the perceived need to force doctors to provide medical care is itself the result of prior government interventions into the health care market. When I began practicing medicine, it was common for doctors to provide uncompensated care as a matter of charity. However, laws and regulations inflating the cost of medical services and imposing unreasonable liability standards on medical professionals even when they were acting in a volunteer capacity made offering free care cost prohibitive. At the same time, the increasing health care costs associated with the government-facilitated overreliance on third party payments priced more and more people out of the health care market. Thus, the government responded to problems created by its interventions by imposing the EMTALA mandate on physicians, in effect making health care professionals scapegoats for the harmful consequences of government health care policies.

EMTALA could actually decrease the care available for low-income Americans at emergency rooms. This is because EMTALA discourages physicians from offering any emergency care. Many physicians in my district have told me that they are considering curtailing their practices, in part because of the costs associated with the EMTALA mandates. Many other physicians are even counseling younger people against entering the medical profession because of the way the Federal Government treats medical professionals. The tax credits created in the Treat Physicians Fairly Act will help mitigate some of the burden government policies place on physicians.

The Treat Physicians Fairly Act does not remove any of EMTALA's mandates; it simply provides that physicians can receive a tax credit for the costs of providing uncompensated care. This is a small step toward restoring fairness to physicians. Furthermore, by providing some compensation in the form of tax credits, the Treat Physicians Fairly Act helps remove the disincentives to remaining active in the medical profession built into the current EMTALA law. I hope my colleagues will take the first step toward removing the unconstitutional burden of providing uncompensated care by cosponsoring the Treat Physicians Fairly Act.

IN RECOGNITION OF THE 75TH BIRTHDAY OF DR. JAMES L. PHILLIPS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today in celebration of the 75th birthday of a man that had a profound impact on my life, Dr. James L. Phillips. A native of Sharon, Texas, Dr. Phillips was a skilled athlete and student and attended Washington & Jefferson College on scholarship earning a bachelor's degree in 1954. From there he went on to attend Case Western Reserve University School of Medicine.

In 1968, he became the first African American intern at the University Hospitals of Cleveland. He completed his residency in pediatrics at Rainbow Babies and Children's Hospital. Dr. Phillips spent 2 years at the U.S. Naval Hospital in Camp Pendleton, California before joining the Ohio Permanente Medical Center in Parma, Ohio. He remained there for 16 years before going to serve as associate dean for student affairs and minority programs and associate professor of pediatrics at Case Western Reserve University. While there, he created and directed the Health Careers Enhancement Program for Minorities at Case School of Medicine from 1988 to 1993.

Currently, Dr. Phillips serves on the faculty of Baylor College of Medicine. In addition to his administrative and educational responsibilities, Dr. Phillips has served on a variety of boards including Chairman of the Harris County Hospital District's Medical Board from 1993 to 1999. He currently serves on the Board of Trustees of William & Jefferson College, Bay Ridge Christian College, MidAmerica Christian University, Intercultural Cancer Council, and the Huffington Geriatric Center for Excellence and the Hispanic Serving Health Professions Schools. Dr. Phillips has received numerous honors and awards throughout his career.

Dr. Phillips is married to Barbara Phillips, and lives in Missouri City, Texas. He is the proud father of three sons and six stepchildren.

I first met Dr. Phillips in the late 80s when he was teaching at Case Western Reserve University. He was a stalwart in his support and encouragement of minority students and worked diligently to provide them with opportunities. I am proud to serve on the Ways and Means Health Subcommittee, a position he encouraged me to seek. Dr. Phillips has and continues to be a role model, teacher, supporter and a dear friend. Therefore, on behalf of the Congress of the United States and the people of the 11th Congressional District of Ohio, I am pleased to join with the family and friends of Dr. James L. Phillips in celebrating his 75th birthday. May you be blessed with many, many more.

IN MEMORIAL OF DR. NORMAN ADRIAN WIGGINS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. ETHERIDGE. Madam Speaker, today I rise to honor the life of Dr. Norman Adrian Wiggins, who died August 1, 2007. In his passing I lost a good friend, Campbell University lost her Chancellor, North Carolina lost one of its most outstanding citizens and a man who was instrumental in his community, county, and State.

A native of Burlington, North Carolina, Dr. Wiggins was a veteran of World War II, where he served in the United States Marine Corps. After returning from his service to our Nation, he began his educational pilgrimage and earned the Associate of Arts degree from Campbell Junior College, the Bachelor of Arts degree from Wake Forest College, the Bachelor of Laws degree from the Wake Forest College School of Law and the Master of Law and Doctor of the Science of Law from Columbia University School of Law.

On June 6, 1967, Dr. Wiggins became the 3rd president of Campbell College and immediately began piloting a new course for the institution. It would lead to the establishment of one of the most outstanding trust management programs in the Nation, an award-winning and nationally recognized Army Reserve Officers' Training Corps (ROTC), and the establishment of five professional schools—the Norman Adrian Wiggins School of Law, the Lundy-Fetterman School of Business, the School of Education, the School of Pharmacy and the Divinity School. He also led in the College's move to university status in 1979. Under Dr. Wiggins' leadership, Campbell's educational programs were extended beyond the Buies Creek campus as the University was among the first private schools to offer extended education opportunities to military installations, including Fort Bragg, Pope Air Force Base, New River Air Base and Camp Lejeune. Dr. Wiggins' most notable international venture was the creation of the partnership between Campbell University and Tunku Abdul Rahman College in Kuala Lumpur, Malaysia, a partnership that has lasted more than twenty-five years.

Dr. Wiggins was a devoted Christian; he served North Carolina Baptists at the State and national levels. He was one of only two Baptist college presidents to serve as president of the North Carolina Baptist State Convention. He also served as president of the Southern Baptist Sunday School Board and the National Fellowship of Men. In May 2003, following a thirty-six year tenure as president of Campbell University, Dr. Wiggins retired. In recognition of his exemplary service, the Board of Trustees named Dr. Wiggins Chancellor of the University. Dr. Wiggins is survived by his wife Millie Wiggins.

Madam Speaker, Dr. Wiggins had a commitment to excellence in everything he did, and he had a way of bringing out excellence in everyone around him. That commitment is evident in all aspects of Campbell University.

Under Dr. Wiggins' leadership Campbell experienced unprecedented growth in facilities, dollars and quality. The number of students' lives he changed in a positive way is immeasurable. Campbell University, Harnett County and the entire State of North Carolina are better in countless ways because of the efforts of Dr. Wiggins.

INTRODUCING THE COMPREHENSIVE HEALTH CARE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. PAUL. Madam Speaker, America faces a crisis in health care. Health care costs continue to rise, leaving many Americans unable to afford health insurance, while those with health care coverage, and their physicians, struggle under the control of managed-care "gatekeepers." Obviously, fundamental health care reform should be one of Congress' top priorities.

Unfortunately, most health care "reform" proposals either make marginal changes or exacerbate the problem. This is because they fail to address the root of the problem with health care, which is that government polices encourage excessive reliance on third-party payers. The excessive reliance on third-party payers removes all incentive from individual patients to concern themselves with health care costs. Laws and policies promoting Health Maintenance Organizations (HMOs) resulted from a desperate attempt to control spiraling costs. However, instead of promoting an efficient health care system, HMOs further took control over health care away from the individual patient and physician.

Furthermore, the predominance of third-party payers means there is effectively no market for individual health insurance polices, thus those whose employers cannot offer them health benefits must either pay exorbitant fees for health insurance or do without health insurance. Since most health care providers cater to those with health insurance, it is very difficult for the uninsured to find health care that meets their needs at an affordable price. The result is many of the uninsured turn to government-funded health care systems, or use their local emergency room as their primary care physician. The result of this is declining health for the uninsured and increased burden on taxpayer-financed health care system.

Returning control over health care to the individual is the key to true health care reform. The Comprehensive Health Care Reform Act puts control of health care back into the hands of the individual through tax credits, tax deductions, Health Care Savings Accounts (HSA), and Flexible Savings Accounts. By giving individuals tax incentives to purchase their own health care, the Comprehensive Health Care Act will help more Americans obtain quality health insurance and health care. Specifically, the Comprehensive Health Care Act:

A. Provides all Americans with a tax credit for 100 percent of health care expenses. The tax credit is fully refundable against both income and payroll taxes.

B. Allows individuals to roll over unused amounts in cafeteria plans and Flexible Savings Accounts (FSA).

C. Makes every American eligible for a Health Savings Account (HSA), removes the requirement that individuals must obtain a high-deductible insurance policy to open an HSA; allows individuals to use their HSA to make premiums payments for high-deductible policy; and allows senior citizens to use their HSA to purchase Medigap policies.

D. Repeals the 7.5 percent threshold for the deduction of medical expenses, thus making all medical expenses tax deductible.

By providing a wide range of options, this bill allows individual Americans to choose the method of financing health care that best suits their individual needs. Increasing frustration with the current health care system is leading more and more Americans to embrace this approach to health care reform. For example, a poll by the respected Zogby firm showed that over 80 percent of Americans support providing all Americans with access to a Health Savings Account. I hope all my colleagues will join this effort to put individuals back in control of health care by cosponsoring the Comprehensive Health Care Reform Act.

PERSONAL EXPLANATION

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. WALZ of Minnesota. Madam Speaker, earlier today, I missed rollcall vote 795, a motion to recommit on H.R. 3159, the Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007.

I was detained while meeting with the Chairman of the Transportation and Infrastructure Committee, Rep. JIM OBERSTAR of Minnesota, to discuss the situation in Minneapolis following the collapse of the I–35W Bridge over the Mississippi River.

Had I been present, I would have voted "nay" on rollcall vote 795 because it was a procedural tactic to prevent consideration of the underlying bill.

As a veteran of the Minnesota National Guard myself, I strongly support the aims of H.R. 3159, which would ensure that returning servicemembers receive sufficient time to readjust from their deployments before being called up again.

HONORING THE LEGACY OF CORPORAL ANGELO VACCARO

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. MICA. Madam Speaker, today as I entered the grounds of Walter Reed Army Medical Center and approached the Warrior Transition Brigade Headquarters, I saw the name "Vaccaro Hall." This morning the United States Army dedicated Vaccaro Hall in honor of my constituent, Corporal Angelo J. Vaccaro, from Deltona who lost his life performing heroic actions in Afghanistan. It was my honor to personally congratulate Corporal Vaccaro's wife, mother and father on the well deserved recognition of Corporal Angelo Vaccaro's heroic actions.

The late Corporal Vaccaro, his wife and parents have been part of the Seventh Congressional District in Central Florida. His distinguished service to our country as a medic in the United States Army earned Corporal Vaccaro the honor of being the first member of the Armed Services to receive two Silver Star medals during the Global War on Terror.

Corporal Vaccaro was the loving husband of Dana and the youngest son of Nelson and Linda Vaccaro. He led by example and never boasted of his accomplishments and efforts on the battlefield.

Born in New York, Corporal Vaccaro moved to Deltona, FL where he lived until he joined the Army on March 14, 2004. According to family and friends, Corporal Vaccaro had found his place in life as a medic with the Army's 10th Mountain Division.

Corporal Vaccaro's honorable service to our nation included a deployment to Afghanistan. He conducted more than 140 patrols and heroically risked his life in order to save the lives of fallen comrades. On one such occasion, Vaccaro's platoon came under heavy enemy fire and Vaccaro and four others suffered significant injuries. Ignoring his wounds and still battling Taliban forces, Corporal Vaccaro used his own body to shield fellow soldiers from the enemy while he dragged the wounded to safety and began emergency medical treatment. Corporal Vaccaro's actions during this battle earned him his first Silver Star.

Corporal Vaccaro's second Silver Star was a result of his final heroic actions that saved two of his injured comrades in need of immediate evacuation from the battlefield. While serving as the senior line medic at the Koregal Outpost in Afghanistan, Corporal Vaccaro learned that members of his platoon had come under attack by Taliban forces and that two of them required immediate medical attention. Despite being informed that an ambush was in place for any attempted rescue efforts, Corporal Vaccaro volunteered for the mission without hesitation. Soon after reaching the battle site and while assisting in the successful evacuation of all the wounded, Corporal Vaccaro was struck and killed by a rocket propelled grenade. The country lost a true American hero.

In addition to the Army naming the building that houses Walter Reed's Warrior Transition Brigade Headquarters to Vaccaro Hall and the two Silver Star medals, Corporal Vaccaro earned two Purple Hearts and the Army's Bronze Star for his actions during battle. In June the Army named Fort Drum's new state-of-art medical training facility that was opened on the day that Vaccaro was killed in battle, the Bridgewater-Vaccaro Medical Training Simulator Center.

Madam Speaker, with the passing of Corporal Angelo Vaccaro, America has lost a hero, an outstanding citizen and a shining example of service to our nation. He will be remembered as a patriotic American, a loving husband, beloved son and a friend to numerous others. It was a pleasure to have attended the dedication of Vaccaro Hall at Walter Reed Army Medical Center, and I am proud that those visiting Walter Reed will be reminded of Corporal Vaccaro's heroic sacrifice on behalf of his fellow Americans.

INTRODUCTION OF THE FREEDOM FROM UNNECESSARY LITIGATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Mr. PAUL. Madam Speaker, I am pleased to introduce the Freedom from Unnecessary Litigation Act. As its title suggests, this bill provides an effective means of ensuring that those harmed during medical treatment receive fair compensation while reducing the burden of costly malpractice litigation on the health care system. This bill achieves its goal by providing a tax credit for negative outcomes insurance purchased before medical treatment. The insurance will provide compensation for any negative outcomes of the medical treatment. Patients can receive this insurance without having to go through lengthy litigation and without having to give away a large portion of their award to a trial lawyer.

Relying on negative outcomes insurance instead of litigation will also reduce the costs imposed on physicians, other health care providers, and hospitals by malpractice litigation. The Freedom from Unnecessary Litigation Act also promotes effective solutions to the malpractice crisis by making malpractice awards obtained through binding, voluntary arbitration tax-free.

The malpractice crisis has contributed to the closing of a maternity ward in Philadelphia and a trauma center in Nevada. Meanwhile, earlier this year, surgeons in West Virginia walked off the job to protest increasing liability rates. These are a few of the examples of how access to quality health care is jeopardized by the epidemic of large (and medically questionable) malpractice awards, and the resulting increase in insurance rates.

As is typical of Washington, most of the proposed solutions to the malpractice problem involve unconstitutional usurpations of areas best left to the States. These solutions also ignore the root cause of the litigation crisis: The shift away from treating the doctor-patient relationship as a contractual one to viewing it as one governed by regulations imposed by insurance company functionaries, politicians, government bureaucrats, and trial lawyers. There is no reason why questions of the assessment of liability and compensation cannot be determined by a private contractual agreement between physicians and patients. The Freedom from Unnecessary Litigation Act is designed to take a step toward resolving these problems through private contracts.

Using insurance, private contracts, and binding arbitration to resolve medical disputes benefits patients, who receive full compensation in a timelier manner than under the current system. It also benefits physicians and hospitals, which are relieved of the costs associated with litigation. Since it will not cost as much to provide full compensation to an injured patient, these bills should result in a reduction of malpractice premiums. The Freedom from Unnecessary Litigation Act benefits everybody except those trial lawyers who profit from the current system. I hope all my colleagues will help end the malpractice crises while ensuring those harmed by medical injuries receive just compensation by cosponsoring my Freedom from Unnecessary Litigation Act.

SUPPORT FOR JUAN AND ALEX GOMEZ

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise in support of Juan and Alex Gomez, two brave and talented young men in Miami who are struggling to remain in the United States and contribute to the only country they have ever really known as their homeland.

Juan and Alex Gomez came to the United States from Colombia when they were just toddlers. Throughout their lives they worked hard in school and played by the rules.

A model student, Juan is now 18 years old and he recently graduated at the top of his class from Miami Killian High School. Juan earned high scores on 15 Advanced Placement exams and a nearly perfect score on the SAT.

Just a few days ago, Juan was looking forward to beginning college at Miami Dade College's Honors College. But sadly, today Juan and his family are at risk of deportation.

Juan's friends and classmates learned of his imminent deportation and decided to take matters into their own hands. Twelve teenage friends quickly organized a trip to Washington to enlist the support of Members of Congress. Madam Speaker, yesterday I met with Juan's classmates.

The passion and determination with which these students advocated on behalf of their friend is nothing short of inspirational. Working with immigration lawyers, members of the press, and Congressional offices, Juan's friends are advocating for a fair immigration policy while emphasizing the benefits Juan and Alex bring to the United States and vice versa.

I commend these young people for their true leadership and true public service; they are an inspiration for their entire generation. Because of their outreach to Members of Congress from Florida on both sides of the aisle, and the support of several others, we learned yesterday that the Gomez boys have received a 45-day temporary stay of deportation.

I thank and commend my colleagues who have diligently worked to intervene on behalf of Juan and Alex.

Senator BILL NELSON, Congressman LINCOLN DIAZ-BALART, Congresswoman ZOE LOFGREN, Congresswoman ILEANA ROS-LEHTINEN, and Congressman MARIO DIAZ-BALART have worked in a bipartisan fashion to bring justice to the teenagers.

Throughout the next month, we must continue to work with immigration officials to make sure that Juan and Alex can remain in the United States.

This case brings increased attention to the need for Congress to pass legislation like the DREAM Act, which would allow students like Juan and Alex, who have grown up in the United States and are pursuing higher education or military service, the opportunity to realize the American dream.

In this increasingly competitive market, the United States must not forfeit the talent that students like Juan and Alex can contribute to our Nation.

Additionally, one has to question what is going on in our system, when rather than focusing their limited resources on criminals who are here illegally, our immigration officials are going after academic all-stars like Juan Gomez.

Madam Speaker, I would like to close with Juan's own words describing the motivation that has kept him and Alex optimistic despite all odds.

Juan wrote, "Our whole family has worked hard in order to better ourselves in the country we call home. Academically, we have both strived and succeeded with hopes that our accomplishments would outshine our immigration status. All of our hard work will hopefully allow us to continue living and contributing to this wonderful country."

I call on my colleagues to learn more about this case and to work to enact legislation that will allow talented students like Juan and Alex, who have benefited from our Nation's public education system, to continue to contribute to the country that has given them hope.

VIRGINIA NEEDS AMERICA'S HELP

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. POE. Madam Speaker, the State of Virginia has had it with illegals feeding off of their State and want them sent back to their homeland.

So, Virginia is asking the Federal Government for help. Seeking funds and training available for States under the 287(g) program. This Federal program trains local and State law enforcement in immigration laws. Virginia aims to train every staffer at jails across the State on how to check immigration statuses and deport illegals.

But when the State asked the Federal Government for help, the Immigration and Customs Enforcement, ICE, said no. The reason: ICE says it lacks resources, including funding and personnel, to make that commitment to Virginia.

Currently, there are 22 State and local agencies that have entered into agreements with ICE to be trained on the 287(g) programs; 65 more are waiting for approval. But because the Federal Government is not providing ICE with the necessary funds, law enforcement won't get trained and illegals won't get deported.

Maybe some of the pork earmarks going to study the lifecycles of fish should be used in this immigration battle.

Madam Speaker, this is absurd. Once again, illegals are getting a free pass to the U.S. due to the ineptitude of the Federal Government and its inability to cooperate with local cities that want to help stem the flow of illegals into our homeland.

Madam Speaker, this ought not to be.

And that's just the way it is.

HONORING MANUELITA GUAJARDO JUAREZ 100TH BIRTHDAY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. CUELLAR. I rise today to honor Mrs. Manuelita Guajardo Juarez on her reaching her 100th birthday. She is an inspiring member of the community in Laredo, TX.

Mrs. Manuelita Guajardo Juarez was born on July 30, 1907 in Laredo, TX. She is the third child to Manuel Guajardo and Rafaelita Esparza Guajardo. Her siblings were Abelino, Adela, Jose, Alberto, Guadalupe, Elijia, and Tomasita. As a child, she attended the El Profesor Dominguez School. Her father worked for the Tex-Mex Railroad Company and moved his family to a Tex-Mex substation named "El Pescador" where she attended school for several years.

In 1918, at the tender age of 11, she lost her mother to the influenza epidemic that hit Laredo in late 1918. Her father then moved his family to a ranch in Devine, TX, to live with his brother, Guadalupe Guajardo and his family. Manuelita's father lived at the ranch until he passed away in 1924 and is buried in Big Foot, TX.

Manuelita stayed in Devine until she married Victorino Juarez on May 14, 1930 at San Jose Catholic Church in Devine. She returned to Laredo as a young bride and lived with her in-laws in a home located several blocks from San Agustin Cathedral. Manuelita and Victorino Juarez are the parents of three daughters: Maria Minerva Juarez Ramirez from San Antonio, TX, Rosa Alicia Juarez Sciaraffa, and Amelia Juarez Magallanes, who reside in Laredo, TX. Manuelita still lives at 803 O'Kane Street in a home her late husband bought in 1937.

Every morning up to the age of 99, she watered her plants that surround her home. Because she can no longer do this, her daughters now attend to her garden. Gardening and sewing have always been her two favorite hobbies. Manuelita has 15 grandchildren who live throughout Texas, 19 great-grandchildren, and two great-great grandchildren. She is the proud matriarch of five generations in her family.

Madam Speaker, I am honored to have had the opportunity to recognize the dedication of Mrs. Manuelita Guajardo Juarez to her community, and ask you to join me in honoring her on her birthday.

CANCER SCREENING COVERAGE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mrs. MALONEY of New York. Madam Speaker, today I am reintroducing, along with Representative DEBORAH PRYCE (R–OH) and Representative ROBERT BRADY (D–PA), the Cancer Screening Coverage Act, a bill that will ensure that a greater number of Americans are covered for breast, cervical, prostate, and colorectal cancer screening. This legislation will increase the access to cancer screening exams for patients of private insurance and the Federal Employees Health Benefits plan.

Cancer is the second leading cause of death among Americans. According to the American Cancer Society, more than 1,500 Americans die of cancer every day. Cancer screening allows for the detection of cancer in its earliest form, when the cost of treatment is the least.

Many advances have been made, but the key to survival is early detection. It is estimated that the rate of survival would increase from 80 percent to 95 percent if all Americans participated in regular cancer screening. By providing increased access to screening procedures, the Cancer Screening Coverage Act would help save the lives of many Americans from this deadly disease.

PAYING TRIBUTE TO LAS VEGAS FIRE & RESCUE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the Las Vegas Fire & Rescue for celebrating their 65th anniversary serving the Las Vegas community.

The Las Vegas Fire & Rescue got its start in 1906 as the Las Vegas Volunteer Fire Department located in downtown Las Vegas on Fremont Street. Through the 1920s, the Las Vegas Volunteer Fire Department was the only department in southern Nevada to serve the construction of the Hoover Dam and the newly constructed army base, now known as Nellis Air Force Base. In 1942, volunteer firefighters petitioned at City Hall to create a full-time fire department. On August 1, 1942, the first 16 full-time employees of the Las Vegas Fire & Rescue began their shift.

Today, the department has 16 stations across the Las Vegas valley and oversees more than 650 employees. Las Vegas Fire & Rescue is one of eight departments in the country to be accredited by the Commission on Fire Accreditation International and to hold a Class One rating from the Insurance Services Offices, Inc., making it one of the safest departments in the country.

Madam Speaker, I am proud to honor Las Vegas Fire & Rescue and the men and women who make up the department. To risk their own lives on a daily basis for the safety of others is truly commendable. I applaud Las Vegas Fire & Rescue for its leadership and wish the department continued success for years to come.

TRIBUTE TO MS. VIRGINIA GUFFEY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great pride and sincerity that I wish to honor Ms. Virginia Guffey, who on August 12, 2007, will be honored at the U.S. Steel Yard by the Youngstown Sheet and Tube Old-Timers Club for her 58 years of service at U.S. Steel.

Virginia Guffey was born in the town of Seymour, Indiana. Until 1949, she worked at the National Veneer and Lumber Company in Seymour. At that time, she was told that her services were no longer needed. Not to be discouraged, Virginia traveled north to seek one of the many employment opportunities in Gary, IN. That same year she was hired at U.S. Steel, and as they say, the rest is history. In the beginning she lived with relatives in order to send her earnings back home to Seymour to support her parents and siblings. Virginia eventually settled in Merrillville, IN.

It is important to understand that Virginia was one of only 300 women working in a workplace dominated by males at U.S. Steel. The small group of 300 women is epitomized by Virginia, who demonstrated strength of character and devotion to her career, and over time she persevered to gain acceptance and make great strides to ensure women's equality in the workplace. Fifty-eight years later, her loyalty to U.S. Steel and passion for her job still burns strong. Virginia is now an inventory clerk in the tin division's coating-packaging warehouse. At 82 years old, she does not intend to retire any time soon.

Virginia has overcome a life of hardships and discrimination with courage and determination. She is a dedicated employee who loves her work and who greets each workday with enthusiasm. Her optimism and tenacity are an example to us all. Her strong work ethic and positive attitude have earned her the respect and admiration of not only her co-workers, but of every person who has the pleasure of knowing her.

One such person is Chester Lobodzinski, founder of the Youngstown Sheet and Tube Old-Timers Club, an organization for retired and current employees in the steel industry. Mr. Lobodzinski accurately painted a portrait of Virginia when he stated, "Virginia's work ethic of pride, dedication, concern, and 150 percent effort takes a back seat to no one. She is not just an employee at U.S. Steel, but is a living legend whose survival in life can be credited to her very positive attitude, combined with her many true class of friendships."

Madam Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating Ms. Virginia Guffey as she is honored for her longevity and unmatched commitment to her job. Her unselfish and life-long dedication to U.S. Steel is worthy of the highest commendation, and I am proud to represent her in Congress.

IN HONOR OF THE SERVICE OF AMERICA'S UNSUNG HERO, THOMAS A. O'ROURKE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. GARRETT of New Jersey. Madam Speaker, on June 26, 2007, the world lost one of America's unsung heroes when Thomas A. O'Rourke, originally of Ramsey, New Jersey, succumbed to a bone marrow disease known as Myelodysplastic syndrome.

At the height of the Vietnam war, Tom O'Rourke sought out service to his nation, as both his mother and father had done before him. During college, Tom attended United States Marine Corps Officer Candidate School. He was commissioned as a second lieutenant and sent to flight school in Pensacola, Florida, where he earned his "Wings of Gold." As a naval aviator, he headed off to Vietnam to fly AH–1G Cobra helicopters.

Tom retired as a captain and went to work for Bell Helicopter International as a test pilot and then as manager for their Maintenance Test Flight Division in Iran. In the true spirit of lifelong allegiance to the values of the Corps and to his comrades still serving and yet to serve, he ensured the safety and effectiveness of their aviation equipment from his new place in the private sector. Tom later worked as the contracting administrator for the Arabian American Oil Company (ARAMCO) and then in a number of capacities for the Jamestown S'Klallam Tribe in Washington State, protecting the natural resources of those lush lands.

Tom also found time to pursue personal interests, like scuba diving, travel, and softball—both as player and as coach. He spent a wonderful life with his wife of 28 years, Lohna; his son Kevin Thomas O'Rourke and his wife Casey; and his beautiful granddaughter, Mallie. Tom's son not only carries on his father's name, but also the proud family tradition of service as a pilot in the United States Marine Corps.

Tom O'Rourke's place in this world is not easily filled; he touched so many lives with such sincerity of spirit. But his courage and determination and sense of fellowship live on with his family and friends. And, I join them in celebrating this heroic life.

A TRIBUTE TO LISA SHOMAN ON HER APPOINTMENT TO FOREIGN MINISTER OF BELIZE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an opinion editorial published in the New York CaribNews newspaper the week ending July 17, 2007 titled "Ambassador Lisa Shoman: Belize's First Female Foreign Minister," and honor the contributions of Ambassador Shoman to Belize and the rest of Central America and the Caribbean.

Ambassador Shoman has been a trailblazer and a pioneer in many different areas. She has often taken the path less traveled, excelled in her chosen field and created opportunities and hope for women in her country. Known to be a vocal advocate of women's issues, she used to conduct free legal clinics for women and has helped draft domestic violence, sexual offenses and sexual harassment legislation for Belize.

In 2000, Ambassador Shoman was selected as the first woman to serve as Belize's ambassador to the United States, permanent representative to the OAS and high commissioner to Canada. She proudly represents a country that is a model of racial tolerance and cultural harmony and a beacon of multicultural plurality and while ambassador worked tirelessly to train the people of her nation and educate policy makers about its many virtues.

In June 2007, she led the Caribbean ambassadors in a working group with congressional staff to identify and prepare a substantive agenda for the CARICOM Presidents and Prime Minster Summit in Washington, DC, that addressed the core issues in the U.S. and CARICOM bilateral relations. Ambassador Shoman was instrumental in putting this summit together. She clearly articulated the goals of these meetings and insisted that tangible results should be accomplished. She deserves a great share of the credit for a summit regarded by everyone as a great success in achieving a new enhanced framework for consultation and cooperation between the governments of the United States and the CARICOM nations.

Since the Summit, the U.S. Secretary of Education is scheduled to travel to the region to provide assistance in expanding tertiary education programs in the CARICOM nations. The Western Hemisphere Subcommittee of the House Foreign Affairs Committee, in response to the concerns expressed by the leaders of CARICOM, held a hearing on that examined the effects criminal deportees are having on Caribbean nations. The administration and senior members of the Committee on Ways and Means have committed to a renewal of the Caribbean Basin Initiative to guarantee special access to the U.S. market for exports from the Caribbean.

Ambassador Shoman has been a powerful and effective advocate for the interests of the people in the Caribbean and Latin America. I look forward to continue to work with her in her new capacity as foreign minister of the great country of Belize.

[From the CaribNews, July 17, 2007]

AMBASSADOR LISA SHOMAN BELIZE'S FIRST FEMALE FOREIGN MINISTER

(By Tony Best)

BELMOPAN.—Lisa Shoman was sworn in as Belize's Minister of Foreign Affairs and Foreign Trade, recently at a quiet ceremony at the residence of Governor General Sir Colville Young.

The first female Foreign Minister, in her characteristic style, insisted on having her grandmother at her side to hold the bible while she took her oath of office.

According to her father, Yasin Shoman, her mother, Hilda Hoy Shoman could not stop the young Lisa from heading out on to the then rough campaign trail in the Cayo district. From the outset, Lisa proved to a shrewd observer with a knack for dealing with difficult people and talking to even the most hostile with a natural ease. She also proved to be one of the best polling agents and counters that an unbiased campaign manager could want. She has never missed a campaign since, serving in Cayo, Freetown, Caribbean Shores, San Pedro and Port Loyola, and on the PUP's National Campaign Committee.

According to Lisa Shoman's family, they always knew she would study law, a natural for this feisty advocate, and she remained fiercely focused on her path, winning scholarship after scholarship; from high school to sixth form to university and doing exceptionally well at CXCs, O and A levels.

At 24, Shoman returned to her beloved Belize fresh from law school and went to work at the DPP's office. After her return from doing a Masters Program in Barbados at UWI, Shoman returned to private practice at Young's Law Firm and during the five years she was there, also devoted time to community service, giving talks and lectures to a variety of groups, and serving as the first female president of the Belize Bar Association.

She is perhaps best known as a vocal advocate of women's issues, appearing on radio and television programs, conducting free legal clinics for women, working with Women Against Violence (WAV), and helping to draft Domestic Violence, Sexual Offences and Sexual Harassment Legislation. During those years, Shoman worked on children's issues, and served as legal advisor to the Toledo Maya Cultural Council on land rights issues. She also lectured Constitutional and Administrative Law for UWI's Challenge program and the UB Paralegal program.

After the 1998 election, Shoman was chosen by the PUP Administration to be the Government of Belize's representative to the Board of Directors of Belize Telecommunications Limited, and was duly elected as Chairman, serving for an eventful two year term, while on her own in private practice, and then going into partnership with Michel Chebat.

In July 2000, Prime Minister Musa tapped Shoman to serve as Belize's Ambassador to the United States, as well as Permanent Representative to the OAS, and High Commissioner to Canada, the first woman to be so honored. She has now served for almost seven years, under four Belizean Foreign Ministers and is currently the deputy dean of Ambassadors at the OAS.

Shoman has been a member of the Belize-Guatemala negotiating team since her arrival in DC and has been a part of virtually all negotiating meetings under the auspices of the OAS. In a difficult and delicate phase in 2004, she was sent by PM Musa as his Special Envoy to Guatemala for two months, just prior to the publication of the historic Facilitators Report.

She has served with three OAS Secretaries General and was able to attain Belize's membership in the Grupo Centro Americano (GRUCA) caucus of ambassadors, thereby gaining for her country the singular honor of being the only country at the OAS to belong to two regional groups, CARICOM and GRUCA. Shoman has served twice as regional coordinator and chair of both groups for the customary six month term.

Shoman was given Mexico's highest honor to a foreign Diplomat, in the highest grade—

the Order of the Aztec Eagle. Lisa Shoman also earned the Order of Jose De Marcoleta in the Grade of Grand Cross later that same year from the Republic of Nicaragua. At the OAS, Ambassador Shoman served two 18 month terms as Chair of the Management Board of the Inter-American Agency for Cooperation and Development, and also Vice Chair of the Permanent Council and has chaired several key meetings of the Permanent Council.

Ambassador Shoman has been a powerful and effective advocate for the interest of the people of Belize.

TRIBUTE TO COMMAND CHIEF MASTER SERGEANT VICKIE ORCUTT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. SKELTON. Madam Speaker, it has been brought to my attention that Command CMSgt Vicki Orcutt of Whiteman Air Force Base in Knob Noster, MO, has retired after 29 years of service.

Command Chief Master Sergeant Orcutt joined the Air Force in the mid-1970s. In her current role, she advises the Wing Commander on matters related to the health, morale, and welfare of the enlisted force and on matters related to the proper training, equipment, and utilization of enlisted personnel. Throughout the entire Air Force there are 138 Command Chief Master Sergeant positions. Only nine are women.

In her early years, Command Chief Master Sergeant Orcutt obtained a degree in Human Resources. She is now considering a teaching job and hopes to stay in Lafayette County, MO, her current home.

Madam Speaker, Command Chief Master Sergeant Orcutt has been a valuable asset to Whiteman Air Force Base and the entire Nation. She has helped to shape the future of the Air Force through her dedicated service of 29 years. I know that the Members of the House will join me in paying tribute to Chief Master Sergeant Orcutt.

BROKEN PROMISES

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. WILSON of South Carolina. Madam Speaker, last night, Republicans offered a motion to recommit the Agriculture Appropriations bill that would have sent the bill back to the Appropriations Committee "promptly" for them to amend. But that didn't happen.

Instead, Democrats shut down the vote when it looked like the outcome wasn't going to come out in their favor.

Last night's Democratic tactics amount to the disenfranchisement of American voters.

Four Republicans were not able to cast their vote for their constituents—representing over 2.4 million Americans who were not allowed to have their voice heard.

This is the biggest broken promise to the American people—tax increases, hidden earmarks, budget deficits—none of these broken promise's match up to the unfair acts of the Democrat majority last night.

This is not what the American people expect of their elected representatives.

They deserve better and the Republicans in Congress will stand united to ensure they get what they paid for.

In conclusion God bless our troops and we will never forget September 11.

STAY THE COURSE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. POE. Madam Speaker, many of my colleagues here today would have you believe that the war in Iraq, our foremost front in the fight against radical Islam, is lost. They will tell you, Madam Speaker, that the causes for which we fight, causes upon which our own Nation was founded, like the freedom, the worth of the individual and human rights, are not worth fighting for in Iraq. They will tell you that game is over and that the best that the American people can do is turn around and walk away in defeat.

This defeat by retreat lacks wisdom of what war is about. America does not fight wars, so we can lose them by quitting.

This is the time for the United States to stand firm in its commitment to freedom abroad. Now is the time for the United States to build up this sprouting democracy, rather than let it be torn down by those who would seek to destroy all of us who believe in liberty.

Surrender has never been the American way, Madam Speaker. Since our Nation's inception, we have stood for what is right, even when all odds were against us. Let us follow in the footsteps of those who came before us, those who risked everything in order to preserve freedom for all.

And that's just the way it is.

TRIBUTE TO CITY OF SCHERTZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor the City of Schertz for being named one of the Top 100 Best Places to Live by Money Magazine.

The City of Schertz was founded in 1843, and is the largest city in Guadalupe County, which encompasses a part of the 28th Congressional District. Schertz is located between the large metropolitan areas of San Antonio and Austin, but has retained its small-town, community feel which was noted by Money Magazine. Schertz is home to over 34,000 Texans that enjoy all the city has to offer such as its Fourth of July Jubilee which draws visitors from all over Texas.

Schertz has witnessed unprecedented growth since the late 1980s. From 2000–2005, the city's population went from 18,694 to 26,463. In the past year, that population rose by over 7,000 to 34,000. The growth is attributed to the city's vibrant economy, its schools, and the quality of life enjoyed by its residents. It is clear why Schertz is No. 40 on the Top 100 Best Places To Live by Money Magazine. In the State of Texas alone, it is ranked as the No. 1 place to live.

Madam Speaker, I am honored to recognize the City of Schertz for their being named one of the Top 100 Best Places To Live by Money Magazine.

INTRODUCTION OF LEGISLATION TO COMBAT HUMAN SEX TRAFFICKING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mrs. MALONEY of New York. Madam Speaker, today, along with Representatives DEBORAH PRYCE and LYNN WOOLSEY, I am reintroducing legislation that would combat human sex trafficking by using the Tax Code to put traffickers in prison. Approximately 800,000 people are trafficked across international borders each year. Instead of dreams of better jobs and better lives, they are trapped into a nightmare of coercion, violence, and disease. However, trafficking is not just a problem in other countries. In addition to the men, women, and children from around the world who are brought into the United States for the sole purpose of being bought and sold by American citizens for commercial sex, in many communities, the victims themselves are Americans.

The legislation would authorize $4 million toward the establishment of an office within the IRS Criminal Investigation Division to prosecute sex traffickers for violations of tax laws. This office would coordinate closely with the existing task forces in the Department of Justice that are focused on sex trafficking offenders. The IRS would be directed to focus on the willful failure of traffickers to file returns, supply information, or pay taxes where the taxpayer is an "aggravated" non-filer. Additionally, the provision establishes a new felony offense for an aggravated failure to file, to include failure to file with respect to income or payments derived from activity which is criminal under Federal or State law. The aggravated failure shall carry a maximum sentence of 10 years per failure and shall increase the penalty from $25,000 under current law to $50,000. The legislation also increases other penalties for underpayment or overpayment of tax due to fraud.

The bill works to the benefit of the women and girls that are victimized by the traffickers not only by removing the traffickers from the streets but also by revising the IRS Whistleblower provisions that are currently in place so that the women and girls who choose to participate in the investigation of the trafficker will be eligible to participate in the whistleblower program and may ultimately receive some payment for their participation.

This bill will provide the IRS with the necessary resources to prosecute traffickers, pimps, and sex tour operators and recover their illicit profits. It is important that we protect the victims of the sex trade industry and punish the predators who exploit them.

PAYING TRIBUTE TO VIDA LIN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Vida Chan Lin for her tireless efforts on behalf of the Las Vegas community.

Vida Chan Lin has been an outstanding member of the Asian Community in Nevada for more than ten years. She currently serves as the vice-president for both the Las Vegas Asian Chamber of Commerce and the Las Vegas Organization of Chinese Americans. In addition to these prestigious roles Vida also has the honor of being a founding member of the Nevada Asian American/Pacific Islander Leadership Council, and in 2002 she worked on the fundraising committee of the Japanese American Citizens League national convention. She has also served on the Clark County Business Development Advisory Council, and was a member of the Clark County Library District Asian Pacific American Heritage Month Advisory Committee.

Vida's positive attitude and passion for service in the Asian community has made her a well respected leader and role model for younger generations. Members of her chapter of the Organization of Chinese Americans have characterized her as the "Queen Bee" of their growing family and state that without her, they would not be where they are today. Vida's efforts and accomplishments provide an atmosphere for others to learn and benefit from her exceptional leadership.

Madam Speaker, I am proud to honor Vida Chan Lin. I would like to personally thank her for her dedicated service to our community, as well as for her support of the Asian Pacific Islander community in Las Vegas.

TRIBUTE TO MR. LEON WEST

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great honor and gratitude that I stand before you today to recognize the many accomplishments of Mr. Leon West. I can truly say that Leon is one of northwest Indiana's most dedicated, distinguished, and honorable citizens. I have known Leon for many years, and he is one of the most passionate and involved citizens that I have ever known, especially when it comes to his service to the Democratic Party and the people of the First Congressional District. For the past 14 years, Leon has been a constant fixture in Porter County, serving as chairman for the Porter County Democratic Party, and more recently, as First District chairman. At the age of 72, Leon has decided to retire from these posts to spend more time with his family, but his efforts over the course of his tenure and the impact he has had on transforming the government in Porter County will forever be remembered. To honor Leon, a farewell reception will be held at the Woodland Park Community Center in Portage, Indiana, on Monday, August 6, 2007.

Leon West was born in Osceola, Arkansas, on September 17, 1934. He was one of six children. Known for his passion and unwavering devotion to the betterment of his community, it is no surprise to learn that Leon, as a young man, served in the U.S. Army from 1957 to 1959 and again from 1961 to 1962. While serving his community in various capacities throughout his lifetime, Leon came to be known for his strong work ethic, a trait he undoubtedly developed during his 42 year career at United States Steel.

Early on, Leon knew that the best way to improve his community and to help the people of Porter County was to get involved in public service. In each of his roles, Leon focused on the same goal, to make a difference in society, starting with his own community. Some highlights of Leon's career include his service on the Portage Board of Zoning Appeals, his 18 years on the Portage City Council, and his service on the Porter County Council. In addition, Leon further demonstrated his commitment to the people of northwest Indiana through his membership with the Portage Jaycees, the Exchange Club, Dunes Lodge #741, and the Shriners, to name a few. It was through his work with the Jaycees that Portage, Indiana, received its status as a city in 1968. He has also served on various councils and boards. From issues ranging from taxes and transportation to caring for the elderly, Leon West has always been an active participant in seeking to improve his community in every way possible. For his efforts, he was awarded the prestigious Sagamore of the Wabash in 1997 by the late Governor Frank O'Bannon.

While his everyday presence will be missed in northwest Indiana, Leon will now have a chance to fully commit his time to those closest to him, his family. A loving husband, father, and grandfather, Leon's commitment to his community is surpassed only by his love for his family. Leon and his loving wife, Beverly, will soon be moving to Texas, and they plan to spend as much time as possible with their three children: Kathy, Kerri, and Ken, and their adoring grandchildren: Blake, Paige, Andrew, Claire, Duncan, and Lou.

Madam Speaker, Leon West has selflessly given his time and efforts to the people of the First Congressional District and to the Democratic Party in northwest Indiana throughout his years of service. At this time, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service and dedication, and I ask that you join me in wishing him the best of health and happiness in the years to come.

IN HONOR OF THE 2007 SUSSEX COUNTY SENIOR OF THE YEAR, MARIA RATH

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise to commend Maria Rath of Hainesville for her kind and generous service to her community. In her retirement, Maria has turned her tremendous energy and heart into a true blessing for all of Sussex County. Next week, her good deeds will be recognized at the State Fair when she is named the 2007 Sussex County Senior of the Year. I join my Sussex neighbors in honoring her for her work.

Maria has established the Bread of Life's Ministry, a one-woman show distributing donated baked goods to area food pantries and families in need. She has partnered with places like Panera Bread, Manna House, and Sussex County Technical School to take their donations of leftover bread, repackage it, and distribute it to institutions like Liberty Towers and Nutrition Center, Brookside Apartments, the Newton Adult Day Care Center, First Presbyterian Church of Sparta, and, my own church, Lafayette Federated Church. In addition to her regular rounds, Maria will take whatever extra time or effort is necessary to help a family she hears may need her loving touch.

In addition to this important project, Maria and her husband, Wilbur, started a furniture ministry six years ago. Through that endeavor, they bring household furniture to families in need. Maria also cooks at the Manna House once a month and volunteers at the Newton Hospital labs. Her labors are truly labors of love, bringing joy and hope to people as well as the material goods they need so badly.

Maria notes, "I'm 77, but I feel like 49." Age is no match for a young and vibrant spirit and heart. Maria is an extraordinary example for men and women of all ages, demonstrating the power of a single life to influence so many lives in a very positive way.

CARIBBEAN STATES MAKE ASSESSMENT OF THE IMPACT OF POVERTY ON DEVELOPMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an opinion editorial published in the CaribNews newspaper the week ending July 31, 2007 titled "St. Vincent & the Grenadines: Launches Poverty Assessment Survey" and an article entitled "Poverty Picture in the Caribbean: Barbados to Undertake Assessment." Both examine the initiatives these countries have taken to address poverty.

As CARICOM nations look to move to a single market economy, they should be encouraged to take a proactive approach to assess poverty in their individual nations. Poverty assessments serve as the key instrument of poverty reduction strategy. They are designed to assess the extent and causes of poverty in a given country and to propose a strategy to ameliorate its effects. Understanding the causes and characteristics of poverty in the Caribbean is particularly important at this time as there are indications that living conditions in some countries have declined in recent years.

The data gathered from these assessments will be used to evaluate the quality of life and living conditions being experienced at the community, family and individual levels, with particular interest and emphasis placed on vulnerable groups like women, and children.

The increases in competition stemming from global economic changes in trade and capital markets, the erosion of preferential market access, the vulnerability of the tourist industry and competition from other destinations, and decline in official capital flows from bilateral sources all present a particularly difficult challenge for the Caribbean. Given this environment, there is an urgent need for countries to pursue policies that will stimulate and sustain economic growth and prioritize investments aimed at reducing poverty and developing human resources. So I commend the leadership of the governments of Barbados and St. Vincent & the Grenadines for the steps they are taking to assess poverty in their countries.

[From CaribNews, July 17, 2007]

ST. VINCENT LAUNCHES POVERTY ASSESSMENT SURVEY

KINGSTOWN, ST. VINCENT, CMC—St. Vincent and the Grenadines has launched an EC$2 million-dollar (US $749,000) poverty assessment programme that Prime Minister Dr. Ralph Gonsalves said would be welcomed regardless of the outcome.

"Only on the foundation of truth we can build efficacious policies," Gonsalves said as he addressed the launching of the project on Tuesday. The poverty assessment project will seek to create a profile of poverty on the island and is being funded by the European Union and the United Nations Development Programme.

The last poverty assessment survey was undertaken in 1996 and it found that 37.5 per cent of the population was poor, while 20.4 per cent of the households and 25.7 per cent of the population was indigent, or living below the poverty line.

Gonsalves, who said that poverty reduction is one of the central pillars of his government's programme, said he was prepared to accept the results of the new survey.

He noted that in the event that the assessment showed there had not been a significant enough reduction in poverty, more would have to be done in addition to what is already in place.

"History is replete with failed leaders who want to hear what they want to, they don't last long," he said, blaming the then New Democratic Party (NDP) government of not properly preparing the nation for the quickly changing economy.

He said they were too concerned with keeping spending down, maintaining a surplus on the current account and other things that amounted to simply keeping their heads above water.

The Prime Minister suggested that more concrete policies needed to be enacted to deal with the crippling challenges that globalisation and trade liberalisation was going present to the region.

"There was no preparation on the most critical resource before us, people, to address the changing nature of the colonial political economy," Gonsalves said.

The poverty assessment will be conducted by the Trinidad and Tobago based firm KAIRI Consultants Limited, the same group that did the 1996 assessment.

[From CaribNews, July 23, 2007]

POVERTY PICTURE IN THE CARIBBEAN, BARBADOS TO UNDERTAKE ASSESSMENT SOON TO FIND OUT HOW MANY LIVING BELOW POVERTY LINE, ASSESSMENT TO BEGIN IN AUGUST

(By Tony Best)

With poverty levels running the gamut from about nine per cent in the Bahamas and 18 per cent in Jamaica to 21 per cent in Trinidad and Tobago and almost 60 per cent in Haiti, according to the United Nations, Caribbean governments are extremely sensitive to figures which indicate that poverty was either on the rise or was far too high. That explains why the Arthur Administration in Barbados is gearing up to undertake a comprehensive national poverty assessment, beginning possibly in about a month's time and using a broadened definition of poverty.

Trevor Prescod, Minister of Social Transformation, told the CaribNews that it was important for the government to have a firm idea about the full extent of poverty so that it could target more of its programmes, projects and resources to the task of meeting the needs of people living in dire circumstances.

"We haven't had any recent scientific analysis of it (poverty) and we are now into, probably within a month or so, we are going to have a wide assessment of poverty," the Minister said in New York after he signed the United Nations Convention on the Rights of the Disabled, the first human rights treaty of the 21st century.

"We are now putting together the kinds of operational management structures to ensure that that assessment is carried out in a very scientific manner," he explained. "We have just established a planning unit within the Ministry of Social Transformation. We are working with the Statistical Department, the Caribbean Development Bank and we are going to have other agencies coming in as well." For instance, the University of the West Indies may be invited to carry out the actual research for the country's human development report, according to Prescod.

"When we get that report we would be in a better position to tell you if there has been any fundamental changes, if we have been able to reduce the numbers" of people living in poverty," he said. The Inter-American Development Bank carried out the last assessment of poverty in Barbados a decade ago and it showed that about 35,000 persons or an estimated 13–14 per cent of the population lived below the poverty line. "Enough time has elapsed that we need to have a new report to see if we have made any dent into that 35,000 that we talk about," Prescod added. "But it all depends on what you use as a measurement for poverty. The IDB dealt with an income consumption analysis and what the Ministry is doing, we now have a broader definition of poverty."

Specifically, it would focus on "social deprivation," taking into account access to health care, education and other essential services rather than simply zeroing on income and consumption, he pointed out.

However, the approach the government plans to adopt would make it difficult to compare the IDB's rate with any new findings, because the latter would touch on the lives of a broader cross-section of the Barbadian population. That raises the distinct possibility that the actual number of poor people could be higher than in the late 1990s.

"It is going to be very difficult if we now have the new definition to compare it with what occurred with the IDB's assessment," the Minister said.

While he acknowledged that any assessment which showed a rise in poverty could become a political controversy, with the Opposition Democratic Labor Party leading the charge against his Ministry, Prescod said that it was clear that the Arthur Administration had attacked the problem of poverty by eliminating many of the debilitating conditions under which some Bajans had to live. "If we do an assessment we would discover there has been a change, especially in the provision of housing, many of the persons identified the last time around have since been empowered, were retooled by giving skills to those persons who previously had no skills," he argued.

"You would discover that both the Urban Development Corporation and the Rural Development Corporation have replaced the dilapidated houses. On the basis of observation alone, without having the kind of empirical figure to show, there is obvious evidence of an improvement. I think that is what worries the opposition more than anything else.

"We have done a lot of work, especially in the urban and rural communities across Barbados," he said. "We had lots of people living in horrible conditions and we have been able to make substantial changes in the lives of those persons. No one can realistically question the quality of life and the way it has improved in Barbados over the last 10 years or so. We have done exceedingly well."

WANDA A. BROWN: MISSOURI PRESS HALL OF FAME

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. SKELTON. Madam Speaker, on September 7th, the Missouri Press Association's Missouri Press Hall of Fame will have as its newest member a person who has devoted her life to community journalism, community philanthropy and community service, all while raising a family of public servants and serving as a business and civic partner with her late husband.

Wanda Brown was born June 16, 1918, in Franklin County, AR. She attended Draughon's Business College in Ft. Smith, AR, from 1936–1938. After graduation, she was business manager for Robbins Buick Motor Company in Ft. Smith. She met her husband, J.W. Brown, Jr., when he came into the dealership to buy tires. They were married June 14, 1946. From 1946 until 1955, they made their home in Willow Springs, MO, where J.W. owned the newspaper and also served as Postmaster. In 1955, they purchased the Harrisonville Democrat-Missourian and formed the Cass County Publishing Company. Under the ownership of J.W. and Wanda Brown, Cass County Publishing Company operated the Cass County Democrat-Missourian, the Lee's Summit Journal, the Belton Star Herald, the Bates County Democrat and the Lawrence County Record.

Two generations of Cass County residents have known Wanda Brown as the author of a column in the Democrat-Missourian, "Wanda's Favorite Recipes," and have prepared many of them for their families. Few probably are aware that the proceeds from two of her recipe books were given to support The Way Off Broadway Players and the Cass Medical Center Foundation.

With her retirement in 1985, after 30 years as Business Manager of the Cass County Publishing Company, she accelerated her contributions to her community and to the State of Missouri. Wanda Brown has been a generous supporter of the Missouri Press Foundation, the Harrisonville Memorial Hospital, and the Harrisonville Public School Foundation. In her hometown of Harrisonville, she has contributed to the construction of the Harrisonville Baseball Fields, to the Harrisonville High School Bleacher Project, the Children's Library at the Cass County Information Center, and to the creation of a nursing scholarship at the Cass Medical Center. She was a leader in the campaigns to fund the Thermal Imaging Camera for the Harrisonville Fire Department, the construction of the Harrisonville Parks Amphitheater, and the creation of the Harrisonville Public School Foundation Endowment. She also helped to fund the Community Journalism Chair at the University of Missouri School of Journalism.

I would like to extend my most sincere congratulations to Wanda and her family—Larry and Jean Snider, Bill and Mary James, Alex, Doug, Kate, Anne, and Molly. I am certain that my colleagues will join me in commending Wanda for her decades of community service.

PROMOTING TALK RADIO

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. WILSON of South Carolina. Madam Speaker, this Sunday will mark the 20th anniversary of the day the Federal Communications Commission voted unanimously to abolish the "Fairness Doctrine."

Under President Ronald Reagan's leadership, the "Fairness Doctrine" was removed from our airwaves because it undermined freedom of speech. Reagan was a man who realized that Washington should not tell the press what to write and say. His vision led to the development of the people's forum of talk radio.

In the wake of this decision, talk radio has grown from fewer than a hundred shows to several thousand. Today, radio commentators like Keven Cohen in Columbia, South Carolina, and Bill Edwards in Savannah, Georgia, play a vital role in bringing intelligent and thoughtful perspective to the many issues facing America.

The "Fairness Doctrine" is a relic of a bygone era. Let's keep it a part of our past and not of our future.

In conclusion, God bless our troops and we will never forget September 11th.

TRIBUTE TO MRS. AMANDA G. RASH

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor Mrs. Amanda G. Rash on her reaching the milestone of her 95th birthday. She is one of the most inspiring members of the community in the City of Laredo and in the State of Texas.

Mrs. Amanda G. Rash was born on July 26, 1912, to her parents Carlos and Ana Chapa de Gutierrez in Old Guerrero in the State of Tamaulipas in Mexico. She grew up in the town of Zapata, Texas, where her father was a rancher. Amanda became a certified beautician after high school and opened her own beauty salon in Zapata. In 1937, she met Roy Clifford Rash from Granbury, Texas, and together they raised 3 daughters, Eva Linda, Rose Lee, an Arlene Myra.

As a mother, Mrs. Rash is wholly devoted to her children. She also helped her husband to succeed with his highway construction business, Border Road Construction and Border Materials, in the late 1950s. After her husband's death in 1970, the business continued to thrive under Mrs. Rash's leadership and was sold to their employees in 1973. Her Christian faith has sustained her, and that strength is felt through the kindness and caring she has given to others. Her remarkable mind and wit have served her well in her 95 years. She has been an inspiration to all who know her.

Madam Speaker, I am honored to have had the opportunity to recognize the dedication of Mrs. Amanda G. Rash to her community, and ask you to join me in honoring her on her birthday.

HONORING THE TRUMBULL HIGH SCHOOL GOLDEN EAGLE MARCHING BAND

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. SHAYS. Madam Speaker, it gives me great pleasure to congratulate the Trumbull High School Golden Eagle Marching Band on hosting their 25th Annual Fall Classic Bank Competition.

On this silver anniversary, we commemorate the legacy of the band promoting music education through competition. For almost 40 years now, the Golden Eagle Marching Band has been known as one of the premiere marching bands in the country.

The band has represented the State of Connecticut at the 2004 Hollywood Christmas Parade in California and the 54th Presidential Inauguration Parade in 2001. It has also been at the top of the Musical Arts Conference since its inception in 2001 and has won countless awards along the way. In 2006, the band was champion of its division for the third year.

These young musicians benefited from hundreds of hours of practice, competitions, and most importantly memories that last a lifetime. Even after the fall sports season ends, come December, the music does not stop. Band members continue to bring credit to Trumbull High School by competing in Winter Guard International competitions. In 2007, both groups were finalists in the scholastic world class and in 2005, the winter guard placed third in the country in the scholastic open class.

None of this would be possible without the hard work and dedication of staff members and band parents over many years. These unsung heroes keep this organization on the field day in and day out. Without their tremendous support, the Eagles could not have soared to the heights we see today.

The Trumbull High School Golden Eagle Marching Band has raised the bar for future generations to proudly represent Trumbull High School and the State of Connecticut. These individuals on the field have embodied hard work, a positive attitude, and concentration. The State of Connecticut is proud of their hard work.

CONGRATULATING THE 2007 WEST VIRGINIA LITTLE LEAGUE STATE CHAMPIONS

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mrs. CAPITO. Madam Speaker, I rise today to congratulate the 2007 West Virginia Little League State Champions, the South Berkeley Little League team, who hail from West Virginia's Second Congressional District.

The 2007 Little League State Tournament took place in Hedgesville, July 21 through July 26. Fifteen teams from around the State participated in the tournament. The Little Leaguers played in a series of games the first 4 days of the tournament and the finalist advanced to the single elimination series. The championship came down to Berkeley County's own, Martinsburg and South Berkeley Little League teams.

After Martinsburg put up a good fight, South Berkeley finally came out on top in an 8–2 victory, winning their first Little League State Championship in 27 years. The South Berkeley Little League team is managed by Larry Custer and Coaches Chris Cochran and Jess Dusing. The South Berkeley Little League team is made up of thirteen players ages, 11–12, from Bunker Hill and Inwood who all attend Musselman Middle School. The players include: Chance Allen, Tyler Baker, Markie Custer, Caleb Dembeck, Nikki Dusing, Maverick Keller, Denver Luttrell, Alan Mocahbee, Andy Mocahbee, Austin Owens, Jacob Whitmore, Evan Woolum, and Darrin Zombro.

The South Berkeley team will progress to the Southeast Regional Playoffs this month in St. Petersburg, FL. I wish them the best of luck as they will represent West Virginia very well. I hope to see them advance to the Little League World Series in Williamsport, PA.

Madam Speaker, it gives me great pride to acknowledge these young men who participate in America's greatest pastime, the game of baseball. Again, congratulations South Berkeley Little League team.

TRIBUTE TO PORTABLE PRACTICAL EDUCATIONAL PREPARATION INC.

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. GRIJALVA. Madam Speaker, I rise today to commend Portable Practical Educational Preparation Inc., PPEP.

For the past 40 years, PPEP has been working diligently for rural communities, improving the lives and futures of the people it serves. PPEP has been steadfast in its service to the rural poor, the disenfranchised, the developmentally disabled, at-risk youth, and the migrant and seasonal farm workers and their families.

The founding philosophy of Project PPEP is to involve those who are less fortunate in carrying out meaningful programs to eliminate rural poverty—to help overcome the problems faced by rural people by mobilizing public and private resources in support of these programs. Armed with their first grant of $19,000 from the Office of Economic Opportunity, Project PPEP and La Tortuga became a reality.

On August 24, 1967 John David Arnold, founder and current chief administrative officer, embarked on PPEP's first outreach trip to provide training by touring in a converted 1957 Chevrolet school bus named "La Tortuga"—the Tortoise. This portable classroom allowed PPEP to teach English to migrant workers and taught many people the value of learning vocational and technical skills like driving a car, and improving sanitation and nutrition. La Tortuga was driven all over southern Arizona, taking PPEP's resources to the cotton and vegetable fields and providing educational preparation to African Americans and "Braceros" and their families.

In November 1967, the Arizona Daily Star summarized PPEP as, "a practical education which is brought almost to the doorstep of unskilled and poverty-stricken people in Southern Arizona." As Project PPEP celebrates 40 years of success, these words still ring true.

In the past 40 years, PPEP has touched over 4 million people, developed numerous programs that have become national self-help models, has established 42 field offices operating with 17 group homes servicing over 167 developmentally disabled adults, and has created 13 charter high school campuses throughout Arizona, having graduated over 2,400 students in the past 11 years.

The staff of PPEP has encouraged and enabled many disadvantaged citizens to develop technical skills and computer literacy which has allowed many of them to move from welfare to more productive lives in the job market. PPEP provides a bridge for farm workers, the rural poor and many other disadvantaged individuals.

Due to the support of PPEP, many migrant workers, low income families and the rural poor are building homes, building businesses and building communities of opportunity.

I offer my thanks to the dedicated and committed staff of Project PPEP.

AMERICAN TROOPS AND THE WAR IN IRAQ

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. UDALL of New Mexico. Madam Speaker, in a little over a month, this body will receive an official status report from General David Petraeus, the commander of American forces in Iraq, on whether benchmarks of progress set by Congress have been met. A preliminary report issued in July indicated that there has been a failure to meet more than half of those benchmarks, a woeful assessment that has been only further hampered by increased political fracturing in Baghdad. Earlier this week, the largest Sunni political bloc resigned from the Prime Minister's cabinet. Any hope that the political cohesion so desperately needed for real, permanent success in Iraq seems to be lost amid the destruction and divisiveness that continues to impede our efforts.

When we return in September, we will consider whether to continue granting unchecked and unqualified funding for this war—a war that has raged on for 4 long years, a war that has claimed thousands of American and Iraqi lives, a war that has cost nearly half a trillion dollars. And while we debate funding for Iraq, the day-to-day lives of the men and women in uniform deployed are consumed by more violence and uncertainty. Recently, we received news in New Mexico that the life of another of our soldiers has been lost to combat. Like my colleagues, the calls back home to console parents, spouses and children for their loss and the occurrence of somber funerals is more familiar than we ever thought it would be, and for all of us the end to this war cannot come soon enough.

When I return to New Mexico this month, I have no doubt that the war will continue to be the top issue on the minds of my constituents. We all hear the same question: What is Congress doing? I will tell them that we voted to redeploy our troops. That we voted to bring our soldiers home for longer periods of rest. And that we vote to enact key provisions and provide critical funding for the soldiers. However, in the end, the families in my district will want to know when the end will come, when their sons and daughters will be home.

We must bring our troops home, we must end this misguided and mismanaged war, and we must—we must—repair our foreign policy. For if we don't, in the decades to come the reverberations of our mistakes in Iraq will continue to affect our image and our position in the world. Change is needed, and it is needed now.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Ms. CLARKE. Madam Speaker, on rollcall No. 791, I was unavoidably absent. Had I been present, I would have voted "yea." On rollcall No. 792, I would have voted "yea." On rollcall No. 793, I would have voted "yea." On rollcall No. 794, I would have voted "yea." On rollcall No. 795, I would have voted "nay." On rollcall No. 796, I would have voted "yea." On rollcall No. 797, I would have voted "yea." On rollcall No. 798, I would have voted "nay." On rollcall No. 799, I would have voted "yea." On rollcall No. 800, I would have voted "yea." On rollcall No. 801, I would have voted "nay." On rollcall No. 802, I would have voted "yea." On rollcall No. 803, I would have voted "nay." On rollcall No. 804, I would have voted "nay." On rollcall No. 805, I would have voted "nay." On rollcall No. 806, I would have voted "nay." On rollcall No. 807, I would have voted "nay." On rollcall No. 808, I would have voted "nay." On rollcall No. 809, I would have voted "nay." On rollcall No. 810, I would have voted "nay." On rollcall No. 811, I would have voted "nay." On rollcall No. 812, I would have voted "nay." On rollcall No. 813, I would have voted "nay." On rollcall No. 814, I would have voted "nay." On rollcall No. 815, I would have voted "yea." On rollcall No. 816, I would have voted "yea."

TRIBUTE TO CORNELL LEVERETT MOORE

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. ELLISON. Madam Speaker, it is with great joy that I rise today to honor and congratulate Mr. Cornell Leverett Moore, the esteemed lawyer and activist from Minneapolis. Cornell recently received the Distinguished Citizen Award from the Kappa Alpha Psi fraternity in recognition of his exemplary ongoing service to the citizens of Minnesota and the United States. This great honor has doubtlessly found a worthy recipient in Cornell.

I first had the pleasure of meeting Cornell nearly 20 years ago, and he has then become a personal hero to me. I am to this day taken aback by his openness and his willingness to help. Cornell is admired by all of his colleagues, and I am personally blessed to have had such an outstanding teacher, such an involved mentor, and such a good friend for all of these years. In addition to being an outstanding member of the professional community, Cornell has set an amazing example through his remarkable ability to make time for everybody in need of his help.

Cornell has nobly lent his efforts to countless civic organizations. He has served as the chairman of the Minneapolis Public Housing Authority—in addition to numerous other housing advocacy groups—fighting to ensure that low-income families have a place to call home. He sits on the board of trustees of many institutions of higher learning, including Howard

University, where Cornell studied law. With a history of fighting for civil rights in Minnesota, Cornell is now working on increasing diversity within the ranks of Twin Cities-area law firms. He was also elected president of Sigma Pi Phi, the nation's oldest African-American fraternal organization, in its 100th year of existence.

Madam Speaker, a list of the ways in which Cornell has served his community, of his honors and awards, is far too long to detail in one attempt. I am happy to report that Cornell has shown no signs of slowing down his outstanding work. His receiving Kappa Alpha Psi's Distinguished Citizen Award should not be viewed simply in honor of the great things Cornell has already accomplished, but as a milestone. Madam Speaker, you can expect many more great things to come from my friend Cornell.

HONORING THE DEDICATED SERVICE OF DAVID PLUNKETT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. GORDON of Tennessee. Madam Speaker, I rise today to recognize David Plunkett for his outstanding service while working in my Washington, D.C., office. After 9 years of assisting me in serving the residents of Middle Tennessee, David is retiring from the Hill and moving on to other endeavors.

David's hard work, insight and meticulous work ethic while serving as my legislative director have helped me do my job better. His advice has been immensely helpful to me, and he has been an invaluable source of institutional knowledge for newer members of my staff.

While David's responsibilities have grown over the years, he has maintained his down-to-earth demeanor. He has always been willing to mentor new staff members and take a moment to give a thorough explanation to someone looking for greater understanding of a legislative concept.

The void David will leave is not only measured by his experience and knowledge, but also by his personality. His dry sense of humor and skill at playing the devil's advocate will be missed, and my staff and I know we will also miss the stories of his summer travel adventures with his wife, Vickie.

David, thank you for your hard work over the past 9 years. I wish you all the best in the future.

INTRODUCTION OF THE RURAL AMERICA DIGITAL ACCESSIBILITY ACT

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. McHUGH. Madam Speaker, I rise to introduce the Rural America Digital Accessibility Act, which is designed to enhance access to high speed internet connections in rural areas like Central and Northern New York, which I represent. Specifically, this legislation, which I have offered in each of the past three Congresses, would provide four incentives to encourage broadband development, thereby reducing the digital divide, creating jobs, and helping to stem migration from rural areas.

First, the Rural America Digital Accessibility Act would authorize technology bonds to provide a new type of tax incentive to help, and even encourage, state and local governments to invest in the necessary telecommunications infrastructure. The technology bonds would further aid these communities' efforts to partner with the private sector to expand broadband deployment in their regions. In addition, the bill's Broadband Expansion Grant Initiative would complement the technology bonds by utilizing grants and loan guarantees to accelerate private-sector deployment of high-speed connections.

Many rural regions, such as Central and Northern New York, have an abundance of excellent institutions of higher education. However, to fully develop the potential of these centers, communities must be able to utilize the resources and expertise offered through these universities and colleges. Thus, the third incentive contained in the legislation would help small- and medium-sized businesses connect with educational institutions to receive the technological assistance needed to enhance their competitiveness and promote economic growth. The final provision of the bill would authorize research funding to increase rural America's broadband accessibility and make it more cost-effective.

Enhanced internet access is necessary to further much-needed economic development in rural areas of our Nation; it is particularly important to my constituents. Seven of the 11 counties I represent have poverty rates greater than the national rate of 12.7 percent and five of my constituent counties have experienced a decrease in their populations since 2000. Accordingly, I ask my colleagues to join with me as I work to enact the Rural America Digital Accessibility Act.

A TRIBUTE TO THE LIFE OF MELVIN B. LANE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Ms. ESHOO. Madam Speaker, it is with great sadness that I rise today to honor a distinguished American, a trusted friend and constituent, Melvin B. Lane, who passed away on July 28, 2007 at the age of 85.

Mel Lane was born in 1922 in Des Moines, Iowa, and moved to San Francisco in 1928 with his family when his father purchased Sunset Magazine, a travel magazine. He graduated from Palo Alto High School and Pomona College and earned his Bachelor's Degree from Stanford University. He married the love of his life, Joan Fletcher Lane, and they had two beautiful daughters, Whitney and Julie.

Mel returned home after serving in the U.S. Navy during World War II and began working for Lane Publishing Co. and Sunset Magazine and Books. He and his brother, Ambassador L.W. "Bill" Lane, ran Lane Publishing for nearly 40 years, during which they helped make Sunset a national leader in advertising and transformed the book division into a major enterprise with hundreds of successful titles.

In 1965, Mel was drawn into environmental politics when then-Governor Pat Brown appointed him to the post of Chairman of the newly-established San Francisco Bay Conservation and Development Commission, a partnership of industry, government and the environmental community. Under Mel's strong leadership, the Commission established and implemented a plan to govern use of San Francisco Bay, which supports one of the Nation's busiest ports as well as a wide variety of fish and wildlife. His success on the Commission led to his appointment by Governor Ronald Reagan in 1972 as the first Chairman of the California Coastal Commission. The San Francisco Bay Plan and the California Coastal Plan, both of which were developed under Mel's leadership, still serve to this day as the blueprint for coastal protection around the world. Throughout his tenure on the Commission, Mel was an extraordinary advocate for environmental protection, always arguing that it was crucial to a healthy economy.

After retiring from the Commission in 1977, Mel continued his conservation work with the Peninsula Open Space Trust, the World Wildlife Fund, and he helped to establish the California Environmental Trust. He also served as a Trustee at Stanford University from 1981 to 1991, where he created an environmental institute and led efforts to establish a long-range land-use plan on campus in addition to rebuilding Stanford Memorial Church after the Loma Prieta earthquake. He also chaired the Sierra Club's National Advisory Committee, the California Fund for the Environment and the Conservation Foundation. In 1998, he was named Conservationist of the Year by the California League of Conservation Voters.

Mel was well-known amongst his friends and colleagues for his loyalty, his reliability and his quiet strength which he brought to everything he did. He was a man of great integrity and everyone who knew him came away a better person.

Madam Speaker, I ask my colleagues to join me in honoring a national treasure and an exemplary American who changed the way we think about conservation. Mel Lane was a beloved husband, devoted father and trusted friend. He loved his community and his country, served both with distinction, making our Nation a better place for generations to come.

CELEBRATING BELLA ZELDA "JEANETTE" KOLBER ON THE OCCASION OF HER 100TH BIRTHDAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Ms. SCHAKOWSKY. Madam Speaker, I rise today to honor a great milestone for one of my constituents, Bella Zelda "Jeanette" Kolber. On Sunday, August 5, Mrs. Kolber will mark her 100th birthday, an event that her entire family and many friends are looking forward to celebrating with her.

Born at home on August 5, 1907 to Pearl and Louis Cohn, the first of their six children, Mrs. Kolber has lived in the Ninth Congressional District for decades and the city of Chicago her entire life.

As a child, Mrs. Kolber attended Von Humboldt Elementary School and Wells High School in Chicago. In 1934, Mrs. Kolber married her beloved Leo "Lefty" Kolber. After the birth of their two children, Lois and Marshall, she became an active volunteer with the Bernard Moos PTA and was the PTA president in 1951. Mrs. Kolber enjoyed a long working career. She worked for many years at the Heineman's silk company. She also worked at Marshall Field for almost 20 years in the personal shopping department. After being forced to retire from Marshall Field, due to her age, she was hired by Lord & Taylor, where she worked almost 20 more years, and achieved the highest honors—gold and diamond awards for her outstanding work there.

Mrs. Kolber is an avid ballroom dancer. She has danced all over Chicago, winning trophies at numerous contests throughout the years. From Daley Plaza to the Aragon Theater and the Levy Center to outdoor music festivals and family events, she's never resisted a chance to get up and move to the music. And she's still dancing.

On the occasion of her 100th birthday this year Mrs. Kolber has decided she wants to officially correct an error that occurred years ago. She was erroneously given the name "Jeanette" upon entering elementary school, by a teacher who simply did not like her given name. As a result, throughout her life Mrs. Kolber has gone by "Jeanette," but has recently asked to be referred to by her given name, Bella Zelda. And so, I am pleased to stand up before the U.S. House of Representatives to honor and recognize Mrs. Kolber and to officially recognize her given name.

Above all else in her life, Mrs. Kolber is devoted to her children, grandchildren and great-grandchildren and her dear extended family and friends. She has done more than her share of caring for and giving to them over the years. Mrs. Kolber brings great joy and inspiration to her family and close friends and I am proud to join them in celebrating this remarkable woman on the occasion of her 100th birthday.

Happy 100th birthday and keep dancing, Mrs. Bella Zelda Kolber.

TRIBUTE TO FAYGO BEVERAGES

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. LEVIN. Madam Speaker, Faygo Beverages is part of our Michigan tradition, and I rise today to recognize their 100 years of operations.

Faygo was founded in Detroit on November 4, 1907 as Feigenson Brothers Bottling Works by Russian immigrants Ben and Perry Feigenson. The original flavors of Faygo, Fruit Punch, Strawberry and Grape, were based on cake frosting recipes used by the Feigensons in Russia. That is why these, and the flavors they developed later, were and still are so unique.

Throughout the 20th century, Faygo steadily increased its production line. They coined the word "pop," because of the sound made when opening the bottle and are credited with the spreading of the word "pop" instead of "soda" to mean "soft drink" in the Midwest.

The brothers bought their first delivery truck, a 1922 Ford. They produced the soda one day, closed the factory the next day, loaded the product on a horse drawn wagon, and sold it for three cents or two for a nickel. The brand name changed to "Faygo" in the 30s, and after that, in 1935, the company moved to the current Detroit location.

To say that we are proud of Faygo is an understatement. For those of us in Michigan, we grew up with it. In the 40s, "The Faygo Kid" appeared on television, with the famous Detroit line, "Which way did he go? Which way did he go? He went for Faaaaaaygo!". In the 60s, Strawberry Soda changed to "Redpop." In the 70s, Faygo became pioneers of one way bottles, twist-off caps and warehouse distribution. Then there's the "Faygo Boat Song," a memory for another generation. That 1970s commercial featured everyday people on a Boblo Island boat singing "Remember when you were a kid? Well, part of you still is. And that's why we make Faygo."

Madam Speaker, as one who grew up as a kid with thousands of others on Faygo pop, I ask my colleagues to join me in remembering and congratulating this Michigan icon, Faygo Beverages, as it celebrates 100 years with employees and their families at the Detroit Zoo on Sunday, August 5, 2007.

KARCH KIRALY: THE GREATEST PLAYER IN THE HISTORY OF AMERICAN MEN'S VOLLEYBALL

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Ms. HARMAN. Madam Speaker, this year, the sport of beach volleyball will say goodbye to its most celebrated player—Karch Kiraly. It is with great pleasure that I acknowledge his accomplishments and congratulate him on his retirement from professional beach volleyball. He will cap his illustrious career with the Association of Volleyball Professionals later this month, with a final appearance at the AVP Manhattan Beach Open—a tournament he has won an impressive eight times.

With 148 domestic and international victories under his belt, Karch Kiraly is the winningest player in the history of the game. Remarkably, he has not only won more often than anyone else, but he has won tournaments in each of the last four decades—a feat many consider to be unrepeatable. Clearly, this three-time Olympic gold medalist and six-time AVP MVP richly deserved induction to the Volleyball Hall of Fame in 2001, six years before his retirement.

The AVP Manhattan Beach Open is one of the most exciting annual events to occur in the 36th congressional district. Each August, thousands of people flock to the beach, just steps from the Manhattan Beach pier, to see the best players in the world compete. A victory in Manhattan Beach is one of the sport's most prestigious honors, and for the last 29 years Karch Kiraly has been there vying for the championship trophy.

From his days as a UCLA Bruin, where he led his team to three NCAA championships, to his professional career as the symbol of beach volleyball, Karch Kiraly has performed with uncommon graciousness and poise. In addition to the AVP Sportsmanship Awards he received in 1995, 1997, and 1998, Kiraly is regarded by friends and fans alike as focused, personable, and refreshingly humble.

While Karch Kiraly is retiring as an active player, he has no intention of leaving beach volleyball. We will miss his trademark pink hat, but as a professional beach volleyball commentator and founder and director of the Karch Kiraly Academy, he will continue to play an active role in influencing the sport he took to new heights.

I am delighted to commend Karch Kiraly for his successful and inspirational career. Fans everywhere will miss seeing him playing—and winning—down on the sand in Manhattan Beach, CA.

SUPPORTING TITLE V ABSTINENCE EDUCATION PROGRAM

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 2007

Mr. HAYES. Madam Speaker, I rise today in support of the Title V Abstinence Education program. This program provides the abstinence message to teens, as directed by State law.

State law requires that North Carolina schools include in their health education program a message aimed toward prevention of sexually transmitted diseases, including HIV/AIDS, and "abstinence until marriage education." Schools must stress the importance of parental involvement and abstinence from sex until marriage in disease prevention, as well as teach students refusal skills and strategies to handle peer pressure. Curricula must teach that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding diseases transmitted by sexual contact.

In fiscal year 2006, North Carolina received $1,248,963 in Federal title V funding. North Carolina's Department of Public Instruction receives the title V funds and uses teachers' salaries as in-kind contributions to meet the required Federal match. The Department of Public Instruction keeps 10 percent of the funds for administration; the remaining funds are given to 101 school districts and 14 charter schools throughout the State. In order to be eligible, schools must have at least one class of 7th through 12th graders, and schools must comply with the Federal A–H criteria for abstinence education. Funding is distributed based on the number of grades and students each school has; schools receive $333 per grade and $1.31 per student in grades 7 through 12. Schools are free to use the money at their discretion as long as they do not violate the Federal Government's eight-point definition of "abstinence education." Staff at the North Carolina Department of Public Instruction visit school sites on an as-needed basis for general monitoring.

The people of North Carolina have made the choice to provide an abstinence message to their teens, and title V funds help them achieve this goal. I urge my colleagues to support reauthorization of title V and to oppose any provisions that could undermine the choice made by parents in North Carolina to support abstinence education.